

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Maite Murphy, Circuit Court Judge

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MAY 09 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SHAYLA JEREAU BRYAN

APPELLANT

APPELLATE CASE NO. 2014-001220

RECORD ON APPEAL

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1 In the Court of Common Pleas for the
2 State of South Carolina, County of Beaufort
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4 Case No.: 2012-GS-07-0105
5 State of South Carolina,
6 Plaintiff(s),
7 vs. Transcript of Record
8 Shayla Jerea Bryan,
9 Defendant(s).

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12 VOLUME 1

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16 May 19, 2014
17 Beaufort, South Carolina

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21
22 BEFORE:
23 The Honorable Judge Maite Murphy

24
25

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1 PROCEEDINGS

2 THE COURT: Thank you, everyone. You may have a
3 seat. Time is now 11:45.

4 Solicitor, are you ready to proceed?

5 MR. STONE: I am, Your Honor.

6 MR. KEEP: Yes. Yes, ma'am.

7 MR. STONE: Your Honor, this is the matter in
8 Indictment 2012GS07105, charges Shayla Bryan with
9 attempted murder, that in Beaufort County on December
10 the 19th, 2011, the Defendant, Shayla Bryan, would
11 attempt to kill with malice aforethought, either
12 express or implied, attempted to murder the victim,
13 Deanna Heygood, in violation of 16-3-29, South Carolina
14 Code of Laws.

15 I'll hand you up the True Bill of Indictment, Your
16 Honor. And before we proceed, there is -- I know that
17 I have given you a copy of the Blair order.

18 THE COURT: Yes, sir.

19 MR. STONE: And I would like to make that, if I
20 could, a part of the record. She was found competent
21 to stand trial, pursuant to an order that was dated --
22 the letter is actually January the 7th, 2013. The date
23 of the evaluation was December the 13th, 2012, from Ana
24 Gomez and Leonard Mulbry, doctors at the South Carolina
25 Department of Mental Health. If I could make this a

1 Court's Exhibit, Your Honor?

2 THE COURT: Yes, sir.

3 *(Whereupon, Court's Exhibit No. 1 was marked for*
4 *identification and received in evidence.)*

5 THE COURT: This is now a Court's Exhibit, which
6 outlines the Defendant's competency to stand trial. Is
7 that your understanding as well, Counselor?

8 MR. KEEP: Yes, Your Honor.

9 THE COURT: So, at this time are you ready to
10 proceed with your Jackson v. Denno hearing?

11 MR. STONE: We are, Your Honor.

12 THE COURT: Okay. You may call your first
13 witness.

14 MR. STONE: Thank you.

15 MR. THORNTON: Investigator William Carter.

16 Thereupon,

17 WILLIAM CARTER

18 was called as a witness, having been first duly sworn,
19 was examined and testified as follows:

20 THE WITNESS: William Carter, W-I-L-L-I-A-M. Last
21 name's C-A-R-T-E-R.

22 THE COURT: Your witness.

23 MR. STONE: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MR. STONE:

1 Q Mr. Carter, who do you work for, sir?

2 A I work for the City of Beaufort Police Department.

3 Q And did you work for the City of Beaufort Police
4 Department on or about December the 19th, 2011?

5 A Yes.

6 Q And what do you do for them?

7 A I'm a criminal investigator.

8 Q Is that the same thing as saying you're a
9 detective or an investigator?

10 A Yes.

11 Q And did you have occasion to respond out late in
12 the evening on December the 19th, 2011 to any particular
13 calls or any particular case?

14 A Yes, I did.

15 Q And how did that come about, sir?

16 A On that date you mentioned, sir, at about 10:38
17 p.m., I was contacted by Investigator Dowling with the
18 Beaufort Police Department, and asked to respond to assist
19 him at in the City of Beaufort.

20 Q All right. You said , and you've
21 already kind of said that's in the City of Beaufort. Is
22 there a specific location or apartment or house that we're
23 talking about?

24 A The address is , and the apartment
25 number is -- the incident location was Apartment .

1 Q And you said that's inside the City limits of
2 Beaufort?

3 A Yes.

4 Q And is that here in Beaufort County?

5 A Yes, it is.

6 Q Detective, what did you do when you got out to the
7 scene?

8 A The first thing, after making contact with
9 Investigator Dowling, I made contact with the Defendant.

10 Q All right. And you said the Defendant. Do you
11 see the person in the courtroom that you attempted to talk
12 to that day?

13 A Yes, I do.

14 Q And could you point her out, please.

15 A Yes. She is seated at the table here.

16 Q And you're indicating Ms. Shayla Bryan, who's
17 seated with her attorney, Mr. Keep?

18 A Yes, sir.

19 Q And did you attempt to interview her at that time?

20 A I did, I talked to her, yes.

21 Q And did she agree to talk to you at that time?

22 A No. She would answer -- when I would try to talk
23 to her she would ask for one specific person over and over.

24 Q And who was that person?

25 A Ms. Martha Frazier.

1 Q Is that a person who is in the employ or anything
2 of Beaufort Police Department?

3 A No, it's not.

4 Q Is that just a civilian person?

5 A Yes, I believe it is. I'd never heard of her
6 before that date.

7 Q And did you -- and this is a person that she
8 requested, "she" being Shayla Bryan, requested to talk to;
9 is that correct?

10 A Yes.

11 Q And did you contact Ms. Frazier?

12 A I did.

13 Q And do you know how you went about doing that?

14 A First of all, I got with the roommate of the
15 Defendant and asked -- she had the number. We ended up
16 contacting her through a third party named Yvonne.

17 Q Okay.

18 A Through her we were able to get the telephone
19 number.

20 Q All right. And did you contact Ms. Frazier?

21 A Yes.

22 Q And did she agree to come down and speak with the
23 Defendant?

24 A Yes, she did.

25 Q And at some point did you move Shayla Bryan, along

1 with Ms. Frazier, to Beaufort Police Department
2 headquarters?

3 A Yes.

4 Q And how did that -- did they ride together,
5 separate; how did that work?

6 A They rode together in the back seat of a patrol
7 car.

8 Q And up to this point had she made any statements
9 to you other than, I want to talk to Ms. Frazier?

10 A No.

11 Q So, what happens when you get the Defendant,
12 Ms. Bryan, to the police department?

13 A We seated Ms. Bryan and Ms. Frazier in our
14 upstairs interview room.

15 Q All right. Now, you say an interview room, is
16 that a room that has audio and video capability?

17 A Yes.

18 Q And did you have the audio and video on at some
19 point during --

20 A Yes, sir.

21 Q -- during their meeting?

22 A Yes, sir.

23 Q And go ahead, sir. Tell me what happened; did you
24 put them in the interview room together?

25 A We did. They were seated together, and they were

1 left on their own for several minutes and then I entered the
2 interview room.

3 Q And was Ms. Bryan speaking to Ms. Frazier, the
4 person she had requested; were they talking back and forth?

5 A If I remember correctly, they were speaking back
6 and forth.

7 Q And any of those conversations, so long as they
8 were loud enough, would be picked up on audio and video; is
9 that correct?

10 A Yes.

11 Q So was the audio and video running at that time?

12 A Yes, it was.

13 Q All right. And did you at some point enter the
14 room and attempt to talk to the Defendant, Ms. Bryan?

15 A Yes.

16 Q Obviously, layman's terms, did you Mirandise her
17 at that time?

18 A I did.

19 Q And how did you do that?

20 A I read her her rights off of a card that I carry
21 with me.

22 Q All right. Do you have that same card with you?

23 A Yes, I do.

24 Q All right. If you would, pull it for me and read
25 the rights the exact same way you did on that day?

1 A I read, "You have the right to remain silent.
2 Anything that you say can and will be used against you in
3 court. You have the right to an attorney and to have that
4 attorney present during questioning. If you cannot afford
5 an attorney an attorney will be provided at no cost. You
6 can decide at any time to exercise these rights and not
7 answer any questions or make any statements."

8 And then I asked her, Do you understand each
9 of these rights as I have explained them to you? And then I
10 asked her, having these rights in mind, do you wish to talk
11 to us now?

12 Q And after reading her her rights, sir, were you
13 able to talk to her?

14 A Yes.

15 Q And did she seem to understand what you were
16 saying, and be able to communicate back to you?

17 A Yes, she did.

18 Q Did she appear to be under the influence of any
19 alcohol, drugs, or anything else that would make her
20 incoherent or not able to understand what you were asking?

21 A No.

22 Q All right. Did you make any threats or promises
23 of leniency in order to get her to talk?

24 A No.

25 Q All right. And did anybody else in your presence?

1 A No, sir.

2 Q And once she got to the headquarters, she was
3 still with Ms. Frazier; is that correct?

4 A That is correct.

5 Q And did Ms. Frazier stay with her for some time?

6 A She did.

7 Q At any time, did Ms. Frazier -- during this
8 process, did Ms. Frazier at some point leave?

9 A Yes, she did.

10 Q And at whose request did she leave?

11 A At the request of Ms. Bryan.

12 Q And do you recall how that happened or what she
13 said?

14 A We were in a dialogue and she looked at
15 Ms. Frazier and said, You can go now.

16 Q All right. I have been very guilty so far today
17 of using pronouns a lot; "she" being the Defendant, Shayla
18 Bryan; is that correct?

19 A That's correct.

20 Q And while you were interviewing her, at some point
21 did you decide to turn the interview over to somebody else?

22 A I did.

23 Q And why was that?

24 A Investigator Dowling had contacted Investigator
25 Gutterson, and I was willing to turn the interview over to

1 her because I thought maybe she would have more success.

2 Q And Investigator Gutterson is now?

3 A Investigator Culligan.

4 Q All right. Because she had gotten married and
5 moved away; is that correct?

6 A That is correct.

7 Q All right. At my request did you look at a short
8 video clip earlier today?

9 A Yes, I did.

10 MR. THORNTON: Your Honor, with the Court's
11 permission, I've got just the Miranda portion. The
12 tape is very long. We'll have a copy for Your Honor to
13 view at your leisure. But I thought it important to
14 play at least the portion for the Miranda part?

15 THE COURT: Yes, sir. Thank you. Is there any
16 objection?

17 MR. KEEP: No. Judge, but this might be a good
18 time to put on the record Defendant's objection to
19 uncharged conduct, which would be marijuana use. She
20 is not facing marijuana charges, yet she -- I would
21 like the Court to in limine or redact any part of her
22 confession and not consider it. I just think that the
23 fact that she smoked marijuana, a user amount of
24 marijuana, eight or nine hours before this incident.
25 Thank you, Your Honor.

1 THE COURT: Thank you.

2 MR. THORNTON: Your Honor, would you like me to
3 respond briefly to that motion?

4 THE COURT: Yes, please.

5 MR. THORNTON: Your Honor, the State's position in
6 this case is that the marijuana is really an integral
7 part of this case, for several reasons. One is, one of
8 the things with being interviewed again, I wouldn't try
9 to play it for you here right now, because it's hours
10 into this. One of the things she says is, when talking
11 with one of the detectives is, you know, I smoke weed
12 every day. Did you smoke that day? Yes, I did. Well,
13 when was it? Well, it was around 1 o'clock. Well, you
14 know -- and in talking about it, and then she says, in
15 reference to tossing her child over the balcony, I was
16 high at the time. That is extraordinarily relevant in
17 and of itself.

18 In addition to that, Your Honor, both
19 psychiatrists mention marijuana use. Now, one
20 psychiatrist, and I will try not to speak for Mr. Keep,
21 but who I imagine he will call, is Dr. Gomez, who says
22 that this case, the symptoms are not -- are not related
23 to marijuana use so I'm ruling that out. But she still
24 had to decide and use that as a basis of her opinion.

25 The other psychiatrist, Dr. Whaley, indicates that

1 even if -- and they disagree on their diagnoses, Judge,
2 which we will get into at the appropriate time. But
3 even if he agreed with Dr. Gomez' diagnosis, that she
4 would still not qualify for lacking criminal
5 responsibility, because the psychosis would have to be
6 tied to the marijuana use, because she hadn't been
7 clean for 30 days. So, there's no way to separate that
8 out. As I think everybody would agree, that's probably
9 the biggest matter in this case, or the biggest
10 disputed matter in this case, is whether she was
11 criminally responsible or not.

12 Both psychiatrists make it a point to bring it out
13 in their respective diagnoses. One says it doesn't
14 matter, one says it does. I don't how, since Your
15 Honor will be sitting as the trier of fact and as the
16 law, I don't see how you can keep that out, when that's
17 really the crux of the case. In addition to the fact
18 that she says, I'm high at the time that I did it. So
19 that would be the State's position, Your Honor. I just
20 don't see how you can redact it out, it's too integral.

21 THE COURT: All right. Did you have anything
22 further?

23 MR. KEEP: Well, yes, Judge. Just to quote the
24 doctor as, quote, "It is very unlikely that the effects
25 of marijuana would lead to the conduct described in the

1 alleged offense." And, Judge, it just flies against
2 common knowledge. Marijuana is now legal in several
3 states. It is a very minor offense. Having a user
4 amount is a magistrate's court offense in South
5 Carolina. There's just no body of knowledge that
6 relates to people using a user amount of marijuana and
7 trying to kill their family.

8 THE COURT: Well, Mr. Keep, I think that at this
9 stage of the game, I think your motion is somewhat
10 premature. I'll respectfully deny it, due to the fact
11 that it appears that it's an integral part of the crime
12 as charged. However, as the testimony is developed
13 through the doctors' testimony, you're free to renew
14 your objection.

15 MR. KEEP: Yes, ma'am.

16 MR. THORNTON: Thank you, Your Honor.

17 Your Honor, in case we need it for the Court's --
18 for the record of the Court, Dillon Hightower, is an
19 investigator at our office, and he is here and with the
20 Court's permission, going to help us with the
21 audio/visual?

22 THE COURT: Yes, sir.

23 MR. THORNTON: Thank you, Your Honor.

24 And, Your Honor, I'm going to apologize in advance
25 for the sound. It's just not very loud. It's clear,

1 but it's not very loud. And the court admin folks have
2 been kind enough to help us. So, we will do everything
3 we can. And, again, you will have this, Your Honor.
4 And I will make sure you have a complete copy, once
5 I've shown a copy to Mr. Keep.

6 MR. KEEP: Yes, sir.

7 (Video begins playing at 12:00 p.m.)

8 BY MR. THORNTON:

9 Q Investigator Carter, just so we have this for
10 record purposes, this is a videotape showing three people
11 seated around a table. Are you one of the folks in that
12 video?

13 A Yes.

14 Q And is the other person in the green shirt the
15 Defendant, Shayla Bryan?

16 A Yes.

17 Q And is the other person, Ms. Frazier, who the
18 Defendant had asked for?

19 A Yes.

20 Q All right. Now, obviously there's a pause already
21 in that, and I know this goes on for several hours. Did she
22 agree to talk to you at some point, after reading her
23 Miranda rights?

24 A Yes, she did.

25 Q And did that interview last for at least a couple

1 of hours total time before it was terminated?

2 A Yes, it did.

3 Q All right. Now, again, I want to go over this
4 real quick. Did you threaten her in any way to get her to
5 talk to you, or make her any promises of leniency in order
6 to get her to talk to you?

7 A No, I didn't.

8 Q And did anybody else in your presence?

9 A No, they didn't.

10 Q Even after you left the room, are you able to view
11 this on either closed circuit TV or somewhere else?

12 A Yes, we have that capability.

13 Q And were you or other officers watching this as it
14 transpired?

15 A Yes.

16 Q And while watching this did you see anyone make
17 her any promises of leniency or threaten her in anyway?

18 A I did not.

19 Q And at least as far as right there in that room,
20 was it just the three of you, you, the Defendant and
21 Ms. Frazier in the room?

22 A Yes, that's correct.

23 Q Thank very much, sir. I don't have any further
24 questions. Please answer any questions Mr. Keep has.

25 THE COURT: Counselor, your witness.

1 CROSS-EXAMINATION

2 BY MR. KEEP:

3 Q What was her state of mind?

4 A I'm not sure.

5 MR. THORNTON: Objection, Your Honor.

6 THE COURT: Sustained.

7 BY MR. KEEP:

8 Q Describe her appearance, please.

9 A If I recall correctly she was wearing a green
10 shirt, gray sweat pants.

11 Q Anything usual about her behaviour?

12 A I'm not sure I can answer that. I'm not really
13 qualified to answer that about behaviour.

14 Q How would you describe her demeanor?

15 A She appeared -- she held her head down, soft
16 spoken.

17 Q Did she state why she wanted to see Mrs. Frazier?

18 A She did not.

19 MR. KEEP: No further questions, Your Honor.

20 THE COURT: Any further redirect?

21 MR. KEEP: Nothing, Your Honor.

22 THE COURT: You may step down, sir. Thank you.

23 You may call your next witness.

24 MR. STONE: Trisha Culligan, please, to the stand.
25 Formerly Officer Gutterson, Your Honor, just for record

1 purposes.

2 Thereupon,

3 TRISHA GUTTERSON CULLIGAN

4 was called as a witness, having been first duly sworn,

5 was examined and testified as follows:

6 THE WITNESS: Trisha Culligan, T-R-I-S-H-A
7 C-U-L-L-I-G-A-N.

8 THE COURT: Your witness.

9 MR. STONE: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. THORNTON:

12 Q I'm just going to refer to you as Officer
13 Culligan, if that's okay, because I'm so used to addressing
14 law enforcement witnesses. Will that be all right?

15 A That's fine.

16 Q At December the 19th, 2011, who did you work for?

17 A The Beaufort County Police Department.

18 Q What did you do for them?

19 A At that time I was assigned to the community
20 response team.

21 Q And did you respond out to any particular scene on
22 the 19th, late in the evening, say 10 o'clock, 10:30 p.m.?

23 A Yes, I did, sir.

24 Q And where did you go?

25 A I responded to . Originally it was

1 a 911 hang up, in reference to a female who had called and
2 said that she had killed her daughter. And all officers
3 that were currently working at that time responded to that
4 area.

5 Q And did you respond out to the scene?

6 A Yes, I did.

7 Q And now, once you were there, and again, as you
8 know the drill, without telling me what anybody told you,
9 did you go out and speak to anyone in particular while you
10 were at the scene?

11 A When I got there I parked my vehicle near the 500
12 building and I observed two females get out of a vehicle,
13 which later identified as Ms. Bryan's mother and sister.

14 Q And did -- what did you do after speaking -- did
15 you speak to them?

16 A I spoke to them. They were both hysterical and
17 upset, and I just tried to get them to calm down.

18 Q And after that, did you at some point leave the
19 scene and go somewhere else?

20 A I left with EMS when they were transporting the
21 child to the hospital. I led the ambulance to the hospital.

22 Q And so you had left. So, you went to the ER?

23 A I went to the ER, yes.

24 Q And what hospital was it?

25 A Beaufort Memorial.

1 Q What did you do when you got there?

2 A When I got there I spoke to an officer that was
3 there waiting for the family to arrive and for the child to
4 arrive. They figured people were going to be showing up, so
5 I met with him.

6 Q And at some point were you asked to go to the
7 headquarters of the Beaufort Police Department?

8 A Yes. At that time -- during that time,
9 Investigator Dowling called me and asked me if I would
10 respond to the Beaufort Police Department, to possibly speak
11 with Ms. Bryan.

12 Q And did you speak with Ms. Bryan?

13 A Yes, I did.

14 Q And could you point her out in the courtroom?

15 A Yes. She's wearing a black shirt, sitting next to
16 the gentleman at the table.

17 Q And is that who you spoke with at the City of
18 Beaufort Police Department?

19 A Yes, it was.

20 Q Was that done in an interview room?

21 A Yes, it was.

22 Q And at my request, although I know you haven't
23 completely finished yet, have you been reviewing the
24 several-hour interview that was conducted?

25 A Yes, sir.

1 Q And is a piece of that interview what we just saw
2 and heard on the monitor?

3 A Yes, it is.

4 Q And as far as that piece, was that a fair and
5 accurate depiction of what you've been reviewing?

6 A Yes.

7 Q Now, when you went in there to talk to the
8 Defendant in this case, was Ms. Frazier still there or had
9 she already gone?

10 A She had already gone. The Defendant was in there
11 alone.

12 Q And did you start speaking with the Defendant in
13 this case?

14 A Yes.

15 Q Now, obviously, we've already seen the Miranda.
16 You did not re-Mirandise her or anything. We're going off
17 of the Miranda that was already done; is that correct?

18 A Yes, sir.

19 Q Now, did you make her any promises of leniency
20 that we would take it easy on her, or did you make any
21 threats of violence against her to get her to talk to you?

22 A No.

23 Q And was the room in substantially the same
24 condition as we saw it just a moment ago, as far the
25 furnishings, furniture, was everything about the same?

1 A Yes, sir.

2 Q And when you went in to talk to her, was she able
3 to communicate with you?

4 A Yes, she was.

5 Q And did she -- how long, roughly, and I realize
6 that I'm not asking you for a minute to minute, but roughly
7 how long do you think you spoke with her?

8 A I would say four hours, approximately.

9 Q All right. So, several hours then?

10 A Yes.

11 Q And during that time did she exhibit any
12 symptoms -- excuse me. Let me rephrase that. You wouldn't
13 be qualified to answer that.

14 Did you note anything about her demeanor that
15 would lead to you to believe, as an officer, that she didn't
16 understand your questions?

17 A No.

18 Q Did she seem to be able to understand what you
19 were asking, and give you a response, if she wished?

20 A Yes.

21 Q Now, at some point did you get into what happened
22 on the night of the 19th to her daughter?

23 A Yes.

24 Q And did she tell you one story and stick with it,
25 or did she tell you more than one story?

1 A Multiple stories.

2 Q And do you remember, just kind of -- and I'm just
3 very briefly. Obviously the Judge is going to have this to
4 look at later, but just briefly, kind of the stories that
5 she told you?

6 A I mean, when I first entered and began speaking
7 with her she -- one thing that I noticed that she was
8 emotionless. She wasn't really reacting when I explained
9 that I'd just come from the hospital and seeing her
10 daughter, and that the child was still alive and okay and
11 being transported. So, after speaking with her about that,
12 she then went on, and I had her go through her day, that
13 day, and explain like what she had done throughout the day.

14 Q I'm sorry to interrupt. Did she seem able to do
15 that? Was she able to recount?

16 A Yes, she was able to recount the whole day.

17 Q Okay.

18 A And then we got to the time that the incident took
19 place. So, she started at the beginning of the day, and
20 then like wasn't filling in the blanks in between. Then it
21 got to, she didn't know how the child ended up in that
22 situation.

23 Q All right. So, first story she tells you, she
24 didn't know?

25 A She didn't know.

1 Q And does that story change and she tells you
2 something else?

3 A Yes.

4 Q And what she did she tell you next?

5 A Then she tells me that a man, a Caucasian, that
6 she doesn't know, somebody just came into the apartment.
7 Her little girl was in the bathtub, she was in the back
8 bedroom. Somebody comes into the apartment, a man that she
9 doesn't know, and takes the child.

10 Q Okay. And does she give kind of a basic
11 description at some point of what he's wearing, and please
12 correct me if I'm wrong. I want to say like a maroon car
13 that he drives away in or something like that?

14 A Yes. She gives me a name, and tells me that he's
15 wearing a white shirt, blue jeans, and drives a burgundy
16 car.

17 Q So it wasn't just somebody else did it, this
18 actually kind of a detailed --

19 A Yes, somebody she actually knows.

20 Q And then -- so it goes from a man that comes in
21 that she doesn't know to now someone she knows. And does
22 she eventually assign a name to this person?

23 A Yes.

24 Q And so we've got, she doesn't know -- it's a
25 man -- she doesn't know how it happened. Then it's a man

1 came in and did it, but she doesn't know who it is. And now
2 it is who?

3 A Justin.

4 Q Justin. And at some point do you get more than a
5 first name out of her?

6 A Yes, and I show her a photo.

7 Q Okay. And so you -- and who do you show her a
8 photo of, Justin who?

9 A Justin Singleton.

10 Q So, at some point then, she tries to pin it on
11 Justin Singleton; is that correct?

12 A Yes, sir.

13 Q All right. Now, does she stick with that story,
14 or does that morph into yet another story?

15 A No, it morphs into another story.

16 Q And who does she admit did it now? And when I
17 say, "did it," of course, I mean, toss her 3-year-old child
18 off a third floor balcony?

19 A She finally admitted to me that she did it.

20 Q So we started -- again, I'm not trying to put
21 words in your mouth.

22 A Right.

23 Q Just so we got it straight. So, I don't know,
24 some guy came in and did it, to somebody I know came in, and
25 here's what he's wearing, and here's a maroon car, to Justin

1 did it. And it's Justin Singleton and, yeah, that's him in
2 a photograph, to, I did it?

3 A Yes.

4 Q And again, at any time during this interview had
5 you threatened her in any way or promised her leniency for
6 any charges in exchange for getting her testimony?

7 A No.

8 Q And you said that this lasts about four hours, and
9 she was able to communicate with you the entire time?

10 A Yes.

11 Q Did she appear to be under the effects of any
12 drugs or alcohol?

13 A No.

14 Q And did she appear to have any problem
15 understanding what you were asking her and give a response?

16 A No.

17 Q As a matter of fact, from what you testified to,
18 she was able to give you a description of Justin Singleton,
19 and the kind of car he was driving, and try to pin it on
20 him?

21 A Yes.

22 Q I don't have anything further.

23 Please answer any question that Mr. Keep has.

24 THE COURT: Mr. Keep?

25 MR. KEEP: No questions of this witness, Your

1 Honor.

2 THE COURT: You may step down, ma'am. Thank you.

3 You may call your next witness.

4 MR. THORNTON: Your Honor, that will be all for
5 the State. Again, we will make a complete -- it's
6 three discs, Your Honor. I would ask that at the
7 appropriate time, make a copy of all the interview a
8 Court's exhibit. And unless Mr. Keep has an objection,
9 that Your Honor would want to consider, I'm sure, at
10 some point. But the Miranda portion, that's all we
11 have, Judge.

12 THE COURT: Mr. Keep, do you have anything?

13 MR. KEEP: No, Your Honor.

14 THE COURT: Based upon the comments and the
15 evidence stated, the Court does find that the
16 Defendant's confession and statement to the law
17 enforcement was voluntary, based upon her having been
18 read her Miranda rights, that it's on video, she
19 apparently understood, she stated. And that there were
20 no threats or promises were made to her in any way.
21 And the Court finds that the statement was a voluntary
22 one.

23 Anything further at this time on that?

24 MR. STONE: Nothing on that issue.

25 MR. KEEP: No, Your Honor.

1 THE COURT: All right. Gentlemen and lady, how
2 would you like to proceed?

3 MR. STONE: We can do it any way Your Honor
4 wishes. I've spoken to Mr. Keep, he wishes to do an
5 opening. So, we can do short openings.. I have one
6 witness who's available today that is here, we can put
7 that person up. Unfortunately the rest of my witnesses
8 are scheduled for tomorrow morning, and I apologize for
9 that gap. Any way you want to do it, Judge. We're
10 ready if you are. And otherwise, whatever way you want
11 to do it.

12 THE COURT: That's fine. Do you all want to take
13 a quick lunch break, then we'll come, do brief openings
14 and try to bring something simple. Which means brief
15 testimony.

16 MR. KEEP: Well, Judge, could we just go?

17 THE COURT: You want to go straight into it,
18 that's fine.

19 MR. KEEP: We'll make the openings brief.

20 THE COURT: Sure. That works for me.
21 You may proceed, Solicitor.

22 MR. STONE: Thank you, Your Honor.

23 STATE'S OPENING STATEMENT

24 MR. STONE: Your Honor, as you already know, this
25 happened December the 19th, 2011. Shayla Bryan was

1 high. She punched her child, she stabbed her child,
2 and what the crime scene photographs show and what
3 testimony you will hear, is that this is something that
4 started in the bathroom, went down the hallway.
5 There's blood throughout the hall, indicating that
6 there's some type of struggle going through the hall.
7 And it concludes with her going out into the stairwell
8 of her apartment, which is in the third story of an
9 apartment complex, and throwing her child from the top
10 balcony.

11 Now, the issue in this case, and I think you can
12 tell at this point, that the issue is not whether or
13 not she did that. She did. I don't think the Defense
14 will dispute that. The issue is whether or not she
15 knew the difference between right and wrong when she
16 did it. What you will hear from the testimony, and
17 some -- a good bit that you've already heard from the
18 Jackson Denno, is that when she was confronted -- at
19 first, before she was even confronted, she went
20 downstairs where neighbors were. And she told
21 neighbors, at least two neighbors who will testify,
22 that the child fell.

23 When confronted by law enforcement, as you heard
24 previously, she first says, she doesn't remember. Then
25 she says, it's a man. He was wearing a white shirt,

1 black jeans, he was driving a maroon car. And she
2 describes the struggle that she had as she tried to
3 chase the man to get her child back.

4 After that she then tells Officer Gutterson, it
5 was actually Justin Singleton, to the point of actually
6 picking him out in a photo, and telling law
7 enforcement, that's the guy who tried to kill my child.
8 Only after approximately five hours of talking with
9 Officer Gutterson. And I say five hours, the entire
10 span included time that she talked to a friend of hers,
11 which you saw, Mrs. Frazier. During most of
12 Ms. Frazier's time she said she didn't remember, she
13 didn't really know what happened.

14 Eventually, at the very end, she finally admitted,
15 I did it. She further said, I know I was wrong. You
16 probably think badly of me. She actually said, you
17 probably think I'm a bitch is what she said, but the
18 devil came over me. This was her last statement to law
19 enforcement.

20 Later on she was questioned by psychiatrists from
21 the State Department of Mental Health, at which time
22 she said, actually, I heard a voice. It was a female
23 voice telling me to do it, do it. She came up with at
24 least five different reasons why she did this, or five
25 different excuses. Four of which she was blaming other

1 people. The fifth, when she finally said, I did it. I
2 knew I was wrong, but the devil came over me.

3 Our testimony, Your Honor, we will offer a
4 psychiatrist who said that Shayla Bryan suffered from
5 no psychosis whatsoever. She was high at the time, and
6 that could not be something that was ignored. But even
7 if it wasn't there, she still did not suffer from any
8 type of psychosis that would have risen to the level of
9 her not understanding the difference between right and
10 wrong.

11 And, in fact, she told Ms. Frazier she knew what
12 she had done was wrong. She told the State
13 psychiatrist, she knew what she had done was wrong.
14 And throughout her testimony, you see guilt, you see
15 avoidance of responsibility. You see everything else
16 that points to the fact that she knew the difference
17 between right and wrong. Our psychiatrist will testify
18 to just that, that she had no psychosis. Any problems
19 or any issues she had, were brought about by the
20 marijuana use. And regardless of that, none of that
21 rose to the level of insanity.

22 At the end of the case, Your Honor, we will come
23 back and ask you to find an appropriate verdict, based
24 on that testimony.

25 Thank you.

1 THE COURT: Thank you.

2 Mr. Keep?

3 MR. KEEP: Yes, Your Honor.

4 DEFENSE'S OPENING STATEMENT

5 MR. KEEP: My client, Shayla, had no stressors
6 according to Dr. Gomez, who is the State's
7 psychiatrist, and Dr. Mulbry, the State's psychiatrist,
8 and Dr. Treadway, also the State's psychiatrist, found
9 she had no stressors. She, in fact, comes from an
10 intact family. Mother and father are married and very
11 successful. A love -- loving family. She had a
12 wonderful child. The testimony will be that she didn't
13 believe in corporal punishment. She had a great job,
14 which she had been manager for three years, she had a
15 car, she was making good money, she had a nice
16 apartment.

17 She, in December of 2011, started hearing voices
18 and a woman -- she started fixating on a woman that has
19 nothing to do with what was happening here. And she
20 received a poem, and the poem said that those people
21 that die -- children that die are beyond pain. And she
22 started obsessing on this poem and with the voices,
23 because she did something that was clearly insane.

24 And the three state psychiatrists that have
25 examined her said that she was psychotic. Two of them

1 forensic psychologists. And what's interesting here,
2 Your Honor, these are the two forensic psychologists
3 are saying that she's -- that give us their medical
4 opinion that she's good to stand trial, that she's
5 sane, now. But they also have come to the conclusion,
6 medical opinion, that at the time of the crime,
7 December 19th, that she was criminally insane and not
8 responsible for her actions.

9 So, she's on -- she was put on antipsychotic
10 medication as soon as she was in the jail, and she's
11 been taking antipsychotic medication every day, and
12 she's no longer insane as noted. She admits that the
13 very first thing that she said to the 911 call was,
14 I've killed my daughter. And she went -- she
15 immediately -- she didn't try to run, she didn't
16 destroy the evidence against her, which was the blood
17 and the knife. She went down. She didn't leave the
18 child to die in the cold, at 10:00 at night. In
19 December, it's very cold. She went down, picked up her
20 child and knocked on the door of the superintendent, or
21 the guy that runs the apartments, and said -- the first
22 words were, I killed my child. She's clearly insane.
23 She's been -- as long as she's on her meds she's sane
24 now.

25 Thank you, Judge.

1 THE COURT: Thank you. You may call your first
2 witness, Solicitor.

3 MR. STONE: Thank you. Your Honor, we call
4 Lieutenant Melanie Smith.

5 Thereupon,

6 MELANIE SMITH

7 was called as a witness, having been first duly sworn,
8 was examined and testified as follows:

9 THE WITNESS: Melanie Smith, M-E-L-A-N-I-E
10 S-M-I-T-H.

11 DIRECT EXAMINATION

12 BY MR. STONE:

13 Q Did I get your rank right?

14 A No, I don't have any rank at this time.

15 Q Okay. But you've just been promoted, so what do
16 we call you now?

17 A Just Melanie Smith.

18 Q Okay. Well, I'll just call you Melanie Smith.

19 What do you do?

20 A Currently, I'm the 911 records custodian for the
21 Dispatch Center of the Sheriff's Department.

22 Q Okay. Now, how does that center work, exactly?
23 How does that work? Is that, first of all dispatched to a
24 particular region, to a county? How does that work?

25 A I really dispatch for the entire Beaufort County.

1 We dispatch all law enforcement, fire, EMS for Beaufort
2 County.

3 Q And when a 911 call comes in, how does that work?

4 A We receive all the 911 calls and any non-emergency
5 calls comes into our center. We received the call and
6 dispatch the different agencies to that call.

7 Q And you were actually the records custodian in
8 this particular center?

9 A Correct.

10 Q Any calls that come in, can you tell where they
11 come in from?

12 A The calls that come in on a land line are attached
13 to an address. If it comes in on a cell phone, sometimes
14 those providers give lat and long of where the location is.

15 Q Okay. And that gives you basically an area in
16 order to send ambulances and things like that?

17 A We don't have an exact address on cell phones, but
18 we do have a general area where they come from.

19 Q Now, the calls when they come in, are those
20 recorded in the ordinary course of business with the
21 dispatch center?

22 A Yes, everything coming in and out of the center is
23 recorded.

24 Q And it's recorded contemporaneously when it comes
25 in; is that correct?

1 A Correct.

2 Q And those records are kept, basically, in the
3 ordinary course of business for the 911 center?

4 A Correct.

5 Q And not for any particular case, but just as a
6 rule of thumb?

7 A We keep everything.

8 *(Whereupon, State's Exhibit No. 1 marked for*
9 *identification.)*

10 BY MR. STONE:

11 Q All right. Now, let me show you what's been
12 marked as State's Exhibit 1, and ask if you could identify
13 that, please.

14 A Yes. This is the recording of the phone calls I
15 made in reference to the case that we're here for today.

16 Q All right. And that is a recording of the 911
17 calls that came through on December the 19th, 2011?

18 A Correct.

19 Q All right. Is that a fair and accurate depiction
20 of that call as your records captured it?

21 A Yes.

22 Q Okay. And you have reviewed it; I believe you've
23 signed it, as well?

24 A Yes, today.

25 MR. STONE: Your Honor, at this time we move

1 State's Exhibit 1 into evidence.

2 THE COURT: Any objection?

3 MR. KEEP: No, Your Honor.

4 THE COURT: All right. It's in.

5 *(Whereupon, State's Exhibit No. 1 received in*
6 *evidence.)*

7 MR. STONE: Okay. If I may, I would like to hand
8 this to Investigator Hightower and ask him to play that
9 now.

10 (Audio playing.)

11 BY MR. STONE:

12 Q The voices on that call, obviously, you don't know
13 who the call came from, but who is the other voice on that?

14 A The other voice is our dispatcher, Lucindra
15 Prichardson.

16 Q And it picks up a little bit before the phone
17 actually seems to engage; what is that about?

18 A Well, the way our system works is, as soon as a
19 person dials 911, it comes into our system, starts recording
20 and then the dispatcher -- it will ring into the center, and
21 then the dispatcher picks up. So, you get a little bit of a
22 recording before the dispatcher picks up.

23 Q Is there any way to tell from that recording or
24 from the call coming in, where that call originated?

25 A That one was a cell phone, so we had a general

1 area where it came from.

2 Q And what general area was that?

3 A The . It came from the
4 cell phone tower.

5 Q Okay. All right. Now, on the disc, it actually
6 has . How were ambulances -- first of all,
7 were ambulances dispatched to this area?

8 A Yes, they were. There was another call that came
9 in at the same time, roughly right after that one, and
10 someone did confirm the address of where they needed to go.

11 Q Okay. Let's go ahead and play that. Is that on
12 there as well? Is that second one on there as well? Go
13 ahead and play that one.

14 (Audio playing.)

15 BY MR. STONE:

16 Q All right. That was an address that obviously
17 came through as . Do you know how that --

18 A There's another call that a male subject called
19 in.

20 Q I got you.

21 A And he actually gave the address where they
22 actually were.

23 Q Okay. And all of this is contemporaneous with the
24 calls coming in at the same time?

25 A The way it's recorded is, so it's not mixed in

1 together, they are recorded after each other.

2 Q Okay.

3 A It's just if they were recorded all together, they
4 would be on top of each other.

5 Q Okay. Go ahead and play the other one, if you
6 don't mind.

7 (Audio playing.)

8 BY MR. STONE:

9 Q , that's in Beaufort County; is it
10 not?

11 A Yes.

12 MR. STONE: I don't have any further questions.

13 Thank you.

14 THE COURT: Mr. Keep?

15 MR. KEEP: No questions, Your Honor.

16 THE COURT: Okay. You may step down. Thank you.

17 Is that your witness for the day, Mr. Stone?

18 MR. STONE: It is. It is, Your Honor.

19 THE COURT: What time would you all like to start
20 in the morning? Is 9:45 okay?

21 MR. STONE: Yes, ma'am.

22 MR. KEEP: Yes, Your Honor, 9:45.

23 THE COURT: Okay. We will see you all in the
24 morning.

25 MR. STONE: Thank you, Your Honor. And I'll check

1 with the assistant to see if there's -- they probably
2 have some pleas or something this afternoon, but let me
3 check with her.

4 THE COURT: Sure.

5 (Court adjourned for the day.)

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF BEAUFORT:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 8th day of September, 2014.



MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 14th Circuit
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1 In the Court of Common Pleas for the
2 State of South Carolina, County of Beaufort

3

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Case No.: 2012-GS-07-0105

5 State of South Carolina,

6 Plaintiff(s),

7 vs.

Transcript of Record

8 Shayla Jerea Bryan,

9 Defendant(s).

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VOLUME 2

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May 20, 2014

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Beaufort, South Carolina

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22 BEFORE:

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The Honorable Judge Maite Murphy

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APPEARANCES

PLAINTIFF'S ATTORNEY:

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1 PROCEEDINGS

2 THE COURT: Good morning everyone. Parties ready
3 to proceed?

4 MR. STONE: The State is ready, Your Honor.

5 MR. KEEP: Yes, Your Honor.

6 THE COURT: All right. Solicitor, you may call
7 your next witness.

8 THE CLERK: Please state your name and spell it
9 for the record.

10 THE WITNESS: My name is David Wood.

11 Thereupon,

12 DAVID WOOD

13 was called as a witness, having been first duly sworn,
14 was examined and testified as follows.

15 DIRECT EXAMINATION

16 BY MR. STONE:

17 Q And What do you do, Mr. Wood?

18 A I am a paramedic for Beaufort County EMS.

19 Q You are a paramedic. What exactly is a paramedic?

20 A Paramedic is the third level of certification that
21 you would have on an ambulance. It is the highest level.
22 You go through the basic, intermediate, and then to
23 paramedic. The one that takes the longest to achieve.

24 Q When you become a paramedic, after the other two
25 tiers, what does that allow you to do or what type of --

1 A It gives us the ultimate control on the scene. We
2 have the advanced training, life support training, trauma
3 training. It allows us to do everything that we can do to
4 stabilize, you know, and/or stabilize or save a patient.

5 Q Now, on December 19th, 2011, were you a paramedic
6 at that time as well?

7 A I was.

8 Q Responding, specifically to , were you a
9 responder to that scene?

10 A We were.

11 Q Tell me how that came about.

12 A We were at the station; we were toned out.

13 Q What does that mean, sir?

14 A The alarms go off. We respond to dispatch,
15 telling them we were en route. Eleven minutes after that
16 time -- we responded from the Seabrook area. We got on
17 scene in 11 minutes, and that is when I had first patient
18 contact.

19 Q And first patient contact is when you came in
20 contact with the child; is that correct?

21 A That's correct.

22 Q Tell me, tell me, first of all, where that took
23 place?

24 A That was in front of the apartment at .

25 Q What -- first of all, tell me, who was the child or

1 what information did you have concerning the child itself?

2 A The only information that I had concerning the
3 child was that the child had fallen from a second story
4 balcony.

5 Q Okay.

6 A That is just what was given to me.

7 Q I understand. How old was the child, do you
8 recall?

9 A Three years old, I think.

10 Q What condition was the child in when you got there?

11 A (Reading notes).

12 Q Are you responding to your notes?

13 A Yes, I am.

14 MR. STONE: Your Honor, if he may respond to his
15 notes?

16 THE COURT: Any objection?

17 MR. KEEP: No, Your Honor.

18 A Now, the child was given to or passed to my
19 partner and myself on a long spine board, which is a long
20 mobilization device to stabilize a patient. The patient was
21 unresponsive. Let me look at this so I can say it
22 correctly. Unresponsive, had labored breath with audible
23 groaning noted. The patient showed signs of trauma on the
24 right arm, right shoulder, forehead and bleeding from the
25 right ear. There was abrasion on the forehead. Injuries to

1 the right arm and shoulder were a combination of abrasions
2 and small lacerations. The pupils were fixed and
3 non-reactive with an upward stare to the left.

4 Q What is significant about that?

5 A We associate the gaze or the stare, especially
6 upward to the left or right, with a traumatic brain injury.

7 Q Okay.

8 A Patient wasn't improving at all. We maintained a
9 viable airway to ensure that we had perfusion for the
10 patient.

11 Q And by that, is that putting the child on a
12 respirator basically?

13 A Well, no, we were using a bag mask valve which
14 enables us to control the airflow into the lungs so that we
15 can maintain perfusion, so that the brain is being perfused
16 or getting oxygen that it needs to survive.

17 Q Got you.

18 A I do see where we noted that there was increased
19 bleeding from the ear. The bleeding from the ear is
20 significant. It is a red flag to us, it's indicative of a
21 skull fracture, which is a serious fracture that actually
22 part of the skull is broken or separated, which is when you
23 get the bleeding of the ear when there's no signs of trauma
24 to the ear.

25 Q I see. And that was the condition that you found

1 the child in?

2 A Yes, it was.

3 Q And then from that standpoint, when you say
4 nonresponsive, is the child awake? I don't --

5 A When we say a patient is unresponsive, generally
6 we categorize a patient as responsive to pain, responsive to
7 verbal stimuli or responsive to audible. This patient would
8 not respond to any kind of stimuli. The only response that
9 we got is when we did a Babinski test which is where we test
10 the bottoms of the feet with a rounded but long instrument.
11 And we do it in such a fashion that it'll cause flex if the
12 spine itself is in tact. Which is what we did. And we did
13 get a positive response. That is the only response we got
14 from that child, which is she had intact spinal cord.

15 Q And at that point in time you turned the child over
16 to basically Beaufort County Memorial Hospital?

17 A Yes, we had patient care for 11 minutes.

18 MR. STONE: Thank you. I don't have anything
19 else.

20 THE COURT: Cross examination?

21 MR. KEEP: None, Your Honor.

22 THE COURT: Thank you, you may step down.

23 THE CLERK: Please be seated, state your name and
24 spell it for the court reporter.

25 THE WITNESS: My name is Michael Gioquinto.

1 Thereupon,

2 MICHAEL GIOQUINTO

3 was called as a witness, having been first duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STONE:

7 Q What do you do, sir?

8 A Construction. At the time I was service
9 technician, maintenance at the apartment complex at that
10 time.

11 Q At December of 2011, you were the actual apartment
12 complex maintenance or engineer?

13 A Maintenance.

14 Q Maintenance, okay. Did you actually live at the
15 location?

16 A I lived at apartment , which is where the
17 youngun was brung (SIC) to my door.

18 Q You were at home during this incident, obviously?

19 A Correct, I was watching the football game.

20 Q Can you pull that microphone a little closer to
21 you? Tell me what happened. You were watching the football
22 game, you are inside the apartment, this is at .

23 What is the name of that apartment complex, by the way?

24 A

25 Q These are the ones right down

1 behind -- in Beaufort right down behind the Wal-Mart?

2 A Across from Wal-Mart.

3 Q Okay, got it. All right. You are at home. About
4 what time are we talking about?

5 A I would say shortly after 10:00, 10:15. Sitting
6 there watching the game all of a sudden boom, boom, open the
7 door. This young lady had a child, naked, bleeding hard to
8 the head, lifeless as she could be. I said, Hand me the
9 baby. I took the baby, laid her on the floor where I could
10 shout out my door. She was -- no breath. The mom laid down
11 there with me, and I commenced to try to give her CPR. I
12 finally got a little breath out of her, got a little gurgle.
13 And then after that EMS came.

14 Q Now, during the time that when the lady knocked on
15 the door, did she say anything to you; how did that happen?

16 A She said, Help me with my child.

17 Q Pardon?

18 A She said, Help me with my child.

19 Q Okay. She's beating on your door, she comes to
20 you, she is clothed but the child has no clothes on; is that
21 right?

22 A She was naked.

23 Q Okay. When she comes in, does she actually help
24 you with the CPR? Was she with you when all of this was
25 taking place?

1 A She was right with me. She -- I had her -- I held
2 the baby's head up, gave chest compressions and a couple of
3 breaths.

4 Q Now, we heard a number of 911 calls yesterday; was
5 one of those made from your family?

6 A Yes.

7 Q I think there was noise in the back, Call 911; was
8 that you?

9 A Yes.

10 Q You are calling for 911, you are taking care of the
11 child. First of all, the lady that appears at your door with
12 the child, did you know her before this?

13 A No, sir.

14 Q Had you seen her around the apartment complex?

15 A All of the time, yes, sir.

16 Q Okay. So you saw her, but you didn't know her
17 personally?

18 A Right.

19 Q Do you see her in the courtroom today?

20 A I do.

21 Q Where is she?

22 A The young lady in the pink shirt.

23 Q Okay.

24 MR. STONE: And Your Honor he's identified the
25 Defendant.

1 BY MR. STONE:

2 Q When Ms. Bryan comes to the door with her child and
3 she's in there with the child does she ever tell you what
4 happened?

5 A When we were on the floor I asked her a couple of
6 times, What happened to your child. My child fell off of
7 the third floor balcony, and that is all that I got out from
8 her. I kept asking her the same question. My child fell
9 from the third floor balcony.

10 *(Whereupon, State's Exhibit No(s). 2-4 marked for*
11 *identification.)*

12 BY MR. STONE:

13 Q Let me show you what's marked as State's Exhibit 2.
14 Can you identify this photograph for me, please sir?

15 A That is as you walk into the front door, dining
16 room area.

17 Q Of whose apartment?

18 A The young lady's.

19 Q Ms. Bryan's apartment?

20 A Yes.

21 Q This is on the third floor of your apartment
22 complex?

23 A Third floor close to woods, yes.

24 Q Let me show you what's marked as State's Exhibit 3.

25 A That is the breezeway of the backside where that

1 child had fell.

2 Q Okay. And State's Exhibit 4?

3 A The is the area from the third floor looking out.

4 Q From the top looking down?

5 A From the top looking down.

6 Q Are these fair and accurate depictions of how the
7 scene looked that night?

8 A Correct.

9 MR. STONE: Your Honor, at this time, we move
10 State's Exhibits 2, 3, and 4 into evidence.

11 THE COURT: Any objection?

12 MR. KEEP: No objection, Your Honor.

13 THE COURT: They are in.

14 *(Whereupon, State's Exhibit No(s). 2-4 received in*
15 *evidence.)*

16 BY MR. STONE:

17 Q What exactly is State's Exhibit 3?

18 A You are looking at the backside of the breezeway,
19 third floor balcony.

20 Q By the way, what is behind -- if you are standing
21 here taking the picture, what is behind you?

22 A The woods. The other side is the roadside. My
23 apartment is right here at the bottom.

24 Q So, the other side of the apartment complex is the
25 parking lot, and this is the woods?

1 A That's correct.

2 Q That on the very top there, that is the third
3 floor?

4 A The third floor. That is her apartment to the
5 left.

6 Q I know this picture, State's Exhibit 4, is
7 relatively dark, but if you could show the Judge what that
8 is.

9 A That is looking at the last one, if you see a
10 person, looking down over the handrail looking down at the
11 area where the child had fallen.

12 Q Got you.

13 MR. STONE: I don't have any further questions of
14 this witness, Your Honor.

15 THE COURT: Cross examination?

16 MR. KEEP: None, Your Honor.

17 THE COURT: You may step down. Thank you. You
18 may call your next witness.

19 MR. STONE: Courtney Gioquinto.

20 Thereupon,

21 COURTNEY GIOQUINTO

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 THE CLERK: Please have a seat and state your name
25 and spell it for the court reporter.

1 WITNESS: My name is Courtney Gioquinto.

2 DIRECT EXAMINATION

3 BY MR. STONE:

4 Q You are soft spoken, so let me get you to pull that
5 microphone a little closer please. Michael Gioquinto is your
6 father; is that correct?

7 A Yes, sir.

8 Q All right. And in December 2011 were you with him
9 in the apartment?

10 A Yes, sir.

11 Q And this is at , I guess ,

12 ?

13 A Yes, sir.

14 Q Tell me what happened. Were you in the same room
15 with your dad?

16 A No, I was in my mother's room with the door
17 closed. We were watching TV. We heard a knock on the door
18 and we come out and my dad already had the girl on the
19 floor. And she was not breathing. Blood was coming out of
20 the ear. It looked like her arm was broken. I was asking
21 her what happened after she said she fell off of the
22 balcony. There was one time I heard her say, I did it, I
23 did it.

24 And I got on the phone and I called the cops
25 for them to come.

1 Q You were the 911 call we heard?

2 A Yes, sir. I was out on the balcony. Well, it's
3 not really a balcony, it is our back porch since we are on
4 the first floor. The cops -- I saw the cops pull in the
5 parking lot and I am raising my hands and they come out with
6 their guns drawn and everything because they didn't really
7 know what happened. They came in and they dealt with her.
8 And that is all that I saw.

9 Q Were you in there the entire time that she was in
10 there?

11 A Yes, for the most part until they made us go out.
12 And my daughter was in the back bedroom sleeping and they
13 wouldn't let me back in and finally they -- the time I saw
14 her again is when the cops finally let me back in to see my
15 daughter so she wouldn't wake up and see all of the cops and
16 everything.

17 Q Right.

18 A And she was sitting in our living room. Well,
19 first she was in our dining room.

20 Q Well, when you say "she," who are you talking
21 about? I am sorry.

22 A Ms. Bryan.

23 Q Okay.

24 A Sir, at first she was in the dining room. And
25 then the cops made her sit in my living room chair. And

1 after a while me, my fiance Chris and my daughter left to
2 get away from everything.

3 Q All right. During the time that Ms. Bryan was in
4 your presence, did she ever leave? Did she ever try to leave
5 or anything like that?

6 A Not that I saw.

7 MR. STONE: Thank you. I don't have any further
8 questions. Thank you.

9 THE COURT: Cross examination?

10 MR. KEEP: Yes, Your Honor.

11 CROSS EXAMINATION

12 BY MR. KEEP:

13 Q Shayla said, I did it?

14 A Yes, sir.

15 MR. KEEP: No further questions, Your Honor.

16 THE COURT: You may step down. Thank you. You
17 may call your first next witness.

18 MR. STONE: Chris Beverly.

19 Thereupon,

20 GROVER BEVERLY

21 was called as a witness, having been first duly sworn,
22 was examined and testified as follows:

23 THE CLERK: Please have a seat and state and spell
24 your name for the Court, please, sir.

25 WITNESS: My name is Grover Beverly.

1 BY MR. STONE:

2 Q And I called you Chris earlier; that is a middle
3 name, I guess?

4 A It is an old name I used to have before I got
5 adopted by my grandparents.

6 Q Mr. Beverly. Let me just call you Mr. Beverly,
7 that will make it easier.

8 A Yes, sir.

9 Q You were in the apartment this night when this took
10 place?

11 A Yes, sir.

12 Q And what were you doing?

13 A I was watching the football game with Mike
14 Gioquinto.

15 Q Tell me what you recall.

16 A As we were sitting there watching the football
17 game we started hearing a noise outside and then there was
18 large bang on our door. When we opened the door Ms. Bryan
19 was there with her daughter.

20 Q Do you know Ms. Bryan?

21 A From school, from Beaufort High, yes, sir.

22 Q You actually went to high school with her?

23 A Yes.

24 Q And you had seen her around the apartment complex
25 as well?

1 A A couple of times.

2 Q Go ahead.

3 A After she came in with her daughter, she was
4 naked, she was bleeding. She was screaming, I think my
5 daughter is dead. At first I was puzzled. I was like, What
6 happened? She was like, My daughter fell off the third
7 floor and I think I did it, I did it.

8 Q Okay.

9 A From there my fiance, Courtney Gui she then got on
10 the phone after Mike Gioquinto, was giving CPR to the little
11 girl. And then after that is when the officers and EMS and
12 everything got there.

13 Q Now, you had said earlier that you went to high
14 school with Ms. Beverly. Did you ever -- did you ever
15 experience her acting crazy, anything like that, whether you
16 saw her around the apartment complex or in high school,
17 anything like that?

18 A No, sir.

19 Q How long have you known her?

20 A Since about my sophomore year.

21 Q In what?

22 A High school.

23 Q How old are you now?

24 A I'm 26.

25 Q Is she your same -- pretty close to your same age?

1 A Yes, sir.

2 Q All right.

3 MR. STONE: Excuse me just a moment.

4 (Pause.)

5 MR. STONE: Thank, Your Honor. We don't have
6 anything else.

7 THE COURT: Cross examination?

8 CROSS EXAMINATION

9 BY MR. KEEP:

10 Q What position did Shayla assume; was she always
11 standing on her feet?

12 A Excuse me?

13 Q Did Shayla remain standing on her feet or did she
14 assume some other position?

15 A When she first came into the apartment she sat
16 down on the floor next to Mike Gioquinto and then from there
17 she was told to sit in the chair by officers.

18 Q All right. Thank you.

19 MR. KEEP: No further questions.

20 THE COURT: Further redirect?

21 MR. STONE: No, ma'am, thank you.

22 THE COURT: You may step down, sir. Thank you.

23 You may call your next witness.

24 MR. STONE: Justin Singleton.

25 Thereupon,

1 JUSTIN SINGLETON

2 was called as a witness, having been first duly sworn,
3 was examined and testified as follows:

4 THE CLERK: Sir, please have a seat and state and
5 spell your name for the Court.

6 THE WITNESS: My name is Justin Singleton.

7 THE COURT: Your witness.

8 DIRECT EXAMINATION

9 BY MR. STONE:

10 Q Mr. Singleton, where do you live sir?

11 A

12 Q Pardon me?

13 A , Beaufort.

14 Q How long have you lived there?

15 A A long time, ten years plus.

16 Q Do you know Shayla Bryan?

17 A Yeah, I went to school with her.

18 Q How long have you known her?

19 A Since school.

20 Q And how long has that been?

21 A Ten years.

22 Q The night this happened, you actually spoke to
23 Shayla Bryan on the phone, did you not?

24 A I did.

25 Q And how long did that phone conversation last?

1 A Maybe an hour.

2 Q And this is -- this is obviously before the
3 incident that we talked about today; is that correct?

4 A Yes, sir.

5 Q Do you recall about what time that was?

6 A No, not really.

7 Q How much time before you found out this happened
8 and your conversation with her?

9 A Had to be like two hours prior to talking to her.

10 Q Okay. What did you talk about with her?

11 A Usual conversation. I don't know. Just talk
12 about -- I really can't recall.

13 Q Okay. Do you know her -- do you know her child?

14 A No.

15 Q Do you know who her child's father is?

16 A Yes.

17 Q And what is his name?

18 A Dion.

19 Q Is that Dion Hagood?

20 A Yeah.

21 Q And Dion Hagood is the child's father, but they are
22 not married; is that correct?

23 A I believe, I believe they are not.

24 Q All right. Did Shayla Bryan, when you were talking
25 to her in this time, ever talk to her about any of this

1 stuff; did she ever tell you anything about Dion Hagood and
2 what her situation with him was?

3 A I mean, so far as they was talking, mutual
4 friends, you know. And I mean, not, not really.

5 Q Did she ever tell you about how she wanted to move
6 on from Dion?

7 A I mean, that might have been mentioned in some
8 conversations that we had, you know.

9 Q Tell me about the conversations.

10 A She probably might have mentioned that she, you
11 know, that they were not together, that she wanted to move
12 on. Because I was talking to her, it was like we were
13 forming a relationship kind of.

14 Q So you two were actually trying to form a
15 relationship but she couldn't move on because of Dion?

16 A No, I mean, I assume that that might have been
17 some of the reasons.

18 Q What role did the child play in that?

19 A I mean, I don't know. It shouldn't have played
20 nothing at all I don't think but . . .

21 Q Did she ever tell you that it did?

22 A I mean, I think that she felt like, you know, if
23 she were to move on he would not participate as much as he
24 was participating in her life if she moved on or something
25 like that.

1 Q When you talked to Shayla Bryan that night did she
2 sound crazy to you?

3 A No.

4 Q Did she act strange, anything like that?

5 A Nope.

6 Q And you talked to her for about an hour?

7 A Yep.

8 MR. STONE: Nothing else, Your Honor.

9 THE COURT: Cross examination?

10 MR. KEEP: None Your Honor.

11 THE COURT: You may step down, sir. Thank you.

12 You may call your next witness.

13 MR. STONE: If I may, Your Honor, I would like to
14 recall, if I could, Chris Beverly. I had one other
15 question to ask.

16 THE COURT: Mr. Beverly, you are still under oath.

17 Thereupon,

18 GROVER BEVERLY

19 was recalled as a witness, having been previously duly sworn, was
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STONE:

23 Q Sorry, Mr. Beverly, I forgot to ask you one thing
24 before you left. Let me show you what's been marked as
25 State's Exhibit 5 and ask if you can identify that for me

1 please?

2 A Yes, that is where the little girl is laying on
3 the ground.

4 Q This is the mark outside of the apartment complex
5 on the ground?

6 A Yes, sir.

7 Q Okay. And you saw that this night?

8 A Yes, sir.

9 Q Is this a fair and accurate depiction of how that
10 looked when you saw it?

11 A It is.

12 Q Okay.

13 MR. STONE: Your Honor, at this time we move
14 State's Exhibit 5 into evidence.

15 THE COURT: Any objection?

16 MR. KEEP: No objection, Your Honor.

17 THE COURT: Admitted.

18 *(Whereupon, State's Exhibit No(s). 5 marked for*
19 *identification and received in evidence.)*

20 BY MR. STONE:

21 Q And, if you would, where was this located in
22 relation to the apartment complex?

23 A Out back.

24 Q What do you mean "out back"?

25 A Next to the wood line. Thirty foot out from the

1 balcony.

2 Q How do you know that?

3 A I counted it out myself.

4 Q All right. Let me show you what's already been put
5 into evidence as State's Exhibit 4. Show the Judge, please,
6 what we -- is that the wood line or is that the area that we
7 are talking about?

8 A This is out back. The tree line is right over
9 here. And this spot is here where the little girl was at.

10 MR. STONE: No further questions, Your Honor.

11 MR. KEEP: None, Your Honor.

12 THE COURT: You may step down, Mr. Beverly. Thank
13 you. You may call your next witness.

14 Thereupon,

15 YVONNE GILLISON

16 was called as a witness, having been first duly sworn,
17 was examined and testified as follows:

18 THE CLERK: Please take a seat and state your full
19 name and spell it for the court reporter.

20 WITNESS: My name is Yvonne Gillison

21 DIRECT EXAMINATION

22 BY MR. STONE:

23 Q Ms.Gillison, what do you do ma'am?

24 A Store manager at Cato's.

25 Q How long have you been the store manager at Cato's?

1 A Five years.

2 Q And that is the Cato's in Beaufort; is that
3 correct?

4 A Yes, it is.

5 Q Do you know Shayla Bryan?

6 A Yes.

7 Q How long have you known Shayla Bryan?

8 A About three years.

9 Q Did she work with you at Cato's?

10 A Yes, she was second assistant manager.

11 Q What does a second assistant manager do?

12 A Everything that a store manager do basically.

13 They open the store, they do the deposit. Customer service.

14 Q So, they handle the books as well as --

15 A Paperwork.

16 Q -- as well as actually the customers; is that
17 correct?

18 A Yes.

19 Q She did that for you for two years; is that
20 correct?

21 A Yes, sir.

22 Q You worked with her pretty much hand in hand during
23 this time?

24 A Yes.

25 Q During the time that she worked with you -- and how

1 long ago was this, approximately? Let me back you up from
2 December the 19th, 2011. Was she working with you at that
3 time?

4 A Yes, she was.

5 Q So, pretty much two years back leading right up to
6 December the 19th; is that correct?

7 A Yes.

8 Q Okay. And you actually saw Shayla Bryan I think
9 the night of December the 18th; is that correct?

10 A Christmas party.

11 Q Is that a Christmas party for the people at Cato?

12 A Exactly.

13 Q All right. Tell me about that.

14 A Well, that night we had all of the associates, we
15 had a Christmas party at the Gilligan's. Everybody met
16 there --

17 Q That is that place right up here on 21 coming in;
18 is that right?

19 A Yes.

20 Q Okay.

21 A We bring our gift and we exchange gifts. And we
22 order food and we just talk.

23 Q Did you see Shayla Bryan that night?

24 A Yes.

25 Q And did she -- she was at the party?

1 A Yes.

2 Q During the party did she act to you strangely,
3 crazy in any way?

4 A No, she didn't act strange.

5 Q You actually spoke with her and interacted with her
6 and all of that?

7 A Yes, I did.

8 Q And the time leading up to that, in the two years
9 that you spent with her at the store, did you ever see any
10 signs that she was in any way crazy or strange or anything
11 like that?

12 A No.

13 Q In fact, you entrusted a good bit of the store
14 management to her?

15 A Exactly, I did.

16 Q And how did she do with that, by the way?

17 A She did good. Yeah, she did good.

18 MR. STONE: Okay. I don't have any further
19 questions.

20 THE COURT: Cross examination?

21 CROSS EXAMINATION

22 BY MR. KEEP:

23 Q Shayla had a car?

24 A Yes, she did.

25 Q Fairly nice car?

1 A Yeah.

2 Q And her job, pretty nice job?

3 A Yes, sir.

4 Q Pleasant working environment?

5 A Yes, sir.

6 Q And Shayla had just moved into a nice apartment,
7 hadn't she?

8 A Yes.

9 Q And she had a child -- she has a child?

10 A Yes.

11 Q Did you ever see her with her child?

12 A Yes.

13 Q Did she love her child?

14 A Yes, she did.

15 Q Did she ever practice corporal punishment, physical
16 punishment on her child?

17 A No, she didn't.

18 Q Do you know if she believed in it or not?

19 A I don't know if she believed in it but I never
20 seen her.

21 Q She never practiced it?

22 A She never practiced it.

23 Q Thank you.

24 A You are welcome.

25 MR. KEEP: No further questions.

1 THE COURT: Any redirect?

2 MR. STONE: No further questions, Your Honor, at
3 this time.

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

5 MR. STONE: The State calls Josh Dowling to the
6 stand.

7 Thereupon,

8 JOSH DOWLING

9 was called as a witness, having been first duly sworn,
10 was examined and testified as follows:

11 THE CLERK: Please have a seat and state and spell
12 your name for the court reporter.

13 THE WITNESS: My name is Joshua Dowling. Last
14 name spelled D-O-W-L-I-N-G.

15 DIRECT EXAMINATION

16 BY MR. STONE:

17 Q What do you do, sir?

18 A I am a City of Beaufort investigator.

19 Q How long have you been with the City of Beaufort?

20 A Since May, 2007.

21 Q As an investigator what does your job entail?

22 A To investigate any criminal activities, such as
23 this, attempted murders right down to a misdemeanor offense.

24 Q Okay. There are first responders, I am assuming,
25 there are police officers, from the standpoint of securing

1 the scene, and then you come in as an investigator; is that
2 correct?

3 A Yes, you have police, patrolmen that are on the
4 street 24 hours a day, seven days a week, responding to
5 calls. And we investigate the cases.

6 Q Were you an investigator during this incident that
7 occurred December the 19th, 2011?

8 A I was.

9 Q All right. When you got there -- let me -- I have
10 got a series of photographs. Excuse me just a moment.

11 Tell me what you found when you got there.

12 A When I initially got there, I assessed the scene.
13 I saw a great deal of blood splatter on the third floor
14 apartment. I am assuming it was . The door was ajar.

15 Q Let me slow you down. I apologize for that. Let
16 me make sure that we are talking about the same area. What's
17 already been moved into evidence as State's Exhibit 2 is a
18 photograph of Room , which is Shayla Bryan's apartment; is
19 that what you are referring to?

20 A That's correct.

21 Q Okay. Tell me what you are seeing once you go in
22 there?

23 A When you enter , which is the unit that belongs
24 to Shayla Bryan, I had a visual of the hallway. There is a
25 hallway that runs all the way to the back of the unit.

1 Q That is inside the unit; is that correct?

2 A That is, yes.

3 Q The State's Exhibit 3, this is the top floor that
4 we are talking about?

5 A Her apartment, the Defendant, Shayla Bryan, her
6 apartment was located on the third floor balcony. And this
7 is a back-shot of the breezeway. This crime scene tape had
8 been taped off upon my arrival. The officers maintained the
9 perimeter.

10 Q Correct.

11 MR. STONE: Your Honor, I will use this simply as
12 an exhibit and not introduce as evidence. State's 6 is
13 for ID on only.

14 *(Whereupon, State's Exhibit No(s). 6 marked for*
15 *identification.)*

16 BY MR. STONE:

17 Q Let me show you what's marked as State's Exhibit 6.
18 Can you tell me what that is, please?

19 A This right here would be an interior aerial image
20 of the apartment in question.

21 Q Basically, this is the crime scene. I understand
22 that this door is actually further down here; is that
23 correct?

24 A That's correct.

25 Q But the hallway and the rooms and all of this --

1 when you describe the door ajar, that is the hallway that you
2 are talking about?

3 A That's correct, this is the hallway. When the
4 door was fully ajar and there was crime scene tape all over,
5 I had a visual going straight down this hallway. This door
6 was left open.

7 MR. STONE: Your Honor, because that door is not
8 accurate I am not going to enter that into evidence,
9 but I would like you to be able to refer to that as I
10 show these next photographs.

11 THE COURT: Okay.

12 *(Whereupon, State's Exhibit No(s) 7-9 marked for*
13 *identification.)*

14 BY MR. STONE:

15 Q Let me start by showing you what's been marked as
16 State's Exhibit 7, 8 and 9. Can you tell me, first of all,
17 what are those photographs?

18 A This would be the third floor balcony.

19 Q You are referring to State's Exhibit 7 when you say
20 "this"?

21 A Correct. And also State's exhibit No. 8 as well.
22 The third floor balcony, and this was out of the exterior of
23 unit 524.

24 Q And this rug, is that outside of the door as well?

25 A That's correct.

1 Q And State's Exhibit 9?

2 A State's Exhibit No. 9 is an interior shot of the
3 Defendant's apartment of the foyer that would lead out to
4 that balcony in question.

5 Q All right. Are these fair and accurate depictions
6 of the scene as you saw them?

7 A It is.

8 MR. KEEP: No objection, Your Honor.

9 THE COURT: Thank you, they are in.

10 MR. STONE: At this time, Your Honor, we move
11 State's Exhibit 7 and 8 and 9.

12 *(Whereupon, State's Exhibit No(s). 7-9 received in*
13 *evidence.)*

14 BY MR. STONE:

15 Q State's Exhibit 7, where would -- that is outside
16 of the apartment complex; is that correct?

17 A That is correct, yes. This is the stairwell that
18 leads down. And these lead to the units.

19 Q All right. And then I believe -- is this the front
20 or the back of --

21 A This right here would be the front, which would
22 have an overview of the parking lot of the complex, of the
23 breezeway. And this would be the portion that is heavily
24 wooded. It is secluded.

25 Q Is this closer?

1 A That's correct, yes.

2 Q State's Exhibit 8, can you tell the Judge what that
3 is please?

4 A Your Honor, this would be the entryway to the
5 Defendant's apartment. This was blood splatter that led out
6 from -- suspected blood splatter, excuse me, that led out
7 from the apartment to the rear balcony.

8 Q This is basically on the other side of No. 7?

9 A That's correct.

10 Q This is State's Exhibit 9.

11 A Once again, this would be the Defendant's interior
12 portion of the apartment. The foyer. The hallway would be
13 to the left of this photograph. This leads right out to
14 this breezeway.

15 *(Whereupon, State's Exhibit No(s). 10-13 marked*
16 *for identification.)*

17 BY MR. STONE:

18 Q Let me show you what's been marked as State's 10,
19 11, 12, and 13 and ask you to identify those for me, please,
20 sir.

21 A All right. State's Exhibit No. 10, this would
22 represent the interior portion of the Defendant's apartment
23 in question. This is the hallway with suspected blood
24 splatter that was throughout the hallway.

25 Q Is this a fair and accurate depiction of the scene

1 as you saw it?

2 A Yes.

3 Q All right. State's Exhibit 11?

4 A This right here is the interior of the Defendant's
5 apartment. This would be from the bathroom. It was
6 photographed from the bathroom portion out into the hallway
7 where there was suspected blood splatter throughout the
8 hallway into the bathroom.

9 Q And State's Exhibit 12 and 13?

10 A Once again, these would be interior shots of
11 Defendant's bathroom with a tub right there and suspected
12 blood splatter throughout the floor.

13 Q And these are fair and accurate depictions of the
14 scene?

15 A They are.

16 MR. STONE: We move at this time, Your Honor,
17 State's Exhibit 10, 11, 12, and 13 into evidence.

18 MR. KEEP: No objection, Your Honor.

19 THE COURT: They are in.

20 *(Whereupon, State's Exhibit No(s). 10-13 received*
21 *in evidence.)*

22 MR. STONE: Your Honor, were you able to see
23 those?

24 THE COURT: I was. Thank you.

25 *(Whereupon, State's Exhibit No(s). 14 marked for*

1 *identification.)*

2 BY MR. STONE:

3 Q Mr. Dowling, let me show you what's marked as
4 State's 14. If you could tell me what that is please sir?

5 A That photograph was taken in, again, the
6 Defendant's hallway directly across from the bathroom itself
7 where blood splatter was in the bathroom as well as in the
8 hallway.

9 Q All right. Let me show you -- go back to State's
10 Exhibit 11. It appears to be a girl's head -- I don't know
11 what that's called -- headband of some sort; does that
12 look --

13 A This would be a picture that was taken from a
14 distance, from the bathroom out into the hallway. And this
15 is a close-up of that picture.

16 Q Is that a fair and accurate picture of the scene as
17 you saw it?

18 A Yes, sir.

19 *(Whereupon, State's Exhibit No(s). 15-17 marked*
20 *for identification.)*

21 Q State's Exhibit-- we start with 16.

22 A Once again, this is the hallway of the Defendant,
23 with blood splatter throughout the walls of -- and hand
24 impressions as well.

25 Q And that is after the LCV had been sprayed?

1 A That's correct. When SLED had conducted their
2 forensic investigation.

3 Q And State's Exhibit 15?

4 A Once again, the Defendant's hallway with suspected
5 blood splatter.

6 Q And State's Exhibit 17?

7 A The Defendant's hallway with suspected blood
8 splatter and hand impressions.

9 Q Are these accurate depictions of the scene as far
10 as you recall it?

11 A Yes, they are.

12 MR. STONE: Your Honor, we move these into
13 evidence.

14 THE COURT: Any objection?

15 MR. KEEP: No objection, Your Honor.

16 THE COURT: They are in.

17 MR. STONE: Were you able to see them?

18 THE COURT: Yes.

19 *(Whereupon, State's Exhibit No(s). 14-17 received*
20 *in evidence.)*

21 BY MR. STONE:

22 Q Now, you were present, were you not, at MUSC with
23 the child; is that correct?

24 A That's correct, referring to my police report, on
25 January 13th of 2012.

1 Q And at that time, I think there was a Dr. Amaya?

2 A It is referenced in my police report, and it is
3 documented that I had contact with a Dr. Michelle Amaya.

4 Q Amaya. Dr. Amaya took a swab of the child for DNA
5 purposes; is that correct?

6 A That is correct.

7 Q You were present during that time?

8 A That's correct.

9 Q When she took those swabs, what did she do with
10 them? When I say "she," I mean the doctor.

11 A After the doctor had taken the swab of the
12 victim's DNA, she let it air dry in order to preserve the
13 DNA as best as possible. She then handed them to me and I
14 secured them into a box for evidence purposes.

15 Q These DNA swabs, did you change or alter them in
16 any way once the doctor gave them to you?

17 A No, they were secured in a DNA box for
18 preservation.

19 Q What do you do with the DNA box once you get it?

20 A Once we acquire a DNA, we immediately return to
21 the City of Beaufort Police Department and we have lockers
22 that we secure DNA evidence into. We place it into an empty
23 locker. We secure it. It's locked so nobody can access it.
24 And we inventory the DNA submission. And the DNA, or any
25 evidence placed into our lockers, are dealt with with an

1 evidence administrator.

2 Q Okay. All right. And let me show you -- I'll mark
3 this as State's Exhibit 18.

4 *(Whereupon, State's Exhibit No(s). 18 AND 19*
5 *marked for identification.)*

6 BY MR. STONE:

7 Q I'll mark this as State's Exhibit 18. Is this the
8 State's evidence bag or some sort of sealed bag?

9 A That would be SLED's bag. When they receive
10 evidence from us, when they return it this is placed in
11 their evidence bags.

12 Q And behind this, these are the -- are these the
13 swabs that you took?

14 A That is correct, that is the evidence envelope I
15 distinctly remember filling out intending that this was
16 intended for SLED. This was a DNA that I collected at MUSC
17 and placed within our evidence locker, which is in the
18 sealed bag.

19 Q All right.

20 MR. STONE: Now, Your Honor, I would like to move
21 this into evidence. But in doing so I spoke to the
22 Defense attorney, and I believe we have a stipulation
23 as to the chain. I have a SLED agent testifying in
24 Marion County right now and I don't believe that
25 there's a question of the chain, and Mr. Keep has that,

1 nor the DNA results of the child's DNA as to these
2 crime photos. And I would like to publish that if
3 there's no objection?

4 THE COURT: Any objection to that?

5 MR. KEEP: No, Your Honor.

6 THE COURT: All right. Thank you.

7 BY MR. STONE:

8 Q Your Honor, the DNA shows that the handprint on the
9 right of the wall, which is this one, was the victim's blood.
10 This would be State's Exhibit 17.

11 The left handprint, which is State's
12 Exhibit 16 is -- sorry, I switched that up. I apologize,
13 this is SLED's, which is the right handprint. That is the
14 victim's blood. That is State's Exhibit 16.

15 State's Exhibit 17 is the victim's blood,
16 that is the left handprint.

17 And then a swab from the bathroom door --
18 excuse me, bathroom floor is also the victim's blood.

19 And we would, at this time, go ahead and move
20 this into evidence. I'll give you a clean copy of the DNA
21 report and I will put that into evidence as well.

22 THE COURT: Together as 18, or 18 and 19?

23 MR. STONE: I'll do it as 18 and 19, that will
24 probably be the better way to do it.

25 *(Whereupon, State's Exhibit No(s). 18 and 19*

1 *received in evidence.)*

2 MR. STONE: We are getting a clean copy now, Your
3 Honor.

4 THE COURT: Thank you.

5 BY MR. STONE:

6 Q One final question. We have State's Exhibit 12,
7 which is the bathroom floor showing, I believe, a knife at
8 the bottom of that; is that correct?

9 *(Whereupon, State's Exhibit No(s). 20 marked for*
10 *identification.)*

11 A That is correct. That is one of the knives
12 recovered from the Defendant's bathroom.

13 Q Okay, I'll show you what's been marked as State's
14 Exhibit 20. And I'll ask you if that appears to be the same
15 knife that is under that floor?

16 A It is.

17 MR. STONE: All right. Your Honor, this was
18 actually seized by the SLED agent and we have a
19 stipulation, as before. I would move this into
20 evidence at this point.

21 THE COURT: Any objection other than the
22 stipulation?

23 MR. KEEP: No, Your Honor.

24 THE COURT: All right. Thank you.

25 *(Whereupon, State's Exhibit No(s). 20 received in*

1 *evidence.)*

2 MR. STONE: No further questions at this time.

3 Your Honor, we have a clean copy of the DNA and we will
4 make that State's Exhibit 19.

5 And I don't have any further questions of this
6 witness.

7 THE COURT: Cross examination?

8 MR. KEEP: None, Your Honor.

9 THE COURT: You may step down. Thank you. You
10 may call your next witness.

11 MR. STONE: Agent Al Brown.

12 Thereupon,

13 ALMON BROWN

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE WITNESS: My name is Almon Brown. I go by Al.
17 Spelling is A-L-M-O-N on the first name.

18 DIRECT EXAMINATION

19 BY MR. STONE:

20 Q Okay. Mr. Brown -- and I call you Mr. Brown, but
21 you are actually an agent with the State Law Enforcement
22 Division; is that correct?

23 A Yes, I am.

24 Q What do you do with SLED?

25 A I'm a special agent assigned to the crime scene

1 unit, also specialize in bloodstain pattern analysis and
2 crime scene reconstruction.

3 Q What exactly is, I am sorry, bloodstain pattern?

4 A Yes, bloodstain pattern analysis.

5 Q And what is that?

6 A Bloodstain pattern analysis is the study of the
7 size, shape, surface and distribution, in conjunction with
8 the orientation of various types of stains and stain
9 patterns that you will see in a crime scene and on a
10 potential person involved in a crime.

11 Q And how long -- what kind of training did you have
12 in order to do this type of work?

13 A Bloodstain pattern analysis is a long training
14 experience, other than what I had here at SLED which was a
15 two-year training program. But also, prior to that, I
16 received extensive external training with several renown
17 experts, Ross Gardner, also Rick Griffith, Belvar Garner
18 (phonetic) and Associates, in which I attended advanced
19 bloodstain splatter or bloodstain analysis classes. I also
20 attended a mentorship program, which I am currently in, in
21 which I am working with the same named individuals to
22 complete an internship that will allow me to get certified
23 internationally as a bloodstain pattern analyst.

24 Q Is there a national certification and international
25 certification; is that how that works?

1 A The organizations, the International Association
2 For Identification, and they provide a certification that is
3 considered international.

4 Q But for the purpose of SLED, have you ever actually
5 testified as to bloodstain analysis prior to this?

6 A Yes, I have, sir.

7 Q And how many times?

8 A Here in the state of South Carolina, approximately
9 three.

10 Q Okay. And you have testified in other states as
11 well?

12 A Yes, sir, I have.

13 Q What other states are those?

14 A Prior to being employed with SLED, I was with the
15 Durham Police Department in Durham, North Carolina and I
16 testified through -- it's not called general sessions
17 there -- but it is the circuit court, equivalent to our
18 general sessions in North Carolina.

19 Q And in these times where you testified, were you
20 qualified as an expert in the field of bloodstain analysis?

21 A In North Carolina I was not ever qualified as an
22 expert. In South Carolina I was.

23 Q All right. Have you ever been not qualified as an
24 expert?

25 A No, sir.

1 MR. STONE: At this time, Your Honor, we would
2 offer his testimony as an expert in bloodstain analysis
3 to go over the photographs that have been already
4 admitted into evidence?

5 THE COURT: Any voir dire to his qualifications?

6 MR. KEEP: No, Your Honor.

7 THE COURT: So qualified.

8 MR. STONE: Thank you, Your Honor.

9 BY MR. STONE:

10 Q First, let me show you what's been marked as
11 State's Exhibit 5. What can you tell me about this, or what
12 can you tell the Judge about this?

13 A State's Exhibit 5, this would appear to be a blood
14 pool. It is what we classify when we talk about bloodstain
15 pattern analysis, they often call it spatter or splatter.
16 And essentially splatter is just one type of pattern. This
17 here would be another type of pattern. It is considered
18 more of a passive pattern meaning that there's not such an
19 event that is going on as much as the blood is expelling
20 from the source. It is just coming to an area and is being
21 contained in a particular area or flowing into an area
22 without any other external forces being applied to it.

23 With a blood pool, that is exactly what you
24 get. You get a source of blood. Whatever is generating
25 that source is staying in a particular position for a period

1 of time.

2 And this here, we can see that we have a
3 substantial blood pool. You can tell by the amount of what
4 we call blood coagulation, the thickness if you will of the
5 blood occurring in the center. You also have around the
6 perimeter of the stain, you can also see some other areas,
7 grass, it appears to be pine straw that also has some red
8 stains that believe to be consistent with blood.

9 Those can arrange in two different ways.
10 Either you have a source of blood that at the time that it
11 is acted upon a force, meaning that if this -- for instance,
12 if a source of blood is dropping and landing on an object
13 you can get associated spatter with that, meaning that it is
14 going to strike a hard surface and we know based on Newton's
15 law of physics every action has an equal or opposite
16 reaction. And what that's saying is as it strikes the
17 surface if there is blood source available those stains can
18 come off and then splatter.

19 And these could be resultive (SIC) of a
20 spatter event as well as pool formulation. Also, it could
21 be that the source of blood was in this particular position
22 for a period of time and then something or someone, or the
23 blood source itself removed itself. And then as it's moving
24 these other stains can be deposited.

25 Q I know that you can't give us an exact amount of

1 time, but the amount of pooling of blood, does that tell you
2 anything?

3 A Yes. Obviously with the amount of pooling that
4 would be consistent with being there for a substantial
5 period of time. Obviously the other areas that I am sure
6 that we are going to look at, this particular area was there
7 more so than some of the other areas that we observed in the
8 examination.

9 Q Okay. So, basically what you are saying is that
10 this pool of blood basically means that the child's head was
11 there for a while?

12 A If the child's head was the source of the blood,
13 yeah.

14 Q I understand. Now, let me show you what's been
15 marked as State's Exhibit 10. The photograph down the
16 hallway of the apartment. Can you tell me what that tells
17 you? And I'll hand that to you.

18 A Yes, I'm looking at this photograph, and this
19 would appear, just to give you orientation, Your Honor, this
20 would be, if you were looking from the hallway, with the
21 door to the exterior at your back and you would be looking
22 down the hallway into the interior of apartment . This
23 room to your right, based on the sketch provided, would be
24 the bathroom area that's documented.

25 You have two areas that are of interest

1 immediately that you can see in this photo, and that appears
2 to be two separate stains on the hallway floor. These
3 stains we classify as a saturation pattern. The reason that
4 we have to do that is because the surface of the carpet.
5 Carpet has a wicking mechanism, like the clothing you wear,
6 meaning that when blood or fluid strikes it it tends to be
7 absorbed. So, you can't really tell a whole lot, other than
8 the fact that something was there long enough for blood to
9 absorb in it.

10 What we can tell on these are there are some
11 areas inside that saturation that it appears that there were
12 drops there. And the drops at the time that this was
13 photographed should have even been enough to saturate the
14 entire level of the carpet to allow it to be seen on the
15 surface or that they were -- the way that they were
16 deposited they didn't land in such a manner to absorb into
17 the material.

18 Q Now, let me stop you. You say that there are two
19 separate places of that; what does that tell you?

20 A That there is -- obviously, two separate events
21 occurring here. When I mean "events," when I say events,
22 events of blood letting where they deposit. Not necessarily
23 two mechanisms, but just two different events.

24 Q I don't mean to interrupt you. It is not
25 continuous blood, there are two separate incidences there?

1 A That's correct. There is a substantial absence of
2 blood that is noted in between both areas that you can
3 readily see in this photo.

4 Q All right. Now, let me show you what's been marked
5 as State's 14 and 15. I'll ask if you could tell us what
6 that tells you or if you can kind of show the Judge where we
7 are on this?

8 A Okay. I'll try to hold them up first like this,
9 Your Honor.

10 Q I'll get out of your way and move over here.

11 A State's Exhibit 14 is what we would call a
12 transfer or contact stain. This stain is located near the
13 baseboard area of the hallway. There's also a hair bow, or
14 what I would classify as a hair bow, near it. It is a hair
15 band with two bronze-colored like balls that you would put
16 in a child's hair. Both of these areas appear to have a
17 blood re-agent chemical applied to them, what appears to be
18 Leuco Crystal Violet.

19 Q And that is the blue that you see there?

20 A That is the bluish purple color that you see.
21 That's especially noticeable in State's Exhibit 14. In
22 State's Exhibit 15 it has been marked by the crime scene
23 agent as area V, as in Victor, and with an orientation arrow
24 indicating upwards. Now, this area is also near the
25 baseboard on the wall of the hallway. And these stains are

1 more elliptical, meaning they are more elongated and have a
2 tail. Elliptical stains tell us directionally and how we
3 determine the directionally is based on where the tail of
4 the stain is directing us to.

5 In this particular photograph, the elliptical
6 stain appears to be traveling down and to the left on the
7 wall of the hallway. And then if I may refer to State's
8 Exhibit No 10. And, Your Honor, I'll try to articulate
9 where those photographs that you just saw were.

10 The State's Exhibit 10, again, in the
11 hallway. You can see the area here with the hair bow. So,
12 the areas that we are looking at are going to be in this
13 general area on the wall in the baseboard area.

14 Q I'll show you what's been marked and entered into
15 evidence as State's Exhibit 16 and 17. Would you tell the
16 Judge what those are?

17 A Yes, State's Exhibit 16 is what appears to be
18 bloody hand impressions on the wall of the hallway. And in
19 State's Exhibit 16 also, there again, this is after there's
20 been documentation to scale the area as well as that
21 location of LCV, which gives it that bluish purple look. We
22 see another pattern in State's Exhibit 17, which also
23 appears to be another hand impression as well. And that
24 again has also been treated with LCV as well.

25 Q And that associated with State's Exhibit 10?

1 A Yes, in association with State's Exhibit 10, as
2 you can see the O, it appears to be right here. That is the
3 bathroom door around that corner, so that would put it in
4 this area here on the wall area here. And then obviously
5 you can see where P is. P is also near this vent area, in
6 this area. I actually believe they are opposite walls, but
7 I am not sure if I am looking at the orientation wrong on
8 this. But O is on one wall, P is on the opposite wall.

9 Q Right.

10 A Give me a second and I will refer to the sketch,
11 and I believe that is the one that Your Honor was presented
12 with for demonstrative purposes. State's Exhibit 6, for
13 demonstrative purposes, Your Honor, as you can see, the
14 bathroom is located in this area on the sketch. Area P, the
15 hand impression is on this wall. And area O would be on the
16 opposing wall.

17 Q And that is basically over one of these two
18 bloodstains on the floor that you refer to as the saturation
19 point; is that correct?

20 A Yes, right -- I believe that it's closer to the
21 bathroom wall. Obviously, not having been at the scene it
22 makes it a little bit harder, but obviously in that general
23 area, yes.

24 Q Then, finally, I'll show you what's marked as
25 State's Exhibit 13 in the bathroom. Can you tell us about

1 that blood splatter?

2 A Yes, in this particular photo, State's Exhibit 13,
3 we have a visual of the bathroom floor near the actual
4 bathtub where you can see the shower curtain. In this
5 particular stain, you can see it is more circular stains.
6 There is circular -- some elliptical stains, but predominant
7 stain manner is circular stains. There is a radiating
8 distribution of those stains. And we would classify that as
9 a spatter pattern.

10 And, there again, one of those hair bows is
11 also observed in this area, and you can see also some stains
12 consistent with those being on the floor at the time that
13 blood was deposited in that area as well.

14 Q So, if we are referring to State's Exhibit 13,
15 State's Exhibit 10, and State's Exhibit 5. And going back, I
16 think that you testified in State's Exhibit 10 you have two
17 different instances of blood. Is it consistent or not
18 consistent that these are, in fact, one, two, three -- four,
19 four different events?

20 A Four different blood letting events, yes.

21 MR. STONE: I don't have anything else of this
22 witness, Your Honor.

23 THE COURT: Cross examination?

24 MR. KEEP: Nothing, Your Honor.

25 THE COURT: You may step down. Thank you, sir.

1 MR. STONE: Your Honor, could we have a
2 five-minute break?

3 THE COURT: Sure, absolutely.

4 MR. STONE: We are running relatively quickly. I
5 think that I'm ahead of my witnesses.

6 THE COURT: That is fine. You all let me know
7 when you are ready.

8 MR. STONE: Thank you very much.

9 (Brief recess taken at 10:55 a.m.)

10 THE COURT: Ready to proceed, Solicitor?

11 MR. THORNTON: The State's ready, Judge.

12 Investigator William Carter, please.

13 Thereupon,

14 WILLIAM CARTER

15 was called as a witness, having been first duly sworn,
16 was examined and testified as follows:

17 WITNESS: My name is William Carter,

18 W-I-L-L-I-A-M. Last name C-A-R-T-E-R.

19 DIRECT EXAMINATION

20 BY MR. THORNTON:

21 Q Mr. Carter, who do you work for?

22 A I work for the City of Beaufort Police Department.

23 Q And what do you do for them?

24 A I'm a criminal investigator.

25 Q And were you with the City of Beaufort Police

1 Department in December of 2011?

2 A Yes.

3 Q And specifically, late in the evening of December
4 the 19th, 2011, early into the morning of December the 20th,
5 2011, did you respond out to any calls in particular?

6 A I did. I responded to , in
7 reference to a call there.

8 Q Now, , where is it? Is that where
9 we've heard earlier about the ?

10 A Yes, that is within the city limits of Beaufort.

11 Q All right. Is that also within the County of
12 Beaufort?

13 A Yes, it is.

14 Q And what did you do when you got there, sir?

15 A I made contact with Investigator Dowling, who was
16 already on scene, and then I made contact with the
17 Defendant, Ms. Bryan.

18 Q And did you have any conversation with her at that
19 time?

20 A I did attempt to.

21 Q And was she able to -- or was she willing to
22 communicate with you at that time?

23 A She really was not. She continuously asked for a
24 third party, that she identified as Martha Frazier. She
25 asked me to contact her.

1 Q And did she indicate to you that she would speak
2 with Ms. Frazier?

3 A She did. I asked Ms. Bryan come to the police
4 department to discuss the events of the evening, and she
5 told me that she would come to the police department if
6 Martha Frazier came.

7 Q And you've referenced Ms. Bryan. Do you see Ms.
8 Bryan, the person that you interviewed, late in the evening
9 of the 19th of December, 2011?

10 A Yes, I do. She is seated at the table with
11 defense here.

12 Q All right. Now, are you indicating the Defendant
13 in this case, Shayla Bryan?

14 A I am.

15 Q All right, sir. And did you locate this
16 Ms. Frazier?

17 A I did. I was able to speak to the roommate of
18 Ms. Bryan and obtain the telephone number for someone
19 identified to me only as Yvonne. And then I obtained Martha
20 Frasier's telephone number. I spoke to her on the
21 telephone, advised her what was going on, and asked her if
22 she would come, and she said she would.

23 Q All right. And did she subsequently come down to
24 the scene?

25 A She did.

1 Q And did you try to interview the Defendant at the
2 scene, or did you move her to another location?

3 A We moved her to the police department.

4 Q And did Ms. Frazier and the Defendant in this case,
5 Shayla Bryan, did they go together?

6 A They did. They rode in the same patrol car, both
7 in the rear seat.

8 Q And did you attempt to do any interrogation or
9 anything while she was in the car, or was she in a separate
10 car than you?

11 A She was in a separate car, I was in a vehicle
12 behind them.

13 Q And did you follow them straight to the police
14 department?

15 A Yes, I did.

16 Q And once there, did you then take her to any room
17 in particular?

18 A We escorted both of them to the upstairs interview
19 room.

20 Q And this interview room, does this have an audio
21 and video recording capability?

22 A Yes, it does.

23 Q And were the audio and video recordings, were they
24 working at the time?

25 A They were working and they were activated prior to

1 them entering the room.

2 Q All right. And when you say "prior to they
3 entering the room," you mean prior to Ms. Frazier and Ms.
4 Bryan, the Defendant in this case?

5 A Yes.

6 Q So you actually started the recording before they
7 entered the room?

8 A Yes, I did.

9 Q And is that the same recording that we saw
10 yesterday during pretrial hearings?

11 A Yes, it is.

12 *(Whereupon, State's Exhibit No. 21 marked for*
13 *identification.)*

14 MR. THORNTON: If I could, Your Honor, get this
15 marked.

16 Your Honor, I'm marking this for right now, for
17 identification as State's 21, and there are three DVDs
18 inside this envelope.

19 BY MR. THORNTON:

20 Q Now, I'm going to hand you what's been marked as
21 State's Exhibit 21. And I realize that you have not yet
22 initialed those DVDs, another officer has. However, were you
23 present when former Officer Gutterson, now, I keep calling
24 her Officer just out of habit, that she identified them?
25 Were you present while she was watching those video tapes?

1 A Yes, I was.

2 Q All right. And I've got the video tapes that have
3 just been marked for identification as State's Exhibit 21,
4 that you have in your hand. Is that -- are those the same
5 DVDs that are referenced, or a copy of them is referenced
6 currently, that's up and in pause mode on the television to
7 your left?

8 A Yes, it does appear to be the same one.

9 Q All right.

10 MR. THORNTON: Your Honor --

11 BY MR. THORNTON:

12 Q And were these copies of the recording that were
13 made the night of December the 19th, 2011, into the early
14 morning hours, I believe, of the 20th, 2011, at Beaufort
15 Police Department?

16 A Yes, they are.

17 MR. THORNTON: All right. Your Honor, at this
18 time I'd ask they'd be moved into evidence?

19 THE COURT: Any objection?

20 MR. KEEP: None, Your Honor.

21 THE COURT: Admitted.

22 *(Whereupon, State's Exhibit No(s). 21 marked for*
23 *identification and received in evidence.)*

24 MR. THORNTON: Your Honor, obviously it's a little
25 bit easier on some things with evidence, especially in

1 a bench trial. I have gotten an exact copy, unless Mr.
2 Keep objects, I'm just going to play the copy, rather
3 than take the time to then take these in and out. So,
4 I'll be playing clips from an exact duplicate of
5 State's Exhibit 21 now in evidence?

6 THE COURT: Any objection to that, Mr. Keep?

7 MR. KEEP: No objection. Well, a clip sounds
8 good, because if it's the entire eight hours, I would
9 move that that's necessarily cumulative. I think the
10 State has done a good job of establishing that my
11 client has confessed. So I think it's cumulative. If
12 it's, you know, real long, like eight hours.

13 THE COURT: I think that he said "clips".

14 MR. THORNTON: Yes, ma'am. I'm sorry and I
15 apologize. I may have phrased that poorly. What I
16 wanted to make sure it was okay with Mr. Keep was, I'm
17 playing a copy of the DVDs I'm actually entering into
18 evidence. So we don't have to wait while I put the
19 physical DVD in. I've got about 40 minutes total
20 between two of these little clips. But I'm playing
21 them off of a copy rather than the DVDs that are now in
22 evidence. I can play the DVDs in evidence, but it will
23 take another five minutes to, you know, get those in.
24 I wanted to try to make this as seamless as possible,
25 so I've already loaded a copy.

1 THE COURT: Any objection to that, Mr. Keep?

2 MR. KEEP: Well, Judge, my client has confessed,
3 so it seems to me to be entirely cumulative.

4 THE COURT: I think certainly the conduct on the
5 night in question is relevant. It is germane. The
6 question is -- and I'll give you an opportunity to
7 defend. I think that her conduct on the night in
8 question is certainly relevant to the Court's
9 decision-making process.

10 MR. KEEP: Yes, Your Honor.

11 THE COURT: You may proceed.

12 MR. THORNTON: Thank you, Your Honor.

13 BY MR. THORNTON:

14 Q Now, in the process of conducting this interview,
15 did you allow Ms. -- because obviously, as Mr. Keep
16 indicated, this is several hours long, and we're obviously
17 not going to play the entire thing. So just to kind of catch
18 us up to speed on where we are, at about 33 minutes, I
19 believe, in. Did you allow Ms. Frazier to talk to the
20 Defendant in this case, without your presence at first?

21 A Yes, we did.

22 Q And although we covered this yesterday in a
23 pretrial hearing, did you come in and Mirandise the
24 Defendant?

25 A Yes.

1 Q And did you read her the Miranda rights off of a
2 card that you carried?

3 A Yes, I did.

4 Q And was that referenced yesterday in the video
5 tape?

6 A Yes.

7 Q And all of that is actually captured, both audio
8 and video recording as it happened; is that correct?

9 A That is correct.

10 Q All right. At some point, obviously, we're looking
11 at the screen now. And again, this is 33 minutes and 15
12 seconds roughly in. I see you -- is that you referenced on
13 the screen?

14 A That is me.

15 Q And the Defendant in this case?

16 A On the left.

17 Q Obviously, the only two people sitting at the table
18 are you and the Defendant. So, has Ms. Frazier now left the
19 room?

20 A Yes. At some point during our conversation the
21 Defendant looked at Ms. Frazier and said, you can go. And
22 she did, obviously.

23 Q And was discussed in pretrial yesterday, did the
24 Defendant in this case, when you were interviewing her, did
25 she immediately tell you what happened and stick with that

1 same story throughout the interview?

2 A She did not.

3 Q All right. And let me ask you one question
4 specifically: Are there parts of this interview that we're
5 going to see today, where you are not in the room? In other
6 words, that you were not present and another officer was
7 there?

8 A Yes.

9 Q And who was -- at least the main officer who was
10 there, other than you?

11 A That would be Officer Gutterson at the time.

12 Q All right. And did you have the ability to watch
13 these interviews as they progress, even if you're not in the
14 room?

15 A Yes, I do.

16 Q And were you doing that, watching the other officer
17 with the Defendant, as the interview process was going
18 forward?

19 A Yes, I watched the majority of it.

20 Q Obviously, you're not in the room for the entire,
21 whatever it is, four or five hours, but did the Defendant's
22 story change as the interview continued?

23 A Multiple times.

24 Q All right. We're going to start.

25 MR. THORNTON: Go ahead, Dillon.

1 BY MR. THORNTON:

2 Q And if you would, Officer, just pay attention, in
3 case there are any questions that I need to ask about this.

4 MR. KEEP: Your Honor, may my client and I sit in
5 the jury box?

6 THE COURT: Absolutely.

7 MR. KEEP: Thank you, Judge.

8 MR. THORNTON: Your Honor, we do have a little bit
9 better speakers. I'm hopeful that we will be able to
10 hear it. It is certainly louder than it was
11 yesterday.

12 THE COURT: Thank you.

13 (Video playing.)

14 BY MR. THORNTON:

15 Q Is that a correct recording of what she started to
16 tell you?

17 A Yes, it is.

18 Q And just to recap. So basically, she said that
19 this wasn't a feeling, it was a person, but she didn't know
20 who it was?

21 A That's correct.

22 Q And that's who had hurt her baby?

23 A Yes.

24 Q And is that the theme that she kind of went with
25 while you were talking to her?

1 A It is.

2 Q And at some point, sir, did you then turn her over
3 to another officer?

4 A I did.

5 Q And who was that?

6 A At the time, Officer Gutterson.

7 MR. THORNTON: Your Honor, at this time I would
8 not have any further questions. I would ask he be
9 subject to a recall. Obviously, we're going to be
10 playing several clips. But I would be finished with
11 him at this time, and move into the second officer,
12 once Mr. Keep is done.

13 THE COURT: Any cross-examination, Mr. Keep?

14 MR. KEEP: No, sir. No, ma'am.

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

16 You may call your next witness.

17 MR. THORNTON: That you, Your Honor. Officer
18 Culligan. We're just going to stick with Officer, Your
19 Honor. Trisha Culligan, please.

20 Thereupon,

21 TRISHA CULLIGAN

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 WITNESS: My name is Trisha Culligan, T-R-I-S-H-A
25 C-U-L-L-I-G-A-N. Also known as Officer Gutterson.

1 DIRECT EXAMINATION

2 BY MR. THORNTON:

3 Q I'll try to switch up and do Ms. Culligan today, or
4 Mrs. Culligan now.

5 A Okay.

6 Q Who, at the time in December of 2011, who did you
7 work for?

8 A The Beaufort City Police Department.

9 Q And are you still employed with them?

10 A No, I am not.

11 Q And have you since moved to California?

12 A Yes, I have.

13 Q All right. When you worked for the City of
14 Beaufort Police Department, in 2011, what was your position
15 in December 19th, I believe, the 20th, 2011?

16 A I was assigned to The Community Response Team.
17 It's a specialized unit in the City.

18 Q And what did you do for them?

19 A At that time we handled some like community
20 relations things. But we're also used as extra officers on
21 the road, to enforce at times like traffic or things like
22 that.

23 Q Did you get any particular calls late in the
24 evening on the 19th of December, 2011?

25 A Yes.

1 Q And where did you respond out to?

2 A I responded to , which is across from
3 the Summit.

4 Q And why did you respond out there?

5 A Responded out there with reference to a 911
6 hang-up where a female had called stating that she had
7 killed her daughter.

8 Q And when you got to the scene, what, if anything,
9 did you do?

10 A When I got on scene, other officers had already
11 arrived. And when I was pulling up I got out of my vehicle,
12 another vehicle showed up shortly thereafter, later
13 identified as the Defendant, Shayla Bryan's mother and
14 sister.

15 Q And did you have any communication with them at
16 all?

17 A I was trying to calm them down. They were really
18 upset and hysterical.

19 Q And did you stay at the scene or did you leave?

20 A I left the scene. Once EMS had the child in the
21 ambulance I escorted them to the hospital.

22 Q And while you were at the hospital, did you receive
23 a call from any investigators?

24 A Yes, I did.

25 Q And who was that?

1 A Investigator Josh Dowling.

2 Q And did he request that you do anything in
3 particular?

4 A He asked me if I would come to the police
5 department and speak with the Defendant.

6 Q And did you do that?

7 A Yes, I did.

8 Q Now, we've heard testimony obviously yesterday in
9 pretrial hearings, as well as seeing it today. Did you
10 re-Mirandise the Defendant?

11 A No, I did not.

12 Q And did you at some point, though, begin talking
13 with her?

14 A Yes, I did.

15 Q And asking the same question I asked earlier. Did
16 she tell you a story and stick with it, and tell you the same
17 story? Or did it change as you conducted the interview?

18 A It changed multiple times.

19 Q And roughly speaking, how long do you think you
20 talked to her?

21 A Approximately, I would guesstimate four hours.

22 Q I'm going to hand you what's already been marked
23 and entered into evidence as State's Exhibit 21. Are those
24 the DVDs that you have reviewed at my request?

25 A Yes, they are, sir.

1 Q And are those the ones that you initialed each one?

2 A Yes, I did.

3 Q And is that a correct and accurate recording of the
4 interview that you, at least the majority of which you
5 conducted with the Defendant, Shayla Bryan?

6 A Yes, it is.

7 Q And obviously we've already done this a couple of
8 times, but do you see the person in the courtroom that you
9 interviewed that day?

10 A Yes, I do.

11 Q All right. And where is she?

12 A She's sitting in the pink shirt right there in the
13 jury box.

14 Q Is Shayla Bryan in the jury box, sitting next to
15 her attorney, Mr. Keep?

16 A Yes, sir.

17 Q And is that the Shayla Bryan who you interviewed on
18 December the 19th into the 20th, 2011?

19 A Yes.

20 Q All right. I'll ask you again, please, to again,
21 pay attention to the clip.

22 MR. THORNTON: Dillon, go ahead.

23 (Video playing.)

24 BY MR. THORNTON:

25 Q Let me ask you a couple of questions. And not to

1 put words in your mouth, please, correct me if I'm wrong.

2 But based on what she's telling you so far, has she admitted
3 that she did anything?

4 A No.

5 Q And let me ask you this: At this point in the
6 interview, did you know what happened?

7 A No. At this point in this interview I think
8 somebody else has come into the apartment and done something
9 with the child.

10 Q Because basically that's what she's been saying
11 now. We're at 50 some odd minutes into the interview. So
12 we're almost an hour in, and she hasn't admitted that she did
13 anything, has she?

14 A No.

15 Q And she's saying somebody else did it, but she
16 doesn't know who that is; is that correct?

17 A That's correct.

18 Q Let me ask you this: Has there been any mention in
19 this first hour of the interview of the devil made me do it,
20 or some irresistible force possessed me and I did something I
21 shouldn't have. Has there been any mention of anything else?

22 A No, not in my presence, no.

23 Q Basically, so far, from all of the interview that
24 you've seen, and all the video tape that you've watched in
25 this, the only thing she said is, it's not me. Somebody else

1 did it, and I don't know who that is. Is that a fair
2 assessment?

3 A That's correct.

4 MR. THORNTON: Your Honor, it will just take a
5 brief second. We're actually switching to disc two
6 now. It's 32 minutes and 47 seconds in.

7 (Video starts playing at 32:47.)

8 BY MR. THORNTON:

9 Q Let me ask you a question: Raschida, is that her
10 roommate?

11 A Yes, it is.

12 (Video resumed playing.)

13 BY MR. THORNTON:

14 Q Now, in the almost two hours -- over two hours,
15 you've talked to her, is this the first -- is the story, is
16 it fair to say it seems to get more elaborate as time goes
17 on?

18 A Yes.

19 Q So now, she's telling you that not only did
20 somebody she didn't know come in. Now, she's giving you
21 details of what her 3-year-old daughter said when the man
22 came in the bathroom; is that correct?

23 A Yes.

24 Q Is that what she was referencing right there?

25 A Yes.

1 Q All right. So this story now, is getting more and
2 more elaborate?

3 A Yes.

4 Q And more and more details that you're pulling out
5 of her as time goes on?

6 A Yes.

7 Q Now, even after two hours and change, has she
8 mentioned anything about the devil made me do it, or anything
9 like that?

10 A No.

11 (Video playing at 38:00 counter.)

12 BY MR. THORNTON:

13 Q Justin -- by Justin, is that a reference to Justin
14 Singleton that testified earlier today?

15 A Yes, it is.

16 Q And did you have information you were provided by
17 Ms. Bryan or other sources, that he was someone, for lack of
18 a better phrase, that she was talking to?

19 A Yes.

20 Q And was he at the time a potential suspect?

21 A Yes.

22 Q But at this point did you have any idea what's
23 going on?

24 A None.

25 Q And so now, we've gotten into, well, it didn't look

1 like Justin. But she'd already brought up Justin's name,
2 obviously, earlier in the interview; is that correct?

3 A Yes, that's correct.

4 Q Now, again, any mention of the devil, or the devil
5 made me do it, or I didn't know what I was doing or anything?

6 A No, sir.

7 Q Any admission on her part that I did it?

8 A No.

9 Q It was me?

10 A No.

11 Q Still a mystery man who she doesn't know?

12 A Yes.

13 MR. THORNTON: 54:30.

14 (Video playing.)

15 BY MR. THORNTON:

16 Q Now, I see what appears to be a photograph in front
17 of you. Who is that photograph of?

18 A Justin Singleton.

19 Q All right. And are you about to ask her to ID the
20 person who she says attempted to kill her child?

21 A Yes.

22 (Video playing at 55:15.)

23 BY MR. THORNTON:

24 Q Just to make sure that that's clear. What she just
25 said was, he tried to hide, but I knew it was him?

1 A Yes.

2 Q And by "him," she's referring to who?

3 A Justin Singleton.

4 Q So now, we've gone through, I don't know what
5 happened, to the mysterious man came in that I don't know, to
6 actually pinning it on someone else, Justin Singleton?

7 A Yes.

8 (Video resumed at 57:00.)

9 (Video stopped at 59:05.)

10 BY MR. THORNTON:

11 Q Now, we're at the point where she's giving you a
12 description of what Justin Singleton's wearing, and that he
13 was covered in blood from hurting her baby; is that accurate?

14 A Yes.

15 Q Still no mention, has there, because I didn't hear
16 one, of the devil made me do it?

17 A No, sir.

18 Q And how, what are we like, two -- two and a half
19 hours into the interview by now?

20 A Yes.

21 Q So you've asked her what went on more than one
22 time, correct?

23 A Multiple times.

24 Q And given her every opportunity to explain it?

25 A Yes.

1 Q And the story is continuing to more -- continuing
2 to get more elaborate; is that fair?

3 A Yes.

4 MR. THORNTON: Your Honor, the Court's indulgence,
5 please, one moment?

6 THE COURT: Yes, sir.

7 (Pause.)

8 (Video playing at 102:32)

9 MR. THORNTON: Pause that.

10 BY MR. THORNTON:

11 Q So you asked her, Is everything you told me the
12 truth? And what was her response?

13 A She can't say everything was the truth.

14 Q So even then she's distinguishing between some of
15 the things she's told you are true and some aren't?

16 A Correct.

17 (Video stopped at 123:37.)

18 (Video playing at 124:08.)

19 BY MR. THORNTON:

20 Q All right. The devil came across me. And I
21 believe that's at an hour and 24 or 25 minutes into the
22 second disc, which is after a couple of hours of tape on the
23 first disc. So we're at three or four hours in, and now is
24 the first time she's mentioned the devil coming over her; is
25 that correct?

1 A That's correct.

2 Q Okay.

3 (Video stopped at 124:12.)

4 MR. THORNTON: The Court's permission, I think
5 that I need to pause it and back it up. I think we
6 missed about ten seconds that I was wanting to play. I
7 apologize.

8 THE COURT: That's fine..

9 (Video paused at 125:43.)

10 MR. THORNTON: I apologize to the Court, Your
11 Honor. We need to back it up just a couple of minutes.

12 (Video playing at 122:56.)

13 (Video stopped at 123:18.)

14 BY MR. THORNTON:

15 Q Just to make sure, because I know it's kind of
16 quiet. Is what she said was, I had to get rid of my past,
17 and my child was my past?

18 A Yes.

19 Q And that's a phrase you asked her to repeat as
20 you're going through this?

21 A Yes.

22 (Video playing at 123:22.)

23 (Video stopped at 127:22.)

24 BY MR. THORNTON:

25 Q What did she just say there?

1 A She said that she started hitting her.

2 Q And then after that?

3 A And she said, that's when she started -- she tried
4 to stab her..

5 (Playing resumed at 127.)

6 THE COURT: Can you rewind that?

7 BY MR. THORNTON:

8 Q Is she now talking about that she's shaking the
9 child and she's screaming, then she tosses her over the
10 balcony?

11 A Yes, something -- it is real hard.

12 Q I realize that it's hard to hear.

13 A Yes.

14 (Video playing at 128:15.)

15 (Video stopped at 128:42.)

16 BY MR. THORNTON:

17 Q And again, did she just say, she made me realize
18 that I messed up in life?

19 A Yes.

20 Q When she said "she," in this context, she's talking
21 about her 3-year-old child, who she's now blaming apparently?

22 A Yes.

23 (Video resumed playing.)

24 (Video stopped at 129:39.)

25

1 BY MR. THORNTON:

2 Q So what she just said there was, she knew what she
3 did was wrong, and ran down to help her child after she saw
4 her?

5 A Correct.

6 (Video resumed playing.)

7 (Video stopped at 130:08.)

8 THE COURT: Ms. Bryan, you need to compose
9 yourself or we need to take a break?

10 Mr. Keep, does your client need a quick recess?

11 MR. KEEP: It seems as though she may, Your Honor.

12 THE COURT: We will be in recess for five minutes.

13 (Brief recess taken from 12:18 until 12:25).

14 THE COURT: Thank you, everyone. You may have a
15 seat.

16 Everybody ready to proceed?

17 MR. THORNTON: The State's ready, Your Honor.

18 MR. KEEP: Yes, ma'am.

19 (Video playing at 130:08.)

20 (Video stopped at 130:57.)

21 BY MR. THORNTON:

22 Q So I'm just pointing out that this is correct.

23 "Then I realized this is a world where everybody judged you.

24 I won't be forgiven for this".

25 A Yes.

1 Q All right.

2 (Video resumes at 130:57.)

3 (Video stopped at 134:54.)

4 BY MR. THORNTON:

5 Q So is it fair to say, Detective, that we've morphed
6 from, you know, I don't know, to the mystery man who did it,
7 to Justin Singleton did it, to I did it, but the devil made
8 me do it. But now it's still some of Justin's fault, because
9 of what we were texting earlier today?

10 A Yeah. And then she goes on to speak about the
11 child's father, also.

12 Q Right. I think that, yeah, I wanted suffering.
13 Her father cheated on me and put a whole other baby on me?

14 A Yes.

15 Q So, she wanted some other folks to suffer, too?

16 MR. KEEP: I'm going to object to just leading,
17 Your Honor.

18 THE COURT: Sustained.

19 (Video resumed.)

20 (Video stopped at 138:48.)

21 MR. THORNTON: The Court's indulgence, Your Honor.
22 We are going to be switching to the third disc.

23 (Video playing at 32:57.)

24 (Video stopped at 35:30.)

25 MR. THORNTON: Your Honor, the Court's indulgence.

1 I have one last very short clip to play from the first
2 disc. I apologize to take it out of order, but it is
3 with Martha Frazier in the room.

4 THE COURT: Yes, sir.

5 MR. THORNTON: Your Honor, for the Court's
6 information and record, it is very, very quiet. And
7 so, rather than trying to go through it with the
8 officer, I'd just invite the Court, if you can't hear
9 it, that there's an ability to use headphones for you
10 to listen to it. I do think it's important, because it
11 is very quiet.

12 THE COURT: I'll let you know if I can't hear it.

13 MR. THORNTON: Yes, ma'am.

14 (Video begins at 00:10.)

15 (Video stops at 116.)

16 MR. THORNTON: Your Honor, it'll be the State's
17 position to what she says is, "I hurt my baby. That's
18 not okay, is it? That's not okay." That's what I get.
19 But again, if you need it replayed, obviously, we have
20 the ability to do that.

21 THE COURT: I was able to hear, thank you.

22 MR. THORNTON: Thank you, Your Honor. Your Honor,
23 I have nothing else for former Officer Gutterson. In
24 case Mr. Keep has anything, I'd ask him to question her
25 now.

1 THE COURT: Mr. Keep, any cross-examination?

2 MR. KEEP: Yes, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. KEEP:

5 Q Prior to your interrogation, had -- she'd been
6 Mirandised; is that correct?

7 A Yes. That was my understanding when I met with
8 Investigator Carter.

9 Q And would you tell the Court why a person is
10 Mirandised?

11 A They Mirandise them when it involves a crime that
12 we're trying to get to the bottom of it. Sometimes people
13 are Mirandised even though, in general, there's not a
14 particular person that is Mirandised.

15 Q Yes. But generally, they're Mirandised when they
16 become a focus of an investigation; isn't it true?

17 A At times they can, but also they Mirandise people,
18 not knowing exactly what's going on. So that's already
19 taken care of in the beginning.

20 Q Yes. As a just in case somebody that you didn't
21 suspect suddenly confesses; is that right?

22 A After being an investigator, there are times when
23 I've done that. But on this night I didn't Mirandise her.
24 It was already done.

25 Q And the fact is that she was number one suspect in

1 this case; isn't that true?

2 A Not when I began, I didn't. Not when I first
3 spoke with her, sir.

4 Q So you really believed at the time you interrogated
5 her, that there really was this mystery person?

6 A Yes, I did, sir.

7 Q What I saw was -- well, let me ask you this: How
8 many people have you interrogated? How many suspects?

9 A I would say in upwards, since this incident,
10 probably well over a hundred.

11 Q Okay. But how about prior to this incident?

12 A There are times that I -- no, I was not an
13 investigator at this time.

14 Q No, ma'am, but how many -- not in this case, but
15 how many suspects have you interrogated in your career?

16 A Well over a hundred. And then in this case, I was
17 a road officer at the time, so I wouldn't be interrogating
18 people. That would be left to investigators.

19 Q Okay. So, you've interrogated over a hundred
20 people?

21 A Yes. I've been an investigator since this
22 incident, since February of 2012.

23 Q Okay. And have you received training in
24 interrogation?

25 A Yes, sir, I have. I have a bachelor's degree in

1 criminal investigations, and I've gone to several
2 interrogation classes -- several classes, as well.

3 Q Well, what I saw was a very skillful interrogator
4 putting words into this lady's mouth; isn't that true?

5 MR. THORNTON: Objection, Your Honor. Calls for
6 speculation and it's not a question.

7 THE COURT: He's on cross-examination.

8 MR. KEEP: Thank you.

9 THE WITNESS: Can you repeat the question?

10 THE COURT: Mr. Keep, would you like to go back to
11 your seat?

12 MR. KEEP: Oh, yes, Your Honor.

13 BY MR. KEEP:

14 Q Officer, what I saw was a very skillful
15 interrogation, in which you coached her right in the first --
16 from saying she didn't know to then saying it was a person to
17 then -- and then you coached her right into coming up with a
18 name?

19 A No, sir, I don't agree with that.

20 MR. KEEP: No further questions of this witness,
21 Your Honor.

22 THE COURT: Any further redirect?

23 MR. THORNTON: None, Your Honor. Ask that she be
24 excused?

25 THE COURT: Any objection to her being excused?

1 MR. KEEP: No, ma'am.

2 THE COURT: You are excused. Thank you.

3 You may call your next witness.

4 MR. THORNTON: The State calls Dr. Anne Abel to
5 the stand.

6 Thereupon,

7 DR. ANNE ABEL

8 was called as a witness, having been first duly sworn,

9 was examined and testified as follows.

10 WITNESS: Yes, my name is Dr. Ann Abel.

11 THE COURT: Okay.

12 DIRECT EXAMINATION

13 BY MR. STONE:

14 Q Dr. Abel, what do you do, ma'am?

15 A I am a physician at the University.

16 Q And what type of physician are you, please?

17 A I'm a child abuse pediatrician.

18 Q Is that a particular field of the doctorate, or how
19 does that work?

20 A I am -- yes, I am board certified in child abuse
21 pediatrics, and I'm board certified in general pediatrics.

22 Q And what type of training have you received in
23 order to be both board certified in pediatrics and --
24 pediatrics, and what was the other one, I'm sorry? Child
25 abuse.

1 A Child abuse pediatrics. To be board certified in
2 pediatrics you are required to do three years of specialty
3 training, after medical school, in pediatrics. And then at
4 the time I was certified we had both oral tests as well as
5 we had a written test.

6 Q And this was after medical school; is that correct?

7 A Three years after, yes.

8 Q All right. Now, how often -- how many years have,
9 at this point, you been board certified in pediatrics and
10 pediatric child abuse?

11 A I was board certified in general pediatrics in
12 1980. And the field of child abuse pediatrics is a new
13 field. The first test was given about four years ago. And
14 I took the first test and I qualified to sit for the first
15 test and I passed it.

16 Q And you are currently employed at the Medical
17 University of South Carolina; is that correct?

18 A Yes.

19 Q Have you testified in court before as an expert in
20 the field?

21 A Yes.

22 Q And do you recall how many times?

23 A Hundreds of times.

24 Q And you have been qualified as an expert in both
25 pediatrics, as well as pediatric child abuse?

1 A I'm usually qualified in child abuse pediatrics,
2 or words to that effect, yes.

3 MR. STONE: At this time, Your Honor, I offer her
4 as an expert in the field of pediatrics and of child
5 abuse pediatrics.

6 THE COURT: Any voir dire, Mr. Keep?

7 MR. KEEP: No, Your Honor.

8 THE COURT: Thank you. She's so qualified.

9 MR. STONE: Thank you, Your Honor.

10 BY MR. STONE:

11 Q Now, you at some point were working at Medical
12 University of South Carolina, you worked on the case of
13 Minor ; is that correct -- or Minor , excuse me?

14 A Yes. I was requested to do a consultation on her
15 case.

16 Q Okay. And in your role as a consultation, what did
17 you do? What was your responsibility?

18 A My responsibility was to evaluate the case, to
19 examine the child, to look at the records, to talk to the
20 physicians involved, to look at the images, to look at the
21 laboratory. Often I do photographs, if there are any
22 visible injuries, and I come to a conclusion that's valid in
23 my field.

24 Q Okay. Let me show you.

25 *(Whereupon, State's Exhibit No(s). 22-26 marked*

1 *for identification and received in evidence.)*

2 BY MR. STONE:

3 Q Let me show you what's been marked as State's
4 Exhibit 22, 23, 24, 25 and 26, and ask you to identify those
5 photographs, please. I'm going to hand them to you
6 individually. And then pull the microphone to you just a
7 little bit.

8 A Photograph 26 is a photograph I took of Minor
9 laying in the bed in the pediatric intensive care unit.

10 Q Is that a fair and accurate depiction of how she
11 looked at that time?

12 A Yes, it is.

13 Q Let me show you what's been marked as State's
14 Exhibit 25?

15 A Yes. That's a photograph that I took of her body
16 from the side-view, showing a very swollen abdomen and an
17 abrasion across the top of the abdomen in a line.

18 Q And that is a fair and accurate depiction of how
19 she looked?

20 A Yes.

21 Q Let me show you what's been marked as State's
22 Exhibit 24.

23 A Yes. This is a photograph I took, showing the
24 side of her face and head and ear.

25 Q Okay. And that is a fair and accurate depiction of

1 how she looked?

2 A Yes.

3 Q Okay. And let me show you now what's been marked
4 as State's Exhibit 23.

5 A Yes. This is a picture of some lacerations on her
6 back. And it shows the measurement -- the measuring device
7 beside it.

8 Q That's a fair and accurate depiction of how her
9 back looked when you saw her?

10 A Yes, some of the marks on her back.

11 Q And finally, State's Exhibit 22?

12 A Yes, this is a photograph of the arm. And it
13 shows a laceration of the arm.

14 Q And that's a fair and accurate depiction of how
15 Minor looked, as well?

16 A Yes.

17 MR. STONE: Your Honor, at this time we move
18 State's Exhibit 22, 23, 24, 25 and 26 into evidence.

19 THE COURT: Any objection?

20 MR. KEEP: Yes, Your Honor. Those pictures are
21 more prejudicial than probative.

22 THE COURT: I'll overrule your objection, in that
23 the Court finds them more probative than prejudicial.

24 MR. KEEP: Yes, ma'am.

25 BY MR. STONE:

1 Q Let me first start, if I could, and ask you, you
2 took these in order to form your opinion; is that correct?

3 A Yes, and for better documentation. Sometimes,
4 what one sees with one's eyes, you don't see everything.
5 So, it's very helpful to have photographs. So, a complete
6 depiction of what it looks like.

7 Q Okay. Now, the first photograph there is State's
8 Exhibit 27 -- excuse me, 22. You referred to that as a
9 laceration. That is a cut; is that correct?

10 A Yes. That's a cut all the way through the skin,
11 showing the subcutaneous fat layer underneath.

12 Q Okay. And that is on what part of her body?

13 A That was on her left outer forearm.

14 Q Okay. Basically, as I'm holding up, somewhere
15 right here; is that correct?

16 A Yes.

17 Q Okay. All right. If you will go to the next one,
18 that would be State's Exhibit 23.

19 A Yes.

20 Q You refer to that as a laceration; is that the same
21 or is that different from State's Exhibit 22? Obviously,
22 it's a different cut, but is it a different type of cut?

23 A These are also lacerations. They're not quite as
24 clearly linear, although they are in a line. And there's
25 two of them. They're slightly different sized. And again,

1 it's all the way through the skin, and you can see the
2 subcutaneous fat layer.

3 Q Now, the subcu -- I can't pronounce that. Try that
4 again?

5 A Right. Right underneath the skin, there's a layer
6 of fat.

7 Q Okay. And that's what you're seeing there, that's
8 the white part that you see?

9 A Yes. And the wound is gapping open. And that's
10 what happens often with lacerations, that once there's a cut
11 on the surface the edges come apart slightly.

12 Q Okay. The next one I show you is State's Exhibit
13 -- slide that one over -- 25. And ask if you could tell the
14 Court what that is?

15 A This is a very unusual picture.

16 Q This is actually. I need you to turn around so
17 that the Judge can see you. I don't --

18 A It shows the abdomen of this child, who's 3 years
19 old at the time. The abdomen was sticking out way more than
20 normal. And I remember how it felt, because as a doctor, we
21 feel the abdomen. As you recall when you go to your own
22 doctor, and the doctor's feeling for the internal organs, to
23 make sure they're the right size. Her abdomen was so tense
24 and firm that you couldn't feel the edges of the internal
25 organs. And also, the lower part of the abdomen was

1 somewhat darker in color.

2 Q What does that mean?

3 A She was -- she was in a shock state. She had lost
4 so much blood, she had to have red blood cell transfusions.
5 And I suspected she had blood in her peritoneal cavity from
6 an injury internally, internal to the skin of the abdomen.

7 Q Okay. The next one is State's Exhibit 24. If you
8 could show the Court that and explain what that is, as well?

9 A Yes. This is a picture of the side of her head
10 and also --

11 MR. STONE: I'm sorry, Judge -- Your Honor, can
12 you see?

13 THE COURT: I can see.

14 MR. STONE: Okay.

15 A Also, her right ear, it shows there's bloody gauze
16 in her ear, to catch the bloody drainage coming out of her
17 ear canal.

18 Q And what does that indicate to you?

19 A There's a significant injury to the head. Often
20 if there's a head injury it can cause bleeding into the ear
21 canal. And in her case, there was injury internally to the
22 head, lots of injury.

23 Q Okay. So, the blood coming out of the ear is not
24 coming actually from the ear, that's coming from inside the
25 head out; is that right?

1 A I believe it was. There also is some bruising of
2 her right outer ear that you can see in this picture.

3 Q Okay. And in the final photograph, State's
4 Exhibit 26?

5 A Yes. In this photograph, I think I misspoke
6 earlier, that I took this photograph. I believe this
7 photograph was taken a few hours later by the nurse
8 practitioner that I supervise. And this shows that she had
9 had a pressure device put in her head, to try to relieve
10 some of the pressure, and to also measure how high the
11 pressure is in the subarachnoid space and in the periosteum
12 in the brain.

13 Q All right. That is that white tube type thing at
14 the very top of her head; is that correct?

15 A That's correct.

16 Q Okay. All right. And what is the purpose behind
17 that?

18 A Well, she was -- she had severe brain injury. And
19 I knew that because I reviewed the pho -- the images, the CT
20 images from Beaufort Memorial Hospital that were taken when
21 she first came there. I had reviewed all of those images
22 with our radiologist. And she had bleeding in the brain
23 tissue itself. She had bleeding in the space called the
24 subarachnoid space. And that's the same space that drains
25 down all around the spinal cord. And she had swelling of

1 the brain. So, when there's swelling of the brain, that can
2 be the finishing blow, or the finishing event to kill
3 someone. So they monitor how much pressure is there, so
4 that they know if they have to do full surgical procedures
5 to relieve pressure on the brain.

6 Q Okay. At the point that the child gets to MUSC,
7 from the standpoint of the -- she appears to be on a
8 respirator; is that correct?

9 A Yes. She was on a respirator when she arrived.
10 Well, she was put on the respirator. She had a tube, and
11 they were breathing for her when she arrived from Beaufort
12 Memorial.

13 Q Okay. How many different injuries did you note on
14 this child?

15 A Well, she had multiple head injuries. She had
16 skull fractures on both sides. She had bleeding in the
17 tissue of the brain. She had bruising of the tissue of the
18 brain itself on both sides. She had subdural bleeding.

19 She had -- so, she had multiple fractures of
20 her head, as well as all of this internal bleeding in her
21 head. And then she had abdominal injuries with liver
22 laceration and internal bleeding into her belly. And then
23 she had multiple skin abrasions, bruising. She had
24 behind-her-ear bruising, which these pictures don't show
25 very well. But they call it Battle's sign, where there's

1. been direct impact to the side of the head. And it was on
2 both sides of the head, not just one side of the head.

3 Q And I don't know how far -- when we talk about the
4 fall itself, there has been testimony the child was thrown
5 from a third floor. Are all of those injuries consistent
6 with that fall, or are there other injuries that are not
7 consistent with that fall?

8 A With a fall over and down, there would be a main
9 point of impact. Most of the force would be taken on the
10 initial impact. And it should be one surface of the body,
11 not multiple surfaces. She's injured on both sides of the
12 head, the back, the forearm, and the front of the belly.
13 So, there were multiple sides of her body that were injured.

14 Q All right. And I know that you have discussed
15 this, but from the possibility -- and I think that there's
16 also testimony that the child had very little chance of
17 living. Can you tell the Court what chance the child did
18 have to live, when you got there. In other words, how
19 severe -- obviously, the injuries sound severe. But how
20 severe was she in the condition of -- that you found her?

21 A She was in critical condition. There was some
22 debate whether or not she could survive doing the abdominal
23 surgery first. They decided that they needed to do the head
24 surgery first. She was extremely critical.

25 Q And you, again, said that she was on the respirator

1 -- she was actually put on the respirator when she was there.
2 But she had a tube -- something assisting her breathing
3 before she got there?

4 A Yes.

5 Q And were it not for that respirator, which is
6 actually something you and the hospital had done, what
7 condition would she have been in?

8 A She would have died immediately.

9 MR. STONE: Your Honor, I don't have anything at
10 this time.

11 THE COURT: Cross-examination?

12 MR. KEEP: Yes, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. KEEP:

15 Q When was the last time you've seen this child?

16 A I saw her just that one visit.

17 Q Only?

18 A That is correct.

19 Q You haven't seen the child since?

20 A No.

21 MR. KEEP: Thank you. No further questions.

22 THE COURT: Anything further?

23 MR. STONE: No, ma'am, Your Honor, that is it.

24 THE COURT: You may step down, Doctor. Thank you.

25 MR. STONE: Your Honor, with that, the State

1 rests.

2 THE COURT: This will be a good time, if you all
3 want to go into motions; or are you all ready for a
4 lunch break?

5 MR. KEEP: Both, Your Honor.

6 THE COURT: Okay. We can go ahead and proceed
7 with the motions, and then we'll take a lunch break
8 after that.

9 MR. STONE: Your Honor, I assume that the doctor
10 may be excused?

11 THE COURT: Yes, sir. Any objection to that,
12 Mr. Keep?

13 MR. KEEP: Oh, no. No objection.

14 THE COURT: Mr. Keep, I'm happy to hear your
15 motions.

16 MR. KEEP: I would make a motion for a directed
17 verdict.

18 THE COURT: Certainly, based upon the evidence
19 that has been presented so far, there is credible
20 evidence tending to find the Defendant guilty on each
21 of the elements of the crime charged, and as such, I'll
22 deny your motion.

23 MR. KEEP: Yes, Your Honor.

24 THE COURT: For timing purposes, Mr. Keep, do you
25 plan on putting up any witnesses?

1 MR. KEEP: Well, Judge, tomorrow is doctor day.
2 So, we could open up with the defense, by calling the
3 Defendant and the Defendant's mother and some members
4 of the family, not necessarily in that order. But that
5 seems to be a very good use of this afternoon. And
6 that way we could clear the way for tomorrow being
7 strictly doctors, Your Honor.

8 THE COURT: Sure. I'm happy to do that. Will one
9 hour give you plenty of time for lunch?

10 MR. KEEP: Yes, ma'am.

11 MR. STONE: Yes, ma'am.

12 THE COURT: So we'll reconvene at 2:00.

13 MR. STONE: Thank you.

14 (Lunch recess.)
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2 CERTIFICATE

3

4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was authori
7 to and did stenographically report the foregoing proceedings and t
the transcript is a true and complete record of my stenographic no

8 DATED this 8th day of September, 2014.

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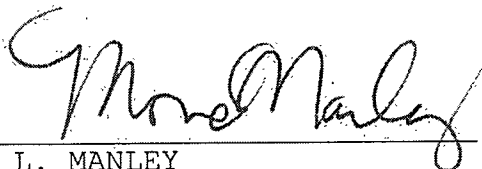
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1 In the Court of Common Pleas for the
2 State of South Carolina, County of Beaufort
3
4 Case No.: 2012-GS-07-0105
5 State of South Carolina,
6 Plaintiff(s),
7 vs. Transcript of Record
8 Shayla Jerea Bryan,
9 Defendant(s).

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VOLUME 3

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May 20, 2014

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Beaufort, South Carolina

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BEFORE:

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The Honorable Judge Murphy

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APPEARANCES

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1 PROCEEDINGS

2 THE COURT: Parties ready to proceed?

3 MR. STONE: The State's ready, Your Honor.

4 MR. KEEP: Yes, Your Honor.

5 THE COURT: All right. Mr. Keep, you may call
6 your first witness..

7 MR. KEEP: Thank you, Your Honor. The Defense
8 calls Mrs. Bryan, Senior.

9 Thereupon,

10 LAVONIA BRYAN

11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 THE CLERK: Please be seated. State your name and
14 spell it for the Court, please.

15 THE WITNESS: Lavonia Bryan.

16 DIRECT EXAMINATION

17 BY MR. KEEP:

18 Q You have quite a group here with you here today.

19 A I do.

20 Q Who are they?

21 A My family and friends.

22 Q Are they seated right over here in the first --
23 well, the second and third row?

24 A Yes, sir, they are.

25 Q Okay. Let's see, you've got -- please introduce

1 them briefly.

2 A I have my neighbor that lives right across the
3 street from me, Ms. Gloria Houston; my oldest sister,
4 Henrietta Morale; Shakia Chisholm, a close friend of
5 Shayla's; my niece, Rashidah Frazier; a very dear cousin,
6 Patricia Hatherton. I'm sorry, I couldn't see all of you
7 all. This is Shayla's father; Mrs. Ella Washington;
8 Ms. Christie Washington Cohen; Shante Glaze; and Tiquel
9 Young.

10 Q Which were very good. You have a very good
11 memory. I could never remember all of those people.

12 Tell me, where do you live, ma'am?

13 A I live in

14 Q Okay. And are you a life-long resident?

15 A Yes.

16 Q Okay. And what is your education?

17 A I went to Battery Creek High School. Went there
18 through eleventh grade, and I furthered my education at the
19 adult education.

20 Q Okay. And where are you employed?

21 A At Little Ones Daycare.

22 Q Is that a day care that you own?

23 A Me and my niece own it together.

24 Q I see. How long have you run that business?

25 A Seventeen years.

- 1 Q And Shayla's father, what sort of work does he do?
- 2 A Mechanic.
- 3 Q Okay. And you two are married?
- 4 A Yes.
- 5 Q You've been married a number of years --
- 6 A Yes.
- 7 Q -- I take it?
- 8 A Yes.
- 9 Q How many children do you have?
- 10 A Two.
- 11 Q Two. Okay. Is Shayla the youngest or the oldest?
- 12 A She's the oldest.
- 13 Q Oldest child?
- 14 A Yes, sir.
- 15 Q What sort of childhood did Shayla have?
- 16 A She had a beautiful, beautiful childhood. And
- 17 there's nothing that Shayla didn't want more for, you know,
- 18 anything that she needed, me and Shante bought it for her.
- 19 Shayla was just a lovely, soft-spoken child. A child that
- 20 would take her shirt off her back to give it to you, if you
- 21 didn't have one on. That type of child.
- 22 Q Are you a grandma?
- 23 A Yes, I am, sir.
- 24 Q What are the names of your grandchildren?
- 25 A You said what are the names of?

1 Q Yes.

2 A Oh, Minor

3 Q Okay. So, you're a grandma one time?

4 A Yes, just one time.

5 Q All right. One child. What kind of child is

6 Minor ?

7 A Minor is a loving child with an old -- I call her
8 an old soul. She is just a beautiful little girl that you
9 would adore.

10 Q And you have custody of that child?

11 A Yes, I do.

12 Q And you wouldn't happen to have a picture of her
13 as she is today, would you?

14 A I do.

15 Q Could you produce that?

16 A It is in my purse, I'm sorry.

17 Q All right.

18 MR. KEEP: May I approach the witness, Your Honor?

19

20 THE COURT: You may.

21 BY MR. KEEP:

22 Q Please tell the Court what this is.

23 A This is a picture that Minor took at preschool.

24 Q And how long ago was that picture taken?

25 A This was last year, 2013. I do have a recent

1 picture in my purse, also.

2 Q Okay. But does that pretty much represent her as
3 she is today?

4 A Yes. But I would have loved to show her other
5 pictures, as well.

6 Q Where's the other pictures?

7 A The one of her in her white gown. She was in a
8 wedding.

9 Q One in a white gown.

10 A She was a flower girl.

11 Q Oh, I can see why.

12 MR. KEEP: Approach the witness, Your Honor?

13 THE COURT: Yes, you may.

14 BY MR. KEEP:

15 Q Is that it?

16 A Yes. This is ^{Minor}.

17 Q And when was that taken, please?

18 A This was taken in July. She was in a wedding.

19 She was a flower girl.

20 Q Okay.

21 MR. KEEP: I would like to offer these two defense
22 exhibits into evidence at this time, Your Honor.

23 THE COURT: Any objection?

24 MR. STONE: No objection, Your Honor.

25 THE COURT: They are in.

1 *(Whereupon, Defendant's Exhibit No(s). 1-2 marked*
2 *for identification and received in evidence.)*

3 BY MR. KEEP:

4 Q How is Minor -- how is she doing?

5 A Minor 's doing fine. She's got good health, good
6 strength. She's just a all-around little girl.

7 Q Has she made a complete recovery?

8 A Yes, she has.

9 Q Okay. And how do you like being a mama all over
10 again?

11 A I love it. I wouldn't trade it for the world.

12 Q Well, speaking of that, do you and your friends
13 and family want Shayla back?

14 A We do. She -- and Minor is constantly asking
15 about her mother. Just recently we went to church. We go
16 to church, and we went to church on last week Sunday. And
17 went up to the Deacon of the church, and he came up to her
18 rather, and put \$10 in her hand. And she turned back to him
19 and grabbed him by the hand, and she said to him, Jesus,
20 Jesus, could you please -- she said, Jesus, could you please
21 bring my mama home.

22 Q Have you visited Shayla in jail?

23 A Every chance I get. I don't think she'll have not
24 had a visitation since she's been incarcerated.

25 Q She's been in there about two and a half years?

1 A She been in there for two years, five months and
2 two days.

3 Q How old is the child now?

4 A Minor is now 5 years old.

5 Q So does Shayla love her child?

6 A Unconditionally.

7 Q Prior to December 19th, 2011, describe to the
8 Court, if you would, please, what sort of mother she was?

9 A Shayla was just a caring mother, a loving mother.
10 Shayla would -- when Shayla would come home from work she
11 would come through the door, and Minor would hear Shayla
12 say, Minor , mommy is home. And all you could hear is her
13 little feet paddling, running to her mommy. And she would
14 pick this baby up and swing her around and kiss her and tell
15 her that mommy missed you.

16 Q Oh, when she was off at work?

17 A When she would -- that's right. Any time that she
18 would leave and then come back into the home. Just a
19 loving, loving mother to her child.

20 Q Did Shayla -- she had a job?

21 A She had a job.

22 Q As assistant manager?

23 A Yes, sir.

24 Q Was she doing well at her job?

25 A Yes, she was.

1 Q Was she a trusted employee?

2 A Yes, she was.

3 Q Did she have financial worries?

4 A Not at all.

5 Q Okay. Did she have a nice car?

6 A She did.

7 Q Did she have a nice apartment?

8 A Yes. She was staying with my niece, Rashidah.

9 Yes, she did.

10 Q She had a roommate, Rashidah?

11 A Yes.

12 Q Who's your niece?

13 A Yes.

14 Q And she's in the courtroom today. I think that
15 you introduced her?

16 A Yes, sir.

17 Q Okay. Well, were there any stresses in Shayla's
18 life?

19 A I didn't see a whole bunch of stresses. Just that
20 we are a family that we sit to a table and eat dinner
21 together. Or we just go into a room together and look at
22 movies. Or we'll just go in my bed and lay down, and just
23 talk and have family time. We travel together, go places
24 together. When me and her father were still together, we
25 would travel every weekend to a restaurant in Savannah,

1 Charleston, just to have family time together.

2 Q And would you tell the Court what you saw and
3 heard on December 19th, 2011?

4 A Is it possible I can go back from the time?

5 Q Yes. So tell it to the Court in your own words?

6 A If I can bring that back, it is very important.
7 One day Shayla came home from work. She came home and she
8 said to me, mama, I just met this woman. This woman came
9 into my job and she kept pacing back and forth in the
10 kitchen. And she said, this woman is just so powerful.
11 She's just so powerful, mother. I have never met nobody
12 like this, so powerful. Oh, my God, it was so intense.
13 Until I had to actually grab her and say,
14 Shayla, what's wrong. I mean, what woman, what the hell are
15 you talking about? She said, momma, I don't know her. I
16 don't know her. Mama, but she knew my life. She knew
17 everything about me. And I was like, well, Shayla, who is
18 this woman? Because if she is this powerful, maybe I want
19 her to get to know who she is. If she can tell you about
20 your life, maybe she can tell me about mine. Who is this
21 woman? And she would not tell me.

22 She kept pacing back and forth and just
23 saying, mama, I've never had an experience like this. I
24 never had nobody to do this. I mean, she knew my whole
25 life. She knew everything about me. And just from that,

1 you know --

2 Q All right. So that was the first sign that
3 something was strange?

4 A The first time. The first time. And just like I
5 said, we was a very tight family. We would always eat
6 together, travel together. Shayla started distancing
7 herself and wanted just to stay in her room a little more.
8 And I always called her, Shayla, what's wrong? And at one
9 time I thought she was pregnant. Are you pregnant? And it
10 got to the point where I would reach out to my sisters and
11 to my nieces and tell them, you know, I think something is
12 wrong with Shayla. She's just not acting herself.

13 She's just a little distant. Not as
14 noticeable, but me as being a mother, me as being a mother,
15 I picked it up. I know. I knew something was wrong with my
16 child. I would go to her and I would talk to her and I
17 would ask her, talk to mama. Let mama know what's going on.

18 Q Would this be perhaps in November 2011?

19 A It was -- it started -- when she came to me, I
20 believe it was in the summertime. I just can't remember the
21 time or the date. But it was in the summertime that she
22 came to me with that message and just, you know.

23 Q Did she exhibit any other unusual or
24 uncharacteristic behaviour?

25 A Just one night, I was in my room exercising. And

1 I was excited, I was losing a little weight. I came in
2 there and put my spiritual tape on and I started exercising
3 to my spiritual DVD that I had. And she came in there and,
4 you know, she -- Minor was not in her room. Minor came
5 into my room. And we started warming up and we was getting
6 excited to do our exercises. And Minor said, come on,
7 granny, let's do it granny. Let's get our exercises.

8 And she said, I don't want you showing her
9 that. I don't want her dancing. I don't want her dancing.
10 And I said, what do you mean, you don't want her dancing.
11 And she said, just like I said, I don't want her dancing.
12 And I said, We are dancing to the spiritual music. We're
13 not dancing to just any music. And she said, I don't want
14 her dancing at all no more. I don't want her to dance.

15 So, I left out of the room and went into the
16 bathroom. And I heard Shayla say to Minor, get your little
17 A in the room right now. So, when I heard it, I just went
18 back into the room, and I said, what did you just say? She
19 said, I just told her to get her little A back in the room.
20 And I said, well, why did you say that? You said that in my
21 house. And she was like, well, I didn't mean to. I'm
22 sorry, mama. I didn't mean to say that, you know, forgive
23 me, mama, I'm sorry. It just slipped out. And that was the
24 only -- the first time that I ever -- that was just so --
25 because I never seen her out of that character. I've never

1 heard her say such things. I just didn't know where that
2 came from.

3 Q Did your daughter believe in corporal punishment
4 or physical punishment?

5 A Oh, no, not at all. Never had to.

6 Q And was there ever any need to discipline your
7 granddaughter?

8 A No, Shayla was just like the beautifullest child
9 ever. I never had to discipline her at all.

10 Q Well, jumping up to December 19th, 2011, what
11 happened? What did you see, you know, that you saw with
12 your own eyes and heard with your own ears?

13 A Well, that day, the day of the 19th, Shayla called
14 me and told me that she had a nice time out, eating with
15 her -- her employees. And we was just running our mouths
16 talking. And Shayla said to me, you know, I'm going to come
17 and bring ^{Minor} . And I got to do more Christmas shopping.
18 So, I said, okay. I said, when you come, I need to go and
19 pick up some things -- I mean, pay some bills for me is what
20 I said to her. And she said, okay, well, I'll be there as
21 soon as me and ^{Minor} eat breakfast and then we'll be over
22 there as soon as we get dressed. I said, Okay. And when
23 she got to my job, she said, I'm going to leave ^{Minor} with
24 you. I'm going to pay your bills for you, then I'll be back
25 for her.

1 Well, when she came back from paying bills,
2 Minor did not want to stay in day care, she wanted to go
3 with her mother. And at that time I said, why are you
4 crying, you like coming to day care because of the other
5 kids. And she said, I want to go with my mommy, I want to
6 be with my mommy. And she took her. She said, Well, come
7 on and go with mommy then. And they left. And she called
8 me back. And she said, you know, I need to get some more
9 gifts for other people other than -- and she said to me, it
10 don't seem like I have enough stuff for Minor .

11 So, I said, well, how much stuff do you need
12 to get for her? I said, you know, you went and got some
13 things. She said, yeah, but mama, that is not enough. I
14 said, well, I'm going to get some things. I've got things
15 that I ordered them on line, they're going to be shipped in.
16 And I said that, you know, her father is going to make sure
17 he gets her a whole lot of stuff. So I said, that will be
18 enough. She said, I still want to get things for her and
19 for some other people.

20 So I said, well, I already gave you all of my
21 money to pay my bills, I don't have none. So I said the
22 only other thing I can do is, I can go get a loan for you.
23 But when I get this loan, you have to promise that you will
24 pay it back out during income tax time. And she made a
25 promise. And I went and got that loan for her that same

1 day.

2 Q How many times did you have a telephone
3 conversation with your daughter?

4 A We might have talked about four or five times that
5 day.

6 Q Would that be typical of you and your daughter?

7 A Oh, yes, yes.

8 Q You talked quite a bit -- quite often?

9 A Yes, we talk all the time.

10 Q And did you get another call from your daughter
11 about 10:20 that night?

12 A I did.

13 Q All right. And can you tell us what happened
14 then?

15 A A call came in. It is a call that no mother would
16 ever want to hear across a phone line. And my daughter was
17 just screaming hysterically and just pleading for my help.
18 Help me, help me, mama, please, help me. And I said who's
19 after you? I could hear her running. Who's after you,
20 Shayla, who is after you? She said, just help me, help me,
21 call 911, call 911. I said just give me a name. Tell me
22 who's after you, tell me who's after you, and the phone went
23 dead.

24 And all I remember is jumping up, grabbing my
25 keys and telling my baby girl, let's go, something's going

1 on with Shayla. I think somebody's after her. And that's
2 when I was running out the house. And I remember calling
3 911 and saying, please get to the apartment complex where my
4 daughter is at. I think someone is after her. I think
5 somebody's trying to kill my child. Because that's what I
6 thought at the time.

7 Q When you arrived at the complex, what did you see
8 and hear?

9 A When I got there, I just saw ambulance, fire
10 trucks, police cars surrounding the building. And at that
11 time they already had the tape around. And I actually
12 proceeded to get out.. All I remember was a guy running to
13 me and -- stopping us and making us -- he snatched my keys
14 out of my hand to stop me from getting back in the car. And
15 he stood by my door and wouldn't let me move out.

16 Q Did you see your daughter?

17 A I was not able to see Shayla.

18 Q When she was in jail, was she treated by
19 Dr. Treadway?

20 A Yes.

21 Q And did Dr. Treadway to your knowledge, prescribe
22 medication?

23 A Yes, sir.

24 Q And did she take -- does she take the medication
25 as far as you know?

1 A We are on the phone some nights, she would say,
2 well, mommy, hold on, I have to take my medication. So...

3 Q Have you noticed any change in her since she's
4 been taking the medication?

5 A No. Just the few times that I went there and I
6 just noticed that she was still not herself to me before the
7 medication. And I believe that's when I called and spoke to
8 you and told you that Shayla did not seem right to me. She
9 is still not herself to me.

10 Q How would you describe Shayla today?

11 A She's Shayla, I can see her back to herself.

12 Q Oh, she's back to herself now?

13 A I can see her back to herself.

14 Q How long did it take her to come back to herself,
15 from when she first went to jail?

16 A I think it was after she started the medication.
17 Because she just -- you know, before the medication, she was
18 like just still talking out of her head and still saying
19 things.

20 Q Please tell the Judge what sort of things she's
21 been saying?

22 A Just little things, that, mama, something went
23 wrong. I kept asking her what went wrong. And I just
24 wanted to know. When I first came to visit Shayla, I asked
25 her about the poem.

1 Q A poem?

2 A It was a poem that I know that she wrote the night
3 of the incident.

4 Q Did you ever see a copy of the poem? You did read
5 it?

6 A When I saw it, I got a phone call the day after
7 the incident. And the phone call said, Ms. Bryan, one of
8 her best friends is calling me at the hospital, and saying,
9 Ms. Bryan, I think that you need to go into Facebook and
10 look at this poem under Martha Frasier's name. Shayla
11 replied to the poem. And she said -- at the end of the
12 poem, she said it was beautiful, and I have read this clear.

13 Q Would you describe the poem to the Court?

14 A Well, it is -- to the best of my knowledge,
15 because I just read it that one time. And it just -- it put
16 my hair in the back just rise. And it's a beautiful poem
17 for me reading it. I took it as Shayla took that poem the
18 wrong way.

19 Q What was the poem about?

20 A She indicated -- it's the empty chair, about
21 someone losing someone, and that person is no longer on
22 earth but they're sitting right next to you, you just can't
23 see them or touch them. And it's talking about being in
24 pain and sorrow.

25 Q On this side of the other world?

1 A Yes.

2 Q Okay. And how did -- how did Shayla misinterpret
3 this poem?

4 A I can't really speak for her, but from my
5 knowledge, and what I think, that she interpreted it the
6 wrong way, like something was telling her to do something,
7 from the actions that I saw from what she did to Minor .

8 Q And where did this poem come from?

9 A It was a poem that was placed on Facebook, that
10 Martha Frazier, I think, had placed it on her own page. And
11 Shayla is friends with this lady that she reached out for
12 help. It's someone that Shayla reached out for help. And
13 this was a poem that she read that was from Martha Frazier.
14 And I took it as she read that poem, thinking that it was
15 sent to her.

16 MR. KEEP: May I approach the witness, Your Honor?

17 THE COURT: You may.

18 BY MR. KEEP:

19 Q Here's a poem called "The Empty Chair." Can you
20 identify this poem? Would you please read that poem to the
21 Court.

22 A The empty chair. When God sees fit to take
23 someone so very close and dear, I know that he's with you
24 through your worries and your fear. He doesn't take them
25 forever, though it may seem that way to you, you have -- I

1 need some glasses --.

2 Q Oh.

3 A I need some glasses. I have to start from the
4 beginning.

5 The empty chair. When God sees fit to take
6 someone so very close and dear, I know that he is with you
7 through the worries and your fear. He doesn't take them
8 forever, though it may seem that way to you. You had them
9 longer than he did, so now he needs them too. You will soon
10 be with them some day in heaven above, and you will live
11 forever in this everlasting love. We never want our loved
12 ones to suffer not one day. He removes all pain from their
13 body when they go with him to stay. He doesn't mean to make
14 you sad, or break your heart in two, for you are his child
15 dear one, and Jesus does love you too. So now there is an
16 empty chair, no one can fill that space. But your loved one
17 is sitting there too, though you can't see their face.
18 There is no way that that's easy, when it's time to say
19 goodbye. Give them your love before they go. They live,
20 they do not die.

21 And Shayla responded, Beautiful message, I
22 read this so clear.

23 Q And did Shayla become very interested in this
24 poem?

25 A I do believe this is what caused Shayla to do what

1 she did to Minor in my true belief.

2 MR. KEEP: At this time, we would like to offer
3 this into evidence, Your Honor.

4 THE COURT: Any objection?

5 MR. STONE: No objection, Your Honor.

6 THE COURT: Defense three.

7 *(Whereupon, Defendant's Exhibit No(s). 3 marked*
8 *for identification and received in evidence.)*

9 MR. KEEP: I have no further questions of this
10 witness, Your Honor.

11 THE COURT: Cross-examination?

12 CROSS EXAMINATION

13 BY MR. STONE:

14 Q Ms. Bryan, it sounds like you are very close with
15 your daughter?

16 A I am.

17 Q And you speak to her, or at least you spoke to her
18 at that time, pretty much every day?

19 A Yes, sir, I do.

20 Q Not only the day of this event, but prior to it
21 you spoke to her pretty regularly; did you not?

22 A Yes.

23 Q Okay. And has this been continuous pretty much
24 throughout her entire life?

25 A Oh, yeah.

1 Q Okay. She's been either in your home or close to
2 you.

3 When did she leave your home?

4 A Three weeks prior.

5 Q Three weeks prior to this?

6 A Yes. I'd say two weeks.

7 Q But even through that, you kept in pretty close
8 contact with her?

9 A That's true.

10 Q During any of this time, up until this event, you
11 never saw any evidence of her having any psychiatric
12 problem?

13 A No.

14 Q She never had talking out of her mind, anything
15 like that?

16 A No.

17 Q She was pretty much perfectly normal up to this
18 event, at least as far as you knew?

19 A You know what, throughout this, I would sometimes
20 walk into her room and she'd be talking to herself. And I'd
21 say, Shayla, who are you talking to? And she said, oh, I'm
22 just talking to myself.

23 Q Up until this day, you spoke to her two or three,
24 four times -- did you say? I'm sorry, I misunderstood.
25 Four times this day? The day of this event?

1 A Yes.

2 Q You talked to her, obviously, when she called
3 about 10:20 for the 911 call?

4 A Yes.

5 Q Prior to that, when did you talk to her?

6 A About 7 o'clock.

7 Q About 7 o'clock?

8 A Between 6:00 and 7:00. I called her and let her
9 know I went and got the money order for her that day.

10 Q Okay. And that's you arranging the loan and
11 everything for her?

12 A Right.

13 Q Okay. And she sounded fine when you talked to her
14 from 6:00 to 7:00?

15 A Yes.

16 Q Do you have any idea what happened between 7:00
17 and 10:00?

18 A I really don't. The last time that I spoke to
19 Shayla was at -- I asked her what she was doing. She told
20 me she was folding clothes, and she was getting ready to
21 prepare dinner for her and Minor .

22 Q But she sounded fine?

23 A She sounded fine.

24 Q Did she sound high?

25 A She did not.

1 Q Do you know what she sounds like when she sounds
2 high?

3 A I never knew she was being high.

4 Q So you don't know what happened between 7:00 and
5 10:00. And did you know that she smoked marijuana on a
6 regular basis?

7 A I didn't.

8 Q Did you know that she smoked marijuana that day?

9 A I didn't.

10 MR. STONE: Nothing else, Your Honor.

11 THE COURT: Any redirect?

12 MR. KEEP: Nothing further, Your Honor.

13 THE COURT: You may step down, ma'am. Thank you.
14 You may call your next witness.

15 MR. KEEP: Yes, Your Honor.

16 We'd like to call Mr. Bryan, Shayla's father, to
17 the stand.

18 Thereupon,

19 ISLEO BRYAN

20 was called as a witness, having been first duly sworn,
21 was examined and testified as follows:

22 THE WITNESS: My name is Isleos Bryan, Junior,
23 I-S-L-E-O-S B-R-Y-A-N.

24 THE COURT: You may proceed.

25 MR. KEEP: Thank you, Judge.

1 DIRECT EXAMINATION

2 BY MR. KEEP:

3 Q What sort of work do you do, sir?

4 A I'm an auto mechanic.

5 Q And have you and your wife been able to provide
6 Shayla with a middle-class prosperous upbringing?7 A I think a little bit more. When Shayla was born,
8 I made sure that -- when she was young she always had
9 everything that she needed, before she got 5. When she went
10 to school I bought her real pearl earrings, not fake, but
11 real pearl earrings and a necklace. That is how she was
12 brought up.

13 Q Okay. Was she brought up with a lot of love?

14 A Yes.

15 Q And did the love go both ways, or was it just your
16 love going downwards?

17 A Oh, no, both ways.

18 Q What kind of mom was she prior to December 19th,
19 2011?

20 A Strict.

21 Q Did she believe in corporal punishment?

22 A Oh, no.

23 Q Did you ever see her spank the child?

24 A She didn't get spanked.

25 Q Did the little child ever deserve to be spanked?

1 A No.

2 Q Did Shayla and her daughter love each other?

3 A Oh, yes.

4 Q And did you love your grandchild?

5 A Yes.

6 Q You still do today?

7 A Yes. Shayla worked at Cato's. And Tuffy, where I
8 worked, is across the street. And on her days off or
9 whenever, she had the baby with her. They would ride
10 through the parking lot. And I might be working on a car,
11 and the guys that work with me they would laugh and say,
12 here comes your daughter. And they know that her and her
13 baby -- the baby was in the back seat laughing. She know
14 I'm about to give them money. And she went, Where are we
15 going to eat lunch at today, daddy? I said, Let's go to
16 Zaxby's and she gets ice cream and all.

17 Q And your daughter, Shayla, was brought up by a
18 married couple with an intact marriage?

19 A Oh, yes. She went to Disney World, Six Flags.
20 You name it she went. I spent time at libraries with her.

21 Q Was there any stress that you know of on Shayla's
22 life about this time, end of 2011?

23 A No, not at all. Like I say, I seen her everyday.
24 I worked across the street. Even when she was making the
25 bank deposits at the bank, she would ride by -- ride by and

1 see me, how are you doing daddy?

2 Q How is your grandchild now?

3 A Excuse me?

4 Q How is your grandchild now?

5 A She is great. When we go to see her -- Shayla at
6 the jail house together, I would sometimes leave early from
7 the jail house, so I can spend time with her. She sometimes
8 will be in the car with my other granddaughter. You know,
9 Grandad, let's go walk around. So, we spend a lot of time
10 together.

11 Q And did you see the picture of her all dressed up?

12 A Yes.

13 Q Is it a white wedding dress or what is it?

14 A Yes.

15 Q Is she practicing being a bride?

16 A Yes.

17 Q And your grandchild is about five now?

18 A Yes, sir.

19 Q Is she in kindergarten?

20 A Yes, sir.

21 Q And is she a normal and happy child?

22 A Yes. Yes, you can't even -- she has for -- when
23 she walks, you can barely tell, she's still got a little
24 limp. Everything else looks perfect.

25 Q Has she visited her mother in jail many times?

1 A No. She be in the parking lot, she is not allowed
2 to go up.

3 Q Oh, she's not allowed in the jail because of her
4 age?

5 A Well, she can come in, but we don't take her in.
6 So she'd be in the car with her -- our daughter.

7 Q Do you and your family want Shayla back with you?

8 A Of course, very much.

9 MR. KEEP: No further questions of this witness,
10 Your Honor.

11 THE COURT: Cross examination?

12 MR. STONE: No questions.

13 THE COURT: You may step down, Mr. Bryan. Thank
14 you.

15 You may call your next witness.

16 MR. KEEP: I would like to call Shakia Chisholm,
17 please.

18 Thereupon,

19 SHAKIA CHISHOLM

20 was called as a witness, having been first duly sworn,
21 was examined and testified as follows:

22 THE CLERK: Please be seated and state your name
23 and spell it for the Court, please.

24 WITNESS: My name is Shakia Chisholm.

25 DIRECT EXAMINATION

1 BY MR. KEEP:

2 Q How long have you lived in Beaufort?

3 A Twenty-five years, my whole life.

4 Q Your whole life? You're 25 years old?

5 A Yes.

6 Q And have you known Shayla your entire life?

7 A Yes.

8 Q Describe what kind of mother Shayla was prior to

9 December 19th, 2011?

10 A She was an excellent mother. She used to watch my
11 child, also, you know.

12 Q She would watch your child?

13 A Yes, she did.

14 Q And did she get along good with her child?

15 A Yes, she did.

16 Q Well, did she love her child?

17 A Of course.

18 Q Did her child love her back?

19 A Of course, yes.

20 Q How is -- how is the little child, the 5-year-old
21 child now?

22 A A ball of joy. I mean, personality. Minor is a
23 blessing, a miracle, a miracle child. In school she knows
24 her colors. I take -- I visit her like twice a week, and I
25 talk to her on the phone, because I take my daughter to play

1 with her.

2 Q Does she ever ask about her mother?

3 A She says little things like she misses her mommy,
4 she loves her mommy. She does but -- yes.

5 MR. KEEP: I have no further questions of this
6 witness, Your Honor.

7 THE COURT: Any cross-examination?

8 MR. STONE: No questions.

9 THE COURT: You may step down, ma'am. Thank you.
10 You may call your next witness.

11 MR. KEEP: Yes, ma'am. Rashidah Frazier, please.

12 Thereupon,

13 RASHIDAH FRAZIER

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE CLERK: Please be seated and state your name
17 and spell it for the Court, please.

18 THE WITNESS: Rashidah Frasier. R.A.S.H.I.D.A.H
19 F.R.A.Z.I.E.R.

20 DIRECT EXAMINATION

21 BY MR. KEEP:

22 Q Now, you're both Shayla's cousin and her former
23 roommate; is that true?

24 A Yes.

25 Q And how long have you known Shayla?

1 A Twenty-five years. I think that's how old she is.

2 Q Okay. And what kind of mom was she, prior to
3 December of 2011?

4 A She was a good mama, excellent mom. I am a mother
5 myself, so everything that she showed to ^{Minor} I would show
6 to my own son.

7 Q And did you see or hear anything on December 29th
8 {sic}?

9 A I was home earlier that day. I got off of work a
10 little early, because my son was coming home for Christmas
11 and we -- when I got home her and ^{Minor} were there, and she
12 was in there straightening up her -- the room. And she left
13 for a few minutes, to go right to Sonic to get her and
14 ^{Minor} something to eat. Came back, and we ate and had
15 lunch, until I left to go pick up my son from the airport.
16 But everything was normal.

17 Q Okay. Have you visited Shayla in jail over the
18 last two and a half -- almost two and a half years?

19 A Yes.

20 Q How would you describe your friend, Shayla, when
21 she was in jail?

22 A She's my cousin too, most importantly, family.

23 Q Oh, yes.

24 A The first couple of times I visited her I didn't
25 get that sense of the Shayla that I was used to, or the

1 Shayla that I have known all these years. But when I visit
2 her now she seems to be more of the Shayla that I remember,
3 and the Shayla that, you know, that I left that day.

4 Q At first, what was different about her?

5 A She seemed a little more distant the first time
6 that I saw her.

7 Q In jail?

8 A Right.

9 Q Okay.

10 A She seemed a little more, you know, distant. She
11 wasn't as -- you know, we have a really good joking
12 relationship. We joke and laugh a lot. And she was a lot
13 more serious, more -- more distant. She wasn't as open and
14 joking about -- as I was used to her being.

15 Q Did she talk anything about the jail doc -- the
16 jail psychiatrist or medication?

17 A No.

18 Q You didn't talk about things like that?

19 A No.

20 Q All right.

21 MR. KEEP: Thank you, Solicitor.

22 I'm done with this witness, Your Honor.

23 THE COURT: Any cross-examination?

24 CROSS EXAMINATION

25 BY MR. STONE:

1 Q What you're describing as far as her -- that's
2 when she's in the detention center? She's in jail prior to
3 this, okay?

4 A Right.

5 Q But prior to that, when you were rooming with her,
6 in all those years that you knew her, she never acted
7 distant, she didn't talk out of her mind, she didn't act
8 crazy or anything like that?

9 A The only thing different about her, prior to it
10 happening, we had put up a Christmas tree. She had gifts
11 for Minor and I had gifts for my son. That night when we
12 were in there putting up the tree, she quoted stuff out of
13 the Bible, which was kind of surprising to me. I never
14 heard her quote anything out of the Bible. It is not to say
15 that she didn't believe in God or go to church. I just had
16 never heard her. So when I heard her -- and I don't
17 remember what the quote was, but when I heard it, I was
18 like, huh, you know, I didn't expect that.

19 Q Right.

20 A That was very -- that was different.

21 Q Other than the quoting of the Bible, though?

22 A No.

23 Q Okay. And you spoke with her. And I think that
24 you left the apartment that day around what time?

25 A I want to say about maybe 6:00ish, because I

1 believe my son's plane came around 8:00. So maybe around
2 6:00 or so.

3 Q Okay. And so, between 6:00 and 10:00, you don't
4 know what happened?

5 A No. I just got a phone call from my aunt. My
6 aunt called to ask -- she didn't know that I had left to
7 pick up my son. And she asked me what was going on. And I
8 said, I didn't know. I wasn't there.

9 Q Right.

10 A And by the time I got there everyone was
11 already -- the police and everything was already there.

12 Q Did you know that -- well, first of all, Ms. Bryan
13 has a child with, I guess -- what is his name? I cannot
14 remember. I'm sorry. What is the father -- baby's father's
15 name?

16 A Dionne.

17 Q Dionne Hagood; is that right?

18 A Yes.

19 Q Mr. Hagood wasn't helping a lot with child
20 support, was he?

21 A Oh, I don't know.

22 Q Pardon me?

23 A I don't know.

24 Q Okay. Do you remember talking to some people at
25 SLED, talking about specifically ^{Minor} a's father was not

1 paying any child support. Do you remember telling them
2 that?

3 A SLED?

4 Q Yeah.

5 A I don't know who SLED is.

6 Q State Law Enforcement, police officers. Do you
7 remember talking to anybody with law enforcement?

8 A No.

9 Q Okay. The day you left, up until that point, did
10 you know anything about her drug use?

11 A No.

12 Q Never participated in drug use with her?

13 A No.

14 Q Did not see it that day?

15 A No.

16 Q And you left at what time?

17 A I think that it was around 6:00. I'm not a
18 hundred percent sure.

19 MR. STONE: Nothing else, Your Honor.

20 THE COURT: Any further redirect?

21 MR. KEEP: No, Your Honor.

22 THE COURT: Ma'am, you may step down.

23 MR. KEEP: One last witness, Your Honor, Henrietta

24 Morall.

25 Thereupon,

1 HENRIETTA MORALL

2 was called as a witness, having been first duly sworn,
3 was examined and testified as follows:

4 THE CLERK: Please be seated and state your name
5 and spell it for the Court, please.

6 WITNESS: My name is Henrietta Morall,
7 H-E-N-R-I-E-T-T-A M-O-R-A-L-L.

8 DIRECT EXAMINATION

9 BY MR. KEEP:

10 Q Are you Shayla's aunt?

11 A Yes, I am, her oldest aunt.

12 Q Okay. And have you known her her entire life?

13 A Yes, sir. From the day she was born.

14 Q Okay. What sort of child was she? Did she have a
15 happy childhood?

16 A Yes, she was beautiful, she was a beautiful child.
17 Her parents took good care of her. At the time, my mother,
18 who would be her grandmother was living, and everybody just
19 catered to her. She was just a special child, very special.

20 Q And did she work hard to provide, and when I say
21 "she," I mean, Shayla, did she work hard to provide her
22 daughter with a happy childhood?

23 A Yes, she did, to the fact to where I felt like
24 they just had her -- I'm from the old school, rotten,
25 spoiled, with everything the child wanted she had.

1 Q And was she a spoiled child in a bad way or a good
2 way?

3 A Good way.

4 Q All right. Prior to December 19th, 2011, that
5 kind of -- you know, in a word or two, what kind of mom was
6 she to the little child?

7 A Loving and caring.

8 Q Is it true that she did not believe in corporal
9 punishment?

10 A She did not, to the point where I would have to
11 tell them sometimes, I'm again, from the old school. You're
12 spoiling the child, you know, you can't spare the rod all of
13 the time. But they didn't take my advice.

14 Q You don't know anything about the events of that
15 terrible night, except through what you saw or heard, do
16 you?

17 A No more than when I got there, when my sister
18 called me. And they would not allow us to go to her. She
19 only wanted Martha Frazier. Nobody knew who that was, so
20 that's all I know.

21 Q Okay. And have you visited Shayla in jail?

22 A Yes, I have.

23 Q And would you describe Shayla, let's say, the last
24 time you visited her in jail?

25 A When I visited her, she was more into being

1 Shayla. More than the reports that I had gotten prior from
2 her mom, that she was doing better. In beginning it was
3 like she was kind of distant. But I didn't witness that. I
4 witnessed it when she was coming back to being Shayla, the
5 Shayla that I knew.

6 Q Do you want Shayla back in your family?

7 A Yes, I do.

8 Q Thank you.

9 MR. KEEP: I have nothing further of this witness,
10 Your Honor.

11 MR. STONE: I don't have any questions, Your
12 Honor.

13 THE COURT: Thank you, ma'am. You may step down.

14 THE WITNESS: Thank you.

15 THE COURT: Does that conclude the witnesses for
16 today?

17 MR. KEEP: For today, Judge. It would conclude
18 the non-expert witnesses, Your Honor.

19 THE COURT: Okay. So, will the parties be okay
20 starting at the same time tomorrow, 9:45 a.m.?

21 MR. STONE: Yes, ma'am.

22 MR. KEEP: Yes, Your Honor.

23 THE COURT: Okay. We will be at ease until 9:45
24 tomorrow.

25 MR. STONE: Thank you, Your Honor.

1 (Adjourned for the day at 2:50
2 p.m.)

3 MR. KEEP: Oh, Judge?

4 THE COURT: Yes?

5 MR. KEEP: I'm sorry, I don't know what's the
6 matter with me. The Defendant will be taking the
7 stand.

8 THE COURT: Okay. Do you want to do that today or
9 do you want to proceed in the morning? I need to
10 obviously put her under oath and question her regarding
11 her willingness to testify. Do you need a few minutes
12 to discuss that with her?

13 MR. KEEP: Well, I don't think that I need any
14 time to talk with her about that. Let me talk to
15 Mr. Stone. Tomorrow morning works best for me, Judge.
16 But I'm entirely at the Judge's call.

17 THE COURT: I'll be happy to give you until
18 tomorrow morning.

19 MR. KEEP: All right. Thank you, Judge, I could
20 use a little extra time.

21 MR. STONE: Thank you, Your Honor.

22 (Court adjourned at 3:00 p.m.)

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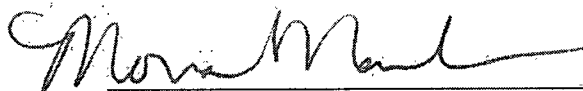
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1
2 CERTIFICATE3
4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I
7 was authorized to and did stenographically report the
8 foregoing proceedings and that the transcript is a true
9 and complete record of my stenographic notes.

10 DATED this 8th day of September, 2014.

11 12 MONA L. MANLEY
13 Official South Carolina Court Reporter
14 Circuit Reporter for the 14th Circuit
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24
25

1 In the Court of Common Pleas for the
2 State of South Carolina, County of Beaufort

3

4 Case No.: 2012-GS-07-0105

5 State of South Carolina,

6 Plaintiff(s),

7 vs.

Transcript of Record

8 Shayla Jerea Bryan,

9 Defendant(s).

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VOLUME 4

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May 21, 2014

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Beaufort, South Carolina

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22 BEFORE:

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The Honorable Judge Maite Murphy

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APPEARANCES

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1 PROCEEDINGS

2 THE COURT: Mr. Keep, have you had an opportunity
3 to discuss whether or not your client wants to testify?

4 MR. KEEP: She's going to testify, Your Honor.

5 THE COURT: All right. Ms. Bryan, if you would
6 please stand.

7 MR. KEEP: Oh, Judge, if I may, I would like to
8 call Dr. Treadway to the stand, please.

9 THE COURT: Okay. I was just going to place her
10 under oath and explain to her her rights, whether or
11 not she wants to testify, and then we can proceed with
12 the actual trial of the day, all right?

13 Ms. Bryan, would you please stand. And Madam
14 Clerk, would you place her under oath, please.

15 SHAYLA BRYAN

16 was duly sworn by the Court, and spoke as follows:

17 THE COURT: Ms. Bryan, I'm now going to explain to
18 you certain of your rights. If you do not understand
19 anything I say, please let me know. If you want me to
20 explain anything in more detail, also, please let me
21 know; do you understand?

22 MS. SHAYLA BRYAN: Yes, ma'am.

23 THE COURT: We have reached now the stage in the
24 trial where you may present your defense. And you have
25 the right to claim the protections given to you by the

1 Fifth Amendment of the Constitution of the United
2 States. This amendment states in part that no person
3 shall be compelled in any criminal case to be a witness
4 against himself or herself. This means that you cannot
5 be required to testify in this case. You have the
6 right to testify on your own behalf; however, no one
7 can make you testify. This is a personal right, and no
8 one can waive that right except for you.

9 If you decide to testify you'll be subject to the
10 same rules that govern other witnesses, and you may be
11 examined and cross-examined about any relevant issue
12 in this case. In addition, if you have any convictions
13 involving dishonesty or false statement, or for crimes
14 punishable by more than one year, and the Court
15 determines that the probative value of admitting the
16 evidence outweighs the prejudicial effect to you, the
17 Solicitor will be able to introduce your record to
18 attack your credibility. If you decide to testify,
19 this decision on your part must be freely, voluntarily
20 and intelligently made, with the knowledge of the
21 protections given to you by the Fifth Amendment, and
22 the consequences of your decision to testify.

23 If you decide not to testify, this fact will not
24 be used against you, and there will be no consideration
25 whatever, that there is absolutely no prejudice to you

1 because you did not testify. It is absolutely left
2 entirely up to you whether or not you testify.

3 You may talk with your attorney, your family, your
4 friends, or anyone else, but the final decision is left
5 entirely up to you. Do you understand what I have just
6 explained to you?

7 MS. SHAYLA BRYAN: Yes, ma'am.

8 THE COURT: Do you have any questions about what I
9 have just explained to you?

10 MS. SHAYLA BRYAN: No, ma'am.

11 THE COURT: Have you discussed with your lawyer
12 whether or not you should testify?

13 MS. SHAYLA BRYAN: Yes, ma'am.

14 THE COURT: Do wish to talk to your lawyer anymore
15 at the present time?

16 MS. SHAYLA BRYAN: Yes, ma'am.

17 THE COURT: Do you wish to have more time
18 together?

19 MS. SHAYLA BRYAN: Yes.

20 THE COURT: All right. If you wish, you certainly
21 may have more time with your lawyer as to whether or
22 not you wish to testify. Do you want to sit down with
23 her and talk to her? Do you want to call your first
24 witness and then take a break? I'll do whatever you
25 wish.

1 MR. KEEP: I would like to call my first witness,
2 Your Honor.

3 THE COURT: Okay. So, Ms. Bryan, you can think
4 about that then while we do that, and then you may talk
5 with your lawyer as to whether or not you wish to
6 testify. Okay?

7 You may call your witness then.

8 MR. KEEP: Defense calls Dr. Treadway.

9 Thereupon,

10 DR. JUDITH TREADWAY

11 was called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 THE CLERK: Please be seated and state your name
14 and spell it for the Court, please, ma'am.

15 THE WITNESS: My name is Dr. Judith Treadway.

16 DIRECT EXAMINATION

17 BY MR. KEEP:

18 Q Dr. Treadway, is there something that the law
19 requires you to read first to the Court?

20 A Yes, sir.

21 Your Honor, Paragraph Two of South Carolina
22 Code, Section 4422-100, will not allow me to disclose
23 information about a patient or former patient of the
24 Department of Mental Health, or a person for whom commitment
25 has been sought, until the Court directs that disclosure is

1 necessary for the conduct of the proceedings before it, and
2 that said disclosure is contrary to the public interest.

3 THE COURT: Dr. Treadway, I do find and instruct
4 you to disclose such information.

5 THE WITNESS: Thank you, Your Honor.

6 BY MR. KEEP:

7 Q Would you please tell us about your education,
8 Doctor?

9 A I was educated at a medical school in England,
10 Southampton University, where I got my medical degree. I
11 then came over -- I did medical house jobs, which are
12 equivalent to internships there, in the medical -- internal
13 medicine internship there, and a surgical internship there.
14 I was then an expedition doctor for six months on Operation
15 Raleigh. It was a volunteer position. I then came over to
16 United States and did my psychiatric residency at the
17 University of North Carolina, Chapel Hill. That took four
18 years. I did a fellowship in Community and Administrative
19 Psychiatry in the same place. That then made me a
20 psychiatrist. That finished my education as a psychiatrist.

21 Q Are you a licensed medical doctor?

22 A Yes.

23 Q You are licensed here in South Carolina?

24 A Yes.

25 Q And you've been a doctor for how many years?

1 A I have been a doctor since 1990. Well, I have
2 been a doctor since I finished medical school, but I've been
3 a psychiatrist since 1990.

4 Q Have you ever testified in court before?

5 A I have.

6 Q How many times?

7 A I can't tell you how many times, but I've
8 frequently testified in probate court here in Beaufort
9 County as a designated examiner, maybe 10 to 12 times a
10 year.

11 Q All right.

12 MR. KEEP: Your Honor, at this time, I would offer
13 her as an expert in psychiatry.

14 THE COURT: Any voir dire from the State?

15 MR. STONE: Just briefly, Your Honor.

16 VOIR DIRE EXAMINATION

17 BY MR. STONE:

18 Q Doctor, I don't have any report from you. Did you
19 prepare a report for this particular matter? This
20 particular case?

21 A No.

22 Q Are you offering any testimony concerning any type
23 of diagnosis that you have made on Ms. Bryan?

24 A If I'm asked to provide that testimony, I will,
25 yes.

1 Q But you have not prepared a report or anything
2 like that for us?

3 A No, sir.

4 Q And what is your board certification in?

5 A I'm board certified in psychiatry.

6 MR. STONE: I don't have anything.

7 THE COURT: I find that she's qualified in the
8 field of psychiatry.

9 MR. KEEP: Thank you, Your Honor.

10 BY MR. KEEP:

11 Q Do you know a patient named Shayla Bryan?

12 A Yes, sir.

13 Q Is she here in this court today, Doctor?

14 A Yes, sir.

15 Q Is she the lady sitting next to me?

16 A Yes, sir.

17 Q When did you initially examine Ms. Bryan?

18 A I initially examined her on December the 4th of
19 2012.

20 Q And did you immediately start treating her?

21 A In the sense of treating her with medications, no.

22 Q Okay. When you treated her, did you say December
23 2012?

24 A Yes.

25 Q Okay. So, she had been in jail then about a year?

1 A Yes.

2 Q Approximately?

3 A Approximately.

4 Q And had she received any psychiatric treatment in
5 the first year of her incarceration?

6 A She had been screened by -- shortly after coming
7 into the detention center by -- we have a case manager who
8 works down at the detention center, she had screened her
9 shortly after coming into the detention center. And then
10 she -- I don't know if she had seen her any further after
11 that until that -- the day before I saw her. And then she
12 saw her again and felt like she needed to see me and
13 referred her to me.

14 Q And what symptoms did Ms. Bryan have?

15 A At the -- they -- what happened was that they had
16 become concerned because she was exhibiting some bizarre
17 behaviour around the time that she was referred to see me
18 again. And she was not sleeping well and had a decreased
19 appetite. And at the time that I saw her, she related to me
20 the voices that she had had around the time of the incident.
21 So, I was concerned about the fact that she had had these
22 voices. Although, she was not reporting them at the time I
23 saw her, but because the -- the detention center was
24 concerned about some bizarre behaviour she'd been
25 exhibiting, I suggested to her that we start some

1 medication. But on December the 4th, 2012, she did not want
2 to begin any medication. At the time I saw her on that
3 date, she was not actively reporting hearing any voices. So
4 I suggested to her that we begin some medication, but she
5 did not want to on that date.

6 Q What was the bizarre behaviour that the personnel
7 at the jail were concerned over, Doctor?

8 A I do not know.

9 Q When did you start treating her, Shayla Bryan,
10 with medication?

11 A I started treating her with medication on January
12 the 8th, 2013.

13 Q Did you find her to be credible about her medical
14 condition?

15 A I did.

16 Q Okay. And did you make a diagnosis of her medical
17 condition, Doctor?

18 A I did.

19 Q And what was that?

20 A Psychosis, not otherwise specified.

21 Q Could you explain to the Court what psychosis is,
22 Doctor?

23 A Psychosis, when somebody has a psychosis, it --
24 psychosis essentially means that somebody is exhibiting
25 symptoms that means that they are out of touch with reality

1 in some way. And that can mean a number of different
2 things. Psychosis symptoms are things like delusions,
3 which are fixed thought ideas. It can be hallucinations,
4 and hallucinations can take a number of different forms.
5 They can be auditory, meaning that you're hearing things
6 that are not there. Visual, meaning you're seeing things
7 that are not there. There are other types of hallucinations
8 which are less common, like tactile sensations, there's
9 feeling sensations, olfactory, which is smell. Also, there
10 are -- some other symptoms of psychosis are there, to do
11 with the negative symptoms, which are lack of motivation and
12 so forth. But you can also have disorganized -- extremely
13 disorganized behaviour and extremely disorganized speech,
14 where speech becomes extremely incoherent. If that answers
15 your question?

16 Q Yes, Doctor. Was it your medical opinion that
17 she, Shayla, was psychotic?

18 A She had reported hearing voices, and voices are
19 symptoms of psychosis.

20 Q Does science know why people become psychotic?

21 A There are many theories about why people become
22 psychotic. Mainstream psychiatry believes psychosis is due
23 to chemical imbalances in the brain, due to disturbances in
24 neurotransmitters in the brain. These are theories, but
25 that's what is felt to be going on in the brain with

1 psychosis. Psychosis can be a manifestation of a number of
2 different types of illnesses. It can occur in depression,
3 it can occur in bipolar disorder, it can occur when people
4 have infectious illnesses, it can occur if you use drugs.
5 So, there are lots of different ways people can become
6 psychotic.

7 Q And you treat that psychosis with essentially
8 chemicals that are called medicine. Would that be fair to
9 say?

10 A Correct.

11 Q And what sort of medication did you put your
12 patient on, Doctor?

13 A We initially -- well, I initially began her on a
14 medication called Risperidone or Risperdal. And subsequent
15 to that she was changed to a medication called Lorazepam or
16 Latuda.

17 Q And what was the reason for the change, Doctor?

18 A She had some side effects on the Risperidone.

19 Q I see. Side effects are fairly common from these
20 drugs?

21 A Yes. These medications are not easy medications
22 to take for anybody.

23 Q Are they powerful medications?

24 A Yes.

25 Q The last time you examined her, what date was

1 that?

2 A That was May 6th of 2014.

3 Q And at that time, was she psychotic?

4 A She was not exhibiting symptoms of psychosis at
5 that time.

6 Q Doctor, how do these drugs work on the brain? You
7 said something about synopsis?

8 A The brain has commun -- the nerves in the brain
9 communicate with each other by way of chemical messengers
10 called neurotransmitters. And these medications, although
11 the exact mechanisms of Latuda or Lorazepam is not known,
12 it's felt to be exerting its effect by effecting Dopamine
13 and Serotonin, blockade of those receptors.

14 Q Thank you, Doctor.

15 MR. KEEP: No further questions of this witness,
16 Your Honor.

17 THE COURT: Any cross-examination?

18 MR. STONE: Excuse me just a moment.

19 CROSS-EXAMINATION

20 BY MR. STONE:

21 Q Doctor, I'm sorry. When you talked to Shayla
22 Bryan, was she seeing things or just hearing voices?

23 A She had reported hearing voices, and I don't
24 remember her saying she was seeing things.

25 Q And the voices she's hearing, she's hearing that

1 while she's in the detention center?

2 A Well, initially, the first time I saw her her
3 report of hearing voices was historical back to the
4 incident. But subsequent to that --

5 Q Well, let me interrupt you, I'm sorry. And I'll
6 let you get back to what you were saying. So, you're
7 telling me that Shayla Bryan told you at the detention
8 center that she heard voices that were telling her to hurt
9 her child?

10 A Yes, she heard a voice.

11 Q Okay. Did you by any chance review any of her
12 previous statements to law enforcement?

13 A No.

14 Q Okay. All right. And I didn't mean to interrupt
15 you, so go ahead. So, she said back when she hurt her
16 child, she heard voices that were telling her to do this?

17 A Yes, she heard voices.

18 Q Okay. Any particular type of voice.

19 A She heard a voice of a lady.

20 Q A female voice?

21 A Uh-huh.

22 Q It wasn't the voice of the devil, it was a female
23 voice?

24 A She heard the voice of a lady.

25 Q Okay. All right. And that lady was telling her

1 to hurt her child?

2 A Uh-huh. Yes.

3 Q Okay. All right. And then while you were at the
4 detention center?

5 A And subsequent to that, at the detention center,
6 she then heard -- reported hearing a voice call her name.
7 She also talked about hearing sound statements, which she
8 described as -- to us, as intrusive. It wasn't clear
9 whether those were voices or not. But she described them as
10 sound statements in her head, that seemed distinct to her
11 own thinking. It wasn't clear to us if those were voices or
12 not. But by this time we were putting her on medicines. It
13 was unclear whether that was a part of the psychosis or not.

14 Q Okay. And again, you meet her for the first time
15 after she's been in the detention center for a year; is that
16 correct?

17 A Correct.

18 Q So, you're not actually -- well, up until that
19 point you don't know what's going on with her; is that
20 correct?

21 A I hadn't met her before.

22 Q When you first met her, and I don't have, again --
23 I know you didn't prepare a report. But I have got the
24 report from the -- I have got the report that Dr. Gomez sent
25 us. And she said she had had a telephone conversation with

1 you concerning Ms. Bryan. Do you recall that?

2 A Yes.

3 Q And, in fact, when she said she initially talked
4 to you, when you initially evaluated Shayla Bryan, she did
5 not seem overly psychotic?

6 A That's correct.

7 Q So, the initial time, which is a year after the
8 event, she didn't appear at that time overly psychotic?

9 A Correct.

10 Q Other than her reporting to you, and I'm assuming
11 the history of somebody is pretty much -- is all about what
12 that person is telling you; is that not correct?

13 A Correct.

14 Q Okay.

15 MR. STONE: I don't have any further questions for
16 this witness, Your Honor.

17 THE COURT: Any redirect?

18 MR. KEEP: None, Your Honor. May this witness be
19 excused?

20 THE COURT: Any objections to the doctor being
21 excused?

22 MR. STONE: No objection.

23 THE COURT: You're excused, Doctor. Thank you.
24 You may call your next witness.

25 MR. KEEP: Thank you, Your Honor. Dr. Gomez to

1 the stand, please.

2 Thereupon,

3 ANA GOMEZ

4 was called as a witness, having been first duly sworn,

5 was examined and testified as follows:

6 THE CLERK: Please be seated and state your name

7 and spell it for the Court, please, ma'am.

8 THE WITNESS: My name is Ana Gomez, A-N-A,

9 G-O-M-E-Z.

10 THE COURT: Your witness.

11 MR. KEEP: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MR. KEEP:

14 Q Doctor, would you please tell us about your
15 education?

16 A Yes. I attended college at Southern Adventist
17 University, where I received a bachelor's degree in
18 psychology. Then I went to Loma Linda University School of
19 Medicine, where I obtained my medical degree. After that I
20 went to the University of Louisville for my first two years
21 of psychiatry residency. Then I returned to Loma Linda for
22 my third and fourth years of psychiatry residency. And
23 after that I came here to South Carolina, to the Medical
24 University of South Carolina, for a fellowship in forensic
25 psychiatry.

1 Q Doctor, are you board certified in forensic
2 psychiatry?

3 A Yes, sir.

4 Q And how long have you been a forensic
5 psychiatrist?

6 A I did my fellowship last year. And then I stayed
7 on with MUSC as a speciality.

8 Q Have you ever testified in a court of law before?

9 A Yes, I have.

10 Q Have you been qualified as a forensic psychiatrist
11 by any court?

12 A Yes, sir.

13 MR. KEEP: Your Honor, at this time I would offer
14 this as an expert witness in forensic psychiatry?

15 THE COURT: Any voir dire?

16 MR. STONE: Just briefly.

17 VOIR DIRE EXAMINATION

18 BY MR. STONE:

19 Q When did you get your board certification?

20 A My general psychiatry board certification was in
21 2012. And my forensic psychiatry was in 2013.

22 Q It was in when?

23 A 2013.

24 Q At the time that you did this report, were you
25 board certified at that time or was that before the board

1 certification?

2 A That was -- I handed in the report just before the
3 exam.

4 MR. STONE: I don't have anything else. Thank
5 you.

6 THE COURT: I find that she's qualified in the
7 field of forensic psychiatry.

8 MR. KEEP: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MR. KEEP:

11 Q Doctor, did you perform a Criminal Responsibility
12 and Capacity to Perform evaluation?

13 A Yes.

14 Q Were you the first examiner?

15 A Yes.

16 Q And who was the second examiner?

17 A Dr. Mulbry.

18 Q Is he here today at this court?

19 A Yes.

20 Q And is Shayla Bryan here, the lady you performed
21 this evaluation on, is she here today in this court?

22 A Yes.

23 Q Is she the lady sitting right next to me?

24 A Yes.

25 Q Where did this examination take place, Doctor?

1 A This took place at the Forensic Offices of MUSC.

2 Q And how often -- was it one examination or more?

3 A We saw her two times.

4 Q And how long did these examinations take place?

5 A The first time we saw her we interviewed her for
6 about an hour and a half. And the second time we saw her we
7 interviewed her for about two hours.

8 Q What were the sources of information you relied
9 on, Doctor?

10 A We were given all the legal records, such as
11 police reports, witness statements, things of that nature.
12 We were also given some records from MUSC and her mental
13 health records, as well.

14 Q Did you call any collateral sources, Doctor?

15 A Yes, I did.

16 Q Who did you call?

17 A I called six individuals. Would you like me to
18 list who they were?

19 Q Yes, please, Your Honor -- Doctor.

20 A I called Ms. Bryan's mother, I called her cousin,
21 who was also her roommate. I called her best friend. I
22 called a co-worker. I called the woman that she had bizarre
23 and psychotic ideas about. And I called her treating
24 psychiatrist.

25 Q And about how much time did you spend contacting

1 collateral sources, Doctor?

2 A All in all, I spent about three hours and 15
3 minutes.

4 Q What was Ms. Bryan's background history, Doctor?

5 A Ms. Bryan was born in Beaufort, South Carolina,
6 and that's where she's lived. She grew up in a household
7 with married parents and a younger sister. Pretty standard.
8 She described her childhood as good, an easy childhood.
9 She -- her dad worked as a mechanic. Her mom ran the family
10 day care business.

11 Q And what was her educational and/or vocational
12 background, Doctor?

13 A She graduated from Battery Creek High School, and
14 then did some on-line courses for a medical assistant
15 degree. When I saw her she had most recently been working
16 at a clothing retailer as an assistant -- second assistant
17 manager.

18 Q What medical history did you examine, Doctor?

19 A She was healthy. She did not have any medical
20 history.

21 Q Did you perform a psychiatric review of
22 Ms. Bryan's symptoms, Doctor?

23 A I did.

24 Q And what was her mood during the interviews,
25 Doctor?

1 A During the first interview, she described her mood
2 as down. She said that lasted for a few hours. During the
3 second interview she was a bit more despondent than during
4 the first interview. She described it as worse, actually.

5 Q How was she sleeping then?

6 A The first time I saw her, her sleep had improved
7 because she had recently started taking Risperdal. And then
8 during the second interview. Her sleep was kind of
9 variable. Sometimes she felt rested, sometimes she felt
10 tired.

11 Q Did she have any suicidal thoughts?

12 A She didn't have any suicidal thoughts during the
13 first interview. During the second interview she said that
14 she had been having some of those recently. And she didn't
15 have any plan or anything. But that had improved, because
16 her medication was switched.

17 Q Did she have any homicidal thoughts, Doctor?

18 A No.

19 Q Did she report any symptoms consistent with a
20 history of manic episodes?

21 A She did not.

22 Q How about anxiety?

23 A She didn't report anxiety.

24 Q Did she report any symptoms of psychosis or being
25 out of touch with reality?

1 A She did report she had experienced that.

2 Q When did this first happen?

3 A So, she described two separate things. So, she
4 said that she first heard voices for the first time in her
5 life around September 2011. And she described this as a
6 silent voice in her mind, a female voice that scared her.
7 And it was telling her not to do something. For example, it
8 would say, don't have sexual intercourse. She also reported
9 that she had a visual hallucination prior to that, in the
10 summer of 2011, while she was at work. And this -- before I
11 actually go into that, she -- she reported -- she reported
12 having this woman come to her job and have special ideas
13 about this woman, and what this woman was telling her. And
14 so that summer of 2011, when that woman came to the store
15 where she was working one day, she said that she saw a
16 visual hallucination, and described it as like somebody
17 passing behind her. And that woman was in the store that
18 day.

19 Q When she was in jail, did she have any strange
20 experience?

21 A She did. She reported that there was an incident
22 that she -- it seemed like she didn't really remember it
23 well. She related it as it was sort of told to her. And
24 that was, she started calling one of the other inmates by
25 her daughter's name. And apparently she went outside, and

1 this inmate was praying. And Ms. Bryan started crying and
2 she didn't really remember what the prayer said. But she
3 told me that she felt the inmate was sending her a sound
4 statement. And so I asked her what that was. And she said
5 this was a statement telling Ms. Bryan to stay away from
6 this inmate, or she would hurt her.

7 Q That Shayla would hurt the inmate?

8 A Correct.

9 Q And so she stayed away from her?

10 A Correct.

11 Q Was she paranoid?

12 A Yes. She also reported a period of paranoia
13 around that time, she was calling the inmate by her
14 daughter's name.

15 Q Is it -- to your knowledge, was Shayla prescribed
16 antipsychotic medication in jail?

17 A Yes.

18 Q And then what type of medication was that?

19 A She was initially prescribed Risperdal.

20 Q Doctor, did you perform a mental status
21 examination?

22 A I did.

23 Q What did you find, Doctor?

24 A Ms. Bryan's presentation was generally consistent
25 across both times that we saw her. She was dressed

1 adequately in standard correctional attire. And she had
2 good attention to her hygiene and grooming. She was
3 cooperative. During the end of the first interview she
4 started moving more. She started rocking back and forth
5 more. During the second interview, her movements appeared
6 slow. Generally, her speech was soft. And by that, I mean,
7 during both interviews, but normal -- normal rate. During
8 the second interview, she seemed more pensive. She would
9 take time before she answered our questions.

10 Q Did you and Dr. Mulbry perform a diagnostic
11 evaluation?

12 A We did.

13 Q What diagnosis did you give?

14 A We diagnosed her with psychotic disorder, not
15 otherwise specified.

16 Q And what was the reason you gave this diagnosis?

17 A We gave her this diagnosis because there was
18 evidence that for a period of time she had experienced
19 delusional beliefs about this woman who was coming to her
20 store. And along with that she reported hearing voices
21 since September. And she also had exhibited bizarre
22 behaviour with that incident that I recently described with
23 the inmate. And so we diagnosed her with that psychotic
24 disorder, not otherwise specified.

25 Q Doctor, did you consider her recreational use of

1 marijuana?

2 A Yes.

3 Q Did that have any bearing on your diagnosis?

4 A Well, we -- we did not diagnose her with any
5 substance disorder. I'm not sure if that's what you're
6 asking me.

7 Q Okay. In your report, you noted that Ms. Bryan
8 reported she used marijuana daily?

9 A That's what she told police.

10 Q Okay. Your opinion in the last page of the report
11 states, "It is very unlikely the effects of marijuana would
12 lead to the conduct described in the alleged offense;" is
13 that correct?

14 A Yes.

15 Q Do you still stand by that, Doctor?

16 A Yes.

17 Q Did you and Dr. Mulbry perform an evaluation
18 regarding her criminal responsibility, Doctor?

19 A Yes.

20 Q Did your interviews with Ms. Bryan include asking
21 her details about the offense?

22 A Yes, it did.

23 Q Was there any evidence of psychosis or being out
24 of touch with reality in her account?

25 A Yes, there was.

1 Q Did you and Dr. Mulbry form an opinion to a
2 reasonable degree of medical certainty as to criminal
3 responsibility for attempted murder of her daughter, Doctor?

4 A Yes.

5 Q What is it?

6 A Our opinion was that at the time of the alleged
7 offense she was experiencing symptoms of mental illness,
8 specifically psychosis that was impairing her thinking.

9 Q Thank you, Doctor.

10 MR. KEEP: No further questions of this witness.

11 THE COURT: Cross examination?

12 CROSS-EXAMINATION

13 BY MR. STONE:

14 Q Doctor, your report, I have a copy of it here. Do
15 you have a copy of your report?

16 A I have it. Thank you sir.

17 Q In your copy of your report, your diagnostic
18 formulation, and that's in particular on page 10. And I
19 think, Your Honor, do you have that report as well? It says
20 the following diagnoses were rendered on the basis of the
21 above data, and according to the Diagnostic and Statistical
22 Manual of Mental Disorders, Fourth Edition. That's what we
23 all know as the DSM-IV; is that correct?

24 A DSM-IV, TR.

25 Q And that's text revision is the TR part, right?

1 A Yes.

2 Q Right. So that's your, for lack of a better word,
3 I guess that's the psychiatric Bible, sort of that tells
4 you?

5 A Some people call it that.

6 Q Okay. I don't want to put words in your mouth,
7 but that just seems to be the best -- anyway, certainly it
8 was part of your formulation; was it not?

9 A Yeah. I mean, that's what we use to make a
10 diagnosis.

11 Q And what you just told Mr. Keep, I believe, is
12 that it was highly unlikely that marijuana caused any of the
13 issues that she dealt with; is that correct?

14 A Yes.

15 Q All right. Do you have a copy of the DSM-IV with
16 you?

17 A No.

18 Q I'll give you a copy of mine. That book that I'm
19 handing you there, that is the DSM-IV; is it not?

20 A It is.

21 Q And that is the TR, that would be the edition that
22 you referred to in your report; is that correct?

23 A That's correct.

24 Q Now, I have tabbed page 238 of the DSM-IV, TR.
25 And I'd ask you if, on the bottom of that page, it talks

1 about additional information on cannabis-related disorders.
2 Cannabis is the -- basically the ingredient in marijuana
3 that we're talking about; is that correct?

4 A Actually, it's probably THC, tetrahydrocannabinol.

5 Q But the cannabis is the marijuana that we're
6 talking about; is that correct?

7 A Yes.

8 Q Okay. And on the bottom of that page, starting
9 about midway through, it says mild forms of depression,
10 anxiety or irritability are seen in about one third of
11 individuals who regularly use cannabis. Does it not say
12 that?

13 A It says that.

14 Q And, in fact, it talks about regular use of
15 cannabis as daily or almost daily. And Shayla Bryan at
16 least admitted to law enforcement, that she used it daily;
17 is that correct?

18 A Yes.

19 Q The next thing: When taken in high doses, found
20 to have psychoactive effects that can be similar to those of
21 hallucinogens?

22 A Uh-huh.

23 Q Such as lysergic acid diethylamide, which is LSD?

24 A Uh-huh.

25 Q Individuals who use cannabinoids can experience

1 adverse mental effects that resemble hallucinogen-induced
2 bad trips. Is that also what it says?

3 A Yes, sir.

4 Q And these range from mild to moderate levels of
5 anxiety, to severe anxiety resembling panic attacks?

6 A I'm right there also.

7 Q There also may be paranoid ideation, ranging from
8 suspiciousness to frank delusions and hallucinations.

9 Did you not just say that your diagnosis for
10 her, in the context of having this psychosis, was brought on
11 by delusions and hallucinations? Was that not two of the
12 things that you were talking about.

13 A Yes.

14 Q And does the DSM-IV not indicate that that -- that
15 marijuana use can actually be associated with that and cause
16 that?

17 A That's one of the things that it indicates, yes.

18 Q Okay. Let me ask you, and I want to make sure
19 that I've got some of this stuff right. Did you review her
20 statements to police? I know you interviewed her
21 personally, but when you --

22 A The interview?

23 Q The video tapes, yes, ma'am?

24 A Yes.

25 Q It was about five hours, five and a half hours?

1 A Five and half hours, yes.

2 Q And you reviewed all of those?

3 A I did.

4 Q Do you recall at the very first of the interviews
5 with her at the police station she wasn't actually talking
6 to a police officer, she was talking to Ms. Frazier, who I
7 believe you had spoken to later on; is that right?

8 A At the very beginning, yes.

9 Q Right. In the beginning of that video, and she's
10 talking to Ms. Frazier, do you recall the very first thing
11 she said which was, I hurt my baby. That's not okay, is it?
12 That's not okay. Do you remember her saying that?

13 A I don't. I had to crank it up.

14 Q It was very hard to hear?

15 A All the way, so --

16 Q Let me hand you a -- basically, a transcript of
17 this. And do you have this, as well? I know you have a
18 copy of it. That one's Bates stamped, so that might help
19 you.

20 Just using this to refresh your memory, the
21 first of this indicates, she said, I hurt my baby, that's
22 not okay, is it? That's not okay. That's on actually Page
23 -- the first page, but it's Page 140, which is Bates
24 stamped; is that correct?

25 A Uh-huh. (Indicating affirmatively.)

1 Q All right. And this is what she's saying to
2 Frazier, right? And I'm assuming Frazier is the lady that
3 you talked to on the telephone?

4 A Correct.

5 Q Okay. And then, I think, right after that, she
6 tells -- she says, I'm in trouble.

7 A I see that.

8 Q And this is all prior to her -- now, the officer's
9 not in the room. This is just her with Frazier, right?
10 This is prior to her and the officer; is that correct?

11 A Yes.

12 Q Do you recall when she actually started talking to
13 the officer? And I know that this is probably about three
14 hours into the video that you would have seen, when she at
15 some point tells the officer, you know, I did do this. And
16 she starts talking about it. Do you recall that on the
17 video?

18 A When she starts telling --

19 Q When she starts admitting to doing it?

20 A Yeah.

21 Q Do you recall her saying, I understood what I did
22 was wrong, so I ran down and tried to help my child. Do you
23 recall her saying that?

24 A I don't.

25 Q Okay. Well, let me ask you now to go to Page 176

1 on the Bates stamped transcript?

2 A Okay.

3 Q I think what she actually said -- and again, at
4 this point she's talking to the police officer, I understand
5 that what I did was wrong; is that correct?

6 A That's what it says.

7 Q And then in that same paragraph, one line down,
8 she said, I knew I made a mistake. Again, still on
9 Page 176.

10 A Same paragraph?

11 Q Yes. I understood what I did was wrong. And then
12 at the end of that, because I knew I made a mistake.

13 A Oh, okay. Yeah, I see that.

14 Q Down, I believe, it's five or six lines later, she
15 says, I won't be forgiven for this. Do you recall her
16 saying that?

17 A I do remember that being mentioned.

18 Q By her?

19 A Yes.

20 Q Now, if I could, get you to go back to your
21 report. Again, you still have your report with you?

22 A Yes.

23 Q You asked her on Page 16 of your report, why she
24 told the officers two different stories; did you not?

25 A I did.

1 Q And her response was, and I'm quoting from your
2 report, because I know I did something wrong; is that
3 correct?

4 A Yes.

5 Q And that you asked her about why she told the
6 officer two different stories. It's relevant, is it not,
7 that she told a number of different stories? Because that
8 is relevant to your determination; is it not?

9 A Yes.

10 Q Okay. And I want to go through those stories, I
11 wanted to make sure that -- I think I heard a new one today,
12 but I wanted to make sure. The first story she said,
13 actually when she's talking to the neighbors she says the
14 child fell. That would have probably been an incident
15 report. I don't know that would have been in the video
16 itself. It's probably not in the video. But you reviewed
17 the incident report from the police department and those
18 statements as well, didn't you?

19 A Yes. I have two statements that I quote. The
20 first statement I quote says -- the person says, At one
21 point she sounded like she said that she did it. And then
22 she said that she had just fallen. So, it sounded a little
23 ambiguous.

24 Q So she, at one point, she said the child fell?
25 And another way --

1 A It sounded like she said that. So, to me it
2 sounds ambiguous.

3 Q At some point though she says that the child fell;
4 did she not?

5 A She does say the child fell.

6 Q At some point she tells somebody the child fell.
7 At some point she says that she did it. Obviously, on the
8 911 call, she says she did it.

9 A Right.

10 Q Second thing, once she started -- and again, let
11 me go back. I think when she -- her first statement to
12 Frazier was, I'm in trouble. That's before she starts
13 talking to the officers. At the next stage of those tapes,
14 those confessions, as she's talking to the officer, the
15 first thing she tells the officer is, I really don't remember
16 what happened; isn't it true?

17 A Yes.

18 Q Then she says, and I think this is about an hour
19 and a half, maybe two hours into it, it was an unknown man
20 that came into my house; is that correct?

21 A Yes, sir.

22 Q And she talks about that for a while. In fact,
23 she describes how she's chasing to man down the hallway,
24 trying to stop him from throwing her child over the balcony.
25 Do you recall all that?

1 A I recall her talking about the man.

2 Q And this being the unknown man?

3 A Yes.

4 Q Later on she then says, and this is -- let me make
5 sure I've got it, as far as the timing's concerned on these
6 tapes.

7 A Uh-huh.

8 Q Two hours and 30 minutes into her discussion with
9 law enforcement, she then says, Justin Singleton did it; is
10 that correct?

11 A Yes.

12 Q When she says Justin Singleton did it, she
13 actually describes him wearing a white shirt, black jeans
14 and driving a burgundy car. Do you recall that?

15 A I don't remember that. But I do remember her
16 saying his name.

17 Q But she gives a pretty elaborate description of
18 him. And, in fact, actually picks him out of a photo. Do
19 you recall that? They show her a photograph of Justin
20 Singleton and goes, that's him right there?

21 A In the police interview?

22 Q Yes.

23 A No, I don't remember that either.

24 Q All right. And then at the three-hour mark she
25 says that she did it, but the devil came over her, I think

1 is how she phrased it; is that correct?

2 A Yeah, the devil came across her and over her. She
3 said it several times in varying ways.

4 Q She did say it in various ways, she was always
5 talking about the devil, but she didn't say a female voice
6 told her to do it to the police, did she?

7 A She didn't.

8 Q That is something that she told you at the
9 detention center, or maybe Dr. Treadway. And I'm not sure
10 which one it was. But that -- the female voice, first time
11 we hear that is at the detention center, and at this point,
12 probably a year later?

13 A Actually the next day when the mental person
14 screened her, she told her that she hadn't heard voices
15 before the incident.

16 Q Did they mention female voices, or is this
17 another -- this is another story she said?

18 A I don't --

19 Q I'm just trying to see if that's different than
20 what she told you?

21 A I don't remember exactly the designation. I just
22 know that she was hearing voices.

23 Q Well, let's give it its own number then. And the
24 female voice that she tells you about is what caused her to
25 do it; told her to hurt her child?

1 A Yes.

2 Q Is that correct? Okay. The reason I'm asking
3 these questions since then, I think your report indicated a
4 couple of things that are pretty interesting. One of the
5 issues you determined when you're, as a psychiatrist, trying
6 to determine whether or not somebody knows the difference
7 between right and wrong, is whether or not they avoided
8 detection; is that correct?

9 A Yes.

10 Q And I think you actually refer to that in your
11 report; is that right?

12 A Yes.

13 Q Now, certainly part of avoiding detection would be
14 running, running away, fleeing. That's one way to avoid
15 detection; is it not?

16 A Yes.

17 Q Isn't it true that another way of avoiding
18 detection is lying about what happened?

19 A Yes, it is.

20 Q And avoiding detection doesn't necessarily have to
21 be, I ran out of a door, lying -- especially, if you're the
22 mother of the child and sort of already there at the scene,
23 lying or avoiding detection can also be telling one, two,
24 three, four, five, six, seven different stories about what
25 happened. Could that not also be a way of avoiding

1 detection?

2 A Yes.

3 Q And that could very well be a determination about
4 whether or not she knew the difference between right and
5 wrong, avoiding detection?

6 A Yes.

7 Q The second thing I'm curious about your report.
8 Another way -- what you do when you're a psychiatrist, you
9 do a lot of history, do you not? You actually talk to them
10 and get feedback from the person you're talking to, in this
11 case, Shayla Bryan?

12 A Correct.

13 Q And a lot of that information that you get is part
14 of what you use to make your determination; is that correct?

15 A Yes.

16 Q And again, when we're talking about the McNaughton
17 standard and we're talking about, not necessarily whether or
18 not she has any type of mental illness, but whether or not
19 at the time of the crime she knew the difference between
20 right and wrong, the real question -- the first question you
21 have to have is: Did she know the difference between right
22 and wrong; is that correct?

23 A Actually, the first question is, is she mentally
24 ill. Becuase if she's not mentally ill then it's
25 irrelevant.

1 Q Okay. But when we're talking about the guilt of
2 somebody and we're talking about the McNaughton standard,
3 the first question is: Did she know the difference between
4 right and wrong; is that correct?

5 A Yes.

6 Q And if she knew the difference between right and
7 wrong, she's criminally responsible. If she didn't know
8 the difference between right and wrong, she's not; is that
9 fair?

10 A Yes.

11 Q So really this whole case, as far as your
12 testimony is coming down to, is whether or not she knew the
13 difference between right and wrong?

14 A Yes.

15 Q She says, one, that's not okay, is it? That's not
16 okay. She says, I understand what I did was wrong. She
17 says, I knew I made a mistake. She says, I won't be
18 forgiven for this. And she says, because I know I did
19 something wrong. She said all of those things herself; did
20 she not?

21 A Yes.

22 MR. STONE: I don't have anything else.

23 THE COURT: Any further redirect?

24 MR. KEEP: Briefly.

25 REDIRECT EXAMINATION

1 BY MR. KEEP:

2 Q Do you recall the detective, the male detective
3 that interrogated Shayla, initially. And do you recall him
4 scoffing at the idea -- Shayla's idea that she was stoned
5 nine hours later?

6 A Yes, yes.

7 Q Okay. And as a matter of fact, in the psychiatric
8 Bible, it is very large doses of THC that can cause people
9 to imagine things and see things that aren't there; isn't
10 that right, Doctor?

11 A Yes. Actually, you know, it indicates that if
12 there are -- if the type of substance use and the amount
13 that was used -- let me start that over.

14 If the symptoms are in excess of what would be
15 expected for the type of substance used and/or for the amount
16 used, then you can diagnose a psychotic disorder that has
17 nothing to do with substances. And so, smoking one joint at
18 1 o'clock, and the events happening hours later at night, I
19 think that criteria in the DSM would fit the symptoms, being
20 in excess of what would be expected for one joint of
21 marijuana, eight to nine hours prior.

22 Q Thank you, Doctor.

23 MR. KEEP: No further questions.

24 THE COURT: Anything further?

25

RECROSS-EXAMINATION

1 BY MR. STONE:

2 Q Except that she told the police officer that at
3 the time of the event, when she beat her child and stabbed
4 her child and threw the child over the balcony, she was
5 still high. Did she not?

6 A She did say that.

7 Q And while that might not be consistent with her
8 smoking at 1 o'clock, you don't know what time she smoked,
9 do you?

10 A I don't.

11 Q And you don't know how much she smoked, do you?

12 A Nobody does.

13 Q You don't know what was in it, do you?

14 A Nobody does.

15 MR. STONE: Nothing else.

16 THE COURT: You may step down, Doctor. Thank you.

17 THE WITNESS: Am I excused, or...

18 THE COURT: May she be excused?

19 MR. KEEP: Yes, Your Honor.

20 MR. STONE: Certainly.

21 THE COURT: You may call your next witness.

22 MR. KEEP: Dr. Mulbry to the stand.

23 Thereupon,

24 DR. LEONARD W. MULBRY, JR.

25 was called as a witness, having been first duly sworn,

1 was examined and testified as follows:

2 THE CLERK: Please be seated and state your name
3 and spell it for the Court, please, sir.

4 THE COURT: Your witness.

5 MR. KEEP: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MR. KEEP:

8 Q Doctor, would you tell us about your education,
9 please.

10 A I have a bachelor of science from Willamette
11 University in Salem, Oregon; a master's degree in
12 neuropharmacology from University of California, Davis.
13 Went to medical school at the University of Kentucky.

14 I did my first residency in orthopedic surgery
15 at the University of Arizona. And a fellowship in hand
16 surgery at The Indiana Hand Center. Practiced hand and
17 microsurgery for about eight to ten years. Left that, went
18 back, did a second residency in psychiatry -- general
19 psychiatry, University of South Carolina -- Medical
20 University of South Carolina. Completed that.

21 Did a fellowship in forensic psychiatry,
22 again, at MUSC. And I've been practicing forensic psychiatry
23 since that time.

24 Q What made you decide to leave being a surgeon and
25 become a psychiatrist?

1 A I was approaching retirement, and I really wasn't
2 quite ready to retire.

3 Q And how long does it take -- are you board
4 certified?

5 A I'm board certified in both general and forensic
6 psychiatry.

7 Q Have you testified in courts before?

8 A About 50 times.

9 MR. KEEP: Your Honor, I would like to present
10 Dr. Mulbry as an expert witness in forensic psychiatry.

11 THE COURT: Any voir dire?

12 MR. STONE: No objection, Your Honor.

13 THE COURT: He's so qualified.

14 BY MR. KEEP:

15 Q Doctor, did you perform a criminal responsibility
16 and capacity with informed evaluation on Shayla Bryan?

17 A I did.

18 Q Were you the second examiner?

19 A I was.

20 Q Did you perform a mental status evaluation?

21 A I did.

22 Q What did you find, Doctor?

23 A Much the same. She appeared -- she described some
24 depressive symptoms, appeared very mildly depressed at the
25 times that we saw her. At the times that I saw her I was

1 really struck by how guarded, quiet. I wouldn't quite say
2 withdrawn, but that would be an accurate description in --
3 actually in both examinations. She was able to answer
4 questions appropriately. Did not see a lot of
5 disorganization in thinking in both case -- in either case,
6 yet I was struck by the reticence to provide information,
7 and the fact that she was rather guarded and careful in
8 discussing her thoughts.

9 Q And when you examined her, you were with
10 Dr. Gomez?

11 A That is correct.

12 Q Okay. And you both performed this together?

13 A Correct.

14 Q Okay. Did you and Dr. Gomez perform the
15 diagnostic formulation?

16 A We did.

17 Q What diagnosis did you give her?

18 A Psychosis, not otherwise specified.

19 Q What was the reason that you gave that diagnosis,
20 Doctor?

21 A Because there was -- when we finally put out the
22 report, there was substantial evidence of psychotic
23 thinking. There was substantial evidence of delusionality,
24 hallucinations, that were credible and verified, and yet we
25 could not get enough symptoms to confirm the diagnosis of

1 schizophrenia. So we gave a more general diagnosis:
2 Psychosis, not otherwise specified.

3 Q Did you and Dr. Mulbry -- strike -- Dr. Gomez
4 perform an evaluation regarding criminal responsibility,
5 Doctor?

6 A We did.

7 Q And did you and Dr. Gomez form an opinion, to a
8 reasonable degree of medical certainty, as to a criminal
9 responsibility of attempted murder of her daughter?

10 A We did.

11 Q What was it, Doctor?

12 A That at the time of the alleged event, at the time
13 of the event, that she was under -- laboring under delusions
14 and hallucinations, and that her thinking was not rational
15 and that she did not recognize legal and moral right from
16 legal, and certainly, moral wrong.

17 Q Now, Doctor, in your report, you and Dr. Gomez
18 write, it is very unlikely that the effects of marijuana
19 would lead to the conduct described in the alleged offense.
20 Doctor, do you stand by that?

21 A Absolutely. There's substantial evidence to
22 suggest that that's true.

23 Q Thank you, Doctor.

24 THE COURT: Cross-examination?

25 MR. STONE: Just briefly.

1 CROSS EXAMINATION

2 BY MR. STONE:

3 Q You're the second examiner, you're basically
4 supervising, she, I believe, is in a fellowship at this
5 time; is that correct?

6 A When we started the -- when we first saw her.

7 Q Right.

8 A That was true. But at the time that the report
9 was finished, she was actually was an attending at MUSC.

10 Q Okay. The point being is that you have a
11 particular role and Dr. Gomez has a role. Are y'all doing
12 the exact same thing at the same time?

13 A Yes.

14 Q So you're reviewing all of the same documents that
15 she's reviewing?

16 A Yes.

17 Q At the time that she's reviewing them?

18 A Yes.

19 Q And you watched all of the videos and did all
20 that, as well; is that correct?

21 A The videos as well, yes. But I reviewed all --
22 yes -- I have, correct.

23 Q Sorry, I didn't catch the last part of what you
24 said.

25 A Yes.

1 Q You reviewed all of the videos?

2 A I think there -- you mentioned five and half
3 hours. I don't remember, but about two or three hours that
4 I saw.

5 Q You don't remember which two or three hours you
6 saw?

7 A I do not.

8 MR. STONE: I don't have any further questions.

9 Thank you.

10 THE COURT: Anything else?

11 MR. KEEP: Well, at this time I'd like to move --
12 that their report be moved into evidence and marked,
13 please.

14 THE COURT: Any objection?

15 MR. STONE: No objections.

16 MR. KEEP: May this witness be excused, Your
17 Honor?

18 THE COURT: Is there any objection?

19 MR. STONE: No objection.

20 THE COURT: Okay. You may call your next witness.

21 (Whereupon, a brief recess was taken.)

22 (Time is now 11:25 a.m.)

23 THE COURT: All right. Mr. Keep, have you had an
24 opportunity to discuss with your client whether or not
25 she wishes to testify?

1 MR. KEEP: I have, Your Honor. And she's made the
2 decision, she feels like it's been pretty well covered,
3 and she's not going to take the stand. Move things
4 along.

5 THE COURT: All right. Ms. Bryan, you've
6 discussed with your attorney whether or not you wish to
7 testify?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: And you don't wish to testify?

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Okay. And again, that decision is
12 entirely left up to you, after consulting with your
13 attorney, your family, and friends. But ultimately it
14 has to be your decision, and this is your decision?

15 THE WITNESS: Yes, ma'am.

16 MR. KEEP: Judge, before the Defense rests, I
17 would like to offer into evidence, the McNaughton
18 report and the competency report and get those marked,
19 Your Honor?

20 THE COURT: I believe the competency report was
21 already marked as evidence?

22 MR. STONE: It is, Your Honor. And I have no
23 objection to the Blair report. I think, in fact, that
24 was already made a Court's exhibit. But do you want to
25 convert that to a Defense exhibit for the purpose of

1 evidence, that's perfectly acceptable to the State.

2 THE COURT: Do you want a Defense exhibit, Mr.
3 Keep?

4 MR. KEEP: Yes, please. Both reports, Your Honor.

5 THE COURT: Yes, sir, they're in. That would be 4
6 and 5; is that correct?

7 MR. KEEP: I believe so, Judge.

8 THE COURT: Thank you.

9 *(Whereupon, Defendant's Exhibit No(s). 4 AND 5*
10 *marked for identification and received in evidence.)*

11 MR. KEEP: And also, by stipulation, I have it
12 from the jail, there are no disciplinary reports on my
13 client. And I would like to offer that in as evidence.

14 THE COURT: Any objections to that situation?

15 MR. STONE: No, Your Honor.

16 *(Whereupon, Defendant's Exhibit No(s). 6 marked*
17 *for identification and received in evidence.)*

18 MR. KEEP: The Defense rests, Your Honor.

19 THE COURT: Okay. Thank you, Mr. Keep.
20 Any rebuttal testimony?

21 MR. STONE: Yes, Your Honor. We call Dr. Jesse
22 Raley.

23 Thereupon,

24 JESSE RALEY

25 was called as a witness, having been first duly sworn,

1 was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. STONE:

4 Q State your full name and spell your last name,
5 please, sir..

6 A Sure. Jesse, J-E-S-S-E, Raley, R-A-L-E-Y.

7 Q And you are a doctor, are you not?

8 A That's correct.

9 Q What type of doctor, sir?

10 A Well, I am a medical doctor, but specifically a
11 psychiatrist.

12 Q And how long have you been a psychiatrist?

13 A I've been in my own private practice for
14 approximately three years. And I have been -- I was in
15 training for six years prior to that.

16 Q Now, your background, as far as, obviously, med
17 school was the first step. Where did you go to med school?

18 A Well, I went to medical school at the University
19 of Kentucky. And then I went to -- or came actually to
20 Columbia, South Carolina. To USC to do my general
21 psychiatry residency. I did a fellowship in
22 child/adolescent psychiatry as well. And I did a year of
23 forensic psychiatry fellowship.

24 Q And after that, are you board certified in
25 anything?

1 A I'm board certified in all three, general
2 psychiatry, child and adolescent psychiatry and forensic
3 psychiatry.

4 Q Okay. And when did you get those board
5 certifications?

6 A The most recent one is the forensic psychiatry.
7 It's all only given every two years, so the first
8 opportunity for me to take it was 2013. That is when I took
9 the forensics. The other two, I believe, that it was two
10 years, or about a year and a half prior, was the child and
11 adolescent. And then about a year and a half prior to that
12 was the general psychiatry.

13 Q So, you practice, at this point, you practice
14 psychiatry; is that correct?

15 A That's correct.

16 Q Do you teach as well, or are you involved in
17 teaching, as well?

18 A I do. I do teach within the general psychiatry
19 residency, the child and adolescent fellowship, as well as
20 the forensic fellowship, all at USC in Columbia, South
21 Carolina.

22 Q That's the medical school at the University of
23 South Carolina?

24 A Yes. The residency program there is associated
25 with the medical school, but also with Palmetto Health.

1 It's a combined residency program.

2 MR. STONE: At this time, Your Honor, I offer
3 Dr. Raley as an expert in three fields, psychiatry,
4 general -- or two fields, and forensic psychiatry,
5 which I believe he's also board certified? I left out
6 the middle one, that's the child and adolescent
7 psychiatry.

8 A I'm board certified in child and adolescent
9 psychiatry as well.

10 MR. STONE: We offer him at this point, as an
11 expert in those two fields.

12 MR. KEEP: No objection, Your Honor.

13 THE COURT: He's so qualified.

14 BY MR. STONE:

15 Q Now, Dr. Raley, I asked you to evaluate -- have
16 you been here all day, first of all?

17 A Yes, I have.

18 Q Okay. So you have heard the previous doctors'
19 testimony concerning whether or not Shayla Bryan was
20 criminally responsible, you have?

21 A Yes, I have heard this, yes.

22 Q Anything you heard today change your opinion, your
23 previous opinion?

24 A Not at all.

25 Q All right. I asked you at some point, to take a

1 look at the -- Dr. Gomez' report and Dr. Mulbry's report.

2 Have you done that?

3 A I have.

4 Q What else have you done in preparation for your
5 testimony today?

6 A I've reviewed multiple records, including police
7 incident reports. I have listened to the audio of the 911
8 calls. I've watched the interview tape.

9 Q Did you watch the entire interview tape?

10 A To my knowledge, I did. It was four to five hours
11 long. I believe that it was the entire tape.

12 Q Okay. And what else?

13 Well, let me ask you this: Have you had an
14 opportunity to actually sit down and talk to Ms. Bryan?

15 A I have not. I requested that, and my
16 understanding is that the Defense objected to that.

17 Q Okay. So you haven't done that, but other than
18 that, you have reviewed the records, you've seen the video
19 from -- how important is it that you actually sit down and
20 talk to Ms. Bryan?

21 A In terms of giving an opinion about criminal
22 responsibility, whether she was legally insane or not, I
23 don't believe that it's important at all. In terms of
24 asking what a current diagnosis in the here-now, I believe
25 that it would be -- I couldn't do that without interviewing

1 her.

2 Q Okay. So if I was asking you, what's her
3 condition now, you wouldn't be able to do that. But going
4 back on criminal responsibility, I guess, at this point, all
5 of the psych -- all the doctors went back in order to
6 determine criminal responsibility?

7 A Correct. It's solely based on her mental state at
8 the time of the crime -- alleged crime.

9 Q The McNaughton Standard, as you understand it,
10 what is that?

11 A The person -- if a person doesn't know the
12 difference between moral legal right from moral legal wrong,
13 then they would be considered -- they would lack criminal
14 responsibility, or they would be legally insane.

15 Q If they knew the difference between right and
16 wrong but couldn't control themselves, what would that be?

17 A That would --

18 Q Or did I say that in the correct way?

19 A You did. Capacity to conform would be the term
20 that I would have used. But basically, that could result in
21 someone being found guilty but mentally ill. So they're
22 still guilty, but guilty but mentally ill.

23 Q And if they knew the difference between right and
24 wrong, they could control themselves, or they had the
25 capacity to conform, at that point, they would just be

1 guilty. They would be criminally responsible; is that
2 correct?

3 A Correct.

4 Q Going back to your initial findings on this, if
5 somebody has a psychosis or a mental illness, does that
6 necessarily mean that they do not know the difference
7 between right and wrong?

8 A Not at all. Not at all. A person can have
9 schizophrenia, but that doesn't change whether or not they
10 would know the difference between right and wrong. For
11 example, if a person's delusion is they own every red car in
12 the world. And they go and climb into that car or a red car
13 that has keys in it, they drive off, they -- because they
14 believe it's their car, they would not be criminally
15 responsible. But if that same person takes the car and goes
16 and shoplifts, and reveals what they've done, and then runs
17 from the police, they would be criminally responsible. So,
18 it could be a truly unrelated issue.

19 Q So, the mental illness has to be directly related
20 to the event itself, and then cause them not to understand
21 the difference between right and wrong?

22 A Yes, that's certainly --

23 Q Did you come to a conclusion to a medical degree
24 of certainty as to whether or not Shayla Bryan, at the time
25 that she beat her child, stabbed her child, and threw the

1 child over the third floor rail of the apartment complex,
2 whether at that time she knew the difference between right
3 and wrong, and was, in fact, criminally responsible?

4 A Yes. To a reasonable degree of medical certainty,
5 I do believe that she was criminally responsible for those
6 acts.

7 Q Why do you say that?

8 A There are multiple reasons, but the biggest piece
9 of evidence is the video tape of the interview. And what
10 you see in that video tape is a woman that comes in,
11 initially is interacting fairly appropriately with different
12 individuals. I guess, the police officer, the pastor that
13 was in the room at the beginning, when -- and at any point
14 when she was discussing things that were unrelated to the
15 case, she interacted very appropriately.

16 When she was asked questions about what had
17 happened in the event, she kept responding with, I don't
18 know, she didn't answer. And that went on for quite a while
19 in the case. That then transitioned into what appeared to be
20 a lie. Not only a lie, but a very elaborate lie, in which
21 she identified a man having committed these crimes, even to
22 the point of describing what he was wearing in the video,
23 talking about him having bloody clothes, I believe. Talking
24 about her having an altercation with this man, it was very
25 elaborate. And then that --

1 Q Let me stop you there, because I don't want to get
2 you off track, but what does the "elaborate" mean? I mean,
3 why is that important?

4 A Because it shows that she was thinking through the
5 lie, basically. She was coming up with not only, you know,
6 a way out of getting in trouble for this, but a -- an
7 elaborate or more plausible. The more detail that she would
8 have been able to add, that shows that she has the ability,
9 I guess, to cognitively function at that point. And also,
10 just that there were greater lengths to try to conceal what
11 had happened.

12 Q And why is concealing what happened important?

13 A Because it shows that she knew the difference
14 between right and wrong. If she believed that -- if she
15 were operating under some sort of delusion, whatever the
16 delusions were, or hallucinations, and believed that what
17 she had done, that she had not done the wrong thing. Those
18 individuals, and I've seen those individuals, they have no
19 problem telling you, I did it. It was for this, this and
20 this reason, because they believe that what they did was
21 completely okay. A person who believes what they've done is
22 wrong, they'll try to conceal it. That shows evidence that
23 they know the difference between right and wrong.

24 Q And the delusion itself, can you turn that on and
25 off? Can you be delusional at one point, and then change

1 and not be?

2 A Not at all. The reasons are fixed, meaning that
3 they last over time. If somebody has emerging schizophrenia
4 or other types of psychosis, as well, that's something that
5 usually doesn't resolve on its on. That's something that
6 requires treatment. So it doesn't turn on and off. It
7 actually, it gets progressively worse and worse and worse.
8 But you don't one minute have it and then next minute not.

9 And in my opinion she did not appear psychotic
10 during that interview. I believe that she would have voiced
11 from the very beginning what the psychosis was. And not only
12 did she not do that, she was directly asked questions.

13 Many people who were psychotic, they'll -- you
14 don't have to ask them the questions. They're willing to
15 talk about it as soon as they can get you to talk about it.
16 She didn't do that. Not only did she not do that, she made a
17 lie up in the field and then later on admitted, and appeared
18 very remorseful, was crying, and as you discussed in this
19 courtroom earlier, made multiple statements that said that
20 she had done something wrong. That she knew that she had
21 done something wrong. And within the video, she also made a
22 statement at one point that, people wouldn't forgive her.
23 And she appeared to be very remorseful and sad about that.
24 Which would imply that she knows that it was morally wrong to
25 have done what she did.

1 Q The guilt itself actually points to her underlying
2 understanding of what she did?

3 A Yes.

4 Q Okay. And somebody that -- and you mentioned
5 earlier that she said -- I know, and I think that I'd
6 actually had this up on the pad at one time. And I don't
7 know if you were back there, so you couldn't see it. But
8 writing down the statements that she had made previously,
9 that's not okay, is it? That's not okay. I understand that
10 what I did was wrong, I knew I made a mistake. I won't be
11 forgiven for this. And, in fact, I believe the doctor, in
12 fact, previously testified that she asked her, why did you
13 tell the police officers two or three statements? And her
14 response was, Because I know I did something wrong. Is this
15 relevant, in your determination?

16 A Absolutely. It's evidence of knowing
17 wrongfulness.

18 Q I mean, obviously, as a layman, she said, I
19 understand that what I did was wrong. Just from somebody
20 that's not a psychiatrist, that seems to indicate she knew
21 what she did was wrong?

22 A Yes.

23 Q This would be considered history, or part of the
24 history when you developed that, and you're talking to
25 people to determine their psychiatric background?

1 A If I'm understanding your question correctly, this
2 would come from the psychiatric history, as you're obtaining
3 it, yes.

4 Q Okay. And that's part of what you do as, you
5 know, in that is the questioning, and that's why that's
6 actually relevant?

7 A Yes.

8 Q The avoidance, again, was something that she did
9 not flee the scene, or she did not try to run away. Is
10 that -- and, of course, I know that Dr. Gomez has mentioned
11 that the avoidance of responsibility is certainly a key part
12 in this. I think you talk about it, too. My question to
13 Dr. Gomez, and I think you were here for that was, you can
14 avoid things in a number of different ways. One of which
15 is, especially if you're stuck in the situation, making up
16 lies; is that correct?

17 A Yes.

18 Q And is that why it is irrelevant is the number of
19 stories and the number of things that she's told?

20 A Yes.

21 Q Now, she said, and I cut you off right as you got
22 to the unknown man. After that, what observations did you
23 make as far as her criminal responsibility?

24 A So, at that point in the video, she was -- she
25 had -- was telling this elaborate lie about an unknown man,

1 that then transitioned to an identified man. And then
2 eventually it transitioned into admitting that she did it,
3 beginning to cry, appearing remorseful. And then going into
4 the statements that I mentioned earlier, about, people may
5 not forgive her. And appearing to feel very remorseful for
6 what she had done.

7 Q When she gets to finally admitting, I think that
8 was after they confronted her with her 911 call; is that
9 correct?

10 A I don't recall at this time.

11 Q I have it in the orders, but I may be wrong about
12 that. When she -- when she says, I did it. At that point
13 she says, I did it, but the devil came over me. Is that
14 relevant to your determination?

15 A It is. She didn't start -- a person with a
16 delusion, if that were -- if they were delusional that the
17 devil had control of them, usually, the vast, vast majority
18 of the time, they would be voicing that from the very
19 beginning. That would be the first statement that was being
20 made, even before potentially police ever got her into the
21 police station. Much less having been directly questioned
22 about it and denied it, in the sense of telling a lie about
23 it. So, that's very atypical for what I would consider true
24 psychosis.

25 Q And this may be a layman's understanding of this,

1 but if she says she did it, she was wrong, but the --
2 basically, the devil made her do it. That seems to fall
3 under the second prong and not the first prong; would I be
4 correct about that?

5 A Could you explain that?

6 Q In other words, under the McNaughton analysis,
7 number one, does she know the difference between right and
8 wrong. Number two is, could she conform? If she said, I
9 knew the difference between right and wrong, but the devil
10 made me do it. Aren't we, at that point, not even concerned
11 with the first prong, now we're just concerned with the
12 second prong. And therefore, even if the devil did make her
13 do it, wouldn't she still be criminally responsible?

14 A Yes. My --

15 Q Or is my analysis wrong? And that's your field.

16 A No. My understanding of South Carolina law, and
17 every state is unique; is that the first prong determines
18 criminal responsibility. The second prong then goes into
19 capacity to conform, which could result in being found
20 guilty but mentally ill. The not guilty verdict can tend to
21 be based on the first prong, knowing right from wrong.

22 Q All right. Did you find in your studies of the
23 material and watching the video, did you find a psychosis?
24 Did you find any evidence of a psychosis?

25 A I did not.

1 Q Did -- let me go now to Dr. Gomez's report, where
2 she finds a psychosis. Assuming that there is a psychosis,
3 if Dr. Gomez was correct, that there is a psychosis, would
4 that affect your opinion, one way or the other as to whether
5 or not she's criminally responsible? And I say she, but the
6 Defendant?

7 A Not at all, because criminal responsibility is
8 solely based on at the time of the crime. Not a month
9 later, not six months later, not a year later.

10 Q Now, the Defendant at some point said that she
11 smoked marijuana regularly, that she smoked marijuana that
12 day. And that, in fact, she was still high at the time of
13 this event. Is that relevant in your determination?

14 A Yes and no.

15 Q Okay.

16 A It is not relevant in the sense that I believe
17 that she was criminally responsible. However, it would
18 become relevant in the sense that if someone could present
19 me with other information that I hadn't seen, to change my
20 mind about that. And I felt that she was psychotic, she
21 didn't know the difference between right and wrong. It
22 becomes relevant at that point. Because it's still criminal
23 responsibility -- it takes a not guilty by reason of
24 insanity off the table, if it were due to voluntary
25 consumption. In other words, the psychosis was caused by

1 voluntary consumption of cannabis or marijuana.

2 Q All right. Well, let me go to Dr. Gomez' report
3 directly on this point. She says that she finds a
4 psychosis, but the marijuana had nothing to do with it.
5 Give me your opinion of that analysis.

6 A I don't believe that you can make that statement.

7 Q Why is that?

8 A Because she acknowledged regular daily use of
9 cannabis, which would -- but we don't know how much every
10 day. But even if it were some amount every day that would
11 constitute, in my opinion, heavy use, or at least enough use
12 that it certainly could lead to psychosis caused by cannabis
13 in some individuals.

14 Q If, in fact, it is, would there be another
15 finding? Would there be another diagnosis?

16 A It would be cannabis -- substance -- or
17 cannabis-induced psychosis at that point.

18 Q Okay. So, the psychosis itself would be -- in
19 other words, you can't throw out the cannabis use?

20 A No.

21 Q Okay. And I think -- okay. Let me hold on just a
22 moment.

23 Now, we had some testimony also, from Dr.
24 Treadway, I believe, some other doctors that were talking
25 about her bizarre behaviour in the detention center. Does

1 that change your opinion at all?

2 A It doesn't. Because again, that is -- time
3 elapsed. That's not talking about the time of the incident.

4 Q So, the fact that she's in the jail itself, if she
5 is, in fact, experiencing delusions, this is not relevant to
6 you to determine whether or not she was experiencing
7 delusions in 2011?

8 A It could be relevant in determining if she was
9 experiencing delusions. But it doesn't change the fact
10 that even if she was experiencing delusions, that she knew
11 the difference between right and wrong.

12 Q I'm sorry, and I keep mixing that up. The real
13 issue is here, that regardless of psychosis, you don't find
14 that she had a psychosis; is that correct?

15 A I do not believe that -- I did not see evidence
16 that shows a psychosis at the time of the event. I don't
17 have an opinion, because I haven't evaluated her in terms of
18 now, her --

19 Q Right. And I'm sorry about that. I'm just
20 talking about the event itself. So you can say to a medical
21 degree of certainty she did not have a psychosis at the time
22 that she did this to her child; is that correct?

23 A That's correct.

24 Q And that the real issue there is still whether or
25 not she knew right from wrong. And your opinion on that is?

1 A That she did know the difference between right and
2 wrong.

3 MR. STONE: Excuse me, just a moment, Your Honor?

4 THE COURT: Yes, sir.

5 BY MR. STONE:

6 Q Let me cover this quickly with you. Dr. Gomez put
7 this in her report. She did not testify to it. But she
8 said that one of the reasons that she found the Defendant
9 was not responsible, because there was no rational reason
10 behind the mother harming her own child. Do you have any
11 knowledge of that? Do you have any opinion as to that?

12 A I think that the main role of the psychiatrist in
13 this case would be to say that, number one, I do not see a
14 psychotic motivation. Number two, it appears that there's
15 questionable motivation related to her happiness or lack of
16 happiness with her state in life, having a child and
17 switching relationships. But I have not formed an opinion
18 to a reasonable degree of medical certainty about how that
19 applies. But I have formed an opinion that, yes, it is
20 important for us as psychiatrists to see if it's driven
21 by -- if the motive is based on a psychotic disorder or
22 mental illness.

23 Q Got you. Okay.

24 MR. STONE: Your Honor, I don't have anything
25 further. Thank you.

1 THE COURT: Cross-examination?

2 MR. KEEP: Yes, Judge.

3 CROSS-EXAMINATION

4 BY MR. KEEP:

5 Q Doctor, are you being paid to be here today?

6 A I'm being paid for my time.

7 Q How much do you get for your time, Doctor?

8 A Three hundred and \$50 per hour.

9 Q And who's paying you?

10 A The State.

11 Q And when were you hired?

12 A I would have to -- I don't know the exact date.

13 It was several months ago, a few months ago.

14 Q A few months ago. Well, does it trouble you that
15 Dr. Gomez, Dr. Mulbry and Dr. Treadway are not being paid to
16 be here? That that's their job. Does that trouble you?

17 A No, not at all.

18 Q And it doesn't trouble you that the three doctors
19 whose job it is to be here today, and to analyze my client,
20 that they disagree with you radically? That doesn't trouble
21 you?

22 A It does trouble me. Because I can't understand
23 how they got to that conclusion.

24 Q All three of these doctors, you can't understand
25 it?

1 A My understanding is that Dr. Treadway did not form
2 an opinion regarding criminal responsibility.

3 Q So she's not a forensic doctor, but she said that
4 she's psychotic?

5 A And as I stated before, that's irrelevant to
6 criminal responsibility at that point.

7 Q Are you aware that the Solicitor's office
8 contacted a psychiatrist named Donna Schwartz-Watts prior to
9 contacting you?

10 A I don't believe I'm aware of that.

11 Q You're not aware of that? Are you aware that the
12 Solicitor's office contacted a Dr. Pam Crawford prior to
13 contacting you?

14 A I'm not aware of that either.

15 Q Are you aware that the Solicitor's office
16 contacted a Dr. Priorson (phonetic)?

17 A Priorson, and I'm aware of that.

18 Q You are aware of that?

19 A Yes, I am.

20 Q Okay. Does it trouble you that those three
21 doctors aren't here today?

22 A I can't speak to the first two, but with
23 Dr. Priorson, it does not. Because he called and told me
24 that he had given my name to the Solicitor's office, because
25 he does evaluations for the Department of Mental Health

1 based out of Columbia. And he told me that he felt it
2 wouldn't be appropriate for him to testify in a case that's
3 involving Department of Mental Health in other capacities.
4 So he called me and told me that they potentially would be
5 calling. So I can't speak to the other two psychiatrists,
6 but that's my understanding of why Dr. Priorson wasn't
7 involved.

8 Q Doctor, they teach you in medical school about
9 people that shop for doctors?

10 A Somewhat, yes.

11 Q And to be careful of that?

12 A Sure.

13 Q Do you feel like you've been shopped?

14 A It doesn't change my opinion. My opinion is what
15 my opinion is. It doesn't matter if I'm the tenth person
16 called or the first person called. My opinion is based on
17 my information and my thoughts and how I see things.

18 Q Doctor, at the tail-end of your report you state,
19 This evaluator, and that would be you, right?

20 A Correct.

21 Q Further offers that if evidence could be produced
22 to a reasonable degree of medical certainty, that Ms. Bryan
23 lacked criminal responsibility due to psychosis. Then you
24 go on to say, This would be negated by the fact that she
25 regularly engaged in the voluntary use of cannabis, that

1 making her diagnosis cannabis-induced psychosis, which would
2 not be eligible for consideration for a not guilty by reason
3 of insanity defense. Are you troubled by the meanness of
4 this statement?

5 A It wasn't intended to be mean. It is a statement
6 of fact.

7 Q Doctor, marijuana use is legal in Colorado and a
8 whole bunch of states; is that true?

9 A My understanding is yes.

10 Q Okay. Marijuana use in South Carolina, you get a
11 ticket for it. It's a misdemeanor. You understand that,
12 Doctor?

13 A Yes.

14 Q Well, you know, marijuana makes people have the
15 munchies, right?

16 A Yes.

17 Q Makes people sleepy, right?

18 A It can.

19 Q There's nothing in the literature about people
20 smoking marijuana and killing their families?

21 A There is information in the literature about
22 psychosis associated with cannabis.

23 Q But, Doctor, you're saying my client used a
24 recreational amount of marijuana nine hours before this
25 crazy thing she did. And you're saying it's

1 marijuana-induced psychosis?

2 A First, I'm saying that if it can be proven to me
3 that there's information that suggests she was psychotic at
4 the time, that's the first step. If that's proven, then I
5 would believe it would be cannabis-induced until otherwise
6 shown. A person who becomes psychotic for whatever reason,
7 the vast majority do not go on to harm other people. There
8 are plenty of psychotic people out there that will never
9 harm another person. However, it is very possible that a
10 person, cannabis-induced or otherwise, can become psychotic
11 in such a way that it results in harming someone else.

12 Q Well, you testified that you reviewed the
13 interrogation of my client by the detectives, a man and a
14 woman?

15 A Correct.

16 Q Do you remember the male detective being surprised
17 and unimpressed by Shayla's statement, that she may have
18 been high when she did this? Do you remember?

19 A I don't remember his response.

20 Q You don't remember he scoffed at her position that
21 she might have been high, and said that it might have
22 lasted, the high, two hours, two or three hours?

23 A I don't remember the scoffing. I do remember him
24 asking -- clarifying with her what time she believed that
25 she smoked marijuana. And clarifying if she believed the

1 high lasted that long.

2 MR. KEEP: No further questions of this witness,
3 Your Honor.

4 THE COURT: Any further redirect?

5 MR. STONE: Yeah, just briefly.

6 REDIRECT EXAMINATION

7 BY MR. STONE:

8 Q When I was questioning Dr. Gomez about the effects
9 of marijuana, I guess that's just one of those things --
10 that's from the DSM-IV. You've actually reviewed that prior
11 to me asking these questions; did you not?

12 A I did.

13 Q The questions that I asked Dr. Gomez, were those
14 fair questions coming out of this book?

15 A I believe so.

16 Q Okay. The report itself --

17 MR. STONE: Your Honor, if I may. Let me hand
18 that up. I wanted to make sure I had a clean copy
19 before I do this. And I think I did.

20 Can I mark this as State's Exhibit whatever we're
21 on?

22 BY MR. STONE:

23 Q Let me show you what's been marked as State's
24 Exhibit 27. This is your report?

25 A Yes, it is.

1 MR. STONE: Your Honor, at the time, we move this
2 report into evidence.

3 MR. KEEP: No objection.

4 MR. STONE: I think you already have a copy, but I
5 will hand it up.

6 *(Whereupon, State's Exhibit No. 27 marked for*
7 *identification and received in evidence.)*

8 MR. STONE: No further questions, Your Honor.
9 Thank you very much.

10 THE COURT: May he be excused? Any objections?

11 MR. KEEP: No objection, Your Honor.

12 THE COURT: You may step down, Doctor. Thank you.

13 THE WITNESS: Thank you.

14 THE COURT: You may call your next witness.

15 MR. STONE: Your Honor, with that, the State
16 rests.

17 THE COURT: Any other motions or anything at this
18 time, Counselor?

19 MR. KEEP: Yes, Judge, three motions, please.

20 THE COURT: You may be heard.

21 MR. KEEP: The first motion is the 172410,
22 which -- a copy of which that I would like to make a
23 Court's exhibit.

24 *(Whereupon, Court's Exhibit No. 14 marked for*
25 *identification and received in evidence.)*

1 THE COURT: You may proceed.

2 MR. KEEP: Yes, Judge. This statute puts the
3 burden on the Defendant to prove her insanity. I
4 believe that it is unconstitutional that she -- it's a
5 very slight burden, I'll concede. It is by the
6 preponderance of the evidence. So it's really a civil.
7 It's not beyond a reasonable doubt. But still, the
8 motion that I have is, if by putting even this very
9 tiny burden on her. And we know, Judge, it's a
10 scintilla. The scales are equal and if you can put a
11 feather, it moves a little bit, that is preponderance.
12 But still it is putting the burden on her to prove her
13 insanity, which I believe is unconstitutional.

14 THE COURT: Would the State like to be heard on
15 that?

16 MR. STONE: No, Your Honor. I know this has been
17 analyzed and there's a number of cases on it. And I
18 believe the Supreme Court had issued an administrative
19 proceeding type order in the last week or maybe week
20 before last which actually discussed this entire
21 statute. I do not believe it's unconstitutional.

22 I believe that the Defendant has a presumption of
23 insanity at the first level. But it's just any
24 testimony or even, I think, some of the older cases
25 even mentioned any reference to insanity automatically

1 does away with that presumption. So I don't believe it
2 rises to a very high level at all.

3 So, from our standpoint, I do not believe there's
4 any constitutional issue with that. And the order -- I
5 apologize, I've just been handed, from the Supreme
6 Court, it appears to be dated April the 28th of 2014.

7 THE COURT: Thank you, Solicitor. Certainly, the
8 case law is clear, as is the statute, making that an
9 affirmative defense upon a Defendant. And this Court
10 does not find the defense constitutional. I would
11 respectfully deny your motion.

12 MR. KEEP: Yes, Judge.

13 The second motion is based on 172430, which I
14 would like to the make into a Court's Exhibit.

15 *(Whereupon, Court's Exhibit No. 15 marked for*
16 *identification and received in evidence.)*

17 THE COURT: You may proceed.

18 MR. KEEP: Yes, Judge. The form of the verdict,
19 there are four things that the jury or the Judge can
20 find guilty, not guilty, not guilty by reason of
21 insanity, or guilty but mentally ill. Judge, is that
22 this, since there is no real difference between guilty
23 but mentally ill and guilty, because the Defendant
24 still ends up in the general population of the prison.
25 After some brief time of having their particular

1 illness analyzed, they end up in the general
2 population. And that's in the statute.

3 And my -- my motion is that this leads to a
4 compromised verdict. Instead of a right up or down,
5 guilty or not guilty by reason of insanity, there's an
6 illusion that there's a third way to go. And it leads
7 to a compromised verdict. So I think it denies my
8 client due process of law and is unconstitutional.
9 Thank you.

10 THE COURT: Do you care to be heard on that,
11 Solicitor?

12 MR. STONE: The State versus Gary Allen Reimer
13 (phonetic) a case from 1994, actually discusses the
14 statute. And I'll hand that up to you, a copy of it.
15 I believe it would cover any concern that we have on
16 that matter. But that basically says those are the
17 proper verdict forums.

18 MR. KEEP: Judge, may I be heard on that?

19 THE COURT: Yes, you may.

20 MR. KEEP: Judge, that Court determined at the
21 trial level they had not raised the issue of
22 constitutionality, on the very last page. And it was
23 not preserved. So I'm raising that before this Court.

24 THE COURT: Certainly. And I understand you've
25 preserved that issue by your previous motion, which I

1 respectfully denied. But certainly, this is a bench
2 trial. I'm certainly aware of the potential verdict,
3 and pursuant to the statute, will follow them. I don't
4 think it's an issue of compromised verdicts, but
5 following and applying the laws to the facts of the
6 case, which I'm sworn to do and will do.

7 MR. KEEP: Judge, my last -- thank you, Your
8 Honor.

9 My last motion would be a directed verdict of not
10 guilty, but by reason of insanity?

11 THE COURT: Solicitor?

12 MR. STONE: I believe that we have not only called
13 into severe question the determination by the -- by
14 Dr. Gomez' report, but also I think Dr. Raley's
15 testimony goes directly to the point of establishing
16 that she, in fact, was criminally responsible at the
17 time, according to the McNaughton, that he was clearly
18 qualified to do so. We would, at that point, Your
19 Honor, from a standpoint of a directed verdict, it's an
20 issue for the Court. It's a factual determination that
21 the Court makes.

22 THE COURT: I agree. I think at the stage of the
23 game, certainly it is a factual determination for the
24 Court to determine, based upon the evidence that has
25 been presented. So, I'll respectfully deny your

1 motion, Mr. Keep.

2 MR. KEEP: Yes, Your Honor.

3 THE COURT: It is about ten after 12:00. This
4 would be a good opportunity for us to take our lunch
5 break and allow the Court to have some time to
6 deliberate the matter. We'll resume at 1:15.

7 MR. STONE: Thank you, Your Honor.

8 MR. KEEP: Yes, Judge.

9 (Court recessed for lunch at
10 12:10 p.m.)
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2 CERTIFICATE

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4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

10

DATED this 8th day of September, 2014.

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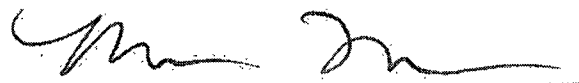
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MONA L. MANLEY

Official South Carolina Court Reporter

Circuit Reporter for the 14th Circuit

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TITLE PAGE

1 In the Court of General Sessions for the
2 State of South Carolina, County of Beaufort

3

4 Case No.: 2012-GS-07-0105

5 State of South Carolina

6 Plaintiff(s),

7 vs. **Transcript of Record**

8 Shayla Jerea Bryan,

9 Defendant(s).

10

11

12 VOLUME 5

13

14

15 May 21, 2014

16 Beaufort, South Carolina

17

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20

21 BEFORE:

22 The Honorable Judge Maite Murphy

23

24

25

APPEARANCE PAGE

1 APPEARANCES

2

3

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Sean Thornton, Assistant Solicitor

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Hunter Swanson, Assistant Solicitor

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Beaufort, SC 29901

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PROCEEDINGS

1 PROCEEDINGS

2 (The following proceedings were held after the lunch
3 recess.)

4 THE COURT: Thank you, everyone. You may have a
5 seat. Did either side care to give a closing argument?

6 MR. KEEP: Yes, Judge.

7 THE COURT: Well, sir, would you like to go first
8 since you presented evidence last?

9 MR. STONE: He presented evidence, I'll let him go
10 first and I will cover anything that I think needs to
11 be covered, Your Honor.

12 THE COURT: Mr. Keep, I'll hear from you, sir.

13 MR. KEEP: Yes, Judge. Thank you first for your
14 attention to this case. I know this -- Shayla seemed
15 to have come from a perfect background, loving married
16 parents and intact family. Nice job, responsibility,
17 nice apartment, beautiful child. The only way this
18 thing can be explained, given the fact that she didn't
19 believe in corporal punishment, is that she became
20 psychotic and was insane when she did this. She's been
21 in jail for 885 days and has evidently been cured. The
22 very two State psychiatrists that found her competent
23 today found that she was insane when she did this.

24 And Judge, there is sort of a war of doctors here,
25 to some degree, but the doctors that aren't paid to be

CLOSING ARGUMENT BY THE DEFENSE

1 here, that it is their job to analyze her ought to get
2 an awful lot of weight attached to their testimony as
3 compared to this hired gun, which was just hired a
4 couple of months ago. I don't think that I have ever
5 met a more mean, vicious remarks about -- in his report
6 about marijuana. Frankly, many are implausible at
7 best. This is clearly somebody with a real axe to
8 grind, I can tell you that. And that axe is Shayla.

9 So, I can say that she's better now. She's sane.
10 She is on her medication. The three -- actually the
11 three doctors, the three State doctors all said that
12 she was psychotic. She is on her meds, she is fine.
13 And, Judge, she would really like to go home to her
14 family. I know her family all say that they miss her
15 and believe that she was insane. It is a lay belief
16 but, you know, everybody has good common sense.

17 And the little child has made almost a complete
18 recovery and wants to know where her mom is. The
19 statutory law about what she has to prove in order to
20 establish a defense by insanity is the civil standard.
21 It is the -- by the preponderance of the evidence. And
22 Judge, that is -- as Your Honor very well knows, that
23 is a civil standard which is a mere pressing down on
24 one side of the scale of justice, which she's certainly
25 has amply done. By any standard she's shown by the

CLOSING ARGUMENT BY THE DEFENSE

1 preponderance of the evidence that she was insane at
2 the time that this occurred. Thank you.

3 THE COURT: Thank you, sir. Solicitor.

4 MR. STONE: Very briefly, Your Honor. You know,
5 what's interesting about psychiatry I guess is it's
6 interpretation. It is trying to interpret what
7 somebody had in their head at the time that they did
8 what they did. I wouldn't suggest to you today, nor
9 would I suggest to anybody that I know why criminals
10 commit crimes. I think in many cases we find ourselves
11 at a loss for trying to explain that. But when it
12 comes to a basis for the Defendant's defense in this
13 case, what I think is concerning and what has been
14 concerning is the basis of their defense is Dr. Gomez,
15 not Dr. Treadway who didn't make any finding as to
16 whether or not Shayla Bryan knew the difference between
17 right and wrong.

18 Dr. Gomez, first of all, I think what is
19 concerning, she was fairly new to this process, she was
20 in her fellowship when she did this report. She was
21 not at that time board certified. And that would
22 probably be covered with her supervisor. Her
23 supervisor, Your Honor, I would submit to you, and I
24 didn't know this until today, didn't supervise her.
25 What he left out and what he didn't see to me is the

CLOSING ARGUMENT BY THE STATE

1 most crucial piece of evidence which tells us what was
2 in Shayla Bryan's head within moments, hours of her
3 doing this crime. And that is the video.

4 The supervisor said, I watched probably about two
5 and a half hours of 5½ hours of video and I don't
6 remember which parts I watched. That is kind of
7 crucial. To me, Your Honor, that is the most crucial
8 evidence because that is what tells what was in Shayla
9 Bryan's head probably the clearest. So, then the third
10 issue is then, does the defense that she didn't know
11 the difference between right and wrong. Does that make
12 sense, is it logical?

13 And I would submit to you, Your Honor, that if you
14 take that report I think that Dr. Gomez does outline
15 some very interesting issues that need to be covered.
16 Number one, how did the Defendant act? Did she try to
17 avoid detection? And, Your Honor, quite frankly, I
18 think the evidence is pretty clear that she did. She
19 did by saying, number one, I don't know what happened,
20 I don't remember. Number two, the child fell. Number
21 three, a unknown man came in and did it. Number four,
22 the unknown man was actually known, that was Justin
23 Singleton. Number five, okay I did it but the devil
24 came over me.

25 And then later on it wasn't the devil, it was a

CLOSING ARGUMENT BY THE STATE

1 woman who was telling her in voices. To me, Your
2 Honor, in a logical sense that seems to dictate that
3 she was avoiding detection, and that is something that
4 Dr. Gomez admits is a crucial element. And finally
5 then, the most crucial thing is what the Defendant
6 herself said, not once, not twice, not three, not four
7 times, I knew what I did was wrong. Why did you tell
8 the officer two different stories? I knew what I did
9 was wrong. Why did she feel guilty? Because she knew
10 what she did was wrong. And that was over and over and
11 over and that -- all of this, of course, goes hand in
12 hand with the DSM4, which is not Dr. Gomez's language
13 and not Dr. Raily's language, but the language of the
14 book that is the basis of that report that said, Yeah,
15 marijuana can do that. I didn't know if it did. I
16 don't know what she did prior to this and neither does
17 anyone else.

18 I would ask, Your Honor, to consider what is in
19 this case logical. The issue before you is not whether
20 or not she had a psychosis, as you know. And I feel a
21 little unusual for even telling you this, I know you
22 are a judge and you already know all of this, but from
23 the standpoint of your determination, does she know the
24 difference in right and wrong. I would ask you to
25 believe the Defendant who said, I knew what I did was

CLOSING ARGUMENT BY THE STATE

1 wrong. Thank you.

2 THE COURT: Clearly, upon reviewing the evidence
3 and the videotape and listening to the testimony, I do
4 find that the Defendant did have the capacity to
5 distinguish moral legal right from moral legal wrong,
6 and that she recognized the particular act which was
7 charged was morally and legally wrong. She indicated
8 such by her conduct. And I do find that she is guilty
9 of attempted murder on indictment 2012-GS-07-00105.
10 Are we ready to proceed with sentencing?

11 MR. STONE: The State is ready, Your Honor.

12 MR. KEEP: Yes, ma'am.

13 MR. STONE: I'll hand up the sentencing sheet. I
14 don't know who else needs to sign it. I signed it.

15 THE COURT: Would either the State or the Defense
16 care to be heard on their positions before sentencing?

17 MR. KEEP: I don't think so, Your Honor.

18 THE COURT: In indictment 2012-GS-07-00105 for the
19 charge of attempted murder, you are hereby committed to
20 the State Department of Corrections for a period of 30
21 years.

22 MR. STONE: Thank you, Your Honor.

23 (Trial concluded.)

24 CERTIFICATE

25

CERTIFICATE PAGE

1 STATE OF SOUTH CAROLINA:

2 COUNTY OF BEAUFORT:

3 I, MONA L. MANLEY, Court Reporter, certify that I was
4 authorized to and did stenographically report the foregoing
5 proceedings and that the transcript is a true and complete
6 record of my stenographic notes.

7
8 DATED this 1st day of November, 2015.

9 /s/ *Mona L. Manley*
10 MONA L. MANLEY
11 Court Reporter
12 (850) 893-6662
13 mmanley@sccourts.org
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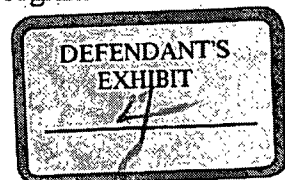
Criminal Responsibility and Capacity to Conform Evaluation**Examinee:** Shayla Jerea Bryan**DMH#:** 1025-0781**Date of Birth:****Dates of Evaluation:** April 9, 2013; June 5, 2013**First Examiner:** Ana Gomez, M.D.**Second Examiner:** L. William Mulbry, Jr., M.D.**Others Present:** C. Russell Keep, Esq. (Defense Counsel) and Sara Wilson (MUSC Medical Student) both present June 5, 2013

IDENTIFYING DATA: Ms. Bryan is a 24-year-old African-American female currently in custody and charged with Attempted Murder. She was evaluated at the Medical University of South Carolina (MUSC) Forensic Psychiatry Program pursuant to a court order from the Beaufort County Court of General Sessions requesting a Consent of Both Parties Evaluation of her Criminal Responsibility and Capacity to Conform. At the conclusion of each interview, Ms. Bryan was returned to the Beaufort County Detention Center to await disposition of her charges.

OPINION/CRIMINAL RESPONSIBILITY: No. It is our opinion, to a reasonable degree of medical certainty, that at the time of alleged acts, Ms. Bryan did not have the capacity to distinguish moral or legal right from moral or legal wrong, or to recognize the particular act charged as morally or legally wrong. Since it is opined that Ms. Bryan lacked Criminal Responsibility at the time of the alleged offense, an opinion on Capacity to Conform is not rendered.

SOURCES OF INFORMATION: The following sources of information were reviewed in forming the opinions found in this report:

1. Beaufort County Court of General Sessions Order for Criminal Responsibility and Capacity to Conform Evaluation by Consent of Both Parties, dated March 20, 2013;
2. Letter by C. Russell Keep III, Defense Counsel, to the Clerk of Court, dated February 15, 2013;
3. Beaufort County Court Of General Sessions Motion for Sanity Evaluation by C. Russell Keep III, Defense Counsel, dated February 15, 2013;
4. County of Beaufort Court Of General Sessions January Term 2012 Indictment for Attempted Murder, dated January 26, 2012;
5. County of Beaufort Court Of General Sessions Notice of Insanity Defense or Guilty but Mentally Ill by C. Russell Keep III, Defense Counsel, dated July 24, 2011;

Name: Shayla Bryan**DMH#:** 1025-0781Medical University of South Carolina
Forensic Psychiatry Program

6. Investigator's Log of Events by Officer Dowling, undated;
7. Beaufort Police Department Incident Report by Officer Kattenhorn, dated December 19, 2011;
8. Beaufort Police Department Incident Report Supplemental by Officer King, dated December 20, 2011;
9. Beaufort Police Department Incident Report Supplemental by Officer Dowling, dated December 20, 2011;
10. Beaufort Police Department Incident Report Supplemental by Officer Day, dated December 20, 2011;
11. Beaufort Police Department Incident Report Supplemental by Officer Carson, dated December 20, 2011;
12. Beaufort Police Department Incident Report Supplemental by Officer Goethie, dated December 20, 2011;
13. Beaufort Police Department Incident Report Supplemental by Officer Gutterson, dated December 20, 2011;
14. Beaufort Police Department Incident Report Supplemental by Officer Poole, dated December 20, 2011;
15. Beaufort Police Department Incident Report Supplemental by Officer Davis, dated December 20, 2011;
16. Beaufort Police Department Incident Report Supplemental by Officer Raley, dated December 20, 2011;
17. Beaufort Police Department Incident Report Supplemental by Officer Sooknanan, dated December 21, 2011;
18. Beaufort Police Department Incident Report Supplemental by Officer Erdel, dated December 21, 2011;
19. Beaufort Police Department Incident Report Supplemental by Officer McCormack, dated December 21, 2011;
20. Beaufort Police Department Booking Report by Officer Kattenhorn, dated December 20, 2011;
21. Medical University of South Carolina SCAN Team Meeting Notes, dated December 21, 2011;
22. Medical University of South Carolina Violence Intervention and Prevention Records, dated December 20, 2011 and December 22, 2011;
23. Affidavit for Arrest Warrant J-358217 for Attempted Murder, dated December 20, 2011;
24. South Carolina Law Enforcement Division Forensic Services Laboratory Chain of Custody;
25. Statement of S. Bryan, dated December 20, 2011;
26. State of South Carolina County of Beaufort Search Warrant and Affidavit, dated December 20, 2011;
27. E-Mails from Officer Dowling, dated December 20, 2011 and December 28, 2011;

28. Beaufort Police Department Incident Report Supplemental by Officer Carter, dated December 27, 2011;
29. Beaufort Police Department Evidence Control Sheets, dated December 19, 2011 through December 22, 2011;
30. Beaufort Police Department Evidence Control Sheets, dated December 19, 2011 through December 21, 2011;
31. Letter from South Carolina Law Enforcement Division Forensic Services Laboratory Report, dated December 22, 2011;
32. E-mail from Susan Howden to Pam Brown of the Poem *The Empty Chair* as Posted on Facebook, dated December 21, 2011;
33. Beaufort Police Department Evidence Control Sheets, dated December 19, 2011 through December 20, 2011;
34. Statement of C. B., dated December 19, 2011;
35. Statement of M. G., dated December 19, 2011;
36. Statement of S. G., dated December 19, 2011;
37. Statement of C. G., dated December 19, 2011;
38. Coastal Empire Community Mental Health Center Records, dated December 20, 2011; and December 3, 2012 through March 26, 2013;
39. Beaufort County Detention Center Records, dated December 20, 2011 through June 27, 2013;
40. Police Video-taped Interview of S. Bryan on December 20, 2011, lasting approximately five hours and fifty minutes;
41. Clinical Interview with S. Bryan on April 9, 2013, lasting approximately one and a half hours;
42. Telephone Interview with L. Bryan, S. Bryan's mother, on April 23, 2013, lasting approximately one hour;
43. Telephone Interview with R. Frazier, S. Bryan's cousin and roommate, on April 26, 2013, lasting approximately 30 minutes;
44. Clinical Interview with S. Bryan on June 5, 2013, lasting approximately two hours;
45. Telephone Interview with S. Chisholm on July 12, 2013, lasting approximately thirty-five minutes;
46. Telephone Interview with E. Gillison on July 22, 2013, lasting approximately thirty-five minutes;
47. Telephone Interview with M. Frazier on July 23, 2013, lasting approximately twenty-six minutes;
48. Audio-recorded Phone Calls to 911 on December 19, 2011, lasting approximately eight minutes;
49. Telephone Interview with Dr. Treadway on August 22, 2013, lasting approximately ten minutes;

50. A telephone interview with D. Hagood, S. Bryan's previous significant other, was attempted without success.

DISCLOSURE OF NON-CONFIDENTIALITY: Prior to each interview, Ms. Bryan was provided information regarding the purpose and non-confidential nature of the evaluation. She was informed that any information she provided would not be confidential and would be used to prepare a report for her attorney and the solicitor in her case. She was informed that the report may be shared with the judge. She was also informed that the nature of the evaluation did not include a treatment relationship with either examiner and treatment would not be provided. Ms. Bryan acknowledged that she understood the parameters of the evaluation, and she signed a consent form to proceed before starting each interview.

BACKGROUND HISTORY: All historical information was provided by Ms. Bryan unless otherwise noted. Ms. Bryan was born in Beaufort, South Carolina and has never lived anywhere else. She was raised by married parents. She has one younger sister who was also present while she was growing up. She reported that her childhood was "good" and an "easy childhood" compared to others. She reported that her father worked as a mechanic and her mother ran the family daycare business. She reported that her basic needs were met during her childhood years.

Ms. Bryan reported that while growing up, she witnessed domestic violence at a "family function." She also witnessed her mother hitting her father. She reported being molested one time by a cousin. She stated that currently she has a good relationship with both of her parents and her sister. She reported that they are very supportive of her. In 2011, she moved out of the family home for the first time and moved in with a cousin. At the time of her arrest, she was living with her cousin.

Collateral Interview: Mrs. L. Bryan, Ms. Bryan's mother, indicated that Ms. Bryan did not exhibit any behavioral or emotional difficulties while she was growing up. She interacted well with other children.

Educational History: Ms. Bryan reported that she graduated from Battery Creek High School. She then enrolled in online classes for a Medical Assistant Certificate; however she did not finish this course. She reported that while in school she never repeated a grade, but she did repeat one math course. She attended regular classes. She reported being suspended in the seventh grade because she "fought a boy." She reported that she did not usually fight. She reported no expulsions from school.

Vocational History: Ms. Bryan reported that her most recent and longest job was working as a "second assistant manager at CATO," a clothing retailer. She worked there

for almost 3 years. She reported that she also received some financial assistance from her daughter's father. She has held a variety of other jobs including working as a substitute teacher, working in another clothing store and working at "Celebration Suzuki" answering telephones. She has also worked as a cashier in various establishments. She reported that she was fired from one of her cashier jobs for not ringing up an employee's purchase.

Military History: Ms. Bryan reported that she took the *Armed Services Vocational Aptitude Battery* (ASVAB) in preparation to enter the military, but she did not enlist because she became pregnant.

Relationship History: Ms. Bryan reported that she has never been married. She has one daughter who is four years old. Prior to the alleged incident she had full custody of her daughter. Currently her mother has full custody of the child. Ms. Bryan reported that she is not currently involved in a relationship.

Legal History: Ms. Bryan reported that in 2007 she was arrested for Assault and Battery and subsequently released on her own recognizance. She reported no other charges and no legal problems as a juvenile.

Substance Use History: Ms. Bryan reported that she drinks alcohol when she "go[es] out" on the weekends. She estimated that her intake is 2 drinks. She reported no history of heavy alcohol use. She reported that she smokes marijuana "when going out" approximately 2 to 3 times a week. She first tried marijuana in the ninth grade and has used it regularly since she was twenty years old. She reported no other experimental drug use. She has never been involved with substance treatment or attended 12-step meetings.

Medical History: Ms. Bryan reported no significant past medical history. She has never had surgery, a seizure, any serious accidents or injuries or loss of consciousness. She is not currently prescribed any medication for medical problems. She has no medication allergies.

Psychiatric History: Ms. Bryan reported that she has never been psychiatrically hospitalized. Prior to her incarceration, she was never treated by a psychiatrist or a therapist. During her current incarceration she was prescribed a medication to help her sleep. However, because it did not help, the medication was discontinued. Subsequently she began taking another medication to "balance me off" and for depression. She meets with a counselor approximately weekly and finds it "very helpful to go and talk with someone."

Collateral Interview: Mrs. L. Bryan indicated that Ms. Bryan had no history of psychiatric treatment of any kind. She was never treated by a therapist or a family doctor for mental health reasons.

Interview II, June 5, 2013: Ms. Bryan stated that in the past two weeks, her anti-psychotic medication was changed from Risperdal to Latuda because she was having difficulty with sleep and menstrual problems. Since this change, she reports doing better and not having any side effects from the medication. She is also no longer prescribed Cogentin (for movement side effects of anti-psychotic medication). She continues to meet with her therapist regularly.

Collateral Data: Ms. Bryan was screened by Coastal Empire Community Mental Health Center (CECMHC) in December 2011. At that time she appeared fully oriented and sad. She reported no history of mental health treatment. She reported auditory hallucinations prior to the alleged incident of hearing the devil talk to her. At the time of that interview she did not endorse any auditory or visual hallucinations. Ms. Bryan had been refusing to eat. The interviewer did not see manifestations of a major mental illness or psychotic features.

On November 3, 2012, other inmates brought Ms. Bryan to the attention of the correctional officers due to "talking out of her head." She was referred to mental health and evaluated by CECMHC on December 3, 2012. She was reported to be "acting strange, isolating, not sleeping and eating poorly." She told mental health staff that a woman came to the store where she worked and told her "she was going to lose the child." She heard the same woman's voice later, but she said she has not heard the voice for almost a year. This note states that when Ms. Bryan was screened the previous year, she was "uncooperative and paranoid."

She was prescribed Benadryl for sleep and offered an anti-psychotic medication which she declined. The psychiatrist who evaluated her diagnosed her with Psychotic Disorder, Not Otherwise Specified as a provisional diagnosis and noted that it was resolving. The psychiatrist also diagnosed Cannabis Abuse and mentioned a rule out diagnosis of a depressive disorder.

Collateral Data: According to records from the Beaufort County Detention Center (BCDC), Ms. Bryan was briefly prescribed Trazodone for sleep during the month of December 2012. Records also indicate that she has refused multiple meals since her incarceration began.

Collateral Data: The CECMHC note dated December 4, 2012 states that Ms. Bryan told the psychiatrist that a lady came to the clothing store where she was working and told

her "she was going to lose the child." Ms. Bryan said she did not know this woman, but this scared her. She reported that the night of the alleged incident she heard the same woman's voice "this is what I had to do... I didn't want to do it... I can't explain... It was the same lady I saw at work-but some weeks later... To try to hurt Dianna [sic]... Couldn't even stop myself-I blanked out... I still was doing it" (internal quotation marks omitted).

Since being incarcerated, Ms. Bryan has met with a therapist regularly. A clinical service note dated December 20, 2012 indicates that Ms. Bryan told her therapist that she believes she should be on medication. On January 8, 2013 Ms. Bryan had a follow-up appointment with the psychiatrist. She reported poor sleep and variable eating patterns resulting in some weight loss. She also reported occasional nightmares. She reported sometimes hearing a "sounds statement" in her head; these thoughts were perceived as intrusive and unwanted. She consented to trial of Risperdal.

The next appointment with the psychiatrist was on March 12, 2013. At that time Ms. Bryan reported that she no longer heard the sound statements. Due to some concern of restlessness, drooling and muscle stiffness Cogentin was added to her medications. The next available treatment notes are from May 2013 and indicate that Ms. Bryan was experiencing increasing symptoms of depression to include depressed mood, decreased appetite, decreased concentration and difficulty sleeping. She also reported nightmares. Her medication was changed from Risperdal to Latuda. She responded well to this change as noted in a progress note dated June 27, 2013, which indicates improved sleep, mood, appetite and concentration. The diagnoses indicated on this note are Psychotic Disorder, Not Otherwise Specified and Cannabis Abuse.

Collateral Interview: A telephone interview was conducted on August 22, 2013 with Dr. Treadway, Ms. Bryan's treating psychiatrist while in BCDC. When Dr. Treadway initially evaluated her, Ms. Bryan did not seem overtly psychotic. Later talk of "sound statements" arose. According to Dr. Treadway, the staff at the detention center noted bizarre behavior that concerned them (she could not recall more specifics about this). Dr. Treadway was concerned of missing a psychosis diagnosis, thinking that perhaps Ms. Bryan had a "quiet psychosis." Dr. Treadway prescribed anti-psychotic medication, and Ms. Bryan responded to this treatment.

Dr. Treadway said she did not remember Ms. Bryan showing any manic symptoms, and she did not get the sense that Ms. Bryan was malingering. She indicated a rule out diagnosis of Schizophrenia. Dr. Treadway said that a "stranger" had come to the store where Ms. Bryan worked and scared her a lot. Dr. Treadway stated that she last had an appointment with Ms. Bryan in March 2013.

Family Psychiatric History: Ms. Bryan reported that she has cousins who have cognitive deficits.

PSYCHIATRIC REVIEW OF SYMPTOMS: Ms. Bryan described her mood as "down" when she sees others being released from incarceration. This feeling lasts for a few hours. She reported sleeping better since she began taking Risperdal. She reported good energy and appetite. Ms. Bryan reported no suicidal ideation or homicidal ideation. She reported no history of manic episodes. Ms. Bryan reported no increased anxiety or repetitive behaviors. She did not report any flashbacks or nightmares related to traumatic events.

Ms. Bryan reported hearing voices for the first time in her life around September 2011. She described the voice as a "silent voice" in her mind. She further described it as a female voice, and she was frightened by this experience. The voice was "telling me to not do something." For example, it was telling Ms. Bryan not to have sexual intercourse. She reported hearing the voice again on the night the alleged offense. She reported that at work she also thought people were calling her. She said, "Maybe [I was] hearing the wrong thing." She has heard her name being called while incarcerated. This last occurred around February 2013.

Ms. Bryan reported an incident that happened during her incarceration. She said she does not remember it well, but she was told she began calling "an inmate^{Minor}," which is her daughter's name. Apparently she went outside and saw an inmate praying which compelled her to start crying. She said that she did not remember the contents of the prayer. She reported feeling that inmate was sending her a "sound statement." She described this as a "statement telling me to stay away from her or I would hurt her."

She reported a brief period of paranoia around the time that she was allegedly calling an inmate^{Minor}. Ms. Bryan reported feeling that sometimes her mind plays tricks on her. She provided an example such as placing something on top of the counter and the item falling despite her certainty that she had placed it far from the edge. She stated that these things occur "when I'm by myself." When asked what she believes is responsible for this she hesitantly said, "Spirits. I know it's real." She then related an experience from childhood when she prayed and "felt something come over" her. When asked if these experiences are frightening she said, "I try not to think about it as frightening." She attributed the incident in jail, where she was calling an inmate^{Minor}, to something related to the spirits.

Ms. Bryan said that she experienced a visual hallucination during the summer of 2011 while she was at work. She described this as thinking that somebody had passed behind her when she saw a "black shadow." She noted that M. Frazier was in the store the day

this happened. She has not experienced other visual hallucinations. She reported no bizarre thoughts such as feeling that people could put thoughts in her mind or read her mind. She reported no paranoia.

Interview II, June 5, 2013: Ms. Bryan was asked to provide an update in her functioning since the last interview. She reported that she is "down a lot" and said that this was worse than during the last interview. She reported this is due to stress from her current situation and not knowing "when things are going to start happening." She reported sleeping about six hours at night with some daytime napping. Sometimes she feels tired, other times she feels rested. She noted decreased appetite in the past month but was unsure about any change in her weight. She noted difficulty staying focused when she is trying to read a book stating, "I have a lot of things on my mind." She was not exercising as regularly because she is "not in the mood." Before her medication was changed, she had suicidal thoughts with no plan. Since being prescribed the new medicine she has not had suicidal thoughts. She reported no homicidal thoughts. She has not experienced any further auditory or visual hallucinations. She endorsed no paranoia or anxiety.

MENTAL STATUS EXAMINATION: Ms. Bryan's presentation was consistent across both interviews. She was dressed in standard jail-issued clothing, with adequate attention to hygiene and grooming. She was cooperative with the interview. Eye contact was appropriate. She began rocking back and forth in her seat towards the end of the first interview. During the second interview, her movements appeared slowed. Her speech was soft and of normal rate. During the second interview she paused many times before answering.

She described her mood as "down" at times but generally okay. She described her mood as "down a lot" during the second interview. Her mood remained stable throughout the interview. She began to cry during a portion of the first interview. Her affect showed a full range of facial expressions. She reported no suicidal or homicidal thoughts. She did not appear to be responding to internal stimuli. Her thought process was linear and goal-directed. Attention and focus were good throughout both interviews. Judgment and insight appeared adequate.

A brief cognitive examination revealed the following. She was alert and oriented to person, place, time and situation. During the first interview, she serially subtracted seven from 100 and three from 20, but made mistakes. During the second interview she serially subtracted three from 20 without errors. She correctly spelled the word 'world' forward and backward. She correctly identified the current and past three presidents during the first interview, and the past two presidents during the second interview. She named five cities and five states. She correctly identified direction of travel from South

Carolina to other states including California and Florida but not New York. She did not correctly make change from a dollar during either interview. She was able to identify similarities between objects for simple object pairs. Interpretation of proverbs was good, indicating no impairment in abstraction abilities.

DIAGNOSTIC FORMULATION: The following diagnoses are rendered on the bases of the above data and according to the *Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text Revision (DSM-IV-TR)*.

Diagnoses: **Axis I:** Psychotic Disorder, Not Otherwise Specified
 Axis II: No Diagnosis
 Axis III: No Diagnosis

The diagnosis Psychotic Disorder is given because Ms. Bryan has experienced delusions and hallucinations. She has also exhibited bizarre behavior in that she was calling an inmate by her daughter's name. Her symptoms are now controlled with anti-psychotic medication, making a precise diagnosis more challenging; thus, the qualifier "Not Otherwise Specified" is included. However, it is quite possible that Ms. Bryan has a primary psychotic disorder diagnosis such as Schizophrenia. Her treating psychiatrist noted that she responded well to treatment with anti-psychotic medication and noted a rule out diagnosis of Schizophrenia. Dr. Treadway also stated a concern about a "quiet psychosis" which is consistent with the clinical picture seen thus far.

More recently, Ms. Bryan endorsed symptoms of depression as noted above. She has not been diagnosed with depression and has not been treated with anti-depressant medication, so a depression diagnosis is not given at this time.

EVALUATION REGARDING CRIMINAL RESPONSIBILITY: Ms. Bryan was evaluated with respect to the alleged offense regarding issues related to criminal responsibility and capacity to conform her conduct to requirements of the law. An account of the alleged offense according to collateral sources is provided, followed by Ms. Bryan's account of the alleged offense.

Collateral Accounts of the Alleged Offense on December 19, 2011: Officer Gutterson interviewed Ms. Bryan on December 19, 2011. In Officer Gutterson's report, Ms. Bryan described her day from breakfast until she returned home from running errands at around 3 pm or 4 pm. At an unspecified time, Ms. Bryan began her evening ritual. She ran water for Dionna to take a bath. Ms. Bryan said that while ^{Minor} was in the bathtub she heard the front door open, and she assumed it was her cousin. When she peered out of her bedroom, she saw a man go to the bathroom and grab ^{Minor}. Ms. Bryan then went to the bathroom to rescue ^{Minor} but she was unable to. She then

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went into the kitchen, took some knives and tried to stab the man, but she was unable to. Ms. Bryan said that the man then ran out of the apartment with Minor and threw her over the balcony. She reported that she believed the man was someone who she was "talking" to, but she had told him that she did not want anything more than a friendship.

Officer Dowling entered the interview and confronted Ms. Bryan regarding the veracity of this account. Once he left, Ms. Bryan then told Officer Gutterson that she had been wanting to get rid of her past which included Minor. She said that she had been reading the Bible a lot, and she realized she had not done what God wanted her to do. She expressed that she "never should have had sex before she was married." She reported that on the night of the alleged incidents "the devil" came over her and she "lost her mind."

Ms. Bryan then told the officer that she was in the bathroom while Minor was in the bathtub. Minor was playing and laughing when suddenly Ms. Bryan "snapped." She punched Minor in the chest several times. Ms. Bryan said that she "just wanted Minor to die quickly." She went to the kitchen and retrieved some knives. She tried to stab Minor, but she did not think that she was successful. She wanted Minor to "hurry up and die" so she exited her apartment and threw her over the balcony. She witnessed Minor hit the ground and then realized what she had done. She called 911 and her mother. She picked up Minor and sought help from her neighbors. Officer Gutterson notes that Ms. Bryan did not show remorse during her explanation.

According to Officer Raley, Mrs. L. Bryan told him that when Ms. Bryan called her she could hear her running, and "she seemed hysterical."

According to Officer Sooknanan, when officers entered the apartment, Ms. Bryan was not speaking. "She was not crying and did not react to anyone. She continued to lay on the ground in the fetal position."

The Investigator's Summary by Officer Dowling describes Ms. Bryan's demeanor when officers were in the apartment as "unusual" in that she "did not display any level of emotions." Ms. Bryan requested to talk with her pastor who she identified as Martha Frazier. Officer Kattenhorn describes Ms. Bryan's demeanor as follows. "She laid on the floor in a fetal position... [she] continued to switch her positioning from laying in the fetal position on the floor to sitting on the floor on her rearend..."

According to Officer Carter's report, once he entered the apartment Ms. Bryan would not speak directly to him but began asking for Martha Frazier saying, "Call Martha Frazier, she knows what happened." (internal quotation marks omitted) Ms. Bryan

repeated "call Martha Frazier" many times. Many different questions were posed to her but she answered them all by saying "call Martha Frazier." Officer Carter describes Ms. Bryan as sitting on the floor with "her head down." Then she "laid down on the floor and acted as if she was going to sleep." An officer told Ms. Bryan that she would be taken to the police department; however, she said, "Call Martha Frazier" and would not leave until she arrived.

The statement of C. B., a post-incident witness, on December 19, 2011 states, "At one point she sounded like she said that she did it and then said that she had just fallen."

The statement of C. G., a post-incident witness, on December 19, 2011 notes the following regarding Ms. Bryan, "She seems scared and was in tears asking to call 911... I asked her what happened and all she said is that she fell from the third story."

The 911 audio-recorded phone calls from December 19, 2011 are as follows. The initial caller does not identify herself but says, "I just killed my daughter." When asked for her address she repeats several times before the call disconnects. The next call is the 911 operator calling. The call is connected but no one speaks to the operator directly. Knocking is heard and someone yelling "call 911." The next caller does not identify herself. She speaks loudly and frantically while giving her address. The next caller is L. Bryan. She said her daughter called her "yell[ing] and scream[ing] on the phone mommy call the police, call the police!"

Ms. Bryan's written statement dated December 20, 2011 is as follows: "...world to make ppl [people] think it's ok to do the things thets [that's] done on a daily bases [basis]. I don't want my child to be rake [sic] like the live that we live, patients [patience] is a virtue [inserted comment illegible] [unclear word] found in women and never a [unclear word] the judge will judge me when my day come out at the end of the day not even the judge can judge me...only GOD!" (emphasis in the original)

Officer Erdel's report notes that on December 21, 2011, Mrs. L. Bryan asked Ms. Bryan about the "Empty Chair" poem on Facebook. Officer Erdel's report says, "[Ms. Bryan] went on to say that she had read the poem and believed that it reflected a reason for the assault." The officer also notes Ms. Bryan's comment on Facebook regarding the *Empty Chair* poem as, "Beautiful. I read this is so clear. That was my answer." (internal quotation marks omitted)

Defendant's Account of the Alleged Offense on December 19, 2011: Ms. Bryan reported that in the time leading up to the alleged incident life was generally going well. She was "just moving out of mom's house" and moving in with her cousin. She described a typical day as follows. She would wake up at around 9 am to make food for

her daughter, ^{Minor}. After getting herself and ^{Minor} ready, she would drop her off at daycare. Ms. Bryan worked either from 9 am to 5 pm or 2 pm to 9 pm depending on what shift she was assigned. She would generally pick up ^{Minor} from her grandmother's house at around 10 pm. She would then bathe ^{Minor} and get her ready for bed. Ms. Bryan reported that she would go to bed at approximately 11 pm. Ms. Bryan held a full-time job.

Interview II, June 5, 2013: Ms. Bryan was asked again about her life in the time before the alleged events. Ms. Bryan reported that in the summer of 2011 she became more interested in religious things after meeting M. Frazier at her job one day. M. Frazier told her about "changing and leaving people alone or I was going to end up hurting somebody." Ms. Bryan interpreted this to mean that she had to stop going out and "have God in my life more." She did not know what to make of the statement that she would hurt somebody. Because of these statements, she thought that M. Frazier had a "special ability" and later described thinking that she was a "prophetess." She reported being friends with M. Frazier on Facebook, but they did not communicate through Facebook.

Then Ms. Bryan started reading the Bible more, spending about an hour a day, and she started listening to gospel music. She noted that she could understand the Bible better, and she attributed this to being older. She reported that she did not share much with others regarding what she was learning from the Bible.

On the day before the alleged incident, Ms. Bryan reported that she and several coworkers had gone out to eat. Her cousin took care of ^{Minor} while Ms. Bryan was out. She returned home late and went to bed at approximately 1 am.

On the day of the alleged incident, she woke up by 10 am and called a friend. She then fell asleep again for another hour or two before calling a different friend. After ^{Minor} woke up, Ms. Bryan made them both breakfast then called her mother. Her mother was working at a daycare where Ms. Bryan was going to drop ^{Minor} off. She left at approximately 1 pm to drop ^{Minor} at the daycare and collect some money from her mother to pay some bills. She stopped by her mother's house to check on her younger sister who was a teenager at that time. She reported smoking half a blunt of marijuana at around 2 pm or 3 pm. She returned to her apartment with ^{Minor} at approximately 5 pm.

While ^{Minor} was taking a nap, Ms. Bryan was "cleaning up" the apartment. After ^{Minor} woke up, they went to the living room and watched television together. Ms. Bryan's cousin came home but left around 7 pm or 8 pm to go to the airport. Ms. Bryan then continued unpacking as she had recently moved in with her cousin. She also made

another phone call to her mother, and she called Minor's father. She was also texting him and texting another friend.

She then began getting ready for bed which consisted of "wash[ing] up, [getting] clothes out and get[ting] ready for tomorrow." She began running the bathwater, and Minor entered the bathtub. After Ms. Bryan took her clothes off she noticed that her phone "went off" with an alert. She went to her room and sent a text message to a friend and then went to Facebook.

She started reading a poem and then "started to cry." She does not remember what the poem said, but she believed that "the poem was talking to me. It was about suffering; that's when I lost it." She described the suffering as, "I was hearing voices telling me not to have sex." The poem made her feel she had "messed up a lot of things" by not having the patience to wait until marriage to have a child, and because she had not waited, she was "suffering." She further described the suffering as "always [have to] be on my P's and Q's with a child." By this she meant that she had to decrease other activity such as not being able to continue school or join the military. Ms. Bryan had to always find babysitters because she was the primary caregiver. She explained that all these thoughts "suddenly came rushing" on her that night.

The poem that she read had been posted by M. Frazier, a lady that she met through her boss at work. Ms. Bryan reported that one day while at work, M. Frazier came to the store where she worked and began telling her that she needed to leave "the people I deal with alone." Ms. Bryan stated that she did not know what that meant, but this statement scared her. She noted that the day she saw shadows in the store, M. Frazier was also in the store. Ms. Bryan reported that one day M. Frazier called the store and said, "Congratulations" when Ms. Bryan answered the phone. Ms. Bryan did not respond to that statement, but instead handed the phone to her boss.

After reading the poem, Ms. Bryan said she felt "a rush came over me, something came over me... Evil... Something I can't even explain." When asked how she knew it was something evil she said it was because it was "like another person inside me. It was just a feeling." Ms. Bryan reported that she then remembered talking out loud. She did not know what she was saying or to whom. She stated that she did not remember what her mood was at that time, but she started to think that she "had to fix what I messed up... Having Minor out of wedlock."

She then remembered "going to the kitchen and grabbing some knives" because "the voice" said "that I have to get Minor." She explained that "it was telling me to kill her. It had to be fast." She described this voice as being the same female voice she had heard in the past telling her not to have sexual intercourse. The voice was also hurrying her on

and told her that she "had to do it before New Year's and Christmas came around." The voice kept repeating the same phrase over and over again until "I actually started to do it." Her thoughts were saying "I had to hurry up and do it [because] I was wasting time or something." When asked what would have happened if she would have waited she said she did not know.

Ms. Bryan did not recall all of the day's events; this may be explained by the length of time that has passed since then. She remembered going to the bathtub to get ^{Minor} but did not remember anything further. She did not remember hitting her or picking her up. Ms. Bryan reported that she did not remember what she did with the knives. The next action that she remembered was when she "realized I dropped her off the balcony." Ms. Bryan said that "seeing her lying on the ground... It just did something... Her body naked on the ground." This helped her realize "that I just did something." Before this realization came to her she said, "I wasn't thinking or something." When asked what she thought she was doing she said, "I don't know what I was doing." After this happened she ran to call her mom and was yelling on the phone. She told her mother that she needed help for ^{Minor}. She then went downstairs and called 911. She reported thinking "what just happened? I almost killed... I just hurt ^{Minor}

Ms. Bryan reported that ^{Minor} was a healthy child and a "good kid." She was not having any problems with her when the alleged incidents occurred. Ms. Bryan reported that she had not taken any medications that day and had smoked half a blunt of marijuana as mentioned above. She estimated that the effects from that lasted less than two hours. She had used no other drugs or drank any alcohol. She remembered feeling "in a good mood that day." She reported no reason as to why her daughter had to die.

Review of Video-Recorded Police Interview: Because there were several items that Ms. Bryan did not remember but were captured in the video-recorded police interview, those items were reviewed with Ms. Bryan. She reported that she did remember undergoing the police interview, but she did not remember telling them that she hit ^{Minor}. She also remembered telling the police that she tried stabbing her with knives, but she no longer remembered when that took place in the course of events. She no longer remembered trying to stab her.

Ms. Bryan was asked if she remembered telling the officer that she did not want the child to be in pain and live in this world as noted in the video. She said that she did not remember this statement. She remembered telling the officer that the devil came into her. She explained that she meant something evil came over her, which were the thoughts and the voices.

Ms. Bryan stated in the video that it was somebody else and not her who did these actions. During our interview she explained, "I know I wouldn't have done that to my child." When asked who did it she said, "Something came over me." When asked if she could have resisted she said that she could not because "the voices kept coming back." Ms. Bryan made a statement during the police interview about this being her punishment. When asked about this, she stated that she did not remember saying that.

Ms. Bryan mentioned in the police interview that she had returned to religion and felt that she was not raising her child in the right way. When we asked her how this affected her life she said that she "realized life is very valuable." She turned back to religion around the time that she moved from her mother's house to live with a cousin. When she thought about these things it was "a little overwhelming to note that I didn't do the right things at first." When asked if she believed she had to make up for that in some way she said no. During the police interview she also told the officer that she smokes marijuana every night. Ms. Bryan said that she did not remember saying that.

When asked why Ms. Bryan told the officer two different accounts of the alleged events she said, "Cause I know I did something wrong." She said that she realized this "when I saw Minor lying down on the ground." Ms. Bryan requested M. Frazier's presence during the interview "cause I know the poem affected me." She believed that she started hearing voices because of the poem.

Interview II, June 5, 2013: Ms. Bryan was asked again about the significance of the poem posted on Facebook. Her account was similar to the explanation provided during the initial interview. She was given the poem to read. She remembered thinking that people do not have to go through suffering on earth and that she would therefore have to harm her child in order for her not to suffer. When asked what she thought would happen if she did not carry out those actions she said, "I wasn't thinking." She believed the poem told her "that it'll be okay to kill my child because he'll remove all the pain in the body."

She reported after reading the poem she began hearing a voice telling her to hurt the child. When asked if at the time she thought she could get into legal trouble she said, "I wasn't thinking about that at the time. I just felt that's what I was supposed to do." She stated that she could not have resisted the action "because I felt that was something I was supposed to do."

Ms. Bryan was asked about a comment she made that was included in the progress note from CECMHC dated December 4, 2012 where she indicated that M. Frazier told her she was going to lose the child. She said that she did not know what this meant; she was confused by the comment. The same note indicates that she told the psychiatrist that

she had blanked out and could not stop herself. She indicated that she meant, "I snapped out of it. [I] didn't realize what I was doing."

Collateral Interview of M. Frazier: M. Frazier reported that she did not know Ms. Bryan personally and had only seen her when she went into the store where Ms. Bryan worked. M. Frazier said that she and Ms. Bryan have only exchanged pleasantries. She stated that she had not given Ms. Bryan any advice, warnings or had any other type of communication with her other than an exchange of pleasantries.

M. Frazier indicated that she found the "Empty Chair" poem on the internet and felt that she could relate to it as it reminded her of her grandmother who had passed away. She then posted it on her own Facebook page. M. Frazier said that when police called and asked her to go to Ms. Bryan's apartment she was confused by such a request, as she did not know why she would be called. On arriving, she had minimal verbal exchange with Ms. Bryan.

She was then asked to accompany Ms. Bryan to the police station. She was again confused by such a request but agreed to comply. She had minimal interaction with Ms. Bryan, and then left when Ms. Bryan indicated that she could do so. M. Frazier stated that she did not understand why Ms. Bryan would ask for her since they did not know each other. A collateral phone interview with Ms. Gillison indicated that M. Frazier told Ms. Gillison "I have no idea" what is going on when she was asked to go to the police scene.

Collateral Interview of Mrs. L. Bryan: Mrs. L. Bryan stated that in the middle part of 2011, she began noticing "a difference in Shayla, wanting to be alone." She indicated that Ms. Bryan would stay in her room with ^{Minor} after coming home from work. Mrs. L. Bryan stated, "She was never like that."

One day Ms. Bryan came home from work and said, "Momma, I met this lady at my job; this lady knew so much about me." Ms. Bryan kept pacing and holding her head. She continued repeating "this lady came to my job and read me, she knew my whole life." Mrs. L. Bryan asked her to "break it down," but Ms. Bryan would not give specifics. After that moment Ms. Bryan changed and would stay to herself. Ms. Bryan was also socializing less with her friends except her best friend. Ms. Bryan made no other odd comments. She continued to work, and take care of her daughter.

Mrs. L. Bryan later figured out that Ms. Bryan had been referring to M. Frazier. According to Mrs. L. Bryan, M. Frazier told Ms. Bryan she needed to leave her "baby father" alone, and if she did not something bad would happen to the baby. Mrs. L. Bryan stated that Ms. Bryan took this to mean she should end the relationship.

Mrs. L. Bryan was aware that Ms. Bryan began quoting the Bible, but she never heard it firsthand.

According to Mrs. L. Bryan, on the day of the alleged incident, she and Ms. Bryan were talking on the phone throughout the morning. Ms. Bryan went to her (Mrs. L. Bryan's) day care job. Ms. Bryan was concerned about not having enough Christmas presents for Minor. She indicated that she wanted money, but Mrs. L. Bryan had none so she obtained a loan for Ms. Bryan. At approximately 2 pm they talked about the loan approval. On this day, she described Ms. Bryan as "up to par" other than being a little quiet.

Mrs. L. Bryan called Ms. Bryan at 7:30 pm. Ms. Bryan was busy folding clothes and preparing food for Minor so she said she would call her back. Mrs. L. Bryan thought that Ms. Bryan had "something on her mind. She was in a quiet mode."

Sometime around 10:00 pm Ms. Bryan called her yelling, "Help, help me mommy!!!" Mrs. L. Bryan said, "Tell me who is after you?" Ms. Bryan replied, "Just help me mommy!!! Call 911" Ms. Bryan did not say anything else about what was happening; it sounded like she was running.

Mrs. L. Bryan arrived at the scene of the alleged incident, but she was not allowed to go to her daughter's residence. Ms. Bryan was asking for M. Frazier. Two days after the alleged incident, Mrs. L. Bryan visited her daughter in jail and asked her about M. Frazier and the poem on Facebook. Ms. Bryan started crying, said she read the poem and stated, "It's not her fault though."

Collateral Interview of R. Frazier: According to Ms. Bryan's cousin and roommate, R. Frazier (no relation to M. Frazier), around Christmas 2011 she was talking to Ms. Bryan when she quoted something from the Bible, prefacing it by saying "the Bible says." This surprised her because Ms. Bryan was not a regular church goer. Ms. Bryan made comments such as "I'm reading the Bible more" a couple of other times. Ms. Bryan did not talk about this excessively. Ms. Bryan did not talk with her cousin about specifics related to reading the Bible or going to church; she did not talk about her religious life. On day of the alleged incident, R. Frazier saw Ms. Bryan in the afternoon. She did not say anything out of the ordinary to R. Frazier. Ms. Bryan was interacting normally with her daughter.

Collateral Interview of Ms. Chisholm: Ms. Chisholm is Ms. Bryan's best friend. She recounted that Ms. Bryan was babysitting for her on the day before the alleged incident. When she picked up her daughter, Ms. Bryan was "herself." The day of the alleged events, Ms.

Chisholm said she spoke with Ms. Bryan around 2 pm or 3 pm. She did not say anything out of place during that conversation.

Ms. Chisholm stated that Ms. Bryan and Minor got along "great." She also said that Ms. Bryan would not use corporal punishment on Minor and she encouraged Ms. Chisholm to do the same with her daughter.

Collateral Interview of Ms. Gillison: Ms. Gillison is Ms. Bryan's co-worker. She reported that the night before the alleged incident, she and some co-workers, including Ms. Bryan, went out together. Ms. Bryan told her that she was going to start attending church. She was a bit surprised but did not think more of it. Ms. Gillison did not recall anything else out of the ordinary regarding Ms. Bryan that night.

Collateral Interview: According to Mrs. L. Bryan, R. Frazier, and S. Chisholm, Ms. Bryan and Minor got along well and had no relationship problems.

OPINION/CRIMINAL RESPONSIBILITY: It is our opinion, to a reasonable degree of medical certainty, that at the time of the alleged offense, Ms. Bryan did not have the capacity to distinguish moral or legal right from moral or legal wrong or to recognize the particular act charged as morally and legally wrong. The following evidence supports this opinion.

1. A. Ms. Bryan was experiencing symptoms of a psychotic mental illness that led her to be out of touch with reality.

In the summer of 2011, Ms. Bryan began to have delusional thoughts regarding interactions with M. Frazier, an individual that Ms. Bryan did not know personally and only saw when M. Frazier entered the department store where Ms. Bryan worked. This was temporally related to some change in her behavior such as increased isolation as described by her mother. Ms. Bryan also began to express religious ideas though this was not regarded as excessive by any the collateral interviews.

Ms. Bryan experienced auditory hallucinations around September 2011. Also, she reported seeing a shadow pass by one day while M. Frazier was in the department store where Ms. Bryan worked. Ms. Bryan came to regard M. Frazier, a stranger to her, as a "prophetess." Ms. Bryan began to interpret the pleasantries that she exchanged with M. Frazier as significant revelations about her personal life to the extent that she made changes in her life because of these perceptions. Ms. Bryan was able to continue functioning at work and in other aspects of her life, though she was having significant delusional thoughts regarding M. Frazier.

For several months, Ms. Bryan believed that M. Frazier was speaking directly to her about her personal life. Then on the day of the alleged incident, Ms. Bryan read the poem M. Frazier posted and interpreted it as a personal message to her as well. Her post on Facebook in response to the poem was, "Beautiful. I read this is so clear. That was my answer." Ms. Bryan told the CECMHC psychiatrist in December 2012 that she heard M. Frazier's voice the night of the alleged incident and "this is what I had to do."

B. Ms. Bryan was experiencing command auditory hallucinations with a concurrent delusional belief.

On the day of the alleged incident, Ms. Bryan heard command auditory hallucinations that provided a specific command to kill ^{Minor} quickly. Such a direct and specific command makes it much harder for a person who is out of touch with reality (psychotic) to refrain from carrying out the commanded action. Along with the command auditory hallucinations, Ms. Bryan had a concurrent delusion regarding her interactions with M. Frazier, as described above.

2. There is no rational alternative explanation for Ms. Bryan's actions.

Ms. Bryan reported that she had a good relationship with ^{Minor} and described her as a good child. Ms. Bryan had full custody of ^{Minor} until the time of the alleged incident. Collateral interviews indicate that Ms. Bryan treated ^{Minor} well. Collateral also indicates that Ms. Bryan did not use corporal punishment on ^{Minor}.

3. Ms. Bryan did not attempt to avoid detection as one would if one were aware of the wrongfulness of an act.

Ms. Bryan did not flee the crime scene. The available police reports do not indicate that she tried to hide evidence by cleaning or throwing away potential evidence. The police reports do not indicate that she avoided apprehension.

4. Ms. Bryan's behavior was described as unusual by several officers who saw her shortly after the alleged acts.

She did not respond to simple questions that officers posed her. She did not acknowledge their presence but sat in a fetal position and showed no emotions. She then began to repeat over and over again, "Call Martha Frazier." Ms. Bryan did not know her, yet she referred to M. Frazier as her "pastor." She also said that M. Frazier would know "what happened." Ms. Bryan did not show remorse as one would if one were aware of the wrongfulness of an act.

The following could be perceived as evidence that she understood wrongfulness. Ms. Bryan called 911. When she was interviewed by police, Ms. Bryan provided two different accounts of the alleged events. Despite these points, the written statement that she provided the police at the end of the interview was nonsensical and consistent with the thought process of someone who is out of touch with reality.

In the police interview, Ms. Bryan reported that she used marijuana daily. Ms. Bryan reported that she smoked marijuana on the day of the alleged incident. It is very unlikely that the effects of marijuana would lead to the conduct described in the alleged offense.

Ms. Bryan's symptoms in 2011 are consistent with an evolving loss of contact with reality. Since the alleged incident, Ms. Bryan has been diagnosed with a psychotic disorder and treated with anti-psychotic medication. She has demonstrated further symptoms of loss with reality (e.g. talk of "sound statements," paranoia, the above incident with an inmate, etc.)

Given the above, it is opined that, due to a psychotic mental illness, Ms. Bryan lacked the capacity to distinguish moral or legal right from moral or legal wrong or lacked the capacity to recognize the particular act charged as morally or legally wrong.

SUMMARY: Ms. Bryan is a 24-year-old female currently in custody and charged with Attempted Murder. She is given the psychiatric diagnosis of Psychotic Disorder, Not Otherwise Specified. It is opined that, on the date of the alleged charge, Ms. Bryan lacked the capacity to distinguish moral or legal right from moral or legal wrong or lacked the capacity to recognize the particular act charged as morally or legally wrong. Since it is opined that Ms. Bryan lacked Criminal Responsibility at the time of the alleged offense, an opinion on Capacity to Conform is not rendered.

Respectfully Submitted,



Ana Gomez, M.D.
Forensic Psychiatrist

9.24.13

Forensic Psychiatric Evaluation

Jesse A. Raley, M. D.

NAME: Shayla Bryan (DOB)

DATE OF REPORT: March 21, 2014

REFERRAL:

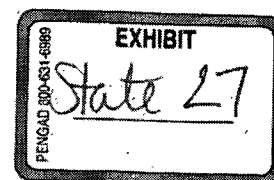
The Beaufort County Solicitors Office contacted this evaluator based on concerns regarding the opinion of Dr. Anna Gomez with the Medical University of South Carolina department of Forensic Psychiatry that Ms. Shayla Bryan was not Criminally Responsible in relation to the charge of Attempted Murder of her minor daughter, ^{Minor} (Arrest Warrant J-358217) on or about December 19, 2011.

This evaluator thoroughly reviewed the information listed below. This evaluator requested the opportunity to perform a clinical interview with Ms. Bryan; however, defense counsel denied this. This evaluator believes that the abundance of information including the videotaped interview of Ms. Bryan immediately following the incident, provide more than adequate information to reach an opinion to a reasonable degree of medical certainty regarding criminal responsibility in this case.

This evaluator believes that it would be highly unlikely, given the extent of the evidence, that a clinical interview would change the opinion regarding Ms. Bryan's mental state at the time of the alleged offense, and therefore not change the opinion regarding criminal responsibility.

SOURCES OF INFORMATION:

1. Criminal Responsibility and Capacity to Conform Evaluation completed by Ana Gomez, M.D. based on evaluation dates April 9, 2013 and June 5, 2013.
2. Competency to Stand Trial Evaluation completed by Ana Gomez, M.D. based on evaluation on December 13, 2012.
3. Videotaped interview of Ms. Shayla Bryan immediately following the incident on December 19, 2011
4. Audio from 911 calls regarding Case #11-03443
5. Beaufort Police Department Incident Report Case #11-03443
6. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Michael King
7. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Joshua Dowling
8. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Jason Day
9. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Robert Carson
10. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Owen Goethie



11. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Trisha Gutterson
12. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Richard Poole
13. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Jack Davis
14. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Charles Raley
15. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Kennedy Sooknanan
16. Beaufort Police Department Incident Report Case #11-03443 Supplemental by George Erdel
17. Beaufort Police Department Incident Report Case #11-03443 Supplemental by Andrew McCormack
18. Beaufort Police Department Incident Report Case #11-03443 Supplemental by William Carter
19. Beaufort Police Department Booking Report of Shayla Bryan Case #11-03443
20. City of Beaufort Search Warrant Case #11-03443 requested by Joshua Dowling
21. Email to melanies@bcgov.net from Joshua Dowling
22. Beaufort Police Department Evidence Control Sheet Case #11-03443
23. MUSC Violence Intervention and Prevention and SCAN team records regarding Minor 12/20-12/21/11
24. South Carolina Law Enforcement Division forensic services lab for Case #11-03443
25. Screen Capture sent from Susan Howden to Pam Brown via email
26. Email from Joshua Dowling to "Court Contacts" subject Arrest Warrant Case #11-3443
27. South Carolina Law Enforcement Division (SLED) Chain of Custody for Case #11-03443
28. Arrest Warrant J-358217 Murder/Attempted Murder-Shayla Bryan
29. Master ID Information for Justin Denzel Singleton #0000045595
30. Statement of Chris Beverly for Case #11-03443 dated 12/19/11
31. Statement of Michael Gioquinto for Case #11-03443 dated 12/19/11
32. Statement of Sharon Gioquinto for Case #11-03443 dated 12/19/11
33. Statement of Courtney Gioquinto for Case #11-03443 dated 12/19/11
34. Beaufort City Police Dispatch Actions for Event # 01-201100079601
35. Beaufort City Police Calls for Service for Event # 01-201100079601
36. SLED Interview Report regarding Ms. Bryan Attempted Murder Charge (11-12-0012), interview of Evonne Gillison on 3/6/12
37. SLED Interview Report regarding Ms. Bryan Attempted Murder Charge (11-12-0012), interview of Justin Singleton on 4/11/12
38. SLED Interview Report regarding Ms. Bryan Attempted Murder Charge (11-12-0012), interview of Evonne Gillison on 3/6/12
39. SLED Interview Report regarding Ms. Bryan Attempted Murder Charge (11-12-0012), interview of Lavonia Bryan on 3/6/12

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Bryan and Mr. Hagood's girlfriend, Amber Rhodin. Different incident reports identified Ms. Bryan as the victim at times, while other incidents had Ms. Rhodin as the identified victim. These incidents made up Ms. Bryan's prior legal history.

According to multiple sources of information, Ms. Bryan used cannabis on a regular basis. During her taped interview immediately following the incident on December 19, 2011, Ms. Bryan reported daily use of cannabis including use hours before the incident.

The incident itself unfolded with an unidentified woman (later identified as Ms. Bryan) calling 911 and stating she had "killed [her] daughter." The call disconnected, but shortly thereafter 911 was contacted by others at the crime scene who reported a 3-year-old (later identified as Minor) had fallen. Police reports show that Ms. Bryan was found with her daughter in a neighbor's apartment performing CPR on her daughter. EMS transported Minor for treatment ultimately going to the Medical University of South Carolina (MUSC) to be medically stabilized.

Ms. Bryan was reported to be minimally responsive and appearing to have had urinary incontinence. She was saying that she would only talk to a pastor named Martha Frazier; Ms. Bryan said Ms. M. Frazier would understand. Ms. M. Frazier was contacted, and she arrived at the scene. Later Ms. M. Frazier rode with Ms. Bryan as she was transported to the police station with law enforcement for questioning. Ms. M. Frazier reported that she did not know Ms. Bryan but recognized her from a clothing store where Ms. Bryan worked.

Over the course of questioning, Ms. Bryan was very reluctant to answer questions. She appeared to be willing to engage with Ms. Frazier in conversation even at the beginning of questioning. When she began talking with law enforcement about the events, she appeared to appropriately without hesitation respond to questions unrelated to what had happened to Minor . She reported a largely uneventful day that included going to the daycare where Ms. Bryan's mother worked. She returned home and talked with her cousin, Ms. R. Frazier. She used cannabis during the afternoon, and then later was alone with Minor in the apartment.

When Ms. Bryan was asked questions regarding what had happened to Minor Ms. Bryan immediately became more reluctant to talk. Initially, Ms. Bryan reluctantly stated that she did not know what had happened to Minor . After extensive questioning following this pattern of reluctance and reporting that she did not know what happened to Minor Ms. Bryan transitioned to reporting a man had injured Minor and thrown her from the third story apartment. Ms. Bryan even directly stated that she "didn't hurt [her] baby." Likewise, Ms. Bryan reported that she did not want to appear to be leaving out information.

As the interview further progressed, Ms. Bryan's story became more elaborate. It extended to Ms. Bryan seeing the man but not knowing him. She further reported that Minor saw the man and said, "who that man is (sic), I don't want him seeing

Not Otherwise Specified. They did identify that "it is also unclear whether [cannabis] played a role in precipitating these symptoms."

DIAGNOSTIC IMPRESSIONS:

This evaluator is unable to form opinions regarding Ms. Bryan's current mental status and diagnostic impressions. There is sufficient information for this evaluator to opine that if psychosis in the form of either delusions or hallucinations were present at the time of the alleged offense, the diagnosis would be Cannabis Induced Psychosis. Psychosis cannot be diagnosed as something other than substance induced without 30 or more days of abstinence from cannabis.

The diagnoses that followed during Ms. Bryan's time in the detention center are unclear to this evaluator without personally interviewing Ms. Bryan. While this evaluator does not believe that information would change the opinion regarding Criminal Responsibility some considerations should be made to explain the symptoms that may have occurred following the December 19, 2011 incident.

It should not be overlooked that a person committing a crime or violent act may himself or herself experience the event as traumatic. Post Traumatic Stress Disorder, Major Depressive Disorder with Psychotic Features, or other anxiety disorders could occur in the perpetrator following a traumatic event. One or more of these types of symptoms should be considered as diagnoses for Ms. Bryan.

Because Ms. Bryan did not have fixed delusions or hallucinations based on the information surrounding the time of the incident, development of Schizophrenia or a psychotic disorder would likely have emerged after the events of December 19, 2011. Had that day been a part of Ms. Bryan beginning to show signs of a psychotic break her delusions would have still been fixed and unchanging. Also, a person can be mentally ill and still maintain the ability to know the difference between right and wrong making them criminally responsible.

REASONING AND OPINION REGARDING CRIMINAL RESPONSIBILITY:

When Ms. Bryan was questioned by law enforcement, she did not appear to hesitate to talk to Ms. Frazier nor did she hesitate to talk with law enforcement regarding the other events of the day unrelated to Dionna's injury. A person experiencing delusions is usually much more willing to voice that delusional material. For example if she believed the Devil had taken over her body, then it would be atypical that an acutely delusional person would not voice that.

Additionally, her own admittance that she immediately knew she had done something wrong; directly reflects knowing the difference between right and wrong. The immediacy of this realization and abrupt change in actions from attempting to kill Minor to save Minor is highly inconsistent with a person operating under an uncontrollable delusion. Delusions are fixed false beliefs, meaning that a person cannot be convinced otherwise. Delusions would not resolve or be easily controlled.

so quickly. Delusions require days or weeks of treatment with medication to show signs of change or improvement.

Ms. Bryan's initial reluctance to answer questions, then hide her actions by fabricating a story that a man had come into the apartment and carried out the assault on Minor are highly suggestive of ability to distinguish moral and legal right from moral and legal wrong. This was consistent with avoiding getting caught.

Directly addressing that Ms. Bryan did not want to appear to be leaving out information while being questioned by law enforcement as well as stating that it would be suspicious if she misidentified the man in her fabricated story, reflects that Ms. Bryan understood legal right from wrong in the sense that she did not want to appear deceptive and therefore appear guilty.

Ms. Bryan's confession, crying and saying that she was evil, she had hurt Minor and that she did not mean to do it are all aspects that show she felt guilt regarding the actions. Her reluctance and deception prior to this confession reflect that she knew her actions were wrong both morally and legally. Ms. Bryan also stated in her confession that "[she] would not be forgiven for this," which suggests understanding of moral wrongfulness.

In regards to Ms. Bryan's initial minimally responsive behavior when police arrived at the crime scene, could be explained the shock of the situation. A parent realizing that his or her child is critically wounded may respond in a variety of ways that are unpredictable. Given that the patient did not appear to be delusional and the cumulative information described in the preceding paragraphs, Ms. Bryan was most likely in shock related to the events.

Based on the abundance of information that Ms. Bryan maintained an understanding of moral/legal right from moral/legal wrong, and Ms. Bryan did not to be operating under in an impaired state due to delusions or other mental illness, this evaluator renders the opinion to a reasonable degree of medical certainty that Ms. Shayla Bryan was Criminally Responsible in regards to the charge of the Attempted Murder of her daughter, Minor, on or about December 19, 2011. (Based on SC Section 17-24-10)

This evaluator further offers that if evidence could be produced to a reasonable degree of medical certainty that Ms. Bryan lacked criminal responsibility due to psychosis, this would be negated by the fact that she regularly engaged in the voluntary use of cannabis making her diagnosis Cannabis Induced Psychosis which would not be eligible for consideration of a Not Guilty By Reason of Insanity defense.



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304 WITNESSES

J. Dowling, Beaufort PD

ARREST WARRANT NUMBER

J358217

ACTION OF GRAND JURY

True Bill

Tiffany J Haak
Foreperson of Grand Jury
Date: JAN 26 2012

VERDICT

guilty of attempted murder

Nate Murphy

Bench trial 5/21/14
Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012GS0700105

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

January Term 2012

THE STATE

vs.

Shayla Jerea Bryan

Indictment for

Attempted Murder

SC Code: 16-03-0029

CDR Code:3410

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0700105

At a Court of General Sessions, convened on January 26, 2012, the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

That in Beaufort County, South Carolina, on or about December 19, 2011, the Defendant, Shayla Bryan, with intent to kill and malice aforethought, either express or implied, attempted to murder the victim, ^{Minor} [REDACTED] "a violation of Section 16-03-29 of the Code of Laws of South Carolina (2010, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

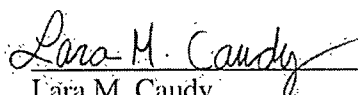


Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 9th, 2016



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

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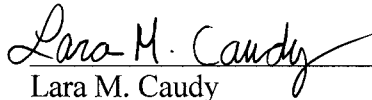
SC Court of Appeals

306

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