

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SUMTER COUNTY

William Jeffrey Young, Circuit Court Judge

THE STATE,

V.

ALEXANDER B. WILSON,

ORIGINAL
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SC Court of Appeals
RESPONDENT,

APPELLANT

APPELLATE CASE NO. 2014-002659

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) GENERAL SESSIONS COURT
)

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
11-GS-43-0698

ALEXANDER WILSON, JR.,)

DEFENDANT.)

December 1, 2014
Sumter, South Carolina

B E F O R E :

THE HONORABLE W. JEFFREY YOUNG, JUDGE;
AND JURY

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

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EXHIBITS

STATE'S:

No.	Description	I.D./EVD.
1	Photo of phone jack	23/74
2	Envelope	23/74
3	Photo of marker 6	23/74
4	Photo of marker 7	23/74
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21	Photo of bat	193/200
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1 THE COURT: All right, Solicitor, you
2 ready to proceed?

3 SOLICITOR FINNEY: May it please the
4 Court, Your Honor.

5 THE COURT: Yes, sir.

6 SOLICITOR FINNEY: The State will call
7 indictment 2011-GS-43-0698, the State of South
8 Carolina versus Alexander B. Wilson, indictment for
9 murder. Mr. Wilson is represented by Mr. Brooks.

10 THE COURT: All right, thank you. All
11 right, ladies and gentlemen, we're about to begin
12 the case under indictment 2011-GS-43-698 where
13 Mr. Alexander B. Wilson is charged with murder. The
14 indictment reads as follows: That Alexander B.
15 Wilson did in Sumter County on or about November 29,
16 2010, willfully, feloniously, and intentionally kill
17 the victim Elizabeth Wilson with malice aforethought
18 either expressed or implied by means of beating the
19 victim about the head and the body with a wooden
20 baseball bat, and the victim did die as a proximate
21 result thereof, on or about November 29th, 2010 in
22 Sumter County in violation of Section 16-3-10 of the
23 South Carolina Code 1976 as amended.

24 Now ladies and gentlemen of the jury, let me
25 remind you, the fact that the defendant was

1 arrested, charged, and indicted is no way indicative
2 that he committed this crime. The defendant has
3 pled not guilty and, therefore, the State has the
4 burden of proving each and every allegation of the,
5 in the indictment beyond a reasonable doubt. Now
6 ladies and gentlemen, before we select a jury
7 there's gonna be several questions that I'll need to
8 ask you, and I'll remind you that you're still under
9 oath from the oath that you took in the jury
10 assembly room.

11 (Bailiff approaches the Bench.)

12 THE COURT: I understand two jurors need
13 to speak with me before we get started so now is a
14 good time to do it. Come down here please. And I
15 need to have the lawyers down here.

16 (Potential jurors approached the Bench for an
17 off-the-record discussion.)

18 THE COURT: All right. Now ladies and
19 gentlemen, you're still under oath because this is
20 such a critical stage of trial. You know, just like
21 a building must have a firm foundation to be strong
22 and protective of those who live in it, so must a
23 jury be strong as the basis of a fair and impartial
24 trial for those who participate, the Solicitor's
25 Office for the State, and the Defendant. Now your

1 answers to these questions will be the foundation by
2 which these attorneys select their juror, and
3 they're relying on your truthful answers to select
4 this jury who they believe will be fair and
5 impartial and give the Defendant and the State a
6 fair trial.

7 Now the first question is, anyone on the jury
8 panel ever been related by blood or marriage or had
9 a close personal relationship or business
10 relationship with the defendant Alexander B. Wilson
11 and the alleged victim, Elizabeth Wilson, if so,
12 please stand.

13 (There was no response.)

14 THE COURT: All right, thank you. No one
15 is standing.

16 Y'all have the jury -- the witness list?

17 MR. MEADORS: Your Honor, I put it on
18 your -- I believe it's on your...

19 THE COURT: All right. Ladies and
20 gentlemen, these are potential witnesses in this
21 case; and I've said, all these are gonna be
22 witnesses, but it's just possible. I'm gonna go
23 through a long list and I'm gonna ask you the same
24 question. Sergeant Rodney Ragin of the Sumter
25 County, Lieutenant C. McMillan of the Sumter County

1 Sheriff's Office, Deputy R. Sinkler, Jr., Michelle
2 Ezelle, Ashley Nesbit Benton, Corporal Andrea Evans,
3 Sumter-Lee Regional Detention Center; Jerome Wilson;
4 Nancy Wilson; Doctor Marla L. Domino; Helen Walker;
5 Sarah Ann Wheeler; Kellsey Deas of the Sumter-Lee
6 Regional Detention Center; Flora L. York-Laraque,
7 LPN with Sumter-Lee Detention Center; Carol M.
8 David; Doctor Eric Wernsman; Sylvia B. Haynie;
9 Sergeant Robert Burnish of the Sumter County
10 Sheriff's Office; Lieutenant Joe Lane of the Sumter
11 County Sheriff's; Robert Richardson, formerly of the
12 Sumter County Sheriff's Office; Investigator Jim
13 Atkinson of the Sumter County Sheriff's Office;
14 Investigator Tim Herbert of the Sumter County
15 Sheriff's Office; Dan Thomas of EMS; and Doctor
16 Janice Ross, the pathologist. Any other?

17 MR. BROOKS: Doctor Thomas Martin.

18 THE COURT: And Doctor Thomas Martin.

19 MR. MEADORS: And Your Honor, I may be
20 wrong, if I am I apologize, number 8 is Nancy
21 Williams and you may have said Nancy Wilson.

22 THE COURT: I'm sorry, Nancy Williams. So
23 has any member of the jury panel ever been related
24 by blood or marriage or ever had a close personal or
25 business relationship with any of these potential

1 witnesses in this case, if so, please stand.

2 Yes, sir. State your name and number.

3 THE POTENTIAL JUROR: Simon Grant, I don't
4 remember my number and I worked with Dan Thomas.
5 He's also with the fire department. And also Mr.
6 Ragin, he's one of my family members.

7 THE COURT: Would the fact that you know
8 these potential witnesses in this case make it so
9 that you can't be fair and impartial to State or the
10 Defendant in this case?

11 THE POTENTIAL JUROR: Yes, sir.

12 THE COURT: You can't be fair and
13 impartial?

14 THE POTENTIAL JUROR: No, sir, because I
15 know 'em and I know them biological ---

16 THE COURT: All right, anybody object to
17 him being dismissed or transferred for cause?

18 MR. MEADORS: No, sir.

19 MR. BROOKS: No, sir.

20 THE COURT: All right, thank you. You
21 need to stay here because you might be on the next
22 case so you will not be on this trial but you may be
23 on the next one. Thank you.

24 SOLICITOR FINNEY: What number, Your
25 Honor?

1 THE CLERK OF COURT: 63.

2 MR. FINNEY: Thank you.

3 THE POTENTIAL JUROR: Number 113.

4 THE COURT: Yes, ma'am.

5 THE POTENTIAL JUROR: I am a church member
6 with Sergeant Rodney Ragin, but I do believe that I
7 can be fair and impartial.

8 THE COURT: And that's all we can ask for.
9 Thank you, Ma'am.

10 Yes, sir, Mr. Moore.

11 THE POTENTIAL JUROR: Number 112, Robert
12 Richardson, I've known him for a long time but I do
13 feel I can be fair and impartial.

14 THE COURT: And that's what we're asking
15 for. Thank you, sir.

16 Now Ladies and gentlemen the attorneys who
17 will be trying this case are Mr. John Meadors.

18 And Mr. Meadors, you want to represent -- or
19 introduce your team?

20 MR. MEADORS: Solicitor Finney and I will
21 be ---

22 THE COURT: Yes, sir.

23 MR. MEADORS: John Meadors, assistant
24 solicitor and the Honorable Solicitor Ernest A.
25 "Chip" Finney, III, your elected solicitor.

1 THE COURT: And Mr. Charles Brooks, you
2 want to introduce your law firm?

3 MR. BROOKS: I'm Charles Brooks and my
4 client, Alexander Wilson. That's it.

5 THE COURT: All right. Has any member of
6 the jury panel ever been represented by any of these
7 attorneys or have a close, personal, business
8 relationship or related by blood or marriage, if so,
9 please stand.

10 (There was no response.)

11 THE COURT: All right, thank you. No one
12 standing. Has any member of the jury panel formed
13 or expressed an opinion about any issue or matter
14 involved in this case, if so, please stand.

15 (There was no response.)

16 THE COURT: Thank you, no one standing.
17 Have you or any member of your immediate family ever
18 been the victim of, or charged with a violent crime,
19 if so, please stand.

20 THE POTENTIAL JUROR: Could you repeat
21 that please.

22 THE COURT: Have you or any member of your
23 immediate family ever been the victim of, or charged
24 with committing a violent crime?

25 THE POTENTIAL JUROR: It was a niece by

1 marriage.

2 THE COURT: Okay, thank you. Is there any
3 member of the jury panel aware of any bias or
4 prejudice towards either the State or the Defendant
5 in this case, if so, please stand.

6 (There was no response.)

7 THE COURT: Thank you, no one is standing.
8 Is there any member of the jury panel who is a
9 member of the grand jury which indicted this case?
10 I don't think there is anybody who's been on the
11 grand jury. I'll ask the question. If so, please
12 stand.

13 (There was no response.)

14 THE COURT: Thank you, no one standing.
15 Is there any member of the jury panel who is a
16 member of, or contributor to, any group which has as
17 its primary concern promotion of law enforcement or
18 victims' right? These groups would include,
19 certainly not be limited to, Mother's Against Drunk
20 Drivers, Students Against Drunk Drivers, or Citizens
21 Against Violent Crime, if so, please stand.

22 (There was no response.)

23 THE COURT: Thank you, no one standing.
24 Does any member of the jury panel know of any reason
25 whatsoever why he or she should not serve as a juror

1 in this case with particular emphasis to being
2 placed on your ability to be fair and impartial to
3 the State or the Defendant, if so, please stand.

4 (There was no response.)

5 THE COURT: Thank you. Does the State
6 have any additional questions they would like for me
7 to ask?

8 MR. MEADORS: No, sir.

9 THE COURT: Does the Defense have any
10 additional questions?

11 MR. BROOKS: No, sir.

12 THE COURT: All right, thank you. All
13 right, ladies and gentlemen, what's gonna happen now
14 is the computer is going to generate a list of
15 y'all. And when your name is called, please come
16 forward to the podium, turn around and face the exit
17 doors, then the State and the Defense will have an
18 opportunity to strike you. Now ladies and
19 gentlemen, please don't take it personally if you're
20 stricken from this case. Each side has some idea as
21 to what they think will be an optimal juror in this
22 case, and if you don't get selected on this one
23 you'll have an opportunity to get selected on the
24 next case. And then again, they can strike you for
25 any reason or no reason with the exception of race

1 or gender.

2 THE CLERK: Please the Court, Your Honor.

3 THE COURT: Yes, sir.

4 THE CLERK: Ladies and gentlemen, when
5 your name is called please come stand in front of
6 the podium as the judge said and bring with you any
7 personal belongings that you may have.

8 Juror number 15, Kimberly Bottema (white
9 female). What saith the State?

10 MR. MEADORS: Please present the juror.

11 THE CLERK: What saith the Defendant?

12 MR. BROOKS: Please seat the juror.

13 THE CLERK: Have a seat over here please,
14 ma'am.

15 Juror number 164, Gerald Tomlin (black male).
16 What saith the State?

17 MR. MEADORS: Please present the juror.

18 THE CLERK: What saith the Defendant?

19 MR. BROOKS: Please seat this juror.

20 THE CLERK: Have a seat in the jury box
21 please, sir.

22 Juror number 168, Anne Walton (white female).
23 What saith the State?

24 MR. MEADORS: Please present the juror.

25 THE CLERK: What saith the Defendant?

1 MR. BROOKS: Please seat this juror.

2 THE CLERK: Have a seat in the jury box
3 please, ma'am.

4 Juror number 5, Martha Andrews (black female).
5 What saith the State?

6 MR. MEADORS: Please excuse the juror.

7 THE CLERK: Have a seat back in the panel.
8 You've been excused from this trial please, ma'am.

9 Juror number 99, Curtis Marshall, Jr. (white
10 male). What saith the State?

11 MR. MEADORS: What saith the Defendant?

12 MR. BROOKS: Please excuse this juror.

13 THE CLERK: Have a seat back with the
14 panel. You've been excused from this trial please,
15 sir.

16 Juror number 159, Brandon Tedder (white male).
17 What saith the State?

18 MR. MEADORS: Please present the juror.

19 THE CLERK: What saith the Defendant?

20 MR. BROOKS: Please seat this juror.

21 THE CLERK: Have a seat in the jury box
22 please, sir.

23 Juror number 42, Jarrod Dubose-Schmitt (white
24 male).

25 What saith the State?

1 MR. MEADORS: Please present the juror.

2 THE CLERK: What saith the Defendant?

3 MR. BROOKS: Please seat this juror.

4 THE CLERK: Have a seat in the jury box
5 please, sir.

6 Juror number 147, Randall Smith. What saith
7 the State?

8 MR. MEADORS: Please present the juror.

9 THE CLERK: What saith the Defendant?

10 MR. BROOKS: Please seat this juror.

11 THE CLERK: Have a seat in the jury box
12 please, sir.

13 Juror number 59, Sylvester Godbolt (black
14 male). What saith the State?

15 MR. MEADORS: Please present the juror.

16 THE CLERK: What saith the Defendant?

17 MR. BROOKS: Please seat this juror.

18 THE CLERK: Have a seat in the jury box
19 please, sir.

20 Juror number 112, Christopher Moore (white
21 male). What saith the State?

22 MR. MEADORS: Please present the juror.

23 THE CLERK: What saith the Defendant?

24 MR. BROOKS: Please excuse the juror for
25 the trial of this case.

1 THE CLERK: Have a seat back with the
2 panel. You've been excused from this trial please,
3 sir.

4 Juror number 8, Sheila Ayers (white female).
5 What saith the State?

6 MR. MEADORS: Please present the juror.

7 THE CLERK: What saith the Defendant?

8 MR. BROOKS: Please seat this juror.

9 THE CLERK: Have a seat in the jury box
10 please, ma'am.

11 Juror number 115, Jody Murphy (white female).
12 What saith the State?

13 MR. MEADORS: Please present the juror.

14 THE CLERK: What saith the Defendant?

15 MR. BROOKS: Please excuse this juror.

16 THE CLERK: Have a seat back in the panel.
17 You've been excused from this trial please, ma'am.

18 Juror number 77, Wendell Hoskins (black male).
19 What saith the State?

20 MR. MEADORS: Please present the juror.

21 THE CLERK: What saith the Defendant?

22 MR. BROOKS: Please seat the juror in this
23 case.

24 THE CLERK: Have a seat in the jury box
25 please, sir.

1 Juror number 43, Karen Duncan Page (white
2 female). What saith the State?

3 MR. MEADORS: Please present the juror.

4 THE CLERK: What saith the Defendant?

5 MR. BROOKS: Please seat the juror.

6 THE CLERK: Have a seat in the jury box
7 please, ma'am.

8 Juror number 113, Luvivian Moore (black
9 female). What saith the State?

10 MR. MEADORS: Please present the juror.

11 THE CLERK: What saith the Defendant?

12 MR. BROOKS: Please excuse the juror for
13 this case.

14 THE CLERK: Have a seat back with the
15 panel. You've been excused from this trial please,
16 ma'am.

17 Juror number 151, Michelle Songer (white
18 female). What saith the State?

19 MR. MEADORS: Please excuse the juror.

20 THE CLERK: Have a seat back in the panel.
21 You've been excused from this trial please, ma'am.

22 Juror number 154, Kimberly Stevenson (black
23 female). What saith the State?

24 MR. MEADORS: Please present the juror.

25 THE CLERK: What saith the Defendant?

1 MR. BROOKS: Please seat this juror.

2 THE CLERK: Have a seat in the jury box
3 please, ma'am.

4 Juror number 28, Ernest Carter, Jr. (white
5 male). What saith the State?

6 MR. MEADORS: Please excuse the juror.

7 THE CLERK: Have a seat back in the panel.
8 You've been excused from this trial please, sir.

9 Juror number 27, Angus Carruth (white
10 male). What saith the State?

11 MR. MEADORS: Please excuse the juror.

12 THE CLERK: Have a seat back in the panel.
13 You've been excused from this trial please, sir.

14 Juror number 65, Thelma Greer (Asian female).
15 What saith the State?

16 MR. MEADORS: Please present the juror.

17 THE CLERK: What saith the Defendant?

18 MR. BROOKS: Seat the juror.

19 THE CLERK: Have a seat in the jury box
20 please, ma'am.

21 THE COURT: Two alternate jurors.

22 THE CLERK: Alternate juror, juror number
23 26, Jessica Traynum (white female). What saith the
24 State?

25 MR. MEADORS: Please present the juror.

1 THE CLERK: What saith the Defendant?

2 MR. BROOKS: Please seat the juror.

3 THE CLERK: Have a seat in the jury box
4 please, ma'am.

5 Alternate juror, juror number 150, William
6 Salones (white male). What saith the State?

7 MR. MEADORS: Please present the juror.

8 THE CLERK: What saith the Defendant?

9 MR. BROOKS: Please seat the juror.

10 THE CLERK: Have a seat in the jury box
11 please, sir.

12 THE COURT: If you would call out the
13 names of all the jurors please.

14 THE CLERK: Yes, sir.

15 Ladies and gentlemen, when I call your name
16 please raise your right hand. Kimberly Bottema.

17 (Juror raised her hand.)

18 THE CLERK: Gerald Tomlin.

19 (Juror raised his hand.)

20 THE CLERK: Anne Walton.

21 (Juror raised her hand.)

22 THE CLERK: Brandon Tedder.

23 (Juror raised his hand.)

24 THE CLERK: Jarrod Dubose-Schmitt.

25 (Juror raised his hand.)

1 THE CLERK: Randall Smith.

2 (Juror raised his hand.)

3 THE CLERK: Sylvester Godbolt.

4 (Juror raised his hand.)

5 THE CLERK: Sheila Ayers.

6 (Juror raised her hand.)

7 THE CLERK: Wendell Hoskins.

8 (Juror raised his hand.)

9 THE CLERK: Karen Duncan Page.

10 (Juror raised her hand.)

11 THE CLERK: Kimberly Stevenson.

12 (Juror raised her hand.)

13 THE CLERK: Thelma Greer.

14 (Juror raised her hand.)

15 THE CLERK: Jessica Traynum.

16 (Juror raised her hand.)

17 THE CLERK: William Solanes.

18 (Juror raised his hand.)

19 THE COURT: Thank you, Mr. Bradley.

20 THE CLERK: Yes, sir, Judge.

21 THE COURT: All right, ladies and

22 gentlemen, you have been selected as jurors for this

23 first trial. I'm gonna send you back to the jury

24 room for a few minutes. While you're back there if

25 you could select who is gonna be the foreperson of

1 the jury. It can be any of the twelve primary
2 jurors. It cannot be the alternates. Please do not
3 discuss anything about the case while you're back
4 there, and I'll bring you back. We intend to start
5 this trial this afternoon. I'm gonna give you a
6 lunch break before we start, and then I'm gonna
7 strike another jury real quick and then I'll be back
8 with you. All right? Thank you, ladies and
9 gentlemen.

10 (WHEREUPON, the jury was removed from the
11 courtroom.)

12 THE COURT: Are there any objections to
13 the jury that has been selected or the manner in
14 which they have been selected, from the State?

15 MR. MEADORS: No, sir, nothing from the
16 State.

17 THE COURT: From the Defense?

18 MR. BROOKS: No, sir.

19 THE COURT: All right. Well, they will be
20 our jury for this trial. We've got some things --
21 I'll let y'all just hang close and then once I
22 strike this jury and release them, then I'll tell
23 you what time we can start. It's probably going to
24 be 2:30 or 3:00, all right. Y'all want to stay in
25 position and then we will strike the next jury.

1 (WHEREUPON, a recess was taken from the
2 proceedings.)

3 (WHEREUPON, State Exhibit Nos. 1 through 7 were
4 marked for identification only.

5 (Court resumed at 2:56 p.m.)

6 THE COURT: Did y'all have something you
7 want to put on the record while we bring the
8 defendant up?

9 MR. MEADORS: Yes, sir, but I don't know
10 if he needs to be here or not; it's about
11 competency.

12 THE COURT: He's got a lawyer.

13 MR. MEADORS: Judge, may it please the
14 Court, we have ---

15 (Defendant Alexander Wilson enters courtroom.)

16 MR. MEADORS: ---stipulated that as of
17 December 1st, today's date, 2014, the defendant who
18 is present in the courtroom is competent to stand
19 trial, competent to assist his attorney, he's
20 competent and does understand the charges against
21 him. That's not based on what I say; it's based on
22 two doctors' reports. I believe they're both
23 already in the clerk's file.

24 THE COURT: Do I have the file?

25 MR. MEADORS: I don't know if it's there

1 or not. Judge, one of them is a report from the
2 defendant's doctor, Doctor Thomas V. Martin. It was
3 entered in a hearing in front of Judge James on
4 9/4/2014 so I'm sure it's in the clerk's file as
5 defense exhibit 1. Obviously he gives his opinion
6 as to responsibility, but he does find -- Thomas V.
7 Martin does find the defendant is competent to stand
8 trial based on an evaluation he conducted in April,
9 on April 29th, 2014, and his report was issued on
10 July 4th and he was still of that opinion on
11 9/4/2014.

12 Judge, the -- Doctor Marla L. Domino,
13 D-O-M-I-N-O, works for the State of South Carolina
14 Department of Mental Health, had interviewed the
15 defendant several times; and her latest report is as
16 a result of a evaluation done December 20th, 2013,
17 and January 14th, 2014. And Your Honor, I would
18 like to make this State's, or Court's 1, for this
19 hearing if it hadn't already been entered. But she
20 did find the defendant was competent to stand trial
21 base on her evaluations and her latest report which
22 was submitted January 15th, 2014. So I'd make that
23 Court's exhibit. So based on both of those reports
24 —

25 THE COURT: Mr. Brooks, you have a copy of

1 all these, correct?

2 MR. BROOKS: Yes, sir, I probably put some
3 stuff in there myself, Judge, and Doctor Martin did,
4 that's correct.

5 MR. MEADORS: And again, I've talked to
6 the State's doctor last week or the week before last
7 and Mr. Brooks, I know, has talked to Doctor Martin.
8 We are both of the opinion we are stipulating here
9 today without taking testimony he is competent to
10 stand trial.

11 THE COURT: To stand trial. Is that
12 correct, Mr. Brooks?

13 MR. BROOKS: That's correct.

14 THE COURT: Okay.

15 MR. BROOKS: From prior order of Judge
16 James, that's correct. I don't see anything has
17 changed since that time.

18 MR. MEADORS: And can I add that that
19 hearing was as I say, the Solicitor and Mr. Brooks
20 had a hearing on September 4th, 2014 where testimony
21 was taken from Doctor Thomas V. Martin and direct
22 and cross; and Judge James did find as of
23 September 4th, 2014, that the defendant was
24 competent to stand trial. There's no, nothing has
25 transpired in between November — September 4th,

1 2014, and December 1st, 2014, for either side to
2 believe that he is still competent to stand trial.

3 THE COURT: All right, we will proceed.

4 MR. BROOKS: That's correct, Judge.

5 THE COURT: All right, very good. We will
6 proceed with that ruling. Ready to bring our jury.
7 Anything before we bring the jury?

8 MR. MEADORS: No, sir, thank you.

9 THE COURT: From the Defense?

10 MR. BROOKS: No.

11 THE COURT: Bring them in.

12 (Court Exhibit No. 1 was marked and made a part of
13 the record.)

14 (WHEREUPON, the jury was returned to the courtroom
15 at approximately 3:02 p.m., and the following
16 proceedings commenced in open court.)

17 THE COURT: Ladies and gentlemen, I hope
18 you had a nice lunch, and we're gonna get right into
19 it.

20 Mr. Bradley, would you please swear the jury.

21 THE CLERK: Yes, sir, Your Honor. Ladies
22 and gentlemen of the jury, please stand and raise
23 your right hand to be sworn.

24 (WHEREUPON, the jury was sworn.)

25 THE CLERK: Please respond by saying I

1 will.

2 (Jurors responded.)

3 THE CLERK: Thank you. You may be seated.

4 THE COURT: Thank you, Mr. Bradley.

5 Mr. Dubose-Schmitt, thank you for being the
6 foreperson of this jury.

7 THE FOREMAN: Yes, sir.

8 THE COURT: Now ladies and gentlemen,
9 before we begin this trial I want to tell you that
10 this trial will probably be different from what you
11 might have expected. You know, most people never
12 have an actual opportunity to be a part of a court
13 trial as this, as you are today, and may think from
14 watching TV and movies and reading in books that
15 trials are always full of high drama and rivetting
16 circumstances and intense action. Now while all
17 these things might be true at times, this trial is
18 not for entertainment. This is a real trial which
19 is a fundamental part of our democracy and a search
20 for the truth in an effort to make sure that justice
21 is done. And searching for the truth in assuring
22 that justice is done is often slow, deliberate, and
23 repetitive, the exact opposite of what you might
24 have seen on TV, read in books, or seen on movies.

25 Now ladies and gentlemen, this courtroom is a

1 place of honor that is dedicated to the protection
2 and preservation of our citizens' rights to what has
3 been called and I truly believe to be the greatest
4 justice system every created by man. The attorneys
5 who are appearing before you are advocates for the
6 parties that they represent; but first and foremost,
7 they are officers of this court who are sworn to
8 uphold the integrity and the fairness of our
9 judicial system and to help you in your search for
10 the truth. Ladies and gentlemen, you should
11 rightfully expect them to be professional,
12 competent, and ethical in the representation of
13 their client's interest. Remember, you also just
14 took an oath to listen to the evidence in this case
15 and to reach a fair and just verdict, and you are
16 expected to be professional, reasonable, and ethical
17 as well. And again, thank you for accepting this
18 important responsibility of jury duty.

19 Now ladies and gentlemen, what I'm gonna tell
20 you now is just intended to serve as an introduction
21 to the trial of this case. This is not a charge on
22 the law. I will charge you the law that is
23 applicable to this particular case at the end of the
24 trial. This is merely an explanation of the
25 procedures that we will follow so you may better

1 understand what may be happening. Ladies and
2 gentlemen, let me say up front that you will not be
3 allowed to take notes during this trial; therefore,
4 it's very important that you listen closely
5 throughout this trial.

6 Ladies and gentlemen, the defendant is charged
7 by indictments filed in this court with murder. The
8 specific elements of the charge will be explained to
9 you later. But as I told you before, the indictment
10 in charging, charging the defendant, is simply the
11 document by which this case is brought into court;
12 it is not in any sense whatsoever any evidence of
13 the allegations contained therein. The defendant
14 has pled not guilty to the charge in the indictment
15 so the State has the burden of proving all the
16 elements of each charge in the indictment beyond a
17 reasonable doubt; and it will be your duty, ladies
18 and gentlemen, to determine whether the State has
19 met that burden.

20 Now ladies and gentlemen, your purpose in this
21 trial is to determine the facts in this case.
22 You're to determine the facts from the testimony
23 that you'll hear from this witness stand and any
24 other evidence that is introduced here in court. It
25 will be up to you to determine the inferences which

1 you think may be properly drawn from the evidence.
2 Ladies and gentlemen, it's especially important that
3 you perform your duty diligently and conscientiously
4 'cause ordinarily there is no way to correct an
5 erroneous determination of facts by a jury. Now, on
6 the other hand but with equal emphasis, the same law
7 that makes you the judges of the facts makes me the
8 judge of the law. The law as given by you -- given
9 to you by me, is the only law that you may consider.
10 Now ladies and gentlemen, you must accept the law as
11 I give it to you and follow it even though you may
12 disagree. And I'll make a deal with you here now.
13 I will not tell you what the facts are, and you will
14 not disagree with me about what the law is or what
15 the law ought to be. Your job will be to take the
16 law as I give it to you and apply it to the facts as
17 you find them from the testimony from the witness
18 stand and any other evidence that is presented, and
19 after hearing that evidence you'll render a true and
20 just verdict under the solemn oath that you just
21 took as jurors.

22 Now, ladies and gentlemen, until I advise you
23 to begin your deliberations at the conclusion of the
24 case, you must not discuss the case with anyone
25 else, including your fellow jurors. You may not use

1 a computer, cellular phone, or other electronic
2 device with communications capabilities while in
3 attendance at trial or during your deliberations.
4 Now, of course, you may use these devices when you
5 go to lunch or go home for the evening; but even
6 then, you cannot use them to disclose any
7 information about the case when you're not in court.
8 And information about the case would include, but
9 certainly not limited to, any information about a
10 party, a witness, an attorney or a court officer,
11 any news accounts about the case, any information
12 collected through juror research on any topic raised
13 during the testimony by any witness or information
14 collected through juror research on any topic that
15 you feel might be helpful in deciding the case. Now
16 ladies and gentlemen, after the case is submitted to
17 you you must discuss it only in the jury room with
18 your fellow jurors. The attorneys and the parties
19 in this matter are advised that they are not to talk
20 to you at all. And so if you see somebody around
21 this small courthouse square and they don't even say
22 hello, well they're not being unfriendly, they're
23 just following my instructions.

24 Now ladies and gentlemen, it's very important
25 that you keep an open mind and not decide any issue

1 in this case until all the evidence has been
2 presented and the attorneys have made their closing
3 arguments and I have instructed you on the law. Now
4 ladies and gentlemen, it's your solemn
5 responsibility to determine the guilt or innocence
6 of the defendant, and your verdict must be based
7 solely on the evidence as is presented in this trial
8 and on the law as I instruct it to you at the close
9 of the trial.

10 Now in just a moment the Solicitor will make
11 what is called an opening statement in which he will
12 explain to you what he believes the issues are in
13 this case. The attorney for the defendant may also
14 make an opening statement although he's not required
15 to do so. But I will remind you again, what the
16 attorneys tell you during their opening statement is
17 not evidence; it's only their contention as to what
18 they believe the issues are in this case.

19 Now, from time to time during this trial you
20 may hear one of the attorneys say something like,
21 Your Honor, I believe we have a question or a matter
22 of law to discuss with you; or Your Honor, may we
23 approach the bench. Or sometimes I might find it
24 necessary to excuse you from the courtroom for a
25 short while while the attorneys and I can discuss a

1 matter of law; and the reason for this is that, as I
2 said, I'm not supposed to tell you what the facts
3 are. And sometimes when I'm discussing matters of
4 law, it may be necessary for me to make some comment
5 on the facts so in making a ruling as to whether a
6 particular law applies; and as I said, I'm not
7 supposed to tell you what the facts are so I will
8 excuse you from the courtroom or from the
9 conversation so you will not be influenced by
10 anything that I say or do while I'm having these
11 conversations with the attorneys.

12 Also during the trial, ladies and gentlemen,
13 you might hear one of the attorneys make an
14 objection to certain evidence that is about to be
15 presented. Whether I sustain, which is to grant the
16 objection, or overrule it which would be to deny it,
17 should not be construed that I favor one side over
18 the other; I do not. Nor should you infer that the
19 objecting party is trying to hide something from
20 you. Ladies and gentlemen, this courtroom, as in
21 all situations in life, there are specific rules
22 that must be followed and the attorneys as officers
23 of this Court are merely trying to follow the rules
24 of evidence in making their objections, and I am
25 only ruling based upon what I believe the law of the

1 State of South Carolina to be concerning the
2 evidence being presented.

3 Now ladies and gentlemen, in determining what
4 the true facts are in this case you must decide
5 whether or not the testimony of a witness is
6 believable. It will be my responsibility to rule as
7 a matter of law as to whether certain testimony is
8 admissible; but once it's admitted, whether or not
9 you decide to believe it is solely for you to
10 determine. In deciding whether to believe a witness
11 you have a right to consider the interest of any
12 witness, the bias of any witness, the prejudice of
13 any witness, the opportunity for the witness to
14 actually observe the things about which the witness
15 testifies and the way the witness acts on the
16 witness stand.

17 Ladies and gentlemen, you have a right to
18 consider anything that is in the record that will
19 help you evaluate the testimony of the witness, and
20 that means as jurors it's your duty to pay close
21 attention to the witnesses, to observe the witnesses
22 and to listen to the witnesses. And ladies and
23 gentlemen, and you need to pay close attention to
24 the attorneys and to the Court. Please don't let
25 your thoughts wander, but give strict attention to

1 the testimony so at the end of all the testimony,
2 after the argument of counsel and the charge on the
3 law by me, you will then be in a position to
4 determine what the true facts are, apply them to the
5 law as I give it to you, and thus, render a true and
6 just verdict.

7 Now, Mr. Foreman, in addition as I said
8 earlier, it will be your responsibility to preside
9 in the jury room and be the jury spokesperson here
10 in court. It will also be your duty to write down
11 the verdict on the verdict form that I give you, but
12 I'll give you further instruction on that at the
13 appropriate time. Now in order to preserve
14 everyone's rights I will give the parties an
15 opportunity to object to anything that I have
16 stated.

17 Does the State have any objection to my
18 opening charge?

19 SOLICITOR FINNEY: No objection, Your
20 Honor.

21 THE COURT: Does the Defense have any
22 objection to my opening charge?

23 MR. BROOKS: No objection, Your Honor.

24 THE COURT: Thank you. Ladies and
25 gentlemen of the jury, we will now begin the trial

1 of this case.

2 SOLICITOR FINNEY: May it please the
3 Court, Your Honor.

4 THE COURT: Mr. Solicitor.

5 SOLICITOR FINNEY: Thank you, Your Honor,
6 Mr. Brooks. Ladies and gentlemen, good afternoon.
7 I have been introduced a couple of times to you, but
8 my name is Chip Finney and I have had the pleasure
9 of practicing law in this community for over 30
10 years. I had anticipated speaking to you at length
11 this afternoon; but after we had our after-lunch
12 meeting, I'm gonna keep this very short. John
13 Meadors is the senior assistant in my office and he
14 has been helping me get this case together, and he
15 and I will present this case to you over the next
16 few days. Tom Miller is the investigator for our
17 office. Tom does the leg work. He serves subpoenas
18 and looks up things and finds driver's licenses and
19 helps us generally get people to court, witnesses,
20 and people we need. We feel it an honor to be able
21 to come to court and present cases on behalf of the
22 State of South Carolina. We especially feel it an
23 honor because we have the responsibility of
24 representing people who do not have the opportunity
25 to come to court; and such is the case here with

1 Elizabeth Wilson, a fine lady who raised four grown
2 sons and reached the very strong age of 82 years
3 old. And she's not here today, which is the first
4 Monday after Thanksgiving, because four years ago on
5 November 29, which was the first Monday after
6 Thanksgiving, her son Alexander Wilson killed her at
7 their home in Mayesville. Now Ms. Wilson, as I
8 said, was a mother. She cared for her boys. Two of
9 the boys were living with her at the time. You'll
10 hear later this afternoon from Jerome, the other
11 oldest boy. Jerome was the oldest and Alexander was
12 the next oldest.

13 On November 29th, 2010, in Sumter County, we
14 the State, allege that Alexander Brooks took the
15 intent to harm his mother because she would not give
16 him something he wanted. And he took that intent
17 and formed it into an act by picking up a bat and
18 striking his 82 year old mother until she had no
19 life left in her body. On that day we believe he
20 formed the intent and carried out the act and should
21 be and is charged with the crime of murder.

22 In South Carolina murder is the unlawful
23 killing of another individual with malice
24 aforethought. And we're gonna get all of those
25 legal definitions explained to you; but what this

1 boils down to, ladies and gentlemen, is that that
2 young man took his mother's life without
3 justification in an illegal manner and with the
4 aforethought, with the thought, with the intent to
5 cause her to lose her life.

6 The way we're gonna get through this is to
7 show you two things. How was Alexander Wilson the
8 day before this event, the week before this event,
9 the month before this event. How was he an hour
10 after this event, a day after this event, a month,
11 or a year after this event. We're gonna show you
12 that Alexander Wilson had control of his faculties,
13 he knew what he was doing, and he committed this
14 crime because he couldn't get what he wanted. And
15 he took it out on the only person in this whole
16 world who cared for him above all others.

17 We are going to ask you to do something that
18 is not technical, doesn't require you to do
19 research; it doesn't require you to have been
20 exposed to any special training. We're gonna ask
21 you to use your common sense. Listen to the
22 evidence because the question here today is, is that
23 young man guilty of murder. If the facts proved by
24 the State and through our witnesses come back with a
25 clear and resounding answer of yes, he did have the

1 intent, he was not suffering under any disability,
2 he was not trying to react in some way to something
3 like self-defense, then the judgment of this case is
4 gonna require that you return a verdict of guilty.
5 There's only one charge in this indictment,
6 unlawfully taking the life of Elizabeth Wilson four
7 years ago. When you listen to the evidence that we
8 present over the next couple of days you're going to
9 see that if you use your common sense and you
10 examine the events that were going on in his life
11 before he killed his momma and after he killed his
12 momma, you will find that Alexander Wilson knew what
13 he was doing, he formed the intent voluntarily, and
14 he carried out the act that led to her death.

15 You know, it's not a easy thing sometimes to
16 sit in judgment. We take it for granted. You come
17 to this courthouse, and we work every day and we see
18 the people, the judges, and the law clerks and the
19 court reporters. We understand this is not
20 something you are familiar with; and that's why we
21 say, you don't have to have any special training.
22 The best jurors are the jurors that listen, that use
23 their common sense and apply the facts that we're
24 going to bring you to the law that Judge Young is
25 going to charge you at the end of this case. Your

1 heart has to be able to leave this courtroom knowing
2 that you did the right thing. The right thing in
3 this case is for you to take that old proverb of
4 there's a time and a season for everything, a time
5 to plant, a time to sow, a time to laugh and a time
6 to cry. This week is the time for his judgment for
7 what he did. Thank you.

8 THE COURT: Thank you, Solicitor.

9 Mr. Brooks, for the defendant.

10 MR. BROOKS: Ladies and gentlemen, again
11 my name is Charles Brooks and I have the distinct
12 honor and privilege of representing Alexander Wilson
13 who is sitting over at the table. Unlike Mr. Finney
14 I don't have a note pad or paper to present to you,
15 I don't represent the State, I represent an
16 individual. And listening to his opening there's a
17 lot of things in his opening that I do agree with.
18 But interesting enough, I'm here for the things that
19 we don't agree with, and that is whether or not my
20 client had the specific intent to know what he was
21 doing, whether or not he knew right from wrong.

22 Now if you recall when you were sitting out
23 there in the jury pool being selected and the judge
24 called out names of prospective witnesses, you
25 recall I had -- I stood up and I said one witness,

1 Doctor Thomas Martin, who you will have opportunity
2 to hear from. And once you hear from Doctor Martin,
3 and I do agree we want you to keep an open mind
4 about this. This is important. It's our position
5 Mr. Wilson didn't know what he was doing. I mean,
6 that's clear and simple as I can put it. And then
7 we think there's sufficient enough evidence. As
8 when the State calls their witnesses, I have the
9 opportunity to ask them questions. And the
10 questions I will ask them to help build the position
11 that we have, the theory that we have, that's
12 supported by the evidence that this man didn't know
13 what he was doing. I mean, who in their right mind
14 would kill their 82 year old momma. And that's a
15 big question mark; that's the ultimate rule. That's
16 why we've got one witness that you're gonna hear
17 from. And after listening to the evidence that the
18 State presents and then that one witness, we feel
19 confident that you'll come back and you'll determine
20 Mr. Wilson didn't know what he was doing, period.
21 And the judge will charge you accordingly as to what
22 that means, plain and simple.

23 It's a very short opening statement. More
24 often now I don't agree with the solicitor; we fight
25 all the time. Well, fighting term being

1 professional. But in this case there's a lot that
2 we do agree on. But there's an interesting point we
3 disagree on; and it's a big, big, big critical
4 interesting point that you have been summoned here
5 and selected to help decide. And when you hear from
6 our witness and all the other witnesses, keep an
7 open mind as on everything in the case, we have no
8 doubt that you'll come back with one conclusion that
9 exists in this case, this man didn't know what he
10 was doing. And that kind of a real short and kind
11 of crass way of saying it, he didn't know what he
12 was doing, period. Thank you.

13 THE COURT: Thank you, Mr. Brooks.

14 Is the State ready to call its first witness?

15 MR. MEADORS: May it please the Court.

16 The State of South Carolina calls Mr. Jerome Wilson.

17 THE CLERK: Place your left hand on the
18 Bible, raise your right hand. State your name
19 please.

20 THE WITNESS: Jerome Wilson.

21 WHEREUPON,

22 **JEROME WILSON,**

23 having been duly sworn by the Clerk, testified as
24 follows:

25 THE CLERK: Have a seat up here please.

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1 Please state your full name, spell your last name
2 for the record.

3 THE WITNESS: Jerome Wilson, W-I-L-S-O-N.

4 MR. MEADORS: May it please the Court.

5 THE COURT: Yes, sir.

6 **DIRECT EXAMINATION**

7 BY MR. MEADORS:

8 Q Good afternoon, Mr, Wilson.

9 A Good afternoon.

10 Q Please tell the ladies and gentlemen of this jury
11 about you. You're Jerome Wilson. Where were you
12 born?

13 A Sumter County.

14 Q Where were you raised?

15 A Sumter County.

16 Q And where did you go to school here?

17 A Easton High School.

18' Q Is Easton something else now?

19 A It's RE Davis.

20 Q RE Davis? And what year did you get out of
21 Easton?

22 A '67.

23 Q What did you do after that?

24 A I attended Claflin University.

25 Q And what did you do after Claflin?

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1 A I moved away and started working with young,
2 borderline juvenile boys in New York.

3 Q And what, specifically what did -- where did you
4 work with young juveniles?

5 A A Start for Teens [sic] homes Academy
6 Institution, and ---

7 Q How long did you work there?

8 A A little over four years.

9 Q What did you do there?

10 A Counseling.

11 Q Okay. Counseling young men?

12 A Yes, ma'am -- yes, sir.

13 Q And you did that -- what'd you do after the four
14 years?

15 A From there I had want to try something different.
16 I went into mental retardation.

17 Q And where were you when you were doing that?

18 A This is in a place called Wassaic, New York,
19 W-A-S-S-A-I-C, New York.

20 Q Thank you. And specifically what did you do
21 there?

22 A I was recreation therapist.

23 Q And the type of young men you were dealing with
24 were suffering from what?

25 A The mildly retarded.

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1 Q And what was your job there? I mean, you said
2 recreation. What did you actually do?

3 A Try to teach them skills that they can use to
4 better their lives.

5 Q And ---

6 A South Carolina had really kind of a little
7 different occupational therapist or physical
8 therapist. Like I say, we got a client that need
9 more use with his hands so I got to develop activity
10 with a person who use his hands and his fingers.

11 Q Okay.

12 A Just to get them to learn how to feed themselves.

13 Q All right. And how long you do this particular
14 job?

15 A A little over three years.

16 Q Okay. Where did you do after that?

17 A I moved back down here and start work at the
18 Midland Center out on Farrow Road in Columbia.

19 Q And again, what type of individuals were you
20 working with there?

21 A The mentally disturbed.

22 Q And what was your job at the Midland Center?

23 A Counseling youth, young guys between the age of
24 14, 18, into daily life skills and learn, kind of
25 teach them how to control their temper. They were

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1 like -- they weren't bad enough to go to juvenile
2 but they were too bad to be in school.

3 Q And you were living in Sumter then --

4 A Yes, sir.

5 Q --but working in Columbia?

6 A Yes, sir.

7 Q And long did you work at the Midlands Center?

8 A For about a year. I left there and went to CCI.

9 Q To Central Correctional Institution?

10 A Right.

11 Q And what did you do at CCI?

12 A I had activities for adults.

13 Q And there were only adults in CCI, correct?

14 A Hum?

15 Q There were only adult prisoners at CCI?

16 A That's all. That's all.

17 Q Where are we in your life? Now what time, what

18 --

19 A This was 1980 to '81?

20 Q And how long were you at CCI?

21 A Two years.

22 Q All right. Where did you go after that?

23 A The Harris County Juvenile Detention Center in
24 Houston, Texas.

25 Q Okay. And was your --

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1 A I was a counselor.

2 Q How long did you do that?

3 A About three or four years.

4 Q What did you do after that?

5 A From there me and wife moved to Seattle. I was
6 kind of out of work, the kind of work I like to do.
7 And then I moved back here in 2001 and from then on
8 I been doing home health. I work with paraplegics,
9 quadraplegics, ALS patients, I like that.

10 Q And that was 2001 back to Sumter?

11 A Sunday for I came in 2001.

12 Q Right.

13 A And I stayed here for the rest 'cause my parents
14 haven't seen me in about eight years. And my father
15 had a triple bypass heart surgery, and they wanted
16 me to come home and when that happened that made me
17 come.

18 Q So did you come straight from Seattle, Washington
19 to Sumter? Did you ever work anywhere else?

20 A I went from Seattle to Houston. Me and a
21 preacher had a business together detailing cars. I
22 did that for eight years ---

23 Q But you went ---

24 A ---but that wasn't what I like to do.

25 Q I understand that. But you went to Texas after

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1 Houston and then came back home?

2 A Yeah.

3 Q And your other work that dealing with young men
4 and helping them, you enjoyed that work?

5 A Oh, yeah. And worked with the home health. You
6 meet a lot of different people and a lot of
7 different situations and I enjoyed that. That why I
8 stay with it so long.

9 Q And when did you quit the home health?

10 A Well, I retired in 2011.

11 Q Okay, a few years back. And why did you retire?

12 A Around my parents some and then, look after my
13 parents. That April for some reason all my muscle
14 kind of tightened up on me. And then I went to
15 Tuomey and they tell me how I probably had to learn
16 how to walk all over again. So I didn't want to
17 risk that chance, with the kind of clients I work, I
18 didn't want to risk that chance. I had one to fall
19 on me and 'cause I had a problem with one that was
20 very close and that when he had ALS so he be like
21 lifting and gaining weight.

22 Q So part of your job then was, home health was you
23 physically had to touch him?

24 A Oh, yeah, oh, yeah. You got to learn how to make
25 a bed with a person in the bed. You got to carry

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1 them to -- the one like a paraplegic that use their
2 upper body, you got to carry them to the restroom
3 and wash them. It's not just sitting down looking
4 at them. Then there's a lot of other stuff you got
5 to do.

6 Q So basically around April of 2012 you physically
7 just weren't able to do ---

8 A Not ---

9 Q ---this business?

10 A No.

11 Q And what have you been doing since then?

12 A Just retired at home.

13 Q Okay. Now who's your mother?

14 A Elizabeth Wilson.

15 Q And what was your father's name?

16 A Alexander Wilson.

17 Q And when did Mr. Alexander Wilson pass on? When
18 did he die?

19 A September 2nd of 2010.

20 Q A few months before this incident?

21 A Right. In fact, I been doing home health with
22 him to keep him from going in a nursing home.

23 Q And where were you living? Were you living with
24 them back in the fall ---

25 A Yeah.

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1 Q ---of 2010?

2 A Yeah.

3 Q Where were you living?

4 A Right there with them.

5 Q And I'm sorry, but what was the address?

6 A Mayesville.

7 Q Mayesville. That's here in

8 Sumter County?

9 A Right.

10 Q And can you tell the ladies and gentlemen of this

11 jury -- well, before I get to that, who is Alexander

12 B. Wilson?

13 A My brother.

14 Q That's the defendant in this case?

15 A Yes.

16 Q Who are your other brothers?

17 A I got a brother named Donald. He living in

18 Florida. I got another brother named Jerry; he's

19 the youngest one. He's in Columbia.

20 Q Okay. Now Alexander B. Wilson, do you have a

21 nickname for him?

22 A Bobby.

23 Q He goes by Bobby? Well, let's go back in time to

24 the fall before your daddy passed on, let's just say

25 August of 2010. Who was living at

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1 Street in Mayesville, South Carolina? Who was
2 living in that home then?

3 A In August 2010? My mother, my father, and my
4 brother Terry.

5 Q Okay. And were you living there then?

6 A I was living there too, yeah.

7 Q And what about Bobby, the defendant, where was he
8 living?

9 A He was incarcerated.

10 Q All right.

11 MR. MEADORS: And there's gonna be
12 testimony throughout trial of this, Judge. I think
13 the witnesses where I don't think that's an issue as
14 it is in other case and we've discussed that
15 previously.

16 THE COURT: All right.

17 BY MR. MEADORS:

18 Q So your brother was incarcerated where?

19 A At the Sumter Detention Center.

20 Q Before he got incarcerated had he lived at
21

22 A Yes, sir.

23 Q Okay.

24 A As a matter of fact, he was living there when I
25 came in 2001.

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1 Q From 2001 until now you've been at

2

3 A Yes, sir.

4 Q Okay. When did your dad's health start going
5 down?

6 A The summer of 2010. He had a heart attack in
7 2001.

8 Q All right.

9 A But due to a little bit of rehabilitation getting
10 him to walk, he got his strength back so he was good
11 until the summer of 2010. See, he basically had
12 kidney failure.

13 Q This is your father you're talking about?

14 A Yeah, yeah.

15 Q And what was his name?

16 A Alexander Wilson.

17 Q When he was still alive -- and I don't mean this
18 bad -- did he kind of -- I don't know how to say it.
19 Was he kind of, kind of run the household? I don't
20 mean that in a negative way.

21 A Yeah.

22 Q So he did?

23 A Yeah.

24 Q Okay. And prior to defendant Alexander Bobby
25 Wilson being incarcerated in August, when he stayed

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1 at the house your daddy was in control of the house?

2 A Yes, sir.

3 Q Now your father passed when, what day?

4 A September 2nd, 2010.

5 Q Okay. And buried shortly thereafter?

6 A Right.

7 Q And during that time period was your brother, the
8 defendant, you say he was in jail?

9 A Uh-huh.

10 Q And did he go to the funeral?

11 A Couldn't. My mom decided not to get him out to
12 come because he would have shackles on.

13 Q I understand.

14 A And she didn't want that.

15 Q At some point -- so that was your mom's decision?

16 A Right.

17 Q Obviously guards would have come and she didn't
18 want that. You alright?

19 A Yeah.

20 Q At some point after that was there a decision
21 made to try to get your brother out of jail?

22 A About three weeks after my father passed I came
23 off from work, and my mom said that she want to bail
24 Bobby out and I talked against it 'cause let him
25 take that time out to clean up. Because by being

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1 incarcerated it kind of kept him off the streets, in
2 the streets. The streets weren't good for him.

3 Q What do you mean by that?

4 A The whole thing with my parents, he was, he was
5 heavy on drugs. When he get on that binge he don't
6 want to get no rest. He just want to just do this,
7 and I could see the thing kind of boiling to a point
8 that weekend. It started that Friday.

9 Q Before we get to that, how do you know that he
10 was doing drugs?

11 A Well, I seen him.

12 Q Okay. Well, where had you seen it?

13 A He did it around the house.

14 Q And what type ---

15 A Right in front of my mother.

16 Q And what type of drugs was it?

17 A Cocaine.

18 Q You saw that with your eyes?

19 A Uh-huh.

20 Q And that's one reason you didn't want him back
21 out of jail?

22 A Right.

23 Q And you tried to tell your momma that?

24 A Right.

25 Q Your momma loved him?

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1 A A lot.

2 Q And so y'all got him or she got him out of jail?

3 A Yep. We went down to the bail bond guy and got
4 the bail, got the bond, and we went and pick him up
5 and ---

6 Q Do you remember, do you remember when that was?

7 A I know I remember about three weeks after my dad
8 passed. You figure the end of September.

9 Q Okay, approximately. You're not trying to give
10 me an exact day ---

11 A Right.

12 Q ---but just toward the end of September?

13 A Right.

14 Q Okay. When he got out of jail where did he go to
15 live?

16 A At home.

17 Q Okay. Was the defendant Alexander Bobby Wilson,
18 was he working then?

19 A No.

20 Q And was he getting -- was he getting any kind of
21 money from the State?

22 A Yeah, they gave him a social security check.

23 Q And for what?

24 A He on, I think it's disability.

25 Q Okay. And this is going to all come out so I

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1 mean, don't -- it's gonna all come out so just, I
2 mean, was he getting a disability check?

3 A Right.

4 Q Okay, and do you know how much that was?

5 A I don't know exactly. It was about five hundred
6 dollars.

7 Q And was that going straight to him or how was
8 that money -- how would that money get from the
9 State social security to the defendant, your brother
10 Bobby Wilson?

11 A My mom would oversee it. And what she did she
12 try to go by the rules and what they set down, get
13 him, you know, allotment, you know, like little
14 pieces.

15 Q Allotment?

16 A Yeah, so he can make out through the whole month.

17 Q So was it, as far as you know, was the check
18 deposited in her account?

19 A Right.

20 Q Okay. And would she disburse it to the
21 defendant, your brother, Bobby Wilson, over the
22 month?

23 A Right.

24 Q And you know that how?

25 A Well, I was there.

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1 Q Do what?

2 A I was there.

3 Q Okay. And your brother was on medication,
4 correct?

5 A Right.

6 Q And where would he get his medication from?

7 A The VA Hospital. The thing about it he could,
8 you know, like from here in Sumter, okay, they got
9 the VA Hospital in Columbia.

10 Q Yes, sir.

11 A Well if you really need medication bad you got a
12 little center, VA Center, right up Broad Street so
13 you can walk there.

14 Q Okay.

15 A If you need medication bad.

16 Q But as a general rule where would he get his
17 medication?

18 A I used to order it from the VA Hospital in
19 Columbia and they send it in the mail.

20 Q All right. Would you or the defendant, your
21 brother, ever go to Columbia to get it?

22 A Yeah, if he done been there I'd been there too.

23 Q That's all I'm trying to ask you. Had he been to
24 pick up his own medication?

25 A Yeah, along with my mother.

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1 Q Okay. And had you gone to get it?

2 A Yeah, by myself.

3 Q And during this time period, I mean, you and your
4 brother could talk, you could communicate?

5 A Yeah, a little, a little. You know, hum...

6 Q I guess my point, could he tend to himself, take
7 care of himself?

8 A Oh, yeah.

9 Q Did he dress?

10 A Yeah, he had know how to go out take out loans.
11 He had know how to take care of that truck. He had
12 a truck.

13 Q That's right. What kind of truck did he have?

14 A I think about a '98 or '99 Ford Ranger, blue.

15 Q You say he knew how to care of it?

16 A Yeah.

17 Q Explain to these folks what you mean by that.

18 A All the mechanical stuff. He got around and to
19 top it off, he had a way where he was the only one
20 who could start that truck up. He got a little
21 electrician knowledge. He majored in biology.

22 Q He majored in biology?

23 A Yeah.

24 Q Where did he go to college?

25 A Claflin.

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1 Q He's smart; isn't he?

2 A Oh, yeah, I think I'm the dumb one out of all of
3 them.

4 Q So he could, he knew how to take care of his
5 truck?

6 A Oh, yeah.

7 Q And I think you said something else after that
8 too, and I just, to tell you the truth, I can't
9 remember it.

10 A He knew how to take care of bills.

11 Q Oh, you said take out a loan.

12 A Yeah, take out a loan.

13 Q How do you know that?

14 A I done carry him to two places that he had loan
15 at. They all would be sending you letters when they
16 want you to re-up?

17 Q Come get a high interest loan?

18 A Yeah, yeah. He know what he was doing.

19 Q Your testimony he was able to go and apply and
20 get that loan?

21 A Yeah.

22 Q Okay.

23 A You know, to talk around him, if you had need to
24 find a place, you looking for a address in
25 Philadelphia, say, all you had to do was get Bobby

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1 he'd find it for you. He'll find it for you.

2 Q And explain that to me.

3 A He got -- he know how to get around. You know,
4 he got a good sense of getting around. And that was
5 one of the things a lot of people in Mayesville used
6 to give him credit for.

7 Q All right. Let's go back now, he's out of jail,
8 momma posted bond, he's staying at Congress Street,
9 correct?

10 A Right.

11 Q And I think I interrupted you about ten minutes
12 ago when you started to say it started that weekend
13 before, or something you were about to say -- I
14 can't remember, I interrupted you.

15 A It started on Friday.

16 Q All right. What started?

17 A The really downward spiral.

18 Q I'm sorry, what?

19 A That spiral going down, he be hitting rock bottom
20 now. And he'd start buying (inaudible) like at the
21 store and he'd go to circuitry in the back. And I
22 remember coming home that evening, and my mother
23 having another one delivered and had to take the
24 other one out. And she was, she had to tell him
25 what happened. Well, the very next day, that when

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1 he was sitting on the bed and playing with like a
2 pipe, and me and my brother Terry telling him, man,
3 he can't be doing that in here. And then my, my
4 niece was there with her little girl to use our
5 wash, our washer and dryer, and this was all, she
6 was there too. On that same day he asked momma for
7 five dollars.

8 Q And are we in the month of November?

9 A This is November, yeah. This is that Saturday
10 before the incident happened.

11 Q Okay.

12 A He asked her for five dollars and I told my
13 mother don't do it. In other words, I was replacing
14 my dad.

15 Q You -- say that again, you what?

16 A I was replacing my dad 'cause he'll jump on -- he
17 know ma had care a whole lot for him so he'll do
18 things to get her aggravated so she would do what he
19 want. And I told her, I said, ma, don't give him
20 that five dollars or you'll gonna get him started.

21 Q Based on your history if your dad was still there
22 he wouldn't have done that?

23 A No, my momma would give it to him anyway and he
24 took the check and went down to the station.

25 Q And when you say the station what do you mean?

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1 A At the store in Mayesville ---

2 Q Sir?

3 A ---on 76.

4 Q Okay.

5 A He went to the station and the guy behind the
6 counter, we all know each other, and he called back
7 and said Bobby down there trying to cash a fifty
8 dollar check. So what he did, he add a zero on to
9 the five and forgot all about that financial where
10 you spell it out like what the amount is. But he
11 didn't cash it. Okay, that Sunday ---

12 Q So the store clerk or owner called y'all back and
13 told you that ---

14 A Yeah.

15 Q ---he didn't cash it?

16 A And the time ---

17 Q And please hold that though there but, you said
18 earlier with the disability check your mom would
19 give him installments, I think, was your word.

20 A Right.

21 Q Had that run out this month of November?

22 A Yeah. If I didn't -- he just had, okay, this is
23 last week.

24 Q Yes.

25 A So he done about spend everything momma -- her

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1 hearth was so warm she would just give it to him.
2 just to get him out of her hair. And that -- he
3 just had to have some money. I mean, he just, I
4 mean, like, he was on a mission. And then that
5 Sunday it didn't slack up.

6 Q Why did you not want him to have the money?

7 A "Cause I didn't want it to happen.

8 Q Want what?

9 A He going to get drugs. I didn't want it to happen
10 because he stay up late at night. He'll run the
11 street all day. It's nonstop.

12 Q Did he -- was he in your presence when you told
13 your momma don't give it to him?

14 A Oh, yeah.

15 Q Did he know you were objecting to it,---

16 A Oh, yeah.

17 Q ---Mr. Wilson?

18 A Oh, yeah.

19 Q How did he react to that?

20 A That one of the reasons I got a scar right here.
21 That happened that Monday.

22 Q I didn't know that.

23 A Monday morning I got this getting up to go to
24 work. And I had a ironing board in my hand, you
25 know, like, got the legs on it, and I got folded up.

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1 He jump on my back and cut me right there.

2 Q And that was the ---

3 A I mean, that thing upset me. But see, my daddy
4 just passed and momma and say, remember what your
5 daddy said, take care of your brother, take care of
6 your brother. And we walked off. I would go to
7 work. Then I come home.

8 Q Before you woke up that Monday -- look at me
9 please, sir. Before you woke up that Monday, it'd
10 be November 29th, 2010 is that Monday, right? The
11 Monday after Thanksgiving like it is today?

12 A Right.

13 Q Had he gotten mad at you the night before or the
14 day before?

15 A Oh, yeah.

16 Q Because of the money?

17 A Uh-huh.

18 Q So that Monday morning you're getting up to go to
19 work?

20 A Right.

21 Q Where were you going?

22 A I do home health. I was going to work in
23 Columbia.

24 Q And did you have your own bedroom?

25 A Yeah.

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1 Q Okay. Did he have his own bedroom, the
2 defendant?

3 A Yeah. For some reason which -- he don't ever get
4 out about 10, 11:00 in the day. But for some reason
5 that morning, I had the ironing board in my room so
6 nobody use it but me. For some reason this morning
7 it wasn't in the room. I didn't notice until I came
8 home that day before. I didn't notice it was out of
9 the room until I woke up that Monday morning and I
10 couldn't find it so I went and looked trying not to
11 disturb nobody went in the room and I see it right
12 by his bed. So I'm tipping toe and not wanting to
13 cut no lights on because it like 4:30 in the
14 morning, 4:30 in the morning, and I -- as soon as I
15 pick it up and turn my back, next thing I'm up
16 against the wall and ---

17 Q Did he say anything? Did the defendant say
18 anything to you?

19 A What you doing by my bed. But he had knew I was
20 gonna come in and get the iron 'cause I would use it,
21 every morning.

22 Q But he didn't try to hit you with anything or ---

23 A Oh, I grab -- my brother help him off me. He
24 held on to my back.

25 Q Was there any mention about a stamp the day

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1 before this or the weekend before that?

2 A Yeah. I know, I remember about the stamp, you
3 know, letter from him.

4 Q Okay.

5 A He wrote to the house.

6 Q And that's when you learned about the stamp?

7 A The stamp, 45 cents stamp. I mean, a life is 45
8 cents. You take your mother life for 45 cents and
9 then top it off he didn't want, he didn't want the
10 medication no way 'cause he was selling the
11 medication to get money for drugs.

12 Q And how do you know, how do you know that?

13 A I -- one of the guys I knew for a fact. And then
14 everybody in town had know everything about my
15 brother.

16 Q All right, you go ---

17 A And this was no secret. And then my mother know
18 too 'cause we just take, you know, by he selling his
19 medication.

20 Q You got to work October -- excuse me, I apologize
21 November 29th of 2010?

22 A Right.

23 Q What time do you get off work?

24 A I got off that day around about 5:00.

25 Q And what time did you get back to

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1 Street in Mayesville?

2 A Oh, about 7:30, 8:00.

3 Q Tell the ladies and gentlemen, as you're coming
4 toward your house what did you see or observe or
5 hear, or anything?

6 A My younger brother, I could see him in the head
7 lights of the car waving me down. And like, it like
8 something unbelievable. I roll the glass down,
9 asked him what's the problem, and I mean, just words
10 I will never forget. He said Bobby just killed
11 momma. I couldn't believe it. I mean, oh man, I
12 couldn't believe it. And then he'll want to use my
13 phone 'cause Bobby done ripped the phone out at the
14 house, yeah.

15 Q Had the phone been in the jack, the phone wire
16 been in the jack when you ---

17 A They pull that out, yeah.

18 Q I'm sorry, had the phone wire been in the jack
19 when you left that morning?

20 A Yeah.

21 Q Okay. And did you learn or find out through your
22 brother that the phone wasn't working in the house?

23 A The phone wasn't working.

24 Q Did you take ---

25 A He couldn't take that chance trying to get it

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1 back to working because Bobby still had the bat.

2 Q So was 9-1-1 called?

3 A Yeah, I called them ---

4 Q So you couldn't use ---

5 A ---from my cell phone.

6 Q ---the land line?

7 A No.

8 Q Did somebody go to a neighbor's house?

9 A Yeah, my brother.

10 Q Did he call from there or?

11 A He called from their too.

12 Q So you couldn't use the land lines, house phone?

13 A No, no.

14 Q Did you go inside your house on the afternoon or
15 evening of November 29th, 2010 and to -- I know you
16 did, tell the jury what you saw.

17 A My mother was laying in the doorway of her
18 bedroom face down. And I was, like being in home
19 health I knew right off the top something seriously
20 wrong 'cause there was a pool of blood and little
21 dab like blood. And you know, 82, you know, I says
22 this don't look good. And I'm gonna be honest with
23 you, I do home health, well when you got head
24 injuries I couldn't look just to check her head so I
25 feel like her legs to see if I can get a pulse and

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1 she done start getting cool. And at the same time
2 while I'm doing this I got to keep an eye on him too
3 'cause he still standing there with that bat, and
4 there's blood every place. There's blood -- they
5 swing that bat the blood was dripping off the bat.

6 Q So he was still holding the bat?

7 A Uh-huh. I said, man, what you done done, the
8 permanent carer about you, what you done done. All
9 he had a look in his eye like I was next. And then
10 my brother Terry came in there. We attempt like we
11 had to get that bat out his hand but he, oh, man.

12 Q You knew your momma was dead; didn't you?

13 A I knew, I knew. I mean, huh-uh, you know. I --
14 I done seen people shot. You know, I, I done seen
15 people shot, you know, you see people in bad
16 accidents, but that there was totally different.
17 That was totally different totally. And then the
18 thing about it is your mother and 82 years old, I
19 mean, she near the end of her life anyway, and for
20 her to go like that, she nearly 82 years old. Dad
21 was 82 too. She -- they had a mom was, mom for 82.
22 She was in tip top shape. I wish when I get 82 I
23 get old.

24 Q After you found your momma initially and you said
25 the defendant was looking at you, but did he say

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1 anything to you?

2 A No.

3 Q And did he -- was he screaming at you?

4 A No.

5 Q Was he yelling at you?

6 A No. All I said, man, you know what you done?

7 Q And did he tell you he thought you were somebody
8 else?

9 A No.

10 Q Tell you that he had thought his momma was
11 somebody else?

12 A No.

13 Q Did he -- was he acting ---

14 A He acting later.

15 Q Was he acting calm?

16 A Yeah.

17 Q Okay. Under control?

18 A Oh, yeah, definitely.

19 Q Now you came in and you see your momma basically
20 beaten to death, and I -- did you and/or your
21 brother, did y'all give your brother a good beating,
22 or did your brother, somebody hit him with the bat?

23 A Y'all got to understand.

24 Q It's okay.

25 A I'm gonna tell you the truth. You angry, you

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1 can't believe this is happening, and this guy don't
2 want to let loose that bat. So we had tackled him.
3 Now we in the process he got hit side of the head
4 and I don't know whether the bat -- he had -- as a
5 matter of fact I ain't see the bat since. Because
6 the main thing is, I been grab him in the back on
7 the ground, and my brother tried to wrestle that bat
8 out of his hand 'cause he was the youngest and the
9 strongest.

10 Q And y'all got the bat from him?

11 A Yeah, my brother did.

12 Q And tell us about that bat. What, who, where did
13 the bat come from?

14 A My dad was a -- that from baseball. And since I
15 was a kid. That was a bat he had from me 'cause he
16 had, like, we played baseball. So he had that bat
17 it like a little souvenir, a little, just a little
18 bat. And he used to keep it beside the bed like. I
19 didn't, you know, I got grown. The bat I look at is
20 a little bit slugger. This thing here is like a
21 little thing like that. He keep it by the bed for a
22 souvenir.

23 Q What -- was it out in the open or was it in the
24 corner where the bed was?

25 A In the corner. In the corner.

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1 Q Was it even ---

2 A He -- as a matter of fact, it was in the corner
3 along with an old antique rifle that my mother
4 father gave my dad as a gift way back in the I guess
5 the '40s before I was born.

6 Q Well, I guess if I'm coming into their room --
7 and I'm not gonna show you pictures; we'll show them
8 later of that -- would the bat have been visible to
9 the eye as you come in the room?

10 A Oh, yeah, it's in the corner but on the other
11 side of the bed.

12 Q Other side. You'd have had to go over the bed to
13 get it?

14 A Yeah.

15 Q After you and your brother had taken the bat from
16 him -- and he suffered some injuries -- we're gonna
17 have some folks testify -- to his head, correct?

18 A Yeah.

19 Q What did he, what did your brother, Bobby Wilson,
20 do after that? This is before the police got there.
21 What did he do?

22 A Ran to the bathroom.

23 Q Okay, and what did he do with the door to the
24 restroom?

25 A Close it.

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1 Q So he left y'all, went into the bathroom with the
2 door closed?

3 A Right.

4 Q And what did you do next?

5 A We waited for the police to show up and the
6 paramedics.

7 Q And during that time period while you were
8 waiting was your brother, the defendant Bobby
9 Wilson, was he screaming out or ---

10 A No.

11 Q ---saying crazy things or?

12 A No. No. He went in the restroom and then went
13 to -- when they, the paramedics was getting my
14 mother. And the officers, they were asking
15 questions where he's at, and I point to them the
16 bathroom so they went and got him out the bathroom.
17 But then when they did that, before they made a move
18 they asked me to leave the house.

19 Q Okay.

20 MR. MEADORS: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 BY MR. MEADORS:

23 Q I'm gonna show you what's marked State's 7. Is
24 that the front of your residence at
25

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1 A Yes.

2 MR. MEADORS: Your Honor, without
3 objection State's 7.

4 THE COURT: Any objection?

5 MR. BROOKS: No, sir, Your Honor.

6 THE COURT: None of these have any
7 objection?

8 MR. BROOKS: No objection.

9 THE COURT: Okay.

10 MR. MEADORS: And Your Honor, for the
11 record then 3, 4, 5, 6, and 1 and 2, so 1 through 7.

12 THE COURT: All right, admitted without
13 objection.

14 (WHEREUPON, State Exhibit Nos. 1 through 7
15 were admitted into evidence.)

16 BY MR. MEADORS:

17 Q This is State's 3 and State's 4 without -- we're
18 gonna have the bat in later on in trial, but is that
19 part of the bat?

20 A That's the bat.

21 Q Okay.

22 A Yeah.

23 Q And State's Number 5?

24 A Yeah.

25 (State's Number 5 was shown to the jury.)

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1 BY MR. MEADORS:

2 Q You testified earlier about a phone jack, and I
3 believe you testified when you left for work the
4 phone jack, the phone was in the phone jack?

5 A Yeah.

6 Q Showing you State's 1, the top of State's 1, is
7 that the phone jack?

8 A That's it.

9 Q And is the wire to the phone out of the phone
10 jack?

11 A It was out of both of them.

12 Q And you didn't take it out, did you?

13 A No.

14 Q Your brother didn't? Your brother didn't that
15 you know of?

16 A Not my younger brother.

17 Q Okay, terrible question, thank you. Your other
18 brother not in custody?

19 A Right.

20 Q And you don't know, believe that your momma would
21 have taken the phone out of the phone jack?

22 A Oh, no. The phone was like hard for her even
23 though she'd been on the phone a lot. You always
24 want to be able to contact people.

25 Q Now State's 6 is a letter that you received from

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1 your brother, correct?

2 A Uh-huh.

3 Q And it's addressed to Jeremy and Terry, Jerome
4 and Terry Wilson?

5 A Right.

6 Q That's you and your other brother?

7 A Right..

8 Q And it was sent to your ---

9 A Address.

10 Q ---address. This is so crazy, but you've known
11 your brother your whole life; hadn't you?

12 A That's it.

13 Q That's right. So you know your brother's
14 handwriting?

15 A Oh, yeah.

16 Q I mean, brothers know each other's handwriting?

17 A Oh, yeah.

18 Q And is that your brother's handwriting?

19 A My brother handwriting. You know, my -- like
20 being the oldest one, like in the family, you know,
21 your parents tell you watch out for your brother.

22 So you like, like I guess they use you as a
23 babysitter when they're away from the house.

24 Q And you don't mean that in a bad way.

25 A No, no.

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1 Q You're looking out for your younger ---

2 A Yeah, yeah, siblings.

3 Q ---brother.

4 A You have to. Whenever you go to school if
5 somebody picking on your brother you want to help
6 him out. You really don't want to get in trouble
7 and get thrown out of school so I was blessed, I was
8 blessed.

9 Q Generally brothers really do look out for
10 brothers.

11 A Yeah, yeah.

12 Q And since that's his handwriting he'd have been
13 the one to put the address on there?

14 A Right.

15 Q Zip code?

16 A Yeah.

17 Q And this was dated -- what's the date on State's
18 number 6? Is it up there at the top right?

19 A Looks like December 8th, two thousand --
20 December 3rd, 2010, I think -- I ain't got my
21 glasses.

22 Q Up at the top, I just had to get mine. Would you
23 dispute it if I said December 3rd, 2013?

24 A Oh, that's a three, okay. Yeah, that 2013.

25 Q And this reference is the postmark shows

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1 December 2013.

2 A Right.

3 MR. MEADORS: Now -- Court's permission to
4 publish.

5 BY MR. MEADORS:

6 Q It says Alexander Bernard Wilson --

7 THE COURT: That was without objection;
8 it's been admitted. Is that correct? That was
9 number...

10 (Attorneys confer.)

11 MR. MEADORS: Mr. Brooks would like for
12 him to read it, Your Honor.

13 THE COURT: All right. So it's admitted
14 without objection.

15 MR. BROOKS: If it's a letter addressed to
16 him then he can read it.

17 MR. MEADORS: And I had showed him this
18 previous, Judge.

19 BY MR. MEADORS:

20 Q 2.0, I don't know what you're on.

21 A I don't know where you are. I don't know.

22 Q Let me see. Just start up there at the letter
23 please.

24 A Alexander Wilson. Alexander Bernard Wilson.

25 This is Winkle Road on -- no, this is on Farrow Road

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1 out in Columbia. Okay. Dear Buster and Terry.

2 Q This is Buster. And is that -- who's Buster?

3 A That's me.

4 Q That what he called you by?

5 A Yeah.

6 Q That kind of authenticates it was to you?

7 A Uh-huh.

8 Q And who's Terry?

9 A My youngest brother.

10 Q Okay, go ahead.

11 A "I'm writing you to let you know how I am doing
12 and how I'm feeling. I'm doing fine and hoping to
13 go to court in order -- and plea not guilty. I need
14 my glasses -- to killing my mom. I made ---

15 Q What does that say?

16 A I can't read without my glasses.

17 MR. MEADORS: Your Honor, can I publish
18 the rest of it? He's authenticated ---

19 THE COURT: You can publish it.

20 MR. MEADORS: "I'm writing you to let you
21 know how I'm doing and how I feel. I'm doing fine
22 and hoping to go to court in February and plead
23 guilty to kill mom. I made a mistake when mom
24 refused to give me the money to mail off my
25 medication. I thought she was not my mother. All I

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1 needed was a 45 cents to mail off the envelope and I
2 asked her three times that day about that. That
3 night I asked her to write me a check. She told me
4 my hand to God, 'Boy, you ain't got no damn money in
5 no bank.' I got the bat, then I hit her. She didn't
6 say nothing. So I hit her again. Then I hear a
7 voice sound like daddy voice said 'Bobby, bring her
8 to me, I know what wrong with her, I will take care
9 of you.' And I did what the voice say do. Yes, I
10 made a mistake. I thought she was not my mother
11 after she refused to give me a 45 cents to mail off
12 my envelope. Now three years have passed since
13 then. I hurt my family, I hurt myself, and I hurt
14 one person I love in the world is mom. So I don't
15 know what going to happen to me. I could get 30
16 years; then again I could get time served. Whatever
17 happen let it be God's will and may God's will be
18 done. I pray for you all and pray you are all doing
19 okay. I will write you again in January when I come
20 to Sumter. Signed A.B. Wilson." Is that your
21 brother's signature?

22 A Yeah.

23 Q And you had just recently provided this to us,
24 correct?

25 A Right.

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1 Q So your testimony earlier was something about a
2 stamp. Is that where you learned about the stamp?

3 A Yeah, right there. I didn't know -- the first
4 the first line was when I came -- read in the
5 newspaper he say something about that wasn't his
6 mother; I didn't know that. Then when I saw him at
7 the forensic evaluation at the probate court and
8 talking like with the officers then he brought he
9 talking about his momma.

10 Q I'm showing you what's State's 2. Do you
11 recognize that handwriting?

12 A That his.

13 Q Okay. And is that an envelope that was at your
14 house on November 29th, 2010?

15 A Yeah.

16 Q Was this at your house?

17 A Yeah.

18 Q Same day this happened?

19 A Yeah.

20 Q And it's -- well, that's his handwriting, right?

21 A That definitely.

22 Q And the return address, it has his name?

23 A Yes.

24 Q PO Box 151?

25 A Right.

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1 Q Mayesville, South Carolina?

2 A Right.

3 Q You didn't write that for him?

4 A No, no.

5 Q And it's made out to pharmacy services?

6 A Right, for his medication.

7 Q And where is that? It's on Garners Ferry Road,
8 so what is pharmacy services?

9 A VA Hospital.

10 Q Just a few more questions. During the days
11 leading up to your momma dying, was the defendant
12 still functioning, still working on his car, driving
13 his car, was he still able to tend to his own needs?

14 A Just by this time now the car, the truck is gone.

15 Q Okay.

16 A And the reason why, he went to a service station
17 and stole gas so when everybody caught up with him
18 they impound the truck. And so this about the third
19 time this happened so dad decided not to take the
20 truck out so he ain't had the truck at that time.

21 Q Well, the days leading up to your mom's death was
22 your brother, the defendant, was he using crack
23 cocaine?

24 A Yeah. And mom, I tell you, my mother, something
25 she did and she never did this before. My mother,

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1 she know something was up; I can look back at it
2 now. She left her purse locked up in the car that
3 same day that she got killed. She knew. She knew.
4 He seven took -- she lock her purse up because after
5 everything was over and we got to clean this stuff
6 up and we got to figure out a birthday and stuff we
7 said where her purse at. We look around the room,
8 look around, and we didn't see it. And I went out
9 to the car and there her purse sitting in the seat,
10 car locked up. I said right there, you know, ma
11 know something was going on. She can sense it
12 'cause the things he been doing that day. He been
13 trying to make momma feel bad, feel ashamed so that
14 she would give him money. He went in exposing
15 himself at the senior center, think that gonna break
16 momma down, but it didn't that, momma stuck to it.
17 She knew once he get that money he was gone.

18 Q So was he doing stuff that he knew would
19 embarrass her ---

20 A Yeah.

21 Q ---your momma?

22 A He did it on purpose too.

23 Q So he knew he was ---

24 A He knew he was doing it.

25 Q He knew that would bother her?

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1 A Yeah, knowing that would hurt ma. I mean,
2 like -- there's a lady that take care of you. Any
3 time you get in trouble she is there for you. And
4 definitely with him, with him. By me being the
5 oldest one, something happen to me I'm on my own,
6 but then I was living here. But she always been
7 there for him, always. I mean, she, I mean, she
8 won't even second guess him. You know, she won't
9 second guess him. But then like, we don't try to
10 hurt her, you know, doing things to upset your mom
11 and your dad. You want to try to, hey, they been
12 good parents. I got after her on their anniversary.
13 I say, you know, if I pass away and the good Lord
14 tell me I'll send you back and would you want the
15 same parents, I'd say, you know what I'd tell them,
16 send me back and give me the same parents and while
17 you're at it give me a double dose 'cause they that
18 good.

19 Q I understand. And we're all sorry for your loss.
20 Was your mom in the bedroom doorway when she was
21 struck?

22 A Yeah, it looked like she was on the bed 'cause
23 there was, there was -- there was blood all on the
24 wall, all on the ceiling like someone, like somebody
25 swinging and there's spatter all over the wall.

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1 Q We were at your house a week or so ago, Mr.

2 Miller and I, some of that blood spatter still on
3 the ceiling?

4 A Some of that blood spatter still on the ceiling.

5 Q And I think you testified the bat was kept in
6 there in the room?

7 A Uh-huh.

8 Q In her room.

9 A He had hit her while, hit her head while she was
10 in the bed and then maybe she was trying to get up
11 maybe get away, that was the finishing blow 'cause
12 when I came there she was face down. And I knew not
13 to look at her head, just something tell me not to
14 look.

15 Q We got somebody else going to describe those.
16 And the individual for the record that you saw when
17 you came in your bedroom and saw with the bat in his
18 hand and your momma laying on the floor, is that
19 your brother Bobby over here, the defendant?

20 A Yes, sir.

21 Q In the blue shirt?

22 A Yeah.

23 MR. MEADORS: I'd like the record to
24 reflect please.

25 THE COURT: The record will so reflect.

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1 MR. MEADORS: Beg the Court's indulgence.
2 Thank you, Judge. That's all the questions.

3 THE COURT: Mr. Brooks.

4 **CROSS-EXAMINATION**

5 BY MR. BROOKS:

6 Q Mr. Wilson, how are you doing? How are you?

7 A All right.

8 Q Everybody knows you. What's that nickname
9 everybody knows you as?

10 A Buster.

11 Q Buster. And you're the oldest?

12 A Yes, sir.

13 Q Okay. So you are, is it fair to say that you're
14 familiar with your brother having problems?

15 A Yeah.

16 Q And he's had a history of going through mental
17 hospitals; is that correct?

18 A Yeah.

19 Q And he was on social security disability for a
20 mental problem?

21 A Yeah.

22 Q And do you know what kind of medication he was
23 taking from the VA?

24 A First he started out with -- the one at the VA I
25 think Falixer (ph) and Haldol.

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1 Q And from what you know of them, they're
2 medications to deal with the mind; is that correct?

3 A The mind, right.

4 Q And how old are you, Mr. Wilson?

5 A 65.

6 Q How old is your brother?

7 A 63.

8 Q Okay. And has this been something that he's had
9 to deal with all his life?

10 A No, not all his life. Not all his life. It
11 really hit him in the late '20s, in the late '20s.

12 Q So for -- since he's 64 now, for the last 40
13 years he's been dealing with ---

14 A Kind of in and out.

15 Q In and out?

16 A He -- when he is sober he's all right.

17 Q Sober and on his medication?

18 A And on his medication, right.

19 Q And when he's not on that ---

20 A Big ---

21 Q But when he's not on that med---

22 MR. MEADORS: Your Honor, if he'd let him
23 finish. I'm sorry, I thought he was still
24 testifying.

25 THE COURT: Let him finish.

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1 MR. BROOKS: Judge, he was finished. I
2 didn't cut him off so...

3 BY MR. BROOKS:

4 Q When he's not sober and he's not on his
5 medication, is what you're saying that he's a
6 problem?

7 A Yep.

8 Q Okay.

9 A Big problem. One thing for sure, from working in
10 mental health and dealing with a lot of different
11 clients, he knows the difference between right and
12 wrong.

13 Q That's just your assessment of him ---

14 A Right.

15 Q ---being his brother for long time?

16 A Yeah, uh-huh.

17 Q Now you testified earlier you got to the house
18 and you saw your mother in the doorway face down?

19 A Right.

20 Q And your brother, was he standing or sitting?

21 A Standing up.

22 Q Okay. And what was he doing?

23 A You ever seen a, look at baseball and see the
24 batter in the batter's box. I'm not talking about
25 the one on the deck. I'm talking about the one

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1 standing in the batter's box. How normally you have
2 your bat 'cause he getting ready to strike the ball.
3 The guy on the deck, he sitting there holding his.
4 So that basically how he like that guy in the
5 batter's box standing right up.

6 Q So he had it wound up?

7 A Yeah.

8 Q Ready to hit another ball?

9 A Right. I'll never forget that picture.

10 Q And that's how you saw him once you came to house
11 and saw him? That's what he was doing?

12 A Right.

13 Q And it was ---

14 A Blood all over his face and clothes.

15 Q And it was you and your other brother Terry?

16 A Yeah.

17 Q And him and Bobby, and your mother in the
18 doorway?

19 A Right.

20 Q Okay.

21 A I went there first. My brother was still out
22 there trying to -- he was at the house next door to
23 make a phone call. So I was in there first and
24 trying to look at ma, keep my eye on him 'cause he
25 standing there like he getting ready to step into

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1 one. And I wanted to see how momma was doing and,
2 you know, like that home health thing, even though
3 it just a loved one, that home health thing kick in,
4 your training, so I tried to assess her condition
5 and at that same time trying to keep the bat, keep
6 an eye on him too. And then I feel her legs and I
7 couldn't feel no pulse. At this time my brother
8 Terry came in, and I said, man, she gone. And Terry
9 said, we better get that bat.

10 Q Did your brother Bobby, did he say anything to
11 you?

12 A No.

13 Q He say anything to Terry?

14 A No. Looking at me so calmly. He was looking
15 right at us.

16 Q Okay.

17 A As a matter of fact, I don't think he blinked too
18 much.

19 Q Okay. Had you seen him like that before?

20 A Yeah, when he angry.

21 Q When he's what?

22 A When he's angry. When he get mad, when he don't
23 have his way he can get angry. Like some people, if
24 things don't go their way they get upset. Some
25 people deal with it; others don't. And he, like I

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1 said, if mom don't give him money he get in that
2 truck and if somebody get in his way they get run
3 over, they will get run over.

4 Q And now when Mr. Meadors asked you about your
5 father, when your father was alive he, I guess, in a
6 way of putting it, he ran the household?

7 A Oh, yeah.

8 Q And I guess ---

9 A He should, it's his house. No ---

10 Q I understand.

11 A And him and mom like that and somebody always
12 tell me, being a man, the buck stop with you. But
13 you got to get your spouse, she, how she think
14 about this thing and then you come to a decision and
15 try to balance the act so there won't be too much
16 conflict between you and your spouse. That how dad
17 was.

18 Q Okay. But is it fair to say your dad was able to
19 keep Bobby in check?

20 A Yeah.

21 Q Okay.

22 A Yeah.

23 Q So as you indicated earlier this has been going
24 on a while, it's just that your dad was able to keep
25 him in check?

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1 A Yeah.

2 Q How was it that your dad kept him in check?

3 A He got authority, and he don't have to raise his
4 fist. It just when dad speaks and when we were
5 growing up, you listen to your dad. You listen to
6 your dad and your ma.

7 Q Okay.

8 A And dad is like, you know, when you a kid and you
9 did something wrong, your mom couldn't spank me you
10 but you don't want that one from dad.

11 Q 'Cause dad was, dad's discipline was ---

12 A He wasn't like -- I didn't get more beating like
13 after elementary school. After -- you learned.
14 Bobby wasn't getting no beating or nuttin' 'cause
15 you learned. You know, you make a mistake in school
16 they beat you at school and then you come home and
17 get another beating. So we got to learn, you come
18 to the conclusion, you ain't gonna get this -- you
19 commit this one offense and you get two beatings?
20 That don't make no sense so you straighten up.
21 You're gonna behave right at school and you're gonna
22 behave right in the community.

23 Q And it's fair to say that dad was no joke. Dad
24 was the tough disciplinarian.

25 A Nah, nah. I ain't say nothing about dad. Dad,

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1 was a real father. He didn't, he didn't, he didn't,
2 he wasn't physical. He supposed to beat, spank us
3 when we were small. When we got grown he talk to
4 you. And he act, just like ma, she'll give you a
5 look and she ain't got to say nothing.

6 Q But as you said earlier dad was able to keep
7 Bobby in check?

8 A Yeah. I say too, he was able to keep mom in
9 check 'cause momma would give in to Bobby desires.

10 Q So, and you said earlier after dad was gone you
11 knew there was going to be a problem?

12 A I didn't think there was going to be a problem;
13 but then at the time, I ain't know we were getting,
14 Bobby be getting out of jail.

15 Q Right. And you said earlier that momma wanted to
16 get him out of jail?

17 A Yeah.

18 Q You didn't -- you said you spoke up and you told
19 your opinion, and you didn't think he needed to get
20 out of jail, right?

21 A Yeah.

22 Q But that was your opinion, he didn't need to get
23 out of jail?

24 A Yeah, that was my opinion.

25 Q And dad was the -- this was after dad had passed

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1 but the dynamic in the household was dad, was the
2 authority, the authority in the house as you
3 indicated, right?

4 A Right.

5 Q Is that correct?

6 A That's right. At the same time too now, by being
7 the oldest one, show you that thing between me and
8 him, he listen to my side too if something come up
9 between her and Bobby 'cause I be trying to be like
10 a mediator.

11 Q Right. Now Mr. Meadors had you testify about
12 this letter that you got from your brother; is that
13 correct?

14 A Right.

15 Q And you recognized it as being a letter from him?

16 A Right.

17 Q And in the letter he indicates that he heard your
18 father talking to him. It says that in the letter;
19 doesn't it?

20 A Yeah.

21 Q And -- is the letter still up here? He says that
22 he heard a sound like daddy voice say, Bobby, bring
23 her to me. Bobby was Alexander, right?

24 A Right.

25 Q Bobby, bring her to me, I know what wrong with

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1 her, I'll take care of you. And he says he heard
2 your daddy's voice saying that. And this is after
3 dad was already passed away; is that correct?

4 A Right.

5 Q Okay. He didn't go to your father's funeral,
6 right?

7 A No.

8 Q Okay. And that was because he was incarcerated?

9 A Right.

10 Q Okay. Did he find out about his dad passing away
11 while he was in jail?

12 A Oh, yeah, he knew. He knew, to think about it,
13 just like two months before this, my father passed,
14 they had a thing at our children been giving dad
15 honor. And a few months before he got locked up and
16 I was the only one there. Too busy trying to take
17 care of your own desires so he sent — I don't think
18 he either kind of looked like dad as much as he
19 like, he like ma 'cause dad —

20 Q You said earlier mom would — she would bend
21 order backwards for Bobby.

22 A Oh, yeah, yeah.

23 Q Okay. Where his dad would kind of put his foot
24 down?

25 A Oh, yeah.

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1 Q Is that a good way to kind of describe the two?

2 A Right, uh-huh.

3 Q And he did some things to upset mom, some things
4 that were way out of line; is that correct?

5 A Just for -- yeah, just before his --

6 Q Just after your dad had died?

7 A Just after, talking about after dad passed.

8 Q But before the incident with mom, right?

9 A Yeah.

10 Q One of the incidents was him going to the church,
11 right, catching up with her at church? Was that an
12 incident?

13 A Catching up with at church?

14 Q Yeah.

15 A I mean, catching up with at church?

16 Q Was there something about him, was there
17 something -- it was a incident where he went to a
18 religious service where your mother was there and
19 basically showed out at the religious service?

20 A I don't remember that.

21 Q You don't remember that?

22 A If it was on a Sunday 'cause he would kind of --
23 I didn't get a chance to go church too often, and I
24 know he showed out at the senior center.

25 Q Okay. What happened at the senior center?

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1 A He was trying to sell some batteries so he could
2 get some change. And momma wouldn't give him no
3 money then so he decided to expose himself and make
4 mom look bad.

5 Q Okay. So it might not have been -- at the senior
6 center he basically pulled his pants down at the
7 senior center?

8 A Not exactly pull his pants down. He exposed
9 himself, you know.

10 Q Okay. And this is after your dad had passed --

11 A Right.

12 Q ---but before the incident with momma? And
13 obviously it would be fair to say that was a very
14 disturbing incident?

15 A Yeah, I think -- listening to all the people who
16 told me about the incident, see, Mayesville got a
17 little close knit community, and my mother friends,
18 they could have called the police and had him
19 reported. But instead, they just, they don't want
20 to see mom get hurt 'cause they knew this one was
21 hurting momma a lot. That been hurting mom a lot.
22 She had just got him out of jail. And then what
23 happened was, that five hundred dollars she had give
24 to him that went so quick and then he come back and
25 get the rest, he done spent up all the money. And

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1 then now he putting the po-- the putting the thing
2 on -- knowing momma can write a check more likely he
3 can get something, so he, he done trying his best to
4 do anything to hurt ma. And the thing about it, the
5 thing what gets me and my brother, especially when
6 my brother in Florida, here somebody always been
7 there for you, I mean, always, always been there.

8 Q And is it fair to say that that doesn't make any
9 sense?

10 A I ain't gonna say nothing. I'm gonna say it
11 shows me you putting your desires over others.

12 Q Now when you came to the house and you found your
13 mother on the floor, you testified earlier to when
14 Mr. Meadors asked you a question, that you turned to
15 your brother and you said something to the effect
16 of -- what did you say? Do you recall what you said
17 to him?

18 A What are you doing? I mean, look what you did,
19 look what you did.

20 Q And what else? This is the person that loves you
21 ---

22 A That care for you more. This the person that
23 got -- if it was left up to me he would still in
24 jail.

25 Q So is it fair to say that that whole thing didn't

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1 make any sense?

2 A No. When you watch somebody, when you watch
3 somebody for so many years, for so many years, and
4 you see, you know this person can do better, you
5 know this person can do better, and see a person
6 that will take advantage of the system 'cause right
7 now he looking to take advantage of the system. If
8 I get in a mental institution and they let me out --
9 he done tell my cousin in one of those letters I got
10 a truck at the house. Now wait a minute, how you
11 got a truck at the house. Now he ain't thinking
12 about who taking this -- mom ain't there no more;
13 I'm there by myself. Now, he ain't thinking about
14 who holding this bode up. All he thinking about is
15 his desires; that's all he think about.

16 Q Are you saying he has written a cousin and he has
17 said that?

18 A Yeah, sent him two hundred dollars.

19 Q Okay. He sent ---

20 A They done drop this charge. They done drop this
21 charge. And now he's on -- they got him on a like a
22 shoplifting that he need two hundred dollars to get
23 out.

24 Q Okay. And he sent all of that in a letter to
25 your cousin?

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1 A Yeah.

2 Q What cousin was that?

3 A My daddy niece. She was here when we were at the
4 first hearing. Only reason she couldn't be here now
5 she had to go to, they already had plans to go to
6 Asheville, North Carolina.

7 Q And he wrote her a letter to that effect?

8 A Yeah.

9 Q And she gave that to the Solicitor's Office?

10 A Yeah, I went and collect it. I kept all of them.

11 Q Okay.

12 A I kept all the letters that I got, and she'll
13 call me and let me know when she got a letter from
14 him.

15 Q Okay.

16 A Sent a double breasted suit. And I ain't know a
17 double, a black double breasted suit in that house.
18 My dad, any of them. I ain't, I said what are you
19 talking about. Only thing, I done, I done watch him
20 for years, smooth talk, I mean. Oh, I'm gonna tell
21 you something, I'm just a plain old guy. But to me,
22 when I see a guy who majored in biology, a pharmacy
23 thing, my other brother, another one business
24 administration, boy, it make me feel dumb,
25 especially this one. He right behind me and he got

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1 good grades in biology at Claflin. And then to see
2 how he handle business it like he -- he know what to
3 do. He know. He get out here right now 'cause he
4 already said he got some back pay coming if he get
5 out.

6 Q Back pay from social security?

7 A Yeah, and he can pay her the money back, and then
8 he got a truck too waiting on him. He don't know
9 the youngest brother done wreck that truck.

10 Q So social security, as we said before, social
11 security recognize he had a problem and they made
12 your mom as payee, is that right?

13 A Yeah.

14 Q Okay. And the reason they did that is he wasn't
15 functional to handle his own money?

16 A I won't say that. I got a friend who got a
17 overseer, and he functional. It just that he had --
18 he had like a alcoholic problem and they want
19 somebody to make sure, keep account of his money.
20 But he can do things very well, very well. Some
21 people just can't handle the things that they need
22 to handle ---

23 Q Okay.

24 A ---so you need some help. And I tell you, if I
25 would be get to a point like that, I sure won't mind

SW - J. WILSON - CROSS

1 a person like mom. She sure, she'd be looking to
2 help. She ain't gonna cheat you and she looking to
3 help you. She want to see you happy, and she always
4 make her way. Now I don't think she -- I tell you,
5 I don't think mom did that with the other three of
6 us. She was a good mother. There's something
7 special about that one right there, something
8 special.

9 Q Were you there when the police came to the
10 household?

11 A Yeah.

12 Q Okay.

13 A Until they make me leave the premises 'cause it
14 was a crime scene.

15 Q And you were there when he told the officers that
16 he thought this wasn't his mother?

17 A No, I didn't hear that. When I heard that I read
18 it in the newspaper. Just like the statement you
19 made a few minutes ago about dad said send her to
20 me.

21 Q In that letter you got. I didn't make that
22 statement, that letter you got that you ---

23 A All this came afterwards.

24 Q Okay.

25 A Yeah. He say that -- when that night when this

SW - J. WILSON - CROSS

1 incident happened he said, man, I heard mom -- I
2 hear daddy tell me bring momma home. He didn't say
3 nothing like that.

4 Q Okay.

5 A And the thing about it, I think the reason why he
6 say that 'cause he know how momma -- if you, okay,
7 if I'm -- at that time I was 61. So I believe mom
8 and dad married 62 years. And I remember telling
9 him, I don't know which one leaving first or
10 whichever, that next one will be very depressed or
11 feel lost, and that how momma felt after dad. And
12 he, I know he could sense it 'cause ---

13 Q When you say "he," you're talking about Bobby?

14 A Yeah, I know he could sense it because. And then
15 the thing about it, deep down inside I really had
16 want him home because I'm at work and there's nobody
17 there at home with mom, she's alone. So basically I
18 kind of like just show with a person for momma sake.
19 I like that Bobby be there for mom when I'm not at
20 the house because I guess kids, you grow up, you try
21 to replace your dad, you know, as far as
22 communicating. You keep doing things to mom to be
23 sure she, I don't know, find things out. If I keep
24 talking to her and keep talking to him, I hope they
25 don't get Alzheimers. I want to keep their brains

1 thinking, you know, just keep them thinking. And I
2 used to take time out after I got home from work to
3 sit and talk to both of them.

4 Q Okay.

5 MR. BROOKS: Beg the Court's indulgence
6 one moment. No other questions.

7 THE COURT: Any redirect?

8 MR. MEADORS: No, sir. Thank you.

9 THE COURT: All right, thank you. You may
10 step down.

11 SOLICITOR FINNEY: Your Honor, given the
12 lateness of the hour we would request that the Court
13 adjourn at this time and start back with additional
14 witnesses in the morning.

15 THE COURT: All right. Ladies and
16 gentlemen of the jury, that's a good idea so I'm
17 gonna send you home with strict instructions not to
18 discuss the case with anyone. I don't think
19 anything is going to be in the newspaper tomorrow
20 morning, but please avoid looking at it just in
21 case. And again, get a good night's rest; we're
22 gonna have a long day tomorrow. And I'll see y'all
23 about 9:15 if you can be here so we can start right
24 at 9:30. All right. Thank you, ladies and
25 gentlemen, have a nice evening.

1 (WHEREUPON, the jury was removed from the
2 courtroom at 4:43 p.m., and the following
3 proceedings commenced in open court.)

4 THE COURT: Court is adjourned until 9:30
5 tomorrow morning.

6 (Court was adjourned, then resumed on December 2,
7 2014 at 9:15 a.m.)

8 (WHEREUPON, State Exhibit Nos. 8 through 15 were
9 marked for identification only.)

10 MR. MEADORS: May it please the Court,
11 Judge, we just, before the jury comes out we have a
12 few other exhibits, specifically 8 and 9, 10, 11,
13 12, and 15, I believe are without objection.

14 THE COURT: Okay.

15 MR. MEADORS: And then there are two
16 others that may or may not be, specifically to show
17 them to Your Honor, State's 13 which shows the
18 victim's bed and part of the victim on the side.
19 That's one of them we'd be attempting to get in.
20 And then State's 14 which is a -- there are several
21 very gruesome pictures of the victim's head. This
22 was the most discrete we could find which shows
23 injury to the top, and there was also a stab wound
24 to her neck which the pathologist will testify to.
25 We just, obviously wouldn't try to get those in

1 without a pre-screening from Your Honor.

2 THE COURT: This one is bothering me,
3 though. Now what you can do though is if ---

4 MR. MEADORS: What number is that, Judge?

5 THE COURT: This is on number 14. Come up
6 here.

7 (WHEREUPON, counsel approached the Bench for an
8 off-the-record discussion.)

9 THE COURT: Anything else before we bring
10 in the jury?

11 MR. MEADORS: No, sir, thank you.

12 THE COURT: Let's bring our jury in. **How**
13 **many witnesses does the State intend to put up**
14 **today?**

15 MR. MEADORS: Nine, but I don't think they
16 will be that lengthy necessarily.

17 THE COURT: Okay. And then we won't start
18 your case until tomorrow?

19 MR. BROOKS: That's right.

20 (WHEREUPON, State Exhibit Nos. 8, 9, 10, 11, 12, and
21 15 were admitted into evidence.)

22 (WHEREUPON, the jury was returned to the courtroom
23 at approximately 9:44 a.m., and the following
24 proceedings commenced in open court.)

25 THE COURT: Good morning, ladies and

SW - R. RAGIN -DIRECT

1 gentlemen. I hope you had a nice evening. It's
2 really nice weather. We've got a pretty full day
3 so we're gonna go ahead and get started.

4 Is the State ready to proceed?

5 MR. MEADORS: Yes, sir.

6 THE COURT: You may call your next
7 witness.

8 MR. MEADORS: If it please the Court, the
9 State would now call Sergeant Ragin.

10 THE CLERK: Place your left hand on the
11 Bible, raise your right hand. State your name
12 please.

13 THE WITNESS: Staff Sergeant Rodney Ragin.
14 WHEREUPON,

15 **RODNEY RAGIN,**
16 having been duly sworn by the Clerk, testified as
17 follows:

18 THE CLERK: Have a seat up here please.
19 Please state your full name, spell your last name
20 for the record.

21 THE WITNESS: Rodney Ragin, R-A-G-I-N.

22 **DIRECT EXAMINATION**

23 BY MR. MEADORS:

24 Q Good morning, Sergeant.

25 A Good morning.

SW - R. RAGIN -DIRECT

1 Q Please tell the ladies and gentlemen of this jury
2 about Sergeant Rodney Ragin, just basically where
3 you're from, your background, your training, and
4 particularly your training in law enforcement and
5 how long you've been in law enforcement please, sir.

6 A Okay. My name is Rodney Ragin. I'm originally
7 from South Carolina, work at the Sumter County
8 Sheriff's Office ever since 1996. I have prior law
9 enforcement, state public safety prior to that.
10 Staff sergeant now of investigations, done community
11 policing. I have investigation training as well.

12 Q How many years in law enforcement, Sergeant?

13 A Total of 19-and-a-half I think.

14 Q And initially did you receive training at the
15 Criminal Justice Academy?

16 A Yes.

17 Q And have you received periodic updated training
18 from the Criminal Justice Academy?

19 A Yes.

20 Q Has all your time these last -- how long have you
21 been with the Sheriff's Department?

22 A Seventeen-and-a-half years.

23 Q Okay. In October of 2010 -- I mean, what's your
24 job with the Sheriff's Department?

25 A My job is patrol. I'm a supervisor on the

SW - R. RAGIN -DIRECT

1 patrol.

2 Q Okay. And do you work regular hours?

3 A Twelve-and-a-half hour shifts.

4 Q And on this specific day, October 29th, 2010, you
5 were on duty?

6 A Yes.

7 Q And tell the ladies and gentlemen of the jury
8 about this location. We're talking about

9 in Mayesville. Now I know everybody
10 knows where it is, but for the record where is that?

11 A Mayesville is Highway 76 east just before the Lee
12 County line, a little town.

13 Q So is in Sumter County?

14 A Yes, it is.

15 Q And why did you go there? What information did
16 you have either through 9-1-1 dispatch or whatever,
17 before you got to

18 A We received a call in reference to — a male
19 called and saying that his brother had beaten his
20 mother with a bat. And as we were on our way there
21 we received further information as possibly she was
22 stabbed as well.

23 Q And were you one of the first responders?

24 A I was the first officer to arrive there.

25 Q You were the first one. Tell the ladies and

SW - R. RAGIN -DIRECT

1 gentlemen as you get there what do you, at

2 what do you see?

3 A It was a male on the outside, black male, Terry I
4 believe was his name. While talking to Terry
5 another officer pulled up as well, received
6 information he -- I advised -- I asked him where was
7 his mother. He said his mother was inside on the
8 floor in the bedroom, said his brother who did it
9 was in the bathroom.

10 Q So I want you to look at State's 8 and 9 and
11 these are already in without objection. Is this,
12 specifically 9, is that

13 A Yes, it is.

14 Q And that's where you arrived, and is number 8
15 also a picture of 17?

16 A Yes, that's...

17 Q This tape now, we've all seen it on TV now,
18 what's this yellow tape?

19 A That is the crime scene tape in which I put up.

20 Q You put that up yourself?

21 A Yes.

22 Q Explain that. You're the first one at the scene.
23 And what's your job as a true first responder, what
24 are you supposed to do?

25 A When we get there is to protect the scene and

SW - R. RAGIN -DIRECT

1 also eliminate any threats there at the scene.

2 Q So when you got there you knew that there was
3 some trouble inside?

4 A Yes.

5 Q And then from one of the witnesses or a brother
6 he told you ---

7 A Yes.

8 Q ---that his mom is in there?

9 A And the information that I asked was who all is
10 in the house so I would know what we're up against
11 when we're going in to aid, render aid to the victim
12 and such.

13 Q Okay. And that's standard operating procedure?

14 A That's standard operation.

15 Q So you got the tape up and you said another
16 officer arrived, who was that?

17 A Yes. The tape wasn't put up immediately.

18 Q Sure.

19 A We went in to assess the situation and take care
20 of her.

21 Q Take us like you're going through
22 right now. You're going in the front door,
23 what do you see?

24 A Myself and backup officer Sinkler, we went in and
25 announced that we're with Sheriff's Department.

SW - R. RAGIN -DIRECT

1 Cleared the first room which you could see the body
2 on the floor going toward where he described the
3 bathroom was. Went there, knocked, announced
4 Sheriff Department, open the door. Sinkler was the
5 lead officer at the time. When we got to the
6 bathroom door, no answer, the door was locked. Made
7 the announcement again, Sheriff's Department, open
8 the door.

9 Q So prior to that you came in, I think you said
10 you cleared the first room?

11 A Yeah, we cleared the first room. When you walk
12 into the house the bedroom is on the right. I can't
13 recall, there was like a little living room whatnot
14 there and straight ahead it had like a little
15 kitchen.

16 Q Okay. Could you see Ms. Wilson's body when you
17 came in?

18 A When I cleared that room I could see a body,
19 okay, and it was where the brother stated that the
20 body was in the bedroom.

21 Q And had you -- and we got someone, we're working
22 on some pictures that the investigator who processed
23 the scene is going to put in later but, can you
24 describe her body?

25 A Going in on down I could see a partial of the

SW - R. RAGIN -DIRECT

1 body, partially nude as I was going in.

2 Q Partially nude?

3 A Yeah, and blood, a bunch of blood in the room,
4 you could see that.

5 Q And she appeared to be deceased based on your
6 experience?

7 A Yes, just walking by looking there was no
8 movement and lots of blood.

9 Q You then moved to -- where was the other brother
10 or the eventual suspect at this time?

11 A As we go to clearing the room, the living room,
12 into the kitchen, clear the bedroom, you could see
13 where it was the bathroom, the door was closed. And
14 at that time we knocked and announced several times
15 and aggressively kicked in the door. Sinkler was
16 the one that kicked in the door and found the
17 suspect there in the bathroom and...

18 Q And how many times had you said Sheriff's
19 Department?

20 A We said Sheriff's Department from when we walked
21 into the house, Sumter County Sheriff's Department,
22 Sumter County Sheriff's Department. Got to the
23 door, knocked and announced. We knocked once,
24 announced twice.

25 Q And that's at the bathroom door?

SW - R. RAGIN -DIRECT

1 A Bathroom area.

2 Q Did he respond then?

3 A No response at all.

4 Q Did he come out when you said Sheriff's
5 Department?

6 A No.

7 Q Okay. State's 12, do you recognize State's 12
8 and does it relate to your testimony?

9 A Yes, it look like the bathroom from what I could
10 see.

11 Q And when you entered the bathroom or you and
12 Sinkler entered the bedroom, that's already been
13 entered.

14 THE COURT: I just want to put on the
15 record that these have all been entered without
16 objection. Is that correct?

17 MR. BROOKS: That's correct, Judge.

18 MR. MEADORS: Yes, Your Honor, and I
19 thought I did that a minute ago, I'm sorry. This is
20 12. Your Honor, and State's 12, 10, 11 and 12
21 without objection.

22 THE COURT: Okay.

23 BY MR. MEADORS:

24 Q Where was the defendant when you entered the
25 bathroom?

SW - R. RAGIN -DIRECT

1 A I was behind Deputy Sinkler at the time, and the
2 subject was like curled up in the bathroom almost
3 behind the door, towards the door. And Sinkler laid
4 his hands and grabbing him and start cuffing, and I
5 made clearance for the door to make sure that he had
6 room in it because the bathroom was tight.

7 Q Okay.

8 A So it's only room for like two or three people.

9 It wasn't a large bathroom.

10 Q In State's 11 does that depict the bathroom?

11 A That look to be the bathroom, yes, sir.

12 Q And State's number 10?

13 A Yes, on that day that would be the bathroom from
14 that.

15 Q Was anybody else in there besides — and was it
16 Mr. Wilson in the bathroom, the defendant?

17 A Yes, it was Mr. Wilson in the bathroom.

18 Q Nobody else in there besides him when y'all went
19 in there?

20 A He was the only individual in the bathroom, and
21 there was no one else found in the house besides
22 this victim and the suspect.

23 Q Tell these ladies and gentlemen now, Sergeant,
24 what, what'd you do after that?

25 A Okay. We let him out of the bathroom, still

SW - R. RAGIN -DIRECT

1 unresponsive, he's not saying anything but, being
2 handcuffed he walked and followed directions. We
3 had him sit down in a chair.

4 Q And when was he handcuffed?

5 A He was handcuffed in the bathroom.

6 Q And did you do that?

7 A Sinkler did.

8 Q And based on your observation did the defendant
9 put up a struggle with Sinkler?

10 A No, he was very passive.

11 Q And did he, when he was asked to put his hands
12 behind his back did he do it?

13 A He didn't do it. We had to grab his hands to put
14 them behind his back.

15 Q Did he resist that?

16 A No.

17 Q When you went into the bathroom did he say
18 anything, did he yell out anything?

19 A No, sir.

20 Q Okay. Where did y'all take him from the
21 bathroom?

22 A We take him from the bathroom to like the kitchen
23 area or sitting area in the kitchen, and he was
24 placed in a chair there.

25 Q And I'm gonna show you what's been marked State's

SW - R. RAGIN -DIRECT

1 15 and entered without objection. Do you recognize
2 that picture?

3 A Yes.

4 Q And what is State's 15 a picture of?

5 A That's a picture of the suspect, how we found him
6 with the blood, and we cuffed him and those are the
7 clothes that he had on.

8 Q And, I mean, could you see the blood on him just
9 without question? Was there ---

10 A Yes.

11 Q ---blood on him?

12 A There was blood on him.

13 Q And could you tell where he had injuries?

14 A He had a head injury. I didn't depict any other
15 injuries. Once we got him in and sat him down and
16 make sure everything was clear, I went outside. And
17 that's when I taped off the area and controlled the
18 crime scene.

19 Q Sergeant, did he make any outburst to you at all
20 while you were in his presence?

21 A No.

22 Q How did the defendant get to -- where'd he go
23 from the house?

24 A He went from the house to the hospital.

25 Q And did you take him, or EMS took him?

SW - R. RAGIN -DIRECT

1 A EMS took him. Deputy Sinkler rode with EMS.

2 Q Okay.

3 MR. MEADORS: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 BY MR. MEADORS:

6 Q And is this, the defendant Alexander Wilson, the
7 person that you saw in the bathroom, the person that
8 was cuffed, and the person that's depicted in
9 State's 16?

10 A He looks a little different but facial is the
11 same.

12 Q You hadn't seen him since?

13 A No, sir.

14 Q That's all. Thank you.

15 THE COURT: Mr. Brooks.

16 MR. BROOKS: Court's indulgence one
17 second, Your Honor.

18 THE COURT: Yes, sir.

19 MR. BROOKS: No questions.

20 THE COURT: Thank you. You may step down.

21 Any objection to this witness being excused?

22 MR. MEADORS: No, sir, thank you. We call
23 Clarence McMillan.

24 THE CLERK: Place your left hand on the
25 Bible, raise your right hand. State your name

SW - C. MCMILLAN - DIRECT

1 please.

2 THE WITNESS: Lieutenant Clarence
3 McMillan.

4 WHEREUPON,

5 **CLARENCE MCMILLAN,**

6 having been duly sworn by the Clerk, testified as
7 follows:

8 THE CLERK: Thank you. Have a seat up
9 here please. Please state your full name and spell
10 your last name for the record.

11 THE WITNESS: Clarence Lamont McMillan,
12 M-C-M-I-L-L-A-N.

13 **DIRECT EXAMINATION**

14 BY MR. MEADORS:

15 Q You're Lieutenant McMillan?

16 A Yes, sir.

17 Q I apologize. Lieutenant, tell these folks about
18 yourself, generally where you're from, where you
19 were born, where you're from, your background, your
20 education and training, specifically in law
21 enforcement please.

22 A I'm originally from Cambridge, Maryland. I moved
23 down here through the military. My father is here.
24 I hold 22 years in law enforcement, about 20 with
25 Sumter County Sheriff's Office. Eleven of those

SW - C. MCMILLAN - DIRECT

1 years I worked investigations. I'm currently
2 supervising our interdiction team, SROs which is our
3 community action team. I'm married. Had several
4 advanced classes with the South Carolina Criminal
5 Justice Academy, basic constructive firearm
6 instructor.

7 Q And Lieutenant, if you said it I apologize, how
8 many years in law enforcement?

9 A About 22 years.

10 Q What was your role, what were you doing on
11 October 29th, 2010?

12 A That particular night I was the shift lieutenant.

13 Q And did you have an occasion also to arrive at
14 Avenue or Street in Mayesville?

15 A I did.

16 Q Okay. And what's the first thing you observed?

17 A When I first arrived there Sergeant Ragin and
18 Corporal Sinkler were on the outside. I approached
19 the residence. They briefed me on what they had.
20 And I think it was one, another one of the relatives
21 I think was telling Sergeant Ragin a little bit
22 about what happened on the inside. And at that
23 point we decided we'd enter into the residence.

24 Q So you were there with Sergeant Ragin as they
25 went inside?

SW - C. MCMILLAN - DIRECT

1 A Yes.

2 Q And what did you observe?

3 A As soon as we made entry we walked through the
4 porch. We looked to the right we see a bedroom, see
5 what I believe to be a female laying on the floor,
6 blood splatter all over the place, blood on the bed.
7 At that point we advanced to the living room. We
8 had to get to the living room when you first walk
9 in. And then the bathroom is -- was advised he was
10 in the bathroom, locked in the bathroom.

11 Q Now Ms. Wilson, could you tell where she was
12 injured when you entered the house, any certain part
13 of her body?

14 A She was partially, she was partially nude as far
15 as, it looked like she had a housecoat on or
16 nightgown. But the particular injuries I couldn't
17 see right then because we didn't look in the
18 bedroom. At the time we was focused on trying to
19 locate the suspect that was in the bathroom.

20 Q And you didn't have any idea when this had
21 occurred, did you, when you went there?

22 A No, sir.

23 Q So you've passed, or you're going down the
24 hallway, what happened next?

25 A Sergeant Ragin took lead. Corporal Sinkler, who

SW - C. MCMILLAN -- DIRECT

1 was behind, and I was behind Corporal Sinkler. We,
2 like he said we announced Sheriff's Office,
3 Sheriff's Office, knocked on the door several times.

4 Q And as you knocked on the door did the defendant
5 say anything?

6 A No, sir. No, he didn't, didn't acknowledge when
7 we entered the residence. At that time we decided
8 to breach the door. Corporal Sinkler came up, he
9 kicked the door in. Of course it wouldn't come
10 open, tried to push on it and stuff, still wouldn't
11 come open. So we finally got it open. I had my
12 taser out just in case he had a weapon on the inside
13 or he put up a fight, and we asked him, tried to get
14 him out. He put up no resistance when we finally
15 got him out. Handcuffed him, and brought him out
16 toward the living room and sat him on the stool.

17 Q And when he, you said that he didn't put up any
18 resistance. Did he say anything to you?

19 A No, sir, he didn't say a word.

20 Q This is State's 15 which has been entered. Do
21 you recognize that picture?

22 A Yes, sir.

23 Q And is that how he -- is this how he appeared
24 shortly after you got him out the bathroom?

25 A Yes, sir. When we got him out the bathroom we

SW - C. MCMILLAN - DIRECT

1 sat him down, and I wanted him to stay there so we
2 could take a picture as he was when we took him out
3 of the bathroom.

4 Q Did you see any potential weapons when you came
5 through the house?

6 A As far as firearms, we didn't see any firearms in
7 there. But it was some stuff in there, some bamboo
8 and metal, leather it looked like, and I can't
9 recall what else we saw but...

10 Q But was it your job or role to gather that
11 evidence?

12 A At that particular time, no, we wanted to
13 preserve it until investigations got there. We left
14 everything as was until investigations got there and
15 photographed it all.

16 Q And they did that after y'all ---

17 A They did that, yes, sir.

18 Q ---after y'all arrived ---

19 A Right.

20 Q ---and secured the scene?

21 A Right.

22 Q Beg the Court's indulgence. Did you observe any
23 injuries on the defendant's hands or arms?

24 A Coming from his head area there was a lot of
25 blood coming from there; but the, the severity of

SW - C. MCMILLAN - DIRECT

1 it, I didn't get too close to him and stuff but I
2 did notice a head injury to him.

3 Q But did you -- and if you didn't, that's fine.
4 Did you observe any other injuries to his hands or
5 arms?

6 A At that particular time I can't say I observed no
7 injuries to his hands.

8 Q And is this the person (indicating) that you saw
9 in the bathroom and was handcuffed and that's
10 depicted in State's 15, the defendant Alexander
11 Wilson?

12 A It appears to be without all the gray hair on his
13 face but, yes.

14 Q Thank you, that's all.

15 THE COURT: Mr. Brooks.

16 MR. BROOKS: No questions.

17 THE COURT: Any objection to this witness
18 being excused?

19 MR. MEADORS: No, sir, thank you.

20 Senior Corporal Roosevelt Sinkler, Jr..

21 THE CLERK: Place your left hand on the
22 Bible, raise your right hand. State your name
23 please.

24 THE WITNESS: My name is Roosevelt
25 Sinkler, Jr.

SW - R.. SINKLER - DIRECT

1 WHEREUPON,

2 **ROOSEVELT SINKLER, JR.,**

3 having been duly sworn by the Clerk, testified as
4 follows:

5 THE CLERK: Thank you. Have a seat up
6 there please. State your full name and spell your
7 last name for the record.

8 THE WITNESS: My name is Roosevelt
9 Sinkler, Jr., S-I-N-K-L-E-R, Jr., J-R.

10 **DIRECT EXAMINATION**

11 BY MR. MEADORS:

12 Q Senior corporal?

13 A Yes, sir.

14 Q Please tell them about you.

15 A I'm from Sumter County, South Carolina
16 Got six years law enforcement. I work as a SRO at
17 the Richland Academy. I went to South Carolina
18 Criminal Justice Academy in 2008, so probably six
19 years.

20 Q And what do you do now for Sheriff Dennis?

21 A I work patrol.

22 Q Okay. And back in October of 2010, specifically
23 October 29th, 2010, what were you doing for the
24 Sheriff's Department?

25 A I was working patrol that day, that date and

SW - R. SINKLER - DIRECT

1 time.

2 Q And you have certain areas of the county you
3 patrol, Senior Corporal?

4 A Yes, sir.

5 Q And what are those?

6 A South side, Mayesville, 15 south, Shaw area, I
7 patrol the area.

8 Q And do you know approximately what time of the
9 day you arrived at

10 A Yes, sir, probably around 8:00 or a little after
11 8:00.

12 Q And what were your observations?

13 A When I got to the scene, sir, I saw the victim
14 lying in the bedroom area half -- she was nude. And
15 then I saw subject at first but we were told that he
16 probably somewhere in the bathroom area?

17 Q So when you got there you knew that it wasn't
18 good, right?

19 A Yes, correct.

20 Q Before you went in the house you had gotten
21 information from one of the relatives that the
22 potential suspect may be inside?

23 A Yes, sir.

24 Q I mean, that really wasn't an issue in this case,
25 right?

SW - R. SINKLER - DIRECT

1 A No, sir.

2 Q When I asked you too, was Ms. Wilson, did she
3 appear dead when you saw her?

4 A Yes, sir, she did, appeared to be deceased.

5 Q And what's the first contact you had with the
6 defendant Alexander Wilson? Tell these folks.

7 A Well, we received information that Mr. Wilson was
8 in the bathroom area. We announced Sheriff's
9 Office, open the door, open the door. He did not
10 open the door. We pushed the door one time, noticed
11 that he was slumped behind the door between the, I
12 think the toilet and the small area. Then I kicked
13 the door again, breached the door, and Mr. Alexander
14 was kind of -- when I kicked the door in he kind of
15 lay across the bathroom tub and I attempt to put
16 handcuffs on him.

17 Q So when you -- you kicked the door in?

18 A Yes, sir.

19 Q One time?

20 A Yes, sir.

21 Q And when you did where was the defendant?

22 A He was slumped behind the bathroom door between
23 the door and the toilet.

24 Q Then how did he get over the bathroom? You said
25 he went -- did he lay on the tub?

SW - R. SINKLER - DIRECT

1 A I kicked the door. He kind of slumped over a
2 little bit.

3 Q What did he say then?

4 A He didn't say anything.

5 Q When did you handcuff him?

6 A I asked him to give me his hands. He did not
7 give me his hands. I grabbed one hand and got the
8 other and he put his other hand behind his back.

9 Q Okay. Did he try to resist you?

10 A No, sir, did not.

11 Q And when you came in there did he complain of
12 any -- did he complain of anything, did he say
13 anything?

14 A No, sir, he never said a word. He didn't say
15 anything, don't say nothing. He also didn't put up
16 no kind of, put up no kind of resistance or
17 anything.

18 Q So what did you do with him then?

19 A We escort him me out the bathroom area to the
20 kitchen area and we let him have a seat.

21 Q And you've seen that picture earlier about, in
22 State's 15, that's him?

23 A Yes, sir, that's his.

24 Q Who was in charge of the defendant from there?

25 Did you notice what appeared to be injuries on him?

SW - R. SINKLER - DIRECT

1 A I noticed he had head injuries.

2 Q Okay. And did you know how he got those?

3 A I heard that his, somebody or family member had
4 caused it prior to our arrival.

5 Q Prior to your arrival?

6 A Yes, sir.

7 Q Was a decision made to transfer the defendant
8 Alexander Wilson to the hospital?

9 A Yes, sir.

10 Q Okay. And did you go with him to the hospital?

11 A Yes, sir.

12 Q Tell the ladies and gentlemen about that. We're
13 trying to track steps all the way during this time
14 period. How did the defendant in State's 15 -- and
15 I'm gonna just, take us step by step. How did he
16 get from this chair outside to the ambulance?

17 A Well, we escorted him to the ambulance. Their
18 EMTs tried to treat him for his injuries. He wasn't
19 saying anything about what happened. He was lying,
20 sitting in the chair. We escort him to Sumter-Lee
21 prison, still he wasn't saying anything.

22 Q Where did you take him first?

23 A Tuomey Hospital.

24 Q Okay, you went to Tuomey?

25 A Yes, sir.

SW - R. SINKLER - DIRECT

1 Q But were you the one that said get out of your
2 chair, come on, let's go to the ambulance?

3 A Yes, sir.

4 Q And when you said, get up, let's go to the chair,
5 did you know his name then?

6 A No, sir, I'm not sure I ---

7 Q When you asked him and told him get up and go to
8 the chair what did he do?

9 A He get out of the chair.

10 Q After you said get up and get out of the chair,
11 he got up?

12 A Yes, sir.

13 Q Was there any delay in that?

14 A No, no, sir.

15 Q So is it fair to say he followed your
16 instructions?

17 A Yes, sir.

18 Q Fair to said based on your, his body's response,
19 he understood your instructions?

20 A Yes, sir.

21 Q So he got up and went with you?

22 A Yes, sir.

23 Q And did he have any trouble walking out of the
24 house?

25 A No, sir.

SW - R. SINKLER - DIRECT

1 Q Did he have trouble getting in the ambulance?

2 A No, sir.

3 Q And did you tell him to get in the ambulance?

4 A Yes, sir.

5 Q And did he do that?

6 A Yes, sir, he did.

7 Q And was that timely?

8 A Yes, sir.

9 Q His response timely to you saying get in the
10 ambulance?

11 A Yes, sir.

12 Q Did he appear based on his actions to understand
13 what you said when you said get in the ambulance?

14 A Yes, sir, he did.

15 Q Did you get in the ambulance with him?

16 A Yes, sir, I did.

17 Q Who else was in there with you then?

18 A Me on purpose for the Sheriff's Office and EMT
19 workers and paramedics.

20 Q And is this fellow who is seated back near the
21 front, Dan, I believe, Thomas, do you recognize him?

22 If you would stand up.

23 Was he there?

24 A Yes, sir.

25 Q And then did you ride with the defendant, Mr.

SW - R. SINKLER - DIRECT

1 Thomas, to Tuomey?

2 A Yes, I did.

3 Q Okay. And what was the defendant, specifically
4 how was, what was he on in the ambulance, if
5 anything? Was he sitting down, was he on a gurney,
6 what was he ---

7 A He was sitting down.

8 Q Okay. What transpired between
9 and Tuomey Hospital, if anything? I mean, did he
10 make any outbursts?

11 A No, sir, he did not.

12 Q All right. Did he say somebody was trying to get
13 me?

14 A No, sir, he did not.

15 Q What communication did y'all have, if any,
16 between Congress and Tuomey?

17 A We had no communication.

18 Q We arrive at Tuomey Hospital now. Is -- how does
19 the defendant get out of the ambulance?

20 A He got up on his instruction to get out.

21 Q Got out when he was told to get out?

22 A Yes, sir.

23 Q Any hesitation in his movements when you told
24 him?

25 A No, sir.

SW - R. SINKLER - DIRECT

1 Q He appeared to understand when you said get out,
2 let's go?

3 A Yes, sir.

4 Q Did he struggle with you?

5 A No, sir, he did not.

6 Q Where did you go specifically from the ambulance
7 to Tuomey? Where'd you go?

8 A We went to one of the emergency rooms.

9 Q Did you have any problem walking with him into
10 one of the emergency rooms?

11 A No, sir.

12 Q When you get in the emergency room was he told to
13 sit down or lie down?

14 A Yes, sir, the was told to lie down.

15 Q And did he do that?

16 A Yes, sir, he did.

17 Q Did he have any trouble doing that?

18 A No, sir, no trouble.

19 Q How long -- and I know you don't have a clock and
20 you're not looking, you know, but were y'all at
21 Tuomey approximately?

22 A I'll say about an hour or an hour-and-a-half.

23 Q And were you in control of Mr. Wilson then as far
24 as his physical being? You were guarding him?

25 A Yes, sir, I was.

SW - R. SINKLER - DIRECT

1 Q Okay. And were you in the room when he was being
2 treated?

3 A Yes, sir.

4 Q Okay. Were you there when the nurses came?

5 A Yes, sir.

6 Q The lab techs?

7 A Yes, sir.

8 Q The doctor?

9 A Yes, sir.

10 Q All right. And did you observe the interaction
11 of those folks with the defendant?

12 A Yes, sir, they didn't have no problems with him
13 while along they treated him.

14 Q He appeared cooperating with them as they were
15 treating him?

16 A Yes, sir.

17 Q After they finished -- and some of them are gonna
18 testify; I'll ask them specific questions -- but
19 after they finished treating him, what did you do
20 with him?

21 A We proceed to the route to Sumter-Lee Regional
22 Detention Center.

23 Q And at this point who's with him?

24 A I am.

25 Q Just the two of you?

SW - R. SINKLER - DIRECT

1 A Yes, sir.

2 Q And if you remember, was he, when he was being
3 treated in Tuomey was he still handcuffed?

4 A I can't remember, sir.

5 Q Okay. But he never did any, had any outbursts in
6 Tuomey?

7 A No, sir, he did not.

8 Q And did you handcuff him from the Tuomey to
9 Sumter-Lee Regional?

10 A Yes, sir, I did.

11 Q And that's standard operating procedure?

12 A Yes, it is.

13 Q Okay. When you told him or asked him to put
14 handcuffs, or put his hands behind his back, did he
15 do it?

16 A He complied, yes, sir.

17 Q Okay. Was it a long wait when you told him to do
18 it?

19 A No, sir.

20 Q You said to do it and he did it?

21 A Yes, sir.

22 Q Did you have any conversation with the defendant
23 between Tuomey and Sumter-Lee Regional?

24 A No, sir.

25 Q Okay. You get to Sumter-Lee Regional, what

SW - R. SINKLER - DIRECT

1 happened?

2 A He got out the patrol car. He proceeded into the
3 booking area and ---

4 Q Do you have any trouble with him during that
5 period?

6 A No, sir, I had no trouble at all.

7 Q And I'm not trying to be -- but when you told him
8 to get out of the car what did he do?

9 A He got out the car.

10 Q Any hesitation?

11 A No, sir.

12 Q Did he appear to understand what you told him?

13 A Yes, sir.

14 Q All right. And is this the next, just early
15 morning hours of November 30th now, 2010?

16 A Yes, sir.

17 Q Okay. You walk him into Sumter-Lee Regional,
18 what do you do with him?

19 A I turn him over to the booking officer.

20 Q Okay.

21 A There, I guess, that was the booking, proceed to
22 do intake on him, and stood back and let them
23 process him in jail.

24 Q And that's what you do, you take him to a booking
25 agent?

SW - R. SINKLER - DIRECT

- 1 A Yes, sir.
- 2 Q Booking officer, I'm sorry.
- 3 A Yes, sir.
- 4 Q How long did you stay at the jail then?
- 5 A Not that long.
- 6 Q Okay.
- 7 A Once they completed intake, once they took
- 8 handcuffs off him I left.
- 9 Q So at any point during your time, and you'd been
- 10 with him the whole time?
- 11 A Yes, sir.
- 12 Q Any point to the time -- I'm sorry, excuse me.
- 13 At any point during the time you were with the
- 14 defendant did he ever say somebody was trying to go
- 15 get me?
- 16 A No, sir.
- 17 Q I didn't know who anybody was?
- 18 A He didn't say anything.
- 19 Q Beg the Court's indulgence. You've been around a
- 20 while?
- 21 A Yes, sir.
- 22 Q I don't mean that bad at all, but you've
- 23 responded to a lot of scenes?
- 24 A Yes, I have.
- 25 Q Based on your experience, your training in law

SW - R. SINKLER - CROSS

1 enforcement, just everyday living, did the defendant
2 appear to be under the influence of anything?

3 A No, sir, not to my knowledge. No, sir.

4 Q Okay. And I know you're not a doctor; I'm not
5 asking that.

6 A No, sir.

7 Q But just based on, did he appear to be under the
8 influence of anything?

9 A No, sir, he -- when I found the bathroom he
10 appeared to be calm.

11 Q And his speech, you said he responded to you.
12 You know, I don't know if he ever talked to you; but
13 when you heard him talk, if you heard him talk,
14 could you understand his speech?

15 A Like I say, he wasn't saying anything, you know.
16 To me he appeared to be out of it like I said
17 earlier. Some of the family members called him and
18 he appeared to be out of it. He wasn't, wasn't
19 being aggressive. He was not, he was being passive,
20 and he wasn't really saying too much.

21 Q Thank you. That's all.

22 THE COURT: Mr. Brooks.

23 **CROSS-EXAMINATION**

24 BY MR. BROOKS:

25 Q Officer Sinkler, again, you said he appeared to

SW - R. SINKLER - CROSS

1 be out of it?

2 A Yes, sir.

3 Q And that was pretty much consistent the whole
4 time that you were with him; is that correct?

5 A Correct.

6 Q From the time you took him from the house, to
7 your car, to the hospital, and back to your car and
8 to the jail; is that correct?

9 A Yes, sir.

10 Q He was totally out of it?

11 A Yes, sir.

12 Q No other questions.

13 THE COURT: Any redirect?

14 MR. MEADORS: No, sir. Thank you.

15 THE COURT: Thank you. You may step down.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Let me see the attorneys over
18 here real quick.

19 (WHEREUPON, counsel approached the Bench for an
20 off-the-record discussion.)

21 THE COURT: The State may call its next
22 witness.

23 MR. MEADORS: Your Honor, the State would
24 call Flora L. York Laraque.

25 THE COURT: All right, come forward and be

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1 sworn.

2 THE CLERK: Place your left hand on the
3 Bible, raise your right hand. State your name
4 please.

5 THE WITNESS: Flora York-Laraque.

6 WHEREUPON,

7 **FLORA YORK-LARAQUE,**

8 having been duly sworn by the Clerk, testified as
9 follows:

10 THE CLERK: Have a seat up here please.
11 Please state your full name, spell your last name
12 for the record.

13 THE WITNESS: My name is Flora
14 York-Laraque, Y-O-R-K, hyphen, L-A-R-A-Q-U-E.

15 **DIRECT EXAMINATION**

16 BY MR. MEADORS:

17 Q What do you want me to call you?

18 A Flo.

19 Q Is that okay?

20 A That's fine.

21 Q All right. Ms. Flo, tell these -- you're tired;
22 aren't you?

23 A A little.

24 Q Tell them why you're tired right now.

25 A I worked all night. I did 12 hour shift, 13

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1 really.

2 Q And we're taking you a little out of order now
3 'cause you're going home to go to bed, right?

4 A That's right.

5 Q And where do you work?

6 A Sumter-Lee Regional Detention Center.

7 Q And how long have worked there?

8 A I'm there now I think about 7-and-a-half years.

9 Q And what's your job there?

10 A I'm a LPN there, nursing.

11 Q And tell us a little bit more about your
12 background. What did you do prior to Sumter-Lee
13 Regional Detention Center?

14 A Well, I worked -- I moved here from -- relocated
15 in 1989 from Brooklyn, New York.

16 Q Yes, ma'am.

17 A And I worked in the school system then and
18 banking, in brokers' house like Ian Hutton, Merrill
19 Lynch, places like that, Chase, Manhattan, Bankers
20 Trust. Then I went into nursing about
21 nineteen-and-a-half years ago, and I worked at
22 Covenant Place and National Health Care.. And then
23 from there I went into correctional nursing. I
24 worked at the State -- I retired from there in 2006.

25 Q Where did you ---

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1 A Turbeville.

2 Q Turbeville?

3 A Yes.

4 Q And you were the health care there at Turbeville?

5 A Yes, nurse there.

6 Q Okay. And for nine-- how long?

7 A For about nineteen-and-half years, almost 20
8 years now.

9 Q And then you came to Sumter-Lee?

10 A I came there as part time and end up coming out
11 of retirement working full time.

12 Q And specifically your job is what at Sumter-Lee
13 Regional Detention Center?

14 A Well there we, you know, give patient care and we
15 also put, screen them in medically when they come in
16 to the system.

17 Q And when is that done, that screening medically
18 when they come into the system?

19 A It can be done right away or if you use your
20 judgment. If you think that maybe the person is not
21 being cooperative or maybe needs some more care,
22 then you can give them that care and then you can
23 screen them in after you have made that decision
24 it's time to be screened in.

25 Q I want us to go back, the reason we asked you to

SW - F. LARAQUE - DIRECT

1 be here today. November 29th, 2010, up to
2 November 30th, 2010, that morning, were you working
3 at Sumter-Lee Regional Detention Center?

4 A Yes.

5 Q Have you got an office there? Where are you
6 located when you go in the jail?

7 A Well, I have my medical, what we have, you know,
8 exam room is there. But we also work in booking
9 also when we screen them in. Usually they'll call
10 us and do assessment of a patient. An inmate comes
11 in and he seem to be hurt or, you know, need medical
12 care we go there to assess them and evaluate them.
13 And if they need to be, you know, brought into
14 medical, we'll do that. But usually we do it right
15 there in booking where they're booked in.

16 Q So somebody would have had booked him in, and
17 then if there are injuries you come and look at them
18 and assess them?

19 A Yes. Usually they'll call when they walk through
20 the door and they look like they need to be scene or
21 sent back to the hospital so I go ahead and assess
22 them.

23 Q And did you have an occasion on November 30th,
24 shortly after 12:00 in the morning 2010, to assess
25 the defendant Alexander Wilson?

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1 A Yes, I did.

2 Q And who else was with you when you did that, if
3 anybody?

4 A Well, I'm the only nurse there at night.

5 Q Okay.

6 A But during that time there's the booking officer
7 and whoever they have there, usually about two to
8 three officers in booking at that time.

9 Q Okay. What do you do and specifically what did
10 you do in assessing the defendant Alexander Wilson
11 on this morning, and what time did you first see
12 him?

13 A I saw him about 12:00 'cause I assess him about
14 12:15. When he came in they usually call medical
15 and say we have someone we need you to look at, or
16 they'll come in through the door I think you need to
17 see him before we book him in.

18 Q Yes, ma'am.

19 A So they called me and I went there to see who it
20 was and it was Alexander ---

21 Q Wilson.

22 A Wilson. That's him sitting over there
23 (indicating).

24 Q Sitting over there.

25 MR. MEADORS: And we'd like the record to

SW - F. LARAQUE - DIRECT

1 reflect that, Your Honor.

2 THE COURT: The record will so reflect.

3 BY MR. MEADORS:

4 Q What'd you do first?

5 A Well, when I went in I looked at him and I saw
6 that he looked like he had just, you know, been at
7 the hospital and he was treated there, and Officer
8 Sinkler was with him. And I asked what was wrong
9 'cause he had his head all banded off and bloodied,
10 the bandage on his head, and he said that he was
11 treated at Tuomey and he had received stitches -- I
12 mean, sutures or staples. And I asked him what
13 happened, and he told me that he was beaten by his
14 brother Mr. Wilson. So he was beaten by his brother
15 with a baseball bat.

16 Q And this is the information you gathered right
17 when you first met with the defendant?

18 A Uh-huh, yes, when I saw him.

19 Q And you asked him that question and he responded?

20 A He responded.

21 Q Okay. And did he appear to understand your
22 question?

23 A He understood the question.

24 Q And was his response timely, like, you asked him
25 and then did he in the appropriate time give you a

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1 response?

2 A Well, he give me appropriate answer but his
3 timing, you know, just a little slow. He, you know,
4 his speech was clear; I could understand him. But
5 it was like slow. And but he did, you know, looked
6 up and said that he was beaten with a baseball bat.

7 Q So the answer was subject matter appropriate to
8 your question?

9 A Yes. Yes, it was.

10 Q So he told you what happened to his injury?

11 A He just told me he was beaten by his brother with
12 a baseball bat.

13 Q And that's what you're doing here is assessing
14 him for his injury, right?

15 A Yes, I'm assessing him.

16 Q That's what you're trying to find out?

17 A Right.

18 Q What else did you do in your assessment?

19 A I noticed that he had his head -- I took the
20 paper from Tuomey so I could read and see what
21 happened. And it said he had a blunt, you know,
22 injury to his head so ---

23 Q Yes, ma'am.

24 A ---so I wanted to make sure he was all right so I
25 start asking him question to make sure he was alert,

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1 you know, and know where he was. And he did, he
2 know his name, knew where he was, the year. And
3 then, you know, I kept asking him was he hurt and he
4 told me he was beat. And they had also his abdomen,
5 his stomach and his arms, so I wanted to look at
6 that so I looked at him and I noticed that he was.
7 So talking to him, you know, he respond but he was
8 very slow. His walking, his gait was very slow, a
9 little unsteady and you could tell like he was hurt,
10 you know, 'cause when I asked him to move his hand.
11 I wanted to make sure that he could move his arm and
12 hand and stuff like that, and I noticed that he sort
13 of hesitated, you know. When I asked him to move
14 his hand I wanted to make sure he had full range of
15 motion, that he didn't have anything wrong, broken
16 arms or anything.

17 Q And did you notice any injuries on his arms or
18 hands?

19 A I noticed his arm was swollen. I didn't see no
20 open wound like bleeding, but it was swollen. And
21 the head, mostly I was concerned with his head and
22 his abdomen. I didn't see any swelling there, but
23 he did tell me he was struck there.

24 Q You -- did he appear to be under the influence?

25 A He just looked subdued. You know, he wasn't

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1 alert like I am talking. He was alert oriented, but
2 not where he was just, you know, talking back to me
3 like you talking to me. He was very subdued,
4 looking down.

5 Q And you said the word alert and I think you said
6 oriented right there? Are you ---

7 A Yes, he was oriented, knowed where he was.

8 Q Let me ask you real quick, are you familiar with
9 oriented times three or?

10 A Yes.

11 Q What does that mean?

12 A That mean he know where he was, he know his name,
13 he know the time, and he know the place.

14 Q And you said he was oriented?

15 A Yes, he knew.

16 Q And specifically how did you make that?

17 A By asking what's your name.

18 Q When you asked him his name was he able to give
19 it to you?

20 A He also give me his name.

21 Q And you said he knew where he was. How did you
22 ---

23 A He was at Sumter jail; he know that. And he know
24 the year.

25 Q And you said what year is it?

SW - F. LARAQUE - DIRECT

1 A Yes, and he know it was 2010.

2 Q So he was able to respond and give you those
3 answers ---

4 A He respond slowly but he respond.

5 MR. MEADORS: And can I approach?

6 THE COURT: Yes, sir.

7 BY MR. MEADORS:

8 Q You mind if I approach to you?

9 A No.

10 Q How close was the defendant to you when you were,
11 when you were assessing him?

12 A He got to be close because I got to do his blood
13 pressure, I got to touch him, I got to look at his
14 hand. I got to look at his face, his eyes, and I'm
15 looking at him to make sure he didn't have no, you
16 know, like open wounds that were starting to bleed
17 again so 'cause it was, you know, blood stain. Very
18 close.

19 Q The record reflect a foot or two?

20 A Well -- you said a foot or two?

21 Q Tell me how far, just tell me how close he was.

22 A Just as close as you are to me right now. So I
23 can hold his hand, touch him so I can take his blood
24 pressure, his temp.

25 MR. MEADORS: Your Honor, for the record

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1 that's a foot approximately.

2 THE WITNESS: About a foot, okay.

3 BY MR. MEADORS:

4 Q Okay. Look at me again please. And look at,
5 you looked in his eyes?

6 A I looked into his eyes. I want to see if he look
7 at me good eye contact; but you know, he keep
8 looking down but he looked at me.

9 Q What could you tell about his pupils?

10 A I know it was active. I know one of them wasn't,
11 one of them wasn't larger than the other.

12 Q Was not?

13 A No.

14 Q And what did that tell you about in your
15 assessment? What does that tell you?

16 A That tell me that he's alert, doesn't have a
17 concussion, not going out in and out, you know, like
18 not aware of what's happening, not getting ready to
19 pass on out on me or something like that.

20 Q That he was alert. And you got that from looking
21 into his eyes, Ms. Flo?

22 A Yes.

23 Q Okay. What did you do next?

24 A After that I told the, I think it was Lieutenant
25 Kelly, that I wanted to -- 'cause he was, you know,

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1 a little dizzy, I asked him maybe let him sit in the
2 chair. Then I said, well, I'm gonna let him maybe
3 lie down and put some ice, give him ice to put on,
4 you know, the head and the arms and stuff that was
5 hurting and that way I'll let him rest and then
6 we'll screen him into the system later. But I just
7 wanted to observe him, and I asked could I -- I was
8 going to put him on medical observation and I did.
9 I kept him in booking so he would be close to me. I
10 didn't sent him down to a pod. So we kept him in
11 booking all night, you know, so I could go back and
12 forth and watch him and wake him up to make sure he
13 didn't go into low coma or anything like that
14 because of the head wound.

15 Q Because of his head injuries?

16 A Yes, yes. And it was, you know, pretty severe
17 so.

18 Q Could you see the sutures or staples, or whatever
19 was in his head?

20 A No, because he had dressing. Normally I will not
21 take a dressing off. It start to bleed; I just
22 re-enforced it. You don't take the dressing off.
23 The next day, yeah, we could assess it like that,
24 but I didn't take it off to look at it 'cause
25 officer said it was 17 sutures he had so, staples I

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1 think it was.

2 Q And ---

3 A Staples.

4 Q So approximately how long did you spend with the
5 defendant in your first assessment?

6 A Oh, I know it had to have been an hour there
7 'cause I didn't go back into medical 'cause he the
8 only one I had at that time so I could spend a lot
9 of time with him.

10 Q Okay. And during your interaction, closeup and,
11 touching he appeared to understand what you asked
12 him?

13 A Yeah, he understood everything I asked him.

14 Q And he was oriented time three?

15 A Yes, he know exactly what I asked him. He could
16 respond appropriately to the question and he could
17 follow the plan. I told him raise your right hand
18 'cause I want to see, and then I noticed he was like
19 hesitant. And that's when I noticed, I think it was
20 his right arm, that was a little swollen. Can I
21 have some water please.

22 Q Yes, ma'am, I'm sorry.

23 A Thank you.

24 Q Yes, ma'am. So you kept him there in booking.
25 You didn't have any other clients or patients, if

SW - F. LARAQUE - DIRECT

1 you will?

2 A Oh, I had other inmates that came in, but I kept
3 them in booking so I could be there 'cause booking I
4 would be there most of the night screening people
5 in. So he's there, I didn't want to put him in a
6 pod where I have to run back and forth. This way I
7 can always peep through the glass to see if he was,
8 you know, sleeping or moving around and make sure I
9 could call him to wake him up because I have to,
10 wanted to wake him up like every maybe 30 minutes to
11 call him to make sure he was still alert, breathing.

12 Q Okay, doing your job.

13 A Right.

14 Q And did you do that?

15 A Yes, I did.

16 Q Check on him, pick on him?

17 A I checked on him, called him, wake him up one
18 time and he was alert. Still asked him his name,
19 took his vital signs again, and you know, and see
20 how he was doing.

21 Q Do y'all have those -- I know you did in your
22 initial assessment you've testified. Do you have
23 forms you use also, just standard forms for
24 assessments? Did you --

25 A I write it in my notes, I got assessment and --

SW - F. LARAQUE - DIRECT

1 Q Well, I guess did you assess him again a few
2 hours later?

3 A Yes, I did.

4 Q Okay.

5 A I checked.

6 Q And can you tell us about that specifically.

7 A Okay, I ---

8 Q Please.

9 A Okay. When I went on he was still on the mat.
10 This is where the assessment begin. At 1:15 I went
11 this way. I want to make sure he was, you know,
12 awake so I called him and he was resting on the mat
13 on the floor. His head, he had his head slightly
14 elevated with his mattress and I noticed his right
15 side of his face was increasing in swelling and some
16 bruising, and I gave him some ice and I show him
17 what to do with the ice and make sure he keep the
18 paper towel between it so he won't have it on his
19 skin, you know, ---

20 Q Did he understand?

21 A ---apply it ---

22 Q Ms. Flo, did he understand you when you were
23 telling him to do that?

24 A He understood what we said.

25 Q Okay.

SW - F. LARAQUE - DIRECT

1 A Although he didn't keep it on there all night,
2 you know.

3 Q I understand.

4 A When he'd sleep it would keep moving around but
5 that would help with the swelling. And he did that.
6 And he, but his speech, you know, was just a little
7 slow. Like when I talked to him it wasn't like we
8 talking or like he, I would talk to him now. He
9 would say yes and slow, very slow like, ---

10 Q Still ---

11 A ---but coherent.

12 Q It was content, content appropriate?

13 A Yes, it was appropriate, slow but appropriate.
14 And I took his vital sign and that's when his blood
15 pressure got a little low that I was a little
16 worried about that because I wanted to make sure he
17 didn't have no internal bleeding. But it was, I
18 think it was 90 over 40 pulse was 80, the
19 respiration of 16. Pupils was still reactive and
20 his speech was remained slow and clear. And he
21 was -- continued responding appropriate to all
22 verbal command. And he was, when I wake him again
23 he complained about his arm, you know, was hurting
24 at night.

25 Normally I wouldn't give him no pain

SW - F. LARAQUE - DIRECT

1 medication because I don't know at the time what
2 Tuomey gave him. We don't like to give medication
3 that would cause them to be drowsy when they're with
4 a head wound. We try to keep them alert as much as
5 possible. And I did call a doctor and got an order
6 for Motrin for him, to give that next day. And 4:00
7 that morning, 4 a.m. is when I went in, wake him,
8 and I had him brought out and we put a, you know, a
9 chair so he could sit in the chair and that way I
10 could ask him the question and that's when I did my
11 screening after I watched him all night. And that's
12 when we did the screening and I asked him the
13 question and he answered.

14 Q And this is 4:00 on the 30th ---

15 A 4 a.m.

16 Q ---2010?

17 A Yeah, about 4 a.m. I told him -- right, 11/30.
18 That's when I brought him out of the room, and I did
19 ask him a question and he answered so I could have
20 put it into the computer 'cause this is written on
21 nurses note but I wanted to put it into the
22 computer.

23 Q And let's go to the 4 a.m. assessment.

24 A Okay, 4 a.m. assessment.

25 Q Please.

SW - F. LARAQUE - DIRECT

1 A A.m., 4 a.m, inmate screened in, awake and alert,
2 oriented times three. Responded slowly to verbal
3 command, inmate assisted off mattress on floor and
4 brought to desk for screening. Allowed inmate to
5 sit during screening 'cause I didn't want there -- I
6 took his blood pressure again. It was 122 over 70.
7 Temp was 98.4. His pulse was 80, and his
8 restoration was 16. And I give him more ice to put
9 on his arm to, you know, to decrease the swelling.
10 And that when I went into the computer and screened
11 him in. Do you want me to read that?

12 Q Sure.

13 A Okay.

14 Q Please.

15 A Yes. And inmate unconscious showing visible sign
16 of illness. Well, we note he went out to Tuomey so
17 he gonna have visible injury. And on the second
18 question are there any visible sign of fever,
19 jaundice, skin lesion, rash, infection. Inmate
20 presented to medical screening after being seen at
21 Tuomey Regional Medical ER for blunt head injured
22 and head laceration. Arresting officer state that
23 inmate had 17 staples to back of his head. He was
24 beaten with a baseball bat, per inmate -- that's
25 what the inmate said -- to his head and stomach.

SW - F. LARAQUE - DIRECT

1 Inmate noted with a large bruise and edema to right
2 upper arm. Facial edema to right ear and head.
3 Swelling noted with a clean dressing wrapped around
4 his head with blood stain to back and front of
5 dressing. His right lower arm was edematous.
6 Inmate alert and oriented times three. Inmate able
7 to explain what happened to him. His pupils ecco
8 and is round and is, you know, respond to lights.
9 Inmate was placed on medical observation, was
10 monitored closely during the night. And when, you
11 know, the -- we went on down to help orient -- I
12 asked him, are you taking medication; he told me,
13 yes, he was taking Abilify. And I did record he
14 admit to health problem 'cause he was there before.
15 And I talk about his gait being slow and unsteady
16 and inmate was treated for blunt head injury at
17 Tuomey ER last night 'cause it was already the next
18 day. He was treated at Tuomey at 11/29/10 for blunt
19 head wound and laceration to his head. And I went
20 on to record his vital sign. And I asked, have he
21 ever was treated for any mental health problem and
22 he told me, yes. And then I asked him what; he said
23 schizophrenia, and I make a notation of that. And
24 then I, you know, explained to him to let the nurse,
25 I mean the officer, know if he having any problem

SW - F. LARAQUE - CROSS

1 and he stated that he would. And they kept him up
2 there and I was off for the next couple of days.

3 Q So during this entire process the initial
4 assessment, this assessment several hours later,
5 were you able to understand him and was he able to
6 understand your questions?

7 A Yeah, he understand everything I said. Even when
8 he came in through the door he could understand
9 everything. I never had a problem thinking that he
10 didn't understand. He even volunteer to tell me
11 that he was beaten, you know. He never told me why,
12 but he told me he was.

13 Q Ms. Flora, thank you.

14 A Thank you.

15 THE COURT: Mr. Brooks.

16 **CROSS-EXAMINATION**

17 BY MR. BROOKS:

18 Q Ms. Flora, you're a nurse at the jail and you
19 assess people as they come in from their medical
20 physical infirmities; is that correct?

21 A Yes.

22 Q You're not trained in any type of -- be able to
23 diagnose any type of mental health condition; is
24 that correct?

25 A No, I'm not trained in that, but if there is one

SW - F. LARAQUE - CROSS

1 person that comes in and out with a mental problem

2 I'm aware of that.

3 Q Okay.

4 A And sometime ---

5 Q And as part of that assessment you had -- you
6 were familiar with the fact that he had been treated
7 for schizophrenia?

8 A He told me. We have -- that's part of the
9 assessment. We must ask -- when we ask we refer
10 them to our mental health doctor there, you know,
11 that comes on site. Usually if they come in with
12 mental health med, we try to find out what type of
13 mental health they have.

14 Q And who was the mental health doctor?

15 A Doctor O.

16 Q Doctor who?

17 A O. I can't pronounce his name. It start with an
18 O. O, I can't pronounce it. We just call him
19 Doctor O.

20 Q Okay. Doctor O have any contact with Mr. Wilson?

21 A Yes.

22 Q Okay. And it was after you had assessed him on
23 that date?

24 A Doctor O have a lot of contact with him, but he
25 saw him during after that period.

SW - F. LARAQUE - CROSS

1 Q Okay. And after you assessed him when he came
2 back in on November 29th?

3 A Did he see Doctor O?

4 Q Yes, ma'am.

5 A Yes, I'm sure he did.

6 Q But it was after you assessed him when he
7 initially came in?

8 A Yeah, he always said -- he don't come in at night
9 to assess him, not unless it's called for, it was
10 something that really needed to be we'll call him.

11 Q Right, but after you -- your job is to assess
12 everybody that comes in?

13 A Right, and refer them to mental health.

14 Q Or whether or not ---

15 A If he appears ---

16 Q Everybody that comes in, it's your job to
17 determine whether they need immediate medical
18 attention, if that means take him to the hospital
19 ---

20 A Yes.

21 Q Or if that's something we can do on site ---

22 A Yes.

23 Q ---is that something I can take care of in my
24 capacity as a nurse. Now after that, that initial
25 assessment that you did with Mr. Wilson, later on

1 Doctor O saw him at the facility?

2 A Yes.

3 Q Okay.

4 MR. BROOKS: No other questions, Judge.

5 THE COURT: Any redirect?

6 MR. MEADORS: No, sir, thank you.

7 THE COURT: Thank you, ma'am. You may
8 step down.

9 Any objection to this witness being excused?

10 MR. MEADORS: We'd ask so, please, thank
11 you.

12 THE COURT: Okay. This will be a good
13 time to take a recess so we'll take a 15 minute
14 recess. If you need to smoke or something like that
15 one of the bailiffs will take you outside to let
16 that happen. All right, please do not discuss
17 anything about the case while you're back there.
18 Thank you.

19 (WHEREUPON, the jury was removed from the
20 courtroom at 10:44 p.m., and the following
21 proceedings commenced in open court.)

22 THE COURT: Court's in recess till 11:00.

23 (WHEREUPON, a recess was taken from the
24 proceedings.)

25 THE COURT: All right, let's bring our

SW - D. THOMAS - DIRECT

1 jury back in.

2 (WHEREUPON, the jury was returned to the courtroom
3 at approximately 11:05 a.m., and the following
4 proceedings commenced in open court.)

5 THE COURT: Ladies and gentlemen, we will
6 continue with testimony.

7 MR. MEADORS: May it please the Court.

8 THE COURT: Yes, sir.

9 MR. MEADORS: The State will now call Dan
10 Thomas, Emergency EMS.

11 THE COURT: All right.

12 THE CLERK: Place your left hand on the
13 Bible, raise your right hand. State your name
14 please.

15 THE WITNESS: Daniel Thomas.

16 WHEREUPON,

17 **DANIEL THOMAS,**

18 having been duly sworn by the Clerk, testified as
19 follows:

20 THE CLERK: Thank you. Have a seat up
21 here please. State your full name, spell your last
22 name for the record.

23 THE WITNESS: Daniel A. Thomas,
24 T-H-O-M-A-S.

25 **DIRECT EXAMINATION**

SW - D. THOMAS - DIRECT

1 BY MR. MEADORS:

2 Q Good morning. What's your rank?

3 A Sir?

4 Q Do you have a rank?

5 A Fire fighter, engineer.

6 Q Okay. Can you tell the ladies and gentlemen of
7 this jury a little bit about your background and
8 specifically your background in EMS and/or fire?

9 A Okay. I'm originally from Michigan, retired from
10 military 2003, been with the Sumter Fire Department
11 and Sumter County EMS approximately ten years, then
12 as an EMT, and still active as a first responder for
13 the fire department.

14 Q What's an EMT?

15 A Emergency medical technician.

16 Q And what type of training did you achieve to
17 become an EMT?

18 A Well, I had to go through a very rigorous course
19 of tech and practical skills to assess patients and
20 provide treatment.

21 Q And you've been doing it for ten years?

22 A Yes, sir.

23 Q And how many calls have you been on?

24 A Hundreds.

25 Q And at what point do you know what you're

SW - D. THOMAS - DIRECT

1 responding to?

2 A Dispatch, when they -- when the dispatch tones us
3 out they'll give us a brief description, of course
4 the address and/or whatever the chief complaint of
5 the patient.

6 Q So it's either a car wreck or you're going to a
7 house for whatever?

8 A Chest pain, motor vehicle accident.

9 Q And so what did you -- when you were heading over
10 to Mayesville, South Carolina
11 what were you, did you know what you were responding
12 to?

13 A Dispatched out to an assault, injury and assault.

14 Q Okay. And at that point did you know what they
15 were?

16 A No, sir.

17 Q How many are you -- how many folks are in that
18 ambulance?

19 A Two, two EMTs.

20 Q Two EMTs?

21 A Yes, sir.

22 Q And were you driving?

23 A Not to my knowledge, no.

24 Q You responded to Did you go inside?

25 A Yes, sir.

SW - D. THOMAS - DIRECT

1 Q You remember seeing the body of the victim?

2 A Yes, sir.

3 Q And do you remember, did you touch the body of
4 Ms. Wilson?

5 A No, I did not enter the room. The deputies
6 already pretty much determined this patient was
7 deceased so we did not enter the room to preserve
8 evidence.

9 Q So she was dead when you got there?

10 A Yes, sir.

11 Q So at that point did you assess or look at the
12 suspect Mr. Wilson?

13 A Yes, we provide care for Mr. Wilson.

14 Q And did you see him inside the house when he was
15 sitting?

16 A Yes.

17 Q And were you present when he was asked to leave
18 the house and go to the ambulance?

19 A Yes, I proceeded with Deputy Sinkler and we went
20 to the ambulance and ---

21 Q So were you walking beside the defendant?

22 A Yes.

23 Q Were you there when the officer Senior Corporal
24 Sinkler asked the defendant to get up and leave and
25 go?

SW - D. THOMAS - DIRECT

1 A Yes.

2 Q And did you see the response of the defendant
3 when he was asked to do that?

4 A Yes.

5 Q And did he get up and go when he was asked to?

6 A Yes, he did.

7 Q And when he got to your ambulance was he told or
8 asked to get inside?

9 A Yes.

10 Q And did he do that?

11 A Yes, he did.

12 Q Specifically inside your ambulance now, where was
13 he positioned?

14 A Once we got in the ambulance we put him on the
15 stretcher and secured him for transport, put the
16 seatbelt over him basically; and the deputy sat on
17 the bench seat across from him and I was next to the
18 deputy doing my assessment.

19 Q And when he was asked to sit or get on the gurney
20 or stretcher did he respond appropriately?

21 A Yes, he did.

22 Q And did he physically get up and get on the
23 stretcher?

24 A Yes, he did by himself.

25 Q Was he -- I think you said, was he buckled in or

SW - D. THOMAS - DIRECT

1 something?

2 A Yeah, he was seatbelt in. He was still
3 handcuffed at that point also.

4 Q Was he -- did you have any difficulty -- I assume
5 you did it or whoever did it -- buckling the
6 defendant in?

7 A No, not at all.

8 Q Okay. Did you perform any medical procedures
9 then trying to check his vitals or do anything?

10 A Yes, sir. I took vital signs and then I observed
11 he did have a laceration to his head and I applied
12 dressing and bandaged that to control bleeding and
13 then I took vital signs for the entire duration to
14 the hospital.

15 Q And it sounds crazy, but how did you do that?
16 How did you monitor him?

17 A Sitting on the bench right next to him within arm
18 distance.

19 Q Did you have any difficulty doing that?

20 A No.

21 Q Did he try to keep you from doing that?

22 A No.

23 Q And did you tell him what you were doing?

24 A Yes.

25 Q When you were checking his vitals and doing all

SW - D. THOMAS - DIRECT

1 that, did you ever ask him anything?

2 A No. Just, well, basic questions, are you hurting
3 anywhere, you know. I basically explained
4 everything I was going to do procedure wise, and
5 then he did not respond in any way.

6 Q Did he act out? Was he violent or do anything in
7 your presence?

8 A No.

9 Q And when you got to the hospital, were you there
10 when Senior Corporal Roosevelt Sinkler asked him to
11 get out of the ambulance?

12 A Yes.

13 Q And did he ---

14 A I unbuckled him. He got up on his own power and
15 we walked into the emergency room.

16 Q And was responsive to Senior Corporal's
17 instruction?

18 A Yes.

19 Q Okay. Did you walk in -- do you walk, actually
20 take him into the hospital, go with the officer?

21 A Yes, sir, escort the patient in.

22 Q Were you there when he went into the ER room?

23 A Yes.

24 Q How long did you stay there then?

25 A Probably about five to ten minutes, just enough

SW - D. THOMAS - DIRECT

1 to get our information, give our report to the
2 doctors and nurses and we ---

3 Q You kind of let them know, hey, here's what I
4 did ---

5 A Yes.

6 Q ---and give them an update so then the emergency
7 room doctors and nursers and lab techs kind of take
8 over?

9 A Exactly.

10 MR. MEADORS: Beg the Court's indulgence.

11 THE COURT: Yes.

12 MR. MEADORS: Thank you. That's all.

13 THE COURT: Mr. Brooks.

14 MR. MEADORS: No questions.

15 THE COURT: All right, thank you. You may
16 step down.

17 This witness is excused if there's no
18 objection.

19 MR. MEADORS: Thank you, nothing.

20 Your Honor, the State of South Carolina now
21 calls Doctor Harry Wernsman.

22 THE CLERK: Place your left hand on the
23 Bible, raise your right hand. State your name
24 please.

25 THE WITNESS: Doctor Eric Wernsman.

SW - E. WERNSMAN - DIRECT

1 WHEREUPON,

2 **ERIC WERNSMAN,**

3 having been duly sworn by the Clerk, testified as
4 follows:

5 THE CLERK: Have a seat up there please.
6 Please state your full name, spell your last name
7 for the record.

8 THE WITNESS: Eric Steven Wernsman,
9 W-E-R-N-S-M-A-N.

10 **DIRECT EXAMINATION**

11 BY MR. MEADORS:

12 Q Good morning.

13 A Good morning.

14 Q Would you please relay to the jury your
15 background, your training, your education and in
16 particular your training in the field of expertise
17 that I'm offering you today?

18 A I graduated from Kirksville College of
19 osteopathic medicine in Missouri in 1994. I was --
20 went on to internship and residency in Florida and
21 Chicago for emergency medicine. My residency was
22 with Midwestern University, and so that was four
23 years. And then I was practicing attending
24 physician in emergency medicine at Bowman Regional
25 Medical Center in Illinois, Philadelphia University

SW - E. WERNSMAN - DIRECT

1 trial center for eight years and then moved to
2 Sumter and have been here for an additional eight
3 years.

4 Q And your job here in the emergency room is what?

5 A I'm an emergency medicine physician. I'm board
6 certified in emergency medicine.

7 Q That was my next question. And you got a number
8 on how many people you've seen?

9 A Thousands.

10 MR. MEADORS: Your Honor, at this time
11 we'd offer Doctor Eric Wernsman as an expert in the
12 field of emergency medicine?

13 THE COURT: You want to voir dire him?

14 BY MR. BROOKS:

15 Q Doctor, you're here — your practice is, as you
16 said, you're certified in emergency room physician;
17 is that correct?

18 A Correct.

19 Q You see thousands of people?

20 A Correct.

21 Q You work at Tuomey Hospital?

22 A Correct.

23 Q For the average layperson like myself, what does
24 an emergency room physician do?

25 A We work specifically in the emergency department

SW - E. WERNSMAN - DIRECT

1 to take care of basically anyone that comes there.

2 We see people with colds all the way up to people
3 who've had heart attacks, to shooting, stabbings,
4 cardiac arrest. I mean, we see people at their best
5 and at their worst.

6 Q Okay. And I think you testified earlier that you
7 see thousands of people?

8 A In my career, yeah, I've seen thousands of
9 people, yeah.

10 Q Okay. And as an emergency room physician, as you
11 indicated you see people for various ailments?

12 A Correct.

13 Q Trauma, it could be anywhere from a car accident
14 or gunshot wound?

15 A Correct.

16 Q Okay.

17 MR. BROOKS: Judge, may we approach.

18 THE COURT: You may.

19 (WHEREUPON, counsel approached the Bench for an
20 off-the-record discussion.)

21 THE COURT: Do you have any objection to
22 him being deemed an expert in emergency medicine?

23 MR. BROOKS: For that limited purpose, no,
24 Judge.

25 THE COURT: All right. Then I am going to

SW - E. WERNSMAN - DIRECT

1 deem Doctor Wernsman an expert in emergency
2 medicine. Now ladies and gentlemen, ordinarily a
3 witness can only testify as to what they saw, heard,
4 smell, tasted, or felt. However, when somebody has
5 an extra degree of expertise by training and
6 experience, then they can give opinions that go
7 further than that. Now whether or not you decide to
8 take it and to make it evidence for you, that will
9 be up to you. And you just -- you shouldn't give
10 him any more credibility just because he's an
11 expert, but just give him the give his testimony the
12 weight that you deem appropriate. All right, thank
13 you.

14 You may proceed.

15 MR. MEADORS: May it please the Court.

16 BY MR. MEADORS:

17 Q And I take it you're Board certified?

18 A Correct.

19 Q Doctor, for purposes like we're here today do you
20 take notes and are -- we see sometime on TV dictate
21 maybe what's happened shortly after it happened so
22 you'll have a record of it later?

23 A Yes, we do.

24 Q And that's what happened in this case and what's
25 been provided to all the parties, correct?

SW - E. WERNSMAN - DIRECT

1 A Correct.

2 Q And specifically on November 29th of 2010 at
3 approximately 11:33 did you have an occasion to see
4 the defendant Alexander Wilson who is sitting next
5 to Mr. Brooks?

6 A I did.

7 Q And tell the ladies and gentlemen of this jury,
8 Doctor, specifically in the hospital where did you
9 see him?

10 A In the emergency department.

11 Q And it's like TV to that extent. They actually
12 come to the ER and y'all pick them up. The patient
13 is right at the door basically.

14 A Well, the EMS personnel bring them into the room
15 and sit them down and the nurse goes in with a tack
16 and they do the triage, determine, you know, the
17 severity of their illness or injuries, then they
18 bring the chart to us and then things progress from
19 there.

20 Q So at that point EMS talked to the nurses and
21 they made assessment and then they let you, the
22 doctors know, here's what we have?

23 A Correct.

24 Q And then you go in and start treating, if you
25 will?

SW - E. WERNSMAN - DIRECT

1 A Right.

2 Q And can you tell these folks what your first
3 contact was with the defendant Alexander Wilson?

4 A He was brought in for a head injury.

5 Q Okay. And did you actually look at him?

6 A I did.

7 Q Can you describe him?

8 A He had a 12 centimeter laceration so you're
9 talking about five inches to the back of his head.

10 Q And how deep was it?

11 A Just to the subcutaneous tissue. Underneath the
12 skin it's like a layer of fat that's subcutaneous.
13 Below that is the next layer above the skull that's
14 called the galeal and it's the skull itself. The
15 galeal was not interrupted, did not require repair,
16 but the subcutaneous skin, and the skin did require
17 repair.

18 Q And so as far as it being a deep laceration,
19 could you see the skull?

20 A No.

21 Q Okay. So as far as your assessment on that you
22 saw the injury, what did you do to treat that?

23 A He had a CT scan which was negative and then he
24 had the area anesthetized and stapled.

25 Q And did you do that?

SW - E. WERNSMAN - DIRECT

1 A I did.

2 Q Now during this process of determining what you
3 were going to do and the nature and extent of his
4 injuries did you have communication with him or
5 attempt to?

6 A Yes.

7 Q And can you tell the ladies and gentlemen of the
8 jury about that?

9 A The patient wouldn't verbally answer any
10 questions, but he would nod yes or no to certain
11 things.

12 Q Okay. And specifically, did you ask him certain
13 things regarding his body or himself or his injuries
14 that he would, did nod back?

15 A Yes.

16 Q Okay. Based on his nod did it appear to be an
17 appropriate response?

18 A Yes.

19 Q Okay. And so based on your experience and being
20 there, just dealing with people, he appeared to
21 understand your question?

22 A Yes.

23 Q Okay. And was his nod timely in, I mean, in
24 response to your question?

25 A Yes, he answered the questions right away.

SW - E. WERNSMAN - DIRECT

1 Q And specifically, I mean, did you learn as a part
2 of the treatment that, how he had injured his head?

3 A Only through the police officers.

4 Q Okay. And it's been testified to, is that
5 through his brothers?

6 A Correct.

7 Q Okay. And did they -- I'm just reading off your
8 notes, Doctor. Did -- were you informed that they,
9 the brothers hit him with a bat that the patient had
10 used to beat his mother?

11 A That's what we were told, yes, sir.

12 Q And did you ask the defendant about that?

13 A I asked him if that's what happened, yes.

14 Q And what did he do?

15 A He didn't respond at.

16 Q He didn't respond at all?

17 A No.

18 Q And during your -- I'm just reading your notes --
19 the prepping and getting ready for all the surgery,
20 did he give you any problem in complying with your
21 preparations to fix him or to try to --

22 A No, he did not.

23 Q Okay. And you, I think as we both asked you,
24 you've seen thousands and thousands of folks. Have
25 you been in the emergency room where people are just

SW - E. WERNSMAN - DIRECT

1 violent and acting out and ---

2 A Yes.

3 Q And was the defendant restrained when you were
4 treating him?

5 A He might have been in handcuffs; I can't
6 remember.

7 Q Okay, but was he violent?

8 A No.

9 Q Was he acting out at all?

10 A No.

11 Q Okay. Did he scream?

12 A No.

13 Q This is a crazy question, I guess, but how close
14 did you get to him?

15 A I mean, I'm working on the back of his head and
16 listening to his hear and lungs, feeling his belly
17 and checking his body for any other injuries so I'm
18 physically touching him.

19 Q So is it --- and you have to do that as a doctor?

20 A Correct?

21 Q So you're actually touching his body having to
22 help fix him, and during that process did he push
23 you back or try to be, resist you in any way?

24 A No.

25 Q Okay. Based on your training and experience just

SW - E. WERNSMAN - DIRECT

1 seeing these people, thousands of people, did he
2 appear to be under the influence?

3 A No, he did not.

4 Q Okay. Did he appear to be out of it?

5 A No.

6 Q And you've seen people out of it?

7 A Right.

8 Q Okay. I'm looking here in the notes, it says no
9 concussion.

10 A Yes.

11 Q And how do you make that determination?

12 A Based on CT and presentation. He had no nausea,
13 no vomiting, no dizziness. He ambulates with a
14 steady gait when he came in the department, left the
15 department. No memory issues that we could
16 ascertain and his CT scan was normal.

17 Q And ambulatory meaning he was walking fine?

18 A He walked normal, yeah.

19 MR. MEADORS: Beg Your Honor for a minute.

20 THE COURT: Yes.

21 BY MR. MEADORS:

22 Q If someone was violent or acting out would you
23 sedate them?

24 A Yes.

25 Q Okay, with what?

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1 A Typically we use Haldol and Benadryl, and
2 sometimes for exceptionally violent patients we
3 have to use Ativan on top of that.

4 Q Did you feel any of that was called for in this
5 case?

6 A No.

7 Q That's all. Thank you, Doctor.

8 THE COURT: Mr. Brooks.

9 **CROSS-EXAMINATION**

10 BY MR. BROOKS:

11 Q Doctor, on direct from Mr. Meadors you answered
12 that Mr. Wilson was not violent, was not acting out
13 and he was not screaming in any way, shape, or form;
14 is that correct?

15 A Correct.

16 Q And Mr. Meadors asked you was he "out of it".
17 What does "out of it" mean?

18 A "Out of it" would be delusional where he's
19 confused or combative or under the influence of
20 alcohol or drugs.

21 Q Okay. And that's what you would define as out of
22 it?

23 A One form of out of it, yeah. Out of it could be
24 unconscious or unresponsive.

25 Q Okay. And basically some -- as you indicated,

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1 you asked him what had happened and he didn't
2 respond; is that correct?

3 A Correct.

4 Q Okay. And just to be clear, you are the
5 emergency room physician. You see thousands of
6 people and you are called upon in your capacity as
7 an emergency room physician to make an initial, an
8 immediate assessment of a person's situation when
9 they come in; is that correct?

10 A Correct.

11 Q And when you do that it could be like talking
12 about, whether it be severe head trauma or a bullet
13 wound to a particular part of the body or car
14 accident, or any way shape or form, you have to make
15 a quick judgment call depending on what the
16 situation is as you assess it at that time; is that
17 correct?

18 A Yes, and we use additional labs or CAT scan to
19 assist us with that assessment.

20 Q Okay. So now knowing you would not be privy to a
21 person's entire mental health history now, would
22 you?

23 A If it's in the medical record we would, yeah, as
24 far as like our diagnosis is concerned.

25 Q But in this situation you would not?

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1 A His previous medical record elicited that the
2 patient did have serious schizophrenia.

3 Q Okay. It indicated he did have schizophrenia, a
4 long history of schizophrenia; is that correct?

5 A It didn't say.

6 Q Okay. But you just had a quick snapshot to say
7 he had a history of schizophrenia?

8 A Correct.

9 Q You didn't know all the specifics as to how long
10 and all the medications and all the things he had
11 taken, you didn't know all that?

12 A Only when he was in the room.

13 Q 'Cause you only had, you only had time to make
14 that brief instant call as you do in your job; is
15 that correct?

16 A Correct.

17 Q Okay. No other questions.

18 THE COURT: Any redirect?

19 **REDIRECT EXAMINATION**

20 BY MR. MEADORS:

21 Q In response to Mr. Brooks -- yes, sir, I'm sorry.
22 And the question about what you mean by out of it.
23 You said one would be not delusional, not combative,
24 and not under the influence?

25 A Correct.

SW - E. WERNSMAN - RECROSS

1 Q And you've dealt with psychiatric patients
2 before, right?

3 A Yes, sir.

4 Q You've seen them when they were delusional?

5 A Correct.

6 Q And combative?

7 A Yes.

8 Q Your testimony is the defendant was not that way
9 when you saw him on November 29th, 2010, at 11:33?

10 A Correct.

11 Q Thank you. That's all.

12 THE COURT: Any recross based on his
13 redirect?

14 **RECROSS - EXAMINATION**

15 BY MR. BROOKS:

16 Q In response to Mr. Meadors' question about you've
17 seen psychiatric patients and seen them when they
18 have been delusional, you say that you have seen
19 them; is that correct?

20 A Yes.

21 Q And you didn't see that in this case with
22 Mr. Wilson in that brief period of time that you saw
23 him?

24 A No.

25 Q And that doesn't mean he didn't have any

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1 psychiatric episodes before then; is that correct?

2 MR. MEADORS: Your Honor, he can't answer
3 that.

4 MR. BROOKS: He can answer that.

5 MR. MEADORS: I withdraw my objection.

6 THE COURT: All right.

7 BY MR. BROOKS:

8 Q That doesn't necessarily mean he didn't have any
9 episodes before seeing you, is that correct, because
10 it's fair to say you wouldn't know?

11 A Rephrase the question or ask the question again.

12 Q Well, Mr. Meadors asked you, you've seen and
13 you've dealt with and treated psychiatric patients.

14 A Correct.

15 Q You said yes; is that correct?

16 A Yes.

17 Q Okay. And you stated that some evidence
18 psychiatric patients of people that may be
19 delusional as out of it or under the influence; is
20 that correct?

21 A Yes.

22 Q Now in response to Mr. Meadors' question you
23 indicated that you did not see that Mr. Wilson in
24 the brief time that you saw him?

25 A Correct.

SW - E. WERNSMAN - RECROSS

1 Q Okay. That does not necessarily mean that he may
2 not have been delusional before he saw you; is that
3 correct?

4 A Sure.

5 Q Or delusional after he saw you?

6 A Sure.

7 Q Because you saw him for a brief, specific moment
8 in time in your capacity as an emergency room
9 physician in Tuomey Hospital?

10 A Correct.

11 Q How long would you say that you actually saw him?

12 A He was -- I don't know how long he was in the
13 department. To evaluate and do a history with a
14 patient who's not talking, probably take 10, 15
15 minutes, and then an additional 15 to 20 minutes to
16 get his head prepped and anesthetized and stapled
17 and dressed.

18 Q Now and, do you physically do all that or is
19 there a nurse that handles that?

20 A Some of it is done by me and some of it is done
21 by a nurse.

22 Q Okay, and ---

23 A But like the stapling and all, that is all -- the
24 history, my history and physical all is done by me.

25 Q Okay. It's fair to say in your capacity as an

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1 emergency room physician, as you indicated before
2 you see thousands and thousands of people so ---

3 A (Shakes head.)

4 Q Is that a yes, Doctor?

5 A Yes.

6 Q And you don't -- do you recall how many people
7 you saw that evening?

8 A I do not.

9 Q Okay. Do you recall how many people you saw that
10 entire day?

11 A I do not. My average is usually around 30.

12 Q Thirty a day?

13 A 30 a day.

14 Q Okay. And do you have an average of how long you
15 actually spend with a patient?

16 A No.

17 Q Sometimes you spend more?

18 A Sometimes it's more; sometimes it's less.

19 Q Sometimes less. So you -- do you really recall
20 how long you spent with Mr. Wilson?

21 A No.

22 Q Okay. So it could have been five minutes or it
23 could have been 30 minutes?

24 A It would have been, had to be more than five.

25 Q Had to be more than five?

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1 A 'Cause it takes longer than that to staple the
2 scalp.

3 Q And were you the one that physically did that?

4 A Yes.

5 Q And but it's fair to say it could have been less
6 than 30 minutes?

7 A Possibly, yeah.

8 Q Could have been less than 20?

9 A Maybe.

10 Q Okay. And you don't have any notes to reflect
11 what, how many other people you saw that day. It's
12 fair to say you could have been trying to finish him
13 up and off to some other patient; is that correct?

14 A Possible.

15 Q Okay. 'Cause that was about four years ago?

16 A Correct.

17 Q Okay. No other questions.

18 THE COURT: All right.

19 **FURTHER DIRECT EXAMINATION**

20 BY MR. MEADORS:

21 Q You reviewed your notes for your treatment of
22 this defendant ---

23 A I have.

24 Q ---in this case, correct?

25 A Yes.

1 Q Thank you. That's all. Thank you, Doctor.

2 THE COURT: Anything else? Thank you,
3 Doctor. He's excused unless I have strong
4 opposition.

5 MR. BROOKS: No objection.

6 MR. MEADORS: Can we approach?

7 THE COURT: You may.

8 (WHEREUPON, counsel approached the Bench for an
9 off-the-record discussion.)

10 THE COURT: We're actually moving faster
11 than they were expecting so I'm gonna give you an
12 early lunch with instructions that you be back here
13 at 2:30 so that be will be a nice long lunch. Take
14 a nap if you need to. I'm gonna give you a warning,
15 don't go out and eat a huge lunch. I find that
16 jurors in the afternoons get sleepy. I had one a
17 couple of years ago, they were watching a deposition
18 and the juror was sound asleep. So then in Berkeley
19 County a couple of weeks ago I had just told the
20 jurors not to eat too much at lunch, and then we
21 came back and the juror right in the front was just
22 stretched out sound asleep. So you don't want to do
23 be that juror, okay.

24 With that, so ladies and gentlemen, have a
25 nice lunch. Please do not discuss anything about

1 the case with anyone and I'll see y'all back here
2 just a little before 2:30. Thank you.

3 (WHEREUPON, the jury was removed from the
4 courtroom at 11:34 a.m., and the following
5 proceedings commenced in open court.)

6 THE COURT: Court is in recess until 2:30.

7 (WHEREUPON, a lunch break was taken.)

8 (State Exhibit Nos. 13 and 4 were re-marked as Court
9 Exhibit Nos. 2 and 3, and then the redacted copies
10 were marked State Exhibit Nos. 13 and 14.)

11 (State Exhibit Nos. 16 through 20 were marked for
12 identification.)

13 MR. MEADORS: Judge, following Your
14 Honor's instructions as far as State's 14, 13 and
15 State's 14, we have redacted to show on State's 13
16 taking out the body except for a piece of a leg --
17 Mr. Miller did. And Mr. Brooks has looked at that
18 and ---

19 MR. BROOKS: That's fine.

20 THE COURT: I mean ---

21 MR. BROOKS: We redacted that part you
22 were concerned about, Judge.

23 MR. MEADORS: So Your Honor, what we
24 propose we made for the record Court's 2 will show
25 the original signal picture. For the record State's

1 13 would be the redacted version. And then as far
2 as State's 14, we have redacted that to take out the
3 victim's eyes and nose and mouth, and that is
4 State's 14 and Court's 1 will be for the record the
5 original picture.

6 THE COURT: Those will lessen the graphic
7 content that would, could be interpreted as using
8 them to shock the jury so.

9 MR. MEADORS: And Judge, for the record,
10 and it's nobody's fault, I just remembered, when we
11 made Court's 1 was the competency report of Doctor
12 Domino so I think now with the, those would be
13 Court's 2 and 3, and not 1 and 2.

14 MR. BROOKS: I think we also have Doctor
15 Martin's report as well.

16 MR. MEADORS: It's not marked.

17 THE COURT: Those are the ones you didn't
18 try to get in?

19 MR. MEADORS: Your Honor, this is --
20 during the break as we were looking over them and
21 the pathologist this afternoon, there's another
22 picture that shows the top of her head. I've talked
23 to Mr. Brooks, and he's in agreement with this if
24 you are, Your Honor. Court's 4 is the full picture
25 and we have redacted part of the face where, if Your

1 Honor, it meets with your approval, it will be
2 State's 16, which just shows -- and that would be
3 the exact injury to the top of the head. So the
4 three pictures would, one it depicts the body, and
5 then one would depict the spear wound, and that
6 would be the top of the head and they've all been
7 redacted so they would be less inflammatory. We
8 think that goes specifically to the pathologist's
9 testimony.

10 THE COURT: Are you in agreement with this
11 one?

12 MR. BROOKS: Fine with me, Judge.

13 THE COURT: So you have no objection to
14 14, 15 and 16 as redacted?

15 MR. BROOKS: No, sir.

16 (WHEREUPON, State Exhibits Nos. 14, 15, and 16
17 were admitted into evidence.)

18 THE COURT: Okay. And then this will be a
19 court exhibit.

20 MR. BROOKS: Yes, sir.

21 MR. MEADORS: And Court Exhibits are 2, 3,
22 and 4 on those. And Your Honor, may I in front of
23 the jury as least say these have been redacted not
24 to show the body so it won't look 'cause it looks,
25 obviously it's been doctored. Am I allowed to ask

1 if they've been doctored so it won't show the full
2 body?

3 THE COURT: Yeah, you can ---

4 MR. MEADORS: Just to explain the absence
5 of ---

6 THE COURT: That's no prejudicial thing.

7 MR. BROOKS: I don't have any problem with
8 that, Judge.

9 MR. MEADORS: That's all we have.

10 (WHEREUPON, Court's Exhibit Nos. 2, 3, and 4 were
11 marked and made a part of the record.)

12 (WHEREUPON, State Exhibits Nos. 21 through 26 were
13 marked for identification only.)

14 THE COURT: Ladies and gentlemen, hope you
15 had a nice long lunch.

16 Is the State ready to proceed?

17 MR. MEADORS: Yes, sir.

18 THE COURT: All right, you may call your
19 next witness.

20 MR. MEADORS: May it please the Court, the
21 State of South Carolina will call Bobby Richardson.

22 THE WITNESS: Robert W. Richardson.

23 WHEREUPON,

24 **ROBERT W. RICHARDSON,**

25 having been duly sworn by the Clerk testified as

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1 follows:

2 THE WITNESS: Robert W. Richardson,
3 R-I-C-H-A-R-D-S-O-N.

4 **DIRECT EXAMINATION**

5 BY MR. MEADORS:

6 Q Good afternoon Mr. Richardson.

7 A Good afternoon.

8 Q As I do with every witness I'm gonna ask you to
9 tell the folks, this jury, about you generally where
10 you were born and raised, and specifically, your
11 background and training and education, particularly
12 in the field of law enforcement.

13 A Yes, sir. I was born and raised here in Sumter
14 County. I've been a resident of Sumter County my
15 entire life up until a couple of months ago I moved
16 to Lexington County. I completed 34 years of law
17 enforcement, several years in the forensics
18 division.

19 Q How many years in the forensics division?

20 A 34 total, and 7 in crime scene.

21 Q Crime scene. And what type of training in law
22 enforcement did you receive?

23 A I received training from the South Carolina
24 Criminal Justice Academy and numerous schools from
25 Florida all the way through Massachusetts and law

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1 enforcement.

2 Q And you retired now?

3 A Yes, sir.

4 Q When did you retire?

5 A September 26th of this year.

6 Q And why did you move to Lexington? I didn't mean
7 that --

8 A So my wife could take care of me.

9 Q Back in September of 2010 your duty for sheriff
10 department was what?

11 A I was a crime scene investigator.

12 Q What does that mean?

13 A We're the ones who actually process the crime
14 scene, take the photos, collect the evidence, do any
15 testing that we were capable of doing in Sumter; if
16 not, to get it to SLED for further testing.

17 Q What's the first thing you do when you arrive at
18 a crime scene, you as a crime scene investigator?

19 A First thing is I get a general briefing from the
20 first responders and then photograph the scene
21 before any items are moved.

22 Q And you yourself did the photographs in this
23 case?

24 A Yes, sir, that's correct.

25 Q Can you describe the scene just in

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1 general before we get specifically into some of the
2 evidence, you know, what you observed when you got
3 there?

4 A When I got there I observed the residence. It
5 was a smaller home with a screen porch on the front.
6 And as you walk through the door kind of the living
7 room area was to the left, living room, kitchen, and
8 your bedrooms were more to the right end side of the
9 house.

10 Q And did you observe the body of Ms. Wilson?

11 A Yes, sir, I did.

12 Q And did you take pictures of that?

13 A Yes, sir, I did.

14 Q And when you saw her was she deceased?

15 A Yes, sir, she was obviously deceased.

16 Q All right. Now I'm going to show you what's been
17 marked as State's 13 without objection.

18 A Yes.

19 Q Do you recognize State's 13?

20 A Yes, sir, I do.

21 Q And does State's 13 show the room where the body
22 of Ms. Wilson was?

23 A That is correct.

24 Q And does that accurately reflect what you saw,
25 you took a picture of it?

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1 A Yes, sir.

2 Q Now State 13 appears to be doctored here at the
3 bottom. Is that at His Honor's instruction took out
4 so you couldn't see the body?

5 A Yes, sir, that's correct.

6 Q Okay. That is a part of Ms. Wilson's body?

7 A Yes, sir, it is.

8 Q So that's in relation to this bed where her body
9 would have been?

10 A That's correct.

11 Q Did you observe some injuries on her face or
12 neck?

13 A Yes, sir, there was a stab wound to the neck?

14 Q And I'm gonna show you State's 14. Do you
15 recognize that?

16 A Yes, I do. This is the photograph I took of the
17 wound to the neck.

18 MR. MEADORS: And Your Honor, 14 without
19 objection.

20 BY MR. MEADORS:

21 Q And again, at His Honor's order was this State 14
22 just so we wouldn't see the part of the face of the
23 victim?

24 A Yes, sir, that's correct.

25 Q Just out of respect for the -- other than that is

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1 that stab wound depicted on State's 14?

2 A Yes, sir.

3 Q And finally State's 15, excuse me, strike that.

4 State's 16, again, has this been redacted at His

5 Honor's order ---

6 A Yes, sir, that's a photo ---

7 Q ---not showing the whole face?

8 A That's correct.

9 Q Did you observe the injuries on top of
10 Ms. Wilson's head?

11 A Yes, sir, that's where the majority of injuries
12 to her head were, were on the top.

13 Q And is that shown in State's 16?

14 A Yes, sir, it is.

15 Q You're the crime scene investigator. What
16 background information did you have, if any, prior
17 to getting to the scene?

18 A Prior to getting to the scene nothing other than
19 there had been -- I received a telephone call
20 telling me to respond, that there had been an
21 incident at that location.

22 Q And you were on call?

23 A Yes, sir.

24 Q And did you go about your duty and start
25 documenting and taking pictures?

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1 A Yes, sir, I did.

2 Q You have any particular order you do that in, or
3 where do you start, or?

4 A Each crime scene is different. If possible I
5 start as soon as I come through the front -- well,
6 prior to the front door I actually snap a picture of
7 the residence.

8 Q And I think we had some testimony earlier and
9 I'll just show you State's Number 8.

10 A Yes, sir, that is a picture of the residence.

11 Q And you took that?

12 A Yes, sir.

13 Q And State's Number 9?

14 A Yes, sir, that's the number right up by the door.

15 Q And you do that so you can come in here like
16 we're doing now saying this is where I was and this
17 was the house, right?

18 A That's correct, yes, sir.

19 Q And the pictures that have already been
20 entered -- and I won't go over every one of them --
21 but did you take pictures of the bathroom?

22 A Yes, sir, I took all the photographs.

23 Q And the defendant where he was sitting?

24 A Yes, sir.

25 MR. MEADORS: Now specifically, if I can

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1 approach again please, sir.

2 THE COURT: You certainly may. You don't
3 have to ask anymore.

4 BY MR. MEADORS:

5 Q State's 21?

6 A Yes, sir, that photograph I took of the barrel of
7 the baseball bat.

8 MR. MEADORS: And Your Honor 21, 22, 23,
9 24, 25, and 26 I believe without objection.

10 THE COURT: Is that correct?

11 MR. BROOKS: That's correct.

12 THE COURT: All right.

13 (WHEREUPON, State Exhibits Nos. 21 through 26 were
14 admitted into evidence.)

15 BY MR. MEADORS:

16 Q What number is that?

17 A Number 21.

18 Q What is number 21?

19 A Number 21 is the barrel of the baseball bat that
20 had been splintered. The barrel was actually like
21 when you see on a baseball game, the bat is broken.

22 Q And did you actually -- after you took this
23 picture did you actually collect the bat?

24 A Yes, I did.

25 Q All right. Do you need glasses?

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1 A Yes, sir, if you want me to get it out.

2 Q Just, is that standard practice to use gloves?

3 A Standard practice. Any time blood is involved we
4 always use gloves.

5 Q And I believe we have talking about State's 21
6 which is the barrel of the bat.

7 A State's 18.

8 Q And the picture State 21 for the record.

9 A Right.

10 Q The bat is State's 18?

11 A Yes, it is.

12 Q And that is what's depicted in here, what room is
13 that in?

14 A The bat would have been in the defendant's
15 bedroom.

16 MR. MEADORS: Your Honor, it's without
17 objection.

18 THE COURT: All right.

19 (WHEREUPON, State Exhibit No. 18 was admitted into
20 evidence.)

21 BY MR. MEADORS:

22 Q State's 22.

23 A That was also located in the defendant's bedroom.
24 It's just a splinter of where the bat was actually
25 broken.

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1 Q State's 23.

2 A That is the handle of the bat that was located in
3 the living room area of the residence.

4 Q And do you have that?

5 A Yes, sir, I do. That is State's Exhibit Number
6 19.

7 MR. MEADORS: State's 19 without
8 objection, Your Honor.

9 THE COURT: Is that correct?

10 MR. BROOKS: That's correct.

11 THE COURT: All right, without objection
12 it's admitted.

13 (WHEREUPON, State Exhibit No. 19 was admitted into
14 evidence.)

15 BY MR. MEADORS:

16 Q And State's 24, is that another picture of the
17 bottom of the bat or the handle?

18 A Yes, sir, it is.

19 Q Okay. And usually do you take far away and then
20 closeup pictures?

21 A Yes, sir. Usually if you notice one picture has
22 a marker it's saying number one and one picture does
23 not have a marker.

24 Q Do you go back and make a log of all this?

25 A Yes, sir, I do.

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1 Q Showing this picture is this and where it came
2 from?

3 A Yes, sir, I do.

4 Q And if you previously -- and you've got one of
5 those reports, right, it's been provided to
6 Mr. Brooks? And have you looked at that in
7 preparation of your testimony?

8 A Yes, sir.

9 Q State's 25?

10 A Yes, sir, I took that photograph in the kitchen
11 area. It's a piece of bamboo on the freezer.

12 Q And at this point did you know what potential
13 weapons may or may not be, or you're just taking
14 items that might ---

15 A No, sir, anything that had blood on it we were
16 taking it at that point.

17 Q And do you have that bamboo?

18 A Yes, sir, I do. That is State's Exhibit Number
19 17.

20 MR. MEADORS: Your Honor, that is State's
21 17 without objection.

22 THE COURT: Without objection.

23 (WHEREUPON, State Exhibit No. 17
24 was admitted into evidence.)
25

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1 BY MR. MEADORS:

2 Q And where was this found?

3 A That's in the kitchen on the deep freezer.

4 Q Can you put this back in the bag please, and I'll
5 bring it down here to the court reporter.

6 Describe -- is anything else in there? Okay.

7 A No, sir.

8 Q Describe the room. You see pictures of, pictures
9 which have been adapted of the victim's body. But
10 describe the rest of the room to the ladies and
11 gentlemen of the jury, where the victim's body was
12 located.

13 A It was a, just a small bedroom with the bed. As
14 soon as you walk through the door the headboard
15 would have been to your left up against that wall.
16 The victim, Ms. Wilson, her head was against the bed
17 with her feet sticking back out the door. And on
18 the other side of the bed, it was white walls inside
19 the residence. Other side of the bed was a bedroom.

20 Q And ---

21 A I mean, a bathroom, excuse me.

22 Q And I guess it was shown in State's 13; I didn't
23 ask you about it at the time. That's the victim's
24 bed with the victim beside where the victim was
25 located?

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1 A Yes, sir.

2 Q And you're familiar with the term blood spatter?

3 A Yes, sir, I am.

4 Q And looking at State's 26 was this in the same
5 room where the victim Ms. Wilson was located, where
6 her body was located?

7 A Yes, sir, it is. You can actually see the
8 headboard on that side of the photograph.

9 Q So State's 13 headboard is depicted in State's
10 26?

11 A Yes, sir, it is.

12 Q And there appears to be a lamp?

13 A Yes, sir, there was a lamp on the small table.

14 Q And a bunch of blood spatter?

15 A Yes, sir, it's a combination of spatter and
16 castoff.

17 Q What does that mean?

18 A Castoff is where you hit somebody with an object.
19 As you bring it back up and it has blood on it, as
20 you bring it back up it's casting it off on to a
21 wall or ceiling.

22 Q Now we have some pictures which have already been
23 entered. What was your rank? Investigator?

24 A I was investigator.

25 Q Investigator. State's Number 1, do you remember

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1 taking -- it's actually Monday I didn't have all
2 together, but that's a picture of two of it. But on
3 State's 2, is this a picture of an outlet there?

4 A Yes, sir, it is a phone jack.

5 Q And did you take that?

6 A Yes, sir.

7 Q Why did you take that?

8 A It just brought to -- jumped out at me that the
9 phone was actually unplugged.

10 Q Okay. So you documented that?

11 A Yes, sir.

12 Q Now did you take any other -- are you looking
13 through the house and looking for anything else that
14 may or may not be of evidentiary value?

15 A Yes, sir.

16 Q And as a part of that did you look in the
17 bathroom and all the bedrooms?

18 A Yes, sir, we did.

19 Q Okay. And what else -- we'll show you what we
20 marked State's 20 and tell me if you, tell me where
21 you got that from.

22 A State's 20 is one of our evidence bags containing
23 pill bottles. Let me double check. Those came from
24 the defendant's bedroom.

25 Q Okay. Defendant Alexander Wilson's bedroom?

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1 A Yes, sir, that's correct.

2 Q And so you collected those?

3 A Yes, sir.

4 MR. MEADORS: Your Honor, without
5 objection State's 20.

6 MR. BROOKS: That's correct.

7 THE COURT: All right. Are all these
8 without objection so we can go ahead?

9 MR. MEADORS: And I think that's it, yes,
10 sir, at this point I believe.

11 (WHEREUPON, State Exhibit No. 20 was admitted into
12 evidence.)

13 BY MR. MEADORS:

14 Q Did there -- I guess in most cases is blood sent
15 out to SLED, on a lot of cases, not most cases, in
16 some cases?

17 A Yes, sir, it is.

18 Q And did it become apparent in this case that that
19 really wasn't an issue in this case?

20 A Yes, sir, it was pretty obvious what occurred and
21 no DNA testing was sent.

22 Q Okay. And this wasn't through your investigation
23 and investigation of the Sheriff's Department, it
24 wasn't a whodunit case, in other words?

25 A No, sir.

SW - R. RICHARDSON - CROSS

1 MR. MEADORS: Beg the Court's indulgence.

2 THE COURT: Yes, sir.

3 MR. MEADORS: Your Honor, thank you.

4 That's all we have for Mr. Richardson.

5 THE COURT: Mr. Brooks.

6 MR. BROOKS: Just briefly, Your Honor.

7 **CROSS-EXAMINATION**

8 BY MR. BROOKS:

9 Q How are you doing today?

10 A Doing fine, thanks.

11 Q The bag that Mr. Meadors handed you, are these
12 all the six bottles prescriptions taken out of
13 Alexander Wilson's room?

14 A Yes, sir.

15 Q Okay. And did you ---

16 A One bottle actually has one tablet in it.

17 Q Okay. But you made note of what these
18 prescriptions were for, or you just ---

19 A No, sir.

20 Q ---packed them up?

21 A No, sir, we just packed them up.

22 Q And as Mr. Meadors indicated it wasn't a whodunit
23 case, right?

24 A That's right.

25 Q It might have been a why it was done case, right?

SW - R. BURNISH - DIRECT

1 A That is correct, yes, sir.

2 Q You're not qualified to answer that question; is
3 that correct?

4 A That's correct.

5 Q Okay.

6 MR. BROOKS: No other question, Judge.

7 THE COURT: All right. Any redirect?

8 MR. MEADORS: We ask he go back to
9 Lexington, be excused please.

10 THE COURT: You're excused.

11 MR. MEADORS: Lieutenant Robert Burnish
12 please.

13 THE COURT: Come forward to be sworn.

14 THE CLERK: Place your left hand on the
15 Bible, state your name please.

16 THE WITNESS: Robert Burnish.

17 WHEREUPON,

18 **ROBERT BURNISH,**

19 having been duly sworn by the Clerk, testified as
20 follows:

21 THE CLERK: Thank you. Have a seat up
22 here please. State your full name, spell your last
23 name for the record.

24 THE WITNESS: Robert Boyd Burnish,
25 B-U-R-N-I-S-H.

SW - R. BURNISH - DIRECT

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good afternoon, Lieutenant.

A Good afternoon.

Q Please tell the jury about yourself and your experience in law enforcement and training please.

A I've been with the Sheriff's Office since 1992. My entire career has been with the Sumter Sheriff's Office. Graduated from the academy in '92. I moved over — spent my first eight years as a patrol officer, moved up the ranks to a sergeant. And in 2000 I moved over to investigation where I've been ever since, and I'm currently lieutenant over the investigation division.

Q On November 29th, 2010, what was your status?

A I was sergeant in investigation at that time.

Q Okay. And did you have the opportunity to go to in Mayesville?

A Yes, I did.

Q On November 29th?

A Yes, sir.

Q That evening?

A That's correct.

Q And what did you do when you arrived there?

A I was called by the lieutenant over their

SW - R. BURNISH - DIRECT

1 division at the time. He asked me to respond with
2 him to Congress Street. There was a call of a
3 homicide there and we arrived; and upon our arrival
4 crime scene had already been there. The scene was
5 already taped off. EMS was there. And everything
6 was being done. I was just there to insure
7 everything was being handled properly and assist
8 them any way they need.

9 Q And was the defendant on his way to the EMS when
10 you got there?

11 A Yes, sir.

12 Q To the actual vehicle?

13 A That's right, he was.

14 Q Did you go inside and observe what we've observed
15 here in the trial through these pictures?

16 A Yes.

17 Q Did you see Ms. Wilson's body?

18 A I did.

19 Q Did you look at her injuries?

20 A Yes, I did.

21 Q And after you got through at the crime scene what
22 did you -- excuse me, the crime scene, yeah,
23 what'd you do?

24 A From there myself and Lieutenant Lamb, we went to
25 the hospital.

SW - R. BURNISH - DIRECT

1 Q And at that point did you have a suspect?

2 A Yes.

3 Q And when you -- why did you go to hospital?

4 A Went to the hospital to in an attempt to talk to
5 the suspect, and we obtained a DNA buccal swap from
6 his mouth.

7 Q Specifically where did you go when you went to
8 Tuomey?

9 A To the emergency room.

10 Q All right. And you said you got a buccal swab?

11 A Yes.

12 Q What is a buccal swab?

13 A It's just, it's a long Q-tip with a capped end..
14 We pop it off the cap and use it to swab someone's
15 mouth to obtain any saliva for DNA comparison if we
16 need to in a case such as this.

17 Q And how close did you get to the defendant to
18 perform that test if you would?

19 A Within arms reach, closer than you and I are
20 right now.

21 Q So for record purposes, within a foot where --

22 A Yes.

23 Q Okay. Can you just put your hand...

24 A Yeah.

25 Q And so you're that far from the defendant

SW - R. BURNISH - DIRECT

1 Alexander Wilson?

2 A That's right.

3 Q And this buccal swab or some call buccal swab, is
4 it -- it doesn't hurt, does it?

5 A No, no, sir.

6 Q What is it made of?

7 A It's like a cotton tip.

8 Q And did you ask him to open his mouth?

9 A Yes, I did.

10 Q And did you tell him that I'm, I want to get the
11 swab from you?

12 A Yes. I introduced myself and told him what I was
13 wanting to do, and he opened his mouth.

14 Q Okay. So did he appear based on his reaction and
15 response to you to understand what you said?

16 A Yes.

17 Q And when you asked him to open his mouth did he
18 do it?

19 A Yes, he did.

20 Q And did you then stick the swab in his mouth?

21 A Yes, I did.

22 Q Right on the cheek or ---

23 A Yes, on the side of his cheeks on both sides.

24 Q And he was compliant during that?

25 A That's correct, yes, sir.

SW - R. BURNISH - DIRECT

1 Q Did he appear to you then when you were that
2 close enough to put a swab in his mouth to be under
3 the influence of anything?

4 A No.

5 Q Okay. Did you smell anything?

6 A No.

7 Q Alcohol or anything?

8 A No.

9 Q Did he blurt out anything to you at that point,
10 anything?

11 A No, he didn't say a word.

12 Q It's been both of us who said it wasn't a
13 whodunit ultimately. Was Ms. Wilson also tested
14 and, no, there wasn't allegation of rape or anything
15 like that in this case?

16 A Right.

17 Q But that's the point in the investigation in a
18 case; you don't know that, right?

19 A Right. At that time we didn't know that.

20 Q So you're trying to get a DNA sample from the
21 defendant to see if compared to any potential ---

22 A Right.

23 Q But that was not a issue in this case?

24 A No, no issue.

25 Q So you've been to Congress Street, Mayesville,

SW - R. BURNISH - DIRECT

1 and you'd been to Tuomey, had your first interaction
2 with the defendant. Did you have an occasion to see
3 Alexander Wilson again?

4 A Yes, the following day.

5 Q Okay. So this is now on November 30th, 2010?

6 A Right.

7 Q And where did you see him?

8 A At the Detention Center.

9 Q And just staying straight on point, what were you
10 there for?

11 A To serve the warrant that was issued for his
12 arrest and to serve on him.

13 Q And what was that marked -- what was the warrant
14 for?

15 A Murder.

16 Q And specifically where did you meet with the
17 defendant?

18 A At the detention center. One of the correctional
19 officers brought him to a waiting room, so to speak,
20 like a separate room from where he was being housed.

21 Q And is that common practice?

22 A Yes, it is.

23 Q Okay. And describe the room to us.

24 A It's kind of like a conference room. It's a long
25 table, a lot of chairs around it. Of course, there

SW - R. BURNISH - DIRECT

1 was also some other chairs. You were against the
2 wall, four walls, door, nothing fancy.

3 Q And was the defendant handcuffed at this point?

4 A I don't recall. I believe so but I don't recall.

5 Q And was he sitting down?

6 A Yes.

7 Q Were you sitting down?

8 A Yes.

9 Q And that —

10 A In that process not sitting down; but the process
11 of him coming in the room, being asked.

12 Q Did you ask him to sit down?

13 A I don't, I don't recall if I asked him to sit
14 down; but he did sit down, yes, sir.

15 Q Was there any problem in just the basis of coming
16 in, sit down before we do — any reluctance or any
17 problem having him sit down or him sitting down,
18 whatever?

19 A No.

20 Q That's terrible question. You understand what
21 I'm saying? That things went orderly the way they
22 usually do when you're serving a warrant?

23 A Yes.

24 Q Did you have an occasion to serve the warrant on
25 him?

SW - R. BURNISH - DIRECT

1 A Yes, I did.

2 Q After you read the warrant to the defendant did
3 you ask him if he understood it?

4 A Yes, I did.

5 Q Understood the warrant?

6 A Right.

7 Q And is that your practice?

8 A Yes.

9 Q Did he respond to you?

10 A No, he did not.

11 Q And what did you do after that?

12 A He kept staring straight ahead at the wall. I'm
13 sitting beside at a long conference type table at
14 the head of the table. I'm beside him. He kept
15 staring straight away the entire time.

16 Q So you're beside him?

17 A Right.

18 Q Okay.

19 A So I take my hand and I wave it in front of his
20 face to make sure he could hear me.

21 Q Did you say can you hear me?

22 A Yes, didn't get a response then. At that point
23 once I waved my hand and he said, I know my rights.

24 Q He said, I know my right?

25 A Yes.

SW - R. BURNISH - DIRECT

1 Q And did you have any trouble understanding those
2 words from his mouth?

3 A No, he spoke clearly.

4 Q Did he say anything else to you at that point?

5 A At that point, no.

6 Q Did he ever tell you if he'd been on medication
7 or gotten something from the hospital at any time,
8 that you remember?

9 A After a few minutes of quietness and he was still
10 staring straight, again I asked him if he was on any
11 kind of medication. He told me he was being treated
12 by the VA and he was on Abilify.

13 Q After that did he say anything else to you when
14 he was -- let me put it this way. Did anything else
15 transpire before he left the room, before he was
16 leaving that room? You served the warrant on him,
17 had that conversation with him, said I understood my
18 rights, told you he didn't have -- was on medication
19 from the VA, no other discussion prior to him fixing
20 to leave the room?

21 A No.

22 Q Okay. As he was leaving the room did he say
23 anything?

24 A Yes, he did.

25 Q What did he say?

SW - R. BURNISH - DIRECT

1 A He said that's not my momma. She was pretending
2 to be.

3 Q That was not my momma, she was pretending to be
4 her. And this was a day or so after the incident?

5 A Right.

6 Q Had he told you that when you saw him at the time
7 hospital and you were gonna put something -- get
8 something out of his mouth?

9 A No.

10 Q And could you understand the words coming from
11 his mouth when he said that?

12 A Yes.

13 Q All right. And is that the extent of what
14 happened at Sumter-Lee Regional Detention Center
15 between you and the defendant on November 30th,
16 2010?

17 A That's right.

18 MR. MEADORS: Can we have a side bar real
19 quick, sir?

20 THE COURT: Yes.

21 (WHEREUPON, counsel approached the Bench for an
22 off-the-record discussion.)

23 THE COURT: Proceed as instructed.

24 MR. MEADORS: Beg the Court's indulgence.
25

SW - R. BURNISH - CROSS

1 BY MR. MEADORS:

2 Q Lieutenant, is the individual that you saw at the
3 Tuomey Hospital on November 29th that you took the
4 swab from, the individual who told you on
5 November 30th, 2010, at the Sumter-Lee Regional
6 Detention Center that I understand my rights, that
7 I've been on Abilify and got it from the VA that
8 wasn't my mother, that's somebody pretending to be
9 my mother, is that person in the courtroom?

10 A Yes, he is.

11 Q Would you please point him out to the ladies and
12 gentlemen of the jury.

13 A He's in the blue shirt sitting at defense table
14 (indicating).

15 Q Thank you very much. And is that all he said
16 about that not being his mother, that was it?

17 A That was it, yes, sir.

18 Q Thank you. That's all.

19 THE COURT: Mr. Brooks.

20 MR. BROOKS: Yes, sir.

21 **CROSS-EXAMINATION**

22 BY MR. BROOKS:

23 Q Mr. Burnish.

24 A Yes, sir.

25 Q How are you doing today?

SW - R. BURNISH - CROSS

1 A Good, thank you.

2 Q I promise I won't keep you too long up here. Now
3 Mr. Wilson was arrested that night?

4 A That's right.

5 Q Taken to the hospital that night, early morning,
6 or the next day. In relation to that, when did you
7 have the interaction with him at the detention
8 center? Was that morning, afternoon-ish, evening?

9 A I would say it would be about mid afternoon.

10 Q Okay. So it was obviously less than 24 hours
11 since he'd been at the hospital?

12 A That's right.

13 Q Okay. And you indicated that during the course
14 of that conversation Mr. Wilson at the very end of
15 the conversation Mr. Wilson during the conversation
16 said this wasn't his mother, it was somebody
17 pretending to be his mother?

18 A That's right.

19 Q And that's exactly what he said?

20 A That's right.

21 Q Okay. I'm going to go out on a limb here. I'm
22 assuming that none of that information that you had
23 with him at the Detention Center was videotaped?

24 A No, it was not.

25 Q Or recorded?

SW - R. BURNISH - CROSS

1 A No, sir.

2 Q Okay. And that would have been very close in
3 relationship to the time when the incident occurred;
4 is that correct?

5 A That's right.

6 Q Okay. To your knowledge you don't know whether
7 or not he had actually taken his medication between
8 the time he was arrested and the time he had the
9 conversation with you; is that correct?

10 A I — to my knowledge, no, I don't.

11 Q Okay. Your job was you came in, you served him
12 the warrant, and you had a brief conversation with
13 him. And as you indicated he stared out in space
14 and you had to wave your hand at him basically
15 figure out, hey, is he hearing me and understanding
16 me.

17 A Right, that's correct.

18 Q And he said to you, I know my rights?

19 A Yes.

20 Q And then at the conclusion of the conversation
21 'cause he hadn't said anything else up until that
22 point, he says, that wasn't my momma, that was
23 somebody pretending to be my momma.

24 A That's right.

25 Q And how many years have you been in law

SW - R. BURNISH - REDIRECT

1 enforcement?

2 A 22.

3 Q Okay. And how many times have you ever heard
4 someone say to you, that person that you say was my
5 momma ain't my momma, she pretending to be my momma,
6 something like that?

7 A That was my first.

8 Q First time?

9 A Yes, sir.

10 Q That struck you as very unusual; is that correct?

11 A That's correct.

12 Q Something you had never seen or witnessed before?

13 A That's right.

14 Q Okay. No other questions.

15 THE COURT: Any redirect?

16 MR. MEADORS: Very briefly.

17 **REDIRECT EXAMINATION**

18 BY MR. MEADORS:

19 Q Was he calm when he was telling you that?

20 A Yes, sir, he was calm.

21 Q Wasn't yelling it?

22 A No, no yelling.

23 Q Didn't act scared when he was telling you?

24 A No.

25 Q Thank you.

SW - R. BURNISH - REDIRECT

1 THE COURT: Yes, sir.

2 **R E C R O S S - E X A M I N A T I O N**

3 BY MR. BROOKS:

4 Q His demeanor when he had that conversation at the
5 jail was the same demeanor he had at the hospital;
6 is that correct?

7 A That's correct.

8 Q And you've been sitting in this courtroom the
9 whole time, correct?

10 A Yes, sir.

11 Q And you've heard other law enforcement personnel
12 testify about their interactions with Mr. Wilson;
13 isn't that correct?

14 A That's correct.

15 Q And their response has been pretty much
16 consistent with what you said, calm demeanor the
17 entire time?

18 A Yes, sir.

19 Q The entire time that law enforcement had
20 interaction with Mr. Wilson shortly after this
21 incident?

22 A That's correct.

23 Q Okay.

24 THE COURT: All right, thank you. You may
25 step down.

1 THE WITNESS: Thank you.

2 SOLICITOR FINNEY: May we approach.

3 (WHEREUPON, counsel approached the Bench for an
4 off-the-record discussion.)

5 THE COURT: All right, ladies and
6 gentlemen of the jury, now is a good time to break
7 and then I think come back — I think we'll have one
8 more witness this afternoon.

9 Is that correct?

10 SOLICITOR FINNEY: Yes, sir, Your Honor.

11 THE COURT: So we won't be going late.
12 Have a nice break, have a Co cola or something like
13 that. They will take care of you. Please do not
14 discuss anything about the case, ladies and
15 gentlemen.

16 (WHEREUPON, the jury was removed from the
17 courtroom at 3:12 p.m., and the following
18 proceedings commenced in open court.)

19 THE COURT: Court's in recess until about
20 3:30.

21 (WHEREUPON, a recess was taken from the
22 proceedings.)

23 THE COURT: Anything before we start?

24 MR. MEADORS: No, Your Honor.

25 THE COURT: Let's bring our jury.

SW - J. ROSS - DIRECT

1 (WHEREUPON, the jury was returned to the courtroom
2 at approximately 3:45 p.m., and the following
3 proceedings commenced in open court.)

4 THE COURT: Solicitor, you ready to
5 proceed?

6 SOLICITOR FINNEY: Yes, sir, may it
7 please the Court, we call Janice E. Ross, M.D., to
8 the stand.

9 THE CLERK: State your name please.

10 THE WITNESS: Janice Edwards Ross.

11 WHEREUPON,

12 **JANICE E. ROSS, M.D.**

13 having been duly sworn by the Clerk, testified as
14 follows:

15 THE CLERK: Have a seat up here please.
16 Please place your left hand on the Bible, spell your
17 last name for the record.

18 THE WITNESS: Janice Edwards Ross,
19 R-O-S-S.

20 **DIRECT EXAMINATION**

21 BY SOLICITOR FINNEY:

22 Q Good afternoon, Doctor Ross.

23 A Good afternoon.

24 Q Would you tell the ladies and gentlemen of the
25 jury what you do for a living please.

SW - J. ROSS - DIRECT

1 A I'm a forensic and hospital pathologist. I do
2 autopsies for the coroners of the state and do
3 hospital pathology which means I'm looking at tissue
4 for diagnosis of cancer, etc.

5 Q Tell us a little bit about your educational
6 background please.

7 A Yes. I have a bachelor degree from the
8 University of South Carolina, and I got my M.D., my
9 doctor of medicine, from Upstate Medical Center in
10 Syracuse, New York. I did a residency in training
11 in the field of pathology. State pathology is the
12 study of disease so we learn how to diagnose
13 diseases using microscope in a laboratory in the
14 hospital and we also learn how to do an autopsy.
15 Further training in forensic pathology teaches us
16 how do a forensic autopsy, identifying patterns of
17 injury, taking the samples for the purpose of
18 toxicology and in the courts of law.

19 Q And forensic pathology, what is it that helps you
20 determine about a person and how they spent their
21 final minutes?

22 A We, through the autopsy we find a cause of death
23 and a manner of death.

24 Q You had to do a residency after medical school to
25 become training as a pathologist?

SW - J. ROSS - DIRECT

1 A Correct.

2 Q And are you Board certified as a forensic
3 pathologist?

4 A Yes.

5 Q All right. How long have you been so certified?

6 A General pathology since 1976 and forensic
7 pathology since 1985.

8 Q And have you done autopsies on a regular basis
9 for the last 20 years?

10 A Thirty some odd years, yes.

11 Q Would you say you've performed more than two
12 thousand autopsies?

13 A Probably more, more than 6,000?

14 Q Have you testified before in court?

15 A Yes.

16 Q And have you been qualified as an expert in
17 forensics pathology on previous occasions?

18 A Yes.

19 SOLICITOR FINNEY: Your Honor, I would
20 officer Doctor Ross an expert.

21 THE COURT: Any objection, Mr. Brooks?

22 MR. BROOKS: No objection.

23 THE COURT: All right, ladies and
24 gentlemen, as I told you earlier, when a person has
25 exceptional expertise and experience and knowledge

SW - J. ROSS - DIRECT

1 in a particular area they can give opinions. They
2 don't just have to testify as to what they said,
3 heard, taste, smell, or felt. Now whether or not
4 you decide to accept that opinion will be totally
5 for you to determine. And if you think there's not
6 enough education there or experience, you can
7 disregard her testimony entirely if you so choose
8 to. Thank you.

9 Please proceed.

10 SOLICITOR FINNEY: Thank you, Your Honor.

11 BY SOLICITOR FINNEY:

12 Q Doctor Ross, did you have the occasion to perform
13 an autopsy on Elizabeth Wilson on November 30th,
14 2010?

15 A I did.

16 Q Where was the autopsy performed?

17 A In the morgue of Newberry County Memorial
18 Hospital.

19 Q Is that your main office?

20 A Yes.

21 Q All right. Would you tell the ladies and
22 gentlemen of the jury what were your findings
23 preliminarily about her condition---

24 A Yes.

25 Q ---when she came to you?

SW - J. ROSS - DIRECT

1 A Yes. Of course we get them clothed and then take
2 photographs, inventory the clothing so we do look at
3 the external body without the clothing. We found
4 multiple injuries to the top of her head,
5 lacerations of the skin, and fracture, underlying
6 fractured skulls -- skull. And then we found a stab
7 wound in the right side of the neck.

8 Q All right. Tell the ladies and gentlemen just
9 for in layman's terms, what is a lacerated scalp?

10 A It's a split of the skin caused by blunt force
11 injury as opposed to a sharp force injury which is a
12 stab wound. The blunt force injuries to the head
13 lacerated the skin in kind of a semicircular fashion
14 which is a patterned injury caused by something that
15 perhaps on one end is semicircular.

16 Q All right. Would the injuries that you just
17 described be consistent with or occasioned with what
18 is identified as State's Exhibit Number 18, a wooden
19 baseball bat?

20 A Yes.

21 Q Now tell the ladies and gentlemen of the jury
22 what a fractured skull is.

23 A Just the skull is fractured likewise underneath
24 the lacerations, some of them, fractures showed that
25 semicircular pattern.

SW - J. ROSS - DIRECT

1 Q And did you note in your examination of
2 Ms. Wilson was there a singular type blunt force or
3 was it multiple?

4 A There were multiple injuries, multiple
5 lacerations showing that semicircular pattern, at
6 least six times, maybe seven.

7 Q All right. What is a subarachnoid hemorrhage?

8 A The -- around the brain is a membrane called
9 arachnoid membrane.. It's like a saran wrap that
10 covers the brain. So the subarachnoid hemorrhaged
11 underneath that membrane. It was hemorrhaged
12 underneath that membrane because of the injuries,
13 the blunt force injuries, and there was some blood
14 on top of that membrane also.

15 Q Doctor Ross, you -- were you given information
16 from the coroner's office about the age of the age
17 of the lady you were examining?

18 A Yes, she was 85. We had a date of birth of -- I
19 don't have it, I guess, with me.

20 Q But that information would have been -- would
21 have traveled with her to you from the coroner's
22 office, that she was 85 years old?

23 A Correct, yes.

24 Q All right. Did you note in your report of your
25 findings any medical conditions that would have

SW - J. ROSS - DIRECT

1 caused her to be in poor health at the time?

2 A No, she was in very good health. Heart was good
3 and everything else. We look at each organ and try
4 to find any and every type of natural disease along
5 with injuries.

6 Q All right. I want to refer you to what's been
7 marked as State's Exhibit Number 14. Can you
8 examine that and see if that is consistent with the
9 findings that you outlined in your report?

10 A Yes. This shows the right side of the face on
11 the victim and the neck showing the stab wound.

12 Q All right. And tell us a little bit about the
13 stab wound.

14 A The stab wound went right side of the neck and
15 went (indicating) right to left and actually it went
16 into the -- ended up where you would think that the
17 pharynx in the back of the tongue area. So that
18 would cut a lot of blood vessels in that area.

19 Q Did you make any finding as to whether that type
20 of injury on the neck, that stab wound, would have
21 been before Ms. Wilson died or after her death?

22 A Well, there was some bleeding so there was some
23 heartbeat going; but because the blood would have
24 been in the back of the mouth, the back of the
25 throat, you would -- as she breathed she would

SW - J. ROSS - DIRECT

1 breathe in the blood down into her lungs. There was
2 some blood down as far as the larynx, but not real
3 deep, so it was close to the time of death.

4 Q All right. And do you have an opinion as to
5 whether that stab wound would have been occasioned
6 prior to her being hit in the head with the blunt
7 force trauma or after?

8 A It could be -- it's difficult to say, but it
9 could have been afterwards.

10 Q All right. Now, I want to show you what's been
11 marked State's Exhibit Number 16. Can you identify
12 the findings in your report? Does it correlate with
13 that photograph?

14 A It shows some bloody scalp and some of the
15 lacerations which are these darker areas.

16 Q And this photograph, would it be consistent with
17 your findings at the autopsy of the blunt force
18 trauma?

19 A Yes.

20 Q Doctor Ross, your conclusions, what was your
21 conclusion as to the cause of death?

22 A The skull fractures due to the blunt force injury
23 of the head due to the beating.

24 Q And did you have a finding in your report as to
25 how much time it would have -- how much time would

SW - J. ROSS - DIRECT

1 have elapsed for Ms. Wilson to expire?

2 A Minutes.

3 SOLICITOR FINNEY: If it please the Court.

4 THE COURT: Yes.

5 BY SOLICITOR FINNEY:

6 Q Doctor Ross, thank you for coming this afternoon
7 answer any questions the Defense may have.

8 THE COURT: Mr. Brooks.

9 **CROSS-EXAMINATION**

10 BY MR. BROOKS:

11 Q Doctor Ross.

12 A Yes.

13 Q Earlier you indicated that you have performed
14 autopsy for over 30 years, over 6,000 autopsies; is
15 that correct?

16 A Correct.

17 Q And you determined that the cause of death was
18 blunt force trauma to the head of Ms. Wilson?

19 A Yes.

20 Q And in all your years of doing pathology would
21 you consider this to be a very brutal or savage
22 beating?

23 A Yes.

24 MR. BROOKS: No other questions, Judge.

25 THE COURT: Any redirect?

1 SOLICITOR FINNEY: No, Your Honor.

2 THE COURT: Thank you. You may step down.

3 SOLICITOR FINNEY: I ask that the witness
4 be excused.

5 THE COURT: Any objection?

6 MR. BROOKS: No, sir.

7 SOLICITOR FINNEY: Your Honor please, we
8 have two doctors that are going to appear in the
9 morning. We would ask for a recess at this time and
10 start court back at 10 to allow them time to travel
11 from Columbia.

12 THE COURT: Okay. All right, ladies and
13 gentlemen of the jury, we will go ahead and break at
14 this time with instructions that you not speak to
15 anyone. Please don't look at the newspaper tonight
16 or tomorrow morning. Get a good night rest because
17 we've got the doctors are coming from out of town.
18 We will start at 10:00 so be here about quarter till
19 10, okay. Thank you, ladies and gentlemen.

20 (WHEREUPON, the jury was removed from the
21 courtroom at 3:47 p.m., and the following
22 proceedings commenced in open court.)

23 THE COURT: Court is adjourned till 10:00
24 tomorrow morning.

25 (Court resumed on December 3, 2014.)

1 MR. BROOKS: I want to make sure we have
2 Doctor Martin's report marked as an exhibit. That's
3 in the court file.

4 (Court's Exhibit Number 5, Doctor Martin's
5 report, was marked and made a part of the
6 record.)

7 THE COURT: Mr. Meadors, I'm gonna let you
8 rest now, then you can rest in front of the jury.

9 MR. MEADORS: I was looking for the
10 victim. He has an appointment, long standing.
11 He'll be here in a minute. He knows we're going
12 ahead.

13 MR. BROOKS: Judge, do you want me to --

14 MR. MEADORS: Your Honor, at this time the
15 State of South Carolina rests.

16 MR. BROOKS: Do you want me to go ahead
17 and put my motion now?

18 THE COURT: Go ahead and do your motion.
19 I'm just trying to -- jostling the jury around too
20 much.

21 MR. BROOKS: Judge, we'll go ahead and put
22 our motion, ask the Court to dismiss this case and
23 grant directed verdict in this matter based on we
24 feel the lack of evidence in this matter.

25 THE COURT: All right. If you would, I'm

1 gonna respectfully deny your motion based upon what
2 is in the evidence. It certainly has to be more
3 than mere conjecture. There's certainly sufficient
4 evidence in the record at least to take it to the
5 jury. At this time I'm gonna question your client
6 concerning his wanting to testify.

7 MR. BROOKS: Do you want me to bring him
8 around, Judge?

9 THE COURT: He can stand right where he
10 is.

11 Sir, if you would, Mr. Bradley.

12 THE CLERK: Raise your right hand for me.
13 State your full name.

14 THE DEFENDANT: Alexander Bernard Wilson,
15 Jr.

16 WHEREUPON,

17 **ALEXANDER B. WILSON,**

18 having been duly sworn by the Clerk, testified as
19 follows:

20 THE COURT: Mr. Wilson, at this time I'm
21 going to explain to you certain of your rights. If
22 you do not understand anything that I tell you,
23 please let me know, and if you want me to explain in
24 greater detail I'll be happy to do so. Do you
25 understand what I'm telling you now?

1 THE DEFENDANT: I understand.

2 THE COURT: Okay. Now we've reached the
3 stage of your trial where you may present your
4 defense. You have a right to claim the protections
5 given to you by the Fifth Amendment of the United
6 States Constitution which states in part: That no
7 person shall be compelled in a criminal case to be a
8 witness against himself. Now this means that you
9 cannot be required to testify in this case; but you
10 do have a right to testify on your own behalf,
11 however, no one can make you testify. This is a
12 personal right and no one can waive this right
13 except for you. Now if you decide to testify you
14 will be subject to the same rules that govern other
15 witnesses, and you may be examined and
16 cross-examined on any relevant issue in this case.
17 In addition, if you have any convictions involving
18 dishonesty or false statements or for crimes
19 punishable by imprisonment of more than one year and
20 I determine that the probative value of admitting
21 this into evidence outweighs the prejudicial effect
22 on you, then the Solicitor will be able to introduce
23 your record to attack your credibility.

24 Solicitor, is there any -- does he have a
25 record that you will put in should he take the

1 stand?

2 MR. MEADORS: Yes, sir, it's a burglary,
3 grand larceny, receiving stolen goods. They're the
4 ones that we think would come in.

5 THE COURT: And they're all within the ten
6 years?

7 MR. MEADORS: Some are.

8 THE COURT: Dishonesty may not.

9 MR. MEADORS: Easily identifiable, some
10 are and some aren't.

11 MR. BROOKS: Judge, I think we just need
12 to kind of establish which ones.

13 THE COURT: Yeah, that's what I was kind
14 of hoping to do.

15 MR. MEADORS: Judge, I realize we get
16 into -- we didn't even rest, Your Honor.

17 THE COURT: Tell you what, before he
18 testifies then we will go over them. You intend --
19 well, we don't know whether he's going to testify or
20 not. If he testifies we'll know. If you decide to
21 testify the decision on your part must be freely,
22 voluntarily, and intelligently made with the
23 knowledge of the protections given to you by the
24 Fifth Amendment and the consequences if you testify.
25 Now, if you decide not to testify I will instruct

1 the jurors that they cannot give the fact that you
2 did not testify any consideration whatsoever and
3 that there's to be absolutely no prejudice to you
4 because you did not testify. It's left entirely up
5 to you whether you want to testify. You may talk
6 with your attorney, any family members or friends,
7 or anyone else; but the final decision will be
8 entirely up to you. Do you understand what I've
9 explained to you?

10 THE DEFENDANT: I do.

11 THE COURT: And do you have any questions
12 about what I've explained to you?

13 THE DEFENDANT: None, sir.

14 MR. MEADORS: Yes or no?

15 THE DEFENDANT: No.

16 THE COURT: Okay. Now have you discussed
17 with your lawyer whether or not you should testify?

18 THE DEFENDANT: I discussed with my
19 lawyer.

20 THE COURT: And do you want to testify?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: You do want to testify?

23 Mr. Brooks, would you like to put anything on the
24 record concerning his willing to testify?

25 MR. BROOKS: Judge, I haven't voiced my

1 recommendation on that as I was waiting to hash out
2 what exactly he's going to be potentially impeached
3 on.

4 MR. MEADORS: I've got it. We can do that
5 now.

6 THE COURT: Let's go ahead and do that.

7 MR. MEADORS: I appreciate it, I'm sorry.

8 THE COURT: You may be seated at this
9 time.

10 MR. MEADORS: Your Honor, I'm just going
11 to go down for time purposes I think it will be
12 easier, '77 grand larceny which is obviously out.
13 Failure to stop for blue light '77; '79, grand
14 larceny; fraudulent check, '79; marijuana charges,
15 '89. Some distribution of cocaine, it looks like in
16 '91 he got ten years, but I'm assuming if he maxed
17 that out it would be over ten years.

18 THE COURT: It wouldn't.

19 MR. MEADORS: Okay. Your Honor, there's
20 several shopliftings which we think would come in as
21 a crime of dishonesty.

22 THE COURT: That's a crime of dishonesty.
23 It's stealing.

24 MR. MEADORS: So '93, shoplifting; 2000,
25 shoplifting.

1 MR. BROOKS: A what? '93 shoplifting?

2 MR. MEADORS: 2000, shoplifting
3 convictions. Burglary third conviction in 2003. It
4 appears he received five years suspended upon the
5 service of 175 days and 18 months probation.

6 THE COURT: And what was the date of that
7 conviction?

8 MR. MEADORS: The date of the conviction,
9 custody status received March 2003. I don't know
10 how much he served of it, quite frankly.

11 THE COURT: How much of that did he serve
12 of that, Mr. Brooks?

13 MR. MEADORS: Okay, he served 175 days of
14 it.

15 THE COURT: So he would -- that would be
16 outside of the ten years.

17 MR. BROOKS: He said time served on that.

18 THE COURT: Okay, that would be outside of
19 the ten years. It's hard to believe that we're
20 looking at cases from 2004 that are outside of ten
21 years. I don't know where the time has gone but
22 it's flown by.

23 MR. MEADORS: 2005 conviction.

24 THE COURT: That would count.

25 MR. MEADORS: Shoplifting from May -- I

1 think it's a shoplifting. It's already been talked
2 about in this trial that -- I'm not sure the status
3 of it -- but it was May of 2010. Of course that's
4 already been testified to.

5 THE COURT: Right. And he's been in jail
6 since May, is that correct, since May of 2010?

7 MR. MEADORS: That's it.

8 MR. BROOKS: He was in jail from May and
9 he got out, like, in October.

10 THE COURT: Oh, okay.

11 MR. MEADORS: But it was that shoplifting
12 he was also being evaluated on with this murder.
13 That may be, was my understanding, not that it
14 matters, I'm not...

15 MR. BROOKS: Yeah, I don't think they ever
16 disposed of it obviously because it took priority.

17 THE COURT: Are those crimes that you
18 would know about as well?

19 MR. BROOKS: So it's my understanding
20 we're talking about potentially impeaching offenses
21 as three shopliftings?

22 THE COURT: I think so.

23 MR. BROOKS: Shoplifting from 2000, 2005
24 and 2010?

25 SOLICITOR FINNEY: I thought it was '93,

1 2000, 2005 ---

2 MR. BROOKS: So we're talking four
3 shopliftings?

4 MR. MEADORS: Potentially four, if we
5 include the one in May.

6 MR. BROOKS: Okay. Now he was never found
7 guilty of that.

8 THE COURT: He wasn't found guilty of
9 that.

10 MR. BROOKS: That ---

11 MR. MEADORS: That's what I'll check
12 before he testifies.

13 MR. BROOKS: So our position is, Judge,
14 just for the record we would object. Our position
15 is that it's not a crime of dishonesty. I want to
16 put that on the record as far as my understanding
17 depending on how Your Honor rules is that ---

18 THE COURT: I find that it will be a crime
19 of dishonesty. I think stealing generally falls
20 into that.

21 MR. BROOKS: I understand. It's -- as far
22 as, I just want to make sure what he's being
23 impeached on these three shopliftings?

24 THE COURT: That's my understanding.

25 MR. BROOKS: Okay.

1 THE COURT: All right. Your client said
2 he wants to testify. Now we will proceed with the
3 trial. Anything else?

4 MR. BROOKS: We've just got to bring them.

5 THE COURT: Bring them in. Let him rest
6 and you can call your first witness. Bring them in.

7 (WHEREUPON, the jury was returned to the courtroom
8 at approximately 10:11 a.m., and the following
9 proceedings commenced in open court.)

10 THE COURT: Good morning, ladies and
11 gentlemen, hope you had a nice rest and we will now
12 proceed.

13 Mr. Meadors.

14 MR. MEADORS: May it please, Your Honor,
15 at this time the State of South Carolina rests.

16 THE COURT: All right, thank you.

17 Mr. Brooks, you ready to proceed?

18 MR. BROOKS: Yes, sir.

19 THE COURT: All right. You may call your
20 first witness.

21 MR. BROOKS: I'm gonna call Doctor Thomas
22 Martin to the stand.

23 THE COURT: Doctor Martin, come forward.

24 THE CLERK: Place your left hand on the
25 Bible, raise your right hand. State your name.

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1 THE WITNESS: Thomas Victor Martin.

2 WHEREUPON,

3 **THOMAS V. MARTIN,**

4 having been duly sworn by the Clerk, testified as
5 follows:

6 THE CLERK: If you would have a seat up
7 there please.

8 THE WITNESS: Thank you.

9 THE CLERK: Please state your full name
10 and spell your last name for the record.

11 THE WITNESS: Thomas Victor Martin,
12 M-A-R-T-I-N.

13 **DIRECT EXAMINATION**

14 BY MR. BROOKS:

15 Q Doctor Martin, how are you doing today?

16 A I'm fine, thank you.

17 Q Doctor, I want to start off by asking a little
18 bit of information about you. What is it that you
19 do for a living?

20 A I'm a private independent forensic psychiatrist
21 which means that I'm a physician. I'm specialty
22 trained in general psychiatry. I'm also
23 subspecialty trained in forensic psychiatry which is
24 where thoughts, feelings, and behaviors of
25 individuals may come in contact with the legal

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1 system.

2 Q Okay. Now Doc, what kind of, you know, for those
3 that don't know, what kind of education background
4 do you have?

5 A Well, in short, I graduated with a bachelor of
6 science in clinical psychology in 1979. I completed
7 a masters of science in biomedical science in 1984.
8 I completed medical school in 1988. I completed a
9 residency of psychiatry in 1992, and I practiced for
10 a number of years in South Carolina and completed a
11 forensic psychiatry of fellowship in 2000. So I've
12 been practicing, I guess, about 25 years.

13 Q Okay. And have you testified in court before?

14 A Yes, sir.

15 Q Have you been -- how many times have you
16 testified in court?

17 A In South Carolina probably over 250 times.

18 Q Okay. And I know you said it already, but just
19 kind of rehash what it is that the forensic
20 psychiatry field is.

21 A It's a subspecialty of psychiatry where folks
22 like myself will assess and sometimes treat
23 individuals who have mental illness. They may
24 assist whether or not they have mental illness; and
25 whether or not if they do, that this mental illness

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1 has any really important or significant value in
2 terms of a crime for which they may be charged.

3 Q Okay.

4 MR. BROOKS: Your Honor, at this time we
5 would officer Doctor Martin as an expert in the
6 field of forensic psychiatry.

7 THE COURT: Any objection from the State?

8 MR. MEADORS: No questions.

9 THE COURT: Without objection I will then
10 deem him to be an an expert in forensic psychiatry.
11 Ladies and gentlemen, as I told you about experts
12 earlier, one more time, you can take his opinion,
13 you can disregard his opinion, you can give it the
14 weight that you want to. But I am gonna allow him
15 to testify as an expert in forensic can psychiatry,
16 and therefore, he can render an opinion. And like I
17 said, whether you want to accept or not so.

18 You may proceed.

19 BY MR. BROOKS:

20 Q Okay. Doctor Martin, did you have opportunity to
21 meet with and speak with Alexander Wilson?

22 A Yes, sir, I did.

23 Q Okay. And can you tell us about the -- when did
24 you meet with him?

25 A I first met with him in April 29th of this year.

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1 And I met with him for a period of time before a
2 hearing, September 4th of this year, surrounding
3 competency; and I met with him today prior to this
4 proceeding.

5 Q Okay. And Doctor, when you start evaluating a
6 person which, that's what you did with Mr. Wilson;
7 is that correct?

8 A That's correct.

9 Q What -- do you look at records and sources of
10 information in putting together an evaluation of an
11 individual?

12 A Yes. Typically in a case like Mr. Wilson's I'll
13 be requesting records to include arrest warrants,
14 past mental health history, evaluations of
15 treatment, hospitalizations. There's also gonna be
16 investigative reports typically done by the
17 Sheriff's Office or other law enforcement. I look
18 at any other types of matters in this case to
19 include autopsy reports, pathological reports. And
20 what I do is, as I compare those to the individual's
21 rendition of exactly what had happened on or about
22 the time of the crime, and also I try to understand
23 how they're doing in the current day to render
24 opinion on whether or not a person is even competent
25 to stand trial.

DW - T. MARTIN - DIRECT

1 Q And in this particular situation you reviewed his
2 VA records?

3 A That's correct.

4 Q And behavioral health records for Three Rivers
5 Center?

6 A That's correct.

7 Q And all the other orders and commitments, things
8 that came from the Department of Mental Health in
9 regards to Mr. Wilson; is that correct?

10 A Yes. It may have been up to six separate times
11 that the Department of Mental Health had been
12 evaluating Mr. Wilson.

13 Q Okay. And those are things that you compiled and
14 used to in considering your evaluation?

15 A Even before I met with him the first time.

16 Q Okay. And what -- you know, what did you -- what
17 kind of facts did you find in terms of your
18 evaluation of Mr. Wilson?

19 A Well, the first thing I do in a case like this to
20 determine is whether or not a person is competent to
21 stand trial, and that means that they have to have
22 more than just a factual understanding of the
23 elements of a trial or a plea. They have to have
24 some sort of rational ability to work with the
25 factual elements that might pertain in a legal

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1 proceeding. I also examine whether or not the
2 individual has a rapport or can develop a rapport
3 with their attorney. And what I did with Mr. Wilson
4 when I first met him in April, is I spent a bit of
5 time seeing what he understood in terms of
6 competency to stand trial. He knew all the players
7 in the courtroom. He knew what he was charged with.
8 He understood the Miranda rights. He also
9 understood the sentence he may receive. And so I
10 had done that -- I did a lengthy evaluation first,
11 and then I've done it subsequently before he's gone
12 to trial or to a hearing, including today.

13 Now following that, if he is in my opinion
14 competent to stand trial, I will proceed and that's
15 part of what the order was, to perform a criminal
16 responsibility evaluation which is essentially what
17 was Mr. Wilson's state of mind on or about the date
18 of the crime which was November 29th, 2010. And so
19 I walked through moment by moment with Mr. Wilson on
20 that day. Actually ---

21 Q And let me ask you this before we get into that,
22 as far as his competency what was your opinion in
23 regards to that?

24 A When I met with him in April he was competent to
25 stand trial at that time. He was competent to stand

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1 trial in September 4th of this year at the Blair
2 hearing essentially and he's competent to stand
3 trial today.

4 Q Okay. Now when you met with him back in April
5 was he in the detention center?

6 A Yes, sir.

7 Q Okay. At the detention center did you -- were
8 you informed that he was taking medication?

9 A Yes, and complying with his medication,

10 Q Okay. Do you recall what kind of medication he
11 was taking and what kind of impact that would have,
12 what is it for? Explain that to me and I'm sure
13 these jurors 'cause I don't have any idea what that
14 stuff means.

15 A Yeah. Mr. Wilson is taking an antipsychotic
16 medication in two forms. It's called Haldol or
17 Haloperidol, and he's taking it by mouth orally.
18 And he also receives what's called a decanoate
19 injection every three weeks which is one that is
20 given every three weeks, and it lasts for about
21 every three weeks. But he's getting supplemental
22 oral medication as well. He's also taking an
23 antidepressant anxiety agent called Celexa to help
24 him stabilize his mood, and my understanding is he's
25 been compliant with these medications.

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1 Q Now did you get an idea of what Mr. Wilson's
2 history has been as part of your overall evaluation?

3 A I focused a great deal on his mental health
4 history, if that's what you're referring to.

5 Q That's correct, Doctor.

6 A Yeah. And I compared that history to the history
7 that I've read in numerous reports, and it seemed to
8 be rather consistent is that Mr. Wilson had suffered
9 from a psychotic illness since his early adulthood.
10 He's 63 now. And by the time he was 22 years of age
11 he was already having delusions or fixed for
12 in-false beliefs; they were unshakable. He was
13 beginning to have hallucinations primary of the
14 auditory type hearing voices becoming disorganized
15 not only in his thinking but in his behavior. He
16 was somewhat erratic in his behavior. He had taken
17 off on adventures across the states and had to be
18 retrieved. He required subsequently number of
19 commitments to a psychiatric hospital. Even since
20 the crime of murder was committed in 2010 he's been
21 committed several times for mental health reasons,
22 and they've all been very similar. He's
23 disorganized in his thinking, paranoid primarily,
24 and he very much misinterprets social cues,
25 relationships which has adversely affected his

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1 ability to get a job, you know, go to school, stay
2 with other people and so essentially he had to live
3 at home. And he actually, I believe, obtained SSI
4 disability for schizophrenia which is also what I
5 diagnosed him with in 1995, and he's been on
6 disability consistently since that time.

7 Q What kind of -- you know, in the course of your
8 evaluation, what kind of delusions did you find that
9 Mr. Wilson was suffering from?

10 A Well, the good news is, is that Mr. Wilson has
11 paranoid schizophrenia so if you had to have any of
12 the schizophrenic illness paranoia is the best one
13 because with it's typically the most organized.
14 It's inaccurate and it's paranoid, but it's not
15 totally erratic to where you cannot even take care
16 of yourself at all. People who are paranoid
17 schizophrenia sometimes can actually work or drive,
18 prepare food and meals and take care of themselves.
19 But Mr. Wilson's case, he has a very interesting
20 form of paranoid schizophrenia called CAPRAS
21 syndrome, and that's C-A-P-R-A-S, CAPRAS syndrome.
22 And that is one where it's found mostly in folks who
23 have paranoid schizophrenia, that they believe that
24 certain loved ones or people close to them -- it's
25 usually someone very close to them -- have been

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1 replaced by a devil, and these doubles have replaced
2 or killed the previous person. And it's a very
3 difficult condition to treat even medically dealing
4 with medicine, and it's not exactly common but it's
5 not unheard of. Mr. Wilson believed that his mother
6 was a replacement, and that was a threatening figure
7 to him. He also believed other close family members
8 were also replacements.

9 Q And Doc, you know, I'm a simple guy so I'm gonna
10 ask you. There was a movie years ago, The Invasion
11 of the Body Snatchers, is that kind of similar to
12 what you're talking about with this syndrome?

13 A That is ---

14 Q Okay.

15 A ---what people did talk about a great deal. That
16 movie came out in 1956. CAPRAS syndrome was
17 becoming more prominent, newly discovered and
18 understood. And some people believe that their
19 parents or their loved ones were replaced by pods
20 that would erupt and these-C pods would then allow
21 them to take over the body they once loved. It's
22 typically someone who they are very, very close to.
23 If you go through Mr. Wilson's records he was very
24 close to the person who was helping, take care of
25 him when he was every, especially mentally ill.

DW - T. MARTIN - DIRECT

1 Q His mother?

2 A Yes.

3 Q What did you -- in the course of your evaluation
4 when you started looking at the facts of what
5 happened on the incident, what did you find?

6 A Well Mr. Wilson, in summary, he was prescribed
7 the medication, the antipsychotic medication
8 Abilify. It's more contemporary medication. It's
9 not available in injectable form. And he -- his
10 care was essentially because he had spent a brief
11 period of time in the military service, was
12 transferred to the veteran's hospital in Columbia,
13 and so he was receiving psychiatric care there. And
14 periodically his medications would be mailed to him
15 as many people receive their medications to this
16 date. Well, for whatever reason he was out and
17 running out of Abilify and he was trying to
18 communicate and write a letter to the VA to get his
19 Abilify reinstated; and he needed his mother,
20 Mrs. Wilson, to help him with that. And it was his
21 impression that she was not helping him with that,
22 and essentially all he needed was a stamp
23 apparently. I can go into the details of walking
24 through this further if you like.

25 Q Please, please, walk us through this.

DW - T. MARTIN - DIRECT

1 A So Mr. Wilson went looking for his mother and
2 learned that she was at a church service in town,
3 and when Mr. Wilson entered the church service he
4 believed that the pastor was bigoted and racist in
5 making very unacceptable remarks. He believed, as
6 he has believed in the past, that people were
7 conspiring to again, kidnap him as he's believed in
8 the past, because he's the only black man with a
9 white penis. And apparently he may have been
10 fondling himself at the service or something, and
11 then I believe his mother may have taken him home.
12 And this would have been on or about November 29th
13 of 2010. And he believed by looking at his, this
14 woman that's supposed to be his mother, he said that
15 my mother doesn't have the dental work like she has,
16 doesn't change her -- doesn't braid her hair like
17 this woman has. My mother always has a middle name
18 and this woman does not. And he was convinced that
19 this woman was going to have him committed and put
20 away to die; and that from that, she would collect
21 his money and all his belongings and take care over
22 all of his mother's possessions, a person that he
23 previously very much adored. And he felt very
24 scared and threatened by that and then heard a voice
25 from his father, and Mr. Wilson ---

DW - T. MARTIN - DIRECT

1 Q Let me ask you this, Doctor.

2 A Sure.

3 Q For purposes of fact, his father was deceased?

4 A His father died early September of this year.

5 Q And I'm sorry to interrupt, you go ahead.

6 A That's all right.

7 Q Continue. I want to make sure we know that.

8 A But I've noticed that there's some confusion in
9 talking with Mr. Wilson between his father and the
10 wholly father, and I haven't exactly got a good
11 grasp on that yet. He does say that his father was
12 communicating with him from heaven saying bring her
13 to me and I will take care of you. And if you
14 don't, then he will die and be in turmoil for the
15 rest of his life. And so then he proceeded to, and
16 he walked me through the entire case where he
17 grabbed a bat and proceeded to strike Ms. Wilson
18 repeatedly to make sure she was dead.

19 Q Now this syndrome, what is it called again?

20 A CAPRAS Syndrome.

21 Q In Mr. Wilson's condition, his history, is it out
22 of the ordinary for him to one minute be calm and
23 then the next minute do something like this to his
24 mother?

25 A Well, if I understand what you're asking ---

DW - T. MARTIN - DIRECT

1 Q And let me say this, police arrived at the house.
2 They arrested him without incident, without
3 resistance. Would that be, could that be consistent
4 with his behavior, his syndrome of, of that syndrome
5 you described, could that be consistent with
6 schizophrenia? Could that be consistent behavior is
7 what I'm asking?

8 A Well, the way I interpret it was, is that after
9 this assault on his mother he made no effort to
10 flee. He went and was essentially getting cleaned
11 up and his brothers, I believe, arrived shortly
12 thereafter. I think the commotion was so loud
13 someone called the authorities. And they needed to
14 restrain him. But he didn't try to take off, go
15 anywhere and so essentially he was there. I would
16 think that his brothers had something to do with him
17 still being there. But he didn't try to flee, try
18 to flee after this which I do believe he had time to
19 do before they arrived. And so he essentially just
20 went in and was just hanging out in the house right
21 after this had happened as if nothing had happened.

22 Q And would that be consistent with that belief of,
23 as you described, his father saying bring her to me
24 and I'll take care of you and that sort of thing?

25 A Well, if I ---

DW - T. MARTIN - DIRECT

1 Q Would his behavior afterwards, not trying to
2 flee, following the instructions of law enforcement
3 officers and emergency personnel, would that be
4 consistent?

5 A I believe my opinion is he did what he thought he
6 needed to do, he did the right thing.

7 Q But in his mind is what you're saying is that he
8 did the right thing?

9 A That's correct.

10 Q Okay. Now, of course at the time he wasn't on
11 his medication?

12 A I'm sorry?

13 Q At the time of this incident he was not on this
14 medication?

15 A Yes, that's correct.

16 MR. MEADORS: Excuse me, did you say he
17 was not on his medication?

18 THE WITNESS: That's correct.

19 BY MR. BROOKS:

20 Q Is there anything else that you found in the
21 course of your evaluation with him that you haven't
22 told us?

23 A Well, it's -- this is a very unusual circumstance
24 to say the least. The purporting that someone is
25 insane during the time of a crime is a very rare

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1 incident. I've noticed even here that this is
2 probably the best I've seen Mr. Wilson in any other
3 recorded history of his mental health treatment. He
4 was very non-compliant for years with his treatment.
5 Even since this crime was committed in 2010 he's had
6 to be committed several times and was still given
7 under regimented conditions medication treatment and
8 still was not competent to stand trial. He's a very
9 difficult man to treat.

10 The psychiatrists now have got him on two
11 versions of an antipsychotic that is a strong
12 antipsychotic. I've used it myself on patients in
13 the past. And appears to be, in my opinion, the
14 most stable he'd probably been in years. And it's
15 not a far reach for me to believe that this man is
16 suffering from a set of delusions and beliefs and
17 hearing voices, and then if he's actually — he
18 actually uses illicit substances too which only
19 enhance this. I mean, he believes that he uses
20 crack cocaine because a psychiatrist said it would
21 help him from getting obese from the anxiety
22 narcotics that he was taking, in fact, specifically
23 the Abilify. So I do not believe — and he told me
24 that he wasn't compliant with the Abilify because it
25 creates a weight gain so he would smoke crack to him

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1 with the weight gain. I'm pretty sure a
2 psychiatrist did not recommend that, but that kind
3 of disorganized thinking and still disorganized
4 thinking while under committed conditions makes me
5 very concerned that this person is very difficult to
6 treat medically and needs residential long term
7 care.

8 Q Okay. Now Doc, after your evaluation of him do
9 you have an opinion to a reasonable degree of
10 medical and psychiatric certainty whether Mr. Wilson
11 could differentiate between moral and legal right,
12 from moral and legal wrong?

13 A Yes, I do.

14 Q And what is that opinion?

15 A I believe that at the time of the crime on
16 November 29th, 2010, Mr. Wilson could not
17 differentiate between legal and moral right for
18 legal and moral wrong.

19 Q Okay. And as such, your opinion is that he's not
20 criminally responsible?

21 A That's correct.

22 MR. BROOKS: Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 MR. BROOKS: No other questions, Judge.

25 THE COURT: All right. Thank you..

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1 Mr. Meadors.

2 MR. MEADORS: May it please the Court.

3 THE COURT: Yes, sir.

4 **CROSS-EXAMINATION**

5 BY MR. MEADORS:

6 Q Good morning, Doctor Martin.

7 A Good morning, Mr. Meadors.

8 Q Doctor, wouldn't you have loved to have been
9 Sergeant Rodney Ragin?

10 A Don't know a Mr. Ragin I guess.

11 Q How about Corporal McMillan? Would you have
12 liked to have been?

13 A Don't know him.

14 Q How about Senior Corporal Roosevelt Sinkler?

15 A Don't know them.

16 Q Okay. Well, would you like to have been one of
17 the first officers that got at the scene to see the
18 defendant and how he was acting shortly after this
19 incident? I mean, in a real world as a doctor of
20 forensic psychiatry, wouldn't you have loved to have
21 seen your client right then?

22 A I would have.

23 Q I mean, you would have; wouldn't you?

24 A It would.

25 Q And those three people, by the way, are the first.

DW - T. MARTIN - CROSS

1 offices that came and talked to him. You didn't --
2 and I don't -- you know I got a job to do, no hard
3 feelings. But you don't even, you didn't even know
4 who they were?

5 A No, I didn't recognize the names.

6 Q But they're in one of the incident reports that
7 you got in preparation for your evaluation and
8 testimony here today, and they were listed as the
9 officers who responded.

10 A Yes.

11 Q But you would have liked to have been there to
12 see him, right?

13 A Yes.

14 Q And I think Mr. Brooks was asking you a question
15 a minute ago -- and I don't know if you answered it
16 the way he wanted you to or not but, about this
17 delusion. Can you go just in and out of it?

18 A Actually there's no real cookbook answer to that
19 one. The condition I was describing actually is not
20 a diagnosis of him. The CAPRAS syndrome is actually
21 paranoid schizophrenia. This is just a feature that
22 just describes the kind of delusions that he has,
23 and people come and go with these delusions with
24 treatment, without treatment. There's no rhyme or
25 reason at times. It is well known that it's very

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1 difficult to treat though.

2 Q And did you, do you know who Doctor Wernsman is
3 by any chance?

4 A I've heard that name.

5 Q You know he had a chance -- well, he fixed the
6 defendant's head.

7 A Oh ---

8 Q Lacerations?

9 A Right, yes, sir.

10 Q And there was some notes from the hospital which
11 provided in discovery. Did you look at those?

12 A I believe I did. At Tuomey?

13 Q But you didn't talk to any of the doctors or
14 nurses or anybody that saw him at the time?

15 A No, sir.

16 Q You wish you had; hadn't you? I mean, you would
17 have liked to have talked to him?

18 A No, sir. I would have liked to have seen him at
19 that time.

20 Q But wouldn't you want to talk to the people who
21 actually saw him at that time?

22 A Well, I did read what they wrote.

23 Q Doctor Wernsman had treated him and said he could
24 respond to his, at least by nodding, and you know,
25 to his instruction when he was trying to treat him

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1 and said he appeared to understand them.

2 A That's right.

3 Q And said he was not delusional.

4 A Okay.

5 Q But that wouldn't be -- let me ask you this, is
6 it -- I think it's French -- CAPRAS Syndrome? I
7 think the S is quiet in French. I'm no real -- but
8 it's not even in the DSM, is it?

9 A No, sir.

10 Q The Diagnostical and Statistical Manual of
11 Disorders. So it's not recognized by the DSM?

12 A It's not in that manual.

13 Q And this is the, I mean, this is the book that
14 really, I mean, you and I think everybody will agree
15 this is -- I don't want to use the word Bible, but
16 this is the book, the authority on mental disorders,
17 is it?

18 A No, sir, it's a guide.

19 Q Okay. Well, you use it a lot?

20 A I do use it as a guide.

21 Q Have you got your report with you?

22 A Yes, sir.

23 Q Okay. Do you mind bringing it out?

24 A Right here.

25 MR. MEADORS: And Your Honor, I think it's

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1 marked as ---

2 THE COURT: Court's exhibit.

3 MR. MEADORS: Court's 1 for the record.

4 BY MR. MEADORS:

5 Q Doctor, just looking at page 2 of your report,
6 when is -- you met with the defendant when?

7 A I first met with him on April 29th, 2014.

8 Q Okay. And that was about three and,
9 approximately three years and so many months after
10 the incident?

11 A Yes, sir.

12 Q Okay. And I'm not trying to time it. I mean, it
13 was over three years after it happened. And you met
14 with him at the jail?

15 A Yes, sir.

16 Q And how long did you meet with him, Doctor?

17 A That day it was about three hours.

18 Q And since then I think you met with him in
19 September?

20 A Yes, sir.

21 Q And then this morning?

22 A Yes, sir.

23 Q And that's the extent that you met with him?

24 A That's correct.

25 Q And there's no question he's competent September

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1 and he's competent today. You talked to him this
2 morning a little bit ago; is that right?

3 A Yes, sir.

4 Q So there's no question he understands these
5 proceedings and can assist his attorney?

6 A Not in my mind.

7 Q Yes, sir. And understands the judge's role, our
8 role, everybody's role, correct?

9 A That's correct.

10 Q And that's basically what competence means,
11 right?

12 A Yeah.

13 Q And when you were talking to him you didn't have
14 any problem interacting with him?

15 A No, I did not.

16 Q Looking down here, defendant's records and
17 sources of information, did you ever talk to any of
18 his family members?

19 A No, sir, I did not.

20 Q Any of the folks that were there and saw him with
21 the bat when they came in, you didn't?

22 A No, sir, I did not.

23 Q And again, I'm not trying to be mean, you know
24 that. But I mean, wouldn't that have helped if
25 you'd just talked with one of the family members?

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1 A Not necessarily because I need to know what
2 happened from the individual's point of view, not
3 necessarily only what -- I did look at documents
4 surrounding those events, but I did not talk to
5 anybody in particular.

6 Q So most of the information besides -- well, all
7 of the information as far as that day is coming from
8 the defendant?

9 A In the documents described in that ---

10 Q Besides the documents. I thought I said that
11 right.

12 A That's correct.

13 Q There's no question he killed his mother. I
14 mean, that's not an issue in this case, correct?

15 A Not for me.

16 Q Okay. I want to kind of go through your report
17 and I'll be quicker than I usually am, quite
18 frankly; but I think it's on page 3 of your report.
19 You opined that the defendant has been suffering
20 from, I guess, CAPRAS Syndrome since he was 22.

21 A At least schizophrenia.

22 Q Well, I understand the schizophrenia and he has
23 been diagnosed with that since he's 22. But reading
24 your report, on page 1 he recalled hearing a voice
25 telling me to kill himself but denied a command

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1 hallucination to harm others, right?

2 A On page 1?

3 Q That'd on page 3, Doctor, line 1, 3, 5, 6.

4 A Yes. In the past he's heard voice telling him to
5 kill myself but denied command hallucination. That
6 was -- yes, that was in the records.

7 Q Okay. And well, that's from talking to him
8 though; isn't it?

9 A What is in quotes is.

10 Q Right. He recalled, and this is quotes --
11 hearing a voice telling me to kill myself -- and you
12 got that in quotes. But denied command
13 hallucination to harm others. Now is that, half of
14 that sentence what he told you and half in
15 documents?

16 A It must have been 'cause I wouldn't have put it
17 in quotes unless he said it 'cause at times he has
18 made threats to kill himself, and he's actually said
19 in the past that he did not hear a voice.
20 Surrounding this particular incident he did not hear
21 a voice that said kill himself on the day of the
22 crime. But this is historically. This is when he
23 was going to Canada.

24 Q And that's what I'm asking about. Do you mind if
25 I approach.

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1 A No.

2 Q The judge already told me that I didn't have to
3 ask him. But I'm just gonna -- he recalled hearing
4 a voice telling him to kill himself, parentheses,
5 then denied command hallucination to harm others.
6 So I just don't -- so you're saying he said the
7 first part, you got the second part of the sentence
8 from somewhere else?

9 A No, I got it from him, but he didn't say exactly
10 command hallucination. I asked him did you hear
11 voices that said kill anybody else, and he said no.
12 That's where that comes from. That's not -- command
13 hallucination is not his words; those are mine.

14 Q But he denied then -- I guess my point is back
15 then you're saying he was suffering from this CAPRAS
16 syndrome since 22?

17 A Actually I'm not saying that. I'm saying he had
18 paranoid schizophrenia. CAPRAS syndrome is to
19 what's applying in 2010.

20 Q As a matter of fact it started on April 29th,
21 when you met with him?

22 A That I don't know.

23 Q And I don't mean to belabor the point but I
24 think -- can I come again to...

25 A Sure.

DW - T. MARTIN - CROSS

1 Q I'm sorry. He recalled -- well we read that. He
2 thought fleeing would allow him to escape from
3 taunting voices commanding he kill himself. And
4 this is back, historical information?

5 A Yes, sir.

6 Q It was at that time Mr. Wilson believed that
7 members of his family may have been eliminated and
8 replaced by clone lookalikes. You see on the side I
9 had a question mark, 10 through 22?

10 A That's ---

11 Q When he was 22, he said, tell you that?

12 A Uh-huh, that's correct.

13 Q Okay. Mr. Wilson suffered the delusion that his
14 mother and brothers were all killed and replaced by
15 doubles.

16 A That's when he was first suspecting that. He was
17 first suspecting that and it looked like it
18 escalated throughout his entire life so.

19 Q Okay. So that would have been CAPRAS back then?

20 A It could have been, yes.

21 Q Okay. And you ---

22 A But I didn't have other documents to support
23 that. That is my ---

24 Q Well, what other documents do you have now to
25 help you support that besides his words?

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1 A Well, I believe that he's told it to the
2 Department of Mental Health that he thought his
3 mother was a replacement.

4 Q Most prominent was the belief that his mother
5 Elizabeth and most closest comforter was also
6 killed, replaced by a clone, right?

7 A Correct.

8 Q All right. My question is, Doctor, if he'd been
9 suffering from this since 22 and he thought they'd
10 been replaced by clones, why did it take 40 years
11 for him to act on it?

12 A Well, it doesn't necessarily mean -- I mean, it's
13 pretty rare that people are violently acting in the
14 first place. This is a little bit of out of the
15 norm anyway.

16 Q But he would have thought back then when he was
17 22 that they were replaced and were a threat to him?

18 A That's what he told me, yes.

19 Q But he didn't act on it. He still just lived
20 home and off with them for 40 years?

21 A That's what he did.

22 Q And you keep saying in direct that this is a
23 really difficult or unusual case. You're really not
24 sure on some of this, are you?

25 A Yes, I am.

DW - T. MARTIN - CROSS

1 Q And I don't mean that disrespectfully. But you
2 kept saying it's very unusual and very ---

3 A Well, there's not very many cases like this where
4 a severely mentally ill person kills another person.
5 That's actually very rare.

6 Q And then live with them for 40 years?

7 A Yeah, and he was very protective of this woman
8 who he called his mother or whatever her name would
9 be.

10 Q And I think you said it; but suffering from
11 paranoid schizophrenia, I think you said this is the
12 best of the worst, I guess, would be a way to
13 summarize it.

14 A I think that's ---

15 Q And I don't mean to be disrespectful to the
16 profession, but I mean, that's basically what you're
17 saying?

18 A That's correct.

19 Q You can still function? There's been testimony
20 he worked on cars.

21 A Yes.

22 Q Biology degree from Claflin?

23 A Yes.

24 Q So he's smart?

25 A He appears to be, yes.

DW - T. MARTIN - CROSS

1 Q And he asked you about Invasion of Body
2 Snatchers. Which was first, the movie or the
3 syndrome? I can't remember. One of them was '53,
4 and one of them was '55?

5 A Well, the movie was '56.

6 Q Okay, '56.

7 A I don't know when the actual CAPRAS syndrome came
8 up.

9 Q Doctor, can we turn to page 4 of your report.
10 And at the bottom of 3 I think -- I'm not sure when
11 you were talking about, but you said he's, he felt
12 medication was not necessary, was ineffective, and
13 he continued to believe that his family was replaced
14 by clones. When are you talking about that? That's
15 the bottom of 3 and four; I just wasn't clear on it.

16 A He said that pretty much -- I don't have a time
17 line in that. That was sort of an underlying
18 general belief that he has which is not unusual when
19 somebody is paranoid.

20 Q So when we don't have a specific. He's just
21 saying he just thought they were replaced by clones
22 all the time?

23 A Yes.

24 Q Now did he admit to drinking alcohol or having an
25 alcohol problem?

DW - T. MARTIN - CROSS

1 A Yes.

2 Q Cocaine problem?

3 A Yes.

4 Q And you believe that?

5 A Yes.

6 Q And Doctor, I don't, I just don't understand
7 this. How can you tell, explain it to me, explain
8 to the jury, how can you tell if someone is doing
9 something that's bad or delusional based on a mental
10 illness or doing something that's wrong or bad
11 because they're on, high on crack cocaine?

12 A Well, there's no way to know exactly at that
13 time, nor by assessing whether or not he was high on
14 crack cocaine at that time. Crack cocaine would not
15 have made his condition any better; that's for
16 certain.

17 Q No question about that?

18 A None, not for me.

19 Q Well, then people on crack cocaine do violent and
20 mean things; don't they? You've seen that; I've
21 seen that.

22 A That's true.

23 Q And people that are looking for crack cocaine,
24 have been on crack cocaine, are coming down often do
25 violent things, correct?

DW - T. MARTIN - CROSS

1 A That's correct.

2 Q So if someone was in that position that had been
3 using crack cocaine was, didn't have crack cocaine
4 and wanted crack cocaine and went and killed
5 somebody and they also had a mental illness, how
6 could you tell which one caused it?

7 A Well, I don't think there is way to tell that.

8 Q That's why this is a difficult case too; isn't
9 it?

10 A Yes, it is.

11 Q Because there's no dispute about it that we've
12 heard testimony from one witness, but you were told
13 he was using crack?

14 A Yes.

15 Q There is an issue about whether or not he was out
16 of his medicine. Didn't he go back to the hospital
17 on November 20th of the 2010 to get like?

18 A Couple of pills.

19 Q Four or five pills maybe?

20 A Yes.

21 Q And then kind of went back a few days later and
22 they may have given him one?

23 A I don't think they were wanting to give him
24 anymore.

25 Q Okay, but there's testimony that he went back,

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1 was out, and he was provided some more, right?

2 A I recall a couple of pills, yeah.

3 Q I don't know if you knew, did he tell you was he
4 getting rid of some of those pills, was he selling
5 them to get crack, do you know?

6 A He says he wasn't taking them, didn't take them
7 there.

8 Q So then you've got somebody who is off
9 medication, been using crack, off crack, and then
10 does something. That clearly, you can't tell the
11 other, you wouldn't know what caused a person to
12 kill somebody in that scenario, would you?

13 A I don't think anyone could tell exactly which one
14 was the exact cause.

15 Q I'm working down to the middle of page 4 down to
16 the bottom, Doctor. It's your index of this; I
17 think you have it.

18 A Yes, sir.

19 Q Kind of what we're just talking about. He said
20 he told you he was out for over eight days of
21 Abilify?

22 A Yes.

23 Q And it's what I want to get into this if you
24 don't mind. He then tells you he's out of his
25 medication, wants medication, right?

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1 A Well, he was trying to mail for it, yes.

2 Q That's exactly where I'm going. And there's a
3 picture of a letter in here and he wanted a stamp?

4 A Yes, sir.

5 Q Okay. And his mother wouldn't give him a stamp?

6 A According to him.

7 Q All right. And have you seen, did you know there
8 was a picture of an envelope?

9 A Yes, he and I have gone over it.

10 Q Okay, you've seen that?

11 A Yes, sir.

12 Q And that's State's 2.

13 A That's the one.

14 Q And is that his handwriting?

15 A He says it was.

16 Q So he wrote it, return address, and the -- where
17 it was supposed to be, supposed to pick up medicine
18 I think from the VA or something?

19 A Yes, sir.

20 Q And he didn't have a stamp and he wanted his
21 momma to give him a stamp?

22 A That's what he told me.

23 Q And he got mad that she didn't give him money for
24 stamp?

25 A That's right.

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1 Q Okay. And that had nothing to do with whether
2 she was a clone or anybody else. He was mad that
3 wouldn't give him money to get a stamp so he could
4 get more medicine?

5 A I don't know if it's totally separate. His
6 mother would have really -- this woman was not his
7 mother.

8 Q What woman wasn't his mother?

9 A The one that he killed.

10 Q The one that he killed was not his mother?

11 A That he believed.

12 Q But it was his mother, Doctor?

13 A I believe it was.

14 Q Okay. And he was mad that she wouldn't give him
15 money for a stamp so he could get more medicine. "I
16 mean, he told you that.

17 A Yes.

18 Q I got upset, got on my bike, knew where she was,
19 I went looking for her?

20 A It was actually a stream of thought process that
21 was going on at the time. The stamp may have been
22 part of it. Also the fact that he believed that she
23 was going to have him put away to die and then take
24 over his belongings, take over his mother's
25 belongings, and take over his money. And so a lot

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1 of that essentially went together.

2 Q And you know what, Doctor, that's.

3 A What's that?

4 Q I mean, he's thinking.

5 A Oh, yes.

6 Q He's thinking, I got, I don't have a stamp, she
7 won't give me stamp. And actually, Doctor, I think
8 it's in yours and it may be in Doctor's Domino's,
9 but did she tell him she was going to commit him
10 again?

11 A I actually don't know that.

12 Q Well, I thought that was in the report, something
13 he was worried about.

14 A Oh, he was definitely worried about, but I don't
15 know if she actually said it.

16 Q He was worried about being committed, not worried
17 about the clone harming him. I mean, that's
18 rational thought, Doctor, isn't it?

19 A I would say it had some organization to it which
20 makes my point that paranoid schizophrenia is the
21 most organized of the schizophrenias, but it be
22 based on not reality.

23 Q Well, this is pretty realistic; isn't it? You
24 want, got an envelope, it doesn't have a stamp. He
25 wanted a stamp. He wanted his medicine. He's

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1 worried about his momma committing him. He's
2 worried specifically about they'll test me and see
3 I'm doing crack, they're gonna commit me again. I
4 mean, that's rational thought for a paranoid
5 schizophrenic.

6 A I would say in that, down those lines, but the
7 irrational part comes from having to go overboard,
8 having to kill somebody for that?

9 Q Well, that's what we're all leading up to is
10 rational, rational, rational, rational. But still,
11 he thinks she's a clone during this time; doesn't
12 he?

13 A I believe so ---

14 Q Said he's been doing that since 22?

15 A Yes.

16 Q So when he goes down there to -- and it was a
17 Monday, not a Sunday, there wasn't no -- you don't
18 really believe there was a church service he went
19 in, do you? That's just what he's telling you.

20 A That's correct.

21 Q And he goes down. He didn't harm his mother when
22 he saw her at this service, whatever it was, did he?

23 A Not that I know of.

24 Q Oaky. Well, and doesn't that show something,
25 Doctor, that there are other people there, if he's

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1 going to hurt her he's not going to hurt her in
2 front of other people 'cause if he's just that of
3 it, delusion, why didn't he kill her right there?

4 A I think if you try to make sense out of some of
5 his psychotic we'd be wasting our time. It doesn't
6 have to necessarily to make any rational sense, and
7 it doesn't.

8 Q You want me to just sit down, I mean?

9 A No, I'm not asking you to sit down. I'm just
10 saying that if you're asking to make rational sense
11 out of someone who is psychotic I can't do it.

12 Q But he was doing rational things. It may not be
13 something he wants to do, but he was angry he
14 couldn't get a stamp. So that was a reason he was
15 angry, not that she was a clone. That's all I'm
16 asking.

17 A And if you look at the, actually the report from
18 the hospital when he went to pick up his medications
19 they even said there he didn't want to spend as much
20 time out because he doesn't like being away from his
21 mother. And it showed a lot care and interest that
22 he had in his mother. Those are actually in the
23 notes of a week before. That doesn't make sense
24 either. So why would someone who is being cared for
25 who has a major mental illness kill the person who

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1 actually is taking care of them. None of that makes
2 any sense.

3 Q Well, it doesn't make sense that anybody kills
4 anybody for no reason, Doctor. You got to be a
5 little bit disturbed to kill somebody.

6 A Well, most people who kill people are not
7 mentally ill; they're more psychopathic.

8 Q Let's keep going through your report, Doctor.
9 Under second paragraph of index appendix. And just
10 tell me how you came with these three words:
11 Feeling desperate, anxious and paranoid. Mr. Wilson
12 left home to find his mother to ask for a stamp
13 before a religious service. I mean, that's kind of
14 drawing a big conclusion there; isn't it?

15 A No, he was very nervous. He was upset. He was
16 afraid that he was not gonna be able to get his
17 medicine. And he felt like, okay, I can't wait for
18 her to come home, I'm going out to get her.

19 Q Going out to what?

20 A Going out to find her. She was at a church
21 service he said.

22 Q When was the last time he'd had this delusion
23 prior to this incident you're saying he could have
24 had this delusion? When was the time he'd had it
25 before?

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1 A Oh, I don't know an exact date.

2 Q Do you know how many times he has it?

3 A No.

4 Q I mean, since 22 I mean, does he have it all the
5 time when he sees her?

6 A Probably not, because with paranoid
7 schizophrenics the individual is actually most
8 fearful. They believe they're being poisoned at
9 times by people actually taking care them. And like
10 I was citing, and I believe it may have been the
11 November 20th visit that he had with the hospital.

12 Q That's when he went to get five more pills.

13 A Right. That he didn't want to stay very long
14 because he needed to be back, he didn't like to be
15 away from his mother. There's a good chance that,
16 you know, that there's a whole lot of his life that
17 he really does care because that's -- to answer part
18 of your other question why would he live with this
19 person for so many years if he was afraid of them.
20 And so I do not believe, nor can anybody tell you
21 what they're thinking from moment to moment but
22 there I'm sure periods of time where he realizes
23 this is my safest place. Then there's periods of
24 time probably when he's either off medication and/or
25 on crack or alcohol that those delusions are worse.

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1 And so that is what I believe what happened, but I
2 can't tell you exact dates when that happened.

3 Q And you keep saying there's a good chance and
4 probably. You don't really know?

5 A Know what?

6 Q You keep saying there's a good chance that he,
7 this may be, that he thought that, or probably. But
8 you don't really know, it's not an exact science?

9 A Well, none of this is exact science, but within
10 reason a man like you asked was living with this
11 person for 40 years. You know, she was taking care
12 of him I understand. I've taken care of a lot of
13 schizophrenic individuals, and then when a caretaker
14 passes away, usually a parent, they usually
15 escalate. Now his father had died just several
16 months prior to that who was someone he said he was
17 close to, and so he's had some pretty big bumps in
18 his life besides just being mentally ill.

19 Q Getting close, Doctor. Can I come up just a
20 second?

21 A Sure.

22 Q On page 5, Mr. Wilson believed his mother became
23 disturbed by his presence and threatened to commit
24 him to another psychiatric facility and take him
25 home, I guess, right?

DW - T. MARTIN - CROSS

1 A Yes.

2 Q The next thing is the thought of, the thought of
3 psychiatric commitment bred fear in Mr. Wilson?

4 A That's what he told me, yes.

5 Q So that is what he feared, going back to the
6 psychiatric facility, correct?

7 A He feared that and that he wouldn't be able to
8 get out, he would die there, and she would take his
9 money, etc.

10 Q And I just wanted to go, and this is what I was
11 asking earlier. The thought of he believed that
12 they would do a blood test and realize I'm not on my
13 medication and would commit me, they did that
14 before?

15 A Yes.

16 Q So that's what he was afraid of?

17 A In addition to the other things I just said.

18 Q And just to go on, and you said that he said he
19 believed his mother's clone would steal his
20 disability check while he was in the hospital, I
21 didn't know what to do. Well, that's not a reason
22 to kill somebody or be put in fear, is it?

23 A Well, a rational person I wouldn't think would
24 think it as reasonable.

25 Q And Doctor, in all of this we've gone over

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1 there's no evidence — well, there's no evidence
2 whatsoever that he didn't know the difference
3 between right and wrong.

4 A He believed that he did the right thing, that he
5 had to do the right thing. I believe he may have
6 even said it was a self-defense.

7 Q That's not -- all due respect, that's not
8 answering the question. There's no evidence that
9 he -- you're saying he did the right thing. That's
10 not answering my question.

11 A I'm sorry.

12 Q Respectfully. Is there any evidence to show that
13 he didn't know the difference between right or
14 wrong?

15 A By the way he's described the story to me
16 consistently from the three times I've met with him,
17 it did not appear that he knew right from wrong at
18 that time.

19 Q Based upon what, Doc? I mean, what have you got
20 to show that he didn't know it was wrong to kill his
21 mother?

22 MR. BROOKS: Your Honor, I object. He's
23 being too argumentative and asked and answered.

24 THE COURT: Overruled.

25 THE WITNESS: I'm not sure exactly.

DW - T. MARTIN - CROSS

1 BY MR. MEADORS:

2 Q What have you got to show he didn't know the
3 difference that he didn't know it was wrong to kill
4 his momma?

5 A Well, by the way he reported it to me and by the
6 fact that he didn't even try to leave, no self
7 protective. I mean, there was nothing that he was
8 doing to protect himself. He thought he did the
9 right thing. He thought he did what he had to do.

10 Q And the only person he's told this to is you?

11 A Well, I don't know if he told it to anyone else
12 or not, but he definitely told it to me.

13 Q Well, you admit, though, your answer that he felt
14 he did the right thing does not answer the question
15 that that doesn't, that he didn't know the
16 difference between right and wrong?

17 A It's my opinion that I believe he did not. That
18 is my opinion.

19 Q Didn't tell Sinkler, didn't tell McMillan, didn't
20 tell the other officer, didn't tell the EMS, didn't
21 tell the doctor, didn't tell anybody that he thought
22 she was a clone and he felt he had to do it. Didn't
23 tell anybody, did he?

24 A My experience with paranoid schizophrenics is
25 they very rare will tell people anything. I have

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1 had if you call it the luxury of three years of
2 treatment and now very regimented treatment where I
3 work -- perhaps, like I stated earlier, this is the
4 best he's ever been. Whether he's only told it to
5 me or not, I don't know. I know what he's told me.
6 It's very difficult to treat a paranoid
7 schizophrenic because they don't want to tell
8 anybody anything. But in treatment which is my
9 recommendation for this man, this is the most
10 organized I've ever, I imagine he's ever been. And
11 so at that time he was thinking different than he is
12 today.

13 Q Do you know he told Doctor Domino -- Doctor
14 Domino, raise your hand please.

15 You know Doctor Domino?

16 A Yes, sir, I do.

17 Q I mean, y'all are colleagues maybe?

18 A Sure.

19 Q He told her in one of her reports that somebody
20 else did it?

21 A I believe I read that, yes.

22 Q Well, Doctor, I mean, that's pretty big. I mean,
23 do you know that he told her that somebody else did
24 it?

25 A I believe I read that, but I don't know if it was

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1 to her he told it to.

2 Q Well, that is particularly significant, isn't it,
3 blaming it on somebody else?

4 A Yes.

5 Q That would show he knew what he did was wrong,
6 right?

7 A Well, it would certainly point in that direction.

8 Q Big old arrow, I mean, saying somebody else did
9 it, right?

10 A Yeah, but he hadn't done that with me. He's
11 taken full responsibility for it with me.

12 Q And still on 5 -- getting close to finishing, beg
13 everybody's indulgence. In your report -- I lost
14 it. And she even said she was worried about his
15 mother spending his disability check, right?

16 A That's correct.

17 Q So that's another reason he had that could make
18 him mad, right?

19 A Yes.

20 Q Not the threat from his mother but the fact that
21 she might take his check?

22 A I got the impression it was from a whole lot of
23 things including that.

24 Q Did you know she was actually disbursing his
25 check out to him and she'd give it to him, give him

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1 all his checks and kind of give it over a month so
2 he wouldn't blow it?

3 A I would probably bet she took really good care of
4 him.

5 Q Down toward the end of this there's been
6 testimony he was using crack cocaine, blowing his
7 money on crack and spend every month and he couldn't
8 wait for the check to come, she wouldn't give him a
9 stamp and he'd get mad, thinks she's going to take
10 it and he just kills her?

11 A Yeah, I thought of that.

12 Q He told you in here that he knew the consequences
13 of murder was death.

14 A That is correct.

15 Q That's pretty rational thinking.

16 A Yeah. You got to remember, I've seen this guy
17 this year.

18 Q Three-and-a-half years after it happened?

19 A That's correct.

20 Q But you're using that three-and-a-half years to
21 now come in and tell this jury he didn't know what
22 he was, difference between right and wrong?

23 A That was back then in 2010. He's a different
24 person now.

25 Q So you're saying you can pick and choose what you

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1 think is credible that you base your opinion on?

2 A No. I can tell you this is what I observed and
3 that is what I've read about him and this is what
4 I've seen within him. He's also a well treated
5 person right now. That's what I'm telling you.

6 Q I knew the consequences of my murder was death
7 but I had no alternative.

8 A (No response.)

9 Q There's a reference, I just can't find it in
10 here, but there's a reference in here that he told
11 you he called the police sometime that morning, the
12 29th, right?

13 A Yeah, he told me that.

14 Q And that's a sign it he thinks somebody is
15 threatening that might be good, right?

16 A Yeah, but I was wondering why he would call the
17 police because that would essentially be turning
18 himself in one way or another.

19 Q And that was earlier that morning according to
20 your notes?

21 A Oh, is that right, I'm sorry.

22 Q So if he was thinking then and knew something was
23 wrong why didn't he do that later before he killed
24 her, called the police? That's my point.

25 A Yes, I don't know.

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1 Q He did go to the bathroom and clean up is what he
2 told you?

3 A He did.

4 Q Yes. And you said something earlier; it's all
5 coming back, Doctor, I'm sorry. But you said, you
6 know, you think he was there for a while before the
7 brothers got there. You don't know that?

8 A No, I don't know how long it was.

9 Q I mean, they could have come in seconds after he
10 killed her?

11 A Could have. Could have run out seconds after he
12 did as well.

13 Q My point is, you don't know. I just ---

14 A I don't think it happened. He stated ---

15 Q I think you said it was -- that's what it was.
16 You said he had time to flee, and I just wrote down
17 there how do you know. I mean, you don't know that.
18 We just went over that, never mind.

19 MR. MEADORS: Beg the Court's indulgence,
20 I just have a few more questions.

21 THE COURT: Yes.

22 BY MR. MEADORS:

23 Q On page 6 you say, you say he's in the
24 best you've seen him now but you say he's got
25 ongoing delusions or hallucinations. He denied any.

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1 His current recollection or belief says with
2 intention of any ongoing psychosis, primarily that
3 of delusion.

4 A Yes.

5 Q What are you talking about?

6 A That he is now treated very well and he still has
7 residual symptoms of schizophrenia. You cannot
8 treat someone with antipsychotic medication and all
9 of a sudden seems like a health normal person so he
10 still has active psychoses; it's just not prominent
11 now so it's more residual.

12 Q You have read Doctor Domino's report?

13 A All of them.

14 Q The reports, I'm sorry, I wasn't trying to get
15 you. The first mention of CAPGRAS or CAPRAS
16 Syndrome was you?

17 A That's right.

18 Q And your definition of it in your thing is close
19 to the -- I went on Wikipedia and looked it up for
20 the Wikipedia definition. Where did you get the
21 definition of CAPRAS from?

22 A Residency I would say, probably back in 1990.

23 Q So is he suffering from that now?

24 A He still believes that that person that he killed
25 was not his mother.

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1 Q Well, but also CAPRAS means other people, not
2 just relatives, close friends and all. You
3 mentioned somebody in here that he, the jail, either
4 a girlfriend or something, does he have CAPRAS with
5 them?

6 A No, I think he -- well, actually, I don't believe
7 those people exist.

8 MR. MEADORS: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 BY MR. MEADORS:

11 Q You know I'm gonna ask you this, you're private,
12 private practice?

13 A Yes.

14 Q Okay. Have been for a long time?

15 A Yes, sir.

16 Q All right. Obviously you're being paid?

17 A I think so.

18 Q Well, Doctor, come on now. Is that depending on
19 this? No, you are being paid; aren't you?

20 A That's correct.

21 Q And how much are you being paid?

22 A You know, I really do not know. I don't handle
23 that part of it.

24 Q So you're going to get involved in a case and you
25 don't have a set fee or an hourly fee in court that

DW - T. MARTIN - REDIRECT

1 you use?

2 A I actually have a manager who does all the
3 financial negotiating for me so I can stay out of
4 it.

5 Q Well, let me ask you this much, when you get
6 through with a trial you get paid and you charge
7 the same thing for your testimony in every trial;
8 don't you?

9 A I don't charge anything for testimony.

10 Q You charge for coming to visit somebody? Oh,
11 come on, Doc. With the last one you did, that you
12 did, is there a certain -- is this going to be the
13 same hourly fee as this one?

14 MR. BROOKS: Your Honor, can we have side
15 bar?

16 THE COURT: Okay, yes.

17 (WHEREUPON, counsel approached the Bench for an
18 off-the-record discussion.)

19 BY MR. MEADORS:

20 Q On your last case like this that you did --
21 you've done thousands -- when you got through, how
22 much were you making an hour on it?

23 A I usually make 375 an hour.

24 Q Thank you, Doctor. Thank you.

25 THE COURT: Any redirect based upon his

DW - T. MARTIN - REDIRECT

1 cross-examination?

2 MR. BROOKS: Absolutely, Judge.

3 **REDIRECT EXAMINATION**

4 BY MR. BROOKS:

5 Q Doctor Martin, Solicitor Meadors talked to you
6 about whether or not you know certain law
7 enforcement personnel and talked with them about,
8 you know, arriving on the scene in the event that
9 occurred shortly after the incident and their
10 involvement; is that correct?

11 A Yes.

12 Q And he asked you, that would been a good idea to
13 know exactly what kind of demeanor and what was
14 going on with Mr. Wilson on November 29th, 2010, and
15 shortly thereafter; is that correct?

16 A Yes.

17 Q Now if law enforcement had videotaped their
18 involvement with him that would have been very
19 helpful; wouldn't it?

20 A Yes.

21 Q And shortly after he's been detained and taken
22 down to the detention center, there was a
23 conversation between him and Investigator Burnish,
24 it would have been very helpful for that meeting to
25 be videotaped; is that correct?

DW - T. MARTIN - REDIRECT

1 A Yes.

2 Q It would have been helpful in the medical field;
3 is that correct?

4 A That's correct.

5 Q As far as you know that did not happen; is that
6 correct?

7 A It did not.

8 Q That's not anything that, as far as you know
9 there's nothing keeping law enforcement from doing
10 that; is that correct?

11 A No, sometimes they do actually, but in this case
12 they did not.

13 Q Okay, all right. And now Solicitor Meadors spent
14 a lot of time talking about whether or not
15 Mr. Wilson was angry about being committed, not
16 having a stamp. Wasn't he fearful because of this
17 clone that looked like his momma taking over
18 everything?

19 A That's in addition to all the other things, yes,
20 that we talked about.

21 Q So in essence, it was a totality of everything
22 that he believed; is that correct?

23 A That's correct.

24 Q Okay. And as far as Solicitor Meadors talking
25 about, did you talk to this person, did you talk to

DW - T. MARTIN - REDIRECT

1 Sinkler and did you talk to Ragin, it's not about
2 what was in their mind, it's about what's in Mr.
3 Wilson's mind; isn't that correct?

4 A That's correct.

5 Q So you wouldn't have any reason to talk to these
6 officers except to read their report?

7 A That's what I did.

8 Q Okay. And you had opportunity to look at Doc
9 Domino's report, is that correct, as part of your
10 evaluation?

11 A Yes.

12 Q Okay. And you considered that along with all the
13 other things that was part of putting together your
14 evaluation; is that correct?

15 A That's correct.

16 Q So in utilizing her report and everything else
17 that you had, is that how you came up with the
18 opinion that you came up with?

19 A Yes.

20 Q And talking with Mr. Wilson; is that correct?

21 A Yes.

22 Q On three separate occasions?

23 A That's correct.

24 Q The difference is, when you talked to him then he
25 was on his medication?

DW - T. MARTIN - REDIRECT

1 A He's been on his medication since I've known him.

2 Q Okay. But it would have been real interesting to
3 have a videotape of how he was back on November 29th
4 and November 30th of 2010; isn't that correct?

5 A Yes.

6 Q And that's something that law enforcement could
7 have done?

8 A I believe so.

9 Q And you have seen it done in the past?

10 A I have.

11 Q Okay.

12 MR. BROOKS: No other questions.

13 THE COURT: Any recross?

14 MR. MEADORS: Just real quick, Your Honor.
15 That's all, never mind.

16 THE COURT: Thank you. You may step down.

17 Any objection to this witness being excused?

18 MR. MEADORS: No, sir.

19 MR. BROOKS: No.

20 THE COURT: Thank you, Doctor.

21 THE WITNESS: Thank you.

22 MR. BROOKS: Side bar, just...

23 (WHEREUPON, counsel approached the Bench for an
24 off-the-record discussion.)

25 THE COURT: All right, we'll take a

1 recess.

2 MR. BROOKS: I was getting ready to ask
3 you that.

4 THE COURT: All right, ladies and
5 gentlemen, we will take a 15 minute recess please.
6 Do not discuss anything about the case while you're
7 back there. Thank you.

8 (WHEREUPON, the jury was removed from the
9 courtroom at 11:30 a.m., and the following
10 proceedings commenced in open court.)

11 THE COURT: Court will be in recess for
12 the next 15 minutes.

13 (WHEREUPON, a recess was taken from the
14 proceedings.)

15 THE COURT: Is there anything else before
16 we bring the jury back in? Your client still
17 intends to testify; is that correct?

18 MR. MEADORS: That's correct.

19 THE COURT: All right, let's bring our
20 jury in.

21 (WHEREUPON, the jury was returned to the courtroom
22 at approximately 11:52. a.m., and the following
23 proceedings commenced in open court.)

24 THE COURT: Mr. Brooks, ready to call your
25 next witness?

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1 MR. BROOKS: Yes, sir.

2 THE COURT: You may call your next
3 witness.

4 MR. BROOKS: We call Alexander Wilson.

5 THE COURT: All right. Come forward to be
6 sworn.

7 THE CLERK: Place your left hand on the
8 Bible, raise your right hand. State your name.

9 THE WITNESS: Alexander Bernard Wilson,
10 Jr.

11 WHEREUPON,

12 **ALEXANDER B. WILSON,**

13 having been duly sworn by the Clerk, testified as
14 follows:

15 THE CLERK: Have a seat up here please.
16 Please state your full name and spell your last name
17 for the record.

18 THE WITNESS: My name is Alexander Bernard
19 Wilson, Jr., W-I-L-S-O-N.

20 **DIRECT EXAMINATION**

21 BY MR. BROOKS:

22 Q Mr. Wilson.

23 A Hi.

24 Q How are you doing today?

25 A All right, I'm fine.

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1 Q All right. You go by -- what do you go by?

2 A Well, I go by Bobby or Alex or Mr. Wilson.

3 Q Bobby.

4 A Yeah.

5 Q How old are you?

6 A I'm 63 years old.

7 Q Okay. Now I'll ask you, do you remember Jerome?

8 A Yeah, Jerome.

9 Q Who is Jerome?

10 A Jerome is my oldest brother, so-called brother.

11 Q You say so-called, what do you mean so-called?

12 A Me and him don't have the same mother.

13 Q Okay.

14 A My mother, my mother was struck down by lighting
15 in a cotton field when I was at the age of two.

16 Q Okay. Your momma was struck by lightening in a
17 cotton field?

18 A Cotton field.

19 Q Okay. You have another brother Terry?

20 A Terry. Terry.

21 Q Do y'all have the same mother, you and Terry?

22 A No.

23 Q Okay. You and Terry didn't have the same mother
24 either?

25 A No, me and Terry don't have the same mother.

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1 Q Terry is younger than you, right?

2 A Terry is younger than me. I have another
3 brother.

4 Q Okay. And you got another brother behind Terry?

5 A Behind me.

6 Q Okay.

7 A Donald, he's my brother that look like me,
8 identical twin.

9 Q Oh, okay. All right. Now so you're saying your
10 mom died when you were two years old?

11 A My mom died. She got hit by lighting in a cotton
12 field?

13 Q How old were you when that happened?

14 A I was two years old and she was impregnated with
15 Donald.

16 Q Okay, all right. Now do you remember who your
17 father was?

18 A Alexander Wilson.

19 Q Alexander Wilson?

20 A Yeah.

21 Q Okay. Is he still alive?

22 A No, he deceased.

23 Q Do you remember when he passed away?

24 A September 2nd, 2010.

25 Q When is it?

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1 A September 2nd.

2 Q September 2nd ---

3 A 2010.

4 Q ---2010?

5 A Yeah.

6 Q Okay. Now do you remember what happened on
7 November 29th, 2010?

8 A Yeah.

9 Q What happened then?

10 A That day I was accused of murdering my mother.

11 Q You were accused of murdering your mother.

12 A Yeah, and that day that the incident occurred.

13 Q The incident occurred?

14 A Right.

15 Q What was the incident?

16 A Well, I wanted, I wanted a stamp that Sunday
17 night. That Sunday night I made out order for the
18 pharmacy service to get a stamp to order my
19 medication, and I put it on the kitchen table. And
20 that Monday morning, the day of the incident, I woke
21 up. I asked my mother to give me a stamp to put,
22 before I go to the post office, give me a stamp to
23 put on my envelope so I can mail off for my
24 medication.

25 Q Now you said you asked your mother to get you a

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1 stamp, but just told us your mother died when you
2 were two years old.

3 A Oh, now I didn't, I didn't -- this woman is my
4 adopted mother, Elizabeth S. Wilson.

5 Q Okay. Elizabeth S. Wilson, she's your adoptive
6 mother?

7 A Right, my adoptive mother. She adopted me. She,
8 that -- she -- that Terry mother and Jerome mother.

9 Q And Donald's mother?

10 A No, not Donald's mother.

11 Q Not Donald's mother, okay. All right, go ahead
12 and tell us what else happened.

13 A So she took, she told me she don't have the money
14 to give me the change to get the stamp.

15 Q Okay.

16 A So I went about my business, went about my own
17 business.

18 Q When you say went about your business what did
19 you do?

20 A I went to the post office, checked the mail. I
21 walked, had to walk, ate breakfast, and got ready
22 for cleaning up around the house.

23 Q Did you follow your adoptive mother to the senior
24 citizens place?

25 A Yeah, I went there. I went -- now that was at

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1 12:00.

2 Q Okay.

3 A And then I went to the senior citizens community
4 center meeting and I inquire her. I went before the
5 group and the reverend said something about white
6 and black.

7 Q Okay. And what happened then?

8 A And I look at my mother which are only my
9 Elizabeth S., the so-called mother, now.

10 Q Okay.

11 A See now, she say -- this is Elizabeth Wilson now.

12 Q Okay.

13 A 'Cause I look at her and she was, she was the
14 whitest thing in the crowd and he said something
15 racial remark to her let everybody know that I'm a
16 black man with a white penis and know that and --
17 but I really went there to see my mother about
18 getting money to put on the -- got change, haven't
19 gotten any change from her. People, other members
20 of the church, so she can give my some money to mail
21 off the stamp, but she hadn't got any change yet.

22 Q Okay, all right. Now after y'all, after you show
23 people, how did you describe it?

24 A I show them my penis.

25 Q Okay. Now after that --

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1 A Now after that she -- they adjourned the meeting,
2 they adjourned at the center, and my mother said,
3 well, let's go back home. I told her -- I went back
4 home and she said, she said, she said why you did
5 that, Terry? Now I'm gonna have you committed to
6 the hospital tomorrow.

7 Q Okay.

8 A And ---

9 Q And this is your mother that said this to you?

10 A That was Elizabeth, Elizabeth Wilson say that,
11 not Elizabeth S. Wilson.

12 Q Your adoptive mother is Elizabeth S. Wilson?

13 A Right. And this is Elizabeth?

14 Q And who is Elizabeth? Who is Elizabeth Wilson to
15 you?

16 A That the woman that I killed.

17 Q Was that your adoptive mother?

18 A No, it wasn't my adoptive mother.

19 Q That wasn't your adoptive mother?

20 A No.

21 Q And that wasn't your real momma?

22 A That wasn't my real mother.

23 Q Well, who was that?

24 A That was somebody that wanted to take control of
25 the Wilson estate. This person got my driver, got,

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1 putting me and my bank account and obtained 400
2 dollars to get her a driver's license.

3 Q Okay. Now so why did you kill her?

4 A Well, because I heard a voice that say, Bobby,
5 bring her to me, I know what wrong with her, I'll
6 take care of you. And I hit her and she didn't say
7 nothing then.

8 Q Whose voice did you hear?

9 A That my father voice and speaking to my heavenly
10 father voice.

11 Q Your father's voice?

12 A In heaven.

13 Q In heaven?

14 A Yeah.

15 Q And he said what again?

16 A He said, Bobby, bring her to me, I know what
17 wrong with her, I'll take care of you. So instead
18 of doing what man made wisdom they do, I by not to
19 the voices, I did what God made wisdom wanted me to
20 do, allow me to bring me mother to my father who out
21 who is in heaven and they can say till death do us
22 part.

23 Q But now, I'm gonna ask you again, it's a -- was
24 this your mother?

25 A No, this wasn't my mother. This wasn't my

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1 mother. This was Elizabeth Wilson.

2 Q Okay.

3 A This wasn't Elizabeth S. Wilson.

4 Q Okay, so this is somebody ---

5 A That just intrusion in the family.

6 Q Was this somebody that looked like your momma or
7 looked like your adoptive momma?

8 A In a way she looked like her, but she -- but my
9 mother, my mother have straight hair and a bald spot
10 in the middle of it, a bald spot, and kept -- she
11 wear a cap. She have upper and bottom dentures.
12 This lady had braided hair and wear a wig.

13 Q Okay.

14 A And she have upper dentures and bottom plate.

15 Q Now when the -- do you remember your brother
16 Jerome coming to the house after this?

17 A Well, Jerome wasn't there first. Terry was there
18 first.

19 Q Well, do you remember Jerome and Terry coming to
20 the house after ---

21 A Yeah, yeah.

22 Q Okay. What happened when they got there?

23 A Well, when Terry came there Terry said, ma, ma,
24 what happened. And he said, Bobby, what you doing
25 with that bat in your hand, and I didn't say

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1 nothing. And he said, give me that bat. And I did
2 like this (indicating). And he say, he say, he
3 said, give me that bat. And I knew he was gonna
4 attack me so he attacked me, and Jerome came home.
5 Jerome said what happened. And Terry said Bobby
6 killed ma. And then ---

7 Q Did you say anything to them?

8 A I didn't say nuttin' to them. I couldn't say
9 nothing; I was fighting for my life.

10 Q Fighting for your life from whom?

11 A From Terry and Jerome.

12 Q Were they trying to kill you?

13 A Well, I got -- well, Terry got the bat and hit me
14 in the head on and give me 17 stitches.

15 Q Okay. And do you remember Officer Ragin?

16 A Yeah, yeah, I remember him. He came in the
17 bathroom and got me out the bathroom.

18 Q And Sinkler?

19 A Yeah, yeah.

20 Q All right. Do you remember them telling you to
21 put your hands behind your back?

22 A Yeah, I cooperated because I knew I didn't do
23 nothing wrong because this woman intrude in the
24 family and was intruding in the Wil-- trying to
25 claim the Wilson estate.

DW - A. WILSON - DIRECT

1 Q Okay. And ---

2 A And who was not my mother and not Elizabeth S.
3 Wilson.

4 Q Do you remember telling the officers that?

5 A No, I, see, I got, I'm the type of person like
6 this. I take a-- I take account of what's going on.
7 I take a photostatic picture of what wrong, then I
8 store it in my memory bank and use it for later on
9 recollection. Like, this woman here, she can't
10 drive, she can't cook, she can't do the laundry.
11 And she can't, she don't like to wash the dishes.
12 And for Thanksgiving, if Elizabeth S. Wilson there,
13 if Elizabeth S. Wilson there we'd have turkey,
14 mashed potatoes, macaroni, rice, and whatnot,
15 stuffing. But for Thanksgiving we had Kentucky
16 fried chicken.

17 Q Well, let me ask you this, all right. Do you
18 think you did anything wrong?

19 A No, I just tried to protect my house.

20 Q Okay. So you think you were acting in
21 self-defense with ---

22 A I am.

23 Q ---Jerome and Terry?

24 A Well, I couldn't say -- I couldn't explain my
25 actions to Jerome and Terry because I didn't know

DW - A. WILSON - DIRECT

1 how it, it was too long, too much to talk about at
2 one time about what happened at one time. Hearing a
3 voice, doing what my father say do, hearing knowing
4 that my father and my mother been together over 60
5 years, was this person impersonator who intruding in
6 the family and, and, and...

7 Q Let me ask you this, do you remember being at the
8 jail and Investigator Burnish ---

9 A Yeah, I remember that.

10 Q ---coming to talk to you about your rights?

11 A Right.

12 Q Do you remember that?

13 A I remember that.

14 Q That -- do you remember about talking to him?

15 A I told him -- I told him I know my rights and
16 what I really wanted to do is talk to a lawyer.

17 Q Oh, you told them that, huh?

18 A I ain't told them that; I was just thinking that.

19 I know I wasn't talking to nobody but a lawyer.

20 Q Okay. Did you say anything ---

21 A I said, I said that wasn't my mother.

22 Q Okay, you told them that?

23 A I told them that wasn't my mother.

24 Q Okay. Now, since you been at the jail did you
25 say anything about having a girlfriend or anything

DW - A. WILSON - DIRECT

1 like that?

2 A Yeah. Yeah, me and -- I have a girlfriend,
3 Ms. Shena Shaw, and we was dating at the time.

4 Q Okay. Did you have some other -- did you have a
5 child at the jail?

6 A No.

7 Q Okay. Was there somebody else at the jail
8 related to you?

9 A No.

10 Q Okay, all right. Do you take medication?

11 A Yeah, I take -- the military, VA had me on
12 Abilify.

13 Q Uh-huh.

14 A And they asked me whether I had a choice between
15 Abilify and Haldol, and the doctor recommend Abilify
16 because, because my initial feeling was dementia.

17 Q Okay.

18 A Okay. And but the only thing about Abilify, it
19 gives you obesity and the only cure for that is
20 crack cocaine.

21 Q The only cure for the obesity from Haldol, I mean
22 Abilify, is crack cocaine?

23 A Crack cocaine to stop the obesity.

24 Q Okay. Since you've been at the jail have you
25 been getting medicine at the jail?

DW - A. WILSON - DIRECT

1 A I get -- they don't give me Abilify in jail.

2 Q What do they give you?

3 A They gave me -- well, they give me now Haldol, an
4 injection, and Selexa and Sentipril (ph).

5 Q Okay. And does that help?

6 A Yeah. Yeah, that help.

7 Q Okay.

8 A Even when I was at the VA, when I was going to
9 the VA I only got one pill a day and that supposed
10 to last me all day.

11 Q Okay.

12 A Until the next day I get one pill, ---

13 Q Okay.

14 A ---Abilify. And but now, and see, I was, I was
15 taking injections they have.

16 Q You get the injections at the jail?

17 A Yeah.

18 Q You know what those injections are?

19 A Haldol.

20 Q That's the Haldol injections?

21 A The Haldol injection.

22 Q That's right. Do you remember trying to go to
23 Canada as a young man?

24 A That, well, he got that backwards. I was
25 going -- yeah, I was going to Canada but I got

DW - A. WILSON - DIRECT

1 confused in my direction, which way was south. I
2 really wanted to go to Columbia, South Carolina,
3 South Carolina.

4 Q Columbia, South Carolina?

5 A I mean, not Columbia, just to South Carolina to
6 be with my parent family.

7 Q Okay.

8 A But I got lost in direction and end up five miles
9 in Canada.

10 Q Okay, all right. And do you remember ---

11 A And I was committed and the Royal Canadian body
12 police commit me to emergency mental hospital,
13 Mercedes Mental Hospital, in Watertown, New York.

14 Q All right. Do you remember being in the military
15 getting a discharge in San Antonio?

16 A Yeah, I remember that. I was a pharmacy
17 specialty in the military and went and joined the
18 army in biological warfare and a combat medic, and I
19 worked at Bruce Medical Hospital and at Dwight David
20 Eisenhower Hospital in Augusta, Georgia, and Tuomey
21 Hospital in Sumter.

22 Q And what did you do at the hospital?

23 A Oh, I was a medical assistant.

24 Q A medical what?

25 A Assistant, technician.

DW - A. WILSON - DIRECT

1 Q Medical technician?

2 A Yeah.

3 Q And what were your duties as a medical
4 technician?

5 A Well, we would perform pharmaceutical prep for
6 surgery, take blood pressure, respiration, and check
7 for vital signs.

8 Q Okay. So you would help the surgeon get prepared
9 for surgery?

10 A Right, right. And put up brace, we call it a
11 brace for broken bones, for big breaks, big brace
12 for broken bones.

13 Q Okay. So Mr. Wilson, you know, back to the
14 incident on back in November 2010.

15 A Right.

16 Q Is it your belief that you didn't do anything
17 wrong?

18 A I believe that this was a lady that intrude in
19 the family. She got possession of my driver's
20 license, of her driver's license, my mother driver's
21 license in 2007. I was keeping note on her. And in
22 2010 I was kidnapped to ---

23 Q You were kidnapped?

24 A Kidnapped to Three River Hospital.

25 Q Okay.

DW - A. WILSON - DIRECT

1 A And by the Sheriff's Department. I was just
2 walking the street, and they just picked me up and
3 put me in the mental hospital.

4 Q Okay. Was your daddy alive then?

5 A My daddy was alive. He came and visit me and my
6 mother was alive too. And Elizabeth S. Wilson was
7 at home too.

8 Q Okay. So when your dad came to visit you at
9 Three Rivers, the lady that came with him was
10 Elizabeth S. Wilson?

11 A Yeah.

12 Q Was that somebody different than the person at
13 the house ---

14 A Right, right.

15 Q That was a totally different person?

16 A That was a totally different person.

17 Q Okay. Are you sure of that?

18 A I know that. I know my, I know my mother since I
19 been 50 years. I spend 50 years or 60 years with my
20 mother and father, and I know my mother and I know
21 my father. And I know how they react and they been
22 together so long. But I would say for better or
23 worse, richer or poorer, till death do us part.
24 What I did was unite my so-called intruder with my
25 father who was in heaven.

DW - A. WILSON - CROSS

1 Q Okay.

2 MR. BROOKS: Beg the Court's indulgence,
3 Your Honor.

4 THE COURT: Yes, sir.

5 MR. BROOKS: No other questions.

6 THE COURT: Mr. Finney.

7 SOLICITOR FINNEY: Please the Court, Your
8 Honor.

9 THE COURT: Yes, sir.

10 **CROSS-EXAMINATION**

11 BY SOLICITOR FINNEY:

12 Q Mr. Wilson, if I told you I can pour something
13 out of this jar into a cup and it would be truth
14 serum and you could drink it and you could tell the
15 truth, could you do that?

16 A Yeah, I could do that.

17 Q You believe that you could drink a cup of ---

18 A Truth serum?

19 Q Yes, sir.

20 A To tell the truth, yeah.

21 Q You believe truth serum will make you tell the
22 truth?

23 A Yeah, I can drink that.

24 Q Tell the ladies and gentlemen of the jury how old
25 are you?

DW - A. WILSON - CROSS

1 A I'm 63 years old.

2 Q And tell the ladies and gentlemen when was the
3 first time you saw this different lady in your house
4 that wasn't your momma?

5 A The first time I saw her was back in 2010.

6 Q What month in 2010?

7 A When I, when, when, what month?

8 Q When was the first time that you saw the lady at
9 your house that wasn't your momma?

10 A I'm trying to recall.

11 Q You don't know, do you?

12 A No, I know, I know, I know. Okay, it was --
13 yeah. It was when I was incarcerated for
14 shoplifting.

15 Q Mr. Wilson, when was the first time?

16 A That was back in 2010 when I was incarcerated for
17 shoplifting in May.

18 Q When you got incarcerated for shoplifting?

19 A She refused to get me out.

20 Q She refused to get you out?

21 A Yeah, that was the first time.

22 Q And that's the first time ---

23 A Yeah.

24 Q ---that you knew that was somebody else.

25 A Right, right, right.

DW - A. WILSON - CROSS

1 Q Okay. Now when you got incarcerated for
2 shoplifting you knew that you had done wrong. It's
3 wrong to steal, isn't it?

4 A No, I was, I was, that was dismissed.

5 Q Is it wrong to steal, Mr. Bobby Wilson?

6 A Yeah, it wrong to steal, yeah.

7 Q Is it wrong to kill?

8 A Wrong to kill? Depends on the circumstances.

9 Q Didn't you just quote the Bible to this jury?

10 A Yeah.

11 Q Doesn't the Bible say it's wrong to kill?

12 A Yeah, it do -- well, that the Bible, but I'm
13 trying to say if -- the law enforcement have to
14 kill, the military kill.

15 Q Is it wrong to kill in the Bible?

16 A It wrong to kill in the Bible.

17 Q Do you believe that?

18 A I believe that.

19 Q All right.

20 A But the military kill and the police kill.

21 Q Was it wrong for you to take the life of
22 Elizabeth Wilson?

23 A That not my momma that night.

24 Q Was it wrong for you to take the life of
25 Elizabeth Wilson?

DW - A. WILSON - CROSS

1 A That not Elizabeth Wilson.

2 Q Oh, it wasn't Elizabeth Wilson?

3 A No, not Elizabeth S. Wilson.

4 Q Did that lady that you killed do anything to harm
5 to you?

6 A Yeah.

7 Q What did she do?

8 A She refused to give me a stamp to mail off my
9 medication.

10 Q And because of that you killed her?

11 A Because of that I killed her, because of that
12 after she refused to give me the money and I
13 requested her three times and she would hold my
14 account, hold my checking account, and she was going
15 to commit me to the hospital I had no other choice.

16 Q You were mad at her.

17 A I ain't been mad at her.

18 Q You lost control; that's what it's called.

19 A I ain't lost control.

20 Q You lost control, and you got mad at her and you
21 said, I'm gonna kill you because you won't give me
22 what I wanted.

23 A No, I wasn't. When I heard my father voice.

24 Q You told the doctor that after you were arrested,
25 that you heard a voice?

DW - A. WILSON - CROSS

1 A Yeah, that was ---

2 Q You told the doctor that way after you got
3 arrested?

4 A No, huh-uh. I heard that voice, my father voice,
5 at the time of the incident.

6 Q At the time of the incident?

7 A Yeah.

8 Q And who did you -- who was the first person that
9 you told that to?

10 A I told that sergeant right there.

11 Q The sergeant?

12 A Yeah, that guy, Burnish, Sergeant Burnish.

13 Q That was after.

14 A I know, but I didn't ---

15 Q That was after he served the paper in front of
16 you saying, Mr. Wilson, you're charged with murder
17 of your mother. That's when you came up with that
18 story; isn't it?

19 A No, that ain't when I came up with that story.
20 That's, that's when I first disclosed what was on my
21 mind.

22 Q First disclosed it.

23 A Right.

24 Q Very good, now we're getting somewhere. You did
25 not take any steps to harm the woman that was at the

DW - A. WILSON - CROSS

1 church service that you say you went to?

2 A No.

3 Q You did not take any steps to tell your brother
4 or your neighbors or anybody in the community that
5 there was a lady in your house that wasn't your
6 momma?

7 A Oh, I tried to call that morning.

8 Q You tried to call?

9 A The police.

10 Q What number did you call?

11 A I been trying to call 911.

12 Q Was there before or after you unplugged the
13 phone?

14 A I didn't unplug the phone. I didn't unplug the
15 phone. I called -- that was, that was -- I didn't
16 unplug the phone.

17 Q State's Exhibit Number 1, were you mad when you
18 unplugged the phone?

19 A I didn't. I didn't unplug the phone. I didn't
20 unplug the phone.

21 Q Who unplugged the phone?

22 A I don't know.

23 Q Where did you get the bat from?

24 A I tried -- I called 9-1-1 that morning.

25 Q Did you get through?

DW - A. WILSON - CROSS

1 A Yeah, I -- but my mother, I was, I'm calling
2 9-1-1 to tell 9-1-1 that this ain't my mother in my
3 house. And she told the police to go back, don't
4 come here, that boy ain't know what he talking
5 about.

6 Q So you talked to the police?

7 A That what she told the police on the phone.

8 Q So you talked to the police and told them ---

9 A That what she told ---

10 Q ---that somebody was in your house.

11 A No, no. I talked to the operator on the phone.

12 Q Right.

13 A And I told the operator that, I'm trying to tell
14 the operator that someone, that Jerome tried to take
15 my medication out my pocket..

16 Q Mr. Wilson, you ain't never told the doctors
17 that, have you?

18 A No. Like I say, I don't tell everything I -- I
19 just keep it to myself till a certain time.

20 Q You only tell what helps you. After the officer
21 came and put that warrant on you after you had been
22 in jail overnight, then you told them that wasn't
23 your mother.

24 A No, no, no. I been keeping track of this.

25 Q Where did you get the bat from?

DW - A. WILSON - CROSS

1 A The bat, that was a bat, the bat was in the
2 closet.

3 Q You went and got it out the closet?

4 A I went and got it out the closet.

5 Q And was she in the bed when you hit her the first
6 time?

7 A Yeah.

8 Q And how about the second time?

9 A Yeah.

10 Q Was she trying to get up and get away from you?

11 A No.

12 Q She stayed right there in the bed. How many
13 times did you hit her?

14 A About four or five.

15 Q Did you break the bat?

16 A No.

17 Q How'd the bat get broken?

18 A The bat got broken when Terry came home.

19 Q So you hit her five or six, four or five times
20 with the bat but you didn't break it?

21 A No, I didn't break it. The bat came home -- when
22 Terry came home and Terry said give me that bat.
23 Terry pick up the level and swing the level at me
24 with the level, and I swing the bat at him and the
25 bat and the level collide like that.

DW - A. WILSON - CROSS

1 Q Ms. Wilson has a cut in her throat?

2 A Yeah.

3 Q Did you stick the bamboo in her throat to cut her
4 throat?

5 A No, I used a knife.

6 Q Where's the knife?

7 A The knife in the kitchen.

8 Q What'd you do with the knife after you used it?

9 A I put it back in the drawer.

10 Q You cleaned it?

11 A No.

12 Q You put the knife in the drawer dirty?

13 A Yeah.

14 Q And you didn't — the police officers didn't find
15 it.

16 A Well, then they had no way of knowing.

17 Q You didn't tell them.

18 A They didn't ask me to search my house.

19 Q Did you take the knife out of the drawer?

20 A I took the knife out the drawer.

21 Q You stuck in Ms. Wilson?

22 A I stuck it in Ms. Wilson.

23 Q And then you put it back in the drawer?

24 A I put it back in the drawer.

25 Q But you didn't clean it off?

DW - A. WILSON - CROSS

1 A I didn't clean it off.

2 Q And you didn't tell nobody about it?

3 A I didn't tell nobody about it.

4 Q Tell us about the letter you wrote.

5 A The letter I wrote or the letter to the pharmacy
6 service saying that ---

7 Q Who is Jerome and Terry Wilson?

8 A That my brother, they're two of them.

9 Q This is State's Exhibit Number 6.

10 A So-called brother.

11 Q Is that your handwriting?

12 A That my handwriting.

13 Q Is that your address up there where you were?

14 A That my address.

15 Q Where were you at when you wrote the letter?

16 A I was in the hospital.

17 Q In Columbia?

18 A In Columbia.

19 Q You remember writing this letter?

20 A I remember writing that letter but I was, I was
21 not taking my medication.

22 Q You were in the hospital in Columbia December
23 the 3rd, 2013. That's one year ago today.

24 A Yeah, but the thing about it, the thing about it,
25 they didn't give me my medication until the week ---

DW - A. WILSON - CROSS

1 Q You were in the hospital and you didn't get the
2 medication?

3 A Until a week after I got admitted.

4 Q Mr. Wilson, you were at Farrow Road.

5 A I was at Farrow Road.

6 Q In the hospital?

7 A In the hospital.

8 Q One year ago today.

9 A One year ago today.

10 Q And you didn't have any medicine?

11 A I didn't have no medicine at the hospital.

12 Q Okay, I understand.

13 A All right.

14 Q Now where did you leave from to get to the
15 hospital?

16 A I left Sumter-Lee Detention Center.

17 Q You'd been in jail in Sumter?

18 A Right.

19 Q And you'd been there for a long time.

20 A Right.

21 Q For two years.

22 A Yeah.

23 Q They had medicine at the jail in Sumter.

24 A But, I'm not, but I take pills every day.

25 Q And you got the jail to give you your pill every

DW - A. WILSON - CROSS

1 day; didn't you?

2 A But they didn't give me a pill at the hospital.

3 Q But then they took you to the hospital for an
4 evaluation so you could meet the doctor.

5 A Right, they didn't give me the pill.

6 Q Okay. So you got to the hospital and you weren't
7 on your pills.

8 A No, they didn't give me the pills.

9 Q Now you tell me in this letter where it says, I'm
10 not getting my medicine, I need y'all to help me?

11 A That ---

12 Q Show the jury where it says in the letter I'm not
13 getting my medicine ---

14 A I don't think ---

15 Q ---I need you to help me.

16 A I don't think I said that in the letter.

17 Q You didn't say that in the letter?

18 A Uh---

19 Q But now you were in the hospital, you didn't have
20 your medicine, but you took the time to write your
21 two brothers, what you call your so-called
22 brothers ---

23 A I think I wrote Mr. Brooks that letter.

24 Q Okay, but I'm asking about that letter that you
25 sent to Jerome and Terry.

DW - A. WILSON - CROSS

1 A I didn't write -- I wrote the letter but I didn't
2 tell Jerome and Terry because I don't tell my
3 business to everybody.

4 Q Did you say in the letter that you knew you were
5 wrong, that you made a mistake?

6 A Yeah, I was off my medication.

7 Q And you --- she wouldn't give you the 45 cents to
8 get your mail off?

9 A Right.

10 Q Three years have passed, I hurt my family, I hurt
11 myself, and I hurt the one person I love in the
12 world is my momma.

13 A I said that.

14 Q Is that your words?

15 A That my words.

16 Q Did you write that?

17 A I write that.

18 Q You did not say that this was a woman who was
19 impersonating somebody.

20 A Well ---

21 Q You did not say it was a stranger.

22 A It's an off and on thing.

23 Q That's what you said, you hurt your momma.

24 A But if I -- if we get to the point I said I hurt
25 my mother because I'm thinking about Elizabeth S.

DW - A. WILSON - CROSS

1 Wilson I hurt, not this woman here. This woman here
2 was an intruder, Elizabeth S. Wilson, and I hurt
3 because that my mother and she wanted me to do
4 better.

5 Q You started thinking that this was not your
6 mother when she wouldn't get you out of jail, when
7 she wouldn't give you a stamp, when she wouldn't
8 give you any money. You decided this was not your
9 momma and you took care of her by hitting in the
10 head with a bat?

11 A That what my father told me to do.

12 Q Do you still think today -- you've been on your
13 medicine now for three years.

14 A Yeah.

15 Q Today the Doctor says you are better than you've
16 ever been.

17 A Right.

18 Q You still think you did the right thing today?

19 A Yeah, yeah.

20 Q By taking a bat and violating what the Bible
21 taught, do not kill?

22 A Well, I put my mother with my father who is in
23 heaven and till death do they never did part.

24 Q Okay.

25 SOLICITOR FINNEY: Beg the Court's

DW - A. WILSON - CROSS

1 indulgence.

2 BY SOLICITOR FINNEY:

3 Q I got one more question. Tell the ladies and
4 gentlemen of the jury why you smoked crack.

5 A Oh, I smoke crack to meditate and I smoke crack
6 to relieve stress.

7 Q How did you get the money for the crack?

8 A I, I would, I would, that my -- I get it out my
9 check.

10 Q Out your check?

11 A Yeah.

12 Q But you didn't get your check, your momma got
13 your check.

14 A Well, she -- that why -- that why she hate to
15 write a check because she write the check to
16 Elizabeth Wilson. She sign the check Elizabeth
17 Wilson, and I know my mother sign her check for ten,
18 for decades Elizabeth S. Wilson.

19 Q Your mother gave you part of your check every
20 week so you'd have pocket money.

21 A No.

22 Q And you took that pocket money and ---

23 A No, no.

24 Q ---and bought crack with it.

25 A Every month, once a month.

DW - A. WILSON - CROSS

1 Q The check comes once a month, ---

2 A No.

3 Q ---but she gives you money every week?

4 A No, no, no, once a month.

5 Q Okay. So your testimony is that mom would cash
6 your check and give you all the money?

7 A Now I pay rent.

8 Q Hold on, how much was your check?

9 A My check was 618.

10 Q Every month?

11 A Every month.

12 Q 1st, the 15th or the 30th?

13 A The 3rd.

14 Q The 3rd. When the check came in who would you
15 get the check?

16 A My mother.

17 Q Direct deposit?

18 A Direct deposit.

19 Q How would she give you the money?

20 A It would come to my father account and she'll
21 write a check to me.

22 Q So you'd take your check and do what with it?

23 A I cash it.

24 Q Where?

25 A At the bank.

DW - A. WILSON - CROSS

1 Q What bank?

2 A NBSC bank.

3 Q In Sumter?

4 A Right.

5 Q How would you get there?

6 A My mother.

7 Q Okay. So your mother would take you to the bank

8 ---

9 A Right.

10 Q ---with a check that you got from your father's
11 account, and you'd have a whole pocket full of money
12 on the 3rd of the month?

13 A Yeah.

14 Q And after that you would spend your money the way
15 you wanted to spend your money.

16 A Yeah.

17 Q And you would buy crack with it?

18 A I buy what I need with it.

19 Q You buy crack with it, wouldn't you, Mr. Wilson?

20 A I said I buy what I need. If I need clothes ---

21 Q Mr. Wilson, didn't you tell the doctor you smoke
22 crack every day? Yes or no.

23 A You can't smoke crack every day.

24 Q Mr. Wilson, didn't you tell that to your doctor?

25 A Nobody can smoke crack every day.

DW - A. WILSON - CROSS

1 Q Okay.

2 A Because they can't afford to smoke no crack every
3 day.

4 Q Mr. Wilson, you didn't have enough money from
5 your check on the 29th of November ---

6 A Okay.

7 Q ---to buy a dadgum 45 cents stamp so what did you
8 do with your money between the 3rd and 29th?

9 A Okay. September and October the social security
10 administration stop my check; I was incarcerated.

11 Q Okay.

12 A Okay. My mother got me out of jail.

13 Q When?

14 A In September, in September.

15 Q All right.

16 A Got me out of jail in September. Okay.

17 Q You had no check for September?

18 A I got, I got money from my mother in Sept-- in
19 October and ---

20 Q No check in October?

21 A No, no.

22 Q You had no check in October.

23 A My mother -- wait a minute, let me explain. The
24 money been coming to my, direct deposit, and my
25 mother would just simply knowing the money was in

DW - A. WILSON - CROSS

1 the bank she would write me a check automatically at
2 the house.

3 Q You just told the jury you had no social security
4 in September, no social security in October, your
5 mom was giving you some money. Didn't you just say
6 that?

7 A I'm trying to tell you. My mother would take
8 money out of her account to -- my check was coming
9 direct deposit in the account, take money out their
10 account and give me a check. And she thought she
11 didn't get it, and after she gave me the check she
12 didn't know that the Social Security Administration
13 cut off the check.

14 Q In November, on the 3rd day of November ---

15 A On the 3rd ---

16 Q ---when you woke up at your house with your
17 momma?

18 A The 3rd of November I got two checks.

19 Q You got two checks?

20 A 1700-dollars.

21 Q And she took you down to the bank and cashed ---

22 A I deposited 1,000 dollars in the bank in my
23 account. I had my own account.

24 Q Okay. On the 3rd of November?

25 A On the 3rd of November.

DW - A. WILSON - CROSS

1 Q And 26 days later you didn't have enough to get a
2 stamp.

3 A No, I -- that's right -- no, I had no money in my
4 pocket. The money was in the bank.

5 Q You had money in the bank?

6 A I had money in the bank. I ---

7 Q But you got mad at your mother and went ---

8 A I done ---

9 Q ---left the house and went to the community
10 center because she wouldn't give you a stamp.

11 A I deposited 1,000 dollars in the bank on
12 November 3rd 'cause I got two checks in November. I
13 deposited 1,000 dollars in the bank, and then I
14 took -- I kept 400 in my pocket. And then at the
15 end of November I went back to the bank and the
16 fifty dollar check that he say I wrote, I wrote
17 fifty dollar check and left 610 in the bank, 610.
18 And I told my mom write me a check for whatever
19 amount and I'll try to get my medication.

20 Q Mr. Wilson.

21 A I have 610 in the bank.

22 Q Tell the ladies and gentlemen of the jury why you
23 told Doctor Domino that somebody else killed your
24 mother.

25 A Well, I told the doctor that because she been

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1 always -- if I tell that that weren't my mother she
2 was saying I'm delusionary thinking and was found me
3 incompetent to stand trial.

4 Q Okay. So you told her somebody else ---

5 A Yeah.

6 Q ---did it?

7 A Right.

8 Q Because that would mean that you are not
9 incompetent, that you are competent to stand trial?

10 A That would make me, that would make her say that
11 medication ain't had nothing to do with the thing
12 and that make her say that you have to -- the
13 medication ain't had nothing to do with it and that
14 she wrote I would have delusionary thinking. If I
15 tell her I had delusionary thinking she would find
16 me incompetent to stand trial.

17 Q Okay. But you wanted to be found competent?

18 A I wanted to be found competent.

19 Q Because you are competent?

20 A Yeah.

21 Q Because you know the difference between right and
22 wrong?

23 A Well, ---

24 Q And you made a plan, you made a decision to tell
25 the doctor two different stories. You didn't tell

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1 her that your momma was taken over by alien. You
2 told her somebody else killed your momma.

3 A Well, and I'll tell you, I take a picture of
4 something and I store it in my memory bank and I use
5 it for at certain times like this. Like, I knew
6 whatever happened to me I had to, my day in court.

7 Q Right.

8 A And that the time to come out with everything.

9 Q And today is that day?

10 A And today is that day.

11 Q And you decided how you were gonna handle the
12 case today.

13 A No.

14 Q You wanted to come to court and have your day in
15 court.

16 A I have my -- speak what my thoughts was about.

17 Q All right. Thank you, sir. Nothing further.

18 THE COURT: Any redirect, Mr. Brooks?

19 MR. MEADORS: No other questions, Judge.

20 THE COURT: Thank you. You may step down.

21 Mr. Brooks?

22 MR. BROOKS: Defense rests, Judge.

23 THE COURT: All right, thank you. Ladies
24 and gentlemen of the jury, this is a good time to
25 break for lunch. We'll go to lunch. Be back here

1 2:30. Gentlemen, will that work? Be back here just
2 a little before 2:30 so we can start right at 2:30.
3 And just for your edification we will probably
4 finish the testimony today and then we'll argue and
5 charge tomorrow morning. I just want to give you a
6 heads up. Thank you, ladies and gentlemen. Please
7 do not discuss anything about the case while you're
8 away for lunch.

9 (WHEREUPON, the jury was removed from the
10 courtroom at 12:39 p.m. and a lunch break was
11 taken.)

12 MR. BROOKS: Judge, we would need to renew
13 our motion on the record.

14 THE COURT: Don't you need to do it after
15 he has put his -- after all the evidence has been
16 ---

17 MR. BROOKS: I need to renew my motion
18 after I presented our case.

19 THE COURT: Okay, I didn't know, I wasn't
20 sure on that so. All right, yes, sir, what would
21 you like to tell me that would change my mind on
22 that motion?

23 MR. BROOKS: Judge, at this point we renew
24 our motion for directed verdict in regards to this
25 case. We put up evidence of my client's not being

1 guilty by virtue of him not being criminally
2 responsible; and we'd ask the Court to grant a
3 verdict with regards to that, in addition to the
4 prior motion that we made at the close of the
5 State's case.

6 THE COURT: All right. Mr. Meadors.

7 MR. MEADORS: Your Honor, in a light most
8 favorable to the State we think there's an abundance
9 of evidence to -- well, first of all, we have a
10 statement he did through the letter. His brother
11 came and testified he saw him with the bat standing
12 right over his mother. We think that's enough at
13 this point. The question then is has he rebutted.
14 Obviously defendants are presumed sane as he through
15 Doctor Martin's testimony and his client's
16 testimony, overcome that presumption so he could
17 have a opportunity at not guilty of reason of
18 insanity. Assuming he has, I don't know, I still
19 think the State's allowed to go forward at this
20 point and that's a jury issue and we actually have a
21 doctor to call in reply.

22 THE COURT: I agree and I respectfully
23 deny your motion. Thank you. Let's bring our jury
24 in.

25 (WHEREUPON, the jury was returned to the courtroom

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1 at approximately 2:39 p.m., and the following
2 proceedings commenced in open court.)

3 THE COURT: Is the State ready to proceed
4 in its rebuttal case?

5 MR. MEADORS: May it please the Court.

6 THE COURT: Yes, sir.

7 MR. MEADORS: The State of South Carolina
8 would now call Doctor Marla L. Domino.

9 THE COURT: Doctor Domino, come forward to
10 be sworn please. Thank you.

11 THE CLERK: Place your left hand on the
12 bible, raise your right hand. State your full name.
13 WHEREUPON,

14 **MARLA L. DOMINO,**
15 having been duly sworn by the Clerk, testified as
16 follows:

17 THE CLERK: Thank you, ma'am. Have a seat
18 up here please. Please state your full name and
19 spell last name for the record.

20 THE WITNESS: Marla Domino, D-O-M-I-N-O.

21 **DIRECT EXAMINATION**

22 BY MR. MEADORS:

23 Q Good afternoon, Doctor Domino.

24 A Good afternoon.

25 Q Doctor Domino, will you please tell the ladies

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1 and gentlemen of this jury about yourself,
2 specifically your background, your education, your
3 training, and in particular your education and the
4 field of expertise that I'm gonna ask you to testify
5 about here today please.

6 A Yes. I obtained a bachelor's of psychology
7 degree in 1992 from the University of California
8 Santa Cruz. I then obtained a bachelor of science
9 in criminal justice from Northeastern University in
10 Boston in '94. I went on to get my doctorate in
11 clinical psychology from the University of Alabama.
12 That was in 2001. And Alabama is one of the few
13 programs in the United States to have a specialty
14 emphasis in psychology in law which is what I did.
15 In completion of my doctorate I did an internship at
16 the University of North Carolina Chapel Hill in
17 conjunction with a maximum security prison in
18 Butner, North Carolina. After I completed my
19 doctorate I then went out to do a one year
20 post-doctorate fellowship at the University of
21 Massachusetts in clinical and forensic psychology.

22 Q What about your professional experience, can you
23 tell us about that.

24 A Yes. After I finished my post-op I stayed in
25 Massachusetts for three months and did contract work

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1 for them doing forensic evaluations. I was then
2 hired by the South Carolina Department of Mental
3 Health in January of 2003 where I have remained
4 until today.

5 Q And then prior to that you were an assistant
6 professor?

7 A Yes.

8 Q Or during that time?

9 A Right, so currently I am also an adjunct faculty
10 at the University of South Carolina in Columbia. I
11 have taught a variety of classes there,
12 undergraduate and graduate courses including one on
13 the insanity defense. But along with that I do help
14 train the forensic psychiatry fellows that rotate
15 through our unit every year.

16 Q And did you work in Bridgewater, at Bridgewater
17 State Hospital?

18 A I did, yes, so that was where I did my one year
19 post-stock and then and they contracted me to work
20 for three months following the completion of my
21 postop.

22 Q And what did you do there?

23 A I did competent to stand trial and criminal
24 responsibility evaluations.

25 Q And now you're one of the chief psychologists at

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1 the South Carolina Department of Mental Health's
2 forensic evaluation unit?

3 A Yes.

4 Q And what is your job there?

5 A Primarily what I do is I complete evaluations of
6 competence to stand trial and criminal
7 responsibility. That's the bulk of my work. Like I
8 mentioned, I also am part of the faculty of the
9 University of South Carolina's medical school
10 forensic fellowship so I do some work with that
11 program.

12 Q Can you give us an idea of how many evaluations
13 you have conducted in your career?

14 A We do -- each examiner does approximately a
15 hundred evaluations per year, and I've been at the
16 Department of Mental Health 12 years at the end of
17 this month. And so in addition to that, roughly
18 1200 evaluations. I have probably done several
19 hundred during my postop and internship.

20 Q And where is your office?

21 A In Columbia.

22 Q Off Farrow Road?

23 A Correct.

24 Q And have you ever been offered as an expert in
25 courts of records of this state in the field of

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1 forensic psychology?

2 A Yes, I have.

3 Q And have you been so accepted as an expert in
4 that area?

5 A Yes.

6 Q Approximately how many times?

7 A Approximately 60 times.

8 Q And you don't have to tell me, are you also
9 published?

10 A Yes.

11 Q And is your publications in this same field?

12 A Some of them are, yes.

13 MR. MEADORS: Your Honor, at this time we
14 would offer Doctor Marla L. Domino as an expert in
15 the field of forensic psychology.

16 THE COURT: Any objection, Mr. Brooks?

17 MR. BROOKS: No objection.

18 THE COURT: All right. Thank you, ladies
19 and gentlemen, just like all the other expert
20 witnesses you take her testimony and her opinion as
21 you see best in this situation. You give no greater
22 weight or less simply weight simply because she is
23 an expert. Thank you.

24 You may proceed.

25 MR. MEADORS: Thank you.

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1 BY MR. MEADORS:

2 Q You need water or anything?

3 A No, I'm fine, thank you.

4 Q Doctor Domino, pursuant to a court order from one
5 of the judges in this circuit, third circuit, did
6 you have an occasion to evaluate the defendant
7 Alexander Bernard Wilson?

8 A Yes, I did.

9 Q And that evaluation consisted of initially
10 competency, correct?

11 A Correct, yes.

12 Q And I believe it's been stipulated to for this
13 purposes and the documents are in the record, as of
14 today the defendant is competent, correct?

15 A That is my understanding, yes.

16 Q And when you -- last time that you dealt with him
17 and talked with him you found that he was competent?

18 A Correct.

19 Q And when was that?

20 A January 14th of this year.

21 Q Okay. Doctor, let me ask you first of all just
22 the issue you, and your background, and we're not
23 here for competency; but as far as criminal
24 responsibility and capacity to conform -- and that's
25 one of the things you were ordered to evaluate the

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1 defendant for, correct?

2 A Correct.

3 Q And what is criminal responsibility?

4 A Criminal responsibility essentially means was an
5 individual so mentally ill at the time they
6 committed a crime that they didn't know right from
7 wrong.

8 Q And that's what criminal responsibility means?

9 A Correct.

10 Q Does one know at the time of the commission of
11 the crime the difference between right or wrong?

12 A Right.

13 Q And as far as capacity to conform, what does that
14 mean?

15 A Again, the question and capacity to conform is,
16 is this individual so mentally ill that they
17 essentially couldn't help but commit this illegal
18 act, that they couldn't conform their conduct to the
19 requirements of the law.

20 Q So if you're criminally responsible and you know
21 the difference between right and wrong, that would
22 certainly mean, like, if it was proved beyond a
23 reasonable doubt one would be guilty, correct, if
24 they were criminally responsible?

25 A Correct.

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1 Q Could one be -- and if one was, knew the
2 difference between right and wrong but because of a
3 mental disease or defect and could not conform their
4 conduct to the requirement of the law, what would
5 that be?

6 A That would be guilty but mentally ill.

7 Q Had they knew right from wrong but because of the
8 illness couldn't conform their conduct?

9 A Correct.

10 Q And those are the things that you're trying to
11 make a determination on and come to an opinion to a
12 reasonable degree of medical certainty so you can
13 tell His Honor and tell these ladies and gentlemen
14 of the jury, correct?

15 A That's correct.

16 Q And what information do you and did you gather to
17 help you come to a decision about those issues?

18 A Well, at the time that I interviewed Mr. Wilson
19 for criminal responsibility on a charge of murder I
20 had already seen him on four different occasions so
21 I had gotten a lot of information from him about his
22 background, his education, his psychiatric history,
23 and was also able to observe him and determine how
24 he was doing at the time. So in total, prior to
25 writing this report I had met with Mr. Wilson for 12

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1 hours and 25 minutes. In addition to meeting with

2 ---

3 Q Can I do, and ---

4 A Yes.

5 Q Have you got something on your report that says
6 sources of information?

7 A Yes.

8 Q Okay. Can -- do you know when you first met with
9 him?

10 A Yes, it was March 8th of 2011.

11 Q And for how long did you meet with him then?

12 A Two hours and ten minutes.

13 Q And when did you next meet with him?

14 A July 19th, 2011.

15 Q And how long did you meet with him then?

16 A One hour and 10 minutes.

17 Q And when did you next meet with him?

18 A November 19th, 2012.

19 Q For how long?

20 A 2 hours and 30 minutes.

21 Q And then?

22 A April 10th, 2013, for 2 hours and 20 minutes.

23 Q And did you meet with him in December,
24 specifically December 20th of 2013?

25 A Yes.

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1 Q For how long?

2 A 2 hours and 35 minutes.

3 Q And at this time was it just you and him?

4 A And there is another examiner employed by the
5 Department of Mental Health.

6 Q And I guess you're a State employee?

7 A Yes.

8 Q And are these examinations done at the Department
9 of Mental Health in Columbia?

10 A Yes, there is one designated building.

11 Q So that was a total of I think you said 12 what?

12 A Well, my final meeting with him was January 14th
13 of this year; and all being said, I met with him for
14 12 hours and 25 minutes.

15 Q Now what other information did you have to help
16 aid you, or did you acquire, in coming up with your
17 opinion?

18 A Well, in addition to my interviews I also
19 reviewed the inpatient charts when Mr. Wilson was
20 committed to our forensic hospital twice. I
21 reviewed those charts. I also reviewed an interview
22 that the second examiner did with Mr. Wilson's
23 brother Jerome Wilson. I reviewed all of the legal
24 data that was provided to me so arrest reports,
25 witness statements, incident reports, crime scene

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1 investigation autopsy reports, things of that
2 nature. I reviewed Mr. Wilson's adult criminal
3 record. I reviewed his Santee Wateree Mental Health
4 records. He was seen there from approximately 1998
5 through 2008. I reviewed his Dorn VA medical
6 records, and those span about nine years, 2001 to
7 2010. I reviewed his Three Rivers Behavioral Health
8 records, his Sumter-Lee County Detention Center
9 records. I also reviewed some email exchanges that
10 were provided to me regarding Mr. Brooks and Darla
11 Pierce. I reviewed an investigative report that was
12 written by an investigator hired by Mr. Brooks, and
13 I also reviewed Tuomey Hospital records dating from
14 2007 until 2010.

15 Q And I don't think you said these but if you did,
16 I apologize to everybody. Did you review autopsy
17 reports?

18 A Yes, I did.

19 Q And the driving record of Mr. Wilson?

20 A Yes.

21 Q Sled forensic report request?

22 A Yes.

23 Q CAD operations report?

24 A Yes.

25 Q Call logs?

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1 A Yes.

2 Q I believe you said emails. Statement from
3 Mr. Wilson?

4 A Yes.

5 Q And did you mention you also reviewed Tuomey
6 Hospital records?

7 A Yes, sir.

8 Q Okay, I apologize. And did you attempt but were
9 not able to get records from some place up north
10 that he had been seen by?

11 A Yes, I believe New Alternative, the substance
12 abuse facility.

13 Q You're preparing for your job basically, right?

14 A Yes.

15 Q Get the background information, read it, study
16 it, get up on it?

17 A Yes.

18 Q And then do you interview the individual in this
19 case, Mr. Wilson?

20 A Yes.

21 Q Tell us how you do it, I mean, practically. I
22 mean, when you first meet him what do you do?

23 A Well, we always inform the client of why we're
24 meeting with them and what the limits of
25 confidentiality are so is there anything that's

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1 going to be kept secret, what exactly am I gonna
2 write in my reports, what am I not going to write
3 and who my report is going to. And I tend to kind
4 of belabor that point. I want to make sure the
5 person understands why they're there and where the
6 information is going. I always offer client to talk
7 with their attorney before the evaluation again if
8 they want to. I then start out with a, what's
9 called a mental status exam. So it's a fairly brief
10 exam just seeing how the person's memory is, are
11 they oriented, do they know what the date is, how
12 their mood is, are they having any kind of suicidal
13 thoughts, things like that.

14 I then talk to the person in depth about their
15 history so where were they born, how far did they
16 get in school, what kind of jobs they've had, do
17 they have a criminal record, substance abuse
18 history, and then also psychiatric history. After
19 that then I address the forensic questions, the
20 whether it's competence to stand trial or criminal
21 responsibility. So in Mr. Wilson's case -- in other
22 defendants' case, I always tell them, you know,
23 start at the beginning of your day, the day the
24 incident happened and tell me as much as you can
25 remember, if you don't remember something tell me

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1 you don't remember, don't try to make it up. And so
2 I essentially leave it up something like that and
3 allow the person to give me just a free flowing
4 narrative of what they remember about their day.
5 When they have completed that, then I go back and
6 ask them very pointed questions about what they told
7 me; and essentially that, I do that until all my
8 questions are answered.

9 Q And in this case for -- you met with him over
10 several times, and did things change from one time
11 to another?

12 A No, his story was fairly consistent.

13 Q And what was his basic story that he told you?

14 A Well, that at the time the incident had happened
15 it was around dinner time and he was taking a bath.
16 He knew his mother was home. And that he heard an
17 intruder or an individual knock on the door, and he
18 looked through the bathroom window which has a view
19 to the door and saw that it was a man that he did
20 not know. He heard his mother open the door. And
21 he continued with his bath. He said shortly
22 thereafter he thought he heard his mother yelling or
23 screaming so from the bathroom he asked, are you all
24 right, ma, and he didn't receive a response. He
25 said he continued with his bath, finished bathing,

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1 drained the tub, cleaned it out, put his pajamas on
2 and then went to go see his mother.

3 Now the details from this point forward change
4 a little bit from interview to interview; but
5 essentially he said he went into his mother's
6 bedroom and there was a man there with a knife, I
7 believe, and that his mother was on the floor dead.
8 He and this intruder struggled. The intruder then
9 broke away from the struggle and ran out the door.
10 And Mr. Wilson said he tried calling the police, but
11 I believe he said the phone was dead and so he went
12 to the neighbor's house to call the police.

13 Q And you may have referenced in your report and
14 described them, would you describe that as
15 self-protective what he was telling you?

16 A There are several reasons he could have told me
17 that story. One could be that it was self-
18 protective. Another could be that sometimes when
19 people are mentally ill at the time and then they
20 stabilize, they try to make out logic of an
21 illogical situation and so they confabulate, they
22 make things up. They don't really know they're
23 making them up; they're just trying to make a
24 logical story of what happened.

25 Q And I think it was page 13 of your report. It

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1 said his account appeared to be self-protective and
2 not the manifestation of psychiatric symptoms, but I
3 understand what you just said following that up and
4 clarifying it. Did he also tell you about a letter
5 in the VA hospital, a letter that he -- and I'm on
6 page 13, Doctor, I'm just going down your report --
7 about a letter he had written to the VA and the
8 pharmacy?

9 A Oh, yes, about that he was requesting his
10 medication.

11 Q Right.

12 A Yes.

13 Q And he had told you he was out of his medication
14 and had been out for eight days?

15 A He did at the time, and then I confronted him and
16 said, however, you know there's Tuomey Hospital
17 records showing that you went, I believe it was nine
18 days. He went to Tuomey Hospital nine days before
19 the incident on November 20th, and they gave him
20 five days of pills. So when I said, you know, but
21 you went to Tuomey Hospital for your medication he
22 said, oh, yeah, they gave me a shot. And I said,
23 well, no, the hospital records showed you were given
24 pills, and then he said, okay, yes, they did. And
25 those records actually indicate that the hospital

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1 staff was not sure why he was out because he should
2 have had enough medication to last until the day of
3 the incident, November 29th.

4 Q And so do you know what, if he was out, why he
5 was out or -- you don't know what happened to those
6 pills?

7 A No. Mr. Wilson indicated to me that sometimes he
8 takes twice the amount that he's prescribed.

9 Q And did he mention to you that he was using crack
10 cocaine?

11 A He told me that he used the day before the
12 incident. He denied using the day of.

13 Q Now did you also receive information -- I think
14 you read it out and I can't find it right now but
15 I will -- from, it's on page 17, I'm sorry. And
16 you're just gathering information. You're trying to
17 gather information that's out there regarding the
18 defendant, right?

19 A Correct.

20 Q A lot of what you have obviously comes from the
21 twelve-and-a-half hours you spent with him?

22 A Yes.

23 Q But did you also, I know you did 'cause you said
24 you received a report or summary from the defense
25 counsel's investigator Glen Harold?

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1 A Yes.

2 Q And in that summary of Investigator Harold's, I
3 guess contact with the defendant, did he say that he
4 heard the voice from his father after he killed his
5 mother?

6 A It was, he had told the investigator that he had
7 hit his mother three times with a bat and after that
8 third hit that is when he heard his father's voice.

9 Q And this was defense's investigator providing to
10 you that he struck his mother three times, then he
11 heard a voice?

12 A Correct.

13 Q And did also in that same report from that
14 investigator, staying on page 17, did Mr. Harold
15 report that the defendant had said he'd been smoking
16 marijuana and crack cocaine trying to compensate for
17 addiction to Abilify?

18 A Yes.

19 Q And he had run out of the medication eight days
20 prior because he'd been taking double doses to feed
21 his addiction?

22 A Correct.

23 Q And did he talk to him about that he had asked
24 his mother for a stamp to mail off his medication
25 and she ignored my request?

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1 A Yes.

2 Q Okay. Made another request and he was ignored
3 again?

4 A Correct.

5 Q Asked her for a check to send off for his
6 medication and she yelled at him?

7 A Yes.

8 Q All right. And that's he said he took the bat
9 and hit her, she didn't respond, he hit her again,
10 she didn't respond so he hit her again. He then
11 heard a voice that sounded like my father and the
12 voice said bring her to me.

13 A Yes.

14 Q Do you have an opinion to a reasonable degree of
15 medical certainty about whether or not the defendant
16 Alexander Wilson was criminally responsible on
17 November 29th, 2010, when he beat his mother to
18 death with a bat?

19 A Yes.

20 Q What's that opinion?

21 A That there's a lack of evidence to show that he
22 because of mental illness did not know right from
23 wrong at the time.

24 Q No evidence whatsoever that he didn't know the
25 difference between right and wrong?

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1 A No evidence that was available to me. Nothing
2 that he told me or anything I saw in police records
3 or hospital records.

4 Q And you talked to him for twelve-and-a-half
5 hours?

6 A Yes.

7 Q And as a matter of fact, in testimony not only
8 didn't tell you anything that showed he didn't know
9 the difference, he actually blamed it on somebody
10 else?

11 A Correct.

12 Q And isn't that an indicator that you know
13 something is wrong if you blame it on somebody else?

14 A Well, it's an indicator that now he knows it's
15 something, that it was wrong.

16 Q But all our conversations with him are
17 afterwards. I mean, I say ours, with Doctor Martin,
18 yours, they're all after the fact?

19 A Correct, yes.

20 Q I know you, like Doctor Martin, I ask you too,
21 you said you'd love to be there right after it
22 happened in a real world to be able to really look
23 at somebody right after they did it, that's not
24 reality, is it?

25 A Not in South Carolina.

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1 Q Well, it's really not reality anywhere where
2 doctors or psychiatrists are gonna be at a murder
3 scene. I hope it never is, but I mean ---

4 A Well, no actually, but in Massachusetts we often
5 saw people within 24 to 48 hours of their arrest
6 which is very helpful.

7 Q And that would be important?

8 A Yes.

9 Q Like a Nurse Laraque and you reference in here
10 that she found him oriented times three just a few
11 hours after it happened, and so that was good that
12 she saw him and made those notes; ---

13 A Yes.

14 Q ---wasn't it?

15 A Yes.

16 Q So is he schizophrenic, paranoid schizophrenic?
17 Is that his mental illness he does have?

18 A That is my opinion, yes.

19 Q And that's based on the history, the records you
20 looked at, primarily the history of the records and
21 talking with him, you came -- you agree with that,
22 correct?

23 A Correct, yes.

24 Q So it's your opinion to a reasonable degree of
25 medical certainty is that on November 29th, 2010, he

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1 was criminally responsible, knew the difference
2 between right and wrong?

3 A Correct, yes.

4 Q Well, let's move on to the -- I don't know if
5 it's another issue or not, but the next question, do
6 you have an opinion to a reasonable degree of
7 medical certainty of the defendant Alexander
8 Wilson's ability to conform his conduct to the
9 requirements of the law?

10 A Yes.

11 Q And what is that opinion?

12 A Again, it is my opinion that there is
13 insufficient data to indicate that he was unable to
14 conform his conduct to the requirements of the law.

15 Q That's after twelve-and-a-half hours of talking
16 to him?

17 A Yes.

18 Q And actually, he told you that he called the
19 police that morning, right?

20 A He told that to Doctor Martin, yes.

21 Q Okay, well, all right. And that shows if he
22 thought something was wrong he knew to call the
23 police, right?

24 A Right.

25 Q I mean, and so if he saw something was wrong

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1 later he could have called the police, correct?

2 A He could, yes.

3 Q But you have no evidence or indication after
4 talking with him or looking on the records, that he
5 did not, could not conform his conduct to the
6 requirements of the law?

7 A Correct.

8 Q And he'd actually been living with, well his
9 whole life, living with his momma and father and
10 brothers; and CAPRAS Syndrome, or however it's
11 pronounced, is not something you included in your
12 report, correct?

13 A Correct.

14 Q And that's not something, I mean, you didn't
15 mention it at all?

16 A Correct.

17 MR. MEADORS: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 BY MR. MEADORS:

20 Q Just a few more questions please, Doctor, please
21 the Court. I'm not saying he was, but let me just
22 pose this to you. Even if he was delusional, it's
23 your opinion he knew the difference between right
24 and wrong?

25 A That's correct. So even if we assume that he

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1 believed his mother was a clone, that there's no
2 indication that that prevented him from knowing it
3 was wrong to kill her.

4 Q And you have information, or do you have
5 information in here that he wanted money for the
6 stamp, his mother wouldn't give it to him, he went
7 to try to find her to get money?

8 A Right, correct.

9 Q All consistent with being angry?

10 A It could be.

11 Q On crack cocaine?

12 A Possibly, yeah, that was never confirmed but.

13 Q And assuming he, for sake of argument he was
14 delusional, your testimony and your opinion to a
15 reasonable degree of medical certainty, he still
16 could conform his conduct to the requirements of the
17 law?

18 A Correct.

19 Q And like I say, he'd been living with them for 62
20 years, his whole life.

21 A I believe so, yes.

22 MR. MEADORS: Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 BY MR. MEADORS:

25 Q And Doctor, when he was initially interviewed by

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1 you in November of 2012 he denied this delusional
2 belief that the alleged victim was not his mother,
3 right?

4 A In 2013?

5 Q Maybe I'm reading it wrong. 2012, I'm sorry.

6 A Oh, yes.

7 Q I'm sorry.

8 A Correct, so another competence was ordered and I
9 saw him again. At that time, yes, he denied that
10 his mother -- he denied the delusion that his mother
11 was a clone. However, he had new potential
12 delusions about the crime; namely, he insisted that
13 a heart attack is what had killed her.

14 Q Another story taking the focus off him that he
15 didn't do it; is that fair to say?

16 A That's ---

17 Q I'm not saying that it made sense, but I'm saying
18 that ---

19 A Right.,

20 Q ---he's saying basically I didn't do it.

21 A Correct, but I think that was part of his mental
22 illness.

23 Q But again would show that he knew the difference
24 between the right and wrong.

25 A Well, at that time I didn't query him extensively

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1 about what happened at the incident.

2 Q And finally, just for the record respectfully,
3 does Mr. Wilson sitting next to Mr. Brooks that you
4 interviewed, in your opinion is that to a reasonable
5 degree of medical certainty on November 29th, 2010
6 he knew the difference between right and wrong and
7 even though he was paranoid schizophrenic he knew
8 the difference between right and wrong and he could
9 conform his conduct to the requirements of law? In
10 other words, he knew it was wrong to kill his momma.

11 A Correct.

12 Q Thank you.

13 THE COURT: Mr. Brooks.

14 **CROSS-EXAMINATION**

15 BY MR. BROOKS:

16 Q Doctor Domino.

17 A Mr. Brooks.

18 Q How are you doing today?

19 A I'm doing well, thank you.

20 Q I'll try to be brief. You had the opportunity to
21 meet with Mr. Wilson on five occasions?

22 A Six.

23 Q Six occasions?

24 A Yes.

25 Q Now on two of these occasions he was deemed not

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1 competent to stand trial?

2 A. In fact, I believe on three of those occasions,
3 yes.

4 Q Three of those occasions. And you made
5 determination at that time?

6 A That was my opinion at the time, correct.

7 Q And these occasions were between the time the
8 incident occurred and now; is that correct?

9 A Correct.

10 Q And just to make sure we're clear, your opinion
11 is not that he did know right from wrong or that he
12 did have the ability to conform his conduct, your
13 opinion is that there's not enough data to make that
14 determination; isn't that correct?

15 A Well, there's -- it is my opinion that there is
16 no data to indicate that he didn't know right from
17 wrong.

18 Q Your opinion is that no data. And if you have
19 your report in front of you; is that correct, Doc?

20 A That is correct.

21 Q Is there a difference between no data and
22 insufficient data?

23 A I use the word insufficient because the data to
24 me is clear that he was mentally ill at the time,
25 but there was no indication in that data to show

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1 that he didn't know right from wrong.

2 Q Okay. So based on what you're saying it's
3 possible that he did not know right from wrong; but
4 in the course of your evaluation and reviewing all
5 the things that were given to you, your opinion was
6 what you had was the data did not exist to say that?

7 A Correct.

8 Q Okay. And there is, you would acknowledge that
9 there is a difference between the two, whether or
10 not the person is, knows right from wrong versus
11 whether there's data that suggests the person did
12 not know right from wrong?

13 A If I ---

14 Q I know it sounds a little confusing. You would
15 acknowledge that there's a difference between
16 rendering an opinion, in my opinion I think the
17 person knew right from wrong, versus in my opinion
18 there's not enough data to suggest the person did
19 not know right from wrong?

20 A Correct. And to explain that, typically when we
21 do these evaluations there is very often indications
22 that somebody knew it was right from wrong. So
23 fleeing from the scene is often an indication that
24 somebody knew right from wrong. In Mr. Wilson's
25 case there, there just wasn't data to show that.

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1 Q Okay. And in this situation he -- everything
2 that was given to you is that he did not flee the
3 scene?

4 A Right.

5 Q Okay. Now, and I think one of the things that
6 you answered in terms of Mr. Meadors was trying to
7 make logic out of a illogical situation in regards
8 to his questions about the reasons he smoked crack,
9 the reason he got mad for not having a stamp and got
10 mad with his mother. Your response was this is
11 trying to make logic out of an illogical situation.
12 Do you recall that?

13 A I believe that was in response to Mr. Meadors'
14 question about why did I think that Mr. Wilson gave
15 me the story he did. And I think it was either
16 self-protective or he was mentally ill at the time,
17 is stable now and is trying to make logic out of a
18 time period when he was mentally ill.

19 Q Okay. So to make sure I understand this, you --
20 it's from hearing you testify you're acknowledging
21 that Mr. Wilson has a severe mental illness?

22 A Yes.

23 Q Okay. There's no question in your mind about
24 that?

25 A Correct.

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1 Q I don't think that's disputed in this case?

2 A Correct.

3 Q Okay. 'Cause you've been here at least through
4 Doctor Martin's testimony today and you don't
5 dispute there's something wrong with Mr. Wilson?

6 A He definitely has a mental illness and that has
7 been, yes.

8 Q And the reason I say something wrong, I'm kind of
9 using that for layman's terms.

10 A Right.

11 Q Obviously you and Doctor martin, y'all have gone
12 to school, y'all look at this, this is your crowd,
13 forensic psychiatry, all that stuff, all that stuff
14 that I really don't understand and probably a lot of
15 other people and average ordinary folks in the
16 community don't understand. But to break it down
17 into simplest terms, there's something wrong with
18 him upstairs. Is that a fair assessment?

19 A Well, I would never use that phrase because I
20 think it's very negative.

21 Q Okay.

22 A But Mr. Wilson is an individual with a serious
23 mental illness.

24 Q Okay. And that's why you were saying that now he
25 knows, whereas maybe back then he didn't know. And

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1 let me help you out here. Mr. Meadors was asking
2 the question about he gave you the story that
3 somebody else did it; and your response was, well,
4 now he knows and this might be a situation where
5 he's now thinking logically trying to use logic to
6 explain an illogical situation? Was that, is that a
7 fair assessment of how that dialogue went between
8 you and Solicitor Meadors?

9 A I'm not sure I said illogical situation. What I
10 meant to say is that when people are mentally ill
11 they often don't have a good memory for what
12 happened; and then when they stabilize on their
13 medication and think back to that time period, they
14 try to fill in the gaps. And especially if you
15 don't have incite that you have a mental illness,
16 you try to make that situation logical.

17 Q And that's when you kind of characterize it as
18 now he knows as in now he's been told what took
19 place and now he's trying to piece together what
20 happened because of his mental illness?

21 A Yeah. That was one of my hypotheses for why he
22 gave me this story about what happened, yes.

23 Q Okay. Now at the very end of Mr. Meadors'
24 questions to you he talked about, you know, ideally,
25 in a perfect world it would have been great for you

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1 as a forensic psychiatrist or Doctor Martin for that
2 matter, to have seen him, him being Mr. Wilson,
3 within 24 to 48 hours after the incident and taken
4 into custody and that sort of thing. And then your
5 response was, yes, that would have been ideal and we
6 don't do that in South Carolina. In Massachusetts
7 you use that as an example there's a situation where
8 you're able to do that; is that correct?

9 A That is correct.

10 Q And obviously you feel that would have been the
11 ideal situation having a videotape of him during the
12 question and answer process with law enforcement,
13 particularly Investigator Burnish, within 24 hours.
14 That would have been extremely helpful for somebody
15 like you in your capacity; is that correct?

16 A I'm not sure extremely but it would likely have
17 been helpful, yes.

18 Q And I might be, you know, exaggerating; but to
19 say the least it would have been helpful?

20 A Yes.

21 Q Okay. Because in order to really make an
22 accurate determination as to whether he knew right
23 from wrong and whether he had the capacity to
24 conform his conduct, the test for that is not
25 whether he knows that December 3rd, 2014; the test

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1 is whether or not he knew that November 29th, 2010;
2 is that correct?

3 A That's correct, yes.

4 Q Okay. So what his situation, what his thoughts
5 are right now is really not the test. The test is
6 what took place at the time that the incident
7 occurred?

8 A Correct.

9 Q Okay. And to make it clear, you did receive
10 information about the allegation that this is not my
11 mother, this is a clone, you received that
12 information? You received some information
13 suggesting that scenario was in Mr. Wilson's mind;
14 is that correct?

15 A Yes. Well, he told me that, yes.

16 Q Oh, he told you that. He told you that on one of
17 the six occasions that you met with him?

18 A Yes.

19 Q And he, and he gave you another story?

20 A Yes.

21 Q Saying that some man was in there and did that --
22 how did he describe it in your report? He said
23 something to the effect that he saw a man who was
24 5'9" and 6' tall. Is that accurate? I mean, does
25 that refresh your memory?

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1 A Yes.

2 Q It was on page 12 of your report.

3 A Yes, that's what he told me.

4 Q Okay. And so he gave you -- that was one
5 scenario. The other scenario that he gave you was
6 this is not my mother, this was a clone and ---

7 A Well, he told me his mother was a clone not in
8 the context of me asking him what happened at the
9 time. That was in regard to his competence to stand
10 trial so I always ask the defendant about the
11 victim. And so when I asked him about who the
12 victim was, he said, well, they're saying she was my
13 mother but she really isn't, was a clone.

14 Q All right. And on that particular occasion, is
15 that one of the occasions where he was deemed not
16 competent to stand trial?

17 A Yes.

18 Q Okay. So, and if a person is not competent to
19 stand trial that doesn't mean that they just go home
20 as far as what you know, Doctor. That means that
21 they wait to see if they become competent in order
22 to stand trial at a later date. Is that your
23 understanding?

24 A Correct. They would, after the Court opines them
25 to be incompetent they would go to the hospital for

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1 60 days and then be evaluated again.

2 Q Okay. So on at least one occasion this had
3 happened, he told you that he thought his mom was a
4 clone, you deemed him not competent.

5 A Yes.

6 Q And he went back for another 60 days?

7 A Correct.

8 Q Okay. And you were here and you heard him
9 testify about he wanted to be competent 'cause he
10 wanted to have a trial?

11 A Correct, yes.

12 Q Okay. So wouldn't it make sense that he's giving
13 you a story about a clone and his mother was a clone
14 and that you as the doctor deem him incompetent. We
15 already know he wants to be competent so he can have
16 his trial. So wouldn't it make sense for him now to
17 come up with this different story in order to be
18 deemed competent, the story being, hey, there was
19 another guy here, he did it, not me, etc., etc.?

20 A That's certainly plausible, yes.

21 Q Okay. And to make sure I'm clear, he was deemed
22 not competent by you on two occasions?

23 A On three occasions.

24 Q Three occasions?

25 A Yes.

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1 Q Okay. You also, I mean, you got information such
2 as correspondence that Mr. Wilson felt that
3 Elizabeth Wilson is a member of organized crime,
4 that person killed was intruder, was not Elizabeth
5 Sims Wilson, and this -- he gave stuff in writing
6 saying this was not his momma. You got that
7 information, and you included that in your report on
8 page 16 of your report?

9 A Correct, yes.

10 Q Okay. So, and again, he talks about she's too
11 young to be 82, talked about Elizabeth Sims Wilson
12 has up and bottom dentures. You got that
13 information?

14 A I did, yes.

15 Q And you, being diligent you included it in your
16 report your assessment of Mr. Wilson; is that
17 correct?

18 A Yes, that's correct.

19 Q After that it's still your opinion that there's
20 insufficient data to determine whether or not he
21 knew right from wrong?

22 A That's correct.

23 Q And it's still insufficient data to determine
24 whether or not he could conform his behavior?

25 A That is my opinion, yes.

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1 Q Okay.

2 MR. BROOKS: Beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 BY MR. BROOKS:

5 Q As far as you know, Doctor, Mr. Wilson since the
6 time of this incident, he has been locked up; is
7 that correct?

8 A That is correct.

9 Q He's not been able to go out or anything like
10 that?

11 A Not to my knowledge.

12 Q What I mean by out, outside in the free world,
13 that sort of thing?

14 A Right.

15 Q As far as you know he has been taking medication
16 regimen; is that correct?

17 A He has been prescribed medication. He has not
18 taken it always.

19 Q While he's been in State's custody?

20 A Correct.

21 Q Okay.

22 A In the jail. Specifically while he's been in the
23 jail.

24 Q Okay. And do those times where he has taken his
25 medication as prescribed, those dates actually

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1 coincide when you made a determination that he was
2 competent to stand trial; is that correct?

3 A I'm sorry, could you ask that again.

4 Q Okay, I'm sorry, Doctor. Those dates, those
5 times that he has taken his medication while in
6 State's custody like he should, as prescribed, those
7 dates actually coincide with the times that in your
8 evaluation you determined he'd be competent to stand
9 trial?

10 A Well, actually, one of the times -- I have only
11 opined him competent to stand trial once and that
12 was his last time, and that was after a 60 day
13 period in the hospital. However, a previous time in
14 the hospital in 2011, even though he was medication
15 compliant while in the hospital for 60 days, it was
16 my opinion when I saw him at the end of those 60
17 days that he was still delusional enough to be
18 incompetent.

19 Q Okay. No other questions.

20 THE COURT: Any redirect?

21 MR. MEADORS: Very briefly.

22 **R E D I R E C T E X A M I N A T I O N**

23 BY MR. MEADORS:

24 Q Mr. Brooks said insufficient data. Is your
25 testimony there was no data, correct, as far as

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1 determining he didn't know the difference between
2 right and wrong?

3 A That is correct. It's my opinion that there is
4 no data indicate he didn't know right from wrong at
5 the time.

6 Q Now Doctor, I want to just clear up a few things.
7 His competency is not what this trial is about here
8 today?

9 A That's correct.

10 Q Okay. And competency deals with the ability to
11 assist your attorney and understand the proceedings,
12 correct?

13 A Correct.

14 Q It has nothing to go with guilty or not guilty
15 but guilty but mentally ill?

16 A That's correct.

17 Q And both you and Doctor Martin, or Doctor Martin
18 most recently this morning, had found him to be
19 competent here today?

20 A Yes, other than the last time I assessed him for
21 that was in January.

22 Q And I said Doctor Martin as of today. He
23 previously Doctor Martin recently as of today?

24 A Right, yes.

25 Q And I understand you're not going to say

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1 something of today unless you met with him today.

2 A Right.

3 Q I would respect that and I wasn't trying to. Can
4 you differentiate between someone that's on crack
5 when they do something or on crack being versus when
6 somebody is on a delusion? Could you or any other
7 psychiatrist, psychologist, determine that?

8 A It's my opinion they can't. There are very
9 similar symptoms between psychosis and, or there can
10 be similarities between being psychotic and being on
11 crack. And if somebody has a psychotic disorder
12 like schizophrenic and is abusing crack, I think
13 it's very difficult to determine if their symptoms
14 are due to psychosis or if their symptoms are due to
15 crack or if their symptoms are due to both. I don't
16 know anybody that can tear that apart.

17 Q And you have to voluntarily take crack; don't
18 you? I mean, unless it's forced on you people
19 choose to ingest crash however they want to,
20 correct?

21 A Correct.

22 Q Just a couple other. Mr. Brooks was asking you
23 about the video and all and he asked you about the
24 question and answering period. Well, there wasn't
25 an question and answering period between Burnish and

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1 the defendant. I mean, he implied there was. There
2 was never a question and answering. Based on your
3 report did he, the defendant said I know my rights.
4 Correct?

5 A I'm sorry, what?

6 Q Mr. Brooks asked you, wouldn't it have been nice
7 if this question and answering period between
8 Mr. Burnish, Investigator Burnish, and the defendant
9 was on tape. There wasn't a questioning and
10 answering period; I just want to clear that up.
11 Mr. Burnish talked to him, read the warrant to him,
12 asked him if he could hear. And it's in your report
13 too, I think he said, I know my rights.

14 A Correct, yes.

15 Q So there wasn't extensive question and answering
16 period down there?

17 A Not that I could figure out.

18 Q Or that's been testified to?

19 A Correct.

20 Q And the other thing he said then was that, she
21 wasn't my mother, correct?

22 A Correct.

23 Q So beside -- and that was the day after this
24 incident, correct?

25 A Yes.

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1 Q The next day, midday. And Mr. Brooks asked you
2 about when he mentioned his mother was a clone
3 before. And I think your testimony was that was in
4 context of competency in years earlier, correct?

5 A That is correct, yes.

6 Q So he had never, ever, ever, ever, ever mentioned
7 to you about the clone in the incident when he
8 killed her at all until after, well, maybe today, I
9 don't know, until after you saw Doctor Martin's
10 report, right?

11 A That's correct.

12 Q I mean, that's the first time it came up as a
13 clone ever was after he met with Doctor Martin on
14 that night, correct?

15 A That is correct.

16 Q And Doctor Martin had your report —

17 A Yes, I believe so.

18 Q —to review —

19 A Yes.

20 Q —which showed the history of that way years
21 earlier, right?

22 A Yes.

23 Q That he had had that delusion earlier might have
24 been. But never in any of his time with you did he
25 mention one time that on that night his momma was,

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1 he thought she was somebody else, did he?

2 A No.

3 Q Ever?

4 A No.

5 Q Even after today Doctor Martin's testimony,
6 defendant's testimony, I know your report, that even
7 after today you sat here and heard it, is it still
8 your opinion that he knew the difference between
9 right and wrong and could conform his conduct?

10 A It still my opinion that there is not enough data
11 to indicate that he didn't know right from wrong or
12 that he couldn't conform his conduct, yes.

13 Q No evidence?

14 A I think there could be some evidence that he gave
15 to Doctor Martin; however, I would need to ask
16 Mr. Wilson a number of questions about what he told
17 Doctor Martin in order to change my opinion.

18 Q What questions would you ask him?

19 A Well, Doctor Martin wrote in his report that when
20 Mr. Wilson came to the senior center that Mr. Wilson
21 believed his mother became disturbed by his presence
22 and threatened to commit him to another psychiatric
23 facility. I would like to know what made him think
24 that his mother became disturbed by his presence.
25 He talked about that a psychiatric commitment bred

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1 fear. I would have wanted to ask Mr. Wilson about
2 that, what his fear was; he'd been committed before.
3 He said that at the time he thought his mother clone
4 was stealing his disability check and he didn't know
5 what to do. Would steal his disability check if he
6 were in the hospital; he didn't know what to. I
7 would want to know what options did you consider.
8 He apparently searched and found a photograph of his
9 mother and confirmed that she was not his mother.
10 Well, I would want to know how did he confirm that.
11 Mr. Wilson stated he called the police to tell them
12 his mother was not his mother. I would have wanted
13 to know how did the police respond. Were they, you
14 know, how did Mr. Wilson perceive that communication
15 as going. Mr. Wilson indicated that he said, if I
16 didn't follow my father's voice -- he told this to
17 Doctor Martin. If I didn't follow my father's voice
18 I'd be in turmoil the rest of my life and die.
19 Well, I would definitely want to know, you know,
20 what did he mean by that, what did he think would
21 happen if he didn't follow his father's voice, has
22 his father ever commanded him do something before,
23 has he ever heard command delusions before, have you
24 followed them, have you not followed them, what has
25 happened if you haven't followed them. Just a lot,

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1 a lot more information. I would like to ask
2 Mr. Wilson a lot more information about what he told
3 Doctor Martin happened.

4 Q And some of what he told Doctor Martin was
5 contradicted today. I think he said his mother gave
6 him some of the money, right?

7 A I believe he said that, yes.

8 Q And you might have followed up on something that
9 perhaps another witness didn't; is that you're
10 saying? You would have might have -- still doesn't
11 mean there would be any evidence to show he didn't
12 know the difference between right and wrong,
13 correct?

14 A There are things in Doctor Martin's report that I
15 would have wanted to follow up on; but there is no
16 clear indication in Doctor Martin's report that
17 because of mental illness Mr. Wilson did not know
18 right from wrong.

19 Q And that could actually keep going on and on.
20 Like if the defendant testified like he did here
21 now, I'm sure there are some things you'd like to
22 ask him about that?

23 A Yes.

24 Q I mean, and there comes a point you have to stop?

25 A I suppose so.

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1 Q Well, I mean, after he testified and the court
2 rules are you can't ask him again if something is
3 different than, you see what I'm saying?

4 A Right.

5 Q And everything -- all the information about the
6 clone and his mother came from him?

7 A Yes.

8 Q I mean, and there's really no other way to verify
9 that. I mean, you've talked to him, he's been
10 talked to. He's testified subject to
11 cross-examination. There's really no other evidence
12 except him as far as that.

13 A Correct.

14 Q I mean, there just isn't. And that information
15 he never ever told you regarding November 29th in
16 twelve-and-a-half hours?

17 A Correct.

18 Q And I mean, you're good, you're smart. I don't
19 mean that bad but, I mean, in twelve-and-a-half
20 hours you talked to him and said there's no
21 evidence, there's no data, covered everything and he
22 never told you about it. And it wasn't until
23 three-and-a-half years later when Doctor Martin got
24 your report and interviewed him that CAPRAS came up
25 and that was when we heard about the clone or the

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1 mother on November 29th, right?

2 A Correct.

3 Q Thank you. That's all.

4 THE COURT: Thank you. briefly.

5 MR. BROOKS: Yes, sir.

6 THE COURT: We've already done direct
7 cross, redirect. Go ahead.

8 **RECROSS - EXAMINATION**

9 BY MR. BROOKS:

10 Q Doctor Domino, last time you met with Mr. Wilson
11 was January 14th, 2014?

12 A Correct.

13 Q Early in the year?

14 A Yes.

15 Q You had opportunity to look at Doctor Martin's
16 report which is dated July 4th, 2014?

17 A Yes.

18 Q Do you recall when you got that report and
19 reviewed it?

20 A Approximately two weeks ago.

21 Q Okay. Mr. Meadors asked you some things about
22 conformity, ability to conform behavior and
23 differentiate between right and wrong. Your opinion
24 again, insufficient data or no data or no evidence,
25 something to that effect; is that correct?

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1 A Yes.

2 Q And then your response was, I saw Doctor Martin's
3 report, I would like to know these litany of things,
4 I would want to know these questions. One of the
5 questions being, he found this photo, this is isn't
6 momma, your question is I would like to know how he
7 confirmed that. Is that what you just said?

8 A That's one of the questions, yes.

9 Q Okay. And there's a, 5, 6, 7 other questions
10 that would fall in that category you would want to
11 ask?

12 A Yes, I was just providing those as examples.

13 Q As examples?

14 A Yes.

15 Q You've never tried to followup on that since your
16 last evaluation in January of 2014; is that correct?

17 A Well, it would be inappropriate of me to do so.

18 Q You never asked to followup on that with me?

19 A Well, the onus would be on you to ask me to
20 interview him again. It is not my place to issue a
21 new report ---

22 Q I understand.

23 A ---based on another expert's report.

24 Q I understand. But you said here today that you
25 have some questions that you would have liked to

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1 know to followup in regards to some things Doctor
2 Martin wrote.

3 A Yes.

4 Q Okay. And you could have asked to do that.
5 There's nothing stopping you from doing that.

6 A It would be professionally inappropriate for me
7 to do so. That would be reaching over my neutrality
8 as an expert to do so.

9 Q Okay.

10 A Yeah.

11 Q No other questions.

12 **FURTHER DIRECT EXAMINATION**

13 BY MR. MEADORS:

14 Q Can I ask you, did he ever send you that report?

15 A He did not.

16 Q Thank you.

17 THE COURT: Thank you. You may step down.

18 Any objection to this witness being excused?

19 MR. BROOKS: No, sir.

20 THE COURT: Thank you.

21 MR. MEADORS: The State rests.

22 THE COURT: Thank you. All right, ladies
23 and gentlemen of the jury, you have now heard all
24 the testimony that you're gonna hear in this case.
25 I'm gonna dismiss you for today with instructions

1 that you be back here at 9:30 tomorrow morning so at
2 that time the attorneys for the State and Defense
3 will give you their closing arguments. I'll then
4 charge you the law that is applicable to this case,
5 and then you will begin your deliberations. But
6 ladies and gentlemen, have a nice evening. Please
7 do not read anything, watch the news, do not talk to
8 anyone about it, or do any independent research at
9 this time. Thank you. I know you're getting tired
10 of hearing that.

11 (WHEREUPON, the jury was removed from the
12 courtroom at 3:45 p.m., and the following
13 proceedings commenced in open court.)

14 THE COURT: Court is adjourned until 9:30
15 tomorrow morning.

16 (Court was adjourned at 3:45 p.m. and resumed on
17 December 4, 2014 at 9:30 a.m.)

18 THE COURT: Are there any items we need to
19 put on the record before we bring the jury in?
20 Y'all have seen the charge, proposed charge. The
21 State has one additional request of adding voluntary
22 intoxication. Mr. Brooks, do you have any objection
23 to that?

24 MR. BROOKS: I do, Judge.

25 THE COURT: What's your objection?

1 MR. BROOKS: The objection is even though
2 my client has testified he had used crack at some
3 point, there's been no testimony, no evidence in
4 regards to whether or not he was, in fact,
5 intoxicated at the time of this particular incident.
6 And that's really what we're relegating to as to
7 what was going on in his mind November 29th,
8 November 30th of 2010. He was taken by EMS. He
9 went to the hospital, stitched up, sutures, whatever
10 the medical terminology is. But there's been no
11 evidence that he was actually on crack at the time.

12 THE COURT: What say the State about that?
13 I mean, as long as he doesn't argue that he couldn't
14 do it, that — wouldn't that make a difference? I
15 mean, I would — if nobody says anything about it, I
16 mean, if they said he used crack but there's no
17 medical evidence that he was on crack at the time
18 this happened. I mean, I think the blood test,
19 his — nothing came back that he was intoxicated in
20 any way. I would — I think I may just out of
21 abundance of caution, that I would maybe put it in
22 there if he argues anything about it as long as
23 there's no argument of intoxication.

24 SOLICITOR FINNEY: Your Honor, our problem
25 is that the jury has heard an abundance of evidence

1 about the use of crack.

2 THE COURT: I mean, he said he uses crack
3 all the time.

4 SOLICITOR FINNEY: And I would -- and it's
5 in the medical records that he reported that to both
6 doctors. I mean, not only did the doctor say he was
7 what you call a crack substance abuser, but that he
8 was dependent on it to the point where he was using
9 it that much that he had to have it on a regular
10 basis. Our theory is that there is substantial
11 evidence in which the jury could infer that he may
12 have been under the influence or withdrawing from
13 the influence of crack which caused him to be so
14 agitated and aggressive that he took his mother's
15 life.

16 MR. BROOKS: The only problem with that,
17 Judge, is the charge is talking about the person who
18 all of a sudden becomes intoxicated is just
19 responsible acts commit while intoxicated. That's
20 the charge that they're asking the Court to charge
21 the jury with. There's no evidence that he was
22 intoxicated at the time of the event, regardless of
23 how much crack he used the last 40 years, regardless
24 of how much he used afterwards.

25 THE COURT: Yeah, it's not that he used it

1 before. There is no evidence that he was
2 intoxicated at the time this happened.

3 MR. MEADORS: Judge, there's respectfully,
4 so his brother said he was using crack that whole
5 week was his testimony.

6 THE COURT: That's right, but I mean, he
7 can use crack all week but on the day of the
8 incident it's not an issue.

9 MR. MEADORS: And the day before through
10 the doctor's testimony he said I was using the day
11 before.

12 THE COURT: Right, but --

13 MR. MEADORS: Which is within the time
14 frame where he's still using or having withdrawals.
15 We just want voluntary intoxication in any case,
16 it's just not a defense. If you change that to say
17 --

18 THE COURT: As long as they don't argue
19 that he shouldn't be found guilty because he was
20 intoxicated, then I don't see any reason for it to
21 go there.

22 MR. MEADORS: And Your Honor, I was
23 planning a fair amount of my argument because both
24 doctors agree you can't tell if somebody is on crack
25 or having delusion, whether or not that caused him

1 to do a violent act, and that's in evidence. And I
2 was going to argue it's not a defense. You can't
3 be, have a mental disease ---

4 THE COURT: But let me interrupt you on
5 that. Do you have any evidence in the record that
6 he was intoxicated at the time? Not coming back off
7 of it, but intoxicated. I mean, you wouldn't argue
8 at a DUI that somebody was hung over. I mean, he
9 would have to have a blood alcohol content. You
10 wouldn't argue that he was a bad driver because he
11 was hungover the next day.

12 MR. MEADORS: Well, if I had evidence that
13 ---

14 THE COURT: I mean, I think you can argue
15 that ---

16 SOLICITOR FINNEY: It's the impairment,
17 Judge. Whether he's got the active feeling of the
18 cocaine he can be impaired coming off of it just
19 like he can be hungover from a drunk and be still
20 unable to drive the motor vehicle safely. And
21 that's why we're asking for the argument because the
22 testimony has been clear from the doctors and the
23 family and the ev-- and even Bobby, that this had a
24 big piece of his life ---

25 THE COURT: Yeah.

1 SOLICITOR FINNEY: ---tied up.

2 MR. BROOKS: The problem with this, Judge,
3 is, to piggyback on your analogy is, on a DUI case
4 and that's why they have breathalyzer machines at
5 the jail and that's why you can also go to the
6 hospital and have a blood test. I can see if they
7 didn't have any opportunity, but the police took him
8 to the hospital and he was stitched up. They could
9 have easily had blood drawn to verify, you know,
10 that he was on crack at the time of the incident.
11 So the solicitor's argument is problematic because
12 we still don't have any testimony that he was
13 intoxicated at the time of this event. And
14 obviously our defense is the Court has seen in the
15 testimony that's been highlighted throughout this
16 trial is whether or not my client differentiated
17 right from wrong and could conform his behavior at
18 the time of the event. Not how is his mental
19 thinking December 4th, 2014, but back on
20 November 29th and November 30th, 2010. So they've
21 got to have some testimony that he was intoxicated
22 at the time, not 2008.

23 THE COURT: I think y'all can argue that.
24 I don't think there's anything that stops you from
25 arguing it because there's testimony; but I don't

1 think he gets a specific charge on that, and that's
2 my feeling on that. I think to have no evidence in
3 the record that he was intoxicated at the time would
4 be an improper charge. I mean, I have to have
5 something, and it doesn't have to be a whole lot.
6 But there is no evidence in the record, and I think
7 I can get reversed on that and I'm not going to take
8 that chance. When you're still allowed to argue
9 that he might have been agitated and everything like
10 that, I think that would be the better way to handle
11 it.

12 MR. MEADORS: Judge, just because there
13 was so much evidence that he was on crack through
14 his own testimony and the doctors that he was taking
15 it to lose weight, and we think he was out of money
16 and his brother said he saw him using crack that
17 week, just saw him using it and that's why ---

18 THE COURT: That's right. He might have
19 seen somebody drinking that day but that couldn't
20 give him ---

21 MR. MEADORS: But it's not a DUI case
22 anyway, it's a mental. Judge, I can still argue
23 that voluntary intoxication, not ---

24 THE COURT: I don't think there's any, I
25 don't think there's any question that you can argue

1 it.

2 MR. MEADORS: I misunderstood.

3 THE COURT: But you just can't — I'm not
4 gonna give you a specific charge on it.

5 SOLICITOR FINNEY: Subject to your ruling,
6 Judge, thank you.

7 MR. BROOKS: And just out of abundance of
8 caution before you bring the jury in, I at least
9 want to put my motion for directed verdict since the
10 State has finished their reply.

11 THE COURT: Right.

12 MR. BROOKS: For the obvious reasons that
13 we highlighted before at the end of their case and
14 at the end of our case, Judge.

15 THE COURT: So you want to make your
16 motion now?

17 MR. BROOKS: I'm making it just --

18 THE COURT: You just made it.

19 MR. BROOKS: I just made it.

20 THE COURT: Okay.

21 MR. BROOKS: I just want to be covered on
22 the record.

23 THE COURT: Okay. You're covered, and I
24 respectfully deny your motion.

25 MR. BROOKS: Yes, sir.

1 THE COURT: You've made motions at every
2 proper point.

3 MR. BROOKS: Yes, sir.

4 THE COURT: Let's bring our jury please.

5 (WHEREUPON, the jury was returned to the courtroom
6 at 9:39 a.m. and the following proceedings commenced
7 in open court.)

8 THE COURT: Good morning, ladies and
9 gentlemen. As I told you yesterday you've heard all
10 the evidence that you're gonna hear in this case.
11 Now the State and the Defense will give their
12 closing arguments. I'll then send you back to the
13 jury room to begin your deliberations. We will not
14 break for lunch so you will have the honor of having
15 lunch on Sumter County today, and that won't be
16 taken out of your pocket.

17 So is the State ready to proceed?

18 MR. MEADORS: Yes, sir, the State is
19 ready.

20 THE COURT: Defense ready to proceed?

21 MR. BROOKS: Yes, sir.

22 MR. MEADORS: May it please the Court.

23 THE COURT: Yes.

24 MR. MEADORS: Solicitor, Mr. Brooks, Mr.
25 Foreman, ladies and gentlemen, good morning. It's

1 about time. It is about time to reach your
2 decision. I first want to thank each and every one
3 of you for being here and thank you for the
4 attention that you have given in this case. And I
5 mean that, thank you. I'm not a jury watcher so I
6 don't stare during the trial to try to get reaction;
7 I just have never done that. But the few times I
8 have looked over I can tell and have seen that y'all
9 have been paying attention to all the testimony, and
10 we all thank you for that.

11 You didn't come in here Monday and go through
12 a class on how to be a juror. There wasn't a
13 brochure that says this is what you have to do, this
14 is how you're supposed to act when you're a juror.
15 But you have been going through juror class your
16 whole life preparing for this day, and folks, this
17 is an important day. This is an important day for
18 the defendant. It's an important day for Sumter
19 County. It's important for Mayesville. And it's
20 important for Mr. Jerome Wilson who will be here
21 shortly; he had another appointment he had way in
22 advance but he's coming and been here all week, for
23 him and his family. This is an important case being
24 tried this week anyway.

25 Our job, the State, is to prove to you that on

1 November 29th, 2010, the defendant committed the
2 crime and that he knew the difference between right
3 and wrong, and I'm gonna get into that in detail in
4 a minute. But your role as jurors to make this
5 decision has been gathered through your whole life,
6 your experiences. You're dealing with other people,
7 you're dealing with your family, you're dealing with
8 your coworkers, all your experiences in life, you
9 bring that in here. And you use those
10 experiences -- it's called common sense that you
11 got. You use those experiences; you listen. This
12 man is the law; the judge is the law. He is the law
13 in this courtroom. He tells us all that the law is.
14 He's gonna tell you all that. You'll have to follow
15 his law; we all do. You'll take that law and the
16 facts that you decide are credible and believable
17 that come from this witness stand and these
18 evidence, that's all you can consider. And you'll
19 apply it to that law and you'll come up with a
20 verdict. And you'll decide what's credible and
21 believable based on what you see and heard and using
22 your common sense. That's all you can do. And as
23 the judge I think said to start off with, this is a
24 beautiful system. That's why over two hundred years
25 it's a beautiful system when citizens from Sumter

1 come in and y'all make the decision. And it's about
2 time; it's coming.

3 The judge is going to charge you on
4 credibility and believability of the witnesses, and
5 you'll have to decide that. Every case really boils
6 down to that, the credibility and believability of
7 the witnesses. The judge will say you can decide on
8 their demeanor. You can believe part of what they
9 say, all of what they say. That's up to y'all.
10 Y'all decide what's credible and believable. Doctor
11 Martin, the defendant's expert, who wouldn't answer
12 the question about did he know the difference
13 between right and wrong; I'm gonna get to that. He
14 wouldn't answer the question. He wouldn't tell us
15 how much he was paid until he said, I don't know how
16 much I get paid. Credibility and believability.
17 His testimony with all due respect is bought and
18 paid for, and I submit it wasn't worth 375 an hour.
19 But credibility and believability is what you'll
20 have to decide in this case.

21 Ladies and gentlemen, what's the defendant
22 charged with? He's charged with murder. Y'all know
23 what murder is. Murder is the unlawful intentional
24 killing of another living, breathing human being
25 with malice aforethought. Malice is a meanness, an

1 evilness, a wickedness one person shows to another,
2 (indicating). Malice, killing somebody with a
3 baseball bat and then shoving something in their
4 throat. That's malice, that's meanness, that's
5 evilness, that's wickedness. That's not in dispute.

6 Malice aforethought. Now don't get confused
7 with the term aforethought. This state we don't
8 have to have premeditation. You don't have to plan
9 something a day, a week, a minute ahead of time.
10 Malice aforethought means that meanness, evilness,
11 wickedness exists just at the time you're doing the
12 strike that ends somebody's life. Malice
13 aforethought. It's got to be intentional, an
14 intentional killing. Semi the issue in this case
15 but in all murder cases, we can't open up somebody's
16 brain and head and look at their brain and get sound
17 waves and see exactly what was in their mind; you
18 can't do that. You can even see the difficulty
19 doctors and psychiatrists and psychologists had to
20 do that. But we can't to that but we look at their
21 action, their inaction, their words, their demeanor
22 to try to decide what someone's intent is. What's
23 our burden? Our burden in this case the same as in
24 all cases is beyond a reasonable doubt, beyond a
25 doubt that make reasonable folks hesitate to act.

1 Now the judge will tell you the burden on the State
2 is not beyond all doubt. You can never prove that.
3 You can never prove it; you don't need a courthouse.
4 But it's beyond a doubt that makes reasonable folks
5 hesitate to act.

6 This case is a little different from ordinary
7 cases. We kind of heard that all the way through.
8 And the difference is the defendant has alleged the
9 defense of insanity, that at the time of the
10 commission of the crime that the defendant did not
11 know the difference between moral right and moral
12 wrong or could tell if his act was morally wrong.
13 That's why you heard all the questions about right
14 or wrong. Is there any evidence that he didn't know
15 it was wrong to kill whether it was his mother, a
16 clone, or whoever? Is there any evidence to show
17 that he didn't know it was wrong to kill? That's
18 what it means. And if you find that, if you find
19 that there's evidence that he didn't know that it
20 was wrong to kill, the verdict in this case would be
21 not guilty by reason of insanity. We submit there's
22 no evidence of that, but that's one potential
23 verdict you'll have. At the time of the commission
24 of the crime, that's the issue in this case. See,
25 we have to go back in time -- that's what the law

1 says. The judge will tell you have to go back in
2 time to November 29th, 2010, and determine what was
3 in the defendant's mind at that time. And that's
4 why you heard the testimony of the witnesses that
5 the Solicitor's going to go over with from, and we
6 don't know how else to do it. To get the witnesses
7 that saw him right after, right before, right
8 before, day before, right when you, after the
9 killing. We don't know when the brother came in,
10 the officers that that came in, the EMS that came
11 in, Doctor Wernsman, the nurse, Laraque, all the way
12 through described his demeanor and how he was
13 acting. There's no way to do it, get people that
14 saw him around the time. And none of them told you
15 he was acting out saying that was a clone, saying he
16 was threatened, he felt he had to do it. Ole nurse
17 Laraque, Ms. Flora, I looked him right -- you
18 remember when I got up right to her, how close were
19 you? Did you look in his eyes; I looked right in
20 his eyes. Pupils okay? Pupils fine. Did you
21 understand him? Yes, he was fine, he was fine, he
22 could understand me, I could understand him, went to
23 check on him a few hours later. Those are the type
24 witnesses that you go to see how the defendant was
25 acting. Was he delusional? No. Doctor Wernsman,

1 was he delusional and Mr. Brooks, no, sir, he wasn't
2 delusional. Was he speaking? No, but he was
3 responding. He'd nod yes or no. Groggy from
4 getting beaten? Maybe. Groggy from beating his
5 momma, killing her, worn out from that?

6 So I'm going to go through your possible
7 verdicts. And here's the other thing, credibility
8 and believability. I think it was Doctor Martin who
9 said, you know, during his testimony -- and he'd
10 been very generous with his testimony when he could,
11 well, it could be, it might be this. And then he
12 said, you know, there's evidence -- I believe he
13 said on direct that he'd been sitting there for a
14 while before his brother came home. I said, Doctor,
15 where did you get that from? Do you know what time
16 this happened or do you know when the brother came
17 home or do you know how long the killing was before
18 the brother came home? Well, no, I don't. He
19 didn't know. Trying to spin it the best way he can.
20 That's what he believes his job should be.

21 We know that the defendant said he went to
22 clean up. You look at one of those pictures of the
23 bathroom there's blood in the bath tub. He had to
24 clean up after he killed his momma. We don't know
25 exactly when his brother came in, when he saw him

1 had a bat, had a murder weapon in his hands. What's
2 your first possibility? This is a different case
3 from most cases. I'm going through it quickly; I'll
4 be as quick as I can. Your first potential verdict
5 we submit is not a possibility. I don't think
6 anybody in here will disagree with what I'm about to
7 say. The verdict of not guilty is not a possibility
8 in this case. I don't think y'all will disagree
9 with me on that. There's no evidence that he is not
10 guilty of this crime. It's all the evidence he did
11 it. You got a right to find that; I'm not saying
12 that. You can if you want to; I'm not, that's your
13 decision.

14 What's the next possible verdict? The next
15 possible verdict is not guilty by reason of
16 insanity. Not guilty by reason of insanity. That
17 at the time of the commission of the act November
18 29th, 2010, excuse me, because of a mental disease
19 or defect the defendant did not, was not able to
20 tell the difference between right and wrong,
21 couldn't differentiate between moral right and moral
22 wrong; that's the law. There's no evidence of it.
23 Respectfully, there's no evidence of that. And
24 under this law, this is the unusual part, in this
25 case, in this case only, the defendant when he

1 claims insanity must prove to you by a preponderance
2 of the evidence that at the time of the crime he
3 couldn't distinguish between moral right and moral
4 wrong, that he didn't know it was wrong to kill his
5 mother. They haven't done that. The evidence shows
6 they hadn't done that. Their own doctor, when I
7 asked Doctor Martin, tell me what evidence at all is
8 there in this record that he could distinguish, that
9 he couldn't distinguish between right and wrong.
10 What did the doctor say? Well, he thought what he
11 did was right. That's not my question, Doctor.
12 What evidence is there that he didn't know it was
13 wrong to kill? Well, he thought he did what was
14 right. That's not evidence that he knew the
15 difference between right and wrong. They didn't
16 present any.

17 Doctor Domino, yesterday, neutral doctor
18 called by the State. Doctor, what is there?
19 There's no evidence that the defendant didn't know
20 the difference between right or wrong. It's just
21 not there. It's not there.

22 Now at the end with some questions I kept
23 asking her some questions at the end, she hadn't
24 seen the report, didn't, wasn't provided. She said
25 there might be some other stuff I'd like to talk

1 about, but I think that probably goes more to when
2 she talked to him about competence. I think at the
3 end she said there wasn't anything in there that
4 would lead me to believe he didn't know right from
5 wrong. Would you want to ask some more questions,
6 Doctor? That's a State employee who loves her job.
7 She'd probably keep asking, keep asking as long as
8 she could. But after twelve-and-a-half hours of
9 talking to him she says, there's no evidence of it,
10 there's none.

11 Now if some of you find, if you think, well,
12 they have preponderance of the evidence; we submit
13 it's not there. The State must then prove beyond a
14 reasonable doubt to you that he was sane; that's the
15 law. We submit that evidence is not there.' Well,
16 let's move on. What are your other possible
17 verdicts? And ladies and gentlemen, go back and --
18 I'm guilty, I did it, I made a mistake. Doesn't
19 that show you know the difference between right and
20 wrong, blaming somebody else like he first blamed
21 the doctor. He first told the doctor he blamed
22 somebody else. It wasn't we heard about CAPRAS and
23 clone syndrome because Doctor Martin gets him 40
24 months later, looks at the report, and all he tells
25 Burnish is, that wasn't my mother, that wasn't my

1 mother. He never said she was a clone, never said
2 he was threatened, none of that. And Mr. Brooks,
3 this is another thing I just thought of and I'm -- I
4 don't think he'd do that but he might. You got to
5 be insane to kill your momma. I mean, I think
6 that's kind of underlining what's the theme here.
7 Well, no, sir, no, ma'am, I thought about that. I
8 just thought about that this morning. Who are the
9 people you get the maddest at? Who are the people?
10 It's the people you love the most and the people you
11 spend the most time with; and unfortunately,
12 sometime those are the people you get the most angry
13 with. You spend the time with them, you love them,
14 and so that's what happens sometime. So no, do
15 loved ones kill loves ones? Yes, they do. And just
16 because you have a mental illness, one of them said
17 the best one, the doctor best -- paraphrasing --
18 best paranoid schizophrenic, could be a lot worse.
19 I'm not saying it's not worse but they're saying
20 that's treatable. People can exist, they can
21 perform and function and do and do a lot without
22 committing violent acts. Nobody is saying he
23 doesn't suffer from a mental illness; we're not
24 saying that. We're not saying that. He suffers
25 from schizophrenia, paranoid schizophrenia. That's

1 not the issue here. But you can't use crack
2 cocaine. You can't use other drugs and then use
3 that as an excuse either using drugs or coming down
4 from drugs, which there was testimony in this record
5 about, and then try to blame it say I didn't know
6 what I was doing, I was delusional. Because
7 involuntary intoxication of drugs is no defense in
8 South Carolina, and both doctors agreed on that.
9 That if somebody was in a delusion or they were
10 taking drugs you wouldn't be able to tell, and the
11 Solicitor is going to tell you about that. That's
12 why he did it. He couldn't get -- he had a reason
13 he was mad, couldn't get money. She wasn't going to
14 give him money. She took care of him; she loved
15 him. But she said, no, you're not getting anymore;
16 and he got mad, he got angry.

17 So what are the two verdicts that we submit?
18 We submit it's guilty. I mean, that's -- I'm sorry,
19 you got a mental illness but you can't blame it on
20 that. What are the other verdicts you have the
21 possibility of? If you find there's no evidence
22 that he didn't know the difference between right and
23 wrong and that he did know the difference between
24 right and wrong 'cause he told you in the letter he
25 tried to blame it on somebody else, didn't want to

1 go to jail, told one of the nurses through one of
2 the doctors down there, I don't want to go to jail,
3 I know the consequences of murder or death. Then
4 the last two possible verdicts are guilty but
5 mentally ill, or guilty.

6 Now what's guilty but mentally ill. Guilty
7 means that at the time of the commission of the acts
8 he could distinguish moral right from moral wrong.
9 He knew it was wrong to kill; but because of a
10 mental disease or defect, he could not conform his
11 conduct to the requirements of law. Knew it was
12 wrong to kill, knew the difference between right and
13 wrong, knew it was wrong to kill; but because of a
14 mental disease or defect, he could not conform his
15 conduct to the requirements of law. What does that
16 mean? Well, I guess it means that he just couldn't
17 follow the law. We submit it's not there. You have
18 a right to do that. That's your -- this is your --
19 it's about time; it's your decision. You have that
20 right. What evidence do we have of that, that he
21 couldn't conform his conduct? None. None. Doctor
22 Domino, what evidence do we have that he couldn't
23 conform? There's none. There's no evidence that
24 said he couldn't conform. Now he's got
25 schizophrenia, paranoid schizophrenia, but there's

1 nothing to show that he couldn't conform. He's been
2 diagnosed with this for 22 years. He said something
3 about seeing his mother clone years ago, but not in
4 a threatening way. Doctor Martin took that end up
5 being CAPRAS using that as a reason to try to get
6 y'all to think, well, he's got problems. They're
7 trying to get you -- did -- is there any evidence he
8 couldn't conform his conduct? The only evidence is
9 he was mad, he wanted a stamp, he wanted more
10 medication. I don't know what happened to his
11 medication. He either took it too much or he's
12 given it away. And he wanted crack. And he was mad
13 that his momma wasn't going to give him anymore, and
14 he said that. He said that to the doctors. But
15 you'll have that in your right. And if there's any
16 decision, and we submit there's not, it's your
17 decision. But if there's any decision we submit
18 it's between guilty but mentally ill and guilty.
19 And that's your decision.

20 And what's guilty. Well, you're guilty --
21 guilty is if at the time on November 29th, 2010, he
22 knew it was wrong to kill his mother, he could
23 conform his conduct. Waited till she got in bed
24 with a robe on. She had a robe on in bed. Cut off
25 some of the pictures so it wouldn't bother you. Mad

1 that — mad at his brother who probably trying to
2 take the place of his dad, don't give him anymore
3 money. And he killed her. And he killed her. And
4 it wasn't that night he said I saw a clone; it
5 wasn't that night I was threatened. It wasn't the
6 next day he said she wasn't my mother, I know my
7 rights. And then everybody says he's fine, he's
8 fine, he's fine. It wasn't till 40 months later
9 we're getting testimony from Doctor Martin. Doctor
10 Martin, Doctor Martin, no evidence he didn't know
11 the difference, no evidence he couldn't conform;
12 that's just guilty. That's guilty. Guilty of
13 beating his momma in the head, guilty of ending the
14 life, guilty of stabbing her. And we submit
15 respectfully that's the only verdict. It may be
16 tough but that's the verdict 'cause all you can
17 decide is what is in this evidence, and there is no
18 evidence. And they have the preponderance more
19 likely than not to show you that he couldn't
20 conform. We respectfully submit there's no evidence
21 of that. I'm gonna sit down; I'm about through.
22 Sorry if I talked so long.

23 The last thing I want to talk to you about is
24 presumption, and the Solicitor is going to cover
25 this. He writes these letters. Won't give him a

1 stamp. Maybe it sounds like a crazy reason, but
2 he's got a reason. It's not just acting on impulse,
3 give me something, give me something, no.
4 Presumption of innocence I think is one of the most
5 beautiful concepts in our law. A defendant is
6 presumed innocent, presumed all the way through
7 trial up to this point and right to the point when
8 y'all walk in the jury room. He's presumed
9 innocent. Then once you get in there and you start
10 talking about the facts, talking about the
11 witnesses, the credibility and believability of the
12 witnesses, talking about the lack of evidence.
13 There isn't any evidence of right or wrong or
14 conformity. You start taking off that robe; it's
15 called a robe of righteousness. You start taking it
16 off when you look through the evidence, and usually
17 you'll toss it aside. But I'll ask you to save it,
18 save it as you go through the evidence.
19 Respectfully we hope you find he's guilty. Save
20 that robe and bring it back in here with a guilty
21 verdict, a guilty verdict. Say yes, sir, I'm sorry
22 you got a mental illness; but that isn't why you did
23 this crime, that isn't why. Bring that robe back in
24 here and save it for Mr. Jerome Wilson and let him
25 replace that robe that was on his momma, let him

1 keep that in his house as a reminder of his mother.

2 Ladies and gentlemen, thank you for being here.

3 Thank you for your attention. Thank you.

4 THE COURT: Thank you, Mr. Meadors.

5 Mr. Brooks.

6 MR. BROOKS: Ladies and gentlemen,
7 obviously I have a difference of opinion than the
8 fine solicitor sitting at his desk. Obviously this
9 is a very tragic situation, and you can tell by the
10 way the questions went that it's not never my
11 situation, our situation, to say this was a
12 questionable about whodunit. It's not a whodunit
13 case. It's a he did it, why he did it, what was
14 going on with Mr. Wilson at the time, with Bobby,
15 what was going on at this time. And like I said,
16 it's tragic. You've got an 82 year old woman was at
17 the end of her life and to be killed by presumingly
18 somebody she loves and loves her, and it makes you
19 say this is crazy.

20 Now one of the things that Judge Young is
21 going to charge you with is the charge of insanity
22 and that it's our duty to put forth evidence by the
23 preponderance of the evidence. And then once we do
24 that, and I submit to you that we have, that it's
25 the burden on the State to prove it beyond a

1 reasonable doubt that he was, in fact, sane and knew
2 what he was doing at this particular time. Now, and
3 you recall during my questions of the doctor,
4 particularly Doctor Domino, the issue isn't what's
5 in Mr. Wilson's mind as far as right from wrong
6 today. The issue is whether or not he could
7 differentiate between right from wrong on November
8 29th, 2010. That's critical. We can have a whole
9 lot of opinions about how he testified and what his
10 demeanor was today; but the question is, what was
11 going through his mind back then. Now like
12 Mr. Meadors said, we can't open up a person's head
13 and see exactly what was going on. In light of not
14 having that ability to do that, you have to rely on
15 forensic psychiatrists. That's what they do for a
16 living. You heard both of them testify as to what
17 their crafts are. They're the ones that presumably
18 open up the person's head, figuratively, to figure
19 out what was going on in there. Now that's very
20 important and I'll come back to that.

21 One of the things I also want to tell you
22 about is preponderance of the evidence versus
23 reasonable doubt. We, as lawyers, we throw these
24 terms out frequently and we know exactly what they
25 mean; but for average ordinary folks that work their

1 jobs and go about their daily lives, they may not
2 know what those terms are and how to define them and
3 equip them and what does that mean? And one of my
4 favorite things I like to do is try to break that
5 down to you folks on something that I think most
6 people can identify with; and that is, if you look
7 at it in terms of a football game. Preponderance of
8 the evidence is the offense has to get the ball past
9 the 50 yard line. That means preponderance of the
10 evidence. You can look at that as a way to define
11 that. Reasonable doubt means you got to get the
12 ball all the way into the end zone, not past the 50,
13 not in the field goal range; you got to get the ball
14 at the end zone. And those are very, very critical
15 and very important things. We just got to put up
16 evidence that my client was insane, he could not
17 differentiate between right and wrong. Then they've
18 got the reasonable doubt, get the ball into the end
19 zone so that he was actually sane and knew what was
20 going on. Now, the reason that's important 'cause
21 I'll start off with Doctor Martin's testimony.

22 Doctor Martin, this is where Mr. Meadors and I
23 disagree. Doctor Martin clearly defined his expert
24 opinion, and the judge charged you, explained to you
25 what it means to be an expert. He gave his expert,

1 definitive expert opinion, that this man did not
2 know right from wrong, could not conform his
3 behavior.. I mean, it's clear. If you don't believe
4 me you can have madam court reporter pull the
5 transcript and listen to it yourself. He clearly
6 says the guy didn't know right from wrong. As we
7 went through all the things that he determined his
8 facts and how he analyzed the situation and reviewed
9 everything and did everything, that's what he came
10 up two, okay. Now that's very important.

11 Now what we talk about is there was some smoke
12 screens thrown out as far as Meadors, how much he
13 got paid, who he got paid from. You know, I didn't
14 get into that with Doctor Domino because she's the
15 State's doctor because the presumption is the State
16 is, you know, if you work for the State you're
17 somehow better. Of course, I dispute that, and I'm
18 sure you will too. But Doctor Martin clearly
19 established that this man did not understand right
20 from wrong. He clearly has a mental illness that
21 prevent him from doing that. I don't think anybody
22 disputes that he has a mental illness. Now in terms
23 of Doctor Domino, here's Doctor Domino who has seen
24 him six times prior to that and on three occasions
25 she determined he wasn't even competent to stand

1 trial because of the same mental illness. I submit
2 to you that it was the mental illness, the same
3 mental illness that kept him from being competent on
4 the three occasions that she evaluated him is the
5 same mental illness that kept him from being able to
6 differentiate between right from wrong. We're not
7 talking about, you know, two different things.
8 We're just talking about two different tests about
9 what was going on this particular time and that
10 particular time. You remember when I asked Doctor
11 Domino, you know, competency is fluid. You can be
12 competent today, not competent tomorrow, or
13 competent next week, vacation, treatment,
14 medication, treatment, etc. But for purposes of
15 what we're here today is we're talking about whether
16 or not Bobby knew right from wrong on November 29th,
17 2010. That time is really, really critical.

18 Now one of the things that I asked Doctor
19 Domino, she didn't say, you know, no evidence
20 existed. She just said it was insufficient. And if
21 you recall, after she said she saw Doctor Martin's
22 report she said she'd seen it two weeks, she then
23 says I got some other questions. I submit to you
24 that although she's seen him six times prior,
25 actually her report is not complete because who

1 knows what her conclusion could have been, might
2 have been changed if she had asked those questions
3 that she talked about here on the stand when Mr.
4 Meadors asked her and then I followup. She may have
5 come back after having those questions and talking
6 to Bobby again and may have come back with the same
7 conclusion that Doctor Martin; and then her
8 testimony would be different to say, no, I don't say
9 no evidence, now I say there is sufficient evidence,
10 that Bobby did not know right from wrong on November
11 29th, 2010. That's all the evidence you really got
12 in this case, the critical part. I submit to you we
13 have crossed the 50 in regards to that. They now
14 got to put the ball in the end zone and prove beyond
15 a reasonable doubt that he totally was sane, not
16 now, not last week, not next week, but four years
17 ago, November 29th, 2010.

18 Now Doctor Domino also testified about, and
19 Doctor Martin did too, that it would be obviously
20 ideal situation to see what, how Bobby was behaving
21 at that particular time on November 29th, 2010, or
22 shortly thereafter. And we got, we do have some
23 clues that Mr. Meadors talked about. He talked
24 about, look at all of the medical personnel, look at
25 the law enforcement personnel. They all testified

1 that, you know, he was responsive, but he also
2 testified that he didn't flee, he didn't resist, he
3 complied with their requests, handcuffed him, moved
4 him on. Investigator Burnish, which I think is
5 really, really critical and is really, really
6 underrated, shortly thereafter when he comes to
7 serve the warrant and he testifies that my client
8 says that wasn't my momma, that's within 24 hours of
9 the incident. He is in police custody, no question
10 'cause he's at the detention center, and obviously
11 it would have been ideal and there was nothing ever
12 stopping them, they could have had him videotaped so
13 you could see what his behavior was. The only thing
14 you got is most of the people that testified are not
15 trained personnel on that level. They were just law
16 enforcement personnel that took him into custody.
17 You got a picture that you'll see here, and I would
18 submit to you that that shows this guy who's insane
19 to kill his momma. But Doctor Domino said, yeah,
20 they do that in Massachusetts. You remember that?
21 Now they do that in Massachusetts. That would have
22 been ideal; we could clearly see. That's a question
23 that she could have had answered as a part of her
24 evaluation. She also talked about some other
25 questions in response to looking at Doctor Martin's

1 report that she would have liked answered. So she
2 never said that he didn't have the ability to
3 conform; he could differentiate between right from
4 wrong. She never said that; that was never her
5 testimony. Her testimony was I don't have enough
6 data.

7 Now the Solicitor's office is spinning that to
8 say, oh, there's no evidence, and trying to throw up
9 a smoke screen to say, hey, well, look at Doctor
10 Martin, he got paid 375. It's irrelevant to the
11 issue. The issue is you got a man here, no question
12 by both experts, has a extensive mental health
13 history, schizophrenia, no question about that. And
14 now the question we get is what was in his mind,
15 could he differentiate between right from wrong on
16 November 29th, 2010? We got one doctor who has
17 evaluated him, has extensive credentials, is
18 classified, and categorized as an expert by this
19 Court who says in his medical opinion to a
20 reasonable degree of medical certainty that he could
21 not differentiate between legal right, legal wrong,
22 and moral right, moral wrong, those medical terms,
23 and could not conform behavior. And you got another
24 doctor saying he's got a long, extensive mental
25 health history, I've seen him on six occasions,

1 three of which he wasn't even competent. That shows
2 you how bad his mental health history is. After
3 looking at Doctor Martin's report I just saw just a
4 few weeks ago I got a bunch of other questions. His
5 record was issued in July of 2014. I had it for two
6 weeks, I would like to know this, this and this, and
7 there was nothing stopping her from asking those
8 questions. And you don't know whether those
9 questions being answered to her would have changed
10 her entire report to now go from, no, it's
11 insufficient data to, you know what, there is data,
12 this guy didn't know right from wrong, I agree with
13 Doctor Martin.

14 So what the State is wanting to get you to do
15 is basically say, hey, there's no evidence here, and
16 basically ask you to totally disregard a qualified
17 expert in this field, and that's what they're gonna
18 try to do in regards to Bobby and that's not fair,
19 that's not right. And that's not to minimize the
20 tragedy of this situation. That's just telling you
21 the real deal as to what was going on November 29th,
22 2010. Now actually, as Solicitor Meadors indicated,
23 this is not a -- it's a different kind of case; it's
24 an unusual case. Sometimes people would rather try
25 to figure out the whodunit or who I believe done it,

1 that it might easier for folks to figure out. A
2 case like this might be a little more difficult
3 because of the fact that you can't open up his head
4 and go back in time and open up his head and see
5 what was going on November 29th, 2010. You only
6 have to go on the evidence that they've given you as
7 represented here in court.

8 You can have the court reporter play back
9 certain things if you remember them differently,
10 such as what Doctor Martin said when asked this or
11 what Doctor Domino said when asked that; but it's
12 our position that we have clearly established that
13 this man is insane. We have clearly established
14 through qualified medical forensic expert in regards
15 to whether or not he could differentiate between
16 right and wrong, and you had the opportunity to
17 listen to him on the stand. And the bazaar things
18 that he was saying, even today when he's under
19 treatment, under medication. And I know this may be
20 very difficult because now you're going to be in a
21 position to try to figure out between what one
22 expert says and side this way, it is a very tragic
23 situation; there's no question about that.

24 I've had the opportunity to represent Bobby
25 for a few years now; and you know, it's really,

1 really underrated as what goes on when people have
2 illnesses of the brain. And as we most folks might
3 call it, that not being in our right mind, not being
4 in our head; and that's really, really underrated
5 because it does cause significant problems,
6 significant problems in families. And here's a
7 situation where we had basically the ultimate; a
8 mother gets killed by her son. But I submit to you
9 that the son ain't know what he was doing. He ain't
10 know his right from wrong.

11 Now how he was on the stand yesterday four
12 years later after he's medicated and regimented
13 medication, you know, in the detention center is
14 totally different. Even when they pull out these
15 letters, these letters are basically a year ago
16 after he's been regimented in medication, not four
17 years ago. Coincidentally, the letters kind of
18 coincide with when Doctor Domino finally says he is
19 competent to stand trial. Bear in mind, he was in,
20 detained for a period of time. She met with him on
21 three occasions and said his mental health, his
22 illnesses, he ain't even ready to sit at the table.
23 So there was a long period of time that he wasn't
24 even able to sit at the table much less understand.
25 So if he couldn't sit at a table for the bulk of the

1 time they had him detained, you can only imagine as
2 lay people what he was like and what was going
3 through his head November 29th, 2010. And I think
4 it's really that simple when you boil down to it.

5 And this is my last opportunity to address
6 you. I do thank you for your attentiveness and
7 giving Bobby his fair day in court. And like I
8 said, this is not a whodunit. We do have a strange
9 situation and more often than not the Solicitor's
10 Office and I in cases that we end up doing battle,
11 we end up agreeing more often than not. And even on
12 this case there's a lot of agreement that Mr. Finney
13 and Mr. Meadors and myself do have. They agree that
14 he has an extensive mental health history; I agree
15 with that. They agree that Mr. Wilson is the one
16 that performed this tragic deed to his mother; I
17 agree with that. Where we disagree is whether or
18 not he truly could differentiate between right from
19 wrong four years ago, and that's where we're at a
20 disagreement. And I've had a doctor establish that,
21 period. Now after that they got to prove and they
22 got to get the ball in the end zone to establish
23 that this man was sane. And when you listen to all
24 the evidence and think about all the things that you
25 heard over the last couple of days, Investigator

1 Burnish says when he's talking to him he got to wave
2 his hand in front of his face to see if he's
3 responding. It obviously would have been much
4 better for them to put up evidence of how that
5 meeting and interaction went, and we don't have
6 that. It's not my responsibility, it's not Bobby's
7 responsibility. It would have been theirs to help
8 put that ball in the end zone.

9 So again, I submit to you that there's only
10 real one verdict in this case and that is not guilty
11 by reason of insanity, and the judge will charge you
12 that. Thank you very much.

13 THE COURT: Thank you, Mr. Brooks.

14 Solicitor.

15 SOLICITOR FINNEY: May it please the
16 Court, Your Honor, Mr. Brooks, Mr. Meadors, ladies
17 and gentlemen, good morning. I, too, want to thank
18 you for your service this week. It is an honor for
19 us in the Solicitor's Office to represent the people
20 in this community and try to help when there are bad
21 situations occurring as we find too many times they
22 do. But we have to summon you in and hope that you
23 are understanding that these complicated things need
24 your attention, and they need your attention because
25 you live here in this community as we do and we all

1 want the community to have the quality of life, the
2 quality of safety that allows us to enjoy life, to
3 enjoy raising our families.

4 I will be the last person you hear before you
5 hear the judge charge you the law, and I take it as
6 a special responsibility that you don't have to
7 believe what I say just like you don't have to
8 believe what Mr. Meadors says or Mr. Brooks says;
9 but we want you to understand that we spend a lot of
10 time and put a lot of effort into each one of these
11 cases. It's not very often in a case like this that
12 you get to hear from the defendant, Alexander Bobby
13 Wilson. They don't have a right, a responsibility.
14 They have rights which says you don't have to come
15 into court and say a thing. Under the law we have
16 the burden of proof. We have to prove every element
17 of the charge of murder to your satisfaction beyond
18 a reasonable doubt; and that's why, really, when you
19 go back in that jury room don't be nervous, don't be
20 afraid. The law protects you just like it protects
21 Bobby because it says you all have to be moved to
22 understand the facts beyond a reasonable doubt. If
23 you're not, your conscious and your duty as a
24 citizen, as a juror, is to say the burden of proof
25 was not met, we don't have enough to find him

1 guilty, we find him not guilty.

2 But the other side of the coin is, when the
3 Solicitor's Office and the law enforcement officers
4 and the family members bring you the evidence and
5 they cover each element of the charge, and it is
6 clear beyond a reasonable doubt that Bobby Wilson
7 took the life of his mother in an illegal and
8 unwarranted fashion and that he did it with malice
9 in his heart, then he's guilty of murder, period.
10 Just like you didn't ask to be brought here, we
11 didn't ask to bring this case to you; Bobby Wilson
12 started that ball rolling November 29th. He maybe
13 started that ball rolling a long time before that
14 because you know from one thing that you heard in
15 this courtroom over and over and over is that
16 Elizabeth Wilson was the salt of the earth. She's
17 the kind of mother that gave her life for her
18 family. Think about that for a minute. She did
19 everything she could for her boys. She sent them to
20 college; she supported them. She took stuff off of
21 them that most mothers probably wouldn't. And it is
22 tragic that she had to lose her life, but she --
23 that badge of honor, that robe that John Meadors was
24 telling you about, that robe is what she earned
25 every day of her life, sticking by Bobby and taking

1 care of him.

2 Ladies and gentlemen, did you see Mr. Brooks
3 walk over here and talk about anything in this case
4 or go over there and talk about Bobby and all the
5 stuff he had done to his momma, no. He wants to
6 talk about doctors. None of those doctors knew
7 Bobby Wilson and none of them knew Elizabeth Wilson
8 on November 29th; all that came afterwards. That's
9 the legal stuff that we have to bring to you to try
10 to make the law understandable. But here's what you
11 also need to understand, using your common sense,
12 you know Bobby Wilson was not doing right by his
13 momma. He was not following the rules of the home.
14 He was doing everything he could to make life good
15 for Bobby. You know why? Because Doctor Domino
16 said when she examined him, he is a self-protective
17 individual; Bobby loves Bobby. And if it's going
18 Bobby's way everything is all right in the world.
19 Momma, my money is here, I need my money, take me to
20 the bank. Momma, I got, I need my clothes washed.
21 Momma, I need a stamp. It doesn't matter to Bobby
22 that he's got, according to him, he's got money in
23 the bank that month. Why is he upset? Why is he
24 telling? He is a self-protective individual.
25 Everything in this case shows that Bobby does for

1 Bobby all the time. That includes after he loses
2 his temper, after he goes in another room which by
3 his testimony he went in a closet and got the
4 baseball bat and brought it in and hit his momma
5 repeatedly in the head while she was in bed. That
6 wasn't a delusion. That wasn't -- that was madness;
7 he was angry. Yes, he was probably coming down off
8 crack. Yes, he probably needed medication that had
9 been given to him. Tuomey Hospital gave him five
10 days of meds on November 20th. He wasn't taking it
11 right, that's not Elizabeth's fault.

12 Everything in this case that the doctors talk
13 about they learned from who? Bobby. Mr. Brooks
14 brings you this expert doctor. We got to listen to
15 the expert because he's studied. The expert
16 listened to Bobby. The expert didn't go to the jail
17 and talk to the people who lived with Bobby from the
18 day he got arrested to the day he came to court this
19 week. They didn't even listen, they didn't even go
20 talk to the nurse that we brought you that talked to
21 Bobby face to face an hour or so later and followed
22 up on him day after day after week after week after
23 month. That nurse was available. The doctor didn't
24 meet with her. The doctor didn't talk to the
25 brother who's known Bobby all that time period

1 before this happened.

2 The fact of the matter is we know Mr. Bobby
3 Wilson could conform his conduct. We know that he
4 could do right from wrong because of all the things
5 we know about him. He's the one that took momma's
6 check to the store and tried to change the numbers
7 on the check. Why? Because it helped Bobby. He
8 would have gotten 50 dollars instead of 5 dollars.
9 That's what his brother testified happened a day or
10 two before he killed momma. What about the phone
11 being unplugged? State's Exhibit Number 1, Bobby
12 denied unplugging the phone in the kitchen. Why
13 would he do that if he didn't know right from wrong?

14 Evidence of competency, evidence of malice, he
15 knew when he was going to take action or he had
16 already taken the action and he didn't want anybody
17 calling. The brother couldn't call on the house
18 phone; Bobby had disconnected it. They had to use a
19 cell phone to get the ambulance there. It was too
20 late for Ms. Elizabeth by then; Bobby took care of
21 that. After he hit her with the bat he went and got
22 a knife out of the kitchen. And what did he do with
23 the knife? He put it back in the kitchen so the
24 cops couldn't find it. Evidence of competence,
25 evidence of malice. This man is not coming up here

1 to tell you about his mental health because he
2 believes in it. He's telling you that because he
3 wants a break because it helps him. The truth is in
4 the facts. The truth is in the evidence. The truth
5 is in the history of what Jerome and Elizabeth put
6 up with day after day after day. Yes, having mental
7 health issues is tough. It is not the kind of life
8 that we want. But the fact of the matter is, he had
9 a responsibility and there's no evidence in this
10 record that he didn't know when he was doing right
11 and when he was doing wrong. And ladies and
12 gentlemen, I'm not going to even talk about the
13 clone. I'm not gonna even talk about him telling
14 the police officers somebody else did it.

15 All you need to know is that activity that
16 took him to the point of using a baseball bat on his
17 mother. You'll see the picture in the evidence room
18 of him when the police got there. After all of the
19 trouble, after all of the planning, after all of the
20 self-protecting, the police were there. His brother
21 stopped him from leaving the house probably or doing
22 anymore harm. Yes, he was drained, he was
23 compliant. He did everything the officers told him.
24 He did everything the ambulance drivers told him.
25 He did everything the doctors told him at the

1 hospital and the nurse at the jail. He did
2 everything everybody wanted him to do 'cause he knew
3 he was done. And when they brought a paper, an
4 official paper, the first thing he did when he got
5 served with that warrant and he knew he was charged
6 with murder, he came up with, that wasn't my momma.
7 And then he told another doctor that. She wasn't my
8 mother, my mother had dentures, my mother's hair was
9 different, my mother -- this -- somebody took over.
10 This was months, years, every day he'd wake up in
11 the jailhouse knowing that his future is in somebody
12 else's hands. He had to come up with something.

13 How long had he been in the mental health
14 system before October 29th? A long time. These
15 weren't the first doctors he could fool. These
16 weren't the first medications he could misuse. He's
17 an at this. He's been doing it for a long time.
18 John Meadors is right; it's about time. Bobby's
19 time has run out.

20 The State has proved beyond a reasonable doubt
21 that Bobby Wilson knew what he was doing that day.
22 He took his mother's life in an irresponsible and
23 illegal manner, and he had malice in his heart when
24 he struck her in the head. He had malice when he
25 stuck her with the knife. He had malice when he

1 closed himself into the bathroom to go wash up. And
2 he does not deserve anything but the truth. The
3 word verdict comes from a Latin word veredicto. It
4 means to speak the truth. That's what your job is
5 now. Find him guilty, pray for his family, and
6 honor his mother's memory. Thank you.

7 THE COURT: Thank you, Mr. Solicitor.

8 Please secure the courtroom.

9 All right, ladies and gentlemen, as I told you
10 all the testimony and all the evidence in this case
11 has been presented to you. Now is the time where I
12 will charge you the law that is applicable to this
13 particular case. And ladies and gentlemen, I remind
14 you that during this trial you and I have certain
15 duties to perform. As the trial judge it is my
16 responsibility to preside over the trial of this
17 case, and I also have the duty to rule on the
18 admissibility of evidence that has been offered
19 during this trial. You are to consider only the
20 competent evidence that is before you. If there was
21 any testimony ordered stricken from the record in
22 this case, you must disregard that testimony.
23 You're to consider only the testimony which has been
24 presented from this witness stand and any exhibits
25 which have been made a part of the record in this

1 case and any stipulations of counsel.

2 Ladies and gentlemen, I have the additional
3 duty to charge you the law that is applicable to
4 this particular case. And as the presiding judge I
5 am the sole judge of the law in this case, and it is
6 your duty as jurors to accept and apply the law as I
7 state it to you now. If you already have some idea
8 as to what the law is or what the law ought to be
9 and it does not agree with what I now tell you the
10 law is, you must abandon that idea because, ladies
11 and gentlemen, you are sworn to accept and apply the
12 law exactly as I now state it to you.

13 Ladies and gentlemen, in every case tried
14 before a jury, the jury, you the jury, become the
15 sole and exclusive judges of the facts. And ladies
16 and gentlemen, as a trial judge I cannot intimate,
17 state, comment, or make any statement to a jury
18 about the facts in the case. It is simply your duty
19 to do that, and you're the sole judges of the facts
20 in this case and you are not to infer by anything
21 that I've said during the course of the trial or
22 upon the admissibility of evidence or otherwise or
23 anything that I now tell you during the course of
24 these instructions that I have any opinion about the
25 facts in the case. The law simply does not allow me

1 to have an opinion about the facts. That's a matter
2 solely for you as jurors to determine. And as
3 jurors, it is your duty to determine the effect, the
4 value, the weight, and the truth of the evidence
5 that has been presented during this trial.

6 Now ladies and gentlemen, the indictment
7 charges the defendant with the charge of murder.
8 And I remind you, the fact that the defendant was
9 arrested, charged, and indicted in this case is not
10 evidence in this case and cannot be considered by
11 you as evidence of guilt in this case; nor does it
12 create any presumption or inference of guilt. The
13 indictment is simply the formal written instrument
14 that contains the charge made against the defendant,
15 and it is the formal document by which this case is
16 brought into court. As I said, the indictment in
17 this case alleges one offense against Alexander B.
18 Wilson. Under indictment 2011-GS-43-698, the charge
19 is murder. I remind you, the fact that the
20 defendant was arrested and charged is not evidence
21 in this case.

22 Ladies and gentlemen, the defendant has pled
23 not guilty to the charge in the indictment and that
24 plea puts the burden on the State to prove the
25 defendant guilty. And a person charged with

1 committing a criminal offense in South Carolina is
2 never required to prove himself innocent. And I
3 charge you that's an important rule of law that the
4 defendant in a criminal trial, no matter what or how
5 serious the charge may be, will always be presumed
6 to be innocent of the crime for which the indictment
7 was issued unless guilt has been proven by evidence
8 satisfying you of that guilt beyond a reasonable
9 doubt.

10 The presumption of innocence does not end when
11 you begin your deliberations, but it accompanies the
12 defendant throughout the trial until you reach a
13 verdict of guilt based upon evidence satisfying you
14 of that guilt beyond a reasonable doubt. And
15 presumption of innocence is like a robe of
16 righteousness placed about the shoulders of the
17 defendant which remain with that defendant until it
18 has been stripped from the defendant by evidence,
19 again, satisfying you of the defendant's guilt
20 beyond a reasonable doubt. The presumption of
21 innocence is not a mere legal theory that we use;
22 it's not a legal phrase. But it is a substantial
23 right to which every defendant is entitled unless
24 you, the jury, are satisfied from evidence of the
25 defendant's guilt beyond a reasonable doubt.

1 Now ladies and gentlemen, the State has the
2 burden of proving the defendant guilty beyond a
3 reasonable doubt. Some of you may have served as
4 jurors in civil cases where you're told it is only
5 necessary to prove that a fact is more likely true
6 than not true such as by the greater weight or the
7 preponderance of the evidence. In criminal cases,
8 however, the State's proof must be more powerful
9 than that; it must be beyond a reasonable doubt.

10 Proof beyond a reasonable doubt is proof that
11 leaves you firmly convinced of the defendant's
12 guilt. Ladies and gentlemen, I will remind you that
13 there are very few things in this life and in this
14 world that we know with absolute certainty. And in
15 criminal cases the law does not require proof that
16 overcomes every possible doubt. If based upon your
17 consideration of the evidence you are firmly
18 convinced that the defendant is guilty of the crime
19 charged, you must find the defendant guilty. If on
20 the other hand you think there's a real possibility
21 that the defendant is not guilty, then you must give
22 the defendant the benefit of the doubt and find him
23 not guilty.

24 Now ladies and gentlemen, there are two types
25 of evidence which are generally presented during a

1 trial. There's direct evidence and there's
2 circumstantial evidence. Direct evidence is the
3 testimony of a person who claims to have actual
4 knowledge of a fact, such as an eyewitness. It is
5 evidence which immediately establishes the main fact
6 to be proved. Circumstantial evidence is evidence
7 of a proof of a chain of facts and circumstances
8 indicating the existence of a fact that is evidence
9 which immediately establishes collateral facts from
10 which the main fact may be inferred, and
11 circumstantial evidence is based on inference and
12 not on personal knowledge or observation. The law
13 makes absolutely no distinction between the weight
14 or value to be given to either direct or
15 circumstantial evidence; nor is a greater degree of
16 certainty required of circumstantial evidence than
17 of direct evidence. Ladies and gentlemen, you
18 should weigh all the evidence in this case. And
19 after weighing all the evidence, if you are not
20 convinced of the guilt of the defendant beyond a
21 reasonable doubt, you must find the defendant not
22 guilty.

23 Necessarily, you must determine the
24 credibility of witnesses who have testified in this
25 case, and credibility simply means believability.

1 It becomes your duty as jurors to analyze and
2 evaluate the evidence and determine which evidence
3 convinces you of its truth. In determining the
4 believability of witnesses who have testified in
5 this case, you may believe one witness over several
6 witnesses or several witnesses over one witness.
7 You may believe a part of the testimony of a witness
8 and reject the remaining parts of the testimony of
9 that same witness. You may believe the testimony of
10 a witness in its entirety or reject the testimony of
11 a witness in its entirety.

12 Ladies and gentlemen, you may consider whether
13 a witness has exhibited to you any interest, bias,
14 prejudice, or other motive in this case. You may
15 also consider the appearance and manner of a witness
16 while on the witness stand. Ladies and gentlemen,
17 as I told you several times during the trial, the
18 rules of evidence ordinarily do not permit witnesses
19 to testify to opinions or conclusions. An exception
20 to this rule exists for witnesses we call expert
21 witnesses who by, which is a witness who by
22 education and experience have become expert in some
23 art, science, profession, or calling may state an
24 opinion as to relevant and material matter in which
25 the witness claims to be an expert and may also

1 state the reasons for their opinion.

2 Now ladies and gentlemen, you should consider
3 any expert opinion received in evidence in this
4 case, and like any other evidence received, give it
5 the weight that you think it deserves. And if you
6 decide that the opinion of an expert is not based on
7 sufficient education and experience or if you
8 conclude that the reasons given in support of the
9 opinion are not sound or that the opinion is
10 outweighed by other evidence, you may disregard the
11 opinion entirely. And ladies and gentlemen, an
12 expert witness' testimony is to be given no greater
13 weight than that of other evidence, other witnesses,
14 simply because the witness is an expert. And
15 further, you are not required to accept an expert's
16 opinion even though it is not contradicted.

17 Now ladies and gentlemen, the defendant is
18 charged with murder. The State must prove beyond a
19 reasonable doubt that the defendant killed another
20 person with malice aforethought. Malice is hatred,
21 ill will, or hostility towards another. It is the
22 intentional doing of a wrongful act without just
23 cause or excuse and with the intent to inflict an
24 injury or under circumstances that the law will
25 infer an evil intent. Malice aforethought does not

1 require that malice exists for any particular time
2 before the act is committed; but malice must exist
3 in the minds of the defendant just before and at the
4 time the act is committed. Therefore, there must be
5 a combination of the previous evil intent and the
6 act.

7 And malice aforethought may be expressed or
8 inferred. These terms expressed or inferred do not
9 mean different kinds of malice, but merely, the
10 manner in which the malice may be shown. That is
11 either by direct evidence or by inference from the
12 facts and circumstances which are proved. And
13 malice, expressed malice is shown when a person
14 speaks words which express hatred or ill will for
15 another person or when the person prepared
16 beforehand to do the act which was later
17 accomplished. For example, lying in wait for a
18 person or any or acts or of preparation going to
19 show that the deed was within the defendant's mind
20 would be expressed malice. Malice may be inferred
21 from conduct showing a total disregard for human
22 life.

23 Now ladies and gentlemen, the defendant has
24 raised the defense of insanity. Criminal intent is
25 required to prove that the defendant is guilty of

1 the crime charged. And a person who is insane
2 cannot have criminal intent, and therefore, cannot
3 be found guilty of a crime. In order to be found
4 guilty -- found not guilty by reason of insanity, it
5 must be shown that at the time of the crime the
6 defendant had a mental disease or defect which made
7 him unable to distinguish moral or legal right from
8 wrong or to recognize the crime as morally or
9 legally wrong. By raising the defense of insanity
10 the defendant does not necessarily admit that the
11 crime was committed, and the State still must prove
12 beyond a reasonable doubt that the defendant
13 committed the crime. However, the defendant must
14 prove insanity by a preponderance of the evidence,
15 and a preponderance of the evidence simply means by
16 the greater weight of the evidence or more likely
17 than not.

18 If you find that there's evidence in the
19 record that the crime was allegedly committed, it is
20 more likely than not that because of a mental
21 illness, disease, or defect, the defendant did not
22 know the alleged crime was morally or legally wrong,
23 the State must then prove beyond a reasonable doubt
24 that the defendant was sane. If -- it is for you to
25 determine and decide what the state or condition of

1 the defendant's mind was at the time that the
2 alleged crime was committed.

3 There are four possible verdicts that you may
4 return in this case. If you have any reasonable
5 doubt as to the defendant's guilt after considering
6 all of the evidence, then you must find the
7 defendant not guilty. If you have no reasonable
8 doubt that the defendant committed the crime but you
9 find that it is more likely, it is more likely than
10 not, that because of a mental illness or defect the
11 defendant could not distinguish moral or legal right
12 from wrong or recognize the crime as morally or
13 legally wrong, you must find the defendant not
14 guilty by reason of insanity.

15 Another possible verdict is guilty but
16 mentally ill. If you have no reasonable doubt that
17 the defendant committed the crime and that the
18 defendant had the mental capacity to distinguish
19 moral or legal right from wrong or recognize the
20 crime as morally or legally wrong, but you find it
21 is more likely than not because of a mental disease
22 or defect that the defendant could not follow the
23 law, you must find the defendant guilty but mentally
24 ill. As with insanity, the defendant has the burden
25 of proving that he is guilty but mentally ill by a

1 preponderance of the evidence.

2 And the final possible verdict in this case is
3 guilty. You may only find the defendant guilty if
4 the State has proved beyond a reasonable doubt that
5 the defendant committed the crime, that the
6 defendant was able to distinguish moral and legal
7 right from wrong and to recognize the crime as
8 morally and legally wrong and that the defendant was
9 able to follow the law.

10 Now ladies and gentlemen, there is no
11 significance whatsoever in the order which I stated
12 the possible verdicts; it's simply that one must be
13 stated first. Ladies and gentlemen, your verdict
14 must be unanimous. All twelve of you must agree on
15 the verdict and your decision must not be based on
16 sympathy, passion, prejudice, emotion, or any other
17 consideration that is not in the evidence in this
18 case.

19 Ladies and gentlemen, or Mr. Foreman, when the
20 jury does reach a verdict you'll have this verdict
21 form back there with you. Please check off the
22 appropriate box, sign your name, and knock on the
23 court -- on the jury room door. You will then be
24 escorted back here in court for publication of your
25 verdict. Now ladies and gentlemen, I ask that you

1 return your jury room. Please do not begin your
2 deliberations. There's still a few matters that I
3 need to take up with the attorneys before you begin
4 your deliberations. All right, thank you.

5 (WHEREUPON, the jury was removed from the
6 courtroom at 10:50 a.m., and the following
7 proceedings commenced in open court.)

8 THE COURT: Are there any objections to
9 the charge that was given? From the State?

10 SOLICITOR FINNEY: Nothing from the State,
11 Your Honor.

12 THE COURT: From the Defense?

13 MR. BROOKS: No, sir.

14 THE COURT: Are there any objections to
15 sending the copy of the charge back there with the
16 jury?

17 MR. MEADORS: The State would object, Your
18 Honor, respectfully.

19 MR. BROOKS: I have no objection.

20 THE COURT: You know, on this particular
21 case, because you got the four verdicts I think I'm
22 gonna send it back there.

23 MR. MEADORS: Judge, at the end of your
24 charge you said "and" on the -- instead of "or" and
25 I, as far as -- I think when you were describing

1 just guilty it said difference between moral or
2 legal right and you said "and" recognized, I think
3 that's "or" should be at the end there. I just...

4 THE COURT: I did.

5 MR. MEADORS: And no disrespect to that,
6 but I just caught that.

7 THE COURT: Right.

8 MR. MEADORS: So if you were going to send
9 that back ---

10 THE COURT: No, this is for -- yeah,
11 that's correct, it should be "and" because if he's
12 lacking in either one of those, then it goes back to
13 the prior verdicts.

14 MR. MEADORS: I wasn't talking about the
15 first one. I'm just talking about the moral reader.
16 I thought you said that first, the difference
17 between moral or legal right or understand it. I
18 thought you said "and" in just the first part, not
19 the conformity part.

20 THE COURT: Oh. Well, I tell you what I'm
21 gonna do then. I generally only do it if both
22 parties agree. But if they come, start coming back
23 with some questions, then I'm gonna send a copy of
24 it back there.

25 MR. MEADORS: All right, thank you.

1 THE COURT: Thank you. Y'all want to make
2 sure the proper evidence is submitted.

3 (Attorneys review the exhibits.)

4 (Alternates were excused.)

5 (Jury began deliberations at 10:59 a.m.)

6 THE COURT: Let me issue a warning here.
7 Mr. Brooks, I understand your client has been
8 behaving improperly in the holding cell. Please
9 remind him that, you see there's a number of
10 officers around him. That if he acts out when this
11 verdict is read, that he will immediately be
12 energized with that electronic belt that he's got on
13 him and then he's going to have four officers jump
14 on him. He will be made immobile, I assure you.

15 (Attorney Brooks confers with defendant.)

16 THE COURT: And let me instruct the
17 officers, he is to be made immobile if he moves past
18 two inches where his desk is. I'm giving you full
19 authority to protect everyone else in this
20 courtroom. All right?

21 THE OFFICER: Yes, sir.

22 THE COURT: Let's bring the jury out.

23 (WHEREUPON, the jury was returned to the courtroom

24 at approximately 1:52 p.m., and the following

25 proceedings commenced in open court.)

1 THE COURT: Mr. Dubose-Schmitt, has the
2 jury reached a verdict?

3 THE FOREMAN: Yes, sir, we have.

4 THE COURT: Is it unanimous?

5 THE FOREMAN: Yes, sir, it is.

6 THE COURT: Please hand it to me.

7 (Verdict form tendered to the Court.)

8 THE COURT: All right, please publish the
9 verdict.

10 THE CLERK: Yes, sir, Your Honor. For the
11 State of South Carolina, County of Sumter in the
12 Court of General Sessions, docket number
13 2011-GS-43-698, State of South Carolina versus
14 Alexander B. Wilson, defendant. As to the charge of
15 murder: we, the jury, unanimously find the defendant
16 guilty but mentally ill. Signed Mr. Dubose-Schmitt,
17 foreperson, dated December the 4th, 2014. Ladies
18 and gentlemen of the jury, is this your verdict so
19 say y'all by raising your right hand please.

20 (All jurors complied by raising their hand.)

21 THE CLERK: Thank you.

22 THE COURT: Thank you. Does the Defense
23 request polling of the jury?

24 MR. BROOKS: Yes, sir..

25 THE COURT: Please poll the jury.

1 THE CLERK: All right, sir. Ladies and
2 gentlemen of the jury, as I call your name please
3 stand and answer two questions for me.

4 Juror number 15, Kimberly Bottema, is this
5 your verdict and still your verdict?

6 JUROR BOTTEMA: Yes, sir.

7 THE CLERK: Thank you, you may be seated.

8 Gerald Tomlin, is this your verdict and still
9 your verdict?

10 JUROR TOMLIN: Yes, sir.

11 THE CLERK: Anne Walton, is this your
12 verdict and still your verdict?

13 MS. WALTON: Yes, sir.

14 THE CLERK: Thank you. Brandon Tedder, is
15 this your verdict and still your verdict?

16 MR. TEDDER: Yes, sir.

17 THE CLERK: Thank you. Jarrod
18 Dubose-Schmitt, is this your verdict and still your
19 verdict?

20 MR. DUBOSE-SCHMITT: Yes, sir.

21 THE CLERK: Thank you.

22 Juror number 147, Randall Smith, is this your
23 verdict and still your verdict?

24 MR. SMITH: Yes, sir.

25 THE CLERK: Thank you.

1 Juror number 59, Sylvester Godbolt. Is this
2 your verdict and still your verdict?

3 JUROR GODBOLT: Yes, sir.

4 THE CLERK: Thank you.

5 Juror number 8, Sheila Ayers, is this your
6 verdict and still your verdict?

7 MS. AYERS: Yes, it is.

8 THE CLERK: Thank you.

9 Juror number 77, Wendell Hoskins, is this your
10 verdict and still your verdict?

11 MR. HOSKINS: Yes, sir.

12 THE CLERK: Thank you.

13 Juror number 43, Karen Duncan Page, is this
14 your verdict and still your verdict?

15 MS. PAGE: Yes, sir.

16 THE CLERK: Thank you.

17 Juror number 154, Kimberly Stevenson, is this
18 your verdict and still your verdict?

19 MS. STEVENSON: Yes, sir.

20 THE CLERK: Thank you.

21 Juror number 65, Thelma Greer, is this your
22 verdict and still your verdict?

23 MR. GREER: Yes, sir.

24 THE CLERK: Thank you, ma'am. Your Honor,
25 the jury has been polled and the verdict stands.

1 THE COURT: Thank you, Mr. Bradley.

2 Ladies and gentlemen of the jury, let me take
3 this opportunity to thank you for your service. You
4 know, it's never easy doing this. This is a hard
5 job. Most people watch it on TV and have no idea
6 how hard it is, and y'all got to experience that.
7 Sometimes I think my wife and I can't even agree on
8 something. So when it takes twelve people who don't
9 know each other beforehand to agree on something,
10 it's very difficult; but you stepped up to the task.
11 You upheld your oath, and I appreciate that.

12 This counts as your jury service so you don't
13 have to be a, can't be a juror for the next year,
14 and you don't have to be a juror for the next three
15 years after this week. We've got a small jury pool
16 and we might pull two more juries for quick cases so
17 after I let you out of here I'm gonna send you over
18 the Judge James, and we'll — you may be called on
19 to perform jury duty again. I want to thank you.

20 (Jurors were excused.)

21 THE COURT: Do y'all need a few minutes
22 before I sentence?

23 MR. MEADORS: Please.

24 THE COURT: Oh, you got some motions.

25 I'll let you do that.

1 MR. BROOKS: Judge, it's Defendant's
2 position that the Court should set aside the verdict
3 and basically dismiss this case and set aside the
4 verdict of guilty but mentally ill. We've heard all
5 the testimony. It's evidence from experts that this
6 gentleman did not understand right from wrong, could
7 not conform his behavior. We feel that the jury has
8 been swooned by passion and prejudice in this
9 matter, and we're asking the Court to overturn the
10 verdict.

11 THE COURT: All right. Solicitor.

12 SOLICITOR FINNEY: Please the Court, Your
13 Honor, we think that the record is solid with direct
14 and circumstantial evidence from which the jury
15 could arrive at the verdict made. They obviously
16 could have considered and not taken mental health
17 information into account; they did. They gave him
18 the benefit of the evidence that was introduced by
19 the doctors. We think the record stands and the
20 verdict is solid on the record, and we ask that you
21 deny the Defense motion.

22 THE COURT: Okay. Mr. Brooks, I'm gonna
23 respectfully deny your motion. We'll break for ten
24 minutes and then we will come back for sentencing.

25 MR. MEADORS: Thank you.

1 THE COURT: Thank you.

2 (WHEREUPON, a recess was taken from the
3 proceedings.)

4 THE COURT: All right, Solicitor, you want
5 to go over his record with me one more time?

6 MR. MEADORS: Judge, I just got back up
7 here, one second please.

8 THE COURT: Okay.

9 MR. MEADORS: May it please the Court.

10 THE COURT: Yes, sir.

11 MR. MEADORS: A larceny from a building,
12 vehicle theft, marijuana possession from '76
13 convictions; failure to stop for a blue light,
14 unlawful drugs, marijuana, and a grand larceny from
15 1977; grand larceny, '79; fraudulent check '79;
16 possession of cocaine conviction, '89; another
17 cocaine type conviction second offense, '91;
18 distribution of cocaine, '91; shoplifting, '93;
19 smaller stuff, shoplifting, 2000; possession of drug
20 paraphernalia, 2000; burglary third conviction,
21 2003; shoplifting, 2005 conviction; DUS second,
22 2007; operating uninsured motor vehicle, 2007; DUS
23 third or more, 2007; operating uninsured vehicle,
24 looks like another DUS, uninsured vehicle,
25 paraphernalia conviction, 2010. And there appears

1 to be some out of state, but I don't have enough
2 information to say that's him so that's it.

3 THE COURT: All right. Mr. Brooks, do you
4 dispute any of those charges?

5 MR. BROOKS: I don't, Judge.

6 THE COURT: Okay. Mr. Meadors or
7 Mr. Solicitor, would any of the victims like to
8 speak to this matter?

9 SOLICITOR FINNEY: No, not at this time,
10 Your Honor. Thank you very much.

11 THE COURT: Thank you.

12 MR. MEADORS: Your Honor, just for the
13 record, before the Solicitor says anything I want to
14 thank the brother who's been most cooperative to us
15 when Mr. Miller and I went to his house in
16 preparation for this. I want to thank him and the
17 rest of the family for their patience during these
18 four years.

19 THE COURT: Anything further from the
20 Solicitor's Office?

21 SOLICITOR FINNEY: Judge, just thank law
22 enforcement for putting the case together and
23 helping us put it in front of the jury. Thank you,
24 sir.

25 THE COURT: All right. Mr. Brooks.

1 MR. BROOKS: Judge, obviously you heard
2 the testimony in this case. You also had
3 opportunity to hear from both doctors about the
4 significant extensive mental health history of my
5 client. This is clearly a very disturbed gentleman
6 for a long period of time. Both sets of witnesses,
7 forensic psychiatrists, both said that, and this is
8 obviously a very difficult situation. This wasn't
9 as the court -- hold on (speaking to defendant).

10 As the court noted this wasn't a whodunit. It
11 was why the situation was. And I think really only
12 had two possible verdicts in this case which would
13 have been not guilty by reason of insanity versus
14 guilty but mentally ill. His prior history,
15 obviously we would, because of his age, it's been a
16 long and some few things, but a lot of it were not
17 very, not serious offenses. I'm not trying to
18 minimize it, but you know, we're talking about
19 shoplifting and DUS and obviously mental illnesses,
20 serious problems. And to be not in one's right mind
21 is a very serious situation, and I would ask the
22 Court to consider all that and to consider that ---

23 THE COURT: I mean, I'm kind of limited.

24 MR. BROOKS: Right.

25 THE COURT: It's either 30 to life so the

1 minimum sentence is 30 years which in effect is,
2 it's almost a life sentence for him anyway.

3 MR. BROOKS: Right, he's 63. Considering
4 he's going to be at the psychiatric part of SCDC
5 which everybody acknowledges he does need help so,
6 Judge, that's all we got. That's the situation.

7 THE COURT: I hesitate to ask this, but I
8 always do, would your client like to say anything?

9 THE DEFENDANT: Yes, I'd like to say
10 something. Yeah, on behalf of the Solicitor's
11 Office that we disagree with the verdict, and we
12 will disagree on the outcome of the verdict,
13 whatnot, and we will surely appeal this verdict.'

14 THE COURT: Okay, thank you. All right.
15 Thank you.

16 Anything further, Mr. Brooks?

17 MR. BROOKS: That's it, Judge.

18 THE COURT: Well, this is certainly a
19 tragedy to epic proportions as most murders are, as
20 all murders I've had, and I've probably had 25 to
21 30. But this is probably the most brutal I've ever
22 seen. And I understand mental illness is involved;
23 but with the brutality that occurred, I just can't
24 take any chances that he's gonna ever walk these
25 streets again. 30 years is in effect a life

1 sentence, but I'm not gonna take any chance. I'm
2 gonna sentence him to life, for the remainder of his
3 natural life. Thank you.

4 And let me compliment both attorneys, all
5 attorneys involved in this. You certainly upheld
6 your professional conduct, oaths that you took, and
7 it was an honor to try this case with you.

8
9 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA))
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this
29th day of March, 2015.

S/Frances B. Ray

FRANCES B. RAY, RPR

1 State of South Carolina

2 County of Sumter

3

4 State of South Carolina,
Plaintiffs

Motions Hearing
2011-GS-43-00698

5 vs.

6

7 Alexander B. Wilson,
Defendant

September 4, 2014
Sumter, S.C.

8

9

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12

13 BEFORE THE HONORABLE George C. James, Jr.,

14 Judge.

15

16 A P P E A R A N C E S:

17 Mr. Ernest A. Finney,
Solicitor for Third Circuit

18

19 Mr. Charles T. Brooks,
Attorney for Defendant

20

21

Margaret T. Sullivan,
Court Reporter

22

23

24

25

1 WITNESSES DIRECT CROSS REDIRECT RECROSS

2 Dr. Martin

 by Mr. Brooks 6

3 by Mr. Finney 13

 by The Court 20

4

5

6

7 Exhibits

8 No. Description Id. Ev.

 S-1 Report Dr. Domino 16

9 S-2 Criminal Responsibility 17

 S-3 Report of Competency to ST 18

10 S-4 Report 19

 S-5 Report 19

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1 THE COURT: What is the name of the case?

2 MR. FINNEY: I have got a caption for the
3 court reporter, Your Honor. This is The State of
4 South Carolina versus Bernard Alexander Wilson.
5 And this is Mr. Brooks' motion for a speedy trial.
6 And we'd ask the court or are asking the court
7 today to listen to some mental health information,
8 because there is a mental health issue here that
9 we need so we can go ahead and schedule the case
10 for trial.

11 THE COURT: Mr. Brooks, it's your motion
12 for a speedy trial?

13 MR. BROOKS: I did, Judge. Two motions
14 that we need to put on the docket. One is a
15 speedy trial. One is for a bond. Judge, my
16 client has been sitting in jail two years, three
17 years now?

18 THE DEFENDANT: Four years.

19 MR. BROOKS: Four years.

20 THE COURT: Does he have a bond?

21 MR. BROOKS: No. No, sir.

22 THE COURT: Okay.

23 MR. BROOKS: And we'd ask for obviously, a
24 speedy trial at my client's request. We think --
25 I think that those two motions are probably not

1 nearly as significant as the mental health stuff
2 that we're going to get into.

3 THE COURT: Are you asking for an
4 evaluation?

5 MR. BROOKS: We've already -- he's already
6 been evaluated. I have my doctor here, Dr. Thomas
7 Martin, who has evaluated him.

8 THE COURT: Okay.

9 MR. BROOKS: I just made these motions
10 because Mr. Wilson wanted to make these motions in
11 regards to a speedy trial.

12 THE COURT: What's he charged with?

13 MR. FINNEY: He's charged with murder,
14 Your Honor. And indicted 2011-GS-43-0698 for the
15 killing of his mother Mrs. Elizabeth Wilson on
16 November 29th 2010, in the town of Maysville.

17 THE COURT: And is there any particular
18 reason why it hasn't been tried by now?

19 MR. FINNEY: Because of the mental health
20 evaluations that were requested.

21 THE COURT: No question that -- well is
22 there question that you know of, Mr. Finney, that
23 he was not the person who killed her, or was it an
24 issue of sanity?

25 MR. FINNEY: It is an issue of sanity,

1 Your Honor. We do believe we have the right
2 person.

3 THE COURT: Mr. Brooks, then would you
4 like -- how do you all work this?

5 MR. FINNEY: Well I am not sure we need to
6 have testimony. The issue was, I didn't want to
7 set it for trial based on a speedy trial motion,
8 with the mental health status not being assured.
9 We believe that based on Mr. -- on Dr. Martin's
10 report and the report from the state hospital that
11 both doctors agree that he is competent to stand
12 trial. There is a difference as to whether or not
13 he was able to differentiate right from wrong on
14 November 29th 2010.

15 THE COURT: So that's what would be one of
16 the primary factual issues at the trial but not
17 for today. Is that right, Mr. Brooks?

18 MR. BROOKS: That's correct, Judge.

19 THE COURT: Would you like to call
20 witnesses or do you all want to reach some type of
21 stipulation on the record? Or, Mr. Brooks, do you
22 want to build a record with testimony? How would
23 you like to work the hearing?

24 MR. BROOKS: I probably since I have
25 Dr. Martin here, I think I probably need to go

1 ahead and just at least build a record as far as
2 him being here. And what his report is. I know
3 Dr. Domino is not here. And that was the doctor
4 from mental health that evaluated him.

5 THE COURT: And one of the things of
6 course, any judge is going to want hear at this
7 stage will be whether or not this doctor or the
8 State's witness has opinion as to whether or not
9 his, if they say he is competent now, whether or
10 not that is a fragile state that might disappear
11 at any given time when there is any type of stress
12 like jury selection. That's always a pertinent
13 thing to consider. Maybe not today, but it's
14 certainly helpful to know at some point.

15 MR. FINNEY: If the doctor is going to
16 testify, I have no objections to stipulating to
17 his written report. But his written report refers
18 to and reflects upon the State doctor's report.
19 And I would move that that also, I think there are
20 actually two reports on -- actually there is a
21 report on McNaughton and Blair on two different
22 occasions by the same State doctor.

23 THE COURT: And his opinions, the State's
24 doctors opinions on competency, that he is
25 competent?

Dr. Martin-Direct by Brooks

1 MR. FINNEY: Yes. The first one, the
2 first opinion in 2011, was that he was not
3 competent to assist at trial, but that he was able
4 to differentiate between right and wrong. That
5 now has changed to the fact that he is now
6 competent.

7 THE COURT: And able to differentiate.

8 MR. FINNEY: And able to differentiate.

9 THE COURT: Dr. Martin's opinion is that
10 he's competent but---

11 MR. FINNEY: Was not sane at the time of
12 the incident.

13 THE COURT: Mr. Brooks, if you want to
14 call a witness that's fine.

15 MR. BROOKS: Your Honor, at this time, we
16 would call Dr. Martin to the stand.

17 Dr. Martin, being first duly sworn,
18 testified as follows:

19 THE BAILIFF: State your full name and
20 spell your last for the record.

21 A Thomas Victor Martin. M-A-R-T-I-N.

22 DIRECT EXAMINATION by Mr. Brooks:

23 Q Dr. Martin, how are you doing today?

24 A I am fine, sir, thank you.

25 Q Now, Dr. Martin, can you just start off

Dr. Martin-Direct by Brooks

1 and tell the court some background information,
2 where you went to school and a little bit about
3 your training?

4 A Yes, sir. I went of University of
5 Maryland. I graduated in 1979 with a Bachelor of
6 Science in Clinical Psychology. In 1984 I
7 completed a Master's of Science program in
8 biomedical science at Hood College in Maryland.
9 In 1988 I graduated from the uniform services
10 University School of Medicine with a medical
11 degree. In 1992 I completed a residency in
12 psychiatry. I practiced for a number of years.
13 And then I came to South Carolina. In 2000 I
14 completed a forensic fellowship in forensic
15 psychiatry.

16 I am board certified by the american board
17 of Psychiatry and Neurology in both general and
18 Forensic Psychiatry. Currently, I have a private
19 practice in Columbia. And I do a number of
20 therapeutic cases, forensic cases, as well as
21 med. management cases.

22 THE COURT: Any objection to him being
23 qualified as an forensic psychiatry and general
24 psychiatry?

25 MR. FINNEY: None from the State.

Dr. Martin-Direct by Brooks

1 THE COURT: He is qualified.

2 Direct Examination by Mr. Brooks:

3 Q Doctor, did you have an opportunity to
4 meet and evaluate Mr. Wilson?

5 A Yes, sir, I did.

6 Q And you have done a report to that effect,
7 is that correct?

8 A That's correct.

9 Q What did you find as a part of your
10 evaluation?

11 A Well my evaluation consisted of looking at
12 a number of discovery items, to include police
13 reports, statements made by witnesses, as well as,
14 forensic pathology reports, autopsy reports, et
15 cetera. It was also including a three-hour
16 evaluation where I met with Mr. Wilson at the
17 Sumter County Detention Center on April 29th of
18 this year. That was actually followed by an
19 approximately 20-minute follow up evaluation of
20 his competency just a few minutes ago. And I
21 essentially was accessing at your request, his
22 competency to stand trial and criminal
23 responsibility; in that, I would diagnose whether
24 or not he suffered from any major mental illness.
25 And if so, whether it played a part in any of

Dr. Martin-Direct by Brooks

1 those other two issues just stated.

2 Q Does he suffer from a mental illness?

3 A Yes, his record is peppered completely
4 with schizophrenia, paranoid type. He's been
5 treated by numerous hospitals, been committed to
6 various hospitals, before and even after this
7 alleged crime in 2010, for restoration of mental
8 stability. He has been an outpatient at the VA.
9 And has been on a myriad of psychotropic
10 medication especially, antipsychotic medication.

11 Q Now, in the past after the incident, he
12 was deemed not to be competent to stand trial.
13 And he has since been given a lot of medicine, is
14 that correct?

15 A That's correct.

16 Q Can you tell the court what he has been
17 given?

18 A He's been given, well a number of
19 antipsychotic medications. Currently he is on
20 Haldol and Haldol Decanoate. Haldol is an
21 antipsychotic medication. The decanoate is one
22 that is an injection given. In his case, on
23 monthly basis to help insure that he receiving the
24 medication and being in case he doesn't daily
25 doses of Haldol that he is also prescribed while

Dr. Martin-Direct by Brooks

1 in the detention.

2 THE COURT: Decanoate. D-E-C-A-N-O-A-T-E.

3 A Yes, sir.

4 THE COURT: And that's -- is that a
5 variation of regular Haldol?

6 A Yes, sir. It is called a Depo, meaning
7 that is given every 2 or 4 weeks. In his case,
8 every 4 weeks. And he's also taking an
9 antidepressant.

10 Q Now how has taken the medications changed
11 him?

12 A Well he is what I would consider to be
13 stable at this time. Stable meaning that his
14 schizophrenia is in a more of a residual treated
15 state. However, he is still suffering from
16 delusions and so forth that is consistent with
17 schizophrenia. No antipsychotic medication or
18 psychotic therapeutic treatment can cure anyone
19 from schizophrenia, but he is manageable to the
20 point where I thought he was considered competent
21 to stand trial.

22 Q And that's your opinion because of his
23 taking medications at the time at the detention
24 center, that puts him in a position to be
25 competent.

Dr. Martin-Direct by Brooks

1 A Yes, sir. I covered a number of items
2 that are pertinent to competency to stand trial,
3 and he convinced me that he had both a rational
4 and a factual understanding of those issues, the
5 roles of the officers of the court, the potential
6 sentencing and so forth.

7 Q And as a matter of fact, that standard for
8 competency that's different when you start talking
9 about whether somebody is able to differentiate
10 between right and wrong at the time of the
11 incident.

12 A That's correct. Competency to stand trial
13 is a here and now assessment. Criminal
14 responsibility is a there and then assessment.

15 Q And as a part of your evaluation, you did
16 evaluate him for a there and then assessment, is
17 that correct?

18 A Well once I evaluate him initially in
19 April 29th of this year and found him to be
20 competent at that time, I did proceed and cover in
21 detail the crime that had taken place
22 November 29th 2010.

23 Q Okay. And you, as a part of your
24 evaluation, you had the State's evaluation to look
25 at as well, is that correct?

Dr. Martin-Direct by Brooks

1 A Yes, I believe he received maybe up to
2 six of them.

3 Q Some of these before the incident?

4 A No, sir.

5 Q No, wait, these are after the incident.

6 A Yes, sir.

7 Q And when did you determine in regards to
8 the there and then assessment?

9 A You mean his criminal responsibility?

10 Q Correct.

11 A I found that Mr. Wilson at the time
12 November 29th 2010, that he had been without his
13 antipsychotic medication for almost two weeks; was
14 unable to get a hold of it, and suffered from a
15 regression in his paranoid schizophrenia and acted
16 violently against Mrs. Wilson in the process.

17 Q Now back to the competency issue, that
18 pretty much hinges on him taking his medication.

19 A In my opinion, yes.

20 Q So if he's not given medication, doesn't
21 take the medication, that could potentially
22 change the competency.

23 A That's likely, but his competency also may
24 fluctuate even when compliant with the medication.
25 That is why I needed to access him before this

Dr. Martin-Cross by Finney

1 hearing today.

2 Q And that's why you took the time to have
3 another meeting with him, is that correct?

4 A That's correct.

5 Q Did anything change between your first
6 encounter with Mr. Wilson and your meeting him
7 today?

8 A No, sir. He appeared about the same.

9 Q So nothing -- there is nothing that
10 would -- that occurred today that would change
11 your report.

12 A That's correct.

13 MR. BROOKS: Judge, I don't think I have
14 any other questions.

15 THE COURT: Mr. Finney.

16 MR. FINNEY: May it please the court.

17 THE COURT: Yes, sir.

18 Cross Examination by Mr. Finney:

19 Q Dr. Martin, thank you for coming to Sumter
20 today.

21 A Thank you, sir.

22 Q Dr. Martin, you testified that you meet
23 with Mr. Wilson about three hours at the Sumter
24 jail back in April. I believe it's April.

25 A Yes, sir.

Dr. Martin-Cross by Finney

1 Q And that from that meeting and evaluation
2 assessment, you were able to write a report which
3 you have relied upon to submit to the lawyer that
4 hired you, Mr. Brooks.

5 A That is correct. I also included other
6 materials in the discovery.

7 Q And that's where we're going. The other
8 materials that you reviewed were mental health
9 evaluations on both his competency to stand trial
10 and his criminal responsibility that were
11 performed by Dr. Marla Domino at the South
12 Carolina Department of Mental Health.

13 A Yes, sir.

14 Q And I want to show you Dr. Domino's first
15 report that I think is mentioned in your report.
16 Do you have a copy of your report?

17 A I have a copy of mine right here.

18 Q Yes, sir. I believe---

19 THE COURT: It's Marla Domino?

20 A It's Dr. Marla Domino, yes, sir.

21 THE COURT: Domino. Okay not Dominio. I
22 just wanted to make sure I understand the person.

23 Q I want to show you what is a report from
24 Dr. Domino on a competence to stand trial dated
25 March 8th 2011. Are you familiar with that?

Dr. Martin-Cross by Finney

1 A Yes, sir.

2 Q And did you review that report in making
3 your finding and evaluation?

4 A Yes, sir.

5 Q And am I correct in saying that at the
6 time, which was roughly 6 or 7 months after the
7 death of Ms. Wilson, Dr. Domino thought that
8 Mr. Wilson did have some paranoid type
9 schizophrenia, but that he did -- but as far as
10 this report is concerned, the competence report,
11 that he was not competent to stand trial because
12 he couldn't assist his lawyers, because of the
13 nature of his mental illness.

14 A Yes, sir. That's my understanding.

15 MR. FINNEY: And, Your Honor, I'd like to
16 have that marked as State's Exhibit No. 1 for
17 this.

18 THE COURT: Are you talking about
19 Dr. Domino's report?

20 MR. FINNEY: Yes.

21 THE COURT: Do you have an objection to
22 that?

23 MR. BROOKS: No objection.

24 THE COURT: The defendant's objection is a
25 report I haven't given to the court reporter yet.

Dr. Martin-Cross by Finney

1 I mean the defendant's exhibit. You can hand that
2 to her.

3 (Report of Dr. Domino marked State's
4 Exhibit No. 1.)

5 Q Doctor, did Dr. Domino see Mr. Wilson in,
6 or as a result of that first interview on
7 March 8th, did she also do a criminal
8 responsibility report?

9 A Yes, she did.

10 Q And did you review that?

11 A Yes, sir, I did.

12 Q And in that report Dr. Domino suggested
13 that at the time of the alleged offense Mr. Wilson
14 did not lack sufficient capacity to conform his
15 conduct to the requirement of law, due to a mental
16 defect or disease.

17 A That's what she stated.

18 Q That was her findings?

19 A Yes, sir.

20 MR. FINNEY: This would be a criminal
21 responsibility report from Dr. Domino. That would
22 be our second---

23 MR. BROOKS: No objection.

24 MR. FINNEY: ---exhibit.

25 THE COURT: That's no. 2.

Dr. Martin-Cross by Finney

1 (Criminal Responsibility Report marked
2 State's Exhibit No. 2 into evidence.)

3 Q And then, Dr. Martin, are you familiar
4 with Dr. Domino's report of July 2011, where she
5 did an evaluation where she issued two reports,
6 one on competence to stand trial, which was what
7 we call a Restoration Report. And also -- well
8 that's the same thing. Competence to stand trial
9 evaluation under which she could consider the
10 restoration. This was probably 3 months after the
11 first report we just talked about.

12 THE COURT: Three years, wouldn't it be?

13 MR. FINNEY: No, sir. Three months.
14 It's still 2011.

15 A Yes, sir, I did review this.

16 Q She signed that report July 20th 2011.

17 A Correct.

18 Q And at that time, did she opine that
19 Mr. Wilson lacked the capacity to understand the
20 proceedings and to assist in his defense as a
21 result of a mental defect?

22 A Yes, he was not competent to stand trial.

23 MR. FINNEY: I would like to admit this
24 report as State's No. 3.

25 THE COURT: That's No. 3.

Dr. Martin-Cross by Finney

1 (Report of Competency to stand trial
2 marked State's Exhibit No. 3 into evidence.)

3 Q And did you have a chance to review
4 Dr. Domino's reports, two of them, one on Criminal
5 Responsibility and one on Competence to Stand
6 Trial, which were done in December and January,
7 December of 2013 and January of 2014, the last
8 report, the last time Dr. Domino saw him.

9 A Yes, sir. I reviewed both of these
10 reports.

11 Q And relative to her competence to stand
12 trial, reevaluation which was dated January 15th
13 2014, did she find that he does not, Mr. Wilson
14 does not currently lack the capacity to understand
15 the proceedings against him or to assist in his
16 own defense?

17 A Yes, he was competent to stand trial
18 according to Dr. Domino.

19 Q And under the criminal responsibility
20 report taken at the same time, did the doctor
21 determine that he was capable of conforming his
22 conduct and knowing right from wrong?

23 A Yes, sir.

24 MR. FINNEY: Now, I would like to have
25 those reports marked as 4 and 5 for the State

Dr. Martin-Cross by Finney

1 please.

2 MR. FINNEY: No objection.

3 (Reports marked State's Exhibit Nos. 4 and
4 5 into evidence.)

5 Q Dr. Martin, after you reviewed the reports
6 from Dr. Domino and you met with Mr. Wilson, you
7 then complied your report to be submitted to
8 Mr. Brooks.

9 A Yes, sir.

10 Q Did you ever review any letters that had
11 been written by the defendant to his lawyer or to
12 the court or to you?

13 A He wrote no letters to me, and I don't
14 recall reviewing any letters.

15 Q Did you review any records from the jail
16 facility that has housed him over the last 3 years
17 to determine what kind of inmate he is, and what
18 kind of compliance he has with mediation and
19 instructions from the correctional officers?

20 A No, sir.

21 Q And did you talk with any family or
22 friends of Mr. Wilson to get any background about
23 how he was shortly before November of 2010, or how
24 he has been contacting them or been in touch with
25 them since then?

Dr. Martin-Cross by Finney

1 A No, sir.

2 Q And it is your opinion that based on the
3 two times that you've him in April and today, that
4 he is competent to stand trial, and that a trial
5 could be scheduled as long as he remains
6 competent. And that your opinion is based on what
7 you know about the case; that he was not
8 criminally responsible at the time of the mother's
9 death in November of 2010.

10 A Yes, sir.

11 MR. FINNEY: Judge, I don't think I have
12 anything further.

13 THE COURT: Mr. Brooks.

14 MR. BROOKS: No other questions.

15 THE COURT: Any objections to me asking
16 him a couple of questions?

17 MR. FINNEY: No objection.

18 MR. BROOKS: No. No, sir.

19 THE COURT: Dr. Martin, on the issue of
20 competence what are some -- are there any outside
21 factors that would adversely impact his
22 competence; such as, being under the stress of an
23 impending trial, jury selection, close quarters in
24 a courtroom. Is there anything that needs to be,
25 that these lawyers need to be aware of that would

Dr. Martin-Cross by Finney

1 impact him in that regard as far as his ability to
2 assist Mr. Brooks?

3 A I covered those kind of materials in
4 courtroom behavior as well.

5 THE COURT: It's in your report.

6 A I believe it is.

7 THE COURT: Okay.

8 A But I found that there is nothing that
9 would preclude his cooperating with his attorney,
10 plus understanding the components that would be
11 required to either make a plea or to go to trial.

12 THE COURT: But the stress of getting in
13 the jail van or getting in a vehicle driving up
14 here, knowing you're getting here to pick a jury,
15 that's not going to affect his ability to help his
16 lawyer?

17 A It doesn't appear, because he wasn't sure
18 why he was coming today. And a few minutes ago
19 he looked pretty well.

20 THE COURT: And one last thing since the
21 lawyers covered it briefly. Is there some
22 established protocol for a psychologist or a
23 psychiatrist in reaching the point of evaluating a
24 person for capacity of criminal responsibility?
25 In other words, do they have to be competent

Dr. Martin-Cross by Finney

1 legally, in your judgment before that evaluation
2 can be performed?

3 A That's actually correct, Your Honor.

4 THE COURT: Is that an established
5 protocol?

6 A In my practice and in my field, it is. If
7 they're not competent to let's say, stand trial,
8 any material gathered on criminal responsibility
9 could be just as bogus as their thinking was for
10 competency.

11 THE COURT: I was just curious about that
12 from listening to the questions and the answers.
13 Any questions from Mr. Brooks on that point? Or
14 any points I've asked him about?

15 MR. BROOKS: No, sir.

16 THE COURT: Mr. Finney?

17 MR. FINNEY: No, sir.

18 THE COURT: Thank you, sir. You can step
19 down.

20 A Yes, sir..

21 THE COURT: Mr. Brooks, any additional
22 witnesses?

23 MR. BROOKS: No, sir, Judge.

24 THE COURT: Mr. Finney, do you have any
25 witnesses you would like to call? I don't know

Dr. Martin-Cross by Finney

1 what the real issue would be today except it
2 appears that the parties have stipulated he is
3 competent. And I will so rule at this time. The
4 reports indicate that. Of course, that's a
5 moving target so to speak. So if, I am certainly
6 not going to get into criminal responsibility
7 that's a, no issue has been raised on that today.
8 Do you want to go forward with your speedy trial
9 motion? Or if Mr. Wilson wants you to, it will be
10 up to you decide whether to make -- to go forward
11 with that today or in a succeeding term. So what
12 do you want to do?

13 MR. BROOKS: Well, Judge, since we brought
14 it and we're all here, you can deal with the
15 speedy trial motions and the bond.

16 THE COURT: Well I don't think that unless
17 less Mr. Finney wants to, he can try it this year.

18 MR. FINNEY: I would like to -- if you
19 tell me the speedy trial motion is something the
20 court would be, I mean the case is ready, Your
21 Honor.

22 THE COURT: I think it should be pretty
23 speedy, because he is in a window of competence.
24 Mr. Brooks has made the motion, and you may want
25 to just want to accelerate it on your own. But if

Dr. Martin-Cross by Finney

1 you all need an order from me, outside argument
2 for you, I can set an outside limitation to where
3 he would be tried this year. We don't have a
4 schedule for the first half of next year.

5 MR. FINNEY: Right. I would say, Your
6 Honor, we can meet that, if you would allow me to
7 have it placed on the trial schedule between now
8 and December 30th, we'll meet that target.

9 THE COURT: And the result if that did not
10 occur?

11 MR. FINNEY: Would be that we would return
12 here for a show cause motion. And If I can't show
13 you good cause why, then I think the issue of bond
14 would be reasonably on the table.

15 THE COURT: Mr. Brooks, your comments on
16 that?

17 MR. BROOKS: Judge, I think that's
18 satisfactory. It's just, you know, he has been in
19 there some time. So we just need to.

20 THE COURT: I will sign an order to that
21 effect. Mr. Brooks, one of you all can, you can
22 arm wrestle on who's going to prepare the order.
23 But I will sign an order to that effect.

24 MR. BROOKS: He's designated me, Judge.
25 So...

Dr. Martin-Cross by Finney

1 THE COURT: I do know there are terms. I
2 think Judge Cothran has the very last week of
3 criminal court this year. And maybe that's
4 something you all can bring up to him if you don't
5 have it tried.

6 MR. FINNEY: It appears that December the
7 1st is a two-week term with yourself and Judge
8 Young. That looks like the best week right now.
9 December the 1st, is the first week. That second
10 week is Judge Cothran, but he is by himself. And
11 I believe we have that as nonjury.

12 THE COURT: But what I'm saying is, if
13 it's not tried by the time you get to Judge
14 Cothran's one week term, then perhaps he can hear
15 your motion on bond.

16 MR. BROOKS: That's fine with me, Judge.

17 THE COURT: I'll sign an order to that
18 effect.

19 MR. FINNEY: Thank you, Your Honor.

20 THE COURT: Thank you, Dr. Martin.

21 ----End of Requested Transcript of
22 Record--

23

24

25

C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced on September 4, 2014, in General Sessions Court Nonjury for Sumter County, Sumter, South Carolina.

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

7-25-15

DATE

Margaret T. Sullivan

COURT REPORTER

My Commission expires: 9/7/2021

**SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE**

COMPETENCE TO STAND TRIAL RE-EVALUATION

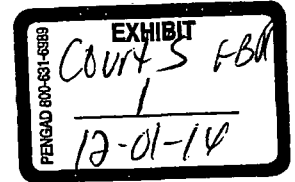
After a Restoration Period of Up To 60 Days

Name: WILSON, Alexander

Date of Birth: [62 years old]

Dates of Evaluation: 12/20/13 and 01/14/14

Evaluators: Marla L. Domino, Ph.D. (presiding)
Carol M. David, LISW-CP



Identifying & Referral Data: Alexander Wilson was ordered by the Sumter County Court of General Sessions to undergo an evaluation of his competence to stand trial because of, "*The nature of the crime, the defendant has a long history of mental health issues and by his own statements to the police he has shown what appears to be an inability to distinguish [sic] reality from fantasy.*" According to that court order, Mr. Wilson is charged with Murder, which allegedly occurred on 11/29/10.

Mr. Wilson was initially seen by these evaluators on 03/08/11 for an evaluation of his competence to stand trial; these examiners opined him to have significant deficits in those abilities considered relevant for competency to stand trial, secondary to active symptoms of schizophrenia, on a charge of murder; he was opined to not have such deficits related to a charge of shoplifting (alleged to have occurred on 05/16/10). The Sumter County Court subsequently found Mr. Wilson incompetent to stand trial (on a charge of murder) and ordered him to complete up to 60 days of inpatient treatment at the South Carolina Department of Mental Health; he was admitted on 05/23/11. On 07/19/11, towards the end of that 60-day treatment period, Mr. Wilson was seen again by these examiners who opined that he continued to exhibit deficits in those abilities considered relevant for competency to stand trial on his murder charge,

secondary to active symptoms of schizophrenia. On 07/20/11, Mr. Wilson was transferred back to jail.

On 10/11/12, the Sumter County Court of General Sessions ordered another evaluation of Mr. Wilson's competence to stand trial because, *"[of] the nature of the crime; the defendant has a long history of mental health issues; there have been DMH reports indicating he is incompetent to stand trial and unlikely to become competent to stand trial."* For this purpose, Mr. Wilson was initially interviewed on 11/19/12. At that time, he denied his previous delusional assertion that the alleged victim was not his mother; however, he asserted another, possibly delusional belief about the nature of his charge. A request was then made of his attorney, Mr. Brooks, to meet with Mr. Wilson about such issues or to attend the subsequent exam. On, 03/15/13, Mr. Brooks informed the undersigned that he had met with Mr. Wilson; a subsequent interview on 04/10/13 was then scheduled. At that time it was again opined by these examiners that Mr. Wilson exhibited significant deficits in those abilities considered relevant for competency to stand trial, secondary to active symptoms of schizophrenia, on a charge of murder. On 04/24/13, the Sumter County Court again found Mr. Wilson incompetent to stand trial and ordered him to complete up to 60 days of inpatient treatment at the South Carolina Department of Mental Health; he was admitted on 11/01/13. He was interviewed on 12/20/13 by the above examiners, towards the end of that 60-day admission period. During that interview, Mr. Wilson voiced aspects of the alleged offense and the legal system that were concerning to these examiners. The undersigned spoke to Mr. Brooks that day and requested he meet with Mr. Wilson before another examination was scheduled. In a letter dated 01/07/14, Mr. Brooks indicated that he had spoken with Mr. Wilson; an interview for today (01/14/14) was scheduled and this exam was completed at that time.

Sources of Information:

1. Interviews with Mr. Wilson on 12/20/13 for approximately 2 hours 35 minutes and 01/14/14 for approximately 1 hour 40 minutes.
2. Interviews with Mr. Wilson on 11/19/12 for approximately 2 hours 30 minutes and on 04/10/13 for approximately 2 hours 20 minutes.
3. Interview with Mr. Wilson on 07/19/11 for approximately 1 hour 10 minutes.
4. Interview with Mr. Wilson on 03/08/11 for approximately 2 hours 10 minutes.
5. State of South Carolina, County of Sumter, Court of General Sessions, Finding of Present

- Lack of Competence to Stand Trial but Likely to Become Competent with Treatment, Order of Commitment Up To Sixty Days (dated 04/24/13).
6. State of South Carolina, County of Sumter, Court of General Sessions, Order for Competency to Stand Trial Evaluation Pursuant to *State v. Blair* (dated 10/11/12).
 7. State of South Carolina, County of Sumter, Order for Criminal Responsibility and Capacity to Conform Evaluation (M'Naughten), dated 10/11/12.
 8. State of South Carolina, County of Sumter, Court of General Sessions, Finding of Present Lack of Competence to Stand Trial but Likely to Become Competent with Treatment, Order of Commitment Up To Sixty Days (dated 04/15/11).
 9. State of South Carolina, County of Sumter, Court of General Sessions, Order for Competency to Stand Trial Evaluation Pursuant to *State v. Blair* (received 02/04/11).
 10. State of South Carolina, County of Sumter, Order for Criminal Responsibility and Capacity to Conform Evaluation (M'Naughten), received 02/04/11.
 11. Review of Mr. Wilson's current and past South Carolina Department of Mental Health (SCDMH) Forensic Evaluation Service outpatient charts, including a Psychiatric Social Work Admission Assessment conducted by Carol M. David, LISW-CP, with Mr. Wilson's brother, Mr. Jerome Wilson.
 12. Review of Mr. Wilson's SCDMH inpatient charts (dates of admission: 05/23/11 – 07/20/11 and 11/01/13 – 12/20/13).
 13. Information pertaining to Mr. Wilson's current charges including:
 - a. State of South Carolina, County of Sumter, Indictment for Shoplifting/Enhancement for 3rd or subsequent offense
 - b. Arrest Warrant J-296821
 - c. Incident Report, Additional Narrative, and Incident Report Additional Others (case#10064175)
 - d. Sumter Police Investigative Report and Merchant Agreement and Request Transportation of Arrested Shoplifter (case#10064175)
 - e. Arrest Warrant M-442533
 - f. Sumter County Sheriff's Office Investigative Report, Crime Scene Logs, Evidence/Property Chain of Custody Receipts, Crime Scene Investigation Report, and Crime Scene Photo Log (case#10148981)
 - g. County Incident Report and County Supplemental Incident Report (case#10148981)
 - h. Autopsy Report of Elizabeth Wilson

- i. 3 Year Driver Record for Mr. Wilson
 - j. SLED Laboratory Forensic Services Request
 - k. Evidence Transfer Form
 - l. CAD Operations Reports
 - m. Sumter City-County Law Enforcement Center Call Log Report
 - n. E-mail from Tommy Barron to Robert Burnish
 - o. E-mail from Robert Burnish to Catherine B. Fant
 - p. Voluntary Statement by Jerome Wilson
 - q. State of South Carolina, County of Sumter, Court Order
 - r. Newspaper article entitled, "Son charged in elderly woman's death" from The Item (dated 12/01/10)
- 14. Mr. Wilson's NCIC (adult criminal record).
 - 15. Santee-Wateree Mental Health Center records (dated 01/07/98 – 11/03/08, some dates not readable).
 - 16. William Jennings Bryan Dorn VA Medical Center records (dated 11/04/01 – 11/15/10).
 - 17. Three Rivers Behavioral Health records (dated 04/09/10 – 04/21/10).
 - 18. Sumter-Lee County Detention Center records (dated 11/30/10 – 03/15/13).
 - 19. E-mail exchanges with Charles Brooks and Darla Pierce.
 - 20. Telephone conversation with Mr. Brooks on 04/10/13 and 12/20/13.
 - 21. Report by Glenn Harrell of Glenn Harrell Investigative Services (dated 01/04/13).
 - 22. Tuomey Hospital records (dated 04/27/07, 05/29/07, 12/07/09, 04/08/10, 05/16/10, 07/20/10 – 07/21/10, 11/20/10, 11/25/10, and 11/29/10).

Records from New Alternatives were requested but not received.

Notification: At the outset of this evaluation, Mr. Wilson was notified of these examiners' role, the purpose of this evaluation, and the limits on confidentiality. Upon inquiry, he noted this evaluation to be ordered by "Judge Cochran" to assess "whether I understand the legal system [and] my mental health." He identified the "lawyer, solicitor and the judge" as recipients of the resulting report. He noted these examiners to be on "neither" side. He declined an offer to telephone his attorney prior to initiating this exam and indicated a willingness to proceed.

Personal History: The following information was obtained from the collateral sources listed above and Mr. Wilson during previous evaluation with these examiners.

Family History

According to Mr. Wilson, he was born in Mayesville, South Carolina, and raised in the same by his father and [step] mother. Mr. Wilson indicated that he believes he was not raised by his biological mother whom, per his father, was killed by lightening when Mr. Wilson was a toddler; the woman Mr. Wilson knows as his mother [the alleged victim in his current charge] was his father's wife at the time of Mr. Wilson's biological mother's death. Mr. Wilson further explained he is suspicious of the context of his parents' marriage because "I got the family name" (he was named after his father) but his older brother did not. He described his childhood in positive terms and denied abuse.

Education History

Per Mr. Wilson, he attained a bachelor's degree in biological sciences from Claflin University. He denied academic or behavioral problems during his schooling.

Employment History

Mr. Wilson reported past employment as a job counselor at a children's home, a case worker for the Department of Social Services, and a prison electrician. Per his account, he joined the Army when 25 years old and after eight months received an honorable discharge. He noted receipt of disability beginning in 1995 for schizophrenia.

Medical History

When asked about his medical history, Mr. Wilson denied all medical problems, illnesses, injuries, and surgeries, including head injuries resulting in a loss of consciousness. Records from Tuomey Hospital indicate that he presented to the emergency room for "seizure type activity" on 04/08/10, but was transferred to Three Rivers for active psychotic symptoms. Those records also indicate placement of 17 staples in his head for injuries allegedly incurred subsequent to or in the course of the alleged offense, on 11/29/10.

Substance Use History

Regarding his history of substance use, Mr. Wilson asserted, "I was an alcoholic" but ceased drinking in about 1996 when prescribed Haldol (antipsychotic); his symptoms appear to meet criteria for alcohol dependence, sustained full remission. He endorsed use of marijuana on a daily basis while in the Army. Mr. Wilson also noted use of crack-cocaine about twice per week since age 40 years, to reduce the increase in his appetite caused by Abilify (antipsychotic); his reported pattern of use indicates Mr. Wilson meets criteria for cocaine abuse and could possibly meet criteria for cocaine dependence. Mr. Wilson reported court-ordered substance abuse treatment at Three Rivers Behavioral Health in 2010. In addition, he noted being "disbarred" from attending court-ordered substance abuse treatment at New Alternatives (Sumter, SC) when he tested positive for crack-cocaine.

Psychiatric History (per Mr. Wilson's report)

When asked about his psychiatric history, Mr. Wilson stated he was first diagnosed with schizophrenia at age 22 years, after graduating from college. Specifically, he endorsed a history of hearing encouraging, "military" voices (e.g., saying "you're going to be successful one day") and, since 2004, hears the voice of his fiancée when she is not present. He also noted a one-time occurrence of visual hallucinations of an "Incredible Hulk" creature and "low-flying aircraft," years ago. When specifically asked, he denied symptoms of delusions (false, fixed beliefs), but has demonstrated delusional thinking regarding the alleged victim, a hospital roommate, and police officers in past exams with these evaluators. In addition, Mr. Wilson endorsed a history of occasional, brief suicidal thoughts. He reported receipt of inpatient and outpatient treatment for these symptoms, most recently at the Dorn VA.

Psychiatric History (per collateral sources)

Regarding Mr. Wilson's documented psychiatric history, a review of records from Santee-Wateree Mental Health Center indicates treatment while in jail (dated 07/22/98, 01/23/03, and 02/06/03, some dates illegible but in the 1990s), often for overtly psychotic symptoms (e.g., "laughing and talking to self ... guarded, speech rapid, loose, difficult to follow, responding to internal stimuli). Other records from that facility (dated 11/09/07 - 11/03/08) indicate treatment for schizophrenia, paranoid type, initiated after Mr. Wilson was released from prison, with the last documented contact on 02/06/08.

William Jennings Bryan Dorn VA Medical Center records note treatment for symptoms of schizophrenia (e.g., laughing and talking to himself, asserting there was a "communication radio implanted in my brain"); alcohol dependence; cocaine dependence; marijuana abuse; and antisocial traits from 2001 – 2010.

Tuomey Hospital records indicate that Mr. Wilson presented to their emergency room on 04/08/10 for possible seizure activity but was transferred to Three Rivers Behavioral Health due to active psychotic symptoms (e.g., "stating he was being kidnapped, and he is a black man with a white penis") and bizarre behaviors (e.g., attempting to damage hospital computers, masturbating openly). Per Three Rivers Behavioral Health records, his urinalysis tested positive for cocaine upon that admission and his symptoms were diagnosed as indicative of schizophrenia, cocaine abuse and dependence, and (history of) alcohol dependence in remission, when he was discharged almost two weeks later.

Tuomey Hospital records note that Mr. Wilson presented to their facility in May 2010 for a medication (Abilify) refill and again in July 2010 for active psychotic and other psychiatric symptoms while in jail (e.g., masturbating "continuously," smearing food, taking his clothes off). His symptoms were diagnosed as indicative of schizophrenia and he was discharged back to jail the same day or the day after. He again presented to that facility on 11/20/10 for a medication (Abilify) refill and on 11/25/10 for a dog bite. On the day of the alleged offense (11/29/10), he was brought to Tuomey Hospital for "head injury (minor) without LOC [loss of consciousness]." At that time he was described as nonverbal (although would "nod yes or no"), alert, and exhibiting a flat affect [observed emotional expression]. He was given 17 staples and transported to jail that same day.

Sumter-Lee County Detention Center records from his current incarceration indicate Mr. Wilson has been prescribed Abilify (antipsychotic), Haldol (antipsychotic), Cogentin (for medication side effects), and Risperdal (antipsychotic) which records note he has refused "numerous times. States he only takes/will take Abilify" (antipsychotic). Those records also note requests for Ativan (antianxiety).

As noted, on 05/23/11, Mr. Wilson was admitted to SCDMH's inpatient forensic hospital after adjudicated as incompetent to stand trial by the Sumter County Court. At the beginning of that

admission, per his inpatient chart, staff described Mr. Wilson as delusional (e.g., about the alleged victim), tangential, and having a minimal understanding of his charge. During that admission, he was seen by neurology who suggested a diagnosis of cognitive disorder, not otherwise specified. Towards the end of his hospitalization, barring the last week, staff notes indicate his symptoms improved (e.g., he was acknowledging that the alleged victim was his mother) and he demonstrated a good understanding of courtroom proceedings. However, during the last week of his admission, Mr. Wilson was thought to be checking and/or refusing his medications and/or "dissolving" them under his tongue (noted by his psychiatrist, in his chart, to be a questionably effective method of administration) and staff subsequently noted an increase in Mr. Wilson's symptoms in that he has been agitated, uncooperative, argumentative, expressing delusional thinking (e.g., that the alleged victim is not his mother), presenting with disorganized speech (e.g., loose associations), and exhibiting odd behaviors (e.g., saying "911" repeatedly). He was discharged back to jail on 07/20/11 with diagnoses of schizophrenia, paranoid type; cocaine dependence in a controlled environment; and antisocial personality disorder.

Course of Hospitalization: As noted, Mr. Wilson was again adjudicated as incompetent to stand trial by the Sumter County Court in April 2013 and ordered to attend up to 60 days of inpatient treatment and restoration; he was admitted to the SCDMH forensic hospital on 11/01/13 for that purpose. Available progress notes describe Mr. Wilson at the beginning of that admission as evidencing disorganized speech (e.g., loose associations, tangential) especially when given the opportunity to speak at length (e.g., about the alleged charge). As his hospitalization progressed, per his inpatient chart, those symptoms improved and several days prior to his scheduled discharge of 12/20/13, he was described as appearing "rational," pleasant, and cooperative, and demonstrating an "excellent understanding" of legal concepts.

Current Mental Status: A mental status examination performed today revealed a 62-year-old, African-American male who presented with adequate, personal hygiene and clean attire. No auditory, visual, or motor abnormalities were noted, although his eyes were watery and bloodshot. He exhibited good eye contact and his use of mannerisms and gestures was within normal limits. He was cooperative with the evaluation and polite at all times.

Mr. Wilson did not exhibit significant deficits in his memory, attention, concentration, fund of knowledge, or abstract thinking. He correctly identified the date, day of the week, location, approximate time, and situation. Mr. Wilson's speech was clear, of normal volume, and of average rate. He presented with goal-directed, linear thinking. He did not evidence overt signs of psychosis (e.g., delusional thinking) as he has in previous interviews with these examiners.

When asked, Mr. Wilson described his current and typical mood as "a 7" on a 10-point scale (indicating he is in a positive mood). He denied current thoughts of wanting to hurt himself or others. He described his sleep, energy, appetite and relationships with others (e.g., jail staff) in positive terms. During today's exam, Mr. Wilson's affect [observed emotional expression] appeared consistent and within normal limits. He denied current symptoms of mood disturbance (e.g., depression) or psychosis (e.g., hearing voices) and no overt signs of such were observed. He reported current prescriptions of Haldol (antipsychotic) and Celexa (antidepressant). He noted that he has not taken Abilify (antipsychotic) since his transfer back to jail from the SCDMH forensic inpatient unit.

Diagnostic Impressions: Based on the available data, it appears Mr. Wilson's symptoms are best characterized by a diagnosis of schizophrenia. Schizophrenia is a chronic mental illness which describes an individual who presents with delusions (false, fixed beliefs); hallucinations (perceptual disturbances); disorganized speech; disorganized or catatonic behavior; and/or "negative" symptoms (e.g., poverty of speech). It appears Mr. Wilson's symptoms of schizophrenia (e.g., disorganized speech, delusions) are currently under clinical control.

Information Relevant to Competence to Stand Trial: Pursuant to S.C. Code Ann. §44-23-410, the legal criteria for determining fitness (competence) to stand trial is as follows: *"[a person] ... is not fit to stand trial because the person lacks the capacity to understand the proceedings against him [her] or to assist in his [her] own defense as a result of a lack of mental capacity ..."*

According to Mr. Wilson, he is currently charged with "murder" which allegedly occurred "November 29th, 2010 [at] approximately 8:30pm ... at my residence in Mayesville." He defined Murder to mean "that you intentionally take the life of someone." He noted incurring this charge because he is accused of "causing a death [of] my mother [with] a baseball bat." Mr.

Wilson provided a self-protective account of his behavior around the time in question which did not appear to be the product of active symptoms of a mental illness. He acknowledged his charge to be serious and provided logical reasoning to support this assertion. He identified his charge as "a Class A felony," and noted a felony to be more serious than a misdemeanor. After education, and when asked later in the exam, Mr. Wilson identified the maximum penalty for his charge to be "life" or "death." A discussion then ensued about the difference(s) between murder and homicide. He stated "mass murder" to be a charge more serious, and "trespassing" to be a charge less serious, than his own.

When asked, Mr. Wilson identified pleas of "guilty," "not guilty," guilty but mentally ill (GBMI)," and "not guilty by reason of insanity (NGRI)." He defined guilty as meaning "they telling the court that they committed the crime" after which "a judge will sentence them." He noted not guilty to mean "they're saying they did not commit the crime and a trial would be heard." He defined GBMI as "you're guilty of the crime but you had a mental illness and you need treatment." He identified a plea of NGRI to indicate "you was not in the right state of mind in the time the crime was committed." As in a previous meeting, Mr. Wilson initially denied a desire to plead NGRI, even if recommended by counsel, for logical reasons. However, when the plea was discussed in detail (e.g., that a jury would have four possible verdicts) and the potential outcomes of such a plea, Mr. Wilson was more amenable to considering it.

According to Mr. Wilson, a plea bargain is "a deal that the solicitor offers to the defendant for a lesser charge for a guilty plea." He noted the solicitor offers such a deal because, "it would lessen the backlog of cases and he wouldn't have to gather evidence or a jury – less time." He acknowledged his loss of a right to trial when agreeing to a plea bargain and also acknowledged his ability to reject any plea bargain offered. He denied that he would accept a plea bargain and provided a self-protective, but not psychotic, reason for doing so.

Mr. Wilson identified the "lawyer, the solicitor, the judge, witnesses, other police officers, courtroom reporter, clerk of court, bailiff and newspaper reporters" as individuals typically present in the courtroom; he identified "me" as the defendant and "my mother" as the alleged victim. According to Mr. Wilson, "your lawyer" is the defendant's advocate whose job it is "to see [that] my rights are not being violated and to defend me on charges that I'm alleged of doing [and] try to get the lesser time" and to obtain a "not guilty" verdict in a trial. He acknowledged