

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County
Honorable William P. Keesley, Circuit Court Judge

Appellate Case No. 2019-001104

RECEIVED

AUG 07 2019

S.C. SUPREME COURT

RON O'NEAL FINKLEA, SK6025,

Respondent,

v.

STATE OF SOUTH CAROLINA,

Petitioner.

APPENDIX

DIANA L. HOLT
DIANA HOLT, LLC
P.O. Box 6454
Columbia, South Carolina 29260-6454

JOHN H. BLUME, III
Blume, Norris, Franklin-Best & Young, LLC
900 Elmwood Avenue, Suite #200
Columbia, South Carolina 29201

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
No. 14244

W. JOSEPH MAYE
Assistant Attorney General
No. 100851

Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

ATTORNEYS FOR RESPONDENT

ATTORNEYS FOR PETITIONER

INDEX

INDEX	i

Record on Appeal Volumes 1-5

Volume One	1
Volume Two	517
Volume Three	1033
Volume Four	1549
Volume Five.....	2065

Final Brief of Appellant – October 1, 2009	2468
Final Brief of Respondent – September 25, 2009.....	2489
Application for Post-Conviction Relief [2010-CP-32-05076] filed November 23, 2010	2532
First Amended Application for Post-Conviction Relief - January 15, 2016.....	2537
Second Amended Application for Post-Conviction Relief dated June 22, 2017.....	2543
South Carolina Supreme Court Affirmed Opinion No. 26843 filed July 26, 2010	2550
Petition for Rehearing dated August 9, 2010.....	2559
South Carolina Supreme Court Order denying Petition for Rehearing dated August 19, 2010	2562
Transcript of Record – PCR Hearing September 6-7, 2017	2564
Transcript of Record – PCR Hearing – September 7, 2017.....	2937
Order on Post-Conviction Relief Granting New Sentencing – March 6, 2019	3032
Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCP March 18, 2019.....	3072
Applicant’s Response to Respondent’s Motion to Alter or Amend the Judgment April 30, 2019	3109
Order denying Rule 59(e) Motion to Alter or amend – June 10, 2019.....	3126

Exhibits from Post-Conviction Relief Hearings – September 6-7, 2017

- Petitioner’s Exhibit #20 – Accumulation of Risk.....3129
- Plaintiff’s Exhibit #21 – Susan C. Knight, PH.D., ABPP’s Curriculum Vitae 3130

- Plaintiff's Exhibit #22 – Forensic Psychological Evaluation
(Mitigation Assessment) 3140
- Plaintiff's Exhibit #23 – Forensic Psychological Evaluation
(Future Dangerousness (Adaptability Assessment) 3198
- Plaintiff's Exhibit #24 – Janet Vogelsang, MSW, BCD's Curriculum Vitae.....3210
- Plaintiff's Exhibit #25 – Psychiatric Evaluation, Donna Schwartz-Watts, M.D. 3215
- Plaintiff's Exhibit #26 – E-Mail 3221
- State's Exhibit #1 – List – Finklea Interviews.....3223
- Court's Exhibit #1 – Trial Team Chronology.....3224
- Plaintiff's Exhibit #27 – Notes 3225

this ruling).²

However, “amnesia is not a bar to prosecution of an otherwise competent defendant.” *United States v. Stevens*, 461 F.2d 317, 320 (7th Cir.1972). *Accord Davis v. Wyrick*, 766 F.2d 1197, 1202 (8th Cir.1985); *Holmes v. King*, 709 F.2d 965, 968 (5th Cir.), *cert. denied*, 464 U.S. 984, 104 S.Ct. 428, 78 L.Ed.2d 362 (1983); *United States ex rel. Parson v. Anderson*, 481 F.2d 94, 96 (3d Cir.), *cert. denied*, 414 U.S. 1072, 94 S.Ct. 586, 38 L.Ed.2d 479 (1973); *United States v. Knohl*, 379 F.2d 427, 436 (2d Cir.), *cert. denied*, 389 U.S. 973, 88 S.Ct. 472, 19 L.Ed.2d 465 (1967); *Morrow v. State*, 293 Md. 247, 443 A.2d 108, 113 (1982) (holding that a defendant's amnesia did not prevent him from assisting counsel). For example, in *Morrow*, 443 A.2d at 113, the court stated:

The thrust of defense counsel's argument seems to be that if the defendant has no recall of the events surrounding the crime then he has no rational or factual understanding so as to assist his counsel. We are not so persuaded. In our view the understanding required is the nature of the charge, the facts required to be proved to sustain the charge, and the consequences attending a conviction for having committed the charge. Amnesia does not inhibit dialogue and discussion between attorney and client as to tactical decisions concerning the trial.

²In the Initial Brief of Appellant, p. 8, the Appellant cites the inapplicable standard of *Singleton v. State*, 313 S.C. 75, 437 S.E.2d 53, 58 (1993) in this setting. The *Singleton* standard is for “competency to be executed,” not “competency to stand trial” and in fact is a lower standard. More importantly, though, under *Singleton* in the pre-execution setting, the Court recognized that:

Thus, to be ‘able to assist’ in postconviction proceedings, the defendants need not be able to think of new issues for counsel to raise, **nor must they necessarily be able to recall the events surrounding the crime.** What is required is that they understand they have been sentenced to death for murder and be able to communicate rationally with counsel.

Singleton v. State, 313 S.C. 75, 437 S.E.2d 53, 58 (1993). (emphasis added).

Because amnesia³, the only theory Finklea asserts in support of his incompetency claim, is not a proper basis for a finding that a defendant is incompetent to stand trial, Respondents agree with the trial court that there was no evidence of mental disease or defect to support a finding that Finklea was unable to consult with his lawyer and prevented him from having a rational, as well as factual, understanding of the proceedings against him.

Numerous courts have rejected the notion of delaying a trial because a competent defendant has some memory lapse. See *Annotation, Amnesia as affecting capacity to commit crime or stand trial*, 46 A.L.R.3d 544 (1972, Supp. 2008). The Supreme Court of Colorado, reviewing many of the reported cases on this issue, has adopted the majority view that "amnesia,

³Amnesia is not an unusual phenomenon. As the Supreme Court of Pennsylvania has observed "cases abound with commonly used statements or testimony by a person accused or convicted of murder that 'I don't remember anything'; 'my mind went blank'; 'I blacked out'; 'I panicked and don't remember what I did or anything that happened.'" *Commonwealth v. Price*, 421 Pa. 396, 218 A.2d 758, 760 (Sup.Ct.1966). Yet there appears to be no case supporting the contention that amnesia precludes competence as a matter of law. While this fact alone is not conclusive on the issue of due process, "it is plainly worth consideration in determining whether the practice 'offends some principal of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.'" *Leland v. Oregon*, 343 U.S. 790, 798, 72 S.Ct. 1002, 1007, 96 L.Ed. 1302 (1951). See, *United States v. Stevens*, 461 F.2d 317, 320 (7th Cir.1972) (endorsing view that an amnesiac's situation differs very little from a defendant who was home alone, asleep in his bed, at the time of the crime, or from a defendant whose only witnesses die or disappear before trial); *McClendon*, 437 P.2d at 423 (declaring that "amnesia is nothing more than a failure of memory concerning facts or events to which an individual has been exposed and ... every individual's memory process is marked by some distortion which may occur at any point"); *People v. Amador*, 200 Cal.App.3d 1449, 246 Cal.Rptr. 605, 607 (1988) (noting that, "The amnesic defendant is no worse off than the defendant who cannot remember where he was on a particular day because of the passage of time, or because he was drunk, drugged, unconscious or asleep at the time of the crime."); *Reagon v. State*, 253 Ind. 143, 251 N.E.2d 829, 831 (1969) (noting that "[m]any times ... evidence is lost, a material witness dies, or, as in this case, the defendant has amnesia as to certain events or a time. Rarely would we find a case in which a defendant could not contend that he was deprived of some evidence and therefore ought not to be tried"); *Morrow*, 443 A.2d at 112 (noting that everyone is amnesiac to some degree, and that the practical effect of amnesia is the same as being alone in bed at the time of the crime, or memory loss from drunkenness or drugs).

in and of itself, does not constitute incompetency to stand trial." *People v. Palmer*, 31 P.3d 863, 867 (Col. 2001). The Colorado court noted a leading federal case of *Wilson v. United States*, 391 F.2d 460 (D.C. Cir. 1968), relied upon by Finklea in the trial court, in which the district court ruled that a defendant may be deprived of a fair trial and effective assistance counsel due to memory loss of the crime, but that if reliable extrinsic evidence exist to ensure that to reconstruct the crime and possible alibi, then there was no bar to trying the defendant. While the South Carolina Supreme Court has no case on point in this jurisdiction adopting Finklea's reliance on *Wilson* is misplaced. The first factor cited by the Wilson court, "[t]he extent to which the amnesia affected the defendant's ability to consult with and assist his lawyer," mirrors the same inquiry that the South Carolina competency statute, § 44-23-410 requires. Respondent submit that there is no need to expand by holding that a defendant's ability to consult with and assist his lawyer also encompasses the ability to remember the circumstances out of which criminal charges arose. Accord, *State v. Peabody*, 611 A.2d 826, 832 (R.I., 1992).

Inevitably in this jurisdiction and others persons will be charged with crimes for which they have no memory. The causes of their amnesia may vary from psychological or physical trauma to drug or alcohol-induced blackout. Our criminal codes have been born of the societal interest in apprehending and punishing those who are guilty of serious crimes. We do not wish to provide a means of evading trial to those who are charged with criminal activity but cannot recall such activity owing to fortuitous circumstances or otherwise. Thus, acceptance of *Wilson* should be rejected.

Wilson advises that it is the overriding concern, in cases of complete amnesia, that there is no substantial possibility that the defendant have an alibi of other innocence defense. *Wilson*,

391 F.2d at 464. In *Wilson*, the Court noted that the following factors should be considered when determining the effect of amnesia on the fairness of a trial:

1. The extent to which the amnesia affected the defendant's ability to consult with and assist his lawyer.
2. The extent to which the amnesia affected the defendant's ability to testify in his own behalf.
3. The extent to which the evidence in suit could be extrinsically reconstructed in view of the defendant's amnesia.
4. The extent to which the Government assisted the defendant and his counsel in that reconstruction.
5. The strength of the prosecution's case.
6. Any other facts and circumstances which would indicate whether not the defendant had a fair trial.

391 F.2d at 463-4 (footnote omitted).

The third and fourth factors of the *Wilson* test, which would require the state to aid the defense in reconstructing the evidence, are already adequately ensured by in this setting by the requirement that the state give notice of evidence in aggravation in the capital case. This liberal disclosure rule provided the defendant with a mechanism with which to avail himself or herself of relevant evidence that is in the possession, custody, or control of the state. On the basis of this information and its own investigation, defense counsel may present its own theory of defense in response to the state's reconstruction of the case. To require the state to do anything beyond its statutory obligations would be repugnant to the adversarial underpinnings of our criminal justice

system.

The fifth and sixth factors of the *Wilson* test require inquiries into the "strength of the prosecution's case" and "[a]ny other facts and circumstances which would indicate whether or not the defendant had a fair trial." 391 F.2d at 464. Respondent believes that these inquiries simply masquerade as another way of asking whether the state has proved guilt beyond a reasonable doubt. See *id.* at 465 (Leventhal, J., concurring). If a defendant elects a trial by jury, the function of determining guilt is reserved for the jury. Under state procedure, the trial court may enter a directed verdict of acquittal if it finds there is insufficient evidence to sustain a conviction for the offense(s) charged.

Our rejection of the *Wilson* test stems from the fact that our criminal jurisprudence presently guarantees a fair trial that entails rules of evidence and procedure designed to ensure a workable balance of interests of the defendant, the prosecution, and the court. See *Comment, Amnesia, a Case Study in the Limits of Particular Justice*, 71 Yale L.J. 109, 136 (1961). Respondents adhere to the sentiments expressed by the Arizona Supreme Court that "limited amnesia does not totally incapacitate the defense and the defendant is free to assist counsel in numerous ways. We believe that a defendant is entitled to a fair trial, but not necessarily to a perfect trial." *State v. McClendon*, 103 Ariz. 105, 109, 437 P.2d 421, 425 (1968).

Consequently, we urge this Court to continue to adopt the approach taken by a number of jurisdictions and hold that amnesia, without more, does not per se render an accused incompetent to stand trial. See *United States v. Swanson*, 572 F.2d 523, 526 (5th Cir.1978); *State v. McClendon*, 103 Ariz. 105, 437 P.2d 421 (1968); *Reagon v. State*, 253 Ind. 143, 251 N.E.2d 829 (1969), cert. denied, 397 U.S. 1042, 90 S.Ct. 1364, 25 L.Ed.2d 653 (1970); *State v. Pugh*, 117 N.J.Super. 26, 283 A.2d

537 (1971); *State v. Willard*, 292 N.C. 567, 234 S.E.2d 587 (1977). However we do not adhere to the principle that amnesia may never support a finding of incompetency. Rather we believe the trial courts of this jurisdiction should consider each amnesia case on its own merits, which requires a meaningful hearing when a defendant's mental capacity is brought into question. It is conceivable that in certain instances a defendant's amnesia could be so severe as to render him or her unable to understand the proceedings and assist his or her counsel at trial. In such a scenario a defendant may well be incompetent within the meaning of § 44-23-410. However, Ron Finklea did not fit into that scenario.

WHAT OCCURRED IN THE TRIAL BELOW

On July 26, 2007 an initial competency hearing was held pursuant to defense counsel's motion. The defense presented Dr. Tora Brawley, a clinical psychologist, Dr. Kenneth Gaines, a neurologist, and Dr. Donna Schwartz-Watts, a forensic psychiatrist. R., Tr.p. 182-289. At the outset, the defense asserted that based upon Finklea's memory deficits that he may be incompetent to stand trial.

Dr. Tora Brawley initially testified in her expertise as a clinical psychologist. She spoke of her assessment of Finklea and learning from him a self-report of memory problems after his suicide attempt in jail. R., Tr.p. 189. She stated that he advised her that he had no memory of that and just recalled waking up several days later. She stated that he reports current memory problems, including recalling things that people tell him and concentration problems. He rated those problems as moderate and that he felt better after recent medication. Id. She opined after testing that Finklea does have a select area of deficits that are indicative of brain dysfunction, including a deficit in verbal memory and some deficits in visual spatial areas. R., Tr.p. 190-191. She opined that he was not malingering

nor giving less than best effort. R., Tr.p. 191-193.

On cross-examination, it was determined that Dr. Brawley had tested Finklea on May 17, 2007. More specifically, Finklea declared to Dr. Brawley that he had no recall of the days prior to his incarceration and last recalled taking his son to meet his grandparents and he felt like that was probably in mid-July. R., Tr.p. 195-196. He stated that he next recalled waking up in his cell and had no idea why he was there. R., Tr.p. 196. She concluded that Finklea has a memory deficit that suggests brain damage that is consistent with anoxia. R., Tr.p. 198. Importantly though, dr. Brawley confirmed that she can not give any opinion as to whether he is malingering on whether he does not remember what happened from mid-July. R., Tr.p. 200, l. 1-15. Dr. Brawley also noted that he saw some motor deficits in her testing. R., Tr.p. 228-229.

The neurologist, Dr. Kenneth Gaines, testified that he opined as a results of his testing, that Finklea had suffered an anoxic brain injury as a result of a self-inflicted hanging after his incarceration. R., Tr.p. 206. The injury resulted, he stated, from a lack of oxygen during the attempt and described him as severely impaired neurologically after the incident. R., Tr.p. 206-207. He described Finklea as being near brain death at the time of the hanging. However, Dr. Gaines determined that he tested the cognitive area and did find a recent memory deficit, but that he found "his level of cognitive function to be largely intact and consistent with his previous training." R., Tr.p. 208, l. 9-19. He did find some additional physical movement disorders consistent with someone who had anoxic brain injury. Dr. Gaines opined that the memory impairments were permanent in nature and were not reversible. R., Tr.p. 209, l. 5-10.

On cross-examination, Dr. Gaines conceded that he was not there to render an opinion on whether Finklea had the ability to understand the proceedings or confer with his lawyers. R., Tr.p.,

210. He confirmed that he had spoken with the Appellant about his memory and was told that there was a period about one month prior to the hanging that he does not recall. However, Dr. Gaines conceded that he would have no way of substantiating whether his alleged memory loss around the events of the crime and the events of his suicide are true. R., Tr.p. 217, 19-25.

Q. Basically bottom line, Doctor, you're saying that his claim of a memory loss of the events surrounding the murder in this case and his hanging is consistent with the anoxic event he suffered because of a self-inflicted hanging; is that correct?

A. That's correct.

Q But bottom line, you can't say whether that memory loss exists or doesn't exist other than it's -- his claim is consistent with, but there's no way to verify whether that's true or not, is there?

A. That's correct.

R., Tr.p. 223, l. 13-24. Also, R., Tr.p. 225, l. 11-p. 226, l. 2.

Dr. Donna Schwartz-Watts noted that in her interview with Finklea that she was concerned about the existence of brain damage. R., Tr.p. 236. She noted that after his hanging incident that a neurologist think not think that he would regain consciousness. R., Tr.p. 237. She testified that she diagnosed him with a "cognitive disorder not otherwise specified" which suggests some brain damage but not dementia based upon the anoxia that caused long-term and short term memory impairments.

Dr. Watts also diagnosed him with "adjustment disorder." She based this on the severity of the legal stressors he was under now with family and health issues. R., Tr.p. 238. She noted the medication that he was on to control factors including anxiety. R., Tr.p. 238-240. She opined that the medications would improve his level of functioning.

Concerning the assistance prong for competency to stand trial, she opined that :

... it's my opinion with a reasonable degree of medical certainty, he clearly has a rational and factual understanding of these proceedings. Even given his brain damage, his current level of functioning -- and you have to keep in mind, when you have brain damage, not all of your brain cells die. So over -- the farther away he gets from his injury, some of his brain functioning is going to improve. His brain cells that were not killed can begin to function again. So over time he should be getting better. So certainly his present mental state is not inconsistent with somebody that's had brain damage, but right now he certainly has a rational and factual understanding of these proceedings.

The concerns I have -- and, Your Honor, he has an ability, he has a present capacity to assist Ms. Kimbrough in his defense. He's self-protective to a degree that he's able to be. He clearly trusts his lawyers. He's very forthcoming. For example, today when I was examining his mental status report, I got the date wrong and he corrected me. I had the date wrong by a day and he was able to tell me it was the 26th today instead of the 27th, so he has a present capacity to pay attention. I think he has a present capacity to take notes.

The concern I have is his reporting that he does not have memory from the time of the summer preceding a few months before this crime until after he was returned from the hospital.

R., Tr.p. 241-242, l. 21. Dr. Watts opined that the memory loss was consistent with an anoxic episode. His last memory before the events were dropping off his son in mid-June. She felt the fact that the memory loss predates the actual crime gave it clinical weight to her. R., Tr.p. 243. She admitted that no one can know if it was true because it would be based on Finklea's own reporting. R., Tr.p. 243-244.

Dr. Watts noted that she had worked on amnesia cases before including the Duncan Proctor case. She noted that there were differences because Finklea has a co-defendant with a prior legal history. She opined to a reasonable degree of certainty in her field that "for whatever reason, he certainly has brain damage is a reason, that he is not giving you details about what happened before, during and after this crime and that it will limit" the defense. R., Tr.p. 248, l. 7-12.

On cross-examination, Dr. Watts confirmed that Finklea has a rational and factual understanding of the proceedings, that he can assist his counsel (although he cannot relate facts concerning the specific incident) and that he can assist counsel in jury selection. R., Tr.p. 252-253. She noted that his current memory problems are not that severe. R., Tr.p. 252-253. She confirmed that there was no way to tell if he was telling the truth about his memory loss. R., Tr.p. 253-255. She stated that Finklea has many reasons to lie - shame, guilt, and his family. She noted that Proctor was similar except there was no co-defendant in that case and the death penalty was not at issue.

As to the Dusky factor's Dr. Watts opined:

Q. And I think this will just be breaking down a little more some of the questions I asked you at the beginning. He does understand the proceedings against him today, he understands that he's facing the death sentence and he understands that he's charged with murder and another crime, doesn't he?

A. Yes.

Q. He understands what those charges are, what the elements are and what the punishment of those crimes are?

A. Yes.

Q. He understands who his attorneys are and what their job is?

A. Yes.

Q. He understands what the role of the Solicitors are in this case?

A. Yes.

Q. He understands what the Judge's job is?

A. Yes.

Q. He understands the process of the jury, how they're involved and how they work and what their duties are?

A. Yes, he does.

Q. He can consult with his attorneys about what's going on in court, he understands what they say and they understand what he says?

A. Yes.

Q. And as the court's going on today, he understands what we're doing today, doesn't he?

A. Yes. He's certainly not at an agreement. He's been paying attention to my testimony. I've watched him, he's paid attention to all the experts today.

R., Tr.p. 258-259.

Dr. Watts on redirect responded that if the codefendant Theodore Davis or witness Robin Gripper testified, that Finklea's lack of memory of the incident would not assist them in asking probing question about the incident. R., Tr.p. 260-61. Dr. Watts opined that she could not give an opinion on whether or not the defense, as opposed to the defendant, had the ability to reconstruct the knowledge of what happened because she had not seen all the sources of information. R., Tr.p. 265.

After this hearing, the trial court deferred ruling until testing could be completed that was presented in the testimony.

On August 10, 2007, a followup competency hearing was held. During that proceeding, Finklea testified. R., Tr. 312- 341. He testified that he understood the charges against him and that the date of the crime was in August 2003. He stated that his last memory prior to the crime was when he took his stepson to his grandparents. R., Tr. 313. He stated that his next memory was waking up in jail. R., Tr.p. 314.

On cross-examination, Finklea stated that he did not recall taking Robin gripper up to Michigan or renting a car. He stated that he did not recall coming to court after his release from the

hospital. He confirmed that he was able to assist his counsel, other than the memory issue, and was aware what the judge and jury's role was. R., Tr. 318. He described the fact that Davis is his brother in law and he last recalled seeing him in May and met Fuller in the middle of June. R., Tr. 319. He recalled telling people in August that he had no memory why he was in custody. R., Tr. 320-322.

Upon the court's inquiry, Finklea recounted his family history. This included how long he had lived in S.C. (October 2002), his movements from Alabama and Michigan, his wife and children and his reasoning for choosing to live in St. Matthews. R., Tr. 323-324. His employment history, his educational background, and the particular medications he was on. R., Tr. 324-326. He described his reasoning for leaving employment in May from Selectron to get back into physical condition to re-join the military. R., Tr. 329, 332.

On redirect, Finklea denied remembering Walter Sykes or any security guards. R., Tr. 334. He recalled using the ATM previously. However, he denied recalling having a nine millimeter gun or cartridge. R., Tr. 335. He testified about other matters related to clothing he possessed. R., Tr. 335-337.

Deputy Duane Peake testified that he met with the Appellant on August 7, 2003 in Monroeville, Alabama along with Deputy George Brothers. After giving Miranda warnings, he discussed the murder with the Appellant who initially denied any knowledge. R., Tr.p. 345, l. 9-19. When he was told that his codefendant, Theodore Davis had given a statement that he was there, he stated "I wasn't there." After a video was played, Finklea was asked who right there and they said to him that it was him. At that point, Deputy Peake stated that Finklea responded: "well if that's me, I'm fu-ked" and fell to the floor crying. Once they got him up, he stated: "well if that's me, I don't remember it." R., Tr.p. 346, l. 10-20, p. 355. This interview was before any suicide attempt by the

Appellant. R., Tr. 346-347.

At the conclusion of the hearing on August 17, 2007, Judge Newman, relying upon the Wilson case's factors, ordered the state to open its file to the defense and provide any defense or any assistance in restructuring the facts and events that date. R., Tr. 395-396. Also R., Tr. 401-402.

Solicitor Myers asserted that they had given about all of their file, but concluded that they will worked with them on it. He stated that they had already gone further in providing material in the case than they were required to do. R., Tr. 396.

On August 24, 2007, the competency hearing continued. Dr. Richard Frierson, the court appointed neutral expert and a forensic psychiatrist testified about his assessment. R., Tr. 412-447. He stated that he did his evaluation of Finklea on February 28, 2007 and March 12, 2007. R. Tr. 415. He stated that he was assisted by Dr. Marla Domino and a neurologist. R., Tr. 416. Dr. Frierson stated that in his opinion, he understands the charges against him and the possible punishment, he can explain what the charges are, he is aware of the duties of the defense counsel, the judge and the prosecutor, and the jury. R., Tr. 418. Further, he opined that Finklea understood the difference between guilty and not guilty, the serious nature of the charge and to control his behavior in court. R., Tr.p. 418. Dr. Frierson stated that Finklea was able to converse with his counsel what he remembers and trusts his counsel. R., Tr. 419.

Dr. Frierson stated that Finklea does suffer from a major depressive disorder. He stated that this has been treated and he has shown a favorable response to it. R., Tr. 419. He states that this has no impact on his present competency. Id.

Concerning the alleged amnesia and anoxic brain injury, Dr. Frierson stated that he had reviewed the Lexington medical records and had him examined by their neurologist, Dr. Miroslav

Cuturic as well. Dr. Frierson opined that the amnesia for the events of the offense is not a per se bar to competency. He stated that in his teaching curriculum, he teaches about the case, Wilson v. U.S., who suffered from amnesia due to a head injury. He stated that in Wilson, it was held that the amnesia was not a bar to competency per se as long as there is abundant evidence in the case to negate all claims of innocence and that Wilson required a separate hearing after to determine whether there was significant prejudice to the case. R., Tr. 421. He noted that the second stage was a legal determination. However, he stated from a psychiatric standpoint, amnesia is not sufficient by itself to render a person incompetent to stand trial. R., Tr. 421-422.

Dr. Frierson stated that there was evidence of amnesia, but it is not a bar to competence. R., Tr. 422. He found evidence of anoxic injury by the twitching of face muscles (hypoxic myoclonus) and some claimed incontinence. R., Tr. 423-424. He also read report of additional spinal damage from the hanging. R., Tr. 425.

Dr. Frierson confirmed that there is no way to determine if Finklea is malingering concerning his loss of memory for that length of time. R., Tr. 436. However, he stated it did not matter to him whether the amnesia was real or malingered because his opinion on competency would be the same. R., Tr. 437. However, he asserted that he had no reason to suspect that he was malingering since the injury to the brain is documented and the symptoms are not uncommon. R., Tr. 437. Like the other experts, Dr. Frierson stated that Appellant reported his memory after the incident as being at the Lexington County detention center. R., Tr. 437. He reported to Frierson that it went back to mid-July. He reported other matters to him, but he stated he did not recall being in Alabama before his arrest.

Dr. Frierson declined to opine whether amnesia significantly impaired the fairness of a trial. R., Tr. 441-442.

The defense argued that they had the burden of proof. Counsel Kimbrough asserted that the findings of all the experts were consistent. R., Tr. 447. She relied upon Wilson and sought to address the Wilson factors to suggest that he was not competent. R., Tr. 449-456.

The state asserted that Finklea was competent to stand trial. He noted the additional disclosure that he was done pursuant to the Court's directive. He pointed out that the video showed one person entering the security guard's office who has been identified as the defendant. He notes that the victim is seen coming out and then falling to his death. R., Tr. 458. Solicitor Myers stated that they had provided a witness list for the guilt phase, re-created the three to four weeks of alleged amnesia. He pointed out the evidence of womanizing and drugs happened before the amnesia period. He stated that the work product notes and list of potential witnesses was provided. R., Tr. 459. See also R., Tr. 476-477.

Judge Newman opined that Finklea was competent to stand trial. Particularly, he opined that the test was whether the defendant has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational as well as a factual understanding of the proceedings against him. R., Tr. 462-463. He stated that the defense is actually seeking the trial court to extend and make a constitutional ruling that bars execution of a person who does not remember what he did, which the court refused to do. R., Tr.p. 463, l. 4-18. The trial court concluded:

As to the issue before me, I find that the defendant is competent to stand trial. I do not find that the defense in this case is at such a disadvantage that the defendant's right to a fair trial would be deprived given the measures that the Court took pursuant to the *Wilson* case and also pursuant to the *Stubblefield* case to help ensure that the defendant receives a fair trial.

I believe that given the test in our state regarding competency to stand trial from the Proctor case, the *State versus Reed*-- in the *State versus Reed* the Court indicates that the test is not whether he's actually cooperating with his lawyer, but

whether he has the mental capacity to do so. I find that he has the mental capacity to cooperate with counsel. I find that his ability to assist counsel coupled with the discovery disclosures by the State meets the constitutional test.

And I find that the --without the Court attempting to determine whether or not he is, in fact, suffering from amnesia to the extent that he says that he is since according to the witnesses, there is no test that can or has been given to make a complete assessment of that issue, maybe he is amnesic or maybe he's not, I don't know, but giving him the benefit of the doubt based on the testimony and based on the Court's ruling assuming that he is, I nevertheless find that he is competent to stand trial. I, therefore, find that the defense has failed to meet its burden of proof by a preponderance of the evidence.

R., Tr. 463-465. The trial court noted that the competency evaluation had been ordered over the defense's objection.

Defense counsel Kimbrough, however, denied that they were asking the trial court to make a constitutional ruling. R., Tr. 466.

The trial began on August 29, 2007 after jury selection. At the outset, the Appellant was placed under oath by his counsel concerning a general concessions of guilt to be made by his counsel at the trial, although still challenging whether he was the shooter and the arson charge. R., Tr. 1112-1119.

At the conclusion of the guilt phase, the Appellant was convicted of the charges. During the penalty phase, the defense called Dr. Tora Brawley, the defense psychologist and Dr. Richard Frierson, the court's expert concerning the mental status and alleged amnesia. R., Tr. 2116-2130, p. 2162-2177.

After the death sentence verdict, Judge Newman, adopting the procedures in *Wilson v. U.S.*, supra., entered an order concluding that a new trial was not necessary and concluding under the Wilson factors that Finklea was competent and the alleged amnesia did not undermine the trial's fairness. The extraordinary order speaks volumes about the fairness:

THE COURT:

... the case of State versus Finklea, will go down in the annals of human history as a very sad and tragic case. By all accounts, you have a fellow, Mr. Davis -- Mr. Finklea that is, not Mr. Davis, Mr. Finklea, who grew up in Alabama on hard times, seemed to work his way from there out to west -- the north west, ended up in, I guess, in the Seattle, Washington area, got married, had a child and family out there.

And then, at some point, is in the service, did an excellent job in the service, became a leader of men in the service and won the friendship and confidences of a lot of excellent officers in the service and appeared that he was an excellent officer as well.

Then left the service, ended up here in South Carolina. Apparently, in a distraught, dejected, depressed state or some sad state because of whatever he -- whatever joys and successes that he had experienced in the military, he no longer experienced here in Columbia and ended up working these temporary service jobs, including the job at Selectron. It appeared that he missed the military, wanted to get back in the military, could not get back into the military and resorted to criminal activity. And based on the testimony of the case, the criminal activity included dealing drugs.

And it appears he spent his wife's money while she was in Iraq and decided that he needed to try to get some money and thought he could get money at Selectron and was willing to do any and everything to get that money, including robbery and killing, which he did.

Then left South Carolina, went back to Alabama after participating in the killing of Mr. Sykes and burning his body. And then was arrested in Alabama, brought back to South Carolina where he tried to kill himself and was almost successful in killing himself and suffered serious, permanent injuries, including what has been testified to to be amnesia concerning for the period of time of about a month or -- a few weeks before the killing of Mr. Sykes to a few weeks after. But the window of opportunity of this amnesia was -- it wasn't that long. So, in many ways, his case is not unlike a lot of cases of people who come to court and cannot account for the actual criminal offense that they're accused of doing either because they were high on drugs, passed out, blocked it out of their minds, refused to allow themselves to remember, blotted it out for whatever reason. And in most instances, it's not as significant a situation as that of Mr. Finklea.

But courts are often confronted with situations where the defendant is represented by counsel and the defendant is telling his lawyers, I don't remember, I don't know what y'all are talking about, I don't remember any of that. So the court has to figure out ways to address that concern by ensuring that the defendant, despite not being able to remember or recall events, that the defendant nevertheless is afforded a fair trial.

And, in this case, taking everything in the light most favorable to Mr. Finklea as far as whether or not he had amnesia, the Court fashioned a remedy on the assumption and presumption that he did have amnesia. And that remedy

was to have the State turn over all of its evidence, that it intended to open its files to give discovery to the defense to help the defense reconstruct any defense and to make certain that the evidence in the case negated all reasonable hypotheses of innocence.

The State did that. We conducted the trial. The defense moved for a continuance. The Court denied the motion for a continuance, but instructed the defense that should the State call any witness that you have not had an opportunity to interview that you want to talk to, that you think that you're being surprised by the testimony, the Court will recess the trial, if necessary, give you an opportunity to talk with those witnesses to be sure that the defendant, Mr. Finklea, is being adequately represented.

There were no requests during the trial for any recess, stopping early for the Court to give the defense an opportunity to talk to any witness. In fact, all of the witnesses who were called, I believe, other than law enforcement officers, were people who were known by Mr. Finklea or by the defense.

They included co-workers, people who worked at Selectron, either worked with Mr. Finklea. The one guy who says that Finklea threatened someone on the job, he was a co-worker of Mr. Finklea, something that Finklea would have had no problem of recalling because this was far in advance of this alleged amnesia.

The other co-workers who testified involved the security people at Selectron. These were people who the defense certainly, through all of thousands of dollars that the State invested in helping the defendant, ensuring the defendant would have an adequate defense, including investigators and medical witnesses, the defense certainly had an opportunity to investigate and learn all they might want to be -- should have learned about the Selectron security officers, one of whom Mr. Finklea killed. And those folks included people who were there as fellow workers around the time that Mr. Sykes was killed or the supervisors.

The other witnesses who testified were people well known to Mr. Finklea well in advance of this period of alleged amnesia included his sister-in-laws and close family people or people he either lived with, traveled with or knew well. And they testified concerning events well in advance for the most part of the -- of this period of alleged amnesia, except perhaps the lady who said that she went with him to Michigan, I believe it was, to pick up this gun, but that witness also testified to other events involving Mr. Finklea and what he was doing at around the time.

And that Mr. Finklea's period of amnesia is what he said it was and the doctors said it was, then evidence concerning those other witnesses were witnesses that he certainly could have shared with his counsel.

Mr. Finklea had an opportunity to address the jury during the course of the trial and made his plea to the jury in a clear fashion.

I don't know what more the defense could have been able to do had Mr. Finklea told you everything that he did during that period of time that he says he cannot remember. For the most part, his steps were retraced by his own folks and by the State and by law enforcement.

It's clear that he went to the airport and rented a car. It's clear that he went by

Selectron the night before the murder and talked with the people there and asked them questions that he already knew the answers to or questions that involve -- that helped him in planning this murder.

He was caught on tape that night wearing a jacket which was the same jacket he wore when he worked there and took his job picture, his photo I.D., they had him in the computer system, they easily identified him. He dropped that I.D. the night of the murder.

And what was represented initially to be these blurry photographs ended up being quite clear to me, particularly the photographs that were presented during the penalty phase. The photographs -- the video that was taken not by the ATM machine, but by the overhead Selectron security system and the witnesses who identified Mr. Finklea as being the person in the video, I think the evidence was overwhelming that that was, in fact, Mr. Finklea in the video and that was, in fact, Mr. Finklea who shot Mr. Sykes twice, that is Mr. Finklea who set him on fire and that is Mr. Finklea who could have assisted him and had some opportunity to come to his senses, but never did. He left him to die after shooting him and setting him on fire.

Now, the fact that he had no prior record and the fact that in some other venues, he may have gotten a life sentence, didn't work for him here in Lexington County where he got a death sentence.

I believe that he had a fair trial from the Court's perspective of what the Court could do. Whether or not he had the best advocacy on his own behalf, that's a PCR question for someone else to determine whether his lawyers were effective in representing him.

But from the Court's perspective in providing money for his defense, making sure that he got a fair trial, and I can't think of anything else the Court could have done to make the playing field anymore level for Mr. Finklea considering the hand that he dealt himself when he tried to kill himself.

There were witnesses that the State paid for the defense or investigators, including the forensic -- Doctor Donna Schwartz-Watts, forensic psychiatrist, other psychiatric people, medical people, neurological people and criminal investigator, none of those folks testified during the trial for him, though some of them were present in the courtroom during portions of the trial.

So I think that the model set forth for dealing with the -- with situations similar to this through this Wilson case was a good guide by the Court to follow in trying to assure a fair trial. And having taken this opportunity to review the trial to determine whether or not the amnesia affected his ability to have a fair trial, I find that he had a fair trial based on the Court's pretrial orders and also based on the apparent lack of prejudice to him and based on the overwhelming evidence of his guilt.

It's -- this case of Mr. Finklea's guilt and Mr. Finklea being the trigger man who killed Mr. Sykes was one of the strongest cases I've ever seen, the evidence was overwhelming. I don't believe -- well, I'll be amazed if anyone in the

courtroom had any doubt that the jury would find him guilty based on the overwhelming evidence presented that showed his guilt, **not only his guilt of being involved in the crime, but his guilt in being the trigger man.**

Of course, he offered a defense to say that the co-defendant was wearing his clothes and hid murder -- hid those clothes behind his mother's house in Alabama and none of that appeared to have any credibility.

It was fairly clear based on the evidence presented that based on the video, the clothing, the DNA evidence, other forensic evidence and all the evidence taken as a whole, that Mr. Finklea killed Mr. Sykes and that there are very aggravating circumstances that would cause the jury to impose the death penalty despite the fact that he did not have prior criminal convictions.

Of course, the jury was given an instruction concerning mitigating circumstances to include the circumstances of his health and just the overall situation that he found himself in at that time of trial.

So based on all of that, I deny the motion for a new trial. I reaffirm the Court's prior rulings. **And I find that having conducted this hearing post-trial, I find that the amnesia that he claimed did not affect his ability to get a fair trial in this case and I find that he did, in fact, have a fair trial. And that's the order of the Court.**

R., Tr. p. 2320, l. 19 - p. 2329, l. 22.

CONCLUSION

The State submits that there is evidence to support the trial court's conclusion that Finklea was competent to stand trial. The experts each concluded that whether the defendant has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational as well as a factual understanding of the proceedings against him. There was no question about his present ability to understand and communicate rationally. The only issue was whether the alleged amnesia precluded competency. His showing was not sufficient.

Since the amnesia was clearly not so severe as to render him or her unable to understand the proceedings and assist his or her counsel at trial, the Appellant was competent to stand trial. Alternately, under the unique facts of this case, the Appellant failed in his burden of proof under the requested analysis in *Wilson*.

As Judge Newman noted the evidence of guilt was overwhelming as to the Appellant being involved and the triggerman. As stated, five days after the incident, well before the hanging incident, when confronted with the crime scene video revealing his involvement in Walter Sykes death, Finklea declared, if "that is me, I don't remember." R., Tr.p. 1433, l. 1-16. The Appellant's credit card is found at Selectron. R., Tr. 1380-81, 1431-1432. The Appellant, the former employee was aware of the ATM in the building. The Appellant had traveled to Michigan to get a nine millimeter gun and a cartridge consistent with that type gun was found in Appellant's home after a search warrant was executed. R., Tr. 1415-16. Further, Appellant rented the car taken from Calhoun County to Selectron to Alabama. R., Tr. 1421, 1613. Further, Finklea went to K-Mart and purchased the gasoline can. R., Tr. 1477. Finklea also had asked about surveillance on August 1, 2003. Clothes, a jacket and a distinctive hat consistent with August 1, 2003 is found in Finklea's home and a shirt worn the next night is found in Alabama behind Finklea's mother's home. R., Tr.p. 1257-1262, 1269-1271, 1415-16, 1532. The victim's DNA was also found on Finklea's shoes recovered in Alabama. R., Tr. 1612. Further, Finklea was identified from the videos of August 1 and August 2. R., Tr.p. 1491-96, 1499, 1645-1651. Further, evidence revealed that on July 31, 2003, the Appellant indicated that he was traveling to Michigan to get a gun. R., Tr. 1637-1639.

The Appellant failed in his burden of proof. The allegation must be dismissed.

II. The mere use of a demonstrative aid of a lighter during the closing argument does not require a new sentencing proceeding where the use was illustrative of the circumstances of the crime and did not undermine confidence in the outcome.

In State v. Northcutt, 372 S.C. 207, 641 S.E.2d 873(2007), the Court reiterated the following standard that: "Solicitors are bound to rules of fairness in their closing arguments as we explained in State v. Linder, 276 S.C. 304, 312, 278 S.E.2d 335, 339 (1981):

While the solicitor should prosecute vigorously, his duty is not to convict a defendant but to see justice done. The solicitor's closing argument must, of course, be based upon this principle. The argument therefore must be carefully tailored so as not to appeal to the personal bias of the juror nor be calculated to arouse his passion or prejudice.

Northcutt, supra. See also , Williams v. Ozmint, 380 S.C. 473, 671 S.E.2d 600 (2009). It is with this standard of fairness that prosecutors should be guided.

In the argument before this Court, Finklea asserts, although his question presented and argument heading limit themselves to a solitary objection to the use of a demonstrative device during the argument, that the argument must be considered under the arbitrary factor standard of Section 16-3-25. However, his assertion therein, though unpreserved by objection falls woefully short. Apparently, under the Appellant's theory, presented for the first time before this Court, the admission of any evidence in the penalty phase, that would be inappropriate in a guilt phase creates an arbitrary factor. As the lessons of the past precedent of this Court must teach us and guided the trial judges and prosecutors of this state for over a decade, the purpose of the bifurcated proceeding is to permit the introduction of evidence in the sentencing proceeding which ordinarily would be inadmissible in the guilt phase, and in the sentencing proceeding, the trial court may permit the introduction of additional evidence in extenuation, mitigation, or aggravation. State v. Kornahrens, 290 S.C. 281, 350 S.E.2d 180 (1986).

Here, the case concerned a horrific murder arising from a botched robbery, then shooting the victim and subsequently setting him on fire while alive. The three of four statutory aggravating factors that the state was presenting that had to be proved beyond a reasonable doubt involved:

- a) murder was committed while defendant was in the commission of a burglary. [R., Tr. 2271-2272].
- b) murder was committed while in the commission of a robbery while armed with a deadly weapon. [R., Tr. 2272-2273].
- c) murder occurred while in the commission of physical torture. [R., Tr. 2273-2274].

In addition, the jury had a right to consider "victim impact evidence" concerning the impact of the crime upon the victim and the survivors as a "circumstance of the crime." *Payne v. Tennessee*, 501 U.S. 808, 111 S.Ct. 2597, 115 L.Ed.2d 720 (1991). See also, *State v. Bennett*, 369 S.C. 219, 228, 632 S.E.2d 281, 286 (S.C.,2006) .

STANDARD OF REVIEW

A solicitor's closing argument must be carefully tailored so it does not appeal to the personal biases of the jurors. *State v. Copeland*, 321 S.C. 318, 468 S.E.2d 620 (1996); *State v. Linder*, 276 S.C. 304, 278 S.E.2d 335 (1981). Further, the argument may not be calculated to arouse the jurors' passions or prejudices and its content should stay within the record and its reasonable inferences. *Simmons v. State*, 331 S.C. 333, 503 S.E.2d 164 (1998). Additionally, a solicitor's closing arguments in a capital trial should focus on the defendant's character, his background, and the nature of the crime. *State v. Reed*, 293 S.C. 515, 519, 362 S.E.2d 13, 15 (1987). The arguments must be viewed in the context of the entire record, and the relevant question is whether the comments infected the trial with unfairness so as to make the resulting conviction a denial of due process. *State v. Patterson*, 324

S.C. 5, 17, 482 S.E.2d 760, 766 (1997).

State v. Bennett, 369 S.C. 219, 231, 632 S.E.2d 281, 288 (S.C., 2006).

The test of granting a new trial for alleged improper closing argument is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process. Darden v. Wainwright, 477 U.S. 168, 106 S.Ct. 2464, 91 L.Ed.2d 144 (1986); Donnelly v. DeChristoforo, 416 U.S. 637, 94 S.Ct. 1868, 40 L.Ed.2d 431 (1974).

In State v. Durden, 264 S.C. 86, 212 S.E.2d 587 (1975), our Supreme Court set forth the parameters of permissible prosecutorial argument:

In 23A C.J.S. Criminal Law § 1107, closing arguments, similar to that of the solicitor in this case, are discussed as follows:

"So long as he stays within the record and its reasonable inferences, the prosecuting attorney may legitimately appeal to the jury to do their full duty in enforcing the law, or to return the verdict which he conceives it to be their duty to return under the evidence, and may employ any legitimate means of impressing on them their true responsibility in this respect, as by stating that a failure to enforce the law begets lawlessness. Thus, he may in effect tell them that the people look to them for protection against crime, and may illustrate the effect of their verdict on the community or society generally with respect to obedience to, and enforcement of, the law; he has the right to dwell on the evil results of crime and to urge a fearless administration of the criminal law; and he may ask for a conviction, or assert the jury's duty to convict. He may argue with reference to any matter which the jurors may properly consider in arriving at their verdict, and may point out as well the matters which they should not consider."

Durden, 264 S.C. at 92, 212 S.E.2d at 590.

If a Solicitor's closing argument remains within the record evidence and the reasonable inferences therefrom, no error occurs. *Id.* Undoubtedly, a Solicitor may argue the State's version of the testimony presented, and furthermore may comment on the weight to be accorded such testimony. See State v. Raffaldt, 318 S.C. 110, 456 S.E.2d 390 (1995); State v. Allen, 266 S.C. 468, 224 S.E.2d 881 (1976). On the other hand, a closing argument may be held improper where it appeals to

personal bias or arouses the jury's passions or prejudice. See Durden, supra; State v. White, 246 S.C. 502, 144 S.E.2d 481 (1965).

The appropriateness of a solicitor's closing argument is a matter left to the trial court's sound discretion. State v. Copeland, 321 S.C. 318, 468 S.E.2d 620 (1996). The appellate tribunal will not disturb the trial court's ruling regarding closing argument unless there is an abuse of that discretion. State v. Penland, 275 S.C. 537, 273 S.E.2d 765 (1981).

WHAT OCCURRED IN THIS CASE

During the Solicitor's penalty phase argument, he presented to the jury a convincing picture of the circumstance of the crime leading to the horrible death of Walter Sykes. The setting the of challenged objection to the "lighter" occurred in the following manner:

Now, he's going back inside to finish his plans for poor Walter Sykes, but he forgets something.

You remember he headed in and he forgot something and he turned around and he went back, what did he get? The coup de grace, the gas can. And he's reaching for that gun again. He shoots Walter Sykes again. And you know that in that video because when this fellow came in and he was over by the ATM, he jumped up one time, he was startled. And then his cohort goes over there and looks, kind of peeks in there and he takes off, he's out of here. Here comes the defendant out with a red gas can. Gas can in the left hand, red one, running out and what's in his right? A black pistol in his right. He's done his job. Can you imagine the fear, the horror of Walter Sykes looking at a nine millimeter pistol and a –

MS. KIMBROUGH: Objection, Your Honor.

THE COURT: Yes, ma'am?

MS. KIMBROUGH: We believe that the use of the gun and the gas can, neither of which are in evidence, is prejudicial.

MR. MYERS: They're demonstrative to show what happened, Your Honor.

THE COURT: The objection is overruled. They're for demonstrative

purposes only.

MR. MYERS: Can you imagine the horror, the horror of him seeing a bullet, the flash of the gun and it coming right into his lip? Can you imagine the horror of another shot going through his neck, and somewhere along in there he had to be on the floor, you remember Officer Mike Phipps that testified right here? He said, under that desk was blood splatter. He had to be below the desk. Did he shoot him when they're down, or they're down and then they get up and you remember that bloody hand print on the chair. And we're just getting started, now comes the real thing. Gasoline pouring on another human being and the fire, the fire, the burning. When you're cooking sometimes and you touch the stove or the frying pan or you reach in the oven and you touch that hot thing or you're grilling, whoo, oh, it hurts, it's painful. It grabs your attention, you probably run to the sink, want to put some water on it. Probably the most painful thing that a person can do --

MS. KIMBROUGH: Objection, Your Honor.

MR. MYERS: -- is to be lit on fire.

THE COURT: Basis for the objection?

MS. KIMBROUGH: Solicitor Myers has just ignited some sort of fire device, appears to be some sort of lighter. It's extremely large. We believe it's prejudicial. It's meant to prejudice the jury, to inflame them.

THE COURT: Mr. Myers.

MR. MYERS: Talking about the circumstances of this crime, Your Honor, physical torture.

THE COURT: The objection is overruled. The use of these things for demonstrative purposes is allowed.

MS. KIMBROUGH: Thank you, Your Honor.

MR. MYERS: For that feeling and you can't get away from it. What about when you're burning trash and you got a bunch of limbs and leaves out there and you pour a little gasoline on it and you throw a match in there, whoof, the concussion just blows you back, sometimes it may singe your eyes. Well, what if it's all over your body and you can't get away from it, it's engulfed you? He's going back to the ATM machine. The last, last moments of a good man's life on fire. When he first starts running, you know they teach you to roll when you're on fire, he tries to roll over, falls down, he

falls up against this wall, gets up. He's still running, blood coming out of Ron Finklea's bullet holes, his life's blood is draining from his body, his life is spurting away, blood's going down his throat and fire is coming in his nose and he's trying to get away. And you see the blood, you see it spurting out with each step, with each heartbeat. And he goes out on the grass trying to roll over. The defendant's down here and he's looking out. The last of the life of a good man, Walter Sykes. He's been skinned alive by the flames and gasoline of Ron O'Neal Finklea. The worst of the worst, the punishment fitting the crime, how much worse can it get?

R., Tr. p. 2239, l. 9 - 2242, l. 22. [A photograph of the lighter is included in this court's records].

ANALYSIS

The prosecution had the right to argue the existence of the torture committed by the Appellant and to describe the circumstances of the crime and present the impact of the actions upon the victim. The mere use of a lighter as a demonstrative device plainly does not reveal an action that infects the trial with unfairness. To the contrary, the device was consistent with the state's theory in the case. The state, in a capital case is allowed to show the true nature and effect of the defendant's actions in the penalty phase.

The use of the lighter was merely a demonstrative aid. Even when demonstrative evidence is not admissible into evidence, it may still be used to help explain and illustrate the admitted evidence. See *Johnson v. Charleston and W.C.R. Co.*, 234 S.C. 448, 108 S.E.2d 777(1959). "Demonstrative evidence is distinguishable from exhibits that comprise 'real' or substantive evidence, such as the actual murder weapon or a written document containing allegedly defamatory statements." *Clark v. Cantrell*, 339 S.C. 369, 383, 529 S.E.2d 528, 535 (2000). The appropriateness of a solicitor's closing argument and use of such aids are matters left to the trial court's sound discretion. *State v. Copeland*, 321 S.C. 318, 468 S.E.2d 620 (1996).

The use of this lighter, consistent with the facts of the case, are a far cry from the reliance he

places on *Northcutt*. In *Northcutt*, the prosecutor simulated a funeral of the victim, a matter found solely to inflame the jury's passion. Here, instead, this was an actual recreation of the crime and the Appellant's preparation for his actions. The court was not abusing his discretion. As revealed above, viewing the argument in context, it is evident the trial court's assessment should be given deference. The stated issue must be rejected.

Within his argument, he makes unpreserved complaint about the state's admission of penalty phase evidence.⁴ Since the Appellant makes no argument in the Initial Brief of Appellant, p. 12, that any of this evidence was inadmissible nor that the admission was an abuse of discretion, Respondents will not address the issue. As stated in the question presented and argument heading, this issue concerns the penalty phase closing, not the admission of individual pieces of evidence.

⁴The Appellant notes the admission of a surveillance camera video showing Sykes running from the building in flames and collapsing to the ground. R., Tr. p. 1964, line 1 – p. 1973, line 24 (State's Exhibits 109 [DVD of surveillance video] and 111 [stills from surveillance video]); R., Tr. p. 2000, line 3 – p. 2005, line 5 (State's Exhibits 119 through 126 [photographs]). He comments on the use of a mannequin at trial to display in the charred remains of Sykes' uniform. R., Tr. p. 1900, line 22 – p. 1904, line 22; Tr. p. 1932, line 19 – p. 1934, line 10 (State's Exhibit 103 [burnt uniform]). He further comments on the evidence supportive of physical torture by the pathologist testimony that Sykes would have been in "a lot of pain" before he died because "[he] was on fire and trying to run out of that fire and it seems like he was running very fast and he did not last for long before he collapsed." R., Tr. p. 1999, line 18 – p. 2000, line 2.

CONCLUSION

For all the foregoing reasons, the judgment of conviction and death sentence must be affirmed.

Respectfully submitted,

HENRY D. McMASTER
Attorney General

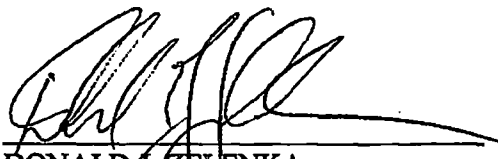
JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

DONALD V. MYERS
Solicitor, Eleventh Judicial Circuit

By:



DONALD J. ZELENKA
ATTORNEYS FOR RESPONDENT

September 25, 2009

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

**Appeal from Lexington County
Clifton Newman, Circuit Court Judge**

THE STATE,

Respondent,

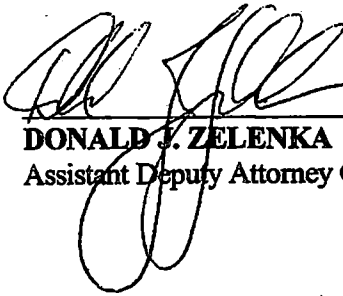
v.

RON O. FINKLEA,

Appellant

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the August 13, 2007 Order of the South Carolina Supreme Court entitled “Re Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings.”



DONALD J. ZELENKA
Assistant Deputy Attorney General

September 25, 2009

CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, hereby certify that I have served the *Final Brief of Respondent* in the foregoing action by depositing one (1) copy in the InterAgency mail to the following:

Joseph L. Savitz, III
Chief Appellate Defender
for Capital Appeals
S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Ste. 401
Columbia, SC 29201


DONALD J. ZELENA
Assistant Deputy Attorney General

September 25, 2009

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON)

2010-CP-32-_____

RON O'NEAL FINKLEA, SK6025,
Applicant,)

vs.)

STATE OF SOUTH CAROLINA,
Respondent.)APPLICATION FOR
POST-CONVICTION RELIEF

2010CP3205076

[Note: This application follows SCRCF Appendix of Forms, Form 5, as required by Rule 71.1(b), SCRCF.]

1. Applicant is detained at the Lieber Correctional Institution, 136 Wilborn Avenue, Ridgeville, SC 29472.
 2. The sentences were imposed by the Lexington County Court of General Sessions.
 3. Applicant has a co-defendant, Theodore Davis (SCDC #217549), who was tried separately.
 4. Applicant was indicted on May 25, 2004, and convicted on August 31, 2007, as follows:
 - 04-GS-32-2259 Attempt to Commit Safecracking
 - 04-GS-32-2260 Murder
 - 04-GS-32-2261 Arson First Degree
 - 04-GS-32-2263 Criminal Conspiracy
 - 04-GS-32-2264 Possession of a Firearm While in the Commission of a Violent Crime
 5. On September 6, 2007, Applicant was sentenced to 30 years (Attempted Safecracking), death (Murder), 10 years (Arson), and 5 years (Conspiracy). No sentence was imposed on the firearm charge.
 6. A finding of guilty was made after a plea of not guilty.
 7. The Applicant appealed from the judgment of conviction and sentence.
 8. The appeal was filed in the South Carolina Supreme Court, which affirmed on July 26, 2010.
- State v. Finklea*, 388 S.C. 379, 697 S.E.2d 543 (2010).

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

FILED
CLERK OF COURT
LEXINGTON, SC

JUL 26 2010 11:33

FILED

9. Not applicable.

10. & 11. **GROUND FOR RELIEF WITH SUPPORTING FACTS**

10(a) *Applicant was denied the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and South Carolina law because counsel failed to adequately investigate and present mitigating evidence of Applicant's childhood traumas and resulting Post-Traumatic Stress Disorder.*

11(a) During sentencing, Applicant's ex-wife referred to the Applicant's "rough younger life" and a psychiatrist treating Finklea while in confinement at the Lexington County Detention Center testified that she diagnosed Post-Traumatic Stress Disorder (PTSD) due to Applicant's childhood and past "trauma" and "violence." In his own closing statement in sentencing, Finklea referred to losing family members due to violent crime and growing up without a father. No other evidence was presented to address Applicant's traumatic childhood and resulting PTSD due to counsel's failure to adequately investigate and present this evidence. Counsel's conduct was deficient in failing to adequately investigate Finklea's background. Counsel's conduct was prejudicial in failing to present powerful mitigation. Likewise, counsel's conduct was prejudicial because the State capitalized on the minimal evidence of abuse presented such that this information was used as aggravation. Specifically, because the limited evidence of childhood trauma seemingly contradicted the testimony of Finklea's family members, who did not mention any abuse, the State argued several times in closing arguments in sentencing that Finklea was simply "manipulating" his ex-wife and the Detention Center psychiatrist. *See Wiggins v. Smith*, 539 U.S. 510 (2003); *Strickland v. Washington*, 466 U.S. 668 (1984); *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008).

12 & 13. Applicant appealed directly to the South Carolina Supreme Court. Applicant has not previously filed an application for post-conviction relief nor a petition for a writ of habeas corpus in state or federal court from these convictions and sentences. Applicant has not petitioned the United States Supreme Court for certiorari.

14. The ground set forth in (10) has not been previously presented to this or any other Court, State or Federal.

15. Not Applicable.

16. This ground relies on additional facts outside the record which was before the previous courts.

17. Applicant was previously represented by counsel.

18. Applicant was represented at trial by Stephen R. Soltis, Jr., 821 E. Main St., Lexington, SC 29072 and Melissa Kimbrough Armstrong, 1830 Marion St., Columbia, SC 29201. He was represented on direct appeal by Joseph L. Savitz, III, Division of Appellate Defense, S.C. Commission on Indigent Defense, 1330 Lady Street, Suite 401, Columbia, S.C. 29201.

19. Applicant seeks the vacation of his death sentence.

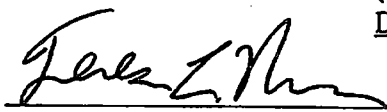
20. Not applicable.

Respectfully submitted,

TERESA L. NORRIS
BLUME WEYBLE & NORRIS, LLC
P.O. Box 11744
Columbia, SC 29211
(803)765-1044
(803)765-1143 Fax
teresa@blumelaw.com

DIANA L. HOLT
DIANA HOLT, LLC
P.O. Box 6454
Columbia, SC 29260
(803) 782-1663
(803) 787-0374 Fax
DianaHolt@alumni.utexas.net

By:


Counsel for Ron O'Neal Finklea

2010CP3205076

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

VERIFICATION

2535
ORIGINAL
WH

I, Ron O'Neal Finklea, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Ron O. Finklea
RON O'NEAL FINKLEA

Sworn to and subscribed before me this 19th
day of November, 2010.

John Z...
Notary Public

My Commission Expires: 1/31/15

FILED
2010 NOV 23 A 11:34
CLERK OF COURT
DORCHESTER COUNTY, SC

2010CP3205076

CERTIFICATE OF SERVICE

I do hereby certify that I have served the Application for Post-Conviction Relief, in the above-referenced case, on counsel for the Respondent by depositing a copy of same in the United States Mail, first class, postage prepaid, addressed as follows:

Donald J. Zelenka
Assistant Deputy Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211

This the 2nd day of November, 2010, in Columbia, South Carolina.


TERESA L. NORRIS

ORIGINAL
WJH

RECEIVED
CLERK OF COURT
LEXINGTON, SC

2010 NOV 23 A 11:34

FILED

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF LEXINGTON)

2010-CP-32-5067)

RON O'NEAL FINKLEA, SK6025,)

Applicant,)

vs.)

First Amended dt
APPLICATION FOR
POST-CONVICTION RELIEF

STATE OF SOUTH CAROLINA,)

Respondent.)

[Note: This application follows SCRCF Appendix of Forms, Form 5, as required by Rule 71.1(b), SCRCF.]

1. Applicant is detained at the Lieber Correctional Institution, 136 Wilborn Avenue, Ridgeville, SC 29472.
2. The sentences were imposed by the Lexington County Court of General Sessions.
3. Applicant has a co-defendant, Theodore Davis (SCDC #217549), who was tried separately.
4. Applicant was indicted on May 25, 2004, and convicted on August 31, 2007, as follows:
 - 04-GS-32-2259 Attempt to Commit Safecracking
 - 04-GS-32-2260 Murder
 - 04-GS-32-2261 Arson First Degree
 - 04-GS-32-2263 Criminal Conspiracy
 - 04-GS-32-2264 Possession of a Firearm While in the Commission of a Violent Crime
5. On September 6, 2007, Applicant was sentenced to 30 years (Attempted Safecracking), death (Murder), 10 years (Arson), and 5 years (Conspiracy). No sentence was imposed on the firearm charge.
6. A finding of guilty was made after a plea of not guilty.
7. The Applicant appealed from the judgment of conviction and sentence.
8. The appeal was filed in the South Carolina Supreme Court, which affirmed on July 26, 2010.

State v. Finklea, 388 S.C. 379, 697 S.E.2d 543 (2010).

9. Not applicable.

10. & 11. **GROUND FOR RELIEF WITH SUPPORTING FACTS**

10(a) *Applicant was denied the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and South Carolina law because counsel failed to adequately investigate and present mitigating evidence of Applicant's childhood traumas, resulting Post-Traumatic Stress Disorder, and other neurological and mental health impairments, and failed to adequately rebut the state's arguments surrounding these issues.*

11(a) During sentencing, Applicant's ex-wife referred to the Applicant's "rough younger life" and a psychiatrist treating Finklea while in confinement at the Lexington County Detention Center testified that she diagnosed Post-Traumatic Stress Disorder (PTSD) due to Applicant's childhood and past "trauma" and "violence." In his own closing statement in sentencing, Finklea referred to losing family members due to violent crime and growing up without a father. No other evidence was presented to address Applicant's traumatic childhood, resulting PTSD, and other neurological and mental health impairments, due to counsel's failure to adequately investigate and present this evidence. Counsel's conduct was deficient in failing to adequately investigate Finklea's background and mental health issues. Counsel's conduct was prejudicial in failing to adequately investigate and present powerful mitigation. Likewise, counsel's conduct was prejudicial because the State capitalized on the minimal evidence of abuse presented such that this information was used as aggravation. Specifically, because the limited evidence of childhood trauma seemingly contradicted the testimony of Finklea's family members, who did not mention any abuse, the State argued several times in closing arguments in sentencing that Finklea was simply "manipulating" his

ex-wife and the Detention Center psychiatrist. *See Wiggins v. Smith*, 539 U.S. 510 (2003); *Strickland v. Washington*, 466 U.S. 668 (1984); *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008).

10(b) *Applicant was denied the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and South Carolina law because counsel failed to object to the State's wholly unsubstantiated assertion during closing argument that Applicant had his step-son, a minor child, selling drugs for Applicant prior to the offenses for which he was arrested.*

11(b) During the State's closing argument at the penalty phase of Applicant's trial, Solicitor Myers argued that the jury should sentence Applicant to death, in part, because the Applicant had his 15 year old step-son selling drugs for him. Brandon Anderson was Applicant's step-son. His mother, Teresa Finklea, applicant's then-wife, was deployed to Afghanistan at the time of the offenses for which Applicant was convicted and sentenced to death. She was a soldier with the U.S. Army at that time. Despite there having been no evidence adduced to support the State's bald assertion, trial counsel failed to object to the highly prejudicial statement. Considering that trial counsel's theory and argument to the jury to vote for life for Applicant because this one tragic criminal action by the Applicant was an aberration of an otherwise very honorable life, there can be no credible strategy for having failed to object to the State's inflammatory statement to the contrary about Applicant employing his step-son as a drug dealer. Not only was the statement unsupported and inconsistent with trial counsel's strategy, the statement was presented to the jury while this country was at war and engaged in highly lethal combat in Iraq and Afghanistan, which is where the jury had been told young Brandon's mother was stationed at the time of the alleged drug selling.

Applicant was greatly prejudiced by trial counsel's failure to object and to correct the record. *See Washington v. Hofbauer*, 228 F.3d 689 (6th Cir. 2000); *Strickland v. Washington*, 466 U.S. 668 (1984).

10(c) *Applicant was denied the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and South Carolina law because counsel failed to adequately investigate and present adequate, abundant, and available objective expert testimony concerning Applicant's adaptability to prison.*

11(c) During the penalty phase of Applicant's trial, counsel presented the jury with the testimony of James Aiken, a former corrections official and an oft used expert in assessing a defendant's potential successful adaptability to prison life, especially on the likelihood of whether a defendant will comply with security mandates and cause no undo harm to fellow inmates or correctional officers. Trial counsel's presentation of Mr. Aiken's assessment was a scant three pages in length and fell woefully short in substance and detail. Trial counsel also called Anna Cherry, M.D., a psychiatrist employed by the Lexington County jail, who treated Applicant after his attempted suicide by hanging. Dr. Cherry testified that Applicant was a good inmate who looked after other inmates in need. This amounted to a severely anemic and ineffective presentation without any underlying objective testing or future risk assessment analysis. *See Wiggins v. Smith*, 539 U.S. 510 (2003); *Strickland v. Washington*, 466 U.S. 668 (1984); *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008).

12 & 13. Applicant appealed directly to the South Carolina Supreme Court. Applicant has not previously filed an application for post-conviction relief nor a petition for a writ of habeas corpus in state or federal court from these convictions and sentences. Applicant has not petitioned the

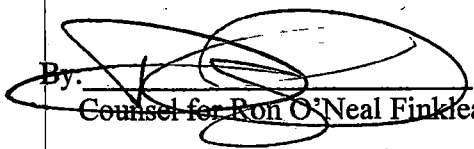
United States Supreme Court for certiorari.

14. The grounds set forth in paragraph 10 have not been previously presented to this or any other Court, State or Federal.
15. Not Applicable.
16. These grounds rely on additional facts outside the record which was before the previous courts.
17. Applicant was previously represented by counsel.
18. Applicant was represented at trial by Stephen R. Soltis, Jr., 821 E. Main St., Lexington, SC 29072 and Melissa Kimbrough Armstrong, 1830 Marion St., Columbia, SC 29201. He was represented on direct appeal by Joseph L. Savitz, III, Division of Appellate Defense, S.C. Commission on Indigent Defense, 1330 Lady Street, Suite 401, Columbia, S.C. 29201.
19. Applicant seeks the vacation of his death sentence.
20. Not applicable.

Respectfully submitted,

TERESA L. NORRIS
BLUME NORRIS & FRANKLIN-BEST, LLC
900 Elmwood Avenue, Suite 200
Columbia, SC 29201
(803)765-1044
(803)765-1143 Fax
teresa@blumelaw.com

DIANA L. HOLT
DIANA HOLT, LLC
P.O. Box 6454
Columbia, SC 29260
(803) 782-1663
(803) 787-0374 Fax
DianaHolt@DianaHoltLLC.com

By. 

Counsel for Ron O'Neal Finklea

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Ron O'Neal Finklea,

Applicant,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

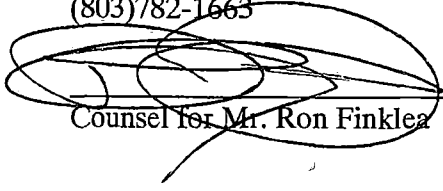
COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT
2010-CP-32-5067

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Mr. Starnes' First Amended Application for Post Conviction Relief, in the above-referenced matter has been served upon opposing counsel, by depositing same in the U. S. Mail, postage paid, this 15th day of January, 2016, addressed as follows:

Donald J. Zelenka
Deputy Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

DIANA L. HOLT
Diana Holt, LLC
P. O. Box 6454
Columbia, SC 29260
(803)782-1663


Counsel for Mr. Ron Finklea

January 15, 2016
Columbia, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	2010-CP-32-5067
	)	
RON O'NEAL FINKLEA, SK6025,	)	
Applicant,	)	
	)	Second Amended
vs.	)	APPLICATION FOR
	)	POST-CONVICTION RELIEF
STATE OF SOUTH CAROLINA,	)	
Respondent.	)	

[Note: This application follows SCRCF Appendix of Forms, Form 5, as required by Rule 71.1(b), SCRCF.]

1. Applicant is detained at the Lieber Correctional Institution, 136 Wilborn Avenue, Ridgeville, SC 29472.
2. The sentences were imposed by the Lexington County Court of General Sessions.
3. Applicant has a co-defendant, Theodore Davis (SCDC #217549), who was tried separately.
4. Applicant was indicted on May 25, 2004, and convicted on August 31, 2007, as follows:
 - 04-GS-32-2259 Attempt to Commit Safecracking
 - 04-GS-32-2260 Murder
 - 04-GS-32-2261 Arson First Degree
 - 04-GS-32-2263 Criminal Conspiracy
 - 04-GS-32-2264 Possession of a Firearm While in the Commission of a Violent Crime
5. On September 6, 2007, Applicant was sentenced to 30 years (Attempted Safecracking), death (Murder), 10 years (Arson), and 5 years (Conspiracy). No sentence was imposed on the firearm charge.
6. A finding of guilty was made after a plea of not guilty.
7. The Applicant appealed from the judgment of conviction and sentence.
8. The appeal was filed in the South Carolina Supreme Court, which affirmed on July 26, 2010.

State v. Finklea, 388 S.C. 379, 697 S.E.2d 543 (2010).

9. Not applicable.

10. & 11. **GROUND FOR RELIEF WITH SUPPORTING FACTS**

10(a) *Applicant was denied the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and South Carolina law because counsel failed to adequately investigate and present mitigating evidence of Applicant's childhood traumas, resulting Post-Traumatic Stress Disorder ("PTSD"), PTSD resulting from military training as an Airborne soldier and readiness for battle training, and other neurological and mental health impairments, including an extensive family history of "seizures" related to brain abnormalities and degenerative brain problems, or, and failed adequately to rebut the state's arguments surrounding these issues.*

11(a) During sentencing, Applicant's ex-wife referred to the Applicant's "rough younger life" and a psychiatrist treating Finklea while in confinement at the Lexington County Detention Center testified that she diagnosed Post-Traumatic Stress Disorder (PTSD) due to Applicant's childhood and past "trauma" and "violence." In his own closing statement in sentencing, Finklea referred to losing family members due to violent crime and growing up without a father. No other evidence was presented to address Applicant's traumatic childhood, resulting PTSD, PTSD resulting from military training and service, and other neurological and mental health impairments, including a significant family history of members suffering seizures due to degenerative brain damage and brain anomalies, all due to counsel's failure adequately to investigate and present this evidence. Counsel's conduct was deficient in failing adequately to investigate Finklea's background, brain anomalies and damage, and mental health issues. Counsel's conduct was prejudicial in failing to

adequately investigate and present powerful and abundant mitigation. Counsel failed to interview scores of friends and family members who would provide independent corroboration of the abuse and the brain anomalies and seizures. Counsel failed to obtain the assistance of expert witnesses and/or failed to develop and provide the information to experts it did retain and utilize. Likewise, counsel's conduct was prejudicial because the State capitalized on the minimal evidence of abuse presented such that this information was used as aggravation. Specifically, because the limited evidence of childhood trauma seemingly contradicted the testimony of Finklea's family members, who did not mention any abuse, the State argued several times in closing arguments in sentencing that Finklea was simply "manipulating" his ex-wife and the Detention Center psychiatrist. See *Wiggins v. Smith*, 539 U.S. 510 (2003); *Strickland v. Washington*, 466 U.S. 668 (1984); *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008).

10(b) *Applicant was denied the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and South Carolina law because counsel failed to object to the State's wholly unsubstantiated assertion during closing argument that Applicant had his step-son, a minor child, selling drugs for Applicant prior to the offenses for which he was arrested.*

11(b) During the State's closing argument at the penalty phase of Applicant's trial, Solicitor Myers argued that the jury should sentence Applicant to death, in part, because the Applicant had his 15 year old step-son selling drugs for him. Brandon Anderson was Applicant's step-son. His mother, Teresa Finklea, applicant's then-wife, was deployed to Afghanistan at the time of the offenses for which Applicant was convicted and sentenced to death. She was a soldier with the U.S. Army at that time. Despite there having been no evidence adduced to support the State's bald

assertion, trial counsel failed to object to the highly prejudicial statement. Considering that trial counsel's theory and argument to the jury to vote for life for Applicant because this one tragic criminal action by the Applicant was an aberration of an otherwise very honorable life, there can be no credible strategy for having failed to object to the State's inflammatory statement to the contrary about Applicant employing his step-son as a drug dealer. Not only was the statement unsupported and inconsistent with trial counsel's strategy, the statement was presented to the jury while this country was at war and engaged in highly lethal combat in Iraq and Afghanistan, which is where the jury had been told young Brandon's mother was stationed at the time of the alleged drug selling. Applicant was greatly prejudiced by trial counsel's failure to object and to correct the record. See *Washington v. Hofbauer*, 228 F.3d 689 (6th Cir. 2000); *Strickland v. Washington*, 466 U.S. 668 (1984).

10(c) *Applicant was denied the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and South Carolina law because counsel failed to adequately investigate and present adequate, abundant, and available objective expert testimony concerning Applicant's adaptability to prison.*

11(c) During the penalty phase of Applicant's trial, counsel presented the jury with the testimony of James Aiken, a former corrections official and an oft used expert in assessing a defendant's potential successful adaptability to prison life, especially on the likelihood of whether a defendant will comply with security mandates and cause no undo harm to fellow inmates or correctional officers. Trial counsel's presentation of Mr. Aiken's assessment was a scant three pages in length and fell woefully short in substance and detail. Trial counsel also called Anna Cherry, M.D., a psychiatrist employed by the Lexington County jail, who treated Applicant after his

attempted suicide by hanging. Dr. Cherry testified that Applicant was a good inmate who looked after other inmates in need. This amounted to a severely anemic and ineffective presentation without any underlying objective testing or future risk assessment analysis. See *Wiggins v. Smith*, 539 U.S. 510 (2003); *Strickland v. Washington*, 466 U.S. 668 (1984); *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008).

12 & 13. Applicant appealed directly to the South Carolina Supreme Court. Applicant has not previously filed an application for post-conviction relief nor a petition for a writ of habeas corpus in state or federal court from these convictions and sentences. Applicant has not petitioned the United States Supreme Court for certiorari.

14. The grounds set forth in paragraph 10 have not been previously presented to this or any other Court, State or Federal.

15. Not Applicable.

16. These grounds rely on additional facts outside the record which was before the previous courts.

17. Applicant was previously represented by counsel.

18. Applicant was represented at trial by Stephen R. Soltis, Jr., 821 E. Main St., Lexington, SC 29072 and Melissa Kimbrough Armstrong, 1830 Marion St., Columbia, SC 29201. He was represented on direct appeal by Joseph L. Savitz, III, Division of Appellate Defense, S.C. Commission on Indigent Defense, 1330 Lady Street, Suite 401, Columbia, S.C. 29201.

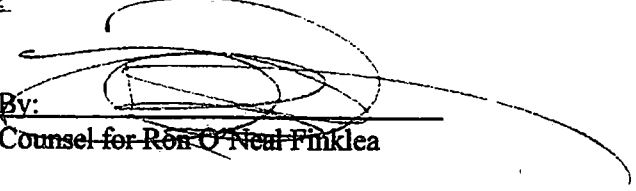
19. Applicant seeks the vacation of his death sentence.

20. Not applicable.

Respectfully submitted,

TERESA L. NORRIS
Special Assistant Public Defender
Charleston County Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, SC 29401
(843)958-1850 Main
(843)958-1858 Direct Line
Tnorris@charlestoncountysc.org

DIANA L. HOLT
DIANA HOLT, LLC
P.O. Box 6454
Columbia, SC 29260
(803) 782-1663
(803) 787-0374 Fax
DianaHolt@DianaHoltllc.com

By: 
Counsel for Ron O'Neal Finklea

Columbia, SC
June 22, 2017

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

Ron O'Neal Finklea,)

Applicant,)

vs.)

STATE OF SOUTH CAROLINA,)

Respondent.)

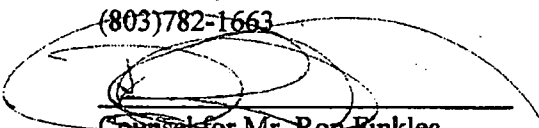
COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT
2010-CP-32-5067

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Mr. Finklea's Second Amended Application for Post Conviction Relief, in the above-referenced matter has been served upon opposing counsel, by depositing same in the U. S. Mail, postage paid, this 22nd day of June, 2017, addressed as follows:

Donald J. Zelenka
Deputy Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

DIANA L. HOLT
Diana Holt, LLC
P. O. Box 6454
Columbia, SC 29260
(803)782-1663


Counsel for Mr. Ron Finklea

June 22, 2017
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In The Supreme Court

The State,

Respondent,

v.

Ron O. Finklea,

Appellant.

Appeal from Lexington County
Clifton Newman, Circuit Court Judge.

Opinion No. 26843
Heard February 4, 2010 - July 26, 2010

AFFIRMED

Senior Appellate Defender Joseph L. Savitz, III, of South Carolina
Commission on Indigent Defense, of Columbia, for Appellant.

Attorney General Henry Dargan McMaster, Chief Deputy Attorney
General John W. McIntosh, Assistant Deputy Attorney General
Donald J. Zelenka, all of Columbia, and Solicitor Donald V. Myers,
of Lexington, for Respondent.

JUSTICE PLEICONES: This case stems from the death of Walter Sykes, a security guard at the Selectron plant in Lexington County. A jury convicted Ron Finklea of murder with various aggravating circumstances, and recommended a sentence of death, which the trial court imposed.

Finklea appeals, seeking a new sentencing. We consider the appeal in conjunction with mandatory proportionality review and, finding no error, we affirm.

FACTS

On August 1, 2003, Angel Peters, a security guard at Selectron, was on duty when Finklea came to the plant around 2:00 AM.¹ He was wearing a jacket with a stripe across it. Peters opened the doors and Finklea explained that he needed to use the ATM machine. She told him that it was not working, but let Finklea inside. After talking with Peters, Finklea left but then came back to the building. Finklea asked Peters questions about whether her company was hiring and at one point he followed her into the security room to get a phone number and flier. Finklea asked questions about security, such as how often Peters watches the cameras and who else was working security at night. When another security guard arrived, Finklea departed.

The following day, in the early morning hours of August 2, 2003, a man (Man #1) wearing a jacket with a stripe across it came to the door of the Selectron plant. The State argued at trial and the evidence suggests that Finklea was Man #1. Walter Sykes was the security guard on duty and, apparently thinking Man #1 wanted to use the ATM, opened the door. The events that followed were captured on the plant's video system. As Man #1 approached the ATM, Sykes entered the security office. Man #1 then followed Sykes into the office and moments later emerged and opened the front door to allow a second man (Man #2) to enter. Man #2 carried a gasoline can, which he handed to Man #1. Man #1 entered the office again, then exited and approached the ATM and doused it with gasoline. Moments later, Sykes, bleeding from the neck and engulfed in flames, ran from the building. Sykes died on the front lawn from burns and gunshot wounds to the face and neck. From the video it is apparent that Man #1 is both the person who shot Sykes and the person who set him on fire.

¹ Peters identified Finklea in a photographic lineup and in court.

Finklea was arrested and, days later, attempted to hang himself in his cell. Though he survived the attempt, Finklea suffered a brain injury resulting in amnesia and claims that he cannot recall the events that occurred the day of the murder. Physicians who examined Finklea found evidence of brain damage and determined that he was likely not feigning memory loss.

Finklea was tried and found guilty of the murder of Sykes with the following aggravating circumstances: (1) the murder was committed while in the commission of a burglary while armed with a deadly weapon; (2) the murder was committed while in the commission of a robbery while armed with a deadly weapon; and (3) the murder was committed while in the commission of physical torture. See S.C. Code Ann. §§ 16-3-10; 16-3-20(C)(a)(1)(c), (d), and (h) (2003). The jury recommended a sentence of death which the trial court imposed. Finklea was also found guilty of first-degree arson in violation of S.C. Code Ann. § 16-11-110(A); attempted safecracking in violation of S.C. Code Ann. § 16-11-390; possession of a firearm during the commission of a violent crime in violation of S.C. Code Ann. § 16-23-490; and criminal conspiracy in violation of S.C. Code Ann. § 16-17-410. Finklea now raises two issues which he argues entitle him to a new capital sentencing proceeding.

ISSUES

- I. Did the trial court err in finding Finklea competent to assist in his own defense during the sentencing portion of the trial?
- II. Did the trial court err in allowing the Solicitor to ignite an incendiary device during his closing argument in the sentencing portion of the trial?
- III. Proportionality review

DISCUSSION

I. Competency

During pre-trial hearings, Finklea's counsel noted that her client's memory loss would impact the trial in both the guilt and sentencing phase. The trial court found Finklea competent as to both phases of trial and Finklea argues on appeal only that the trial court erred in finding him competent to participate in the sentencing phase. We find the trial court's determination is supported by the evidence.

A person must be competent to stand trial. See Dusky v. United States, 362 U.S. 402, 80 S.Ct. 788, 4 L.Ed.2d 824 (1960); Drope v. Missouri, 420 U.S. 162, 171, 95 S.Ct. 896, 903, 43 L.Ed.2d 103 (1975). "It has long been accepted that a person whose mental condition is such that he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense may not be subjected to a trial."² Drope, 420 U.S. at 171, 95 S.Ct. at 903, 43 L.Ed.2d at 112-13.

The defendant bears the burden of proving his lack of competence by a preponderance of the evidence. State v. Weik, 356 S.C. 76, 81, 587 S.E.2d 683, 685 (2002), citing Dusky. The trial judge's ruling will be upheld on appeal if supported by the evidence and not against its preponderance. Id.

Finklea's counsel argued to the trial court that Finklea's amnesia prevented him from assisting his counsel at sentencing as he was unable to recall potential mitigating facts from the incident:

² Finklea incorrectly references Singleton v. State, 313 S.C. 75, 437 S.E.2d 53, 58 (1993) for the "appropriate test" for competency. Singleton considers the question whether a defendant is competent to be executed. The Singleton standard for competency is different from the standard required to stand trial, as it requires only that a party "understand they have been sentenced to death for murder and be able to communicate rationally with counsel." Id.

In any capital case, I think the circumstances of the crime are critical when it comes to the penalty phase. . . . [L]et's say that based on these facts, [the jury] would have found both Mr. Finklea and [his accomplice] guilty no matter who pulled the trigger, certainly when it comes to the penalty phase, the circumstances of the crime are, they're central.

If it was something that, you know, he startled me and it was just a horrible armed robbery gone bad, that's a lot more mitigating than, hey, he could identify me, so I blew him away. I mean, that's horribly aggravating.

Counsel conceded that Finklea would likely not succeed in the guilt phase and consequently, mitigation would be "dispositive." Based on her client's amnesia, she argued that he was not competent to proceed. Finklea testified prior to the trial and was questioned by both counsel and by the court. The trial judge later held a hearing regarding Finklea's competency and ultimately found Finklea competent to stand trial.

We find the trial court's ruling is supported by the evidence. Even assuming Finklea's amnesia is genuine, we decline to find him unable to assist counsel based on an inability to recall mitigating facts which may or may not exist. We note that Finklea was able to assist his counsel at sentencing in a number of ways, including: advising his counsel as to possible character witnesses; advising his counsel as to mitigating facts from his life, such as his military service; and making a statement to the jury in which he apologized for the crime, expressed remorse, and pleaded for his life. Moreover, any potential prejudice to Finklea's capacity to consult with his counsel due to his inability to recall the circumstances of the crime is lessened by the fact that the incident was captured on video. See Wilson v. United States, 391 F.2d 460, 463-64 (D.C. Cir. 1968) (recognizing significance of ability to reconstruct evidence of the crime). Finally, we note that a number of jurisdictions have found that a defendant's inability to recall the facts of an alleged crime do not render the defendant incapable of assisting his counsel. See A.L.R.3d 544, §§ 2[a], 4 (2010).

Given the above, we find that the trial judge's ruling is supported by the evidence. We decline to adopt a competency standard for the sentencing phase of the trial different from that of the guilt phase. Finklea's bare assertion that his amnesia may have deprived him of the ability to present mitigating facts from the crime does not suffice to overturn the trial court's finding of competency. See State v. Weik, 356 S.C. at 81, 587 S.E.2d at 685.

II. Closing Argument

During the State's closing argument in the sentencing portion of the trial, the Solicitor held a lighted match-shaped, metal fire-starter before the jury as he described Finklea lighting Sykes on fire. Defense counsel objected to the use of the fire-starter as overly prejudicial but the trial judge overruled the objection, noting that the use was allowed for demonstrative purposes. Finklea appeals the trial court's ruling and argues that the death sentence must be vacated as a result of the Solicitor's action. We find that the Solicitor's demonstration was not unduly prejudicial so as to warrant a new sentencing.

A trial judge is vested with broad discretion in dealing with the range and propriety of closing arguments and ordinarily his rulings on such matters will not be disturbed. State v. Northcutt, 372 S.C. 207, 222, 641 S.E.2d 873, 881 (2007). The appellant has the burden of showing that any alleged error deprived him of a fair trial. Id. The relevant question is whether the solicitor's action so infected the trial with unfairness as to make the resulting conviction a denial of due process. See id. The Court must review the argument in the context of the entire record. Id.

While the solicitor should prosecute vigorously, his duty is not to convict a defendant but to see justice done. State v. Linder, 276 S.C. 304, 312, 278 S.E.2d 335, 339 (1981). Consequently, the solicitor's closing argument must be carefully tailored so as not to appeal to the personal bias of the juror, nor be calculated to arouse his passion or prejudice. Id.

The Solicitor's closing argument³ included the following to which Finklea objects:

Can you imagine the horror, the horror of him seeing a bullet, the flash of the gun and it coming right into his lip? Can you imagine the horror of another shot going through his neck, and somewhere along in there he had to be on the floor, you remember Officer Mike Phipps that testified right here? He said, under that desk was blood splatter. He had to be below the desk. Did he shoot him when they're down, or they're down and then they get up and you remember that bloody hand print on the chair.

And we're just getting started, now comes the real thing. Gasoline pouring on another human being and the fire, the fire, the burning. When you're cooking sometimes and you touch the stove or the frying pan or you reach the in oven and you touch that hot thing or you're grilling, whoo, oh, it hurts, it's painful. It grabs your attention, you probably run to the sink, want to put some water on it. Probably the most painful thing that a person can do --

Defense counsel: Objection, Your Honor.

Solicitor Myers: -- is to be lit on fire.

The Court: Basis for the objection?

Defense counsel: Solicitor Myers has just ignited some sort of fire device, appears to be some sort of

³ The Solicitor also used a gas can and gun, neither of which was in evidence, during his closing argument. Though defense counsel made a timely objection to the gas can and gun, Finklea does not appeal the trial court's ruling permitting the demonstrative use of these objects.

lighter. It's extremely large. We believe it's prejudicial. It's meant to prejudice the jury, to enflame them.

The Court: Mr. Myers?

Solicitor Myers: Talking about the circumstances of this crime, Your Honor, physical torture.

The Court: The objection is overruled. The use of these things for demonstrative purposes is allowed.

Solicitor Myers: For that feeling and you can't get away from it. What about when you're burning trash and you got a bunch of limbs and leaves out there and you pour a little gasoline on it and you throw a match in there, whoof, the concussion just blows you back, sometimes it may singe your eyes. Well, what if it's all over your body and you can't get away from it, it's engulfed you? He's going back to the ATM machine. The last, last moments of a good man's life on fire.

It is clear the Solicitor was zealous in his closing argument. However, given the other evidence before the jury regarding the physical torture of Sykes, we find the Solicitor's use of the incendiary device was not unduly prejudicial. The jury was presented with the surveillance footage showing Sykes running from the building while engulfed in flames, Sykes's charred uniform, and autopsy photographs. Moreover, as noted, the Solicitor used a gas can and gun as props during his argument, neither of which was in evidence, just prior to the use of the fire-starter and Finklea does not challenge their use on appeal. Given these facts, we find Finklea has not met his burden of showing that the trial judge committed reversible error in

permitting the Solicitor to use the fire-starter as a demonstrative device in his closing. See Northcutt, 372 S.C. at 222, 641 S.E.2d at 881.

III. Proportionality Review

In accordance with S.C. Code Ann. § 16-3-25(C) (2003), we have conducted a proportionality review and find the evidence supports the jury's finding of aggravating circumstances and that the death sentence was not the result of passion, prejudice, or any other arbitrary factor. Furthermore, after review of other decisions, we find the sentence is neither excessive nor disproportionate to sentences imposed under similar situations. See, e.g., State v. Passaro, 350 S.C. 499, 567 S.E.2d 862 (2002) (capital sentence upheld where an aggravator was physical torture); State v. Shuler, 344 S.C. 604, 545 S.E.2d 805 (2001) (capital sentence upheld for murder committed in course of armed robbery); State v. Huggins, 336 S.C. 200, 519 S.E.2d 574 (1999) (capital sentence upheld for murder committed in course of armed robbery).

CONCLUSION

We find the trial court properly determined that Finklea was competent to participate in the sentencing phase and that the Solicitor's demonstrations during closing argument were not so prejudicial as to warrant new sentencing. The verdict and sentence of the trial court is therefore

AFFIRMED.

TOAL, C.J., BEATTY, KITTREDGE and HEARN, JJ., concur.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

THE STATE,

RESPONDENT,

V.

RON O. FINKLEA,

APPELLANT

RECEIVED

AUG - 9 2010

Appeal from Lexington County
Clifton Newman, Circuit Court Judge

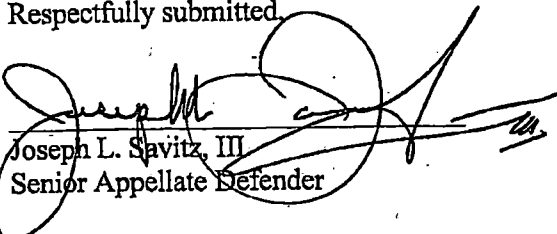
S.C. SUPREME COURT

Opinion No. 26843

PETITION FOR REHEARING

Pursuant to Rule 221(a), SCACR, counsel for Ron O. Finklea petitions the Court to rehear its determination that the Solicitor's admission of a metal fire-starter during closing argument at sentencing was merely cumulative to his use of "a gas can and gun as props during his argument, neither of which was in evidence." The Court appears to have overlooked the qualitative difference between an inert demonstrative aid and an overtly threatening action, such as firing a gun or setting a fire in the courtroom. See Rule 403, SCRE.

Respectfully submitted,


Joseph L. Savitz, III
Senior Appellate Defender

This 9th day of August, 2010.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington CountyClifton Newman, Circuit Court Judge

THE STATE,

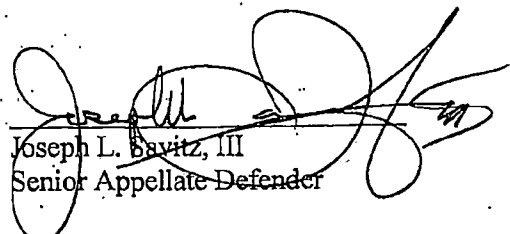
RESPONDENT,

RON O. FINKLEA,

APPELLANT

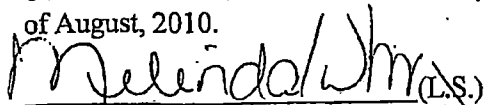
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon Donald J. Zelenka, Esquire, this 9th day of August, 2010.


Joseph L. Savitz, III
Senior Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 9th day
of August, 2010.


(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2018.

Petition for rehearing is denied.

~~John Doe~~ c.g.

~~John Doe~~ d.

~~John Doe~~ d.

~~John Doe~~ d.

~~John Doe~~ d.

August 19, 2010



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

August 19, 2010

Senior Appellate Defender Joseph L. Savitz, III
South Carolina Commission on Indigent Defense
P O Box 11589
Columbia, SC 29211

Re: The State v. Finklea, Ron O.

Dear Counsel:

The Court has issued the following Order on your Petition for Rehearing in the above matter:

"Petition for Rehearing is denied.

s/ Jean H. Toal C.J.

s/ Costa M. Pleicones J.

s/ Donald W. Beatty J.

s/ John W. Kittredge J.

s/ Kaye G. Hearn J.

August 19, 2010."

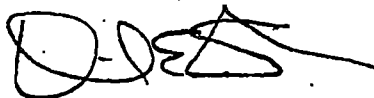
The remittitur is today being forwarded to the lower court.

The State v. Finklea, Ron O.

Page Two

August 19, 2010

Very truly yours,

A handwritten signature in dark ink, appearing to be "DES", with a long horizontal stroke extending to the right.

CLERK

DES/dmh

cc: Assistant Deputy Attorney General Donald J. Zelenka
The Honorable Donald V. Myers

1 State of South Carolina

Court of Common Pleas

2 County of Lexington

3
4
5 Ron O'Neal Finklea)

6 Applicant,)
7 v.)

Transcript of Record
10-CP-32-5076

8 State)
9 _____)

10
11 September 6 - 7, 2017
12 Lexington, South Carolina

13 B E F O R E:

14 The Honorable William P. Keesley, Judge.
15

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

17 Teresa L. Norris, Esquire
18 Diana L. Holt, Esquire
Attorneys for the Applicant

19 Donald J. Zelenka, Assist. Attorney General
20 W. Edgar Salter, III, Assist. Attorney General
Attorneys for the State

21
22
23
24
25 Stacy L. Sheppard, RPR
Official Court Reporter

I N D E X

WITNESSPAGE

1		
2		
	Stephen R. Soltis	
3	Direct Examination By Ms. Norris	8
	Cross-Examination By Mr. Zelenka	47
4	Redirect Examination By Ms. Norris	75
	Janet Vogelsang	
5	Direct Examination By Ms. Norris	80
	Cross-Examination By Mr. Zelenka	155
6	Redirect Examination By Ms. Norris	192
	Susan Knight	
7	Direct Examination By Ms. Norris	210
	Cross-Examination By Mr. Zelenka	269
8	Redirect Examination By Ms. Norris	297
	Donna Schwartz Maddox	
9	Direct Examination By Ms. Norris	303
10	Certificate of Reporter	333
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	E X H I B I T S			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
3	P-1	Appointment of Counsel	5	7
4	P-2	Funding Order	5	7
5	P-3	Time Sheets	5	7
6	P-4	Investigation Report	5	7
7	P-5	Ex Parte Order	5	7
8	P-6	Appointment of Counsel	5	7
9	P-7	Funding Order	5	7
10	P-8	Carolyn Graham	5	7
11		Investigation Records		
12	P-9	Competency to Stand Trial	5	7
13		Order		
14	P-10	Funding Order	5	7
15	P-11	OID Voucher	5	7
16	P-12	Ex Parte Order	5	7
17	P-13	Funding Order	5	7
18	P-14	Re-creation of Events	5	7
19	P-15	Letter	5	7
20	P-16	Diagram	5	7
21	P-17	Physical Abuse Document	5	7
22	P-18	Battering of Children	5	7
23		Document		
24	P-19	Resilience in Childhood	5	7
25		document		

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
P-20	Accumulation of Risk	5	7
P-21	Susan Knight's CV	5	7
P-22	Forensic Psychological Evaluation	5	302
P-23	Forensic Psychological Evaluation	5	268
P-24	Jan Vogelsang's CV	5	7
P-25	Psychiatric Evaluation	310	311
P-26	E-Mail	329	
S-1	List	191	191
C-1	Trial Team Chronology	5	

1 (The following proceedings were held on
2 September 6, 2017.)

3 (Court's Exhibit Number 1, trial team
4 chronology and Plaintiff's Exhibit Numbers 1 through
5 23 were marked for identification.)

6 **THE COURT:** All right. Did you premark
7 exhibits?

8 **MS. NORRIS:** Yes, Your Honor, we did. We have
9 marked one Court Exhibit that is our trial team
10 chronology and that is just something I put together
11 that I think our first witness, Mr. Soltis -- we're
12 going to put in time records and funding orders,
13 that type thing, and all of that information is
14 basically just there.

15 And then we have marked Exhibits 1 through 15,
16 are documents that are from trial counsel's file.
17 Again, we'll offer -- well, actually the State has
18 agreed to those -- to those being admitted. So 1
19 through 15 will be exhibits through Mr. Soltis. We
20 have a social worker, Jan Vogelsang, that we intend
21 to call after that. We have marked Exhibits 16
22 through 22 -- actually, I may be a little out of
23 order.

24 (Pause.)

25 (Plaintiff's Exhibit Number 24, Jan

1 Vogelsang's CV, marked for identification.)

2 **MS. NORRIS:** I apologize, Your Honor. We had
3 missed one. Exhibit 24 will be Ms. Vogelsang's CV,
4 and then the substantive exhibits for her will be 16
5 through 20. And then we have also marked Exhibit 21
6 Susan Knight, PhD, CV. And then for identification
7 only, 22 and 23 are her reports. I believe
8 Mr. Zelenka has objections to those, so we will need
9 to address those during her testimony.

10 **THE COURT:** 1 through 15 are in without
11 objection; is that right?

12 **MR. ZELENKA:** Correct.

13 **THE COURT:** 16 through 20, are they in, in
14 evidence? That's the exhibits that relate to
15 Vogelsang's testimony she said. Are 16 through 20
16 in without objection or not?

17 **MR. ZELENKA:** No objection.

18 **THE COURT:** All right. And then 21 is the
19 curriculum vitae, is it -- of Dr. Knight. Is that
20 in without objection?

21 **MR. ZELENKA:** No objection to Knight's CV.

22 **THE COURT:** So 22 and 23 are -- there's an
23 objection I'll have to hear on that. And then what
24 about 24, Vogelsang's CV?

25 **MR. ZELENKA:** That's the CV? No objection.

1 (Plaintiff's Exhibit Numbers 1 through 21
2 and 24 admitted into evidence.)

3 **THE COURT:** Do you all need to make any kind of
4 opening statements or are you ready to proceed with
5 evidence?

6 **MS. NORRIS:** Your Honor, I assume you've got
7 the application in front of you, so if you -- other
8 than that, we're ready to proceed.

9 **THE COURT:** Does the State wish to make any
10 kind of opening statement?

11 **MR. ZELENKA:** Your Honor, we filed a amended
12 return on July 27th. I believe I provided that to
13 you at that time, provided a copy today along with
14 the record on appeal. We're ready to proceed in
15 this matter.

16 **THE COURT:** All right. So we're operating
17 under the second amended application for
18 post-conviction relief that was filed June the 26th,
19 2017?

20 **MS. HOLT:** Yes, sir.

21 **THE COURT:** And the return is the one that was
22 filed July 27th, 2017?

23 **MR. ZELENKA:** That's correct, Your Honor.

24 **THE COURT:** All right. Call your first
25 witness, please.

1 **MS. NORRIS:** The Applicant calls Steve Soltis.

2 **THE COURT:** Come around, please.

3 STEPHEN R. SOLTIS,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. NORRIS:

7 **Q** Good morning, Mr. Soltis. Would you please
8 state your full name for the record?

9 **A** Stephen R. Soltis.

10 **Q** And were you one of Mr. Finklea's trial
11 attorneys?

12 **A** I was.

13 **Q** Can you give us a basic summary of your
14 education and licensing?

15 **A** Where would you like to start?

16 **Q** College, law school, when you got your law
17 license?

18 **A** I graduated from Arizona State University in
19 1973, went to law school in, I believe, 1981,
20 graduated in 1984, been in private practice since.
21 I worked at the federal public defender's office,
22 the local -- the county public defender's office in
23 Lexington and have been in private practice since
24 1995.

25 **Q** And prior to this case, had you done death

1 penalty cases?

2 **A** Yes.

3 **Q** How many?

4 **A** I think two, maybe three.

5 **Q** And were those all the way through sentencing?

6 **A** Yes, ma'am.

7 **Q** All right. And do you recall when you were
8 appointed to represent Mr. Finklea?

9 **A** Not the exact date, no, ma'am, I do not.

10 **Q** All right.

11 **MS. NORRIS:** Your Honor, if I may approach,
12 I'll hand you the Court Exhibit.

13 **THE COURT:** Yes, ma'am. Thank you.

14 BY MS. NORRIS:

15 **Q** And, Mr. Soltis, let me hand you what's
16 Plaintiff's Exhibit 1 and see if that helps.

17 **A** Yes, ma'am.

18 **Q** So you were appointed on August 13th, 2003?

19 **A** Yes, ma'am.

20 **Q** Do you remember how long that was after
21 Mr. Finklea's arrest?

22 **A** I do not.

23 **Q** And do you recall how that appointment came to
24 be, in other words, whether it was the clerk of
25 court, whether there was a judge?

1 **A** It says on here it's per Judge Johnson. I
2 don't know how I was appointed.

3 **Q** Were you aware from the beginning that it would
4 likely be a death penalty case?

5 **A** The facts and circumstances indicated to me
6 that it's likely that it would be.

7 **Q** And do you recall what initial actions you took
8 on the case?

9 **A** I do not.

10 **Q** All right. Let me show you Plaintiff's Exhibit
11 2, a funding order, and see if that helps.

12 **A** (Witness reviewing document.)

13 **Q** Did you ask for funding for --

14 **A** I did.

15 **Q** -- for a paralegal?

16 **A** I did.

17 **Q** And did you also seek funding for an
18 investigator?

19 **A** Very likely.

20 **Q** All right. Do you recall a gentleman named
21 Dave McDougall?

22 **A** I do.

23 **Q** I'm going to show you the record -- or -- the
24 record on appeal at page 1101 that indicates that
25 you initially sought \$1500 in funding for

1 Mr. McDougall?

2 A Well, actually, I think I asked for more than
3 that. I think that's what I was granted initially.

4 Q Okay. So you recall asking for more?

5 A I believed so.

6 Q And do you recall which judge that was in front
7 of?

8 A No, ma'am.

9 Q Okay.

10 A I think initially it was in front of Mark
11 Westbrook.

12 Q Had you worked with Mr. McDougall before?

13 A I have.

14 Q And do you recall how much experience he had?

15 A He has quite a bit. I've used him, prior to my
16 leaving the public defender's office probably, I
17 would say since around 1990.

18 Q Okay. And is Mr. McDougall deceased now?

19 A He is.

20 Q And do you recall when you met your client for
21 the first time?

22 A No, but I'm sure it's in the time sheets that
23 I...

24 Q Well, let me show you Plaintiff's Exhibit 3,
25 which are your time sheets, and see if that helps.

1 **A** It looks like somewhere around August 22nd or
2 23rd.

3 **Q** All right. I'm going to show you Plaintiff's
4 Exhibit 4. And that first paragraph, I'll ask you
5 to look at that and see if that refreshes your
6 recollection.

7 **A** I guess it might have been a little earlier
8 than that.

9 **Q** And the name at the top of Number 4,
10 Information Services, was that Mr. McDougall's?

11 **A** It is. It was.

12 **Q** All right. And he indicates that you -- that
13 the two of you met with Mr. Finklea on August 19th?

14 **A** I do not disagree with that.

15 **Q** So it looks like you underbilled on that one?

16 **A** Possibly.

17 **Q** All right. Do you recall what your priorities
18 were for Mr. McDougall in terms of getting the
19 investigation started?

20 **A** My best recollection would be since I don't
21 know what happened, I usually hired Mr. McDougall to
22 run out the bases, find out what we're looking at in
23 the way of evidence against us, what we're looking
24 at in the way of facts.

25 **Q** Okay. And as part of that, did you think that

1 it was important to talk to any family members?

2 A Yes.

3 Q All right. And do you recall who you talked to
4 initially?

5 A I do not. I do not recall who I spoke with
6 initially.

7 Q If you look at Plaintiff's Exhibit Number 4 on
8 the second page, September 2nd, do you recall
9 meeting with Teresa Finklea?

10 A I do not independently recall that meeting at
11 my office, but it says that I did, so apparently we
12 did.

13 Q Do you recall who she was?

14 A Pardon me?

15 Q Do you recall who Teresa Finklea was?

16 A Sister maybe. I don't recall off the top of my
17 head.

18 Q Okay. Did you make any other funding requests
19 prior to there being a notice of intent to seek the
20 death penalty by the State?

21 A I don't recall.

22 Q Let me show you Plaintiff's Exhibit 5.

23 A Thank you.

24 Q And that's an order that you had signed to get
25 media?

1 **A** Yes.

2 **Q** And was that in anticipation of a change of
3 venue motion?

4 **A** No, ma'am. Well, I can't say yes or no to
5 that. We needed to get and wanted to get some video
6 tapes of the incident that WIS or WLTX had on their
7 video tapes. They wouldn't give it to us for free.
8 Mr. McDougall said we would have to pay for it, so I
9 went and got an order for that.

10 **Q** And do you recall any other funding requests
11 prior to there being a death notice?

12 **A** I don't think so.

13 **Q** Do you recall whether Mr. McDougall interviewed
14 any other family members?

15 **A** I asked him to interview anybody we could find.
16 So if he found any other family members, I'm very
17 positive he would have interviewed them.

18 **Q** Well, did you ask him to interview people
19 related to guilt/innocence or to sentencing?

20 **A** Sentencing wasn't my concern at that time; it
21 was guilt/innocence. And I'm sure that we asked --
22 I asked him to interview anybody he could find.

23 **Q** All right. And in fairness, Teresa Finklea, do
24 you recall, was his wife?

25 **A** Yeah, I do now. Thank you.

1 Q And she had some family members that ended up
2 testifying for the State?

3 A Yes.

4 Q Mr. McDougall interviewed those folks, right?

5 A I don't recall each one independently.

6 Q And if you look at Plaintiff's Exhibit 4 going
7 down to September 15th, 2004.

8 A Yes, ma'am.

9 Q Mr. McDougall interviewed Mr. Finklea's
10 ex-wife, Cherena, right?

11 A Yes.

12 Q And it looks like he just happened to be in
13 Washington state on other business and met with her?

14 A Actually, it was attending a baseball game,
15 but, yes, that's true.

16 Q Well, good for him that he did some work while
17 he was there.

18 So outside of those two, do you recall any
19 family interviews or investigation prior to a death
20 notice?

21 A I don't know.

22 Q Do you recall when the State gave notice of
23 intent to seek the death penalty?

24 A I don't recall the exact date.

25 Q Do you recall how long it was prior to trial?

1 **A** No, ma'am.

2 **Q** Let me show you the record on appeal, page
3 2352. Notice was made 2006.

4 **A** All right.

5 **Q** Do you recall when the trial was?

6 **A** I believe it was 2007. Could be -- yes, I
7 think so.

8 **Q** September of 2007.

9 All right. Do you recall in relation to that
10 notice, when your co-counsel was appointed?

11 **A** I had thought maybe before then.

12 **Q** Plaintiff's Exhibit 6 is that appointment
13 order. It's about a year before then, right?

14 **A** Yes, ma'am.

15 **Q** All right. And do you recall how you were able
16 to get --

17 **THE COURT:** Y'all are both saying then. I
18 don't know which then you're talking about. Are you
19 talking about the trial then or the --

20 **MS. NORRIS:** I apologize.

21 **BY MS. NORRIS:**

22 **Q** Give us the date on the appointment for
23 Ms. Kimbrough.

24 **A** It looks like May 26, 2005.

25 **Q** And the death notice was May 2006?

1 **A** Yes.

2 **Q** And the trial was September 2007?

3 **A** Yes.

4 **Q** Do you recall how you were able to get
5 co-counsel appointed prior to there being a notice
6 of intent to seek the death penalty?

7 **A** I wasn't able to get co-counsel appointed.
8 Mark Westbrook -- Judge Westbrook appointed her.

9 **Q** Do you want to look again at that appointment
10 order and see which judge it was?

11 **A** It looks like Judge Keesley appointed her. I
12 thought it was Mark Westbrook. I apologize.

13 **Q** And do you recall whether -- whether you asked
14 for the appointment or whether that happened
15 independent of you?

16 **A** I don't recall now that you bring that up. I
17 thought Judge Westbrook had appointed her. I may be
18 confused on that. I may have asked for co-counsel.

19 **Q** And did you select who that co-counsel would
20 be?

21 **A** I know I did not do that.

22 **Q** Okay. But you don't know how that was made?

23 **A** I don't recall, no, ma'am.

24 **Q** And why -- do you recall why you were asking
25 for appointment of co-counsel before there was a

1 notice of intent to seek the death penalty?

2 **A** It appeared clear that they were going to do
3 that, I might as well get all the help I could at
4 that point.

5 **Q** Once Ms. Kimbrough -- and if it's all right
6 with you since she's remarried, I'm going to refer
7 to her as Ms. Armstrong?

8 **A** That's fine.

9 **Q** Once Ms. Armstrong was appointed, did you meet
10 with her to discuss the case?

11 **A** I'm sure that we have met. I don't recall the
12 exact first meeting with her. I don't recall what
13 we talked about, but, yes, I did.

14 **Q** All right. And had you worked with
15 Ms. Armstrong before?

16 **A** Never.

17 **Q** Did you know her before then?

18 **A** I don't believe so.

19 **Q** And once she was appointed, who was the lead
20 counsel?

21 **A** I think, technically, I was, but our plan was
22 to allow her to do as much as she possibly could
23 with it because she said that she had previously
24 just finished a death penalty case and was more
25 knowledgeable on certain areas of the law than I

1 was.

2 Q So by the time you started sentencing, who, in
3 your mind, was lead counsel?

4 A She was.

5 Q And did that change from the very beginning so
6 that, technically, you were lead counsel, but she
7 was --

8 A I don't know if there was ever a, technically,
9 I was lead counsel or not, but our plan, clearly
10 before trial, was that she was going to handle it.

11 Q Was there a division of labor up front or did
12 y'all do things jointly? How did that work between
13 you?

14 A I don't recall a specific organized division of
15 labor. We did talk a bit about what we were doing
16 and who was going to do it, no specific regimen.

17 Q And who was primarily responsible for preparing
18 for the guilt/innocence phase of the trial?

19 A That would have been my co-counsel and our
20 social worker.

21 Q The guilt/innocence?

22 A Oh, excuse me, I'm sorry. I don't think that
23 we had a who was basically responsible for that
24 portion.

25 Q And so -- well, let me ask you this: Was there

1 any question in your mind going into the trial
2 whether or not Mr. Finklea would be convicted?

3 A Well, there's always a question, as we hope
4 that he's not going to be, but the evidence appeared
5 to be strong enough so that, in Lexington County,
6 would have been convicted.

7 Q Basically, it was a foregone conclusion, right?

8 A You can say that.

9 Q Well -- so as far as the sentencing phase, was
10 there any question in your mind that the jury would
11 find an aggravating circumstance?

12 A We were hoping they would not, but I thought
13 they would, yes.

14 Q Armed robbery would --

15 A If they find -- yeah, if they found that the
16 facts were consistent with what was presented, they
17 had their aggravating circumstance.

18 Q And who was primarily responsible for preparing
19 for the sentencing phase?

20 A That would have been Ms. Armstrong.

21 Q And the -- and Ms. Graham?

22 A And Ms. Graham.

23 Q And going back to when Ms. Armstrong was
24 appointed with you, who decided on what -- on who
25 your mitigation person would be?

1 **A** Ms. Armstrong and I talked about it and we
2 picked one. Who chose that one, why we chose that
3 one, I don't -- I don't remember.

4 **Q** Do you recall it being Carolyn Graham?

5 **A** I do.

6 **Q** Had you ever worked with her before?

7 **A** I want to say that I have, but I couldn't tell
8 you that for certain.

9 **Q** Do you recall what case it might have been?

10 **A** I don't right off the top of my head, but it
11 could have been Raymond Patterson.

12 **Q** Well, as --

13 **A** May not have been.

14 **Q** -- as co-counsel with you on that case, if I
15 tell you it was not, would you accept that?

16 **A** All right. Then it may not have been.

17 **Q** Do you recall who drafted the initial funding
18 orders for your mitigation expert people?

19 **A** I do not.

20 **Q** And your time records there in front of you,
21 Plaintiff's Exhibit 3, I believe if you look at the
22 entry for July 15th, 2005...

23 **A** (Witness reviewing document.)

24 **Q** Does that help you recall --

25 **A** It looks like Ms. Armstrong prepared it.

1 Q And do you recall when that initial funding
2 order was signed?

3 A I do not, but I'm sure it would be probably in
4 here.

5 Q Let me hand you Plaintiff's Exhibit 7, and the
6 date on that?

7 A It looks like it was signed August the 4th of
8 2006.

9 Q So about 13 months later?

10 A All right.

11 Q Do you recall why there was a delay in getting
12 that funding?

13 A I do not.

14 Q I believe you have the record on appeal there
15 in front of you.

16 A All right.

17 Q At page 1101, I think, through 1104, there's an
18 indication that you didn't have a judge assigned for
19 the death penalty case until Judge Buckner was
20 assigned. And then it took a few months for Judge
21 Buckner to sign?

22 A All right.

23 Q Does that refresh your recollection?

24 A It does. It does a little bit.

25 Q All right. Tell us what you remember.

1 **A** We did ask Judge Buckner for funding, and I
2 don't recall him giving it to us immediately. He
3 required us to come down to, I believe, Walterboro,
4 and we had an ex parte funding request in front of
5 him at that time. I don't recall when -- I think
6 that's -- I don't recall when he actually had -- we
7 had that meeting, but I know it took a while for him
8 to actually sign the final order or the order giving
9 us the funding.

10 **Q** And prior to that time, had you asked other
11 judges?

12 **A** I don't think so. I may have, but I don't
13 recall. I don't think so, though.

14 **Q** If the record there in front of you indicates
15 that you had and been put off until a judge was
16 specially assigned for your case --

17 **A** I don't dispute that one bit.

18 **Q** All right. And do you recall why Judge Buckner
19 left the case and Judge Newman took over?

20 **A** I do not.

21 **Q** Do you recall why Solicitor Donnie Myers was
22 not personally prosecuting this case?

23 **A** But he was.

24 **Q** Well -- let me back up. In the earlier
25 hearings, he did not seem to be involved in those?

1 **A** Possible.

2 **Q** Do you recall why?

3 **A** No, ma'am.

4 **Q** Now, on your initial funding request, you asked
5 for more money for Mr. McDougall, right?

6 **A** Yes.

7 **Q** And you asked for money for Carolyn Graham.

8 And who else did you ask for in that initial
9 funding?

10 **A** Do I have that in front of me?

11 **Q** You should in, I believe, Plaintiff's Exhibit

12 7. There's a forensic psychiatrist, I believe,
13 indicated there.

14 **A** I asked for additional funding for Dave
15 McDougall. I asked for additional funding -- or
16 funding for Carolyn Graham and a forensic
17 psychiatrist. I believe I asked -- it does say that
18 I asked for Donna Schwartz-Watts. And I also asked
19 for funding for travel expenses.

20 **Q** Now, Donna Schwartz-Watts, if it's all right,
21 I'm going to call her Dr. Maddox as she's now
22 Schwartz Maddox. Had you worked with Dr. Maddox
23 before?

24 **A** I have.

25 **Q** And do you recall how many occasions?

1 **A** I do not, more than one.

2 **Q** Okay. Was she someone that you selected or
3 Ms. Armstrong or was that a joint decision?

4 **A** I don't recall.

5 **Q** Okay. And the funding for your travel, do you
6 recall what that was for?

7 **A** I was initially going to the Seattle area to
8 talk with I believe it's Cherena. I was also -- I
9 also asked for funding to go to Michigan to talk
10 with I believe it was Ron's grandfather, could have
11 been his father.

12 **Q** His father-in-law?

13 **A** Could have been, yes.

14 **Q** And then Alabama. Do you recall who was in
15 Alabama?

16 **A** Well, Alabama would -- yes. Alabama was the,
17 actually, I think the first trip that I took, and
18 that was to try to get in touch with Ron's mother
19 and anybody else that wanted to talk to us or talk
20 to me.

21 **Q** And that was -- that was in the same order that
22 Carolyn Graham was approved as mitigation
23 investigator?

24 **A** If it says that it was, then it was.

25 **Q** And do you recall -- well, do you recall when

1 you went to Alabama?

2 **A** Not specifically, but I'm sure that I put it in
3 the time sheets.

4 **Q** I think if you look on the first couple of
5 pages, there's your travel expenses, that indicates
6 August of 2006?

7 **A** That's probably accurate.

8 **Q** And do you recall who you -- well, do you
9 recall where you went specifically?

10 **A** Monroeville, Alabama.

11 **Q** And do you recall who you talked to there?

12 **A** I tried to get in touch with Ron's mother.
13 Ultimately reached her, I believe, on a Saturday
14 afternoon or early evening, and she arranged a
15 meeting for the following day at the hotel that I
16 was staying at.

17 **Q** And had you called her before going down there?

18 **A** I tried to call her before going down there.

19 **Q** Okay. And do you recall whether you had
20 actually talked to her beforehand?

21 **A** I do not.

22 **Q** Your time records indicate a call. My question
23 is do you recall the actual conversation?

24 **A** I do not recall the actual conversation. I
25 don't even recall talking to her. I'm sorry.

1 Q That's okay.

2 So your recollection is that you touched base
3 with her and she agreed to come to the hotel?

4 A Well, no, I met her at the place that she was
5 employed and --

6 Q Was that a hotel?

7 A No, I don't think so. I think it was a
8 restaurant..

9 Q Okay.

10 A And -- actually, I was not able to find her and
11 I happened to go to the restaurant, and low and
12 behold, I believe she was cooking there.

13 Q Okay. And do you recall whether you met with
14 any other family members?

15 A I did later the next day.

16 Q And is that when she brought family to the
17 hotel?

18 A She did.

19 Q Do you recall who came?

20 A I do not recall who specifically, but there
21 were a number of people, I would say in excess of 10
22 or 12.

23 Q Okay. And do you have any notes of that
24 meeting? And in fairness to you, you did provide me
25 with a copy of your file. I was unable to find

1 notes in there. I just wanted to know if I'm
2 missing something.

3 **A** You shouldn't be missing anything, but if I had
4 notes, and I'm sure that I did, I may have even
5 turned them over to our -- to Carolyn.

6 **Q** Okay. Now, going back to Carolyn,
7 Mr. McDougall obviously, from Plaintiff's Exhibit 4,
8 provided you memos of what he was doing and his
9 investigation, right?

10 **A** Yes.

11 **Q** Do you recall whether Ms. Graham similarly gave
12 memos of who she interviewed and what she was doing?

13 **A** I don't recall specifically the memos. I do
14 recall that we spoke about things. If there are
15 memos and they're in the file, I am then positive
16 that she gave them to us, but I don't recall -- I
17 don't recall any memos.

18 **Q** Well, I'm asking because I haven't seen any
19 memos.

20 **A** All right.

21 **Q** But you recall having conversations?

22 **A** I do.

23 **Q** Okay. And who -- who was directing or
24 supervising what Ms. Graham was doing in her
25 investigation? Was that you?

1 **A** I would have to say that was Ms. Armstrong.

2 **Q** Okay. Do you recall whether Ms. Graham went to
3 Alabama?

4 **A** I believe that she did. I don't know exactly
5 when.

6 **Q** All right. I'm going to show you Plaintiff's
7 Exhibit 8, and that is an initial billing from
8 Ms. Graham. Who would she have submitted that to?
9 Would that have been you or Ms. Armstrong?

10 **A** I don't recall. I might have -- I think maybe
11 Lisa had got that, or Ms. Armstrong, but I may have
12 received it.

13 **Q** Would you also have been copied, to your
14 recollection?

15 **A** I don't remember.

16 **Q** Okay. And that indicated that she started work
17 in November -- wait. I apologize. I misspoke. She
18 started work in September?

19 **A** I don't know when she actually started work.
20 She started working by going -- or she went to --
21 according to this voucher, she came to Lexington to
22 see me on September 6th.

23 **Q** Okay. And then on October 6th, she traveled to
24 Monroeville, right?

25 **A** That's what it says.

1 Q And her voucher indicates that she drove there?

2 A I think that's correct. I don't know what the
3 voucher looks -- I didn't look at that part, but I
4 do recall her driving there.

5 Q If you look on the back, she's actually got her
6 MapQuest driving directions on there.

7 A All right..

8 Q And so she drove down to Alabama on November
9 6th. And on November 7th, her time records indicate
10 that she located and interviewed family in
11 Monroeville for seven hours, right?

12 A I don't have anything for November 7th.

13 Q I apologize. October 7th, 2006.

14 A That's correct.

15 Q And do you know who she met with then?

16 A I do not.

17 Q Do you know where she met with them?

18 A I would imagine at Monroeville, but where I
19 don't know.

20 Q Do you recall getting any notes or memos of her
21 meetings there?

22 A I don't recall a note or a memo on that, but I
23 recall a meeting with her and Ms. Armstrong.

24 Q And then on October 8th, 2006, she drove back.
25 So that one day, seven hours down there, right?

1 A It's what it says.

2 Q All right. And --

3 A Well, it looks like that she says she
4 interviewed members on October 8th as well.

5 Q And she billed nine hours for that day?

6 A All right.

7 Q Well, you've got it there in front of you. I'm
8 not trying to mislead you.

9 A This is what she billed, yes, whatever it is.

10 Q And the MapQuest indicates that at least seven
11 and a half of that would have been driving?

12 A All right. I don't disagree with that.

13 Q According to her time records, when did
14 Ms. Graham first meet with Ron Finklea?

15 A (Witness reviewing document.)

16 Q October 25th, 2006, do you see that?

17 A I do. October 25th, she traveled to Lexington
18 to interview client.

19 Q So according to her billing records, she went
20 to Monroeville before actually talking to Ron
21 Finklea?

22 A According to this document, yes.

23 Q Now, going back to Dr. Maddox, who between
24 you -- well, actually I won't even do that.

25 Do you recall who was working directly with her

1 in terms of asking her, This is the question that I
2 want you to address in consult?

3 **A** I'm almost positive it was Ms. Armstrong.

4 **MS. NORRIS:** Give me just a second, please.

5 (Pause.)

6 **Q** Do you recall when Dr. Maddox started work on
7 the case?

8 **A** I don't recall it off the top of my head; I do
9 not.

10 **Q** And do you recall there being a department of
11 mental health evaluation in this case?

12 **A** I'm almost positive that there was one.

13 **Q** Let me show you Plaintiff's Exhibit 9. While
14 you're doing that, let me get this record of appeal
15 back out of your way.

16 **A** Repeat your question, please.

17 **Q** Well, my initial question was whether you
18 recall the DMH evaluation?

19 **A** Yes.

20 **Q** And that was ordered in January of 2007 at the
21 State's request; do you recall that?

22 **A** Yes.

23 **Q** And on the back of that order, it indicates
24 that the court ordered that the report not be
25 released to anyone other than the court initially.

1 Do you recall why that was?

2 A No, ma'am, I do not.

3 Q And that's one of those documents that I
4 believe Assistant Solicitor Rick Hubbard was
5 involved in that rather than Solicitor Myers?

6 A All right.

7 Q But you don't recall -- your recollection, as I
8 understand it, is Solicitor Myers was there through
9 all of it?

10 A No, I didn't say that.

11 Q Okay.

12 A I don't recall why Rick Hubbard did this
13 investigation.

14 Q All right.

15 A Or asked for the --

16 Q Now, later on in the record of appeal, I think,
17 just in August of 2007, shortly before the trial,
18 that report -- the DMH report was actually released
19 to both sides. Do you recall who the DMH examiner
20 was?

21 A I do not.

22 Q Do you remember Rick Frierson being involved in
23 this case?

24 A Yes, I do. Yes, he was.

25 Q And did you actually attend the DMH evaluation

1 or did anybody from the defense team attend that?

2 A I don't recall.

3 Q And do you recall whether you requested
4 additional experts after the DMH evaluation?

5 A I don't recall that, but it sounds like
6 logical.

7 Q Let me show you Plaintiff's Exhibit 10.
8 Ms. Armstrong's signature indicates that she signed
9 that in April of 2005, but that was before she was
10 appointed.

11 A Okay.

12 Q And the fax up top, what's the date when that
13 was faxed?

14 A It looks like April 22, '07.

15 Q And in that funding request, funds were sought
16 for Tora Brawley, PhD?

17 A Yes.

18 Q Do you recall Dr. Brawley being involved in the
19 case?

20 A Yes.

21 Q Do you recall who asked her to examine
22 Mr. Finklea?

23 A Dr. Maddox.

24 Q Had you worked with Dr. Brawley before?

25 A Not as much as I had with Dr. Maddox.

1 **Q** So once she got involved in the case, who was
2 directing her activity and consulting directly with
3 her?

4 **A** My understanding is that she was working and
5 doing a evaluation that was ordered by Dr. Maddox.
6 So I would imagine that Dr. Maddox would have been
7 directly responsible for her.

8 **Q** And that funding order, Plaintiff's Exhibit 10,
9 also indicates that funding was obtained for a
10 neurologist. Do you recall Dr. Kenneth Gaines
11 examining --

12 **A** I don't recall that name at all.

13 **Q** Do you recall anything at all about a
14 neurological evaluation?

15 **A** I do not.

16 **Q** Let me show you Plaintiff's Exhibit 11, which
17 is an Office of Indigent Defense voucher that
18 Ms. Armstrong submitted for interim payments for
19 your investigators, both Dave McDougall and for
20 Carolyn Graham. Would you have been involved in
21 that at all?

22 **A** I don't remember seeing this. It would not
23 surprise me that I have seen it, but it's not
24 anything that I would have, I don't think, I would
25 have had to approve or do anything with.

1 Q All right. And on Ms. Graham's billing there,
2 is there any indication of any additional trips to
3 Alabama to see Mr. Finklea's family?

4 A You're talking about Exhibit 8?

5 Q I'm talking about Exhibit 11, which should be
6 attached there to that OID -- it should be both
7 Ms. Graham and Mr. McDougall.

8 A All right. No. Looks like telephone calls.

9 Q And, of course, Mr. McDougall indicates in
10 there that he interviewed Cherena Roland in Seattle?

11 A Yes.

12 Q But he didn't bill any travel because he was
13 there for a baseball game?

14 A That's correct..

15 Q All right. Did you -- did you also go to
16 Washington?

17 A I did.

18 Q Was that separate from Mr. McDougall?

19 A It was.

20 Q Okay. And do you recall meeting with
21 Ms. Roland?

22 A I did not meet with her.

23 Q And what happened with that?

24 A She wasn't there.

25 Q Okay. Had you prearranged to interview her?

1 **A** I think it was prearranged. I'm almost
2 positive that it was. Do I recall that individual
3 conversation with her directly? No, I do not.
4 Could it have been done by someone at my office? It
5 could have been.

6 **Q** And I'll show you Plaintiff's Exhibit 15, which
7 is your letter to her.

8 **A** It is.

9 **Q** Essentially saying, Yes, I'm sorry I missed
10 you.

11 **A** Yes.

12 **Q** All right. Outside of you going to Alabama and
13 you and Mr. McDougall separately going to Washington
14 and Ms. Graham going to Alabama once, do you recall
15 any other trips by --

16 **A** I do not. I never did go to Michigan.

17 **Q** Okay. And now looking again at Plaintiff's
18 Exhibit 11, Mr. McDougall's billing, does it
19 indicate in there when he or -- let me phrase it
20 this way: Does his billing records indicate that he
21 put a packet of his materials together for
22 Ms. Armstrong?

23 **A** (Witness reviewing document.)

24 **Q** I believe if you look around June 8 of 2006.

25 **A** That's my next line. June 8th, 2006, it says

1 he met with Attorney Soltis and Kimbrough.

2 Q And right after that?

3 A That would have been June 17th. Prepared
4 investigative report, copies to counsel, delivered
5 report and attachment to Kimbrough and Soltis.

6 I don't see where he's -- where he gave
7 anything directly to Graham.

8 Q I didn't ask you about Ms. Graham or if I did,
9 I misspoke.

10 A I apologize.

11 Q But it indicates that he prepared a packet for
12 Ms. Armstrong?

13 A Yes.

14 Q So, to your knowledge, working in this team --
15 well, could you call it a team?

16 A Sure.

17 Q Okay. Working in this team, to your knowledge,
18 everything that Mr. McDougall had prepared for you,
19 once Ms. Armstrong was appointed, was also provided
20 to her?

21 A Very likely. I can't tell you yes or no
22 because I don't know what she received, but I
23 wouldn't have any reason to believe she would have
24 not received something I had received.

25 Q Okay. Do you recall making any additional

1 request for funding for investigation or experts?

2 I'll hand you Plaintiff's Exhibit 11 -- I'm sorry --

3 12, see if that helps.

4 **A** I don't specifically recall doing this.

5 **Q** And that's June 15th, 2007?

6 **A** That's when it was signed, yes.

7 **Q** And you got more money for Ms. Graham, more for
8 Mr. McDougall and there is a request and an
9 authorization for an adaptability expert, James
10 Aiken. Do you recall who selected Mr. Aiken to work
11 on the case?

12 **A** I do not.

13 **Q** I'm sorry?

14 **A** I do not recall that.

15 **Q** Had you personally worked with Mr. Aiken
16 before?

17 **A** I had not.

18 **Q** Okay. And from that point, on June 15th, 2007,
19 until the trial started, were you involved in any
20 mitigation investigation or preparation that you
21 recall?

22 **A** I don't specifically recall any -- I don't
23 recall this. I don't recall preparing Exhibit 12.

24 **Q** And from your time records, if you want to look
25 to see if that helps your recollection at all.

1 **A** Time records don't indicate to me any help.

2 **Q** Now, shifting gears to the question of
3 competence, do you recall competence being -- trial
4 competence, Mr. Finklea's competence, mental health
5 competence, do you recall that being an issue in
6 this case?

7 **A** At which point in the trial or both parts of
8 the trial?

9 **Q** At any point?

10 **A** Well, clearly, his competence would have been
11 an issue. He didn't remember what happened.

12 **Q** If you look at Plaintiff's Exhibit 4,
13 Mr. McDougall's memo on his meeting with Mr. Finklea
14 on August 19th, 2003, if you look at the second
15 page, that partial paragraph at the beginning, does
16 it indicate that Mr. Finklea had complete amnesia
17 for these events?

18 **A** According to Mr. McDougall's report, he
19 indicates, He was worried about what Teresa would
20 say when she found out about the money was gone; he
21 was desperate for money; Ron hatched the idea of
22 taking off the ATM at Selectron.

23 **Q** And the actual competence proceedings
24 themselves, did you actively participate in those
25 hearings?

1 **A** I do not recall.

2 **Q** So if the record on appeal indicates that you
3 didn't speak through those competence hearings, you
4 don't -- your memory does not disagree with that?

5 **A** I don't dispute that.

6 **Q** Okay. Do you recall Ron Finklea testifying in
7 the competence hearing on August 10th, 2007?

8 **A** No.

9 **Q** So I guess if you don't remember him
10 testifying, you don't recall whether you were
11 involved in the decision of whether he should?

12 **A** I don't recall it. And I'm sorry, it has been
13 ten years ago. I don't recall everything you're
14 asking me. I wish I would have known a road map for
15 you, but I don't recall specifically him testifying
16 or being involved in it. He may very well have
17 been; I don't recall it.

18 **Q** Do you recall -- were you personally involved
19 in making any arrangements for mitigation witnesses
20 to come to testify in sentencing?

21 **A** Specifically, I don't think directly, no. I
22 think I may have assisted some. I can't tell you
23 that; I don't know.

24 **Q** Do you recall there being a few military
25 members?

1 **A** Yes.

2 **Q** Do you recall anybody from Mr. Finklea's family
3 in Alabama coming?

4 **A** Yes.

5 **Q** Do you recall who they were?

6 **A** I do not.

7 **Q** And I'm going to show you Plaintiff's Exhibit
8 13, a funding order indicating that funds were
9 granted so that the family could rent a van to bring
10 themselves.

11 **A** I do remember that.

12 **Q** Do you recall meeting with any of the family
13 members while they were in the Lexington area?

14 **A** Yes, but I couldn't specifically tell you when,
15 where or who.

16 **Q** What do you recall about it?

17 **A** Meeting with them.

18 **Q** Just in general?

19 **A** Yes. Might even have been at the courthouse.
20 I don't...

21 **Q** Now, Mr. Soltis, I'm going to hand you volume
22 one of the record on appeal at the index. And the
23 best I can tell from this, your name doesn't appear
24 until we get over to about page 659.

25 **A** Okay.

1 Q And then looks like maybe during jury
2 selection, you did voir dire of, I don't recall a
3 number, we'll say eight to ten?

4 A Okay.

5 Q And other than that, there are a couple of
6 witnesses during the guilt or innocence phase that
7 you did cross-examination, but every other place
8 where it indicates a defense counsel doing direct or
9 cross, et cetera, it is Ms. Kimbrough,
10 Ms. Armstrong, listed there. Do you recall why
11 Ms. Kimbrough, Ms. Armstrong, was doing the lion
12 share of the work in the courtroom?

13 A Yes.

14 Q Okay.

15 A By choice of Ms. Armstrong, me and Mr. Finklea.

16 Q And why was that?

17 A Because I can be sometimes abrasive in court to
18 witnesses and we were looking for a little softer
19 approach.

20 Q Do you recall being involved in the decision
21 making of what mitigation, things you would present
22 during sentencing?

23 A I recall being involved in some of the
24 mitigation. Directly, I didn't take an active
25 participation, I don't believe, in any part of the

1 mitigation, at least as counseling, questioning
2 witnesses or so, but I don't recall specifically --
3 I'd have to say, no, to your question.

4 Q Do you recall generally what types of
5 mitigation were presented?

6 A I don't recall exactly what was presented. I'm
7 sure the trial transcript was accurate.

8 Q Do you recall -- well, let me phrase it this
9 way: What was presented was essentially good guy
10 for military witnesses and family witnesses. Does
11 that help at all or still no recollection?

12 A As far as I remember, that's correct.

13 Q And Ms. Holt, my co-counsel, provided you with
14 materials from Jan Vogelsang and Susan Knight?

15 A All right.

16 Q I'm asking.

17 A She e-mailed me some documents. Is that what
18 you're talking about?

19 Q Yes.

20 A Yes.

21 Q Have you had a chance to look through those at
22 all?

23 A I reviewed them quickly.

24 Q Okay. And did it -- did that provide any new
25 information to you that -- or was it something you

1 already knew or nothing?

2 **A** I don't recall -- I don't know, specifically,
3 what you're asking me.

4 **Q** Well, in essence, the -- in Mr. Finklea's
5 current amended application, we have alleged in
6 ground 10-A -- have you been provided a copy of the
7 amended application by the attorney general?

8 **A** Yes.

9 **Q** Okay. So, in essence, we are serving
10 ineffective assistance for not presenting evidence
11 of childhood traumas, post-traumatic stress disorder
12 and, essentially, family history, other than good
13 guy. And if you had known the information from
14 Dr. Knight or Jan Vogelsang or similar information
15 from family members about abuse, you would have
16 presented that?

17 **A** Possibly.

18 **Q** All right. But you don't know whether you
19 would have or not?

20 **A** I don't know whether I would have or not.

21 **Q** Okay. And there's also an allegation of
22 ineffective assistance for not objecting to a State
23 witness testifying to hearsay and closing arguments
24 and sentencing that Mr. Finklea was manipulating his
25 ex-wife and her son. Do you recall any of that?

1 **A** I recall the questioning I believe.

2 **Q** Okay. Do you recall why there was no objection
3 to that?

4 **A** I do not.

5 **Q** Would that have been Ms. Armstrong's
6 responsibility as the attorney conducting
7 sentencing?

8 **A** I would think so.

9 **Q** And then to be clear, in 10-B, there's also an
10 allegation that there was a failure to object to
11 information that Mr. Finklea was having his stepson,
12 a minor child, to sell drugs for him. Do you recall
13 that testimony or solicitor's argument?

14 **A** Basically recall it, yes.

15 **Q** Okay. And would your answers of who -- of
16 failure to object be the same there, that that would
17 have been Ms. Armstrong's responsibility?

18 **A** Probably.

19 **Q** And then 10-C, the allegation is about
20 adaptability to prison, but, again, you don't recall
21 who selected your expert on that, right?

22 **A** I do not.

23 **Q** Okay.

24 **MS. NORRIS:** Give me just a second.

25 (Pause.)

1 **MS. NORRIS:** Thank you, Mr. Soltis. I don't
2 have anything further at this time, but let me
3 collect back those exhibits from you.

4 **THE WITNESS:** I'm sorry. They're not in order.

5 **MS. NORRIS:** That's all right. We'll let
6 Mr. Zelenka straighten that out.

7 **THE COURT:** Cross?

8 **MR. ZELENKA:** One moment, Your Honor.

9 **THE COURT:** You want a break?

10 **MR. ZELENKA:** That will be great.

11 **THE COURT:** Mr. Soltis, I know you know this,
12 but don't discuss your testimony with anybody during
13 the break, please.

14 **THE WITNESS:** Yes, sir.

15 **THE COURT:** All right. We're in recess for ten
16 minutes.

17 (Brief Recess.)

18 **THE COURT:** Cross-examination.

19 **MR. ZELENKA:** Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. ZELENKA:

22 **Q** Mr. Soltis, you testified on direct that you
23 have prior death penalty experience?

24 **A** I have.

25 **Q** And you indicated that those cases had gone to

1 a guilt phase, as well as a penalty phase; is that
2 correct?

3 A That's correct.

4 Q In your preparation for those cases, did you
5 prepare a mitigation defense?

6 A I did prepare a mitigation defense in some
7 cases.

8 Q And in those cases, were you aware that you
9 could present evidence of adaptability to prison
10 life?

11 A Yes.

12 Q In those cases, did you use doctor -- excuse me
13 -- James Aiken to testify or did you use another
14 individual --

15 A I don't remember ever using Mr. Aiken,
16 Dr. Aiken. I have used others. I may very well
17 have used Aiken.

18 Q Okay. Were there other potential vehicles or
19 experts that you would have utilized concerning
20 adaptability to prison?

21 A Yes.

22 Q And what would those be? Who would those be?

23 A I don't -- specifically, I couldn't tell you,
24 Mr. Zelenka.

25 Q Would they have been prison guards, jail

1 guards --

2 A They could have been --

3 Q Would you consider that?

4 A Yes.

5 Q Did you consider using a psychological expert
6 who may have done some testing to reveal an
7 individual -- individual's future adaptability
8 against violence?

9 A In other cases, yes.

10 Q Okay. Yet, in this case, you used Mr. Aiken;
11 is that correct?

12 A That's correct.

13 Q In your prior death penalty experience, did you
14 present evidence of mental health issues in
15 mitigation?

16 A Yes.

17 Q Were you aware that the funding was available
18 to do that even though the individual might be
19 criminally responsible?

20 A Yes.

21 Q And were you aware, in your prior experience
22 before this case, that family members could testify
23 about a defendant's good characteristics in
24 mitigation of the case?

25 A Yes.

1 **Q** And were you aware that evidence of a bad
2 childhood, childhood traumas or traumas which
3 occurred during a defendant's life could be utilized
4 as potential mitigating evidence in a case?

5 **A** Yes.

6 **Q** And at the time you represented Mr. Finklea,
7 were you aware of all of those options and
8 opportunities that could be available to present a
9 mitigation case?

10 **A** I was.

11 **Q** And when you presented, along with
12 Ms. Armstrong, the case in 2007, did you feel like
13 you were presenting an adequate defense for
14 Mr. Finklea?

15 **A** I felt that we took all of those matters into
16 consideration and I thought we had done the best we
17 could under the circumstances.

18 **Q** Okay. And when you say, Under the
19 circumstances, if you could, explain that a little
20 bit.

21 **A** Well, a lot of the things that I've seen in the
22 reports subsequent to the trial were not some of the
23 information that we had prior to trial.

24 **Q** Okay. Please explain.

25 **A** Well, a lot of the information that I saw

1 relating to Mr. Finklea's mother and her actions
2 towards Mr. Finklea I wasn't aware of directly.

3 Q Okay. In your review of Mr. McDougall's
4 reports, you were aware that Cherena had indicated
5 to Mr. McDougall that there had been, at least in
6 her mind, some history of a bad childhood and that
7 the mother once had shot at the defendant. You were
8 aware of that, weren't you?

9 A Yes.

10 Q And the entire defense team was aware of that
11 incident during his childhood in preparing for the
12 defense at trial; is that correct?

13 A That's correct.

14 Q And that information was shared with and
15 revealed to your psychiatric expert, Dr. Donna
16 Schwartz-Watts, now Dr. Maddox; is that correct?

17 A That's correct..

18 Q And you knew that information going into that
19 particular proceeding?

20 A Yes.

21 Q And you also had information and presented it
22 from Dr. Cherry, who was the doctor in the jail,
23 that this defendant suffered from what has been
24 diagnosed as post-traumatic stress disorder,
25 correct?

1 **A** Yes.

2 **Q** And that post-traumatic stress disorder was
3 based upon the trauma that the defendant had in his
4 childhood, general trauma; isn't that correct?

5 **A** I would say possibly some of it.

6 **Q** Okay. But you presented that information to
7 the jury in the 2007 trial, correct?

8 **A** I didn't personally, but, yes.

9 **Q** But the defense team did?

10 **A** The team did, yes.

11 **Q** And in addition to that, you presented a series
12 of family members that basically spoke about the
13 defendant, as the Applicant's team has now
14 characterized it, as having a good guy defense; is
15 that correct?

16 **A** That's correct.

17 **Q** And when Cherena Roland testified, she
18 testified a little bit that he had a very troubled
19 childhood; isn't that correct?

20 **A** That is correct.

21 **Q** Told the jury that?

22 **A** That's correct.

23 **Q** Okay. Now, it's been pointed out that you did
24 not take many witnesses, very few witnesses, maybe
25 just one witness during the trial, correct?

1 **A** That's correct.

2 **Q** And explain how that strategy was developed,
3 why that strategy was developed to have
4 Ms. Armstrong do most of the questioning of the
5 witnesses.

6 **A** When you talk to Ms. Armstrong, you'll see that
7 she is quiet and I want to say soft spoken. I don't
8 generally have that control when it comes down to
9 court. I have an abrupt attitude towards a lot of
10 witnesses, and in that regard, we decided a softer
11 approach to it would be a matter in hand with that.
12 I had no problem at all with allowing her to
13 question the witnesses and prepare them for trial.

14 **Q** Okay. Let's back up to your relationship with
15 Ms. Armstrong. Did you select her to be your second
16 counsel in the case?

17 **A** I did not.

18 **Q** Did you have choices or were you given the
19 opportunity by Judge Buckner?

20 **A** I don't think I was given the opportunity --

21 **Q** Or Judge Keesley to do that?

22 **A** I don't think I was given the opportunity to
23 pick one.

24 **Q** Okay. In your working relationship with
25 Ms. Armstrong, did she appear to be competent,

1 willing to work on the case?

2 A Yes.

3 Q Did she seem to be engaged and full of her
4 faculties throughout the period of your
5 representation with a goal towards this defendant?

6 A Yes.

7 Q Was there at any time that you felt that she
8 was ever neglectful of her duties as Mr. Finklea's
9 counsel?

10 A Never.

11 Q Did you have confidence in the work that she
12 was doing on the case --

13 A I did.

14 Q -- throughout the investigation, trial
15 preparation and the trial itself?

16 A I did.

17 Q In the decision making of how this case was
18 handled, did you rely upon her experience and
19 expertise in capital cases to assist you in making
20 the joint decisions which were occurring in the
21 trial?

22 A Yes.

23 Q In the decision concerning the approach towards
24 family members, you indicated on direct that you
25 made an early trip to Alabama to meet with the

1 defendant's mother and other family members,
2 correct?

3 A That's correct.

4 Q What was the reason for that meeting at that
5 particular time of the preparation in Mr. Finklea's
6 defense?

7 A To find out a little bit about Mr. Finklea.

8 Q Okay. And why was that important to you at
9 that early stage of the process?

10 A It was clear, from the early stage in the
11 process, this was going to be a death penalty case.

12 Q Okay.

13 A And that would have been necessary to get those
14 witnesses in or at least to talk to them.

15 Q And why would that be important as far as the
16 preparation for the death penalty trial, that early
17 contact with the family members?

18 A Talk a little bit about Mr. Finklea's early
19 childhood, about his background and to get as many
20 positive and negative, as much information as we
21 could.

22 Q Okay. Looking back at that time period, albeit
23 over ten years old, what was the sense that you got
24 from the family members about Mr. Finklea's life and
25 Mr. Finklea, if you can recall?

1 **A** At that initial meeting, I didn't recall
2 hearing anything negative from any member that put
3 anything -- anyone that talked to us -- talked to me
4 at that time. I don't recall anybody telling me any
5 bad things that happened in Ron's life. They said
6 he had a hard life, but nothing specific.

7 **Q** Okay. And your sense of the family members at
8 that time in Alabama, when you said a hard life,
9 what did you get a sense out of that? What --

10 **A** I took that as meaning a poor lifestyle, poor
11 up -- I don't want to say poor upbringing, but a --
12 an upbringing where he was living in a family that
13 was financially challenged.

14 **Q** Okay. And did that sense continue throughout
15 to the end of the trial?

16 **A** Pretty much.

17 **Q** Okay. You -- according to your travel --
18 excuse me -- not your travel voucher, your requested
19 voucher, Plaintiff's Exhibit 3, let me hand that to
20 you, it did reveal that you have a number of
21 meetings with Mr. Finklea, both with yourself and
22 with Mr. McDougall, throughout the period of your
23 representation, correct?

24 **A** Yes.

25 **Q** And in that -- in your meetings with

1 Mr. Finklea, the beginning meetings, explain what
2 his demeanor was towards you and towards this case
3 in general, if you can recall.

4 **A** He was very positive in his understanding of
5 what he was told happened, but he said he didn't
6 remember anything about the facts and had a very --
7 he couldn't remember anything from the time of the
8 attempted suicide until he got out of the hospital.

9 **Q** Okay. But isn't it true that at a subsequent
10 meeting around August 19th, let me show you
11 Plaintiff's Exhibit 4, that Mr. McDougall indicated
12 in his discussions with Mr. Finklea that, in fact,
13 he did have some memory, some reasoning, some motive
14 revealed that he had planned the particular incident
15 that occurred at that particular time; isn't that
16 true?

17 **A** That is true.

18 **Q** And the reasoning was, essentially, one of
19 greed. He needed money because he had basically
20 blown through all of Teresa Finklea's money on drug
21 dealing at that particular time?

22 **A** That's what he told Mr. McDougall.

23 **Q** Yes, he did, didn't he? And that information,
24 those reports were shared with the defense team and
25 the other experts in this case as far as you know?

1 **A** As far as I know, yes, they were.

2 **Q** Okay. Did the fact that the motive was early
3 revealed to the defense team, how did that affect
4 the way the defense team then sought to prepare the
5 case and effect a strategy that they -- that you
6 folks may have used as to what witnesses and how you
7 put witnesses on the witness stand to make the
8 defense for Mr. Finklea?

9 **A** I don't know exactly how you want me to respond
10 to that.

11 **Q** Well, let me ask this: Did it suggest to you
12 that it would be a good thing or a bad thing to put
13 Mr. Finklea on the witness stand based upon the
14 information that had been given to Mr. McDougall?

15 **A** There's no way I would put him on the witness
16 stand in the guilt phase of the trial.

17 **Q** Okay. Explain why.

18 **MS. NORRIS:** Your Honor, I would object to
19 this. There's no allegation that they were
20 ineffective for presenting him or not presenting
21 him.

22 **THE COURT:** Mr. Zelenka, you want to respond to
23 that?

24 **MR. ZELENKA:** The communications with a client
25 under Strickland versus Washington or Key is to

1 driving strategic decisions which may occur within
2 the particular case. Much of the defense in a
3 mitigation case can be based upon hearsay. There's
4 been an assertion in this case that they failed to
5 adequately put up information of post-traumatic
6 stress disorder, family relationships. And critical
7 to some of those decisions may have been the ability
8 to present a persuasive or nonpersuasive defendant
9 on the witness stand where he could have been
10 impeached, challenged on statements that he had
11 made.

12 In addition, if that information was presented
13 to certain expert witnesses, that information could
14 have been developed on cross-examination of that
15 particular expert witness as a fact that that expert
16 witness may have utilized in preparing an opinion or
17 preparing advice to the defense team at that
18 particular time, could have been factored throughout
19 the case. So I would submit it's a relevant
20 question.

21 **MS. NORRIS:** Your Honor, just to be clear, I
22 don't have any objection to Mr. Zelenka asking what
23 his communications with Mr. Finklea were. My
24 objection is that the only time Mr. Finklea
25 testified, Mr. Soltis has already said he wasn't

1 part of that decision in the competence hearing. We
2 are specifically not making an allegation that they
3 were ineffective to -- for not calling Mr. Finklea
4 to testify. So to the actual substance of
5 communication, again, no objection to that, but I
6 object to whether he should or should not have
7 testified.

8 **THE COURT:** Anything else? Anything else?

9 **MR. ZELENKA:** No, Your Honor.

10 **THE COURT:** The objection's overruled. You may
11 continue.

12 BY MR. ZELENKA:

13 **Q** In preparing the case in your discussions with
14 Mr. Finklea, did you have discussions with him, if
15 you can recall, about whether he was abused by any
16 family members, other individuals?

17 **A** I don't recall specifically asking him those
18 questions, but I never heard anything from him that
19 he had been.

20 **Q** Okay. When Dr. Cherry was giving an opinion to
21 the defense team about post-traumatic stress
22 disorder and was recommended as a potential witness
23 by Mr. McDougall to the defense team, did you have
24 any specific inquiry or were you aware of inquiry
25 about where the post-traumatic stress disorder may

1 have developed from?

2 **A** I do not recall that. I'm sorry.

3 **Q** Did you have discussions with Ms. Kimbrough as
4 to how the defense team was going to handle the
5 presentation of Dr. Cherry in the penalty phase
6 concerning the evidence of post-traumatic stress
7 disorder?

8 **A** I don't think we spoke specifically about that
9 issue. I actually left that or she undertook to
10 take that responsibility to put him on the stand.
11 She is the one that spoke with him and she was more
12 aware of specific conversations with him than I was.

13 **Q** Were you aware that the post-traumatic stress
14 disorder that was being indicated developed from
15 contact the defendant had with his mother while
16 going through childhood?

17 **A** I didn't think that that was the issue of the
18 discussion that we had on the post-traumatic stress
19 syndrome. I thought it was related more to the
20 suicide attempt.

21 **Q** Okay. But you were aware that there had been
22 indications made prior to the trial from Cherena
23 that there had been some --

24 **A** Yes.

25 **Q** -- shooting towards the defendant; is that

1 correct?

2 A Yes.

3 Q All right. With respect to the family members,
4 do you recall the meeting in Lexington County with
5 the family members?

6 A I do not specifically recall the meeting.

7 Q Do you know who selected the particular family
8 members to testify in the case?

9 A I don't. It would have specifically -- I guess
10 I'm guessing, but I would say that it would have
11 been Ms. Armstrong and Ms. Graham.

12 Q Okay. Were you ever planning to personally ask
13 those family members the questions about the
14 defendant's background or was that always going to
15 be Ms. Kimbrough doing that questioning?

16 A It was going to be Ms. Kimbrough.

17 Q Okay. With respect to Carolyn Graham as the
18 investigator, did she do everything you asked her to
19 do?

20 A As far as I know, yes.

21 Q Okay. Is there anything that stands out that
22 you felt she needed to do before the trial that you
23 neglected to tell her to do or were you satisfied
24 that she accomplished the goals that you had
25 personally set out for her?

1 **A** I don't think I set out any goals personally
2 for her, but I do believe that she has done exactly
3 what we needed.

4 **Q** Okay. With respect to Mr. McDougall, were you
5 satisfied with the communications that you had with
6 Mr. McDougall in the continuing preparation and
7 contact he had in this case?

8 **A** Yes.

9 **Q** And the defense team had Mr. McDougall contact
10 numerous family members about the defendant and his
11 background; is that correct?

12 **A** He did.

13 **Q** And did he provide those reports to you?

14 **A** I'm almost positive I received every one of his
15 reports.

16 **Q** Okay. And did you utilize those reports in
17 determining potential witnesses and family member
18 witnesses and lines of inquiry with family members?

19 **A** We did.

20 **Q** Did you make any request to have Carolyn Graham
21 do another trip down to Alabama to meet with family
22 members before the trial?

23 **A** I don't recall specifically asking for another
24 trip. I don't know why it would have been
25 necessary, but I don't recall asking her or not.

1 Q Let's back up a bit. You took a trip to
2 Seattle to meet with Cherena Roland; is that
3 correct?

4 A I did.

5 Q Was that the sole purpose of the trip?

6 A Yes.

7 Q And Cherena Roland was the defendant's first
8 wife, correct?

9 A Yes, that's correct.

10 Q And what was the purpose of that trip? Why did
11 you feel the need to personally go to Seattle to do
12 that visit as opposed to telephone or written
13 contact?

14 A Ron's request.

15 Q Ron requested that you make that trip?

16 A He did.

17 Q Okay. And what was his reason for that request
18 to you, if you can recall?

19 A Told me I needed to talk to Cherena. She had
20 good information about him.

21 Q Okay. And were you able to meet with her at
22 that time?

23 A I was not.

24 Q Okay. Explain the attempts you did to meet
25 with her while you were in Seattle?

1 **A** Called her phone number, I went to her house.

2 **Q** Okay. And --

3 **A** Or I went to the address that Mr. McDougall
4 gave me and I called the number that he gave me.

5 **Q** Okay. Was there anybody home at that address?

6 **A** There was not.

7 **Q** And how long did you stay until or how long did
8 you try to accomplish that?

9 **A** I believe that I arrived there -- I don't
10 remember. I think I was there a night, maybe two.

11 **Q** Okay. And, subsequently, Mr. McDougall was
12 able to go to Seattle and had, in fact, made the
13 contact that you were unable to make?

14 **A** I think he was there before I was.

15 **Q** Oh, okay. And did he provide you information
16 about that?

17 **A** He did.

18 **Q** Okay. With respect to your trip to
19 Monroeville, Alabama --

20 **A** Yes.

21 **Q** And you met with -- first ran into the
22 defendant's mother in the restaurant where she
23 worked at?

24 **A** Correct.

25 **Q** And did she gather family members for you to

1 meet with that Sunday?

2 A Yes.

3 Q Had anybody else contacted those other family
4 members at that time?

5 A I don't think so.

6 Q Okay. And did the defendant ask you to go to
7 Monroeville to meet with his family?

8 A No.

9 Q You did that on your own?

10 A Yes.

11 Q And --

12 A Well, in conjunction with our -- Ms. Kimbrough
13 as well.

14 Q Okay. At the time you did that meeting, was
15 Ms. Kimbrough already on the case, if you can
16 recall, in Monroeville?

17 A I think so, maybe not.

18 Q Okay. With respect to the preparation for the
19 trial, was there a question of the defendant's
20 competence to assist in the defense?

21 A Well, he could not help at all with the facts
22 of the case. So, yes, in that regard, that was an
23 issue.

24 Q Okay. And as part of that issue, you utilized
25 Dr. Donna Maddox?

1 **A** Yes.

2 **Q** And Dr. Tora Brawley who ran some psychological
3 tests, correct?

4 **A** That's correct.

5 **Q** And Dr. Kenneth Gaines, the neurologist who
6 gave an opinion about the effect of the defendant's
7 hanging, the attempted suicide, on his ability to
8 have some memory loss; isn't that correct?

9 **A** I don't specifically remember that report. I'm
10 sure if it was available to us, I did review it.

11 **Q** Okay. And the defendant did testify as part of
12 that competency hearing. And let me just show you
13 the record, volume one, page 312. Do you recall
14 that?

15 **A** Yes.

16 **Q** Okay. The judge subsequently found that he was
17 competent to testify, correct?

18 **A** That's correct.

19 **Q** And the trial proceeded forward at that
20 particular point?

21 **A** Yes.

22 **Q** With respect to the penalty phase of the case,
23 there was a series of witnesses the State presented
24 about aggravating circumstances dealing with the
25 defendant, correct?

1 **A** There were.

2 **Q** Did you have knowledge of the potential
3 evidence that the State was going to present prior
4 to the presentation?

5 **A** Yes.

6 **Q** How did that play on how the defense team was
7 going to react in mitigation in this case?

8 **A** Well, the witnesses that we presented were, I
9 thought, there to help soften up Ron's appearance
10 and his manner, as all of the witnesses from the
11 State were fairly brutal toward us.

12 **Q** Did the defense team consider presenting
13 evidence that Mr. Finklea was a drug dealer in
14 mitigation of the case?

15 **A** No.

16 **Q** Did the defense team consider negative parts of
17 the relationships that the defendant had towards his
18 ex-wives?

19 **A** We may have talked about those, but we never
20 considered putting them into play.

21 **Q** Okay. Did the defense team consider the fact
22 that there was a motive for the actions by the
23 defendant on that day and that would -- that would
24 somehow be mitigating that he'd run through his
25 wife's finances on selling drugs?

1 **A** I don't think that would be too much
2 mitigation.

3 **Q** Did the defense team desire to keep that sort
4 of information out of their case while they were
5 trying to soften the defendant's character?

6 **A** Yes.

7 **Q** With respect to a decision that was made as far
8 as the mental health presentation, the defense team
9 presented Dr. Tora Brawley to testify in the penalty
10 phase, correct?

11 **A** I believe so.

12 **Q** The defense did not choose to call to the
13 witness stand Dr. Donna Maddox. Do you recall the
14 reasons for that, at the conclusion of the case
15 after the consultation, that that decision was made?

16 **A** I don't recall any specific reason, sorry. I
17 just don't remember a reason why we didn't call her.

18 **Q** Okay. But it was clear on the record that a
19 decision was made; is that correct? It wasn't
20 through neglect that she wasn't called. You didn't
21 forget to call her. You didn't forget that she was
22 out there and had prepared and met with you about
23 her potential testimony, correct?

24 **A** That's correct.

25 **Q** And similar, a decision was made not to have

1 the defendant testify directly about his childhood,
2 correct?

3 A Yes.

4 Q About his relationship with his mother,
5 correct?

6 A That's correct.

7 Q About how he may or may not have been
8 disciplined by his mother, correct?

9 A Yes.

10 Q And he was the one that would be the better
11 witness to testify about that unless the mother was
12 going to testify that she had done these things to
13 him also?

14 A He would have been.

15 Q And he would have been likely, potentially, a
16 credible witness on that information too; isn't that
17 correct?

18 A I don't know that he would have been a credible
19 witness. I don't think that a jury would have
20 listened to a word he said about his background.

21 Q Okay. And why would that be?

22 A They'd already found him guilty of murder at
23 that point.

24 Q Okay. Yet if he was the reporter on that
25 information, his credibility would still have been

1 an issue before the jury at that particular time as
2 to whether that information was correct, accurate or
3 not?

4 **A** That's true.

5 **Q** And the State would have pointed out had he not
6 testified, that that was a problem in the case,
7 correct?

8 **A** I think if he'd have testified, we would have
9 been more hurt by what he was asked on
10 cross-examination than would benefit.

11 **Q** Okay.

12 **MR. ZELENKA:** Court's indulgence.

13 **THE COURT:** Yes, sir.

14 (Pause.)

15 **BY MR. ZELENKA:**

16 **Q** Let's go back a step. What was the theme that
17 the defense team wanted to present at the time of
18 the penalty phase of this case about the defendant?
19 What did you want to leave the jury with as far as
20 your mitigation case?

21 **A** As far as I can recall, it was that he's not a
22 bad person, got some problems, doesn't deserve to
23 die.

24 **Q** And that was presented through family members,
25 correct?

1 **A** Through -- yes, through witnesses.

2 **Q** Through the people that essentially worked and
3 lived with him in his military experience, correct?

4 **A** That's correct.

5 **Q** And through the mental health experts who
6 suggested if he's got problems, there may be a
7 mental basis for it, either memory problems or
8 post-traumatic stress disorder; is that correct?

9 **A** Yes.

10 **Q** And you were seeking to present information to
11 the jury that his memory loss that he had was
12 credible?

13 **A** Yes.

14 **Q** Okay.

15 **MR. ZELENKA:** Court's indulgence.

16 **THE COURT:** Yes, sir.

17 (Pause.)

18 **BY MR. ZELENKA:**

19 **Q** And just going back one step on -- or maybe
20 five steps on my inquiry, did you discuss with the
21 defendant his right to testify in the penalty phase?

22 **A** Yes.

23 **Q** Did he express to you whether he desired to
24 testify in the penalty phase?

25 **A** I don't think that he wanted to. I don't

1 recall specifically in answer to your question. I
2 can't -- I can't put myself in the position where I
3 remember talking to him about it, but I know that we
4 did.

5 Q Okay. And was it his choice not to testify?

6 MS. NORRIS: Your Honor, again, I'm going to
7 object to this. This is not an issue. It's not an
8 allegation.

9 THE COURT: Do you wish to be heard?

10 MR. ZELENKA: The allegation is whether he's --
11 one of the allegations, failed to put up evidence of
12 post-traumatic stress disorder. It's a little
13 difficult that that evidence wouldn't have generated
14 from the defendant himself about the circumstances
15 which could have led to trauma and that stress. So
16 I think it's an appropriate question.

17 THE COURT: Anything else?

18 MS. NORRIS: No, sir.

19 BY MR. ZELENKA:

20 Q Again, was it his choice --

21 THE COURT: Wait a second, I hadn't ruled.

22 MR. ZELENKA: Pardon me?

23 THE COURT: I haven't ruled. I'm trying to
24 make all these notes.

25 All right. State your question again. He said

1 he can't specifically recall talking to him about
2 it, so -- and you're asking him if it was
3 Mr. Finklea's decision. I'm having trouble
4 connecting those two.

5 BY MR. ZELENKA:

6 Q Okay. What are reflected on the record, that
7 the defendant waived his right to testify. Is that
8 consistent with your knowledge and understanding of
9 the defendant's desires?

10 A It is.

11 Q Okay.

12 THE COURT: Well, the objection was sustained,
13 but you've asked another question. Go ahead.

14 BY MR. ZELENKA:

15 Q Okay. Was a decision made, based upon the
16 information that you had at the time of the trial
17 about the defendant shooting or being shot at by his
18 mother, not to bring that out in the mother's
19 testimony?

20 A Would you please restate that somehow?

21 Q Okay. Was a decision made by the defense team
22 not to bring out information that you had that the
23 mother had shot at the defendant previously through
24 either the mother or specifically through Cherena or
25 possibly, if known, through Dr. Cherry?

1 **A** I don't recall specifically why we didn't --
2 that that question wasn't asked. I'm not certain
3 that I was involved in the reasoning behind not
4 asking it or not.

5 **Q** Okay. All right.

6 **MR. ZELENSKA:** Thank you, Your Honor. No
7 further questions.

8 **THE COURT:** Redirect?

9 **MS. NORRIS:** Thank you, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. NORRIS:

12 **Q** Mr. Soltis, you indicated at the beginning
13 there with Mr. Zelenka that a lot -- there's a lot
14 of information from Jan Vogelsang and from Susan
15 Knight that you were not aware of; is that right?

16 **A** I don't recall being aware of it.

17 **Q** And --

18 **A** I may have. And I'm trying to be as honest as
19 I can with you. I may have seen it and I may have
20 said, This is Lisa's game; let her play with it.

21 **Q** And to the extent that it was Lisa,
22 Ms. Armstrong's, game in terms of what to present in
23 sentencing, it was also Carolyn Graham, the
24 mitigation investigator, that was responsible to
25 bring the ball to the game so to speak?

1 **A** Well, in that regard, you know, but I think
2 overall that Ms. Armstrong and I were the ones that
3 were responsible for this trial.

4 **Q** Well, I understand that, but you -- but my
5 question is, essentially, in terms of actual witness
6 statements from mitigation type people, is it fair
7 to say that you were relying, for the most part, on
8 Ms. Graham to bring you that information?

9 **A** That's true.

10 **Q** And in that respect, Mr. Zelenka asked you
11 about Mr. McDougall interviewing numerous family
12 members. With the exception of Teresa Finklea and
13 Cherena Roland, do you recall Dave McDougall talking
14 to any family member other than those who testified
15 in the trial for the State? And those family
16 members would have been his sister-in-law, those
17 people connected to Teresa Finklea.

18 **A** He interviewed a number of witnesses. I don't
19 know that he interviewed anymore than the ones you
20 just mentioned. I don't recall them ever coming up.

21 **Q** Now, Mr. Zelenka also asked you about Cherena
22 Roland's testimony and what was or was not included
23 in that. Do you recall what, at all, what she
24 testified about?

25 **A** I don't.

1 Q And would that be the same with essentially all
2 those mitigation witnesses from the family in
3 Alabama?

4 A I couldn't tell you specifically what they said
5 if that's your question.

6 Q And in fairness, it was Ms. Armstrong that was
7 presenting that testimony?

8 A Well, it was, but I am still involved in it.

9 Q Sure.

10 A But I just don't recall that specific
11 testimony.

12 Q You were asked about whether it would have been
13 mitigating to present evidence about Mr. Finklea
14 dealing drugs and being in debt. Do you recall
15 whether or not the State had already presented that
16 evidence of aggravation?

17 A I do not.

18 Q And -- well, let me just tell you, one of the
19 allegations here is that you did not object to
20 testimony about Mr. Finklea allegedly having his
21 stepson involved in drug dealing. You indicated
22 that you remember that?

23 A I do.

24 Q So at least to that extent, you know that the
25 State already presented evidence of drug dealing or

1 allegations of drug dealing?

2 **A** All right. That's true.

3 **Q** And do you recall that the State had already
4 presented evidence about him being in debt or having
5 financial difficulties?

6 **A** I don't remember that.

7 **Q** Okay. Now, Mr. Zelenka also asked if the
8 information, and let me boil it down specifically to
9 Mr. McDougall's -- I believe it's Plaintiff's
10 Exhibit 4. I believe you have it in front of you.

11 **A** I have it.

12 **Q** Mr. Zelenka asked you if that made its way to
13 Dr. Maddox.. Do you have any independent knowledge
14 whatsoever whether she did or did not receive that?

15 **A** No, I do not.

16 **Q** And, in fact, you were not the person who was
17 working directly with her, right?

18 **A** I worked with her, but I don't think I was
19 working as closely as was Ms. Kimbrough.

20 **Q** So --

21 **A** Maddox.

22 **Q** So, to your knowledge, you got that
23 information, and at least Mr. McDougall's time
24 records indicate that his packet was delivered to
25 Ms. Armstrong. But after that, do you have any

1 independent knowledge of who else did or did not
2 receive that in the defense team?

3 **A** I do not. I know that when Mr. McDougall did a
4 package, usually, not usually, most always we each
5 got one, both me and Lisa.

6 **Q** Sure.

7 **MS. NORRIS:** Thank you, Mr. Soltis.

8 I don't have anything further, Your Honor.

9 **THE COURT:** Thank you.

10 Recross?

11 **MR. ZELENKA:** Nothing, Your Honor. Thank you.

12 **THE COURT:** Thank you, Mr. Soltis. You may
13 step down.

14 Call your next witness.

15 **MS. HOLT:** Your Honor, may I approach quickly?

16 **THE COURT:** All of you.

17 (Whereupon, a bench conference was held off
18 the record.)

19 **MS. NORRIS:** The Applicant calls Jan Vogelsang.

20 JANET VOGELSANG,

21 having been duly sworn, testified as follows:

22 **COURT REPORTER:** Can you spell your last name
23 for me?

24 **THE WITNESS:** V, as in Victor,
25 -o-g-e-l-s-a-n-g.

1 **THE COURT:** Your first name is Jan?

2 **THE WITNESS:** Janet.

3 **THE COURT:** Janet?

4 **THE WITNESS:** Yes.

5 **THE COURT:** All right. Thank you.

6 DIRECT EXAMINATION

7 BY MS. NORRIS:

8 **Q** Where do you work, Ms. Vogelsang?

9 **A** I have a private practice in Greenville, South
10 Carolina.

11 **Q** And what does your private practice entail?

12 **A** The diagnosis and treatment of mental,
13 emotional and behavioral disorders. I also conduct
14 biopsychosocial assessments both in my private
15 practice and for the courts. And I give educational
16 presentations regarding clinical social work issues.

17 **Q** What degrees do you hold?

18 **A** I have a master's degree in social work from
19 the University of South Carolina and an
20 undergraduate degree in psychology from Pepperdine
21 University.

22 **Q** I'm going to show you Applicant's Exhibit 24.
23 Is that your current curriculum vitae?

24 **A** Yes.

25 **Q** And if you -- let me collect that back.

1 **MS. NORRIS:** Your Honor, if I may approach.

2 **THE COURT:** Yes, ma'am.

3 BY MS. NORRIS:

4 **Q** Are you licensed and board certified in social
5 work?

6 **A** Yes.

7 **Q** Are you published?

8 **A** Yes.

9 **Q** What -- have you published anything relevant to
10 the question of preparing mitigation in capital
11 cases?

12 **A** Not specifically. The book that I had
13 published is more of a guide or a how-to for
14 clinical social workers who are going to court and
15 the number of different types of cases, nothing
16 specific.

17 **MS. NORRIS:** Your Honor, I offer Ms. Vogelsang
18 as an expert in clinical social work.

19 **THE COURT:** Voir dire?

20 **MR. ZELENKA:** No objection, Your Honor.

21 **THE COURT:** All right. She is so recognized.

22 You may continue.

23 BY MS. NORRIS:

24 **Q** Tell us precisely what a clinical social worker
25 does.

1 **A** Clinical social workers are mental health
2 professionals. They are trained and educated to
3 diagnose and treat mental disorders. They can be
4 found in many areas, such as private practice,
5 psychiatric hospitals, in business, in the military,
6 in mental health centers, and do approximately 65
7 percent of the mental health treatment in the United
8 States.

9 **Q** All right. And as part of that, you mentioned
10 something called a biopsychosocial assessment. Tell
11 me what all that means.

12 **A** The biopsychosocial assessment, it's a method
13 of gaining extensive information on an individual
14 whether it's in your private practice or a situation
15 like this one for the court. It includes clinical
16 interviews both with family, nonfamily members. It
17 includes a review of any records that can be
18 obtained in the case. It includes visits to the
19 home and to the community, a review of research in
20 literature and studies that are germane to what
21 you're finding.

22 And if you are asked to testify in court, it
23 includes creating demonstratives that help pull
24 together some of this information and to make it
25 more understandable because it's voluminous. And in

1 my private practice, I would use it in planning
2 treatment and for the courts to assist in the
3 disposition of a case.

4 Q And in this particular case, were you asked to
5 do a biopsychosocial assessment of Mr. Finklea?

6 A Yes.

7 Q And as part of that, did you interview family
8 members yourself?

9 A Yes. I interviewed 18 family members over the
10 course of 23 interviews.

11 Q And did you have records available to you
12 concerning Mr. Finklea?

13 A Yes.

14 Q And you mentioned that it's important as part
15 of an assessment to go to the community. Why is
16 that important?

17 A For many children, the community is the last
18 resort if the family is not functioning. So
19 visiting communities where a person grew up, seeing
20 what's there, what's available, are there programs,
21 are there any -- is there any kind of outreach,
22 anything that would give that person a different
23 experience from what they're having in their home.

24 Q And when you interview family members, do you
25 interview just immediate family members, say, the

1 mother, or how far do you have to go in those to get
2 an accurate assessment from your expert view?

3 **A** Well, it depends on the families and where
4 they're located and who is willing. But it is not
5 just family, it's not just immediate family; it's
6 extended family, which means intergenerational. So
7 you're looking not just at sisters and brothers, but
8 at aunts, uncles, cousins, grandparents,
9 great-grandparents, anyone in that group who would
10 be available and willing to talk to you and then
11 also nonfamily as well.

12 **Q** And what, if anything, is different about the
13 type of assessment that you do as a clinical social
14 worker as opposed to what a forensic psychiatrist
15 might do?

16 **A** Well, psychiatrists have a different kind of
17 training. We work in a multidisciplinary approach.
18 Psychiatrists are trained medically. And while we
19 are trained to factor in the findings of a
20 psychiatrist, there are certain areas that we are
21 not licensed or certified to work.

22 **Q** All right. And, in general, do you recall how
23 many capital cases you have worked in throughout
24 your career in terms of preparing, presenting
25 mitigation?

1 **A** I have testified in around 75 cases over a
2 period of 28 years. And some of those have been
3 trials, some of those have been hearings such as
4 this one.

5 **Q** And some of those might -- well, some of those
6 have been fairly high profile. For example, were
7 you involved in the Moussaoui case, the 9/11?

8 **A** Yes.

9 **Q** So you -- is it fair to say that you've done a
10 lot of these in a lot of places?

11 **A** I have.

12 **Q** And as part of your work in preparing a
13 psychosocial assessment for a person facing a death
14 penalty or already sentenced to death in this
15 context, is there an accepted practice in terms of
16 the core team members that need to be involved in
17 preparing all of the information for the assessment?

18 **A** There is.

19 **Q** All right. And tell me what that is.

20 **A** Well, the clinical social worker is not a
21 member of the team. The team consists of at least
22 two attorneys. It consists of a fact investigator,
23 a mitigation investigator and either an additional
24 person or one of those people needs to have enough
25 knowledge about mental health disorders to at least

1 be able to recognize any cues or symptoms or red
2 flags that would inform them and then inform the
3 team as to what steps they need to take going
4 forward.

5 Q And what, if anything, is the difference
6 between a mitigation investigator and a fact
7 investigator?

8 A Well, a mitigation investigator is a specialist
9 in investigating the penalty phase in a capital
10 case. And by penalty phase, I mean in investigating
11 the client, their family, their life history, in
12 locating people who were significant to the client,
13 to the defendant, in asking that releases be signed,
14 in gathering records and then in meeting with the
15 team, because they are a member of the team, meeting
16 with the team to talk to them about developing
17 theories, developing themes, to put together what
18 they have up to a certain point and then make
19 decisions about what kind of experts they need and
20 then to begin the process of selecting those
21 experts. So the mitigation investigator is involved
22 from the very beginning in making those things
23 happen.

24 Q And, in this particular case, Mr. Soltis told
25 us that Carolyn Graham was the mitigation

1 investigator. Do you personally know Carolyn
2 Graham?

3 **A** Yes.

4 **Q** Do you know whether or not -- well, do you know
5 what her expertise or lack thereof is? Do you know
6 anything about her history prior -- as an
7 investigator prior to working on Ron Finklea's case?

8 **A** I've only known her as a mitigation
9 investigator, so I don't know anything prior to
10 that.

11 **Q** Okay. And in terms of Mr. Finklea, have you
12 been provided information -- well, let me start
13 here: Were you present in the courtroom to hear
14 Mr. Soltis' testimony?

15 **A** Yes.

16 **Q** And information about -- and you obviously said
17 that you interviewed Mr. Finklea's family members?

18 **A** Yes.

19 **Q** Independent of that, were you provided any
20 information from trial counsel's file, from
21 Ms. Graham's file about what she did or didn't do?

22 **A** Yes.

23 **Q** And let me back up a step. When you're talking
24 about doing these interviews, let's start with
25 interviews of the defendant. In this particular

1 case, you're obviously our forensic social worker
2 testifying, but have you personally served the role
3 before of being the mitigation investigator?

4 **A** Twice.

5 **Q** And as part of that, is it important to spend
6 time with the defendant, with the gentleman you're
7 doing the assessment of to develop a relationship
8 and gather information?

9 **A** Yes.

10 **Q** And in your opinion, can you do that in a
11 single visit with the defendant?

12 **A** No.

13 **Q** Why?

14 **A** Well, it's the start of a very complex process
15 and it begins with the defendant. And it takes a
16 great deal of time to work with that person to have
17 them become relaxed in your presence, to have them
18 develop some trust in you as part of the team.

19 And, of course, in most of these cases, the
20 defendants are extremely anxious, they are often
21 impaired or they would not be in the situation
22 they're in. So you're having to try and figure out
23 does this person have learning disabilities, do they
24 understand what I am saying, to learn about their
25 educational level, their socioeconomic level when

1 they were growing up. And their perceptions of
2 their life, their perceptions of their childhood
3 might not always be accurate, but they are their
4 perceptions and so you take that seriously from that
5 perspective.

6 You're also gathering information about their
7 family and where they live and how to get in touch
8 with them. But it takes a number of visits for the
9 mitigation investigator to have the defendant
10 comfortable enough for you to be able to go visit
11 with their family comfortably.

12 **Q** And is it important in your view to have that
13 relationship, at least some of that information from
14 the defendant, before going to the family members?

15 **A** It's absolutely important, yes.

16 **Q** Why is it important?

17 **A** Well, for one thing, it makes the defendant
18 more comfortable that you're a person that he can
19 trust, he or she can trust, to make your family
20 comfortable, to know that you're not going to go
21 knock on their door and scare them half to death.
22 And it's important for the family to know that you
23 have met with the defendant and that this
24 relationship has begun.

25 **Q** And, in this particular case, Mr. Soltis

1 testified about his visit to Alabama where he met
2 with a number of family members together as a group.
3 Is that the type of setting that, in your opinion,
4 is useful in gathering detailed, specific, potential
5 mitigation information?

6 **A** No, it's typically not done that way. It's
7 very difficult to start the process with a group
8 meeting. And then there is the problem of everyone
9 being together in the same room, being -- feeling
10 restrained about what they say or what they might
11 tell that's going to offend somebody else in the
12 room.

13 So for the purposes of gathering phone numbers
14 or addresses or names and birth dates, you can have
15 a group meeting, but it's not recommended. It's
16 recommended that those meetings are individual and
17 that's how you begin the process of forming a
18 relationship with the family members. It becomes a
19 looping process where as you gather more
20 information, you have the comfort of being able to
21 go back to these family members and try to clear up
22 inconsistencies or -- especially probing for
23 additional information as you get more facts about
24 their lives.

25 **Q** And as a mitigation investigator -- for

1 example, Mr. Soltis indicated that Mr. Finklea's
2 mother chose who would come to the family meeting at
3 the hotel. In your opinion, is it advisable or
4 reliable to allow the family members to make the
5 decision of who it's important for you to talk to as
6 a mitigation investigator?

7 **A** Well, typically, the first person who would
8 have gone out would have been the mitigation
9 investigator, and sometimes the mitigation
10 investigator and the attorney go together. And it's
11 more typically a process of knocking on individual
12 doors, trying to have that first round of interviews
13 in a very personal way. And so to have this group
14 meeting or to, especially this case being an
15 excellent example, to allow Ron's mother to have
16 that control over who comes to the meeting is not
17 advisable.

18 **Q** All right. And we'll get to the specifics of
19 this one, but let me ask you this, too: You
20 mentioned of knocking on doors. Did you go to
21 Washington to interview Cherena Roland?

22 **A** I did, yes.

23 **Q** And, in fact, Ms. Roland is here, correct?

24 **A** Yes.

25 **Q** Before going out there, was some communication

1 made with her to let her know that you were coming
2 and wanted to talk with her?

3 **A** As the clinical social work expert,
4 arrangements are usually made in advance. There are
5 exceptions when we interview people -- when I'm
6 taking to interview someone who doesn't know I'm
7 coming, but that's rare, that's the exception to the
8 rule. Typically, the attorney, more often the
9 mitigation investigator, has set those interviews up
10 and those people are expecting us and know we will
11 be there.

12 **Q** So, basically, if you let them know you're
13 coming, you typically don't have any problem finding
14 them?

15 **A** Correct.

16 **Q** Okay. We talked about the importance of
17 building a relationship with the client in terms of
18 getting information. Is it also important to build
19 a relationship in order to get information from
20 family members?

21 **A** It is. It takes numerous visits. By the time
22 I come on a case, which is typically eight months to
23 a year before the trial date, the mitigation
24 investigator has typically been working the year
25 prior to that to meet those family members, to get

1 to know them. The base of interviews expands
2 through those meetings with the investigators so
3 that family starts to tell them about other family
4 members that they think could provide information,
5 they help them identify school personnel or coaches,
6 help them get in touch with ministers or neighbors,
7 anyone that the family believes has been significant
8 in any way in a defendant's life.

9 Q And in your view, with one visit and some
10 follow-up phone calls, can you build that
11 relationship and get that sensitive information?

12 A With one visit and follow-up phone calls, no,
13 not typically, no.

14 Q And death penalty aside, just in clinical
15 social work in your experience there, can you just
16 walk in and as -- you know, this is a basic example,
17 but can you just walk in and say, hi, I'm Jan
18 Vogelsang, and 30 minutes later get them to admit
19 that their mother was physically abusive or sexually
20 abusive? Is that -- is that the norm?

21 A It's not the norm. And, in fact, if that
22 happened, you would be suspicious because when
23 there's been trauma, there is a hesitation, there is
24 a resistance, there's a refusal at times. It takes
25 a lot of work for people to be able to talk about

1 these very private and personal and very painful
2 events in their lives, and it's very anxiety
3 provoking.

4 Q And in your experience, is an abuser likely to
5 be the person to disclose, I was abusive, to a
6 mitigation investigator or to an attorney?

7 A Not likely, no.

8 Q All right. Let's talk specifically then about
9 your findings with respect to -- well, let's focus
10 on your knowledge of, again, Mr. Soltis' testimony,
11 what you've been provided from the investigation, et
12 cetera, before you. In your opinion, was an
13 adequate mitigation investigation done in
14 Mr. Finklea's case prior to trial?

15 A No.

16 Q Tell me why or why that's your observation.

17 A Essentially, there really was not a complete
18 and thorough investigation conducted at all and that
19 is borne out by the number of things that were
20 missing that I noticed when I was beginning to look
21 at the records, to look at the transcripts and to
22 see what was available from the trial.

23 For example, I didn't find any information
24 about the father's side of the family. The paternal
25 side seemed to have not been investigated at all. I

1 didn't see any mention of them, where they came
2 from, any pertinent information about their lives.
3 There was no intergenerational history done and so I
4 could not see from a family tree where you could get
5 any sort of sense of an extended family and where
6 those people lived, why they mattered, why -- what
7 they had to do with Ron in his life.

8 I didn't see any indication of there being
9 opinions formed about the community that Ron grew up
10 in, visits to that community or any research into
11 what that community was like. I found nothing about
12 physical or emotional abuse except the very bright
13 red flags that Cherena had offered. I think with
14 her discussion with Mr. McDougall, those would be
15 the kinds of red flags that would say to you, wow,
16 there's something here, maybe I have to go farther.

17 The substance use that Ron experienced
18 throughout his life, his exposure to substances, I
19 did not see that mentioned nor was his exposure to
20 family violence mentioned again except for I think a
21 couple of comments Cherena had made to
22 Mr. McDougall, but certainly not at trial. And then
23 no exploration of the typical issues like the
24 cultural issues, the spiritual issues, the impact of
25 gender, race, education, all of the things that go

1 into the social part of the biopsychosocial
2 assessment, those kinds of environmental issues.

3 I didn't see any mention of behaviors that
4 might have been seen as symptomatic that something
5 was happening to Mr. Finklea, some of the compulsive
6 behaviors that were described in detail by many
7 people that I saw or I read their memos. And then
8 no -- no pulling any HIPAAs together to explain the
9 context of developmental issues or family systems
10 with any sort of conclusions. It just basically was
11 character testimony as to Ron being a good child and
12 a good teenager and a good soldier.

13 **Q** And now we'll go back through that -- that was
14 a lot to digest there and we'll go through it, but
15 let me start with you mentioned that his paternal
16 family, there wasn't information about his dad or
17 extended family. Why does that matter in terms of
18 understanding Ron Finklea?

19 **A** Well, it's leaving out an entire piece of Ron's
20 history. We don't know until we examine those
21 families and we look at the generations whether or
22 not there are patterns of behaviors that might
23 matter.

24 Even though Ron did not grow up with his father
25 or with these people, there could be genetic

1 conditions that impact behavior, there could be
2 medical conditions that impact behavior. We don't
3 know anything about Ron's history on that side that
4 might have had something to do with him. Not to
5 mention the fact that his father was present when
6 he -- when his mother became pregnant with him and
7 so his father's behavior, the circumstances
8 surrounding his birth, have some significance in
9 this case. But he, essentially, was left out of the
10 mix when this investigation was done.

11 Q All right. And did you prepare, as part of
12 your assessment, what I'll call, a family tree?

13 A Yes.

14 Q And is that the appropriate word for it or is
15 there some specialized word that social workers use?

16 A Well, in the profession, it's called a
17 genogram, but it is a family tree.

18 Q And I'm going to show you what is marked as
19 Plaintiff's Exhibit 16. Is that the genogram that
20 you prepared?

21 A It is.

22 Q And let me show you a copy of it to make sure
23 it's an accurate copy. Did you also prepare that?

24 A Yes.

25 Q All right. Let me have the exhibit back, if

1 you would, so we can --

2 **MS. NORRIS:** If Your Honor -- may I approach?

3 **THE COURT:** Sure.

4 BY MS. NORRIS:

5 **Q** So that Judge Keesley will have it in front of
6 him. What is -- what is significant in your mind
7 about this family tree or tell -- basically explain
8 to me what's important about this document.

9 **A** Well, this is a visual that typically begins
10 from the very start of the case. So from the time
11 you start meeting family members, you start figuring
12 out where to place them intergenerationally. And in
13 this particular family tree, of course, we're
14 looking to see if there are any patterns that are
15 significant in any way to understanding Ron Finklea
16 and how he came to his current circumstances.

17 And if this were presented at trial, it would
18 either be on a screen, it would be projected in some
19 way or it would be on poster board where the jury
20 could look at it. And I would testify about who's
21 who in the family. For example, that on the bottom
22 of the page, you can see Ron. If you go up to the
23 center, you see his mother, Betty; his father,
24 O'Neal, on the left. If you continue up, you see
25 his grandparents, Johnny, Rosie, Warren and Edith.

1 And then on this family tree, we even have some
2 great-grandparents. And so including Ron's
3 children, there's one, two, three, four,
4 approximately five generations represented here.

5 And then we're looking to see were there any
6 patterns that were significant? And this has to do
7 with the same reason a medical doctor wants to know
8 who in your family's had heart attacks, who's had
9 strokes. We're looking to see if there's any
10 behaviors that could have had any impact on Ron when
11 he came into this world.

12 I would point out one mistake on this family
13 tree. I think I have his uncle, Ray Charles, listed
14 twice and it should just be once.

15 And so in this family, the patterns that stood
16 out to me were patterns of family violence and the
17 use of substances.

18 Q Let me stop you there. Are you talking about
19 the whole family or we're talking about one side or
20 the other?

21 A Well, in this particular case, it appears that
22 these things were far more prevalent on the maternal
23 side of his family. What I learned from his
24 father's side of the family is while they had very
25 similar backgrounds when it came to things like

1 violence and substance use, it was not prevalent on
2 his father's side of the family.

3 Q Now, looking just on the maternal side, what
4 significance -- what significant information did you
5 find in the family history there?

6 A Well, on the maternal side of Ron's family,
7 going back to Franklin, Alabama, as far, at least,
8 back as his grandparents, these people were
9 sharecroppers, which is so true of so many families
10 in the south when they look at their history. And
11 they -- his grandparents were born into a one-room
12 shack and, of course, worked the land of a landowner
13 in picking things like cucumbers and okra and
14 tomatoes and various types of crop.

15 Going back as far as his grandparents and their
16 childhoods, they were poverty stricken. His
17 grandmother remembers going out and his father --
18 her father shooting crane and them eating crane when
19 there was not enough meat. And often these families
20 did have plenty to eat. They would have access to
21 the produce, to gardens. Most of them lived, as I
22 said, in one-room shacks without running water or
23 electricity.

24 On the maternal side of Ron's family, his
25 grandfather was a mean drunk, and he beat his

1 grandmother, according to his mother, daily and
2 severely. Often she would have black eyes, she
3 would be bruised. He would bust her lips. And back
4 then not having the medical care available and
5 mostly practicing home remedies. And so this is
6 something that the children grew up with, the
7 children of Rosie and Johnny, and that they grew
8 accustomed to. He would -- Johnny would pass out in
9 the fields and he would get fired a lot. So the
10 family moved around a lot in that Franklin area.

11 The family was also exposed to pesticides
12 through crop dusting. And I don't have any way of
13 knowing what impact that might have had on them, on
14 their behavior, on their education levels, but that
15 was basically the environment at that time in the
16 south where they were living, and it was consistent
17 with Ron's maternal grandparents.

18 Q And how about on the paternal side? What, if
19 any, significant information did you find there?

20 A They were from Kingstree, South Carolina, close
21 to a little town called Salters, which I think most
22 people know for their cured ham at Christmas is what
23 they're pretty much famous for. And they were also
24 a sharecropping family. They also started out
25 working for a landowner and living off the land in

1 these small shack-type houses, but they were a far
2 more stable family.

3 They did not have the involvement with alcohol.
4 They eventually were able to buy their own land.
5 And so O'Neal grew up on a farm that was owned by
6 the family. And so he does not recall violence in
7 his family. He does not recall mental health issues
8 and he sees his family as having been stable.

9 And his two daughters, who visited there
10 frequently, confirmed that they were never
11 uncomfortable. And they grew up in Washington, DC,
12 but the only thing they didn't like was having to
13 pick produce, but other than that, they had very
14 good memories of visiting with their grandparents.
15 So it's a very different situation in terms of the
16 environment in that history.

17 Q All right. And going back to the maternal
18 side, you've given us the information about the
19 family, what -- bringing it on down to Mr. Finklea's
20 mother, Betty, what important information did you
21 find there? From your view, what's important?

22 A Well, Betty was the oldest of Johnny and
23 Rosie's eight children and so she was born in
24 Franklin. All the children were born or delivered
25 by midwives. And Betty was brought up in a home

1 where beatings were accepted, they were the norm,
2 and it came from the Bible. The -- her parents
3 believed that beating your children was mandated by
4 the Bible. And Betty believes that that was good
5 for her and it's the reason she turned out as well
6 as she did. And so she has no anger or resentment
7 toward her parents for beating her.

8 Betty was working in the fields by the time she
9 was nine years old picking the produce, the
10 cucumbers, the okra, the crops that were being grown
11 there. And her father would take her money from her
12 and use it on alcohol. She was actually able to
13 complete the 11th grade, which is unusual. She went
14 a little farther than her brothers and sisters,
15 because kids in those situations were often kept out
16 of school in order to help harvest the crops.

17 Betty was pregnant at 16 by a man named Phillip
18 Bullard. And when that baby was four days old, it
19 passed away. It had a hole in its heart. And so
20 Betty's Aunt Emma had come down from Washington and
21 Emma had been part of the migration of
22 African-Americans to Washington.

23 **Q** Is that Washington, DC or the state of
24 Washington?

25 **A** DC, back in the 50s. And Emma came home and

1 was talking about how wonderful it was up there. So
2 Emma {sic} went back with her and began to live with
3 her. And, again, she was around 16, 17 years old.

4 She came back to Franklin to help take care of
5 Rosie, her mother, when she got sick. And she met a
6 man named Julius Stallworth and got pregnant by him.
7 So she went back to Washington pregnant and she gave
8 birth to Ron's oldest sister, Chanell, while she was
9 in Washington, and then her -- her aunts helped her
10 to raise Chanell.

11 Q And is Chanell present in the courtroom?

12 A Yes. And the other thing I found interesting
13 about Betty is during that time, she went by the
14 name Polly.

15 Q She being Betty?

16 A Betty went by the name Polly during those
17 years.

18 Q Do you know why?

19 A I don't know why and no one in the family knows
20 why. She just insisted that everyone call her
21 Polly.

22 Q And focusing now on Ron's father, O'Neal
23 Burgess, what important information did you learn
24 about him?

25 A Well, O'Neal was also part of the migration.

1 There were no jobs really to be had in Kingstree
2 back in the late 50s. And so he, along with his
3 wife, I don't think they were officially married,
4 but ultimately lived together for a while and had
5 four children together, moved up to Washington, DC.

6 And O'Neal had a very, very strong work ethic.
7 From the day he got there, he had jobs. His first
8 job was working for 85 cents an hour at a car wash.
9 And from there, he referred to himself as an
10 engineer. He was head of maintenance in one of the
11 big 'ol buildings in Washington and did that for
12 about 35 years. And then for 15 years, he was a
13 forklift operator. But he and Hattie Mae Floyd had
14 four children together and, you know, found life in
15 Washington to be far better than what they had had
16 when they were in Kingstree.

17 Q And what information did you learn about how
18 Ron Finklea's father and mother got together and
19 Mr. Finklea came to be?

20 A Well, Betty Finklea was working in a restaurant
21 called the Southern Diner. She was a cook. And
22 Mr. Finklea would go in there to eat. He was a
23 customer there.

24 Q Mr. Burgess?

25 A I'm sorry. Mr. Burgess.

1 And Mr. Burgess often had tickets to various
2 events in Washington because the people that worked
3 in the building where he was the maintenance
4 engineer would give him tickets. So he was able to
5 take Betty out to take her to some real nice places.
6 They would go to the clubs. And neither one of them
7 drank at that time, so they would go to hear music
8 and they would drink club soda together, and he
9 liked Betty because she didn't drink. And so that's
10 how -- he was 11 years older than her, but that's
11 how they started dating.

12 **Q** And to your knowledge, he was -- he already had
13 a family?

14 **A** Yes.

15 **Q** And that family was ongoing. It's not like he
16 broke up with one woman to get with Ms. Betty?

17 **A** No. He did lie to Betty initially about his
18 family, but she did find out about them, but they
19 continued to see each other.

20 **Q** And what -- well, when was Ron Finklea born?

21 **A** Ron was born October the 18th, 1973.

22 **Q** And was that in Washington, DC?

23 **A** At DC General Hospital.

24 **Q** And in that, do you recall how long he
25 continued to live in Washington, DC?

1 **A** Ron was in Washington from 1973 to 1980.

2 **Q** And what significant information did you learn
3 about his life there from ages zero to seven?

4 **A** Well, the circumstances surrounding his birth
5 were that his mother had just had his sister,
6 Chanell, in 1972. She took herself to the hospital
7 and was alone when she gave birth to Ron and, of
8 course, came home and stayed with her aunts who gave
9 her a tremendous amount of support and helped with
10 these two, basically, two babies.

11 She went back to work and continued seeing
12 Mr. Burgess. But Ron was, for the most part, left
13 to the care of these aunts who were very protective,
14 very good to him, very nurturing, very loving. And
15 so even though she would see him, even though she
16 would go with the family if they went to a park or
17 to do something recreationally, Ron's first seven
18 years were essentially with those aunts and under
19 their care, he and his sister both.

20 **Q** And was his father part of his life during that
21 time period?

22 **A** The information about Mr. Burgess' involvement
23 is not real clear, but his aunts recall that it was
24 for about four months. He was not involved. He
25 would come to their apartment, he would bring

1 diapers. Every now and then, he would give Betty a
2 little bit of money. But Ron's Aunt Ruby would take
3 Ron as an infant to a back bedroom and she would
4 keep him kind of out of the way.

5 And Mr. Burgess said that he was not at the
6 hospital because back then they did not think about
7 things like that, they didn't pay much attention.

8 It is his mother's memory that they were
9 together for about four years after Ron was born,
10 but Ron has no memory of him at all during that
11 time.

12 **Q** And how did -- how did Ms. Betty, Ron's mother,
13 support her and her two children? How did she
14 support herself?

15 **A** Well, she had mostly worked in restaurants.
16 But when she and Mr. Burgess broke up, she moved
17 into public housing and she applied for some
18 government assistance. She got food stamps. So
19 that's -- that's how she was helping to take care of
20 her children.

21 **Q** And did any other man become part of Betty's
22 life while she still lived in Washington, DC?

23 **A** After she and Mr. Burgess broke up, she met a
24 man named Roosevelt Blount and started dating him.
25 And she and Mr. Blount dated for two or three years

1 before the whole family moved back to Alabama.

2 Q And was there anything significant in terms of
3 impact on Ron as a seven year old moving from
4 Washington, DC, back to Alabama or for him, I guess,
5 the first time he had lived in Alabama?

6 A Well, I do think this is one of the more
7 significant times for Ron because up to this point,
8 his aunts do not recall him having any kind of
9 problems. He was an easy child to manage. They
10 loved taking care of him. He was toilet trained.
11 He did not wet the bed. And he looked at his Aunt
12 Emma as his mama. He called her mama.

13 So these aunts had become really important to
14 him during these very early developmental years.
15 And they, as I said, were protective factors for
16 him. They had strong boundaries, they paid
17 attention to his needs and I think gave Ron a real
18 basic foundation and resilience that may account for
19 how he survived the next few years.

20 But his reaction to leaving was really
21 stressful and distraught. He was very anxious. His
22 mother says he cried all the way from Washington to
23 Alabama. He had been down in summers to visit with
24 his grandparents, so it wasn't a total strange place
25 to him, but compared to the life he had when he was

1 in Washington, it was very different.

2 And this is when Ron's bedwetting started is
3 when they moved back to Alabama. And he was
4 automatically subject to a lot of teasing about the
5 bedwetting. He was being called names. He was
6 exposed to some drinking and violence for the first
7 time that he had never experienced before. So at
8 age seven, this was a dramatic change for him.

9 Q All right. And we've talked about Aunt Emma.
10 Was that Ron's aunt or his great-aunt?

11 A Great-aunt.

12 Q All right. So Emma -- who was the other
13 great-aunt that was in Washington, DC?

14 A Aunt Sally.

15 Q Did Betty and Roosevelt have any children
16 together?

17 A They had a son named Curtis and Curtis was born
18 after Ron was about six years old. And by the time
19 Curtis was two years old and unable to walk, Betty
20 had become very stressed about his condition. She
21 took him to the doctor. The decision was that he
22 was just lazy. And the doctor told her to buy him
23 some high top shoes. He still wasn't able to walk.
24 So she and Roosevelt had a very sick child for a
25 couple of years. He was ultimately diagnosed with

1 Leukemia.

2 Betty carried this child around in her arms a
3 lot. She became very attached to him and says that
4 this was the child she gave her attention to.

5 **Q** And was there anything significant to Ron about
6 Betty's relationship with Roosevelt in terms of his
7 development?

8 **A** Well, when they first got to Alabama, Ron was
9 considered pretty much a nice guy. There weren't
10 any out --

11 **Q** Ron or Roosevelt?

12 **A** I'm sorry. Roosevelt.

13 There weren't any outstanding problems with
14 Roosevelt at that time. He went to work for Alabama
15 River Pulp and started drinking and he became very
16 violent toward Betty and very violent toward Ron and
17 Chanell. And so Ron's experiences with Roosevelt
18 were some of his first experiences with a violent
19 male.

20 **Q** And what was their financial situation there?
21 How did they support themselves?

22 **A** Betty started out in Franklin, Alabama, working
23 in restaurants and sometimes cleaning rooms in
24 hotels. And Roosevelt had the job with Alabama
25 River Pulp, but they were still struggling. All the

1 families living there on that big plot of land were
2 struggling financially.

3 And Betty actually started some of her
4 bootlegging while they were still in Franklin. They
5 had a trailer they lived in. And so she started
6 selling some alcohol outside, you know, from inside
7 the trailer, but that was basically the way they
8 lived until she met Charlie Peoples a few years
9 later.

10 They had a roof over their head, they had food,
11 but life was a struggle. The kids remember only
12 having shoes they could wear to church or to school.
13 Other than that, they had to go barefoot.

14 Q Focusing -- focusing on this period we've been
15 talking about with Ron Finklea from ages zero to
16 seven, what, if any, information of significance for
17 his later development did you find in that period?

18 A Well, the significance again being that this
19 was a dramatic change for him, the first seven years
20 were secure, they were stable. His mother was gone
21 a lot of the time. He was in the care of these very
22 loving aunts. And so this move to Alabama was very
23 different experience for him. And, again, this is
24 when the bedwetting started.

25 Q Was there a difference in the day-to-day with

1 his caretaker, specifically his mom? Was there
2 anything different about her treatment of him that
3 you're aware of once they got to Alabama?

4 **A** For reasons I am unable to determine, perhaps
5 she was already this way, some of her siblings saw
6 her as a bitter person, but she was gone a lot of
7 the time in Washington, but once they got back to
8 Alabama, Betty turned out to be a very angry and
9 enraged woman. She believed in beating as she was
10 beaten. She thought that that -- could see
11 absolutely nothing wrong with her treatment of her
12 children, and still feels that way today.

13 Because Ron's bedwetting was so severe at that
14 time, at least three to four times a week, she
15 really visited very violent and cruel punishments on
16 him and she singled him out. It isn't that she did
17 not punish Chanell, she did, and often severely, but
18 most of her punishment was focused on Ron. And he
19 learned at a young age to just try and cut a wide
20 berth around her. He tried to learn to do things
21 perfectly.

22 And Betty would go so far as to go to the
23 classroom and whip him in front of his class. There
24 was hardly days when he was not being singled out
25 and beaten for something. And this grew as she

1 would punish him by locking him in closets.

2 Because of his bedwetting, she would make him
3 sit naked in tubs of cold water. She started
4 wrapping rubber bands around his penis to get him to
5 quit wetting the bed, and this became very painful
6 for Ron. She would put him and Chanell out in the
7 pouring rain in the middle of the night or come into
8 their rooms in the middle of the night to beat them.
9 For undetermined reasons, just get up in the middle
10 of the night and go in their rooms and beat them.

11 She called him names. Ron said, at one point,
12 he didn't know -- he thought he maybe didn't know
13 his real name because her favorite name for him was
14 MF'er, you bubble-eyed MF'er, you black bastard.
15 And she would grab him in his genitals both inside
16 his clothes and outside his clothes and yell at him
17 that he belonged to her, he was her property and he
18 {sic} could do these things if she wanted to.

19 And so from the age of seven or eight on, this
20 was Ron's daily life in Alabama both in -- so
21 beginning -- it began in Franklin and then it got
22 worse when they moved to Monroeville.

23 Q And how old was Ron when they moved from
24 Franklin to Monroeville?

25 A He was around eight.

1 Q And how far a distance is that?

2 A I would guess about 20 minutes.

3 Q You've talked some about bedwetting. Do you
4 know for certainty why Ron started wetting the bed?
5 Can you address what caused that?

6 A Well, Betty says she took him to a doctor and
7 the doctor said he was just lazy. And this is the
8 same doctor that said Curtis was lazy when he had
9 Leukemia. And I'm not certain that that's what the
10 doctor said, but this is what Ron's mother has
11 reported.

12 I don't think there's any way for us to know.
13 There's a condition called enuresis and it can have
14 a medical cause, but I don't think Ron was ever
15 assessed thoroughly enough, if at all, for us to
16 know whether he had a problem. What we do know is
17 he didn't have a problem up until he was seven years
18 old and living in Alabama.

19 Q And you've mentioned things like Ron learned to
20 take a wide berth around his mother. For the
21 information that you provided, for any portion of
22 this, have you relied solely on what Ron Finklea has
23 said to you?

24 A No, minimally actually, some. I've certainly
25 taken his memories and perspective into

1 consideration. But in the biopsychosocial
2 assessment, you never rely solely on the person
3 you're assessing. You always have other sources for
4 the information.

5 **Q** All right. And would you -- by the same token,
6 would you rely just on what his mother told you?

7 **A** No.

8 **Q** All right. You mentioned that Ron Finklea's
9 mother focused -- singled him out for the most
10 severe punishment. What was your understanding of
11 why that was?

12 **A** Well, my understanding of it was that she was
13 very much in love with O'Neal Burgess and thought
14 that they were going to be together. And when he
15 split it off with her, she was very angry and very
16 hurt, and Ron had the misfortune to look just like
17 his father. And so the theory is that she singled
18 him out for that reason. And, again, I don't think
19 we can know that for sure, but it's clear that she
20 singled him out.

21 **Q** And you mentioned that Betty Finklea, later
22 Peoples, that she was a bootlegger. Now, growing up
23 in the mountains of North Carolina, my understanding
24 of bootlegging might be different than other folks,
25 so tell me exactly what bootlegging means in this.

1 case that Betty Finklea was doing.

2 **A** Well, it's a little different from my
3 experience, too, growing up up near the North
4 Carolina line, but she was not making liquor. She
5 was --

6 **Q** She wasn't moonshining?

7 **A** She wasn't moonshining. She ran what is
8 usually called in Alabama a shot house. And so
9 people knew they could go there and buy shots.
10 Betty was selling different kinds of alcohol. She
11 was selling shots, she was selling beer, she was
12 selling wine. And so she was doing this out of the
13 house she lived in with Charlie Peoples. Charlie is
14 the man she married after she and Roosevelt Blount
15 split up. And so Charlie already had this home in
16 the Limestone neighborhood and Betty started this
17 business out of that house.

18 **Q** All right. And what, if any, significance did
19 that bootlegging out of the house have to Ron
20 Finklea?

21 **A** Well, from the time Ron got there, around the
22 ages of seven and eight, and along with his sister,
23 Chanell, they were expected to work in Betty's
24 business. And Ron's job, in particular, was to go
25 out into the Limestone community, which was a

1 troubled community, and he was to bring people in.
2 He was to make sure the house was full of buyers.
3 And if he didn't make sure the house was full of
4 buys, he would be beaten.

5 He and Chanell both were trained by Betty to
6 pour one dollar shots, to pour two dollar shots.
7 And the day came when Betty moved into marijuana.
8 Then he had to learn how to cut the marijuana so
9 that that could also be sold out of the house. So
10 he was exposed to the sale of substances from the
11 time he was -- at least by eight years old.

12 **Q** All right. Was Betty also abusive to Ron's
13 siblings, Chanell and Curtis?

14 **A** She was abusive to Chanell.

15 **Q** And what significance to Mr. Ron Finklea is it
16 that his mother was abusing his sister?

17 **A** Well, Ron and Chanell were very close. They
18 were only a year apart and they loved each other
19 dearly. When Roosevelt Blount had been sexually
20 molesting Chanell, it was Ron who ran in, again at
21 seven years old, and pulled Chanell out of the house
22 and got her away from him. He was very protective
23 toward her.

24 In turn, she was very protective toward him.
25 When Ron began talking about hurting himself, again

1 around the age of eight or nine, that he was going
2 to get a knife and cut his wrist because he felt so
3 hopeless and helpless in the control of his mother,
4 it was Chanell who would comfort him and beg him not
5 to hurt himself. And so these two had a very close
6 relationship in which they tried to protect each
7 other.

8 Chanell got a little more from Betty than Ron
9 did. When Betty would take Chanell and Curtis on a
10 weekend trip and would buy things for Chanell, Ron
11 always had to stay behind. He always had to make
12 sure customers were coming into the house to
13 purchase. And so he wasn't allowed to do many of
14 the things that even Chanell was allowed to do, but
15 Chanell took some pretty rough beatings. Her mother
16 would also beat her in the genitals. Her mother
17 blamed her for the molestation by Roosevelt. So the
18 two of them together really had to hold each other
19 up.

20 **Q** Was there any place that Ron, as this child,
21 could go for safety?

22 **A** Ron loved his grandparents and he loved to go
23 see them, but the relationship between Johnny and
24 Ruby {sic} was violent. And so if he went to their
25 home, he was going to be exposed to that violence

1 until Johnny stopped drinking, and after that, it
2 was a much better experience for him.

3 He had an Uncle Billy who's Betty's brother and
4 he absolutely adored his Uncle Billy. I think on
5 the family tree he's Johnny, Jr.

6 **Q** But he goes by Billy?

7 **A** But he goes by Billy. And Uncle Billy was very
8 important to Ron because he paid him some attention,
9 would sit and talk with him. And Ron just saw so
10 many things about Uncle Billy that he liked, but he
11 also knew that Uncle Billy beat his wife and beat
12 his daughters. And, ultimately, Uncle Billy did get
13 arrested and spend some time in jail for domestic
14 violence and for assault. And so even with this
15 person he loved, he felt tremendous guilt over his
16 fondness for Uncle Billy because he knew that he was
17 doing these things to his wife and his girls.

18 And then his favorite family member was his
19 Aunt Ruby. She was his escape. And when he could
20 go to his Aunt Ruby's house and stay with her,
21 that's when he was at his happiest, when he had his
22 most relief. Ron would, from the time he was seven
23 or eight and back home, he would saddle up to her in
24 the kitchen and hold her hand so she couldn't cook.
25 She would try to push him away and say, Ron, I got

1 to cook; you got to let me go.

2 Up until he was in his 20s, he would come home
3 and he would crawl in the bed with her, and there
4 was nothing sexual about it. She says there was
5 nothing sexual. Ron says there was nothing sexual.
6 He just felt such comfort from her that he was never
7 able to get from his mother. So he did this really
8 from age seven to his 20s. And he had known her
9 when she was in Washington and would sometimes take
10 care of her, but she was also back in Alabama.

11 So the problem is that Aunt Ruby had terrible
12 seizures, violent seizures, that although they were
13 diagnosed epileptic, Aunt Ruby believed were caused
14 by witchcraft. And Aunt Ruby had a boyfriend who
15 was very, very violent toward her and would beat her
16 up and would cut her with a knife. And Ron was
17 there for the immediate aftermath of one of those
18 assaults where he remembers flesh hanging off of
19 her. So there was never any totally safe, secure
20 place that Ron could go.

21 **THE COURT:** Let me know when you get to a good
22 stopping point.

23 **MS. NORRIS:** Now is fine, Your Honor. I don't
24 have any problem with that.

25 **THE COURT:** All right. Court will be in recess

1 for lunch for an hour.

2 During the break, you're not allowed to discuss
3 your testimony with anyone, all right? Thank you.

4 (Whereupon, there was a luncheon recess.)

5 **THE COURT:** All right. Let's come to order,
6 please.

7 Okay. Ms. Norris, you may continue.

8 BY MS. NORRIS:

9 **Q** Ms. Vogelsang, when we left off, you had told
10 us significant things about Mr. Finklea's mother.
11 What did you learn about how Ron -- what Ron's
12 relationship was with his father?

13 **A** Well, he had no relationship with his father
14 during all these years. He was very curious about
15 him. He would ask family members, Can you tell me
16 where he is, how to get in touch with him? He would
17 ask questions. It wasn't until his junior year of
18 high school that he went to visit his aunts up in
19 Washington and one of his cousins helped him find
20 his father and he visited him. And his father gave
21 him an apple and a 20 dollar bill and that was
22 really the only contact they had from the time he
23 was very small. And, of course, he's never had
24 contact with him since.

25 **Q** And what about Roosevelt Blount? Was he a

1 positive role model as his stepfather for Ron?

2 **A** Roosevelt was not a positive role model. He
3 had begun drinking. He was very violent toward
4 Ron's mother. He also beat Ron from time to time.
5 When Ron was around eight or nine years old and they
6 were bootlegging, Roosevelt was making some of the
7 alcohol, specifically wine, and Ron recalled going
8 out on the back porch and seeing it, just sniffing
9 it, and Roosevelt came out on the porch and pushed
10 him off the porch and he ran into the woods and
11 waited there. And that was one of the times when he
12 talked to his sister about just not wanting to live
13 anymore; he just felt like he was so hated.

14 Roosevelt, on another occasion, told him to
15 look for his brother's pacifier. He looked
16 everywhere; he couldn't find it. Roosevelt beat him
17 with a broom handle till he couldn't move his arm up
18 and down at the elbow. And he told his mother what
19 he'd done and the only thing Betty wanted to know is
20 had he found the pacifier. But his relationship
21 with Roosevelt was not a good, healthy father/son,
22 even -- even though Roosevelt was not really a
23 stepfather, that he and Betty never married, so he
24 was just a male in the house.

25 **Q** Did Ron Finklea as a child in Alabama have any

1 positive father figure in his life?

2 **A** The one person that Ron could recall that he
3 thought of as a father figure was Pastor Davis,
4 Pastor Matthew Davis. And Ron enjoyed going to
5 church and he felt like Pastor Davis was the way he
6 would want a father to be. Pastor Davis had a son
7 who was disabled and Ron liked him very much. And
8 so when he calls up for himself what he thinks a
9 father would look like, it's Matthew Davis that he
10 is reminded of.

11 **Q** Was there anything significant about Ron's
12 mother, Betty, ending her relationship with
13 Roosevelt?

14 **A** Well, she had been having relationships with
15 other men throughout the time she was with
16 Roosevelt. And as I said earlier, Roosevelt had
17 become very violent. He injured her hand with a
18 piece of iron pipe. He stomped her, is her
19 description, into the ground and almost killed her.
20 And so before he left, he left having become very
21 violent toward her and he moved to North Carolina.
22 And the one thing Roosevelt did was he continued his
23 upkeep of Curtis and he would have visitation with
24 Curtis in North Carolina.

25 **Q** And you mentioned before that Betty remarried

1 to Charlie Peoples. Did Charlie have any children
2 that joined the family?

3 **A** Charlie had three sons. And Betty moved into
4 Charlie's house with Ron and Chanell and Curtis, and
5 she insisted that Charlie turn his children over to
6 foster care. So Charlie's children with their
7 mother just -- just disappeared. They were gone.
8 And they did not have a relationship with Betty's
9 children.

10 **Q** You talked about Betty's treatment of Ron
11 becoming abusive or at least worse when they moved
12 to Alabama. As Ron got older, did it change any or
13 did it continue in the same pattern?

14 **A** It continued in the same pattern. Betty did
15 not seem to think that age was an issue. She
16 continued to beat him.

17 And, of course, there came a time where Ron had
18 become so passive and so used to the beatings that
19 he just accepted them as part of his life. He
20 talked about shutting down and feeling numb. His
21 sister talked about begging him to cry so that Betty
22 would quit beating him because she would beat him
23 and say, I'm not going to stop till you cry. And
24 she recalls Ron yelling out for her, Please help me,
25 help me.

1 But overall, as he got older, he just, you
2 know, came to live with it. I hate to say the word
3 accommodated, but he became accommodated to what was
4 happening to him.

5 Q Did you prepare a visual, as you call it, an
6 exhibit, about the physical abuse that Mr. Ron
7 Finklea suffered from his mother?

8 A Yes.

9 Q And let me show you Plaintiff's Exhibit 17.

10 A Yes.

11 Q Is that what you prepared on this?

12 A Yes.

13 Q And do I need to give you a copy in front of
14 you?

15 A I have one.

16 Q All right.

17 MS. NORRIS: If I may approach, Your Honor.

18 THE COURT: Yes, ma'am.

19 BY MS. NORRIS:

20 Q And is this exhibit, basically, the most
21 significant events that you saw in terms of physical
22 abuse?

23 A They are, and I think these are the ones that I
24 have probably discussed. I don't think there's more
25 than maybe one or two more on here other than the

1 ones I've already discussed. And this would have
2 been, again, projected onto a screen at trial while
3 I was talking about those various events of when his
4 mother was beating him.

5 **Q** All right. Some of these -- I think you
6 briefly mentioned earlier that his mother would tie
7 a rubber band around his penis. Did she do -- was
8 that related, again, to the bedwetting?

9 **A** It was. Betty thought that things like leaving
10 a baby lying in its own feces, putting a baby in ice
11 water, tying a rubber band, she really thought these
12 were solutions and does not deny that she did these
13 things, and, in fact, laughs about them and thinks
14 they're kind of funny.

15 **Q** And you have on here that she -- I'll just read
16 it: Betty duct taped a milk jug to Ron's penis to
17 keep him from wetting the bed.

18 **A** That is the only one that she denies. She says
19 she just doesn't remember doing that, but his sister
20 and one of his cousins does remember that.

21 **Q** So for this information, his sister
22 corroborates that?

23 **A** His sister -- excuse me -- two of his cousins
24 corroborates various parts of it, his Aunt Ruby
25 corroborates some of it and his mother corroborates

1 most of it.

2 Q And you have on here that Betty made Ron sleep
3 naked in the bathtub. Was that also related to the
4 bedwetting?

5 A It was. It was a way to not have the sheets
6 and the mattress messed up and so she would make him
7 sleep in the bathtub so that he wouldn't wet the
8 bed.

9 Q And you had mentioned before a number of times,
10 I guess, about Betty beating him, but you have on
11 here extension cords, water hoses, clothes hangers,
12 belts and switches.

13 A Yes.

14 Q What's significant about that from your
15 perspective?

16 A Well, they're just the various objects that she
17 would use. Again, Betty thought that beating was
18 okay, that that's what was done to her, it was okay
19 to do it to your children, that it was the right
20 thing to do, that it's the reason she turned out
21 well.

22 And I especially mentioned it because the water
23 hose was sort of a different method that I had ever
24 heard of before as a social worker. But she took a
25 water hose and she bent a coat hanger and she stuck

1 it into the water hose and then would use the hose
2 to beat him and it would, actually more than welts,
3 it would leave a cut.

4 **Q** And the last one you have on there is that
5 Betty would grab Ron in his genitalia both inside
6 and outside his clothing. At what age or ages did
7 that happen?

8 **A** Until he left home. She had problems with his
9 being attracted to girls, to the one or two
10 girlfriends that he had and she wanted him to know
11 that she owned him. And when he would object or try
12 to pull away from her or withdraw, she would remind
13 him that he was hers and she brought him into the
14 world and she could do anything she wanted.

15 **Q** From the social work perspective, mental health
16 perspective, in your expert opinion, what is the --
17 what is the significance? What's the impact on Ron
18 Finklea, the abuse that we're talking about?

19 **A** Well, when I look at this type of abuse, I am
20 reminded that it is very different from the usual
21 and typical kind of abuse that, for example, would
22 be called into social services and reported and have
23 a caseworker and to have an investigator. This type
24 of abuse is extreme. To my way of thinking, it is
25 brutal. And it is more in keeping with what is

1 called coercive control, that a parent has so much
2 control over a child that they -- they are almost
3 like a captive.

4 And, in fact, some of the researchers in social
5 sciences are now comparing this very, very extreme
6 type of abuse as to -- to more the kind of things
7 they see in prisoners of war or in people who are
8 being tortured. It comes closer to that than it
9 does a parent who loses control and smacks their kid
10 too hard with a belt and leaves a mark or a parent
11 who is neglectful or a parent who leaves a bruise on
12 a child. This is a very different type of abuse.
13 And it raises a lot of questions about what exactly
14 was going on with his mother that even today she
15 could laugh about this.

16 And we see this start to impact Ron even before
17 he gets out of high school. He had historically
18 been a very quiet, obedient child. He did not
19 disrupt the classroom at school. He was easily
20 managed by teachers. Ron learned to smile and to be
21 friendly and to make people laugh and to wiggle his
22 ears in what he came to call the show, but he
23 learned to wear a mask to cover what was going on
24 inside because he just saw no way out, he felt
25 helpless.

1 But, eventually, Ron would start engaging in
2 some behaviors that other family members noticed.
3 It wasn't until he had left home and gotten in the
4 military that those started to become more frequent,
5 more intense. And I would leave it to the
6 psychologist to discuss these, but they're called
7 compulsive behaviors. The official term, which I am
8 not diagnosing, is obsessive compulsive behavior.
9 But his behavior started becoming consistent with
10 that particular disorder. And it is -- it's an
11 anxiety condition and an attempt to have things in
12 order, to have control of things, otherwise you feel
13 like you're completely disintegrating.

14 Q And, obviously, as Ron is sitting in handcuffs
15 and he's on death row, he's serving time in prison,
16 right?

17 A (Witness nodded head.)

18 Q Did you find that he is the rarity in this
19 family or have others encountered the criminal
20 justice system because of this background?

21 A There have been other family members in his
22 family. He has two cousins who are in an earlier
23 generation who were murdered in Washington for being
24 involved with drugs. And I don't know the details
25 of those murders, but the family talks about Shawn

1 and Tyrone Finklea who were murdered in DC.

2 He has an Uncle Ray, his mother's brother, Ray
3 Charles, who was stabbed to death by his girlfriend
4 in his grandfather's yard. I spoke earlier about
5 his Uncle Billy being in trouble for domestic
6 violence and assault. He has another cousin who was
7 shot and paralyzed and ultimately died from an
8 infection from the gunshot wound. And then I spoke
9 earlier about Ruby's boyfriend who was violent.

10 So the environment really was full of these
11 kinds of incidences when he was growing up. Even
12 though these cousins were in Washington, between his
13 grandfather and his two uncles, his mother's
14 behavior, witnessing Roosevelt beat Betty and
15 Charlie Peoples also was physically abusive to Betty
16 and to Ron, he certainly had significant exposure to
17 family violence.

18 Q And you've talked about physical abuse. Did
19 Ron suffer any other type of abuse?

20 A Well, I think along with the physical abuse, he
21 would be a person that you would look at for
22 emotional abuse. I talked earlier about his mother
23 calling him degrading names, being singled out to be
24 beaten, and so certainly emotional abuse was an
25 issue in his childhood.

1 **Q** You prepared a chart called Psychological
2 Battering. Is that the summation of that?

3 **A** Yes.

4 **Q** Let me show you Plaintiff's Exhibit 18.. And
5 did you prepare that chart?

6 **A** I did.

7 **MS. NORRIS:** May I approach, Your Honor?

8 **THE COURT:** Yes, ma'am.

9 BY MS. NORRIS:

10 **Q** You have listed on there rejection and a few
11 examples there. What is significant about a mother
12 not showing affection or love to a child?

13 **A** Well, it's one of the most basic tasks between
14 a caretaker and an infant to bond and to meet the
15 most basic early childhood needs in infancy starting
16 with feeding, holding, comforting, diapering. And
17 so these are tasks that were basically performed by
18 Ron's great-aunts up in Washington. And so that
19 type of bonding that we hope will happen with an
20 infant does not appear to me to have occurred in
21 this case.

22 **Q** And you've got listed on here that he was told
23 that he was no good like his father. What's --
24 what's significant about that?

25 **A** Well, again, Betty apparently was very hurt and

1 angry over losing that relationship. And Ron had
2 the misfortune to look like his father and so she
3 would use derogatory language, she would call him
4 names. His skin was a little darker than the other
5 kids, so she would make reference to that. She
6 would tell him to not be asking about his father,
7 that his father didn't care about him and had said
8 that he did not want to see him, that his father was
9 no good and that Ron was just like him.

10 So these are the kinds of things with emotional
11 battering, it's not physical, it is almost more a
12 threat of harm just by words and by actions.

13 **Q** And you've got on here terrorism, and you have
14 as an example, Threatened with guns. Another
15 example, Mother threatened to beat him with baseball
16 bat, mother threatened to cut penis off. What's
17 significant about all of that from the mother to the
18 child?

19 **A** Well, it's -- again, it's the threat of harm.
20 There are social scientists who believe the threat
21 of harm is more powerful than actually sometimes the
22 physical act. And so if you're constantly being
23 threatened with violence, threatened with danger,
24 you come to live in a state of anxiety, you come to
25 be hypervigilant and to be watchful, to be guarded

1 and, importantly, to have problems with
2 relationships, particularly in this case with women.

3 Q And you have on here, and I'm skipping over
4 isolation, I think most of those you've talked
5 about, but you have on here corruption. And this is
6 where you've got listed some of the bootlegging and
7 all. What do you mean by the word corruption from a
8 social work perspective?

9 A Well, this is the work of Dr. James Garbarino
10 who's a developmental specialist. And he talks at
11 length about the efforts some parents go to to
12 missocialize their children, to teach them to hold
13 the law in disregard in some way or to teach them to
14 sell or use drugs. There's, of course, hundreds of
15 examples.

16 And so corruption refers to the
17 missocialization, what is the parent teaching the
18 child that is without values, that it's without
19 standards, without principles, that that child might
20 grow to think is perfectly normal because that's
21 what mom and dad are doing.

22 Q And did you visit the neighborhood where Ron
23 lived in Alabama?

24 A I did.

25 Q And was that -- did this corruption continue in

1 the neighborhood or was it nice, clean neighborhood?

2 **A** Limestone was a really rough neighborhood. It
3 still is. It is a place where the police prefer not
4 to come, but occasionally do come. There are lots
5 of drugs, lots of fights, lots of shootings.

6 One of the people who knew Ron best who -- this
7 young man was Charlie Peoples' nephew, talked about
8 how when he met Ron, he didn't think Ron would make
9 it in Limestone because Ron didn't know how to stand
10 up for himself. And so, you know, he kind of had to
11 tell him, you know, if you come outside that fence,
12 this is how you're going to have to behave or you're
13 going to get hurt.

14 Phillip, himself, shot a couple of people, was
15 to be tried and the witness in the case was killed.
16 And so the women in the neighborhood prostituted.
17 There were other shot houses in the neighborhood.
18 So it was a -- it was a violent place for a child to
19 grow up.

20 **Q** And now Ron grew up with this bootlegging and
21 dealing drugs. What did you learn, if anything,
22 about whether Ron Finklea was using substances,
23 drugs, growing up?

24 **A** My understanding of when Ron was growing up was
25 that, of course, he would occasionally try what was

1 being made at home; he would taste it. When he got
2 to be a little older and a teenager, maybe the
3 occasional experimentation, but overall he was
4 not -- his involvement with drugs was selling for
5 his mother. It was getting people to come by, it
6 was pouring shots. And then when she moved into
7 drugs, it was cutting marijuana and packaging it for
8 her to sell.

9 **Q** And with all that going on, did he finish high
10 school?

11 **A** He was able to finish high school. He was the
12 first in his family to graduate.

13 **Q** And did he stick around in the Limestone
14 community there in Alabama to continue life as it
15 was or did he leave Alabama after that time?

16 **A** He left Alabama. When he was in high school
17 and found out that he had been accepted by the Army,
18 he was very, very excited. He went running to his
19 cousin's classroom to tell her that the Army was
20 taking him and how happy he was that he was going to
21 be getting out of Monroeville.

22 **Q** And was he happy just to be leaving the
23 neighborhood or did he see that -- or from what you
24 learned, was it something else about the military
25 other than change of scenery?

1 **A** Well, it was an escape from his mother. He
2 thought that, at last, he would be able to get out
3 from under her control.

4 **Q** And what did you learn about Mr. Finklea's life
5 during his time in the military? And we're talking
6 about a period of about ten years now, so I know
7 that's a pretty broad question, but in general, what
8 did you learn about how he functioned in the
9 military?

10 **A** Well, it appears that he functioned quite well.
11 He was able to earn rank. He was able to get
12 certain achievement awards. He was known for being
13 a good soldier, for following orders, and so he had
14 a very long period in the military that was
15 successful.

16 When he first went to Fort Lewis in Washington,
17 he did some drinking there and did some drugs there,
18 took some acid, but once he left Fort Washington, it
19 looked as though that stopped for a while. And with
20 Ron, his drug use looks to kind of have been an
21 on-and-off type thing.

22 **Q** And we've talked somewhat about his first wife,
23 Cherena. What did you learn of significance about
24 his relationship with her?

25 **A** Well, Ron wanted to have a relationship with a

1 woman. His first love Betty drove off. And even if
2 Betty hadn't driven her off, she was a very violent
3 young woman who cut Ron and left him with a scar on
4 his arm, but Betty broke that relationship up.

5 And when he was in Washington, he met Cherena.
6 And he really was not ready for a relationship even
7 though he fell in love with her. He was 18; she was
8 15. They met in a mall.

9 And Cherena knew pretty early on that Ron had
10 some problems. She went home with him. She was
11 able to witness his mother teasing him about wetting
12 the bed even though he's a grown man now. Betty
13 insisted on having her name on their checking
14 account. And Cherena discovered that Betty had
15 wiped out all of their money. So she told Ron, you
16 know, you either take care of this or I'm going to
17 leave you.

18 But throughout the relationship, Betty's
19 presence seemed to be affecting Ron's ability to --
20 to be relaxed, to be able to enjoy the relationship,
21 to be able to enjoy his son. And some of these
22 compulsive behaviors that I discussed earlier really
23 began to show themselves with Ron having to bathe
24 several times a day and having -- everything had to
25 be in sets of five, his counting, his chanting. He

1 would seem, again, to be seeking out this structure
2 that he had had with his aunts, strangely he had
3 structure with his mother given what he was required
4 to do, had the structure in the military. He joined
5 the Masons and became very secretive about that, in
6 his activities with that. And so she really started
7 to see some of these behaviors that made it very
8 difficult for them to have a warm intimate
9 relationship with each other.

10 And so during this time, Ron started losing it.
11 He would become very agitated. He would become very
12 nervous and very fidgety. And if they argued, his
13 description was like becoming very confused and so
14 he would have these outbursts and strike out at her,
15 and that was something she wasn't willing to live
16 with.

17 Q And do you recall how long he continued to be
18 married to Cherena?

19 A They were together, I think, till 1996 and
20 divorced in 1998.

21 Q And did they have a child?

22 A They had a child, Ron, Jr.

23 Q And what did you learn about Ron, Sr.'s
24 relationship with Ron, Jr.?

25 A He did not have a long-term relationship with

1 him. Cherena started out letting Ron, Jr. come back
2 to Alabama to stay with Betty, and this was before
3 she fully realized why that was not a good thing to
4 do. And so when she discovered that Betty was
5 putting Ron, Jr. in ice water to toilet train him
6 and letting him lie in his own feces, Chanell came
7 by, found Ron, Jr. in the ice water, picked him up
8 and let the family know that this was not a good
9 thing for Ron, Jr.

10 And so she came back to Alabama to take Ron,
11 Jr. Betty cut the phone cord. She wouldn't let
12 Cherena call for help to get transportation back to
13 the bus station so that she could go back to
14 Washington. And she ended up packing up her
15 suitcase and Ron, Jr. and literally walking into
16 Monroeville until a good samaritan came along and
17 helped her get some food and get to the bus station
18 and get away.

19 And after that when Ron married Teresa in 1999,
20 Ron, Jr. did visit from time to time. And Ron was
21 good, at times, about paying child support, but,
22 ultimately, he got way behind. And then there came
23 a time when he didn't see him at all.

24 Q And were you able to interview Cherena?

25 A Yes.

1 **Q** So despite all of this history, has she
2 remained supportive of him?

3 **A** She has, yes.

4 **Q** And now you mentioned the marriage to Teresa.
5 What did you learn about -- of significance about
6 Mr. Finklea's behavior during the marriage to her?

7 **A** That she found Ron to be emotionally absent,
8 that she knew something was wrong, that she tried to
9 get him to agree to counseling, but he did not want
10 to do that. She found a lot of those compulsive
11 behaviors as very difficult to live with.

12 He didn't want anything to be out of order or
13 he would become extremely upset and agitated. He
14 complained all the time about his mind racing and
15 that he had to count everything; that he was
16 obsessed with the inconsistencies; if anything
17 looked inconsistent to him, he could not function
18 until he got it back in order; that an injury to his
19 knee made him feel as though his body had lost its
20 form, that it was not normal and that it could not
21 function normally. And so all of these things were
22 going on when she was married to him.

23 Now, she was a -- I don't want to say that she
24 was exactly like his mother, but she was a far more
25 in control type of person. And so she was very

1 independent and kind of, you know, tried to talk to
2 him, let's get some help. And, of course, she ended
3 up shipping out to Iraq, so --

4 Q So she was serving in the military herself?

5 A Yes, she was serving, too.

6 Q And, in fact, during his trial, she was
7 overseas?

8 A Yes.

9 Q Outside of Cherena and -- well, you mentioned
10 Ron, Jr. Does Ron, Sr. have any other children that
11 you're aware of?

12 A During this period of time when Ron was -- he
13 was at Fort Bragg and he had to go down to Virginia
14 to take some classes and he met a young woman named
15 Sophia Reed, and she also was in the military. And
16 so she ended up coming back to Fort Bragg. And she
17 and Teresa and Ron were all at Fort Bragg at the
18 same time. And Teresa made it clear that she was
19 not going to tolerate Ron's relationship with
20 Sophia. So they moved to Michigan.

21 And it turned out that Sophia was pregnant with
22 Ron's child, Joshua. And Ron was flying back and
23 forth between Michigan and San Antonio, Texas, where
24 she was stationed. And, of course, this did not
25 bode well for Ron's marriage. He ended up back at

1 Fort Bragg and then ultimately he went to Germany.

2 And this may have been after he had his knee
3 surgery. I can't recall the -- if he had already
4 had the knee surgery.

5 Q All right. You mentioned a knee surgery and a
6 knee injury. Is that, essentially, the injury that
7 ended his military career?

8 A Yes.

9 Q And once he left the military and prior to his
10 arrest in this case, what information do you have or
11 did you find significant about that time period?

12 A Well, he left the military on a temporary
13 disability, so he certainly had hopes that he was
14 going to be able to come back. Ron loved the
15 military and he was hoping that this would sort of
16 be a lifelong career.

17 He -- while he was in Michigan, he worked at
18 Sam's. And then when he came down to Alabama and
19 stayed with, briefly, with his mother, he worked at
20 Alabama River Pulp. And then when Teresa moved to
21 South Carolina, he also moved to South Carolina and
22 worked at Shealy. And this was -- if I counted
23 correctly, these three jobs were over an eight-month
24 period.

25 And so he ended up in South Carolina working

1 for Shealy, and then he quit Shealy thinking that he
2 would work on rehabbing his knee and would be able
3 to sign back up for the military in September. And
4 so he worked at Selectron for three months and --
5 I'm sorry -- left Selectron, not Shealy. He left
6 Selectron to rehab his knee.

7 **Q** And was the information that we've talked about
8 here in the courtroom that the State presented in
9 aggravation about him dealing drugs, have you been
10 provided that information?

11 **A** Yes.

12 **Q** Okay. What, if anything, is there about the
13 drug dealing of significance to you as a social
14 worker?

15 **A** Well, it seems to me that Ron began a process
16 of deteriorating when he was first married to
17 Cherena. And he was able to keep going; he was able
18 to maintain; he was able to fulfill his duties in
19 the military. I think when he was in Panama, he got
20 into some trouble bringing a woman or women on the
21 base.

22 But Ron was clearly becoming more and more
23 rigid in his demand that things be in order. And he
24 really had lost the things that were an anchor for
25 him. He -- he had anchors, no matter how you think

1 of them, with his aunts; he had anchors in structure
2 with school and his mother; he had an anchor in the
3 military. And it seems like when he didn't have
4 those anymore and had to function independently,
5 that Ron was at loose ends. He -- seems like he was
6 very confused, very nervous and he ended up deciding
7 to sell drugs and spending money to buy drugs in
8 Alabama and bring them back to South Carolina. And
9 as far as I could determine, that money was lost.

10 Q So it's fair to say as a financial venture, Ron
11 Finklea wasn't a very good drug dealer?

12 A It was a very unsuccessful venture.

13 Q And you had prepared another chart. Let me
14 show you Plaintiff's Exhibit 19. It's captioned The
15 Development of Resilience in Childhood. Did you
16 prepare that?

17 A Yes.

18 Q All right.

19 MS. NORRIS: If I can hand this to Your Honor?

20 THE COURT: Yes, ma'am.

21 MS. NORRIS: Thank you.

22 BY MS. NORRIS:

23 Q Tell me what's significant, Ms. Vogelsang,
24 about this, The Development of Resilience in
25 Children -- in Childhood. What does that mean?

1 **A** I might need that back. Thank you.

2 One of the things that stood out to me that was
3 a question in my mind all along was, you know, how
4 did Ron survive what he survived before he left for
5 the military? And it's a question that is of great
6 concern to people in mental health. What is it that
7 makes some children more resilient than other
8 children? Why are some children able to have the
9 most horrible, adverse things happen to them and
10 somehow get through that? And it appeared to me
11 that Ron was doing that. He seemed to be a child
12 with potential. The military certainly seemed to
13 see potential in him.

14 And so in spite of all these things that
15 happened, what happened to that resilience that he
16 was able to demonstrate until he was no longer in
17 the military? Why did he disintegrate?

18 And I took a look at the kind of homes that
19 produce resilient children and, in essence, it was
20 his aunt's home, it was the military that were most
21 contributing to his resilience. What happened in
22 his own home was not contributing to it.

23 So you had both sides of this. He had been
24 given some skills to survive the things going on and
25 then there were other things in his life that made

1 it more difficult.

2 So in the development of resilience in
3 childhood, did he have unconditional physical and
4 emotional love and verbal affection? The first
5 seven years of his life, he did. After that, no, he
6 did not.

7 Was he -- soothing words to calm and comfort
8 him and teach him to calm himself the first seven
9 years. Yes, not after that.

10 Enforcing rules without belittling, harming or
11 rejecting. And we know that his mother was a very
12 rejecting person of him.

13 And so I won't go through every one of these,
14 but in most of these, and most particularly,
15 teaching how to problem solve and reconcile, that is
16 not a skill that I think Ron was able to master
17 developmentally and it showed when he left home and
18 tried to start up relationships of his own,
19 particularly with women.

20 And, of course, the environment he lived in
21 until he went with the military was not stable, nor
22 was he taught how to manage feelings and emotions
23 and to deal with those.

24 And then homes that failed to produce resilient
25 children, lack of guidance and mental health

1 intervention. There was certainly no mental health
2 intervention for Ron. These -- no one thought
3 social services would ever come out because Betty
4 had told the children, I will beat you half to death
5 if you ever tell anybody what's going on in this
6 house.

7 So even at school, because Ron was well
8 behaved, many children in these situations will act
9 out in school and the teachers will go, oh, my God,
10 this child needs help; we've got to do something.
11 But the kids that are quiet and don't rock the boat
12 don't get that kind of attention. So Ron got
13 overlooked for some of the needs that he most surely
14 had during those years.

15 Of course, abandonment, I know that what Betty
16 did with Ron certainly would qualify as an
17 abandonment of a mother's duties toward her child.

18 The lack of role models, growing up witnessing
19 violence. The caregiving was consistent, it just
20 wasn't very good caregiving, but it was consistently
21 bad most of the time.

22 Impaired cognitive functioning, I believe that
23 Ron was found later on to have some impairments.
24 I'm not familiar with each and every one of those,
25 but in meeting some of the family members that I

1 met, I would certainly say that there are family
2 members who do have impaired cognitive functioning,
3 which makes it very difficult to parent. And, of
4 course, could not help but wonder if his mother, in
5 fact, is seriously mentally ill because I think only
6 a mentally ill person would do the kind of things
7 that she was doing.

8 And poor problem solving skills. And, again,
9 if you go out into the world with poor problem
10 solving skills, you're most likely going to be
11 vulnerable to many things.

12 Q All right. And you had prepared one additional
13 chart. Let me trade you Plaintiff's Exhibit 20 back
14 for -- that's 20 -- and ask if that is a chart that
15 you prepared?

16 A It is.

17 Q And it's captioned Accumulation of Risk. And I
18 think a lot of these, if not all of them, that you
19 have on there are listed, so I don't want to talk
20 about each one of those, but let me see if I can try
21 to ask this question the appropriate way.

22 When you're talking about a child who is
23 physically beaten and you add to that the emotional
24 abuse that you're talking about, the drugs in the
25 home, the drugs in the community, is that the type

1 thing of you talking about an accumulation of risk,
2 all of these factors together shape Ron Finklea?

3 **A** Yes.

4 **Q** And is it sort of a mathematical proposition of
5 one plus one equals two or as you keep adding all of
6 these traumas, does it become magnified in some way?
7 Does that make sense as a social worker?

8 **A** Well, the theory is that it makes the child
9 more vulnerable and placed at higher risk to end up
10 in some sort of serious circumstances. It's based
11 on the belief that all of us, no matter who we are,
12 that when we are faced with three or four major
13 stressors are going to start to see some breakdown
14 or deterioration in our own functioning.

15 It may be the way we do our job, the way we
16 parent our child, the way we handle money, it may
17 affect memory and concentration. And that's normal
18 because life is filled with adversity and that's
19 going to happen. But when you see this kind of
20 accumulative load from birth, the belief is is that
21 it places the child at much higher risk to end up in
22 some sort of trouble.

23 **Q** And let me get that back from you.

24 **MS. NORRIS:** If I may approach, Your Honor?

25 **THE COURT:** Yes, ma'am.

1 BY MS. NORRIS:

2 Q Were you asked to assess mental health or
3 criminal responsibility at the time of the actual
4 crime?

5 A No.

6 Q So you were asked to assess mitigation and
7 that's the biopsychosocial assessment that you've
8 done?

9 A Yes.

10 Q And just as a bottom line conclusion, what do
11 you think was the most significant thing that you're
12 aware of, thing or things, in Ron Finklea's life
13 just prior to this crime?

14 A May I have that sheet back to answer that
15 question?

16 Q Yes, ma'am. I'll give you my copy.

17 A Thank you.

18 You know, one of the things that stood out to
19 me about Ron's case was this early beginning,
20 this -- the caretaking that he received from these
21 aunts, that's the kind of positive factor that
22 sometimes can make all the difference in a child's
23 life. And so my first question was, well, why
24 didn't it? You know, he had seven years, seven
25 important formative years that appear to have been

1 pretty solid, so why didn't that positive factor
2 make a difference?

3 Success in school is a positive factor, that
4 makes a real difference and can be the difference
5 between a child getting in trouble and not getting
6 in trouble.

7 I talked several times about the structure,
8 even odd as it was, at Betty's house, it was ordered
9 for Ron. And then the positive factor could be the
10 military. Many young men who are troubled go off to
11 the military and it turns out to be the thing that
12 is -- saves them. And combined with all of that,
13 it's a child with a very quiet, obedient personality
14 when he was growing up, which was another positive
15 protective factor.

16 So, you know, what in the world happened? You
17 have this accumulation of all these negative things,
18 and they're very serious, but the thing that is
19 different in this case for me in spite of the
20 protective factors was his mother's behavior. It
21 was extreme. It was cruel. It was, to me, an
22 indication of a mental problem never treated. And
23 there was no rescue. There was no intervention
24 until Ron figured a way to get out of that house
25 through the military. You know, he had no way out.

1 He was totally controlled by her.

2 And when I look at the kinds of things she was
3 doing, which was downright bizarre, it would be
4 impossible to not think that somewhere along the way
5 any person under these circumstances would not start
6 to decline, to deteriorate, to have problems. And I
7 think that had already begun before Ron left home,
8 but he saw the military as a solution.

9 And so this accumulation ultimately did set him
10 at high risk to end up in trouble and combined with,
11 you know, this -- this plan that he came up with,
12 which was certainly not a very good plan and
13 certainly not a successful one, I just think that
14 Ron's decision making, his judgment, his insight
15 there at the end, all these rituals he was engaging
16 in, there were many signs that Ron was breaking,
17 that his resilience was breaking down, and in the
18 end, it did break down.

19 **MS. NORRIS:** Give me just a second.

20 (Pause.)

21 **MS. NORRIS:** Thank you, Ms. Vogelsang. I don't
22 have any further questions.

23 **THE COURT:** Cross?

24 *****

25 *****

1 CROSS-EXAMINATION

2 BY MR. ZELENKA:

3 Q Ms. Vogelsang, when were you first retained in
4 this case?5 A The first contact I remember was back in the
6 fall of 2016 to talk about the case, discuss it. I
7 don't know the date of the actual court order, order
8 for funding, but I was reading records along the way
9 and then did the first interview in March of 2017.10 Q March 2017 was the first contact you had in the
11 case --

12 A Interview.

13 Q And where did you have that contact?

14 A In Monroeville, Alabama.

15 Q Okay. And how long did you spend there?

16 A The first trip I think -- I think about two or
17 three days.

18 Q Okay. And how many people did you meet there?

19 A Let me get my list out, if you'll hold on one
20 second. Sorry, I do have a list. Hold on one
21 second.22 I met with five people. I met with Ron's
23 mother, looks like, three times and then five other
24 people.

25 Q Who are the five other people?

1 **A** Erica Middleton, Betty -- Chanell Finklea,
2 Cherena Roland and Ron Finklea -- let's see, no,
3 sorry. Those were in Washington. I may have these
4 dates down wrong.

5 The first trip -- here's what I remember: I
6 met with his Aunt Ruby, his cousins, Erica and
7 Nicole. I met with Betty, his mother. I think
8 that -- let's see, I met with her three times, and
9 Erica, Nicole, Tyrell, Ruby. I believe that was
10 everybody the first time.

11 **Q** Okay. And you went back to Alabama?

12 **A** Yes.

13 **Q** And when did you go back to Alabama?

14 **A** I went back in June.

15 **Q** Okay. And who did you meet then?

16 **A** I met with another cousin. I met with Mary
17 Nell, one of his great aunts. I met with his Uncle
18 Dale and his girlfriend, Zeke. I met with his
19 grandmother. I met with his grandfather, with
20 Reverend Matthew Davis. I met Tasha Jackson, who's
21 another cousin. I saw Ruby Finklea again, and I saw
22 his mother again.

23 **Q** Okay. And prior to both of those trips to
24 Alabama, did you have telephone conversations with
25 each of those individuals?

- 1 **A** No.
- 2 **Q** How did they know you were coming?
- 3 **A** The attorney made the arrangements for me to
4 meet with them.
- 5 **Q** Which attorney?
- 6 **A** Ms. Holt.
- 7 **Q** Okay. Did Ms. Holt meet with you with them?
- 8 **A** Both. She introduced me and we explained that
9 I needed to see them alone, so it was both.
- 10 **Q** Okay. Prior to those meetings, did you review
11 the reports of those individuals that were done by
12 current counsel's defense team?
- 13 **A** Current counsel's --
- 14 **Q** Ms. Holt and Ms. Norris.
- 15 **A** Which reports are you --
- 16 **Q** The mitigation investigators they had in this
17 case.
- 18 **A** Yes.
- 19 **Q** Did you review those reports before you had
20 those meetings?
- 21 **A** Some of them I did, not all of them. Some I
22 saw after those meetings.
- 23 **Q** Okay. Even though those reports were done in
24 2011 and 2015?
- 25 **A** Yes.

1 Q Okay. Why didn't you review those reports
2 before you went to meet with them, those other
3 reports?

4 A Well, I did review most of them. Ms. Holt and
5 I talked about the others. I think when I got back,
6 they found several that I -- they had not sent to
7 me, so I saw them before I went the second time.

8 Q Okay. When you do, what I'll call, forensic
9 social work, do you have a theme or understanding as
10 to what you're looking for before you go down to
11 talk to these individuals in your regular work when
12 you do a normal biosocial psychological assessment?

13 A Well, the door is always open for me. I
14 certainly know now from doing many cases, that there
15 are, in fact, some common denominators that you
16 might expect to find, maybe not. So I'm aware of
17 that. But the general rule is to not rule anything
18 in or rule anything out too early. So you -- you
19 may see things, you may gather ideas, you may be
20 thinking of themes that run in the family, but you
21 don't shut the door too soon.

22 Q Okay. But didn't you say on direct examination
23 that defendants are extremely impaired or they
24 wouldn't basically be in this situation that they're
25 in?

1 **A** Typically, there are impairments. What I was
2 referring to is not just relying on them for that
3 reason.

4 **Q** But you were -- in this case, you knew you had
5 a defendant who had been convicted of murder arising
6 from pretty horrific circumstances in a planned
7 event with the intent to get money to support his
8 drug dealings, so you'll already have that sense
9 before you went in there?

10 **A** I had that sense, sure, from talking to his
11 lawyer, uh-huh.

12 **Q** And you also had the sense, from reviewing the
13 reports, that there were family members that
14 believed that the defendant was abused by his mother
15 and maybe some other family members before you even
16 got to Alabama?

17 **A** Yes.

18 **Q** And you had reports from those individuals,
19 correct?

20 **A** Yes, their investigative notes --

21 **Q** Cherena and Nicole and -- those were two of
22 them, Erica, I believe, also?

23 **A** Yes.

24 **Q** You had those reports?

25 **A** Yes.

1 Q Now, did you confront the mother about what
2 they were saying about her and the type of abuse she
3 was giving to her child?

4 A I did. I felt given what was being claimed,
5 that, you know, it's something that had to be
6 discussed with her, yes.

7 Q Okay. Why did you feel that you had to discuss
8 that with her? Was it part of your ethics as a
9 forensic social worker or a clinical social worker
10 or were you just seeking confirmation over what she
11 did, allegedly?

12 A Well, usually, you are looking for
13 confirmation, not expecting to get it, from the
14 abuser, but with Ms. Peoples, I knew, from speaking
15 with the attorneys and looking at the investigative
16 notes, that she was open to discussing it, and she
17 did.

18 Q But she didn't agree with everything, correct?

19 A She didn't agree with everything; is that what
20 you said?

21 Q Uh-huh. I thought you said she didn't agree to
22 some of the factors you had on the paper?

23 A I said that she didn't agree -- she didn't
24 remember having tied a milk jug to him.

25 Q Okay. Did she agree or disagree with you to

1 the extent that what you referred to as beating
2 occurred with respect to the defendant?

3 **A** I'm sorry? Could you repeat that?

4 **Q** Okay. Did she agree with what the other family
5 members may have been saying about her with respect
6 to the extent of the particular defined beatings
7 that were occurring with Mr. Finklea?

8 **A** She said she did not see a problem with it,
9 that that's how she was treated as a child and
10 that's why she turned out so good, and, yeah, that
11 she had done those things.

12 **Q** She had done them. Did she do them to the
13 extent that the family members were saying she did
14 them or did she agree that she had used some harsh
15 discipline on her son?

16 **A** She did agree that she'd used harsh discipline.
17 She agreed that she had put him in the bathtub
18 naked, made him sit in cold water, that, you know,
19 beating a child was fine and she didn't see a
20 problem with that.

21 **Q** Did she use the word beating?

22 **A** Yes.

23 **Q** She did?

24 **A** Uh-huh. Yeah.

25 **Q** Okay. How did she say she beat him? How

1 often?

2 **A** She said she beat him frequently, that he --
3 this is how she was treated, that she thought that
4 you had to do this to keep him in line and that, you
5 know, it was several times a week.

6 **Q** Okay. Did she say what caused the beating?
7 Was Ron acting out? Was he not agreeing to do what
8 she said for him to do? Was she -- was he being a
9 bad child at that time? What generated the
10 beating --

11 **A** Yeah, she said --

12 **Q** -- according to her?

13 **A** Yeah, she said he was weird.

14 **Q** That he was weird?

15 **A** Uh-huh.

16 **Q** In what way?

17 **A** She didn't say in what way, that he was just
18 weird and, you know, he shouldn't be wiggling his
19 ears at school. And most of the beatings were
20 centered around the bedwetting, but if his grades
21 weren't good, as I said, if he didn't find his
22 brother's pacifier, he would -- he beat her when
23 Chanell got pregnant, not because she thought Ron
24 got Chanell pregnant, they knew who got Chanell
25 pregnant, but it just didn't seem to need any

1 special reason, and she, you know, agreed with that.

2 Q Did you do a report in this case?

3 A No.

4 Q In the practice of a social worker, planning
5 social assessments, why would you not do a written
6 report?

7 A It wasn't requested. Sometimes they're
8 requested and if they are, I write one. If it's not
9 requested, I know that I'm going to be pulling all
10 of this together and testifying to it, so, you know,
11 but I'm happy to submit one if it's requested.

12 Q If you were appointed as a court expert in a
13 case, would you do a report for the court?

14 A If it was required by the court.

15 Q Okay. Do you have your notes of your
16 interviews with Betty Peoples?

17 A Yes.

18 Q Can I see those notes?

19 A Yes. Sure.

20 Q Are these all the notes of the interviews?

21 A Yes. I think there was a couple of interviews
22 where I just stood and chatted and talked, and it
23 was more getting-to-know-you kinds of interviews.

24 Q Okay. When did you first advise Betty that she
25 was being alleged by family members to have beaten

1 Ron throughout his childhood?

2 A It was actually the second interview. We
3 broached it during the first and actually talked
4 about it in more detail during the second interview.

5 Q Okay. And how long did those interviews last?

6 A They typically last between two and three
7 hours.

8 Q Okay. And your notes appear very sketchy and
9 not in great detail. Do they just utilize these
10 notes just for the purpose of refreshing your
11 recollection about some things, times and dates of
12 meetings?

13 A Yes.

14 Q Okay. With respect to meeting with Ron, when
15 did you first interview Ron? And if you need these
16 records, I'll be happy to provide them.

17 A I interviewed him in May and in June.

18 Q Okay. And when you interviewed him in May,
19 what did he tell you?

20 A During our first interview, we talked in very
21 general terms. He did not speak very much of his
22 mother. He talked about, you know, being proud of
23 his life in the military. He talked about being
24 ashamed of being in prison, the kind of things he
25 liked to do as a child. We talked a lot about

1 school because he loved school. So it was just that
2 sort of getting-to-know-you kind of talking.

3 Q Did he talk about the crime at that time?

4 A No. The scope of what I'm asked to do is
5 not -- is not about the crime, it's about the family
6 history. So I don't encourage nor do I usually
7 allow anyone to go into the details of the crime
8 itself even though I do get the discovery, I see
9 what happened, I usually look at some of the prison
10 records to see if there's any family history in
11 them, if he's talked to anyone about his family
12 history, but we did not deal with the crime.

13 Q Okay. What's the most significant day, other
14 than his birth, in Ron's life? What's the most
15 significant day?

16 A Well, the most important day would be the day
17 of that crime.

18 Q Pardon me?

19 A The day of the crime.

20 Q And, yet, while you acknowledge that's the most
21 significant day in his life, you never wanted to
22 talk to him about that?

23 A No. It's, again, not within the scope of what
24 I'm asked to do. My job is to do the family
25 history.

1 **Q** But then you put together an accumulation of
2 the risk, and wouldn't a significant accumulation of
3 the risk be the type of people that he was hanging
4 around at that particular time of his life and what
5 impact those folks had upon him and the steps that
6 he took that resulted in other risks that he's
7 facing here?

8 **A** Of course those things are important. And I'm
9 aware, you know, that he, after he was working and
10 in South Carolina, that he did get involved with
11 some other people and they encouraged him to give
12 them money to purchase drugs. So I'm certainly
13 aware of that.

14 **Q** But you brought up in direct examination that
15 he was employed at Selectron which ended up being
16 the victim of the particular crime.

17 **A** Correct.

18 **Q** It wouldn't be important to you about the
19 relationship that he had with Selectron which would
20 cause him to go back to that place and cause the
21 death of one of their employees?

22 **A** Well, I believe along the way that we discussed
23 his work at Selectron. I can't recall, but I know
24 some of his employers testified at the trial. But,
25 again, when I start getting up close to that period

1 of time when the crime occurs, my focus is not
2 there; it is in the past.

3 Q Is that because you don't want to answer those
4 questions as to what caused him to commit that crime
5 on that day?

6 A No. It's not because I don't want to ask the
7 questions; I just try to stay within the scope of
8 what I was asked to do.

9 Q Okay. Did you agree with that scope or did you
10 think it was important, as a clinical social worker,
11 to expand that scope up through today?

12 A Well, based on what I read and came to
13 understand, I don't think those details, which had
14 been presented very clearly at his trial, would have
15 changed my opinions or my conclusions.

16 Q Okay. Did Mr. Finklea indicate to you that he
17 was malingering prior to and during the trial about
18 his memory?

19 A His attorney shared that with me.

20 Q Well, when you talked with Mr. Finklea,
21 didn't -- in your building of psychosocial
22 assessment which deals with presence or absence of
23 mental illness, which you acknowledge as a
24 mitigation investigator, at least someone should be
25 open to that, you didn't think it was important to

1 inquire as to why he chose to feign mental illness
2 prior to and during the trial?

3 **A** Well, I had --

4 **MS. NORRIS:** I'm going to object to that, Your
5 Honor. He wasn't feigning mental illness. He said
6 that he did not recall for a time period for two and
7 a half months -- or two months before the crimes
8 till a week or so after.

9 **THE COURT:** That's a fact to which even -- he
10 can ask it on cross. If it's not supported by the
11 record, then I'll disregard it.

12 BY MR. ZELENKA:

13 **Q** Did you read any reports -- did you read
14 Dr. Knight's report before you testified today?

15 **A** Yes.

16 **Q** And in Dr. Knight's report, isn't it true that
17 there was an acknowledgment that he was malingering
18 during the trial and was upset that he had misled
19 the psychiatrist during the trial?

20 **A** Yes.

21 **Q** Okay. Did that impact your biosocial
22 assessment at all?

23 **A** Well, I knew about it from the beginning.
24 Ms. Holt had shared that with me. So I was very
25 aware of that when I was doing my interviews with

1 him.

2 Q Okay. Okay. In your direct examination, you
3 indicated that the reason that the defendant's
4 mother was grabbing his genitalia was that she owned
5 him, I believe was the word you used.

6 A Yes.

7 Q Did she tell you that was the reason that she
8 was doing it, the mother?

9 A No.

10 Q Well, then why are you saying that she did it
11 so she -- to show that she owned him?

12 A Well, we --

13 Q What -- let me ask this: What did the mother
14 tell you the reason for her doing it was?

15 A Well, she just said that, you know, she
16 laughed. She just thought that was funny. She
17 really didn't give me an answer.

18 Q But she didn't tell you to show that she owned
19 him, did she?

20 A No, she did not say those words.

21 Q And did she give any reason for it?

22 A No. She just laughed. She thought it was
23 funny.

24 Q Okay. Did she say she was doing it jokingly,
25 angrily, with intent to injure him? What was the

1 purpose that she said --

2 A Both, that sometimes it was just playing
3 around, sometimes she was angry. She was always
4 angry because of the bedwetting and I think a lot of
5 it started with that.

6 Q So when he was a middle teenager, she was doing
7 it because of bedwetting?

8 A Yes, he was still bedwetting.

9 Q Okay. And when did he stop bedwetting?

10 A Actually -- actually, there was a -- I can't
11 remember what interview this was in, but I believe
12 Teresa reported that he was still having nightmares
13 and bedwetting when they were together.

14 Q Okay. When did he say? Did you ask him?

15 A I believe he said he stopped in the military.
16 And I believe his wife, Cherena, said that he wasn't
17 doing it when they were married.

18 Q Okay. In your interview on June 8th, 2017, Ron
19 indicated to you, and you put an asterisk by it,
20 that I am terrified of mom?

21 A Uh-huh.

22 Q Did he say on that date, according to your
23 notes, why he was terrified of mom?

24 A He said here, I am a grown man sitting on death
25 row and I'm still terrified of her. She's my only

1 contact.

2 And that happened to be mostly true because
3 Betty has tried to cut the rest of the family off
4 from contacting Ron or visiting him or sending him
5 cards. And he said, I was terrified of her when I
6 was kid and here I am in this situation as much as I
7 try to get away from it and I'm still scared of her.
8 She still has control.

9 Q Okay. If you could look at those notes, at any
10 time during that interview, did he indicate,
11 specifically, any circumstances of abuse that he
12 received from his mother that he wrote down?

13 A I think we were talking more about other family
14 members during that interview and how he was
15 reacting. We talked about some of his reactions in
16 response to his mother's abuse. Having to -- you're
17 talking about physical abuse only?

18 Q Yes.

19 A Okay. I think we were talking --

20 Q We can start with that.

21 A There's the incident of her beating him when he
22 had misspelled a word, but the teacher gave him a
23 hundred anyway because she knew what a good speller
24 he was and --

25 Q And that's in those notes?

1 **A** Uh-huh.

2 **Q** Okay. Where is it on those notes?

3 **A** Right here {indicating}.

4 **Q** Did she say how she beat him?

5 **A** I don't recall him saying what she used in that
6 specific incident, but she beat him at the school,
7 and she admits to doing that. She thought it was
8 funny to beat him in front of the other kids because
9 she wanted him to quit wiggling his ears and then
10 beat him again when she got him home.

11 **Q** Did she use beating or spanking?

12 **A** She said beating. Beating is her word.

13 **Q** Okay. And on the other interviews with Ron, in
14 your written reports, did you note any other
15 incidences in your written summaries of specific
16 physical violence against Ron?

17 **A** Well, without --

18 **Q** In the materials I handed to you. And could
19 you locate those for me?

20 **A** Oh, okay. And you're talking about anybody?

21 **Q** No. I'm talking about in your interviews with
22 Ron?

23 **A** In the interviews with Ron -- I'm sorry, you
24 better ask the question.

25 **Q** Okay. I'm sorry. I probably wasn't clear.

1 In your reports of your interviews of your
2 meetings with Ron Finklea, where in those reports
3 did it indicate that Ron was telling you directly
4 about beatings, physical abuse between Ron and his
5 mother?

6 **A** And so, just to clarify, I don't write down
7 every word in an interview. Again, I have to --

8 **Q** Okay. And I'm asking you where you wrote down?

9 **A** Exactly.

10 **Q** Okay.

11 **A** Okay.

12 Okay. So I have a story here I didn't write
13 down -- I don't think I wrote down that she beat
14 him, but I recall that this was one of the stories,
15 where he took a terrible beating.

16 **Q** Please answer my question.

17 **A** Uh-huh.

18 **Q** Where did you write down in your reports --

19 **A** That she beat him.

20 **Q** -- that she beat him?

21 **A** In that -- right before that same one that I
22 pointed out to you, I made a note that he had to do
23 a lot of work in school or she would beat me, beat
24 me for misspelling words, and then he goes on to
25 tell that story and says, She beat me. But he

1 prefaced that with, you know, getting beaten at
2 school, for -- for things at school.

3 So I don't see my other set of notes. There
4 were two. I know you didn't take one of them, but
5 there is an interview with Ron. I don't know why --
6 there's a second interview with Ron. Did you see
7 two when you were doing this?

8 Q Well, that was my concern. I wasn't sure if I
9 was looking at interviews or not, but I saw --

10 A There's two with Ron, maybe I left it at the
11 hotel because I put this together this morning. I
12 don't see the other one, but there is a second one.
13 And it was the -- I think it was maybe the first
14 one.

15 So this was -- this is the first one, yeah.
16 Beat naked in the backyard in front of others.

17 Q Did you say how often that occurred in your
18 writing?

19 A No.

20 Q Okay.

21 A If hand goes up, mom is not hugging me. And we
22 talked about what he meant by that.

23 Q Okay.

24 A So those are the two and this one. And, you
25 know, for me, that's significant because especially

1 males are never very anxious to give you those
2 details of being beaten and that's consistent.

3 Q Okay. But if you were to have done a written
4 report, you would have included those details and
5 more summaries of your interviews with Mr. Finklea,
6 wouldn't you have?

7 A Possibly.

8 Q Okay. With respect to the information you've
9 given, were you aware there was an indication at
10 trial that the mother had actually taken a gun and
11 shot at Ron?

12 A Yes.

13 Q In your earlier testimony, you didn't mention
14 anything about mother shooting directly at Ron. Did
15 you have contrary information on that?

16 A No. It was a story I had intended to tell and
17 just can't remember every single thing to tell,
18 but --

19 Q Would the fact --

20 A I thought it was on one of the -- is it not on
21 the visual? I thought it was on the visual because
22 there was --

23 Q There was a reference to threaten...

24 A With guns.

25 Q Right, but nothing about the fact the mother

1 fired the gun at her son?

2 A Exactly.

3 Q That's pretty significant, isn't it?

4 A It's very significant.

5 Q And that information you reviewed, that would
6 have been known or was presented back at the time of
7 the original trial, correct?

8 A Yes.

9 Q Yet it didn't make your testimony here and it
10 didn't make, specifically, any of your references of
11 physical violence against the defendant, correct?

12 A It didn't and I was expecting to be asked about
13 it. I think Ms. Norris asked questions that would
14 have allowed me to tell it. Again, I just can't
15 remember every single story, but it is significant,
16 and the entire story surrounding her doing that was
17 also significant.

18 Q Okay. In your notes of your interviews with
19 Ron, he never mentioned anything about a rubber
20 hose, did he?

21 A I don't recall him talking about that.

22 Q When -- you've been a mitigation investigator
23 in some cases that I've been involved with and
24 you've been the social worker and here you're made
25 as an expert in clinical social work, correct?

1 **A** Yes.

2 **Q** And one of the things that you pointed out that
3 the mitigation investigator should look to are red
4 flags, correct?

5 **A** Yes.

6 **Q** And the purpose of finding the red flags or in
7 doing a biosocial assessment is to give the
8 psychologist and the psychiatrist information by
9 which they could determine whether there's a mental
10 illness available; is that not also correct?

11 **A** So that they -- it helps them in forming their
12 opinions, yes.

13 **Q** Okay. And here there were red flags indicated
14 based upon your review of the work that was done by
15 Mr. McDougall and Carolyn Graham and the original
16 defense team, correct?

17 **A** Predominantly the interview with Cherena, yes.

18 **Q** And, in fact, did you review Dr. Cherry's
19 testimony and what she'd found in this case?

20 **A** I did.

21 **Q** And she found that the defendant suffered from
22 post-traumatic stress disorder, correct?

23 **A** Yes.

24 **Q** And she indicated that she could -- she was
25 choosing not to go into the circumstances that led

1 to it out of respect for Ron; is that correct?

2 A Yes.

3 Q Do you know why that information was not more
4 fully presented at the time of the trial?

5 A Well, what appeared to me to have happened both
6 with Dr. Cherry and with Ms. Graham is that they
7 acceded to Ron's wish to not have things said
8 negatively about his mother. And I believe even the
9 guidelines point to the fact that you don't not
10 investigate fully, that you have a duty to
11 investigate in spite of the wishes of the defendant.
12 And it seemed to me they just sort of stopped right
13 there.

14 Q Whose guidelines?

15 A The ABA guidelines.

16 Q Okay. You're not an expert on the ABA, are
17 you?

18 A No, but I've read them. And my experience has
19 been, doing these cases for 28 years, that you
20 don't -- you respect the defendant's wishes, but you
21 don't stop because they don't want you to do it,
22 they don't want you to do mitigation.

23 Q Do you know whether that was investigated by
24 Dr. Cherry?

25 A Whether what was investigated?

1 Q The circumstances of the post-traumatic stress
2 disorder? It wasn't testified to, but do you know
3 whether Dr. Cherry, when she made her assessment,
4 didn't look for the underlying factors that led to
5 her opinion for post-traumatic stress disorder?

6 A It appeared to me that she had asked questions.

7 Q Okay. So it just wasn't presented to the jury;
8 it's not that it wasn't, in your mind, investigated?

9 A Well, had -- had Dr. Cherry testified to those
10 things, it's hard to know what it would have been,
11 how it would have been presented.

12 Q All right. And when you looked -- did you look
13 at Mr. McDougall's, the fact investigator's reports,
14 all the way up through September at the time of the
15 trial?

16 A Yes.

17 Q And he interviewed a number of family members,
18 didn't he?

19 A I think he saw them in a group as I recall and
20 then he attempted to see Cherena.

21 Q And then he did individual reports on those
22 that he was able to communicate with, correct?

23 A What I recall is the meeting at a hotel with
24 all the family members together in a group.

25 Q Okay. Did -- but he interviewed them, didn't

1 he?

2 A Well, I think what he said was he got names,
3 phone numbers and did not ask specific questions is
4 what I recalled, or one of the family members said
5 that he did not ask any specific. It was just told
6 them what they could expect to happen, got the basic
7 information and seems like there was maybe one
8 question. But they were all together in a group,
9 and as I testified earlier, that tends to shut
10 people down.

11 Q Did you review his interview with Cherena
12 Roland?

13 A I believe I did, yes.

14 Q Okay. And that was done in Seattle, in
15 Washington?

16 A I don't recall.

17 Q If you can recall?

18 A I don't recall. I know he went there, but I
19 don't recall if he saw her there or if he talked to
20 her on the phone.

21 Q Okay. And he was told by her, according to his
22 report, about the mother's apparent abuse of Ron?

23 A Yes.

24 Q Okay. And about the factor of the mother
25 shooting at Ron in the yard, correct?

1 **A** Yes.

2 **Q** And the way that, my words, that she demeaned
3 him by use of terms that are very negative towards
4 Ron, correct?

5 **A** Yes.

6 **Q** All right. In your direct testimony, you said
7 he went to the Army to escape from his mother. Did
8 he tell you that?

9 **A** It was his cousin, Sharon, who was aware of how
10 badly -- and his two other cousins, they all knew
11 how badly Ron wanted to get away from Betty. But it
12 was Sharon who recalled his great joy when he found
13 out that the Army was going to take him.

14 **Q** During any of your interviews with Ron, did he
15 tell you that he joined the Army to get away from
16 his mother?

17 **A** Yeah. He said that he thought he was going to
18 be free at last and everything was going to just be
19 fine.

20 **Q** Okay. Yet once he was in the Army, he
21 maintained a lot of contact with his mother?

22 **A** Yes.

23 **Q** And it appeared that he would go home to visit
24 his mother on virtually every time he had a
25 vacation, correct?

1 **A** That is correct, take gifts, yes.

2 **Q** Okay. At my age, I'm getting a little hard of
3 hearing, but as I understood it, and please correct
4 me if I'm wrong, at Fort Lee, I thought you said he
5 started drinking and then just got some LSD. Tell
6 me, did I hear that correctly?

7 **A** It was Fort Lewis when he first went into the
8 military and was first away from home. He'd been
9 through basic training. And he would hang out with
10 the guys, and he remembers trying LSD, but mostly
11 was drinking.

12 **Q** Okay. Did he try it just once twice, three
13 times? What did he tell you?

14 **A** My understanding was it was the typical kind of
15 going out, drinking, getting drunk, partying, you
16 know, however often soldiers are allowed to do that.
17 I mean, I don't know exactly how many times.

18 **Q** Well, I understand the drinking part, but the
19 LSD doesn't sound to me like common Army behavior.
20 Explain to you {sic} what he told you and how that
21 occurred.

22 **A** I think he said just two or three times.

23 **Q** Pardon me?

24 **A** I believe he said two or three times.

25 **Q** Two or three times?

1 **A** Yeah.

2 **Q** Okay. Have you talked to Carolyn Graham about
3 the breadth of her role as she saw it as a
4 mitigation investigator?

5 **A** I have not.

6 **Q** Okay. Have you attempted to?

7 **A** I just asked to see her file. I have not
8 attempted to.

9 **Q** Now, by the time you were on the case,
10 Mr. McDougall had already died in 2015, I believe.
11 So you didn't have the opportunity to meet with him
12 and talk to him about the work he did on the case,
13 correct?

14 **A** Yes.

15 **Q** Because you weren't retained until after 2015?

16 **A** Correct.

17 **Q** Okay. A lot of your testimony on direct dealt
18 with the early family life that the defendant had
19 and also that his sister, Chanell, had during that
20 time period. And you've reflected that this
21 accumulation of risk occurred, but she also shared
22 in a lot of those same risks throughout; isn't that
23 correct?

24 **A** Yes.

25 **Q** Yet Chanell, has she had the same criminal

1 experiences that the defendant had?

2 **A** No. My understanding is that she has had some
3 problems in regard to drugs. But, no, she has not
4 had the same experiences Ron has had.

5 **Q** Okay. And, admittedly, he had some different
6 problems, but you indicated the mother had, I'll
7 call it, to phrase it, sexual abuse towards both of
8 them by striking them in the genitals, correct?

9 **A** Well --

10 **Q** Or did I mishear you?

11 **A** No. No, I don't think I called that sexual
12 abuse, but that is generally considered to be sexual
13 behavior to do that.

14 **Q** Okay.

15 **A** It's certainly not typical of what you hear.

16 **Q** Okay. They were involved in the sales of the
17 alcohol at the home, basically the breakdown of norm
18 values that we would seek to see by the violations
19 of law that they were encouraged to be involved in,
20 correct?

21 **A** Yes.

22 **Q** Did -- and you indicated Chanell was also
23 beaten by the mother on occasion?

24 **A** Yes.

25 **Q** But with all of these risks, it seems that, as

1 you acknowledge, that anyone who commits these types
2 of crimes must be impaired, that the defendant lived
3 in an environment where it was eventual that he was
4 going to be involved as an adult in fairly
5 significant criminal acts, correct?

6 **A** Well, you know, none of us have a crystal ball,
7 which is why we say when you see these kind of
8 things, you can assume that that person may be more
9 vulnerable and at risk. And, in fact, some of the
10 research that's been done at the United States
11 Department of Justice shows that children who have
12 had these kind of backgrounds are at higher risk for
13 either juvenile or adult incarceration. And so I'm
14 not predicting that this is going to happen, but
15 that he would certainly be at higher risk to end up
16 in very serious circumstances of some kind.

17 **Q** Okay. You talked about his relationships with
18 both of his ex-wives. Was he ever violent towards
19 them?

20 **A** Yes.

21 **Q** What was the nature of that violence?

22 **A** It appeared to me to be more with his first
23 wife than with Teresa, but the nature of it was that
24 if there was a conflict, just the normal kind of
25 conflict that couples have, Ron's interpretation of

1 what was happening was overreactive, hyperreactive.
2 He claimed that he would become real confused, that
3 the argument just sounded like noise to him and he
4 would become very agitated and then just have these
5 outbursts to make the argument stop.

6 **Q** Okay. Did the arguments deal with infidelity
7 or what were the arguments concerning?

8 **A** There were some because Ron continued to have
9 relationships with other women when he was married,
10 yes.

11 **Q** Okay.

12 **THE COURT:** Let me know when you get to a good
13 stopping point.

14 **MR. ZELENKA:** I'm sorry, Judge?

15 **THE COURT:** Let me know when you get to a good
16 stopping point.

17 **MR. ZELENKA:** This is a very good stopping
18 point.

19 **THE COURT:** All right. Ladies and gentlemen,
20 we'll take a ten-minute recess.

21 Ms. Vogelsang, you're not permitted to discuss
22 your testimony.

23 (Brief Recess.)

24 **THE COURT:** Let me just ask you all,
25 logistically, they have to take him to and from

1 Lieber every day. If I were having to get out in
2 Lexington traffic, I would rather go till about 5:30
3 and stop, because if you leave here at 5:00, you're
4 going to be sitting on I-26. So can we plan to try
5 to do that?

6 **MS. NORRIS:** I'll defer to the gentleman
7 driving the vehicle.

8 **OFFICER:** Absolutely.

9 **THE COURT:** I mean, we can stay a little bit
10 later. I mean, if I let you out of here at 5:00,
11 maybe you have more patience than I have with
12 traffic, but it's kind of brutal around here most
13 days.

14 All right. Let's try to stop some time around
15 5:30, okay?

16 **MR. ZELENKA:** All right, Judge.

17 **THE COURT:** I mean, I've got an hour drive, but
18 it's not down I-26.

19 You may continue.

20 **MR. ZELENKA:** Thank you, Your Honor.

21 BY MR. ZELENKA:

22 **Q** Ms. Vogelsang, when I was looking at
23 Plaintiff's 20, The Accumulation of Risk, you set
24 out what I would say the negative factors and the
25 positive factors. In one of the positive factors

1 that I didn't see, but I thought you may have been
2 testifying about was you mentioned the defendant's
3 minister was a positive role model to him, yet you
4 didn't have that as a positive factor. Was that
5 just an error of omission or did something go on
6 that I'm not picking up on?

7 **A** I interviewed the minister and he's a, you
8 know, very nice fellow, very concerned, but he said
9 that his time with Ron was very short and very
10 brief.

11 **Q** Okay.

12 **A** That he recognized that there was maybe
13 something wrong even when Ron was young. And his
14 way was to always wait and let kids open up to him,
15 he doesn't push it. The family did not attend
16 regularly and then he remembered a time when they
17 were not coming at all. And so some of these things
18 need to be somewhat longer term to really have an
19 impact. But he saw him as how he would fantasize a
20 father would look like.

21 **Q** Okay. You were in here when Mr. Soltis
22 testified, I believe?

23 **A** Yes.

24 **Q** About that first meeting that he had with
25 his -- with the family?

1 **A** Yes.

2 **Q** And in that meeting, he had noted that it began
3 with a prayer; do you recall that?

4 **A** I don't.

5 **Q** Okay. Well, are you aware that there were
6 references in some of the early reports, references
7 from family members, I believe it may have even been
8 Cherena, that thought the mother had wacky religion?
9 What was her religious beliefs that may have played
10 into Ron's religious beliefs, if you can -- if
11 you're aware of it and if you can say that?

12 **A** It's another story, unfortunately, that I meant
13 to bring up and didn't. It isn't at all unusual in
14 the south for African-American families whose
15 history goes back to slavery and before to practice
16 Roots, which is a spiritual practice that they,
17 brought to this country. And most of them today
18 practice Roots along with going to church; they do
19 both.

20 But with Roots, you have the placing of curses.
21 His Aunt Ruby, for example, thought that her
22 seizures were due to her uncle putting Roots on a
23 drink that she had had. And so later on when there
24 are reports of Ron burying a juju bag in the
25 backyard, chanting, praying to a candle, I think

1 seeing a spiritual adviser, a psychic, this, you
2 know, I think these are practices that he was aware
3 of and saw when he was growing up.

4 Q Okay. And those are basically cultural beliefs
5 as more, to some extent, than religious beliefs.
6 Would that be a fair statement?

7 A Yeah. And I would say, generally, they're not
8 an issue in these cases unless there is sometimes
9 other things going on that are bizarre. And so it
10 gets mixed in with the practice of Roots, and you'll
11 find sometimes people that are a little confused
12 about that.

13 Q When is a -- let me take a step back. When did
14 you first meet with family members?

15 A The first time I went, when I told you earlier
16 about the first trip to Alabama.

17 Q And what was that date?

18 A I'll have to look for that thing again.

19 Do you have a copy? She has a copy.

20 Q Did you prepare that?

21 A Yes.

22 MR. ZELENKA: Okay. Any objection to it going
23 in the record?

24 MS. NORRIS: No objection.

25 BY MR. ZELENKA:

1 **Q** Okay. As Respondent's Exhibit 1, if you can
2 identify it.

3 **A** It's just a list of the interviews that I did
4 with Ron's family and others who knew him. It lists
5 that I visited the communities that he grew up in,
6 that I consulted with Dr. Maddox and Dr. Knight and
7 the general overview of records.

8 **MR. ZELENKA:** Court's indulgence. I'd like
9 this marked as Respondent's Exhibit 1. I understand
10 without objection.

11 **THE COURT:** It's in without objection. Thank
12 you.

13 (Respondent's Exhibit Number 1, list, marked
14 and admitted into evidence.)

15 BY MR. ZELENKA:

16 **Q** So what was the date you started meeting with
17 his family members?

18 **A** I have March 12th.

19 **Q** Okay. And when did you have your first meeting
20 with Ron?

21 **A** In May of 2017.

22 **Q** And didn't you, on direct examination,
23 criticize the original defense team because they
24 went and met with the family before they had
25 adequate meetings with the defendant?

1 **A** Well, I don't know that it was a criticism. I
2 mean, sometimes that does happen, but, typically, I
3 think it's more efficient to see the defendant
4 first.

5 **Q** Well, didn't you say it was crucial to meet
6 with the defendant before meeting with the family?

7 **A** Did I use the word crucial? I don't remember
8 using that word, but I do think -- it's my
9 preference. My experience has been that it is
10 better to go see the defendant first..

11 **MR. ZELENKA:** I have no further questions.

12 **THE COURT:** Is there redirect?

13 **MS. NORRIS:** Yes. Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. NORRIS:

16 **Q** Ms. Vogelsang, that packet of notes that
17 Mr. Zelenka asked to see, may I see that?

18 **A** I think I put them all back in there.

19 **Q** When you went to see Rosie and Johnny on June
20 17th, 2017, I assume that's Mr. Finklea's
21 grandparents?

22 **A** Yes.

23 **Q** Do you recall how long that meeting was?

24 **A** I think we were out there at least two hours,
25 if not longer.

1 Q All right. And looks like you wrote on ten
2 lines on a sheet of paper about that?

3 A Yes.

4 Q Do those ten lines represent every word that
5 exchanged in that two hours between you?

6 A Absolutely not.

7 Q And so these notes -- for example, this young
8 lady sitting in front of you is taking down
9 everything that is said here. Was it your intent
10 with your notes to do that?

11 A It's impossible, number one. And, number two,
12 you don't want to be writing the entire time you're
13 in an interview, but I take notes that will be like
14 ticklers to remind me later of things that happened
15 or went on.

16 Q And before you went and did those interviews,
17 did you have information -- for example, when you
18 went to talk with Betty Peoples, had you already had
19 the opportunity to review her sentencing testimony?

20 A Yes.

21 Q And had you had the opportunity to review prior
22 interview memos of her?

23 A Yes, I had.

24 Q And, to your knowledge, each of the family
25 members that you had interviewed, had Ms. Holt

1 talked to them beforehand?

2 **A** She had. She had really, I would say, gotten
3 to know them pretty well and so she was able to
4 share a lot of information with me.

5 **Q** And so when Ms. Betty Peoples admitted to you
6 to beating Ron Finklea, it wasn't news to you; is
7 that fair to say?

8 **A** Yes.

9 **Q** So if it's not news, it's not something that
10 needs to be written down every time that it's said?

11 **A** That's correct.

12 **Q** And to the extent of -- Mr. Zelenka spent a
13 good deal of time talking about what Mr. Finklea
14 told you about being beaten by his mother. In this
15 case or in any case, do you rely solely on what the
16 defendant tells you to gather your information?

17 **A** No.

18 **Q** And in this particular case, was there extra
19 reason that you were not just reliant on what
20 Mr. Finklea said?

21 **A** Well, I don't know that there was extra reason,
22 but it just is part of the standard of care in
23 practicing that you don't rely on everything you --
24 that is why the assessment turns to other sources.
25 It's based on a collateral source, is it --

1 contemporaneous records, other interviews. You
2 know, you don't rely on one person ever under these
3 circumstances.

4 Q All right. And Mr. Zelenka asked you about
5 whether you confronted Betty Peoples with what
6 others said to her. And I want to unpack that a
7 little bit. You didn't go to her and say, Your
8 daughter, Chanell, said this, correct?

9 A No.

10 Q So how do you approach that in terms of talking
11 to her about whether she abused Ron?

12 A Well, it would go something like, Ms. Peoples,
13 as you know, my job as a clinical social worker, who
14 may or may not be testifying in your son's case, is
15 to gather as much information as I possibly can.
16 And so in doing that, I've gone around and talked to
17 other family members. I've talked to Ron. I've
18 read records. And I've learned some things that are
19 important to me that I would like to ask you about,
20 for example. And then I would ask the question.

21 Q And on the examples you gave of beating, I
22 think you said that she did not remember tying a
23 milk jug to Ron's penis as a child because of
24 bedwetting, but she didn't deny that; she just
25 didn't recall it?

1 **A** Correct.

2 **Q** All right. So the information about her being
3 abusive and beating Ron, it's not -- and correct me
4 if I'm wrong; I just want to make sure I got this
5 right in my head -- it's not that she denied that it
6 happened, some of it, specific examples that you had
7 learned, she just did not remember that?

8 **A** Yes.

9 **Q** But she, herself, told you about beating him
10 for wiggling his ears in school?

11 **A** Yes.

12 **Q** And I believe you said she was pleased about
13 that. Can you tell me what was pleasing to her?
14 Did she express what was pleasing to her about
15 having done that?

16 **A** She thought that it was real smart and wise of
17 her to go to school to do it in front of the
18 classroom, how upset he was, and that, you know, she
19 thought it was funny and perfectly acceptable to do
20 it.

21 **Q** And what was it -- did she tell you what it was
22 about him wiggling his ears that bothered her?

23 **A** Well, I don't know that she told me, but what I
24 had learned is that anything he did in school, for
25 example, getting a hundred when he had really

1 misspelled a word, it made her extremely angry and
2 she beat him. So it didn't take anything much for
3 her to do that.

4 Q And Mr. Zelenka asked you what generated, what
5 was the cause of various beatings. And I believe
6 you described earlier that with both Chanell, his
7 older sister, and with Ron, that at times, they
8 would be asleep and being woken up by being beaten?

9 A Yes.

10 Q All right. Can you think of any possible
11 reason that would generate a cause for that beating?

12 A No, I can't. And I have given that a lot of
13 thought. The only story that I recall that caused
14 me again to wonder about Betty Peoples and what was
15 wrong with her was getting back to Pastor Davis.

16 He had given an assignment for the children to
17 watch the Ten Commandments and Ron said that his
18 mother didn't drink very much, but when she did, she
19 just really got out of it. And so he walked in the
20 room, he was around ten years old, and she had
21 wanted some food. She was laying on the sofa and
22 she'd been drinking. And he put some food on a
23 little saucer for her, and when he went to hand it
24 to her, she stood up and the food rolled off of the
25 saucer and she threw it across the room and broke it

1 and screamed out, Why are they doing this to me?
2 And he's a kid, he doesn't know what she's talking
3 about, but, Why are they doing this to me? And he
4 said, you know, she was pretty tipsy, and so she
5 didn't beat him that time, but she refused to let
6 him watch the Ten Commandments.

7 But because of Ruby's seizures, because of
8 three other women in the family identified with
9 seizures, I had to at least wonder, you know, it's
10 hard to grasp that someone would engage in these
11 types of brutal behaviors toward a child if there
12 wasn't something else going on. So I don't know why
13 she would get up in the middle of the night, but I
14 wonder -- all the other women that have seizures,
15 explain the rage, that their seizures were rage
16 related.

17 Q All right. Well, let me ask it this way: In
18 your experience, is there always a cause for an
19 abusive parent to beat their kid?

20 A Well --

21 Q Well, let me rephrase that better. I asked you
22 a very general question. Is it, in your experience
23 as a social worker going back for the 30 years, and
24 all areas of social work not just in the death
25 penalty mitigation context, is it the case that you

1 can always say that this child did this and it
2 caused that beating?

3 A No.

4 Q And, in fact, isn't it, from the social work
5 perspective, what makes it abusive, what makes it
6 abuse itself is that there isn't a rational cause
7 for that behavior?

8 A Exactly.

9 Q Now, Mr. Zelenka asked you about Dr. Cherry.
10 Is it your recollection that Dr. Cherry was the
11 treating psychiatrist at the Lexington County
12 Detention Center?

13 A Yes.

14 Q And so she was not someone retained by the
15 defense that was responsible for preparing
16 mitigation evidence?

17 A Correct.

18 Q And Mr. Zelenka asked you about the fact
19 investigator, Dave McDougall, and Steve Soltis. And
20 I might have gotten confused on your answers, but
21 just to be clear, Dave McDougall, the investigator,
22 for example -- I'm going to hand you Plaintiff's
23 Exhibit 4 -- prepared that memorandum for the trial
24 counsel that includes information about his
25 interview with Ron Finklea, his interview, along

1 with Steve Soltis, of Teresa Finklea and then also
2 includes information about the interviews of Cherena
3 Roland, right?

4 **A** Yes.

5 **Q** And that's a document that you have seen?

6 **A** Yes.

7 **Q** All right. And in that document, the fourth
8 page, the paragraph under those bullet points.

9 **A** Yes.

10 **Q** In that, Mr. McDougall listed, and I quote,
11 Cherena had some interesting knowledge about Ron's
12 childhood. She told of Ron not having a father at
13 home and his mother being abusive and strange. When
14 he was a child, Ron was in the yard and his father
15 shot a gun at him to make him do -- to make him do
16 something.

17 Now, were you aware of that information?

18 **A** Yes.

19 **Q** And to the extent that didn't come out in your
20 testimony, is that because you didn't think it was
21 significant or because I failed to ask the question?

22 **A** Well, you didn't ask the question and I forgot
23 to give it as an answer to one of your more general
24 questions.

25 **MR. ZELENKA:** Your Honor, I have an objection,

1 but it may be a clarification.

2 THE COURT: She said father instead of mother?

3 MR. ZELENKA: Yes, sir.

4 MS. NORRIS: I said what?

5 MR. ZELENKA: You said father rather than
6 mother shot.

7 MS. NORRIS: I apologize.

8 THE COURT: Does it read mother? It reads
9 mother, doesn't it?

10 MS. NORRIS: Yes, sir, it does.

11 Your Honor, I'm looking for Plaintiff's Exhibit
12 18.

13 THE COURT: They're up here in order.

14 BY MS. NORRIS:

15 Q I'm going to show you Plaintiff's Exhibit 18,
16 your Psychological Battering of Children chart. On
17 that, did you list threatened with guns as one of
18 the terrorism aspects?

19 A Yes.

20 Q All right. And the information that you had --
21 and to be clear, again, Cherena was Ron's first
22 wife?

23 A Yes.

24 Q And he did not know her when he was growing up
25 as a child?

1 **A** Correct.

2 **Q** So the information that you had is that from
3 some source, she had information, she had been told
4 that the mother shot a gun at Mr. Finklea?

5 **A** Yes.

6 **Q** And the information that you had, was it
7 that -- what information did you gather on that
8 topic?

9 **A** Actually, I heard this information from his
10 sister. When they were kids, they were wrestling
11 and Betty liked to go to wrestling matches and she
12 liked to wrestle. So they were in the living room
13 wrestling and she came in and got down on the floor
14 with them and started wrestling with them, which
15 made them both really happy. It was like, oh, my
16 God, you know, she's going to play with us. And
17 they were having fun.

18 And they started, the two of them, getting the
19 best of her. And so she got very upset and she went
20 and got her gun and chased them out of the house and
21 threatened to shoot them.

22 **Q** All right. So in your chart, you listed
23 threatened with guns, but that was from an eye
24 witness?

25 **A** Yes.

1 Q His sister. And that was the best information
2 you had of what actually happened?

3 A Yes.

4 Q And from your perspective as a social worker,
5 is there a significant difference between your
6 mother having a gun and pointing it and saying, I'm
7 going to shoot you, versus shooting off, you know,
8 not actually shooting you, but firing a gun; is
9 there a significant difference?

10 A Well, yes.

11 Q Back to this June 17th, your notes of meeting
12 with Mr. Finklea's grandparents, there's a note
13 about shot dog. I don't think I asked you anything
14 about shooting -- shooting a dog. Tell me what that
15 means.

16 A Well, Mr. Finklea had a dog that he really
17 loved and the dog loved to play in the pen with the
18 hogs. And his grandfather was always aggravated
19 with the dog for doing that. And one day the dog
20 just disappeared and Ron was really upset and
21 distraught. He went looking for the dog in the
22 woods, and he just -- he didn't find the dog, but he
23 knew in his heart that the dog had to be dead and he
24 was afraid that his grandfather had shot it.

25 And this was also the same incident where he

1 came out of the woods, he was coming home, he hadn't
2 found the dog and, again, was feeling very hopeless.
3 And someone in the family had put a car engine up on
4 some blocks and he just stood there and looked at it
5 and thought, you know, if I pull that over on me, it
6 will kill me and that'll just be the end of all of
7 this.

8 And he pulled it over on him and injured
9 himself, not enough to go to the hospital, but
10 enough to be bleeding pretty profusely, and had two
11 puncture wounds in his legs that I believe later
12 some medical personnel noted as gunshot wounds. And
13 he had to explain to them that they were not gunshot
14 wounds, that he had pulled this engine over on him.

15 But when we were interviewing his grandfather
16 and brought this incident up, before we could barely
17 say, you know, or ask about it or what happened, he
18 just blurted out, Shot the dog. So that was my
19 note.

20 **Q** So there's a lot more to it than just those two
21 words, Shot dog?

22 **A** Yeah.

23 **Q** All right. And you have notes, I believe this
24 is from Chanell, but correct me if I'm wrong, you
25 have a note, Saw Betty hit Ron, call him names, no

1 birthday parties. What's significant about no
2 birthday parties as compared to siblings? Do you
3 know whether they got birthday parties?

4 **A** Chanell and Curtis did and Ron did not.

5 **Q** And you referenced information from Chanell
6 about the pistol. And let me show you your notes
7 from that interview. Does it indicate there that
8 she told you that their mom pulled a pistol on them?

9 **A** Yes.

10 **Q** And let me show you some notes, looks like your
11 interview of Ron himself on June 18th. Did Ron tell
12 you that his mother shot at him?

13 **A** That's the second time. I knew there were two
14 incidences where she shot at him. And she also --
15 he came in the house bleeding and she was upset that
16 he was bleeding on her floors and pulled her pistol
17 and shot at him.

18 **Q** Now, Mr. Zelenka asked about the timing of your
19 visits and whether you were criticizing someone
20 else. To be clear, with Carolyn Graham as the
21 mitigation investigator up front, other than Steve
22 Soltis making the one trip to Alabama that he
23 described in his testimony today, to your knowledge,
24 had anybody talked to family members to get any
25 information to develop any relationship, et cetera,

1 before Carolyn Graham went there?

2 **A** Not as far as I know.

3 **Q** And on cases where you worked as a mitigation
4 investigator, that would be similar to what Carolyn
5 Graham was doing, correct?

6 Well, let me phrase that better. Is there a
7 difference in what you're doing as a testifying
8 expert in this case opposed to if I were a trial
9 counsel hiring you on a trial capital case? Is
10 there a difference from the investigator at trial
11 perspective to social worker in post-conviction in
12 terms of when -- series when you do interviews?

13 **A** Yes.

14 **Q** And in your particular situation, we've already
15 talked about you had memos from before, you had
16 testimony, et cetera. And Ms. Holt and mitigation
17 investigators had already been there for us?

18 **A** Yes.

19 **Q** So the difference is you aren't supposed to be
20 the first person to go do this?

21 **A** Exactly.

22 **Q** And Mr. Zelenka asked you about where your
23 information came from -- well, let me rephrase that.
24 He asked you what Betty admitted or said. Did she
25 say when he grabbed -- when she grabbed Ron's

1 genitalia, that she was doing that because she owned
2 him? And you said, no, she did not say that?

3 A Right.

4 Q Where did you get that information from that
5 that was her intent or her statement?

6 A From his sister, Chanell.

7 Q So another instance where -- did Betty deny to
8 you saying those things or did she just not recall
9 it?

10 A She just did not recall saying those things.

11 Q But an actual eyewitness, the sister, told you
12 this is what she would say, I own you, when grabbing
13 genitalia?

14 A Right.

15 Q Mr. Zelenka also asked you whether Betty
16 indicated whether when she grabbed his genitalia --
17 and, again, to be clear, what ages are we talking
18 about that she grabbed his genitalia?

19 A Well, from the ages I know about, from seven
20 years old, when he moved down to Franklin with her,
21 till he left home at 17.

22 Q And I believe Mr. Zelenka asked if she
23 indicated whether it was joking, whether she was
24 angry, et cetera. In your experience as a social
25 worker, is it ever appropriate to grab a child's

1 genitalia?

2 **A** No.

3 **MS. NORRIS:** I don't have anything further,
4 Your Honor.

5 **THE COURT:** Thank you.

6 Recross?

7 **MR. ZELENKA:** None, Your Honor. Thank you.

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

10 Do you have another witness?

11 **MS. NORRIS:** I do, Your Honor. I'm not sure --
12 well, in fact, I'm fairly certain we're not going to
13 get finished, but I have another one we can start
14 with.

15 **THE COURT:** Okay. I mean, if you want to break
16 now, we can break now, but I don't know how we're
17 going time-wise how many --

18 **MS. NORRIS:** No, sir. I was just making it
19 clear that I'm happy to go up to that 5:30, but I'm
20 sure we're not going to get finished.

21 **THE COURT:** Well, if they get out ahead of the
22 traffic, they'll be better off.

23 **MS. NORRIS:** Again, I'll defer to the gentleman
24 driving the car.

25 **THE COURT:** All right. But does this mean --

1 how are we going witness-wise? Are we going slow?
2 Are we going according to plan? Are we running
3 behind?

4 **MS. NORRIS:** Your Honor, at this pace, I
5 believe we will finish tomorrow unless Mr. Zelenka
6 has some surprise up his sleeve I don't know about.
7 The witnesses I know that we have coming are Susan
8 -- lengthy witnesses -- Susan Knight; Dr. Donna
9 Schwartz-Watts, now Donna Maddox, will be coming;
10 Lisa Kimbrough-Armstrong will be here, she will be
11 fairly substantial. And then we, of course, have
12 family members that we may put on the stand. We'll
13 have to gauge that. So if we finish tomorrow, I
14 think it will be late afternoon, but I think we are
15 on track to get finished tomorrow.

16 **THE COURT:** Does the State plan on having
17 witnesses, too?

18 **MR. ZELENKA:** That sounds correct.

19 **THE COURT:** Do you plan on calling witnesses
20 aside from those?

21 **MR. ZELENKA:** Depending upon the way it goes, I
22 think she's named everybody we would call, may be a
23 solicitor, but not clear right now.

24 **THE COURT:** All right. Can y'all have him here
25 at 9:30 in the morning?

1 **OFFICER:** Yes, sir, we will.

2 **THE COURT:** Court's in recess till 9:30 in the
3 morning. Thank you.

4 We're going to have a different court reporter
5 in the morning, so if you all -- we're going to have
6 a different court reporter tomorrow, so if y'all
7 need to square anything with Stacy, do it tonight.

8 (The proceedings were concluded for
9 September 6, 2017.)

10 (The following proceedings were held on
11 September 7, 2017.)

12 **THE COURT:** Call your next witness, please.

13 **MS. NORRIS:** Applicant calls Dr. Susan Knight.

14 SUSAN KNIGHT,
15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. NORRIS:

18 **Q** Dr. Knight, could you state your full name for
19 the record, please?

20 **A** Susan Knight.

21 **Q** And are you a forensic psychologist?

22 **A** Yes.

23 **Q** Could you briefly summarize your education from
24 college on forward?

25 **A** I have a bachelor's degree in psychology from

1 Trinity University. I have a master's degree in
2 clinical psychology and a PhD in clinical psychology
3 from the University of Louisville. I have completed
4 predoctoral and postdoctoral internships in forensic
5 psychology at the Federal Medical Center in Buckner,
6 North Carolina, and at the Keck Medical School in
7 Los Angeles. I am board certified in forensic
8 psychology and licensed to practice psychology in
9 North Carolina and South Carolina.

10 Q Let me show you what's been admitted as
11 Plaintiff's Exhibit 21. Is that your current
12 curriculum vitae?

13 A Yes.

14 MS. NORRIS: May I approach, Your Honor?

15 THE COURT: Yes, ma'am.

16 BY MS. NORRIS:

17 Q Recognizing that your CV is in evidence and we
18 don't need to address all of that, do you have
19 specific training in forensics?

20 A Yes.

21 Q And have you -- well, training and actual work
22 experience in forensics?

23 A Yes. I've been working in forensic psychology
24 since around 2005.

25 Q And do you also have clinical training and

1 experience and actual treating of patients?

2 **A** Yes. I do much less of that now, but I used to
3 treat patients in academic settings and in private
4 practice.

5 **Q** And do you also -- well, since you just
6 mentioned academic, I'm going to assume you also
7 teach as well?

8 **A** For six years, I was a full-time faculty member
9 in the Department of Forensic Psychiatry at MUSC in
10 Charleston where I did teach and train medical
11 students and residents in forensic psychology.
12 Also, while I was there, I was a state examiner for
13 the South Carolina Department of Mental Health
14 conducting state ordered examinations.

15 **Q** And, specifically, have you worked previously
16 in capital cases in a forensic setting?

17 **A** Yes.

18 **Q** How many would you say?

19 **A** So between -- I consult -- I do consulting with
20 the Cornell Capital Case Clinic. So between the
21 consulting and the defense retained and when I was a
22 state examiner, I would say 25 to 30.

23 **MS. NORRIS:** Your Honor, I'd offer Dr. Knight
24 as an expert in forensic psychology.

25 **THE COURT:** Voir dire?

1 **MR. ZELENKA:** No objection.

2 **THE COURT:** She is so recognized. You may
3 continue.

4 BY MS. NORRIS:

5 **Q** Dr. Knight, were you asked to evaluate Ron
6 Finklea?

7 **A** Yes.

8 **Q** And were you essentially given two consultation
9 questions?

10 **A** Yes.

11 **Q** And what were those?

12 **A** For Mr. Finklea's case, it was mitigation,
13 mitigating factors that were applicable to his case,
14 and then a dangerousness a/k/a adaptability
15 assessment.

16 **Q** Let's talk first about your mitigation
17 assessment. As part of that, did you meet Ron
18 Finklea?

19 **A** Yes.

20 **Q** On how many occasions did you personally meet
21 and evaluate him?

22 **A** Seven.

23 **Q** And did you have other sources of information
24 available to you?

25 **A** Yes.

1 Q Generally speaking, what categories were those
2 sources of information?

3 A So I personally interviewed collateral sources
4 in this case. I reviewed interview memos of
5 previously conducted interviews. I had a variety of
6 psychosocial records, meaning school records and
7 correctional records, medical records. And I had
8 discovery-related, case-related documents, that sort
9 of thing.

10 Q And when you say you interviewed collateral
11 sources, would that be family members of
12 Mr. Finklea?

13 A Yes.

14 Q Did you also have the opportunity to consult
15 with any other experts?

16 A Yes.

17 Q And who was that?

18 A I consulted with Mr. Finklea's former
19 correctional psychiatrist at the Lexington County
20 Detention Center, Dr. Cherry. I consulted with his
21 former forensic psychiatrist, Dr. Maddox. I
22 consulted with his -- a psychologist at SCDC now
23 that conducts his 30-day checks. I consulted -- I
24 think that's all in Mr. Finklea's case, those three
25 individuals -- actually, after the report was

1 submitted, I was able to get in touch with his
2 current treating psychiatrist at SCDC, so that would
3 be the fourth.

4 Q And were you also able to consult with Jan
5 Vogelsang who testified yesterday?

6 A Yes.

7 Q All right. And is all of that the type of
8 information relied on by experts in your field?

9 A Yes.

10 Q Do you feel that you had sufficient information
11 to reach expert conclusions in this case?

12 A Yes.

13 Q And did you reach expert conclusions in this
14 case?

15 A I did.

16 Q Have you prepared a report on your findings
17 with respect to mitigation?

18 A Yes.

19 Q Let me show you what has been marked as
20 Plaintiff's Exhibit 22 for identification. Is that
21 your report?

22 A Yes.

23 MS. NORRIS: Your Honor, I'd offer
24 Applicant's -- Plaintiff's Exhibit 22 into evidence.

25 MR. ZELENKA: Your Honor, I have an objection

1 to it. The objection is under State versus Kromah
2 and Rule 703. Much of the report deals with hearsay
3 matters. The rules of evidence allow an expert to
4 testify and rely upon facts and data in making that
5 determination. However, it does not make hearsay
6 automatically admissible. And this report
7 extensively reveals hearsay information.

8 So we'd rely on 703, State versus Kromah and
9 Allegro, Inc. versus Scully. I've got copies of
10 those cases for you and counsel.

11 (Pause.)

12 **THE COURT:** Do you have your report, Doctor?

13 **THE WITNESS:** I have my copy of it, yes.

14 **MS. NORRIS:** I have it here, Your Honor.

15 (Pause.)

16 **THE COURT:** All right. Ms. Norris, what's your
17 position?

18 **MS. NORRIS:** Your Honor, I submit that the
19 report should be admitted. Rule 703 specifically
20 allows experts to base their opinion on evidence of
21 the type -- well, specifically, it says, If of a
22 type reasonably relied upon by experts in a
23 particular field in forming opinions or inferences.
24 She said that it's the type of information that
25 experts in forensic psychology and mental health in

1 general do consider.

2 In addition, it is entirely within the Court's
3 discretion whether to admit it. While there --
4 while she does list the sources that she relied on
5 in there, she is available for cross-examination as
6 to whether she relied solely on that information or
7 whether it was corroborated by other sources.

8 Those cases submitted by the attorney general
9 are cases with a jury. I submit that there's a vast
10 difference between Your Honor and a jury. You are
11 certainly capable of determining what should be
12 relied on and what should not.

13 And, finally, it seems the attorney general
14 just wants something to complain about. Yesterday
15 there was a whole lot of cross-examination of an
16 expert about not doing a report. In this particular
17 situation, they asked for one, and now they don't
18 like the report they got. I submit it is admissible
19 and should be allowed.

20 **THE COURT:** Mr. Zelenka, do you have a
21 response?

22 **MR. ZELENKA:** Yeah. We're not disputing that
23 Dr. Knight can give her opinion and can give her
24 opinion listed in the report. In the Allegro case,
25 it's somewhat similar to this. It said, Here,

1 McHenry was allowed to rely on hearsay in his report
2 when giving his expert opinion. However, the
3 admission of the report itself simply because
4 McHenry used it in forming his expert opinion was in
5 error. The report contained many instances of
6 hearsay, including numerous statements by Scully.
7 However, the admission in evidence of inadmissible
8 hearsay affords no basis for reversal where the
9 out-of-court declarant later testifies at trial and
10 is available for cross-examination.

11 - Yesterday when the Applicant's defense team
12 proffered up their potential witnesses in the
13 cases -- in this case, numerous witnesses that are
14 reflected in Dr. Knight's report were not stated to
15 be witnesses in this particular proceeding.
16 Particularly, there was not an indication that the
17 defendant, Mr. Finklea, was going to testify. If
18 Mr. Finklea chooses to testify, I would submit under
19 Allegro, there wouldn't be error in the omission of
20 fairly significant representations that were made
21 between Dr. Knight and Mr. Finklea in their seven
22 interviews throughout the preparation for the
23 report.

24 We have no objection, again, to the conclusions
25 of Dr. Knight coming in. And we have no objection

1 to her reliance in formulating that opinion on the
2 hearsay that she received from other individuals.
3 However, that hearsay information, I would submit
4 under Kromah and under Allegro and under Rule 703,
5 does not make those materials and that information
6 automatically admissible in this proceeding, unless
7 those individuals are going to testify in these
8 proceedings.

9 **THE COURT:** You're talking about the case
10 Allegro --

11 **MR. ZELENSKA:** Allegro, I gave it to you, Your
12 Honor, I believe.

13 **THE COURT:** You gave me Slocumb.

14 **MR. ZELENSKA:** Here's Allegro. I'm sorry.
15 Did I give you Allegro?

16 **MS. NORRIS:** Yes, you did.

17 Your Honor, just on the point of Mr. Finklea,
18 if Dr. Knight can't testify or have before you the
19 information that he relayed to her, I may as well
20 send Dr. Maddox home now because she can't testify
21 either. I mean, I assure you that Mr. Zelenka wants
22 to ask Dr. Maddox, did he tell you this, did he tell
23 you that, did he tell you this. He can't have it
24 both ways.

25 **MR. ZELENSKA:** Dr. Maddox will be testifying

1 about information she gave to the defense team in
2 preparation for making the determinations as to
3 whether to call her as a witness at the time of the
4 initial proceedings. That is different than what's
5 being presented here.

6 **MS. NORRIS:** If we can stipulate that neither
7 one of these experts gets to talk about what
8 Mr. Finklea told them, fine; give the basis of their
9 opinion on anything else.

10 **THE COURT:** Bear with me.. Let me read this
11 case.

12 **MR. ZELENKA:** Your Honor?

13 **THE COURT:** Yes.

14 **MR. ZELENKA:** We aren't saying that we don't
15 have the opportunity to cross-examine the experts
16 about the data that she relies upon underlying her
17 opinion. That's generally acceptable under the law.
18 This is an affirmative representation in the opinion
19 -- the written report that she has given, that is
20 what we're objecting to, not the data underlying her
21 opinion eventually coming in as appropriate and
22 consistent with the rules of evidence.

23 **THE COURT:** Well, you can cross-examine under
24 Rule 705.

25 (Pause.)

1 **THE COURT:** All right. I reviewed two cases
2 cited by the attorney general, Allegro, Incorporated
3 versus Scully and others, which is a decision of the
4 Court of Appeals of South Carolina, 400 S.C. 33.
5 It's a 2012 decision that states cert was granted.
6 Did anything change after cert was granted?

7 **MR. ZELENKA:** I'm not aware of that, Your
8 Honor. I can double check.

9 **THE COURT:** The other case is State versus
10 Kromah, K-r-o-m-a-h, which is a 2013 decision of the
11 Supreme Court of South Carolina, 401 S.C. 340.
12 Kromah is a case that's cited a lot because it deals
13 with the issue of expert opinions in child sexual
14 abuse cases, which is an area of the law where there
15 is a great deal of movement and some degree of
16 uncertainty.

17 I've also looked through, but I can't say I've
18 honestly had a chance to read it because it's 58
19 pages long, very detailed, but I've read through the
20 report that's marked for identification purposes
21 Plaintiff's Exhibit 22. Particularly, I read the
22 sections where Mr. Finklea is being quoted by the
23 expert.

24 The State has cited Rule 703. I mentioned Rule
25 705. 705 and 703 seem to indicate that the concepts

1 that have been advanced by both attorneys are
2 accurate in that the expert is allowed to rely on
3 material that may be hearsay or otherwise
4 inadmissible in formulating opinions. The court can
5 direct that the underlying basis for the opinion be
6 given in evidence. And regardless of what the court
7 does in that regard, on cross-examination, the
8 expert can be allowed -- the State is allowed to ask
9 the expert about the basis for the underlying
10 opinions or the opinions given, the underlying basis
11 for the opinions.

12 Did y'all find anything about whether the
13 Supreme Court changed this?

14 **MS. NORRIS:** Yes, sir. Ms. Holt has pulled it
15 up and it was reversed by the Supreme Court and --
16 give us a date, please.

17 She's lost it now, but it was 2016. It was
18 reversed and I shared that with Mr. Zelenka.

19 **MR. ZELENKA:** Right. It was reversed on other
20 grounds, Your Honor. And Allegro was cited -- in
21 the Court of Appeals opinion, Allegro was cited in
22 Kromah by the South Carolina Supreme Court on the
23 issue that's represented to you.

24 **THE COURT:** I mean, typically, the reports
25 don't come in evidence. There's usually an

1 objection, as was made in that Allegro case, that
2 it's cumulative.

3 Now, with regard to that same cumulative type
4 of issue, a great deal of the hearsay that is in
5 here has already been testified about by the
6 previous expert witness, Ms. Vogelsang. There are
7 some differences and there is a great deal more
8 specificity.

9 So with regard to some of these things, they
10 would not be able to sustain an objection based on
11 the fact that it's just cumulative evidence; it's
12 already been admitted without objection. But I
13 can't say that as to everything in the report
14 because, as I mentioned, there's a lot more
15 specificity with regard to what the Applicant
16 himself stated.

17 Let me see if I can pull this case up.

18 (Pause.)

19 **THE COURT:** It appears that the South Carolina
20 Supreme Court reversed based on questions about
21 whether certain causes of action should have been
22 submitted to the jury. It doesn't seem the Supreme
23 Court of South Carolina dealt with the issues about
24 the entry of the report into evidence.

25 Do you all have anything else?

1 **MS. NORRIS:** No, sir.

2 **MR. ZELENKA:** Nothing, Your Honor.

3 **THE COURT:** All right. The question before is
4 whether the report itself is admissible in evidence.
5 And the ruling at this time, which is subject to
6 change based on how the testimony develops, is that
7 the objection is sustained.

8 Now, that doesn't stop you from asking
9 questions about her opinions and I'll just have to
10 deal, I guess, on a situation-by-situation basis as
11 to the issues about the facts underlying the
12 opinions.

13 All right. You may continue.

14 BY MS. NORRIS:

15 **Q** Dr. Knight, again, going specifically to your
16 evaluation of mitigation information, as part of
17 that, did you interview family members about
18 Mr. Finklea's childhood?

19 **A** Yes.

20 **Q** And did you have records and information
21 related to them from that?

22 **A** Yes.

23 **Q** All right. And were you present in court
24 yesterday for Ms. Vogelsang's testimony?

25 **A** I was.

1 **Q** All right. And so I don't want to go back
2 through all of the specific facts, but I do want you
3 to give me a summary of your findings of what was
4 significant about Mr. Finklea's childhood in terms
5 of mental health impact on him.

6 **A** Well, most significant was the prolonged severe
7 abuse, physical, mental, sexual, that he suffered at
8 the hands of his mother across his development from
9 ages 4 to 16. He had exacerbating factors of
10 paternal abandonment, growing up in a violent
11 neighborhood, drug-infested neighborhood, as well as
12 illicit activities going on in his own home of which
13 he was made to participate.

14 So all of that is very significant when we talk
15 about mitigation, when we talk about his
16 development. All of those factors disrupted his
17 development. It led to chronic mental disorder. It
18 basically placed his life on an adverse trajectory
19 as he entered into adulthood.

20 **Q** All right. And was his mother the only
21 perpetrator of violence and abuse in the home?

22 **A** No. His first stepfather, Mr. Roosevelt
23 Blount, was abusive to him as well.

24 **Q** And was there also abuse of Mr. Finklea's
25 sister, Chanell?

1 **A** Yes. So there was certainly physical abuse by
2 his mother towards his sister, Chanell, but there
3 was also sexual abuse in the home with his sister
4 being sexually abused by his stepfather, Roosevelt,
5 and by another family member, a great uncle. And so
6 Mr. Finklea witnessed this on at least two occasions
7 by both of these perpetrators at different times.
8 He was able to get his sister out of these
9 situations.

10 They told their mother about this. She did
11 nothing. She did not believe them. So that's
12 another factor of abuse, trauma in his background.

13 **Q** And you mentioned drugs and alcohol,
14 Ms. Vogelsang termed it as bootlegging. Did you
15 also find that information?

16 **A** Yes. There were many sources of information
17 that confirmed that his mother ran an alcohol sales
18 operation out of her home. She had customers come
19 to the home. She would sell the alcohol. She had
20 her children participate in this. They had to find
21 the customers. They had to measure out the alcohol.
22 They had to sell the alcohol. Later, this started
23 to involve marijuana as well.

24 **Q** And would you call that voluntary participation
25 by the children?

1 **A** No. So his sister was very clear about this,
2 as well as Mr. Finklea, that they would be beat if
3 they did not cooperate in this activity. So they
4 were, essentially, under the threat of violence to
5 participate in these activities.

6 **Q** And you used the term adverse life trajectory.
7 Is that what, in my mind, would be just a basic
8 downward spiral?

9 **A** Yes.

10 **Q** And now from all of that information, did you
11 make a diagnosis of mental disorders?

12 **A** Yes.

13 **Q** And I don't want you to go in detail about them
14 right now. We'll take them one by one. But could
15 you please summarize your diagnosis?

16 **A** Sure. The diagnoses that I arrived at are
17 post-traumatic stress disorder, or PTSD, with a
18 specifier of panic attacks. I also diagnosed
19 obsessive compulsive disorder and then history of
20 major depression.

21 **Q** And underlying that diagnosis, I assume is the
22 information that you found in the social history?

23 **A** Yes.

24 **Q** And looking specifically at the time period
25 from Mr. Finklea's birth up until high school

1 graduation, leaving for the military, were your
2 findings overall consistent with Ms. Vogelsang about
3 what was happening in the home?

4 **A** Yes.

5 **Q** Okay. Are there -- are there specific areas
6 that you feel like need a little more clarification?

7 **A** Well, I think one thing that wasn't brought out
8 yesterday is, from a clinical perspective as a
9 psychologist that I'm interested in, is that we
10 really started to see the genesis of his compulsive
11 behaviors. So his mother reports that as a young
12 teenager, he started to take an unusual interest in
13 cleaning and straightening and ordering. And he
14 would line up his clothes in his closet in a certain
15 way, and she thought this was very unusual for a
16 teenage boy to do this.

17 He also reported the same behaviors beginning
18 as a -- as a young child when he would become very
19 anxious and overwhelmed because of all of the abuse
20 going on in the home, he would sort of take refuge
21 in his room, but when he was in there, he would
22 straighten things and order things. And this is
23 when he was nine, ten years old doing that sort of
24 thing. And so I think when we talk about the
25 diagnosis of OCD, we can draw a line back to see

1 where some of this stuff was starting.

2 Q And with respect to Mr. Finklea's time as a
3 child in Washington, DC, where he was born, did you
4 find that some of the problems with abuse, et
5 cetera, also occurred in that time period?

6 A Yes. The abuse as reported to me began as
7 early as age four, so that would have been when he
8 was in DC. And this was reported to me by
9 Mr. Finklea, but his sister was also present during
10 that time and witnessed some of that abuse. So,
11 yes, it's my understanding the abuse was -- predated
12 their move to Alabama.

13 Q All right. And with respect to, specifically,
14 the information about Mr. Finklea's mother grabbing
15 his genitalia, what -- what information about that
16 was significant in terms of your clinical findings?

17 A Well, it's an invasive type of sexual abuse for
18 a mother to do that to a child. So, certainly, it
19 goes into the -- the diagnosis of PTSD that he
20 developed later.

21 Q And with respect to this abuse going on in the
22 home, were there -- was it something that the
23 children could go talk to other family members or
24 people at school about?

25 A No. So, on several levels, there was certainly

1 a pervasive culture within that family that you do
2 not talk outside the family, you don't share family
3 secrets. The children were beaten for talking to
4 other -- even other family members about what was
5 going on within their family. So they knew that
6 they would be punished if they did that, they would
7 be beaten if they did that. And this was something
8 that was reiterated over and over again as they were
9 growing up.

10 And so Mr. Finklea, you know, because I asked,
11 Why didn't you go to child protective services or a
12 teacher or a coach or something like that, and this
13 was the reason: Because they were afraid if they
14 did that, they would be beaten. And so they didn't
15 want -- I think his brother said they didn't want to
16 risk their mother getting mad by calling child
17 protective services.

18 Q And looking then at the time period while
19 Mr. Finklea was in the military up until he got out
20 of the military, that ten year or so time period,
21 what were your significant findings in terms of the
22 social history during that time period?

23 A Again, looking at it clinically, I think that
24 we see, really, the first signs that he starts to
25 unravel psychologically, when -- during his marriage

1 to Cherena in Louisiana. So this was his first
2 relationship. He had no idea how to go about this
3 in a healthy manner. He just lacked the
4 interpersonal skills to do this. It created a lot
5 of tension, a lot of friction between them, but she
6 reports pretty severe OCD behavior at that time, the
7 straightening, the arranging.

8 I think she told me that if he had a choice
9 between cleaning supplies and food, he would choose
10 cleaning supplies, and everything had to smell like
11 bleach. And if these things weren't done, he would
12 get distressed, his mood would change, he would get
13 irritable.

14 And so when I -- when I look back at that, it
15 tells me that he's starting to show some
16 psychological issues at that time, mood instability,
17 affect instability, this compulsive behavior to deal
18 with his anxiety.

19 Q And was that his first relationship or simply
20 his first relationship living with his partner?

21 A First relationship living with his partner.
22 They had had a child. They were married.
23 Certainly, the first relationship of that level to
24 him.

25 Q Because Ms. Vogelsang mentioned yesterday that

1 there was a girlfriend, apparently, during high
2 school. Did you find that information?

3 **A** I did. I spoke to her, that's Ms. Benetha
4 Hill. And so we did talk about their relationship.
5 That seemed to be his first love. His mother would
6 not -- did not approve of that relationship, would
7 not let that individual come around. He had to kind
8 of sneak and see her, but she also reported violence
9 towards him in the relationship, a lot of
10 possessiveness and jealousy from her end.

11 **Q** Now, in giving your opinions and testimony
12 here, are you in any way relying solely on what
13 Mr. Finklea told you?

14 **A** No. For the most part, I can discount what he
15 tells me and look at what the collateral data show
16 me to arrive at my opinions.

17 **Q** And with respect to the abuse itself, which
18 seems to be the dominant thing, at least to a
19 layperson, is that true from an expert perspective?

20 **A** Yes.

21 **Q** With respect to the abuse itself, did you have
22 actual corroboration for the information, for
23 example, that is his mother would put a rubber band
24 around his penis because of the bedwetting?

25 **A** Yes. So his sister actually witnessed this.

1 And I did talk to his sister and that's included in
2 interview memos by former mitigation specialists.

3 So, yes.

4 Q And would his sister at times have to help him
5 remove that rubber band?

6 A Yes.

7 Q And was his sister and/or other family members
8 also eyewitnesses to the physical abuse?

9 A Yes. I mean, he certainly witnessed his sister
10 being physically abused. She witnessed him being
11 physically abused. The brother saw this as well.
12 He reported the mother would hit them with switches,
13 even though he was not abused as the other two
14 children were abused. But, yes, they saw this.

15 Q And did you talk to Mr. Finklea's mother?

16 A Yes.

17 Q And did you discuss with her whether or not
18 these events happened, specifically the putting
19 rubber bands or milk jugs on his penis and the
20 physical abuse?

21 A I did, yes.

22 Q And what did she relay to you?

23 A She said that she whooped him. She said that
24 she beat him. She said that she would tear him up,
25 and she used that phrase many times throughout the

1 conversation and throughout other times when she's
2 spoken to people. And tear him up means an
3 aggressive beating.

4 She admitted to beating him without his shirt
5 on. She admitted to beating him longer than her
6 other children. She would -- she told me several
7 times that she would -- she would beat him, but she
8 didn't kill him. In other words, she would just
9 stop short of killing him with the beatings. And
10 she provided examples that were brought out
11 yesterday about beating him at his school when he
12 wiggled his ears. There was another incident where
13 she would have, quote, Beat him to death if law
14 enforcement had not gotten involved. So, yes.

15 And then with the -- with the sexual abuse, she
16 did report putting a rubber band around his penis,
17 putting him in the bathtub to sleep at nighttime,
18 those sorts of things.

19 Q And why would that be categorized as sexual
20 abuse as opposed to just physical?

21 A I think any time a mother is touching their
22 child in that way, we can consider that sexual
23 abuse. That's completely outside the range of any
24 kind of normative behavior that a mother should be
25 doing towards a child.

1 Q And what ages? In other words, when did it
2 first start, to your knowledge, with the rubber band
3 on the penis and how long did it last for
4 Mr. Finklea?

5 A The -- I think it would have started when they
6 moved to Alabama. So he would have been around
7 seven or eight years old, and that probably dropped
8 off some time in his mid teenage years.

9 Q And if he's a teenager, from a mental health
10 perspective, why would he just not take the rubber
11 band off and defy his mother?

12 A So Mr. Finklea was extremely frightened of his
13 mother. He was very scared. He used the word
14 terrified. He was terrified of his mother
15 throughout his whole childhood. He had also gotten
16 to the point of being beaten so many times and had
17 these things done to him so many times that he felt
18 like there was nothing he could do to stop the
19 abuse, sort of a learned helplessness kind of way of
20 thinking, that there's nothing he can do to stop
21 this. And it's almost like he gives up, which is --
22 appeared to be what happened. He became hopeless,
23 suicidal, and so he just stopped trying.

24 Q And so back again to that period in the
25 military, other than the problems with the

1 relationship and the obsessive compulsive behaviors,
2 did you have any other significant findings
3 underlying your diagnosis during that time period?

4 **A** Well, I think we can see a pattern that he's
5 deteriorating. After he goes to Panama, he gets a
6 mark on his military record, the first one ever.
7 And then he goes to Fort Bragg and you can just see
8 his behavior deteriorate up to the time of the
9 capital offense.

10 **Q** And was there anything significant, mental
11 health-wise, to you as a mental health expert about
12 his departure from the military?

13 **A** Well, certainly, his -- both of his former
14 wives report that this was very difficult for him,
15 that he felt useless, that he felt like his second
16 wife was going to move on without him and kind of
17 leave him behind. There are reports that he became
18 depressed, that he took antidepressant medication
19 for a brief time when he was in Germany after he
20 injured his knee. So I think there's information
21 there that this was -- had a significant
22 psychological impact for him to be out of the
23 military to lose that kind of structure.

24 **Q** And from that time when he left the military up
25 until the crimes, which I think is a period of about

1 eight months, what significant social history or
2 information did you find that are significant to
3 your diagnoses?

4 **A** Well, during that time, he's losing structure
5 and stability in multiple areas of his life. So
6 he's lost the military. And he was in the military
7 system from 17 to 28, that's the only adult life
8 he's ever known. He was able to function okay in
9 the military within that kind of structure, but when
10 he loses that, he's not able to function as well.

11 He's also losing his marriage stability because
12 of these building domestic issues. His wife was
13 deployed to Iraq; she was not there. Again, his
14 health was in his mind. He was losing his health to
15 some extent and that put in jeopardy his military
16 career. So he had a series of loss of structure and
17 stability over a pretty short amount of time.

18 And we can -- he changes jobs. We know from
19 his co-defendant's interview that he started to
20 engage, again, in pretty severe OCD behavior. The
21 co-defendant reported that he was arranging things
22 in the house by sets of five. He wouldn't let
23 people walk in the house with their shoes on. He
24 wouldn't drink out of glasses unless they were
25 boiled, which made the glasses break a lot of the

1 time. He was excessively washing his hands and
2 cleaning, taking multiple baths a day. So that --
3 again, that sort of -- with those behaviors, he's
4 trying to put order back into his environment in a
5 very compulsive manner. That's the only way that he
6 knows how to do it because things are feeling out of
7 control for him, so he starts to engage in those
8 behaviors at a greater level.

9 Q And were you provided the information from his
10 ex-wife's family members' testimony in the trial and
11 sentencing about him dealing drugs? Were you
12 provided their testimony?

13 A Yes.

14 Q All right. And what, if anything, is
15 significant to you about drug dealing or -- well,
16 let me ask this: Was he also using drugs during
17 that time period?

18 A So it's my understanding that as he is losing
19 this structure, this stability, as he feels more and
20 more out of control, Mr. Finklea doesn't have good
21 coping skills at all to deal with stress. He did
22 not develop those when he was growing up. So he has
23 very poor coping skills.

24 So it's my understanding that a couple months
25 before the capital offense, he began using alcohol

1 pretty heavily, I think daily, and started smoking a
2 potent kind of marijuana. And those are things that
3 he had not been doing over the course of his
4 military career. So that sort of substance use
5 started -- it started quickly, rapidly, it
6 intensified, it escalated and that impacted his
7 ability to function, his cognitive impairment, his
8 judgment, things like that.

9 Q And was he with all of this mental health --
10 with all of the mental health problems going on, was
11 he also having financial problems during that time
12 period?

13 A Yes. He had -- he was now out of the military.
14 He was getting a disability check, I believe, but it
15 wasn't for very much money. But he also had, you
16 know, three families to take care of. He had a son
17 in Washington state, he had a son in Texas, he had
18 Teresa's family. So I think he was feeling a lot of
19 financial pressure from those areas.

20 Q And with all of that going on, is it similar
21 from a mental health perspective -- well,
22 Ms. Vogelsang talked yesterday about accumulation of
23 risk. Is this, in your opinion, a situation where
24 the accumulation became too much?

25 A Yes. The -- well, the accumulation of

1 stressors. It just snowballed from the time that he
2 left the military to the time of the capital
3 offense. Those stressors escalated. They grew and
4 he -- and the important thing is that he didn't have
5 the coping skills, the coping resources to deal with
6 these things. He was also dealing with untreated
7 mental disorder at this time that had never been
8 diagnosed or treated and that was exacerbating the
9 situation.

10 Q What was the medical disorder?

11 A Mental disorder.

12 Q Oh, mental disorder. All right.

13 So is it a situation sort of like if there's a
14 leak in a dam, if you get one, the dam might hold,
15 two, the dam might hold, but eventually a hole is
16 going to pop and the whole dam will go?

17 A Yes.

18 Q Now, did you look also at the pretrial
19 assessments of Mr. Finklea in terms of were you
20 provided the information and medical records about
21 his suicide attempt?

22 A Yes.

23 Q Postarrest. And did you look at the medical
24 records of Dr. Cherry?

25 A Yes.

1 Q Did you also talk with Dr. Cherry?

2 A I did, yes.

3 Q And was it your understanding that she was
4 there to treat him or that she was doing a forensic
5 assessment like you had been asked to do?

6 A No. Dr. Cherry was his treating psychiatrist
7 at the Lexington County Detention Center.

8 Q To your knowledge, was she assessing what
9 happened to him in his childhood?

10 A No. And I asked her about that. And she
11 explained that, you know, as his correctional
12 psychiatrist, she's there to prescribe medication
13 for symptoms, to get his symptoms under control, to
14 make sure he's stable from that perspective because
15 she's not engaging in therapy with him. She's not
16 delving into those types of issues at any kind of
17 level with him.

18 Q And was information provided to you -- for
19 example, let me ask you specifically about
20 Plaintiff's Exhibit 4. As part of your materials,
21 were you provided that memorandum from Dave
22 McDougall about his interviews with Mr. Finklea, as
23 well as his ex-wives?

24 A Yes.

25 Q And so as part of that, you were aware that, at

1 least early on, Mr. Finklea was not telling his
2 defense team that he could not remember anything
3 about these offenses?

4 **A** Right, because when Mr. McDougall met with him
5 in 2003, he spoke some, very little, but some about
6 the offense.

7 **Q** And -- give me just a second.

8 Dr. Knight, if you would, hold your paper off
9 the microphone.

10 **A** Oh, sorry.

11 **Q** Ms. Holt pointed that out to me.

12 And you were also provided the testimony of
13 the -- the testimony, as well as the experts that
14 the defense retained, as well as the DMH expert who
15 testified in the competence hearing?

16 **A** Yes.

17 **Q** So -- and you testified that you were able to
18 consult with Dr. Maddox?

19 **A** I did, yes.

20 **Q** So is it your understanding that Mr. Finklea,
21 to all of those experts, said that he could not
22 remember anything about the time period from a
23 couple months before the crimes until after the
24 suicide attempt?

25 **A** That's my understanding, yes.

1 **Q** And have you talked with him about whether that
2 was, in fact, true?

3 **A** Yes.

4 **Q** And what did he tell you?

5 **A** He -- he did acknowledge that he malingered
6 amnesia for the time period of the offense. He said
7 that he still does not recall his suicide attempt,
8 but he does recall the offense incident.

9 **Q** And from a mental health perspective, is
10 Mr. Finklea just a liar or, in your expert opinion,
11 is there more to the reason why he would claim
12 amnesia?

13 **A** There is more in his case. So people lie for
14 all kinds of reasons. As a psychologist, I'm
15 interested in why, what's the motivation, what's
16 going on. And in his case, there seemed to be
17 factors that influenced that decision to do that
18 with him.

19 So in his case, foremost, I think he did not
20 trust his legal team. This was an extremely
21 important thing to trust somebody with, his actions
22 around the capital offense, and he didn't trust
23 them. He didn't have enough contact with them to
24 develop the kind of trust that he needed to to be
25 able to tell them this. Part of that goes back to

1 his history of trauma where just because of the
2 nature of his trauma, he does not trust easy anyway.
3 So I think that was a factor.

4 Another factor with him is that he was very
5 ashamed of this. This was a very shameful thing to
6 him to have done this. This was embarrassing. This
7 was humiliating for him. So it made it very
8 difficult to talk about.

9 He -- also to talk about something like this,
10 the capital offense was another traumatic event in
11 his life. And we know that people with PTSD,
12 additional stressors, new traumatic events can
13 trigger their symptoms, their anxiety, panic attack,
14 all of those things. And so often times they avoid
15 talking about anything that's going to make their
16 symptoms worse. So I think that was going on with
17 him.

18 And then the other thing going on with him,
19 which sort of colors his whole presentation, is that
20 this -- growing up he was always told not to talk.
21 We don't talk outside the family, don't say anything
22 to anybody, we don't -- I mean, this is just -- it's
23 very hard if you grow up like that to break that as
24 an adult. And so I think all of those factors went
25 into play with his decision to say that he couldn't

1 remember.

2 And, quite frankly, it was much easier for him
3 to say, I can't remember, than have to address all
4 of these issues in talking about it. And then,
5 according to him, after he did this for so long, he
6 started to think his attorneys wanted him to do that
7 because they didn't challenge him on that or talk to
8 him much about his memory about it.

9 **Q** And is it fair to say then that basically from
10 his childhood up until even today, that essentially
11 Mr. Finklea has lived in sort of a cone of silence,
12 we don't talk about the bad?

13 **A** Sure, yes. That's a good -- yeah.

14 **Q** And you said that the crime was humiliating for
15 him. Is humiliation remorse or did you find -- did
16 you find anything with respect to whether he was
17 remorseful or not?

18 **A** Well, at least in my interviews, he expressed
19 remorse. He thinks about he has just had his first
20 grandchild being born and that has brought up a lot
21 of issues for him about his thoughts on the family,
22 his thoughts on the victim, how the victim will not
23 be able to see his grandchildren. He was very
24 tearful when talking about this. He still feels a
25 great deal of shame around his actions. So, yes, I

1 think he expressed remorse during my interview.

2 Q All right. And now we've talked about the
3 false claim of amnesia about the offense. Is it
4 your understanding that Mr. Finklea also denied to
5 Dr. Maddox that he suffered any type of abuse
6 growing up?

7 A That's my understanding.

8 Q All right. And in addition to consulting with
9 Dr. Maddox, was she also kind enough to share her
10 notes with us?

11 A She was, yes.

12 Q So I'll ask her about the rest of that.

13 Now, talking about the difficulties for
14 Mr. Finklea of developing a relationship of trust
15 where that he was comfortable enough to share that
16 information, in your experience, in just a clinical
17 treatment setting, is it easy for someone to just
18 come in even when they're seeking your treatment and
19 disclose all of the horrible information about their
20 life?

21 A No, not at all. If somebody were to sit down
22 first time I saw them within the first few minutes
23 and start talking about all of these horrible
24 things, it would be very unusual for somebody that
25 had been traumatized. So people that have undergone

1 trauma, particularly trauma of his kind that
2 involved childhood abuse, childhood sexual abuse,
3 there's a great deal of shamefulness around that, a
4 great deal of embarrassment around that and so that
5 makes it difficult to talk about.

6 Again, the trust issues, particularly when the
7 person has been abused by a caregiver, this is a
8 person that's supposed to take care of them and
9 nurture them, but instead, they were very abusive to
10 them, so the victim grows up as a -- feeling very
11 betrayed and so they -- as an adult, they don't
12 trust anybody.

13 The other thing with trauma survivors is that,
14 especially with childhood abuse, is sometimes
15 they're very afraid that people won't believe them
16 and that would retraumatize them all over again. So
17 they don't want to -- they just don't want to talk
18 about it because what if the person doesn't believe
19 me, and so they just keep it to themselves.

20 The other thing also is that, again, I think I
21 mentioned, talking about trauma can cause a
22 resurgence of symptoms, panic attacks, intrusion
23 symptoms, those sorts of things. It's very
24 uncomfortable, very distressing for the person. And
25 so what we see is people just avoid talking about

1 it, they deny it, they avoid it, they'll do anything
2 not to talk about it.

3 **Q** And growing up you mentioned that there's a
4 fear of telling about the abuse because they won't
5 be believed. Did that specifically happen to
6 Mr. Finklea and his sister?

7 **A** Yes. So on the -- specifically, on the sexual
8 abuse incidents, they went to their mother, she did
9 not believe them, and therefore it continued.

10 **Q** Are there any other -- I don't want to use the
11 word reluctance. From a mental health perspective,
12 are there other barriers to trust when you're
13 dealing with someone with PTSD?

14 **A** Well, particularly for males, there's a sense
15 of vulnerability, there's a sense of not wanting to
16 appear weak, talking about trauma makes people feel
17 exposed. And so feeling exposed and vulnerable,
18 also feeling helpless, that's how they felt as a
19 child when they're being abused, so they want to
20 avoid that. And so -- and they do that by not
21 talking about the trauma, so that may have also been
22 a factor.

23 **Q** So, to some extent, for a person with PTSD,
24 talking about the trauma is sort of like reopening a
25 wound?

1 **A** Yes.

2 **Q** All right. I want to talk specifically about
3 your diagnosis of post-traumatic stress disorder.
4 What is post-traumatic stress disorder?

5 **A** PTSD is, it's a constellation of symptoms. It
6 impacts somebody's affective functioning, their
7 emotional functioning, their cognitive functioning,
8 their interpersonal functioning. And it stems from
9 sort of trauma. This can be any type of trauma,
10 natural disaster, seeing somebody get killed in a
11 car accident or it could be the type of trauma that
12 Mr. Finklea experienced, which is what we call
13 complex trauma. It's prolonged, interpersonal, very
14 invasive kind of trauma at the hands of a caregiver.
15 And so that's the trauma that gave rise to his PTSD.

16 And so there's a set of symptoms that's
17 associated with the disorder: One is what we call
18 intrusion symptoms and these can be very disruptive
19 to somebody's life. This involves intrusive,
20 recurrent, distressing memories of the abuse, which
21 is what was happening to him. So he would have
22 recurrent memories of specific abusive acts that his
23 mother would do or, more frequently, he would have
24 these memories of her degrading him, belittling him,
25 calling him names, you're no good, you're worthless.

1 These would affect his mood, would make him feel
2 worthless, would make him feel sad, would make him
3 feel hopeless that anything good was ever going to
4 happen. So those kind of intrusion symptoms, I
5 think, are probably the most -- one of the most
6 prominent symptoms for him.

7 He also has nightmares sometimes, that's
8 another kind of intrusion symptom. He doesn't have
9 nightmares too much of his mother, though. And he
10 did not report any, what we would call, flashbacks,
11 which would be another kind of intrusion symptom.

12 The other -- another symptom that he has, which
13 is a hallmark symptom of PTSD, is this chronic,
14 underlying anxiety where he feels very jittery and
15 restless and pacing and just very anxious and
16 nervous inside. And this is pretty unrelenting with
17 somebody with PTSD.

18 In addition to that underlying anxiety, he has
19 what we call panic attacks, both in response to cues
20 of the trauma and just out of the blue. So, for
21 example, when he has to talk with his mother on the
22 phone, he gets very nervous, very anxious, his hands
23 sweat, his heart races, his chest feels very heavy
24 like he can't breathe.

25 He experienced this -- these sensations as well

1 when he is exposed to television or movies where a
2 child is being abused, so he avoids that. He
3 experienced panic attacks before his interviews with
4 me. He said he was terrified to come to the
5 interviews and sit down and have to talk about this.
6 So that's another symptom that he has.

7 The other set of symptoms that he has are
8 things like hypervigilance. So this is somebody
9 that is always alert, always scanning their
10 environment for threats. He -- I think he said he's
11 always repositioning himself to make sure there's
12 nothing around him that can hurt him, and this is
13 just second nature to him.

14 He has a lot of difficulties sleeping. He gets
15 about two to three hours of sleep per night, that's
16 been going on for years and years. Part of that
17 comes from his mother would ambush him in the middle
18 of the night, kind of check his pants to see if he
19 had wet the bed. And this would be very distressing
20 to him to be woken up like that, so he used to play
21 sleep he said so he would be prepared. So that just
22 started a whole anxiety cycle around sleeping, so he
23 doesn't sleep very well.

24 He has difficulties concentrating, difficulties
25 of mood, like irritability. He also feels --

1 there's a whole set of interpersonal symptoms that
2 come along with PTSD, so he feels detached from
3 other people. He feels alienated. Part of that has
4 to do with his self-worth. He feels worthless. He
5 doesn't feel like other people and so he just kind
6 of stays away from other people. But another part
7 of that is he's always cautious, wary. He's always
8 on guard with other people because he doesn't know
9 who's going to hurt him or not.

10 And then the other thing that he has that's
11 associated with PTSD is what we would call kind of a
12 traumatic triad. So he feels like he's a very bad
13 person, the world is a very bad place and bad things
14 happen, people can't be trusted. So this is his
15 world view stemming from his abuse, but it's also
16 part of that PTSD symptomology. So all of that
17 combined would be the symptoms.

18 **Q** All right. So I think you mentioned that,
19 basically, his PTSD stems from the abuse itself?

20 **A** Yes.

21 **Q** All right. And is PTSD sort of the modern
22 terminology for what many years ago would be called
23 shell shock for veterans traumatized by combat?

24 **A** Yes. It has its origins there, people coming
25 back from war, yeah.

1 **Q** So you also mentioned that, as part of your
2 explanation, that he feels worthless and has
3 intrusive thoughts about his mother's degrading
4 statements to him. Why, from a mental health
5 perspective, is it significant that your mother
6 would say you're worthless or degrade a child that
7 way?

8 **A** Well, the mother -- the mother figure is
9 supposed to be a very affectionate, nurturing
10 individual that's really responsible for a child's
11 healthy development and putting that child out in
12 the world in a healthy state, in a state where
13 they're able to deal with the world's challenges and
14 problems.

15 But she was doing something opposite, she was
16 tearing him down. She was making him feel like he
17 couldn't do anything right, that he wasn't worth
18 anything. And so this was very pervasive throughout
19 his childhood. And so then he ended up as an adult
20 very low sense of self-esteem, very low self-worth,
21 didn't think he was worth anything essentially.

22 **Q** And now you also mentioned that you had
23 diagnosed obsessive compulsive disorder. What is
24 that disorder?

25 **A** So that is within the anxiety spectrum.

1 Obsessions are these unwanted, repetitive thoughts,
2 could be an urge, could be an image, in his case,
3 it's thoughts and images, that come to the mind when
4 they're not wanted. And so to deal with that,
5 people engage in compulsions, which are behaviors to
6 try and reduce the anxiety that the obsessions are
7 causing.

8 And so compulsive -- both of those take many
9 forms. In his case, he has obsessive thoughts and
10 images about his childhood abuse. He also has
11 obsessive thoughts about his children being killed
12 violently and so these come to his mind and are very
13 distressing.

14 So to deal with all of that, just like he's
15 been doing since childhood, he engages in compulsive
16 behaviors. And for him, they're in three different
17 categories, they involve ordering, arranging and
18 straightening, cleaning and counting. So with his
19 ordering and arranging, he gave several examples of
20 this, as have other people, that he arranges things
21 in items of numbers, colors, sets, by height. He
22 will arrange items in his cell in sets of seven, but
23 then he has to put another item behind the set to
24 make it an eight so there's an even number or
25 sometimes he will line up things in odd numbers and

1 then take away a set, take away an item to have an
2 even number. So with his ordering and arranging,
3 there's a compulsiveness about even numbers that is
4 kind of driving a lot of this stuff.

5 He -- with the cleaning, there are reports that
6 he cleans, bathes multiple times a day, washes the
7 bathtub each and every time, the floor each and
8 every time he bathes, that he will leave
9 conversations to go wash his hands. I think his
10 mother reported that he brushes his teeth for 10 to
11 15 minutes. We talked about how his co-defendant
12 mentioned that he wouldn't drink out of a glass
13 unless it was boiled. He was excessively cleaning
14 his house at that time that he lived with Mr. Davis.

15 There are also reports that he -- when he goes
16 to a hotel room, he has to take the sheets off the
17 bed. He leaves. He goes and washes them in a
18 laundry mat. He goes back. He puts the sheets on
19 the bed. He cleans down the whole room with bleach.
20 He has cleaned items that other people have used in
21 his home with bleach before he'll use them. So this
22 sort of obsessive focus on cleaning is part of that
23 compulsive behavior with him.

24 And then he also engages in counting, and,
25 again, this revolves around even numbers. So if

1 somebody is saying something to him and it contains
2 an odd number of words or if it's a short phrase, an
3 odd number of letters, he, in his mind, will add a
4 word or a letter to make it an even phrase, and this
5 is distracting to him in conversation. And this
6 doesn't always happen, but it happens more when he's
7 more anxious.

8 So all of these behaviors are designed to
9 reduce anxiety. And for him, when we look at his
10 whole clinical picture, he grew up in a home that
11 was very chaotic, it was unpredictable, it was
12 characterized by violence that could happen at any
13 time, and this is his way now of putting order and
14 control in his environment because he wasn't able to
15 do that as a child.

16 **Q** And when you talk about the cleaning and the
17 counting, et cetera, are these things that could be
18 categorized as just odd behaviors or are they
19 significant, mental health-wise, to the extent of
20 they're disruptive of being able to adequately
21 function on a day-to-day basis?

22 **A** Yes, they're disruptive. And the other thing
23 that distinguishes them just from odd behaviors is
24 that he becomes upset and agitated and nervous, mad
25 when things are out of place or out of order. I

1 think he told me that he couldn't think or sleep or
2 eat unless things were put back in order. So it's
3 disruptive to his functioning which would
4 distinguish it just from an oddity.

5 Q And now you mentioned, going back to the PTSD,
6 that he would get -- he gets anxious and has panic
7 attacks when he calls his mother. Why would he
8 continue to call his abuser?

9 A So this is something that has been going on
10 since the time he left home, that he is still very
11 much connected to her and it's -- we would call it,
12 a word for it might be a traumatic bond. So this
13 happens with people that have been abused by a
14 caregiver because they're being abused by this
15 person, but they're completely dependant on this
16 person for their needs, as a young child he was, and
17 so that creates this kind of perverse, dependent,
18 abusive relationship that continues a lot of the
19 time even when the abuse has stopped.

20 And so with him he -- even after he left the
21 home, he felt a lot of pressure from his mother, a
22 lot of pull from his mother, he couldn't break that
23 bond. I believe he said, you know, it really
24 interfered with his marriage with Teresa. For
25 example, that he couldn't go and do things with

1 Teresa because he said, What if my mother calls?
2 And this is a grown man saying this. I think Teresa
3 may have even said that it seemed like he was very
4 afraid of his mother even as an adult. So this is
5 not a bond that you can just easily break as a
6 victim of abuse, especially if it's from a
7 caregiver.

8 **THE COURT:** Let me know when you get to a good
9 stopping point.

10 **MS. NORRIS:** Now is fine, Your Honor.

11 **THE COURT:** We'll take a ten-minute break,
12 ladies and gentlemen.

13 Doctor, during the break, you're not permitted
14 to discuss your testimony with anyone.

15 We're at ease.

16 (Brief recess.)

17 **THE COURT:** All right. Ms. Norris, you may
18 continue.

19 **MS. NORRIS:** Thank you, Your Honor.

20 BY MS. NORRIS:

21 **Q** Dr. Knight, we were talking about the bond
22 between abuser and the abused. Years ago we heard
23 about what people called the Patty Hearst syndrome.
24 Is that something similar?

25 **A** Right. I think maybe you're referring to,

1 like, Stockholm syndrome, something like that.

2 **Q** Yes.

3 **A** Right, because I think in her case, if I
4 remember, she was completely dependent on her
5 captors for survival. So there was a dependency
6 fostered there within the context of abuse is
7 essentially what I'm trying to get at.

8 **Q** Now, moving then to your diagnosis of major
9 depressive disorder by history, please explain that
10 diagnosis.

11 **A** So this is not a diagnosis that I am assigning
12 him that he meets criteria for today. This is
13 rendered with a qualifier by history, meaning that
14 around the time of his suicide attempt and a few
15 years after, there are multiple providers that
16 issued this diagnosis. So this is simply to give a
17 reference to that that this is part of his
18 psychiatric history, but that he doesn't meet
19 criteria for this today.

20 **Q** And in looking at your conclusions, sort of the
21 bottom line, is it fair to say that the abuse as a
22 child led directly to the PTSD and the obsessive
23 compulsive?

24 **A** Yes.

25 **Q** And do those two diagnoses and that prior

1 history have any relevance, in your expert opinion,
2 to the crimes he committed?

3 A The abuse and the diagnoses?

4 Q Yes.

5 A Well, yes, because -- well, his disorders have
6 always been untreated except for when he got to
7 jail. So they were untreated at that time, meaning
8 he was having untreated symptoms of panic and
9 anxiety and intrusions and these compulsive
10 behaviors, and so all of that leads to a reduction
11 in functioning from a healthy adult. So that's one
12 thing that was going on with him.

13 The other thing is that the abuse, that his
14 kind of abuse, because it spanned developmental
15 periods and it was by his caregiver and the severity
16 of the abuse, really disrupted his development and
17 so he really did not develop the kind of skills
18 necessary for a healthy adult life, coping skills,
19 interpersonal skills, that sort of thing. And, in
20 addition to that, because of the abuse going on in
21 his household with the domestic abuse and the
22 environmental abuse in his community, he didn't
23 learn those things either. In fact, he had very
24 poor models that he was observing as a child. He
25 had very violent models with all of that abuse going

1 on.

2 So all of those factors combined, that -- all
3 of that produces a very dysfunctional adult and
4 that's what happened with him. He emerged from this
5 abuse very dysfunctional, that plays out in his
6 marriages, in his relationships. It plays out in
7 his other types of conduct with drug selling.

8 When he loses the structure and stability of
9 the military that we talked about and other things
10 start to go, he simply doesn't have the coping
11 mechanisms to deal with that in a healthy way. And
12 so all of that intensified up until the time of the
13 capital offense resulting in poor decision making.
14 Essentially, all of those factors put him at a
15 greater risk for a bad outcome and the bad outcome
16 was the capital offense.

17 **MS. NORRIS:** Just a second.

18 (Pause.)

19 **MS. NORRIS:** Thank you, Dr. Knight. I don't
20 have any further questions.

21 **THE COURT:** Cross-examination?

22 **MR. ZELENKA:** Court's indulgence one moment.

23 **THE COURT:** Yes, sir.

24 (Pause.)

25 **MS. NORRIS:** Your Honor, Mr. Zelenka has

1 pointed out that I skipped one issue.

2 **THE COURT:** All right.

3 BY MS. NORRIS:

4 **Q** Dr. Knight, you also assessed adaptability; is
5 that correct?

6 **A** Yes.

7 **Q** And in that assessment, what information were
8 you -- did you rely on to form your conclusions?

9 **A** Well, with that assessment, I -- some records
10 took a primary importance that were not so important
11 with the mitigation, and so that would be his
12 correctional records, that would be interviews --
13 interview memos with correctional officers from the
14 detention center, that -- interview with his
15 treating correctional psychiatrist at that time.
16 All of those records took more of a primary
17 importance in this evaluation, as well as interviews
18 with Mr. Finklea, and sort of all of the other
19 records were secondary to this evaluation.

20 **Q** And from a -- from an expert perspective, how
21 do you actually do an adaptability assessment?

22 **A** So with the adaptability assessment, also
23 sometimes referred to as a future dangerousness
24 assessment, the question is what is the likelihood
25 of serious violence within an institutional setting

1 over the course of the examinee's term of
2 imprisonment? And so that's basically what the
3 assessment is designed to address.

4 And so to do that, I need to know how prevalent
5 is serious violence in prison, how prevalent is it
6 in his correctional department, how prevalent is it
7 in similar inmate groups, but then I want to look at
8 Mr. Finklea to determine if he has individual risk
9 factors or unique risk factors that put him
10 especially at risk for violence within a
11 correctional institution. And that is -- that's the
12 sort of inquiry that goes on with this type of
13 assessment.

14 Q And can't you just say or -- let me think about
15 how to phrase this. Why can't you just accept that
16 if a guy just committed murder on the street, that
17 he's going to be a danger in prison?

18 A Well, there's a lot of people that have
19 committed murder that are now in prison. People
20 commit crimes for all sorts of motivating factors on
21 the street and those factors are not usually found
22 in a prison environment. So the reasons that people
23 commit crime on the street is very different than
24 the reason that people may commit crime in prison,
25 and so that has not been -- the research does not

1 tell us that you can use the offense of conviction
2 as a predictor of serious prison violence
3 essentially.

4 Q And over the ten year -- well, Mr. Finklea has
5 actually been locked up since 2003. Did you look at
6 the time period in pretrial confinement from 2003 to
7 2007 to determine whether, in fact, he was complying
8 with the rules in the prison and whether he was
9 causing problems?

10 A Right. So nothing that I looked at within that
11 timeframe, including the interview memos from the
12 correctional officers and his correctional
13 psychiatrist, there was nothing that I found that he
14 had had any kind of disciplinary infraction of any
15 kind during his time at LCDC.

16 Q And understanding that his behavior since the
17 trial is not relevant to the question of ineffective
18 assistance for not presenting adequately the
19 evidence of adaptability, did you look at the time
20 over the last ten years in SCDC to see if he has
21 continued to conform his behavior to the prison
22 rules?

23 A I did, yes.

24 Q All right. And has he had any problems in SCDC
25 of significance?

1 **A** So of those ten years in SCDC, he's only had
2 two minor behavioral infractions, both for
3 possession of contraband, I think, in 2009 and maybe
4 2010, and that's the only two infractions.

5 **Q** And what is different about the assessment that
6 you have done as opposed to James Aiken, the
7 correctional -- former correctional officer,
8 experienced corrections person, who testified about
9 adaptive behavior in the sentencing?

10 **A** I believe -- the difference is, how I see it,
11 is my evaluation is more data driven, looking at the
12 research, what factors can we use to predict serious
13 prison violence versus a more experienced,
14 objective, oriented approach.

15 The other big difference is that I met with
16 Mr. Finklea, assessed him individually and Mr. Aiken
17 did not. So I think if you don't meet with the
18 examinee, you may miss something that is important
19 for violence. For example, on paper, the person
20 might look great, no infractions, but when I meet
21 with them, they tell me, you know, I've been feeling
22 like killing people for a long time. Well, that's
23 not something that's going to be documented, but
24 that would obviously be important in assessing his
25 future dangerousness. So I think those were the two

1 big differences.

2 Q All right. And what are the factors that
3 predict -- that help predict whether a person will
4 be violent in prison?

5 A So age is the most important predictor, the
6 strongest predictor. So the younger an inmate is,
7 the more likely they're going to commit acts of
8 violence in prison. So inmates younger than 21,
9 much higher risk than older inmates, but the risk
10 drops off significantly after age 30 in looking at a
11 age crime curve and using that. So age is a very
12 important predictor.

13 Q And how old was Mr. Finklea at the time of his
14 death sentence and entry into the prison system?

15 A He was 33 at that time, I think.

16 Q And what other factors are significant in
17 predicting violence?

18 A So being part of a prison gang or a security
19 threat group, that kind of thing. And there's no
20 evidence that's he's ever been involved in any kind
21 of gang at any time.

22 Having served a prior prison term is a risk
23 factor. Being -- having a shorter sentence, being
24 within the first several years of a sentence, those
25 are all risk factors. There's some research to show

1 that there's an inverse relationship with education
2 and so a high school degree may lower somebody's
3 risk. So those would be the primary risk factors.
4 And then the longer one is in prison without a
5 violent act, the longer they're likely to go without
6 one.

7 **Q** And all of those risk factors, if we put a
8 checkmark beside ones that apply to Mr. Finklea, did
9 any of them apply to him if he is likely to be a
10 risk?

11 **A** None of them applied to him.

12 **Q** And so what was the -- what is your bottom line
13 conclusion on whether or not Mr. Finklea is a future
14 danger in prison?

15 **A** Looking at everything, he is on the low risk
16 side of things. He does not present a significant
17 risk for future serious violence in prison.

18 **Q** And did you also prepare a report on your
19 findings with respect to adaptability?

20 **A** Yes.

21 **Q** Let me show you what's marked as Plaintiff's
22 Exhibit 23 for ID.

23 **A** Yes.

24 **Q** Is that, in fact, your report?

25 **A** Yes.

1 **MS. NORRIS:** Your Honor, I offer Plaintiff's
2 Exhibit 23, which is captioned Forensic
3 Psychological Evaluation, Future Dangerousness
4 Adaptability Assessment.

5 **THE COURT:** And what's the State's position on
6 this?

7 **MR. ZELENKA:** Bear with me one moment.

8 **THE COURT:** Yes, sir.

9 (Pause.)

10 **MR. ZELENKA:** No objection.

11 **THE COURT:** Mark 23 in evidence, please, ma'am.

12 (Plaintiff's Exhibit Number 23, forensic
13 psychological evaluation, admitted into evidence.)

14 **THE COURT:** All right. You may continue.

15 BY MS. NORRIS:

16 **Q** Dr. Knight, in that report, you -- and in your
17 testimony here, I've asked you about events from
18 2007 until the present in the correctional history,
19 if you discount that time period from 2007 forward
20 and look at if you were testifying in September of
21 2007, do your conclusions change in any way?

22 **A** No. The additional data just strengthens those
23 conclusions.

24 **MS. NORRIS:** I don't have any further
25 questions, Your Honor.

1 **THE COURT:** All right. Cross-examination?

2 **MR. ZELENKA:** Thank you, Your Honor.

3 CROSS-EXAMINATION

4 **BY MR. ZELENKA:**

5 **Q** Dr. Knight, when were you retained for this
6 evaluation?

7 **A** I was first contacted in the fall of 2015.

8 **Q** Okay. And who contacted you?

9 **A** Ms. Holt.

10 **Q** And what was the diagnostic question that they
11 presented to you?

12 **A** Mitigation and adaptability.

13 **Q** Okay. And in your -- when did you first meet
14 with Mr. Finklea?

15 **A** July 29, 2016.

16 **Q** Okay. Well, why did you wait until -- or how
17 long of a period of time was it from your retention
18 until your first meeting with him, if you can
19 recall?

20 **A** Looks like I spoke with Ms. Holt in September
21 of 2015 and then we had a phone call with Ms. Norris
22 in November. But the case had been put on hold
23 because of her involvement with a high profile
24 murder case, so it had been delayed.

25 **Q** Okay. And what did you discuss with

1 Mr. Finklea on that first interview of three hours
2 that you found to be significant?

3 A So that interview was, you know, introducing
4 myself, introducing the process, getting to know him
5 a little bit, getting to know how he's been doing in
6 prison. He spoke a lot about some religious topics.
7 I think he was very nervous. Those are not things
8 that we really went back and talked about because
9 they didn't become of clinical significance, but
10 those -- those are the types of things that we
11 talked about during the first interview.

12 Q Okay. Did you talk about the crime?

13 A Not in the first interview, no.

14 Q Okay. Did -- at the time you had that meeting
15 with him, had you already reviewed the record that
16 had been prepared at the first trial concerning the
17 affect of the hanging incident on him and his
18 ability to recall events?

19 A You mean -- are you talking about the record on
20 appeal? I don't think I had that at that time. I
21 may have had some other records surrounding the
22 suicide.

23 Q And what did that indicate to you, the
24 information that you had prior to the first meeting,
25 on the defendant's ability to recall events

1 surrounding the crime?

2 A The suicide attempt? I'm not sure I understand
3 your question.

4 Q Yes.

5 A His suicide attempt didn't really have any
6 bearing on whether I thought he could recall the
7 crime.

8 Q Why is that?

9 A I don't know if I knew at that time that he had
10 malingered amnesia or not; I may have.

11 Q When did you learn that?

12 A I would have learned it from one of his
13 attorneys along the way; I'm not quite sure when.

14 Q Okay. When did you first have discussions with
15 the defendant about the fact that he had malingered
16 amnesia about the crime?

17 A I think that would have been May 2nd probably,
18 May 2nd, 2017.

19 Q Okay. That was your third meeting with him?

20 A Yes.

21 Q Prior to that meeting, had he indicated to you
22 that he did have amnesia about the crime?

23 A No.

24 Q Okay. On May 2nd, did you discuss the crime
25 with him?

1 **A** I would have to check my notes, but it's either
2 May 2nd or May 26th.

3 **Q** Okay. Could you check your notes?

4 **A** Sure.

5 **Q** Thank you.

6 **A** I believe it was May 26th.

7 **Q** Okay. That was your fourth meeting with him?

8 **A** Yes.

9 **Q** And what did he tell you?

10 **A** About the incident? About the crime?

11 **Q** About the crime, yes. Start there.

12 **A** He -- he went through the -- his actions on the
13 day of the crime, that he arrived at Selectron with
14 his co-defendant, that he had a firearm with him,
15 that he went in first, that he saw the officer, and
16 he said the officer startled him, the gun went off.
17 He let in his co-defendant who was carrying gas can.
18 He took the gas can, went back into the -- where the
19 officer was, attempted to light the security monitor
20 equipment on fire and left.

21 **Q** Okay. What did he indicate his reason for
22 going there was?

23 **A** To try and get money from the ATM.

24 **Q** Okay. And did he say that he had planned to
25 bring the gas with him?

1 **A** I believe so.

2 **Q** Did he indicate to you the reason why he needed
3 the money?

4 **A** Yes. He -- he had been involved in selling
5 drugs, selling cocaine. He was not very good at
6 this. He lost money. And this money was coming out
7 of his wife's savings account, so he was panicking
8 about having to replace that money. I think he was
9 also -- he had these other families to take care of
10 and that was also a financial stressor. So coming
11 from both of those places, and then I think he said
12 the co-defendant also owed child support money, so I
13 think all of those sources were the sources of the
14 financial stress.

15 **Q** Okay. Did he indicate to you why he selected
16 Selectron as the victim of this larceny?

17 **A** I think because he was familiar with that ATM.
18 He'd been there before.

19 **Q** He had worked there, hadn't he?

20 **A** He'd worked there before, yeah.

21 **Q** Did he indicate to you that he knew the victim
22 in the case?

23 **A** No.

24 **Q** Okay. With respect to that information, why
25 did he tell you, if then, he had malingered prior to

1 and, in fact, during the trial about his memory of
2 that event?

3 A And so why did he tell me?

4 Q Yes.

5 A Well, I think this had been an issue that his
6 legal team had discovered some time back and had
7 been working --

8 Q His current legal team?

9 A Yes.

10 Q Okay.

11 A And had been working with him on this and had
12 gotten him to a point where he was able to talk
13 about this. And this was something clinically
14 important to me; we needed to talk about it. And so
15 his attorney was there with us when we did this and
16 so that's how it came out.

17 Q Okay. Did he indicate to you why he had made
18 different types of statements to Dr. Maddox,
19 Ms. Kimbrough, Ms. Armstrong, Mr. Soltis about those
20 events?

21 A So I don't think I've ever known what he said
22 to his original attorneys about the incident.

23 Q Okay. Let me ask you to refer to page 33 of
24 your report.

25 A Sure.

1 Q And review the second two paragraphs.

2 A (Witness complies.)

3 Q Let me know when you've reviewed them.

4 A Okay.

5 Q Okay. What is the -- what did you report in
6 that first paragraph I asked you to read?

7 A The one that starts with further?

8 Q Yes.

9 A I reported that he acknowledged that he
10 malingered amnesia during his pretrial detention,
11 that he clarified to me that he really does not
12 recall the suicide attempt even now, but he does
13 recall the homicide incident and did so at the time
14 of trial. Is that the portion?

15 Q And did he also indicate why he did not talk to
16 the psychiatrist about it?

17 A I don't know if the forensic psychiatrist,
18 Dr. Maddox, asked him details about the offense.
19 I'm assuming I guess she did because he did mangle
20 with her as well. So, you know, he -- in this
21 second paragraph, he talks about not trusting
22 Dr. Maddox because he -- she was an extension of his
23 legal team and he didn't trust his legal team. He
24 expressed feeling somewhat paranoid and on defense
25 with her, asking himself, who are you, who are you

1 working for? So my take there is that he didn't
2 trust her enough with that information, particularly
3 as he had not told his attorneys.

4 **Q** Okay. You mentioned that one of the traits of
5 post-traumatic stress disorder was basically to be
6 reticent about talking about certain events; is that
7 correct?

8 **A** Yes.

9 **Q** And yet it appears that you reviewed
10 Mr. McDougall's report where early on in the process
11 in 2003, he indicated to Mr. McDougall, on a very
12 early meeting, the events of the crime at that point
13 in time. In your assessment, how does that play
14 into the way this case eventually worked out at the
15 time of trial when he was not -- when he was
16 reticent about giving this information?

17 **A** Right. That memo from Mr. McDougall, the
18 actual details that he provided are very sketchy.
19 He doesn't talk about the shooting at all, he
20 doesn't talk about setting the fire, none of the,
21 what I would consider, the more traumatic stuff, he
22 kind of skips over all of that. So, yes, he did
23 mention some, but he didn't mention the more
24 traumatic stuff to him.

25 **Q** And -- but you're aware at the time, as he was,

1 that there are some pretty traumatic events that
2 occurred around that with the setting of the fire,
3 correct?

4 **A** Uh-huh. Yes.

5 **Q** Do you know when he became less reticent about
6 that based upon your review of the reports?

7 **A** When he started talking about that?

8 **Q** When he chose not to talk about it?

9 **A** Well, I don't have any -- for example, if his
10 attorneys went to him after this to try and talk to
11 him about it, I don't have any of those notes or any
12 of those documented interviews.

13 **Q** Okay. But you do know, in reviewing the
14 competency evaluation testimony, that in the
15 courtroom under oath, he said he had no memory of
16 the crime?

17 **A** Yes.

18 **Q** Correct?

19 **A** Yes.

20 **Q** Which he now acknowledges to you was false
21 testimony, correct?

22 **A** Yes.

23 **Q** When he was under oath?

24 **A** Correct.

25 **Q** In a courtroom here in Lexington County. ~

1 In your review of the reports, did you note
2 that there was information coming from family
3 members, particularly Cherena Roland, about mother
4 having some abuse towards the defendant, like
5 shooting at him as a child?

6 **A** I mentioned that he was shot at, yes.

7 **Q** Okay. As a result of being shot at by your
8 mother, is that a traumatic event that could lead to
9 post-traumatic stress disorder?

10 **A** Yes, it's a traumatic event, yes.

11 **Q** Do situations like that and like that alone,
12 could that lead basically to the same diagnosis that
13 you ultimately had in this case?

14 **A** If he had been shot at one time?

15 **Q** Yes.

16 **A** Possibly. It would be difficult to know.

17 **Q** Did you speak with Dr. Cherry?

18 **A** Yes.

19 **Q** And what did Dr. Cherry tell you that
20 Mr. Finklea had told her that caused her to come up
21 with the diagnosis that she testified in court to a
22 reasonable care of medical certainty that he
23 suffered as post-traumatic stress disorder?

24 **A** So, in her testimony, it seems like she is
25 referencing trauma from his past because she talks

1 about how she doesn't want to talk about it in front
2 of his family, that she's familiar with her
3 patient's past, that he's trying to not become
4 somebody -- that he's trying hard not to become
5 somebody from his past, something like that. She
6 seemed to have some knowledge of trauma and abuse in
7 his past.

8 When I talked to her recently, she recalls that
9 he was locked in a closet. She believed that's
10 where his bed wetting came from, but she didn't have
11 any other specific memories of abuse. She qualified
12 that by saying it's been ten years and actually
13 longer than that when she started working with him
14 and she didn't have her records in front of her. So
15 that's essentially what she told me. She said she
16 -- she thought that there was preexisting trauma
17 before the capital offense.

18 Q Okay. And you also reviewed a piece of
19 correspondence of September 4th, 2007, electronic
20 correspondence, from Teresa Fuller to Dr. Donna
21 Schwartz-Watts. And what did that indicate to you?

22 A That's his -- that was his wife at the time,
23 now his former second wife. She believed that he
24 had a terrible childhood, I think were her words,
25 that he was afraid of his mother, that he -- she

1 thought he had some sort of mental problems because
2 of that. She seemed to be describing some
3 affectability, walking on egg shells one minute with
4 him. I think she referenced the beatings, that his
5 mother used to beat him.

6 Q Okay. And how did that impact in your
7 assessment? Was it consistent or inconsistent?

8 A It's consistent with his abuse.

9 Q Okay. Is it the type of information a forensic
10 psychologist or psychiatrist would look to get and
11 act upon?

12 A Yes.

13 Q Okay. And is it information that is consistent
14 with the information at that time from Cherena and
15 Ms. Finklea about post-traumatic stress disorder?

16 A Certainly the abuse that they're describing or
17 the -- or that they're alluding to would be types of
18 events that could lead to PTSD.

19 Q Okay. And did you review the September 2007
20 report of Dr. Donna Schwartz-Watts, now Maddox?

21 A Yes.

22 Q And did that report also indicate that there
23 had been information from a family member about
24 family trauma?

25 A I don't think any family member reported abuse

1 or trauma to Dr. Maddox.

2 Q Teresa Finklea?

3 A Well --

4 Q In the report?

5 A Wife, if you're talking -- yes. Yes, that is
6 included in her report.

7 Q Okay. And in her report, what did it indicate
8 Mr. Finklea's response was to those -- that
9 indication of family trauma and abuse?

10 A I believe he denied that to her. There's some
11 indication in her report that something bad happened
12 in his childhood. I would have to have the report
13 in front of me.

14 Q Let me ask you to refer to page 36 of your
15 report.

16 A Sure.

17 Q The first paragraph of Dr. Watts, the last two
18 sentences.

19 A Yes, I see that.

20 Q And what did you report in your written report
21 that Mr. Finklea reported to Dr. Schwartz-Watts?

22 A So it looks like I quoted from her report,
23 Mr. Finklea did acknowledge he was harshly
24 disciplined as a child, end quote. And, quote, Does
25 admit to some abuse in childhood, end quote.

1 Additional, It is further noted, quote, He has
2 avoided discussing his abuse, end quote.

3 Q Okay. So there was some acknowledgement by him
4 to Dr. Maddox that there had been abuse, correct?

5 A There was some -- yes, allegation or reference
6 to it.

7 Q Okay. In your assessment, did you review the
8 Army records that had been prepared at the time,
9 created -- excuse me -- provided the original
10 defense team at the time of trial? Did you review
11 those records?

12 A I reviewed military records.

13 Q Okay. And what did those records indicate
14 about his adaptability in the military and,
15 basically, his general demeanor?

16 A The military records were -- had many positive
17 evaluations from his superior officers, if I
18 remember correctly. There was one incident in
19 Panama, I believe, of having female visitors over to
20 the dorm. That's the only negative thing that I can
21 remember.

22 Q In assessing -- are you --

23 A I think I'm done, yes.

24 Q In assessing his military records, was there
25 anything about his military experience that would

1 lead you to believe, as a forensic psychiatrist --
2 psychologist, excuse me, that could lead to a
3 determination of post-traumatic stress disorder from
4 that military experience he had?

5 **A** No.

6 **Q** And you reviewed those records, correct?

7 **A** Yes.

8 **Q** Was there anything about his training, his
9 military experience, that reflected that he was ever
10 in combat?

11 **A** No.

12 **Q** Was there anything in those records that
13 reflected that he ever was in hazardous duty?

14 **A** I do not believe so.

15 **Q** Let's go to your references about alcohol and
16 drug abuse. When did the defendant start abusing
17 drugs?

18 **A** The first significant time is when he was 18
19 years old, he had left home for the very first time.
20 He was in the military and he began drinking
21 heavily. This was not something he did as a
22 teenager. He may have had a couple sips of beer as
23 a teenager. And he began experimenting with LSD at
24 that time. He told me that he used that substance
25 for six months before he got scared. He read a

1 flyer about the potential effects to the brain and
2 he stopped using. That's the first time, it
3 appears.

4 Q Okay. Did you review his school records?

5 A Yes.

6 Q And what did the school records indicate to you
7 about his level of intelligence?

8 A Well, it was -- it was more what was not in
9 there. So there was not reference to special
10 education or a learning disability or special
11 assistance, but I did notice his grades were pretty
12 poor, especially as he got older. And so it seems
13 like he was struggling some with his grades. That
14 could be due to a variety of factors. But that's
15 what I noticed from his school records.

16 Q Did you get any indication as far as whether
17 there had been significant absences from school?

18 A My memory is that there was not significant
19 absences, but I'd have to go back and check to make
20 sure.

21 Q Okay. If there were not significant absences,
22 would that be a factor on whether, in fact,
23 education was being encouraged by the family unit?

24 A Encourage might be a strong word for me to use.

25 Q Use your own.

1 **A** It could just be that he wanted desperately out
2 of his home because he was being abused at home and
3 school offered some sort of relief for him.

4 **Q** Okay. In your discussions with Mr. Finklea,
5 did he -- did he tell you that was the reason or is
6 that your speculation?

7 **A** That's my -- yeah, that's my speculation on
8 that, yeah.

9 **Q** Did you ask him what he thought about school?

10 **A** He liked school.

11 **Q** Okay.

12 **A** Yeah.

13 **Q** Did he feel like he was bullied in school by
14 anyone?

15 **A** I would have to go back and look at my notes,
16 that doesn't stand out to me. It's possible he was
17 for his ears, that stands out to me for some reason.

18 **Q** Okay. How often did that occur?

19 **A** I don't know. It wasn't something that was
20 severe or chronic, if I recall.

21 **Q** In your review of reports, did the wiggling of
22 the ear incident in school happen more than once?

23 **A** With the beating with the mother?

24 **Q** Because of the wiggling of the ears in school
25 that he was called out for, did that happen more

1 than once?

2 **A** No, one time.

3 **Q** Okay. And how old was he at that time?

4 **A** Second grade I believe. So he would have been
5 seven or eight.

6 **Q** Okay. Let's move back to drugs. In the Army,
7 you noted that he started using alcohol and began
8 using some drugs. When he was in the family unit
9 and the mother was being involved in the bootlegging
10 concept, it evolved into the sale of marijuana,
11 correct?

12 **A** Uh-huh. Yes.

13 **Q** And it's been indicated to you, from your
14 direct testimony, that he felt, basically,
15 threatened to be a participant, an employee in that
16 process, correct?

17 **A** Yes.

18 **Q** Did that ever change?

19 **A** Not to my knowledge.

20 **Q** Okay. When he began the sale of marijuana as
21 an adult, was he doing it for his mother?

22 **A** No.

23 **Q** Was he doing it on his own?

24 **A** Well, he could have had other people involved
25 with him, but -- in fact, I think he did at Fort

1 Bragg.

2 Q Okay. And he did when he returned home too,
3 didn't he?

4 A Yes.

5 Q And was Mr. Davis involved in the marijuana
6 sales?

7 A Not at Fort Bragg, no.

8 Q Okay. At home?

9 A Oh, no.

10 Q Okay. Were other family members involved in
11 the sale of drugs?

12 A When he left home?

13 Q After he returned from the Army?

14 A I don't think so. I think these were just
15 people in Alabama that he knew, but not his family.

16 Q You don't remember reference to Brandon
17 Anderson?

18 A Is that his stepson?

19 Q A stepson being involved in the marijuana sales
20 with him or the drug sales with him?

21 A That -- I remember something about that, but I
22 don't think that was borne out by what other people
23 said. I didn't get the sense that Brandon was
24 involved with the drug selling.

25 Q So when someone testified under oath that he

1 was involved in it, you --

2 A I don't recall the testimony under oath. I'd
3 have to go back and look at that.

4 Q Okay. But if the record says that, it speaks
5 for itself obviously.

6 A Sure.

7 Q With respect to his role after he got out of
8 the Army in the drug sales, he was the head of his
9 own operation; isn't that correct?

10 A Yes, you could say that, yes.

11 Q He had other people working for him in doing
12 these drug transactions, acquiring the drugs, going
13 with him to get them?

14 A Yes.

15 Q And he had people selling for him?

16 A Yes.

17 Q Okay. It was also referenced that he had gone
18 through his wife's savings; is that correct?

19 A Yes.

20 Q And that he needed more money, correct?

21 A Yes.

22 Q And the way he resolved he was going to get
23 more money was either through continued drug sales,
24 correct?

25 A Right.

1 Q Or robbery and theft, correct?

2 A Correct.

3 Q And he sought to accomplish that which resulted
4 in the death of Mr. Sykes, correct?

5 A Yes.

6 Q So those financial problems evolved out of his
7 determination that as his occupation, he was going
8 to be a drug dealer, correct?

9 A Yes. He lost the money selling drugs.

10 Q Okay. That didn't come out of the fact that he
11 had post-traumatic stress disorder, did it?

12 A No.

13 Q It came out of the fact that he needed money,
14 correct?

15 A Yes.

16 Q Now, in your interviews with Mr. Finklea now,
17 did he appear anxious to you?

18 A Yes. Well, especially at the beginning of the
19 interviews.

20 Q Okay. And in your sitting with Mr. Finklea,
21 he's on death row, correct?

22 A Yes.

23 Q And the result of these proceedings may lead to
24 his execution, correct?

25 A Yes.

1 Q That would be a fairly unique situation for any
2 individual, correct?

3 A Uh-huh.

4 Q It could lead to much anxiousness, correct?

5 A Yes.

6 Q Could lead to an individual acknowledging the
7 fact that he had been involved in murdering somebody
8 to fill a lack of self-worth, correct?

9 A Yes. Uh-huh.

10 Q And you indicated that he does, correct?

11 A Yes.

12 Q You indicated that he had a sense of remorse
13 about the crime, correct?

14 A That's what he expressed during our interviews.

15 Q Did he indicate to you that remorse was to the
16 victim and the victim survivors of that crime?

17 A Yes.

18 Q How did he do that? What did he tell you?

19 A He -- well, particularly with the birth of his
20 grandchild, that had him thinking about family and
21 how the victim would not know his grandchildren, if
22 he had any. That was one statement I remember. I
23 believe he's also mentioned the victim's sons
24 before, the victim's children before on a different
25 occasion.

1 Q Okay. But do you know if he had indicated that
2 in any of the materials or discussions that you had
3 with him or anyone else to the trial team or the
4 other psychiatrists, psychologists, psych --
5 psychiatrists who were involved in the case?

6 A You mean Dr. Maddox?

7 Q Yes, or Dr. Cherry or --

8 A I don't think Dr. Cherry discussed the events
9 with him at all. I don't -- I don't know if he
10 expressed any remorse to Dr. Maddox.

11 Q Okay. You indicated that the obsessive
12 compulsive disorder essentially caused him to seek
13 order in his life? Did I misunderstand that?

14 A No. He uses -- that's essentially correct. He
15 uses compulsive behaviors to reduce anxiety.

16 Q Okay. And with respect to the crime itself,
17 how did obsessive compulsive disorder play out in
18 that event?

19 A Well, not -- symptom-wise there's no direct
20 connection, but it goes back to an overall picture
21 of this is somebody who was feeling out of control,
22 this is somebody who was feeling a lot of chaos in
23 his life, things were unpredictable, this is how he
24 felt as a child when he was being abused. And so we
25 talked about how the decision to engage in the

1 offense was a way to exert control back over his
2 life. It was a poor decision. It wasn't a very
3 well thought out decision, but it was his sort of a
4 desperate decision to gain back control.

5 **Q** Okay. And you essentially concluded that from
6 those factors, he essentially became a dysfunctional
7 adult; is that correct?

8 **A** Correct. From his abuse, from the way that he
9 was raised, all of those factors that were present
10 in his childhood led to the untreated mental
11 disorder, led to a lot of dysfunction.

12 **Q** Okay.

13 **MR. ZELENKA:** Court's indulgence.

14 (Pause.)

15 **Q** With respect to the adaptability to prison, you
16 indicated that since he's been in custody of the
17 department of corrections, he had two
18 disciplinaries. Do you recall what those
19 disciplinaries were with some specificity?

20 **A** Yes. He was charged with possession of
21 contraband in 2009. This was for a homemade battery
22 pack found in his cell during a cell search. And
23 then in 2010, he had another possession of
24 contraband which involved another cell search with a
25 battery pack, but this time there was an additional

1 item of nail clippers.

2 Q Nail clippers?

3 A Nail clippers.

4 Q But no history of violence within the prison
5 setting?

6 A There is nothing in the data that I reviewed
7 that indicates that.

8 Q And he's been on death row during that period
9 of time in close confinement, correct?

10 A Correct.

11 Q He's not been in general prison population?

12 A No.

13 Q During that period of time?

14 A No.

15 Q Yet your assessment of adaptability to prison,
16 I assume is not adaptability to prison to the closed
17 confinement that he's in at Lieber, but if he would
18 be in the general prison population?

19 A So -- correct. And so to evaluate that, we
20 talked about his time at the Lexington County
21 Detention Center where he did recreate with other
22 inmates. He was celled with two or three inmates at
23 a time. So he certainly had contact with other
24 inmates and officers.

25 We also talked about the -- his two years on

1 death row. There was a lot more freedom as far as
2 restrictions and rules and moving about freely with
3 other inmates and less use of shackles and all of
4 that stuff. And in those two settings, he did not
5 have any disciplinary infractions despite the more
6 openness of those settings.

7 Q Okay. And you reviewed James Aiken's
8 testimony?

9 A Yes.

10 Q And you're familiar with James Aiken, correct?

11 A I am not that familiar with Mr. Aiken, no.

12 Q Okay. But you're aware, from his testimony, he
13 used to be the warden at the department of
14 corrections --

15 A Yes.

16 Q -- and has basically run prison systems?

17 A Yes.

18 Q And the method he used was somewhat similar to
19 yours without the face-to-face; isn't that correct?

20 A Right. He did not have a face-to-face. He --
21 he didn't pull in the research data as much, I
22 think, is another big difference. He did mention
23 age as a predictor variable I believe. But he also
24 mentioned community violence, in looking at their
25 pattern of community violence, and that's not really

1 relevant in a prison setting. So I think there were
2 some differences there.

3 Q Okay. But he had a question as to whether an
4 individual was a member of a prison gang, whether he
5 was a predator, very similar to what you testified
6 about, correct?

7 A I think we had a different approach to it.
8 There were some similarities.

9 Q Okay. Did you do any particular psychological
10 testing to determine at what level of potential
11 violence the inmate -- excuse me -- Mr. Finklea
12 would be?

13 A So, no. In his case -- I do a lot of community
14 risk assessments. And in those cases, we have very
15 good risk assessment measures, actuarial assessment
16 measures we can use to help us assess somebody's
17 risk of community violence, they're normed on
18 community samples, they're over shorter periods of
19 time. But the field of psychology does not really
20 have a risk assessment measure to assess somebody's
21 risk for serious prison violence over the course of
22 a lifetime. We just don't have that. So, no.

23 Q Some people use some subscales of the MMPI.
24 You chose not to do that?

25 A That is not an effective way to assess serious

1 prison violence per the research. It's ineffective.

2 Q Was there any other testing that would have
3 been available to you that you chose not to use?

4 A If there had been available testing that had
5 been researched and validated on the particular
6 sample that I was evaluating, I would have used it.
7 We just don't have that as a field at this time.

8 Q Okay. You did run a malingering test?

9 A Yes.

10 Q And what malingering test did you do and why
11 did you do that?

12 A This was a SIRS-2, Structured Interview of
13 Reported Symptoms. And it is a comprehensive test
14 of malingering. It covers a lot of different types
15 of symptoms. Two reasons to do this: Malingering
16 is a part of most forensic evaluations just as a
17 matter of course because people have more of an
18 incentive to exaggerate or fabricate symptoms within
19 this type of evaluation, and, secondly, because of
20 Mr. Finklea's history. So those were the two
21 reasons.

22 Q And what was the result of that testing?

23 A Absolutely no indication that he was faking,
24 exaggerating symptoms. There are certain scales;
25 they all fell within the genuine responding scales.

1 Q Okay. And when did you do the malingering
2 test?

3 A August 25th, 2017.

4 Q So on that day, he was not malingering,
5 correct?

6 A Correct.

7 Q And that's really all that test tells you;
8 isn't that correct?

9 A Correct.

10 Q Okay. So would it be a fair summary of your
11 testimony and your opinion that because of the
12 defendant's background, he's emerged as a
13 dysfunctional adult, correct?

14 A Yes.

15 Q Who makes poor decision making, correct?

16 A Correct.

17 Q That ends up with bad results, correct?

18 A Yes.

19 MR. ZELENKA: Thank you. No further questions.

20 THE COURT: Redirect?

21 MS. NORRIS: Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. NORRIS:

24 Q Dr. Knight, you were provided again with
25 Plaintiff's Exhibit 4.

1 **A** Yes.

2 **Q** Is that correct?

3 **A** Yes.

4 **Q** And were you present in court yesterday when
5 Mr. Steve Soltis testified about that memorandum?

6 **A** I was.

7 **Q** And aside from that memorandum, which, as I
8 recall, and the record will speak for itself,
9 Mr. Soltis did not even recall the interview where
10 Mr. Finklea was asked about whether he remembered
11 the offense or not?

12 **A** Correct.

13 **Q** And he didn't indicate otherwise ever asking
14 that question again to -- have you seen any other
15 record that indicates that his attorneys or anybody
16 in the trial team ever questioned the statement of,
17 I don't remember, or whether they just accepted that
18 at face value and built their entire case around it?

19 **A** I've seen no further documentation that he was
20 asked about it.

21 **Q** All right. And in that memo, does it, in fact,
22 indicate that that initial question to him about, or
23 at least the indication there that he was asked
24 something about the offenses, does that memo
25 indicate, in fact, that that was the very first day

1 that Mr. Finklea met his attorney and Mr. McDougall?

2 **A** Correct.

3 **Q** And would you be surprised if, in fact, again
4 going back to your clinical experience, as well as
5 forensic experience, would you expect a good
6 examiner to be digging into whether someone
7 remembered something on the very first meeting?

8 **A** No.

9 **Q** And understanding that you're not an attorney,
10 but you work in a forensic setting with attorneys,
11 if an attorney were to do that, in your opinion,
12 would that be helpful in developing a relationship
13 with your client?

14 **A** If they asked the very first day, tell me what
15 you did, kind of thing?

16 **Q** Right. And if you were told, I don't remember
17 some details, would it be very helpful, for example,
18 if I were first -- my first meeting with a client,
19 if I were to say, I don't believe you?

20 **A** No.

21 **Q** And when you -- I believe you said that it was,
22 in fact, your fourth visit with Mr. Finklea before
23 you talked with him about the offenses?

24 **A** Correct.

25 **Q** And that first interview, as I recall, you

1 indicated was basically just an introductory type --
2 tell me your first evaluation, your first meeting
3 with him, how long was that meeting?

4 A For three hours.

5 Q All right. And prior to that three hours, had
6 you already been provided information from, for
7 example, his sentencing testimony, the testimony of
8 his family members?

9 A I don't think I had the record on appeal at
10 that time.

11 Q Okay. What information did you have at that
12 time that you recall?

13 A I don't know that I could say for sure.
14 Records are put in the drop box at different times
15 along the way, so I don't know what I had reviewed
16 at that time, but I don't think I had reviewed the
17 trial. I don't think I had that.

18 Q And did you -- were you aware in that first
19 meeting whether or not it was Ms. Holt's first
20 meeting with him or whether, in fact, there was a
21 relationship that had been built with his legal
22 team?

23 A Oh, no, it was very clear that they had built a
24 relationship over years.

25 Q And in your experience, not just in this case,

1 but in any forensic case, is it easier for you, as a
2 mental health expert, to get a person talking when
3 the attorneys that introduce you have that trusting
4 relationship in place already?

5 **A** Oh, absolutely, yes.

6 **Q** And you were asked about, on page 36 of your
7 report, what Teresa Finklea or Teresa Fuller
8 indicated to Dr. Schwartz-Watts. And, of course,
9 I'll ask Dr. Maddox about that when she testifies,
10 but, to your knowledge, what communication -- when
11 was the timing of that electronic communication?

12 **A** I believe it may have been September 4th. I
13 would have to look to make sure.

14 **Q** And, in fact, that's the day the sentencing
15 testimony started, correct?

16 **A** Correct.

17 **Q** And the information that, to your knowledge,
18 from the records and from talking to Dr. Maddox, the
19 information to her from Cherena Roland mentioning
20 potential abuse, that was also provided to her on
21 the day sentencing started?

22 **A** That was September 5th, yes.

23 **Q** September 4th?

24 **A** Or 4th, yes.

25 **MS. NORRIS:** Give me just a second.

1 (Pause.)

2 **MS. NORRIS:** Thank you, Dr. Knight. I don't
3 have anything further.

4 **THE COURT:** Recross?

5 **MR. ZELENKA:** Nothing on recross, Your Honor.
6 In light of her testimony, I withdraw my objection
7 to her report coming in.

8 **THE COURT:** All right. Madame Court Reporter,
9 mark 22 into evidence.

10 (Plaintiff's Exhibit Number 22, forensic
11 psychological evaluation, admitted into evidence.)

12 **THE COURT:** And you may step down, Doctor.
13 Thank you.

14 **MS. NORRIS:** Your Honor, may she be excused
15 from the rest of the hearing?

16 **THE COURT:** Any objection to her being
17 released?

18 **MR. ZELENKA:** No objection.

19 **THE COURT:** You're free to go if you wish to
20 leave.

21 **THE WITNESS:** Thank you, Your Honor.

22 **THE COURT:** Thank you.

23 All right. Do you have another witness we can
24 start with?

25 **MS. NORRIS:** Yes, sir. I call Dr. Donna

1 Schwartz Maddox.

2 DONNA SCHWARTZ MADDOX,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. NORRIS:

6 Q Dr. Maddox, could you please give us your full
7 name and spell it for our court reporter?

8 A Sure. Donna, middle name is Schwartz,
9 S-c-h-w-a-r-t-z, last name Maddox, M-a-d-d-o-x.

10 Q Dr. Maddox, are you, in fact, a forensic
11 psychiatrist?

12 A I am.

13 Q And you were retained by Mr. Finklea's trial
14 team?

15 A Yes.

16 MS. NORRIS: Your Honor, I'll offer her as an
17 expert in forensic psychiatry.

18 THE COURT: Any voir dire?

19 MR. ZELENKA: No objection.

20 THE COURT: She is so recognized as an expert
21 in forensic psychiatry.

22 BY MS. NORRIS:

23 Q Dr. Maddox, how many capital cases have you
24 been involved in?

25 A Over 130.

1 Q And just to be clear, a good number of those
2 were me retaining you, correct?

3 A Yes.

4 Q All right. And in your experience working
5 specifically on the defense team when it is your job
6 to develop mitigation information, have you found
7 that there is a standard practice, in essence, a
8 standard of care, that a team has a mitigation
9 investigator?

10 A Yes.

11 Q Okay. And from your perspective as an expert,
12 what is the function of that mitigation investigator
13 supposed to be?

14 A Various things: To gather information about a
15 family, the person's upbringing, to gather records
16 when indeed they're indicated and to investigate the
17 person's life.

18 Q And in investigating a person's life, is it
19 important from your -- in your opinion to develop a
20 relationship with that person?

21 A Certainly.

22 Q And can you do that in one meeting?

23 A No.

24 Q And is it also important, in developing the
25 information about the person's life, to develop some

1 relationship with their family members?

2 A For the mitigation specialists?

3 Q Yes.

4 A Yes.

5 Q And can you, in fact, do that in one meeting?

6 A It depends, not always. It would depend on the
7 scenario.

8 Q All right. Typically, in your experience, can
9 you -- can -- well, let me ask it this way: When
10 you get involved, is it fair to say that, for the
11 most part, a relationship has already been developed
12 with the -- with the client?

13 A Yes.

14 Q And is it fair to say that typically when you
15 come in as a forensic psychiatrist, a relationship
16 has been developed with the family members?

17 A Yes.

18 Q And is that part of what makes it easier for
19 you, as a forensic psychiatrist, if you only meet
20 with the family one time, in essence, you're relying
21 on the relationship that was built before you,
22 correct?

23 A That's correct. Typically, when I'm called in
24 to a case, the mitigation investigation will have
25 already been completed. And when I do contact a

1 family member, it's usually just to -- before trial
2 or in preparation for my report to just affirm that
3 -- the findings that have already been discovered
4 and to make sure that they're in agreement with any
5 of the notes that I had.

6 **Q** And in general -- well, let me ask this: Aside
7 from forensics in capital cases, you're also an
8 expert in clinical -- in the clinical setting of
9 actual psychiatric treatment as well, correct?

10 **A** Yes. I still work at Patrick Harris Hospital
11 and I still care for patients on a regular basis.

12 **Q** And in that clinical setting of treatment, are
13 there -- when you are treating a person with mental
14 impairments, are there essentially barriers to
15 developing a relationship up front?

16 **A** Certainly.

17 **Q** And what are the type barriers that you
18 encounter with a person who has a traumatic
19 background?

20 **A** Oh, there is generally, in psychiatry and
21 certainly in the hospital I work, there's also
22 psychotic patients. So sometimes the barriers are
23 the symptoms themselves, which would also apply to
24 people that may have trauma. Sometimes the symptoms
25 of the mental illness prevent them from developing

1 an adequate relationship early on with their
2 treatment provider.

3 **THE COURT:** I think Stacy wants you to slow
4 down your speech a little bit.

5 **THE WITNESS:** Yes, sir.

6 **MS. NORRIS:** She's been sitting here for a day
7 and a half, Your Honor. She's ready to go.

8 BY MS. NORRIS:

9 **Q** And in your experience over the years in a
10 forensic setting again, when you -- have you
11 encountered a situation where you had trouble
12 getting information from a client because there had
13 not been a relationship developed before your
14 involvement?

15 **A** I would say I've had trouble getting
16 information from a client because of problems they
17 may have with their attorney. I'm not sure if it's,
18 you know, prior to my involvement, but there
19 certainly have been instances or cases over the
20 years where the client was at odds with his attorney
21 and it made it difficult to get information.

22 **Q** And so in that specific example, if the -- if
23 the attorney that hires you does not have a good
24 relationship with a client, it also impairs your
25 ability to have an adequate evaluation?

1 **A** In some cases, yes. And then there's other
2 times where the client's so upset with the attorney,
3 they give more information if they thought they
4 could get their attorney in trouble or things like
5 that. So it depends either way, but, certainly, it
6 affects the relationship.

7 **Q** And in doing the forensic evaluation, were you
8 present during Jan Vogelsang's testimony yesterday?

9 **A** I was all for about 30 minutes.

10 **Q** And were you present when she talked about the
11 importance of doing an intergenerational assessment
12 of the family?

13 **A** That might be the part where I was not here. I
14 was 45 minutes late after the lunch break.

15 **Q** That's okay. I'll just ask straight up. Is it
16 important to a -- an adequate forensic psychiatric
17 assessment, to have a full family background on your
18 client?

19 **A** Absolutely.

20 **Q** And why is that important?

21 **A** Well, for many mental illnesses and many
22 medical illnesses, family history is very important.
23 Many illnesses are genetic in origin, and also just
24 to learn about the family dynamic, that's important
25 at that level as well.

1 Q So in order to understand the individual, as I
2 understand it, it's important to understand not only
3 their background, but the background of their
4 caretakers as they're growing up?

5 A Yes.

6 Q And so is that, in essence, that -- in essence,
7 where you see violence and substance abuse
8 throughout a family, it's likely to be generational?

9 A Yes.

10 Q All right. Going specifically now to
11 Mr. Finklea, do you recall who was in his trial
12 team?

13 A Ms. Armstrong, Mr. Soltis, Dave McDougall,
14 Carolyn Graham. Those were the -- that was the team
15 and then there were various experts consulted later.

16 Q All right. And do you recall -- do you recall
17 whether Mr. McDougall provided you any information
18 directly?

19 A Just one. In reviewing my file for testimony
20 today, I evidently, at some point, asked for a
21 picture of what was on the screen of the victim at
22 the Selectron plant. And in my file, there was a
23 memo from Mr. McDougall very nicely done in a Saran
24 Wrap paper that answered that request.

25 Q And did Carolyn Graham, the mitigation

1 investigator, provide information to you?

2 **A** She did.

3 **Q** And what did she provide?

4 **A** Keep in mind I am not sure how complete my file
5 is. This is -- I left -- I was employed at the
6 University of South Carolina at the time that I was
7 retained on this case and I had since left there.

8 I had, of course, a lot of the discovery, a lot
9 of video tapes and audio tapes.

10 **Q** Dr. Maddox, let me ask the court reporter to
11 mark this as the next Plaintiff's Exhibit for
12 identification.

13 (Plaintiff's Exhibit Number 25, psychiatric
14 evaluation, marked for identification.)

15 **Q** Dr. Maddox, I'll show you Plaintiff's Exhibit
16 25. Is that a report that you prepared for the
17 trial team?

18 **A** Yes. This is the report I prepared after
19 Mr. Finklea was found guilty.

20 **Q** And let me get that back, please, and I'll hand
21 you a copy of it.

22 **MS. NORRIS:** Your Honor, I offer Plaintiff's
23 Exhibit 25 into evidence.

24 **MR. ZELENKA:** No objection.

25 **THE COURT:** Mark it in evidence, please, ma'am.

1 (Plaintiff's Exhibit Number 25, forensic
2 evaluation, admitted into evidence.)

3 BY MS. NORRIS:

4 Q Dr. Maddox, in your report, did you list the
5 sources of information that you actually relied on?

6 A I did.

7 Q And so the question I asked you about what was
8 provided to you, would that -- does that list
9 include what was provided to you?

10 A Yes. But I'm sorry, I thought you wanted to
11 know specifically what Ms. Graham had presented. I
12 can't tell you on the source of information whether
13 it came from Ms. Graham or Mr. McDougall, or who
14 provided it, but those were the sources I relied
15 upon.

16 Q And --

17 A And I need to add, Ms. Norris, I also -- at the
18 time of the report when I issued this, I had not
19 spoken to Mr. Finklea's first wife and I spoke with
20 her in court. And so after this report, I had that,
21 so that would not have been reflected on this
22 report.

23 Q Okay. And do you recall Steve Soltis ever
24 providing you with information?

25 A No.

1 Q Do you recall, specifically, what Ms. Armstrong
2 provided directly to you?

3 A What I recall is having this information
4 provided, whether it was delivered by Ms. Armstrong,
5 but my understanding was this was from their defense
6 team. I can't tell you who gave me what, but I
7 don't recall, specifically, one of them handing me
8 the information.

9 Q And do you recall who in the defense team was
10 actually your point of contact in terms of
11 discussing the issues, what you were asked to do and
12 reporting back to them?

13 A Definitely Ms. Armstrong.

14 Q Okay. Do you recall whether or not Mr. Soltis
15 was involved in that at all?

16 A I don't recall. I seem to remember one meeting
17 where he may have been there, but I definitely
18 recall that I worked with Ms. Armstrong.

19 Q All right. I'm going to show you what's been
20 marked as Plaintiff's Exhibit 4. And that is the
21 memorandum from Dave McDougall that addresses his
22 initial meeting with Mr. Finklea, as well as
23 meetings with Teresa, who was Mr. Finklea's wife at
24 the time, and with his ex-wife, Cherena, correct?

25 A Yes.

1 Q Do you recall seeing that memorandum prior to
2 issuing a report in this case?

3 A I don't recall seeing this memorandum until
4 today.

5 Q Now, you indicated that -- well, in terms of
6 the actual mitigation investigation that was
7 conducted, do you have any personal knowledge of
8 what was or wasn't done in terms of prior interviews
9 with family members before your involvement?

10 A I recall, and I don't know if it was prior to
11 my involvement, I was aware that the family had been
12 the -- Mr. Finklea's immediate family, mother,
13 siblings, had been interviewed in Alabama.

14 Q And was it your understanding that they had
15 been interviewed as a group?

16 A I don't recall the specifics, but, for some
17 reason, that seems to have been my recollection.

18 Q And in your experience, is it easy to get
19 information from family members about abuse and
20 violence and substances going on in the family if
21 you interview them all at once?

22 A Not if the abuser's present.

23 Q And to your knowledge, in this particular case,
24 was Mr. Finklea's mother one of those people that
25 was interviewed in that group?

1 **A** Yes.

2 **Q** All right. Going back to your report and the
3 sources of information you have there, looks like
4 you had a report by Kenneth Gaines, who's a
5 neurologist, and a report by Tora Brawley, a
6 neuropsychologist. Did you ask for those
7 evaluations?

8 **A** I did.

9 **Q** And do you recall why you asked for those
10 evaluations?

11 **A** Yes. When I interviewed Mr. Finklea in 2006, I
12 was aware of his hanging attempt, which was quite
13 serious. I had reviewed those medical records, I
14 believe, and I was very concerned about his
15 neurological status. The medical records from
16 Lexington Medical Center showed that his pupils were
17 dilated at the time that they found him and he was,
18 in their opinion, to have suffered an anoxic injury,
19 which I was very concerned about his ability to
20 remember and recall things.

21 And then based on my evaluation of him, he
22 reported to me that he had difficulty recollecting
23 events before the crime and then after the crime
24 until the time of his suicide attempt. And it was
25 some time later when he got back to the jail that he

1 possessed his faculties again.

2 Now, normally, when I have someone that has
3 difficulty recalling events, there are different
4 reasons for that, sometimes there's psychological
5 reasons and sometimes there's neurological reasons.
6 And given the history that we had with his hanging,
7 and, in my opinion, a severe hanging, this was
8 not -- it should have resulted in death, I asked
9 Ms. Kimbrough to have neuropsychological testing
10 first.

11 Neuropsychological testing is commonly relied
12 upon when there is a history of head injury or some
13 suspected anoxia. And then after that, I think I
14 also requested a neurological exam. Mr. Finklea
15 exhibited what's called blepharospasm where he would
16 have a motor tick where his eyes would blink. And
17 also I had noticed back in 2006 and all along 2007,
18 he would have these motor movements of his jaw,
19 which Dr. Gaines later called a myoclonic activity.
20 So those were things, in my opinion, that were
21 related to his hanging and I thought that they were
22 affecting his ability to remember things.

23 Q And on the second page in the sources of
24 information listed, you have, about halfway down the
25 page, notes of interview with Sherry Bolin. Do you

1 recall who Sherry Bolin is?

2 **A** I see Cherena Roland -- okay. Yes, I see
3 interview with Sherry Bolin. No, I have no memory
4 of who that is.

5 **Q** And under Sherry Bolin, there's a number of
6 people listed that you have interview notes,
7 conference call, those type things. Let me show you
8 Plaintiff's Exhibit 14, which is a document that the
9 solicitor was ordered to provide to the defense
10 listing, basically, their notes of interviews of
11 potential mitigation type people.

12 **A** Yes.

13 **Q** And does that look like what you're talking
14 about with respect to notes of Sherry Bolin?

15 **A** Yes. And I recall reviewing this and having
16 this in my possession.

17 **Q** So, in fact, that was something that was
18 prepared by the solicitor and not by anybody in
19 Mr. Finklea's defense team?

20 **A** That's correct.

21 **Q** All right. And then down closer to the end of
22 the page there, you've got, Interview Betty Peoples
23 9/3/2007, and you've got some other family members
24 there. Was that your first interview with any
25 family members in Mr. Finklea's case?

1 **A** Yes.

2 **Q** All right. And do you recall the
3 circumstances, when, where you were in terms of
4 those interviews?

5 **A** Yes. I recall that we were in the courthouse.
6 And I think I met with them in the conference room
7 that was adjoining the courtroom.

8 **Q** And did you meet with them all at once or did
9 you talk to them separately?

10 **A** I can't recall, but I seem to recollect they
11 were together. I'm not sure -- I have the mother
12 listed as on the 3rd and the 4th, so I'm not sure if
13 I saw her alone. When I look at her notes, hers
14 appear to be lengthy, but I seem to recall meeting
15 with them as a family.

16 **Q** All right. And do you have your notes there
17 with you?

18 **A** I do.

19 **Q** Could you pull those out for me?

20 **A** Certainly.

21 **Q** And if you look at the notes of your family
22 interviews, does it indicate, at the end of those
23 notes, a time period that you were talking to the
24 family?

25 **A** Yes, from 9:15 to 10:30.

1 Q So Ms. Betty Peoples, Curtis Blount, Johnny
2 Finklea, Erica Middleton, Johnny Finklea, Jr.,
3 Nicole Fantroy, were all interviewed in an hour and
4 15 minutes?

5 A Yes.

6 Q All right. And you have a written
7 communication by Teresa fuller?

8 A Yes.

9 Q And other than the information in Plaintiff's
10 Exhibit 4 about her earlier interview, did you have
11 any information from her before that time?

12 A No. And as I mentioned, I didn't -- I don't
13 recall reviewing Exhibit 4. My understanding was
14 that she was refusing to speak with anyone. And if
15 I recall, I think I asked the team to please try to
16 contact her again. And that, at some point, she had
17 agreed to talk with me via computer. She was in
18 Iraq at the time.

19 Q So, basically, when you asked for communication
20 to her, she did respond?

21 A Yes. Not to me directly, but, yes, I was
22 told --

23 Q By e-mail at least?

24 A That's correct.

25 Q And do you know of your personal knowledge

1 what, if any, efforts had been made before that time
2 to talk to her?

3 **A** No.

4 **Q** All right. And now you also mentioned earlier
5 that there was information from Cherena Roland that
6 you did not include in your report. Tell me what
7 that was.

8 **A** Yes. And this is based on recollection from
9 ten years ago, so bear with me. I recall the
10 sentencing phase was -- the mitigation phase of the
11 sentencing phase was in progress and I was
12 waiting in the courtroom --

13 **THE COURT:** Somebody coughed. What?

14 **THE WITNESS:** It was in progress, the
15 mitigation was already underway, Your Honor.

16 **THE COURT:** All right.

17 **THE WITNESS:** And I was waiting to testify.
18 And as I was waiting, I think I was fortunate enough
19 to stand next to Cherena in the back of the
20 courtroom. And once I realized who she was, I was
21 surprised. I did not know that she was coming from
22 Seattle. I remembered that she lived in Washington,
23 I believe, and I was surprised that she was here.
24 So I took her aside and spoke with her.

25 And at that point, I wrote the notes. I

1 recorded the notes of what we had talked about. So
2 I had that information I think as -- so it would
3 have either been the 4th or the 5th. I'm not sure
4 what day.

5 BY MS. NORRIS:

6 Q So, basically, that interview was not even
7 arranged for you; is that fair to say? You just
8 happened to be standing next to her and realized who
9 she was?

10 A That's correct.

11 Q And did you get any information from her that
12 you believed was significant and should have been
13 provided earlier?

14 A Yes.

15 Q And what information was that?

16 A The information was that -- and I'll just go
17 through the notes, but she had told me that
18 Mr. Finklea had been abused by his mother. I'll
19 refer to my notes so I can be more specific. But I
20 recall that the gist of it was that he was
21 ostracized from his siblings, that his mother would
22 often make reference to him being darker than the
23 other children, that she -- I recall specifically
24 her saying that he would be abused so badly, he
25 would sleep on the playground and his family members.

1 would have to get him, he would not come home, and
2 also that he had been shot at one time.

3 Q And that information prior to hearing that
4 standing in the back of the courtroom on the day of
5 sentencing, prior to hearing that from Cherena, had
6 you had any information along that line provided to
7 you?

8 A I had not recalled it. Again, it certainly is
9 present in this exhibit, but I don't recall having
10 that.

11 Q And do you know whether or not that exhibit,
12 referring to Plaintiff's Exhibit 4, whether that
13 memorandum from Dave McDougall was provided to you?

14 A I don't have it as a source of information. I
15 don't recall having that.

16 Q Okay. And --

17 A But I do need to say there's somewhere, and I
18 don't have these notes as well, in my sources of
19 information, there are interview notes I believe --
20 there are interview notes from Cherena Roland and I
21 listed them as a source, but I haven't been able to
22 find those to know what was in them, but it was new
23 -- for me at the time, it was my understanding it
24 was new information; I was shocked.

25 Q All right. You're referring to interview notes.

1 from Cherena Roland and that's right after interview
2 notes to Charlie Peoples?

3 A Yes.

4 Q I want you to look for me in Plaintiff's
5 Exhibit 14 again, that packet provided by the
6 solicitor to the defense, and see if that has
7 interview notes from Charlie Peoples and Cherena
8 Roland in them.

9 A Yes, it does.

10 Q And do those interview notes include the
11 important information from Cherena Roland that you
12 obtained in talking directly to her?

13 A No, it did not.

14 Q So fair to say, based on this particular
15 interview by someone in the solicitor's team, that
16 either she wasn't asked about his childhood and
17 whether he was abused or not or else if she was,
18 nobody wrote it down?

19 A Correct.

20 Q So, again, when you first got that information
21 when sentencing had already started, you had already
22 drafted or already submitted this report, correct?

23 A Yes. It was already submitted.

24 Q All right. And if -- and in fairness to you,
25 had you asked, and I know Mr. Zelenka's going to ask

1 anyway, had you asked Mr. Finklea before about his
2 childhood?

3 **A** Yes.

4 **Q** And did you ask specifically about abuse?

5 **A** Yes.

6 **Q** And did he acknowledge any abuse to you?

7 **A** To a degree, but there is a -- there was a set
8 of circumstances. What happened was after I got the
9 e-mail from his second wife, I have notes I
10 confronted him when I saw him in court and said, you
11 know, tell me about this and did indeed this happen.
12 And he confirmed that he had been abused.

13 **Q** And if you had had that information earlier --
14 well, let me ask it this way: Mr. Finklea aside,
15 have you had experience, in either clinical or a
16 forensic setting, when the first time you asked a
17 question to a person, were you abused, and you hear
18 no, have you found in your experience that when you
19 have time to build the trusting relationship and ask
20 that question again, what may have been denied to
21 you to start with, you can get that information?

22 **A** It can happen. Normally, what I do when I get
23 a trauma history, I don't just ask about child abuse
24 or physical abuse, I'll -- my typical methodology
25 would be, tell me every time you've seen a gun,

1 every time you've seen a gun fire, every time you've
2 seen a knife, any time any automobile accidents.

3 I'll usually do a trauma screening and assess for
4 various areas, but, certainly, I've had people --

5 It's more common actually in people who have
6 been abused that they may not give you all the
7 events. You may interview them once and then they
8 may not recall something and you get collateral
9 information. You go back and confront them and they
10 have -- sometimes they just don't tell you because
11 maybe they don't want to, but sometimes they may not
12 recall all of the areas of abuse either. So it's a
13 very common methodology that as you learn new
14 information, you often have to go back and go and
15 reinterview the defendant again.

16 Q And in your information, in your notes of your
17 interviews with Mr. Finklea, can you tell whether or
18 not you did that full trauma assessment? I'm sorry,
19 I don't want to mess up the name, what you just
20 mentioned.

21 A I just say a trauma history.

22 Q Okay. Can you tell whether, from your notes,
23 whether you did the full trauma history with
24 Mr. Finklea?

25 A Unfortunately, I don't know. The June 2006

1 notes are not in this file, so I don't know. I
2 would have done it on that first interview most
3 likely on the 6th. And then as I discovered this
4 information, I went back and confronted him on
5 September the 4th.

6 Q And just to be clear, since your file over the
7 last few days has made its way through the attorneys
8 on both sides here, did you look, prior to handing
9 that file over to anybody, and determine then that
10 those June 2006 notes weren't there?

11 A That's correct.

12 Q Okay. So I can't accuse Mr. Zelenka of tearing
13 them up on me?

14 A He would never do that.

15 Q Now, you were not asked to testify in this case
16 in sentencing, correct?

17 A That's correct.

18 Q And do you, from your own personal knowledge,
19 know why you were not asked to testify?

20 A Yes.

21 Q Okay. Tell me what you know.

22 A I recall -- what my methodology was at the
23 time, and it remains, is I produce a report whether
24 I'm asked to or not. What happens is when you've
25 done these capital cases, if you don't have a

1 report, you can't remember. And so after a few
2 times early on in my career when I would be retained
3 and not asked to write a report and these cases
4 would come up, I couldn't remember the things I had
5 done. And so probably starting back about 2005, I
6 routinely, anytime that I am retained, I would
7 produce a report for court, and so this was
8 certainly that time.

9 And what had happened, the methodology I was
10 using at the time is that in death penalty cases,
11 whether I was retained by the prosecution or the
12 defense, I would not disclose the mitigation report
13 until the person was found guilty and that was
14 the -- one of the -- a procedure commonly used by
15 many forensic psychiatrists at the time. So after
16 he was found guilty, I submitted the report.

17 But what I understand why I didn't testify, my
18 report had -- would have included the e-mail from
19 Ms. Fuller. And based on the -- the notes of
20 Ms. Fuller, it appeared that there was a motive for
21 Mr. Finklea to have committed this crime.

22 We were -- his -- I can't speak for his team,
23 but I thought Mr. Finklea had not planned this
24 crime. He had memory deficits, which I had gotten
25 tested and I felt by people I really trust. Ken

1 Gaines was the chair of the department of neurology
2 at the University of South Carolina School of
3 Medicine; he was the interim chair; he left for
4 private practice soon after this case, and Dr. Tora
5 Brawley who is a very conservative
6 neuropsychologist. And I felt very confident in
7 they're assessments. They are excellent clinicians.

8 And Mr. Finklea told me he didn't have a memory
9 of this, so I never knew what his role was. And
10 from the beginning, I was very convinced that his
11 co-defendant, who was more criminally savvy, had a
12 longer history, I was very sure that somehow
13 Mr. Finklea succumbed to his pressure. And so my
14 understanding was throughout the trial, there was
15 never a clear motive why Mr. Finklea would have done
16 such a thing, he had no prior criminal history, he
17 had been a good soldier, he had been a good citizen,
18 based on the knowledge that I had.

19 And once this e-mail would have been disclosed,
20 his ex-wife made it very clear that he was broke and
21 he had taken money from her account. And I was --
22 we were not aware that that information had been in
23 the court proceedings that he had taken money from
24 her account and that he owed her money and he was
25 fearful of that. So that was one of the first

1 decisions.

2 And then I called Ms. Armstrong and I also --
3 talking -- at that point, I believe, Dr. Frierson
4 had already testified about Mr. Finklea's cognitive
5 impairments. I believe Dr. Cherry had already
6 testified about him having post-traumatic stress
7 disorder. And so I think it was our decision, at
8 the time, that most of what I was going to say had
9 already been presented.

10 And so to the risk of having -- I remember
11 Shawn Graham's face, Ms. Kimbrough, at the time,
12 handed him my report and he turned around and had a
13 big smile on his face, and I recall observing that
14 in the courtroom. And so it was my understanding
15 that it was felt to be prejudicial if that
16 information would have come in at that point in
17 time.

18 Q Do you know what Mr. Graham was, in fact,
19 smiling about?

20 A No.

21 Q So, at that point, when you handed in your
22 report -- actually, if you look at the fourth line,
23 again, consistent with what you've just said, he had
24 already been convicted when you issued the report,
25 right?

1 **A** Yes.

2 **Q** And I assume that prior to -- well, that's a
3 bad thing for me to assume. Let me ask: To your
4 knowledge, had the decision been made, prior to you
5 issuing this report, whether you would or would not
6 testify?

7 **A** I think the plan was always for me to testify.
8 I was in court that day to testify. I was there not
9 to observe, but to actually testify.

10 **Q** All right. And at that point on that day when
11 you got the electronic communication from Teresa
12 Finklea about the motive, what, in your mind, was
13 the motive again?

14 **A** I actually need the e-mail. The only e-mail I
15 have is my end of it. And for some reason, in my
16 file, her response to me is not in my file.

17 **MS. NORRIS:** I ask the court reporter to mark
18 this as the next plaintiff's exhibit for
19 identification.

20 (Plaintiff's Exhibit Number 26, e-mail,
21 marked for identification.)

22 **Q** Dr. Maddox, let me hand you Plaintiff's Exhibit
23 26 and ask if that's the e-mail that you've been
24 referring to?

25 **A** Yes.

1 Q And now, again, the question I asked you was
2 what, in your mind, was the motive for -- that you
3 learned?

4 A Her report, I know that he had spent most of
5 the money that I had saved.

6 Q All right. And do you recall whether or not
7 you were present in the courtroom during any portion
8 of the State's aggravation testimony?

9 A I don't recall being present.

10 Q Okay. So, specifically, do you recall whether
11 you were present during any portion of the State's
12 evidence during the trial?

13 A No, I don't think I was.

14 Q So if, in fact, the part about Mr. Finklea
15 having financial difficulty had already been
16 presented in evidence, you don't know one way or the
17 other?

18 A No.

19 Q And so while you believed that you had the
20 motive and that was the reason not to call you to
21 testify, if, in fact, that information was already
22 in front of the jury, that's not an explanation or
23 may not be the actual explanation, correct?

24 A Sure.

25 Q All right. And, again, in Plaintiff's Exhibit

1 4, the information from -- the memorandum from Dave
2 McDougall that you said that you don't recall ever
3 seeing, and I don't, you know, to be clear, I don't
4 doubt you on that, but my question is that the -- if
5 you look at the interview of Dave McDougall on Ron
6 Finklea on, I believe, August 19th, that first
7 interview, did Mr. Finklea indicate to him that he
8 was having financial problems and that this crime
9 essentially arose because of that?

10 **A** There's a line here that says, Ron decided to
11 invest between 20 and \$30,000 with some guys he met
12 playing basketball in Columbia. They were looking
13 for investors to restart their drugs business. He
14 knows them only as Big L, Simp and Little Rob. Ron
15 got little or no return on his investment. He was
16 worried what Teresa would say when she found out the
17 money was gone.

18 That's the first knowledge I have of this. He
19 was desperate for money.

20 **Q** So while that e-mail to you from Teresa was the
21 first information that you had about a motive for
22 the crimes, it clearly was not the first indication
23 the defense team had, correct?

24 **A** Assuming they read this, that's correct. I
25 don't know when or if they had that or who had this

1 or when they would have gotten it.

2 Q All right.

3 THE COURT: We're going to need to stop soon.

4 MS. NORRIS: Now is fine, Your Honor.

5 THE COURT: Okay. We're going to recess for
6 lunch for an hour. I need all of you back in place,
7 please. That clock is a little bit off.

8 Dr. Maddox, during the break, you understand
9 you cannot discuss your testimony with anyone?

10 THE WITNESS: Yes, sir. And what time will we
11 be convening, Your Honor?

12 THE COURT: Let's say 2:10. That clock's a few
13 minutes fast.

14 (Whereupon, there was a luncheon recess.)

15 (Court Reporter Keshia Reed reported the
16 remaining proceedings.)

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Stacy L. Sheppard, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Circuit Court for Lexington County, South Carolina, on the 6th and 7th of September, 2017.

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

October 15, 2017

s/Stacy L. Sheppard

Stacy L. Sheppard, RPR
Official Court Reporter

\$	106:21, 107:1				
\$1500 [1] - 10:25	1980 [1] - 107:1				
\$30,000 [1] - 331:11	1981 [1] - 8:19				
	1984 [1] - 8:20				
	1990 [1] - 11:17				
	1995 [1] - 8:24				
	1996 [1] - 140:19				
	1998 [1] - 140:20				
	1999 [1] - 141:19				
'07 [1] - 34:14	19th [4] - 12:13, 40:14, 57:10, 331:6				
'ol [1] - 105:11					
1	2				
1 [10] - 5:3, 5:4, 5:15, 5:18, 6:10, 7:1, 9:16, 191:1, 191:9, 191:13	2 [1] - 10:11				
10 [4] - 27:21, 34:7, 35:8, 255:10	20 [9] - 6:5, 6:13, 6:15, 115:2, 122:21, 150:13, 150:14, 187:23, 331:11				
10-A [1] - 45:6	2003 [6] - 9:18, 40:14, 242:5, 264:5, 264:6, 276:11				
10-B [1] - 46:9	2004 [1] - 15:7				
10-C [1] - 46:19	2005 [4] - 16:24, 34:9, 211:24, 326:5				
10-CP-32-5076 [1] - 1:6	2005.. [1] - 21:22				
10:30 [1] - 317:25	2006 [13] - 16:3, 16:25, 22:8, 26:6, 30:13, 30:24, 31:16, 37:24, 37:25, 314:11, 315:17, 324:25, 325:10				
10th [1] - 41:7	2007 [17] - 16:6, 16:8, 17:2, 32:20, 33:17, 39:5, 39:18, 41:7, 50:12, 52:7, 264:7, 268:18, 268:19, 268:21, 279:19, 280:19, 315:17				
11 [5] - 35:16, 36:5, 37:18, 39:2, 106:10	2009 [2] - 265:3, 292:21				
1101 [2] - 10:24, 22:17	2010 [2] - 265:4, 292:23				
1104 [1] - 22:17	2011 [1] - 157:24				
11th [1] - 103:13	2012 [1] - 221:5				
12 [3] - 27:22, 39:3, 39:23	2013 [1] - 221:10				
12th [1] - 191:18	2015 [5] - 157:24, 183:10, 183:15, 269:7, 269:21				
13 [2] - 22:9, 42:8	2016 [3] - 155:6, 222:17, 269:15				
130 [1] - 303:25	2017 [15] - 1:10, 5:2, 7:19, 7:22, 155:9, 155:10, 170:18, 191:21, 192:20, 210:9, 210:11, 271:18, 297:3, 333:14, 333:18				
13th [1] - 9:18	20s [2] - 121:2, 121:8				
14 [2] - 316:8, 322:5	21 [5] - 6:5, 6:18, 7:1, 211:11, 266:8				
15 [9] - 5:15, 5:19, 6:10, 37:6, 105:12, 139:8, 255:11, 318:4, 333:18	210 [1] - 2:7				
155 [1] - 2:5	22 [9] - 5:22, 6:7, 6:22, 34:14, 215:20, 215:24, 221:21, 302:9, 302:10				
15th [4] - 15:7, 21:22, 39:5, 39:18	22nd [1] - 12:1				
16 [8] - 5:21, 6:4, 6:13, 6:15, 97:19, 103:17, 104:3, 225:9	23 [8] - 5:5, 6:7, 6:22, 83:10, 267:22, 268:2, 268:11, 268:12				
17 [4] - 104:3, 126:9, 207:21, 237:7	2352 [1] - 16:3				
17th [3] - 38:3, 192:20, 203:11	23rd [1] - 12:2				
18 [6] - 83:9, 133:4, 139:7, 201:12, 201:15, 283:18	24 [5] - 5:25, 6:3, 6:24, 7:2, 80:22				
18th [2] - 106:21, 205:11	25 [5] - 212:22, 310:13, 310:16, 310:23, 311:1				
19 [1] - 146:14	25th [3] - 31:16, 31:17, 297:3				
191 [2] - 4:12	26 [3] - 16:24, 329:20, 329:23				
192 [1] - 2:6	268 [1] - 4:7				
1972 [1] - 107:6	269 [1] - 2:7				
1973 [3] - 8:19,	26th [3] - 7:18, 272:2, 272:6				
	27th [2] - 7:12, 7:22				
	28 [3] - 85:2, 178:19, 237:7				
	29 [1] - 269:15				
	297 [1] - 2:8				
	2:10 [1] - 332:12				
	2nd [5] - 13:8, 271:17, 271:18, 271:24, 272:2				
	3				
	3 [3] - 11:24, 21:21, 56:19				
	30 [5] - 93:18, 198:23, 212:22, 266:10, 308:9				
	30-day [1] - 214:23				
	302 [1] - 4:5				
	303 [1] - 2:9				
	310 [1] - 4:10				
	311 [1] - 4:10				
	312 [1] - 67:13				
	329 [1] - 4:11				
	33 [3] - 221:4, 266:15, 274:23				
	333 [1] - 2:10				
	340 [1] - 221:11				
	35 [1] - 105:12				
	36 [2] - 281:14, 301:6				
	3rd [1] - 317:12				
	4				
	4 [17] - 12:4, 12:9, 13:7, 15:6, 28:7, 40:12, 57:11, 78:10, 199:23, 225:9, 241:20, 297:25, 312:20, 318:10, 318:13, 321:12, 331:1				
	400 [1] - 221:4				
	401 [1] - 221:11				
	45 [1] - 308:14				
	47 [1] - 2:3				
	4th [8] - 22:7, 279:19, 301:12, 301:23, 301:24, 317:12, 320:3, 325:5				
	5				
	5 [26] - 3:3, 3:4, 3:5, 3:6, 3:7, 3:8, 3:9, 3:10, 3:12, 3:14, 3:15, 3:16, 3:17, 3:18, 3:19, 3:20, 3:21, 3:22, 3:24, 4:3, 4:4, 4:5, 4:7, 4:9, 4:13, 13:22				
	50s [2] - 103:25, 105:2				
	58 [1] - 221:18				
	5:00 [2] - 187:3, 187:10				
	5:30 [3] - 187:2, 187:15, 208:19				
	5th [2] - 301:22, 320:3				
	6				
	6 [4] - 1:10, 5:2, 16:12, 210:9				
	65 [1] - 82:6				
	659 [1] - 42:24				
	6th [5] - 29:22, 29:23, 30:9, 325:3, 333:14				
	7				
	7 [26] - 1:10, 3:3, 3:4, 3:5, 3:6, 3:7, 3:8, 3:9, 3:10, 3:12, 3:14, 3:15, 3:16, 3:17, 3:18, 3:19, 3:20, 3:21, 3:22, 3:24, 4:3, 4:4, 4:9, 22:5, 24:12, 210:11				
	703 [6] - 216:2, 216:8, 216:19, 219:4, 221:24, 221:25				
	705 [3] - 220:24,				
	221:25				
	75 [2] - 2:4, 85:1				
	7th [4] - 30:9, 30:12, 30:13, 333:14				
	8				
	8 [4] - 2:3, 29:7, 36:4, 37:24				
	80 [1] - 2:5				
	85 [1] - 105:8				
	8th [4] - 30:24, 31:4, 37:25, 170:18				
	9				
	9 [1] - 32:13				
	9/11 [1] - 85:7				
	9/3/2007 [1] - 316:23				
	9:15 [1] - 317:25				
	9:30 [2] - 209:25, 210:2				
	A				
	a/k/a [1] - 213:14				
	ABA [2] - 178:15, 178:16				
	abandonment [3] - 149:15, 149:17, 225:10				
	ability [9] - 59:7, 67:7, 139:19, 239:7, 270:18, 270:25, 307:25, 314:19, 315:22				
	able [47] - 16:15, 17:4, 17:7, 27:10, 64:21, 65:12, 86:1, 89:10, 90:20, 93:25, 102:4, 103:12, 106:4, 110:23, 121:7, 137:11, 138:2, 138:11, 139:11, 139:20, 139:21, 141:24, 144:14, 145:2, 145:17, 145:18, 147:8, 147:16, 148:16, 179:22, 194:3, 215:1, 215:4, 223:10, 226:8, 237:8, 237:10, 242:17, 243:25, 245:23, 253:13, 256:14, 256:20, 274:12, 321:21				
	abrasive [1] - 43:17				
	abrupt [1] - 53:9				
	absence [1] - 167:22				

- absences** [3] - 284:17, 284:19, 284:21
absent [1] - 142:7
absolutely [8] - 89:15, 113:11, 120:4, 187:8, 193:6, 296:23, 301:5, 308:19
abuse [90] - 45:15, 95:12, 126:6, 126:22, 129:18, 129:19, 129:21, 129:24, 130:6, 130:12, 132:18, 132:19, 132:20, 132:22, 132:24, 150:24, 160:2, 171:11, 171:16, 171:17, 173:4, 180:22, 184:7, 184:12, 199:6, 221:14, 225:7, 225:21, 225:24, 226:1, 226:3, 226:12, 228:19, 229:4, 229:6, 229:10, 229:11, 229:17, 229:21, 232:17, 232:21, 233:8, 233:20, 234:15, 234:20, 234:23, 235:19, 246:5, 247:2, 247:14, 248:4, 248:8, 249:20, 252:15, 252:19, 254:10, 257:19, 258:6, 259:6, 259:21, 260:3, 260:13, 260:14, 260:16, 260:20, 260:21, 260:22, 260:25, 261:5, 278:4, 279:6, 279:11, 280:8, 280:16, 280:25, 281:9, 281:25, 282:2, 282:4, 283:16, 292:8, 301:20, 309:7, 313:19, 323:4, 323:6, 323:23, 323:24, 324:12
Abuse [1] - 3:21
abused [22] - 60:15, 159:14, 195:11, 226:4, 233:10, 233:11, 233:13, 233:14, 247:7, 248:19, 251:2, 257:13, 257:14, 258:22, 285:2, 291:24, 320:18, 320:24, 322:17, 323:12, 323:17, 324:6
abuser [4] - 94:4, 160:14, 257:8, 258:22
abuser's [1] - 313:22
abusing [2] - 118:16, 283:16
abusive [15] - 93:19, 93:20, 94:5, 118:12, 118:14, 125:11, 132:15, 196:3, 198:19, 199:5, 200:13, 225:23, 247:9, 249:22, 257:18
academic [2] - 212:3, 212:6
acceded [1] - 178:7
accept [2] - 21:15, 263:15
acceptable [2] - 196:19, 220:17
accepted [5] - 85:15, 103:1, 125:19, 137:17, 298:17
access [1] - 100:20
accident [1] - 249:11
accidents [1] - 324:2
accommodated [2] - 126:3
accomplish [2] - 65:8, 289:3
accomplished [1] - 62:24
according [12] - 29:21, 31:13, 31:19, 31:22, 40:18, 56:17, 101:1, 162:12, 170:22, 180:21, 209:2, 245:5
account [5] - 109:18, 139:14, 273:7, 327:21, 327:24
accumulation [9] - 151:1, 153:17, 154:9, 166:1, 166:2, 183:21, 239:22, 239:24, 239:25
Accumulation [3] - 4:3, 150:17, 187:23
accumulative [1] - 151:20
accurate [8] - 26:7, 44:7, 71:2, 84:2, 89:3, 97:23, 222:2, 333:9
accuse [1] - 325:12
accustomed [1] - 101:8
achievement [1] - 138:12
acid [1] - 138:18
acknowledge [6] - 165:20, 167:23, 185:1, 243:5, 281:23, 323:6
acknowledged [1] - 275:9
acknowledgement [1] - 282:3
acknowledges [1] - 277:20
acknowledging [1] - 290:6
acknowledgment [1] - 168:17
acquiring [1] - 288:12
act [4] - 134:22, 149:8, 267:5, 280:11
acting [1] - 162:7
action [1] - 223:21
actions [7] - 10:7, 51:1, 68:22, 134:12, 243:21, 245:25, 272:12
active [1] - 43:24
actively [1] - 40:24
activities [3] - 140:6, 225:12, 227:5
activity [3] - 35:2, 227:3, 315:19
acts [3] - 185:5, 249:22, 266:7
actual [15] - 26:23, 26:24, 40:23, 60:4, 76:5, 152:3, 155:7, 207:11, 211:21, 212:1, 232:22, 276:18, 306:9, 313:6, 330:23
actuarial [1] - 295:15
Adaptability [1] - 268:4
adaptability [16] - 39:9, 46:20, 48:9, 48:20, 49:7, 213:14, 262:4, 262:21, 262:22, 264:19, 267:19, 269:12, 282:14, 292:15, 293:15, 293:16
adaptive [1] - 265:9
add [3] - 150:23, 256:3, 311:17
adding [1] - 151:5
addition [6] - 52:11, 59:12, 217:2, 246:8, 250:18, 260:20
additional [12] - 24:14, 24:15, 34:4, 36:2, 38:25, 85:23, 90:23, 150:12, 244:12, 268:22, 282:1, 292:25
address [8] - 6:9, 32:2, 65:3, 65:5, 115:5, 211:18, 245:3, 263:3
addresses [2] - 90:14, 312:21
adequate [6] - 50:13, 94:13, 191:25, 307:1, 307:25, 308:16
adequately [3] - 59:5, 256:20, 264:18
adjoining [1] - 317:7
admissible [4] - 216:6, 217:18, 219:6, 224:4
admission [2] - 218:3, 218:7
admit [3] - 93:18, 217:3, 281:25
admits [1] - 172:7
admitted [13] - 5:18, 7:2, 191:14, 194:5, 206:24, 211:10, 216:19, 223:12, 234:4, 234:5, 268:13, 302:11, 311:2
admittedly [1] - 184:5
adored [1] - 120:4
adult [13] - 185:4, 185:13, 237:7, 244:24, 247:11, 253:19, 258:4, 260:11, 260:18, 261:3, 286:21, 292:7, 297:13
adulthood [1] - 225:19
advance [1] - 92:4
advanced [1] - 222:1
adverse [3] - 147:9, 225:18, 227:6
adversity [1] - 151:18
advice [1] - 59:17
advisable [2] - 91:3, 91:17
advise [1] - 163:24
adviser [1] - 190:1
affect [5] - 58:3, 151:17, 231:17, 250:1, 270:17
affectability [1] - 280:3
affecting [2] - 139:19, 315:22
affection [2] - 133:12, 148:4
affectionate [1] - 253:9
affective [1] - 249:6
affects [1] - 308:6
affirm [1] - 306:2
affords [1] - 218:8
afraid [5] - 203:24, 230:13, 247:15, 258:4, 279:25
African [2] - 103:22, 189:14
African-American [1] - 189:14
African-Americans [1] - 103:22
aftermath [1] - 121:17
afternoon [2] - 26:14, 209:14
age [14] - 110:8, 113:19, 114:19, 119:1, 121:8, 125:15, 129:6, 182:2, 229:7, 266:5, 266:10, 266:11, 294:23
ages [8] - 107:3, 112:15, 117:22, 129:6, 207:17, 207:19, 225:9, 235:1
aggravated [1] - 203:18
aggravating [3] - 20:11, 20:17, 67:24
aggravation [3] - 77:16, 145:9, 330:8
aggressive [1] - 234:3
agitated [4] - 140:11, 142:13, 186:4, 256:24
ago [4] - 41:13, 252:22, 258:22, 319:9
agree [10] - 142:9, 160:18, 160:19, 160:21, 160:23, 160:25, 161:4, 161:14, 161:16, 167:9
agreed [5] - 5:18, 27:3, 161:17, 163:1, 318:17
agreeing [1] - 162:7
agreement [1] - 306:4
ahead [2] - 74:13,

- 208:21
Aiken [12] - 39:10,
 39:15, 48:13, 48:15,
 48:16, 48:17, 49:10,
 265:6, 265:16,
 294:10, 294:11
Aiken's [1] - 294:7
Alabama [57] - 25:14,
 25:15, 25:16, 26:1,
 26:10, 29:3, 30:8,
 36:3, 37:12, 37:14,
 42:3, 54:25, 56:8,
 63:21, 65:19, 77:3,
 90:1, 100:7, 109:1,
 109:4, 109:5,
 109:23, 110:3,
 111:8, 111:14,
 111:22, 111:24,
 112:22, 113:3,
 113:8, 114:20,
 115:18, 117:8,
 121:10, 123:25,
 125:12, 135:23,
 137:14, 137:15,
 137:16, 141:2,
 141:10, 144:18,
 144:20, 146:8,
 155:14, 156:11,
 156:13, 156:24,
 159:16, 190:16,
 205:22, 229:12,
 235:6, 287:15,
 313:13
albeit [1] - 55:22
alcohol [14] - 102:3,
 103:12, 112:6,
 117:10, 123:7,
 184:17, 226:13,
 226:17, 226:19,
 226:21, 226:22,
 238:25, 283:15,
 286:7
alert [1] - 251:9
alienated [1] - 252:3
allegation [8] - 45:21,
 46:10, 46:19, 58:19,
 60:2, 73:8, 73:10,
 282:5
allegations [3] -
 73:11, 77:19, 78:1
alleged [2] - 45:5,
 163:25
allegedly [2] - 77:20,
 160:11
Allegro [12] - 216:9,
 217:24, 218:19,
 219:4, 219:10,
 219:11, 219:14,
 219:15, 221:2,
 222:20, 222:21,
 223:1
allow [6] - 18:22, 91:4,
 91:15, 165:7, 216:3
allowed [10] - 119:13,
 119:14, 122:2,
 176:14, 182:16,
 217:19, 218:1,
 222:2, 222:8
allowing [1] - 53:12
allows [1] - 216:20
alluding [1] - 280:17
almost [8] - 32:3,
 32:12, 37:1, 63:14,
 124:19, 130:2,
 134:11, 235:21
alone [4] - 107:7,
 157:9, 278:11,
 317:13
ambush [1] - 251:17
amended [4] - 7:11,
 7:17, 45:5, 45:7
American [1] - 189:14
Americans [1] -
 103:22
amnesia [8] - 40:16,
 243:6, 243:12,
 246:3, 271:10,
 271:16, 271:22,
 275:10
amount [2] - 107:9,
 237:17
anchor [2] - 145:24,
 146:2
anchors [2] - 145:25,
 146:1
Anderson [1] - 287:17
Angeles [1] - 211:7
anger [1] - 103:6
angrily [1] - 169:25
angry [7] - 113:8,
 116:15, 134:1,
 170:3, 170:4, 197:1,
 207:24
anoxia [1] - 315:13
anoxic [1] - 314:18
answer [6] - 73:1,
 152:14, 167:3,
 169:17, 173:16,
 200:23
answered [1] - 309:24
answers [2] - 46:15,
 199:20
anticipation [1] - 14:2
antidepressant [1] -
 236:18
Antonio [1] - 143:23
anxiety [13] - 94:2,
 131:11, 134:24,
 231:18, 244:13,
 250:14, 250:18,
 251:22, 253:25,
 254:6, 256:9, 260:9,
 291:15
anxious [9] - 88:20,
 109:21, 175:1,
 228:19, 250:15,
 250:22, 256:7,
 257:6, 289:17
anxiousness [1] -
 290:4
anytime [1] - 326:6
anyway [3] - 171:23,
 244:2, 323:1
apart [1] - 118:18
apartment [1] - 107:25
apologize [7] - 6:2,
 16:20, 17:12, 29:17,
 30:13, 38:10, 201:7
apparent [1] - 180:22
appeal [11] - 7:14,
 10:24, 16:2, 22:14,
 32:14, 33:16, 41:2,
 42:22, 270:20,
 300:9, 333:12
Appeals [2] - 221:4,
 222:21
appear [8] - 42:23,
 53:25, 133:20,
 152:25, 164:8,
 248:16, 289:17,
 317:14
appearance [1] - 68:9
appeared [9] - 18:2,
 20:4, 147:10, 178:5,
 179:6, 181:23,
 185:22, 235:22,
 326:20
apple [1] - 122:21
applicable [1] -
 213:13
Applicant [5] - 1:6,
 1:18, 8:1, 79:19,
 223:15
applicant [1] - 210:13
Applicant's [4] -
 52:13, 80:22,
 215:24, 218:11
application [4] - 7:7,
 7:17, 45:5, 45:7
applied [2] - 108:17,
 267:11
apply [3] - 267:8,
 267:9, 306:23
appointed [15] - 9:8,
 9:18, 10:2, 16:10,
 17:5, 17:7, 17:8,
 17:11, 17:17, 18:9,
 18:19, 20:24, 34:10,
 38:19, 163:12
Appointment [2] - 3:3,
 3:8
appointment [6] -
 9:23, 16:12, 16:22,
 17:9, 17:14, 17:25
approach [15] - 9:11,
 43:19, 53:11, 54:23,
 79:15, 81:1, 84:17,
 98:2, 126:17, 133:7,
 151:24, 195:10,
 211:14, 265:14,
 295:7
appropriate [5] -
 73:16, 97:14,
 150:21, 207:25,
 220:21
approve [2] - 35:25,
 232:6
approved [1] - 25:22
April [2] - 34:9, 34:14
area [4] - 25:7, 42:13,
 101:10, 221:14
areas [9] - 18:25, 82:4,
 84:20, 198:24,
 228:5, 237:5,
 239:19, 324:4,
 324:12
argued [1] - 140:12
argument [3] - 46:13,
 186:3, 186:5
arguments [3] - 45:23,
 186:6, 186:7
arising [1] - 159:5
Arizona [1] - 8:18
arm [2] - 123:17, 139:4
armed [1] - 20:14
arms [1] - 111:2
Armstrong [37] - 18:7,
 18:9, 18:15, 20:20,
 20:23, 21:1, 21:25,
 25:3, 29:1, 29:9,
 29:11, 30:23, 32:3,
 35:18, 37:22, 38:12,
 38:19, 43:10, 43:11,
 43:15, 50:12, 53:4,
 53:6, 53:15, 53:25,
 62:11, 76:2, 77:6,
 78:25, 209:10,
 274:19, 309:13,
 312:1, 312:4,
 312:13, 312:18,
 328:2
Armstrong's [4] -
 34:8, 46:5, 46:17,
 75:22
Army [11] - 137:17,
 137:19, 181:7,
 181:13, 181:15,
 181:20, 182:19,
 282:8, 286:6,
 287:13, 288:8
arose [1] - 331:9
arrange [1] - 254:22
arranged [2] - 26:14,
 320:7
arrangements [3] -
 41:19, 92:4, 157:3
arranges [1] - 254:20
arranging [5] - 231:7,
 237:21, 254:17,
 254:19, 255:2
arrest [2] - 9:21,
 144:10
arrested [1] - 120:13
arrive [1] - 232:16
arrived [3] - 65:9,
 227:16, 272:13
ashamed [2] - 164:24,
 244:5
aside [6] - 93:14,
 209:20, 298:7,
 306:6, 319:24,
 323:14
asleep [1] - 197:8
aspects [1] - 201:18
assault [2] - 120:14,
 132:6
assaults [1] - 121:18
assertion [1] - 59:4
assess [6] - 152:2,
 152:6, 295:16,
 295:20, 295:25,
 324:3
assessed [3] - 115:15,
 262:4, 265:16
assessing [5] - 116:3,
 241:8, 265:24,
 282:22, 282:24
Assessment [1] -
 268:4
assessment [40] -
 82:10, 82:12, 83:5,
 83:15, 84:2, 84:13,
 85:13, 85:17, 88:7,
 96:2, 97:12, 116:2,
 152:7, 158:12,
 167:22, 168:22,
 177:7, 179:3,
 194:24, 213:15,
 213:17, 241:5,
 262:7, 262:9,
 262:21, 262:22,
 262:24, 263:3,
 263:13, 265:5,
 276:13, 280:7,
 282:7, 293:15,
 295:15, 295:20,
 308:11, 308:17,
 324:18
assessments [5] -
 80:14, 163:5,

- 240:19, 295:14,
327:7
assigned [3] - 22:18,
22:20, 23:16
assigning [1] - 259:11
assignment [1] -
197:16
Assist [2] - 1:19, 1:19
assist [3] - 54:19,
66:20, 83:2
assistance [5] - 45:10,
45:22, 108:18,
264:18, 284:11
Assistant [1] - 33:4
assisted [1] - 41:22
associated [2] -
249:17, 252:11
assume [8] - 7:6,
185:8, 192:20,
212:6, 227:21,
293:16, 329:2, 329:3
assuming [2] -
275:19, 331:24
assure [1] - 219:21
asterisk [1] - 170:19
ATM [3] - 40:22,
272:23, 273:17
attached [2] - 36:6,
111:3
attachment [1] - 38:5
attack [1] - 244:13
attacks [6] - 99:8,
227:18, 247:22,
250:19, 251:3, 257:7
attempt [11] - 61:20,
131:11, 240:21,
242:24, 243:7,
259:14, 271:2,
271:5, 275:12,
314:12, 314:24
attempted [6] - 57:8,
67:7, 179:20, 183:6,
183:8, 272:19
attempts [1] - 64:24
attend [3] - 33:25,
34:1, 188:15
attending [1] - 15:14
attention [5] - 108:7,
109:17, 111:4,
120:8, 149:12
attitude [1] - 53:9
attorney [20] - 45:7,
46:6, 91:10, 92:8,
94:6, 157:3, 157:5,
167:19, 217:8,
217:13, 221:2,
274:15, 299:1,
299:9, 299:11,
307:17, 307:20,
307:23, 308:2, 308:4
Attorney [3] - 1:19,
1:19, 38:1
attorneys [13] - 8:11,
85:22, 160:15,
222:1, 245:6,
271:13, 274:22,
276:3, 277:10,
298:15, 299:10,
301:3, 325:7
Attorneys [2] - 1:18,
1:20
attracted [1] - 129:9
audio [1] - 310:9
August [11] - 9:18,
12:1, 12:13, 22:7,
26:6, 33:17, 40:14,
41:7, 57:10, 297:3,
331:6
aunt [5] - 110:10,
110:11, 110:13,
110:14
Aunt [12] - 103:20,
108:2, 109:11,
110:9, 120:19,
120:20, 121:11,
121:13, 121:14,
127:24, 156:6,
189:21
aunt's [1] - 147:20
aunts [15] - 84:8,
104:9, 107:8,
107:13, 107:18,
107:23, 109:8,
109:13, 112:22,
122:18, 133:18,
140:2, 146:1,
152:21, 156:17
authorization [1] -
39:9
automatically [3] -
110:4, 216:6, 219:6
automobile [1] - 324:2
available [14] - 49:17,
50:8, 67:10, 83:11,
83:20, 84:10, 94:22,
101:4, 177:10,
213:24, 217:5,
218:10, 296:3, 296:4
avoid [4] - 244:14,
247:25, 248:1,
248:20
avoided [1] - 282:2
avoids [1] - 251:2
awards [1] - 138:12
aware [37] - 10:3,
48:8, 49:17, 49:21,
50:1, 50:7, 51:2,
51:4, 51:8, 51:10,
60:24, 61:12, 61:13,
61:21, 75:15, 75:16,
113:3, 143:11,
152:12, 158:16,
166:9, 166:13,
168:25, 175:9,
181:9, 189:5,
189:11, 190:2,
200:17, 221:7,
241:25, 276:25,
294:12, 300:18,
313:11, 314:12,
327:22
-
- B**
-
- babies** [1] - 107:10
baby [3] - 103:18,
127:10
bachelor's [1] -
210:25
background [11] -
55:19, 62:14, 63:11,
70:20, 131:20,
226:12, 297:12,
306:19, 308:17,
309:3
backgrounds [2] -
99:25, 185:12
backyard [2] - 174:16,
189:25
bad [16] - 50:1, 51:6,
56:5, 58:12, 71:22,
149:21, 162:9,
245:12, 252:12,
252:13, 261:15,
281:11, 297:17,
329:3
badly [3] - 181:10,
181:11, 320:24
bag [1] - 189:24
ball [2] - 75:25, 185:6
band [7] - 127:7,
127:11, 232:23,
233:5, 234:16,
235:2, 235:11
bands [2] - 114:4,
233:19
barefoot [1] - 112:13
barely [1] - 204:16
barriers [4] - 248:12,
306:14, 306:17,
306:22
base [4] - 27:2, 93:1,
145:21, 216:20
baseball [3] - 15:14,
36:13, 134:15
based [17] - 52:3,
58:13, 59:3, 74:15,
151:10, 167:12,
177:14, 194:25,
223:10, 223:20,
224:6, 277:6,
314:21, 319:8,
322:14, 326:19,
327:18
bases [1] - 12:22
basic [8] - 8:13, 93:16,
109:18, 133:13,
133:15, 180:6,
182:9, 227:7
basis [9] - 72:7, 218:8,
220:8, 222:5, 222:9,
222:10, 224:10,
256:21, 306:11
basketball [1] -
331:12
bastard [1] - 114:14
bat [1] - 134:16
bathe [1] - 139:23
bathes [2] - 255:6,
255:8
baths [1] - 238:2
bathtub [5] - 128:3,
128:7, 161:17,
234:17, 255:7
Battering [3] - 3:22,
133:2, 201:16
battering [1] - 134:11
battery [2] - 292:21,
292:25
bear [3] - 220:10,
268:7, 319:9
bearing [1] - 271:6
beat [36] - 100:25,
114:8, 114:10,
119:16, 120:11,
121:15, 123:4,
123:16, 125:16,
125:22, 129:2,
132:14, 134:15,
149:4, 161:25,
162:2, 162:22,
172:4, 172:6, 172:8,
172:10, 173:13,
173:19, 173:20,
173:23, 173:25,
174:16, 197:2,
198:5, 198:19,
227:2, 233:24,
234:7, 280:5
Beat [1] - 234:13
beaten [15] - 113:10,
113:25, 118:4,
132:24, 150:23,
163:25, 174:1,
175:2, 184:23,
194:14, 197:8,
230:3, 230:7,
230:14, 235:16
beating [28] - 103:3,
103:7, 113:9,
125:22, 127:4,
128:10, 128:17,
161:1, 161:19,
161:21, 162:6,
162:10, 171:21,
172:11, 172:12,
173:15, 194:6,
195:21, 196:3,
196:9, 197:11,
199:2, 234:3, 234:4,
234:5, 234:11,
285:23
beatings [9] - 103:1,
119:15, 125:18,
161:6, 162:19,
173:4, 197:5, 234:9,
280:4
became [11] - 97:6,
111:3, 111:15,
114:5, 126:3, 140:5,
235:22, 236:17,
239:24, 277:5, 292:6
become [18] - 88:17,
108:21, 109:13,
110:20, 124:17,
124:20, 125:18,
131:4, 140:11,
142:13, 151:6,
186:2, 186:4,
228:18, 270:9,
279:3, 279:4
becomes [2] - 90:18,
256:24
becoming [4] -
125:11, 131:9,
140:13, 145:22
bed [11] - 109:11,
114:5, 115:4, 121:3,
127:17, 128:8,
139:12, 251:19,
255:17, 255:19,
279:10
bedroom [1] - 108:3
bedwetting [16] -
110:2, 110:5,
112:24, 113:13,
114:2, 115:3, 127:8,
128:4, 162:20,
170:4, 170:7, 170:8,
170:9, 170:13,
195:24, 232:24
beer [2] - 117:11,
283:22
beforehand [2] -
26:20, 194:1
beg [1] - 119:4
began [12] - 104:2,
114:21, 118:25,
139:23, 145:15,
189:2, 229:6,

- 238:25, 283:20,
283:23, 286:7,
286:20
begging [1] - 125:21
begin [2] - 86:20,
90:17
beginning [13] - 10:3,
19:5, 40:15, 57:1,
75:12, 86:22, 94:20,
114:21, 152:19,
168:23, 228:17,
289:18, 327:10
begins [2] - 88:15,
98:9
begun [3] - 89:24,
123:3, 154:7
behave [1] - 136:12
behaved [1] - 149:8
behavior [21] - 97:1,
97:2, 97:7, 101:14,
131:8, 131:9,
132:14, 142:6,
153:20, 182:19,
184:13, 199:7,
231:6, 231:17,
234:24, 236:8,
237:20, 255:23,
264:16, 264:21,
265:9
behavioral [2] - 80:13,
265:2
behaviors [22] - 96:3,
96:6, 96:22, 99:10,
131:2, 131:7,
139:22, 140:7,
142:11, 198:11,
228:11, 228:17,
236:1, 238:3, 238:8,
254:5, 254:16,
256:8, 256:18,
256:23, 260:10,
291:15
behind [6] - 75:3,
119:11, 141:22,
209:3, 236:17,
254:23
behold [1] - 27:12
belief [2] - 151:11,
151:20
beliefs [4] - 189:9,
189:10, 190:4, 190:5
believes [2] - 93:7,
103:4
belittling [2] - 148:10,
249:24
belonged [1] - 114:17
belt [1] - 130:10
belts [1] - 128:12
bench [1] - 79:17
benefit [1] - 71:10
Benetha [1] - 232:3
bent [1] - 128:25
berth [2] - 113:20,
115:20
beside [1] - 267:8
best [6] - 12:20, 42:23,
50:16, 136:6,
202:19, 203:1
betrayed [1] - 247:11
better [8] - 70:10,
105:15, 120:2,
172:24, 192:10,
198:21, 206:6,
208:22
Betty [78] - 98:23,
102:20, 102:22,
102:25, 103:4,
103:8, 103:17,
104:13, 104:15,
104:16, 105:20,
106:5, 106:9,
106:16, 106:17,
108:1, 108:12,
110:15, 110:19,
111:2, 111:16,
111:22, 112:3,
113:8, 113:22,
115:6, 116:21,
117:1, 117:10,
117:16, 118:5,
118:7, 118:12,
119:8, 119:9,
123:19, 123:23,
124:12, 124:25,
125:3, 125:14,
125:21, 127:9,
127:16, 128:2,
128:10, 128:17,
129:5, 132:14,
132:15, 133:25,
139:1, 139:2, 139:4,
139:12, 139:14,
141:2, 141:4,
141:11, 149:3,
149:15, 156:1,
156:7, 163:16,
163:24, 171:3,
181:11, 193:18,
194:5, 195:5,
197:14, 202:11,
204:25, 206:24,
207:7, 207:15,
316:22, 318:1
Betty's [9] - 103:20,
108:21, 111:6,
117:23, 120:3,
125:8, 125:10,
139:18, 153:8
between [20] - 19:12,
31:23, 86:6, 119:23,
132:12, 133:13,
143:23, 153:5,
164:6, 173:4, 193:5,
203:5, 212:19,
212:20, 217:10,
218:21, 231:5,
231:9, 258:22,
331:11
Bible [2] - 103:2,
103:4
big [6] - 105:11, 112:1,
265:15, 266:1,
294:22, 328:13
Big [1] - 331:14
bill [2] - 36:12, 122:21
billed [2] - 31:5, 31:9
billing [5] - 29:7,
31:19, 36:1, 37:18,
37:20
Billy [10] - 120:3,
120:4, 120:6, 120:7,
120:10, 120:11,
120:12, 120:16,
132:5
biopsychosocial [7] -
80:14, 82:10, 82:12,
83:5, 96:1, 116:1,
152:7
biosocial [3] - 158:12,
168:21, 177:7
birth [9] - 90:14, 97:8,
104:8, 107:4, 107:7,
151:20, 165:14,
227:25, 290:19
birthday [3] - 205:1,
205:2, 205:3
bit [15] - 11:15, 19:15,
22:24, 23:17, 50:20,
52:18, 55:7, 55:18,
64:1, 108:2, 187:9,
195:7, 270:5, 307:4,
332:7
bitter [1] - 113:6
bizarre [2] - 154:3,
190:9
black [2] - 101:2,
114:14
blamed [1] - 119:17
bleach [3] - 231:11,
255:19, 255:21
bleeding [3] - 204:10,
205:15, 205:16
blepharospasm [1] -
315:15
blink [1] - 315:16
blocks [1] - 204:4
Blount [7] - 108:24,
108:25, 117:14,
118:19, 122:25,
225:23, 318:1
blown [1] - 57:20
blue [1] - 250:20
blurted [1] - 204:18
board [3] - 81:4,
98:19, 211:7
boat [1] - 149:11
bode [1] - 143:25
body [1] - 142:19
boil [1] - 78:8
boiled [2] - 237:25,
255:13
Bolin [5] - 315:25,
316:1, 316:3, 316:5,
316:14
bond [5] - 133:14,
257:12, 257:23,
258:5, 258:21
bonding [1] - 133:19
book [1] - 81:12
bootlegger [1] -
116:22
bootlegging [9] -
112:4, 116:24,
116:25, 117:19,
123:6, 135:6,
136:20, 226:14,
286:9
born [9] - 100:11,
102:23, 102:24,
106:20, 106:21,
108:9, 110:17,
229:3, 245:20
borne [2] - 94:19,
287:22
bothered [1] - 196:22
bottom [4] - 98:21,
152:10, 259:21,
267:12
boundaries [1] -
109:16
box [1] - 300:14
boy [1] - 228:16
boyfriend [2] - 121:14,
132:9
Bragg [7] - 143:13,
143:16, 143:17,
144:1, 236:7, 287:1,
287:7
brain [1] - 284:1
Brandon [2] - 287:16,
287:23
Brawley [7] - 34:16,
34:18, 34:24, 67:2,
69:9, 314:5, 327:5
breadth [1] - 183:3
break [14] - 47:9,
47:13, 122:2,
154:18, 208:15,
208:16, 237:25,
244:23, 257:22,
258:5, 258:11,
258:13, 308:14,
332:8
breakdown [2] -
151:13, 184:17
breaking [2] - 154:16,
154:17
breathe [1] - 250:24
brief [3] - 188:10,
236:19, 258:16
Brief [2] - 47:17,
186:23
briefly [3] - 127:6,
144:19, 210:23
bright [1] - 95:12
bring [11] - 17:16,
42:9, 74:18, 74:22,
75:25, 76:8, 107:25,
118:1, 146:8,
189:13, 272:25
bringing [2] - 102:19,
145:20
broached [1] - 164:3
broad [1] - 138:7
broke [6] - 106:16,
108:16, 108:23,
139:4, 197:25,
327:20
broom [1] - 123:17
brother [4] - 120:3,
132:2, 230:15,
233:11
brother's [2] - 123:15,
162:22
brothers [2] - 84:7,
103:14
brought [9] - 27:16,
102:25, 129:13,
166:14, 189:17,
204:16, 228:7,
234:10, 245:20
bruise [1] - 130:11
bruised [1] - 101:3
brushes [1] - 255:10
brutal [4] - 68:11,
129:25, 187:12,
198:11
bubble [1] - 114:14
bubble-eyed [1] -
114:14
Buckner [6] - 22:19,
22:21, 23:1, 23:18,
53:19, 211:5
build [3] - 92:18,
93:10, 323:19
building [4] - 92:17,
106:3, 167:21,
237:12
buildings [1] - 105:11
built [4] - 298:18,

- 300:21, 300:23,
305:21
Bullard [1] - 103:18
bullet [1] - 200:8
bullied [1] - 285:13
Burgess [9] - 104:23,
105:24, 105:25,
106:1, 107:12,
108:5, 108:16,
108:23, 116:13
Burgess [1] - 107:22
burying [1] - 189:24
bus [2] - 141:13,
141:17
business [5] - 15:13,
82:5, 117:17,
117:24, 331:13
bust [1] - 101:3
buy [5] - 102:4,
110:22, 117:9,
119:10, 146:7
buyers [1] - 118:2
buys [1] - 118:4
BY [41] - 8:6, 9:14,
16:21, 47:21, 60:12,
71:15, 72:18, 73:19,
74:5, 74:14, 75:11,
80:7, 81:3, 81:23,
98:4, 122:8, 126:19,
133:9, 146:22,
152:1, 155:2,
168:12, 187:21,
190:25, 191:15,
192:15, 201:14,
210:17, 211:16,
213:4, 224:14,
258:20, 262:3,
268:15, 269:4,
297:23, 303:5,
303:22, 307:8,
311:3, 320:5
-
- C**
-
- C-1** [1] - 4:13
calm [2] - 148:7, 148:8
candle [1] - 189:25
cannot [1] - 332:9
capable [1] - 217:11
Capital [1] - 212:20
capital [17] - 54:19,
81:10, 84:23, 86:9,
206:9, 212:16,
236:9, 238:25,
240:2, 243:22,
244:10, 261:13,
261:16, 279:17,
303:23, 306:7,
325:25
captioned [4] -
146:14, 150:17,
268:2, 333:12
captive [1] - 130:3
captors [1] - 259:5
car [4] - 105:8, 204:3,
208:24, 249:11
cards [1] - 171:5
care [18] - 101:4,
104:4, 107:13,
107:19, 108:19,
109:10, 112:21,
121:10, 125:6,
134:7, 139:16,
194:22, 239:16,
247:8, 273:9,
278:22, 304:8,
306:11
career [6] - 84:24,
144:7, 144:16,
237:16, 239:4, 326:2
caregiver [5] - 247:7,
249:14, 257:14,
258:7, 260:15
caregiving [2] -
149:19, 149:20
caretaker [2] - 113:1,
133:14
caretakers [1] - 309:4
caretaking [1] -
152:20
Carolina [27] - 1:1,
1:11, 80:10, 80:19,
101:20, 116:23,
117:4, 124:21,
124:24, 144:21,
144:25, 146:8,
166:10, 211:6,
211:9, 212:13,
221:4, 221:11,
222:22, 223:19,
223:23, 310:6,
327:2, 333:8, 333:13
CAROLINA [1] - 333:3
Carolyn [20] - 3:10,
21:4, 24:7, 24:16,
25:22, 28:5, 28:6,
35:20, 62:17, 63:20,
75:23, 86:25, 87:1,
177:15, 183:2,
205:20, 206:1,
206:4, 309:14,
309:25
carried [1] - 111:2
carrying [1] - 272:17
case [126] - 8:25, 10:4,
10:8, 18:10, 18:24,
21:9, 21:14, 22:19,
23:16, 23:19, 23:22,
32:7, 32:11, 33:23,
34:19, 35:1, 39:11,
40:6, 49:10, 49:22,
49:24, 50:4, 50:9,
50:12, 53:16, 54:1,
54:12, 54:17, 55:11,
57:2, 57:25, 58:5,
59:2, 59:3, 59:4,
59:19, 60:13, 62:8,
63:7, 66:15, 66:22,
67:22, 68:7, 68:14,
69:4, 69:14, 71:6,
71:18, 71:20, 82:18,
83:3, 83:4, 85:7,
86:10, 86:24, 87:7,
88:1, 89:25, 91:14,
92:22, 94:14, 97:9,
98:10, 99:21, 117:1,
133:21, 135:2,
136:15, 144:10,
152:19, 153:19,
155:4, 155:6,
155:11, 157:17,
159:4, 163:2,
163:13, 177:19,
183:9, 183:12,
194:15, 194:18,
195:14, 198:25,
206:8, 206:9,
213:12, 213:13,
214:4, 214:8,
214:24, 215:11,
215:14, 217:24,
218:13, 219:9,
220:11, 221:9,
221:12, 223:1,
223:17, 243:13,
243:16, 243:19,
254:2, 254:9, 259:3,
269:22, 269:24,
273:22, 276:14,
278:13, 291:5,
295:13, 298:18,
300:25, 301:1,
305:24, 310:7,
313:2, 313:23,
316:25, 325:15,
327:4
Case [1] - 212:20
case-related [1] -
214:8
cases [33] - 9:1, 47:25,
48:4, 48:7, 48:8,
48:12, 49:9, 54:19,
81:11, 81:15, 84:23,
85:1, 88:19, 158:14,
176:23, 178:19,
190:8, 206:3,
212:16, 216:10,
217:8, 217:9,
218:13, 221:1,
221:14, 295:14,
303:23, 306:7,
307:19, 308:1,
325:25, 326:3,
326:10
caseworker [1] -
129:23
categories [2] - 214:1,
254:17
categorized [2] -
234:19, 256:18
caused [8] - 115:5,
121:13, 162:6,
167:4, 197:13,
199:2, 278:20,
291:12
causes [1] - 223:21
causing [2] - 254:7,
264:9
cautious [1] - 252:7
cell [4] - 254:22,
292:22, 292:24
celled [1] - 293:22
Center [6] - 199:12,
211:5, 214:20,
241:7, 293:21,
314:16
center [2] - 98:23,
262:14
centered [1] - 162:20
centers [1] - 82:6
cents [1] - 105:8
cert [2] - 221:5, 221:6
certain [13] - 18:25,
21:8, 59:13, 75:2,
84:20, 86:18, 115:9,
138:12, 208:12,
223:21, 228:14,
276:6, 296:24
certainly [33] - 95:22,
115:24, 132:16,
132:24, 144:13,
147:12, 149:1,
149:16, 150:1,
154:12, 154:13,
158:14, 166:12,
184:15, 185:15,
217:11, 226:1,
229:18, 229:25,
231:23, 233:9,
236:13, 280:16,
293:23, 304:21,
306:16, 306:21,
307:19, 308:5,
317:20, 321:8,
324:4, 326:8
certainty [2] - 115:4,
278:22
Certificate [1] - 2:10
certified [3] - 81:4,
84:21, 211:7
certify [2] - 333:8,
333:15
cetera [7] - 43:9,
94:12, 205:25,
206:16, 207:24,
229:5, 256:17
chair [2] - 327:1,
327:3
challenge [1] - 245:7
challenged [2] -
56:13, 59:10
challenges [1] -
253:13
chance [2] - 44:21,
221:18
Chanell [37] - 104:8,
104:10, 104:11,
107:6, 111:17,
113:17, 114:6,
117:23, 118:5,
118:13, 118:14,
118:17, 118:20,
118:21, 119:4,
119:8, 119:9,
119:10, 119:14,
119:15, 125:4,
141:6, 156:1,
162:23, 162:24,
183:19, 183:25,
184:22, 195:8,
197:6, 204:24,
205:4, 205:5, 207:6,
225:25, 226:2
change [11] - 14:2,
19:5, 110:8, 112:19,
125:12, 137:25,
221:6, 224:6,
231:12, 268:21,
286:18
changed [2] - 167:15,
222:13
changes [1] - 237:18
chanting [2] - 139:25,
189:25
chaos [1] - 291:22
chaotic [1] - 256:11
character [2] - 69:5,
96:11
characteristics [1] -
49:23
characterized [2] -
52:14, 256:12
charged [1] - 292:20
Charles [2] - 99:13,
132:3
Charleston [1] -
212:10
Charlie [12] - 112:8,
117:13, 117:15,
125:1, 125:3, 125:5,
132:15, 136:7,

- 322:2, 322:7
Charlie's [2] - 125:4, 125:6
chart [7] - 133:1, 133:5, 146:13, 150:13, 150:14, 201:16, 202:22
chased [1] - 202:20
chatted [1] - 163:22
check [6] - 221:8, 239:14, 251:18, 272:1, 272:3, 284:19
checking [1] - 139:13
checkmark [1] - 267:8
checks [1] - 214:23
Cherena [48] - 15:10, 25:8, 36:10, 51:4, 52:17, 61:22, 64:2, 64:7, 64:19, 74:24, 76:13, 76:21, 91:21, 95:13, 95:21, 138:23, 139:5, 139:9, 139:14, 140:18, 141:1, 141:12, 141:24, 143:9, 145:17, 156:2, 159:21, 170:16, 177:17, 179:20, 180:11, 189:8, 200:2, 200:11, 201:21, 231:1, 278:3, 280:14, 301:19, 312:24, 316:2, 319:5, 319:19, 321:5, 321:20, 322:1, 322:7, 322:11
Cherry [19] - 51:22, 60:20, 61:5, 74:25, 178:6, 178:24, 179:3, 179:9, 199:9, 199:10, 214:20, 240:24, 241:1, 241:6, 278:17, 278:19, 291:7, 291:8, 328:5
Cherry's [1] - 177:18
chest [1] - 250:23
child [61] - 46:12, 96:11, 109:9, 110:24, 111:2, 111:4, 119:20, 123:25, 130:2, 130:12, 130:18, 133:12, 134:18, 135:18, 135:19, 136:18, 140:21, 140:22, 141:21, 143:22, 147:11, 149:10, 149:17, 150:22, 151:8, 151:16, 151:21, 153:5, 153:13, 160:3, 161:9, 161:19, 162:9, 164:25, 195:23, 198:11, 199:1, 200:14, 201:25, 221:13, 228:18, 229:3, 229:18, 230:11, 230:16, 231:22, 234:22, 234:25, 248:19, 251:2, 253:6, 253:11, 256:15, 257:16, 259:22, 260:24, 273:12, 278:5, 281:24, 291:24, 323:23
child's [3] - 152:22, 207:25, 253:10
childhood [33] - 45:11, 50:2, 51:6, 51:11, 52:4, 52:19, 55:19, 61:16, 70:1, 89:2, 132:25, 133:15, 148:3, 164:1, 200:12, 224:18, 225:4, 235:15, 241:9, 245:10, 247:2, 247:14, 253:19, 254:10, 254:15, 279:24, 281:12, 281:25, 292:10, 322:16, 323:2
Childhood [3] - 3:24, 146:15, 146:25
childhoods [1] - 100:16
Children [3] - 3:22, 146:25, 201:16
children [38] - 83:17, 99:3, 101:6, 101:7, 102:23, 102:24, 103:3, 105:5, 105:14, 108:13, 108:20, 110:15, 113:12, 125:1, 125:5, 125:6, 125:9, 128:19, 135:12, 143:10, 147:7, 147:8, 147:19, 148:25, 149:4, 149:8, 185:11, 197:16, 226:20, 226:25, 229:23, 230:3, 233:14, 234:6, 254:11, 290:24, 320:23
choice [4] - 43:15, 73:5, 73:20, 231:8
choices [1] - 53:18
choose [2] - 69:12, 231:9
chooses [1] - 218:18
choosing [1] - 177:25
chose [7] - 21:2, 91:2, 168:1, 277:8, 295:24, 296:3
Christmas [1] - 101:22
chronic [3] - 225:17, 250:13, 285:20
Chronology [1] - 4:13
chronology [2] - 5:4, 5:10
church [3] - 112:12, 124:5, 189:18
Circuit [2] - 333:7, 333:12
circumstance [2] - 20:11, 20:17
circumstances [18] - 10:5, 50:17, 50:19, 67:24, 73:14, 97:7, 98:16, 107:4, 151:10, 154:5, 159:6, 171:11, 177:25, 179:1, 185:16, 195:3, 317:3, 323:8
cited [5] - 221:2, 221:12, 221:24, 222:20, 222:21
citizen [1] - 327:17
claim [2] - 243:11, 246:3
claimed [2] - 160:4, 186:2
clarification [2] - 201:1, 228:6
clarified [1] - 275:11
clarify [1] - 173:6
class [1] - 113:23
classes [1] - 143:14
classroom [4] - 113:23, 130:19, 137:19, 196:18
clean [1] - 136:1
cleaned [1] - 255:20
cleaning [10] - 111:23, 228:13, 231:9, 231:10, 238:2, 254:18, 255:5, 255:13, 255:22, 256:16
cleans [2] - 255:6, 255:19
clear [23] - 18:2, 46:9, 55:10, 59:21, 69:18, 90:21, 107:23, 116:19, 143:18, 172:25, 199:21, 201:21, 205:20, 207:17, 208:19, 209:23, 227:1, 300:23, 304:1, 325:6, 327:15, 327:20, 331:3
clearly [5] - 19:9, 40:10, 145:22, 167:14, 331:22
clerk [1] - 9:24
client [14] - 11:20, 31:18, 58:24, 86:11, 86:12, 92:17, 299:13, 299:18, 305:12, 307:12, 307:16, 307:20, 307:24, 308:18
client's [1] - 308:2
Clinic [1] - 212:20
clinical [27] - 80:16, 81:14, 81:18, 81:24, 82:1, 82:15, 84:13, 85:20, 92:3, 93:14, 160:9, 167:10, 176:25, 195:13, 211:2, 211:25, 228:8, 229:16, 246:16, 256:10, 270:9, 299:4, 306:8, 306:12, 323:15
clinically [2] - 230:23, 274:13
clinicians [1] - 327:7
clippers [3] - 293:1, 293:2, 293:3
clock [1] - 332:7
clock's [1] - 332:12
close [5] - 101:20, 118:17, 119:5, 166:25, 293:9
closed [1] - 293:16
closely [1] - 78:19
closer [2] - 130:8, 316:21
closet [2] - 228:14, 279:9
closets [1] - 114:1
closing [1] - 45:23
clothes [4] - 114:16, 128:11, 228:14
clothing [1] - 129:6
club [1] - 106:8
clubs [1] - 106:6
co [16] - 16:10, 17:5, 17:7, 17:18, 17:19, 17:25, 19:19, 21:14, 44:13, 237:21, 255:11, 272:14, 272:17, 273:12, 327:11
co-counsel [9] - 16:10, 17:5, 17:7, 17:18, 17:19, 17:25, 19:19, 21:14, 44:13
co-defendant [6] - 237:21, 255:11, 272:14, 272:17, 273:12, 327:11
co-defendant's [1] - 237:19
coach [1] - 230:12
coaches [1] - 93:5
coat [1] - 128:25
cocaine [1] - 273:5
coercive [1] - 130:1
cognitive [5] - 149:22, 150:2, 239:7, 249:7, 328:4
cold [2] - 114:3, 161:18
collateral [5] - 194:25, 214:3, 214:10, 232:15, 324:8
collect [2] - 47:3, 80:25
college [2] - 8:16, 210:24
colors [2] - 244:19, 254:21
Columbia [1] - 331:12
combat [2] - 252:23, 283:10
combined [4] - 153:12, 154:10, 252:17, 261:2
comfort [4] - 90:20, 119:4, 121:6, 148:7
comfortable [4] - 89:10, 89:18, 89:20, 246:15
comfortably [1] - 89:11
comforting [1] - 133:16
coming [20] - 42:3, 76:20, 92:1, 92:7, 92:13, 119:12, 143:16, 157:2, 188:17, 204:1, 209:7, 209:9, 218:25, 220:21, 252:24, 273:6, 273:10, 278:2, 302:7, 319:21
Commandments [2] - 197:17, 198:6
comments [1] - 95:21

- commit**^[5] - 167:4,
263:20, 263:23,
263:24, 266:7
- commits**^[1] - 185:1
- committed**^[4] - 260:2,
263:16, 263:19,
326:21
- common**^[4] - 158:15,
182:19, 324:5,
324:13
- Common**^[1] - 1:1
- commonly**^[2] -
315:11, 326:14
- communicate**^[1] -
179:22
- communication**^[7] -
60:5, 91:25, 301:10,
301:11, 318:7,
318:19, 329:11
- communications**^[3] -
58:24, 59:23, 63:5
- communities**^[2] -
83:19, 191:5
- community**^[16] -
82:19, 83:15, 83:17,
95:9, 95:10, 95:11,
117:25, 118:1,
137:14, 150:25,
260:22, 294:24,
294:25, 295:13,
295:17, 295:18
- compared**^[2] -
109:25, 205:2
- comparing**^[1] - 130:5
- competence**^[12] -
40:3, 40:4, 40:5,
40:10, 40:23, 41:3,
41:7, 60:1, 66:20,
242:15
- competency**^[2] -
67:12, 277:14
- Competency**^[1] - 3:12
- competent**^[2] - 53:25,
67:17
- complain**^[1] - 217:14
- complained**^[1] -
142:14
- complete**^[5] - 40:16,
94:17, 103:13,
310:4, 333:9
- completed**^[2] - 211:3,
305:25
- completely**^[4] -
131:13, 234:23,
257:15, 259:4
- complex**^[2] - 88:14,
249:13
- complies**^[1] - 275:2
- complying**^[1] - 264:7
- comprehensive**^[1] -
296:13
- compulsions**^[1] -
254:5
- compulsive**^[19] -
96:5, 131:7, 131:8,
139:22, 142:10,
227:19, 228:10,
231:17, 236:1,
238:5, 253:23,
254:8, 254:15,
255:23, 259:23,
260:9, 291:12,
291:15, 291:17
- compulsiveness**^[1] -
255:3
- computer**^[1] - 318:17
- concentrating**^[1] -
251:24
- concentration**^[1] -
151:17
- concept**^[1] - 286:10
- concepts**^[1] - 221:25
- concern**^[3] - 14:20,
147:6, 174:8
- concerned**^[3] - 188:8,
314:14, 314:19
- concerning**^[6] -
48:19, 54:23, 61:6,
83:12, 186:7, 270:16
- concluded**^[2] - 210:8,
292:5
- conclusion**^[4] - 20:7,
69:14, 152:10,
267:13
- conclusions**^[9] -
96:10, 167:15,
215:11, 215:13,
218:24, 259:20,
262:8, 268:21,
268:23
- condition**^[3] - 110:20,
115:13, 131:11
- conditions**^[2] - 97:1,
97:2
- conduct**^[2] - 80:13,
261:7
- conducted**^[3] - 94:18,
214:5, 313:7
- conducting**^[2] - 46:6,
212:14
- conducts**^[1] - 214:23
- cone**^[1] - 245:11
- conference**^[3] -
79:17, 316:7, 317:6
- confidence**^[1] - 54:11
- confident**^[1] - 327:6
- confinement**^[3] -
264:6, 293:9, 293:17
- confirmation**^[2] -
160:10, 160:13
- confirmed**^[3] -
102:10, 226:17,
323:12
- conflict**^[2] - 185:24,
185:25
- conform**^[1] - 264:21
- confront**^[2] - 160:1,
324:9
- confronted**^[3] -
195:5, 323:10, 325:4
- confused**^[6] - 17:18,
140:13, 146:6,
186:2, 190:11,
199:20
- conjunction**^[1] -
66:12
- connected**^[2] - 76:17,
257:11
- connecting**^[1] - 74:4
- connection**^[1] -
291:20
- conservative**^[1] -
327:5
- consider**^[8] - 49:3,
49:5, 68:12, 68:16,
68:21, 217:1,
234:22, 276:21
- consideration**^[2] -
50:16, 116:1
- considered**^[3] -
68:20, 111:9, 184:12
- consistent**^[12] -
20:16, 74:8, 101:16,
131:9, 149:19,
175:2, 220:22,
228:2, 280:7, 280:8,
280:13, 328:23
- consistently**^[1] -
149:20
- consists**^[2] - 85:21,
85:22
- constantly**^[1] -
134:22
- constellation**^[1] -
249:5
- consult**^[5] - 32:2,
212:19, 214:14,
215:4, 242:18
- consultation**^[2] -
69:15, 213:8
- consulted**^[6] - 191:6,
214:18, 214:20,
214:22, 214:23,
309:15
- consulting**^[4] - 35:2,
212:19, 212:21,
246:8
- contact**^[18] - 55:17,
61:15, 63:7, 63:9,
64:13, 65:13,
122:22, 122:24,
155:5, 155:10,
155:13, 171:1,
181:21, 243:23,
293:23, 305:25,
312:10, 318:16
- contacted**^[3] - 66:3,
269:7, 269:8
- contacting**^[1] - 171:4
- contained**^[1] - 218:5
- contains**^[1] - 256:1
- contemporaneous**^[1] -
195:1
- context**^[4] - 85:15,
96:9, 198:25, 259:6
- continue**^[14] - 56:14,
60:11, 81:22, 98:24,
122:7, 125:13,
135:25, 137:14,
187:19, 213:3,
224:13, 257:8,
258:18, 268:14
- continued**^[11] -
106:19, 106:25,
107:11, 124:22,
125:14, 125:16,
140:17, 186:8,
248:9, 264:21,
288:23
- continues**^[1] - 257:18
- continuing**^[1] - 63:6
- contraband**^[3] -
265:3, 292:21,
292:24
- contrary**^[1] - 175:15
- contributing**^[2] -
147:21, 147:22
- control**^[17] - 53:8,
91:16, 119:3, 130:1,
130:2, 130:9,
131:12, 138:3,
142:25, 171:8,
238:7, 238:20,
241:13, 256:14,
291:21, 292:1, 292:4
- controlled**^[1] - 154:1
- convening**^[1] -
332:11
- conversation**^[5] -
26:23, 26:24, 37:3,
234:1, 256:5
- conversations**^[4] -
28:21, 61:12,
156:24, 255:9
- convicted**^[4] - 20:2,
20:6, 159:5, 328:24
- conviction**^[3] - 7:18,
206:11, 264:1
- convinced**^[1] -
327:10
- cook**^[3] - 105:21,
120:24, 121:1
- cooking**^[1] - 27:12
- cooperate**^[1] - 227:3
- copied**^[1] - 29:13
- copies**^[2] - 38:4,
216:9
- coping**^[6] - 238:21,
238:23, 240:5,
260:18, 261:10
- copy**^[11] - 7:13,
27:25, 45:6, 97:22,
97:23, 126:13,
152:16, 190:19,
216:13, 310:21
- cord**^[1] - 141:11
- cords**^[1] - 128:11
- core**^[1] - 85:16
- Cornell**^[1] - 212:20
- correct**^[153] - 6:12,
7:23, 30:2, 30:14,
36:14, 44:12, 48:2,
48:3, 49:11, 49:12,
51:12, 51:13, 51:16,
51:17, 51:25, 52:4,
52:7, 52:15, 52:16,
52:19, 52:20, 52:22,
52:25, 53:1, 55:2,
55:3, 56:23, 62:1,
63:11, 64:3, 64:8,
64:9, 65:24, 67:3,
67:4, 67:8, 67:17,
67:18, 67:25, 69:10,
69:19, 69:23, 69:24,
70:2, 70:5, 70:6,
70:8, 70:17, 71:2,
71:7, 71:25, 72:3,
72:4, 72:8, 91:23,
92:15, 159:19,
160:18, 166:17,
176:7, 176:11,
176:25, 177:4,
177:10, 177:16,
177:22, 178:1,
179:22, 180:25,
181:4, 181:25,
182:1, 182:3,
183:13, 183:16,
183:23, 184:8,
184:20, 185:5,
194:11, 195:8,
196:1, 196:3,
199:17, 202:1,
204:24, 206:5,
209:18, 262:5,
276:7, 277:3,
277:18, 277:21,
277:24, 282:4,
283:6, 286:11,
286:16, 288:9,

- 288:18, 288:20,
288:24, 289:1,
289:2, 289:4, 289:8,
289:14, 289:21,
289:24, 290:2,
290:4, 290:8,
290:10, 290:13,
291:14, 292:7,
292:8, 293:9,
293:10, 293:19,
294:10, 294:19,
295:6, 297:5, 297:6,
297:8, 297:9,
297:13, 297:15,
297:16, 297:17,
298:2, 298:12,
299:2, 299:24,
301:15, 301:16,
304:2, 305:22,
305:23, 306:9,
312:24, 316:20,
318:24, 320:10,
322:19, 322:22,
325:11, 325:16,
325:17, 330:23,
331:23, 331:24
- correctional** [13] -
214:7, 214:19,
241:11, 262:12,
262:13, 262:15,
263:6, 263:11,
264:12, 265:7,
268:18
- corrections** [3] -
265:8, 292:17,
294:14
- correctly** [3] - 144:23,
182:6, 282:18
- correspondence** [2] -
279:19, 279:20
- corroborated** [1] -
217:7
- corroborates** [4] -
127:22, 127:24,
127:25
- corroboration** [1] -
232:22
- corruption** [4] - 135:5,
135:7, 135:16,
135:25
- coughed** [1] - 319:13
- counsel** [21] - 16:10,
17:5, 17:7, 17:18,
17:19, 17:25, 18:20,
19:3, 19:6, 19:9,
19:19, 21:14, 38:4,
43:8, 44:13, 53:16,
54:9, 199:24, 206:9,
216:10, 333:16
- Counsel** [2] - 3:3, 3:8
- counsel's** [4] - 5:16,
87:20, 157:12,
157:13
- counseling** [2] - 44:1,
142:9
- count** [1] - 142:15
- counted** [1] - 144:22
- counting** [4] - 139:25,
254:18, 255:24,
256:17
- country** [1] - 189:17
- county** [1] - 8:22
- County** [9] - 1:2, 20:5,
62:4, 199:11,
214:19, 241:7,
277:25, 293:20,
333:13
- COUNTY** [1] - 333:4
- couple** [9] - 26:4,
43:5, 95:21, 110:25,
136:14, 163:21,
238:24, 242:23,
283:22
- couples** [1] - 185:25
- course** [23] - 36:9,
83:10, 88:19, 98:13,
100:12, 107:8,
122:23, 125:17,
135:14, 136:25,
143:2, 143:24,
148:20, 149:15,
150:4, 166:8,
209:11, 239:3,
263:1, 295:21,
296:17, 301:8, 310:8
- Court** [17] - 1:1, 1:25,
5:9, 9:12, 221:4,
221:11, 222:13,
222:15, 222:21,
222:22, 223:20,
223:23, 302:8,
332:15, 333:7,
333:13, 333:22
- court** [29] - 9:25,
32:24, 32:25, 43:17,
53:9, 81:14, 82:15,
82:22, 121:25,
155:7, 163:12,
163:13, 163:14,
210:4, 210:6, 218:9,
222:4, 222:6,
224:23, 278:21,
298:4, 303:7,
310:10, 311:20,
323:10, 326:7,
327:23, 329:8,
329:17
- COURT** [113] - 5:6,
6:10, 6:13, 6:18,
6:22, 7:3, 7:9, 7:16,
7:21, 7:24, 8:2, 9:13,
16:17, 47:7, 47:9,
47:11, 47:15, 47:18,
58:22, 60:8, 60:10,
71:13, 72:16, 73:9,
73:17, 73:21, 73:23,
74:12, 75:8, 79:9,
79:12, 79:16, 79:22,
80:1, 80:3, 80:5,
81:2, 81:19, 81:21,
98:3, 121:21,
121:25, 122:5,
126:18, 133:8,
146:20, 151:25,
154:23, 168:9,
186:12, 186:15,
186:19, 186:24,
187:9, 187:17,
191:11, 192:12,
201:2, 201:8,
201:13, 208:5,
208:8, 208:15,
208:21, 208:25,
209:16, 209:19,
209:24, 210:2,
210:12, 211:15,
212:25, 213:2,
216:12, 216:16,
217:20, 219:9,
219:13, 220:10,
220:13, 220:23,
221:1, 221:9,
222:24, 223:19,
224:3, 258:8,
258:11, 258:17,
261:21, 261:23,
262:2, 268:5, 268:8,
268:11, 268:14,
269:1, 297:20,
302:4, 302:8,
302:12, 302:16,
302:19, 302:22,
303:18, 303:20,
307:3, 310:25,
319:13, 319:16,
332:3, 332:5, 332:12
- Court's** [1] - 217:2
- court's** [7] - 5:3,
71:12, 72:15, 191:8,
210:2, 261:22,
292:13
- courthouse** [2] -
42:19, 317:5
- courtroom** [12] -
43:12, 87:13,
104:11, 145:8,
277:15, 277:25,
317:7, 319:12,
319:20, 321:4,
328:14, 330:7
- courts** [2] - 80:15,
83:2
- cousin** [4] - 132:6,
156:16, 156:21,
181:9
- cousin's** [1] - 137:19
- cousins** [8] - 84:8,
122:19, 127:20,
127:23, 131:22,
132:12, 156:6,
181:10
- cover** [1] - 130:23
- covers** [1] - 296:14
- crane** [2] - 100:18
- crawl** [1] - 121:3
- created** [2] - 231:4,
282:9
- creates** [1] - 257:17
- creating** [1] - 82:23
- creation** [1] - 3:18
- credibility** [1] - 70:25
- credible** [3] - 70:16,
70:18, 72:12
- cried** [1] - 109:22
- crime** [34] - 152:4,
152:13, 165:3,
165:5, 165:7,
165:12, 165:17,
165:19, 166:16,
167:1, 167:4,
245:14, 263:23,
263:24, 266:11,
270:12, 271:1,
271:7, 271:16,
271:22, 271:24,
272:10, 272:11,
272:13, 276:12,
277:16, 290:13,
290:16, 291:16,
314:23, 326:21,
326:24, 331:8
- crimes** [7] - 168:7,
185:2, 236:25,
242:23, 260:2,
263:20, 331:22
- criminal** [5] - 131:19,
152:3, 183:25,
185:5, 327:16
- criminally** [2] - 49:19,
327:11
- criteria** [2] - 259:12,
259:19
- critical** [1] - 59:6
- criticism** [1] - 192:1
- criticize** [1] - 191:23
- criticizing** [1] - 205:19
- crop** [2] - 100:14,
101:12
- crops** [2] - 103:10,
103:16
- CROSS** [3] - 47:20,
155:1, 269:3
- Cross** [3] - 2:3, 2:5,
2:7
- cross** [16] - 43:7, 43:9,
47:7, 47:18, 59:14,
71:10, 154:23,
168:10, 217:5,
217:15, 218:10,
220:15, 220:23,
222:7, 261:21, 269:1
- CROSS-**
EXAMINATION [3] -
47:20, 155:1, 269:3
- Cross-Examination**
[3] - 2:3, 2:5, 2:7
- cross-examination**
[10] - 43:7, 47:18,
59:14, 71:10, 217:5,
217:15, 218:10,
222:7, 261:21, 269:1
- cross-examine** [2] -
220:15, 220:23
- crucial** [2] - 192:5,
192:7
- cruel** [2] - 113:15,
153:21
- cry** [2] - 125:21,
125:23
- crystal** [1] - 185:6
- cucumbers** [2] -
100:13, 103:10
- cues** [2] - 86:1, 250:19
- cultural** [2] - 95:24,
190:4
- culture** [1] - 230:1
- cumulative** [3] -
223:2, 223:3, 223:11
- cured** [1] - 101:22
- curious** [1] - 122:14
- current** [8] - 45:5,
80:23, 98:16,
157:12, 157:13,
211:11, 215:2, 274:8
- curriculum** [3] - 6:19,
80:23, 211:12
- curses** [1] - 189:20
- Curtis** [11] - 110:17,
110:19, 115:8,
118:13, 119:9,
124:23, 124:24,
125:4, 205:4, 318:1
- curve** [1] - 266:11
- custody** [1] - 292:16
- customer** [1] - 105:23
- customers** [3] -
119:12, 226:18,
226:21
- cut** [9] - 113:19, 118:8,
119:2, 121:16,

129:3, 134:16,
139:3, 141:11, 171:3
cutting [1] - 137:7
CV [9] - 4:4, 4:9, 6:1,
6:3, 6:6, 6:21, 6:24,
6:25, 211:17
cycle [1] - 251:22

D

dad [2] - 96:16, 135:21
daily [3] - 101:1,
114:20, 239:1
Dale [1] - 156:18
dam [4] - 240:14,
240:15, 240:16
danger [3] - 134:23,
263:17, 267:14
Dangerousness [1] -
268:3
dangerousness [3] -
213:14, 262:23,
265:25
darker [2] - 134:4,
320:22
data [8] - 216:4,
220:16, 220:20,
232:15, 265:11,
268:22, 293:6,
294:21
date [11] - 9:9, 15:24,
16:22, 22:6, 34:12,
92:23, 155:7,
170:22, 190:17,
191:16, 222:16
dated [1] - 108:25
dates [3] - 90:14,
156:4, 164:11
dating [2] - 106:11,
108:24
daughter [1] - 195:8
daughters [2] - 102:9,
120:12
Dave [12] - 10:21,
24:14, 35:19, 76:13,
199:19, 199:21,
241:21, 309:13,
312:21, 321:13,
331:1, 331:5
Davis [9] - 124:3,
124:4, 124:5, 124:6,
124:9, 156:20,
197:15, 255:14,
287:5
day-to-day [2] -
112:25, 256:21
days [5] - 103:18,
113:24, 155:17,
187:13, 325:7
DC [13] - 102:11,

103:23, 103:25,
105:5, 106:22,
106:23, 106:25,
108:22, 109:4,
110:13, 132:1,
229:3, 229:8
dead [1] - 203:23
deal [19] - 88:16,
148:23, 165:12,
186:6, 194:13,
221:15, 223:4,
223:7, 224:10,
231:17, 238:21,
240:5, 245:25,
247:3, 247:4,
253:13, 254:4,
254:14, 261:11
dealer [3] - 68:13,
146:11, 289:8
dealing [13] - 57:21,
67:24, 77:14, 77:21,
77:25, 78:1, 136:21,
145:9, 145:13,
238:11, 238:15,
240:6, 248:13
dealings [1] - 159:8
deals [3] - 167:22,
216:2, 221:12
dealt [2] - 183:17,
223:23
dearly [1] - 118:19
death [33] - 8:25, 10:4,
13:20, 14:11, 15:19,
15:23, 16:25, 17:6,
18:1, 18:24, 22:19,
47:23, 49:13, 55:11,
55:16, 85:13, 85:14,
89:21, 93:14,
131:15, 132:3,
149:4, 166:21,
170:24, 198:24,
234:13, 266:14,
289:4, 289:21,
293:8, 294:1, 315:8,
326:10
debt [2] - 77:14, 78:4
deceased [1] - 11:18
decided [3] - 20:24,
53:10, 331:10
deciding [1] - 146:6
decision [29] - 25:3,
41:11, 43:20, 54:17,
54:23, 60:1, 69:7,
69:15, 69:19, 69:25,
74:3, 74:15, 74:21,
91:5, 110:21,
154:14, 221:3,
221:5, 221:10,
243:17, 244:25,
261:13, 291:25,

292:2, 292:3, 292:4,
297:15, 328:7, 329:4
decisions [5] - 54:20,
59:1, 59:7, 86:19,
328:1
declarant [1] - 218:9
decline [1] - 154:6
defendant [55] - 51:7,
51:23, 52:3, 52:13,
54:5, 59:8, 61:15,
61:25, 63:10, 66:6,
67:11, 67:25, 68:17,
68:23, 70:1, 71:18,
72:21, 73:14, 74:7,
74:17, 74:23, 86:13,
87:25, 88:6, 88:11,
88:15, 89:9, 89:14,
89:17, 89:23, 159:5,
159:14, 161:2,
176:11, 177:21,
178:11, 183:18,
184:1, 185:2,
191:25, 192:3,
192:6, 192:10,
194:16, 218:17,
237:21, 255:11,
271:15, 272:14,
272:17, 273:12,
278:4, 283:16,
324:15, 327:11
defendant's [17] -
49:23, 50:3, 55:1,
62:14, 64:7, 65:22,
66:19, 67:6, 69:5,
74:9, 93:8, 169:3,
178:20, 188:2,
237:19, 270:25,
297:12
defendants [2] -
88:20, 158:23
defender's [3] - 8:21,
8:22, 11:16
Defense [1] - 35:17
defense [50] - 34:1,
43:8, 48:5, 48:6,
50:13, 51:10, 51:12,
52:9, 52:14, 55:6,
57:24, 58:3, 58:4,
58:8, 59:2, 59:17,
60:21, 60:23, 61:4,
63:9, 66:20, 68:6,
68:12, 68:16, 68:21,
69:3, 69:8, 69:12,
71:17, 74:21, 79:2,
157:12, 177:16,
191:23, 199:15,
212:21, 218:11,
220:1, 242:2,
242:14, 275:24,
282:10, 304:5,

312:5, 312:9, 316:9,
316:19, 322:6,
326:12, 331:23
defer [2] - 187:6,
208:23
deficits [1] - 326:24
defined [1] - 161:6
definitely [2] - 312:13,
312:17
defy [1] - 235:11
degrade [1] - 253:6
degrading [3] -
132:23, 249:24,
253:3
degree [7] - 80:18,
80:20, 210:25,
211:1, 221:15,
267:2, 323:7
degrees [1] - 80:17
delay [1] - 22:11
delayed [1] - 269:24
delivered [4] - 38:4,
78:24, 102:24, 312:4
delving [1] - 241:16
demand [1] - 145:23
demeaned [1] - 181:2
demeanor [2] - 57:2,
282:15
demonstrate [1] -
147:16
demonstratives [1] -
82:23
denied [4] - 196:5,
246:4, 281:10,
323:20
denies [1] - 127:18
denominators [1] -
158:15
deny [4] - 127:12,
195:24, 207:7, 248:1
department [5] -
32:10, 263:6,
292:17, 294:13,
327:1
Department [3] -
185:11, 212:9,
212:13
departure [1] - 236:12
dependant [1] -
257:15
dependency [1] -
259:5
dependent [2] -
257:17, 259:4
deployed [1] - 237:13
depressed [1] -
236:18
depression [1] -
227:20
depressive [1] - 259:9

derogatory [1] - 134:3
described [3] - 96:6,
197:6, 205:23
describing [2] - 280:2,
280:16
DESCRIPTION [2] -
3:2, 4:2
description [2] -
124:19, 140:13
deserve [1] - 71:22
designed [2] - 256:8,
263:3
desire [1] - 69:3
desired [1] - 72:23
desires [1] - 74:9
desperate [3] - 40:21,
292:4, 331:19
desperately [1] -
285:1
despite [2] - 142:1,
294:5
detached [1] - 252:2
detail [4] - 96:6, 164:4,
164:9, 227:13
detailed [2] - 90:4,
221:19
details [8] - 131:24,
165:7, 167:13,
175:2, 175:4,
275:18, 276:18,
299:17
Detention [4] -
199:12, 214:20,
241:7, 293:21
detention [2] - 262:14,
275:10
deteriorate [2] - 154:6,
236:8
deteriorating [2] -
145:16, 236:5
deterioration [1] -
151:14
determination [3] -
216:5, 283:3, 289:7
determinations [1] -
220:2
determine [7] - 113:4,
146:9, 177:9, 263:8,
264:7, 295:10, 325:9
determining [2] -
63:17, 217:11
develop [9] - 88:7,
88:18, 205:25,
238:22, 243:24,
260:17, 304:6,
304:19, 304:25
developed [9] - 53:2,
53:3, 59:14, 61:1,
61:14, 229:20,
305:11, 305:16,

- 307:13
developing [7] -
 86:16, 86:17,
 246:14, 299:12,
 304:24, 306:15,
 306:25
development [8] -
 111:7, 112:17,
 148:2, 225:8,
 225:16, 225:17,
 253:11, 260:16
Development [2] -
 146:15, 146:24
developmental [4] -
 96:9, 109:14,
 135:10, 260:14
developmentally [1] -
 148:17
develops [1] - 224:6
diagnose [1] - 82:3
diagnosed [6] - 51:24,
 110:25, 121:13,
 227:18, 240:8,
 253:23
diagnoses [4] -
 227:16, 237:3,
 259:25, 260:3
diagnosing [1] - 131:8
diagnosis [14] - 80:12,
 227:11, 227:15,
 227:21, 228:25,
 229:19, 236:3,
 249:3, 259:8,
 259:10, 259:11,
 259:16, 278:12,
 278:21
diagnostic [1] -
 269:10
Diagram [1] - 3:20
Diana [1] - 1:17
diapering [1] - 133:16
diapers [1] - 108:1
die [1] - 71:23
died [2] - 132:7,
 183:10
difference [15] - 86:5,
 112:25, 152:22,
 153:2, 153:4, 203:5,
 203:9, 206:7,
 206:10, 206:19,
 217:10, 265:10,
 265:15, 294:22
differences [3] -
 223:7, 266:1, 295:2
different [29] - 81:15,
 83:22, 84:12, 84:16,
 102:15, 110:1,
 112:23, 113:2,
 116:24, 117:2,
 117:10, 128:23,
 129:20, 130:12,
 153:19, 184:5,
 210:4, 210:6, 220:4,
 226:7, 254:16,
 263:23, 265:5,
 274:18, 290:24,
 295:7, 296:14,
 300:14, 315:3
difficult [11] - 73:13,
 90:7, 140:8, 142:11,
 148:1, 150:3,
 236:14, 244:8,
 247:5, 278:16,
 307:21
difficulties [5] - 78:5,
 246:13, 251:14,
 251:24
difficulty [3] - 314:22,
 315:3, 330:15
digest [1] - 96:14
digging [1] - 299:6
dilated [1] - 314:17
Diner [1] - 105:21
dire [4] - 43:2, 81:19,
 212:25, 303:18
Direct [4] - 2:3, 2:5,
 2:7, 2:9
DIRECT [4] - 8:5, 80:6,
 210:16, 303:4
direct [12] - 43:8,
 47:22, 54:24,
 158:22, 166:14,
 169:2, 181:6,
 183:17, 191:22,
 222:5, 286:14,
 291:19
directing [2] - 28:23,
 35:2
directions [1] - 30:6
directly [17] - 31:25,
 35:2, 35:7, 37:3,
 38:7, 41:21, 43:24,
 51:2, 70:1, 78:17,
 173:3, 175:14,
 259:22, 309:18,
 312:2, 318:21,
 322:12
disabilities [1] - 88:23
disability [3] - 144:13,
 239:14, 284:10
disabled [1] - 124:7
disagree [4] - 12:14,
 31:12, 41:4, 160:25
disappeared [2] -
 125:7, 203:20
disaster [1] - 249:10
disciplinaries [2] -
 292:18, 292:19
disciplinary [2] -
 264:14, 294:5
discipline [2] -
 161:15, 161:16
disciplined [2] - 70:8,
 281:24
disclose [3] - 94:5,
 246:19, 326:12
disclosed [1] - 327:19
discount [2] - 232:14,
 268:19
discovered [5] -
 139:14, 141:4,
 274:6, 306:3, 325:3
discovery [3] - 165:8,
 214:8, 310:8
discovery-related [1] -
 214:8
discretion [1] - 217:3
discuss [13] - 18:10,
 47:12, 72:20, 122:2,
 131:6, 155:6, 160:7,
 186:21, 233:17,
 258:14, 269:25,
 271:24, 332:9
discussed [6] -
 126:24, 127:1,
 139:22, 160:6,
 166:22, 291:8
discussing [3] -
 160:16, 282:2,
 312:11
discussion [2] -
 61:18, 95:14
discussions [7] -
 57:12, 60:13, 60:14,
 61:3, 271:14, 285:4,
 291:2
disintegrate [1] -
 147:17
disintegrating [1] -
 131:13
disorder [37] - 45:11,
 51:24, 52:2, 59:6,
 60:22, 60:25, 61:7,
 61:14, 72:8, 73:12,
 131:10, 177:22,
 179:2, 179:5,
 225:17, 227:17,
 227:19, 240:7,
 240:10, 240:11,
 240:12, 249:3,
 249:4, 249:17,
 253:23, 253:24,
 259:9, 276:5, 278:9,
 278:23, 280:15,
 283:3, 289:11,
 291:12, 291:17,
 292:11, 328:7
disorders [5] - 80:13,
 82:3, 85:25, 227:11,
 260:5
disposition [1] - 83:3
dispute [2] - 23:17,
 41:5
disputing [1] - 217:22
disregard [2] - 135:13,
 168:11
disrupt [1] - 130:19
disrupted [2] - 225:16,
 260:16
disruptive [4] -
 249:18, 256:20,
 256:22, 257:3
distance [1] - 115:1
distinguish [1] - 257:4
distinguishes [1] -
 256:23
distracting [1] - 256:5
distraught [2] -
 109:21, 203:21
distressed [1] -
 231:12
distressing [4] -
 247:24, 249:20,
 251:19, 254:13
division [2] - 19:11,
 19:14
divorced [1] - 140:20
DMH [6] - 32:18,
 33:18, 33:19, 33:25,
 34:4, 242:14
Doctor [2] - 216:12,
 302:12
doctor [10] - 48:12,
 51:22, 99:7, 110:21,
 110:22, 115:6,
 115:7, 115:8,
 115:10, 258:13
Document [2] - 3:21,
 3:23
document [10] - 3:25,
 10:12, 21:23, 31:15,
 31:22, 37:23, 98:8,
 200:5, 200:7, 316:8
documentation [1] -
 298:19
documented [2] -
 265:23, 277:12
documents [4] - 5:16,
 33:3, 44:17, 214:8
dog [12] - 203:13,
 203:14, 203:16,
 203:17, 203:19,
 203:21, 203:22,
 203:23, 204:2,
 204:18, 204:21
dollar [3] - 118:6,
 122:21
domestic [4] - 120:13,
 132:5, 237:12,
 260:21
dominant [1] - 232:18
don't.. [1] - 42:20
Donald [1] - 1:19
done [34] - 8:25, 37:4,
 49:6, 50:16, 63:2,
 70:12, 85:9, 90:6,
 94:13, 95:3, 97:10,
 123:19, 128:18,
 152:8, 157:11,
 157:23, 161:11,
 161:12, 175:3,
 177:14, 180:14,
 185:10, 196:15,
 231:11, 235:17,
 244:6, 265:6,
 282:23, 309:23,
 313:8, 325:2,
 325:25, 326:5,
 327:15
DONNA [1] - 303:2
Donna [12] - 2:8,
 24:18, 24:20, 51:15,
 66:25, 69:13, 209:8,
 209:9, 279:20,
 280:20, 302:25,
 303:8
Donnie [1] - 23:21
door [3] - 89:21,
 158:13, 158:21
doors [2] - 91:12,
 91:20
dorm [1] - 282:20
double [1] - 221:8
doubt [1] - 331:4
down [43] - 15:7, 23:3,
 26:17, 26:18, 30:8,
 30:25, 53:8, 63:21,
 78:8, 79:13, 102:19,
 103:20, 109:23,
 123:18, 125:20,
 143:13, 144:18,
 154:17, 154:18,
 156:4, 158:10,
 171:12, 173:6,
 173:8, 173:13,
 173:18, 180:10,
 187:18, 193:8,
 194:10, 202:13,
 207:20, 208:9,
 246:21, 251:5,
 253:16, 255:19,
 302:12, 307:4,
 315:24, 316:21,
 322:18
downright [1] - 154:3
downward [1] - 227:8
Dr [99] - 6:19, 24:21,
 24:22, 31:23, 32:6,
 34:18, 34:23, 34:24,
 34:25, 35:5, 35:6,

- 35:10, 45:14, 48:16,
51:15, 51:16, 51:22,
60:20, 61:5, 66:25,
67:2, 67:5, 69:9,
69:13, 74:25, 78:13,
135:9, 168:14,
168:16, 177:18,
178:6, 178:24,
179:3, 179:9, 191:6,
199:9, 199:10,
209:8, 210:13,
210:18, 212:23,
213:5, 214:20,
214:21, 217:23,
218:14, 218:21,
218:25, 219:18,
219:20, 219:22,
219:25, 224:15,
240:24, 241:1,
241:6, 242:8,
242:18, 246:5,
246:9, 258:21,
261:19, 262:4,
268:16, 269:5,
274:18, 275:18,
275:22, 278:17,
278:19, 279:20,
280:20, 281:1,
281:17, 281:21,
282:4, 291:6, 291:7,
291:8, 291:10,
297:24, 301:8,
301:9, 301:18,
302:2, 302:25,
303:6, 303:10,
303:23, 310:10,
310:15, 311:4,
315:19, 327:4,
328:3, 328:5,
329:22, 332:8
drafted [2] - 21:17,
322:22
dramatic [2] - 110:8,
112:19
drank [1] - 106:7
draw [1] - 228:25
drink [6] - 106:8,
106:9, 189:23,
197:18, 237:24,
255:12
drinking [11] - 110:6,
111:15, 120:1,
123:3, 138:17,
182:5, 182:11,
182:15, 182:18,
197:22, 283:20
drive [1] - 187:17
driven [2] - 139:2,
265:11
driving [7] - 30:4,
30:6, 31:11, 59:1,
187:7, 208:24, 255:4
drop [1] - 300:14
dropped [1] - 235:7
drops [1] - 266:10
drove [4] - 30:1, 30:8,
30:24, 139:1
drug [19] - 57:20,
68:13, 77:21, 77:25,
78:1, 138:20,
145:13, 146:11,
159:8, 225:11,
238:15, 261:7,
283:16, 287:20,
287:24, 288:8,
288:12, 288:23,
289:8
drug-infested [1] -
225:11
drugs [29] - 46:12,
68:25, 77:14,
131:24, 135:14,
136:5, 136:21,
136:23, 137:4,
137:7, 138:17,
145:9, 146:7,
150:24, 150:25,
166:12, 184:3,
226:13, 238:11,
238:16, 273:5,
283:17, 286:6,
286:8, 287:11,
288:12, 289:9,
331:13
drunk [2] - 100:25,
182:15
duct [1] - 127:16
due [2] - 189:22,
284:14
duly [4] - 8:4, 79:21,
210:15, 303:3
during [55] - 6:9, 43:1,
43:6, 43:22, 47:12,
50:3, 51:11, 52:25,
104:13, 104:16,
107:20, 108:10,
109:14, 122:2,
122:14, 138:5,
140:10, 142:6,
143:6, 143:12,
149:14, 164:3,
164:4, 164:20,
167:17, 168:2,
168:18, 168:19,
171:10, 171:14,
181:14, 183:19,
229:9, 230:22,
230:25, 232:1,
236:3, 237:4,
238:16, 239:11,
246:1, 258:13,
264:15, 270:11,
274:1, 275:10,
290:14, 292:22,
293:8, 293:13,
308:8, 330:7,
330:11, 330:12,
332:8
dusting [1] - 101:12
duties [3] - 54:8,
145:18, 149:17
duty [2] - 178:10,
283:13
dynamic [1] - 308:24
dysfunction [1] -
292:11
dysfunctional [4] -
261:3, 261:5, 292:6,
297:13
-
- E**
-
- e-mail** [9] - 318:23,
323:9, 326:18,
327:19, 329:14,
329:20, 329:23,
331:20
E-Mail [1] - 4:11
e-mailed [1] - 44:17
ear [1] - 285:22
early [20] - 26:14,
54:25, 55:9, 55:10,
55:16, 55:18, 58:2,
109:14, 133:15,
139:9, 152:19,
158:18, 183:18,
189:6, 229:7, 242:1,
276:10, 276:12,
307:1, 326:2
earn [1] - 138:11
ears [8] - 130:22,
162:19, 172:9,
196:10, 196:22,
234:12, 285:17,
285:24
ease [1] - 258:15
easier [3] - 245:2,
301:1, 305:18
easily [2] - 130:19,
258:5
easy [4] - 109:9,
244:2, 246:17,
313:18
eat [3] - 100:20,
105:22, 257:2
eating [1] - 100:18
Edgar [1] - 1:19
Edith [1] - 98:25
educated [1] - 82:2
education [7] - 8:14,
95:25, 101:14,
210:23, 267:1,
284:10, 284:23
educational [2] -
80:15, 88:25
effect [2] - 58:5, 67:6
effective [1] - 295:25
effects [1] - 284:1
efficient [1] - 192:3
efforts [2] - 135:11,
319:1
egg [1] - 280:3
eight [15] - 43:3,
92:22, 102:23,
114:19, 114:25,
117:22, 118:11,
119:1, 120:23,
123:5, 144:23,
235:7, 237:1,
254:24, 286:5
eight-month [1] -
144:23
either [15] - 72:7,
74:24, 85:23, 98:18,
139:16, 185:13,
219:21, 260:23,
272:1, 288:23,
308:5, 320:3,
322:16, 323:15,
324:12
elbow [1] - 123:18
electricity [1] - 100:23
electronic [3] -
279:19, 301:11,
329:11
Eleventh [1] - 333:7
embarrassing [1] -
244:6
embarrassment [1] -
247:4
emerged [2] - 261:4,
297:12
Emma [7] - 103:20,
103:21, 103:25,
104:2, 109:12,
110:9, 110:12
emotional [8] - 80:13,
95:12, 132:22,
132:24, 134:10,
148:4, 150:23, 249:7
emotionally [1] -
142:7
emotions [1] - 148:22
employed [3] - 27:5,
166:15, 310:5
employee [1] - 286:15
employees [1] -
166:21
employers [1] -
166:24
- encounter** [1] - 306:18
encountered [2] -
131:19, 307:11
encourage [2] - 165:6,
284:24
encouraged [3] -
166:11, 184:19,
284:23
end [15] - 56:15,
151:9, 151:21,
154:10, 154:15,
154:18, 185:15,
204:6, 232:10,
281:24, 281:25,
282:2, 316:21,
317:22, 329:15
ended [10] - 15:1,
141:14, 143:2,
143:16, 143:25,
144:7, 144:25,
146:6, 166:15,
253:19
ending [1] - 124:12
ends [2] - 146:5,
297:17
enforcement [1] -
234:14
enforcing [1] - 148:10
engage [5] - 198:10,
237:20, 238:7,
254:5, 291:25
engaged [1] - 54:3
engages [2] - 254:15,
255:24
engaging [3] - 131:1,
154:15, 241:15
engine [2] - 204:3,
204:14
engineer [2] - 105:10,
106:4
enjoy [2] - 139:20,
139:21
enjoyed [1] - 124:4
enraged [1] - 113:9
entail [1] - 80:11
entered [1] - 225:19
entire [5] - 51:10,
96:19, 176:16,
193:12, 298:18
entirely [1] - 217:2
entry [3] - 21:22,
223:24, 266:14
enuresis [1] - 115:13
environment [9] -
101:15, 102:16,
132:10, 148:20,
185:3, 238:4,
251:10, 256:14,
263:22
environmental [2] -

- 96:2, 260:22
epileptic [1] - 121:13
equals [1] - 151:5
equipment [1] - 272:20
Erica [5] - 156:1, 156:6, 156:9, 159:22, 318:2
error [3] - 188:5, 218:5, 218:19
escalated [2] - 239:6, 240:3
escape [3] - 120:19, 138:1, 181:7
especially [9] - 90:22, 91:14, 128:22, 174:25, 247:14, 258:6, 263:10, 284:12, 289:18
Esquire [2] - 1:17, 1:17
essence [7] - 45:4, 45:9, 147:19, 304:7, 305:20, 309:6
essentially [25] - 37:9, 44:9, 45:12, 57:18, 72:2, 76:5, 77:1, 94:17, 97:9, 107:18, 144:6, 213:8, 227:4, 245:10, 253:21, 259:7, 261:14, 264:3, 279:15, 291:12, 291:14, 292:5, 292:6, 306:14, 331:9
esteem [1] - 253:20
et [7] - 43:9, 94:11, 205:25, 206:16, 207:24, 229:4, 256:17
ethic [1] - 105:6
ethics [1] - 160:8
evaluate [3] - 213:5, 213:21, 293:19
evaluating [1] - 296:6
Evaluation [4] - 4:6, 4:8, 4:10, 268:3
evaluation [21] - 32:11, 32:18, 33:25, 34:4, 35:5, 35:14, 224:16, 262:17, 262:19, 265:11, 268:13, 269:6, 277:14, 296:19, 300:2, 302:11, 307:25, 308:7, 310:14, 311:2, 314:21
evaluations [4] - 282:17, 296:16, 314:7, 314:10
EVD [2] - 3:2, 4:2
evening [1] - 26:14
event [6] - 159:7, 244:10, 274:2, 278:8, 278:10, 291:18
events [19] - 40:17, 94:2, 106:2, 126:21, 127:3, 233:18, 244:12, 268:17, 270:18, 270:25, 274:20, 276:6, 276:12, 277:1, 280:18, 291:8, 314:23, 315:3, 324:7
Events [1] - 3:18
eventual [1] - 185:3
eventually [5] - 102:4, 131:1, 220:21, 240:15, 276:14
everywhere [1] - 123:16
evidence [44] - 6:14, 7:2, 7:5, 12:23, 20:4, 45:10, 48:9, 49:14, 50:1, 50:4, 61:6, 68:3, 68:13, 73:11, 73:13, 77:13, 77:16, 77:25, 78:4, 191:14, 199:16, 211:17, 215:24, 216:3, 216:20, 218:7, 220:22, 222:6, 222:25, 223:11, 223:24, 224:4, 264:19, 266:20, 268:11, 268:13, 302:9, 302:11, 310:23, 310:25, 311:2, 330:12, 330:16, 333:11
evidently [1] - 309:20
evolved [2] - 286:10, 289:6
Ex [2] - 3:7, 3:16
ex [9] - 15:10, 23:4, 45:25, 68:18, 185:18, 238:10, 241:23, 312:24, 327:20
ex-wife [4] - 15:10, 45:25, 312:24, 327:20
ex-wife's [1] - 238:10
ex-wives [3] - 68:18, 185:18, 241:23
exacerbating [2] - 225:9, 240:8
exact [3] - 9:9, 15:24, 18:12
exactly [12] - 29:4, 44:6, 58:9, 63:2, 116:25, 130:13, 142:24, 173:9, 176:2, 182:17, 199:8, 206:21
exaggerate [1] - 296:18
exaggerating [1] - 296:24
exam [1] - 315:14
Examination [10] - 2:3, 2:3, 2:4, 2:5, 2:5, 2:6, 2:7, 2:7, 2:8, 2:9
examination [14] - 43:7, 47:18, 59:14, 71:10, 158:22, 166:14, 169:2, 191:22, 217:5, 217:15, 218:10, 222:7, 261:21, 269:1
EXAMINATION [10] - 8:5, 47:20, 75:10, 80:6, 155:1, 192:14, 210:16, 269:3, 297:22, 303:4
examinations [1] - 212:14
examine [4] - 34:21, 96:20, 220:15, 220:23
examinee [1] - 265:18
examinee's [1] - 263:1
examiner [4] - 33:19, 212:12, 212:22, 299:6
examining [1] - 35:11
example [24] - 85:6, 91:1, 91:15, 93:16, 94:23, 98:21, 129:21, 134:14, 134:15, 189:21, 193:7, 193:17, 195:20, 196:25, 199:22, 232:23, 241:19, 250:21, 257:25, 265:19, 277:9, 299:17, 300:7, 307:22
examples [6] - 133:11, 135:15, 195:21, 196:6, 234:10, 254:19
excellent [2] - 91:15, 327:7
except [3] - 95:12, 95:20, 260:6
exception [2] - 76:12, 92:7
exceptions [1] - 92:5
excess [1] - 27:21
excessively [2] - 238:1, 255:13
exchanged [1] - 193:5
excited [1] - 137:18
excuse [7] - 19:22, 48:12, 56:18, 127:23, 282:9, 283:2, 295:11
excused [1] - 302:14
execution [1] - 289:24
exert [1] - 292:1
Exhibit [71] - 5:3, 5:4, 5:9, 5:25, 6:5, 7:1, 9:12, 9:16, 10:10, 11:24, 12:4, 13:7, 13:22, 15:6, 16:12, 21:21, 22:5, 24:11, 28:7, 29:7, 32:13, 34:7, 35:8, 35:16, 36:4, 36:5, 37:6, 37:18, 39:2, 39:23, 40:12, 42:7, 56:19, 57:11, 78:10, 80:22, 97:19, 126:9, 133:4, 146:14, 150:13, 191:1, 191:9, 191:13, 199:23, 201:11, 201:15, 211:11, 215:20, 215:24, 221:21, 241:20, 267:22, 268:2, 268:12, 297:25, 302:10, 310:11, 310:13, 310:15, 310:23, 311:1, 312:20, 316:8, 318:10, 318:13, 321:12, 322:5, 329:20, 329:22, 330:25
exhibit [7] - 6:3, 97:25, 126:6, 126:20, 321:9, 321:11, 329:18
exhibited [1] - 315:15
exhibits [5] - 5:7, 5:19, 6:4, 6:14, 47:3
Exhibits [2] - 5:15, 5:21
expand [1] - 167:11
expands [1] - 93:1
expect [3] - 158:16, 180:6, 299:5
expected [1] - 117:23
expecting [3] - 92:10, 160:13, 176:12
expenses [2] - 24:19, 26:5
experience [32] - 11:14, 47:23, 49:13, 49:21, 54:18, 72:3, 83:23, 93:15, 94:4, 112:23, 117:3, 120:2, 178:18, 192:9, 198:18, 198:22, 207:24, 211:22, 212:1, 246:16, 282:25, 283:4, 283:9, 299:4, 299:5, 300:25, 304:4, 305:8, 307:9, 313:18, 323:15, 323:18
experienced [7] - 95:17, 110:7, 249:12, 250:25, 251:3, 265:8, 265:13
experiences [4] - 111:17, 111:18, 184:1, 184:4
experimentation [1] - 137:3
experimenting [1] - 283:23
expert [40] - 21:18, 39:9, 46:21, 49:5, 51:15, 59:13, 59:15, 81:18, 84:2, 92:3, 129:16, 163:12, 176:25, 178:16, 206:8, 212:24, 215:11, 215:13, 216:3, 217:16, 218:2, 218:4, 221:13, 221:23, 222:2, 222:8, 222:9, 223:6, 232:19, 236:11, 242:14, 243:10, 260:1, 262:20, 301:2, 303:17, 303:20, 304:11, 306:8
expertise [2] - 54:19, 87:5
experts [17] - 34:4, 39:1, 48:19, 57:25, 72:5, 86:19, 86:21, 214:15, 215:8, 216:20, 216:22, 216:25, 220:7, 220:15, 242:13, 242:21, 309:15
explain [12] - 50:19, 50:24, 53:2, 57:1, 58:17, 64:24, 96:8, 98:7, 182:20, 198:15, 204:13,

259:9
explained [2] - 157:8,
 241:11
explanation [3] -
 253:2, 330:22,
 330:23
exploration [1] - 95:23
exposed [7] - 101:11,
 110:6, 118:10,
 119:25, 248:17,
 251:1
exposure [3] - 95:18,
 95:19, 132:16
express [2] - 72:23,
 196:14
expressed [5] -
 245:18, 246:1,
 275:24, 290:14,
 291:10
extended [3] - 84:6,
 95:5, 96:17
extension [2] -
 128:11, 275:22
extensive [1] - 82:13
extensively [1] - 216:7
extent [11] - 75:21,
 77:24, 161:1, 161:6,
 161:13, 190:5,
 194:12, 200:19,
 237:15, 248:23,
 256:19
extra [2] - 194:18,
 194:21
extreme [3] - 129:24,
 130:5, 153:21
extremely [6] - 88:20,
 142:13, 158:23,
 197:1, 235:12,
 243:20
eye [1] - 202:23
eyed [1] - 114:14
eyes [2] - 101:2,
 315:16
eyewitness [1] -
 207:11
eyewitnesses [1] -
 233:8

F

fabricate [1] - 296:18
face [7] - 294:19,
 294:20, 298:18,
 328:11, 328:13
face-to-face [2] -
 294:19, 294:20
faced [1] - 151:12
facing [2] - 85:13,
 166:7
fact [50] - 57:12, 58:2,

59:15, 65:12, 68:21,
 78:16, 85:22, 86:6,
 91:23, 93:21, 97:5,
 127:13, 130:4,
 143:6, 150:5,
 158:15, 168:9,
 175:19, 175:25,
 177:18, 178:9,
 179:13, 185:9,
 199:4, 199:18,
 208:12, 223:11,
 243:2, 260:23,
 264:7, 267:24,
 271:15, 274:1,
 284:22, 286:25,
 289:10, 289:13,
 290:7, 298:21,
 298:25, 299:3,
 299:22, 300:20,
 301:14, 303:10,
 305:5, 316:17,
 328:18, 330:14,
 330:21
factor [14] - 84:19,
 152:21, 153:1,
 153:3, 153:9,
 153:15, 180:24,
 188:4, 226:12,
 244:3, 244:4,
 248:22, 266:23,
 284:22
factored [1] - 59:18
factors [28] - 109:15,
 151:2, 153:20,
 160:22, 179:4,
 187:24, 187:25,
 213:13, 225:9,
 225:16, 243:17,
 244:24, 261:2,
 261:14, 263:9,
 263:20, 263:21,
 265:12, 266:2,
 266:16, 266:25,
 267:3, 267:7,
 284:14, 292:6, 292:9
facts [9] - 10:5, 12:24,
 20:16, 57:6, 66:21,
 90:23, 216:4,
 224:11, 225:2
faculties [2] - 54:4,
 315:1
faculty [1] - 212:8
failed [4] - 59:4, 73:11,
 148:24, 200:21
failure [2] - 46:10,
 46:16
fair [12] - 76:6, 85:9,
 146:10, 190:6,
 194:7, 245:9,
 259:21, 297:10,

305:10, 305:14,
 320:7, 322:14
fairly [7] - 68:11, 85:6,
 185:4, 208:12,
 209:11, 218:20,
 290:1
fairness [4] - 14:23,
 27:24, 77:6, 322:24
faking [1] - 296:23
fall [2] - 155:6, 269:7
false [2] - 246:3,
 277:20
familiar [5] - 149:24,
 273:17, 279:2,
 294:10, 294:11
families [8] - 84:3,
 96:21, 100:9,
 100:19, 112:1,
 189:14, 239:16,
 273:9
family [196] - 13:1,
 14:14, 14:16, 15:1,
 15:19, 27:14, 27:16,
 30:10, 36:3, 42:2,
 42:9, 42:12, 44:10,
 45:12, 45:15, 49:22,
 52:12, 54:24, 55:1,
 55:17, 55:24, 56:7,
 56:12, 59:6, 60:16,
 62:3, 62:5, 62:7,
 62:13, 63:10, 63:17,
 63:18, 63:21, 65:25,
 66:3, 66:7, 71:24,
 76:11, 76:14, 76:15,
 77:2, 82:16, 83:7,
 83:9, 83:18, 83:24,
 83:25, 84:5, 84:6,
 86:11, 87:17, 89:7,
 89:11, 89:14, 89:19,
 89:22, 90:2, 90:18,
 90:21, 91:2, 91:4,
 92:20, 92:25, 93:3,
 93:7, 94:24, 95:4,
 95:5, 95:20, 96:9,
 96:16, 96:17, 97:12,
 97:17, 98:7, 98:11,
 98:13, 98:21, 99:1,
 99:12, 99:15, 99:16,
 99:19, 99:23, 99:24,
 100:2, 100:5, 100:6,
 100:24, 101:10,
 101:11, 101:24,
 102:2, 102:6, 102:7,
 102:8, 102:19,
 104:19, 106:13,
 106:15, 106:18,
 107:16, 109:1,
 120:5, 120:18,
 122:15, 125:2,
 131:2, 131:19,

131:21, 131:22,
 131:25, 132:17,
 137:12, 141:8,
 149:25, 150:1,
 158:20, 159:13,
 159:15, 161:4,
 161:13, 163:25,
 165:5, 165:10,
 165:11, 165:24,
 171:3, 171:13,
 179:17, 179:24,
 180:4, 183:18,
 188:15, 188:25,
 189:7, 190:14,
 191:4, 191:17,
 191:24, 192:6,
 193:24, 195:17,
 198:8, 204:3,
 205:24, 209:12,
 214:11, 224:17,
 226:5, 229:23,
 230:1, 230:2, 230:4,
 230:5, 233:7,
 238:10, 239:18,
 244:21, 245:21,
 278:2, 279:2,
 280:23, 280:24,
 280:25, 281:9,
 284:23, 286:8,
 287:10, 287:15,
 290:20, 300:8,
 304:15, 305:1,
 305:16, 305:20,
 306:1, 308:12,
 308:17, 308:22,
 308:24, 309:8,
 313:9, 313:11,
 313:12, 313:19,
 313:20, 316:23,
 316:25, 317:15,
 317:21, 317:24,
 320:25
family's [1] - 99:8
famous [1] - 101:23
fantasize [1] - 188:19
Fantroy [1] - 318:3
far [22] - 20:9, 44:12,
 55:15, 57:25, 58:1,
 62:20, 69:7, 71:19,
 71:21, 84:1, 99:22,
 100:7, 100:15,
 102:1, 105:15,
 113:22, 115:1,
 142:24, 146:9,
 206:2, 284:16, 294:1
farm [1] - 102:5
fast [1] - 332:13
father [30] - 25:11,
 25:12, 96:24, 97:5,
 98:23, 100:17,

100:18, 103:11,
 104:22, 105:18,
 107:20, 116:17,
 122:12, 122:13,
 122:20, 124:1,
 124:3, 124:6, 124:9,
 133:23, 134:2,
 134:6, 134:7, 134:8,
 188:20, 200:12,
 200:14, 201:2, 201:5
father's [4] - 94:24,
 97:7, 99:24, 100:2
father-in-law [1] -
 25:12
father/son [1] - 123:21
favorite [2] - 114:13,
 120:18
fax [1] - 34:12
faxed [1] - 34:13
fear [1] - 248:4
fearful [1] - 327:25
feces [2] - 127:10,
 141:6
Federal [1] - 211:5
federal [1] - 8:21
feeding [1] - 133:16
feelings [1] - 148:22
feign [1] - 168:1
feigning [1] - 168:5
fell [2] - 139:7, 296:25
fellow [1] - 188:8
felt [20] - 50:15, 54:7,
 62:22, 119:2,
 120:15, 121:6,
 123:13, 124:5,
 130:24, 160:4,
 235:17, 236:15,
 248:18, 257:21,
 286:14, 291:24,
 326:25, 327:6,
 328:15
female [1] - 282:19
fence [1] - 136:11
few [11] - 22:20, 41:24,
 52:24, 109:19,
 112:8, 133:10,
 246:22, 259:14,
 325:7, 326:1, 332:12
fidgety [1] - 140:12
field [4] - 215:8,
 216:23, 295:19,
 296:7
fields [2] - 101:9,
 103:8
fighths [1] - 136:5
figure [4] - 88:22,
 124:1, 124:3, 253:8
figured [1] - 153:24
figuring [1] - 98:11
file [14] - 5:16, 27:25,

- 28:15, 87:20, 87:21,
183:7, 309:19,
309:22, 310:4,
325:1, 325:6, 325:9,
329:16
filed [3] - 7:11, 7:18,
7:22
fill [1] - 290:8
filled [1] - 151:18
final [1] - 23:8
finally [1] - 217:13
finances [1] - 68:25
financial [10] - 78:5,
111:20, 146:10,
239:11, 239:19,
273:10, 273:14,
289:6, 330:15, 331:8
financially [2] - 56:13,
112:2
findings [10] - 84:19,
94:9, 215:16, 225:3,
228:2, 229:16,
230:21, 236:2,
267:19, 306:3
fine [7] - 18:8, 121:23,
161:19, 181:19,
220:8, 258:10, 332:4
finish [4] - 137:9,
137:11, 209:5,
209:13
finished [4] - 18:24,
208:13, 208:20,
209:15
Finklea [144] - 1:5, 9:8,
12:13, 13:9, 13:15,
14:23, 20:2, 31:14,
31:21, 34:22, 40:13,
40:16, 41:6, 43:15,
45:24, 46:11, 50:6,
50:14, 51:2, 55:7,
55:25, 56:21, 57:1,
57:12, 58:8, 58:13,
59:23, 59:24, 60:3,
60:14, 68:13, 76:12,
76:17, 77:13, 77:20,
83:5, 83:12, 87:11,
96:5, 96:18, 98:15,
105:19, 105:20,
105:22, 106:20,
112:15, 115:22,
116:21, 117:1,
117:20, 118:15,
123:25, 126:7,
129:18, 132:1,
136:22, 146:11,
151:2, 156:1, 156:2,
156:21, 161:7,
167:16, 167:20,
173:2, 175:5, 194:6,
194:13, 194:20,
199:25, 200:1,
202:4, 203:16,
213:6, 213:18,
214:12, 218:17,
218:18, 218:21,
219:17, 220:8,
221:22, 226:6,
227:2, 229:9,
230:10, 230:19,
232:13, 235:4,
235:12, 238:20,
240:19, 241:22,
242:1, 242:20,
243:10, 245:11,
246:4, 246:14,
248:6, 249:12,
262:18, 263:8,
264:4, 265:16,
266:13, 267:8,
267:13, 269:14,
270:1, 278:20,
280:15, 281:2,
281:21, 281:23,
285:4, 289:16,
289:20, 295:11,
298:10, 299:1,
299:22, 301:7,
309:11, 310:19,
312:22, 314:11,
315:14, 318:2,
320:18, 323:1,
323:14, 324:17,
324:24, 326:21,
326:23, 327:8,
327:13, 327:15,
329:12, 330:14,
331:6, 331:7
Finklea's [47] - 8:10,
9:21, 15:9, 36:3,
40:4, 42:2, 45:4,
51:1, 54:8, 55:5,
55:18, 55:24, 57:20,
74:3, 87:7, 87:17,
91:1, 94:14, 102:19,
105:18, 116:8,
122:10, 138:4,
142:6, 152:12,
192:20, 203:12,
213:12, 214:18,
214:24, 224:18,
225:4, 225:24,
227:25, 229:2,
229:14, 233:15,
281:8, 296:20,
303:13, 311:19,
312:23, 313:12,
313:24, 316:19,
316:25, 328:4
fire [4] - 272:20,
276:20, 277:2, 324:1
firearm [1] - 272:14
fired [2] - 101:9, 176:1
firing [1] - 203:8
first [104] - 5:11, 7:24,
11:21, 12:4, 18:12,
25:17, 26:4, 31:14,
64:7, 65:21, 80:1,
91:7, 91:12, 105:7,
107:17, 109:5,
110:6, 111:8,
111:18, 112:19,
137:12, 138:16,
138:22, 139:1,
145:16, 148:4,
148:8, 152:23,
155:3, 155:5, 155:9,
155:10, 155:16,
156:5, 156:10,
163:24, 164:3,
164:15, 164:20,
174:13, 174:15,
182:7, 182:8,
185:22, 188:24,
190:14, 190:15,
190:16, 191:19,
192:4, 192:10,
201:21, 206:20,
213:16, 225:22,
230:24, 231:1,
231:19, 231:20,
231:21, 231:23,
232:5, 235:2, 236:6,
245:19, 246:22,
266:24, 269:7,
269:13, 269:18,
270:1, 270:11,
270:13, 270:16,
270:24, 271:14,
272:15, 275:6,
281:17, 283:18,
283:19, 284:2,
298:25, 299:7,
299:14, 299:18,
299:25, 300:2,
300:18, 300:19,
311:19, 315:10,
316:24, 322:20,
323:16, 325:2,
327:25, 331:6,
331:18, 331:21,
331:22
five [7] - 72:20, 99:4,
139:25, 155:22,
155:23, 155:25,
237:22
flags [6] - 86:2, 95:13,
95:15, 177:4, 177:6,
177:13
flashbacks [1] -
250:10
flesh [1] - 121:18
floor [2] - 202:13,
255:7
floors [1] - 205:16
Floyd [1] - 105:13
flyer [1] - 284:1
flying [1] - 143:22
focus [3] - 94:9,
167:1, 255:22
focused [2] - 113:18,
116:9
focusing [3] - 104:22,
112:14
folks [4] - 15:4, 58:6,
116:24, 166:5
follow [2] - 93:10,
93:12
follow-up [2] - 93:10,
93:12
following [4] - 5:1,
26:15, 138:13,
210:10
follows [4] - 8:4,
79:21, 210:15, 303:3
fondness [1] - 120:16
food [7] - 108:18,
112:10, 141:17,
197:21, 197:22,
197:24, 231:9
foregoing [1] - 333:9
foregone [1] - 20:7
foremost [1] - 243:19
forensic [36] - 24:12,
24:16, 84:14, 88:1,
158:8, 160:9,
210:21, 211:4,
211:7, 211:23,
212:11, 212:16,
212:24, 214:21,
216:25, 241:4,
268:12, 275:17,
280:9, 283:1,
296:16, 299:5,
299:10, 301:1,
302:10, 303:10,
303:17, 303:21,
305:15, 305:19,
307:10, 308:7,
308:16, 311:1,
323:16, 326:15
Forensic [4] - 4:5, 4:7,
212:9, 268:2
forensics [3] - 211:19,
211:22, 306:7
forget [2] - 69:21
forgot [1] - 200:22
forklift [1] - 105:13
form [2] - 142:20,
262:8
formative [1] - 152:25
formed [1] - 95:9
former [6] - 214:18,
214:21, 233:2,
236:13, 265:7,
279:23
forming [4] - 90:17,
177:11, 216:23,
218:4
forms [1] - 254:9
formulating [2] -
219:1, 222:4
Fort [11] - 138:16,
138:18, 143:13,
143:16, 143:17,
144:1, 182:4, 182:7,
236:7, 286:25, 287:7
forth [1] - 143:23
fortunate [1] - 319:18
forward [4] - 67:19,
86:4, 210:24, 268:19
foster [1] - 125:6
fostered [1] - 259:6
foundation [1] -
109:18
four [9] - 99:3, 103:18,
105:5, 105:14,
107:24, 108:9,
113:14, 151:12,
229:7
fourth [5] - 200:7,
215:3, 272:7,
299:22, 328:22
Franklin [9] - 100:7,
101:10, 102:24,
104:4, 111:22,
112:4, 114:21,
114:24, 207:20
frankly [1] - 245:2
free [3] - 14:7, 181:18,
302:19
freedom [1] - 294:1
freely [1] - 294:2
frequent [1] - 131:4
frequently [3] -
102:10, 162:2,
249:23
friction [1] - 231:5
friendly [1] - 130:21
Frierson [2] - 33:22,
328:3
frightened [1] -
235:12
front [24] - 7:7, 11:6,
11:10, 19:11, 21:20,
22:15, 23:4, 23:14,
24:10, 31:7, 78:10,
98:5, 113:23,
126:13, 172:8,
174:16, 193:8,
196:17, 205:21,
279:1, 279:14,

281:13, 306:15,
330:22
fulfill [1] - 145:18
full [11] - 8:8, 54:3,
118:2, 118:3,
132:10, 210:18,
212:8, 303:6,
308:17, 324:18,
324:23
full-time [1] - 212:8
fuller [2] - 318:7,
326:20
Fuller [3] - 279:20,
301:7, 326:19
fully [3] - 141:3, 178:4,
178:10
fun [1] - 202:17
function [8] - 142:17,
142:21, 146:4,
237:8, 237:10,
239:7, 256:21,
304:12
functioned [2] - 138:8,
138:10
functioning [10] -
83:18, 149:22,
150:2, 151:14,
249:6, 249:7, 249:8,
257:3, 260:11
funding [28] - 5:12,
10:11, 10:13, 10:17,
10:25, 13:18, 14:10,
21:17, 22:1, 22:12,
23:1, 23:4, 23:9,
24:4, 24:9, 24:14,
24:15, 24:16, 24:19,
25:5, 25:9, 34:15,
35:8, 35:9, 39:1,
42:8, 49:17, 155:8
Funding [4] - 3:4, 3:9,
3:14, 3:17
funds [2] - 34:15, 42:8
funny [5] - 127:14,
169:16, 169:23,
172:8, 196:19
Future [1] - 268:3
future [5] - 49:7,
262:23, 265:25,
267:13, 267:17

G

gain [1] - 292:4
Gaines [5] - 35:10,
67:5, 314:4, 315:19,
327:1
gaining [1] - 82:13
game [5] - 15:14,
36:13, 75:20, 75:22,
75:25

gang [3] - 266:18,
266:21, 295:4
Garbarino [1] - 135:9
gardens [1] - 100:21
gas [3] - 272:17,
272:18, 272:25
gather [9] - 65:25,
88:8, 90:19, 158:19,
194:16, 195:15,
202:7, 304:14,
304:15
gathering [4] - 86:14,
89:6, 90:4, 90:13
gauge [1] - 209:13
gears [1] - 40:2
gender [1] - 95:25
General [3] - 1:19,
1:19, 106:23
general [19] - 42:18,
45:7, 52:4, 57:3,
84:22, 138:7,
158:17, 164:21,
191:7, 198:22,
200:23, 217:1,
217:8, 217:13,
221:2, 282:15,
293:11, 293:18,
306:6
generally [7] - 44:4,
53:8, 184:12, 190:7,
214:1, 220:17,
306:20
generate [1] - 197:11
generated [3] - 73:13,
162:9, 197:4
generation [1] -
131:23
generational [1] -
309:8
generations [2] -
96:21, 99:4
genesis [1] - 228:10
genetic [2] - 96:25,
308:23
genitalia [8] - 129:5,
169:4, 207:1,
207:13, 207:16,
207:18, 208:1,
229:15
genitals [3] - 114:15,
119:16, 184:8
genogram [2] - 97:17,
97:19
gentleman [4] - 10:20,
88:6, 187:6, 208:23
gentlemen [2] -
186:19, 258:12
genuine [1] - 296:25
germane [1] - 82:20
Germany [2] - 144:1,

236:19
getting-to-know-you
[2] - 163:23, 165:2
gifts [1] - 182:1
girlfriend [3] - 132:3,
156:18, 232:1
girlfriends [1] -
129:10
girls [2] - 120:17,
129:9
gist [1] - 320:20
given [16] - 53:18,
53:20, 53:22, 58:14,
102:18, 140:3,
147:24, 160:4,
175:9, 197:12,
197:16, 213:8,
220:19, 222:6,
222:10, 315:6
glass [1] - 255:12
glasses [2] - 237:24,
237:25
goal [1] - 54:5
goals [2] - 62:24, 63:1
God [2] - 149:9,
202:16
government [1] -
108:18
grab [3] - 114:15,
129:5, 207:25
grabbed [4] - 206:25,
207:16, 207:18
grabbing [3] - 169:4,
207:12, 229:14
grade [2] - 103:13,
286:4
grades [3] - 162:20,
284:11, 284:13
graduate [1] - 137:12
graduated [2] - 8:18,
8:20
graduation [1] - 228:1
Graham [36] - 3:10,
20:21, 20:22, 21:4,
24:7, 24:16, 25:22,
28:11, 28:24, 29:2,
29:8, 31:14, 35:20,
36:7, 37:14, 38:7,
38:8, 39:7, 62:11,
62:17, 63:20, 75:23,
76:8, 86:25, 87:2,
177:15, 178:6,
183:2, 205:20,
206:1, 206:5,
309:14, 309:25,
311:11, 311:13,
328:18
Graham's [3] - 36:1,
87:21, 328:11
grandchild [2] -

245:20, 290:20
grandchildren [2] -
245:23, 290:21
grandfather [7] -
25:10, 100:25,
132:13, 156:19,
203:18, 203:24,
204:15
grandfather's [1] -
132:4
grandmother [3] -
100:17, 101:1,
156:19
grandparents [13] -
84:8, 84:9, 98:25,
99:2, 100:8, 100:11,
100:15, 101:17,
102:14, 109:24,
119:22, 192:21,
203:12
granted [4] - 11:3,
42:9, 221:5, 221:6
grasp [1] - 198:10
great [20] - 47:10,
84:9, 88:16, 99:2,
110:10, 110:11,
110:13, 133:18,
147:5, 156:17,
164:9, 181:12,
221:15, 223:4,
223:7, 226:5,
245:25, 247:3,
247:4, 265:20
great-aunt [3] -
110:10, 110:11,
110:13
great-aunts [1] -
133:18
great-grandparents
[2] - 84:9, 99:2
greater [2] - 238:8,
261:15
greed [1] - 57:19
Greenville [1] - 80:9
grew [11] - 83:19,
95:9, 101:6, 101:7,
102:5, 102:11,
113:25, 136:20,
191:5, 240:3, 256:10
ground [2] - 45:6,
124:19
grounds [1] - 222:20
group [11] - 84:9,
90:2, 90:7, 90:15,
91:13, 179:19,
179:24, 180:8,
266:19, 313:15,
313:25
groups [1] - 263:7
grow [4] - 96:24,

135:20, 136:19,
244:23
growing [17] - 89:1,
116:22, 117:3,
132:11, 136:23,
136:24, 149:18,
153:14, 190:3,
201:24, 225:10,
230:9, 238:22,
244:20, 246:6,
248:3, 309:4
grown [4] - 103:10,
139:12, 170:24,
258:2
grows [1] - 247:10
guard [1] - 252:8
guarded [1] - 134:25
guards [2] - 48:25,
49:1
guess [8] - 12:7, 41:9,
62:9, 109:4, 115:2,
128:10, 224:10,
275:19
guessing [1] - 62:10
guidance [1] - 148:25
guide [1] - 81:13
guidelines [3] - 178:9,
178:14, 178:15
guilt [4] - 43:6, 48:1,
58:16, 120:15
guilt/innocence [4] -
14:19, 14:21, 19:18,
19:21
guilty [4] - 70:22,
310:19, 326:13,
326:16
gun [10] - 175:10,
176:1, 200:15,
202:4, 202:20,
203:6, 203:8,
272:16, 323:25,
324:1
guns [4] - 134:14,
175:24, 201:17,
202:23
gunshot [3] - 132:8,
204:12, 204:13
guy [5] - 44:9, 45:13,
52:14, 111:9, 263:16
guys [2] - 182:10,
331:11

H

half [5] - 31:11, 89:21,
149:4, 168:7, 307:7
halfway [1] - 315:24
hallmark [1] - 250:13
ham [1] - 101:22
hand [15] - 9:12, 9:15,

- 22:5, 39:2, 42:21,
53:11, 56:19,
120:24, 124:17,
146:19, 174:21,
197:23, 199:22,
310:20, 329:22
handcuffs [1] - 131:14
handed [3] - 172:18,
328:12, 328:21
handing [2] - 312:7,
325:8
handle [4] - 19:10,
61:4, 123:17, 151:16
handled [1] - 54:18
hands [5] - 225:8,
238:1, 249:14,
250:22, 255:9
hang [1] - 182:9
hanger [1] - 128:25
hangers [1] - 128:11
hanging [8] - 67:7,
121:18, 166:3,
270:17, 314:12,
315:6, 315:7, 315:21
happiest [1] - 120:21
happy [6] - 137:20,
137:22, 163:11,
164:16, 202:15,
208:19
hard [8] - 56:6, 56:8,
130:10, 179:10,
182:2, 198:10,
244:23, 279:4
hardly [1] - 113:24
harm [3] - 134:12,
134:19, 134:21
harming [1] - 148:10
Harris [1] - 306:10
harsh [2] - 161:14,
161:16
harshly [1] - 281:23
harvest [1] - 103:16
hatched [1] - 40:21
hate [1] - 126:2
hated [1] - 123:13
Hattie [1] - 105:13
hazardous [1] -
283:13
head [9] - 13:17,
21:10, 32:8, 105:10,
112:10, 131:17,
196:5, 288:8, 315:12
health [30] - 32:11,
40:4, 49:14, 69:8,
72:5, 82:1, 82:6,
82:7, 85:25, 102:7,
129:15, 147:6,
148:25, 149:1,
152:2, 216:25,
225:5, 235:9,
236:11, 237:14,
239:9, 239:10,
239:21, 243:9,
248:11, 253:4,
256:19, 301:2
Health [1] - 212:13
health-wise [2] -
236:11, 256:19
healthy [7] - 123:21,
231:3, 253:11,
253:12, 260:11,
260:18, 261:11
hear [6] - 6:23, 87:13,
106:7, 182:6,
184:15, 323:17
heard [5] - 60:18,
73:9, 128:24, 202:9,
258:22
hearing [10] - 41:7,
56:2, 60:1, 67:12,
182:3, 242:15,
302:15, 321:3,
321:5, 333:11
hearings [4] - 23:25,
40:25, 41:3, 85:3
hearsay [12] - 45:23,
59:3, 216:2, 216:5,
216:7, 218:1, 218:6,
218:8, 219:2, 219:3,
222:3, 223:4
Hearst [1] - 258:23
heart [4] - 99:8,
103:19, 203:23,
250:23
heavily [2] - 239:1,
283:21
heavy [1] - 250:23
height [1] - 254:21
held [3] - 5:1, 79:17,
210:10
help [20] - 18:3, 21:24,
40:1, 44:11, 66:21,
68:9, 82:23, 93:5,
93:6, 103:16, 104:4,
125:24, 125:25,
141:12, 143:2,
149:10, 150:4,
233:4, 266:3, 295:16
helped [4] - 104:9,
107:9, 122:19,
141:17
helpful [2] - 299:12,
299:17
helping [1] - 108:19
helpless [3] - 119:3,
130:25, 248:18
helplessness [1] -
235:19
helps [6] - 9:16, 10:11,
11:25, 39:3, 39:25,
177:11
hereby [1] - 333:8
hereto [1] - 333:16
herself [4] - 107:6,
108:14, 143:4, 196:9
hesitation [1] - 93:23
hi [1] - 93:17
high [12] - 85:6,
110:23, 122:18,
130:17, 137:9,
137:11, 137:16,
154:10, 227:25,
232:1, 267:2, 269:23
higher [5] - 151:9,
151:21, 185:12,
185:15, 266:9
Hill [1] - 232:4
himself [13] - 73:14,
105:9, 118:25,
119:5, 124:8,
136:10, 136:14,
148:8, 204:9,
205:11, 223:16,
251:11, 275:25
HIPAA's [1] - 96:8
hired [1] - 12:21
hires [1] - 307:23
hiring [1] - 206:9
historically [1] -
130:17
history [36] - 45:12,
51:6, 86:11, 87:6,
95:3, 96:20, 97:3,
100:5, 100:10,
102:16, 142:1,
165:6, 165:10,
165:12, 165:25,
189:15, 227:19,
227:22, 230:22,
237:1, 244:1, 259:9,
259:13, 259:18,
260:1, 268:18,
293:4, 296:20,
308:22, 315:6,
315:12, 323:23,
324:21, 324:23,
327:12, 327:16
hit [2] - 204:25, 233:12
hogs [1] - 203:18
hold [10] - 80:17,
119:18, 120:24,
135:12, 155:19,
155:20, 240:14,
240:15, 242:8,
269:22
holding [1] - 133:16
hole [2] - 103:19,
240:15
holt [1] - 157:14
Holt [12] - 1:17, 44:13,
157:6, 157:7, 158:4,
168:24, 193:25,
206:16, 222:14,
242:11, 269:9,
269:20
HOLT [2] - 7:20, 79:15
Holt's [1] - 300:19
home [47] - 65:5,
82:19, 83:23, 101:5,
102:25, 103:25,
107:8, 117:15,
119:25, 120:23,
121:2, 129:8, 131:3,
137:1, 139:10,
147:20, 147:22,
148:17, 150:25,
154:7, 172:10,
181:23, 182:8,
184:17, 200:13,
204:1, 207:21,
219:20, 225:12,
225:21, 226:3,
226:18, 226:19,
228:3, 228:20,
229:22, 255:21,
256:10, 257:10,
257:21, 283:19,
285:2, 287:2, 287:8,
287:12, 321:1
homemade [1] -
292:21
homes [2] - 147:18,
148:24
homicide [1] - 275:13
honest [1] - 75:18
honestly [1] - 221:18
Honor [64] - 5:8, 6:2,
7:6, 7:11, 7:23, 9:11,
47:8, 47:19, 58:18,
59:21, 60:9, 73:6,
75:6, 75:9, 79:8,
79:11, 79:15, 81:1,
81:17, 81:20, 98:2,
121:23, 126:17,
133:7, 146:19,
151:24, 168:5,
187:20, 192:13,
200:25, 201:11,
208:4, 208:7,
208:11, 209:4,
211:14, 212:23,
215:23, 215:25,
216:14, 216:18,
217:10, 219:12,
219:17, 220:12,
221:8, 222:20,
224:2, 258:10,
258:19, 261:25,
268:1, 268:25,
269:2, 297:21,
302:5, 302:14,
302:21, 303:16,
307:7, 310:22,
319:15, 332:4,
332:11
Honorable [1] - 1:14
hope [2] - 20:3,
133:19
hopeless [4] - 119:3,
204:2, 235:22, 250:3
hopes [1] - 144:13
hoping [2] - 20:12,
144:15
horrible [3] - 147:9,
246:19, 246:23
horrific [1] - 159:6
hose [5] - 128:23,
128:25, 129:1,
176:20
hoses [1] - 128:11
Hospital [2] - 106:23,
306:10
hospital [5] - 57:8,
107:6, 108:6, 204:9,
306:21
hospitals [1] - 82:5
hotel [8] - 26:15, 27:3,
27:6, 27:17, 91:3,
174:11, 179:23,
255:16
hotels [1] - 111:24
hour [5] - 105:8,
122:1, 187:17,
318:3, 332:6
hours [10] - 30:11,
30:25, 31:5, 164:7,
192:24, 193:5,
251:15, 270:1,
300:4, 300:5
house [21] - 65:1,
117:8, 117:13,
117:17, 117:19,
118:2, 118:3, 118:9,
118:21, 119:12,
120:20, 123:24,
125:4, 149:6, 153:8,
153:24, 202:20,
205:15, 237:22,
237:23, 255:14
household [1] -
260:21
houses [2] - 102:1,
136:17
housing [1] - 108:17
how-to [1] - 81:13
Hubbard [2] - 33:4,
33:12
hugging [1] - 174:21
humiliating [2] -
244:7, 245:14

- humiliation** [1] - 245:15
hundred [2] - 171:23, 196:25
hundreds [1] - 135:14
hurt [7] - 71:9, 116:16, 119:5, 133:25, 136:13, 251:12, 252:9
hurting [1] - 118:25
hyperreactive [1] - 186:1
hypervigilance [1] - 251:8
hypervigilant [1] - 134:25
-
- I**
-
- I-26** [2] - 187:4, 187:18
I.. [1] - 11:23
ice [3] - 127:10, 141:5, 141:7
ID [3] - 3:2, 4:2, 267:22
idea [2] - 40:21, 231:2
ideas [1] - 158:19
identification [9] - 5:5, 6:1, 6:6, 215:20, 221:20, 310:12, 310:14, 329:19, 329:21
identified [1] - 198:8
identify [2] - 93:5, 191:2
III [1] - 1:19
ill [2] - 150:5, 150:6
illicit [1] - 225:12
illness [5] - 167:23, 168:1, 168:5, 177:10, 306:25
illnesses [3] - 308:21, 308:22, 308:23
image [1] - 254:2
images [2] - 254:3, 254:10
imagine [2] - 30:18, 35:6
immediate [4] - 83:25, 84:5, 121:17, 313:12
immediately [1] - 23:2
impact [14] - 95:24, 97:1, 97:2, 99:10, 101:13, 109:3, 129:17, 130:16, 166:5, 168:21, 188:19, 225:5, 236:22, 280:6
impacted [1] - 239:6
impacts [1] - 249:6
- impaired** [5] - 88:21, 149:22, 150:2, 158:23, 185:2
impairment [1] - 239:7
impairments [4] - 149:23, 159:1, 306:14, 328:5
impairs [1] - 307:24
impeached [1] - 59:10
importance [4] - 92:16, 262:10, 262:17, 308:11
important [41] - 13:1, 55:8, 55:15, 83:14, 83:16, 88:5, 89:12, 89:15, 89:16, 89:22, 91:5, 92:18, 98:8, 102:20, 102:21, 104:23, 109:13, 120:8, 152:25, 165:16, 166:8, 166:18, 167:10, 167:25, 195:19, 240:4, 243:21, 262:10, 265:18, 265:24, 266:5, 266:12, 274:14, 304:19, 304:24, 308:16, 308:20, 308:22, 308:24, 309:2, 322:11
importantly [1] - 135:1
impossible [2] - 154:4, 193:11
imprisonment [1] - 263:2
inadmissible [2] - 218:7, 222:4
Inc [1] - 216:9
incarceration [1] - 185:13
incentive [1] - 296:18
incidences [3] - 132:11, 172:15, 205:14
incident [15] - 14:6, 51:11, 57:14, 171:21, 172:6, 203:25, 204:16, 234:12, 243:8, 270:17, 272:10, 274:22, 275:13, 282:18, 285:22
incidents [1] - 248:8
include [3] - 311:9, 319:6, 322:10
included [5] - 76:22, 175:4, 233:1, 281:6, 326:18
includes [6] - 82:15, 82:17, 82:18, 82:23, 199:24, 200:2
including [3] - 99:2, 218:6, 264:11
inconsistencies [2] - 90:22, 142:16
inconsistent [2] - 142:17, 280:7
Incorporated [1] - 221:2
indeed [2] - 304:16, 323:11
independent [5] - 17:15, 78:13, 79:1, 87:19, 143:1
independently [3] - 13:10, 15:5, 146:4
index [1] - 42:22
indicate [30] - 26:22, 30:9, 37:19, 37:20, 40:1, 40:16, 78:24, 167:16, 171:10, 173:3, 205:7, 221:25, 270:23, 272:21, 273:2, 273:15, 273:21, 274:17, 275:15, 279:21, 280:22, 281:7, 282:13, 284:6, 290:15, 298:13, 298:22, 298:25, 317:22, 331:7
indicated [31] - 10:5, 24:13, 29:16, 47:25, 51:4, 54:24, 57:11, 61:14, 75:12, 77:21, 91:1, 169:3, 170:19, 177:13, 177:24, 184:6, 184:22, 207:16, 207:23, 271:21, 276:11, 286:13, 290:10, 290:12, 291:1, 291:11, 292:16, 300:1, 301:8, 304:16, 313:5
indicates [16] - 10:24, 12:12, 23:14, 26:5, 30:1, 31:10, 32:23, 34:8, 35:9, 36:9, 38:11, 40:19, 41:2, 43:8, 293:7, 298:15
indicating [1] - 42:8
indicating [1] - 172:3
indication [12] - 22:18, 36:2, 95:8, 153:22, 175:9, 218:16, 281:9, 281:11, 284:16, 296:23, 298:23, 331:22
indications [1] - 61:22
Indigent [1] - 35:17
individual [15] - 37:2, 48:14, 49:7, 49:18, 82:13, 90:16, 91:11, 179:21, 232:7, 253:10, 263:8, 290:2, 290:6, 295:4, 309:1
individual's [1] - 49:7
individually [1] - 265:16
individuals [8] - 60:16, 156:25, 157:11, 158:11, 159:18, 214:25, 219:2, 219:7
indulgence [5] - 71:12, 72:15, 191:8, 261:22, 292:13
ineffective [6] - 45:10, 45:22, 58:20, 60:3, 264:17, 296:1
infancy [1] - 133:15
infant [3] - 108:3, 133:14, 133:20
infection [1] - 132:8
inferences [1] - 216:23
infested [1] - 225:11
infidelity [1] - 186:6
influenced [1] - 243:17
inform [2] - 86:2
information [173] - 5:13, 44:25, 45:13, 45:14, 46:11, 50:23, 50:25, 51:14, 51:18, 51:21, 52:6, 55:20, 57:23, 58:14, 59:5, 59:12, 59:13, 64:20, 65:15, 69:4, 70:16, 70:25, 71:2, 72:10, 74:16, 74:22, 75:14, 76:8, 78:8, 78:23, 82:13, 82:24, 85:17, 87:12, 87:16, 87:20, 88:8, 89:6, 89:13, 90:5, 90:20, 90:23, 92:18, 92:19, 93:4, 93:11, 94:23, 95:2, 96:16, 100:4, 101:19, 102:18, 102:20, 104:23, 105:17, 107:2, 107:22, 112:16, 115:21, 116:4, 127:21, 144:10, 145:7, 145:10, 175:8, 175:15, 176:5, 177:8, 178:3, 180:7, 193:17, 194:4, 194:16, 195:15, 196:2, 199:24, 200:2, 200:17, 201:20, 202:2, 202:3, 202:6, 202:7, 202:9, 203:1, 205:5, 205:25, 206:23, 207:4, 213:23, 214:2, 215:8, 215:10, 216:7, 216:24, 217:6, 219:3, 219:5, 219:19, 220:1, 224:16, 224:20, 226:15, 226:16, 227:10, 227:22, 229:14, 229:15, 232:2, 232:22, 236:20, 237:2, 238:9, 240:20, 241:18, 246:16, 246:19, 262:7, 270:24, 273:24, 276:2, 276:16, 278:2, 280:9, 280:13, 280:14, 280:23, 300:6, 300:11, 301:17, 301:19, 304:6, 304:14, 304:25, 307:12, 307:16, 307:21, 308:3, 309:17, 310:1, 311:5, 311:12, 311:24, 312:3, 312:8, 313:19, 314:3, 315:24, 318:9, 318:11, 319:5, 320:2, 320:11, 320:15, 320:16, 321:3, 321:6, 321:14, 321:19, 321:24, 322:11, 322:20, 323:13, 323:21, 324:9, 324:14, 324:16, 325:4, 327:22, 328:16, 330:21, 331:1, 331:21
Information [1] - 12:10
infraction [1] - 264:14
infractions [4] - 265:2, 265:4, 265:20, 294:5
initial [11] - 10:7, 21:17, 22:1, 24:4,

- 24:8, 29:7, 32:17,
56:1, 220:4, 298:22,
312:22
injure [1] - 169:25
injured [3] - 124:17,
204:8, 236:20
injury [5] - 142:18,
144:6, 314:18,
315:12
inmate [3] - 263:7,
266:6, 295:11
inmates [6] - 266:8,
266:9, 293:22,
293:24, 294:3
innocence [1] - 43:6
inquire [1] - 168:1
inquiry [5] - 60:24,
63:18, 72:20, 263:12
inside [5] - 112:6,
114:15, 129:5,
130:24, 250:16
insight [1] - 154:14
insisted [3] - 104:20,
125:5, 139:13
instability [2] -
231:16, 231:17
instance [1] - 207:7
instances [2] - 218:5,
307:19
instead [2] - 201:2,
247:9
institution [1] - 263:11
institutional [1] -
262:25
intelligence [1] -
284:7
intend [1] - 5:20
intended [1] - 175:16
intense [1] - 131:5
intensified [2] - 239:6,
261:12
intent [8] - 13:19,
15:23, 17:6, 18:1,
159:7, 169:25,
193:9, 207:5
interest [2] - 228:12,
333:16
interested [2] - 228:9,
243:15
interesting [2] -
104:12, 200:11
interfered [1] - 257:24
intergenerational [3] -
84:6, 95:3, 308:11
intergenerationally
[1] - 98:12
interim [2] - 35:18,
327:3
internships [1] - 211:4
interpersonal [5] -
231:4, 249:8,
249:13, 252:1,
260:19
interpretation [1] -
185:25
intervention [3] -
149:1, 149:2, 153:23
interview [65] - 14:15,
14:18, 14:22, 31:18,
36:25, 83:7, 83:24,
83:25, 91:21, 92:5,
92:6, 141:24, 155:9,
155:12, 164:2,
164:4, 164:15,
164:20, 170:11,
170:18, 171:10,
171:14, 173:7,
174:5, 174:6,
177:17, 180:11,
193:13, 193:22,
199:25, 205:7,
205:11, 214:4,
224:17, 233:2,
237:19, 246:1,
262:13, 262:14,
264:11, 270:1,
270:3, 270:11,
270:13, 298:9,
299:25, 313:21,
315:25, 316:3,
316:6, 316:24,
318:10, 320:6,
321:19, 321:20,
321:25, 322:1,
322:7, 322:10,
322:15, 324:7,
325:2, 331:5, 331:7
Interview [2] - 296:12,
316:22
interviewed [25] -
14:13, 14:17, 15:4,
15:9, 28:12, 30:10,
31:4, 36:10, 76:18,
76:19, 83:9, 87:17,
164:17, 164:18,
179:17, 179:25,
188:7, 193:25,
214:3, 214:10,
313:13, 313:15,
313:25, 314:11,
318:3
interviewing [2] -
76:11, 204:15
interviews [44] -
15:19, 82:16, 83:10,
87:24, 87:25, 91:12,
92:9, 93:1, 163:16,
163:20, 163:21,
163:23, 164:5,
168:25, 172:13,
172:21, 172:23,
173:1, 174:9, 175:5,
176:18, 181:14,
191:3, 193:16,
195:1, 200:2,
206:12, 214:5,
218:22, 241:22,
245:18, 251:3,
251:5, 262:12,
262:17, 277:12,
289:16, 289:19,
290:14, 313:8,
316:10, 317:4,
317:22, 324:17
intimate [1] - 140:8
introduce [1] - 301:3
introduced [2] -
157:8, 333:11
introducing [2] -
270:3, 270:4
introductory [1] -
300:1
intrusion [5] - 247:22,
249:18, 250:4,
250:8, 250:11
intrusions [1] - 260:9
intrusive [2] - 249:19,
253:3
invasive [2] - 229:17,
249:14
inverse [1] - 267:1
invest [1] - 331:11
investigate [3] -
178:10, 178:11,
304:16
investigated [4] -
94:25, 178:23,
178:25, 179:8
investigating [3] -
86:9, 86:10, 304:18
Investigation [2] - 3:6,
3:11
investigation [14] -
12:19, 15:19, 28:9,
28:25, 33:13, 39:1,
39:20, 54:14, 94:11,
94:13, 94:18, 97:10,
305:24, 313:6
investigative [3] -
38:4, 159:20, 160:15
investigator [35] -
10:18, 25:23, 62:18,
75:24, 85:22, 85:23,
86:6, 86:7, 86:8,
86:21, 87:1, 87:7,
87:9, 88:3, 89:9,
90:25, 91:6, 91:9,
91:10, 92:9, 92:24,
94:6, 129:23,
167:24, 176:22,
177:3, 183:4,
199:19, 199:21,
205:21, 206:4,
206:10, 304:9,
304:12, 310:1
investigator's [1] -
179:13
investigators [4] -
35:19, 93:2, 157:16,
206:17
investment [1] -
331:15
investors [1] - 331:13
involve [2] - 226:23,
254:17
involved [42] - 23:25,
33:5, 33:22, 34:18,
35:1, 35:20, 39:19,
41:11, 41:16, 41:18,
43:20, 43:23, 75:3,
77:8, 77:21, 85:7,
85:16, 86:21,
107:24, 131:24,
166:10, 176:23,
184:16, 184:19,
185:4, 234:14,
247:2, 266:20,
273:4, 286:9,
286:24, 287:5,
287:10, 287:19,
287:24, 288:1,
290:7, 291:5,
292:24, 303:24,
305:10, 312:15
involvement [8] -
102:3, 107:22,
137:4, 269:23,
307:14, 307:18,
313:9, 313:11
involves [1] - 249:19
Iraq [3] - 143:3,
237:13, 318:18
iron [1] - 124:18
irritability [1] - 251:25
irritable [1] - 231:13
isolation [1] - 135:4
issue [16] - 40:5,
40:11, 61:9, 61:17,
66:23, 66:24, 71:1,
73:7, 125:15,
132:25, 190:8,
221:13, 222:23,
223:4, 262:1, 274:5
issued [3] - 259:16,
311:18, 328:24
issues [17] - 49:14,
80:16, 95:23, 95:24,
96:2, 96:9, 102:7,
223:23, 224:11,
231:16, 237:12,
241:16, 245:4,
245:21, 247:6,
312:11
issuing [2] - 313:2,
329:5
item [3] - 254:23,
255:1, 293:1
items [3] - 254:21,
254:22, 255:20
itself [11] - 54:15,
165:8, 199:6, 218:3,
224:4, 232:17,
232:21, 252:19,
288:5, 291:16, 298:8
-
- ## J
-
- Jackson** [1] - 156:20
jail [5] - 48:25, 51:22,
120:13, 260:7,
314:25
James [6] - 39:9,
48:13, 135:9, 265:6,
294:7, 294:10
Jan [11] - 4:9, 5:20,
5:25, 44:14, 45:14,
75:14, 79:19, 80:1,
93:17, 215:4, 308:8
Janet [3] - 2:4, 80:2,
80:3
JANET [1] - 79:20
January [1] - 32:20
jaw [1] - 315:18
jealousness [1] -
232:10
jeopardy [1] - 237:15
jittery [1] - 250:14
job [7] - 105:8, 111:24,
117:24, 151:15,
165:24, 195:13,
304:5
jobs [4] - 105:1, 105:7,
144:23, 237:18
Johnny [10] - 98:25,
101:7, 101:8,
102:22, 119:23,
120:1, 120:5,
192:19, 318:1, 318:2
Johnson [1] - 10:1
joined [3] - 125:2,
140:4, 181:15
joint [2] - 25:3, 54:20
jointly [1] - 19:12
joking [1] - 207:23
jokingly [1] - 169:24
Joshua [1] - 143:22
joy [1] - 181:12
Jr [12] - 120:5, 140:22,
140:24, 141:1,
141:5, 141:7, 141:9,

141:11, 141:15,
141:20, 143:10,
318:2
judge [6] - 9:25, 11:6,
17:10, 22:18, 23:15,
67:16
Judge [15] - 1:14,
10:1, 17:8, 17:11,
17:17, 22:19, 22:20,
23:1, 23:18, 23:19,
53:19, 53:21, 98:5,
186:14, 187:16
judges [1] - 23:11
judgment [2] - 154:14,
239:8
Judicial [1] - 333:7
jug [3] - 127:16,
160:24, 195:23
jugs [1] - 233:19
juju [1] - 189:24
Julius [1] - 104:6
July [4] - 7:12, 7:22,
21:22, 269:15
June [14] - 7:18,
37:24, 37:25, 38:3,
39:5, 39:18, 156:14,
164:17, 170:18,
192:19, 203:11,
205:11, 324:25,
325:10
junior [1] - 122:17
jury [14] - 20:10, 43:1,
52:7, 52:21, 70:19,
71:1, 71:19, 72:11,
98:19, 179:7, 217:9,
217:10, 223:22,
330:22
justice [1] - 131:20
Justice [1] - 185:11
juvenile [1] - 185:13

K

Keck [1] - 211:6
keep [8] - 69:3, 108:4,
127:17, 145:17,
151:5, 162:4,
247:19, 310:4
keeping [1] - 129:25
Keesley [4] - 1:14,
17:11, 53:21, 98:5
Ken [1] - 326:25
Kenneth [3] - 35:10,
67:5, 314:4
kept [1] - 103:15
Keshia [1] - 332:15
Key [1] - 58:25
kid [4] - 130:9, 171:6,
198:2, 198:19
kids [7] - 103:15,
112:11, 134:5,
149:11, 172:8,
188:14, 202:10
kill [2] - 204:6, 234:8
killed [4] - 124:19,
136:15, 249:10,
254:11
killing [2] - 234:9,
265:22
Kimbrough [16] -
16:23, 18:5, 38:1,
38:5, 43:9, 43:11,
61:3, 62:15, 62:16,
66:12, 66:15, 78:19,
209:10, 274:19,
315:9, 328:11
**Kimbrough-
Armstrong** [1] -
209:10
kin [1] - 333:15
kind [54] - 7:3, 7:10,
83:21, 84:16, 86:19,
108:4, 109:8,
127:14, 129:21,
130:6, 136:10,
138:20, 143:1,
147:18, 149:12,
150:6, 151:19,
152:21, 164:24,
165:2, 182:14,
185:7, 185:12,
185:16, 185:24,
187:12, 232:7,
234:24, 235:19,
236:16, 236:23,
237:9, 239:2,
241:16, 243:24,
246:9, 247:1,
249:14, 250:4,
250:8, 250:11,
251:18, 252:5,
252:11, 255:4,
257:17, 260:14,
260:17, 264:14,
264:15, 266:19,
266:20, 276:22,
299:15
kinds [8] - 95:15, 96:2,
117:10, 132:11,
134:10, 154:2,
163:23, 243:14
Kingstree [3] -
101:20, 105:1,
105:16
kitchen [1] - 120:24
knee [8] - 142:19,
144:2, 144:4, 144:5,
144:6, 145:2, 145:6,
236:20
knife [3] - 119:2,

121:16, 324:2
Knight [24] - 2:6, 6:6,
6:19, 44:14, 75:15,
209:8, 210:13,
210:18, 210:20,
212:23, 213:5,
217:23, 218:21,
218:25, 219:18,
224:15, 242:8,
258:21, 261:19,
262:4, 268:16,
269:5, 297:24, 302:2
knight [2] - 45:14,
191:6
KNIGHT [1] - 210:14
Knight's [5] - 4:4,
6:21, 168:14,
168:16, 218:14
knock [1] - 89:21
knocking [2] - 91:11,
91:20
knowing [1] - 101:13
knowledge [26] -
38:14, 38:17, 68:2,
74:8, 78:13, 78:22,
79:1, 85:25, 94:10,
106:12, 193:24,
200:11, 205:23,
235:2, 241:8, 279:6,
286:19, 301:10,
301:17, 313:7,
313:23, 318:25,
325:18, 327:18,
329:4, 331:18
knowledgeable [1] -
18:25
known [9] - 41:14,
45:13, 74:25, 87:8,
121:8, 138:12,
176:6, 237:8, 274:21
knows [3] - 104:19,
238:6, 331:14
KROMAH [1] - 221:10
Kromah [6] - 216:1,
216:8, 219:4,
221:10, 221:12,
222:22

L

labor [2] - 19:11,
19:15
lack [4] - 87:5, 148:25,
149:18, 290:8
lacked [1] - 231:3
ladies [2] - 186:19,
258:12
lady [1] - 193:8
land [4] - 100:12,
101:25, 102:4, 112:1

landowner [2] -
100:12, 101:25
language [1] - 134:3
larceny [1] - 273:16
last [12] - 79:22,
83:17, 129:4, 138:2,
164:5, 164:6,
181:18, 235:3,
264:20, 281:17,
303:9, 325:7
late [3] - 105:2,
209:14, 308:14
laugh [2] - 130:15,
130:21
laughed [2] - 169:16,
169:22
laughs [1] - 127:13
laundry [1] - 255:18
law [11] - 8:16, 8:19,
18:25, 25:12, 76:16,
135:13, 184:19,
220:17, 221:14,
234:13
lawyer [1] - 159:11
laying [1] - 197:21
layperson [1] - 232:19
lazy [3] - 110:22,
115:7, 115:8
LCDC [1] - 264:15
lead [12] - 18:19, 19:3,
19:6, 19:9, 278:8,
278:12, 280:18,
283:1, 283:2,
289:23, 290:4, 290:6
leads [1] - 260:10
leak [1] - 240:14
learn [17] - 88:24,
104:23, 105:17,
107:2, 113:20,
118:8, 122:11,
136:21, 138:4,
138:8, 138:23,
140:23, 142:5,
260:23, 271:11,
308:24, 324:13
learned [12] - 99:23,
113:19, 115:19,
130:20, 130:23,
137:24, 195:18,
196:7, 196:24,
235:19, 271:12,
330:3
learning [2] - 88:23,
284:10
least [22] - 31:10,
44:1, 51:5, 55:14,
77:24, 78:23, 85:21,
85:25, 89:13, 100:7,
113:14, 118:11,
125:11, 167:24,
192:24, 198:9,
226:6, 232:18,
242:1, 245:18,
298:23, 318:23
leave [9] - 71:19,
129:3, 131:5,
137:15, 139:17,
187:3, 236:17,
255:8, 302:20
leaves [3] - 130:10,
130:11, 255:17
leaving [6] - 11:16,
96:19, 109:20,
127:9, 137:22, 228:1
led [7] - 73:15, 177:25,
179:4, 225:17,
259:22, 292:10,
292:11
Lee [1] - 182:4
left [32] - 23:19, 61:9,
97:9, 98:24, 107:12,
122:9, 124:20,
129:8, 131:3,
137:16, 138:18,
139:3, 144:9,
144:12, 145:5,
147:4, 148:17,
154:7, 174:10,
207:21, 236:24,
240:2, 257:10,
257:20, 272:20,
283:19, 287:12,
310:5, 310:7, 327:3
legal [6] - 243:20,
274:6, 274:8,
275:23, 300:21
legs [1] - 204:11
length [1] - 135:11
lengthy [2] - 209:8,
317:14
less [3] - 212:2, 277:5,
294:3
Letter [1] - 3:19
letter [2] - 37:7, 256:4
letters [1] - 256:3
letting [2] - 141:1,
141:6
Leukemia [2] - 111:1,
115:9
level [8] - 88:25,
231:23, 238:8,
241:17, 284:7,
295:10, 308:25
levels [2] - 101:14,
229:25
Lewis [2] - 138:16,
182:7
Lexington [16] - 1:2,
1:11, 8:23, 20:5,
29:21, 31:17, 42:13,

- 62:4, 187:2, 199:11,
214:19, 241:7,
277:25, 293:20,
314:16, 333:13
LEXINGTON [1] -
333:4
liar [1] - 243:10
license [1] - 8:17
licensed [3] - 81:4,
84:21, 211:8
licensing [1] - 8:14
lie [3] - 106:17, 141:6,
243:13
Lieber [2] - 187:1,
293:17
life [46] - 48:10, 50:3,
55:24, 56:5, 56:6,
56:8, 86:11, 89:2,
93:8, 95:7, 95:18,
105:14, 107:3,
107:20, 108:22,
109:25, 112:11,
114:20, 124:1,
125:19, 137:14,
138:4, 147:25,
148:5, 151:18,
152:12, 152:23,
164:23, 165:14,
165:21, 166:4,
183:18, 225:18,
227:6, 237:5, 237:7,
244:11, 246:20,
249:19, 260:18,
291:13, 291:23,
292:2, 304:17,
304:18, 304:25
lifelong [1] - 144:16
lifestyle [1] - 56:10
lifetime [1] - 295:22
light [2] - 272:19,
302:6
likelihood [1] - 262:24
likely [13] - 10:4, 10:6,
10:19, 38:21, 70:15,
94:4, 94:7, 150:10,
266:7, 267:5, 267:9,
309:8, 325:3
Limestone [4] -
117:16, 117:25,
136:9, 137:13
limestone [1] - 136:2
line [12] - 37:25,
117:4, 152:10,
162:4, 228:14,
228:25, 254:25,
259:21, 267:12,
321:6, 328:22,
331:10
lines [3] - 63:18,
193:2, 193:4
lion [1] - 43:11
lips [1] - 101:3
liquor [1] - 117:4
Lisa [4] - 29:11, 75:21,
79:5, 209:10
Lisa's [1] - 75:20
List [1] - 4:12
list [8] - 155:19,
155:20, 191:3,
191:13, 201:17,
217:4, 311:4, 311:8
listed [13] - 43:10,
99:13, 133:10,
133:22, 135:6,
150:19, 200:10,
202:22, 217:24,
315:24, 316:6,
317:12, 321:21
listened [1] - 70:20
listing [1] - 316:10
lists [1] - 191:4
literally [1] - 141:15
literature [1] - 82:20
live [8] - 89:7, 104:2,
106:25, 123:12,
126:2, 134:24,
140:15, 142:11
lived [16] - 72:3, 95:6,
100:21, 105:4,
108:22, 109:5,
112:5, 112:8,
117:13, 135:23,
148:20, 185:2,
245:11, 255:14,
319:22
lives [3] - 90:24, 94:2,
95:2
living [8] - 56:12,
101:16, 101:25,
112:1, 115:18,
202:12, 231:20,
231:21
load [1] - 151:20
local [1] - 8:22
locate [1] - 172:19
located [2] - 30:10,
84:4
locating [1] - 86:12
locked [2] - 264:5,
279:9
locking [1] - 114:1
logical [1] - 34:6
logistically [1] -
186:25
long-term [1] - 140:25
look [54] - 12:5, 13:7,
15:6, 17:9, 21:21,
26:4, 30:3, 30:5,
37:24, 39:24, 40:12,
40:14, 44:21, 94:20,
94:21, 96:21, 98:20,
100:10, 116:16,
123:15, 124:9,
129:19, 132:21,
134:2, 147:18,
154:2, 165:9, 171:9,
177:3, 179:4,
179:12, 188:20,
190:18, 231:14,
232:15, 240:18,
240:23, 256:9,
263:7, 264:5,
264:19, 265:20,
268:20, 280:10,
285:15, 288:3,
301:13, 316:13,
317:13, 317:21,
322:4, 325:8,
328:22, 331:5
looked [8] - 109:11,
123:15, 138:19,
142:17, 179:12,
204:4, 221:17,
264:10
looking [26] - 12:22,
12:23, 37:17, 43:18,
55:22, 84:7, 98:14,
99:5, 99:9, 100:3,
158:10, 160:12,
160:15, 174:9,
187:22, 201:11,
203:21, 227:24,
230:18, 230:23,
259:20, 265:11,
266:10, 267:15,
294:24, 331:12
looks [19] - 12:1,
12:15, 15:12, 16:24,
17:11, 21:25, 22:7,
30:3, 31:3, 34:14,
36:8, 43:1, 138:20,
155:23, 193:1,
205:10, 269:20,
281:22, 314:3
looping [1] - 90:19
loose [1] - 146:5
Los [1] - 211:7
lose [1] - 236:23
loses [3] - 130:9,
237:10, 261:8
losing [6] - 134:1,
140:10, 237:4,
237:11, 237:14,
238:18
loss [3] - 67:8, 72:11,
237:16
lost [7] - 142:19,
145:24, 146:9,
222:17, 237:6,
273:6, 289:9
Louisiana [1] - 231:1
Louisville [1] - 211:3
love [6] - 116:13,
133:12, 139:1,
139:7, 148:4, 232:5
loved [9] - 109:10,
118:18, 119:22,
120:15, 144:14,
165:1, 203:17
loving [2] - 107:14,
112:22
low [4] - 27:11,
253:20, 267:15
lower [1] - 267:2
LSD [4] - 182:5,
182:10, 182:19,
283:23
lunch [3] - 122:1,
308:14, 332:6
luncheon [2] - 122:4,
332:14
lying [1] - 127:10
-
- M**
-
- M-a-d-d-o-x** [1] - 303:9
ma'am [23] - 9:6, 9:9,
9:13, 9:17, 9:19,
11:8, 14:4, 15:8,
16:1, 16:14, 17:23,
24:3, 33:2, 81:2,
126:18, 133:8,
146:20, 151:25,
152:16, 208:8,
211:15, 268:11,
310:25
mad [2] - 230:16,
256:24
madame [1] - 302:8
Maddox [44] - 2:8,
24:21, 24:22, 31:23,
32:6, 34:23, 34:25,
35:5, 35:6, 51:16,
66:25, 69:13, 78:13,
78:21, 191:6, 209:9,
214:21, 219:20,
219:22, 219:25,
242:18, 246:5,
246:9, 274:18,
275:18, 275:22,
280:20, 281:1,
282:4, 291:6,
291:10, 301:9,
301:18, 303:1,
303:6, 303:9,
303:10, 303:23,
310:10, 310:15,
311:4, 329:22, 332:8
MADDOX [1] - 303:2
Mae [1] - 105:13
magnified [1] - 151:6
mail [9] - 318:23,
323:9, 326:18,
327:19, 329:14,
329:20, 329:23,
331:20
Mail [1] - 4:11
mailed [1] - 44:17
maintain [1] - 145:18
maintained [1] -
181:21
maintenance [2] -
105:10, 106:3
major [3] - 151:12,
227:20, 259:8
male [2] - 111:19,
123:24
males [2] - 175:1,
248:14
malinger [1] - 275:19
malingered [5] -
243:5, 271:10,
271:15, 273:25,
275:10
malinering [8] -
167:17, 168:17,
296:8, 296:10,
296:14, 296:15,
297:1, 297:4
mall [1] - 139:8
mama [2] - 109:12
man [9] - 103:17,
104:6, 108:21,
108:24, 117:14,
136:7, 139:12,
170:24, 258:2
manage [2] - 109:9,
148:22
managed [1] - 130:20
mandated [1] - 103:3
manipulating [1] -
45:24
manner [3] - 68:10,
231:3, 238:5
map [1] - 41:14
MapQuest [2] - 30:6,
31:10
March [3] - 155:9,
155:10, 191:18
marijuana [9] - 118:7,
118:8, 137:7,
226:23, 239:2,
286:10, 286:20,
287:5, 287:19
mark [8] - 17:8,
130:10, 236:6,
268:11, 302:9,
310:11, 310:25,
329:17
Mark [2] - 11:10, 17:12

- marked** [15] - 5:5, 5:9, 5:15, 5:21, 6:1, 6:5, 97:18, 191:9, 191:13, 215:19, 221:20, 267:21, 310:14, 312:20, 329:21
- marriage** [6] - 142:4, 142:6, 143:25, 230:25, 237:11, 257:24
- marriages** [1] - 261:6
- married** [10] - 105:3, 117:14, 123:23, 140:18, 141:19, 142:22, 145:16, 170:17, 186:9, 231:22
- Mary** [1] - 156:16
- mask** [1] - 130:23
- Masons** [1] - 140:5
- master** [1] - 148:16
- master's** [2] - 80:18, 211:1
- mat** [1] - 255:18
- matches** [1] - 202:11
- material** [1] - 222:3
- materials** [6] - 37:21, 44:14, 172:18, 219:5, 241:20, 291:2
- maternal** [6] - 99:22, 100:3, 100:6, 100:24, 101:17, 102:17
- mathematical** [1] - 151:4
- matter** [7] - 7:15, 53:11, 96:17, 96:23, 145:25, 151:11, 296:17
- mattered** [1] - 95:6
- matters** [2] - 50:15, 216:3
- Matthew** [3] - 124:4, 124:9, 156:20
- mattress** [1] - 128:6
- McDougall** [54] - 10:21, 11:1, 11:12, 11:18, 12:18, 12:21, 14:8, 14:13, 15:4, 15:9, 24:5, 24:15, 28:7, 35:19, 36:7, 36:9, 36:18, 37:13, 38:18, 39:8, 51:5, 56:22, 57:11, 57:22, 58:14, 60:23, 63:4, 63:6, 63:9, 65:3, 65:11, 76:11, 76:13, 79:3, 95:14, 95:22, 177:15, 183:10, 199:19, 199:21, 200:10, 241:22, 242:4, 276:11, 276:17, 299:1, 309:13, 309:17, 309:23, 311:13, 312:21, 321:13, 331:2, 331:5
- McDougall's** [9] - 12:10, 37:18, 40:13, 40:18, 51:3, 78:9, 78:23, 179:13, 276:10
- McHenry** [2] - 218:1, 218:4
- mean** [17] - 86:10, 100:25, 135:7, 146:25, 182:17, 187:9, 187:10, 187:17, 192:2, 208:15, 208:25, 219:21, 222:24, 233:9, 244:22, 270:19, 291:6
- meaning** [4] - 56:10, 214:6, 259:13, 260:7
- means** [5] - 82:11, 84:6, 116:25, 203:15, 234:2
- meant** [2] - 174:22, 189:12
- measure** [2] - 226:21, 295:20
- measures** [2] - 295:15, 295:16
- meat** [1] - 100:19
- mechanisms** [1] - 261:11
- media** [1] - 13:25
- Medical** [3] - 211:5, 211:6, 314:16
- medical** [14] - 97:2, 99:7, 101:4, 115:14, 204:12, 212:10, 214:7, 240:10, 240:20, 240:23, 278:22, 308:22, 314:13, 314:15
- medically** [1] - 84:18
- medication** [2] - 236:18, 241:12
- Medicine** [1] - 327:3
- meet** [28] - 18:9, 31:14, 36:22, 54:25, 63:21, 64:2, 64:21, 64:24, 66:1, 66:7, 92:25, 133:14, 155:18, 156:15, 157:4, 157:7, 158:2, 183:11, 190:14, 192:5, 213:17, 213:20, 259:18, 265:17, 265:20, 269:13, 305:19, 317:8
- meeting** [53] - 13:9, 13:10, 18:12, 23:7, 26:15, 27:24, 30:23, 36:20, 40:13, 42:12, 42:17, 55:4, 56:1, 57:10, 62:4, 62:6, 66:14, 86:14, 86:15, 90:8, 90:15, 91:2, 91:14, 91:16, 98:11, 149:25, 164:14, 179:23, 188:24, 189:2, 191:16, 191:19, 192:6, 192:23, 203:11, 269:18, 270:14, 270:24, 271:19, 271:21, 272:7, 276:12, 299:7, 299:18, 300:2, 300:3, 300:19, 300:20, 304:22, 305:5, 312:16, 312:22, 317:14
- meetings** [13] - 30:21, 56:21, 56:25, 57:1, 90:16, 93:2, 157:10, 157:20, 157:22, 164:12, 173:2, 191:25, 312:23
- meets** [1] - 259:12
- member** [12] - 56:2, 63:17, 76:14, 85:21, 86:15, 120:18, 212:8, 226:5, 280:23, 280:25, 295:4, 306:1
- members** [81] - 13:1, 14:14, 14:16, 15:1, 27:14, 31:4, 41:25, 42:13, 45:15, 49:22, 52:12, 54:24, 55:1, 55:17, 55:24, 56:7, 60:16, 62:3, 62:5, 62:8, 62:13, 63:10, 63:18, 63:22, 65:25, 66:4, 71:24, 76:12, 76:16, 82:16, 83:8, 83:9, 83:24, 83:25, 85:16, 87:17, 89:14, 90:2, 90:18, 90:21, 91:4, 92:20, 92:25, 93:4, 98:11, 122:15, 131:2, 131:21, 149:25, 150:2, 159:13, 159:15, 161:5, 161:13, 163:25, 171:14, 179:17, 179:24, 180:4, 189:7, 190:14, 191:17, 193:25, 195:17, 205:24, 209:12, 214:11, 224:17, 229:23, 230:4, 233:7, 278:3, 287:10, 300:8, 305:1, 305:16, 313:9, 313:19, 316:23, 316:25, 320:25
- members'** [1] - 238:10
- memo** [6] - 30:22, 40:13, 276:17, 298:21, 298:24, 309:23
- memorandum** [9] - 199:23, 241:21, 298:5, 298:7, 312:21, 313:1, 313:3, 321:13, 331:1
- memories** [6] - 102:14, 115:25, 249:20, 249:22, 249:24, 279:11
- memory** [16] - 41:4, 57:13, 67:8, 72:7, 72:11, 108:8, 108:10, 151:17, 167:18, 245:8, 274:1, 277:15, 284:18, 316:3, 326:24, 327:8
- memos** [14] - 28:8, 28:12, 28:13, 28:15, 28:17, 28:19, 30:20, 96:7, 193:22, 206:15, 214:4, 233:2, 262:13, 264:11
- men** [2] - 124:15, 153:10
- mental** [47] - 32:11, 40:4, 49:14, 69:8, 72:5, 72:7, 80:12, 82:1, 82:3, 82:6, 82:7, 85:25, 102:7, 129:15, 147:6, 148:25, 149:1, 152:2, 153:22, 167:23, 168:1, 168:5, 177:9, 216:25, 225:5, 225:7, 225:17, 227:11, 235:9, 236:10, 236:11, 239:9, 239:10, 239:21, 240:7, 240:11, 240:12, 243:9, 248:11, 253:4, 256:19, 280:1, 292:10, 301:2, 306:13, 306:25, 308:21
- Mental** [1] - 212:13
- mentally** [2] - 150:5, 150:6
- mention** [7] - 95:1, 96:3, 97:5, 175:13, 276:23, 294:22
- mentioned** [38] - 76:20, 82:9, 83:14, 91:20, 95:19, 95:20, 96:15, 115:19, 116:8, 116:21, 124:25, 127:6, 128:9, 128:22, 142:4, 143:9, 144:5, 176:19, 188:2, 212:6, 221:24, 223:14, 226:13, 231:25, 247:21, 248:3, 252:18, 253:1, 253:22, 255:12, 257:5, 276:4, 278:6, 290:23, 294:24, 318:12, 319:4, 324:20
- mentioning** [1] - 301:19
- mess** [1] - 324:19
- messed** [1] - 128:6
- met** [38] - 11:20, 12:13, 15:13, 18:11, 27:4, 27:13, 30:15, 30:17, 38:1, 65:21, 69:22, 89:23, 90:1, 104:5, 108:23, 112:8, 136:8, 139:5, 139:8, 143:14, 150:1, 155:22, 156:6, 156:7, 156:8, 156:16, 156:17, 156:18, 156:19, 156:20, 191:24, 242:4, 265:15, 299:1, 317:6, 331:11
- method** [3] - 82:12, 128:23, 294:18
- methodology** [4] - 323:24, 324:13, 325:22, 326:9
- MF'er** [2] - 114:14
- Michigan** [5] - 25:9, 37:16, 143:20,

- 143:23, 144:17
microphone [1] - 242:9
mid [1] - 235:8
middle [7] - 114:7, 114:8, 114:9, 170:6, 198:13, 251:17, 303:8
Middleton [2] - 156:1, 318:2
midwives [1] - 102:25
might [25] - 12:7, 18:3, 21:9, 29:10, 42:19, 49:18, 84:15, 85:5, 89:3, 90:10, 96:4, 96:22, 97:4, 101:13, 116:24, 135:19, 147:1, 158:16, 199:20, 240:14, 240:15, 257:12, 265:20, 284:24, 308:13
migration [2] - 103:21, 104:25
military [55] - 41:24, 44:10, 72:3, 82:5, 131:4, 137:24, 138:5, 138:9, 138:14, 140:4, 143:4, 143:15, 144:7, 144:9, 144:12, 144:15, 145:3, 145:19, 146:3, 147:5, 147:12, 147:17, 147:20, 148:21, 153:10, 153:11, 153:25, 154:8, 164:23, 170:15, 182:8, 228:1, 230:19, 230:20, 235:25, 236:6, 236:12, 236:23, 236:24, 237:6, 237:9, 237:15, 239:4, 239:13, 240:2, 261:9, 282:12, 282:14, 282:16, 282:24, 282:25, 283:4, 283:9, 283:20
milk [4] - 127:16, 160:24, 195:23, 233:19
mind [16] - 19:3, 20:1, 20:10, 51:6, 98:6, 142:14, 147:3, 179:8, 227:7, 237:14, 254:3, 254:12, 256:3, 310:4, 329:12, 330:2
minimally [1] - 115:24
minister [2] - 188:3, 188:7
ministers [1] - 93:6
minor [2] - 46:12, 265:2
minute [3] - 186:20, 258:11, 280:3
minutes [9] - 47:16, 93:18, 115:2, 246:22, 255:11, 308:9, 308:14, 318:4, 332:13
misfortune [2] - 116:16, 134:2
mishear [1] - 184:10
mislead [1] - 31:8
misled [1] - 168:18
miss [1] - 265:18
missed [2] - 6:3, 37:9
missing [3] - 28:2, 28:3, 94:20
missocialization [1] - 135:17
missocialize [1] - 135:12
misspelled [2] - 171:22, 197:1
misspelling [1] - 173:24
misspoke [2] - 29:17, 38:9
mistake [1] - 99:12
misunderstand [1] - 291:13
mitigating [4] - 50:4, 68:24, 77:13, 213:13
mitigation [72] - 20:25, 21:18, 25:22, 39:20, 41:19, 43:21, 43:24, 44:1, 44:5, 48:5, 48:6, 49:15, 49:24, 50:9, 59:3, 68:7, 68:14, 69:2, 71:20, 75:24, 76:6, 77:2, 81:10, 84:25, 85:23, 86:6, 86:8, 86:21, 86:25, 87:8, 88:3, 89:9, 90:5, 90:25, 91:6, 91:8, 91:9, 92:9, 92:23, 94:6, 94:13, 152:6, 157:16, 167:24, 176:22, 177:3, 178:22, 183:4, 198:25, 199:16, 205:21, 206:3, 206:16, 213:12, 213:16, 215:17, 224:16, 225:15, 233:2, 262:11, 269:12, 304:6, 304:8, 304:12, 305:2, 305:24, 309:25, 313:6, 316:11, 319:10, 319:15, 326:12
mix [1] - 97:10
mixed [1] - 190:10
MMPI [1] - 295:23
model [3] - 123:1, 123:2, 188:3
models [3] - 149:18, 260:24, 260:25
modern [1] - 252:21
molestation [1] - 119:17
molesting [1] - 118:20
mom [9] - 113:1, 135:21, 170:20, 170:23, 174:21, 205:8
moment [3] - 47:8, 261:22, 268:7
money [32] - 24:5, 24:7, 39:7, 40:20, 40:21, 57:19, 57:20, 103:11, 108:2, 139:15, 146:7, 146:9, 151:16, 159:7, 166:12, 239:15, 272:23, 273:3, 273:6, 273:8, 273:12, 288:20, 288:23, 289:9, 289:13, 327:21, 327:23, 327:24, 330:5, 331:17, 331:19
monitor [1] - 272:19
Monroeville [13] - 26:10, 29:24, 30:11, 30:18, 31:20, 65:19, 66:7, 66:16, 114:22, 114:24, 137:21, 141:16, 155:14
month [1] - 144:23
months [11] - 22:9, 22:20, 92:22, 107:24, 145:4, 168:7, 237:1, 238:24, 242:23, 283:25
mood [4] - 231:12, 231:16, 250:1, 251:25
moonshining [2] - 117:6, 117:7
morning [5] - 8:7, 174:11, 209:25, 210:3, 210:5
most [41] - 53:4, 76:7, 79:4, 88:19, 100:21, 101:21, 107:12, 113:18, 116:9, 120:22, 126:20, 128:1, 133:13, 133:15, 135:4, 147:9, 147:20, 148:14, 149:13, 149:21, 150:10, 152:11, 158:4, 162:19, 165:13, 165:14, 165:16, 165:20, 187:12, 189:17, 225:6, 232:14, 250:5, 266:5, 296:16, 305:11, 325:2, 328:8, 330:4
mostly [4] - 101:5, 108:15, 171:2, 182:10
mother [136] - 25:18, 26:12, 51:1, 51:7, 55:1, 61:15, 65:22, 70:4, 70:8, 70:11, 74:18, 74:23, 74:24, 84:1, 91:2, 91:15, 93:19, 97:6, 98:23, 101:1, 102:20, 104:5, 105:18, 107:5, 108:12, 109:22, 112:20, 115:10, 115:20, 116:6, 116:9, 118:16, 119:3, 119:15, 119:16, 121:7, 122:10, 123:4, 123:18, 124:12, 125:7, 126:7, 127:4, 127:6, 127:25, 130:14, 132:22, 133:11, 134:16, 134:17, 137:5, 138:1, 139:11, 140:3, 142:24, 144:19, 146:2, 148:11, 150:4, 155:23, 156:7, 156:22, 159:14, 160:1, 164:22, 169:4, 169:8, 169:13, 171:12, 173:5, 175:10, 175:14, 175:25, 178:8, 180:24, 181:7, 181:16, 181:21, 181:24, 184:6, 184:23, 189:8, 194:14, 197:18, 200:13, 201:2, 201:6, 201:8, 201:9, 202:4, 203:6, 205:12, 225:8, 225:20, 226:2, 226:10, 226:17, 228:11, 229:14, 229:18, 230:16, 232:5, 232:23, 233:12, 233:15, 234:21, 234:24, 235:11, 235:13, 235:14, 248:8, 249:23, 250:9, 250:21, 251:17, 253:5, 253:8, 255:10, 257:7, 257:21, 257:22, 258:1, 258:4, 278:3, 278:8, 279:25, 280:5, 285:23, 286:9, 286:21, 313:12, 313:24, 317:11, 320:18, 320:21
Mother [1] - 134:15
mother's [9] - 74:18, 108:8, 132:2, 132:13, 149:17, 153:20, 171:16, 180:22, 253:3
motion [1] - 14:3
motivating [1] - 263:20
motivation [1] - 243:15
motive [10] - 57:13, 58:2, 68:22, 326:20, 327:15, 329:12, 329:13, 330:2, 330:20, 331:21
motor [2] - 315:16, 315:18
mountains [1] - 116:23
Moussaoui [1] - 85:7
move [5] - 112:22, 123:17, 229:12, 236:16, 286:6
moved [17] - 101:10, 105:5, 108:16, 109:1, 110:3, 114:22, 114:23, 118:7, 124:21, 125:3, 125:11, 137:6, 143:20, 144:20, 144:21, 207:20, 235:6

- movement**^[1] - 221:15
- movements**^[1] - 315:18
- movies**^[1] - 251:1
- moving**^[3] - 109:3, 259:8, 294:2
- MR**^[65] - 6:12, 6:17, 6:21, 6:25, 7:11, 7:23, 47:8, 47:10, 47:19, 47:21, 58:24, 60:9, 60:12, 71:12, 71:15, 72:15, 72:18, 73:10, 73:19, 73:22, 74:5, 74:14, 75:6, 79:11, 81:20, 155:2, 168:12, 186:14, 186:17, 187:16, 187:20, 187:21, 190:22, 190:25, 191:8, 191:15, 192:11, 200:25, 201:3, 201:5, 208:7, 209:18, 209:21, 213:1, 215:25, 217:22, 219:11, 219:14, 219:25, 220:12, 220:14, 221:7, 222:19, 224:2, 261:22, 268:7, 268:10, 269:2, 269:4, 292:13, 297:19, 302:5, 302:18, 303:19, 310:24
- MS**^[97] - 5:8, 6:2, 7:6, 7:20, 8:1, 8:6, 9:11, 9:14, 16:20, 16:21, 32:4, 46:24, 47:1, 47:5, 58:18, 59:21, 73:6, 73:18, 75:9, 75:11, 79:7, 79:15, 79:19, 80:7, 81:1, 81:3, 81:17, 81:23, 98:2, 98:4, 121:23, 122:8, 126:17, 126:19, 133:7, 133:9, 146:19, 146:21, 146:22, 151:24, 152:1, 154:19, 154:21, 168:4, 187:6, 190:24, 192:13, 192:15, 201:4, 201:7, 201:10, 201:14, 208:3, 208:11, 208:18, 208:23, 209:4, 210:13, 210:17, 211:14, 211:16,
- 212:23, 213:4, 215:23, 216:14, 216:18, 219:16, 220:6, 222:14, 224:1, 224:14, 258:10, 258:19, 258:20, 261:17, 261:19, 261:25, 262:3, 268:1, 268:15, 268:24, 297:21, 297:23, 301:25, 302:2, 302:14, 302:25, 303:5, 303:16, 303:22, 307:6, 307:8, 310:22, 311:3, 320:5, 329:17, 332:4
- multidisciplinary**^[1] - 84:17
- multiple**^[4] - 237:5, 238:2, 255:6, 259:15
- murder**^[5] - 70:22, 159:5, 263:16, 263:19, 269:24
- murdered**^[2] - 131:23, 132:1
- murdering**^[1] - 290:7
- murders**^[1] - 131:25
- MUSC**^[1] - 212:9
- music**^[1] - 106:7
- must**^[1] - 185:2
- Myers**^[3] - 23:21, 33:5, 33:8
- myoclonic**^[1] - 315:19
-
- N**
-
- nail**^[3] - 293:1, 293:2, 293:3
- naked**^[4] - 114:3, 128:3, 161:18, 174:16
- name**^[16] - 8:8, 12:9, 35:12, 42:23, 79:22, 80:1, 104:14, 104:16, 114:13, 139:13, 210:18, 303:7, 303:8, 303:9, 324:19
- named**^[7] - 10:20, 103:17, 104:6, 108:24, 110:17, 143:14, 209:22
- names**^[8] - 90:14, 110:5, 114:11, 132:23, 134:4, 180:2, 204:25, 249:25
- natural**^[1] - 249:10
- nature**^[4] - 185:21, 185:23, 244:2, 251:13
- near**^[1] - 117:3
- necessary**^[3] - 55:13, 63:25, 260:18
- need**^[20] - 6:8, 7:3, 64:11, 85:16, 86:3, 86:19, 126:13, 147:1, 162:25, 164:15, 188:18, 210:7, 211:18, 228:6, 263:4, 311:17, 321:17, 329:14, 332:3, 332:6
- needed**^[11] - 14:5, 57:19, 62:22, 63:3, 64:19, 157:9, 243:24, 273:2, 274:14, 288:20, 289:13
- needs**^[7] - 85:24, 109:17, 133:15, 149:10, 149:13, 194:10, 257:16
- negative**^[7] - 55:20, 56:2, 68:16, 153:17, 181:3, 187:24, 282:20
- negatively**^[1] - 178:8
- neglect**^[1] - 69:20
- neglected**^[1] - 62:23
- neglectful**^[2] - 54:8, 130:11
- neighborhood**^[10] - 117:16, 135:22, 136:1, 136:2, 136:16, 136:17, 137:23, 225:11
- neighbors**^[1] - 93:6
- Nell**^[1] - 156:17
- nephew**^[1] - 136:7
- nervous**^[6] - 140:12, 146:6, 250:16, 250:22, 256:24, 270:7
- neurological**^[4] - 35:14, 314:15, 315:5, 315:14
- neurologist**^[3] - 35:10, 67:5, 314:5
- neurology**^[1] - 327:1
- neuropsychological**^[2] - 315:9, 315:11
- neuropsychologist**^[2] - 314:6, 327:6
- never**^[20] - 18:16, 37:16, 54:10, 60:18, 68:19, 102:10, 110:7, 116:2, 121:6, 121:19, 122:23, 123:23, 153:22, 165:21, 175:1, 176:19, 240:7, 325:14, 327:9, 327:15
- new**^[5] - 44:24, 244:12, 321:22, 321:24, 324:13
- Newman**^[1] - 23:19
- news**^[2] - 194:6, 194:9
- next**^[9] - 27:15, 37:25, 79:14, 109:19, 210:12, 310:11, 319:19, 320:8, 329:18
- nice**^[4] - 106:5, 111:9, 136:1, 188:8
- nicely**^[1] - 309:23
- Nicole**^[4] - 156:7, 156:9, 159:21, 318:3
- night**^[7] - 65:10, 114:7, 114:8, 114:10, 198:13, 251:15, 251:18
- nightmares**^[3] - 170:12, 250:7, 250:9
- nighttime**^[1] - 234:17
- nine**^[5] - 31:5, 103:9, 119:1, 123:5, 228:23
- NO**^[2] - 3:2, 4:2
- nobody**^[1] - 322:18
- noise**^[1] - 186:3
- none**^[4] - 185:6, 208:7, 267:11, 276:20
- nonfamily**^[2] - 82:16, 84:11
- nonpersuasive**^[1] - 59:8
- norm**^[4] - 93:20, 93:21, 103:1, 184:17
- normal**^[5] - 135:20, 142:20, 151:17, 158:12, 185:24
- normally**^[3] - 142:21, 315:2, 323:22
- normative**^[1] - 234:24
- normed**^[1] - 295:17
- NORRIS**^[95] - 5:8, 6:2, 7:6, 8:1, 8:6, 9:11, 9:14, 16:20, 16:21, 32:4, 46:24, 47:1, 47:5, 58:18, 59:21, 73:6, 73:18, 75:9, 75:11, 79:7, 79:19, 80:7, 81:1, 81:3, 81:17, 81:23, 98:2, 98:4, 121:23, 122:8, 126:17, 126:19, 133:7, 133:9, 146:19, 146:21, 146:22, 151:24, 152:1, 154:19, 154:21, 168:4, 187:6, 190:24, 192:13, 192:15, 201:4, 201:7, 201:10, 201:14, 208:3, 208:11, 208:18, 208:23, 209:4, 210:13, 210:17, 211:14, 211:16,
- 98:2, 98:4, 121:23, 122:8, 126:17, 126:19, 133:7, 133:9, 146:19, 146:21, 146:22, 151:24, 152:1, 154:19, 154:21, 168:4, 187:6, 190:24, 192:13, 192:15, 201:4, 201:7, 201:10, 201:14, 208:3, 208:11, 208:18, 208:23, 209:4, 210:13, 210:17, 211:14, 211:16,
- 210:13, 210:17, 211:14, 211:16, 212:23, 213:4, 215:23, 216:14, 216:18, 219:16, 220:6, 222:14, 224:1, 224:14, 258:10, 258:19, 258:20, 261:17, 261:19, 261:25, 262:3, 268:1, 268:15, 268:24, 297:21, 297:23, 301:25, 302:2, 302:14, 302:25, 303:5, 303:16, 303:22, 307:6, 307:8, 310:22, 311:3, 320:5, 329:17, 332:4
- Norris**^[15] - 1:17, 2:3, 2:4, 2:5, 2:6, 2:7, 2:8, 2:9, 122:7, 157:14, 176:13, 216:16, 258:17, 269:21, 311:17
- North**^[6] - 116:23, 117:3, 124:21, 124:24, 211:6, 211:9
- note**^[7] - 30:22, 172:14, 173:22, 203:12, 204:19, 204:25, 278:1
- noted**^[4] - 189:2, 204:12, 282:1, 286:7
- notes**^[57] - 27:23, 28:1, 28:4, 30:20, 73:24, 159:20, 160:16, 163:15, 163:18, 163:20, 164:8, 164:10, 170:23, 171:9, 171:25, 172:2, 174:3, 176:18, 192:16, 193:7, 193:10, 193:13,

- 203:11, 204:23,
205:6, 205:10,
246:10, 272:1,
272:3, 277:11,
285:15, 306:5,
315:25, 316:6,
316:10, 316:14,
317:13, 317:16,
317:21, 317:23,
319:25, 320:1,
320:17, 320:19,
321:18, 321:19,
321:20, 321:25,
322:2, 322:7,
322:10, 323:9,
324:16, 324:22,
325:1, 325:10,
326:19
nothing [19] - 45:1,
56:6, 79:11, 81:15,
95:11, 113:11,
121:4, 121:5,
175:25, 224:2,
226:11, 235:18,
235:20, 251:12,
264:10, 264:13,
293:6, 302:5
notice [10] - 13:19,
14:11, 15:20, 15:22,
16:3, 16:10, 16:25,
17:5, 18:1, 284:11
noticed [4] - 94:20,
131:2, 284:15,
315:17
November [5] - 29:17,
30:8, 30:9, 30:12,
269:22
numb [1] - 125:20
Number [10] - 5:3,
5:25, 12:9, 13:7,
191:13, 268:12,
302:10, 310:13,
311:1, 329:20
number [20] - 27:21,
43:3, 56:20, 65:1,
65:4, 76:18, 81:15,
89:8, 90:2, 94:19,
128:9, 179:17,
193:11, 254:24,
255:2, 256:2, 256:3,
304:1, 316:5
numbers [6] - 90:13,
180:3, 254:21,
254:25, 255:3,
255:25
Numbers [2] - 5:4, 7:1
numerous [5] - 63:10,
76:11, 92:21, 218:6,
218:13
nurture [1] - 247:9
nurturing [2] - 107:14,
253:9
-
- O**
-
- O'Neal** [7] - 1:5, 98:24,
102:5, 104:22,
104:25, 105:6,
116:13
o-g-e-l-s-a-n-g [1] -
79:25
oath [4] - 277:15,
277:23, 287:25,
288:2
obedient [2] - 130:18,
153:13
object [8] - 46:10,
46:16, 58:18, 60:6,
73:7, 77:19, 129:11,
168:4
objecting [2] - 45:22,
220:20
objection [33] - 6:11,
6:16, 6:17, 6:20,
6:21, 6:23, 6:25,
46:2, 59:22, 59:24,
60:5, 74:12, 81:20,
190:22, 190:24,
191:10, 191:11,
200:25, 213:1,
215:25, 216:1,
218:24, 218:25,
223:1, 223:10,
223:12, 224:7,
268:10, 302:6,
302:16, 302:18,
303:19, 310:24
objection's [1] - 60:10
objections [1] - 6:8
objective [1] - 265:14
objects [1] - 128:16
observation [1] -
94:16
observe [1] - 329:9
observing [2] -
260:24, 328:13
obsessed [1] - 142:16
obsessions [2] -
254:1, 254:6
obsessive [10] -
131:8, 227:19,
236:1, 253:23,
254:9, 254:11,
255:22, 259:22,
291:11, 291:17
obtained [3] - 35:9,
82:18, 322:12
obviously [6] - 28:7,
87:16, 88:1, 131:14,
265:24, 288:5
occasion [3] - 123:14,
184:23, 290:25
occasional [1] - 137:3
occasionally [2] -
136:4, 136:25
occasions [3] - 24:25,
213:20, 226:6
occupation [1] - 289:7
occur [2] - 59:1,
285:18
occurred [9] - 50:3,
57:15, 133:20,
161:2, 174:17,
182:21, 183:21,
229:5, 277:2
occurring [2] - 54:20,
161:7
occurs [1] - 167:1
OCD [3] - 228:25,
231:6, 237:20
October [8] - 29:23,
30:13, 30:24, 31:4,
31:16, 31:17,
106:21, 333:18
odd [6] - 153:8,
254:25, 256:2,
256:3, 256:18,
256:23
oddity [1] - 257:4
odds [1] - 307:20
OF [2] - 333:3, 333:4
offend [1] - 90:11
offense [16] - 236:9,
238:25, 240:3,
242:6, 243:6, 243:8,
243:22, 244:10,
246:3, 261:13,
261:16, 264:1,
275:18, 279:17,
292:1, 298:11
offenses [3] - 242:3,
298:24, 299:23
offer [7] - 5:17, 81:17,
212:23, 215:23,
268:1, 303:16,
310:22
offered [2] - 95:13,
285:3
Office [1] - 35:17
office [5] - 8:21, 8:22,
11:16, 13:11, 37:4
OFFICER [2] - 187:8,
210:1
officer [4] - 265:7,
272:15, 272:16,
272:19
officers [4] - 262:13,
264:12, 282:17,
293:24
official [1] - 131:7
Official [3] - 1:25,
333:6, 333:22
officially [1] - 105:3
often [14] - 88:20,
92:8, 100:19, 101:2,
103:15, 106:1,
113:17, 162:1,
174:17, 182:16,
244:14, 285:18,
320:22, 324:14
OID [2] - 3:15, 36:6
okra [2] - 100:13,
103:10
old [19] - 55:23, 103:9,
103:18, 104:3,
109:3, 110:18,
110:19, 114:23,
115:18, 118:11,
118:21, 123:5,
197:20, 207:20,
228:23, 235:7,
266:13, 283:19,
286:3
older [7] - 106:10,
125:12, 126:1,
137:2, 197:7, 266:9,
284:12
oldest [2] - 102:22,
104:8
omission [2] - 188:5,
218:19
on-and-off [1] -
138:21
once [21] - 18:5, 18:9,
18:19, 35:1, 37:14,
38:19, 51:7, 99:14,
113:3, 113:7,
138:18, 144:9,
181:20, 182:12,
285:22, 286:1,
313:21, 317:8,
319:20, 324:7,
327:19
one [129] - 5:9, 6:3,
7:21, 8:10, 12:15,
15:5, 21:2, 21:3,
23:17, 25:1, 30:25,
32:12, 33:3, 42:22,
47:8, 52:25, 53:23,
57:18, 61:11, 63:14,
67:13, 70:10, 72:19,
73:11, 77:18, 79:5,
82:15, 85:4, 85:24,
89:17, 91:19, 93:9,
93:12, 99:3, 99:12,
99:19, 100:11,
100:22, 104:19,
105:10, 106:6,
106:16, 109:6,
114:11, 118:6,
121:17, 122:19,
123:11, 124:2,
124:22, 126:15,
126:25, 127:18,
127:20, 129:4,
129:9, 133:13,
136:6, 147:2,
148:13, 149:2,
149:24, 150:12,
150:20, 151:5,
152:18, 154:13,
155:19, 155:20,
156:17, 163:8,
163:11, 166:21,
173:14, 173:21,
174:4, 174:12,
174:14, 174:15,
174:24, 175:20,
177:2, 180:4, 180:7,
187:25, 193:11,
195:2, 200:23,
201:17, 203:19,
205:22, 208:13,
217:17, 220:7,
227:14, 228:7,
236:6, 240:14,
249:17, 250:5,
260:11, 261:22,
262:1, 267:4, 267:6,
268:7, 271:12,
275:7, 276:4,
278:14, 280:3,
282:18, 286:2,
290:22, 304:22,
305:5, 305:20,
309:19, 312:7,
312:16, 313:24,
321:2, 326:14,
327:25, 330:16
one-room [2] -
100:11, 100:22
ones [5] - 76:2, 76:19,
126:23, 127:1, 267:8
ongoing [1] - 106:15
open [4] - 158:13,
160:16, 167:25,
188:14
opening [2] - 7:4, 7:10
openness [1] - 294:6
operating [1] - 7:16
operation [2] - 226:18,
288:9
operator [1] - 105:13
opinion [30] - 59:16,
60:20, 67:6, 88:10,
90:3, 91:3, 94:12,
129:16, 179:5,
216:20, 217:23,
217:24, 218:2,
218:4, 219:1, 220:9,

220:17, 220:18,
220:21, 222:5,
222:21, 239:23,
243:10, 260:1,
297:11, 299:11,
304:19, 314:18,
315:7, 315:20
opinions [13] - 95:9,
167:15, 177:12,
216:23, 221:13,
222:4, 222:10,
222:11, 224:9,
224:12, 232:11,
232:16
opportunities [1] -
50:8
opportunity [8] -
53:19, 53:20, 53:22,
183:11, 193:19,
193:21, 214:14,
220:15
opposed [5] - 64:12,
84:14, 206:8,
234:20, 265:6
opposite [1] - 253:15
options [1] - 50:7
order [31] - 5:23,
10:11, 13:24, 14:9,
16:13, 17:10, 22:2,
23:8, 25:21, 32:23,
35:8, 42:8, 47:4,
92:19, 103:16,
122:5, 131:12,
142:12, 142:18,
145:23, 155:7,
201:13, 228:22,
238:4, 256:13,
256:25, 257:2,
291:13, 309:1
Order [7] - 3:4, 3:7,
3:9, 3:13, 3:14, 3:16,
3:17
ordered [6] - 32:20,
32:24, 35:5, 153:8,
212:14, 316:9
ordering [4] - 228:13,
254:17, 254:19,
255:2
orders [3] - 5:12,
21:18, 138:13
organized [1] - 19:14
oriented [1] - 265:14
origin [1] - 308:23
original [5] - 176:7,
177:15, 191:23,
274:22, 282:9
origins [1] - 252:24
ostracized [1] -
320:21
otherwise [3] -

131:12, 222:3,
298:13
out-of-court [1] -
218:9
outbursts [2] -
140:14, 186:5
outcome [2] - 261:15
outreach [1] - 83:21
outside [10] - 15:18,
37:12, 112:6,
114:16, 129:6,
136:11, 143:9,
230:2, 234:23,
244:21
outstanding [1] -
111:13
overall [5] - 76:2,
126:1, 137:3, 228:2,
291:20
overlooked [1] -
149:13
overreactive [1] -
186:1
overruled [1] - 60:10
overseas [1] - 143:7
overview [1] - 191:7
overwhelmed [1] -
228:19
owed [2] - 273:12,
327:24
own [13] - 66:9, 102:4,
127:10, 141:6,
147:22, 148:18,
151:14, 207:12,
225:12, 284:25,
286:23, 288:9,
325:18
owned [6] - 102:5,
129:11, 169:4,
169:11, 169:18,
207:1

P

P-1 [1] - 3:3
P-10 [1] - 3:14
P-11 [1] - 3:15
P-12 [1] - 3:16
P-13 [1] - 3:17
P-14 [1] - 3:18
P-15 [1] - 3:19
P-16 [1] - 3:20
P-17 [1] - 3:21
P-18 [1] - 3:22
P-19 [1] - 3:24
P-2 [1] - 3:4
P-20 [1] - 4:3
P-21 [1] - 4:4
P-22 [1] - 4:5
P-23 [1] - 4:7
P-24 [1] - 4:9
P-25 [1] - 4:10
P-26 [1] - 4:11
P-3 [1] - 3:5
P-4 [1] - 3:6
P-5 [1] - 3:7
P-6 [1] - 3:8
P-7 [1] - 3:9
P-8 [1] - 3:10
P-9 [1] - 3:12
pace [1] - 209:4
pacifier [3] - 123:15,
123:20, 162:22
pacing [1] - 250:15
pack [2] - 292:22,
292:25
package [1] - 79:4
packaging [1] - 137:7
packet [5] - 37:21,
38:11, 78:24,
192:16, 322:5
packing [1] - 141:14
PAGE [1] - 2:1
page [15] - 10:24,
13:8, 16:2, 22:17,
40:15, 42:24, 67:13,
98:22, 200:8,
274:23, 281:14,
301:6, 315:23,
315:25, 316:22
pages [2] - 26:5,
221:19
paid [2] - 109:16,
120:8
painful [2] - 94:1,
114:5
Panama [3] - 145:19,
236:5, 282:19
panic [7] - 227:18,
244:13, 247:22,
250:19, 251:3,
257:6, 260:8
panicking [1] - 273:7
pants [1] - 251:18
paper [5] - 160:22,
193:2, 242:8,
265:19, 309:24
paragraph [6] - 12:4,
40:15, 200:8, 275:6,
275:21, 281:17
paragraphs [1] - 275:1
paralegal [1] - 10:15
paralyzed [1] - 132:7
paranoid [1] - 275:24
pardon [4] - 13:14,
73:22, 165:18,
182:23
parent [8] - 130:1,
130:9, 130:10,
130:11, 135:17,

150:3, 151:16,
198:19
parents [3] - 103:2,
103:7, 135:11
park [1] - 107:16
part [43] - 12:25, 30:3,
43:25, 60:1, 66:24,
67:11, 76:7, 82:9,
83:7, 83:14, 85:12,
88:5, 88:18, 96:1,
97:11, 103:21,
104:25, 107:12,
107:20, 108:21,
125:19, 160:8,
182:18, 194:22,
213:17, 224:16,
232:14, 241:20,
241:25, 243:25,
251:16, 252:3,
252:6, 252:16,
253:1, 255:22,
259:17, 266:18,
296:16, 305:11,
305:18, 308:13,
330:14
parte [1] - 23:4
Parte [2] - 3:7, 3:16
partial [1] - 40:15
participant [1] -
286:15
participate [4] - 40:24,
225:13, 226:20,
227:5
participation [2] -
43:25, 226:24
particular [31] - 51:19,
55:5, 57:14, 57:15,
57:21, 59:2, 59:15,
59:18, 62:7, 67:20,
71:1, 83:4, 86:24,
87:25, 89:25, 98:13,
99:21, 117:24,
131:10, 161:6,
166:4, 166:16,
194:18, 206:14,
216:23, 217:16,
218:15, 295:9,
296:5, 313:23,
322:14
particularly [11] -
135:2, 148:14,
148:19, 218:16,
221:21, 247:1,
247:6, 248:14,
276:2, 278:3, 290:19
parties [3] - 205:1,
205:2, 205:3
partner [2] - 231:20,
231:21
parts [3] - 40:7, 68:16,
127:24
party [1] - 333:16
partying [1] - 182:15
pass [1] - 101:8
passed [1] - 103:19
passive [1] - 125:18
past [5] - 167:2,
278:25, 279:3,
279:5, 279:7
Pastor [5] - 124:3,
124:4, 124:5, 124:6,
197:15
paternal [4] - 94:24,
96:15, 101:18,
225:10
patience [1] - 187:11
patient's [1] - 279:3
patients [4] - 212:1,
212:3, 306:11,
306:22
Patrick [1] - 306:10
pattern [4] - 125:13,
125:14, 236:4,
294:25
patterns [5] - 96:22,
98:14, 99:6, 99:15,
99:16
Patterson [1] - 21:11
Patty [1] - 258:23
Pause [15] - 5:24,
32:5, 46:25, 71:14,
72:17, 154:20,
216:11, 216:15,
220:25, 223:18,
261:18, 261:24,
268:9, 292:14, 302:1
pay [2] - 14:8, 108:7
paying [1] - 141:21
payments [1] - 35:18
pen [1] - 203:17
penalty [25] - 9:1,
10:4, 13:20, 15:23,
17:6, 18:1, 18:24,
22:19, 47:23, 48:1,
49:13, 55:11, 55:16,
61:5, 67:22, 69:9,
71:18, 72:21, 72:24,
85:14, 86:9, 86:10,
93:14, 198:25,
326:10
penis [9] - 114:4,
127:7, 127:16,
134:16, 195:23,
232:24, 233:19,
234:16, 235:3
people [72] - 14:18,
21:18, 27:21, 72:2,
76:6, 76:17, 85:24,
86:12, 92:5, 92:10,
93:25, 95:6, 96:7,

- 96:25, 100:8,
101:22, 106:2,
117:9, 118:1, 130:7,
130:21, 136:6,
136:14, 137:5,
147:6, 155:18,
155:22, 155:24,
155:25, 166:3,
166:11, 180:10,
190:11, 229:24,
234:2, 237:23,
243:13, 244:11,
246:25, 247:15,
247:25, 248:16,
252:3, 252:5, 252:6,
252:8, 252:14,
252:24, 254:5,
254:20, 255:20,
257:13, 258:23,
263:18, 263:19,
263:22, 263:24,
265:22, 286:24,
287:15, 287:22,
288:11, 288:15,
295:23, 296:17,
306:24, 313:24,
316:6, 316:11,
324:4, 324:5, 326:25
- Peoples** [16] - 112:8,
116:22, 117:13,
125:1, 132:15,
160:14, 163:16,
193:18, 194:5,
195:5, 195:12,
197:14, 316:22,
318:1, 322:2, 322:7
- Peoples'** [1] - 136:7
- Pepperdine** [1] -
80:20
- per** [3] - 10:1, 251:15,
296:1
- percent** [1] - 82:7
- perceptions** [3] - 89:1,
89:2, 89:4
- perfectly** [3] - 113:21,
135:20, 196:19
- performed** [1] -
133:17
- perhaps** [1] - 113:4
- period** [33] - 54:4,
55:22, 56:22, 85:2,
107:21, 112:14,
112:17, 138:6,
138:14, 143:12,
144:11, 144:24,
166:25, 168:6,
183:20, 227:24,
229:5, 230:18,
230:20, 230:22,
235:24, 236:3,
236:25, 238:17,
239:12, 242:22,
243:6, 264:6,
268:19, 269:17,
293:8, 293:13,
317:23
- periods** [2] - 260:15,
295:18
- permitted** [2] - 186:21,
258:13
- perpetrator** [1] -
225:21
- perpetrators** [1] -
226:7
- person** [41] - 20:25,
71:22, 78:16, 83:19,
83:22, 85:13, 85:24,
88:16, 88:23, 89:18,
91:7, 94:5, 113:6,
116:2, 120:15,
124:2, 132:21,
142:25, 148:12,
150:6, 154:5, 185:8,
195:2, 206:20,
247:7, 247:8,
247:18, 247:24,
248:23, 252:13,
257:15, 257:16,
265:8, 265:19,
266:3, 301:2,
304:20, 306:13,
306:18, 323:17,
326:13
- person's** [4] - 304:15,
304:17, 304:18,
304:25
- personal** [5] - 91:13,
94:1, 313:7, 318:25,
325:18
- personality** [1] -
153:13
- personally** [12] -
23:22, 39:15, 41:18,
52:8, 62:12, 62:25,
63:1, 64:11, 87:1,
88:2, 213:20, 214:3
- personnel** [2] - 93:5,
204:12
- perspective** [19] -
89:5, 115:25,
128:15, 129:15,
129:16, 135:8,
199:5, 203:4,
206:11, 228:8,
232:19, 235:10,
239:21, 241:14,
243:9, 248:11,
253:5, 262:20,
304:11
- persuasive** [1] - 59:8
- pertinent** [1] - 95:2
- pervasive** [2] - 230:1,
253:18
- pervasive** [1] - 257:17
- pesticides** [1] -
101:11
- phase** [18] - 19:18,
20:9, 20:19, 43:6,
48:1, 58:16, 61:5,
67:22, 69:10, 71:18,
72:21, 72:24, 86:9,
86:10, 319:10,
319:11
- PhD** [3] - 6:6, 34:16,
211:2
- Phillip** [2] - 103:17,
136:14
- phone** [9] - 65:1,
90:13, 93:10, 93:12,
141:11, 180:3,
180:20, 250:22,
269:21
- phrase** [8] - 37:19,
44:8, 184:7, 206:6,
233:25, 256:2,
256:4, 263:15
- physical** [18] - 95:12,
126:6, 126:21,
132:18, 132:20,
134:11, 134:22,
148:3, 171:17,
172:16, 173:4,
176:11, 225:7,
226:1, 233:8,
233:20, 234:20,
323:24
- Physical** [1] - 3:21
- physically** [5] - 93:19,
132:15, 150:23,
233:10, 233:11
- pick** [2] - 53:23,
102:13
- picked** [2] - 21:2,
141:7
- picking** [3] - 100:13,
103:9, 188:6
- picture** [3] - 256:10,
291:20, 309:21
- piece** [3] - 96:19,
124:18, 279:18
- pipe** [1] - 124:18
- pistol** [3] - 205:6,
205:8, 205:16
- place** [13] - 27:4, 43:7,
98:12, 109:24,
119:20, 121:20,
136:3, 136:18,
166:20, 252:13,
256:25, 301:4, 332:6
- placed** [2] - 151:9,
225:18
- places** [4] - 85:10,
106:5, 151:21,
273:11
- placing** [1] - 189:20
- plaintiffs** [1] - 329:18
- Plaintiffs** [60] - 5:4,
5:25, 7:1, 9:16,
10:10, 11:24, 12:3,
13:7, 13:22, 15:6,
16:12, 21:21, 22:5,
24:11, 28:7, 29:6,
32:13, 34:7, 35:8,
35:16, 37:6, 37:17,
39:2, 40:12, 42:7,
56:19, 57:11, 78:9,
97:19, 126:9, 133:4,
146:14, 150:13,
187:23, 199:22,
201:11, 201:15,
211:11, 215:20,
215:24, 221:21,
241:20, 267:21,
268:1, 268:12,
297:25, 302:10,
310:11, 310:13,
310:15, 310:22,
311:1, 312:20,
316:8, 318:9,
321:12, 322:4,
329:20, 329:22,
330:25
- plan** [9] - 18:21, 19:9,
154:11, 154:12,
187:4, 209:2,
209:16, 209:19,
329:7
- planned** [4] - 57:14,
159:6, 272:24,
326:23
- planning** [3] - 62:12,
83:1, 163:4
- plant** [1] - 309:22
- play** [9] - 68:6, 68:20,
75:20, 202:16,
203:17, 244:25,
251:20, 276:13,
291:17
- played** [1] - 189:9
- playground** [1] -
320:25
- playing** [2] - 170:2,
331:12
- plays** [2] - 261:5,
261:6
- Pleas** [1] - 1:1
- pleased** [1] - 196:12
- pleasing** [2] - 196:13,
196:14
- plenty** [1] - 100:20
- plot** [1] - 112:1
- plus** [1] - 151:5
- point** [28] - 18:4,
39:18, 40:7, 40:9,
67:20, 70:23, 86:18,
99:12, 109:7,
114:11, 121:22,
178:9, 186:13,
186:16, 186:18,
219:17, 235:16,
258:9, 274:12,
276:12, 309:20,
312:10, 318:16,
319:25, 328:3,
328:16, 328:21,
329:10
- pointed** [6] - 52:23,
71:5, 173:22, 177:2,
242:11, 262:1
- pointing** [1] - 203:6
- points** [1] - 200:8
- police** [1] - 136:3
- Polly** [3] - 104:14,
104:16, 104:21
- poor** [11] - 56:10,
56:11, 150:8, 150:9,
238:23, 260:24,
261:13, 284:12,
292:2, 297:15
- pop** [1] - 240:16
- population** [2] -
293:11, 293:18
- porch** [3] - 123:8,
123:9, 123:10
- portion** [5] - 19:24,
115:21, 275:14,
330:7, 330:11
- position** [3] - 73:2,
216:17, 268:5
- positive** [21] - 14:17,
28:15, 32:3, 32:12,
37:2, 55:20, 57:4,
63:14, 123:1, 123:2,
124:1, 152:21,
153:1, 153:3, 153:9,
153:14, 187:25,
188:3, 188:4, 282:16
- possessed** [1] - 315:1
- possession** [4] -
265:3, 292:20,
292:23, 316:16
- possessiveness** [1] -
232:10
- possible** [3] - 24:1,
197:10, 285:16
- possibly** [8] - 12:16,
18:22, 45:17, 52:5,
74:25, 175:7,
195:15, 278:16
- post** [26] - 7:18, 45:11,

- 51:24, 52:2, 59:5,
60:21, 60:25, 61:6,
61:13, 61:18, 72:8,
73:12, 177:22,
179:1, 179:5,
206:11, 227:17,
249:3, 249:4, 276:5,
278:9, 278:23,
280:15, 283:3,
289:11, 328:6
- post-conviction** [2] -
7:18, 206:11
- post-traumatic** [24] -
45:11, 51:24, 52:2,
59:5, 60:21, 60:25,
61:6, 61:13, 61:18,
72:8, 73:12, 177:22,
179:1, 179:5,
227:17, 249:3,
249:4, 276:5, 278:9,
278:23, 280:15,
283:3, 289:11, 328:6
- postarrest** [1] - 240:23
- postdoctoral** [1] -
211:4
- poster** [1] - 98:19
- potent** [1] - 239:2
- potential** [14] - 48:18,
50:4, 60:22, 63:17,
68:2, 69:23, 90:4,
147:12, 147:13,
218:12, 284:1,
295:10, 301:20,
316:11
- potentially** [1] - 70:15
- pour** [2] - 118:6
- pouring** [2] - 114:7,
137:6
- poverty** [1] - 100:16
- powerful** [1] - 134:21
- practice** [18] - 8:20,
8:23, 80:9, 80:11,
80:15, 82:4, 82:14,
83:1, 85:15, 163:4,
189:15, 189:16,
189:18, 190:10,
211:8, 212:4, 304:7,
327:4
- practices** [1] - 190:2
- practicing** [2] - 101:5,
194:23
- prayer** [1] - 189:3
- praying** [1] - 189:25
- prearranged** [2] -
36:25, 37:1
- precisely** [1] - 81:24
- predated** [1] - 229:11
- predator** [1] - 295:5
- predict** [3] - 265:12,
266:3
- predicting** [2] -
185:14, 266:17
- predictor** [5] - 264:2,
266:5, 266:6,
266:12, 294:23
- predoctoral** [1] -
211:4
- predominantly** [1] -
177:17
- preexisting** [1] -
279:16
- prefaced** [1] - 174:1
- prefer** [1] - 136:3
- preference** [1] - 192:9
- pregnant** [8] - 97:6,
103:17, 104:6,
104:7, 143:21,
162:23, 162:24,
162:25
- prejudicial** [1] -
328:15
- premark** [1] - 5:6
- preparation** [10] -
39:20, 48:4, 54:15,
55:5, 55:16, 63:6,
66:18, 218:22,
220:2, 306:2
- prepare** [11] - 48:5,
48:6, 53:13, 58:4,
97:11, 97:23, 126:5,
133:5, 146:16,
190:20, 267:18
- prepared** [19] - 21:25,
38:3, 38:11, 38:18,
69:22, 97:20,
126:11, 133:1,
146:13, 150:12,
150:15, 199:23,
215:16, 251:21,
270:16, 282:8,
310:16, 310:18,
316:18
- preparing** [12] - 19:17,
20:18, 39:23, 51:11,
59:16, 59:17, 60:13,
81:10, 84:24, 85:12,
85:17, 199:15
- prescribe** [1] - 241:12
- presence** [3] - 88:17,
139:19, 167:22
- present** [26] - 43:21,
48:9, 49:14, 50:8,
59:8, 68:3, 71:17,
72:10, 75:22, 77:13,
87:13, 97:5, 104:11,
224:23, 229:9,
267:16, 268:18,
292:9, 298:4, 308:8,
308:10, 313:22,
321:9, 330:7, 330:9,
330:11
- presentation** [4] -
61:5, 68:4, 69:8,
244:19
- presentations** [1] -
80:16
- presented** [29] -
20:16, 44:5, 44:6,
44:9, 45:16, 50:11,
51:21, 52:6, 52:11,
59:12, 67:23, 68:8,
69:9, 71:24, 77:15,
77:25, 78:4, 98:17,
145:8, 167:14,
176:6, 178:4, 179:7,
179:11, 220:5,
269:11, 311:11,
328:9, 330:16
- presenting** [8] - 45:10,
50:13, 58:20, 68:12,
77:7, 84:24, 264:18
- pressure** [3] - 239:19,
257:21, 327:13
- pretrial** [3] - 240:18,
264:6, 275:10
- pretty** [19] - 56:16,
101:23, 111:9,
119:15, 138:7,
139:9, 153:1, 159:6,
176:3, 194:3, 198:4,
204:10, 231:6,
237:17, 237:20,
239:1, 250:16,
277:1, 284:11
- prevalent** [5] - 99:22,
100:1, 263:4, 263:5,
263:6
- prevent** [1] - 306:25
- previous** [1] - 223:6
- previously** [4] - 18:23,
74:23, 212:15, 214:5
- primarily** [2] - 19:17,
20:18
- primary** [3] - 262:10,
262:16, 267:3
- principles** [1] - 135:19
- priorities** [1] - 12:17
- prison** [36] - 46:20,
48:9, 48:20, 48:25,
131:15, 164:24,
165:9, 263:5,
263:17, 263:19,
263:22, 263:24,
264:2, 264:8,
264:21, 265:13,
266:4, 266:8,
266:14, 266:18,
266:22, 267:4,
267:14, 267:17,
270:6, 292:15,
293:4, 293:11,
293:15, 293:16,
293:18, 294:16,
295:1, 295:4,
295:21, 296:1
- prisoners** [1] - 130:7
- private** [11] - 8:20,
8:23, 80:9, 80:11,
80:14, 82:4, 82:14,
83:1, 94:1, 212:3,
327:4
- probing** [1] - 90:22
- problem** [14] - 53:12,
71:6, 90:8, 92:13,
115:16, 115:17,
121:11, 121:24,
148:15, 150:8,
150:9, 153:22,
161:8, 161:20
- problems** [22] - 71:22,
72:6, 72:7, 109:9,
111:13, 129:8,
135:1, 139:10,
154:6, 184:3, 184:6,
229:4, 235:25,
239:10, 239:11,
253:14, 264:9,
264:24, 280:1,
289:6, 307:16, 331:8
- procedure** [1] - 326:14
- proceed** [3] - 7:4, 7:8,
7:14
- proceeded** [1] - 67:19
- proceeding** [3] -
51:19, 218:15, 219:6
- proceedings** [10] -
5:1, 40:23, 210:8,
210:10, 219:8,
220:4, 289:23,
327:23, 332:16,
333:10
- process** [12] - 55:9,
55:11, 86:20, 88:14,
90:7, 90:17, 90:19,
91:11, 145:15,
270:4, 276:10,
286:16
- produce** [7] - 100:21,
102:13, 103:9,
147:19, 148:24,
325:23, 326:7
- produces** [1] - 261:3
- profession** [1] - 97:16
- professionals** [1] -
82:2
- proffered** [1] - 218:12
- profile** [2] - 85:6,
269:23
- profusely** [1] - 204:10
- programs** [1] - 83:20
- progress** [2] - 319:11,
319:14
- projected** [2] - 98:18,
127:2
- prolonged** [2] - 225:6,
249:13
- prominent** [1] - 250:6
- property** [1] - 114:17
- proposition** [1] -
151:4
- prosecuting** [1] -
23:22
- prosecution** [1] -
326:11
- prostituted** [1] -
136:16
- protect** [1] - 119:6
- protective** [8] -
107:13, 109:15,
118:22, 118:24,
153:15, 153:20,
230:11, 230:17
- proud** [1] - 164:22
- provide** [9] - 27:24,
44:24, 63:13, 65:15,
93:4, 164:16, 310:1,
310:3, 316:9
- provided** [33] - 7:12,
7:13, 28:8, 38:19,
44:13, 45:6, 87:12,
87:19, 94:11,
115:21, 145:10,
234:10, 238:9,
238:12, 240:20,
241:18, 241:21,
242:12, 276:18,
282:9, 297:24,
300:6, 301:20,
309:17, 311:8,
311:9, 311:14,
312:2, 312:4,
320:13, 321:6,
321:13, 322:5
- provider** [1] - 307:2
- providers** [1] - 259:15
- providing** [1] - 311:24
- provoking** [1] - 94:3
- psych** [1] - 291:4
- Psychiatric** [1] - 4:10
- psychiatric** [8] -
51:15, 82:5, 259:18,
306:9, 308:16,
310:13
- psychiatrist** [21] -
24:12, 24:17, 84:14,
84:20, 168:19,
177:8, 199:11,
214:19, 214:21,
215:2, 241:6,
241:12, 262:15,

264:13, 275:16,
275:17, 280:10,
283:1, 303:11,
305:15, 305:19
psychiatrists [5] -
84:16, 84:18, 291:4,
291:5, 326:15
Psychiatry [1] - 212:9
psychiatry [3] -
303:17, 303:21,
306:20
psychic [1] - 190:1
Psychological [5] -
4:5, 4:7, 133:1,
201:16, 268:3
psychological [9] -
49:5, 67:2, 158:12,
231:16, 236:22,
268:13, 295:9,
302:11, 315:4
psychologically [1] -
230:25
psychologist [8] -
131:6, 177:8,
210:21, 214:22,
228:9, 243:14,
280:10, 283:2
psychologists [1] -
291:4
psychology [12] -
80:20, 210:25,
211:2, 211:5, 211:8,
211:23, 212:11,
212:24, 216:25,
295:19
psychosocial [3] -
85:13, 167:21, 214:6
psychotic [1] - 306:22
PTSD [17] - 227:17,
229:19, 244:11,
248:13, 248:23,
249:5, 249:15,
250:13, 250:17,
252:2, 252:11,
252:16, 252:19,
252:21, 257:5,
259:22, 280:18
public [4] - 8:21, 8:22,
11:16, 108:17
published [3] - 81:7,
81:9, 81:13
pull [7] - 82:23,
129:12, 204:5,
223:17, 257:22,
294:21, 317:19
pulled [5] - 118:21,
204:8, 204:14,
205:8, 205:16,
222:14
pulling [2] - 96:8,
163:9
Pulp [3] - 111:15,
111:25, 144:20
puncture [1] - 204:11
punish [2] - 113:17,
114:1
punished [1] - 230:6
punishment [2] -
113:18, 116:10
punishments [1] -
113:15
pupils [1] - 314:16
purchase [2] - 119:13,
166:12
purpose [5] - 64:5,
64:10, 164:10,
170:1, 177:6
purposes [2] - 90:13,
221:20
push [2] - 120:25,
188:15
pushed [1] - 123:9
put [33] - 5:10, 5:12,
23:15, 26:2, 37:21,
56:2, 58:7, 58:12,
58:15, 59:5, 61:10,
73:2, 73:11, 86:17,
114:6, 161:17,
166:1, 170:19,
174:11, 192:18,
197:22, 204:3,
209:12, 232:23,
237:15, 238:4,
254:23, 257:2,
261:14, 263:9,
267:7, 269:22,
300:14
puts [1] - 255:18
putting [9] - 68:20,
127:10, 141:5,
189:22, 233:18,
234:16, 234:17,
253:11, 256:13

Q

qualified [1] - 279:11
qualifier [1] - 259:13
qualify [1] - 149:16
questioned [1] -
298:16
questioning [4] - 44:1,
46:1, 53:4, 62:15
questions [19] - 60:18,
62:13, 75:7, 122:17,
130:13, 154:22,
167:4, 167:7,
176:13, 179:6,
180:3, 192:11,
200:24, 213:9,
223:20, 224:9,
261:20, 268:25,
297:19
quickly [3] - 44:23,
79:15, 239:5
quiet [4] - 53:7,
130:18, 149:11,
153:13
quit [4] - 114:5,
125:22, 145:1, 172:9
quite [5] - 11:15,
138:10, 245:2,
271:13, 314:12
quote [7] - 200:10,
234:13, 281:24,
281:25, 282:1, 282:2
quoted [2] - 221:22,
281:22

R

race [1] - 95:25
races [1] - 250:23
racing [1] - 142:14
rage [2] - 198:15
rain [1] - 114:7
raise [1] - 104:10
raised [1] - 292:9
raises [1] - 130:13
ran [6] - 65:21, 67:2,
117:7, 118:20,
123:10, 226:17
range [1] - 234:23
rank [1] - 138:11
rapidly [1] - 239:5
rare [1] - 92:7
rarity [1] - 131:18
rather [3] - 33:5,
187:2, 201:5
rational [1] - 199:6
Ray [3] - 99:13, 132:2
Raymond [1] - 21:11
Re [1] - 3:18
Re-creation [1] - 3:18
reach [2] - 215:11,
215:13
reached [1] - 26:13
react [1] - 68:7
reacting [1] - 171:15
reaction [1] - 109:20
reactions [1] - 171:15
read [15] - 96:7,
127:15, 167:12,
168:13, 178:18,
195:18, 201:8,
220:10, 221:18,
221:19, 221:21,
275:6, 283:25,
331:24
reading [1] - 155:8
reads [1] - 201:8
ready [5] - 7:4, 7:8,
7:14, 139:6, 307:7
real [7] - 106:5,
107:23, 109:17,
114:13, 153:4,
186:2, 196:16
realized [3] - 141:3,
319:20, 320:8
really [37] - 94:17,
105:1, 109:13,
109:20, 113:15,
119:18, 121:7,
122:22, 123:22,
127:11, 132:10,
136:2, 139:6,
139:22, 140:6,
145:24, 169:17,
188:18, 194:2,
196:25, 197:19,
202:15, 203:16,
203:20, 228:10,
230:24, 253:10,
257:23, 260:16,
260:17, 270:8,
271:5, 275:11,
294:25, 295:19,
297:7, 326:25
reason [28] - 38:23,
55:4, 64:17, 69:16,
69:17, 99:7, 103:5,
116:18, 128:20,
159:3, 163:1, 169:3,
169:7, 169:14,
169:21, 194:19,
194:21, 197:11,
230:13, 243:11,
263:24, 272:21,
273:2, 285:5,
285:17, 313:17,
329:15, 330:20
reasonable [1] -
278:22
reasonably [1] -
216:22
reasoning [3] - 57:13,
57:18, 75:3
reasons [10] - 69:14,
113:4, 114:9,
243:14, 263:22,
296:15, 296:21,
315:4, 315:5
recalled [4] - 123:7,
180:4, 181:12, 321:8
recalling [1] - 315:3
receive [2] - 78:14,
79:2
received [8] - 29:12,
38:22, 38:24, 63:14,
152:20, 171:12,
219:2
recently [1] - 279:8
recess [8] - 47:15,
121:25, 122:4,
186:20, 210:2,
258:16, 332:5,
332:14
Recess [2] - 47:17,
186:23
recognize [1] - 86:1
recognized [4] -
81:21, 188:12,
213:2, 303:20
recognizing [1] -
211:17
recollect [1] - 317:10
recollecting [1] -
314:22
recollection [12] -
12:6, 12:20, 22:23,
27:2, 29:14, 33:7,
39:25, 44:11,
164:11, 199:10,
313:17, 319:8
recommended [3] -
60:22, 90:15, 90:16
reconcile [1] - 148:15
record [26] - 7:14, 8:8,
10:23, 10:24, 16:2,
22:14, 23:14, 32:14,
33:16, 41:2, 42:22,
67:13, 69:18, 74:6,
79:18, 168:11,
190:23, 210:19,
236:6, 270:15,
270:19, 288:4,
298:8, 298:15,
300:9, 333:10
Record [1] - 1:6
recorded [1] - 320:1
Records [1] - 3:11
records [49] - 5:12,
21:20, 26:22, 30:9,
31:13, 31:19, 37:20,
39:24, 40:1, 78:24,
82:17, 83:11, 86:14,
94:21, 155:8,
164:16, 165:10,
191:7, 195:1,
195:18, 214:6,
214:7, 224:20,
240:20, 240:24,
262:9, 262:12,
262:16, 262:19,
270:21, 279:14,
282:8, 282:11,
282:12, 282:13,
282:16, 282:24,
283:6, 283:12,
284:4, 284:6,

- 284:15, 300:14,
301:18, 304:15,
314:13, 314:15
recreate [1] - 293:21
recreationally [1] -
107:17
recross [4] - 79:10,
208:6, 302:4, 302:5
recurrent [2] - 249:20,
249:22
red [6] - 86:1, 95:13,
95:15, 177:3, 177:6,
177:13
redirect [3] - 75:8,
192:12, 297:20
Redirect [3] - 2:4, 2:6,
2:8
REDIRECT [3] - 75:10,
192:14, 297:22
reduce [3] - 254:6,
256:9, 291:15
reduction [1] - 260:10
Reed [2] - 143:15,
332:15
refer [4] - 18:6,
274:23, 281:14,
320:19
reference [7] - 134:5,
175:23, 259:17,
282:5, 284:9,
287:16, 320:22
referenced [3] - 205:5,
280:4, 288:17
references [4] -
176:10, 189:6,
283:15
referencing [1] -
278:25
referred [3] - 105:9,
161:1, 262:23
referring [5] - 159:2,
258:25, 321:12,
321:25, 329:24
refers [1] - 135:16
reflected [6] - 74:6,
183:20, 218:14,
283:9, 283:13,
311:21
refresh [1] - 22:23
refreshes [1] - 12:5
refreshing [1] - 164:10
refuge [1] - 228:20
refusal [1] - 93:24
refused [1] - 198:5
refusing [1] - 318:14
regard [8] - 53:10,
66:22, 76:1, 184:3,
222:7, 223:3, 223:9,
223:15
regarding [1] - 80:16
regardless [1] - 222:6
regimen [1] - 19:16
regular [2] - 158:11,
306:11
regularly [1] - 188:16
rehab [1] - 145:6
rehabbing [1] - 145:2
reinterview [1] -
324:15
reiterated [1] - 230:8
rejecting [2] - 148:11,
148:12
rejection [1] - 133:10
relate [1] - 6:14
related [9] - 14:19,
61:19, 127:8, 128:3,
198:16, 214:8,
224:21, 315:21
relating [1] - 51:1
relation [1] - 16:9
relationship [68] -
53:14, 53:24, 70:4,
88:7, 89:13, 89:24,
90:18, 92:17, 92:19,
93:11, 111:6, 119:6,
119:23, 122:12,
122:13, 123:20,
124:12, 125:8,
134:1, 138:24,
138:25, 139:4,
139:6, 139:18,
139:20, 140:9,
140:24, 140:25,
143:19, 166:19,
205:25, 231:2,
231:19, 231:20,
231:21, 231:23,
232:4, 232:6, 232:9,
236:1, 246:14,
257:18, 267:1,
299:12, 300:21,
300:24, 301:4,
304:20, 305:1,
305:11, 305:15,
305:21, 306:15,
307:1, 307:13,
307:24, 308:6,
323:19
relationships [8] -
59:6, 68:17, 124:14,
135:2, 148:18,
185:17, 186:9, 261:6
relative [1] - 333:12
relaxed [2] - 88:17,
139:20
relay [1] - 233:22
relayed [1] - 219:19
released [3] - 32:25,
33:18, 302:17
releases [1] - 86:13
relevance [1] - 260:1
relevant [4] - 59:19,
81:9, 264:17, 295:1
reliable [1] - 91:4
reliance [1] - 219:1
reliant [1] - 194:19
relied [9] - 115:22,
215:8, 216:22,
217:4, 217:6,
217:12, 311:5,
311:14, 315:11
relief [3] - 7:18,
120:22, 285:3
relies [1] - 220:16
religion [1] - 189:8
religious [4] - 189:9,
189:10, 190:5, 270:6
reluctance [1] -
248:11
rely [11] - 54:18,
116:2, 116:6,
194:15, 194:23,
195:2, 216:4, 216:8,
218:1, 222:2, 262:8
relying [4] - 76:7,
159:2, 232:12,
305:20
remained [1] - 142:2
remaining [1] - 332:16
remains [1] - 325:23
remarried [2] - 18:6,
124:25
remedies [1] - 101:5
remember [49] - 9:20,
21:3, 22:25, 29:15,
33:22, 35:22, 40:11,
41:9, 42:11, 44:12,
48:15, 57:6, 57:7,
65:10, 67:9, 69:17,
73:3, 77:22, 78:6,
112:11, 127:19,
127:20, 155:5,
156:5, 160:24,
170:11, 175:17,
176:15, 192:7,
195:22, 196:7,
242:2, 242:22,
245:1, 245:3, 259:4,
282:18, 282:21,
287:16, 287:21,
290:22, 298:17,
299:16, 312:16,
314:20, 315:22,
326:1, 326:4, 328:10
remembered [4] -
188:16, 298:10,
299:7, 319:22
remembers [3] -
100:17, 121:18,
182:10
remind [2] - 129:12,
193:14
reminded [2] - 124:10,
129:20
remorse [6] - 245:15,
245:19, 246:1,
290:12, 290:15,
291:10
remorseful [1] -
245:17
remove [1] - 233:5
rendered [1] - 259:13
rent [1] - 42:9
reopening [1] - 248:24
repeat [2] - 32:16,
161:3
repetitive [1] - 254:1
rephrase [2] - 198:21,
206:23
replace [1] - 273:8
report [81] - 32:24,
33:18, 38:4, 38:5,
40:18, 67:9, 163:2,
163:6, 163:13,
168:14, 168:16,
175:4, 180:22,
214:25, 215:16,
215:21, 216:2,
216:6, 216:12,
216:19, 217:16,
217:18, 217:24,
218:1, 218:3, 218:5,
218:14, 218:23,
220:19, 221:20,
223:13, 223:24,
224:4, 234:16,
236:14, 250:10,
267:18, 267:24,
268:16, 274:24,
275:5, 276:10,
280:20, 280:22,
281:4, 281:6, 281:7,
281:11, 281:12,
281:15, 281:20,
281:22, 301:7,
302:7, 306:2,
310:16, 310:18,
311:4, 311:18,
311:20, 311:22,
313:2, 314:2, 314:4,
314:5, 319:6,
322:22, 325:23,
326:1, 326:3, 326:7,
326:12, 326:16,
326:18, 328:12,
328:22, 328:24,
329:5, 330:4
Report [1] - 3:6
reported [15] - 115:11,
129:22, 170:12,
228:17, 229:6,
229:8, 232:8,
233:12, 237:21,
255:10, 275:9,
280:25, 281:21,
314:22, 332:15
Reported [1] - 296:13
REPORTER [1] -
79:22
reporter [6] - 70:24,
210:4, 210:6, 303:7,
310:10, 329:17
Reporter [6] - 1:25,
2:10, 302:8, 332:15,
333:7, 333:22
reporting [1] - 312:12
reports [34] - 6:7,
50:22, 51:4, 57:24,
63:13, 63:15, 63:16,
157:11, 157:15,
157:19, 157:23,
158:1, 158:3,
159:13, 159:18,
159:24, 168:13,
172:14, 173:1,
173:2, 173:18,
179:13, 179:21,
189:6, 189:24,
222:24, 228:11,
231:6, 236:17,
255:5, 255:15,
277:6, 278:1, 285:21
repositioning [1] -
251:11
represent [2] - 9:8,
193:4
representation [3] -
54:5, 56:23, 220:18
representations [1] -
218:20
represented [3] - 50:6,
99:4, 222:23
request [10] - 23:4,
24:4, 32:21, 34:15,
39:1, 39:8, 63:20,
64:14, 64:17, 309:24
requested [8] - 34:3,
56:18, 64:15, 163:7,
163:8, 163:9,
163:11, 315:14
requests [2] - 13:18,
14:10
required [3] - 23:3,
140:3, 163:14
rescue [1] - 153:23
research [8] - 82:19,
95:10, 185:10,
263:25, 265:12,
266:25, 294:21,
296:1

- researched**^[1] - 296:5
researchers^[1] - 130:4
resentment^[1] - 103:6
residents^[1] - 212:11
Resilience^[3] - 3:24, 146:15, 146:24
resilience^[5] - 109:18, 147:15, 147:21, 148:2, 154:17
resilient^[3] - 147:7, 147:19, 148:24
resistance^[1] - 93:24
resolved^[1] - 288:22
resort^[1] - 83:18
resources^[1] - 240:5
respect^[28] - 62:3, 62:17, 63:4, 65:18, 66:18, 67:22, 69:7, 76:10, 94:9, 161:2, 161:5, 164:14, 175:8, 178:1, 178:20, 215:17, 229:2, 229:13, 229:21, 232:17, 232:21, 245:16, 267:19, 273:24, 288:7, 291:16, 292:15, 316:14
respond^[3] - 58:9, 58:22, 318:20
Respondent's^[2] - 191:1, 191:9
respondent's^[1] - 191:13
responding^[1] - 296:25
response^[5] - 171:16, 217:21, 250:19, 281:8, 329:16
responsibility^[4] - 46:6, 46:17, 61:10, 152:3
responsible^[9] - 19:17, 19:23, 20:18, 35:7, 49:19, 75:24, 76:3, 199:15, 253:10
rest^[9] - 171:3, 246:12, 302:15
restart^[1] - 331:13
restate^[1] - 74:20
restaurant^[4] - 27:8, 27:11, 65:22, 105:20
restaurants^[2] - 108:15, 111:23
restless^[1] - 250:15
restrained^[1] - 90:10
restrictions^[1] - 294:2
result^[3] - 278:7, 289:23, 296:22
resulted^[3] - 166:6, 289:3, 315:8
resulting^[1] - 261:13
results^[1] - 297:17
resurgence^[1] - 247:22
retained^[11] - 155:3, 183:15, 199:14, 212:21, 242:14, 269:5, 303:13, 310:7, 326:2, 326:6, 326:11
retaining^[1] - 304:2
retention^[1] - 269:17
reticent^[3] - 276:6, 276:16, 277:5
retraumatize^[1] - 247:16
return^[3] - 7:12, 7:21, 331:15
returned^[2] - 287:2, 287:13
reveal^[2] - 49:6, 56:20
revealed^[3] - 51:15, 57:14, 58:3
reveals^[1] - 216:7
Reverend^[1] - 156:20
reversal^[1] - 218:8
reversed^[4] - 222:15, 222:18, 222:19, 223:20
review^[21] - 51:3, 67:10, 82:17, 82:19, 157:10, 157:19, 158:1, 158:4, 177:14, 177:18, 180:11, 193:19, 193:21, 275:1, 277:6, 278:1, 280:19, 282:7, 282:10, 284:4, 285:21
reviewed^[15] - 44:23, 176:5, 214:4, 221:1, 270:15, 275:3, 276:9, 279:18, 282:12, 283:6, 293:6, 294:7, 300:15, 300:16, 314:13
reviewing^[9] - 10:12, 21:23, 31:15, 37:23, 159:12, 277:13, 309:19, 316:15, 318:13
revolves^[1] - 255:25
Rick^[3] - 33:4, 33:12, 33:22
rigid^[1] - 145:23
rise^[1] - 249:15
risk^[32] - 151:1, 151:9, 151:21, 154:10, 166:2, 166:3, 183:21, 185:9, 185:12, 185:15, 230:16, 239:23, 261:15, 263:8, 263:9, 263:10, 266:9, 266:22, 266:25, 267:3, 267:7, 267:10, 267:15, 267:17, 295:14, 295:15, 295:17, 295:20, 295:21, 328:10
Risk^[3] - 4:3, 150:17, 187:23
risks^[3] - 166:6, 183:22, 184:25
rituals^[1] - 154:15
River^[3] - 111:15, 111:25, 144:20
road^[1] - 41:14
Rob^[1] - 331:14
robbery^[2] - 20:14, 289:1
rock^[1] - 149:11
Roland^[19] - 36:10, 36:21, 52:17, 64:2, 64:7, 76:13, 91:21, 91:23, 156:2, 180:12, 200:3, 278:3, 301:19, 316:2, 319:5, 321:20, 322:1, 322:8, 322:11
Roland's^[1] - 76:22
role^[9] - 88:2, 123:1, 123:2, 149:18, 183:3, 188:3, 288:7, 327:9
rolled^[1] - 197:24
Ron^[191] - 1:5, 31:14, 31:20, 40:21, 41:6, 64:15, 87:7, 95:7, 95:9, 95:17, 96:11, 96:18, 96:24, 98:15, 98:22, 99:10, 105:18, 106:20, 106:21, 107:1, 107:7, 107:12, 108:3, 108:9, 108:10, 109:3, 109:7, 109:17, 110:18, 111:5, 111:8, 111:11, 111:16, 112:15, 113:18, 114:6, 114:11, 114:23, 115:4, 115:14, 115:19, 115:22, 116:8, 116:16, 117:19, 117:21, 118:15, 118:17, 118:20, 118:25, 119:8, 119:10, 119:20, 119:22, 120:8, 120:9, 120:22, 120:25, 121:5, 121:16, 121:20, 122:11, 123:1, 123:4, 123:5, 123:7, 123:25, 124:2, 124:4, 124:7, 125:4, 125:10, 125:12, 125:17, 125:24, 126:6, 128:2, 129:5, 129:17, 130:16, 130:20, 131:1, 131:14, 132:16, 132:19, 134:1, 134:9, 135:22, 136:6, 136:8, 136:9, 136:20, 136:22, 136:24, 138:20, 138:25, 139:3, 139:9, 139:15, 139:23, 140:10, 140:22, 140:23, 140:24, 141:1, 141:5, 141:7, 141:9, 141:10, 141:15, 141:19, 141:20, 142:7, 143:10, 143:12, 143:17, 143:22, 144:14, 145:15, 145:22, 146:5, 146:10, 147:4, 147:11, 148:16, 149:2, 149:7, 149:12, 149:16, 149:23, 151:2, 152:12, 153:9, 153:24, 154:7, 154:16, 156:2, 162:7, 162:23, 164:1, 164:14, 164:15, 170:18, 171:4, 172:13, 172:16, 172:22, 172:23, 173:2, 173:3, 173:4, 174:5, 174:6, 174:10, 175:11, 175:14, 176:19, 178:1, 180:22, 180:25, 181:4, 181:11, 181:14, 184:4, 186:8, 188:9, 188:13, 189:24, 191:20, 194:6, 195:11, 195:17, 196:3, 197:7, 197:17, 199:25, 200:12, 200:14, 203:20, 204:25, 205:4, 205:11, 213:5, 213:17, 331:5, 331:10, 331:14
Ron's^[47] - 25:10, 25:18, 26:12, 56:5, 64:14, 68:9, 91:15, 96:19, 97:3, 99:2, 100:6, 100:24, 101:17, 104:8, 104:22, 107:17, 108:2, 108:12, 110:2, 110:10, 111:17, 113:13, 114:20, 115:10, 117:24, 118:12, 122:11, 123:4, 124:11, 127:16, 133:18, 139:19, 143:19, 143:22, 143:25, 152:19, 154:14, 155:22, 165:14, 178:7, 185:25, 189:10, 191:4, 195:23, 200:11, 201:21, 206:25
roof^[1] - 112:10
room^[11] - 90:9, 90:12, 100:11, 100:22, 197:20, 197:25, 202:12, 228:21, 255:16, 255:19, 317:6
rooms^[3] - 111:23, 114:8, 114:10
Roosevelt^[27] - 108:24, 110:15, 110:24, 111:6, 111:11, 111:12, 111:14, 111:17, 111:24, 117:14, 118:19, 119:17, 122:25, 123:2, 123:6, 123:9, 123:14, 123:16, 123:21, 123:22, 124:13, 124:16, 124:22, 132:14, 225:22, 226:4
Roots^[5] - 189:16, 189:18, 189:20,

189:22, 190:10
Rosie [4] - 98:25,
 101:7, 104:5, 192:19
Rosie's [1] - 102:23
rough [2] - 119:15,
 136:2
round [1] - 91:12
routinely [1] - 326:6
row [5] - 131:15,
 170:25, 289:21,
 293:8, 294:1
RPR [2] - 1:24, 333:21
rubber [10] - 114:4,
 127:7, 127:11,
 176:19, 232:23,
 233:5, 233:19,
 234:16, 235:2,
 235:10
Ruby [11] - 108:2,
 119:24, 120:19,
 121:11, 121:13,
 121:14, 127:24,
 156:6, 156:9,
 156:21, 189:21
Ruby's [3] - 120:20,
 132:9, 198:7
Rule [6] - 216:2,
 216:19, 219:4,
 220:24, 221:24
rule [4] - 92:8, 158:17,
 158:18
ruled [2] - 73:21,
 73:23
rules [6] - 148:10,
 216:3, 220:22,
 264:8, 264:22, 294:2
ruling [1] - 224:5
run [5] - 12:22, 68:24,
 158:20, 294:16,
 296:8
running [3] - 100:22,
 137:18, 209:2

S

S-1 [1] - 4:12
S.C [2] - 221:4, 221:11
sad [1] - 250:2
saddle [1] - 120:23
safe [1] - 121:19
safety [1] - 119:21
sale [4] - 118:10,
 286:10, 286:20,
 287:11
sales [7] - 184:16,
 226:17, 287:6,
 287:19, 287:20,
 288:8, 288:23
Sally [1] - 110:14
Salter [1] - 1:19

Salters [1] - 101:21
Sam's [1] - 144:18
samaritan [1] - 141:16
sample [1] - 296:6
samples [1] - 295:18
San [1] - 143:23
Saran [1] - 309:23
satisfied [2] - 62:23,
 63:5
Saturday [1] - 26:13
saucer [2] - 197:23,
 197:25
saved [1] - 330:5
saves [1] - 153:12
savings [2] - 273:7,
 288:18
savvy [1] - 327:11
Saw [1] - 204:25
saw [23] - 50:25, 96:7,
 113:5, 120:9,
 126:21, 130:24,
 154:8, 156:21,
 157:22, 158:7,
 174:9, 179:19,
 180:19, 183:3,
 188:19, 190:3,
 233:11, 233:14,
 246:22, 272:15,
 317:13, 323:10
scales [2] - 296:24,
 296:25
scanning [1] - 251:9
scar [1] - 139:3
scare [1] - 89:21
scared [3] - 171:7,
 235:13, 283:25
SCDC [5] - 214:22,
 215:2, 264:20,
 264:24, 265:1
scenario [1] - 305:7
scenery [1] - 137:25
School [2] - 211:6,
 327:2
school [41] - 8:16,
 8:19, 93:5, 103:16,
 112:12, 122:18,
 130:17, 130:19,
 137:10, 137:11,
 137:16, 146:2,
 149:7, 149:9, 153:3,
 162:19, 165:1,
 172:6, 173:23,
 174:2, 196:10,
 196:17, 196:24,
 214:6, 227:25,
 229:24, 232:2,
 234:11, 267:2,
 284:4, 284:6,
 284:15, 284:17,
 285:3, 285:9,

285:10, 285:13,
 285:22, 285:24
SCHWARTZ [2] -
 303:2, 303:9
Schwartz [12] - 2:8,
 24:18, 24:20, 24:22,
 51:16, 209:9,
 279:21, 280:20,
 281:21, 301:8,
 303:1, 303:8
Schwartz-Watts [8] -
 24:18, 24:20, 51:16,
 209:9, 279:21,
 280:20, 281:21,
 301:8
sciences [1] - 130:5
scientists [1] - 134:20
scope [5] - 165:4,
 165:23, 167:7,
 167:9, 167:11
screamed [1] - 198:1
screen [3] - 98:18,
 127:2, 309:21
screening [1] - 324:3
Scully [3] - 216:9,
 218:6, 221:3
search [2] - 292:22,
 292:24
Seattle [8] - 25:7,
 36:10, 64:2, 64:11,
 64:25, 65:12,
 180:14, 319:22
second [27] - 7:17,
 13:8, 32:4, 40:14,
 46:24, 53:15, 73:21,
 154:19, 155:20,
 155:21, 158:7,
 164:2, 164:4, 174:6,
 174:12, 205:13,
 236:15, 242:7,
 251:13, 261:17,
 275:1, 275:21,
 279:23, 286:4,
 301:25, 315:23,
 323:9
secondary [1] -
 262:19
secondly [1] - 296:19
secretive [1] - 140:5
secrets [1] - 230:3
sections [1] - 221:22
secure [2] - 112:20,
 121:19
security [2] - 266:18,
 272:19
see [77] - 9:16, 10:11,
 11:25, 12:5, 17:10,
 29:22, 31:16, 36:3,
 38:6, 39:3, 39:25,
 53:6, 94:22, 95:1,

95:4, 95:8, 95:19,
 96:3, 98:14, 98:22,
 98:23, 98:24, 99:5,
 99:9, 106:19,
 107:15, 113:10,
 119:23, 130:7,
 130:16, 134:8,
 137:23, 140:7,
 141:23, 147:13,
 150:20, 151:13,
 151:19, 156:2,
 156:8, 157:9,
 158:19, 161:8,
 161:19, 163:18,
 165:8, 165:10,
 174:3, 174:6,
 174:12, 179:20,
 183:7, 184:18,
 185:7, 188:1, 192:3,
 192:10, 192:17,
 192:19, 223:17,
 228:10, 228:25,
 230:24, 232:8,
 236:4, 236:7,
 245:23, 247:25,
 251:18, 264:20,
 265:10, 281:19,
 309:7, 316:2, 322:6
seeing [9] - 35:22,
 83:19, 107:11,
 123:8, 190:1,
 249:10, 313:1,
 313:3, 331:3
seek [7] - 10:17,
 13:19, 15:23, 17:6,
 18:1, 184:18, 291:12
seeking [4] - 72:10,
 140:1, 160:10,
 246:18
seem [10] - 23:25,
 54:3, 125:15, 140:1,
 162:25, 221:25,
 301:21, 319:10,
 319:11, 321:5,
 322:21, 325:16
separate [1] - 36:18
separately [2] - 37:13,
 317:9
September [21] - 1:10,
 5:2, 13:8, 15:7, 16:8,
 17:2, 29:18, 29:22,
 145:3, 179:14,
 210:9, 210:11,
 268:20, 269:20,
 279:19, 280:19,
 301:12, 301:22,
 301:23, 325:5,
 333:14
series [4] - 52:11,
 67:23, 206:12,
 237:16,

273:16, 309:22
self [4] - 252:4,
 253:20, 290:8
self-esteem [1] -
 253:20
self-worth [3] - 252:4,
 253:20, 290:8
sell [6] - 46:12,
 135:14, 137:8,
 146:7, 226:19, -
 226:22
selling [13] - 68:25,
 112:6, 117:10,
 117:11, 117:12,
 137:4, 261:7, 273:4,
 273:5, 287:24,
 288:15, 289:9
send [1] - 219:20
sending [1] - 171:4
sensations [1] -
 250:25
sense [14] - 55:23,
 56:7, 56:9, 56:14,
 95:5, 151:7, 159:8,
 159:10, 159:12,
 248:14, 248:15,
 253:20, 287:23,
 290:12
sensitive [1] - 93:11
sent [1] - 158:6
sentence [3] - 266:14,
 266:23, 266:24
sentenced [1] - 85:14
sentences [1] - 281:18
sentencing [22] - 9:5,
 14:19, 14:20, 19:2,
 20:9, 20:19, 41:20,
 43:22, 45:24, 46:7,
 75:23, 193:19,
 238:11, 265:9,
 300:7, 301:14,
 301:21, 319:10,
 319:11, 321:5,
 322:21, 325:16
separate [1] - 36:18
separately [2] - 37:13,
 317:9
September [21] - 1:10,
 5:2, 13:8, 15:7, 16:8,
 17:2, 29:18, 29:22,
 145:3, 179:14,
 210:9, 210:11,
 268:20, 269:20,
 279:19, 280:19,
 301:12, 301:22,
 301:23, 325:5,
 333:14
series [4] - 52:11,
 67:23, 206:12,
 237:16,

- serious** [11] - 151:10, 153:18, 185:16, 262:25, 263:5, 264:2, 265:12, 267:17, 295:21, 295:25, 314:13
- seriously** [2] - 89:4, 150:5
- served** [2] - 88:2, 266:22
- services** [4] - 129:22, 149:3, 230:11, 230:17
- Services** [1] - 12:10
- serving** [4] - 45:9, 131:15, 143:4, 143:5
- set** [12] - 62:25, 63:1, 92:9, 154:9, 174:3, 187:23, 249:16, 251:7, 252:1, 254:23, 255:1, 323:7
- sets** [4] - 139:25, 237:22, 254:21, 254:22
- setting** [13] - 90:3, 212:16, 246:17, 262:25, 276:20, 277:2, 293:5, 295:1, 299:10, 306:8, 306:12, 307:10, 323:16
- settings** [3] - 212:3, 294:4, 294:6
- seven** [25] - 30:11, 30:25, 31:10, 107:3, 107:17, 109:3, 110:8, 112:16, 112:19, 114:19, 115:17, 117:22, 118:21, 120:22, 121:8, 148:5, 148:8, 152:24, 207:19, 213:22, 218:21, 235:7, 254:22, 286:5
- several** [8] - 139:24, 153:7, 158:6, 162:5, 229:25, 234:6, 254:19, 266:24
- severe** [7] - 113:13, 116:10, 225:6, 231:6, 237:20, 285:20, 315:7
- severely** [2] - 101:2, 113:17
- severity** [1] - 260:15
- sexual** [15] - 121:4, 121:5, 184:7, 184:11, 184:12, 221:13, 225:7, 226:3, 229:17, 234:15, 234:19, 234:22, 247:2, 248:7
- sexually** [3] - 93:19, 118:19, 226:4
- shack** [2] - 100:12, 102:1
- shack-type** [1] - 102:1
- shackles** [1] - 294:3
- shacks** [1] - 100:22
- shame** [1] - 245:25
- shameful** [1] - 244:5
- shamefulness** [1] - 247:3
- shape** [1] - 151:2
- share** [5] - 43:12, 194:4, 230:2, 246:9, 246:15
- sharecroppers** [1] - 100:9
- sharecropping** [1] - 101:24
- shared** [8] - 51:14, 57:24, 167:19, 168:24, 183:21, 222:18
- Sharon** [2] - 181:9, 181:12
- Shawn** [2] - 131:25, 328:11
- Shealy** [4] - 144:22, 145:1, 145:5
- sheet** [2] - 152:14, 193:2
- sheets** [6] - 11:22, 11:25, 26:3, 128:5, 255:16, 255:18
- Sheets** [1] - 3:5
- shell** [1] - 252:23
- shells** [1] - 280:3
- Sheppard** [3] - 1:24, 333:6, 333:21
- Sherry** [5] - 315:25, 316:1, 316:3, 316:5, 316:14
- shifting** [1] - 40:2
- shipping** [1] - 143:3
- shirt** [1] - 234:4
- shock** [1] - 252:23
- shocked** [1] - 321:24
- shoes** [3] - 110:23, 112:12, 237:23
- shoot** [2] - 202:21, 203:7
- shooting** [11] - 61:25, 74:17, 100:18, 175:14, 180:25, 203:7, 203:8, 203:14, 276:19, 278:5
- shootings** [1] - 136:5
- short** [4] - 188:9, 234:9, 237:17, 256:2
- shorter** [2] - 266:23, 295:18
- shortly** [1] - 33:17
- shot** [20] - 51:7, 74:17, 74:23, 117:8, 132:7, 136:14, 136:17, 175:11, 200:15, 201:6, 202:4, 203:13, 203:24, 205:12, 205:14, 205:17, 278:6, 278:7, 278:14, 321:2
- Shot** [2] - 204:18, 204:21
- shots** [5] - 117:9, 117:11, 118:6, 137:6
- show** [36] - 10:10, 10:23, 11:24, 12:3, 13:22, 16:2, 29:6, 32:13, 34:7, 35:16, 37:6, 42:7, 57:10, 67:12, 80:22, 97:18, 97:22, 126:9, 130:22, 133:4, 139:23, 146:14, 169:11, 169:18, 201:15, 205:6, 205:10, 211:10, 215:19, 231:15, 232:15, 266:25, 267:21, 310:15, 312:9, 316:7
- showed** [2] - 148:17, 314:16
- showing** [1] - 133:12
- shows** [1] - 185:11
- shut** [2] - 158:21, 180:9
- shutting** [1] - 125:20
- siblings** [5] - 113:5, 118:13, 205:2, 313:13, 320:21
- sic** [4] - 104:2, 114:18, 119:24, 182:20
- sick** [2] - 104:5, 110:24
- side** [13] - 94:24, 94:25, 97:3, 99:19, 99:23, 99:24, 100:2, 100:3, 100:6, 100:24, 101:18, 102:18, 267:16
- sides** [3] - 33:19, 147:23, 325:8
- sign** [3] - 22:21, 23:8, 145:3
- signature** [1] - 34:8
- signed** [6] - 13:24, 22:2, 22:7, 34:8, 39:6, 86:13
- significance** [12] - 97:8, 100:4, 112:16, 112:18, 117:18, 118:15, 129:17, 138:23, 142:5, 145:13, 264:25, 270:9
- significant** [58] - 86:12, 93:7, 98:6, 98:15, 99:6, 100:4, 101:19, 107:2, 109:2, 109:7, 111:5, 122:10, 124:11, 126:21, 128:14, 132:16, 133:11, 133:24, 134:17, 144:11, 146:23, 152:11, 165:13, 165:15, 165:21, 166:2, 174:25, 176:3, 176:4, 176:15, 176:17, 185:5, 200:21, 203:5, 203:9, 205:1, 218:20, 225:4, 225:6, 225:14, 229:16, 230:21, 236:2, 236:10, 236:21, 237:1, 237:2, 238:15, 253:5, 256:19, 266:16, 267:16, 270:2, 283:18, 284:17, 284:18, 284:21, 320:12
- significantly** [1] - 266:10
- signs** [2] - 154:16, 230:24
- silence** [1] - 245:11
- similar** [10] - 45:14, 69:25, 99:25, 206:4, 217:25, 239:20, 258:24, 263:7, 294:18, 295:5
- similarities** [1] - 295:8
- similarly** [1] - 28:11
- Simp** [1] - 331:14
- simply** [4] - 218:3, 231:19, 259:16, 261:10
- single** [3] - 88:11, 175:17, 176:15
- singled** [6] - 113:16, 113:24, 116:9, 116:17, 116:20, 132:23
- sips** [1] - 283:22
- SIRS-2** [1] - 296:12
- sister** [30] - 13:16, 76:16, 104:8, 107:5, 107:19, 117:22, 118:16, 123:12, 125:21, 127:19, 127:21, 127:23, 183:19, 197:7, 202:10, 203:1, 207:6, 207:11, 225:25, 226:2, 226:3, 226:8, 227:1, 229:9, 232:25, 233:1, 233:4, 233:7, 233:9, 248:6
- sister-in-law** [1] - 76:16
- sisters** [2] - 84:7, 103:14
- sit** [5] - 114:3, 120:9, 161:18, 246:21, 251:5
- sitting** [6] - 131:14, 170:24, 187:4, 193:8, 289:20, 307:6
- situation** [15] - 82:14, 88:21, 102:15, 111:20, 158:24, 171:6, 206:14, 217:17, 224:10, 239:23, 240:9, 240:13, 290:1, 307:11
- situation-by-**
- situation** [1] - 224:10
- situations** [4] - 103:15, 149:8, 226:9, 278:11
- six** [3] - 110:18, 212:8, 283:25
- sketchy** [2] - 164:8, 276:18
- skill** [1] - 148:16
- skills** [10] - 147:24, 150:8, 150:10, 231:4, 238:21, 238:23, 240:5, 260:17, 260:18, 260:19
- skin** [1] - 134:4
- skipped** [1] - 262:1
- skipping** [1] - 135:3
- skips** [1] - 276:22
- slavery** [1] - 189:15
- sleep** [8] - 128:2, 128:7, 234:17, 251:15, 251:21, 251:23, 257:1, 320:25
- sleeping** [2] - 251:14,

- 251:22
sleeve [1] - 209:6
Slocumb [1] - 219:13
slow [2] - 209:1, 307:3
smacks [1] - 130:9
small [2] - 102:1, 122:23
smart [1] - 196:16
smell [1] - 231:10
smile [2] - 130:20, 328:13
smiling [1] - 328:19
smoking [1] - 239:1
sneak [1] - 232:8
sniffing [1] - 123:8
snowballed [1] - 240:1
social [43] - 5:20, 19:20, 80:16, 80:18, 81:4, 81:14, 81:18, 81:24, 82:1, 84:13, 85:20, 88:1, 92:3, 93:15, 96:1, 97:15, 128:24, 129:15, 129:22, 130:4, 134:20, 135:8, 145:13, 149:3, 151:7, 158:9, 160:9, 163:4, 163:5, 167:10, 176:24, 176:25, 195:13, 198:23, 198:24, 199:4, 203:4, 206:11, 207:24, 227:22, 230:22, 237:1
socioeconomic [1] - 88:25
soda [1] - 106:8
sofa [1] - 197:21
soft [1] - 53:7
soften [2] - 68:9, 69:5
softer [2] - 43:18, 53:10
sold [1] - 118:9
soldier [3] - 96:12, 138:13, 327:17
soldiers [1] - 182:16
sole [1] - 64:5
solely [5] - 115:22, 116:2, 194:15, 217:6, 232:12
solicitor [4] - 209:23, 316:9, 316:18, 322:6
Solicitor [4] - 23:21, 33:4, 33:5, 33:8
solicitor's [2] - 46:13, 322:15
solid [1] - 153:1
SOLTIS [1] - 8:3
Soltis [30] - 2:2, 5:11, 5:19, 8:1, 8:7, 8:9, 9:15, 38:1, 38:5, 42:21, 47:1, 47:11, 47:22, 59:25, 75:12, 79:7, 79:12, 86:24, 89:25, 91:1, 188:21, 199:19, 200:1, 205:22, 274:19, 298:5, 298:9, 309:13, 311:23, 312:14
Soltis' [2] - 87:14, 94:10
solution [1] - 154:8
solutions [1] - 127:12
solve [1] - 148:15
solving [2] - 150:8, 150:10
someone [14] - 25:2, 37:4, 92:6, 167:24, 198:10, 199:14, 204:3, 205:19, 246:17, 248:13, 287:25, 299:6, 315:2, 322:15
sometimes [22] - 43:17, 91:9, 111:23, 121:9, 134:21, 152:22, 163:7, 170:2, 170:3, 190:8, 190:11, 192:2, 247:14, 250:7, 254:25, 262:23, 306:22, 306:24, 315:4, 315:5, 324:10, 324:11
somewhat [5] - 138:22, 188:18, 217:25, 275:24, 294:18
somewhere [3] - 12:1, 154:4, 321:17
son [8] - 45:25, 110:17, 124:6, 139:21, 161:15, 176:1, 239:16, 239:17
son's [1] - 195:14
sons [2] - 125:3, 290:23
soon [3] - 158:21, 327:4, 332:3
soothing [1] - 148:7
Sophia [3] - 143:15, 143:20, 143:21
sorry [22] - 19:22, 26:25, 37:9, 39:2, 39:13, 41:12, 47:4, 61:2, 69:16, 105:25, 111:12, 145:5, 155:20, 156:3, 161:3, 172:23, 172:25, 186:14, 219:14, 242:10, 311:10, 324:18
sort [30] - 69:3, 95:5, 96:10, 128:23, 144:15, 151:4, 151:10, 151:22, 165:2, 178:12, 214:8, 228:20, 228:23, 235:19, 238:3, 239:4, 240:13, 244:19, 245:11, 248:24, 249:9, 252:21, 255:22, 259:20, 260:19, 262:18, 263:12, 280:1, 285:3, 292:3
sorts [3] - 234:18, 247:23, 263:20
sought [4] - 10:25, 34:15, 58:4, 289:3
sound [1] - 182:19
sounded [1] - 186:3
sounds [2] - 34:5, 209:18
source [5] - 194:25, 202:3, 311:12, 321:14, 321:21
sources [16] - 116:3, 194:24, 213:23, 214:2, 214:3, 214:11, 217:4, 217:7, 226:16, 273:13, 311:5, 311:14, 314:3, 315:23, 321:18
SOUTH [1] - 333:3
south [3] - 100:10, 101:16, 189:14
South [21] - 1:1, 1:11, 80:9, 80:19, 101:20, 144:21, 144:25, 146:8, 166:10, 211:9, 212:13, 221:4, 221:11, 222:22, 223:19, 223:23, 310:6, 327:2, 333:8, 333:13
Southern [1] - 105:21
spanking [1] - 172:11
spanned [1] - 260:14
speaking [2] - 160:14, 214:1
speaks [1] - 288:4
special [3] - 163:1, 284:9, 284:10
specialist [2] - 86:8, 135:10
specialists [2] - 233:2, 305:2
specialized [1] - 97:15
specially [1] - 23:16
specific [21] - 19:14, 19:16, 56:6, 60:24, 61:12, 69:16, 77:10, 81:16, 90:4, 172:6, 172:15, 180:3, 180:5, 196:6, 211:19, 225:2, 228:5, 249:22, 279:11, 307:22, 320:19
specifically [50] - 26:2, 26:9, 27:20, 28:13, 39:4, 39:22, 41:15, 41:21, 42:14, 44:2, 45:2, 48:23, 60:2, 60:17, 61:8, 62:6, 62:9, 63:23, 67:9, 73:1, 74:1, 74:24, 75:1, 77:4, 78:8, 81:12, 94:8, 113:1, 123:7, 171:11, 176:10, 212:15, 216:19, 216:21, 224:15, 227:24, 229:13, 233:18, 241:19, 248:5, 248:7, 249:2, 304:5, 309:10, 311:11, 312:1, 312:7, 320:23, 323:4, 330:10
specificity [3] - 223:8, 223:15, 292:19
specifics [2] - 91:18, 313:16
specifier [1] - 227:18
spectrum [1] - 253:25
speculation [2] - 285:6, 285:7
speech [1] - 307:4
spell [2] - 79:22, 303:7
speller [1] - 171:23
spend [3] - 88:5, 120:13, 155:15
spending [1] - 146:7
spent [2] - 194:12, 330:4
spiral [1] - 227:8
spiritual [3] - 95:24, 189:16, 190:1
spite [3] - 147:14, 153:19, 178:11
split [2] - 116:15, 117:15
spoken [3] - 53:7, 234:2, 311:19
square [1] - 210:7
Sr [1] - 143:10
Sr.'s [1] - 140:23
stabbed [1] - 132:3
stability [5] - 237:5, 237:11, 237:17, 238:19, 261:8
stable [5] - 102:2, 102:8, 112:20, 148:21, 241:14
Stacy [5] - 1:24, 210:7, 307:3, 333:6, 333:21
stage [2] - 55:9, 55:10
Stallworth [1] - 104:6
stamps [1] - 108:18
stand [10] - 58:7, 58:13, 58:16, 59:9, 61:10, 69:13, 136:9, 209:12, 285:16, 319:19
Stand [1] - 3:12
standard [3] - 194:22, 304:7, 304:8
standards [1] - 135:19
standing [2] - 320:8, 321:4
stands [2] - 62:21, 285:17
start [24] - 8:15, 87:12, 87:24, 88:14, 90:7, 96:15, 98:10, 98:11, 130:16, 131:1, 148:18, 151:13, 154:5, 166:25, 171:20, 208:13, 235:2, 246:23, 261:10, 272:11, 283:16, 302:24, 323:21
started [46] - 12:19, 19:2, 29:16, 29:18, 29:19, 29:20, 32:6, 39:19, 101:24, 106:11, 108:24, 110:2, 111:15, 111:22, 112:3, 112:5, 112:24, 114:3, 115:4, 117:16, 131:4, 131:9, 140:6, 140:10, 141:1, 170:5, 182:5, 191:16, 202:14, 202:18, 226:22, 228:10, 228:12, 235:5, 237:19, 239:1, 239:5, 245:6, 251:22, 277:7,

- 279:13, 286:7,
301:15, 301:21,
322:21
starting [4] - 133:15,
229:1, 231:15, 326:5
startled [1] - 272:16
starts [4] - 93:3,
230:24, 238:7, 275:7
State [26] - 1:1, 1:7,
1:20, 5:17, 7:9, 8:18,
13:20, 15:2, 15:22,
45:22, 67:23, 68:3,
68:11, 71:5, 76:15,
77:15, 77:25, 78:3,
145:8, 209:16,
216:1, 216:8, 221:9,
221:24, 222:8, 333:8
STATE [1] - 333:3
state [12] - 8:8, 15:13,
73:25, 103:23,
134:24, 210:18,
212:12, 212:14,
212:22, 239:17,
253:12
State's [4] - 32:21,
268:5, 330:8, 330:11
statement [5] - 7:10,
190:6, 207:5,
290:22, 298:16
statements [6] - 7:4,
59:10, 76:6, 218:6,
253:4, 274:18
States [2] - 82:8,
185:10
states [1] - 221:5
station [2] - 141:13,
141:17
stationed [1] - 143:24
status [1] - 314:15
stay [6] - 65:7, 119:11,
120:20, 141:2,
167:7, 187:9
stayed [2] - 107:8,
144:19
staying [1] - 26:16
stays [1] - 252:6
stemming [1] - 252:15
stems [2] - 249:8,
252:19
step [7] - 71:16, 72:19,
79:13, 87:23,
190:13, 208:8,
302:12
stepfather [4] - 123:1,
123:23, 225:22,
226:4
STEPHEN [1] - 8:3
Stephen [2] - 2:2, 8:9
steps [3] - 72:20, 86:3,
166:5
stepson [4] - 46:11,
77:21, 287:18,
287:19
Steve [6] - 8:1, 199:19,
200:1, 205:21,
298:5, 311:23
stick [1] - 137:13
still [19] - 44:11,
70:25, 77:8, 108:22,
110:23, 111:25,
112:4, 113:12,
136:3, 170:8,
170:12, 170:25,
171:7, 171:8, 243:7,
245:24, 257:10,
306:10, 306:11
stipulate [1] - 220:6
Stockholm [1] - 259:1
stomped [1] - 124:18
stood [6] - 99:15,
147:2, 152:18,
163:22, 197:24,
204:4
stop [12] - 99:18,
125:23, 170:9,
178:21, 186:5,
187:3, 187:14,
224:8, 234:9,
235:18, 235:20,
332:3
stopped [7] - 120:1,
138:19, 170:15,
178:12, 235:23,
257:19, 284:2
stopping [5] - 121:22,
186:13, 186:16,
186:17, 258:9
stories [1] - 173:14
story [7] - 173:12,
173:25, 175:16,
176:15, 176:16,
189:12, 197:13
straight [1] - 308:15
straighten [2] - 47:6,
228:22
straightening [3] -
228:13, 231:7,
254:18
strange [2] - 109:24,
200:13
strangely [1] - 140:2
strategic [1] - 59:1
strategy [3] - 53:2,
53:3, 58:5
street [3] - 263:16,
263:21, 263:23
strengthens [1] -
268:22
stress [27] - 45:11,
51:24, 52:2, 59:6,
60:21, 60:25, 61:6,
61:13, 61:18, 72:8,
73:12, 73:15,
177:22, 179:1,
179:5, 227:17,
238:21, 249:3,
249:4, 273:14,
276:5, 278:9,
278:23, 280:15,
283:3, 289:11, 328:6
stressed [1] - 110:20
stressful [1] - 109:21
stressor [1] - 273:10
stressors [4] - 151:13,
240:1, 240:3, 244:12
stricken [1] - 100:16
Strickland [1] - 58:25
strike [1] - 140:14
striking [1] - 184:8
strokes [1] - 99:9
strong [4] - 20:5,
105:6, 109:16,
284:24
strongest [1] - 266:6
structure [11] - 140:1,
140:3, 140:4, 146:1,
153:7, 236:23,
237:4, 237:9,
237:16, 238:19,
261:8
Structured [1] -
296:12
struggle [1] - 112:11
struggling [3] -
111:25, 112:2,
284:13
stuck [1] - 128:25
students [1] - 212:11
studies [1] - 82:20
stuff [5] - 229:1,
255:4, 276:21,
276:24, 294:4
subject [2] - 110:4,
224:5
submit [7] - 59:19,
163:11, 216:18,
217:9, 217:18,
218:18, 219:3
submitted [8] - 29:8,
35:18, 215:1, 217:8,
223:22, 322:22,
322:23, 326:16
subscales [1] - 295:23
subsequent [2] -
50:22, 57:9
subsequently [2] -
65:11, 67:16
substance [6] - 60:4,
95:17, 100:1, 239:4,
283:24, 309:7
substances [5] -
95:18, 99:17,
118:10, 136:22,
313:20
substantial [1] -
209:11
substantive [1] - 6:4
success [1] - 153:3
successful [2] -
138:15, 154:13
succumbed [1] -
327:13
suffer [1] - 132:19
suffered [7] - 51:23,
126:7, 177:21,
225:7, 246:5,
278:23, 314:18
sufficient [1] - 215:10
suggest [1] - 58:11
suggested [1] - 72:6
suicidal [1] - 235:23
suicide [12] - 57:8,
61:20, 67:7, 240:21,
242:24, 243:7,
259:14, 270:22,
271:2, 271:5,
275:12, 314:24
suitcase [1] - 141:15
summaries [2] -
172:15, 175:5
summarize [2] -
210:23, 227:15
summary [3] - 8:13,
225:3, 297:10
summation [1] - 133:2
summers [1] - 109:23
Sunday [1] - 66:1
superior [1] - 282:17
supervising [1] -
28:24
supplies [2] - 231:9,
231:10
support [7] - 107:9,
108:13, 108:14,
111:21, 141:21,
159:7, 273:12
supported [1] -
168:10
supportive [1] - 142:2
supposed [4] -
206:19, 247:8,
253:9, 304:13
Supreme [6] - 221:11,
222:13, 222:15,
222:22, 223:20,
223:22
surely [1] - 149:13
surgery [3] - 144:3,
144:4, 144:5
surprise [2] - 35:23,
209:6
surprised [3] - 299:3,
319:21, 319:23
surrounding [5] -
97:8, 107:4, 176:16,
270:21, 271:1
survival [1] - 259:5
survive [2] - 147:4,
147:24
survived [2] - 109:19,
147:4
survivors [2] - 247:13,
290:16
Susan [9] - 2:6, 4:4,
6:6, 44:14, 75:14,
209:7, 209:8,
210:13, 210:20
SUSAN [1] - 210:14
suspected [1] -
315:13
suspicious [1] - 93:22
sustain [1] - 223:10
sustained [2] - 74:12,
224:7
sweat [1] - 250:23
switches [2] - 128:12,
233:12
sworn [4] - 8:4, 79:21,
210:15, 303:3
Sykes [1] - 289:4
symptom [6] - 250:8,
250:11, 250:12,
250:13, 251:6,
291:19
symptom-wise [1] -
291:19
symptomatic [1] -
96:4
symptomology [1] -
252:16
Symptoms [1] -
296:13
symptoms [21] - 86:1,
241:13, 244:13,
244:16, 247:22,
247:23, 249:5,
249:16, 249:18,
250:4, 250:6, 251:7,
252:1, 252:17,
260:8, 296:15,
296:18, 296:24,
306:23, 306:24
syndrome [3] - 61:19,
258:23, 259:1
system [3] - 131:20,
237:7, 266:14
systems [2] - 96:9,
294:16

T

- talks** [4] - 131:25,
135:10, 275:21,
278:25
- taped** [1] - 127:16
- tapes** [4] - 14:6, 14:7,
310:9
- Tasha** [1] - 156:20
- tasks** [2] - 133:13,
133:17
- taste** [1] - 137:1
- taught** [1] - 148:22
- teach** [5] - 135:12,
135:13, 148:8,
212:7, 212:10
- teacher** [2] - 171:22,
230:12
- teachers** [2] - 130:20,
149:9
- teaching** [2] - 135:17,
148:15
- Team** [1] - 4:13
- team** [63] - 5:3, 5:9,
34:1, 38:14, 38:15,
38:17, 51:10, 52:9,
52:10, 52:13, 57:24,
58:3, 58:4, 59:17,
60:21, 60:23, 61:4,
63:9, 68:6, 68:12,
68:16, 68:21, 69:3,
69:8, 71:17, 74:21,
79:2, 85:16, 85:21,
86:3, 86:15, 86:16,
88:18, 157:12,
177:16, 191:23,
218:11, 220:1,
242:2, 243:20,
274:6, 274:8,
275:23, 282:10,
291:3, 298:16,
300:22, 303:14,
304:5, 304:8,
309:12, 309:14,
310:17, 312:6,
312:9, 316:19,
318:15, 322:15,
326:22, 331:23
- tear** [2] - 233:24, 234:2
- tearful** [1] - 245:24
- tearing** [2] - 253:16,
325:12
- teasing** [2] - 110:4,
139:11
- technically** [3] - 18:21,
19:6, 19:8
- teenage** [2] - 228:16,
235:8
- teenager** [7] - 96:12,
137:2, 170:6,
228:12, 235:9,
283:22, 283:23
- teeth** [1] - 255:10
- telephone** [3] - 36:8,
64:12, 156:24
- television** [1] - 251:1
- temporary** [1] - 144:12
- ten** [17] - 41:13, 43:3,
47:15, 55:23, 138:6,
186:20, 193:1,
193:4, 197:20,
228:23, 230:20,
258:11, 264:4,
264:20, 265:1,
279:12, 319:9
- Ten** [2] - 197:17, 198:6
- ten-minute** [2] -
186:20, 258:11
- tends** [1] - 180:9
- tension** [1] - 231:5
- Teresa** [28] - 1:17,
13:9, 13:15, 14:23,
40:19, 57:20, 76:12,
76:17, 141:19,
142:4, 143:17,
143:18, 144:20,
170:12, 185:23,
200:1, 257:24,
258:1, 258:2,
279:20, 281:2,
301:7, 312:23,
318:7, 329:11,
331:16, 331:20
- Teresa's** [1] - 239:18
- term** [6] - 131:7,
140:25, 188:18,
227:6, 263:1, 266:22
- termed** [1] - 226:14
- terminology** [1] -
252:22
- terms** [25] - 12:18,
32:1, 75:22, 76:5,
84:24, 85:15, 87:11,
92:17, 96:17,
102:15, 109:2,
111:6, 126:21,
164:21, 181:3,
195:10, 206:12,
225:4, 229:16,
230:21, 240:19,
312:10, 313:5,
313:8, 317:3
- terrible** [3] - 121:11,
173:15, 279:24
- terrified** [7] - 170:20,
170:23, 170:25,
171:5, 235:14, 251:4
- terrorism** [2] - 134:13,
201:18
- test** [5] - 296:8,
296:10, 296:13,
297:2, 297:7
- tested** [1] - 326:25
- testified** [32] - 8:4,
47:22, 52:17, 52:18,
59:25, 60:7, 71:6,
71:8, 76:14, 76:24,
79:21, 85:1, 90:1,
166:24, 168:14,
179:2, 179:9, 180:9,
188:22, 210:15,
215:5, 223:5,
242:15, 242:17,
265:8, 278:21,
287:25, 295:5,
298:5, 303:3, 328:4,
328:6
- testifies** [2] - 218:9,
301:9
- testify** [32] - 41:20,
48:13, 49:22, 60:4,
62:8, 67:11, 67:17,
69:9, 70:1, 70:11,
70:12, 72:21, 72:24,
73:5, 74:7, 82:22,
98:20, 216:4,
218:17, 218:18,
219:7, 219:18,
219:20, 319:17,
325:15, 325:19,
326:17, 329:6,
329:7, 329:8, 329:9,
330:21
- testifying** [12] - 15:2,
41:6, 41:10, 41:15,
45:23, 88:2, 163:10,
188:2, 195:14,
206:7, 219:25,
268:20
- testimony** [49] - 6:9,
6:15, 46:13, 47:12,
69:23, 74:19, 76:22,
77:7, 77:11, 77:20,
87:14, 94:10, 96:11,
122:3, 175:13,
176:9, 177:19,
181:6, 183:17,
186:22, 193:19,
200:20, 205:23,
206:16, 224:6,
224:24, 232:11,
238:10, 238:12,
242:12, 242:13,
258:14, 268:17,
277:14, 277:21,
278:24, 286:14,
288:2, 294:8,
294:12, 297:11,
300:7, 301:15,
302:6, 308:8,
309:19, 330:8, 332:9
- testing** [7] - 49:6,
295:10, 296:2,
296:4, 296:22,
315:9, 315:11
- tests** [1] - 67:3
- Texas** [2] - 143:23,
239:17
- that'll** [1] - 204:6
- THE** [123] - 5:6, 6:10,
6:13, 6:18, 6:22, 7:3,
7:9, 7:16, 7:21, 7:24,
8:2, 9:13, 16:17,
47:4, 47:7, 47:9,
47:11, 47:14, 47:15,
47:18, 58:22, 60:8,
60:10, 71:13, 72:16,
73:9, 73:17, 73:21,
73:23, 74:12, 75:8,
79:9, 79:12, 79:16,
79:24, 80:1, 80:2,
80:3, 80:4, 80:5,
81:2, 81:19, 81:21,
98:3, 121:21,
121:25, 122:5,
126:18, 133:8,
146:20, 151:25,
154:23, 168:9,
186:12, 186:15,
186:19, 186:24,
187:9, 187:17,
191:11, 192:12,
201:2, 201:8,
201:13, 208:5,
208:8, 208:15,
208:21, 208:25,
209:16, 209:19,
209:24, 210:2,
210:12, 211:15,
212:25, 213:2,
216:12, 216:13,
216:16, 217:20,
219:9, 219:13,
220:10, 220:13,
220:23, 221:1,
221:9, 222:24,
223:19, 224:3,
258:8, 258:11,
258:17, 261:21,
261:23, 262:2,
268:5, 268:8,
268:11, 268:14,
269:1, 297:20,
302:4, 302:8,
302:12, 302:16,
302:19, 302:21,
302:22, 303:18,
303:20, 307:3,
307:5, 310:25,
319:13, 319:14,
319:16, 319:17,
332:3, 332:5,
332:10, 332:12
- theft** [1] - 289:1
- theme** [2] - 71:16,
158:9
- themes** [2] - 86:17,
158:20
- themselves** [6] -
40:24, 42:10,
111:21, 139:23,
247:19, 306:23
- theories** [1] - 86:17
- theory** [2] - 116:17,
151:8
- therapy** [1] - 241:15
- therefore** [1] - 248:9
- thereof** [1] - 87:5
- thinking** [5] - 129:24,
145:1, 158:20,
235:20, 290:20
- thinks** [3] - 124:8,
127:13, 245:19
- third** [1] - 271:19
- thorough** [1] - 94:18
- thoroughly** [1] -
115:15
- thoughts** [7] - 245:21,
245:22, 253:3,
254:1, 254:3, 254:9,
254:11
- threat** [5] - 134:12,
134:19, 134:20,
227:4, 266:19
- threaten..** [1] - 175:23
- Threatened** [1] -
134:14
- threatened** [8] -
134:15, 134:16,
134:23, 201:17,
202:21, 202:23,
286:15
- threats** [1] - 251:10
- three** [25] - 9:4, 99:3,
108:25, 113:14,
125:3, 144:23,
145:4, 151:12,
155:17, 155:23,
156:8, 164:6,
182:12, 182:22,
182:24, 182:25,
198:8, 214:24,
239:16, 251:15,
254:16, 270:1,
293:22, 300:4, 300:5
- threw** [1] - 197:25
- throughout** [18] -
54:4, 54:14, 56:14,
56:22, 59:18, 84:23,
95:18, 124:15,

- 139:18, 164:1,
183:22, 218:22,
233:25, 234:1,
235:15, 253:18,
309:8, 327:14
tick [1] - 315:16
tickets [2] - 106:1,
106:4
ticklers [1] - 193:14
tie [1] - 127:6
tied [1] - 160:24
time-wise [1] - 208:17
timeframe [1] - 264:11
timing [2] - 205:18,
301:11
tipsy [1] - 198:4
today [12] - 7:13,
113:12, 130:14,
167:11, 168:14,
189:17, 205:23,
245:10, 259:12,
259:19, 309:20,
313:4
together [26] - 5:10,
37:21, 82:24, 86:17,
90:2, 90:9, 91:10,
96:8, 105:4, 105:5,
105:14, 105:18,
106:8, 108:9,
110:16, 116:14,
119:18, 140:19,
151:2, 163:10,
166:1, 170:13,
174:11, 179:24,
180:8, 317:11
toilet [2] - 109:10,
141:5
token [1] - 116:5
tolerate [1] - 143:19
tomatoes [1] - 100:14
tomorrow [4] - 209:5,
209:13, 209:15,
210:6
tonight [1] - 210:7
took [22] - 10:7, 22:20,
23:7, 23:19, 25:17,
50:15, 56:10, 64:1,
107:6, 110:21,
115:6, 119:15,
128:24, 138:18,
147:18, 166:6,
173:15, 236:18,
262:10, 262:16,
272:18, 319:24
top [6] - 12:9, 13:16,
21:10, 32:8, 34:12,
110:23
topic [1] - 202:8
topics [1] - 270:6
Tora [5] - 34:16, 67:2,
69:9, 314:5, 327:4
tortured [1] - 130:8
total [1] - 109:24
totally [2] - 121:19,
154:1
touch [6] - 25:18,
26:12, 89:7, 93:6,
122:16, 215:1
touched [1] - 27:2
touching [1] - 234:21
toward [11] - 68:11,
103:7, 111:16,
118:23, 118:24,
121:15, 123:3,
124:21, 149:17,
198:11
towards [15] - 51:2,
53:9, 54:5, 54:23,
57:2, 61:25, 68:17,
181:3, 184:7,
185:18, 226:2,
232:9, 234:25, 278:4
town [1] - 101:21
track [1] - 209:15
trade [1] - 150:13
traffic [3] - 187:2,
187:12, 208:22
trailer [2] - 112:5,
112:7
train [2] - 141:5,
212:10
trained [5] - 82:2,
84:18, 84:19,
109:10, 118:5
training [6] - 84:17,
182:9, 211:19,
211:21, 211:25,
283:8
traits [1] - 276:4
trajectory [2] - 225:18,
227:6
transactions [1] -
288:12
transcript [2] - 44:7,
333:10
Transcript [1] - 1:6
transcripts [1] - 94:21
transportation [1] -
141:12
trauma [33] - 52:3,
52:4, 73:15, 93:23,
226:12, 244:1,
244:2, 247:1,
247:13, 247:21,
248:16, 248:21,
248:24, 249:9,
249:11, 249:13,
249:14, 249:15,
250:20, 278:25,
279:6, 279:16,
280:24, 281:1,
281:9, 306:24,
323:23, 324:3,
324:18, 324:21,
324:23
traumas [4] - 45:11,
50:2, 151:6
traumatic [34] - 45:11,
51:24, 52:2, 59:5,
60:21, 60:25, 61:6,
61:13, 61:18, 72:8,
73:12, 177:22,
179:1, 179:5,
227:17, 244:10,
244:12, 249:3,
249:4, 252:12,
257:12, 276:5,
276:21, 276:24,
277:1, 278:8, 278:9,
278:10, 278:23,
280:15, 283:3,
289:11, 306:18,
328:6
traumatized [2] -
246:25, 252:23
travel [6] - 24:19, 25:5,
26:5, 36:12, 56:17,
56:18
traveled [2] - 29:23,
31:17
treat [3] - 82:3, 212:3,
241:4
treated [4] - 153:22,
161:9, 162:3, 240:8
treating [6] - 199:11,
212:1, 215:2, 241:6,
262:15, 306:13
treatment [11] - 80:12,
82:7, 83:2, 113:2,
113:11, 125:10,
246:17, 246:18,
306:9, 306:12, 307:2
tree [8] - 95:4, 97:12,
97:17, 98:7, 98:13,
99:1, 99:13, 120:5
tremendous [2] -
107:9, 120:15
triad [1] - 252:12
trial [76] - 5:3, 5:9,
5:16, 8:10, 15:25,
16:5, 16:19, 17:2,
19:10, 19:18, 20:1,
33:17, 39:19, 40:3,
40:7, 40:8, 44:7,
50:22, 50:23, 51:12,
52:7, 52:25, 53:13,
54:14, 54:15, 54:21,
55:16, 56:15, 58:16,
61:22, 62:22, 63:22,
66:19, 67:19, 74:16,
76:3, 76:15, 87:20,
92:23, 94:14, 94:22,
95:22, 98:17, 127:2,
143:6, 166:24,
167:14, 167:17,
168:2, 168:18,
168:19, 175:10,
176:7, 178:4,
179:15, 199:23,
206:8, 206:9,
206:10, 218:9,
238:10, 264:17,
270:16, 274:1,
275:14, 276:15,
282:10, 291:3,
298:16, 300:17,
303:13, 306:1,
309:11, 310:17,
327:14, 330:12
Trial [2] - 3:12, 4:13
trials [1] - 85:3
tried [9] - 26:12,
26:18, 113:20,
119:6, 136:15,
142:8, 143:1,
148:18, 171:3
trigger [1] - 244:13
Trinity [1] - 211:1
trip [14] - 25:17, 54:25,
63:21, 63:24, 64:1,
64:5, 64:10, 64:15,
65:18, 119:10,
155:16, 156:5,
190:16, 205:22
trips [3] - 36:2, 37:15,
156:23
trouble [10] - 74:3,
132:5, 145:20,
151:22, 153:5,
153:6, 154:10,
307:11, 307:15,
308:4
troubled [3] - 52:18,
118:1, 153:10
true [13] - 15:15, 57:9,
57:16, 57:17, 71:4,
76:9, 78:2, 100:9,
168:16, 171:2,
232:19, 243:2, 333:9
trust [15] - 88:18,
89:19, 243:20,
243:21, 243:22,
243:24, 244:2,
246:14, 247:6,
247:12, 248:12,
275:23, 276:2,
326:25
trusted [1] - 252:14
trusting [3] - 275:21,
301:3, 323:19
try [18] - 25:18, 65:8,
88:22, 90:21,
113:19, 120:25,
129:11, 136:25,
150:20, 167:7,
171:7, 182:12,
187:4, 187:14,
254:6, 272:23,
277:10, 318:15
trying [11] - 31:8, 69:5,
73:23, 75:18, 91:12,
182:10, 235:23,
238:4, 259:7, 279:3,
279:4
tubs [1] - 114:3
turn [2] - 118:24,
125:5
turned [7] - 28:5,
103:5, 113:8,
128:20, 143:21,
161:10, 328:12
turns [2] - 153:11,
194:24
twice [3] - 88:4, 99:14,
182:12
two [60] - 9:4, 12:13,
15:18, 65:10, 74:4,
85:22, 99:3, 102:9,
107:10, 108:13,
108:25, 110:19,
118:6, 119:5,
119:18, 126:25,
127:23, 129:9,
131:22, 132:13,
151:5, 155:16,
159:21, 164:6,
168:6, 168:7, 174:4,
174:7, 174:10,
174:24, 181:10,
182:22, 182:24,
182:25, 192:24,
193:5, 193:11,
202:18, 204:10,
204:20, 205:13,
213:8, 221:1, 226:6,
233:13, 240:15,
251:15, 259:25,
265:2, 265:4,
265:25, 275:1,
281:17, 292:17,
293:22, 293:25,
294:4, 296:15,
296:20
tying [2] - 127:11,
195:22
type [32] - 5:13, 76:6,
84:13, 90:3, 102:1,
129:19, 129:23,
130:6, 130:12,
132:19, 133:19,

138:21, 142:25,
150:25, 160:2,
166:3, 215:7,
216:21, 216:22,
216:24, 223:3,
229:17, 246:5,
249:9, 249:11,
263:12, 280:9,
296:19, 300:1,
306:17, 316:7,
316:11
types [11] - 44:4,
81:15, 100:14,
185:1, 198:11,
241:16, 261:7,
270:10, 274:18,
280:17, 296:14
typical [5] - 95:23,
129:21, 182:14,
184:15, 323:24
typically [16] - 90:6,
91:7, 91:11, 92:8,
92:13, 92:22, 92:24,
93:13, 98:9, 159:1,
164:6, 192:2,
222:24, 305:8,
305:14, 305:23
Tyrell [1] - 156:9
Tyrone [1] - 132:1

U

ultimately [9] - 26:13,
105:4, 110:25,
120:12, 132:7,
141:22, 144:1,
154:9, 278:13
unable [4] - 27:25,
65:13, 110:19, 113:4
uncertainty [1] -
221:16
Uncle [10] - 120:3,
120:4, 120:7,
120:10, 120:11,
120:12, 120:16,
132:2, 132:5, 156:17
uncle [3] - 99:13,
189:22, 226:5
uncles [2] - 84:8,
132:13
uncomfortable [2] -
102:11, 247:24
unconditional [1] -
148:3
under [22] - 7:17,
50:17, 58:25,
107:18, 138:3,
154:5, 195:2, 200:8,
216:1, 218:18,
219:4, 220:17,

220:23, 227:4,
241:13, 277:15,
277:23, 287:25,
288:2, 316:5
Under [1] - 50:18
underbilled [1] - 12:15
undergone [1] -
246:25
undergraduate [1] -
80:20
underlying [11] -
179:4, 220:16,
220:20, 222:5,
222:9, 222:10,
224:11, 227:21,
236:3, 250:14,
250:18
undersigned [1] -
333:6
understandable [1] -
82:25
understood [1] -
182:3
undertook [1] - 61:9
underway [1] - 319:15
undetermined [1] -
114:9
unfortunately [2] -
189:12, 324:25
unique [2] - 263:9,
290:1
unit [2] - 284:23,
286:8
United [2] - 82:7,
185:10
University [7] - 8:18,
80:19, 80:21, 211:1,
211:3, 310:6, 327:2
unless [7] - 70:11,
190:8, 209:5, 219:6,
237:24, 255:13,
257:2
unpack [1] - 195:6
unpredictable [2] -
256:11, 291:23
unravel [1] - 230:25
unrelenting [1] -
250:16
unsuccessful [1] -
146:12
untreated [5] - 240:6,
260:6, 260:7, 260:8,
292:10
unusual [5] - 103:13,
189:13, 228:12,
228:15, 246:24
unwanted [1] - 254:1
up [129] - 15:1, 17:16,
19:11, 23:24, 34:12,
53:14, 56:11, 59:5,

64:1, 68:9, 73:11,
76:20, 83:19, 86:18,
87:23, 89:1, 90:21,
92:9, 93:10, 93:12,
95:9, 96:24, 98:22,
98:24, 101:6, 102:5,
102:11, 102:25,
104:1, 105:5,
106:16, 108:16,
108:23, 109:7,
114:9, 115:17,
116:22, 117:3,
117:15, 119:19,
120:23, 121:2,
121:16, 122:18,
123:17, 124:8,
128:6, 132:11,
133:18, 136:10,
136:19, 136:20,
136:23, 136:24,
139:4, 141:7,
141:14, 143:3,
143:16, 143:25,
144:25, 145:3,
146:6, 148:18,
149:18, 151:9,
151:21, 153:14,
154:10, 154:11,
166:14, 166:15,
166:25, 167:11,
174:21, 179:14,
185:15, 188:6,
188:14, 189:13,
190:3, 191:5, 197:8,
197:24, 198:13,
201:13, 201:24,
204:3, 204:16,
205:21, 208:19,
209:6, 218:12,
222:15, 223:17,
225:10, 227:25,
228:14, 230:9,
230:19, 233:24,
234:2, 235:21,
236:8, 236:24,
238:22, 244:20,
244:23, 245:10,
245:20, 246:6,
247:10, 248:3,
251:20, 253:19,
254:25, 256:10,
261:12, 264:5,
278:20, 297:17,
306:15, 308:15,
309:4, 324:19,
325:13, 326:4
upbringing [3] -
56:11, 56:12, 304:15
upkeep [1] - 124:23
upset [8] - 142:13,
168:18, 196:18,

202:19, 203:20,
205:15, 256:24,
308:2
urge [1] - 254:2
useful [1] - 90:4
useless [1] - 236:15
uses [2] - 291:14,
291:15
usual [1] - 129:20
utilize [2] - 63:16,
164:9
utilized [4] - 48:19,
50:3, 59:16, 66:24

V

vacation [1] - 181:25
validated [1] - 296:5
value [1] - 298:18
values [2] - 135:18,
184:18
van [1] - 42:9
variable [1] - 294:23
variety [2] - 214:5,
284:14
various [9] - 100:14,
106:1, 127:3,
127:24, 128:16,
197:5, 304:14,
309:15, 324:4
vast [1] - 217:9
vehicle [1] - 187:7
vehicles [1] - 48:18
venture [2] - 146:10,
146:12
venue [1] - 14:3
verbal [1] - 148:4
versus [8] - 58:25,
203:7, 216:1, 216:8,
216:9, 221:3, 221:9,
265:13
veterans [1] - 252:23
via [1] - 318:17
victim [11] - 166:16,
245:22, 247:10,
258:6, 273:16,
273:21, 290:16,
290:21, 309:21
victim's [2] - 290:23,
290:24
Victor [1] - 79:24
video [3] - 14:5, 14:7,
310:9
view [5] - 84:2, 89:12,
93:9, 102:21, 252:15
violations [1] - 184:18
violence [37] - 49:8,
95:20, 99:16, 100:1,
102:6, 110:6,
119:25, 120:14,

132:6, 132:17,
134:23, 149:19,
172:16, 176:11,
185:21, 225:21,
227:4, 232:8,
256:12, 262:25,
263:5, 263:10,
264:2, 265:13,
265:19, 266:8,
266:17, 267:17,
293:4, 294:24,
294:25, 295:11,
295:17, 295:21,
296:1, 309:7, 313:20
violent [18] - 111:16,
111:18, 113:15,
119:24, 121:12,
121:15, 123:3,
124:17, 124:21,
132:9, 136:18,
139:2, 185:18,
225:10, 260:25,
266:4, 267:5
violently [1] - 254:12
Virginia [1] - 143:13
virtually [1] - 181:24
visit [12] - 64:12,
88:11, 89:10, 90:1,
93:9, 93:12, 109:23,
122:18, 135:22,
141:20, 181:23,
299:22
visitation [1] - 124:23
visited [4] - 102:9,
113:15, 122:20,
191:5
visiting [3] - 83:19,
102:14, 171:4
visitors [1] - 282:19
visits [5] - 82:18, 89:8,
92:21, 95:10, 205:19
visual [4] - 98:9,
126:5, 175:21
vitae [3] - 6:19, 80:23,
211:12
VOGELSANG [1] -
79:20
Vogelsang [22] - 2:4,
5:20, 44:14, 45:14,
75:14, 79:19, 80:8,
81:17, 93:18, 122:9,
146:23, 154:21,
155:3, 186:21,
187:22, 192:16,
215:5, 223:6,
226:14, 228:2,
231:25, 239:22
Vogelsang's [7] - 4:9,
6:1, 6:3, 6:15, 6:24,
224:24, 308:8

voir [4] - 43:2, 81:19,
212:25, 303:18
volume [2] - 42:21,
67:13
voluminous [1] -
82:25
voluntary [1] - 226:24
voucher [6] - 29:21,
30:1, 30:3, 35:17,
56:18, 56:19
Voucher [1] - 3:15
vulnerability [1] -
248:15
vulnerable [4] -
150:11, 151:9,
185:9, 248:17

W

wacky [1] - 189:8
wait [4] - 29:17, 73:21,
188:14, 269:16
waited [1] - 123:11
waiting [3] - 319:12,
319:17, 319:18
waived [1] - 74:7
walk [5] - 93:16,
93:17, 110:19,
110:23, 237:23
walked [1] - 197:19
walking [2] - 141:15,
280:3
Walterboro [1] - 23:3
wants [4] - 99:7,
217:14, 219:21,
307:3
war [2] - 130:7, 252:25
warden [1] - 294:13
warm [1] - 140:8
Warren [1] - 98:25
wary [1] - 252:7
wash [2] - 105:8,
255:9
washes [2] - 255:6,
255:17
washing [1] - 238:1
Washington [39] -
15:13, 36:16, 37:13,
58:25, 91:21,
102:11, 103:20,
103:22, 103:23,
103:24, 104:7,
104:9, 105:5,
105:11, 105:15,
106:2, 106:22,
106:25, 107:1,
108:22, 109:4,
109:22, 110:1,
110:13, 113:7,
121:9, 122:19,

131:23, 132:12,
133:18, 138:16,
138:18, 139:5,
141:14, 156:3,
180:15, 229:3,
239:17, 319:22
watch [2] - 197:17,
198:6
watchful [1] - 134:25
water [10] - 100:22,
114:3, 127:11,
128:11, 128:22,
128:25, 129:1,
141:5, 141:7, 161:18
watts [1] - 281:17
Watts [8] - 24:18,
24:20, 51:16, 209:9,
279:21, 280:20,
281:21, 301:8
ways [1] - 219:24
weak [1] - 248:16
wear [2] - 112:12,
130:23
week [3] - 113:14,
162:5, 168:8
weekend [1] - 119:10
weird [3] - 162:13,
162:14, 162:18
welts [1] - 129:2
Westbrook [5] -
11:11, 17:8, 17:12,
17:17
wet [3] - 109:11,
128:7, 251:19
wetting [5] - 114:5,
115:4, 127:17,
139:11, 279:10
whatsoever [1] -
78:14
whip [1] - 113:23
whole [10] - 99:19,
109:1, 217:15,
235:15, 240:16,
244:19, 251:22,
252:1, 255:19,
256:10
whooped [1] - 233:23
wide [2] - 113:19,
115:20
wife [21] - 14:24,
15:10, 45:25, 64:8,
105:3, 120:11,
120:17, 138:22,
170:16, 185:23,
201:22, 236:16,
237:12, 279:22,
279:23, 281:5,
311:19, 312:23,
312:24, 323:9,
327:20

wife's [4] - 68:25,
238:10, 273:7,
288:18
wiggle [1] - 130:21
wiggled [1] - 234:12
wiggling [6] - 162:18,
172:9, 196:10,
196:22, 285:21,
285:24
William [1] - 1:14
willing [4] - 54:1, 84:4,
84:10, 140:15
wine [2] - 117:12,
123:7
wiped [1] - 139:15
WIS [1] - 14:6
wise [6] - 196:16,
208:17, 209:1,
236:11, 256:19,
291:19
wish [5] - 7:9, 41:14,
73:9, 178:7, 302:19
wishes [2] - 178:11,
178:20
witchcraft [1] - 121:14
withdraw [2] - 129:12,
302:6
WITNESS [12] - 2:1,
47:4, 47:14, 79:24,
80:2, 80:4, 216:13,
302:21, 307:5,
319:14, 319:17,
332:10
witness [30] - 5:11,
7:25, 10:12, 21:23,
31:15, 37:23, 45:23,
52:25, 58:7, 58:13,
58:15, 59:9, 59:15,
59:16, 60:22, 69:13,
70:11, 70:16, 70:19,
76:5, 79:14, 136:15,
139:11, 202:24,
208:10, 209:1,
210:12, 220:3,
223:6, 302:23
Witness [2] - 131:17,
275:2
witness-wise [1] -
209:1
witnessed [5] - 226:6,
229:10, 232:25,
233:9, 233:10
witnesses [30] -
41:19, 43:6, 43:18,
44:2, 44:10, 52:24,
53:5, 53:10, 53:13,
55:14, 58:6, 58:7,
59:13, 63:17, 63:18,
67:23, 68:8, 68:10,
72:1, 76:18, 77:2,

209:7, 209:8,
209:17, 209:19,
218:12, 218:13,
218:15
witnessing [2] -
132:14, 149:18
wives [4] - 68:18,
185:18, 236:14,
241:23
WLTX [1] - 14:6
woken [2] - 197:8,
251:20
woman [6] - 106:16,
113:9, 139:1, 139:3,
143:14, 145:20
women [7] - 135:2,
136:16, 145:20,
148:19, 186:9,
198:8, 198:14
wonder [4] - 150:4,
197:14, 198:9,
198:14
wonderful [1] - 104:1
woods [3] - 123:10,
203:22, 204:1
word [19] - 70:20,
97:14, 97:15, 126:2,
135:7, 161:21,
169:5, 171:22,
172:12, 173:7,
192:7, 192:8, 193:4,
197:1, 235:13,
248:11, 256:4,
257:12, 284:24
words [11] - 9:24,
134:12, 148:7,
169:20, 173:24,
181:2, 204:21,
234:8, 235:1, 256:2,
279:24
worker [19] - 5:20,
19:20, 81:24, 84:14,
85:20, 88:1, 128:24,
145:14, 151:7,
160:9, 163:4,
167:10, 176:24,
195:13, 198:23,
203:4, 206:11,
207:25
workers [3] - 81:14,
82:1, 97:15
world [7] - 99:11,
129:14, 150:9,
153:16, 252:13,
252:15, 253:12
world's [1] - 253:13
worried [2] - 40:19,
331:16
worse [3] - 114:22,
125:11, 244:16

worth [5] - 252:4,
253:17, 253:20,
253:21, 290:8
worthless [5] -
249:25, 250:2,
252:4, 253:2, 253:6
wound [2] - 132:8,
248:25
wounds [3] - 204:11,
204:12, 204:14
wow [1] - 95:15
Wrap [1] - 309:24
wrapping [1] - 114:4
wrestle [1] - 202:12
wrestling [4] - 202:10,
202:11, 202:13,
202:14
wrist [1] - 119:2
write [5] - 163:8,
173:6, 173:12,
173:18, 326:3
writing [2] - 174:18,
193:12
written [9] - 64:12,
163:5, 172:14,
172:15, 175:3,
194:10, 220:19,
281:20, 318:6
wrote [6] - 171:12,
173:8, 173:13,
193:1, 319:25,
322:18

Y

y'all [5] - 16:17, 19:12,
209:24, 210:6,
222:12
yard [3] - 132:4,
180:25, 200:14
year [8] - 16:13, 92:23,
92:24, 109:3,
118:18, 122:17,
230:20, 264:4
years [53] - 41:13,
55:23, 85:2, 103:9,
104:3, 104:17,
105:12, 106:10,
107:18, 108:9,
108:25, 109:14,
109:19, 110:18,
110:19, 110:25,
112:8, 112:19,
115:17, 118:11,
118:21, 122:14,
123:5, 138:6, 148:5,
148:9, 149:14,
152:24, 152:25,
178:19, 197:20,
198:23, 207:20,

212:8, 228:23,
 235:7, 235:8,
 251:16, 252:22,
 258:22, 259:15,
 264:20, 265:1,
 266:24, 279:12,
 283:19, 293:25,
 300:24, 307:9,
 307:20, 319:9
yell^[1] - 114:16
yelling^[1] - 125:24
yesterday^[10] - 215:5,
 217:14, 218:11,
 224:24, 228:8,
 231:25, 234:11,
 239:22, 298:4, 308:8
young^[10] - 113:19,
 136:7, 139:3,
 143:14, 153:10,
 188:13, 193:7,
 228:11, 228:18,
 257:16
younger^[2] - 266:6,
 266:8
yourself^[2] - 56:21,
 83:8

Z

Zeke^[1] - 156:18
ZELENKA^[65] - 6:12,
 6:17, 6:21, 6:25,
 7:11, 7:23, 47:8,
 47:10, 47:19, 47:21,
 58:24, 60:9, 60:12,
 71:12, 71:15, 72:15,
 72:18, 73:10, 73:19,
 73:22, 74:5, 74:14,
 75:6, 79:11, 81:20,
 155:2, 168:12,
 186:14, 186:17,
 187:16, 187:20,
 187:21, 190:22,
 190:25, 191:8,
 191:15, 192:11,
 200:25, 201:3,
 201:5, 208:7,
 209:18, 209:21,
 213:1, 215:25,
 217:22, 219:11,
 219:14, 219:25,
 220:12, 220:14,
 221:7, 222:19,
 224:2, 261:22,
 268:7, 268:10,
 269:2, 269:4,
 292:13, 297:19,
 302:5, 302:18,
 303:19, 310:24
Zelenka^[30] - 1:19,

2:3, 2:5, 2:7, 6:8,
 47:6, 48:24, 58:22,
 59:22, 75:13, 76:10,
 76:21, 78:7, 78:12,
 192:17, 194:12,
 195:4, 197:4, 199:9,
 199:18, 205:18,
 206:22, 207:15,
 207:22, 209:5,
 217:20, 219:21,
 222:18, 261:25,
 325:12
Zelenka's^[1] - 322:25
zero^[2] - 107:3,
 112:15

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF LEXINGTON	)	2010-CP-32-5076
	)	
	)	
	)	
Ron Finklea	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
State of South Carolina	)	)
RESPONDENT	)	September 7, 2017
		Lexington, SC

B E F O R E:

THE HONORABLE WILLIAM P. KEESLEY, JUDGE.

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

TERESA L. NORRIS, ESQ.
DIANA HOLT, ESQ.
Attorneys for the Applicant

DONALD ZELENKA, ASSISTANT ATTORNEY GENERAL
ED SALTER, ASSISTANT ATTORNEY GENERAL
Attorneys for the State

KESHIA REED
Official Court Reporter

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>

Donna Maddox

Ms. Norris	4		24	

Mr. Zelenka		6		

Melissa Armstrong

Ms. Norris	29		75	

Mr. Zelenka		52		

Certificate of Reporter 95

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
P-26	Document	45	
P-27	Notes	45	
R-2	Working List	54	55
R-3	Information Service Notes		72

1 THE COURT: Thank you. All right, you may
2 continue.

3 DIRECT EXAMINATION CONTINUED

4 BY MS. NORRIS:

5 Q Dr. Maddox, we left off we were talking about the
6 motive for the crimes being the financial problems,
7 correct?

8 A Yes.

9 Q All right. Let me show you -- well, first of all, do
10 you recall who Robin Gripper is?

11 A She was a sister I believe.

12 Q Mr. Finklea's sister-in-law?

13 A Yes.

14 Q Let me show you the record on appeal at page 1733.
15 And does that indicate to you that the defense called her
16 as a witness during the trial up at the top does it say
17 direct examination by Ms. Kimbrough?

18 A Yes, thank you very much. Yes, this is a note that's
19 the direct examination with Ms. Gripper being called,
20 correct.

21 Q All right. And if you flip over to page 1741
22 cross-examination by Mr. Myers, would you read for us
23 lines one through nine?

24 A Certainly, by Mr. Myers, question, Teresa said she
25 knew about him taking all of her money while she was in

1 Iraq. Answer, yes, sir. She said she saw all of the bank
2 statements. Question, and the defendant said he was
3 worried about that said he rob a bank to try to get the
4 money back, didn't he? Answer is yes.

5 Q All right. So clearly -- let me get that record
6 back. So clearly then it was not a surprise to
7 Ms. Armstrong or Ms. Soltis or Mr. Soltis or anyone else
8 in the defense team that the motive was for robbery,
9 right?

10 A I wouldn't know, but just based on that, it would not
11 be a surprise.

12 Q And by the time the decision was made regardless of,
13 you know, what the basis of the decision was, by the time
14 the decision was made that you would not testify, he had
15 already been convicted; is that your recollection?

16 A Yes, he was already convicted and this was in the
17 sentencing phase the day that I came, that's correct.

18 Q And now have you -- prior to this hearing starting,
19 were you provided materials from Ms. Moglesain (sic)
20 saying that being the charts on physical abuse, resilience
21 in children those things, were you provided Ms. Moglesain
22 (sic) information?

23 A Yes.

24 Q And were you also provided with Dr. Knight's reports?

25 A Yes.

1 Q All right. And is there -- with the exception of
2 what you've testified to learning from Cherena standing
3 next to her in the back of the courtroom about abuse, is
4 there any other portion of the information that is
5 contained in those reports or that you've heard in the
6 last day and a half in the courtroom, is there any other
7 portion that you aware of?

8 A Other than just the conversation the e-mail from
9 Teresa Fuller.

10 Q Okay. All right.

11 MS. NORRIS: I don't have any further questions,
12 Your Honor.

13 THE COURT: All right.

14 CROSS-EXAMINATION

15 BY MR. ZELENKA:

16 Q Dr. Maddox, when you were retained on this case, when
17 did you first meet Mr. Finklea?

18 A June 2006.

19 Q Okay. And what was the purpose of that meeting?

20 A To perform a psychiatric evaluation for looking for
21 mental illnesses and possibly mitigation, also just to see
22 if he was criminally responsible and competent to stand
23 trial.

24 Q Okay. And although you indicated you don't have
25 notes of that meeting, do you have any recollection as to

1 what occurred in that initial meeting if you could?

2 A Yes, sir, a little because obviously I had those
3 notes at the time I wrote this report as much of that
4 history would have been obtained from that and I recall I
5 met him at the Lexington County Detention Center. And I
6 typically I would have spent enough time to get a history
7 from him and a history would be things about his past,
8 certainly his medical history. I know that as soon as I
9 saw him I was concerned. I knew about his hanging attempt
10 and it was very clear when I examined him on the first
11 occasion that he was having some neurological symptoms,
12 so I probably would have focused much more of my interview
13 on his cognitive, you know, how his brain was working that
14 sort of thing.

15 Q Okay. Is it typical during that interview to ask if
16 he had any childhood trauma?

17 A Absolutely.

18 Q And do you have any recollection as to whether those
19 an indication to you at that time of the existence of
20 childhood trauma?

21 A I would have asked him and if he would have reported
22 it, it would have been in my report, so I would not have
23 that -- any information to that degree.

24 Q Okay. So I don't want to put words in your mouth,
25 but essentially he denied the existence of trauma in that

1 initial meeting?

2 A That's correct.

3 Q Okay. All right. With respect to information about
4 the crime itself, would you have inquired of him about
5 that?

6 A Absolutely.

7 Q And why would you have done that?

8 A That's part of my evaluation. I'm looking at the
9 first time that I see someone especially with a capital
10 trial, I'm looking at their competency. I'm looking at
11 issues of criminal responsibility to kind of understood if
12 there indeed -- there's some kind of mental illness that I
13 think would have diminished his capacity or somehow
14 related to his charges I would be looking at that from the
15 initial interview all the way until the time that I would
16 testify.

17 Q And if can you recall what did he apprise you at that
18 time in June of 2006?

19 A That he did not remember the events, that he had lost
20 -- he had some difficulty recalling some events before the
21 crime. He did not recall his suicide attempt and he did
22 not recollect things until well after his suicide attempt.

23 Q Okay. And did you have -- were you able to make a
24 psychiatric diagnoses of him on that day?

25 A No, I had impressions I thought he had a cognitive

1 disorder and that's why I met with Ms. Kimbrough and asked
2 that she -- we get some consultants because it was very
3 clear given the seriousness of that hanging attempt, that
4 I thought he had cognitive deficits and asked for
5 appropriate consults.

6 Q Okay. And did you have additional meetings with
7 Mr. Finklea subsequent to June 6th?

8 A I did.

9 Q Did he have notes of those meetings?

10 A Yes, sir, I do have those notes.

11 Q Okay. Did those notes reflect again if you were
12 making any inquiries of him about the crime, about
13 childhood trauma, about his relationship with family
14 members?

15 A They do, some of them do.

16 Q What do they indicate to you?

17 A There's not specific notes about his criminal
18 responsibility as because throughout the entire time that
19 I evaluated Mr. Finklea on four occasions, he never
20 admitted memory to any of the events surrounding his
21 criminal activity, but what the notes do reflect is when I
22 got the e-mail from Teresa Fuller on, I believe, the 4th
23 of September, I confronted Mr. Finklea. I met with him
24 and I said, you know, I've got this report is this true
25 and he admitted that it was true. That he had been

1 harshly disciplined. I think even at that point I put in
2 my mental status examine he became tearful. He admitted
3 that some of those things -- and I kind of fussed at him a
4 little and said, you know, how come you didn't tell me
5 these things. And he was more concerned -- his family was
6 in the courtroom at the time. You know at the time he was
7 going through this litigation. His family had been
8 somewhat -- he viewed them as supportive to him. They
9 coming. They were visiting him and he was very concerned
10 that he didn't want to offend his family members who were
11 there to support him. And so he felt like he was kind of
12 in a catch 22.

13 Q Okay. Did you share that information with either
14 Lisa Kimbrough or Steve Soltis?

15 A I did.

16 Q And what was their reaction to this change at that
17 particular time?

18 A Well, I think that was part of probably why Ms.
19 Kimbrough and I -- we -- I didn't take the stand.

20 Q Okay. But while you're in court you indicated you
21 had another communication with Cherena Rolland, the
22 defendant's first wife?

23 A That's correct. And let me back up, Mr. Zelenka,
24 cause I probably spoke in correctly. At that point, I
25 think, the plan was still for me to testify. It really

1 wasn't until the point, I think, I would have presented
2 that data anyway. At that time if I can explain, I
3 diagnosed him with an anxiety disorder not otherwise
4 specified. And what that means I was taking into account
5 that diagnosis took into account some of those reports.
6 He admitted to me he was harshly disciplined as a child,
7 which is what I put in the report. The only difference
8 between that diagnosis and post-traumatic stress disorder
9 is that you have to prove the traumatic event occurred.
10 That was my basis of that diagnosis. So because I didn't
11 have independent verification, I would have needed --
12 given that information, I would have to go back. I would
13 have -- after I talk with his second wife, I would have to
14 go back and say exactly tell me what happened. And I
15 probably would have had to gather more information to have
16 a little bit more proof. So at that point I had diagnosis
17 him with an anxiety disorder. Having that information
18 then, I probably still would have testified at that point.
19 In my recollection, it was when I talk with Cherena that
20 after that conversation that was information I did not
21 have at the time. I had prepared the report and that's
22 when I approached Ms. Kimbrough. She would have known
23 about my -- the e-mail with Ms. Fuller.

24 Q Okay. All right. After you spoke with Cherena, did
25 you have another communication with Mr. Finklea?

1 A I don't think I did. I don't recall I did. I think
2 the sentencing phase was in the middle of going on and I
3 went to Ms. Kimbrough though immediately. I remember at
4 one of the breaks I told her of the information.

5 Q Okay. Now, you indicated in your report that you
6 also had interviews with Betty Peoples, Curtis Blount,
7 Johnny Finklea, Erika Middleton, Johnny Finklea Jr. and
8 Nicole Fantroy?

9 A Yes, sir.

10 Q In those meetings, what was the purpose of those
11 meetings and what information were you seeking to get?

12 A Well, I had few purposes for Ms. Peoples I wanted to
13 get a birth history of Mr. Finklea. One of the things I
14 did not know about, you know, was his early development,
15 was labor and delivery normal those sorts of things. So I
16 asked her specific questions about her pregnancy with
17 Mr. Finklea. But as I looked through the interviews
18 mostly, I think, what I was doing it look like I was
19 trying to look at criminal responsibility. Keeping in
20 mind, my opinion was he did not have a memory of these
21 events. We weren't able to ever find out what level of
22 involvement he had and so my theory had been that his
23 co-defendant was more savvy. He certainly had a longer
24 criminal history. And I knew that after the crime Mr.
25 Finklea and his co-defendant went to Alabama and the

1 family members had observations of them together. As I
2 reviewed my notes anticipation of the testimony, I think I
3 was also trying to ascertain was Mr. Finklea under the
4 influence of his co-defendant. So I think part of my --
5 also part of my strategy was to determine if they had any
6 observations that would have been helpful in terms of was
7 he under the influence of a co-defendant. And then lastly
8 I certainly got some history from the mother. I don't
9 recall that my agenda was to go in and ask about -- ask
10 about abuse. I recall I think I was just getting general
11 information and much more concerned about his relationship
12 with the co-defendant.

13 Q Okay. And those interviews occurred before you
14 received the e-mail response from Teresa Finklea, correct?

15 A Yes, I would think based on my memory, I think, I met
16 with the family that day and then I got the e-mail that
17 evening. I may be wrong, but, I think -- I don't recall.
18 I would have probably confronted the family with some of
19 that information if I would have had it.

20 Q Okay. Prior to that day, did you have an impression
21 as to whether Mr. Finklea had been abused by his family
22 member?

23 A Other than the -- certainly the e-mail from Teresa
24 Fuller and then me confronting Mr. Finklea on the 4th I
25 did, on September 4th I did.

1 Q But prior to that, did you?

2 A No.

3 Q And part of that was based upon your client's own
4 representations to you?

5 A That's correct.

6 Q And did you see any indication or did you make
7 inquiry of the defense team either Ms. Kimbrough, Carolyn
8 Graham or Steve Soltis as to whether there was any
9 family-trauma evidence that they had required?

10 A I don't recall asking specifically. I think I had a
11 reason to, but I don't think I ever asked anyone is there
12 abuse in this family.

13 Q Okay. In the meetings that you had with the
14 defendant, at any time did he indicate that he wish you to
15 talk to certain family members?

16 A No.

17 Q Did he indicate to you what his relationship with his
18 mother was?

19 A Yes, he said he had a good relationship with his
20 mother.

21 Q Okay. Until he confirmed on September 4th?

22 A That's correct. Even on that day, I think he still
23 would have said he had a good relationship with his
24 mother. She was visiting him. She was there. She was
25 there in supporting him.

1 Q Okay. Did he ever indicate to you that there was
2 someone else you needed to talk to?

3 A No.

4 Q Okay. You indicated on direct examination most of
5 your interaction with the defense team throughout your
6 preparation in this trial was with Lisa Kimbrough, Lisa
7 Armstrong; is that correct?

8 A Yes.

9 Q How often if you can recall, did you consult with
10 her?

11 A Oh, quite often. If I had an issue or we were in
12 pretty close contact because of all the -- with the
13 neurologist and with Dr. Brawley and we had a number of
14 phone conferences where we were like Dr. Brawley would
15 report the results of her data and that sort of thing, so
16 there was I thought enough contact.

17 Q Okay. So this was basically a three-stage type of
18 representation on competency?

19 A Yes.

20 Q Looking at the ability of competency with criminal
21 responsibility ---

22 A Yes, sir.

23 Q --- under of those circumstances. And then general
24 mitigation, the development or existence of mental
25 illnesses and essentially the act is present a social

1 history, is that what you were looking to do?

2 A Yes.

3 Q Okay. At the time that you ---

4 A Can I say though let me add I'm not sure about what
5 my role would have been in social history. If somebody
6 would have asked me do that I probably per say, I would
7 say well just remember it's a social history given by a
8 psychiatrist. I would certainly never hold myself to the
9 standard of a social worker and that would require -- I've
10 had to do that before. And the evaluation was very
11 different then what I participated in in this case.

12 Q But were you meeting with family members getting some
13 understanding of that relationship?

14 A Yes.

15 Q The defendant and the family?

16 A Yes, that's very fair to say.

17 Q In preparation to testify about it?

18 A Yes, sir.

19 Q And were you intending to testify about the
20 information you received from the family members and the
21 defendant?

22 A Yes.

23 Q In your preparation for the case, did you have any
24 individual meetings with Carolyn Graham?

25 A I don't recall. I think the meetings we would have

1 had would have been everyone present.

2 Q Okay.

3 A But certainly in communication I believe we would
4 have e-mailed. And I remember if there were documents --
5 I can't remember, I think, I would go to Ms. Kimbrough's
6 office and they were there, but I certainly recall, you
7 know, being given plenty of discovery and that sort of
8 thing.

9 Q Okay. In the information that you received from
10 Teresa Finklea or Teresa Fuller as he was represented on
11 the e-mail, did it indicate some very negative things
12 about Ms. Finklea?

13 A It did.

14 Q More than just about the action that his mother had
15 taken; is that correct?

16 A Yes.

17 Q Okay. And you stated that a theory that you were
18 looking at with the family members up to that time before
19 you received this was that his co-defendant, Theodore
20 Davis also Junior, Teresa's family member may have been
21 the influencing agent in this particular incident; is that
22 correct?

23 A Yes, given his lack of memory -- and keep in mind
24 given his lack of memory and the reports of the
25 neurologist and Dr. Brawley, they did a very thorough

1 workup and part of that workup includes looking for
2 malinger. And the test that Mr. Finklea had at the
3 time it wasn't showing that he was trying to feign a
4 memory deficit. And so because I was much more focused
5 on, you know, we knew that he had anoxic injury. We know
6 he had dilated pupils. We knew he was in a coma for a
7 period of time. Those were givens. And so with him
8 telling me he didn't have a memory, I was trying to get
9 whatever information I could to try to figure out what his
10 role was and so it would affect what mitigation and what
11 mitigators I would have presented.

12 Q Okay. And in your e-mail to Teresa you ask for
13 something about the relationship those two had together;
14 is that correct?

15 A That's correct.

16 Q And in the information you got on the e-mail, what
17 did she respond in that last photograph?

18 A It was not helpful. Basically, her response was that
19 her brother would more likely be the follower.

20 Q And that Mr. Finklea was a bully ---

21 A Yes.

22 Q --- towards them?

23 A Her exact words the relationship with my brother
24 comma I'm not really sure what you're asking. Ron was
25 somewhat of a bully. JR is a follower. I think, he was

1 scared of Ron. Ron can be pretty scary at times. If
2 there is anyone else -- anything else I can help you with
3 please let me know.

4 Q Okay. So if that information essentially got in the
5 prosecutor's hands, that would not have been very
6 favorable to the defense theory in this case, would it
7 have been?

8 A No.

9 Q Did it also indicate that she thought that Ron was
10 basically a liar ---

11 A Yes.

12 Q --- in the first paragraph?

13 A Yes.

14 Q I later found out that just about everything he ever
15 said was a lie. Did she say that?

16 A Yes.

17 Q So there was a lot of more damaging in this
18 communication that you gained from Teresa that could have
19 impacted that defense presentation if that was revealed to
20 the State on cross-examination when they're asking about
21 the information you relied upon in your report; is that
22 correct?

23 A Yes.

24 Q And that would have been against the defense theory
25 in addition to the information that Teresa supposedly

1 showed that he had basically gone through all of her
2 money?

3 A Yes.

4 Q Okay. Now, at the time you were going to testify Dr.
5 Cherrie had already testified about the existence of
6 posttraumatic stress disorder, correct?

7 A Yes.

8 Q And according to your report, you had consulted with
9 her before she testified?

10 A Yes.

11 Q Telephone interview with Dr. Cherrie?

12 A Yes.

13 Q And do you have any recollection or do you have any
14 notes of that telephone communication?

15 A I don't, but I do have a recollection. I was
16 actually in the parking lot of this courthouse, I believe.
17 I had been trying to contact Dr. Cherrie and I believe I
18 was actually in the parking lot of the courthouse, so I
19 don't recall that I took notes.

20 Q Okay. And was your recollection of that
21 communication you had with her?

22 A I remember just discussing -- I was concern because
23 in preparation of testimony how he was doing in the jail,
24 what kind of patient was he. I recall her very -- telling
25 me that she was a model inmate, that she never had any

1 problems from him. That she thought he was mentally ill.
2 He was taking his medications. He was very cooperative.
3 She gave a pretty positive report about his adjustment,
4 his adaptation.

5 Q Okay. Did she talk about the post-traumatic stress
6 disorder?

7 A I don't recall if I asked her about it or not.

8 Q Okay.

9 A I think at that point I knew based on her notes she
10 had diagnosed him, but I don't recall if I asked her what
11 the basis of her diagnosis was.

12 Q Okay. But you knew she had already testified,
13 correct?

14 A No, I believe at the time I talked to her was before
15 she -- the conversation we had in the parking lot, I
16 think, she testified the following day if I recall,
17 correctly.

18 Q Okay. In your report, you listed written
19 communication from Teresa Fuller 9-4-07, telephone
20 interview Dr. Cherrie 9-4. Is that chronological on the
21 way you gather that information or is it just the way you
22 typed it up?

23 A Oh, no, sir, it would have been the way I typed it
24 up. I actually I looked. I received the e-mail from her.
25 It would have been at 1337, so I guess, that was 2:37, but

1 this was to my home e-mail. So I wouldn't have gotten
2 this e-mail until I got home that evening. So I believe
3 if the correct chronology would have been I talked with
4 Dr. Cherrie, then I went home. I got this e-mail and then
5 wrote the report and came into court the next morning with
6 it, which would have been the 5th, if my memory is
7 correct.

8 Q All right. So at the period of time of your
9 involvement with this case and your communications with
10 Ms. Kimbrough, did she seem engaged in representing
11 Mr. Finklea?

12 A Absolutely.

13 Q Did she seem open to any ideas what you were giving
14 her based upon on your expertise as a forensic
15 psychologist?

16 A Yes.

17 Q Did she seem to be however in control as to how the
18 strategy would go in this case as oppose to you or anybody
19 else?

20 A Absolutely.

21 Q At the time you were ready to testify, did you feel
22 you would have given and were prepared to give testimony
23 in Mr. Finklea's defense?

24 A Yes.

25 Q And was it your choice or Mr. Kimbrough's choice, the

1 defense team's choice as to whether you testified or not?

2 A It would have ultimately been Ms. Kimbrough's. I
3 remembered I had some reservations. I was very concerned.
4 I do recall I approached her and I was very concerned
5 about the information that was in the e-mail, but it was
6 ultimately the defense teams choice. And I don't know how
7 they decided that. I remembered I just was concerned.

8 Q All right. Did you have other concerns at that
9 moment that questioned your preparation in the case?

10 A Yes, I was concerned. I really think the correct
11 word was shocked when I heard that information from Ms.
12 Rowan. I was taken aback. And so I certainly would have
13 felt prepared to be able to discuss the actual trauma's
14 that occurred to him. Again, it still -- you know, there
15 was some measure that I considered that he had been
16 exposed to some abuse, but I had no clue of the extent
17 that's been presented in the last two days.

18 Q Okay.

19 MR. ZELENKA: Court's indulgence.

20 THE COURT: Yes, sir.

21 MR. ZELENKA: No further questions, Your Honor.

22 Thank you.

23 THE COURT: Redirect.

24 REDIRECT EXAMINATION

25

1 BY MS. NORRIS:

2 Q Dr. Maddox, you indicated that you talked to Mr.
3 Finklea's mother, correct?

4 A Yes.

5 Q Did you ever -- and you talked to him?

6 A Yes.

7 Q And you got no information about abuse?

8 A That's correct. Ms. Finklea actually -- she said he
9 was a wonderful person. She never had any problems from
10 him. He was a great child. His nose was always in the
11 books. She had glowing -- and the whole family I do
12 recall they all kind of chimed in and talked about what
13 wonderful person he is.

14 Q All right. And did you ever talk to Chanel, Mr.
15 Mr. Finklea's sister?

16 A No.

17 Q So the information that Ms. Lull saying and
18 Dr. Knight testified about her talking with her and her
19 personal observations of not only physical abuse, but
20 rubber band on his penis, you did not have that?

21 A Not at all. In fact, I knew he had a history of
22 bedwetting, but our theory at the time was it was from
23 the brain damage from the anoxic encephalopathy. I knew
24 in looking at his detention center records he was on a
25 spray that actually stop you from bedwetting. And I'd

1 asked him about that. So even though I had a history, I
2 had no clue that that went back to childhood. I had no
3 clue about any of the abuse Chanel suffered. I had no
4 clue that Mr. Finklea witness some of that abuse. I had
5 no knowledge of those things.

6 Q And Mr. Zelenka referred -- kept referring to your
7 meetings with the family. Again, on your report, those
8 family members that you identified with exception of Betty
9 Peoples that you have listed on the third and the fourth,
10 everybody there is on September 3rd. And again correct me
11 if I'm wrong, but your recollection was that that was one
12 meeting with all the family members there?

13 A That's correct.

14 Q And again from your notes that that meeting with all
15 of those people lasted for an hour and 15 minutes?

16 A That's correct.

17 Q And I think you also testified, and correct me if I'm
18 wrong, that looking at your notes of interviews with
19 Mr. Finklea and with his family, that you were primarily
20 focused on criminal responsibility?

21 A Yes, what I was doing if you look at my report, I had
22 some statutory mitigators, but the one that I never felt
23 that I could address was whether there was diminished
24 capacity or not. I certainly had diagnosed Mr. Finklea
25 with some mental disorders and I was never able to opine.

1 I had some ideas, but I never was able to get enough
2 information, that was one statutory mitigator. The other
3 mitigator I was looking at was whether he was under the
4 influence of his co-defendant, which had been one of my
5 theories. And so, yes, I was trying to look at other
6 statutory mitigators I would have been able to testify to.

7 Q All right. And I believe you testified that you
8 diagnosed an anxiety disorder?

9 A Yes.

10 Q And, again, correct me if I'm wrong because obviously
11 I'm not a mental health expert, but I believe you said
12 that's just essentially a step away from PTSD?

13 A That's correct, but I give the diagnosis of anxiety
14 disorder not otherwise specified. Now, remember this was
15 when the DSM4 or the TR was in effect, but what that means
16 is an anxiety NOS means that you don't meet the full
17 criteria for one of the anxiety disorders. And my
18 methodology I assign that diagnosis when I suspect
19 post-traumatic stress disorder, but I cannot prove the
20 first prong that you actually had to have had the trauma.
21 And there's been many cases -- you have to be -- in
22 forensic psychiatry, it's a little different than general
23 psychiatry. When it's being litigated, you need proof and
24 you need proof from a number of sources. And so because I
25 didn't feel comfortable that I had enough evidence for

1 that first criteria, I would have made the diagnosis of
2 anxiety disorder not otherwise specified.

3 Q And if you had available to you the information and
4 again you were provided with Dr. Knight's report, right?

5 A Yes.

6 Q And you were present for the testimony over the last
7 couple of days for the most part?

8 A Yes.

9 Q If you had had all that information available now
10 that we have presented about the abuse of Mr. Finklea and
11 all of that social history, you would have been able to
12 make that diagnosis of post-traumatic stress disorder,
13 correct?

14 A Yes.

15 Q So to be clear you don't disagree with the diagnosis
16 Dr. Knight gave?

17 A No other than the qualifier and, I think, I reported
18 that. The DSM the qualifiers they use for post-traumatic
19 stress disorder with disassociate features are with
20 delayed onset. So I'm not aware that there's a qualifier
21 with panic, but, yes, I agree with that diagnosis. The
22 obsessive compulsive disorder I can't really opine on that
23 was not in my differential of Mr. Finklea. So I don't --
24 didn't see any reason to not agree with her conclusions.

25 Q And, again, the obsessive compulsive you just didn't

1 have that information?

2 A That's correct.

3 Q And the post-traumatic stress disorder in your
4 opinion is that based on the childhood trauma?

5 A Yes.

6 Q Okay. And, again, that was just information you
7 didn't have?

8 A That's correct. It was not only the trauma he
9 experienced, but also witnessing his sister being
10 traumatized and there was also testimony I believe by Ms.
11 Fogle saying that he witnessed some -- I think, it was his
12 Aunt Ruby or someone close to him also being assaulted by
13 another male. So he had also been a witness to trauma as
14 well.

15 MS. NORRIS: I don't have any further questions.

16 THE COURT: Recross.

17 MR. ZELENKA: Nothing, Your Honor.

18 THE COURT: Thank you, Doctor. You may step
19 down.

20 (WHEREUPON, the witness leaves the witness
21 stand.)

22 MS. NORRIS: Your Honor, may she be excused from
23 the participation in the remainder of the hearing?

24 MR. ZELENKA: No objection.

25 THE COURT: You are free to go.

1 (WHEREUPON, the witness leaves the witness
2 stand.)

3 THE COURT: You got another witness?

4 MS. NORRIS: Call Lisa Armstrong.

5 THE COURT: Come around please.

6 THE CLERK: Do you swear or affirm that the
7 testimony you're about to give will be the truth, the
8 whole truth, and nothing but the truth?

9 THE WITNESS: I do.

10 WHEREUPON,

11 Melissa J. Armstrong,
12 after first having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. NORRIS:

15 Q Ms. Armstrong, would you state your full name for the
16 record?

17 A Yes, it's Melissa Jane Armstrong.

18 Q And we've heard some testimony through this hearing
19 about a Ms. Kimbrough; is that you in a former life?

20 A That's me in a former life, yes.

21 Q All right. And you were one of Mr. Finklea's trial
22 attorneys?

23 A I was.

24 Q And could you please just give us your basic
25 information about your education from college forward?

1 A Sure. I graduated with a bachelor of arts degree in
2 1991. I went to law school in '92, graduated in 95, took
3 year off and did some intern work with some capital
4 litigation folk and then ---

5 Q Might have for me?

6 A Yes, you among others. And then took the bar exam in
7 1997, started my practice. And then realized I had a baby
8 on the way, so I very minimally practiced. And then I
9 went to the Office of Appellate Defense until baby number
10 two came along and then I went home for a few years. And
11 hung out with thing one and thing two. Did a little bit
12 of private practice on the side. And around 2005 decided
13 it was time to get back out and I worked for myself doing
14 various criminal defense types of things appeals, trials.
15 And then 2010 maybe right about the time my last name
16 changed, I started doing some family court work as well.
17 And I am now currently a business owner. I quit
18 practicing law in 2014. And I own a small retail shop
19 today, that's it.

20 Q All right. And do you recall when in there, I think,
21 you mentioned that it was 2005 when you basically went
22 back to practicing law?

23 A I think it was right about then. It was around the
24 time of the first federal death penalty case in South
25 Carolina. I was working not as an attorney, but as a kind

1 of a coordinator in the case of Brandon Bashum. And there
2 were like a 100 out-of-state witnesses. It was a circus,
3 so they needed all the people they could get and I signed
4 on to help coordinate witnesses basically.

5 Q All right. Do you recall when you were appointed in
6 this case?

7 A You know I want say 2005 or six. I know it was after
8 Steve.

9 Q Let me hand you Plaintiff's Exhibit 6 and see if that
10 helps.

11 A Thank you. I need my glasses, I'm sorry. Yes,
12 May 26, 2005 and it was by Judge Keesley.

13 Q Okay. And do you recall or actually let me rephrase
14 that. Do you know whether Steve Soltis requested that you
15 be appointed by name or whether you got appointed because
16 someone else decided that?

17 A I think someone else knew that the case needed a
18 second chair because I did not know Steve very well. I
19 mean, I knew of him. I'd seen him in court, but I didn't
20 know him well enough for him to have any reason to want me
21 or not want me, so I think it was a third party.

22 Q Do you know who the third party was that decided it
23 should be you?

24 A You know sometimes it would be somebody like Bob
25 Dudek from Appellate Defense or it might have been

1 somebody in the PD's office here. I'll be honest with you
2 I don't recall specifically who that person was.

3 Q So basically you had not worked with Steve before?

4 A I had not, no.

5 Q Okay. And do you recall whether a notice of intent
6 to seek the death penalty had been submitted by the
7 Solicitor before your appointment?

8 A My recollection is it did because you wouldn't be
9 entitled to a second lawyer until -- that would have
10 triggered those rights and I think they sat on it even
11 though everybody pretty much knew that in Lexington County
12 this was going to be a capital case.

13 Q And so regardless of when the notice was is it fair
14 to say that it was your understanding from the moment you
15 were appointed that this was a death penalty?

16 A Absolutely.

17 Q All right. And do you recall what, if anything,
18 Mr. Soltis had done prior to your appointment in terms of
19 preparing for the potential death penalty sentencing phase
20 of the case?

21 A Honestly, I don't think very much. I think he had
22 hired Dave McDougall because he knew Dave McDougall. My
23 impression was that Dave was well on board well before I
24 was and I think he may have gotten some minimal funding
25 because I remember thinking that he had had no funding I

1 thought this was odd. And then later on I found out that
2 there had been one initial funding order. It was for --
3 it was really for a very small amount like \$1500 for
4 something and a few thousand dollars for something else,
5 but I don't think he had done a whole lot. He had met
6 Mr. Finklea. I don't know what, you know, discovery he
7 had received. I mean, I'm assuming he had gotten at least
8 one load of discovery, but honestly I'm guessing.

9 Q Okay. And so yesterday Mr. Soltis testified and
10 what we have in our documents and we have funding orders
11 I'm happy to show them to you if you want, but essentially
12 he got \$1,500 for a paralegal, \$1500 for Mr. McDougall,
13 and either 2000 or \$2500 for some TV media. So does that
14 sound like ---

15 A It was very bones, that sounds -- yes, that sounds
16 accurate.

17 Q And once you got involved who was lead counsel?

18 A Steve Soltis.

19 Q And did that remain the case throughout?

20 A On paper, yes.

21 Q How did it operate in reality?

22 A In reality, it initially started out, you know, that
23 -- I mean, he had his -- he had the case first, so I met
24 with him and he was -- he had made some decisions about,
25 you know, they were going to go to Michigan and Alabama.

1 And there had been -- you know, he had hired the
2 investigator, but as things went along, pretrial, I mean,
3 you know, we would have meetings and he seem to be reading
4 the discovery and getting ready for trial and all this
5 kind of stuff. And then when we got to trial, it was a
6 very different -- things change very dramatically. I
7 mean, just to condense it and not go into too much unless
8 you want me to. Steve is very -- he come off as very
9 abrasive, very gruff. In the big courtroom with the
10 jurors there and stuff, I mean, the way he cross-examines
11 people or even examines people, the jurors, the looks on
12 their faces, they were not responding well to him. And
13 this was a case where in my mind and I still believe this
14 is true, that guilt was really -- if not a foregone
15 conclusion, it was very likely in my mind that we were not
16 going to prevail on that. And I did not want the jurors
17 to be furious with us by the time we got to sentencing.
18 So I pretty much talked to him and him being Steve and I
19 just started taking witnesses. I mean, I read everything.
20 I didn't want to try everything by myself, but at the same
21 time the jurors seem to respond better to how I approached
22 things.

23 Q So basically as I understand it going into jury
24 selection, it was not your plan to do the entire trial?

25 A No.

1 Q And when you say now that you don't want to say that
2 guilt is a foregone conclusion, let me show you the record
3 on appeal page 271?

4 A Where I said I think it's pretty much a foregone
5 conclusion.

6 Q At line six where you said it's a foregone
7 conclusion?

8 A Uh-huh, yeah.

9 Q All right.

10 A Yeah, almost a foregone conclusion exactly.

11 Q So in your mind going in there was a little, if any,
12 doubt that Mr. Finklea was going to be convicted?

13 A That's correct.

14 Q And with that as a situation what was your focus then
15 on preparing for that trial?

16 A Well, my focus we had Junior Davis. Junior Davis had
17 a significant record in my opinion.

18 Q The co-defendant?

19 A The co-defendant, I'm sorry. Is Theodore Davis?

20 Q Yes.

21 A He actually had been previously convicted of a crime
22 where he shot somebody in the back of the head. It's
23 exactly in my view pretty much mirrored what happened to
24 the victim Mr. Sykes. I mean, you know, it was a terrible
25 situation and Davis had done it before. And given what I

1 believe was, you know, a legitimate case of amnesia and I
2 realize now that there's some evidence that's not
3 accurate. But going on my belief that Mr. Finklea could
4 not recall the specifics of what happened, although he did
5 acknowledge that there was plan to do a robbery, my take
6 was, you know, he can't remember it. Even when he
7 discussed leading up to the crime there might be a
8 robbery, there was never a plan to shoot somebody in the
9 back of the head. That Davis, you know, is just as likely
10 as Ron to have done that. I mean, if that wasn't part of
11 the plan and it happens and my client doesn't remember
12 who's to say it wasn't the other guy so...

13 Q But either way?

14 A Hand of one hand of all.

15 Q And so you knew going in that preparation for the
16 sentencing phase was really what this case was about?

17 A Absolutely.

18 Q And as part of that once you were appointed, did you
19 seek funding for assistance in preparing that sentencing
20 case?

21 A Yes.

22 Q And do you recall who you requested funding for?

23 A We got funding for Carolyn Graham.

24 Q And had you worked with Carolyn before?

25 A Yes, I have.

1 Q And was it your decision to hire her?

2 A I don't know if it was my decision, but it would not
3 surprise me if I -- I would be surprised if I wasn't the
4 person who initially recommended her or somebody we
5 consider. I don't think Steve knew her independently. I
6 don't recall specifically, but I knew Carolyn from the
7 Brandon Bashum case and she had also been involved
8 previously in another case in Lexington county. So she,
9 you know, had some experience. And from what I knew of
10 her personally in the Brandon Bashum case, she did a very
11 good job.

12 Q Okay. And did you -- let me ask you this, when
13 Mr. Soltis testified and we looked at the funding orders
14 after you initially prepared a request in 2005 for funds,
15 it does not appear that that was signed and approved until
16 2006?

17 A That sounds right.

18 Q Do you recall why there was a delay in there?

19 A I recall being -- I don't know if panic stricken is
20 the word, but unnerved by the fact that our funding order
21 was not being acted upon.

22 Q Let me hand you Plaintiff's Exhibit 7 so you can have
23 that in front of you?

24 A All right. And I remember complaining about it and
25 saying we need money. You know, you want this trial to

1 happen yesterday and I don't have any money, so, I mean, I
2 remember that. And then eventually we got the money.

3 Q And there was a discussion in the record on appeal
4 that you weren't given funds until Judge Buckner was
5 assigned. Do you recall that being a reason?

6 A Correct.

7 Q Do you recall why Judge Buckner then got off the case
8 and Judge Newman was ultimately your trial judge?

9 A I have no idea.

10 Q Okay. Now, in that funding order Plaintiff's
11 Exhibit 7 in addition to Carolyn Graham you also sought
12 funding for Donna Swartz-Watts now Dr. Maddox, who of
13 course just testified?

14 A Yes, ma'am.

15 Q And was that your -- who in the defense team decided
16 that she was the forensic psychiatrist that you wanted to
17 hire?

18 A Well, I'm -- well, I shouldn't say I'm sure it's me,
19 but I would have definitely wholeheartedly said this is
20 who we need to go with.

21 Q And ---

22 A Do I recall specifically, no. And did Mr. Soltis
23 know her, I'm not sure.

24 Q You also sought additional funding in that for Dave
25 McDougall who was already on the case. And there's \$3,000

1 requested and approved for Steve Soltis to testify or I'm
2 sorry to travel to Michigan and Alabama and Washington
3 state?

4 A Yes, ma'am.

5 Q Okay. Who made the determination that he should be
6 the person to go out and interview folks in those
7 locations?

8 A It's my understanding that he had determined he was
9 going to do that.

10 Q All right. All right. And so to be clear the folks
11 in Alabama were Mr. Finklea's family?

12 A Correct.

13 Q Okay. And the person in Washington state was
14 Mr. Finklea's ex-wife Cherena?

15 A Yes.

16 Q And Michigan was his in laws through second wife
17 Teresa Fuller?

18 A Right.

19 Q And that was when he went to Alabama. To your
20 knowledge, did anyone go with him?

21 A Oh, goodness I don't believe so. I don't believe so.

22 Q And when he came back did he share with you any
23 interview memos, any notes anything that you can recall of
24 substance?

25 A I believe there was a meeting because we had several

1 meetings. Do I specific recall notes, no. Like as in
2 like, you know, the reports that I've seen or Dave
3 McDougall's. I don't remember anything from Steve that
4 was in that format.

5 Q All right. And after that hand you Plaintiff's
6 Exhibit 8 which is a voucher from Ms. Graham and that I
7 believe that indicates that she went to Alabama in October
8 of 2006, correct?

9 A It does. Yes, ma'am.

10 Q And prior to -- in her billing records there, is
11 there any indication that she talked to Mr. Finklea before
12 going to Alabama?

13 A The only thing I see that has Finklea, the name
14 Finklea even listed would be on October 4th. It says TPC
15 Finklea family, which doesn't sound like Mr. Finklea. It
16 sounds like some family members, so, no, I don't see any
17 indication that she spoken to him before she went.

18 Q So it sounds like she made -- and how long is that
19 time for the TPC, which I assume is the telephone call?

20 A Oh, you're probably right.

21 Q Well, that's my assumption?

22 A Well, a .2 it couldn't have been much more.

23 Q Okay.

24 A A .2 which is like 12 minutes so, yeah.

25 Q And in that billing record which I think covers from

1 when funding was obtained in August until is it November
2 on that invoice?

3 A Yes, ma'am, November 3rd.

4 Q So from that time period at least there is no other
5 indication of other than one meeting with Mr. Finklea
6 after the trip to Alabama?

7 A That I believe's correct.

8 Q And do you have any recollection of anyone else going
9 to Alabama other than Steve Soltis going in August 2006
10 and Carolyn going in October 2006?

11 A No, I do not.

12 Q Okay. And now once you got Dr. Maddox involved, did
13 she recommend to you that you retain other experts?

14 A Yes, yes, ma'am, she did.

15 Q And you were present when she testified that was
16 Dr. Brawley and Dr. Gains?

17 A Yes.

18 Q Do you recall anybody else that she recommended that
19 you hired that you didn't?

20 A Off the top of my head I don't. I mean, there were
21 more people involved, but I don't think they came from
22 her. I mean there was Frierson and Cherrie. No, I think
23 those are the two that I can recall specifically.

24 Q And Dr. Frierson was he the DMH examiner?

25 A Yes, ma'am.

1 Q And Dr. Cherrie was the treating psychiatrist at the
2 Lexington jail?

3 A That's right, yes.

4 Q And so obviously -- well, maybe not -- maybe, I
5 should strike the word obvious. At least indicating from
6 the record on appeal, there were at least two or three
7 hearings pertaining to whether Mr. Finklea was competent
8 to stand trial?

9 A That's correct.

10 Q So at least for that portion of time that was a
11 significant part of your litigation, correct?

12 A Yes.

13 Q Now, once on that top, do you recall Mr. Finklea
14 testifying during one of those competency hearings?

15 A I do.

16 Q And do you recall why -- well, did you recommend that
17 he testified?

18 A My recollection is the judge said he thought he
19 needed to testify.

20 Q All right.

21 A And I would not have objected to it because if he
22 can't remember anything, he can't remember anything. So
23 it's not like he can make a statement against his own
24 interest because he don't remember anything.

25 Q Okay. And after -- and maybe not after he was found

1 competent, but certainly going into a trial who determine
2 what family members should come from Alabama to South
3 Carolina to testify?

4 A I believe there was a meeting with Dave McDougall,
5 Carolyn Graham, Steve Soltis and myself. I mean, I think
6 there were several so-called team meetings at which point,
7 you know, we would discuss what people could testify to
8 what facts. And based on that and the willingness of the
9 expert excuse me -- the witness, we started issuing
10 subpoenas.

11 Q All right. And other than potentially Steve Soltis
12 and Carolyn Graham -- well, let me ask this other than
13 what Mr. Soltis relayed to you about what he learned in
14 August of 2006 and what Mr. Graham relayed about what she
15 learned in a trip and possibly some follow-up phone calls,
16 did you have any other information about what the family
17 could or could not testify to?

18 A I'm trying to think. I believe that I -- I think
19 Dave McDougall met with some folks maybe Ms. Gripper
20 perhaps.

21 Q Well, I don't have that in evidence, but you are
22 correct. There is information that we've talked about
23 that we don't dispute that I think if we find Dr. Maddox's
24 report. Well, let me show you Plaintiff's Exhibit 4 and
25 that's -- is that a memo from Mr. McDougall that indicates

1 that he talked with two the ex-wives or, I guess, Teresa
2 was not an ex then, but he talked to Teresa Finklea and
3 also talked to later to Cherena Roland.

4 A Yes, ma'am.

5 Q Okay. Do you recall -- do you independently recall
6 having that memorandum?

7 A Independently, I do not recall.

8 Q All right. And let me show you Plaintiff's Exhibit
9 25 Dr. Maddox's report. And in her sources of information
10 she list a number of interviews on a second page and let
11 me show you Plaintiff's Exhibit 14 and that is notes
12 prepared by the Solicitor at your request and the judge's
13 order of their interviews of some folks, right?

14 A Yes.

15 Q And at least to the extent of Mr. Finklea's in-laws
16 in the local area his wife, sister all the people
17 connected to the co-defendant and to Mr. Finklea certainly
18 Mr. McDougall interviewed them, correct?

19 A Yes.

20 Q And in fact they were for the most part witnesses for
21 the State either in the trial or sentencing, right?

22 A Yes.

23 Q All right. So, again, with exception of those two
24 interviews of Teresa and Cherena, the information
25 available was what Carolyn Graham or Steve Soltis gave

1 you?

2 A Yes, correct.

3 Q And let me show you ---

4 A Do I get to keep all this or do you want it back, I'm
5 sorry?

6 Q I'm sorry.

7 A I just didn't know if you want me to hand this back
8 or do I hold on to it?

9 Q You can leave them there. We'll collect them.

10 A All right.

11 (WHEREUPON, Plaintiff's Exhibit No. 26 and 27
12 was marked for identification only.)

13 BY MS. NORRIS:

14 Q Let me show you what has been marked as Plaintiff's
15 Exhibit 27. And this was a document from your file,
16 which, of course, you provided us. Do you recall if you
17 looked over on pages three and five, do you recall getting
18 those summaries of what the potential witnesses could say?
19 Potential family witnesses?

20 A I remember seeing this document. I'm sorry can you
21 ask me the question again.

22 Q You do remember seeing that document?

23 A Yes, this looks familiar.

24 Q All right. Looks like some handwritten notes I can't
25 come. Does that look like your handwriting?

1 A No, actually that one doesn't. It may have been
2 Carolyn's.

3 Q Are you familiar enough with her handwriting to know?
4 I mean, I'm not doubting you?

5 A I just know my handwriting's typically almost
6 illegible. I can actually read this, which leads me to
7 conclude it's not mine.

8 Q Okay.

9 A So I'm sorry, I'm not trying to be glib, but I mean
10 usually it's not pretty.

11 Q I understand. But you recall seeing this document?

12 A Yes, ma'am.

13 Q And do you recall having any other information other
14 than what was said to you about what potential witnesses
15 could say?

16 A No.

17 MS. NORRIS: Your Honor, I'll offer that exhibit
18 into evidence.

19 MR. ZELENKA: No objection.

20 THE COURT: You mark that in evidence please
21 madam court reporter.

22 MS. NORRIS: That is Plaintiff's Exhibit 27.

23 (WHEREUPON, Plaintiff's Exhibit No. 27 was
24 admitted into evidence.)
25

1 BY MS. NORRIS:

2 Q And was the -- do you recall getting a funding order
3 for the family to rent a van so that they could bring
4 themselves from Alabama?

5 A Yes, ma'am.

6 Q All right. And who determined who was going to be on
7 that van or in that van?

8 A I think the determination of who was on the van was
9 basically -- it amounted to who we thought we could get
10 testimony from. So anybody who was willing to testify and
11 had something that we thought would be helpful, we wanted
12 them on the van. Unless, of course, they were coming from
13 a place where the van wasn't located.

14 Q Well, I understand. You had folk flying in from
15 Washington and some military folks as well?

16 A Yes, correct.

17 Q So my question was specific to the van coming from
18 Monroeville?

19 A Yes, that's right.

20 Q Okay. Now, going into -- well, from the time of your
21 appointment -- well, through the trial and in fairness you
22 provided us with your file and Mr. Zelenka and I both
23 looked and not seen time records, so do you recall how
24 many times you met with Mr. Finklea from the time of your
25 appointment until the trial started?

1 A I don't. I would think it would be on my voucher.

2 Q We don't have that, that's what I'm saying.

3 A I'm sorry. I would have thought you could have
4 gotten it from Indigent Defense. I'm sorry because I
5 don't have it. I just know I put it in their system and
6 that's how I kept up with the time, so I don't recall.

7 Q Okay. Were you the person that was trying to build a
8 relationship of trust with him to ask the information
9 about childhood abuse et cetra or did you leave that to
10 your mitigation investigator Ms. Graham?

11 A I think unfortunately I left it to Steve who had
12 relationship with Ron and -- or I believed had a
13 relationship with Ron and to Carolyn. I was kind of the
14 late comer and I may have put too much stock in that.

15 Q So were you the person -- do you recall talking with
16 Mr. Finklea about whether or not he had been abused as a
17 child?

18 A I don't specifically recall that, no.

19 Q And did you talk with him about whether or not he
20 recalled the crimes or were you relying on what had gone
21 before you with that as well?

22 A No, I feel pretty certain that we had a conversation.
23 I mean, because I remember, I mean, from the time I was on
24 forward having the belief and clearly it was, you know,
25 not only from written sources, but also from talking to

1 Ron that he didn't remember anything. I mean, that's my
2 recollection.

3 Q And after Mr. Finklea was convicted, do you recall
4 meeting with the family members who came from Alabama?

5 A Yes.

6 Q And do you recall whether you met with them in
7 individually, whether you met in a group, do you recall
8 the circumstances at all?

9 A I think you know there was a group of people and I
10 remember there were a lot people at one time, but then we
11 would individually meet with them before. You can't have
12 a pre-direct exam in a group setting, so there were
13 individual, but I met everybody in one place at one time.

14 Q And was that at the courthouse or did you meet with
15 them at their hotel or do you recall?

16 A I don't specifically recall, but I do know that there
17 were -- I do remember that I had one on one's with people.

18 Q Okay. And do you recall how long those one on one's
19 for their preparation was?

20 A It was extensive for sure because it was -- they got
21 here and we were already in trial.

22 Q And ---

23 A Go ahead I'm sorry.

24 Q I'm sorry.

25 A No, I'm sorry.

1 Q And as part of that were you just preparing them for
2 this is what I'm going to ask or were you trying to get
3 new information out at that point?

4 A I thought we had all the information we were going to
5 get and so I did not probe for additional information. I
6 did not do that.

7 Q And a decision was made by someone that Dr. Maddox
8 would not testify?

9 A Correct.

10 Q Do you recall -- well, first of all, let me back up.
11 Do you recall her coming to you as she testified after she
12 talked to Cherena and learned about at least some
13 information about abuse?

14 A The one I most recalled is after she got the e-mail
15 from Teresa Fuller.

16 Q Okay. So you don't remember her coming and saying
17 she may have told ---

18 A No, no, when she testified it to, I have no doubt
19 that we had a conversation about it, yes.

20 Q But you don't recall?

21 A I don't recall the specifics of it.

22 Q Okay. All right. You were going to Teresa Finklea.
23 You recall her coming to you after that e-mail?

24 A Right, right.

25 Q And what do you recall about that?

1 A Just looking at the contents of the e-mail and seeing
2 potential problems.

3 Q And that is an e-mail from Teresa Finklea. Why you
4 did not call Dr. Maddox to testify?

5 A I think that was the main reason.

6 Q All right.

7 A After talking with her and after reading it, we just
8 thought that it might be more damaging than helpful.

9 Q And is it fair to say at that point based on the
10 information that Dr. Maddox had at that time and the
11 diagnosis of anxiety disorder that essentially her
12 findings were consistent maybe even less so than what Dr.
13 Cherrie was saying at the jail?

14 A Yes.

15 Q And Dr. Frierson's findings were consistent with what
16 Dr. Maddox had based on the information available to her
17 then?

18 A I believe that's correct, yes.

19 Q Okay. All right. And so when you made the decision
20 not to call Dr. Maddox to testify, is it fair to say that
21 at that point other than the one conversation with
22 Cherena, she didn't have any information about abuse. She
23 didn't have any information to support post-traumatic
24 stress disorder?

25 A She must not. I mean, I was surprise that she didn't

1 get, you know, the previous document from 2003.

2 MS. NORRIS: All right. Thank you, Mrs.
3 Armstrong. I don't have anything further.

4 THE COURT: Cross.

5 MR. ZELENKA: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. ZELENKA:

8 Q Ms. Armstrong, please explain your prior history in
9 capital litigation?

10 A Let's see just starting from the beginning?

11 Q Might as well.

12 A Okay. I clerked for the death penalty resource --
13 the former death penalty resource center when I was in law
14 school. And then my first case I was appointed as
15 co-counsel on a PCR. John Hardaway was the first chair
16 and it was a PCR with Jerry McWee (sic). And let's see
17 the next case it cease -- I don't know if I'll get the
18 chronology right, but I was also appointed on another PCR
19 with Wayne Floyd, Gary Terry. And do you want dates
20 because I'm kind of hard ---

21 Q No, that's fine.

22 A Leading up to this case or do you want me to go
23 beyond?

24 Q Let's lead up this case.

25 A Okay. I worked again not as a lawyer, but just as

1 kind of a facilitator with the death penalty, but that was
2 federal with Brandon Bashom and that was with Jack
3 Swerling and Greg Harris were the lawyers on that case.
4 And then I worked as second chair on my first trial was on
5 Kevin Mercer and then Mercer this would have been the
6 second trial. And I was second chair appointed on this.

7 Q Okay. And in that experience, did you develop an
8 understanding generally of capital litigation law and
9 particularly mitigation evidence and the ability to
10 present mitigation?

11 A I tried to, yeah.

12 Q Okay. In your involvement retaining Carolyn Graham,
13 what generally did you ask her to do?

14 A Basically everything that was in the funding order.
15 We wanted her to go and get as much background information
16 as she could get. We wanted to know about his family,
17 about siblings, about medical care, any psychiatric care,
18 did he have any criminal history, just full-life history
19 investigation.

20 Q Okay. And what steps did you take in directing her,
21 if at all, to do that?

22 A Well, because of her prior involvement in cases, I
23 mean she pretty much knew the steps and she actually -- I
24 think if I remember correctly I mean, this was just kind
25 of a checklist. And, I believe, this is her handwriting

1 not mine, but, I mean, she knew as far as I was aware she
2 knew the steps. You start off with before the person is
3 born. I mean, you talk to the mom about the pregnancy,
4 find out about their school years. You know, you ask
5 questions about abuse and negligent if they're relevant.
6 You try to find out about their health. Their mental
7 health. You know, do they ever get in trouble in school,
8 so I believed that she understood what the nuts and bolts
9 were about.

10 Q Okay.

11 A I certainly did not micromanage her.

12 Q Okay. The document you referred to do you recall if
13 that's a document from your file?

14 A I'm sure this was in my file.

15 Q Okay.

16 A Because I recognized it and I think that this maybe
17 -- I think this is her handwriting.

18 Q Okay.

19 MR. ZELENKA: Your Honor, we would move for
20 identification Respondent's Exhibit 2, I believe.

21 THE COURT: Mark it for identification please.

22 (WHEREUPON, Respondent's Exhibit No. 2 was
23 marked for marked for identification only.)

24 BY MR. ZELENKA:

25 Q Do you believe that relied upon this document as part

1 of your representation?

2 A I believe this is essentially a working checklist of
3 what Carolyn was going to investigate.

4 MR. ZELENKA: Your Honor, we would move to
5 introduce it as Respondent's Exhibit 2.

6 MS. NORRIS: No objection.

7 THE COURT: Mark it in evidence please madam
8 court reporter.

9 (WHEREUPON, Respondent's Exhibit No. 2 was
10 admitted into evidence.)

11 BY MR. ZELENKA:

12 Q Now, when she went to Alabama what was the purpose in
13 her going to Alabama if you recall?

14 A To basically be the boots on the ground to get the
15 information about the family, to find out about, you know,
16 what were the circumstances of his upbringing, interview
17 the family members who grew up with them, where do they
18 live. I mean, were there any police reports for instance.
19 I mean, you could learn a lot by just going and picking up
20 public records. We wanted to know where he came from, you
21 know, who is his family, what were the moving parts of
22 that family, what were the dynamics. I mean, we wanted as
23 much information as we could basically.

24 Q Okay. Let me show you Plaintiff's Exhibit 25 which
25 is Dr. Maddox's report. Does that report reflect a series

1 of information that was generally required by the defense
2 team either by themselves or from information that they
3 gathered from the Solicitor's office and their discovery?

4 A I believe so, yes, sir.

5 Q Okay.

6 A Would you care for this back?

7 Q In preparing the case as you went to trial, what was
8 your theme in the case concerning the defense of
9 Mr. Finklea?

10 A At the guilt or innocence phase?

11 Q Start at the guilt phase and how that may affect the
12 penalty phase?

13 A Well, again Ron by his history he wasn't this
14 criminal. He wasn't some thug. Davis, Theodore Davis,
15 Junior Davis, I mean, you know, even his own sister said
16 he lie and he wouldn't take responsibility for things and
17 Ron didn't have that. I mean, he had gone to the
18 military. He had lived what appeared to be a law abiding
19 life as far as I knew. And Theodore Davis had tried to
20 kill somebody previously by shooting them in the back of
21 the head. To me, he just seemed like the more likely
22 shooter in, you know, in the scenario. And even the 2003
23 interview that Dave McDougall did, apparently, you know,
24 he said there was -- yes, there was talk about robbing
25 this place, but there was never any talk about shooting

1 somebody in the back of the head. So my whole thought
2 was, you know, who's more likely to do this kind of
3 behavior, somebody who's never been in trouble or someone
4 who's got a history, a documented history of basically
5 being a felon. So I mean my theory was since we didn't
6 know for sure what happened, it's just as likely that
7 Davis would have done it as Mr. Finklea.

8 Q Okay. When you do it, you mean...

9 A Shoot the man in the back of the head.

10 Q And set him on fire?

11 A Correct.

12 Q Okay.

13 A In fact, I think, if I remember correctly, the video
14 tape didn't it show that Mr. Davis brought in the can of
15 gas. I mean, at least I think that argument was made. I
16 think the video -- I mean, there's the one where they --
17 that's Ron face and we had a big argument about that. I
18 thought that was ridiculous that they were allowing a
19 layperson with a motive to protect Mr. Davis to say ah-ha,
20 that's Ron, but, yeah, I didn't think it was clear that
21 Mr. Finklea was the shooter. I mean wanting to rob a
22 place is different than wanting to rob it, shoot someone
23 and set the place on fire. Those are different things.
24 Q Okay. And as you expected entering into the penalty
25 phase, what were your themes for that as you prepared the

1 case? You know basically that you don't just look at the
2 crime, you look at the person.

3 A The whole concept of proportionality is, you know,
4 it's the worst of the worst are the people who deserve the
5 death penalty. I mean, that's what the theory is behind
6 given it to somebody. We don't just kill off everybody
7 who's ever taken a human life, even with malice
8 aforethought. And in this case, I certainly did not think
9 that Ron Finklea met the criteria of being the worst of
10 the worst. You know, he was honorably discharged. He had
11 no criminal history. I had no information that he was out
12 there committing criminal offenses. I mean, he certainly
13 never been convicted. He certainly never been charged.
14 And, I mean, to me it seems like if you're going to say
15 somebody's the worst of the worst, you need to look at
16 their background. His background didn't include a bunch
17 of crimes, not at all.

18 Q Okay. The information that you had concerning the
19 family members that were utilizing determining to bring
20 the van from Alabama, was that information put together in
21 the interviews that both Mr. McDougall had and Carolyn
22 Graham had?

23 A Yes, ma'am -- I am sorry, yes, sir.

24 Q That's, okay. Let me refer you to Plaintiff's
25 Exhibit 27 the last two pages of that indicates potential

1 testimony that those witnesses may be able to give. Is
2 that the information that was gathered from Ms. Graham as
3 best you can recall?

4 A Yes, I believe so. These were her little summations,
5 sound bites what they could testify to.

6 Q Okay. And is that information consistent with the
7 information on the witnesses you called from Alabama?

8 A I believe so. I mean, I have to go back and compare,
9 but I don't think anybody testified to something that was
10 a surprise.

11 Q Okay. Now, of those witnesses, I believe that there
12 are two that were marked on that one is Larene Jackson?

13 A Yes.

14 Q And the other is Chanell Finklea?

15 A Yes.

16 Q Okay. And by each of those there's a handwritten
17 marking can't come?

18 A Correct.

19 Q Do you know if those individuals were present at
20 court?

21 A No, I do not.

22 Q Okay.

23 A I do not recall.

24 Q But neither of them ended up testifying; is that
25 correct?

1 A That's correct.

2 Q Do you have any knowledge that they got on the van
3 that went to Alabama or came from Alabama?

4 A I do not recall one way or the other.

5 Q Okay. But those that did testify were Erika
6 Middleton?

7 A Yes.

8 Q Johnny Finklea?

9 A Yes.

10 Q And a Curtis Blunt?

11 A Yes.

12 Q Johnny Finklea, SR.

13 A Uh-huh.

14 Q Betty Finklea Peoples?

15 A Right.

16 Q And Nicole Finklea Frontroy?

17 A Yes.

18 Q And what was the theme you were trying to present to
19 the jury through those family members from Alabama?

20 A Well, I mean basically that -- this was basically a
21 good guy, but obviously he got messed up in something that
22 he should not have been messed up in. We certainly
23 weren't taking issue with the fact that the jury had come
24 back and found that his participation in the robbery was
25 inexcusable. They found him guilty. We weren't really

1 arguing with that part. But again the whole issue was,
2 you know, is this man does he fall into the category of
3 the worse of the worse. And our position was no not even
4 close. I mean, I certainly believe that the co-defendant
5 again by history, was far worse than Ron, as far as, you
6 know, the life he had led. And yet he didn't face the
7 death penalty. They were trying to just stick it on Ron
8 and make him basically pay for everybody or for both of
9 them rather.

10 Q Okay. And you indicated on direct that you had
11 individual meetings with the witnesses that you put on the
12 witness stand?

13 A That's my recollection, yes, sir.

14 Q And was there testimony as you can recall consistent
15 with the information that they provided you one on one?

16 A Again, I was not surprised by what came from the
17 witness stand.

18 Q Okay. And was one of those witnesses Cherena Rolland
19 the defendant's first wife?

20 A Yes.

21 Q Came from Washington?

22 A Yes.

23 Q And did you have a meeting with her before she
24 testified?

25 A I can't specifically recall it, but I know she was

1 here and I remember -- I believe Dave McDougall picked her
2 up and I'm sure we met. I just don't specifically recall
3 it.

4 Q Okay. And isn't it correct that she testified about
5 the existence of some trauma in the defendant's history?

6 A Yes, that's correct.

7 Q That he had reported to her?

8 A Yes.

9 Q And some problems in the relationship that he had
10 with his mother?

11 A Yes.

12 Q And was that information a surprise to you at that
13 time?

14 A No, I mean it wasn't.

15 Q Okay. Now, in your discussions with
16 Dr. Schwartz-Watts, Dr. Maddox now, did you have an
17 understanding of potential testimony that she was prepared
18 to give prior to the time she had prepared her written
19 report, did you have an idea as to -- that she was heading
20 towards an anxiety disorder not otherwise specified
21 diagnosis?

22 A Yes, that's correct.

23 Q And evidence supportive of the existence of the
24 defendant's amnesia as a result of the hanging incident
25 that he had?

1 A Yes, sir.

2 Q Did you have any anticipation to utilize her to
3 additionally present a social history when she was being
4 prepared to testify?

5 A Right. I mean basically but for what I thought would
6 be very damaging information from that e-mail, I mean, we
7 wanted to present her testimony. Donna is very well
8 spoken. She's got great credentials. She makes a very
9 good witness. I mean, there's no reason not to call her
10 unless you think something bad could come out.

11 Q Okay. With respect to the Army officers, they had
12 testify Charlie Taylor and Ben Smith. What was your
13 reason for putting them up to testify?

14 A Well, I mean, Frankly, I think it's always good when
15 you have a member of the armed forces as a witness for
16 your client instead of against them. I mean, you know,
17 those people knew him. They respected him. You know,
18 they didn't have a dog in this fight. He wasn't their
19 brother. He wasn't their husband. He wasn't, you know --
20 he was just somebody they knew. And I think certainly
21 given the jury that we had, I thought it would be great to
22 have somebody from the military, somebody very respectable
23 get up on the stand and say something good without having
24 any dog in the fight. They weren't working for us. They
25 were just coming in and testifying.

1 Q Okay. Dr. Anna Cherrie, the psychiatrist, working in
2 the detention center, you call her to testify and she gave
3 an opinion that she was treating him for post-traumatic
4 stress disorder?

5 A Yes.

6 Q And it appears -- and you called her as the witness
7 you the examining lawyer on that case?

8 A Yes.

9 Q During the questioning concerning the existence of
10 the particular trauma, she indicated out of respect for
11 John excuse me -- for Ron she wasn't going to go into the
12 specifics; is that correct?

13 A That's right.

14 Q But do you have a recollection as to why that
15 testimony became focused or limited in that way from
16 Dr. Cherrie?

17 A I think, you know, as she testified to Ron wasn't --
18 he was very guarded. And I certainly didn't have any of
19 the information that would flesh out what had happened.
20 We just knew that he had had a difficult up bringing
21 according to at least Cherena and -- a certain extent his
22 then current wife, you know, in her e-mail, I think there
23 was some evidence there.

24 Q And you indicated as well as Dr. Maddox indicated
25 that the e-mail that she received when she began that