



South Carolina
Department of
Mental Health

DMH Mailing Address -

Child & Adolescent Forensic Evaluations
7901 Farrow Road
Building 6
Columbia, SC 29203

May 24, 2010

Daniel Shipp
Assistant Solicitor
PO Box 868
Dillon, SC 29536

Re: The State of South Carolina vs. Inman, Damian M.
DMH Case #: 1009-6562
Dillon County, Family Court

Dear Assistant Solicitor Shipp:

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

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

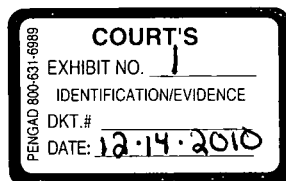
This 5 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

5/24/10
Date

Jeffrey S. Musick Ph.D. ABPP
Jeffrey Musick, Ph.D., ABPP
Chief Psychologist
Forensic Evaluation Services
Department of Mental Health

cc: Rosalind Sellers, Attorney at Law, PO Box 29, Dillon, SC 29536

JM/tl



JEM

SCDMH South Carolina Department of Mental Health



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Department of
Mental Health

DMH Mailing Address -

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HIPAA (PHI) FAX COVERSHEET

To: Daniel Shipp, Esq

From: Tamika Lee

Date: 05/24/10

TELEPHONE

FAX

(843) 774-4448

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SUBJECT:

CST Report on D. Inman

MESSAGE:

Please see attached. Thank you.

cc: Rosalind Sellers, Esq., Fax: (866) 754-0874

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EVALUATION SERVICE OF FORENSIC DIVISION

DATE OF EVALUATION: 5/18/10

DATE OF REPORT: 5/21/10

PRESIDING EXAMINER: Geoffrey R. McKee, PhD, ABPP (Forensic)

SECOND EXAMINER: Tia Taylor, LMSW

DIAGNOSES: **AXIS I:** Depressive Disorder, NOS by history
 Disruptive Behavior Disorder, NOS by history
 AXIS II: No diagnosis
 AXIS III: No Diagnosis

OPINION OF COMPETENCY TO STAND TRIAL: Yes

DISPOSITION: Mr. Inman was returned to the Dillon County Detention Center after the evaluation.

IDENTIFYING INFORMATION: Mr. Inman is a 17-year-old African-American male seen pursuant to a 4/28/10 Dillon County Family Court order by Hon. Edward B. Cottingham which directed the SC Department of Mental Health (SCDMH) to complete an evaluation of Mr. Inman's competency to stand trial. The court order specified that he is presently charged with Murder, Possession of a Weapon During a Violent Crime (2 counts), Kidnapping, Burglary 1st Degree, Armed Robbery, Grand Larceny, and Criminal Conspiracy all allegedly occurring on 8/17/09 and 8/18/09. The competency evaluation was requested by Mr. Inman's attorney, Rosalind Sellers, because 'Mr. Inman is charged with several severe criminal charges. I have met with my client on several occasions at length to discuss his pending criminal charges. Each time, Mr. Inman has difficulty grasping the complexity of the issues before him. He asks questions repeatedly and can not comprehend the information that is provided. He fails to realize the severity of the charges and at this time is not able to assist me in preparing a defense. He appears to suffer from emotional and mental issues and has trust issues. Due to the nature of these charges, his age and history of mental illness, the defense has not been able to properly prepare an adequate defense. Mr. Inman has had several years of documented mental health issues and learning disabilities. It is well notated that several members in his family also suffer from severe mental health illness. This evaluation is needed to determine if Mr. Inman is competent and whether he will be able to aid his attorney in a defense.'

STATEMENT OF NONCONFIDENTIALITY: At the evaluation's onset, Mr. Inman (Damian) was notified of the nature, purpose, and lack of confidentiality for the interview. He was able to read the document quickly without error and was able to answer questions about the purposes of the evaluation; he agreed to proceed with the assessment.

SOURCES OF INFORMATION:

1. Dillon County Court of General Sessions Order of 4/28/10 by Hon. Edward B. Cottingham
2. Dillon County Indictments for Murder, Kidnapping, Burglary 1st Degree, Armed Robbery, Grand Larceny, and Criminal Conspiracy by Solicitor William B. Rogers, Jr. *JSW*

3. Dillon County Sheriff's Office Incident Report 8/18/09 by Investigator Allan Rogers
4. Dillon County Police Department Miranda Warnings Form and Voluntary Statement of Damian Inman 8/19/09
5. Dillon County Detention Center Information Sheet 8/19/09
6. National Crime Information Center 'Rap Sheet' 9/10/09 re: Damian Inman
7. Dillon High School transcript, attendance, and discipline report 8/30/07-5/22/08
8. Dillon County School District #2 Academic Record & Academic Assistance Plan for grades 1,2,3,4,5, and 7
9. SDCMH Tri-County Mental Health Records 7/20/05-12/14/05

PERTINENT STATEMENTS:

The Tri-County MHC 12/14/05 Discharge Summary for services rendered between 7/20/05 and 12/14/05 indicated that Damian had been diagnosed with Depressive Disorder, NOS and Disruptive Behavior Disorder, NOS and had been prescribed Prozac and Vistaril. The Discharge Summary by Teresa Curry, MA on 12/14/05 indicated that Damian received an assessment, medication management services, and individual therapy sessions. Ms. Curry's Summary indicated that the 'client is doing better at last visit. Has missed several appointments. No commitment to therapy.'

Dillon High School records for the 2008-2009 school year indicated that Damian's class rank was 297 of 300 but also noted that he had only attended 118 of 120 school days with over 200 absences from class periods. Dillon County School District #2 elementary school records indicated that he had been enrolled in an Academic Assistance Plan in grades 1, 2, 3, 4, 5, and 7.

Damian was able to disclose his personal/family, legal, alcohol/drug, medical/mental health, and educational history during the evaluation. He stated that he was born in "Dillon, South Carolina" on "August 19, 1992". He stated that his father works as a "mechanic" and that his mother works "at the plant, the chicken plant." He stated that his parents have been together during his lifetime and that he has always lived with them. When asked to describe his childhood so far, he replied "I was the baby boy; I was spoiled by my Mom and Daddy. They bought me clothes, videogames, and a go-kart." He stated that he has one brother, Lorenzo "and two on my Daddy's side older than Lorenzo." He stated that he has two sisters "two on my mother's side and two on my Daddy's side." He stated that his father and mother do not drink alcohol and he stated that he has never seen his father or mother intoxicated. He stated that he has not yet tasted alcohol: "I do not drink." He stated that he has not had offers to drink alcohol. When asked what he would say to an offer of alcohol, he smiled and replied that he would tell the person(s) "no, go on with it (alcohol)." He stated that he has never experimented with marijuana but has had offers to do so. When asked what he would say to an offer of marijuana he replied "I'd say I ain't with that (marijuana)." He denied ever experimenting with cocaine, inhalants, intravenous drugs, methamphetamines ("no, that be crazy") or pills ("like Percocets or Lortabs? No"). He described his medical health currently as "good." He denied ever having surgeries, a closed head injury, or a seizure which he defined as "you start shaking. I seen it at the jailhouse. They took him up in front and gave him medicine." He stated that he has "been in car crashes but never been hurt. Thank God for that." He stated that he has been medically hospitalized only once: "when I was young, I was 11, I got shot with a pellet gun. I was hit in the side and I could have died, but I had a coat on." When asked who had shot him he replied "a homeboy." Damian denied that he has ever been in a gang and has never been asked to join a gang. When asked if he had ever been psychiatrically hospitalized, he replied "when I was little, I think when I was maybe 9, I went for an evaluation. It was near Zaxby's, I think in Florence." He stated that he is not currently taking any medication. When asked if he has ever been prescribed medicine ^{JEM} he replied "when I was little to calm me down. I had schizophrenia when I was little, but I grew out of it."

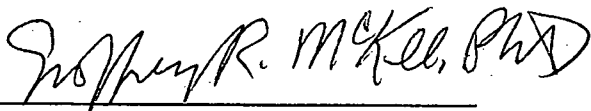
He denied ever having prior or current thoughts of suicide and denied current homicidal ideation. He stated that he had been in the 11th grade at Dillon High School. He denied that he had ever been in special education classes. When asked if he had ever repeated any grades, he replied "I think the 6th grade; I flunked. I was not doing the work right." He stated that he has been suspended from school for fighting. When asked to define the differences between suspension and being expelled, he replied "if you're suspended you can come back in a few days. If you're expelled, you have to go to an alternative school." When asked how he would have been described by his teachers prior to his arrest, he replied "as a nice-going person." When asked how students would have described him prior to his arrest, he replied "as a jokey, funny guy." When asked what he hoped to do after he finishes high school, he replied "to get a job at Purdue (chicken processing plant) after I get my diploma or a GED." When asked if he had ever been to Family Court before, he replied "I think one or two times for missing school. I was put on probation when I was about 16, but after I was 17 my record is clean." He stated that he has never been to DJJ which he defined as "jail for juveniles."

MENTAL STATUS EXAM: Damian was cooperative with the evaluation and was alert, oriented, and understandable during the evaluation. He was dressed and groomed appropriately. He was oriented to year, month, and day of the week; he was able to cite the name of the current U.S. President and his immediate predecessor "George Bush." He did maintain good eye contact throughout the interview and was not excessively restless or distracted. He did not display facial or motor tics. His answers were softly spoken but relevant to the questions asked. He denied ever experiencing auditory or visual hallucinations. There was no evidence of a psychotic process in the form of delusions, disorganized speech, or bizarre behavior or expressions. His intelligence likely falls in the Borderline Intellectual Functioning range on the basis of his expressive and receptive vocabulary, abstract reasoning, and academic progress. His memory for remote, recent, and immediate events was intact: he was able to register four words then recall all 4 words quickly after a few minutes of distracting tasks. His affect was somewhat anxious but appropriate and full in range. He was often able to smile and appreciate humor. He denied present suicidal thoughts or plans and denied current homicidal ideas.

OPINION REGARDING COMPETENCY TO STAND TRIAL: Damian was able to cite and define each of the specific names of the charges against him. He was aware of the seriousness of his current legal situation: "yes, but I'm innocent until proven guilty." Regarding some of the charges, he replied "I ain't got the gun so how can I be charged with Armed Robbery? I ain't got the car so how can I be charged with it. There are no fingerprints on the gun." He stated that if he was found guilty "I could get 25 years." When asked what could be the worst penalty, he replied "death penalty." He was able to give examples of evidence in a crime: "like DNA, fingerprints, gunpowder here (pointing to the area on his hand between his thumb and first finger) that you shot a gun. This is a 'he said-she said'--my word against his word." He described that the role of his attorney as "to work with you, to help me get through this"; the solicitor "to find you guilty"; the judge "to sentence you"; witness "to testify where they were on the scene", grand jury "to see what evidence is against you", and jury "to see if you're guilty." When asked what he could do if a witness was lying about him during the witness's testimony, he replied "he'd (witness) be charged with giving false information. The attorney's job is to catch him in lies." He was aware of the need to control his behavior in court and indicated that the judge would not approve of disruptive behavior during the trial: "I'd not do that, be locked up." He knew the meanings of the terms of guilty ("you did it") and not guilty ("innocent. You ain't did it"). He was aware that if he were to testify, the purpose of his attorney's questions "is to prove the facts, the truth. The attorney hopes the judge says I'm innocent." He was aware that if he were to testify, the purpose of the solicitor's questions was to prove "if I'm lying." He was uncertain about the process of plea bargaining but indicated that he could ask his attorney for more information. He has a

self-protective interest in the outcome of his case: "that it will be alright and I can get a job and have a family." When asked what sentence he would choose between five years in prison or five years of probation in a hypothetical case of plea bargaining, he replied "I'd take probation, I don't want to go 'up the road' (which he'd previously defined as going to prison), but I might take prison and do 85% and be out in like 3 1/2 or 4 years." When asked if he had told his attorney everything he knew about the alleged incidents, he replied "no, I don't trust her because she works for the state; she's fired. She tried to trap me because she is working for the state. I don't have a lawyer." When asked why it was a good idea to tell his lawyer everything he knew about his case he replied "not in Dillon County, but (anywhere else) it might be good." When asked what could happen if he did not tell his lawyer everything about his case he replied "you could be guilty." Although Mr. Inman stated that he did not trust any county public defenders, he stated that he could or would trust "a paid lawyer; they not working for the state."

On the basis of the review of his records and his current interview presentation, it is our opinion that Mr. Inman is presently competent to stand trial; that is, he is able to understand the legal proceedings against him and to assist his attorney with his defense against the charges he faces.



Geoffrey R. McKee, PhD, ABPP (Forensic)
Chief Psychologist, SCDMH Forensic Evaluation Services

