

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )

IN THE PROBATE COURT  
CASE NO.: 2014-MH-32-00360

SUZANNE MAYES, ASST SOLICITOR )  
 )  
Petitioner, )  
 )  
In the Matter of: )  
 )  
WILLIAM TONY WATTS, II )

**RECEIVED**

JAN 05 2015

**SC Court of Appeals**

**ORDER FOR JUDICIAL ADMISSION**

This matter comes before the Probate Court upon the filing of a Petition for Judicial Admission on May 16, 2014 by Suzanne Mayes, Assistant Solicitor, pursuant to S.C. Code §44-23-430(3). On May 30, 2014 the Probate Court ordered the appointment of Samy Tawfik, M.D. and John Safko, Jr., M.Ed. as designated examiners and Bothwell Graham, Esq. as counsel and guardian ad litem for Mr. Watts. Mr. Watts was examined on June 18, 2014 and the reports were submitted to the court indicating that Mr. Watts was mentally ill and recommending involuntary out-patient treatment. On June 25, 2014, the Petitioner requested a continuance of the hearing scheduled for June 26, 2014 in order to consult with mental health professionals regarding the out-patient recommendation of the designated examiners. The hearing was rescheduled and heard on October 16, 2014.

Present at the hearing were: William Tony Watts, II; Bothwell Graham, Attorney and guardian ad litem for Mr. Watts; Suzanne Hayes, Assistant Solicitor; Corporal Roger Singleton, South Congaree Police Department; Samantha Horsley, Ph.D., Department of Mental Health; John Safko, Jr., M.Ed., Lexington County Mental Health Department; Mr. and Mrs. Tommy Smoak, mother and step-father of Mr. Watts.

**A TRUE COPY:  
ATTEST:**

*Peggy Backman*  
\_\_\_\_\_  
FOR Probate Judge, Lexington County, S. C.


At the commencement of the hearing Mr. Watts requested to proceed on his own behalf which was allowed after instruction to Mr. Graham that he was to continue in his role as guardian ad litem and to give legal advice as appropriate. It should be noted that mental health hearings are not a determination of guilt or innocence. These hearings are intended to determine the best therapeutic treatment for the patient, and ideally in an informal setting pursuant to S.C. Code §44-17-570. Because the patient had the ability to speak for a number of hours in this manner and setting I was able to observe his demeanor and apparent delusional thinking that was not presented during the judicial examinations with the designated examiners.

Mr. Graham was very active as guardian ad litem by his questioning of witnesses and closing comments to the Court. Mr. Graham often acted beyond the scope of a guardian ad litem and for all practical purposes acted as additional counsel for Mr. Watts.

The Petitioner called Samantha Horsley, Ph.D from the Department of Mental Health to testify regarding Mr. Watts' mental health. Dr. Horsley was qualified as an expert witness without objection. Dr. Horsley testified that Mr. Watts was diagnosed with Schizophrenia Paranoid Type based upon his delusional and persecutory thinking. She based her testimony upon a personal assessment with Mr. Watts prior to the Blair hearing on May 5, 2014, review of prior evaluations, correspondence written by Mr. Watts, background information obtained from Mr. Watts' brother and detention center records.

On cross examination Mr. Watts' primary questions to Dr. Horsley were related to how this diagnosis could be made without knowing whether or not the drones were real. Dr. Horsley testified that there was no medical evidence to support his claims of sickness from the radiation and there was no valid reason given as to why law enforcement would be targeting him. These were also factors that she said supported his diagnosis of Schizophrenia Paranoid Type.

Mr. Watts objected to Dr. Horsley's testimony as hearsay regarding comments from his brother and any testimony regarding prior evaluations not performed by her. I allowed the testimony and find that this testimony is allowed under various S.C. Rules of Evidence including those which pertain specifically to expert testimony and exceptions to hearsay.

The Petitioner also called Corporal Roger Singleton of the South Congaree Police Department. Corporal Singleton's testimony was that Mr. Watts shot at him as he got out of his patrol car and fought with the arresting officers. He further testified that Mr. Watts was living alone in a mobile home without electricity and that he slept under an overturned cast iron bathtub on cement blocks in the kitchen in order to block the radiation from the x-rays emitting from the FBI drone planes. He also testified that Mr. Watts stated that he had been shooting the night before because he was tired of drones flying over and shooting him with radiation. The officer also saw notebooks in the residence that referenced the radiation sickness from the FBI drones and that the postman would spy on him when bringing the mail. 

The Court called John Safko, Jr., M. Ed. of the Lexington Mental Health Department to report his findings and recommendations. Mr. Safko's report was that at the time of the exam Mr. Watts did not verbally express any delusional thinking and that there were no clear overt signs of active psychosis. He also indicated that the examiners had copies of the prior examinations and had checked with the detention center and determined that he was taking his medications and doing well. This was the basis for the report of mentally ill with a recommendation for involuntary out-patient treatment. In addition, the Probate Court considered the report submitted by Dr. Tawfik which also found Mr. Watts to be mentally ill with a recommendation for involuntary out-patient treatment.

Mr. Graham called Mr. Watts' step-father, Tommy Smoak, who testified that he did not believe that Mr. Watts had a mental illness. Mr. Smoak also testified that he has seen drones at the lake. Although he testified that he did not believe that Mr. Watts had a mental illness he did reference that there were past circumstances that may have led to Mr. Watts' "mental issues." Upon cross examination he testified that he did not know that Mr. Watts was unemployed, living without electricity or that he was sleeping under an overturned bathtub.

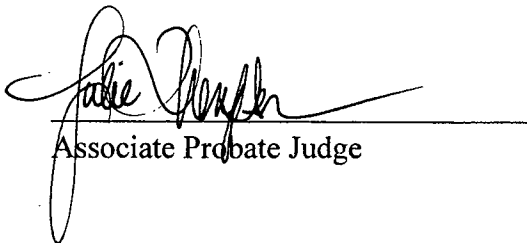
Mr. Watts was active as his own advocate as evidenced by his various objections and his request for an independent examiner which was subsequently ordered on November 12, 2014. The examination was scheduled for November 21, 2014, with Susan Harris, Ed. S. an examiner with the Lexington County Mental Health Department. However, on the day of the examination Mr. Watts refused to attend. The Lexington County Detention Center reported that Mr. Watts refused to attend because he wanted a non-state examiner. However, pursuant to S.C. Code §44-22-10(6) an "independent examination" means an examination of a patient by a qualified employee of the department" and "department" is defined under §44-22-10 (4) to "mean the State Department of Mental Health." I find that Susan Harris, Ed. S. is a qualified employee of the department for purposes of conducting an evaluation as an examiner.

Based upon the cumulative evidence consisting of the testimony, reports and Mr. Watts' own questioning of witnesses and closing statement it is clear and convincing that Mr. Watts is mentally ill and continues to suffer from delusional thinking that law enforcement is persecuting him with drones and x-rays. These delusions were not evident when the examiners from Lexington County Mental Health Department examined him and I feel that these delusions are an important factor for consideration when determining in-patient or out-patient treatment. Due to this concern I am unable to abide by their recommendation for involuntary out-patient treatment

only. Notwithstanding the patient's refusal to attend the independent evaluation, I find that Mr. Watts is mentally ill and that the Department of Mental Health shall place him in an involuntary in-patient hospitalization program subject to transfer pursuant to S.C. Code §44-22-200 if the head of the treatment facility so determines. However, prior to discharge if the criminal charges are still pending the Court of General Sessions for Lexington County shall be notified and a hearing shall be scheduled pursuant to S.C. Code §44-23-460. In addition, upon discharge Mr. Watts is ordered to undergo involuntary out-patient treatment for twelve months.

The notice required by §23-31-1040 of the South Carolina Code of Laws, a copy of which is attached and made a part of this Order, has been provided to the person or his representative.

IT IS SO ORDERED.

  
Associate Probate Judge

December 10, 2014

**PURSUANT TO S. C. CODE ANN. § 23-31-1040(D), YOU ARE HEREBY NOTIFIED THAT IT IS UNLAWFUL AND A FELONY UNDER STATE AND FEDERAL LAW FOR YOU TO SHIP, TRANSPORT, POSSESS, OR RECEIVE A FIREARM OR AMMUNITION.**

Section 23-31-1040. (A) It is unlawful for a person who has been adjudicated as a mental defective or who has been committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition.

(B) A person who violates this section is guilty of a felony, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(C) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use the firearm or ammunition within the agency, transfer the firearm or ammunition to another law enforcement agency for the lawful use of that agency, trade the firearm or ammunition with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy the firearm or ammunition. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which the firearm or ammunition may be involved are finally determined. If SLED seized the firearm or ammunition, SLED may keep the firearm or ammunition for use by SLED's forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies pursuant to this section. A law enforcement agency that receives a firearm or ammunition pursuant to this subsection may administratively release the firearm or ammunition to an innocent owner. If possession of the firearm or ammunition is necessary for legal proceedings, the firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally concluded. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this subsection which resulted in the firearm's or ammunition's confiscation. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this subsection.

(D) At the time the person is adjudicated as a mental defective or is committed to a mental institution, the court shall provide to the person or the person's representative, as appropriate, a written form that conspicuously informs the person or the person's representative, as appropriate, of the provisions of this section.

The State

v.

William T. Watts II

Appellate Case #: 2014-002699

I, William T. Watts II, am sending a copy of the "Order for Judicial Admission" to correct the deficiency of the notice of appeal. I further certify that I placed 1 copy of the "Order for Judicial Admission" in the U.S. mail, first class, postage prepaid, addressed to:

Suzanne Mayes

SC ATTORNEY GENERAL'S OFFICE

PO Box 11549

Columbia SC 29211-1549

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**SC Court of Appeals**

South Carolina Court of Appeals

Clark of Court

PO Box 11629

Columbia, SC 29211

This day December 30, 2014.

William T. Watts II

William T. Watts II

LCDC 2804

PO Box 2019

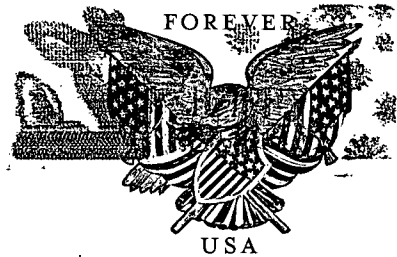
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