Vol. I of II

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

Honorable George M. McFaddin, Circuit Court Judge

ALEXANDER B. WILSON, JR.

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-000693

APPENDIX

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State of South Carolina

County of Sumter

State of South Carolina,
Plaintiffs
vs.

Alexander B. Wilson,
Defendant

Motions Hearing
2011-GS-43-00698

September 4, 2014
Sumter, S.C.

BEFORE THE HONORABLE George C. James, Jr., Judge.

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

Mr. Ernest A. Finney,
Solicitor for Third Circuit

Mr. Charles T. Brooks,
Attorney for Defendant

Margaret T. Sullivan,
Court Reporter

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THE COURT: What is the name of the case?

MR. FINNEY: I have got a caption for the court reporter, Your Honor. This is The State of South Carolina versus Bernard Alexander Wilson. And this is Mr. Brooks' motion for a speedy trial. And we'd ask the court or are asking the court today to listen to some mental health information, because there is a mental health issue here that we need so we can go ahead and schedule the case for trial.

THE COURT: Mr. Brooks, it's your motion for a speedy trial?

MR. BROOKS: I did, Judge. Two motions that we need to put on the docket. One is a speedy trial. One is for a bond. Judge, my client has been sitting in jail two years, three years now?

THE DEFENDANT: Four years.

MR. BROOKS: Four years.

THE COURT: Does he have a bond?

MR. BROOKS: No. No, sir.

THE COURT: Okay.

MR. BROOKS: And we'd ask for obviously, a speedy trial at my client's request. We think -- I think that those two motions are probably not

nearly as significant as the mental health stuff that we're going to get into.

THE COURT: Are you asking for an evaluation?

MR. BROOKS: We've already -- he's already been evaluated. I have my doctor here, Dr. Thomas Martin, who has evaluated him.

THE COURT: Okay.

MR. BROOKS: I just made these motions because Mr. Wilson wanted to make these motions in regards to a speedy trial.

THE COURT: What's he charged with?

MR. FINNEY: He's charged with murder, Your Honor. And indicted 2011-GS-43-0698 for the killing of his mother Mrs. Elizabeth Wilson on November 29th 2010, in the town of Maysville.

THE COURT: And is there any particular reason why It hasn't been tried by now?

MR. FINNEY: Because of the mental health evaluations that were requested.

THE COURT: No question that -- well is there question that you know of, Mr. Finney, that he was not the person who killed her, or was it an issue of sanity?

MR. FINNEY: It is an issue of sanity,

Your Honor. We do believe we have the right person.

THE COURT: Mr. Brooks, then would you like -- how do you all work this?

MR. FINNEY: Well I am not sure we need to have testimony. The issue was, I didn't want to set it for trial based on a speedy trial motion, with the mental health status not being assured. We believe that based on Mr. -- on Dr. Martin's report and the report from the state hospital that both doctors agree that he is competent to stand trial. There is a difference as to whether or not he was able to differentiate right from wrong on November 29th 2010.

THE COURT: So that's what would be one of the primary factual issues at the trial but not for today. Is that right, Mr. Brooks?

MR. BROOKS: That's correct, Judge.

THE COURT: Would you like to call witnesses or do you all want to reach some type of stipulation on the record? Or, Mr. Brooks, do you want to build a record with testimony? How would you like to work the hearing?

MR. BROOKS: I probably since I have Dr. Martin here, I think I probably need to go

ahead and just at least build a record as far as him being here. And what his report is. I know Dr. Domino is not here. And that was the doctor from mental health that evaluated him.

THE COURT: And one of the things of course, any judge is going to want hear at this stage will be whether or not this doctor or the State's witness has opinion as to whether or not his, if they say he is competent now, whether or not that is a fragile state that might disappear at any given time when there is any type of stress like jury selection. That's always a pertenient thing to consider. Maybe not today, but it's certainly helpful to know at some point.

MR. FINNEY: If the doctor is going to testify, I have no objections to stipulating to his written report. But his written report refers to and reflects upon the State doctor's report. And I would move that that also, I think there are actually two reports on -- actually there is a report on McNaughton and Blair on two different occasions by the same State doctor.

THE COURT: And his opinions, the State's doctors opinions on competency, that he is competent?

MR. FINNEY: Yes. The first one, the first opinion in 2011, was that he was not competent to assist at trial, but that he was able to differentiate between right and wrong. That now has changed to the fact that he is now competent.

THE COURT: And able to differentiate.

MR. FINNEY: And able to differentiate.

THE COURT: Dr. Martin's opinion is that he's competent but---

MR. FINNEY: Was not sane at the time of the incident.

THE COURT: Mr. Brooks, if you want to call a witness that's fine.

MR. BROOKS: Your Honor, at this time, we would call Dr. Martin to the stand.

Dr. Martin, being first duly sworn, testified as follows:

THE BAILIFF: State your full name and spell your last for the record.

A Thomas Victor Martin. M-A-R-T-I-N.

DIRECT EXAMINATION by Mr. Brooks:

Q Dr. Martin, how are you doing today?

A I am fine, sir, thank you.

Q Now, Dr. Martin, can you just start off

and tell the court some background information, where you went to school and a little bit about your training?

A Yes, sir. I went of University of Maryland. I graduated in 1979 with a Bachelor of Science in Clinical Psychology. In 1984 I completed a Master's of Science program in biomedical science at Hood College in Maryland. In 1988 I graduated from the uniform services University School of Medicine with a medical degree. In 1992 I completed a residency in psychiatry. I practiced for a number of years. And then I came to South Carolina. In 2000 I completed a forensic fellowship in forensic psychiatry.

I am board certified by the american board of Psychiatry and Neurology in both general and Forensic Psychiatry. Currently, I have a private practice in Columbia. And I do a number of therapeutic cases, forensic cases, as well as med. management cases.

THE COURT: Any objection to him being qualified as an forensic psychiatry and general psychiatry?

MR. FINNEY: None from the State.

THE COURT: He is qualified.

Direct Examination by Mr. Brooks:

Q Doctor, did you have an opportunity to meet and evaluate Mr. Wilson?

A Yes, sir, I did.

Q And you have done a report to that effect, is that correct?

A That's correct.

Q What did you find as a part of your evaluation?

A Well my evaluation consisted of looking at a number of discovery items, to include police reports, statements made by witnesses, as well as, forensic pathology reports, autopsy reports, et cetera. It was also including a three-hour evaluation where I met with Mr. Wilson at the Sumter County Detention Center on April 29th of this year. That was actually followed by an approximately 20-minute follow up evaluation of his competency just a few minutes ago. And I essentially was accessing at your request, his competency to stand trial and criminal responsibility; in that, I would diagnose whether or not he suffered from any major mental illness. And if so, whether it played a part in any of

those other two issues just stated.

Q Does he suffer from a mental illness?

A Yes, his record is peppered completely with schizophrenia, paranoid type. He's been treated by numerous hospitals, been committed to various hospitals, before and even after this alleged crime in 2010, for restoration of mental stability. He has been an outpatient at the VA. And has been on a myriad of psychotropic medication especially, antipsychotic medication.

Q Now, in the past after the incident, he was deemed not to be competent to stand trial. And he has since been given a lot of medicine, is that correct?

A That's correct.

Q Can you tell the court what he has been given?

A He's been given, well a number of antipsychotic medications. Currently he is on Haldol and Haldol Decanoate. Haldol is an antipsychotic medication. The decanoate is one that is an injection given. In his case, on monthly basis to help insure that he receiving the medication and being in case he doesn't daily doses of Haldol that he is also prescribed while

in the detention.

THE COURT: Decanoate. D-E-C-A-N-O-A-T-E.

A Yes, sir.

THE COURT: And that's -- is that a variation of regular Haldol?

A Yes, sir. It is called a Depo, meaning that is given every 2 or 4 weeks. In his case, every 4 weeks. And he's also taking an antidepressant.

Q Now how has taken the medications changed him?

A Well he is what I would consider to be stable at this time. Stable meaning that his schizophrenia is in a more of a residual treated state. However, he is still suffering from delusions and so forth that is consistent with schizophrenia. No antipsychotic medication or psychotic therapeutic treatment can cure anyone from schizophrenia, but he is manageable to the point where I thought he was considered competent to stand trial.

Q And that's your opinion because of his taking medications at the time at the detention center, that puts him in a position to be competent.

A Yes, sir. I covered a number of items that are pertinent to competency to stand trial, and he convinced me that he had both a rational and a factual understanding of those issues, the roles of the officers of the court, the potential sentencing and so forth.

Q And as a matter of fact, that standard for competency that's different when you start talking about whether somebody is able to differentiate between right and wrong at the time of the incident.

A That's correct. Competency to stand trial is a here and now assessment. Criminal responsibility is a there and then assessment.

Q And as a part of your evaluation, you did evaluate him for a there and then assessment, is that correct?

A Well once I evaluate him initially in April 29th of this year and found him to be competent at that time, I did proceed and cover in detail the crime that had taken place November 29th 2010.

Q Okay. And you, as a part of your evaluation, you had the State's evaluation to look at as well, is that correct?

A Yes, I believe he received maybe up to six of them.

Q Some of these before the incident?

A No, sir.

Q No, wait, these are after the incident.

A Yes, sir.

Q And when did you determine in regards to the there and then assessment?

A You mean his criminal responsibility?

Q Correct.

A I found that Mr. Wilson at the time November 29th 2010, that he had been without his antipsychotic medication for almost two weeks; was unable to get a hold of it, and suffered from a regression in his paranoid schizophrenia and acted violently against Mrs. Wilson in the process.

Q Now back to the competency issue, that pretty much hinges on him taking his medication.

A In my opinion, yes.

Q So if he's not given medication, doesn't take the medication, that could potentially change the competency.

A That's likely, but his competency also may fluctuate even when compliant with the medication. That is why I needed to access him before this

hearing today.

Q And that's why you took the time to have another meeting with him, is that correct?

A That's correct.

Q Did anything change between your first encounter with Mr. Wilson and your meeting him today?

A No, sir. He appeared about the same.

Q So nothing -- there is nothing that would -- that occurred today that would change your report.

A That's correct.

MR. BROOKS: Judge, I don't think I have any other questions.

THE COURT: Mr. Finney.

MR. FINNEY: May it please the court.

THE COURT: Yes, sir.

Cross Examination by Mr. Finney:

Q Dr. Martin, thank you for coming to Sumter today.

A Thank you, sir.

Q Dr. Martin, you testified that you meet with Mr. Wilson about three hours at the Sumter jail back in April. I believe it's April.

A Yes, sir.

Q And that from that meeting and evaluation assessment, you were able to write a report which you have relied upon to submit to the lawyer that hired you, Mr. Brooks.

A That is correct. I also included other materials in the discovery.

Q And that's where we're going. The other materials that you reviewed were mental health evaluations on both his competency to stand trial and his criminal responsibility that were performed by Dr. Marla Domino at the South Carolina Department of Mental Health.

A Yes, sir.

Q And I want to show you Dr. Domino's first report that I think is mentioned in your report. Do you have a copy of your report?

A I have a copy of mine right here.

Q Yes, sir. I believe---

THE COURT: It's Marla Domino?

A It's Dr. Marla Domino, yes, sir.

THE COURT: Domino. Okay not Dominio. I just wanted to make sure I understand the person.

Q I want to show you what is a report from Dr. Domino on a competence to stand trial dated March 8th 2011. Are you familiar with that?

A Yes, sir.

Q And did you review that report in making your finding and evaluation?

A Yes, sir.

Q And am I correct in saying that at the time, which was roughly 6 or 7 months after the death of Ms. Wilson, Dr. Domino thought that Mr. Wilson did have some paranoid type schizophrenia, but that he did -- but as far as this report is concerned, the competence report, that he was not competent to stand trial because he couldn't assist his lawyers, because of the nature of his mental illness.

A Yes, sir. That's my understanding.

MR. FINNEY: And, Your Honor, I'd like to have that marked as State's Exhibit No. 1 for this.

THE COURT: Are you talking about Dr. Domino's report?

MR. FINNEY: Yes.

THE COURT: Do you have an objection to that?

MR. BROOKS: No objection.

THE COURT: The defendant's objection is a report I haven't given to the court reporter yet.

I mean the defendant's exhibit. You can hand that to her.

(Report of Dr. Domino marked State's Exhibit No. 1.)

Q Doctor, did Dr. Domino see Mr. Wilson in, or as a result of that first interview on March 8th, did she also do a criminal responsibility report?

A Yes, she did.

Q And did you review that?

A Yes, sir, I did.

Q And in that report Dr. Domino suggested that at the time of the alleged offense Mr. Wilson did not lack sufficient capacity to conform his conduct to the requirement of law, due to a mental defect or disease.

A That's what she stated.

Q That was her findings?

A Yes, sir.

MR. FINNEY: This would be a criminal responsibility report from Dr. Domino. That would be our second---

MR. BROOKS: No objection.

MR. FINNEY: ---exhibit.

THE COURT: That's no. 2.

(Criminal Responsibility Report marked State's Exhibit No. 2 into evidence.)

Q And then, Dr. Martin, are you familiar with Dr. Domino's report of July 2011, where she did an evaluation where she issued two reports, one on competence to stand trial, which was what we call a Restoration Report. And also -- well that's the same thing. Competence to stand trial evaluation under which she could consider the restoration. This was probably 3 months after the first report we just talked about.

THE COURT: Three years, wouldn't it be?

MR. FINNEY: No, sir. Three months. It's still 2011.

A Yes, sir, I did review this.

Q She signed that report July 20th 2011.

A Correct.

Q And at that time, did she opine that Mr. Wilson lacked the capacity to understand the proceedings and to assist in his defense as a result of a mental defect?

A Yes, he was not competent to stand trial.

MR. FINNEY: I would like to admit this report as State's No. 3.

THE COURT: That's No. 3.

(Report of Competency to stand trial marked State's Exhibit No. 3 into evidence.)

Q And did you have a chance to review Dr. Domino's reports, two of them, one on Criminal Responsibility and one on Competence to Stand Trial, which were done in December and January, December of 2013 and January of 2014, the last report, the last time Dr. Domino saw him.

A Yes, sir. I reviewed both of these reports.

Q And relative to her competence to stand trial, reevaluation which was dated January 15th 2014, did she find that he does not, Mr. Wilson does not currently lack the capacity to understand the proceedings against him or to assist in his own defense?

A Yes, he was competent to stand trial according to Dr. Domino.

Q And under the criminal responsibility report taken at the same time, did the doctor determine that he was capable of conforming his conduct and knowing right from wrong?

A Yes, sir.

MR. FINNEY: Now, I would like to have those reports marked as 4 and 5 for the State

please.

MR. FINNEY: No objection.

(Reports marked State's Exhibit Nos. 4 and 5 into evidence.)

Q Dr. Martin, after you reviewed the reports from Dr. Domino and you met with Mr. Wilson, you then complied your report to be submitted to Mr. Brooks.

A Yes, sir.

Q Did you ever review any letters that had been written by the defendant to his lawyer or to the court or to you?

A He wrote no letters to me, and I don't recall reviewing any letters.

Q Did you review any records from the jail facility that has housed him over the last 3 years to determine what kind of inmate he is, and what kind of compliance he has with mediation and instructions from the correctional officers?

A No, sir.

Q And did you talk with any family or friends of Mr. Wilson to get any background about how he was shortly before November of 2010, or how he has been contacting them or been in touch with them since then?

A No, sir.

Q And it is your opinion that based on the two times that you've him in April and today, that he is competent to stand trial, and that a trial could be scheduled as long as he remains competent. And that your opinion is based on what you know about the case; that he was not criminally responsible at the time of the mother's death in November of 2010.

A Yes, sir.

MR. FINNEY: Judge, I don't think I have anything further.

THE COURT: Mr. Brooks.

MR. BROOKS: No other questions.

THE COURT: Any objections to me asking him a couple of questions?

MR. FINNEY: No objection.

MR. BROOKS: No. No, sir.

THE COURT: Dr. Martin, on the issue of competence what are some -- are there any outside factors that would adversely impact his competence; such as, being under the stress of an impending trial, jury selection, close quarters in a courtroom. Is there anything that needs to be, that these lawyers need to be aware of that would

impact him in that regard as far as his ability to assist Mr. Brooks?

A I covered those kind of materials in courtroom behavior as well.

THE COURT: It's in your report.

A I believe it is.

THE COURT: Okay.

A But I found that there is nothing that would preclude his cooperating with his attorney, plus understanding the components that would be required to either make a plea or to go to trial.

THE COURT: But the stress of getting in the jail van or getting in a vehicle driving up here, knowing you're getting here to pick a jury, that's not going to affect his ability to help his lawyer?

A It doesn't appear, because he wasn't sure why he was coming today. And a few minutes ago he looked pretty well.

THE COURT: And one last thing since the lawyers covered it briefly. Is there some established protocol for a psychologist or a psychiatrist in reaching the point of evaluating a person for capacity of criminal responsibility? In other words, do they have to be competent

legally, in your judgment before that evaluation can be performed?

A That's actually correct, Your Honor.

THE COURT: Is that an established protocol?

A In my practice and in my field, it is. If they're not competent to let's say, stand trial, any material gathered on criminal responsibility could be just as bogus as their thinking was for competency.

THE COURT: I was just curious about that from listening to the questions and the answers. Any questions from Mr. Brooks on that point? Or any points I've asked him about?

MR. BROOKS: No, sir.

THE COURT: Mr. Finney?

MR. FINNEY: No, sir.

THE COURT: Thank you, sir. You can step down.

A Yes, sir.

THE COURT: Mr. Brooks, any additional witnesses?

MR. BROOKS: No, sir, Judge.

THE COURT: Mr. Finney, do you have any witnesses you would like to call? I don't know

what the real issue would be today except it appears that the parties have stipulated he is competent. And I will so rule at this time. The reports indicate that. Of course, that's a moving target so to speak. So if, I am certainly not going to get into criminal responsibility that's a, no issue has been raised on that today. Do you want to go forward with your speedy trial motion? Or if Mr. Wilson wants you to, it will be up to you decide whether to make -- to go forward with that today or in a succeeding term. So what do you want to do?

MR. BROOKS: Well, Judge, since we brought it and we're all here, you can deal with the speedy trial motions and the bond.

THE COURT: Well I don't think that unless less Mr. Finney wants to, he can try it this year.

MR. FINNEY: I would like to -- if you tell me the speedy trial motion is something the court would be, I mean the case is ready, Your Honor.

THE COURT: I think it should be pretty speedy, because he is in a window of competence. Mr. Brooks has made the motion, and you may want to just want to accelerate it on your own. But if

you all need an order from me, outside argument for you, I can set an outside limitation to where he would be tried this year. We don't have a schedule for the first half of next year.

MR. FINNEY: Right. I would say, Your Honor, we can meet that, if you would allow me to have it placed on the trial schedule between now and December 30th, we'll meet that target.

THE COURT: And the result if that did not occur?

MR. FINNEY: Would be that we would return here for a show cause motion. And If I can't show you good cause why, then I think the issue of bond would be reasonably on the table.

THE COURT: Mr. Brooks, your comments on that?

MR. BROOKS: Judge, I think that's satisfactory. It's just, you know, he has been in there some time. So we just need to.

THE COURT: I will sign an order to that effect. Mr. Brooks, one of you all can, you can arm wrestle on who's going to prepare the order. But I will sign an order to that effect.

MR. BROOKS: He's designated me, Judge. So...

THE COURT: I do know there are terms. I think Judge Cothran has the very last week of criminal court this year. And maybe that's something you all can bring up to him if you don't have it tried.

MR. FINNEY: It appears that December the 1st is a two-week term with yourself and Judge Young. That looks like the best week right now. December the 1st, is the first week. That second week is Judge Cothran, but he is by himself. And I believe we have that as nonjury.

THE COURT: But what I'm saying is, if it's not tried by the time you get to Judge Cothran's one week term, then perhaps he can hear your motion on bond.

MR. BROOKS: That's fine with me, Judge.

THE COURT: I'll sign an order to that effect.

MR. FINNEY: Thank you, Your Honor.

THE COURT: Thank you, Dr. Martin.

----End of Requested Transcript of Record--

C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced on September 4, 2014, in General Sessions Court Nonjury for Sumter County, Sumter, South Carolina.

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

7-25-15
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/2021

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

STATE OF SOUTH CAROLINA)

STATE,)

v.) TRANSCRIPT OF RECORD
11-GS-43-0698

ALEXANDER WILSON, JR.,)

DEFENDANT.)

December 1, 2014
Sumter, South Carolina

B E F O R E :

THE HONORABLE W. JEFFREY YOUNG, JUDGE;
AND JURY

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

ERNEST A. "CHIP" FINNEY, III, ESQ.
JOHN P. MEADORS, ESQ.
Solicitors

CHARLES T. BROOKS, III, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

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THE COURT: All right, Solicitor, you ready to proceed?

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

THE COURT: Yes, sir.

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

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

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

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

(Bailiff approaches the Bench.)

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

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

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

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

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

(There was no response.)

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

Y'all have the jury — the witness list?

MR. MEADORS: Your Honor, I put it on your — I believe it's on your...

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

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

MR. BROOKS: Doctor Thomas Martin.

THE COURT: And Doctor Thomas Martin.

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

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

witnesses in this case, if so, please stand.

Yes, sir. State your name and number.

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

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

THE POTENTIAL JUROR: Yes, sir.

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

THE POTENTIAL JUROR: No, sir, because I know 'em and I know them biological ——

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

MR. MEADORS: No, sir.

MR. BROOKS: No, sir.

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

SOLICITOR FINNEY: What number, Your Honor?

THE CLERK OF COURT: 63.

MR. FINNEY: Thank you.

THE POTENTIAL JUROR: Number 113.

THE COURT: Yes, ma'am.

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

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

Yes, sir, Mr. Moore.

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

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

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

And Mr. Meadors, you want to represent — or introduce your team?

MR. MEADORS: Solicitor Finney and I will be ——

THE COURT: Yes, sir.

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

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

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

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

(There was no response.)

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

(There was no response.)

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

THE POTENTIAL JUROR: Could you repeat that please.

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

THE POTENTIAL JUROR: It was a niece by

marriage.

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

(There was no response.)

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

(There was no response.)

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

(There was no response.)

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

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

(There was no response.)

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

MR. MEADORS: No, sir.

THE COURT: Does the Defense have any additional questions?

MR. BROOKS: No, sir.

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

or gender.

THE CLERK: Please the Court, Your Honor.

THE COURT: Yes, sir.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat the juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

MR. MEADORS: Please excuse the juror.

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

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

MR. MEADORS: What saith the Defendant?

MR. BROOKS: Please excuse this juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

What saith the State?

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

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

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please excuse this juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

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

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat the juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

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

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

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

MR. MEADORS: Please excuse the juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat this juror.

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

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

MR. MEADORS: Please excuse the juror.

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

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

MR. MEADORS: Please excuse the juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Seat the juror.

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

THE COURT: Two alternate jurors.

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat the juror.

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

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

MR. MEADORS: Please present the juror.

THE CLERK: What saith the Defendant?

MR. BROOKS: Please seat the juror.

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

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

THE CLERK: Yes, sir.

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

(Juror raised her hand.)

THE CLERK: Gerald Tomlin.

(Juror raised his hand.)

THE CLERK: Anne Walton.

(Juror raised her hand.)

THE CLERK: Brandon Tedder.

(Juror raised his hand.)

THE CLERK: Jarrod Dubose-Schmitt.

(Juror raised his hand.)

THE CLERK: Randall Smith.

(Juror raised his hand.)

THE CLERK: Sylvester Godbolt.

(Juror raised his hand.)

THE CLERK: Sheila Ayers.

(Juror raised her hand.)

THE CLERK: Wendell Hoskins.

(Juror raised his hand.)

THE CLERK: Karen Duncan Page.

(Juror raised her hand.)

THE CLERK: Kimberly Stevenson.

(Juror raised her hand.)

THE CLERK: Thelma Greer.

(Juror raised her hand.)

THE CLERK: Jessica Traynum.

(Juror raised her hand.)

THE CLERK: William Solanes.

(Juror raised his hand.)

THE COURT: Thank you, Mr. Bradley.

THE CLERK: Yes, sir, Judge.

THE COURT: All right, ladies and gentlemen, you have been selected as jurors for this first trial. I'm gonna send you back to the jury room for a few minutes. While you're back there if you could select who is gonna be the foreperson of

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

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

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

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

THE COURT: From the Defense?

MR. BROOKS: No, sir.

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

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

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

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

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

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

THE COURT: He's got a lawyer.

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

(Defendant Alexander Wilson enters courtroom.)

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

THE COURT: Do I have the file?

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

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

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

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

all these, correct?

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

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

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

MR. BROOKS: That's correct.

THE COURT: Okay.

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

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

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

THE COURT: All right, we will proceed.

MR. BROOKS: That's correct, Judge.

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

MR. MEADORS: No, sir, thank you.

THE COURT: From the Defense?

MR. BROOKS: No.

THE COURT: Bring them in.

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

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

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

Mr. Bradley, would you please swear the jury.

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

(WHEREUPON, the jury was sworn.)

THE CLERK: Please respond by saying I

will.

(Jurors responded.)

THE CLERK: Thank you. You may be seated.

THE COURT: Thank you, Mr. Bradley. Mr. Dubose-Schmitt, thank you for being the foreperson of this jury.

THE FOREMAN: Yes, sir.

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

Now ladies and gentlemen, this courtroom is a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Does the State have any objection to my opening charge?

SOLICITOR FINNEY: No objection, Your Honor.

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

MR. BROOKS: No objection, Your Honor.

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

of this case.

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

THE COURT: Mr. Solicitor.

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

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

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

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

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

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

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

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

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

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

THE COURT: Thank you, Solicitor.

Mr. Brooks, for the defendant.

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

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

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

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

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

THE COURT: Thank you, Mr. Brooks.

Is the State ready to call its first witness?

MR. MEADORS: May it please the Court. The State of South Carolina calls Mr. Jerome Wilson.

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

THE WITNESS: Jerome Wilson.

WHEREUPON,

JEROME WILSON,

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

THE CLERK: Have a seat up here please.

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

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

MR. MEADORS: May it please the Court.

THE COURT: Yes, sir.

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good afternoon, Mr, Wilson.

A Good afternoon.

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

A Sumter County.

Q Where were you raised?

A Sumter County.

Q And where did you go to school here?

A Easton High School.

Q Is Easton something else now?

A It's RE Davis.

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

A '67.

Q What did you do after that?

A I attended Claflin University.

Q And what did you do after Claflin?

A I moved away and started working with young, borderline juvenile boys in New York.
Q And what, specifically what did -- where did you work with young juveniles?
A A Start for Teens [sic] homes Academy Institution, and --
Q How long did you work there?
A A little over four years.
Q What did you do there?
A Counseling.
Q Okay. Counseling young men?
A Yes, ma'am -- yes, sir.
Q And you did that -- what'd you do after the four years?
A From there I had want to try something different. I went into mental retardation.
Q And where were you when you were doing that?
A This is in a place called Wassaic, New York, W-A-S-S-A-I-C, New York.
Q Thank you. And specifically what did you do there?
A I was recreation therapist.
Q And the type of young men you were dealing with were suffering from what?
A The mildly retarded.

Q And what was your job there? I mean, you said recreation. What did you actually do?
A Try to teach them skills that they can use to better their lives.
Q And ——
A South Carolina had really kind of a little different occupational therapist or physical therapist. Like I say, we got a client that need more use with his hands so I got to develop activity with a person who use his hands and his fingers.
Q Okay.
A Just to get them to learn how to feed themselves.
Q All right. And how long you do this particular job?
A A little over three years.
Q Okay. Where did you do after that?
A I moved back down here and start work at the Midland Center out on Farrow Road in Columbia.
Q And again, what type of individuals were you working with there?
A The mentally disturbed.
Q And what was your job at the Midland Center?
A Counseling youth, young guys between the age of 14, 18, into daily life skills and learn, kind of teach them how to control their temper. They were

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

Q And you were living in Sumter then ——

A Yes, sir.

Q ——but working in Columbia?

A Yes, sir.

Q And long did you work at the Midlands Center?

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

Q To Central Correctional Institution?

A Right.

Q And what did you do at CCI?

A I had activities for adults.

Q And there were only adults in CCI, correct?

A Hum?

Q There were only adult prisoners at CCI?

A That's all. That's all.

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

A This was 1980 to '81?

Q And how long were you at CCI?

A Two years.

Q All right. Where did you go after that?

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

Q Okay. And was your ——

A I was a counselor.
Q How long did you do that?
A About three or four years.
Q What did you do after that?
A From there me and wife moved to Seattle. I was kind of out of work, the kind of work I like to do. And then I moved back here in 2001 and from then on I been doing home health. I work with paraplegics, quadraplegics, ALS patients, I like that.
Q And that was 2001 back to Sumter?
A Sunday for I came in 2001.
Q Right.
A And I stayed here for the rest 'cause my parents haven't seen me in about eight years. And my father had a triple bypass heart surgery, and they wanted me to come home and when that happened that made me come.
Q So did you come straight from Seattle, Washington to Sumter? Did you ever work anywhere else?
A I went from Seattle to Houston. Me and a preacher had a business together detailing cars. I did that for eight years ——
Q But you went ——
A ——but that wasn't what I like to do.
Q I understand that. But you went to Texas after

Houston and then came back home?
A Yeah.
Q And your other work that dealing with young men and helping them, you enjoyed that work?
A Oh, yeah. And worked with the home health. You meet a lot of different people and a lot of different situations and I enjoyed that. That why I stay with it so long.
Q And when did you quit the home health?
A Well, I retired in 2011.
Q Okay, a few years back. And why did you retire?
A Around my parents some and them, look after my parents. That April for some reason all my muscle kind of tightened up on me. And then I went to Tuomey and they tell me how I probably had to learn how to walk all over again. So I didn't want to risk that chance, with the kind of clients I work, I didn't want to risk that chance. I had one to fall on me and 'cause I had a problem with one that was very close and that when he had ALS so he be like lifting and gaining weight.
Q So part of your job then was, home health was you physically had to touch him?
A Oh, yeah, oh, yeah. You got to learn how to make a bed with a person in the bed. You got to carry

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

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

A Not ——

Q ——this business?

A No.

Q And what have you been doing since then?

A Just retired at home.

Q Okay. Now who's your mother?

A Elizabeth Wilson.

Q And what was your father's name?

A Alexander Wilson.

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

A September 2nd of 2010.

Q A few months before this incident?

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

Q And where were you living? Were you living with them back in the fall ——

A Yeah.

Q ——of 2010?
A Yeah.
Q Where were you living?
A Right there with them.
Q And I'm sorry, but what was the address?
A [redacted] Congress Street, Mayesville.
Q [redacted] Congress Street, Mayesville. That's here in Sumter County?
A Right.
Q And can you tell the ladies and gentlemen of this jury — well, before I get to that, who is Alexander B. Wilson?
A My brother.
Q That's the defendant in this case?
A Yes.
Q Who are your other brothers?
A I got a brother named Donald. He living in Florida. I got another brother named Jerry; he's the youngest one. He's in Columbia.
Q Okay. Now Alexander B. Wilson, do you have a nickname for him?
A Bobby.
Q He goes by Bobby? Well, let's go back in time to the fall before your daddy passed on, let's just say August of 2010. Who was living at [redacted] Congress

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

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

Q Okay. And were you living there then?

A I was living there too, yeah.

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

A He was incarcerated.

Q All right.

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

THE COURT: All right.

BY MR. MEADORS:

Q So your brother was incarcerated where?

A At the Sumter Detention Center.

Q Before he got incarcerated had he lived at [redacted] Congress Street?

A Yes, sir.

Q Okay.

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

Q From 2001 until now you've been at [redacted] Congress Street?
A Yes, sir.
Q Okay. When did your dad's health start going down?
A The summer of 2010. He had a heart attack in 2001.
Q All right.
A But due to a little bit of rehabilitation getting him to walk, he got his strength back so he was good until the summer of 2010. See, he basically had kidney failure.
Q This is your father you're talking about?
A Yeah, yeah.
Q And what was his name?
A Alexander Wilson.
Q When he was still alive — and I don't mean this bad — did he kind of — I don't know how to say it. Was he kind of, kind of run the household? I don't mean that in a negative way.
A Yeah.
Q So he did?
A Yeah.
Q Okay. And prior to defendant Alexander Bobby Wilson being incarcerated in August, when he stayed

at the house your daddy was in control of the house?
A Yes, sir.
Q Now your father passed when, what day?
A September 2nd, 2010.
Q Okay. And buried shortly thereafter?
A Right.
Q And during that time period was your brother, the defendant, you say he was in jail?
A Uh-huh.
Q And did he go to the funeral?
A Couldn't. My mom decided not to get him out to come because he would have shackles on.
Q I understand.
A And she didn't want that.
Q At some point -- so that was your mom's decision?
A Right.
Q Obviously guards would have come and she didn't want that. You alright?
A Yeah.
Q At some point after that was there a decision made to try to get your brother out of jail?
A About three weeks after my father passed I came off from work, and my mom said that she want to bail Bobby out and I talked against it 'cause let him take that time out to clean up. Because by being

incarcerated it kind of kept him off the streets, in the streets. The streets weren't good for him.
Q What do you mean by that?
A The whole thing with my parents, he was, he was heavy on drugs. When he get on that binge he don't want to get no rest. He just want to just do this, and I could see the thing kind of boiling to a point that weekend. It started that Friday.
Q Before we get to that, how do you know that he was doing drugs?
A Well, I seen him.
Q Okay. Well, where had you seen it?
A He did it around the house.
Q And what type ——
A Right in front of my mother.
Q And what type of drugs was it?
A Cocaine.
Q You saw that with your eyes?
A Uh-huh.
Q And that's one reason you didn't want him back out of jail?
A Right.
Q And you tried to tell your momma that?
A Right.
Q Your momma loved him?

A A lot.
Q And so y'all got him or she got him out of jail?
A Yep. We went down to the bail bond guy and got the bail, got the bond, and we went and pick him up and ——
Q Do you remember, do you remember when that was?
A I know I remember about three weeks after my dad passed. You figure the end of September.
Q Okay, approximately. You're not trying to give me an exact day ——
A Right.
Q ——but just toward the end of September?
A Right.
Q Okay. When he got out of jail where did he go to live?
A At home.
Q Okay. Was the defendant Alexander Bobby Wilson, was he working then?
A No.
Q And was he getting — was he getting any kind of money from the State?
A Yeah, they gave him a social security check.
Q And for what?
A He on, I think it's disability.
Q Okay. And this is going to all come out so I

mean, don't — it's gonna all come out so just, I mean, was he getting a disability check?
A Right.
Q Okay, and do you know how much that was?
A I don't know exactly. It was about five hundred dollars.
Q And was that going straight to him or how was that money — how would that money get from the State social security to the defendant, your brother Bobby Wilson?
A My mom would oversee it. And what she did she try to go by the rules and what they set down, get him, you know, allotment, you know, like little pieces.
Q Allotment?
A Yeah, so he can make out through the whole month.
Q So was it, as far as you know, was the check deposited in her account?
A Right.
Q Okay. And would she disburse it to the defendant, your brother, Bobby Wilson, over the month?
A Right.
Q And you know that how?
A Well, I was there.

Q Do what?
A I was there.
Q Okay. And your brother was on medication, correct?
A Right.
Q And where would he get his medication from?
A The VA Hospital. The thing about it he could, you know, like from here in Sumter, okay, they got the VA Hospital in Columbia.
Q Yes, sir.
A Well if you really need medication bad you got a little center, VA Center, right up Broad Street so you can walk there.
Q Okay.
A If you need medication bad.
Q But as a general rule where would he get his medication?
A I used to order it from the VA Hospital in Columbia and they send it in the mail.
Q All right. Would you or the defendant, your brother, ever go to Columbia to get it?
A Yeah, if he done been there I'd been there too.
Q That's all I'm trying to ask you. Had he been to pick up his own medication?
A Yeah, along with my mother.

Q Okay. And had you gone to get it?
A Yeah, by myself.
Q And during this time period, I mean, you and your brother could talk, you could communicate?
A Yeah, a little, a little. You know, hum...
Q I guess my point, could he tend to himself, take care of himself?
A Oh, yeah.
Q Did he dress?
A Yeah, he had know how to go out take out loans. He had know how to take care of that truck. He had a truck.
Q That's right. What kind of truck did he have?
A I think about a '98 or '99 Ford Ranger, blue.
Q You say he knew how to care of it?
A Yeah.
Q Explain to these folks what you mean by that.
A All the mechanical stuff. He got around and to top it off, he had a way where he was the only one who could start that truck up. He got a little electrician knowledge. He majored in biology.
Q He majored in biology?
A Yeah.
Q Where did he go to college?
A Claflin.

Q He's smart; isn't he?
A Oh, yeah, I think I'm the dumb one out of all of them.
Q So he could, he knew how to take care of his truck?
A Oh, yeah.
Q And I think you said something else after that too, and I just, to tell you the truth, I can't remember it.
A He knew how to take care of bills.
Q Oh, you said take out a loan.
A Yeah, take out a loan.
Q How do you know that?
A I done carry him to two places that he had loan at. They all would be sending you letters when they want you to re-up?
Q Come get a high interest loan?
A Yeah, yeah. He know what he was doing.
Q Your testimony he was able to go and apply and get that loan?
A Yeah.
Q Okay.
A You know, to talk around him, if you had need to find a place, you looking for a address in Philadelphia, say, all you had to do was get Bobby

he'd find it for you. He'll find it for you.
Q And explain that to me.
A He got -- he know how to get around. You know, he got a good sense of getting around. And that was one of the things a lot of people in Mayesville used to give him credit for.
Q All right. Let's go back now, he's out of jail, momma posted bond, he's staying at Congress Street, correct?
A Right.
Q And I think I interrupted you about ten minutes ago when you started to say it started that weekend before, or something you were about to say -- I can't remember, I interrupted you.
A It started on Friday.
Q All right. What started?
A The really downward spiral.
Q I'm sorry, what?
A That spiral going down, he be hitting rock bottom now. And he'd start buying (inaudible) like at the store and he'd go to circuitry in the back. And I remember coming home that evening, and my mother having another one delivered and had to take the other one out. And she was, she had to tell him what happened. Well, the very next day, that when

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

Q And are we in the month of November?

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

Q Okay.

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

Q You -- say that again, you what?

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

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

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

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

A At the store in Mayesville ——
Q Sir?
A ——on 76.
Q Okay.
A He went to the station and the guy behind the counter, we all know each other, and he called back and said Bobby down there trying to cash a fifty dollar check. So what he did, he add a zero on to the five and forgot all about that financial where you spell it out like what the amount is. But he didn't cash it. Okay, that Sunday ——
Q So the store clerk or owner called y'all back and told you that ——
A Yeah.
Q ——he didn't cash it?
A And the time ——
Q And please hold that though there but, you said earlier with the disability check your mom would give him installments, I think, was your word.
A Right.
Q Had that run out this month of November?
A Yeah. If I didn't — he just had, okay, this is last week.
Q Yes.
A So he done about spend everything momma — her

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

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

A "Cause I didn't what it to happen.

Q Want what?

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

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

A Oh, yeah.

Q Did he know you were objecting to it,——

A Oh, yeah.

Q ——Mr. Wilson?

A Oh, yeah.

Q How did he react to that?

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

Q I didn't know that.

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

He jump on my back and cut me right there.
Q And that was the ——
A I mean, that thing upset me. But see, my daddy just passed and momma and say, remember what your daddy said, take care of your brother, take care of your brother. And we walked off. I would go to work. Then I come home.
Q Before you woke up that Monday — look at me please, sir. Before you woke up that Monday, it'd be November 29th, 2010 is that Monday, right? The Monday after Thanksgiving like it is today?
A Right.
Q Had he gotten mad at you the night before or the day before?
A Oh, yeah.
Q Because of the money?
A Uh-huh.
Q So that Monday morning you're getting up to go to work?
A Right.
Q Where were you going?
A I do home health. I was going to work in Columbia.
Q And did you have your own bedroom?
A Yeah.

Q Okay. Did he have his own bedroom, the defendant?
A Yeah. For some reason which — he don't ever get out about 10, 11:00 in the day. But for some reason that morning, I had the ironing board in my room so nobody use it but me. For some reason this morning it wasn't in the room. I didn't notice until I came home that day before. I didn't notice it was out of the room until I woke up that Monday morning and I couldn't find it so I went and looked trying not to disturb nobody went in the room and I see it right by his bed. So I'm tipping toe and not wanting to cut no lights on because it like 4:30 in the morning, 4:30 in the morning, and I — as soon as I pick it up and turn my back, next thing I'm up against the wall and ——
Q Did he say anything? Did the defendant say anything to you?
A What you doing by my bed. But he had knew I was gonna come in and get the iron 'cause I would use it every morning.
Q But he didn't try to hit you with anything or ——
A Oh, I grab — my brother help him off me. He held on to my back.
Q Was there any mention about a stamp the day

before this or the weekend before that?
A Yeah. I know, I remember about the stamp, you know, letter from him.
Q Okay.
A He wrote to the house.
Q And that's when you learned about the stamp?
A The stamp, 45 cents stamp. I mean, a life is 45 cents. You take your mother life for 45 cents and then top it off he didn't want, he didn't want the medication no way 'cause he was selling the medication to get money for drugs.
Q And how do you know, how do you know that?
A I — one of the guys I knew for a fact. And then everybody in town had know everything about my brother.
Q All right, you go ——
A And this was no secret. And then my mother know too 'cause we just take, you know, by he selling his medication.
Q You got to work October — excuse me, I apologize November 29th of 2010?
A Right.
Q What time do you get off work?
A I got off that day around about 5:00.
Q And what time did you get back to [redacted] Congress

Street in Mayesville?
A Oh, about 7:30, 8:00.
Q Tell the ladies and gentlemen, as you're coming toward your house what did you see or observe or hear, or anything?
A My younger brother, I could see him in the head lights of the car waving me down. And like, it like something unbelievable. I roll the glass down, asked him what's the problem, and I mean, just words I will never forget. He said Bobby just killed momma. I couldn't believe it. I mean, oh man, I couldn't believe it. And then he'll want to use my phone 'cause Bobby done ripped the phone out at the house, yeah.
Q Had the phone been in the jack, the phone wire been in the jack when you ——
A They pull that out, yeah.
Q I'm sorry, had the phone wire been in the jack when you left that morning?
A Yeah.
Q Okay. And did you learn or find out through your brother that the phone wasn't working in the house?
A The phone wasn't working.
Q Did you take ——
A He couldn't take that chance trying to get it

back to working because Bobby still had the bat.
Q So was 9-1-1 called?
A Yeah, I called them ——
Q So you couldn't use ——
A ——from my cell phone.
Q ——the land line?
A No.
Q Did somebody go to a neighbor's house?
A Yeah, my brother.
Q Did he call from there or?
A He called from their too.
Q So you couldn't use the land lines, house phone?
A No, no.
Q Did you go inside your house on the afternoon or evening of November 29th, 2010 and to — I know you did, tell the jury what you saw.
A My mother was laying in the doorway of her bedroom face down. And I was, like being in home health I knew right off the top something seriously wrong 'cause there was a pool of blood and little dab like blood. And you know, 82, you know, I says this don't look good. And I'm gonna be honest with you, I do home health, well when you got head injuries I couldn't look just to check her head so I feel like her legs to see if I can get a pulse and

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

Q So he was still holding the bat?

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

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

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

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

anything to you?
A No.
Q And did he -- was he screaming at you?
A No.
Q Was he yelling at you?
A No. All I said, man, you know what you done?
Q And did he tell you he thought you were somebody else?
A No.
Q Tell you that he had thought his momma was somebody else?
A No.
Q Did he -- was he acting ---
A He acting later.
Q Was he acting calm?
A Yeah.
Q Okay. Under control?
A Oh, yeah, definitely.
Q Now you came in and you see your momma basically beaten to death, and I -- did you and/or your brother, did y'all give your brother a good beating, or did your brother, somebody hit him with the bat?
A Y'all got to understand.
Q It's okay.
A I'm gonna tell you the truth. You angry, you

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

Q And y'all got the bat from him?

A Yeah, my brother did.

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

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

Q What — was it out in the open or was it in the corner where the bed was?

A In the corner. In the corner.

Q Was it even ---
A He -- as a matter of fact, it was in the corner along with an old antique rifle that my mother father gave my dad as a gift way back in the I guess the '40s before I was born.
Q Well, I guess if I'm coming into their room -- and I'm not gonna show you pictures; we'll show them later of that -- would the bat have been visible to the eye as you come in the room?
A Oh, yeah, it's in the corner but on the other side of the bed.
Q Other side. You'd have had to go over the bed to get it?
A Yeah.
Q After you and your brother had taken the bat from him -- and he suffered some injuries -- we're gonna have some folks testify -- to his head, correct?
A Yeah.
Q What did he, what did your brother, Bobby Wilson, do after that? This is before the police got there. What did he do?
A Ran to the bathroom.
Q Okay, and what did he do with the door to the restroom?
A Close it.

Q So he left y'all, went into the bathroom with the door closed?
A Right.
Q And what did you do next?
A We waited for the police to show up and the paramedics.
Q And during that time period while you were waiting was your brother, the defendant Bobby Wilson, was he screaming out or ——
A No.
Q ——saying crazy things or?
A No. No. He went in the restroom and then went to — when they, the paramedics was getting my mother. And the officers, they were asking questions where he's at, and I point to them the bathroom so they went and got him out the bathroom. But then when they did that, before they made a move they asked me to leave the house.
Q Okay.

MR. MEADORS: Beg the Court's indulgence.

THE COURT: Yes, sir.

BY MR. MEADORS:
Q I'm gonna show you what's marked State's 7. Is that the front of your residence at [redacted] Congress Street?

A Yes.

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

THE COURT: Any objection?

MR. BROOKS: No, sir, Your Honor.

THE COURT: None of these have any objection?

MR. BROOKS: No objection.

THE COURT: Okay.

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

THE COURT: All right, admitted without objection.

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

BY MR. MEADORS:

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

A That's the bat.

Q Okay.

A Yeah.

Q And State's Number 5?

A Yeah.

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

BY MR. MEADORS:

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

A Yeah.

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

A That's it.

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

A It was out of both of them.

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

A No.

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

A Not my younger brother.

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

A Right.

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

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

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

your brother, correct?
A Uh-huh.
Q And it's addressed to Jeremy and Terry, Jerome and Terry Wilson?
A Right.
Q That's you and your other brother?
A Right.
Q And it was sent to your ——
A Address.
Q ——address. This is so crazy, but you've known your brother your whole life; hadn't you?
A That's it.
Q That's right. So you know your brother's handwriting?
A Oh, yeah.
Q I mean, brothers know each other's handwriting?
A Oh, yeah.
Q And is that your brother's handwriting?
A My brother handwriting. You know, my — like being the oldest one, like in the family, you know, your parents tell you watch out for your brother. So you like, like I guess they use you as a babysitter when they're away from the house.
Q And you don't mean that in a bad way.
A No, no.

Q You're looking out for your younger ——
A Yeah, yeah, siblings.
Q ——brother.
A You have to. Whenever you go to school if somebody picking on your brother you want to help him out. You really don't want to get in trouble and get thrown out of school so I was blessed, I was blessed.
Q Generally brothers really do look out for brothers.
A Yeah, yeah.
Q And since that's his handwriting he'd have been the one to put the address on there?
A Right.
Q Zip code?
A Yeah.
Q And this was dated — what's the date on State's number 6? Is it up there at the top right?
A Looks like December 8th, two thousand — December 3rd, 2010, I think — I ain't got my glasses.
Q Up at the top, I just had to get mine. Would you dispute it if I said December 3rd, 2013?
A Oh, that's a three, okay. Yeah, that 2013.
Q And this reference is the postmark shows

December 2013.

A Right.

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

BY MR. MEADORS:

Q It says Alexander Bernard Wilson ---

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

(Attorneys confer.)

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

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

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

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

BY MR. MEADORS:

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

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

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

A Alexander Wilson. Alexander Bernard Wilson. This is Winkle Road on -- no, this is on Farrow Road

out in Columbia. Okay. Dear Buster and Terry.
Q This is Buster. And is that — who's Buster?
A That's me.
Q That what he called you by?
A Yeah.
Q That kind of authenticates it was to you?
A Uh-huh.
Q And who's Terry?
A My youngest brother.
Q Okay, go ahead.
A "I'm writing you to let you know how I am doing and how I'm feeling. I'm doing fine and hoping to go to court in order — and plea not guilty. I need my glasses — to killing my mom. I made ——
Q What does that say?
A I can't read without my glasses.
MR. MEADORS: Your Honor, can I publish the rest of it? He's authenticated ——
THE COURT: You can publish it.
MR. MEADORS: "I'm writing you to let you know how I'm doing and how I feel. I'm doing fine and hoping to go to court in February and plead guilty to kill mom. I made a mistake when mom refused to give me the money to mail off my medication. I thought she was not my mother. All I

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

A Yeah.

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

A Right.

Q So your testimony earlier was something about a stamp. Is that where you learned about the stamp?
A Yeah, right there. I didn't know — the first the first line was when I came — read in the newspaper he say something about that wasn't his mother; I didn't know that. Then when I saw him at the forensic evaluation at the probate court and talking like with the officers then he brought he talking about his momma.
Q I'm showing you what's State's 2. Do you recognize that handwriting?
A That his.
Q Okay. And is that an envelope that was at your house on November 29th, 2010?
A Yeah.
Q Was this at your house?
A Yeah.
Q Same day this happened?
A Yeah.
Q And it's — well, that's his handwriting, right?
A That definitely.
Q And the return address, it has his name?
A Yes.
Q [redacted] Congress, PO Box [redacted]?
A Right.

Q Mayesville, South Carolina?
A Right.
Q You didn't write that for him?
A No, no.
Q And it's made out to pharmacy services?
A Right, for his medication.
Q And where is that? It's on Garners Ferry Road, so what is pharmacy services?
A VA Hospital.
Q Just a few more questions. During the days leading up to your momma dying, was the defendant still functioning, still working on his car, driving his car, was he still able to tend to his own needs?
A Just by this time now the car, the truck is gone.
Q Okay.
A And the reason why, he went to a service station and stole gas so when everybody caught up with him they impound the truck. And so this about the third time this happened so dad decided not to take the truck out so he ain't had the truck at that time.
Q Well, the days leading up to your mom's death was your brother, the defendant, was he using crack cocaine?
A Yeah. And mom, I tell you, my mother, something she did and she never did this before. My mother,

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

Q So was he doing stuff that he knew would embarrass her ——

A Yeah.

Q ——your momma?

A He did it on purpose too.

Q So he knew he was ——

A He knew he was doing it.

Q He knew that would bother her?

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

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

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

Q We were at your house a week or so ago, Mr. Miller and I, some of that blood spatter still on the ceiling?
A Some of that blood spatter still on the ceiling.
Q And I think you testified the bat was kept in there in the room?
A Uh-huh.
Q In her room.
A He had hit her while, hit her head while she was in the bed and then maybe she was trying to get up maybe get away, that was the finishing blow 'cause when I came there she was face down. And I knew not to look at her head, just something tell me not to look.
Q We got somebody else going to describe those. And the individual for the record that you saw when you came in your bedroom and saw with the bat in his hand and your momma laying on the floor, is that your brother Bobby over here, the defendant?
A Yes, sir.
Q In the blue shirt?
A Yeah.
MR. MEADORS: I'd like the record to reflect please.
THE COURT: The record will so reflect.

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

THE COURT: Mr. Brooks.

CROSS-EXAMINATION

BY MR. BROOKS:

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

A All right.

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

A Buster.

Q Buster. And you're the oldest?

A Yes, sir.

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

A Yeah.

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

A Yeah.

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

A Yeah.

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

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

Q And from what you know of them, they're medications to deal with the mind; is that correct?
A The mind, right.
Q And how old are you, Mr. Wilson?
A 65.
Q How old is your brother?
A 63.
Q Okay. And has this been something that he's had to deal with all his life?
A No, not all his life. Not all his life. It really hit him in the late '20s, in the late '20s.
Q So for — since he's 64 now, for the last 40 years he's been dealing with ——
A Kind of in and out.
Q In and out?
A He — when he is sober he's all right.
Q Sober and on his medication?
A And on his medication, right.
Q And when he's not on that ——
A Big ——
Q But when he's not on that med——
MR. MEADORS: Your Honor, if he'd let him finish. I'm sorry, I thought he was still testifying.
THE COURT: Let him finish.

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

BY MR. BROOKS:

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

A Yep.

Q Okay.

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

Q That's just your assessment of him ——

A Right.

Q ——being his brother for long time?

A Yeah, uh-huh.

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

A Right.

Q And your brother, was he standing or sitting?

A Standing up.

Q Okay. And what was he doing?

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

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

Q So he had it wound up?

A Yeah.

Q Ready to hit another ball?

A Right. I'll never forget that picture.

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

A Right.

Q And it was ——

A Blood all over his face and clothes.

Q And it was you and your other brother Terry?

A Yeah.

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

A Right.

Q Okay.

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

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

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

A No.

Q He say anything to Terry?

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

Q Okay.

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

Q Okay. Had you seen him like that before?

A Yeah, when he angry.

Q When he's what?

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

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

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

A Oh, yeah.

Q And I guess ——

A He should, it's his house. No ——

Q I understand.

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

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

A Yeah.

Q Okay.

A Yeah.

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

A Yeah.
Q How was it that your dad kept him in check?
A He got authority, and he don't have to raise his fist. It just when dad speaks and when we were growing up, you listen to your dad. You listen to your dad and your ma.
Q Okay.
A And dad is like, you know, when you a kid and you did something wrong, your mom couldn't spank me you but you don't want that one from dad.
Q 'Cause dad was, dad's discipline was ——
A He wasn't like — I didn't get more beating like after elementary school. After — you learned. Bobby wasn't getting no beating or nuttin' 'cause you learned. You know, you make a mistake in school they beat you at school and then you come home and get another beating. So we got to learn, you come to the conclusion, you ain't gonna get this — you commit this one offense and you get two beatings? That don't make no sense so you straighten up. You're gonna behave right at school and you're gonna behave right in the community.
Q And it's fair to say that dad was no joke. Dad was the tough disciplinarian.
A Nah, nah. I ain't say nothing about dad. Dad

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

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

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

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

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

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

A Yeah.

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

A Yeah.

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

A Yeah, that was my opinion.

Q And dad was the — this was after dad had passed

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

A Right.

Q Is that correct?

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

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

A Right.

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

A Right.

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

A Yeah.

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

A Right.

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

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

A Right.

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

A No.

Q Okay. And that was because he was incarcerated?

A Right.

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

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

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

A Oh, yeah, yeah.

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

A Oh, yeah.

Q Is that a good way to kind of describe the two?
A Right, uh-huh.
Q And he did some things to upset mom, some things that were way out of line; is that correct?
A Just for -- yeah, just before his --
Q Just after your dad had died?
A Just after, talking about after dad passed.
Q But before the incident with mom, right?
A Yeah.
Q One of the incidents was him going to the church, right, catching up with her at church? Was that an incident?
A Catching up with at church?
Q Yeah.
A I mean, catching up with at church?
Q Was there something about him, was there something -- it was a incident where he went to a religious service where your mother was there and basically showed out at the religious service?
A I don't remember that.
Q You don't remember that?
A If it was on a Sunday 'cause he would kind of -- I didn't get a chance to go church too often, and I know he showed out at the senior center.
Q Okay. What happened at the senior center?

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

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

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

Q Okay. And this is after your dad had passed ——

A Right.

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

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

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

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

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

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

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

Q And what else? This is the person that loves you ——

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

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

make any sense?
A No. When you watch somebody, when you watch somebody for so many years, for so many years, and you see, you know this person can do better, you know this person can do better, and see a person that will take advantage of the system 'cause right now he looking to take advantage of the system. If I get in a mental institution and they let me out -- he done tell my cousin in one of those letters I got a truck at the house. Now wait a minute, how you got a truck at the house. Now he ain't thinking about who taking this — mom ain't there no more; I'm there by myself. Now, he ain't thinking about who holding this bode up. All he thinking about is his desires; that's all he think about.
Q Are you saying he has written a cousin and he has said that?
A Yeah, sent him two hundred dollars.
Q Okay. He sent ——
A They done drop this charge. They done drop this charge. And now he's on — they got him on a like a shoplifting that he need two hundred dollars to get out.
Q Okay. And he sent all of that in a letter to your cousin?

A Yeah.
Q What cousin was that?
A My daddy niece. She was here when we were at the first hearing. Only reason she couldn't be here now she had to go to, they already had plans to go to Asheville, North Carolina.
Q And he wrote her a letter to that effect?
A Yeah.
Q And she gave that to the Solicitor's Office?
A Yeah, I went and collect it. I kept all of them.
Q Okay.
A I kept all the letters that I got, and she'll call me and let me know when she got a letter from him.
Q Okay.
A Sent a double breasted suit. And I ain't know a double, a black double breasted suit in that house. My dad, any of them. I ain't, I said what are you talking about. Only thing, I done, I done watch him for years, smooth talk, I mean. Oh, I'm gonna tell you something, I'm just a plain old guy. But to me, when I see a guy who majored in biology, a pharmacy thing, my other brother, another one business administration, boy, it make me feel dumb, especially this one. He right behind me and he got

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

Q Back pay from social security?

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

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

A Yeah.

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

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

Q Okay.

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

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

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

A Yeah.

Q Okay.

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

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

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

Q In that letter you got. I didn't make that statement, that letter you got that you ——

A All this came afterwards.

Q Okay.

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

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

Q Okay.

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

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

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

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

Q Okay.

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

THE COURT: Any redirect?

MR. MEADORS: No, sir. Thank you.

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

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

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

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

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

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

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

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

THE COURT: Okay.

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

without a pre-screening from Your Honor.

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

MR. MEADORS: What number is that, Judge?

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

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

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

MR. MEADORS: No, sir, thank you.

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

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

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

MR. BROOKS: That's right.

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

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

THE COURT: Good morning, ladies and

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

Is the State ready to proceed?

MR. MEADORS: Yes, sir.

THE COURT: You may call your next witness.

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

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

THE WITNESS: Staff Sergeant Rodney Ragin.

WHEREUPON,

RODNEY RAGIN,

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

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

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

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good morning, Sergeant.

A Good morning.

Q Please tell the ladies and gentlemen of this jury about Sergeant Rodney Ragin, just basically where you're from, your background, your training, and particularly your training in law enforcement and how long you've been in law enforcement please, sir.
A Okay. My name is Rodney Ragin. I'm originally from South Carolina, work at the Sumter County Sheriff's Office ever since 1996. I have prior law enforcement, state public safety prior to that. Staff sergeant now of investigations, done community policing. I have investigation training as well.
Q How many years in law enforcement, Sergeant?
A Total of 19-and-a-half I think.
Q And initially did you receive training at the Criminal Justice Academy?
A Yes.
Q And have you received periodic updated training from the Criminal Justice Academy?
A Yes.
Q Has all your time these last -- how long have you been with the Sheriff's Department?
A Seventeen-and-a-half years.
Q Okay. In October of 2010 -- I mean, what's your job with the Sheriff's Department?
A My job is patrol. I'm a supervisor on the

patrol.
Q Okay. And do you work regular hours?
A Twelve-and-a-half hour shifts.
Q And on this specific day, October 29th, 2010, you were on duty?
A Yes.
Q And tell the ladies and gentlemen of the jury about this location. We're talking about [redacted] Congress Street in Mayesville. Now I know everybody knows where it is, but for the record where is that?
A Mayesville is Highway 76 east just before the Lee County line, a little town.
Q So [redacted] Congress Street is in Sumter County?
A Yes, it is.
Q And why did you go there? What information did you have either through 9-1-1 dispatch or whatever, before you got to [redacted] Congress Street?
A We received a call in reference to — a male called and saying that his brother had beaten his mother with a bat. And as we were on our way there we received further information as possibly she was stabbed as well.
Q And were you one of the first responders?
A I was the first officer to arrive there.
Q You were the first one. Tell the ladies and

gentlemen as you get there what do you, at [redacted] Congress Street, what do you see?

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

Q So I want you to look at State's 8 and 9 and these are already in without objection. Is this, specifically 9, is that [redacted] Congress Street?

A Yes, it is.

Q And that's where you arrived, and is number 8 also a picture of [redacted]?

A Yes, that's...

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

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

Q You put that up yourself?

A Yes.

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

A When we get there is to protect the scene and

also eliminate any threats there at the scene.
Q So when you got there you knew that there was some trouble inside?
A Yes.
Q And then from one of the witnesses or a brother he told you ——
A Yes.
Q ——that his mom is in there?
A And the information that I asked was who all is in the house so I would know what we're up against when we're going in to aid, render aid to the victim and such.
Q Okay. And that's standard operating procedure?
A That's standard operation.
Q So you got the tape up and you said another officer arrived, who was that?
A Yes. The tape wasn't put up immediately.
Q Sure.
A We went in to assess the situation and take care of her.
Q Take us like you're going through [redacted] Congress Street right now. You're going in the front door, what do you see?
A Myself and backup officer Sinkler, we went in and announced that we're with Sheriff's Department.

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

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

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

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

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

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

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

body, partially nude as I was going in.
Q Partially nude?
A Yeah, and blood, a bunch of blood in the room, you could see that.
Q And she appeared to be deceased based on your experience?
A Yes, just walking by looking there was no movement and lots of blood.
Q You then moved to — where was the other brother or the eventual suspect at this time?
A As we go to clearing the room, the living room, into the kitchen, clear the bedroom, you could see where it was the bathroom, the door was closed. And at that time we knocked and announced several times and aggressively kicked in the door. Sinkler was the one that kicked in the door and found the suspect there in the bathroom and...
Q And how many times had you said Sheriff's Department?
A We said Sheriff's Department from when we walked into the house, Sumter County Sheriff's Department, Sumter County Sheriff's Department. Got to the door, knocked and announced. We knocked once, announced twice.
Q And that's at the bathroom door?

A Bathroom area.
Q Did he respond then?
A No response at all.
Q Did he come out when you said Sheriff's Department?
A No.
Q Okay. State's 12, do you recognize State's 12 and does it relate to your testimony?
A Yes, it look like the bathroom from what I could see.
Q And when you entered the bathroom or you and Sinkler entered the bedroom, that's already been entered.

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

MR. BROOKS: That's correct, Judge.

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

THE COURT: Okay.

BY MR. MEADORS:
Q Where was the defendant when you entered the bathroom?

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

Q Okay.

A So it's only room for like two or three people. It wasn't a large bathroom.

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

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

Q And State's number 10?

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

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

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

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

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

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

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

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

Q And when was he handcuffed?

A He was handcuffed in the bathroom.

Q And did you do that?

A Sinkler did.

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

A No, he was very passive.

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

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

Q Did he resist that?

A No.

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

A No, sir.

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

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

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

15 and entered without objection. Do you recognize that picture?
A Yes.
Q And what is State's 15 a picture of?
A That's a picture of the suspect, how we found him with the blood, and we cuffed him and those are the clothes that he had on.
Q And, I mean, could you see the blood on him just without question? Was there ——
A Yes.
Q ——blood on him?
A There was blood on him.
Q And could you tell where he had injuries?
A He had a head injury. I didn't depict any other injuries. Once we got him in and sat him down and make sure everything was clear, I went outside. And that's when I taped off the area and controlled the crime scene.
Q Sergeant, did he make any outburst to you at all while you were in his presence?
A No.
Q How did the defendant get to — where'd he go from the house?
A He went from the house to the hospital.
Q And did you take him, or EMS took him?

A EMS took him. Deputy Sinkler rode with EMS.
Q Okay.
MR. MEADORS: Beg the Court's indulgence.
THE COURT: Yes, sir.
BY MR. MEADORS:
Q And is this, the defendant Alexander Wilson, the person that you saw in the bathroom, the person that was cuffed, and the person that's depicted in State's 16?
A He looks a little different but facial is the same.
Q You hadn't seen him since?
A No, sir.
Q That's all. Thank you.
THE COURT: Mr. Brooks.
MR. BROOKS: Court's indulgence one second, Your Honor.
THE COURT: Yes, sir.
MR. BROOKS: No questions.
THE COURT: Thank you. You may step down. Any objection to this witness being excused?
MR. MEADORS: No, sir, thank you. We call Clarence McMillan.
THE CLERK: Place your left hand on the Bible, raise your right hand. State your name

please.

THE WITNESS: Lieutenant Clarence McMillan.

WHEREUPON,

CLARENCE MCMILLAN,

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

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

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

DIRECT EXAMINATION

BY MR. MEADORS:

Q You're Lieutenant McMillan?

A Yes, sir.

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

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

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

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

A About 22 years.

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

A That particular night I was the shift lieutenant.

Q And did you have an occasion also to arrive at [redacted] Congress Avenue or Street in Mayesville?

A I did.

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

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

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

A Yes.
Q And what did you observe?
A As soon as we made entry we walked through the porch. We looked to the right we see a bedroom, see what I believe to be a female laying on the floor, blood splatter all over the place, blood on the bed. At that point we advanced to the living room. We had to get to the living room when you first walk in. And then the bathroom is — was advised he was in the bathroom, locked in the bathroom.
Q Now Ms. Wilson, could you tell where she was injured when you entered the house, any certain part of her body?
A She was partially, she was partially nude as far as, it looked like she had a housecoat on or nightgown. But the particular injuries I couldn't see right then because we didn't look in the bedroom. At the time we was focused on trying to locate the suspect that was in the bathroom.
Q And you didn't have any idea when this had occurred, did you, when you went there?
A No, sir.
Q So you've passed, or you're going down the hallway, what happened next?
A Sergeant Ragin took lead. Corporal Sinkler, who

was behind, and I was behind Corporal Sinkler. We, like he said we announced Sheriff's Office, Sheriff's Office, knocked on the door several times.
Q And as you knocked on the door did the defendant say anything?
A No, sir. No, he didn't, didn't acknowledge when we entered the residence. At that time we decided to breach the door. Corporal Sinkler came up, he kicked the door in. Of course it wouldn't come open, tried to push on it and stuff, still wouldn't come open. So we finally got it open. I had my taser out just in case he had a weapon on the inside or he put up a fight, and we asked him, tried to get him out. He put up no resistance when we finally got him out. Handcuffed him, and brought him out toward the living room and sat him on the stool.
Q And when he, you said that he didn't put up any resistance. Did he say anything to you?
A No, sir, he didn't say a word.
Q This is State's 15 which has been entered. Do you recognize that picture?
A Yes, sir.
Q And is that how he — is this how he appeared shortly after you got him out the bathroom?
A Yes, sir. When we got him out the bathroom we

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

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

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

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

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

Q And they did that after y'all ——

A They did that, yes, sir.

Q ——after y'all arrived ——

A Right.

Q ——and secured the scene?

A Right.

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

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

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

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

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

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

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

Q Thank you, that's all.

THE COURT: Mr. Brooks.

MR. BROOKS: No questions.

THE COURT: Any objection to this witness being excused?

MR. MEADORS: No, sir, thank you.

Senior Corporal Roosevelt Sinkler, Jr.

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

THE WITNESS: My name is Roosevelt Sinkler, Jr.

WHEREUPON,

ROOSEVELT SINKLER, JR.,

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

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

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

DIRECT EXAMINATION

BY MR. MEADORS:

Q Senior corporal?

A Yes, sir.

Q Please tell them about you.

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

Q And what do you do now for Sheriff Dennis?

A I work patrol.

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

A I was working patrol that day, that date and

time.
Q And you have certain areas of the county you patrol, Senior Corporal?
A Yes, sir.
Q And what are those?
A South side, Mayesville, 15 south, Shaw area, I patrol the area.
Q And do you know approximately what time of the day you arrived at [redacted] Congress Street?
A Yes, sir, probably around 8:00 or a little after 8:00.
Q And what were your observations?
A When I got to the scene, sir, I saw the victim lying in the bedroom area half — she was nude. And then I saw subject at first but we were told that he probably somewhere in the bathroom area?
Q So when you got there you knew that it wasn't good, right?
A Yes, correct.
Q Before you went in the house you had gotten information from one of the relatives that the potential suspect may be inside?
A Yes, sir.
Q I mean, that really wasn't an issue in this case, right?

A No, sir.
Q When I asked you too, was Ms. Wilson, did she appear dead when you saw her?
A Yes, sir, she did, appeared to be deceased.
Q And what's the first contact you had with the defendant Alexander Wilson? Tell these folks.
A Well, we received information that Mr. Wilson was in the bathroom area. We announced Sheriff's Office, open the door, open the door. He did not open the door. We pushed the door one time, noticed that he was slumped behind the door between the, I think the toilet and the small area. Then I kicked the door again, breached the door, and Mr. Alexander was kind of — when I kicked the door in he kind of lay across the bathroom tub and I attempt to put handcuffs on him.
Q So when you — you kicked the door in?
A Yes, sir.
Q One time?
A Yes, sir.
Q And when you did where was the defendant?
A He was slumped behind the bathroom door between the door and the toilet.
Q Then how did he get over the bathroom? You said he went — did he lay on the tub?

A I kicked the door. He kind of slumped over a little bit.
Q What did he say then?
A He didn't say anything.
Q When did you handcuff him?
A I asked him to give me his hands. He did not give me his hands. I grabbed one hand and got the other and he put his other hand behind his back.
Q Okay. Did he try to resist you?
A No, sir, did not.
Q And when you came in there did he complain of any — did he complain of anything, did he say anything?
A No, sir, he never said a word. He didn't say anything, don't say nothing. He also didn't put up no kind of, put up no kind of resistance or anything.
Q So what did you do with him then?
A We escort him me out the bathroom area to the kitchen area and we let him have a seat.
Q And you've seen that picture earlier about, in State's 15, that's him?
A Yes, sir, that's his.
Q Who was in charge of the defendant from there? Did you notice what appeared to be injuries on him?

A I noticed he had head injuries.
Q Okay. And did you know how he got those?
A I heard that his, somebody or family member had caused it prior to our arrival.
Q Prior to your arrival?
A Yes, sir.
Q Was a decision made to transfer the defendant Alexander Wilson to the hospital?
A Yes, sir.
Q Okay. And did you go with him to the hospital?
A Yes, sir.
Q Tell the ladies and gentlemen about that. We're trying to track steps all the way during this time period. How did the defendant in State's 15 — and I'm gonna just, take us step by step. How did he get from this chair outside to the ambulance?
A Well, we escorted him to the ambulance. Their EMTs tried to treat him for his injuries. He wasn't saying anything about what happened. He was lying, sitting in the chair. We escort him to Sumter-Lee prison, still he wasn't saying anything.
Q Where did you take him first?
A Tuomey Hospital.
Q Okay, you went to Tuomey?
A Yes, sir.

Q But were you the one that said get out of your chair, come on, let's go to the ambulance?
A Yes, sir.
Q And when you said, get up, let's go to the chair, did you know his name then?
A No, sir, I'm not sure I ——
Q When you asked him and told him get up and go to the chair what did he do?
A He get out of the chair.
Q After you said get up and get out of the chair, he got up?
A Yes, sir.
Q Was there any delay in that?
A No, no, sir.
Q So is it fair to say he followed your instructions?
A Yes, sir.
Q Fair to said based on your, his body's response, he understood your instructions?
A Yes, sir.
Q So he got up and went with you?
A Yes, sir.
Q And did he have any trouble walking out of the house?
A No, sir.

Q Did he have trouble getting in the ambulance?
A No, sir.
Q And did you tell him to get in the ambulance?
A Yes, sir.
Q And did he do that?
A Yes, sir, he did.
Q And was that timely?
A Yes, sir.
Q His response timely to you saying get in the ambulance?
A Yes, sir.
Q Did he appear based on his actions to understand what you said when you said get in the ambulance?
A Yes, sir, he did.
Q Did you get in the ambulance with him?
A Yes, sir, I did.
Q Who else was in there with you then?
A Me on purpose for the Sheriff's Office and EMT workers and paramedics.
Q And is this fellow who is seated back near the front, Dan, I believe, Thomas, do you recognize him?
If you would stand up.
Was he there?
A Yes, sir.
Q And then did you ride with the defendant, Mr.

Thomas, to Tuomey?
A Yes, I did.
Q Okay. And what was the defendant, specifically how was, what was he on in the ambulance, if anything? Was he sitting down, was he on a gurney, what was he ---
A He was sitting down.
Q Okay. What transpired between [redacted] Congress Street and Tuomey Hospital, if anything? I mean, did he make any outbursts?
A No, sir, he did not.
Q All right. Did he say somebody was trying to get me?
A No, sir, he did not.
Q What communication did y'all have, if any, between Congress and Tuomey?
A We had no communication.
Q We arrive at Tuomey Hospital now. Is — how does the defendant get out of the ambulance?
A He got up on his instruction to get out.
Q Got out when he was told to get out?
A Yes, sir.
Q Any hesitation in his movements when you told him?
A No, sir.

Q He appeared to understand when you said get out, let's go?
A Yes, sir.
Q Did he struggle with you?
A No, sir, he did not.
Q Where did you go specifically from the ambulance to Tuomey? Where'd you go?
A We went to one of the emergency rooms.
Q Did you have any problem walking with him into one of the emergency rooms?
A No, sir.
Q When you get in the emergency room was he told to sit down or lie down?
A Yes, sir, the was told to lie down.
Q And did he do that?
A Yes, sir, he did.
Q Did he have any trouble doing that?
A No, sir, no trouble.
Q How long — and I know you don't have a clock and you're not looking, you know, but were y'all at Tuomey approximately?
A I'll say about an hour or an hour-and-a-half.
Q And were you in control of Mr. Wilson then as far as his physical being? You were guarding him?
A Yes, sir, I was.

Q Okay. And were you in the room when he was being treated?
A Yes, sir.
Q Okay. Were you there when the nurses came?
A Yes, sir.
Q The lab techs?
A Yes, sir.
Q The doctor?
A Yes, sir.
Q All right. And did you observe the interaction of those folks with the defendant?
A Yes, sir, they didn't have no problems with him while along they treated him.
Q He appeared cooperating with them as they were treating him?
A Yes, sir.
Q After they finished -- and some of them are gonna testify; I'll ask them specific questions -- but after they finished treating him, what did you do with him?
A We proceed to the route to Sumter-Lee Regional Detention Center.
Q And at this point who's with him?
A I am.
Q Just the two of you?

A Yes, sir.
Q And if you remember, was he, when he was being treated in Tuomey was he still handcuffed?
A I can't remember, sir.
Q Okay. But he never did any, had any outbursts in Tuomey?
A No, sir, he did not.
Q And did you handcuff him from the Tuomey to Sumter-Lee Regional?
A Yes, sir, I did.
Q And that's standard operating procedure?
A Yes, it is.
Q Okay. When you told him or asked him to put handcuffs, or put his hands behind his back, did he do it?
A He complied, yes, sir.
Q Okay. Was it a long wait when you told him to do it?
A No, sir.
Q You said to do it and he did it?
A Yes, sir.
Q Did you have any conversation with the defendant between Tuomey and Sumter-Lee Regional?
A No, sir.
Q Okay. You get to Sumter-Lee Regional, what

happened?
A He got out the patrol car. He proceeded into the booking area and ——
Q Do you have any trouble with him during that period?
A No, sir, I had no trouble at all.
Q And I'm not trying to be — but when you told him to get out of the car what did he do?
A He got out the car.
Q Any hesitation?
A No, sir.
Q Did he appear to understand what you told him?
A Yes, sir.
Q All right. And is this the next, just early morning hours of November 30th now, 2010?
A Yes, sir.
Q Okay. You walk him into Sumter-Lee Regional, what do you do with him?
A I turn him over to the booking officer.
Q Okay.
A There, I guess, that was the booking, proceed to do intake on him, and stood back and let them process him in jail.
Q And that's what you do, you take him to a booking agent?

A Yes, sir.
Q Booking officer, I'm sorry.
A Yes, sir.
Q How long did you stay at the jail then?
A Not that long.
Q Okay.
A Once they completed intake, once they took handcuffs off him I left.
Q So at any point during your time, and you'd been with him the whole time?
A Yes, sir.
Q Any point to the time -- I'm sorry, excuse me. At any point during the time you were with the defendant did he ever say somebody was trying to go get me?
A No, sir.
Q I didn't know who anybody was?
A He didn't say anything.
Q Beg the Court's indulgence. You've been around a while?
A Yes, sir.
Q I don't mean that bad at all, but you've responded to a lot of scenes?
A Yes, I have.
Q Based on your experience, your training in law

enforcement, just everyday living, did the defendant appear to be under the influence of anything?

A No, sir, not to my knowledge. No, sir.

Q Okay. And I know you're not a doctor; I'm not asking that.

A No, sir.

Q But just based on, did he appear to be under the influence of anything?

A No, sir, he — when I found the bathroom he appeared to be calm.

Q And his speech, you said he responded to you. You know, I don't know if he ever talked to you; but when you heard him talk, if you heard him talk, could you understand his speech?

A Like I say, he wasn't saying anything, you know. To me he appeared to be out of it like I said earlier. Some of the family members called him and he appeared to be out of it. He wasn't, wasn't being aggressive. He was not, he was being passive, and he wasn't really saying too much.

Q Thank you. That's all.

THE COURT: Mr. Brooks.

CROSS-EXAMINATION

BY MR. BROOKS:

Q Officer Sinkler, again, you said he appeared to

be out of it?
A Yes, sir.
Q And that was pretty much consistent the whole time that you were with him; is that correct?
A Correct.
Q From the time you took him from the house, to your car, to the hospital, and back to your car and to the jail; is that correct?
A Yes, sir.
Q He was totally out of it?
A Yes, sir.
Q No other questions.

THE COURT: Any redirect?

MR. MEADORS: No, sir. Thank you.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you, sir.

THE COURT: Let me see the attorneys over here real quick.

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

THE COURT: The State may call its next witness.

MR. MEADORS: Your Honor, the State would call Flora L. York Laraque.

THE COURT: All right, come forward and be

sworn.

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

THE WITNESS: Flora York-Laraque.

WHEREUPON,

FLORA YORK-LARAQUE,

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

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

THE WITNESS: My name is Flora York-Laraque, Y-O-R-K, hyphen, L-A-R-A-Q-U-E.

DIRECT EXAMINATION

BY MR. MEADORS:

Q What do you want me to call you?

A Flo.

Q Is that okay?

A That's fine.

Q All right. Ms. Flo, tell these — you're tired; aren't you?

A A little.

Q Tell them why you're tired right now.

A I worked all night. I did 12 hour shift, 13

really.
Q And we're taking you a little out of order now 'cause you're going home to go to bed, right?
A That's right.
Q And where do you work?
A Sumter-Lee Regional Detention Center.
Q And how long have worked there?
A I'm there now I think about 7-and-a-half years.
Q And what's your job there?
A I'm a LPN there, nursing.
Q And tell us a little bit more about your background. What did you do prior to Sumter-Lee Regional Detention Center?
A Well, I worked — I moved here from — relocated in 1989 from Brooklyn, New York.
Q Yes, ma'am.
A And I worked in the school system then and banking, in brokers' house like Ian Hutton, Merrill Lynch, places like that, Chase, Manhattan, Bankers Trust. Then I went into nursing about nineteen-and-a-half years ago, and I worked at Covenant Place and National Health Care. And then from there I went into correctional nursing. I worked at the State — I retired from there in 2006.
Q Where did you ——

A Turbeville.
Q Turbeville?
A Yes.
Q And you were the health care there at Turbeville?
A Yes, nurse there.
Q Okay. And for nine— how long?
A For about nineteen-and-half years, almost 20 years now.
Q And then you came to Sumter-Lee?
A I came there as part time and end up coming out of retirement working full time.
Q And specifically your job is what at Sumter-Lee Regional Detention Center?
A Well there we, you know, give patient care and we also put, screen them in medically when they come in to the system.
Q And when is that done, that screening medically when they come into the system?
A It can be done right away or if you use your judgment. If you think that maybe the person is not being cooperative or maybe needs some more care, then you can give them that care and then you can screen them in after you have made that decision it's time to be screened in.
Q I want us to go back, the reason we asked you to

be here today. November 29th, 2010, up to November 30th, 2010, that morning, were you working at Sumter-Lee Regional Detention Center?

A Yes.

Q Have you got an office there? Where are you located when you go in the jail?

A Well, I have my medical, what we have, you know, exam room is there. But we also work in booking also when we screen them in. Usually they'll call us and do assessment of a patient. An inmate comes in and he seem to be hurt or, you know, need medical care we go there to assess them and evaluate them. And if they need to be, you know, brought into medical, we'll do that. But usually we do it right there in booking where they're booked in.

Q So somebody would have had booked him in, and then if there are injuries you come and look at them and assess them?

A Yes. Usually they'll call when they walk through the door and they look like they need to be scene or sent back to the hospital so I go ahead and assess them.

Q And did you have an occasion on November 30th, shortly after 12:00 in the morning 2010, to assess the defendant Alexander Wilson?

A Yes, I did.
Q And who else was with you when you did that, if anybody?
A Well, I'm the only nurse there at night.
Q Okay.
A But during that time there's the booking officer and whoever they have there, usually about two to three officers in booking at that time.
Q Okay. What do you do and specifically what did you do in assessing the defendant Alexander Wilson on this morning, and what time did you first see him?
A I saw him about 12:00 'cause I assess him about 12:15. When he came in they usually call medical and say we have someone we need you to look at, or they'll come in through the door I think you need to see him before we book him in.
Q Yes, ma'am.
A So they called me and I went there to see who it was and it was Alexander ——
Q Wilson.
A Wilson. That's him sitting over there (indicating).
Q Sitting over there.
MR. MEADORS: And we'd like the record to

reflect that, Your Honor.

THE COURT: The record will so reflect.

BY MR. MEADORS:

Q What'd you do first?

A Well, when I went in I looked at him and I saw that he looked like he had just, you know, been at the hospital and he was treated there, and Officer Sinkler was with him. And I asked what was wrong 'cause he had his head all banded off and bloodied, the bandage on his head, and he said that he was treated at Tuomey and he had received stitches -- I mean, sutures or staples. And I asked him what happened, and he told me that he was beaten by his brother Mr. Wilson. So he was beaten by his brother with a baseball bat.

Q And this is the information you gathered right when you first met with the defendant?

A Uh-huh, yes, when I saw him.

Q And you asked him that question and he responded?

A He responded.

Q Okay. And did he appear to understand your question?

A He understood the question.

Q And was his response timely, like, you asked him and then did he in the appropriate time give you a

response?
A Well, he give me appropriate answer but his timing, you know, just a little slow. He, you know, his speech was clear; I could understand him. But it was like slow. And but he did, you know, looked up and said that he was beaten with a baseball bat.
Q So the answer was subject matter appropriate to your question?
A Yes. Yes, it was.
Q So he told you what happened to his injury?
A He just told me he was beaten by his brother with a baseball bat.
Q And that's what you're doing here is assessing him for his injury, right?
A Yes, I'm assessing him.
Q That's what you're trying to find out?
A Right.
Q What else did you do in your assessment?
A I noticed that he had his head — I took the paper from Tuomey so I could read and see what happened. And it said he had a blunt, you know, injury to his head so ——
Q Yes, ma'am.
A ——so I wanted to make sure he was all right so I start asking him question to make sure he was alert,

you know, and know where he was. And he did, he know his name, knew where he was, the year. And then, you know, I kept asking him was he hurt and he told me he was beat. And they had also his abdomen, his stomach and his arms, so I wanted to look at that so I looked at him and I noticed that he was. So talking to him, you know, he respond but he was very slow. His walking, his gait was very slow, a little unsteady and you could tell like he was hurt, you know, 'cause when I asked him to move his hand. I wanted to make sure that he could move his arm and hand and stuff like that, and I noticed that he sort of hesitated, you know. When I asked him to move his hand I wanted to make sure he had full range of motion, that he didn't have anything wrong, broken arms or anything.

Q And did you notice any injuries on his arms or hands?

A I noticed his arm was swollen. I didn't see no open wound like bleeding, but it was swollen. And the head, mostly I was concerned with his head and his abdomen. I didn't see any swelling there, but he did tell me he was struck there.

Q You — did he appear to be under the influence?

A He just looked subdued. You know, he wasn't

alert like I am talking. He was alert oriented, but not where he was just, you know, talking back to me like you talking to me. He was very subdued, looking down.

Q And you said the word alert and I think you said oriented right there? Are you ——

A Yes, he was oriented, knowed where he was.

Q Let me ask you real quick, are you familiar with oriented times three or?

A Yes.

Q What does that mean?

A That mean he know where he was, he know his name, he know the time, and he know the place.

Q And you said he was oriented?

A Yes, he knew.

Q And specifically how did you make that?

A By asking what's your name.

Q When you asked him his name was he able to give it to you?

A He also give me his name.

Q And you said he knew where he was. How did you ——

A He was at Sumter jail; he know that. And he know the year.

Q And you said what year is it?

A Yes, and he know it was 2010.
Q So he was able to respond and give you those answers ——
A He respond slowly but he respond.
MR. MEADORS: And can I approach?
THE COURT: Yes, sir.
BY MR. MEADORS:
Q You mind if I approach to you?
A No.
Q How close was the defendant to you when you were, when you were assessing him?
A He got to be close because I got to do his blood pressure, I got to touch him, I got to look at his hand. I got to look at his face, his eyes, and I'm looking at him to make sure he didn't have no, you know, like open wounds that were starting to bleed again so 'cause it was, you know, blood stain. Very close.
Q The record reflect a foot or two?
A Well — you said a foot or two?
Q Tell me how far, just tell me how close he was.
A Just as close as you are to me right now. So I can hold his hand, touch him so I can take his blood pressure, his temp.
MR. MEADORS: Your Honor, for the record

that's a foot approximately.

THE WITNESS: About a foot, okay.

BY MR. MEADORS:

Q Okay. Look at me again please. And look at, you looked in his eyes?

A I looked into his eyes. I want to see if he look at me good eye contact; but you know, he keep looking down but he looked at me.

Q What could you tell about his pupils?

A I know it was active. I know one of them wasn't, one of them wasn't larger than the other.

Q Was not?

A No.

Q And what did that tell you about in your assessment? What does that tell you?

A That tell me that he's alert, doesn't have a concussion, not going out in and out, you know, like not aware of what's happening, not getting ready to pass on out on me or something like that.

Q That he was alert. And you got that from looking into his eyes, Ms. Flo?

A Yes.

Q Okay. What did you do next?

A After that I told the, I think it was Lieutenant Kelly, that I wanted to -- 'cause he was, you know,

a little dizzy, I asked him maybe let him sit in the chair. Then I said, well, I'm gonna let him maybe lie down and put some ice, give him ice to put on, you know, the head and the arms and stuff that was hurting and that way I'll let him rest and then we'll screen him into the system later. But I just wanted to observe him, and I asked could I — I was going to put him on medical observation and I did. I kept him in booking so he would be close to me. I didn't sent him down to a pod. So we kept him in booking all night, you know, so I could go back and forth and watch him and wake him up to make sure he didn't go into low coma or anything like that because of the head wound.

Q Because of his head injuries?

A Yes, yes. And it was, you know, pretty severe so.

Q Could you see the sutures or staples, or whatever was in his head?

A No, because he had dressing. Normally I will not take a dressing off. It start to bleed; I just re-enforced it. You don't take the dressing off. The next day, yeah, we could assess it like that, but I didn't take it off to look at it 'cause officer said it was 17 sutures he had so, staples I

think it was.
Q And ——
A Staples.
Q So approximately how long did you spend with the defendant in your first assessment?
A Oh, I know it had to have been an hour there 'cause I didn't go back into medical 'cause he the only one I had at that time so I could spend a lot of time with him.
Q Okay. And during your interaction, closeup and, touching he appeared to understand what you asked him?
A Yeah, he understood everything I asked him.
Q And he was oriented time three?
A Yes, he know exactly what I asked him. He could respond appropriately to the question and he could follow the plan. I told him raise your right hand 'cause I want to see, and then I noticed he was like hesitant. And that's when I noticed, I think it was his right arm, that was a little swollen. Can I have some water please.
Q Yes, ma'am, I'm sorry.
A Thank you.
Q Yes, ma'am. So you kept him there in booking. You didn't have any other clients or patients, if

you will?
A Oh, I had other inmates that came in, but I kept them in booking so I could be there 'cause booking I would be there most of the night screening people in. So he's there, I didn't want to put him in a pod where I have to run back and forth. This way I can always peep through the glass to see if he was, you know, sleeping or moving around and make sure I could call him to wake him up because I have to, wanted to wake him up like every maybe 30 minutes to call him to make sure he was still alert, breathing.
Q Okay, doing your job.
A Right.
Q And did you do that?
A Yes, I did.
Q Check on him, pick on him?
A I checked on him, called him, wake him up one time and he was alert. Still asked him his name, took his vital signs again, and you know, and see how he was doing.
Q Do y'all have those — I know you did in your initial assessment you've testified. Do you have forms you use also, just standard forms for assessments? Did you ——
A I write it in my notes, I got assessment and ——

Q Well, I guess did you assess him again a few hours later?
A Yes, I did.
Q Okay.
A I checked.
Q And can you tell us about that specifically.
A Okay, I ——
Q Please.
A Okay. When I went on he was still on the mat. This is where the assessment begin. At 1:15 I went this way. I want to make sure he was, you know, awake so I called him and he was resting on the mat on the floor. His head, he had his head slightly elevated with his mattress and I noticed his right side of his face was increasing in swelling and some bruising, and I gave him some ice and I show him what to do with the ice and make sure he keep the paper towel between it so he won't have it on his skin, you know, ——
Q Did he understand?
A ——apply it ——
Q Ms. Flo, did he understand you when you were telling him to do that?
A He understood what we said.
Q Okay.

A Although he didn't keep it on there all night, you know.
Q I understand.
A When he'd sleep it would keep moving around but that would help with the swelling. And he did that. And he, but his speech, you know, was just a little slow. Like when I talked to him it wasn't like we talking or like he, I would talk to him now. He would say yes and slow, very slow like, ——
Q Still ——
A ——but coherent.
Q It was content, content appropriate?
A Yes, it was appropriate, slow but appropriate. And I took his vital sign and that's when his blood pressure got a little low that I was a little worried about that because I wanted to make sure he didn't have no internal bleeding. But it was, I think it was 90 over 40 pulse was 80, the respiration of 16. Pupils was still reactive and his speech was remained slow and clear. And he was — continued responding appropriate to all verbal command. And he was, when I wake him again he complained about his arm, you know, was hurting at night.
Normally I wouldn't give him no pain

medication because I don't know at the time what Tuomey gave him. We don't like to give medication that would cause them to be drowsy when they're with a head wound. We try to keep them alert as much as possible. And I did call a doctor and got an order for Motrin for him, to give that next day. And 4:00 that morning, 4 a.m. is when I went in, wake him, and I had him brought out and we put a, you know, a chair so he could sit in the chair and that way I could ask him the question and that's when I did my screening after I watched him all night. And that's when we did the screening and I asked him the question and he answered.

Q And this is 4:00 on the 30th ——

A 4 a.m.

Q ——2010?

A Yeah, about 4 a.m. I told him — right, 11/30. That's when I brought him out of the room, and I did ask him a question and he answered so I could have put it into the computer 'cause this is written on nurses note but I wanted to put it into the computer.

Q And let's go to the 4 a.m. assessment.

A Okay, 4 a.m. assessment.

Q Please.

A A.m., 4 a.m, inmate screened in, awake and alert, oriented times three. Responded slowly to verbal command, inmate assisted off mattress on floor and brought to desk for screening. Allowed inmate to sit during screening 'cause I didn't want there — I took his blood pressure again. It was 122 over 70. Temp was 98.4. His pulse was 80, and his restoration was 16. And I give him more ice to put on his arm to, you know, to decrease the swelling. And that when I went into the computer and screened him in. Do you want me to read that?

Q Sure.

A Okay.

Q Please.

A Yes. And inmate unconscious showing visible sign of illness. Well, we note he went out to Tuomey so he gonna have visible injury. And on the second question are there any visible sign of fever, jaundice, skin lesion, rash, infection. Inmate presented to medical screening after being seen at Tuomey Regional Medical ER for blunt head injured and head laceration. Arresting officer state that inmate had 17 staples to back of his head. He was beaten with a baseball bat, per inmate — that's what the inmate said — to his head and stomach.

Inmate noted with a large bruise and edema to right upper arm. Facial edema to right ear and head. Swelling noted with a clean dressing wrapped around his head with blood stain to back and front of dressing. His right lower arm was edematous. Inmate alert and oriented times three. Inmate able to explain what happened to him. His pupils ecco and is round and is, you know, respond to lights. Inmate was placed on medical observation, was monitored closely during the night. And when, you know, the — we went on down to help orient — I asked him, are you taking medication; he told me, yes, he was taking Abilify. And I did record he admit to health problem 'cause he was there before. And I talk about his gait being slow and unsteady and inmate was treated for blunt head injury at Tuomey ER last night 'cause it was already the next day. He was treated at Tuomey at 11/29/10 for blunt head wound and laceration to his head. And I went on to record his vital sign. And I asked, have he ever was treated for any mental health problem and he told me, yes. And then I asked him what, he said schizophrenia, and I make a notation of that. And then I, you know, explained to him to let the nurse, I mean the officer, know if he having any problem

and he stated that he would. And they kept him up there and I was off for the next couple of days.

Q So during this entire process the initial assessment, this assessment several hours later, were you able to understand him and was he able to understand your questions?

A Yeah, he understand everything I said. Even when he came in through the door he could understand everything. I never had a problem thinking that he didn't understand. He even volunteer to tell me that he was beaten, you know. He never told me why, but he told me he was.

Q Ms. Flora, thank you.

A Thank you.

THE COURT: Mr. Brooks.

CROSS-EXAMINATION

BY MR. BROOKS:

Q Ms. Flora, you're a nurse at the jail and you assess people as they come in from their medical physical infirmities; is that correct?

A Yes.

Q You're not trained in any type of — be able to diagnose any type of mental health condition; is that correct?

A No, I'm not trained in that, but if there is one

person that comes in and out with a mental problem I'm aware of that.

Q Okay.

A And sometime ——

Q And as part of that assessment you had — you were familiar with the fact that he had been treated for schizophrenia?

A He told me. We have — that's part of the assessment. We must ask — when we ask we refer them to our mental health doctor there, you know, that comes on site. Usually if they come in with mental health med, we try to find out what type of mental health they have.

Q And who was the mental health doctor?

A Doctor O.

Q Doctor who?

A O. I can't pronounce his name. It start with an O. O, I can't pronounce it. We just call him Doctor O.

Q Okay. Doctor O have any contact with Mr. Wilson?

A Yes.

Q Okay. And it was after you had assessed him on that date?

A Doctor O have a lot of contact with him, but he saw him during after that period.

Q Okay. And after you assessed him when he came back in on November 29th?
A Did he see Doctor O?
Q Yes, ma'am.
A Yes, I'm sure he did.
Q But it was after you assessed him when he initially came in?
A Yeah, he always said — he don't come in at night to assess him, not unless it's called for, it was something that really needed to be we'll call him.
Q Right, but after you — your job is to assess everybody that comes in?
A Right, and refer them to mental health.
Q Or whether or not ——
A If he appears ——
Q Everybody that comes in, it's your job to determine whether they need immediate medical attention, if that means take him to the hospital ——
A Yes.
Q Or if that's something we can do on site ——
A Yes.
Q ——is that something I can take care of in my capacity as a nurse. Now after that, that initial assessment that you did with Mr. Wilson, later on

Doctor O saw him at the facility?

A Yes.

Q Okay.

MR. BROOKS: No other questions, Judge.

THE COURT: Any redirect?

MR. MEADORS: No, sir, thank you.

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

Any objection to this witness being excused?

MR. MEADORS: We'd ask so, please, thank you.

THE COURT: Okay. This will be a good time to take a recess so we'll take a 15 minute recess. If you need to smoke or something like that one of the bailiffs will take you outside to let that happen. All right, please do not discuss anything about the case while you're back there. Thank you.

(WHEREUPON, the jury was removed from the courtroom at 10:44 p.m., and the following proceedings commenced in open court.)

THE COURT: Court's in recess till 11:00.

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

THE COURT: All right, let's bring our

jury back in.

(WHEREUPON, the jury was returned to the courtroom at approximately 11:05 a.m., and the following proceedings commenced in open court.)

THE COURT: Ladies and gentlemen, we will continue with testimony.

MR. MEADORS: May it please the Court.

THE COURT: Yes, sir.

MR. MEADORS: The State will now call Dan Thomas, Emergency EMS.

THE COURT: All right.

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

THE WITNESS: Daniel Thomas.

WHEREUPON,

DANIEL THOMAS,

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

THE CLERK: Thank you. Have a seat up here please. State your full name, spell your last name for the record.

THE WITNESS: Daniel A. Thomas, T-H-O-M-A-S.

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good morning. What's your rank?

A Sir?

Q Do you have a rank?

A Fire fighter, engineer.

Q Okay. Can you tell the ladies and gentlemen of this jury a little bit about your background and specifically your background in EMS and/or fire?

A Okay. I'm originally from Michigan, retired from military 2003, been with the Sumter Fire Department and Sumter County EMS approximately ten years, then as an EMT, and still active as a first responder for the fire department.

Q What's an EMT?

A Emergency medical technician.

Q And what type of training did you achieve to become an EMT?

A Well, I had to go through a very rigorous course of tech and practical skills to assess patients and provide treatment.

Q And you've been doing it for ten years?

A Yes, sir.

Q And how many calls have you been on?

A Hundreds.

Q And at what point do you know what you're

responding to?
A Dispatch, when they — when the dispatch tones us out they'll give us a brief description, of course the address and/or whatever the chief complaint of the patient.
Q So it's either a car wreck or you're going to a house for whatever?
A Chest pain, motor vehicle accident.
Q And so what did you — when you were heading over to [redacted] Congress Street, Mayesville, South Carolina what were you, did you know what you were responding to?
A Dispatched out to an assault, injury and assault.
Q Okay. And at that point did you know what they were?
A No, sir.
Q How many are you — how many folks are in that ambulance?
A Two, two EMTs.
Q Two EMTs?
A Yes, sir.
Q And were you driving?
A Not to my knowledge, no.
Q You responded to [redacted] Congress. Did you go inside?
A Yes, sir.

Q You remember seeing the body of the victim?
A Yes, sir.
Q And do you remember, did you touch the body of Ms. Wilson?
A No, I did not enter the room. The deputies already pretty much determined this patient was deceased so we did not enter the room to preserve evidence.
Q So she was dead when you got there?
A Yes, sir.
Q So at that point did you assess or look at the suspect Mr. Wilson?
A Yes, we provide care for Mr. Wilson.
Q And did you see him inside the house when he was sitting?
A Yes.
Q And were you present when he was asked to leave the house and go to the ambulance?
A Yes, I proceeded with Deputy Sinkler and we went to the ambulance and ——
Q So were you walking beside the defendant?
A Yes.
Q Were you there when the officer Senior Corporal Sinkler asked the defendant to get up and leave and go?

A Yes.
Q And did you see the response of the defendant when he was asked to do that?
A Yes.
Q And did he get up and go when he was asked to?
A Yes, he did.
Q And when he got to your ambulance was he told or asked to get inside?
A Yes.
Q And did he do that?
A Yes, he did.
Q Specifically inside your ambulance now, where was he positioned?
A Once we got in the ambulance we put him on the stretcher and secured him for transport, put the seatbelt over him basically; and the deputy sat on the bench seat across from him and I was next to the deputy doing my assessment.
Q And when he was asked to sit or get on the gurney or stretcher did he respond appropriately?
A Yes, he did.
Q And did he physically get up and get on the stretcher?
A Yes, he did by himself.
Q Was he -- I think you said, was he buckled in or

something?
A Yeah, he was seatbelt in. He was still handcuffed at that point also.
Q Was he -- did you have any difficulty -- I assume you did it or whoever did it -- buckling the defendant in?
A No, not at all.
Q Okay. Did you perform any medical procedures then trying to check his vitals or do anything?
A Yes, sir. I took vital signs and then I observed he did have a laceration to his head and I applied dressing and bandaged that to control bleeding and then I took vital signs for the entire duration to the hospital.
Q And it sounds crazy, but how did you do that? How did you monitor him?
A Sitting on the bench right next to him within arm distance.
Q Did you have any difficulty doing that?
A No.
Q Did he try to keep you from doing that?
A No.
Q And did you tell him what you were doing?
A Yes.
Q When you were checking his vitals and doing all

that, did you ever ask him anything?
A No. Just, well, basic questions, are you hurting anywhere, you know. I basically explained everything I was going to do procedure wise, and then he did not respond in any way.
Q Did he act out? Was he violent or do anything in your presence?
A No.
Q And when you got to the hospital, were you there when Senior Corporal Roosevelt Sinkler asked him to get out of the ambulance?
A Yes.
Q And did he ——
A I unbuckled him. He got up on his own power and we walked into the emergency room.
Q And was responsive to Senior Corporal's instruction?
A Yes.
Q Okay. Did you walk in — do you walk, actually take him into the hospital, go with the officer?
A Yes, sir, escort the patient in.
Q Were you there when he went into the ER room?
A Yes.
Q How long did you stay there then?
A Probably about five to ten minutes, just enough

to get our information, give our report to the doctors and nurses and we ——

Q You kind of let them know, hey, here's what I did ——

A Yes.

Q ——and give them an update so then the emergency room doctors and nursers and lab techs kind of take over?

A Exactly.

MR. MEADORS: Beg the Court's indulgence.

THE COURT: Yes.

MR. MEADORS: Thank you. That's all.

THE COURT: Mr. Brooks.

MR. MEADORS: No questions.

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

This witness is excused if there's no objection.

MR. MEADORS: Thank you, nothing.

Your Honor, the State of South Carolina now calls Doctor Harry Wernsman.

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

THE WITNESS: Doctor Eric Wernsman.

WHEREUPON,

ERIC WERNSMAN,

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

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

THE WITNESS: Eric Steven Wernsman, W-E-R-N-S-M-A-N.

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good morning.

A Good morning.

Q Would you please relay to the jury your background, your training, your education and in particular your training in the field of expertise that I'm offering you today?

A I graduated from Kirksville College of osteopathic medicine in Missouri in 1994. I was — went on to internship and residency in Florida and Chicago for emergency medicine. My residency was with Midwestern University, and so that was four years. And then I was practicing attending physician in emergency medicine at Bowman Regional Medical Center in Illinois, Philadelphia University

trial center for eight years and then moved to Sumter and have been here for an additional eight years.

Q And your job here in the emergency room is what?

A I'm an emergency medicine physician. I'm board certified in emergency medicine.

Q That was my next question. And you got a number on how many people you've seen?

A Thousands.

MR. MEADORS: Your Honor, at this time we'd offer Doctor Eric Wernsman as an expert in the field of emergency medicine?

THE COURT: You want to voir dire him?

BY MR. BROOKS:

Q Doctor, you're here — your practice is, as you said, you're certified in emergency room physician; is that correct?

A Correct.

Q You see thousands of people?

A Correct.

Q You work at Tuomey Hospital?

A Correct.

Q For the average layperson like myself, what does an emergency room physician do?

A We work specifically in the emergency department

to take care of basically anyone that comes there. We see people with colds all the way up to people who've had heart attacks, to shooting, stabbings, cardiac arrest. I mean, we see people at their best and at their worst.

Q Okay. And I think you testified earlier that you see thousands of people?

A In my career, yeah, I've seen thousands of people, yeah.

Q Okay. And as an emergency room physician, as you indicated you see people for various ailments?

A Correct.

Q Trauma, it could be anywhere from a car accident or gunshot wound?

A Correct.

Q Okay.

MR. BROOKS: Judge, may we approach.

THE COURT: You may.

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

THE COURT: Do you have any objection to him being deemed an expert in emergency medicine?

MR. BROOKS: For that limited purpose, no, Judge.

THE COURT: All right. Then I am going to

deem Doctor Wernsman an expert in emergency medicine. Now ladies and gentlemen, ordinarily a witness can only testify as to what they saw, heard, smell, tasted, or felt. However, when somebody has an extra degree of expertise by training and experience, then they can give opinions that go further than that. Now whether or not you decide to take it and to make it evidence for you, that will be up to you. And you just -- you shouldn't give him any more credibility just because he's an expert, but just give him the give his testimony the weight that you deem appropriate. All right, thank you.

You may proceed.

MR. MEADORS: May it please the Court.

BY MR. MEADORS:

Q And I take it you're Board certified?

A Correct.

Q Doctor, for purposes like we're here today do you take notes and are -- we see sometime on TV dictate maybe what's happened shortly after it happened so you'll have a record of it later?

A Yes, we do.

Q And that's what happened in this case and what's been provided to all the parties, correct?

A Correct.
Q And specifically on November 29th of 2010 at approximately 11:33 did you have an occasion to see the defendant Alexander Wilson who is sitting next to Mr. Brooks?
A I did.
Q And tell the ladies and gentlemen of this jury, Doctor, specifically in the hospital where did you see him?
A In the emergency department.
Q And it's like TV to that extent. They actually come to the ER and y'all pick them up. The patient is right at the door basically.
A Well, the EMS personnel bring them into the room and sit them down and the nurse goes in with a tack and they do the triage, determine, you know, the severity of their illness or injuries, then they bring the chart to us and then things progress from there.
Q So at that point EMS talked to the nurses and they made assessment and then they let you, the doctors know, here's what we have?
A Correct.
Q And then you go in and start treating, if you will?

A Right.
Q And can you tell these folks what your first contact was with the defendant Alexander Wilson?
A He was brought in for a head injury.
Q Okay. And did you actually look at him?
A I did.
Q Can you describe him?
A He had a 12 centimeter laceration so you're talking about five inches to the back of his head.
Q And how deep was it?
A Just to the subcutaneous tissue. Underneath the skin it's like a layer of fat that's subcutaneous. Below that is the next layer above the skull that's called the galeal and it's the skull itself. The galeal was not interrupted, did not require repair, but the subcutaneous skin, and the skin did require repair.
Q And so as far as it being a deep laceration, could you see the skull?
A No.
Q Okay. So as far as your assessment on that you saw the injury, what did you do to treat that?
A He had a CT scan which was negative and then he had the area anesthetized and stapled.
Q And did you do that?

A I did.
Q Now during this process of determining what you were going to do and the nature and extent of his injuries did you have communication with him or attempt to?
A Yes.
Q And can you tell the ladies and gentlemen of the jury about that?
A The patient wouldn't verbally answer any questions, but he would nod yes or no to certain things.
Q Okay. And specifically, did you ask him certain things regarding his body or himself or his injuries that he would, did nod back?
A Yes.
Q Okay. Based on his nod did it appear to be an appropriate response?
A Yes.
Q Okay. And so based on your experience and being there, just dealing with people, he appeared to understand your question?
A Yes.
Q Okay. And was his nod timely in, I mean, in response to your question?
A Yes, he answered the questions right away.

Q And specifically, I mean, did you learn as a part of the treatment that, how he had injured his head?
A Only through the police officers.
Q Okay. And it's been testified to, is that through his brothers?
A Correct.
Q Okay. And did they — I'm just reading off your notes, Doctor. Did — were you informed that they, the brothers hit him with a bat that the patient had used to beat his mother?
A That's what we were told, yes, sir.
Q And did you ask the defendant about that?
A I asked him if that's what happened, yes.
Q And what did he do?
A He didn't respond at.
Q He didn't respond at all?
A No.
Q And during your — I'm just reading your notes — the prepping and getting ready for all the surgery, did he give you any problem in complying with your preparations to fix him or to try to —
A No, he did not.
Q Okay. And you, I think as we both asked you, you've seen thousands and thousands of folks. Have you been in the emergency room where people are just

violent and acting out and ——
A Yes.
Q And was the defendant restrained when you were treating him?
A He might have been in handcuffs; I can't remember.
Q Okay, but was he violent?
A No.
Q Was he acting out at all?
A No.
Q Okay. Did he scream?
A No.
Q This is a crazy question, I guess, but how close did you get to him?
A I mean, I'm working on the back of his head and listening to his hear and lungs, feeling his belly and checking his body for any other injuries so I'm physically touching him.
Q So is it — and you have to do that as a doctor?
A Correct?
Q So you're actually touching his body having to help fix him, and during that process did he push you back or try to be, resist you in any way?
A No.
Q Okay. Based on your training and experience just

seeing these people, thousands of people, did he appear to be under the influence?
A No, he did not.
Q Okay. Did he appear to be out of it?
A No.
Q And you've seen people out of it?
A Right.
Q Okay. I'm looking here in the notes, it says no concussion.
A Yes.
Q And how do you make that determination?
A Based on CT and presentation. He had no nausea, no vomiting, no dizziness. He ambulates with a steady gate when he came in the department, left the department. No memory issues that we could ascertain and his CT scan was normal.
Q And ambulatory meaning he was walking fine?
A He walked normal, yeah.
MR. MEADORS: Beg Your Honor for a minute.
THE COURT: Yes.
BY MR. MEADORS:
Q If someone was violent or acting out would you sedate them?
A Yes.
Q Okay, with what?

A Typically we use Haldol and Benadryl, and sometimes for exceptionally violent patients we have to use Ativan on top of that.

Q Did you feel any of that was called for in this case?

A No.

Q That's all. Thank you, Doctor.

THE COURT: Mr. Brooks.

CROSS-EXAMINATION

BY MR. BROOKS:

Q Doctor, on direct from Mr. Meadors you answered that Mr. Wilson was not violent, was not acting out and he was not screaming in any way, shape, or form; is that correct?

A Correct.

Q And Mr. Meadors asked you was he "out of it". What does "out of it" mean?

A "Out of it" would be delusional where he's confused or combative or under the influence of alcohol or drugs.

Q Okay. And that's what you would define as out of it?

A One form of out of it, yeah. Out of it could be unconscious or unresponsive.

Q Okay. And basically some -- as you indicated,

you asked him what had happened and he didn't respond; is that correct?

A Correct.

Q Okay. And just to be clear, you are the emergency room physician. You see thousands of people and you are called upon in your capacity as an emergency room physician to make an initial, an immediate assessment of a person's situation when they come in; is that correct?

A Correct.

Q And when you do that it could be like talking about, whether it be severe head trama or a bullet wound to a particular part of the body or car accident, or any way shape or form, you have to make a quick judgment call depending on what the situation is as you assess it at that time; is that correct?

A Yes, and we use additional labs or CAT scan to assist us with that assessment.

Q Okay. So now knowing you would not be privy to a person's entire mental health history now, would you?

A If it's in the medical record we would, yeah, as far as like our diagnosis is concerned.

Q But in this situation you would not?

A His previous medical record elicited that the patient did have serious schizophrenia.
Q Okay. It indicated he did have schizophrenia, a long history of schizophrenia; is that correct?
A It didn't say.
Q Okay. But you just had a quick snapshot to say he had a history of schizophrenia?
A Correct.
Q You didn't know all the specifics as to how long and all the medications and all the things he had taken, you didn't know all that?
A Only when he was in the room.
Q 'Cause you only had, you only had time to make that brief instant call as you do in your job; is that correct?
A Correct.
Q Okay. No other questions.
THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. MEADORS:
Q In response to Mr. Brooks — yes, sir, I'm sorry. And the question about what you mean by out of it. You said one would be not delusional, not combative, and not under the influence?
A Correct.

Q And you've dealt with psychiatric patients before, right?
A Yes, sir.
Q You've seen them when they were delusional?
A Correct.
Q And combative?
A Yes.
Q Your testimony is the defendant was not that way when you saw him on November 29th, 2010, at 11:33?
A Correct.
Q Thank you. That's all.

THE COURT: Any recross based on his redirect?

RECROSS-EXAMINATION

BY MR. BROOKS:

Q In response to Mr. Meadors' question about you've seen psychiatric patients and seen them when they have been delusional, you say that you have seen them; is that correct?
A Yes.
Q And you didn't see that in this case with Mr. Wilson in that brief period of time that you saw him?
A No.
Q And that doesn't mean he didn't have any

psychiatric episodes before then; is that correct?

MR. MEADORS: Your Honor, he can't answer that.

MR. BROOKS: He can answer that.

MR. MEADORS: I withdraw my objection.

THE COURT: All right.

BY MR. BROOKS:

Q That doesn't necessarily mean he didn't have any episodes before seeing you, is that correct, because it's fair to say you wouldn't know?

A Rephrase the question or ask the question again.

Q Well, Mr. Meadors asked you, you've seen and you've dealt with and treated psychiatric patients.

A Correct.

Q You said yes; is that correct?

A Yes.

Q Okay. And you stated that some evidence psychiatric patients of people that may be delusional as out of it or under the influence; is that correct?

A Yes.

Q Now in response to Mr. Meadors' question you indicated that you did not see that Mr. Wilson in the brief time that you saw him?

A Correct.

Q Okay. That does not necessarily mean that he may not have been delusional before he saw you; is that correct?
A Sure.
Q Or delusional after he saw you?
A Sure.
Q Because you saw him for a brief, specific moment in time in your capacity as an emergency room physician in Tuomey Hospital?
A Correct.
Q How long would you say that you actually saw him?
A He was — I don't know how long he was in the department. To evaluate and do a history with a patient who's not talking, probably take 10, 15 minutes, and then an additional 15 to 20 minutes to get his head prepped and anesthetized and stapled and dressed.
Q Now and, do you physically do all that or is there a nurse that handles that?
A Some of it is done by me and some of it is done by a nurse.
Q Okay, and ---
A But like the stapling and all, that is all — the history, my history and physical all is done by me.
Q Okay. It's fair to say in your capacity as an

emergency room physician, as you indicated before you see thousands and thousands of people so ——

A (Shakes head.)

Q Is that a yes, Doctor?

A Yes.

Q And you don't — do you recall how many people you saw that evening?

A I do not.

Q Okay. Do you recall how many people you saw that entire day?

A I do not. My average is usually around 30.

Q Thirty a day?

A 30 a day.

Q Okay. And do you have an average of how long you actually spend with a patient?

A No.

Q Sometimes you spend more?

A Sometimes it's more; sometimes it's less.

Q Sometimes less. So you — do you really recall how long you spent with Mr. Wilson?

A No.

Q Okay. So it could have been five minutes or it could have been 30 minutes?

A It would have been, had to be more than five.

Q Had to be more than five?

A 'Cause it takes longer than that to staple the scalp.
Q And were you the one that physically did that?
A Yes.
Q And but it's fair to say it could have been less than 30 minutes?
A Possibly, yeah.
Q Could have been less than 20?
A Maybe.
Q Okay. And you don't have any notes to reflect what, how many other people you saw that day. It's fair to say you could have been trying to finish him up and off to some other patient; is that correct?
A Possible.
Q Okay. 'Cause that was about four years ago?
A Correct.
Q Okay. No other questions.

THE COURT: All right.

FURTHER DIRECT EXAMINATION

BY MR. MEADORS:

Q You reviewed your notes for your treatment of this defendant ——
A I have.
Q ——in this case, correct?
A Yes.

Q Thank you. That's all. Thank you, Doctor.

THE COURT: Anything else? Thank you, Doctor. He's excused unless I have strong opposition.

MR. BROOKS: No objection.

MR. MEADORS: Can we approach?

THE COURT: You may.

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

THE COURT: We're actually moving faster than they were expecting so I'm gonna give you an early lunch with instructions that you be back here at 2:30 so that be will be a nice long lunch. Take a nap if you need to. I'm gonna give you a warning, don't go out and eat a huge lunch. I find that jurors in the afternoons get sleepy. I had one a couple of years ago, they were watching a deposition and the juror was sound asleep. So then in Berkeley County a couple of weeks ago I had just told the jurors not to eat too much at lunch, and then we came back and the juror right in the front was just stretched out sound asleep. So you don't want to do be that juror, okay.

With that, so ladies and gentlemen, have a nice lunch. Please do not discuss anything about

the case with anyone and I'll see y'all back here just a little before 2:30. Thank you.

(WHEREUPON, the jury was removed from the courtroom at 11:34 a.m., and the following proceedings commenced in open court.)

THE COURT: Court is in recess until 2:30.

(WHEREUPON, a lunch break was taken.)

(State Exhibit Nos. 13 and 4 were re-marked as Court Exhibit Nos. 2 and 3, and then the redacted copies were marked State Exhibit Nos. 13 and 14.)

(State Exhibit Nos. 16 through 20 were marked for identification.)

MR. MEADORS: Judge, following Your Honor's instructions as far as State's 14, 13 and State's 14, we have redacted to show on State's 13 taking out the body except for a piece of a leg — Mr. Miller did. And Mr. Brooks has looked at that and ——

MR. BROOKS: That's fine.

THE COURT: I mean ——

MR. BROOKS: We redacted that part you were concerned about, Judge.

MR. MEADORS: So Your Honor, what we propose we made for the record Court's 2 will show the original signal picture. For the record State's

13 would be the redacted version. And then as far as State's 14, we have redacted that to take out the victim's eyes and nose and mouth, and that is State's 14 and Court's 1 will be for the record the original picture.

THE COURT: Those will lessen the graphic content that would, could be interpreted as using them to shock the jury so.

MR. MEADORS: And Judge, for the record, and it's nobody's fault, I just remembered, when we made Court's 1 was the competency report of Doctor Domino so I think now with the, those would be Court's 2 and 3, and not 1 and 2.

MR. BROOKS: I think we also have Doctor Martin's report as well.

MR. MEADORS: It's not marked.

THE COURT: Those are the ones you didn't try to get in?

MR. MEADORS: Your Honor, this is — during the break as we were looking over them and the pathologist this afternoon, there's another picture that shows the top of her head. I've talked to Mr. Brooks, and he's in agreement with this if you are, Your Honor. Court's 4 is the full picture and we have redacted part of the face where, if Your

Honor, it meets with your approval, it will be State's 16, which just shows — and that would be the exact injury to the top of the head. So the three pictures would, one it depicts the body, and then one would depict the spear wound, and that would be the top of the head and they've all been redacted so they would be less inflammatory. We think that goes specifically to the pathologist's testimony.

THE COURT: Are you in agreement with this one?

MR. BROOKS: Fine with me, Judge.

THE COURT: So you have no objection to 14, 15 and 16 as redacted?

MR. BROOKS: No, sir.

(WHEREUPON, State Exhibits Nos. 14, 15, and 16 were admitted into evidence.)

THE COURT: Okay. And then this will be a court exhibit.

MR. BROOKS: Yes, sir.

MR. MEADORS: And Court Exhibits are 2, 3, and 4 on those. And Your Honor, may I in front of the jury as least say these have been redacted not to show the body so it won't look 'cause it looks, obviously it's been doctored. Am I allowed to ask

if they've been doctored so it won't show the full body?

THE COURT: Yeah, you can ——

MR. MEADORS: Just to explain the absence of ——

THE COURT: That's no prejudicial thing.

MR. BROOKS: I don't have any problem with that, Judge.

MR. MEADORS: That's all we have.

(WHEREUPON, Court's Exhibit Nos. 2, 3, and 4 were marked and made a part of the record.)

(WHEREUPON, State Exhibits Nos. 21 through 26 were marked for identification only.)

THE COURT: Ladies and gentlemen, hope you had a nice long lunch.

Is the State ready to proceed?

MR. MEADORS: Yes, sir.

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

MR. MEADORS: May it please the Court, the State of South Carolina will call Bobby Richardson.

THE WITNESS: Robert W. Richardson.

WHEREUPON,

ROBERT W. RICHARDSON,

having been duly sworn by the Clerk testified as

follows:

THE WITNESS: Robert W. Richardson, R-I-C-H-A-R-D-S-O-N.

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good afternoon Mr. Richardson.

A Good afternoon.

Q As I do with every witness I'm gonna ask you to tell the folks, this jury, about you generally where you were born and raised, and specifically, your background and training and education, particularly in the field of law enforcement.

A Yes, sir. I was born and raised here in Sumter County. I've been a resident of Sumter County my entire life up until a couple of months ago I moved to Lexington County. I completed 34 years of law enforcement, several years in the forensics division.

Q How many years in the forensics division?

A 34 total, and 7 in crime scene.

Q Crime scene. And what type of training in law enforcement did you receive?

A I received training from the South Carolina Criminal Justice Academy and numerous schools from Florida all the way through Massachusetts and law

enforcement.
Q And you retired now?
A Yes, sir.
Q When did you retire?
A September 26th of this year.
Q And why did you move to Lexington? I didn't mean that --
A So my wife could take care of me.
Q Back in September of 2010 your duty for sheriff department was what?
A I was a crime scene investigator.
Q What does that mean?
A We're the ones who actually process the crime scene, take the photos, collect the evidence, do any testing that we were capable of doing in Sumter; if not, to get it to SLED for further testing.
Q What's the first thing you do when you arrive at a crime scene, you as a crime scene investigator?
A First thing is I get a general briefing from the first responders and then photograph the scene before any items are moved.
Q And you yourself did the photographs in this case?
A Yes, sir, that's correct.
Q Can you describe the scene [redacted] Congress, just in

general before we get specifically into some of the evidence, you know, what you observed when you got there?

A When I got there I observed the residence. It was a smaller home with a screen porch on the front. And as you walk through the door kind of the living room area was to the left, living room, kitchen, and your bedrooms were more to the right end side of the house.

Q And did you observe the body of Ms. Wilson?

A Yes, sir, I did.

Q And did you take pictures of that?

A Yes, sir, I did.

Q And when you saw her was she deceased?

A Yes, sir, she was obviously deceased.

Q All right. Now I'm going to show you what's been marked as State's 13 without objection.

A Yes.

Q Do you recognize State's 13?

A Yes, sir, I do.

Q And does State's 13 show the room where the body of Ms. Wilson was?

A That is correct.

Q And does that accurately reflect what you saw, you took a picture of it?

A Yes, sir.
Q Now State 13 appears to be doctored here at the bottom. Is that at His Honor's instruction took out so you couldn't see the body?
A Yes, sir, that's correct.
Q Okay. That is a part of Ms. Wilson's body?
A Yes, sir, it is.
Q So that's in relation to this bed where her body would have been?
A That's correct.
Q Did you observe some injuries on her face or neck?
A Yes, sir, there was a stab wound to the neck?
Q And I'm gonna show you State's 14. Do you recognize that?
A Yes, I do. This is the photograph I took of the wound to the neck.
MR. MEADORS: And Your Honor, 14 without objection.
BY MR. MEADORS:
Q And again, at His Honor's order was this State 14 just so we wouldn't see the part of the face of the victim?
A Yes, sir, that's correct.
Q Just out of respect for the — other than that is

that stab wound depicted on State's 14?
A Yes, sir.
Q And finally State's 15, excuse me, strike that. State's 16, again, has this been redacted at His Honor's order ——
A Yes, sir, that's a photo ——
Q ——not showing the whole face?
A That's correct.
Q Did you observe the injuries on top of Ms. Wilson's head?
A Yes, sir, that's where the majority of injuries to her head were, were on the top.
Q And is that shown in State's 16?
A Yes, sir, it is.
Q You're the crime scene investigator. What background information did you have, if any, prior to getting to the scene?
A Prior to getting to the scene nothing other than there had been — I received a telephone call telling me to respond, that there had been an incident at that location.
Q And you were on call?
A Yes, sir.
Q And did you go about your duty and start documenting and taking pictures?

A Yes, sir, I did.
Q You have any particular order you do that in, or where do you start, or?
A Each crime scene is different. If possible I start as soon as I come through the front — well, prior to the front door I actually snap a picture of the residence.
Q And I think we had some testimony earlier and I'll just show you State's Number 8.
A Yes, sir, that is a picture of the residence.
Q And you took that?
A Yes, sir.
Q And State's Number 9?
A Yes, sir, that's the number right up by the door.
Q And you do that so you can come in here like we're doing now saying this is where I was and this was the house, right?
A That's correct, yes, sir.
Q And the pictures that have already been entered -- and I won't go over every one of them — but did you take pictures of the bathroom?
A Yes, sir, I took all the photographs.
Q And the defendant where he was sitting?
A Yes, sir.
MR. MEADORS: Now specifically, if I can

approach again please, sir.

THE COURT: You certainly may. You don't have to ask anymore.

BY MR. MEADORS:

Q State's 21?

A Yes, sir, that photograph I took of the barrel of the baseball bat.

MR. MEADORS: And Your Honor 21, 22, 23, 24, 25, and 26 I believe without objection.

THE COURT: Is that correct?

MR. BROOKS: That's correct.

THE COURT: All right.

(WHEREUPON, State Exhibits Nos. 21 through 26 were admitted into evidence.)

BY MR. MEADORS:

Q What number is that?

A Number 21.

Q What is number 21?

A Number 21 is the barrel of the baseball bat that had been splintered. The barrel was actually like when you see on a baseball game, the bat is broken.

Q And did you actually — after you took this picture did you actually collect the bat?

A Yes, I did.

Q All right. Do you need glasses?

A Yes, sir, if you want me to get it out.
Q Just, is that standard practice to use gloves?
A Standard practice. Any time blood is involved we always use gloves.
Q And I believe we have talking about State's 21 which is the barrel of the bat.
A State's 18.
Q And the picture State 21 for the record.
A Right.
Q The bat is State's 18?
A Yes, it is.
Q And that is what's depicted in here, what room is that in?
A The bat would have been in the defendant's bedroom.

MR. MEADORS: Your Honor, it's without objection.

THE COURT: All right.

(WHEREUPON, State Exhibit No. 18 was admitted into evidence.)

BY MR. MEADORS:
Q State's 22.
A That was also located in the defendant's bedroom. It's just a splinter of where the bat was actually broken.

Q State's 23.
A That is the handle of the bat that was located in the living room area of the residence.
Q And do you have that?
A Yes, sir, I do. That is State's Exhibit Number 19.
MR. MEADORS: State's 19 without objection, Your Honor.
THE COURT: Is that correct?
MR. BROOKS: That's correct.
THE COURT: All right, without objection it's admitted.
(WHEREUPON, State Exhibit No. 19 was admitted into evidence.)
BY MR. MEADORS:
Q And State's 24, is that another picture of the bottom of the bat or the handle?
A Yes, sir, it is.
Q Okay. And usually do you take far away and then closeup pictures?
A Yes, sir. Usually if you notice one picture has a marker it's saying number one and one picture does not have a marker.
Q Do you go back and make a log of all this?
A Yes, sir, I do.

Q Showing this picture is this and where it came from?
A Yes, sir, I do.
Q And if you previously — and you've got one of those reports, right, it's been provided to Mr. Brooks? And have you looked at that in preparation of your testimony?
A Yes, sir.
Q State's 25?
A Yes, sir, I took that photograph in the kitchen area. It's a piece of bamboo on the freezer.
Q And at this point did you know what potential weapons may or may not be, or you're just taking items that might ——
A No, sir, anything that had blood on it we were taking it at that point.
Q And do you have that bamboo?
A Yes, sir, I do. That is State's Exhibit Number 17.

MR. MEADORS: Your Honor, that is State's 17 without objection.

THE COURT: Without objection.

(WHEREUPON, State Exhibit No. 17 was admitted into evidence.)

BY MR. MEADORS:
Q And where was this found?
A That's in the kitchen on the deep freezer.
Q Can you put this back in the bag please, and I'll bring it down here to the court reporter.
Describe — is anything else in there? Okay.
A No, sir.
Q Describe the room. You see pictures of, pictures which have been adapted of the victim's body. But describe the rest of the room to the ladies and gentlemen of the jury, where the victim's body was located.
A It was a, just a small bedroom with the bed. As soon as you walk through the door the headboard would have been to your left up against that wall. The victim, Ms. Wilson, her head was against the bed with her feet sticking back out the door. And on the other side of the bed, it was white walls inside the residence. Other side of the bed was a bedroom.
Q And —
A I mean, a bathroom, excuse me.
Q And I guess it was shown in State's 13; I didn't ask you about it at the time. That's the victim's bed with the victim beside where the victim was located?

A Yes, sir.
Q And you're familiar with the term blood spatter?
A Yes, sir, I am.
Q And looking at State's 26 was this in the same room where the victim Ms. Wilson was located, where her body was located?
A Yes, sir, it is. You can actually see the headboard on that side of the photograph.
Q So State's 13 headboard is depicted in State's 26?
A Yes, sir, it is.
Q And there appears to be a lamp?
A Yes, sir, there was a lamp on the small table.
Q And a bunch of blood spatter?
A Yes, sir, it's a combination of spatter and castoff.
Q What does that mean?
A Castoff is where you hit somebody with an object. As you bring it back up and it has blood on it, as you bring it back up it's casting it off on to a wall or ceiling.
Q Now we have some pictures which have already been entered. What was your rank? Investigator?
A I was investigator.
Q Investigator. State's Number 1, do you remember

taking — it's actually Monday I didn't have all together, but that's a picture of two of it. But on State's 2, is this a picture of an outlet there?

A Yes, sir, it is a phone jack.

Q And did you take that?

A Yes, sir.

Q Why did you take that?

A It just brought to — jumped out at me that the phone was actually unplugged.

Q Okay. So you documented that?

A Yes, sir.

Q Now did you take any other -- are you looking through the house and looking for anything else that may or may not be of evidentiary value?

A Yes, sir.

Q And as a part of that did you look in the bathroom and all the bedrooms?

A Yes, sir, we did.

Q Okay. And what else — we'll show you what we marked State's 20 and tell me if you, tell me where you got that from.

A State's 20 is one of our evidence bags containing pill bottles. Let me double check. Those came from the defendant's bedroom.

Q Okay. Defendant Alexander Wilson's bedroom?

A Yes, sir, that's correct.
Q And so you collected those?
A Yes, sir.
MR. MEADORS: Your Honor, without objection State's 20.
MR. BROOKS: That's correct.
THE COURT: All right. Are all these without objection so we can go ahead?
MR. MEADORS: And I think that's it, yes, sir, at this point I believe.
(WHEREUPON, State Exhibit No. 20 was admitted into evidence.)
BY MR. MEADORS:
Q Did there — I guess in most cases is blood sent out to SLED, on a lot of cases, not most cases, in some cases?
A Yes, sir, it is.
Q And did it become apparent in this case that that really wasn't an issue in this case?
A Yes, sir, it was pretty obvious what occurred and no DNA testing was sent.
Q Okay. And this wasn't through your investigation and investigation of the Sheriff's Department, it wasn't a whodunit case, in other words?
A No, sir.

MR. MEADORS: Beg the Court's indulgence.

THE COURT: Yes, sir.

MR. MEADORS: Your Honor, thank you. That's all we have for Mr. Richardson.

THE COURT: Mr. Brooks.

MR. BROOKS: Just briefly, Your Honor.

CROSS-EXAMINATION

BY MR. BROOKS:

Q How are you doing today?

A Doing fine, thanks.

Q The bag that Mr. Meadors handed you, are these all the six bottles prescriptions taken out of Alexander Wilson's room?

A Yes, sir.

Q Okay. And did you ——

A One bottle actually has one tablet in it.

Q Okay. But you made note of what these prescriptions were for, or you just ——

A No, sir.

Q ——packed them up?

A No, sir, we just packed them up.

Q And as Mr. Meadors indicated it wasn't a whodunit case, right?

A That's right.

Q It might have been a why it was done case, right?

A That is correct, yes, sir.

Q You're not qualified to answer that question; is that correct?

A That's correct.

Q Okay.

MR. BROOKS: No other question, Judge.

THE COURT: All right. Any redirect?

MR. MEADORS: We ask he go back to Lexington, be excused please.

THE COURT: You're excused.

MR. MEADORS: Lieutenant Robert Burnish please.

THE COURT: Come forward to be sworn.

THE CLERK: Place your left hand on the Bible, state your name please.

THE WITNESS: Robert Burnish.

WHEREUPON,

ROBERT BURNISH,

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

THE CLERK: Thank you. Have a seat up here please. State your full name, spell your last name for the record.

THE WITNESS: Robert Boyd Burnish, B-U-R-N-I-S-H.

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good afternoon, Lieutenant.

A Good afternoon.

Q Please tell the jury about yourself and your experience in law enforcement and training please.

A I've been with the Sheriff's Office since 1992. My entire career has been with the Sumter Sheriff's Office. Graduated from the academy in '92. I moved over -- spent my first eight years as a patrol officer, moved up the ranks to a sergeant. And in 2000 I moved over to investigation where I've been ever since, and I'm currently lieutenant over the investigation division.

Q On November 29th, 2010, what was your status?

A I was sergeant in investigation at that time.

Q Okay. And did you have the opportunity to go to [redacted] Congress Street in Mayesville?

A Yes, I did.

Q On November 29th?

A Yes, sir.

Q That evening?

A That's correct.

Q And what did you do when you arrived there?

A I was called by the lieutenant over their

division at the time. He asked me to respond with him to Congress Street. There was a call of a homicide there and we arrived; and upon our arrival crime scene had already been there. The scene was already taped off. EMS was there. And everything was being done. I was just there to insure everything was being handled properly and assist them any way they need.

Q And was the defendant on his way to the EMS when you got there?

A Yes, sir.

Q To the actual vehicle?

A That's right, he was.

Q Did you go inside and observe what we've observed here in the trial through these pictures?

A Yes.

Q Did you see Ms. Wilson's body?

A I did.

Q Did you look at her injuries?

A Yes, I did.

Q And after you got through at the crime scene what did you — excuse me, the crime scene, yeah, [redacted] Congress, what'd you do?

A From there myself and Lieutenant Lamb, we went to the hospital.

Q And at that point did you have a suspect?
A Yes.
Q And when you — why did you go to hospital?
A Went to the hospital to in an attempt to talk to the suspect, and we obtained a DNA buccal swap from his mouth.
Q Specifically where did you go when you went to Tuomey?
A To the emergency room.
Q All right. And you said you got a buccal swab?
A Yes.
Q What is a buccal swab?
A It's just, it's a long Q-tip with a capped end. We pop it off the cap and use it to swab someone's mouth to obtain any saliva for DNA comparison if we need to in a case such as this.
Q And how close did you get to the defendant to perform that test if you would?
A Within arms reach, closer than you and I are right now.
Q So for record purposes, within a foot where —
A Yes.
Q Okay. Can you just put your hand...
A Yeah.
Q And so you're that far from the defendant

Alexander Wilson?
A That's right.
Q And this buccal swab or some call buccal swab, is it — it doesn't hurt, does it?
A No, no, sir.
Q What is it made of?
A It's like a cotton tip.
Q And did you ask him to open his mouth?
A Yes, I did.
Q And did you tell him that I'm, I want to get the swab from you?
A Yes. I introduced myself and told him what I was wanting to do, and he opened his mouth.
Q Okay. So did he appear based on his reaction and response to you to understand what you said?
A Yes.
Q And when you asked him to open his mouth did he do it?
A Yes, he did.
Q And did you then stick the swab in his mouth?
A Yes, I did.
Q Right on the cheek or ——
A Yes, on the side of his cheeks on both sides.
Q And he was compliant during that?
A That's correct, yes, sir.

Q Did he appear to you then when you were that close enough to put a swab in his mouth to be under the influence of anything?
A No.
Q Okay. Did you smell anything?
A No.
Q Alcohol or anything?
A No.
Q Did he blurt out anything to you at that point, anything?
A No, he didn't say a word.
Q It's been both of us who said it wasn't a whodunit ultimately. Was Ms. Wilson also tested and, no, there wasn't allegation of rape or anything like that in this case?
A Right.
Q But that's the point in the investigation in a case; you don't know that, right?
A Right. At that time we didn't know that.
Q So you're trying to get a DNA sample from the defendant to see if compared to any potential ——
A Right.
Q But that was not a issue in this case?
A No, no issue.
Q So you've been to Congress Street, Mayesville,

and you'd been to Tuomey, had your first interaction with the defendant. Did you have an occasion to see Alexander Wilson again?

A Yes, the following day.

Q Okay. So this is now on November 30th, 2010?

A Right.

Q And where did you see him?

A At the Detention Center.

Q And just staying straight on point, what were you there for?

A To serve the warrant that was issued for his arrest and to serve on him.

Q And what was that marked — what was the warrant for?

A Murder.

Q And specifically where did you meet with the defendant?

A At the detention center. One of the correctional officers brought him to a waiting room, so to speak, like a separate room from where he was being housed.

Q And is that common practice?

A Yes, it is.

Q Okay. And describe the room to us.

A It's kind of like a conference room. It's a long table, a lot of chairs around it. Of course, there

was also some other chairs. You were against the wall, four walls, door, nothing fancy.
Q And was the defendant handcuffed at this point?
A I don't recall. I believe so but I don't recall.
Q And was he sitting down?
A Yes.
Q Were you sitting down?
A Yes.
Q And that ——
A In that process not sitting down; but the process of him coming in the room, being asked.
Q Did you ask him to sit down?
A I don't, I don't recall if I asked him to sit down; but he did sit down, yes, sir.
Q Was there any problem in just the basis of coming in, sit down before we do — any reluctance or any problem having him sit down or him sitting down, whatever?
A No.
Q That's terrible question. You understand what I'm saying? That things went orderly the way they usually do when you're serving a warrant?
A Yes.
Q Did you have an occasion to serve the warrant on him?

A Yes, I did.
Q After you read the warrant to the defendant did you ask him if he understood it?
A Yes, I did.
Q Understood the warrant?
A Right.
Q And is that your practice?
A Yes.
Q Did he respond to you?
A No, he did not.
Q And what did you do after that?
A He kept staring straight ahead at the wall. I'm sitting beside at a long conference type table at the head of the table. I'm beside him. He kept staring straight away the entire time.
Q So you're beside him?
A Right.
Q Okay.
A So I take my hand and I wave it in front of his face to make sure he could hear me.
Q Did you say can you hear me?
A Yes, didn't get a response then. At that point once I waved my hand and he said, I know my rights.
Q He said, I know my right?
A Yes.

Q And did you have any trouble understanding those words from his mouth?
A No, he spoke clearly.
Q Did he say anything else to you at that point?
A At that point, no.
Q Did he ever tell you if he'd been on medication or gotten something from the hospital at any time, that you remember?
A After a few minutes of quietness and he was still staring straight, again I asked him if he was on any kind of medication. He told me he was being treated by the VA and he was on Abilify.
Q After that did he say anything else to you when he was -- let me put it this way. Did anything else transpire before he left the room, before he was leaving that room? You served the warrant on him, had that conversation with him, said I understood my rights, told you he didn't have -- was on medication from the VA, no other discussion prior to him fixing to leave the room?
A No.
Q Okay. As he was leaving the room did he say anything?
A Yes, he did.
Q What did he say?

A He said that's not my momma. She was pretending to be.
Q That was not my momma, she was pretending to be her. And this was a day or so after the incident?
A Right.
Q Had he told you that when you saw him at the time hospital and you were gonna put something — get something out of his mouth?
A No.
Q And could you understand the words coming from his mouth when he said that?
A Yes.
Q All right. And is that the extent of what happened at Sumter-Lee Regional Detention Center between you and the defendant on November 30th, 2010?
A That's right.

MR. MEADORS: Can we have a side bar real quick, sir?

THE COURT: Yes.

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

THE COURT: Proceed as instructed.

MR. MEADORS: Beg the Court's indulgence.

BY MR. MEADORS:

Q Lieutenant, is the individual that you saw at the Tuomey Hospital on November 29th that you took the swab from, the individual who told you on November 30th, 2010, at the Sumter-Lee Regional Detention Center that I understand my rights, that I've been on Abilify and got it from the VA that wasn't my mother, that's somebody pretending to be my mother, is that person in the courtroom?

A Yes, he is.

Q Would you please point him out to the ladies and gentlemen of the jury.

A He's in the blue shirt sitting at defense table (indicating).

Q Thank you very much. And is that all he said about that not being his mother, that was it?

A That was it, yes, sir.

Q Thank you. That's all.

THE COURT: Mr. Brooks.

MR. BROOKS: Yes, sir.

CROSS-EXAMINATION

BY MR. BROOKS:

Q Mr. Burnish.

A Yes, sir.

Q How are you doing today?

A Good, thank you.
Q I promise I won't keep you too long up here. Now Mr. Wilson was arrested that night?
A That's right.
Q Taken to the hospital that night, early morning, or the next day. In relation to that, when did you have the interaction with him at the detention center? Was that morning, afternoon-ish, evening?
A I would say it would be about mid afternoon.
Q Okay. So it was obviously less than 24 hours since he'd been at the hospital?
A That's right.
Q Okay. And you indicated that during the course of that conversation Mr. Wilson at the very end of the conversation Mr. Wilson during the conversation said this wasn't his mother, it was somebody pretending to be his mother?
A That's right.
Q And that's exactly what he said?
A That's right.
Q Okay. I'm going to go out on a limb here. I'm assuming that none of that information that you had with him at the Detention Center was videotaped?
A No, it was not.
Q Or recorded?

A No, sir.
Q Okay. And that would have been very close in relationship to the time when the incident occurred; is that correct?
A That's right.
Q Okay. To your knowledge you don't know whether or not he had actually taken his medication between the time he was arrested and the time he had the conversation with you; is that correct?
A I — to my knowledge, no, I don't.
Q Okay. Your job was you came in, you served him the warrant, and you had a brief conversation with him. And as you indicated he stared out in space and you had to wave your hand at him basically figure out, hey, is he hearing me and understanding me.
A Right, that's correct.
Q And he said to you, I know my rights?
A Yes.
Q And then at the conclusion of the conversation 'cause he hadn't said anything else up until that point, he says, that wasn't my momma, that was somebody pretending to be my momma.
A That's right.
Q And how many years have you been in law

enforcement?
A 22.
Q Okay. And how many times have you ever heard someone say to you, that person that you say was my momma ain't my momma, she pretending to be my momma, something like that?
A That was my first.
Q First time?
A Yes, sir.
Q That struck you as very unusual; is that correct?
A That's correct.
Q Something you had never seen or witnessed before?
A That's right.
Q Okay. No other questions.

THE COURT: Any redirect?

MR. MEADORS: Very briefly.

REDIRECT EXAMINATION

BY MR. MEADORS:
Q Was he calm when he was telling you that?
A Yes, sir, he was calm.
Q Wasn't yelling it?
A No, no yelling.
Q Didn't act scared when he was telling you?
A No.
Q Thank you.

THE COURT: Yes, sir.

RECROSS-EXAMINATION

BY MR. BROOKS:

Q His demeanor when he had that conversation at the jail was the same demeanor he had at the hospital; is that correct?

A That's correct.

Q And you've been sitting in this courtroom the whole time, correct?

A Yes, sir.

Q And you've heard other law enforcement personnel testify about their interactions with Mr. Wilson; isn't that correct?

A That's correct.

Q And their response has been pretty much consistent with what you said, calm demeanor the entire time?

A Yes, sir.

Q The entire time that law enforcement had interaction with Mr. Wilson shortly after this incident?

A That's correct.

Q Okay.

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

THE WITNESS: Thank you.

SOLICITOR FINNEY: May we approach.

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

THE COURT: All right, ladies and gentlemen of the jury, now is a good time to break and then I think come back — I think we'll have one more witness this afternoon.

Is that correct?

SOLICITOR FINNEY: Yes, sir, Your Honor.

THE COURT: So we won't be going late. Have a nice break, have a Co cola or something like that. They will take care of you. Please do not discuss anything about the case, ladies and gentlemen.

(WHEREUPON, the jury was removed from the courtroom at 3:12 p.m., and the following proceedings commenced in open court.)

THE COURT: Court's in recess until about 3:30.

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

THE COURT: Anything before we start?

MR. MEADORS: No, Your Honor.

THE COURT: Let's bring our jury.

(WHEREUPON, the jury was returned to the courtroom at approximately 3:45 p.m., and the following proceedings commenced in open court.)

THE COURT: Solicitor, you ready to proceed?

SOLICITOR FINNEY: Yes, sir, may it please the Court, we call Janice E. Ross, M.D., to the stand.

THE CLERK: State your name please.

THE WITNESS: Janice Edwards Ross.

WHEREUPON,

JANICE E. ROSS, M.D.

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

THE CLERK: Have a seat up here please. Please place your left hand on the Bible, spell your last name for the record.

THE WITNESS: Janice Edwards Ross, R-O-S-S.

DIRECT EXAMINATION

BY SOLICITOR FINNEY:

Q Good afternoon, Doctor Ross.

A Good afternoon.

Q Would you tell the ladies and gentlemen of the jury what you do for a living please.

A I'm a forensic and hospital pathologist. I do autopsies for the coroners of the state and do hospital pathology which means I'm looking at tissue for diagnosis of cancer, etc.

Q Tell us a little bit about your educational background please.

A Yes. I have a bachelor degree from the University of South Carolina, and I got my M.D., my doctor of medicine, from Upstate Medical Center in Syracuse, New York. I did a residency in training in the field of pathology. State pathology is the study of disease so we learn how to diagnose diseases using microscope in a laboratory in the hospital and we also learn how to do an autopsy. Further training in forensic pathology teaches us how do a forensic autopsy, identifying patterns of injury, taking the samples for the purpose of toxicology and in the courts of law.

Q And forensic pathology, what is it that helps you determine about a person and how they spent their final minutes?

A We, through the autopsy we find a cause of death and a manner of death.

Q You had to do a residency after medical school to become training as a pathologist?

A Correct.
Q And are you Board certified as a forensic pathologist?
A Yes.
Q All right. How long have you been so certified?
A General pathology since 1976 and forensic pathology since 1985.
Q And have you done autopsies on a regular basis for the last 20 years?
A Thirty some odd years, yes.
Q Would you say you've performed more than two thousand autopsies?
A Probably more, more than 6,000?
Q Have you testified before in court?
A Yes.
Q And have you been qualified as an expert in forensics pathology on previous occasions?
A Yes.

SOLICITOR FINNEY: Your Honor, I would officer Doctor Ross an expert.

THE COURT: Any objection, Mr. Brooks?

MR. BROOKS: No objection.

THE COURT: All right, ladies and gentlemen, as I told you earlier, when a person has exceptional expertise and experience and knowledge

in a particular area they can give opinions. They don't just have to testify as to what they said, heard, taste, smell, or felt. Now whether or not you decide to accept that opinion will be totally for you to determine. And if you think there's not enough education there or experience, you can disregard her testimony entirely if you so choose to. Thank you.

Please proceed.

SOLICITOR FINNEY: Thank you, Your Honor.

BY SOLICITOR FINNEY:

Q Doctor Ross, did you have the occasion to perform an autopsy on Elizabeth Wilson on November 30th, 2010?

A I did.

Q Where was the autopsy performed?

A In the morgue of Newberry County Memorial Hospital.

Q Is that your main office?

A Yes.

Q All right. Would you tell the ladies and gentlemen of the jury what were your findings preliminarily about her condition——

A Yes.

Q ——when she came to you?

A Yes. Of course we get them clothed and then take photographs, inventory the clothing so we do look at the external body without the clothing. We found multiple injuries to the top of her head, lacerations of the skin, and fracture, underlying fractured skulls — skull. And then we found a stab wound in the right side of the neck.

Q All right. Tell the ladies and gentlemen just for in layman's terms, what is a lacerated scalp?

A It's a split of the skin caused by blunt force injury as opposed to a sharp force injury which is a stab wound. The blunt force injuries to the head lacerated the skin in kind of a semicircular fashion which is a patterned injury caused by something that perhaps on one end is semicircular.

Q All right. Would the injuries that you just described be consistent with or occasioned with what is identified as State's Exhibit Number 18, a wooden baseball bat?

A Yes.

Q Now tell the ladies and gentlemen of the jury what a fractured skull is.

A Just the skull is fractured likewise underneath the lacerations, some of them, fractures showed that semicircular pattern.

Q And did you note in your examination of Ms. Wilson was there a singular type blunt force or was it multiple?

A There were multiple injuries, multiple lacerations showing that semicircular pattern, at least six times, maybe seven.

Q All right. What is a subarachnoid hemorrhage?

A The — around the brain is a membrane called arachnoid membrane. It's like a saran wrap that covers the brain. So the subarachnoid hemorrhaged underneath that membrane. It was hemorrhaged underneath that membrane because of the injuries, the blunt force injuries, and there was some blood on top of that membrane also.

Q Doctor Ross, you — were you given information from the coroner's office about the age of the age of the lady you were examining?

A Yes, she was 85. We had a date of birth of — I don't have it, I guess, with me.

Q But that information would have been — would have traveled with her to you from the coroner's office, that she was 85 years old?

A Correct, yes.

Q All right. Did you note in your report of your findings any medical conditions that would have

caused her to be in poor health at the time?
A No, she was in very good health. Heart was good and everything else. We look at each organ and try to find any and every type of natural disease along with injuries.
Q All right. I want to refer you to what's been marked as State's Exhibit Number 14. Can you examine that and see if that is consistent with the findings that you outlined in your report?
A Yes. This shows the right side of the face on the victim and the neck showing the stab wound.
Q All right. And tell us a little bit about the stab wound.
A The stab wound went right side of the neck and went (indicating) right to left and actually it went into the — ended up where you would think that the pharynx in the back of the tongue area. So that would cut a lot of blood vessels in that area.
Q Did you make any finding as to whether that type of injury on the neck, that stab wound, would have been before Ms. Wilson died or after her death?
A Well, there was some bleeding so there was some heartbeat going; but because the blood would have been in the back of the mouth, the back of the throat, you would — as she breathed she would

breathe in the blood down into her lungs. There was some blood down as far as the larynx, but not real deep, so it was close to the time of death.

Q All right. And do you have an opinion as to whether that stab wound would have been occasioned prior to her being hit in the head with the blunt force trama or after?

A It could be — it's difficult to say, but it could have been afterwards.

Q All right. Now, I want to show you what's been marked State's Exhibit Number 16. Can you identify the findings in your report? Does it correlate with that photograph?

A It shows some bloody scalp and some of the lacerations which are these darker areas.

Q And this photograph, would it be consistent with your findings at the autopsy of the blunt force trama?

A Yes.

Q Doctor Ross, your conclusions, what was your conclusion as to the cause of death?

A The skull fractures due to the blunt force injury of the head due to the beating.

Q And did you have a finding in your report as to how much time it would have — how much time would

have elapsed for Ms. Wilson to expire?
A Minutes.
SOLICITOR FINNEY: If it please the Court.
THE COURT: Yes.
BY SOLICITOR FINNEY:
Q Doctor Ross, thank you for coming this afternoon answer any questions the Defense may have.
THE COURT: Mr. Brooks.

CROSS-EXAMINATION

BY MR. BROOKS:
Q Doctor Ross.
A Yes.
Q Earlier you indicated that you have performed autopsy for over 30 years, over 6,000 autopsies; is that correct?
A Correct.
Q And you determined that the cause of death was blunt force trama to the head of Ms. Wilson?
A Yes.
Q And in all your years of doing pathology would you consider this to be a very brutal or savage beating?
A Yes.
MR. BROOKS: No other questions, Judge.
THE COURT: Any redirect?

SOLICITOR FINNEY: No, Your Honor.

THE COURT: Thank you. You may step down.

SOLICITOR FINNEY: I ask that the witness be excused.

THE COURT: Any objection?

MR. BROOKS: No, sir.

SOLICITOR FINNEY: Your Honor please, we have two doctors that are going to appear in the morning. We would ask for a recess at this time and start court back at 10 to allow them time to travel from Columbia.

THE COURT: Okay. All right, ladies and gentlemen of the jury, we will go ahead and break at this time with instructions that you not speak to anyone. Please don't look at the newspaper tonight or tomorrow morning. Get a good night rest because we've go the doctors are coming from out of town. We will start at 10:00 so be here about quarter till 10, okay. Thank you, ladies and gentlemen.

(WHEREUPON, the jury was removed from the courtroom at 3:47 p.m., and the following proceedings commenced in open court.)

THE COURT: Court is adjourned till 10:00 tomorrow morning.

(Court resumed on December 3, 2014.)

MR. BROOKS: I want to make sure we have Doctor Martin's report marked as an exhibit. That's in the court file.

(Court's Exhibit Number 5, Doctor Martin's report, was marked and made a part of the record.)

THE COURT: Mr. Meadors, I'm gonna let you rest now, then you can rest in front of the jury.

MR. MEADORS: I was looking for the victim. He has an appointment, long standing. He'll be here in a minute. He knows we're going ahead.

MR. BROOKS: Judge, do you want me to ——

MR. MEADORS: Your Honor, at this time the State of South Carolina rests.

MR. BROOKS: Do you want me to go ahead and put my motion now?

THE COURT: Go ahead and do your motion. I'm just trying to — jostling the jury around too much.

MR. BROOKS: Judge, we'll go ahead and put our motion, ask the Court to dismiss this case and grant directed verdict in this matter based on we feel the lack of evidence in this matter.

THE COURT: All right. If you would, I'm

gonna respectfully deny your motion based upon what is in the evidence. It certainly has to be more than mere conjecture. There's certainly sufficient evidence in the record at least to take it to the jury. At this time I'm gonna question your client concerning his wanting to testify.

MR. BROOKS: Do you want me to bring him around, Judge?

THE COURT: He can stand right where he is.

Sir, if you would, Mr. Bradley.

THE CLERK: Raise your right hand for me. State your full name.

THE DEFENDANT: Alexander Bernard Wilson, Jr.

WHEREUPON,

ALEXANDER B. WILSON,

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

THE COURT: Mr. Wilson, at this time I'm going to explain to you certain of your rights. If you do not understand anything that I tell you, please let me know, and if you want me to explain in greater detail I'll be happy to do so. Do you understand what I'm telling you now?

THE DEFENDANT: I understand.

THE COURT: Okay. Now we've reached the stage of your trial where you may present your defense. You have a right to claim the protections given to you by the Fifth Amendment of the United States Constitution which states in part: That no person shall be compelled in a criminal case to be a witness against himself. Now this means that you cannot be required to testify in this case; but you do have a right to testify on your own behalf, however, no one can make you testify. This is a personal right and no one can waive this right except for you. Now if you decide to testify you will be subject to the same rules that govern other witnesses, and you may be examined and cross-examined on any relevant issue in this case. In addition, if you have any convictions involving dishonesty or false statements or for crimes punishable by imprisonment of more than one year and I determine that the probative value of admitting this into evidence outweighs the prejudicial effect on you, then the Solicitor will be able to introduce your record to attack your credibility.

Solicitor, is there any -- does he have a record that you will put in should he take the

stand?

MR. MEADORS: Yes, sir, it's a burglary, grand larceny, receiving stolen goods. They're the ones that we think would come in.

THE COURT: And they're all within the ten years?

MR. MEADORS: Some are.

THE COURT: Dishonesty may not.

MR. MEADORS: Easily identifiable, some are and some aren't.

MR. BROOKS: Judge, I think we just need to kind of establish which ones.

THE COURT: Yeah, that's what I was kind of hoping to do.

MR. MEADORS: Judge, I realize we get into — we didn't even rest, Your Honor.

THE COURT: Tell you what, before he testifies then we will go over them. You intend — well, we don't know whether he's going to testify or not. If he testifies we'll know. If you decide to testify the decision on your part must be freely, voluntarily, and intelligently made with the knowledge of the protections given to you by the Fifth Amendment and the consequences if you testify. Now, if you decide not to testify I will instruct

the jurors that they cannot give the fact that you did not testify any consideration whatsoever and that there's to be absolutely no prejudice to you because you did not testify. It's left entirely up to you whether you want to testify. You may talk with your attorney, any family members or friends, or anyone else; but the final decision will be entirely up to you. Do you understand what I've explained to you?

THE DEFENDANT: I do.

THE COURT: And do you have any questions about what I've explained to you?

THE DEFENDANT: None, sir.

MR. MEADORS: Yes or no?

THE DEFENDANT: No.

THE COURT: Okay. Now have you discussed with your lawyer whether or not you should testify?

THE DEFENDANT: I discussed with my lawyer.

THE COURT: And do you want to testify?

THE DEFENDANT: Yes, I do.

THE COURT: You do want to testify? Mr. Brooks, would you like to put anything on the record concerning his willing to testify?

MR. BROOKS: Judge, I haven't voiced my

recommendation on that as I was waiting to hash out what exactly he's going to be potentially impeached on.

MR. MEADORS: I've got it. We can do that now.

THE COURT: Let's go ahead and do that.

MR. MEADORS: I appreciate it, I'm sorry.

THE COURT: You may be seated at this time.

MR. MEADORS: Your Honor, I'm just going to go down for time purposes I think it will be easier, '77 grand larceny which is obviously out. Failure to stop for blue light '77; '79, grand larceny; fraudulent check, '79; marijuana charges, '89. Some distribution of cocaine, it looks like in '91 he got ten years, but I'm assuming if he maxed that out it would be over ten years.

THE COURT: It wouldn't.

MR. MEADORS: Okay. Your Honor, there's several shopliftings which we think would come in as a crime of dishonesty.

THE COURT: That's a crime of dishonesty. It's stealing.

MR. MEADORS: So '93, shoplifting; 2000, shoplifting.

MR. BROOKS: A what? '93 shoplifting?

MR. MEADORS: 2000, shoplifting convictions. Burglary third conviction in 2003. It appears he received five years suspended upon the service of 175 days and 18 months probation.

THE COURT: And what was the date of that conviction?

MR. MEADORS: The date of the conviction, custody status received March 2003. I don't know how much he served of it, quite frankly.

THE COURT: How much of that did he serve of that, Mr. Brooks?

MR. MEADORS: Okay, he served 175 days of it.

THE COURT: So he would — that would be outside of the ten years.

MR. BROOKS: He said time served on that.

THE COURT: Okay, that would be outside of the ten years. It's hard to believe that we're looking at cases from 2004 that are outside of ten years. I don't know where the time has gone but it's flown by.

MR. MEADORS: 2005 conviction.

THE COURT: That would count.

MR. MEADORS: Shoplifting from May — I

think it's a shoplifting. It's already been talked about in this trial that — I'm not sure the status of it — but it was May of 2010. Of course that's already been testified to.

THE COURT: Right. And he's been in jail since May, is that correct, since May of 2010?

MR. MEADORS: That's it.

MR. BROOKS: He was in jail from May and he got out, like, in October.

THE COURT: Oh, okay.

MR. MEADORS: But it was that shoplifting he was also being evaluated on with this murder. That may be, was my understanding, not that it matters, I'm not...

MR. BROOKS: Yeah, I don't think they ever disposed of it obviously because it took priority.

THE COURT: Are those crimes that you would know about as well?

MR. BROOKS: So it's my understanding we're talking about potentially impeaching offenses as three shopliftings?

THE COURT: I think so.

MR. BROOKS: Shoplifting from 2000, 2005 and 2010?

SOLICITOR FINNEY: I thought it was '93,

2000, 2005 ——

MR. BROOKS: So we're talking four shopliftings?

MR. MEADORS: Potentially four, if we include the one in May.

MR. BROOKS: Okay. Now he was never found guilty of that.

THE COURT: He wasn't found guilty of that.

MR. BROOKS: That ——

MR. MEADORS: That's what I'll check before he testifies.

MR. BROOKS: So our position is, Judge, just for the record we would object. Our position is that it's not a crime of dishonesty. I want to put that on the record as far as my understanding depending on how Your Honor rules is that ——

THE COURT: I find that it will be a crime of dishonesty. I think stealing generally falls into that.

MR. BROOKS: I understand. It's -- as far as, I just want to make sure what he's being impeached on these three shopliftings?

THE COURT: That's my understanding.

MR. BROOKS: Okay.

THE COURT: All right. Your client said he wants to testify. Now we will proceed with the trial. Anything else?

MR. BROOKS: We've just got to bring them.

THE COURT: Bring them in. Let him rest and you can call your first witness. Bring them in.

(WHEREUPON, the jury was returned to the courtroom at approximately 10:11 a.m., and the following proceedings commenced in open court.)

THE COURT: Good morning, ladies and gentlemen, hope you had a nice rest and we will now proceed.

Mr. Meadors.

MR. MEADORS: May it please, Your Honor, at this time the State of South Carolina rests.

THE COURT: All right, thank you.

Mr. Brooks, you ready to proceed?

MR. BROOKS: Yes, sir.

THE COURT: All right. You may call your first witness.

MR. BROOKS: I'm gonna call Doctor Thomas Martin to the stand.

THE COURT: Doctor Martin, come forward.

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

THE WITNESS: Thomas Victor Martin.

WHEREUPON,

THOMAS V. MARTIN,

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

THE CLERK: If you would have a seat up there please.

THE WITNESS: Thank you.

THE CLERK: Please state your full name and spell your last name for the record.

THE WITNESS: Thomas Victor Martin, M-A-R-T-I-N.

DIRECT EXAMINATION

BY MR. BROOKS:

Q Doctor Martin, how are you doing today?

A I'm fine, thank you.

Q Doctor, I want to start off by asking a little bit of information about you. What is it that you do for a living?

A I'm a private independent forensic psychiatrist which means that I'm a physician. I'm specialty trained in general psychiatry. I'm also subspecialty trained in forensic psychiatry which is where thoughts, feelings, and behaviors of individuals may come in contact with the legal

system.
Q Okay. Now Doc, what kind of, you know, for those that don't know, what kind of education background do you have?
A Well, in short, I graduated with a bachelor of science in clinical psychology in 1979. I completed a masters of science in biomedical science in 1984. I completed medical school in 1988. I completed a residency of psychiatry in 1992, and I practiced for a number of years in South Carolina and completed a forensic psychiatry of fellowship in 2000. So I've been practicing, I guess, about 25 years.
Q Okay. And have you testified in court before?
A Yes, sir.
Q Have you been — how many times have you testified in court?
A In South Carolina probably over 250 times.
Q Okay. And I know you said it already, but just kind of rehash what it is that the forensic psychiatry field is.
A It's a subspecialty of psychiatry where folks like myself will assess and sometimes treat individuals who have mental illness. They may assist whether or not they have mental illness; and whether or not if they do, that this mental illness

has any really important or significant value in terms of a crime for which they may be charged.

Q Okay.

MR. BROOKS: Your Honor, at this time we would officer Doctor Martin as an expert in the field of forensic psychiatry.

THE COURT: Any objection from the State?

MR. MEADORS: No questions.

THE COURT: Without objection I will then deem him to be an an expert in forensic psychiatry. Ladies and gentlemen, as I told you about experts earlier, one more time, you can take his opinion, you can disregard his opinion, you can give it the weight that you want to. But I am gonna allow him to testify as an expert in forensic can psychiatry, and therefore, he can render an opinion. And like I said, whether you want to accept or not so.

You may proceed.

BY MR. BROOKS:

Q Okay. Doctor Martin, did you have opportunity to meet with and speak with Alexander Wilson?

A Yes, sir, I did.

Q Okay. And can you tell us about the -- when did you meet with him?

A I first met with him in April 29th of this year.

And I met with him for a period of time before a hearing, September 4th of this year, surrounding competency; and I met with him today prior to this proceeding.

Q Okay. And Doctor, when you start evaluating a person which, that's what you did with Mr. Wilson; is that correct?

A That's correct.

Q What — do you look at records and sources of information in putting together an evaluation of an individual?

A Yes. Typically in a case like Mr. Wilson's I'll be requesting records to include arrest warrants, past mental health history, evaluations of treatment, hospitalizations. There's also gonna be investigative reports typically done by the Sheriff's Office or other law enforcement. I look at any other types of matters in this case to include autopsy reports, pathological reports. And what I do is, as I compare those to the individual's rendition of exactly what had happened on or about the time of the crime, and also I try to understand how they're doing in the current day to render opinion on whether or not a person is even competent to stand trial.

Q And in this particular situation you reviewed his VA records?
A That's correct.
Q And behavioral health records for Three Rivers Center?
A That's correct.
Q And all the other orders and commitments, things that came from the Department of Mental Health in regards to Mr. Wilson; is that correct?
A Yes. It may have been up to six separate times that the Department of Mental Health had been evaluating Mr. Wilson.
Q Okay. And those are things that you compiled and used to in considering your evaluation?
A Even before I met with him the first time.
Q Okay. And what — you know, what did you — what kind of facts did you find in terms of your evaluation of Mr. Wilson?
A Well, the first thing I do in a case like this to determine is whether or not a person is competent to stand trial, and that means that they have to have more than just a factual understanding of the elements of a trial or a plea. They have to have some sort of rational ability to work with the factual elements that might pertain in a legal

proceeding. I also examine whether or not the individual has a rapport or can develop a rapport with their attorney. And what I did with Mr. Wilson when I first met him in April, is I spent a bit of time seeing what he understood in terms of competency to stand trial. He knew all the players in the courtroom. He knew what he was charged with. He understood the Miranda rights. He also understood the sentence he may receive. And so I had done that — I did a lengthy evaluation first, and then I've done it subsequently before he's gone to trial or to a hearing, including today.

Now following that, if he is in my opinion competent to stand trial, I will proceed and that's part of what the order was, to perform a criminal responsibility evaluation which is essentially what was Mr. Wilson's state of mind on or about the date of the crime which was November 29th, 2010. And so I walked through moment by moment with Mr. Wilson on that day. Actually ——

Q And let me ask you this before we get into that, as far as his competency what was your opinion in regards to that?

A When I met with him in April he was competent to stand trial at that time. He was competent to stand

trial in September 4th of this year at the Blair hearing essentially and he's competent to stand trial today.

Q Okay. Now when you met with him back in April was he in the detention center?

A Yes, sir.

Q Okay. At the detention center did you — were you informed that he was taking medication?

A Yes, and complying with his medication.

Q Okay. Do you recall what kind of medication he was taking and what kind of impact that would have, what is it for? Explain that to me and I'm sure these jurors 'cause I don't have any idea what that stuff means.

A Yeah. Mr. Wilson is taking an antipsychotic medication in two forms. It's called Haldol or Haloperidol, and he's taking it by mouth orally. And he also receives what's called a decanoate injection every three weeks which is one that is given every three weeks, and it lasts for about every three weeks. But he's getting supplemental oral medication as well. He's also taking an antidepressant anxiety agent called Celexa to help him stabilize his mood, and my understanding is he's been compliant with these medications.

Q Now did you get an idea of what Mr. Wilson's history has been as part of your overall evaluation?
A I focused a great deal on his mental health history, if that's what you're referring to.
Q That's correct, Doctor.
A Yeah. And I compared that history to the history that I've read in numerous reports, and it seemed to be rather consistent is that Mr. Wilson had suffered from a psychotic illness since his early adulthood. He's 63 now. And by the time he was 22 years of age he was already having delusions or fixed for in-false beliefs; they were unshakable. He was beginning to have hallucinations primary of the auditory type hearing voices becoming disorganized not only in his thinking but in his behavior. He was somewhat erratic in his behavior. He had taken off on adventures across the states and had to be retrieved. He required subsequently number of commitments to a psychiatric hospital. Even since the crime of murder was committed in 2010 he's been committed several times for mental health reasons, and they've all been very similar. He's disorganized in his thinking, paranoid primarily, and he very much misinterprets social cues, relationships which has adversely affected his

ability to get a job, you know, go to school, stay with other people and so essentially he had to live at home. And he actually, I believe, obtained SSI disability for schizophrenia which is also what I diagnosed him with in 1995, and he's been on disability consistently since that time.

Q What kind of -- you know, in the course of your evaluation, what kind of delusions did you find that Mr. Wilson was suffering from?

A Well, the good news is, is that Mr. Wilson has paranoid schizophrenia so if you had to have any of the schizophrenic illness paranoia is the best one because with it's typically the most organized. It's inaccurate and it's paranoid, but it's not totally erratic to where you cannot even take care of yourself at all. People who are paranoid schizophrenia sometimes can actually work or drive, prepare food and meals and take care of themselves. But Mr. Wilson's case, he has a very interesting form of paranoid schizophrenia called CAPRAS syndrome, and that's C-A-P-R-A-S, CAPRAS syndrome. And that is one where it's found mostly in folks who have paranoid schizophrenia, that they believe that certain loved ones or people close to them -- it's usually someone very close to them -- have been

replaced by a devil, and these doubles have replaced or killed the previous person. And it's a very difficult condition to treat even medically dealing with medicine, and it's not exactly common but it's not unheard of. Mr. Wilson believed that his mother was a replacement, and that was a threatening figure to him. He also believed other close family members were also replacements.

Q And Doc, you know, I'm a simple guy so I'm gonna ask you. There was a movie years ago, The Invasion of the Body Snatchers, is that kind of similar to what you're talking about with this syndrome?

A That is ---

Q Okay.

A ---what people did talk about a great deal. That movie came out in 1956. CAPRAS syndrome was becoming more prominent, newly discovered and understood. And some people believe that their parents or their loved ones were replaced by pods that would erupt and these C pods would then allow them to take over the body they once loved. It's typically someone who they are very, very close to. If you go through Mr. Wilson's records he was very close to the person who was helping, take care of him when he was every, especially mentally ill.

Q His mother?
A Yes.
Q What did you -- in the course of your evaluation when you started looking at the facts of what happened on the incident, what did you find?
A Well Mr. Wilson, in summary, he was prescribed the medication, the antipsychotic medication Abilify. It's more contemporary medication. It's not available in injectable form. And he — his care was essentially because he had spent a brief period of time in the military service, was transferred to the veteran's hospital in Columbia, and so he was receiving psychiatric care there. And periodically his medications would be mailed to him as many people receive their medications to this date. Well, for whatever reason he was out and running out of Abilify and he was trying to communicate and write a letter to the VA to get his Abilify reinstated; and he needed his mother, Mrs. Wilson, to help him with that. And it was his impression that she was not helping him with that, and essentially all he needed was a stamp apparently. I can go into the details of walking through this further if you like.
Q Please, please, walk us through this.

A So Mr. Wilson went looking for his mother and learned that she was at a church service in town, and when Mr. Wilson entered the church service he believed that the pastor was bigoted and racist in making very unacceptable remarks. He believed, as he has believed in the past, that people were conspiring to again, kidnap him as he's believed in the past, because he's the only black man with a white penis. And apparently he may have been fondling himself at the service or something, and then I believe his mother may have taken him home. And this would have been on or about November 29th of 2010. And he believed by looking at his, this woman that's supposed to be his mother, he said that my mother doesn't have the dental work like she has, doesn't change her — doesn't braid her hair like this woman has. My mother always has a middle name and this woman does not. And he was convinced that this woman was going to have him committed and put away to die; and that from that, she would collect his money and all his belongings and take care over all of his mother's possessions, a person that he previously very much adored. And he felt very scared and threatened by that and then heard a voice from his father, and Mr. Wilson ——

Q Let me ask you this, Doctor.
A Sure.
Q For purposes of fact, his father was deceased?
A His father died early September of this year.
Q And I'm sorry to interrupt, you go ahead.
A That's all right.
Q Continue. I want to make sure we know that.
A But I've noticed that there's some confusion in talking with Mr. Wilson between his father and the wholly father, and I haven't exactly got a good grasp on that yet. He does say that his father was communicating with him from heaven saying bring her to me and I will take care of you. And if you don't, then he will die and be in turmoil for the rest of his life. And so then he proceeded to, and he walked me through the entire case where he grabbed a bat and proceeded to strike Ms. Wilson repeatedly to make sure she was dead.
Q Now this syndrome, what is it called again?
A CAPRAS Syndrome.
Q In Mr. Wilson's condition, his history, is it out of the ordinary for him to one minute be calm and then the next minute do something like this to his mother?
A Well, if I understand what you're asking ——

Q And let me say this, police arrived at the house. They arrested him without incident, without resistance. Would that be, could that be consistent with his behavior, his syndrome of, of that syndrome you described, could that be consistent with schizophrenia? Could that be consistent behavior is what I'm asking?

A Well, the way I interpret it was, is that after this assault on his mother he made no effort to flee. He went and was essentially getting cleaned up and his brothers, I believe, arrived shortly thereafter. I think the commotion was so loud someone called the authorities. And they needed to restrain him. But he didn't try to take off, go anywhere and so essentially he was there. I would think that his brothers had something to do with him still being there. But he didn't try to flee, try to flee after this which I do believe he had time to do before they arrived. And so he essentially just went in and was just hanging out in the house right after this had happened as if nothing had happened.

Q And would that be consistent with that belief of, as you described, his father saying bring her to me and I'll take care of you and that sort of thing?

A Well, if I ——

Q Would his behavior afterwards, not trying to flee, following the instructions of law enforcement officers and emergency personnel, would that be consistent?

A I believe my opinion is he did what he thought he needed to do, he did the right thing.

Q But in his mind is what you're saying is that he did the right thing?

A That's correct.

Q Okay. Now, of course at the time he wasn't on his medication?

A I'm sorry?

Q At the time of this incident he was not on this medication?

A Yes, that's correct.

MR. MEADORS: Excuse me, did you say he was not on his medication?

THE WITNESS: That's correct.

BY MR. BROOKS:

Q Is there anything else that you found in the course of your evaluation with him that you haven't told us?

A Well, it's -- this is a very unusual circumstance to say the least. The purporting that someone is insane during the time of a crime is a very rare

incident. I've noticed even here that this is probably the best I've seen Mr. Wilson in any other recorded history of his mental health treatment. He was very non-compliant for years with his treatment. Even since this crime was committed in 2010 he's had to be committed several times and was still given under regimented conditions medication treatment and still was not competent to stand trial. He's a very difficult man to treat.

The psychiatrists now have got him on two versions of an antipsychotic that is a strong antipsychotic. I've used it myself on patients in the past. And appears to be, in my opinion, the most stable he'd probably been in years. And it's not a far reach for me to believe that this man is suffering from a set of delusions and beliefs and hearing voices, and then if he's actually — he actually uses elicit substances too which only enhance this. I mean, he believes that he uses crack cocaine because a psychiatrist said it would help him from getting obese from the anxiety narcotics that he was taking, in fact, specifically the Abilify. So I do not believe — and he told me that he wasn't compliant with the Abilify because it creates a weight gain so he would smoke crack to him

with the weight gain. I'm pretty sure a psychiatrist did not recommend that, but that kind of disorganized thinking and still disorganized thinking while under committed conditions makes me very concerned that this person is very difficult to treat medically and needs residential long term care.

Q Okay. Now Doc, after your evaluation of him do you have an opinion to a reasonable degree of medical and psychiatric certainty whether Mr. Wilson could differentiate between moral and legal right, from moral and legal wrong?

A Yes, I do.

Q And what is that opinion?

A I believe that at the time of the crime on November 29th, 2010, Mr. Wilson could not differentiate between legal and moral right for legal and moral wrong.

Q Okay. And as such, your opinion is that he's not criminally responsible?

A That's correct.

MR. BROOKS: Beg the Court's indulgence.

THE COURT: Yes, sir.

MR. BROOKS: No other questions, Judge.

THE COURT: All right. Thank you.

Mr. Meadors.

MR. MEADORS: May it please the Court.

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. MEADORS:

Q Good morning, Doctor Martin.

A Good morning, Mr. Meadors.

Q Doctor, wouldn't you have loved to have been Sergeant Rodney Ragin?

A Don't know a Mr. Ragin I guess.

Q How about Corporal McMillan? Would you have liked to have been?

A Don't know him.

Q How about Senior Corporal Roosevelt Sinkler?

A Don't know them.

Q Okay. Well, would you like to have been one of the first officers that got at the scene to see the defendant and how he was acting shortly after this incident? I mean, in a real world as a doctor of forensic psychiatry, wouldn't you have loved to have seen your client right then?

A I would have.

Q I mean, you would have; wouldn't you?

A It would.

Q And those three people, by the way, are the first

offices that came and talked to him. You didn't -- and I don't -- you know I got a job to do, no hard feelings. But you don't even, you didn't even know who they were?

A No, I didn't recognize the names.

Q But they're in one of the incident reports that you got in preparation for your evaluation and testimony here today, and they were listed as the officers who responded.

A Yes.

Q But you would have liked to have been there to see him, right?

A Yes.

Q And I think Mr. Brooks was asking you a question a minute ago -- and I don't know if you answered it the way he wanted you to or not but, about this delusion. Can you go just in and out of it?

A Actually there's no real cookbook answer to that one. The condition I was describing actually is not a diagnosis of him. The CAPRAS syndrome is actually paranoid schizophrenia. This is just a feature that just describes the kind of delusions that he has, and people come and go with these delusions with treatment, without treatment. There's no rhyme or reason at times. It is well known that it's very

difficult to treat though.
Q And did you, do you know who Doctor Wernsman is by any chance?
A I've heard that name.
Q You know he had a chance — well, he fixed the defendant's head.
A Oh ——
Q Lacerations?
A Right, yes, sir.
Q And there was some notes from the hospital which provided in discovery. Did you look at those?
A I believe I did. At Tuomey?
Q But you didn't talk to any of the doctors or nurses or anybody that saw him at the time?
A No, sir.
Q You wish you had; hadn't you? I mean, you would have liked to have talked to him?
A No, sir. I would have liked to have seen him at that time.
Q But wouldn't you want to talk to the people who actually saw him at that time?
A Well, I did read what they wrote.
Q Doctor Wernsman had treated him and said he could respond to his, at least by nodding, and you know, to his instruction when he was trying to treat him

and said he appeared to understand them.
A That's right.
Q And said he was not delusional.
A Okay.
Q But that wouldn't be -- let me ask you this, is it -- I think it's French -- CAPRAS Syndrome? I think the S is quiet in French. I'm no real -- but it's not even in the DSM, is it?
A No, sir.
Q The Diagnostical and Statistical Manual of Disorders. So it's not recognized by the DSM?
A It's not in that manual.
Q And this is the, I mean, this is the book that really, I mean, you and I think everybody will agree this is -- I don't want to use the word Bible, but this is the book, the authority on mental disorders, is it?
A No, sir, it's a guide.
Q Okay. Well, you use it a lot?
A I do use it as a guide.
Q Have you got your report with you?
A Yes, sir.
Q Okay. Do you mind bringing it out?
A Right here.
MR. MEADORS: And Your Honor, I think it's

marked as ——

THE COURT: Court's exhibit.

MR. MEADORS: Court's 1 for the record.

BY MR. MEADORS:

Q Doctor, just looking at page 2 of your report, when is — you met with the defendant when?

A I first met with him on April 29th, 2014.

Q Okay. And that was about three and, approximately three years and so many months after the incident?

A Yes, sir.

Q Okay. And I'm not trying to time it. I mean, it was over three years after it happened. And you met with him at the jail?

A Yes, sir.

Q And how long did you meet with him, Doctor?

A That day it was about three hours.

Q And since then I think you met with him in September?

A Yes, sir.

Q And then this morning?

A Yes, sir.

Q And that's the extent that you met with him?

A That's correct.

Q And there's no question he's competent September

and he's competent today. You talked to him this morning a little bit ago; is that right?
A Yes, sir.
Q So there's no question he understands these proceedings and can assist his attorney?
A Not in my mind.
Q Yes, sir. And understands the judge's role, our role, everybody's role, correct?
A That's correct.
Q And that's basically what competence means, right?
A Yeah.
Q And when you were talking to him you didn't have any problem interacting with him?
A No, I did not.
Q Looking down here, defendant's records and sources of information, did you ever talk to any of his family members?
A No, sir, I did not.
Q Any of the folks that were there and saw him with the bat when they came in, you didn't?
A No, sir, I did not.
Q And again, I'm not trying to be mean, you know that. But I mean, wouldn't that have helped if you'd just talked with one of the family members?

A Not necessarily because I need to know what happened from the individual's point of view, not necessarily only what — I did look at documents surrounding those events, but I did not talk to anybody in particular.

Q So most of the information besides — well, all of the information as far as that day is coming from the defendant?

A In the documents described in that ——

Q Besides the documents. I thought I said that right.

A That's correct.

Q There's no question he killed his mother. I mean, that's not an issue in this case, correct?

A Not for me.

Q Okay. I want to kind of go through your report and I'll be quicker than I usually am, quite frankly; but I think it's on page 3 of your report. You opined that the defendant has been suffering from, I guess, CAPRAS Syndrome since he was 22.

A At least schizophrenia.

Q Well, I understand the schizophrenia and he has been diagnosed with that since he's 22. But reading your report, on page 1 he recalled hearing a voice telling me to kill himself but denied a command

hallucination to harm others, right?
A On page 1?
Q That'd on page 3, Doctor, line 1, 3, 5, 6.
A Yes. In the past he's heard voice telling him to kill myself but denied command hallucination. That was — yes, that was in the records.
Q Okay. And well, that's from talking to him though; isn't it?
A What is in quotes is.
Q Right. He recalled, and this is quotes — hearing a voice telling me to kill myself -- and you got that in quotes. But denied command hallucination to harm others. Now is that, half of that sentence what he told you and half in documents?
A It must have been 'cause I wouldn't have put it in quotes unless he said it 'cause at times he has made threats to kill himself, and he's actually said in the past that he did not hear a voice. Surrounding this particular incident he did not hear a voice that said kill himself on the day of the crime. But this is historically. This is when he was going to Canada.
Q And that's what I'm asking about. Do you mind if I approach.

A No.
Q The judge already told me that I didn't have to ask him. But I'm just gonna — he recalled hearing a voice telling him to kill himself, parentheses, then denied command hallucination to harm others. So I just don't — so you're saying he said the first part, you got the second part of the sentence from somewhere else?
A No, I got it from him, but he didn't say exactly command hallucination. I asked him did you hear voices that said kill anybody else, and he said no. That's where that comes from. That's not — command hallucination is not his words; those are mine.
Q But he denied then — I guess my point is back then you're saying he was suffering from this CAPRAS syndrome since 22?
A Actually I'm not saying that. I'm saying he had paranoid schizophrenia. CAPRAS syndrome is to what's applying in 2010.
Q As a matter of fact it started on April 29th, when you met with him?
A That I don't know.
Q And I don't mean to belabor the point but I think — can I come again to...
A Sure.

Q I'm sorry. He recalled — well we read that. He thought fleeing would allow him to escape from taunting voices commanding he kill himself. And this is back, historical information?
A Yes, sir.
Q It was at that time Mr. Wilson believed that members of his family may have been eliminated and replaced by clone lookalikes. You see on the side I had a question mark, 10 through 22?
A That's —
Q When he was 22, he said, tell you that?
A Uh-huh, that's correct.
Q Okay. Mr. Wilson suffered the delusion that his mother and brothers were all killed and replaced by doubles.
A That's when he was first suspecting that. He was first suspecting that and it looked like it escalated throughout his entire life so.
Q Okay. So that would have been CAPRAS back then?
A It could have been, yes.
Q Okay. And you —
A But I didn't have other documents to support that. That is my —
Q Well, what other documents do you have now to help you support that besides his words?

A Well, I believe that he's told it to the Department of Mental Health that he thought his mother was a replacement.

Q Most prominent was the belief that his mother Elizabeth and most closest comforter was also killed, replaced by a clone, right?

A Correct.

Q All right. My question is, Doctor, if he'd been suffering from this since 22 and he thought they'd been replaced by clones, why did it take 40 years for him to act on it?

A Well, it doesn't necessarily mean — I mean, it's pretty rare that people are violently acting in the first place. This is a little bit of out of the norm anyway.

Q But he would have thought back then when he was 22 that they were replaced and were a threat to him?

A That's what he told me, yes.

Q But he didn't act on it. He still just lived home and off with them for 40 years?

A That's what he did.

Q And you keep saying in direct that this is a really difficult or unusual case. You're really not sure on some of this, are you?

A Yes, I am.

Q And I don't mean that disrespectfully. But you kept saying it's very unusual and very ——

A Well, there's not very many cases like this where a severely mentally ill person kills another person. That's actually very rare.

Q And then live with them for 40 years?

A Yeah, and he was very protective of this woman who he called his mother or whatever her name would be.

Q And I think you said it; but suffering from paranoid schizophrenia, I think you said this is the best of the worst, I guess, would be a way to summarize it.

A I think that's ——

Q And I don't mean to be disrespectful to the profession, but I mean, that's basically what you're saying?

A That's correct.

Q You can still function? There's been testimony he worked on cars.

A Yes.

Q Biology degree from Claflin?

A Yes.

Q So he's smart?

A He appears to be, yes.

Q And he asked you about Invasion of Body Snatchers. Which was first, the movie or the syndrome? I can't remember. One of them was '53, and one of them was '55?

A Well, the movie was '56.

Q Okay, '56.

A I don't know when the actual CAPRAS syndrome came up.

Q Doctor, can we turn to page 4 of your report. And at the bottom of 3 I think — I'm not sure when you were talking about, but you said he's, he felt medication was not necessary, was ineffective, and he continued to believe that his family was replaced by clones. When are you talking about that? That's the bottom of 3 and four; I just wasn't clear on it.

A He said that pretty much — I don't have a time line in that. That was sort of an underlying general belief that he has which is not unusual when somebody is paranoid.

Q So when we don't have a specific. He's just saying he just thought they were replaced by clones all the time?

A Yes.

Q Now did he admit to drinking alcohol or having an alcohol problem?

A Yes.
Q Cocaine problem?
A Yes.
Q And you believe that?
A Yes.
Q And Doctor, I don't, I just don't understand this. How can you tell, explain it to me, explain to the jury, how can you tell if someone is doing something that's bad or delusional based on a mental illness or doing something that's wrong or bad because they're on, high on crack cocaine?
A Well, there's no way to know exactly at that time, nor by assessing whether or not he was high on crack cocaine at that time. Crack cocaine would not have made his condition any better; that's for certain.
Q No question about that?
A None, not for me.
Q Well, then people on crack cocaine do violent and mean things; don't they? You've seen that; I've seen that.
A That's true.
Q And people that are looking for crack cocaine, have been on crack cocaine, are coming down often do violent things, correct?

A That's correct.
Q So if someone was in that position that had been using crack cocaine was, didn't have crack cocaine and wanted crack cocaine and went and killed somebody and they also had a mental illness, how could you tell which one caused it?
A Well, I don't think there is way to tell that.
Q That's why this is a difficult case too; isn't it?
A Yes, it is.
Q Because there's no dispute about it that we've heard testimony from one witness, but you were told he was using crack?
A Yes.
Q There is an issue about whether or not he was out of his medicine. Didn't he go back to the hospital on November 20th of the 2010 to get like?
A Couple of pills.
Q Four or five pills maybe?
A Yes.
Q And then kind of went back a few days later and they may have given him one?
A I don't think they were wanting to give him anymore.
Q Okay, but there's testimony that he went back,

was out, and he was provided some more, right?
A I recall a couple of pills, yeah.
Q I don't know if you knew, did he tell you was he getting rid of some of those pills, was he selling them to get crack, do you know?
A He says he wasn't taking them, didn't take them there.
Q So then you've got somebody who is off medication, been using crack, off crack, and then does something. That clearly, you can't tell the other, you wouldn't know what caused a person to kill somebody in that scenario, would you?
A I don't think anyone could tell exactly which one was the exact cause.
Q I'm working down to the middle of page 4 down to the bottom, Doctor. It's your index of this; I think you have it.
A Yes, sir.
Q Kind of what we're just talking about. He said he told you he was out for over eight days of Abilify?
A Yes.
Q And it's what I want to get into this if you don't mind. He then tells you he's out of his medication, wants medication, right?

A Well, he was trying to mail for it, yes.
Q That's exactly where I'm going. And there's a picture of a letter in here and he wanted a stamp?
A Yes, sir.
Q Okay. And his mother wouldn't give him a stamp?
A According to him.
Q All right. And have you seen, did you know there was a picture of an envelope?
A Yes, he and I have gone over it.
Q Okay, you've seen that?
A Yes, sir.
Q And that's State's 2.
A That's the one.
Q And is that his handwriting?
A He says it was.
Q So he wrote it, return address, and the — where it was supposed to be, supposed to pick up medicine I think from the VA or something?
A Yes, sir.
Q And he didn't have a stamp and he wanted his momma to give him a stamp?
A That's what he told me.
Q And he got mad that she didn't give him money for stamp?
A That's right.

Q Okay. And that had nothing to do with whether she was a clone or anybody else. He was mad that wouldn't give him money to get a stamp so he could get more medicine?

A I don't know if it's totally separate. His mother would have really — this woman was not his mother.

Q What woman wasn't his mother?

A The one that he killed.

Q The one that he killed was not his mother?

A That he believed.

Q But it was his mother, Doctor?

A I believe it was.

Q Okay. And he was mad that she wouldn't give him money for a stamp so he could get more medicine. "I mean, he told you that.

A Yes.

Q I got upset, got on my bike, knew where she was, I went looking for her?

A It was actually a stream of thought process that was going on at the time. The stamp may have been part of it. Also the fact that he believed that she was going to have him put away to die and then take over his belongings, take over his mother's belongings, and take over his money. And so a lot

of that essentially went together.
Q And you know what, Doctor, that's.
A What's that?
Q I mean, he's thinking.
A Oh, yes.
Q He's thinking, I got, I don't have a stamp, she won't give me stamp. And actually, Doctor, I think it's in yours and it may be in Doctor's Domino's, but did she tell him she was going to commit him again?
A I actually don't know that.
Q Well, I thought that was in the report, something he was worried about.
A Oh, he was definitely worried about, but I don't know if she actually said it.
Q He was worried about being committed, not worried about the clone harming him. I mean, that's rational thought, Doctor, isn't it?
A I would say it had some organization to it which makes my point that paranoid schizophrenia is the most organized of the schizophrenias, but it be based on not reality.
Q Well, this is pretty realistic; isn't it? You want, got an envelope, it doesn't have a stamp. He wanted a stamp. He wanted his medicine. He's

worried about his momma committing him. He's worried specifically about they'll test me and see I'm doing crack, they're gonna commit me again. I mean, that's rational thought for a paranoid schizophrenic.

A I would say in that, down those lines, but the irrational part comes from having to go overboard, having to kill somebody for that?

Q Well, that's what we're all leading up to is rational, rational, rational, rational. But still, he thinks she's a clone during this time; doesn't he?

A I believe so ---

Q Said he's been doing that since 22?

A Yes.

Q So when he goes down there to — and it was a Monday, not a Sunday, there wasn't no — you don't really believe there was a church service he went in, do you? That's just what he's telling you.

A That's correct.

Q And he goes down. He didn't harm his mother when he saw her at this service, whatever it was, did he?

A Not that I know of.

Q Oaky. Well, and doesn't that show something, Doctor, that there are other people there, if he's

going to hurt her he's not going to hurt her in front of other people 'cause if he's just that of it, delusion, why didn't he kill her right there?
A I think if you try to make sense out of some of his psychotic we'd be wasting our time. It doesn't have to necessarily to make any rational sense, and it doesn't.
Q You want me to just sit down, I mean?
A No, I'm not asking you to sit down. I'm just saying that if you're asking to make rational sense out of someone who is psychotic I can't do it.
Q But he was doing rational things. It may not be something he wants to do, but he was angry he couldn't get a stamp. So that was a reason he was angry, not that she was a clone. That's all I'm asking.
A And if you look at the, actually the report from the hospital when he went to pick up his medications they even said there he didn't want to spend as much time out because he doesn't like being away from his mother. And it showed a lot care and interest that he had in his mother. Those are actually in the notes of a week before. That doesn't make sense either. So why would someone who is being cared for who has a major mental illness kill the person who

actually is taking care of them. None of that makes any sense.

Q Well, it doesn't make sense that anybody kills anybody for no reason, Doctor. You got to be a little bit disturbed to kill somebody.

A Well, most people who kill people are not mentally ill; they're more psychopathic.

Q Let's keep going through your report, Doctor. Under second paragraph of index appendix. And just tell me how you came with these three words: Feeling desperate, anxious and paranoid. Mr. Wilson left home to find his mother to ask for a stamp before a religious service. I mean, that's kind of drawing a big conclusion there; isn't it?

A No, he was very nervous. He was upset. He was afraid that he was not gonna be able to get his medicine. And he felt like, okay, I can't wait for her to come home, I'm going out to get her.

Q Going out to what?

A Going out to find her. She was at a church service he said.

Q When was the last time he'd had this delusion prior to this incident you're saying he could have had this delusion? When was the time he'd had it before?

A Oh, I don't know an exact date.
Q Do you know how many times he has it?
A No.
Q I mean, since 22 I mean, does he have it all the time when he sees her?
A Probably not, because with paranoid schizophrenics the individual is actually most fearful. They believe they're being poisoned at times by people actually taking care them. And like I was citing, and I believe it may have been the November 20th visit that he had with the hospital.
Q That's when he went to get five more pills.
A Right. That he didn't want to stay very long because he needed to be back, he didn't like to be away from his mother. There's a good chance that, you know, that there's a whole lot of his life that he really does care because that's — to answer part of your other question why would he live with this person for so many years if he was afraid of them. And so I do not believe, nor can anybody tell you what they're thinking from moment to moment but there I'm sure periods of time where he realizes this is my safest place. Then there's periods of time probably when he's either off medication and/or on crack or alcohol that those delusions are worse.

And so that is what I believe what happened, but I can't tell you exact dates when that happened.

Q And you keep saying there's a good chance and probably. You don't really know?

A Know what?

Q You keep saying there's a good chance that he, this may be, that he thought that, or probably. But you don't really know, it's not an exact science?

A Well, none of this is exact science, but within reason a man like you asked was living with this person for 40 years. You know, she was taking care of him I understand. I've taken care of a lot of schizophrenic individuals, and then when a caretaker passes away, usually a parent, they usually escalate. Now his father had died just several months prior to that who was someone he said he was close to, and so he's had some pretty big bumps in his life besides just being mentally ill.

Q Getting close, Doctor. Can I come up just a second?

A Sure.

Q On page 5, Mr. Wilson believed his mother became disturbed by his presence and threatened to commit him to another psychiatric facility and take him home, I guess, right?

A Yes.
Q The next thing is the thought of, the thought of psychiatric commitment bred fear in Mr. Wilson?
A That's what he told me, yes.
Q So that is what he feared, going back to the psychiatric facility, correct?
A He feared that and that he wouldn't be able to get out, he would die there, and she would take his money, etc.
Q And I just wanted to go, and this is what I was asking earlier. The thought of he believed that they would do a blood test and realize I'm not on my medication and would commit me, they did that before?
A Yes.
Q So that's what he was afraid of?
A In addition to the other things I just said.
Q And just to go on, and you said that he said he believed his mother's clone would steal his disability check while he was in the hospital, I didn't know what to do. Well, that's not a reason to kill somebody or be put in fear, is it?
A Well, a rational person I wouldn't think would think it as reasonable.
Q And Doctor, in all of this we've gone over

there's no evidence -- well, there's no evidence whatsoever that he didn't know the difference between right and wrong.

A He believed that he did the right thing, that he had to do the right thing. I believe he may have even said it was a self-defense.

Q That's not -- all due respect, that's not answering the question. There's no evidence that he -- you're saying he did the right thing. That's not answering my question.

A I'm sorry.

Q Respectfully. Is there any evidence to show that he didn't know the difference between right or wrong?

A By the way he's described the story to me consistently from the three times I've met with him, it did not appear that he knew right from wrong at that time.

Q Based upon what, Doc? I mean, what have you got to show that he didn't know it was wrong to kill his mother?

MR. BROOKS: Your Honor, I object. He's being too argumentative and asked and answered.

THE COURT: Overruled.

THE WITNESS: I'm not sure exactly.

BY MR. MEADORS:
Q What have you got to show he didn't know the difference that he didn't know it was wrong to kill his momma?
A Well, by the way he reported it to me and by the fact that he didn't even try to leave, no self protective. I mean, there was nothing that he was doing to protect himself. He thought he did the right thing. He thought he did what he had to do.
Q And the only person he's told this to is you?
A Well, I don't know if he told it to anyone else or not, but he definitely told it to me.
Q Well, you admit, though, your answer that he felt he did the right thing does not answer the question that that doesn't, that he didn't know the difference between right and wrong?
A It's my opinion that I believe he did not. That is my opinion.
Q Didn't tell Sinkler, didn't tell McMillan, didn't tell the other officer, didn't tell the EMS, didn't tell the doctor, didn't tell anybody that he thought she was a clone and he felt he had to do it. Didn't tell anybody, did he?
A My experience with paranoid schizophrenics is they very rare will tell people anything. I have

had if you call it the luxury of three years of treatment and now very regimented treatment where I work -- perhaps, like I stated earlier, this is the best he's ever been. Whether he's only told it to me or not, I don't know. I know what he's told me. It's very difficult to treat a paranoid schizophrenic because they don't want to tell anybody anything. But in treatment which is my recommendation for this man, this is the most organized I've ever, I imagine he's ever been. And so at that time he was thinking different than he is today.

Q Do you know he told Doctor Domino -- Doctor Domino, raise your hand please.

You know Doctor Domino?

A Yes, sir, I do.

Q I mean, y'all are colleagues maybe?

A Sure.

Q He told her in one of her reports that somebody else did it?

A I believe I read that, yes.

Q Well, Doctor, I mean, that's pretty big. I mean, do you know that he told her that somebody else did it?

A I believe I read that, but I don't know if it was

to her he told it to.
Q Well, that is particularly significant, isn't it, blaming it on somebody else?
A Yes.
Q That would show he knew what he did was wrong, right?
A Well, it would certainly point in that direction.
Q Big old arrow, I mean, saying somebody else did it, right?
A Yeah, but he hadn't done that with me. He's taken full responsibility for it with me.
Q And still on 5 -- getting close to finishing, beg everybody's indulgence. In your report -- I lost it. And she even said she was worried about his mother spending his disability check, right?
A That's correct.
Q So that's another reason he had that could make him mad, right?
A Yes.
Q Not the threat from his mother but the fact that she might take his check?
A I got the impression it was from a whole lot of things including that.
Q Did you know she was actually disbursing his check out to him and she'd give it to him, give him

all his checks and kind of give it over a month so he wouldn't blow it?
A I would probably bet she took really good care of him.
Q Down toward the end of this there's been testimony he was using crack cocaine, blowing his money on crack and spend every month and he couldn't wait for the check to come, she wouldn't give him a stamp and he'd get mad, thinks she's going to take it and he just kills her?
A Yeah, I thought of that.
Q He told you in here that he knew the consequences of murder was death.
A That is correct.
Q That's pretty rational thinking.
A Yeah. You got to remember, I've seen this guy this year.
Q Three-and-a-half years after it happened?
A That's correct.
Q But you're using that three-and-a-half years to now come in and tell this jury he didn't know what he was, difference between right and wrong?
A That was back then in 2010. He's a different person now.
Q So you're saying you can pick and choose what you

think is credible that you base your opinion on?
A No. I can tell you this is what I observed and that is what I've read about him and this is what I've seen within him. He's also a well treated person right now. That's what I'm telling you.
Q I knew the consequences of my murder was death but I had no alternative.
A (No response.)
Q There's a reference, I just can't find it in here, but there's a reference in here that he told you he called the police sometime that morning, the 29th, right?
A Yeah, he told me that.
Q And that's a sign it he thinks somebody is threatening that might be good, right?
A Yeah, but I was wondering why he would call the police because that would essentially be turning himself in one way or another.
Q And that was earlier that morning according to your notes?
A Oh, is that right, I'm sorry.
Q So if he was thinking then and knew something was wrong why didn't he do that later before he killed her, called the police? That's my point.
A Yes, I don't know.

Q He did go to the bathroom and clean up is what he told you?
A He did.
Q Yes. And you said something earlier; it's all coming back, Doctor, I'm sorry. But you said, you know, you think he was there for a while before the brothers got there. You don't know that?
A No, I don't know how long it was.
Q I mean, they could have come in seconds after he killed her?
A Could have. Could have run out seconds after he did as well.
Q My point is, you don't know. I just ——
A I don't think it happened. He stated ——
Q I think you said it was — that's what it was. You said he had time to flee, and I just wrote down there how do you know. I mean, you don't know that. We just went over that, never mind.

MR. MEADORS: Beg the Court's indulgence, I just have a few more questions.

THE COURT: Yes.

BY MR. MEADORS:
Q On page 6 you say, you say he's in the best you've seen him now but you say he's got ongoing delusions or hallucinations. He denied any.

His current recollection or belief says with intention of any ongoing psychosis, primarily that of delusion.

A Yes.

Q What are you talking about?

A That he is now treated very well and he still has residual symptoms of schizophrenia. You cannot treat someone with antipsychotic medication and all of a sudden seems like a health normal person so he still has active psychoses; it's just not prominent now so it's more residual.

Q You have read Doctor Domino's report?

A All of them.

Q The reports, I'm sorry, I wasn't trying to get you. The first mention of CAPGRAS or CAPRAS Syndrome was you?

A That's right.

Q And your definition of it in your thing is close to the — I went on Wikepedia and looked it up for the Wikepedia definition. Where did you get the definition of CAPRAS from?

A Residency I would say, probably back in 1990.

Q So is he suffering from that now?

A He still believes that that person that he killed was not his mother.

Q Well, but also CAPRAS means other people, not just relatives, close friends and all. You mentioned somebody in here that he, the jail, either a girlfriend or something, does he have CAPRAS with them?

A No, I think he — well, actually, I don't believe those people exist.

MR. MEADORS: Beg the Court's indulgence.

THE COURT: Yes, sir.

BY MR. MEADORS:

Q You know I'm gonna ask you this, you're private, private practice?

A Yes.

Q Okay. Have been for a long time?

A Yes, sir.

Q All right. Obviously you're being paid?

A I think so.

Q Well, Doctor, come on now. Is that depending on this? No, you are being paid; aren't you?

A That's correct.

Q And how much are you being paid?

A You know, I really do not know. I don't handle that part of it.

Q So you're going to get involved in a case and you don't have a set fee or an hourly fee in court that

you use?
A I actually have a manager who does all the financial negotiating for me so I can stay out of it.
Q Well, let me ask you this much, when you get through with a trial you get paid and you charge the same thing for your testimony in every trial; don't you?
A I don't charge anything for testimony.
Q You charge for coming to visit somebody? Oh, come on, Doc. With the last one you did, that you did, is there a certain -- is this going to be the same hourly fee as this one?
MR. BROOKS: Your Honor, can we have side bar?
THE COURT: Okay, yes.
(WHEREUPON, counsel approached the Bench for an off-the-record discussion.)
BY MR. MEADORS:
Q On your last case like this that you did -- you've done thousands -- when you got through, how much were your making an hour on it?
A I usually make 375 an hour.
Q Thank you, Doctor. Thank you.
THE COURT: Any redirect based upon his

cross-examination?

MR. BROOKS: Absolutely, Judge.

REDIRECT EXAMINATION

BY MR. BROOKS:

Q Doctor Martin, Solicitor Meadors talked to you about whether or not you know certain law enforcement personnel and talked with them about, you know, arriving on the scene in the event that occurred shortly after the incident and their involvement; is that correct?

A Yes.

Q And he asked you, that would been a good idea to know exactly what kind of demeanor and what was going on with Mr. Wilson on November 29th, 2010, and shortly thereafter; is that correct?

A Yes.

Q Now if law enforcement had videotaped their involvement with him that would have been very helpful; wouldn't it?

A Yes.

Q And shortly after he's been detained and taken down to the detention center, there was a conversation between him and Investigator Burnish, it would have been very helpful for that meeting to be videotaped; is that correct?

A Yes.
Q It would have been helpful in the medical field; is that correct?
A That's correct.
Q As far as you know that did not happen; is that correct?
A It did not.
Q That's not anything that, as far as you know there's nothing keeping law enforcement from doing that; is that correct?
A No, sometimes they do actually, but in this case they did not.
Q Okay, all right. And now Solicitor Meadors spent a lot of time talking about whether or not Mr. Wilson was angry about being committed, not having a stamp. Wasn't he fearful because of this clone that looked like his momma taking over everything?
A That's in addition to all the other things, yes, that we talked about.
Q So in essence, it was a totality of everything that he believed; is that correct?
A That's correct.
Q Okay. And as far as Solicitor Meadors talking about, did you talk to this person, did you talk to

Sinkler and did you talk to Ragin, it's not about what was in their mind, it's about what's in Mr. Wilson's mind; isn't that correct?

A That's correct.

Q So you wouldn't have any reason to talk to these officers except to read their report?

A That's what I did.

Q Okay. And you had opportunity to look at Doc Domino's report, is that correct, as part of your evaluation?

A Yes.

Q Okay. And you considered that along with all the other things that was part of putting together your evaluation; is that correct?

A That's correct.

Q So in utilizing her report and everything else that you had, is that how you came up with the opinion that you came up with?

A Yes.

Q And talking with Mr. Wilson; is that correct?

A Yes.

Q On three separate occasions?

A That's correct.

Q The difference is, when you talked to him then he was on his medication?

A He's been on his medication since I've known him.
Q Okay. But it would have been real interesting to have a videotape of how he was back on November 29th and November 30th of 2010; isn't that correct?
A Yes.
Q And that's something that law enforcement could have done?
A I believe so.
Q And you have seen it done in the past?
A I have.
Q Okay.

MR. BROOKS: No other questions.

THE COURT: Any recross?

MR. MEADORS: Just real quick, Your Honor. That's all, never mind.

THE COURT: Thank you. You may step down. Any objection to this witness being excused?

MR. MEADORS: No, sir.

MR. BROOKS: No.

THE COURT: Thank you, Doctor.

THE WITNESS: Thank you.

MR. BROOKS: Side bar, just...

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

THE COURT: All right, we'll take a

recess.

MR. BROOKS: I was getting ready to ask you that.

THE COURT: All right, ladies and gentlemen, we will take a 15 minute recess please. Do not discuss anything about the case while you're back there. Thank you.

(WHEREUPON, the jury was removed from the courtroom at 11:30 a.m., and the following proceedings commenced in open court.)

THE COURT: Court will be in recess for the next 15 minutes.

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

THE COURT: Is there anything else before we bring the jury back in? Your client still intends to testify; is that correct?

MR. MEADORS: That's correct.

THE COURT: All right, let's bring our jury in.

(WHEREUPON, the jury was returned to the courtroom at approximately 11:52. a.m., and the following proceedings commenced in open court.)

THE COURT: Mr. Brooks, ready to call your next witness?

MR. BROOKS: Yes, sir.

THE COURT: You may call your next witness.

MR. BROOKS: We call Alexander Wilson.

THE COURT: All right. Come forward to be sworn.

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

THE WITNESS: Alexander Bernard Wilson, Jr.

WHEREUPON,

ALEXANDER B. WILSON,

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

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

THE WITNESS: My name is Alexander Bernard Wilson, Jr., W-I-L-S-O-N.

DIRECT EXAMINATION

BY MR. BROOKS:

Q Mr. Wilson.

A Hi.

Q How are you doing today?

A All right, I'm fine.

Q All right. You go by — what do you go by?
A Well, I go by Bobby or Alex or Mr. Wilson.
Q Bobby.
A Yeah.
Q How old are you?
A I'm 63 years old.
Q Okay. Now I'll ask you, do you remember Jerome?
A Yeah, Jerome.
Q Who is Jerome?
A Jerome is my oldest brother, so-called brother.
Q You say so-called, what do you mean so-called?
A Me and him don't have the same mother.
Q Okay.
A My mother, my mother was struck down by lighting in a cotton field when I was at the age of two.
Q Okay. Your momma was struck by lightening in a cotton field?
A Cotton field.
Q Okay. You have another brother Terry?
A Terry. Terry.
Q Do y'all have the same mother, you and Terry?
A No.
Q Okay. You and Terry didn't have the same mother either?
A No, me and Terry don't have the same mother.

Q Terry is younger than you, right?
A Terry is younger than me. I have another brother.
Q Okay. And you got another brother behind Terry?
A Behind me.
Q Okay.
A Donald, he's my brother that look like me, identical twin.
Q Oh, okay. All right. Now so you're saying your mom died when you were two years old?
A My mom died. She got hit by lighting in a cotton field?
Q How old were you when that happened?
A I was two years old and she was impregnated with Donald.
Q Okay, all right. Now do you remember who your father was?
A Alexander Wilson.
Q Alexander Wilson?
A Yeah.
Q Okay. Is he still alive?
A No, he deceased.
Q Do you remember when he passed away?
A September 2nd, 2010.
Q When is it?

A September 2nd.
Q September 2nd ——
A 2010.
Q ——2010?
A Yeah.
Q Okay. Now do you remember what happened on November 29th, 2010?
A Yeah.
Q What happened then?
A That day I was accused of murdering my mother.
Q You were accused of murdering your mother.
A Yeah, and that day that the incident occurred.
Q The incident occurred?
A Right.
Q What was the incident?
A Well, I wanted, I wanted a stamp that Sunday night. That Sunday night I made out order for the pharmacy service to get a stamp to order my medication, and I put it on the kitchen table. And that Monday morning, the day of the incident, I woke up. I asked my mother to give me a stamp to put, before I go to the post office, give me a stamp to put on my envelope so I can mail off for my medication.
Q Now you said you asked your mother to get you a

stamp, but just told us your mother died when you were two years old.

A Oh, now I didn't, I didn't — this woman is my adopted mother, Elizabeth S. Wilson.

Q Okay. Elizabeth S. Wilson, she's your adoptive mother?

A Right, my adoptive mother. She adopted me. She, that — she — that Terry mother and Jerome mother.

Q And Donald's mother?

A No, not Donald's mother.

Q Not Donald's mother, okay. All right, go ahead and tell us what else happened.

A So she took, she told me she don't have the money to give me the change to get the stamp.

Q Okay.

A So I went about my business, went about my own business.

Q When you say went about your business what did you do?

A I went to the post office, checked the mail. I walked, had to walk, ate breakfast, and got ready for cleaning up around the house.

Q Did you follow your adoptive mother to the senior citizens place?

A Yeah, I went there. I went — now that was at

12:00.

Q Okay.

A And then I went to the senior citizens community center meeting and I inquire her. I went before the group and the reverend said something about white and black.

Q Okay. And what happened then?

A And I look at my mother which are only my Elizabeth S., the so-called mother, now.

Q Okay.

A See now, she say — this is Elizabeth Wilson now.

Q Okay.

A 'Cause I look at her and she was, she was the whitest thing in the crowd and he said something racial remark to her let everybody know that I'm a black man with a white penis and know that and — but I really went there to see my mother about getting money to put on the — got change, haven't gotten any change from her. People, other members of the church, so she can give my some money to mail off the stamp, but she hadn't got any change yet.

Q Okay, all right. Now after y'all, after you show people, how did you describe it?

A I show them my penis.

Q Okay. Now after that —

A Now after that she — they adjourned the meeting, they adjourned at the center, and my mother said, well, let's go back home. I told her — I went back home and she said, she said, she said why you did that, Terry? Now I'm gonna have you committed to the hospital tomorrow.

Q Okay.

A And ——

Q And this is your mother that said this to you?

A That was Elizabeth, Elizabeth Wilson say that, not Elizabeth S. Wilson.

Q Your adoptive mother is Elizabeth S. Wilson?

A Right. And this is Elizabeth?

Q And who is Elizabeth? Who is Elizabeth Wilson to you?

A That the woman that I killed.

Q Was that your adoptive mother?

A No, it wasn't my adoptive mother.

Q That wasn't your adoptive mother?

A No.

Q And that wasn't your real momma?

A That wasn't my real mother.

Q Well, who was that?

A That was somebody that wanted to take control of the Wilson estate. This person got my driver, got,

putting me and my bank account and obtained 400 dollars to get her a driver's license.

Q Okay. Now so why did you kill her?

A Well, because I heard a voice that say, Bobby, bring her to me, I know what wrong with her, I'll take care of you. And I hit her and she didn't say nothing then.

Q Whose voice did you hear?

A That my father voice and speaking to my heavenly father voice.

Q Your father's voice?

A In heaven.

Q In heaven?

A Yeah.

Q And he said what again?

A He said, Bobby, bring her to me, I know what wrong with her, I'll take care of you. So instead of doing what man made wisdom they do, I by not to the voices, I did what God made wisdom wanted me to do, allow me to bring me mother to my father who out who is in heaven and they can say till death do us part.

Q But now, I'm gonna ask you again, it's a — was this your mother?

A No, this wasn't my mother. This wasn't my

mother. This was Elizabeth Wilson.
Q Okay.
A This wasn't Elizabeth S. Wilson.
Q Okay, so this is somebody ——
A That just intrusion in the family.
Q Was this somebody that looked like your momma or looked like your adoptive momma?
A In a way she looked like her, but she — but my mother, my mother have straight hair and a bald spot in the middle of it, a bald spot, and kept — she wear a cap. She have upper and bottom dentures. This lady had braided hair and wear a wig.
Q Okay.
A And she have upper dentures and bottom plate.
Q Now when the — do you remember your brother Jerome coming to the house after this?
A Well, Jerome wasn't there first. Terry was there first.
Q Well, do you remember Jerome and Terry coming to the house after ——
A Yeah, yeah.
Q Okay. What happened when they got there?
A Well, when Terry came there Terry said, ma, ma, what happened. And he said, Bobby, what you doing with that bat in your hand, and I didn't say

nothing. And he said, give me that bat. And I did like this (indicating). And he say, he say, he said, give me that bat. And I knew he was gonna attack me so he attacked me, and Jerome came home. Jerome said what happened. And Terry said Bobby killed ma. And then ---

Q Did you say anything to them?

A I didn't say nuttin' to them. I couldn't say nothing; I was fighting for my life.

Q Fighting for your life from whom?

A From Terry and Jerome.

Q Were they trying to kill you?

A Well, I got -- well, Terry got the bat and hit me in the head on and give me 17 stitches.

Q Okay. And do you remember Officer Ragin?

A Yeah, yeah, I remember him. He came in the bathroom and got me out the bathroom.

Q And Sinkler?

A Yeah, yeah.

Q All right. Do you remember them telling you to put your hands behind your back?

A Yeah, I cooperated because I knew I didn't do nothing wrong because this woman intrude in the family and was intruding in the Wil— trying to claim the Wilson estate.

Q Okay. And ——
A And who was not my mother and not Elizabeth S. Wilson.
Q Do you remember telling the officers that?
A No, I, see, I got, I'm the type of person like this. I take a— I take account of what's going on. I take a photostatic picture of what wrong, then I store it in my memory bank and use it for later on recollection. Like, this woman here, she can't drive, she can't cook, she can't do the laundry. And she can't, she don't like to wash the dishes. And for Thanksgiving, if Elizabeth S. Wilson there, if Elizabeth S. Wilson there we'd have turkey, mashed potatoes, macaroni, rice, and whatnot, stuffing. But for Thanksgiving we had Kentucky fried chicken.
Q Well, let me ask you this, all right. Do you think you did anything wrong?
A No, I just tried to protect my house.
Q Okay. So you think you were acting in self-defense with ——
A I am.
Q ——Jerome and Terry?
A Well, I couldn't say — I couldn't explain my actions to Jerome and Terry because I didn't know

how it, it was too long, too much to talk about at one time about what happened at one time. Hearing a voice, doing what my father say do, hearing knowing that my father and my mother been together over 60 years, was this person impersonator who intruding in the family and, and, and...

Q Let me ask you this, do you remember being at the jail and Investigator Burnish ——

A Yeah, I remember that.

Q ——coming to talk to you about your rights?

A Right.

Q Do you remember that?

A I remember that.

Q That — do you remember about talking to him?

A I told him — I told him I know my rights and what I really wanted to do is talk to a lawyer.

Q Oh, you told them that, huh?

A I ain't told them that; I was just thinking that. I know I wasn't talking to nobody but a lawyer.

Q Okay. Did you say anything ——

A I said, I said that wasn't my mother.

Q Okay, you told them that?

A I told them that wasn't my mother.

Q Okay. Now, since you been at the jail did you say anything about having a girlfriend or anything

like that?
A Yeah. Yeah, me and — I have a girlfriend, Ms. Shena Shaw, and we was dating at the time.
Q Okay. Did you have some other — did you have a child at the jail?
A No.
Q Okay. Was there somebody else at the jail related to you?
A No.
Q Okay, all right. Do you take medication?
A Yeah, I take — the military, VA had me on Abilify.
Q Uh-huh.
A And they asked me whether I had a choice between Abilify and Haldol, and the doctor recommend Abilify because, because my initial feeling was dementia.
Q Okay.
A Okay. And but the only thing about Abilify, it gives you obesity and the only cure for that is crack cocaine.
Q The only cure for the obesity from Haldol, I mean Abilify, is crack cocaine?
A Crack cocaine to stop the obesity.
Q Okay. Since you've been at the jail have you been getting medicine at the jail?

A I get -- they don't give me Abilify in jail.
Q What do they give you?
A They gave me -- well, they give me now Haldol, an injection, and Selexa and Sentipril (ph).
Q Okay. And does that help?
A Yeah. Yeah, that help.
Q Okay.
A Even when I was at the VA, when I was going to the VA I only got one pill a day and that supposed to last me all day.
Q Okay.
A Until the next day I get one pill, ---
Q Okay.
A ---Abilify. And but now, and see, I was, I was taking injections they have.
Q You get the injections at the jail?
A Yeah.
Q You know what those injections are?
A Haldol.
Q That's the Haldol injections?
A The Haldol injection.
Q That's right. Do you remember trying to go to Canada as a young man?
A That, well, he got that backwards. I was going -- yeah, I was going to Canada but I got

confused in my direction, which way was south. I really wanted to go to Columbia, South Carolina, South Carolina.

Q Columbia, South Carolina?

A I mean, not Columbia, just to South Carolina to be with my parent family.

Q Okay.

A But I got lost in direction and end up five miles in Canada.

Q Okay, all right. And do you remember ——

A And I was committed and the Royal Canadian body police commit me to emergency mental hospital, Mercedes Mental Hospital, in Watertown, New York.

Q All right. Do you remember being in the military getting a discharge in San Antonio?

A Yeah, I remember that. I was a pharmacy specialty in the military and went and joined the army in biological warfare and a combat medic, and I worked at Bruce Medical Hospital and at Dwight David Eisenhower Hospital in Augusta, Georgia, and Tuomey Hospital in Sumter.

Q And what did you do at the hospital?

A Oh, I was a medical assistant.

Q A medical what?

A Assistant, technician.

Q Medical technician?
A Yeah.
Q And what were your duties as a medical technician?
A Well, we would perform pharmaceutical prep for surgery, take blood pressure, respiration, and check for vital signs.
Q Okay. So you would help the surgeon get prepared for surgery?
A Right, right. And put up brace, we call it a brace for broken bones, for big breaks, big brace for broken bones.
Q Okay. So Mr. Wilson, you know, back to the incident on back in November 2010.
A Right.
Q Is it your belief that you didn't do anything wrong?
A I believe that this was a lady that intrude in the family. She got possession of my driver's license, of her driver's license, my mother driver's license in 2007. I was keeping note on her. And in 2010 I was kidnapped to ——
Q You were kidnapped?
A Kidnapped to Three River Hospital.
Q Okay.

A And by the Sheriff's Department. I was just walking the street, and they just picked me up and put me in the mental hospital.
Q Okay. Was your daddy alive then?
A My daddy was alive. He came and visit me and my mother was alive too. And Elizabeth S. Wilson was at home too.
Q Okay. So when your dad came to visit you at Three Rivers, the lady that came with him was Elizabeth S. Wilson?
A Yeah.
Q Was that somebody different than the person at the house ——
A Right, right.
Q That was a totally different person?
A That was a totally different person.
Q Okay. Are you sure of that?
A I know that. I know my, I know my mother since I been 50 years. I spend 50 years or 60 years with my mother and father, and I know my mother and I know my father. And I know how they react and they been together so long. But I would say for better or worse, richer or poorer, till death do us part. What I did was unite my so-called intruder with my father who was in heaven.

Q Okay.

MR. BROOKS: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, sir.

MR. BROOKS: No other questions.

THE COURT: Mr. Finney.

SOLICITOR FINNEY: Please the Court, Your Honor.

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY SOLICITOR FINNEY:

Q Mr. Wilson, if I told you I can pour something out of this jar into a cup and it would be truth serum and you could drink it and you could tell the truth, could you do that?

A Yeah, I could do that.

Q You believe that you could drink a cup of ——

A Truth serum?

Q Yes, sir.

A To tell the truth, yeah.

Q You believe truth serum will make you tell the truth?

A Yeah, I can drink that.

Q Tell the ladies and gentlemen of the jury how old are you?

A I'm 63 years old.
Q And tell the ladies and gentlemen when was the first time you saw this different lady in your house that wasn't your momma?
A The first time I saw her was back in 2010.
Q What month in 2010?
A When I, when, when, what month?
Q When was the first time that you saw the lady at your house that wasn't your momma?
A I'm trying to recall.
Q You don't know, do you?
A No, I know, I know, I know. Okay, it was — yeah. It was when I was incarcerated for shoplifting.
Q Mr. Wilson, when was the first time?
A That was back in 2010 when I was incarcerated for shoplifting in May.
Q When you got incarcerated for shoplifting?
A She refused to get me out.
Q She refused to get you out?
A Yeah, that was the first time.
Q And that's the first time ——
A Yeah.
Q ——that you knew that was somebody else.
A Right, right, right.

Q Okay. Now when you got incarcerated for shoplifting you knew that you had done wrong. It's wrong to steal, isn't it?
A No, I was, I was, that was dismissed.
Q Is it wrong to steal, Mr. Bobby Wilson?
A Yeah, it wrong to steal, yeah.
Q Is it wrong to kill?
A Wrong to kill? Depends on the circumstances.
Q Didn't you just quote the Bible to this jury?
A Yeah.
Q Doesn't the Bible say it's wrong to kill?
A Yeah, it do — well, that the Bible, but I'm trying to say if — the law enforcement have to kill, the military kill.
Q Is it wrong to kill in the Bible?
A It wrong to kill in the Bible.
Q Do you believe that?
A I believe that.
Q All right.
A But the military kill and the police kill.
Q Was it wrong for you to take the life of Elizabeth Wilson?
A That not my momma that night.
Q Was it wrong for you to take the life of Elizabeth Wilson?

A That not Elizabeth Wilson.
Q Oh, it wasn't Elizabeth Wilson?
A No, not Elizabeth S. Wilson.
Q Did that lady that you killed do anything to harm to you?
A Yeah.
Q What did she do?
A She refused to give me a stamp to mail off my medication.
Q And because of that you killed her?
A Because of that I killed her, because of that after she refused to give me the money and I requested her three times and she would hold my account, hold my checking account, and she was going to commit me to the hospital I had no other choice.
Q You were mad at her.
A I ain't been mad at her.
Q You lost control; that's what it's called.
A I ain't lost control.
Q You lost control, and you got mad at her and you said, I'm gonna kill you because you won't give me what I wanted.
A No, I wasn't. When I heard my father voice.
Q You told the doctor that after you were arrested, that you heard a voice?

A Yeah, that was ——
Q You told the doctor that way after you got arrested?
A No, huh-uh. I heard that voice, my father voice, at the time of the incident.
Q At the time of the incident?
A Yeah.
Q And who did you — who was the first person that you told that to?
A I told that sergeant right there.
Q The sergeant?
A Yeah, that guy, Burnish, Sergeant Burnish.
Q That was after.
A I know, but I didn't ——
Q That was after he served the paper in front of you saying, Mr. Wilson, you're charged with murder of your mother. That's when you came up with that story; isn't it?
A No, that ain't when I came up with that story. That's, that's when I first disclosed what was on my mind.
Q First disclosed it.
A Right.
Q Very good, now we're getting somewhere. You did not take any steps to harm the woman that was at the

church service that you say you went to?
A No.
Q You did not take any steps to tell your brother or your neighbors or anybody in the community that there was a lady in your house that wasn't your momma?
A Oh, I tried to call that morning.
Q You tried to call?
A The police.
Q What number did you call?
A I been trying to call 911.
Q Was there before or after you unplugged the phone?
A I didn't unplug the phone. I didn't unplug the phone. I called -- that was, that was -- I didn't unplug the phone.
Q State's Exhibit Number 1, were you mad when you unplugged the phone?
A I didn't. I didn't unplug the phone. I didn't unplug the phone.
Q Who unplugged the phone?
A I don't know.
Q Where did you get the bat from?
A I tried -- I called 9-1-1 that morning.
Q Did you get through?

A Yeah, I — but my mother, I was, I'm calling 9-1-1 to tell 9-1-1 that this ain't my mother in my house. And she told the police to go back, don't come here, that boy ain't know what he talking about.

Q So you talked to the police?

A That what she told the police on the phone.

Q So you talked to the police and told them ——

A That what she told ——

Q ——that somebody was in your house.

A No, no. I talked to the operator on the phone.

Q Right.

A And I told the operator that, I'm trying to tell the operator that someone, that Jerome tried to take my medication out my pocket.

Q Mr. Wilson, you ain't never told the doctors that, have you?

A No. Like I say, I don't tell everything I — I just keep it to myself till a certain time.

Q You only tell what helps you. After the officer came and put that warrant on you after you had been in jail overnight, then you told them that wasn't your mother.

A No, no, no. I been keeping track of this.

Q Where did you get the bat from?

A The bat, that was a bat, the bat was in the closet.
Q You went and got it out the closet?
A I went and got it out the closet.
Q And was she in the bed when you hit her the first time?
A Yeah.
Q And how about the second time?
A Yeah.
Q Was she trying to get up and get away from you?
A No.
Q She stayed right there in the bed. How many times did you hit her?
A About four or five.
Q Did you break the bat?
A No.
Q How'd the bat get broken?
A The bat got broken when Terry came home.
Q So you hit her five or six, four or five times with the bat but you didn't break it?
A No, I didn't break it. The bat came home — when Terry came home and Terry said give me that bat. Terry pick up the level and swing the level at me with the level, and I swing the bat at him and the bat and the level collide like that.

Q Ms. Wilson has a cut in her throat?
A Yeah.
Q Did you stick the bamboo in her throat to cut her throat?
A No, I used a knife.
Q Where's the knife?
A The knife in the kitchen.
Q What'd you do with the knife after you used it?
A I put it back in the drawer.
Q You cleaned it?
A No.
Q You put the knife in the drawer dirty?
A Yeah.
Q And you didn't — the police officers didn't find it.
A Well, then they had no way of knowing.
Q You didn't tell them.
A They didn't ask me to search my house.
Q Did you take the knife out of the drawer?
A I took the knife out the drawer.
Q You stuck in Ms. Wilson?
A I stuck it in Ms. Wilson.
Q And then you put it back in the drawer?
A I put it back in the drawer.
Q But you didn't clean it off?

A I didn't clean it off.
Q And you didn't tell nobody about it?
A I didn't tell nobody about it.
Q Tell us about the letter you wrote.
A The letter I wrote or the letter to the pharmacy service saying that ——
Q Who is Jerome and Terry Wilson?
A That my brother, they're two of them.
Q This is State's Exhibit Number 6.
A So-called brother.
Q Is that your handwriting?
A That my handwriting.
Q Is that your address up there where you were?
A That my address.
Q Where were you at when you wrote the letter?
A I was in the hospital.
Q In Columbia?
A In Columbia.
Q You remember writing this letter?
A I remember writing that letter but I was, I was not taking my medication.
Q You were in the hospital in Columbia December the 3rd, 2013. That's one year ago today.
A Yeah, but the thing about it, the thing about it, they didn't give me my medication until the week ——

Q You were in the hospital and you didn't get the medication?
A Until a week after I got admitted.
Q Mr. Wilson, you were at Farrow Road.
A I was at Farrow Road.
Q In the hospital?
A In the hospital.
Q One year ago today.
A One year ago today.
Q And you didn't have any medicine?
A I didn't have no medicine at the hospital.
Q Okay, I understand.
A All right.
Q Now where did you leave from to get to the hospital?
A I left Sumter-Lee Detention Center.
Q You'd been in jail in Sumter?
A Right.
Q And you'd been there for a long time.
A Right.
Q For two years.
A Yeah.
Q They had medicine at the jail in Sumter.
A But, I'm not, but I take pills every day.
Q And you got the jail to give you your pill every

day; didn't you?
A But they didn't give me a pill at the hospital.
Q But then they took you to the hospital for an evaluation so you could meet the doctor.
A Right, they didn't give me the pill.
Q Okay. So you got to the hospital and you weren't on your pills.
A No, they didn't give me the pills.
Q Now you tell me in this letter where it says, I'm not getting my medicine, I need y'all to help me?
A That ——
Q Show the jury where it says in the letter I'm not getting my medicine ——
A I don't think ——
Q ——I need you to help me.
A I don't think I said that in the letter.
Q You didn't say that in the letter?
A Uh——
Q But now you were in the hospital, you didn't have your medicine, but you took the time to write your two brothers, what you call your so-called brothers ——
A I think I wrote Mr. Brooks that letter.
Q Okay, but I'm asking about that letter that you sent to Jerome and Terry.

A I didn't write -- I wrote the letter but I didn't tell Jerome and Terry because I don't tell my business to everybody.
Q Did you say in the letter that you knew you were wrong, that you made a mistake?
A Yeah, I was off my medication.
Q And you -- she wouldn't give you the 45 cents to get your mail off?
A Right.
Q Three years have passed, I hurt my family, I hurt myself, and I hurt the one person I love in the world is my momma.
A I said that.
Q Is that your words?
A That my words.
Q Did you write that?
A I write that.
Q You did not say that this was a woman who was impersonating somebody.
A Well ---
Q You did not say it was a stranger.
A It's an off and on thing.
Q That's what you said, you hurt your momma.
A But if I -- if we get to the point I said I hurt my mother because I'm thinking about Elizabeth S.

Wilson I hurt, not this woman here. This woman here was an intruder, Elizabeth S. Wilson, and I hurt because that my mother and she wanted me to do better.

Q You started thinking that this was not your mother when she wouldn't get you out of jail, when she wouldn't give you a stamp, when she wouldn't give you any money. You decided this was not your momma and you took care of her by hitting in the head with a bat?

A That what my father told me to do.

Q Do you still think today — you've been on your medicine now for three years.

A Yeah.

Q Today the Doctor says you are better than you've ever been.

A Right.

Q You still think you did the right thing today?

A Yeah, yeah.

Q By taking a bat and violating what the Bible taught, do not kill?

A Well, I put my mother with my father who is in heaven and till death do they never did part.

Q Okay.

SOLICITOR FINNEY: Beg the Court's

indulgence.
BY SOLICITOR FINNEY:
Q I got one more question. Tell the ladies and gentlemen of the jury why you smoked crack.
A Oh, I smoke crack to meditate and I smoke crack to relieve stress.
Q How did you get the money for the crack?
A I, I would, I would, that my — I get it out my check.
Q Out your check?
A Yeah.
Q But you didn't get your check, your momma got your check.
A Well, she — that why — that why she hate to write a check because she write the check to Elizabeth Wilson. She sign the check Elizabeth Wilson, and I know my mother sign her check for ten, for decades Elizabeth S. Wilson.
Q Your mother gave you part of your check every week so you'd have pocket money.
A No.
Q And you took that pocket money and ——
A No, no.
Q ——and bought crack with it.
A Every month, once a month.

Q The check comes once a month, ——
A No.
Q ——but she gives you money every week?
A No, no, no, once a month.
Q Okay. So your testimony is that mom would cash your check and give you all the money?
A Now I pay rent.
Q Hold on, how much was your check?
A My check was 618.
Q Every month?
A Every month.
Q 1st, the 15th or the 30th?
A The 3rd.
Q The 3rd. When the check came in who would you get the check?
A My mother.
Q Direct deposit?
A Direct deposit.
Q How would she give you the money?
A It would come to my father account and she'll write a check to me.
Q So you'd take your check and do what with it?
A I cash it.
Q Where?
A At the bank.

Q What bank?
A NBSC bank.
Q In Sumter?
A Right.
Q How would you get there?
A My mother.
Q Okay. So your mother would take you to the bank ---
A Right.
Q ---with a check that you got from your father's account, and you'd have a whole pocket full of money on the 3rd of the month?
A Yeah.
Q And after that you would spend your money the way you wanted to spend your money.
A Yeah.
Q And you would buy crack with it?
A I buy what I need with it.
Q You buy crack with it, wouldn't you, Mr. Wilson?
A I said I buy what I need. If I need clothes ---
Q Mr. Wilson, didn't you tell the doctor you smoke crack every day? Yes or no.
A You can't smoke crack every day.
Q Mr. Wilson, didn't you tell that to your doctor?
A Nobody can smoke crack every day.

Q Okay.
A Because they can't afford to smoke no crack every day.
Q Mr. Wilson, you didn't have enough money from your check on the 29th of November ——
A Okay.
Q ——to buy a dadgum 45 cents stamp so what did you do with your money between the 3rd and 29th?
A Okay. September and October the social security administration stop my check; I was incarcerated.
Q Okay.
A Okay. My mother got me out of jail.
Q When?
A In September, in September.
Q All right.
A Got me out of jail in September. Okay.
Q You had no check for September?
A I got, I got money from my mother in Sept— in October and ——
Q No check in October?
A No, no.
Q You had no check in October.
A My mother — wait a minute, let me explain. The money been coming to my, direct deposit, and my mother would just simply knowing the money was in

the bank she would write me a check automatically at the house.

Q You just told the jury you had no social security in September, no social security in October, your mom was giving you some money. Didn't you just say that?

A I'm trying to tell you. My mother would take money out of her account to — my check was coming direct deposit in the account, take money out their account and give me a check. And she thought she didn't get it, and after she gave me the check she didn't know that the Social Security Administration cut off the check.

Q In November, on the 3rd day of November ——

A On the 3rd ——

Q ——when you woke up at your house with your momma?

A The 3rd of November I got two checks.

Q You got two checks?

A 1700-dollars.

Q And she took you down to the bank and cashed ——

A I deposited 1,000 dollars in the bank in my account. I had my own account.

Q Okay. On the 3rd of November?

A On the 3rd of November.

Q And 26 days later you didn't have enough to get a stamp.
A No, I -- that's right -- no, I had no money in my pocket. The money was in the bank.
Q You had money in the bank?
A I had money in the bank. I --
Q But you got mad at your mother and went --
A I done --
Q --left the house and went to the community center because she wouldn't give you a stamp.
A I deposited 1,000 dollars in the bank on November 3rd 'cause I got two checks in November. I deposited 1,000 dollars in the bank, and then I took -- I kept 400 in my pocket. And then at the end of November I went back to the bank and the fifty dollar check that he say I wrote, I wrote fifty dollar check and left 610 in the bank, 610. And I told my mom write me a check for whatever amount and I'll try to get my medication.
Q Mr. Wilson.
A I have 610 in the bank.
Q Tell the ladies and gentlemen of the jury why you told Doctor Domino that somebody else killed your mother.
A Well, I told the doctor that because she been

always — if I tell that that weren't my mother she was saying I'm delusionary thinking and was found me incompetent to stand trial.

Q Okay. So you told her somebody else ——

A Yeah.

Q ——did it?

A Right.

Q Because that would mean that you are not incompetent, that you are competent to stand trial?

A That would make me, that would make her say that medication ain't had nothing to do with the thing and that make her say that you have to — the medication ain't had nothing to do with it and that she wrote I would have delusionary thinking. If I tell her I had delusionary thinking she would find me incompetent to stand trial.

Q Okay. But you wanted to be found competent?

A I wanted to be found competent.

Q Because you are competent?

A Yeah.

Q Because you know the difference between right and wrong?

A Well, ——

Q And you made a plan, you made a decision to tell the doctor two different stories. You didn't tell

her that your momma was taken over by alien. You told her somebody else killed your momma.
A Well, and I'll tell you, I take a picture of something and I store it in my memory bank and I use it for at certain times like this. Like, I knew whatever happened to me I had to, my day in court.
Q Right.
A And that the time to come out with everything.
Q And today is that day?
A And today is that day.
Q And you decided how you were gonna handle the case today.
A No.
Q You wanted to come to court and have your day in court.
A I have my — speak what my thoughts was about.
Q All right. Thank you, sir. Nothing further.
THE COURT: Any redirect, Mr. Brooks?
MR. MEADORS: No other questions, Judge.
THE COURT: Thank you. You may step down.
Mr. Brooks?
MR. BROOKS: Defense rests, Judge.
THE COURT: All right, thank you. Ladies and gentlemen of the jury, this is a good time to break for lunch. We'll go to lunch. Be back here

2:30. Gentlemen, will that work? Be back here just a little before 2:30 so we can start right at 2:30. And just for your edification we will probably finish the testimony today and then we'll argue and charge tomorrow morning. I just want to give you a heads up. Thank you, ladies and gentlemen. Please do not discuss anything about the case while you're away for lunch.

(WHEREUPON, the jury was removed from the courtroom at 12:39 p.m. and a lunch break was taken.)

MR. BROOKS: Judge, we would need to renew our motion on the record.

THE COURT: Don't you need to do it after he has put his — after all the evidence has been ——

MR. BROOKS: I need to renew my motion after I presented our case.

THE COURT: Okay, I didn't know, I wasn't sure on that so. All right, yes, sir, what would you like to tell me that would change my mind on that motion?

MR. BROOKS: Judge, at this point we renew our motion for directed verdict in regards to this case. We put up evidence of my client's not being

guilty by virtue of him not being criminally responsible; and we'd ask the Court to grant a verdict with regards to that, in addition to the prior motion that we made at the close of the State's case.

THE COURT: All right. Mr. Meadors.

MR. MEADORS: Your Honor, in a light most favorable to the State we think there's an abundance of evidence to — well, first of all, we have a statement he did through the letter. His brother came and testified he saw him with the bat standing right over his mother. We think that's enough at this point. The question then is has he rebutted. Obviously defendants are presumed sane as he through Doctor Martin's testimony and his client's testimony, overcome that presumption so he could have a opportunity at not guilty of reason of insanity. Assuming he has, I don't know, I still think the State's allowed to go forward at this point and that's a jury issue and we actually have a doctor to call in reply.

THE COURT: I agree and I respectfully deny your motion. Thank you. Let's bring our jury in.

(WHEREUPON, the jury was returned to the courtroom

at approximately 2:39 p.m., and the following proceedings commenced in open court.)

THE COURT: Is the State ready to proceed in its rebuttal case?

MR. MEADORS: May it please the Court.

THE COURT: Yes, sir.

MR. MEADORS: The State of South Carolina would now call Doctor Marla L. Domino.

THE COURT: Doctor Domino, come forward to be sworn please. Thank you.

THE CLERK: Place your left hand on the bible, raise your right hand. State your full name.

WHEREUPON,

MARLA L. DOMINO,

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

THE CLERK: Thank you, ma'am. Have a seat up here please. Please state your full name and spell last name for the record.

THE WITNESS: Marla Domino, D-O-M-I-N-O.

DIRECT EXAMINATION

BY MR. MEADORS:

Q Good afternoon, Doctor Domino.

A Good afternoon.

Q Doctor Domino, will you please tell the ladies

and gentlemen of this jury about yourself, specifically your background, your education, your training, and in particular your education and the field of expertise that I'm gonna ask you to testify about here today please.

A Yes. I obtained a bachelor's of psychology degree in 1992 from the University of California Santa Cruz. I then obtained a bachelor of science in criminal justice from Northeastern University in Boston in '94. I went on to get my doctorate in clinical psychology from the University of Alabama. That was in 2001. And Alabama is one of the few programs in the United States to have a specialty emphasis in psychology in law which is what I did. In completion of my doctorate I did an internship at the University of North Carolina Chapel Hill in conjunction with a maximum security prison in Butner, North Carolina. After I completely my doctorate I then went out to do a one year post-doctorate fellowship at the University of Massachusetts in clinical and forensic psychology.

Q What about your professional experience, can you tell us about that.

A Yes. After I finished my post-op I stayed in Massachusetts for three months and did contract work

for them doing forensic evaluations. I was then hired by the South Carolina Department of Mental Health in January of 2003 where I have remained until today.

Q And then prior to that you were an assistant professor?

A Yes.

Q Or during that time?

A Right, so currently I am also an adjunct faculty at the University of South Carolina in Columbia. I have taught a variety of classes there, undergraduate and graduate courses including one on the insanity defense. But along with that I do help train the forensic psychiatry fellows that rotate through our unit every year.

Q And did you work in Bridgewater, at Bridgewater State Hospital?

A I did, yes, so that was where I did my one year post-stock and then and they contracted me to work for three months following the completion of my postop.

Q And what did you do there?

A I did competent to stand trial and criminal responsibility evaluations.

Q And now you're one of the chief psychologists at

the South Carolina Department of Mental Health's forensic evaluation unit?

A Yes.

Q And what is your job there?

A Primarily what I do is I complete evaluations of competence to stand trial and criminal responsibility. That's the bulk of my work. Like I mentioned, I also am part of the faculty of the University of South Carolina's medical school forensic fellowship so I do some work with that program.

Q Can you give us an idea of how many evaluations you have conducted in your career?

A We do — each examiner does approximately a hundred evaluations per year, and I've been at the Department of Mental Health 12 years at the end of this month. And so in addition to that, roughly 1200 evaluations. I have probably done several hundred during my postop and internship.

Q And where is your office?

A In Columbia.

Q Off Farrow Road?

A Correct.

Q And have you ever been offered as an expert in courts of records of this state in the field of

forensic psychology?

A Yes, I have.

Q And have you been so accepted as an expert in that area?

A Yes.

Q Approximately how many times?

A Approximately 60 times.

Q And you don't have to tell me, are you also published?

A Yes.

Q And is your publications in this same field?

A Some of them are, yes.

MR. MEADORS: Your Honor, at this time we would offer Doctor Marla L. Domino as an expert in the field of forensic psychology.

THE COURT: Any objection, Mr. Brooks?

MR. BROOKS: No objection.

THE COURT: All right. Thank you, ladies and gentlemen, just like all the other expert witnesses you take her testimony and her opinion as you see best in this situation. You give no greater weight or less simply weight simply because she is an expert. Thank you.

You may proceed.

MR. MEADORS: Thank you.

BY MR. MEADORS:

Q You need water or anything?

A No, I'm fine, thank you.

Q Doctor Domino, pursuant to a court order from one of the judges in this circuit, third circuit, did you have an occasion to evaluate the defendant Alexander Bernard Wilson?

A Yes, I did.

Q And that evaluation consisted of initially competency, correct?

A Correct, yes.

Q And I believe it's been stipulated to for this purposes and the documents are in the record, as of today the defendant is competent, correct?

A That is my understanding, yes.

Q And when you — last time that you dealt with him and talked with him you found that he was competent?

A Correct.

Q And when was that?

A January 14th of this year.

Q Okay. Doctor, let me ask you first of all just the issue you, and your background, and we're not here for competency; but as far as criminal responsibility and capacity to conform — and that's one of the things you were ordered to evaluate the

defendant for, correct?
A Correct.
Q And what is criminal responsibility?
A Criminal responsibility essentially means was an individual so mentally ill at the time they committed a crime that they didn't know right from wrong.
Q And that's what criminal responsibility means?
A Correct.
Q Does one know at the time of the commission of the crime the difference between right or wrong?
A Right.
Q And as far as capacity to conform, what does that mean?
A Again, the question and capacity to conform is, is this individual so mentally ill that they essentially couldn't help but commit this illegal act, that they couldn't conform their conduct to the requirements of the law.
Q So if you're criminally responsible and you know the difference between right and wrong, that would certainly mean, like, if it was proved beyond a reasonable doubt one would be guilty, correct, if they were criminally responsible?
A Correct.

Q Could one be — and if one was, knew the difference between right and wrong but because of a mental disease or defect and could not conform their conduct to the requirement of the law, what would that be?

A That would be guilty but mentally ill.

Q Had they knew right from wrong but because of the illness couldn't conform their conduct?

A Correct.

Q And those are the things that you're trying to make a determination on and come to an opinion to a reasonable degree of medical certainty so you can tell His Honor and tell these ladies and gentlemen of the jury, correct?

A That's correct.

Q And what information do you and did you gather to help you come to a decision about those issues?

A Well, at the time that I interviewed Mr. Wilson for criminal responsibility on a charge of murder I had already seen him on four different occasions so I had gotten a lot of information from him about his background, his education, his psychiatric history, and was also able to observe him and determine how he was doing at the time. So in total, prior to writing this report I had met with Mr. Wilson for 12

hours and 25 minutes. In addition to meeting with ---

Q Can I do, and ---

A Yes.

Q Have you got something on your report that says sources of information?

A Yes.

Q Okay. Can — do you know when you first met with him?

A Yes, it was March 8th of 2011.

Q And for how long did you meet with him then?

A Two hours and ten minutes.

Q And when did you next meet with him?

A July 19th, 2011.

Q And how long did you meet with him then?

A One hour and 10 minutes.

Q And when did you next meet with him?

A November 19th, 2012.

Q For how long?

A 2 hours and 30 minutes.

Q And then?

A April 10th, 2013, for 2 hours and 20 minutes.

Q And did you meet with him in December, specifically December 20th of 2013?

A Yes.

Q For how long?
A 2 hours and 35 minutes.
Q And at this time was it just you and him?
A And there is another examiner employed by the Department of Mental Health.
Q And I guess you're a State employee?
A Yes.
Q And are these examinations done at the Department of Mental Health in Columbia?
A Yes, there is one designated building.
Q So that was a total of I think you said 12 what?
A Well, my final meeting with him was January 14th of this year; and all being said, I met with him for 12 hours and 25 minutes.
Q Now what other information did you have to help aid you, or did you acquire, in coming up with your opinion?
A Well, in addition to my interviews I also reviewed the inpatient charts when Mr. Wilson was committed to our forensic hospital twice. I reviewed those charts. I also reviewed an interview that the second examiner did with Mr. Wilson's brother Jerome Wilson. I reviewed all of the legal data that was provided to me so arrest reports, witness statements, incident reports, crime scene

investigation autopsy reports, things of that nature. I reviewed Mr. Wilson's adult criminal record. I reviewed his Santee Wateree Mental Health records. He was seen there from approximately 1998 through 2008. I reviewed his Dorn VA medical records, and those span about nine years, 2001 to 2010. I reviewed his Three Rivers Behavioral Health records, his Sumter-Lee County Detention Center records. I also reviewed some email exchanges that were provided to me regarding Mr. Brooks and Darla Pierce. I reviewed an investigative report that was written by an investigator hired by Mr. Brooks, and I also reviewed Tuomey Hospital records dating from 2007 until 2010.

Q And I don't think you said these but if you did, I apologize to everybody. Did you review autopsy reports?

A Yes, I did.

Q And the driving record of Mr. Wilson?

A Yes.

Q Sled forensic report request?

A Yes.

Q CAD operations report?

A Yes.

Q Call logs?

A Yes.
Q I believe you said emails. Statement from Mr. Wilson?
A Yes.
Q And did you mention you also reviewed Tuomey Hospital records?
A Yes, sir.
Q Okay, I apologize. And did you attempt but were not able to get records from some place up north that he had been seen by?
A Yes, I believe New Alternative, the substance abuse facility.
Q You're preparing for your job basically, right?
A Yes.
Q Get the background information, read it, study it, get up on it?
A Yes.
Q And then do you interview the individual in this case, Mr. Wilson?
A Yes.
Q Tell us how you do it, I mean, practically. I mean, when you first meet him what do you do?
A Well, we always inform the client of why we're meeting with them and what the limits of confidentiality are so is there anything that's

going to be kept secret, what exactly am I gonna write in my reports, what am I not going to write and who my report is going to. And I tend to kind of belabor that point. I want to make sure the person understands why they're there and where the information is going. I always offer client to talk with their attorney before the evaluation again if they want to. I then start out with a, what's called a mental status exam. So it's a fairly brief exam just seeing how the person's memory is, are they oriented, do they know what the date is, how their mood is, are they having any kind of suicidal thoughts, things like that.

I then talk to the person in depth about their history so where were they born, how far did they get in school, what kind of jobs they've had, do they have a criminal record, substance abuse history, and then also psychiatric history. After that then I address the forensic questions, the whether it's competence to stand trial or criminal responsibility. So in Mr. Wilson's case — in other defendants' case, I always tell them, you know, start at the beginning of your day, the day the incident happened and tell me as much as you can remember, if you don't remember something tell me

you don't remember, don't try to make it up. And so I essentially leave it up something like that and allow the person to give me just a free flowing narrative of what they remember about their day. When they have completed that, then I go back and ask them very pointed questions about what they told me; and essentially that, I do that until all my questions are answered.

Q And in this case for -- you met with him over several times, and did things change from one time to another?

A No, his story was fairly consistent.

Q And what was his basic story that he told you?

A Well, that at the time the incident had happened it was around dinner time and he was taking a bath. He knew his mother was home. And that he heard an intruder or an individual knock on the door, and he looked through the bathroom window which has a view to the door and saw that it was a man that he did not know. He heard his mother open the door. And he continued with his bath. He said shortly thereafter he thought he heard his mother yelling or screaming so from the bathroom he asked, are you all right, ma, and he didn't receive a response. He said he continued with his bath, finished bathing,

drained the tub, cleaned it out, put his pajamas on and then went to go see his mother.

Now the details from this point forward change a little bit from interview to interview; but essentially he said he went into his mother's bedroom and there was a man there with a knife, I believe, and that his mother was on the floor dead. He and this intruder struggled. The intruder then broke away from the struggle and ran out the door. And Mr. Wilson said he tried calling the police, but I believe he said the phone was dead and so he went to the neighbor's house to call the police.

Q And you may have referenced in your report and described them, would you describe that as self-protective what he was telling you?

A There are several reasons he could have told me that story. One could be that it was self-protective. Another could be that sometimes when people are mentally ill at the time and then they stabilize, they try to make out logic of an illogical situation and so they confabulate, they make things up. They don't really know they're making them up; they're just trying to make a logical story of what happened.

Q And I think it was page 13 of your report. It

said his account appeared to be self-protective and not the manifestation of psychiatric symptoms, but I understand what you just said following that up and clarifying it. Did he also tell you about a letter in the VA hospital, a letter that he — and I'm on page 13, Doctor, I'm just going down your report — about a letter he had written to the VA and the pharmacy?

A Oh, yes, about that he was requesting his medication.

Q Right.

A Yes.

Q And he had told you he was out of his medication and had been out for eight days?

A He did at the time, and then I confronted him and said, however, you know there's Tuomey Hospital records showing that you went, I believe it was nine days. He went to Tuomey Hospital nine days before the incident on November 20th, and they gave him five days of pills. So when I said, you know, but you went to Tuomey Hospital for your medication he said, oh, yeah, they gave me a shot. And I said, well, no, the hospital records showed you were given pills, and then he said, okay, yes, they did. And those records actually indicate that the hospital

staff was not sure why he was out because he should have had enough medication to last until the day of the incident, November 29th.

Q And so do you know what, if he was out, why he was out or -- you don't know what happened to those pills?

A No. Mr. Wilson indicated to me that sometimes he takes twice the amount that he's prescribed.

Q And did he mention to you that he was using crack cocaine?

A He told me that he used the day before the incident. He denied using the day of.

Q Now did you also receive information -- I think you read it out and I can't find it right now but I will -- from, it's on page 17, I'm sorry. And you're just gathering information. You're trying to gather information that's out there regarding the defendant, right?

A Correct.

Q A lot of what you have obviously comes from the twelve-and-a-half hours you spent with him?

A Yes.

Q But did you also, I know you did 'cause you said you received a report or summary from the defense counsel's investigator Glen Harold?

A Yes.
Q And in that summary of Investigator Harold's, I guess contact with the defendant, did he say that he heard the voice from his father after he killed his mother?
A It was, he had told the investigator that he had hit his mother three times with a bat and after that third hit that is when he heard his father's voice.
Q And this was defense's investigator providing to you that he struck his mother three times, then he heard a voice?
A Correct.
Q And did also in that same report from that investigator, staying on page 17, did Mr. Harold report that the defendant had said he'd been smoking marijuana and crack cocaine trying to compensate for addiction to Abilify?
A Yes.
Q And he had run out of the medication eight days prior because he'd been taking double doses to feed his addiction?
A Correct.
Q And did he talk to him about that he had asked his mother for a stamp to mail off his medication and she ignored my request?

A Yes.
Q Okay. Made another request and he was ignored again?
A Correct.
Q Asked her for a check to send off for his medication and she yelled at him?
A Yes.
Q All right. And that's he said he took the bat and hit her, she didn't respond, he hit her again, she didn't respond so he hit her again. He then heard a voice that sounded like my father and the voice said bring her to me.
A Yes.
Q Do you have an opinion to a reasonable degree of medical certainty about whether or not the defendant Alexander Wilson was criminally responsible on November 29th, 2010, when he beat his mother to death with a bat?
A Yes.
Q What's that opinion?
A That there's a lack of evidence to show that he because of mental illness did not know right from wrong at the time.
Q No evidence whatsoever that he didn't know the difference between right and wrong?

A No evidence that was available to me. Nothing that he told me or anything I saw in police records or hospital records.
Q And you talked to him for twelve-and-a-half hours?
A Yes.
Q And as a matter of fact, in testimony not only didn't tell you anything that showed he didn't know the difference, he actually blamed it on somebody else?
A Correct.
Q And isn't that an indicator that you know something is wrong if you blame it on somebody else?
A Well, it's an indicator that now he knows it's something, that it was wrong.
Q But all our conversations with him are afterwards. I mean, I say ours, with Doctor Martin, yours, they're all after the fact?
A Correct, yes.
Q I know you, like Doctor Martin, I ask you too, you said you'd love to be there right after it happened in a real world to be able to really look at somebody right after they did it, that's not reality, is it?
A Not in South Carolina.

Q Well, it's really not reality anywhere where doctors or psychiatrists are gonna be at a murder scene. I hope it never is, but I mean ---

A Well, no actually, but in Massachusetts we often saw people within 24 to 48 hours of their arrest which is very helpful.

Q And that would be important?

A Yes.

Q Like a Nurse Laraque and you reference in here that she found him oriented times three just a few hours after it happened, and so that was good that she saw him and made those notes; ---

A Yes.

Q ---wasn't it?

A Yes.

Q So is he schizophrenic, paranoid schizophrenic? Is that his mental illness he does have?

A That is my opinion, yes.

Q And that's based on the history, the records you looked at, primarily the history of the records and talking with him, you came — you agree with that, correct?

A Correct, yes.

Q So it's your opinion to a reasonable degree of medical certainty is that on November 29th, 2010, he

was criminally responsible, knew the difference between right and wrong?
A Correct, yes.
Q Well, let's move on to the — I don't know if it's another issue or not, but the next question, do you have an opinion to a reasonable degree of medical certainty of the defendant Alexander Wilson's ability to conform his conduct to the requirements of the law?
A Yes.
Q And what is that opinion?
A Again, it is my opinion that there is insufficient data to indicate that he was unable to conform his conduct to the requirements of the law.
Q That's after twelve-and-a-half hours of talking to him?
A Yes.
Q And actually, he told you that he called the police that morning, right?
A He told that to Doctor Martin, yes.
Q Okay, well, all right. And that shows if he thought something was wrong he knew to call the police, right?
A Right.
Q I mean, and so if he saw something was wrong

later he could have called the police, correct?
A He could, yes.
Q But you have no evidence or indication after talking with him or looking on the records, that he did not, could not conform his conduct to the requirements of the law?
A Correct.
Q And he'd actually been living with, well his whole life, living with his momma and father and brothers; and CAPRAS Syndrome, or however it's pronounced, is not something you included in your report, correct?
A Correct.
Q And that's not something, I mean, you didn't mention it at all?
A Correct.

MR. MEADORS: Beg the Court's indulgence.

THE COURT: Yes, sir.

BY MR. MEADORS:
Q Just a few more questions please, Doctor, please the Court. I'm not saying he was, but let me just pose this to you. Even if he was delusional, it's your opinion he knew the difference between right and wrong?
A That's correct. So even if we assume that he

believed his mother was a clone, that there's no indication that that prevented him from knowing it was wrong to kill her.

Q And you have information, or do you have information in here that he wanted money for the stamp, his mother wouldn't give it to him, he went to try to find her to get money?

A Right, correct.

Q All consistent with being angry?

A It could be.

Q On crack cocaine?

A Possibly, yeah, that was never confirmed but.

Q And assuming he, for sake of argument he was delusional, your testimony and your opinion to a reasonable degree of medical certainty, he still could conform his conduct to the requirements of the law?

A Correct.

Q And like I say, he'd been living with them for 62 years, his whole life.

A I believe so, yes.

MR. MEADORS: Beg the Court's indulgence.

THE COURT: Yes, sir.

BY MR. MEADORS:

Q And Doctor, when he was initially interviewed by

you in November of 2012 he denied this delusional belief that the alleged victim was not his mother, right?

A In 2013?

Q Maybe I'm reading it wrong. 2012, I'm sorry.

A Oh, yes.

Q I'm sorry.

A Correct, so another competence was ordered and I saw him again. At that time, yes, he denied that his mother — he denied the delusion that his mother was a clone. However, he had new potential delusions about the crime; namely, he insisted that a heart attack is what had killed her.

Q Another story taking the focus off him that he didn't do it; is that fair to say?

A That's ——

Q I'm not saying that it made sense, but I'm saying that ——

A Right.

Q ——he's saying basically I didn't do it.

A Correct, but I think that was part of his mental illness.

Q But again would show that he knew the difference between the right and wrong.

A Well, at that time I didn't query him extensively

about what happened at the incident.
Q And finally, just for the record respectfully, does Mr. Wilson sitting next to Mr. Brooks that you interviewed, in your opinion is that to a reasonable degree of medical certainty on November 29th, 2010 he knew the difference between right and wrong and even though he was paranoid schizophrenic he knew the difference between right and wrong and he could conform his conduct to the requirements of law? In other words, he knew it was wrong to kill his momma.
A Correct.
Q Thank you.
THE COURT: Mr. Brooks.

CROSS-EXAMINATION

BY MR. BROOKS:
Q Doctor Domino.
A Mr. Brooks.
Q How are you doing today?
A I'm doing well, thank you.
Q I'll try to be brief. You had the opportunity to meet with Mr. Wilson on five occasions?
A Six.
Q Six occasions?
A Yes.
Q Now on two of these occasions he was deemed not

competent to stand trial?
A In fact, I believe on three of those occasions, yes.
Q Three of those occasions. And you made determination at that time?
A That was my opinion at the time, correct.
Q And these occasions were between the time the incident occurred and now; is that correct?
A Correct.
Q And just to make sure we're clear, your opinion is not that he did know right from wrong or that he did have the ability to conform his conduct, your opinion is that there's not enough data to make that determination; isn't that correct?
A Well, there's — it is my opinion that there is no data to indicate that he didn't know right from wrong.
Q Your opinion is that no data. And if you have your report in front of you; is that correct, Doc?
A That is correct.
Q Is there a difference between no data and insufficient data?
A I use the word insufficient because the data to me is clear that he was mentally ill at the time, but there was no indication in that data to show

that he didn't know right from wrong.
Q Okay. So based on what you're saying it's possible that he did not know right from wrong; but in the course of your evaluation and reviewing all the things that were given to you, your opinion was what you had was the data did not exist to say that?
A Correct.
Q Okay. And there is, you would acknowledge that there is a difference between the two, whether or not the person is, knows right from wrong versus whether there's data that suggests the person did not know right from wrong?
A If I ——
Q I know it sounds a little confusing. You would acknowledge that there's a difference between rendering an opinion, in my opinion I think the person knew right from wrong, versus in my opinion there's not enough data to suggest the person did not know right from wrong?
A Correct. And to explain that, typically when we do these evaluations there is very often indications that somebody knew it was right from wrong. So fleeing from the scene is often an indication that somebody knew right from wrong. In Mr. Wilson's case there, there just wasn't data to show that.

Q Okay. And in this situation he — everything that was given to you is that he did not flee the scene?
A Right.
Q Okay. Now, and I think one of the things that you answered in terms of Mr. Meadors was trying to make logic out of a illogical situation in regards to his questions about the reasons he smoked crack, the reason he got mad for not having a stamp and got mad with his mother. Your response was this is trying to make logic out of an illogical situation. Do you recall that?
A I believe that was in response to Mr. Meadors' question about why did I think that Mr. Wilson gave me the story he did. And I think it was either self-protective or he was mentally ill at the time, is stable now and is trying to make logic out of a time period when he was mentally ill.
Q Okay. So to make sure I understand this, you — it's from hearing you testify you're acknowledging that Mr. Wilson has a severe mental illness?
A Yes.
Q Okay. There's no question in your mind about that?
A Correct.

Q I don't think that's disputed in this case?
A Correct.
Q Okay. 'Cause you've been here at least through Doctor Martin's testimony today and you don't dispute there's something wrong with Mr. Wilson?
A He definitely has a mental illness and that has been, yes.
Q And the reason I say something wrong, I'm kind of using that for layman's terms.
A Right.
Q Obviously you and Doctor martin, y'all have gone to school, y'all look at this, this is your crowd, forensic psychiatry, all that stuff, all that stuff that I really don't understand and probably a lot of other people and average ordinary folks in the community don't understand. But to break it down into simplest terms, there's something wrong with him upstairs. Is that a fair assessment?
A Well, I would never use that phrase because I think it's very negative.
Q Okay.
A But Mr. Wilson is an individual with a serious mental illness.
Q Okay. And that's why you were saying that now he knows, whereas maybe back then he didn't know. And

let me help you out here. Mr. Meadors was asking the question about he gave you the story that somebody else did it; and your response was, well, now he knows and this might be a situation where he's now thinking logically trying to use logic to explain an illogical situation? Was that, is that a fair assessment of how that dialogue went between you and Solicitor Meadors?

A I'm not sure I said illogical situation. What I meant to say is that when people are mentally ill they often don't have a good memory for what happened; and then when they stabilize on their medication and think back to that time period, they try to fill in the gaps. And especially if you don't have incite that you have a mental illness, you try to make that situation logical.

Q And that's when you kind of characterize it as now he knows as in now he's been told what took place and now he's trying to piece together what happened because of his mental illness?

A Yeah. That was one of my hypotheses for why he gave me this story about what happened, yes.

Q Okay. Now at the very end of Mr. Meadors' questions to you he talked about, you know, ideally, in a perfect world it would have been great for you

as a forensic psychiatrist or Doctor Martin for that matter, to have seen him, him being Mr. Wilson, within 24 to 48 hours after the incident and taken into custody and that sort of thing. And then your response was, yes, that would have been ideal and we don't do that in South Carolina. In Massachusetts you use that as an example there's a situation where you're able to do that; is that correct?

A That is correct.

Q And obviously you feel that would have been the ideal situation having a videotape of him during the question and answer process with law enforcement, particularly Investigator Burnish, within 24 hours. That would have been extremely helpful for somebody like you in your capacity; is that correct?

A I'm not sure extremely but it would likely have been helpful, yes.

Q And I might be, you know, exaggerating; but to say the least it would have been helpful?

A Yes.

Q Okay. Because in order to really make an accurate determination as to whether he knew right from wrong and whether he had the capacity to conform his conduct, the test for that is not whether he knows that December 3rd, 2014; the test

is whether or not he knew that November 29th, 2010; is that correct?

A That's correct, yes.

Q Okay. So what his situation, what his thoughts are right now is really not the test. The test is what took place at the time that the incident occurred?

A Correct.

Q Okay. And to make it clear, you did receive information about the allegation that this is not my mother, this is a clone, you received that information? You received some information suggesting that scenario was in Mr. Wilson's mind; is that correct?

A Yes. Well, he told me that, yes.

Q Oh, he told you that. He told you that on one of the six occasions that you met with him?

A Yes.

Q And he, and he gave you another story?

A Yes.

Q Saying that some man was in there and did that -- how did he describe it in your report? He said something to the effect that he saw a man who was 5'9" and 6' tall. Is that accurate? I mean, does that refresh your memory?

A Yes.
Q It was on page 12 of your report.
A Yes, that's what he told me.
Q Okay. And so he gave you — that was one scenario. The other scenario that he gave you was this is not my mother, this was a clone and ---
A Well, he told me his mother was a clone not in the context of me asking him what happened at the time. That was in regard to his competence to stand trial so I always ask the defendant about the victim. And so when I asked him about who the victim was, he said, well, they're saying she was my mother but she really isn't, was a clone.
Q All right. And on that particular occasion, is that one of the occasions where he was deemed not competent to stand trial?
A Yes.
Q Okay. So, and if a person is not competent to stand trial that doesn't mean that they just go home as far as what you know, Doctor. That means that they wait to see if they become competent in order to stand trial at a later date. Is that your understanding?
A Correct. They would, after the Court opines them to be incompetent they would go to the hospital for

60 days and then be evaluated again.
Q Okay. So on at least one occasion this had happened, he told you that he thought his mom was a clone, you deemed him not competent.
A Yes.
Q And he went back for another 60 days?
A Correct.
Q Okay. And you were here and you heard him testify about he wanted to be competent 'cause he wanted to have a trial?
A Correct, yes.
Q Okay. So wouldn't it make sense that he's giving you a story about a clone and his mother was a clone and that you as the doctor deem him incompetent. We already know he wants to be competent so he can have his trial. So wouldn't it make sense for him now to come up with this different story in order to be deemed competent, the story being, hey, there was another guy here, he did it, not me, etc., etc.?
A That's certainly plausible, yes.
Q Okay. And to make sure I'm clear, he was deemed not competent by you on two occasions?
A On three occasions.
Q Three occasions?
A Yes.

Q Okay. You also, I mean, you got information such as correspondence that Mr. Wilson felt that Elizabeth Wilson is a member of organized crime, that person killed was intruder, was not Elizabeth Sims Wilson, and this — he gave stuff in writing saying this was not his momma. You got that information, and you included that in your report on page 16 of your report?

A Correct, yes.

Q Okay. So, and again, he talks about she's too young to be 82, talked about Elizabeth Sims Wilson has up and bottom dentures. You got that information?

A I did, yes.

Q And you, being diligent you included it in your report your assessment of Mr. Wilson; is that correct?

A Yes, that's correct.

Q After that it's still your opinion that there's insufficient data to determine whether or not he knew right from wrong?

A That's correct.

Q And it's still insufficient data to determine whether or not he could conform his behavior?

A That is my opinion, yes.

Q Okay.

MR. BROOKS: Beg the Court's indulgence.

THE COURT: Yes, sir.

BY MR. BROOKS:

Q As far as you know, Doctor, Mr. Wilson since the time of this incident, he has been locked up; is that correct?

A That is correct.

Q He's not been able to go out or anything like that?

A Not to my knowledge.

Q What I mean by out, outside in the free world, that sort of thing?

A Right.

Q As far as you know he has been taking medication regimen; is that correct?

A He has been prescribed medication. He has not taken it always.

Q While he's been in State's custody?

A Correct.

Q Okay.

A In the jail. Specifically while he's been in the jail.

Q Okay. And do those times where he has taken his medication as prescribed, those dates actually

coincide when you made a determination that he was competent to stand trial; is that correct?

A I'm sorry, could you ask that again.

Q Okay, I'm sorry, Doctor. Those dates, those times that he has taken his medication while in State's custody like he should, as prescribed, those dates actually coincide with the times that in your evaluation you determined he'd be competent to stand trial?

A Well, actually, one of the times — I have only opined him competent to stand trial once and that was his last time, and that was after a 60 day period in the hospital. However, a previous time in the hospital in 2011, even though he was medication compliant while in the hospital for 60 days, it was my opinion when I saw him at the end of those 60 days that he was still delusional enough to be incompetent.

Q Okay. No other questions.

THE COURT: Any redirect?

MR. MEADORS: Very briefly.

REDIRECT EXAMINATION

BY MR. MEADORS:

Q Mr. Brooks said insufficient data. Is your testimony there was no data, correct, as far as

determining he didn't know the difference between right and wrong?
A That is correct. It's my opinion that there is no data indicate he didn't know right from wrong at the time.
Q Now Doctor, I want to just clear up a few things. His competency is not what this trial is about here today?
A That's correct.
Q Okay. And competency deals with the ability to assist your attorney and understand the proceedings, correct?
A Correct.
Q It has nothing to go with guilty or not guilty but guilty but mentally ill?
A That's correct.
Q And both you and Doctor Martin, or Doctor Martin most recently this morning, had found him to be competent here today?
A Yes, other than the last time I assessed him for that was in January.
Q And I said Doctor Martin as of today. He previously Doctor Martin recently as of today?
A Right, yes.
Q And I understand you're not going to say

something of today unless you met with him today.
A Right.
Q I would respect that and I wasn't trying to. Can you differentiate between someone that's on crack when they do something or on crack being versus when somebody is on a delusion? Could you or any other psychiatrist, psychologist, determine that?
A It's my opinion they can't. There are very similar symptoms between psychosis and, or there can be similarities between being psychotic and being on crack. And if somebody has a psychotic disorder like schizophrenic and is abusing crack, I think it's very difficult to determine if their symptoms are due to psychosis or if their symptoms are due to crack or if their symptoms are due to both. I don't know anybody that can tear that apart.
Q And you have to voluntarily take crack; don't you? I mean, unless it's forced on you people choose to ingest crash however they want to, correct?
A Correct.
Q Just a couple other. Mr. Brooks was asking you about the video and all and he asked you about the question and answering period. Well, there wasn't an question and answering period between Burnish and

the defendant. I mean, he implied there was. There was never a question and answering. Based on your report did he, the defendant said I know my rights. Correct?

A I'm sorry, what?

Q Mr. Brooks asked you, wouldn't it have been nice if this question and answering period between Mr. Burnish, Investigator Burnish, and the defendant was on tape. There wasn't a questioning and answering period; I just want to clear that up. Mr. Burnish talked to him, read the warrant to him, asked him if he could hear. And it's in your report too, I think he said, I know my rights.

A Correct, yes.

Q So there wasn't extensive question and answering period down there?

A Not that I could figure out.

Q Or that's been testified to?

A Correct.

Q And the other thing he said then was that, she wasn't my mother, correct?

A Correct.

Q So beside -- and that was the day after this incident, correct?

A Yes.

Q The next day, midday. And Mr. Brooks asked you about when he mentioned his mother was a clone before. And I think your testimony was that was in context of competency in years earlier, correct?
A That is correct, yes.
Q So he had never, ever, ever, ever, ever mentioned to you about the clone in the incident when he killed her at all until after, well, maybe today, I don't know, until after you saw Doctor Martin's report, right?
A That's correct.
Q I mean, that's the first time it came up as a clone ever was after he met with Doctor Martin on that night, correct?
A That is correct.
Q And Doctor Martin had your report ——
A Yes, I believe so.
Q ——to review ——
A Yes.
Q ——which showed the history of that way years earlier, right?
A Yes.
Q That he had had that delusion earlier might have been. But never in any of his time with you did he mention one time that on that night his momma was,

he thought she was somebody else, did he?
A No.
Q Ever?
A No.
Q Even after today Doctor Martin's testimony, defendant's testimony, I know your report, that even after today you sat here and heard it, is it still your opinion that he knew the difference between right and wrong and could conform his conduct?
A It still my opinion that there is not enough data to indicate that he didn't know right from wrong or that he couldn't conform his conduct, yes.
Q No evidence?
A I think there could be some evidence that he gave to Doctor Martin; however, I would need to ask Mr. Wilson a number of questions about what he told Doctor Martin in order to change my opinion.
Q What questions would you ask him?
A Well, Doctor Martin wrote in his report that when Mr. Wilson came to the senior center that Mr. Wilson believed his mother became disturbed by his presence and threatened to commit him to another psychiatric facility. I would like to know what made him think that his mother became disturbed by his presence. He talked about that a psychiatric commitment bred

fear. I would have wanted to ask Mr. Wilson about that, what his fear was; he'd been committed before. He said that at the time he thought his mother clone was stealing his disability check and he didn't know what to do. Would steal his disability check if he were in the hospital; he didn't know what to. I would want to know what options did you consider. He apparently searched and found a photograph of his mother and confirmed that she was not his mother. Well, I would want to know how did he confirm that. Mr. Wilson stated he called the police to tell them his mother was not his mother. I would have wanted to know how did the police respond. Were they, you know, how did Mr. Wilson perceive that communication as going. Mr. Wilson indicated that he said, if I didn't follow my father's voice — he told this to Doctor Martin. If I didn't follow my father's voice I'd be in turmoil the rest of my life and die. Well, I would definitely want to know, you know, what did he mean by that, what did he think would happen if he didn't follow his father's voice, has his father ever commanded him do something before, has he ever heard command delusions before, have you followed them, have you not followed them, what has happened if you haven't followed them. Just a lot,

a lot more information. I would like to ask Mr. Wilson a lot more information about what he told Doctor Martin happened.

Q And some of what he told Doctor Martin was contradicted today. I think he said his mother gave him some of the money, right?

A I believe he said that, yes.

Q And you might have followed up on something that perhaps another witness didn't; is that you're saying? You would have might have -- still doesn't mean there would be any evidence to show he didn't know the difference between right and wrong, correct?

A There are things in Doctor Martin's report that I would have wanted to follow up on; but there is no clear indication in Doctor Martin's report that because of mental illness Mr. Wilson did not know right from wrong.

Q And that could actually keep going on and on. Like if the defendant testified like he did here now, I'm sure there are some things you'd like to ask him about that?

A Yes.

Q I mean, and there comes a point you have to stop?

A I suppose so.

Q Well, I mean, after he testified and the court rules are you can't ask him again if something is different than, you see what I'm saying?
A Right.
Q And everything -- all the information about the clone and his mother came from him?
A Yes.
Q I mean, and there's really no other way to verify that. I mean, you've talked to him, he's been talked to. He's testified subject to cross-examination. There's really no other evidence except him as far as that.
A Correct.
Q I mean, there just isn't. And that information he never ever told you regarding November 29th in twelve-and-a-half hours?
A Correct.
Q And I mean, you're good, you're smart. I don't mean that bad but, I mean, in twelve-and-a-half hours you talked to him and said there's no evidence, there's no data, covered everything and he never told you about it. And it wasn't until three-and-a-half years later when Doctor Martin got your report and interviewed him that CAPRAS came up and that was when we heard about the clone or the

mother on November 29th, right?
A Correct.
Q Thank you. That's all.
THE COURT: Thank you. briefly.
MR. BROOKS: Yes, sir.
THE COURT: We've already done direct cross, redirect. Go ahead.

RECROSS-EXAMINATION

BY MR. BROOKS:
Q Doctor Domino, last time you met with Mr. Wilson was January 14th, 2014?
A Correct.
Q Early in the year?
A Yes.
Q You had opportunity to look at Doctor Martin's report which is dated July 4th, 2014?
A Yes.
Q Do you recall when you got that report and reviewed it?
A Approximately two weeks ago.
Q Okay. Mr. Meadors asked you some things about conformity, ability to conform behavior and differentiate between right and wrong. Your opinion again, insufficient data or no data or no evidence, something to that effect; is that correct?

A Yes.
Q And then your response was, I saw Doctor Martin's report, I would like to know these litany of things, I would want to know these questions. One of the questions being, he found this photo, this is isn't momma, your question is I would like to know how he confirmed that. Is that what you just said?
A That's one of the questions, yes.
Q Okay. And there's a, 5, 6, 7 other questions that would fall in that category you would want to ask?
A Yes, I was just providing those as examples.
Q As examples?
A Yes.
Q You've never tried to followup on that since your last evaluation in January of 2014; is that correct?
A Well, it would be inappropriate of me to do so.
Q You never asked to followup on that with me?
A Well, the onus would be on you to ask me to interview him again. It is not my place to issue a new report ——
Q I understand.
A ——based on another expert's report.
Q I understand. But you said here today that you have some questions that you would have liked to

know to followup in regards to some things Doctor Martin wrote.

A Yes.

Q Okay. And you could have asked to do that. There's nothing stopping you from doing that.

A It would be professionally inappropriate for me to do so. That would be reaching over my neutrality as an expert to do so.

Q Okay.

A Yeah.

Q No other questions.

FURTHER DIRECT EXAMINATION

BY MR. MEADORS:

Q Can I ask you, did he ever send you that report?

A He did not.

Q Thank you.

THE COURT: Thank you. You may step down. Any objection to this witness being excused?

MR. BROOKS: No, sir.

THE COURT: Thank you.

MR. MEADORS: The State rests.

THE COURT: Thank you. All right, ladies and gentlemen of the jury, you have now heard all the testimony that you're gonna hear in this case. I'm gonna dismiss you for today with instructions

that you be back here at 9:30 tomorrow morning so at that time the attorneys for the State and Defense will give you their closing arguments. I'll then charge you the law that is applicable to this case, and then you will begin your deliberations. But ladies and gentlemen, have a nice evening. Please do not read anything, watch the news, do not talk to anyone about it, or do any independent research at this time. Thank you. I know you're getting tired of hearing that.

(WHEREUPON, the jury was removed from the courtroom at 3:45 p.m., and the following proceedings commenced in open court.)

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

(Court was adjourned at 3:45 p.m. and resumed on December 4, 2014 at 9:30 a.m.)

THE COURT: Are there any items we need to put on the record before we bring the jury in? Y'all have seen the charge, proposed charge. The State has one additional request of adding voluntary intoxication. Mr. Brooks, do you have any objection to that?

MR. BROOKS: I do, Judge.

THE COURT: What's your objection?

MR. BROOKS: The objection is even though my client has testified he had used crack at some point, there's been no testimony, no evidence in regards to whether or not he was, in fact, intoxicated at the time of this particular incident. And that's really what we're relegating to as to what was going on in his mind November 29th, November 30th of 2010. He was taken by EMS. He went to the hospital, stitched up, sutures, whatever the medical terminology is. But there's been no evidence that he was actually on crack at the time.

THE COURT: What say the State about that? I mean, as long as he doesn't argue that he couldn't do it, that — wouldn't that make a difference? I mean, I would — if nobody says anything about it, I mean, if they said he used crack but there's no medical evidence that he was on crack at the time this happened. I mean, I think the blood test, his — nothing came back that he was intoxicated in any way. I would — I think I may just out of abundance of caution, that I would maybe put it in there if he argues anything about it as long as there's no argument of intoxication.

SOLICITOR FINNEY: Your Honor, our problem is that the jury has heard an abundance of evidence

about the use of crack.

THE COURT: I mean, he said he uses crack all the time.

SOLICITOR FINNEY: And I would -- and it's in the medical records that he reported that to both doctors. I mean, not only did the doctor say he was what you call a crack substance abuser, but that he was dependent on it to the point where he was using it that much that he had to have it on a regular basis. Our theory is that there is substantial evidence in which the jury could infer that he may have been under the influence or withdrawing from the influence of crack which caused him to be so agitated and aggressive that he took his mother's life.

MR. BROOKS: The only problem with that, Judge, is the charge is talking about the person who all of a sudden becomes intoxicated is just responsible acts commit while intoxicated. That's the charge that they're asking the Court to charge the jury with. There's no evidence that he was intoxicated at the time of the event, regardless of how much crack he used the last 40 years, regardless of how much he used afterwards.

THE COURT: Yeah, it's not that he used it

before. There is no evidence that he was intoxicated at the time this happened.

MR. MEADORS: Judge, there's respectfully, so his brother said he was using crack that whole week was his testimony.

THE COURT: That's right, but I mean, he can use crack all week but on the day of the incident it's not an issue.

MR. MEADORS: And the day before through the doctor's testimony he said I was using the day before.

THE COURT: Right, but —

MR. MEADORS: Which is within the time frame where he's still using or having withdrawals. We just want voluntary intoxication in any case, it's just not a defense. If you change that to say ——

THE COURT: As long as they don't argue that he shouldn't be found guilty because he was intoxicated, then I don't see any reason for it to go there.

MR. MEADORS: And Your Honor, I was planning a fair amount of my argument because both doctors agree you can't tell if somebody is on crack or having delusion, whether or not that caused him

to do a violent act, and that's in evidence. And I was going to argue it's not a defense. You can't be, have a mental disease ——

THE COURT: But let me interrupt you on that. Do you have any evidence in the record that he was intoxicated at the time? Not coming back off of it, but intoxicated. I mean, you wouldn't argue at a DUI that somebody was hung over. I mean, he would have to have a blood alcohol content. You wouldn't argue that he was a bad driver because he was hungover the next day.

MR. MEADORS: Well, if I had evidence that ——

THE COURT: I mean, I think you can argue that ——

SOLICITOR FINNEY: It's the impairment, Judge. Whether he's got the active feeling of the cocaine he can be impaired coming off of it just like he can be hungover from a drunk and be still unable to drive the motor vehicle safely. And that's why we're asking for the argument because the testimony has been clear from the doctors and the family and the ev— and even Bobby, that this had a big piece of his life ——

THE COURT: Yeah.

SOLICITOR FINNEY: ——tied up.

MR. BROOKS: The problem with this, Judge, is, to piggyback on your analogy is, on a DUI case and that's why they have breathalyzer machines at the jail and that's why you can also go to the hospital and have a blood test. I can see if they didn't have any opportunity, but the police took him to the hospital and he was stitched up. They could have easily had blood drawn to verify, you know, that he was on crack at the time of the incident. So the solicitor's argument is problematic because we still don't have any testimony that he was intoxicated at the time of this event. And obviously our defense is the Court has seen in the testimony that's been highlighted throughout this trial is whether or not my client differentiated right from wrong and could conform his behavior at the time of the event. Not how is his mental thinking December 4th, 2014, but back on November 29th and November 30th, 2010. So they've got to have some testimony that he was intoxicated at the time, not 2008.

THE COURT: I think y'all can argue that. I don't think there's anything that stops you from arguing it because there's testimony; but I don't

think he gets a specific charge on that, and that's my feeling on that. I think to have no evidence in the record that he was intoxicated at the time would be an improper charge. I mean, I have to have something, and it doesn't have to be a whole lot. But there is no evidence in the record, and I think I can get reversed on that and I'm not going to take that chance. When you're still allowed to argue that he might have been agitated and everything like that, I think that would be the better way to handle it.

MR. MEADORS: Judge, just because there was so much evidence that he was on crack through his own testimony and the doctors that he was taking it to lose weight, and we think he was out of money and his brother said he saw him using crack that week, just saw him using it and that's why ——

THE COURT: That's right. He might have seen somebody drinking that day but that couldn't give him ——

MR. MEADORS: But it's not a DUI case anyway, it's a mental. Judge, I can still argue that voluntary intoxication, not ——

THE COURT: I don't think there's any, I don't think there's any question that you can argue

it.

MR. MEADORS: I misunderstood.

THE COURT: But you just can't — I'm not gonna give you a specific charge on it.

SOLICITOR FINNEY: Subject to your ruling, Judge, thank you.

MR. BROOKS: And just out of abundance of caution before you bring the jury in, I at least want to put my motion for directed verdict since the State has finished their reply.

THE COURT: Right.

MR. BROOKS: For the obvious reasons that we highlighted before at the end of their case and at the end of our case, Judge.

THE COURT: So you want to make your motion now?

MR. BROOKS: I'm making it just —

THE COURT: You just made it.

MR. BROOKS: I just made it.

THE COURT: Okay.

MR. BROOKS: I just want to be covered on the record.

THE COURT: Okay. You're covered, and I respectfully deny your motion.

MR. BROOKS: Yes, sir.

THE COURT: You've made motions at every proper point.

MR. BROOKS: Yes, sir.

THE COURT: Let's bring our jury please.

(WHEREUPON, the jury was returned to the courtroom at 9:39 a.m. and the following proceedings commenced in open court.)

THE COURT: Good morning, ladies and gentlemen. As I told you yesterday you've heard all the evidence that you're gonna hear in this case. Now the State and the Defense will give their closing arguments. I'll then send you back to the jury room to begin your deliberations. We will not break for lunch so you will have the honor of having lunch on Sumter County today, and that won't be taken out of your pocket.

So is the State ready to proceed?

MR. MEADORS: Yes, sir, the State is ready.

THE COURT: Defense ready to proceed?

MR. BROOKS: Yes, sir.

MR. MEADORS: May it please the Court.

THE COURT: Yes.

MR. MEADORS: Solicitor, Mr. Brooks, Mr. Foreman, ladies and gentlemen, good morning. It's

about time. It is about time to reach your decision. I first want to thank each and every one of you for being here and thank you for the attention that you have given in this case. And I mean that, thank you. I'm not a jury watcher so I don't stare during the trial to try to get reaction; I just have never done that. But the few times I have looked over I can tell and have seen that y'all have been paying attention to all the testimony, and we all thank you for that.

You didn't come in here Monday and go through a class on how to be a juror. There wasn't a brochure that says this is what you have to do, this is how you're supposed to act when you're a juror. But you have been going through juror class your whole life preparing for this day, and folks, this is an important day. This is an important day for the defendant. It's an important day for Sumter County. It's important for Mayesville. And it's important for Mr. Jerome Wilson who will be here shortly; he had another appointment he had way in advance but he's coming and been here all week, for him and his family. This is an important case being tried this week anyway.

Our job, the State, is to prove to you that on

November 29th, 2010, the defendant committed the crime and that he knew the difference between right and wrong, and I'm gonna get into that in detail in a minute. But your role as jurors to make this decision has been gathered through your whole life, your experiences. You're dealing with other people, you're dealing with your family, you're dealing with your coworkers, all your experiences in life, you bring that in here. And you use those experiences — it's called common sense that you got. You use those experiences; you listen. This man is the law; the judge is the law. He is the law in this courtroom. He tells us all that the law is. He's gonna tell you all that. You'll have to follow his law; we all do. You'll take that law and the facts that you decide are credible and believable that come from this witness stand and these evidence, that's all you can consider. And you'll apply it to that law and you'll come up with a verdict. And you'll decide what's credible and believable based on what you see and heard and using your common sense. That's all you can do. And as the judge I think said to start off with, this is a beautiful system. That's why over two hundred years it's a beautiful system when citizens from Sumter

come in and y'all make the decision. And it's about time; it's coming.

The judge is going to charge you on credibility and believability of the witnesses, and you'll have to decide that. Every case really boils down to that, the credibility and believability of the witnesses. The judge will say you can decide on their demeanor. You can believe part of what they say, all of what they say. That's up to y'all. Y'all decide what's credible and believable. Doctor Martin, the defendant's expert, who wouldn't answer the question about did he know the difference between right and wrong; I'm gonna get to that. He wouldn't answer the question. He wouldn't tell us how much he was paid until he said, I don't know how much I get paid. Credibility and believability. His testimony with all due respect is bought and paid for, and I submit it wasn't worth 375 an hour. But credibility and believability is what you'll have to decide in this case.

Ladies and gentlemen, what's the defendant charged with? He's charged with murder. Y'all know what murder is. Murder is the unlawful intentional killing of another living, breathing human being with malice aforethought. Malice is a meanness, an

evilness, a wickedness one person shows to another, (indicating). Malice, killing somebody with a baseball bat and then shoving something in their throat. That's malice, that's meanness, that's evilness, that's wickedness. That's not in dispute.

Malice aforethought. Now don't get confused with the term aforethought. This state we don't have to have premeditation. You don't have to plan something a day, a week, a minute ahead of time. Malice aforethought means that meanness, evilness, wickedness exists just at the time you're doing the strike that ends somebody's life. Malice aforethought. It's got to be intentional, an intentional killing. Semi the issue in this case but in all murder cases, we can't open up somebody's brain and head and look at their brain and get sound waves and see exactly what was in their mind; you can't do that. You can even see the difficulty doctors and psychiatrists and psychologists had to do that. But we can't to that but we look at their action, their inaction, their words, their demeanor to try to decide what someone's intent is. What's our burden? Our burden in this case the same as in all cases is beyond a reasonable doubt, beyond a doubt that make reasonable folks hesitate to act.

Now the judge will tell you the burden on the State is not beyond all doubt. You can never prove that. You can never prove it; you don't need a courthouse. But it's beyond a doubt that makes reasonable folks hesitate to act.

This case is a little different from ordinary cases. We kind of heard that all the way through. And the difference is the defendant has alleged the defense of insanity, that at the time of the commission of the crime that the defendant did not know the difference between moral right and moral wrong or could tell if his act was morally wrong. That's why you heard all the questions about right or wrong. Is there any evidence that he didn't know it was wrong to kill whether it was his mother, a clone, or whoever? Is there any evidence to show that he didn't know it was wrong to kill? That's what it means. And if you find that, if you find that there's evidence that he didn't know that it was wrong to kill, the verdict in this case would be not guilty by reason of insanity. We submit there's no evidence of that, but that's one potential verdict you'll have. At the time of the commission of the crime, that's the issue in this case. See, we have to go back in time -- that's what the law

says. The judge will tell you have to go back in time to November 29th, 2010, and determine what was in the defendant's mind at that time. And that's why you heard the testimony of the witnesses that the Solicitor's going to go over with from, and we don't know how else to do it. To get the witnesses that saw him right after, right before, right before, day before, right when you, after the killing. We don't know when the brother came in, the officers that that came in, the EMS that came in, Doctor Wernsman, the nurse, Laraque, all the way through described his demeanor and how he was acting. There's no way to do it, get people that saw him around the time. And none of them told you he was acting out saying that was a clone, saying he was threatened, he felt he had to do it. Ole nurse Laraque, Ms. Flora, I looked him right — you remember when I got up right to her, how close were you? Did you look in his eyes; I looked right in his eyes. Pupils okay? Pupils fine. Did you understand him? Yes, he was fine, he was fine, he could understand me, I could understand him, went to check on him a few hours later. Those are the type witnesses that you go to see how the defendant was acting. Was he delusional? No. Doctor Wernsman,

was he delusional and Mr. Brooks, no, sir, he wasn't delusional. Was he speaking? No, but he was responding. He'd nod yes or no. Groggy from getting beaten? Maybe. Groggy from beating his momma, killing her, worn out from that?

So I'm going to go through your possible verdicts. And here's the other thing, credibility and believability. I think it was Doctor Martin who said, you know, during his testimony — and he'd been very generous with his testimony when he could, well, it could be, it might be this. And then he said, you know, there's evidence — I believe he said on direct that he'd been sitting there for a while before his brother came home. I said, Doctor, where did you get that from? Do you know what time this happened or do you know when the brother came home or do you know how long the killing was before the brother came home? Well, no, I don't. He didn't know. Trying to spin it the best way he can. That's what he believes his job should be.

We know that the defendant said he went to clean up. You look at one of those pictures of the bathroom there's blood in the bath tub. He had to clean up after he killed his momma. We don't know exactly when his brother came in, when he saw him

had a bat, had a murder weapon in his hands. What's your first possibility? This is a different case from most cases. I'm going through it quickly; I'll be as quick as I can. Your first potential verdict we submit is not a possibility. I don't think anybody in here will disagree with what I'm about to say. The verdict of not guilty is not a possibility in this case. I don't think y'all will disagree with me on that. There's no evidence that he is not guilty of this crime. It's all the evidence he did it. You got a right to find that; I'm not saying that. You can if you want to; I'm not, that's your decision.

What's the next possible verdict? The next possible verdict is not guilty by reason of insanity. Not guilty by reason of insanity. That at the time of the commission of the act November 29th, 2010, excuse me, because of a mental disease or defect the defendant did not, was not able to tell the difference between right and wrong, couldn't differentiate between moral right and moral wrong; that's the law. There's no evidence of it. Respectfully, there's no evidence of that. And under this law, this is the unusual part, in this case, in this case only, the defendant when he

claims insanity must prove to you by a preponderance of the evidence that at the time of the crime he couldn't distinguish between moral right and moral wrong, that he didn't know it was wrong to kill his mother. They haven't done that. The evidence shows they hadn't done that. Their own doctor, when I asked Doctor Martin, tell me what evidence at all is there in this record that he could distinguish, that he couldn't distinguish between right and wrong. What did the doctor say? Well, he thought what he did was right. That's not my question, Doctor. What evidence is there that he didn't know it was wrong to kill? Well, he thought he did what was right. That's not evidence that he knew the difference between right and wrong. They didn't present any.

Doctor Domino, yesterday, neutral doctor called by the State. Doctor, what is there? There's no evidence that the defendant didn't know the difference between right or wrong. It's just not there. It's not there.

Now at the end with some questions I kept asking her some questions at the end, she hadn't seen the report, didn't, wasn't provided. She said there might be some other stuff I'd like to talk

about, but I think that probably goes more to when she talked to him about competence. I think at the end she said there wasn't anything in there that would lead me to believe he didn't know right from wrong. Would you want to ask some more questions, Doctor? That's a State employee who loves her job. She'd probably keep asking, keep asking as long as she could. But after twelve-and-a-half hours of talking to him she says, there's no evidence of it, there's none.

Now if some of you find, if you think, well, they have preponderance of the evidence; we submit it's not there. The State must then prove beyond a reasonable doubt to you that he was sane; that's the law. We submit that evidence is not there. Well, let's move on. What are your other possible verdicts? And ladies and gentlemen, go back and — I'm guilty, I did it, I made a mistake. Doesn't that show you know the difference between right and wrong, blaming somebody else like he first blamed the doctor. He first told the doctor he blamed somebody else. It wasn't we heard about CAPRAS and clone syndrome because Doctor Martin gets him 40 months later, looks at the report, and all he tells Burnish is, that wasn't my mother, that wasn't my

mother. He never said she was a clone, never said he was threatened, none of that. And Mr. Brooks, this is another thing I just thought of and I'm — I don't think he'd do that but he might. You got to be insane to kill your momma. I mean, I think that's kind of underlining what's the theme here. Well, no, sir, no, ma'am, I thought about that. I just thought about that this morning. Who are the people you get the maddest at? Who are the people? It's the people you love the most and the people you spend the most time with; and unfortunately, sometime those are the people you get the most angry with. You spend the time with them, you love them, and so that's what happens sometime. So no, do loved ones kill loves ones? Yes, they do. And just because you have a mental illness, one of them said the best one, the doctor best — paraphrasing — best paranoid schizophrenic, could be a lot worse. I'm not saying it's not worse but they're saying that's treatable. People can exist, they can perform and function and do and do a lot without committing violent acts. Nobody is saying he doesn't suffer from a mental illness; we're not saying that. We're not saying that. He suffers from schizophrenia, paranoid schizophrenia. That's

not the issue here. But you can't use crack cocaine. You can't use other drugs and then use that as an excuse either using drugs or coming down from drugs, which there was testimony in this record about, and then try to blame it say I didn't know what I was doing, I was delusional. Because involuntary intoxication of drugs is no defense in South Carolina, and both doctors agreed on that. That if somebody was in a delusion or they were taking drugs you wouldn't be able to tell, and the Solicitor is going to tell you about that. That's why he did it. He couldn't get -- he had a reason he was mad, couldn't get money. She wasn't going to give him money. She took care of him; she loved him. But she said, no, you're not getting anymore; and he got mad, he got angry.

So what are the two verdicts that we submit? We submit it's guilty. I mean, that's -- I'm sorry, you got a mental illness but you can't blame it on that. What are the other verdicts you have the possibility of? If you find there's no evidence that he didn't know the difference between right and wrong and that he did know the difference between right and wrong 'cause he told you in the letter he tried to blame it on somebody else, didn't want to

go to jail, told one of the nurses through one of the doctors down there, I don't want to go to jail, I know the consequences of murder or death. Then the last two possible verdicts are guilty but mentally ill, or guilty.

Now what's guilty but mentally ill. Guilty means that at the time of the commission of the acts he could distinguish moral right from moral wrong. He knew it was wrong to kill; but because of a mental disease or defect, he could not conform his conduct to the requirements of law. Knew it was wrong to kill, knew the difference between right and wrong, knew it was wrong to kill; but because of a mental disease or defect, he could not conform his conduct to the requirements of law. What does that mean? Well, I guess it means that he just couldn't follow the law. We submit it's not there. You have a right to do that. That's your -- this is your -- it's about time; it's your decision. You have that right. What evidence do we have of that, that he couldn't conform his conduct? None. None. Doctor Domino, what evidence do we have that he couldn't conform? There's none. There's no evidence that said he couldn't conform. Now he's got schizophrenia, paranoid schizophrenia, but there's

nothing to show that he couldn't conform. He's been diagnosed with this for 22 years. He said something about seeing his mother clone years ago, but not in a threatening way. Doctor Martin took that end up being CAPRAS using that as a reason to try to get y'all to think, well, he's got problems. They're trying to get you — did — is there any evidence he couldn't conform his conduct? The only evidence is he was mad, he wanted a stamp, he wanted more medication. I don't know what happened to his medication. He either took it too much or he's given it away. And he wanted crack. And he was mad that his momma wasn't going to give him anymore, and he said that. He said that to the doctors. But you'll have that in your right. And if there's any decision, and we submit there's not, it's your decision. But if there's any decision we submit it's between guilty but mentally ill and guilty. And that's your decision.

And what's guilty. Well, you're guilty — guilty is if at the time on November 29th, 2010, he knew it was wrong to kill his mother, he could conform his conduct. Waited till she got in bed with a robe on. She had a robe on in bed. Cut off some of the pictures so it wouldn't bother you. Mad

that — mad at his brother who probably trying to take the place of his dad, don't give him anymore money. And he killed her. And he killed her. And it wasn't that night he said I saw a clone; it wasn't that night I was threatened. It wasn't the next day he said she wasn't my mother, I know my rights. And then everybody says he's fine, he's fine, he's fine. It wasn't till 40 months later we're getting testimony from Doctor Martin. Doctor Martin, Doctor Martin, no evidence he didn't know the difference, no evidence he couldn't conform; that's just guilty. That's guilty. Guilty of beating his momma in the head, guilty of ending the life, guilty of stabbing her. And we submit respectfully that's the only verdict. It may be tough but that's the verdict 'cause all you can decide is what is in this evidence, and there is no evidence. And they have the preponderance more likely than not to show you that he couldn't conform. We respectfully submit there's no evidence of that. I'm gonna sit down; I'm about through. Sorry if I talked so long.

The last thing I want to talk to you about is presumption, and the Solicitor is going to cover this. He writes these letters. Won't give him a

stamp. Maybe it sounds like a crazy reason, but he's got a reason. It's not just acting on impulse, give me something, give me something, no. Presumption of innocence I think is one of the most beautiful concepts in our law. A defendant is presumed innocent, presumed all the way through trial up to this point and right to the point when y'all walk in the jury room. He's presumed innocent. Then once you get in there and you start talking about the facts, talking about the witnesses, the credibility and believability of the witnesses, talking about the lack of evidence. There isn't any evidence of right or wrong or conformity. You start taking off that robe; it's called a robe of righteousness. You start taking it off when you look through the evidence, and usually you'll toss it aside. But I'll ask you to save it, save it as you go through the evidence. Respectfully we hope you find he's guilty. Save that robe and bring it back in here with a guilty verdict, a guilty verdict. Say yes, sir, I'm sorry you got a mental illness; but that isn't why you did this crime, that isn't why. Bring that robe back in here and save it for Mr. Jerome Wilson and let him replace that robe that was on his momma, let him

keep that in his house as a reminder of his mother. Ladies and gentlemen, thank you for being here. Thank you for your attention. Thank you.

THE COURT: Thank you, Mr. Meadors.

Mr. Brooks.

MR. BROOKS: Ladies and gentlemen, obviously I have a difference of opinion than the fine solicitor sitting at his desk. Obviously this is a very tragic situation, and you can tell by the way the questions went that it's not never my situation, our situation, to say this was a questionable about whodunit. It's not a whodunit case. It's a he did it, why he did it, what was going on with Mr. Wilson at the time, with Bobby, what was going on at this time. And like I said, it's tragic. You've got an 82 year old woman was at the end of her life and to be killed by presumingly somebody she loves and loves her, and it makes you say this is crazy.

Now one of the things that Judge Young is going to charge you with is the charge of insanity and that it's our duty to put forth evidence by the preponderance of the evidence. And then once we do that, and I submit to you that we have, that it's the burden on the State to prove it beyond a

reasonable doubt that he was, in fact, sane and knew what he was doing at this particular time. Now, and you recall during my questions of the doctor, particularly Doctor Domino, the issue isn't what's in Mr. Wilson's mind as far as right from wrong today. The issue is whether or not he could differentiate between right from wrong on November 29th, 2010. That's critical. We can have a whole lot of opinions about how he testified and what his demeanor was today; but the question is, what was going through his mind back then. Now like Mr. Meadors said, we can't open up a person's head and see exactly what was going on. In light of not having that ability to do that, you have to rely on forensic psychiatrists. That's what they do for a living. You heard both of them testify as to what their crafts are. They're the ones that presumably open up the person's head, figuratively, to figure out what was going on in there. Now that's very important and I'll come back to that.

One of the things I also want to tell you about is preponderance of the evidence versus reasonable doubt. We, as lawyers, we throw these terms out frequently and we know exactly what they mean; but for average ordinary folks that work their

jobs and go about their daily lives, they may not know what those terms are and how to define them and equip them and what does that mean? And one of my favorite things I like to do is try to break that down to you folks on something that I think most people can identify with; and that is, if you look at it in terms of a football game. Preponderance of the evidence is the offense has to get the ball past the 50 yard line. That means preponderance of the evidence. You can look at that as a way to define that. Reasonable doubt means you got to get the ball all the way into the end zone, not past the 50, not in the field goal range; you got to get the ball at the end zone. And those are very, very critical and very important things. We just got to put up evidence that my client was insane, he could not differentiate between right and wrong. Then they've got the reasonable doubt, get the ball into the end zone so that he was actually sane and knew what was going on. Now, the reason that's important 'cause I'll start off with Doctor Martin's testimony.

Doctor Martin, this is where Mr. Meadors and I disagree. Doctor Martin clearly defined his expert opinion, and the judge charged you, explained to you what it means to be an expert. He gave his expert,

definitive expert opinion, that this man did not know right from wrong, could not conform his behavior. I mean, it's clear. If you don't believe me you can have madam court reporter pull the transcript and listen to it yourself. He clearly says the guy didn't know right from wrong. As we went through all the things that he determined his facts and how he analyzed the situation and reviewed everything and did everything, that's what he came up two, okay. Now that's very important.

Now what we talk about is there was some smoke screens thrown out as far as Meadors, how much he got paid, who he got paid from. You know, I didn't get into that with Doctor Domino because she's the State's doctor because the presumption is the State is, you know, if you work for the State you're somehow better. Of course, I dispute that, and I'm sure you will too. But Doctor Martin clearly established that this man did not understand right from wrong. He clearly has a mental illness that prevent him from doing that. I don't think anybody disputes that he has a mental illness. Now in terms of Doctor Domino, here's Doctor Domino who has seen him six times prior to that and on three occasions she determined he wasn't even competent to stand

trial because of the same mental illness. I submit to you that it was the mental illness, the same mental illness that kept him from being competent on the three occasions that she evaluated him is the same mental illness that kept him from being able to differentiate between right from wrong. We're not talking about, you know, two different things. We're just talking about two different tests about what was going on this particular time and that particular time. You remember when I asked Doctor Domino, you know, competency is fluid. You can be competent today, not competent tomorrow, or competent next week, vacation, treatment, medication, treatment, etc. But for purposes of what we're here today is we're talking about whether or not Bobby knew right from wrong on November 29th, 2010. That time is really, really critical.

Now one of the things that I asked Doctor Domino, she didn't say, you know, no evidence existed. She just said it was insufficient. And if you recall, after she said she saw Doctor Martin's report she said she'd seen it two weeks, she then says I got some other questions. I submit to you that although she's seen him six times prior, actually her report is not complete because who

knows what her conclusion could have been, might have been changed if she had asked those questions that she talked about here on the stand when Mr. Meadors asked her and then I followup. She may have come back after having those questions and talking to Bobby again and may have come back with the same conclusion that Doctor Martin; and then her testimony would be different to say, no, I don't say no evidence, now I say there is sufficient evidence, that Bobby did not know right from wrong on November 29th, 2010. That's all the evidence you really got in this case, the critical part. I submit to you we have crossed the 50 in regards to that. They now got to put the ball in the end zone and prove beyond a reasonable doubt that he totally was sane, not now, not last week, not next week, but four years ago, November 29th, 2010.

Now Doctor Domino also testified about, and Doctor Martin did too, that it would be obviously ideal situation to see what, how Bobby was behaving at that particular time on November 29th, 2010, or shortly thereafter. And we got, we do have some clues that Mr. Meadors talked about. He talked about, look at all of the medical personnel, look at the law enforcement personnel. They all testified

that, you know, he was responsive, but he also testified that he didn't flee, he didn't resist, he complied with their requests, handcuffed him, moved him on. Investigator Burnish, which I think is really, really critical and is really, really underrated, shortly thereafter when he comes to serve the warrant and he testifies that my client says that wasn't my momma, that's within 24 hours of the incident. He is in police custody, no question 'cause he's at the detention center, and obviously it would have been ideal and there was nothing ever stopping them, they could have had him videotaped so you could see what his behavior was. The only thing you got is most of the people that testified are not trained personnel on that level. They were just law enforcement personnel that took him into custody. You got a picture that you'll see here, and I would submit to you that that shows this guy who's insane to kill his momma. But Doctor Domino said, yeah, they do that in Massachusetts. You remember that? Now they do that in Massachusetts. That would have been ideal; we could clearly see. That's a question that she could have had answered as a part of her evaluation. She also talked about some other questions in response to looking at Doctor Martin's

report that she would have liked answered. So she never said that he didn't have the ability to conform; he could differentiate between right from wrong. She never said that; that was never her testimony. Her testimony was I don't have enough data.

Now the Solicitor's office is spinning that to say, oh, there's no evidence, and trying to throw up a smoke screen to say, hey, well, look at Doctor Martin, he got paid 375. It's irrelevant to the issue. The issue is you got a man here, no question by both experts, has a extensive mental health history, schizophrenia, no question about that. And now the question we get is what was in his mind, could he differentiate between right from wrong on November 29th, 2010? We got one doctor who has evaluated him, has extensive credentials, is classified, and categorized as an expert by this Court who says in his medical opinion to a reasonable degree of medical certainty that he could not differentiate between legal right, legal wrong, and moral right, moral wrong, those medical terms, and could not conform behavior. And you got another doctor saying he's got a long, extensive mental health history, I've seen him on six occasions,

three of which he wasn't even competent. That shows you how bad his mental health history is. After looking at Doctor Martin's report I just saw just a few weeks ago I got a bunch of other questions. His record was issued in July of 2014. I had it for two weeks, I would like to know this, this and this, and there was nothing stopping her from asking those questions. And you don't know whether those questions being answered to her would have changed her entire report to now go from, no, it's insufficient data to, you know what, there is data, this guy didn't know right from wrong, I agree with Doctor Martin.

So what the State is wanting to get you to do is basically say, hey, there's no evidence here, and basically ask you to totally disregard a qualified expert in this field, and that's what they're gonna try to do in regards to Bobby and that's not fair, that's not right. And that's not to minimize the tragedy of this situation. That's just telling you the real deal as to what was going on November 29th, 2010. Now actually, as Solicitor Meadors indicated, this is not a — it's a different kind of case; it's an unusual case. Sometimes people would rather try to figure out the whodunit or who I believe done it,

that it might easier for folks to figure out. A case like this might be a little more difficult because of the fact that you can't open up his head and go back in time and open up his head and see what was going on November 29th, 2010. You only have to go on the evidence that they've given you as represented here in court.

You can have the court reporter play back certain things if you remember them differently, such as what Doctor Martin said when asked this or what Doctor Domino said when asked that; but it's our position that we have clearly established that this man is insane. We have clearly established through qualified medical forensic expert in regards to whether or not he could differentiate between right and wrong, and you had the opportunity to listen to him on the stand. And the bazaar things that he was saying, even today when he's under treatment, under medication. And I know this may be very difficult because now you're going to be in a position to try to figure out between what one expert says and side this way, it is a very tragic situation; there's no question about that.

I've had the opportunity to represent Bobby for a few years now; and you know, it's really,

really underrated as what goes on when people have illnesses of the brain. And as we most folks might call it, that not being in our right mind, not being in our head; and that's really, really underrated because it does cause significant problems, significant problems in families. And here's a situation where we had basically the ultimate; a mother gets killed by her son. But I submit to you that the son ain't know what he was doing. He ain't know his right from wrong.

Now how he was on the stand yesterday four years later after he's medicated and regimented medication, you know, in the detention center is totally different. Even when they pull out these letters, these letters are basically a year ago after he's been regimented in medication, not four years ago. Coincidentally, the letters kind of coincide with when Doctor Domino finally says he is competent to stand trial. Bear in mind, he was in, detained for a period of time. She met with him on three occasions and said his mental health, his illnesses, he ain't even ready to sit at the table. So there was a long period of time that he wasn't even able to sit at the table much less understand. So if he couldn't sit at a table for the bulk of the

time they had him detained, you can only imagine as lay people what he was like and what was going through his head November 29th, 2010. And I think it's really that simple when you boil down to it.

And this is my last opportunity to address you. I do thank you for your attentiveness and giving Bobby his fair day in court. And like I said, this is not a whodunit. We do have a strange situation and more often than not the Solicitor's Office and I in cases that we end up doing battle, we end up agreeing more often than not. And even on this case there's a lot of agreement that Mr. Finney and Mr. Meadors and myself do have. They agree that he has an extensive mental health history; I agree with that. They agree that Mr. Wilson is the one that performed this tragic deed to his mother; I agree with that. Where we disagree is whether or not he truly could differentiate between right from wrong four years ago, and that's where we're at a disagreement. And I've had a doctor establish that, period. Now after that they got to prove and they got to get the ball in the end zone to establish that this man was sane. And when you listen to all the evidence and think about all the things that you heard over the last couple of days, Investigator

Burnish says when he's talking to him he got to wave his hand in front of his face to see if he's responding. It obviously would have been much better for them to put up evidence of how that meeting and interaction went, and we don't have that. It's not my responsibility, it's not Bobby's responsibility. It would have been theirs to help put that ball in the end zone.

So again, I submit to you that there's only real one verdict in this case and that is not guilty by reason of insanity, and the judge will charge you that. Thank you very much.

THE COURT: Thank you, Mr. Brooks.

Solicitor.

SOLICITOR FINNEY: May it please the Court, Your Honor, Mr. Brooks, Mr. Meadors, ladies and gentlemen, good morning. I, too, want to thank you for your service this week. It is an honor for us in the Solicitor's Office to represent the people in this community and try to help when there are bad situations occurring as we find too many times they do. But we have to summon you in and hope that you are understanding that these complicated things need your attention, and they need your attention because you live here in this community as we do and we all

want the community to have the quality of life, the quality of safety that allows us to enjoy life, to enjoy raising our families.

I will be the last person you hear before you hear the judge charge you the law, and I take it as a special responsibility that you don't have to believe what I say just like you don't have to believe what Mr. Meadors says or Mr. Brooks says; but we want you to understand that we spend a lot of time and put a lot of effort into each one of these cases. It's not very often in a case like this that you get to hear from the defendant, Alexander Bobby Wilson. They don't have a right, a responsibility. They have rights which says you don't have to come into court and say a thing. Under the law we have the burden of proof. We have to prove every element of the charge of murder to your satisfaction beyond a reasonable doubt; and that's why, really, when you go back in that jury room don't be nervous, don't be afraid. The law protects you just like it protects Bobby because it says you all have to be moved to understand the facts beyond a reasonable doubt. If you're not, your conscious and your duty as a citizen, as a juror, is to say the burden of proof was not met, we don't have enough to find him

guilty, we find him not guilty.

But the other side of the coin is, when the Solicitor's Office and the law enforcement officers and the family members bring you the evidence and they cover each element of the charge, and it is clear beyond a reasonable doubt that Bobby Wilson took the life of his mother in an illegal and unwarranted fashion and that he did it with malice in his heart, then he's guilty of murder, period. Just like you didn't ask to be brought here, we didn't ask to bring this case to you; Bobby Wilson started that ball rolling November 29th. He maybe started that ball rolling a long time before that because you know from one thing that you heard in this courtroom over and over and over is that Elizabeth Wilson was the salt of the earth. She's the kind of mother that gave her life for her family. Think about that for a minute. She did everything she could for her boys. She sent them to college; she supported them. She took stuff off of them that most mothers probably wouldn't. And it is tragic that she had to lose her life, but she — that badge of honor, that robe that John Meadors was telling you about, that robe is what she earned every day of her life, sticking by Bobby and taking

care of him.

Ladies and gentlemen, did you see Mr. Brooks walk over here and talk about anything in this case or go over there and talk about Bobby and all the stuff he had done to his momma, no. He wants to talk about doctors. None of those doctors knew Bobby Wilson and none of them knew Elizabeth Wilson on November 29th; all that came afterwards. That's the legal stuff that we have to bring to you to try to make the law understandable. But here's what you also need to understand, using your common sense, you know Bobby Wilson was not doing right by his momma. He was not following the rules of the home. He was doing everything he could to make life good for Bobby. You know why? Because Doctor Domino said when she examined him, he is a self-protective individual; Bobby loves Bobby. And if it's going Bobby's way everything is all right in the world. Momma, my money is here, I need my money, take me to the bank. Momma, I got, I need my clothes washed. Momma, I need a stamp. It doesn't matter to Bobby that he's got, according to him, he's got money in the bank that month. Why is he upset? Why is he telling? He is a self-protective individual. Everything in this case shows that Bobby does for

Bobby all the time. That includes after he loses his temper, after he goes in another room which by his testimony he went in a closet and got the baseball bat and brought it in and hit his momma repeatedly in the head while she was in bed. That wasn't a delusion. That wasn't — that was madness; he was angry. Yes, he was probably coming down off crack. Yes, he probably needed medication that had been given to him. Tuomey Hospital gave him five days of meds on November 20th. He wasn't taking it right, that's not Elizabeth's fault.

Everything in this case that the doctors talk about they learned from who? Bobby. Mr. Brooks brings you this expert doctor. We got to listen to the expert because he's studied. The expert listened to Bobby. The expert didn't go to the jail and talk to the people who lived with Bobby from the day he got arrested to the day he came to court this week. They didn't even listen, they didn't even go talk to the nurse that we brought you that talked to Bobby face to face an hour or so later and followed up on him day after day after week after week after month. That nurse was available. The doctor didn't meet with her. The doctor didn't talk to the brother who's known Bobby all that time period

before this happened.

The fact of the matter is we know Mr. Bobby Wilson could conform his conduct. We know that he could do right from wrong because of all the things we know about him. He's the one that took momma's check to the store and tried to change the numbers on the check. Why? Because it helped Bobby. He would have gotten 50 dollars instead of 5 dollars. That's what his brother testified happened a day or two before he killed momma. What about the phone being unplugged? State's Exhibit Number 1, Bobby denied unplugging the phone in the kitchen. Why would he do that if he didn't know right from wrong?

Evidence of competency, evidence of malice, he knew when he was going to take action or he had already taken the action and he didn't want anybody calling. The brother couldn't call on the house phone; Bobby had disconnected it. They had to use a cell phone to get the ambulance there. It was too late for Ms. Elizabeth by then; Bobby took care of that. After he hit her with the bat he went and got a knife out of the kitchen. And what did he do with the knife? He put it back in the kitchen so the cops couldn't find it. Evidence of competence, evidence of malice. This man is not coming up here

to tell you about his mental health because he believes in it. He's telling you that because he wants a break because it helps him. The truth is in the facts. The truth is in the evidence. The truth is in the history of what Jerome and Elizabeth put up with day after day after day. Yes, having mental health issues is tough. It is not the kind of life that we want. But the fact of the matter is, he had a responsibility and there's no evidence in this record that he didn't know when he was doing right and when he was doing wrong. And ladies and gentlemen, I'm not going to even talk about the clone. I'm not gonna even talk about him telling the police officers somebody else did it.

All you need to know is that activity that took him to the point of using a baseball bat on his mother. You'll see the picture in the evidence room of him when the police got there. After all of the trouble, after all of the planning, after all of the self-protecting, the police were there. His brother stopped him from leaving the house probably or doing anymore harm. Yes, he was drained, he was compliant. He did everything the officers told him. He did everything the ambulance drivers told him. He did everything the doctors told him at the

hospital and the nurse at the jail. He did everything everybody wanted him to do 'cause he knew he was done. And when they brought a paper, an official paper, the first thing he did when he got served with that warrant and he knew he was charged with murder, he came up with, that wasn't my momma. And then he told another doctor that. She wasn't my mother, my mother had dentures, my mother's hair was different, my mother -- this -- somebody took over. This was months, years, every day he'd wake up in the jailhouse knowing that his future is in somebody else's hands. He had to come up with something.

How long had he been in the mental health system before October 29th? A long time. These weren't the first doctors he could fool. These weren't the first medications he could misuse. He's an at this. He's been doing it for a long time. John Meadors is right; it's about time. Bobby's time has run out.

The State has proved beyond a reasonable doubt that Bobby Wilson knew what he was doing that day. He took his mother's life in an irresponsible and illegal manner, and he had malice in his heart when he struck her in the head. He had malice when he stuck her with the knife. He had malice when he

closed himself into the bathroom to go wash up. And he does not deserve anything but the truth. The word verdict comes from a Latin word veredicto. It means to speak the truth. That's what your job is now. Find him guilty, pray for his family, and honor his mother's memory. Thank you.

THE COURT: Thank you, Mr. Solicitor.

Please secure the courtroom.

All right, ladies and gentlemen, as I told you all the testimony and all the evidence in this case has been presented to you. Now is the time where I will charge you the law that is applicable to this particular case. And ladies and gentlemen, I remind you that during this trial you and I have certain duties to perform. As the trial judge it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of evidence that has been offered during this trial. You are to consider only the competent evidence that is before you. If there was any testimony ordered stricken from the record in this case, you must disregard that testimony. You're to consider only the testimony which has been presented from this witness stand and any exhibits which have been made a part of the record in this

case and any stipulations of counsel.

Ladies and gentlemen, I have the additional duty to charge you the law that is applicable to this particular case. And as the presiding judge I am the sole judge of the law in this case, and it is your duty as jurors to accept and apply the law as I state it to you now. If you already have some idea as to what the law is or what the law ought to be and it does not agree with what I now tell you the law is, you must abandon that idea because, ladies and gentlemen, you are sworn to accept and apply the law exactly as I now state it to you.

Ladies and gentlemen, in every case tried before a jury, the jury, you the jury, become the sole and exclusive judges of the facts. And ladies and gentlemen, as a trial judge I cannot intimate, state, comment, or make any statement to a jury about the facts in the case. It is simply your duty to do that, and you're the sole judges of the facts in this case and you are not to infer by anything that I've said during the course of the trial or upon the admissibility of evidence or otherwise or anything that I now tell you during the course of these instructions that I have any opinion about the facts in the case. The law simply does not allow me

to have an opinion about the facts. That's a matter solely for you as jurors to determine. And as jurors, it is your duty to determine the effect, the value, the weight, and the truth of the evidence that has been presented during this trial.

Now ladies and gentlemen, the indictment charges the defendant with the charge of murder. And I remind you, the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case; nor does it create any presumption or inference of guilt. The indictment is simply the formal written instrument that contains the charge made against the defendant, and it is the formal document by which this case is brought into court. As I said, the indictment in this case alleges one offense against Alexander B. Wilson. Under indictment 2011-GS-43-698, the charge is murder. I remind you, the fact that the defendant was arrested and charged is not evidence in this case.

Ladies and gentlemen, the defendant has pled not guilty to the charge in the indictment and that plea puts the burden on the State to prove the defendant guilty. And a person charged with

committing a criminal offense in South Carolina is never required to prove himself innocent. And I charge you that's an important rule of law that the defendant in a criminal trial, no matter what or how serious the charge may be, will always be presumed to be innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based upon evidence satisfying you of that guilt beyond a reasonable doubt. And presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remain with that defendant until it has been stripped from the defendant by evidence, again, satisfying you of the defendant's guilt beyond a reasonable doubt. The presumption of innocence is not a mere legal theory that we use; it's not a legal phrase. But it is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from evidence of the defendant's guilt beyond a reasonable doubt.

Now ladies and gentlemen, the State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases where you're told it is only necessary to prove that a fact is more likely true than not true such as by the greater weight or the preponderance of the evidence. In criminal cases, however, the State's proof must be more powerful than that; it must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. Ladies and gentlemen, I will remind you that there are very few things in this life and in this world that we know with absolute certainty. And in criminal cases the law does not require proof that overcomes every possible doubt. If based upon your consideration of the evidence you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If on the other hand you think there's a real possibility that the defendant is not guilty, then you must give the defendant the benefit of the doubt and find him not guilty.

Now ladies and gentlemen, there are two types of evidence which are generally presented during a

trial. There's direct evidence and there's circumstantial evidence. Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. It is evidence which immediately establishes the main fact to be proved. Circumstantial evidence is evidence of a proof of a chain of facts and circumstances indicating the existence of a fact that is evidence which immediately establishes collateral facts from which the main fact may be inferred, and circumstantial evidence is based on inference and not on personal knowledge or observation. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence; nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. Ladies and gentlemen, you should weigh all the evidence in this case. And after weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.

Necessarily, you must determine the credibility of witnesses who have testified in this case, and credibility simply means believability.

It becomes your duty as jurors to analyze and evaluate the evidence and determine which evidence convinces you of its truth. In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining parts of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety.

Ladies and gentlemen, you may consider whether a witness has exhibited to you any interest, bias, prejudice, or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand. Ladies and gentlemen, as I told you several times during the trial, the rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule exists for witnesses we call expert witnesses who by, which is a witness who by education and experience have become expert in some art, science, profession, or calling may state an opinion as to relevant and material matter in which the witness claims to be an expert and may also

state the reasons for their opinion.

Now ladies and gentlemen, you should consider any expert opinion received in evidence in this case, and like any other evidence received, give it the weight that you think it deserves. And if you decide that the opinion of an expert is not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion are not sound or that the opinion is outweighed by other evidence, you may disregard the opinion entirely. And ladies and gentlemen, an expert witness' testimony is to be given no greater weight than that of other evidence, other witnesses, simply because the witness is an expert. And further, you are not required to accept an expert's opinion even though it is not contradicted.

Now ladies and gentlemen, the defendant is charged with murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought. Malice is hatred, ill will, or hostility towards another. It is the intentional doing of a wrongful act without just cause or excuse and with the intent to inflict an injury or under circumstances that the law will infer an evil intent. Malice aforethought does not

require that malice exists for any particular time before the act is committed, but malice must exist in the minds of the defendant just before and at the time the act is committed. Therefore, there must be a combination of the previous evil intent and the act.

And malice aforethought may be expressed or inferred. These terms expressed or inferred do not mean different kinds of malice, but merely, the manner in which the malice may be shown. That is either by direct evidence or by inference from the facts and circumstances which are proved. And malice, expressed malice is shown when a person speaks words which express hatred or ill will for another person or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person or any or acts or of preparation going to show that the deed was within the defendant's mind would be expressed malice. Malice may be inferred from conduct showing a total disregard for human life.

Now ladies and gentlemen, the defendant has raised the defense of insanity. Criminal intent is required to prove that the defendant is guilty of

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the crime charged. And a person who is insane cannot have criminal intent, and therefore, cannot be found guilty of a crime. In order to be found guilty — found not guilty by reason of insanity, it must be shown that at the time of the crime the defendant had a mental disease or defect which made him unable to distinguish moral or legal right from wrong or to recognize the crime as morally or legally wrong. By raising the defense of insanity the defendant does not necessarily admit that the crime was committed, and the State still must prove beyond a reasonable doubt that the defendant committed the crime. However, the defendant must prove insanity by a preponderance of the evidence, and a preponderance of the evidence simply means by the greater weight of the evidence or more likely than not.

If you find that there's evidence in the record that the crime was allegedly committed, it is more likely than not that because of a mental illness, disease, or defect, the defendant did not know the alleged crime was morally or legally wrong, the State must then prove beyond a reasonable doubt that the defendant was sane. If — it is for you to determine and decide what the state or condition of

the defendant's mind was at the time that the alleged crime was committed.

There are four possible verdicts that you may return in this case. If you have any reasonable doubt as to the defendant's guilt after considering all of the evidence, then you must find the defendant not guilty. If you have no reasonable doubt that the defendant committed the crime but you find that it is more likely, it is more likely than not, that because of a mental illness or defect the defendant could not distinguish moral or legal right from wrong or recognize the crime as morally or legally wrong, you must find the defendant not guilty by reason of insanity.

Another possible verdict is guilty but mentally ill. If you have no reasonable doubt that the defendant committed the crime and that the defendant had the mental capacity to distinguish moral or legal right from wrong or recognize the crime as morally or legally wrong, but you find it is more likely than not because of a mental disease or defect that the defendant could not follow the law, you must find the defendant guilty but mentally ill. As with insanity, the defendant has the burden of proving that he is guilty but mentally ill by a

preponderance of the evidence.

And the final possible verdict in this case is guilty. You may only find the defendant guilty if the State has proved beyond a reasonable doubt that the defendant committed the crime, that the defendant was able to distinguish moral and legal right from wrong and to recognize the crime as morally and legally wrong and that the defendant was able to follow the law.

Now ladies and gentlemen, there is no significance whatsoever in the order which I stated the possible verdicts; it's simply that one must be stated first. Ladies and gentlemen, your verdict must be unanimous. All twelve of you must agree on the verdict and your decision must not be based on sympathy, passion, prejudice, emotion, or any other consideration that is not in the evidence in this case.

Ladies and gentlemen, or Mr. Foreman, when the jury does reach a verdict you'll have this verdict form back there with you. Please check off the appropriate box, sign your name, and knock on the court — on the jury room door. You will then be escorted back here in court for publication of your verdict. Now ladies and gentlemen, I ask that you

return your jury room. Please do not begin your deliberations. There's still a few matters that I need to take up with the attorneys before you begin your deliberations. All right, thank you.

(WHEREUPON, the jury was removed from the courtroom at 10:50 a.m., and the following proceedings commenced in open court.)

THE COURT: Are there any objections to the charge that was given? From the State?

SOLICITOR FINNEY: Nothing from the State, Your Honor.

THE COURT: From the Defense?

MR. BROOKS: No, sir.

THE COURT: Are there any objections to sending the copy of the charge back there with the jury?

MR. MEADORS: The State would object, Your Honor, respectfully.

MR. BROOKS: I have no objection.

THE COURT: You know, on this particular case, because you got the four verdicts I think I'm gonna send it back there.

MR. MEADORS: Judge, at the end of your charge you said "and" on the — instead of "or" and I, as far as — I think when you were describing

just guilty it said difference between moral or legal right and you said "and" recognized, I think that's "or" should be at the end there. I just...

THE COURT: I did.

MR. MEADORS: And no disrespect to that, but I just caught that.

THE COURT: Right.

MR. MEADORS: So if you were going to send that back ---

THE COURT: No, this is for -- yeah, that's correct, it should be "and" because if he's lacking in either one of those, then it goes back to the prior verdicts.

MR. MEADORS: I wasn't talking about the first one. I'm just talking about the moral reader. I thought you said that first, the difference between moral or legal right or understand it. I thought you said "and" in just the first part, not the conformity part.

THE COURT: Oh. Well, I tell you what I'm gonna do then. I generally only do it if both parties agree. But if they come, start coming back with some questions, then I'm gonna send a copy of it back there.

MR. MEADORS: All right, thank you.

THE COURT: Thank you. Y'all want to make sure the proper evidence is submitted.

(Attorneys review the exhibits.)

(Alternates were excused.)

(Jury began deliberations at 10:59 a.m.)

THE COURT: Let me issue a warning here. Mr. Brooks, I understand your client has been behaving improperly in the holding cell. Please remind him that, you see there's a number of officers around him. That if he acts out when this verdict is read, that he will immediately be energized with that electronic belt that he's got on him and then he's going to have four officers jump on him. He will be made immobile, I assure you.

(Attorney Brooks confers with defendant.)

THE COURT: And let me instruct the officers, he is to be made immobile if he moves past two inches where his desk is. I'm giving you full authority to protect everyone else in this courtroom. All right?

THE OFFICER: Yes, sir.

THE COURT: Let's bring the jury out.

(WHEREUPON, the jury was returned to the courtroom at approximately 1:52 p.m., and the following proceedings commenced in open court.)

THE COURT: Mr. Dubose-Schmitt, has the jury reached a verdict?

THE FOREMAN: Yes, sir, we have.

THE COURT: Is it unanimous?

THE FOREMAN: Yes, sir, it is.

THE COURT: Please hand it to me.

(Verdict form tendered to the Court.)

THE COURT: All right, please publish the verdict.

THE CLERK: Yes, sir, Your Honor. For the State of South Carolina, County of Sumter in the Court of General Sessions, docket number 2011-GS-43-698, State of South Carolina versus Alexander B. Wilson, defendant. As to the charge of murder: we, the jury, unanimously find the defendant guilty but mentally ill. Signed Mr. Dubose-Schmitt, foreperson, dated December the 4th, 2014. Ladies and gentlemen of the jury, is this your verdict so say y'all by raising your right hand please.

(All jurors complied by raising their hand.)

THE CLERK: Thank you.

THE COURT: Thank you. Does the Defense request polling of the jury?

MR. BROOKS: Yes, sir.

THE COURT: Please poll the jury.

THE CLERK: All right, sir. Ladies and gentlemen of the jury, as I call your name please stand and answer two questions for me.

Juror number 15, Kimberly Bottema, is this your verdict and still your verdict?

JUROR BOTTEMA: Yes, sir.

THE CLERK: Thank you, you may be seated.

Gerald Tomlin, is this your verdict and still your verdict?

JUROR TOMLIN: Yes, sir.

THE CLERK: Anne Walton, is this your verdict and still your verdict?

MS. WALTON: Yes, sir.

THE CLERK: Thank you. Brandon Tedder, is this your verdict and still your verdict?

MR. TEDDER: Yes, sir.

THE CLERK: Thank you. Jarrod Dubose-Schmitt, is this your verdict and still your verdict?

MR. DUBOSE-SCHMITT: Yes, sir.

THE CLERK: Thank you.

Juror number 147, Randall Smith, is this your verdict and still your verdict?

MR. SMITH: Yes, sir.

THE CLERK: Thank you.

Juror number 59, Sylvester Godbolt. Is this your verdict and still your verdict?

JUROR GODBOLT: Yes, sir.

THE CLERK: Thank you.

Juror number 8, Sheila Ayers, is this your verdict and still your verdict?

MS. AYERS: Yes, it is.

THE CLERK: Thank you.

Juror number 77, Wendell Hoskins, is this your verdict and still your verdict?

MR. HOSKINS: Yes, sir.

THE CLERK: Thank you.

Juror number 43, Karen Duncan Page, is this your verdict and still your verdict?

MS. PAGE: Yes, sir.

THE CLERK: Thank you.

Juror number 154, Kimberly Stevenson, is this your verdict and still your verdict?

MS. STEVENSON: Yes, sir.

THE CLERK: Thank you.

Juror number 65, Thelma Greer, is this your verdict and still your verdict?

MR. GREER: Yes, sir.

THE CLERK: Thank you, ma'am. Your Honor, the jury has been polled and the verdict stands.

THE COURT: Thank you, Mr. Bradley.

Ladies and gentlemen of the jury, let me take this opportunity to thank you for your service. You know, it's never easy doing this. This is a hard job. Most people watch it on TV and have no idea how hard it is, and y'all got to experience that. Sometimes I think my wife and I can't even agree on something. So when it takes twelve people who don't know each other beforehand to agree on something, it's very difficult; but you stepped up to the task. You upheld your oath, and I appreciate that.

This counts as your jury service so you don't have do to be a, can't be a juror for the next year, and you don't have to be a juror for the next three years after this week. We've got a small jury pool and we might pull two more juries for quick cases so after I let you out of here I'm gonna send you over the Judge James, and we'll -- you may be called on to perform jury duty again. I want to thank you.

(Jurors were excused.)

THE COURT: Do y'all need a few minutes before I sentence?

MR. MEADORS: Please.

THE COURT: Oh, you got some motions. I'll let you do that.

MR. BROOKS: Judge, it's Defendant's position that the Court should set aside the verdict and basically dismiss this case and set aside the verdict of guilty but mentally ill. We've heard all the testimony. It's evidence from experts that this gentleman did not understand right from wrong, could not conform his behavior. We feel that the jury has been swooned by passion and prejudice in this matter, and we're asking the Court to overturn the verdict.

THE COURT: All right. Solicitor.

SOLICITOR FINNEY: Please the Court, Your Honor, we think that the record is solid with direct and circumstantial evidence from which the jury could arrive at the verdict made. They obviously could have considered and not taken mental health information into account; they did. They gave him the benefit of the evidence that was introduced by the doctors. We think the record stands and the verdict is solid on the record, and we ask that you deny the Defense motion.

THE COURT: Okay. Mr. Brooks, I'm gonna respectfully deny your motion. We'll break for ten minutes and then we will come back for sentencing.

MR. MEADORS: Thank you.

THE COURT: Thank you.

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

THE COURT: All right, Solicitor, you want to go over his record with me one more time?

MR. MEADORS: Judge, I just got back up here, one second please.

THE COURT: Okay.

MR. MEADORS: May it please the Court.

THE COURT: Yes, sir.

MR. MEADORS: A larceny from a building, vehicle theft, marijuana possession from '76 convictions; failure to stop for a blue light, unlawful drugs, marijuana, and a grand larceny from 1977; grand larceny, '79; fraudulent check '79; possession of cocaine conviction, '89; another cocaine type conviction second offense, '91; distribution of cocaine, '91; shoplifting, '93; smaller stuff, shoplifting, 2000; possession of drug paraphernalia, 2000; burglary third conviction, 2003; shoplifting, 2005 conviction; DUS second, 2007; operating uninsured motor vehicle, 2007; DUS third or more, 2007; operating uninsured vehicle, looks like another DUS, uninsured vehicle, paraphernalia conviction, 2010. And there appears

to be some out of state, but I don't have enough information to say that's him so that's it.

THE COURT: All right. Mr. Brooks, do you dispute any of those charges?

MR. BROOKS: I don't, Judge.

THE COURT: Okay. Mr. Meadors or Mr. Solicitor, would any of the victims like to speak to this matter?

SOLICITOR FINNEY: No, not at this time, Your Honor. Thank you very much.

THE COURT: Thank you.

MR. MEADORS: Your Honor, just for the record, before the Solicitor says anything I want to thank the brother who's been most cooperative to us when Mr. Miller and I went to his house in preparation for this. I want to thank him and the rest of the family for their patience during these four years.

THE COURT: Anything further from the Solicitor's Office?

SOLICITOR FINNEY: Judge, just thank law enforcement for putting the case together and helping us put it in front of the jury. Thank you, sir.

THE COURT: All right. Mr. Brooks.

MR. BROOKS: Judge, obviously you heard the testimony in this case. You also had opportunity to hear from both doctors about the significant extensive mental health history of my client. This is clearly a very disturbed gentleman for a long period of time. Both sets of witnesses, forensic psychiatrists, both said that, and this is obviously a very difficult situation. This wasn't as the court — hold on (speaking to defendant).

As the court noted this wasn't a whodunit. It was why the situation was. And I think really only had two possible verdicts in this case which would have been not guilty by reason of insanity versus guilty but mentally ill. His prior history, obviously we would, because of his age, it's been a long and some few things, but a lot of it were not very, not serious offenses. I'm not trying to minimize it, but you know, we're talking about shoplifting and DUS and obviously mental illnesses, serious problems. And to be not in one's right mind is a very serious situation, and I would ask the Court to consider all that and to consider that —

THE COURT: I mean, I'm kind of limited.

MR. BROOKS: Right.

THE COURT: It's either 30 to life so the

minimum sentence is 30 years which in effect is, it's almost a life sentence for him anyway.

MR. BROOKS: Right, he's 63. Considering he's going to be at the psychiatric part of SCDC which everybody acknowledges he does need help so, Judge, that's all we got. That's the situation.

THE COURT: I hesitate to ask this, but I always do, would your client like to say anything?

THE DEFENDANT: Yes, I'd like to say something. Yeah, on behalf of the Solicitor's Office that we disagree with the verdict, and we will disagree on the outcome of the verdict, whatnot, and we will surely appeal this verdict.

THE COURT: Okay, thank you. All right. Thank you.

Anything further, Mr. Brooks?

MR. BROOKS: That's it, Judge.

THE COURT: Well, this is certainly a tragedy to epic proportions as most murders are, as all murders I've had, and I've probably had 25 to 30. But this is probably the most brutal I've ever seen. And I understand mental illness is involved; but with the brutality that occurred, I just can't take any chances that he's gonna ever walk these streets again. 30 years is in effect a life

sentence, but I'm not gonna take any chance. I'm gonna sentence him to life, for the remainder of his natural life. Thank you.

And let me compliment both attorneys, all attorneys involved in this. You certainly upheld your professional conduct, oaths that you took, and it was an honor to try this case with you.

* * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, FRANCES B. RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Third Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 29th day of March, 2015.

S/Frances B. Ray

FRANCES B. RAY, RPR

WITNESSES

R. Burnish — Sumter County Sheriff

ARREST WARRANT NUMBER

M442533

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: 5/19/2011

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2011-GS-43-0698

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

May **TERM** **2011**

THE STATE

vs.

ALEXANDER B. WILSON

Indictment for

Murder

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR
Murder/Murder

CERTIFIED TRUE COPY
OF ORIGINAL FILE
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

At a Court of General Sessions, convened on May 19, 2011 the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE-MURDER

That Alexander B. Wilson did in Sumter County, on or about November 29, 2010, willfully, feloniously, and intentionally kill the victim, Elizabeth Wilson, with malice aforethought, either express or implied, by means of beating the victim about the head and body with a wooden baseball bat, and the victim did die as a proximate result thereof on or about November 29, 2010 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

Ernest A. Finney III

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF Sumter)
STATE VS.)
Alexander Wilson Jr.)
AKA:)
Race: Black Sex: M Age: 63)
DOB: [redacted] SS#: [redacted])
Address: P.O. Box [redacted])
City,State,Zip: Mayesville, SC 29104)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

INDICTMENT/CASE#: 2011-GS-43-0698
A/W#: M442533
Date of Offense: 11/29/2010
S.C. Code § : 16-03-0010
CDR Code #: 0116

CERTIFIED TRUE COPY
SENTENCE SHEET
Barbara Thayer
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED ☐ PLEADS
TO: Murder (Jury Verdict Guilty But Mentally Ill)
in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code# 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 2019 _____ _____ 11762
Finney, III, Ernest A SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of Life days/months/years or ☐ under the **Youthful Offender Act** not to exceed ——— years
and/or to pay a fine of $ ——— ; provided that upon the service of ——— days/months/years and/or payment
of $ ——— ; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____ _____
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine: _____		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$
3% to County (if paid in installments)		$
TOTAL		$

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk James C. Campbell
Court Reporter: Frances Baker-Ray
Presiding Judge
Judge Code: 3156
Sentence Date: 4 Dec 2014

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALEXANDER B. WILSON,

APPELLANT

APPELLATE CASE NO. 2014-002659

AMENDED ANDERS BRIEF OF APPELLANT

SUSAN B. HACKETT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1343

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err in allowing a lay witness testify regarding his opinion concerning Appellant's ability to know right from wrong and conform his conduct to the requirements of the law – the only issues in the case?

STATEMENT OF THE CASE

On May 19, 2011, a Sumter County grand jury indicted Appellant for murder (2011-GS-43-0698). R. 512-513. The state, represented by Ernest A. Finney, III, and John P. Meadors, called the case to trial before the Honorable W. Jeffrey Young and a jury on December 1, 2014. R. 1. Charles T. Brooks, III, represented Appellant. R. 1. The jury unanimously found Appellant guilty but mentally ill. R. 453, lines 10-19. Although Appellant was sixty-three years old at the time of his trial and the judge recognized that a thirty-year sentence was "in effect a life sentence," Judge Young sentenced Appellant to life imprisonment without the possibility of parole because he could not take the chance that Appellant could "ever walk these streets again." R. 461, line 18 – R. 462, line 3; R. 514.

Appellant filed a timely notice of appeal. This brief follows.

ARGUMENT

The trial court erred in allowing a lay witness testify regarding his opinion concerning Appellant's ability to know right from wrong and conform his conduct to the requirements of the law – the only issues in the case.

Relevant facts

There was no question that on November 29, 2010, Appellant killed his mother, Elizabeth Wilson, by beating her with a baseball bat. R. 68, line 14 – R. 69, line 5. The only question for the jury was concerned Appellant's mental state. Appellant, who was sixty-three years old at the time of his trial, had been diagnosed with schizophrenia when he was twenty-two years old. R. 87, lines 6-14; R. 253, lines 6-12; R. 304, lines 5-6. Appellant had been hospitalized numerous times for his psychiatric condition. R. 253, lines 18-19. In fact, he had been committed several times between the crime in 2013 and his trial in 2014. R. 253, lines 19-22. Appellant presented expert testimony that he was insane at the time of the crime. R. 262, lines 8-21. However, the state presented an expert to testify that in her opinion, there was "no data to indicate that [Appellant] didn't know right from wrong" and that there was "insufficient data to indicate he was unable to conform his conduct to the requirements of the law." R. 364, line 24 – R. 365, line 14; R. 370, line 10 – R. 371, line 7.

The state called Appellant's older brother, Jerome Wilson, as a witness. R. 50, lines 10-15; R. 304, lines 7-10.[1] Jerome and Appellant lived at home with their mother

[1] Appellant testified that he and Jerome did not have the same mother. R. 304, lines 11-12. According to Appellant, his mother was struck by lightning in a cotton field when he was two-years old. R. 304, lines 14-18. At the time of her death, she was pregnant with his younger brother, whom he called his identical twin. R. 305, lines 7-15. Appellant

and father until the father's death in September 2010. R. 49, lines 17-19; R. 51, lines 1-25.[2] The two continued to live in the home with their mother thereafter. R. 52, line 24 – R. 53, line 25; R. 55, lines 14-16.

Jerome was aware that Appellant was schizophrenic and taking anti-psychotic medication. R. 86, lines 13-18. Jerome was also aware that Appellant obtained his medication from the Veterans' Administration Hospital by using a pharmacy mail service. R. 57, lines 3-19; R. 86, lines 22-25; see also, R. 256, lines 9-16. Appellant received a social security check for his disability – schizophrenia. R. 55, lines 20-24; R. 86, lines 19-21. Appellant's mother oversaw the funds. R. 56, lines 7-14. Jerome recalled that in the days prior to his mother's death, Appellant "was on a mission to have some money" and badgered their mother to give him money. R. 63, lines 2-5. Jerome objected to his mother giving Appellant any money. R. 63, lines 12-18.

On the day he killed his mother, Appellant had prepared a mail order form to get a refill of his prescription because he had been without his medication for eight days; however, he did not have a stamp to place on his envelope to mail the request. R. 79, line 20 – R. 80, line 20; R. 81, line 10 – R. 82, line 9; R. 256, lines 16-20. He repeatedly requested the money for a stamp from his mother, but she refused. R. 81, line 10 – R. 82, line 9; R. 256, lines 20-23; R. 306, lines 16-24; R. 307, lines 11-14.

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referred to Jerome's mother as his adoptive mother and explained her name was Elizabeth S. Wilson. R. 307, lines 3-10.

[2] In September 2010, Appellant was in jail on a shoplifting charge. R. 51, lines 7-9. Approximately, three weeks after father's passing on September 2, 2010, mother bailed Appellant out of jail despite Jerome's objection. R. 53, lines 20-25; R. 54, lines 23-24; R. 55, lines 2-13.