

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Anderson County
Honorable R. Lawton McIntosh, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JESSE DEWITT OSBORNE,

APPELLANT

APPELLATE CASE NO. 2023-001596

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

**STATE’S EXHIBIT NO. 3 (APPELLANT INTERVIEW)
DEFENDANT’S EXHIBIT NO. 12 (TIFFANY OSBORNE INTERVIEW)
DEFENDANT’S EXHIBIT NO. 13 (TOMMY OSBORNE INTERVIEW)**

Ryan Brock - Direct by Mr. Eppes
State v. Jesse D. Osborne 2018-GS-04-01391 through 01395 November 13, 2019

1 is B-r-o-c-k.

2 THE CLERK: Thank you, sir.

3 DIRECT EXAMINATION

4 BY MR. EPPES:

5 Q Ryan, where do you live?

6 A I live in Austin, Texas.

7 Q And what do you do down there?

8 A I recently graduated from UT, and I currently am
9 looking to start a career.

10 Q Do you have a job right now?

11 A Yes, I do.

12 Q What do you do right now?

13 A Right now I'm working as a cashier for Central
14 Market.

15 Q And how are you related to Jesse?

16 A We're brothers.

17 Q Y'all have the same mother, right?

18 A Correct.

19 Q And was there a time when you lived in the same
20 home with Jesse?

21 A Yes. Growing up, I spent one week there and then
22 one week with my father, back and forth.

23 Q And where did your father live?

24 A He used to live in Anderson, South Carolina.

25 Q And when you say one week there, that was one week

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1 at your parents' -- at Jeff and Tiffney Osborne's home
2 in Townville?

3 A Correct.

4 Q Did y'all live anywhere before that house?

5 A We -- my mother and I did for a brief period after
6 her and my father were divorced, but I pretty much just
7 remember living in that house.

8 Q Okay. Do you remember when Jesse was born?

9 A Yes.

10 Q How much older are you than Jesse?

11 A I'm seven years, seven-ish.

12 Q How old are you now?

13 A I am 22. I'll be 23.

14 Q And he's 17, so six or seven years?

15 A Yeah.

16 Q Okay. And you love your brother, don't you?

17 A Yes, I do.

18 Q But you understand today you have to tell the
19 truth. You can't try to say something or embellish
20 something to try to help your brother. That won't do
21 anything but hurt the situation. You understand that,
22 correct?

23 A Of course.

24 Q And you've also promised the Court and the Clerk
25 of Court that would you tell the truth, and you

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1 understand that obligation, correct?

2 A Yes, I do.

3 Q And you understand that, even though you're in
4 Texas and we're here in Anderson, South Carolina, the
5 penalty of perjury would be available to the State of
6 South Carolina because of this testimony because it's a
7 public forum, court of the state?

8 A Yes.

9 Q Okay. Why did you pick Texas to go to school?

10 A Well, I had actually applied to a couple of
11 out-of-state universities, and out of the ones that I
12 got accepted to, Texas was the highest one on the list
13 of my choices.

14 Q Was there any particular reason you chose to go
15 out of state?

16 A Yes.

17 Q And what was that?

18 A I -- I did not feel as if staying in South
19 Carolina would have been necessarily helpful toward,
20 just considering my dreams in life. It was not a very
21 well-loved situation there.

22 Q You're talking about your home?

23 A Yes.

24 Q Who else lived in the house with y'all during any
25 of the period of time when you were growing up with

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State v. Jesse D. Osborne 2018-GS-04-01391 through 01395 November 13, 2019

1 Jesse?

2 A Well, it was mainly me, Jesse, and my mother, and
3 Jeff. We -- and then my stepsister lived with us for a
4 brief period of time as well.

5 Q What's her name?

6 A Mary Lee.

7 Q What was your relationship like with Jeff?

8 A With Jeff?

9 Q Yes.

10 A It was strange. We got along fairly well, but
11 there were periods in time when we did not get along so
12 well.

13 Q And what would happen during those periods of
14 time?

15 A So it was mainly especially when there was alcohol
16 involved. He had a temper and would get somewhat
17 verbally abusive and physically on some accounts.

18 Q And you talked about alcohol. Describe Jeff's
19 relationship with alcohol.

20 A Well, I honestly don't remember a single day where
21 he did not drink. And it was multiple drinks
22 throughout the day, every day.

23 Q And how did he act when he drank alcohol?

24 A He was very out of it and very impulsive, had a
25 very short temper, and, yeah, things would sometimes

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1 spiral a little bit out of control.

2 Q Describe a situations when you believed him to be
3 out of control.

4 A Well, for me, in particular, there were two very
5 good episodes, but also on the day, there was also
6 physical abuse towards Jesse, mainly.

7 Q Well, talk about Jeff's relationship with Jesse a
8 little bit, if you would.

9 A Sure. So they were very -- it seemed like they
10 were constantly at each other's throats, honestly.
11 Pretty much every day Jeff would find something that
12 Jesse did wrong or that he didn't like about Jesse or
13 that he just seemed to be infuriated by and would use
14 that as an excuse to take Jesse into the back room and
15 physically abuse him.

16 Q When you say "physically abuse him," what would he
17 do?

18 A I know on certain incidents he would force Jesse
19 to pull his pants down, remove his pants, would get
20 sticks, belts, whatever he could find within his grasp,
21 and just start whaling on Jesse, and it was -- I could
22 hear the screams all the way from the house.

23 Q And how often did this happen?

24 A Especially in the few years before I left, it had
25 gotten to the point where it was pretty much almost

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1 daily.

2 Q And did you ever do anything about this? Did you
3 ever take any steps concerning this situation with
4 Jesse?

5 A So after I had moved to Texas, I was in therapy
6 for a bit, and I had told my therapist about what
7 happened and everything, and we had worked together,
8 and I had finally, through that process, decided to
9 call DSS or Child Protective Services.

10 Q Did you do that?

11 A Yes.

12 Q Do you know if that caused anything to happen in
13 Townville?

14 A From my understanding, the Child Protective
15 Services came out there and eventually got together and
16 no action was taken.

17 Q Do you know whether Jeff or your mother reacted to
18 that visit by child services at all?

19 A From all I know is that they had assumed that one
20 of the grandparents had made the call. They never
21 suspected that I did.

22 Q Do you remember an instance when Jeff accused your
23 mom of being unfaithful?

24 A I vaguely remember that incident. It was mainly,
25 from what I knew of it, I was pretty much at my

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1 father's house whenever it all happened, but just from
2 talking to everybody, it seemed that Jeff had gotten
3 very angry with her, and she had some concerns about
4 Jesse and what to do with Jesse at that time.

5 Q And was Mary Lee doing the same thing as you, one
6 week on, one week off?

7 A She mainly spent every other weekend with Jeff, so
8 it wasn't week to week. It was every other weekend.

9 Q Did that ever stop happening?

10 A Yes.

11 Q Do you know why that stopped happening?

12 A Yes, there was one event in particular where Jeff
13 had gotten very abusive, and she decided to stop
14 coming.

15 Q Okay. You mentioned that there were two big
16 instances between you and Jeff. Would you describe
17 those for me.

18 A Sure. One of them is the incident that I just
19 mentioned with Mary Lee in which he had -- there was an
20 incident between me and Jesse. We were playing around
21 or something, and Jesse had kind of seen --

22 THE REPORTER: I cannot understand what he's
23 saying.

24 Have him repeat that. "We were playing around or
25 something, and Jesse had kind of."

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1 BY MR. EPPES:

2 Q You have to start back. You were playing around
3 or something and Jesse had kind of -- can you begin
4 right there?

5 A Yes. So we were playing around. Jesse kind of
6 had long fingernails, and I don't even know if he
7 intentionally did it or if it was just accidentally
8 because we were playing around, and his fingernails had
9 put marks on my arm. And so in order to get him to
10 stop, I grabbed his arms, and I grabbed a little tight
11 so his arms were a little bit red where I grabbed him
12 on his wrists.

13 And so he went and cried to Jeff. And Jeff came
14 to the room that I was in, and he grabbed onto my wrist
15 extremely tight and got on top of me and held me down
16 on the bed and was in my face and just screaming very
17 violently at me that he was going to hurt me way worse
18 than I would have ever hurt Jesse, things like that.

19 And I was screaming for somebody to help, screamed
20 to have somebody call 911. And that's when Mary Lee
21 came back to try to stop him. And he got up and he
22 pushed her into the TV stand, and she left.

23 Q Is that the last time that Mary Lee was at the
24 house?

25 A That was the last time that she had come over

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1 there, to my knowledge.

2 Q And what was the other incident?

3 A The other incident was before that incident in
4 which Mary Lee was not there at the time. It was just
5 me, my mother, Jesse, and Jeff. And I was younger at
6 the time, and Jesse and I had been playing outside.
7 There was, like, a sandbox area. And Jesse had these
8 little toy tractors. And I had played a little bit
9 rough and accidentally broke one of the little, tiny
10 windows on it, and Jesse started crying. And Jeff came
11 out there and saw it, and he came back inside, and I
12 had to -- I remember it because it was something that I
13 had gotten from my grandmother who had passed away, and
14 it was something that I just had from her and loved,
15 and Jeff had come back there and smashed it to pieces
16 in front of me and started yelling at me and berating
17 me. And I felt like he might have gotten physical if I
18 had let him, in fact, so I just sat there.

19 Q Okay. Did you ever see your father hit your
20 mother, your stepfather hit your mother?

21 A No, I did not.

22 Q Did your stepfather ever withhold food from Jesse?

23 A Yes.

24 Q Describe how that happened.

25 A So any time Jesse would say he wasn't like -- or

Ryan Brock - Direct by Mr. Eppes

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1 any time Jesse had done something to annoy Jeff, Jeff
2 would threaten him with taking food away, telling him
3 he's not going to eat until tomorrow. If Jesse even
4 had the slightest attitude, that was one of the ways
5 that Jeff used to kind of get control over Jesse, was
6 threatening with taking away food.

7 Q And you said you lived with your father in
8 Anderson part of this time. Did you ever tell him
9 about this situation?

10 A No, I did not.

11 Q Why not?

12 A I was, especially when I lived there, I was under
13 18 for most of the time, and I was just maybe afraid of
14 what would happen if I did.

15 Q How did you address this situation? What did you
16 do?

17 A I mean, when the abuse was happening, I would
18 mainly hide in my room and just kind of distract myself
19 with music, video games, just kind of try to ignore the
20 screaming. And as soon as I turned 18 and graduated
21 high school, I left.

22 Q And --

23 A And I have been out since.

24 Q And where did you live in the house?

25 A I lived down in the basement.

Ryan Brock - Direct by Mr. Eppes

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1 Q And where did Jesse live in the house?

2 A In the basement as well.

3 Q What would Jesse do after he had gotten these
4 whippings?

5 A So sometimes he would go in his room and play
6 video games and kind of do what I did, and other times
7 he would come to me and try to play a game, talk to me,
8 things like that.

9 Q And when did you leave for school, August of 2015?

10 A Correct.

11 Q And that would have been the year Jesse began the
12 sixth grade?

13 A I believe so, yes.

14 Q Did you come home for the summer of 2016?

15 A The summer of 2016, I believe I did -- I can't
16 remember if I came home that summer.

17 Q Okay. Did there come a time when your mother and
18 Jesse went to see you at Austin?

19 A Yes, there was.

20 Q Do you remember that?

21 A Yes, I do.

22 Q And how did Jesse seem at that time?

23 A He seemed all right, for the most part. He had, I
24 believe, just gotten out of (inaudible), and my mother
25 had gotten along trying to get him out of the house.

1 And for the most part, he seemed fine, but at one point
2 there's just one part that stuck with me to this day,
3 and it's that while we were just moving furniture into
4 my apartment, I had (inaudible) he told me and asked me
5 if he could come live with me. And at the time I
6 thought it was just him missing his brother, but,
7 honestly, now looking back on it, I think he was -- it
8 was a legitimate question.

9 Q You think he wanted to get out of his living
10 situation?

11 A Yes, I do.

12 Q And do you recall the day you heard about the
13 shooting at Townville, in Townville, at your house and
14 at the school?

15 A Yes. So I was in class at the time, and I had
16 gotten a text from Mary Lee saying there was an
17 incident at Townville and that Jesse (inaudible), so I
18 thought it was just nothing to worry about. But I was
19 looking through the news at it (inaudible) and noticed
20 that there was something at our address.

21 And, honestly, my gut reaction was that Jeff had
22 snapped and murdered Jesse or something. That's when I
23 just started imagining and trying to get in touch with
24 back home.

25 Q And when you think about your going off to college

Ryan Brock - Cross by Ms. Huey

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1 and what happened at your home after you left, what do
2 you think about that? What goes through your mind?

3 A I mean, for the longest time, Jesse had me and
4 that -- I mean, definitely looking back on it now, I
5 could tell Jesse relied on me a lot to kind of look out
6 for him and make sure he was okay. And I think pretty
7 much after I left, I was his main support, and I was
8 gone for him. And I regretted that for a long time.

9 Q And you've come to -- you have confronted that
10 issue and dealt with it yourself?

11 A Yes, I have.

12 Q Okay.

13 Ryan, thank you for talking about these things.
14 The prosecutor is going to ask you some questions now.
15 Continue to answer them.

16 THE WITNESS: All right.

17 CROSS-EXAMINATION

18 BY MS. HUEY:

19 Q Ryan, my name is Catherine Huey. I'm going to ask
20 you a few questions. Okay?

21 A Okay.

22 Q Ryan, you said you started school in Austin,
23 Texas. What year again was that?

24 A In 2015.

25 Q And then when Jesse came to visit you in August

1 the following summer, then, in August --

2 A Yes.

3 Q -- of 2016, correct? Do you remember that?

4 A Correct. Yes, I do.

5 Q Now, were you aware prior to that that he had been
6 kicked out of school for taking the hatchet to school?

7 A Yes, I was.

8 Q And were you aware at that time that he had made
9 threats toward -- about killing his classmates?

10 A No, I was not.

11 Q You had not been made aware of that?

12 A No, I was not.

13 Q When he came to visit you in Austin in August of
14 2016 -- if you were here, I would show you an exhibit.
15 It's State's 44A and B. Are you aware that Jesse took
16 a selfie of himself carrying a boarding pass to Austin
17 in his lap? Are you aware of that photo?

18 A No, I'm not.

19 Q Are you aware of the photo he took of the bell
20 tower that he passed out the window? Are you aware of
21 that?

22 A No, I am not.

23 Q Are you aware of the Texas tower shooting of 1966?

24 A Yes, I am.

25 Q Okay. Where -- so, then, you're aware that that's

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1 where Charles Whitman killed 14 people from that bell
2 tower; is that correct?

3 A Correct.

4 Q After having killed his own mother, correct?

5 A Yes, correct.

6 Q And that was the 50th anniversary, when he came to
7 visit you in Texas; is that correct?

8 A Yes, it was.

9 Q Now, you talked about Jeff drinking a lot, but the
10 day that Jesse murdered your stepfather, are you aware
11 that he didn't have anything in his system, his
12 toxicology was negative?

13 A No, I am not.

14 Q You're not aware of that?

15 A Well, no.

16 Q Did you talk to your mother about reporting Jeff
17 for all of his abuse?

18 A I did not tell her until after the incident.

19 Q After what?

20 A After the incident with Jesse and the shooting.

21 Q That's when you told her?

22 A Yes, but two months after, I believe.

23 Q And were you present for the waiver hearing at all
24 in February of 2018?

25 A No, I was not.

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1 Q That week-long proceeding, you were not here for
2 that, correct?

3 A I was not.

4 Q So you did not see the school surveillance video
5 of Jesse shooting at all the children at Townville
6 Elementary?

7 A No, I did not.

8 Q And you did not see his confession where he
9 admitted to doing so and wanting to kill even more than
10 that, 20 or 30, if he could?

11 A I did not see that.

12 Q And are you aware that he still gets excited when
13 he thinks about perpetrating that school shooting?

14 A No, I am not.

15 MS. HUEY: That's all I have, Judge.

16 THE COURT: Redirect?

17 REDIRECT EXAMINATION

18 BY MR. EPPES:

19 Q Ryan, where is that tower located?

20 A It's in the center of the UT campus.

21 Q It's about in the middle of it, isn't it?

22 A Well, it's more towards the front.

23 Q Towards the front. But it's a landmark that's
24 been part of the University of Texas for about the
25 entire of the history of the University of Texas, isn't

1 it?

2 A Yes, it is.

3 Q And people take pictures of that for happy reasons
4 as well as the commemorating the sad event?

5 A Of course.

6 Q Thank you, Ryan.

7 I think that's everything, your Honor.

8 Ryan, thank you very much for doing this. Take
9 care.

10 THE CLERK: Ryan, thank you. We're going to
11 disconnect now. Bye-bye.

12 MR. EPPE: Your Honor, we call Dr. Gordon
13 Teichner.

14 ALBERT GORDON TEICHNER, M.D.,
15 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

16 THE CLERK: If you would take the witness stand
17 and state your name and spell your last name for the
18 reporter, please.

19 THE WITNESS: My name is Albert Gordon Teichner.
20 Last name is spelled T-e-i-c-h-n-e-r.

21 DIRECT EXAMINATION

22 BY MR. EPPE:

23 Q Dr. Teichner, would you state a little bit about
24 your background?

25 A Sure. Let me tell you about my educational

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1 background. So I have a BA in psychology from Simon
2 Fraser University. I have a master's degree in
3 psychology from Nova Southeastern University. My Ph.D.
4 is from Nova Southeastern University. It's in clinical
5 psychology with specialty training in neuropsychology.
6 I completed my clinical internship at the Medical
7 University of South Carolina, and then I did a two-year
8 postdoctoral fellowship at MUSC with Dr. Wagner, who's
9 sitting over there.

10 Q So you worked with Dr. Wagner while you were a
11 student?

12 A Yes, sir, I did. During my clinical internship,
13 he was one of my supervisors, and then for my entire
14 postdoctoral fellowship, he was my supervisor.

15 Q Since you began your practice, would you describe
16 what you have been doing?

17 A Sure. So I have been in private practice
18 primarily since 2001. I primarily do assessments,
19 neuropsychological and psychological assessments. I
20 see children starting at age six, and I see people
21 through the end of life. In children and adolescents,
22 in the clinical -- my clinical work is largely
23 assessing for conditions like ADHD, learning
24 disabilities, any neurologically based conditions, if a
25 child has had a traumatic brain injury, tumor,

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1 resection, that kind of thing. I used to do autism
2 evaluations, but I stopped doing those a couple years
3 ago.

4 In adults, ADHD, LD evaluations, evaluations to
5 help clarify psychological issues, neuropsychological
6 evaluations to assist and clarify the number of issues,
7 memory complaints, does the person demonstrate a
8 dementia and Alzheimer's disease, if they have had a
9 stroke, seizure, traumatic brain injury.

10 And on the forensic end, I probably do about
11 15 percent of my practice is forensic work. Some of it
12 is psychologically based; some of it is
13 neuropsychologically based. On the civil end, it's
14 more things like injury litigation suits where,
15 perhaps, the person has potentially suffered a
16 psychological injury or neuropsychological injury. I
17 do workers' compensation cases, IMEs.

18 On the criminal end -- let me go back to the civil
19 end. So things like I also do parental fitness
20 evaluations, court-ordered psychological evaluations.

21 On the criminal end, things like psychological or
22 neuropsychological evaluations to potentially assist in
23 mediating a case, competency to proceed to trial,
24 balance risk assessments, other competencies such as in
25 the elderly.

1 I do research maybe half a day to a full day a
2 week, depending on what type of studies we have. I
3 think to date I have had maybe -- I'm not sure,
4 somewhere in the 30, 35 different clinical trials.
5 These are research studies, largely clinical trials
6 assessing the efficacy of new medications for
7 conditions like ADHD, depression and the sort.

8 And I do a little bit of therapy, not a lot these
9 days, just because I'm doing so much assessment and I
10 work too many hours so, you know, maybe I'll see a few
11 people a month for psychological therapy.

12 Q Have you ever done assessments of juveniles
13 charged with crimes?

14 A Yes, sir, I have.

15 Q Would you describe those for me?

16 A Oh, sure. Well, I've done -- you know, these are
17 typically neuropsychological or psychological
18 assessments where the juvenile has -- well, there's
19 been cases of murder, there's cases of aggravated
20 assault, or there's been other cases where the child
21 has threatened violence towards others. There's been
22 cases of substance abuse, that sort of thing.

23 MR. EPPES: Your Honor, the State has stipulated
24 that Dr. Teichner is an expert in the field of
25 neuropsychology and tests that he's about to testify

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1 about.

2 THE COURT: All right, sir.

3 BY MR. EPPES:

4 Q Dr. Teichner, how did you come to meet Jesse
5 Osborne?

6 A Well, this is when we had talked on the phone, you
7 and I, and I believe it might have -- I'm not exactly
8 sure. I think it was somewhere in September, around
9 there, that you asked me to potentially evaluate him.
10 I reviewed some records, and after I reviewed the
11 records that you had sent, I had indicated, yes, I
12 would be willing to evaluate him. And the first time I
13 saw him was in October of this year.

14 Q How many times did you see him?

15 A I saw him a total of three times, so I saw him --
16 the first time I met Jesse Osborne was October 15th.
17 And then he also came to my clinic on October 24th and
18 October 28th of this year.

19 Q What were your impressions of him, generally
20 speaking?

21 A Oh, well, he's a very disturbed child, absolutely.
22 This is a boy who is, no offense to Jesse, but he's
23 strange, he's odd. There is something, just even
24 meeting with him, on first glance, you can tell
25 something is very wrong with him.

1 I'll get more into it as we discuss my results,
2 but what I'm going to testify to in a moment here is
3 this is a boy who, obviously, committed a horrible act
4 of evil, but he's also a boy who has developmental
5 delays, mental illness, emerging personality pathology,
6 and he had a very difficult family situation where
7 there was abuse, physical and psychological.

8 I think there was a lot of conflict within the
9 family. I think we heard some of it from his brother,
10 you know, a moment ago. And he also had been bullied
11 by other children at school.

12 Q Now, when you met with him, you had already seen
13 Dr. Ballenger's and Dr. Wagner's report, had you not?

14 A Yes, sir.

15 Q And so you and I actually discussed the issue of
16 malingering, correct?

17 A Yes. So, I believe I told you, I said, "You have
18 to have a come-to-Jesus meeting with that boy because
19 I'll kick him out of my office if he starts that
20 nonsense that he did with Dr. Ballenger and Dr. Wagner
21 around malingering psychotic symptoms."

22 And when he came, he beat me to the punch line.
23 You know, that I started my spiel, and I still gave him
24 my spiel about he needs to cooperate and be honest with
25 me because he hadn't been in the past with other

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1 examiners. He already knew what I was talking about,
2 and he actually brought it up. He could sense that I
3 was going -- well, I was going in that direction.

4 Q Describe your first meeting with him.

5 A Sure. Well, my first meeting with him was on
6 October 15th, and that day I think I spent near a full
7 day with him, approximately seven or eight hours
8 interviewing him. So I employed semi-structured
9 interviewing.

10 So what that means is I asked him about background
11 information such as his educational history, medical
12 history, psychological history, medications. I asked
13 him about what had transpired, you know, in the
14 shooting incidents and so forth.

15 And also what I did that day was I used some
16 structured clinical interviews, too, to really better
17 understand his psychological functioning and
18 personality functioning.

19 Q Describe those structured interviews that you
20 used.

21 A Sure. So I really employed three, so one -- one
22 is called the Mini International Neuropsychiatric
23 Interview for children and adolescents, and that's a
24 structured clinical interview that is helpful in
25 understanding, really, the gamut or most DSM-5

1 psychological and developmental conditions such as
2 depressive disorders, bipolar disorder, schizophrenia,
3 ADHD, conduct disorder, and so forth. And there is a
4 structured format where you ask the patient about
5 symptoms.

6 And what he -- what -- I'm just going to cheat and
7 look at my notes. What was apparent was the boy
8 clearly had experienced difficulties with depression.
9 And in this format, what's useful about using this
10 format is it's helpful in understanding current
11 symptoms but also prior symptoms.

12 And he clearly described depressive symptoms that
13 probably emerged at some point in the sixth or seventh
14 grades, although he had some difficulty remembering or
15 offering a reliable opinion about some symptoms. And I
16 couldn't really say that at that point in time he --
17 depressive symptoms rose to the level of what's called
18 a major depressive episode, the proverbial bout of
19 clinical depression.

20 But probably at least a month, minimally, prior to
21 the shooting incidents he did report significant
22 depressive symptoms. He reported experiencing
23 persistent depressed mood. He reported a significant
24 change in sleep. His usual baseline sleep was
25 approximately eight or nine hours. He was sleeping

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1 often 11 to 12 hours each evening. Often up -- but
2 also just the pattern of his sleep, he was often up to
3 2:00 or 3:00 in the morning, then wouldn't get up until
4 the afternoon.

5 Some of the other key things were he persistently
6 felt worthless, which he related to was sort of
7 reinforced by his father. He indicated that he had
8 significant attention and concentration problems above
9 his normal baseline.

10 And around that time, that's when he was also
11 experiencing suicidal ideation, which really coincided
12 with homicidal ideation. He had thoughts, not just he
13 wished he were dead, but to kill himself. And part of
14 his depression, in my opinion, was anger and rage. And
15 it led to -- well, in part, his idea was to kill as
16 many people as he could in a school shooting and then
17 go down in flames, either by the police killing him or
18 him killing -- killing him himself.

19 When I was interviewing him, I think that he
20 probably demonstrated subclinical symptoms of a major
21 depressive episode. In early 2017, after he was raised
22 to adult court, he was experiencing depressed mood, a
23 decreased interest in activities, increased poor
24 concentration, increased appetite. He said around that
25 time he gained about 20 to 30 pounds. And then I

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1 believe that the symptoms subsided.

2 I think it's important to note, too, he was being
3 treated with psychotropic medication. And then, more
4 recently, and I think this correlates roughly to the
5 time where he finished his incarceration at the
6 juvenile center and was being moved to the facility in
7 Anderson where I don't think, in the here and now, he
8 demonstrates a full major depressive episode, but he
9 does report some symptoms again. You know, they're
10 really subclinical. Some decreased interest in
11 activities, intermittently having suicidal thoughts.

12 Really what he was describing was not that he
13 would kill himself now, but what he said to me was he
14 intermittently thinks about the sentencing he's going
15 to face, which is inevitable. And after all of his
16 appeals are exhausted, well, he told me -- well, he's
17 thinking he's just going to kill himself while he's in
18 prison.

19 During this interview he denied any symptoms of
20 hypomania and mania. Those are symptoms that relate to
21 another mood disorder called a bipolar disorder. He
22 denied to me ever experiencing any hallucinations,
23 which was in marked contrast to what he reported to
24 other examiners, Dr. Ballenger, Dr. Wagner, and I
25 believe Dr. Atkinson. And he admitted to me, because

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1 at that point in the interview, I said to him, "Hey,
2 man, you kind of told Dr. Wagner and Dr. Ballenger a
3 story of hearing all these voices and seeing things."
4 And he said, well, he lied. And so he denied any of
5 that to be true.

6 He reported some unusual behaviors that -- so
7 there's other disordered thought processes. What I
8 mean by that is you're not in your right state of mind
9 in the sense of he reported some other behaviors that
10 possibly reflected some paranoia or delusional beliefs,
11 but I'm not confident in saying that they rose to that
12 level.

13 I'll tell what you he said, and I'll tell you why
14 I think it's more anxiety based than anything else. So
15 he said that at some point after his arrest in
16 March 2016, and he was isolating in the basement of his
17 home, he often was very worried that his father would
18 come down the stairs and shoot him. And -- but when I
19 really explored it, it seemed to me more anxiety based
20 in the sense he was worried about this, he wasn't
21 convinced. So he wasn't convinced that this was going
22 to occur.

23 He also reported to me that he's intermittently
24 felt that he's been possessed for five to ten minutes
25 at a time. Amongst other of Jesse's oddities is, I

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1 guess on the positive end -- this is a personal
2 opinion -- but on the positive end, he said that, you
3 know, he's been saved while he's been incarcerated.
4 He's a Christian. But amongst his oddities are these
5 obsessive interests which have developed over time.
6 And this is really one of them right now. It's well
7 over the top of his interests in everything related to
8 the Bible, but specifically being a Seventh-Day
9 Adventist.

10 And he tells a story where, at some point in 2017,
11 a preacher visits him in jail and allegedly does an
12 exorcism. And Jesse says that since that point in
13 time, intermittently, he says, maybe some demon has
14 possessed him for five to ten minutes at a time. He
15 says his body may jerk, he feels different, he acts
16 different. He said that during these events, he prays
17 that the demons will leave him.

18 And on one hand, he says, well, a true believer
19 could not be possessed; but on the other hand, he says
20 that it also says in the Bible -- because he's quoting
21 all these scriptures to me throughout the exam. Now, I
22 did ask him to do that at different points because I
23 wanted to see what it was all about, but he said that
24 it also says in the Bible -- this was his quote -- if
25 they are cast out, then stronger ones will come. Which

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1 says that if you have been subject to -- he was
2 inferring if you're subject to an exorcism, then,
3 therefore, even if you're a believer, you could be
4 possessed.

5 I'm not confident that that really is delusional
6 thinking, that it's psychosis. I mean, it's within the
7 realm of possibility. You know, he's a strange kid,
8 and I think there might be a higher probability as sort
9 of his overreligiosity, which has this obsessive flavor
10 it to. He didn't report any other paranoia or
11 delusional symptoms. He didn't report having things
12 like panic attacks, symptoms of an obsessive compulsive
13 disorder, or really any specific phobias.

14 The MINI allows for, again, assessing different
15 disorders, and there is a type of anxiety condition
16 called a social anxiety disorder. Social anxiety
17 disorder really relates to anxiety that's specifically
18 to certain social situations where, typically, the
19 person feels all eyes are on them or they're being
20 judged or evaluated in some manner, thus it elicits the
21 anxiety and they often want to avoid it.

22 And he was very clear that, really, since the
23 sixth grade or so, talking in front of a group,
24 speaking in front of a group of any sort causes extreme
25 levels of anxiety to the point where, you know, he just

1 can't take it. And he gave some examples when he was
2 at school giving a presentation in class.

3 He even said to me during his sentencing hearing
4 that -- I said to him, "Are you going to say anything,
5 because that's kind of to be expected?" And he said
6 that his anxiety is so bad that he just could not bring
7 himself to do that. Even at the point if that meant
8 that he was going to receive extra time with his
9 sentence, that would be preferable than talking in
10 front of the group.

11 He denied any other situational or situations that
12 caused him social anxiety, so he didn't report things
13 like eating in front of others, he's fine. Writing in
14 front of others, he's fine. Talking on the telephone.
15 It's really specific to that.

16 The MINI allows for an assessment of what's called
17 an attention deficit hyperactivity disorder, ADHD,
18 which is a neurodevelopmental condition. What I mean
19 by that is it's brain based, where symptoms executive
20 dysfunction, that is, the frontal lobes aren't working
21 properly, and in turn, it can cause problems with
22 attention, concentration, regulating behavior, some
23 other difficulties.

24 If you look at the DSM-5 criteria for that
25 condition, there are 18 symptoms, nine of which are

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1 around inattention, nine of which are around
2 hyperactivity and impulsivity. And at age 17, you need
3 a minimum of five out of nine of inattention and/or
4 five out of nine of hyperactivity/impulsivity to
5 perhaps meet criteria for the condition.

6 And per his item endorsements, he endorsed five
7 out of seven symptoms for inattention. He noted that
8 he has difficulty paying attention to details. He
9 makes careless mistakes in his schoolwork. That's one
10 symptom. He has problems with sustained attention,
11 organization. He loses things necessary for his tasks
12 and activities. He becomes easily distracted by
13 extraneous stimuli.

14 He endorsed one out of nine symptoms of
15 hyperactivity and impulsivity, which is nonsignificant.
16 He said that he talks incessantly. He says that the
17 symptoms possibly began one or two years ago. So ADHD
18 is a neurodevelopmental symptoms where symptoms always
19 first emerge in childhood. So just based on that
20 report, if that's accurate, then he wouldn't meet
21 criteria for ADHD.

22 I used this interview to ask him about symptoms
23 that relate to something called an oppositional defiant
24 disorder. And that's a condition where there's
25 behavioral disturbances that are displayed by the

1 individual. And I asked him about current symptoms,
2 that is, the last six months, and symptoms immediately
3 prior, the six months prior to the shooting incidents.

4 So during the past six months, he said that he was
5 often easily annoyed by others and he blames others for
6 his mistakes and bad behavior. That report isn't
7 consistent with an oppositional defiant disorder. You
8 actually need at least four symptoms or more.

9 But prior to his most recent arrest, he
10 acknowledged behaviors that did meet criteria for an
11 oppositional defiant disorder. He said that often at
12 the time he was angry, resentful towards others. He
13 was argumentative with adults. He was noncompliant,
14 blamed others for his mistakes. Behavior is
15 vindictive.

16 During this interview I asked him about behaviors
17 that relate to something called a conduct disorder,
18 which is, really, a good way to think about it. It's a
19 step up from oppositional defiant disorder. Conduct
20 disorder really assumes you meet criteria for an
21 oppositional defiant disorder, but now your behaviors
22 are more repetitive, persistently antisocial, and
23 violating often the rights of others. And I asked him
24 to consider behavior during the past year, because
25 that's an important part of the criteria, and then

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1 behavior prior to his arrest.

2 So during the last year, he denied all behaviors
3 associated with a conduct disorder. But prior to his
4 arrest in September 2016, what he acknowledged, and
5 these are accurate, in my opinion, he used a weapon to
6 hurt someone. Well, that's stating the obvious. Being
7 purposely physically cruel to other persons. That
8 falls under the shootings he perpetrated.

9 Lying in order to get things from other people to
10 get out of things. He acknowledged that. Especially
11 he often worked his mother with that. And he
12 acknowledged skipping school, which he said started
13 around the sixth grade. Really, what he did was he
14 would feign illness. So at school, he would fake it,
15 say he's sick, and go home and play video games. It
16 wasn't once or twice. It was repetitive.

17 Q Are you done talking about conduct disorder
18 because I want to follow up with some questions about
19 that?

20 A Sure. I just -- I've got two more, a couple more
21 that I want to point out, so give me 30 seconds.

22 Q Yes, sir.

23 A So also, in my opinion, at that time I thought
24 there was evidence that he intentionally hurt animals.
25 He did report to me that he killed frogs, insects, shot

1 the odd bird with his BB gun. He minimized it, but he
2 clearly met that criterion.

3 And what's kind of a little borderline, but it
4 probably meets, in my opinion, is threatening to harm
5 others. You know, he did that in March of 2016, like
6 the solicitor pointed out. He clearly did that. He
7 was at school. He was bragging to other kids. He also
8 did that online. So he didn't acknowledge that when I
9 asked him, but, in my opinion, he clearly met criteria
10 for conduct disorder at that time.

11 I'm done with that part.

12 Q Okay. So let's talk about conduct disorder a
13 little bit.

14 You don't think -- you didn't think he had it
15 right now; is that correct?

16 A Well, by definition he doesn't because you need
17 three symptoms within the past 12 months, with one of
18 them being in the past six months.

19 Q But you're aware of the escape attempt and the
20 lotion on the door?

21 A Yes.

22 Q You're aware of those instances?

23 A Yeah.

24 Q They also showed a video this morning that he used
25 a plug he wasn't supposed to to watch TV after hours.

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1 So those three instances, does that change your opinion
2 right now?

3 A No. So in layman's terms, Jesse is a complete
4 idiot. In neurocognitive terms, which I'll get into in
5 a moment, I think it's just a reflection of the
6 executive brain problems he has around logic,
7 reasoning, looking ahead, planning, poor judgment, poor
8 insight.

9 Obviously, he's breaking the rules, but do any of
10 those meet criteria for, you know, the repetitive,
11 persistent behaviors associated with conduct disorder?
12 They don't. Not to excuse the behaviors because
13 they're wrong.

14 Q Does the fact that he's incarcerated and under
15 lock and key give you pause with any of those issues?
16 And if not, explain to me why not.

17 A Well, no, that's a good point because, you know,
18 so one could make the argument that he's in a
19 controlled environment. So due to the controlled
20 environment, we see a decrease of behaviors and/or
21 there's lack of opportunity. So that is within the
22 realm of possibility.

23 Conversely, though, here is what the research
24 shows is that about 20 percent of children with conduct
25 disorder will grow up to be adults with an adult

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1 antisocial personality disorder or the proverbial
2 psychopath. So what happens, it's 80 percent.

3 Well, guess what? They don't grow up to be
4 psychopaths. In fact, most don't. Behaviors are often
5 due to other things other than characterological
6 issues. So, you know, I think what we're seeing here
7 is, going back to 2016, I agree with Dr. Wagner and
8 Dr. Ballenger. If I was doing the exam at that point
9 in time, that's what I would have said, the boy met
10 diagnostic criteria for conduct disorder. But not all
11 conduct disorders persist. 80 percent of them don't.
12 And I think that's what we're seeing here.

13 In jail, even in a juvenile facility, there is
14 plenty of opportunity to engage in those types of
15 behaviors. And we see that. Physical fights with
16 others. We see that. Conning others, lying, stealing.
17 Come on. We see that. There are plenty of
18 opportunities to engage in those types of behaviors.
19 So, you know, he just has it.

20 Q Okay.

21 A From my understanding.

22 Q And I believe you have probably rolled into some
23 of your other meetings with him, but continue with your
24 meetings with him and the tests you've done.

25 A Sure. Okay. So part of this structured interview

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1 also helps to understand substance abuse issues,
2 alcohol related, drug related. So he denied to me ever
3 using alcohol, illicit drugs, abusing prescription
4 medications. He told me that he told Dr. Maddox that,
5 right, that he consumed alcohol at one point but said
6 that wasn't true. So per definition, he says that he
7 hasn't used, you know, any substances, so there doesn't
8 seem to be evidence of a substance use disorder.

9 So the other instrument or one of the other
10 instruments that I employed was a structured interview
11 called the clinician-administered PTSD scale for DSM-5
12 child and adolescent version. This is a structured
13 interview that is helpful in determining, does an
14 individual demonstrate what's called a post-traumatic
15 stress disorder, which is an anxiety condition that
16 always relates to traumatic experiences.

17 Because in Jesse's case, arguably there -- well,
18 not arguably. He did have a trauma history. Not just
19 the physical and psychological abuse from home, but the
20 shooting incidents. Even though he was the
21 perpetrator. And so this instrument goes through the
22 DSM-5 psychological criteria for these conditions.

23 And to sum it up, he denied any of these symptoms
24 whatsoever. And what I did was, on the first day, is I
25 first asked him to consider symptoms as related to

1 these trauma incidents, the symptoms just in the past
2 month as they occurred. And he said no. And then I
3 purposely did this at a follow-up visit. I circled
4 back and I asked him, I just want to make sure I have
5 the correct information, and I asked him the questions
6 again, but not just, "Do you have current symptoms,"
7 but, "Have you ever had any of these symptoms?" And he
8 said no.

9 So per his report in my office, everything he said
10 there, that does not meet criteria for a PTSD, if
11 that's accurate. You know, I would point out that I
12 saw something in records that a Dr. Martin, who was the
13 psychiatrist who saw him in the juvenile facility, did
14 diagnosis him with PTSD. I don't know per Dr. Martin's
15 psychiatric evaluation how he came to that conclusion
16 because he doesn't indicate how he came to that
17 conclusion. But per what I got, he didn't meet
18 criteria for PTSD.

19 The third thing that I used structured-wise is
20 something called the Hare Psychopathy Checklist, the
21 interview guide, which is a nice structured interview
22 that helps to get at that construct of psychopathy.
23 Those are certain traits and behaviors that relate
24 to -- well, psychopathy is, really, things like you
25 lack empathy, you manipulate for personal gain, you

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1 lack guilt, remorse, and so forth. And it's as nice
2 interview to help to get at some of those, you know,
3 constructs.

4 And I think what was remarkable about this
5 interview -- I didn't ask every question, but, really,
6 starting around middle school, it was consistent with
7 what he told me on the MINI, was he started to
8 demonstrate more conduct disturbances, feigning
9 sickness, skipping out of school. He started
10 developing -- he brought weapons to school in March and
11 so forth.

12 But one of the issues that was most remarkable was
13 how he really seems to process emotions. I'm going to
14 come back to this per some other testing that I did.

15 You know, this boy lacks emotions. He doesn't
16 process emotions as others do. And he lacks
17 perspective-taking, how his behavior affects other
18 people, including emotionally, how his behavior has
19 affected other people.

20 I'll give you some examples here. So -- and I
21 think it relates to what Dr. Ballenger and Dr. Wagner
22 were picking up on. I don't want to speak for them,
23 but I don't think he -- he truly emotionally feels
24 guilt or empathy or remorse. What's curious is he
25 recognizes something. He said that. He said there's

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1 something wrong with that. That is not normal. He's
2 right that isn't normal.

3 And there's lots of examples, when I was
4 interviewing, him around that. For example, I said,
5 "Is there anything that's ever made you feel guilty or
6 made you feel sorry, I mean, that you did it?" And he
7 says no. And so I prompt him to the obvious, "What
8 about the crimes you perpetrated?" And he said that he
9 did not truly experience any true feelings of guilt.
10 He said that he feels sad that he did those things, but
11 his report, honestly, was very vague. And he followed
12 that up with -- I asked him, "Well, how do you feel
13 sad?" And he said, "Well, I just feel that way for,
14 perhaps, an hour," and he reads to Bible. But because
15 he's forgiven, everything is okay.

16 He said that -- he said, for example -- I'll give
17 you another example here. I was really trying to
18 understand his understanding of how his behaviors
19 affected other people. So I asked, "How did your
20 crimes affect the children at that elementary school?"
21 I'm talking everybody at the elementary school. And
22 the best he could give me was, "They could be scared
23 for life." Well, yeah, but there's probably more to
24 it.

25 He also said that maybe they would be scared of

1 loud noises. That's the best he could do. I asked him
2 about even -- "Well, how does your behavior affected
3 your mother, your grandparents?" It stuck with him
4 throughout all of this. And he just doesn't get it.
5 The best he could give me with prompting is, "Well,
6 they will see their child grow up in prison. The only
7 memories they will have of me are being in jail."
8 Well, what else? He can't really offer much else.

9 He told me during this part of the interview that
10 he recognizes his behavior was wrong, he wouldn't do it
11 again, but he just emphasized that he just does not
12 have any emotions about it. He's more indifferent than
13 anything else, but he says he's largely been this way,
14 really, since about the age of 12.

15 So, let me keep going -- do you want me to keep
16 going?

17 Q Yes, sir. You're doing much better than if I was
18 asking questions.

19 A So let me just give an overview of what else I did
20 here, because I think there's really a few key parts to
21 this exam.

22 So I spent about 12 hours interviewing Jesse. I
23 also administered a battery of neuropsychological
24 tests. Neuropsychological tests help us to understand
25 how one's brain is working. So these tests help us to

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1 understand, not just things like your intelligence, but
2 also other areas of your brain, your memory functions,
3 your visual spatial skills, language abilities,
4 attention, concentration. We get numbers and scores.
5 I'm a neuropsychologist, so I'm biased to the tests. I
6 like them. But I'm biased for this reason: They're
7 objective. Either you can do it or you can't, end of
8 story. It's right or wrong. When we norm them, we
9 give them to thousands of children and adults.

10 What's really important is you want to always
11 compare everybody to appropriate norms. And in
12 children, your brain is very different at different
13 ages, so we have to compare you to your specific age.
14 A 14-year-old brain is very different than a
15 17-year-old brain. And the data that I have on him is
16 as a 17-year-old brain. But the scores are literally
17 normal, not normal.

18 I also gave him, other than what I just talked
19 about, these structured interviews, some objective
20 psychological tests. One is the Minnesota Multiphasic
21 Personality Inventory for Adolescents, the MMPI-A.
22 That's a psychological personality measure more for
23 adolescents. And another one called the Millon
24 Adolescent Clinical Inventory, which is another
25 psychological personality measure for adolescents.

1 I, additionally, gave his grandparents and his
2 mother some screening measures for autism. When I
3 first met Jesse, I hadn't read records in detail at
4 that point. And what struck me was, again, this is a
5 weird kid. There is something just off. He is not
6 processing things correctly. He's misinterpreting some
7 things. He's obsessive, not processing emotions
8 correctly. And I was thinking, does this child have
9 high-functioning autism? And that's why I gave his
10 mother and his grandparents these screening measures.
11 What we'll talk about in a moment is I don't think he
12 has autism. There's no indication of it. Largely
13 because he doesn't have the developmental history, and,
14 quite frankly, the behaviors just aren't there. But
15 that was the rationale.

16 So let me tell you, to talk about the
17 neuropsychological testing first. So here is what
18 works well for Mr. Osborne. He's of normal, average
19 range intelligence. I got a full-scale I.Q., which is
20 like an overall summary measure of intelligence, of 99.
21 So he falls smack in the middle of the average. And
22 that's really consistent with what other examiners have
23 gotten. I think we all have gotten something like
24 that. Dr. Wagner's results were about the same.
25 Dr. Atkinson's results were about the same. There was

1 another psychologist who did a short version I.Q.
2 previously. Those results were about the same.

3 So we have consistency he's of normal, average
4 range intelligence. There's no intellectual delay for
5 Jesse. Part of this exam is I wanted to look at his
6 level of academic functioning, his levels of reading,
7 understanding what he's reading, math, written
8 expression and so forth. I gave him an instrument
9 called the Woodcock-Johnson Test of Achievement, and
10 the purpose was to determine does the boy have what's
11 called a specific learning disorder.

12 A learning disability is really where there is a
13 disconnect in the brain and, typically, wherever that
14 area controls. Reading, writing, math, you could have
15 a delay with that. So dyslexia refers to reading
16 problems. Dysgraphia refers to problems of written
17 expression. Dyscalculia refers to math difficulties.

18 And when I look at his profile, everything looks
19 fine. He's in the normal range. He has no learning
20 disabilities. That's very clear. When I look at
21 Jesse's memory abilities, he looks fine. When I look
22 at his visual spatial skills, he looks fine.

23 So when I look at his what are called the
24 executive functions, executive functions refer to
25 frontal lobe functions, and they relate to things like

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1 your ability to focus. So attention, concentration,
2 how quickly can you process information, logic,
3 reasoning, being able to control your impulses, to
4 think flexibly and so forth. That's really where there
5 were problems.

6 And, specifically, I think close to 50 percent of
7 those data points showed deficits and weaknesses. And,
8 specifically, there were problems -- he showed problems
9 with complex problem solving, with information
10 processing speed -- that's how quickly can you process
11 information -- with abstract reasoning, with his
12 abilities to sustain his attention, with working
13 memory. Working memory is what happened in the last
14 five to ten seconds. You have to be able to focus to
15 get it into your brain to transfer it to other memory,
16 and that's very important. And that was a weakness.
17 And he had problems with what's called planning and
18 rule learning. So, definitely, we had executive
19 problems.

20 When I look at his language abilities, in
21 language -- this is a little oversimplified, but
22 there's what goes out and there's what goes in. So
23 what goes out is expressive language, like your ability
24 to speak fluently, like I hope I'm doing right now, how
25 you articulate yourself. And then there's, on the way

1 in, is receptive language. So being able to understand
2 correctly what is being verbally presented.

3 And what goes out generally works okay, in my
4 opinion. I don't see any delays with expressive
5 language. But on the way in, he clearly had problems
6 with what's called auditory processing. And in the
7 DSM-5, we would call that an unspecified communication
8 disorder, which really doesn't do justice to the
9 condition. Speech language pathologists would say that
10 Jesse demonstrates what's called a central auditory
11 processing disorder. What that is, is difficulty
12 processing correctly verbally presented information.

13 When people have that, they struggle with that.
14 It takes them longer to process the information.
15 Sometimes they will misinterpret verbally presented
16 information. The test scores clearly showed that.
17 Clinically, I saw that throughout the whole exam. And,
18 you know, others did report that as others, his mother
19 and grandparents, did report that. There are times
20 when he just misinterprets things. And I think
21 clinically that's really, you know, what we're seeing.

22 The other finding was I measured his fine motor
23 coordination abilities in his hand, so fine motor
24 coordination skills. We use those if we're writing,
25 for buttoning, zipping something up, playing Pick-up

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1 Sticks, for those of you who are old enough. Younger
2 people won't remember that game. But he had delays
3 with his fine motor coordination skills.

4 . And, technically, the results really are
5 consistent with something called a developmental
6 coordination disorder, which refers to delays with your
7 fine motor coordination abilities, but I can't give him
8 that diagnosis because you also need a history of that.
9 I don't have a history. There is a lack of a history.
10 I strongly suspect it's there, but because I don't have
11 that developmental history, I can't give him that
12 diagnosis.

13 So when I interviewed his mother, she clearly
14 reported him having attentional difficulties that she
15 said were minimally there from early middle school.
16 And, in my opinion, I think it's very clear that Jesse
17 does have a mild variant of an attention deficit
18 hyperactivity disorder. The neuropsychological data
19 undoubtedly speaks to it. It's not even questionable.

20 And then when I asked him about symptoms and his
21 mother about symptoms, they report the same, you know,
22 the same thing. I don't want to minimize it. I think
23 it's mild, but I think it's definitely there. I think
24 he primarily has what's called the inattentive form of
25 the condition. So in the inattentive form, you

1 typically struggle with symptoms of inattention, but
2 you're not particularly hyper active or impulsive.

3 ADHD, though, is a condition where, if you look up
4 the diagnostic criteria, just speaks to attention
5 hyperactivity impulsivity. In reality, though, we
6 often see other executive problems. And that's what
7 we're seeing here. We're seeing the problems I noted.

8 I think that's what we see in real life with
9 Jesse. Again, no disrespect to Mr. Osborne over there,
10 but even some of these recent incidents, putting lotion
11 on the door of his jail cell, whatever he was doing
12 there with his jail buddy, chipping away at the wall.
13 I can't -- I mean, your sentencing hearing is coming
14 up. Have you lost your mind? Well, no. It's,
15 unbelievably, lack of insight, poor judgment, not
16 planning. Like, behave yourself. You probably told
17 him to behave himself, you know. That's what we're
18 seeing.

19 When I move out of the neuropsychological, let me
20 add some psychological findings. So, I think prior to
21 the exam with me, any objective psychological
22 instrument that the boy has been administered is of
23 questionable validity. So prior to the shootings --
24 now I've got to concede something. I haven't seen raw
25 data. So I haven't seen raw data from other

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1 psychologists. But from reading reports, the initial
2 psychologists he saw prior to the shooting, I think he
3 was defensive.

4 What we know and how we know, these scales that we
5 give, like I'm about to describe, the MMPI-A and so
6 forth, they have what are called validity scales. And
7 a validity scale is there to help the psychologist
8 determine, is this about a profile, because if it's
9 not, you can't interpret the data. It's very
10 difficult.

11 And some people will exaggerate symptoms or
12 malingering symptoms. They're just making stuff up. Or
13 they can go in the other direction where they're not
14 being truthful but in the defensive manner. And I
15 think that's what we saw prior to the shootings, per
16 the measures that were given by, not the first
17 psychologist but the second psychologist whose name
18 escapes me.

19 Q Dr. Jones?

20 A Yes, sir.

21 Q Dr. Jones?

22 A Yes, sir, Dr. Jones.

23 And I didn't see Dr. Atkinson's data, but that's
24 what she was referring to, is there was symptom
25 exaggeration and malingering. I believe she

1 specifically stated that all scales were elevated.

2 Well, that's -- okay. You can't have everything.
3 You can't have every mental illness. That's not
4 possible. It doesn't work that way. And when I look
5 at Dr. Wagner's data, the boy was exaggerating,
6 malingering psychiatric symptoms. I think this is the
7 first time, when I look at -- that somebody has given
8 an objective test that these tests are valid.

9 When I look at all the validity scales, there's
10 none of that. So there's no symptom exaggeration, so
11 malingering, no defensive responding. So this is valid
12 data.

13 What I'm seeing in both of these profiles is
14 emerging personality problems. By definition,
15 adolescents cannot be given a DSM-5 diagnosis of a
16 personality disorder. Personality is not fully formed
17 until you're an adult. That's why we reserve those
18 diagnoses for adults. Because in children, your
19 personality is still forming. It's malleable.

20 Now, after saying that, children and adolescents
21 can have some developing maladaptive personality traits
22 that relate to those types of conditions. And that's
23 what we're really seeing the these profiles, that we're
24 really seeing maladaptive traits associated with what's
25 called a schizoid personality disorder.

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1 I'm not saying the boy has that. I can't give him
2 that diagnosis because of his age, but that's what
3 these profiles show, is that he's emotionally
4 disconnected, he's aloof. He clearly prefers -- he
5 lives a schizoid lifestyle. He prefers activities that
6 are solitary activities. He doesn't do a lot of group
7 type of things.

8 I think that what we're also seeing in these
9 profiles is that he broods, he ruminates considerably,
10 he's got a very low self-esteem, feels very inept,
11 inadequate, inferior. I want to emphasize again -- I'm
12 repeating myself -- this is a snapshot of Jesse Osborne
13 2019. You know, sometimes these things we can see
14 going back in time, and I think some of these traits
15 probably started at a younger age. I can't be certain
16 of exactly what was going on at age 14, but I think we
17 saw, you know, some of those traits. But, clearly, we
18 saw, you know, in these results these emerging
19 personality problems.

20 Again, I gave his mother and grandparents some
21 screening measures to rule out an autism spectrum
22 disorder. Let me sum that up. All scores fell in the
23 normal range. They weren't consistent with an autism
24 spectrum disorder. I wouldn't diagnose or not diagnose
25 something based on that alone, but I also wasn't

1 hearing a story of autism from them, that is, a
2 developmental history, and so I don't think he has
3 that.

4 Let me catch my breath.

5 All right. Well, let me pull this together, I
6 guess, give a bottom line. So here is what we know.
7 Here is what the science says. Adult -- child and
8 adolescent brains are not like adult brains. They are
9 underdeveloped. And even as an adolescents, your brain
10 is very different at age 13, 14 as compared to, say,
11 age 17.

12 I'll give a quick example that relates to, like, a
13 legal issue, just because there are probably a lot of
14 lawyers in the room. Understanding your Miranda
15 rights. So there is a hallmark study by a psychologist
16 named Tom Grisso, which is still relevant today, dating
17 back to 1980 where Dr. Grisso clearly demonstrated that
18 a large majority, it's about 50 percent, of adolescents
19 don't understand the Miranda rights. But age 15 and
20 under, 90 percent fail the standard. It's
21 unbelievable. But that hasn't been implemented in, I
22 guess, in our society, in our illegal system.

23 Well, why is that? That's due to an
24 underdeveloped, immature brain. And because of that,
25 we see underdeveloped cognitive abilities. Children

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1 and adolescents, they all have an element of
2 impulsivity, poor decision-making, they don't plan very
3 well or see ahead. They may do things rashly, not
4 thinking things through. This is normal adolescence.

5 By the way, the older you get, some of that gets
6 better. Usually, you know. And it's much different at
7 17 than it is at 14. And, obviously, Jesse has some of
8 that. But over and above that, at age 14, just like
9 now, we had an attention deficit hyperactivity
10 disorder. And it didn't just affect attention and
11 concentration, but it affected these other executive
12 abilities, reasoning, logic, planning, and so forth.

13 Even the day of his crime, that was poorly planned
14 out. While he had, in my opinion, extensively
15 researched how he planned to perpetrate his crime,
16 things unfolded differently in an impulsive way that
17 day.

18 And I think that, in part, helps to understand
19 Jesse Osborne. I think he demonstrates ADHD, but it
20 compromises thinking abilities, not just now, but back
21 at the age of 14.

22 Often when kids do have ADHD, by the way, they're
23 often less mature than their peers socially by at least
24 a couple of years.

25 Q Can I ask you a question about that?

1 A Yes, sir.

2 Q How would that jibe with his success in school at
3 the detention center in Greenville?

4 A I'm sorry.

5 Q How would that jibe with his success in school at
6 the detention center in Greenville?

7 A Oh, well, so I think Jesse has full capacity to do
8 well academically. And we saw that during elementary
9 school. When I look at his grades, they were mostly As
10 and Bs, and he did well. And in middle school,
11 starting around the seventh grade, his grades
12 significantly decreased, but when he was in Greenville,
13 at the juvenile center, he worked very hard to achieve
14 his high school diploma. I'm not positive, but I
15 believe he graduated with his high school diploma this
16 year, 2019, at some point.

17 Q Yes, sir.

18 A And that doesn't surprise me. And I'll tell you
19 why. He's normal I.Q. He doesn't have any learning
20 disabilities. Does he have some attentional problems?
21 Sure, but -- I don't know how this will come across --
22 but what does he have to do all day long anyways? He's
23 got all the time in the world.

24 So, you know, he's fully capable. I think that's
25 a plus in his column. That's a prosocial behavior in

1 the sense of he was doing something that was meaningful
2 and positive.

3 Q Do you have an opinion about his obsessive nature?
4 You mentioned before he seems to be obsessed with
5 religion now. He was, obviously, obsessed with school
6 shooters during this period of time.

7 Do you know what factor -- tell me what you think
8 about all that.

9 A Again, Jesse is a weird kid. He really is. And,
10 you know, he's had these -- and this is my first visit.
11 I was thinking, is this part of an all-encompassing
12 preoccupation, perhaps, that sometimes when we see
13 people with autism spectrum disorders have, but it
14 isn't, but he's demonstrated these behaviors over time.
15 Right now it's the Bible and being a Seventh-Day
16 Adventist.

17 Previously, between ages 13 and 15, it's
18 everything about space. Right now it's everything
19 about Asia, too. And then prior to that, it was
20 everything about school shootings and mass murders.
21 It's obsessive, but not obsessive as in an obsessive
22 compulsive disorder, but the thoughts and behaviors are
23 obsessive.

24 I'm not exactly sure what to make of that. I know
25 the behavior is there. I know it's abnormal. It

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1 doesn't exactly fit anything as far as a diagnosis
2 goes, but it's definitely there and it's definitely
3 abnormal. It is part of his dysfunction.

4 Q Would you rule out rehabilitation for him?

5 A Oh, no, no. He could be rehabilitated. He could
6 benefit from treatment. He already has. So he's had
7 limited treatment, but he's had psychiatric
8 interventions. He's been on olanzapine for the last
9 few years. His depression is decreased. He's
10 participated in some groups, therapy type of groups, at
11 the juvenile facility, and he was an active
12 participant, seemed to do well.

13 He is -- again, he's completed his high school
14 diploma. That shows some positive motivation. He
15 speaks to doing some things if he ever gets released
16 from jail. You know, he told me he wants to maybe be a
17 farmer. He wants to be a, you know, preacher. He says
18 that, you know, he's saved. And I think, while it's
19 obsessive he's overly religious, but that's a positive.

20 He's, again, normal I.Q. He doesn't demonstrate
21 any neurocognitive problems other than the attentional
22 executive issues related to ADHD, and he can definitely
23 benefit from psychological therapy, and he just needs
24 to be given the opportunity. He hasn't received any of
25 that.

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1 Q And is it fair to say, if he was given the
2 opportunity through an extended period of time in
3 prison to continue to get the needed psychological
4 treatment, that he could eventually be released safely
5 into the community?

6 A Well, what I'd say to that is potentially,
7 because -- I mean, this is what I would do. So I think
8 he could potentially benefit from treatment, but we
9 really can't predict the future.

10 So, you know, what is Jesse Osborne going to be
11 like, I don't know, at age 50 or 60 or whatever. I'm
12 just giving a hypothetical. What we do know, research
13 shows, is that, you know, even when people do have
14 conduct problems, antisocial behaviors -- I'm not
15 convinced he has a developing antisocial personality
16 disorder, but it's on the table -- they often calm down
17 significantly in their 40s.

18 But I think what you do is, at that point in his
19 life, a psychologist or psychiatrist does a very
20 comprehensive psychological psychiatric assessment
21 including what's called a violence risk assessment to
22 assist in determining does he pose any significant
23 danger to the community if he were to be released.

24 And part of that would be looking back at
25 everything we have today. And I think that's how it's

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1 handled. So, potentially, yeah, I think he could
2 benefit from rehabilitation. Ultimately, I can't
3 predict, is it going to be successful. That's how you
4 answer that question.

5 Q That's how you answer it at all time, I guess?

6 A Yeah. You can't predict things like this.
7 There's no scientific way.

8 Q Do you see anything in Jesse Osborne that is
9 hopelessly -- is he irredeemably corrupted?

10 A No.

11 Q Is he hopelessly incorrigible?

12 A No. No.

13 Q Why do you say that?

14 A Well, so he committed a horrible crime, an act of
15 evil that was a single event. It's not to minimize it.
16 He needs to go to jail. I should stop saying that
17 because that's not a psychological opinion. But he's
18 not a good human being. He's just not. But is he out
19 of control?

20 I mean, incorrigible is a legal term. Even when
21 he was living with his parents, even after he was
22 expelled from school in March of that year and he was
23 on home arrest, he wasn't incorrigible. He spent, I
24 think, almost all of his time -- well, most of his time
25 downstairs in the basement.

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1 He didn't leave the house, run away, start
2 physical fights, stealing. He didn't demonstrate any
3 out-of-control behaviors. The behavior was out of
4 control on September 28, 2016. But that was
5 situational. We didn't see any of that persistent
6 behavior. I don't think there's any evidence of that.

7 Also we don't see, to the best of my knowledge,
8 during his incarceration, we haven't seen incorrigible
9 behavior.

10 Q Thank you. Hold on one second.

11 MR. EPPE: Doctor, answer any questions the State
12 has, please.

13 THE WITNESS: Yes, sir.

14 CROSS-EXAMINATION

15 BY MS. PRICE:

16 Q Hi, Dr. Teichner.

17 A Hey.

18 Q How do you pronounce your name?

19 A You did great the first time.

20 Q I've been doing that all morning, so I'm glad I
21 got it right.

22 You're a little bit late to the party, I think.
23 When did you come into the hearing? What have you seen
24 from the sentencing hearing? What other testimony?

25 A Oh, so I came -- yeah. So I came in during Ryan's

1 testimony.

2 Q Okay. So you missed all of the State's
3 presentation?

4 A Yes. Yes, ma'am.

5 Q Okay. All right. Does Jesse still fit
6 attitudinal criteria for conduct disorder? He doesn't
7 show any remorse, right?

8 A Can you define "attitudinal criteria"? I don't
9 know what that is.

10 Q What criteria does he currently fit for conduct
11 disorder? How about that?

12 A Well, technically, none. And I'll tell you --
13 well, do you want me to tell you why?

14 Q Sure.

15 A Okay. By definition, and I think you've got to go
16 by the book --

17 Q Well, before you say that, isn't there a
18 cautionary page in the DSM-5 about going strictly by
19 the book?

20 A What, about objective behavior? Could you show me
21 that?

22 Q I think there is a cautionary section in here.

23 Gosh, hold on. Let me find it.

24 Yeah, here we go. Use of the manual, page 19.

25 A Okay.

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1 Q Are you familiar with this section of the book?

2 A Can you tell me where you are?

3 Q Are you familiar with the DSM-5? You contributed
4 to the book, right? .

5 A No, I didn't.

6 Q You didn't, oh.

7 A No, I'm not -- I'm not big-time like
8 Dr. Ballenger. I didn't, no.

9 Yes, of course, I'm familiar with the DSM-5.
10 Where in this are you referring to?

11 Q My understanding is there is a cautionary
12 statement about not strictly adhering to all of the
13 criteria under each of the diagnoses, that it's a tool
14 that you're supposed to use, right? It's not a strict
15 measure.

16 A Well, I'll tell you what that really gets at. So,
17 let's say, for example, you are evaluating for an
18 attention deficit hyperactivity disorder and it's a
19 child, and so in children, you need six out of nine
20 symptoms of inattention and six out of nine symptoms
21 and/or hyperactivity impulsivity to maybe meet
22 diagnostic criteria for the diagnosis.

23 Let's just assume the other parts are met. What
24 if, you know, the child has four or five symptoms? So,
25 technically, you don't meet diagnostic criteria.

1 That's what that's getting at. So if there's other
2 indications of functional impairments, it very much
3 could be.

4 But I think what we have to do here is, in the
5 case of conduct disorder, you've got to look at the
6 presence of the behavior or not. Not one around,
7 theoretically, is the behavior, could it be displayed,
8 but has it been displayed.

9 Q And you said that lying hasn't been displayed? Is
10 that one of the things you mentioned in your testimony
11 today, you haven't seen any evidence of him lying
12 recently?

13 A No, no. That's not what I said. Hold on. Let me
14 answer the question.

15 So if you look at the criteria, it's a repetitive
16 and persistent pattern of behavior -- repetitive and
17 persistent -- in which the basic rights of others or
18 major age appropriate society norms or rules are
19 violated, and you need a presence of three or more
20 within the past 12 months with at least one being in
21 the past six months.

22 So the exception for repetitive and persistent are
23 sometimes one-time events can do it. Like has used a
24 weapon that has caused serious physical harm to others.
25 So you shoot -- what he did --

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1 Q Homicide.

2 A Homicide, you get that criteria. Okay? You don't
3 have to be repetitive. Forcing somebody --

4 Q But he was repetitive?

5 A Well -- well, yeah. Yeah, yeah. No, I don't
6 dispute that. I mean, absolutely.

7 You know, forcing somebody into sexual activity.
8 You do that once, you meet criteria. But where is the
9 line in the sand for lying or skipping school? Well,
10 again, it's persistent and repetitive behaviors. And
11 what do we know about human behavior? Everybody lies.
12 What do we know about adolescents? They lie.

13 So has the boy lied at all in the past year? I
14 don't know. Ultimately, I don't know. But if you were
15 to present to me facts that they were persistent and
16 repetitive lying --

17 Q Okay.

18 A -- to obtain goods or favors, to avoid
19 obligations, I could be persuaded.

20 Q Okay. All right. So do you have your report up
21 there with you?

22 A Yes, ma'am.

23 Q Okay. Can you flip to page -- I'm just going to
24 have you publish a little bit of the report for me.

25 Flip to page 15.

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1 A Okay.

2 Q You spoke generally about the demon that Jesse
3 mentioned having exorcized, right?

4 A Yes.

5 Q So look at the bottom of that page, page 15.

6 A Okay.

7 Q And if you can, go ahead and publish that
8 paragraph through to the -- and finish it, which is to
9 the top of page 16 for me.

10 A What do you mean, publish?

11 Q Read it out loud.

12 A Oh, excuse me.

13 Q That's okay.

14 A That's probably a legal term.

15 Q That's in court terminology. Sorry.

16 A So starting from the last paragraph?

17 Q Of page 15.

18 A Okay. "So this overreligiosity may be important
19 to understand given that Jesse told me that he believes
20 that he has possibly been intermittently possessed
21 starting at some point in 2017.

22 "He told me that a preacher who came to visit him
23 in jail," then in parenthesis March, comma 2017, right
24 parenthesis, "performed an exorcism on him. He said
25 that he felt good for a couple of months.

1 "However, after this point in time, he expressed
2 that he maybe has been temporarily possessed on
3 occasion. Jesse stated that he believes that a demon
4 or demons have possibly entered him. He said that
5 these possible possessions last approximately five,
6 hyphen, ten minutes.

7 "I asked him why he believes that he has possibly
8 been possessed. He said that during such times, he
9 feels different, acts different, and his body may jerk.
10 Jesse told me that during these events, he prays, and
11 the demons will leave him. He said that such events
12 have occurred at a frequency of, perhaps, once weekly
13 to biweekly" -- keep going?

14 Q Yes, please.

15 A "Jesse added that the reason that he is not
16 entirely certain if he has been intermittently
17 possessed is because the Bible states that a true
18 believer cannot be possessed, and he has been saved.

19 "However, Jesse then went on to tell me that, due
20 to the March 2017 exorcism, the Bible also says that,"
21 and then in an -- excuse me, quotations, "if they are
22 cast out, then a stronger one comes," closed quotation.

23 "I believe that what he was inferring is that it
24 was possible that he could be possessed by a demon even
25 though he has been saved, given that he previously" --

1 sorry. There's typos in this report. I had to do it
2 on a weekend last minute -- "was subject to an
3 exorcism." Should be "was subject to an exorcism."

4 Q All right. A stronger demon comes possibly, is
5 what he told you?

6 A Well, no. His rationale was, so on one hand, if
7 you're Christian and you've been saved, you can't be
8 possessed. But he's saying maybe he has been
9 possessed, and so what's not consistent with that is,
10 if you have been subject to an exorcism, the Bible says
11 if they are cast out, then a stronger one comes. So if
12 you had a demon -- he's inferring if a demon has
13 already been cast out, then a stronger one would come.

14 Q Okay. Let's look at page 19 of your report. All
15 right. Looking at the one, two, three, four, fifth
16 paragraph, I know you testified that he told you he
17 hurt animals. Can you read that paragraph to me? It's
18 not very long.

19 A Yes, ma'am. "I asked him if he had ever hurt
20 animals. He described repeatedly hurting frogs. He
21 said that he would often kill frogs, usually by
22 throwing them against the ground or another object. He
23 said that he often killed insects. He reported that he
24 occasionally shot birds with a BB gun.

25 "When asked if a dog has ever bitten him, he said

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1 yes and stated that he, quotation, smacked the hell out
2 of it, closed quotation, as a result."

3 Q Okay. And the next two -- well, one, two, three
4 sentences of the very next paragraph, read those for
5 me.

6 A "I asked Jesse how he feels when he thinks about
7 his crimes. He said that previously he would feel
8 excited when thinking of these things. He then added,
9 open quotation, now it appalls me because it is pure
10 evil, closed quotation.

11 "However, at another point during this exam, he
12 acknowledged that he often thinks about the school
13 shooting that he perpetrated and that it excites him."

14 Q Okay. He often thinks about the school shooting
15 he perpetrated and says that it excites him?

16 A Yes.

17 Q You wrote that sentence. Did you mean sexually?
18 Did you mean that it excites him in his -- I mean, how
19 did he present that to you, excites him?

20 A Well, I didn't ask him if it -- I didn't ask him
21 in detail sexually. It's just he says he feels
22 excited.

23 Q He said that?

24 A Yes.

25 Q Those are his words?

1 A Yes.

2 MR. EPPE: Your Honor, for completeness, could I
3 ask that he read the next sentence.

4 MS. PRICE: Sure. I have no objection to him
5 reading the next sentence.

6 Q He said that, though, did he not, in October of
7 2019?

8 A Yes.

9 Q Okay. Read the rest.

10 A "He said that he knows that such thoughts are
11 wrong and he tries not to have them. He told me that
12 afterwards he'll ask God for forgiveness."

13 Q He did say that, but then, can you go down two
14 more paragraphs, and that is where you say that he
15 stated that he does not feel any remorse or guilt. Is
16 that accurate?

17 A Yes.

18 Q Okay. You said also that he reported his symptoms
19 to you, right? You interviewed him?

20 A Yes.

21 Q And he reported them to you in addition to you
22 giving him some tests?

23 A Yes.

24 Q Right. And you admit that he malingered to your
25 colleague?

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1 A Oh, I think he malingered psychotic symptoms to
2 both Dr. Ballenger and Dr. Wagner, absolutely.

3 Q And are you --

4 A And probably Dr. Atkinson.

5 Q Are you aware that there are pages of factual
6 differences between what he told you and what he told
7 other people, not just about his psychotic symptoms,
8 but about actual facts concerning his life and these
9 incidences?

10 A Could you show me, give me some examples?

11 Q Yes. Let's see. He told Dr. Wagner, "Why just
12 shoot five individuals when you could shoot 60?
13 Whoever achieves this kind of number would be famous
14 and would, quote, go down in the history books."

15 Teichner, in the months leading to the shooting,
16 he told you he felt worthless, hopeless, suicidal
17 ideation and anger.

18 He told Dr. Wagner that he fired three bullets
19 into the back of his father's skull. He told you he
20 shot five times with four bullets striking.

21 He told Wagner that he had texted and Skyped the
22 Rainbow Day gang while he was en route. He told you
23 that he communicated with the gang until the time of
24 the shooting. The Skype records revealed that this
25 entire thing was broadcast, but you weren't here. I'm

1 probably the first person to tell you, unless you read
2 that in records that you reviewed, that he was
3 broadcasting this incident live to his Rainbow group.

4 He told Dr. Wagner that he called his mother and
5 she hung up on him because he was shouting and not
6 making sense. He told you that he called his mother
7 but she didn't answer.

8 He told Dr. Wagner he called his grandparents and
9 talked to them for a little while. He could hear his
10 grandmother screaming in the background. He told you
11 that he believes he called his grandparents but is not
12 certain.

13 He told Dr. Wagner he tried cigarettes and
14 marijuana once or twice. He tried alcohol once. He
15 told you that he denied -- he denied the use of alcohol
16 and illicit drugs to you.

17 He told Wagner that he had two girlfriends, one
18 for one and a half years. He told you he had ten
19 girlfriends, the longest for six to eight months. And
20 there's really no evidence of that. And, again, I'm
21 not trying to insult Mr. Osborne, but there's
22 definitely no evidence of that.

23 So those are just a few examples. I have more
24 examples. But is it possible that you're talking to
25 someone who is still giving you false information?

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1 A See, here is what I know and here is what the
2 science says. Retrospective memory is highly
3 inaccurate. And there are definitely some things that,
4 what you just said, it can't be both ways. So he says
5 that he had -- I forget how many he said to me -- X
6 number of girlfriends. He tells Dr. Wagner a few
7 girlfriends. Okay, you're right, it just can't be
8 either way.

9 Other things he said to me was -- he was very
10 clear to me that his intention was to do a school
11 shooting. I don't think I put it in here, the number,
12 but he wanted to, you know, kill as many people as
13 possible. He was very clear about that.

14 Now, did he tell Dr. Wagner another number? I
15 mean, I don't doubt that, you know. As far as, like,
16 for example, how many shots that he fired into his
17 father, I believe the autopsy, and you can correct me,
18 I think it was five. Is that correct?

19 Q Yes, he fired five shots.

20 A Yeah. And so, you know, he's off by one or two.
21 The issue, too, is that there's been a lot of
22 contamination in his memory in the sense that this
23 stuff, a lot of these questions have been asked over
24 and over and people have told him different things.

25 Like, for example, in relation to the abuse, I

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1 don't doubt Ryan's testimony that we heard today. But
2 Jesse didn't tell me some of those things. And he had
3 every opportunity.

4 Q Yeah. In fact, Jesse told you he was only -- he
5 remembered that the discipline of being licked occurred
6 at least ten times during his lifetime --

7 A Right.

8 Q -- and he said that he was not sure if it occurred
9 more than 20 times --

10 A Right.

11 Q -- right?

12 A So where do we --

13 Q And that's self-reporting.

14 A Right. But so is it one around lying or somebody
15 is lying, or is it one around inaccurate recall. You
16 know, I was surprised by Ryan's testimony.

17 Q So Jesse also has ADHD, which is a specialty area
18 of yours, right?

19 A Yes.

20 Q Okay. Or you believe that he has ADHD?

21 A Yes.

22 Q Okay. You're certainly not alleging that having
23 ADHD makes somebody homicidal?

24 A Oh, absolutely not, no, no.

25 Q I think there are a lot of mothers, probably even

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1 in this courtroom, that would take umbrage with that.

2 So that is just a general factor. That's not a
3 contributory factor to homicide?

4 A No.

5 Q One second.

6 MS. PRICE: I don't have any further questions.
7 Thank you.

8 THE COURT: Redirect?

9 REDIRECT EXAMINATION

10 BY MR. EPPES:

11 Q As an initial matter, let me show you this copy of
12 your report that we're going to mark as -- are we up to
13 4, Defendant's 4?

14 THE REPORTER: 4, yes.

15 BY MR. EPPES:

16 Q Doctor, does that appear to be a copy of your
17 report?

18 A Yes, it is. Yes, sir.

19 Q We have already shared it with the Court.

20 I just move it into evidence for completeness.

21 (WHEREUPON, Defendant's Exhibit Number 4 was
22 marked for identification.)

23 Q Doctor, ADHD, is that something that is part of
24 the hallmark features of youth that we've been
25 discussing briefly here today having to do with

1 impetuosity, immaturity, failure to appreciate risk and
2 consequences, irresponsibility and recklessness?

3 A Well, I would -- let me answer it this way.

4 Again, so I think that here's what we know about normal
5 development. Normal as in the child has no
6 identifiable conditions. Those types of behaviors,
7 that is, being impulsive, rash, not thinking things
8 through, immature, you don't think -- you don't
9 consider all the potential consequences of your
10 behavior, that's part of being a child and adolescent.
11 That's for normal kids. That is without any condition.
12 So and, again, it's age specific. So we see the
13 younger the child, even more so that type of behavior.

14 But then when we bring in a condition like ADHD,
15 potentially we see even more of that, that what we know
16 about persons with ADHD, and it's due to problems with
17 their frontal lobe functioning, they may have
18 difficulty not just with attention and concentration,
19 but they often have increased difficulty with logic,
20 reasoning, planning, decision-making. "Hold on. Let
21 me think this through. Is this really a good idea?
22 What are my options? How could this turn out for me
23 for the good or the bad?" So it just amplifies the
24 problems of those behaviors that we see in regular
25 youth anyways.

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1 Q And ADHD is, by and large, treatable?

2 A Yes.

3 Q And with or without ADHD, it is your opinion that
4 Jesse Osborne is not irreparably corrupted or corrupt?

5 A Yes. That's my opinion.

6 MR. EPPE: Thank you.

7 THE COURT: All right. Thank you, Doctor. You
8 may be excused.

9 All right, guys. For scheduling purposes, I have
10 a domestication hearing at 9 o'clock tomorrow with
11 Mr. Overby. It's one that's going to be brief.

12 Do you want to get started at 9:15, 9:30,
13 whichever. Try to be ready about 9:15, and I will get
14 us started as fast as we can.

15 Any matters before we leave for the day,
16 Mr. Eppes?

17 MR. EPPE: Oh, your Honor. We had previously
18 shared with the prosecution an interview.

19 THE COURT: I can't hear you.

20 MR. EPPE: We have previously shared with the
21 prosecution an interview that Dr. Maddox did with Jesse
22 in July of 2017. I'd like to give that to the Court
23 and ask that you watch it. I don't think it needs to
24 be published in the courtroom.

25 THE COURT: Any objection?

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1 MS. PRICE: No objection.

2 THE COURT: Has that been marked as an exhibit?

3 MR. EPPES: No, sir. Let's do that first. I
4 apologize.

5 (WHEREUPON, Defendant's Exhibit Number 5 was
6 marked for identification.)

7 (WHEREUPON, proceedings adjourned at 5:33 p.m.)
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Certificate of Reporter

I, Diane L. Marcengill, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of a portion of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Anderson County, South Carolina, on the 13th day of November 2019.

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I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 14, 2020



Diane L. Marcengill, RPR, CRR, CRC
Circuit Court Reporter

1 State of South Carolina
2 County of Anderson In the Court of General Sessions

3
4 State of South Carolina,) 2018-GS-04-01391
5) 2018-GS-04-01392
6 - vs -) 2018-GS-04-01393
7) 2018-GS-04-01394
8 Jesse DeWitt Osborne,) 2018-GS-04-01395
9 Defendant.) November 14, 2019
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Aiken v. Byars Hearing

10
11 B E F O R E:

12 The Honorable R. Lawton McIntosh, Judge

13
14 A P P E A R A N C E S:

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16 Lauren Price, Assistant Solicitor
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Attorneys for the State of South Carolina

18 Frank L. Eppes, Esquire
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Attorneys for Defendant

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23 Diane L. Marcengill, RPR, CRR, CRC
24 Circuit Court Reporter
25

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E x h i b i t s

For the State:

Marked	Description	I.D.	Admitted
	None offered.		

For the Defendant:

Marked	Description	I.D.	Admitted
6	Dr. Maddox's report	451	
7	Timeline of interviews of the Osborne family	465	

1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at 9:10 a.m.)

4 . MR. EPPE: So, your Honor, the document I handed
5 up is an affidavit from me. As you know in the waiver
6 hearing, we spent a lot of time on *Jackson v. Denno*
7 issues of the confession and whether or not my client
8 was entitled to have an attorney present when we had
9 his family and Mr. Campbell outside of the sheriff's
10 department before his interrogation asking to be let
11 in.

12 As you'll recall yesterday, Dr. Teichner said that
13 14-year-olds really do not appreciate the Miranda
14 warnings, children under 15, and we think it's an
15 important issue now. With my client's decision to
16 plead guilty and, quite frankly, the overwhelming
17 evidence against him, we didn't see any reason -- we
18 didn't see any viable way to preserve the issue going
19 forward and would require us to preserve it in trial
20 was unnecessary and was just going to cause pain and
21 agony.

22 However, I wanted to make that clear by affidavit
23 in which I have done, and I have filed that and want it
24 to be part of the record because I think it's an
25 important issue. I don't think it's an issue that the

1 supreme court has an easy way to get to.

2 South Carolina law on it is the desert. There's
3 not very much. There's law in other states. And I
4 just think it's an important issue in this case, and I
5 wanted to make some effort to preserve it, even though
6 under the law of South Carolina, Judge Long's decision
7 was correct, and under the law of South Carolina, we
8 have waived that issue, I still think it's worth
9 preserving and so I have.

10 THE COURT: All right. I'm going to make your
11 affidavit a court exhibit.

12 If you would, I'll have the court reporter.

13 (WHEREUPON, Court's Number X was marked for
14 identification.)

15 THE COURT: All right. Mr. Eppes, anything else
16 before we get started?

17 MR. EPPES: Nothing from the defense, your Honor.

18 THE CLERK: Your Honor, I will take this
19 downstairs at our first break and time stamp it.

20 THE COURT: Mr. Wagner, anything from the State?

21 MR. WAGNER: No, sir, your Honor. We're ready.

22 THE COURT: Mr. Eppes, will you call your witness,
23 please, sir.

24 MR. CAMPBELL: Your Honor, the defense calls Tommy
25 Osborne to the stand.

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1 THOMAS DEWITT OSBORNE,

2 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 THE CLERK: If you would take the witness stand,
4 please,.sir, and state your full name.

5 THE WITNESS: Thomas DeWitt Osborne,
6 O-s-b-o-r-n-e.

7 DIRECT EXAMINATION

8 BY MR. CAMPBELL:

9 Q Mr. Osborne, you're going to have to speak into
10 the microphone.

11 A Oh, I know.

12 Q Sometimes it's kind of hard to understand you. I
13 think that was from a cancer issue you have?

14 A Yeah. I don't have any vocal chords.

15 Q Now, I want to talk to you about your knowledge of
16 events and the family history. I know Ryan Brock
17 touched on it some yesterday and the doctors touched on
18 it yesterday, but I want the Court to hear it from your
19 perspective since, of anybody, you knew Jeff and Jesse
20 as well as anybody.

21 Now, where are you currently living?

22 A [REDACTED] Fairplay Road, Townville.

23 Q And is that where you were living on September 28,
24 2016?

25 A Yes, it was.

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1 Q In fact, I believe Osborne Road, the [REDACTED] Osborne
2 Road, runs right next to your property?

3 A It goes to the middle of my property.

4 Q And how long have you lived there?

5 A 22, 22 years.

6 Q And you live there with your wife Patsy?

7 A Yeah.

8 Q And how long have y'all been married?

9 A If I make it to January, it will be 57.

10 Q Now, are you currently working? Are you employed
11 or what's your status?

12 A No, I'm not working.

13 Q Okay.

14 A I'm retired, on disability.

15 Q Sir?

16 A On disability.

17 Q And what did you do prior to that?

18 A I was at a restaurant.

19 Q Now, from your marriage, y'all had two children;
20 is that correct?

21 A Right.

22 Q And I believe the oldest son is Greg?

23 A Yes, sir.

24 Q And your youngest son was Jeffrey?

25 A Yes, sir.

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- 1 Q Now, how many grandchildren do you have?
- 2 A Counting Ryan, five.
- 3 Q And Jesse is the only son of Jeff and Tiffney; is
- 4 that right? .
- 5 A Right.
- 6 Q Now, you know we're here, talking about the
- 7 sentencing of your grandson?
- 8 A Right.
- 9 Q You know bad things were done, and we're not
- 10 making light of that?
- 11 A Right.
- 12 Q And you know he's going to be punished?
- 13 A Yes.
- 14 Q Now, your son is named Jeffrey, but y'all call him
- 15 Jeff; is that right?
- 16 A Yes, sir.
- 17 Q And when was he born?
- 18 A July the 8th, 1969.
- 19 Q So at the time of this incident when he passed, he
- 20 was 47?
- 21 A 47. He would have been 50 this year.
- 22 Q And the difference between -- the age difference
- 23 between him and Greg is how many years?
- 24 A Almost six years.
- 25 Q Greg's the older son?

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1 A Right.

2 Q Now, when Jeffrey was born, did he have any health
3 issues or complications y'all had problems with?

4 A Yes, he had to change his blood completely out.
5 He was the first child in Anderson Hospital to ever
6 have that done and lived.

7 Q Did they give him --

8 A Yeah.

9 Q Back then?

10 A Back then, yeah, that was the new procedure.

11 Q Now, growing up, how was he as a child? How would
12 you describe him?

13 A He was a typical boy. He tried everything. He
14 rode motorcycles. He fished, he hunted, he done
15 everything.

16 Q Was he into sports?

17 A Not in school, but he played them outside of
18 school. Well, he did play Little League baseball down
19 at the Y.

20 Q And would you describe him as being a competitive
21 individual?

22 A Oh, yeah.

23 Q And when you say he was doing all this,
24 physically, was he a tough kid? Was he active? Was he
25 energetic? How would you describe him from that

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1 aspect?

2 A He was active, energetic. He was just full of
3 life.

4 Q And he went to high school here?

5 A Westside.

6 Q What year did he graduate?

7 A '87.

8 Q Now, after he graduated high school, did he go to
9 college or a tech school to work or military?

10 A No. He went in the military.

11 Q What branch did he join?

12 A Marines.

13 Q Did he finish the Marine Corps?

14 A No.

15 Q Why not?

16 A Well, started off with his feet. The dye in the
17 boots, his feet about rotted off, and then he got a
18 dishonorable discharge.

19 Q And after he got out of the Marine Corps, did he
20 come back to Anderson?

21 A We lived in Florida at the time. He went to work
22 in Florida for Ryan's steakhouse.

23 Q When did you come to Anderson?

24 A We stayed down there until '91 and come back.

25 Q And did he come back with y'all?

1 A He was already back.

2 Q Okay.

3 Now, at the time of his passing, he was employed
4 raising chickens; is that right?

5 A Yes.

6 Q That was a self-run business. I believe it was
7 called Osborne Poultry Farm?

8 A Yes, sir.

9 Q When did he start getting into raising chickens?

10 A In -- he'd been doing it for 14 years when he
11 died.

12 Q And how many chicken houses did y'all have?

13 A We had four -- he had four at the time, and he was
14 building two more.

15 Q Now, the houses and where the chicken farm is
16 located, was that on your property or his property?

17 A It was on mine at the time when we built them, and
18 I finally signed them over to him.

19 Q And the house that he lived in, the [REDACTED] Osborne,
20 was that on your property or his property?

21 A It was on my property, but I signed it over to
22 him.

23 Q And I believe the house was built around 2015?

24 A Yeah.

25 Q Now, in order to start his chicken business, did

1 you help him with that?

2 A Yes, sir.

3 Q In what way did you help him?

4 A I put up the land for collateral for the \$800,000.

5 Q Did you put up any money for it, too?

6 A No.

7 Q Just the property?

8 A Just the property.

9 Q And how often would he get paid for raising those
10 chickens?

11 A About every ten weeks. It took them seven weeks
12 to grow off, and he was usually out two weeks getting
13 ready for his next flock.

14 Q And do you recall the last time he was paid?

15 A The day he died.

16 Q And do you know what his attitude or what his
17 feelings were regarding how much he was paid?

18 A Well, I understand that he said he wasn't making
19 near enough, but I don't know.

20 Q Was he having financial problems, to your
21 knowledge?

22 A Yes, he did.

23 Q Did he have to borrow money from you?

24 A Yes, he did.

25 Q I believe he borrowed money from his brother?

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1 A Yes, sir.

2 Q Now, at the time of his passing, he was married to
3 Tiffney Osborne?

4 A Yes, sir.

5 Q And this was a second marriage for both of them?

6 A Yes, sir.

7 Q And they lived on the land that you gave them.
8 They built their house, which is [REDACTED] Osborne Road?

9 A Well, truth is, that house is not on that land,
10 but they lived down there.

11 Q They lived down there?

12 A Yeah.

13 Q And that house, the house that we've been talking
14 about, is the one in which he passed away?

15 A Right.

16 Q Now, Jesse was born, I believe, September the 8th
17 2002?

18 A Yes, sir.

19 Q And has he always lived on that piece of property,
20 to your knowledge?

21 A Yes, sir.

22 Q And how far a distance did y'all live, you and
23 Patsy, from Tiffney and Jesse?

24 A I would say approximately 1,200 feet.

25 Q And I think you said that the road runs right by

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1 your house?

2 A Yeah, divides my property.

3 Q Now, I think it was kind of alluded to yesterday,
4 but Jeff and Tiffney's marriage was kind of rocky?

5 A Yes, sir.

6 Q And I believe there's accusations on both parts?

7 A Right.

8 Q Jeff accused, we heard yesterday, I think Ryan was
9 talking about, or one of the doctors, of her being
10 unfaithful and spending money?

11 A Right.

12 Q And Tiffney was accusing Jeff of being physically
13 and verbally violent toward her and Jesse?

14 A Right.

15 Q Was law enforcement ever called down to their
16 house?

17 A One time.

18 Q I believe, and I think you heard yesterday -- you
19 were present for the testimony yesterday; is that
20 right?

21 A Yes, sir.

22 Q And Ryan Brock testified that he called the
23 Department of Social Services?

24 A Right.

25 Q Is that the first you found about that?

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1 A Yes, it was.

2 Q In fact, Jeff and Tiffney, they blamed you and
3 Patsy; is that right?

4 A Well, Tiffney blamed us, and then got Jeff to
5 blaming us.

6 Q Now, Ryan mentioned another sibling, Mary Lee.
7 Was that from Jeff's first marriage, a child from his
8 first marriage?

9 A Yes, sir.

10 Q And he divorced her mother?

11 A Right.

12 Q And what kind of visitation did he have with her?

13 A He got her every other weekend.

14 Q And you heard Ryan say there was an incident when
15 she was about 16 or 17, and she quit coming around; is
16 that true?

17 A Yes, sir.

18 Q And after that, she really had nothing to do with
19 the family?

20 A Right.

21 Q And Ryan was Tiffney's son from a prior marriage?

22 A Yes, sir.

23 Q Now, do you know what the relationship was or how
24 Ryan and Jesse got along?

25 A With the age difference was so much, they didn't

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1 really get along that good, I don't think.

2 Q And how did Jeff and Ryan get along?

3 A Most of the time good.

4 Q From what you saw?

5 A From what I saw.

6 Q But you never saw what was going on behind closed
7 doors?

8 A No.

9 Q Now, Ryan, was he anything like Jeff
10 personality-wise?

11 A No.

12 Q Opposites?

13 A Complete opposites.

14 Q What would you describe it as?

15 A Ryan was, I don't know what his I.Q. was, but he
16 was way above me, so he was really smart.

17 Q Did him and Jeff have the same interests?

18 A No.

19 Q How about Jesse, did Jesse and Jeff have a lot of
20 the same interests?

21 A Some, yes. Jeffrey and Ryan both liked to -- I
22 mean Jeffrey and Jesse liked to shoot their guns at
23 targets.

24 Q And that was, basically, their father/son
25 activity?

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1 A Yeah.

2 Q But other than that, was Jesse athletic like Jeff?

3 A Well, Jesse wasn't, he wasn't athletic like
4 Jeffrey was, and Jeffrey didn't specially like that.
5 He wanted him to be like him.

6 Q Was he competitive like Jeff?

7 A No.

8 Q Do you think, to your knowledge, was Jesse the
9 type of son that Jeff was wanting him to be?

10 A He seemed to want another Jeff.

11 Q But that's not what he got in Jesse?

12 A No.

13 Q That's not what he got in Ryan?

14 A No.

15 Q Now, you heard yesterday Ryan, when he called in
16 from Texas, talk about Jeff's drinking. Would you
17 agree Jeff drank?

18 A Yes, sir.

19 Q And can you just tell the Court what you knew
20 firsthand, what was his drinking like?

21 A Well, he was -- he worked in his chicken houses
22 after he got up at 5:00 o'clock every morning to work
23 in his chicken houses and to get Jesse up, get Tiffney
24 up, get her to work, get Jesse to school. But once he
25 got through with the chicken houses, took a bath, he

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1 started drinking beer.

2 Q And when you say he started drinking, how much
3 would he drink?

4 A I have no idea, but -- .

5 Q He drank a lot?

6 A Yes.

7 Q Would he drink to the point where he would be
8 intoxicated?

9 A Yes, I would say that.

10 Q Now, when Jeff wasn't drinking, how was he as a
11 father?

12 A He was the best.

13 Q Took care of the family?

14 A Oh, yeah.

15 Q Did he take care of Jesse?

16 A Oh, yeah. He fed him. He made sure he had clean
17 clothes. He done everything for Jesse. Tiffney come
18 in from work, done nothing, but he would go to bed,
19 whatever, Jeff took care of him.

20 Q So Jeff was around Jesse every day, especially
21 after he got expelled?

22 A Yeah.

23 Q Now, how was his demeanor, what was his
24 personality like, once he started drinking?

25 A He got more bossy and wanted to be the ruler of

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1 his house, and he was.

2 Q Was he easy to set off?

3 A Oh, yeah.

4 Q Did his personality become more volatile?

5 A Yeah.

6 Q How did he start acting around people? Was he
7 more physical or more verbally aggressive?

8 A More verbally and physical, if you wanted him.

9 Q Would he like to fight?

10 A Whole lot.

11 Q I didn't hear you.

12 A He loved it.

13 Q So he liked to fight?

14 A Oh, yeah.

15 Q Had he been that way since he was a kid?

16 A Yeah.

17 Q So he was a tough kid?

18 A He was a tough kid.

19 Q But most people didn't see this side of Jeff, did
20 they?

21 A He wasn't a mean kid, he was just a tough kid.

22 No. When Jeffrey was sober, he'd give -- he was the
23 best feller you ever seen.

24 Q It's kind of like Dr. Heckle/Mr. Hyde type --
25 Dr. Jekyll/Mr. Hyde-type persona?

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1 A Right.

2 Q And when he would drink, he wouldn't go out in
3 public and do it; he would do it at home?

4 A He done it at home. He never left the house.

5 Q So the only people who had firsthand knowledge of
6 this would be his immediate family or closest of
7 friends?

8 A Yes.

9 Q So he's more of a private person when it came to
10 that?

11 A Right.

12 Q Now, regarding his drinking, Ryan talked about --
13 I believe the doctors have all talked about it in their
14 reports -- that he would get aggressive. Ryan
15 testified that he would whip Jesse, he would get
16 physically aggressive with him. Have you ever seen
17 that firsthand towards you?

18 A Yes, sir.

19 Q Can you describe to the Court about that?

20 A I went down there one night. Well, it was
21 Christmas. He didn't come to the Christmas. Always
22 everybody come. And he didn't come. And I went to see
23 why.

24 He come out on the steps, and I started to get out
25 of the truck. He said, "Old man," he said, "you get

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1 out of the truck," he said, "I'll whip your
2 (indicating) right here."

3 So from then on, if he was drinking, if I went
4 down there, I made sure I had some kind of protection.

5 Q And when you're referring to protection, what are
6 you talking about?

7 A I carried a .38.

8 Q So you carried a pistol on you when you went down
9 around Jeff?

10 A When he was drinking and when he was in one of his
11 moods, yes, sir. Because I done had so much wrong with
12 me, I wasn't going to have nobody beating up on me.

13 Q So your son was threatening you?

14 A Yes.

15 Q Did he threaten your life?

16 A He just threatened to beat.

17 Q You took this serious, though?

18 A Yes. He was serious.

19 Q When Ryan (sic) got to drinking, was anybody able
20 to deal with him or be able to calm him down?

21 A Not Ryan. Jeff.

22 Q So when this --

23 A Sometimes I could calm him down and sometimes I
24 couldn't.

25 Q Were you about the only person that could?

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- 1 A Yeah. Well, I think when Greg was home, he could,
2 too, but there wasn't many people could calm him down.
- 3 Q So he threatens you to the point where you felt
4 you needed to carry a pistol with you for protection?
- 5 A Right.
- 6 Q And this is your son?
- 7 A Yeah.
- 8 Q This is on property that you gave him?
- 9 A Yes.
- 10 Q You're his father?
- 11 A Yes.
- 12 Q You're a lot older than him?
- 13 A A lot older.
- 14 Q In fact, you were the one who helped get him into
15 the chicken business to begin with?
- 16 A Yes.
- 17 Q And none of that mattered to him?
- 18 A No.
- 19 Q But that's how he was when he was drinking?
- 20 A Right.
- 21 Q Now, Greg, we mentioned he was older. I couldn't
22 remember the age difference. Was it six, eight years
23 difference between the two?
- 24 A Six. Greg was born in '63, September '63, and
25 Jeffrey was born July '69.

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1 Q So Greg was not around for the majority of -- in
2 fact, he wouldn't have been around for Jeff's teenage
3 years?

4 A No. He left when Jeffrey was 12 years old to go
5 into the Air Force. He stayed 20 years and, I think,
6 22 days.

7 Q And so he was gone so he didn't have any
8 interaction with the day-to-day life that y'all had?

9 A No.

10 Q And I believe after he retired from the Air Force,
11 he was living in Maryland?

12 A Well, he come back home and lived with us for a
13 while and went to work at Red Lobster. Then he went to
14 work at Cracker Barrel. Then he got a job with HMR,
15 and they put him down at Richard Campbell, and they put
16 him a couple of years up in Maryland, brought him back,
17 sent him back to Maryland, so he still wasn't around
18 that much.

19 Q Would he come home a couple times a year, though?

20 A He'd come home about every two months.

21 Q Did he have a lot of interaction with Jesse?

22 A When he come home, he did.

23 Q But he didn't know what was going on day to day in
24 Tiffney, Jeff, and Jesse's life?

25 A No.

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1 Q Now, my understanding is he's back in Anderson
2 County?

3 A Yes, sir.

4 Q Runs a feed store?

5 A Yes, sir, in Fairplay.

6 Q And, now, you helped Jeff get into his business.
7 Did you help Greg, too?

8 A Yes, sir.

9 Q How did you help him?

10 A I helped him buy it.

11 Q So what you did for one son you did for the other?

12 A Right.

13 Q Now, Jesse, is he your only grandson?

14 A Yes, sir.

15 Q Biological?

16 A Biological.

17 Q He's also --

18 A Excuse me.

19 Q He's also the individual that took your youngest
20 son's life?

21 A Right.

22 Q He's also the individual that took the life of
23 J.H. ?

24 A Right.

25 Q And knowing all that, what kind of bond or

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1 relationship do you still have with him?

2 A Same as always. Still love him.

3 Q And you have been involved in his life since he
4 was born?

5 A Yes.

6 Q Now, being a grandfather, what kind of
7 relationship did y'all have? Any kind of like
8 grandfather/grandson day?

9 A We went to movies. We -- I carried him to the
10 mountains with me. We have a camper in Cherokee. He
11 loved the mountains.

12 Q And so when you would go to the movies, was this
13 kind of every week, or was it a once a month, or how
14 did y'all do it?

15 A It was a couple of times a month probably. We'd
16 stop by McDonald's on the way, have lunch, stop by QT
17 on the way back. He liked them hot wieners. We'd stop
18 a get a hot wiener.

19 Q And since he's been incarcerated from
20 September 28, 2016, he went to the Greenville County
21 Detention Center where the juveniles were?

22 A Yes, sir.

23 Q He's been to Columbia?

24 A Yes, sir.

25 Q And he's currently now in Anderson County

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1 Detention Center?

2 A Right.

3 Q Now, have you been visiting him, you and your
4 wife?

5 A Every time we could.

6 Q How many times a week would y'all go?

7 A To start off with, it was three times a week. And
8 then we worked it out where one, Tiffney or I, would go
9 on Monday by herself and -- no, we'd go together on
10 Monday. Tiffney would go on Wednesday by herself, and
11 Patsy and I would go on Friday by ourselves. That way
12 we wouldn't have so much traveling to do.

13 Q It's fair to say that you and your wife and
14 Tiffney Osborne have a strained relationship?

15 A Yes, sir.

16 Q But y'all still work enough between y'all for the
17 benefits of Jesse, to go see him?

18 A Right.

19 Q Now, when -- since he's been out in the county
20 detention center, have y'all been going out there, too?

21 A Yes, sir.

22 Q And, actually, after he got done with Greenville
23 and he went to Columbia, did y'all go down and visit
24 him there, too?

25 A Yes, sir.

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1 Q Besides visiting him, y'all communicate with him
2 in any other form or manner?

3 A Twice a day he calls us.

4 Q So y'all talk to him twice a day every day?

5 A 15 minutes twice a day.

6 Q And so you have a little knowledge of what went on
7 with Jeff, Jesse, Tiffney in their household?

8 A A little bit, yes, sir.

9 Q Do you believe the living conditions that Jesse
10 was in at the time was it a positive -- have a positive
11 or negative impact upon him?

12 A A negative.

13 Q Now, they played some audio tapes yesterday
14 talking about phone calls in the jail. Was that you,
15 your voice, on those phone calls?

16 A That was me. I couldn't even understand my own
17 self.

18 Q And they also showed a videotape of you and Jesse.
19 Jesse was doing something with a bottle, like a little
20 bottle bomb or something like that. What was all that
21 about?

22 A He was being home schooled, as you know. And on
23 the science program that day, they took a water bottle
24 and put a little bit of Drano and poured some water and
25 screwed the lid on, shook it up and throwed it, and it

1 popped. It would blow up.

2 Q You say that was a science project?

3 A Yeah, off of TV or off the computer.

4 Q And he was experimenting, playing around with it?

5 A Yeah. And I thought it was fun, he and I both
6 did, because I never seen anything like it.

7 Q Now, Jesse, growing up, what kind of activities
8 was he involved in that he liked to do?

9 A Well, he was on -- he shot a bow and arrows, so I
10 guess on a bow team, or I don't know what kind of team
11 you call it, but he come in, I think, second or third
12 in the state in his age bracket. That's how good he
13 was. And he liked to do Battle Cats. So we'd bring
14 him down and watch him do Battle Cats.

15 Q Is that with the airsoft guns?

16 A Airsoft guns.

17 Q And you said, you mentioned he liked to go to the
18 mountains with y'all?

19 A Yeah. He liked to go swimming and --

20 Q Did he enjoy going up there?

21 A Oh, yeah, loved it.

22 Q Did he have friends? Did he fit in up there?

23 A With most of them. But most of them, he was with
24 the smaller kids because the bigger kids would try to
25 pick on him or not let him have anything to do, and

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1 Jesse would bring them in and let them play and he
2 would play with them.

3 Q And I believe it was Dr. Ballenger mentioned,
4 something with a baseball bat, Jeff had hit Jesse with
5 a baseball bat, yesterday. Do you know when you first
6 became -- had knowledge of that?

7 A When we went to the mountains, he had come in with
8 a towel around him. And he took his towel off. He had
9 been swimming. And Patsy seen the blue -- that's my
10 wife. She had seen the blue places on his stomach.
11 And she asked him, and he finally told her that his
12 daddy had hit him with a ball bat. I have no
13 firsthand.

14 Q But that's what he was referring to?

15 A That's what he was referring to.

16 Q And personality-wise, how would you describe
17 Jesse?

18 A He was more of an introvert than he was an
19 extrovert. He didn't make friends easy because he
20 didn't want you to -- he was sort of stand-offish,
21 let's put it that way.

22 Q I think Dr. Teichner testified yesterday that he
23 found him a little odd, a little strange?

24 A Well, I didn't think it strange because I don't
25 want nobody touching me.

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1 Q Now, for his age, would you, based on your
2 interactions with him, did you think he was mature for
3 his age, immature for his age?

4 A He was about normal for his age.

5 Q Now, Ryan talked a lot about a lot of fussing or
6 squabbling going on between Tiffney and Jeff. Was
7 Jesse ever caught in the middle of this?

8 A Oh, yeah.

9 Q How would you know this?

10 A Well, at one time, he was -- the law was called,
11 Tiffney called the law, and said that Jeffrey was
12 beating on her. Well, the law got down there and there
13 wasn't no red places. And the kids told them that
14 Jeffrey hadn't touched her, it was all her, she was the
15 one that was cussing and carrying on.

16 And Mary Lee brought Jesse up to the house, her
17 and Ryan and Jesse come to the house, and the law said
18 one of them had to leave. And they didn't charge
19 Jeffrey with nothing. And she left. She come up there
20 and jerked Jesse out of Patsy's arms.

21 Q Any other times had Jesse come on his own up to
22 your house, if he was having -- they were having issues
23 at the home, to see y'all?

24 A Yeah. He rode his bicycle up there one Sunday.
25 They were having an argument, I guess is what you call

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1 it, and one of them left, and then the other one left
2 and told him to stay down there at the house until they
3 got back. Well, that's down there at that house, it's
4 in the woods, so he rode his bicycle up to the house.

5 Q How old was he at this point in time?

6 A Probably 10, 11.

7 Q Is that kind of when you first started noticing
8 there might be some issues at the house?

9 A Yeah.

10 Q And between his parents' disputes, did you ever
11 notice a change in Jesse, in his demeanor, his
12 personality?

13 A Well, he had been an honor student since he was in
14 4-K, and all of a sudden, he was failing grades and
15 couldn't figure out what was going on. And then that's
16 when he got, I guess, first time he got in trouble,
17 when he had the hatchet.

18 Q Let's talk about -- a little bit about Jesse's
19 schooling. He went to Townville Elementary School?

20 A Right.

21 Q I think it was 4-K through the fifth grade?

22 A Yes.

23 Q And how was he doing academically at the school?

24 A He was on AB honor roll every year.

25 Q From what age or grade up to that?

1 A Every year he was there, he was on the AB honor
2 roll.

3 Q And at some point we heard testimony that he would
4 fake or say he's ill so he didn't have to go to school.
5 Did you start seeing or noticing that, a pattern of
6 that?

7 A Yeah. He had a little friend. He moved here, I
8 think, from Tennessee. And Jesse and the boy got to be
9 big buddies. Well, the boys that Jesse had been
10 buddies with, a couple of them brought knives to school
11 and was going -- wasn't going to cut Jeffrey, they was
12 going to cut the other little boy. And Jeffrey told,
13 and Jeff and Tiffney didn't go up there and say
14 anything about it, so I did.

15 So the teacher, the principal didn't lie when she
16 was asked when court went on last time, because he
17 asked her if the parents ever went up there. The
18 parents didn't, I did.

19 Q Did that cause a problem between you, Jeff, and
20 Tiffney?

21 A Yeah, they wouldn't let him come up to the house
22 for a long time after that. And when they did, he
23 could come one time a week for one hour.

24 Q They pretty strict on that?

25 A Yeah.

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1 Q Was that to punish y'all?

2 A I guess it was to punish me because that was their
3 child. "I'll take care of my child. Don't you worry
4 about it." But they wasn't taking care of him.

5 Q Well, in effect, it's to punish Jesse?

6 A Yeah.

7 Q Now, are you and Patsy the closest to him, you
8 think?

9 A I think so.

10 Q Did he have any friends his age?

11 A Well, he did for a while until the parents quit
12 letting them come over there, because between the two
13 of them, they get drunk and holler and carry on while
14 the kids were there. They would go tell their parents,
15 and they couldn't come spend the night no more.

16 Q So he didn't have children sleeping over?

17 A No.

18 Q And at Townville Elementary School, you reported
19 the bullying; is that right?

20 A Yeah.

21 Q And, in your opinion, did they do anything to
22 address the situation?

23 A They did, but the way they handled it was she
24 called the two bullies in with the book bags. She
25 didn't search the book bags. They had the knives in

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1 their book bags at that time. She didn't search book
2 bags, and she made it look like it was Jesse's fault
3 because he told.

4 Q How was it on him after that at school?

5 A He didn't like it.

6 Q Did his grades start suffering?

7 A Some, but he still was on AB honor roll. That's
8 when they took him out, carried him to West-Oak Middle.
9 High. Middle.

10 Q So Tiffney and Jeff's decision was because of what
11 was going on at Townville, they removed him from that
12 school?

13 A Right.

14 Q I believe that school goes to the sixth grade?

15 A Yeah. Then they go to Riverside.

16 Q And they put him in West-Oak?

17 A West-Oak Middle School.

18 Q And since -- I guess it's out of their school
19 district; is that right?

20 A Right. They had to pay.

21 Q They had to pay for him to go to school there?

22 A Yes, sir.

23 Q Now, when he went to West-Oak, did things improve
24 or get better for him?

25 A No. They wanted him to get on the wrestling team.

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1 He didn't want to. He could care less about wrestling
2 because he wasn't into all of that. And the little boy
3 that was on his team, he was the bully, but he was
4 number two, I think, in the state in his weight
5 bracket, so he'd get by with whatever he wanted to.

6 So the school teachers, nobody would do anything
7 to him until, finally, they got one of the counselors
8 to keep that little boy out in the hall until everybody
9 else went in the bathroom, because that's where the
10 little boy did the bullying. So that boy couldn't go
11 to the bathroom until all the other boys went in and
12 come out, then he could go in there by himself.

13 Q So he was physically assaulting students in the
14 bathroom?

15 A That's -- yeah.

16 Q And so this type of behavior continued on, and it
17 got to the point that Jesse took a hatchet and a
18 machete to school?

19 A Well, it wasn't for him. He had -- there was a
20 little girl that was autistic, and nobody would eat
21 with her or have anything to do with her. And Jesse
22 took her under his wing. He'd eat with her and talk to
23 her. And the same little boy started picking on the
24 little girl, and that's when Jesse carried the...

25 Q And as a result of that, he was eventually charged

1 with carrying those weapons on to school grounds?

2 A Right.

3 Q And he was expelled from the school?

4 A Right.

5 Q Now, prior to him being expelled, did he ride the
6 school bus home, or how did he get back to the house?

7 A Well, he would ride the school bus to Oak -- Fair
8 Oaks for elementary school. We'd have to go up there
9 and pick him up, or his mama or daddy or Patsy, one, or
10 I would go pick him up.

11 Q He stayed with y'all in the afternoons?

12 A Yeah, until his parents got home from work.

13 Q So when he would stay at y'all's house after
14 school, what did y'all do?

15 A We fed him and tried to get him to study and that
16 sort of stuff.

17 Q Now, after he was expelled, did you notice any
18 type of change in personality with him?

19 A Oh, yeah. He just wasn't the same, same child no
20 more.

21 Q And in what manner or way?

22 A He just went into hisself, is what I would call
23 it.

24 Q More withdrawn?

25 A Yeah.

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1 Q Now, so at this point in time he's being home
2 schooled?

3 A Right.

4 Q And how was that done, do you know?

5 A He'd come up to our house while his mama worked
6 and Jeff worked the chicken houses because school
7 started while Jeff was in the chicken houses.

8 Q And was it done online?

9 A Yeah, it was done online.

10 Q And did he have any interaction with anybody his
11 age at this point in time?

12 A No. No.

13 Q So the only interaction he had with other
14 individuals is, basically, you, Patsy, his mom and dad
15 during this time?

16 A And whoever come to see him.

17 Q Now, prior to him being expelled, was the bullying
18 of Jesse brought up to the attention of the
19 administrators at West-Oak Middle School?

20 A Yes. When he got expelled, I think there were
21 about 75 people put on Facebook that night that they
22 had to take their kids out because this same boy was
23 bullying them and the administrators wouldn't do
24 nothing about it, so they moved their kids out of
25 school, too.

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1 Q So West-Oak Middle School was doing nothing to
2 protect the students?

3 A Doing nothing to protect nobody except their
4 wrestling team.

5 Q After it was reported to the administrators,
6 things didn't get better for Jesse at the school?

7 A For nobody, no.

8 Q So they really dropped the ball, in your opinion?

9 A Yeah.

10 Q Now -- so now he's expelled and he's at your
11 house, and he was working -- I guess he was dealing
12 with the juvenile justice system at that point in time?

13 A Right.

14 Q And at some point he went down to Columbia?

15 A He went down there to be evaluated.

16 Q And when he came back -- he was evaluated down
17 there, and he came back to Anderson?

18 A Right.

19 Q As a result of that, was he put on probation,
20 house arrest, what was his punishment?

21 A I guess you would call it house arrest. He had
22 his little band around his ankle. And every day, when
23 he'd come up to the house for school, Patsy would make
24 sure his battery was charged.

25 Q Was it a GPS monitoring-type system?

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1 A Yeah.

2 Q How did that make him feel that you observed?

3 A He didn't especially like it. He didn't want to
4 go to the mountains with us because he couldn't go
5 swimming with it on.

6 Q And would he go out to do things with other
7 individuals when he had this band on, this monitor on?

8 A Yeah, but he had to call and get permission if he
9 left to go to town or wherever he went.

10 Q So he's being home schooled right now. Was it
11 about that time that the Department of Social Services
12 was called?

13 A I think so, yes. That's whenever they accused
14 Patsy of calling.

15 Q And tell the Court the effect that this call to
16 DSS had upon the family and had upon Jesse.

17 A Well, it split us all just because they accused
18 Patsy -- she did -- and then got Jeffrey involved in
19 it, and then he accused her. And she went down to find
20 out what was going on, the reason they wouldn't let
21 Jeff -- or Jesse come up to the house. And she just
22 asked Jeff. He says, "You know." She said, "No, I
23 don't." "Yeah, you do, you know," because she had
24 convinced him that Patsy was the one that called.

25 Q Now, as a result of this investigation with the

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1 Department of Social Services, nothing came out of it;
2 is that right?

3 A No, nothing. Well, Jeff had to go to classes, but
4 Tiffney didn't go to them. Jeffrey went.

5 Q And after this point, was Jesse allowed to come
6 down to y'all's house after this?

7 A Once a week.

8 Q And how long was that for?

9 A For one hour.

10 Q So during this time frame, he's at his house the
11 entire time?

12 A He's in a dungeon, is what I called it.

13 Q Is that the basement of the house?

14 A That's the basement. He wasn't allowed out.

15 Q Is that where his bedroom was located?

16 A Yeah. I bought him a fence to put his rabbit in
17 so he could have his rabbit.

18 Q And talking about the rabbit, what kind of
19 relationship did he have with this rabbit?

20 A He talked to him just like he did a person,
21 because that's all he had to talk to.

22 Q So at this point you feel like he felt like he was
23 isolated?

24 A Totally.

25 Q And he had no friends his age?

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1 A No.

2 Q He didn't socialize with any peers of his age?

3 A No. No, sir.

4 Q The only communication he would have would be on
5 the Internet?

6 A Yeah.

7 Q And he stayed home all day by himself?

8 A Yeah.

9 Q How long would he stay in his room, do you know?

10 A Probably 13, 14 hours a day.

11 Q So unless he's doing schoolwork, he's in his room?

12 A Yes, sir.

13 Q And at this point Ryan is not at the house?

14 A No, sir.

15 Q Mary Lee is not at the house?

16 A No, sir.

17 Q And he can't come to see y'all like he used to?

18 A No.

19 Q He was unhappy, wasn't he?

20 A Yes, sir.

21 Q Now, talk about September 28, 2016. Let's start
22 off with the morning.

23 Did you have any communication or conversations
24 with either Jeff or Jesse that morning?

25 A Both. I saw the people that was going to build

1 his other two chicken houses. They were building or
2 doing the trench down where they put up the concrete,
3 and so the dogs and I got on the old golf cart. I got
4 an old gas golf cart so I can go across the field in
5 it.

6 And we went up there to watch them, and I heard
7 the tractor. And before the house, at the time we just
8 had four houses. So we rode on over there, and Jeff
9 come out to meet me. I said, "So I see you got your
10 permits." He said, "They in town, but I can't go get
11 them." I said, "Why?" He said, "I don't have the
12 money." I said, "How much they cost?" He said, "Well,
13 up to a couple weeks ago, they was a hundred dollars."
14 He said, "I think that's the reason they helped me out
15 until they could raise the price of the tickets -- the
16 permits."

17 And I said, "Well, you put the tractor up, get you
18 a shower, come by the house, get you a check. We'll
19 sign it. You go get it." That's what he done.

20 Q Did he come by the house to get a check?

21 A Yes, sir.

22 Q He went to town. When you're talking about town,
23 he went to Anderson?

24 A Yes, sir.

25 Q At this point, had you had any conversations or

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1 seen Jesse at this point?

2 A I don't know that he had when he went down to the
3 house, no, sir.

4 Q I'm talking about you. Did you have any? Did you
5 see Jesse at this point? Was he outside with his dad,
6 or was he at the house?

7 A No, he was at the house with his mother.

8 Q And he went to Anderson, got the permits. Do you
9 know if he actually got them?

10 A Yes, he got them.

11 Q And how do you know this?

12 A Well, he come by the house. He blowed the horn,
13 and I was on the carport, and he waved them out the
14 window.

15 Q And when you met him that morning, did he appear
16 to be drinking?

17 A (Shaking head).

18 Q Did he drink in the mornings?

19 A No.

20 Q So when was the next contact --

21 (Witness crying.)

22 Q I know we're talking about some difficult stuff,
23 Mr. Osborne.

24 Do you need a second, or are you okay?

25 A Yeah.

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1 Q Do you want to continue?

2 A Yeah.

3 Q Now, Jeff had come back to the house after getting
4 permits? .

5 A Right.

6 Q And it's my understanding you hadn't seen or
7 talked to Jesse that morning at that point in time, up
8 to that point in time?

9 A No, I hadn't.

10 Q When was the next time you had -- by the way,
11 about what time was this that he came back?

12 A Around 12:00, 12:30, somewhere in that
13 neighborhood.

14 Q When was the next time did you have any
15 communication with either Jeff or Jesse?

16 A Patsy got a phone call from Jess, and he was just
17 screaming. And she come and got me and said,
18 "Something's wrong with Jesse." And she got on the
19 golf cart. I said, "No, let's go in the truck. It's
20 quicker."

21 So we got in the truck and went down there, and
22 the front door was open. And usually it was closed and
23 Jeff met us on the porch, but he didn't this time.
24 When I got up to the door, it was unlocked, and I could
25 see Jeff on the couch. And I went in. Patsy come in

1 with me, and I looked at him. I said, "Call 911. Let
2 me go see if I can find Jesse."

3 So I went through the house looking for Jesse. I
4 didn't know what had happened. And all of a sudden, my
5 phone rang, and it was Jesse. And he's crying. I
6 said, "Where are you?" He said, "I'm down at the
7 school." I said, "How did you get there?" He said,
8 "My daddy's black truck." And I hadn't noticed it
9 being gone whenever we went down there.

10 So I told him, I said, "You stay right where you
11 are, and I'll be there in just a minute." And it's
12 about, from their house, about three and a half miles
13 to school. I probably made it in three minutes.
14 Usually takes five or so.

15 And when I pulled up, the cops were -- had me
16 surrounded, got me surrounded. And they already had
17 him on the back side of the school. And they wouldn't
18 let me see him.

19 Q So he was already in custody by the time you got
20 there?

21 A Right.

22 Q And you see Jeff's truck there at the school?

23 A No, sir.

24 Q Have you ever seen Jesse drive that truck before?

25 A No, sir, he had never driven it.

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1 Q Since that day -- and that day was September 28,
2 2016?

3 A Right.

4 Q And he's been incarcerated since then?

5 A Ever since.

6 Q I calculate 1,142 days as of today. And since
7 that time, you and Patsy and Tiffney continue to see
8 Jeff -- or Jesse on a regular basis?

9 A Yes, sir.

10 Q Have you noticed a change in him since he's been
11 incarcerated?

12 A Yes, sir.

13 Q In what way and manner?

14 A Well, when he was incarcerated, I think he hated
15 the world just because he got to be a devil worshipper
16 offline, and he got saved and started reading his
17 Bible, and he was just happy. He had friends instead
18 of being stuck in that hole down there all the time.

19 He had friends to talk to, books to read,
20 competition, somebody as smart as he was to compete
21 with him. There wasn't that many of them, just one,
22 and they competed against each other.

23 Q And he was in a structured environment?

24 A Right.

25 Q And he went to school there?

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1 A Went to school every day.

2 Q And I believe there was testimony that he
3 graduated?

4 A Graduated in two years.

5 Q Y'all had a party for him, or they had a party for
6 him?

7 A Yes, sir.

8 Q How was he? Was he happy about that?

9 A Oh, yeah.

10 Q So he didn't get a GED, he actually got a high
11 school diploma?

12 A He got a high school diploma. He finished
13 24 units in two years, on the honor roll.

14 Q And he was doing this -- he was -- at this point
15 in time, he's in a structured environment away from his
16 family life?

17 A Right.

18 Q Now, since he's been incarcerated, has he ever
19 talked to you about his plans for the future, what he
20 hopes for?

21 A Yes, sir. He wants to be a missionary preacher.

22 Q I think at one time he wanted to be an astronaut?

23 A That's to start off with, before he got saved.

24 And while he was at Greenville, I think he
25 brought, like, 10 or 15 young people to Christ while he

1 was there.

2 Q Now, you know Jesse is going to prison?

3 A Right.

4 Q Have you and Patsy talked about potentially his
5 future or trying to help him if he, potentially ever,
6 there is a chance he may get out?

7 A Yes, sir.

8 Q And you understand that, whatever the judge
9 sentences him, he's facing 30 years to life?

10 A Right.

11 Q If he has an opportunity to get out, it's going to
12 be a totally different world?

13 A Oh, yeah.

14 Q So what type of plans have y'all been talking
15 about or implementing for Jesse if he gets out?

16 A There will be money, land, and a couple, good
17 Christian couple, to take care of him, teach him how to
18 buy groceries, drive a car, whatever he needs to take
19 care of him.

20 Q Are you talking about people through your church?

21 A Yes.

22 Q Where do you attend?

23 A Yes.

24 Q What church do you attend?

25 A Oakdale Baptist.

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1 Q So the church has been involved --

2 A Ever since day one.

3 Q -- with the assistance of Jesse's future?

4 A Yes.

5 Q Now, when Jesse goes down, he's incarcerated in
6 the Department of Corrections, do you think he still
7 needs to seek therapy, have therapy?

8 A Probably. Probably, yes.

9 Q If there is a chance for a private, outside
10 therapy or counseling that could be offered to him,
11 would you and Patsy be willing to pay for that?

12 A Yes, sir.

13 Q And would you continue and be willing to see Jesse
14 while he's incarcerated, wherever he is placed?

15 A Yes, sir.

16 MR. CAMPBELL: Court's indulgence.

17 Q Just a couple more questions, Mr. Osborne.

18 A Okay.

19 Q Now, when Jeff -- when Jesse was getting bullied,
20 he told his parents about it?

21 A Yes.

22 Q And how did they respond? How did they react
23 regarding the bullying? What steps did they take to
24 try to alleviate the situation?

25 A They didn't do anything at Townville. Now, they

1 did at West-Oak. They went up there and talked to the
2 principal up there, talked to the counselors. Nobody
3 would do anything except one counselor.

4 Q And how about how did Jeff, himself, address Jesse
5 regarding the bullying?

6 A Jeffrey thought he ought to take up for himself,
7 ought to have been like him. You bully me, I'll get
8 you back at least two or three times as bad as you get
9 me. And Jeff -- Jesse didn't have that demeanor.

10 Q And you know a horrible crime has been committed?

11 A Oh, yes.

12 Q Hurt your family, hurt the Hall family, hurt the
13 community?

14 A Oh, yeah.

15 Q And you're not making any excuses for Jesse?

16 A No.

17 Q In all this, you and your wife still love Jesse?

18 A Oh, yeah.

19 Q Is there anything you think you need to add that
20 we have missed or left out that you think the Court may
21 like to know?

22 A I think you've done a good job. He will be taken
23 care of when he's -- if he ever gets out. You don't
24 have to worry.

25 Q Okay.

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1 MR. CAMPBELL: I have no further questions, your
2 Honor.

3 CROSS-EXAMINATION

4 BY MR. WAGNER:

5 Q Mr. Osborne, did you raise the two boys yourself?

6 A Yes.

7 Q Did you punish them when they were growing up?

8 A Yes, sir.

9 Q Did you spank them?

10 A Yes, sir.

11 Q Okay. So is there anything unusual about spanking
12 a child when they misbehave?

13 A There is a difference in spanking and beating one.

14 Q Okay. And so, by your testimony, the beatings,
15 were they just, like, atrocious, just, like, horrible,
16 like Ryan --

17 A I have no idea. Just what Ryan said yesterday.

18 Q But you never told anybody about that, did you?

19 A No, I didn't know.

20 Q It's your grandson, and according to you, he's
21 being beat --

22 A He wasn't --

23 Q -- beat horribly?

24 A He wasn't -- he wasn't supposed to tell nobody.

25 Q But you didn't tell, you didn't report it, you

1 never did anything?

2 A I know about the bruises on his stomach. That was
3 the only question I was asked.

4 Q And you didn't report it?.

5 A No.

6 Q You never reported it?

7 A No. Somebody already reported him to DSS.

8 Q Okay.

9 A And we were blamed for it.

10 Q Were you aware when DSS came down there?

11 A No.

12 Q Were you there?

13 A No.

14 Q Were you there when Patsy told --

15 A No.

16 Q -- Jesse's sister to lie?

17 A No.

18 Q And he scared you so much, you had to carry a .38
19 down there?

20 A Well, he threatened to whoop me two or three
21 times, and I have had four bypasses, seven stents, one
22 stroke -- well, I have had eight bypasses, all told.
23 So I'm a walking dead man and there ain't nothing going
24 to beat on me.

25 Q Four days prior to your grandson gunning down his

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- 1 dad and gunning down J.H. and shooting those
2 other kids on the playground, y'all were on video
3 here -- we watched it this week -- shooting a rifle,
4 shooting a shotgun --
- 5 A Not I. Not I.
- 6 Q You weren't there?
- 7 A No, sir.
- 8 Q Maybe I thought I heard your voice there.
- 9 A No, sir.
- 10 Q But they were shooting. Did you see the video?
- 11 A Yes, I saw that video.
- 12 Q So you said that Jeffrey, for all his faults --
13 and, now, granted, I have nothing to dispute that he
14 wasn't an alcoholic. It appears by all --
- 15 A He was a great man when he wasn't drinking.
- 16 Q He provided for everything?
- 17 A He provided for them.
- 18 Q He got up at 5:00 in the morning, worked every
19 day, didn't he?
- 20 A Yeah.
- 21 Q They had a nice house, didn't they?
- 22 A Yeah.
- 23 Q It was clean?
- 24 A He kept it clean, yeah.
- 25 Q I saw the pictures.

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- 1 A Yeah.
- 2 Q It was a clean house. It was a nice house. It
3 was a modern house?
- 4 A Yeah.
- 5 Q You refer to the basement as a dungeon. He had
6 his own bathroom down there?
- 7 A He had his own bathroom.
- 8 Q He had a bed?
- 9 A His own TV.
- 10 Q He had a big TV. He had all the video games --
- 11 A And he stayed down there 13 hours a day.
- 12 Q He had all the video games he could want?
- 13 A What would you call it?
- 14 Q He had all the video games that he --
- 15 A What would you call it if you stayed 13 hours a
16 day by yourself?
- 17 Q He had all the airsoft guns he wanted?
- 18 A I bought him airsoft guns, too.
- 19 Q His daddy took him shooting.
- 20 I guess my point is, sir, he was not a bad dad.
21 He did a lot for him, didn't he?
- 22 A He done a lot for him. While he was sober, he was
23 a great dad.
- 24 Q Did you take Jesse to church?
- 25 A Do what?

1 Q Did you take Jesse to church growing up?

2 A The bus would come by there, and when it did, it
3 would come by the house, picked him up at the house.
4 When it didn't, he went with us. He went to Awana.

5 Q You never reported to DSS, to the police, to
6 anybody --

7 A No.

8 Q -- these bruises and the stuff that you saw that
9 went on?

10 A No.

11 Q All this time you let it happen and said nothing?

12 A No. We asked Jeffrey what was going on. You
13 know, why was he doing that.

14 Q When did you report him?

15 A Would you report your own son?

16 Q Was it your son or your grandson?

17 A Well, it was my grandson that was getting it, but
18 would you report your own son to DSS?

19 Q That's what I'm asking you is, are you going to
20 stick up for your son or stick up for your grandson?

21 A I didn't stick up for neither one of them at that
22 time.

23 Q You bought your son farm equipment, right?

24 A Yeah.

25 Q Loaned him a lot of money. Put your land up to

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- 1 the bank for four chicken houses?
- 2 A Yeah.
- 3 Q You loved your son, right?
- 4 A I didn't understand you.
- 5 Q You loved your son, right, Jeffrey?
- 6 A Oh, yeah. Still do.
- 7 Q You love your grandson, right?
- 8 A Still do.
- 9 Q Jeffrey is gone. He can't come back.
- 10 A Don't matter. I still love him.
- 11 Q But he can.
- 12 A Yeah.
- 13 Q Right?
- 14 A Right.
- 15 Q Patsy took him a burger at 11:00 o'clock, roughly,
- 16 that morning, do you remember that?
- 17 A Right.
- 18 Q So --
- 19 A Yeah, cheeseburger.
- 20 Q Y'all fed him a couple hours before he killed his
- 21 daddy?
- 22 A Well, he didn't eat his food that day. His dad
- 23 ate the food.
- 24 Q Okay.
- 25 A Okay.

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1 Q So when he was saying he was eating a burger on
2 the Instagram, he was lying?

3 A Well, he might have eat part of it, but his dad
4 eat.

5 Q All right. Right about the time he was combing
6 his hair, he said, "I got to look fabulous" --

7 A I can't hear you. Speak up.

8 Q Right about the time that he was combing his hair
9 and saying, "I got to look fabulous when I'm fixing to
10 go shoot a place up," about the time y'all brought him
11 that burger?

12 A I don't know.

13 Q Okay. Do you remember telling investigators that
14 Jeffrey (sic) was very smart?

15 A Yes.

16 Q And he is a smart kid, isn't he?

17 A Yes, he is.

18 Q I mean, he knows.

19 Any reason Jeffrey would have thought or had any
20 reason to know, that you know of, that he was into
21 Columbine, researching -- that Jesse was researching
22 Columbine?

23 A No, because he stayed down there all the time in
24 the basement. They didn't know what he was doing.

25 Q Were you aware that he had an obsession with

1 Columbine?

2 A No.

3 Q You weren't? Is it possible that Jeff was? Did
4 he know?

5 A I have no idea.

6 Q Would it surprise you in May of 2016 that Jeff
7 thought it was inappropriate to write about a school
8 shooting with Columbine in his homework?

9 A I didn't understand you. Speak up. I can't hear
10 you.

11 Q Jeffrey commented that he thought it was
12 inappropriate that Jesse would be writing about a
13 Columbine shooting. That was in May.

14 A I have no idea.

15 Q So he knew, if that's true?

16 A If that's true, he knew.

17 Q Okay.

18 A I didn't.

19 Q But you guys knew nothing about that, nothing
20 about Columbine, nothing about the obsession?

21 A He told me one time when we went to the mountains
22 that somebody had told him to look up Columbine. And
23 the same woman that was there, it was this one and this
24 one and this one, and they convinced him on the
25 computer that it was all a hoax, that none of that

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1 happened.

2 Q So you did know about it --

3 A So he didn't believe none of it happened. As far
4 as I was concerned.

5 Q And Jeffrey told you that making these --

6 A No, Jeffrey didn't tell me nothing.

7 Q I mean Jesse told that you these chemical bombs
8 were a school project?

9 A They were on -- he told me he saw them on his
10 schoolwork, and that's where he had been, was on his
11 schoolwork. And he come out and told me about them.

12 Q And he taught you how to make them?

13 A He showed me.

14 Q Showed you?

15 A Yeah. Because that's --

16 Q Were you aware that, around that same time frame,
17 he was saying on the Internet -- we looked at this the
18 other day --

19 A No. No.

20 Q -- "the complex is basically my pressure cooker
21 bombs and simple pipe comes and chemical bombs. Okay.
22 If you want cheap and simple bombs, first you start up
23 with the Drano bomb. It's made of Drano crystals,
24 tinfoil, and water."

25 A That's what we done.

1 Q "And something else to contain it in. You pour
2 just about half a cup of Drano into the bottle in any
3 thin metal container. Then you crumble up pieces of
4 five to ten big piece of tinfoil and put them in the
5 container with the Drano.

6 "Then once you're ready to detonate them, pour the
7 water in a container. Make sure you close the lid fast
8 or it will blow up in your hands, and then throw it,
9 and anything in the area will be hit by shrapnel,
10 burning chemicals, which could melt human skin and
11 bones." And then he adds a smiley face. That was
12 funny. But he told you it was a science project?

13 A Yeah.

14 Q And you believed him?

15 A Yep. We made them, and I throwed them. It was
16 just --

17 Q Have you ever Jesse lying to you?

18 A Yeah, I caught him and his mama both lying to me
19 at Greenville.

20 Q He was down there in jail last couple of weeks, on
21 the phone and she's talking to him?

22 A Yeah.

23 Q And he's telling you that he had nothing to do,
24 all this was made up, he wasn't trying to do nothing,
25 he wasn't trying to escape?

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1 A No, he didn't.

2 Q Yes, he did.

3 A He told me when he got back from Columbia, he
4 called me, said he had been arrested for trying to
5 break out of prison and told me exactly what he had
6 done. Him and the little Stephen boy, or whatever his
7 name is, had took something and broke off some cement.
8 Didn't break off no rocks, broke off some cement, and
9 it was going into another jail cell. But he was
10 arrested for breaking it out, going outside. And I
11 said -- and I'll tell you exactly. You heard it
12 yesterday. I said, "Yeah, he's got to be elected
13 again, so he's trying to get everything on TV he can."
14 And that's exactly what I meant. And I'll tell you to
15 your face.

16 Q I know you're a big fan of mine.

17 A Yeah. I don't mind it at all.

18 Q He told you initially on that phone call that he
19 didn't do anything, that they're making it up; is that
20 not correct?

21 A No, he didn't. He told me that y'all was
22 arresting him or he was being charged with knocking a
23 wall out. Well, the wall wasn't knocked out, just a
24 little bit of the cement on the side of the bricks was
25 knocked off.

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- 1 Q Okay.
- 2 A We seen it on TV yesterday. Everybody seen it.
- 3 Q Have you set up a trust fund for him if he ever
4 gets out?
- 5 A Not yet, but I will.
- 6 Q Okay.
- 7 A I've got it ready.
- 8 Q So you'll have money, land, if y'all aren't still
9 around, Christian couple to take care of him?
- 10 A I won't be around. There will be somebody to take
11 care of him.
- 12 Q So he's got something in his future there to look
13 forward to?
- 14 A Yes.
- 15 Q What kind of future do you think J.H. has?
- 16 A Well, if he does what I want him to do, he'll be a
17 rich man. If he don't, if he wants to be a preacher,
18 he can go save lives, whichever one he wants to do.
19 He's got the money to do either one of them.
- 20 Q Let me ask you one more time. What kind of future
21 does J.H. have?
- 22 A Who?
- 23 Q J.H. .
- 24 A He don't have none. And my son don't have none
25 either. There ain't no difference in him and my son.

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1 MR. WAGNER: That's all I've got.

2 THE COURT: Mr. Campbell, any further questions?

3 MR. CAMPBELL: No, your Honor.

4 THE COURT: Thank you, sir. You may step down.

5 Let's take about a ten-minute break.

6 (WHEREUPON, a recess was taken from 10:20 a.m. to
7 10:36 a.m.)

8 THE COURT: Ready for your next witness?

9 MR. EPPES: Yes, sir, your Honor. We call
10 Dr. Donna Maddox to the stand.

11 DONNA SCHWARTZ MADDOX, M.D.,

12 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

13 THE CLERK: If you would, take the stand and state
14 your name and spell your last name for the reporter,
15 please.

16 THE WITNESS: Donna, middle name Schwartz,
17 S-c-h-w-a-r-t-z, last name Maddox, M-a-d-d-o-x.

18 (WHEREUPON, Defendant's Exhibit Number 6 was
19 marked for identification.)

20 DIRECT EXAMINATION

21 BY MR. EPPES:

22 Q Dr. Maddox, I'm handing you what's been marked as
23 Defendant's Exhibit 6.

24 Can you identify that?

25 A Yes. This is a copy of the report I provided

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1 Monday morning.

2 Q That's the report that you did in this case?

3 A Yes, sir.

4 MR. EPPES: And, your Honor, I previously provided
5 a copy to you and to the prosecution.

6 THE COURT: I, actually, have not seen that
7 report. If you gave it to me -- it's okay.

8 MR. EPPES: Then I apologize.

9 THE COURT: It's all right.

10 MR. EPPES: I guess I didn't give it to you.

11 THE COURT: If you did, it got caught up in some
12 other papers.

13 BY MR. EPPES:

14 Q Dr. Maddox, as an initial matter, you heard the
15 cross-examination of Mr. Osborne, and there was a brief
16 discussion about Jesse's home.

17 Have you ever been out to that home?

18 A I have.

19 Q And did you ever see Jesse's room in that home?

20 A I did.

21 Q And do you remember when that was vis-a-vis when
22 this crime took place?

23 A Yes. I went out there on February 4th, 2018. I
24 went through the home, did a home inspection,
25 interviewed Tiffney Osborne briefly. And then

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1 Mr. Campbell and I drove out to Townville Elementary
2 School, and I also surveyed the crime scene there. It
3 certainly wasn't a crime scene anymore, but certainly
4 looked at the school.

5 Q How would you describe the room that was Jesse
6 Osborne's bedroom?

7 A Jesse's bedroom was downstairs. The house was a
8 very nice house. Came up. There were dogs. Very
9 neat, well-kempt house, very upper middle class.

10 Downstairs, the basement, you go downstairs.
11 There is a living area upstairs. I believe there is a
12 living room, a kitchen area. You go downstairs, and
13 what I recall, there were two bedrooms down there.
14 Jesse's was on the left, if you are facing the back of
15 the house, and Ryan's old room was on the right. There
16 were just, basically, two bedrooms down there, to my
17 recollection.

18 Jesse's room was dark. There was not a lot of
19 natural light down in that area. The bedroom across
20 the hall, which would have been Ryan's room, was empty,
21 and it was pretty isolated down there.

22 Q So comparing that to a dungeon is not necessarily
23 an accurate comparison?

24 A That wouldn't be my words, but it was certainly
25 isolated from the rest of the house. It was dark and

1 dreary. If you had depression, that would not be the
2 kind of room you would recommend a patient to be in.

3 Q Let's talk about your qualifications briefly.

4 It's already been stipulated by the State that
5 you're an expert in this matter. But talk about your
6 qualifications as it relates to juveniles and the
7 Department of Juvenile Justice and, frankly, the South
8 Carolina Department of Corrections, your experience and
9 qualifications, I guess.

10 A Sure.

11 Your Honor, back in 1993 and '94, I did my
12 forensic fellowship at the University of South Carolina
13 in the Department of Mental Health. And as part of our
14 fellowship there, the University of South Carolina had
15 a contract with the Department of Juvenile Justice. So
16 even in my fellowship year, our job was we ran a clinic
17 out at the Department of Juvenile Justice, and every
18 week I would go and actually treat juveniles who had
19 been adjudicated delinquent and had a caseload over a
20 year.

21 After I finished my fellowship, I, of course, went
22 on to work for mental health and USC. And so for
23 15 years after that, I continued working at the
24 Department of Juvenile Justice. And, eventually, what
25 happened, I -- in the department of neuropsychiatry at

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1 the university, I was in charge of the forensic
2 treatment program, and I actually ran the contract for
3 the Department of Juvenile Justice for the university.

4 So for over 15 years I performed disposition
5 evaluations for the family court judges. I worked at
6 the detention center where Jesse would have been. I
7 actually worked with Dr. Sharman, and we treated the
8 juveniles there.

9 I worked at Willow Lane, which is where the
10 adjudicated juveniles go. I worked there and did a
11 clinic for years. I covered every unit at the
12 Department of Juvenile Justice if one of the other
13 doctors that we had on contract were not there to work.

14 During the course of that period of time, I
15 performed -- I would have been called to testify in
16 some waiver evaluations, usually by the prosecution,
17 because it would have been one of the juveniles I had
18 some kind of interaction with, maybe during their
19 treatment or having done an evaluation for family
20 court.

21 And then after -- I finally stopped doing the DJJ
22 work. We had enough -- we actually got child
23 psychiatrists at the university. So once we had enough
24 child psychiatrists, I quit treating the juveniles out
25 there but still oversaw the contract.

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1 And then after I finished the Department of
2 Juvenile Justice work, I still did treatment and
3 patient care, and I worked at the Department of
4 Corrections. We took a contract with the South
5 Carolina Department of Corrections. At the time they
6 were getting sued by protection and advocacy, and I
7 worked there for four years.

8 I have worked at the Gilliam Psychiatric Center
9 and treated the acutely mentally ill. I have worked
10 over at the long-term care, the residential treatment
11 unit, and saw patients there and saw whatever patients
12 they needed. I, typically, would go out there on
13 Thursday mornings, but I also worked at the Department
14 of Corrections under a contract for a period of time.

15 Q Describe briefly your work with people who have
16 been charged with or convicted of killing someone,
17 including death penalty cases, life without parole
18 cases, and people who are already convicted.

19 A That's been probably 70 percent of my career over
20 the last 26, 27 years.

21 Q How many states -- how many states have you done
22 work in regarding that kind of work?

23 A Arizona, Nevada, Texas, Oklahoma, Indiana, New
24 York -- excuse me, not New York. Pennsylvania,
25 Virginia, North Carolina, South Carolina, Georgia,

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1 Mississippi, Alabama.

2 Q How about California?

3 A Yes, California.

4 Q When did I retain you in this case?

5 A Very soon after these charges. I believe probably
6 within ten days of Jesse being charged.

7 Q And describe for the Court how many times you have
8 met with Jesse.

9 A I'll have to refer to my notes.

10 I saw him on -- the first time was October
11 the 10th, 2016. So about 12 days, 13 days after this
12 happened. I've seen him 12 times in addition to
13 observing him during various court proceedings.

14 Q Describe his physical appearance when you first
15 met him.

16 A He was tall for his age. When I first met him, he
17 was -- obviously, he was 14 years old in three weeks.
18 He was about 14 years old, one month by the time I saw
19 him. He had not really reached full puberty yet. That
20 was one of the concerns I had. He wasn't shaving. He
21 didn't have a lot of facial hair, those sorts of
22 things.

23 He was, in my opinion, very immature in his
24 presentation. One of the first things he asked me when
25 I met with him, he asked me does this mean he couldn't

1 go to Mars.

2 Q Let's just go ahead, talk about Mars a little bit.
3 Mars was a lot of our conversations with him as well
4 for a good while.

5 A Correct.

6 Q Talk about his discussions about Mars.

7 A Well, his goal at the time, he was very interested
8 in space, and he wanted to be -- his goals in life were
9 to be an astronaut and be one of the first people to go
10 to Mars. That changed over time, which it does with
11 teenagers. A lot of young men are interested in space,
12 especially if they like science and math.

13 So his interests went from space and exploring
14 Mars to colonizing the ocean. He decided, after he
15 couldn't be an astronaut, that his plans were to start
16 an undersea kind of business operation, one where he
17 would explore but also make money, those sorts of
18 things. So over the years his interests have kind of
19 changed. But he was very interested in Mars at the
20 time I saw him.

21 Q That was one of the things he talked about all the
22 time with you when you first started seeing him; isn't
23 that correct?

24 A Sure. Because that was a topic that was easy for
25 him to talk about. He had certainly committed a

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1 horrible crime. And now, and as I've learned over
2 time, he certainly has some abuse issues, so that was
3 just an easy topic for him to talk about. It wasn't
4 emotionally loaded, and so he spent a lot of time
5 talking about that.

6 Q So the first time you met him, I believe the
7 prison records say he was about six feet and about 145?

8 A That would seem right. He certainly was tall for
9 his age. And his weight, his weight seemed normal. He
10 certainly wasn't thin or anything.

11 Q Describe the physical changes you've noticed
12 during the time you've been working with him.

13 A Well, I saw him two times in 2016, and then I saw
14 him again in 2017. And by the time I had seen him on
15 June 2nd, 2017, he had grown significantly. And so I
16 had asked you, I thought it was very important that we
17 videotape him at some point because I felt like, as
18 time went by, it was going to be easy for all of us to
19 forget that he once was a child, and he was certainly
20 smaller and had different cognitive development than he
21 did, you know, as time went on.

22 And so he's grown at least five inches. There was
23 one period of time where he weighed over 200 pounds.
24 He lost some weight at the detention center. Kind of
25 on purpose. He was playing basketball a lot, so before

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1 he got transferred to Anderson, he had dropped some
2 weight, and his weight stayed about 185 to 190 pounds,
3 as far as I know.

4 Q Now, who else in the Osborne family have you
5 talked to?

6 A I've talked to his mother, Tiffney, three times.
7 I've talked to his grandparents on two occasions and
8 formal interviews. I've talked to his sister Mary Lee
9 twice. Mary Lee, once by telephone, and then once in
10 interview. And then I've talked to Ryan twice by
11 phone.

12 Q And is it fair to say that you're also very
13 familiar with the reports of the other doctors in this
14 case?

15 A Yes. And, I'm sorry, I need to add, I also talked
16 with Jesse's aunt, Mitzie Richards, because she had a
17 lot of contact with him.

18 One of the other interests, in fact, his Aunt
19 Mitzie had told me, and Jesse shared with me later, he
20 also liked ants, ant colonies, and he was also into
21 growing ants, and that was an interest he had prior to
22 his charges.

23 Q And so you're familiar with all the doctors in the
24 case?

25 A Oh, yes. Yes.

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1 Q And you've looked at all the reports that we've
2 been talking about for the last three days?

3 A I have.

4 Q And are you familiar with all the information that
5 was downloaded on his phone from February of -- on his
6 phone that was dated from February 2016 through
7 September 28 of 2016?

8 A I think most of it. I wasn't here in court, I
9 think, during some of that presentation, and I know I
10 saw Ms. Price had made some reference to some videos.
11 So last night I asked specifically and got the videos
12 downloaded from the ones of Jesse combing his hair, and
13 I believe the one with the gun, very close to the time
14 that he killed Jeff.

15 Q And the rabbit?

16 A Yes.

17 Q Did those videos change your opinions or reinforce
18 anything about your opinion, specifically?

19 A Yes and no. They show you how immature he is, how
20 he's about to go do something very horrible and doesn't
21 seem to have -- and he's nonchalant about it. I was
22 surprised about that. I know that about Jesse. It
23 doesn't change any opinions, but to see it, it does
24 have an effect on people.

25 There's two parts of Jesse. There's the Jesse

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1 that was abused and that has all those issues that
2 we'll talk about, but there's also the part of him that
3 planned on shooting a school. So that view of him very
4 shortly before, it's not totally a surprise to me.

5 His grandmother, Patsy, when I interviewed her,
6 she told me the day that when she went down to give him
7 the hamburger to eat for lunch, that she noticed he was
8 dressed up all nice. So I had some suspicion that he
9 was already planning in some way. But, no, it's
10 still -- it doesn't change any opinions, but it's
11 sobering to watch.

12 Q Why is it important in a case to speak to the
13 family members?

14 A Well, some cases it's more important than others.
15 Whenever there is abuse in a family, it becomes very
16 important.

17 This family is broken. They are broken from the
18 top to the bottom. They were broken before this crime
19 happened, and they are even worse now, if that's
20 possible, just because the trauma they all have faced.

21 And so, by talking to the grandparents alone and
22 the mother alone, you will not get the history of what
23 was going on in this house. The grandparents and the
24 mother do not get along. And that's to be expected.
25 It's not anybody's fault. They have lost a son, they

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1 have lost a husband. There have been years of abuse in
2 that home. And they only, each one, only sees the side
3 of it that they have been exposed to. It's not
4 anybody's fault, but it is incredibly broken.

5 And so what happened is there's clues, there were
6 some clues that things were going on. For example,
7 when Tiffney was questioned by the police, they
8 noticed -- I think it was Investigator Finley. I don't
9 know if I have the right name, but I believe it was
10 Investigator Finley that noticed that she had blue
11 marks under her eyes and blue marks around her mouth
12 and was astute enough, did a great job, was astute
13 enough to ask her, you know, "Have you been abused?"

14 And even at the time of the offense, as soon as
15 Jeff was killed, they packed Tiffney in a truck and she
16 was able to say. That was the first time we know that
17 any official -- you know, DSS didn't know about this,
18 DJJ didn't know about this, but somebody, even at the
19 time of the offense, was astute enough to pick up on
20 it. And so that was kind of one of the icebergs that
21 had been broken.

22 There had been a long history -- Jeff and Tiffney
23 had -- there was domestic violence in that
24 relationship. There's no question about it. So it was
25 revealed. The grandparents, they love their son. They

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1 knew that he drank. But every time there was an
2 altercation, if the grandparents would come and calm
3 Jeff down, they would hear Jeff's side of it.

4 So, for example, when the episode Ryan talked
5 about yesterday where he was on the bed and he was
6 pinned down, the grandparents told me that their
7 version of it was that Ryan had taken karate or some
8 kind of jujitsu training and was trying to assault
9 Jeff.

10 So when you have abused families, you have one
11 event, and everybody has a different view of it. So
12 it's important in these kinds of cases -- I have done a
13 lot of cases where they have been about trauma -- you
14 have to do a lot of investigation. And so, for me, the
15 most helpful people were the siblings. They have been
16 there. Mary Lee is much older than Jesse. Ryan is
17 older than Jesse, but they were all there, and so each
18 of them had different experiences.

19 So what I've done in this case is, when I had an
20 episode of abuse, I corroborated it, tried to make sure
21 there's more than one person that could give us details
22 about it, and then I would go to Jesse. This is what
23 I've been doing in the last few months, which is why it
24 took so long to get the report. As the abuse came out,
25 I would go and confront him to see what he knew or

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1 didn't know about it. So it's very important in this
2 case, because of the trauma that existed, that the
3 siblings be included.

4 Q Did you, in fact, create a record of familial
5 traumas that you relied on?

6 A Actually, your paralegal did that, but I
7 collaborated with her. She was with me during these
8 interviews, and we made a timeline so that we could
9 refer to it more easily.

10 (WHEREUPON, Defendant's Exhibit Number 7 was
11 marked for identification.)

12 BY MR. EPPES:

13 Q Is this is a document that you relied on or
14 utilized in preparing your opinions for your testimony
15 today?

16 A Yes.

17 Q Now, you've heard some cross-examination about why
18 none of this was reported. I think we're all familiar
19 with domestic abuse situations, but would you briefly
20 talk about why families have abuse and it does not get
21 reported or it's underreported?

22 A Well, I'd like to be more specific, if I could, to
23 this family.

24 Q Please do.

25 A Certainly. There are some people, and in general

1 I'll answer your question. There's some victims of
2 domestic abuse that do report it. There's times law
3 enforcement is no stranger to getting 20 calls from one
4 family over the course of a period of time and they
5 know about it. And there's many other people that
6 don't report it. It just depends upon different
7 circumstances. A lot of different answers to that.

8 In this case specifically, I will tell you what I
9 know. Tiffney reports that, even while they dated,
10 that there was some domestic abuse in the relationship
11 with Jeff and that it occurred up until near the end.
12 And I think there was some evidence of that. At least
13 the police had noticed it. It looked like she had been
14 attempting to cover up maybe some marks on her.

15 Tiffney didn't report it -- I've asked her
16 directly about that, especially the time when DSS was
17 there and she had a chance to -- because she was afraid
18 there would be retribution. That's a common -- many
19 people fear that if they say something, there will be
20 retribution.

21 I asked Ryan directly why he didn't report it
22 earlier or why he didn't tell his father. And Ryan
23 said he was frightened that his father would come and
24 confront Jeff and it would make it worse for everybody
25 else in the family.

1 One of the things Ryan didn't testify to yesterday
2 that he told me directly is that when he was 15, he
3 quit going with his father. He used to go a week with
4 his mother and a week with his father. And after the
5 age of 15, he quit visiting with his father and he
6 stayed with his mother the entire time because he felt
7 like he had to be there in some kind of protective
8 role, being the older sibling, both for Jesse and his
9 mother. So this is long-standing abuse.

10 The grandparents, maybe they had ideas, but they
11 only heard Jeff's side. You know, if there was a
12 squabble within the family, they would get called down.
13 They would come to try to diffuse Jeff, and they only
14 knew that side. So these families are broken. So a
15 lot of domestic violence, it breaks families, and some
16 of them were broken before it happens, so there is lots
17 of reasons people don't tell.

18 Q You heard Ryan's testimony yesterday about the
19 fact that he was the one that disclosed the abuse --

20 A Correct.

21 Q -- to DSS.

22 Do you recall how we came to find out -- how you
23 came to find out that information originally?

24 A He told me. He told me on the -- I interviewed
25 Ryan. And I need to apologize. I only put the last

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1 two interviews -- the last interviews of everybody in
2 my report because the first interviews I did were
3 similar information. It was repetitive. But I first
4 talked with Ryan, it would have been on February 14th,
5 2018.

6 Q It was when we were doing the waiver hearing?

7 A Yes.

8 Q If I remember correctly, we were all kind of
9 surprised to get that information because it wasn't
10 what any of us expected.

11 A That's correct. I think the growing consensus was
12 it was somebody anonymous. I know that Jesse's mother
13 thought that maybe it was the grandparents, but the
14 grandparents had always said they didn't do it, so
15 there was a question. There was always a wonder, who
16 had done it.

17 Q So based on these interviews and the record that
18 you have looked at and your interviews with Jesse, you
19 wrote a report. And everything that you've done,
20 frankly, has been headed towards this hearing, correct?

21 A Yes.

22 Q The *Aiken v. Byars* hearing and the issues in this
23 case --

24 A Correct.

25 Q -- as outlined by the law?

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1 I want to start with Jesse and his chronological
2 age and issues that go in with that. And we've had
3 some of the other doctors, the neuropsychologists, have
4 testified a little bit about the developing brain.

5 Would you talk about that in general terms and
6 then apply it to Jesse.

7 A Absolutely. And it's on page 3 of my report where
8 I start off with the *Aiken v. Byars* factors. And I've
9 done some of these cases. I've testified. I certainly
10 have not done the majority of them.

11 When South Carolina enacted -- had this case law,
12 there were a number of juveniles that had been retried,
13 and I believe I've done three, I participated in three
14 of those retrials at this point, so I have some
15 familiarity with it.

16 What's important to know, your Honor, about
17 brains, children -- most of your brain capacity is
18 developed at ages 10, 11. You know, the things that
19 you're going to learn. That's why that show, *Are You*
20 *Smarter Than a Fifth Grader*, we're probably not because
21 they're really smart, and they have a lot of
22 information that they're able to store.

23 But what happens when you're, like, 11 or 12,
24 somewhere around that age, your brain does a process
25 called pruning, just like you prune the shrubs. So

1 parts of your brain, it doesn't need all that capacity,
2 so your brain begins focusing on the things that you
3 need.

4 For example, this is why we have all these great
5 ice skaters and great athletes and things when they're
6 participating in sports or certain activities when
7 they're 10 or 11, and then their brain goes through the
8 pruning process, they get very skilled at some of the
9 things they do.

10 So your brain is going through this process where
11 it's getting rid of neuronal pathways that you don't
12 need. By the time you're 13 or 14, that is when your
13 limbic system is developing. Your limbic system is a
14 complex set of brain function. It involves emotion, it
15 involves memory, lots of different things. Your limbic
16 system develops in your early teens, and that's when
17 teenagers become very emotional. They don't think.
18 They operate more out of emotion. They don't get along
19 with their parents very well. They do make really bad
20 choices because they're fueled by thrill-seeking or
21 reward systems, so their emotional state really takes
22 over by the time 13, 14.

23 By the time they're 15, 16, all the way up through
24 ages 24, the front part of their brain, their frontal
25 lobe, begins to develop. And that's where you start

1 getting some judgment. But really, as Dr. Wagner and,
2 I believe, Dr. Ballenger said, you don't really start
3 getting your full adult brain and full set of judgment
4 and prefrontal development until your twenties. So
5 Jesse's brain is still developing.

6 So I think what's important in this case is Jesse
7 was 14 years old and 26 days when this crime happened.
8 If this crime had happened a month earlier, he wouldn't
9 have even been in adult court. Our statutes, and I
10 read it again today just to be sure, if you're 14 years
11 old is when those decisions are made. If you commit
12 this kind of crime and you're 14, that's when it's
13 decided whether someone is going to be waived up or
14 not. So had this been a month earlier, we wouldn't
15 even be here today.

16 So I think what's important is, when you're
17 looking at *Aiken v. Byars* factors or chronological age,
18 a 14-year-old is very different from a 15-year-old, a
19 16-year-old and a 17-year-old. He is at the lower end
20 of maturity as a 14-year-old, and so I think, not only
21 do you compare him to other 14-year-old brains, you
22 need to compare him to other 15-year-old brains, other
23 16-year-old brains, and other 17-year-old brains. And
24 he was 14 when this happened, 14 years old and 26 days.
25 And I think that's very important when you're looking

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1 at brain development and the chronological age of him.

2 And I think the most important thing, your Honor,
3 is Dr. Teichner. I was -- I insisted that
4 Dr. Teichner, to Mr. Eppes, I was probably a little
5 bossy and insisted that Dr. Teichner be the
6 neuropsychologist to see Jesse because he is the only
7 one I know that does child neuropsychological
8 evaluation. I don't know him personally. I have been
9 in court with him a few other occasions, but I know
10 that's his specialty. And children are different than
11 adults. You don't give them adult tests. You don't
12 use adult measures on them. You don't give them tests
13 that are normally for adults. They're different. So
14 Dr. Teichner's findings were very helpful. That's
15 another reason why it took me so long to write the
16 report. I had to wait to see what his
17 neuropsychological findings were.

18 And what he showed, even at the age of 17 -- he
19 tested Jesse as a 17-year-old -- he still has executive
20 dysfunction. His brain is still developing. It hasn't
21 finished yet. He's still going to use poor judgment,
22 which he has. He has done -- everything Dr. Ballenger
23 and Dr. Wagner say, I agree with at the point when he
24 saw him. He's used poor judgment. He makes poor
25 decisions. He's not thinking.

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1 You know, to get in the recent trouble he's been
2 in in the Anderson County Detention Center one month
3 before this hearing when he's relatively been pretty
4 well behaved overall is just an example of that.

5 But I think what's important is, so we know even
6 as a 17-year-old, he's not the typical 17-year-old.
7 His brain is still not developed yet, so there's no
8 reason to think at age 14 it would have been any
9 better. And so I think it's very important his
10 chronological age at the time of this offense was
11 younger than a 14-year-old based on his cognitive
12 function. Certainly based on his emotional function.

13 We know the DJJ evaluations, Dr. Jones and, I
14 believe, Dr. Atkinson, they talked about that he was
15 sophisticated and mature. He's able to -- even though
16 his intelligence is average, he's smart. He studies.
17 He tries really hard. He retains information, but his
18 emotional development was not that of a 14-year-old.

19 He had hardly any friends, and he was dealing with
20 abuse. He was getting abused at school, he would come
21 home, and he was getting abused at home. And so he had
22 a lot of social and cultural and emotional
23 developmental problems that did not make him a typical
24 14-year-old.

25 Q Did his early medical history have anything in it

1 that you thought was important?

2 A Yes. It's just because -- Dr. Teichner diagnosed
3 him with attention deficit disorder. And I think
4 there's been some questions about that. He certainly
5 did well in school. And the DJJ teacher talked about,
6 I mean, he's made really good grades. And so a lot of
7 times ADHD symptoms are best identified by teachers.
8 They're the ones that pick up on this. And it wasn't
9 picked up on by any of the teachers.

10 There's arguments for and against that. For,
11 Dr. Teichner said that he has the inattentive type. An
12 inattentive type of ADHD, they're sometimes not picked
13 up on by teachers as much. It's usually the kids
14 running around, being silly, impulsive, and
15 hyperactive. They get noticed by teachers.

16 The other argument against that is Jesse, the
17 school at DJJ is a little bit easier than high school
18 courses because you have more time. Not necessarily
19 the content of the classes is easier, but, you know,
20 that's all you have time. You know, your homework and
21 your schoolwork is the most important focus when you're
22 in jail at that juvenile detention center because
23 that's the activity that the children have.

24 But what was important is Tiffney had
25 preeclampsia. I looked at the birth records. Jesse

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1 was born, I believe, at 35 weeks, but Tiffney had
2 preeclampsia. And there is some research that shows --
3 actually, the cases, it's interesting. They were all
4 in South Carolina. They were Medicaid cases in South
5 Carolina. The research was out of this state. But
6 they showed that mothers with preeclampsia, their kids
7 are at higher risk for attention deficit disorder. And
8 so that was just a historical piece that maybe can
9 explain his proclivity towards maybe having ADHD.

10 Q And you have these other things in his health
11 records, colic, gastrointestinal issues, meningitis.

12 A Yes.

13 Q Do you have any comments about that those?

14 A So the parents -- Tiffney insisted and his
15 grandparents insisted that Jesse was diagnosed with
16 meningitis. And Jesse has told me that as well. So I
17 tried to look through his records. I could not find
18 any evidence. I could not see any lumbar -- there is a
19 workup you do when somebody has meningitis. You do a
20 lumbar puncture. And that's usually the diagnostic
21 tool. You look at the number of white blood cells.
22 You know, there's different measures that you check,
23 and I couldn't find in any record where that had ever
24 been completed.

25 I certainly saw in his pediatric records that he

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1 had a high fever and that he had gone to the doctor a
2 number of times. Well, I finally found the reference
3 to his meningitis. Dr. Barry Maddox. He was under
4 care from one pediatrician and then he switched, and
5 Dr. Barry Maddox has noted, he did make a reference to
6 him having aseptic meningitis as a teenager.

7 Q Is there anything about the colic or meningitis
8 that directs you toward anything as to his maturity or
9 his health condition?

10 A Probably not. I don't see -- you know, the family
11 said maybe they noticed a change in Jesse after the
12 meningitis. I don't think his meningitis was severe
13 enough if it wasn't bacteria or viral. He might have
14 headaches or problems with lights or those sorts of
15 things. But I think what is important is if you --
16 where the GI disturbances come in, he was colicky, he
17 was on medications very early as a baby for those sorts
18 of things.

19 And if you look in his school records, there were
20 times he was just playing hooky, but some of the times
21 he really did have gastrointestinal disturbances. He
22 had been on medications throughout his childhood for
23 that. So he probably was not the easiest baby to take
24 care of. Colicky babies can strain the family. They
25 take a lot of care. They wake up a lot and those sorts

1 of things.

2 Q Is there anything else to report about children
3 that complain about gastrointestinal issues?

4 A Sure. Children that have a lot of complaints,
5 sometimes that can be a symptom of depression. It can
6 be a symptom of a lot of things, but people that
7 somatize when they don't feel well and they complain of
8 a lot of somatic problems, that can be symptoms of
9 anxiety or depression.

10 One other thing I would like to say, it is very
11 clear from the medical records his mother took him to
12 appointments. He was taken care of. He was cared for
13 as a child. She went to -- all the well child visits
14 were in that chart, and there was no evidence that he
15 was ever medically neglected. They -- he had routine
16 care, not only sick visits, but well visits.

17 Q So his parents were doing a pretty good job most
18 of the time. You heard what Tommy Osborne testified to
19 about how great a dad Jeff Osborne was?

20 A I think while he was in elementary school -- I
21 think things got worse, but I, certainly, I would not
22 characterize either of them as bad parents. I think
23 they, as time went on, they did some very inappropriate
24 things in front of Jesse, and he's been exposed to way
25 too many adult issues. And he still is. This is still

1 happening today. This has happened all throughout his
2 incarceration, but I think they have certainly cared
3 for his needs, they made sure his needs were met, and
4 they did try to do the best they could, I'm sure.

5 Q What evidence did you see in the record of
6 bullying?

7 A There were records of his being bullied. I looked
8 at the school records. You have to go through them
9 very carefully, but yes, there was evidence. I think
10 the reports were in the fifth grade in Townville there
11 were some issues and then in West-Oak.

12 Q What was going on in this period of time, fifth
13 and sixth grade, in Jesse's life? Do you have any
14 understanding of what might have happened? Because the
15 school records at sixth grade -- and Dr. Ballenger
16 alluded to it -- that he quit caring about school, he
17 withdrew, he had a, quote, bad attitude, unquote.

18 A Yes. I reviewed his school records from both
19 Townville and West-Oak.

20 What happened, your Honor, if you look, he was a
21 good student. And by the fifth grade, the last
22 quarter, the last quarter of fifth grade, his grades
23 did decline. He still passed everything, but he was
24 normally an A/B student, and in that last quarter I
25 believe he had some Cs for the first time.

1 He transferred to West-Oak in the sixth grade.
2 And what's important is, I looked at the number of
3 absences, and I looked through all of his nurses notes.
4 So each time that he kind of played hooky or said that
5 he was sick, there were notes for those things.

6 So, for example, on March 9, 2015, he had a
7 headache and diarrhea. On January 29th he had
8 diarrhea. On May 2015 he actually really did have a
9 head injury. I think he was in the gym and fell and
10 complained of feeling dizzy. On September 11th it was
11 nausea and vomiting. November 2nd, hand, foot, and
12 mouth disease. And he was diagnosed with that three
13 days in a row. He had a rash on his hands and-foot.
14 December, diarrhea. December, headache when he hit the
15 floor in wrestling practice. January, chest pain.
16 February, diarrhea.

17 I think what's important, not all of this was
18 hooky. If you look at the time, I went back in time
19 and recorded the dates that the bullying was reported.
20 On November 12th, 2014, there was a note that he was
21 upset about conflict and name-calling. In January 26,
22 2015, Tiffney called and said the students were picking
23 on him. Well, if you look at a lot of dates he was
24 being truant from school or getting out of school, it
25 was around that period of time, too. So I think

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1 there's truth to both sides. I think part of him was
2 playing hooky from school and didn't care and probably
3 was losing interest in school, but I also think there
4 was an anxiety component to that. There were things
5 going on at home, there were things going on at school,
6 and he didn't want to stay at school.

7 Q Was there anything that happened in the fall of
8 2015 in the family dynamic that may have changed?

9 A You're going to have to be more specific. I'm
10 sorry.

11 Q Did Ryan go to college?

12 A Oh, yes. Yes. And I believe he said -- I think
13 he told me it was that August 2015. Yes.

14 Q And that corresponded with Jesse going into the
15 sixth grade?

16 A Yes.

17 Q Will you address that, what you found about Jesse
18 during that period of time?

19 A Ryan, as he testified yesterday, he played a
20 protective role, and he was also a buffer a lot of
21 times. Although Ryan had abuse -- and he went into
22 therapy. He's come a long way. He's been in therapy.
23 He recently stopped, but he had been in therapy
24 nonstop, and he's had the chance to process some of
25 this abuse. He's also older. When you're older, you

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1 can remember different things compared to when you're
2 younger, although he would be the first to tell you
3 there's things he doesn't remember. He described his
4 memory as not that good at times either.

5 But Ryan certainly reported that there were times
6 that Jeff was abusive to him, but he always, one of the
7 things he's always been consistent about was Jesse got
8 it a lot more. And one of the things that he
9 described, he alluded to yesterday, he said that when
10 Jesse had the trips to the bathroom, that he could hear
11 him in there screaming, that he would be whipped. Jeff
12 would use a belt. Usually he said a belt. The stick
13 was the first time I heard about that yesterday. But
14 there would be long beatings, and not just one or two
15 or three licks. One of the family members described
16 one time it was at least 30. So these were not just
17 spankings. These were long periods of time where he
18 was getting spanked.

19 Ryan learned how to deal with it. He would
20 distract himself or he would try to comfort Jesse
21 afterwards if Jesse came into his room. So at least
22 when they were both being abused, they had each other.
23 There was some comfort there. They could distract one
24 another.

25 Ryan said while he was there, they would basically

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1 spend all their time downstairs in his room or Jesse's
2 room playing games, that they learned at night when,
3 you know, everything was fine during the day, when you
4 got home from school and at night, he tried to
5 disappear and stay out of everybody's way.

6 Q And do you think Jesse's life changed when Ryan
7 left for school?

8 A That was the start of it. There were a lot of
9 things going on. You have to remember when you're 12
10 and 13 and 14, school is an important part of your
11 life. And if you're getting picked on -- lots of
12 people get bullied. Not all bullies go and end up
13 shooting schools. There is a lot of people that get
14 bullied.

15 But the studies show when you're being bullied, if
16 you have a support group, you will be okay. You know,
17 if you have a sibling, if you maybe have a really nice
18 teacher at school, if you have got parental support.
19 So I think Ryan's leaving just took out one of his
20 measures of support, because not only was he getting
21 bullied at school, but he was getting bullied when he'd
22 come home.

23 What's significant also about Ryan, Ryan blames
24 himself for the bullying, your Honor. He's gay. And
25 he had come out to the family. And Jesse, evidently,

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1 had told people at school that Ryan was gay. So Ryan
2 blames himself and felt like that a lot of the bullying
3 that happened came because Jesse was taking up for him.

4 And if you look at some of the notes or Jesse's
5 report, they often would say, "Are you gay?" That was
6 one of the things he was teased about.

7 Q What do you recall about the bullying that was
8 reported at the middle school?

9 A At the middle school? What I remember, and I'm
10 looking just to see if I have specific notes, that some
11 of the things Jesse said, they would step on the back
12 of his shoe and say that his shoes came from a thrift
13 store. People would call him gay. He would get hit in
14 the back of the head. You know, somebody might come up
15 and hit him.

16 He was -- one of the things that happened that I
17 thought was interesting, he's on a school bus. This
18 isn't a bullying episode per se, but it shows you a
19 little bit about what his behaviors were like. He got
20 in trouble on a school bus for staring at a girl.
21 Somebody made a report that the girl was uncomfortable.
22 He was staring at her. And, evidently, on the bus, he
23 was filming her. He had a cell phone and was filming
24 her. So he had odd behaviors, too, which, you know,
25 there were things that were not socially appropriate

1 that he was doing as well.

2 But the bullying he reported would occur in the
3 bathrooms. He would go in the bathroom, and he might
4 get hit there. And my understanding was the older
5 bully was on the wrestling team with him. So not only
6 was he exposed in the bathroom, but he -- Jesse had
7 hoped, by participating in the wrestling team, that
8 maybe the bully would lighten up a little bit because
9 they shared a sport, but that didn't happen.

10 Q Are you familiar with the records regarding the
11 incident on March 4, 2016, at West-Oak with the
12 hatchet?

13 THE COURT: Could you speak up a little bit,
14 please, Mr. Eppes.

15 BY MR. EPPES:

16 Q Are you familiar with the incident on March 4th,
17 2016, at West-Oak Middle School with the hatchet and
18 the saw?

19 A Absolutely.

20 Q Tell us about that.

21 A Jesse brought weapons to school, and his plan was,
22 you know, he had had a plan to hurt the bullies. And
23 what I've gathered from this, I looked at all the
24 school records. And what they had done is, you know,
25 immediately the school acted on that, which is

1 appropriate. They went to his home to find out if he
2 indeed had weapons. One child, I think, had reported a
3 gun. Somebody else, I think, had reported a hatchet.
4 The police investigated that, and they quickly got him
5 out of school.

6 Looking at the students, what was helpful to me to
7 kind of get an idea of what was going on, is the
8 students then came forward as they questioned people.
9 And there's a statement from one student on March 2nd
10 that said all he talks about is Columbine. So some of
11 the students were very aware, even before he got caught
12 with the weapons on the school grounds, he was talking
13 about these things, which is what school shooters do
14 and people that perpetrate acts of violence on school
15 grounds, they usually will talk about it to their
16 peers. Maybe not their parents, but they're going to
17 talk about it.

18 There is a statement from another peer that said
19 he's a good kid, but he's been watching Columbine
20 videos on YouTube for the past week or so. On the bus
21 in the morning of, he had a suicide note in his back
22 pocket with a swastika on it. That's what one of the
23 students said. One of the students said Jesse wasn't
24 picked on, so it really scared him when he said, "I'm
25 going to kill all the bullies." And another student

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1 admitted Jesse was picked on.

2 So, again, as with any case, there's going to be
3 some information that may be conflicting. But I think
4 everybody knew that he had a plan to harm the bullies..

5 Q But these were his peers at the school?

6 A That's correct.

7 Q And what action did -- they're his friends,
8 really, aren't they?

9 A That's right. And what's really different about
10 this case versus the later one, when Jesse tried to say
11 these things to other children, they realized it was
12 inappropriate. They didn't encourage this behavior. I
13 don't think they had any notes from any of his peers
14 saying, "Yeah, that's a good idea." I think one child
15 acted like he was going to go along with it but didn't.

16 But I think what's very different here, in
17 realtime, when he had choices of who his friends were,
18 they didn't encourage this behavior. They discouraged
19 it, and, in fact, they told on him.

20 Q And after the incident, he was expelled, he was
21 criminally charged, and he went to DJJ. Have you
22 reviewed the reports of the doctors that dealt with him
23 during that incident --

24 A I did.

25 Q -- during that period?

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1 A I did.

2 Q Tell us about that.

3 A I know Dr. Sharman. I've worked with him. In
4 fact, Dr. Sharman and I, we evaluated a prior school
5 shooter out of Myrtle Beach, I think, in 2011. So I
6 have certainly worked with him, and I know him very
7 well.

8 Dr. Sharman is actually -- he doesn't normally do
9 the waiver evaluations. He actually was the treating
10 psychologist in the detention center. So what would
11 happen, if a child was in the detention center,
12 sometimes a family court judge may ask for a
13 psychiatric or psychological evaluation on them, so
14 that would not be uncommon that he and I would have to
15 work together and maybe do an evaluation or report for
16 a family court judge before they had an adjudication or
17 disposition hearing. So that happens sometimes, and
18 that was his role. And so he did what we routinely
19 did. He evaluated Jesse. He tried to come up with
20 some recommendations.

21 And I agree with everything Dr. Ballenger said. I
22 mean, he recognized that there was no history of prior
23 violence. This is not a child that had been in
24 trouble. This was not a child that bullied others.
25 This was not a child that had -- that picked on other

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1 kids. But, yet, there was a part of him that could
2 just very plainly say, "Yes, I'm going to harm these
3 bullies."

4 The only issue I have with Dr. Sharman, and it's
5 no fault of his own because that wasn't his job, he
6 didn't talk to all the family members, and so he made
7 the assumption that Jesse was coming from a stable home
8 environment, and it was far from stable. So when you
9 have a damaged child, you don't want to return them to
10 a damaged environment. But, so he didn't know the
11 things that were going on in the home.

12 And the same with Dr. Jones. Dr. Jones, I mean,
13 he went and interviewed the parents, but Tiffney didn't
14 tell him. And she said she didn't tell him because
15 they were all in the room together at the same time
16 that Dr. Jones interviewed Tiffney, and Jeff and Jesse
17 all together, and so she didn't feel comfortable
18 disclosing any abuse, and she didn't tell him. So by
19 not interviewing the siblings, nobody got this
20 information, even though it was going on.

21 Q What's the date of Dr. Sharman's report?

22 A March 11th, 2016.

23 Q So one week after the incident?

24 A Yes.

25 Q And what did Dr. Sharman recommend?

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1 A He wanted him to be evaluated. He wanted him to
2 have treatment.

3 Q In your view of the records between March and
4 September, did Jesse ever get any treatment?

5 A No.

6 Q And, again, not to excuse his actions, but what
7 does treatment accomplish for a young person?

8 A Well, for him, not just for young people in
9 general, for Jesse, I think what's important is he was
10 so isolated during that period of time. So what had
11 happened is before, when he was dealing with abuse at
12 home, he would have Ryan. He no longer had that. When
13 he was being abused at home, he had the distraction of
14 his grandparents.

15 Prior to all the family drama and the grandparents
16 and the children fighting and arguing with one another,
17 Jesse would, normally, after school, he would go up
18 there and stay at his grandparents' house, do his
19 homework, stay until he finished. His grandmother
20 would feed him behind his parents' back and tell him to
21 make sure he ate his dinner that night, you know, the
22 typical things. But once there was confusion in the
23 family, he lost the support of his grandparents even at
24 that period of time.

25 So he is expelled from school, he had a few

1 friends at school, and, thank goodness, they had good
2 judgment. He didn't have those friends anymore, and he
3 didn't have access to his grandparents like he used to
4 when he was home. So during that period of
5 isolation -- and I agree with Dr. Ballenger, we don't
6 know if it would have helped or not, but it was sure
7 worth a try. He would have had somebody to talk to.
8 And if he was having ideas that were not good ideas,
9 somebody could say, "These are not good ideas." Or he
10 could have, maybe, began to disclose some of the abuse
11 at home, which is, in my opinion, that was driving a
12 lot of this behavior. The abuse at home was bad
13 enough, and then when he was getting bullied at school,
14 it became too much, and then he became isolated and he
15 had no treatment.

16 Q So do you have anything else to add about what was
17 going on in Jesse's home life during this period from
18 March to September of 2018?

19 A Yes. Again, as we and everyone knows, I mean, he
20 made contact -- I don't know. The point is he had
21 contact with the Rainbow group. I think I called them
22 Rainbow Day. I'm sorry about that. I think I may
23 incorrectly referred to them in my report.

24 But at this time he developed a peer group.
25 Whether they contacted him or he contacted them, he

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1 developed a peer group that was not healthy. They were
2 not real people. These were not friends that he picked
3 at school. These were people that were removed. They
4 were through social media. These were not
5 direct-contact friendships, people that you hung out
6 with, people that you got to know. They communicated
7 sometimes by Skype, but mainly through written
8 communications. And this peer group was very negative.

9 Instead of, like his friends at school, telling on
10 him or discouraging him from these thoughts, they
11 supported it. He found a group of people that felt the
12 same way he did. And so they supported the negative
13 cognitions, this thinking that was not healthy, the
14 bad -- the bad side of him, the parts of him that were
15 angry and enraged and did want to kill people. There
16 is no question there was a part of him, he planned on a
17 school shooting. He wanted to hurt people. And they
18 encouraged it.

19 Q And would you, for lack of a better word, how
20 would you describe -- would you describe this as peer
21 pressure, even though it wasn't exactly pressure all
22 the time?

23 A Yes. Yes. Well, when you're 13 and 14, your peer
24 groups are the most important part of your life. You
25 know, 13 and 14-year-olds don't tell their parents

1 things anymore. No matter how great a parent you think
2 you are, they quit talking to us. Their peer group is
3 who they check things out with or sometimes their
4 brothers or sisters. That's who they go to.

5 When they're having problems with their parents,
6 they talk to each other. And they talk about a lot of
7 things we probably don't know and probably don't want
8 to know. But, yes, I would call this a peer group, and
9 there were times -- pressure, I don't know. Peer
10 pressure, it just exists by virtue of the group you're
11 with. It may not be that somebody is telling him to do
12 something. There are times when they encouraged him,
13 but it was certainly a bad peer group.

14 Q And how does your interaction with people or
15 Jesse's interaction with this group, how does that
16 stimulate the reward parts of your brain?

17 A Well, they feed into his emotions. When he was
18 enraged, they fed into it. They certainly added
19 things, you know.

20 They all -- you know, I think it's very fair to
21 say everything Ms. Price and Ms. Huey have presented
22 about him hating people, saying elementary students
23 grew up to be big bullies when they got older, I mean,
24 all those things I think they encouraged. They
25 certainly didn't discourage that thinking, and they

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1 encouraged it at times.

2 Q So we're talking about a period of time from
3 February to September when all but three weeks or so of
4 it Jesse was 13 years old?

5 A That's correct.

6 Q And you've seen records from the DJJ. You've seen
7 records from school. You've seen other records. You
8 have now become familiar with what he was doing. And
9 when you look at the DJJ expert reports and other
10 things going on, was there evidence at that time of
11 Jesse's immaturity?

12 A Yes.

13 Q Can you give some examples?

14 A Again, there's -- maturity is a loaded question.
15 And some of it's legal and some of it is not. You have
16 emotional maturity, you have cognitive maturity. I
17 agree with every expert. I think Jesse's been of
18 average intelligence here. He can -- he has, when it
19 comes to making decisions, especially under stress or
20 duress, the front part of his brain is not the same as
21 the development of his peers that don't have those
22 kinds of conditions, but I think there's certainly
23 evidence of how immature. Dr. Jones, when he saw him,
24 talked about that he was emotionally very immature.

25 He didn't have a lot of friends. Normally kids

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1 that age, you have friends, you're going to do things,
2 you're outside, you're going to the mall. The
3 straight -- whatever the airsoft place he would go to,
4 those were the kind of activities you would see
5 teenagers engaging in, and he was a lot more isolated
6 than that.

7 Q Did you see evidence during this period of Jesse's
8 underdevelopment?

9 A Yes, socially. Even though he says he had a
10 girlfriend, the notes I saw in the school, one girl he
11 asked for her number, she's like, "No." And I think he
12 wrote "I love you," and she's like, you know, "You're
13 not getting my number." And then he's filming girls
14 inappropriately on a school bus so much that they are
15 uncomfortable about it and reported it, and he got in
16 trouble. He was told, "Don't stare at the girls on the
17 bus."

18 Q And was there evidence in these reports or in his
19 actions of depression?

20 A In my opinion, yes. Prior to him shooting the
21 school, he went from already having a lot of anxiety --
22 I think one of the better ways to describe some of his
23 emotional states, there's been periods of time when
24 he's been quite anxious. And you can imagine. If
25 you're going to school and you're wondering when the

1 next time somebody's going to smack you in the head or
2 when you're going to get ridiculed, then you go home,
3 and as Ryan said, he would get beaten for whatever
4 inconvenience -- his words -- whatever inconvenience
5 Jesse caused his father, whether it was a bad school
6 grade, maybe he had an attitude with him and did
7 something that maybe deserved a consequence, or it
8 could have been just whatever. So Jesse talked about
9 it, that he was always wondering what he was going to
10 do next that was going to get him in trouble. So I
11 think anxiety is something that he's always felt.

12 And people say he doesn't have emotions. He's
13 anxious to this day. He just doesn't know how to
14 define it. I have seen him anxious. When he is
15 anxious, he can't recall things. You can confront him,
16 as I confronted him each time that I learned of an
17 episode of abuse, I would go back to the detention
18 center and ask for his details. A lot of things he
19 can't remember anymore when he clearly told me before
20 and he told Dr. Ballenger.

21 So, for example, the baseball bat incident. He
22 told me about the baseball bat incident. I read in
23 Dr. Ballenger's report about the baseball bat incident.
24 His grandmother, Patsy, came and told me about the
25 baseball bat incident.

1 I went back to Jesse just a few weeks ago. He
2 said he has vague memories of a baseball accident.
3 There is a baseball accident, too, so there's actually
4 two incidents. One is with the baseball bat, and he
5 was hit in the back with a baseball. Everyone
6 reported -- I think mama and Jesse, that when Jeff
7 would take him out -- he played Little League baseball,
8 and when they would throw in practice, and if Jesse
9 didn't do something right, Jeff would throw the
10 baseball at him and hit him.

11 Jesse, for example, he was so anxious when I asked
12 about that, he said, "Yes, I remember one episode where
13 Jeff threw the baseball at me and it missed me." And
14 so he's always anxious. So there was a lot of anxiety
15 here which still persists. That's why sometimes he's
16 been numb. He's not in tune with his emotions because
17 he's incredibly anxious.

18 The other thing is, one of the other reasons he
19 doesn't want to get in touch with his emotions, is when
20 he gets enraged, people get killed. That's not an
21 emotion he wants to deal with. And he shouldn't until
22 he has therapy. His anger is dangerous. He told me
23 danger is one letter away from anger. So he has
24 learned not to even begin to deal with those emotions
25 because he's afraid. You know, it's overwhelming with

1 him.

2 But I do think there was some depression coming,
3 certainly after he had been dealing with the abuse all
4 the time, he had Ryan there to help him, and then Ryan
5 left. He was still dealing with the abuse. But he was
6 still functioning. He had his grandparents to help
7 him. Then they're not there to support him as much.

8 And one of the things that has not been talked
9 about that's very important is his father. His father
10 had stressors, too. You know, this is a broken family.
11 The father was drinking, but he was under incredible
12 financial pressures. He had to borrow money from his
13 dad, you know, on the day of this offense. He was
14 worried about finances. He made -- often there was
15 innuendo and there's family corroboration that, whether
16 it's true or not, he believed his wife was unfaithful
17 to him. And those were -- may or may not be real, but
18 it was real to him. So you also have to keep in mind
19 that while this is happening, Jeff has his issues, too.
20 And he thinks his wife is not faithful, he's drinking
21 more, he's under financial stressors, so he's not doing
22 as well either.

23 And then you've got Tiffney, who had been -- you
24 know, reports abuse over the period of time. She
25 drinks, not to the level that Jeff did, but Jesse said

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1 she would get loopy. And when I asked her directly,
2 she said she might have two or three glasses of wine at
3 night. Not necessarily every night, but there were
4 nights she's not emotionally available either. And
5 Ryan said it best. Ryan said that early on, Tiffney
6 would take up for him and Jesse, and then eventually
7 she just got so beat down she couldn't do it anymore.

8 You have to remember this isn't happening in a
9 vacuum. This is a whole family, and they were close to
10 each other. So this is a whole family, and they're
11 beginning to decompensate for whatever reasons. Maybe
12 the marriage, you know, there's problems there. Maybe
13 it's almost over. So as Jesse begins to deal with the
14 family is not functioning as well as it used to, he's
15 lost some supports and he's isolated. He did get
16 depressed. He wasn't sleeping as well, and he got --
17 his preoccupation with all of this death, with this
18 morbidity, his own suicide and killing people, in my
19 opinion, was a symptom you can see in depression. It's
20 called rumination, where you begin to focus on negative
21 things and death, whether it be your own or others.
22 Usually it doesn't happen you have homicidal ideation
23 with depression. Usually it's more suicidal ideation.
24 Q Was there evidence in the records and things you
25 reviewed of suicidal ideation?

1 A Yes. On that day he -- again, part of him, he was
2 prepared if he were to get killed, but changed his mind
3 in the middle of shooting. It's obvious about that,
4 but beforehand, when he had planned it, he understood
5 there was a chance he could get killed.

6 Q We talked, I think, about his isolation. Talk a
7 little bit about his failure to appreciate risks during
8 this period of time.

9 A Best example I can give is, as I've thought about
10 this -- I've spent a lot of time thinking about this
11 case because it is so complex. He is a school shooter.
12 He planned to shoot a school, and he did it. And if
13 you look at the research about school shooters, he
14 could have written a textbook on it.

15 And that's how he found out about Columbine, by
16 the way. There is a song -- I looked up the lyrics.
17 There is a group named Broccoli that made a song about
18 Columbine. He was listening to Broccoli. And I
19 looked. The second line of the song references
20 Columbine. So he asked his father, "What is
21 Columbine?" So, actually, his report to me is Jeff
22 said it was a school shooting, and that's when he got
23 interested in it and began doing the research.

24 The risk and benefits of what he did, if he were
25 really prepared -- which he was preparing. I don't

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1 think this day was necessarily supposed to be the day
2 this was going to happen. It was supposed to happen in
3 the future. Things sped up, and he decided before --
4 he certainly planned for this day to happen. There's
5 evidence from that now from that video and the things
6 that the prosecution uncovered. He planned to do this.
7 But I don't think -- I think his plan got sped up, and,
8 you know, he certainly didn't bring the bombs he was
9 talking about.

10 But if he had really did his research, he would
11 have done it when he was 13. He would have looked at,
12 what happens to me if I get caught doing this? What
13 happens to me if I'm alive at the end of this? Where
14 do I go?

15 When I met him, he was convinced, your Honor,
16 probably until this waiver hearing, he was convinced
17 that he was going to get out. He was convinced he was
18 not going to get waived to adult court. He's like,
19 "Oh, I'll be home when I'm 20." And it took years of
20 seeing him before, I think, the denial finally broke
21 through. And it probably wasn't until this waiver
22 hearing that he realized that he was getting waived,
23 and it came as a shock. So he really -- he could
24 appreciate, I think, some of the risk of what he was
25 doing and the consequences, but not long-term. And

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1 that's because of his age.

2 Q That's because of the development of his brain?

3 A Absolutely.

4 Q And you're not addressing that in any way to
5 forgive or excuse his actions; you're simply saying he
6 was a kid that did something horrible?

7 A His thought processes were not developed. He had
8 some capacity. He certainly understood some of the
9 risk. He came there with a gun. He knew -- there's
10 ample evidence he did plenty of planning. He knew a
11 lot more than probably some school shooters do in terms
12 of police response time and what periods and where kids
13 would be and those sorts of things. But in terms of
14 long-term planning, no.

15 Q And these things, failure to appreciate risk,
16 irresponsibility, and recklessness, they're kind of
17 fruits of the same tree?

18 A Yes. And he's still reckless. He's still
19 reckless. He's still making decisions that he is so
20 self-defeating. He is not protective at all. He will
21 tell -- he can't -- he has no filter. On whatever he
22 learns, he shares with everyone. He has no
23 discernment. Things he'll hear from his parents or his
24 mother or his grandparents, he mouths right off.

25 His family, your Honor, what's happened to him is,

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1 not only had he been bullied and not only did he do
2 this horrible crime, the entire time he has been in
3 jail, his grownup support system, they keep arguing.
4 They're fighting the entire time.

5 Jesse, in part of my evaluations of him, he had to
6 set limits on them. He knew all about their suing each
7 other. They were fighting over insurance money. He
8 knew everything going on, every adult issue, after all
9 of this. He's trying to deal with what he's done.
10 He's trying to just get school done, get acclimated to
11 this environment. He's still dealing with the family
12 drama.

13 It got to one point where he limited what days
14 people went. And he finally got to the point -- it's
15 nice to see him grow -- he told his grandparents, "You
16 don't talk about my mom anymore." And he said they
17 listen. He told his mom, "You don't talk about my
18 grandparents." He said she doesn't listen, but he
19 ignores her now. So he's developed skills over the
20 years to kind of help him sort this out. But he's had
21 no time to even deal with all of the effects of this,
22 so he's still reckless. Of course, he's going to have
23 behaviors. His brain is still developing, and he is
24 still dealing with trauma. The people that love him
25 still fight. They try to get along for his sake and

1 they all love him, but by no means is this family drama
2 over, and he's part of it.

3 Q Is there anything that you can think of that you
4 would like to add? Because we're kind of going through
5 this chronologically, then we're going to get back to
6 your conclusions. But is there anything that you would
7 like to add about the incident itself and how it played
8 out or any of that that you think is significant for
9 the judge to know as he evaluates Jesse as a child?

10 A Yes. I think one of the important things, when he
11 looked up the school shootings after he heard the song
12 by Broccoli, he immediately identified with the
13 Columbine kids. Immediately. He said he felt like
14 they knew exactly how he felt and he really related to
15 them. And I do think he emulates them, and I think he
16 tried to make this as similar to Columbine as he could
17 in his own ways except, of course, he carried it out
18 sooner than he thought and didn't have a chance to make
19 the bombs and things that the children at Columbine
20 did.

21 And I think one of the important things, your
22 Honor -- people may make light of it -- that rabbit,
23 Floppy, was everything to him. It was the one source
24 of nurturing that he had during this period of time
25 where he was down in -- and it was a basement. Again,

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1 I don't know if I would call it a dungeon, but he was
2 isolated in a basement away from everybody in the
3 house. And what the idea was, you laid as low as you
4 could so you didn't catch fire. And that rabbit was
5 everything to him. And when his dad threatened to kill
6 that rabbit, it enraged him. It was very significant.

7 The interesting thing is, he's gotten so anxious
8 over the years, he didn't even remember his rabbit's
9 name last week. I asked him what the name of his
10 rabbit was and he couldn't tell me. But I think it's
11 very significant that when the rabbit was threatened --
12 and you see it on his Instagram account. I think he
13 was really mad that night. I think he had some choice
14 words about his father. But I think that's really
15 significant.

16 The only other thing that I think was very
17 significant to me is that when he was on this peer
18 group trying to get motivated to go do the school
19 shootings, I think one of them told him to drink a
20 Mountain Dew, which is the reference to Columbine.
21 They said, "Why don't you drink a Mountain Dew?" So I
22 think those are significant as well.

23 This is a kid, you know, he's depressed, he is
24 enraged, and he is homicidal. He has no support. He's
25 isolated, and the only support he does have are people

1 encouraging other adolescents, you know, other people
2 using poor judgment, encouraging these kind of
3 behaviors.

4 And the other thing that was significant, on the
5 day of this offense, he knew this was -- he told me he
6 knew this was going to be a bad day with Jeff because
7 Jeff, when he got home from the permits, he had,
8 evidently, not gotten a check. He had sold some larger
9 chickens, and the check was not the amount of money he
10 thought he should have been paid, and he was upset
11 about that, so Jesse knew what was coming.

12 Q And then, obviously, he committed these crimes, he
13 was arrested, and he gave a statement. Have you
14 reviewed that statement?

15 A I have.

16 Q Did anything stand out to you about that
17 statement?

18 A And I think, before you even go there, you know,
19 none of us, all of us, we've seen Jesse after the
20 offense. He's young. To me, the best evidence you
21 have is what he was doing when he was shooting the
22 school. He was not laughing. He was not pleasant. He
23 was emotional. He's screaming. He is yelling. I
24 mean, he's all over the place.

25 Q Let's talk about that a little bit. Let's talk

1 about the tape of the school.

2 You have reviewed that tape as well. You have
3 seen it --

4 A Yes..

5 Q -- of him after he put the gun down when he was
6 calling his mother and grandparents?

7 A Yes.

8 Q How would you describe him in that instant?

9 A Agitated. Pacing. You know, hypermotor
10 agitation. Walking back and forth, reasoning,
11 screaming. I would characterize -- I'm sure everybody
12 has seen the video and would have a similar
13 characterization. He certainly wasn't smiling. He
14 wasn't calm.

15 Q So we go now to his confession that he gave mere
16 hours after this incident.

17 What did you notice about his affect and his
18 statement that day?

19 A Well, I think one of the important things is the
20 first thing he does is he asks, "Was anybody killed?"
21 And there may be different reasons for that. When I
22 viewed it, I thought it was because he was concerned if
23 anybody died. But I understand, from looking at the
24 prosecution's case, there may be questions that he was
25 upset because he didn't kill anybody. He wants to know

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1 if he was successful or not. So that may certainly be
2 another explanation for that.

3 He was cooperative. You know, I think he
4 immediately -- I think, more importantly, I think as
5 soon as he was detained at the school, the first thing
6 he said was, "My dad" -- I think he said something
7 about his dad is an alcoholic and bullies him. So one
8 of the first statements he makes, before he talks to
9 anybody, is they come up and he is talking about his
10 father. You know, "My dad bullies me and drinks."

11 But, yes, he was cooperative. I don't think he
12 was very -- he answered questions. I think he talked
13 about Mars. There was some signs of immaturity, but he
14 answered the questions, and he told them about the
15 Rainbow group. He told them about some of the things
16 going on at home.

17 Q And then he got to the detention center, and the
18 first person he saw was Dr. Martin?

19 A Well, the first psychiatrist he saw, yes.

20 Q I'm sorry, first psychiatrist he saw.

21 What do you think about Dr. Martin and
22 Dr. Martin's report? Speak briefly to that.

23 A I've worked with Dr. Martin. I've worked with him
24 at Patrick Harris. I have never worked -- you know,
25 we're just colleagues. He has -- he had an appointment

1 at Patrick Harris. He would take -- he and the private
2 group of psychiatrists in town, Dr. Ramesh, Dr. Martin,
3 and Dr. Wiley, they have a private practice. So
4 Patrick Harris Hospital has a contract with AnMed. So
5 whenever an AnMed psychiatric patient would come to
6 Patrick Harris, they would come in to round on these
7 patients. So we have never shared patients, but we
8 certainly were colleagues. We would see each other in
9 the hallways and those sorts of things. Not on a daily
10 basis, maybe once a week. So I know of Dr. Martin.
11 I've known of him for over, I think, 20 years, he said.
12 I knew that he's the Greenville County Detention Center
13 psychiatrist, so I have often, by history, if I'm doing
14 a court evaluation over in Greenville and there is a
15 question about an inmate, I will text Dr. Martin and
16 say, "Will you please look at this inmate?" So I'm
17 familiar with Dr. Martin. I knew that he was
18 forensically trained.

19 Q Does Dr. Martin have any agenda when he does
20 evaluations? He's pretty by-the-book, isn't he?

21 A I think I know what you're saying, but you need to
22 be more specific in your question.

23 Q Dr. Martin is not a paid expert, is he?

24 A No. No, he was not paid in this case. I don't
25 know what his -- but I know that he was here in his

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1 role. He has treated children. I respect his opinion
2 very much, because when you're in a jail or you work at
3 DJJ like I did, you know conduct disorder kids. They
4 are so different than the other children. They're
5 always in trouble. They're always bullying people.
6 Every time you see them, they have 15 write-ups. They
7 don't care about other people. So I trust Dr. Martin.
8 He was not a newcomer to the show. He's worked at that
9 jail with those children for 20 years. I respect his
10 opinion. If he sees someone as a mood disorder or
11 anxiety disorder or trauma disorder, I have no reason
12 to doubt him.

13 Q And what were his conclusions about Jesse?

14 A Well, I heard his testimony, so he's diagnosed him
15 with PTSD and major depression with psychotic features.

16 Q And what do you think of that diagnosis?

17 A I intentionally didn't put a diagnosis on this
18 record, your Honor, and one of the reasons -- well,
19 there's many reasons, but one of them is one of the
20 things that's been a concern with Jesse, Jesse is
21 always fixated on his diagnosis. Every time you see
22 him, "What's my diagnosis?" And this has been going on
23 for years.

24 And what happened, I finally -- he finally fessed
25 up, and what he told me is he believes there is a

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1 chance he's possessed. He's very worried. He's gotten
2 very religiously preoccupied, which is a normal
3 developmental thing for a kid his age. They're going
4 to look at religion. It's okay to doubt. You know, I
5 don't know if the religion is real or not. I don't
6 know if it will stay with him or not. Time will tell.
7 But this is the time that teenagers look at religion
8 and decide what role it's going to play in his life.

9 Q The age he is right now? The age Jesse is right
10 now?

11 A 17, that's correct. And so he's very fixated,
12 either if we don't find him mentally ill, then he's
13 convinced that he must have been possessed. So he's
14 trying to work on moral issues to get better, so that's
15 been a concern to him.

16 I did not diagnose him with PTSD. I thought that
17 he has that criteria, but with Dr. Teichner's recent
18 testing, there's explanations for that. Right now, at
19 the time that Dr. Teichner tested Jesse, he doesn't
20 remember a lot of the abuse that he reported earlier.
21 And, again, that's because he's not had treatment, he's
22 got other things going on, time has passed, he's
23 dealing with family drama. But I did diagnose him with
24 what's called other specified trauma and
25 stressor-related disorder. And it means that he's been

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1 traumatized. He's been exposed to trauma for the
2 last -- from at least, you know, that we know, it's
3 getting worse, from ages 12 until he was 14. And so
4 he's gotten many, many features of that.

5 And if I may, your Honor, we used to call PTSD and
6 these disorders, they used to be qualified as an
7 anxiety disorder. Well, our new DSM-5 realized there's
8 a whole lot more going on than just anxiety with these
9 disorders. They affect the way you think. And you
10 develop what's called a negative cognition. It changes
11 the way you think. And people with these trauma
12 disorders, they believe the world's a bad place. And
13 Jesse specifically, all children are bad. They're
14 bullies. They're going to grow up to be bullies.
15 They're all the other horrible things that he's called
16 children. That's a negative cognition you can see in
17 trauma and other stressor-related disorders.

18 He's had lots of nightmares. He denied all of
19 those to Dr. Teichner, and what I did in preparing this
20 report, I went back and looked at all the times he told
21 me he has nightmares. He didn't report them. He has
22 them.

23 The one that he has the most, he talks about it,
24 your Honor, his mother is getting married. She's
25 dating a man named Brandon right now that Jesse knew

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1 before this event. And he had a dream that they're
2 getting married, and Jeff comes in and shoots Tiffney
3 in the middle of the wedding. That's been a recurrent
4 dream for him, some of the abuse dreams. He definitely
5 has nightmares. We know he has insomnia. That's in
6 the records, and that's a symptom you can see with
7 these traumatic disorders.

8 I think one of the symptoms he lacks is called an
9 intrusion symptom, and that's where you kind of relive
10 events. He has a little bit of that. The main symptom
11 he tells me about is that he could see the blood on his
12 father's head. And the other thing that particularly
13 stands out for him, he stated when he shot his father,
14 his dog, Brutus, the hair on the dog's back stood up.
15 So he does have kind of intrusive thoughts about his
16 dog and seeing his father.

17 But not about the school shooting. I've asked him
18 very specifically, and the only thing that he will talk
19 about that kind of is intrusive to him about the school
20 shooting is that, when he was shooting and he put the
21 gun down, he looked up in the window and saw a child
22 smiling at him. And he thinks somehow that that child,
23 he says maybe it was an angel that made him stop. He's
24 not really sure, but that's been an intrusive symptom,
25 that he can look up and see a child smiling. And he

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1 couldn't figure out, why would a child be smiling at
2 him through a window.

3 So he doesn't really have a lot of the intrusive
4 symptoms that I think would make him meet the full
5 criteria for posttraumatic stress disorder. He has
6 some physiologic arousal. I think Dr. Martin described
7 that beautifully. There was a period of time somebody
8 slammed the dryer. And what he did that night is he
9 turned all of his books over. He got very agitated.
10 He slept in the bay. He didn't sleep in his room that
11 night. The staff recognized that he was not
12 comfortable, and they let him sleep out in the open
13 area. So he has features, you know.

14 Not everybody that has trauma gets PTSD. A lot of
15 people don't. But he certainly, the amount of trauma
16 he's had and the period of time that it happened, not
17 only was he abused, you have to remember he witnessed
18 abuse. He saw Jeff abuse his mother. He did witness
19 that, and Tiffney confirms it, and Jesse remembers it.
20 He saw Jeff hit Tiffney. He watched Ryan get abused.
21 He watched Mary Lee get abused, and he was abused. So
22 not only did he witness it, but he was a victim of it
23 as well. So he's had a lot of exposure to trauma over
24 his developmental years. And so, in my opinion, he may
25 not meet the full criteria for PTSD, but he certainly

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1 has criteria that shows the effects of trauma on him.

2 And I agree with Dr. Ballenger and Dr. Wagner,
3 there has been a period of time where he absolutely met
4 the criteria for conduct disorder. It's not present
5 now. I have to agree with Dr. Teichner. You have to
6 look at the symptoms. I'm concerned he has two events
7 where he's destroying property. That's not been a
8 common occurrence for him.

9 If you look at his record, he's done, actually,
10 really well compared to most juveniles that are in the
11 detention center. He's not had that many write-ups
12 compared to others. But he has met that criteria in
13 the past. He absolutely lied. There's no question he
14 malingered symptoms.

15 I was so disappointed in that hearing, hearing
16 that. He malingered to Dr. Ballenger, and he
17 absolutely malingered to Dr. Wagner. There's been
18 times, I think the Scooby-Doo voice that he talks
19 about, I would suspect that that's malingered as well.
20 So I think he's even malingered to me over time.

21 Q Dr. Martin also, I think, diagnosed him with major
22 depression; is that correct?

23 A Yes. And I agree with that. Children, when
24 they're depressed, they don't always necessarily have
25 a sad affect. They can get very angry. And I think

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1 Jesse's rage and anger was building up, and that's a
2 symptom of depression for him.

3 We know, when I saw him in the detention center,
4 he was not eating. He was prescribed, he called it
5 vitamin shakes. I looked at the order. It was
6 actually, like, Carnation, I think it's instant milk or
7 something. But he was definitely having problems
8 sleeping. He was having problems with his appetite.
9 He had lost interest in things that normally interested
10 him. It took him a while to adjust to the jail. He
11 was placed on antidepressants for a short period of
12 time. But his depression, in my opinion, he's had a
13 few symptoms right now just because he's been so
14 anxious about these hearings, but I think it's in
15 remission.

16 I don't think the psychotic symptoms he reported,
17 I do think he's had symptoms of paranoia. And you can
18 see that with people that have been traumatized. And
19 the symptoms that I do believe that he's been
20 consistent in reporting is that when he lived in the --
21 when he was down in the basement at night, he would
22 hear footsteps going down the steps, and sometimes he
23 would think it was a ghost; other times he was afraid
24 that maybe Jeff was coming down to get him -- he got
25 very paranoid, and, you know -- at one point that maybe

1 Jeff would shoot him. But I think he does have periods
2 of time where he is incredibly anxious where he will
3 get paranoid.

4 I didn't tell Dr. Martin, but he was very paranoid
5 about Dr. Martin. Dr. Martin, evidently, when he would
6 come in and examine him, had a tape recorder. And I
7 suspect Dr. Martin was dictating his notes. They had a
8 dictation system. And Jesse was very paranoid about
9 him and said that, "That man is taping me." So there's
10 periods of time where he would be paranoid, but I'm not
11 sure that was a complication from his depression.

12 Q You say you think he was malingering about the
13 Scooby-Doo voice. Do you think all his hallucinations
14 are malingering or all his reported hallucinations?

15 A Well, I did after listening to Dr. Ballenger and
16 Dr. Wagner and seeing the reports, but then I looked at
17 that July video just a few days ago. I had just seen
18 it for the first time when I got subpoenaed by the
19 prosecution and had you pull that video up. And I
20 looked at it, and I'm not sure. I don't think he's
21 always malingered. The demonic voice he talked about,
22 it said negative things about him.

23 The way he described it, if you look in that
24 video, there's chances he could have said a lot of
25 things about it, and he said it was getting better.

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1 You know, the medicine was helping him. He said it
2 would tell him he's a worthless piece of crap, he's not
3 worthy of living. You can see those -- those
4 hallucinations are not necessarily inconsistent with
5 the malingered, but what he told Dr. Ballenger and them
6 is absolutely false.

7 When I evaluated him, he told me the only time the
8 hallucinations were coming, he would wake up in the
9 middle of the night. You can have hallucinations.
10 When you're sleep deprived, going to sleep, falling
11 asleep and waking up, that's not uncommon. Some people
12 will hallucinate if you're sleep deprived enough. So
13 that could have been an explanation of it.

14 He told me at the first evaluation I had with him,
15 he reported hallucinations. And I absolutely asked him
16 during that first evaluation, "Were you hallucinating
17 during these offenses?" and he said no. So even if
18 they're malingered or not, I'm not sure. There has
19 never been a report to me that he was using this to get
20 out of being responsible for this offense.

21 Q Let's talk a little bit about Dr. Atkinson's
22 report for the waiver hearing.

23 Tell the judge exactly who Dr. Atkinson is and
24 what her role is.

25 A I don't know her, but I do know, from DJJ, they

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1 have a group of very well-trained psychologists that go
2 in and perform these waiver evaluations. And what they
3 do -- I have worked with them on a number of waivers --
4 they really do a really nice job. They're kind of
5 neutral. They just don't really give opinions one way
6 or the other. They try to list all the positive things
7 for the judge to consider and then the negative things.

8 My experience has been that they're very
9 competent, they're usually very well done, and they're
10 very neutral.

11 Q And Jesse malingered some during this evaluation?

12 A Yes, he did. Yes, he did. I think what's
13 significant, though, if I read correctly, even though
14 he malingered, she still could not rule out that there
15 was some paranoia and, perhaps, some psychotic symptoms
16 in him at times.

17 I think the other thing that's important to note
18 is she noted significant social deficits, which is part
19 of immaturity. There were significant social deficits.
20 She also noted that adolescents with his kind of
21 presentation verbalize physical complaints, they get so
22 mad.

23 She noted depression -- she noted depression and
24 anxiety, even though Jesse didn't report it. You know,
25 when you're that young, you don't have insight. He

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1 can't even identify his emotions. He doesn't even know
2 when he's anxious. He told me the only emotion he's
3 able to identify is when he's happy. And so -- but she
4 noted, even despite him saying "not" to these things,
5 that there was some depression, anxiety, and, perhaps,
6 psychosis, even though he malingered it.

7 Q You were present for both times that Dr. Wagner
8 and Dr. Ballenger have testified, correct?

9 A Yes.

10 Q Talk briefly about what you do agree with that
11 they said.

12 A I agree with a lot of what they said. I think at
13 the time they saw him -- I actually looked today. I
14 think, still technically, Jesse wouldn't have qualified
15 for conduct disorder at the time of the waiver hearing.
16 I think it had been a year since -- it had been over a
17 year since the crimes, but what Dr. Teichner said, yes,
18 sir, we're splitting hairs. I don't think you have to
19 go by the book either. You know, I think the DSM gives
20 us some leeway. And I think, absolutely, when they saw
21 him, he had conduct disorder and he was malingering, so
22 I agree with their assessments. But there was a lot
23 more to him. And if you didn't talk to this family, if
24 you didn't talk to these siblings, you were missing the
25 whole piece of abuse and the effects that long-term

1 trauma has had on him.

2 So not through any fault of their own. They can't
3 know all of that. But I think by not knowing this
4 family, his home, and environment, I think that's what
5 is very important to development. That's a significant
6 factor in this. And if you don't know the home and
7 environment situation, it's going to affect your
8 analysis.

9 Q Does the DSM say anything about family dynamic in
10 conduct disorder?

11 A Yes, it does.

12 Q What does it say?

13 A Children with conduct disorder, if you look, what
14 the DSM-5 did that's really nice, they added some
15 things. They looked at risk factors like pre- -- you
16 know, genetic and environmental stuff, and then in
17 their prognostic area. But they talked about that a
18 lot of kids with conduct disorder come from broken
19 homes. This is the kind of home that a conduct
20 disorder is grown in, parents that are fighting,
21 boundaries. We haven't even talked about all the
22 boundary crossings that have happened in this family
23 and continue to happen in this family.

24 Q Why don't you just explain what boundaries are
25 right now and tell the judge about that.

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1 A Again, a child knowing what's going on with the
2 parents, a child knowing parental issues. Mary Lee,
3 the case -- the trauma Tommy referred to, Mr. Osborne,
4 he only knew his piece of it. The entire piece of
5 that, Mary Lee was 13 or 14 at the time. One of these
6 instances, Jesse was so little, she said he was
7 barefoot and it was wintertime, and that Jeff and
8 Tiffney were fighting, and Jeff was accusing Tiffney of
9 being unfaithful, and that Jeff was in Jesse's face
10 screaming, saying, "Your mother doesn't love us
11 anymore. She's going with another man. She doesn't
12 want you to be in this family, and she doesn't want
13 us."

14 And it was so alarming that Mary Lee left. She
15 drove when she didn't know how to drive. She got in
16 the car and took Jesse and went to the grandparents'
17 house. So a lot of times when they were fighting with
18 each other, Jesse knew what the issues were. He knew
19 what they were fighting about. He knows way too much.

20 He said things about J.H. in this case that
21 he wouldn't have had information about. I mean,
22 whatever he hears, he repeats. And so people have to
23 be very careful. As you know and I know, you can't
24 tell Jesse anything because he has no boundaries. He
25 doesn't know when something is appropriate or not, when

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1 to say it or not, when to say, "Wow, maybe I shouldn't
2 do this," or "Maybe this is not helpful for me, maybe I
3 shouldn't talk about those things." But he knows all
4 the drama going on.

5 So here he is trying to deal with killing J.H. ,
6 shooting another child, shooting a teacher, killing his
7 father, and he's still dealing with family issues
8 instead of focusing on his health. He knows everything
9 going on with them. He knows all the financial
10 problems, who's not talking to who this week, who got
11 in a fight.

12 There was one visitation where his grandparents
13 took the mother's visitation, so the mother was mad,
14 and so Jesse punished his mother -- or she took a
15 visit. Somehow somebody got their visits mixed up, and
16 somebody took somebody else's visit. So what he tells
17 me in that tape is that he corrected it. He made his
18 mother miss a visitation and gave it to his
19 grandparents. So he knows when they're fighting about
20 who's going to do what. So that's a boundary. You
21 don't need to know what your parents are fighting
22 about. It's enough to even hear it, but, you know, to
23 be drawn into it and become part of it, that's just
24 very inappropriate. That is not good for your
25 emotional development at all.

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1 Q And that sort of thing is what contributes to
2 conduct disorder?

3 A It can, sure. It can contribute to a lot of
4 different things, but, certainly, yes. When you're
5 growing up in an environment where there is abuse and
6 people scream and yell and, you know, you do what you
7 want to do.

8 I think another real common theme here is
9 everybody in this family blames everybody else.
10 Sometimes things just happen. I don't blame them.
11 This is a broken family. When you have been through
12 abuse and then you've murdered a family member and then
13 you murder children, the whole family is broken, so I
14 don't expect any -- they haven't had therapy either or
15 treatment. I don't expect any better.

16 But, yes, he's learned to blame. As you see,
17 people kind of blame everybody else in this family
18 instead of saying, "Let's all work together." And I
19 see that in Jesse. And that's kind of how conduct
20 disorder, you know, you don't take responsibility for
21 what you've done; it's everybody else's fault. So I
22 think there's been a pattern in that family where
23 that's kind of modeled.

24 Q And we were talking -- I started out talking about
25 Dr. Ballenger and Dr. Wagner. As I think about it, the

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1 animal cruelty that Dr. Ballenger testified to
2 yesterday, that's been part of his report at both
3 hearings. That's part of conduct disorder?

4 A Yes. And Jesse definitely abused. There was no
5 question. He tortured frogs. He's tortured bugs. You
6 know, it's very interesting. He's also very attached
7 to pets, too. There's some that -- you know, he
8 clearly loved Floppy. And he loved his dog Brutus.

9 There's one occasion where Jeff threatened to kill
10 Brutus because he was shedding, and that very much
11 upset Jesse. So it's very interesting, he's attached
12 to some animals. They almost have a hierarchy. Some
13 animals, I guess if they're mammals, or, you know, at
14 some level, he's attached to them, but things like
15 insects or amphibians.

16 The other thing I think that's very -- that's
17 confabulating or -- I don't even know the --
18 confounding, a confounding variable in this case is
19 that he went to the chicken house, and his job was to
20 kill chickens. You know, the chickens that were not
21 healthy. So he's also, not only because he's tortured
22 animals, but he's also been in a position where he
23 killed them. And I think at some level he did begin to
24 get creative on -- there's some testimony or there's
25 some reports that, you know, maybe some of the ways

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1 that they killed the chickens may not have been
2 appropriate.

3 So I think that's very fair. I think there has
4 been some issues with animals. But I also, on the
5 other side, there's evidence that he loves animals,
6 too. He had rescued -- his mother sent a video, I
7 think this week, by phone that I looked at of Jesse.
8 He found a little bunny rabbit in the wild and was
9 trying to feed it.

10 Q Everybody that hears your testimony or reads your
11 testimony later is going to think about what's in the
12 popular culture right now, which is killing -- about
13 everybody that's involved is a serial killer or
14 something, you get some story about them torturing or
15 killing animals when they're young.

16 Is that something that always indicates bad acts
17 as an adult?

18 A It's one of the triad. There's three things. You
19 know, when you look at -- when you're looking at the
20 development -- what the issue is, is the conduct that
21 he has when he's conduct disordered, is there
22 indications that it will progress into adulthood and
23 that it's going to persist. And there is a triad of
24 things you look for, bedwetting, cruelty to animals,
25 and fire setting. And that has been studied, and those

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1 can be associated with future offending, so there is an
2 association there in the literature, no doubt.

3 Q There is an association, but there's also
4 treatment that helps people that have these problems?

5 A Conduct disorder, not necessarily. I agree with
6 Dr. Ballenger. A lot of conduct disorder, that's not
7 something usually that you have great success with, but
8 what happens when there's other conditions
9 contributing -- I don't -- at this time I don't
10 diagnose Jesse with a conduct disorder. I think a lot
11 of his behaviors in offending were secondary to trauma
12 and some of the exposures and some of the things in his
13 home environment, a lot of those things.

14 But there are -- there's still -- you know, just
15 because he didn't meet it a year ago, right now there's
16 going to be periods of time where maybe he's following
17 the rules, it's still something that has to be followed
18 up. But I don't think it's fair to say that's the only
19 thing going on with him and there's no hope, because
20 there's a whole part of him that's never had treatment.
21 He's had no treatment for his traumatic experiences.
22 He doesn't understand emotions. He's had to learn to
23 repress them. You know, when you're getting beat and
24 you cry, you're going to get more beatings, you learn
25 to swallow it.

1 He's learned that when he got enraged, I think one
2 of the things he said after the crime is, "I quit when
3 I wasn't angry anymore." And when I saw him, the first
4 time I saw him, he said, "I feel better." He felt like
5 the anger had gone. So this is a young man, his anger
6 is very dangerous. So, of course, he's not going to be
7 in touch with his emotions. He's not had any
8 treatment.

9 I would make probably some of the same conclusions
10 Dr. Ballenger did after he's had traumatic treatment.
11 I think he needs very specific treatment to help him
12 process the trauma and also some treatment to help him
13 understand what appropriate boundaries are and what you
14 talk about and what you don't talk about.

15 He tried it with me. The last time I saw him, he
16 called me Donna. And I'm like, we don't go there.
17 That's an inappropriate boundary. I'm not Donna. I'm
18 Dr. Maddox. So he's got to have some treatment to
19 learn those things.

20 And the other thing is his brain is still
21 developing. He's not finished. When he's 24 or 25,
22 we'll be finished in terms of his judgment and things
23 and we'll better know then. But I just think it's too
24 early with him. He's too young right now. He's had
25 too many other traumatic things happen, and to say this

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1 is the way, I don't think his script has been written
2 yet.

3 I've been with a lot of conduct disordered kids at
4 DJJ over 15 years, and he does have some features, but
5 he's certainly -- I've seen a whole lot worse conduct
6 disordered kids than him. And, technically, he doesn't
7 meet the diagnostic criteria right now.

8 Q Even though they're in the closed environment of
9 the jail, children with conduct disorder continue to
10 show signs of it and be diagnosed with it?

11 A All the time. An example at DJJ, one day, came
12 in, everybody's car had been keyed. The kids were
13 walking up to the infirmary where they were treated,
14 and somebody found a key. You would see children
15 trying to masturbate in front of various staff members,
16 fights, huffing paint. They painted the infirmary one
17 time. The kids were all huffing the paint, breaking
18 rules, fighting one another.

19 They had a list. They would draw names out of a
20 trash can. And, for example, teacher or nurse, whoever
21 got the name, they had to beat up that person or they
22 would get beaten up. There's all kind of conduct
23 disordered behaviors there.

24 Q You alluded to the personality disorder, the
25 permanent personality disorder that Dr. Ballenger spoke

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1 of, that antisocial personality disorder.

2 Dr. Ballenger talked yesterday, and in his
3 previous testimony, he told me that people often burned
4 out at the age of 40, 45, and then yesterday he talked
5 about, quote, the myth of burnout, unquote.

6 Would you address that for me, briefly.

7 A Yes. But if I recall, though, I think on
8 cross-examination he had reported that there was a
9 burnout. The DSM has it, you know.

10 What happens is, after age 45 in a male, your
11 testosterone starts to decrease, you know, some of the
12 hormonal antecedents. As Dr. Wagner said, your brain
13 is doing different things developmentally. You're
14 getting more wisdom. So around age 45 to 50, I think
15 that's a correct period of time, you will see less
16 antisocial acts in people.

17 But I didn't answer your question. Personality
18 development, he's still developing. He's not processed
19 any of this trauma. If he doesn't process this trauma
20 and doesn't get treatment, I would be concerned. I
21 think antisocial is certainly one of the differentials
22 for him. That could happen, you know, if he doesn't
23 get some -- understand this violence and the things
24 he's been exposed to and learn how to manage it,
25 develop insight, empathy, those sort of things.

1 Without it, there is a concern.

2 But I also think Dr. Teichner, what he called -- a
3 schizoid personality is somebody that's just aloof.
4 They don't need people. I'm not sure I agree with
5 that. I think Jesse wants people. I think he's
6 avoiding of them. I think he either gets picked on or,
7 you know, he and Ryan had to learn to avoid trauma.
8 You go down and you stay by yourself. So I'm not sure
9 how much of that is learned or not. But, I mean,
10 there's certainly the recipe for a personality disorder
11 in him with all the trauma he's had, all the
12 developmental things, but I'm not sure where it will be
13 at this point.

14 Q Can he get the treatment he needs at the
15 Department of Corrections?

16 A No. Yes and no. There's some things he can do.
17 I think he certainly -- I've talked with them. I
18 worked at the Department of Corrections, and one of the
19 things I did, I called Stoney Drake. Stoney Drake is
20 in charge of some of the mental health services there,
21 and I asked him specifically what kind of programs,
22 where would he go when Judge McIntosh sentences him,
23 what would happen. And he told me that the
24 17-year-olds have a separate R and E. So he certainly,
25 when he goes to R and E to get classified and

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1 processed, he's not going to be with adult offenders.
2 They're in a separate place. And then he would go on,
3 until he's 18, he would be in separate placement.

4 Now, they have case management. He'll get
5 medicines, which will help. He's -- there's been
6 questions about him being noncompliant. The only
7 medicines I ever saw he was noncompliant with are
8 vitamins. When he's been given psychiatric
9 medications, he's taken them and he's been compliant
10 with those.

11 He'll receive medicines. He'll have a case
12 manager similar to DJJ, somebody that checks in with
13 him and makes sure that he's doing okay. So when I say
14 no, he'll get some treatment, but the specific trauma
15 treatment that I believe he needs, he would have to
16 contract out for that.

17 And Mr. Drake -- there's inmates -- I've worked at
18 SCDC. There are inmates that have their own therapists
19 come in, and they have accommodations for that. So if
20 his family would pay for him to get specific treatment
21 for cognitive therapy for trauma, it can happen. I
22 know four inmates that have their own therapists that
23 come in from the community and treat them.

24 Q And you heard Tommy Osborne say that the family
25 would be willing to pay for that?

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1 A Yes. And Mr. Drake told me probably the most that
2 he thinks -- you know, the Department of Corrections is
3 concerned about younger people coming in, too, of
4 course, because, you know, they don't have a lot of
5 specific programs. And Mr. Drake said what they do in
6 these circumstances, they would probably have Jesse
7 teach. One of the things that they eventually would
8 have him do, they try to take the kids that have done
9 really well in school and help them mentor and tutor
10 other people, maybe learning how to read and that sort
11 of thing. So that's one of the tracks that they would
12 consider for him.

13 Q But do you think the therapy, if it was paid for
14 by outside sources, would be beneficial to him?

15 A It's crucial. He's got to have it. He's got to
16 learn -- I think, you know, he's got to -- and he may
17 not be able to experience remorse, I don't know. But
18 without this treatment, we're not going to know. He's
19 got to get in touch with his emotions. You know, I
20 don't know if he doesn't feel them or if he's
21 repressing them, but he's got to have this treatment so
22 we can know at some level what his prognosis is.

23 I'm optimistic. He's been abused. I think he is
24 going to -- as he ages, he's going to appreciate what
25 he's done. He still doesn't fully at this point,

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1 though.

2 Q Let's talk about his lack of remorse. He's very
3 open about it. He says it repeatedly. He said it to
4 just about everybody that's seen him. What do you
5 attribute that to?

6 A It could be that he has no emotions. But I think,
7 given the circumstances of how much he's been
8 traumatized, and part of the therapy, when you're
9 treating people with trauma, you don't want them
10 necessarily to feel their emotions because their
11 emotions can be dangerous. They have got to have
12 treatment to learn how to express them correctly. So,
13 normally, that kind of treatment, you change the
14 thinking that's associated with, you know, the negative
15 thinking and those sorts of things.

16 He told me he doesn't know how to feel. He said
17 that he tries to avoid all emotions. He said the only
18 emotion that he understands that he feels is maybe
19 feeling happy. He thinks he understands what that
20 feeling is, but I would contend to you that he
21 definitely -- I've watched him experience anxiety. And
22 he just doesn't know what to call it, but it's very
23 obvious in him.

24 When he was at the Greenville Detention Center, he
25 did very well. In that video, calm. He could process.

1 Actually, he looked really good probably in 2017. He
2 was in school, he was getting therapy, he was getting
3 medications. He had goals. When he went to Anderson,
4 the adult detention center, he's decompensated in terms
5 of just trying to hold a conversation with him. He's
6 easily distracted. He can't carry on a thought. He is
7 overwhelmed at just any task that he has to do.

8 So he -- he's got some emotions and I think others
9 that he may feel he doesn't know how to label, and then
10 I think some that he's just frightened to even begin to
11 deal with. And he shouldn't. I don't necessarily want
12 him dealing with emotions until he's got somebody that
13 can help him with that.

14 Q Talk about how Dr. Teichner's report has come into
15 your thinking.

16 A Well, it was just very helpful for me in terms of
17 looking at the *Aiken v. Byars* criteria. The
18 chronological age. It certainly told me that, not only
19 was he a 14-year-old compared to a 15, 16, 17-year-old,
20 he's already at the lower end of the spectrum, that his
21 brain was not the 14-year-old brain in terms of
22 cognition. So that's very helpful.

23 MR. EPPEs: Judge, I have some more questions, but
24 if I sat and focused for 10 or 15 minutes, it would
25 greatly simplify me just sitting up here. And I need a

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1 break. Can we take a brief break and let me come back
2 and finish up?

3 THE COURT: Sure. Let's take about a ten-minute
4 break.

5 (WHEREUPON, a recess was taken from 12:24 p.m. to
6 12:41 p.m.)

7 MR. EPPES: Can we approach?

8 THE COURT: I want to tell the members of the
9 press something. I had a backroom conversation. This
10 is the third time -- the third time -- not members of
11 *Anderson Independent*, the TV press, that they are to
12 cut off their TVs and cut off their mics. I got calls
13 from multiple citizens when I was in my chambers from
14 different sources.

15 Next time you leave it on, either the audio or
16 video or both, you will be immediately escorted out of
17 the courtroom. Channel 4 is the offender. Fox News is
18 not. I'm not going to tolerate you anymore. I allowed
19 you to live stream, which is unusual, but it's happened
20 enough times.

21 Everybody understand that?

22 Come forward.

23 (WHEREUPON, a bench conference was held off the
24 record.)

25 BY MR. EPPES:

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1 Q Dr. Maddox, you talked, when we were talking about
2 Jesse and some of his relationships with animals, you
3 talked briefly about Floppy and the threat to Floppy,
4 but I don't know it was clear.

5 The threat to Floppy and the text messages or
6 Instagram messages about it, that was the night before
7 this incident, the shooting; do you recall that?

8 A Yes, I do.

9 Q And do you have any other information about that
10 night?

11 A Yes. There was an altercation between Jeff and
12 Jesse. Jesse talks about that he was pushed on the
13 staircase. There was an altercation that night, and my
14 understanding is Jeff told him -- called him a wimp and
15 some other unpleasant words.

16 Q Were those names that Jeff Osborne called him that
17 night, were those common names that he used for Jesse?

18 A Yes. Yes. Jeff was -- there was -- one of the
19 arguments or one of the problems they had is Jeff felt
20 that Jesse needed to stand up for himself and would
21 say, "Stand up for yourself. Take up for yourself."

22 And Jesse reported to me one of the reasons he
23 didn't do that is he wanted to go to college, and he
24 knew if he had bad behavior in school, that that would
25 prevent him from getting into a good college. But,

1 yes, that was very common.

2 Ryan talked about that Jeff had names for them
3 when he felt like they were being wimps or girls. He
4 would call Jesse Jessica and Ryan Rebecca. So he would
5 ridicule them often about not manning up.

6 Q And that would be a contributing factor to all
7 this other abuse we talked about; it would be a
8 significant part of it?

9 A Yes. And you look at there was no question he is
10 planning to be a school shooter, but why did he do it
11 earlier when he had plans, if he was going to act on
12 them, to do other things? So I think this is just one
13 of the things that sped up that process.

14 You can't look at the school shooting without
15 looking at what was going on with he and his father
16 because that's part of the bullying as well, and it
17 contributes to the rage that he had and it contributes
18 to the dysfunction he had in his life.

19 Q And in point of fact, we just found out over the
20 break that there is an active school shooting going on
21 right now?

22 A Correct.

23 Q And I believe you reviewed an article that's an
24 exhibit in this case, The Safe Guns Initiative?

25 A Yes.

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1 Q Do you recall that?

2 A Yes.

3 Q And I believe earlier in your testimony you talked
4 about looking at the characteristics of a school
5 shooter as outlined in that document and then looking
6 at Jesse. Do you remember?

7 A Yes.

8 Q And do you need to see that article to discuss it,
9 or are you fine without it?

10 A It depends how many specific questions you ask me
11 about it.

12 Q Let me get it just so you'll have it.

13 A Yes. And this, actually, this is from the Secret
14 Service. This was an initiative done. There were so
15 many school shootings that, I believe it was the
16 Secrete Service, they were coming up with -- yeah, the
17 United States Secret Service and the Department of
18 Education. This is a joint task force where they were
19 looking at, I think it was 33 school shootings during
20 the period of time they studied them. They're trying
21 to learn, you know, what are the characteristics, what
22 can we do to prevent it. As you know, it's a national
23 problem.

24 Q And they concluded that there's no 100 percent
25 useful profile of a school shooter, correct?

1 A That's correct.

2 Q But they did notice that a lot of them involved
3 people with bullying issues or mental health problems?

4 A Yes. There were some really interesting things.
5 Most of the kids had not had mental health treatment.
6 They're trying to figure out, you know, how do you
7 profile these kids? What do you do so you know when --
8 you know, you had the first case that happened with
9 Jesse back in March of 2016, how do you stop that so it
10 doesn't -- March of 2015 -- '16. How do you stop that
11 so we don't have another September 28th? And they're
12 trying to look at, what are things unique about these
13 children? Some of the common things is they're
14 bullied. That's the common thing.

15 But you're right. It's still not -- that doesn't
16 mean every child that's bullied is going to shoot up a
17 school. It doesn't mean every child that's
18 domestically abused by his parent is going to, you
19 know, be a school shooter. But they look at, you know,
20 they try to go back in time and see what they have in
21 common.

22 A lot of these kids die. They either commit
23 suicide or they are shot by the police at the time, so
24 there's not a lot of kids that survive this that you
25 can learn from.

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1 Q But the report points out that conceptualizing the
2 attack is a significant part of it, correct?

3 A Absolutely. Planning, conceptualizing, thinking
4 about it, yes. That's -- most of them have done that.
5 You will see a lot of them then leave videos, like
6 Jesse, talking about what they're going to do, yes.

7 Q So that is a typical part of these school
8 shooters. And we're talking about adolescent school
9 shooters. We're talking about people under the age of
10 18 in this study, correct?

11 A Yes.

12 Q And then they talk about signaling the attack?

13 A Yes.

14 Q And we saw evidence from Jesse Osborne that he
15 signaled the attack as well?

16 A Yes. I think the video that the prosecution had
17 revealed, especially with the gun, you know, him
18 combing his hair that morning, and then the Facebook
19 posts. I think it's the Schwarzenegger, "I'll be --
20 I'm back," or -- yes, there were some signals there.

21 Q And then they talk about advancing the attack, and
22 they mention that often there's other people involved
23 in some way?

24 A Yes. Sometimes there's codefendants. Sometimes
25 there can be people supporting that behavior.

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1 Q Let's talk just briefly about Jesse's family and
2 guns.

3 What do you think about the videos that showed him
4 shooting an assault rifle four days before this
5 incident?

6 A I can't -- I won't give a personal opinion. It
7 needs to be based in science or psychiatry, and what we
8 do know about these school shootings is most of these
9 kids are getting the guns from the family. I mean,
10 they're within the home. They are not having to go out
11 and buy them. I'll leave it at that. I have personal
12 opinions, but I don't think -- I don't know that they
13 would rise to the level of medical certainty. But,
14 certainly, if it's not legal, if it's illegal
15 behaviors, that needs to be addressed.

16 Q And then, finally, you mentioned this before, the
17 resolution of the attack is rarely the resolution we
18 got in this case where law enforcement apprehended
19 Jesse alive.

20 A That's correct.

21 Q And that also adds to the difficulty in studying
22 school shooters?

23 A That's correct.

24 Q I'm going to ask this the wrong way. Would you
25 describe a school shooting as a symptom of an

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1 underlying psychological problem, result of an
2 underlying psychological problem, or am I completely
3 flummoxing the terminology?

4 A I don't think we have all the answers to that. I
5 certainly have started lecturing nationally about mass
6 murderers and mass shootings and those things, and
7 there's so many different profiles.

8 I think it's a -- I think it's very -- not taking
9 Dr. Ballenger's word, but it's a very complex issue,
10 and there is a lot of layers to it. There's certainly
11 the person that's perpetrating the act and whatever
12 pathology they have. Sometimes it is psychiatric and
13 psychological and sometimes it's just -- it may be
14 other external factors going on. And then there's the
15 issue of, you know, why aren't the schools -- you know,
16 what are they doing to protect the schools and making
17 sure the children are safe. It's just a complex
18 answer.

19 The one thing that is common, at some point the
20 perpetrators quit caring. They don't care anymore.
21 They don't care what happens to them, and they don't
22 care what happens to other people. Sometimes you can
23 see that in suicidal ideation, people that, when
24 they're at the point of suicide, they quit caring.
25 There is a very common component that there is a

1 suicidal component to it at some level, but there's
2 just not enough research to draw any more conclusions
3 than that.

4 Q And there's no way to tell if it's a component of
5 suicide, depression, or some other psychiatric
6 disorder?

7 A Some are, and some aren't. I've taken every mass
8 murder case in the last three years and I've kept a log
9 of them. I lecture mental health all the time because
10 almost anybody you see could be one of these patients.
11 Sometimes there are a group of men, you know, they're
12 going through a divorce and maybe they've lost custody
13 of their child. Sometimes it can be somebody that's
14 odd and eccentric and autistic and they don't
15 understand society. There's all range of people that
16 do these things. And with the children particularly,
17 there's just not enough research at this time other
18 than they're looking at why is it happening, what do
19 they have in common, what's going on.

20 We do know they use social media a lot, that there
21 is usually -- as the Secret Service wrote, that there's
22 some kind of clue that somehow they're on social media
23 communicating with other people or somebody at some
24 level that they're planning these things. There's some
25 warning signs.

1 Q And social media, the anonymity of social media
2 creates its own problems in these situations, correct?

3 A Sure.

4 Q Can you address those at all?

5 A Well, there's studies. And, you know, I mean,
6 when you have groups of people encouraging somebody,
7 you know -- and you talk about peer pressure. When
8 there's groups of people encouraging somebody to do it,
9 when you're in a group and you commit an act, you feel
10 less responsible at some level. So they know people in
11 groups are more likely to do something versus a person
12 by themselves. So if you have someone supporting that
13 behavior, it can be associated.

14 Q And that fits in with the Rainbow group and Jesse,
15 correct?

16 A In my opinion, yes. You know, had this group of
17 people said, you know, "We're just making believe.
18 We're just talking here," you know, "We're venting.
19 This is not really supposed to happen." I think one of
20 them wrote -- I think in the -- I was reading in some
21 of the texts going on, I think one of them wrote and
22 said, "I think this is really happening." I'm not sure
23 the kids thought this was going to happen. I don't
24 know. But one of them wrote, I think, "I can't
25 believe, I think he really did it."

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1 Q You're familiar with the *Aiken v. Byars* factors?

2 A Yes.

3 Q I'd like you to summarize to the Court, and it's
4 going to, obviously, include a lot of what we've been
5 over, but summarize to the Court your thoughts as to
6 these factors and how they relate to Jesse.

7 A Yes. And I think I have, for the most part,
8 already. In terms of the chronological age, again, I
9 think it's important just to consider that he's 14
10 versus 17. So not only do you have that he's -- you
11 have to look within the age range of the group of
12 offenders that fall under *Aiken v. Byars*. So
13 14-year-olds are not nearly as cognitively developed as
14 17-year-olds.

15 I think you also have to take into account that
16 him, as a 14-year-old, he's got some executive
17 dysfunction that's already -- his judgment is already
18 not formed yet. He has not got that part of his brain
19 yet at the age of 14.

20 People are -- but you're perfectly capable of
21 using rational judgment and those sorts of things, but
22 it's impaired in a 14-year-old. And it's further
23 impaired in Jesse compared to 14-year-olds.

24 In terms of -- I think, to me, the most important
25 *Aiken v. Byars* factor in this is his family and home

1 environment. Because, again, as I mentioned, he's been
2 bullied in school. Lots of bullies, they don't --
3 people that are bullied don't go out and commit school
4 shootings. Some do, but a lot of them, you look for
5 support factors, things that will prevent this. And I
6 think his home environment was not a supportive factor
7 for him.

8 I think that it's replete. I can -- there's lots
9 of examples. This was not just a one-time thing that
10 Jeff would lose his temper. This was regular and
11 chronic, and it came to all three children. His oldest
12 daughter, Mary Lee, she quit coming. She doesn't --
13 for her, just to give you an example of what this
14 family goes through, Mary Lee, to be able to visit
15 Jesse in jail, she had to make amends with Tiffney
16 because she wanted to see her brother. For her to make
17 amends with Tiffney, that meant the grandparents were
18 mad at her. Every move that every member of this
19 family makes to try to support Jesse, there's all sorts
20 of baggage associated with it.

21 Every one of them love him. There's no question
22 he's loved. But they're just, again, through no fault
23 of their own, it's just traumatized family. And they
24 have been further traumatized, so they were of no help
25 before. Ryan was, but then he was gone. So his family

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1 and home environment, to me, is one of the most
2 important factors.

3 The circumstances of the offense we talked about.
4 I think he was getting depressed, he was having some
5 depression, he was isolated. He's preoccupied with
6 death, bullying, abuse, gets into a peer group that's
7 very bad and doesn't try to stop him from doing those
8 things compared to the kids in West-Oak school.

9 And then in terms of just the incompetencies of
10 youth, I think that the main things, to me, were that,
11 you know, we had two chances to make an intervention.
12 DSS came in and DJJ came in, and the abuse wasn't
13 disclosed.

14 You know, I mean, he had two opportunities, you
15 know, to say, you know, "I'm getting beaten. This not
16 only happens at school, it happens at home." That's
17 all complicated. The mother didn't say. The dad told
18 DJJ that he punishes him by taking his iPad away and
19 that usually worked. Mom was too afraid to say
20 anything.

21 So I don't think -- he didn't have the capacity
22 yet because of his age and things, and he still
23 doesn't. He would not -- he mentioned some episodes of
24 abuse, but he doesn't even recall all of them. So I
25 think that's some of the incompetencies he's had. So

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1 when he talked with Dr. Ballenger and Dr. Wagner, they
2 couldn't know. I mean, they hadn't talked to the
3 siblings. He's not able to talk about some of those
4 things. He mentioned some, but he doesn't give
5 details.

6 The other thing that's so difficult, if you're
7 evaluating him and you don't have the history from the
8 family like we correlated it, it's just these random --
9 it sounds like just random events. It's not tied
10 together. And that's part of the incompetency in him.

11 And I think the other -- the only other issue, I
12 don't think he's particularly protective when he talks
13 to anybody. He will say anything. And so I don't
14 think he looks at the -- I don't think, when he's in a
15 setting, whether it's with the police or getting an
16 independent medical evaluation, whether it's talking on
17 the phone to his grandparents, I don't think he thinks
18 about -- although he's getting better. I think in a
19 recent call, he said, "Hey, this is being taped. Don't
20 say that." So he's learning. But, certainly, at the
21 time, at age 14, he doesn't have those capacities.

22 He's developing them now, so I think that's important.

23 Then in terms of possibilities of rehabilitation,
24 I think there's -- I'm hopeful. Thank God he -- in my
25 opinion, thank God he's one of the people that does

1 have a family that can afford treatment and understands
2 the need for it. And thank goodness the Department of
3 Corrections allows for that, so I think that's a great
4 opportunity he has.

5 I think he's really struggling. The religion
6 stuff, he is trying -- he hasn't had treatment yet, but
7 he's trying. He knows he has really bad thoughts, and
8 he's trying to figure out something to make them go
9 away. And he is still excited about the school
10 shootings, but what he does now is he's more -- nobody
11 has taught him this. He's learning some things on his
12 own -- he distracts himself. So when his mind wants to
13 go back thinking about the school shootings, he is
14 putting religion in its place. So he's trying. He's
15 making attempts to kind of figure this out, so his
16 morality is developing, too. So he is working on those
17 things.

18 He's very eager to learn. He's compliant with his
19 treatments. He's compliant with his medications. I
20 think he's going to take a situation and do well.

21 One of the other things I liked that I saw was
22 when he was at DJJ, he was picking good peers to
23 associate with. He was picking peers that didn't get
24 in trouble. He wasn't identifying with the conduct
25 disorder group.

1 He actually got assaulted pretty seriously at DJJ,
2 had his nose broken. And he was in a group of peers
3 that were not known for fighting and those sorts of
4 things. And so I think, you know, when he has choices
5 to pick friends in realtime, he makes good choices. I
6 think he'll be liked by the Department of Corrections.
7 I think they'll appreciate him, and I think they'll
8 work with him as much as they can. Again, I've done
9 everything I could. I've called them. I have alerted
10 them.

11 What I do, your Honor, when somebody gets put in
12 prison, I give them the records. I give mental health
13 my report. I send them directly to them and make sure
14 that they have the information so that at least they
15 have an idea of what to deal with.

16 Q I'm going to read you a quote from the court case.
17 "Life imprisonment is a disproportionate sentence for
18 all but the rarest of children whose crimes reflect
19 irreparable corruption."

20 Do you believe Jesse Osborne is irreparably
21 corrupt?

22 A No.

23 Q Let me ask you one question before. Have you seen
24 children that were irreparably corrupt?

25 A Just one that I can recall ever. There was one.

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1 He was older, though. He was 17. There was definitely
2 one that I treated that was quite scary.

3 He's still developing. He's still -- he's not
4 finished, so we don't know what the end product is
5 going to be, but I don't believe that.

6 MR. EPPE: Thank you, Dr. Maddox.

7 THE COURT: We're going to go ahead and take a
8 lunch break. 2:15 work for everybody?

9 (Lunch recess taken from 1:03 p.m. to 2:17 p.m.)

10 THE COURT: All right.

11 State ready?

12 MS. PRICE: Yes, your Honor.

13 CROSS-EXAMINATION

14 BY MS. PRICE:

15 Q Dr. Maddox?

16 A Yes, ma'am.

17 Q How do you understand the behavior of Jesse
18 watching videos of actual kittens being blown up and
19 the prior testimony of his watching The Pain Olympics?
20 That was described as videos of torture and injury up
21 to the death of humans.

22 How do you understand that behavior?

23 A It can be a couple of things. Again, as he got
24 depressed, you get a preoccupation with death.
25 Probably sites he stumbled upon after being bullied.

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1 And an interest in harming animals and people. It's
2 probably a combination of a lot of things.

3 Q On page 15 of your report -- you have your report
4 still?

5 A Yes, ma'am.

6 Q You have that Jesse was asked what three wishes
7 would be if he had them?

8 A Yes.

9 Q And he replied to get out of jail, to get a degree
10 in astronomy, and to get help; is that right?

11 A Yes.

12 Q When did you ask him that question?

13 A That was the first time I saw him. What I did in
14 this report, a lot of the mental status exams were just
15 abbreviated. But on the first evaluation, since it was
16 closer to the time of the crime, I tried to put more
17 detail in.

18 So one of the things I will do initially on a
19 mental status exam, that's just a projective test.
20 You're just trying to get an idea of, you know,
21 where -- what someone, what they're thinking, a little
22 bit about their capacity.

23 Q And how many occasions did you ask him this
24 specific question?

25 A Just that first. Again, just trying to get an

1 idea about his personality and that sort of thing. I
2 think the only time that I recall asking would have
3 been the first.

4 Q Okay. Do you recall Mr. Eppes submitting a video
5 to the Court yesterday?

6 A Yes.

7 Q A video that you did, I believe, in the summer of
8 2017?

9 A That's right, July.

10 Q That's what Mr. Eppes represented.

11 A July 2017. Yes, it would have been on, in the
12 report, July 13th, 2017.

13 Q Okay. And, Dr. Maddox, at minute 25:33 of that
14 video, you asked Jesse what his three wishes would be,
15 and he does not say that one of his wishes is to get
16 help. Instead, he answers to you that his wishes would
17 be, "To get out of here" -- I assume he means jail --
18 "to be able to start all my businesses and be
19 successful," and, "to be able to live forever."

20 So my question is, what about wanting to live
21 forever is suicidal or depressive?

22 A It's unrealistic. It's not rational. It's an
23 example of youth. But I agree, that would certainly
24 not indicate anything about being suicidal. It's an
25 answer I would expect from a 15-year-old that's

1 immature.

2 Q And you mentioned Jesse's behavior on the
3 surveillance video of the school.

4 A Yes.

5 Q Are you aware that a child who was cornered by
6 Jesse in front of the door in that video says in one of
7 the State's forensic reports that he saw Jesse and that
8 Jesse was fake crying?

9 A I did. I did read that. And he described him as
10 a bad, a bad person, a bad man, I believe, and said
11 that -- yes.

12 Q That he was faking?

13 A Yes.

14 Q And you also acknowledge, I think, that it's
15 possible that the ranting and raving could be that he
16 was angry and upset that he didn't meet his quota and
17 failed to execute the plan that he had to break
18 previous shooter records. That's possible?

19 A Sure.

20 Q Do you agree with Drs. Ballenger and Wagner and
21 Teichner that at the time that Dr. Ballenger and Wagner
22 evaluated Jesse, he met criteria for conduct disorder?
23 You do, yes?

24 A Yes. Technically, if you went by the book only,
25 which I don't do either. I agree with Dr. Ballenger.

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1 We're allowed to have some leeway after 30 years of
2 practice, 20-plus. But, no, I think it was very clear
3 that he was lying to them, so that's a symptom. He was
4 kind of deceiving them. So that's a little bit higher
5 thought process. And it is, you know, technically a
6 little over a year, but he had had, I think, an
7 incident in the jail that would have qualified, so I
8 think that's fair.

9 Q Then what is the natural history, typically, of
10 conduct disorder, and how many people with conduct
11 disorder convert to antisocial personality disorder?

12 A Well, I think, as Dr. Teichner -- I know Tom
13 Grisso, Dr. Grisso, and he's done some of those
14 studies. 20 percent. But, again, that's just -- that
15 research, there's probably more research to be done.
16 I'm not sure anybody knows.

17 Q But that is part of what has been studied to show
18 a natural progression to that from conduct disorder.

19 A Absolutely. You can't meet the diagnostic
20 criteria for antisocial personality disorder unless you
21 were diagnosed with conduct disorder. That's a
22 necessary requirement.

23 Q Precursor, if you will?

24 A Yes.

25 Q And Dr. Teichner, Dr. Ballenger, and Dr. Wagner

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1 all agree that Mr. Osborne has an emerging personality
2 disorder of some type. Do you agree with all three of
3 them?

4 A Yes.

5 Q Okay. You are concerned that he's destroying
6 property, but you still wouldn't diagnose him with
7 conduct disorder at this stage?

8 A Well, you had to have had three symptoms in the
9 last year, and I think three -- and one in the last six
10 months. If you look at his record, he's only had the
11 destruction of property. And -- that I could tell.
12 So, technically, it's not a pattern I like.

13 You know, as Dr. Teichner said, it has to be a
14 repetitious kind of consistent pattern, so I'm not
15 pleased with that.

16 Q Does he still have the specifiers for attitude
17 that go along with conduct disorder, the limited
18 prosocial behavior?

19 A Yes.

20 Q So lack of remorse, shallow feelings, lack of
21 empathy, et cetera?

22 A Yes.

23 Q So there's still correlation with a conduct
24 disorder?

25 A Yes.

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1 Q All three of the experts -- oh, well, let's -- you
2 agree with them, then, that it's likely he has some
3 type of personality disorder?

4 A It's emerging.

5 Q Or will?

6 A It's emerging. Nobody -- you know, nobody knows,
7 but there's certainly all the blocks. A personality
8 disorder is a long-standing maladaptive way of dealing
9 with your thoughts, the environment, you know, managing
10 your moods, those sorts of things. So he's still not
11 finished developing. But based on what we see at this
12 point in time, there would certainly be building blocks
13 for that.

14 Q So Dr. Wagner's assessment that the trajectory
15 looks like that, you would agree with that?

16 A Yes. It doesn't mean it will happen.

17 Q Sure. We're not prognosticators, right?

18 A Well, we can be, but we can't predict the future.

19 Q Let's look at -- do you have a copy of
20 Dr. Atkinson's report up there?

21 I also have State's Exhibit 8B, which is a copy of
22 the report, if that's easier.

23 A I think I have it -- oh, thank you.

24 Q Yes, ma'am. Can we flip to page 22?

25 A Yes.

1 Q Do me a favor and publish, since we haven't heard
2 from Dr. Atkinson, that first paragraph under "level of
3 sophistication and maturity."

4 A Yes. "Jesse Osborne is a young man whose level of
5 sophistication and maturity appear to be above average
6 for his age. His ability to conduct extensive research
7 such as with his career aspirations, his charges, and
8 the shootings and the planning he engaged in indicates
9 a level of sophistication and maturity above other
10 similarly aged boys.

11 "While intellectual and academic functioning are
12 fairly average for his age, his level of socioemotional
13 development appears to be below average as compared to
14 other juveniles his age. Jesse presents with
15 significant deficits in his ability to form meaningful
16 interpersonal attachments and comprehend emotional
17 attachments.

18 "Despite describing close relationships with his
19 mother and grandparents, it appears that Jesse spent
20 the majority of his time isolated. Relationship
21 dynamics between Jesse and family members was vague at
22 times and contradicted previous reports. In addition,
23 despite the existence of friendships with peers, these
24 relationships appear to have been limited and shallow,
25 questioning Jesse's ability to form meaningful

1 interpersonal attachments.

2 "Though Jesse appears to connect with others on an
3 intellectual level at times, he demonstrates
4 significant difficulty in understanding others from an
5 emotional aspect. This may be due to Jesse's limited
6 range of internal emotions but significantly affects
7 his ability to understand the emotional impact he has
8 on others.

9 "As a result, he demonstrates a concerning lack of
10 remorse or empathy regarding the victims of the current
11 offense. He takes some responsibility for his behavior
12 but also deflects responsibility onto others.

13 "Jesse also does not appear to fully appreciate
14 the seriousness of his offenses. He remains
15 unrealistically optimistic regarding possible sentences
16 and his future career goals."

17 Q And if we could look at page 4 of your report.

18 A Yes.

19 Q Subsection G.

20 A Yes.

21 Q Can you publish that for me, please?

22 A Yes. "His emotional maturity was less than his
23 peers given his depression, abuse, lack of treatment,
24 and isolation. This was one of the many conclusions
25 reached by Dr. Atkinson in her DJJ waiver evaluation."

1 Q Dr. Ballenger has testified that Jesse's delay in
2 established close emotional attachments is secondary to
3 his conduct disorder, and he says that that began when
4 he was 12 years old.

5 So isn't that what Dr. Atkinson is talking about
6 in her report here? Isn't that maybe just speaking to
7 more evidence that substantiates the diagnosis of
8 conduct disorder, the limited attachments, the
9 inability to connect?

10 A No, I disagree. I mean, I could see how somebody
11 would think that. I interpret that as she's saying his
12 cognitive development is average. She thought he was
13 mature and sophisticated in the way that he went about
14 researching things and that sort of thing, but she
15 clearly talks about that his socioemotional development
16 is delayed for his age.

17 And my understanding from her is that it's due to
18 his limited range of internal emotions. But she's not
19 saying why. In my opinion, his limited range of
20 internal emotions is a function of all this abuse and
21 the trauma that he's gone through, and that's not safe
22 for him to express those things. So I interpreted it
23 very differently.

24 Q So we have a different interpretation of that?

25 A Yes. Yes.

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1 Q But you agree that the lack of empathy and remorse
2 is a specifier for conduct disorder?

3 A Yes. And that's what happens in medicine all the
4 time. You could have abdominal pain. There might be
5 15 causes for that symptom. So what we have here is a
6 lack of remorse and empathy, and I agree. But my
7 opinion is it could be some conduct disorder, but
8 there's also this whole range of trauma, home
9 environment, and things that have to be taken into
10 account. You can't take a child in a vacuum, and, you
11 know, his home and environment are one of the really
12 important factors in these hearings.

13 Q And you have seen countless abused children in
14 your practice, haven't you?

15 A I have.

16 Q And isn't it a rarity that one of them commits
17 homicide?

18 A Not necessarily, unfortunately. A good bit of the
19 children, especially all the waiver cases I've done,
20 all involved children who have committed homicide.
21 I've seen quite a large number. But in terms of the
22 DJJ population --

23 Q Yes. Child abuse on the whole.

24 A Right. In the detention center, there was a
25 higher number of murderers there in the jail before

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1 they were adjudicated. And it would depend sometimes
2 on, you know, one week you could go in and, say if I
3 had a clinic of 20 kids, I might have five murderers
4 there. One week I might not have any. So I don't
5 really know the pattern to it, but it was not uncommon.

6 Q But there are certainly more than five children
7 abused in South Carolina every day?

8 A Oh, absolutely. Absolutely.

9 And, I'm sorry, I think I -- so you're saying out
10 of the abused children I saw, how many had committed
11 murder. I'm sorry. By the time they reached a
12 forensic evaluation, probably more than the average
13 just because they got referred to me.

14 Q Well, that's your specialty.

15 A Yes, that's right. But it's not -- no, children
16 that are abused don't go on to murder their parents.
17 That is not the norm.

18 Q Now we're on the same page, but I recognize your
19 specificity. Thank you.

20 A Right.

21 Q And in your report on page 17, I believe Jesse
22 told you that he did those Internet searches in
23 Greenville that we heard about from the teacher earlier
24 this week?

25 A Can you just direct me on the --

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1 Q Sure. Absolutely. It is number 4 under 7/1/19,
2 your visit from July 1st of this year.

3 A Thank you. Yes.

4 Q And so he admitted to searching his name and
5 searching school shootings while he was detained at the
6 Greenville County Detention Center?

7 A Yes.

8 Q And he followed up by telling you, "I don't like
9 thinking about that stuff, but I had an obsession back
10 then"?

11 A Yes.

12 Q But, yet, he tells Dr. Teichner this October that
13 he's still excited when he thinks about the school
14 shootings?

15 A Sure. An obsession and excitement are different.
16 Obsession, he -- before, in 2017, that time, he
17 actually was still wanting to read about it. You have
18 to remember, school shooters, which he is one. He's an
19 abused child and then he's a school shooter as well.
20 He's had two separate crimes. So they're related, but
21 you have to tease them apart.

22 School shooters, they want to know what people
23 think about them. They want -- you know, part of their
24 goal is to be famous or for people to know who they
25 were, that they made a fan. So he did. He would read

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1 about that to kind of see what the public was saying.
2 But what he's done now, as he gets older and he's
3 developing some kind of religion, he knows that's not a
4 healthy thought. He doesn't like it. So what he tries
5 to do now when his brain goes there, he tries to think
6 of those things. He tries to think of something
7 religious or read the Bible. He's trying to distract
8 himself, which is a good therapy technique, from
9 thinking about those things.

10 Q But his brain still goes there?

11 A Sure, it does.

12 Q And in an excited way?

13 A That's the emotion. If he described that emotion,
14 I wouldn't -- he's never told me that, but I wouldn't
15 doubt that.

16 Q And on page 18 of your report, "Jesse can't
17 remember his rabbit's name now"?

18 A Right. Right.

19 Q But that was supposed to be the big motivator for
20 killing his dad?

21 A That's repression. What that is, is that -- you
22 have to take in mind what happened. That rabbit was
23 very important to him. And it doesn't minimize that.

24 What's happened is, when Jesse was in the
25 Greenville detention center, he functioned quite well.

1 He did have therapy once a week. He had group. He had
2 school. There were a lot of activities. When he got
3 transferred to Anderson County Detention Center,
4 there's just not as many activities, so his anxiety
5 level was very high compared to his behavior. He would
6 have trouble focusing when you were talking with him,
7 he couldn't carry a train of thought.

8 And so, in my opinion, what happened is, as we
9 confronted him with this abuse -- what we did each week
10 is we talked to a family member and got an episode of
11 abuse, we verified it with another family member, went
12 in. So we were confronting him. I was doing things to
13 raise his anxiety level. He doesn't want to think
14 about abuse. He doesn't want to think about these
15 things. So, in my opinion, that's called he was
16 repressed. He couldn't remember.

17 Later, once his name was said, he remembered. But
18 that's a sign, to me, of anxiety, not that he didn't
19 care about his animal. He couldn't remember being hit
20 with the baseball bat. He didn't remember being hit
21 with the baseball in the back. He remembered his dad
22 throwing it one time and missing him. So these were
23 not protective things that he's forgetting.

24 Q But he's calling it "the gray-and-white rabbit,"
25 and, yet, three years -- he can't remember his pet's

1 name, but he's still thinking about details of the
2 school shooting he committed three years later,
3 according to Dr. Teichner's report?

4 A I don't know if he was on that day or not, but the
5 point is he can't remember because it's related to the
6 trauma that's provoking for him. He had chances. I
7 could have said, "Tell me about the baseball bat
8 incident." By this point, he couldn't give details
9 anymore. And I think that's a symptom of his anxiety.
10 He's not able to recollect those things because he has
11 not had treatment. And that's one of the reasons I
12 believe he needs treatment. He doesn't remember a lot
13 of these things.

14 Q So can you explain to me how that abuse, then,
15 that was allegedly reported four years ago is causing
16 him to have fear or remorse or empathy today? Is that
17 part of repression?

18 A This is the way I formulate this case. He's a
19 young man. He's being exposed to chronic abuse. And
20 there's no question in my mind the abuse occurred. I
21 talked with enough family members and I've spent hours
22 with them correlating these things to make sure that
23 something did happen, that it's not just one person
24 reporting it against the other. And so I've been very
25 careful about that because that's a hard thing to do.

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1 You know, if there's no police reports or, you know,
2 there's very little external data --

3 Q There really isn't, is there?

4 A That's correct. But, in my opinion, it happened.
5 So you take a young man that's chronically abused.
6 He's functioning in elementary school. He's got some
7 protective things, his grandparents, brother. He goes
8 on to middle school, begins getting bullied. So he's
9 having some difficulty at school. Parents -- brother
10 is gone, parents continue to argue. He has the same
11 abuse, but he's lost some protective factors. Then you
12 add that he loses his grandparents for a period of time
13 because of the DSS investigation or whatever drama. He
14 loses another support factor while he's still getting
15 bullied in school. So his grades are going down.

16 He gets expelled. He acts out against the
17 bullies. He gets expelled. He loses the distraction
18 of going to school every day. He loses talking to
19 people. He loses having a teacher describe something.
20 He's down there in his room thinking about things, so
21 he gets a very premorbid deathly preoccupation, both of
22 his own death and -- mainly other people. Much more
23 other people than himself. And then it's unchecked.
24 And not only is it unchecked, he has people encouraging
25 it.

1 So that's the way I see it. So his not showing
2 remorse, I don't know if he has a lack of remorse. He
3 doesn't exhibit remorse. I'm not sure. It's because
4 you see constricted affect. When people are abused,
5 they have very shallow -- it's constricted affect.
6 They're not able to express their emotions like you or
7 I do. They don't have that -- emotions are dangerous
8 for them.

9 So I can't tell you 50 percent is from him not
10 caring and 50 percent is from abuse, but I know there
11 is a whole other area that he hasn't had treatment for
12 that we don't know about that has to be considered in
13 that.

14 Q Did that explain his ongoing deceitfulness also,
15 or is that something else entirely?

16 A I don't consider him -- he's deceitful at times,
17 as most teenagers are, but I don't consider him -- that
18 to be a main characteristic of who he is. He certainly
19 has deceived, but I don't feel like he's deceptive in
20 every relationship he has. I don't think he uses
21 others or exploits others to get his own needs met.
22 He's isolated. He even -- in most places he prefers if
23 he can be alone, reading, studying. When he's put in a
24 room with people, he will get along with them. But I'm
25 not sure that I would characterize -- that's a

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1 persistent, consistent characteristic of him.

2 Q Jesse malingered to you as well, didn't he?

3 A It's hard to know. I think the Scooby-Doo thing
4 is certainly an atypical -- that is not -- I would -- I
5 heard kids say they might hear a really weird voice,
6 I'm not sure. But if he reported these symptoms, he
7 never used it to exculpate himself from responsibility.
8 He never told me, "Voices made me do this. I was
9 hearing these things." What he told me along while I
10 evaluated him, they told him he was a worthless piece
11 of crap. He wasn't saying, "Oh, I heard this voice and
12 it told me to go smack this guy." He never did that.

13 He said the voices were telling him he's worthless,
14 negative things, which kind of goes along with the
15 negative cognitions you see in children that have been
16 abused. They have very negative outlooks. They blame
17 themselves. They don't think anything will ever be
18 better. And that's why the DSM expanded the diagnosis
19 of PTSD because they realize it's a lot more than just
20 anxiety. It affects the way you act. It affects the
21 way you think. So it's got a lot more reaching
22 effects, not just on your mood and presentation.

23 Q You said he has a good peer group now?

24 A No, not now. Absolutely not. While he was in the
25 Greenville County Detention Center, he picked a peer,

1 the peer that he was close to, made really good grades.
2 They would compete on who made the most As. They
3 motivated each other. And this was a child who didn't
4 get in as much trouble compared to other groups of
5 detainees in the jail.

6 Q Are you speaking about Miguel Cano?

7 A Yes.

8 Q The young man who was recently sentenced for
9 stabbing his mother to death 28 times, I think?

10 A 23, but.

11 Q Well, in the twenties.

12 A Yes.

13 Q And that is the close friend that Jesse had in
14 Greenville?

15 A Yes.

16 And I wouldn't say close friend. He just was
17 picking better people. I'm not sure how much of a
18 friendship in that situation, but that's who he
19 associated with and he likes him. I think that's fair
20 to say.

21 Q Did you see the video of Jesse bullying another
22 child from February 2nd in 2016?

23 A I didn't see the video. I knew of it. He told me
24 that he bullied him.

25 Q So he admitted that he was doing bullying as well?

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1 A Yes.

2 Q Thank you. One moment.

3 Thank you so much, Dr. Maddox. I appreciate it.

4 MR. EPPE: Your Honor, Dr. Maddox --

5 THE COURT: Do either one of y'all care if I ask a
6 question?

7 MR. EPPE: Absolutely not.

8 THE COURT: Do you have a problem?

9 MS. PRICE: No, sir.

10 THE COURT: Is there any way to tell to a
11 reasonable degree of medical certainty whether or not
12 any amount of treatment, whether for emotional or
13 otherwise, will rehabilitate this boy such that later
14 on, whatever sentence he may get, he could be
15 productive in society at all?

16 THE WITNESS: Yes.

17 THE COURT: I mean, do you feel like there is a
18 reasonable degree in this case?

19 THE WITNESS: Yes. If he gets the treatment. And
20 my recommendation is yes. I think if he has
21 trauma-specific treatment. He is just now beginning --
22 the last time that I evaluated him, as he got
23 confronted with all the abuse that he remembers or
24 doesn't remember, he became very anguished, rubbing his
25 hair. Similar -- you could see that he was very

1 uncomfortable.

2 He's got to process -- the recipe for him getting
3 better, I think that's the question. He's got to have
4 the specific treatment. He has to understand
5 everything that's happened to him, as he can remember.
6 He's got to understand what's appropriate and what's
7 not. I think he will, one day, be in touch with his
8 emotions. I think that's the case.

9 The one prognostic factor that I think is
10 important for him is he still does have an ability to
11 attach. He cares about people. A lot of people with
12 conduct disorder, they don't care for anyone. Whether
13 it's described as shallow or restricted emotion because
14 of the trauma he's been through, he is very attached to
15 his grandparents, he's attached to his siblings, and
16 he's attached to his mother. And he's got a capacity
17 for treatment. I think he's attached to me somewhat
18 over the period of four years. And as long as there is
19 a capacity there, I think there's room for growth.

20 There is a concern, you know. Let's say that if
21 we do know that he's conduct disordered and he
22 progressed to antisocial, there would be a concern that
23 he can develop, as he grows older, where he doesn't
24 care about people. But even then, so at least we know
25 the research shows that when you're 40 or 50, those

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1 behaviors die out. So call me optimistic, but it's my
2 opinion he can be treated, and there is room for
3 rehabilitation in him.

4 THE COURT: Thank you, Dr. Maddox.

5 Any questions as a result of mine?

6 MR. EPPE: No, your Honor.

7 THE COURT: Any questions as a result of mine?

8 MS. PRICE: No, sir.

9 THE COURT: May she be excused?

10 MS. PRICE: Absolutely, sir.

11 THE COURT: All right. Thank you.

12 MR. EPPE: Dr. Maddox is our last witness as far
13 as the *Aiken v. Byars* issues go.

14 THE COURT: Sir?

15 MR. EPPE: As far as the *Aiken v. Byars* issues
16 go, that's the conclusion of our case.

17 THE COURT: Any reply from the State?

18 MS. PRICE: Yes, sir, very brief rebuttal.

19 Your Honor, the State calls Dr. Wagner to the
20 stand.

21 THE COURT: Dr. Wagner, you're still under oath.
22 Come on up.

23 MARK WAGNER, M.D., Ph.D.,

24 HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:

25 DIRECT EXAMINATION

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1 BY MS. PRICE:

2 Q Dr. Wagner, can you briefly discuss Dr. Teichner's
3 strict adherence to the DSM criteria?

4 A Yeah. Dr. Teichner seemed to use the DSM as a
5 rule book. He -- the DSM is actually used to assist
6 the clinician. There is a bullet point system that is
7 used to enhance the reliability and the validity of the
8 application of diagnostic terms to individuals.

9 With Dr. Maddox, Dr. Ballenger, myself, there is a
10 general recognition that the DSM manual is used to help
11 guide decision-making. It's not a rule book, as we
12 would like to think.

13 And I was actually kind of, frankly, surprised
14 with Dr. Teichner. He was using the DSM manual in a
15 manner that it was a rule book. So he was interpreting
16 it rather literally. I was struck by that.

17 Q All right. And what's your response to
18 Dr. Teichner's diagnosis of schizoid personality
19 disorder traits?

20 A Dr. Teichner did not feel that it was proper to
21 use the term "conduct disorder" because Mr. Osborne
22 didn't meet the exact criteria with the symptoms that
23 had been expressed in the last 12 months. Instead, he
24 offered eight different diagnoses to explain
25 Mr. Osborne's behavior.

1 The problem is the DSM manual doesn't really allow
2 for situations such as the case that we're discussing
3 here today. The DSM manual doesn't really account for
4 the confounding variable of having an individual
5 incarcerated where the individual is unable to really
6 engage in antisocial behaviors. That's the purpose of
7 the prison is to restrict that kind of behavior. So I
8 think that that's been a problem in establishing the
9 diagnosis.

10 I was impressed that Dr. Teichner talked about
11 emerging personality disorder. I think we're all a
12 hundred percent -- all the clinicians that have
13 evaluated him are in large agreement that that's the
14 case. Dr. Teichner used the terms "weird, very
15 disturbed, strange, lacking emotions," but I believe
16 the unifying diagnosis in this case is conduct
17 disorder, and I think it's sort of involuntary
18 remission being in a setting where you don't have free
19 access to exhibit those kinds of behaviors.

20 Q And what is your response to Dr. Teichner's
21 diagnosis of ADHD?

22 A Well, in this trial, the concept of ADHD has
23 really been used, for lack of a better word, as brain
24 damage. And that's been used as a mediating variable
25 in this case.

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1 I -- you know, he may have very mild ADHD. I'm
2 not sure. That's not part of the focus of my
3 evaluation. I, frankly, really didn't see any evidence
4 of ADHD. ADHD is typically considered to be a lifelong
5 condition. You're born with it. You live life through
6 that. It's often related to some sort of developmental
7 problem during gestation or early in life. But there's
8 no evidence of ADHD in the school system, there are no
9 records that reference any parent-teacher conferences,
10 there's no reference to ADHD in the clinical records.
11 He's done well in school.

12 I was impressed when we heard from the teacher
13 yesterday that he was able to multitask. He has
14 several things going on while he's studying, and then
15 he ends up being one of the strongest students that
16 they had seen in the class.

17 I was also impressed by the grandfather, who
18 talked about Mr. Osborne as being an excellent student,
19 having no social immaturity. So while he may have mild
20 ADHD, it's minimal, and I don't think it really impacts
21 on this case.

22 Q And, briefly, can you comment on executive and
23 frontal lobe dysfunction? That's come up this week.

24 A Yes, it has. And, in fact, and that's my
25 background. I'm a neuropsychologist. So as I was

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1 preparing to drive up here to examine Mr. Osborne, I
2 packed up a number of tests to specifically address
3 that issue.

4 I have reviewed all the psychologic testing that's
5 been done on Mr. Osborne in the past. He's had I.Q.
6 tests done multiple times. The results have been very
7 consistent. His I.Q. is a strong average compared to
8 the national population. That's been replicated
9 several times before I saw him. Those are the results
10 I got. Those are the results Dr. Teichner got, so --
11 and I would also say that it's consistent with what the
12 academic records show. He's been a good student. He's
13 gotten great grades, and so everything fits. And I
14 believe it. I think he's average intellect.

15 On the other hand, executive dysfunction or
16 frontal lobe dysfunction, admittedly, this is a child
17 with a developing brain, but in the testing that I
18 performed focusing specifically on the frontal lobe,
19 virtually all of my scores were within the normal
20 limits.

21 Dr. Teichner, unfortunately, used a different set
22 of tests, and it was embedded within a larger battery,
23 and he had abnormal findings. So the question is, how
24 can you have normal findings in one exam and abnormal
25 findings in another.

1 And I think the best explanation for that is that,
2 during the cognitive portion of the testing, I never
3 had a concern about Jesse's lack of motivation.
4 Dr. Teichner, he passed the validity tests, and he
5 didn't have any concerns.

6 But what happens when you test somebody too long,
7 they get tired, and, frankly, the frontal lobe tests
8 are the most difficult tests that we have on our whole
9 battery. They're the most demanding. And so at some
10 point people kind of burn out. You take a test too
11 long and you lose your focus, and that can result in
12 some weak scores.

13 So I'm concerned that this frontal lobe, alleged
14 frontal lobe deficit, doesn't exist. I think this is a
15 byproduct of waning effort in the context of extensive
16 testing, and I think he was just fading during the
17 exam.

18 I also correlate this with the functional
19 implications of frontal lobe deficit. So the frontal
20 lobes are very important for the acquisition of new
21 information, manipulation of new concepts. It's
22 critical in planning. And with Mr. Osborne, in all of
23 the history I covered, I didn't see evidence that there
24 is any particular functional correlate to that.

25 I also, in going through the pediatric records,

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1 there's been a brain scan or two, and those brain scans
2 are also normal. So this is a finding that has not
3 been replicated, and it doesn't correlate with the
4 everyday world in observations like that.

5 So, you know, overall, my opinion is that Jesse
6 Osborne is a byproduct of a perfect storm. There's
7 been a clash between nature and nurture.

8 I was impressed with Dr. Maddox. I thought she
9 did a great job describing this dysfunctional social
10 setting where Mr. Osborne grew up. She described the
11 family as broken from the top down. And,
12 unfortunately, young Mr. Osborne grew up in this
13 family, and during critical social or during critical
14 psychosocial developmental stages, I think what's
15 happened is we've seen emerging personality disorder
16 come out, and I think that that is a conduct disorder
17 and he's at high risk for the development, and I think
18 we're seeing some evidence of that of antisocial
19 personality disorder.

20 Q Thank you, Dr. Wagner.

21 I don't have any further questions.

22 CROSS-EXAMINATION

23 BY MR. EPPES:

24 Q I believe that's Dr. Teichner's report. Do you
25 recognize it?

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- 1 A Yes.
- 2 Q Okay. Were you here for Dr. Teichner's testimony?
- 3 A Yes, I was.
- 4 Q And Dr. Maddox's?
- 5 A Yes.
- 6 Q And both of them said, as far as conduct disorder,
7 that they had been around prisons and juveniles,
8 sounded like significantly more than you, correct?
- 9 A Possibly. Definitely Dr. Maddox.
- 10 Q And do you recall they both testified that
11 children with conduct disorder in prisons, they
12 continue to act out perpetually on and on. They set
13 fires. They do things that they're not supposed to do
14 even in a prison setting?
- 15 A Yes.
- 16 Q And regarding conduct disorder, do you recall
17 Dr. Teichner said that 80 percent of people with
18 conduct disorder do not develop antisocial disorders?
- 19 A I heard him say that.
- 20 Q Huh?
- 21 A Yes, I heard that.
- 22 Q And you have no reason to dispute that?
- 23 A No.
- 24 Q And -- you also heard Dr. Teichner discuss, as far
25 as the ADHD, and if I get this wrong, please -- and

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1 feel free to refresh yourself in his report. But as
2 far as Jesse's ADHD, it was a little bit different
3 because he didn't exemplify the hyperactivity that most
4 people associate with that. Do you recall that?

5 A Yes.

6 Q And do you recall that he said that, while Jesse
7 communicates well, what he says, sometimes his
8 processing coming back in, his auditory processing of
9 what others say, is not clear. He doesn't always
10 understand what they say. He doesn't always process
11 information and instructions well. Do you remember
12 that?

13 A Yes.

14 Q And wasn't that part of his ADHD diagnosis?

15 A I believe it was.

16 Q And has anybody in this room said that the cause
17 of these horrible deaths was attention hyperactivity
18 deficit disorder? Has anybody said that?

19 A No.

20 Q Now, Dr. Teichner studies children a lot more than
21 you do; is that correct?

22 A I don't know. He -- his practice spans across the
23 ages. I think he said six to old age.

24 Q And y'all worked together?

25 A Historically, we have.

1 Q You've worked together, and you were actually part
2 of who trained him, correct?

3 A Yes.

4 Q Didn't you train him to assess effort and assess
5 fatigue when he was doing his tests?

6 A I did.

7 Q And do you have any information in his records as
8 to the orders of the tests that were done concerning
9 executive function?

10 A I do not.

11 Q So your speculation as to why the executive
12 function tests are wrong is really that, it's
13 speculation?

14 A That's correct.

15 Q So you're just guessing, much like that book that
16 was never ordered that became -- that became -- it's
17 just speculation like why Jesse wanted this book that
18 he never got that he never saw the cover of that we
19 know of?

20 A That's correct.

21 Q And in addition to that, everybody says average
22 I.Q., average I.Q., average I.Q. I.Q. has nothing to
23 do with executive function?

24 A Well, that's not true.

25 Q Well, do the measures -- are the measures of I.Q.

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1 and the measures of executive function the same
2 testing?

3 A There are -- there is a great deal of executive
4 function that occurs during I.Q. test. The I.Q. test
5 indirectly measures executive function. There is a
6 separate set of tests that are specifically targeted to
7 only measure executive function. But sort of by
8 definition, executive function is included in I.Q.
9 testing.

10 Q In some of the I.Q.?

11 A I'm sorry?

12 Q In some of the I.Q. testing?

13 A Yes.

14 Q But the testing, you talked about the other tests
15 that are specifically for executive function. Those
16 detailed tests are tests that Dr. Teichner did in this
17 case?

18 A Those are tests that Dr. Teichner as well as I
19 did.

20 Q And he did -- did he do more than you or less than
21 you or about the same?

22 A From a cognitive perspective, about the same.

23 Q And he determined that Mr. Osborne lacked some
24 executive function that he probably should have at the
25 age of 17?

1 A That's what he said.

2 Q And Dr. Maddox gave the opinion that that probably
3 went back to a lower -- and Dr. Teichner gave the
4 opinion that that probably went back to a lower
5 executive function when all of these things happened?

6 A Not sure I understood your question.

7 Q They said that his executive function would have
8 been even less developed -- and I think you can agree
9 with that -- when he was 14 than when he was 17?

10 A By definition, the younger you go, the less
11 executive function there would be. Whether it's
12 different from his age peers or not, that's sort of the
13 open question.

14 Q But in sum, everything you've just testified to
15 about this executive function was your speculation?

16 A I'm sorry?

17 Q Everything you just testified to about
18 Mr. Osborne's executive function vis-a-vis what
19 Dr. Teichner said was your speculation?

20 A Was my speculation in what respect?

21 Q In the respect that you didn't know when he gave
22 the tests or whether or not Mr. Osborne was fatigued?

23 A Oh, my theory about lack of effort and getting
24 tired with the testing?

25 Q Uh-huh.

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1 A That -- yes and no. So, that's what I speculate.
2 I did take all of our tests and put them side-by-side,
3 and like I said yesterday, what I found was an
4 unacceptable level of variability. So what I found
5 when I was looking at the tests side-by-side was some
6 of the subtest scores that Dr. Teichner got that were
7 impaired, my scores were much, much better. And vice
8 versa.

9 So there is a lot of -- I'll use this term
10 loosely -- noise in the cognitive testing data. And a
11 lot of that, it really doesn't relate to the tests per
12 se, but it relates more to the test taker's effort
13 throughout all these testings.

14 So there are two ways to fail cognitive testing.
15 There may be more. But one of the ways to fail it is
16 to have brain damage and then you give the test and the
17 scores are low. Another way to fail the testing is to
18 have poor effort. That poor effort can either be
19 malingering or can just be getting tired at the end of
20 the day. And so that's my speculation as to the
21 variability that we're seeing in some of the testing.

22 Q But you don't know the answer?

23 A Well, that's my educated guess.

24 Q And still, you do not know the answer?

25 A I wasn't a fly on the wall.

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1 Q Huh?

2 A I wasn't a fly on the wall.

3 Q So you do not know the answer. You're not going
4 to say that because doctors don't ever say that.

5 A That's right.

6 Q Thank you.

7 THE COURT: Redirect?

8 MS. PRICE: Nothing further.

9 Your Honor, the State recalls Dr. Ballenger.

10 THE COURT: Dr. Ballenger you're still under oath
11 as well. Okay, sir?

12 JAMES C. BALLENGER, M.D.,

13 HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION

15 BY MS. PRICE:

16 Q Dr. Ballenger, you heard Dr. Maddox's testimony,
17 and what do you make of it? What differences do you
18 see between your opinion and hers, what similarities,
19 briefly?

20 A Okay. Let me start with I, like the doctor before
21 me, I like and admire Dr. Maddox, and I thought she did
22 a beautiful job.

23 Part of what I thought I would tell you briefly,
24 Judge, that I think sort of makes sense at the end of
25 this, is we had different jobs. She said up front her

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1 job was to prepare for this hearing. She's been in all
2 of the hearings in the past but not testified.

3 Her job really, I think, was to really explore the
4 mitigating factors, the abuse in particular. When I
5 did my work, I certainly knew he was abused. Goodness,
6 gracious, it's just everywhere. And his father drank
7 almost every day, and some of those times he was
8 abusive.

9 My job, I came in before the waiver hearing,
10 before the Kent factors. My job was largely about
11 dangerousness to the community and rehabability. And
12 it's still sort of there. And so I think our jobs and
13 what we've done here are different. I think it's led
14 to a difference in our opinions that I think I can
15 characterize fairly easily.

16 I've come to the conclusion that his behavior now
17 and the future, which is part of our very difficult
18 test here, predicting the future, that it's related to
19 an, essentially, personality disorder, which she was
20 explaining just a minute ago. It's enduring patterns
21 for your whole adult life that don't change very much.
22 And she feels a lot more of what went on had to do with
23 the horrific abuse he went through.

24 And, in particular, part of what I wanted to
25 return to is the DSM. It's gotten more press than it

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1 deserves. But to tell you, part of why I think he not
2 only had conduct disorder before the waiver hearing,
3 that he still does, even though he's in a constricted
4 environment and he can't misbehave much, although
5 others do, and he has gotten to where he's not doing
6 that so much.

7 But part of why I think he still has it is the DSM
8 really has two halves of the way you diagnose conduct
9 disorder. It has a list of 15 characteristics, and
10 they're required. And the last time, when I diagnosed
11 it, he had five or six. And you need three.

12 But the DSM also has, after you say you have the
13 conduct, it says, okay. Specify whether it's
14 adolescent or childhood onset. And it's adolescent
15 onset, obviously. Then it says, specify if he has
16 limited prosocial emotions, and it goes on to explain
17 what the DSM is looking for. One, lack of remorse,
18 two, callous lack of empathy, three, unconcern about
19 performance at school and other important activities.
20 And that was present earlier in his academic career.
21 Certainly not now. But then, four, shallow or
22 deficient affect or feelings or emotions.

23 Now, he has one, two, and four over the last year,
24 and so that's part of why, as a clinician even more
25 years than she, he still has conduct disorder. And

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1 there is an agreement amongst all of us that he has an
2 emerging, settling-into a personality disorder with
3 conduct disorder features, some antisocial features,
4 particularly the deceitfulness and some schizoid
5 features. Dr. Teichner brought that up.

6 Now, if you're going to make a DSM-5 diagnosis,
7 you can't make a personality diagnosis until he's 18.
8 You can't make antisocial personality until he's 18.
9 And that's why we use the notion it's emerging
10 personality disorder.

11 Now, the difference, I think that's why he has
12 shallow effect, no remorse, is that he has a
13 personality disorder. When it starts at age 12, we
14 call it conduct disorder because they're children.

15 Dr. Maddox thinks his trouble with shallow
16 emotions and no remorse or guilt, I think this is true
17 to her, is that it's really related to the abuse and
18 what he's been through.

19 Now, part of how you can understand this is that
20 all of us become who we are from a mixture of what our
21 genes are and what happens to us and what we learn.
22 And then that's who we are and what our personality is.
23 And the genes are also important.

24 And, you know, we don't know much, but one thing,
25 his father had a temper. Dr. Maddox thinks his temper

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1 leads him to be homicidal. I do, too. That's what
2 scares me about him and the decisions, the dilemma we
3 have to deal with here today.

4 He has been taught a lot of things, including some
5 things like he's been taught by his parents, all of
6 what you have heard about here, but I would under
7 line one of them. There is a stunning lack of
8 responsibility teaching. Like, "If you do this, then
9 you're going to take responsibility for this, Jesse."
10 And there's just not much. But he's a product of these
11 two.

12 Our incredible dilemma is trying to predict what
13 this is going to be many years down the road, and part
14 of why I -- this diagnosis was so important to me is
15 that it is predictive. The principal value of the DSM
16 is two things. One, it makes it more likely that
17 clinicians one, two, and three will all make the same
18 diagnosis. And diagnoses are predictive.

19 So having a diagnosis, if we are correct that he
20 has a conduct disorder or a personality disorder, it is
21 predictive of future behavior. And that's what you're
22 asking me to do here, and we keep being asked, what's
23 he going to be like down the road. It is also
24 predictive of what treatments you will respond to.

25 Now, she invited us to call her optimistic. She

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1 is optimistic. I am, too. Except I'm less optimistic
2 here than she. I do believe that he could benefit from
3 trauma-focused CBT, cognitive behavioral therapy, now.
4 I do believe that.

5 Now, I think he could get a therapist to come in
6 if possible, that those therapists are widely
7 available. So, okay. We treat that. Now, he'll learn
8 something about emotions in that treatment. But the
9 personality disorder is still sitting there. Trying to
10 change that, that's where my pessimism comes in. It's
11 just very, very hard.

12 The case manager dropping by, you know how
13 frequently they do, that's not going to make much
14 difference. I don't believe medicines are going to
15 make any difference. They certainly don't for
16 personality disorders. And so the treatment, I guess I
17 just don't believe that it will be available to him,
18 even though the very nice offer of his grandparents.
19 And I hope they do that and have a therapist come in
20 for whatever help that will be.

21 Bottom line, though, we come back to the really
22 difficult thing, and I think we have some -- this is
23 this optimism/pessimism situation. 30, 40 years from
24 now, 50 years from now, none of us have a crystal ball
25 and can't do that.

1 I can tell you, though, one thing I am confident
2 of is personality disorders don't get better, period.
3 Or, I'm such an optimist, I believe if somebody saw him
4 more than once a week for many years, that maybe his
5 personality could change.

6 Now, 24/7 he's going to have a poor peer group
7 whispering in his ear also. So you have competing
8 influences there. And that's the difference, I think,
9 between our similar evaluations, is that I end up with
10 a personality disorder, she ends up with a lot of abuse
11 secondary -- effects secondary to abuse. And she
12 agrees with us about the personality disorder, conduct
13 disorder. She's quite a senior clinician, and she
14 understands that. That's the biggest difference.

15 Q Do you believe that Mr. Osborne is dangerous and
16 that he will remain dangerous?

17 A Yes. Yes. I mean, I don't think anybody in this
18 room would think he's not -- well, I'm sorry. I
19 certainly think that he's dangerous now, and I think he
20 will remain dangerous, and he could become more and
21 more dangerous, unfortunately, as his brain reaches
22 maximum -- 25, 26, 27, he could be more dangerous.

23 Again, I don't have a crystal ball, but I think,
24 my prediction is he will be at least as dangerous, if
25 not more.

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1 Q And secondary to that, and you've touched on this
2 a little bit, but do you believe that he's able to be
3 rehabilitated? Do you think that that's likely?

4 A Answering lawyer questions, I often say, "Anything
5 under God's green earth is possible." I don't think
6 it's going to happen. I don't think it's likely. And
7 a medical certainty question, I couldn't say with
8 medical certainty that he will be rehabbed. I could
9 not do that.

10 MS. PRICE: Thank you. No further questions.

11 CROSS-EXAMINATION

12 BY MR. EPPES:

13 Q Dr. Ballenger, you said something about genetics.
14 Do you know that Jesse's mother was treated for
15 depression?

16 A I certainly do, and you asked me that in the
17 waiver hearing. I think -- my understanding of it is
18 it was in the aftermath of losing her husband and her
19 son that she began treatment with an antidepressant.
20 That's what we call a situational depression.

21 It's not my understanding that she has a lifelong
22 history of depression, multiple episodes, or a family
23 history, but I have not explored that.

24 Q So you don't know the answer to that?

25 A Well, I do know that she started an antidepressant

1 after these terrible events.

2 Q And you talked about y'all's different roles. You
3 and Dr. Maddox and Dr. Wagner, Dr. Teichner find
4 yourselves in these roles all the time. You're paid by
5 one side or the other to do whatever you do?

6 A Yes.

7 Q And you were paid to testify at the waiver hearing
8 as well, right?

9 A Of course.

10 Q And you were here for the entirety of the waiver
11 hearing, and you sat up there, and I think Mr. Shirley
12 swore you in, and you gave an oath to tell the truth,
13 right?

14 A Absolutely.

15 MR. EPPE: Judge, this is a little unusual, but I
16 don't want to go up there and crowd the doctor. Could
17 he come down here and let me ask him a couple
18 questions?

19 THE COURT: Sure.

20 BY MR. EPPE:

21 Q Doctor, you remember at the waiver hearing, we
22 talked a long time. I'm showing you page 946 of the
23 waiver hearing beginning at line 22. I'm going to read
24 the question that I asked you.

25 "Do you think that you can say at this point that

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1 it's likely that Juvenile Osborne will always present a
2 danger to society?"

3 And would you read your answer beginning on
4 line 25 and going to the next page.

5 A "No, I cannot do that. One of the things we know
6 is that even antisocial people burn out. The chief of
7 police in Charleston used to say, 'Put them in jail
8 until they're 39 and then let them out, period.' That
9 was the treatment program. They get old and burned
10 out. So, no. You know, maybe when he's 50 years old,"
11 he said -- he said maybe in prison he will -- he said,
12 meaning Jesse, "maybe in prison he will really find God
13 and be forgiven. Maybe he will. I hope so."

14 Q And then later on in that same exhibit, on
15 page 1002, there's actually a two-question portion.
16 I'm going to read you this question from line 15 of
17 page 1002.

18 "Based upon your experience with Mr. Osborne, do
19 you believe, do you think that he has an untreatable,
20 hardwire condition that means he could never be cured
21 or he will absolutely kill again?"

22 Read your answer for me, please.

23 A "I think I've already testified to that, but the
24 answer is no. As I said earlier and more, I am an
25 optimist, but what I did say was that he's very

1 difficult -- he has a very difficult-to-treat condition
2 that might be hardwired in the sense of being
3 biologically determined. Might be. But I am sure
4 that's going to be difficult to treat and will take a
5 good, long while. It needs to be done in an extremely
6 special setting where he's under lock and key."

7 Q And then I went on to ask, "But you definitely
8 don't think that either the State or Mr. Osborne should
9 give up the hope of getting him in a situation where he
10 can live a functioning life as an adult without any
11 fear of danger to himself or others?"

12 Read that answer for me.

13 A "No, I think that's possible. Even he has an idea
14 about how it might be possible. I think if he finds
15 religion in prison. There have been people who have
16 been turned around, changed their lives, and for
17 whatever reason, maybe they burned out over time, maybe
18 they got great treatment, maybe they have a religious
19 experience that helped them a lot. No, I don't want
20 him to walk out of this courtroom thinking he has no
21 hope."

22 Q Thank you, Doctor.

23 MR. EPPE: Your Honor, that's all the questions I
24 have for this witness.

25 THE COURT: Any redirect?

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1 MS. PRICE: Just one.

2 THE COURT: Briefly.

3 MS. PRICE: Yes, sir.

4 REDIRECT EXAMINATION

5 BY MS. PRICE:

6 Q Dr. Ballenger, very briefly explain the difference
7 in your opinion during the waiver hearing and today. I
8 know there is a lot that you could say as to what has
9 changed in the intervening years, but as briefly as
10 possible, sum up for me why you are saying something
11 different today.

12 A I have learned more. We have learned more in the
13 two years approximately that have passed that the
14 behavior that I was seeing then has continued. The
15 behavior was only a few years then. At another -- we
16 almost have twice as much time now, and it's, in my
17 opinion, largely the same. His attitudes, his
18 understanding, feelings have not changed.

19 That's what leads me to this very tough decision
20 that, in fact, I don't think that it is -- I think it
21 strains my optimism too much and my hopefulness in
22 being a nice guy when he asked that. I didn't want him
23 to walk out of the courtroom without hope either.

24 I still don't, but I think the prediction is more
25 solid now, it's based on more data points, more

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1 information, and that's how we learn about personality
2 in a young person is, as they get older, it sort of
3 gets set in stone.

4 Q Thank you, Dr. Ballenger.

5 THE COURT: Sir, you may step down.

6 MS. PRICE: Your Honor, that's it for the State.

7 THE COURT: Mr. Wagner or Ms. Huey or Ms. Price,
8 I'm not sure who I'm supposed to address.

9 Are there any victims, other than the statements
10 you have passed to me, that are wishing to address the
11 Court?

12 MS. PRICE: There are, your Honor. May I have a
13 brief break to gather those individuals and make sure
14 that I have the names right?

15 THE COURT: Absolutely. And Mr. Eppes, would you
16 do the same?

17 MR. EPPES: Yes, sir.

18 THE COURT: We'll take about a ten-minute break.

19 (WHEREUPON, a recess was taken from 3:24 p.m. to
20 3:45 p.m.)

21 THE COURT: I'm going to hear from the State's
22 victims first. I'm going to ask the victims who intend
23 to speak to come up one at a time. If I have -- you
24 have submitted a written statement, I've read all the
25 statements. Do not come up and read them to me again.

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1 I don't want to have that happen. Tell me what you
2 have to say, but do not read it to me because I've read
3 them.

4 Ms. Price.

5 MS. PRICE: Yes, your Honor. May it please the
6 Court? And just so the State's -- the Court's aware,
7 none of these statements have been previously submitted
8 to the Court. These are all individuals who are
9 either named -- relate to the named victims in the
10 indictment, with the exception being the first two
11 individuals who want to address the Court, and that is
12 Superintendent Dr. Avery from District 4 and Principal
13 Denise Fredericks from the Townville Elementary School,
14 who would like to address the Court, and the rest are
15 related to the victims and you have not seen these yet.

16 THE COURT: Okay. Very good.

17 MS. PRICE: Your Honor, at this time, I'll ask
18 Dr. Avery to come up and address the Court.

19 THE COURT: Good afternoon.

20 DR. AVERY: Shattered glass, bullet holes defacing
21 the classroom door, a blood-soaked classroom rug, and
22 focused employees fiercely attending to the wounded.
23 These are the images I saw at the horrific school
24 shooting at Townville Elementary School on
25 September 28th, 2016, where J.H. was gunned down,

1 three others shot, and hundreds of children potentially
2 traumatized by witnessing the violence are cowering
3 behind locked doors to escape from it.

4 This day forever changed every person in Anderson
5 School District 4. Children and adults. As the
6 superintendent for Anderson School District 4, it
7 changed me personally. Based on what I saw upon
8 arriving on the scene soon after the horrible act
9 occurred, to the multitude of conversations that I have
10 had with those who were there at the time of the
11 shooting, to the ongoing evaluation of security and
12 safety district planning, it is an incident that
13 greatly impacted me as a parent, an educator, and a
14 leader.

15 Unfathomably, Townville Elementary School is now
16 on the growing list of school shootings in the United
17 States, a list that no school or district wants to be
18 on. The sanctity of our schools, the places where
19 children go to learn and grow has been shaken and
20 terrorized by gunfire.

21 At Townville, these are my remembrances behind
22 this horrific event. A six-year-old celebrating ■
23 ■ on the playground, coming face-to-face with a
24 gunman. Cupcakes dropped and uneaten. Children
25 running for their lives. Teachers and students

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1 fearfully hiding in tiny, darkened bathrooms for over
2 an hour reading stories while in lockdown, only to be
3 greeted by armed law enforcement officers.

4 The principal, helplessly watching the gunman pace
5 outside the school with a bookbag filled with unknown
6 for over 12 minutes, an eternity, while she waited for
7 first responders to arrive. Staff members putting
8 their lives at risk, attending to the wounded while
9 watching the shooter through the school door window
10 frantically moving outside the building.

11 Classroom learning frozen in time. Papers, books,
12 pencils, jackets, eyeglasses, uneaten lunchbox food
13 left in place at 1:41 p.m., the moment in time the
14 terror began. A desk with a good behavior card filled
15 with stickers, empty as classmates grapple with the
16 loss of their dear friend.

17 A first grade classroom littered with gun shells.
18 Spouses and children of employees at a loss as to how
19 to support loved ones who struggle with the emotional
20 trauma of this life-shattering event. Teachers
21 tirelessly supporting their students' emotional
22 well-being and academic progress despite the toll.

23 The tragedy on September 28th touched far beyond
24 the walls of Townville Elementary School. It required
25 immediate action in preparing the school to reopen for

1 facility repair and rooms relocation to emotional
2 support for students, parents, and employees as they
3 first return to the school following the shooting.

4 Providing trauma and grief counseling support
5 district-wide to employees and students, implementing a
6 comprehensive communication plan for all stakeholders,
7 to include the national media. And assuring the
8 citizens of Anderson School District 4 that our schools
9 were safe and a positive learning environment, despite
10 the tragic event that occurred.

11 During the weeks, months, and now years since that
12 day, several additional safety initiatives have been
13 implemented to further enhance our security as well as
14 restore the trust within our communities regarding
15 school safety.

16 Some of these include: Providing wraparound
17 services for the reopening of the school which included
18 onsite mental health counselors, therapy dogs, elevated
19 law enforcement presence, and pastoral support. Hiring
20 full-time substitutes that were available for teachers
21 at Townville when they need a respite from the
22 classroom due to the trauma they suffered that day.

23 Offering mental health counseling services for
24 both students and staff members at Townville Elementary
25 School. Offering an employee assistance program to

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1 include counseling for all employees in Anderson School
2 District 4 at no cost to our employees. Staffing
3 full-time school resource officers in all of our
4 schools.

5 Implementing several safety improvements at all
6 schools to include the addition of electronic gates,
7 fencing, safe rooms, expanded security cameras, keyless
8 entry systems, and two-way radios. Constructing and
9 relocating of a closed playground at three of our
10 elementary schools, adding them as an extra area to be
11 supervised by SROs.

12 Expanding active shooter training to a quarterly
13 schedule. Contracting with Dr. David Schonfeld, the
14 director of the National Center for School Crisis and
15 Bereavement for workshops on grief and trauma recovery
16 for employees, spouses, and parents. And, finally,
17 requiring and providing trauma kits and threat
18 assessment training for all employees.

19 As superintendent, my job responsibilities
20 dramatically changed on that day in a way I never
21 anticipated. Time continues to be devoted to
22 supporting the needs of Townville Elementary School and
23 its community, sharing lessons learned with other
24 school districts, and advocating for changes in policy.

25 As one of only two fatal school shootings in South

1 Carolina's recent history, it is my hope that not one
2 more school, one more school district, or community
3 will ever have to experience the suffering and pain
4 over the loss of human life from gun violence in our
5 schools.

6 The life-changing events that happened on
7 September 28th, 2016, will forever be etched in our
8 heart and minds. Neither time nor outcome will remove
9 the loss and grief we feel for J.H. and all the
10 victims of this tragedy.

11 Two families tragically lost loved ones. Three of
12 our families are impacted by the emotional and physical
13 wounds of their family members. Many will continue to
14 deal with the traumatic impact for years to come.
15 Lives have been lost and profoundly altered because of
16 one person's decision to pull the trigger.

17 Thank you.

18 MS. PRICE: Your Honor, next the State will have
19 Principal Denise Fredericks address the Court.

20 MS. FREDERICKS: This letter is a small attempt to
21 describe some of the significant life-changing and
22 long-lasting impacts that the decision and actions
23 taken by Jesse Osborne on September the 28, 2016, have
24 had on us.

25 Those decisions that day have impacted so many,

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1 and the responses and decisions that they made from
2 that day forward. Because our young students are not
3 able to share the effects of what they're experiencing,
4 I'm going to try to do that.

5 This is heartbreaking on so many levels. Jesse
6 was a student at Townville up until fifth grade. As
7 evidenced in the waiver hearing, he was bright
8 academically and in the arts. He was in the gifted
9 program. He participated in extracurricular
10 activities, running club, archery club, explore the
11 arts, broadcast club, Townville singers. He was
12 well-liked by staff and students. He was a good kid.
13 But he left us evidently changed.

14 There was an intentional, planned loss of precious
15 human life carried out by him. Two lives were lost
16 forever. A heroic teacher, Meghan Hollingsworth, was
17 shot and injured. Two other students were physically
18 injured as a result of him shooting at them.

19 The loss of life that was a direct result of his
20 planning and actions meant that our school family is
21 forever without J.H. . We grieve him daily. We
22 see his little brother and sister at school. We hurt
23 for them. We grieve for his family. J.H. 's life
24 should not have been taken. That has a daily impact on
25 us all.

1 Our current fourth graders have lived three years
2 without their friend J.H. , and they are very
3 well-aware that he was murdered as a first grader.
4 Kids ask if the bad person is coming back to shoot
5 them. They ask why he wanted to hurt them.

6 While on the playground, some are hypervigilant,
7 and when loud cars or trucks go by on Highway 24, play
8 is sometime disrupted as they direct their attention
9 until they are reassured that it's okay.

10 If they see someone legitimately in the church
11 parking lot across from the playground, their level of
12 concern increases. Teachers do their best to comfort
13 and reassure them.

14 Someone at a door can cause angst for them. Fear
15 of attending school. A number of parents withdrew
16 students to home school or attend other schools by
17 moving. Our current fourth grade, which was our first
18 graders at the time, has a low enrollment still. Of
19 the original 31 enrolled as first graders, only 13
20 remain as fourth graders.

21 Routine noises are not responded to routinely.
22 It's different for our school. Moving student desks,
23 chairs, something hitting the floor, a door closing too
24 hard, someone talking loudly can get a reaction from
25 students and staff that is atypical.

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1 At a family dance that we had in February 2017 we
2 had balloons. One popped and several people dropped to
3 the floor. The dance was immediately over, and we
4 learned we cannot have latex balloons which pop. We
5 have a mental health counselor that deals with students
6 and the trauma created by the death and the acts of
7 violence that resulted from that day.

8 We know that mental health matters, and we also
9 know that we may never know the true depth and impact
10 of that one day for the rest of our lives on our
11 students, staff, and families. Some see outside
12 counselors and therapists. Our school did various
13 drills before, intruder, fire, tornado, et cetera,
14 prior to this event, but afterwards, there is emotion
15 and reaction linked to these drills forever.

16 For tornado, we shelter in the same places. It
17 has caused anxiety for some. There is an emotional
18 aftermath for students and staff that have experienced
19 the shooting. There are times that flashbacks have
20 been reported due to a sound or image. Sleep patterns
21 have changed.

22 Many have psychological or emotional wounds that
23 are not apparent to all. Worries that didn't exist
24 before exist now. Some have expressed misunderstanding
25 when loved ones, our loved ones who truly care, just

1 because they can't understand or empathize with the
2 continued stressors related to the school shooting.
3 They can't all understand the trauma that remains with
4 us on some levels.

5 His plans are more fully known and made aware to
6 staff and community during the waiver hearing. Knowing
7 that explicitness of the plan and how and who he
8 planned to target begs the question why. He was a good
9 kid when he was with us, and we loved him.

10 Our beliefs are somewhat shaken in that if you do
11 the right thing, the right things will happen.
12 Previously harmless words or phrases evoke emotion that
13 they never did before. Some examples are, "What was
14 his list? What triggered that? Shoot me an e-mail."

15 It is not yet known how this will impact our
16 students as they transition to other schools and
17 environments. It is unknown how they will cope with
18 sending and leaving their own children at a school as
19 youngsters in the future. Those are some of the
20 unknowns that I think are legitimate concerns because
21 we're not only concerned with students presently but
22 also as adult citizens in the future.

23 And please consider this. During this time staff
24 members who did their job to further protect, shelter,
25 and provide care for the injured, they were employees

1 who ran to where the gunfire happened. Instead of
2 sheltering and protecting themselves, which they could
3 have done as he was not yet apprehend or subdued, they
4 put others above self.

5 They ran to help. They ran to save. They ran to
6 support. They ran to comfort. They could have been
7 running into gunfire and putting themselves at risk,
8 but they didn't hesitate. They were strong, and they
9 were brave. They had the interest of the students as
10 their only focus during those truly terrifying moments
11 in time.

12 They exemplify selflessness and courage in heroic
13 effort to address the wounds that were suddenly caused
14 by Jesse Osborne. They are the people that you would
15 want to come to your assistance if you needed help.

16 The impact of any murder and attempted murder
17 encompasses many; however, by trespassing onto school
18 property and literally aiming and shooting at innocent
19 children and staff, the impacts were not only for the
20 340 people on-site, but also for every loved one
21 connected to them and our community that cares for our
22 school and our families.

23 His decisions and actions sentenced J.H. 's family
24 and friends and school family to a life without J.H. .
25 Because of his actions, some have been sentenced to

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1 deal with PTSD and sentenced to conflict which will
2 interfere with relationships, work, and recovery.

3 My question is, would it be just for those
4 suffering to be faced with him again outside of a
5 secure facility. My prayer is that his heart has
6 changed, and that he could use his life to do some good
7 in the future but not outside of prison walls. I don't
8 think justice is served if our children, staff, or
9 families have to be confronted with him now or in the
10 future knowing his plan was to kill them and that he
11 did kill and injure.

12 From the evidence in the waiver hearing, he didn't
13 snap or lack impulse control. He planned and
14 implemented these deeds, horrific deeds. Some of these
15 wondered out loud, "Does he still want to hurt us?"
16 And some remain fearful of him, if he's ever outside of
17 prison.

18 No matter how somebody can take this, this is
19 about justice, not revenge. And was so much suffering
20 inflicted on them, our whole community because of his
21 decisions and actions. And even on a path today with
22 him in recovery, suffering continues.

23 He has sentenced so many to a lifetime of loss and
24 hurt. For those reasons, I do believe he should remain
25 in prison with a life sentence. I think that would be

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1 justice for him and for those who lost loved ones and
2 who survived but still carry wounds and trauma in their
3 lives. That would be justice we can never forget.

4 Thank you.

5 MS. PRICE: Your Honor, at this time the Court
6 will hear from Renea Hall, who is J.H.'s mother.

7 MS. HALL: First I would like to say that the
8 cruel actions of one person can devastate the lives of
9 many. I lost my precious son J.H. on September 28th
10 of 2016.

11 Not a day goes by that I don't think about J.H. .
12 I think about how different he would be. But those are
13 just that, thoughts. The pain is real and the pain
14 took me down a path. I got to the point where I didn't
15 care anymore. I sought through drugs as a way to cope
16 and take the hurt away of the loss of my sweet baby
17 J.H. .

18 I was not -- I alone was not strong enough to deal
19 with the death of my son and also fight the battle with
20 my drug addiction. But with the help and support of my
21 loved ones, my family, my friends, my attorneys, I saw
22 the light and I gave up drugs and I gave my heart to
23 God.

24 I continue to better myself each day, but there is
25 still a hole in my heart that will never be filled. I

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1 miss my baby. I know I'll never celebrate another
2 birthday, holiday with him. I'm never going to see
3 J.H. grow up. I'll never get to see J.H. graduate
4 from high school or get married.

5 Spencer, J.H. 's brother, lost a best friend. So
6 did J.H. 's baby sister lost a protector. They both
7 looked up to J.H. and they, too, were left with a hole
8 that will never be filled.

9 With that being said, I can now say that I
10 wholeheartedly forgive Jesse. I forgive, but I don't
11 forget. I know that that's what J.H. would want me to
12 do. I'm finally at peace, but I pray that justice is
13 served today.

14 THE COURT: Thank you, ma'am.

15 MS. PRICE: Your Honor, at this time the Court
16 will be addressed by Meghan Hollingsworth, who was the
17 teacher who was the named victim in this case.

18 MS. HOLLINGSWORTH: My life has forever been
19 changed since the events of September 28, 2016, both as
20 a teacher and a parent, a day that started out like any
21 other Wednesday ended in my worst nightmare.

22 I never imagined that recess could be the scariest
23 time of day. Before September 28th, my biggest fear
24 during recess was a child falling and getting hurt.
25 Because of the actions of Jesse Osborne, recess will

1 never be the same.

2 Since the shooting on the school playground, I
3 have suffered many ill effects. My physical wounds
4 were minor and have mostly healed, but the emotional
5 toll of the events of that afternoon will last forever.
6 My shoulder wound was minor and healed quickly. I had
7 one additional surgery to attempt to remove the
8 shrapnel from my mouth. It was unsuccessful and the
9 shrapnel remains.

10 It is not these injuries that have affected my
11 day-to-day life the most. It's the emotional effects
12 that are a constant reminder of what happened. The
13 effects not only affect me, but the members of my
14 immediate family. It has been a long and difficult
15 process to carry on life as normal.

16 In addition to me being on the playground during
17 this horrific event, my five-year-old daughter was two
18 doors down in her kindergarten classroom. I have not
19 only had my emotional issues to overcome, I also have
20 to be a mom and a daughter and help her process her
21 emotions from the shooting.

22 Not only was I dealing with my own nightmares and
23 anxiety at night, I was also helping my five-year-old
24 deal with the same problems. It has been a difficult
25 process and continues to have its obstacles. I carry

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1 the constant worry and anxiety each day. What used to
2 be a joyful time of the day, recess, has become the
3 most anxious time of the day, a constant worry and
4 anxiety in that I have lost all enjoyment in taking my
5 class to recess each day.

6 We are living in a world where people with evil in
7 their heart are stealing lives and security from
8 children in places where children should feel safe and
9 protected. I feel the full extent of the law should be
10 used when considering a sentence for Jesse Osborne.
11 What he stole from the students, teachers, and
12 community that day can never be returned. He planned
13 and carried out an evil act that stole the life of an
14 innocent child and the innocence of all the students in
15 our school and community. He should be punished to the
16 maximum extent for his horrific crime.

17 THE COURT: Thank you, ma'am.

18 MS. PRICE: Your Honor, at this time, Roger Hall
19 and Emily Hall will address the Court. Emily Hall will
20 be speaking for her father and herself. This is J.H.
21 's father and sibling.

22 EMILY HALL: Your Honor, Jesse will never
23 understand how many families he has tore apart or the
24 lives that will never be the same. I'm not going to
25 stand up here and act like I'm not mad at Jesse for

1 taking my son from us or that he took a small town and
2 turned it upside down.

3 He says that he was bullied, so he knows how bad
4 bullies make you feel. Why would he want to make
5 others that have never hurt him feel so much pain? My
6 son will never have a bedtime story read or enjoy
7 Christmas with him. I have nightmares nightly of my
8 son screaming for me, but it's always too late.

9 Maybe one day Jesse can tell us why he chose to
10 change so many lives that day. J.H. was an easygoing
11 child who loved to make others lives' happy. His smile
12 lit up a room. I miss him more than I can say. And
13 besides losing him, I have lost my whole world and will
14 struggle with this for the rest of my life.

15 In return, I hope Jesse will spend the rest of his
16 life in prison. Even though he can still see his
17 family, read a story, or just wake up, J.H. will never
18 see another morning, and Jesse will have to live with
19 what he done and others he has hurt on his mind, and I
20 hope that weighs on him heavily.

21 Your Honor, Jesse, you may not have known J.H. ,
22 but every one that got the privilege to know him will
23 tell you how amazing he was, how his smile could light
24 up a room in seconds. J.H. knew no stranger. He was
25 the friendliest, sweetest boy you ever met. He was the

1 best little brother anyone could ask for, and I
2 shouldn't have had to tell him good-bye. None of us
3 should have had to say our last goodbyes.

4 We wanted to watch him grow up and be whatever he
5 could have been. Now my brother doesn't get to
6 experience his first love or his first heartbreak, he
7 doesn't get to pick out his first car, probably mess up
8 in a few months like we all did. He doesn't get to
9 fall in love, have a family of his own, but the impact
10 he made on our family within the six years that we had
11 him, he taught us how to love in ways we didn't know
12 how to until we got him. He showed us how to love
13 others the way that he loved others.

14 THE COURT: Thank you, ma'am.

15 MS. PRICE: Your Honor, at this time the Court
16 will be addressed by Stephanie Hall, who is Roger
17 Hall's mother and was J.H. 's grandmother, paternal
18 grandmother.

19 MS. HAGY: Your Honor, I'll be reading this for
20 her. Denise Hagy, victim advocate in the solicitor's
21 office.

22 September 28, 2016, began as a normal day. I was
23 home watching television when a breaking news story
24 aired. A shooting had occurred at Townville
25 elementary. Even though no details or victims' names

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1 had been released, I could feel that it was J.H. .

2 That feeling was confirmed moments later when my
3 son, J.H. 's father, called and said that J.H. had
4 been shot. I won't try to describe the next three days
5 as J.H. fought for his life because it would be
6 impossible. That type of pain can't be understood by
7 anyone who hasn't experienced it. I won't try to
8 describe the depth of loss we have all felt since J.H.
9 died because that, too, would be impossible.

10 Instead I will speak as to how we, as a community,
11 should respond to such a senseless and profoundly evil
12 act. Nothing can replace J.H. in our lives. Nothing
13 can compensate for the loss of what I knew J.H. would
14 have become. The sad truth is that J.H. is dead
15 because Jesse Osborne believed that fame and notoriety
16 were more than my grandson's life and ultimately the
17 lives of everyone at Townville Elementary School.

18 His motivation and criminal intent have been well
19 established. He hoped to gain celebrity as a mass
20 murderer. There have been attempts to mitigate the
21 seriousness of his offense by referencing abuse and
22 bullying. It's understandable and appropriate to feel
23 sympathy if he experienced those things, but it's
24 another matter to allow them to be the basis of an
25 excuse for what he did.

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1 There is no excuse. His attorney had stated that
2 at the end of the day, he is still a kid. He's a
3 child. I would like to remind everyone that his crime
4 was not that of a child. The level of planning and
5 premeditation were not that of a child, and the
6 punishment should not be the kind reserved for a child.

7 The Court has the responsibility to try and
8 rehabilitate the defendant. It also has the
9 responsibility to protect society. I hope that the
10 Court will conclude that the most appropriate way to
11 achieve both is by sentencing Jesse Osborne to a life
12 sentence. I fear that if he is ever allowed to walk
13 free, he will continue to be a danger to others.

14 MS. PRICE: Your Honor, at this time the Court
15 will be addressed by Beverly Fenoff. She is the
16 grandparent and custodian of one of the child victims.

17 MS. FENOFF: September 28th will always be a day
18 that is forever etched into so many lives for so many
19 different reasons. But these are my reasons.

20 At the time I had two kids on the floor level of
21 the school. C.R. was in the first grade and Alexis
22 was in the second. C.R. was so excited for school
23 that day because he had -- he got cupcakes he wanted to
24 celebrate [REDACTED] with. He was looking forward to
25 sharing the Batman cupcakes he had ordered for his

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1 class that day. I'm sure all of the kids and adults
2 will always see that as the day of the shooting. But
3 for C.R. , he starts getting headaches trying to come
4 up with reasons not to go to school.

5 He's always asking how we can change [REDACTED].
6 He no longer wants to celebrate. Most kids and adults
7 remember that date as the day of the shooting, the day
8 J.H. was injured, the day Colin was injured, the day
9 Ms. Hollingsworth was injured while trying to get all
10 of her kids, our kids, to safety. No one will ever
11 forget that day. C.R. will always remember the date.

12 I'm sure as time goes by, most of the actions of
13 that day will fade in his memory, but what will always
14 remain in his memory will be on [REDACTED] his friend
15 J.H. was basically killed on that date. He knows he
16 didn't die until October 21st, but he knows he received
17 that fatal shot on that date. He knows Colin was
18 injured on that date. He knows Ms. Hollingsworth was
19 hurt bad on that date. He always knows that date is
20 the date he was hurt. In his mind he thought he was
21 shot as well, even though he wasn't actually shot.

22 He knows on that day and date a lot of lives were
23 forever changed. He thinks if that day wasn't [REDACTED]
24 [REDACTED] maybe none of this would have happened. As
25 adults we know the date doesn't change what was going

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1 to happen. Jesse had the chance to stop what was going
2 on in his mind when he killed his own dad. But that
3 wasn't enough. Instead Jesse made the decision to
4 drive to our small town school and hurt innocent adults
5 and kids. That is a decision he made.

6 Why on earth would anyone want to hurt innocent
7 children? Why was it not enough for him to kill his
8 dad and hurt the ones he loved? I will never
9 understand that for any reason because of his actions
10 so many lives are forever changed. So many hearts are
11 going to have that scar forever.

12 It seems like it has taken forever to get Alexis
13 to understand there was nothing she could do to help
14 her brother, his friends, or his teacher. She will do
15 all she can to protect him. As for myself, I relive
16 that day, date more than I would like to admit. Most
17 of the time I can keep things to myself, but I do have
18 my days.

19 I hope Jesse can learn to handle things better
20 than he did that day. We, as a community, will never
21 get the innocence lost that day back. I hope that's
22 something Jesse has to deal with on a daily basis the
23 rest of his life.

24 MS. PRICE: Your Honor, one of our child victims
25 wrote the Court a letter, and I'm going to publish it

1 at this time.

2 "I think Jesse should spend life in prison. He
3 killed my second best friend, showed up on my number
4 one BFF's [REDACTED]. I feel very, very, very mad. That
5 is three reasons why he should spend life in prison."

6 Your Honor, at this time the Court will be
7 addressed by Stephanie Edwards, who is the mother of
8 one of our other child victims.

9 MS. EDWARDS: I received a phone call there was a
10 shooting at my son's school. Colin had been involved,
11 and he was okay. I was to meet the ambulance at the
12 hospital. It was pure shock that hit me.

13 The detective said he was okay. What did that
14 mean? My six-year-old baby had been shot at school.
15 There was no way he was okay. I needed to see him,
16 hold him, and know for myself that he was okay, as they
17 put it.

18 It felt like an eternity waiting for the ambulance
19 to arrive. When the doors opened, Colin was white as a
20 ghost. He looked right through me. It was pure horror
21 and shock on his face. And I hardly recognized my own
22 child. I got in and hugged him. I kissed him and
23 asked if he was all right. I told him, "Mommy's here.
24 I'm not leaving you."

25 Later that evening, we finally got home. Colin

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1 was laying on the couch. He look at me and said, "Mom,
2 I guess I should have ran faster and this wouldn't have
3 happened." I said, "No, no, baby. You were right
4 where you were supposed to be."

5 How do you explain to a young child, who was just
6 traumatized hours earlier, that if he was in a
7 different spot, things could be so different, that he
8 could never have come home. There's no words.

9 The truth is, Jesse knowingly went to the school
10 that day to kill innocent children after months of
11 planning. He robbed not only my child but countless
12 others of innocence and happy-hearted fun.

13 For that, I don't think he should ever breathe a
14 breath of free air again in his life.

15 THE COURT: Thank you, ma'am.

16 MS. PRICE: Your Honor, at this time Sandra and
17 Steve McAdams will address the Court. They are the
18 maternal grandparents of J.H.

19 MS. PARKER: My name is Mary Parker. I'm a victim
20 advocate for the solicitor's office, and they have
21 asked that I read their statement for them.

22 Around the first part of the month of June 2016,
23 my husband and I were sitting at home enjoying an
24 average day with the family, us and our three beautiful
25 grandbabies, J.H. , Spencer, and Zoe.

1 When J.H. , who had just turned six years old only
2 a month before, told us he wanted to accept Jesus
3 Christ into his heart, this was very touching to us.
4 This boy had a heart of pure gold. So his papa said a
5 prayer with him, and J.H. was saved that day in
6 our home.

7 This gives our family greater joy than anyone can
8 ever imagine because we know beyond all doubt that our
9 baby is in Heaven with his Lord and Savior.

10 I'm J.H. 's grandmother. And for the rest of my
11 life, I have the memory that causes many nightmares of
12 being at Townville Elementary School at the time of the
13 shooting. I heard the shots. I witnessed the panic.
14 These memories will never leave me and have caused
15 permanent and irreversible damage to me, my husband, my
16 daughter Renea, J.H. 's mother, J.H. 's brother and
17 sister Zoe and Spencer and for the rest of our family.

18 I lost my grandson. That has left a hole in my
19 heart that can never be fixed. J.H. was a godly
20 child. He truly loved his lord Jesus, and he loved
21 everybody in this world just as much. Anyone who knew
22 him would agree. Knowing this and with the faith that
23 my husband Steve and I have in God is why it has been
24 possible for me to make it this far and to be here
25 today.

1 I still take and pick up J.H. 's brother and
2 sister from Townville Elementary, and there is not a
3 day that goes by that I don't sit in my car looking at
4 the door to the school and praying that I would see his
5 smiling face come running out. But every day, after
6 that, I have to realize all over again that this prayer
7 will not be answered.

8 In the same way his papa misses us pulling up at
9 home after school and J.H. running to his arms asking
10 for the ice cream he used to get every day then sharing
11 about the great day he had that day at school. These
12 things and many more have been taken from us unfairly,
13 and since September 28, 2016, I have had to walk around
14 like everything is okay and try to show a strong face.
15 This has been very hard for me because I have been
16 broken beyond words, and on top of this, Jesus Christ
17 teaches us that we are to forgive others just as we ask
18 for forgiveness.

19 It has taken me a very long time to get to this
20 point and a lot of prayer. I can today say honestly
21 that I do forgive Jesse for what he has done; however,
22 I cannot and will not forget it. I have full
23 confidence that God will work through this court today
24 and properly handle this matter.

25 Having said that, in my own opinion and wish, it

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1 is that Jesse spend the rest of his life in prison so
2 nobody else will be hurt in the way our family has been
3 hurt at the hands of this man. My prayers are with him
4 and his family for the loss that they have went through
5 as well.

6 Thank you.

7 THE COURT: Thank you.

8 MS. PRICE: Your Honor, finally, the Court will be
9 addressed by Greg Osborne, who is Jeffrey Osborne's
10 brother.

11 MR. OSBORNE: I'm writing you this letter as a
12 character reference for my brother, Jeffrey D. Osborne,
13 who was killed on September 28, 2016, by his son.

14 I hope that after you read this, you will
15 understand Jeff was more than a byproduct of a school
16 shooting, but a father, husband, son, brother, uncle,
17 and friend that did not deserve the fate he received.

18 My brother as a youngster was as outgoing and
19 precarious as any other kid could be. When Jeff was
20 born, our mother's and his blood didn't match and a
21 complete blood transfusion was completed in the first
22 days of his life in order for him to make it. Our
23 family always joked about this his entire life because
24 of his ability to dance and agility and speed.

25 I had Jeff doing wheelies on his bicycle when he

1 was three and jumping lawn mowers by the time he was
2 five. Even though we were almost six years apart, an
3 age difference that he held against me for years, I
4 drug him everywhere and into everything that I could,
5 and he was always a willing participant. Excuse me.

6 At the age of eight, his appendix ruptured.
7 Everyone in the family had been sick with a virus for a
8 week. When we thought we were all over it, Jeff
9 decided he needed to get it and not have to go to
10 school. Little did he know, he was actually suffering
11 from acute appendicitis and dealing with excruciating
12 pain.

13 My mother rushed him to the doctor, Dr. S.D.
14 Haddock to be exact, and he immediately had him set up
15 for emergency surgery. While in the hospital, Jeff was
16 a little kid, made everyone smile and laugh the entire
17 time he was there.

18 I was in the Air Force and actually left for basic
19 training on Jeff's 12th birthday. I never will forget
20 the minute I stepped on the bus to leave and looked at
21 him. He looked me dead in the eye, told me this was
22 the best damn birthday present I could ever give him.
23 He knew he was about to be spoiled by my parents and
24 that's exactly right.

25 Although they both worked restaurant hours, Mom at

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1 Red Lobster for 32 years and Dad at Ryan's, Jeff missed
2 out on nothing. He was never alone and was always
3 going somewhere with someone. He speed skated, played
4 baseball, played football. You name it, he was out
5 doing it.

6 While Jeff was not the greatest student to come
7 along at Centerville, Lakeside, Westside, he was
8 definitely one his fellow students, teachers, and
9 administrators will never forget. I'm sure you can
10 walk up to Mr. Henry Adair, Mike Sounds or Roy Mack and
11 mention his name today and a smile will come across
12 their faces. His personality, willingness to stand up
13 for the little guy, honesty and, dare I say, toughness
14 made an impact on all who came in contact with him.
15 Excuse me.

16 After high school, Jeff did not attend college but
17 went straight to work to make his mark. No matter
18 where he worked, he gave his all, whether it was
19 pouring concrete forms in a hundred degree heat or
20 working in restaurants or his 15 years at Bosch
21 Corporation, Jeff left nothing on the table when it
22 came to his work. We were both taught by our parents
23 and grandparents working hard was what we were supposed
24 to do in life and nothing would be handed to you as a
25 gift.

1 Jeffrey decided in 2005 he wanted to use some of
2 the family land to become a chicken farmer. Many
3 people had their doubts. I was one of them. Jeff was
4 not the farmer type, although our father was a farmer.
5 He was a willing student of the chicken business and
6 quickly learned how to control his flocks in order to
7 make the most money for his family. His biggest desire
8 was to make sure his wife and son were taken care of,
9 especially Jesse.

10 He was named top producer several times by --
11 Farms as a top grower for a certain period. Nothing
12 made him prouder of his work that he could wear the top
13 grower hat out and around all the other chicken
14 farmers. He was never scared of hard work and his
15 dedication to his chicken farm could be attested to by
16 any of his field supervisors.

17 My brother had many friends as attested by there
18 were 900 people that came to his funeral. Whether you
19 known him two weeks or 20 years, if Jeff called you
20 friend, you were his friend for life.

21 I'll get through it, I promise.

22 I remember standing there in the receiving line,
23 several people came through and said they hadn't seen
24 him in years, but it was just like yesterday they
25 talked to him. He made an impact on people and never

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1 tried to. He was just that genuine of a person.

2 Excuse me.

3 Jeff may not have been the greatest father in the
4 world, but who among us are? But let me tell you, if
5 you talked to him for over a minute, he was telling you
6 or bragging about something Jesse had done or was going
7 to do. I know for a fact that there were times when
8 Jeff's marriage wasn't the best in the world, but he
9 wouldn't make a move because of his fear of losing
10 Jesse and not being able to spend every day with him.

11 When Jesse was younger, going to school, Jeff
12 dressed him, combed his hair, tied his shoes everyday
13 before he went to school. Along with running his farm,
14 he cooked the meals, washed the clothes, made sure
15 Jesse was getting what he needed to get through his
16 daily routine.

17 Even after Jesse was expelled from the school, it
18 was Jeff and only Jeff who went to the court-appointed
19 meetings. That was documented in the court records by
20 the psychiatrist he dealt with. Jeff was the parent in
21 the household, and he wanted to make sure Jesse had
22 everything possible to succeed. That also included a
23 strong work ethic.

24 If Jesse wanted money for a movie or to go places,
25 Jeff wanted him to help in the chicken houses or around

1 the property doing chores. Jesse refused. This was a
2 point of contention with Jeff, but his way of dealing
3 with it was to be firm and standing his ground with
4 Jesse.

5 Jeff was an awesome brother, one that would do
6 anything for me at the drop of a hat and I for him. He
7 was a doting son to my mom and my dad, and hardly a day
8 went by that he wasn't at their house to check on them
9 or just to say hello. My daughters will also -- excuse
10 me.

11 My daughters will always consider him the greatest
12 uncle ever. My oldest, Katelyn -- that's what he
13 called her, not Katie -- thought he hung the moon. My
14 youngest, Kelcie, who is just like him in many ways,
15 thinks he made the moon before he hung it.

16 At the time of his death Jeff had only one great
17 nephew, Rhett, who was almost two when Jeff was killed.
18 I never heard Jeff call him Rhett. It was always Baby
19 Rhett. I can only imagine Rhett being 20 years old --
20 sorry -- and his Uncle Jeff still calling him Baby
21 Rhett.

22 I'm sorry, Judge.

23 THE COURT: It's all right, buddy.

24 MR. OSBORNE: I'm almost done.

25 That's all we have now, is the memories and the

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1 what-could-have-been's. Jeff was taken from us in a
2 most senseless act of violence. He may not have been
3 the greatest father in the world, but none of us are.
4 He was not a perfect human, but none of us are. But he
5 was a man who loved his friends and family and was
6 adored by the same.

7 I could go on and on trying to make you understand
8 Jeff was a human being of good character and loved by
9 many and didn't deserve the fate he got. He was
10 sitting on his couch relaxing. It was a means to an
11 end for an individual, as stated, he wanted to be the
12 youngest mass shooter in U.S. history and also record
13 the most kills.

14 Our family mourns for Jeff daily. We're sorrowful
15 and remorseful for what happened to J.H. and all the
16 students and faculty -- for that matter, the Townville
17 community that awful day. It just changed all of our
18 lives forever and none of us will ever be the same, yet
19 our lives must go on. They just won't be the same as
20 they were before.

21 I hope my words somehow painted you a picture of a
22 man who has only been portrayed as an afterthought to a
23 school shooting. He is not an afterthought to us. If
24 you will, please take into account that he had many, so
25 many lives, large or small, and that was taken away

1 from all of us by his own son.

2 Thank you, sir.

3 THE COURT: Thank you.

4 MS. PRICE: Your Honor, that's it from the State
5 except, just to put on the record, that the State
6 presented you with a binder with many, many letters
7 that were sent to the solicitor's office from community
8 members, law enforcement -- members of law enforcement,
9 parent, teachers, and we have made that State's
10 Exhibit 21 in addition to the copy that we gave to the
11 Court.

12 THE COURT: Very good. Do you want to make these
13 other statements also exhibits?

14 MS. PRICE: Yes, your Honor. Thank you.

15 THE COURT: If you don't mind.

16 MS. PRICE: And we'll gather the originals that
17 were read today and make those part of the record.

18 THE COURT: Very good. All right.

19 Mr. Eppes, be glad to hear from the defense.

20 MR. EPPES: Your Honor, is the State going to make
21 any further statement?

22 THE COURT: Sir?

23 MR. EPPES: Is the State going to make any further
24 statement in regards to sentencing?

25 THE COURT: At this juncture I don't need any

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1 more. Okay?

2 Go ahead.

3 MR. EPPE: Yes, sir. Your Honor, I'd like for
4 Mitzie Richardson to come forward.

5 Your Honor, do you want her back here or up here?

6 THE COURT: Up here, please. You now how the
7 acoustics are in this courtroom.

8 MS. RICHARDSON: Your Honor, first I'd like to
9 speak on my behalf and then on my sister's behalf.

10 First I'd like to say to the Hall family, I am so
11 sorry that someone that I love so much did something so
12 horrible and it caused you so much hurt.

13 I attended J.H. 's funeral on behalf of my
14 family, and they greeted me with nothing but kindness.
15 I did not -- I was terrified to go, and it is a sight
16 that I will forever have in my mind.

17 I know all of you have seen snippets and pieces of
18 Jesse from the time that just this court case has been
19 going on, but I've known Jesse since the first breath
20 he ever took. And I love him like my own child. Until
21 this court case, I have never heard Jesse say a curse
22 word.

23 This was devastating watching this unfold. Heart
24 wrenching, to say the least. And I have watched my
25 sister just about lose everything that she's -- that

1 she and Jeff worked so hard for. And she came home
2 that day to lose her husband and her child. And I
3 heard -- you have seen how torn this family is. And
4 that is the truth. Where they should have come
5 together and supported Jesse and been as one.

6 Tiffney was married to Jeff for 17 years. And she
7 would come home from work, go up to the chicken houses
8 a lot of days, until late at night, get up early in the
9 morning, go back to work. They have portrayed her as a
10 mother that was not present, and that is not true.

11 She helped Jesse with his homework. She was the
12 one that took the brunt of when Jeff was drinking. I
13 don't discredit anything Greg Osborne just said about
14 Jeff. I loved Jeff. And Tiffney loved Jeff. And I
15 know that's hard for a lot of people to understand in
16 this courtroom today because of what Jeff turned into
17 when he was drinking. That and I know a lot of people
18 probably ask, how could she stay, as all the millions
19 of women who are under domestic violence that stay. A
20 lot do.

21 I did not even -- I'm her sister and did not even
22 know that those things were going on in that house. I
23 helped them design that dream house. That's what I do
24 for a living. I've heard people say that where Jesse
25 was living is a dungeon, a basement. It is a two-story

1 house built on a lower level with an outside porch with
2 a game room that was supposed to be their place to play
3 and to have a good time, all those things.

4 I moved in with Tiffney after all this happened
5 because I was scared of her well-being. She was
6 getting death threats. You know, she's scared. She
7 lost her job. She was in fear of losing the chicken
8 houses, which were the income that she had. She had a
9 career she had worked, you know, worked so hard to earn
10 her degree to be a dental hygienist, and then she had
11 to take over what Jeff was doing. Jeff loved it.

12 And I can tell you, Jeff -- I loved Jeff. Jeff
13 and his laugh still haunts me to this day and haunts me
14 in a good way. I can hear him. He would always check
15 on me and ask Tiffney, "What's your sister doing?" And
16 there was never a shortage of laughter or music or
17 anything when we were all around.

18 But that other person did exist. And,
19 unfortunately, alcohol is something some people can
20 handle and some people cannot. Jeff's actions during
21 those moments forever changed Jesse and Ryan and Mary
22 Lee and Tiffney. Tiffney took the brunt of all of that
23 for so long.

24 And, you know, I took Jesse to a Clemson game two
25 weeks before this happened. I have pictures posted,

1 smiling. We laughed and listened to music riding in
2 the car, and, you know, I looked at Jesse and I said,
3 "Jesse, so what's going on?" You know, tell me because
4 I haven't seen him in a while. And he was just, you
5 know, talking in general, nothing out of the ordinary.

6 And I said, "What kind of music are you listening
7 to?" And he was like, "I'm listening to this group
8 KDMF." And I had no clue what that was. You know,
9 kids listen to every kind of music. I do, too.

10 I said, "Well, let me introduce you to the 80s."
11 And he was like, "Oh, Mimi, you're so old." And, you
12 know, that day we had so much fun. We tailgated with
13 friends. And when I got ready to drop Jesse off with
14 my sister, I was almost to the -- we met at Cracker
15 Barrel in Anderson. And Jesse and I were talking
16 about, he goes, "Aunt Mimi, can you help me buy me --
17 help me buy to build an ant farm?" I said, "Jesse, do
18 I really have to pay for ants?" I thought that was
19 something that was just -- couldn't you just go get
20 those?

21 And he told me all the details about an ant farm
22 and what all that involves. I said, "Jesse," you know,
23 "you're very smart. I would have never known all those
24 things about an ant farm." He goes, "Yeah, I wrote a
25 paper about it and all the kids made fun of me for it,

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1 so I just shut up." And I never knew how significant
2 that moment was until now.

3 I'm going to go back. I'm sorry. I did not write
4 anything today. I didn't even know if I would get up
5 here.

6 But when I moved in with my sister, I did that for
7 multiple reasons, but I stayed in Jesse's room. And I
8 tried to put myself in some of the thoughts or mind
9 processes of what would have ever made this child do
10 this. This was not my Jesse.

11 And it was very depressing, very isolated, very
12 dark. And it wasn't because of the house and the way
13 the house was built, the way the house was situated. I
14 was a grown woman, could get in my car and go wherever
15 I wanted to go. Jesse did not have that luxury. And
16 he had no friends at that point. And somehow he found
17 solace in these so-called people online, and something
18 changed.

19 Because I can tell you that that is not the child
20 that I've known all of his life. And I can't help but
21 think in my heart of hearts that Jesse could be
22 rehabilitated because this was never the child that we
23 had known or seen.

24 I don't know how long that time span is. I think
25 Jesse is in a place that he needs to be right now. He

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1 needs help. I will love him until the last breath I
2 take on this earth. And I will forever wish if there
3 was one day that I could change, as much as I love my
4 parents, it wouldn't be to bring them back, it would be
5 to change this day. And I ask that you be fair and
6 take into consideration everything that the doctors
7 have said and give Jesse a chance in this world, that I
8 hope that Jesse takes this time -- and one wish that I
9 would want for him is that while he is where he is,
10 that he make something good of the life that God gave
11 him, that he help, maybe educate other law enforcement
12 or people inside the system on school shootings.

13 There was one that broke on the news while we were
14 eating lunch. It's not going to stop. Unfortunately,
15 we live in a different world, but maybe Jesse has a
16 different insight that can help in that respect. I
17 hope that Jesse does pursue religion as far as finding
18 God and God forgive him. And maybe he can be a
19 testament to other inmates that committed crimes and
20 found the wrong path to take in life.

21 And I pray for my sister daily. And I hope,
22 regardless of the amount of time that Jesse gets, I
23 hope I see him out on the outside world again because
24 we, too, in a different way, much different, but we
25 won't ever spend holidays together for a very long

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1 time, I know. If ever. And it forever changed
2 everything in all of our lives.

3 Thank you.

4 THE COURT: Thank you.

5 MR. EPPES: Your Honor, Mr. Osborne would like to
6 address the Court briefly.

7 THE DEFENDANT: I would just like to say that I
8 wish this would have never happened. I don't exactly
9 know why I did this. I just ask that you give me hope
10 for a future and give me help because I do need help.
11 I just want you to know I'll do whatever you say.

12 THE COURT: All right.

13 Mr. Eppes, Mr. Campbell, have you explained to
14 Mr. Osborne that whatever sentence I impose, he will
15 have ten days to appeal?

16 MR. EPPES: I have, your Honor.

17 THE COURT: Let me state from the outset, number
18 one, this case clearly has been a nightmare for
19 everyone. I mean, clearly for the victims and their
20 families, for your family. Quite frankly, I never
21 thought that I would be sitting here in the courtroom
22 looking at a 17-year-old boy and having to sentence to
23 a minimum of 30 years up to life in jail for things he
24 did when he was 14 years old. It's just beyond my
25 imagination.

1 But does everybody agree that, under the current
2 state of the law, that children are considered
3 constitutionally different, number one, that only in
4 the rarest of occasions should a sentence of life
5 without possibility of parole be issued for a juvenile,
6 and in those cases, the juvenile should, essentially,
7 be found irreparable corrupt; however, the current
8 state of the law is that I can sentence him to life
9 without possibility of parole?

10 Does anybody disagree with those propositions?

11 MR. WAGNER: No, sir.

12 MR. EPPES: No, sir.

13 THE COURT: For the purposes of what we have been
14 doing this week, and I said at the outset of this case,
15 and I will repeat on the record the factors that I've
16 considered with that structure that I just went over or
17 spelled out in *Aiken vs. Byars*.

18 Those factors would include the following: The
19 chronological age of Mrs. Osborne and the hallmark
20 features of youth, which would include immaturity,
21 impetuosity, failure to appreciate the risks and
22 consequences of his acts, irresponsibility and
23 recklessness, also Mr. Osborne's family and home
24 environment, the circumstances surrounding the offense,
25 in considering the extent of the participation by

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1 Mr. Osborne and how any familial or peer pressure may
2 have affected him, the incompleteness associated with
3 youth. An example in the cases given, the inability to
4 deal with police officers, prosecutors, or help his
5 attorneys or assist his attorneys. And, lastly, the
6 possibility of rehabilitation given the child's
7 diminished culpability and high capacity for change.
8 The appropriate occasion for sentencing juveniles with
9 the harshest penalty would be very uncommon.

10 With that being said, let me go over the factors
11 as I see them. I have read in excess of 2,000 pages
12 prior to coming to court today, listened to all the
13 testimony. I have read more during this week.

14 It is clear that Mr. Osborne is immature. He's
15 impetuous. He was when he was 14. His mind isn't
16 developed fully, and I think he is now. In many
17 respects, when he committed these acts on September 28,
18 2016, I think he was a normal 14-year-old boy. But in
19 other respects, you methodically researched and planned
20 out this attack, as well as other aspects of your case.
21 I don't believe for a second that Mr. Osborne failed to
22 appreciate the risk of his consequences and his
23 conduct. I think he did.

24 On the other hand, he may not have known what it
25 felt like to actually kill somebody, but I think he

1 understood that his actions could lead to his being
2 killed or to him having to spend life in prison or a
3 lengthy prison sentence.

4 Also, responsibility. There are elements that
5 show that Mr. Osborne was responsible, and that is that
6 he got up and worked in the family business, he did
7 chores around the house. This also is an element of
8 severe responsibility. He stopped doing his
9 schoolwork, stayed up to all hours of the day on the
10 Internet, stayed on social media, roughly unchecked by
11 either his father or his mother.

12 Clearly, and I agree with Dr. Maddox
13 wholeheartedly, that the family and home environment
14 were problematic. They clearly had an impact on this
15 gentleman. I don't see how possibly they couldn't have
16 had an impact on this gentleman.

17 With that being said, his father was found to be
18 verbally and physically abusive to both Mr. Osborne and
19 other members of his family. He was a substance
20 abuser. Likewise, Ms. Osborne, from the records that I
21 read, appears to be somewhat of a substance abuser to
22 some degree. Certainly not to the extent that
23 Mr. Osborne was, but appeared to me and my impression
24 of it is she was somewhat absent in this case. My
25 meaning of that is Mr. Osborne was allowed,

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1 essentially, to exile himself into the basement. He
2 stayed up all hours of the day. He had
3 unfettered access -- unchecked access and unfettered
4 access to the Internet and social media, which allowed
5 him to come -- coupled with his Rainbow group that was
6 out there. He wasn't required to do school assignments
7 by reports and they were allegedly done by his mother.

8 On the other hand, the maternal grandparents,
9 paternal grandparents seemed to be a bright spot for
10 him. They seemed to give some guidance and stability.

11 But the concern that I have in this case is
12 that -- I've known Dr. Maddox for a long time. I have
13 hired her as a court witness as the Court's witness. I
14 don't know Drs. Wagner or Ballenger. I have no reason
15 to disregard them. They seem to be extremely well
16 qualified. But either choice leaves me with some
17 problems.

18 First, if I were to follow Dr. Ballenger or
19 Wagner, this gentleman is not going to get better. He
20 doesn't have a treatable -- he can't be treated. He's
21 always going to be there. I tend not to do that.

22 I agree that Dr. Maddox is probably right in that
23 he has suppressed emotional problems. And I'm just a
24 junior psychiatrist over here, psychologist, making
25 observations. Obviously, I don't know.

1 But even so, by Dr. Maddox's own testimony, what
2 SCDC can provide is insufficient. He is going to
3 require to get private work while he is incarcerated in
4 SCDC for him to have any hope. And that's where my
5 concern lies.

6 The testimony that I believe to be accurate is
7 that this family has irreparable differences between
8 Mr. Osborne's mother and the grandfather and
9 grandmother. They're currently fighting and they have
10 been, and the family system is broken down. While
11 Mr. -- the grandfather said, I will provide him with
12 this needed extra private psychiatric help, I'm not
13 convinced that's going to happen. As he said himself,
14 he's old. I think he characterized himself as being a
15 dead man walking, which I don't agree with, but the
16 problem is, assuming he did, once he's gone, once him
17 and his wife are gone, we're all getting older, I don't
18 believe he would get any help. So that leads us back
19 to square one.

20 Although Mr. Osborne had a tough upbringing,
21 clearly impacted on him, there are other people out
22 there who have had tough upbringing. They have
23 alcoholic parents, they have abusive parents, or they
24 have a combination.

25 This was a heinous murder or murders. If it had

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1 stopped with your dad, we may have a different
2 situation here. I don't know. I'm not saying that
3 dad's a bad person. But when he drank, obviously, he
4 had a propensity for violence and abuse.

5 But whatever peer pressure may have led to your
6 decision to go out and shoot up this school, do the
7 things you did, you did them. And you planned them.
8 Quite frankly, reading the social media posts, I can't
9 tell whether you were leading that group or they were
10 leading you. You were certainly the first one out of
11 the chutes to go do this. You certainly were the one,
12 although cut and paste, Mr. Eppes pointed out, the
13 information about pipe bombs.

14 Sadly, and who knows what difference it would have
15 made, while you needed to have counseling, you and your
16 granddad are out there throwing these pipe bombs or
17 Drano bombs out there and shooting automatic weapons.
18 I hunt. I fish. I understand guns. I don't see
19 anything wrong with you shooting guns. I see the
20 impropriety here or what's wrong here is that your
21 parents, your mother and your dad, who's no longer with
22 us, let you down in that they didn't get you the help
23 that may have made a difference. May not. Because,
24 quite frankly, that was just a few short months before
25 you engaged in horrific acts involved in this case. So

1 we're all familiar with the actions or the facts
2 surrounding these murders.

3 As to his fourth factor, the incompleteness
4 associated with youth, there's certainly no evidence he
5 hasn't been able to help his attorneys in this matter,
6 to assist his attorneys. And while it might have
7 been -- while it may not have been the best of
8 decisions to waive the Miranda and speak to law
9 enforcement at the time he did, quite frankly, I don't
10 think necessarily it would have made much of a
11 difference. The overwhelming evidence in this case was
12 that he was guilty. But when he decided to talk to law
13 enforcement, he did so very articulately. He was able
14 to engage with his questioners and the people who was
15 speaking with him, and I saw no signs of any
16 incompetencies in that regard.

17 With that being said, I want to point out to law
18 enforcement, that concerns me to a great deal, the fact
19 that this gentleman had a lawyer requested for him and
20 y'all refused. I know you had a right to. If that
21 comes before me, one of the factors under *Jackson/Denno*
22 is isolating a child from its parents. That is a real
23 concern.

24 In this case Mr. Osborne was sophisticated enough
25 to engage in symptom magnification or fabrication. He

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1 looked up different ailments, tried to act as if he had
2 those. He knew from the start that that's what he was
3 going to have to do. I feel comfortable he manipulated
4 the facts in this case. Quite frankly, when he was --
5 outside evidence where he was bullied and he reported
6 that bullying at West-Oak. It's clear. However, that
7 expanded to bullying going on back at Townville
8 Elementary, and I have seen -- other than his
9 statements in that regard, I've seen nothing about
10 that. I heard something about it from his grandfather
11 today. But if you look at his school records, that
12 doesn't seem to be indicative of any such thing going
13 on.

14 The reason I say that is that Mr. Osborne has been
15 smart enough and clever enough to manipulate the facts
16 if it suits him and provides him with a defense in this
17 case. I certainly agree with the finding that he's
18 more sophisticated socially than most, although he has
19 an average intelligence, he might be a somewhat of a
20 social outcast because of the fact that you were by
21 yourself and, essentially, a loner.

22 I tell you, quite frankly, one of the things that
23 stands out the most to me is your lack of remorse.
24 That is a great concern. Dr. Maddox says that she
25 feels like it is likely the result of him suppressing

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1 his emotions and dealing with those, and at some point
2 he will. Again, that's going to require outside or
3 private counseling inside the Department of Corrections
4 that nobody can count on.

5 I, quite frankly, don't think that, under those
6 circumstances, Mr. Osborne will be rehabilitated. Not
7 because he can't be, but I don't think he will be. On
8 the other hand, if Drs. Ballenger and Wagner are right,
9 he can't be.

10 So the sentence is going to be life in prison for
11 the murders. It's going to be 30 years on the
12 attempted murders. You have ten days to appeal.

13 Good luck to you.

14 MR. EPPES: Thank you, your Honor.

15 (WHEREUPON, proceedings adjourned at 5:04 p.m.).
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25

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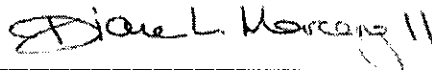
Certificate of Reporter

I, Diane L. Marcengill, Official Court Reporter
for the Tenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate, and complete transcript of record of a
portion of the proceedings had and evidence introduced
in the trial of the captioned case, relative to appeal,
in the Circuit Court for Anderson County, South
Carolina, on the 14th day of November 2019.

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I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

January 14, 2020



Diane L. Marcengill, RPR, CRR, CRC
Circuit Court Reporter

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NOV 20 2019

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON) IN THE COURT OF GENERAL SESSIONS
) TENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

Richard X. Wiley
CLERK OF COURT

vs.

**MOTION TO RECONSIDER
SENTENCE**

Jesse DeWitt Osborne

Defendant.

) Docket Nos.: 2018GS0401391, 2018GS0401392
) 2018GS0401393, 2018GS0401394, and
) 2018GS0401395
)
)
)

Defendant, by and through the undersigned counsel, respectfully moves this Court to reconsider the sentences on the above referenced charges entered by this Court on November 14, 2019 pursuant to South Carolina Rule of Criminal Procedure Rule 29(a). The Defendant was sentenced to Life Imprisonment on the two murder charges and to Thirty (30) years concurrent on each of the related charges of Attempted Murder. This Motion is based upon the following grounds:

1. Defendant was 14 years and Twenty (20) days old when these crimes occurred. Based upon his age, the Court was required to analyze the factors outlined in Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014) and determine that the Defendant was irreparably corrupted.
2. Although both the State and the Defense experts agreed that the Defendant has or had displayed symptoms consistent with "conduct disorder", each believed the evidence of abuse and family discord very likely contributed to this diagnosis. Similarly, these experts each testified with varying degrees of certitude that they did not know whether the Defendant would, as an adult, develop a personality disorder that could continue to make him a danger to the community in the future. In sum, no one knows this Defendant's mental state thirty years from now, and all admit that his brain continues to develop. There is no evidence of irreparable corruption, there is only the idle speculation of paid experts all of whom admitted that they hoped there was proper treatment for the Defendant and all of whom likewise admitted that it would be difficult to obtain this treatment in the Department of Corrections.

3. Because the Supreme Court in *Miller v. Alabama*, 567 U.S. 460 (2012), was confronted only with cases involving mandatory sentences of life without parole, it did not reach the question of whether “the Eighth Amendment requires a categorical bar on life without parole for juveniles.” *Miller*, 567 U.S. at 479. However, the Court did establish a considerable presumption against such sentences:

[G]iven all we have said in *Roper*, *Graham*, and this decision about children’s diminished culpability and heightened capacity for change, we think appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon. That is especially so because of the great difficulty we noted in *Roper* and *Graham* of distinguishing at this early age between “the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.” Although we do not foreclose a sentencer’s ability to make that judgment in homicide cases, we require it to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.

Id. at 479-80 (internal quotation marks omitted). The Court further emphasized in *Montgomery* that *Miller* had gone a long way towards eliminating life without parole for juveniles and re-iterated that such sentences should be scarcely given: “*Miller* did bar life without parole. . . for all but the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.” *Montgomery*, 136 S.Ct. at 734.

4. The State bears the burden of proof for a sentence of Life Imprisonment to be given to a juvenile, and the State did not satisfy this burden of proof, and instead sought to shift his burden to the Defendant by demanding that the Defendant prove that he could be “cured” or “rehabilitated”. This is improper.
5. In recent years, courts began to acknowledge and identify term-of-year sentences that are functionally equivalent to life without parole. In 2015, Vera F. Dolan researched life expectancies in male inmates in the South Carolina Department of Corrections. Based upon her research, because Jesse entered jail at age 14, his life expectancy in the SCDC is slightly higher than 39 years, at age 53. See Defendant’s Sentencing Memorandum, Exhibit A, page 55.

6. Some courts have held that a sentence is properly considered a de facto life sentence if a juvenile is not eligible for release until the expected end of his life. In *Casiano v. Commissioner of Correction*, a Connecticut Court held that a sentence of sixty (60) years, and possibly less, is the functional equivalent to a life sentence. *Casiano v. Comm'r of Correction*, 317 Conn. 52, 115 A.3d 1031, (2015).
7. Further, Defendant continues to object to the use of his confession based upon the request for counsel that was made by his lawyer and his family on the date of his arrest but prior to his questioning in this matter.
8. Defendant believes that the Court's concern about supervision or review should he satisfy a jail sentence bears consideration and notes that by South Carolina law, upon completion of a sentence of years in a murder case, there is no provision of supervision. As Defendant stated at sentencing he wants the help that the experts have testified he needs.
9. The sentence on the three (3) Attempted Murder charges was 30 years. On information and belief, whether these sentences were 30 or 15 years each (or anything else), Defendant would be required to be on Community Supervision for two (2) years upon release on these charges.
10. Further, as Defendant proposed in the Sentencing Memorandum filed with this Court, Defendant, with the advice of counsel, has asked that this Court enter a Civil Order requiring him to be on Lifetime GPS monitoring should he be released from prison and asking that this be subject to review after 10 years of compliance with such Order. This Order would be subject to the full contempt powers of the Court and require that Defendant be incarcerated should he violate the terms of his GPS monitoring.

Based upon the forgoing, counsel requests that the Court grant this Motion for Reconsideration of this sentence and consider a sentence that includes Thirty (30) years for the two (2) Counts of Murder followed by Fifteen (15) years consecutive for all of the Three (3) Counts of Attempted Murder followed by Lifetime GPS monitoring that could potentially be removed upon judicial review ten (10) years after its inception.

This Motion is respectfully submitted this the 20th day of November 2019.

Respectfully Submitted,

Frank L. Eppes

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Dated: 11/20/19
Greenville, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that this Motion to Reconsider was served on the Solicitor for the Tenth Judicial

Circuit on 11/20, 2019.

Frank L. Eppes

Frank L. Eppes, Attorney for Defendant

STATE OF SOUTH CAROLINA	)	IN THE CIRCUIT COURT OF THE
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	INDICTMENT NOS:
	)	2018GS0401391
	)	2018GS0401392
	)	2018GS0401393
State of South Carolina,	)	2018GS0401394
	)	2018GS0401395
PLAINTIFF,	)	
	)	
-vs-	)	TRANSCRIPT OF RECORD
	)	
Jesse Dewitt Osborne,	)	
	)	
DEFENDANT.	)	
	)	
	)	

MAY 22, 2023
ANDERSON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH

A P P E A R A N C E S:

DAVID WAGNER, Esquire
Attorney for Plaintiff

LAUREN PRICE, Esquire
Attorney for Plaintiff

FRANK EPPES, Esquire
Attorney for Defendant

LESA D. TAYLOR
Court Reporter

I N D E X

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PROCEEDINGS

1
2 THE COURT: All right, ladies and gentlemen, this is
3 State versus Osborne. This is the Defendant's motion for
4 reconsideration of sentence. I'm going to get into that in a
5 second. My law clerk, however, asked me to address the press
6 and a few rules. So, all I'm asking is don't show anything on
7 the desk -- the lawyers' right, don't go tape their
8 conversations at the desk. What they say here, what they say
9 to the Court is fine, okay.

10 All right, that being said, Mr. Eppes, this is your
11 motion. We met in my chambers. I told both sides I believe
12 as to the standard that I apply to these type motions, and
13 that is that there is no evidence on the motion for
14 reconsideration, and that's under the State versus Hamilton
15 case, which is 333 South Carolina 642. If you have a motion
16 for a new trial to ---. That being said, I told the State and
17 Mr. Eppes, I'm going to give them some leeway to argue their
18 case. The burden is certainly going to be with you, Mr.
19 Eppes.

20 The State has presented me with a list of five witnesses.
21 You will be limited to those five witnesses or their written
22 statements. Anything, Mr. Eppes, before we get started?

23 MR. EPPES: Your Honor, given the microphone and the
24 distance it is for both me and my client, would it be okay if
25 we stayed seated to make this argument?

1 THE COURT: Yes, sir.

2 MR. EPPES: Thank you.

3 THE COURT: You're seated, but it's like you're standing
4 up for most people, anyways. No, you're fine. Anything from
5 the State?

6 MR. WAGNER: No, sir.

7 THE COURT: Thank you. All right, Mr. Eppes. Your
8 motion.

9 MR. EPPES: Your Honor, as I said in chambers, we come
10 here today with a little bit different motion than when I
11 first wrote it. We wrote this motion -- I believe it was
12 filed on the 20th of November, six days after Mr. Osborne was
13 sentenced on the 14th of November, 2019. We -- in the normal
14 course of things, I believe this would have been heard in
15 March or April of 2020, and then events took over in between
16 Covid and other things, we find ourselves here -- I guess
17 three and half -- two and a half years later -- three and half
18 years later.

19 THE COURT: For the record, your motion was timely filed
20 ---

21 MR. EPPES: Yes, sir.

22 THE COURT: --- under the rules, and for various and
23 sundry different reasons, including Covid, it has been
24 delayed, part of which was with everybody's consent, just to
25 get to a point we can have it here today. Is that my

1 understanding?

2 MR. EPPES: Yes, sir. And as a result of us having this
3 amount of time, the Supreme Court has stepped in and filed the
4 case that made my understanding of the Miller case change a
5 little bit. That's Jones v Mississippi. And what we found in
6 some other cases that I sent to the Court since then is that
7 courts and legislatures have struggled with this issue of what
8 to do with a juvenile. And they've struggled with the issue
9 because everyone recognizes the immaturity of a juvenile.
10 Everyone recognizes that a juvenile's actions are not done
11 with an appreciation of the consequences the way an adult's
12 actions are.

13 And Judge, as we stand here today looking at this case,
14 the thing that makes me want you to reconsider your sentence
15 -- there's a couple -- there's a couple -- there's about three
16 things, and one of them is just an observation about our
17 society. You know, you and I have been around a long time,
18 and we're very used to seeing young men who shoot somebody
19 over an insult about their mothers. Young men who made the
20 ill-fated decision about robbing a drug dealer or getting in a
21 fight, and they have a gun with them, and it leads to a death,
22 and then the Court has to decide what to do with them because
23 their immaturity has led to the decision.

24 And Judge, I'd just submit to you that when you look at
25 Nashville and Uvalde and Newtown, and every other shooting

1 that we've seen, that unfortunately, as much as we want to
2 treat this situation as a unique situation that is so horrible
3 that we can't contemplate it happening, it happens over and
4 over again across America. And because of that, because young
5 men at an immature age, when they do not understand acts and
6 consequences, they make these decisions.

7 I think that your decision to give Mr. Osborne a life
8 sentence bears even more consideration than I know you've
9 already given it. And Mr. Osborne comes before you today
10 having -- he is six years removed from this crime. This
11 happened in 2016 -- almost seven years removed from it, and
12 he's had a lot of time to think about it, and I'm going to
13 talk to you some more about sentencing, but with the Court's
14 permission, I'd like for Mr. Osborne to speak to you briefly.

15 THE COURT: Sure. Does the State have an objection to
16 Mr. Osborne addressing the Court?

17 MR. WAGNER: No, sir.

18 THE COURT: Mr. Osborne, be glad to hear from you.

19 MR. OSBORNE: Your Honor, I would just like to say, I
20 know this might seem hollow, and I'm not saying this to get a
21 lesser sentence. I would just like to say sorry to my family
22 for everything I've done, sorry to the Hall family for
23 everything, and sorry to every kid that was at that playground
24 that day, every kid that was at that school that day, every
25 teacher that was at that school that day. I would just like

1 to say sorry to every single one of them, because my youthful
2 actions hurt their life, and took away two, and I'm just going
3 to try to better myself in the Department of Corrections for
4 the rest of my life. That's all I have to say, Your Honor.

5 THE COURT: Thank you, sir.

6 MR. EPPES: And Your Honor, you always learn more about
7 the Department of Corrections as you're doing these things.
8 We were hoping that I could ask you for a sentence of years,
9 and that that would immediately -- for any sentence of years,
10 and that would be whatever the Court thought appropriate, and
11 that would immediately qualify Jesse to go to that Allendale
12 program. I think I sent you a video about it. There was a
13 very good PBS documentary about all the things that the
14 Department of Corrections was doing to try to help people cope
15 with incarceration, as well as be out and be productive when
16 they get out.

17 And unfortunately, we found out from SCDC that as of
18 right, because of his mental health classification, Mr.
19 Osborne's not eligible to go to Allendale. He is eligible for
20 care for going where he is. He hasn't gone into that yet for
21 the simple reason that he likes his roommate.

22 THE COURT: Well, do you mind me asking what his
23 classification is?

24 MR. EPPES: It's -- right now it's the highest
25 classification. It's the one -- when you have a murder, you

1 go in under the highest classification. When you get life
2 without parole, you have to stay in that classification for at
3 least seven years before it's reduced. I cannot tell you the
4 name of it. What I can also tell you is that he is the ward
5 keeper's assistant. He had the same role at Turbeville when he
6 was there before he was 18. This is the equivalent of a
7 trustee, and he's just been very well-behaved, as Dr. Maddox
8 alludes to.

9 And I've handed an exhibit up, Judge, that I'd like for
10 you to see. It's a printout from today ---

11 THE COURT: Do you have this?

12 MRS. PRICE: We do not.

13 MR. EPPES: I forwarded it to you. It's from today.

14 THE COURT: Any objections?

15 MR. EPPES: I sent them ---

16 MRS. PRICE: We have it, Judge, thank you.

17 THE COURT: Okay, any objections?

18 MRS. PRICE: No, sir.

19 MR. WAGNER: No, sir.

20 (Wherefore,

21 Defendant's Exhibit 1

22 was entered into evidence.)

23 MR. EPPES: Your Honor, I had sent them last week the
24 previous version of that, but that's just the one from today
25 that shows he has no disciplinary infractions in the three-

1 plus years that he's been at the Department of Corrections.
2 He's been doing everything he can to stay out of the way,
3 better himself, and make his experience in prison as good as
4 it can be. Now, as part of that -- and this is another reason
5 I'm going to ask you to switch it to a sentence of years -- a
6 life sentence in the Department of Corrections -- and I,
7 frankly, was not aware that on -- this on the original day of
8 sentencing, so, I'm glad that I've had a chance to raise this
9 with you.

10 A life sentence in the Department of Corrections severely
11 limits the programs and the benefits that you can get in
12 prison, because they are so worried about security issues with
13 people with a life sentence, they greatly restrict the number
14 of programs they're allowed into, the number of things that
15 they can do as far as education and classes, and movement into
16 other dorms and things like that. A sentence of years,
17 regardless of what it is, and I confirmed this with the
18 Department of Corrections -- a sentence of years, regardless
19 of what it is, opens the door for more benefits within the
20 Department of Corrections.

21 Your Honor, so that is one of the things that we believe
22 merits a relook at this sentence. But, Your Honor, the
23 critical thing -- and this is new information, because as Your
24 Honor struggled with on the date of the sentencing, no one
25 could predict how Mr. Osborne would behave. Everybody said,

1 well, once he gets in an enclosed environment, should he act
2 out after the age of 18, it will show that he is an anti-
3 social person. And I believe -- I got Dr. Ballenger to say
4 that somebody doesn't act out, even in an incarceratory
5 situation is probably not an anti-social person.

6 And if you'll remember from Dr. Ballenger's examination,
7 he said at the end, it is an important part of his evaluation
8 that he would not want to deprive Mr. Osborne of hope -- hope
9 that he could be a productive member of society, hope that he
10 was not irreparably broken, hope that he could ultimately come
11 to a better place than the Department of Corrections. And
12 Judge, that's what I'm asking for here today.

13 Dr. Maddox went and met with Jesse. You've seen her
14 report. She found that he's adjusted well. He's no longer
15 depressed. He's taken up -- he's practicing Roman Catholic.
16 I don't know that he's ever been to the church, but he does
17 the rosary every day. He spends a lot of time reading about
18 history and other things. He stays in his cell. He doesn't
19 spend a lot of time out in the open area, because he says that
20 when you do that, you wind up getting in trouble. And so, he
21 has focused on doing what he can do to pursue his life without
22 causing any problems to himself or anyone else.

23 That's all you can hope for when somebody's in the
24 penitentiary. That's all you can hope for. Now, Dr. Maddox
25 does believe that he would benefit from PTSD therapy as a

1 coping mechanism should stressors appear in his life where
2 he's going to need that type therapy. Now, Judge, I spoke
3 about this before. I've never found anybody that thought it
4 was an idea that they were going to do, but, you know, we have
5 no objection to a civil order that says if he ever gets out of
6 jail, he's on like a GPS, with the contempt powers of this
7 Court against him. I still think that that is something you
8 could put in place. You could put it in place with an
9 expectation that the law's going to change and he might wind
10 up on parole at another time.

11 But, the main thing I'm asking for in the sentencing here
12 is to give Jesse some possibility of surviving within the
13 Department of Corrections and give him a chance to get out,
14 whether it's in 60 years, 70 years or 80 years. You know,
15 when we first met, we were probably 25 years old. Now it's 40
16 years, and at the time we met, you know, 60 seemed like a
17 pretty old age, but now it doesn't seem so bad. And I just --
18 I think that that is something that the Supreme Court in
19 Miller would have thought was appropriate. This crime was
20 horrible. This crime was horrific. It happened 20 days after
21 he turned 14. He was not capable of understanding what he was
22 doing. He did a horrible, horrible thing. He knows he's got
23 to pay for it. He's kind of stoic about having to pay for it.

24 But, Judge, I would just ask you to consider a sentence
25 between 40 and 55 years, give Jesse some hope to live with,

1 give him a chance to better himself as much as possible, give
2 him a chance to show that the worst day of his life and the
3 life of this community does not define his entire life. Thank
4 you.

5 THE COURT: Let me ask you a question, Mr. Eppes. I know
6 earlier at the prior sentencing hearing we went through the
7 Aiken-Byars factors because of his age, incorrigibility was
8 something that had not been determined, and at our meeting
9 today, y'all clarified that is no longer -- or that is not a
10 factor that I have to find in order to find that he could have
11 a life sentence in jail. That's fine and well.

12 The consideration that I had -- have and had then was
13 looking at your experts and the State's, who basically said
14 that this young man was -- had anti-social personality
15 disorder without really saying that he did. And you had Dr.
16 Maddox who said, no, he's too young. But, she said that he is
17 going to require ongoing, long-term counseling that the state
18 is unable and cannot provide for him and that the family is
19 going to have to provide that treatment for him. And I've
20 read her statement multiple times before we came in here
21 today, and it doesn't seem to really address that issue.

22 It does say something about the PTSD, but that's not the
23 same thing, because the state is providing that. Do you know,
24 or have had any conversations with her about this ongoing
25 treatment that he's going to need that only the family can

1 provide or somebody outside the state can provide that for
2 him?

3 MR. EPPES: Judge, we've discussed it briefly, but her
4 focus seems to be now on treatment for PTSD. She said that
5 based on speaking with him now -- Lord knows I hate putting
6 words in Dr. Maddox's mouth. I know she's not in the country
7 today. But, she seemed to think that the main thing that
8 Jesse would need if he gets out of custody is PTSD training to
9 learn to cope with stressors. Because right now, the PTSD
10 -- I'm using the wrong word -- is in remission. He is in a
11 structured environment. He doesn't have any stressors that
12 are the type stressors that bring about PTSD. And PTSD, if
13 you recall, is caused from years of abuse.

14 He's suffered no abuse in jail, and he's adapted very
15 well. But she seemed to believe that at any point, and I
16 believe this is in her report, at any point in the next 20 or
17 30 years, there is about 12 weeks of therapy that he would
18 need to come up with coping mechanisms to understand ---

19 THE COURT: That's different than what she testified to
20 earlier.

21 MR. EPPES: It is different, Judge.

22 THE COURT: Okay.

23 MR. EPPES: And she and I have talked, and she didn't
24 seem to believe at this point that he needed the same level of
25 ongoing therapy that he did. She said his depression is not

1 there right now. He's adapted to it and he's not suffering
2 from the depression or any of the other things that gave her
3 pause. And in addition, there's three and a half years of no
4 disciplinary actions that, I assume -- and Lord knows I'm
5 happy to wait until she gets back to answer this question for
6 you, but it's my presumption that she does not believe that
7 that long-term therapy is as critical as she believed it was
8 three and a half years ago.

9 THE COURT: Okay.

10 MR. EPPES: And Judge, I'd be happy to try to contact her
11 overseas and get an answer.

12 THE COURT: No, I mean, she -- I know she's married to
13 Judge Maddox. They are out of the country.

14 MR. EPPES: Yes, sir.

15 THE COURT: I don't really have a big objection to you
16 sending in a supplemental report. Does the state have -- I
17 know you don't want to, but do you have a big objection to it,
18 Mr. Wagner?

19 MR. WAGNER: No, sir.

20 THE COURT: All right, thank you. If you want to do
21 that, give me -- I'll give you 30 days to file a supplemental
22 report on those issues. I don't want a report about
23 everything under the stars, okay.

24 MR. EPPES: Yes, sir.

25 THE COURT: Anything further, Mr. Eppes?

1 MR. EPPES: No, sir.

2 THE COURT: All right. Mr. Wagner?

3 MR. WAGNER: Your Honor, this is a -- if you go back to
4 Dr. Maddox's -- her latest evaluation, I noticed one of the
5 things that jumped out at me is that he still -- even though
6 he came in here and apologized today, he still hasn't -- he's
7 showed zero remorse for any of this. I mean, her -- in her
8 report, he says he reported he thinks about his crimes and why
9 I did it -- that's a quote from him. I really don't know why
10 I killed my dad. I was really depressed and vulnerable, and
11 thought it would just end the abuse.

12 And she says Jesse has not processed the school shooting
13 yet. So, he's still not -- he has zero remorse, zero
14 accountability on anything that he's done. And I'm not here
15 to rehash what he did, but we know he put six bullets into the
16 daddy's back while he sat on the couch. And then he drove to
17 the school and attacked Townville Elementary School, killing a
18 six-year old boy, shooting several others, including a
19 teacher, and pretty much he's done the worse thing that
20 anybody could ever do, particularly to a community like
21 Townville, it happened to those people.

22 They've -- I guarantee they still deal with depression.
23 They still are dealing with PTSD. They still have things that
24 they have to deal with, too. In my mind, it's just not about
25 Jesse and what he needs. He did what he did. He did the

1 worst thing anybody could ever do. The sentence you gave him,
2 life in prison, was the most that he could get. Had he been
3 older and old enough to seek the death penalty, we would've
4 filed for the death penalty on this case. As it was, we
5 argued for life, and Your Honor, having heard all of the facts
6 -- and just to go back, just slightly through it, it was
7 volumes of hearings, waiver hearings, Aiken v Byars hearings.
8 We spent days in this courtroom litigating this case.

9 And I know it's a lot to take in, but like I say, in my
10 mind, it's not about Jesse. It's about the victims. If he
11 has a chance to get out at some point and time, every night
12 when they go to sleep, every night -- you know, every day they
13 get up, they've got to think, when's he going to get out.
14 What point and time? A lot of us may not be here. I'm almost
15 60. I'm not going to probably be here whenever he gets out,
16 but ---

17 THE COURT: Speak for yourself, Mr. Wagner.

18 MR. WAGNER: And I hope everybody is, including me.
19 There's -- everybody's got kids. Everybody's got family.
20 They're going to be here. They've got to wonder. Just --
21 people who don't know anything about this case. The only way
22 to ensure that he never does what he did again is that he
23 never gets out. And I think your sentence was just. I think
24 the Supreme Court case that we talked about, Jones versus
25 Mississippi, I think that actually kind of helps our point as

1 far as what we've been saying all along. It doesn't really
2 matter.

3 It's -- I think the Supreme Court in Jones versus
4 Mississippi was basically saying some cases are just that bad.
5 Some cases are just bad enough and egregious enough to where
6 somebody who's young, at his age, deserves a life sentence.
7 And I think he deserves a life sentence. I would ask you to
8 keep the sentence that you originally imposed two and a half
9 years ago. I think it's just. I think it's correct under the
10 law, and I think it will -- that sentence is what will give
11 our victims peace, and I think that's what they deserve, and I
12 don't think it's about what he deserves as much as what they
13 deserve.

14 And I'll speak for J.H. -- he obviously -- he and
15 Mr. Osborne can't be here to defend themselves. He killed
16 them. So, I think that's about all I need to say. I do have
17 some exhibits I'd like to put in, just for the record, for the
18 State.

19 THE COURT: Absolutely. And same for you, Mr. Eppes, if
20 you have any.

21 MR. EPPES: Your Honor, I would like Dr. Maddox's report
22 to made part of the record.

23 THE COURT: That's submitted -- that's admitted without
24 objection, Mr. Wagner.

25 (Wherefore,

1 Defendant's Exhibit 2

2 was entered into evidence.)

3 MR. WAGNER: Your Honor, I'll just -- just for the
4 record, it's State's Exhibit 1, which was the power point kind
5 of breakdown of the history of this case that we asked you to
6 review ---

7 THE COURT: I did.

8 MR. WAGNER: --- just to refresh memories. State's
9 Exhibit 2, which is the Supreme Court case of Jones
10 Mississippi, which came out after the sentencing hearing. And
11 State's Exhibit number 3, which is the written statements from
12 some of the victims, who would like to speak, if they can be
13 heard today, briefly, as to what their written statements are.

14 THE COURT: And I assume you have no objection to Dr.
15 Maddox's report being admitted -- the report as it is written,
16 and the report as amended, or something like that?

17 MR. WAGNER: No, sir.

18 THE COURT: All right. Thank you, sir.

19 (Wherefore,

20 Plaintiff's Exhibits 1, 2, and 3
21 were entered into evidence.)

22 THE COURT: And you told me in chambers that you -- some
23 of your witnesses have statements they want to read?

24 MR. WAGNER: Yes, sir.

25 THE COURT: Which is fine. If they want to come up to

1 the stand and read them, that's fine. If they want to give me
2 what they have written, I'll be glad to read, whatever they
3 prefer. But call your first witness, if you would.

4 MR. WAGNER: Your Honor, there's five of them. We'll
5 start with Megan Hollingsworth.

6 MS. HOLLINGSWORTH: I have a quote hanging in my
7 classroom stating you are free to choose, but you are not free
8 from the consequences of your choice. I feel this quote is
9 fitting for today. Jesse Osborne made a decision, which he
10 meticulously planned, on September 28, 2016, that will affect
11 the lives of many for years to come. My life has forever been
12 changed since the events of September 2016, both as a teacher
13 and a parent.

14 The fear and pain from the day may not be raw and in the
15 forefront of our minds, but it is still there every day in the
16 background affecting emotions and every day decisions. A
17 child screaming out in joy, a door slamming, or a metal water
18 bottle dropping to the floor are no longer innocent sounds.
19 First comes the panic before the realization of what actually
20 happened. Recess is no longer a relaxing, fun part of the
21 day. It brings high anxiety with constant looks toward the
22 road, and being startled at the traffic noises.

23 The screams of children having fun send panic through me
24 as I look to see who is screaming and if they are okay.
25 Taking my students to assemblies, field trips, or sporting

1 events take on a whole new set of emotions and worries. The
2 physical wounds from that day are far inferior to the
3 emotional wounds. I am not able to be in the moment and
4 enjoy, but rather, I worry about the what ifs. I carry the
5 burden of constant worry and anxiety of what could happen each
6 and every day.

7 The activities that were once fun and carefree are now
8 the opposite. This is what I'm dealing with as a teacher and
9 a parent. In September of 2016, while I was on the playground
10 with my class, my child was in her kindergarten classroom a
11 few doors down. It was her first experience in school, along
12 with many of her classmates. They were a month into their
13 school career and had to experience the unthinkable. This is
14 not something that has been forgotten by the children.

15 The fear may not be an every day feeling, but it is a
16 feeling that is still experienced. There are still
17 nightmares, stomachaches, and anxiety. We teach our children
18 that there are consequences for our choices and behaviors.
19 Knowing that Jesse was behind bars and would be for life was a
20 small piece of comfort for the children. He would not be able
21 to try and hurt them or their classmates again. Like I said
22 in 2019, we are living in a world where people with evil in
23 their hearts are stealing the lives and security from children
24 in places where children should feel safe and protected.

25 I feel that the sentencing that was given in 2019 was

1 appropriate and should be kept in place. What Jesse Osborne
2 stole from the students, staff, and community that day in
3 September can never be returned. He planned and carried out
4 an evil act that took the life of an innocent child and the
5 innocence of all of our students and community. I do not
6 believe that the consequences of the actions of 2016 should be
7 taken lightly. A choice was made and there are consequences.

8 As I quoted earlier, you are free to choose, but you are
9 not free from the consequences of your choices. Megan
10 Hollingsworth, Townville Elementary teacher and parent.

11 THE COURT: Thank you, ma'am.

12 MR. WAGNER: Stephanie Edwards.

13 MS. EDWARDS: I've been sitting here for days trying to
14 figure out what to say in this matter once again. The truth
15 is my words, thoughts, emotions, and anxieties have not
16 changed since the last time. I still feel completely panic-
17 stricken when I think of that horrible phone call. There's
18 been a shooting at school. C.E. was involved, but he's
19 okay. Meet the ambulance at the emergency room. I still feel
20 the numbness that I felt trying to find the hospital to see my
21 baby to know if he was all right.

22 I still feel the knots in my stomach when I see him as
23 the doors opened. I see that petrified little boy looking
24 right through me, blankly. He didn't even know who I was. I
25 still hear his little voice say mom, I guess I should have

1 read faster. It would have never happened. These horrible
2 memories are forever burned in my brain like flashcards. They
3 will never go away. For someone who claimed to be labeled and
4 bullied, he sure did a lot of labeling and bullying that day.

5 My child was bullied with a gun at school. My child is
6 forever going to have that label of the kid that got shot.
7 Every student and adult in that building that day was bullied
8 and labeled for no reason other than pure disregard for human
9 life by one single person. This label will never go away.
10 This sentence should never go away or be altered. Every
11 person in this world is responsible for their actions, and
12 should be held accountable to them.

13 THE COURT: Thank you, ma'am. Again, which victim is
14 this please?

15 MR. WAGNER: Your Honor, this is Stephanie Edwards.

16 THE COURT: Thank you, sir.

17 MR. WAGNER: Jeff Bernard.

18 MR. BERNARD: September 28th, 2016, a day Townville will
19 never forget. While most children can't wait until their
20 [REDACTED], my son hates [REDACTED]. It's a yearly reminder
21 of that horrific day. Yes, my son's [REDACTED] is [REDACTED]
22 [REDACTED]. He is reminded every year what happened on that day. He
23 lost his best friend because someone he never knew made a
24 choice to murder his father and go up and shoot at school.
25 Why Townville? Why this little small town? The common

1 knowledge of the lack of police response time makes Jesse
2 Osborne's actions premeditated. His plan on this horrific
3 crime has been detailed.

4 All because a troubled kid wanted to be famous, my son
5 now has PTSD. He jumps every time a car backfires. He
6 doesn't like fireworks because they are a loud noise. And one
7 child will never be able to grow up, never have a girlfriend,
8 never know what it's like to get married and have children.
9 Our lives changed forever. We lost our innocence that day.
10 Jesse Osborne took that from us on September 28th, 2016. Two
11 lives were lost, one teacher injured in trying to protect her
12 kids she loved so much and to me, the children never be the
13 same.

14 This tragic event should be a warning to everyone in
15 America that if you harm a child while they are in the safety
16 of any larger environment, you should receive life in prison.

17 THE COURT: Thank you, sir.

18 MR. WAGNER: Dr. Joanne Avery.

19 THE COURT: Mr. Wagner, just announce them on the record
20 for us, so it's clear.

21 MR. WAGNER: Yes, sir. Your Honor, this is Dr. Joanne
22 Avery.

23 THE COURT: Thank you.

24 MS. AVERY: Shattered glass, bullet holes defacing the
25 classroom door, a blood-soaked classroom rug, and focused

1 employees fearlessly attending to the wounded. These are the
2 images I saw minutes after the horrific school shooting at
3 Townville Elementary School on September 28th, 2016, where
4 J.H. was gunned down, three others shot, and hundreds of
5 children potentially traumatized by witnessing the violence or
6 cowering behind locked doors to escape from it.

7 These are the same images that still haunt me today.
8 Time has not tempered the impact of those 12 seconds of
9 gunfire. The intentional decision to gun down innocent
10 children and their teachers forever changed every person in
11 Anderson School District 4, children and adults. As the
12 Superintendent of Anderson School District 4 from 2015 to
13 2021, it changed me personally.

14 Based on what I saw upon arriving on the scene soon after
15 the horrible act occurred, to the multitude of conversations
16 that I have had with those who were there at the time of the
17 shooting, to how it continues to bring pain and suffering to
18 the survivors, it is a senseless tragedy that changed who I am
19 as a parent, grandparent, retired educator, and community
20 citizen. Unfathomably, Townville Elementary School remains on
21 the ever-growing list of school shootings in the United
22 States, a list that no school or district wants to be on. The
23 sanctity of our schools, the places children go to learn and
24 grow, continues to be shaken and terrorized by gunfire.

25 At Townville, these are my remembrances of that horrific

1 event. Six-year olds celebrating a birth date on the
2 playground, coming face-to-face with a gunman, cupcakes
3 dropped and uneaten, children running for their lives,
4 teachers and students fearfully hiding in tiny darkened
5 bathrooms for over an hour, reading stories while in lockdown
6 only to be greeted with armed law enforcement officers. The
7 principal, helplessly watching the gunman pace outside the
8 school with a bookbag filled with unknowns for 12 minutes, an
9 eternity, while she waited for first responders to arrive.
10 Staff members putting their lives at risk, attended to the
11 wounded, while watching for the shooter through the school
12 door window, frantically moving outside the building.

13 Classroom learning frozen in time, papers, books,
14 pencils, jackets, eyeglasses, uneaten lunch box food, left in
15 place at 1:41 pm, the moment in time the terror began. A
16 desk, with a good behavior card, filled with stickers, empty,
17 as classmates grapple with the loss of their friend. A first-
18 grade classroom littered with gun shells. Spouses and
19 children of employees at a loss as to how to support loved
20 ones who struggle with the emotional trauma of this life-
21 shattering event. Teachers tirelessly supporting their
22 students' emotional well-being and academic progress, despite
23 the toll on their families.

24 The tragedy on September 28th touched far beyond the walls
25 of Townville Elementary School. It required immediate action

1 in preparing the school to reopen, from facility repair and
2 rooms' relocation, to emotional support for students, parents,
3 and employees as they first returned to the school following
4 the shooting. Providing trauma and grief counseling support
5 district-wide to employees and students. Implementing a
6 comprehensive communication plan for all stakeholders to
7 include the national media. And assuring the citizens of
8 Anderson School District 4 that our schools were safe and a
9 positive learning environment despite the tragic event that
10 had occurred.

11 During the weeks, months, and now years since that day,
12 several additional safety initiatives were implemented to
13 further enhance Townville security, as well as restore trust
14 within our communities regarding school safety. These
15 included providing wraparound services for reopening the
16 school, which included on-site mental health counselors,
17 therapy dogs, elevated law enforcement presence, and pastoral
18 support.

19 Hiring several full-time floating substitutes who were
20 available for teachers at Townville when they needed a respite
21 from the classroom due to the trauma they suffered on that
22 day. Offering mental health counseling services to both
23 students and staff at Townville Elementary School. Offering
24 employee assistance, a program to include counseling for all
25 employees in Anderson 4. Staffing full-time SROs at all

1 schools. Implementing several safety improvements to all
2 schools to include gates, fencing, panic devices, safe rooms,
3 keyless entry system, the list goes on.

4 Constructing and relocating enclosed playgrounds at the
5 other elementary schools, adding -- as well as adding that
6 area to be supervised by SROs. Contacting with the National
7 Center for School Crisis and Bereavement to provide grief and
8 trauma recovery for employees, spouses, parents. As
9 superintendent at the time, my job responsibilities
10 dramatically changed on that day in a way I never anticipated.
11 For the duration of my superintendency, time was devoted to
12 supporting the emotional needs of Townville Elementary School
13 and its community, sharing lessons learned with other school
14 districts, while advocating for gun reform so that children
15 one day will be free from shootings and acts of violence in
16 their schools.

17 My time sitting in this courtroom also taught me Jesse's
18 actions were far from random, without conscious intent, but
19 were well planned, with the deep desire of killing the
20 innocent lives of children and those entrusted in their care.
21 The life-changing events that happened on September 28th, 2016,
22 will be forever etched in our hearts and minds. Neither time
23 nor outcome will remove the loss and grief we feel for J.H. ,
24 and all the victims of this tragedy.

25 Two families tragically lost loved ones. Three of our

1 families were impacted by the emotional and physical wounds of
2 their family members. Many continue to deal with the
3 traumatic impact, and most likely will for years to come.
4 Lives have been lost and profoundly altered, because of one
5 person's intentional decision to pull the trigger. Thank you.

6 THE COURT: Thank you, ma'am.

7 MR. WAGNER: Your Honor, this is Denise Fredericks, she's
8 the principal.

9 THE COURT: Thank you, sir.

10 MS. FREDERICKS: Six years and eight months ago, on
11 September 28th, 2016, our school district and community
12 experienced a devastating shooting of our school, and its
13 impact went well beyond our school building. Two people were
14 murdered and three others were injured physically that day
15 because he took his dad's gun and shot it multiple times. To
16 know a child in elementary school and to love him, to be
17 delighted in all of the activities that he was immersed in,
18 including running club, archery, gifted and talented, Explore
19 the Arts Club, Broadcast Club, Townville Singers, and to be
20 proud of him is a wonderful thing while he was a student at
21 Townville Elementary School. He was very bright. This was
22 the Jesse we knew at school up until he left us.

23 But to have him return in the years afterwards, because
24 he purposely planned to murder and inflict as much pain and
25 suffering on innocent children and adults as he could, it

1 continues to be extremely hard for our hearts and minds to
2 understand how and why he wanted to do such a horrible thing
3 to a school full of people who had cared for him. And it
4 wasn't just a want. He acted. From all the evidence
5 presented in earlier court proceedings, the act of coming to
6 our school to murder was premeditated and very well researched
7 beyond what I could have ever imagined.

8 First, he murdered his dad, and then he came for us. He
9 had his weapon, and he had more than ample ammunition to come
10 to murder many more children and adults. He acted with his
11 weapon. He drove to school. At any point on that drive, he
12 could have stopped, but he didn't. He didn't change his mind.
13 He didn't turn around. He did not drive away from our school.
14 He pulled onto our school's playground and he didn't stop
15 there.

16 He got out of his dad's truck, he pointed the gun at the
17 most innocent of beings, our first graders on the playground,
18 the teachers, Ms. Hollingsworth, he deliberately pulled the
19 trigger. He continued walking by other classrooms with his
20 gun, and he didn't stop, because he wanted to -- the gun
21 jammed. Thank God the gun jammed. The shooting continues to
22 have ripple effects. Some effects, you can see with your
23 eyes. Other effects are only known deeper within the hearts
24 and spirits of those who have been impacted. Some students
25 and adults connected to that day still require support of

1 mental health services.

2 Ms. Hollingsworth has been amazing, but she's had to cope
3 with a situation that no one should ever be faced with
4 anywhere, and especially at school. None of us had -- should
5 have had to deal with that. And although we did prepare, you
6 never came to school thinking that someone that you had loved
7 and taught within our walls would turn on our children and
8 staff in such an evil and violent way. Now each time we learn
9 of an act of violence directed at innocent ones within a
10 school, it just hits our heart and souls differently for
11 everyone at Townville Elementary School and in our community.

12 Some students have had mental health issues resulting in
13 not returning to Townville or a brick-and-mortar school at all
14 as a result of the shooting. There are students now who are
15 currently in alternative educational settings today who are
16 either victims or because of a connection to that day. J.H.
17 was murdered. J.H. should be ending his seventh-grade year
18 and preparing for summer break.

19 As each day passes, it does not lessen the time or the
20 loss of J.H. . It only increases the time that J.H. 's
21 family, the community, and friends are without him. For life,
22 we will go through this world without J.H. and all the
23 amazing things he could have done on this side of heaven. For
24 life, as each day passes, it only increases the time that the
25 Osborne family and friends are without their loved one, too.

1 For life, he's gone. For life, Ms. Hollingsworth, the student
2 victims, along with every person at school that day, the
3 community, the families will have this memory and all the
4 issues that they must deal with to cope.

5 We are not free from that day. We will deal with this
6 for life. And for life, I do wish Jesse a life where he can
7 wake up, breathe, eat, work, be productive, but not outside
8 the walls of a prison. In my opinion, his current sentence is
9 still so, so much more merciful than the sentence he gave to
10 J.H. and our school family and community that day. We are
11 forever changed. You are responsible for your actions, no
12 matter how you feel, and in the end, good must be stronger
13 than evil.

14 THE COURT: Thank you, ma'am.

15 MR. WAGNER: Your Honor, Steve McAdams, who is J.H.

16 's grandfather. They are here, but they don't want to
17 make a statement, but they want the Court to know that they
18 ask for the life sentence to remain in place.

19 THE COURT: Thank you very much. Anything further, Mr.
20 Wagner?

21 MR. WAGNER: No, sir.

22 THE COURT: Anything in reply?

23 MR. EPPES: No, sir, Your Honor.

24 THE COURT: All right, Mr. Eppes, I'm going to give you
25 an opportunity to submit a supplemental report by Dr. Maddox

1 within 30 days. Mr. Wagner, if you feel like you need to
2 respond to that report, you'll have 10 days, unless you get
3 additional time from me. Just let me know.

4 MR. WAGNER: Yes, sir.

5 THE COURT: All right. I'm proceeding -- I told you this
6 earlier in my chambers. I think the standard that I apply in
7 this case is set forth in State versus Hamilton, which is 333
8 South Carolina 642, which says that it is improper to argue a
9 matter at a motion for reconsideration. This is not a motion
10 for a new trial based on newly discovered evidence, but a
11 motion for reconsideration of a sentence that I imposed
12 earlier.

13 At the earlier hearing, I considered all the Aiken-Byars
14 factors and went through some length in going through all
15 those factors. Quite frankly, at this juncture, I've heard
16 nothing today that changes my mind or my analysis from that
17 sentencing hearing. I recognize it is a rare circumstance
18 that we have a minor to get life in prison, but -- and I'm
19 saying this subject to your report that you will provide me,
20 Mr. Eppes.

21 However, even if I'm applying the wrong standard in this
22 case, I've heard nothing at this juncture that changes my mind
23 and the sentence was improper. However, I'm going to wait to
24 make my final decision until after all the supplemental
25 reports are in. That being said, thank you for presentation

1 today. Thank you for presentation today. If there's nothing
2 further, I'll end today's hearing.

3 MR. EPPES: Judge, would you repeat that cite again for
4 me, please?

5 THE COURT: It was State versus Hamilton, 333 South
6 Carolina 642.

7 MR. EPPES: Thank you, Your Honor.

8 THE COURT: Yes, sir. All right, thank you. Would you
9 get together, Mr. Eppes, and Mr. Campbell with the State, and
10 make sure we have all the exhibits accounted for?

11 MR. EPPES: Yes, sir.

12 THE COURT: All right, thank you. We're in recess.

13 End of Transcript.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED LESA D. TAYLOR, OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF ALL REQUESTED PROCEEDINGS RECORDED AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT OF ANDERSON COUNTY, SOUTH CAROLINA, ON THE 22ND DAY OF MAY, 2023.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO.

January 11, 2024

Lesia D. Taylor
 LESA D. TAYLOR
 COURT REPORTER

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) TENTH JUDICIAL CIRCUIT

State of South Carolina)

ORDER

Plaintiff,)

Case Number: 2018-GS-04-01391

vs.)

2018-GS-04-01392

2018-GS-04-01393

Jesse Osborne)

2018-GS-04-01394

2018-GS-04-01395

Defendant,)

OCT 11 2023

SC Court of Appeals

This matter is before me upon defendant's motion to reconsider the sentences of Life on two counts of murder 2018-GS-04-01392 and 2018-GS-04-01393 and the three (3) sentences of Thirty (30) years for attempted murder 2018-GS-04-01391, 2018-GS-04-01394 and 2018-GS-04-01395 issued on December 12, 2018. With the consent of all involved, the court delayed hearing defendant's motion for an extended period of time.

The court is asked to modify its Life sentences to less than life and/or to change the life sentences to a numerical figure in order for defendant to qualify for participation in different programs within the South Carolina Department of Corrections.

Any sentence issued by this court for the charges of murder shall be served day for day. It is the intention of this court that this court's original sentences of life effectively remain in effect. However, the court is agreeable to changing the designation of life to a numerical figure to allow defendant to participate in available programs while effectively serving a life sentence.

Presently, the defendant is Twenty-One (21) years of age. At the time of hearing on defendant's motion for reconsideration defendant had not come to terms with his crimes committed at Townville Elementary School, although he had done so for the murder of his father. Additionally, defendant essentially isolated himself in his cell thereby avoiding stressors that could complicate and/or aggravate defendant's mental health. Defendant also declined mental health treatment offered by the South Carolina Department of Corrections. For these reasons as well as the court's reasons articulated at the time of the original sentence, the court denies defendant's motion to the extent he seeks a sentence of less than life but grants defendant's motion for a numerical sentence (which is effectively a life sentence).

The Court amends its prior orders to provide that defendant shall serve 75 years for both counts of murder.

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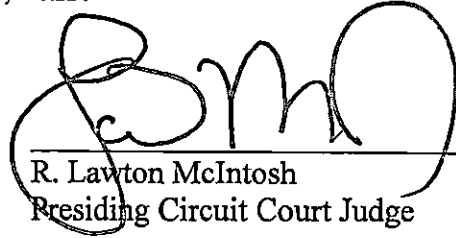
SEP 22 2023

C. Reena Thomason
CLERK OF COURT

20 SEP 22 PM 12:18:25
Anderson, SC DOC CP/66

It is so Ordered this 22nd day of September, 2023.

Anderson, SC


R. Lawton McIntosh
Presiding Circuit Court Judge

23 SEP 22 PM 12:13:43
Anderson, SC COC, CP/GS

A TRUE COPY

SEP 22 2023

C. Reena Thomason
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE FAMILY COURT

THE STATE OF SOUTH CAROLINA,
PLAINTIFF,
vs.

TRANSCRIPT OF RECORD

JESSE D. OSBORNE,
DEFENDANT.

SEPTEMBER 28, 2016
ANDERSON, SOUTH CAROLINA

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INTERVIEW OF:

J E S S E O S B O R N E

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I N T E R V I E W E R:

TRACY CALL, INVESTIGATOR
ANDERSON COUNTY SHERIFF'S OFFICE

ALETHA THOMPSON, AGENT
FEDERAL BUREAU OF INVESTIGATION

INTERVIEW WITH JESSE OSBORNE.

(Questions are asked by Tracy Call and answers given by Jesse Osborne, as follows:)

FEMALE OFFICER: Hey, Jesse.

A Hey.

FEMALE OFFICER: My name is Aletha Thompson.

A Nice to meet you.

FEMALE OFFICER: I'm with the FBI in Greenville.

You heard of the FBI?

A Yeah.

Q And I'm Tracy Call. One of the sheriff's investigators here with Anderson County.

A Nice to meet you.

Q Nice to meet you. Before we start, you've probably seen on TV before, seen somebody that had their rights read to them and all?

A Yeah.

Q We have got to go through that formality, because some things did occur tonight, like to talk to you about them; but until we do that, I have to go through this.

All right?

A All right.

FEMALE OFFICER: We understand you had a very, very rough day, long day. And you're very tired.

Q What's your full name?

- 1 A Jesse.
- 2 Q Can you spell Jesse?
- 3 A J-E-S-S-E.
- 4 Q Okay..
- 5 A And my middle name?
- 6 Q Yes, sir.
- 7 A Capital D, e, Capital W, I-T-T.
- 8 Q DeWitt.
- 9 A Huh-uh.
- 10 Q Is that how you say that? And your last name?
- 11 A Osborne. O-S-B-O-R-N-E.
- 12 Q How far did you go in school, Jesse? You graduated?
- 13 Can you read and write?
- 14 A Yeah. I can read and write. Eighth grade.
- 15 Q Eighth grade.
- 16 A Now I'm home schooled.
- 17 Q Okay. You go on the computer?
- 18 A Yeah.
- 19 Q What do they call that, virtual high school or
- 20 something like that?
- 21 A Just Virtual Academy basically.
- 22 Q Okay. I'm going to read you these. And if you have
- 23 any questions, I want you to stop me and ask me. Okay?
- 24 A All right.
- 25 Q Says: "You have the right to remain silent.

1 Anything you say may be used against you in court. You
2 have the right to speak to a lawyer for advice before
3 you're asked any questions and have him with you during
4 questioning. If you cannot afford a lawyer, one will be
5 appointed for you before any questioning if you wish. If
6 you decide to answer questions now without a lawyer
7 present, you still have the right to stop answering
8 questions at any time. And you also have the right to
9 stop answering at any time until you speak with a lawyer."

10 Can I get you to read two of these back to me?

11 A These the rights?

12 Q Yeah, the stop -- right here. These two that I've
13 got the marks next to. Can you read them?

14 A "You have the right to remain silent. Anything you
15 say may be used against you in court."

16 Q Okay. Can you just put your initials next to that.
17 All that does is show me that you can read and write.

18 A Sign this side of it?

19 Q Yeah. Just put your initials on the side there.

20 (Complies.)

21 Q The next piece that I'm going to read to you is
22 what's called the waiver. And that's what allows us to
23 talk. Okay?

24 A (Nods head up and down.)

25 Q It says -- and I apologize, I keep taking my glasses

1 off. To read I have to take glasses off, to see I have to
2 put them on.

3 It says, "I have read this statement of the rights.
4 I understand what my rights are. I am willing to make a
5 statement and answer questions. I don't want a lawyer at
6 this time. I understand and know what I'm doing. No
7 promises or threats have been made to me. No pressure or
8 coercion of any kind has been used against me."

9 Do you know what coercion is? It's a fancy word for
10 use force. We don't use it in everyday language like
11 people used to at the time. Basically what it means is
12 I'm not forcing you to talk to me. I'm not promising
13 anything under the sun. I'm not taking you out to get you
14 a steak dinner and beer just to get you to talk. If you
15 want to talk, we'll listen. If not, hey, it is what it
16 is. Okay?

17 FEMALE OFFICER: It's your right.

18 A I want to get it out of the way.

19 Q Okay. Do you understand what I told you, what
20 coercion means? The definition of it? I'm not forcing
21 you. It's a free and voluntarily. If you understand what
22 coercion means, get you to put your initials right next to
23 that again.

24 A The little light mark?

25 Q Yes, sir. And then we'll get you to sign right here,

1 and right here, that we went through both sections of
2 that.

3 A I can't really write in cursive.

4 Q However, you can do it, it's fine with us.

5 FEMALE OFFICER: Why don't they teach cursive
6 anymore?

7 MALE OFFICER: Actually they started back this year.

8 FEMALE OFFICER: Really?

9 MALE OFFICER: Yeah. I have a daughter who's fixing
10 to graduate high school who was never taught cursive.
11 And I have an eight-year-old son having to learn it in
12 third grade.

13 FEMALE OFFICER: How else do you sign your
14 signature?

15 MALE OFFICER: That common core and all that
16 completely stopped it. When she get's a chance, I'm
17 going to get her to witness that we went through this
18 together. Okay?

19 (Complies.)

20 All right. Jesse, we're here to listen. Can I get
21 you anything before we start? You need a drink,
22 something to eat, anything like that?

23 A No. I had something before.

24 Q Okay. So, obviously we're at the sheriff's office,
25 some stuff has occurred today. What can you tell me about

1 what's been going on?

2 A For my whole life basically?

3 MALE OFFICER: Well, let's start with what happened
4 today then we'll go backwards. How about that?

5 FEMALE OFFICER: We both understand you have been --
6 you have had a really hard day. We understand this is
7 hard for you. And there are a lot of things going on.
8 So why don't we start from this morning and just talk our
9 way through the events of today.

10 A Well, nothing really happened this morning. It was
11 really last night that just, that happened.

12 FEMALE OFFICER: Okay. Well, let's start last
13 night. You can just talk and --

14 MALE OFFICER: We're just going to listen.

15 A Well, last night, my dad was fussing to me and my mom
16 about not getting paid enough for his chicken houses. And
17 he was getting up in my face and stuff. And whenever he's
18 drunk, he always like says he wants to fight me because I
19 make this face to him. And he'll -- and then my mom will
20 have to step in and get fussed at too. And last night he
21 was just worse than he's ever been. He was just drinking.

22 And then this morning, he got the paycheck, and then
23 he just went off. And I hadn't finished my math homework,
24 and he also got mad about that; but I was working on ELA.
25 So -- and that's the point where I went into his drawer

1 and loaded his gun and --

2 FEMALE OFFICER: You knew his gun was there?

3 A Yeah. I don't think he knew. But --

4 FEMALE OFFICER: Had you ever used his gun before?

5 A Yeah. I have shot every gun in the house, like, with
6 my parents. Yeah.

7 MALE OFFICER: What kind of gun did you get today?

8 A I think it's a 40. But thank God I put the wrong
9 ammo in it.

10 MALE OFFICER: Where did he keep that in the house?

11 A Right, beside his bed, like in a drawer. Like it
12 was --

13 Q Kind of like a nightstand type thing?

14 A Yeah. And he kept his alarm clock above it and the
15 ammo under it. Everything was covered by a piece of
16 paper. So how was he supposed to know that I knew where
17 it was? So -- and then once I got to the school, I shot
18 one round at a teacher. And then it jammed. And then I
19 shot again. And It jammed again every time. And I thank
20 God for that. Please say no one died. Did anyone die?

21 FEMALE OFFICER: At this point --

22 (Interruption.)

23 FEMALE OFFICER: So, going back to -- how many guns
24 were in the house? A lot of guns?

25 A That's impossible. But every single one was in his

1 safe, except one, which is a black powder rifle. That's
2 the black powder rifle.

3 Q Right.

4 A And then if there was a shotgun laying around the
5 house, it was never loaded. No ammo ever anywhere.

6 Q I don't want to interrupt you, but a minute ago you
7 said you put the wrong ammo in the gun?

8 A I put cheap ammo in the gun, which is good. Which is
9 good. And then once I finally figured out I'm going to
10 hell for this, I threw the gun away and I just took my
11 vest off, threw my hat down, called my Papa and Nanna and
12 just told them what happened. And they said they were
13 going to come down, pick me up, and take me to the
14 sheriff's office.

15 And I was like, "Papa, you can't do that. I'm going
16 to get arrested." And that's basically when the fireman
17 came around the corner, told me to get on the ground,
18 blah, blah, blah.

19 FEMALE OFFICER: What happened -- so this morning
20 you went and got the gun, and you said you got cheap
21 ammo. Was that your ammo?

22 A No. That was his. At least I think it was cheap
23 ammo. I like guns and stuff, but I don't know a lot about
24 ammo so.

25 Q And where was he at that point when you got the gun?

1 A He was reading his bill in his chair.

2 Q And then what happened?

3 A I went in there and shot him three times. Then I
4 immediately ran downstairs, gave my rabbit a kiss, went
5 back up, gave all the dogs kisses. And then went in his
6 truck and drove to the school.

7 Q And --

8 FEMALE OFFICER: And then what happened? You drove
9 it to the school?

10 A Yeah, I drove behind the school and then jumped out
11 and started shooting. Then it jammed.

12 FEMALE OFFICER: So it jammed.

13 A Then I just got mad at myself and started yelling,
14 screaming to the top of my lungs, just saying, "Why did I
15 do this?" So --

16 FEMALE OFFICER: Did you -- had you gone to that
17 school?

18 A I went to school. That was the first school I ever
19 went to. And nobody liked me there. So --

20 FEMALE OFFICER: Is that what you felt like? You
21 felt like --

22 A Nobody ever likes me.

23 Q Why you say that? You seem like a nice kid.

24 A Exactly.

25 Q You do, I mean --

1 A I don't know why. But every school I've went to I've
2 been bullied.

3 FEMALE OFFICER: Well, you know what? Growing up is
4 hard.

5 MALE OFFICER: It is.

6 FEMALE OFFICER: It's hard. So, where did you get
7 the vest?

8 A I play air soft.

9 FEMALE OFFICER: So this is an air soft vest?

10 A Yeah, it was just a vest that I could put ammo in and
11 my phone if I needed to call my papa. Because I was
12 freaking out.

13 Q Sounds like you're pretty close to your papa?

14 A Yeah, I hope I can let him visit me, and my mom and
15 my Nanna. So --

16 FEMALE OFFICER: Did you ever talk to anybody else
17 today about what was going on before you did it?

18 A Yes. I was wanting to tell this to you-all. But
19 every time someone comes by the door, they just come back.

20 Q Like I said, we're here to listen to whatever you
21 want to say.

22 A There's this one group that's on my Instagram. It's
23 private and there's this group of random people and they,
24 like, told me they were my friends and stuff. And they
25 said they were all going to shoot up their schools too.

1 And I was like, Okay, actually people get me. But at
2 the same time I don't want to. So --

3 FEMALE OFFICER: So were you saying, were you
4 talking about doing this earlier on the evening?

5 A Yeah, but it was still, like, my mom and dad were
6 fussing a lot so I was --

7 Q You were just spouting off on the --

8 A Yeah. I finally found people to actually talk to me.

9 Q You said there was an Instagram.

10 A Yeah. And one of them was from Manhattan. The rest
11 are from Germany and England. So --

12 Q Do you recall what the name of the group is?

13 A No. But they probably changed it.

14 Q What's your Instagram name? Do you remember? Is it
15 on your phone or on you computer?

16 A It's on my phone. I think it's private. It might
17 not be. I don't know.

18 FEMALE OFFICER: Is there a password?

19 A To my phone?

20 Q Yeah.

21 A Yes.

22 Q What's your password?

23 A It's like one of them linear --

24 Q So you got to draw it out?

25 A Yeah. You want me to draw it out?

1 Q I'll get a piece of paper. I don't want to draw on
2 this. That's a --

3 FEMALE OFFICER: I'll get a piece of paper.

4 A There's is a bunch of crazy stuff on my Instagram
5 because last few months I've just been --

6 Q Seems like you have been having a hard time. And a
7 person's got to -- you can't keep it all bottled inside.

8 A Yeah. Unfortunately, a pillow doesn't help.

9 FEMALE OFFICER: Did anyone know that you were going
10 to go to the school today?

11 A The kids in my group. Yeah.

12 FEMALE OFFICER: Did you tell them this morning?

13 A Yeah. And they were cheering me on, so what else was
14 I supposed to do? They're just a bunch of lunatics.

15 FEMALE OFFICER: Yeah, sometimes. That's
16 unfortunate. Unfortunately, those type of people are
17 drawn to the internet.

18 A And you will see a bunch of Columbine and stuff like
19 that on my page and stuff. I felt like this year, it's
20 like I had --

21 FEMALE OFFICER: Because you've been bullied?

22 A Yeah. Basically, just started stuff.

23 Q Well, let's get back to earlier today. You're at the
24 house, your dad is kind of -- I guess he's upset?

25 A He was upset that --

1 Q Seems to be tight at the house?

2 A He was upset that he got big chickens but he got paid
3 like below poverty line. And we needed money anyway.

4 Q Is that what you-all do for a living, raise chickens?

5 A Yeah. My mom is a dental hygienist. I don't know
6 what she did. She probably freaked out and drove home.

7 Q Where is she working at? Is that here in Anderson?

8 A No. She moved so many times.

9 Q So you knew to go where the gun was?

10 A Uh-huh.

11 Q When you got the gun, was it already loaded?

12 A No. He never keeps it loaded.

13 Q Did you have the -- load the magazine for it?

14 A Yes.

15 Q You did.

16 A I preloaded it in the morning. And then whenever he
17 got home, started fussing at me again, I was like, this is
18 it. I ran and popped it, and then went in and shot him
19 three times. And then I freaked out.

20 Q So sometime he left?

21 A Yeah. He went to the tax office I think. I'm pretty
22 sure that's where he went. Or the post office.

23 Q Do you remember about what time that was?

24 A 11:30-ish, 11:00-ish maybe.

25 Q When he came back, did you-all have a confrontation?

1 A He was just mad because he didn't get paid.

2 Q So he was sitting in a chair?

3 A Yeah.

4 Q Like at a desk or --

5 A No. In a, like, couch/sofa, but with seats.

6 Q At what point did you put on your vest?

7 A After I shot him. I ran downstairs immediately, gave
8 all the animals hugs, and then put my vest on. I put some
9 ammo in my vest so I could just grab it. And then I put
10 my hat on and ran upstairs and drove there.

11 FEMALE OFFICER: Had you already said on the
12 Instagram exactly the location of the school?

13 A No. Never.

14 FEMALE OFFICER: You just said you were going to
15 shoot up the school?

16 A Yeah. Sadly.

17 FEMALE OFFICER: Had you considered doing this
18 before today?

19 A Yes, but not as much as today. Because I always have
20 this anger feeling whenever someone doesn't, like, treat
21 my friend well or something like that. I just can't
22 control sometimes, and I can't stop moving either. So,
23 I don't know what's wrong with that.

24 Q Has it always been Townville Elementary -- always
25 been your school that you were going to?

1 A No. I started in 4-K, and then I went up to fifth
2 grade. And then everybody started bullying me. I don't
3 even remember why. Then they changed me to West Oak. I
4 went there for about a year and a half, then got arrested
5 again for taking a hatchet and machete there, because
6 people were bullying me again. Actually, physically
7 bullying me now. And then in this home school I basically
8 have no one because it's all on line.

9 Q Just you and the computer?

10 A So I felt isolated. So --

11 FEMALE OFFICER: So what happened when you got to
12 the school? Did you have a plan?

13 A Kind of. But at that moment my mind was just focused
14 on --

15 Q Let me ask, why the back and not go in through the
16 front.

17 A I guess at the time I thought that the more windows
18 you have to get through, the less people --

19 Q Okay. If the -- you said the gun jammed?

20 A Multiple times. Yeah. That's when I finally just
21 threw it and started yelling.

22 Q If it didn't jam, what do you think would have
23 happened?

24 A God knows. I probably would have been dead.

25 Honestly, I probably would have shot myself.

1 Q You said you took extra ammo with you?

2 A Probably 15 more bullets. Like the actual, like,
3 thing it comes in. But I threw them down at one of the
4 back entrances with a camera. And I just called my
5 grandfather. And then once the cop got there, just threw
6 the phone on the ground. And I think he could still hear
7 because he got there immediately.

8 Q Your grandfather?

9 A Yeah. He was like, "I'm sorry that this happened to
10 you." Because he knows, like --

11 Q Listen, were there any teachers at the school that
12 bullied you or just those students?

13 A No. I liked everybody there. But I didn't --

14 Q The kids were a little rough?

15 A Yeah. It wasn't those kids there. It was just the
16 past kids before that.

17 FEMALE OFFICER: So you didn't really have personal
18 animosity against any one at the school?

19 A I just had a problem with the school.

20 FEMALE OFFICER: With the school.

21 A Yeah.

22 FEMALE OFFICER: The school system?

23 A Yeah, basically.

24 Q That the only school recently that you've thought
25 about shooting? Or is there --

1 A No. The one that I brought the ax and machete to, I
2 thought about that. That was West Oak. And I got
3 arrested, went to Columbia, got in a school. I was
4 supposed to see a therapist soon. That might actually
5 have stopped me from doing this. The therapist wouldn't
6 ever call so.

7 Q Really?

8 A Yeah. That probably would have helped me too.

9 Q Are you in any sort of juvenile probation or --

10 A I'm on probation. Yeah.

11 Q For that?

12 A Oh, yeah. I was only charged with disrupting school
13 though. So -- because I never actually, like, brought
14 them out or anything. I was like, "Why did I do this?
15 I'm just going to not tell anybody."

16 Happens to be some kid looked in my book bag.

17 Q During all this, did you ever go to like a school
18 administrator or -- you said West Oak?

19 A Yeah. I don't like the school administrator.

20 Q Did they have like a school resource officer that
21 could help you out?

22 A Yeah. But I don't like asking for help because then
23 I get bullied more. So --

24 FEMALE OFFICER: When you went to the school, what
25 was your intent? I mean what --

1 A To end my life.

2 FEMALE OFFICER: -- you expect to happen?

3 A To end my life. The fighting.

4 FEMALE OFFICER: And shoot other people too at the
5 same time?

6 A At that time, yes. I was just, because of all the
7 anger in my body that I just killed my father.

8 Q Do you recall seeing a red car pull up at the school?
9 Kind of pull in behind the truck, then back out and leave?

10 A No.

11 Q Does your grandpa have a red car?

12 A No, he has a blue truck.

13 Q Anybody in the family have like a little red Chevy
14 car?

15 A No. We all have Dodges.

16 FEMALE OFFICER: But no one knew of your plans that
17 you were going to go to this school?

18 A Not that school, no. I never gave a location.

19 FEMALE OFFICER: Did they know a day and time?

20 A No.

21 FEMALE OFFICER: So it was just general?

22 A Yeah.

23 FEMALE OFFICER: General talk.

24 A But the other kids in that group, they were planning
25 on doing it on the same day.

1 FEMALE OFFICER: What day?

2 A I don't know. They haven't said yet. So I was glad
3 they didn't either, because they were trying to plan for
4 mass chaos.

5 Q In the U.S. or --

6 A Oh, they're all over. One's from Manhattan. One's
7 from England, one's from Germany. The rest are from
8 Ireland and stuff like that.

9 Q So it's kind of like a impassioned group?

10 A Yeah. About five or six.

11 Q Okay.

12 FEMALE OFFICER: Did they call themselves something?

13 A They have like Columbine names. There's like Red and
14 Vodka, stuff like that. Natural Selection, that kind
15 of --

16 Q Is this like a chat room that you're in?

17 A Yeah. And then we Skype call sometimes.

18 Q So it's on a computer screen.

19 A Yeah, but the chat was on Instagram.

20 Q Tell me something now. I thought Instagram was just
21 pictures. I didn't know there was an actual chat room on
22 Instagram.

23 A But there's these accounts on Instagram that usually
24 have TCC in them, and that's true crime community. And if
25 you ever find one, just shut it down.

1 Q What is that?

2 A True crime community is basically people obsessed
3 with mass murderers and serial killers.

4 Q Yeah. See, you're teaching me.

5 A I wish I couldn't. I wish I couldn't.

6 FEMALE OFFICER: Is there anything else about today
7 that you want to talk about?

8 A No, just that my relatives can visit me. That's all
9 I ask. And is this just a holding jail or --

10 Q Uh-huh.

11 A So I'll be sent to like Columbia or something?

12 Q Possibly. I don't want to give you the wrong answer.
13 Because to be honest with you, I really don't know. But
14 that's something we're going to have to work out.

15 A There's a school, because I'm obsessed with history.

16 Q I like history myself.

17 A Going out with -- going without history a few days, I
18 get cranky.

19 Q What's your favorite part of history?

20 A It's hard to tell. World War II, civil war, stuff
21 like that.

22 Q Nothing wrong with that. Enjoy it myself.

23 FEMALE OFFICER: That's good, thirst of knowledge,
24 your thirst for knowledge is --

25 A Sometimes too much knowledge can ruin you.

1 FEMALE OFFICER: You said there were other guns in
2 the house?

3 A Yes. But if there was, we had either emptied them
4 the other day by shooting them, or they just were locked
5 up. I couldn't even get them. A piece of metal inside
6 the safe. So it's a sturdy gun safe. There was no way I
7 could get into it. And there were probably 20 guns, 30
8 guns in there. Only one was a semi-automatic so.

9 Q But the only gun you took with you was --

10 A The .40, yeah. I was planning on taking the
11 semi-automatic mini .14, but it was locked up in the safe.

12 Q You shoot the guns a lot? I mean, you a pretty good
13 shot?

14 A Yeah. My dad just a couple of days ago said that I
15 was a better shot than him. And he shoots a ton.

16 Q What's your favorite gun to shoot?

17 A Couple days ago I shot an M16, fully automatic.
18 Probably the funnest thing I ever done.

19 Q Seem like the type of guy who likes to go to
20 BattleCats? Do you like BattleCats?

21 A Yeah.

22 Q Do you?

23 A I went there a lot.

24 Q Okay.

25 A I'm actually very good friends with Tribble. Do you

1 know who that is?

2 Q I've only been there twice.

3 A He has a big red beard. He was one of the owners but
4 doesn't go there anymore. Well, he doesn't work there
5 anymore. That's where I really loved to hang out because
6 I got to hang around with people that liked what I liked.

7 So --

8 Q You got a bunch of those air soft guns?

9 A (Nods head up and down.) they're laying in my room.
10 They're laying in my closet. I'll go out and shoot them a
11 couple of times a day, make my dogs go crazy.

12 Q How many dogs you have?

13 A Three. And then a rabbit, which I hope my
14 grandfather is going to -- my grandma and grandpa get to
15 take care of, because that's my best friend right there.

16 Q Your rabbit is?

17 A Yeah.

18 Q Tell me about your rabbit. What color is it?

19 A Gray and white. It was probably running around when
20 the SWAT team got to the house.

21 Q I never went to your house. The only place I was at
22 was at the school. So I don't know about that. So you
23 just let it run loose?

24 A No, she jumped the cage. She heard the gunshot, and
25 she jumped the cage. She was like, "I'm getting out of

1 here."

2 Q So you keep it inside the house?

3 A Oh, yes. It's like a playpen. But I made it too
4 big. I didn't put a roof on it neither. She can just
5 jump out, get on my bed sometimes. And I'm, like, she'll
6 be on my chest.

7 Q Never had a pet rabbit. I had a friend who had a pet
8 rabbit, and it got out of their cage and --

9 A It was outside, wasn't it?

10 Q Well, it was inside, but decided it liked all the
11 wood trim. So while they were sleeping that night, it ate
12 through their dining room, all the wood trim. The
13 friend's mother said, "The rabbit's got to go."

14 They didn't have the rabbit very long.

15 A Rabbits can be aggressive, though. If you touch them
16 on their back legs, she'll bite you. And she does that to
17 me all the time.

18 Q How long have you had it?

19 A It's hard to say. Right whenever I got out of
20 Columbia. I found a little baby rabbit, like a wild
21 rabbit, that my dogs had got ahold of; and I got it and
22 put it in a box and nurtured it for a couple of days. I
23 think seven days. It finally just died from not having
24 it's mama.

25 FEMALE OFFICER: Sounds likes you're good with

1 animals.

2 A I love animals. Because they can't hurt -- well,
3 they can't emotionally hurt you. Then I gave my new
4 rabbit, Floppy, after I got -- the other rabbit died,
5 because I was really upset whenever that little rabbit
6 died. So -- but it's only been five months maybe.

7 Q That's relatively recent.

8 A And she was probably three, four months old whenever
9 I got her. She was a big rabbit too. She's even bigger
10 now. Because every time she bites me I know to feed her.

11 Q What do you normally feed her?

12 A Pellets and hay. I make sure to give her a lot of
13 hay, but I couldn't afford --

14 Q A little cube stick or something that the rabbit
15 would gnaw on.

16 A For their teeth?

17 Q Yeah, for their teeth.

18 A Oh, yeah. The top -- like a teeth grinding hay.

19 FEMALE OFFICER: Sounds like you're a guy that does
20 a lot of research?

21 A Oh, yeah.

22 FEMALE OFFICER: And read a lot?

23 A I don't read a lot. But I like to read articles, but
24 not books. Books are hard.

25 FEMALE OFFICER: Educate yourself? There's a lot of

1 ways to do that.

2 A Yeah.

3 FEMALE OFFICER: Is there anything else about today
4 that you want to talk about?

5 A I don't think there is.

6 FEMALE OFFICER: Or about this week?

7 A I don't think there really is anything else to talk
8 about.

9 Q Tell us the last couple of weeks. What has it been
10 like at home?

11 A Well, I have just been downstairs isolating myself
12 because I don't want to get fussed at.

13 Q You kind of keep to yourself?

14 A Yeah. I close my doors and lock them. So -- and I
15 just stay in my room holding my rabbit. That's good for
16 me.

17 Q Now, are your mom and dad divorced?

18 A No.

19 Q Okay. Okay.

20 A But if he did get on to me, I'd usually just go
21 downstairs. And then my mom would get fussed at. So I'd
22 come back up and tell them to stop fussing because they
23 were fussing for no reason. And then I'd go back
24 downstairs and just stay down there for 13, 14 hours.

25 So --

1 Q Well, you could kill a lot of homework in 13, 14,
2 hours if you want.

3 A Last few weeks I haven't been focused on school work
4 either, because everything that's going in my head is just
5 messing me up. I used to do my school work (snaps
6 fingers) on time and stuff. I'm like weeks off on
7 projects now.

8 Q How does that work? Do you like mail your stuff in
9 or is it all in the computer?

10 A There's like a submission box on line. But I think I
11 have everything caught up now. But that doesn't matter
12 now.

13 Q Seems like online school is getting really popular.

14 A Yeah, I wouldn't recommend it though. Kids don't
15 socially --

16 FEMALE OFFICER: Yeah. Maybe that is a down side of
17 it.

18 A That's probably the reason why I did this, because I
19 had no friends.

20 Q Did you do Snapchat and all that stuff too?

21 A No, I had it on my phone. But just --

22 Q Just Instagram.

23 A -- Instagram, and Skype. Twitter and Skype. I'd
24 just look at Twitter to see what stupid people are
25 posting. And I usually just stay on YouTube, watch funny

1 videos. So --

2 Q You sure you're not hungry?

3 FEMALE OFFICER: Got two cheeseburgers, McDonald's
4 if you want.

5 A I just now ate McDonald's. What time is it right
6 now?

7 Q 8:30.

8 A I thought it was already in the morning.

9 Q No.

10 A But I do have a question. How long will I be in this
11 holding cell? Because the holding cell is the worst part.

12 Q Yeah, I would think just a few hours until we figure
13 out what our next step is. I don't want to tell you that
14 you're going to Columbia. I don't want to tell you that
15 you're going somewhere else. To be 100 percent honest
16 with you, I don't know where you're going. We'll work
17 that out here shortly, trying to figure out who can house
18 you. And being that you're how old?

19 A Fourteen.

20 Q What is your date of birth?

21 A

03.02

08/22/22

22 Q Just going to put that on there.

23 A My birthday was [REDACTED] days ago.

24 FEMALE OFFICER: You have any other passwords on
25 your phone or computers?

1 A On my computer, my school computer. But that -- no,
2 no, no. Not my school computer. My school computer
3 doesn't have one I don't think. But my mom's home
4 computer has one.

5 FEMALE OFFICER: Do you use that computer a lot?

6 A Just for submitting stuff, like for scanning it on
7 the printer and then submitting it.

8 FEMALE OFFICER: But as far as your interaction with
9 these other individuals, that's all on the phone?

10 Q No facebook or anything?

11 A No. I had a facebook but I never used it. I just
12 looked at what my friends were using.

13 Q Mainly you got on Instagram.

14 A Yeah, I just edit videos and stuff, post stupid
15 pictures too.

16 Q Did you belong to any other groups?

17 A There was a bunch of groups just over the years but
18 not like school shooter groups. Just like ones from my
19 old schools. Buddies I met at BattleCats, stuff like
20 that. But the only one I knew that had people on it is
21 the one that --

22 Q Well, when you got upset with your dad and your mom,
23 and all that, you wanted to let it out and you went on the
24 Internet, where did you go?

25 A I remember a couple of months ago, I was listening to

1 a song and it mentioned Columbine. And I just asked my
2 dad, "What is Columbine?"

3 And he said, "Two nerd retards went into a school and
4 shot it up." And so I researched more because I knew that
5 dad's kind of biased. Then I started researching about
6 that stuff. Then I looked up all these other ones, all
7 that; and that's mainly what I posted. And mainly video
8 edit's of them.

9 Q And you posted that on Instagram?

10 A Yeah, I submitted Columbine stuff, like a
11 documentary, which I got in trouble for. I don't know
12 why. It's a documentary.

13 Q Who got in trouble for that?

14 A West Oak. They seen it as a threat.

15 Q So that was while you were still in school over
16 there?

17 A Yeah. And then once I brought the machete and
18 hatchet to school, that's when they just sent me off.

19 Q Here recently how have you taken out your anxiety?

20 A I just went into my rabbit cage and --

21 Q Your rabbit was your favorite?

22 A Yeah.

23 Q I mean some people like rabbits, other people paint,
24 some people target shoot. I mean, there's some variety.

25 A Shooting guns relieves my stress too because

1 something I can focus on. And if my dad, just a couple of
2 days ago I attached a scope and sighted it in.

3 Q You have like a little range in your yard, or on your
4 property?

5 A We shoot at, like, a water heater and washer and
6 there's hundreds of bullet holes in those.

7 Q I mean, they're on your property, though?

8 A Yeah. And it's away from any buildings. So we know
9 it's not going to --

10 Q Do you write? Keep a journal? Anything like that?

11 A I used to but not anymore. I used to write stories,
12 like a series. Not anymore. My handwriting is too
13 sloppy.

14 Q When you did, what was the series about?

15 A That's been since third grade. I think it was just
16 mystery things. Sci-fi, mysteries.

17 Q You like stuff where you have to put pieces of a
18 puzzle together?

19 A Yeah. I like whenever someone gets something wrong,
20 and I can inform them or -- and missing thing from this
21 article and you have to find out what it is or whatever.
22 I like doing that kind of stuff.

23 Q I understand. I got you. Well, listen, I appreciate
24 you talking with us, being honest with us. That goes a
25 long way. It really does.

1 A I just hope my mom and grandparents are okay.
2 Because I hope they don't have a heart attack. I remember
3 last time they said if I ever go back to jail, they're
4 going to have a heart attack.

5 Q As far as I know, they have not had any heart
6 attacks.

7 A Have you heard from my mom at all?

8 Q Your mom was with one of our victim services ladies a
9 little while ago. And where she is right now, I don't
10 know.

11 A But I just hope she --

12 Q From what I understand, she was okay. A little upset
13 but okay.

14 FEMALE OFFICER: And you'll have the opportunity to
15 see her.

16 A Will I get to see my grandparents too?

17 FEMALE OFFICER: At some point. I just can't tell
18 you --

19 A I remember in Columbia there were two at a time could
20 come in for two hours or whatever. That really helped me.
21 That too.

22 FEMALE OFFICER: Yeah, you'll be able to have
23 visitors.

24 A I really hope I get sent to Columbia because there's
25 an actual school there. That might actually help me.

1 Because I haven't studied at all, forever. Just studied
2 what I want to study. Everything else I just threw off.

3 FEMALE OFFICER: Okay.

4 Q Like I said, I appreciate you talking with us. If
5 there's anything else that you need or you want to talk
6 about, just holler for me. I'll come to wherever you are
7 and sit down and talk with you.

8 And you sure you don't want those burgers?

9 A I'm sure. I ate four chicken nuggets, a medium fry
10 and quarter pounder, which had pickles on it. I was
11 like --

12 FEMALE OFFICER: You don't like pickles?

13 A No.

14 Q What is it with kids now? My kids don't like
15 pickles. I love them.

16 A I just don't like the sour taste.

17 You think I'll be out of this holding jail
18 tomorrow-ish? Because I remember staying four or five
19 days.

20 Q No. We're not going to hold you here for five days.

21 A It was on the weekend.

22 Q Yeah. I don't foresee us holding you in this holding
23 cell for five days.

24 A And then I'll have to go to court right after, right?
25 And they'll send me to wherever they want.

1 Q More than likely, probably be in Columbia.

2 A And I think that's the --

3 Q More than Union.

4 A Sure.

5 Q But I do, I want to thank you for sitting here and
6 talking with us. I know it's not easy. It does show a
7 good bit of moral character in you. Sometimes we get
8 overwhelmed in life. Now, there's no other weapons or
9 anything like that in the truck, right?

10 A Unless my dad kept --

11 Q What you had basically what you had?

12 A Oh, yeah. Unless there was a trunk gun, I don't
13 really know. I don't think he did.

14 Q Okay.

15 A But --

16 Q Well, you have anything?

17 FEMALE OFFICER: One more question. I meant to ask
18 you earlier, do you recall how many times you shot at the
19 school?

20 A The first shot I hit someone. Second I hit a window
21 and I -- maybe four shots, maybe. And then I just threw
22 it in the playground and just ran off to the side.

23 Q The first shot you hit someone?

24 A I think. I just seen red pop up. So I just
25 assumed --

1 Q Is that inside or outside?

2 A I never went inside the school. I shot a window and
3 then shot at other people. And then I just got, like,
4 "What am I doing?" I threw the gun. And kept jamming
5 too, so I think God was looking for me right there.

6 FEMALE OFFICER: How many rounds do you think you
7 put in there?

8 A Like, actually in the magazine?

9 FEMALE OFFICER: Uh-huh.

10 A I think it held 17. But I think I could only put in
11 like 15 or 16. I think the reason why it kept jamming is
12 because the magazine never had been like fully filled up.
13 It had always been filled up in five or sixes. It just
14 wasn't used to it I guess.

15 Q Do you remember saying anything to any of those
16 people that were there at the school?

17 A Students? I don't remember saying anything to the
18 kids. I was just screaming to the top of my lungs, just
19 like, "What am I doing?"

20 I started screaming, "I'm sorry. I'm sorry. Please
21 don't hurt me. I'm sorry. I'm sorry."

22 Because I thought there was going to be a cop coming
23 around the corner to shoot me. Which could have happened
24 if I was dumb. But everybody did what they were supposed
25 to, ran inside. That is one thing I don't get, is one of

1 the teachers just looked at me. She didn't even move.
2 She just looked. And then she just kept the door open and
3 she just looked at me like, "I know you." And she just
4 ran inside. That's whenever I shot out the window. I
5 guess she was just shocked that someone had pulled up.

6 Q And that's a possibility.

7 A Because nothing ever happened in this area.

8 Q Not in little Townville, you know?

9 A Only thing that's happened in South Carolina is down
10 at that church. So I can understand that. But --

11 Q How do you feel about the church?

12 A The church shooting -- this guy with a mental illness
13 went in, killed a bunch of black people, and then that's
14 how he -- now he's dead, isn't he? On death row?

15 Q No. He's still alive.

16 A I can't get to death row, can I? I'm pretty sure I
17 can't. Because I would not want that.

18 Q Well, let me ask you this. What did you think the
19 outcome today would be?

20 A Like total wise? I was thinking like 20, 30 kids. I
21 don't even know.

22 Q You thought you would kill 23 kids?

23 A Yeah. And the kids -- the kids in the group chat
24 which are 14, 15, 16, and I think one is 17. They were
25 all cheering me on. So --

1 FEMALE OFFICER: When you told them that's what you
2 planned to do?

3 A Yeah. They were telling me to make bombs and stuff.
4 I was, like, I'm not going to do that.

5 Q Did you tell them it was a primary, or elementary
6 school? Or did they --

7 A I don't remember. I think I did. They were still
8 like, "Kill the scumbags." But the kids did nothing to
9 me. So --

10 FEMALE OFFICER: How were you going to kill that
11 many kids with one gun?

12 A Honestly, I don't know. But it's just like Virginia
13 Tech, a guy went in with two handguns and killed 32
14 people. So --

15 Q Somewhere in there you have to stop and reload.

16 A Yeah.

17 Q Did you have any extra magazines with you?

18 A My dad never, ever bought extra magazines, except for
19 a semiautomatic rifle.

20 Q You said you really wanted to use --

21 A That, yeah.

22 Q What kind of gun is that?

23 A To the media it's called an assault rifle. But it's
24 just a hunting rifle. It's also known as a ranger rifle.
25 It's a mini .14. Also like a further version of the M1

1 Grand, that holds a lot more and has a magazine. So --

2 Q But you couldn't get that, you said?

3 A No. It was locked up in the safe. I tried. Like, I
4 even filmed my dad typing in the code, because I was
5 sighting in the scope for the safe, but I --

6 Q You filmed your dad doing that?

7 A I was pretending I was texting. But I think he knew
8 so he changed it. Because I tried -- I even put dish soap
9 on the thing and turned the lights off.

10 FEMALE OFFICER: When were you doing that? How far
11 back?

12 A A long time ago. It was a long time ago, like a
13 month.

14 Q I'm going to play my ignorance. You said you put
15 dish soap?

16 A Dish Soap. It glows neon in the dark and shows up
17 fingerprints, so it would show up the code. I just tried
18 different numbers.

19 Q You have that video on your phone?

20 A I don't anymore. No. I think I deleted it because I
21 was, like, "Okay, I don't need to have this on my phone."

22 I think if my dad would have found it, he would have
23 been like, "Okay, you're grounded."

24 FEMALE OFFICER: So you were kind of planning this
25 all along?

1 A Just for like a month or two. I finally had enough
2 of people bullying me. I was, like, if I want to kill
3 myself, I'm not going out without a fight. But that's
4 kind of ironic now that I think of it. I guess in the
5 heat of the moment, I guess that was the right thing to
6 do, I thought.

7 FEMALE OFFICER: If you hadn't done it today, when
8 do you think you would have done it?

9 A I think I would have waited, because I was saving up
10 my money because anybody in my family -- I have the money
11 for it, they can buy it for me. So I was going to by me
12 an AR15. But I knew it was going to be stuck in the safe,
13 so I was going to have to find a way to get it out. But
14 he never gave me the job for some reason. That's probably
15 a good thing too. But that's probably a bad thing also.
16 I don't know.

17 FEMALE OFFICER: Well, thank you for being honest
18 with us.

19 A I'm just glad to talk to someone. Just staying in
20 there just --

21 FEMALE OFFICER: It's hard to sit and just think
22 about things.

23 A Yeah, because all I keep remembering is going up
24 behind my dad and just shooting him three times. That's
25 all my mind is going through right now.

1 Q Did your dad say anything?

2 A No. He was reading something.

3 Q So he never knew you were behind him?

4 A No, I just seen him slump over. I thought I missed
5 the first time, so I shot him two more. Then I seen him
6 slump over, and I was like, "What have I just did? I
7 can't go back now." So --

8 It's already done. But I'm pretty sure he's dead.
9 I'm hoping he's not, but I'm pretty sure he is.

10 Q Well, what was your ultimate goal? I mean, what --
11 you know, if you know you shot your dad and you knew you
12 went over to the school and some kids got hurt there, what
13 were you looking -- I mean, were you planning to take your
14 own life?

15 A Yeah. Because I was just done. I was just done.
16 Bullying by all these people. And I was like, "Okay. I
17 can't take all this hatred anymore."

18 So I was like, Yeah, I might as well kill myself
19 before I go to jail. But I'm glad I didn't, because now I
20 have a life. Probably won't get a job, but I'll -- I'll
21 at least have a life.

22 Q Well, is there anything that we can do for you?

23 A Just make sure my family can get to see me. Tell
24 them I love them too. So -- tell them I'm sorry about
25 putting all this stuff on them. Because I'm pretty sure

1 they're going to get death threats from people now, just
2 from parents that are really angry.

3 FEMALE OFFICER: You'll have the chance to talk to
4 them.

5 Q Yeah, you'll see your family.

6 A Will it be soon? I know you can't answer.

7 Q In law enforcement nothing is soon. But it won't be
8 no five days, I'll tell you that much.

9 A Less than three basically? Before this weekend?

10 Q Probably by tomorrow I would think.

11 A Tomorrow. Well, that's quick. Then I'll go to
12 court, right? Or will I just get sent --

13 Q Today is what?

14 A Wednesday.

15 Q Tomorrow is Thursday. You may go to court before the
16 end of the week. That's a possibility. Don't hold me to
17 it, but that is a possibility.

18 A But do you know any charges, except murder?

19 Q I don't to be honest with you.

20 A Like is there any charge for driving down the road
21 under age? I almost wrecked it. I wish I would have.
22 But -- and there's no charge for having a gun under age?
23 Like, because I thought there was, but whatever.

24 FEMALE OFFICER: The charges are going to be
25 discussed. You'll sit down with an attorney and all that

1 will be explained to you. I mean, you're not on your own
2 in that. It's a process. There's a structure. And --

3 A Will I have the lawyer that I had last time? Like,
4 my grandparents hired him for me.

5 Q Who was that? And your grandparents may. I don't
6 know.

7 A I don't know the lawyer's name actually.

8 Q I know if you can't afford one, the state will
9 appoint one for you.

10 A I think my grandparents would put in the money for
11 one.

12 Q Your grandparents live close?

13 A They're a quarter of a mile up the road. It's the
14 first house you see when you go down my driveway.

15 Q Are they chicken farmers too with your dad?

16 A No, they're retired.

17 Q They're retired. Seems like they're really important
18 to you, your grandparents.

19 A They are. They're the only people I can really talk
20 with.

21 Q Do you have any brothers and sisters?

22 A I have a brother and a sister. But one's -- my
23 brother is in Austin, Texas, in college. And my sister,
24 she's in art school, she's like 20 something. Twenty-two
25 maybe. My dad's -- I mean, my brother is like 18.

1 Q Are these like full or half?

2 A I go by them as full. But I think my brother is
3 half. I treat him like he's full.

4 Q What's your relationship like with them?

5 A Nothing right now because, like, they live so far
6 away.

7 Q Well, what about when they were here? How did
8 you-all --

9 A I played video games with my brother all the time.

10 Q So you and him were pretty tight until he went off to
11 college?

12 A Yeah. Well, I went to see him last month.

13 Q How did that go?

14 A Good. We were only able to stay for two days,
15 because we had to move his apartment in. But I went there
16 before just to check out the college for a week. That was
17 fun.

18 FEMALE OFFICER: Did you talk about any of these
19 issues with him?

20 A With my grandparents?

21 FEMALE OFFICER: With your brother?

22 A I told them that I was getting bullied in school.
23 But they took it like, okay, that's just life. They
24 didn't know I was getting physically bullied too.

25 Q When you say physically bullied, what --

1 A I mean, like, whenever I'm in the restroom, I'm
2 getting ganged up by people, multiple people.

3 Q Okay.

4 FEMALE OFFICER: Did you share with your brother any
5 of your plans --

6 A No.

7 Q -- about the school?

8 A No. My brother's been gone for two years now. So I
9 was fine back then. I was hanging out with him. I had
10 two or three friends. I was fine back then. But --

11 Q What about your sister?

12 A My sister, it's been like six, seven years since I
13 seen her. She got mad at my dad for no reason. Because
14 her mom, not my mom, her mom told all this bad stuff about
15 my dad that wasn't true. So she doesn't really hang
16 around anymore. She hasn't came back in years.

17 Q Does she live here or she live in another state? Do
18 you know?

19 A Last time I knew, she was just in South Carolina in
20 art school. But she might be in another state. But the
21 last time I called her was a couple of weeks ago. She was
22 coming out to see us.

23 Q You really spent most the time with your
24 grandparents?

25 A Yeah. I go up there every other day and just hang

1 out there six, seven hours, just talking with my papa
2 about history and stuff. He really doesn't care what part
3 of history. He's like, "The kid likes history." So --

4 Q I love it myself.

5 A I talk to my mom or dad about history, they'd get mad
6 at me because I talk about World War II and stuff like
7 that. They don't like me talking about death and stuff
8 like that.

9 Q Was your papa in World War II? Is he a veteran?

10 A No. But he was supposed to be in World War II but
11 something went wrong. I think it's because he married his
12 wife, Patsy. Yeah, I'm pretty sure that's why. And he
13 was just about to have a son too. So -- and then my dad
14 was supposed to be in the Afghan war, but something's
15 wrong with his feet. Like, the chemicals in the cement,
16 they had messed them up. My uncle, he's an Air Force
17 pilot. So, but, yeah.

18 Q Well, is there anything that you want to talk about
19 that we didn't talk about today?

20 A Actually, I don't know what to talk about.

21 FEMALE OFFICER: Like he said, there will be other
22 chances to talk. It's been a long day for you.

23 Q I'm going to give you my card when we take you back
24 downstairs. I'll go to my office and get a card. Before
25 I leave tonight, I'll make sure you have my card. That

1 way if you want to talk, there's a number on there. You
2 just let the folks know you want to talk to me, I'll come
3 wherever you're at and talk to you.

4 A Thank you-all for talking to me.

5 Q Well, we thank you for talking to us.

6 A I literally thought it was 3:00, because I went to
7 sleep. I thought I was going to have nightmares. I
8 actually thought today was a nightmare. So I woke up
9 thinking nothing happened. So, sad.

10 FEMALE OFFICER: You can only go forward from here.

11 A Yeah, I wish I could go back. But I -- it's
12 impossible, so -- unless there's something I don't know
13 about that I can rewind time. But I'm pretty sure you
14 can't. So everything is done. Can't be redone. So, so
15 (Shrugs shoulders) I kind of have to live with it now.

16 Q Well, as I always tell everybody, it's a terrible
17 thing that occurred. It's going to be a long road ahead
18 of you. But you always have the opportunity to make
19 something good out of a bad situation. There's always a
20 little bit of good that can come out of anything that's
21 bad.

22 A I'm pretty sure I'm going to be in until I'm 18.

23 Q But you know what, you might be that person that has
24 a conversation with somebody who's in and changes your
25 life.

1 A Like a priest or something.

2 Q You never know. God's got a plan for all of us. We

3 don't know what it is.

4 A Before today I gave up hope in God because of all the

5 thoughts. Now I know that he is real. And probably the

6 reason why the gun jammed is because of God.

7 Q I thank God that the gun did jam.

8 A I thank God for that too. And I thank God for that

9 fireman not shooting me in the back for moving an inch.

10 But --

11 Q All right. I'm going to walk you back downstairs

12 unless you have something else?

13 A No.

14 Q All right.

15 A Can you possibly tell me what time it is so I'll --

16 Q It's 9:00. You can go back down there and go back to

17 sleep. Take a nap. And we'll get this as quick as we

18 can.

19 A Hopefully, in the morning I'll --

20 Q I would think we'd know a little bit more by morning.

21 A Okay.

22 Q All right.

23 A All right.

24 FEMALE OFFICER: Thank you.

25 A Nice meeting you.

1 CERTIFICATE OF REPORTER
23 STATE OF SOUTH CAROLINA)
4 COUNTY OF ANDERSON)
5
67 I, Donna M. Brady, Registered Professional Reporter,
8 do hereby certify that the foregoing is a true and
9 accurate and Transcript of Record, transcribed to the
10 best of my ability from digital recordings for the
11 Solicitor's Office of Anderson County, South Carolina.12 I do further certify that I am neither of kin,
13 counsel nor interest to any party hereto.
1415 February 4, 2018
1617
18 Donna Brady
19 Donna M. Brady, RPR
20
21
22
23
24
25

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE FAMILY COURT

THE STATE OF SOUTH CAROLINA,
 PLAINTIFF,
 vs.

TRANSCRIPT OF INTERVIEW

JESSE D. OSBORNE,
DEFENDANT.

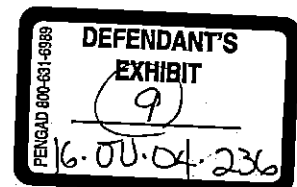
SEPTEMBER 28, 2016
 ANDERSON, SOUTH CAROLINA

INTERVIEW OF:

T O M M Y D E W I T T O S B O R N E

I N T E R V I E W E R:

INVESTIGATOR RONALD WOOD
 ANDERSON COUNTY SHERIFF'S OFFICE



September 28, 2016

(Investigator Ronald Wood asked questions, and Tommy Osborne answered questions as follows:)

BY MR. WOOD:

Q Cancer got the vocal cords.

Q What's your full name?

A Thomas DeWitt, D-e, Capital W-i-t-t, Osborne.

Q Okay. Your address?

A [REDACTED] Fair Play Road, Townville, South Carolina,
29689.

Q All right. And your date of birth?

A [REDACTED]/43.

Q Give me your phone number if you don't mind.

A [REDACTED]

Q Okay. And your cell phone that I have?

A [REDACTED]

Q And who's the subscriber on that?

A Me.

Q But, I mean, is it Altell? AT&T?

A Straight Talk.

Q Straight Talk.

A Straight Talk.

Q All right. Tell me a little bit about today with
your son. What what's your son's name?

A It's Thomas -- no, wait a minute. Jeffery DeWitt

1 Osborne.

2 Q DeWitt Osborne.

3 A Yeah. And his is Jesse DeWitt Osborne. All three
4 of us got the same middle name.

5 Q You said your son's date of birth is [REDACTED] the --

6 A [REDACTED] 1969.

7 Q -- [REDACTED]? And Jesse is --

8 A He was 14 the [REDACTED] [REDACTED]. So he was born in
9 two thousand and --

10 Q Two?

11 A -- two.

12 Q What was their address?

13 A [REDACTED] Osborne Drive, Townville.

14 Q Could it be [REDACTED]?

15 A [REDACTED].

16 Q Okay.

17 A [REDACTED], [REDACTED].

18 Q You said [REDACTED]. Someone else said [REDACTED], so I wasn't
19 sure.

20 A Okay.

21 Q Townville?

22 A Townville. 29689.

23 Q All right. All right. Tell me a little bit about
24 the day, as far as you talked to Jeffery about what time
25 again?

1 A Last time I talked to him was probably between 9:00
2 and 10:00. He was at the chicken houses plowing his
3 chickens and this and that. And I went up there.

4 And they called and told him that instead of a
5 hundred dollars for a permit, for each house it was
6 going to be 300 and something dollars for each house,
7 630 -- 60 something dollars for the house. They just
8 passed a new ordinance last week.

9 Q Okay.

10 A And he didn't have the money so he come by the
11 house. I signed a check and he went down to the
12 Anderson -- and half the time he was there.

13 Q So he got a building permit?

14 A Got a building permit for two chicken houses.
15 Osborne Poultry Farm.

16 Q All right. You talk to him after he got it or
17 anything?

18 A Huh-uh.

19 Q No. Okay. Tell me a little bit --

20 A I was just out on the carport when he come by and
21 he waived at me.

22 Q Do you remember about what time that was?

23 A I'd say around 11:30, because I hadn't eaten lunch
24 yet. And I try to eat about 15 til 12:00. When you
25 have sugar, you have to regulate it.

1 Q All right. And then what else? Have you talked to
2 Jesse today any?

3 A Not until he called and was crying.

4 Q Okay. He called you?

5 A He called me.

6 Q On the 617 --

7 A Yeah, 0883.

8 Q He called you on that number?

9 A Yeah.

10 Q I guess he was on his cell phone?

11 A He was on his cell phone.

12 Q And he was crying?

13 A He was crying. "Papa, I told him not to do it. I
14 told him not to do it. I didn't want to do it. I
15 didn't want to do it. I told him not to do it." He
16 just kept on. So, undoubtedly, he done what I told you
17 he done.

18 Q Okay. So after he said he didn't want to do it,
19 what did he tell you? What else?

20 A He never did tell me anything. He just told me he
21 was at the school.

22 Q He told you he was at school.

23 A Yeah. And I already -- when he started calling me,
24 I took off to the house because he was crying. I took
25 off down there. I thought he was down there.

1 Q Uh-huh.

2 A Got there. I said, "Where are you, Jesse? Where
3 are you?"

4 He said, "I'm at school."

5 I said, How did you get there?

6 He said, "I drove the truck. I drove daddy's black
7 truck."

8 I said, "Okay."

9 Q So you went inside the house?

10 A I went inside -- yeah, and seen my son. My wife --
11 I told her, I said, "He's dead." I said, "You call
12 9-1-1."

13 Q Where was he at?

14 A He was on the couch.

15 Q On the couch.

16 A On the couch. As you walk in the door, he was
17 sitting on the couch.

18 Q And then where did you go after that?

19 A I went downstairs, every room down there, looking
20 for Jesse, and I couldn't find him. All the outside
21 doors was locked, except the front door. And I come
22 back up. I said, "Jesse, where are you? Where are you?
23 You're not down here at the house."

24 He said, "I'm in the truck" -- I mean, "I'm at the
25 schoolhouse."

1 I said, "How'd you get there?"

2 He said, "I'm in Daddy's truck."

3 I said, "I'm on my way. Just stay right there.

4 I'm on my way."

5 Q Gotcha.

6 A And that's --

7 Q And when you got here, we was already here?

8 A Y'all were already here.

9 Q And I think you walked up as we was bringing him to
10 the car, I think?

11 A Well, about that time. It wasn't long after I got
12 here.

13 Q How long do you think you stayed on the phone with
14 him?

15 A Probably -- well, y'all -- he went off the phone
16 and I knew then y'all had him.

17 Q Okay.

18 A And I was probably on the phone with him three,
19 four, may be five minutes. And I am going to admit that
20 I broke the speed limit.

21 Q That's -- so while you was on the phone you could
22 tell -- when you got out, did you hear -- hear the
23 deputies saying something?

24 A No. But I couldn't get him. And I could hear, it
25 sounded like somebody was crying, but he wouldn't -- I

1 couldn't get him to answer me. And the phone sounded
2 like it was laying on the ground. Undoubtedly, they had
3 already got him. Everybody --

4 Q All right. Tell me a little bit about his home
5 life. Jesse's home life.

6 A He didn't have no home life. That's just plain and
7 simple.

8 Q And you said that --

9 A He had a little lop-eared rabbit.

10 Q But you said Jeffery drunk heavily?

11 A He drank beer every day. Every day. Every day. I
12 ain't saying he got drunk every day.

13 Q Right, right.

14 A But he drank every day.

15 Q Okay. And you said Jesse had a rabbit?

16 A Yeah.

17 Q That he slept with and admired it or whatever.

18 A Oh, he loved it. Yeah, a lop-eared rabbit. Little
19 dwarf. It was spoiled rotten. He loved it to death.

20 Q What did you say happened about a couple of weeks
21 ago or whatever?

22 A He threatened to kill the rabbit.

23 Q Who did?

24 A Jeffery did.

25 Q Jeffery?

1 A Jeffery threatened to kill the rabbit. And he
2 called me crying. And I went down there and got him and
3 brought him up to the house. And he was sitting there
4 just crying like a baby.

5 I said, "He's not going to kill the rabbit."

6 So I went back down there. And I told him, I said,
7 "Don't you kill that baby's rabbit. That's all he got
8 to talk to." I said, "Don't you kill that baby's
9 rabbit." And we went out and got -- I went and got a
10 fence for it. Put the rabbit in a fence where he
11 wouldn't be all over the house and everything. And he
12 loved that rabbit. Oh, he loved that rabbit.

13 Q And I'm understanding that --

14 A I don't know that he killed the rabbit.

15 Q Right. I'm understanding that Jesse's home
16 schooled?

17 A Yeah.

18 Q Tell me a little about his schooling and stuff.

19 A Well, Jesse is so smart. He's smarter than the
20 average person.

21 Q Uh-huh.

22 A He makes me -- I got a pretty good IQ, and he makes
23 me look like a dummy. But anyway he just had to put up
24 with -- he stayed in his room all the time, because his
25 mama and daddy was drinking all the time. So there

1 wasn't nobody for him to talk to unless they let him
2 come up to the house. And he come up there and I'd take
3 him to the mountains on Friday afternoons when he'd get
4 through with home schooling. And we'd have to come back
5 Sunday.

6 Q And you say he used to go here?

7 A Yeah. When he was in high school.

8 Q No, Jesse.

9 A Oh, yeah, Jesse.

10 Q Jesse used to go here when he was --

11 A Yeah.

12 Q -- I guess fourth or fifth grade? When did he
13 leave here?

14 A He left here in the fifth and went to -- well, West
15 Oak in Westminster. In the sixth and seventh grade.
16 And that's when the little boy --

17 Q Tell me about this school. You said there was some
18 issues here?

19 A Well, see, Jesse told on the little bullies here
20 because Jesse was bigger than them. But they'd bully
21 him, and he wouldn't do anything because he was afraid
22 he'd get in trouble and he didn't want to hurt them.

23 He said, "Papa, I can hurt them and I don't want
24 to." And they would have knives, they'd bring knives to
25 school. And he told the principal.

1 And she called them in while he was in the room.
2 And "Oh, we don't have no knives." They done put them
3 in their book bags then. And they didn't even search
4 the book bags or nothing.

5 He said, "Papa, they didn't do anything." That's
6 when we took him out. I got them to take him out and
7 carry him up yonder.

8 Q So y'all took him out of here at the fifth grade?

9 A Yeah. And the --

10 Q Carried him to West Oak?

11 A Yeah.

12 Q How long did he go to West Oak when y'all
13 started -- they started home schooling?

14 A Well, he got in trouble up there. Last March is
15 whenever -- he didn't do nothing to the boy. He didn't
16 carry a gun to school. The principal up there said he
17 had a gun. He didn't have no gun. He had a hatchet.
18 And some kid saw the -- didn't even see it at school.
19 Saw it on the bus, saw the handle of the hatchet in his
20 school bag. And she told that she saw a gun handle. It
21 wasn't. It was a hatchet.

22 So when the law come down there, they wanted the
23 gun. Jesse said, "You can go down there and look in my
24 book bag." Says, "There ain't no gun." Says, "You can
25 search the house. I don't have a gun." But the hatchet

1 was in his book bag.

2 Q Do you know what his intentions was with that?

3 A Well, he meant to scare the boy. He wasn't going
4 to hurt him. He just meant to scare him. But he
5 decided not to even do that. But it wasn't for him. It
6 was for a little girl that was sort of mentally not all
7 there. He was putting up with the bullying. Then the
8 little boy started picking on the little girl. And he
9 was going to scare him off the little girl.

10 He was taking the bullying. But he said, "There
11 ain't no sense in bullying no little girl that can't put
12 up, you know, can't take up for herself."

13 Q Does Jeffery have any guns?

14 A Yeah. Jeffery's got a cabinet, a safe full of
15 guns. Some of them belong to me.

16 Q Okay.

17 A Some of them belong to me. Some of them belong to
18 his daddy in law. And he's bought two or three since
19 he's had the chicken houses and made enough money to buy
20 a couple.

21 Q You mentioned something like Jeff loved going to
22 BattleCats?

23 A Yeah.

24 Q Like a airsoft?

25 A Airsoft.

1 Q Down in Anderson city I think?

2 A Yeah.

3 Q How often did he go there? Or who took him down
4 there?

5 A His mama would carry him. Or if she was working,
6 I'd carry him down there and his mama would pick him up.

7 Q How often did he go down there?

8 A I'd say once a month.

9 Q Once a month.

10 A Once a month. Because the guy that he liked quit
11 and he didn't care anything about going anymore.

12 Q Gotcha. When is the last time you think he went
13 down there?

14 A I'd say it was probably a month ago or longer. And
15 they were going to have a tournament this week or next
16 week sometime. And he was going to go down there. They
17 had a tournament but I don't guess he'll get to go now.

18 Q He buy any -- I mean, I know some people get real
19 unique in that stuff. Did he buy any like vests or
20 anything that you know of or --

21 A I think he just wore a -- he wrapped a towel around
22 his neck. He had a face mask. He had ball --
23 baseball -- not baseball -- football things to go on his
24 shoulders. And he just wore a big coat. I think two
25 coats. He -- I don't think he had a vest.

1 Q Okay.

2 A He just had two coats. Because you're supposed to
3 be able to feel when you get shot.

4 Q Right. Anything else you can think of? I know
5 that's about --

6 A No, sir. That's all I can think of.

7 Q When is the last time you talked to Jesse? On the
8 phone or in person? Other than today. Other than
9 today.

10 A Yesterday I called him and asked him how school
11 was. He said, "Good."

12 I said, "Did you get your homework and everything
13 done?"

14 He said, "Yes, sir."

15 I said, "You're not telling me no story, are you?"

16 "No, sir, Papa. I got my homework."

17 I said, "Okay."

18 Q He sound like he was okay and everything?

19 Everything was going good?

20 A Yes, sir. He was fine yesterday.

21 Q Is he on medication? He have any health problems?

22 A No.

23 Q Do any drugs?

24 A No, no.

25 Q No?

1 A He don't smoke. He don't do nothing. He told me
2 the other day, he said, "Papa," he said, "I'll never
3 drink." He said, "That's all I have seen since I've
4 been big enough to know what they doing, is my mama and
5 daddy drinking." He said, "Mama thinks I don't know
6 that that wine stuff she's pouring in, that stuff is
7 vodka."

8 That's, you know, that's how dumb they thought he
9 was.

10 Q So I guess you went down to the house with your
11 wife, right?

12 A My wife?

13 Q And you left her there and came up here to the
14 school?

15 A Yeah. Left her, told her to call 9-1-1 for
16 Jeffery. And I come up here trying to get here before
17 y'all got here so I could at least be holding him when
18 y'all got here.

19 Q Did he tell you where he was at school or he just
20 said he was at --

21 A He told me he was behind the school.

22 Q Behind the school?

23 A Yeah. That's the reason I pulled in here.

24 Q Right.

25 A I was going to get out and go behind the school. I

1 know y'all would have arrested me if I had been there.

2 But he was my grandson.

3 Q I think -- anything else you can think of that I
4 might have left out?

5 A No. He -- Jeffery was just, when he got to
6 drinking, he was just mean. He liked to holler at
7 everybody. He would just holler.

8 Q So Jeffery just worked on chicken houses that he
9 owned?

10 A Yeah.

11 Q He don't work anywhere else?

12 A No, he just owned four chicken houses. Well, he
13 was fixing to own six.

14 Q Right. Going to end the interview. Wednesday,
15 September 28, 2016, at 4:09 p.m.

16 * * * * * *END OF TRANSCRIPT OF INTERVIEW * * * * *

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3 CERTIFICATE OF REPORTER

4 STATE OF SOUTH CAROLINA)

5 COUNTY OF ANDERSON)

6
7 I, Donna M. Brady, Registered Professional Reporter,
8 do hereby certify that the foregoing is a true and
9 accurate Transcript of Record, transcribed to the best of
10 my ability from digital recordings provided by the
11 Solicitor's Office for Anderson County, South Carolina.12 I do further certify that I am neither of kin,
13 counsel nor interest to any party hereto.
14

15 February 4, 2018

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18 Donna M. Brady
19 Donna M. Brady, RPR
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STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE FAMILY COURT

THE STATE OF SOUTH CAROLINA,

PLAINTIFF,

vs.

TRANSCRIPT OF INTERVIEW

JESSE D. OSBORNE,

DEFENDANT.

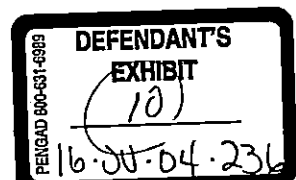
ANDERSON, SOUTH CAROLINA

INTERVIEW OF:

P A T S Y O S B O R N E

I N T E R V I E W E R S :

JEFF FINLEY, INVESTIGATOR
 JEREMY GARRETT, INVESTIGATOR
 ANDERSON COUNTY SHERIFF'S OFFICE



September 28, 2016

(Questions were asked by investigators Jeremy Garrett and Jeff Finley. Patsy Osborne answered those questions as follows:)

BY MR. GARRETT:

Q Hey, how are you doing, ma'am?

A That's a dumb question.

MALE VOICE: That's just what everybody says.

A Jesse wrote me -- Jesse wrote me (inaudible).

MALE VOICE: That's just something everybody says.

That's just what everybody says.

Q Ma'am, I'm just trying to be nice.

A I know and I want to be respectful.

Q I know you're having a rough day. But if there's any way possible, could I get you to step back there and sit down and talk with me? I'm Investigator Garrett.

A Have you come from the school?

Q Yes, ma'am.

A Is my husband okay? He drives a blue Dakota Dodge 2001 truck.

MALE VOICE: Tommy Osborne.

A Tommy. They would not let him go to Jesse in the back of a cop car.

Q Then I'm sure he's just fine.

A You sure?

1 Q I'm sure he's just fine.

2 A He has heart problems.

3 Q There are a ton of ambulances up there. I can't
4 tell you, because I don't know who he is.

5 A I know.

6 Q I didn't know him until you just asked.

7 MALE VOICE: Different scenarios. Have to talk to
8 you. Okay? I'm praying for you.

9 A Where you going?

10 MALE VOICE: I'll be right here. But I can't be
11 here while he talks to you. Okay.

12 A Oh --

13 Q I'm fine with it. You want to step back here with
14 us?

15 A Oh, we have to go back there?

16 Q Yeah, we're going to have to step back here.

17 A I need my glasses. Oh, here they are. I'm sorry.

18 Q Oh, you're fine.

19 A I have never -- I have never.

20 Q No. I understand.

21 A Did you see Jesse?

22 Q Yes, ma'am. I don't know what his name is.

23 He's -- okay. Younger white male with like a longer
24 hair --

25 A Bangs.

1 Q Yes, ma'am. I did. He's okay. He's alive. Do
2 you need some help walking, or are you --

3 A I just (inaudible).

4 Q Okay. Yes, ma'am, I understand. Ma'am, I
5 understand.

6 A I have to take (inaudible) demand -- don't you dare
7 let him go in there. That's the worst sight I have ever
8 seen in my life.

9 Q I promise you. There won't be nobody else that
10 goes in there except for us until -- until he's gone.

11 A (Inaudible) I met Jesse. Greg called me. I'm
12 sure Katie must have called her daddy. I said, "Greg,
13 get the next flight out."

14 He said, "Mama, I (inaudible)

15 Q Where's he at?

16 A About 40 minutes south of DC. It takes him about
17 40 minutes to get to the airport, to a different, and
18 worse than Regan airport. Isn't it locked?

19 Q We're going to sit in this car with the air
20 condition going on this Ford Explorer right here. Ain't
21 nobody going to get you. Ain't nobody going to get you.

22 A No. I'm not talking about getting me. I'm talking
23 about talking -- I don't want to talk.

24 Q Okay.

25 A Your name is what?

1 Q I'm Jeremy Garrett. I'm an investigator.

2 A Jeremy.

3 Q Yes, ma'am.

4 A Do you know Jeremy Stone that works for -- Cash is
5 it?

6 Q That name sounds awful familiar. I'm from Pickens
7 County.

8 MALE VOICE: Jeremy's at the school.

9 A Oh, my gosh. Maybe he'll get to get him. I'm
10 sorry.

11 Q Yeah. I'm going to let him sit right behind you.
12 And my partner, Jeff Finley, he's the fellow over there
13 with the coat and tie.

14 A Why do you want to ask me questions?

15 Q Just about --

16 A What I found? What I saw?

17 Q What you found. That's what we want to talk about.

18 She'd like for the chaplain to sit in here with us.

19 Are you good with that? I told him I don't have no
20 problem with that.

21 MALE VOICE: Just tell him what you said. He's
22 going to kind of take you through a scenario, and he'll
23 walk you right back.

24 A Please don't bring nobody down here.

25 MALE VOICE: They're not going to let anybody down

1 here. You'll be okay. You sit here. I'm going to sit
2 behind you. Is that okay?

3 A I don't mean to be a problem.

4 Q You're not being a problem. That's okay.

5 A I don't mean to be a problem y'all. This is my
6 baby laying in there.

7 Q You want to sit down?

8 A I'm fine.

9 MR. FINLEY: Just pull that out of the way.

10 MR. GARRETT: You mind if I sit this on back of
11 your car? If y'all need one, go ahead. Yes, sir. Do
12 you need another bottle of water, ma'am?

13 A No. I'm good. I don't even drink water. And
14 today it's mighty good. My mouth is so dry.

15 Q I understand.

16 A I just saw my Jeff --

17 Q I know. And it's -- we'll let him sit behind these
18 two.

19 MALE VOICE: Jarrett, you got her phone? You got
20 her phone.

21 A Hey. Hey, Preacher David. Nancy? I don't know
22 what Nancy's last name is. I don't have my phone
23 (inaudible)

24 Okay. Okay. Okay.

25 MALE VOICE: Let's talk to him.

1 A All right. All right. And you're Jeremy? No,
2 you're not Jeremy.

3 MR. FINLEY: Jeremy is in the back seat there.

4 MR. GARRETT: I'm sitting right back here with you.

5 A See, I'm not crazy am I?

6 MR. GARRETT: No, ma'am.

7 BY MR. FINLEY:

8 Q If you want to, we can shut that door, and I'll get
9 some air going.

10 A No. I'm fine.

11 Q You want some air going?

12 A No, I'm fine.

13 Q Well, I do want some air going. I'm about to burn
14 up.

15 A It's going to feel like I'm cooped up. And I ought
16 to be freezing to death.

17 Q Okay. That's fine. I'm going to cut this radio
18 down so it don't interrupt us. Okay?

19 A Oh, Mister, I would have never -- I would have
20 never dreamed.

21 Q Okay. First off, my name is Jeff Finley. I'm a
22 detective with the sheriff's office. I work with Mr.
23 Garrett here. I don't know your relation to this whole
24 thing. Can you tell me how you're --

25 A That's my son.

1 Q Your son.

2 A Yes.

3 Q Okay. All right.

4 A And that's my grandson up at the school.

5 Q At the school?

6 A Yes, sir.

7 Q Okay. Let me get a little information from you
8 first. Okay. What is your full name?

9 A Patsy L. Osborne.

10 Q What does the L stand for?

11 A Ledford.

12 Q Is it spelled like the road?

13 A L-E-D-F-O-R-D. O-S-B-O-R-N-E. Uh-huh.

14 Q All right. And what is your address?

15 A [REDACTED] Fairplay Road.

16 Q Is that listed as Townville or Fairplay?

17 A Townville.

18 Q And what is your date of birth?

19 A [REDACTED]/43.

20 Q And a good contact number, phone number for you?

21 A [REDACTED] and [REDACTED].

22 Q Okay. Now, so I know who I'm speaking -- what is
23 your son's name?

24 A Jeffery.

25 Q Is it spelled F-F-R-E-Y?

1 A R-E-Y. DeWitt, D-e, Capital W, i-t-t. Osborne.

2 He's 47. His birth date is [REDACTED] 69.

3 Q Okay. And this is his residence?

4 A Yes, sir.

5 Q And this is [REDACTED] Osborne --

6 A Osborne.

7 Q -- Road?

8 A Yes, sir.

9 Q Also listed as Townville?

10 A Yes, sir.

11 Q You'll be all right, ma'am.

12 A I'm trying to be. I'm really trying to be. Where
13 is Jeremy?

14 Q He's right over here. Also what is your grandson's
15 full name?

16 A Jesse DeWitt Osborne. He's 14. His birthday is
17 [REDACTED] I think it's '02, he just turned 14. My
18 gosh. Oh, my gosh, Jesse.

19 Q And does he live here?

20 A Yes, sir.

21 Q Who else lives here in the house?

22 A Nobody.

23 MALE VOICE: Tiffney.

24 A Oh, sorry. Thank you.

25 Q Who's Tiffney?

1 A His wife.

2 Q Okay. Tiffney.

3 A Osborne.

4 Q And what's her middle name? Do you know?

5 A Rene.

6 Q Do you know how she spells Rene?

7 A R-E-N-E-E, maybe. And she was a Clarke before she
8 married Jeff. But I think she signs everything Rene.

9 Q And she currently lives there?

10 A Yes, sir.

11 Q And they're still married and together?

12 A Yes, sir.

13 Q Okay. Do you know her date of birth?

14 A [REDACTED] [REDACTED]. She's nine years younger than Jeff. I
15 don't know what year.

16 Q You said he was 47, right?

17 A Yeah. I believe she is -- that make her 38? 39?

18 Q I'd have to take fingers and toes out to add all
19 that up. I'm not sure.

20 A I don't really know.

21 Q But we'll find out for sure.

22 A She's not going to be able to talk to you I tell
23 you that. I don't think.

24 Q Well, this is a hard situation for everyone. We're
25 very sorry that we have to meet you on these terms.

1 A She found it out on the news, man. She found it
2 out.

3 Q That's not a good way. Unfortunately, the advent
4 of social media, news travels faster.

5 A We were on the news this morning at 12:00 for that
6 little old box truck turning over up there with Amazon.

7 Q Really?

8 A Yeah. I heard a big bump. It was five minutes
9 after seven. And I thought, what in the world? I
10 looked out and I -- I didn't even know I could run any
11 more. And I run out my driveway to the end of my
12 garden. Go ahead. I'm sorry.

13 Q That's okay. You feel the need to ramble, we'll
14 ramble along with you. Okay.

15 A No, no. Go.

16 Q If at any time you feel like you need to stop or
17 you need some water, you let us know. We're here for
18 you. Okay? We're here for you. So tell us exactly
19 what's going on. What lead us here. Obviously, you
20 know something that has happened. Fill us in, because
21 we don't know.

22 MALE VOICE: Tell him about last year at school.

23 A Okay. Jeff -- Jesse went to Townville.

24 Q The elementary school here?

25 A Yeah. And in the fifth grade he was bullied. And

1 his mama went up there several times. And the principal
2 never done nothing about it.

3 Q Uh-huh.

4 A So they switched him to Ocone County schools and
5 paid \$3,800 a year for him to go to Westminster Middle
6 School.

7 Q They did, parents?

8 A Oh, yeah.

9 Q Okay.

10 A Jeff took him to Oakway every morning and he went
11 back and picked him up at Oakway. Well, in seventh
12 grade Jesse was bullied and bullied and bullied.

13 Q At his new school?

14 A Yeah.

15 Q Uh-huh.

16 A He was bullied in the sixth grade, but not as bad
17 until the 7th grade.

18 Q Uh-huh.

19 A His mama went up there three times and the
20 principal never done nothing about it. The guidance
21 counselor, that was one man in the seventh grade --
22 sixth grade, that helped Jesse. And he made all the
23 boys that was bullying go to one restroom and let Jesse
24 and them, you know, line up all the other kids. But he
25 was being bullied. His mama went to the principal three

1 times. It wasn't last year because he was home
2 schooled, wasn't it? Year before that? Seventh
3 grade -- sixth grade. Sixth grade. And his mama went
4 up there three times and the principal never done
5 nothing about it.

6 Jesse decided that he would do something about it
7 himself. So he took a hatchet and a sword and I think
8 the sword was her daddy's, his mama's daddy, that he got
9 in Vietnam. Put it in his book bag. He took it to
10 school, he put it in his locker. End of the school day,
11 he went back, got them out of the locker, put them back
12 in his book bag. On the bus from home it was a little
13 piece of a handle showing on one of them. And the
14 little girls on the bus went in told the Oakway
15 principal there was a gun at school, on the bus. Which
16 there was never a gun.

17 Now, you'll look at his papers and it's going to
18 say gun, but Jeff was in the process of getting that
19 changed.

20 Q Uh-huh.

21 A But, anyway, they took Jesse to Liberty office cold
22 one hole I've ever seen in my life. I didn't see it.
23 They told me about it.

24 Q They took him to the police department there?

25 A No. DJJ.

1 Q Well, the holding facility -- that's where they
2 hold --

3 A Okay, whatever.

4 Q -- juveniles.

5 A He was over there five days. It was awful. They
6 said it was awful. They only got to visit him 15
7 minutes on Saturday and 15 minutes on Sunday. Then he
8 had a Court hearing. They sent him to Columbia, to DJJ.
9 He was down there, I believe it was seven days. Anyway,
10 they brought him back. He went to court. They put a
11 monitor on his leg. And it was just like they forgot
12 that monitor. And when that happened, all that
13 happened, Jesse just -- his life was ruined.

14 But the judge never even said. Nobody -- the
15 solicitor never even said -- look he needs to continue
16 school in seventh grade or nothing. His mama said,
17 "We're going to home school Jesse with a monitor on."
18 He home schooled at my house. Come over every day and
19 home schooled. Because he had that leg monitor on and
20 they didn't want anything going wrong.

21 Q Uh-huh.

22 A Well, the week before last --

23 Q When did the monitor get put on?

24 A Somebody's got my phone.

25 MR. GARRETT: I think you just had it.

1 A That's okay.

2 Q Around about? Don't have to be exact. Just a few
3 months?

4 A They called him on July 5th and said, "Bring Jesse
5 to Walhalla. We're going take that monitor off." His
6 lawyer didn't even know they were going to take it off.

7 Q Really? Who called said they were going to take it
8 off?

9 A DJJ lady. Up there DJJ office, I don't know who it
10 was.

11 Q Do you know who his caseworker was with DJJ?

12 A No, he's been out here for a home visit not too
13 long ago.

14 Q I'm assuming Anderson DJJ's office? Walhalla?

15 A Walhalla.

16 Q Okay. Their office. Okay. All right. So they
17 called and said they were going to take the monitor off?

18 A Called Jeff and they asked Jeff if they could bring
19 him up there, they was going to take that monitor off.
20 That was July 5th.

21 Q Okay.

22 A Then we left and went to the mountains. That boy
23 had the best time in the pool. And he was very
24 athletic. But then after he got the monitor off, he was
25 going to church all the time. Got the monitor on, and

1 he was what, 13?

2 Q Uh-huh.

3 A And he just -- he was just -- his whole personality
4 just changed.

5 Q Really?

6 A Because he was so ashamed. He was so afraid
7 somebody would see it. And he wouldn't go to church.
8 And I can understand that. I can understand that.

9 Q Yeah.

10 A And they been -- I know Jeff has to go to
11 counseling on Thursday nights.

12 Q Counseling for?

13 A Whatever the judge said, I reckon. I don't know.

14 Q You say Jeff, the father?

15 A Yeah.

16 Q Okay. Has there been an incident --

17 A No.

18 Q -- involving Jeff? Or is it just for counseling to
19 help him with Jesse?

20 A Counseling to help.

21 MR. GARRETT: Parenting and that kind of thing.

22 A But Jeff kind of blamed Jesse for him having to go
23 up there Thursday nights.

24 Q Okay. So he held it against him almost?

25 A Yeah, he did.

1 Q Yeah.

2 A Don't say that I said it, but that's the truth.

3 MR. GARRETT: Not lie to you.

4 Q So he kind of resented him a little bit?

5 A Well, Jeff drank.

6 Q Yeah.

7 A He drank his beer. And she drinks vodka.

8 Q Now, when you say drink, I mean, you may drink
9 occasionally. Is it to the point to where it affects
10 your livelihood?

11 A I don't know.

12 MR. GARRETT: Does she get drunk?

13 A Sometimes.

14 Q Now, kind of going off on a tangent, but does he
15 drink, does he abuse the children?

16 A No. No.

17 Q He just drinks and probably ignores them?

18 A I don't know about all -- I don't know about that.

19 I do not know about that.

20 Q But you don't know of any outbursts or anything.

21 A No. No, sir, I don't.

22 Q Altercations between --

23 A That boy worked in them chicken houses from
24 daylight to dark. And he sprayed for all these army
25 worms.

1 Q Yeah. Talking about Jeff?

2 A Yeah.

3 Q Okay.

4 A He just, you know, workaholic. Then when he comes
5 in --

6 Q Drinks his beer?

7 A And when she comes home from work -- she tried to
8 tell me it was punch. But I worked at Red Lobster for
9 31 years. We had a bar. You can smell vodka. When you
10 drink so much of it --

11 Q Yeah.

12 A -- it comes through the pores of your skin.

13 Q Yeah.

14 A I'm no dummy. And I wasn't back then when I worked
15 there, you know?

16 Q Uh-huh.

17 A But I didn't tell you all this because I am, I am
18 telling her -- I'm just trying to help.

19 Q That's what we're looking for.

20 A Jesse rejected their drinking. Jesse rejected
21 their drinking. And they were making him to go to
22 church on Wednesday nights to mingle with other kids.
23 But yet they wouldn't go to church.

24 Q Yeah. Did he have any trouble at church? Was he
25 bullied at church at all?

1 A No. No.

2 Q Is it your church he goes to, he attended? Okay.

3 A Jerry said he -- I would ask Jerry and I asked
4 Marcia, she said he just kind of stays by himself.

5 Q Okay. Mostly a loaner, I guess?

6 MR. GARRETT: Was he always that way, or did he --

7 A No. Not until all that went down.

8 MR. GARRETT: All this went down and he kind of
9 became that way?

10 A Oh, yeah.

11 MR. GARRETT: Okay.

12 A Loved us. He's spent the night up there at our
13 house Saturday night. "I love you. Night-night. I
14 love you. I love you."

15 When I brought his food down here, his sandwich
16 down here this morning. Fifteen until 11, he come out
17 on the carport. I didn't have to ring the doorbell,
18 knock on the door, nothing. He come out just smiling,
19 had that cap on his head. He was just as cute as a
20 button in sunshine.

21 "I'm not really hungry, Nanna. But I'll take it."

22 I said, "Okay. I got you a cheeseburger, homemade
23 cheeseburger and your chips and a Yoohoo and a Mountain
24 Dew."

25 He said, "I'll take it, Nanna." He said, "I love

1 you."

2 I said, "I love you too, precious. I got to go."

3 Q You said that was about 11:15, round about?

4 A About 15 til, because home school starts at 11:30.

5 I wanted him to have enough time to eat it --

6 Q Okay.

7 A -- before he was going to start.

8 Q Okay. So about 10:45 you come down here. And
9 that's the last you spoke with him. Okay. Did you see
10 Jeff, your son?

11 A No, I didn't. I don't know if he got home from
12 Anderson, getting the permits, or not. Or he might have
13 been in the chicken houses. I don't know.

14 Q When was the last time you spoke to Jeff?

15 A This morning. He come by the house to get a check.

16 Q About what time, round about?

17 A Oh, gosh. It was before Lisa came. Do you know
18 about what time that wreck ended over there, from the
19 house? Time they got all that stuff loaded up? It was
20 right after that. I'd say maybe it was before 10:00,
21 maybe. Or maybe it was a little after 10:00.

22 He was in the house all morning. They called him
23 and told him that it was going to be more money. Last
24 week it was \$200 a house. This week it was \$300 a house
25 for the permits.

1 Q So did you talk to him here or did you talk on the
2 phone?

3 A Huh-uh, I had -- huh-uh. No. I talked to him in
4 person.

5 Q Okay.

6 A He come by the house. And I went out on the
7 breezeway. And I was going to write him a check. He
8 said, "That's okay, mama. If you just sign it, I'll
9 fill it out."

10 I said, "You got it."

11 Q What time was that?

12 A That was the time I just gave you, about ten.

13 Q Right before you come over here with the
14 cheeseburger?

15 A Yeah. Because I said, "I got to get in the house
16 and get his -- I got to get Jesse his sandwich."

17 Oh, that's her. She's here preacher, go. Go. Go,
18 go. I can't handle her. That --

19 Q You want to close the door?

20 A No.

21 Q You sure?

22 A Yeah.

23 Q I mean, you're more then welcome to close your door
24 and we'll roll the windows down.

25 A No.

1 (Commotion)

2 A Hey, have you ever wanted to be pretty? Wanted to
3 look good?

4 MALE VOICE: (inaudible) out here a long time.

5 A You can tell them tonight that I'm just about in
6 their shape, I don't have any.

7 Q Miss Osborne?

8 A Yes, sir. Call me Patsy. That was my husband's
9 mother.

10 Q Okay. Patsy. The media is right here. Now, I
11 wanted to ask you guys if you would feel more
12 comfortable if we pushed them further back to the end of
13 the road?

14 A You push them all the way back to where they came
15 from.

16 Q Okay.

17 A I have no comment..

18 Q Go ahead and move them on back.

19 A They can just pray for us. We have no comment.
20 Isn't that right? Isn't that what I want to say?

21 Q We can't stop them --

22 A Where's my glasses?

23 Q They're right here. Right there. They're right
24 there.

25 MALE VOICE: They can't keep them off the public.

1 Q We'll keep them as far as back as we possibly can.

2 A That's a private road. Jeff's driveway is private.

3 Q We can put them on the roadway. I wanted to clear
4 that, make sure what your wishes were. Okay?

5 A Yeah. No way.

6 Q I don't recall where we were at, Jeremy, do you?

7 You spoke with your son. Wrote your check.

8 A I gave him a check. I signed it.

9 Q And what was he going to do?

10 A He was going to get the permits for that -- them
11 chicken houses.

12 Q The houses?

13 A Yeah. To build the houses.

14 Q Okay. And that was going down to downtown
15 Anderson.

16 A Courthouse. I guess that's where you go to get
17 them.

18 Q So the old Kroger building then?

19 A I don't know. I don't know.

20 Q Okay.

21 A But, anyway, he came back. When he got back, his
22 daddy seen him go in. And then he called his daddy and
23 told him how much the check was so I could log it.

24 Q His daddy, your husband?

25 A My husband.

1 Q Okay. So he come back to your house after he got
2 the permits?

3 A No. He came home.

4 Q Okay. Came back here --

5 A Uh-huh.

6 Q -- and called your husband?

7 A Uh-huh.

8 Q Okay. Told him how much?

9 A Uh-huh, the check was for.

10 Q The check was. Okay. And what time around was
11 that really?

12 A You'll have to check my husband's phone. I don't
13 even know.

14 Q Okay. But it was after you had already took the
15 cheeseburger to --

16 A Oh, yeah, that was a quarter til 11. Because I
17 told Jeff when he was eating, I said, "Look, son, I have
18 got to get in here. I have got to get in here and
19 finish. I got to get Jesse's sandwich made and get it
20 to him before school starts."

21 And he says, "Well, he's down there." So I don't
22 know if they had words, I don't know.

23 Q So he said it like he might have been a little bit
24 upset at him?

25 A No. No. He just said, "He's down there." That's

1 just Jeff, you know.

2 Q Okay.

3 A You know. "He's down there."

4 Q Okay. Now, as far as -- is that the last you spoke
5 with either one of them?

6 A Yeah.

7 Q And Jesse went on to school?

8 A Jesse didn't go to school. He had home schooling
9 at the bar.

10 Q At the bar?

11 A In the house.

12 Q Oh, here.

13 A The kitchen bar. Here.

14 Q Who taught him?

15 A The computer thing.

16 Q Oh, so it's online?

17 A Yeah. Yeah, that.

18 Q Okay. So he does online schooling. And he starts
19 at 11 usually.

20 A 11:30 to 12:30.

21 Q Okay.

22 A 1:00 to 2:00. Then he has homework.

23 Q Okay. Now, how did you hear about all this out
24 here?

25 A How did I hear about what happened?

1 Q Yes, ma'am.

2 A Jesse called me, my phone. What did I tell you,
3 1:44? Something like that? And he was crying so hard.
4 I couldn't understand a word he was saying. And I knew
5 something was wrong. I slammed my phone down, and I
6 picked -- I was in the kitchen, Tommy was in the den.
7 I hollered, "Papa, get here. It's Jesse."

8 He come in, he said, "What's wrong?"

9 I said, "He's crying. I don't know."

10 We got here in Tommy's truck. We couldn't find
11 Jesse. We went all through the house. I went out on
12 the back decks. He wasn't there. He wasn't nowhere to
13 be found. I think Tommy might have come to the
14 building. I don't know. Neither one of us didn't even
15 notice that the black truck was gone.

16 Q Uh-huh.

17 A And finally Tommy got him on the phone. And he
18 said he was up at Townville school in his daddy's black
19 truck.

20 Q Okay. So your husband got him on the phone?

21 A Uh-huh. Oh, gosh.

22 Q What did he say about the school, anything? In the
23 truck?

24 A I don't know. I haven't talked to Jesse since I
25 brought the sandwich down here this morning.

1 Q No. I'm saying what did he tell your husband? He
2 said he was at Townville school in the black truck?

3 A Oh, I don't know. That's all I know.

4 Tommy says, "I'm going to the Townville school.
5 Jesse is up there in the black -- he drove the black
6 truck."

7 Like his mama said, you heard her, "We didn't even
8 know he could drive." But I knew that he knew the rules
9 of driving because he would tell me what I was doing
10 wrong.

11 Q He ever drive tractors and stuff?

12 A Occasionally, but not very often. He didn't care
13 nothing about the farming deal.

14 Q Now, when did y'all find Jeff?

15 A As soon as Jesse called me and I come down here.

16 Q Okay. But you didn't notice the truck was gone?

17 A Usually he kept it parked -- you see a white float
18 thing?

19 Q Uh-huh.

20 A He had it backed down in there. Because she
21 drives a big Ram truck and -- I don't know. I don't
22 know.

23 Q Any reason, as far as Jesse goes, has he ever said
24 anything, made any kind of threats?

25 A No. I'm sure the boy was told, "You better not

1 never tell nothing that went on down here," because
2 Jesse wouldn't answer no questions to me. None. Just
3 like, you know, just do that -- just do like that, keep
4 on going. Wouldn't tell me nothing.

5 Q I mean, how was the discipline situation? Was he
6 disciplined by both parents?

7 A Oh, I don't know.

8 Q Was he grounded or did they whip him?

9 A No, they hadn't, because DSS was called on them
10 first part of the year.

11 Q By who?

12 A They never found out. But I think it was Jesse.

13 Q So it was anonymous?

14 A Yeah.

15 Q What did the complaint say?

16 A I don't know, but they blamed me for doing it.

17 Q Really?

18 A Uh-huh. And I said, "Look, guys. I wouldn't even
19 call them on the worst parent I ever knew."

20 Q So what was the complaint?

21 A I don't know.

22 Q Just they were called. What about --

23 A They were called.

24 Q Okay. And they looked in -- did they close the
25 case out?

1 A I don't know. I don't have a clue, sir. I don't
2 know. That's the honest truth. I never asked no
3 questions because that wasn't none of my business. And,
4 huh-uh.

5 Q Why did they think it was you?

6 A Because they both drank in the evenings. Jesse
7 couldn't stand it.

8 Q Jesse tell you that he couldn't stand it or --

9 A No. When he was 8 years old, he come running up to
10 our house one day. He sit down in the kitchen just out
11 of breath.

12 I said, "Baby, what's wrong?"

13 He said, "Nanna, I wish my daddy didn't get drunk,
14 my daddy didn't drink so much."

15 And I had talked to Tiff and Jeff. I said, "Look,
16 you know, this boy is 13, 12-13 years old." And I said,
17 "All this drinking y'all do." I tried to witness to
18 them. She told me she just drank punch. I knew vodka
19 was in it. Jeff drank beer. He didn't mind telling
20 you, "Bring me a cold beer."

21 Q This was a constant thing, he had problems with
22 their drinking?

23 A Yeah.

24 Q And they drank every night, regardless?

25 A Yeah. And they made him -- he was having to go to

1 church to be with people. He didn't want to go to
2 church. Like you said, he would just distance himself
3 from everybody.

4 Q Did he play video games or anything?

5 A All the time.

6 Q What kind of games did he play?

7 A I don't know. He'd be in his room.

8 MR. GARRETT: I'm sitting right behind you.

9 A Oh, oh, oh. I'm sorry. I'm sorry. I'm sorry.

10 Q You want that door shut or you want it open? It's
11 up to you.

12 A I feel, I feel --

13 Q Will you open that door back?

14 MR. GARRETT: Sure.

15 A I will. I got it.

16 Q I mean, (Inaudible)

17 A I don't know. I don't have a clue. I don't know
18 what kind of --

19 Q But he spent a lot of time playing games --

20 A On his phone.

21 Q -- on his phone? Okay.

22 A On his phone.

23 Q Did he have any friends, close friends, that he
24 hung out with? Or any that he mentioned?

25 A He said he talked to his friends on his phone.

1 That's what his mama would say, "He's downstairs talking
2 to his friends on his phone."

3 Q Do you know who they were?

4 A No, sir. I know nothing about them.

5 Q So he didn't hang out with anyone?

6 A Sir, he didn't go anywhere.

7 Q Just here and church?

8 A I asked him yesterday morning when I come down
9 here. I says, "We're going to take Katie out for
10 dinner. We're going to go get a corn dog at Besto, or a
11 hot dog. Do you want to go?" And I'd ask him three or
12 fours weeks prior, every week.

13 "No. No."

14 Like yesterday he said, "Sure."

15 So I didn't know if he asked his daddy or not. I
16 didn't want to be going, you know, behind Jeff's back.
17 So I called, I texted Jeff, and he never answered my
18 texts back.

19 I said, "Did you ask your daddy if you could go?"
20 He never answered. Everything I asked him, he didn't
21 answer."

22 So I called Jeff myself. And I said, "Jeff, I
23 asked Jesse this morning if he wanted to go with us to
24 take Katie out tonight. And he said, 'Sure.'"

25 But then when Jeff asked him -- I'm sorry, getting

1 off base.

2 Q You're fine. You're fine.

3 A Jeff asked him, he says, "No, I believe I'll just
4 stay here tonight."

5 Q Hum.

6 A It was just Jesse when I saw him. He was just
7 Jesse.

8 Q Do you think he acted different around his parents
9 than he did you?

10 A He stayed downstairs all the time.

11 Q So he didn't interact with them much?

12 A I don't think so. I don't know.

13 Q In your opinion can you think of a reason why?

14 A Not really. I don't know..

15 Q Do you think it was the drinking?

16 A Could be. I don't know.

17 Q How often did he see you?

18 A Every day if he could. He'd ride his bicycle up to
19 the house.

20 Q Yeah.

21 A We'd take him up to the campground. We got a
22 camper up in Cherokee. He'd go up there. He loved to
23 camp. But it wasn't really a camp, because we got a
24 camper that's stationary up there. He loved it.

25 Q To your knowledge is there any firearms in that

1 house?

2 A Fire alarms?

3 Q Firearms? Weapons? Guns?

4 A His safe is full of them.

5 Q Jeff's safe? Does he keep it locked?

6 A I don't know, that's just it. Jeff said, "I don't
7 even know where he got the gun." I don't know where he
8 got it either. But he --

9 Q So normally all the guns are locked up?

10 A Yes, sir.

11 Q Nothing anywhere else?

12 A That's it.

13 MR. GARRETT: Do you know if it's a key lock or one
14 of them combination locks?

15 A It's one of them big safes.

16 Q With the little buttons on the front of it?

17 A I don't know. I have never seen it.

18 Q Okay.

19 A But Tiff says she doesn't even know the
20 combination.

21 Q Why does Jeff have so many guns. Does he collect
22 them? Or does he hunt?

23 A Well, he's down here, you know.

24 Q Just protection?

25 A He's got some of his daddy's down here. He's got

1 some of his brother's I think down here.

2 Q Yeah.

3 A You know, he was just -- Jeff was a loaner. Jeff
4 drank. Jeff never got on the road when he drank. I
5 admire him for that. He stayed in his own little --

6 Q So he just drank in his house and did his thing.

7 A There you go.

8 Q Work and drink?

9 A When they'd go to eat, it would be a drive-thru.
10 They'd bring their food home.

11 Q Didn't go to restaurants and eat or anything?

12 A No. We took Jesse to Longhorns on his birthday.
13 Jeff's excuse was, "I got to spray for these worms."
14 I don't know. He was just a loaner. Had a heart, had a
15 heart as big as --

16 Q Just cared to be by himself?

17 A Yeah.

18 Q Now, how's the relationship between him and his
19 wife?

20 A You'd have to ask her that.

21 Q In your opinion? What have you seen?

22 A Tell you the truth, I didn't see much of them.

23 Q So your only really interaction was with Jesse?

24 A Oh, yeah.

25 Q But he never mentioned anything about --

1 A Jesse didn't say nothing, never nothing. No, sir.

2 Q What did you and Jesse talk about?

3 A Oh, gosh, we'd talk about -- it was him and Tommy,
4 my husband.

5 Q Yeah.

6 A Oh, him and his Papa would just talk and talk and
7 talk about this and that. He -- all these planets and
8 all this and all that. And I'd heard them talking about
9 the bible. And my husband knows that bible. And he --
10 I didn't interfere with that. I don't know. You know,
11 I don't know.

12 Q So he carried on a conversation with you guys?

13 A Oh, yeah. Oh, yeah.

14 Q Not so much with his parents?

15 A I don't know. You'll have to ask them, sir.

16 I don't know, sir. I don't know how often he talked to
17 them or what. But I never did --

18 Q Has the conversation changed from when he had the
19 monitor on? When all that went down, has his demeanor
20 darkened or --

21 A I'll tell you this. That sergeant or whatever he
22 is up at Walhalla or Seneca, he ruined that child's
23 life.

24 Q With the police department or --

25 A No, with Jesse.

1 Q No, I'm saying who did he work for?

2 A I guess the sheriff's department in Oconee County.

3 Q Okay. Is he the one that charged him, I guess,
4 with the gun?

5 A Yes, and told Jeff all this, -- "All this is off
6 record. All this is off record." Turned right around
7 and slapped it right down on the solicitor's table and
8 all that kind of stuff. It's got on Jesse's paper that
9 Jeff's trying to get changed so they could put him in
10 private school at Oakwood, \$5,000 a year.

11 Q Goodness.

12 A To get him in a school to interact with kids.

13 Q Uh-huh.

14 A What else?

15 Q Well, I was asking have you noticed a change in his
16 talk, his demeanor? Does he talk about, you know --

17 A His voice is changing.

18 Q I'm sure about this time that's common. As far as
19 his verbiage, what he talked about?

20 A Oh, no, not to me. Because I'm telling you, you
21 know.

22 Q Change in interests as far as movies or anything
23 like that?

24 A No. Him and his Papa go -- Papa would take him to
25 the movie just to get him out from down here.

1 Q Yeah.

2 A It was just like he was confined to that room. I
3 called it -- what did I call it? What you call it?

4 MR. GARRETT: Solitary.

5 A Yeah, that's what I called it. I said he's in
6 solitary confinement. He loved to go to BattleCats.
7 He's got thousands of dollars worth of BattleCat guns.
8 They bought just about everything he wanted.

9 Q Where did he shoot at?

10 A There's a BattleCat place down there on some
11 street.

12 Q I know what that is. But I'm just saying, where
13 did he go play?

14 A There's a place in Anderson.

15 MR. GARRETT: It's call BattleCats.

16 Q Okay.

17 A But he hadn't been in a while, a long while. They
18 just shot -- our son was home this past weekend. I
19 think Greg had some big guns. They -- it sounded like
20 an arsenal down here. But that's what they did when
21 they were together. You know, they had their guns and
22 they shoot. Jesse shoot.

23 Q You said Greg, who's Greg?

24 A That's our oldest son. We just got the two boys.
25 They're six years apart. Not by our planning.

1 Q So he was older?

2 A By the Lord. Yeah.

3 Q Okay.

4 A You through now? Am I through?

5 Q If you want to be through, I can be through.

6 A I don't know nothing else to tell you, sir.

7 Q I know. And we're just talking. I know this is a
8 trying time, but if you want to stop talking, we'll
9 stop.

10 A I don't -- I'm not degrading my son.

11 Q Uh-huh.

12 A But he drank. He didn't get it from home because
13 we never drank.

14 Q Well, you know, opinions differ, but drinking don't
15 make you a bad person.

16 A No, it doesn't.

17 Q Not always.

18 A And Jeff Osborne was better --

19 Q Sounds like Jeff was a hard-working man.

20 A He was. And he was better at anything, anything --
21 he was an eagle eye. When his daddy goes to the
22 mountains I don't even have to go call Jeff and tell him
23 "Daddy is in the mountains."

24 He knows Daddy's truck is gone. And he might,
25 after a day, call and say, "Mama, is Daddy in the

1 mountains?" Yesterday he called me, "Mama, who's in that
2 red car over there?" How did even know that that red
3 car was over there.

4 Q He paid attention to you guys.

5 A He watched me.

6 Q He was looking out for you.

7 A Yes. That's what he did. That's what he did. He
8 looked after this family.

9 Q One last question that I have. Do you know if they
10 have video surveillance inside the house, or outside the
11 house, or up there at the road or anything like that?

12 A Not that I know about, sir.

13 Q No cameras that you know of?

14 A No, sir. Not that I know of. None.

15 Q Free to go?

16 A But before you go in that safe -- I'm just -- we
17 just wondered how Jesse got a gun and what kind of gun
18 it was he got.

19 Q Well, let me ask you that, since you brought that
20 up. Do you have a way of knowing or do you know the
21 password?

22 MR. GARRETT: Did Jeff keep one at his car or
23 truck?

24 A Tiffney told me one time. I don't even know.

25 MR. GARRETT: In a Lexus (inaudible) out here. I

1 know sometimes I keep one in my car.

2 A I don't know where he kept them. But Jeff was
3 smart with figures. Would have to be to run them six
4 houses now -- them four houses. He's smart. Jeff was
5 not a bad person. We all have bad habits.

6 Q Uh-huh. He was a very nice guy.

7 A Yeah, he was. Good looking. Oh, my gosh, good
8 looking. Jesse was taller than his daddy. And he is
9 shot in this ear. When that woman was telling me to get
10 him down in the floor to do CPR, I said, "Ma'am, I can't
11 pick him up."

12 And I put my arm under his head, like that, and
13 blood just poured in the floor. And then when I did,
14 his shirt -- it's got a little round hole in the back of
15 it. There's a bullet casing next to the sink. And
16 there's -- I guess it's the back end of it, I don't know
17 that. I got a .38 and never shot it. When Tommy's in
18 the mountains, I keep it by my bed. But it's laying
19 behind that front door. Will that tell you what kind of
20 gun it was?

21 MR. GARRETT: Going to step out and call somebody
22 at the church.

23 Q Yes, ma'am, it will. Do you know if all of your
24 husband's --

25 MR. GARRETT: Hello.

1 Q -- guns are accounted for?

2 MR. GARRETT: Hello.

3 A Tommy has a little bitty pistol he has in his
4 pocket and I got a .38.

5 Q That's the only two y'all have at your house?

6 A They're in a safe up there. It's locked.

7 Q Would Jesse have the combo or a key to the safe?

8 A It's just a simple safe. It's keyed.

9 Q Okay.

10 A If he had, I would have -- I think I would have
11 known it. Might have to check if Jeff's guns don't add
12 up.

13 Q My only thing, it would be kind of hard to add them
14 up since we don't know, you know, how many he had. You
15 said Tiff didn't know either.

16 A Well, now she may.

17 Q Okay.

18 A She said at one time she didn't even have a gun.

19 Q Now, where is your husband?

20 A He went to the school to get Jesse. See, he
21 finally got Jesse on the phone. And Jesse says, "I'm at
22 Townville school, Papa. I drove my daddy's truck."

23 And then I heard on the radio. That lady -- that
24 lady told me, that 9-1-1 lady, that there had been a
25 shooting at the school. And I went berserk because I

1 knew Tommy had gone, my husband had gone to the school
2 to get Jesse. Jesse has never driven before. Just like
3 his mama said.

4 Q What, other than the problems he had in Townville
5 when he was there, any other reason why you think he'd
6 go to the school?

7 A No. Unless somebody really did.

8 Q No sibling or other family members --

9 A No.

10 Q No relatives, teachers or anything there at the
11 school?

12 A I don't know.

13 Q And I'm just asking. And if you don't know, say
14 you don't know.

15 A I don't know.

16 Q Nobody as far as a principal that really got under
17 his skin or caused problems? Okay.

18 A I don't know. I just don't know.

19 Q I would give you one of my cards. But,
20 unfortunately, we took out of the office and left our
21 stuff.

22 A You just need to talk to Tiff.

23 Q Okay. And we will. We'll give her a minute to
24 gather her thoughts. And this is never an easy thing to
25 do.

1 A No. I don't even want -- if it was you I would be
2 bawling. If it was a cousin, I would be bawling. It's
3 my baby laying in there. He weighed 6 pounds and 8
4 ounces and he was 19 1/2 inches long. He was born at
5 6:40 a.m. July 8th, 1943. That's my baby. My oldest
6 son is 52 -- 53. He was 53 the 24th, last weekend,
7 last Saturday.

8 My mama and daddy had us seven years apart and
9 twelve years apart. My baby sister -- there was three
10 girls. And I said I'd never have my kids that way. I
11 was going to have mine like stair steps; but God had a
12 different plan.

13 Q I need to step out for one second. Okay?

14 A Are we through?

15 Q Hang on one second, okay? Then we'll be done here
16 in a second. All right.

17 A He's not trying be to be ugly to me, is he? Asking
18 all those questions?

19 MR. GARRETT: No. We have to ask. That's the
20 reason we --

21 A I don't know these answers between Jeff and Tiff
22 and Jesse. I don't.

23 MR. GARRETT: I know.

24 A They lived in here. They had a quiet life.

25 MR. GARRETT: I know. We have to ask. It's not --

1 we don't try to be mean to anybody.

2 A I know. I know. I just feel real scattered or
3 nervous. Going to say, "Well, Patsy said this, Patsy
4 said that."

5 MR. GARRETT: What we talk about, it may have to
6 come out one day; but that's going to be a long time
7 from now.

8 A Where will they take Jesse? Where are they taking
9 him?

10 MR. GARRETT: He's sitting at the sheriff's office
11 right now.

12 A Is Tommy with him?

13 MR. GARRETT: No, ma'am. He would be -- he's not
14 by himself. He's at the sheriff's office with a deputy.

15 A Tommy is?

16 MR. GARRETT: No.

17 A Jesse is?

18 MR. GARRETT: Jesse is.

19 A Where is Tommy?

20 MR. GARRETT: Tommy probably can't get back down
21 the road.

22 A He needs to be down here with me.

23 MR. GARRETT: We'll see what we can do here in a
24 second. Okay. I'll call up there. A lot of people are
25 up there and see what I can do.

1 BY MR. FINLEY:

2 Q Who are you needing?

3 A My husband.

4 Q Okay. We'll get him down here. Let me explain to
5 you the next part of this process. And I don't want you
6 to any way think that we're trying to accuse you of
7 anything. But this is just something that we do
8 standard procedure. Okay. What we're going to need to
9 do, is one of these other investigators is going to do
10 something that we call a GSR kit.

11 A What's that?

12 Q And I'm going to explain. It's essentially -- it's
13 a GSR, it's gunshot residue. Any time we run into these
14 situations --

15 A Do it.

16 Q We're going to.

17 A Here right now.

18 Q We're going to.

19 A No. I'm fine. I just want to hurry up and get
20 this over with.

21 Q Okay. Just -- we'll explain it to you. It will
22 just take a few minutes. All it is, is a dab, a little
23 small, little piece of plastic with fabric on it, on
24 your skin. And then that's --

25 A On my fingers?

1 Q On your hands.

2 A I got blood under them.

3 Q Well, that's fine.

4 A My baby's blood.

5 Q This is your standard procedure. We treat all the
6 scenes the same.

7 MALE VOICE: They got this as protocol they got to
8 do. Okay?

9 MR. GARRETT: Is Craig coming?

10 Q Danny is checking on him. So we'll get that done
11 right away.

12 A Pray nothing ever happens to you like this. You
13 guys, this is awful.

14 Q Yes, ma'am. It is.

15 A We're so loving. We are just so loving. And two
16 boys, Jesse -- even Ryan. I haven't seen Ryan in over a
17 year. He hasn't come home from school.

18 Q Who's Ryan?

19 A That's her son they had when Jeff and her married.
20 He's the one that's in Austin, Texas.

21 Q Okay. How old is he?

22 MR. GARRETT: Jeff's stepson.

23 A Um, I think he was 19.

24 Q Now, is that the only two children?

25 A Yeah -- no. No. Jeff has a daughter, Mary Lee.

1 Q So a son and daughter. That's Tiffney's stepson
2 and stepdaughter?

3 MR. GARRETT: Now, is Jesse their child together?

4 A Yeah. He had a daughter.

5 MR. GARRETT: Okay.

6 A She had a son.

7 Q Okay.

8 A And they had --

9 MR. GARRETT: Jesse together. Gotcha.

10 Q I'm with you now.

11 A But Mary Lee needs to be called.

12 Q Where is she?

13 A She doesn't have anything to do with us at all.

14 Q Who is Mary Lee?

15 A That's Jeff's daughter.

16 Q Where's she at?

17 A Anderson college I think. But when Nancy died, she
18 called me after Nancy died and she said, "Why didn't you
19 call me when Nancy died?"

20 Q What's her whole name? Mary Lee Osborne?

21 A Uh-huh. "Why didn't you call me after Nancy died?"
22 And, "Why didn't you call me?"

23 And I said, "Mary Lee," I said, my sister was sick
24 for four days and I devoted all my time to her. I
25 didn't even think about calling."

1 "Well, I loved her too." And then she called me
2 back and just left me a terrible message.

3 Q Top on there.

4 A Yeah, do me. What you going to do to me?

5 MALE VOICE: How you doing, ma'am? That's a stupid
6 question.

7 A I know.

8 MALE VOICE: Stupid, stupid, stupid question.

9 A At the funeral home I got the same. When I go
10 through the line, they'll say, "Well, how you doing?"

11 MALE VOICE: Yeah.

12 A You want me to slap you?

13 MALE VOICE: Nobody ever knows what to say.

14 Q I do the same thing. I been doing this for years.
15 (inaudible) I say, "You okay?"

16 They say, "What do you think?"

17 I understand. It's a stupid question. But we just
18 do it.

19 A Like poor old Ted.

20 MALE VOICE: As best you can be. And it's an
21 awkward situation for everyone. It's tragic. I know
22 you didn't do anything. But it's part of the process.

23 A I tried. I tried.

24 MALE VOICE: He's going to swab your hands. And
25 it's just for gunshot stuff. Okay?

1 A I tried.

2 MALE VOICE: I know you did. But let him --

3 A There's a casing -- have you been in the house?

4 Anybody been in the house?

5 MALE VOICE: Not yet. We're waiting on the work to
6 go through --

7 A I had to have some water.

8 Q You want some more?

9 A No. I had a cup, it was sitting on that -- it
10 might be on the tailgate of Jeff's truck.

11 MALE VOICE: Yeah, I saw it up there earlier.

12 A And I don't ever drink water, but my throat got so
13 dry. So I went in, and I saw that plastic cup sitting
14 there. And that's when I turned on the water and I got
15 it. And I looked to the left of me. And there was a
16 long bullet, like that. And when I went to come out the
17 front door to watch for that ambulance, that lady would
18 never get the ambulance down here to help me. There's a
19 short end, I think of a bullet, laying behind that front
20 door.

21 MALE VOICE: Okay. We're going to go ahead and
22 finish here shortly.

23 A I don't know. Oh, golly. I don't care. I don't
24 care. I don't care. Just take care of my Jesse. Take
25 care of my Jesse. Oh, my gosh. I can't imagine -- I

1 can't imagine my husband doing that. I can't imagine
2 Jeff doing that to Jesse, much less a 14 year old who
3 had everything.

4 But that -- that officer up there, he ruined his
5 life because he plainly told Jeff that all this is off
6 the record. And as soon as we went to DJJ Court, it was
7 on there.

8 MR. GARRETT: Ma'am, when he turns 17 it goes away.
9 That's what he's talking about. Everything that happens
10 before 17 --

11 A What about this? This ain't going to go away.
12 This ain't going to go away.

13 MALE VOICE: Miss Osborne --

14 A Yes.

15 MALE VOICE: -- I'm going to use your right hand
16 real quick. Okay?

17 A Okay. Preacher Davis okay?

18 MALE VOICE: He's okay. They do -- this is routine
19 wherever they go. Anybody who's been in the house,
20 somebody's been shot, we do a hand swab, GSR.

21 A Oh, I tried my best to get him in the floor. He
22 was so heavy. But his eyes was wide open. When I
23 pulled his head over, blood just poured out of that ear.
24 Oh, God.

25 MALE VOICE: Let me see your left hand.

1 A My tears won't even tear. And that's okay. That's
2 good. That's good. Oh, Jeff.

3 MALE VOICE: You right handed or left handed?

4 A Right.

5 MALE VOICE: Right handed.

6 Q Her husband needs to get here. His name is Tommy.

7 A He's in a blue Dakota, 2001 Dakota truck.

8 Q He was here, over here together. They got Jesse on
9 the phone and he said, "I'm at Townville school." Tommy
10 left to go to the school. My understanding I think he
11 was on his way back, but he would have got held up at
12 the road up there. So might need to talk to him too.

13 Q Do you know his phone number off the top of your
14 head?

15 A [REDACTED]. This is me.

16 Q [REDACTED] --

17 A I'm Patsy.

18 MALE VOICE: I know. I'm talking about the other
19 lady.

20 A That's his wife, Tiffney. She needs all the
21 time --

22 Q Yeah, we'll go ahead and talk to him. If he's up
23 there.

24 MALE VOICE: It's a blue truck?

25 Q Blue Dodge Dakota.

1 MALE VOICE: You got some waters?

2 Q They were on the back of the truck, car. A case of
3 waters.

4 A We were, I reckon, just --

5 MALE VOICE: You're good. You don't have to hold
6 them out.

7 A I don't have to do it no more?

8 MR. GARRETT: No, ma'am. No, ma'am. That's all it
9 was.

10 A Kind of freak them out, don't they. Oh, my son,
11 Jeff. Oh, my son.

12 Q Miss Osborne, or Patsy, we're finished unless
13 there's anything else you want to talk about.

14 A No, but listen. Anything I said about them, I just
15 told you the truth, but don't say I said anything.

16 Q I'm not out to point fingers and tell people things
17 that other people tell me.

18 A Or in court. Poor Jesse. Poor Jesse. Tommy I
19 know --

20 Q They're going to do what's best. That's what they
21 do.

22 A Well, you must be okay, Mrs. Carolyn puts up with
23 you.

24 Q Your husband, Tommy, we're going to let him come
25 back down here. And I need to speak with him.

1 A Is he up there?

2 Q I don't know if he's actually up there. Who's up
3 there?

4 MALE VOICE: Who are you looking for?

5 A Tommy Osborne.

6 MALE VOICE: They're going to check to see if he's
7 up there now.

8 A Where is she? Tiffney?

9 Q She's over there.

10 A Sir? No, he can't come down here. Just good
11 friends. No.

12 MALE VOICE: Apparently, said your oldest son's in
13 Maryland? They've got a hold of him. (Inaudible) down
14 here and check on you. But if you don't want him down
15 here, we'll take care of it.

16 A If I let him down --

17 Q Tell him she's fine.

18 A Yeah, tell him I'm okay. Now, I appreciate him
19 checking on me. Where's Jeremy now?

20 Q I think he went up the hill to find Tommy.

21 Wednesday September 28, 4:24 p.m.

22 * * * *END OF TRANSCRIPT OF RECORDED INTERVIEW * * * * *

23

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1 CERTIFICATE OF REPORTER
23 STATE OF SOUTH CAROLINA)
4 COUNTY OF ANDERSON)
5
67 I, Donna M. Brady, Registered Professional Reporter,
8 do hereby certify that the foregoing is a true and
9 accurate Transcript of Record, transcribed to the best of
10 my ability from digital recordings provided by the
11 Solicitor's Office for Anderson County, South Carolina.12 I do further certify that I am neither of kin,
13 counsel nor interest to any party hereto.
14
1516 February 4, 2018
1718 Donna M. Brady, RPR
19 Donna M. Brady, RPR
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25

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE FAMILY COURT

THE STATE OF SOUTH CAROLINA,
 PLAINTIFF,
 vs.

TRANSCRIPT OF INTERVIEW

JESSE D. OSBORNE,
 DEFENDANT.

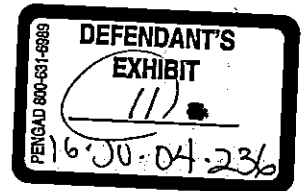
SEPTEMBER 28, 2016
 ANDERSON, SOUTH CAROLINA

INTERVIEW OF:

T I F F N E Y R E N E O S B O R N E

I N T E R V I E W E R:

INVESTIGATOR JEFF FINLEY
 ANDERSON COUNTY SHERIFF'S OFFICE



September 28, 2016

(Investigator Jeff Finley asked questions and
Tiffney Osborne answered the questions as follows:)

BY INVESTIGATOR FINLEY:

A Y'all I heard the news about the shooting in
Townville on the media. They posted it on Facebook,
"pray for all these" -- these are our neighbors. And he
was my child.

Q Well, nobody ever wants to put --

A I never knew he could drive.

Q Well, first off, let me make sure I get some
information from you. If at any point you need anything
or you need to stop or whatnot --

A I'm just hurting real bad. If I grab it or have to
stop -- just let me breathe for a minute.

Q Well, if you need medical attention or EMS, we got
them here so --

A Yeah. She's over there, over there.

Q Okay. All right. All right. Just to be sure
here, your first name is Tiffney?

A T-I-F-F-N-E-Y.

Q E-N-E?

A No, T-I-F-F-N-E-Y.

Q N-E-Y. Okay. And middle name Rene?

A Uh-huh.