

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2019-000610

Stephen Corey Bryant, ...Petitioner-Respondent,

v.

State of South Carolina, ...Respondent-Petitioner.

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incident. ROA p. 401, l. 19. He suffers headaches, nosebleeds, and he is required to walk with a cane to control his balance. R. 1377, 395-96, Guilty Plea Tr. p. 55; Tr. pp. 395-396.

III. ALLEGATIONS

In his initial, May 5, 2011 application for post-conviction relief, the Applicant, through counsel Armstrong and Taylor made the following allegations⁵:

⁵In his motion for stay, appellate counsel Dudek, proffered different allegations that he thought could be raised in the anticipated PCR action. These allegations were:

- 16*
- (A) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to object, and correct the judge's misconception of the law, where the judge stated that he would "weigh the evidence" if petitioner pled guilty since South Carolina is not a weighing state and the judge weighing the circumstances against the mitigating circumstances was highly prejudicial given the facts of this case. R. 1340-1341.
 - (B) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to effectively rebut the solicitor's argument that these crimes had nothing to do with "trauma from sexual abuse" where Dr. Joel Sexton had testified about the victim's pants—"all of them"—being unzipped since the solicitor dismissing petitioner's post-trauma stress disorder mitigating evidence of sexual abuse violated the fundamental demands of fairness. R. 130-131; R. 1009.
 - (C) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where defense counsel failed to move to withdraw the entire guilty plea when the judge refused to allow the defense withdraw the guilty plea to charge of armed robbery since the request for a bench trial on the armed robbery indictment with the guilty plea covering all the charges, and the prudent course of action would have been to move to withdraw the entire plea.
 - (D) Petitioner was ineffectively represented in derogation of his rights under the Sixth Amendment to the United States Constitution, where counsel did not have the judge place on the record that he was a former solicitor and that he favored the death penalty in an egregious case since this was a critical fact where petitioner was waiving jury sentencing where any one juror could have presented a death

- I. **Ineffective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution . Counsel failed to conduct a reasonable investigation into Appellant's social history resulting in an inadequate penalty phase presentation. The dereliction was unreasonable and requires vacation of Applicant's sentence of death. [SOCIAL HISTORY INVESTIGATION].**
- II. **Ineffective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution. Counsel failed properly advise his client as to the entry of his guilty plea such that the plea was not knowingly and voluntarily entered. Had applicant been properly advised, he would not have entered a guilty plea but would have insisted on going to trial. This error requires that his applicant's guilty plea be vacated. [INADEQUATE ADVICE CONCERNING GUILTY PLEA].**

IV.

SOCIAL HISTORY INVESTIGATION.

 In first allegation in his application, Bryant makes an unsupported allegation that trial counsel failed to conduct a reasonable investigation into Applicant's social history resulting in an inadequate penalty phase presentation. Respondent submits that this assertion is wholly refuted by the record.

To establish deficient performance, a person challenging a conviction must show that "counsel's representation fell below an objective standard of reasonableness." Strickland v. Washington, 466 U.S. 668, at 688 (1984). A court considering a claim of ineffective assistance must apply a "strong presumption" that counsel's representation was within the "wide range" of reasonable professional assistance. *Id.*, at 689. The challenger's burden is to show "that counsel made errors so serious that counsel was not functioning as the 'counsel' guaranteed the defendant

sentence from being imposed.

Motion for Stay, p. 2-3. None of these claims are raised in the present PCR application.

by the Sixth Amendment.” *Id.*, at 687.

Strickland does not guarantee perfect representation, only a “‘reasonably competent attorney.’” 466 U. S., at 687 (quoting *McMann v. Richardson*, 397 U. S. 759, 770 (1970)); see also *Gentry*, *supra*, at 7. Representation is constitutionally ineffective only if it “so undermined the proper functioning of the adversarial process” that the defendant was denied a fair trial. *Strickland*, *supra*, at 686. Just as there is no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities. “[C]ounsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary.” *Id.* at 691, 104 S.Ct. 2052. Although in assessing the reasonableness of counsel's performance the Supreme Court has looked to sources such as the ABA Capital Sentencing Guidelines, see, e.g., *Rompilla v. Beard*, 545 U.S. at 387, 125 S.Ct. 2456; *Wiggins*, 539 U.S. at 524, 123 S.Ct. 2527, “[n]o particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant,” *Strickland*, 466 U.S. at 688–89, 104 S.Ct. 2052. The Court also has emphasized that “hindsight is discounted by pegging adequacy to ‘counsel's perspective at the time’ investigative decisions are made, and by giving a ‘heavy measure of deference to counsel's judgment.’” *Rompilla*, 545 U.S. at 381, 125 S.Ct. 2456 (quoting *Strickland*, 466 U.S. at 689, 691, 104 S.Ct. 2052)

An attorney can avoid activities that appear “distractive from more important duties.” *Bobby v. Van Hook*, 558 U. S. ___, ___ (2009) (per curiam) (slip op., at 8). Counsel was entitled to formulate a strategy that was reasonable at the time and to balance limited resources in accord

with effective trial tactics and strategies. See Knowles v. Mirzayance, 556 U. S. ___, ___ (2009) (slip op., at 14–15); Rompilla v. Beard, 545 U. S. 374, 383 (2005); Wiggins v. Smith, 539 U. S. 510, 525 (2003); Strickland, 466 U. S., at 699.⁶

Although courts may not indulge “post hoc rationalization” for counsel’s decisionmaking that contradicts the available evidence of counsel’s actions, Wiggins, 539 U. S., at 526–527, neither may they insist counsel confirm every aspect of the strategic basis for his or her actions. There is a “strong presumption” that counsel’s attention to certain issues to the exclusion of others reflects trial tactics rather than “sheer neglect.” Yarborough v. Gentry, 540 U. S. 1, 8 (2003) (per curiam). After an adverse verdict at trial even the most experienced counsel may find it difficult to resist asking whether a different strategy might have been better, and, in the course of that reflection, to magnify their own responsibility for an unfavorable outcome. Strickland, however, calls for an inquiry into the objective reasonableness of counsel’s performance, not

⁶The Supreme Court also has addressed counsel’s duty to investigate in two more recent cases, Porter v. McCollum, ___ U.S. ___, 130 S.Ct. 447, 175 L.Ed.2d 398 (2009) (per curiam), and Bobby v. Van Hook, ___ U.S. ___, 130 S.Ct. 13, 175 L.Ed.2d 255 (2009) (per curiam). Under AEDPA’s standard of review, however, our analysis is limited to “the law as it was ‘clearly established’ by [Supreme Court] precedents at the time of the state court’s decision.” Wiggins, 539 U.S. at 520, 123 S.Ct. 2527. In any event, Porter and Van Hook have not altered the scope of Strickland. The Court in Porter concluded that defense counsel’s representation had been constitutionally deficient where counsel had “failed to uncover and present any evidence of Porter’s mental health or mental impairment, his family background, or his military service.” 130 S.Ct. at 453. In Van Hook, the Court examined petitioner’s claim under the pre-AEDPA standard, 130 S.Ct. at 16, and denied relief where petitioner’s trial counsel had communicated with his parents, aunt, and family friend; consulted with two expert witnesses; and contacted the Veterans Administration in an effort to obtain petitioner’s medical records, *id.* at 18. Rejecting petitioner’s argument that trial counsel should have further investigated his background, the Court concluded that “given all the evidence they unearthed from those closest to Van Hook’s upbringing and the experts who reviewed his history, it was not unreasonable for his counsel not to identify and interview every other living family member or every therapist who once treated his parents.” *Id.* at 19.

counsel's subjective state of mind. 466 U. S., at 688. Harrington v. Richter, __ U.S. __ (Jan. 19, 2011).

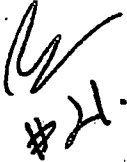
Ineffective assistance of counsel claims are not fungible but instead are highly fact-dependent. Hemmerle v. Schriro, 495 F.3d 1069, 1075 (9th Cir. 2007). Conclusory allegations not supported by specifics do not warrant relief. Jones v. Gomez, 66 F.3d 199, 204 (9th Cir. 1995); James v. Borg, 24 F.3d 20, 26 (9th Cir. 1994); U.S. v. Popoola, 881 F.2d 811, 813 (9th Cir. 1989). A conclusory allegation of ineffectiveness raises no constitutional issue because a petitioner must show how counsel was deficient and how there was prejudice. Miller v. Johnson, 200 F.3d 274, 282 (5th Cir. 2000). Vague and speculative assertions are deficient. U.S. v. Taylor, 802 F.2d 1108, 1119 (9th Cir. 1986), citing U.S. v. Rogers, 769 F.2d 1418, 1425 (9th Cir. 1985).

And in order to prevail on an ineffectiveness claim, a petitioner must make a sufficient factual showing to substantiate the claims. U.S. v. Schaflander, 743 F.2d 714 (9th Cir. 1984).

With respect to prejudice, a challenger must demonstrate "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.*, at 694. It is not enough "to show that the errors had some conceivable effect on the outcome of the proceeding." *Id.*, at 693. Counsel's errors must be "so serious as to deprive the defendant of a fair trial, a trial whose result is reliable." *Id.*, at 687. See Harrington v. Richter, __ U.S. __ (Jan. 19, 2011).

Surmounting Strickland's high bar is never an easy task." Padilla v. Kentucky, 559 U. S. ___, ___ (2010) (slip op., at 14). An ineffective-assistance claim can function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial, and so the Strickland

standard must be applied with scrupulous care, lest “intrusive post-trial inquiry” threaten the integrity of the very adversary process the right to counsel is meant to serve. Strickland, 466 U. S., at 689–690. Even under de novo review, the standard for judging counsel’s representation is a most deferential one. Unlike a later reviewing court, the attorney observed the relevant proceedings, knew of materials outside the record, and interacted with the client, with opposing counsel, and with the judge. It is “all too tempting” to “second-guess counsel’s assistance after conviction or adverse sentence.” *Id.*, at 689; see also Bell v. Cone, 535 U. S. 685, 702 (2002); Lockhart v. Fretwell, 506 U. S. 364, 372 (1993). The question is whether an attorney’s representation amounted to incompetence under “prevailing professional norms,” not whether it deviated from best practices or most common custom. Strickland, 466 U. S., at 690.

 In assessing prejudice under Strickland, the question is not whether a court can be certain counsel’s performance had no effect on the outcome or whether it is possible a reasonable doubt might have been established if counsel acted differently. See Wong v. Belmontes, 558 U. S. ___, ___ (2009) (per curiam) (slip op., at 13); Strickland, 466 U. S., at 693. Instead, Strickland asks whether it is “reasonably likely” the result would have been different. *Id.*, at 696. This does not require a showing that counsel’s actions “more likely than not altered the outcome,” but the difference between Strickland’s prejudice standard and a more-probable-than-not standard is slight and matters “only in the rarest case.” *Id.*, at 693, 697. The likelihood of a different result must be substantial, not just conceivable. *Id.*, at 693. Harrington, *supra*.⁷

⁷ Moreover, there may be a significant possibility that, had highly speculative evidence been given any weight at all, it would have been treated as aggravating rather than mitigating. See Atkins v. Virginia, 536 U.S. 304, 321, 122 S.Ct. 2242, 153 L.Ed.2d 335 (2002). In Cullen v. Pinholster, ___ U.S. ___, 131 S.Ct. 1388, ___ L.Ed.2d ___ (2011), for example, the Supreme Court found that new evidence of an “organic personality syndrome” and “brain

However, the United States Supreme Court recently clarified what *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) requires in the context of investigation and preparation of penalty phase mitigating evidence:

The Sixth Amendment entitles criminal defendants to the " 'effective assistance of counsel' "--that is, representation that does not fall "below an objective standard of reasonableness" in light of "prevailing professional norms." That standard is necessarily a general one.... Restatements of professional standards, we have recognized, can be useful as "guides" to what reasonableness entails, but only to the extent they describe the professional norms prevailing when the representation took place.

Bobby v. Van Hook, --- U.S. ---, ---, 130 S.Ct. 13, 16, 175 L.Ed.2d 255 (2009) (citations omitted). Accord, *Cox v. McNeil*, 638 F.3d 1356 (11th Cir. 2011) (habeas relief not warranted even if counsel's performance fell short of standards for reasonableness as articulated by American Bar Association guidelines for capital defense work, absent showing that there was reasonable probability that outcome of either his guilt or penalty phase would have been different had his counsel discussed mitigation at greater length with potential jury members).

The U.S. Supreme Court held the Federal Circuit Court erred in applying 2003 ABA guidelines pertaining to specifics defense counsel should investigate in preparing mitigation evidence, when such guidelines were announced 18 years after the defendant's trial. The Court then reiterated *Strickland*'s emphasis that such bar standards are " 'only guides' to what reasonableness means,

damage" was "by no means clearly mitigating, as the jury might have concluded that [the defendant] was simply beyond rehabilitation." Id. at 1396-97, 1410. The Court concluded that, in light of the ambiguous nature of the brain injury, "[t]here [wa]s no reasonable probability that the additional evidence ... would have changed the jury's verdict." Id. at 1409.

not its definition." *Id.*, at 17 (quoting Strickland, at 688).⁸

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In any event, as set forth below, any potential "unused or undiscovered" testimony is likely to fall far short of the powerful evidence that has been held sufficient to satisfy the prejudice prong in a brutal murder case. See, e.g., Porter, 130 S.Ct. at 454 ("Had Porter's counsel been effective, the judge and jury ... would have heard about (1) Porter's heroic military service in two of the most critical—and horrific—battles of the Korean War, (2) his struggles to regain normality upon his return from war, (3) his childhood history of physical abuse, and (4) his brain abnormality, difficulty reading and writing, and limited schooling."); Rompilla v. Beard, 545 U.S. 374, 390–93, 125 S.Ct. 2456, 2467–69, 162 L.Ed.2d 360 (2005) (Rompilla's trial counsel failed to discover or present evidence that Rompilla (1) had test results pointing to schizophrenia, fetal alcohol syndrome, and stunted mental development, (2) was beaten by his father with fists, leather straps, belts, and sticks, (3) was locked in a small wire mesh dog pen filled with excrement, (4) was not allowed to visit other children or speak on the phone, and (5) lived without indoor plumbing, slept in an unheated attic, and attended school in rags); Wiggins v. Smith, 539 U.S. 510, 516–17, 534–35, 123 S.Ct. 2527, 2532–33, 2542, 156 L.Ed.2d 471 (2003)

⁸Petitioner may point to the ABA Guidelines to suggest it is per se ineffective assistance of counsel to fail to do as it commands. But ABA Guidelines are not "inexorable commands"; rather, they are "'only guides' to what reasonableness means, not its definition." Bobby v. Van Hook, — U.S. —, —, 130 S.Ct. 13, 17, 175 L.Ed.2d 255 (2009) (quoting Strickland, 466 U.S. at 688, 104 S.Ct. 2052) (internal quotations omitted). As the Strickland Court explained, "[n]o particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. Any such set of rules would interfere with the constitutionally protected independence of counsel and restrict the wide latitude counsel must have in making tactical decisions." *Id.* at 688–89, 104 S.Ct. 2052. Lindsey's counsel were between a rock and a hard place in determining the best way to spare him a death sentence, given the overwhelming evidence of his guilt. See, Post v. Bradshaw 621 F.3d 406, 418 (6th Cir. 2010).

(trial counsel offered no evidence of Wiggins's life history, which included (1) being left alone for days at a time with no food, forcing him to beg for food and eat paint chips and garbage, (2) beatings for breaking into the locked kitchen, and (3) being passed among various foster homes, where he was physically abused and also suffered repeated molestations, rapes, and gang-rapes).

And here the new mitigation is likely an extension of what the sentencing judge had heard, which is critically different from the above cases, in which the new mitigation was not only powerful, but of a type that counsel did not present in the penalty phase at all. See Porter, 130 S.Ct. at 454 (noting that the “judge and jury at Porter's original sentencing heard almost nothing that would humanize Porter or allow them to accurately gauge his moral culpability,” including the powerful evidence of Porter's heroic and emotionally scarring military service); Rompilla, 545 U.S. at 393, 125 S.Ct. at 2469 (finding that the evidence discovered after trial “adds up to a mitigation case that bears no relation to the few naked pleas for mercy actually put before the jury”); Rutherford v. Crosby, 385 F.3d 1300, 1315 (11th Cir.2004) (“[T]his is not a situation like the one in Williams v. Taylor or Wiggins v. Smith, where the jury heard very little mitigating circumstance evidence and heard none at all about the type of mitigation presented during the post-conviction proceedings.” (citation omitted)). Courts previously has affirmed findings of no prejudice where, as likely here, (1) the new mitigation evidence did not establish any statutory mitigating factors, (2) the new mitigation evidence did not reduce the weight of the statutory aggravating factors, and (3) the jury had heard some non-statutory mitigation of the same type the new mitigation presented, just in less detailed form. Boyd v. Allen, 592 F.3d 1274, 1297–1302 (11th Cir.), cert. denied, — U.S. —, 131 S.Ct. 645, 178 L.Ed.2d 487 (2010); Robinson v. Moore, 300 F.3d 1320, 1346–48 (11th Cir.2002); see also Rutherford, 385 F.3d at

1315–16 (finding state court's conclusion of no prejudice reasonable because (1) jury had heard some evidence of defendant's mental and emotional state, and evidence as to other possible non-statutory mitigating factors, from penalty phase witnesses, (2) new evidence would have come at cost of introducing damaging testimony, and (3) strong aggravating factors existed); Rose v. McNeil, 634 F.3d 1224, 1245 -1246 (11th Cir. 2011).

Any proper Strickland assessment must begin with the trial record and what defense counsel actually presented:

Against the backdrop of Bryant's serial spree of murders and assaults, the Applicant introduced evidence related to his character, his dysfunctional family and his expert testimony concerning his adaptability to prison. As revealed, the relevant mitigating evidence concerned Stephen Corey Bryant's character and his personal family history. The mere fact that direct evidence from his aunt that she had problems with his grandfather - presumably molested according to the contemporaneous argument - was not directly relevant to Bryant's character.

However, Dr. Schwartz-Watts, the defense forensic psychiatrist, testified as an expert that Petitioner suffered from Post-Traumatic Stress Disorder as a result partially of his claimed sexual abuse as a child. ROA p. 814-815, 822-823, 828-829, 832-33. [Dr. Watts also testified on cross-examination, as a sexual abuse expert, that she relied in her opinion on the information she received from the aunt that she was abused by the grandfather. ROA p. 853, l. 8-19, p. 854, l. 24- p. 855, l. 12. She found that his report, his behavior, his lack of reporting the abuse until 2004 was consistent with someone who had suffered with the abuse. However, she conceded that while the accounts may not be reliable, his behavior and symptoms were consistent with someone that was abused. ROA p. 855, l. 6-12. Similarly, the judge heard testimony from Dr.

Marty Loring, a social psychologist and expert in trauma and stress and its effect on adults that have been traumatized as children. ROA p. 919-940. She testified about the reports of sexual abuse related to a genogram of the family history and the sexual abuse against Bryant by various family members, including anal rape. ROA p. 942-944, 947-951. Dr. Loring also testified about the aunt's sexual abuse from the grandfather. ROA p. 954, l. 15-23.

Therefore, the sentencing judge was not deprived of the relevant mitigating evidence related to the character of Stephen Bryant as it relates to his claimed mental health mitigation of post-traumatic stress disorder. The claim lacks merit for relief.

WHAT MITIGATION THE JUDGE HEARD

Former Probation Agent Gina Creech testified that Bryant came to her office in August 2004 seeking counseling because he had been unable to sleep due to some problems as a child. ROA p. 736. She referred him to Healthy Minds. Id.

The Applicant's grandmother, Shirley Freeman, testified in mitigation. ROA p. 770. She testified that her former husband, William Edward Bryant, physically abused her and the children. ROA p. 771. She described the Applicant's relationship with his parents - Wayne Edward Bryant, Jr. And Katherine - as cold. ROA p. 773.

She stated the Applicant came and talked to her on August 19, 2004 about being molested by his grandfather, her ex-husband, his mother's brother (uncle) and an older half-brother. ROA p. 774, ll. 21-25. As a result, she stated they called the sexual abuse hotline. ROA p. 776. This was the last time they saw him until his arrest. ROA p. 776.

The Applicant's aunt testified Bryant talked to her on August 19, 2004 when her mother called her over. Bryant testified that he wanted to talk about him being sexually abused by his

grandfather. ROA p. 790, l. 2. She stated that she was unaware of the sexual abuse until then. ROA p. 790, ll. 5-8. She described Bryant as upset and tortured which was unlike his prior demeanor. ROA p. 791, also, ROA p. 795. The aunt stated she made a series of calls, including a sexual abuse hotline. Bryant told her that he needed help and was trying to get help. ROA p. 796.

The aunt also described Bryant's relationship with his mother as full of animosity and hatred. ROA p. 793.

Dr. Donna Schwartz-Watts, a defense forensic psychiatrist, testified about her evaluation of the Applicant. She stated that she had prepared a developmental history based upon a series of interviews and information. She stated that she found significance that there were substance abuse issues within the parents. ROA p. 814. Dr. Watts described that Bryant had Attention Deficit Disorder (ADD) as a child.

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She also stated that Bryant had reported he was sexually abused as a child by four people: his paternal grandfather, his half-brother, his paternal uncle, and his mother. ROA p. 814, l. 22 - p. 815, l. 1. She also found significant his involvement in the juvenile justice system at an early age beginning at age 11. ROA p. 815. She noted his school records showed repeating first grade, many absences, and involvement with school counselors by 4th grade. ROA p. 815. The records reported he was in emotionally handicapped classes and low average intelligence, along with A.D.D. ROA pp. 815-816.

She stated that in her own discussion with family members, the aunt and grandmother, she learned that one of Bryant's perpetrators had also sexually abused other family members. ROA p. 817, ll. 5-7.

In reviewing his medical history, she stated that shortly before the crimes, he was at the hospital and reported two men had assaulted him. ROA pp. 817-818.

In reviewing his juvenile records, she found that he had been physically assaulted and also had been placed on anti-depressants. He was determined to have A.D.D. and dysthymia (chronic depression) at the Department of Juvenile Justice. ROA p. 819.

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Dr. Watts opined concerning the effect of the sexual and substance abuse on his psychiatric past. She noted his history of receiving anti-depressants. She confirmed that prior to the crimes, that his aunt and grandmother, had sought out treatment for his sexual abuse resulting in a referral on September 1, 2004 at Healthy Minds. Within that report, Bryant had reported he was subject to sexual abuse where restraints and threats were made and involved intercourse and penetration. At that time, Bryant also reported abuse by his grandfather began at age 7, but did not state what age his sexual abuse by his mother began. Follow-up was also done by the agency on September 3, 7, and 10 and he reported symptoms of anger, shame and flashbacks. ROA p. 823. Dr. Watts noted after his arrest, Bryant was evaluated and determined to have anti-social personality disorder with depressed mood by a doctor employed by the jail. ROA p. 824.

Dr. Watts noted that Bryant had sought treatment before the crimes, had mood disorders going to 1996, been on medication since then, and reported improvement when on the stabilizers. ROA p. 824.

Dr. Watts opined that she found Bryant "was under the influence of mental or emotional disturbance at the time of the crimes" and "his capacity to appreciate the criminality of his conduct or conform his conduct to the requirements of the law was substantially impaired." ROA p. 824, ll. 17-23. Dr. Watts diagnosed Bryant with "Post-Traumatic Stress Disorder."

ROA pp. 826-828. She opined that this was based upon his reports of childhood sexual abuse, documented through SCDC records in 1999 and the YMCA - Healthy Minds report, including the flashbacks. ROA p. 826. It included his irritability and outbursts of anger. ROA p. 827, ll. 3-6.

She also opined that he suffered from a number of substance abuse disorder, as well as A.D.D. and dysthymia by history. ROA p. 828.

Dr. Watts noted that recent treatment with medications had caused improvement in his mood and makes him much calmer. ROA p. 831.

She opined that the murders were related to his P.T.S.D. She noted that in the videos and cases he reports feeling threatened by the victims. ROA pp. 833-835. She stated that they were all related because he was paranoid and misjudged people's perceptions, feeling sexually threatened by the victims. ROA p. 835, ll. 14-25.

On cross-examination, Dr. Watts admitted that P.T.S.D. is a diagnosis where a lot of the symptoms have to be self-reported. ROA p. 847, ll. 22-25. She acknowledged that he had reported the sexual assaults to the YWCA shortly before the crimes and he had reported his uncle had abused him in August 2002 in the S.C.D.C. records. ROA p. 852. Dr. Watts asserted that when he reported his grandfather had abused him to Dr. Crawford, it was corroborated by his aunt's admission to her that he was similarly abused. She stated: "its very seldom that if you have an incest perpetrator within the family that they confine their activity to one individual in the family." ROA p. 853. She admitted that other than the aunt, there was not other corroboration. ROA p. 853. She admitted that the other claims by him of his mother molesting him, his father beating him, and his uncle assaulting him were self-reports only. However, in

light of his symptoms, she opined his aunt's history was sufficient for her to diagnose the P.T.S.D. ROA pp. 854-855, l. 9.

On re-direct, Dr. Watts noted that he had reported the abuse prior to the crime to the YWCA and his probation officer. ROA p. 867. She noted that his behavior was consistent with a victim of incest. ROA pp. 867-868.

Dr. Alexander Morton, an expert in psycho-pharmacology, addictions and psycho-pharmacy practice testified about Bryant's past drug-history and the affects of the drugs. ROA pp. 875-901. Within his slide presentation, Dr. Morton additionally noted the history of P.T.S.D. and sexual abuse. ROA p. 886, ll. 11-12. He noted that P.T.S.D. often leads to drug abuse for an attempt to self-medicate. ROA pp. 887-888. He stated that Bryant was sexually abused by four different people, corroborated by other records. He included that his grandfather started out sexually abusing him and then there was inappropriate sexual behavior from his mother. ROA p. 890, l. 21 - p. 891, l. 9. He described abuse by an uncle and half-brother. He stated the family had a genetic predisposition to not be able to control their drug abuse. ROA p. 891, ll. 10-17. He also noted that he had attempted to get treatment for the abuse. ROA p. 900, ll. 13-18.

Dr. Morton had opined that Bryant abused RAID insecticide, Benadryl, methamphetamine, marijuana, and LSD. ROA pp. 881-889, 916.

Dr. Marty Loring, a social worker and social psychologist, testified about her social history of Bryant. She declared that she spoke with numerous family members, including the aunt and grandmother. ROA p. 930. She also reviewed a series of records, including the "YWCA records of sexual abuse counseling." ROA p. 931. Dr. Loring prepared a genogram of

the family members, identifying various factors. She reported that it designated the sexual abuse reported the Applicant by the various family members. ROA p. 941, ll. 10-18. She noted the abuse to Applicant by his older brother and grandfather (ROA p. 941, l. 22 - p. 942, l. 4), the beatings by his father (ROA p. 924, ll. 11-16). Particularly, she stated the abuse from his mother was profound and included sexual, emotional, and physical abuse. ROA p. 942, ll. 21-25. Also, she related the sexual abuse of the uncle. ROA p. 943, ll. 24-25.

Dr. Loring described the childhood as happy and fearless. ROA pp. 946-947. However, she opined that in 1987, when he is 7, sexual abuse occurs by his grandfather and stepmother. ROA p. 947, ll. 11-14. She states this creates a change.

She describes his description of anal rape. Later within the year, sexual abuse by his mother begins. This was followed by arson; explosive school behavior and lack of concentration which are signs of abuse. ROA p. 948.

Dr. Loring describes the developmental path of Applicant's conduct which she described as a "psychologically battered child." ROA p. 948 - p. 953, l. 20. She describes the difference between Applicant and his aunt who had "done so well, able to bounce back from her sexual abuse by grandfather..." because she had people in her life who took care of her. ROA p. 954, l. 19 - p. 955, l. 7.

Dr. Loring described that counseling for sexual abuse that Applicant sought from Healthy Minds and the YWCA. ROA p. 956-957.

Dr. Loring concluded that he had expressed grief and sorrow for his crimes. ROA pp. 960-961.

Dr. Loring stated on cross-examination that when he has told pieces of sex abuse is

"something to be believed." ROA p. 971, l. 9-15. She confirmed that the allegation about the grandfather had been denied by the grandfather. ROA p. 971, l. 16-21. She noted that there was conflicting evidence from the mother who stated that rather than the grandfather and grandmother being at the hospital at that alleged time of the sexual assault, Stephen and his grandfather were left alone at the house. ROA p. 972, l. 1-18. As to the mother's abuse of the Applicant, Dr. Loring claimed that she, in part, denied molesting him. ROA p. 972, l. 19-973, l. 9. She noted that Sgt. Jordan had confirmed that the aunt had called and told about the family member who had been sexually abused and asked for counseling. ROA p. 978.

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James Aiken, former Warden at the South Carolina Department of Corrections and prison administrator, testified as an expert in the field of adaptability to prison life. ROA p. 989. He opined, despite the prior fact of Applicant's assaultive behavior in a jail setting, that "we can confine him for an extended period of time in a high security setting." ROA p. 992, l. 3-16. He stated that he was not a predator and can be managed in a prison setting. ROA p. 994-995.

On cross-examination, it was developed, that in addition to his prior criminal record and the crimes against jail personnel that he had pled guilty, he had 40 prior prison infractions when he was incarcerated between 1999-2002. He stated that 13 were minor, but 27 were major infractions. ROA p. 995-996. He noted that while he was a safekeeper from October 2004, he had 17 infractions, including striking an inmate, assault and battery on an inmate, threatening the life of a public official, assault and battery on a corrections officer. ROA p. 997-998.

In the defense closing statement, Jack Howle addressed the existence of the sexual assault and reporting by the Petitioner. ROA p. 1029-30. He states that it was reported, prior to the crimes, to the aunt and grandmother. He notes that the reporting was confirmed by Gina Creech,

the probation officer who referred him to Healthy Minds. He spoke about Dr. Watts testimony related to the reporting and confirmation of the sexual assault. ROA p. 1030, l. 7-13.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. Pursuant to SCRCF, Rule 12(e), Respondents herein move this Court for a more definite statement in a timely manner or to strike the allegation because it is too vague and ambiguous. The Respondents cannot be expected to reasonably respond to the broad claim without a precise statement as to what evidence the Applicant now claims existed at the time of trial that should have been used in light of the evidence in mitigation that was actually presented.

V.

ADVICE ON GUILTY PLEA.

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#33 In his second allegation, Bryant contends counsel failed properly advise his client as to the entry of his guilty plea such that the plea was not knowingly and voluntarily entered. However, he fails to set out what particular advice, the Applicant failed to receive from his counsel. Pursuant to SCRCF, Rule 12(e), Respondents herein move this Court for a more definite statement in a timely manner or to strike the allegation because it is too vague and ambiguous. The Respondents cannot be expected to reasonably respond to the broad claim without a precise statement as to what advice the Applicant now claims he failed to receive from the counsel prior to his guilty plea.

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel's ineffective

performance. Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996). When there has been a guilty plea, the applicant must prove that counsel's representation was below the standard of reasonableness and that, but for counsel's unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 99 L.Ed.2d 203 (1985); Alexander v. State, 303 S.C. 539, 402 S.E.2d 484 (1991).

A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea are *conclusive* unless the defendant presents reasons why they should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976). Blackledge v. Allison, 431 U.S. 63, 74 (1977)(stating that representations made by defendant at plea hearing present formidable barrier to habeas corpus relief).

#39. In a PCR proceeding, the burden of proof is on the applicant to prove the allegations in his application. Bell v. State, 321 S.C. 238, 467 S.E.2d 926 (1996), overruled in part on other grounds Brightman v. State, 336 S.C. 348, 520 S.E.2d 614 (1999).

Federal and state courts have long recognized the principle that a plea of guilty must be intelligently and voluntarily entered to be valid. In Boykin v Alabama, 395 U.S. 238(1969), the United States Supreme Court, added the requirement that the record must affirmatively disclose that a defendant, who pleaded guilty, entered his plea understandingly and voluntarily. Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463, 25 L.Ed.2d 747 (1970).

In State v. Armstrong, 263 S.C. 594, 211 S.E.2d 889 (1975), our Supreme Court recognized the finality of a guilty plea when proper safeguards have been afforded a defendant in

an adult criminal proceeding. Generally, "the [court] must be certain that the defendant understands the charge and the consequences of the plea and that the record indicates a factual basis for the plea." Armstrong, 263 S.C. at 598, 211 S.E.2d at 891. In Armstrong, our Supreme Court also acknowledged that the "court's warning should include an explanation of the defendant's waiver of constitutional rights and a realistic picture of all sentencing possibilities." Id.

A further explication of Boykin was set forth in State v. Lambert, 266 S.C. 574, 578, 225 S.E.2d 340, 342 (1976), wherein, our Supreme Court stated:

The test established by Boykin v. Alabama, ... is whether the record establishes that a guilty plea was voluntarily and understandingly made. If the record shows that the plea was so entered, then it is not silent as to the waiver of his constitutional rights. We do not read Boykin ... to require that the trial judge direct the defendant's attention to each and every constitutional right and obtain a separate waiver of each. We believe that an enumeration of specific rights *293 waived is not required where the record otherwise reveals affirmative awareness of the consequences of a guilty plea. (citations omitted).

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In accordance with Boykin, our Supreme Court held in Lambert a guilty plea may not be accepted unless it is voluntarily and understandingly made. Lambert, 266 S.C. 574, 225 S.E.2d 340. All that is required to knowingly and voluntarily enter a plea of guilty is that a defendant have a full understanding of the consequences of his plea and of the charges against him. Simpson v. State, 317 S.C. 506, 455 S.E.2d 175 (1995).

The Due Process Clause requires guilty pleas be entered into voluntarily, knowingly, and intelligently. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.E.2d 274 (1969). Before a court can accept a guilty plea, a defendant must be advised of the constitutional rights he or she is waiving. In addition to the requirements of Boykin, a defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory

minimum penalty, and the nature of the constitutional rights being waived. State v. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980) (emphasis supplied); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In State v. Armstrong, 263 S.C. 594, 211 S.E.2d 889 (1975), the Court held that before a guilty plea may be accepted, the court must be certain the defendant understands the charge and the consequences of the plea and that the record indicates a factual basis for the plea.

Further, the Applicant has failed to assert any particular misadvice by counsel prior to the plea. However, the thorough inquiry by Judge Russo of the both the defendant and his counsel suggests that any earlier statements would likely have been corrected by the judge. See Bennett v. State, 371 S.C. 198, 205 n. 6, 638 S.E.2d 673, 676 n.6 (S.C. 2006) ; Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997) (even if counsel gives erroneous advice, an applicant is not entitled to PCR where any misconceptions are cured by the colloquy during the guilty plea proceeding); Burnett v. State, 352 S.C. 589, 576 S.E.2d 144 (2003) (any possible misconceptions on PCR applicant's part were cured by the colloquy during the plea proceeding); see also Moorehead v. State, 329 S.C. 329, 333, 496 S.E.2d 415, 416 (1998) ("the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing").

The record of the August 18, 2009 guilty plea solely suggests that it was freely and voluntarily entered consistent with Boykin. ROA 1328-1385. At the outset, Dr. Donna Schwartz-Watts and Dr. Margaret Melikian, retained defense witnesses, were present to confirm the Applicant's competency to plead guilty. ROA 1329-1330. The Applicant was sworn and confirmed that he was 27 years old, completed the 10th grade, had not received a GED, had done construction work, had fathered one child (but had not seen him), had received outpatient

services for mental health when he was younger, but his mother quit the program and currently was taking Tegretol, which he claimed assists his ability to understand.. ROA 1332-34.

Bryant stated under oath in response to the judge going over each indictment that he understood the maximum penalty on each charge, including the state's intent to seek the death penalty on the murder charge. ROA 1334-1338.

Bryant stated that by pleading guilty to the charges, he was giving up certain constitutional rights. ROA 1338. He stated at the outset that no one had promised him or indicated to him what sentence the court would impose. ROA 1339, l. 1-4. He stated he understood that the court would not decide until hearing from the state and his attorneys. Both counsel Howle and Clarke indicated to Judge Russo that neither had given any indication by the sentencing court what sentence the court would impose. ROA 1339, l. 8-15. The Solicitor made a similar confirmation that the court had not indicated to him what sentence he would impose. ROA 1339, l. 16-21.

Judge Russo then describe the juror selection process Applicant was waiving. Particularly, Judge Russo declared that he would fit in the third classification of a juror and charged with the duty to listen to all the evidence, weigh the evidence and apply the law to the evidence and that "I have absolutely no idea what sentence this Court would impose because I have yet to hear the evidence..." ROA 1341.

Judge Russo next described that particular constitutional rights he was waiving including:

- the right to a jury trial.
- the presumption of innocence (and an instruction to the jury on it).

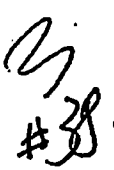
- burden of proof upon the state to show guilt beyond a reasonable doubt.
- right to question and confront witnesses.

ROA 1341, l. 9-23. He also described to Bryant that he had:

- the right to present witnesses in his defense, but no requirement to do so.
- the right to remain silent and the right to have an instruction that the jury not consider the fact he exercised the right against him.
- the right to present any evidence he wished to present.
- the right to a unanimous jury - that all 12 jurors would have to agree.

ROA 1342-1343.

Judge Russo also stated that if the juror found him guilty, the Applicant would have additional rights, including:

- 
- if found guilty by the jury, he would have the right to require in a second trial for sentencing for the State to convince all 12 jurors and have a unanimous sentencing verdict and if the state could only convince 11 to vote for the death penalty and one person that would not vote for death, the Court would be obligated and would enter a life sentence without parole instead of the death sentence.
 - any challenges to the constitutionality of the state's death penalty statute would be waived by pleading guilty.

ROA 1344-45. Applicant stated that he understood each of these rights.

Judge Russo inquired of the State whether there had been any plea negotiations and the Third Circuit Solicitor (Jackson) and Fifth Circuit Solicitor (Ms. Luck Campbell Hubbard)

denied any plea agreements. ROA 1345.

Bryant confirmed that his guilty pleas to the charges were without any negotiated sentence and that if accepted this date that there would be a trial to determine the sentence at a later date. ROA 1345-46.

Bryant also declared that he was satisfied with the representation of counsel Howell and Clarke. ROA 1346, l. 7-11. He affirmed that they had spoken with him as long as was necessary to represent him and that he did not need further time with them. Bryant also affirmed that he had understood his talks with them, that they had done everything that he had asked them to do and that they had not done anything the he did not want them to do. ROA 1346-47. He declared that he was completely satisfied with his lawyer's services and did not have any complaints to make against them. ROA 1347.

12
#39. Judge Russo then inquired of former counsel Jim Baab, and Assistant Solicitors Saleeby and Campbell-Hubbird who each declared that the Court had not indicated to them any indication of what sentence he would give. ROA 1348.

After the prosecution made its factual presentation of the crimes of Applicant [ROA 1348-1384], Applicant confirmed that the recitation of the facts on each crime was correct or corrected them. ROA p. 1353, l. 14-19 (Robert Dennis crimes); p. 1357, l. 19-23 (Ammons crimes); p. 1360, l. 15-18 (Brown crimes), p. 1365, l. 23-24 (Cliff Gainey crimes); p. 1371, l. 11-15 (Tietjen crimes); p. 1374, l. 11-17 (Burgess crimes); p. 1376, l. 7-22 (Sumter Lee Detention Center Officer Thronwell Joe) ("I threatened him but there was no nurse there because it wasn't during no medication, just was him and two other officers there."); p. 1377, l. 23-25 ("Yeah, I hit him. Sir").

After the factual basis, Judge Russo inquired again of Applicant if anyone had promised him anything, held out any hope of reward or threatened him in any way to get him to plead guilty and Bryant denied it. ROA 1378, l. 10. Bryant also declared that he had been advised what the possible sentences are, but confirmed that no one had told him what he would get. He also confirmed that he understood the questions that had been asked him, that no one had suggested the answers to the questions ("no, they have been my answers, sir")(ROA 1379, l. 20), and that he had been truthful in each answer. ROA 1379-80.

Judge Russo then found that there was a substantial factual basis for the entry of the plea on each of the charges. ROA 1380, l. 11-15. He then stated that he found the decision to enter the pleas had been done freely, voluntarily, knowingly and intelligently." Judge Russo further indicated that Applicant understood he waives the constitutional rights that had been reviewed with him and his decision to go forward with this plea is freely voluntarily and intelligently made. ROA 1380-81. Judge Russo then accepted the plea. ROA 1380-81.

Respondent submits that the record reveals that the solemn and sworn declarations by Stephen Bryant carry a presumption of verity. With those statements, the record solely supports a conclusion, as determined by the plea judge, that his guilty pleas were freely and voluntarily entered. The Applicant has wholly failed to assert with any specificity any particular omitted advice from counsel to the Applicant concerning the entry of his plea or erroneous advice to Applicant. Absent such an assertion, the allegation must be denied.

VI. CONCLUSION

Each and every allegation in the Application not hereinabove either expressly admitted, denied, qualified or explained is hereby denied.

WHEREFORE, Respondent submits that the Application for Post-Conviction Relief should be dismissed or, in the alternative, that the Court should direct the Applicant to timely serve and file an Amended Application for Post-Conviction Relief specifying all grounds for relief with particularity pursuant to Rule 12(e).

Respondents also request this Court to hold a status hearing within thirty (30) days pursuant to Section 17-27-160 and establish a final hearing date.

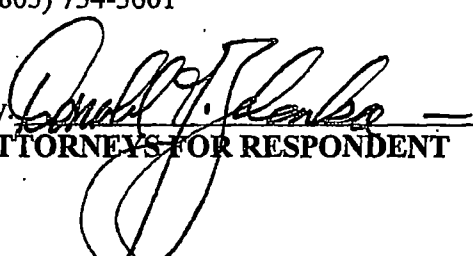
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General
(Counsel of Record)

P. O. Box 11549
Columbia, SC 29211
(803) 734-3601

By  —
ATTORNEYS FOR RESPONDENT

June 7, 2011

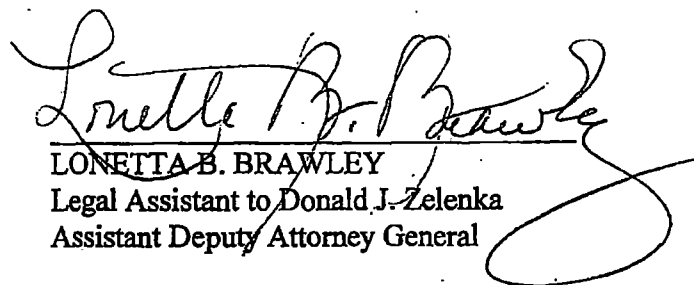
CERTIFICATE OF SERVICE

I, **Lonetta B. Brawley**, hereby certify that I have served the *Return to Application for Post-Conviction Relief and Rule 12(e) Request and Request for Status Conference* in the foregoing action by depositing copies in the United States mail, postage prepaid, to the following:

Melissa J. Armstrong, Esquire
1830 Marion Street
Columbia, SC 29201

Heath P. Taylor, Esquire
3618 Sunset Blvd., Suite D
West Columbia, SC 29169

This 8th day of June, 2011.


LONETTA B. BRAWLEY
Legal Assistant to Donald J. Zelenka
Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA **RECORDED** IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER 2012 MAY -9 AM 11:45

Stephen Corey Bryant,

JAMES C. CAMPBELL
CLERK OF COURT 43-901
SUMTER COUNTY S.C.

Applicant.

vs.

State of South Carolina,
Respondent.

) **MOTION FOR CONTINUANCE**
) **DUE TO EXTRAORDINARY**
) **CIRCUMSTANCES—APPLICANT'S**
) **INCAPACITY.**

Undersigned counsel hereby moves this Court for a continuance in the above-captioned matter. This case is scheduled for trial June 11, 2012. Counsel has been informed by Applicant's forensic psychiatrist, Dr. Donna Schwartz Watts that Applicant is, in her opinion and to a reasonable degree of medical certainty in the field of forensic psychiatry, legally incompetent. Dr. Watts' Affidavit is attached to this Motion. Counsel request a continuance of time for purposes of having Dr. Watts work with Mr. Bryant in an effort to work towards restoration of his competence. Counsel believe it is important that Mr. Bryant be competent and able to assist them in his post-conviction action. Counsel will need Mr. Bryant to testify at his hearing and to be able to discuss the issues raised on his behalf. Due process and fundamental fairness, as well as the prohibition against cruel and unusual punishment, require that a litigant facing death be mentally capable to assist Counsel in his own defense. To proceed forward with a litigant who cannot assist counsel and comprehend the proceedings in which he is engaged would violate the South Carolina Constitution and Laws, United States Constitution and laws, and the most basic notions of fairness and justice.

Counsel would note that there would be no prejudice to the Respondent were a continuance granted in order to allow Dr. Watts to work with Mr. Bryant and attempt to restore his competence. On the other hand, requiring Applicant to proceed to his hearing while unable to assist counsel will be devastating to his claims raised in post-conviction and deny him due process of law, effective assistance of counsel, as well as violate his rights under the Eighth Amendment to the United States Constitution.

WE SO MOVE.

Respectfully Submitted:



Melissa J. Armstrong, Esquire
1400 Laurel Street, Ste. 4
Columbia, S.C. 29201
(803) 765-2796.

Heath P. Taylor, Esquire
3618 Sunset Blvd., Ste. D
West Columbia, S.C. 29169

ATTORNEYS FOR APPLICANT.

This 3rd day of May, 2012.

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Stephen C. Bryant,
Plaintiff,

v.

State of South Carolina,
Defendant.

RECORDED
IN THE COMMON PLEAS
2012 MAY -9 AM 11:45
11-CP-43-901
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.
AFFIDAVIT OF DR. DONNA
SCHWARTZ-WATTS

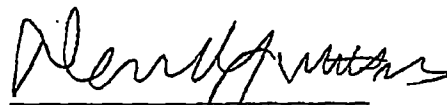
Having been duly sworn, I, Donna M. Schwartz-Watts, M.D., hereby swear and affirm as follows:

1. I am a physician licensed to practice medicine in the State of South Carolina.
2. I have been retained by Melissa Armstrong to re-evaluate Mr. Stephen Corey Bryant for his upcoming Post Conviction Relief Proceedings.
3. I evaluated Mr. Bryant 7 times between 4/12/06-8/25/08 and am very familiar with his history and previous psychiatric diagnoses and presentation.
4. I testified in his Bench Trial and also prepared a report on 9/3/08.
5. In his report of 9/3/08, I noted that he was easily distracted and frequently scans his environment, especially in novel situations. I also noted he was pre-occupied with the Masons and there were times when he became acutely paranoid and was unable to work with his attorneys.
6. Mr. Bryant had a comprehensive neurological evaluation including an EEG, MRI and neurological examination on 8/25/08. He was not able to cooperate with neuropsychological testing, which demonstrates brain function versus brain structure.
7. I examined Mr. Bryant at Lieber Correctional Institute on 4/25/12 in the presence of his attorney, Melissa Armstrong.
8. Despite his report that he has been prescribed the mood stabilizer Tegretol® and an antidepressant Remeron®, he was inattentive, distractible, guarded and had marked speech latency. He was unable to be redirected as in the past when he became paranoid. He did attempt to cooperate at intervals. He reported he liked death row better than safekeeping status at Lee County because "they leave me alone here." He also reported he no longer refers to himself as Stephen or Cory but prefers to be called "Jheric" because he does not like his name. He also informed Mrs. Armstrong that one of her former clients does not like her. He randomly asked me if I was a "matchmaker on the streets."
9. He appeared to understand that Mrs. Armstrong intends to have functional neuroimaging completed for him in anticipation of his PCR. He indicated he would cooperate with the procedure.
10. It is my opinion, to a reasonable degree of medical certainty, that Mr. Bryant is not presently able to assist his counsel in his defense. Mr. Bryant is distracted,

inattentive, hypervigilant, paranoid and has thought blocking. These symptoms are complications of his severe Post Traumatic Stress Disorder.

11. It is my opinion that Mr. Bryant's competency can be restored with medications and further assessments. He presented similarly in the past but his competency was restored through pharmacological and therapeutic interventions.
12. It is also my opinion that Mr. Bryant may not be able to lie still long enough for his functional imaging studies, which are absolutely necessary to insure Counsel has done their due diligence in his defense.

FURTHER AFFIANT SAYETH NAUGHT.



Donna Schwartz-Watts, M.D.
Consulting Forensic Psychiatrist

Sworn to before me this 2nd day
of May, 2012.



Notary Public for South Carolina

My Commission Expires: 11/12/2019.

RECORDED

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER)
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Stephen Corey Bryant,) 11-CP-43-901

Applicant.)

AMENDED APPLICATION FOR
POST-CONVICTION RELIEF

vs.)

State of South Carolina,)
Respondent.)

1. Place of Detention:
The Applicant is currently detained at Leiber Correctional Institution.
2. Name and Location of Court which imposed sentence:
Sumter County Court of General Sessions located in Sumter, S.C.
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
Three counts of murder, first-degree burglary, second-degree burglary, armed robbery, two counts of assault and battery with intent to kill, and threatening the life of a public employee.
4. The date upon which sentence was imposed and the terms of the sentence:
On September 12, 2008 the Court imposed a sentence of death.
5. A finding of guilty was made after a plea of guilty.
6. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes.
7. If you answered "yes" to (6), list:
 - a. The name of each court to which you appealed:
The South Carolina Supreme Court.
 - b. The result in each such Court to which you appealed: Affirmed.
 - c. The date of each such result: January 7, 2011.

- d. If known, citations of any written opinion or orders entered pursuant to such results: State v. Bryant, Op. No. 26906 (2011).
8. N/A.
- 9/10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- A. Ineffective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, the South Carolina Constitution and laws. Counsel failed to provide accurate advice to Applicant insofar as the likelihood of his possible sentence if tried by jury versus pleading guilty and receiving a judge sentencing. Counsel's inaccurate advice induced Applicant to plead guilty and, but for this erroneous advice, Applicant would have not pled guilty but would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985); Strickland v. Washington, 466 U.S. 668 (1984).
 - B. Constitutional violation of assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution. Lead counsel failed to participate in discussions with Applicant concerning whether Applicant should plead guilty. South Carolina law provides capital defendants are entitled to the assistance of two (2) attorneys. Applicant was denied two counsel during a critical stage of his trial, that being the discussion and decision leading him to enter a plea of guilty. This error amounts to a denial of counsel as recognized in United States v. Cronin, 466 U.S. 648 (1984) or was ineffective under Strickland v. Washington, 466 U.S. 668 (1984).
 - C. Ineffective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendment to the United States Constitution, the South Carolina Constitution and law. Counsel failed to object to the solicitor's improper closing argument during the penalty phase of trial. The Solicitor implored the trial judge to sentence Applicant to death to send a community "message." These types of closing arguments have been condemned by the South Carolina courts and constitute reversible error. Strickland v. Washington, 466 U.S. 668 (1984).
 - D. Denial of Due Process, Effective Assistance of Counsel and Violation of Prohibition against cruel and unusual punishment in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution due to trial court's refusal to allow Applicant the opportunity to present after-discovered witness testimony relevant to his mental health and mitigation, while allowing the state to present additional evidence in aggravation of punishment after the state had rested its case in aggravation. Trial Counsel failed to object to the trial court's erroneous decision to allow the state to introduce additional victim impact

testimony. The trial court's actions were improper and require that Applicant's death sentence be reversed and his case remanded for a new sentencing trial. Strickland v. Washington, 466 U.S. 668 (1984); Gardner v. Florida, 430 U.S. 349 (1977).

- E. Denial of Effective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, due to trial counsel's failure to proffer or otherwise preserve the issue of the trial court's denial of trial counsel's request to provide testimony from Edward Goss, who became known as a potential witness after the defense had completed the anticipated evidence in mitigation. Assuming, *arguendo*, that the issue of the trial court's refusal to halt the trial in order to afford defense counsel to interview Edward Goss and then present his testimony was preserved for appellate review, then Applicant was denied effective appellate counsel for failure to raise the issue of the trial court's denial of defense counsel's motion for time to further investigate the evidence offered by Edward Goss and present this evidence in mitigation of punishment. Strickland v. Washington, 466 U.S. 668 (1984).
- F. Denial of Due Process of Law and Right to a Fair Trial due to the Solicitor's failure to comply with the requirements of Brady v. Maryland, 373 U.S. 83 (1963). Edward Goss was a witness to Applicant's mental derangement just prior to the time of the crimes. This fact was known by Law Enforcement Officer Tripp Mayes, who saw Applicant in this state and had a conversation with Edward Goss in which Mayes acknowledged Applicant's apparent mental defect which Goss brought to his attention. After the crimes for which Applicant was convicted occurred but prior to trial, Goss saw Officer Mayes and reminded him of their prior encounter in which they had both observed Applicant's bizarre behavior just prior to the murders. Officer Mayes and/or the Solicitor's Office failed to disclose the information concerning Applicant's mental state and/or the existence of Edward Goss as a witness who could provide evidence favorable to the defense. The state's failure to turn over this information was derelict and a violation of the disclosure requirements under Brady v. Maryland, 373 U.S. 83 (1963). The state's non-compliance with the mandates of Brady was also prejudicial to the Applicant, as the evidence withheld was mitigating in nature and established Applicant's dire mental condition around the time of the offenses for which he was sentenced to death. Applicant's convictions and sentence must be reversed.
- G. Denial of the right to Effective Assistance of Counsel and right against Cruel and Unusual Punishment under the Fifth, Sixth, Eighth and Fourteenth Amendments for failure to conduct a reasonable investigation into Applicant's mental health and functioning, including failure to perform additional testing to corroborate the

extent of Applicant's mental, neurological and psychiatric impairment. This failure was unreasonable and prejudicial to the Applicant, as it deprived him of a reliable sentencing proceeding. Strickland v. Washington, 466 U.S. 668 (1984). Applicant's sentence must be reversed.

- H. Denial of Effective Assistance of Counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution. Trial counsel allowed attorney Babb to continue counseling the Applicant despite the well-known fact that attorney Babb was seriously ill with a debilitating neurologic impairment that was so severe attorney Babb's doctors advised him against continuing to practice law. Attorney Babb was originally appointed to represent Applicant and admittedly had a very good relationship with Applicant, who was highly suspicious, paranoid and hesitant to trust people. While Attorney Babb had Applicant's trust, this fact did nothing to offset the fact that Attorney Babb was not capable of providing the competent representation he was so well known for prior to the onset of his neurologic illness that, unfortunately, ultimately resulted in his being declared disabled. Equally unfortunate is the fact that attorney Babb provided Applicant with erroneous advice that had a direct impact on the Applicant and caused him to plead guilty when he would not have done so otherwise. Trial Counsel had a duty to oversee the legal advice provided to Applicant and they knew attorney Babb was neurologically impaired, yet allowed him to remain involved with the Applicant throughout the guilty plea and sentencing process. Trial counsel were derelict in allowing attorney Babb to provide legal advice to their client, and this dereliction led Applicant to plead guilty rather than go to trial, based on erroneous advice embodied in a written plea document signed and dated by the Applicant. Applicant's guilty plea should be vacated and his case remanded for a new trial. Strickland v. Washington, 466 U.S. 668 (1984); Hill v. Lockhart, 474 U.S. 52 (1985).
11. Prior to this application, and with respect to this conviction, Applicant has not filed (a) any petition in a State Court under South Carolina Law, nor (b) any petitions in state or Federal Courts for habeas corpus or post-conviction relief, nor (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7), nor any other petitions, motions or applications in this or any other Court.
12. Not applicable.
13. No ground set forth in (9) has been previously presented to this or any

other Court, State or Federal, in any petition, motion or application which you have filed.

14. Not applicable.

15. The grounds set forth in (9) were not previously raised because they are cognizable only in post-conviction relief.

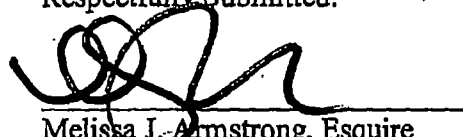
16. Applicant was represented by an attorney during his arraignment, plea, trial, sentencing and appeal.

17. Sumter County Public Defender Jack D. Howle, Jr. and John D. Clark, Esquire, of the Sumter County Bar represented the Applicant during his trial court proceedings. Joseph L. Savitz, III, Esquire, of the South Carolina Office of Appellate Defense, located in Columbia, South Carolina represented Applicant on his direct appeal.

18. Applicant seeks a reversal of his conviction, and vacation of his sentence.

19. Applicant is not now under sentence from any other court.

Respectfully Submitted:


Melissa J. Armstrong, Esquire
1400 Laurel Street, Ste. 4
Columbia, S.C. 29201

Heath P. Taylor, Esquire
3618 Sunset Blvd., Ste. D
West Columbia, S.C. 29169

ATTORNEYS FOR APPLICANT.

This 17th day of May, 2011.

State of South Carolina)

County of Sumter)

Stephen Corey Bryant,
Plaintiff

vs.

2011-CP-43-901
Competency Hearing

The State of South Carolina,
Defendants

June 11, 2012
Sumter, S.C.

BEFORE THE HONORABLE R. Ferrell Cothran, Judge.

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

Ms. Melissa Armstrong,
Attorney for Plaintiff

Ms. Melody J. Brown,
Attorney for Defendants

Mr. Donald J. Zelenka,
Attorney for Defendants

Margaret T. Sullivan,
Court Reporter

State of South Carolina)

County of Sumter)

Stephen Corey Bryant,
Plaintiff

Competency Hearing
2011CP4300901

vs.

The State of South Carolina,
Defendants

BEFORE THE HONORABLE R. Ferrell Cothran, Judge.

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

Ms. Melissa Armstrong,
Attorney for Plaintiff

Ms. Melody J. Brown,
Attorney for Defendants

Mr. Donald J. Zelenka
Attorney for Defendants

Margaret T. Sullivan,
Court Reporter

	<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
1	Dr. Donna Schwartz-Watts				
2	by Ms. Armstrong	3		27	
3	by Mr. Zelenka		14		

EXHIBITS

	<u>No</u>	<u>Description</u>	<u>Id. Ev.</u>
8	P-1	Affidavit of Dr. Schwartz-Watts	7
9	P-2	SCDC Medical Records Summary	11

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1 MS. ARMSTRONG: We are here on behalf of
2 Stephen Corey Bryant; is the Applicant in this
3 matter. And it was brought to your attention, as
4 well as to the attention of the Respondent,
5 Attorney General, who is represented by Mr.
6 Zelenka and Ms. Brown. We have a report from a
7 psychiatric -- from a psychiatrist, forensic
8 psychiatrist, Dr. Donna Schwartz-Watts.

9 Dr. Watts advised us on the two meetings
10 with Mr. Bryant on May 1st, and June 5th, that she
11 had an opportunity to speak with him, and to
12 evaluate him. And has come to the conclusion that
13 he is at least as of the moment, not competent to
14 assist us in his defense. We discussed this
15 situation with the Attorney General's Office. The
16 vast majority of the claims that we intend to
17 litigate on Mr. Bryant's behalf, involve his
18 active participation, and will absolutely require
19 his testimony if he is to be able to prevail in
20 any of any claims.

21 There are a couple that arguably may not
22 need his assistance. But we do believe, Your
23 Honor, at this time, that he is not competent to
24 assist. And in that regard we have submitted an
25 affidavit. I would like to believe that the State

1 has a copy of Dr. Schwartz-Watts' affidavit.

2 MR. ZELENKA: Yes, I do.

3 MS. ARMSTRONG: Any objection? That will
4 be admitted for purposes of this hearing.

5 MR. ZELENKA: Are you going to call
6 Dr. Watts?

7 MS. ARMSTRONG: Yes, I will wait. At this
8 time the Applicant would call Dr. Donna
9 Schwartz-Watts.

10 Dr. Donna Marie Schwartz-Watts, after being
11 duly sworn, testified as follows.

12 THE CLERK: Please state your full name
13 and spell your last name again.

14 A Donna Marie Schwartz-Watts.

15 S-C-H-W-A-R-T-Z-W-A-T-T-S.

16 DIRECT EXAMINATION

17 BY MS. ARMSTRONG

18 Q Good morning, Dr. Watts.

19 A Good morning.

20 Q Dr. Watts, can you briefly describe your
21 background? Your educational background, and
22 professional credentials for the court?

23 A Sure, I graduated from Furman University
24 in 1985, with a bachelor of arts degree in
25 Psychology. I graduated from medical school in

1 1989, from the University of South Carolina School
2 of Medicine. I completed a residency in
3 Psychiatry at the Department of Mental Health in
4 1993. And I took an additional year of studying
5 Forensic Psychiatry at the Department of Mental
6 Health. And I completed that fellowship in 1994.

7 I am board certified in Psychiatry. I've
8 had added qualifications in Forensic Psychiatry.
9 I am licensed to practice medicine. I worked at
10 the Department of Mental Health for about three
11 years; conducting court ordered competency to
12 stand trial and criminal responsibility
13 evaluations. Then I moved over to the medical
14 school where I have worked for over 15 years. And
15 I am still associated with the medical school. I
16 am a professor for mental health there, and also
17 at MUSC.

18 And then more recently, two years ago, I
19 went over to Bryan Hospital where I am currently
20 treating patients in acute psychiatric setting.

21 MS. ARMSTRONG: Thank you. Your Honor, if
22 the Attorney General has any questions for
23 Dr. Watts concerning her credentials.

24 MR. ZELENKA: No. We have no objection to
25 her offered as an expert.

1 THE COURT: Okay. And I so find.

2 MS. ARMSTRONG: Thank you.

3 Q Dr. Watts, are you familiar with Stephen
4 Corey Bryant?

5 A I am.

6 Q Okay. When did you first meet Mr. Bryant?

7 A Back in 2006.

8 Q Were you involved in his trial proceedings
9 before this court?

10 A I was. Originally I was retained because
11 he had charges in Richland County. And I was
12 retained by counsel there. But then as I began an
13 evaluation on him, I was eventually retained to
14 assist in the proceedings in Sumter County.

15 Q Okay. How would you describe Mr. Bryant's
16 psychiatric, his diagnoses? Did you make a
17 diagnoses?

18 A I did. And I had prepared a report during
19 his death penalty proceedings, and I brought that
20 with me as well, my original. At the time of his
21 trial, he had number of psychiatric diagnoses.
22 The first and foremost being, post-traumatic
23 stress disorder. He also had substance
24 dependence. And also history of depression. And
25 he also had, I diagnosed him with antisocial

1 personality disorder.

2 So he had an anxiety disorder, a mood
3 disorder at that time, problems with his
4 attention, and then a personality disturbance.

5 Q Okay. And more recently have you been
6 retained on his behalf for his PCR?

7 A Yes.

8 Q Okay. In connection with that being
9 retained on Mr. Bryant's behalf, have you had an
10 opportunity to met with him recently?

11 A I have.

12 Q Okay. And would those dates be, if I may,
13 May 1st and June 5th?

14 A Yes. And then again today.

15 Q And did you prepare an affidavit based on
16 what your observations and conclusions are,
17 concerning Mr. Bryant's mental health?

18 A I did.

19 MS. ARMSTRONG: May I approach the
20 witness, Your Honor?

21 THE COURT: Yes, ma'am.

22 Q Is this document your affidavit,
23 Dr. Watts?

24 A It is.

25 MS. ARMSTRONG: Is there any objection to

1 this being entered as Defendant's 1?

2 MR. ZELENKA: No objection.

3 THE COURT: It is in without objection.

4 (Affidavit of Dr. Watts marked Defendant's
5 Exhibit No. 1 into evidence.)

6 Q Dr. Watts, while the affidavit has been
7 submitted for the court's review as evidence, can
8 you explain what Mr. Bryant's current state of
9 mental functioning is, based on your involvement
10 with him?

11 A Yes. When I saw Mr. Bryant, Your Honor,
12 back in May, I had great concerns. I had seen him
13 seven times before over the years, so I was
14 somewhat familiar with his mental status. At that
15 time I saw him in May, he was taking medications
16 prescribed. He had been under psychiatric care
17 at the Department of Corrections. And he carried
18 a diagnoses there of PTSD by history, psychosis as
19 last testified, various diagnosis, intermittent
20 express disorder. But he is being prescribed two
21 antidepressants.

22 Q Tegretol?

23 A Yes, he was on a mood stabilizer Tegretol.
24 He was compliant with his medications. But what I
25 noticed, he had presented similarly one other time

1 during the seven previous evaluations of him. He
2 was having difficulty paying attention. He would
3 attempt to answer questions, then he would wander
4 off. And he would spend perhaps 15 or 20 seconds
5 staring off into space. I would try to redirect
6 him. Sometimes he was redirectable; at other
7 times, he was not. But it was obvious he was
8 attending to other stimuli and not to the
9 conversation.

10 He had some spontaneous speech. One thing
11 that he told me in the middle of the evaluation,
12 he just asked me was I a matchmaker on the
13 streets. Which really had no context, and wasn't
14 really related to anything that we were talking
15 about. Also during that first evaluation he
16 expressed some mistrust of his attorney. And
17 questioned her; she was in my presence. The
18 second time that I evaluated him, I went back last
19 week. And he was more stable than he was back in
20 May. He was more comfortable. He was less
21 anxious. He spoke with me, and we had a better
22 rapport than we did back in May.

23 And he was able to describe some of the
24 symptoms he was having. And what he told is that
25 when he hears certain words; that he described it

1 as a tunnel vision; that his mind zones out, and
2 he is not able to return or gain his focus. So
3 what I asked him to do in preparation for today is
4 that if that happened over the weekend, to please
5 write the words or phrases so I could gather some
6 kind of information from him. He did that for me
7 this morning. The words he handed me were: Teach
8 one to hate it, regret, why. Certain songs,
9 November Rain. He says a lot of different songs
10 cause him to do this. Burn notice. The word burn
11 on a TV show.

12 There is show Low Country Wildlife. So
13 there are various triggers of things that seem to
14 preoccupy his attention, and stopped him from
15 being able to cognitively process information
16 testimony to assist his counsel. That was my
17 opinion. In preparation for today's hearing, Your
18 Honor, Dr. John Soloman who is the Medical
19 Director of the Department of Corrections, he
20 called me Friday afternoon, and also had some
21 concerns. He said that the Department of
22 Corrections would assist in whatever needed to be
23 done to help him maintain his cognitive focus of
24 attention, and his ability to assist his counsel.

25

1 concern that I believe was mentioned in your
2 affidavit that we haven't addressed yet. Do you
3 believe that Mr. Bryant may have some neurological
4 problems that are affecting his competence?

5 A He could. And that's what the problem is,
6 Your Honor. Actually I was to call Dr. Tora
7 Brawley, she was a neuropsychologist that was
8 retained originally. And I spoke with her with
9 this morning about that symptom. Sometimes you
10 can have psychiatric symptoms that look like they
11 are cognitive impairment. And I even talked with
12 her about the symptom of tunnel vision, and she
13 think it was a cognitive symptom. It's more
14 probably consistent with psychiatric disorder.
15 But it certainly has a history during his trial in
16 chief, we were very concerned about his
17 neurological function; had a neurologist see him.
18 We had an MRI scan done.

19 The problem was back then, and which is
20 still a problem today, he was not able to
21 cooperate with the neuropsychological assessment
22 that requires attention, concentration, a valid
23 effort. And because of that, those tests have
24 never been completed. Which is one of the reasons
25 why in my opinion, he needed the neuroimaging.

1 There is neuroimaging techniques out now that show
2 how the brain functions versus what the structure
3 looks like. We know that he has some brain
4 obstruction. But I'm not -- I can't be sure at
5 this point that this is not a cognitive
6 impairment.

7 Q Okay. And in preparation for today, were
8 you provided a copy of the South Carolina
9 Department of Corrections mental health records?

10 A Yes.

11 MS. ARMSTRONG: May I approach, Your
12 Honor?

13 THE COURT: Yes.

14 Q Marked as Defendant's Exhibit No. 2, does
15 this appear to be a copy of the set of SCDC
16 records you were provided?

17 A Yes.

18 MS. ARMSTRONG: Your Honor, at this time,
19 I would move as Defendant's Exhibit No. 2, the
20 South Carolina Department of Corrections, the SCDC
21 Health Services Medical Summary.

22 THE COURT: Okay, What says the State?

23 MR. ZELENKA: Not for the truth of the
24 matter asserted, but the matters that you relied
25 upon for your opinion.

1 for protection.

2 THE COURT: Okay, and it's in evidence.

3 (Medical Summary from SCDC marked

4 Defendant's Exhibit No. 2 into evidence.)

5 MS. ARMSTRONG: Thank you, Your Honor.

6 It's dated 4 -- just for the record, these records
7 are dated 4/18/12. And they consist of 58 pages
8 total.

9 Q Dr. Watts, based on your interaction with
10 Mr. Bryant, your review of the SCDC medical
11 records, and your own professional judgment, do
12 you believe that Mr. Bryant is currently competent
13 to proceed and to assist counsel at this time?

14 A Well at this point, he certainly
15 understands the process of the proceedings. He
16 knows that he is in PCR. He is aware of the legal
17 process right now. But what my concerns are is
18 his ability to assist you. If he's having these
19 symptoms where he is not paying attention, he's
20 difficult to redirect. I am concerned that he is
21 no able to assist you at this time.

22 Q Okay, so it would the assistance prong,
23 not the other, the first prong.

24 A Correct.

25 Q Okay. Do you hold this opinion to a

1 reasonable degree of medical certainty?

2 A I do. I have known Mr. Bryant now since
3 2006. I have seen him 10 times. I'm very aware.
4 He's had fluctuations in his mental status before.
5 And I have said before, he had a similar episode
6 in his case in chief. And we were able to
7 redirect him, and resort him to competency.

8 Q And on that note, do you believe that
9 Mr. Bryant through proper medication and whatever
10 available interventions the Department of
11 Corrections has, do you believe that his
12 competence could be restored?

13 A Yes, I do.

14 Q Okay. Do you have approximate time frame
15 in which you believe that can happen?

16 A Once he, in my opinion, he would just need
17 an antipsychotic medication to slow down his
18 thought process or organize it. And however long
19 it takes the Department of Corrections to do that.
20 And Dr. Soloman has been more than cooperative.
21 The Department of Corrections has given him very
22 good care. They have been seeing him. They have
23 been treating him. He has been going to his
24 appointments, and they have been prescribing
25 medications for him. So it will just be

1 logistically a matter of how long it would take
2 them to stabilize him.

3 Q Do you have an approximate time frame?

4 A I know the statute says 60 days. But I
5 wouldn't imagine that it would take that long.
6 The neuroleptic medication should work very
7 quickly on him.

8 Q Okay.

9 A He should respond. His psychosis, if I
10 may, it's not from schizophrenia. It's not from a
11 thought disorder. It's a complication of his post
12 traumatic stress disorder. There are periods of
13 times in PTSD where if you are under enough
14 stress, you can become psychotic for a very
15 temporary period of time. It depends on your
16 circumstances. And in this point, I think
17 medication would improve him greatly.

18 MS. ARMSTRONG: Okay. Please answer any
19 questions that Mr. Zelenka or Ms. Brown may have.

20 Cross Examination

21 BY MR. ZELENKA

22 Q Dr. Watts, what standard for competency
23 did you utilize in this case?

24 A The Singleton Standard.

25 Q Okay. And what is Singleton Standard?

1 A That he has to know what he's or what he
2 was tried for. What the potential punishments
3 were. Why he is here. And that he has to be able to
4 assist his counsel in some manner.

5 Q Okay. And I understand your answer, he
6 has a rational and factual understanding that he
7 is in Post Conviction Relief proceedings?

8 A Yes, he does.

9 Q That he is aware, and has a rational
10 understanding that he was sentenced to death.

11 A Absolutely.

12 Q And that he was sentenced to death for the
13 particular crimes that he was convicted of?

14 A Yes, sir.

15 Q And that he understands his sentence of
16 death would lead to his actual death.

17 A Absolutely.

18 Q Not some delusion or hallucination.

19 A No, none at all, Mr. Zelenka. I talked
20 with him specifically about that on Friday. An
21 epiphany, in his eyes, he ceases to exist. So he
22 is very aware. And in my opinion, there is no
23 delusion related to that at all.

24 Q So you focused apparently on the second
25 prong, whether he has a rational and factual

1 his mental illness to communicate with counsel.

2 A That's correct.

3 Q Okay. Perhaps I wasn't listening closely
4 enough. But what did he describe to you that
5 suggests that he, because of a mental illness,
6 cannot rationally communicate with his lawyers?

7 A Actually it's not what he described, it's
8 what I observed. I saw him with his counsel. He
9 was unable to answer questions. He was unable to
10 concentrate. He was unable to focus on the issues
11 that needed. He was attempting to. You could
12 call him back. And at times he would try to pay
13 attention, and more with his attorney than I
14 actually observed, in not being able to that.
15 Although in my opinion, he was trying.

16 Q Okay. Well what manner of communication
17 was he utilizing at that time?

18 A He was staring off into space, pacing.
19 You would ask him something, and he would turn
20 back and say, excuse me. And you would ask him a
21 question again and he might stare off. It's
22 called thought blocking, where it took him some
23 period of time to be able to answer a question.
24 There were cognitive impairments:
25 Inattentiveness, inability to focus, poverty of

1 Inattentiveness, inability to focus, poverty of
2 speech. So it was a combination of both. Some
3 cognitive impairments, psychiatric illness.

4 Q You mentioned on your direct examination
5 that there was a period, I think, you used the
6 word during the case in chief, that he seemed to
7 suggest similar symptoms.

8 A Yes, and more symptoms as well. He has
9 hadn't those symptoms at this time. But in his
10 case in chief, he had some psychotic beliefs about
11 the judge, that did pass. Those are not present
12 in this proceeding at this point.

13 Q Okay. But as far his communication, he
14 is not, as you said, he is not suffering from
15 schizophrenia; correct?

16 A No, in my opinion he is not.

17 Q And even if he was suffering from
18 schizophrenia, that doesn't preclude an individual
19 from being competent; does it?

20 A Not at all. There is many schizophrenics
21 who would even be competent to be executed.

22 Q So this is, what you are suggesting, it's
23 more of a inattentiveness that it sounds like.

24 A Yes and no. If the symptom is
25 inattentiveness. The cause of it is certainly not

1 attention deficit disorder.

2 Q But he is still responding to questions;
3 isn't he?

4 A Intermittently. It depends on the time.
5 It depends on the context of the situation. As I
6 mentioned before, he gave me these words. So if
7 he hears a certain word, and there is no way of
8 knowing what those words are going to be, he is
9 just becoming aware of this. I asked him to write
10 these words for me. He knows that. So if there
11 is no way for me to know as a psychiatrist what
12 words would trigger that, so I can perhaps avoid
13 it, or be able to teach strategies to deal with
14 it. And so in my opinion, I think the adding of
15 antipsychotic medications will help him focus
16 better.

17 Q Okay. So if I had that list of words, and
18 choose not to use those words with the defendant,
19 we could have a rational conversation, and for all
20 intensive purposes, discuss the facts of the case,
21 discuss the circumstances of his representation.

22 A Maybe to a degree. But for him, you would
23 have to have an exclusive list of those words and
24 know those things. But the other concern that I
25 have, there are still other things that cause him

1 to get distracted. But usually you can get his
2 attention again.

3 Q Okay. And once you get his attention is
4 he able to communicate?

5 A To a degree. It's very limited. He uses
6 very few words. But in situations where his
7 anxiety is lowered; for example, at death row when
8 I see him, it is quiet there. It's just he and I
9 in the room. There are some correction's officers
10 outside the window watching. Whereas, this
11 morning, he was extremely agitated. He's in a
12 different situation. He was around a lot of CO's
13 at the time. He was shackled. Very agitated.
14 So it's going to depend also on the situations.

15 Q Okay. You gave a sliding scale of your
16 meetings in June. Excuse me, May, June, and then
17 today. Was he better on June 4th than he is
18 today, as far as his psychiatric presence?

19 A Yes and no. He was less anxious in June.
20 When last week when I saw, he was unable to
21 cooperate with me. This morning he is paying
22 attention, but he was very aggressive and
23 agitated, which he was not in that state at all
24 last week when I saw him.

25 Q But again, he does understand why he is

1 here.

2 A I think so, yes.

3 Q And he is able to express that
4 understanding in words?

5 A Yes.

6 Q And in expressing in words, he is unable
7 to communicate with you and others about his case;
8 isn't that correct?

9 A To a degree; yes.

10 Q The diagnosis of psychosis, you've never
11 diagnosed him to psychosis; have you?

12 A No.

13 Q You're not even diagnosing him to have
14 psychosis here today; are you?

15 A No. And if I may explain. You can get a
16 psychosis from PTSD. But I have not made that
17 diagnosis, because it has not been a longstanding.
18 It's usually a temporary condition. It's a
19 complication of PTSD. Technically if I were in
20 the psychiatric ward, and I would have to put
21 psychosis not otherwise specified, because that is
22 addressing his present symptom. But that I don't
23 think is a longstanding permanent condition. I
24 might see it as an exacerbation of his Post
25 Traumatic Stress Disorder.

1 Q Okay. And in the Department of
2 Corrections records, the first person who appeared
3 to diagnose him with psychosis was Dr. Melikian;
4 isn't that correct?

5 A I would stand corrected, but I would have
6 no reason to doubt you.

7 Q It appeared that that occurred in April of
8 2011?

9 A She certainly was working there. And I
10 know she was a contract psychiatrist during that
11 period of time.

12 Q And after she made that diagnosis, the
13 Department of Corrections records then reflected
14 psychosis by history, not otherwise -- excuse me,
15 psychosis not otherwise specified by history; is
16 that correct?

17 A Yes.

18 Q But then they didn't always maintain that
19 with the diagnostic material; correct?

20 A That is correct. And there has been
21 various and sundry other diagnosis in an
22 expressive disorder. There has been a number
23 there over the years. But most of it is in my
24 history.

25 Q Since they -- according to the Department

1 of Corrections records, which you have reviewed
2 and have in front of you as Petitioner's Exhibit
3 No. 2, is there any indication and let me put that
4 in front of you---

5 A Thank you.

6 Q ---since I have said there were. I
7 apologize. Was there any specific information
8 describing what was going on with him as
9 psychosis, or was just merely that statement in
10 the record of the Department of Corrections caring
11 for that diagnosis?

12 A There have been some, but there is none
13 directly. There has no record of any delusional
14 hallucinations. There are some symptoms that
15 could be consistent perhaps with it. Nonverbal,
16 not eating. They are times when he is not very
17 verbal and forthcoming with information. But in
18 terms of actually any documentation of
19 hallucinations and delusions; no.

20 Q So there is nothing either I or the judge
21 can look at, at that record, which would say
22 something would stand out to us. Once that
23 diagnosis was made, that suggested anything about
24 psychosis or his present state. Is that not
25 correct?

1 Q Dr. Schwartz-Watts, in your May 2nd,
2 affidavit, you made reference to some of the
3 matters. And one thing you pointed out was, he
4 also reported that he no longer refers to himself
5 as Stephen Corey, but refers to be call Jheric.
6 And you spelled it in J-H-E-R-I-C. Because he
7 does not like his name. And he also informed
8 Ms. Armstrong that one of her former clients does
9 not like her. Doesn't that sound like rational
10 communication?

11 A Sure.

12 Q Why did you think it was important to put
13 that in your affidavit when you were attempting to
14 show or suggest, that he is not competent because
15 he has inability to communicate?

16 A That's a good question. In my opinion
17 that reflects, there's periods of time when he's
18 paranoid about his attorney. That doesn't make
19 him incompetent. He's able to work through that.
20 And so it's difficult for me to tell is it
21 paranoia, is it your rational or not. But it's
22 just a simple thing I observed.

23 Q Okay.

24 A He does appear, I saw him later, he wasn't
25 paranoid with me in the same manner that he was

1 when Ms. Armstrong spoke to him. He was much
2 calmer, talking with me much; having a more verbal
3 interchange. So there was a difference there, so
4 I thought it was important to note.

5 Q Okay. But referring to himself as Jheric,
6 that wasn't anything knew to you; was it?

7 A No, actually. I did not know that. That
8 was not something I was not familiar that he had
9 decided to call himself something different. But
10 I don't think that is indicative of psychosis at
11 all.

12 Q In your report, you referred to the report
13 I hand you, September 2008, report.

14 A Yes.

15 Q The interview notes of Dr. Marti Loring.

16 A Yes.

17 Q Okay. And I have April 18, 2008,
18 interview note to Stephen Corey, present Stephen
19 and Dr. Marti Loring. Do you know if those are
20 materials that you have reviewed?

21 A Oh, not for this hearing, Mr. Zelenka.
22 USC has my records. The only records that I have
23 been able to review for Mr. Bryant for this
24 hearing, was a report I had prepared. USC
25 actually is the owner of those records.

1 Q So you may or may not have seen this
2 document?

3 A Correct. I would like to be able to look
4 at if don't mind.

5 Q Do you know whether he had told, let me
6 just show you Page 2.

7 A Sure.

8 Q And ask you to review that, and see if
9 that refreshes your recollection.

10 A I have not seen that. I have no memory of
11 that. It's a statement where Dr. Loring, I guess
12 she's writing on, I'll called him Jheric now.
13 Pronounced Jheric. "When he speaks of this and
14 when he laughs with me, Stephen looks like a
15 different person."

16 Q Okay. Right now you don't have any
17 recollection of that reading that?

18 A No, sir, I am sorry.

19 Q Okay.

20 A I don't.

21 Q With respect to the testing that was done
22 in 2008, you recommended, and they had an EEG run;
23 correct?

24 A Yes.

25 Q And they also did an MRI?

1 Q And they also did an MRI?

2 A Yes.

3 Q And you reported the MRI came back,
4 essentially normal?

5 A Yes.

6 Q Yet you are now describing or suggesting
7 that there different tests out there?

8 A Yes.

9 Q Since 2008?

10 A No, those tests were available. They had
11 and some neuroimaging studies, but they were not
12 sufficient.

13 Q Why didn't you recommend they be done in
14 2008, when he was exhibiting some of these similar
15 symptoms?

16 A That's a good question. In trying to do
17 neuropsychological testing, which is the least
18 invasive, but what happened is the trial, the
19 trial date came and there was not time.

20 Q Okay. But he had, when did you do your
21 initial evaluations?

22 A There was plenty of time, Mr. Zelenka. He
23 didn't see the neurologist until, very, very
24 shortly before his trial. And so once he had a
25 neurological evaluation that would have been the

1 appropriate time to order those tests.

2 Q Okay. And as I understand your responses,
3 the period of time you have an opinion that would
4 take him to become, have the ability to actually
5 rationally communicate as you define, would be
6 within the how long?

7 A Again, it would probably depend. I would
8 say 30 days should be reasonable. I know the
9 statute says you have over 60. But at the
10 Department of Corrections, it would just -- it
11 could be earlier than that if they can get him on
12 some medications. And I will be glad, I will
13 check on them.

14 Q And what difficult medications would you
15 be placing him on, then he is presently on?

16 A A low dose of antipsychotic medication;
17 such as, Risperidone. And doses not the doses
18 that you see in schizophrenia, but the doses that
19 you see in mild psychosis.

20 Q And basically how long does it take
21 somebody who would be in a similar state to
22 require a low dosage to remedy the symptoms that
23 you see?

24 A Two weeks, just a ball park. It usually
25 doesn't take that long. Especially this kind of a

1 disorder responds very quickly those medications.
2 Sometimes within a few days.

3 MR. ZELENKA: No further questions. Thank
4 you, Your Honor.

5 THE COURT: Anything further?

6 MS. ARMSTRONG: Very briefly.

7 Redirect Examination by Ms. Armstrong:

8 Q Dr. Watts, do you have reason, despite the
9 lack of notations in support of the psychosis not
10 otherwise specified diagnosis, do you have any
11 reason to doubt that diagnosis?

12 A No, he's had some more symptoms in the
13 past. And they much more -- he has had delusional
14 paranoid ideations in the past. I do not see them
15 now. But I certainly have seen that before, so I
16 have no reason to question that.

17 MS. ARMSTRONG: Thank you. I have no
18 further questions.

19 THE COURT: You can step down. Anything
20 else from the Plaintiff?

21 MS. ARMSTRONG: Not at this time, Your
22 Honor.

23 THE COURT: The State.

24 MR. ZELENKA: Your Honor, as we discussed
25 in chambers, in light of the showing, if you are

1 of the opinion that this meets a prima facie
2 showing as well as the Singleton Standard has been
3 met, particularly on that second prong, we would
4 like to have the opportunity to have him evaluated
5 by a mutual examiner from the Department of Mental
6 Health to get some resolution of that.

7 THE COURT: It's your position is you want
8 to him examined now, or do you -- and my proposal
9 is, based on the testimony I have heard, give it
10 30 days, if he is competent within 30 days, then
11 what's the need for another examination. If it is
12 still the position of the Plaintiff that he is
13 still not competent, then order an examination
14 from an independent. Because basically they have
15 got the burden of proof that even though it seems
16 that he understands the nature of proceedings
17 against him, in the doctor's opinion at this
18 point, he cannot assist his attorney and his own
19 defense. But that in her opinion, he would be
20 there within two weeks, and hopefully within 30
21 days.

22 So instead of having evaluation now, if he
23 is not there within 30 or 60 days, then have him
24 another examination, an independent examination,
25 to get a second opinion as to what they think, and

1 then we would have another hearing. Versus having
2 two opinions right now. Because she based on her
3 testimony, thinks with proper medication he would
4 be able to assist within two weeks or 30 days.
5 Even though the statute says under 60. And 60.
6 If it is going to take 60, then we will wait 60 to
7 have an independent. I would rather do it in 30,
8 that way after 30 days if he is still not
9 competent in her opinion, then you would have him
10 examined by an independent person.

11 MR. ZELENKA: Your Honor, in light of that
12 suggestion, I propose, I would defer my request
13 for 30 days.

14 THE COURT: Okay.

15 MS. ARMSTRONG: Without objection.

16 THE COURT: And if somebody would prepare
17 me an order. I will find at least at this time
18 he is not able to assist in his defense. But and
19 within 30 days if Dr. Schwartz-Watts' opinion that
20 he is still not there, then the State has a right
21 to have him independently examined. But if he is
22 there, then we will proceed.

23 MS. ARMSTRONG: Thank you, Your Honor.

24 THE COURT: Okay. Anything further?

25 MS. ARMSTRONG: Your Honor, I will draft

1 an order and provide a copy to Mr. Zelenka prior
2 to submission.

3 THE COURT: Okay.

4 MR. ZELENKA: Judge, do you want to set a
5 date to reconvene the hearing to get some
6 resolution?

7 THE COURT: Yeah, we can. Let me ask you
8 this, if we need another hearing, if the finding
9 that he is okay and ready to proceed, do we need
10 to set a final hearing date? Or do we have no, he
11 is, then we would clearly need to have another
12 hearing date. In 30 days if he is not any better
13 then have an period where an independent, your
14 doctor can examine him. And then based on, one
15 doctor has one opinion, and one has another
16 opinion, we can have another hearing to resolve
17 that issue. Then we will set it for trial. If
18 everybody is in agreement, then maybe we don't
19 need a hearing. And then we can just set a trial
20 date.

21 MR. ZELENKA: Okay.

22 THE COURT: Would that work?

23 MR. ZELENKA: That answers our concern.

24 THE COURT: Okay. So in 30 days if we
25 don't know anything, and we -- order another

1 opinion, if the doctor's disagree with each other,
2 then we'll have a hearing. If the doctor's agree
3 with each other, we will proceed. And based on
4 that opinion, we may still need to have a hearing
5 but let's see.

6 MR. ZELENKA: Okay.

7 THE COURT: But if you will prepare me an
8 order.

9 MS. ARMSTRONG: I will, Your Honor.

10 MR. ZELENKA: Thank you.

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

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

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of General Sessions on June 11, 2012, in Sumter County, Sumter, South Carolina.

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

6/16/12
DATE

Margaret T. Sullivan
COURT REPORTER

My Commission expires: 9/7/21



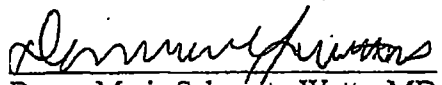
STATE OF SOUTH CAROLINA	)	
	)	IN THE GENERAL SESSIONS
COUNTY OF SUMTER	)	COURT OF SUMTER COUNTY
	)	
STEPHEN COREY BRYANT,	)	AFFIDAVIT OF WITNESS
Applicant,	)	
--VS.--	)	
	)	
STATE OF SOUTH CAROLINA,	)	

PERSONALLY APPEARED BEFORE ME, Donna Schwartz-Watts, M.D., first being duly sworn, deposes and says:

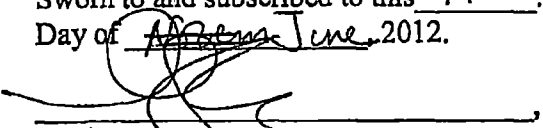
1. I am a licensed physician in the State of South Carolina, and I specialize in the field of psychiatry. I am board certified in my field and have over twenty years of experience.
2. I worked as a defense expert in the case of State v. Stephen Corey Bryant.
3. During my prior experience with Mr. Bryant, I diagnosed him with PTSD due to a history of sexual abuse he experienced as a child at the hands of his mother, grandfather and other family members. Mr. Bryant has flashbacks to the abuse he suffered. At times, Mr. Bryant's paranoia of others becomes extreme and he has been psychotic during these episodes.
4. Appellate Counsel for Mr. Bryant retained me to assist them with Mr. Bryant. I have met with Mr. Bryant very recently on 2 visits to the Lieber Correctional Institution where he is housed. The dates of my meetings with Mr. Bryant were on May 1, 2012 and June 5, 2012.
5. Mr. Bryant is not competent at this time.
6. Mr. Bryant has "tunnel vision" in that he hears certain words and can only focus on those words and is so distracted by this condition that he cannot focus and maintain concentration enough to follow a conversation, much less meaningfully participate in discussions with his attorneys.
7. The South Carolina Department of Corrections has diagnosed Mr. Bryant with psychosis, not otherwise specified. This is the most recent diagnosis given to Mr. Bryant by the prison physicians, and is consistent with my observations and conclusion that Mr. Bryant is not currently able to assist in his own defense/appeal. Mr. Bryant's present symptoms of thought-blocking and distractibility may be ameliorated through medications.
8. I am concerned that Mr. Bryant's incompetence may be linked to neurological impairment. I have advised Mr. Bryant's counsel that they need to retain a neurologist and have a neuroimaging study performed on Mr. Bryant. This type of technology was never used by Mr. Bryant's prior counsel and would greatly assist me in my work on Mr. Bryant's behalf as well as any treating physician who deals with Mr. Bryant in the future.

9. It is my opinion, to a reasonable degree of medical certainty, that Mr. Bryant is not competent to assist his counsel, but that his competence is likely restorable through interventions with medication. Further, I believe Mr. Bryant needs neuroimaging intervention to rule out or diagnose neurological impairment as a causative or contributive factor in his mental incapacity.

FURTHER AFFIANT SAYETH NAUGHT.


Donna Marie Schwartz-Watts, MD

Sworn to and subscribed to this 11
Day of April ~~June~~ 2012.


Notary Public, South Carolina

My commission expires: 11/12/2019

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- * ENCOUNTER: 225 PPD 03/26/12 12:07 LIEBER COMP
PPD GIVEN IN LEFT ARM ON 3-23-12 AND READ ON 3-26-12 AT 0 MM.
SIGNED OFF ON 03/26/12 @ 12:07 BY LUANNE W MAUNEY, REGISTERED NURSE II
- * ENCOUNTER: 224 MENTAL HEALTH CLINIC 03/20/12 14:56 LIEBER COMP
MED RENEWAL
> REMERON 30MG TABS (MIRTAZAPINE)
SIG: TAKE ONE PO QPM
SIG:
START DATE: 03/20/12 TOTAL DAYS: 180
MD: SINATO, PHILIP -
SIGNED OFF ON 03/20/12 @ 14:56 BY PHILIP SINATO, PSYCHIATRIST
ORDER DIRECT TRANSMITTED TO PHARMACY MAR MADE AND UPDATED.
SIGNED OFF ON 03/21/12 @ 12:51 BY KISHA LINNEN, LICENSED PRACTICAL NURSE
- * ENCOUNTER: 223 MENTAL HEALTH CLINIC 03/16/12 16:02 LIEBER COMP
INC NOTE;
3/14/12;
TX TEAM APPROVED TX PLAN. PLEASE SEE HARD COPY OF TX PLAN IN MEDICAL RECORD
S. NEXT UPDATE WILL BE 6/9/12.
SIGNED OFF ON 03/16/12 @ 16:03 BY TANYA F MCCANTS, HUMAN SERVICES COORD II
- * ENCOUNTER: 222 MENTAL HEALTH CLINIC 03/16/12 15:56 LIEBER COMP
3/14/12:
D: I/M SEEN FOR I/C SESSION. I/M REPORTS STABLE ON MEDS REMERON AND TEGRETO
L WITH NO SIDE EFFECTS. SLEEP AND APPETITE IS OK. I/M DENIED A/V HALLUCINAT
IONS AS WELL AS H/S THOUGHTS.
D: PSYCHOSIS NOS BY KX
PTSD BY HX
GAF-60
I/M APPEARED TO BE A/O X3; MOOD APPEARED TO BE PLEASANT WITH GOOD EYE CONTA
CT. SPEECH CLEAR.
P: WILL F/U IN 30 DAYS OR PRN.
SIGNED OFF ON 03/16/12 @ 16:00 BY TANYA F MCCANTS, HUMAN SERVICES COORD II
- * ENCOUNTER: 221 MENTAL HEALTH CLINIC 03/16/12 15:36 LIEBER COMP
MED RENEWAL
REMERON 30MG TABS (MIRTAZAPINE)
SIG: TAKE ONE PO QPM
SIG:
START DATE: 03/16/12 TOTAL DAYS: 180
MD: SINATO, PHILIP -
SIGNED OFF ON 03/16/12 @ 15:36 BY PHILIP SINATO, PSYCHIATRIST
ORDER DIRECT TRANSMITTED TO PHARMACY MAR MADE AND UPDATED.
SIGNED OFF ON 03/20/12 @ 9:47 BY KISHA LINNEN, LICENSED PRACTICAL NURSE
- * ENCOUNTER: 220 MENTAL HEALTH CLINIC 02/28/12 13:11 LIEBER COMP
S: THIS IS A 30 Y/O WM WITH A HX OF PTSD AND PSYCHOSIS NOS WHO PRESENTS FOR
ROUTINE CARE. HE WAS SEEN AT HIS CELLDOR. HE STATES THAT HE IS TOLERATING
HIS MEDICATIONS WELL. HE REPORTS RECEIVING BENEFIT FROM HIS MEDICATION.

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DENIES ANY ACUTE STRESSORS. NO SI. REPORTS THAT HE DOES FEEL A LITTLE ANXIOUS AT TIMES AND MAKES USE OF HIS WALKMAN RADIO AND PACES HIS CELL STATING THAT HIS HELPS. HE REPORTS THAT HE IS EATING AND SLEEPING WELL. NO PSYCHOSIS BEING ENDORSED. HIS CBC, CMP WERE WNL. HIS CHOLESTEROL WAS WNL. TEGRETOL LEVEL WAS WNL AT 10.5.

O: MSE - HAS INTENSE EYE CONTACT. DOES EXHIBIT MILD HYPEREXCITABILITY. DENIES SI. DENIES AVH. NO DELUSIONS. I/J FAIR. ORIENTATION AAOX3

A:

1. PSYCHOSIS NOS BY HX
2. PTSD BY HX

P:

1. CONT WITH TEGRETOL 600 MG PO QDAY
2. CONT WITH REMERON 30 MG PO QPM
3. RTC 3 MOS

SIGNED OFF ON 02/28/12 @ 13:19 BY PHILIP SINATO, PSYCHIATRIST
CONT-

CCC NOTED RTC 5/2012.

SIGNED OFF ON 03/08/12 @ 15:10 BY TANYA F MCCANTS, HUMAN SERVICES COORD II

** ENCOUNTER: 219 MENTAL HEALTH CLINIC 02/23/12 11:26 LIEBER COMP
2/16/12:

D: I/M SEEN FOR I/C SESSION. I/M REPORTS I AM DOING FINE ON THE REMERON AND TEGRETOL NO SIDE EFFECTS. SLEEP AND APPETITE IS OK. DENIED A/V HALLUCINATIONS AS WELL AS H/S THOUGHTS.

A: DX: PSYCH NOS BY HX
PTSD BY HX

GAF-72

I/M APPEARED TO BE A/O X3; MOOD APPEARED TO BE PLEASANT WITH GOOD EYE CONTACT. REPORTS COMPLIANT WITH MEDS.

P: WILL F/U IN 30 DAYS OR PRN.

SIGNED OFF ON 02/23/12 @ 11:31 BY TANYA F MCCANTS, HUMAN SERVICES COORD II

** ENCOUNTER: 218 MENTAL HEALTH CLINIC 02/07/12 10:44 LIEBER COMP
1/31/12;

D: I/M SEEN FOR I/C SESSION. I/M REPORTS STABLE ON REMERON AND TEGRETOL DENIED ANY SIDE EFFECTS. I/M DENIED A/V HALLUCINATIONS AS WELL AS H/S THOUGHTS. SLEEP AND APPETITE IS OK.

A: DX: PSYCHOSIS NOS BY HX
PTSD BY HX

GAF-70

I/M APPEARED TO BE A/O X3; MOOD APPEARED TO BE NORMAL, MINIMAL EYE CONTACT. OBSERVED I/M WHILE SITTING ON THE BED READING A BOOK.

P: WILL F/U IN 30 DAYS OR PRN.

SIGNED OFF ON 02/07/12 @ 10:47 BY TANYA F MCCANTS, HUMAN SERVICES COORD II

** ENCOUNTER: 217 LAB CLINIC 01/10/12 13:44 LIEBER COMP
LAB RESULTS RECEIVED FOR A CARBAMAZEPINE (TEGRETOL) LEVEL, A CBC WITH DIFF LEVEL, AND A LIPID PANEL LEVEL. PLACE ON CHART FOR M.D. REVIEW AND SIGNATURE.
SIGNED OFF ON 01/10/12 @ 13:47 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR

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AS ORDERED BY MENTAL HEALTH, REFER TO PSYC.

SIGNED OFF ON 01/11/12 @ 10:21 BY ELIZABETH A HOLCOMB, NURSE PRACTITIONER III

SIGNED OFF ON 01/14/12 @ 15:06 BY SHARON A TISON, REGISTERED NURSE I

SIGNED OFF ON 02/05/12 @ 14:24 BY PHILIP SINATO, PSYCHIATRIST

** ENCOUNTER: 216 LAB CLINIC 01/05/12 15:57 LIEBER COMP
BLOOD WORK DRAWN FOR A CBC WITH DIFF LEVEL, A CMP LEVEL, AND A
CARBAMAZAPINE (TEGRETOL) LEVEL. FASTING. NO PROBLEMS.
SIGNED OFF ON 01/05/12 @ 15:59 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR

** ENCOUNTER: 215 MENTAL HEALTH CLINIC 12/20/11 14:51 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U: INMATE REPORTS HE IS COMPLIANT WITH
MEDICATIONS WITHOUT SIDE EFFECTS. SLEEP AND APPETITE REGIMENT IS GOOD.
INMATE STATED HE HAS HEARD FROM HIS GRANDMOTHER RECENTLY, WHO ALWAYS WRITES
TO LET HIM KNOW WHAT IS GOING ON AT HOME. HE STATED HE FEELS GOOD BECAUSE
THINGS AT HOME IS GOING GOOD WITH HIS FAMILY. INMATE DENIES SYMPTOMS OF MEN
TAL ILLNESS.
A: DX. IMPRESSION PTSD
PSYCHOSIS NOS
GAF 65

INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHE
RENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE
CONTACT.P: MENTAL HEALTH F/U 1/20/12 OR AS NEEDED. ENCOURAGE INMATE TO REMAIN MEDIC
ATION COMPLIANT.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 12/20/11 @ 15:04 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 214 MENTAL HEALTH CLINIC 12/19/11 13:12 LIEBER COMP
INC. NOTE: TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMME
NDATIONS, MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION: PSYCHOSIS
NOS AND PTSD. PLEASE SEE HARD COPY IN MEIDCAL RECORD. NEXT UPDATE 3/19/12.
TREATMENT TEAM

T. MCCANTS

L. LEE

L. AIKEN

C. BYNES

S. BIRCH

T. RAVENELL

S. BLOWE

F. THOMPSON

D. KING

MS. TYSON

CAROLYN H. BYNES, CCC

SIGNED OFF ON 12/19/11 @ 13:14 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 213 MENTAL HEALTH CLINIC 12/18/11 18:27 LIEBER COMP
THIS IS A LATE ENTRY. SEEN ON 12/13/11
S: THIS IS A 30 Y/O WM WITH A HX OF PSYCHOSIS NOS AND PTSD. LAST SEEN ON 4/
5/11 AND WAS CONT'D WITH HIS SAME MEDS. TEGRETOL LEVEL ON 8/24/11 12.5 (4-1

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2 BEING THE RANGE). DENIES ANY SE FROM MEDICATION. CBC AND LFTS WNL. CURRENTLY STATES THAT HE IS DOING WELL. NO DEPRESSIVE SX, NO SI OR HI. NO A VH. EATING AND SLEEPING WELL.

O: MSE - GENERALLY UNREMARKABLE WITH EXCEPTION TO BLUNTED AFFECT AND POOR E YE CONTACT. ENGAGES WITH OFFICER STAFF WITH LAUGHTER AND CONVERSATION.

A:

1. PSYCHOSIS NOS BY HX
2. PTSD BY HX

P:

1. CONT WITH TEGRETOL 200 MG TID.
2. CONT WITH REMERON 30 MG QHS
3. OBTAIN CBC WITH DIFF, CMP AND TEGRETOL LEVEL
4. RTC 3 MOS OR SOONER IF IN CRISIS.

SIGNED OFF ON 12/18/11 @ 18:39 BY PHILIP SINATO, PSYCHIATRIST

LAB FORM COMPLETED AND SENT TO LAB

SIGNED OFF ON 12/20/11 @ 12:17 BY SHARON A TISON, REGISTERED NURSE I

** ENCOUNTER: 212 MENTAL HEALTH CLINIC 11/22/11 18:11 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U ENTRY FOR 11/21/11: INMATE REPORTS HE IS CURRENTLY COMPLIANT WITH MEDICATIONS. HE STATED HE IS GETTING AS IT WAS PRESCRIBED. HE REPORTS THE PHARMACY FINALLY GOT IT IN. HE REPORTS SLEEP AND APPETITE IS GOOD. HE REPORTS NO MENTAL HEALTH PROBLEMS AT THIS TIME.

A: DX. IMPRESSION MOOD D/O

GAF 65

INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHE RENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 11/21/11 OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 11/22/11 @ 18:18 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 211 MENTAL HEALTH CLINIC 11/21/11 18:32 LIEBER COMP
OPEN IN ERROR.
SIGNED OFF ON 11/21/11 @ 18:32 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 210 MENTAL HEALTH CLINIC 11/09/11 15:00 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U: INMATE REPORTS HE HAS NOT RECEIV ED HIS MEDICATION IN SEVERAL DAYS. INMATE STATED HE WAS ADVISED BY MEDICAL STAFF THAT HIS MEDICATION HAD EXPIRED. UNDERWRITER FOLLWED UP AND FOUND THA T THEY WERE REORDERED 11/03/11. WHICH IS CURRENTLY IN THE PHARMACY. INMATE DENIES ANY SYMPTOMS OF MENTAL ILLNESS. HE REPORTS SLEEP AND APPETITE IS WITHOUT DIFFICULTIES.

A: DX. IMPRESSION MOOD D/O

GAF 60

INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHE RENT, THINKING IS PRESENT, MOOD APPEARS AGITATED, AFFECT BLUNT, FAIR EYE CONTACT.

P: MENTAL HEALTH F/U 12/9/11 OR AS NEEDED. F/U WITH PHARMACY FOR MEDICATION

CAROLYN H. BYNES, CCC

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SIGNED OFF ON 11/21/11 @ 18:38 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 209 MENTAL HEALTH CLINIC 11/03/11 9:48 LIEBER COMP
THIS IS A LATE ENTRY. IM WAS DUE TO BE SEEN ON 11/1/11, BUT REFUSED TO BE SEEN. HE WILL NEED TO BE RESCHEDULED. ON A SEPERATE TOPIC HE WAS DUE TO HAVE HIS TEGRETOL RENEWED FOR 180 DAYS LAST MONTH, BUT THIS DID NOT HAPPEN BECAUSE AT THE TIME HIS TEGRETOL LEVEL WAS UNDETECTED. THIS BEING THE CASE HE WAS ONLY GIVEN A 30 DAY SUPPLY UNTIL WE COULD RECHECK HIS TEGRETOL LEVEL. HIS MOST RECENT TEGRETOL LEVEL DOES SHOW THAT HE IS TAKING THE MEDICATION AS IT WAS 12.5. WILL NOW RENEW TEGRETOL 600 QDAY X 180 DAYS.

CARBAMAZEPINE 200MG

SIG: TAKE THREE PO QDAY

SIG:

START DATE: 11/03/11 TOTAL DAYS: 180

MD: SINATO, PHILIP -

SIGNED OFF ON 11/03/11 @ 9:55 BY PHILIP SINATO, PSYCHIATRIST
NOTED

MEDS FAXED TO PHARMACY AND PLACED ON LIEBER MAR

SIGNED OFF ON 11/03/11 @ 15:03 BY JANE KEEFER, LICENSED PRACTICAL NURSE

** ENCOUNTER: 208 MENTAL HEALTH CLINIC 10/05/11 11:55 LIEBER COMP
NURSING HAD STATED THAT IM IS OUT OF TEGRETOL AND POSSIBLY REMERON. HIS REMERON WAS JUST RENEWED ON 9/8/11. AS FOR HIS TEGRETOL DR. WOOD HAD MADE NOTE ON 8/15/11 THAT HIS TEGRETOL LEVEL WAS NOT DETECTED AND FOR HIM TO HAVE A REPEAT TEGRETOL LEVEL. I WILL SUPPLY THE IM WITH A 30 DAY SUPPLY FOR NOW UNTIL HIS REPEAT TEGRETOL LAB CAN BE REVIEWED. IF IT SHOWS THAT HE HAS DETECTED TEGRETOL LEVELS, THEN I WILL RENEW THE MEDICATION AT THAT TIME FOR 180 DAYS. IF UNDETECTED AGAIN, THEN IT WILL BE D/CED ALL TOGETHER.

CARBAMAZEPINE 200MG

SIG: TAKE 3 PO QDAY

SIG:

START DATE: 10/05/11 TOTAL DAYS: 30

MD: SINATO, PHILIP -

SIGNED OFF ON 10/05/11 @ 12:01 BY PHILIP SINATO, PSYCHIATRIST

ORDER NOTED AND MAR UPDATED TO REFLECT.

SIGNED OFF ON 10/07/11 @ 9:43 BY LORETTA WASHINGTON, LICENSED PRACTICAL NURSE

** ENCOUNTER: 207 MENTAL HEALTH CLINIC 09/26/11 14:39 LIEBER COMP
NNC. NOTE: TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMMENDATIONS, MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION INTERMITTENT EXPLOSIVE D/O. PLEASE SEE HARD COPY IN MEDICAL RECORD. NEXT UPDATE 12/26/11
TREATMENT TEAM

T. MCCANTS

L. LEE

C. BYNES

L. AIKEN

F. THOMPSON

D. KING

T. GRANT

T. RAVENELL

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CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/26/11 @ 14:42 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 206 MENTAL HEALTH CLINIC 09/26/11 13:34 LIEBER COMP
D: MET WITH INMATE AT HIS CELL DOOR FOR MENTAL HEALTH F/U: INMATE REPORTS H
HE IS COMPLIANT WITH MEDICATION WITH OUT SIDE EFFECTS. INMATE WAS ADVISED T
HAT IT WAS REPORTED BY MEDICAL STAFF THAT HIS TEGRETOL LEVEL WAS NOT WERE I
T IS SUPPOSE TO BE IF HE WAS COMPLIANT WITH THE MEDICATIONS. HE STATED HE DI
D MISS THAT HE DID MISS A FEW DAYS BUT NOW HE IS BACK ON THE MEDICATION. HE
DID NOT GIVE A REASON FOR MISSING. INMATE WAS ADVISED OF THE IMPORTANCE OF
BEING COMPLIANT WITH MEDICATIONS AND ABRUPTLY STOP TAKING THEM.

A: DX. IMPRESSION MOOD D/O

GAF 60

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHER
ENT, MOOD APPEARS STABLE, THINKING IS PRESENT, AFFECT BRIGHT AND GOOD EYE
CONTACT.

P: MENTAL HEALTH F/U 10/26/11 OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/26/11 @ 13:45 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 205 MENTAL HEALTH CLINIC 09/08/11 12:27 LIEBER COMP
NURSING STAFF HAD INDICATED THAT THE PT'S REMERON IS DUE TO RUN OUT ON
OCTOBER 1, 2011. PATIENT IS TAKING REMERON 30 MG PO QHS. WILL RENEW THE ME
DICATION AT THIS TIME WITH A 180 DAY SUPPLY.

REMERON 30MG

SIG: TAKE ONE TABLET PO QHS

SIG:

START DATE: 09/08/11 TOTAL DAYS: 180

MD: SINATO, PHILIP -

SIGNED OFF ON 09/08/11 @ 12:29 BY PHILIP SINATO, PSYCHIATRIST

ORDER NOTED AND MAR UPDATED TO REFLECT.

SIGNED OFF ON 09/09/11 @ 10:02 BY LORETTA WASHINGTON, LICENSED PRACTICAL NU

** ENCOUNTER: 204 MENTAL HEALTH CLINIC 08/27/11 19:41 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U: INMATE REPORTED THAT HE IS COMPLIA
NT WITH MEDICATIONS AFTER BEING CONFRONTED ABOUT THE LAB RESULTS. INMATE
STATED HE IS TAKING ALL HIS MEDICATIONS BECAUSE HE REALIZE HE CAN NOT FUNCT
ION WITHOUT. HE REPORTS SLEEP AND APPETITE REGIMENT IS WITHOUT DIFFICULTIES
. HE WAS ADVISED OF THE IMPORTANCE OF BEING MEDICATIONS. HE CONTINUE TO
STATE THAT HE IS COMPLIANT.

A: DX. IMPRESSION MOOD NOS

GAF 65

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SLEEP AND APPETITE REGIME
NT IS GOOD.P: MENTAL HEALTH F/U 9/27/11 OR AS NEEDED. CONTINUE TO MONITOR MEDICATION
AND ENCOURAGE INMATE TO REMAIN MEDICATION COMPLIANT.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 08/27/11 @ 19:47 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 203 LAB CLINIC 08/25/11 9:19 LIEBER COMP

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LAB RESULTS RECEIVED FOR A TEGRETOL LEVEL (CARBAMAZEPINE LEVEL). PLACE ON CHART FOR M.D. REVIEW AND SIGNATURE.

SIGNED OFF ON 08/25/11 @ 9:21 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR
CARBAMAZEPINE LEVEL IS SLIGHTLY HIGH AT 12.5 (4.0-12.0).

PLAN- NOTIFY CCC.

SIGNED OFF ON 08/26/11 @ 13:22 BY ROBERT E BABB, UNCLASSIFIED

SIGNED OFF ON 09/26/11 @ 9:46 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 202 LAB CLINIC 08/24/11 4:33 LIEBER COMP
BLOOD WORK DRAWN FOR A TEGRETOL LEVEL (CARBAMAZAPINE LEVEL). FASTING. NO PROBLEMS.
SIGNED OFF ON 08/24/11 @ 4:34 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR

** ENCOUNTER: 201 MENTAL HEALTH CLINIC 08/15/11 13:17 LIEBER COMP
NO TEGRETOL DETECTED IN BLOOD EVEN THOUGH IM PRESCRIBED 600 MG QD.
P: CCC PLEASE DISCUSS COMPLIANCE WITH IM
LAB: REPEAT TEGRETOL LEVEL. BWOODMD
SIGNED OFF ON 08/15/11 @ 13:18 BY BEVERLY A WOOD, PSYCHIATRIST
LAB SLIP FILLED OUT AND PUT IN SEABROOKS LAB. INMATES NAME PUT IN LAB BOOK
SIGNED OFF ON 08/19/11 @ 14:15 BY SHARON TISON, REGISTERED NURSE I
SIGNED OFF ON 08/23/11 @ 11:07 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 200 DOCTOR'S CLINIC 08/12/11 13:38 LIEBER COMP
LABS ORDERED BY PSYCHIATRY. CBC AND LFT'S ARE WNL'S. CARBAMAZEPINE LEVEL IS < 2.0.
PLAN- NOTIFY CCC OF LOW BLOOD LEVEL OF TEGRETOL.
SIGNED OFF ON 08/12/11 @ 13:40 BY ROBERT E BABB, UNCLASSIFIED
CRT SENT TO DR.WOOD OF I/M RESULTS PER ENC 200.
SIGNED OFF ON 08/12/11 @ 14:56 BY KISHA LINNEN, LICENSED PRACTICAL NURSE

** ENCOUNTER: 199 LAB CLINIC 08/08/11 17:44 LIEBER COMP
LAB RESULTS RECEIVED FOR A CBC LEVEL, A LIVER PANEL LEVEL AND A CARBAMAZEPINE LEVEL. PLACE ON CHART FOR M.D. REVIEW AND SIGNATURE.
SIGNED OFF ON 08/08/11 @ 17:45 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR
PLACE ON MD SHELF.
SIGNED OFF ON 08/10/11 @ 14:14 BY ROBERT E BABB, UNCLASSIFIED
CHART PLACED IN RACK FOR LAB/XRAY ON MD SHELF FOR REVIEW..
SIGNED OFF ON 08/10/11 @ 19:57 BY KISHA LINNEN, LICENSED PRACTICAL NURSE

** ENCOUNTER: 198 LAB CLINIC 08/04/11 3:08 LIEBER COMP
BLOOD WORK DRAWN FOR A LIVER PANEL, A CBC LEVEL AND A TEGRETOL LEVEL. FASTING. NO PROBLEMS.
SIGNED OFF ON 08/04/11 @ 3:09 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR

** ENCOUNTER: 197 MENTAL HEALTH CLINIC 07/27/11 15:17 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U: INMATE STATES HE IS DOING GOOD. HE REPORTS HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. SLEEP AND APPETITE REGIMENT IS GOOD. HE REPORTS NO CONCERN OR COMPLAINTS AT THIS TIME

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A: DX. IMPRESSION PSYCHOSIS NOS
PTSD
GAF 65

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT IS BRIGHT AND EYE CONTACT IS GOOD.

P: MENTAL HEALTH F/U 8/25/11 OR AS NEEDED. CONTINUE TO ENCOURAGE INMATE TO REMAIN COMPLIANT WITH MEDICATIONS.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 07/27/11 @ 15:25 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 196 MENTAL HEALTH CLINIC 07/12/11 10:57 LIEBER COMP

S: SAYS MEDICATION IS "GOOD"

O: SLEEP AND APPETITE ARE OK. DENIES HALLUCINATIONS. MOOD IS "AS GOOD AS CAN BE EXPECTED". DENIES SI/HI. DENIES SIDE EFFECTS OF MEDS.

A: MOOD D/O NOS

P: CONTINUE TEGRETOL AND REMERON

LABS: TEGRETOL LEVEL, LIVER PANEL, CBC

SIGNED OFF ON 07/12/11 @ 11:00 BY BEVERLY A WOOD, PSYCHIATRIST

LAB REQUEST FORM COMPLETED AND RETURNED TO LIEBER LAB. LAB BOOK UPDATED.

SIGNED OFF ON 07/14/11 @ 9:58 BY SUSAN S FERYUS, REGISTERED NURSE I

** ENCOUNTER: 195 MENTAL HEALTH CLINIC 06/27/11 9:51 LIEBER COMP

D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. HE REPORTS SLEEP AND APPETITE IS GOOD. INMATE STATED HE IS COMMUNICATING WITH GRANDMOTHER WEEKLY AND SHE IS DOING WELL. INMATE REPORTS NO MAJOR MENTAL HEALTH ISSUES AT THIS TIME.

A: DX. IMPRESSION PSYCHOSIS NOS

PTSD

GAF 60

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT AND EYE CONTACT IS GOOD.

P: MENTAL HEALTH F/U 7/27/11 OR AS NEEDED AND ENCOURAGE INMATE TO REMAIN COMPLIANT WITH MEDICATION.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 06/27/11 @ 9:56 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 194 MENTAL HEALTH CLINIC 06/08/11 8:40 LIEBER COMP

INC. NOTE: TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMMENDATIONS, MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION PSYCHOSIS NOS AND PTSD. PLEASE HARD COPY IN MEDICAL RECORD. NEXT UPDATE 9/8/11.
TREATMENT TEAM

T. MCCANTS

L. LEE

L. AIKEN

C. BYNES

S. BIRCH

F. THOMPSON

T. RAVENELL

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CAROLYN H. BYENS, CCC

SIGNED OFF ON 06/08/11 @ 8:43 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 193 MENTAL HEALTH CLINIC 06/02/11 14:31 LIEBER COMP
D; MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. SLEEP AND APPETITE REGIMENT IS GOOD. INMATE REPORTS NO PROBLEMS OR SYMPTOMS OF MENTAL ILLNESS.

A: DX. IMPRESSION PSYCHOSIS NOS

PTSD

GAF 60

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 7/2/11 OR AS NEEDED. CONTINUE TO ENCOURAGE INMATE TO REMAIN MEDICATION COMPLIANT.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 06/02/11 @ 14:36 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 192 MENTAL HEALTH CLINIC 05/06/11 14:18 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS OKAY AND HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. HIS APPETITE AND SLEEP REGIMENT IS GOOD. HE REPORTS DENIES SYMPTOMS OF MENTAL ILLNESS.

A: DX. IMPRESSION PSYCHOSIS NOS

PTSD

GAF 65

INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATION. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT; MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 6/6/11 OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 05/06/11 @ 14:23 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 191 MENTAL HEALTH CLINIC 04/06/11 14:01 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. INMATE REPORTS THAT HE IS NOT GETTING ENOUGH SLEEP DUE ANOTHER INMATE WHO KEEPS MOST OF THE WING UP AT NIGHT.

INMATE STATED HE FELT AGITATED AT THIS TIME. UNDERWRITER DISCUSS COPING SKILLS TO HELP INMATE WITH THIS ISSUE, TO INCLUDE THAT INMATE REPORT THIS BEHAVIOR TO THE OFFICER THAT IS ON DUTY AT THAT TIME AND ASK THAT HIS WINDOW BE CLOSED. HE STATED HE WOULD TRY TO DO THAT WHEN IT HAPPEN AGAIN.

A: DX. IMPRESSION: PSYCHOSIS NOS

PTSD

GAF 65

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS AT THIS TIME. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD AGITATED, AFFECT FLAT AND FAIR EYE CONTACT.

P: MENTAL HEALTH F/U 5/6/11 OR AS NEEDED AND ENCOURAGE INMATE TO CONTINUE TO BE MEDICATION COMPLIANT.

CAROLYN H. BYNES, CCC

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SIGNED OFF ON 04/06/11 @ 14:14 BY CAROLYN H. BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 190 MENTAL HEALTH CLINIC 04/05/11 11:29 LIEBER COMP
S) 29YOWM SOON TO BE 30 WITH DX OF PSY NOS SEEN FOR ROUTINE FOLLOW UP. RPTS
DOING OKAY EXCEPT NOT SLEEPING WELL. RPTS GETTING MEDS ALRIGHT.
O) APPEARS STATED AGE, MOOD EUTHYMIC, AFFECT CONG, DENIED SI/HI, DENIED AVH
INSIGHT/JUDGMENT IMPAIRED, SPEECH SOFT BUT NL, MOTOR NL
A) PSY NOS
PTSD
P) WILL RENEW MEDS
FOLLOW UP 3 MONTHS OR SOONER IF PROBLEMS
CARBAMAZEPINE 200MG
SIG: ONE TABLET PO QAM AND TWO TABLETS PO QHS
SIG:
START DATE: 04/05/11 TOTAL DAYS: 180
MD: MELIKIAN, MARGARET -
REMERON 30MG
SIG: ONE TABLET PO QHS
SIG:
START DATE: 04/05/11 TOTAL DAYS: 180
MD: MELIKIAN, MARGARET -
SIGNED OFF ON 04/05/11 @ 11:32 BY MARGARET MELIKIAN, UNCLASSIFIED
MEDICATION ORDERS TRANSMITTED TO PHARMACY AND MAR UPDATED
SIGNED OFF ON 04/05/11 @ 11:52 BY LINDA E JONES, REGISTERED NURSE I

** ENCOUNTER: 189 NARRATIVE 03/31/11 15:06 LIEBER COMP
I/M CONTINUITY OF CARE DONE FOR COURT 4/1/11.
SIGNED OFF ON 03/31/11 @ 15:07 BY EVELYN GADSON, MEDICAL ASSISTANT TECH I
SIGNED OFF ON 04/01/11 @ 1:28 BY BRENDA K KEAY, LICENSED PRACTICAL NURSE

** ENCOUNTER: 188 MENTAL HEALTH CLINIC 03/31/11 14:07 LIEBER COMP
INC. NOTE: TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMMEND
ATION, MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION IED, HX. OF PSD
HX. OF ADHD. PLEASE SEE HARD COPY IN MEDICAL RECORD. NEXT UPDATE 6/30/11.
TREATMENT TEAM
T. MCCANTS
L. LEE
C. BYNES
S. BIRCH
L. AIKEN
F. THOMPSON
T. RAVENELL
C. FELDER
CAROLYN H. BYNES, CCC
SIGNED OFF ON 03/31/11 @ 14:24 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 187 MENTAL HEALTH CLINIC 03/09/11 20:14 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLIANT WI
TH MEDICATION WITHOUT SIDE EFFECTS. INMATE REPORT HE IS WORKING AS A RUN
AROUND CLEANING HIS WING. HE STATED THIS MAKES HIM FEELS GOOD BECAUSE IT GI

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VES HIM SOMETHING TO DO. HE REPORTS SLEEP AND APPETITE IS GOOD WITHOUT DIFFICULTIES. HE REPORT NO CONCERNS OR COMPLAINTS AT THIS TIME.

A: DX. IMPRESSION IED

HX. OF PSD

HX. OF ADHD

GAF 60

INMATE DENEIS S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AS HE SHARED WORKING ON THE WING AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 4/9/11 OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 03/09/11 @ 20:24 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

- ** ENCOUNTER: 186 DOCTOR'S CLINIC 02/23/11 14:39 LIEBER COMP
CARBAMAZEPINE LEVEL IS 5.4 (4.0-12).
SIGNED OFF ON 02/23/11 @ 14:40 BY ROBERT E BABB, UNCLASSIFIED
- ** ENCOUNTER: 185 LAB CLINIC 02/23/11 12:35 LIEBER COMP
LAB RESULTS FOR A CARBAMAZEPINE LEVEL RECEIVED. LAB RESULTS PLACE ON CHART FOR M.D. SIGNATURE.
SIGNED OFF ON 02/23/11 @ 12:36 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR
- ** ENCOUNTER: 184 NARRATIVE 02/18/11 10:33 LIEBER COMP
SOAP FORMAT?..> N
LAB RESULTS RECEIVED AND PLACED ON I/M RECORD AND PLACED ON MD RACK IN MEDICAL RECORDS.
SIGNED OFF ON 02/18/11 @ 10:33 BY LUANNE W MAUNEY, REGISTERED NURSE I
CBC, BMP, AND HEPATIC PANEL ARE ALL WNL'S.
SIGNED OFF ON 02/18/11 @ 13:21 BY ROBERT E BABB, UNCLASSIFIED
- ** ENCOUNTER: 183 LAB CLINIC 02/17/11 10:52 LIEBER COMP
LABS DRAWN FOR CBC WITH DIFF; PLATELETS; LFT ; TEGRETOL , AND SODIUM. NO PROBLEMS. LAB IS NOT FASTING AS ALL INMATES WERE FED BREAKFAST AROUND 5 AM.
SIGNED OFF ON 02/17/11 @ 10:55 BY LUANNE W MAUNEY, REGISTERED NURSE I
- ** ENCOUNTER: 182 MENTAL HEALTH CLINIC 01/26/11 13:46 LIEBER COMP
INC. NOTE: TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMMENDATION: MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION IED, PSD BY HX. AND ADHD. PLEASE SEE HARD COPY IN THE MEDICAL RECORD. NEXT UPDATE 4/26/11.
TREATMENT TEAM
M. RANSOM
T. MCCANTS
L. MULBRY
L. LEE
S. BIRCH
C. BYNES
L. AIKEN
F. THOMPSON
T. RAVENELL

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CAROLYN H. BYNES, CCC

SIGNED OFF ON 01/26/11 @ 13:50 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 181 MENTAL HEALTH CLINIC 01/26/11 10:30 LIEBER COMP
27 YO CM SEEN FOR FOLLOWUP. HE SAYS THE REMERON HAS HELPED AND HE IS RESTIN
G BETTER. MOOD OK NOT SAD OR DEPRESSED NO SI HI, NOT TOO ANXIOUS OR
IRRITABLE, NO AVH, NO SIDE EFFECTS NO RASH, NO BRUISES NO INFXNS, HE HAS
BEEN ON CBZ FOR MANY YEARS HE SAYS.

O CALM AND COOPERATIVE, SPEECH NL R/V/P, TP LINEAR AND GD, TC NO SI HI
AVH, MEM AND CONC GOOD NO RASH, NOT DIZZY LABS IN NOV OK

A IED

H/O PSD, AND ADHD

P CONTINUE TEGRETOL 200 QAM AND 400 QHS

CONTINUE REMERON BUT WILL RAISE TO 30 AS HE REQUESTS.

PLEASE DRAW CBC DIFF, PLTS, LFT, CBZ LEVEL AND SODIUM

FOLLOWUP 8 WEEKS

CARBAMAZEPINE

200MG

SIG:ONE TABLET PO QAM AND TWO TABLETS PO QHS

SIG:

START DATE: 01/26/11 TOTAL DAYS: 180

MD:MULBRY,L. WILLIAM

REMERON

30MG

SIG:ONE TABLET PO QHS

SIG:

START DATE: 01/26/11 TOTAL DAYS: 180

MD:MULBRY,L. WILLIAM

SIGNED OFF ON 01/26/11 @ 10:39 BY LEONARD W MULBRY JR, UNCLASSIFIED

MEDICATION ORDERS TRANSMITTED TO KCI PHARMACY AND LIEBER MAR UPDATED.

LABS ENTERED IN LAB BOOK.

SIGNED OFF ON 01/27/11 @ 8:00 BY LUANNE W MAUNEY, REGISTERED NURSE I

** ENCOUNTER: 180 MENTAL HEALTH CLINIC 01/07/11 18:30 LIEBER COMP
INC. NOTE: WAS NOT ABLE TO F/U WITH INMATE DUE SECURITY ISSUES.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 01/07/11 @ 18:31 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 179 MENTAL HEALTH CLINIC 12/08/10 11:47 LIEBER COMP

D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLINAT WI
TH MEDICATIONS. INMATE REPORTS HE DID NOT GET HIS MEDICATIONS ON SUNDAY MOR
NING, HE STATED THE NURSE JUST DID NOT BRING IT FOR HIM, BUT HE HAVE BEEN
RECEIVING THEM EVERY DAY SINCE THEN. HE STATES APPETITE AND SLEEP REGIMENT
IS WITHOUT DIFFICULTIES. INMATE STATES HE IS DO WELL AND HAVE NO OTHER CONC
ERNS OR COMPLAINTS.

A: DX. IMPRESSION IED

H/O PSD

ADHD

GAF 60

INMATE DENEIS S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHER
ENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT AND EYE CONTACT FAIR.

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P: MENTAL HEALTH F/U 1/8/11 OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 12/08/10 @ 11:56 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 178 MENTAL HEALTH CLINIC 11/30/10 10:30 LIEBER COMP
WILL ADD REMERON 15
REMERON 15MG
SIG:ONE TABLET PO QHS
SIG:
START DATE: 11/30/10 TOTAL DAYS: 180
MD:MULBRY,L. WILLIAM
SIGNED OFF ON 11/30/10 @ 10:30 BY LEONARD W MULBRY JR, UNCLASSIFIED
MAR COMPLETED
SIGNED OFF ON 11/30/10 @ 11:08 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS

** ENCOUNTER: 177 MENTAL HEALTH CLINIC 11/30/10 10:21 LIEBER COMP
27 YO CM SEEN FOR FOLLOWUP, HE SAYS HE IS DOING OK, SOME TROUBLE WITH REST
MOODS ARE GOOD NOT SAD OR DEPRSSSED NO SI HI, HE SAYS NOT TO ANXIOUS OR
IRRITABLE, NO AVH, NO SIDE EFFECTS, NO RASH, NO BRUISING NO INFXNS. OVERALL
DOING WELL
O CALM COOPERATIVE, SPEECH NL R/V/P, TP LINEAR AND GD, TC NO SI HI AVH,
MEM AND CONC GOOD
A IED
H/O PSD AND ADHD
P CONTINUE TEGRETOL 200 QAM AND 400 QHS
WILL TRY REMERON 15 HS, DISCUSSE RISK OF FLIP
PLEASE DRAW LABS CBC, DIFF, PLATLETS, LFT, CBZ LEVEL
FOLLOWUP 8 WEEKS
CARBAMAZEPINE 200MG
SIG:ONE TABLET PO QAM AND TWO TABLETS PO QHS
SIG:
START DATE: 11/30/10 TOTAL DAYS: 180
MD:MULBRY,L. WILLIAM
SIGNED OFF ON 11/30/10 @ 10:29 BY LEONARD W MULBRY JR, UNCLASSIFIED
MEDS RENEWED ON MAR, LABS PLACED IN LAB BOOK
SIGNED OFF ON 11/30/10 @ 11:03 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS

** ENCOUNTER: 176 LAB CLINIC 11/24/10 9:17 LIEBER COMP
BLOOD DRAWN FOR TEGRETOL LEVEL, AST AND CBC AS ORDERED. FASTING.
NO PROBLEMS
SIGNED OFF ON 11/24/10 @ 9:17 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

** ENCOUNTER: 175 MENTAL HEALTH CLINIC 11/08/10 9:31 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/H. INMATE HE IS DOING WELL. HE IS
COMPLIANT WITH MEDICATION WHEN THE MEDICAL STAFF BRING IT TO HIM. HE REPORT
S THAT HIS MEDICATION BEEN FORGOTTEN SEVERAL TIMES IN THE PAST 2 WEEKS.
OFFICER MILLER REPORTS THIS IS TRUE AND IT APPEARS THAT HE IS MISS MORE
THAN OTHERS. SLEEP AND APPETITE IS AS GOOD AS COULD BE EXPECTED. INMATE STA
TED IF IT DON'T LOOK GOOD HE DON'T EAT.
A: DX. IMPRESSION IED

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H/O PSD
ADHD
GAF 65

INMATE DENEIS S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT AND EYE CONTACT GOOD

P: MENTAL HEALTH F/U 12/8/10 OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 11/08/10 @ 9:44 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 174 MENTAL HEALTH CLINIC 11/05/10 19:18 LIEBER COMP
INC. NOTE: CCC ATTEMPTED TO CONDUCT MENTAL HEALTH F/U, BUT WAS UNABLE TO DO SO DUE TO SECURITY ISSUES.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 11/05/10 @ 19:20 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 173 MENTAL HEALTH CLINIC 11/02/10 11:22 LIEBER COMP
INC. NOTE: TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMMENDATION: MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION: INTERMITTENT EXPLOSIVE D/O, ANTISOCIAL PERSONALITY D/O, POLYSUBSTANCE DEP. (BY HISTORY) AND ADHD. PLEASE SEE HARD COPY IN MEDICAL REORD. NEXT UPDATE 2/2/11.

TREATMENT TEAM

M. RANSOM

T. MCCANTS

C. BYNES

L. LEE

S. BIRCH

L. AIKEN

L. MULBRY

F. THOMPSON

T. RAVENELL

S. CONNLEY

CAROLYN H. BYNES, CCC

SIGNED OFF ON 11/02/10 @ 11:27 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 172 MENTAL HEALTH CLINIC 10/07/10 11:53 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLAINT WITH MEDICATIONS WITHOUT SIDE EFFECTS. HE STATED HE IS EXPERIENCING DIFFICULTIES SLEEPING, HE STATED HE STAYS UP AT NIGHT HAVING RACING THOUGHTS. INMATE REPORTS THIS HAVE GOING ON FOR "AWHILE". HOWEVER HE SLEEPS ABOUT 6 HOURS DURING THE DAY. UNDERWRITER ADVISED INMATE TO CHANGE HIS SLEEP HABITS. IE.. GO TO BED A LITTLE EARLIER AT NIGHT. HE STATED HE WOULD TRY TO DO THAT.

A: DX. IMPRESSION IED

HO PSD
ADHD

INMATE DENEIS S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 11/7/10 OR AS NEEDED.

CARLYN H. BYNES, CCC

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SIGNED OFF ON 10/07/10 @ 12:05 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 171 MENTAL HEALTH CLINIC 09/09/10 10:07 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. INMATE REPORTS SLEEP WAS NOT GOOD DUE PAIN IN HIS FOOT(A HANG NAIL) BUT HE FEELS THAT IT IS GETTING BETTER AND STATES THAT HE HAVE THEM BEFORE. HE REPORTS NO CONCERNS OR COMPLAINTS OTHER THAN WHAT IS GOING ON WITH HIS FOOT.

A: DX. IMPRESSION IED

H/X PSD

ADHD

GAF 60

INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT AND EYE CONTACT FAIR P MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/09/10 @ 10:28 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 170 MENTAL HEALTH CLINIC 08/26/10 11:06 LIEBER COMP
27 YO CM SEEN FOR F/U. SAYS HE IS DOING OKAY. MOODS ARE STABLE, NOT SAD OR DEPRESSED. NO SI/HI. NOT TOO ANXIOUS OR IRRITABLE. NO AVH. NO SIDE EFFECTS. NO RASH. NO PROBLEMS.

O CALM AND COOPERATIVE BUT A BIT DYSPHORIC. SPEECH NORMAL R/V/P. TP-LINEAR AND GD. TC-NO SI/HI/AVH. MEM AND CONC GOOD. NO RASH.

A IED, HO PSD, ADHD

P PT REFUSED LABS. REVIEWED IMPORTANCE BUT MAY LABS WERE NORMAL. WILL DEFER AT HIS REQUEST AS HE HAS BEEN ON CBZ SINCE AGE 13.

WILL GET LABS AT NEXT VISIT

ROUTINE F/U.

CONTINUE TEGRETOL 200 QAM/400QHS.

SIGNED OFF ON 08/26/10 @ 11:10 BY LEONARD W MULBRY JR, UNCLASSIFIED

NO CHANGE IN MEDICATIONS

SIGNED OFF ON 08/26/10 @ 11:24 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS

** ENCOUNTER: 169 LAB CLINIC 08/26/10 9:50 LIEBER COMP
I/M REFUSED TO HAVE LABWORK DONE FOR TEGRETOL LEVEL, AST AND CBC AS ORDERED I/M STATED THAT DOCTOR SAID HE DID NOT HAVE TO HAVE LABWORK ANYMORE. SIGNED REFUSAL FORM. FORM GIVE TO DOCTOR MULBRY. AWAITING INSTRUCTION.
SIGNED OFF ON 08/26/10 @ 9:52 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 168 MENTAL HEALTH CLINIC 08/17/10 10:00 LIEBER COMP
INC. NOTE: TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMMENDATIONS, MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION IED, PSD, AT SPD AND ADHD. NEXT UPDATE 2/17/11.

TREATMENT TEAM

M. RANSOM

T. MCCATS

L. LEE

L. AIKEN

C. BYNES

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T. RAVENELL
P. HANEY
S. BIRCH
L. MULBRY

CAROLYN H. BYNES, CCC

SIGNED OFF ON 08/17/10 @ 10:03 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 167 MENTAL HEALTH CLINIC 08/11/10 15:21 LIEBER COMP
D: MET WITH INMATE FPO MENTAL HEALTH F/U. INMATE STATES THING ARE "GOOD".
HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. SLEEP AND APPETITE
REGIMENT IS GOOD. HE REPORTS NO CONCERNS OR COMPLAINTS.
A: DX. IMPRESSION: IED

PSD
ASPD
ADHD
GAF 65

INMATE DENEIS S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHE
RENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE
CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 08/11/10 @ 15:27 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 166 MENTAL HEALTH CLINIC 07/13/10 13:52 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS DOING WELL A
ND HE IS COMPLAINT WITH MEDICATIONS. HE REPORTS SLEEP AND APPETITE CONTINUE
S TO BE GOOD. INMATE REPORTS HE HAS NO CONCERNS OR COMPLAINTS.
A: DX. IMPRESSION: IED

PSD
ASPD
ADHD
GAF 65

INMATE DENEIS S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHER
ENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT FAIR AND GOOD EYE CON
TACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 07/13/10 @ 13:57 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 165 MENTAL HEALTH CLINIC 06/30/10 11:55 LIEBER COMP
27 YO CM SEEN FOR FOLLOWUP, HE SAYS HE IS DOING OK, NOT SAD OR DEPRESSED,
NO SI HI, NOT TO ANXIOUS OR IRRITABLE, NO AVH, NO SIDE EFFECTS, NO RASH OR
CURRENT GI SX. DOING OK OFF CELEXA.
O QUIET CALM COOPERATIVE, SPEECH NL R/V/P, TP LINEAR AND GD, TC NO SI HI
NO AVH, MEM AND CONC GOOD NO RASH, LABS IN MAY LFT NL, CBC NL, CBC 7.4
A IED, PSD, ASPD, ADHD
P CONTINUE TEGRETOL 200 QAM AND 400 QHS
WILL GET LABS NEXT VISIT

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ROUTINE F/U

CARBAMAZEPINE 200MG
SIG: ONE TABLET PO QAM AND TWO TABS PO QHS
SIG:

START DATE: 06/30/10 TOTAL DAYS: 180

MD: MULBRY, L. WILLIAM

SIGNED OFF ON 06/30/10 @ 12:02 BY LEONARD W MULBRY JR, UNCLASSIFIED
PER MULBRY LABS TO BE DRAWN ON NXT VISIT ORDER DIRECT TRANSMITTED TO
PHARM PRINT OUT GIVEN TO PHARM.

SIGNED OFF ON 06/30/10 @ 16:30 BY KISHA LINNEN, LICENSED PRACTICAL NURSE

- ** ENCOUNTER: 164 MENTAL HEALTH CLINIC 06/01/10 10:23 LIEBER COMP
PT SEEN AT DOOR SAYS NAUSEA EVERYDAY FROM CELEXA AND WANTS TO STOP DOES NOT
WANT LOWER DOSE. WILL D/C AND SEE SHORTLY
SIGNED OFF ON 06/01/10 @ 10:24 BY LEONARD W MULBRY JR, UNCLASSIFIED
CELEXA DC'D
SIGNED OFF ON 06/01/10 @ 11:48 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS
- ** ENCOUNTER: 163 MENTAL HEALTH CLINIC 05/27/10 11:25 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS COMPLIANT
WITH MEDICATIONS WITHOUT SIDE EFFECTS. INMATE STATES HIS SLEEP AND APPETITE
REGIMENT IS GOOD. HE REPORTS NO CONCERNS OR COMPLAINTS AT THIS TIME.
A: DX. IMPRESSION INTERMITTENT EXPLOSIVE D/O
POLYSUBSTANCE DEP.
ANTISOCIAL PERSONALITY D/O
GAF 70
INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHER
ENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE
CONTACT.
P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.
CAROLYN H. BYNES, CCC
SIGNED OFF ON 05/27/10 @ 11:32 BY CAROLYN H BYNES, HUMAN SERVICES COORD I
- ** ENCOUNTER: 162 DOCTOR'S CLINIC 05/24/10 16:28 LIEBER COMP
CBC, AST, AND CARBAMAZEPINE LEVEL ARE ALL ESSENTIALLY NORMAL.
SIGNED OFF ON 05/24/10 @ 16:29 BY ROBERT E BABB, UNCLASSIFIED
- ** ENCOUNTER: 161 LAB CLINIC 05/20/10 8:23 LIEBER COMP
LAB RESULTS REC'D FOR CBC, AST AND TEGRETOL LEVEL
FILED IN CHART FOR REVIEW AND SIGNATURE
SIGNED OFF ON 05/20/10 @ 8:24 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN
- ** ENCOUNTER: 160 LAB CLINIC 05/19/10 10:26 LIEBER COMP
BLOOD DRAWN FOR TEGRETOL AST AND CBC AS ORDERED
FASTING.
SIGNED OFF ON 05/19/10 @ 10:26 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN
- ** ENCOUNTER: 159 MENTAL HEALTH CLINIC 05/18/10 15:23 LIEBER COMP
27 YO SEEN FOR FOLLOWUP, HE STILL FEELS A LITTLE DEPRESSED, NOT TEARFUL OR
SAD, NO SI HI, NO AVH, NOT TOO IRRITABLE, NO STRIFE, NO SIDE EFFECTS NO

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RASH. HE SAYS THE TEGRETOL DOES HELP, MOOD STABLE, SLEEPS OK
O CALM AND COOPERATIVE, A BIT DOWN, SPEECH NORMAL R/V/P, TP LINEAR AND
GD, TC NO SI HI AVH, MEM AND CONC GOOD NO RASH
A IED, PSD ASPD ADHD
P CONTINUE TEGRETOL 200/400
PROZAC TO CELEXA SO WE CAN GO TO 40.
ROUTINE F/U
LABS NEXT TIME
CARBAMAZEPINE 200MG
SIG: ONE TABLET PO QAM AND TWO TABLETS PO QHS
SIG:
START DATE: 05/18/10 TOTAL DAYS: 90
MD: MULBRY, L. WILLIAM
CELEXA 20MG
SIG: ONE TABLET PO QAM FOR THREE WEEKS THEN TWO TABLETS
SIG: PO QAM
START DATE: 05/18/10 TOTAL DAYS: 90
MD: MULBRY, L. WILLIAM
SIGNED OFF ON 05/18/10 @ 15:31 BY LEONARD W MULBRY JR, UNCLASSIFIED
MEDICATION ORDERS DIRECTLY TRANSMITTED TO PHARMACY AND CHANGES MADE ON MAR
SIGNED OFF ON 05/18/10 @ 17:51 BY LINDA E JONES, REGISTERED NURSE I

** ENCOUNTER: 158 MENTAL HEALTH CLINIC 04/16/10 12:32 LIEBER COMP
INC. NOTE** WAS UNABLE TO SEE DUE TO SECURITY.
CAROLYN H. BYNES, CCC
SIGNED OFF ON 04/16/10 @ 12:33 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 157 MENTAL HEALTH CLINIC 03/04/10 14:56 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HIS MEDICATION HAS
CHANGED, HE STATES HE IS NO LONGER TAKING ZOLOFT, BUT IS TAKING PROZAC. HE
STATED HE CAN'T THE DIFFERENCE AS YET, HE FEELS THAT HE HAS NOT BEEN TAKING
IT LONG ENOUGH. HE REPORTS HE IS COMPLIANT WITH THE MEDICATIONS. SLEEP AND
APPETITE REGIMET IS OKAY. INMATE HE FEELS A LITTLE ANXIOUS EVERY NOW AND T
HEN, HE STATED HE GET THESE FEELINGS IN THE MORNING WHEN HE WAKE UP AND JUS
T BEFORE GOING TO SLEEP AT NIGHT. CCC DISCUSS SOME COPING SKILLS THAT MAY H
ELP HIM. HE STATED HE WOULD TRY THE THINGS WE TALK ABOUT.
A: DX. IMPRESSION INTERNITTEN EXPLOSIVE D/O
POLYSUBSTANCE DEP.
ANTISOCIAL PERSONALITY D/O
ADHD

INMATE DENEIS S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHE
RENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT FLAT AND GOOD EYE
CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 03/04/10 @ 15:07 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 156 LAB CLINIC 03/03/10 11:08 LIEBER COMP
LAB RESULTS REC'D FOR CBC WITH DIFF, LFT AND NA
FILED IN CHART FOR REVIEW AND SIGNATURE

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SIGNED OFF ON 03/03/10 @ 11:09 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 155 LAB CLINIC 03/02/10 7:54 LIEBER COMP
 ADDENDUM TO ENC 154
 BLOOD DRAWN FASTING AS ORDERED
 SIGNED OFF ON 03/02/10 @ 7:55 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 154 LAB CLINIC 03/02/10 7:52 LIEBER COMP
 BLOOD DRAWN FOR CBC WITH DIFF/PLATELETS, LFT AND NA
 FILED IN CHART FOR REVIEW AND SIGNATURE
 SIGNED OFF ON 03/02/10 @ 7:53 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 153 LAB CLINIC 02/17/10 8:31 LIEBER COMP
 LAB RESULTS REC'D FOR REVIEW AND SIGNATURE
 FILED IN CHART FOR REVIEW AND SIGNATURE
 SIGNED OFF ON 02/17/10 @ 8:31 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 152 MENTAL HEALTH CLINIC 02/16/10 10:25 LIEBER COMP
 27 YO CM SEEN FOR FOLLOWUP. OVERALL DOING WELL, SAYS THE TEGRETOL HELPS HIS ANXIETY WHICH IS UNDER CONTROL. HE FEELS THE ZOLOFT NOT WORKING WELL AND IS DEPRESSED AND WORRIES AND IS DOWN, NOT TEARFUL, NOT SEVERE NO SI HI, NO AVH NO SIDE EFFECTS. HE NOTES THAT PROZAC WORKED BETTER ON THE STREET. HE WAS ON HIGH DOSE AS WELL AS THE TEGRETOL, NO SIDE EFFECTS. NO RASH
 O CALM AND COOPERATIVE, SPEECH NL R/V/P, TP LINEAR AND GD, TC NO SI HI AVH MEM AND CONC GOOD
 A IED, PSD, ASPD, ADHD
 P CONTINUE TEGRETOL 200/400
 CHANGE ZOLOFT TO PROZAC, DISCUSSED INCREASED INTERACTION AND RISK SE
 LAST LABS NOV 09 WILL RECHECK
 PLEASE CHECK CBC, DIFF, PLATELETS, LFT, SODIUM
 ROUTINE F/U
 STOP ZOLOFT START PROZAC 20
 CARBAMAZEPINE 200MG
 SIG:ONE TABLET PO QAM AND TWO PO QHS
 SIG:
 START DATE: 02/16/10 TOTAL DAYS: 90
 MD:MULBRY,L. WILLIAM
 FLUOXETINE 20MG
 SIG:ONE TABLET PO QAM
 SIG:
 START DATE: 02/16/10 TOTAL DAYS: 90
 MD:MULBRY,L. WILLIAM
 ZOLOFT 50MG
 SIG:ONE TABLET PO QAM FOR 7 DAYS THEN STOP
 SIG:
 START DATE: 02/16/10 TOTAL DAYS: 7
 MD:MULBRY,L. WILLIAM
 SIGNED OFF ON 02/16/10 @ 10:35 BY LEONARD W MULBRY JR, UNCLASSIFIED
 MEDS CHANGED ON MAR
 LABS PLACED IN LAB BOOK.

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SIGNED OFF ON 02/16/10 @ 15:45 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS

** ENCOUNTER: 151 LAB CLINIC 02/11/10 8:35 LIEBER COMP
BLOOD DRAWN FOR TEGRETOL LEVEL, AST AND CBC AS ORDERED
FASTING
SIGNED OFF ON 02/11/10 @ 8:35 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

** ENCOUNTER: 150 MENTAL HEALTH CLINIC 02/10/10 14:35 LIEBER COMP
INC. NOTE TREATMENT TEAM UPDATE TREATMENT PLANS WITH THE FOLLOWING RECOMMEN
DATIONS, MENTAL HEALTH STATUS REMAIN THE SAME. DX. IMPRESSION INTERMITTEN
EXPLOSIVE D/O, POLYSUBSTANCE DEP., ANTISOCIAL PERSONALITY D/O AND ADHD.
PLEASE SEE HARD COPY IN MEDICAL RECORD. NEXT UPDATE 5/10/10.
TREATMENT TEAM

M. RANSOM

C. BYNES

L. LEE

S. BIRCH

L. AIKEN

C. FELDER

E. HIGGINS

CAROLYN H. BYNES, CCC

SIGNED OFF ON 02/10/10 @ 14:38 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 149 MENTAL HEALTH CLINIC 01/27/10 17:47 LIEBER COMP
D: MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS DOING WELL.
HE STATES HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. HE IS
PLEASE WITH THIS REGIMENT. SLEEP AND APPETITE IS GOOD. INMATE STATED AS LON
G AS HE STAYS ON THE MEDICATIONS HE WILL DO "GOOD" AND HE REALIZES HE NEED
TO HAVE THE MEDICATIONS.

A: DX. IMPRESSION INTERMITTEN EXPLOSIVE D/O
POLYSUBSTANCE DEP.
ANTISOCIAL PERSONALITY D/O
GAF 70

INMATE REPORTS NO SYMPTOMS, DENEIS S/H IDEATION OR A/V HALLUCINATIONS. SPPE
H IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT
NORMAL AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 01/27/10 @ 17:57 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 148 LAB CLINIC 11/23/09 14:25 LIEBER COMP
LAB RESULTS REC'D FOR TEGRETOL LEVEL, AST AND CBC
FILED IN CHART FOR REVIEW AND SIGNATURE
SIGNED OFF ON 11/23/09 @ 14:26 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

** ENCOUNTER: 147 LAB CLINIC 11/19/09 5:57 LIEBER COMP
BLOOD DRAWN FOR TEGRETOL, AST AND CBC AS ORDERED
FASTING
SIGNED OFF ON 11/19/09 @ 5:58 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

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- ** ENCOUNTER: 146 MENTAL HEALTH CLINIC 11/17/09 14:45 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE STATES THINGS ARE WELL. HE IS
COMPLIANT WITH MEDICATIONS, SLEEP AND APPETITE IS GOOD. HE REPORTS HE HAS
NO CONCERNS OR COMPLAINTS.
A: DX. IMPRESSION INTERMITTENT EXPLOSIVE D/O
POLYSUBSTANCE DEP.
ANTISOCIAL PERSONALITY D/O
ADHD D/O
GAF 65
INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHE
RENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE
CONTACT.
P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.
CAROLYN H. BYNES, CCC
SIGNED OFF ON 11/17/09 @ 14:57 BY CAROLYN H BYNES, HUMAN SERVICES COORD I
- ** ENCOUNTER: 145 MENTAL HEALTH CLINIC 11/17/09 11:05 LIEBER COMP
27 YO CM SEEN FOR ROUTINE FOLLOWUP, HE SAYS THAT HE IS DOING OK BUT A LITTL
DEPRESSED, MOODY, NOT TEARFUL, EATING AND SLEEPING OK NO SI HI AVH, NO SIDE
EFFECTS, NOT DIZZY NO RASH, NOT WEAK, NO INFXNS.
O CALM AND COOPERATIVE, MOOD 'OK' SPEECH NL R/V/P TP LINEAR AND GD, TC NO
SI HI AVH, MEM AND CONC GOOD,
A IED, PSD, ASPD, ADHD
P ZOLOFT TO 100 QAM
TEGRETOL AT 200 QAM AND 400 QHS
ROUTINE FOLLOWUP
ZOLOFT 100MG
SIG: ONE TABLET PO QAM
SIG:
START DATE: 11/17/09 TOTAL DAYS: 90
MD: MULBRY, L. WILLIAM
CARBAMAZEPINE 200MG
SIG: ONE TABLET PO QAM AND TWO TABLETS PO QHS
SIG:
START DATE: 11/17/09 TOTAL DAYS: 90
MD: MULBRY, L. WILLIAM
SIGNED OFF ON 11/17/09 @ 11:12 BY LEONARD W MULBRY JR, UNCLASSIFIED
MEDS PLACED ON MAR
SIGNED OFF ON 11/19/09 @ 6:51 BY BRENDA K KEAY, LICENSED PRACTICAL NURSE
- ** ENCOUNTER: 144 MENTAL HEALTH CLINIC 11/10/09 10:12 LIEBER COMP
PT WANTS TO D/C VISTERIL
SIGNED OFF ON 11/10/09 @ 10:12 BY LEONARD W MULBRY JR, UNCLASSIFIED
NEW ORDER D/C ON MEDICATION SHEET.
SIGNED OFF ON 11/10/09 @ 16:34 BY PAULETTE L SEABROOK, LICENSED PRACTICAL NUR
- ** ENCOUNTER: 143 LAB CLINIC 10/27/09 9:57 LIEBER COMP
BLOOD DRAWN FOR CBC AS ORDERED PER PROCEDURE 300.A-1
FASTING
SIGNED OFF ON 10/27/09 @ 9:57 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

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- ** ENCOUNTER: 142 LAB CLINIC 09/09/09 12:03 LIEBER COMP
BLOOD DRAWN FOR SODIUM LEVEL AS ORDERED
FASTING
SIGNED OFF ON 09/09/09 @ 12:04 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT
- ** ENCOUNTER: 141 MENTAL HEALTH CLINIC 09/02/09 14:43 LIEBER COMP
27 YO CM SEEN FOR ROUTINE FOLLOWUP. HE SAYS THAT HE IS DOING FINE, MOOD IS
STABLE, NOT IRRITABLE, NOT SAD OR DEPRESSED, SLEEPING OK BUT BROKEN. NO
RASH, INFXN, WEAKNESS OR OTHER SE. NO SI HI AVH.
O CALM AND QUIET, MOOD 'ALRIGHT' SPEECH SPARSE BUT NORMAL R/V/P, TP ARE
LINEAR AND GD TC NO SI HI AVH, MEM AND CONC GOOD
A IED PSD ASPD ADHD
STABLE
P MEDS ALREADY RENEWED
CBZ 200 IN AM 400 IN PM
VISTERIL 50 BID
ZOLOFT 50 QAM
ROUTINE FOLLOWUP
PLEASE DRAW LAB SODIUM LEVEL
SIGNED OFF ON 09/02/09 @ 14:49 BY LEONARD W MULBRY JR, UNCLASSIFIED
LAB POSTED IN LAB BOOK.
SIGNED OFF ON 09/02/09 @ 15:10 BY DEMPSEY C HOWARD, UNCLASSIFIED
- ** ENCOUNTER: 140 MENTAL HEALTH CLINIC 08/27/09 10:08 LIEBER COMP
NEED TO RENEW TEGRETOL ALSO.
CARBAMAZEPINE 200MG
SIG: TAKE ONE QAM AND TWO QHS
SIG:
START DATE: 08/27/09 TOTAL DAYS: 90
MD: HIGGINS, EDMUND -
SIGNED OFF ON 08/27/09 @ 10:09 BY EDMUND S HIGGINS, PSYCHIATRIST
MEDICATION ORDERS GIVEN TO PHARMACY
SIGNED OFF ON 08/28/09 @ 7:34 BY CHESTER OGRODNIK, REGISTERED NURSE I
- ** ENCOUNTER: 139 MENTAL HEALTH CLINIC 08/24/09 9:48 LIEBER COMP
I/M'S PSYCH MEDS ABOUT TO EXPIRE. WILL RENEW AND HAVE HIM SEEN WHEN
POSSIBLE
ZOLOFT 50MG
SIG: TAKE ONE QAM
SIG:
START DATE: 08/24/09 TOTAL DAYS: 90
MD: HIGGINS, EDMUND -
HYDROXYZINE PAMOATE 50MG
SIG: TAKE ONE BID
SIG:
START DATE: 08/24/09 TOTAL DAYS: 90
MD: HIGGINS, EDMUND -
SIGNED OFF ON 08/24/09 @ 9:49 BY EDMUND S HIGGINS, PSYCHIATRIST
MEDS DIRECT TRANSMIT TO PHARM

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SIGNED OFF ON 08/24/09 @ 10:02 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS

** ENCOUNTER: 138 MENTAL HEALTH CLINIC 08/17/09 11:25 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS THAT HE IS AS GOOD AS
COULD BE EXPECTED. HE STATED THAT THE INMATE NEXT TO HIS ROOM BEATS ON THE
WALL ASKING FOR CANDY. HE FEELS THAT HE DOES THIS ON PURPOSE. INMATE REPORT
S THAT HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. HE REPORTS TH
AT HE JUST HAD SOME BLOOD TAKEN FOR A "LEVEL". HE REPORTS HE HAD NO ISSUES
THAT NEED TO BE DISCUSS AT THIS TIME. HE REPORTS ALL IS AKAY.

A: DX. IMPRESSION INTERMITTENT EXPLOSIVE D/O
ANTISOCIAL PERSONALITY D/O
POLYSUBSTANCE DEP.
ADHD
GAF 70

INMATE DENEIS S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHE
RENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE
CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 08/17/09 @ 11:33 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 137 LAB CLINIC 08/12/09 8:07 LIEBER COMP
LAB RESULTS REC'D FOR CBC, AST AND TEGRETOL LEVEL
FILED IN CHART FOR REVIEW AND SIGNATURE
SIGNED OFF ON 08/12/09 @ 8:08 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

** ENCOUNTER: 136 LAB CLINIC 08/11/09 11:46 LIEBER COMP
BLOOD DRAWN FOR TEGRETOL, SGOT AND CBC AS ORDERED
FASTING
SIGNED OFF ON 08/11/09 @ 11:46 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

** ENCOUNTER: 135 MENTAL HEALTH CLINIC 08/10/09 11:00 LIEBER COMP
OPEN IN ERROR.
CAROLYN H. BYNES, CCC
SIGNED OFF ON 08/10/09 @ 11:01 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 134 LAB CLINIC 07/02/09 9:44 LIEBER COMP
LAB RESULTS REC'D FOR CBC
FILED IN CHART FOR REVIEW AND SIGNATURE
SIGNED OFF ON 07/02/09 @ 9:45 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

** ENCOUNTER: 133 LAB CLINIC 07/01/09 10:53 LIEBER COMP
BLOOD DRAWN FOR CBC AS ORDERED PER PROCEDURE 300.A-1
FASTING
SIGNED OFF ON 07/01/09 @ 10:54 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTAN

** ENCOUNTER: 132 MENTAL HEALTH CLINIC 06/22/09 11:04 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS THINGS ARE WELL WITH
HIM AT THIS TIME. HE STATES HE IS COMPLIANT WITH MEDICATIONS WITHOUT SIDE E
FFECTS. HE STATES SLEEP AND APPETITE REGIMENT IS GOOD. HE STATES HE HAS

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GAIN 25 POUNDS SINCE BEING HERE. HE REPORTS NO CONCERNS OR COMPLAINTS.

A: DX. IMPRESSION INTERMITTENT EXPLOSIVE D/O
POLYSUBSTANCE DEP.
ANTISOCIAL PERSONALITY D/O
ADHD
GAF 70

INMATE DENEIS S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE. AFFECT BRIGHT AND GOOD EYE CONTACT.

P: CCC WITH CONTINUE TO MONITOR, F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 06/22/09 @ 11:11 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 131 MENTAL HEALTH CLINIC 05/29/09 15:05 LIEBER COMP
27 YO CM SEEN AT DOOR AT HIS REQUEST. HE SAYS THAT HE IS DOING FINE. MOOD IS STABLE NOT DEPRESSED, SLEEPING OK, EATING OK, NO SI HI AVH
NO RASH, FEELS FINE, NO ILLNESS, NO SIDE EFFECTS
O SLEEPY, HE WAS TAKING A NAP, MOOD 'FINE' SPEECH NORMAL R/V/P TP LINEAR
AND GD, TC NO SI HI AVH. MEM AND CONC GOOD LABS OK
A IED PSD ASPD ADHD

STABLE

P RENEW CBZ 200 IN AM AND 400 PM

VISTERIL 50 BID

ZOLOFT 50 QAM

WE NEED TO CHECK ONE MORE LAB. PLEASE DRAW SODIUM LEVEL

ZOLOFT 50MG

SIG: ONE TABLET PO QAM

SIG:

START DATE: 06/03/09 TOTAL DAYS: 90

MD: MULBRY, L. WILLIAM

CARBAMAZEPINE 200MG

SIG: ONE TABLET PO QAM AND TWO TABLETS PO QHS

SIG:

START DATE: 06/03/09 TOTAL DAYS: 90

MD: MULBRY, L. WILLIAM

HYDROXYZINE PAMOATE 50MG

SIG: ONE TABLET PO BID

SIG:

START DATE: 06/03/09 TOTAL DAYS: 90

MD: MULBRY, L. WILLIAM

SIGNED OFF ON 05/29/09 @ 15:16 BY LEONARD W MULBRY JR, UNCLASSIFIED

MEDICATION ORDERS GIVEN TO PHARMACY

SIGNED OFF ON 05/29/09 @ 15:20 BY CHESTER OGRODNIK, REGISTERED NURSE I

** ENCOUNTER: 130 MENTAL HEALTH CLINIC 05/22/09 12:19 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS THAT HE COMPLIANT WITH MEDICATIONS WITHOUT SIDE EFFECTS. HE STATED THAT HIS APPETITE AND SLEEP REGIMENT IS GOOD. HE STATED THAT HE IS FEELING A LITTLE FRUSTRATED BECAUSE HE NOT ABLE TO GET A PERSONAL PROPERTY FORM, BUT OTHER THAN THIS ISSUE HE HAS NO CONCERNS OR COMPLAINTS. THINGS ARE FINE FOR HIM RIGHT NOW.

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A: DX. IMPRESSION POLYSUBSTANCE DEP.
ANTISOCIAL PERSONALITY D/O
ADHD
INTERMITTEN EXPLOSIVE D/O
GAF 65

INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE. AFFECT FAIR AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED, CCC WILL ATTEMPT TO GET THE FORM THAT INMATE IS REQUESTING.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 05/22/09 @ 12:27 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 129 LAB CLINIC 05/18/09 7:07 LIEBER COMP
LAB RESULTS REC'D FOR AST AND TEGRETOL
FILED IN CHART FOR REVIEW AND SIGNATURE
SIGNED OFF ON 05/18/09 @ 7:07 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 128 LAB CLINIC 05/14/09 7:20 LIEBER COMP
BLOOD DRAWN FOR TEGRETOL AND AST AS ORDERED
FASTING
SIGNED OFF ON 05/14/09 @ 7:20 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 127 LAB CLINIC 04/27/09 8:36 LIEBER COMP
LAB RESULTS REC'D FOR CBC
FILED IN CHART FOR REVIEW AND SIGNATURE
SIGNED OFF ON 04/27/09 @ 8:37 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 126 LAB CLINIC 04/23/09 9:01 LIEBER COMP
BLOOD DRAWN FOR CBC PER PROCEDURE 300.A-1
FASTING
SIGNED OFF ON 04/23/09 @ 9:02 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 125 DOCTOR'S CLINIC 03/27/09 11:41 LIEBER COMP
S> I/M CHECKED FOR ANY PROBLEMS AFTER HAVING NASAL FX'S. HE STATES HE IS ABLE TO BREATHE THROUGH BOTH NOSTRILS WITHOUT DIFFICULTY. DOES NOT NEED IBPROFEN ANYMORE.

O> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
NO NASAL DEFORMITY NOTED.

A> NASAL FX'S WITH NO RESIDUAL PROBLEMS

P> D/C MOTRIN.
SIGNED OFF ON 03/27/09 @ 11:44 BY ROBERT E BABB, UNCLASSIFIED

** ENCOUNTER: 124 LAB CLINIC 03/25/09 10:19 LIEBER COMP
LAB RESULTS REC'D FOR CBC
FILED IN CHART FOR REVIEW AND SIGNATURE
SIGNED OFF ON 03/25/09 @ 10:20 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 123 LAB CLINIC 03/24/09 8:32 LIEBER COMP
BLOOD DRAWN FOR CBC AS ORDERED PER PROCEDURE 300.A-1

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NON FASTING

SIGNED OFF ON 03/24/09 @ 8:32 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 122 MENTAL HEALTH CLINIC 03/23/09 15:18 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH FOR F/U. INMATE REPORTS THAT HE IS COMPLIANT WITH THE MEDICATIONS. HE WAS ABLE TO INFORM UNDERWRITER WHAT MEDICATIONS HE IS PRESCRIBE AND WHEN HE TOOK THEM. HE REPORTS SLEEP AND APPETTITE REGIMENT IS GOOD. HE REPORTS NO CONCERNS OR COMPLAINT AT THIS TIME.

A: DX. IMPRESSION PREVIOUSLY STATED, GAF 70. INMATE DENEIS S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 03/23/09 @ 15:29 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 121 MENTAL HEALTH CLINIC 03/19/09 10:16 LIEBER COMP
INC. NOTE **** PSYCH CLINIC F/U APPOINTMENT SCHEDULED FOR 5/18 ON DEATHROW.
CAROLYN H. BYNES, CCC
SIGNED OFF ON 03/19/09 @ 10:17 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 120 TB CLINIC 03/09/09 12:37 LIEBER COMP
I/M PPD GIVEN 3/6/09 NEG. 3/9/09
SIGNED OFF ON 03/09/09 @ 12:38 BY CARLA GASTON, UNCLASSIFIED

** ENCOUNTER: 119 MENTAL HEALTH CLINIC 03/06/09 14:17 LIEBER COMP
WILL MAKE THE VISTERIL PRN
SIGNED OFF ON 03/06/09 @ 14:19 BY LEONARD W MULBRY JR, UNCLASSIFIED

** ENCOUNTER: 118 MENTAL HEALTH CLINIC 03/06/09 14:01 LIEBER COMP
27 YO CM SEEN FOR ROUTINE FOLLOWUP, HE SAYS THAT HE IS DOING WELL, THAT THE VISTERIL HELPED. HE SAYS MOOD IS STABLE, NOT DEPRESSED, NOT MANIC, SLEEPING OK, EATING OK, NOT TOO ANXIOUS, NO SIDE EFFECTS, NOT DIZZY, NO RASH, NO SI HI AVH

O CALM AND COOPERATIVE, MOOD STABLE MILDLY CONSTRICTED, NO TREMOR, SPEECH NL R/V/P, TP LINEAR AND GD, TC NO SI HI AVH, MEM AND CONC GOOD

A IED, PSD, ASPD, ADHD

STABLE

P WILL RENEW CBZ 200 AM AND 400 PM

WILL ORDER VISTERIL 50 BID PRN

WILL RENEW ZOLOFT 50 QAM

ZOLOFT 50MG

SIG:ONE TABLET PO QAM

SIG:

START DATE: 03/06/09 TOTAL DAYS: 90

MD:MULBRY,L. WILLIAM

CARBAMAZEPINE 200MG

SIG:ONE TABLET PO QAM AND TWO TABLETS PO QHS

SIG:

START DATE: 03/06/09 TOTAL DAYS: 90

MD:MULBRY,L. WILLIAM

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HYDROXYZINE PAMOATE 50MG

SIG: ONE TABLET PO BID PRN ANXIETY

SIG:

START DATE: 03/06/09 TOTAL DAYS: 90

MD: MULBRY, L. WILLIAM

SIGNED OFF ON 03/06/09 @ 14:13 BY LEONARD W MULBRY JR, UNCLASSIFIED

MEDICATION ORDERS GIVEN TO PHARMACY

SIGNED OFF ON 03/06/09 @ 18:03 BY CHESTER OGRODNIK, REGISTERED NURSE I

** ENCOUNTER: 117 MENTAL HEALTH CLINIC 02/12/09 13:20 LIEBER COMP

LAB RESULTS

THYROID PROFILE: WNL

CBC: WNL

CBZ LEVEL: LESS THAN 2.0

SIGNED OFF ON 02/12/09 @ 13:21 BY EDMUND S HIGGINS, PSYCHIATRIST

** ENCOUNTER: 116 MENTAL HEALTH CLINIC 02/12/09 11:00 LIEBER COMP

MET WITH INMATE AT HIS REQUEST. HE REPORTS THAT HE HAS NOT RECEIVE HIS MEDICATIONS LAST NIGHT OR THIS MORNING, HE FEELS THAT THE NURSES ARE NOT AWARE THAT HE HAS MOVE TO ANOTHER ROOM. HOWEVER HE REPORTS THAT HE FEELING GOOD AND HAS NO OTHER COMPLAINTS OR CONCERNS AT THIS TIME. INMATE FACE IS BEGAINING TO LOOK BETTER, THE SWELLING HAS GONE, BUT HE HAS BLACK AND BLUE MARKS. CCC ADVISE INMATE THAT THE ISSUES ABOUT MEDICATION WILL BE ADDRESSED.

A: DX. IMPRESSION PREVIOUSLY STATED, GAF 70. INMATE DENIES S/H IDEATIONS OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 02/12/09 @ 11:08 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 115 DOCTOR'S CLINIC 02/11/09 15:01 LIEBER COMP

TYLENOL #3 ORDERED FOR 5 DAYS AND AUGMENTIN 875MG BID FOR 7 DAYS. SEE MD IN 1 MO TO DECIDE IF HE WILL NEED ENT EVALUATION. I/M HAS CLARITIN FOR NASAL CONGESTION.

AUGMENTIN 875MG

SIG: 1 TAB TWICE A DAY

SIG:

START DATE: 02/11/09 TOTAL DAYS: 7

MD: BABB, ROBERT -

SIGNED OFF ON 02/11/09 @ 15:04 BY ROBERT E BABB, UNCLASSIFIED

ORDER FOR TYLENOL #3 WRITTEN FOR 5 DAYS. AUGMENTIN 875MG BID FOR 7

DAYS. MARS MADE GIVEN TO PHARM APPT MADE FOR I/M TO RTC IN 1 MO.

SIGNED OFF ON 02/11/09 @ 17:58 BY KISHA LINNEN, LICENSED PRACTICAL NURSE

** ENCOUNTER: 114 MENTAL HEALTH CLINIC 02/10/09 13:06 LIEBER COMP

MET WITH INMATE AFTER IT WAS REPORTED THAT HE WAS INVOLVE IN AN ALTERCATION WITH ANOTHER INMATE DURING DAILY RECREATION. HE REPORTED THAT HE AND THIS INMATE HAD BEEN ARGUEING FOR THE PAST 2 WEEKS REGARDING THE TELEVISION. HE STATES THAT HE JUST WALK IN THE CAGE AND ASK INMATE WHAT IS GOING ON AND THE ONLY THING HE REMEMBER IS WAKEING ON THE GROUND. HE DENIES EVER HITTING

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THE OTHER INMATE. INMATE WAS TAKEN TO TRIDENT ER FOR FURTHER TREATMENT AND RETURN A FEW HOURS LATER. IT IS REPORTED THAT HAS 4 BROKEN BONES IN HIS NOSE, BLACK EYE AND BRUISE AROUND HIS FACE. INMATE STATED HE WAS FEELING JITTERY AND NERVOUS AT THIS TIME. HE STATED THAT HE IS COMPLIANT WITH ALL PRESCRIBED MEDICATIONS AS VERIFIED BY THE MAR AND MEDICAL STAFF.

A: DX. IMPRESSION DEPRESSION
ANXIETY D/O
POLYSUBSTANCE DEP.
GAF 70

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD APPEARS ANXIOUS BUT STABLE, AFFECT FLAT AND FAIR EYE CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED AND SEEK SEDUCTIVE FROM MEDICAL.
CAROLYN H. BYNES, CCC

SIGNED OFF ON 02/10/09 @ 14:28 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 113 MENTAL HEALTH CLINIC 02/10/09 12:51 LIEBER COMP
22 YO CM SEEN AT REQUEST COUNSELER, IM INJURED IN ALTERCATION. IM SAYS HE IS DOING OK, MOOD HOLDING UP NO INTRUSIVE THOUGHTS, NOT DEPRESSED, HE IS A LITTLE ANXIOUS BUT NOT BAD. NO SI HI AVH
O CALM, COOPERATIVE, OBVIOUS FACIAL BRUISING, QUIET CONSTRICTED, SPEECH QUIET BUT NORMAL RATE AND PORSODY TP LINEAR AND GD, TC NO SI HI AVH MEM AND CONC GOOD
ASSESS, ANXIETY DEPRSSION
HX PSA
STABLE POST TRAUMA
P WILL MONITOR, SAME MEDS
SIGNED OFF ON 02/10/09 @ 12:55 BY LEONARD W MULBRY JR, UNCLASSIFIED
CCC FOUND OPEN WILL CLOSE OUT.
CAROLYN H. BYNES, CCC
SIGNED OFF ON 02/18/09 @ 9:19 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 112 INSIDE APPOINTMENT 02/10/09 10:35 LIEBER COMP
SAW IM AT CELL WINDOW. STATES HE WAS A LITTLE DIZZY AND IN SOME PAIN. RELAYED MESSAGE TO PHARM. FOR PAIN MEDS.
SIGNED OFF ON 02/10/09 @ 10:37 BY DEMPSEY C HOWARD, UNCLASSIFIED

** ENCOUNTER: 111 LAB CLINIC 02/10/09 7:31 LIEBER COMP
BLOOD DRAWN FOR THYROID PANEL, TEGRETOL, AST AND CBC AS ORDERED PER 300.A-1.
NON FASTING
SIGNED OFF ON 02/10/09 @ 7:32 BY GWENDOLYN TAYLOR-BISHOP, MEDICAL ASSISTANT

** ENCOUNTER: 110 DOCTOR'S CLINIC 02/09/09 15:24 LIEBER COMP
I/M. HAS BEEN VERY NERVOUS SINCE HIS INVOLVEMENT IN AN ALTERCATION. WILL ORDER VISTERIL UNTIL HE CAN BE SEEN BY PSYCH.
HYDROXYZINE PAMOATE 50MG
SIG:1 TAB EVERY 4 TO 6 HRS AS NEEDED FOR ANXIETY
SIG:
START DATE: 02/09/09 TOTAL DAYS: 14
MD:BABB,ROBET -

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SIGNED OFF ON 02/09/09 @ 15:26 BY ROBERT E BABB, UNCLASSIFIED

MED DIRECT TRNASMIT TO KCI PHARM

SIGNED OFF ON 02/09/09 @ 17:31 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS

** ENCOUNTER: 109 INSIDE APPOINTMENT 02/09/09 14:36 LIEBER COMP
RETURNED FROM OUT SIDE EMERGENCY VISIT. DX CLOSED HEAD INJURY, NASAL FRACTURE. APPLY ICE INTERMITTENTLY 15 20 MINS 4 6 TIMES ADAY AS NEEDED. MEDS INCL UDE PSEUDOEPHRINE 30 MGMS PO Q 6 HRS AS NEEDED FOR CONGESTION, MOTRIN IB 200 MGS TAKE 4 PO AS NEEDED FOR PAIN, TYLENOL NO 3 TAKE 1 TAB Q 4 HRS AS NEEDED FOR PAIN AND AUGMENTIN 875MG TAKE 1 TAB Q 12 HRS FOT 7 DAYS. GENERIC SUBSTITUTE OK. HIP EXPLAINED. CONT TAKING CURRENT MEDS. F/U FRI.
SIGNED OFF ON 02/09/09 @ 14:49 BY DEMPSEY C HOWARD, UNCLASSIFIED
AUGMENTIN AND T3 WERE GIVEN. WILL ALSO ORDER MOTRIN AND CTM'S. APPT HAS ALREADY BEEN MADE FOR EVALUATION OF NOSE AFTER SWELLING HAS GONE DOWN.
SIGNED OFF ON 02/19/09 @ 10:15 BY ROBERT E BABB, UNCLASSIFIED
SIGNED OFF ON 02/19/09 @ 15:10 BY DEBRA AUSTIN, REGISTERED NURSE I

** ENCOUNTER: 108 EMERGENCY INHOUSE 02/09/09 10:40 LIEBER COMP
CALLED TO SK TO SEE IM AFTER ALTERCATION WITH ANOTHER IM. STANDING IN EXERCISE CAGE BLEEDING FROM NOSE AND MOUTH. MULTIPLE ABRASIONS TO FACE AND NECK. B/P 160/100. SEEN BY DR BABB AND ORDERS GIVEN TO TRANSFER TO TRIDENT ER.
SIGNED OFF ON 02/09/09 @ 10:45 BY DEMPSEY C HOWARD, UNCLASSIFIED
AS ABOVE
SIGNED OFF ON 02/09/09 @ 15:36 BY ROBERT E BABB, UNCLASSIFIED

** ENCOUNTER: 107 OUTSIDE APPOINTMENT 02/09/09 10:17 LIEBER COMP
I?M TRANSPORTED TO TRIDENT PER DOCTOR BABB.
SIGNED OFF ON 02/09/09 @ 10:18 BY MADLIN C DRAYTON, UNCLASSIFIED
NOTED.
SIGNED OFF ON 02/09/09 @ 14:31 BY DEMPSEY C HOWARD, UNCLASSIFIED

** ENCOUNTER: 106 MENTAL HEALTH CLINIC 01/06/09 14:36 LIEBER COMP
INC. NOTE****PSYCH CLINIC F/U SCHEDULE FOR 3/03/09.
CAROLYN H. BYNES, CCC
SIGNED OFF ON 01/06/09 @ 14:36 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 105 MENTAL HEALTH CLINIC 01/05/09 10:50 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS HE IS DOING WELL AND HAS NO COMPLAINTS AT THIS TIME. REPORTS THAT APPETTITE AND SLEEP REGIMENTS IS GOOD. HE IS COMPLIANT WITH MEDICATIONS AND HE IS NOT EXPERIENCEING NO SIDE EFFECTS.

A: DX. IMPRESSION DEPRESSION D/O
ANXIETY D/O
POLYSUBSTANCE DEP.
GAF 70

INMATE DENIES S/H IDEATION OR A/V HALLUCINATIONS. SPEECH IS CLEAR ND COHERENT, THINKING IS PRESENT, MOOD APPEARS STABLE. AFFECT IS BRIGHT AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.
CAROLYN H. BYNES, CCC

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SIGNED OFF ON 01/05/09 @ 10:59 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

* ENCOUNTER: 104 MENTAL HEALTH CLINIC 12/19/08 9:42 LIEBER COMP
PT SEEN FOR RECHECK, PT UP COMFORTABLE AND PLEASANT, EATING WELL SLEEPING
WELL, NO ABD DISCOMFORT NO FEVERS SWEATS OR CHILLS. SINUS IS BETTER OR GONE
NO COMPLAINTS. SAYS MOOD IS FINE, NO SI HI
OOO SEEN AT DOORWAY OF CELL, PT WAS UP AND TALKING TO OTHERS, MOOD GOOD, EUT
HYMIC, SPEECH NL R/V/P, TP LINEAR AND G.D. TC NO SI HI AVH. NOT ATAXIC NOT
DYSARTHIC, SMILES DURING CONVERSATION. OX3
AAA DOING WELL, NO SIGNS TEGRETOL TOX, STABLE MOOD
PPP WILL RESUME TEGRETOL AT LOWER DOSE
DISCUSSED THE DANGERS OF TOXICITY WITH IM
WILL FOLLOWUP IN 2 MOS AND CHECK LABS
SIGNED OFF ON 12/19/08 @ 9:53 BY LEONARD W MULBRY JR, UNCLASSIFIED

* ENCOUNTER: 103 MENTAL HEALTH CLINIC 12/18/08 15:14 LIEBER COMP
RESTART ZOLOFT
ZOLOFT 50MG
SIG: ONE TABLET IN THE AM
SIG:
START DATE: 12/18/08 TOTAL DAYS: 90
MD: MULBRY, L. WILLIAM
SIGNED OFF ON 12/18/08 @ 15:16 BY LEONARD W MULBRY JR, UNCLASSIFIED
MED ORDER GIVEN TO PHARMACY
SIGNED OFF ON 12/18/08 @ 18:52 BY CHESTER OGRODNIK, REGISTERED NURSE I

* ENCOUNTER: 102 MENTAL HEALTH CLINIC 12/18/08 13:53 LIEBER COMP
27YO WM ON TEGRETOL FOR IED, PT NOTED TO BE SEDATED. PT SAYS DID NOT OD, S
AYS ITS SINUS, SAYS NO OTHER DRUGS. SAYS OK EXCEPT STOMACH UPSET, NO SI HI
NOT DEPRESSED, NO AVH. THOUGHTS ARE CLEAR. MOOD OK
O PT SEEN IN CELL, STANDS OK, MAYBE A BIT SEDATED, CALM PLEASANT SAYS NOT D
EPRESSED, SPEECH CLEAR, NL R/V/P, TP LINEAR AND GD, NOT DYSARTHIC, TC NO
SI HI AVH MEM AND CONC GOOD. OX3 NO TREMOR. PULSE REGULAR. NO RASH
A IED, PSD, ASPD AND ADHD,
MAYBE HOARDING WILL HOLD FOR 24 HR
P WILL HOLD MEDS FOR 24 HR THEN RESTART AT TEGRETOL 200 IN AM AND 400 IN
THE PM.
IF GI SX PERSIST WILL CHECK LFT
CONTINUE ZOLOFT 50QAM
FOLLOW UP MONDAY THEN 3MOS
CARBAMAZEPINE 200MG
SIG: ONE TABLET IN THE AM AND TWO TABLETS AT HS
SIG:
START DATE: 12/19/08 TOTAL DAYS: 90
MD: MULBRY, L. WILLIAM
SIGNED OFF ON 12/18/08 @ 15:12 BY LEONARD W MULBRY JR, UNCLASSIFIED
MED ORDERS GIVEN TO PHARMACY, FORWARDED TO CCC
SIGNED OFF ON 12/18/08 @ 18:52 BY CHESTER OGRODNIK, REGISTERED NURSE I
RX DIRECT TRANSMIT TO PHARM
SIGNED OFF ON 01/14/09 @ 6:44 BY KATHY MCCULLOUGH, LICENSED PRACTICAL NURS

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** ENCOUNTER: 101 MENTAL HEALTH CLINIC 11/26/08 10:41 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS THAT HIS MEDICATION
HAS BEEN CHANGE AND WHAT HE IS CURRENTLY TAKEING IS NOT WORKING. THOUGH HE
HAS BEEN TAKEING IT EVERYDAY IT IS NOT WORKING FOR HIM. INMATE STATES THAT
HE IS EXPECTING VISIT FROM GRANDMOTHER AROUND THE HOLIDAYS. SLEEP IS NOT
GOOD DUE TO THE CHANGE IN THE MEDICATION HE IS GETTING ABOUT 2 HOURS NIGHTL
Y.. INMATE REPORTS THAT HIS APPETITE IS NOT GOOD SINCE THE MEDIDATIONS CHANG
ED.

A: DX. IMPRESSION DEPRESSION D/O
POLYSUBSTANCE (MUSHROOM, METH, MARIJUANA AND LSD)
ANXIETY D/O
GAF 55

INMATE DENIES S/H IDEATION OR A/V HALLUCINATION. SPEECH IS CLEAR AND COHERE
NT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFECT BRIGH AND GOOD EYE CONT
ACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 11/26/08 @ 10:55 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 100 MENTAL HEALTH CLINIC 09/30/08 12:07 LIEBER COMP
MET WITH INMATE FOR MENTAL HEALTH F/U. INMATE REPORTS THAT HE IS COMPLIANT
WITH MEDICATION WITHOUT ANY SIDE EFFECTS AND STATES THAT HE IS FEELING MUCH
BETTER. HE REPORTS THAT SLEEP AND APPETITE REGIMENT IS GOOD. HE STATED HE H
AS NO CONCERNS OR COMPLAINTS.

A: DX. IMPRESSION PREVIOUSLY STATED, GAF 70. INMATE DENIES S/H IDEATION OR
A/V HALLUCINATION.. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD
APPEARS STABLE AND GOOD EYE CONTACT.

P: MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.

SIGNED OFF ON 09/30/08 @ 12:12 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 99 MENTAL HEALTH CLINIC 09/25/08 8:16 LIEBER COMP
INC. NOTE...TREATMENT TEAM CREATED TREATMENT PLANS AND DETERMINDED THAT INM
ATE IS MENTALLY ILL. DX. IMPRESSION DEPRESSION, ANXIETY D/O, POLYSUBSTANCE
DEP. AND ANTISOCIAL PERSONALITY. PLEASE SEE HARD COPY IN MEDICAL RECORD.
NEXT UPDATE 12/15/08.

TREATMENT TEAM

M. RANSOM

L. LEE

C. BYNES

E. HIGGINS

T. MCCANTS

CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/25/08 @ 9:41 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 98 MENTAL HEALTH CLINIC 09/17/08 9:45 LIEBER COMP
MET WITH INMATE AT HIS OBSERVATION CELL, HE REPORTS THAT HE IS FEELING MUCH
CALMER AND HE WAS ABLE TO SLEEP ALL NIGHT. HE ASK WILL BE MOVE FROM THE
CELL THAT HE IS CURRENTLY IN. HE WAS ADVISE THAT HE WILL BE MOVE TO ANOTHER
CELL WHEN SECURITY CLEARS HIM.

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A: DX. IMPRESSION DEPRESSION
ANXIETY D/O
POLYSUBSTANCE DEP. (MUSHROOM, CYRSTAL METH, MARIJUANA AND
LSD)
GAF 60

INMATE DENIES S/H IDEATION OR A/V HALLUCINATION. SPEECH IS CLEAR AND COHERE
NT, THINKING IS PRESENT, MOOD APPEARS STABLE, AFFECT BRIGHT AND GOOD EYE
CONTACT.

P: INMATE WILL BE REMOVE FROM CI. MENTAL HEALTH F/U 4-6 WEEKS OR AS NEEDED.
CCC WILL CONTINUE TO MONITOR CLOSELY.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/17/08 @ 9:56 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 97 MENTAL HEALTH CLINIC 09/16/08 15:57 LIEBER COMP
MET WITH INMATE AT HIS CELL DOOR, HE REPORTED THAT HE IS FEELING BETTER AND
IS COMPLIANT WITH MEDICATION. HE STATED THAT HE WAS ABLE TO SLEEP ALL NIGHT
AND HIS APPETTITE CONTINUES TO BE GOOD. INMATE REPORTED THAT HE WENT TO SLE
EP AT ABOUT 11:00 PM AND WAS AWAKEN FOR BREAKFAST ABOUT 6:00 AM.
INMATE APPEAR NOT AS JITTERY, HIS HANDS ARE MORE STEADY SPEECH IS CLEAR.
OVER ALL INMATE APPEARS TO BE MUCH CALMER.

A: DX. IMPRESSION PREVIOUSLY STATED, GAF 55. HE DENIES S/H IDEATION OR A/V
HALLUCINATIONS. SPEECH IS COHERENT, MOOD APPERS CALM, AFFECT GOOD, AND GOOD
EYE CONTACT.

P: CONTINUE TO MONITOR AND MAY REMOVE FROM CI AND F/U 17 SEPT.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/16/08 @ 16:04 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 96 FOLLOW-UP DENTAL 09/15/08 15:39 LIEBER COMP

A> DENTAL EXAMINATION

IOE AND CHART

SIGNED OFF ON 09/15/08 @ 15:39 BY CANDACE A WIGFALL, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 95 MENTAL HEALTH CLINIC 09/15/08 10:27 LIEBER COMP
COT WITH INMATE FOR CI EVAL. INMATE REPORTS THAT HE IS FEELING BETTER, MORE
"CALMER". STATES HE IS GETTING MEDICATION AND IS COMPLIANT. INMATE REPORTS
THAT HE WAS ABLE TO SLEEP MORE AND HIS APPETTITE IS GOOD. INMATE EXPRESS
QUESTION ABOUT THE CHANGE IN MEDICATIONS, HE STATED THAT HE IS NOT GETTING
HIS TEGRETOL IN THE EVENINGS. CCC CONTACTED PHARMACY AND WAS TOLD THAT HE
IS RECEIVING IT IN THE MORNINGS AND EVENING OR WHEN THE NURSES ARE ALLOW TO
BRING THEM TO HIM.

A: DX. IMPRESSION PREVIOUSLY STATED, GAF 50. INMATE DENIES S/H IDEATIONS OR
A/V HALLUCINATIONS. SPEECH IS CLEAR AND COHERENT, THINKING IS PRESENT, MOOD
APPEARS FAIRLY STABLE, AFFECT FAIR AND FAIR EYE CONTACT.

P: INMATE WILL REMAIN ON CI AND WILL F/U 16 SEPT.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/15/08 @ 10:45 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 94 DOCTOR'S CLINIC 09/12/08 12:38 LIEBER COMP.

S> I/M SEEN IN DEATH ROW AND PHYSICAL EXAM PERFORMED. HE HAS CHRONIC PROBLEMS
WITH HEAD AND AINUS CONGESTION. ADMITS TO FREQ USE OF STREET DRUGS IN PAST

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SUCH AS CRYSTAL METH, LSD, MUSHROOMS, MARIJUANA, AND RARELY COCAINE.

O> TEMP=098.0 PULSE= 72 RESP=13 BP=112/ 80 WEIGHT= 0 PPD= 0
FINE TREMOR OF HANDS, FEET, AND HEAD. VISION IS 20/100 WITHOUT GLASSES.
NASAL CONGESTION. REST OF EXAM IS WNL'S.

A> SINUS CONGESTION. TREMOR PROBABLY SECONDARY TO DRUG ABUSE.

P> CLARITIN 10MG Q DAY.
SIGNED OFF ON 09/12/08 @ 12:45 BY ROBERT E BABB, UNCLASSIFIED
ORDERS GIVEN TO PHARMACY, EYE EX DONE STATES WEARS GLASSES, NO GLASSES NOTED
SIGNED OFF ON 09/12/08 @ 14:44 BY CHESTER OGRODNIK, REGISTERED NURSE I

** ENCOUNTER: 93 MENTAL HEALTH CLINIC 09/12/08 10:26 LIEBER COMP
27 YO WM ARRIVED ON DEATH ROW YESTERDAY. HAS DX OF IED, PSD, ASPD AND ADHD
AS CHILD. HX OF HEAD INJURY AS CHILD. RECENTLY RESTARTED ON TEGRETOL
WHICH IM RPTD WAS EFFECTIVE. HAS TRIED NUMEROUS MEDICATIONS.
CURRENTLY "JUMPY", RACING THOUGHTS AND TROUBLE SLEEPING. -DEPRESSED, -S/H,
NO SIDE EFFECTS
O: ALERT, TENSE AND SOME TREMBLING, COOPERATIVE, MOOD: LOOKS DOWN, NOT
OVERTLY PSYCHOTIC OR MANIC
P: INCREASE TEGRETOL TO 400MG BID
ADD ZOLOFT 50MG QAM
VISTARIL 50MG BID FOR 5 DAYS THEN 50MG QHS FOR ONE WK THEN DC
TRY AND GET OLD RECORDS - SPECIFICALLY FORENSIC EVEL
F/U ONE MONTH - SOONER IF PROBLEMS
CARBAMAZEPINE 200MG
SIG: TAKE TWO BID
SIG:
START DATE: 09/12/08 TOTAL DAYS: 90
MD: HIGGINS, EDMUND -
ZOLOFT 50MG
SIG: TAKE ONE QAM
SIG:
START DATE: 09/12/08 TOTAL DAYS: 90
MD: HIGGINS, EDMUND -
HYDROXYZINE PAMOATE 50MG
SIG: TAKE ONE BID FOR 5 DAYS THEN TAKE ONE QHS FOR 7 DA
SIG: YES THEN DC
START DATE: 09/12/08 TOTAL DAYS: 15
MD: HIGGINS, EDMUND -
SIGNED OFF ON 09/12/08 @ 10:34 BY EDMUND S HIGGINS, PSYCHIATRIST
NOTED. TEGRETOL INCREASED AND ZOLOFT ADDED TO MARS. VISTERIL 50MG BID X 5 D
AYS THEN QHS FOR ONE WEEK THEN D/C ADDED TO MARS. REQUEST GIVEN TO MS. GADSO
N IN MEDICAL RECORDS.
SIGNED OFF ON 09/12/08 @ 12:23 BY KARAN R LEWIS, REGISTERED NURSE I

** ENCOUNTER: 92 MENTAL HEALTH CLINIC 09/12/08 9:40 LIEBER COMP
MENTAL HEALTH ASSESSEMENT: 27 Y/O SINGLE W/M SENTENCED TO DEATH FOR 1ST
DEGREE BURGLAY AND MURDER X 2. INMATE IS CURRENTLY COMPLAINING OF RACEING
THOUGHTS HE REPORTS THAT HE IS NOT ABLE TO THINK AND HIS THOUGHTS SEEMS OUT
OF CONTROL. INMATE REPORTS THAT HE IS DX. WITH DEPRESSION AND IS PRESCRIBE
TEGRETOL AT THIS TIME. INMATE REPORTS A HISTORY OF MENTAL ILLNESS HE STATES.

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HE RECEIVE TREATMENT AT WACCAMAW MENTAL HEALTH AT THE AGE OF 12-15. INMATE DENIES HOSPITALIZATION, BUT WAS TREATED ON AN OUTPATIENT BASES AT WACCAMAW MENTAL HEALTH CENTER. HE REPORTS HE WAS PRESCRIBED ZOLOFT, PAXIL, PROZAC AND TEGRETOL. INMATE REPORTS HE HAS 1 SUICIDE ATTEMPT ABOUT 1 1/2 YEARS AGO BY CUTTING IS LEFT WRIST. HE REPORTS A SUBSTANCE USE, CRYSTAL METH, MUSHROOMS, LSD AND MARIJUANA. INMATE REPORTS FAMILY HISTORY OF MENTAL ILLNESS ON HIS MOTHER'S SIDE OF THE FAMILY, HE STATED HIS MOTHER WAS COMMITTED TO A PSYCHIATRIC HOSPITAL.

A: DX. IMPRESSION DEPRESSION

ANXIETY D/O

POLYSUBSTANCE ABUSE (MUSHROOMS, CRYSTAL METH, MARIJUANA
AND LSD)

GAF 50

INMATE DENIES S/H IDEATIONS, HOWEVER STATES HE HAVE HEARD VOICES AND DID REPORTED THIS TO THE DOCTOR. HE STATES HE IS NOT CURRENTLY HEARING THEM. INMATE'S SPEECH IS SLOW AND AT TIME UNCLEAR BUT COHERENT, THINKING APPEARS TO BE PRESENT, MOOD APPEARS UNSTABLE, AFFECT FLAT AND POOR EYE CONTACT. P: INMATE IS CURRENTLY ON SUICIDE WATCH (STRIPPED OUT NO PAPER GOWN, FINGER FOODS, 15 MINS SAFETY AND SECURITY CHECK AND SUICIDE BLANKET). CCC WILL CONTINUE TO MONITOR ON A DAILY BASES.

CAROLYN H. BYNES, CCC

SIGNED OFF ON 09/12/08 @ 11:03 BY CAROLYN H BYNES, HUMAN SERVICES COORD I

** ENCOUNTER: 91 TELEPHONE ENCOUNTER 09/11/08 18:26 LIEBER COMP
RECEIVED CALL FROM CCC THAT I/M HAVING DIFFICULTY ADJUSTING TO DR SENTENCE HAS INCREASED ANXIETY. V.O. J. JONES 50MG VISTARIL IM NOW FOLLOWED BY 50MG PO AT 9PM. PHARMACY NOTIFIED. GIVEN 50MG VISTARIL IM RIGHT GM AT APX 3PM LOT #7094 FEB 2009.

SIGNED OFF ON 09/11/08 @ 18:28 BY DEBRA AUSTIN, REGISTERED NURSE I

NOTED. AGREE WITH ABOVE ORDER AND ISSUED V.O FOR MEDS FROM STOCK

SIGNED OFF ON 09/12/08 @ 15:12 BY WILBUR J JONES, NURSE PRACTITIONER III

** ENCOUNTER: 90 INSIDE APPOINTMENT 09/11/08 15:49 LIEBER COMP
IM SEEN AT 1515 FOR SCREEN IN ALERT COOPERATIVE WITH CARE, IM HAS TREMORS STATES TREMORS CAUSED BY DRUG USE, STATES ONLY MEDICATION THAT HE TAKES IS TEGRETOL 250 MG PO BID, NO NEEDLE MARKS NOTED, 5 TATTOOS ON CHEST AND ARMS, NO OPEN AREAS NOTED, NO RASH NOTED, STATES HAD DRUG PROBLEM WHEN ON OUT SIDE STATES TOOK DRUGS EVERY CHANCE HE COULD, STATES NO PROBLEMS WITH HIS HEALTH AT THIS TIME

SIGNED OFF ON 09/11/08 @ 15:59 BY CHESTER OGRODNIK, REGISTERED NURSE I

** ENCOUNTER: 89 PPD 09/11/08 15:49 KIRKLAND COMP
S> CLOSED.

O> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
SIGNED OFF ON 09/15/08 @ 15:09 BY DEMPSEY C HOWARD, UNCLASSIFIED

** ENCOUNTER: 88 NARRATIVE 08/15/08 12:09 LEE COMP
DONNA FROM HIR CALLED AND STATED SHE NEEDED INMATE'S CHART SENT TO HIR ATTEN; DONNA
PACKAGE CHART FOR MAILING.

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SIGNED OFF ON 08/15/08 @ 12:10 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 87 LAB CLINIC 08/06/08 10:28 LEE COMP
TEG BACK 7.6 4.0-12.0 WNL
SIGNED OFF ON 08/06/08 @ 10:28 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 86 LAB CLINIC 08/04/08 10:14 LEE COMP
COLLECTED TEG
SIGNED OFF ON 08/04/08 @ 10:14 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 85 LAB CLINIC 07/30/08 8:09 LEE COMP
CBC, CHEM 7, LFTBACK
HGB 16.9H 13.7-16.7
HCT 51.7H 40.5-49.7
CHEM 7, WNL
LFT WNL
MD REVIEW
SIGNED OFF ON 07/30/08 @ 8:10 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 84 LAB CLINIC 07/28/08 10:28 LEE COMP
COLLECTED CBC, BMP, LFT
SIGNED OFF ON 07/28/08 @ 10:29 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 83 MENTAL HEALTH CLINIC 07/23/08 9:49 LEE COMP
S: MY MIND IS RACING. I NEED TO GET BACK ON MY MEDS
O: IM IS A 28 Y/O WHITE MALE WHO IS A SAFE-KEEPER. HE HAS A LONG HISTORY OF BEING ON MEDS. WAS SEEN AT WACCAMAW MENTAL HEALTH BUT HE HAS NEVER BEEN HOSPITALIZED. HAS HAD TRIALS OF RITALIN, TEGRETOL, ZOLOFT, PAXIL AND PROZAC. FEELS THE TEGRETOL WORKED BEST FOR HIM. HE STOPPED IT BECAUSE HE COULD NEVER GET UP FOR THE 3 AM DOSE. AT THIS TIME HE REPORTS RACING THOUGHTS. HE HAS POOR SLEEP SECONDARY TO BEING UNABLE TO SLOW HIS THOUGHTS DOWN. APPETITE IS VARIABLE. HE IS NOT SUICIDAL. HAD BEEN SUICIDAL A FEW MONTHS AGO AND WENT ON CI. HE DENIES ALL PSYCHOTIC SYMPTOMS. HX SIGNIFICANT FOR HEAD INJURY AS A CHILD WHEN HE WAS HIT BY A CAR. HIS FAMILY HX IS SIGNIFICANT FOR EXTENSIVE MENTAL HEALTH ISSUES ON HIS MOTHER'S SIDE. HIS PARENTS MET IN A PSYCHIATRIC HOSPITAL.
IM WAS GROOMED, EXTREMELY FIDGITY, LOOKING AROUND THE ROOM. HE DENIES PARANOIA AND APPEARS MORE HYPERVIGILANT THAN PARANOID. NOT SUICIDAL, NOT HOMICIDAL. DENIES AH/VH/ PARANOIA. THOUGHT PROCESSES WERE LOGICAL NAD GOAL-DIRECTED. SPEECH IS PRESSURED. REPORTS MOOD IS FINE WITH DYSPHORIC AFFECT. HE REPORTS GOOD APETITE AND INCREASED ENERGY.
A: IED, ASPD, HX OF ADHD NAD POLYSUBSTANCE DEPENDANCE (METHAMPHETAMINES AND MUSHROOMS)
P: RE-TRIAL OF TEGRETOL. CHECK CBC AND CHEM 7 AND LFTS THIS WEEK. CHECK TEGRETOL LEVEL IN 10 DAYS. RTC IN 4 WEEKS
JANET WOOLERY, MD
P> CARBAMAZEPINE 200MG
SIG: ONE TABLET AT NIGHT FOR 5 DAYS, AND THE INCREASE TO
SIG: ONE TABLET AT NOON AND AT NIGHT
START DATE: 07/23/08 TOTAL DAYS: 90

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MD: WOOLERY, JANET -

SIGNED OFF ON 07/23/08 @ 10:13 BY JANET WOOLERY, PHYSICIAN I
LABS NOTED.

SIGNED OFF ON 07/23/08 @ 10:19 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

SIGNED OFF ON 07/24/08 @ 14:22 BY DELORES T JOHNSON, REGISTERED NURSE I
PHARMACY NOTED

SIGNED OFF ON 07/24/08 @ 15:17 BY DONNA F WIGGINS, UNCLASSIFIED

** ENCOUNTER: 82 MENTAL HEALTH CLINIC 07/21/08 11:05 LEE COMP
CCC: MENTAL HEALTH REFERRAL.

D: SAFEKEEPER. I/M SEEN IN SMU. I/M PULLED FROM CELL & SEEN BY WRITER IN MEDICAL EXAM ROOM. I/M DESCRIBED HIMSELF AS "NOT DOING WELL". HE SAYS HE FEELS "WIRED UP" (HAS EXCESSIVE ENERGY). HE SAYS HIS THOUGHTS ARE "RACING". HE SAYS HE'S UNABLE TO SLEEP AND HIS APPETITE HAS BEEN POOR. HE REPORTED A HX OF TX FOR ADHD & DEPRESSION. SAYS HE WAS FOLLOWED IN THE COMMUNITY BY WACAMMAW MHC. HAS BEEN ON RITALIN, PAXIL, ZOLOFT, & TEGRETOL. SAYS HE DID WELL WHEN HE TOOK THE TEGRETOL. SAYS THE REASON HE STOPPED TAKING IT WAS B/C THE NURSE'S WERE BRINGING IT TOO EARLY IN THE MORNING. HE SAYS HE PAXIL AND ZOLOFT HAS HELPED BUT HE'S NOT HAVING ANY PROBLEMS WITH DEPRESSION AT PRESENT. HE DENIED HAVING S/H IDEATIONS AS WELL AS A/H HALLUCINATIONS. HE SAYS HIS TRIAL WILL BEGIN IN SEPTEMBER.

A: H/O ADHD, H/O DEPRESSION. QUITE FIDGETY AND ANXIOUS. ENDORSING RACING THOUGHTS & EXCESSIVE ENERGY. WANTS TO GET BACK ON TEGRETOL. NO EVIDENCE OF PSYCHOSIS. NO NOTED AGITATION. NO ACUTE DISTRESS.

P: REFER TO PSYCH CLINIC, PROVIDE TEMPORARY MONITORING PRN.

J.MCFADDEN HSCI

SIGNED OFF ON 07/21/08 @ 15:34 BY JAKE W MCFADDEN, HUMAN SERVICES COORD I

** ENCOUNTER: 81 NARRATIVE 07/04/08 2:45 LEE COMP
7-3-08 INMATE REFUSED SMU SICK CALL. INMATE REFUSED TO SIGN A REFUSAL OF MEDICAL ADVICE FORM. THIS WAS WITNESSED BY M. PRATT LPN AND SGT. JENKINS IN SMU.

SIGNED OFF ON 07/04/08 @ 2:47 BY MARCUS A PRATT, LICENSED PRACTICAL NURSE

SIGNED OFF ON 07/07/08 @ 8:43 BY YVONNE MCDONALD, REGISTERED NURSE I

** ENCOUNTER: 80 MENTAL HEALTH CLINIC 06/27/08 14:51 LEE COMP
CCC: SAFEKEEER. 30 DAY L/U EVAL.

D: I/M SEEN IN CELL IN SMU. I/M STANDING AT DOOR WHEN I ARRIVED. BEARDED. APPEARANCE & SELF CARE WNL. ROOM ORGANIZED. DESCRIBED HIMSELF AS FEELING "ALRIGHT". DENIED HAVING ANY PROBLEMS. S/H IDEATIONS WERE DENIED. DID NOT REPORT ANY PROBLEMS WITH HIS SLEEP OR APPETITE.

A: I/M'S MENTAL STATE APPEARED STABLE.

P: CONTINUE WITH L/U EVALS SHOULD I/M REMAIN IN SMU.

J.MCFADDEN HSCI

SIGNED OFF ON 06/27/08 @ 14:56 BY JAKE W MCFADDEN, HUMAN SERVICES COORD I

** ENCOUNTER: 79 SICK CALL 06/10/08 3:10 LEE COMP

S> 6-09-08 INMATE TO SMU SICK CALL WITH C/O HAVING ALLERGIES.

O> TEMP=097.8 PULSE= 72 RESP=20 BP=118/ 78 WEIGHT=138 PPD= 0

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NO S/S OF ACUTE DISTRESS. RESPIRATIONS ARE EVEN AND UNLABORED. ABDOMEN IS SOFT AND NONTENDER. HEART RATE RRR. NASAL PASSAGES ARE SLIGHTLY REDDISH IN COLOR.

A> COMMON COLD/ ALLERGIES

P> 1. SEE S.O. #3.

2. IF PATIENT HAS RHINORRHEA, GIVE CTM 4 MG. TID X 3 DAYS
INMATE ISSUED CTM 4 MG FOR ALLERGIES/ COLD SYMPTOMS.

3. INSTRUCT PATIENT TO TAKE TYLENOL 2 TABS Q 4 HRS. PRN
FOR FEVER OR DISCOMFORT X 3 DAYS.

4. INCREASE FLUID INTAKE TO 6-8 GLASSES OF WATER PER DAY X 3 DAYS.

5. * DISCONTINUE SMOKING.

INMATE TOLD TO SEE HOW THE CTM 4 MG WORKS FOR HIS ALLERGIES AND TO SIGN
BACK UP FOR SICK CALL IF IT DOESN'T WORK FOR HIM. INMATE VERBALIZED
UNDERSTANDING AND WAS ESCORTED BACK TO HIS CELL BY THE SMU OFFICERS.

M. PRATT LPN

SIGNED OFF ON 06/10/08 @ 3:15 BY MARCUS A PRATT, LICENSED PRACTICAL NURSE
NOTED. S. THOMPSON RN

SIGNED OFF ON 06/10/08 @ 16:44 BY STACI L THOMPSON, UNCLASSIFIED

** ENCOUNTER: 78 SICK CALL 05/08/08 6:35 LEE

COMP

S> 5-07-08 INMATE TO SMU SICK CALL WITH C/O SINUS/ALLERGIES.

O> TEMP=99.2 PULSE= 75 RESP=20 BP=124/ 76 WEIGHT=138 PPD= 0
NO S/S OF ACUTE DISTRESS. RESPIRATIONS ARE EVEN AND UNLABORED. NASAL
PASSAGES ARE CLEAR.

A> COMMON COLD

P> 1. SEE S.O. #3.

2. IF PATIENT HAS RHINORRHEA, GIVE CTM 4 MG. TID X 3 DAYS
INMATE ISSUED CTM 4 MG.

3. INSTRUCT PATIENT TO TAKE TYLENOL 2 TABS Q 4 HRS. PRN
FOR FEVER OR DISCOMFORT X 3 DAYS.

4. INCREASE FLUID INTAKE TO 6-8 GLASSES OF WATER PER DAY X 3 DAYS.

5. * DISCONTINUE SMOKING.

INMATE TOLD TO SIGN BACK UP FOR SICK CALL IF ALLERGIES CONTINUE. INMATE
VERBALIZED UNDERSTANDING AND RETURNED TO HIS CELL ACCOMPANIED BY THE SMU
OFFICERS.

M. PRATT LPN

SIGNED OFF ON 05/08/08 @ 6:43 BY MARCUS A PRATT, LICENSED PRACTICAL NURSE
NOTED

SIGNED OFF ON 05/11/08 @ 10:58 BY MELODY C BRADY, LICENSED PRACTICAL NURSE

** ENCOUNTER: 77 SECURITY INIT 05/20/07 13:05 LEE

COMP

S> OFFICER CALLED FOR PUOF CHECK/ CHEMICAL MUNITION ON I/M IN ASU.

O> TEMP=99.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
I/M STANDING AT CELL DOOR. STATED THAT HE IS FINE. NO REDNESS OR DRAINAGE
NOTED TO EYES. SKIN COLOR WNL. NO RESP DISTRESS NOTED.

A> PUOF/CHEMICAL MUNITION

P> INFORMED I/M MAY RINSE FACE AND EYES WITH COOL WATER IF NEEDED. I/M DENIES
ANY DISCOMFORT AT PRESENT. VERBALIZE UNDERSTANDING. LEFT I/M STANDING AT CE
LL DOOR IN NAD.

BFOGLE RN

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SIGNED OFF ON 07/16/07 @ 16:29 BY BRENDA F FOGLE, REGISTERED NURSE I

** ENCOUNTER: 76 OUTSIDE RECOMMENDATI 05/01/07 17:07 LEE COMP
RETURN FROM ASSOCIATES IN ORAL AND MAXILLOFACIAL SURGERY WITH FOLLOWING
RECOMMENDATION:

1. PROCEDURE EXTRACTION OF PARTIALLY IMPACTED TOOTH #32
2. KEEP ON SOFT DIET FOR 3 DAYS
3. BEGIN USING IRRIGATING SYRINGE 5 DAYS AFTER SURGERY. USE WITH WARM WATER AFTER MEALS
4. BEGIN AMOXICILLIN 500MG 1 EVERY 8 HOURS; LORTAB 10/500 1/2 TO 1 Q 4 HRS PRN PAIN
5. CHANGE GAUZE EVERY HOUR
- V. O MAY HAVE TYLENOL #3 1-2 TAB Q 6 HOURS PO PRN PAIN X 48 HOURS
- T. HUFF FNP/ D. JOHNSON RN

SIGNED OFF ON 05/01/07 @ 17:17 BY DELORES T JOHNSON, REGISTERED NURSE I

1. SOFT DIET X 3 DAYS
2. WILL RX AMOXICILLIN

TERRI HUFF,FNP

SIGNED OFF ON 05/02/07 @ 10:35 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
DIETARY MANGER NOTIFIED, PHARMACY DIRECT NOTIFIED

SIGNED OFF ON 05/02/07 @ 11:33 BY SHERI L SCOTT, LICENSED PRACTICAL NURSE

** ENCOUNTER: 75 NARRATIVE 04/30/07 14:03 LEE COMP
APPT SCHEDULED WITH ASSOCIATES IN ORAL AND MAXILLOFACIAL SURGERY ON 5-1-07.
INSTRUCTED NOT TO EAT, DRINK, OR SMOKE ANYTHING AFTER MIDNIGHT 4-30-07.
VERBALIZED UNDERSTANDING OF INSTRUCTIONS. NPO SHEET SIGNED AND PLACED IN
HARD COPY CHART. SUMTER CO DETENTION CENTER WILL TRANSPORT TO AND FROM
APPT.

SIGNED OFF ON 04/30/07 @ 14:05 BY JENNIFER N BOWMAN, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 74 DENTAL CLINIC 04/11/07 13:47 KIRKLAND COMP
A PANOGRAPH WAS TAKEN FOR OS REFERRAL
SIGNED OFF ON 04/11/07 @ 13:48 BY MILLICENT M IRVIN, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 73 OUTSIDE RECOMMENDATI 03/28/07 14:39 LEE COMP
RETURNED FROM GI CLINIC 3-27-07 WITH THE FOLLOWING RECOMMENDATIONS:

A: HEMATOCHYZIA, CONSTIPATION PROB FUNCTIONAL AND HEMORRHOIDAL PROBLEMS-
DOUBT IBD OR CANCER

P: 1. LOW NA DIET

2. FIBER SUPPLEMENT OF FORMULARY CHOICE ONCE A DAY WITH LARGE GLASS OF
WATER3. ANISOL HC SUPP ONE PR BID X 7 DAYS THEN CHANGE TO PR BID PRN RECTAL
BLEEDING

4. LEVSIN IMMEDIATE RELEASE 0.125MG PO Q 6HR PRN ABD PAIN

5. F/U GI IF MORE RECTAL BLEEDING OR PROBLEMS.

1. LOW NA DIET

2. WILL RX FIBER SUPPLEMENT, SUPPOSITORIES AND LEVSIN

TERRI HUFF,FNP

NATURAL VEGETABLE POWDER

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SIG:1 TEASPOON IN 8 OUNCES OF WATER OR JUICE DAILY FOR
SIG: CONSTIPATION

START DATE: 03/28/07 TOTAL DAYS: 365

MD:HUFF-SIMMOMS,TERRI L.

HYOSCYAMINE 0.125MG

SIG:1 PILL EVERY 6 HOURS AS NEEDED FOR ABDOMINAL PAIN

SIG:

START DATE: 03/28/07 TOTAL DAYS: 60

MD:HUFF-SIMMOMS,TERRI L.

HEMORRHOIDAL HC 25MG

SIG:1 PER RECTUM TWICE A DAY X 7 DAYS THEN TWICE A DAY

SIG: AS NEEDED FOR RECTAL BLEEDING

START DATE: 03/28/07 TOTAL DAYS: 14

MD:HUFF-SIMMOMS,TERRI L.

SIGNED OFF ON 03/28/07 @ 14:50 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
MEDICATIONS ADDED TO MAR AND ORDER FOR LOW NA SENT TO DIETARY. MEDICATIONS
WILL BE GIVEN WHEN THEY ARRIVE FROM PHARMACY. ELOUISE D. MONTGOMERY RN.
SIGNED OFF ON 03/28/07 @ 23:59 BY ELOUISE D MONTGOMERY, REGISTERED NURSE I

- ** ENCOUNTER: 72 DENTAL CLINIC 03/22/07 10:30 LEE COMP
2PAXS, EXTRACTION #16, IBU 600MG, POI; REFER TO OS FOR #32 PENDING APPROVAL
FROM DR. MCPHERSON PER DR. UBAH, SEE HARD COPY (INMATE IS A SAFEKEEPER AND
THE COUNTY IS TO BE RESPONSIBLE FOR ANY OUTSIDE TREATMENT)
IBUPROFEN 600MG
SIG: TAKE ONE TAB QID PRN (GIVEN FROM STOCK)
SIG:
START DATE: 03/22/07 TOTAL DAYS: 3
MD:UBAH, JOSEPH C
SIGNED OFF ON 03/22/07 @ 10:33 BY DEBORAH L MCCLARY, MEDICAL ASSISTANT TECH I
SIGNED OFF ON 03/22/07 @ 13:11 BY JOSEPH C UBAH, DENTIST
- ** ENCOUNTER: 71 LAB CLINIC 03/22/07 10:00 LEE COMP
COLLECTED CBC, CHEM 7 ENC 69
SIGNED OFF ON 03/22/07 @ 10:00 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I
- ** ENCOUNTER: 70 NARRATIVE 03/15/07 14:01 LEE COMP
APPROVAL FOR GI EVALUATION RECEIVED FROM DR. ALEWINE. APPT SCHEDULED FOR
3-27-07. CALL SUMTER CO. DETENTION CENTER TO NOTIFY OF APPT TIME AND DATE.
MESSAGE LEFT FOR LT. MCGHANEY.
SIGNED OFF ON 03/15/07 @ 14:05 BY JENNIFER N BOWMAN, MEDICAL ASSISTANT TECH I
- ** ENCOUNTER: 69 OUTSIDE RECOMMENDATI 03/14/07 9:07 LEE COMP
SEEN IN DR. PATE'S CLINIC
O: T 97 P 76 R 20 BP 110/70 WT 130
A: HEMATOCHESIA-NO OBVIOUS SOURCE
P: 1. CBC W/ DIFF, CHEM-7
2. GI CONSULT FOR ENODSCOPIC EVALUATION
CONSULT COMPLETE AND FAXED FOR APPROVAL
TERRI HUFF, FNP
SIGNED OFF ON 03/14/07 @ 9:08 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

A. 1612

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LABS FORWARD TO LAB TECH

SIGNED OFF ON 03/14/07 @ 9:29 BY SHERI L SCOTT, LICENSED PRACTICAL NURSE

** ENCOUNTER: 68 SICK CALL 03/13/07 3:35 LEE COMP
S> INMATE TO SMU MEDICAL WITH C/O BLOOD IN HIS STOOL. " I HAVE BEEN BLEEDING
FOR 5 MONTHS NOW. THIS IS SERIOUS. I DONT KNOW WHAT IT IS. I FEEL LIKE MY
INSIDES ARE ALL TORN UP. "
O> TEMP=097.2 PULSE= 68 RESP=20 BP=110/ 72 WEIGHT=135 PPD= 0
INMATE NOT IN ANY ACUTE DISTRESS. OXYGEN SATURATION IS 97 %.
ABDOMEN IS SOFT AND TENDER. NO HEMORROIDS NOTED. BOWEL SOUNDS X 4.
A> DEFER TO MD
P> INMATE TOLD THE MD/NP WOULD EVALUATE THE NEED FOR FURTHER TREATMENT AND IF
AN APPOINTMENT WOULD BE MADE FOR THE MD CLINIC. INMATE VERBALIZED
UNDERSTANDING AND RETURNED TO CELL WITH OFFICER.
SIGNED OFF ON 03/13/07 @ 3:41 BY MARCUS A PRATT, LICENSED PRACTICAL NURSE
1. APPT'D TO SMU MD CLINIC
TERRI HUFF, FNP
SIGNED OFF ON 03/13/07 @ 8:13 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 67 NARRATIVE 02/28/07 11:03 LEE COMP
RX EYEGLASSES MAILED TO LEE MEDICAL FROM KCI SPECIALTY CLINIC.
SIGNED OFF ON 02/28/07 @ 11:04 BY JOYCE E TINNEL, MEDICAL ASSISTANT TECH I
SIGNED OFF ON 02/28/07 @ 18:16 BY ROBETTE L SINGLETON, REGISTERED NURSE II

** ENCOUNTER: 66 FOLLOW-UP SICK CALL 02/10/07 14:42 LEE COMP
SPOKE WITH OFFICERS IN ASU, STATES THAT IM HAD 2 TRAYS FOR LUNCH TODAY.
D/C HUNGER STRIKE PROTOCOL.
SIGNED OFF ON 02/10/07 @ 14:43 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
TERRI HUFF, FNP
SIGNED OFF ON 02/12/07 @ 7:42 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 65 FOLLOW-UP SICK CALL 02/10/07 9:00 LEE COMP
S> IM SEEN FOR FOLLOW UP ON HUNGER STRIKE. FOUND ON FLOOR PER OFFICERS.
"I MIGHT START EATING IF I CAN TALK TO LT STEWART."
O> TEMP=095.0 PULSE= 85 RESP=20 BP=106/ 90 WEIGHT=110 PPD= 0
ORAL MUCOSA DRY. LIPS CRACKED. APPEARED WEAK - ASSISTED TO STAND PER
OFFICERS. SKIN TURGOR FAIR.
A> HUNGER STRIKE
P> TEACHING PROVIDED ON THE ADVERSE EFFECTS OF HUNGER STRIKE. SPOKE WITH IM ON
THE NEED FOR FLUIDS AND FOOD. CONTINUES HUNGER STRIKE AT THIS TIME.
SIGNED OFF ON 02/10/07 @ 14:42 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
SIGNED OFF ON 02/12/07 @ 10:42 BY DELORES T JOHNSON, REGISTERED NURSE I

** ENCOUNTER: 64 FOLLOW-UP SICK CALL 02/08/07 15:41 LEE COMP
I/M CONT TO BE ON A HUNGER STRIKE. T. 97.5 P. 75 R. 18 O2 SAT 97% BP 110/80
WT. 117.04. WAS BROUGHT TO MEDICAL VIA W/C. CONT. TO REFUSE TO EAT. NO REA
SON GIVEN FOR NOT EATING. WAS NON VERBAL. WOULD NOD HIS HEAD AT INTERVALS
IN RESPOND TO VERBAL STIMULI. SKIN IS PALE. NO RESP. DISTRESS NOTED. ENCOU
RAGED TO EAT OR DRINK SOON. VERBAL INSTRUCTION WERE GIVEN WITH UNDERSTANDIN
G. MCRAE-BRUCE R.N.

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SIGNED OFF ON 02/08/07 @ 15:49 BY LINDA MCRAE-BRUCE, UNCLASSIFIED

** ENCOUNTER: 63 LAB CLINIC 02/08/07 7:21 LEE COMP

CHEM 7 BACK

GLU 68L 70-110

BUN 23H 7-18

CHLORIDE 95L 101-111

FORWARD TO MD/NP.

SIGNED OFF ON 02/08/07 @ 7:21 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I
TERRI HUFF, FNP

SIGNED OFF ON 02/08/07 @ 8:52 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 62 FOLLOW-UP SICK CALL 02/07/07 17:10 LEE COMP

IM WALKED TO MEDICAL WITHOUT ASSISTANCE FOR WT. CHECK AND TO BE EVAL. FOR
CONT. TO REFUSE TO EAT OR DRINK. BODY TEMP. WAS 95.1. AFTER SEVERAL RETAKES
AND APPLICATION OF A BLANKET TEMP WAS 96.9. P.69 R. 20. BP 100/80. O2 SAT.
WAS 97%. SKIN IS WARM AND DRY. COLOR IS PALE HEMATOMA NOTED TO FOREHEAD.
IM WAS OFFERED ENSURE, WATER AND FOOD. NOTHING WAS ACCEPTED. NO EXPLANATION
GIVEN FOR REFUSAL. WT. WAS 119.7 NO C/O VOICED AT PRESENT. IM WAS ENCOURAGE
D TO EAT AND DRINK. NP HUFF SPOKE WITH IM. MCRAE-BRUCE R.N.

SIGNED OFF ON 02/07/07 @ 17:19 BY LINDA MCRAE-BRUCE, UNCLASSIFIED

** ENCOUNTER: 61 FOLLOW-UP SICK CALL 02/06/07 14:31 LEE COMP

I/M ESCORTED TO MEDICAL BY SMU STAFF FOR ASSESSMENT PER HUNGER STRIKE
PROTOCOL. SMU STAFF STATED I/M FELL IN ROOM AND HIT HEAD. APPROX 2 CM
HEMATOMA ON FOREHEAD. I/M ALERT. I/M WILL NOT ANSWER STAFFS' QUESTIONS.

VS:

WT 120.8 LBS

BP 100/78

P 80

R 20

T 96.2

SKIN IS WARM AND DRY. COLOR IS PALE.

...

1- CHEM 7.

V.O. T. HUFF, FNP/JERI ANDREWS, RN

...

I/M COUNSELED ON EFFECTS OF HUNGER STRIKE. I/M WHEELED OUT OF MEDICAL IN WC
BY SMU STAFF.

JERI ANDREWS, RN

SIGNED OFF ON 02/06/07 @ 14:36 BY JERI L ANDREWS, UNCLASSIFIED

TERRI HUFF, FNP

SIGNED OFF ON 02/06/07 @ 16:12 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 60 LAB CLINIC 02/06/07 13:24 LEE COMP

COLLECTED CHEM 7 LAB FOR HUNGER STRIKE

SIGNED OFF ON 02/06/07 @ 13:24 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 59 FOLLOW-UP SICK CALL 02/05/07 15:42 LEE COMP

S> I/M TO MEDICAL TO BE WEIGHED ON COMPUTER SCALES IN INFIRMARY AND FOLLOWED

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PER HUNGER STRIKE PROTOCOL. WHEN QUESTIONED ABOUT WHY I/M ON HUNGER STRIKE I/M RESPONDED "IT REALLY DOESN'T MATTER, DOES IT?" ENCOURAGE I/M TO DRINK WATER. INSTRUCTED HIM THAT DRINKING WATER WOULD NOT TAKE HIM OFF THE HUNGER STRIKE BUT HELP RELIEVE SOME OF THE SUFFERING HIS BODY WAS GOING THROUGH. I/M IS PALE, GAIT IS WOBBLING/WEAK. EYELIDS APPEAR VERY HEAVY. VSS. LEFT MEDICAL WITH OFFICER GOODMAN.

O> TEMP=96.4 PULSE = 64 RESP=20 BP=110/60 WEIGHT=121.4 PPD= 0

A> HUNGER STRIKE

P> CONTINUE TO MONITOR/ASSESS

SIGNED OFF ON 02/05/07 @ 15:50 BY DELORES T JOHNSON, REGISTERED NURSE I

** ENCOUNTER: 58 EMERGENCY INHOUSE 02/03/07 18:19 LEE COMP

LT GOODMAN CALLED THIS WRITER AND INFORMED ME THAT THE ABOVE I/M HAS REFUSED ALL MEALS TODAY. INSTRUCTED LT GOODMAN TO LET MEDICAL KNOW IF I/M REFUSES BREAKFAST IN AM. IF SO, WE WILL IMPLEMENT HUNGER STRIKE PROTOCOL. WILL LEAVE OPEN FOR NURSE'S REVIEW IN AM.

JERI ANDREWS, RN

SIGNED OFF ON 02/03/07 @ 18:20 BY JERI L ANDREWS, UNCLASSIFIED

TOOK CALL FROM LT GOODMAN (SMU) THAT I/M HAD NOT EATEN BREAKFAST OR LUNCH TODAY. INSTRUCTED LT TO ESCORT I/M TO MEDICAL SO HUNGER STRIKE PROTOCOL COULD BE INITIATED.

UPON ARRIVAL TO MEDICAL I/M WAS ALERT, SKIN W/D, NAD.

VS-97.3-88-20-120/70-WT.123 LBS. I/M WAS WEIGHED ON THE ELECTRONIC SCALE IN THE INFIRMARY, WITH CUFFS ON.

I/M WOULD NOT GIVE WRITER ANY REASON FOR NOT EATING.

SKIN TURGOR WNL FOR AGE, ORAL MUCOSA PINK AND MOIST.

WRITER COUNSELED I/M ON THE NEGATIVE AFFECTS NOT EATING WOULD HAVE ON HIS BODY.

ALL APPROPRIATE OFFICIALS NOTIFIED VIA CRT MSGS.

WILL CONTINUE TO MONITOR DAILY PER HUNGER STRIKE PROTOCOL.

I/M LEFT MEDICAL IN NAD, ESCORTED BY LT GOODMAN.

K. MCCASKILL, LPN

SIGNED OFF ON 02/04/07 @ 15:28 BY KATHY M MCCASKILL, LICENSED PRACTICAL NURSE
CONTINUE TO FOLLOW PER HUNGER STRIKE PROTOCOL.

TERRI HUFF, FNP

SIGNED OFF ON 02/05/07 @ 7:34 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

MEDICAL WILL CONTINUE HUNGER STRIKE PROTOCOL

SIGNED OFF ON 02/06/07 @ 16:37 BY SHERI L SCOTT, LICENSED PRACTICAL NURSE

** ENCOUNTER: 57 OUTSIDE RECOMMENDATI 01/31/07 15:59 LEE COMP

I/M SEEN ON 1/30/07 OPTOMETRY CLINIC RECOMMENDATION AS FOLLOW: RX

SPECS

SIGNED OFF ON 01/31/07 @ 16:01 BY SHERI L SCOTT, LICENSED PRACTICAL NURSE

TERRI HUFF, FNP

SIGNED OFF ON 01/31/07 @ 16:06 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 56 NARRATIVE 01/23/07 8:24 LEE COMP

OPTOMETRY APPT SCHEDULED FOR 1-30-07. SUMTER COUNTY DETENTION CENTER HAS

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BEEN NOTIFIED OF NEED FOR TRANSPORTATION. SECURITY CLEARANCE FAXED WITH
APPT DATE, TIME AND ADDRESS TO KCI TO ATTN LT. HAYNESWORTH.
SIGNED OFF ON 01/23/07 @ 8:27 BY JENNIFER N BOWMAN, MEDICAL ASSISTANT TECH I

- ** ENCOUNTER: 55 NARRATIVE 01/13/07 2:30 LEE COMP
INMATE REFUSED TO GET UP FOR SMU SICK CALL. INMATE REFUSED TO SIGN MEDICAL
ADVICE REFUSAL FORM. WITNESSED BY MARCUS PRATT LPN AND SGT GORDON IN SMU.
SIGNED OFF ON 01/13/07 @ 2:31 BY MARCUS A PRATT, LICENSED PRACTICAL NURSE
NOTED: JERI ANDREWS, RN
SIGNED OFF ON 01/13/07 @ 9:15 BY JERI L ANDREWS, UNCLASSIFIED
- ** ENCOUNTER: 54 SICK CALL 12/21/06 14:12 LEE COMP
S> LATE ENTRY PER G. SCRIVEN, RN AS HIS CRT ACCESS IS REVOKED AT PRESENT. 2AM
I/M TO SICK CALL IN SMU STATING THAT HE HAS HEAD ACHES AND WANTS A LOW
SODIUM DIET.
O> TEMP=097.4 PULSE= 64 RESP=20 BP=118/ 72 WEIGHT=123 PPD= 0
I/M IN NO OBVIOUS DISTRESS AT PRESENT. I/M INSTRUCTED TO TAKE IBUPROPHEN
OR TYLENOL FROM THE SMU MEDICAL BOX. NO INDICATION NOTED FOR LOW
SODIUM DIET.
A> DEFFERED
P> WILL FORWARD TO MD/NP FOR REVIEW AND RECOMMENDATION.
SIGNED OFF ON 12/21/06 @ 14:17 BY ROBETTE L SINGLETON, REGISTERED NURSE II
TERRI HUFF,FNP
SIGNED OFF ON 12/21/06 @ 14:20 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
- ** ENCOUNTER: 53 DENTAL CLINIC 12/14/06 9:33 LEE COMP
PA #32, PERICORINITIS, SEMI ERUPTED, RX AMOXICILLIN 500MG, IBU 600MG,
BY DR. UBAH, SEE HARD COPY
AMOXICILLIN 500MG
SIG:TAKE ONE TAB TID UNTIL GONE(GIVEN FROM STOCK)
SIG:
START DATE: 12/14/06 TOTAL DAYS: 7
MD:UBAH,JOSEPH C
IBUPROFEN 600MG
SIG:TAKE ONE TAB QID PRN(GIVEN FROM STOCK)
SIG:
START DATE: 12/14/06 TOTAL DAYS: 3
MD:UBAH,JOSEPH C
SIGNED OFF ON 12/14/06 @ 9:34 BY DEBORAH L MCCLARY, MEDICAL ASSISTANT TECH I
SIGNED OFF ON 12/14/06 @ 12:24 BY JOSEPH C UBAH, DENTIST
- ** ENCOUNTER: 52 NARRATIVE 11/29/06 7:44 LEE COMP
OPTOMETRY APPT SCHEDULED FOR 1-30-07.
SIGNED OFF ON 11/29/06 @ 7:44 BY JENNIFER N BOWMAN, MEDICAL ASSISTANT TECH I
- ** ENCOUNTER: 51 MENTAL HEALTH CLINIC 10/26/06 15:55 LEE COMP
CCC NOTE: CI ASSESSMENT
D: I/M WAS A&O W/GOOD EYE CONTACT. HIS HYGIENE WAS APPROPRIATE. HE REPORTED
HIMSELF AS "ALRIGHT". EXPRESSED THAT HE WANTED TO GO BACK TO HIS CELL & GET
HIS PROPERTY. HE DENIED ANY H/S THOUGHTS/PLANS. HIS SPEECH WAS LOGICAL AND

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THOUGHTS ORGANIZED. NO SXS OF PSYCHOSIS, PARANOIA OR DEPRESSION. MOOD AND AFFECT WNL.

A: I/M BRYANT DOES NOT APPEAR TO BE A DANGER TO SELF OR OTHERS.

P: CCC RECOMMENDS I/M BE REMOVED FROM CI STATUS. FORM SIGNED BY T. HUFF-FNP APPROVING REMOVAL. UNIT STAFF INFORMED THAT I/M MAY HAVE HIS BELONGINGS RETURNED. CCC WILL F/U PRN. G. BREON, CCCIII

SIGNED OFF ON 10/26/06 @ 15:57 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 50 MENTAL HEALTH CLINIC 10/25/06 14:20 LEE COMP

CCC NOTE: CI ASSESSMENT

D: I/M BRYANT WAS STANDING AT CELL DOOR. WAS A&O A/GOOD EYE CONTACT. MOOD & AFFECT WERE WNL TODAY. C/O "MY FEET ARE FREEZING & THIS CELL IS FILTHY". ASKING TO BE REMOVED FROM CI. HE DENIED EXPERIENCING ANY A/V HALL'S OR PARANOIA. DENIED H/S THOUGHTS OR PLANS. HIS SPEECH WAS LOGICAL & THOUGHTS ORGANIZED. NO OVERT SXS OF PSYCHOSIS. REPORTED APPETITE AS WNL. SLEEP POOR DUE TO "COLD & NO MATTRESS".

A: I/M'S MOOD APPEARS STABLE & IMPROVED TODAY. AFFECT LESS ANGRY. MORE RELAXED & TALKATIVE. LESS INTENSE. DOES NOT APPEAR TO BE A DANGER TO SELF OR OTHERS AT THIS TIME. NO FURTHER INCIDENTS OF SELF-HARM.

P: RECOMMEND I/M REMAIN ON CI FOR FURTHER OBSERVATION. HAS JUMPSUIT & CI BLANKET AS PERMITTED. WILL PROBABLY D/C ON TOMORROW IF I/M STILL STABLE. WILL F/U IN 24 HRS. G. BREON, CCCIII

SIGNED OFF ON 10/25/06 @ 14:24 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 49 MENTAL HEALTH CLINIC 10/24/06 13:47 LEE COMP

CCC NOTE - CI ASSESSMENT:

D: I/M BRYANT WAS LOOKING OUT CELL DOOR WHEN CCC APPROACHED. HE SHOWED ME SMALL LACERATION TO L/FOREARM, W/A FEW STITCHES VISIBLE. WOUND LOOKED CLEAN & CLOSED. HE CLAIMED THAT HE "GOT REAL ANGRY... THEN I DON'T REMEMBER WHAT HAPPENED... DON'T REMEMBER CUTTING MYSELF. HAS ONLY HAPPENED TO ME ABOUT 3 TIMES IN MY LIFE... BEEN 2/3 YEARS SINCE THE LAST TIME". HE IS CLAIMING TO HEAR THE VOICE OF AN OLD GIRLFRIEND WHO COMMITTED SUICIDE. HE DENIED EXPERIENCING ANY A/V HALL'S TODAY OR LAST NIGHT. SAID HE SLEPT LAST NIGHT & WAS EATING HIS MEALS. HE ASKED FOR A STYRO CUP & JUICE W/HIS LUNCH. ALSO ASKED FOR JUMPSUIT. WE DISCUSSED HIS PAST HX WITH DR. KIRBY, BUT HE VOICED THAT HE WANTS HELP FOR HIS PROBLEM & IS WILLING TO SPEAK W/KIRBY AGAIN. HIS SPEECH WAS LOGICAL & THOUGHTS ORGANIZED. NO OVERT SXS OF PSYCHOSIS. HIS MOOD WAS SUBDUED, AFFECT BLUNT/STARING. HE DENIED ANY THOUGHTS/PLANS TO HARM HIMSELF OR OTHERS. CCC PROVIDED COUNSELING TO ADDRESS RELAXATION SKILLS TO REDUCE TENSION/ANGER & AVOIDANCE OF SELF HARM THRU + COPING SKILL USE. I/M WAS POLITE & COOPERATIVE.

A: I/M BRYANT COULD GIVE NO PRECIPITATING FACTOR FOR INCIDENT OF SELF-HARM- OTHER THAN ONGOING AUDIO HALL'S OF DECEASED FRIEND - WHO "BLAMES" HIM FOR HER DEATH. I/M HAS HX OF BEING EASILY AGITATED, ANTISOCIAL TRAITS APPARENT. IMPATIENT & IMPULSIVE.

P: RECOMMEND I/M REMAIN ON CI FOR FURTHER OBSERVATION. CCC INFORMED OFC. D. SMITH IN SMU - THAT I/M BRYANT MAY HAVE A JUMPSUIT & STYRO CUP. CCC WILL F/U ON 10/25.

SIGNED OFF ON 10/24/06 @ 14:01 BY SUSAN V BREON, HUMAN SERVICES COORD I

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** ENCOUNTER: 48 MENTAL HEALTH CLINIC 10/23/06 15:53 LEE COMP
CCC: CI ASSESSMENT.

D: I/M PULLED FROM CI CELL & SEEN IN SMU. CAME TO OFFICE ON WING WEARING A PAPER GOWN. I/M CUT HIMSELF ON 10-20-06 AND WAS TRANSPORTED TO TUOMEY ER FOR MEDICAL TX. HE RETURNED BACK TO LEE CI DURING THE EARLY MORNING HOURS OF 10-21-06. WHEN ASKED ABOUT INCIDENT, HE CLAIMED HE COULD NOT RECALL ANYTHING. CLAIMS HE "BLACKOUT" WHENEVER HE GETS MAD. "I JUST TRYING TO FIGURE OUT WHAT'S GOING ON WITH ME". CLAIMS TO "HEAR VOICES OF DECEASED FEMALE FRIEND FOR THE PAST 5 YRS". STS HE WAS TRYING TO GET MH TX ON THE STREET BUT "NO ONE WOULD SEE ME B/C I DIDN'T HAVE ANY MONEY". HE REPORTED A HX OF ADHD AND BEHAVIORAL PROBLEMS DATING BACK TO CHILDHOOD". ALSO, CLAIMS TO HAVE "MOOD SWINGS". LONG TERM MEMORY APPEARED UNIMPAIRED B/C HE WAS ABLE TO RECALL HX OF TX AND OTHER INCIDENTS FROM HIS PAST.

A: SELF INFLICTED LACERATION TO LEFT ARM. HE DENIED WANTING TO KILL HIMSELF. DENIED S/H IDEATIONS OR PLANS. NO AGITATION. DID NOT APPEAR TO BE EXPERIENCING ANY INTERNAL STIMULI DURING SESSION. NO THOUGHT DISORGANIZATION OR PAUCITY OF SPEECH. I/M IN NEED OF CONTINUED CI MONITORING TO ENSURE MH STABILITY.

P: CONTINUE CI. CCC WILL F/U ON 10-24-06.

J.MCFADDEN HSCI

SIGNED OFF ON 10/23/06 @ 16:04 BY JAKE W MCFADDEN, HUMAN SERVICES COORD I

** ENCOUNTER: 47 NARRATIVE 10/21/06 6:40 LEE COMP

PAUL DENNIS, CC NOTIFIED CONCERNING SELF INFLICTED LACERATION TO L AC. ELOUISE D. MONTGOMERY, RN.

SIGNED OFF ON 10/22/06 @ 6:42 BY ELOUISE D MONTGOMERY, REGISTERED NURSE I NOTED. WHERE IS THE ORIGINAL CI PAPERWORK? J.MCFADDEN HSCI

SIGNED OFF ON 10/23/06 @ 16:05 BY JAKE W MCFADDEN, HUMAN SERVICES COORD I ORIGINAL PAPERWORK TO MR. MCFADDEN.

SIGNED OFF ON 10/26/06 @ 11:02 BY ROSETTE L SINGLETON, REGISTERED NURSE II

** ENCOUNTER: 46 FOLLOW-UP SICK CALL 10/21/06 1:20 LEE COMP

INMATE RETURNED FROM TUOMEY ER TO MEDICAL TO BE EVALUATED. LEFT ARM WRAPPED WITH A KLING BANDAGE. SUTURES INTACT TO LACERATION ON L ARM AC AREA. VS ARE WITHIN NORMAL LIMITS. T 99.1, P 96, R 20, BP 118/74. INMATE IS TO HAVE SUTURES REMOVED IN 7-10 DAYS. MONITOR FOR S/S OF INFECTION. M. PRATT LPN

SIGNED OFF ON 10/21/06 @ 1:28 BY MARCUS A PRATT, LICENSED PRACTICAL NURSE 1. REMOVE SUTURES ON 10/30/06

TERRI HUFF, FNP

SIGNED OFF ON 10/23/06 @ 9:16 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED SUTURE REMOVAL PLACED IN RECHECK LOG BOOK FOR 10-30-06

SIGNED OFF ON 10/23/06 @ 12:37 BY ROSETTE L SINGLETON, REGISTERED NURSE II

** ENCOUNTER: 45 EMERGENCY INHOUSE 10/20/06 21:00 LEE COMP

S> OFFICER STATES I/M HAS CUT HIMSELF. OFFICER STATES I/M LEFT ARM IS BLEEDING REAL BAD. HE STATES I/M DOES NOT KNOW WHY HE CUT HIMSELF.

O> TEMP=000.0 PULSE= 84 RESP=20 BP=150/ 90 WEIGHT= 0 PPD= 0
I/M HAS EYES CLOSED. SKIN IS WARM AND DRY. NO RESP. DISTRESS IS NOTED.
LACERATION TO LEFT AC APX/ 1 IN LONG AND 1/2 IN DEEP. ACTIVE BLEEDING IS

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NOTED FROM L AC. ADEQUATE CIR. IS NOTED TO FINGERS LEFT HAND. DIRECT PRESSURE APPLIED TO L AC X 30 MIN. ACTIVE BLEEDING IS NOTED IMMEDIATELY WHEN PRESSURE IS NOT MAINTAINED TO L AC.

A> LACERTAION TO L AC APX. 1 IN X 1/2 IN.

P> PRESSURE DRESSING APPLIED TO L AC. DR. PATE NOTIFIED AND ORDER NOTED TO TRANSFER TO TUOMEY ER FOR EVAL. I/M IS TO BE PLACED ON CI POST RETURNED TO LEE CI. CI AS FOLLOW: STRIP OUT, FINGER FOODS, SECURITY CHECK Q 15, CC TO SEE AND F/U (WILL NOTIFIED CC POST RETURN TO INST.), SUCIDUAL BLANKET I/M TO TUOMEY HOSPITAL PER VAN ACCOMPANIED BY SECURITY. ELOUISE D. MONTGOMERY, RN.

SIGNED OFF ON 10/21/06 @ 1:13 BY ELOUISE D MONTGOMERY, REGISTERED NURSE I
TERRI HUFF, FNP

SIGNED OFF ON 10/23/06 @ 9:15 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 44 OUTSIDE APPOINTMENT 10/20/06 21:00 LEE COMP
I/M WAS TRANSPORTED BY S.C.D.C VAN
SIGNED OFF ON 10/20/06 @ 21:04 BY DORA POLK, MEDICAL ASSISTANT TECH I
NOTED: J. ANDREWS, RN
SIGNED OFF ON 10/21/06 @ 8:15 BY JERI L ANDREWS, UNCLASSIFIED

** ENCOUNTER: 43 MENTAL HEALTH CLINIC 09/26/06 15:50 LEE COMP
CCC NOTE - I/C SESSION:
D: I/M SEEN AS F/U TO ENCOUNTER #42. I/M STARED OUT OF HIS CELL WINDOW BLANKLEY & REFUSED TO SPEAK W/CCC. CELL WAS NEAT/CLEAN AS WAS HE. NO BEHAVIORAL PROBLEMS OBSERVED OR REPORTED BY UNIT STAFF.
A: I/M CHOOSING TO BE MUTE TODAY. POSSIBLE MALINGERING OF SXS.
P: CCC WILL DISCONTINUE CONTACT UNLESS REQUESTED BY I/M BRYANT AGAIN.
G. BREON, CCCIII
SIGNED OFF ON 09/26/06 @ 15:52 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 42 MENTAL HEALTH CLINIC 08/18/06 13:04 LEE COMP
CCC NOTE - I/C SESSION (SMU)
D: I/M SEEN DUE TO THE REQUEST TO STAFF HE SENT TO THIS WRITER CLAIMING THAT HE WAS HEARING VOICE OF A GIRL HE KNEW THAT HAD DIED. TODAY HE CLAIMED "THAT'S WHY I HAVEN'T BEEN ABLE TO SLEEP". THE LIGHT WAS ON IN HIS CELL TODAY. HE HAD LOTS OF PROPERTY & CELL WAS NEAT/CLEAN. I/M BRYANT ASKED THAT HE BE BROUGHT UP FRONT TO DISCUSS HIS PROBLEMS VS ON THE ROCK. CCC ADVISED THAT DUE TO TIME CONSTRAINTS, WE COULD NOT DO THAT TODAY, BUT WOULD SCHEDULE FOR NEXT WEEK. I/M VOICED UNDERSTANDING. HE WAS ALERT & ORIENTED, WITH GOOD EYE CONTACT. MOOD WAS SAD/SUBDUED, AFFECT BLUNT. LOOKED TIRED. SPEECH WAS MINIMAL BUT LOGICAL, THOUGHTS ORGANIZED. NO OVERT SXS OF PSYCHOSIS. I/M DENIED H/S THOUGHTS OR PLANS. SESSION FOCUSED ON SLEEP HYGIENE & SXS MGT. CCC REMINDED HIM THAT HE WILL HAVE TO COOPERATE AND BE HONEST W/DR. KIRBY FOR FURTHER TREATMENT. I/M VOICED UNDERSTANDING.
A: I/M C/O PSYCHOTIC SXS. HE HAS BEEN COMPLAINING FOR MONTHS ABOUT NOT BEING ABLE TO SLEEP. COULD BUY SXS DUE TO SLEEP DEPRIVATION??? POSSIBLY? DO NOT BELIEVE I/M HAS A THOUGHT DISORDER.
P: CCC WILL TRY TO SCHEDULE CONSULT IN SMU HOLDING TO DISCUSS FURTHER.
G. BREON, CCCIII
SIGNED OFF ON 08/18/06 @ 13:10 BY SUSAN V BREON, HUMAN SERVICES COORD I

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** ENCOUNTER: 41 SICK CALL 08/11/06 12:26 LEE COMP
S> "I NEED TO GET MY EYES CHECKED, AND I'M HAVING BAD HEADACHES, AND THE
MEDICINE I HAD DIDN'T HELP. IBUPROPHEN AND TYLENOL DON'T HELP."
O> TEMP=098.4 PULSE= 72 RESP=16 BP=110/ 70 WEIGHT=132 PPD= 0
VISUAL ACUITY= OS-20/70, OD-20/70, OU-20/50.
A> DEFERED
P> WILL REFER TO MD/NP FOR REVIEW AND RECOMMENDATION.
SIGNED OFF ON 08/11/06 @ 12:32 BY ROSETTE L SINGLETON, REGISTERED NURSE II
P: 1. CONSULT TO OPTOMETRY CLINIC.
SIGNED OFF ON 08/11/06 @ 15:20 BY RICHARD C BEARDEN, JR, PHYSICIAN II
...
ANALYTICAL EYE RECORD COMPLETED AND TO MEDICAL RECORDS FOR SCHEDULING.
K. MCCASKILL, LPN
SIGNED OFF ON 08/13/06 @ 10:11 BY KATHY M MCCASKILL, LICENSED PRACTICAL NURSE

** ENCOUNTER: 40 MENTAL HEALTH CLINIC 06/26/06 14:54 LEE COMP
CCC NOTE - I/C SESSION/SMU (LATE ENTRY FOR 6/23/06)
D: I/M SEEN FOR MONTHLY F/U. FOOD FLAP WAS OPEN & I/M HAD ARM HANGING OUT,
FACE SHOWING. I/M C/O "CAN'T SLOW MY MIND DOWN...I LAY DOWN BUT HAVEN'T
SLEPT IN 3-4 DAYS". CCC ASKED ABOUT OTHER SXs & I/M RESPONDED IN AGITATED
TONE, "I JUST TOLD YOU I CAN'T SLEEP...THAT'S WHAT'S WRONG WITH ME". CCC
ASKED IF HE WOULD LIKE TO TRY ANOTHER APPT. WITH DR. KIRBY. I/M DECLINED.
EXPRESSED, "I CAN'T DEAL WITH SOMEONE TALKING TO ME LIKE THEY'RE BETTER".
CCC & I/M THEN DISCUSSED THE NEED FOR CONTINUED TX SINCE HE WAS UNWILLING
TO WORK WITH STAFF PSYCHIATRIST. I/M BRYANT WAS ALERT & ORIENTED, WITH
GOOD EYE CONTACT. HYGIENE CARE SEEMED APPROPRIATE. CELL WAS SO DARK, CCC
COULD NOT OBSERVE CONDITIONS INSIDE. I/M LOOKED AS IF HE HAD JUST AWOKED OR
WAS TERRIBLY SLEEPY. MOOD WAS IRRITABLE, AFFECT BLUNT/ANGRY. HIS SPEECH WAS
LOGICAL, THOUGHTS WELL PRESENTED. NO SXs OF PSYCHOSIS. NO H/S THOUGHTS OR
PLANS.
A: DX = ASPD, IED. I/M C/O INSOMNIA - FOR WHICH SCDC CAN NOT TX. WOULD
CERTAINLY CONTRIBUTE TO MOOD DISTURBANCE. I/M UNWILLING TO WORK WITH MD FOR
CHEMOTHERAPY. HAS NOT HAD ANY SIGNIFICANT BEHAVIORAL OR EMOTIONAL PROBLEMS
SINCE COMING TO LEE CI 8 MOS AGO. NO CI/GPH PLACEMENTS. DOES NOT SEEK OUT
CCC FOR ASSISTANCE; DO NOT FEEL CONTINUED BEHAVIORAL MED SERVICES NEEDED.
P: CCC WILL STAFF AT NEXT TX TEAM TO DROP FROM MENTAL HEALTH ROLES. WILL
F/U IF I/M BRYANT CHANGES HIS MIND ABOUT COOPERATING WITH TREATMENT.
G. BREON, CCCIII
SIGNED OFF ON 06/26/06 @ 15:34 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 39 OUTSIDE RECOMMENDATI 06/08/06 12:54 LEE COMP
SEEN BY DR. PATE ON 6/7/06:
VS T 96.8 P 80 R 18 BP 118/70 WT 135
A: HEADACHES ?? RELATIONSHIP TO HEAD TRAUMA-NO EVIDENCE OF NEUROLOGICAL
DYSFUNCTION
P: PROZAC 20 MG PO QAM X 90 DAYS
PERCOGESIC 2 PO QID PRN HEADACHES X 30 DAYS.
DR. PATE/TERRI HUFF, FNP
FLUOXETINE 20MG

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SIG:1 PILL QAM

SIG:

START DATE: 06/08/06 TOTAL DAYS: 90

MD:HUFF-SIMMONS, TERRI L.

PHENYLGESIC

SIG:2 PILLS QID PRN HEADACHE. NTE 120 TABS/MTH

SIG:

START DATE: 06/08/06 TOTAL DAYS: 30

MD:HUFF-SIMMONS, TERRI L.

SIGNED OFF ON 06/08/06 @ 12:58 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

PHARMACY DIRECT NOTIFIED

S. COULTER, LPN

SIGNED OFF ON 06/08/06 @ 13:35 BY SUZANNE S COULTER, TECHNICAL MEDICAL ASSO I

** ENCOUNTER: 38 SICK CALL 06/01/06 16:02 LEE COMP

S> I/M TO SICK CALL C/O HEADACHES AND PAIN IN RIGHT SIDE OF NECK X 2 WEEKS.
C/O OF HAVING KNOTS ON THE BACK OF HEAD.

O> TEMP=098.5 PULSE= 66 RESP=20 BP=110/ 74 WEIGHT=150 PRD= 0
A&OX3. SKIN W&D. RESP. EVEN AND NONLABORED. ABLE TO TOUCH CHIN TO NECK
WITHOUT DIFFICULTY. ABLE TO PALPATE SMALL NODULE ON THE BACK OF HIS HEAD
ABOVE HIS NECK. STATES THAT TYLENOL DOES NOT WORK.

A> NODULE ON BACK OF HEAD.

P> DEFER TO MD/NP FOR RECOMMENDATIONS

R. SINGLETON, RN

SIGNED OFF ON 06/01/06 @ 16:07 BY ROBETTE L SINGLETON, REGISTERED NURSE II
PLACE IN MD SMU APPT BOOK.

TERRI HUFF, FNP

SIGNED OFF ON 06/01/06 @ 17:46 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

MD APPT SCHEDULED.

SIGNED OFF ON 06/02/06 @ 14:35 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 37 MENTAL HEALTH CLINIC 05/31/06 15:14 LEE COMP
CCC NOTE - I/C SESSION (SMU)

D: I/M SEEN IN CELL. CELL WAS DARK & WINDOWS COVERED IN PAPER. WE DISCUSSED
HIS RX MED BEING STOPPED. I/M RELATED THAT HE COULD NOT TELL ANY DIFFERENCE
ON OR OFF THE MED. STILL, HE C/O "BAD MOOD SWINGS..SOMETIMES I'M CALM...
SOMETIMES I FEEL HYPER & ANGRY...CAN'T SLEEP. MY MIND JUST RACES". C/O DR.
KIRBY "TALKS TO ME LIKE HE'S SUPERIOR...I CAN'T DEAL W/THAT". HE REPORTED
APPETITE AS WNL. COULD NOT SEE THE CONDITION OF HIS CELL IT WAS SO DARK.
I/M'S HYGIENE CARE SEEMED APPROPRIATE. HE DENIED SXS OF PSYCHOSIS OR H/S
THOUGHTS OR PLANS. HE WAS ALERT & ORIENTED, WITH GOOD EYE CONTACT. HIS
SPEECH WAS LOGICAL, THOUGHTS WERE ORGANIZED. APPEARED WELL RESTED. CCC
PROVIDED COUNSELING TO ADDRESS IMPROVING COMMUNICATION SKILLS, SLEEP
HYGIENE & SXS MGT. ALSO COMMENDED I/M ON HIS + BEHAVIOR WHILE IN SMU.
I/M WAS POLITE & COOPERATIVE. AFFECT WAS CONSTRICTED, MOOD WAS SULLEN.

A: DX = IED, ASPD. I/M C/O MOOD DISTURBANCE, BUT HAS BEEN ABLE TO CONTROL
WELL ENOUGH TO STAY OUT OF TROUBLE THUS FAR. NO BEHAVIORAL OR ASSUALTIVE
PROBLEMS. NO APPARENT DANGER TO SELF OR OTHERS.

P: CCC GAVE I/M PUZZLES TO OCCUPY HIS TIME/MIND. WILL CONTINUE TO MONITOR
PRN. G. BREON, CCCIII

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SIGNED OFF ON 05/31/06 @ 15:25 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 35 X-RAY 05/18/06 12:28 LEE COMP
SKULL SERIES OF X-RAY FILMS OBTAINED AND SENT TO COA.
S. COULTER, LPN
SIGNED OFF ON 05/18/06 @ 12:29 BY SUZANNE S COULTER, TECHNICAL MEDICAL ASSO I

** ENCOUNTER: 34 SECURITY INIT 05/18/06 11:36 LEE COMP
S> SK TO MEDICAL FOR EXAM OF R HAND - HAND WAS ACCIDENTLY SHUT IN THE CELL
DOOR.
O> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
SMALL BRUISE NOTED TO R 4TH FINGER SECOND KNUCKLE AND TO THE R 3RD FINGER
1ST KNUCKLE. ABLE TO DO ROM WITH DIFFICULTY OR LIMITS. NO EDEMA NOTED.
A> R 3RD AND 4TH FINGER BRUISING
P> NO TREATMENT NEEDED. SK TO NOTIFY OFFICERS/MEDICAL FOR ANY FURTHER PROBLEMS
WITH THIS HAND. VERBALIZED UNDERSTANDING.
SIGNED OFF ON 05/18/06 @ 11:41 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
SIGNED OFF ON 05/18/06 @ 14:53 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 33 SECURITY INIT 05/18/06 10:38 LEE COMP
S> IM TO MEDICAL FOR POST USE OF FORCE EXAM.
"MY HEAD WAS SLAMMED ON THE FLOOR ON THE BACK AND FRONT. MY NECK HURTS AND
MY L ELBOW WAS SCRATCHED BY THE FENCE AND I HAVEN'T HAD A TETANUS SHOT IN
YEARS. MY HEAD HURTS REALLY BAD."
O> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
NOTED TO HAVE A RAISED IN THE CENTER BACK OF HEAD. NOTED TO HAVE 2 BRUISES
ON HIS FOREHEAD. SMALL SCRATCH NOTED TO L ELBOW.
A> ABRASIONS/LACERATION
P> 1. SEE S.O. #24.
2. CLEAN WOUND WITH SOAP AND WATER, MAKING SURE THAT DIRT AND FOREIGN
BODIES HAVE BEEN REMOVED.
L ELBOW WOUND CLEANSED - NO FOREIGN BODIES NOTED.
3. FOR ABRASIONS:
APPLY A THIN LAYER OF NEOSPORIN OINTMENT WITH A LOOSE STERILE
BANDAGE AS NEEDED.
TAO AND BANDAID APPLIED.
4. FOR LACERATIONS:
IF EDGES ARE EASILY APPROXIMATED MAY USE STERI-STRIPS OR DERMABOND.
IF STERI-STRIPS ARE USED:
(A) APPLY TR. OF BENZION ON EITHER SIDE OF WOUND.
(B) APPLY STERI-STRIPS TO COMPLETELY CLOSE THE LACERATION.
IF DERMABOND IS USED:
(C) APPLY TO CLOSE LACERATION (DO NOT USE FOR FACIAL LACERATIONS)
FOR EITHER STERI-STRIPS OR DERMABOND:
(D) APPLY A STERILE DRESSING.
(E) CHANGE THE DRESSING IN 24 HOURS AND PRN
5. CHECK ON TETANUS IMMUNIZATION STATUS. IF WOUND IS DIRTY (FOREIGN
BODY, RUST, GRAVEL, ETC.) AND NO TETNUS IMMUNIZATION HAS BEEN GIVEN
IN THE LAST FIVE (5) YEARS, ADMINISTER TETANUS AND DIPHTHERIA TOXIODS
0.5 CC IM AND DOCUMENT IN AMR.

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TD 0.5CC IM R DELTOID PER MCCASKILL, LPN. LOT U1220AA EXP 01-10-07.

V.O. HUFF, NP: X-RAY SKULL. (DONE IN CLINIC)

SIGNED OFF ON 07/06/06 @ 11:53 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
SIGNED OFF ON 07/07/06 @ 8:34 BY RICHARD C BEARDEN, JR, PHYSICIAN II

- ** ENCOUNTER: 32 MENTAL HEALTH CLINIC 04/27/06 15:04 LEE COMP
CCC NOTE - I/C SESSION (SMU)
D: I/M WAS EATING LUNCH TRAY, NO SHIRT ON. CELL WAS FAIRLY CLEAN & NEAT.
I/M LOOKED AS IF HE HAS LOST WT?? INFORMED CCC "DOCTOR TOOK ME OFF THAT
MEDICATION...HE THINKS HE'S BETTER THAN EVERYBODY ELSE...WE JUST DON'T GET
ALONG". I/M REPORTED, "I HAVEN'T SLEPT IN 2 DAYS...JUST HAVE SO MUCH ON MY
MIND". DESCRIBED APPETITE AS WNL. HE DENIED ANY ACUTE EMOTIONAL DISTRESS OR
ANGER. SOME DEPRESSION?? NO PSYCHOSIS. DENIED ANY H/S THOUGHTS OR PLANS.
I/M WAS ALERT & ORIENTED, WITH GOOD EYE CONTACT. MOOD WAS CALM, AFFECT WNL.
CCC PROVIDED COUNSELING TO ADDRESS SLEEP HYGIENE & GAVE HIM HANDOUT ON AND
USING + COPING SKILLS TO DEAL WITH STRESSORS. I/M WAS POLITE COOPERATIVE
ASKED FOR PUZZLES. CCC WILL BRING BY ON NEXT ROUNDS.
A: DX = IED, ASPD. I/M APPEARED LESS HOSTILE TODAY. AFFECT LESS ANGRY. HAS
NOT BEEN A BEHAVIOR PROBLEM.
P: CCC WILL CONTINUE TO MONITOR PRN. G. BREON, CCCIII
SIGNED OFF ON 04/27/06 @ 15:10 BY SUSAN V BREON, HUMAN SERVICES COORD I
- ** ENCOUNTER: 31 DOCTOR'S CLINIC 04/24/06 13:37 LEE COMP
DC ZOLOFT. IM BELIEVES IT TO BE INEFFECTIVE.
SIGNED OFF ON 04/24/06 @ 13:38 BY MICHAEL J KIRBY, PHYSICIAN I
NOTED.
SIGNED OFF ON 04/24/06 @ 16:30 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II
- ** ENCOUNTER: 30 MENTAL HEALTH CLINIC 04/24/06 13:32 LEE COMP
IM SEEN TO ASSESS EFFICACY OF HIS ZOLOFT. HAS NOT CAUGHT ANY NEW CHARGES BU
T DOES NOT ATTRIBUTE THAT TO HIS MEDICINE. SAYS HE CN'T TELL HE'S ON ANYTHI
NG AND FEELS 'JUST LIKE I ALWAYS DO.' BELIEVES IT HAS NO EFFECT ON HIS BEHA
VIOR. SLEEP IS POOR BUT IM SLEEPS DURING THE DAY. APPETITE IS EXCELLENT. DO
AE NOT KNOW COURT DATE AT THIS TIME..
O CLEAR, COHERENT. SARCASTIC AND OPPOSITIONAL. HOSTILE AND REACTIVE. NO SXS
DEPRESSION OR PSYCHOSIS. NO BIZARRE BEHAVIOR OR IDEATION.
A IED. ASPD.
P DC ZOLOFT. F/U PRN.
SIGNED OFF ON 04/24/06 @ 13:37 BY MICHAEL J KIRBY, PHYSICIAN I
- ** ENCOUNTER: 29 FOLLOW-UP SICK CALL 04/04/06 8:27 LEE COMP
MED RENEWAL
SELENIUM SULFIDE 2.5%
SIG: SHAMPOO HAIR 3 X WEEK
SIG:
START DATE: 04/04/06 TOTAL DAYS: 90
MD: HUFF-SIMMOMS, TERRI L.
SIGNED OFF ON 04/04/06 @ 8:28 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
WILL RENEW.

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TERRI HUFF, FNP

SIGNED OFF ON 04/04/06 @ 8:53 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
MEDS DIRECT TRANSMIT TO PHARMACY.

S. COULTER, LPN

SIGNED OFF ON 04/04/06 @ 9:37 BY SUZANNE S COULTER, TECHNICAL MEDICAL ASSO I

** ENCOUNTER: 28 NARRATIVE 03/25/06 19:04 LEE COMP
 ZOLOFT 100MG IN AM NOT GIVEN. I} REFUSED. NO RESON GIVEN.
 CJ BROWN LPN

SIGNED OFF ON 03/25/06 @ 19:08 BY CAROL JEAN BROWN, LICENSED PRACTICAL NURSE
 NOTED. D. SARGENT, RN

SIGNED OFF ON 03/27/06 @ 12:05 BY APRIL D SARGENT, UNCLASSIFIED

** ENCOUNTER: 27 TELEPHONE ENCOUNTER 03/04/06 13:09 LEE COMP

S> CALLED TO ASU TO CHECK IM FOR "KNOT ON HIS SIDE", PER LT GOODMAN.

PER I/M, "I THINK I AM HAVING KIDNEY STONES AGAIN. I DIDN'T PEE AT ALL
 YESTERDAY AND I STILL HAVEN'T PEEED."

O> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
 NO VISIBLE OR PALPABLE KNOT ON EITHER SIDE. BLADDER SOFT, NONDISTENDED AND
 NONTENDER TO PALPATION. DENIES ANY BLOOD IN URINE.

A> NORMAL EXAM.

P> INSTRUCTED TO INCREASE FLUID INTAKE AND NOTIFY IF ANY BLOOD IN URINE. MAY
 TAKE TYLENOL OR IBU FROM DORM IF NEEDED. VERBALIZES UNDERSTANDING OF ALL
 INSTRUCTIONS. NO FURTHER TX NEEDED.

SIGNED OFF ON 03/04/06 @ 13:13 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE

SIGNED OFF ON 03/13/06 @ 18:00 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 26 MENTAL HEALTH CLINIC 02/27/06 14:39 LEE COMP
 CCC NOTE - I/C SESSION (SMU)

D: I/M WAS STANDING AT CELL DOOR-WAITING ON LUNCH TRAY. HE WAS ALERT &
 ORIENTED, WITH GOOD EYE CONTACT. HE DESCRIBED HIMSELF AS "ALRIGHT". ASKED
 IF CCC HAD COULD FIND OUT ABOUT HIS LEGAL MAIL LEFT AT COUNTY JAIL. CCC
 ADVISED HIM TO WRITE TO A/W BELL & TO PROPERTY OFC. HUDSON - REGARDING HIS
 REQUEST. HE REPORTED THAT HE WAS TAKING ZOLOFT AS RX & FEELS IT HELPS HIM
 CONTROL HIS TEMPER/HYPERACTIVITY. CCC ASKED ABOUT LAST PSYCH MD APPT? I/M
 RESPONDED, "YEA..I WAS IN A BAD MOOD THAT DAY". HE REPORTED HIS SLEEP &
 APPETITE AS WNL. DENIED ANY ACUTE EMOTIONAL DISTRESS. HIS MOOD & AFFECT
 WERE APPROPRIATE TO CIRCUMSTANCE. CELL/HYGIENE APPEARED ACCEPTABLE. HIS
 SPEECH WAS LOGICAL & THOUGHTS WELL-PRESENTED. CCC PROVIDED COUNSELING TO
 ASSIST WITH MH EDUCATION, MED COMPLIANCE & USING + COPING SKILLS TO DEAL
 WITH DAILY STRESSORS & ASSIST IN MANAGING NEGATIVE BEHAVIORS. I/M WAS
 POLITE & COOPERATIVE.

A: DX = IED, ANTISOCIAL PDO. I/M HAS BEEN MANAGING FAIRLY WELL SINCE
 COMING TO LEE. NO MAJOR BEHAVIORAL PROBLEMS NOTED OR VOICED BY I/M. IS
 AWARE/ACCOUNTABLE FOR HIS BEHAVIOR.

P: CCC WILL CONTINUE TO MONITOR PRN. G. BREON, CCCIII

SIGNED OFF ON 02/27/06 @ 14:52 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 25 SICK CALL 02/13/06 8:45 LEE COMP

S> "MY SCALP BEEN ITCHING MY FOR LAST 2 MONTHS I NEED SOME KIND OF SHAMPOO"

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O> TEMP=098.7 PULSE= 74 RESP=18 BP=110/ 70 WEIGHT=155 PPD= 0
SCALP FLAKY DRY, NO REDNESS,OR OPEN AREA SOME ITCHING

A> DEFER

P> REQUEST FOR MEDICATED SHAMPOO FORWARD TO MD/NP FOR REVIEW AND RECOMMENDATIO
N S SCOTT

SIGNED OFF ON 02/13/06 @ 8:50 BY SHERI L SCOTT, LICENSED PRACTICAL NURSE
1. WILL RX SHAMPOO.

TERRI HUFF,FNP

SIGNED OFF ON 02/13/06 @ 13:14 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
MED DIRECT TRANSMIT TO PHARMACY.

C. HILL, RN

SIGNED OFF ON 02/13/06 @ 13:52 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 24 MENTAL HEALTH CLINIC 01/31/06 15:41 LEE COMP
CCC NOTE - I/C SESSION (SMU)

D: I/M WAS STANDING AT CELL DOOR. WAS ALERT & ORIENTED, WITH GOOD EYE
CONTACT. HE C/O "I HAVEN'T SLEPT IN 2 DAYS. I NEED TO SEE THE DOCTOR".CCC
ADVISED HIM THAT SCDC COULD NOT GIVE HIM MEDS FOR SLEEP. HE VOICED
UNDERSTANDING. I/M STATED HE HAD ALOT ON HIS MIND ABOUT HOME & HIS CASE.
CCC PROVIDED COUNSELING TO ASSIST WITH SLEEP HYGIENE & RELAXATION & GAVE
HIM HANDOUT ON. I/M REPORTED TAKING ZOLOFT AS ORDERED & FEELS IT HELPS HIM
MAINTAIN HIS ANGER & BEHAVIOR. HE DENIED ANY H/S THOUGHTS/PLANS OR ANY SKS
OF PSYCHOSIS. HIS SPEECH WAS LOGICAL, THOUGHTS WELL-PRESENTED. HIS MOOD WAS
SULLEN, AFFECT CONSTRICTED. NO NOTED HYGIENE PROBLEMS. OVERALL, WAS POLITE
& COOPERATIVE W/CCC.

A: DX = IED, ANTISOCIAL PDO. I/M APPEARS FAIRLY STABLE. NO BEHAVIORAL
PROBLEMS IN SMU.

P: CCC WILL CONTINUE TO MONITOR PRN PER TX PLAN. G. BREON, CCCIII
SIGNED OFF ON 01/31/06 @ 15:47 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 23 DOCTOR'S CLINIC 01/31/06 11:57 LEE COMP
RENEW ZOLOFT.

ZOLOFT 100MG

SIG:ONE TABLET PO Q AM

SIG:

START DATE: 01/31/06 TOTAL DAYS: 90

MD:KIRBY,MICHAEL -

RTC 12 W

SIGNED OFF ON 01/31/06 @ 11:59 BY MICHAEL J KIRBY, PHYSICIAN I

MED DIRECT TRANSMIT TO PHARMACY CE HILL,RN

SIGNED OFF ON 01/31/06 @ 12:21 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 22 MENTAL HEALTH CLINIC 01/31/06 11:52 LEE COMP
IM SEEN TODAY. IS HAVING PROBLEMS SLEEPING. WAS VERY ANGRY WHEN I INFORMED
HIM THAT SCDC POLICY FORBIDS SLEEP MEDS. SAYS HE'S UNDER THE JURISDICTION O
F THE COUNTY. ADVISED HIM I WASN'T AND I'D AHVE TO FOLLOW POLICY. ADVISED H
IM TO HAVE LAWYER ADDRESS ISSUE IF NEEDED. IM REPORTS ZOLOFT SEEMS TO CONTI
NUE TO BE EFFECTIVE FOR HIS IED.

O CLEAR, COHERENT. SARCASTIC AT TIMES. NO BIZARRE BEHAVIOR. AFFECT EXPRESSI
VE AND ANGRY. NO THREATENING BEHAVIOR.

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A IED. ANTISOCIAL PERS D/O.

P CONTINUE ZOLOFT.

RTC 12 W.

SIGNED OFF ON 01/31/06 @ 11:57 BY MICHAEL J KIRBY, PHYSICIAN I

** ENCOUNTER: 21 MENTAL HEALTH CLINIC 01/05/06 13:42 LEE COMP

CCC NOTE - I/C SESSION (SMU)

D: I/M WAS LYING IN BED, BUT GOT UP TO SPEAK W/CCC. WAS ALERT & ORIENTED, WITH GOOD EYE CONTACT. HYGIENE & CELL APPEARED CLEAN. HIS MOOD & AFFECT WERE APPROPRIATE TO CIRCUMSTANCE. HE DESCRIBED HIMSELF AS "ALRIGHT". ASKED IF I GOT HIS REQUEST FOR DR. KIRBY? EXPLAINED THAT IF I DID, I PASSED IT ON TO HIM, BUT CCC WILL F/U. HE REPORTED COMPLIANCE W/MEDS & REMAINING CALM. HIS SPEECH WAS LOGICAL, THOUGHTS ORGANIZED. WAS CALM & RESPONSIVE. CCC GAVE I/M WORD PUZZLES & PIN REQUEST SHEET AS HE HAD ASKED FOR. HIS MOOD/AFFECT WAS SUBDUED. NO SXS OF PSYCHOSIS OR ACUTE DISTRESS. CCC PROVIDED COUNSELING TO ADDRESS CONTINUED MED COMPLIANCE & USING + COPING SKILLS TO DEAL W/DAILY STRESSORS OF SMU. I/M WAS COOPERATIVE.

A: DX = IED. I/M CONTINUES TO REMAIN STABLE ON CURRENT MEDS. NO KNOWN BEHAVIORAL PROBLEMS THUS FAR.

P: CCC WILL CONTINUE TO F/U & MONITOR PRN. G. BREON, CCCIII

SIGNED OFF ON 01/05/06 @ 13:48 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 20 MENTAL HEALTH CLINIC 12/28/05 14:34 LEE COMP

CCC NOTE - I/C SESSION (SMU)

D: I/M WAS UP & READY TO SPEAK W/CCC. DESCRIBED HIMSELF AS ALRIGHT. HE WAS ALERT & ORIENTED, W/GOOD EYE CONTACT. HYGIENE APPEARED GOOD, CELL WAS CLEAN WE DISCUSSED ANGER MGT HANDOUTS GIVEN LAST WEEK. I/M STS HE IS TRYING TO USE TO MANAGE HIS BEHAVIOR IN SMU. HE REPORTED TAKING HIX RX MEDS AND STS HE THINKS IT IS WORKING WELL TO KEEP HIM CALM. HE REPORTED APPETITE AS WNL BUT DID C/O SOME SLEEP DISTURBANCE. HE ASKED FOR SOME WORD PUZZLES & ALSO ASKED ABOUT HIS PIN #. CCC REFERRED HIM TO WARDEN'S AREA RE: THE PIN. I/M WAS CALM & TALKATIVE. DENIED ANY H/S IDEATIONS. DENIED ACUTE DEPRESSION OR OTHER EMOTIONAL DISTRESS. SPEECH WAS LOGICAL, THOUGHTS ORGANIZED. CCC PROVIDED COUNSELING TO ADDRESS CONTINUED MED COMPLIANCE, USING + COPING SKILLS TO DEAL W/DAILY STRESSORS VS ACTING OUT & ALSO SLEEP HYGIENE. I/M WAS POLITE & COOPERATIVE.

A: DX=IED. I/M REPORTING STABILITY ON CURRENT RX MEDS. NO KNOWN BEHAVIORAL PROBLEMS THUS FAR.

P: CCC WILL CONTINUE TO F/U & MONITOR PRN. FOCUS IN STRESS & ANGER MGT.

G. BREON, CCCIII

SIGNED OFF ON 12/28/05 @ 14:40 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 19 SICK CALL 12/05/05 15:35 LEE COMP

S> "I CAME TO MEDICAL SO THESE MARKS ON MY BACK CAN BE DOCUMENTED, I RECIEVED THEM WHEN I WAS IN COUNTY THEY USE A STUN GUN ON MY BACK X 1 MTH AGO"

O> TEMP=97.7 PULSE= 76 RESP=18 BP=120/ 72 WEIGHT=155 PPd= 0

3 BROWN IN COLOR CIRCULAR AREA NO REDNESS, SWELLING, TENDERNESS

NO DRAINAGE ROM WNL NO INFLAMMATION

A> IN NO MEDICAL DISTRESS DENIES ANY DISCOMFORT

P> INFORM IM IF DISCOMFORT OCCURS REPORT BY TO MEDICAL VERBALIZED HE

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UNDERSTOOD S SCOTT

SIGNED OFF ON 12/05/05 @ 15:46 BY SHERI L SCOTT, LICENSED PRACTICAL NURSE
SIGNED OFF ON 12/05/05 @ 15:47 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 18 SECURITY INIT 11/28/05 16:07 LEE COMP
CALLED TO SMU BY SGT. GREEN, STATED THAT I/M WAS GASSED. I/M STATED THAT HE GOT GASSED, THAT HE HAD IT ON FACIAL AREA AND CHEST AND NECK AREA. BI-LA. T SCLERA WITHOUT REDNESS OR DRAINAGE. SKIN NOTED WITH NO IRRITATION. DENIES BURNING. NO SOB OR RESP DISTRESS NOTED.
SIGNED OFF ON 11/28/05 @ 19:10 BY CARLA EPPS, LICENSED PRACTICAL NURSE
SIGNED OFF ON 11/29/05 @ 16:28 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 17 MENTAL HEALTH CLINIC 11/15/05 14:59 LEE COMP
CCC NOTE - INTAKE ASSESSMENT
D: I/M SEEN AFTER PSYCH EVAL. IS NEW SK TO LEE. HAS BEEN IN COUNTY ABOUT 1 YEAR. I/M IS A 24 Y/O SWM FROM KERSHAW, SC. HAS PREVIOUS SCDC SENTENCE UNDER #255827 FOR BURG 2ND. CURRENT INCARCERATION INVOLVES MURDER CHARGES PENDING. I/M BRYANT RELATED THAT HE HAD BEEN ON HIS OWN SINCE AGE 13 & THAT HE "HAS NO FAMILY....NONE I HAVE ANYTHING TO DO WITH". REPORTED TX WITH RITALIN & PROZAC IN CHILDHOOD. WAS KICKED OUT OF SCHOOL IN 9TH GRADE FOR "COMING TO SCHOOL DRUNK". STS HE TRIED TO SEEK MH TX IN COMMUNITY PRIOR TO COMMITTING CURRENT CRIMES, "WENT TO HEALTH MINDS & YMCA - BUT THEY TOLD ME I HAD TO PAY & I DIDN'T HAVE ANY MONEY". REPORTED USING THC SINCE AGE 9/10. ALSO RELATED THAT HE WAS IN SPECIAL ED CLASSES IN SCHOOL. DENIED CURRENT CONTACT W/FAMILY, BUT STATED HE HAD A FRIEND WHO HE CAN CALL & GET VISITS FROM. I/M RELATED THAT HE IS COMPLIANT WITH CURRENT RX ZOLOFT & THAT IT KEEPS HIM CALM. HE RELATED THAT HE WAS SENT FROM COUNTY JAIL BECAUSE, "AN OFFICER SPIT IN MY FACE & I HIT HIM, BROKE HIS NOSE & EYE SOCKET". DESCRIBE HIS MAJOR LIFELONG PROBLEM AS ONE ON NOT BEING ABLE TO MANAGE HIS ANGER. I/M DESCRIBED LIKING IT BETTER AT LEE THAN COUNTY & THAT HE WAS RELIEVED TO BE HERE. HE STATED HE FELT HE WOULD NOT HAVE ANY MAJOR BEHAVIORAL PROBLEMS HERE. HE REPORTED SLEEPING WELL & APPETITE AS WNL. HE DENIED ANY SXS OF PSYCHOSIS OR ACUTE EMOTIONAL DISTRESS. HE DENIED ANY H/S IDEATIONS OR PLANS DID ADMIT TO CUTTING HIMSELF IN COUNTY, BUT "I JUST DID THAT TO GET OUT OF THE ENVIRONMENT I WAS IN FOR A WHILE". HIS MOOD & AFFECT WERE WNL. HIS SPEECH WAS LOGICAL, THOUGHTS ORGANIZED. WAS ALERT & ORIENTED, WITH GOOD EYE CONTACT. CCC PROVIDED COUNSELING TO ADDRESS MEDICATION QUESTIONS & COMPLIANCE, & USING APPROPRIATE COPING SKILLS TO DEAL W/DAILY STRESSORS AS OPPOSED TO MISBEHAVIOR. I/M WAS POLITE & COOPERATIVE.
A: DX = IED. I/M APPEARS STABLE ON CURRENT MEDS. IS AWARE/ACCOUNTABLE FOR HIS BEHAVIOR.
P: CCC WILL CONTINUE TO F/U & MONITOR PRN. G. BREON, CCCIII
SIGNED OFF ON 11/15/05 @ 15:32 BY SUSAN V BREON, HUMAN SERVICES COORD I

** ENCOUNTER: 16 MENTAL HEALTH CLINIC 11/15/05 13:23 LEE COMP
S IM SEEN TO ASSESS CONTINUED NEED FOR ZOLOFT. IS TAKING 100 MGS Q AM. IM SAYS HE DOESN'T KNOW WHY HE TAKES IT. HE DOES NOTICE THAT 'I'M NOT SO HYPER ANYMORE AND I HAVEN'T HAD A TEMPER PROBLEM IN A WHILE'. APPEARS TO BE A GOOD CONSTRUCTIVE USE.
IM DENIES AH/VH/SI/HI. IM DENIES ANY SIDE EFFECTS.

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O NAD. WDN. A/A. IDEATION FLOWS SMOOTHLY AND SEEMS LINEAR/GD. NO SXS PSYCH
OSIS. NEAT/CLEAN.

A INTERMITTENT EXPLOSIVE DO

P CONTINUE ZOLOFT 100 MG PO Q AM X 90 DAYS. RTC 12 W IF NEEDED.

SIGNED OFF ON 11/15/05 @ 13:27 BY MICHAEL J KIRBY, PHYSICIAN I

PHARMACY DIRECT NOTIFIED.

SIGNED OFF ON 11/15/05 @ 13:33 BY KATHY M MCCASKILL, LICENSED PRACTICAL NURSE

** ENCOUNTER: 15 DIABETIC CLINIC 11/14/05 9:44 LEE COMP

LATE ENTRY FOR 11-11-05, FSBS THIS AM AT 7:30AM WAS 72.

SIGNED OFF ON 11/14/05 @ 9:45 BY CARLA EPPS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 14 DIABETIC CLINIC 11/10/05 15:39 LEE COMP

FSBS THIS AM WAS 88.

SIGNED OFF ON 11/10/05 @ 15:39 BY CARLA EPPS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 13 LAB CLINIC 11/09/05 10:09 LEE COMP

HIV BACK

SIGNED OFF ON 11/09/05 @ 10:09 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 12 DIABETIC CLINIC 11/08/05 9:50 LEE COMP

I/M IN SMU. FSBS THIS AM WAS 70.

SIGNED OFF ON 11/08/05 @ 9:51 BY CARLA EPPS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 11 LAB CLINIC 11/04/05 8:32 LEE COMP

CHEM 7, CBC, CCU/A, RPR BACK

HIV PENDING.

CHEM 7 GLU 25 70-110

K 3.5 3.6-5.0

CL 100 101-111

CBC RDW 15.0

RPR

CCU/A

FORWARD TO MD/NP.

SIGNED OFF ON 11/04/05 @ 8:34 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

SEE ENC # 8 REGARDING GLUCOSE.

1. FSBS X 3. INMATE IS IN SMU.

TERRI HUFF, FNP

SIGNED OFF ON 11/04/05 @ 12:45 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

FSBS SCHEDULED FOR 11/07, 11/08, AND 11/09.

SIGNED OFF ON 11/04/05 @ 14:40 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 10 DIABETIC CLINIC 11/04/05 7:26 LEE COMP

NO SHOW FOR 0700 FSBS. --S.WILLIAMS, LPN

SIGNED OFF ON 11/04/05 @ 7:27 BY SHARON BELL WILLIAMS, LICENSED PRACTICAL NU

** ENCOUNTER: 9 DIABETIC CLINIC 11/03/05 7:46 LEE COMP

NO SHOW FOR 0630 FSBS. --S.WILLIAMS, LPN

SIGNED OFF ON 11/03/05 @ 7:46 BY SHARON BELL WILLIAMS, LICENSED PRACTICAL NU

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** ENCOUNTER: 8 DOCTOR'S CLINIC 11/02/05 17:10 LEE COMP
RECEIVED CALL FROM JUDY AT KCI LAB.
GLUCOSE 25
NURSE OWENS, LPN TO SMU TO OBTAIN FSBS. FSBS 91. NURSE OWENS REPORTS THAT
INMATE IS A+O X 3. SKIN W/D.
1. FSBS QAM X 3
TERRI HUFF, FNP
SIGNED OFF ON 11/02/05 @ 17:12 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
ENCOUNTER PRINTED AND GIVEN TO PILL ROOM TO HAVE FSBS TAKEN X 3
C. HILL, RN
SIGNED OFF ON 11/02/05 @ 17:58 BY CORINNE A HILL, NURSE ADMINISTRATOR/MGR II

** ENCOUNTER: 7 PPD 11/02/05 17:11 LEE COMP
PPD READ 0MM.
SIGNED OFF ON 11/02/05 @ 17:12 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
R. COLLINS RN
SIGNED OFF ON 11/02/05 @ 17:51 BY REGENA COLLINS, LICENSED PRACTICAL NURSE

** ENCOUNTER: 6 LAB CLINIC 11/02/05 8:34 LEE COMP
COLLECTED RPR, HIV, CBC, CHEM 7, CCU/A
SIGNED OFF ON 11/02/05 @ 8:34 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 5 DOCTOR'S CLINIC 11/01/05 13:47 LEE COMP
S: 24 YO WM NEW SK TO LEE CI.
ALLERGIC TO ONIONS. MEDS: ZOLOFT 1 PO QD (STARTED THIS MEDICATION ABOUT
8-9 MTHS AGO) STATES HE DOES NOT KNOW WHY HE IS TAKING THIS MEDICATION.
NO PAST SURGICAL OR MEDICAL HX.
O: ALERT. NAD. COLOR GOOD. SKIN W/D. AMBULATES W/O DIFFICULTY
HEAD NORMOCEPHALIC. FLAKES OF WHITE PATCHES NOTED.
PERRLA. EOMI. NO NYSTAGMUS.
EARS-CANAL CLEAR. TM'S VISIBLE. NASAL MUCOSA PINK, MOIST, W/O EDEMA.
THROAT SUPPLE. ORALPHARYNX- PINK, MOIST.
NO LYMPHADENOPATHY. EXTREMITIES W/O EDEMA. TATOOS TO CHEST AND BACK.
CV-RRR. NO MRGS. CHEST- CTA. ABD- SOFT, NT + BS. DTRS 2+.
GENITAL MALE. - HERNIA.
A: 24 YO WM IN GOOD PHYSICAL HEALTH
P: 1. REFER TO CCC D/T ON ZOLOFT.
TERRI HUFF, FNP
SIGNED OFF ON 11/01/05 @ 13:54 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
INMATE TAKES ZOLOFT 100MG PO QD. MAY CONTINUE TO TAKE ZOLOFT THAT HE
BROUGHT WITH HIM UNTIL IT IS ALL GONE.
TERRI HUFF, FNP
SIGNED OFF ON 11/01/05 @ 13:56 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED
.....
NOTED--WILL SEND TO CCC FOR REVIEW
SIGNED OFF ON 11/01/05 @ 13:59 BY TONYA BOZEMAN, LICENSED PRACTICAL NURSE
I/M ASSESSED ON TODAY & SEEN BY PSYCH MD. G. BREON, CCCIII
SIGNED OFF ON 11/15/05 @ 14:21 BY SUSAN V BREON, HUMAN SERVICES COORD I

1630

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** ENCOUNTER: 4 FOLLOW-UP DENTAL 11/01/05 13:32 LEE COMP
IOE, OHI BY DR. UBAH
SIGNED OFF ON 11/01/05 @ 13:32 BY DEBORAH L MCCLARY, MEDICAL ASSISTANT TECH I

** ENCOUNTER: 3 LAB CLINIC 11/01/05 13:11 LEE COMP
NEW SK TO LEE
LABS NEEDED RPR, HIV, CBC, CCU/A, CHEM 7
PLEASE SIGN OFF.
SIGNED OFF ON 11/01/05 @ 13:12 BY SANDRA R CRENSHAW, MEDICAL ASSISTANT TECH I
OK
TERRI HUFF,FNP
SIGNED OFF ON 11/01/05 @ 13:26 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 2 NARRATIVE 10/31/05 16:28 LEE COMP
NEW INTAKE TO LEE. 24YO WM. DENIES ANY FAMILY MEDICAL HX. ON ZOLOFT 100MG
DAILY FOR OUTBURSTS. "KNOT ON MY RIBS WHERE THEY KICKED THE SHIT OUT OF ME"
(COUNTY). PALPABLE AREA TO L RIB AREA. NO DIFFICULTY BREATHING, PAIN ON
DEEP BREATHS. PPD PLACED L FOREARM: VS 100.6 - 76 - 20 - 100/70 WT 153.
PER NEW INTAKE PROTOCOL: HIV, RPR, CHEM-18, CBC, U/A AND DENTAL FOLLOW UP.
SIGNED OFF ON 10/31/05 @ 16:43 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE
INMATE TO HAVE PHYSICAL DONE WHILE IN MEDICAL TOMORROW HAVING LAB WORK
DRAWN.
TERRI HUFF,FNP
SIGNED OFF ON 10/31/05 @ 16:55 BY TERRI L HUFF-SIMMONS, UNCLASSIFIED

** ENCOUNTER: 1 PPD 10/31/05 15:17 KIRKLAND COMP
S> FOUND OPEN. CLOSED.
O> TEMP=000.0 PULSE= 0 RESP= 0 BP= 0/ 0 WEIGHT= 0 PPD= 0
SIGNED OFF ON 10/31/05 @ 16:27 BY CHERYL A OWENS, LICENSED PRACTICAL NURSE

***** END OF SICK CALL NOTES *****

A. 1630

SOL CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF MEDICAL & PROFESSIONAL HEALTH SERVICES
MEDICAL CLEARANCE FOR TRANSFER

1631

DATE _____ TRANSFERRING INSTITUTION _____

HEALTH SUMMARY REVIEWED ☐ YES ☐ NO HEALTH SUMMARY UPDATED ☐ YES ☐ NO ☐ N/A

If transfer is inappropriate, Institutional Operations notified ☐ YES

☐ No Explain _____

MEDICATION AND CORRESPONDING MEDICATION ADMINISTRATION RECORD SENT ☐ YES ☐ NO ☐ N/A

PENDING APPOINTMENTS: _____

NUMBER OF CONSULTS SENT: _____

COMMENTS: _____

Signature/Title _____

DATE _____ RECEIVING INSTITUTION Lorbeer CT

ACTIVE PROBLEMS _____ CURRENT MEDICATIONS _____

PRESCRIBED DIET _____ MEDICAL SUPPLIES/PROSTHETICS _____

PENDING APPOINTMENTS: _____

DATE OF LAST TB SCREENING _____ FOLLOW-UP NEEDED ☐ YES ☐ NO

DATE OF LAST RPR _____ FOLLOW-UP NEEDED ☐ YES ☐ NO

LIST CHRONIC CARE CLINIC REFERRALS _____

COMMENTS: _____

Signature/Title _____

SCDC# 5252 INMATE NAME Bryant, Stephen Cory

RECORDED
 2012 OCT -1 AM 8:55
 JAMES C. CAMPBELL
 CLERK OF COURT
 SUMTER COUNTY, S.C.
 COUNTY OF SUMTER
 Stephen Corey Bryant,
 vs.
 State of South Carolina,
 Respondent.

RECORDED
 2012 SEP 31 AM 8:53
 JAMES C. CAMPBELL
 CLERK OF COURT
 SUMTER COUNTY, S.C.
 THE COURT OF COMMON PLEAS
 11-CP-43-901
 SECOND AMENDED APPLICATION
 FOR POST-CONVICTION RELIEF

1. Place of Detention:
The Applicant is currently detained at Leiber Correctional Institution.
2. Name and Location of Court which imposed sentence:
Sumter County Court of General Sessions located in Sumter, S.C.
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
Three counts of murder, first-degree burglary, second-degree burglary, armed robbery, two counts of assault and battery with intent to kill, and threatening the life of a public employee.
4. The date upon which sentence was imposed and the terms of the sentence:
On September 12, 2008 the Court imposed a sentence of death.
5. A finding of guilty was made after a plea of guilty.
6. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes.
7. If you answered "yes" to (6), list:

a. The name of each court to which you appealed:

The South Carolina Supreme Court.

b. The result in each such Court to which you appealed: Affirmed.

c. The date of each such result: January 7, 2011.

d. If known, citations of any written opinion or orders entered pursuant to such results: State v. Bryant, Op. No. 26906 (2011).

8. N/A.

9/10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

A. Ineffective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, the South Carolina Constitution and laws. Counsel failed to provide accurate advice to Applicant insofar as the likelihood of his possible sentence if tried by jury versus pleading guilty and receiving a judge sentencing. Applicant was given various pieces of advice concerning his entering a guilty plea and signed three (3) separate plea agreements contained in trial counsel's file. Ultimately, Applicant pleaded guilty to three counts of murder and other related charges in exchange for no consideration from the state. In effect, Mr. Bryant pleaded "straight up" to capital murder. Counsel was ineffective in that they told Applicant there was an "advantage" to pleading guilty in that he was lessening his chances of receiving a death sentence, when in fact he received nothing of benefit from the plea. Moreover, Counsel erroneously advised Applicant as to "statistical" evidence supporting the advice to plead guilty, when no such evidence existed to support the advice given. Counsel further misadvised Applicant as to the rules of evidence if he went to trial versus pleaded guilty. Advising a client to plead guilty under these circumstances was clearly unreasonable. Counsel's inaccurate advice induced Applicant to plead guilty and, but for this erroneous advice, Applicant would have not pled guilty but would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985); Strickland v. Washington, 466 U.S. 684 (1984).

- B. Constitutional violation of assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution. Lead counsel failed to participate in discussions with Applicant concerning whether Applicant should plead guilty. South Carolina law provides to capital defendants the right to two (2) counsel. Applicant was denied two counsel during a critical stage of his trial, that being the discussion and decision leading him to enter a plea of guilty. This error amounts to a denial of counsel as recognized in United States v. Cronin, 466 U.S. 648 (1984) or was ineffective under Strickland v. Washington, 466 U.S. 684 (1984).
- C. Ineffective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendment to the United States Constitution, the South Carolina Constitution and law. Counsel failed to object to the solicitor's improper closing argument during the penalty phase of trial. The Solicitor implored the trial judge to sentence Applicant to death to send a community "message." These types of closing arguments have been condemned by the South Carolina courts and constitute reversible error. Strickland v. Washington, 466 U.S. 684 (1984).
- D. Denial of Due Process, Effective Assistance of Counsel and Violation of Prohibition against cruel and unusual punishment in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution due to trial court's refusal to allow Applicant the opportunity to present after-discovered witness testimony relevant to his mental health and mitigation, while allowing the state to present additional evidence in aggravation of punishment after the state had rested its case in aggravation. Trial Counsel failed to object to the trial court's erroneous decision to allow the state to introduce additional victim impact testimony. The trial court's actions were improper, and required an objection from defense counsel. Failure to object was deficient and prejudicial, as capital defendants have an absolute right to confront and/or rebut the evidence against them offered in support of a sentence of death. The above errors and omissions were prejudicial and require that Applicant's death sentence be reversed and his case remanded for a new sentencing trial. Strickland v. Washington, 466 U.S. 669 (1984), Gardner v. Florida, 430 U.S. 349 (1977).
- E. Denial of Effective assistance of counsel in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, due to trial

counsel's failure to proffer or otherwise preserve the issue of the trial court's denial of trial counsel's request to provide testimony from Edward Goss, who became known as a potential witness after the defense had completed the anticipated evidence in mitigation. Assuming, arguendo, that the above issue was preserved for appellate review, then Applicant was denied effective appellate counsel for appellate counsel's failure to raise this issue. Strickland v. Washington, 466 U.S. 669 (1984). Edward Goss's after-trial statement to law enforcement establishes the materiality of what he had to offer on behalf of Mr. Bryant at trial. The absence of Mr. Goss's testimony was prejudicial to Mr. Bryant. This Court should reverse Mr. Bryant's death sentence of remand this case for resentencing.

- F. Denial of Due Process of Law and Right to a Fair Trial due to the State's failure to comply with the requirements of Brady v. Maryland, 373 U.S. 83 (1963) Edward Goss was a witness to Applicant's mental derangement just prior to the time of the crimes. This fact was witnessed by Law Enforcement Officer Tripp Mayes, who saw Applicant in this state and had a conversation with Edward Goss. After Bryant's arrest, which was widely published in the Sumter area papers, but prior to Bryant's trial, Mr. Goss recalled a conversation with Officer Mayes, during which they discussed the fact of their being witnesses to Bryant's bizarre behavior just prior to the murders. Officer Mayes and/or the Solicitor's Office failed to disclose the information concerning Applicant's mental state and/or the existence of Edward Goss as a witness who could provide evidence favorable to the defense. Brady v. Maryland, *Id.* This failure was prejudicial, as the issue of Bryant's mental state was essentially the centerpiece of the defense case in mitigation. Given this fact, the state's failure to turn over this type of evidence cannot be held harmless. Prejudice is manifest and Applicant's sentence should be reversed.
- G. Denial of Due Process of Law and a fair trial due to the state's non-disclosure of evidence relevant to the Defense case in mitigation of punishment, evidence that was part and parcel to the circumstances of the crime related to the Tietjen homicide, evidence that corroborated Mr. Bryant's statements to law enforcement concerning the facts leading up to the Tietjen homicide. Brady v. Maryland, 373 U.S. 83 (1963). The state was repeatedly asked for discovery and, in turn, the state repeatedly played a game of cat and mouse with the defense team, asking

them what they—the defense—thought the state had not turned over. The state, it turns out, was in possession of forensic computer reports and evidence from SLED agent David Givens. Agent Givens' examination of Mr. Tietjen's home computer revealed a history of visits to teen (and various other) porn websites. This examination further revealed that Tietjen had been "surfing" porn at least as early as June, 14, 2004. Agent Givens' casenotes reflect he had a discussion with the state about his investigation of Tietjen's computer on October 25, 2004. Defense counsel was never provided with any documentation about the pornography found on Tietjen's computer. The defense team scrambled to find this kind of evidence because Mr. Bryant told SLED forensic psychiatrist, Dr. Pam Crawford, that he saw pornography on Tietjen's computer on the day of the killing. (March 25, 2004 Transcript of Interview by Dr. Pam Crawford of Stephen Corey Bryant, at pp. 95-98). Mr. Bryant also told defense forensic psychiatrist, Dr. Donna Schwartz-Watts, that he had seen porn on the computer and, due to his personal history of sex abuse by both male and female family members, felt sexually threatened during the time he committed each of the offenses, including the one committed at the Tietjen home. (See Record on Appeal (hereinafter "ROA", p. 834, line 2- p. 835, line 23).

The prejudice to Bryant created by the state's failure to disclose evidence of pornography use by Tietjen was exacerbated by the state's cross-examination of defense witnesses Dr. Marti Loring and Dr. Donna Schwartz-Watts. The state repeatedly attacked the opinions rendered by both of these witnesses due to their having a lack of "corroboration" and having to rely on Mr. Bryant. Prejudice to Mr. Bryant is obvious in this situation.

Even after thoroughly attacking defense witnesses for their uncorroborated opinions, the state was not finished with making use of the evidence of pornography discovered on Tietjen's computer. And so, during closing arguments to the judge, the Solicitor remarked that Bryant "got on their computer and began to visit porn sites by his choosing, not sites from T.J. and Mildred." (ROA at 1020, lines 7-9). Based on Agent Givens' findings, the state knew, or should have known, that Tietjen, not Bryant, had an affinity for porn. Bryant's computer was examined and no evidence of pornography was ever found. Tietjen's computer had pornography on it dating back to June, 2004, which was approximately four (4) months prior to Bryant ever meeting Tietjen. The State knew, or should have known, the real facts and disclosed them to the defense. Yet, what actually happened was the state urged the Court to sentence Bryant to death based on the false allegation that Mr. Bryant, in an extreme act of

indifference, surfed porn on the Tietjen's computer sometime after killing Mr. Tietjen. This is the type of misrepresentation of fact that, whether intentional or simply through negligence/ ignorance of the facts, has been condemned by the United States Supreme Court as so egregious that reversal is required. Napue v. Illinois, 360 U.S. 264 (1959), U.S. v. Giglio, 405 U.S. 150 (1972).

Finally, the state's misuse of non-disclosed evidence of pornography denied Applicant his right of rebuttal, which is a fundamental due process protection to ensure no one is sentenced to death on the basis of information they could not confront and challenge. The state's Brady/ Napue/ Giglio violation led to this result and requires reversal of Applicant's death sentence. Gardner v. Florida, 430 U.S. 349 (1977).

11. Prior to this application, and with respect to this conviction, Applicant has not filed (a) any petition in a State Court under South Carolina Law, nor (b) any petitions in state or Federal Courts for habeas corpus or post-conviction relief, nor (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7), nor any other petitions, motions or applications in this or any other Court.
12. Not applicable.
13. No ground set forth in (9) has been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed.
14. Not applicable.
15. The grounds set forth in (9) were not previously raised because they are cognizable only in post-conviction relief.
16. Applicant was represented by an attorney during his arraignment, plea,

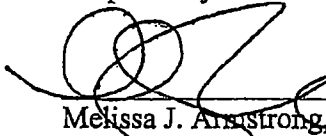
trial, sentencing and appeal.

17. Jack D. Howle, Jr. and John D. Clerk, Esquire, of the Sumter County Bar represented the applicant during his trial court proceedings. Joseph L. Savitz, III, Esquire, of the South Carolina Office of Appellate Defense, located in Columbia, South Carolina represented Applicant on his direct appeal.

18. Applicant seeks a reversal of his conviction, and vacation of his sentence.

19. Applicant is not now under sentence from any other court.

Respectfully Submitted:


Melissa J. Armstrong, Esquire
4431 Sylvan Drive
Columbia, S.C. 29206
(803) 467-4541

Heath P. Taylor, Esquire
3618 Sunset Blvd., Ste. D
West Columbia, S.C. 29169

ATTORNEYS FOR APPLICANT.

This 29th day of September, 2011.

State of South Carolina)

County of Sumter)

Stephen Corey Bryant)
Plaintiff)

) PCR Hearing
) 2011-CP-43-00901

vs.)

) October 1-3, 2012
) Sumter, S.C.

The State of South Carolina,
Defendants

Before the Honorable R. Ferrell Cothran, Judge.

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

Ms. Melissa Armstrong,
Attorney for Applicant

Mr. Heath P. Taylor,
Attorney for Applicant

Mr. Donald J. Zelenka,
Attorney for Defendants

Ms. Melissa Brown,
Attorney for Defendants

Margaret T. Sullivan,
Court Reporter

	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1	Investigator Durwood Joseph Barton				
2	by Mr. Taylor	19			
	by Mr. Zelenka		36		
3	Agent David Givens				
	by Mr. Taylor	65		150	
4	by Mr. Zelenka		128		152
	Jack Howle				
5	by Mr. Taylor	155		200	
	by Mr. Brown		180		201
6	Edward L. Gause				
	by Mr. Taylor	211			
7	by Mr. Brown		217		
	James Babb				
8	by Mr. Armstrong	227			
	by Mr. Brown		276		
9	Kelly Jackson				
	by Ms. Armstrong	315		348, 361	
10	by Mr. Zelenka		332	358,	
	John Clark				
11	by Ms. Armstrong	363		390	
	by Mr. Zelenka		379		
12	Joseph L. Savitz, III				
	By Ms. Armstrong	403			
13	by Mr. Zelenka		407		
	Dr. Donna Schwartz-Watts				
14	by Ms. Armstrong	411		442, 443	
	by Mr. Zelenka			423, 442	
15	Dudley Saleeby				
	by Mr. Taylor	445		460	
16	by Mr. Zelenka		456		
	Stephen Corey Bryant				
17	by Mr. Taylor	461			
	by Mr. Zelenka		463, 467		
18	Closing Statements				
	by Ms. Armstrong	486			
19	by Mr. Taylor	496			
	by Mr. Zelenka	510			

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1 MS. ARMSTRONG: Good Morning, Your Honor.
2 May it Please the Court.

3 THE COURT: Yes, ma'am.

4 MS. ARMSTRONG: My name is Lisa Armstrong
5 and I along with Heath Taylor, represent Stephen
6 Corey Bryant. And we represent him on the Post
7 Conviction Relief action that was assigned to Your
8 Honor. Docketed at 11-CP-43-901. Just this
9 morning, we filed our final or it's styled second
10 amended application for Post-Conviction Relief.
11 It was clocked in with the Clerk of Court. And
12 if Your Honor does not have a copy, If I may
13 approach, I will hand you one.

14 THE COURT: I do have a copy.

15 MS. ARMSTRONG: Thank you, Your Honor. If
16 it's stamped October 1st, then It's the final
17 amended.

18 THE COURT: Okay.

19 MS. ARMSTRONG: There have been a few
20 revisions to this application. And so what I
21 would like to do by way of an opening statement is
22 go through the application and explain what our
23 claims for relief are.

24 THE COURT: Okay.

25 MS. ARMSTRONG: So thank you very much.

1 Mr. Bryant's claims, he has six claims. They are
2 and A: 7 claims, A though G in the application.
3 The first claim that Mr. Bryant has for relief is
4 that, when he entered a guilty plea to his capital
5 murder he did it based on inaccurate advice of
6 counsel. Mr. Bryant was told that he was
7 Statistically more likely to receive a sentence of
8 death if he were to go to a jury trial.

9 He was advised that he would forfeit
10 certain of the protections afforded by the Rules
11 of Evidence if he were to go to trial. And
12 essentially confess guilt while also saying, I am
13 not guilty. And we will go in to all of this when
14 the witnesses take the stand. But essentially the
15 heart of our first claim; is that, Mr. Bryant
16 entered a guilty plea to capital murder straight
17 up on erroneous advice. And that his entering
18 this guilty plea was clearly defective because It
19 was based on his reliance of erroneous advice of
20 counsel.

21 Our second claim is that, Mr. Bryant was
22 in effect denied the two lawyers to which he is
23 entitled under the South Carolina Code. Under the
24 South Carolina Code, a person facing the death
25 penalty if they are indigent, they are entitled to

1 two counsel. In this case Mr. Bryant had Attorney
2 Babb and attorney Howle representing him early on.
3 Mr. Babb became very ill, and had to essentially
4 withdraw from the practice of law. This was a
5 medical condition. And essentially at the 11th
6 hour the court reappointed John Clark as lead
7 counsel.

8 Mr. Clark was appointed on July 18th of
9 2008. Literally on the eve of trial. And it is,
10 based on our investigation, it is clear to us that
11 Mr. Clark did not participate in any discussions
12 with Mr. Bryant as to the decision to either plead
13 guilty to go to trial. Obviously the decision to
14 plead guilty or to go to trial is a critical
15 stage. And as lead counsel we believe obviously,
16 he had duty to discuss that decision with his
17 client. He gave up all sorts of rights and
18 protections by entering a guilty plea. Especially
19 at one point in which he received no consideration
20 from the state. None whatsoever.

21 And we believe that under United States
22 Supreme Court case law both Strickland versus
23 Washington as well as Chronic versus United
24 States, Mr. Bryant's guilty pleas should be
25 voided. Because essentially he did not receive

1 the advice of two counsel as to the issue of his
2 pleading guilty or going to trial. Third, this is
3 grounds C. We believe that the solicitor in his
4 final arguments to the judge, this was Judge
5 Russo. This is, we've discussed was a plea. So
6 therefore, it was a bench sentencing, a judge
7 sentencing.

8 But the Rules of Evidence don't disappear.
9 And the rules of fair play don't disappear simply
10 because you have a judge and not a jury. And we
11 believe that the solicitor exceeded the scope of
12 what is a permissible argument in favor of capital
13 punishment. Capital punishment is based if it is
14 inflicted at all, based on the facts and
15 circumstances of the crimes; as well as, the
16 character of the defendant. In this case the
17 solicitor urged Judge Russo to send a message to
18 the community. This is an improper and arbitrary
19 factor to be implemented to any sentencing
20 decision.

21 The death sentence is not a message to the
22 community. It should be based on very narrow
23 factors and the U.S. Supreme has said that
24 repeatedly as has the South Carolina Supreme
25 Court. Next, we believe that the trial court

1 erred in allowing three additional victim impact
2 witnesses to essentially testify, though not under
3 oath nor subject to cross examination after the
4 close of evidence. Trial counsel did not object
5 to this. And in the capital sentencing phase,
6 it's very clear in the Garner v. Florida, as well
7 as all the 8th Amendment jurisprudence. But a
8 defendant in a capital sentencing proceeding has
9 an absolute right to be able to rebut, confront,
10 cross examine those witnesses against her.

11 In this case the judge allowed the
12 solicitor to bring three witnesses who testified
13 to essentially how Mr. Bryant's actions ruined
14 their sense of security. Ruined their home; had
15 this dramatic and horrible impact on their lives,
16 so on and so forth. This information was
17 presented to the judge prior to sentencing, but
18 after the close of evidence. Which gets us to our
19 next issue, which is that defense counsel through
20 no fault of their own, became aware after the
21 close of evidence of additional evidence in
22 mitigation. And that additional evidence in
23 mitigation came from a man named Edward Gause.
24 Who essentially was sort of a good samaritan.

25 He ran into Mr. Bryant one month prior to

1 the beginning of these serious of events and
2 homicide that led to this trial. Mr. Gause made
3 himself known the evening before the sentence was
4 handed out. He tried to contact the public
5 defender's office. He actually did get in touch
6 with the judge's spouse, and said, I need to talk
7 to the Judge. And I need to talk to the public
8 defender, I have this evidence. And he wanted to
9 make it known that Mr. Bryant essentially was
10 crying out for help. Saying, I need help, I am
11 messed up. And then managed to wander off and
12 Mr. Gause never heard of him again until he saw
13 his picture in the paper and was like, oh, that's
14 the fellow who said he needed help.

15 So we believe and this is grounds E; that
16 the trial judge was in error for refusing to halt
17 the trial after it became known to him that this
18 additional person had surfaced. This was in
19 effect and after discovered evidence type of
20 claim. And it was not the fault of defense
21 counsel. Nor was it something that defense
22 counsel failed to object to. That's why we
23 pleaded in ground E that we believe it was either,
24 assuming it wasn't preserved, which we believe it
25 was, based on the record. But assuming trial

1 counsel did not -- didn't preserve this issue and
2 it wasn't raised on direct appeal, then ground E
3 would go to ineffective assistance of appellate
4 counsel.

5 So it would be hearing from both sets of
6 attorneys on that issue. But Mr. Gause clearly
7 was an after discovered witness. Defense counsel
8 had no opportunity to meet with Mr. Gause. And
9 there is a very similar case in South Carolina,
10 State v. Owens. And we will go into that a little
11 bit later; where there was evidence in aggravation
12 actually that came up between the end of the guilt
13 phase and the beginning of the sentencing phase.
14 And the Supreme Court, our Supreme Court, held
15 that it was in fact an abuse of discretion to not
16 allow. In that case, they wanted a continuance.
17 In this case they wanted a motion to reopen. But
18 that's because of the procedural posture of the
19 case. And one of the cases is still going and the
20 other -- the evidence had been closed.

21 And I think that ground E and ground D are
22 somewhat related in the sense that the trial court
23 allowed three additional witnesses to testify in
24 aggravation. But then said well we're not going
25 to present or to explore this mitigation evidence

1 after the close of evidence. It was a very
2 lopsided set of rulings. Okay for the
3 prosecution. Not okay for defense. So that's
4 grounds D and E. Next ground F. Ground F we
5 believe that there was as Brady violation. And
6 Mr. Taylor and I want to make this very clear. We
7 have several Brady violations. But we are of the
8 opinion that based on our investigation that these
9 were sort of more acts of omission rather than
10 anything intentional or pernicious, but the
11 evidence didn't get turned over.

12 And by whatever failure of the system,
13 Mr. Bryant was never made aware that there was
14 actually this encounter between Mr. Gause, the
15 good samaritan, as I will call him, and an officer
16 named Trip Mayes. And what happened with
17 Mr. Gause, and you will hear from him on the
18 stand. But when Mr. Gause ran into Mr. Bryant
19 that month prior to these homicides, he saw an
20 officer from Sumter County that he recognized,
21 Officer Trip Mayes. And according to him, he went
22 up to him and said, hey, Trip, this guy, he's
23 messed up, you know. What do we do. What do I
24 do. And according to Mr. Gause, Mr. Mayes was
25 essentially an eye witness to the state of mind,

1 and the begging for help and the just sort of
2 mental derangement essentially of Mr. Bryant on
3 the night Mr. Gause came in contact with him.

4 Well according to Mr. Gause, he ran into
5 Officer Mayes after these homicides. And said
6 hey, do you remember that guy we saw. He's the
7 one who did these things. He's the one who is all
8 over the paper. And for whatever reason this
9 conversation that Mr. Gause recollects having with
10 Officer Trip Mayes was never memorialized, was
11 never turned over to the solicitor's office. And
12 certainly was never turned over to the defense.
13 And it would have been very helpful to have had
14 that information for a number of reasons.

15 One of which being, there was a great deal
16 of contention with respect to the state's cross
17 examination of the witnesses, asking them to, you
18 know, do you have corroboration for this. Do you
19 have corroboration for that. Well obviously these
20 types of encounters with somebody wandering around
21 clearly, mentally incapacitated, that would have
22 been very helpful to show that he was very, very
23 sick seeking help. And for whatever reason, that
24 information did not get disclosed.

25 Finally, Your Honor, this is grounds G.

1 We are alleging again a Brady violation. We have
2 no, you know, we don't take the position as far it
3 being intentional or unintentional. We suspect
4 that what it may be again was just simply a
5 failure within the system to get the information
6 that had to be disclosed, disclosed. For whatever
7 reason that did not happen. But it turned out
8 that the South Carolina Law Enforcement Division
9 had done a computer forensic analysis on the
10 computer of the victim, Willard Teitjen. And it's
11 significant to note Mr. Teitjen's death was the
12 only murder for which death was sought.

13 So, you know, anything that would have
14 mitigated that was obviously very important to the
15 defense. It turns out that Mr. Bryant had in
16 various statements and conversations with both a
17 sled doctor Dr. Pam Crawford, as well as Dr. Donna
18 Schwartz-Watts, had mentioned pornography being an
19 issue; that and there are various accounts.
20 They're not consistent. But what is consistent is
21 the issue of pornography came up and that that was
22 something of what the defense considered to be a
23 trigger to Mr. Bryant's behavior on the night of
24 the Teitjen or excuse me, the date of the Teitjen
25 homicide.

1 Well defense counsel made a number of
2 requests for discovery. And it's pretty clear
3 from our investigation that Dr. Watts wanted any
4 corroborating information. The client, in her
5 case, the patient is telling you, this is what I
6 saw. This is what triggered me. Obviously you
7 are looking for corroboration. You are dealing
8 with somebody who is mentally impaired, whose
9 statements, his mind is pretty cloudy. So
10 anything you have got, anything that is out there
11 that will corroborate him, is important.
12 Otherwise you are left relying on his word. And
13 that was another point that the solicitor hit home
14 over and over again. You have to rely on his
15 word.

16 Well if you don't get the evidence that
17 you're asking for and it's out there, then that's
18 all you are left with. And that's essentially
19 what happened here. It turns out that there was
20 pornography on the computer and that it existed
21 prior to the date of Mr. Teitjin's homicide. And
22 by whatever mechanism, this information was not
23 turned over from sled to either apparently the
24 solicitor's office or defense counsel. So that we
25 believe was a Brady violation. Followed up, you

1 know, what kind of makes it worse is the fact that
2 in closing argument, the state made the argument
3 that after Mr. Teitjen was murdered, was killed,
4 that Mr. Bryant looked at pornography on his
5 computer. And that the pornography did not belong
6 to Mr. Teitjen or his wife.

7 When in fact if we had the sled, if
8 defense counsel had the sled evidence they would
9 been able to show that there was pornography
10 records dating back to June of that year, June of
11 04. So clearly that's four months before this
12 homicide, and it wasn't just Mr. Bryant going on
13 this computer and looking at this pornography.
14 And that's a fairly inflammatory type of argument
15 to make. And there was no way to rebut it,
16 because defense counsel didn't have the sled
17 documents.

18 And I think that that was, you can't
19 overstate the impact of the argument that this is
20 man is so callous that after he killed this man,
21 he gets on his computer and looks at porn. I mean
22 that was a very inflammatory argument to make and
23 there was not any way to rebut it. Thank you,
24 Your Honor, but that's what we have.

25 THE COURT: Have you got anything you

1 want, any position or statement you want to make?

2 MR. ZELENKA: May it please the Court, on
3 behalf of the State of South Carolina, we would
4 submit that in viewing this record as all of the,
5 we firmly believe Your Honor will find that the
6 defendant had failed to show by a preponderance of
7 the evidence and will fail to show by a
8 preponderance of the evidence, that there would
9 have been many constitutional violations that
10 either entitle Mr. Bryant to a vacation of his
11 guilty plea or claims under the statutory law that
12 he is deprived of a right to two counsel to
13 represent him. So the solicitor's closing
14 argument taken in context violated either state or
15 federal constitutional law related to the closing
16 arguments and would request for an appropriate
17 punishment that any claims of Brady violation that
18 they will fail to have met. Clearly the second
19 materiality prong under Brady as to whether there
20 is a reasonable probability that the result of the
21 proceeding would have been different either had
22 counsel been aware of at an earlier time of Mr.
23 Gause's statements and his interruption of the
24 actions of an individual at some night prior to
25 the incident or and we would submit that we have

1 an affidavit from Deputy Mayes who has no
2 recollection of either the event at the
3 convenience store or in any particular discussions
4 that he had with Mr. Gause as an assertion that
5 Mr. Bryant was the one there.

6 In addition with respect to Mr. Teitjin's
7 computer, as Your Honor may recall from a review
8 of the record, there was evidence and information
9 presented through Dr. Schwartz-Watts about the
10 defendant's assertions that in fact after he
11 murdered Mr. Teitjen, he did go on Mr. Teitjin's
12 computer and view certain materials. There is
13 information that after reviewing the materials,
14 the defendant in fact wrote a note, left it at the
15 scene. Making a reference to pornography existing
16 on the defendant's computer.

17 As a result of those factors, it is clear
18 that the judge was aware, had a sense that there
19 was some information. That information was
20 supportive of the existence of some images
21 potentially being on the computer. A review of
22 the internet history is entirely consistent with
23 the fact the defendant was there on the scene at
24 the time committing that particular crime. It
25 corroborates and places him in fact consistent

1 with the statements, numerous statements and
2 various statements that he gave to law
3 enforcement.

4 In light of that information clearly,
5 whether based on ineffective assistance or further
6 proceeding and seeking out that information,
7 there is no reasonable probability the result
8 would have been different had defense counsel
9 taken further steps. There is evidence and will
10 be evidence that they sent an investigator to
11 essentially look at information that he had gained
12 about the computer results by Mr. Carlisle McNair,
13 and that in fact the information they had from
14 sled was that there was nothing of evidentiary
15 value on the computer as they reviewed it. That
16 report was given to the defense counsel in a sled
17 report as attachment 79.

18 Simply put, we believe that the defense
19 will most likely fail to show their entitlement
20 for post conviction relief. Further, if we go
21 back to the advice the defendant received on
22 whether to plead guilty or not plead guilty, we
23 submit that counsel Howle, counsel Clark and
24 before that, Counsel Babb, viewed these matters as
25 strategic steps throughout that process. Those

1 strategic matters changing as the matters
2 proceeded. However the time the defendant entered
3 his guilty plea in August of 2008, it was clear
4 that certain things were going to happen; that he
5 was going to plead guilty. That was done after
6 consultation and the advice and an agreement
7 between the counsel that were representing him at
8 that time. That was both Mr. Clark and Mr. Howle
9 at that time; that he was aware that there were no
10 promises, no deals that he would receive a light
11 sentence. No promises or no deals. That he would
12 receive a death sentence as a result of that. But
13 then it would left up to the judge and not a jury
14 should he choose to do.

15 We submit that the evidence will reveal
16 that that was the advice and recommendation of his
17 counsel at that particular time. The defendant
18 was aware of it. He was competent to make those
19 decisions. He knew he had the right to have a
20 jury sentence him at that time and chose instead
21 on his own with the advice and the recommendation
22 of two counsel to enter that guilty plea, which
23 was done at that particular time. With all due
24 respect to the positions being presented by
25 counsel here and through these proceedings, we

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1 submit that at the conclusion of this case, Post
2 Conviction Relief should be denied.

3 THE COURT: Thank you. Anything before we
4 call the first witness?

5 MS. ARMSTRONG: Nothing, Your Honor.

6 THE COURT: You call your first witness.

7 MR. TAYLOR: May it Please the Court.

8 THE COURT: Yes, sir.

9 MR. TAYLOR: Your Honor, we would call
10 Special Agent D.J. Barton from sled.

11 Lieutenant Durwood Joseph Barton,
12 Jr., being first duly sworn, testified as follows:

13 THE CLERK: State your name and spell your
14 last name for the record.

15 A Lieutenant Durwood Joseph Barton, Jr.

16 DIRECT EXAMINATION by Mr. Taylor:

17 Q Lieutenant Barton, where do you work?

18 A I am employed with the South Carolina Law
19 Enforcement Division in the behavioral science
20 unit.

21 Q Okay. And I believe you just told the
22 court you are a lieutenant at sled now.

23 A Yes, sir.

24 Q How long have you been with sled?

25 A 25 years.

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1 Q And were you employed with sled in October
2 of 2004?

3 A Yes, sir.

4 Q And I believe you were also, and you also
5 participated in the investigation of three
6 homicides and an attempted homicide in Sumter and
7 Richland Counties in October of 2004; correct?

8 A Yes, sir.

9 Q And that was the investigation into the
10 murder, murders and attempted murder which
11 Mr. Bryant ultimately pled guilty to; correct?

12 A That's correct. Yes, sir.

13 Q And what did do in the course of your
14 investigation?

15 A During the course of the investigation, we
16 were called in by Sumter County, me being the
17 sled, our unit; specifically, the behavioral
18 science because we had a particularly violent
19 crime with some behavioral aspects that they
20 wanted us to look for behavioral perspective. And
21 potentially coming up with a profile to help them
22 identify, not just specifically the killer like by
23 name, but what type of person would commit this
24 crime.

25 Q Because it was occurring over a number of

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1 days, I guess there was a concern there was maybe
2 some sort of serial situation?

3 A Correct.

4 MR. TAYLOR: Your Honor, may I approach
5 the witness?

6 THE COURT: Yes, sir.

7 Q I ask if you can identify that for me.

8 A Yes, sir. That's the investigative report
9 that myself and Agent Creech prepared together
10 regarding this investigation, sled's participation
11 in this investigation.

12 MR. TAYLOR: Your honor, we would offer
13 that at this time as Petitioner's Exhibit 1.

14 THE COURT: What says the State?

15 MR. ZELENKA: Court's indulgence.

16 MR. TAYLOR: Your Honor, I have, we have
17 prepared a book of potential exhibits. Would it
18 be best if I give it to him as well?

19 MR. ZELENKA: Your exhibit numbers in are
20 the book.

21 MR. TAYLOR: Right. I understand that.
22 Never mind, I won't do that. I see how that could
23 be confusing.

24 THE COURT: So is this report, assuming
25 this is the one report from sled, do you have any

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1 objection to it coming in?

2 MR. ZELENKA: I just want to be sure I am
3 clear on which report, which---

4 THE COURT: Okay.

5 MR. ZELENKA: ---Agent Barton's report
6 this is.

7 MR. TAYLOR: And, counsel, they are not
8 going to be in order and especially based upon the
9 way the witnesses are being called. And kind of
10 being any -- close to the orders in that book that
11 we have prepared.

12 MR. ZELENKA: I understand. This is a 30
13 page report listing but including attachments one
14 through 79. No objection.

15 THE COURT: Okay. It's in without
16 objection.

17 (Report including attachments 1-79 marked
18 Plaintiff's Exhibit No. 1 for evidence.)

19 Q Agent Barton, if I could turn your
20 attention to Page 30.

21 A 30?

22 Q Yes, sir.

23 A Okay.

24 Q On page 30---

25 A Yes, sir.

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1 Q ---you reference a report dated 3/15/05;
2 correct?

3 A That's correct.

4 Q And that was a report that Special Agent
5 Givens prepared with respect to the computer
6 analysis; correct?

7 A That's correct.

8 Q And you note in your report that there is
9 nothing of evidentiary value found on the
10 computers.

11 A Correct.

12 Q Now correct me if I am wrong, there were
13 four computers analyzed; correct?

14 A That's correct.

15 Q One of a Mr. Caulder, who I think is a
16 cousin of Mr. Bryant.

17 A It's a lady, Andrews.

18 Q Okay. I apologize.

19 A That's okay. Yes, sir, that's correct.

20 Q Mr. Bryant's girlfriend's computer, which
21 he shares.

22 A Ms. Justice, right.

23 Q And two computers from the Teitjen
24 residence.

25 A That's correct.

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1 Q Now do you remember a conversation with
2 Agent Givens asking him to search the internet
3 history of Mr. Teitjen's computer?

4 A The specific request that I made, what I
5 do when I go to computer crimes, I ask specific
6 questions. When I submit a computer, I don't ask
7 them just to look around. I ask specific
8 questions as to relating to the investigation I am
9 conducting. Because again a computer is a big
10 thing. When you ask them just to look around, it
11 takes months. You ask specific pointed questions
12 as to, is there a connection between Mr. Teitjen
13 and Mr. Stephen Corey Bryant. Is there e-mail.
14 Is there any kind of connection, because all the
15 other victims there seemed to have been a
16 connection.

17 And my question by the computer was, is
18 there a connection that I am not aware of. Okay.
19 So that was the question specifically. Not
20 specifically internet history. Is a question as,
21 is there a connection between Mr. Teitjen and
22 Mr. Bryant. What brought these two people
23 together. Okay. The other question I had was,
24 was there any child porno on the computer. Those
25 were the two questions I had for Agent Givens.

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1 Q So based upon that question that you posed
2 to Agent Givens about the child porn, he would
3 have had to do an internet history review of the
4 computer.

5 A I would guess so; yes, sir. I am not
6 sure. Again when I ask those questions, I don't
7 want to filter his response to me. In other
8 words, I don't want to say okay, just look at the
9 internet and see if there is any child porn
10 images. I want him to look at the complete
11 computer to determine if there is any child porn.
12 I want to take a look at the complete computer to
13 see if there is any connection between Mr. Bryant
14 and Mr. Teitjen. So I don't want to limit him by
15 just saying, hey, look at -- just look at the
16 internet to see if there is a connection. Look
17 through there whole computer to see if there is a
18 connection to Mr. Teitjen or if there is any child
19 porn.

20 Q Didn't you also want to determine the
21 existence of pornography to see if Mr. Bryant
22 might have looked at pornography after homicide?

23 A I did not request that; no, sir.

24 Q You weren't trying to discern whether or
25 not Mr. Bryant had actually used the computer?

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1 A No.

2 Q Okay. So if Agent Givens has some notes
3 to that effect, there would be just some
4 disconnection?

5 A No, it can come -- it can come from
6 another request. Because again when there are
7 different -- sled is unlike many agencies. We
8 respond to different multiple agencies. We are an
9 assisting agency. Therefore, if Sumter County
10 calls Agent Givens and says, hey, you've got those
11 computers can you look for this. But I wouldn't
12 know anything about it, because I am asking him
13 specifically for my part, which would be the
14 behavioral part. Which would be the -- and the
15 case part, because Agent Creech and I will
16 actually, as you can see, write our report
17 together, so there is not these multiple reports
18 coming out. We wanted to have a unified report.

19 Q Right. And did you have any discussions
20 with Agent Givens concerning what he found on the
21 computer?

22 A I did.

23 Q What did he tell you?

24 A There wasn't any child porn, and there
25 wasn't any connection between Mr. Teitjen and

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1 Mr. Bryant.

2 Q Did he tell you there was any porn found
3 on the computer?

4 A No, sir. Because again, I asked him
5 specifically is there any child porn.

6 Q Okay.

7 A So I didn't follow that up with you, you
8 know, the statements that were made at the time
9 was that there was an allegation that it was a
10 young girl and a horse.

11 Q Okay.

12 A And that's why I said specifically child
13 porn.

14 Q Did you ever receive a disk from Agent
15 Givens?

16 A No.

17 Q Now well let me ask you if you identify
18 this document. Counsel it's attachment 79, 31.

19 A Yes, sir.

20 Q Tell the court what that is.

21 A It's basically the last attachment in the
22 report, attachment 79, which is a final
23 attachment. It is an investigative report.
24 Basically the synopsis of Agent Givens' work that
25 I requested.

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1 Q Okay.

2 A And my search warrant for the computer.

3 Let's see, imagining worksheet, and an in case

4 report from the computer and consent in case

5 reports from the computers. And another consent

6 and a case report from Mr. Caulder.

7 MR. TAYLOR: Your Honor, at this time we
8 would move, or offer that as Petitioner's Exhibit
9 No. 2.

10 THE COURT: Any objection?

11 MR. ZELENKA: No objection.

12 THE COURT: Exhibit No. 2 is admitted with
13 objection.

14 (Report marked Plaintiff's 2 admitted into
15 evidence.)

16 Q Agent Barton, who pointed that file out
17 for you?

18 A Agent Givens. And that's not abnormal for
19 us. Because again, when we're looking at a hard,
20 you know, it's that digital versus print word
21 phase that everybody seems to be going through at
22 this point. Because I was writing a written
23 report, I said, you know, print me off a report so
24 I can have something in the file to refer to that
25 particular computer.

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1 Q Do you know why the internet histories
2 were not included with that file?

3 A No, I do not.

4 Q And do you now know that there were
5 substantial internet histories that indicate, that
6 at least the argument that there was pornography
7 on the computer the day of the homicide; correct?

8 A Yes, I was made aware of that; yes, sir.

9 Q And you understand that could have
10 corroborated Mr. Bryant's assertions that he saw
11 pornography on the computer and it was a trigger
12 for him?

13 A No, I can't quite understand that, because
14 the allegations and all the information that we
15 had based on his statements, we thought he viewed
16 the computer after the murder was committed.

17 Q Right. Now---

18 A So for the trigger to be, the trigger
19 can't be after fact.

20 Q Okay.

21 A For me behaviorally the trigger is prior
22 to the act.

23 Q Well you are in the behavioral unit?

24 A Yes, sir.

25 Q There is also a note there that said, no

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1 more sick porn for this sick F word.

2 A Yes, sir.

3 Q How would Mr. Bryant have known or been
4 able to allege that Mr. Teitjen had looked at
5 internet pornography had he not looked at it?

6 A After the fact.

7 Q Okay,

8 A Right. And, you know, according to
9 Mr. Bryant's own statements, he spent a large
10 amount of time after the murder was committed,
11 after Mr. Teitjen allegedly struck him in the head
12 there, you know, there was a conversation, I am
13 going to -- you know, can I use your bathroom.
14 And Mr. Teitjen asked him why. And there was this
15 weird look between the two. And when Mr. Bryant
16 turned, which is alleged by Mr. Bryant, Mr.
17 Teitjen struck him in the head from behind. And
18 then he fired the weapon. The computer was looked
19 at afterwards. With all that time that was spent
20 afterwards, he could have written that statement
21 afterwards.

22 Q Well how do you know it was looked at
23 afterwards?

24 A Well that's according to Mr. Bryant's
25 statement.

Lieutenant Barton-direct by Taylor

1 Q Okay. Did you look at the history to
2 determine if he was telling you the truth or not?

3 A No, sir, I did not.

4 Q Have you seen the history at all?

5 A No, sir.

6 Q So you're unaware that there was computer
7 pornography present as far back as June of 2004?

8 A Yeah, I didn't know that.

9 Q And the internet histories that we are
10 talking about here today you since know they do
11 exist; correct?

12 A Yes, sir, I do know they exist.

13 Q And they were in sled's possession at the
14 time this report was turned over to the Third
15 Circuit Solicitor's Office; correct?

16 A That, I don't know. Again, I am asking
17 specific questions of our unit, computer crime's
18 unit. I am computer illiterate.

19 Q Okay.

20 A And I ask them specific questions, they
21 give me specific answers. What they have or don't
22 have, I mean I literally draw the search warrant
23 and give them the computer. They tell me what's
24 in the computer. The other stuff I am not aware
25 of.

Lieutenant Barton-direct by Taylor

1 Q But you were, I guess, one of the lead
2 case agents in charge of preparing all the
3 materials to be submitted to Solicitor Jackson;
4 correct?

5 A Which is not exactly again, understanding
6 how sled works, there are different units. Yes,
7 sled is one division. But if Sumter County or
8 Richland County or Greenville County requests they
9 don't request sled assistance across the board,
10 they request certain departments within sled. Now
11 they can ask for assistance across the board, but
12 that's not typically. They don't just call and
13 say we need sled. They call and say we need
14 laboratory assistance, which is a separate---

15 Q Correct.

16 A ---division. And then request behavioral
17 science which is separate than request for
18 computer crimes. They can request region help,
19 which is the investigators within a region. We
20 work more closely with regional agents, because a
21 lot of our cases come through them. So when
22 Solicitor Jackson asks, you know, hey look, get
23 everything together, I advise him, whether we've
24 got computer crimes reports, we got laboratory
25 reports, we have this stuff that Agent Creech and

Lieutenant Barton-direct by Taylor

1 I prepared.

2 So as to whether, you know, I don't go to
3 each department saying you need to get everything
4 to Solicitor Jackson. We all work together to try
5 make some -- draw computer crimes. Whatever we
6 have got, we need to make sure we get to the
7 solicitor. But it's not to where I go to each
8 division of sled or the case agent goes to each
9 division at sled and collects. Because each
10 division is responsible for their own reports.

11 Q Okay. But you did collect it in this
12 case; right?

13 A I collected a report for the file.

14 Q Right.

15 A Right.

16 Q And you were responsible -- back to my
17 original question. You and Agent Creech, were
18 responsible for a comprehensive and well
19 documented report along with the exhibits,
20 attachments what have you, to Third Circuit
21 Solicitor Kelly Jackson; correct?

22 A I don't really understand your question.
23 Because there is a report which references the
24 computer. There is---

25 Q But I think you are thinking too hard

Lieutenant Barton-direct by Taylor

1 about my question.

2 A Okay. All right. Okay.

3 Q You and Agent Creech were tasked as the
4 sled agents that would provide a report and back
5 up documentation to the Third Circuit; correct?

6 A Yes, sir.

7 Q And you didn't include the internet
8 histories; correct?

9 A I didn't know they existed.

10 Q Okay. Did you know Agent Givens had a
11 disk on this computer now pulled up?

12 A Oh, I'm familiar with what they looked
13 like, yes.

14 Q Yeah, did you know he prepared a disk?

15 A No.

16 Q Okay. You had no idea about that.

17 A No.

18 Q You are now aware that there was a disk
19 prepared.

20 A Yes.

21 Q And that was not turned over to the
22 solicitor; was it?

23 A Not by me.

24 Q And it included the internet histories
25 that we are talking about here today.

Lieutenant Barton-direct by Taylor

1 A I am assuming that's where all this had
2 come from. Yes, sir.

3 MR. TAYLOR: I beg the court's indulgence.

4 THE COURT: Yes, sir.

5 Q Were you present for Mr. Bryant's
6 statements that he gave to Dr. Pam Crawford?

7 A Yes.

8 Q And the inquiry in which he was addressed.

9 A Yes.

10 Q Do remember him talking about his
11 conversation with Mr. Teitjen when they were
12 talking about pornography? And he alleges
13 Mr. Teitjen told him he liked pornography and
14 young girls?

15 A Correct.

16 Q Okay. So you do remember that?

17 A Yeah, absolutely.

18 Q And they were talking about computer
19 pornography; correct?

20 A That was my assumption.

21 Q And that was something that Mr. Bryant
22 alleges irritated him.

23 A Correct.

24 Q One of the disturbing, I guess, disturbing
25 characteristics or characteristics about this

Lieutenant Barton-direct by Taylor

1 homicide was that cigarettes appeared to be put
2 out Mr. Teitjen's eyes; correct?

3 A That's correct.

4 Q Wouldn't that be on some level from a
5 behavioral standpoint trying to burn someone's
6 eyes because of what they had seen?

7 A There and actually Mr. Bryant does mention
8 that in Dr. Crawford's interview with him a
9 biblical reference to putting the eyes out; yes.

10 Q Okay.

11 A I mean there is some element to that. We
12 weren't able to determine if the wounds were
13 Pre- Mortem or Post-Mortem.

14 Q Right.

15 A So we're not sure when those injuries
16 occurred.

17 Q But that certainly would have been
18 consistent with his aversion to someone looking at
19 pornography; wouldn't it?

20 A It could be a possible explanation.

21 Q Okay.

22 MR. TAYLOR: That's all the questions I
23 have, Your Honor.

24 Cross Examination by Mr. Zelenka:

25 Q Agent Barton, just so I am clear. When

Lieutenant Barton-direct by Taylor

1 you prepare your investigative file like this,
2 which included 71 attachments, did you think that
3 was the only contact law enforcement or the
4 solicitor's office would have to the records in
5 this case?

6 A No, sir.

7 Q And why is that?

8 A Again, it goes back to the very nature of
9 sled being an assistant agency. My report only
10 results in the documentation of my unit's response
11 as well as, the regional response together. And
12 that documents that. Which is why the computer
13 which would attachment 79, the reference to the
14 the computers is my questioning of Agent Givens as
15 to what my questions were as to what is on the
16 computer.

17 Q And what alerted you to even ask those
18 particular questions of Agent Givens after
19 Mr. Teitjen's computer was seized?

20 A Again, the first prong would have been you
21 know, all the other victims, there was some
22 connection that brought the two together. Or even
23 brought the victim and the offender together,
24 Mr. Bryant. In that, I was trying to determine
25 what, because this is the odd one of the bunch.

Lieutenant Barton-cross by Zelenka

1 How did these two individuals come together. And
2 so that was one of the things I was trying to
3 ascertain is, is there a computer connection. Is
4 there a digital connection between the two. Have
5 they crossed wires on the internet. And therefore
6 there was some connection that way.

7 So that was obviously the first one,
8 because behaviorally, I needed to explain how the
9 two came together. The second one would have been
10 because the allegation was, there was child porn
11 on the computer. A reference to young girls in
12 various sexual encounters. And that was the
13 question -- the other question I had.

14 Q Okay. Where did that reference come from?

15 A Mr. Bryant.

16 Q Okay. And do you recall who he gave that
17 reference to?

18 A Multiple individuals. Myself, Dr.
19 Crawford, David Caldwell. David Florence.
20 Multiple members of law enforcement. And
21 obviously Dr. Crawford.

22 Q Okay. Since you learned that there became
23 an allegation about that existence or nonexistence
24 of providing information about Mr. Teitjen's
25 computer, did I ask you to review the statements

Lieutenant Barton-cross by Zelenka

1 that were given in this case by the defendant to
2 show what information he was revealing about his
3 viewing, his motivation for viewing or discussing
4 Mr. Teitjen's computer?

5 A Yes, sir.

6 Q Did you do that?

7 A Yes, sir, I did.

8 Q Did you do -- do you have notes of that
9 information?

10 A I do. I have notes and quotes from those
11 interviews.

12 Q And didn't that information come from your
13 review of the statements which the defendant gave?

14 A Yes, sir.

15 Q If you can recall, when was the first time
16 that the defendant revealed to you something other
17 than the note that was left at the crime scene?

18 A Well in my first -- upon my review of the
19 first time would have been October 13th 2004, at
20 7:45 p.m.

21 Q Okay. And related to that crime scene,
22 what did the defendant tell you that was revealed
23 in your information and your reports?

24 A That Bryant, the defendant Bryant, and
25 Mr. Teitjen were talking about the Masons. Bryant

Lieutenant Barton-cross by Zelenka

1 asked to use the restroom. Bryant was struck in
2 the head by Mr. Teitjen. Teitjen charged Bryant.
3 And Bryant shot him. Bryant remembered looking at
4 Teitjen's computer. Bryant wasn't sure but was
5 having flashbacks of being on the computer and
6 seeing a girl with a horse.

7 Q Okay.

8 A That was on the 13th.

9 Q Did he give another statement too, at a
10 subsequent time?

11 A On the 16th.

12 Q And what did that information provide to
13 you during that statement?

14 A And this is on October 16th 2004, page No.
15 3. I am reading a quote. He then hit me in the
16 back of the head. I turned around and about fell
17 because the blow dazed me. I looked at him while
18 he was coming towards me. I then pulled out a 45
19 Smith & Wesson handgun and shot him.

20 And then on page 5 he says, later before I
21 left his house, I got on his computer and noticed
22 the pass words. I looked under history to see if
23 what he said was true, and so it was. More sites
24 than I can count of nude young girls especially
25 with a horse inside her.

Lieutenant Barton-cross by Zelenka

1 Q Upon your review of the records was there
2 another indication of the computer and Mr. Bryant?

3 A Yeah. On Dr. Crawford's interview of
4 October 13th of 2004, page 96, a picture taken on
5 his computer under history from where he looked
6 at, from where a girl was F'ing a horse. And that
7 really disturbed me. Dr. Crawford then asked that
8 was after he was dead. Mr. Bryant responded, If I
9 am not mistaken I am pretty sure it was.

10 And then on page 97, Mr. Bryant stated
11 when I got up to use the bathroom he hit me on the
12 back of my head. And I've still got a knot back
13 there. And he almost knocked me out. And he was
14 coming at me. And he was just coming after me.
15 And I just reached under my shirt and grabbed the
16 gun. And then on page 104, I am pretty sure now
17 he was dead when I looked on his computer. I am
18 pretty sure of it now. If the eyes go astray,
19 poke them out.

20 Q And that was recorded October 13th 2004,
21 statement of Dr. Pamela Crawford and her interview
22 with Mr. Bryant?

23 A That's correct. On page 109 on October
24 13th, Dr. Crawford asked, but you weren't having
25 the flashbacks before you killed him. And his

Lieutenant Barton-cross by Zelenka

1 answer was no. Dr. Crawford then asked, so no
2 flashbacks before you killed him, but flashbacks
3 afterwards. Yeah, is Bryant's response. And then
4 on page 125 Mr. Bryant states, No the only
5 flashbacks I have had was that one on Monday, and
6 that was afterwards.

7 Q Okay. Mr., let me refer you to the
8 transcript of interview 10/13/04, page 109 and
9 lines 15 through page 110. See if that refreshes
10 your recollection.

11 A Yes, sir.

12 Q And what additional information did
13 Mr. Bryant provide to Dr. Crawford at that
14 particular time on the 13th?

15 A This would have been right after that
16 quote I just made. Dr. Crawford responds, Okay.
17 Mr. Bryant states, It was like me just sitting
18 there looking at the computer screen seeing those
19 F'ing pictures, and looking at him and thinking
20 there is no way this man could be looking at stuff
21 like this.

22 And then on the October 19th interview,
23 page No. 98: Dr. Crawford asked, And Teitjen, you
24 were just protecting yourself. And Mr. Bryant
25 responded, yeah.

Lieutenant Barton-cross by Zelenka

1 Q Do you recall where you made your
2 investigative report? And I believe let me ask
3 you to refer to page 9 of your investigative
4 report where you had a discussion summarizing a
5 statement made by the defendant.

6 A Yes.

7 Q Let me ask you to review that page 9.

8 A Yes, sir.

9 Q Do you recall where the information came
10 from, and it's accuracy?

11 A It obviously is not accurate. That one
12 statement Bryant stated that he remembered that
13 Teitjen had told him that he liked young girls,
14 and that they had been looking at pornography on
15 Teitjen's computer. Obviously the first part of
16 him saying that he liked young girls, that was
17 obviously the recollection that Mr. Bryant had
18 had -- they had a discussion prior. That portion
19 of that sentence would have been correct.

20 The second part saying that they had been
21 looking at pornography on Teitjen's computer is
22 not correct. Because there wasn't anything in the
23 summary. This is my summary of interviews,
24 multiple interviews, that I had access to. There
25 was no indications from those statements that

Lieutenant Barton-cross by Zelenka

1 there had been; the two of them had looked at the
2 computer together.

3 Q Okay. How were you clear on that? Or why
4 are you sure that that particular sentence in
5 there is a misstatement of your summary?

6 A Because I spent all day yesterday going
7 through all the statements of Mr. Bryant. And a
8 review of all the transcripts from Mr. --
9 Dr. Crawford's interview of him. So in my review
10 of all the information I had access at the time,
11 there is no mention of Mr. Teitjen or Mr. Bryant
12 looking at the computer together at any time.

13 Q But there is information about Teitjen and
14 Bryant having a discussion about the computer.

15 A Yes.

16 Q Do you remember preparing a warrant, a
17 search warrant, based upon an interview with the
18 defendant's girlfriend about the defendant's use
19 of his own computer and the effect it had on their
20 relationship?

21 A I do.

22 Q And what information did that provide you,
23 that you provided in an affidavit to a search
24 warrant to seize computers?

25 A The, the information that I received from

Lieutenant Barton-cross by Zelenka

1 Judy Justice was that the internet porn issue was
2 an issue they had in their relationship.
3 Ms. Justice and Mr. Bryant. And that's why one of
4 the issues they had been having leading up to
5 where we are -- where we were back in 2004.

6 Q And the information you had learned was
7 that the defendant had met his girlfriend through
8 the use of the internet; isn't that correct?

9 A That's correct.

10 Q And the information that you also had was
11 that Mr. Bryant's use of pornography viewing on
12 the internet had caused a problem in their
13 relationship; isn't that correct?

14 A Not -- along with the pornography; yes,
15 that is correct. Along with the pornography that
16 there was actually a rift that he had met other
17 women through and had visited these other women
18 through the internet. So that -- it was a two
19 prong issue with the internet use and sexual
20 issues.

21 Q Do you recall whether you had also
22 received information that pornography had
23 attempted to be erased from the computers that
24 Mr. Bryant had access to? Not Mr. Teitjen's
25 computer.

Lieutenant Barton-cross by Zelenka

1 A Not Mr. Teitjen's computer.

2 Q But the other computers?

3 A Correct. That -- when Ms. Justice had
4 become concerned about the pornography issue in
5 their computer, that Mr. Bryant would erase the
6 history.

7 Q Erase the histories.

8 A Yes.

9 Q Okay. Explain what that means, to erase a
10 history.

11 A I will try to do it as best I can being
12 computer illiterate; is that, you can go on the
13 browser and see where basically where you have
14 been on the internet. And that there is a way to
15 delete that apparently when you go to a particular
16 website it leaves cookies or things that leaves a
17 trail of where you have been. And if you can go
18 through and delete those trails.

19 Q Okay.

20 A And that's my yeoman, layman understanding
21 of how it works. I couldn't explain it any
22 further than that if I had to.

23 Q So if another lay person went on the
24 computer to see where another user had been, it
25 could be removed from their ability to view it

Lieutenant Barton-cross by Zelenka

1 generally.

2 A That's correct. Well as far as I know;
3 yes, sir.

4 Q Now when you provided my office with in
5 the post-conviction relief proceeding a copy of
6 series of disks, what you provided me in the
7 series of disks is not exactly what you provided
8 the solicitor's office at the time of the trial;
9 is that correct?

10 A Yes, sir. That would be correct.

11 Q Explain what the difference was generally.

12 A Because I was the direct point of contact.
13 In other words, the attorney general's office
14 requested specifically through my department for
15 everything involving this case. And so that gave
16 me, because at that point it had been adjudicated,
17 so it became all one file. And therefore, I was
18 responsible for the entire file.

19 Q And did you make the entire sled
20 information available to me?

21 A Yes, sir.

22 Q Did you make a separate copy of all those
23 same documents for current counsel representing
24 the petitioner in this case?

25 A Yes, sir, I did.

Lieutenant Barton-cross by Zelenka

1 Q Did you delete anything from either side?

2 A No, sir. Again my computer illiteracy
3 would almost prohibit me from deleting anything.

4 Q Okay. Did you review individually the
5 documents that were being copied and provided?

6 A No, sir.

7 Q In those materials there was the final
8 case review submission form of Agent Givens, which
9 included his case management history.

10 A Yes, sir.

11 Q Back in 2007 and 2008, and prior to that,
12 back to 2004, when this matter was being prepared,
13 did you go into computer crimes, I guess I would
14 call it that, case management history?
15 Individually review those documents?

16 A No, sir.

17 Q Okay. So if they were accurate or
18 inaccurate dealing with discussions from you, you
19 didn't double check that information; is that
20 correct?

21 A Again, that would be something that the
22 case notes would be each individual's, and I
23 wouldn't have any reason to review that document.
24 And then, of course, again I was charged with
25 scanning all of that, and I gave you everything

Lieutenant Barton-cross by Zelenka

1 and you need to review it.

2 Q So these -- so that information on that we
3 learned last week that would have been Agent
4 Givens notations within his file.

5 A That would be correct.

6 Q Not yours.

7 A Not in my file; no, sir.

8 MR. ZELENKA: Indulgence one moment, Your
9 Honor.

10 THE COURT: Yes, sir.

11 Q Those are questions presented to you on
12 direct examination for a suggestion that viewing
13 the internet at Mr. Teitjen's residence by the
14 defendant if he actually did that, was a trigger
15 in the crime. And you suggested it was not; is
16 that correct?

17 A That's correct.

18 Q Again, why is that?

19 A Because when we speak of triggers,
20 behaviorally speaking of triggers, the triggers
21 are currently prior to the act. Now a trigger can
22 continue past the exposure to the toxic thing that
23 they view; that they live through, whatever. It
24 can continue forward but it's not retroactive.
25 You can't say well, it triggered me to do

Lieutenant Barton-cross by Zelenka

1 something that I have done. I mean the trigger
2 occurs. And again, it can continue for -- it can
3 continue for years. And it can come up again.
4 But I wouldn't be -- it might explain a later
5 murder. Say, Mr. Burgesses murder. But it
6 wouldn't explain Mr. Teitjen's murder.

7 Q And here you had information that the
8 defendant prior to Mr. Teitjen's crime, had a
9 habit or a reported habit of viewing pornography
10 on his own internet computer.

11 A That's correct.

12 Q Through the internet on his computer; is
13 that correct?

14 A To point that it caused a problem in his
15 personnel relationship with his fiancée.

16 Q And you had a information that the
17 defendant may have had a discussion with
18 Mr. Teitjen at the crime scene about some factors
19 about Mr. Teitjen's internet use; correct?

20 A That's correct.

21 Q And you had some information that after
22 Mr. Teitjen was at least knocked out, the
23 defendant may have gotten access and viewed
24 certain material on the internet -- maybe not on
25 the internet, but on the internet history of

Lieutenant Barton-cross by Zelenka

1 Mr. Teitjen's computer; is that correct?

2 A Internet history images, that's what I was
3 wanting the search to encompass.

4 Q Okay. In the information you have gained
5 also included that at some time before the
6 defendant left, he made a written reference to the
7 computer and pornography on a computer; isn't that
8 correct?

9 A That's correct.

10 Q Suggesting again, that the defendant was
11 actually there?

12 A That's correct.

13 Q And had committed the crimes?

14 A That is correct.

15 Q And corroborated his presence as the
16 perpetrator of the crimes; correct? Do we know
17 when the defendant got on the computer?

18 A I don't.

19 Q Okay. Do we know when the defendant
20 specifically wrote the note?

21 A No, sir. There is no way to determine
22 that.

23 Q We merely know the note was written prior
24 to the time that the victim's body was found.

25 A Correct.

Lieutenant Barton-cross by Zelenka

1 Q Do you recall a reference that was made at
2 the crime scene to a prowler?

3 A Yes.

4 Q Please describe the information that you
5 had on that as part of your investigative report.

6 A That was significant to us in the
7 investigation and to me specifically that
8 behaviorally speaking that when the defendant, Mr.
9 Bryant, answered the Mr. Teitjen's phone speaking
10 first to Mr. Teitjen's widow, that he mentions the
11 word. She asked can I speak to Willard, you know,
12 where is he. And he says, he is dead. I killed
13 him. Who is this. This is the prowler.

14 And obviously it's made mention written,
15 as well as, when he answers the victim's phone.
16 And there is a couple of phone calls. And you
17 know, I need to speak Willard. I really do. He
18 is dead. It's the prowler. The significance to
19 us at that point, it wasn't readily significant.
20 But upon the investigation there was a discussion
21 as to, at least for us behaviorally, there was
22 some idea that there had been some stalking.
23 There had been some sort of surveillance done
24 prior to this. It wasn't just a random act. It
25 was some planning. Minimal planning, but some

Lieutenant Barton-cross by Zelenka

1 planning involved.

2 Myself and David Caldwell actually went on
3 out and found the area where we believed the
4 defendant to have been hiding a few nights prior.
5 Apparently the Teitjen's own some small dogs. And
6 they had gone out a few nights prior to and that
7 they had been parking. And Ms. Teitjen made a
8 mention of, get that nasty prowler. And prowler
9 is not a common vernacular. It just seemed to
10 stick out. It wasn't a word that a lot of people
11 commonly use. Prowler is an older burglar, thief
12 may be more of a common vernacular.

13 Prowler seems to be a little more of an
14 odd vernacular. And that's why it stuck out to me
15 that she used that term in regards to dogs
16 barking. Therefore when Bryant spoke to her on
17 the phone it was a way he could essentially
18 sideways refer to some torment later on in
19 referring to thoughts of, you know, this guy had
20 been watching the house for a period of time. At
21 least to hear her use that term.

22 Q And when you said Mildred said, go get
23 that prowler, was that done inside the house or
24 was that stated outside the house?

25 A My understanding was right outside the

Lieutenant Barton-cross by Zelenka

1 porch where the dogs would go to, to go outside.

2 Q Let me provide you with a file from your
3 file, statements and ask you if you had
4 accumulated those statements in preparation back
5 in 2004 through 2007.

6 A This would be all the statements that I
7 accumulated over my investigation; yes.

8 Q Okay. And in those statements that are
9 accumulated near the end this is from a Gwen Herod
10 a 3 page document dated, I believe, it is
11 October 12th 2004.

12 A Yes. Let me get to it.

13 MR. TAYLOR: Your Honor, if it Please the
14 Court, may I see what we are talking about?

15 MR. ZELENKA: Sure.

16 MR. TAYLOR: Your Honor, we would object
17 to that as hearsay at this point.

18 MR. ZELENKA: It's not coming in for the
19 truth of the matter asserted. It is part of their
20 files, their investigative files.

21 THE COURT: Okay. So---

22 MR. ZELENKA: We have the witnesses here
23 who can testify about it, but....

24 THE COURT: I understand. If it's not
25 coming in for the truth of the matter asserted,

Lieutenant Barton-cross by Zelenka

1 what purpose is it coming in?

2 MR. ZELENKA: There is information in the
3 investigation that drove certain factors or
4 certain information about how that investigation
5 would proceed, and the position that the
6 prosecution would have taken based upon that
7 information.

8 MR. TAYLOR: Well, Your Honor, I think
9 only Mr. Jackson can testify to that or Mr.
10 Saleeby. The position they would have taken, I
11 don't -- with all due respect to Agent Barton, I
12 don't think he is qualified to tell us here today
13 how Mr. Jackson and Mr. Saleeby would have
14 prosecuted a case.

15 MR. ZELENKA: I have got the witnesses
16 here, they can testify. I mean I must have been
17 trying to shorten it up. It was an interview that
18 was done with the wife of the victim a few days
19 after the incident.

20 MR. TAYLOR: Your Honor, we have already
21 let a lot of that hearsay in that she's talking
22 about, the prowler and stuff like that. I mean I
23 just got -- we've got to stop it somewhere.

24 THE COURT: With those -- was this
25 information introduced prior to trial or is this

Lieutenant Barton-cross by Zelenka

1 statements that were never introduced?

2 MR. ZELENKA: No. They weren't introduced
3 prior to trial because of his guilty plea, Your
4 Honor.

5 THE COURT: I didn't know if they had done
6 it all in the sentencing.

7 MR. ZELENKA: No. These were not
8 introduced at the prior trial.

9 THE COURT: Well I mean assuming you are
10 making an assertion that's not offered to prove
11 the truth of the matter asserted, how is it
12 relevant?

13 MR. ZELENKA: It will be relevant
14 when Mr. Givens testifies. It will give me a
15 basis for asking him certain questions about the
16 existence or non-existence of an internet history,
17 and whether it is consistent with that.

18 THE COURT: Okay. And is this whole line
19 of questioning is it going to the internet history
20 issue?

21 MR. ZELENKA: Yes.

22 THE COURT: And does both sides stipulate
23 that in fact there was some pornography history on
24 this computer?

25 MR. ZELENKA: No, sir.

Lieutenant Barton-cross by Zelenka

1 THE COURT: Is it the state's position
2 there was none?

3 MR. ZELENKA: No, we can't stipulate to
4 that, because we can't or at least I think Agent
5 Givens will tell me that we can't recreate
6 positively what a click on that internet site
7 would show at the time it was clicked. In other
8 words, it may be a different image today than it
9 was back then.

10 THE COURT: Okay. So are we talking about
11 a click that occurred on the day of the murder or
12 a click that occurred prior to the murder?

13 MR. ZELENKA: I think they are talking
14 about...

15 THE COURT: Theirs is prior to the murder.

16 MR. ZELENKA: They're talking about
17 various clicks.

18 MR. TAYLOR: There are a number that
19 Mr. Zelenka says of clicks that will present
20 through Agent Givens dating as far back at least
21 the history that Agent Givens provided or produced
22 rather back to June of 2004, we believe we can
23 show.

24 THE COURT: So y'all's position is, in June
25 of 2004, there some type of pornography on this

Lieutenant Barton-cross by Zelenka

1 computer.

2 MR. TAYLOR: As well as September, Your
3 Honor.

4 THE COURT: And the state disagrees with
5 that?

6 MR. ZELENKA: The state is going to
7 explain it to some extent. And that document
8 assists in explaining it. And since we are -- we
9 would be presenting information that, Your Honor,
10 certainly will be tied up. I don't have the role
11 of the witnesses, but...

12 THE COURT: Okay. And I -- since I don't
13 know what's in this report. And I don't know --
14 in his report it says, his wife says he was on the
15 internet. And you have a right to cross examine
16 her about that.

17 MR. ZELENKA: Oh, I am not disputing that.

18 THE COURT: Okay.

19 MR. ZELENKA: I'm just---

20 THE COURT: And if you've got the witness
21 here and let's call just that witness.

22 MR. ZELENKA: I'll call those witnesses.

23 THE COURT: Okay.

24 Q Well let me ask this. Let me ask it this
25 way. Did you have a report in your file of

Lieutenant Barton-cross by Zelenka

1 interviews that Gwen Herod had with Mildred
2 Teitjen and Kimberly Deas in October -- on October
3 13th 2004, concerning Mr. Teitjen's computer, his
4 use of the internet and internet history?

5 A Yes.

6 Q And that was in October of 2004, correct?

7 A That's correct. Yes, sir. Which gaged
8 my direction as to the questions specifically
9 towards Agent Givens as to was there child porn,
10 was there this.

11 Q Okay.

12 THE COURT: Okay.

13 MR. ZELENKA: No further questions, Your
14 Honor.

15 THE COURT: Okay.

16 MR. TAYLOR: If it Please the Court, Your
17 Honor.

18 Redirect Examination by Mr. Taylor:

19 Q Agent Barton, we just heard testimony
20 about the statement you had in your file from Ms.
21 Gwen Herod---

22 A Yes.

23 Q I believe. Was that an attachment that
24 was provided from the Third Circuit Solicitor
25 Jackson's office?

Lieutenant Barton-cross by Zelenka

1 A No.

2 Q To your knowledge, or you wouldn't have
3 been responsible for positioning that statement.

4 A No,---

5 Q Okay.

6 A ---that's a product of the Sumter County
7 Sheriff's Office.

8 Q Okay. I was just being clear.

9 A Yes, sir.

10 Q I didn't see it as an attachment.

11 A No, sir. It was not an attachment.

12 Q Okay.

13 A But again, there will things that Sumter
14 County provides me that may not be an attachment
15 relevant to -- see I am not going to make -- I am
16 not to refer to or make an attachment of
17 somebody's interview with somebody else.

18 Q Okay.

19 A You see what I am saying?

20 Q I understand.

21 A I make reference to my attachments.

22 Q I want to go back to your report which is
23 Exhibit No. 1.

24 A Yes, sir.

25 Q You know that in your report that Mr.

Lieutenant Barton-cross by Zelenka

1 Bryant stated that they had looked at pornography
2 together.

3 A I did.

4 Q And you have corrected yourself today.

5 A That was incorrect; yes, sir.

6 Q It's certainly possible reading some of
7 those statements that Mr. Bryant is confused about
8 the sequence of events; wasn't he?

9 A He said the same thing over and over
10 again. It's referenced to when he viewed the---

11 Q Correct. And I will show you, and it's
12 the same document that, may I approach the
13 witness, Your Honor. It's the same document that
14 Mr. Zelenka was talking to you about. It's the
15 Crawford interview of the---

16 A 13th.

17 Q The 13th. Can you read, just start with
18 line 15.

19 A What page are we on?

20 Q I'm sorry. Page 109, start with line 12.

21 A 12. But you weren't having the flashbacks
22 before you killed him, no. So no flashbacks
23 before you killed him, but flashbacks afterwards.
24 Yeah. Keep going.

25 Q Keep going. Okay on line 18. And then

Lieutenant Barton-cross by Zelenka

1 Mr. Bryant. It was like me just sitting there
2 looking at the computer screen seeing these F'ing
3 pictures and looking at him and thinking there is
4 no way this man could be looking at stuff like
5 this.

6 Q And that could be interpreted to them
7 looking at it together; couldn't it?

8 A I mean it could.

9 Q Okay.

10 A It's the same thing over and over again.
11 He's definitive on multiple occasions that he
12 looked at it afterwards.

13 Q Okay. So do we believe? So you chose
14 whether you wanted to believe him; correct?

15 A I don't understand.

16 Q Well if you read that, that can certainly
17 be interpreted to mean it happened before the
18 murder; correct? You disagree with me on that?

19 A It could be.

20 Q But you chose---

21 A I don't believe that, but it could be;
22 yes, sir.

23 Q Okay. So you don't believe that, you
24 believe his other statement that it happened.

25 A It's not I don't believe. I interpret it

Lieutenant Barton-cross by Zelenka

1 differently than you do.

2 Q Now you talked about your conversations
3 with Ms. Justice; correct?

4 A Yes.

5 Q And I believe her statement if we looked
6 back at it; was that, he had allegedly looked at
7 porn some 9 to 10 months ago; correct?

8 A Correct.

9 Q And that he hadn't looked at it anymore.
10 It wasn't a problem.

11 A Correct.

12 Q And you mentioned that their may have some
13 attempt to erase the internet history.

14 A That was according to Ms. Justice; yes.

15 Q But do you know when that was?

16 A No, sir.

17 Q So that could have been 9 to 10 months
18 ago.

19 A Sure.

20 Q And you're aware that the internet
21 histories that Agent Givens reviewed on their
22 computer did not indicate the existence of
23 pornography.

24 A No.

25 Q You don't know that?

Lieutenant Barton-cross by Zelenka

1 A Well I know that there was nothing bad.

2 Q So Agent---

3 A Yes, as interpreted; yes, that would be
4 correct.

5 Q Agent Givens in his analysis was unable to
6 find pornography on Mr. Bryant and Ms. Justice's
7 computer.

8 A I don't know specifically, because again
9 I asked specifically for child porn. So it could
10 have been adult porn and I would not have known,
11 because I asked specifically for child
12 pornography. I'm not trying to evade your
13 question. I am trying to answer it, but I was
14 specific in child porn.

15 Q Right.

16 MR. TAYLOR: That's all the questions I
17 have. Thank, Your Honor.

18 THE COURT: Thank you. Call your next
19 witness.

20 MR. TAYLOR: Your Honor, we would call
21 Agent Givens.

22 AGENT DAVID GIVENS, after being duly sworn,
23 testified as follows:

24 THE CLERK: State your full name and spell
25 your last for the record.

Lieutenant Barton-cross by Zelenka

1 A David H. Givens. G-I-V-E-N-S.

2 Direct Examination by Mr. Taylor:

3 Q May it Please the Court, Agent Givens,
4 where do you work?

5 A I work at the South Carolina Law
6 Enforcement Division assigned to the computer
7 crimes division. Currently working at the secret
8 service and financial crimes.

9 Q And what is your rank, Agent Givens?

10 A Senior Agent.

11 Q How long have you been with sled?

12 A 11 years.

13 Q Were you employed with sled on October, or
14 in October of 2004?

15 A Yes, sir.

16 Q And I believe you like Agent Barton
17 participated in the investigation of three
18 homicides as well as an attempted murder in Sumter
19 County?

20 A I wasn't part of the investigation, so to
21 speak, I just analyzed it.

22 Q Okay. So your role was simply at the
23 request of Agent Barton to analyze some computer.

24 A Correct.

25 Q And what did you do? What did he ask you

Agent David Givens-direct by Taylor

1 to do?

2 A Okay. Analyze the computer.

3 Q What were you specifically looking for?

4 A Okay. With the computer analysis
5 surrounded around the question of whether there
6 was any -- initially whether there was any contact
7 between the two individuals, Mr. Teitjen and Mr.
8 Bryant.

9 Q Okay.

10 A And I don't know if it's at the same time
11 or a few days later, I think as they were
12 interviewing him, Mr. Bryant, the next question
13 was an existence of child -- whether there was
14 child porn on the computer.

15 Q And did you look for that?

16 A Yes, I did.

17 Q Did you perform an internet history on
18 both of Mr. Teitjen's computers?

19 A Well that's not how we look for child
20 pornography.

21 Q Okay. How would you look for it?

22 A When anybody asks for images or such as,
23 child pornography or any other kind of images, I
24 would look at that in what we call image gallery.

25 Q Okay.

Agent David Givens-direct by Taylor

1 A Which is basically like thumbnail pictures
2 of that -- well first, let me back up just to
3 explain the process just so we will be clear on
4 that. I recovered all photographs that are on
5 the computer and deleted photographs that are the
6 computer. That puts the in case program, puts
7 them in a gallery. And I can view thumbnail or
8 big pictures of those. Initially the gallery is a
9 thumbnail view of all digital images on the
10 computer, and deleted it. And that's where I
11 would go to search for any kind of images, whether
12 it be child porn, adult porn, just generally
13 pictures of things of that nature.

14 Q Well why would you do an internet history?

15 A I don't know, in this particular case if
16 somebody asked me to do an internet history,
17 sometimes I would do an internet history just as a
18 general matter of having in case program acquire
19 the image that we're looking at. Because
20 sometimes later on investigations may ask me at
21 that time. It's hard to say why I did that.

22 Q Okay.

23 A It's not uncommon to do it, whether it's
24 asked for or not. Because that's just kind of a
25 general practice of setting up a program. We

Agent David Givens-direct by Taylor

1 verify file signatures and just some pre-examine
2 procedures that we do. Because the way the in
3 case program works, the -- it takes time to do
4 those, index those items. So I may go ahead and
5 start those running while I am looking at
6 something else.

7 Q Okay. Now did you produce a copy of the
8 thumbnail or anything you recovered that indicated
9 the existence of pornography on Mr. Teitjen's
10 computer?

11 A Did I produce?

12 Q Yes, sir.

13 A To Agent Barton?

14 Q Yes, sir.

15 A No.

16 Q Did you have a copy yourself?

17 A Well there are thousands of images. I
18 would not. I would not produce, I mean If I had
19 found. Is that what you are asking me?

20 Q No. Did you produce any of the thousands
21 of images you saw---

22 A Oh, no.

23 Q Okay. Now did you produce a copy of the
24 internet histories as well?

25 A It was a part of my electronic report.

Agent David Givens-direct by Taylor

1. Q All right. And was that electronic report
2 given to Agent Barton?

3 A I don't recall.

4 Q Okay.

5 A You're talking about the CD?

6 Q Yes, sir.

7 A I don't recall.

8 Q Let's show you a document that has been
9 marked as Plaintiff's Exhibit 2.

10 A Okay.

11 Q And does that appear to be a printout of
12 most of what is on this disk that I have pulled up
13 here?

14 A I don't know about most of which. It does
15 -- this is part of my electronic file.

16 Q Okay. And everything you would have done,
17 you would have, with the exception I guess of
18 those images, they would be on this disk; right?

19 A The images would not -- I did not -- can I
20 explain?

21 Q Sure.

22 A Okay. If I was to find an image that we
23 were searching for, and in this case it would have
24 been child pornography, I would have book marked
25 that image. By book marking, I mean I would

Agent David Givens-direct by Taylor

1 brought it into the in case report, and it would
2 have been part of that electronic report of mine
3 on the CD.

4 Q I see.

5 A Since I did not book mark any images there
6 are no images in my report.

7 Q Okay. And you were, I think you indicated
8 here today, that you were just specifically
9 looking at, looking for child porn?

10 A Well first a connection between the two.

11 Q Okay.

12 A And I think some bestiality pictures.

13 Q Okay. I am going to give you a copy, it
14 is tab 15, counsel. Give you a copy of the
15 document and ask you if you can identify it.

16 A These appear to be a -- are you referring
17 to my notes is that what you are?

18 Q The entire document as a whole.

19 A Okay. All right, your question.

20 Q What is that document?

21 A Well it's several documents.

22 Q Or as a whole. I mean it's a number of
23 documents. But it was provided to us in a group.

24 A Oh, it's probably part of the case file.

25 Q Does it appear to be your investigative

Agent David Givens-direct by Taylor

1 file or your case file rather?

2 A The note, the type notes are. And the
3 search warrant and other stuff is not mine.
4 Intake form, I did not do. The, a status report I
5 did not do. It looks like a mix of things that
6 probably were submitted with the computer---

7 Q Okay.

8 A ---intake. A consent to search. Some
9 things that were provided to me from Lieutenant
10 Barton. Consent to search form.

11 Q Okay, well.

12 A Receipt for property things like that.

13 Q Would you look at the first page and see
14 if that will refresh your recollection?

15 A The first page of?

16 Q It says Final Case Review submission form.
17 Report and attachments by---

18 A Oh, this. Oh, yeah, I am sorry. And this
19 is, do you want me to explain what this is?

20 Q Yeah. I mean that was provided to me.
21 And I'm saying....

22 A Okay. I will explain this.

23 Q Okay.

24 A This is the kind of form that we used.
25 When I completed my examination, I filled this

Agent David Givens-direct by Taylor

1 out and submit it to my lieutenant. And he okays
2 the closing of the file.

3 Q Along with all those documents.

4 A Those could be in the file.

5 Q Okay.

6 A That's mainly to let him know to go on
7 ahead. The ability to go on line and look. Well
8 actually you know, the same file that's on my
9 electronic copy or on the CD. He had the ability
10 to go look at it, and look. Make sure it was
11 okay. And he okays it.

12 Q Okay.

13 A This doesn't necessarily mean that all
14 this was attached to this.

15 Q Okay. Well then we will just have to do
16 it the hard way then.

17 A I am sorry.

18 Q That's all right.

19 A My notes would have been maybe attached to
20 that, but he would have to access the file. I
21 would pull the case file. Put that form on top of
22 it along with my CD, and then he would review it.

23 Q Okay. I am just going to pull out the
24 documents that say, or actually I'll have you to
25 do that so there won't be any dispute. I ask you

Agent David Givens-direct by Taylor

1 to pull out the documents that say Case Management
2 History at the top for me.

3 A Okay. I think there's a duplicate here.

4 Q There are a lot of them that appear to be
5 duplicate. And some of them may have something
6 added to the ends. So I just ask you to pull them
7 all out. Are there any mixed up in here? I
8 don't think there are anymore in there. I believe
9 they are all, you can look and see. And I don't
10 believe that one relates to that case.

11 A You are right.

12 Q I just print out what they gave me. You
13 can check that and see. All right now those
14 documents you have, do they appear to be your case
15 notes as you were working this case?

16 A This is what you referred to, or generally
17 the investigative, would be their handwritten
18 notes. I just type them, because I'm on the
19 computer anyhow so.

20 MR. TAYLOR: Your Honor, we would offer
21 those case notes as Plaintiff's Exhibit 3 as a
22 group.

23 THE COURT: What says the state?

24 MR. ZELENKA: No objection from the state.

25 (Case notes marked as Plaintiff's Exhibit

Agent David Givens-direct by Taylor

1 No. 3 into evidence.)

2 Q That would have been put on the disk;
3 correct, that you prepared?

4 A Yes.

5 Q That's pulled up.

6 A Right.

7 Q It appears that every -- essentially
8 everything that is on that disk was printed out
9 for you and Agent Barton except the internet
10 histories; correct?

11 A No. I didn't print out anything on that
12 disk.

13 Q Okay. Why not?

14 A Well I don't recall printing anything, to
15 be honest with you. I think what appears that
16 happened from talking with Agent Barton; is that,
17 he requested certain things to be printed.
18 Because it wouldn't make any sense for me to do --
19 I mean I am not going to the trouble of making the
20 disk on the electronic file that I showed you,
21 with the hyperlinks and all that, and print it all
22 out. So if he and any other investigator and it
23 does happen. They may come to me and say, I
24 specifically want this, this and this, I may print
25 that out. But as a general practice, I don't

Agent David Givens-direct by Taylor

1 print anything out. And that's why we put it on
2 the disk because there is so many pages to it, it
3 would be quite lengthy.

4 Q Do you know if that disk was ever provided
5 to the Third Circuit Solicitor's Office?

6 A I have no idea.

7 Q And you don't know who at this point was
8 responsible for printing your report and including
9 it in Agent Barton's report; do you?

10 A You mean this?

11 Q No, I'm sorry. Attachment 79.

12 A This one.

13 Q At least a portion of your report was
14 printed.

15 A I think that I probably just because of
16 what's in this, that I probably printed this for
17 him.

18 Q Okay.

19 A I don't know if I printed the search
20 warrant and things like that. I mean, he may have
21 already -- obviously he already had a copy of
22 that. But for instance the forensic worksheet,
23 the investigative report, the and I may have the
24 search warrant on there.

25 Q Okay. If you read through it, your

Agent David Givens-direct by Taylor

1 attachments are there.

2 A Okay.

3 Q And your report there does not mention the
4 internet history; does it?

5 A Are we still referring to 79, this?

6 Q 79, yes, sir. I apologize.

7 A That's correct. Wait a minute. Let me
8 look, let me see. I haven't read it so. No, it
9 does not. Attachment 8 which would be in case
10 report which would include it.

11 Q The in case report would include it. So
12 on here. And the front page of the in case report
13 is there; right?

14 A And well, yes.

15 Q But the actually, internet history is not?

16 A No.

17 Q Okay.

18 A It is on there.

19 Q Right. And it's on this disk.

20 A Right.

21 Q And it was never printed and given to
22 Agent Barton; correct?

23 A No. I mean I never, I don't recall giving
24 it.

25 Q To your knowledge the internet history was

Agent David Givens-direct by Taylor

1 never printed and given to the solicitor either;
2 was it?

3 A I have no idea.

4 Q And to your knowledge, it was never
5 printed and given to defense counsel either; was
6 it?

7 A I wouldn't know.

8 Q Well we do know this. You would agree
9 with me, if the solicitor didn't have it, he
10 certainly couldn't have given it to defense
11 counsel; could he?

12 A No.

13 Q Now back to your case notes there.

14 A Okay.

15 Q Those notes were not turned over to the
16 solicitor for providing -- to be able to provide
17 them to the defense counsel either.

18 A I don't know. They're not part of this.

19 Q Right.

20 A I don't, after I -- this may help shorten
21 you up a little bit. But after I provided this
22 report and my report was done, I didn't know any
23 more about the case. I didn't even know the
24 disposition of it until last week.

25 Q Well are those notes that you are holding

Agent David Givens-direct by Taylor

1 in your hand, are they the type of notes that are
2 typically produced in a case?

3 A Probably. No, these are just my
4 handwritten notes.

5 Q Okay.

6 A I am going to refer to them as handwritten
7 so we can keep them straight.

8 Q Your handwritten notes would not have been
9 provided to Agent Barton to turn over in
10 discovery.

11 A Unless he asked for them.

12 Q But again, those notes it's likely that
13 the solicitor never saw those nor did defense
14 counsel.

15 A I don't know if they were subpoenaed after
16 the fact or during the course of the trial or
17 whatever happened. They could have been. I just
18 don't know, I can't answer that.

19 Q Okay. Well---

20 A I did not personally provide them, if that
21 will help you.

22 Q Now I want to look at those notes that you
23 have. I believe if you recall Agent Barton
24 testified that he just wanted you to look and see
25 if there was any child porn on there. Now in

Agent David Givens-direct by Taylor

1 those notes, it is a document. You are probably
2 going to have to look at mine.

3 A Yeah. These are all mixed up.

4 Q Right. On October 20th 2004, tell us what
5 your notes indicated.

6 A Do you want to read what you highlighted,
7 or the whole thing?

8 Q Just the whole thing on October 20th.

9 A Met with Bobart and discussed the case.
10 Drafted a fax and preservation letter to AOL and
11 Yahoo for Bryant's accounts. Provided a sample
12 search warrant. Provided a sample search warrant
13 for Yahoo. That was probably to you. Do want me
14 to explain this?

15 Q Yeah. Why were you asking for the Yahoo
16 information? Did that -- let me, I might can
17 speed it up for you. Did that relate to trying to
18 determine if Mr. Teitjen and Mr. Bryant had some
19 sort of connections?

20 A Yes, I was provided potential screen names
21 for Mr. Bryant. And maybe Mr. Teitjen too. I
22 did use those as search records.

23 Q Okay.

24 A So that went to the Yahoo. I think he
25 gave me, he being Agent Barton or somebody gave me

Agent David Givens-direct by Taylor

1 the account. This Yahoo account, I would assume,
2 he was reading this. Provided instructions for
3 AOL search warrant through Lowden County Sheriff's
4 Office.

5 That, AOL at the time, did not actually
6 still, does not accept direct search warrants over
7 there. So we would have to send an affidavit to
8 Lowden County Sheriff's Office to have somebody
9 there to do the search warrant. Advised partner
10 that a search warrant would not be needed for
11 Bryant's, I'm sorry, excuse me, would be needed
12 for Bryant's computer as well. For Barton the
13 following was needed from Teitjen's computer.
14 Internet history to possibly determine if the
15 suspect had used the computer after the murder.
16 And the existence of porno. And if possible what
17 type of porn, child, animal, et cetera.

18 Q So you were looking for general internet
19 history as well.

20 A I don't -- what I will do if somebody
21 asks for internet history, I will ask for lack of
22 a better term, ask the program to go and search
23 for all the internet history. And I don't even
24 review it.

25 Q Okay.

Agent David Givens-direct by Taylor

1 A It's there for whoever is using it. I
2 don't draw any conclusions from it because it's
3 not an indicator of -- it doesn't show me any
4 images is what I am trying to say.

5 Q Read your note from 10/21.

6 A Do you want me again to start up at the
7 top, or just the highlighted?

8 Q Actually you could probably just read the
9 highlighted.

10 A Okay. Reviewed gallery images for
11 Teitjen's computer. Located adult porn and
12 temporary internet files. No child or bestiality
13 photos located. Located several pornographic
14 movies within the program files.

15 Q Okay. Again, those notes were never
16 turned over to defense counsel as far as you know.

17 A As far as I know. I don't know.

18 Q Now you also analyzed Mr. Bryant's
19 computer as well; correct?

20 A I believe so.

21 Q Okay. Do you remember whether or not
22 there was any pornography on it?

23 A I can't recall.

24 Q Okay.

25 A If you've got notes, I'll be glad to look.

Agent David Givens-direct by Taylor

1 Or we can -- if you look, if they are not -- if it
2 is no child -- again, I'm looking for child porn.
3 But I don't recall about Bryant's.

4 Q Here is your note from November 2nd. All
5 right.

6 A I am going to read the highlighted part
7 again.

8 Q Yeah.

9 A Acquired image from file to be verified.
10 Recovered lost folders and verified file
11 signatures. Initiated a key word search using
12 victim and I have in parenthesis, Teitjen's screen
13 name, negative results. Review file structure,
14 and did not locate anything of interest in new
15 gallery. Noted absence of pornography.

16 Q So there was no pornography on Mr.
17 Bryant's computer.

18 A Apparently not.

19 Q And there was some mention now today that
20 Agent Barton may have gotten some information that
21 Mr. Bryant tried to erase his internet history;
22 correct? Did you hear that testimony?

23 A Yes, I wasn't advised whose internet
24 history.

25 Q Erased Mr. Bryant's own internet history.

Agent David Givens-direct by Taylor

1 He might have looked at sites and then tried to
2 erase it.

3 A Oh, yeah, I heard that.

4 Q Is that possible?

5 A For somebody to erase your internet
6 history?

7 Q Yeah.

8 A Sure.

9 Q Now when you do your forensic analysis on
10 it looking for pornography, would you have found
11 it?

12 A I can't tell, if somebody erased it..

13 Q Okay. You wouldn't know. I mean it
14 wouldn't be stuck somewhere on the hard drive
15 somewhere that you would see.

16 A That's kind of hard question to answer. I
17 think that the general answer was no, because I
18 could not distinguish whether if it was an
19 unallocated space which is where things go when
20 they are deleted, I might find fragments of it.
21 But I would not know where it came from in the
22 original file structure or when it was done. So
23 for all intense and purposes, no.

24 Q Okay.

25 A Does that confuse you or help you?

Agent David Givens-direct by Taylor

1 Q Well sort of. We'll get through it. If
2 there is an assertion that Mr. Bryant had erased
3 pornography off of his computer, is it still
4 possible that you would have found it in the
5 analysis that you did?

6 A Images?

7 Q Yes.

8 A Yes.

9 Q Okay. So he could have erased his
10 internet history.

11 A Unless they're overwritten.

12 Q Unless they are overwritten. And you
13 would have found, still have found images in there
14 where he had looked at pornography; correct?

15 A It would have possibly found images unless
16 they were overwritten.

17 Q Okay. That would be -- you would have
18 been fairly significant to overwrite them; right?

19 A No, the computer will do it by itself.

20 Q Okay. But if he had looked at pornography
21 9 months before and tried to erase, and erase the
22 histories you would still find those images during
23 your analysis.

24 A Maybe, but I am going to explain this
25 again.

Agent David Givens-direct by Taylor

1 Q Okay.

2 A When somebody deletes an image, it goes
3 into unallocated space. Which means I am trying
4 to simplify this. Allocated is what is being
5 currently used. Unallocated it's just in reserve.

6 Q Right.

7 A Okay. A blank space on the disk. If the
8 disk is only 40 gigabytes, you may only be using
9 20 of them.

10 Q Right.

11 A So as the deleted things get basically it
12 makes it available for the computer to use that
13 space again. So if you delete something, and then
14 depending on how you use the computer and how much
15 other stuff you delete, how stuff you download, it
16 can overwrite a file because that space is
17 available. It's like tearing the index out of a
18 book but the pages with the contents are still
19 there. But if you need that page, it's like
20 taking an eraser and going over it and then
21 writing back over it. So that's what I mean by
22 overwritten.

23 Q So depending on length of time and when it
24 was deleted until the time I examined it, may
25 determine what I can recover. And generally I can

Agent David Givens-direct by Taylor

1 recover a lot of deleted files, pictures, images
2 or anything like that. But I don't know from your
3 time frame what you are looking at. But I can say
4 that it's possible that it could be there, but I
5 didn't find any.

6 Q Yeah and again, the point is, you didn't
7 find any on Mr. Bryant's computer.

8 A According to my notes, I didn't, no.

9 Q And you did find pornographic images on
10 Mr. Teitjen's?

11 A According to my notes.

12 Q And in fact, there appeared to be, based
13 on the Internet histories quite a bit of porn
14 viewing going on?

15 A I didn't look at them at the time, but
16 since you've showed it to me, it appears, you know
17 from the names and everything. But that doesn't
18 and I told you that there are sometimes, it's
19 unreliable to look at the websites---

20 Q Right.

21 A ---to determine exactly what's on there.
22 That's why I go and I search, searching for images
23 while we look at the gallery. Because that's the
24 actual image, and not just the reference to it.

25 Q Right. All right well, let's look at

Agent David Givens-direct by Taylor

1 some. Okay. And we are just going to walk
2 through this so the judge will see it as well.
3 Can you see, Your Honor?

4 THE COURT: Yes.

5 Q And this appears to be your disk; correct?

6 A That's correct. I created that.

7 Q And if you look here, click on that,
8 that's attachment 79; correct?

9 A That's correct.

10 Q And it has what you call hyperlinks in
11 here; right?

12 A Right.

13 Q And attachment 1 would be that consent to
14 search?

15 A Right.

16 Q And that's what was No. 1 there.

17 A Right.

18 Q So somebody would have had to click on
19 attachment 1 and print it out; right? Is that
20 correct?

21 A Okay.

22 Q And we note there were the in case reports
23 for the Teitjen and Bryant computers; right? Is
24 that correct?

25 A Yeah, I'm trying to get caught up with

Agent David Givens-direct by Taylor

1 you.

2 Q Attachment 6.

3 A Right.

4 Q And if we click on that.

5 A Right.

6 Q That's going to go to a lot of documents

7 you have.

8 A Correct.

9 Q Search warrant, computer intake, all those
10 things were printed; correct?

11 A Right. When you say printed.

12 Q They were printed and included in
13 attachments.

14 A Okay, they may have been. I didn't check
15 to see which one of them if you say they were.

16 Q Well you noted an in case report; correct?

17 A Yeah, but I would have to see that. If
18 it's a makes a difference I'd have to see it. Do
19 you want me to go through each one of them?

20 Q Well let's just talk about Mr. Teitjen's
21 computer.

22 A Okay.

23 Q The in case report for the Gateway is that
24 in that document? And I can pull it up.

25 A Yeah, you are going to need to open that

Agent David Givens-direct by Taylor

1 so I can see it. Hold it right there. So it's
2 probably going to be the last one. I skipped over
3 it, I got you.

4 Q Okay. So we know that was printed; right?

5 A Right.

6 Q Let's get back out of there.

7 A You can close that.

8 Q So then we believe all of this was
9 printed. Then we go here to internet history.

10 A Uh-huh. (affirmative.)

11 Q That was printed; wasn't it? It's not
12 part of attachment 79.

13 A No.

14 Q And there are a lot of significant --
15 there are, and we're still looking at
16 Mr. Teitjen's Gateway; correct?

17 A Yes.

18 Q If we go say here to No. 5.

19 A Okay.

20 Q What you've opened up. And we go down,
21 and this appears to be Mr. Teitjen's computer on
22 September 19th of 04; correct? If we go down
23 here to No. 26, how about read the website here
24 for me.

25 A Http -- well --

Agent David Givens-direct by Taylor

1 www.fightforfreeporn.com/freeporn.html.

2 Q Let me back you up too. The -- we are on
3 No. 26.

4 A URL.

5 Q That's a URL; correct? Tell the court the
6 difference between a URL and a redirect.

7 A Well the URL is commonly known as -- I
8 mean in layman's terms is just the address of the
9 website.

10 Q Okay.

11 A In the significance of this, do you want
12 me to explain what the---

13 Q Well---

14 A Okay, I know what you---

15 Q This would be something you would have to
16 actively click on.

17 A Correct.

18 Q You would either click, yes. It wouldn't
19 be like be a pop up to get you caught in a random
20 porn site and you can't get out of it; right?

21 A No.

22 Q So this was something -- someone on
23 Mr. Teitjen's computer on September 19th of 2004,
24 had to actively click on that website?

25 A They would actively have to click on a

Agent David Givens-direct by Taylor

1 link. What I can't say is what the link looked
2 like to get to that website. That's the actual
3 URL what -- if it was a, I mean it can be an image
4 that you click on. It can be a button with a
5 little icon on it. It may go to that, but you
6 have to physically click to make that computer go
7 to that website.

8 Q Right. It wasn't -- it's not like an
9 accident.

10 A Well again, I don't know what he had to
11 click on in this instance to get to that website.
12 It could be a button. It could be a question
13 mark. It could be an icon. It could actually be
14 an image.

15 Q Right.

16 A It could be a number of things. But there
17 had to be a physical click to go to it.

18 Q I think you've answered the question.
19 It wasn't like a pop up. Like we all know how pop
20 ups work sometimes. It might be---

21 A No, it's not a pop up.

22 Q Like you might be looking at a totally
23 innocent web page, like WIS web page. If you
24 happen to mouse across to the wrong spot, you're
25 going to get 10, mortgage; lower your mortgage pop

Agent David Givens-direct by Taylor

1 ups or something.

2 A It's not a pop up.

3 Q It's not something like that, okay. And
4 would you agree with me that's a pornographic
5 site?

6 A I can't say.

7 Q Does it appear to be?

8 A It appears at the present time.

9 Q Yes.

10 A It appears to be a web page that may
11 scroll up a little bit for me. Keep going. That
12 looks like it caters to or it has links to what
13 appears to be other porn sites.

14 Q Okay. But now I am trying to give you the
15 mildest ones I could.

16 A That's fine. But I want to, but you're
17 connected to the Internet now.

18 Q Yes.

19 A So that is what that website has now.
20 That may not be what that website looked like
21 then.

22 Q Fair enough.

23 A Back then I mean in 2000---

24 Q 2004.

25 A 2004. Right.

Agent David Givens-direct by Taylor

1 Q And again, that appeared to be a place
2 where if one was so inclined, he or she could go
3 find some pornography.

4 A But that page didn't actually -- again, we
5 would have to -- you can go back and click on one
6 of those links and see, but I don't know if you
7 want to do that with your computer.

8 Q Not really. Now No. say 37 there, that
9 looks like that's the website. 38. In Hard Core
10 Triple X Mag. Would that appear to---

11 A Can you scroll it this way?

12 Q I'm sorry. Looking at 38 there.

13 A Keep going to the end.

14 Q Does that appear to be at least in the
15 vernacular.

16 A In the vernacular, yes.

17 Q And the one right there, I am not even
18 going to say that in open court. That would
19 appear to a pornographic website.

20 A That would. It applies that, I guess.

21 Q Yes. Gold Triple X Mag. Usually when you
22 see the Triple X designation that generally is
23 what someone would believe. Images Adult Plex.

24 A Go back over this way again so we can see
25 the, how long. Right, okay.

Agent David Givens-direct by Taylor

1 Q None of those appear to be redirects.

2 A Well that one was kind of odd, because it
3 appeared to be an add. But what might, that may
4 just be an add on a page.

5 Q Okay.

6 A Because a web page is made up of multiple
7 images.

8 Q It appears to be some more there.

9 A Yes.

10 Q But I would rather not say that.

11 Hot Naughty Wive's.com. Would that appear to be a
12 pornographic site?

13 A In the vernacular, yes.

14 Q Let me back this up here.

15 A Just go to the very top.

16 Q Don't have to map space up here. So those
17 appear to be in 9/19 of 2004; correct?

18 A Yes.

19 Q And those were never printed off and
20 provided to the state.

21 A I did not print them.

22 Q Okay.

23 A They were on my disk for review by...

24 Q By whom?

25 A By anybody that wanted it.

Agent David Givens-direct by Taylor

1 Q Okay. Well certainly the state could not
2 have provided them if they didn't have them; could
3 they?

4 A I would not think so.

5 Q And obviously defense counsel would not
6 have them either. Tab 16. Does this appear to be
7 the internet history that we just reviewed?

8 A Can you scroll down just a little bit?
9 Get up to the top of it or scroll up, whatever.
10 There we go.

11 Q For September 19th.

12 A Oh, I am sorry. I can tell if you go
13 down. Yeah, that's good. That's it.

14 Q I wasn't talking about the actual site.
15 But that does appear to be the document you are
16 holding.

17 A Yes.

18 Q Appears to be the internet history we were
19 discussing.

20 A Yes.

21 MR. TAYLOR: Your Honor, we would offer
22 that as Petitioner's 4.

23 Mr. Zelenka: No objection.

24 THE COURT: Okay.

25 (Internet History marked as Plaintiff's

Agent David Givens-direct by Taylor

1 Exhibit No. 4 into evidence.)

2 THE COURT: This is on the disk. His
3 disk.

4 MR. TAYLOR: Yes.

5 THE COURT: Who was disk provided to?

6 MR. TAYLOR: Your Honor, as far as we
7 know, I certainly don't want to testify here. But
8 as far we know, we got it during the discovery
9 phase of this case.

10 THE COURT: Did you give that disk to
11 anybody else?

12 A It's just part of my case file.

13 THE COURT: So the case file wouldn't have
14 gone to any other. So you never know whether it
15 got to the solicitor's office.

16 A I have no idea.

17 MR. TAYLOR: And that was the same
18 question I asked him, Your Honor, about his notes
19 as well.

20 Q Here we are the 14th, Agent Givens, of
21 June. Does that appear to be internet history for
22 the 14th of June?

23 A On the same computer? I don't have it.
24 Is this what you are referring to?

25 Q What we have on the screen here.

Agent David Givens-direct by Taylor

1 A Oh, I'm sorry. Yes.

2 Q Now let's go down to Item 89. And that
3 appears to be a website labeled Awesome Ashley;
4 correct?

5 A Yes, sir.

6 Q Click on that. Does that appear to be a
7 pornographic website?

8 A It doesn't appear, that is one.

9 Q Huh?

10 A That is one.

11 Q And if you look at 89, there are, and you
12 go down, I guess to---

13 A Are looking back to this now?

14 Q I'm sorry. Let me go back here. 89 again
15 is a URL. Not a redirect; correct?

16 A Correct.

17 Q And that was the website we were just at;
18 correct?

19 A Correct.

20 Q And there were several divots to different
21 places on---

22 A Within that website.

23 Q Ms. Ashley's website.

24 A Correct.

25 Q And those would not be mistakes; would

Agent David Givens-direct by Taylor

1 they?

2 A Uh-uh. (Negative.)

3 Q And those appear to be June 15th of 2004;
4 correct?

5 A Correct.

6 Q Does this appear to be a printout of the
7 history we're looking at there?

8 A Was this 89?

9 Q 89.

10 A I'll just go to that.

11 Q Sure. However you need to confirm it.

12 A That, yes, sir.

13 Q Okay..

14 A That's the same one.

15 MR. TAYLOR: Your Honor, we would offer
16 that as Defendant's -- I'm sorry, Petitioner's
17 Exhibit No. 5.

18 THE COURT: What says the state?

19 MR. ZELENKA: No objection, Your Honor.

20 THE COURT: Okay..

21 (Investigative Notes marked as Plaintiff's
22 No. 5 into evidence.)

23 Q Again Mr. Teitjen's on September 30th of
24 04.

25 A It does..

Agent David Givens-direct by Taylor

1 Q Let's go down to 489. Petite Girls.com.

2 Does that appear to be a pornographic website?

3 A Or what's in the vernacular, yes.

4 Q Now does it appear just currently in it?

5 A Currently, yes.

6 Q This is an Adult website only.

7 A Yeah, I mean it looks like it.

8 Q If I clicked in it, we would probably see
9 some porn; wouldn't we?

10 A It would be my best guess.

11 Q Let's spare us all.

12 A That's your computer.

13 Q So it would be fair to say based upon what
14 we just looked at, that this computer,
15 Mr. Teitjen's computer, looked at pornographic,
16 looked on September 30th of 2004.

17 A Well somebody did, I don't know.

18 Q Okay. Fair enough.

19 MR. TAYLOR: Your Honor, we would offer
20 this history as Petitioner's 6.

21 A I don't think I have looked at that yet.

22 Q It was 489.

23 THE COURT: What says the defense?

24 MR. ZELENKA: What's the date?

25 MR. TAYLOR: September 30th.

Agent David Givens-direct by Taylor

1 A 489?

2 Q Yes. The 30th.

3 THE COURT: What does time one mean?

4 MR. TAYLOR: Agent Givens can tell you. I
5 can't tell you.

6 A It's not, it's another time zone. That's
7 the easiest way to explain it.

8 THE COURT: Okay.

9 MR. TAYLOR: And that would be No. 6.

10 (Internet History marked Plaintiff's
11 Exhibit No. 6 into evidence.)

12 Q And that does appear to be.

13 A Yes.

14 Q Moving on, I have only one more of these
15 for us to look at. Does this appear to be
16 internet history for October 11th 2004?

17 A It does.

18 Q On Mr. Teitjen's computer?

19 A Yes, it does.

20 Q Are you aware of the significance of
21 October 11th 2004?

22 A No.

23 Q Okay. So on one informed you that was the
24 date of the homicide in this case.

25 A I mean I probably knew the time, I don't

Agent David Givens-direct by Taylor

1 know now.

2 Q Okay.

3 A If that's what you're saying.

4 Q Yes, sir. Now if we scroll down to 307,
5 and there appears to be numbers of other
6 pornographic sites as we're going there; right?
7 Amateur home video.

8 A Well I don't...

9 Q How about slut times?

10 A That would probably be one.

11 Q We'll skip that. TwilightSex.net. And we
12 go down to 307. TwilightSex.net. And that
13 appears to be well, tell us what that appears to
14 be.

15 A It looks like a website that links you to
16 other pornographic sites at present.

17 Q Right.

18 A And all that now, we understand all this
19 is with it.

20 Q Yes, sir. Certainly. Go back down there.
21 See you have Bimbo Wives here. That's at 142.
22 That would appear to be a pornographic site;
23 correct?

24 A Yes, sir.

25 Q There's lots of them. And they are all

Agent David Givens-direct by Taylor

1 URL's; right?

2 A Correct.

3 Q Not accidents. Okay. Does this appear,
4 the document I am handing you appear to be a copy
5 of that internet history?

6 A I am trying, just hold it right there.

7 Q Is that it?

8 A Yes.

9 MR. TAYLOR: Okay. Your Honor, we would
10 offer that as Petitioner's Exhibit No. 7.

11 THE COURT: 7. What says the state?

12 MR. TAYLOR: No objection.

13 THE COURT: Any objection?

14 MR. ZELENKA: No objection.

15 THE COURT: In without objection.

16 (Internet history marked as Plaintiff's
17 Exhibit No. 7 into evidence.)

18 Q Now, Agent Givens, can you tell me the
19 time that is going on here?

20 A Which on?

21 Q It says 168.

22 A 168. 10---

23 Q 10:28 in the morning?

24 A Yeah, I want 10:11:04 and 10:28. And I
25 have got it in seconds.

Agent David Givens-direct by Taylor

1 Q And that website is Fresh Teens.com;
2 correct?

3 A That's correct.

4 Q Would that be a web -- in your experience
5 a website that is at least inclined to teenage
6 type girls?

7 A Yes.

8 Q Well that's Teen, Teen Blow Job Auditions.
9 Would that be something that would imply that
10 teenage girls were performing oral sex on someone?

11 A Yes.

12 Q My grandmother would have just rolled over
13 in her grave if she heard me say that.

14 MR. ZELENKA: What number is that?

15 A Item 173.

16 Q We go down to item 290 here. That's also
17 Euro Teens Triple X. Again, would that imply
18 to---

19 A Yes.

20 Q ---teenage girls?

21 A Yes.

22 Q But your, I guess, analysis didn't show
23 any persons under the age of 18; correct?

24 A Correct.

25 Q Now again this is all -- looks like 11

Agent David Givens-direct by Taylor

1 a.m. on the day of Mr. Teitjen's death?

2 A Which one?

3 Q 10:59.

4 A The 291 is 10:59.

5 Q Okay.

6 A Almost 11.

7 Q And let's on go on down here. And you
8 heard the testimony that at least Agent Barton
9 believes based on the statements he read, that
10 Mr. Bryant looked at pornography after the death
11 of Mr. Teitjen; correct?

12 A Yes, sir.

13 Q At least---

14 A It's---

15 Q ---how they have advanced the theory.

16 A Correct.

17 Q Well let's go down and there is still lots
18 of porn being looked at here; correct? You
19 know---

20 A Sure.

21 Q ---it appears to be. We get to 321 or
22 320. That's College Girls Triple X Mag; correct?
23 And then read 321 for me.

24 A The website is www.RBTRADER.online.com.

25 Q Okay. RB TRADER. It doesn't appear to be

Agent David Givens-direct by Taylor

1 anymore porn; does it?

2 A Let's see. Keep going. Actually that
3 looks like the same website. It's just
4 different---

5 Q Looking at---

6 A Looking at the same website.

7 Q Look at RB's; right?

8 A What time do we -- yeah, it looks like the
9 same web page; yeah.

10 Q So the porn appears to be -- to have
11 ended; correct?

12 A On what you are showing on the screen.
13 Well keep going on.

14 Q Let me move this over a little bit.

15 A No, that's okay. It's when it got to the
16 more involved. Go ahead. Wait a minute.

17 Q Back there.

18 A There's one right there.

19 Q Okay.

20 A At 11:33.

21 Q 11:33. And then we go back to all these;
22 right?

23 A Right.

24 Q And still one more. Somebody is checking
25 maybe.

Agent David Givens-direct by Taylor

1 A Probably going to Yahoo website; yes.

2 Q And that's internet history; correct?

3 A It appears to be; yeah.

4 Q So if Agent Barton is correct and that's
5 the end of the internet history, Mr. Bryant also
6 looked at RB's after he looked at porn on Mr.
7 Teitjen's computer.

8 MR. ZELENKA: Object, Your Honor. No
9 foundation.

10 Mr. Barton: I am asking him what the
11 history shows.

12 THE COURT: well I guess so. At least
13 that's what the history shows. I don't know who
14 looked at it. I don't know if there is anything
15 in the record who actually pulled it up.

16 MR. TAYLOR: Well I will back us up here.

17 Q Let's go to 9:44 that morning. Power
18 Ball.

19 MR. ZELENKA: Object, Your Honor. No
20 foundation.

21 Q What does this say that someone looked at
22 9:44 in the morning?

23 A You want me to read it?

24 Q Sure.

25 A Wwww.Powerball.com. And then some other

Agent David Givens-direct by Taylor

1 things.

2 Q Right. Somebody at 10:06 looked at RB's.

3 MR. ZELENKA: Object, Your Honor. No
4 foundation based upon those reports.

5 Q What site does it appear to be?

6 A RBCoach.com.

7 MR. TAYLOR: Okay.

8 MR. ZELENKA: Object, Your Honor. No
9 foundation based upon his reports.

10 MR. TAYLOR: Your Honor, all I am asking
11 that he be allowed---

12 THE COURT: But my understanding, this
13 document is in evidence, and he is just reading
14 what the document says.

15 MR. ZELENKA: That's fine.

16 THE COURT: So what is your objection?

17 MR. ZELENKA: Well my objection is there
18 is no foundation. Because we have admitted a
19 report that the computer time period is 13 hours
20 off. These -- this data was actually done on the
21 10/11 according to the computer data, which is not
22 the date that Mr. Bryant was there.

23 THE COURT: Okay.

24 MR. ZELENKA: According to the in case
25 report that was done it was 13 hours off.

Agent David Givens-direct by Taylor

1 THE COURT: Is that correct?

2 A The time, the computer time is different
3 from the actual.

4 MR. TAYLOR: And, Your Honor.

5 THE COURT: So when did the allege
6 homicide occur?

7 MR. ZELENKA: The crime occurred 10/11
8 according to the state's evidence based upon the
9 information that the defendant asserted he arrived
10 at 9:30, and he was there at around 5:30 when the
11 telephone call came in on 10/11/2004.

12 THE COURT: And so he was there allegedly
13 from 9:30 in the morning until 5:30 in the
14 afternoon?

15 MR. ZELENKA: Based upon his testimony;
16 yes.

17 THE COURT: Okay.

18 MR. ZELENKA: His statement, excuse me, on
19 10/11.

20 THE COURT: So when was this act
21 supposedly?

22 MR. TAYLOR: Well I can ask. I can follow
23 up a question that I think will clear that up.

24 Q Agent Givens, this note was already put
25 into evidence as Plaintiff's 3.

Agent David Givens-direct by Taylor

1 A Yeah.

2 Q Just read that last sentence about what
3 these things mean as far as Mr. Teitjen's
4 computer.

5 A Well do want to read the 13 hour?

6 Q Yeah.

7 A I mean you put that in there, for the
8 computer time was determined to be 13 hours fast.

9 THE COURT: Okay.

10 A From actual time.

11 Q Keep going.

12 A A time line there is no certainty with.
13 regard to all activities. But a general
14 consistent degrees that internet history provided
15 two dates. It appears date two column undecided
16 what the actual file access date and time.

17 Q Okay. Column two coincides with real
18 time; right? Based upon everything you all put
19 together.

20 A No, that's the computer time.

21 Q Yeah, actual time.

22 A You said realtime.

23 Q Well yeah, actual file access dates and
24 time.

25 A Yeah. But that's computer time.

Agent David Givens-direct by Taylor

1 Q But that's the time that you determined
2 the files would have been accessed.

3 A From the computer. That's the computer
4 time. That's not actual time.

5 Q That's not when they were actually
6 accessed.

7 A No, that's not like actual time like.
8 That's the time that showed on the computer. When
9 they were accessed. Does that answer your
10 question?

11 Q Well your note says it appears that day
12 two column will coincide with actual file access
13 dates and times.

14 A Okay. Yes, but in relation to the
15 computer. I know what this means when I'm, I'm
16 not typing this 3for somebody else. So what I'm
17 saying to myself here; is that, these are actual
18 times. You're correct. They're the actual times
19 that those websites were -- I'd say use the word
20 actual. Actual times those websites were viewed.
21 But that is relating to the computer time.

22 Q Okay. 13 hours fast. So do you have any
23 here?

24 A If y'all -- well it's in here. But if you
25 can go back and look under the forensic

Agent David Givens-direct by Taylor

1 worksheets, it will tell you the exact down to the
2 computer forensics to your left up there. Where
3 you are pointing.

4 Q How about this right here?

5 A Go on one of those images.

6 Q Right here?

7 A And look under whichever computer you---

8 Q That's what we're looking at right here.

9 A Okay. If you look under, I see there are
10 two computers.

11 Q Right. Gateway. We're looking under
12 Gateway.

13 A Okay, looking at Gateway. So the
14 forensic worksheet for that. Right there. Do you
15 see computer time?

16 Q Uh-huh. (affirmative.)

17 A And the date. And the current date and
18 current time.

19 Q Okay.

20 A But everything you are seeing on the
21 internet history is related to the computer time.

22 Q Okay. So what you're telling me time
23 wise, all this stuff that was just put into
24 evidence would have happened 13 hours prior.

25 A I don't -- I don't know the specifics

Agent David Givens-direct by Taylor

1 about the case. And when the -- I mean you, I've
2 just been answering the questions. I am sorry.

3 Q Okay. Well on the 11th sometime around
4 10:30 a.m. pornography was viewed on this
5 computer; right? That's what your report said.

6 A That's what the in case report says.

7 Q Right. So now you are telling me that
8 somebody was looking at stuff 13 hours after that?
9 Or before that? Because I believe your note is
10 correct.

11 A Okay. Well that's correct.

12 Q Okay. Plaintiff's 7, October 11th. What,
13 it says time two, 9:44:53.

14 A Which one?

15 Q I was looking at, I just pulled out a
16 time.

17 A Okay.

18 Q Based upon all the confusion now, what
19 time would that file have been accessed?

20 A Actual time?

21 Q Time, I am quite confused as to what time
22 actual time is right now. And what I mean by
23 actual time, when you say actual time.

24 A This is the computer time.

25 Q Uh-huh. (affirmative.)

Agent David Givens-direct by Taylor

1 A Regardless of, you know, what time of day
2 we are standing here---

3 Q Right.

4 A ---if you access.

5 Q It's like if my watch says---

6 A That's right.

7 Q ---2:00 o'clock we know it's wrong. We
8 know it's really 12:20. So what does that time
9 mean?

10 A You got me confused now.

11 Q Say it's 12 -- says it's 2:00 o'clock in
12 the afternoon and my watch says 12, we know my
13 watch is running two hours slow.

14 A Yes. Your watch is the computer.

15 Q Right.

16 A Okay.

17 Q How do we convert what you are telling me?

18 A Well you just add whatever the difference
19 it is. It looks like the computer was behind --
20 no, well it actually looks like the computer was
21 ahead on that one. The computer is 2:11 on 11/14.
22 And the current time is 3:11 on the 13th. So It
23 looks like the computer, having to do the math,
24 three, two. It's just fast. The computer time
25 is fast. Does that look like that's correct to

Agent David Givens-direct by Taylor

1 you?

2 Q The computer time was fast.

3 A It looks like it's ahead. If it's on the
4 14th, and then current time on the 13th---

5 Q Right.

6 A ---yeah, it would be ahead of time.

7 Q Okay. 3:11. So it's 13 hours fast.

8 A Yes.

9 Q So what you're telling me, if it's 13
10 hours fast---

11 A So this would correspond with that left.

12 Q So we should subtract 13 hours---

13 A Yes.

14 Q ---for time sake.

15 A It's adjusted.

16 Q Okay.

17 A It's ahead.

18 Q So all those---

19 A It doesn't do it automatically.

20 Q Right.

21 A It sticks with what the computer.

22 Q So then all those sites were viewed
23 actually on October 10th.

24 A Yeah.

25 Q That would appear.

Agent David Givens-direct by Taylor

1 A Yeah.

2 Q When we know Mr. Bryant wasn't even in the
3 home.

4 A I don't know.

5 Q Do you have any other internet history in
6 this file that shows---

7 A I don't know. I don't look at internet
8 history.

9 Q Okay.

10 A I mean I usually just print it. And if
11 they want to look at it, they can; if they don't.

12 Q Okay. You usually just print it?

13 A I am sorry, not print it, put it on the
14 report.

15 Q Okay.

16 A No, I don't print it. It's too many
17 pages.

18 Q But we do for sure -- for certain that
19 there was pornography that was looked at
20 significantly on that what appears to be
21 Mr. Teitjen's computer.

22 A Whatever day it was; yeah.

23 THE COURT: But there is no record of
24 anything occurring on the date of the crime. Is
25 that what you are telling me?

Agent David Givens-direct by Taylor

1 A Well now there's two computers. . Is there
2 another---

3 Q I will represent to you that I saw none on
4 the other computer. Unless I missed something.

5 A I mean, what was the time? What was the
6 activity on the other? Did I run an internet
7 history on the other computer too?

8 Q Let's go look.

9 A Well which one was it?

10 Q It doesn't appear there was any?

11 A Okay, it may not. That's what was
12 reported back to me. Maybe it wasn't used. That
13 might have -- I don't know if that was an old
14 computer house. I don't know.

15 Q Okay.

16 A So it looks like probably the one that you
17 are more interested in is going to be the Gateway.

18 THE COURT: Okay. And so the Gateway
19 wasn't used at all on the internet on the day of
20 the crime?

21 MR. TAYLOR: The Acer -- well I have not
22 been presented with history of it.

23 A Oh, you are talking about -- I'm sorry,
24 you are talking about the Acer?

25 Q Yes.

Agent David Givens-direct by Taylor

1 THE COURT: Right. So it was not---

2 A You will have to ask---

3 THE COURT: It did not access the
4 internet.

5 A It may not have been used. It's not
6 uncommon when someone goes into a house with the
7 search warrant to get all the computers. And some
8 of them may be old and outdated and not being
9 used.

10 THE COURT: I understand. I'm not -- I
11 don't have any problem with the old one. I am
12 talking about the Gateway.

13 A The Gateway was used.

14 THE COURT: On the day of the crime?

15 A Oh, I don't know. Just depending on the
16 date and time and stuff, I am not specific with
17 the time.

18 THE COURT: Well based on what you have
19 shown me, it was 13 hours different. So what
20 Gateway is saying that happened on the day of the
21 crime, happened the day before the crime. Isn't
22 that what you just said?

23 MR. TAYLOR: I think that's what he said.

24 THE COURT: That's my understanding. So
25 on October the 11th 2004, there is no internet

Agent David Givens-direct by Taylor

1 history at all of that computer being used.

2 MR. TAYLOR: Your Honor, I will be honest
3 with you, from what I have seen here, there is
4 nothing that Agent Givens has looked at, that goes
5 after October. That's the end. What you just
6 saw.

7 THE COURT: So well was that because you
8 didn't search after that date, or it's nothing on
9 there after that date? Do you know the answer to
10 that?

11 A I would say because it was not, there was
12 nothing searched for on that date.

13 THE COURT: So technically the date of the
14 crime nothing was ever searched. Because the
15 computer said it was the 11th, when in reality,
16 you are telling me now it was the 10th. So the
17 11th wasn't searched?

18 A It doesn't appear to be. I didn't do the
19 imaging. You know, unless -- you'd have to have
20 to get somebody on the imaging part of that.

21 THE COURT: Have you got an answer to
22 that?

23 MR. ZELENKA: I have an answer, but I
24 don't know if it's the correct answer.

25 THE COURT: Okay.

Agent David Givens-direct by Taylor

1 MR. ZELENKA: There are histories of
2 matters being searched on 11:32:30 p.m on
3 10/11/04.

4 THE COURT: Is that computer time or is
5 that actual time?

6 MR. ZELENKA: That is the computer time
7 that the end case reported as doing.

8 THE COURT: So Judge Russo---

9 MR. ZELENKA: Page seven.

10 THE COURT: Was Judge Russo told that this
11 was the computer records on the day of the crime?

12 MR. TAYLOR: Your Honor, this is the
13 point. Judge Russo never saw this, period.
14 Defense counsel never saw this, period. Mr.
15 Jackson never saw this, period. That goes to our
16 Brady and Kyle vs. Whitley claim.

17 MR. ZELENKA: Well you asked me if the
18 computer was being searched at that time. The
19 computer was being searched. I mean there were
20 internet sites being searched at that time. Tom
21 Johnson, Camp and Yahoo. RV Trader.

22 THE COURT: But that was -- what date is
23 that showing?

24 MR. ZELENKA: 10/11/04. It said beginning
25 at entry 668. On what I am referring to on my

Agent David Givens-direct by Taylor

1 thing is this page seven. Have you got page
2 seven?

3 MR. TAYLOR: Uh-huh. (Affirmative.)

4 MR. ZELENKA: I mean just before we get
5 off on like what is his search.

6 THE COURT: Okay. And it just, you know,
7 based on the evidence from Exhibit No. 7. And
8 it's showing a date of October the 11th, when you
9 all told me the crime allegedly occurred between
10 9:30 that morning and 5:30 that afternoon. But
11 now he's testifying that what's on this screen is
12 really October 10th.

13 MR. ZELENKA: Correct.

14 THE COURT: And not the 11th.

15 MR. ZELENKA: Correct.

16 THE COURT: And so my question, is there
17 anything that actually occurred on the 11th?

18 MR. ZELENKA: And I am saying, yeah.
19 There are searches on the computer which occurred
20 on the 11th.

21 THE COURT: And they are not up here yet.

22 MR. ZELENKA: That's not up there.

23 THE COURT: Okay.

24 MR. ZELENKA: That's not what that is
25 showing.

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1 THE COURT: So somebody is going to show
2 me that maybe?

3 MR. ZELENKA: I will.

4 THE COURT: So but the computer would have
5 to say it was on the 12th.

6 MR. TAYLOR: Or late in the -- late on the
7 11th.

8 THE COURT: Okay.

9 Q I am going to show you a document, this
10 will be introduced as Plaintiff's 7. If you will
11 look at 393 on down.

12 A Okay.

13 Q Does that appear there was some activity
14 on this 11th?

15 A Well it shows 10/11/04, 11:25 p.m.,
16 computer time.

17 Q Okay.

18 A You would have to adjust it to whatever.

19 Q So if you back that up to 13 hours that
20 would be around 10?

21 A Yeah.

22 Q Okay.

23 A Yeah, on the 10th.

24 Q Okay.

25 THE COURT: On the 10 or the 11th?

Agent David Givens-direct by Taylor

1 A What it fast or?

2 Q It was 13 hours. Maybe you are right.

3 You have got all these exhibits..

4 A Uh-huh. (affirmative.) The computer was
5 ahead, I am sorry. Yes, you have to, to get
6 actual time you have go back from this.

7 Q To back up.

8 A Yes.

9 Q So if you back up 13 hours from 11.

10 A It would be 10/10/04 at---

11 Q 11 or 10/11/04. 393.

12 A If you go -- oh, I'm sorry, it's
13 11:00 p.m..

14 Q That's 11 p.m.

15 A It's 11 p.m., you're right.

16 Q Do you see any pornography sites or appear
17 to be pornographic?

18 THE COURT: So that, wait a minute.

19 MR. TAYLOR: Do you want me to go to that
20 one, Judge?

21 THE COURT: No, I'm just telling what time
22 this -- you recall that actually occurred. The
23 real time.

24 Q Go to this. What page is that on the
25 bottom one..

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- 1 A 401.
- 2 Q Which one?
- 3 A 401.
- 4 Q Look at the bottom down there on that
- 5 site.
- 6 A Oh, 14. I'm sorry. I'm looking at the
- 7 site.
- 8 Q Page 6. Then we go to 7. That's 10/11.
- 9 393 it's showing something going on at 11:25 p.m.
- 10 So if you back that up 13 hours that's going to be
- 11 10:25 a.m. on 10/11; correct?
- 12 A Yes.
- 13 Q And that's based on your interpretation of
- 14 the time.
- 15 A No, I don't interpret that.
- 16 Q Based on what you are saying.
- 17 A It's based on what the image -- when the
- 18 image is made in the computer and the analysis of
- 19 the computer time versus current time and this
- 20 internet history, which is computer time.
- 21 Q Okay.
- 22 A I don't make any analysis.
- 23 Q Is there any possibility there was any
- 24 browsing going on that you would not have found?
- 25 A No, sir. I mean it would be listed there.

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1 Q So it wouldn't even be, you haven't found
2 anything based upon what you are telling the court
3 now with the times where Mr. Bryant even saw any
4 porn on the computer that day. Or surfed it after
5 he killed him, or however we want to say it.

6 A Ask me again now, I am sorry. I'm lost in
7 all this time thing. I know that there is a
8 difference in time. I'm not, if you will tell me
9 when, when did the crime occur?

10 Q It is alleged to have occurred sometime
11 plus or minus a couple of hours midday.

12 A Midday on the?

13 Q 10/11.

14 A On the 11th. Now your question is?

15 Q My question is, based upon what you have
16 shown us here, there is nothing to indicate that
17 even Mr. Bryant saw it or is what your history
18 shows.

19 A From what you just showed me just now.

20 Q Well assuming your times are right. Now
21 if your, -- if what you say in your notes which is
22 Column two is the actual time,---

23 A Right.

24 Q ---it coincides perfectly with what the
25 state advanced at trial.

Agent David Givens-direct by Taylor

1 A Okay.

2 Q So is this time correct or is it not? Did
3 you all adjust something in your program?

4 A No, no, no. It can't be adjusted. That's
5 not the correct. The program does not get
6 changed.

7 Q Okay.

8 A It goes on computer time. Does that
9 answer your question?

10 Q I think so. So all this stuff that's
11 saying this happened in the morning of 10/11, it
12 actually happened 13 hours before that?

13 A Uh-huh. (affirmative.)

14 Q So we were at those pornographic sites---

15 THE COURT: Until this date, did anybody
16 know that until you just said that? Did anybody
17 or did any other agent know that? Did you all
18 know that?

19 MR. TAYLOR: Judge, again, defense
20 counsel, no, no, I didn't. About these dates, no.

21 Q So that would be like 9 p.m., right?
22 9:30 p.m. on 10/10?

23 A If your math is right, yes.

24 Q Now we heard Mr. -- in your, all right,
25 assuming these times are what you say is correct.

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1 Someone in the Teitjen household was looking at
2 FreshTeens.com at 9:30 p.m.

3 A I would assume.

4 Q Okay. And not -- and you weren't present
5 at trial. But you understood that Mr. Teitjen
6 worked outside of the home.

7 A I don't know.

8 Q Okay. So someone who had been looking at
9 those in the evening when presumably both the
10 Teitjen's were home, as opposed to in the morning
11 when only Mr. Teitjen was home.

12 A I would assume. I don't know who was home
13 when, I am sorry.

14 MR. TAYLOR: All right. Your Honor, can
15 we take a brief break?

16 THE COURT: All right, we will take a
17 10-minute break.

18 (Whereupon, the Court breaks.)

19 Examination continues by Mr. Taylor:

20 Q Agent Givens, we've heard a lot before
21 lunch about these websites that someone visited on
22 this computer. It is possible that, and you've
23 heard the allegations that Mr. Bryant looked at
24 pornographic images after the death of
25 Mr. Teitjen. And is it possible that he went on

Agent David Givens-direct by Taylor

1 the computer and looked at cashed images, if you
2 will, without going to a website?

3 A He meaning?

4 Q Mr. Bryant.

5 A Mr. Bryant. Cashed images for a website?

6 Q Let me back up. You found a number of
7 images on this computer that we are talking about,
8 without having to go to websites; correct?

9 A Right. I was looking at through a
10 forensic program.

11 Q Okay. Could anybody have sat down at that
12 computer and viewed these same images without
13 going to a website?

14 A If you went to the temporary Internet
15 files folder.

16 Q Okay.

17 A You could probably find most of what I
18 looked at in the gallery but not all.

19 Q Okay. But if you looked at the temporary
20 internet folder, if you clicked on one of them,
21 would it take you to the website? How could you
22 look at it without clicking on it?

23 A How could you look at it?

24 Q Yeah.

25 A If it's in a thumbnail view. I mean it

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1 just depends on where the folders are set up.

2 When you have a -- whether it's sorted by list
3 name or thumbnail, I don't know.

4 Q You can look at them without creating.

5 A It's possible. I don't know how his was
6 set up.

7 Q Okay.

8 A I don't recall what the default would be
9 back at the time programs and internet explorer
10 and all the other things that are loaded on the
11 computer now days as they, you know, advance
12 through the years. Some things are defaulted now.

13 Q So it would be possible then too, for
14 Mr. Bryant and Mr. Teitjen to look at images
15 together and there be no internet history of it.

16 A If they didn't click on that to where to
17 go. You're just looking for the folder?

18 Q Uh-huh. (Affirmative.)

19 A Sure.

20 Q Okay.

21 MR. TAYLOR: Thank you. That's all the
22 questions I have, Your Honor, thank you.

23 Cross Examination by Mr. Zelenka:

24 Q Mr. Givens, following up on that question,
25 when you gave your report, which I believe has

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1 been marked as Plaintiffs Exhibit No. 2, on the
2 second page of that report, you stated that what
3 on November 10th 2004?

4 A You want me to read?

5 Q Yes, sir.

6 A November 10th 2004, Agent Givens met with
7 Agent Barton to review the result of a computer
8 analysis of the Teitjen and Bryant computer. The
9 results of the AOL and Yahoo account searches were
10 also reviewed. Nothing of evidentiary value was
11 identified. In addition, no evidence was
12 identified that would have suggested Bryant had
13 prior contact with any of the victims. In case
14 reports were generated for the Teitjen and Bryant
15 computers attachment 6.

16 Q Okay. And when you said there was nothing
17 of evidentiary value, what context were you saying
18 that?

19 A Contact between the two individuals and
20 child pornography or bestiality photographs were
21 done.

22 Q Okay. And on the in case report if I may,
23 computer forensics on the Gateway forensic
24 worksheet it showed and this was done by
25 Amandason. But part of your reports; correct?

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1 A Yes, sir.

2 Q Computer date, 10/14/2004. Computer time,
3 on a 24 hour clock, 2:11:31 correct?

4 A Yes.

5 Q And then current date 10/13/04, 3:11 p.m.;
6 correct?

7 A Correct.

8 Q And that's roughly a 13 hour difference.

9 A Yes, sir.

10 Q On that. Now with respect to the runs
11 that were done on the in case report, with the
12 internet history, is it a practice within that
13 department of sled, when you find what I would
14 refer to as notable images, you spoke of book
15 marking?

16 A Right.

17 Q By book marking, with an internet history,
18 would you have had another book mark that said
19 notable images?

20 A Yes, I would have.

21 Q And in that bookmark with notable images,
22 am I correct in my assumption that that would have
23 linked up to an image that you found notable with
24 respect to the evidentiary history and a place
25 that is actually in this report?

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1 A Yes, sir.

2 Q So for example, if you were asked if there
3 was an image of bestiality and you had done the
4 sled report, it would have been your practice and
5 procedure to have bookmarked that particular image
6 so that whoever was looking at this, would have
7 been able to click that image, and it would have
8 showed that particular image be it child
9 pornography or bestiality as the question may
10 occur.

11 A Yes, sir. I have the ability to separate
12 them any way I want to, you know, by topic like
13 that if I want to. But I would name them if we
14 did it automatically, but I would bookmark them.

15 Q How, would you -- for example, if those
16 would have been there, how did this page of the
17 report look different which is the computer
18 forensic page of that?

19 A May I get up?

20 Q Yes, please.

21 A You can see where I point to. Under
22 this -- can I?

23 Q Sure.

24 A Okay, I can make it appear under this if I
25 want to. I am just showing you different ways I

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1 could possibly do it. And it just depends on how
2 much data I am working. If it's just a few images
3 that are really important like a specific
4 photograph, what I would probably do since I
5 created all this, this is something I created in
6 the case report.

7 I would go under this like I did here and
8 here, and can maybe create another one. Or I can
9 come over here and actually there would be
10 another. I can create another title, I mean, like
11 photo, instead of additional ones. You know,
12 reports in case additional, I may have photos in
13 there. That's probably the way I would have done
14 that. I may have had it here too where you can go
15 either way, either here or over there and link to
16 it.

17 Q Okay. So what the record should reflect
18 is you are referring to a column on the left side
19 where you have got summary reports in case
20 additional and there is some data under that or on
21 the right side column, which is more specific from
22 the first bookmark link.

23 A Right. Within this in case program, there
24 is actually a subheading in here for photos.

25 Q Okay. And Agent Barton as you have

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1 indicated in your case management history, which
2 is Plaintiff's Exhibit No. 3, asked you to check
3 out his internet history and look for bestiality
4 and child pornography images; is that correct?

5 A Yes, sir. He apparently did ask me to
6 look at internet history; however, I don't --
7 wouldn't look at internet history for images. I
8 would look at the photo gallery, so I don't need
9 to run an internet history. To determine what
10 sites were visited on the internet, he prints his
11 internet history and identify -- identity or
12 verify webcam sites, locate any chat or e-mails
13 where contact was made with any other victims. In
14 addition, there is a concern that Bryant used the
15 internet to meet women. Need identification or
16 information on contacts if possible.

17 Bryant's whereabouts are unknown between
18 August 6th and August 13th. Bryant may have been
19 in the Rock Hill area meeting a woman that he
20 communicated with via the internet. That's all
21 the entry on 10/20.

22 Q Okay. Then on 10/21, what was the result
23 of your review of those materials?

24 A 10/21 of 04, initiated in case analysis on
25 Teitjen's Gateway computer. Under consent to

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1 search. Reverified image, strict analysis, and
2 recovered lost and deleted folders. Case
3 management, no dot scanned. Reviewed gallery
4 images on Teitjen's computer. Located adult porn
5 in the temporary internet files. No child or
6 bestiality photos located. Located several
7 pornography movies within the program files.

8 Ran internet history strip. Exported the
9 sled forensic drive. I have got a note, check
10 forensic worksheet and a date and time. There is
11 a note to myself to check forensic worksheet and
12 date and time. And I put in notation, Simmons.
13 That would have been Amanda Simmons. Lieutenant
14 Amanda Simmons. Still has the sheet. The
15 computer time may be off slightly. And I would
16 just make an observation to myself, that hey,
17 make sure you check the time, because I know by
18 doing these that they're not always correct.

19 Q So and report was done on 10/21. You had
20 gone into his computer and found in the temporary
21 internet cash, that there were some images,
22 inappropriate images, located in that crash, none
23 of which were either bestiality or child porn
24 based upon your expertise; is that correct?

25 A That's correct. And what computer was

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1 that?

2 Q That would be Mr. Teitjen's Gateway
3 computer. And with respect to that information,
4 if someone would have clicked on the browser to
5 see the browser history, would it be possible that
6 cite names referencing the pornographic sites
7 would have appeared on that browser, on that
8 internet history?

9 A Sure.

10 Q And that would be subsequent to the crime
11 on 10-21; is that correct? When you review that
12 information?

13 A Oh, yes.

14 Q And when you were given access to the
15 computer, you weren't going in to that browser
16 history and creating clips upon those websites;
17 were you?

18 A No, sir, I wouldn't have opened. I think
19 I may answer your question. Even though I ran an
20 internet history, I would not go through and click
21 on those links and determine the existence of
22 child porn, because there is an easier way to do
23 it by looking at the gallery, which I indicated I
24 think I had done that the day before. No, I did
25 earlier that day review gallery images for his

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1 computer.

2 Q Okay. So that browser history existed at
3 on that computer at the time sled received it?

4 A Yes, sir.

5 Q So at any time on realtime October 11th,
6 that someone clicked on that browser history, they
7 would have picked up the browser history which
8 occurred or the internet history which occurred
9 the day before, unless it had been erased by the
10 operator; correct?

11 A Yes.

12 Q Okay. So if someone said they clicked on
13 a browser history and said they saw a history of
14 internet sites, that would be potentially a
15 correct statement; is that correct?

16 A Yes.

17 Q Okay. Now with respect to the matters in
18 the temporary internet file which existed when you
19 saw them on October 21st, if an individual who is
20 familiar with computers would have opened up the
21 cash to look at particular photographs, they would
22 be -- would it be correct that they could click on
23 that cash or view it under images on a computer
24 that was running windows 2000 and seen thumbnails
25 of photographs depending upon how it was set up?

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1 A Yes.

2 Q Or a number of images without having to
3 click on any of those images at all; isn't that
4 correct?

5 A That's correct.

6 Q And there would be no history within the
7 computer on the report that you did that would
8 show that was necessarily done; isn't that
9 correct?

10 A As long as they did not access the file,
11 that's correct.

12 Q Okay. But viewing the images through the
13 cash in that manner, would not be -- the computer
14 would not read as accessing the files; is that
15 correct?

16 A Not in the -- not how you are asking it;
17 no, it would not.

18 Q Please explain.

19 A Well there is a -- anytime there is
20 document or an image on the computer, there are
21 three dates, the created date, let's say there is
22 a document is the best way to do it.

23 Q Okay.

24 A You are going to write a letter. You open
25 up word. You create your letter on a certain

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1 date. So that's the created date. The next date
2 would be the last written date. Then there is an
3 access date. The last written date would be the
4 date that you, say you typed the letter, you slept
5 on it that night and you went back and changed
6 something so if you created the day and you change
7 it tomorrow, the creation date would be the day.
8 Tomorrow would be the last -- the next date would
9 be the last written date.

10 And the last access date would be anytime
11 that you opened up that document to review it like
12 a week from now. The problem with the last access
13 date is if you have other things going on in the
14 computer whether it be a regular file checking or
15 virus protection, that may access files randomly
16 throughout the computer. That also changes the
17 access date so it is not as reliable. So I don't
18 really try to use the access date.

19 Q That's because technically once a computer
20 is built, it's always because there is an internal
21 battery?

22 A Well for instance right here, well there
23 was a screen saver up there. But when the screen
24 saver is running, if you hit that mouse, okay the
25 time you move that mouse, just moving it, when you

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1 click on it you just moved it and the screen came
2 back up. It probably accessed hundreds of files,
3 data files, internal program files to bring that
4 picture back up.

5 So if I was to look at it in the forensic
6 software to show that -- I don't know what caused
7 that access because if I look at data files and
8 things that virus protection would normally scan,
9 I could probably surmise that it was because maybe
10 Norton Antivirus or something like that was
11 running. But when it goes into sleep mode and it
12 comes out of sleep mode, really when you're not
13 doing anything physically to it like you would
14 think of it, it is running all the time. If it's
15 on, it's running.

16 Q So are you saying that for example if
17 somebody clicked on it either accidentally or on
18 purpose, a pornography website, and that website
19 started running that with bookmarks, going back to
20 2004, not bookmarks, but pop-ups and the like,
21 would it be possible that that could be running in
22 the background and not even showing up on the
23 screen?

24 A Well if a website had a lot of graphics on
25 it or animation, processes would be running in the

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1 computer to as it's being received from the
2 internet. That may cause access dates to be, you
3 know, to report that. My answer, is that what you
4 are asking?

5 A Uh-huh. (affirmative.)

6 Q Now looking at some of the exhibits that
7 the defendant produced about the internet history,
8 it appears that some of these potential sites are
9 accessed every 4 to 6 seconds according to the
10 time line that's presented on it. Let me see if I
11 can locate one of those. Court's indulgence one
12 moment. Plaintiff's Exhibit No. 7. Page 12 or 15
13 and noting from the top reference 307, and the
14 access times are reflected, and what I refer to
15 as column two. And those are all what you
16 described as URL's; correct?

17 A Yes.

18 Q And there seems to be a fairly quick
19 amount of access to each of those individual
20 URL's; is that not correct?

21 A That's correct.

22 Q But what you said each of those need to be
23 clicked in some succession; is that correct? In
24 other words, it's not a pop up---

25 A Right.

Agent David Givens-cross by Zelenka

1 Q ---by your---

2 A Well---

3 Q ---testimony.

4 A Right. Some of these that are real close
5 together, you have to look at the actual URL. But
6 it could be that the web page was loaded which may
7 cause that.

8 Q Explain what that means.

9 A Well since the web page is made up of
10 many different images, links and what not, it
11 takes in each one of those that come up, as your
12 computer is accessing it, if it is still on the
13 same page or part of that page, it could -- it
14 could potentially list it under here.

15 Q Okay. So if I understand this correctly,
16 what you are saying is; for example, if I brought
17 up that first website on that, embedded within
18 that particular website would be a number of other
19 website images that are being introduced on that
20 page?

21 A Here is an example. If on the line 315,
22 316, and 317, and you will see that the access
23 times are within seconds apart. And if will look
24 at the actual URL, and you see the particular
25 first part of it, if you are looking -- I mean, I

Agent David Givens-cross by Zelenka

1 thought you were looking at it, I am sorry. And
2 that would be page 6, I think. But it's line
3 316. Right there.

4 Q Okay.

5 A I am sorry, starting at 315. Those three.
6 It actually starts at 315 right here. That's
7 different.

8 Q Does that look similar?

9 A That's the same one.

10 Q All right.

11 A These two even though there is a slight
12 difference in time there, they're the same site.
13 These two. And then this would be a continuation
14 of that. Continuation. So really for all intense
15 and purposes, those four right there would be
16 probably the same web page.

17 Q So you are not actually clicking on
18 individual. When it's not a redirect, it's part
19 of the same web page. A redirect is when you are
20 going to go one page to another or a pop up. If
21 there is another window that opens, because that's
22 the distinction between the two.

23 Let me refer you to this. Let me show you
24 what I have as a copy of one of the URL's within
25 this report. Talking about a redirect on having

Agent David Givens-cross by Zelenka

1 the date 10/11/04 beginning at 11:36 at 26. And
2 this is a copied page reflecting internet history,
3 Gateway page 11. HTM and on a copy of it 78. And
4 ask what information that may provide you, if
5 anything?

6 A Which one, I am sorry?

7 Q You can start right at this point, 11:36.

8 A This was, well it started probably up
9 here, because you would go to the -- so whatever
10 happened up here, looking at proceeding this would
11 have created redirect.

12 Q And within those---

13 A Or you can go here and there is a redirect
14 from that resulting URL there.

15 Q Looking at beginning above 139.

16 A Right.

17 Q With a URL of 136, 146. Excuse me. And
18 that's 11:36:26 p.m. 10/11/04. And after that
19 there is a redirect or there is actually two
20 redirects.

21 A Yeah, two of those probably.

22 Q And that says Sexlers; is that correct?

23 A Correct.

24 Q And that is a redirect which suggests a
25 pop up bringing that up?

Agent David Givens-cross by Zelenka

1 A A pop up or yeah, for lack of a better
2 term pop up. In other words, it did it on its
3 own.

4 Q It did it on its own.

5 A Did it on it's own.

6 Q But there were pop ups going on at that
7 particular time. But the proceeding ones didn't
8 reflect anything that suggested a pornographic
9 website; is that correct?

10 A That's correct.

11 Q And what were the two times on those
12 redirects?

13 A 11:34 and that same time.

14 Q Court's indulgence. Going to page one of
15 78 from the particular document, and during of
16 time period beginning at 11:40:41 p.m. and on page
17 2, around beginning row 32, there appears to a
18 number of redirects there; is that not correct?

19 A That's correct.

20 Q Which include, redirect for pop ups for
21 potential websites, a series of those; isn't that
22 correct?

23 A That's correct.

24 Q Yet the URL, doesn't necessarily reflect
25 the porn site; does it?

Agent David Givens-cross by Zelenka

1 A It does not appear.

2 Q So what would cause those pop ups to have
3 occurred on that date at that time?

4 A It could be, I mean if you are active on
5 the searching the web, if you go to a particular
6 website, I mean it's really left up to whoever
7 designed the website as to what may pop up or what
8 adds they have. Back in 2004, if I am correct, I
9 believe that was kind of the early days of the pop
10 up blocker that weren't that good. I am not sure
11 the internet explorer even had a block up blocker
12 on it at the time. It may have, but its marginal
13 at best. So people had a lot of pop ups, and as a
14 result of that, I developed better pop up
15 software, antiviral stuff. And so now we don't
16 have as many of them as we used to. But I don't
17 know why the pop up. That's just the way it was,
18 just a form of advisement in a lot of cases.

19 Q Okay. And let me show you that again
20 where there is redirect and pop ups start. It
21 would appear to me as a lay person that those pop
22 ups are actually many of them are driving through
23 in the same second; is that correct?

24 A Well again, you may have one web page with
25 several adds or several pop ups. And it may not

Agent David Givens-cross by Zelenka

1 necessarily be a pop up like a separate -- well it
2 should be. But I think that because of the way
3 that the websites are set up with images and
4 stuff, they almost have with adds and things like
5 that, if it doesn't come directly up, it will come
6 up within the web page. Does that make sense?

7 Q Uh-huh (affirmative.) Yes, it does.

8 THE COURT: What date is this? The
9 question you asked him about these pop ups, is
10 there a particular date?

11 MR. ZELENKA: Yes, that date, the computer
12 date would be October 11th 2004, at around well I
13 guess I would say around 11:40 p.m.

14 THE COURT: Actual time?

15 MR. ZELENKA: Computer time.

16 THE COURT: Computer time. 13 hours
17 before.

18 MR. ZELENKA: Right.

19 A For instance this three and four it's an
20 add attached to RV Trader line. It was
21 simultaneous in what I would expect to happen in
22 this case was a pop up add and multiple images
23 within the pop up.. So you would have kind of a---

24 Q Okay.

25 A ---sacking effect.

Agent David Givens-cross by Zelenka

1 Q He could go on RV Trader and then all of a
2 sudden he's receiving pop ups from websites that
3 could have pornographic suggestions?

4 A Yeah, and I think -- let me go back and
5 clarify or answer your question better about what
6 causes these. I think I remember him mentioning
7 it in his testimony about cookies, which is an
8 important thing. I overlooked that. Cookies were
9 commonly used by website maker to deposit what
10 they call a cookie on your computer. It's a
11 little electronic file. It's not spy software.
12 You know, it is harmless. But it tracks your
13 activity. So if you were looking at RV's, you may
14 have a cookie that would generate a website or a
15 pop up related to that.

16 If you happen to go to a pornographic
17 website by intentionally or unintentionally,
18 whether it was like typed in or redirected, they
19 almost always drop cookies on your computer. So
20 it's possible that you could get a pop up related
21 to that cookie at some other time.

22 Q Okay.

23 A And it was for shopping habits. And it
24 was really trying to -- your cookies might look
25 different than mine. I might like fishing. Pop

Agent David Givens-cross by Zelenka

1 ups or adds would be more closely related to
2 fishing than yours for golf.

3 Q Okay. And let me ask you a follow up
4 question. So when you get a pop up on the
5 computer, does that pop up image then go to the
6 temporary internet cash?

7 A If anything that shows up on your internet
8 explorer browser is cashed under temporary
9 internet file. Images whatever.

10 Q So on October 21st, when you went into the
11 internet cash and viewed the gallery files, all
12 those, let me, many of those images could be
13 reflected from those pop ups which were there.

14 A Well I didn't actually go into the
15 temporary internet files. I looked at a gallery.
16 Now what I did is when I noticed the images, some
17 pornographic images, I just happen to know that
18 they were in the temporary internet files.

19 Q Okay.

20 A Because I could have been looking at
21 images that were stored in a folder somewhere on a
22 desk top. But I'm able in the gallery to see
23 where those images were stored. It could be in,
24 like I said before, when I was talking about
25 unallocated versus allocated, well if it's in

Agent David Givens-cross by Zelenka

1 temporary internet files or if it's in a folder,
2 that's allocated space. So when it is in
3 unallocated space when it's been deleted, I cannot
4 tell where it came from. So I lose, it strips
5 off the path.

6 Q Okay.

7 A So I just made apparently in my notes, I
8 made mention that I found it. I think that's
9 probably what you were referring to; that I may
10 have found it in temporary files because they were
11 not deleted. And they were on, they just happened
12 to be in temporary internet files. And I just
13 notated that.

14 Q Okay.

15 A And I don't know that it really mattered.
16 It didn't matter to me at that point, I just
17 happened to mention it.

18 Q Okay. So those series of pop ups that are
19 coming, how do you get rid of the pop up?

20 A Well theoretically you can close it, x
21 them out, whatever you want to call it. Just
22 close them.

23 Q So you click it and another pop up would
24 come up, click it.

25 A It's possible. And then I have--

Agent David Givens-cross by Zelenka

1 Q Would you have to keep clicking until
2 you---

3 A Sometimes you can't get ahead of it. If
4 you're fast, you can get ahead of them, maybe
5 close them out. Sometimes it's just impossible.
6 Maybe you pretty much have to shut down internet
7 explorer. I have seen it where you couldn't even
8 shut down internet explorer. A hard reset which
9 is basically, turning it off.

10 Q Okay. So someone might need to have help,
11 assistance if they weren't able to get it off
12 their machine?

13 A Well when it pop ups real fast, it kind
14 of panics people. So I don't know what his level
15 of expertise was. I don't know what he was
16 comfortable with. So I wouldn't know.

17 Q Okay.

18 A It's pretty annoying, I know.

19 MR. ZELENKA: Court's Indulgence. Thank
20 you, Agent Givens. I have no further questions.

21 MR. TAYLOR: Very briefly.

22 THE COURT: Yes, sir.

23 Redirect Examination by Mr. Taylor:

24 Q Agent Givens, you were looking at this
25 one, I believe we are on the same one, that was

Agent David Givens-redirect by Taylor

1 showing all the redirects and things like that.

2 A Yes.

3 Q And we talked about this early. The ones
4 that are put into evidence, that show a URL.

5 A Uh-huh. (Affirmative.)

6 Q That meant someone had to purposely go to
7 that site. It wasn't a pop up; was it?

8 A Not the URL.

9 Q Okay.

10 A But it may -- and we didn't expand on that
11 earlier. There may a stacking effect with that,
12 so it's not like they're clicked anytime. It
13 could be several that were really the result of
14 one.

15 Q All right, for instance---

16 A But it's not a redirect.

17 Q For instance---

18 A You're still dealing with the same web
19 page.

20 Q Right.

21 A I think that was your question.

22 Q Yeah. I mean like; for instance, when you
23 saw the screen there with Awesome Ashley.com.

24 A Uh-huh. (Affirmative.)

25 Q Someone would have had to go to Awesome

Agent David Givens-redirect by Taylor

1 Ashley.com. And then it may have pulled up others
2 below.

3 A You would probably see Awesome Ashley with
4 some other stuff under it. It just depends on
5 how the web page was created. And what kind of
6 graphics and what they're intending to do. You
7 know, it could make other entries. And it will
8 be, you know, pretty quick.

9 Q But if it says URL it's not an accident.

10 A No, you had to click on something to get
11 that.

12 Q It's not somebody panicking with all these
13 pop ups.

14 A No, because you are closing it with when
15 the pop up comes up.

16 Q Right.

17 A Is that what you are talking about?

18 Q Yeah.

19 A That closing it would not cause that.

20 MR. TAYLOR: That's all the questions I
21 have.

22 MR. ZELENKA: I have just one follow up,
23 if I may be indulgenced just to...

24 Recross Examination by Mr. Zelenka:

25 Q When you brought up or when they brought

Agent David Givens-recross by Zelenka

1 up Awesome Ashley today, do we know that that's
2 the same photograph, the same web page that
3 existed in 2004?

4 A No, sir.

5 Q We don't know what was on that particular
6 website; do we?

7 A One thing that if I can add to that, it
8 might help clarify, I am not able to follow these
9 links while I am in case, because I am not
10 connected to the internet for evidence
11 preservation. So he was asking earlier if, and I
12 should have pointed that out, that if I clicked on
13 that internet history. That's why we don't use
14 internet history. I had no access to the
15 internet. That preserves the integrity of the
16 exam. So that's why we do it in the gallery form.
17 So I think that answered your questions.

18 Q And again, we don't know which individual
19 if any, would have had access to the computer at
20 any of these times; do we?

21 A I would never know.

22 Q It could have been more than one person.
23 It could have been one person.

24 A It could have been a group of people, I
25 don't know.

Agent David Givens-recross by Zelenka

1 MR. ZELENKA: Thank you.

2 THE COURT: You may step down.

3 A Thank you, sir.

4 MR. TAYLOR: Your Honor, we have
5 subpoenaed Agent Barton and Agent Givens. We can
6 release them.

7 THE COURT: Any objection from the state?

8 MR. ZELENKA: No objection.

9 MR. TAYLOR: Subject to needing them
10 later, but I don't anticipate it. I have their
11 cell numbers.

12 THE COURT: Thank you.

13 (Whereupon, the Court Breaks.)

14 MR. TAYLOR: We would call Jack Howle,
15 Your Honor.

16 Jack Delbert Howle, being first
17 duly sworn, testified as follows:

18 MR. TAYLOR: Your Honor, just a matter of
19 housekeeping. We had discussed at break. Neither
20 one of us offered a disk that Agent Givens was
21 testifying to. Neither one of us offered it into
22 evidence. We both want it in. I would offer it
23 in as Petitioner's Exhibit No. 8, I believe.

24 MR. ZELENKA: No objection.

25 (Disk offered Plaintiff's Exhibit No. 8

Agent David Givens-recross by Zelenka.

1 into evidence.)

2 THE CLERK: State your full name and spell
3 your last name.

4 A Jack Delbert Howle. H-O-W-L-E.

5 Direct Examination by Mr. Taylor:

6 Q Mr. Howle, what do you do for a living?

7 A I'm the chief public defender for the
8 Third Circuit.

9 Q And how long have you been the Third
10 Circuit public defender?

11 A Since it was created almost 5 years ago.
12 But I have been doing criminal defense work for 38
13 years.

14 Q And has your practice included folks or
15 individuals who are accused of a crime?

16 A Yes. Almost from day one; yes, sir.

17 Q And you represented Mr. Bryant in his
18 capital case; correct?

19 A Yes, sir, I did.

20 Q Was that the first capital case you have
21 ever been involved in?

22 A No, sir. I had two capital cases prior to
23 that.

24 Q I am just going to start from the
25 beginning. You were originally appointed with

Jack Howle-direct by Taylor

1 Mr. Babb; is that correct?

2 A That is correct.

3 Q But as public defender you got, I guess
4 the initial appointment, and began filing
5 discovery motions and things of that nature.

6 A Yes, sir.

7 Q I am going to ask you if you can just
8 identify these two documents.

9 A A Rule 5 and Brady motion in State versus
10 Stephen Bryant.

11 Q Were those executed by you and filed with
12 the clerk's office?

13 A Yes, sir. Signed by me and dated November
14 23, 2004.

15 Q So that was your again, Rule 5 and Brady
16 Motion that you filed and served on the solicitor.

17 A That's correct.

18 MR. TAYLOR: Your Honor, we would offer
19 those as Petitioner's 9 and 10.

20 THE COURT: What says the state?

21 MR. ZELENKA: No objection. Which is 9
22 and which is 10?

23 MR. TAYLOR: Rule 5 will be 9 and Brady
24 will be 10.

25 (Rule 5 and Brady marked Plaintiff's

Jack Howle-direct by Taylor

1 Exhibit Nos. 9 and 10.)

2 Q Now after you filed discovery motions and
3 I know a lot of this may seem elementary, after
4 all this was a capital case.

5 A Yes, sir.

6 Q When did you get the first response; do
7 you remember?

8 A Without the file in front of me, I cannot
9 recall. I may have received it in the first
10 incident report or other part of discovery.

11 Q Let me just ask you if you can identify
12 that.

13 A A Rule 5 disclosure dated May 7th 2007,
14 listing a number of items. Mr. Taylor, I assume
15 that this is a listing that came with discovery
16 that I received at that time.

17 MR. TAYLOR: Your Honor, we would offer
18 that as Petitioner's 10.

19 THE REPORTER: 11.

20 (Rule 5 Disclosure marked Plaintiff's
21 Exhibit No. 11 into evidence.)

22 Q Mr. Howle, when you received this Rule 5
23 disclosure from Solicitor Jackson, there was an
24 item, I guess, I would be 4-F dealing with Willard
25 Teitjen, do you see that?

Jack Howle-direct by Taylor

1 A Yes, sir.

2 Q And it notes a computer exam; do you see
3 that?

4 A Yes, sir.

5 Q All of those items listed and you believe
6 you received through discovery or have any reason
7 to believe you didn't?

8 A I don't recall at the time going through
9 this list and specifically seeing something that,
10 you know, obviously was not there. But we opened
11 up a number of individual file folders, and all
12 that had these. And then the rest of those as we
13 went along.

14 Q Does the disclosure from Solicitor Jackson
15 at that point mention a disclosure of internet
16 history?

17 A There is one F-1 that just says computer
18 exam.

19 Q Okay.

20 A Now I have no idea of just looking at the
21 computer internet history was the way it would
22 have been or should have been in that particular
23 item.

24 Q And do you remember seeing documents
25 marked as Petitioner's 2 in the investigative

Jack Howle-direct by Taylor

1 report?

2 A Independent recollection, I cannot say
3 that I actually saw this particular document.

4 Q Well let me shift gears a little bit.
5 Were you ever provided any reports of internet
6 history on computers for computer crime files from
7 sled?

8 A I do not recall that. As a matter of
9 fact, once the PCR action was filed and I pulled
10 my files and started going through things, I was
11 not aware and did not see anything to indicate
12 internet history.

13 Q Okay. And do you now know that
14 substantial amounts of pornography was located on
15 Mr. Teitjen's computer?

16 A That's what I understand.

17 Q Now there were a number of documents
18 entered into evidence here today, I'll just show
19 you 4, 5 and 6, which appear to be internet
20 history. Do you recall seeing anything like that
21 throughout the course of this case?

22 A No, sir. I never received any of this.

23 Q Okay. You would have had no idea that
24 sled had performed an internet history on this
25 computer and it showed pornography?

Jack Howle-direct by Taylor

1 A No, sir, not from a report of actual
2 internet history. If someone having gone through
3 and examined the computer and seen whether It had
4 it on there; no, sir.

5 Q Had you -- now you heard the statements
6 that Mr. Bryant made concerning pornography on the
7 computer.

8 A Yes, sir.

9 Q Had you had these documents we are looking
10 at here, the internet history and pornography or
11 an indication that somebody looked at, organized
12 on Mr. Teitjen's computer, would it have changed
13 how you operated at trial?

14 A Well as extensive as it seems to be, it
15 may have. And I was aware of some statements that
16 Corey had made in general about, just like the
17 note that they supposedly found afterwards about
18 him having looked at that. I will tell you this
19 one thing that Jim Babb and I talked about at
20 length was looking for something that may have
21 triggered the reaction whether it was an argument
22 or whatever it led up to the shooting itself.
23 What we had before us in the evidence and talking
24 to and looking discovery and everything else, was
25 the argument over masons seemed to us what

Jack Howle-direct by Taylor

1 triggered it.

2 If we had had this, would we have looked
3 more into Mr. Teitjen saying something about it or
4 him seeing something in the computer, we may have
5 been more apt to follow up on that. One thing I
6 will say, just like Lieutenant Barton said, there
7 was a statement I think made by Bryant's
8 girlfriend, that he was concerned -- she was
9 concerned because he had been looking at
10 pornography on his computer. And quite honestly,
11 I don't know if Jim and I discussed this at the
12 time. But if that were the case, and even if
13 there were pornography on here, it might be a
14 little harder to argue that that's the triggering
15 factor on it's own. But we would have certainly
16 gone through this and just seen how detailed it
17 was and what effect it may have had.

18 Q Well you certainly, you understand there
19 was an internet history done on his computer as
20 well; is that correct?

21 A That's correct.

22 Q Had you been provided that, that certainly
23 would have alleviated some concerns you had.

24 A Well it certainly would have shown there
25 was nothing to indicate there either on

Jack Howle-direct by Taylor

1 pornography.

2 Q Okay. Do you believe the nondisclosure of
3 these documents or computer files prejudiced Mr.
4 Bryant?

5 A Well like I say, as far as Jim and I
6 pursuing that stronger, I don't -- it may well
7 have. And the experts that would have looked at
8 that to see if that meant that they would have
9 asked him different questions or evaluated him
10 differently, his situation there may have changed.

11 Q Right. You believe it would have given
12 you the ability to present a different type case
13 in mitigation at sentencing? Based upon his
14 history.

15 A Well I don't know if you couple if, maybe
16 jump ahead here, Mr. Gause's comment how he saw
17 him that day and how disconnected he was and some
18 things like that, It may all work together to show
19 a personality that was more inclined to be
20 considered in mitigation.

21 Q And while we're on the issue of discovery,
22 were you aware prior to trial, that the allegedly
23 Sumter County Trip Mayes had had some contact with
24 Mr. Bryant when he was sort of in a disconnected
25 state?

Jack Howle-direct by Taylor

1 A No, sir. We had no prior knowledge of
2 that until he was first arrested, I guess.

3 Q And the state never disclosed anything of
4 that nature to you obviously.

5 A No, sir.

6 Q And let's back up here. Now Mr. Bryant
7 upon the advise of you and Mr. Babb ultimately
8 pled guilty; correct?

9 A That is correct.

10 Q Now I am going to show you a document.
11 This document is not dated, and it appears to be
12 signed by Mr. Bryant. It's called a Tender of
13 Guilty Plea, and ask if you can identify that.

14 A It certainly appears to be the Tender of
15 Guilty Plea that was presented to him.

16 Q And would that have been prepared by you
17 and or Mr. Babb?

18 A We discussed it at length. Mr. Babb
19 actually drew it up.

20 Q Okay.

21 A And we discussed it and presented it to
22 him.

23 MR. TAYLOR: Your Honor, we would offer
24 this as Petitioner's No. 12.

25 THE COURT: What says the state?

Jack Howle-direct by Taylor

1 MR. ZELENKA: No objection, Your Honor.

2 THE COURT: What is it?

3 MR. TAYLOR: It is a Tender of Guilty
4 Plea.

5 MR. ZELENKA: And underneath it says
6 reserving right to jury determination of
7 sentences.

8 (Tender of Guilty Plea marked Plaintiff's
9 No. 12 into evidence.)

10 Q Mr. Howle, what -- let me go ahead and get
11 them all into evidence. I ask you if you can
12 identify that.

13 A Yes, sir. This was a Tender of a Plea.
14 And I am not sure the last one we had, but one of
15 the last paragraphs in here in regards to where it
16 says inasmuch as, I would rather have an option of
17 pleading guilty and have a jury determine my
18 sentence since the State of South Carolina has
19 denied me an option over my objection, I have no
20 choice but to make my decision.

21 And that was something that Mr. Babb and I
22 talked about at length. And I am not sure if that
23 was actually in the first one.

24 Q Right.

25 A But once that determination was made that

Jack Howle-direct by Taylor

1 you couldn't go, you know, just plead and go
2 straight to the jury, if you just pled like that
3 and you go to the judge, that determination was
4 made and it was put in there. And he signed it
5 knowing that was the only choice available. And
6 if he pled, he went straight to the sentencing
7 phase.

8 Q And that was dated August 4th, I believe?

9 A Yes.

10 MR. TAYLOR: Your Honor, we would offer
11 that as Petitioner's 13.

12 THE COURT: What says the state?

13 (Tender of Plea marked Plaintiff's Exhibit
14 No. 13 into evidence.)

15 A Another Tender Plea signed by him on
16 August 9th, without having the other one in front
17 of me, I am not sure what changes or additions
18 were made between the two.

19 Q Do you need to look or is it?

20 A Let me see, I will try to read both of
21 them. I am not really sure what was changed on
22 here. I am not really sure looking at it, what
23 the change was, from the few days until he signed
24 the second one. It appears just looking at it
25 that they were virtually the same. So I don't

Jack Howle-direct by Taylor

1 know if Jim found grammatical in error in
2 something that he thought needed to be described
3 differently and changed it or not. But I don't
4 see anything from just reviewing it that appears
5 to be that different.

6 MR. TAYLOR: Your Honor, we would offer
7 the August 9th Tender of Guilty Plea as
8 Petitioner's 14.

9 MR. ZELENKA: No objection.

10 THE COURT: In without objection.

11 (Tender of Guilty Plea marked Plaintiff's
12 Exhibit No. 14 into evidence.)

13 Q Mr. Howle, what's the reasoning behind
14 preparing these documents?

15 A Well in discussing how we would proceed
16 with it, as we viewed the evidence and had some
17 docket reports and everything else, we felt that
18 the evidence itself had we went to trial before a
19 jury, that a determination of guilt would be
20 found. If you had gone to 4 or 5 days of the
21 state presenting that type of testimony and then
22 turned around and had another two or three days
23 from the same jury hearing the same circumstances,
24 we felt like that the likelihood of a death
25 penalty quite honestly, was going to be strong.

Jack Howle-direct by Taylor

1 That's why at first we looked at the possibility
2 of just pleading and going straight in to the
3 sentencing phase with just the jury. And when we
4 became aware that that could not be how it would
5 be. If he didn't plead, it was going to go before
6 the judge and not straight to a jury.

7 We discussed it at length, and made that
8 determination, but we wanted to make sure that
9 Corey understood every aspect of us doing that,
10 and what rights he had and what he was giving up
11 and everything else by pleading and then going
12 into the penalty phase.

13 Q I believe if I am correct, in those
14 documents or the team rather advised Mr. Bryant in
15 this situation, he was more likely to get life
16 from a judge than a jury.

17 A Well I understand the statistics that you
18 have related, and I showed that that's not the
19 case. I don't think we are relying on statistics
20 when you look at that. We were looking at the
21 evidence itself and simply felt that rather than
22 having the jury hear all of that twice, and some
23 situations quite honestly, the incidents with the
24 cigarettes, we just thought there was some things
25 there that a jury would find. I don't know if we

Jack Howle-direct by Taylor

1 hit home harder if we could kind of avoid that,
2 and go with the judge hearing it and hearing our
3 mitigation, because we felt very strongly that the
4 experts that we had would have helped Stephen in
5 regard to showing his personality and some
6 problems he had and things of that nature.

7 Q But you agree with me that the document
8 that he signs tells him that based -- upon the
9 basis of empirical and statistical research that
10 exists, he is informed and understands should he
11 plead innocent and be found guilty by a jury, that
12 there is an increase chance, i.e., statistically
13 significant correlation that he more likely be
14 subjected to a sentence by death by that jury than
15 he would if my previously made denied request to
16 plead guilty and have my sentence determined by a
17 jury be granted.

18 A That's the wording we put it in. It was
19 based on and Jim did extensive research on this.
20 And I like I say, I realize that you may have
21 found some statistics that goes against that. You
22 just have to ask Mr. Babb exactly what that refers
23 to, because he indicates that that's what he had
24 found what he was researching.

25 Q Fair enough. And did also, and we talked.

Jack Howle-direct by Taylor

1 about this in our meeting and telephone calls
2 that there was also some advice in here which
3 essentially told Mr. Bryant that if he pled or did
4 not plead guilty but went to trial and basically
5 told the jury he was guilty, that the state
6 wouldn't necessarily have to follow all the rules.
7 Do you remember that?

8 A The state wouldn't have to follow all the
9 rules?

10 Q Or that it would be harmless error. I
11 will show you the paragraph I am talking about
12 about.

13 A Okay.

14 Q I am going to talk about some of the
15 facts.

16 A Yes. Right and I think that statement was
17 made in the fact that if you are going to give a
18 statement directly to the jury and that says, yes,
19 I am guilty, I committed that offense. Then
20 obviously, it's going to be very hard for people
21 to pick up errors in a trial, because you are
22 saying if that error existed.

23 Q Uh-huh. (Affirmative.)

24 A Then you outright admitted you're guilty.
25 I think that's why that paragraph was put in

Jack Howle-direct by Taylor

1 there.

2 Q But if he understood it to mean the state
3 wouldn't necessarily have to follow all the rules,
4 that certainly wouldn't be a correct statement of
5 law; right? I mean everything wouldn't be
6 harmless error; would it?

7 A Well I mean I guess they would have just
8 said something so grotesque at the time. I mean
9 if the entire thing was going to be before the
10 jury, we knew the same jury was going to again
11 determine the sentencing and everything else. I
12 guess there are some things the state may, and I
13 don't know if we're talking about going ahead and
14 trying to do aggravation in that part before we
15 even get to sentencing phase or not. I think from
16 that statement about not following the rules; is
17 that, certain things that they might have been
18 able to say or if they had said that we would in
19 the normal situation could have raised as an
20 appellant issue may have lost its appellate value
21 at that point and time.

22 In that regard, you could say if they
23 didn't follow the rules, we couldn't point out
24 that they didn't follow the rule, because we would
25 have outright admitted our guilt.

Jack Howle-direct by Taylor

1 Q Okay. Well let's shift gears here. Now
2 Mr. Babb was original lead counsel; correct?

3 A Yes.

4 Q And who was the primary decision maker in
5 the early stage of the case?

6 A Jim had had some past case where I think
7 he had -- one of the experts in particular he had
8 worked with Marty Loring, Tommy Schwartz, and one
9 other person he had dealt with. So he got very
10 much involved with that. And quite honestly, Jim
11 had a good relationship with Mr. Bryant as far as
12 just talking, better than I had. Once Jim had had
13 some medical problems and had to get off of it,
14 he no longer made attorney decisions. We had Jim
15 simply with us during the trial, because we knew
16 that Corey felt very comfortable with him, and we
17 thought that would help him the sentencing face.

18 Q But primary, but previous to him becoming
19 ill, Mr. Babb was sort of carrying the load; is
20 that fair?

21 A Absolutely, yes, sir.

22 Q And when he became ill, he was replaced by
23 attorney John Clark; correct?

24 A Yes, sir.

25 Q And that was about 6 weeks prior to trial?

Jack Howle-direct by Taylor

1 A Unfortunately it was a fairly short period
2 of time.

3 Q Mr. Clark was appointed as lead counsel;
4 correct?

5 A Title wise, I think so.

6 Q Right. In effect you were, because you
7 had been in the case the entire time.

8 A Well I probably did more of what direct
9 and cross examination in that regard; yes, sir.

10 Q Now was Mr. Clark ever involved in the
11 decision with Mr. Bryant to plead guilty?

12 A Mr. Taylor, I don't know how well that was
13 already determined. I am looking at the last date
14 when the Tender of Guilty Plea was signed. And I
15 understand that wasn't until August he was already
16 involved in it at that point and time. So John
17 certainly knew what was presented to him and what
18 he was signing.

19 Q Right.

20 A And I don't recall him making any specific
21 reasons and questions about whether or not that
22 was a better course of action.

23 Q Did you ever have a conversation with
24 Mr. Clark about the decision to plead guilty?

25 A I can -- I cannot imagine I would not have

Jack Howle-direct by Taylor

1 discussed it with him, since he was like I say, on
2 board before that was finalized in regard to that.
3 But as far as remembering the exact conversation I
4 had with him, I cannot recall.

5 Q Was the decision to plead guilty already
6 made when he got involved in the case?

7 A Well I think as far as Jim and I were
8 concerned with what we knew the facts and the
9 medical reports, not the medical reports, so much
10 as the reports of the experts came back. We felt
11 that that was the better decision. Now I don't
12 know whether John just may have deferred to us
13 without going into great detail about it or not.
14 But it probably was largely made up to that point
15 before John got involved.

16 Q So you don't ever remember interjecting
17 any input as far as that decision is concerned.

18 A I don't recall questioning the decision.
19 I'd say we talked about certain aspects of it. I
20 don't recall John stating that he, you know, did
21 not like that decision or felt he should do
22 something differently.

23 Q Move on from that, do you remember at some
24 point and you and I discussed this, at some point
25 during the trial or actually in his closing,

Jack Howle-direct by Taylor

1 Solicitor Jackson imploring the judge to send a
2 community message?

3 A Yes, sir.

4 Q Did you object?

5 A I did not.

6 Q Okay. And you're aware that South
7 Carolina Courts generally don't favor that type of
8 closing argument in a capital cases?

9 A Oh, without a question. If this had been
10 argued before the jury, there is no question I
11 would have jumped up and checked it.

12 Q Sure.

13 A Here, Kelly is arguing directly to the
14 judge. And even if it should have been put on
15 the record to stand up and tell the judge to
16 please disregard what he just heard---

17 Q That's right.

18 A ---did not seem to be what I should have
19 done. And I don't think the judge gave heed to
20 Kelly's request for that. But now if it had been
21 argued before the jury without question, I would
22 have objected to it.

23 Q Sure. Now do you remember just prior to
24 the sentencing, the state asked the court to allow
25 Mr. Ammons, Mr. Burgess and a victim's advocate to

Jack Howle-direct by Taylor

1 address the court.

2 A Yes, sir.

3 Q Now Mr. Ammons was the victim of one of
4 the property crimes; correct?

5 A Yes.

6 Q And Mr. Burgess was the brother of one of
7 the victims; correct?

8 A I think so, I am not sure.

9 Q Okay. And I think the victim's advocate
10 had spoken with some other folks.

11 A Yes.

12 Q Did you object to this?

13 A I do not believe I did.

14 Q Were you permitted to cross examine these
15 folks?

16 A No, sir. Because this was -- the state
17 had rested and we had rested.

18 Q But the state was in effect offering
19 additional impact testimony that you had no right
20 to cross examine or confront; correct?

21 A Well that's true. And I think probably
22 how I looked at it at the time was, if we were
23 standing up to plea, the victims can certainly
24 stand up and tell the judge why this person should
25 go to jail or whatever they are saying. And maybe

Jack Howle-direct by Taylor

1 this had more of an impact then we realized. But
2 the judge heard both sides. Corey had already
3 pled, and he had determined the sentence. He was
4 just virtually asking some of the victims if they
5 wanted to say something similar to a plea. But at
6 the time did it not seem as significant to me as
7 maybe it does when you look at it later.

8 Q Certainly. Now at some point we do know
9 after both parties had rested their cases, you
10 were contacted by Mr. Edward Gause. Do you
11 remember that?

12 A He did not call me direct. We did find
13 out about it the next day when we went before the
14 judge or before we reconvened. And just kind
15 of -- Judge Russo basically said well I was going
16 to bring that up myself, because he called my
17 house and spoke to my wife. Which obviously was
18 very unusual to say the least.

19 Q Sure.

20 A And he just put on the record that he told
21 him not to tell him anything the person said. And
22 on the record Judge Russo and I had a conversation
23 about it and he raised it. And what we wanted to
24 do is try to have the case reopened to allow Mr.
25 Gause to come and testify to what he had to say.

Jack Howle-direct by Taylor

1 And Judge Russo made a few comments in regard to
2 he didn't know what he said or anything else. But
3 did not let us reopen the case to put Mr. Gause on
4 the stand.

5 Q Did you have any idea of the substance of
6 the testimony at that point?

7 A We knew that part of the substance was the
8 concern about how he seemed to be kind of, I don't
9 want to say spaced out, but how he was. Because
10 we understood from what he told Mr. Gause that was
11 when Mr. Gause walked over to the police officer
12 and said you need to talk to this guy, something
13 is going on here.

14 Q So you knew that this witness that
15 heretofore had not come forward, and now come
16 forward and said that he had seen Mr. Bryant
17 before the murders and that he was in a bizarre
18 mental state?

19 A Basically that's what we understood
20 Mr. Gause's testifying would be. It was only a
21 day or two after that, that we actually had an
22 investigator talk to him and get a transcript of
23 the statement that pretty much stated that.

24 Q And you told Judge Russo that.

25 A And I am sure I told him this man had

Jack Howle-direct by Taylor

1 testimony that I thought would impact in regard to
2 his---

3 Q In mitigation.

4 A Yes, sir, in mitigation.

5 Q Did, and I believe you told me you made
6 the motion to reopen the case; correct?

7 A Yes.

8 Q Did you ask Judge Russo if you could
9 proffer the evidence?

10 A I am not absolutely certain. I think the
11 record would certainly state whether or not we
12 offered a proffer. Like I say, at that point and
13 time, I hadn't and Jim hadn't directly talked to
14 the guy. I mean, it's almost like we are
15 proffering what we think he will say.

16 Q Right.

17 A And I don't know if that effected us as
18 far as making a direct proffer and put on the
19 record actually what Mr. Gause would say.

20 Q But the judge didn't say but you can
21 proffer it for appellate purposes or whatever.

22 A No, sir.

23 Q He said too bad, end of the game.

24 A That's basically what he said; yes, sir.

25 Q And after speaking to this witness, you

Jack Howle-direct by Taylor

1 know, or having your investigator speak to him and
2 get a statement from him, would you consider his
3 testimony to be important?

4 A I did.

5 Q Why is that?

6 A Well I think it showed a certain frame of
7 mind that, because like I said, presenting the
8 case itself is this triggering element of what
9 would have caused an argument between Corey and
10 Mr. Teitjen that could have led to his death. We
11 were relying very heavily on this argument that
12 the masons; did not really have all the
13 information in regard to properly put forth an
14 argument with the pornography that was there.
15 But if the judge could have seen that maybe he was
16 not very coherent, or he was saying some things
17 that were really very odd. This was about a month
18 or so before the death. And I would have had no
19 idea what impact that would have had on the judge,
20 but he would certainly have had evidence as much
21 as a month before, Mr. Bryant was acting very
22 irrational, I could guess you could say.

23 MR. TAYLOR: Okay. Mr. Howle, that's all
24 the questions I have. Please answer anything the
25 state may have.

Jack Howle-direct by Taylor

1 Cross Examination by Ms. Brown:

2 Q Mr. Howle, I want to go back a little bit
3 on what you said on direct about the internet
4 history. In talking about the lack of internet
5 history, you didn't know about that at the time.
6 You mentioned something about discussions on a
7 trigger theory; is that correct?

8 A Yes.

9 Q And your theory had to do with some of the
10 masonic overtones to that?

11 A Yes, ma'am.

12 Q Where did that come from?

13 A I think some of these either the statement
14 that I had seen earlier that Corey had made, or
15 either some discussions he had with Mr. Babb went
16 directly to some conversation in regard to the
17 masons. And almost like a little argument that
18 came out of that.

19 Q And do you recall the argument? What
20 happened in the argument? If there was a physical
21 altercation?

22 A No, other than the statement that I think
23 was read earlier when he was leaving the room,
24 about getting hit in the back of the head. I
25 don't know if that's how that altercation ended up

Jack Howle-cross by Brown

1 directly from there.

2 Q Well when you had conversations with your
3 client, what did your client tell you about what
4 happened? What was the trigger for your client?

5 A Well what I recall it was certainly more
6 of the argument they had over that. I don't
7 recall any specific statements that Corey made to
8 me; that we got in argument over it or not.

9 Q Did you talk to your client about
10 pornography?

11 A Like I said, Jim was much better one on
12 one with him. I think he trusted Jim. He felt
13 more comfortable with him. So Jim may be able to
14 relate some conversation he directly had with the
15 pornography. I do not recall any straight and
16 definite conversation I had with Corey about the
17 pornography.

18 Q Do you recall at the Teitjen murder scene;
19 that there were several messages?

20 A I recall and understand one of the
21 messages was related to the pornography.

22 Q So that would have been something you
23 would have reviewed, letters from the scene; is
24 that correct?

25 A Yes, ma'am.

Jack Howle-cross by Brown

1 Q So you would have had some concept that
2 there was some kind of pornography tied in at some
3 point.

4 A Right. Well like I said, we were aware
5 that there was a pornography issue, if you will.
6 But again, I think the fact that there was some
7 other statements that may have come in in regard
8 to whether or not whether his girlfriend would
9 have testified and not only about concerning
10 pornography he was seeing. It would seem the
11 pornography argument was a little weaker. And I
12 think that's why we stayed with the mason
13 argument. We felt that that was much more of a
14 trigger than the other one. We didn't really know
15 where the other one was going to go. And of
16 course, I didn't see an extensive amount of
17 pornography that was on the computer. I don't
18 know whether that would have changed our tactics
19 in regards to that or not.

20 Q Okay, well you did mention the extensive
21 amount. The fact was prior to the murder, this
22 extensive history was prior to the murder, would
23 that have effected your evaluation of the value of
24 that?

25 A Well I didn't have the disk, but even if

Jack Howle-cross by Brown

1 we had just like this time argument in here today,
2 I don't know if we would have known. We might
3 have been running with the time that was the day
4 before. I don't know how all of that would have
5 fallen out if we had pursued that.

6 Q Okay. Let me ask you, from the statements
7 that you reviewed from your client and in speaking
8 with your client, isn't it true that this masonic
9 overtone to the trigger was the consistent story
10 that you were given?

11 A I felt it was; yes, ma'am.

12 Q It was not pornography.

13 A Like I say, I just don't remember
14 pornography being a driving force. I realize
15 there was comments made. And I realize the note
16 that was left. But I never really viewed the
17 pornography is what would have led to an
18 altercation of that kind.

19 Q And I want to step back even further.
20 We've got not just a note on pornography. But we
21 also have the note at the scene about the prowler.
22 We have to catch him -- catch him if you can. But
23 this was not the first murder that you were
24 looking at; was it?

25 A Well he was charged with several other

Jack Howle-cross by Brown

1 offenses. And we were looking at, I don't know if
2 you want to say a pattern or something. But we
3 were looking at other statements and things that
4 have come out, and these other things that could
5 explain the behavior I guess.

6 Q And isn't it true that the gun that was
7 recovered from your client matched in all of the
8 murders?

9 A I am not absolutely sure it was in all of
10 them. But I know it was in more than one for
11 certain.

12 Q Does that not support a series of killings
13 by one individual?

14 A I think all that had, to be honest, had to
15 do with us talking about a plea and going from
16 there, which we would have rather have presented
17 to a jury rather to the single judge. But some of
18 these other factors could have come out in the
19 trial; that I think the jury heard all of it. I
20 just think that he would been found guilty. We
21 didn't even think that was really a question to be
22 honest with you.

23 And then it has got to be a matter of, do
24 you want to have this same jury hear all of this
25 stuff twice. Or if you would just like to do the

Jack Howle-cross by Brown

1 plea and go right into mitigation and let the
2 judge be hearing that; as well as, what we thought
3 our experts could say that was really going to be
4 really helpful to Corey. And we thought there was
5 a better course of action.

6 Q So if I understand correctly, is it a fair
7 statement that you're looking at the evidence as a
8 whole, the three murders, all the evidence of
9 malice aforethought, the use of the gun
10 consistency, the prowler information, all of this
11 comes in together. And you are not focusing just
12 on one possible trigger theory for one possible
13 murder in making your decision to recommend a
14 plea.

15 A That's probably a fair statement. I mean,
16 if you look at your client's involvement in the
17 other cases and see if there is something that can
18 help him with this, or if there is something that
19 is going to be cumulative that's going to work
20 against him.

21 Q Let's go back to Mr. Edward Gause. Now
22 how did you initially receive the information from
23 Mr. Gause; do you recall?

24 A It seems like we got a phone call, but It
25 wasn't from Mr. Gause. At that point and time, I

Jack Howle-cross by Brown

1 am not sure in that initial hearing of it, if we
2 knew that he had actually called the judge's
3 house. But we became aware after he was arrested
4 that that this statement had been made. And
5 immediately began to try to find Mr. Gause so we
6 could talk to him. And like I say, within a few
7 days the investigator had actually talked with
8 him, and we had a transcript of that conversation.

9 Q If I may show you something and see if you
10 can identify this document. I wonder if you could
11 identify that document, sir.

12 A It's a memorandum dated the 12th of
13 September. Apparently a memorandum taken by Carly
14 Spivey, who is the office manager, indicating that
15 Mr. Gause had come to the office.

16 Q Can you identify the handwriting on that
17 document?

18 A It's not mine.

19 Q Mr. Howle, is this the document you relied
20 on in making your representation to Judge Russo?

21 A Without question, because Mr. Gause had
22 come there and I don't know if this is a
23 conversation he actually had with her, but she
24 put it in the memorandum and just stating
25 basically what he had seen.

Jack Howle-cross by Brown

1 Q So the information you had was simply a
2 message on an answering machine received. Was it
3 received after hours or?

4 A Well the note doesn't say. Because this
5 right here says upon arrival to the office today,
6 a man named Edward Gause had left a message.
7 Apparently the entire conversation was a message
8 left on the machine. He didn't actually come in
9 to the office. To this day, I have never met and
10 talked directly to Mr. Gause.

11 Q Okay. Let me ask you to hold on to that
12 for just a moment, if I can. When you made the
13 representation to Judge Russo that there was a
14 possibility you needed to talk to Mr. Gause, had
15 you at that point seen anyone from your office
16 locate Mr. Gause?

17 A We had investigators started looking at
18 it. There was a phone number here, and I know we
19 went back through that number. But part of the
20 message that Mr. Gause indicated that when he
21 wasn't able to get in touch directly with us,
22 that's when he called Judge Russo's wife and
23 actually spoke with her. Judge Russo indicated
24 during the trial that he specifically told her
25 when she said that he was on line, when she talked

Jack Howle-cross by Brown

1 to him. He did not speak to me; don't tell me
2 anything about it.

3 Q Okay. Did you -- what did you do to
4 secure Mr. Gause's statement after that document?

5 A Well it was transcribed. You know, the
6 conversation that John Davis the investigator had.

7 Q Okay. And that would have been the
8 September 15th statement; is that your
9 recollection?

10 A I don't what the date of the transcribed
11 statement is.

12 Q Okay. Do you know why there would have
13 been a four day delay between the sentencing and
14 the statement?

15 A I was obtaining a statement.

16 Q Was there any difficulty in locating
17 Mr. Gause?

18 A I think there was. I am not sure, you
19 know, what it was. But I know Mr. Davis was
20 trying to get a hold of him and get that statement
21 as quickly as he could.

22 Q And what if anything did you want to do,
23 once you received that statement?

24 A Pardon me?

25 Q What did you want to do with the statement

Jack Howle-cross by Brown

1 when you received it?

2 A Well of course that was already after the
3 sentencing, but sent on appeal it would have been
4 raised as an issue.

5 Q And is it fair to say that Mr. Gause is
6 informing you that he seems to remember a young
7 man in some kind of mental distress?

8 A Yes, because the statement that he left or
9 stated was that Stephen made several statements in
10 a drug induced manner about crazy thoughts going
11 through his head; he was going to do something.
12 And he said I think I need help. And I think that
13 was one thing he emphasized. When John Davis
14 talked to him a numbers of times, he kept saying,
15 I need help.

16 Q But isn't it true that you had testimony
17 at sentencing that Mr. Bryant had been seeking
18 help a month prior to the murders?

19 A I think there was some testimony to that
20 effect.

21 Q Do you remember a probation agent
22 testifying to it?

23 A No, ma'am, I don't remember who.

24 Q Do you remember a reference to Healthy
25 Minds?

Jack Howle-cross by Brown

1 A Someone referring to him to go there?

2 Q Yes, sir.

3 A It seems like there was something in
4 regard to seeking help, and he may not have done.

5 Q So you were aware, and your experts were
6 aware that Mr. Bryant had some issues, a self
7 purported issues prior to the murders and was
8 seeking?

9 A Well from the statement, we certainly had
10 indications that he prior to the murders, someone
11 thought these actions and he was making were
12 definitely very unusual.

13 Q If we separated, Mr. Howle, I didn't cut
14 you off; did I?

15 A That's fine.

16 Q If we separate, Mr. Howle, and you take
17 out Mr. Gause's statement, you had prior to trial
18 from the probation had to do with the mitigation
19 and possible abuse as a child. This is no abuse
20 statement in Mr. Gause's statement.

21 A No, no. And we definitely had some other
22 testimony in regard to mitigation along those
23 lines. No question about that.

24 Q And you were saying earlier about your
25 advice about going to trial. Did you think

Jack Howle-cross by Brown

1 Mr. Bryant, understood that the state was relieved
2 of it's burden in some way? Did you have more
3 than one conversation with Mr. Bryant about waiver
4 of right to trial and pleading guilty?

5 A I'm certain we talked several times about
6 it. We wouldn't have three or four consent to
7 plea documents if it were not. Because we were
8 having conversations back and forth.

9 Q Well can you tell us a little bit about
10 that? Was he engaged in asking questions? Did he
11 have something that he wanted you to answer that
12 you wouldn't answer?

13 A Well I didn't talk to him when I just, you
14 know, and looked at him and said I am not going to
15 answer that. Probably one reason that we had
16 this same document done two or three times was
17 just verifying if you will, that he did understand
18 what we were doing by pleading and going forward
19 that way, rather than just going through a trial
20 with a jury and then if he were found guilty the
21 jury determined the sentence.

22 Q So it's fair to say this was a back and
23 forth process. This was not in any way a summary
24 process.

25 A No. And like I say, Mr. Babb talked to

Jack Howle-cross by Brown

1 him more than I did in that regard. As a matter
2 of fact on my computer now, I still have a file, a
3 Bryant file, where I have nearly 300 e-mails from
4 Jim Babb. And he would mail them in the middle of
5 night when he would think about something that
6 maybe you all talked about this to Corey or
7 whatever else.

8 So and quite honestly, this agreement,
9 this plea agreement was Jim's work product as far
10 putting it together. We researched it very
11 carefully before we came up with it. But there is
12 no question that we had talked. We both talked.
13 But Jim certainly talked with him more than I had
14 in regard to everything that's contained within
15 that document.

16 Q Okay, Mr. Howle. If I approach. I would
17 like to see if you can identify another document
18 for me.

19 A Yes, ma'am.

20 Q In summary fashion, who is that letter
21 for?

22 A Well at this point and time, Jim was, I
23 don't think he was no longer involved in regard to
24 advising Corey or really talked with him. This is
25 a letter I sent to Corey dated August 11th 2008.

Jack Howle-cross by Brown

1 They spoke at length about the plea coming up on
2 the 18th. We signed the plea sheets and make sure
3 you understand the exact proceeding. And the next
4 several paragraphs I kind of went through, you
5 know, what the judge would ask him in regard to
6 this.

7 I told him I appreciate his cooperation
8 with Dr. Malikien this past Saturday. Helped
9 response in regard to all the questions were well
10 thought out. You better to plea to these offenses
11 is what you clearly indicated you want to do.
12 John and I will see you on the morning of the
13 18th, to answer any questions you have before we
14 go to court.

15 Some of it's just a letter out to
16 everything that had been signed. John and I were
17 going to court. I just wanted to reassure him,
18 and make sure he did understand. I kind of
19 rehashed everything that was presented in that
20 agreement.

21 Q So it's fair to say after the plea tenders
22 were signed, you were still communicating and
23 making sure everything was understood to the best
24 of your ability. And that if he had any
25 questions he could ask you.

Jack Howle-cross by Brown

1 A Yes, ma'am.

2 Q And that never changed up to the plea; did
3 it?

4 A No, ma'am.

5 MS. BROWN: We would like to move the
6 letter in as Respondent's Exhibit No. 1, please.

7 THE COURT: Any objection?

8 MR. TAYLOR: No objection.

9 THE COURT: In without objection.

10 (Letter marked Defendant's Exhibit No. 1
11 into evidence.)

12 Q Now you mentioned just a minute ago about
13 Mr. Babb had done a good bit of work on this case.
14 Isn't it true that you wanted Mr. Babb to stay on
15 the case? All through the case up until the
16 sentence was imposed.

17 A Yes, but not as counsel for him. We
18 realized that in view of the request to be
19 withdrawn and John was appointed, we did ask him
20 to sit at the table with us. He did not do any of
21 the cross examination, direct or anything else.
22 What it was for purposes we felt Corey would feel
23 more comfortable with Jim there. Just like I
24 said, John had just very recently got on it. And
25 had just felt like he would be more at ease if Jim

Jack Howle-cross by Brown

1 was at the table.

2 Q In your opinion did Mr. Babb adhere to
3 that?

4 A Of not---

5 Q Interfering with your representation?

6 A He did.

7 Q Did you have any concerns that perhaps you
8 were not being heard on Mr. Babb's request?

9 A Once that determination was made and Jim
10 got off the case, Jim did not indicate he was
11 opposed to how John or I were approaching the case
12 or what we were presenting at that time.

13 Q And do you recall meeting with your
14 client, yourself and Mr. Clark about the plea
15 negotiation and about the plea agreement prior to
16 August 2008?

17 A Let me see, I was trying to see. It was
18 signed August 4th. I am not sure when the other
19 one was signed. So prior to those two dates, I
20 know John and I had talked to him. And at the end
21 of my letter on the 12th, we again stated that we
22 would be in in the morning to answer any questions
23 that he may still have in regard to those plea
24 agreements.

25 Q What was your impression with in

Jack Howle-cross by Brown

1 relationship between your client and Mr. Clark?

2 A Well I mean John was very professional and
3 spoke with him. I mean, without question, he had
4 not been there for Corey to feel as comfortable
5 with him as it would if somebody had been there
6 for months and months. But Corey never indicated
7 to me or never said anything that he felt
8 uncomfortable with John. John certainly spoke
9 with him and discussed things with him as well.

10 Q And do you believe that you answered
11 Mr. Bryant's questions about the plea and about
12 mitigation to the best of your ability?

13 A Yes, ma'am.

14 MS. BROWN: Court's indulgence please.

15 Q Just a few more questions. Mr. Howle, do
16 you remember Carlisle McNair?

17 A I do recall a conversation with him, but
18 I---

19 Q Okay. Is it fair to say he was helping
20 you with the investigation in this case?

21 A Yes, ma'am.

22 Q If I may approach. This document, I would
23 ask to see if you can identify that for us.

24 A It is a memorandum that was sent to us
25 from Lamere Graham in regard to asking sled for

Jack Howle-cross by Brown

1 some information in regard to, I guess, to be able
2 to understand what he was looking at. And
3 indicated that one person wasn't there. Another
4 guy said I can't talk to you about that. So I
5 guess he didn't really get the answer to his
6 question.

7 Q So your investigator reported to you by
8 way of memorandum that he spoke to someone at sled
9 and asked for them explain the computer examine
10 report?

11 A That's the memorandum says.

12 Q So you were looking into the computer
13 examination to some extent; is that correct?

14 A Yes, that's true.

15 Q Do you have any recollection of why you
16 would have stopped the investigation at this
17 point?

18 A Well I don't know if we stopped the
19 investigation as such, because I mean he didn't
20 get some of his questions here. They advised him
21 he had to contact the county sheriff with the
22 questions. But you know my understanding was the
23 solicitor's office did not have the disk that had
24 some of the information on it that has now been
25 printed out. So I don't---

Jack Howle-cross by Brown

1 Q But you did send your investigator to
2 sled?

3 A Yes, ma'am. According to his memorandum.

4 Q And I also wanted to ask you about your
5 comments on Mr. Ammons, Mr. Burgess, and the
6 victim advocate in speaking. If I understood you
7 correctly, you said that that's kind of a general
8 plea style; is that correct?

9 A I said it's not -- it's certainly not
10 unusual at all when you plead someone, that the
11 judge allows the victims to say something if they
12 want to.

13 Q Right.

14 A And here we already pled to start off
15 with. And I realize that to determine the
16 sentence itself but, you know, they asked if they
17 could make some comments and the judge allowed it.

18 Q These were not capital proceedings on
19 these particular counts.

20 A Well I certainly understand that.

21 Q They were just normal non-capital counts
22 before the judge. The judge asked the victims if
23 they wanted to say something. Is that why you did
24 not object?

25 A Well the offenses that were involved there

Jack Howle-cross by Brown

1 were not murder. I mean I have some of the other
2 victims of the murders he was charged with. If
3 they had gotten up there and wanted to go into
4 that, then I figured that would have been much
5 more objectionable if they would have said
6 something. I just guess we did not view them
7 testifying or wanted -- not testifying, to make
8 statements about the burglary or whatever else
9 having that kind of impact on his sentence.

10 Q Did you talk to about maybe requesting
11 cross examination in the proceeding even though
12 these were non capital counts?

13 A You mean these people that stood up there?

14 Q Yes, sir.

15 A No.

16 Q You didn't think about it?

17 A I did not care to cross examine to tell
18 you the truth. I didn't see where that had any
19 bearing.

20 MS. BROWN: Court's indulgence please,
21 sir.

22 Q Mr. Howle, when we were talking about the
23 defendant's statements, I just want to make sure I
24 understand. Do you recall the notes and
25 everything left at the murder scene reviewing that

Jack Howle-cross by Brown

1 at the Teitjen murder scene; right?

2 A I am sure I reviewed that.

3 Q And are you aware of the statements that
4 Mr. Bryant gave to sled officers in October of
5 2004? October 13th, two statements?

6 A I mean, I think there were several
7 statements given. I am not sure which -- what
8 exactly are you saying that you are referring to?

9 Q Do you remember a statement given to Pam
10 Crawford and the interview Pam Crawford?

11 A I did.

12 Q Well I think the sled agent referred to
13 some of those when he was out there.

14 A Yes, sir.

15 Q Do you remember an interview by
16 Dr. Schwartz-Watts also going over the elements of
17 the crime? If you remember all those, what I want
18 to ask is, if you received copies of all that in
19 disclosure and discovery disclosure?

20 A As I sit here right now, I cannot recall
21 every document I either received or did not
22 receive in regard to each one of those. But
23 certainly the experts we got gave us reports. And
24 we had conversations with them so we would know
25 what they were saying on what they found.

- Jack Howle-cross by Brown

1 MS. BROWN: Mr. Howle, thank you very
2 much. No further questions, Your Honor.

3 MR. TAYLOR: Very briefly on redirect.

4 Redirect Examination by Mr. Taylor:

5 Q Mr. Howle, the attorney general was asking
6 you about the pornography and her questioning
7 seemed to indicate had you had it -- or your
8 testimony was, it wouldn't have effected your
9 decision to plea; correct?

10 A No, I don't think it would have effected
11 our decision to plea.

12 Q It certainly would have been used in
13 mitigation.

14 A Yes, sir, I think so.

15 Q Now you mentioned that it just didn't
16 occur to you to object to the other folks to
17 testify or address the court at sentencing; that
18 you probably would have had one of them been
19 dealing with murder; correct?

20 A Yes, sir.

21 Q Do you understand that it was Mr. Burgess
22 that stood up and spoke of his brother on one of
23 the murder victims, Christopher Burgess, I
24 believe?

25 A I understand that's what you are telling

Jack Howle-redirect by Taylor

1 me.

2 Q You didn't object to that one.

3 A No.

4 Q And as far as other witnesses testifying,
5 did you find it strange that Judge Russo would
6 have accepted other witnesses to testify at
7 sentencing, but yet not allow you to reopen at all
8 to bring in one witness in mitigation?

9 A Yes, I did find that unusual. And even
10 the memorandum that my secretary typed when this
11 phone call came in from Mr. Gause. And again,
12 this is the judge's wife, indicated her husband
13 did not speak with him, and that he could calm
14 down because defendant's always have the right to
15 appeal. And if that was done in this case he
16 would have an opportunity to testify on his behalf
17 at that time. And when I read that, of course,
18 that's the judge's wife talking not the judge.

19 Q Yes.

20 A But when I read that and to be honest with
21 you, when we asked to have it reopened so we could
22 put his testimony up, I don't think any of us had
23 any idea the judge was not going to do that. And
24 I just honestly don't know what the real reason
25 was for him not allowing us to put the testimony

Jack Howle-redirect by Taylor

1 up.

2 Q And as far as your investigator trying to
3 talk to the folks at sled about the computer
4 analysis, sort of implied here that you had some
5 burden here to keep looking for that. Is that
6 your understanding how discovery works?

7 A Yes.

8 Q But that's not how discovery works; is it?
9 The burden is on the state to produce it to you;
10 correct?

11 A And I understand the solicitor himself may
12 not have had that disk either so.

13 Q But certainly someone in law enforcement
14 as we now know, South Carolina Law Division had
15 the internet history but did not provide it.

16 A Apparently so, yes.

17 MR. TAYLOR: That's all the questions I
18 have.

19 MS. BROWN: Your Honor, if I may, just a
20 few questions.

21 THE COURT: Okay.

22 Recross Examination by Ms. Brown:

23 Q Mr. Howle, you just said you wouldn't
24 necessarily use the pornography information in the
25 plea and the decision to plea, but you would use

Jack Howle-recross by Brown

1 it in mitigation. Can you tell us how you would
2 use it in mitigation, sir?

3 A Well if we were looking for, like I say,
4 what we were concentrating on was the trigger;
5 what may have caused the argument. And I don't
6 know either if all this in front of us, we have
7 started going through that and looked at the
8 pornography argument closer. If we would have
9 felt that that would be a stronger trigger, if you
10 will, to present to the judge in mitigation to
11 show that this wasn't just we got in a little
12 argument and how we acted crazily or overreacted
13 that it may have been something much more personal
14 or much more -- something that would affect him
15 much more because of his past history or whatever.
16 Link it with what Mr. Gause said and may have
17 said, and it may have been a stronger trigger than
18 the argument on the masons.

19 Q But isn't it true to make that argument,
20 sir, that you would have to somehow deal with
21 every statement that your client has given that
22 pornography did not factor in as a trigger to the
23 killing? And that would be the two statements to
24 sleed in October 13th of 2004, the statement to Pam
25 Crawford and the statement to Donna

Jack Howle-recross by Brown

1 Schwartz-Watts?

2 A Well there's no question. There's
3 conflicting, you know, just like the note that was
4 left there. You got that on one side and you got
5 some of this other stuff on the other side, so.

6 Q Yes, sir.

7 A And you would have to just really have
8 gone through that and see. Just like one of the
9 things that we discussed was this time element as
10 to whether all the sites were just on the day or
11 the day before whatever. I mean all of that may
12 have had a totally different. Because the day
13 before may have nothing to do whatsoever with it.
14 Because all of that day and while they were both
15 there, looked at it together or whatever, I don't
16 where it would have gone. But if we had all of
17 that we may have looked at it differently.

18 Q And the statement from Mr. Gause, did
19 Mr. Gause ever indicate he had spoken to law
20 enforcement to you?

21 A His statement indicated that he called a
22 police officer over, Trip Mays, and they had some
23 discussion in regard to the man's conduct.

24 Q And did you ever contact Mr. Mays, or
25 Sergeant Mays, that you recall?

Jack Howle-recross by Brown

1 A I'm -- it seemed like John Davis did. I
2 know we don't have a typed out transcript like if
3 there was like we do for Mr. Gause.

4 MS. BROWN: Thank you, Mr. Howle. No
5 further questions, Your Honor.

6 THE COURT: Thank you. You can step down.
7 Have you all got a witness you can get up and down
8 in 8 minutes?

9 MR. TAYLOR: Have we done anything in 8
10 minutes?

11 THE COURT: Well is there any reason why
12 we shouldn't stop for the day then? Unless you
13 have some witness that can't be here tomorrow.

14 MR. TAYLOR: Your Honor, we would like to
15 address, I guess, another housekeeping item. To
16 be very brief, I apologize, Your Honor, I had my
17 hands on it and I lost it. This is discovery.
18 This is page 705 of the transcript. It appears
19 and there was a discovery order at some point
20 where Judge Russo signed ordering everything to be
21 turned over. If there is something the solicitor
22 has a concern about, he can turn it over to Judge
23 Russo, then he would review it and decide whether
24 it needed to be turned over.

25 Well apparently according to this

Jack Howle-recross by Brown

1 statement, there was some documents turned over to
2 the court. I have searched the clerk's file.
3 There is nothing there under seal. We just don't
4 know what the issue was with them; where they are.
5 Obviously South Carolina law is clear, we cannot
6 depose or otherwise interview Judge Russo. That's
7 in the in re: Whetstone case. We don't know what
8 happened. It says, the court said what you handed
9 over to the court is what you handed over to them;
10 right. And Mr. Jackson says and what we did
11 legally, we have fully complied. And Mr. Jackson
12 said Your Honor, that is some of the stuff we
13 handed over to the court, I believe, last
14 December.

15 We are sort of at a loss here. There is
16 nothing in the court file that I can find. I
17 don't know if the attorney general knows something
18 about it that would flesh out when Mr. Jackson
19 testifies. But I think he and I may have
20 discussed it. I know Mr. Jackson has been very
21 forthright. Anytime I've needed to talk to him he
22 spoke to me. And, Your Honor, it may be something
23 perfectly innocent, which we didn't know. And
24 there was nothing under seal and no other mention
25 of it, period.

Jack Howle-recross by Brown

1 Mr. Jackson and I, we talked about, there
2 may have been something but I am not sure exactly
3 what it was and if It got turned over. We're just
4 trying to make sure we covered everything. Didn't
5 know if the attorney general could shed some light
6 on it.

7 MR. ZELENKA: We actually can't discuss
8 specifically with any of it other Solicitor
9 Jackson's recollection. At this time we're not
10 aware of anything specifically under seal in the
11 clerk's office file either. Or in the files as
12 they are currently represented in the solicitor's
13 office.

14 THE COURT: Well the record on page 705
15 says that something was given to him, or just a
16 hearing was held.

17 MR. TAYLOR: It said this is Mr. Jackson.
18 Mr. Jackson says: To my knowledge, there is not
19 any items that has anything mitigating it. There
20 is nothing exculpatory about it. Well that's in
21 all due respect, that's not necessarily your call.
22 Mr. Jackson: I understand, Your Honor. And
23 that's some of the stuff we handed over to the
24 court I believe last December. The Court: You
25 hand over to the court what you handed over to

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1 them; right. And Mr. Jackson says: And what we
2 didn't and what we didn't. I am not sure exactly
3 what that means. And he says we believe we have
4 fully complied. And I don't know if there was
5 anything left in the court's possession or not.

6 THE COURT: But the judge did not say that
7 he would review any documents and get back to him.
8 He didn't say that.

9 MR. TAYLOR: No, sir.

10 THE COURT: Basically their contention was
11 we complied with discovery, we gave them
12 everything. And we don't have anything for you to
13 review. So the state -- I mean, defense never
14 made a claim that there is something out there
15 that they are entitled to. And the solicitor
16 said, no, we don't feel it's discoverable under
17 Rule 5 or Brady. And the judge hears it and you
18 decide if it is discoverable. None of those words
19 were said.

20 MR. TAYLOR: No, sir. Not that we see.

21 THE COURT: Okay.

22 MR. TAYLOR: Just out an abundance of
23 precaution, we wanted to address the issue because
24 we did -- I did come over last week and look in
25 the court's file to see if there is anything in

Jack Howle-recross by Brown

1 there, and I didn't see anything. Just out of an
2 abundance of precaution, I just wanted that
3 brought to the court's attention.

4 THE COURT: Well I understand, unless you
5 can find something. Even though the defense
6 counsel or the solicitor has something in their
7 recollection that was actually turned into the
8 court, and if he does, maybe he knows what it is
9 and has a copy of it.

10 MR. TAYLOR: I had spoken to Solicitor
11 Jackson, and he said the same thing he said today.
12 I just wanted to make sure, because obviously as
13 you see today, there were some things produced
14 here that were not given to Solicitor Jackson. He
15 didn't know about. And I wanted to just make sure
16 we covered everything.

17 THE COURT: What time did you all want to
18 start back in the morning? How -- let me ask you
19 something. How many days do you think we are
20 going to be here? And I'm not rushing you. I'm
21 just trying to get a feel.

22 MR. TAYLOR: Probably Wednesday. I have
23 Mr. Gause to put in the morning. He should be
24 very short.

25 MR. ZELENKA: Let me speak to counsel just

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1 a moment.

2 THE COURT: Sure.

3 MR. ZELENKA: Thank you, Judge.

4 THE COURT: Okay. 9:30 okay with everybody?

5 MR. ZELENKA: 9:30.

6 THE COURT: Okay, see you at 9:30.

7 (Whereupon, the trial commences at 9:30 a.m. on
8 Tuesday, October 2, 2012.)

9 MS. TAYLOR: Your Honor, at this time we
10 would call Edward L. Gause.

11 THE CLERK: State your full name and spell
12 your last name for the record.

13 A Edward L. Gause, Jr. G-A-U-S-E.

14 DIRECT EXAMINATION by Mr. Taylor:

15 Q Mr. Gause, where do you live?

16 A A. J. Court.

17 Q Here in Sumter County?

18 A Yes, sir.

19 Q What do you do for a living?

20 A I am retired from Sumter County.

21 Q How long did you work for Sumter County?

22 A 17 years.

23 Q And I believe in our discussion, you told
24 me you also were in law enforcement.

25 A Yes. It was Charleston.

Edward Gause-direct by Taylor

1 Q Deputy sheriff down there?

2 A No, just a city police officer.

3 Q Police officer, okay. Now, Mr. Gause, in
4 September of 2008, during Mr. Bryant's sentencing,
5 do you remember trying to contact Judge Russo and
6 the public defender's office?

7 A Yes, I did.

8 Q Why did you do that?

9 A Well when I -- when the gentleman, I saw
10 his picture in the paper.

11 Q When you say the gentleman, you mean Mr.
12 Bryant?

13 A Right, yes..

14 Q Okay. I saw his picture in the paper and
15 that's when I realized that he had approached me.
16 And the time frame, I can't remember. But anyway
17 he had approached me. And when he walked -- well
18 what happened, I was on my way to Food Lion, and
19 I noticed him. This was on old Manning Road. He
20 was sitting outside on the road. It looked like
21 he was playing in the sand. And as soon as I went
22 by---

23 Q When you say playing in the sand, like a
24 child?

25 A Well he was sitting down with no shirt on.

Edward Gause-direct by Taylor

1 He was sitting down on beside of the edge of the
2 road. It looked like he was playing, you know,
3 just in the sand doing something.

4 Q Like a child would do at the beach or
5 something?

6 A Right.

7 Q Okay.

8 A So I went on to Food Lion and picked up a
9 few things. And when I came back, I pulled into
10 Food Lion, I mean, Young's to get some gas. And
11 when I did, he walked over to me and said, are
12 you the man I am supposed to see. And I looked at
13 him and I said, no. As far as I know, I've never
14 seen the young man before. I said I don't know
15 you. I said who are you supposed to see. He said
16 I am supposed to see a man. I said well I don't
17 know who you are supposed to see. It's not me. I
18 said, can I help you. I thought maybe he needed
19 some money or something.

20 And he says, he said man, I need some
21 help. I am messed up. I said what do you mean.
22 He said, man, I am having all kind of weird
23 thoughts. I said what kind of weird thoughts. He
24 never would tell me. All he would say is man, I
25 am screwed up. I am messed up, and I am having

Edward Gause-direct by Taylor

1 weird thoughts. And said I need some help. I
2 said buddy, I said, I don't know. The way you are
3 talking, the only thing I know to tell you is to
4 just pray and ask God to help you.

5 And by that time, I looked over at Young's
6 at the door, and I saw Trip Mayes, a deputy I
7 knew. So I said well let's walk over there and
8 talk to this deputy. So I carried him over to the
9 deputy. So I left him with the deputy and I went
10 inside. And the best I can remember, when I came
11 out, he was walking off. I knew he was walking
12 off with some girls. And they were fussing at
13 him. And as a matter of fact, one of them even
14 slapped him. And they walked off. And I asked
15 Trip, I said what are you going to do. And he
16 said, man he is all screwed up in his mind.

17 And so that's where we left out at the
18 last. For awhile I, you know, after that I just
19 went on home and went on about my business. I
20 never thought anymore about it.

21 Q And you believe that was about a month
22 before the homicides in this case?

23 A I am thinking somewhere along in that
24 time.

25 Q And what did you do after that?

Edward Gause-direct by Taylor

1 A Well, I never, like I say, I never thought
2 anymore about it until I started seeing him in the
3 paper. And the next time I saw Trip Mayes, I said
4 Trip, do you remember that boy we were talking to
5 at Young's. He said, yeah. I said that's the
6 dude that killed them people do you remember. And
7 Trip said, yeah, I remember. And that's as far
8 as, you know.

9 Q Now what made you come forward, Mr. Gause?

10 A Well when I saw his picture in the paper,
11 you know, I saw all those things going on. But I
12 hadn't realized it was him until I saw him in
13 full color on the front page. I said, I told my
14 wife that's the young boy that was talking to me
15 at Young's. I said he said he was all screwed up.
16 And so that's, I just felt like I needed to do
17 something. So I tried to get in touch with that
18 judge and his wife, I think. Anyway, someone
19 referred me over to John Davis, which was an
20 investigator over there when I gave him the
21 report.

22 And I just felt like I needed to help the
23 boy. He asked for help. When I saw him like
24 that, I said man, you know, I don't know, it just,
25 it just felt heavy on my heart because I didn't

Edward Gause-direct by Taylor

1 help him. Even those people, you know, that died,
2 I just felt guilty because of it. I didn't know
3 what else to do.

4 Q Okay. Now so we are clear here, you are
5 not somebody that's against the death penalty or
6 anything like that.

7 A No, sir. I am for it. I am for the death
8 penalty.

9 Q Okay. So you're not somebody that is
10 sitting at home and made something up to try to
11 get somebody off the hook.

12 A No, I have better things to do; no.

13 Q Okay. And I believe you told me that, you
14 know, what you read, he might deserve the death
15 penalty. But you felt like you needed to come
16 forward and present this to the court so they
17 would be able to make a fair decision.

18 A That's right.

19 Q Okay. Now do you have any relationship
20 with Mr. Bryant?

21 A None whatsoever.

22 Q Any relationship with anybody in him
23 family?

24 A No, sir.

25 Q Ever seen anybody or talked to anybody in

Edward Gause-direct by Taylor

1 his family that made you come forward?

2 A No, sir.

3 Q Okay. Before that day at Young's, you had
4 never seen this man?

5 A No, sir.

6 MR. TAYLOR: Thank you. That's all the
7 questions I have. Please answer any questions the
8 attorney general may have.

9 Cross Examination by Ms. Brown:

10 Q Good morning, Mr. Gause.

11 A Good morning.

12 Q I want to ask you a little bit about when
13 you saw this young man at Young's. You said he
14 had no shirt on when you saw him.

15 A No shirt.

16 Q And how close was he to you?

17 A Well he was sitting right beside the road
18 when I came by.

19 Q Okay.

20 A He was sitting right at the edge of the
21 road.

22 Q And when you came back by, you stopped at
23 Young's?

24 A Yes, ma'am.

25 Q That's when he approached you?

Edward Gause-cross by Brown

- 1 A Right. Uh-huh. (affirmative.)
- 2 Q And how close was he at that point?
- 3 A Oh, this close.
- 4 Q Did he still not have a shirt on?
- 5 A No shirt.
- 6 Q Did he have shoes on?
- 7 A No shoes.
- 8 Q Let me ask you, did he tell you how he got
- 9 to the convenience store or anything like that?
- 10 A No, ma'am.
- 11 Q Okay. And when you were going past the
- 12 convenience store, you were approaching Young's.
- 13 You went past it and went to Food Lion then you
- 14 came back.
- 15 A Right.
- 16 Q So is it fair to say you saw some of the
- 17 roadway before Young's and after Young's?
- 18 A Yes.
- 19 Q Did you see any blue truck anywhere along
- 20 there?
- 21 A A what?
- 22 Q A blue truck, a blue pickup truck pulled
- 23 off to the side of the road?
- 24 A Not that I remember; no, ma'am.
- 25 Q Did you ever see a blue pickup truck in

Edward Gause-cross by Brown

1 the convenience store parking lot?

2 A I can't remember; no, ma'am.

3 Q Okay. When this young man approached you
4 after you stopped at Young's, did he act
5 aggressive in any way?

6 A No. He was just -- I mean he was just
7 kind of wild-eyed. And like, like you know, just
8 agitated. You know, I mean I need help, I am
9 weird. I am having weird thoughts, man.

10 Q And he never explained what these weird
11 thoughts.

12 A No, ma'am. He never would say. I asked
13 him, I said, what kind of thoughts. He just said
14 weird thoughts, man.

15 Q Did he explain anything about his thought
16 process, racing thoughts or not being able to
17 connect ideas?

18 A No, ma'am.

19 Q Were you scared of him in any way?

20 A No, ma'am.

21 Q Did you see a weapon of any kind around?

22 A No, ma'am.

23 Q Okay. Well let's go back. You said he
24 looked kind of wild-eyed.

25 A Right, you know.

Edward Gause-cross by Brown

1 Q I mean did he have a glassy look to his
2 eyes, or could you tell anything like that?

3 A No, I wouldn't say glassy look. Like I
4 say, he was just agitated and just upset it seemed
5 like to me.

6 Q Okay. Did you see any kind of rapid eye
7 movement, anything that you could tell us about
8 his physical appearance?

9 A No, ma'am. Maybe something like a cold
10 stare at times.

11 Q Cold stare. Any shaking of the hands or
12 something like that?

13 A No, ma'am.

14 Q Did you detect a smell of alcohol?

15 A No, ma'am.

16 Q How about a smell of marijuana or
17 something that would be a distinct odor?

18 A No, ma'am.

19 Q How tall was he?

20 A How tall?

21 Q Yes, sir.

22 A I couldn't tell you. It seemed to me
23 like he was a little shorter than me maybe.

24 Q A little shorter than you?

25 A At the time.

Edward Gause-cross by Brown

1 Q And this is, when you stopped at Young's
2 and the man has approached you, how close would
3 you say he was to you?

4 A Right there. Just like right there.

5 Q Real close. And he didn't have a shirt on
6 the second time either.

7 A No, ma'am. Uh-uh. (Negative.)

8 Q Did you see any tattoos?

9 A I beg your pardon?

10 Q Did you see any tattoos?

11 A I didn't notice any. The only thing I
12 noticed about the little fellow he was muscular
13 built. Because at the time, I was working out
14 myself. I just noticed that, you know.

15 Q But nothing distinguishing, no tattoos or
16 moles or something that you can say, I can
17 recognize that.

18 A No. Uh-huh. (Negative.)

19 Q How about facial hair? Do you remember?

20 A No, the best of my remembrance he was
21 clean shaven.

22 Q Let me ask you, you said when you came out
23 of the store after you had kind of turned things
24 over to the officer, you saw a couple of women?
25 How many women?

Edward Gause-cross by Brown

1 A I think there were three or four young
2 girls.

3 Q Three---

4 A And they were talking with him.

5 Q And you---

6 A As a matter of fact, they were taking him
7 away from Trip Mayes at that time.

8 Q And could you tell if they were young?

9 A Yes, ma'am.

10 Q Okay. Let me ask you. You're pretty sure
11 you saw Officer Mayes at the Young's convenience
12 store?

13 A Yes, ma'am. Absolutely.

14 Q And you're pretty sure that you connected
15 Mr. Bryant after you saw a picture in the paper;
16 is that correct?

17 A Yes, ma'am. No doubt.

18 Q Would you help me with the time line a
19 little bit? When is the first time you saw this
20 picture?

21 A I can't really say. Honestly I can't.

22 Q Okay. Well after the arrest in this case,
23 was there some indication in the newspaper about
24 the arrest and that's what caused you to talk to
25 Mr. Mayes?

Edward Gause-cross by Brown

1 A No just his -- just his, when I recognized
2 him. I mean, you know, I am not good with names
3 but I remember a face. I remember a face.

4 Q Okay.

5 A And that, you know, him in particular,
6 because of the way things were.

7 Q Okay. Well help me to understand this. I
8 thought you said on direct that you talked to Mr.
9 Mayes after the arrest, after the newspaper
10 announced.

11 A Yes, this was some time later after the
12 court was going on.

13 Q And you connected this young man at
14 Young's with Bryant at that time. So we are
15 talking around October 2004?

16 A Yes, ma'am. I think that was about.

17 Q Okay. Why didn't you go to a public
18 defender at that point?

19 A Because I talked -- I tried to get in
20 touch with the judge, because if I remember
21 correctly, this was the day or maybe the day of
22 the sentencing. And I tried to find out who the
23 judge was because I saw it in the paper. So we
24 went and tried to get in touch with him, and I
25 ended up talking with his wife.

Edward Gause-cross by Brown

1 Q Sir, I was wondering about the initial
2 point when you first heard about the murders and
3 you connected Mr. Bryant with this young man back
4 in 2004, why didn't you go to the public defender
5 at that time?

6 A That's what I am saying really. I didn't
7 really connect that young man---

8 Q Oh, I see.

9 A ---until after the day of the sentencing.
10 Whenever I saw his picture in the paper.

11 Q Okay.

12 A And It was in color. I said, you know,
13 this is him. This is the guy.

14 Q Okay. Do you remember giving a statement
15 to Mr. John Davis on September 15th of 2008?

16 A Yes, ma'am.

17 Q Do you remember telling Mr. Davis at that
18 point that you actually recognized Mr. Bryant's
19 picture when the case was going to be tried or the
20 plea was going to be entered, and you thought
21 that you should do something at that point?

22 A I just, like I say, I am not sure on the
23 time now, I can't say.

24 Q Yes, sir. Okay.

25 A Like I say, when I fully recognized and

Edward Gause-cross by Brown

1 knew it was him, was when I saw his picture in
2 color.

3 Q And that was immediately before
4 sentencing?

5 A Right. Uh-huh. (Affirmative.) Yes,
6 ma'am.

7 Q And you called the judge first or the
8 public defender first?

9 A I called the judge.

10 Q And you called the public defender on
11 advice or?

12 A I went to see him. I know John, I worked
13 with him at the county.

14 Q Okay. Did you call the solicitor?

15 A No, ma'am. I didn't know what to do.
16 I've never run across a situation like this.

17 Q Did you call anybody else? Sergeant Mayes
18 or anybody else?

19 A No, just those two.

20 MS. BROWN: Court's indulgence, please.

21 Q Mr. Gause, if I could ask one more thing.
22 I am still a little unclear. Under your direct
23 testimony, I thought I understood you had two
24 conversations with Sergeant Mayes. Am I incorrect
25 about that?

Edward Gause-cross by Brown

1 A No, you are right.

2 Q You had two.

3 A One at Young's, and one a while later when
4 I recognized him in the paper. I told Trip about
5 it. This may have been when I talked to Trip.
6 That may have been after the sentencing. I am not
7 sure of the time frame.

8 Q Okay. But you only remembered the picture
9 in the newspaper at the time of sentencing; is
10 that correct?

11 A I think it was the day before or either
12 that day. I believe it was the day before. And I
13 tried to get in touch with the judge that next
14 day.

15 Q Yes, sir.

16 A Let's see the the time frame, excuse me.
17 I mean I could be off a little here. I am not
18 very good at remembering anymore.

19 Q Did you talk to any other officers at all
20 about this?

21 A No, ma'am.

22 MS. BROWN: Those are all the questions.
23 Thank you, Mr. Gause. I appreciate it. Nothing
24 further.

25 MR. TAYLOR: We ask that Mr. Gause be

Edward Gause-cross by Brown

1 excused from the subpoena.

2 MS. BROWN: Nothing further.

3 THE COURT: Thank you, sir.

4 MS. ARMSTRONG: Your Honor, may it please
5 the court, the Petitioner calls James Babb to the
6 stand.

7 THE COURT: Okay.

8 James Babb, being first
9 duly sworn, testified as follows:

10 THE CLERK: State your name and spell your
11 last for the record?

12 A James H. Babb. B-A-B-B.

13 DIRECT EXAMINATION by Ms. Brown:

14 Q Good morning, Mr. Babb, how are you?

15 A Fine, thank you.

16 Q Mr. Babb, can you briefly describe your
17 occupation? What you do for a living?

18 A I am retired at the time. I used to
19 practice law.

20 Q When did you start practicing law?

21 A Private practice 1994. February of 94.

22 Q When were you admitted to practice law?

23 A 1980.

24 Q What did you do for the ten years before
25 private practice?

Jim Babb-direct by Armstrong

1 A Criminal defense.

2 Q And so in 1994, you started practicing in
3 private practice. And what were your areas of
4 expertise?

5 A Primarily criminal.

6 Q Was that here Sumter?

7 A It was.

8 Q You always practiced in Sumter County?

9 A I was in private practice in Sumter.

10 Q How long did you practice law until you
11 retired?

12 A 14, 15 years.

13 Q I am not great with math so that would be
14 about 2009?

15 A 2008.

16 Q 2008?

17 A 2008.

18 Q Now during that time, were you an attorney
19 for the Petitioner in this case Stephen Corey
20 Bryant?

21 A I was.

22 Q When did you first meet with Mr. Bryant?

23 A He had been arrested and charged. Nine
24 months to a year went by. He was notified with
25 the death penalty. I had a conversation with Jack

Jim Babb-direct by Armstrong

1 Howle who represented him on the Sumter County
2 charges. I told Jack my name was next on the
3 appointment list.

4 Q That would be for capital cases?

5 A Capital cases. If he wanted me to, I
6 would be happy to work with him on the case. And
7 it was at that point that I went to meet
8 Mr. Bryant to make sure he and I could get along
9 and I would be willing to represent him.

10 Q Okay. And that would have been shortly
11 after Mr. Bryant's arrest in October of 04?

12 A No, ma'am. It was after he was noticed,
13 given notice of the death penalty.

14 Q Oh, I'm sorry. Do you have an
15 approximate time frame?

16 A It would be ten, 12 months after that,
17 after his arrest.

18 Q So somewhere in neighborhood of October of
19 05?

20 A Probably closer to mid summer.

21 Q And at that point, was he already
22 represented by Mr. Howle?

23 A Correct.

24 Q Okay. Because of the public defender
25 system?

Jim Babb-direct by Armstrong

1 A Correct.

2 Q Okay. And you knew your number was up.

3 You were next person on the capital case.

4 A There hadn't been a death penalty case in

5 Sumter County since the list was put together

6 other than the one I was already on and knew who

7 was at the top.

8 Q And that was you?

9 A Correct.

10 Q So you met with Mr. Bryant and after the
11 initial meeting, what were your thoughts on being
12 able to represent him?

13 A I felt like I could.

14 Q Okay. So how would you describe your
15 relationship with Mr. Bryant once you started
16 representing him?

17 A We kept an overall a pretty good
18 relationship. There was a rough time or two when
19 he became psychotic during part of that; not
20 competent to stand trial. But he had been
21 medicated and things picked back up. But by and
22 large, we got along okay. Mr. Bryant was a little
23 unusual. He would tell me he could see auras
24 around people. So some people he just didn't like
25 to start with. He asked me about mine, and he

Jim Babb-direct by Armstrong

1 said he only saw good things.

2 Q So did you sort of early identify, when
3 did you identify mental health as an issue in this
4 case?

5 A As soon as I read the case file.

6 Q So sort of right out of the gate, you sort
7 of knew that mental health issues were going to be
8 significant.

9 A Yes, ma'am.

10 Q And when were you actually appointed as
11 first chair? Do you remember approximately?

12 A No, it would have been between summer and
13 fall.

14 Q So at some point in 2005, after you met
15 with him, your number did in fact come up as the
16 person on the capital list to be appointed?

17 A 2005 sounds like the wrong year. It
18 would be whatever it was.

19 Q Okay.

20 A I represented him a year, a year half. So
21 I am thinking it may have been 2006, but I may
22 have my years off.

23 Q Okay. We will let the court file speak to
24 that. But it was appointed. Bottom line---

25 A Yeah, it was in the record. There would

Jim Babb-direct by Armstrong

1 be an order of appointment.

2 Q Okay. So once you were appointed as lead
3 counsel, what did you do? How did you start with
4 this case?

5 A Well I mean, kind of like any case. First
6 thing you tend to do even before you talk to your
7 clients, file your discovery motions.

8 Q Okay.

9 A And then of course I meet with the client.
10 Go over the statutory charges or other charges. I
11 would make sure he understands the elements the
12 state would have to prove. I would make sure that
13 he understood the possible punishments. And I
14 would walk him through what a trial would be like
15 and explain all the constitutional rights; as well
16 as, what happens if you plead guilty. Just to
17 make sure, you know, they knew when we do that.
18 First thing out of the box so to speak, and then
19 come back to that if it was going to be a plea.

20 Since it was a death penalty case, at the
21 time, I was on the board of directors of the South
22 Carolina Criminal Defense Lawyer's Association. I
23 was also a member of the National Criminal Defense
24 Lawyer's Association. We were going to have a
25 seminar, CLE type seminar in that San Francisco

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1 that fall. And one of the panels, or I should a
2 section, it was kind of a unique thing the
3 association would put together. They would bring
4 in national experts to take people who had limited
5 numbers of individuals representing folks charged
6 with the death penalty, on notice that the state
7 would be seeking the dealt penalty. We all signed
8 confidentiality agreements to talk through these
9 so. So essentially that convention, I spent that
10 time with, you know, some fairly distinguishable
11 people. You know both from South Carolina as well
12 nationally. There were other attorneys that
13 attended from South Carolina. Jim Bannister, Sims
14 Culbertson.

15 Q So you got the discovery, and you went
16 over what the charges were with Mr. Bryant.

17 A It took awhile to get the discovery.
18 There was no discovery in the file.

19 Q Okay.

20 A When I first came on board I don't think
21 discovery was made until the case was about a year
22 old. And it was after the notice of the death
23 penalty.

24 Q Do you remember discovery or getting
25 discovery being an issue?

Jim Babb-direct by Armstrong

1 A It frequently is in most cases. I know in
2 this one that some things I got, I got by going to
3 the public defender in Richland County. Because
4 when I compared it, those weren't included in the
5 materials I received from the state in Sumter
6 County. It kind of trickled along. Of course, I
7 talked with the officers as well about it on their
8 investigation in this case.

9 Q Okay.

10 A Because eventually I did get an order
11 compelling discovery and requiring if anything is
12 not turned over, to be submitted to the judge.
13 The judge would decide or make a ruling in camera,
14 an ex parte in camera ruling whether it was
15 discoverable. And then we were provided that,
16 anything he felt wasn't, the prosecution the state
17 had, was to be placed in the file under seal for
18 purposes of appellate review, PCR.

19 Q By Ms. Armstrong) Your Honor, may I approach
20 the witness?

21 A Yes.

22 Q Mr. Babb, I am handing you what is going
23 to be marked as Petitioner's 15. Can you identify
24 that document?

25 A And I would say May 29th 2007, in a letter

Jim Babb-direct by Armstrong

1 addressed to Mr. Jackson as solicitor of the Third
2 Judicial Circuit, bearing my signature on it.

3 Q And you don't need to read it word for
4 word, but essentially what is the purpose of that
5 letter?

6 A Well let me read it so I can tell you.
7 But it says I have reviewed 1,021 pages of
8 discovery that was given to Mr. Howle on the 8th
9 day of May 2007. Some two and a half years after
10 the arrest of Mr. Bryant. I told him I must
11 advise in all candor, that I am most seriously
12 concerned that your office has been and is
13 continuously less than forthcoming. Finally
14 convinced him that their compliance with Rule 5,
15 Brady, Rules of professional conduct. Asked him
16 to do so before the close of business Friday, June
17 1, 2007. And realized I would have no option but
18 to seek such relief as may be available.

19 MS. ARMSTRONG: Your Honor, I would like
20 to admit this as Petitioner's No. 15.

21 (Letter marked Plaintiff's Exhibit No. 15
22 into evidence.)

23 THE COURT: What says the state?

24 MS. BROWN: No objection.

25 THE COURT: Okay. It's in without

Jim Babb-direct by Armstrong

1 objection.

2 MS. ARMSTRONG: No objection.

3 Q Mr. Babb, I believe you referenced getting
4 an order of discovery.

5 A Yes. I know I did that.

6 MS. ARMSTRONG: May I approach the
7 witness?

8 THE COURT: Yes, ma'am.

9 Q Mr. Babb, I am showing you what is
10 Petitioner's Exhibit No. 16. Would you mind
11 reviewing that document?

12 A Certainly. It's a 7 page motion for an
13 order of discovery in a capital case. The capital
14 case being the State of South Carolina versus
15 Stephen Corey Bryant. 2006-GS-43-699. And it
16 bears my signature. And it's dated May 29th 2007.

17 Q Was that order signed by the judge, that
18 being Judge Russo?

19 A Well this is a motion to compel.

20 Q Oh, I am sorry.

21 A It bears my signature.

22 Q Okay. So you are seeking an order of
23 discovery in May of 2007?

24 A Right. I tended to put all my motions in
25 writing so that, you know, I know what I said.

Jim Babb-direct by Armstrong

1 And the record would know what I said.

2 MS. ARMSTRONG: Your Honor, at this time,
3 we would move to admit the motion for order of
4 discovery in the capital case reported May 29th
5 2007, as Petitioner's 16.

6 THE COURT: What says the state?

7 MR. BROWN: No objection, Your Honor.

8 THE COURT: In without objection.

9 (Motion to compel marked Plaintiff's
10 Exhibit No. 16 without objection.

11 Q Mr. Babb, I showed you your own motion.
12 At some point do you recall the judge issuing an
13 order?

14 A Yes, ma'am.

15 MS. ARMSTRONG: May I approach the
16 witness, Your Honor.

17 Q Mr. Babb, I am handing you what is
18 purposed as Petitioner's 17. Can you identify
19 that document.

20 A Yes, ma'am. It's an order of discovery in
21 the capital case Docket No. 2006-GS-43-699. State
22 of South Carolina versus Stephen Corey Bryant. It
23 was recorded November 5th 2007. It was signed by
24 Judge Thomas A. Russo. That's the judge who was
25 given exclusive jurisdiction over the case. And

Jim Babb-direct by Armstrong

1 he appointed me to represent Mr. Bryant. And it
2 is signed October 30th 2007, in Florence, South
3 Carolina.

4 Q All right.

5 A And it consists of three pages.

6 Q What provisions did the judge require the
7 state to comply with pursuant to that three page
8 order?

9 A Just a moment, please. It provided all
10 state and local agencies or entities and all law
11 enforcement agencies personnel forthwith in no
12 event later than 20 days from the date of the
13 order, to disclose and make known to the
14 solicitor's office, any and all information and
15 the materials known relevant to the proceeding of
16 prior charges against the defendant. And the
17 sentence hearing sought to be imposed upon him,
18 which the prosecution or any law enforcement
19 entity or agency or included thereof is aware,
20 should be aware or could have become or made aware
21 to exercise due diligence. That's Kyles vs.
22 Whitley release.

23 Q Yes, sir. What about materials? Does
24 the order address what happens to materials the
25 solicitor or law enforcement agencies decide is

Jim Babb-direct by Armstrong

1 non-discoverable?

2 A It does. And that's the provision 106.
3 The second provision was any and all information,
4 material knowledge which the prosecution and the
5 state locally with the law enforcement agency, may
6 have concluded, believes, considers, not relevant
7 or exculpatory or otherwise not discoverable shall
8 be disclosed or made available to the court within
9 25 days of the date of this order for purposes of
10 an in camera review and an independent
11 determination by the court as to relevance and
12 requirement for production and disclosure; i.e.,
13 discoverability. If the court determines any such
14 information, materials and knowledge discoverable,
15 the prosecution shall forthwith disclose and
16 produce the same to defense. If the court
17 determines any such information, material and
18 knowledge not discoverable, the same shall be
19 placed under seal and made available to the
20 defense following the trial for purposes of
21 appeal. The prosecution shall therein fully
22 cooperate with the disclosed and provide all
23 relevant discovery within 30 days of the date of
24 the order. On the record a discovery conference
25 shall be convened by the court at its convenience

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1 on or about 45 days following the date of the
2 order. And all parties of the receipt of this
3 order, are hereby forewarned as to any intentional
4 violation of the hearing requirements of these
5 orders may and can result in appropriate
6 sanctions; included, but not limited to, receiving
7 contempt or dismissal of inventories.

8 MR. ARMSTRONG: Thank you. Your Honor,
9 the petitioner would move the order of discovery
10 in the capital case marked, excuse me, dated,
11 November 5th 2007, into evidence as Petitioner's
12 Exhibit 17.

13 MS. BROWN: No objection, Your Honor.

14 THE COURT: Okay. It's in evidence.

15 (Order of discovery marked Plaintiff's
16 Exhibit No. 17 into evidence.)

17 Q And after that order of discovery was
18 issued in November of 2007, what kind of response
19 did you get?

20 A To be honest, I don't recall. I mean
21 things came. Obviously at the time I wrote the
22 letter to the solicitor, I reviewed 1,021 pages of
23 discovery. I know we received a number of things
24 in different formats, because some of it, you
25 know, I had to convert to digital. In other

Jim Babb-direct by Armstrong

1 words, it might be a VHS tape or it might be a,
2 what do you call it, you know, it's audio, but
3 it's not digital.

4 Q It's a tape.

5 A It's a tape, but it is not in digital
6 format. So I would convert those digitals so it
7 can stored on a hard drive. And then you put them
8 on a CDR's and DVD'S.

9 Q Okay.

10 A More easily I could disseminate it better.

11 Q I got you. So you had this order that was
12 pretty all encompassing if you have it, you have
13 anything, you can give it if it's discoverable, or
14 you show it to me and I will decide.

15 A And it's my intent in seeking the order.

16 Q Okay. And you got that order.

17 A I got that order.

18 Q Okay. And you got discovery.

19 A Yeah, I have had some.

20 Q Okay. And you continue to get some.

21 A And I believe I got more than that, yes.

22 Q Well let me ask you this. Did you ever as
23 part of your investigation phase of this case, and
24 the discovery phase of this case, did you ever
25 receive anything from the law enforcement

Jim Babb-direct by Armstrong

1 divisions related to the discovery of pornography
2 on the computers, either the Gateway or the Acer
3 computers? There were two computers that belonged
4 to the Teitjen household, did you ever receive any
5 information or discovery that there was
6 pornography on those computers?

7 A No, ma'am.

8 Q Do you remember being interested or
9 wanting to get a hold of any such information if
10 it were there?

11 A Yes, Mr. Bryant had made allusions or
12 allegations that, you know, that was part and
13 parcel of his interchanges leading up to the death
14 of Mr. Teitjen. There were number of things that
15 were kind of strange about the case. I think if I
16 am recalling correctly, all the victims, their
17 pants were unzipped.

18 I spoke with Jamie Turner who is the,
19 Captain Turner, of course, I don't think he was
20 captain at the time of the arrest. He was sort of
21 the chief investigator on the thing. And I recall
22 I had a discussion with Jamie, Captain Turner,
23 about the fact that, you know, pants were
24 unzipped. Did they find any signs that, you know,
25 my client had molested or abused people in any

Jim Babb-direct by Armstrong

1 way.

2 Q Okay.

3 A He told me no. I asked him about
4 allegation of participation of other people in one
5 or more crimes. He said they had followed up on
6 that and didn't find anything. I asked him if
7 they had looked in to the claims of my client;
8 that he had been molested, and I believe it was
9 his grandfather or his family members. And Jamie
10 told me that interviews with whomever it was, I
11 think it was the grandfather, and he was still
12 living at that time or it was somebody else, and
13 he said no, they denied it.

14 And I am pretty sure, I believe I would
15 have asked him as well about any pornography or,
16 you know, evidence of that with regard to
17 Mr. Teitjen's computer, that it would have been
18 one in question. And I think he had told me no on
19 that either.

20 Q Okay.

21 A I know I did hire, you know, one of the
22 things when you ask what you do.

23 Q Right.

24 A Of course you have to put together a team
25 for investigative purposes, as well as, for

Jim Babb-direct by Armstrong

1 mitigation purposes and the case is going south on
2 you on the issue of guilt or innocence. And I did
3 that relatively early on. And I think probably
4 within and of course, I amended that from time to
5 time as we incurred expenses and readjusted what
6 we were doing depending on what it is because you
7 have to get your money up front.

8 Q Right.

9 A So you kind of have to estimate it. And
10 you don't know how it is going to turn out. And
11 sometimes you may or may not use a particular
12 expertise that you hired. But I did retain
13 funding. And I retained Jeff Maller who is a
14 computer forensic expert I had used on some
15 federal cases involving child pornography.

16 Q And I am going to stop you right there
17 just briefly. May I approach the witness, Your
18 Honor? I am going to hand you what is proposed as
19 Petitioner's Exhibit 18, and ask if you can
20 identify that document. And It my help with the
21 funding issues.

22 A This is an e-mail to Judge Russo from me.
23 It is dated Monday March 3, 2008, 8:15 p.m.
24 Subject's critical need for ruling on decisions.
25 I am responding to some request from him at

Jim Babb-direct by Armstrong

1 6:14 p.m. that evening. And I tell him the
2 request is reasonable, I will provide it as
3 expeditiously as possible. That being said,
4 beginning with our second request for funding, I
5 will draw your attention to paragraph 5, where we
6 list our reasons for the services therein. List
7 psychologist, DNA expert, licensed social worker,
8 interrogation, interrogation technique's expert.
9 Second pharmacologist, forensic computer expert.

10 Q All right.

11 A Sled and prosecution seized and analyzed
12 computers. Other subpoenas were issued through
13 ISP's, the result of the internet service
14 providers. The results which require expert
15 through defense to interpret or understand.
16 Whether in addition to defense has questions about
17 the time lines submitted by the state and may
18 require as well as law enforcement be subject to
19 appropriate forensic examination.

20 Q Is that an e-mail from you to the judge?

21 A That's from me to the judge.

22 Q Okay. And for purposes to outline what
23 funding you were seeking and why it was necessary.

24 A Right. Now there's another one. I don't
25 want -- don't know if you want me to look at that.

Jim Babb-direct by Armstrong

1 MS. ARMSTRONG: Your Honor, at this time,
2 I would move in the document from James Babb to
3 Thomas Russo dated Monday March 3, 2008, at 8:15
4 p.m. as Petitioner's Exhibit 18. I have shown it
5 to the attorney general.

6 MS. BROWN: No objection, Your Honor.

7 THE COURT: Okay. It's in without
8 objection.

9 (Document from Babb to Russo marked
10 Plaintiff's Exhibit No. 18 into evidence.)

11 Q So you submitted a request for funding
12 including a forensic computer analyst?

13 A Yes. I realize that's his second. But I
14 still think that is included in my first. Because
15 I know the things that a psychiatrist,
16 psychologist all those would have been in the
17 case.

18 Q Okay. So it was fair to say looking for
19 any evidence of pornography.

20 A Yes.

21 Q Now had that been turned over, what would
22 you have done? If you had known the existence of
23 pornography, how do you think it would have been
24 distributed or used or?

25 A All I know at this point, is that I knew

Jim Babb-direct by Armstrong

1 in meetings with the attorney general's office,
2 there apparently is a CD rom or pieces of paper
3 that clearly indicate that there was evidence that
4 that computer had been used for viewing
5 pornographic websites, as I understand it.

6 Q Yes.

7 A And that those covered a time frame prior
8 to and possibly on the day of this event; the
9 event being Mr. Teitjen's murder.

10 Q Yes.

11 A At a minimum, we first talked, I mean it's
12 kind of hard to say what you would do with
13 something you have not seen. Okay. Kind of after
14 the fact, it's still a part. I mean at a minimum,
15 I would have talked to Mr. Bryant about that for a
16 couple of reasons. I wanted to make sure it did
17 mesh and that's what he had been telling me about
18 before. Two, because it may refresh or change his
19 memory in some respects.

20 Q And did he have trouble remembering
21 specifics of these events?

22 A He did at times. So I would have
23 absolutely shown Tim. Of course I would have
24 shown it to Mr. Howle and we would have had some
25 discussions about that. I would have brought it

Jim Babb-direct by Armstrong

1 to the attention to, let's see in this case, I
2 think actually two things that the psychiatrist
3 that I was using, Donna Schwartz Watts and
4 Margaret Milikien, I would have brought it to
5 their attention. When you tie that in even though
6 Jamie didn't find, Captain Turner didn't find, the
7 police didn't find what they considered to be
8 evidence of Mr. Bryant having been abused as a
9 child either.

10 Q From several family members.

11 A From several family members who
12 corroborated that they had been the victims as
13 well, among the individuals that had molested Mr.
14 Bryant. So you had that history. We had this
15 oddity of everybody's pants being unzipped. Mr.
16 Bryant talking about Mr. Teitjen referencing girls
17 and pornography.

18 Q And that was based on the interview
19 conducted by the forensic psychiatrist panel
20 proffered by sled.

21 A I didn't attend that interview. I'm
22 telling you what Mr. Bryant had stated.

23 Q So he related to you there was a
24 discussion about pornography.

25 A Yes.

Jim Babb-direct by Armstrong

1 Q Independent of his conversation with
2 Dr. Vaughn.

3 A That that was, yes.

4 Q Okay.

5 A Otherwise we wouldn't have known to be
6 looking for a forensic psychiatrist. So we
7 brought it to their attention. There was always
8 the possibility depending on what they would have
9 said, I mean am not a psychiatrist or a
10 psychologist. I had considerable concerns about
11 Mr. Bryant. And to this day, I still don't
12 believe he is still right. I mean there is
13 something terribly amiss. But again, I just have
14 to rely on my experts. I may have considered
15 hiring an additional expert who was specifically
16 focused in that area.

17 Q The area of sex---

18 A Yeah.

19 Q Sexual trauma.

20 A Sexual abuse and the whole nine yards.
21 And how that may serve as a trigger. Because I
22 had accessed, you know, to national recommendation
23 and things of that matter. But that would have
24 been the type of thing that I would have thought
25 about.

Jim Babb-direct by Armstrong

1 Q Well let me ask you---

2 A Then there this is one other thing that I
3 have to say I would done. I mean I seem to
4 remember at some point in this case I had to make
5 a decision about what I am going to do with these
6 allegations okay. So at that point
7 unsubstantially---

8 Q Yes, sir.

9 A I will tell you that, you know, you want
10 to believe it or not the impact on the victim's
11 family is something the defense is still mindful
12 of. Now I am not saying you don't do things you
13 have to do or things you need to do. But in this
14 case, I made a conscious decision not to use the
15 information I had available at the time, because I
16 had no corroboration of it. In other words, It
17 would simply be Mr. Bryant's words beyond whatever
18 the psychiatrist or psychologist could make out of
19 that. You know, there was nothing else to be
20 added so it wasn't anything -- I made a decision
21 not to go there.

22 Q Because you had no corroboration.

23 A That was; yes, that was my plan. So I
24 didn't try the case at all. That was how things
25 were being planned and developed in my

Jim Babb-direct by Armstrong

1 perspective.

2 Q But you were working with Mr. Howle and
3 obviously that decision was one that you made with
4 him, and you all decided not go to there.

5 A I worked with Jack. I sought his advice,
6 and I listened to him obviously, he's co-counsel.
7 I was lead counsel. So sometimes I would just
8 make a decision to tell him, this is what we are
9 going to do. Because you can't -- we only had one
10 driver in the case.

11 Q And you were lead counsel until July 18th;
12 is that correct? If the record reflects.

13 A Yeah, I was hospitalized in May. And, you
14 know, after that, I really had really very little
15 to do with the case other than the things
16 Mr. Howle and Mr. Clark asked me to do. So I
17 don't know exactly when I was relieved. That
18 sounds as good a time as any.

19 Q So if Mr. Clark were appointed on July
20 18th 2008, that would obviously be the date when
21 you stepped aside and he stepped in.

22 A I am thinking that appointment occurred in
23 Lexington possibly. That would be, you know, I
24 couldn't disagree with that, wouldn't disagree
25 with that. That would be about the right time

Jim Babb-direct by Armstrong

1 frame.

2 Q You became aware of your physical and
3 medical condition being an issue in May 2008; is
4 that when you got worse?

5 A That's when I got really pretty bad. I
6 mean, this had been going on. I mean I could have
7 sort of spells where, you know, it's like when you
8 get a big shot of adrenaline. And your heart is
9 palpating. You sweat profusely and you turn red.
10 You get the shakes.

11 Q And this is a neurological condition that
12 you have?

13 A Yes.

14 Q And as a result of that, your doctor I
15 believe, recommended that you retire from the
16 practice of law.

17 A Retire from everything.

18 Q Are you on medical disability now?

19 A Correct.

20 Q Well let me go back to something you said
21 that you were going to rely on the experts to take
22 whatever evidence you had as it related to
23 anything sort of sexual in nature that would have
24 nothing to do with their analysis. And if you had
25 it before you would have given it to them.

Jim Babb-direct by Armstrong

1 I think you mentioned Mr. Bryant had made
2 you aware of the fact that pornography was
3 discussed between he and Mr. Teitjen. And that
4 you believe pornography was a trigger. Is that a
5 fair characterization?

6 A In talking with the -- he made me aware of
7 the issue of pornography at the Teitjen residence.

8 Q Okay.

9 A In talking with the psychiatrist, it
10 appeared that based on what he had told me that
11 that was like the trigger.

12 Q Okay. All right. He didn't say whether
13 the trigger was actually the discussion or just
14 actually seeing the photographs as just
15 pornography as a topic?

16 A You know, I talked with him quite a number
17 of times, so I can't unless it's in my file and
18 notes somewhere.

19 Q I didn't see them.

20 A Okay. There are probably handwritten
21 notes of our discussions somewhere. I would have
22 presumed they would been in that file. You know,
23 just a lot of discussions long ago and far away.
24 So I can't tell you---

25 Q Okay.

Jim Babb-direct by Armstrong

1 A ---affinitively he said A, B, C, D.

2 Q All right.

3 A He said enough that I was looking for it.

4 Q So he put you on notice it was an issue.

5 A Well I mean I didn't retain a forensic
6 computer expert for no reason.

7 MS. ARMSTRONG: I got you. All right. I
8 beg the court's indulgence. Your Honor, may I
9 approach the witnesses?

10 THE COURT: Yes, ma'am.

11 Q Mr. Babb, I am going to hand to you quite
12 a few documents. Plaintiff's Exhibit 3, exhibits
13 4, 5, 6, 7 and 8. If you can take a look and see.

14 A Well Exhibit 3 says it's a case management
15 history by Agent David Givens, supervisor.
16 Lieutenant Billy Crumpton, Case No. 7004-248. It
17 starts off talking about 10/25/04, received a call
18 from Solicitor Kelly Jackson. Discussed the
19 computer search on Teitjen's computer. Discussed
20 consent versus search warrant on Bryant.

21 Q Have you ever seen that document before,
22 Mr. Babb?

23 A This is not ringing any bells.

24 Q All right.

25 A It does not ring any bells. It seems like

Jim Babb-direct by Armstrong

1 I probably did see a like a search warrant for
2 Mr. Bryant's computer.

3 Q All right.

4 A I mean that kind of sticks out that I saw
5 that. But I don't recall seeing Exhibit No. 3 at
6 all.

7 Q All right.

8 A Exhibit No. 4 is an in case internet
9 history parcel. I'm familiar with in case
10 because that had been used in some federal child
11 pornography cases I was involved with. And in
12 terms of, that's part of the software, I believe.
13 Or one of several pieces of software people use
14 for lack of a better word to dissect and find out
15 what's on the computer's hard drive. You know, I
16 may have it wrong, but I'm thinking that's what
17 that means.

18 Q But you never saw an in case document with
19 respect to Mr. Bryant's case?

20 A Not that I recall. If it's not
21 Plaintiff's Exhibit No. 4. It's not in any of
22 this whatsoever. It's dated 9/25/2012. I guess
23 that's a recent printout. Exhibit 5, is the same
24 thing. Both of them represent a reference a
25 7004-0248 Maxter Diamond Plus. Maxter Diamond

Jim Babb-direct by Armstrong

1 Plus is a type of hard drive found in computers.
2 And then it appears to be referencing, you know,
3 specific indexes of data on that hard drive. In
4 other words, it's saying like see documents and
5 settings, administrator local settings, history,
6 history. Internet Explorer 5 index.

7 Q So to your knowledge, you never received
8 any case documents in connection with the Teitjen.

9 A No, ma'am. And If I had, I would have
10 given them to Mr. Nailer and then we would have
11 had discussions about what they meant, what they
12 revealed. None of that ever happened.

13 Q All right.

14 A Plaintiff's Exhibit 8, I don't know if it
15 is a, I don't know if it's a DVD or CD. But it's
16 from the South Carolina Crime Center,
17 investigative purposes only. Case No. is
18 referencing the same case number as in case
19 reports. And it has special agent David H. Givens
20 on it. It says highly sensitive material.

21 Q Do you recall you ever received a disk
22 from sled?

23 A I never received it, and I've never seen
24 that one before.

25 Q And, Mr. Babb, I am going to turn your

Jim Babb-direct by Armstrong

1 attention back to Plaintiff's Exhibit No. 3 that
2 you looked at, and ask you to read what is listed
3 under 10/21/04, and ask if you have ever seen any
4 of that.

5 A 10/21/04, initiated an in case analysis
6 on Teitjen's Gateway computer, consent to search.
7 Reverified image. Strict analysis recovered lost
8 leaf folders. Both the case management files, not
9 dot scan. Reviewed gallery images of Teitjen.
10 Located adult porn in temporary internet files.
11 No child or bestiality photos located. Located
12 several pornographic movies within the program
13 files.

14 Ran internet HS script, and I am just not
15 familiar with that software. Exported to sled
16 forensic drive. Note, check forensic sheet for
17 date and times. The computer may be off slightly.

18 Q Did you ever receive this information?

19 A No, ma'am.

20 Q And you are certain you have never seen
21 it?

22 A I am certain.

23 Q Now obviously if you had gotten this
24 information, I think you said you would have
25 given it Jeff Nailer as well as the forensics.

Jim Babb-direct by Armstrong

1 A Yes, I would have given it to -- yeah, to
2 our experts. Probably some that weren't
3 necessarily to just -- I mean it may have had
4 something to, too that the psychopharmacological
5 would have looked at. At a minimum, I would have
6 given it to them. I would have talked about it
7 with Mr. Bryant. I would have gone over it with
8 him. And I am, in all probably, might have now
9 that I am seeing this, this is the first time I've
10 seen any of this. I haven't been shown this by
11 you nor by the attorney general's office. Given
12 what I am seeing now, I can't imagine that I
13 wouldn't have begun to search for a more
14 specialized expert.

15 Q In the abuse field, sex trauma field?

16 A The whole, however this sexual thing
17 works. I mean, you have got three bodies.
18 Everybody's pants is unzipped. You've got a
19 client who has had sexual trauma. He doesn't make
20 a lot of sense when you talk with him. I mean
21 there is something going on.

22 Q I got you. Okay. But at a minimum like
23 you said, you would have discussed it with your
24 client, and---

25 A I would have discussed it with the client,

Jim Babb-direct by Armstrong

1 the psychiatrist, psychologist, anybody dealing
2 with his mind, mental capabilities would have had
3 it. Mr. Howle would have it. Jeff Nailer would
4 have had it. And then I would have discussions at
5 least with other counsel. In other words, I would
6 have gone to the list service that were available
7 to to me in the different capacities I serve---

8 Q All right.

9 A ---with the various criminal defense
10 associations.

11 Q All right. So in your professional
12 opinion, the pornography was a material issue.

13 A Yes, ma'am.

14 Q I would like to move on to the issue of
15 whether or not Mr. Bryant was to plead guilty or
16 to go to trial. I think you said you tried to hit
17 the ground running, and went to San Francisco to a
18 conference that was really focused on capital
19 litigation. There were other lawyers who were
20 highly trained and specialized in this area. When
21 you sort of embarked on the whole decision as to
22 whether or not you should advise your client,
23 let's go to trial or let's plead guilty, what did
24 you do? You had that background. Did you speak
25 to other lawyers about what to advise him?

Jim Babb-direct by Armstrong

1 A No, I didn't. First when I went to San
2 Francisco they said Jim Anderson was there. He's
3 a fine lawyer from Greenville. He was the lead
4 counsel in the McKenny criminal case. Sam
5 Culbertson was there. He was also involved in
6 that case. Then we had a quite a number. I meant
7 the NECL brings in pretty big names.

8 Q Right.

9 A Top gun type of people. So we had access
10 to those. We talked about there was a case in
11 Texas that was going on. One of the issues that
12 came up was the constitutionality of the death
13 penalty statute. Given that it's in South
14 Carolina I believe, and Texas, that had required
15 that you waive your right to have a jury to
16 determine on the sentence as a condition of
17 pleading guilty.

18 In other words, if you go to a judge to
19 plead guilty, that statute says you do not have a
20 jury trial on the issue of sentencing. So you've
21 got the whole fraternity line of cases in Federal
22 Court. But at the time South Carolina looked at
23 Rim vs. Arizona and said that wasn't -- didn't
24 apply; that our statute was somehow different. I
25 didn't see the difference. But beyond that along

Jim Babb-direct by Armstrong

1 the way, we had Blakely vs. Washington. But that
2 whole line of criminal cases that says if the
3 penalties to be increased basically says by any
4 amount, that has to be a jury determination
5 period.

6 Q I got you.

7 A The cases are crystal clear on that. So
8 that looked like a, you know, a reasonable fact.
9 There would be reasons why you might want to plead
10 guilty including the fact that it -- otherwise you
11 have a trial by the plea. You have a trial on
12 guilt and then you have the trial on sentencing.
13 You have the jury and you hear all the evidence
14 twice.

15 Q Right.

16 A Plus you pled not guilty. When you
17 pleaded guilty in a sense at least shows some
18 amount of remorse. At least if you are fessing up
19 to what you have done. There is a school of
20 thought out there that if you can't show remorse
21 and it's not a crime of passion or otherwise
22 explained, you are likely to get death.

23 Q Uh-huh. (Affirmative.)

24 A You know if you go in a cold, blooded
25 killing, calculated, and there is no remorse. In

Jim Babb-direct by Armstrong

1 South Carolina is a pretty good indication you are
2 going to get death.

3 Q Now in this case of Mr. Bryant, do you
4 recollect if he has been writing an apology to the
5 victim's family? That may have been after you had
6 withdrawn from the case.

7 A I believe I do remember that, and I think
8 it was before I withdrew, but I could be totally
9 wrong. But I think he was still in jail at Sumter
10 County.

11 Q All right.

12 A Which would have been before I even came
13 on the case.

14 Q Okay. I got you.

15 A But I could be wrong about that. But
16 that's kind of my recollection. Anyway, that was
17 sort of an issue that was floating around.

18 Q All right.

19 A I had, and I am pretty sure by that time I
20 had been involved in a number of federal cases. I
21 had gone to the 4th Circuit and had successfully
22 argued the case dealing with Blakeley vs.
23 Washington. I had a case in the U.S. Supreme
24 Court, you know, you knew moved for certainty,
25 you petitioned for a certain event. And they

Jim Babb-direct by Armstrong

1 review it, and 90 percent of the cases get kicked
2 out. I had one. They didn't take it up, but they
3 held it for a year. They reviewed it four times
4 until they did take what you call a companion case
5 out of North Carolina and decided the issue. So
6 I didn't argue mine, but the issue was reviewed by
7 the Supreme Court.

8 So I knew it was, you know, had some, or
9 at least I thought it had some merit. Now when I
10 got back to South Carolina from San Francisco,
11 again, you know, I began to look at the issue
12 more. I talked to Mr. Bryant about the issue. I
13 discussed it with other attorneys.

14 Q The issue of pleading guilty versus going
15 to trial.

16 A Yeah, I mean, procedurally whether or not
17 that's something that's worthwhile. Whether or
18 not it's something you would want to consider. I
19 mean certainly if nothing else, you, you know,
20 part of the game in defending the case is of
21 course is to raise the appellate issue in case it
22 goes south at the end of the day. You get another
23 bite at the apple, so to speak. Plus you've you
24 got to look to your client's constitutional
25 rights. And in like the State of South Carolina

Jim Babb-direct by Armstrong

1 it's particularly important because here our rules
2 here, from you know, the defense point of view,
3 the worse in the country. Because your objection
4 has to be timely. It has to be understood so if
5 you forget---

6 Q That's right.

7 A ---any basis---

8 Q You have no version of plain error.

9 A No, it's up to you to raise it. You've
10 got to properly articulate it. If it's not
11 spontaneous, it's weighed.

12 Q Yes, sir.

13 A And I mean when it's weighed, it won't
14 even be heard. Now if you get to the U.S. Supreme
15 Court, they have ruled a different view on this.
16 But the the South Carolina Supreme Court does the
17 rule here. So you cannot raise constitutional
18 issues. That's his matter. So I did, I stayed
19 very much in touch with Mr. Bannister, because I
20 knew he was going to raise that issue in his case;
21 which he did. He moved to have the statute
22 declared unconstitutional.

23 The judge overruled him. He appealed it
24 to the South Carolina Supreme Court. They said it
25 was interlocutory. Okay that was before I began,

Jim Babb-direct by Armstrong

1 or before I had my motion heard on the
2 constitutionality provision. The judge upheld the
3 statute, which before they read them, but he
4 upheld that statute. So I knew me appealing would
5 do nothing. Mr. Bannister---

6 Q But you did file a writ; did you not?

7 A Yeah, then I looked at a different way to
8 skin the cat. So I filed a Writ of Certiorari.
9 In other words, I got the chief justice's book on
10 motions to the Appellate Court. Found what I
11 needed, approached it that way. The state did not
12 respond to the motion. We went to pick a jury.
13 We had a hearing on the perspective jurors. And
14 then the Supreme Court issued a stay in the case.
15 But now, you know, to get that point, I had
16 talked with, you know people across the country,
17 and in particular, people here. And like I say, I
18 mentioned I was in touch with Mr. Bannister.

19 Q Yes, sir.

20 A I talked with Robert Lomax who does a
21 number of appellate cases. I know I've talked
22 with Bruck in the case. David Bruck in cases
23 before. I don't know if I talked with him about
24 this one. I've talked with Christy Morris who's
25 real known in South Carolina in capital cases.

Jim Babb-direct by Armstrong

1 I've talked with Johnny Mullen. Actually I went
2 to Greenville and spent time with John Mullen.

3 Q Well let me ask you this. In talking to
4 these various lawyers; including, Teresa, it was
5 all on the question of whether to plead guilty or
6 go to trial.

7 A Well no, there were a number of things we
8 would talk about. But that was also obviously
9 that was a big piece of the strap. In other
10 words, the legal issues pertaining to that.

11 Q The legal issues related to pleading
12 versus going to trial.

13 A Right. In other words, the
14 constitutionality of the South Carolina Statue.
15 How you attack it, how you pursue that, preserve
16 it, you know, and, etc., etc. And then what do
17 you do at the end of the day if all that did not
18 work out.

19 Q So to synopsise, you stuck with these
20 folks and you filed a Writ of Certiorari with the
21 Supreme Court. They issued a stay. Ultimately
22 they ruled against the motion.

23 A I don't know that they ruled against the
24 motion. I think they just denied the writ.

25 Q I got you.

Jim Babb-direct by Armstrong

1 A They may have ruled against the motion.
2 But I think in that initial phase, the question
3 was, take the writ or not take the writ. And I
4 have not looked at any of that stuff since May or
5 June of 2008. That's my recollection.

6 Q But the bottom line is, when the dust
7 settles, Mr. Bryant was either going to trial and
8 therefore would get a jury sentencing or if he
9 pleaded guilty, he wasn't going to get one. So
10 that issue was sort of disposed of by the denial
11 of the writ.

12 A Yes, it was.

13 Q So at that point when you realized we are
14 back to the traditional South Carolina model and
15 there are not any other options, what was your
16 next step?

17 A Well, you know, I am not sure. Because,
18 the hearing I am telling you about was like in
19 March.

20 Q March of 2008?

21 A 2008. It may have been April. But I'm
22 thinking it was some time in March. And I wasn't
23 on the case much after that. I honestly do not
24 recall that I had any subsequent conversations
25 with Mr. Bryant after the South Carolina Supreme

Jim Babb-direct by Armstrong

1 Court rejected the petition for the writ.

2 Q All right.

3 A And him pleading guilty, I don't think I
4 had any discussions with him in that intervening.
5 In other words, from the time that was ruling was
6 made until I was relieved from the case, I do not
7 recall having any discussions with Mr. Bryant
8 about what the next step would be vis-a-vis him
9 pleading guilty. I mean you could go to trial
10 either way. It would be just whether or not you
11 could go to trial on the guilt issue; as well as,
12 sentencing, or if you just go on sentencing before
13 a judge.

14 Q All right. May I approach the witness,
15 Your Honor?

16 THE COURT: Yes.

17 Q I am going to show you Plaintiff's Exhibit
18 No. 12, and ask you to identify the document.

19 A This is a Tender of a Guilty Plea,
20 reserving right to determine, to a jury
21 determination of sentence. It is in case
22 2006-GS-43-699. The State of South Carolina
23 versus Stephen Corey Bryant. It consists of six
24 pages. It bears Mr. Bryant's signature. And I
25 drafted -- I am confident I drafted this tender,

Jim Babb-direct by Armstrong

1 because it has got all the little things I do to
2 identify my documents.

3 Q It's undated. But I think by your
4 testimony you would have presented this tender
5 plea to Mr. Bryant for consideration and
6 discussion prior to your being relieved as
7 counsel.

8 A Right. This was done for a number of
9 reasons. One, I mean it goes through what he is
10 charged with. This count explains that. It
11 explains the -- it says it has been explained to
12 him by the lawyers. So in other words, it's sort
13 of a cross -- it's a lot like what you do in
14 Federal Court. When you look at the rules on a
15 plea being accepted, the judge has to rule
16 certain things.

17 Q Yes, sir.

18 A So we use documents in Federal Court.
19 This is based on that. This covers that. I went
20 over this with Mr. Bryant to be sure that he was
21 on board with pleading guilty, reserving his right
22 to a jury trial. Explaining it, it lists the
23 charges. The potential, you know, the possible
24 punishments. Recites his rights.

25 Q Does it give him advice on what would

Jim Babb-direct by Armstrong

1 happen if he went to trial and did not plead
2 guilty? Did you see a section in there?

3 A I am thinking, and I am not sure I see it
4 right now. I am thinking that at least one of
5 the, maybe it was -- somewhere along the way I
6 know I talked to him about reasons why someone
7 would do that. Because if you know where it is,
8 that would be fine. And I recall and I had got
9 some statistics actually from Robert Lominack on
10 how likely or not likely a jury is going to view
11 that.

12 Q You said Robert Lominack and not Teresa
13 Norris?

14 A Well maybe Teresa. They had offices
15 together.

16 Q Right.

17 A So I had talked with both.

18 Q Okay. I just spoke, I just wanted to make
19 sure I have got the right person.

20 A Right. It may have been Teresa. They had
21 offices together and I spoke with both.

22 Q Okay. The top of page 5.

23 A I mean whatever is in here.

24 Q The first paragraph.

25 A Whatever is in here.

Jim Babb-direct by Armstrong

1 Q Let me refresh your recollection on that.

2 A Yeah. Upon the basis of the empirical
3 and statistical research which exists, I
4 understand should I plead innocent, and then be
5 found guilty by a jury there exists an increased
6 chance, i.e., a statistical and significant
7 correlation which I understand, because I have
8 done a master's degree in economics. And
9 correlation just relates. It doesn't answer the
10 question of causation, but it shows the
11 relationship of how one thing say, say one thing
12 increases another thing increases or decreases.

13 Q In laymen's terms his chances were
14 greater.

15 A Correct; that I would more likely be
16 subjected to a sentence of death. So in layman's
17 terms his chances were better.

18 Q To plead it---

19 A To plead---

20 Q --in front of a judge.

21 A Well to plead guilty and have the jury do
22 it. In other words, his chances of the death
23 sentence by a jury was worse if he maintains his
24 innocence.

25 Q Okay. And the empirical and statistical

Jim Babb-direct by Armstrong

1 basis for this advice.

2 A There was some study that I had gotten
3 from either Teresa or Robert.

4 Q Okay. So we don't get these confused,
5 this is Plaintiff's 12 and you drafted this.

6 A That's correct; yes, ma'am.

7 Q Now I am going to show you exhibits,
8 Plaintiff's 13 and 14, and ask if you can
9 identify these documents. May I approach Your
10 Honor?

11 A Well 13 appears to bear my signature.
12 It's dated August 4th 2008. I've never seen that
13 document. Exhibit 14 it appears to be the same
14 sort of document. It is 9 pages. It's dated
15 August 9th. It bears what appears to be Mr.
16 Bryant's signature. I have never seen that
17 document.

18 Q Can you read how it's captioned? Have you
19 noticed a difference between that plea tender and
20 the one that you---

21 A Tender of Guilty Plea. Those are
22 captioned Tenders of Guilty Plea. Waiving right
23 to jury determination of sentence.

24 Q That would be the opposite of your plea
25 tender where he was reserving that right?

Jim Babb-direct by Armstrong

1 A That's the opposite of my plea tender.

2 Q There's a lot of information in your plea
3 tender at Plaintiff's Exhibit No. 12. Was the
4 purpose of this plea tender, the purpose, not the
5 advice, but just the overall purpose to reserve
6 the issue of a jury sentencing for appellate
7 review? Is that why you drafted it?

8 A That document serves a couple of purposes.
9 One it would lay things out for Mr. Bryant. It
10 gave him something in writing to take back to his
11 cell to review and review and review. Ask
12 additional questions if he had them.

13 Two, it preserved exactly what I did with
14 Mr. Bryant. I reduced it to writing. Not go to
15 tell somebody to do something, and you ought to be
16 willing to put what you told them in writing. So,
17 you know, it preserved the record. And then the
18 third purpose was to go before the judge if that's
19 where we were headed. At the time of the plea,
20 submit it to the court for the record, then there
21 would be no questions of what was being done.

22 Q All right.

23 A Have the judge take it, not take it,
24 whatever the ruling would be. But that was the
25 other purpose of the plea to place that on the

Jim Babb-direct by Armstrong

1 record as to what was Mr. Bryant's desires and
2 wishes.

3 Q I got you. But the purpose of the
4 original plea tender, the whole benefit of it was
5 to preserve the issue for appeal?

6 A Well I mean, you are hoping that you can
7 proceed, so that you won't have to appeal it. In
8 other words, you will be allowed to plead than
9 have a jury trial. But if you are denied that,
10 then of course you want it on the record.

11 Q I got you. And then you had no
12 involvement in the the modifications that are in
13 13 and 14?

14 A I've never seen those documents before. .

15 MS. ARMSTRONG: I beg the court's
16 indulgence.

17 Q Thank you. Mr. Babb, just one final
18 question. By the time this case moved to the
19 actual guilty plea on the sentencing proceeding, I
20 just want to confirm that you had no official
21 capacity in the case, and therefore would not have
22 been responsible for things like objection or
23 strategy or anything like that.

24 A Oh, no. No. I mean I had worked for the
25 experts for like a year. I knew all of them. I

Jim Babb-direct by Armstrong

1 was fairly familiar with the discovery we had
2 received. Mr. Howle and I talked about it. He
3 wanted me to stay on. Do things like interview
4 witnesses, et cetera. For example, when Mr.
5 Bryant pled guilty, I believe that was in
6 Florence. I went over there. Attended that
7 hearing. The reason wasn't to have anything to
8 say. I mean I know my place once I am off the
9 case. I mean I wasn't really practicing at that
10 point. But I did get along with Mr. Bryant well.
11 We had two female psychiatrists who would be
12 interviewing him alone in a room. I felt more
13 comfortable being there with him, with them. And
14 we were also going to be some of his family. So
15 that provided an opportunity to meet them, talk
16 with them and with the experts at that point and
17 then convey those things back to Mr. Howle.

18 Q So you were just there voluntarily, not
19 officially?

20 A Correct.

21 MS. ARMSTRONG: Thank you very much.
22 Please answer any questions the attorney general
23 may have.

24 MS. BROWN: May it please the court.

25 THE COURT: Yes, ma'am.

Jim Babb-direct by Armstrong

1 Cross Examination by Ms. Brown:

2 Q Mr. Babb, I want to go back to the date of
3 your appointment on the case.

4 A Yes, ma'am.

5 Q In the record on appeal, there is
6 transcript that is dated May 24th 2007. It's a
7 hearing before Judge Russo where you were present
8 with Mr. Howle and along with the solicitor and
9 Mr. Saleeby. Would that be correct that you were
10 appointed at that May 24th 2007 hearing?

11 A It could be. I know when 2005 or 6 was
12 mentioned earlier, that seemed too far back in
13 time to my recollection.

14 Q Okay. So you were, can we agree that you
15 were actually appointed May 24th 2007, at the
16 hearing before Judge Russo?

17 A As far as I know, yes. There is a
18 written -- I mean in the record somewhere there is
19 a written order of appointment. They would have a
20 date and bear Judge Russo's signature.

21 Q And you were very active on the case when
22 you were originally appointed; is that correct?

23 A That's correct.

24 Q And looking at Applicant's 16 that you
25 identified. If may approach Your Honor.

Jim Babb-cross by Brown

1 THE COURT: Yes, sir.

2 Q If his may hand this up. Applicant's 16,
3 do you remember that document?

4 A Yes, ma'am. That's the motion for an
5 order of discovery in this case. It is bearing my
6 signature. It is dated May 29th 2007.

7 Q Okay. Motion for discovery May 27th 2007.

8 A Correct.

9 Q So if you were appointed, your appointment
10 was confirmed at the May 24th 2007 hearing. That
11 was just a matter of days after your appointment
12 that you filed that motion.

13 A If May 24th is correct, yes, ma'am. It
14 would be 5 days, I guess.

15 Q And I believe you said on direct somewhere
16 around that time you had access to over 1,000
17 documents that had previously been disclosed; is
18 that correct?

19 A In the letter that I was shown with my
20 signature to the solicitor, it mentioned 1,012
21 pages that I had reviewed.

22 Q Okay. And you were very active in getting
23 the experts together; correct?

24 A Yes, ma'am.

25 Q And we talked a little bit today about Mr.

Jim Babb-cross by Brown

1 Nailer.

2 A Correct.

3 Q And the purpose of Mr. Nailer, retaining
4 Mr. Nailer, was to investigate something on the
5 computer?

6 A Yes. I had used Mr. Nailer on previous
7 federal cases dealing with child pornography. He
8 had gone in and reviewed the hard drives of the
9 defendant. And was able to, you know, tell me
10 what is in there and what was going on.

11 Q And do you recall if Mr. Carlisle McNair
12 was one of your experts?

13 A Yes, ma'am. When I say expert, he was
14 what you call our fact investigator. We had our
15 mitigation investigator and a fact investigator.
16 He was the fact investigator.

17 MS. BROWN: If I may approach?

18 THE COURT: Okay.

19 A And Carlisle did have some expertise. He
20 had served as a captain or whatever over in
21 Lexington for year and years and years. So pretty
22 knowledgeable about police work.

23 Q I wonder if you could identify this
24 document labeled memorandum?

25 A This is appears to be a memo. It has

Jim Babb-cross.by Brown

1 Lenere Graham crime investigations at the time.
2 It states it's attorney/client only it's to the
3 Stephen Corey Bryant file. It's from Carisle
4 McNair. It's dated February 27th 2008, regarding
5 interviewing agent Billie Crumpton Sled Computer
6 lab.

7 Q This would be a document you received in
8 your file, a report from your investigator?

9 A I don't know. It's not addressed -- it's
10 addressed to the file. I can't tell you. Let me
11 read it then maybe---

12 Q Absolutely.

13 A ---I will know if I did see it or not.
14 Okay, to be honest, I don't know. I don't know
15 that I---

16 THE COURT: I am sorry.

17 A To be honest I cannot definitively say
18 that I received or read this.

19 Q But it is to the file. It would have been
20 something in the file.

21 A It is to the file. I mean well if I had
22 seen it, it would have been in my file. I don't
23 know whose file it is in. It may have been in
24 Mr. McNair's file. If I had it, it should be on
25 the disk and CD's, DVD's. If it is on one of

Jim Babb-cross by Brown

1 those, then I would have seen it. In all
2 likelihood be the one who scanned it. If it is
3 not on there, in all likelihood, I did not see it.
4 And for his sake, I don't know.

5 Q And can you agree with me that Mr. McNair
6 was working for you at this time?

7 A Mr. McNair worked for me at this time;
8 yes, ma'am.

9 Q And he is -- I'm sorry.

10 A He was a fact investigator. This is
11 reporting. This appears to be him reporting. And
12 he had had a conversation and he tried to talk
13 with David Givens, who is the individual whose
14 name is in the case file.

15 Q Yes, sir.

16 A That he then talked to Agent Billy
17 Crumpton, if my memory is correct, and will say in
18 the case file, that Mr. Crumpton being the
19 supervisor of Mr. Givens. I believe and I am
20 going through my memory from earlier today. Since
21 he spoke to Agent Billy Crumpton and asked if he
22 could explain the computer exam report so that I
23 may be able to understand what I was reading.
24 Agent Crumpton advised him not to discuss an
25 ongoing case with me without the admission of the

Jim Babb-cross by Brown

1 originating agency.

2 I don't know who would be, I thought it
3 was sled. But anyway, I advised Agent Crumpton I
4 didn't want to discuss the case. I wanted someone
5 to explain to me how to read their report and what
6 their report was saying. Agent Crumpton advised I
7 would have to contact Sumter County Sheriff with
8 my question. I am drawing a blank.

9 Q Okay.

10 A If I saw it, it should be on that disk.
11 It would have been scanned in the PDF format.

12 Q And the date on that memorandum.

13 A The date on this memorandum is
14 February 27th 2008.

15 Q And so you were appointed back in May
16 2007. By February 2008, the defense was still
17 looking at the computer from the Teitjen home; is
18 that correct?

19 A To my knowledge, yes.

20 Q So you did not forgo investigation way
21 back when you first started this case. You
22 continued investigating it.

23 A I kept Mr. Nailer on. In other words, I
24 did release him. He was kept on there. Mr.---

25 Q As was Mr. Nailer.

Jim Babb-cross by Brown

1 A As was Mr. Nailer. As was all the
2 experts. And then of course how I would use them
3 depending on how things would go.

4 MS. BROWN: We would like to offer the
5 memorandum as respondent's 2, I believe it is.

6 MS. ARMSTRONG: No objection.

7 THE COURT: Okay.

8 (Memo marked Defendant's Exhibit No. 2
9 into evidence.

10 Q Mr. Babb, I wanted to talk to you a little
11 bit more about this pornography issue since you
12 answered some questions about it very recently. I
13 believe you said on direct that you do not recall
14 seeing anything from the computer lab whatsoever.

15 A I do not no, ma'am.

16 Q And you said I believe, that you talked to
17 your client about watching pornography after the
18 Teitjen murder.

19 A Yes. As part of the -- that's my
20 recollection, as far as interviewing property.
21 The other things I mean he, I don't know there is
22 three, four confessions.

23 Q Yes, sir. I would like to talk about
24 that.

25 A And there were three or four confessions.

Jim Babb-cross by Brown

1 There were transcripts of interviews. So I mean
2 it was, in addition to whatever he verbally told
3 me that I would have heard with my own ears, there
4 were numerous documents.

5 Q Uh-huh. (Affirmative.) Do remember the
6 notes left at the Teitjen murder scene? There
7 were two notes left.

8 A I know there were notes there. There was
9 writing in blood on the wall. Probably on the
10 body as I recall. I haven't had this trial for a
11 long time. And haven't looked at any documents
12 other than what you guys have referred to. In
13 other words, I don't even know. My disks are what
14 would have been what I did have and what I did
15 look at. I am sure that between Jack or John in
16 the PD officer would have all I have.

17 Q Let me read you two portions of the record
18 on appeal just briefly that go over what was on
19 two notes left at the murder scene. And this
20 begins at page 516 of the record on appeal. Line
21 11, one note. No more sick computer porn for this
22 sick and there's an expletive. And by the way
23 just keep my promise to all, p.s. good luck
24 finding me. And letters LMFAO. Do you recall
25 that?

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1 A That's sounds familiar. Particularly,
2 good luck in finding me.

3 Q Would you agree with me that there is some
4 connection to the murder, some connection with
5 porn and the murder based at least on this note
6 itself?

7 A Oh, yes, ma'am.

8 Q Absolutely. What about the letters LMFAO?
9 Do you recall what that would mean? And if it
10 would be internet logo? Someone who was internet
11 savvy using those particular letters?

12 A I don't do a lot of chat. I mean I don't
13 do a lot of chat. But I think that if I am not
14 mistaken, that would be an acronym about the use
15 of some profanity.

16 Q Okay. And on the page 518 on the record
17 on appeal, the second note is quoted as, I am the
18 light. I am so bright. I am sun. Yours truly,
19 the prowler. Do you recall that note?

20 A Yes.

21 Q So you had two different notes at the
22 murder scene.

23 A I remember in particularly, the prowler,
24 yes.

25 Q The prowler. And you referenced just

Jim Babb-cross by Brown

1 earlier in our conversation, the different
2 statements Mr. Bryant gave.

3 A Yes, as I recall there because I looked at
4 it. I mean to be able to deal with one
5 confession. But when you have two or three, they
6 start becoming a little bit insurmountable, I
7 should say. And I think his confessions were in
8 some part him actually calling law enforcement
9 saying that he wanted to talk. And other
10 witnesses.

11 Q You had an -- do you recall having an
12 October 13th statement to review where Mr. Bryant
13 indicated that Mr. Teitjen had things to say about
14 the masons, and they bragged about the masons?
15 And actually charged at Mr. Bryant while he was in
16 a bathroom and hit him on the head. Do you recall
17 that statement?

18 A Yes, ma'am.

19 Q Do recall the October 15th and 16th
20 statement that essentially said the same thing?

21 A I mean, I cannot say I recall the October.
22 It's in the time frame. It was right after he was
23 arrested there were multiple. And they were --
24 yeah, they just kept going on and on.

25 Q And you said you worked with Dr. Donna

Jim Babb-cross by Brown

1 Schwartz Watts very closely.

2 A I stayed in contact with her. Of course,
3 she does her thing and she is her own expert.
4 I've seen---

5 Q Were you present on some of the
6 interviews?

7 A Yes, I actually took her to -- I always
8 liked to introduce the experts to the clients
9 personally so they understand who it is; that
10 individual works for us, so to speak. Being the
11 defense instead of just anybody coming in. As was
12 Ms. Crawford or somebody else would have done.
13 But, you know, somebody that is unrelated to the
14 defense, I like them to know this is our person.
15 I vouch for him. You talk with them as freely and
16 as honestly as you would with me. Because what
17 you tell them protects attorney/client privilege
18 that emanates from me because they are working
19 directly for me.

20 So, yes, I introduced her. And I may have
21 gone there twice with her. I know at least I
22 introduced her at this point because I always do.

23 Q And from your perception, you had a good
24 relationship with Mr. Bryant. He trusted you.

25 A Mr. Bryant would listen to me and pretty

Jim Babb-cross by Brown

1 much do what I told him to do.

2 Q So you facilitated the relationship
3 between Mr. Bryant and Dr. Schwartz Watts at least
4 at the very beginning. And they developed their
5 own relationship of course after that. But you
6 would facilitate that.

7 A Correct.

8 Q Do you remember Mr. Bryant telling
9 Dr. Schwartz-Watts this same story about a masonic
10 tie into the Teitjen murder?

11 A I know he told her that. I can't sit here
12 and tell you that I remember exactly when. You
13 know, sometimes there would be let's say, for
14 example, I am pretty sure I made arrangements
15 for Mr. Bryant to be transported from over in
16 Bishopville to go to see some experts; such as,
17 Donna Watts or I think there was at least one
18 interview with Troy Drawdy. So sometimes there
19 would be where I would make arrangements for the
20 experts to go to meet him in prison. Often I
21 would accompany them on that.

22 Now if they were going to be transported
23 off site for a testing so to speak, I generally
24 would not go to that. Because I had already been
25 introduced, and it would serve no useful purpose.

Jim Babb-cross by Brown

1 I would count on this in being a way, the testing
2 and the doctor relationship.

3 Q Well Dr. Schwartz Watts testified at the
4 sentencing proceeding on page 834 of the record on
5 appeal, that Mr. Bryant reported that he went to
6 use the bathroom and that Mr. Teitjen hit him. It
7 was all of sudden. He states he shot him and that
8 after he shot him, while looking at the computer
9 he found some images that upset him. Is that
10 consistent with your discussions with Dr. Schwartz
11 Watts of what Mr. Bryant had told you and told
12 her?

13 A I wouldn't say that it's interesting -- I
14 mean the records whatever she said on the records,
15 whatever she wrote in the reports that's what he
16 said. I can't do anything about that. I can tell
17 you that I was extremely interested in the
18 discovery regarding what was or was not on the
19 computer. And she had to be getting that from
20 somewhere. I believe that was from Mr. Bryant
21 himself.

22 I mean at one point I thought this was not
23 going to be a death penalty case. At one point
24 Jack had been told this wasn't going to be a death
25 penalty case. And then became, I don't know what

Jim Babb-cross by Brown

1 happened in there. But the pornography though was
2 something that well I wanted for various reasons.
3 I have gone through that.

4 Q Sure. Let me ask you this---

5 A Whatever, and what I am trying to say in
6 part is whatever Dr. Watts said, it was what
7 Dr. Watts said. If she states that Mr. Bryant or
8 anyone else told her a specific thing, I don't,
9 you know, know that. I am certainly not going to
10 discount it. I believe she is telling you exactly
11 or said exactly what she heard related accurately.

12 Q Well we've talked about pornography in
13 general and looking for pornography. But I would
14 like to ask you specifically, did Mr. Bryant ever
15 tell you that viewing pornography was some trigger
16 for him?

17 A I don't think he ever used the word such
18 as trigger.

19 Q Or any indication that that caused some
20 problem for him that acted, when he acted on?

21 A Well you got the note somebody being sick.

22 Q Right.

23 A I know he mutilated the body. And as I
24 understood it, that had to do with the
25 pornography. Seeing if after life, something with

Jim Babb-cross by Brown

1 the soul. These sorts of concepts I really don't
2 understand. But It was all, in other words, I
3 can't separate pornography out.

4 Q But the way the murder occurred in Mr.
5 Bryant's statements had more to do with an attack
6 in the bathroom and being hit on the back of the
7 head.

8 A I don't know if it has more. I mean that
9 certainly occurred. What I was after the
10 pornography report was the mental health aspects;
11 the psychological implications. It was more than
12 just for Mr. Teitjen.

13 Q Uh-huh. (Affirmative.)

14 A I mean I know that's the case he was on
15 notice for the death penalty for. If there was
16 some sort of sexual implications overtones
17 whatever you will in each of those murders.

18 Q Was there a pornography overtone in each
19 of the murders?

20 A No, not to my knowledge. They were --
21 what I am saying is the pants were unzipped in
22 each case. I remember Dr. Watts telling me that
23 she found that significant. In particular given
24 what he had said about his childhood, which took
25 us awhile to find out. We only found out that Ms.

Jim Babb-cross by Brown

1 Crawford had interviewed the family when we sat
2 them down and went through. There was nothing
3 about that in any discovery we received from the
4 state whatsoever.

5 Q So if I understand your responses the way
6 you would use this information about pornography,
7 it has to do more with mitigation and with your
8 experts than it would in determining whether you
9 would recommend the plea or not.

10 A Well I don't know that it -- I mean I
11 guess everything is relevant whether you do a plea
12 or not, okay. Mitigation, of course, any sort of
13 mental defect, mental aberrance, even being under
14 something that's not normal deals with mitigation.
15 I mean murder is defined as murder, and it has its
16 own elements. So that stands on its own whatever
17 the reason.

18 Q Uh-huh. (Affirmative.)

19 A Whatever the, "trigger." Whatever the
20 reason. Murder is defined statutorily.
21 Mitigation is not only your listed statutory
22 factor but anything else.

23 Q Let me ask you this. You mentioned this a
24 while ago; that you were not looking at just the
25 Teitjen murder but all the murders and all the

Jim Babb-cross by Brown

1 forensics that came in. And do you recall that
2 the gun that was taken from Mr. Ammons was
3 matched, used in all the shootings and subsequent
4 murders?

5 A Yes, ma'am.

6 Q Do you recall a casing from that same gun,
7 or at least linked to that gun was also found in
8 the bathroom area at the Teitjen home?

9 A I can't say specifically I remembered it
10 being in the bathroom. There were casings there.
11 Mr. Teitjen was shot numerous times. I don't
12 think it was cleaned up. So I mean I know casings
13 were found there. It would not surprise me this
14 is one in the bathroom.

15 Q Would that not be some forensics
16 consistent with what Mr. Bryant was saying about
17 shooting Mr. Teitjen near the bathroom area?

18 A I mean, I know a little bit about guns. I
19 am not the -- you know, that kind of person. But
20 it seems to me that either if a casing, you know,
21 I am not qualified to give an opinion. But if
22 there is a casing in the bathroom, there is only
23 three ways I know it gets there. One, a gun is
24 discharged. Two, it's discharged outside the
25 bathroom but the casing goes into the bathroom.

Jim Babb-cross by Brown

1 Number three, somebody carries it into the
2 bathroom. I don't know how else it would get
3 there.

4 Q Okay. We're focused a little bit on the
5 shooting itself because of the statements here.
6 But if we back up a little bit, there was also
7 evidence that Mr. Bryant had cased this particular
8 house. Would you agree with that? Do you recall
9 that?

10 A I know there was, and I am recalling
11 again, I haven't seen any of this.

12 Q Well perhaps this would help.

13 A If I may I recall, there was testimony
14 about him going around in his truck supposedly
15 looking for a dog or he had lost his way. He got
16 stuck I think at Mr. Ammons house and somebody
17 helped him out. So there is evidence that one
18 could look at that would suggest he is casing
19 places out.

20 Q If I may read just a small portion of the
21 record on appeal. This is Dr. Watts on this cross
22 examination on page 857 of the record on appeal.
23 And that is the question is: In addition to that,
24 having talked to Mr. Dennis, talking to
25 Ms. Durant and having talked to Barbara Ryan and

Jim Babb-cross by Brown

1 having gone by Teitjen's house, he had a cover
2 story that his vehicle overheated; that he was
3 out of gas or that he gave them an alias false
4 name. He was looking for a fictitious person to
5 deceive them. Yes and his, this is Dr. Watts'
6 yes. And to keep his true purpose being hidden.
7 Answer, yes.

8 And line 17 through 18 Dr. Watts says, he
9 was in my opinion scoping; that he was in my
10 opinion, scoping out the neighborhood and that
11 sort of thing. That that was an intentional act
12 scoping out ahead of murder. My question to you,
13 do recall that and your other conversations?

14 A I do recall that line of questioning, yes.
15 I think it was not with just Dr. Watts, but
16 probably other individuals as well.

17 Q When you are looking at this defense you
18 are looking at all the pieces of the puzzle, not
19 just the shooting; is that correct? Is that a
20 fair statement?

21 A I certainly hope I am. I mean I am trying
22 to look at everything I can, you know, it's kind
23 of like IBM think, think, think. You take what
24 you've got.

25 Q Okay.

Jim Babb-cross by Brown

1 A I know you have to look at it from every
2 angle that you can.

3 Q Do you recall who Judy Justice was in
4 here? This would have been Mr. Bryant's
5 girlfriend according to the record.

6 A Yes, sir. Correct.

7 Q Do you recall a statement that Ms. Justice
8 gave to the investigating officers that dealt with
9 pornography? In particular, and what is in
10 Applicant's 2 in this proceeding a search warrant
11 attachment 79. There is a reference that Ms.
12 Justice said that she had a strained, or they had
13 a strain in their relationships because Mr. Bryant
14 viewed pornography on their computer. Do you
15 recall that?

16 A That sounds familiar; yes, ma'am. And I
17 do know that the, his or her whoever bought it,
18 that computer was seized as well.

19 Q Uh-huh. (Affirmative.) But you had an
20 indication that Mr. Bryant viewed pornography long
21 before the murder occurred in Mr. Teitjen's home.

22 A I was aware Ms. Justice had made that
23 statement or was alleged to have made that
24 statement. I never meet Ms. Justice myself.

25 Q Did it occur to you or anyone on the

Jim Babb-cross by Brown

1 defense team that if you could confirm that there
2 was pornography on the Teitjen computer, that you
3 would corroborate the defendant's statement that
4 he was guilty?

5 A Well, ma'am, he was guilty of murder and
6 there was nothing I could do about that. I mean,
7 like I said, I might can deal with one confession.
8 I can't deal with three or four. At least not in
9 this case I could not.

10 Q So is it fair to say that
11 counterproductive. Which is just simply more
12 evidence against your client?

13 A No, ma'am. It would be authenticated what
14 he had told me. It would have given the doctors
15 who were trying to diagnose him and figure out
16 what was going on in his head, you know, more to
17 work with. So no, that would not have been
18 counterproductive to the defense at all.

19 A I don't think I made a mistake by hiring a
20 computer forensic expert to look for things my
21 client told me were there.

22 Q But the doctors---

23 A I could have easily handled it in court if
24 anybody wanted to make a case that was proven
25 murder. Murder was already proven.

Jim Babb-cross by Brown

1 Q It's not a defense.

2 A It's not a defense to murder. I think it
3 is given his, I mean, the guy is not right, okay.
4 He is not right.

5 Q And you would agree with me though that
6 your doctors that you had retained knew about the
7 suggestion of looking at pornography and would
8 have looked into that and give their opinion.

9 A I hired them because I had confidence in
10 them. I believe pretty much, you know, that's
11 their duty. In other words, I don't hire
12 psychiatrists and then tell the psychiatrist how
13 to run their job. I am not qualified to do that.
14 Now I may tell them there are certain things I
15 want them to look at it, but I am not qualified
16 to tell them how to run their job and what their
17 conclusions must be and should be.

18 Q Let's go back to discovery for just a
19 minute. You had mentioned that you had pretty
20 much gone digital; that you could scan these
21 documents and put a disk together.

22 A Correct.

23 Q When you had to leave the case for medical
24 reasons, who did you hand the disk over to?

25 A Well certainly Jack should have had a copy

Jim Babb-cross by Brown

1 of those. I mean he should have had copies as we
2 went.

3 Q You certainly didn't withhold the disks.

4 A No, no, no. In other words, like that
5 thousand some odd pages that was initially
6 reviewed, you know, that would have been on the
7 disk to begin with. As the case went, that same
8 disk would have the documents in it that had been
9 filed, you know, I mean submitted to the court.
10 Then approved. It would have all of those. In
11 other words would like of come complete file.

12 Q Uh-huh. (affirmative.)

13 A Not only that but the time from 2008, at
14 least through about February or March, Mr. Howle
15 and I have been partners in real estate for a
16 number of years before. I had the office, he, you
17 know, essentially paid rent. What we did, real
18 estate, paid for the staff and paid rent on the
19 office. Paid most of our overhead. Everything
20 else you had to, you know, shoot it in. I mean
21 you were on your own as far as that.

22 But I had built a rather fast computer
23 that we were using. It had like four hard drives
24 in it. It had its own internal back ups. If it
25 was to crash you always had. It had something

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1 else. But all that wired in together. So in
2 other words when Jack was there, when he assessed
3 on his computer the Stephen Corey Bryant file, he
4 would be accessing the Stephen Corey Bryant file
5 on my hard drive or one of my hard drives in that
6 computer. So he had access to the hard drive in
7 the office. And I would produce these disks just
8 in case the office burns down as they do with
9 others, you would have backups. And I know I gave
10 John Clark a set of backups. I specifically
11 remember that.

12 Now when Jack moved and that was probably
13 around March or April, because he was made chief
14 public defender of the Third Circuit. It was
15 retroactively back to January 1st. So, you know,
16 January 1st actually through around March, he was
17 still physically occupying my office. Physically
18 hooked into the computers there. So he had access
19 both ways. When he left, I know Carly. Carly was
20 our paralegal, actually was our office manager.
21 But she I am pretty sure, copied, you know, not my
22 personal files but the office case files so that
23 whatever was in our officer server then migrated
24 not only through the disks, but through I built
25 these hard drives, you just plug it in and it

Jim Babb-cross by Brown

1 works. But was physically transported over and
2 downloaded on their computer in the public
3 defender's office.

4 Q Is it fair to say you spent a lot of time
5 in collecting the documents and organizing those
6 documents in this format so that when you handed
7 it over to Mr. Clark it was very easily
8 accessible?

9 A I tried to make it, you know, one the keys
10 are you want to be meticulous about what you put
11 in there. Two, how you label them. And three, I
12 would not only scan let's say a paper document and
13 then I run it through the software that I had that
14 would make the resulting PDF purported document
15 file, word scanner. I mean word reader. Word
16 searchable. So like if you typed in, you know,
17 motion or murder and armed robbery, whatever, it
18 should take you to the specific place in each and
19 every document in there that contains any of those
20 words. Or, you know, if you put it in parenthesis
21 or quotations to that particular phrase.

22 So I mean that was why I guess it did take
23 some amount of time.

24 Q Okay.

25 A It was better than trying to run through a

Jim Babb-cross by Brown

1 box in the courtroom.

2 Q Let me ask you about a statement that you
3 made on direct. I believe that you said that you
4 pretty much did not speak to Mr. Bryant after
5 March of 2008, consultation with Mr. Bryant.

6 A When I say spoke to him, I think what I
7 was trying to say was I do not recall counseling
8 or having any specific discussions with him about
9 whether to plea or not to plea or how to do so.

10 Q Okay.

11 A In other words, after that hearing with
12 the South Carolina Supreme Court Stay, everything
13 was stayed. At that point we were looking to pick
14 a jury. I don't know how long it was before that
15 unfolded. But, you know, by mid May, It was
16 either mid or early, sometime in mid May I was
17 pretty much out of the game. Even though it would
18 have taken a little bit longer for me to be
19 relieved.

20 Now I was, you know, when I mentioned
21 going over to Florence to meet with Mr. Bryant
22 while doctors, well Donna and Margaret, I don't
23 remember. Donna Schwartz Watts and Margaret
24 Melikian talked with him. That was for a plea.
25 Because they were talking with him specifically

Jim Babb-cross by Brown

1 that day to make sure that if he was competent on
2 that day. But I mean my role in that, I didn't
3 talk to him about the plea. I went to say, you
4 know, do you remember these guys. They are here
5 to talk to you and then listen to them.

6 Q Okay.

7 A And then as I said, that gave me an
8 opportunity to met with other witnesses that were
9 going to be presumably testifying at trial.

10 Q Do you remember reviewing Applicant's No.
11 12, the Tender of Guilty Plea that you---

12 A Yes, ma'am.

13 Q Does it refresh your recollection if I
14 refer you to the record on appeal where there is
15 an April 3, 2008, hearing before Judge Russo with
16 you; Mr. Howle, Mr. Jackson, Mr. Saleeby, and you
17 offered the Tender of a Guilty Plea? Would that
18 be the same document.

19 A I don't know. If I offered it, wouldn't
20 it be, it should be in the record.

21 Q We have in the---

22 A I've never read the record on appeal.

23 Q Okay.

24 A I'm just saying that if you have got the
25 exhibit, I am presuming whatever if you are

Jim Babb-cross by Brown

1 referring like to something in the file it's
2 there.

3 Q Okay. And that one is
4 undated. And that's the only one you recall. You
5 don't recall another one that you worked on; is
6 that correct?

7 A That's correct. And I am thinking on that
8 undated for the purpose, if it was used, it was
9 used on the day instead of having it blank.

10 Q I think you mentioned that you did a Cert.
11 Petition and that wasn't a response to that?

12 A Not initially. I am thinking that's why
13 the Supreme Court stayed the trial.

14 Q Okay. Would you disagree---

15 A I am thinking they stayed in order for the
16 state to respond or give them a certain number of
17 days.

18 Q Would you disagree with me if I said that
19 the time had not run for the state's response by
20 the time the proceedings were stayed? Does that
21 reflect your recollection?

22 A No, ma'am. I guess it refreshes it if
23 you have got a copy of the order.

24 Q And if there is no order compelling a
25 response then you would just be mistaken in your

Jim Babb-cross by Brown

1 recollection.

2 A I am not mistaken in my recollection. We
3 were in court going over the list of potential
4 jurors and any other issues prior to selection of
5 the jury. Ms. Carly came up and said that the
6 South Carolina Supreme Court had called. Handed
7 us a note. It had to do to with the stay. And it
8 was passed on to Mr. Jackson and the judge.
9 Mr. Jackson was not, I mean, he was upset, taken
10 back whatever. He wasn't happy that the jury had
11 said well there is a stay. The judge called the
12 court. And as I recall, he relayed to us that the
13 order, and I believe I had drafted that order to
14 stay any and all proceedings in the case, period.
15 I know that happened.

16 Q And then appellant litigation went on that
17 point.

18 A Whomever filed, whatever, you know, there
19 was a response.

20 Q Okay. And---

21 A I know at that point Mr. Jackson's office
22 had not responded to the petition because I would
23 have had to have been served with it.

24 Q Let me go back to the Tender of the Guilty
25 Plea document.

Jim Babb-cross by Brown

1 A Yes, ma'am.

2 Q You've referenced in your direct about
3 statistics that you received from Ms. Norris or
4 Mr. Lominack or both.

5 A Yes, that's correct.

6 Q Do you remember that?

7 A I remember, you know, either having
8 e-mailed the fax to me. Things that I have used
9 I mean that's where that particular line in the
10 tender came from was from that offer.

11 Q And just so the record is clear, they
12 would have been death penalty experts at that
13 point and time, that you would rely on?

14 A Teresa Norris is certainly a death penalty
15 expert. Mr. Lominack I believe his expertise is
16 more in the realm of an appellate work and
17 post-conviction relief actions. But he was quite
18 knowledgeable as well as death penalty cases. And
19 it was pretty small in South Carolina on who does
20 the legal stuff.

21 Q Let me ask you. You had made some
22 references, I believe, to the statistics not being
23 causation but probability.

24 A Correlation.

25 Q Correlation. Thank you. That's the word.

Jim Babb-cross by Brown

1 Is it fair to say that when you talked to your
2 client, you never said statistically it's a good
3 possibility as much as statistically we have a
4 change we ought to consider this. You may still
5 get death if you to go through this.

6 A Well I can tell you this, I would have
7 never told him or any other client, I guarantee
8 you any outcome, and certainly not life in a death
9 penalty case.

10 Q You never make any promises as to
11 sentencing.

12 A No, ma'am. I may have opinions about what
13 makes something more or less likely, but there are
14 never any guarantees. I think I am probably
15 prohibited from making any.

16 Q Court's indulgence. Mr. Babb, if I could
17 ask you one more question just to make sure we are
18 clear on the statements. Did your client ever
19 tell you he viewed pornography at Mr. Teitjen's
20 home on Mr. Teitjen's computer prior to the
21 shooting of Mr. Teitjen?

22 A I do not know that he specifically used
23 those words. I know whatever he told me, whatever
24 the evidence, the statements and the other
25 evidence that I got at that time, made a decision.

Jim Babb-cross by Brown

1 that the existence or nonexistence of that is a
2 very significant, relevant factor to the
3 preparation of his defense. So yes, I hired
4 Mr. Nailer to look for.

5 Q Thank you, Mr. Babb.

6 A At this time, you know, I wish if I had
7 known, I mean, I was pretty good then about making
8 notes when I interviewed him. And there was a
9 particular style that I used when making those
10 notes. I don't have them. I don't know where
11 they are. So I am having to go off of memory.
12 And I will be honest, I can't say one way or
13 another. Whether he used those specific words or,
14 you know, words meaning the same thing. Whatever
15 happened there in whatever order, it had
16 implications on how I would prepare for the case,
17 if he would have cooperated.

18 MS. BROWN: Thank you, Mr. Babb. I
19 appreciate it. No further questions, Your Honor.

20 MS. ARMSTRONG: Just briefly, Your Honor,
21 on redirect.

22 REDIRECT EXAMINATION by Ms. Armstrong:

23 Q Mr. Babb, I believe you were questioned
24 about a statement that Judy Justice had made about
25 Mr. Bryant allegedly looking at porn. I take it

Jim Babb-cross by Brown

1 that because you didn't see any of the forensic
2 computer information from sled, that you never
3 were made aware of the fact that there was never
4 any pornography found on any computer connected
5 with Mr. Bryant?

6 A Well I got a copy and was made aware. And
7 had it been found, I am sure I would have been
8 made aware of that much.

9 Q And you were also questioned about I
10 believe in what order Mr. Bryant mentions
11 pornography at Mr. Teitjen's home. Obviously you
12 read, being proffers, in the interview with Mr.
13 Bryant when she said they were discussing
14 pornography.

15 A I can read every statement inside the
16 transcript, anything he said; therefore, line by
17 line, paragraph by paragraph, page by page more
18 than one time.

19 Q So based on all of that, you were pretty
20 clear that porn was an issue.

21 A Yes, ma'am.

22 Q And you are aware it was discussed and
23 viewed at some point both of those things happened
24 at the Teitjen residence.

25 A That was my belief; yes, ma'am. What my

Jim Babb-cross by Brown

1 client said I was looking to corroborate what he
2 had to said. But, you know, I am looking for
3 reasons to give restraints. In other words, some
4 insight into what is going on with this young man
5 because one, I talked with him, and, you know, I
6 hate to keep saying it, he ain't right in my view.
7 Two, none of these murders or the other incidental
8 shooting make any sense from an advantageous
9 motive point of view. They make no sense. They
10 are all bizarre. Extremely bizarre.

11 Q So no question the pornography was very
12 important to you and you wanted it.

13 A Yes, ma'am.

14 Q And you never got it.

15 A Never got it.

16 Q And you made repeated requests for it or
17 requested via discovery.

18 A Well I will put it this way. And I had
19 forgotten about that letter. And I really, I
20 mean, I knew I had gotten an order that said, I am
21 going to view it. If you don't give it over, and
22 it's going to be under seal. I have actually
23 forgotten how strongly it's worded. I mean that
24 letter made it pretty clear. What I am saying
25 is, if you sand bag them and if I catch you, there

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1 are severe consequences because you do have an
2 ethics obligation to do this.

3 And I think that came through not only
4 from my letters, but from the judge was having to
5 say. I have never in other case that I recall,
6 either worded an order or letter that strongly.
7 Now I know in this discovery that I got from the
8 Richland County Public Defender's Office that was
9 not provided by the state to me. So I knew there
10 were things out there.

11 Q Right.

12 A Okay. I have got a client telling me that
13 there should be things there. So, yeah, I was
14 after whatever wasn't there. It's a little bit
15 hard to prove it's not there. What is it you
16 don't know.

17 MS. ARMSTRONG: I got you. Thank you.

18 MS. BROWN: May I ask a question?

19 THE COURT: Okay.

20 Recross Examination by Ms. Brown:

21 Q Mr. Babb, you said that you received
22 something from Richland County Public Defender's
23 Office---

24 A Correct.

25 Q ---that you did not receive. Do recall

Jim Babb-cross by Brown

1 what that was?

2 A I am thinking that, and I could be wrong
3 on this, but I believe that had to do with some
4 sled reports regarding the surrounding the house
5 and the arrest of Mr. Bryant. Again, those things
6 would be on the disk that I made from the hard
7 drive. And hopefully it would be identified. At
8 least it would be within, you know, because they
9 come in, kind of batches.

10 Q Yes, sir.

11 A And so then you could also look at the
12 date it was scanned and know it is the crime
13 scene.

14 Q But the only thing you recall at this time
15 is something about the sled surrounding him on
16 arrest.

17 A Yeah. I am pretty sure. I mean I know
18 there are documents like that. I am thinking I
19 got that particular one and possibly some other
20 things from the Richland P.D.'s Office. And they
21 have not have been included in anything I have had
22 gotten from the solicitor's office here up to that
23 date.

24 MS. BROWN: Thank you, Mr. Babb. Thank
25 you, Your Honor.

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1 THE COURT: You may step down.

2 MR. BABB: May I be excused, Your Honor?

3 THE COURT: Any problem?

4 MS. ARMSTRONG: Without objection, Your
5 Honor.

6 MS. BROWN: No objection, Your Honor.

7 THE COURT: All right, 12:30. Come back
8 at a quarter till 2. An hour and 15 minutes. Or
9 do you all you need more time than that?

10 MR. ZELENKA: That's fine.

11 MS. ARMSTRONG Perfectly.

12 THE COURT: Okay. See you at a quarter
13 till two.

14 (Whereupon the court breaks for lunch.)

15 THE COURT: Mr. Bryant, yes, sir.

16 THE PLAINTIFF: I don't feel comfortable
17 right now. I thought I was going to be seen at
18 break. Evidently I wasn't seen during break. I
19 would like to go -- I want to drop this whole case
20 right now. And I want a fast and speedy
21 execution right now. I don't feel I am being
22 properly represented the way I want to be
23 represented. I asked to be seen during break, I
24 wasn't seen during break. I want to go back to my
25 holding cell. They tell me I got to sit down a

Jim Babb-cross by Brown

1 little bit. Just take me back to the holding
2 cell. I want a fast and speedy execution right
3 now. I don't want to go through this.

4 THE COURT: I will take a break and let
5 your lawyers talk to you. Then we will come back
6 and talk to you in a minute, okay.

7 THE PLAINTIFF: You still ain't listening
8 to me.

9 THE COURT: I am. I want your lawyers to
10 talk to you first before you tell me this, okay.
11 I understand what you are telling me. If you want
12 to talk to your lawyers, I will give you a chance
13 to talk to your lawyers, and then we will decide
14 whether to proceed or not, okay?

15 MS. ARMSTRONG: Thank you, Your Honor.

16 THE COURT: You come get me when you are
17 ready.

18 (Whereupon, the court takes a short
19 recess.)

20 THE COURT: You may proceed with the
21 evidence.

22 MS. ARMSTRONG: May It Please the Court, I
23 just want to note for the record, obviously the
24 court gave Mr. Taylor and I an opportunity to
25 speak with our client, Mr. Bryant. And I just

Jim Babb-cross by Brown

1 want to bring it to the court's attention that we
2 conferred with Mr. Bryant and I believe he would,
3 he understands that we need to proceed forward in
4 this hearing. And he has deferred from making any
5 further decisions about his case at this time.
6 And I believe that he would prefer that we are
7 going to move forward. He is not going to waive
8 his appeals. I believe also in speaking with him,
9 that his medications that he is receiving and he
10 indicates to me that he has not had them recently.

11 Dr. Watts will be here in the morning. We
12 are going to ask her to take a look; have a
13 conversation with Mr. Bryant, and make sure he is
14 okay. I believe he is. Based on our
15 conversations, I think he is perhaps a little
16 overwhelmed. Perhaps a little agitated. You
17 know, it's high stress situation for probably
18 pretty much anyone in the courtroom. And as you
19 heard, Mr. Bryant does have a history of having
20 some psychological mental health issues. But we
21 would like to proceed forward with the hearing.

22 THE COURT: Okay. You may call your next
23 witness.

24 MR. ARMSTRONG: Thank you, Your Honor.
25 The applicant calls Kelly Jackson. Solicitor

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1 Kelly Jackson.

2 CECIL KELLY JACKSON, after being duly
3 sworn, testified as follows:

4 THE CLERK: Mr. Jackson, state your full
5 name and spell your last name for the record.

6 A My name is Cecil Kelly Jackson.

7 J-A-C-K-S-O-N.

8 Direct Examination by Ms. Armstrong:

9 Q Good afternoon, Mr. Jackson, how are you?

10 A Fine.

11 Q What do you for a living, sir?

12 A I am an attorney here in Sumter County.

13 Q How long have you been a lawyer?

14 A Since 1990.

15 Q Okay. So 22 years?

16 A 22 years.

17 Q Okay. What was your first job as a
18 lawyer?

19 A My first job as a lawyer was assistant
20 solicitor in Richland County.

21 Q Okay.

22 A Fifth circuit.

23 Q And at one point did you move up the chain
24 of command and become chief solicitor?

25 A I did. I was elected solicitor here in

Kelly Jackson-direct by Armstrong

1 the Third Circuit in 98. Took office in 99.

2 Q So how long did you serve in that
3 capacity?

4 A 12 years.

5 Q So you just recently retired?

6 A Yes, ma'am.

7 Q Are you still practicing law?

8 A Yes, ma'am.

9 Q In private practice?

10 A Sort of taking some appointed cases.

11 Q Okay. So from 99 to 2011, you were the
12 chief prosecutor for the Third Circuit?

13 A That's correct.

14 Q Now were you involved in the prosecution
15 of Stephen Corey Bryant?

16 A Yes, ma'am.

17 Q Okay. In what capacity?

18 A I was one of the two prosecuting
19 attorneys. Myself and Dudley Saleeby prosecuted
20 the case together.

21 Q Was Dudley like the chief deputy solicitor
22 or just somebody high on the food chain?

23 A Dudley was a prior solicitor for the 12th
24 Circuit, and he worked specifically on large cases
25 like this along with me. This particular case he

Kelly Jackson-direct by Armstrong

1 handled the Teitjen case. I handled all the
2 others prior.

3 Q So because there were a number of charges,
4 you all kind of divided it up by I guess victim?

5 A That's correct.

6 Q Incident.

7 A That's correct. But victim, and there is
8 some evidence that overlapped, yes.

9 Q Okay. So when you divided it up between
10 the incident, you had everything except for the
11 Teitjen homicide?

12 A Right. I was primarily responsible for
13 Mr. Ammons burglary.

14 Q Okay.

15 A Which was also theft, weapon and
16 ammunition. Mr. Gainey's murder. Mr., I am sorry
17 Mr.---

18 Q Burgess.

19 A Well I was going to say Mr. Brown. Let's
20 see, if we get them in order it's easier to
21 follow. The gun was stolen in the Ammon's
22 burglary. And Mr. Brown was shot by the river.
23 Mr. Gainey was killed in then his house
24 burglarized and burned. And then, I believe
25 Mr. Teitjen was killed and then Mr. Burgess was

Kelly Jackson-direct by Armstrong

1 killed. And then the officer in the Sumter County
2 Detention Center was beaten almost to death.

3 Q And you handled everything except Teitjen.

4 A Dudley primarily handled Teitjen. I
5 primarily the other. And we cross referenced and
6 checked this list.

7 Q And when you say handled, can you
8 describe, I mean obviously it meant you were
9 becoming more familiar with these types of cases
10 rather than the Teitjen murder; is that what you
11 saying?

12 A Right. And I was viewing, that's normally
13 when you are going to try one murder case it might
14 be nice to have somebody to help you. When you
15 have three murder cases basically, and two
16 attempted murders; there is a lot. You know,
17 multiple witnesses, multiple families, multiple
18 victim impacts all that stuff. And we split them
19 up.

20 Q Let me ask you this. As far as the
21 division of labor is concerned, did that make each
22 attorney responsible for gathering discovery for
23 their particular case or cases?

24 A You would be more in tune with what you
25 had and what you were looking for. But we shared

Kelly Jackson-direct by Armstrong

1 responsibility.

2 Q okay.

3 A And anything ultimately would be my
4 responsibility.

5 Q Okay. So you divided up who was going to
6 be familiar with which set of facts. But
7 ultimately the discovery would have come under
8 your letterhead?

9 A Exactly. And my signature.

10 Q Got you. All right. So in this case like
11 you said, there were a number of incidents and
12 people and charges and that sort of thing. How
13 did you go about organizing or trying to collect
14 all the information? I know that Sumter County
15 Sheriff's Department does their investigation.
16 And they were a, I guess, a referring agency with
17 sled which was an assisting agency. How did you
18 coordinate getting all that stuff?

19 A We had set up a pretty much a chain of
20 command, I guess you would say? I had a liaison.
21 Had point of contact with the sheriff's department
22 liaison, point of contact with sled. There was
23 also a Richland County case we needed to get
24 information from. And we tried to have the same
25 representative from a particular agency show up

Kelly Jackson-direct by Armstrong

1 so that we could go over the same things over and
2 over again until we got everything that we had.

3 Q Who was point of contact at sled?

4 A I believe it was Bo Martin and Mr.
5 Caldwell. I don't remember. It's one or the two
6 of them. If they did it jointly. And Mark Creech
7 was involved. Mark was the local sled guy. We
8 dealt mostly with those three, Caulder, Martin and
9 Mark. It's probably a memo that says Mark, you
10 know, I am going to come to you if I have got any
11 questions of sled. And you go to sled and get it.
12 But I don't remember which one it was.

13 Q Do you ever remember having a conversation
14 with the computer forensic analyst named David
15 Givens?

16 A I don't remember the conversation.
17 Mr. Taylor showed me the note that they had put
18 whereas a conversation. I don't remember the
19 conversation. If David had called, I should have
20 had a note of it somewhere. I don't know if you
21 all put the notes to see if I have got something
22 where I noted I talked with David. If he called
23 and left a message, and it would be on the Teitjen
24 case, I would have given it to Dudley. And I
25 could have had a cursory conversation with him and

Kelly Jackson-direct by Armstrong

1 saying thanks for calling. Dudley is doing his
2 stuff. I will refer you to him.

3 Q Okay. So you don't remember having a
4 conversation with him?

5 A I don't.

6 Q But you are familiar with the case
7 management index which is Petitioner's Exhibit or
8 you were shown this?

9 A I was shown that by Mr. Taylor. This is
10 the first time I have seen it.

11 Q Okay. Where it noted that conversation.

12 A Yes, ma'am.

13 Q On here it is 10/25/04. Received call
14 from Solicitor Kelly Jackson. So you think maybe
15 you left him a message but you did not speak to
16 him?

17 A I don't remember speaking with David.

18 Q Okay.

19 A Had I spoken to David, It would be, and I
20 know David. Had I spoken to David, I would be
21 referring to Dudley. I would not have been
22 working on that. Dudley would have been working
23 on that.

24 Q Because it was the Teitjen case you would
25 have---

Kelly Jackson-direct by Armstrong

1 A Right.

2 Q ---referred it.

3 A Right.

4 Q So as far as Mr. Saleeby because he
5 wasn't, well I mean, essentially he worked for
6 you.

7 A Right.

8 Q Would that be fair to say?

9 A Yes, ma'am. He would tell you that.

10 Q You worked together.

11 A He would say I employed him.

12 Q Fair enough. So in your mutual endeavor
13 in trying these cases, what were the sort of
14 marching orders for lack of a better word, as far
15 as, getting the information and making sure that
16 you complied with Rule 5 and Brady?

17 A Just that, getting the information
18 together and make sure we complied. If there were
19 any questions we reviewed stuff together and make
20 a decision.

21 Q So you didn't tell people step by step, I
22 expect you to call this agency and send them this
23 letter and make darn sure they got it to me by,
24 you know, such and such a time. There wasn't
25 anything specific like that as far as what the

Kelly Jackson-direct by Armstrong

1 protocol was?

2 A We met periodically with agencies and
3 said, we need this, we need this, we need this.
4 And the investigation needs to go here. The
5 investigation needs to go there. But we don't
6 have this. We don't have this. If it's for the
7 ballistics out there. We know they are out there.
8 Where are they. And why don't we have it for this
9 one yet. And we do that through the liaison for
10 the course of contact with agencies. And later in
11 the discovery process, we ended up in front of
12 Judge Russo. You want to talk about that now?

13 Q Sure about his order?

14 A Right.

15 Q Yes.

16 A We later ended up in Florence, I think. I
17 recollect that there was a request for a discovery
18 motion. We all went to Florence. We had a
19 hearing on some specific discovery that Mr. Babb
20 thought we had.

21 Q Which was?

22 A Videotapes. Audio tapes. Recording of
23 conversations with his client. It seemed like
24 they remembered a tripod and a camera and all this
25 type stuff. And a copy to say never happened. I

Kelly Jackson-direct by Armstrong

1 recollect that we put people on the stand to say
2 it didn't happen.

3 Q All right.

4 A So yeah, and later I believe we got an
5 order from a judge saying, Judge Russo saying make
6 sure you get everything. I sent out a directive
7 to law enforcement. By gosh, give us everything
8 you got.

9 Q Do you have any letters memorializing that
10 directly?

11 A I would have sent out a memo.

12 Q To them.

13 A Right.

14 Q But obviously you're not copying the
15 defense.

16 A No.

17 Q There was an internal sort of---

18 A Right.

19 Q ---mechanism. May I approach the witness,
20 Your Honor.

21 THE COURT: Yes, sir.

22 Q Does this order look like the one that you
23 are referring to that would have been signed after
24 the hearing disclosing discovery? And I have just
25 handed the witness Petitioner's 17.

Kelly Jackson-direct by Armstrong

1 A It appears to be, yeah.

2 Q So you didn't send out copies of Judge
3 Russo's order. You just sent out your own memo
4 that said, hand it over.

5 A We may have included a copy of the order.
6 I don't remember. I don't remember if we just
7 included the order of it. We just said the judge
8 ordered it. I don't recall.

9 Q In other words, you told them if you have
10 got it, we want it.

11 A Right.

12 Q And that would have been Ammons, Burgess,
13 Gainey, Brown, and Justice, but not Teitjen.
14 Coming from you.

15 A I didn't follow you.

16 Q I'm sorry. The memo that you sent out,
17 because you all divided up the cases, would it
18 have been sent out also---

19 A It would have covered everything.

20 Q Got you.

21 A It would have covered everything.

22 Q Oh, okay. I got you.

23 A It wouldn't have been a separate memo. It
24 would have covered everything.

25 Q So your request for discovery was across

Kelly Jackson-direct by Armstrong

1 the board. It wasn't Saleeby had to ask for it.

2 A Correct. Correct.

3 Q Fair enough. Okay, do you remember
4 receiving various requests from attorney Babb
5 about the discovery?

6 A Yes, ma'am.

7 MS. ARMSTRONG: May I approach the
8 witness, Your Honor.

9 (Letter premarked as Plaintiff's Exhibit
10 No. 19.)

11 Q Mr. Jackson, I am going to hand you what
12 has been premarked as proposed Petitioner's
13 Exhibit No. 19, and ask if you recall receiving
14 this letter.

15 A This appears to be for me.

16 Q Oh, yes.

17 A You said receiving.

18 Q I'm sorry. Drafting that letter.

19 A Yes, ma'am, I do.

20 Q Okay. And the date on that letter.

21 A May 30th 2007.

22 MR. ZELENKA: No objection.

23 THE COURT: What exhibit is that?

24 MS. ARMSTRONG: Plaintiff's Exhibit 19.

25 Letter from, addressed to Mr. James M. Babb from

Kelly Jackson-direct by Armstrong

1 Solicitor C. Kelly Jackson. Dated. May 30th
2 2007.

3 THE COURT: In without objection.

4 MS. ARMSTRONG: Thank you Your Honor.

5 (Letter marked Plaintiff's Exhibit No. 19
6 into evidence.)

7 Q Okay. So would it be fair to say at least
8 as far as attorney Babb was concerned, that they
9 felt like they were getting all the discovery?
10 And they were sort of agitating to sort of get it
11 so they could prepare?

12 A I believe Mr. Babb felt that way. I don't
13 know that Mr. Howle felt that way. I don't know
14 how Mr. Howle felt. I believe Mr. Babb felt like
15 we had things we were sitting on and not giving
16 him. And he was very diligent in searching for
17 that stuff and we didn't feel as though we had
18 anything else to give. And he was -- just like
19 very similar to the video thing that he thought
20 existed, and may still think exists. Although the
21 officers took the stand and said it doesn't exist.

22 If there was something out there that some
23 officer was holding from us and he knew about it,
24 we wanted to help find it. And I sent that letter
25 saying if there is something out there, we need to

Kelly Jackson-direct by Armstrong.

1 be specifically asking for it that you know of
2 that we don't, help us.

3 Q So you wanted I guess, in May, had
4 requested that he be specific in his requests.

5 A Right.

6 Q But come November the judge said, anything
7 you have got whatever, hand it over. Or put it
8 under seal and I will look at it.

9 A That's correct.

10 Q And law enforcement knew that---

11 A Yes.

12 Q ---Sumter and sled, they knew. You give
13 us everything. And if you don't, you put it under
14 seal and give it to the judge.

15 A I don't know that they would have put
16 something under seal.

17 Q Okay.

18 A The law enforcement officers?

19 Q Well anything that was not provided was to
20 be placed under seal either by your office.

21 A Give to the judge.

22 Q Right.

23 A We need anything, to the judge.

24 Q Right. And I believe it said on page --
25 it referenced on page 2 of the discovery order

Kelly Jackson-direct by Armstrong

1 that it was deemed not otherwise discoverable, it
2 has to be made available to the court in 25 days.

3 A Okay.

4 Q So you're fairly certain that sled, Sumter
5 County knew this.

6 A And I believe there is a memo.

7 Q So it's my understanding that the
8 pornography discovered by Agent Givens is
9 something that was never provided to you.

10 A That's correct.

11 Q You've never seen.

12 A That's correct.

13 Q And even though you weren't handling
14 specifically the Teitjen situation, the discovery
15 was coming in, and your office had gotten it. It
16 would have been addressed to you.

17 A That's correct.

18 Q So if you didn't get it, nobody got it in
19 your office. Would that be fair to say?

20 A That would be fair to say.

21 Q It goes to the chief and then...

22 A This was all coming in. Everybody that
23 knew anything, this was all coming to our
24 attention.

25 Q Okay. All right. I beg the court's

Kelly Jackson-direct by Armstrong

1 indulgence. There is one thing that I neglected
2 to ask. Just one final question. The disclosed
3 information or the information from sled from
4 Agent Givens about the Teitjen Gateway and Acer,
5 there is also evidence that there were forensic
6 analysis done on Mr. Bryant's computer that showed
7 an absence. You didn't give those results either.
8 Would that be fair to say?

9 A It was -- there were the sled reports,
10 would have had search warrants in it. Some of
11 David Givens' notes about, "No evidentiary value."
12 That those things were what I received, and what I
13 passed on. If it was in that, if it was in that
14 big old document, it would have. And it was
15 distributed in discovery. I don't remember if
16 there was a return on that. It seems like there
17 was a search warrant for the ones at Judy
18 Justice's house.

19 Q I believe on the Teitjen computer there
20 was a consent to search and Judy Justice.

21 A Judy, okay.

22 Q And Ms. Caulder also, the aunt, who had a
23 computer. Do you remember getting any of the in
24 case files on any of the computers out of all?

25 A I don't know of any in case files that

Kelly Jackson-direct by Armstrong

1 exist.

2 Q I'm sorry.

3 A If that's the stuff Mr. Taylor showed me;
4 no, I didn't get that.

5 Q In the case and I am kind of illiterate in
6 this area. But it's a program that goes through
7 and looks for activity on, I guess, signing on and
8 pop ups and everything. It's looking for what's
9 on that computer. So you didn't get those, those
10 printouts.

11 A I don't recall that I got those printouts.

12 Q Do you recall what, if anything, you did
13 get as far at computer analysis?

14 A What I recollect was what was in that sled
15 report. If there's something else, I just don't
16 recollect. But I remember something in the sled
17 report----

18 Q Would it have been---

19 A I believe it's the---

20 Q I'm sorry.

21 A And of course whatever was in the state's,
22 but I don't think that's what we are referring to.

23 Q Is that the attachment 79?

24 A Yes. That was in that, yes.

25 Q Yes, sir.

Kelly Jackson-direct by Armstrong

1 A I believe we turned this over.

2 Q Yes.

3 A Okay.

4 Q The attachment.

5 A Absolutely.

6 Q Attachment 79 is now known as attachment
7 as Petitioner or Plaintiff's Exhibit No. 2 Thank
8 you.

9 MS. ARMSTRONG: Thank you, Mr. Jackson. I
10 appreciate it.

11 Cross Examination by Mr. Zelenka:

12 Q Mr. Jackson, I have got a few questions
13 for you. With respect to the designation of
14 responsibility.

15 A Yes, sir.

16 Q On direct you stated that former Solicitor
17 Saleeby was involved, action being the primary on
18 the Teitjen murder; is that correct?

19 A Yes.

20 Q And did you have knowledge of the facts
21 and circumstances of the Teitjen case? What
22 occurred at the crime scene?

23 A Yes, sir. I did some of the witnesses.

24 Q And in your preparation for that case, did
25 you have some understanding about the note that

Kelly Jackson-cross by Zelenka

1 was left by the perpetrator at the crime scene
2 making reference to porno computer? Are you
3 aware of that, or do you recall that?

4 A I only recall it having gone through these
5 proceedings. But it didn't play, when I say I did
6 some witnesses, mine were in the penalty phase not
7 in the other part. It wasn't something I recall
8 referring to through my witnesses.

9 Q Okay. Were you aware there was an issue
10 at the time back then, that there was an issue as
11 to whether pornography was on the computer, or
12 pornography was seen at some time by the
13 defendant?

14 A Yes.

15 Q Do you recall whether your office either
16 yourself or Mr. Saleeby, made an intentional
17 decision not to disclose information about the
18 computer for any reason?

19 A We did. There was no such intention or
20 decision made.

21 Q And when you received the three-inch thick
22 materials from sled which included, I believe, 81
23 attachments at some point and time, including an
24 attachment 79, that's specifically included
25 information relating to the computer that was

Kelly Jackson-cross by Zelenka

1 found at the victim's house; correct?

2 A Yes, sir.

3 Q And included information that suggested no
4 evidence was identified that would have suggested
5 Bryant had prior contact with any of the victims;
6 correct?

7 A Yes, sir.

8 Q And that nothing of any evidentiary value
9 was identified; correct?

10 A Yes, sir.

11 Q And that information including that part
12 of report was disclosed to the defense---

13 A Yes, sir.

14 Q ---about that. Do you recall at this
15 time, what matters of evidentiary value that you
16 as a prosecutor, would have been looking for back
17 in 2004 through 2008, concerning those computers?

18 A The two things of evidentiary value that
19 would come to mind would be, whether or not there
20 was child porn. I heard that discussed the last
21 couple of days. If there's child -- child porn is
22 like cocaine, you can't possess it. So if there
23 was some allegation of child porn, we would need
24 to know if that was corroborated, it could result
25 in another charge. The other thing would be

Kelly Jackson-cross by Zelenka

1 trying to corroborate time. He was in the house
2 for a period one of time. And we had a start time
3 based on, I recollect, based on a conversation of
4 one of our witnesses. And an end time. Obviously
5 when people showed up at the house, when he was
6 gone, he was gone.

7 But we had, and there were phone calls to
8 the family. We knew he was in the house for a
9 long time. And he had given statements to at
10 least one statement, that he had gone on the
11 computer after that murder. So if you wanted to
12 try to find some corroboration that he was there
13 during that time other than what we already had,
14 that would have been a source of corroboration.

15 Q And with that information, you were aware
16 that sled had prepared which is also included in
17 attachment 79, the search warrant for the
18 additional computers for the computer crime
19 center; isn't that correct?

20 A Yes, sir.

21 Q And in that search warrant was an
22 affidavit by Mr. Barton of sled; correct? And
23 that included some information about a discussion
24 with Judy Justice concerning her knowledge of the
25 defendant's use of a computer? Is that not also

Kelly Jackson-cross by Zelenka

1 correct?

2 A That's correct.

3 Q Okay. And what information about
4 Mr. Bryant's use of the computer by your
5 disclosure to the defense counsel, did you present
6 through that affidavit? It's a confusing
7 question.

8 A Yes, sir.

9 Q Let me correct it. When you provided that
10 affidavit to the search warrant to defense counsel
11 at the time of the trial, did it include
12 information that law enforcement had gained from
13 Judy Justice about the defendant's use of the
14 computer?

15 A Yes, it does.

16 Q What did that sworn affidavit say that law
17 enforcement became aware about the defendant's use
18 of the computer?

19 A A subsequent interview of Judy Justice
20 revealed that she had met Bryant through the
21 internet. That Bryant was constantly on the
22 internet. Justice went on to say the issue of
23 internet pornography had become an issue between
24 them. Justice stated during the last few weeks
25 she had attempted to run a history on the computer

Kelly Jackson-cross by Zelenka

1 to see which sites Bryant would have been
2 accessing while she was gone at work.

3 Justice had stated her attempts to locate
4 the history were not fruitful because Bryant had
5 erased the history completely after each use of
6 the computer.

7 Q Okay. So that information reflected
8 Mr. Bryant's awareness of looking at internet
9 history; isn't that correct?

10 A Right.

11 Q And Mr. Bryant's use of pornography;
12 correct?

13 A Yes, sir.

14 Q By a potential witness in this case;

15 A Yes, sir.

16 Q Correct?

17 A Yes, sir.

18 Q A case where his use, his knowledge, of
19 the use of the computer in pornography was a
20 factual issue; correct?

21 A Yes, sir.

22 Q Was a decision made by your office as this
23 case went to trial, to preclude the victim's
24 family, Mr. Teitjen's family, from having any
25 knowledge about the computer itself or the fact

Kelly Jackson-cross by Zelenka

1 that there may have been pornography impacting
2 upon this case in that computer?

3 A No, sir, not by me.

4 Q Okay. What was your working relationship
5 with Mr. Babb at the time of this trial? Was it
6 friendly, difficult, civil?

7 A I dealt mostly with Mr. Babb through
8 Mr. Saleeby.

9 Q Okay.

10 A It was very uncivil.

11 Q And that was reflected in his
12 correspondence and motion to you?

13 A And phone calls and visits to the office
14 and treatment of staff.

15 Q And the letter that has already been
16 presented has a tone to it, which reflects that
17 you didn't agree with everything he was saying.

18 A Yes, sir.

19 Q About you personally, and your personal
20 professional; isn't--

21 A Yes, sir.

22 Q ---that correct?

23 A That's correct.

24 Q With respect to Judge Russo and discovery,
25 what if anything do you recall about the

Kelly Jackson-cross by Zelenka

1 disclosure of any materials to Judge Russo if that
2 was done, in response to the court order that he
3 entered at any time during these proceedings. If
4 you recall?

5 A My recollection is that we gave him -- we
6 gave him everything that we had given the defense
7 bar. That was primarily because of accusations
8 from Mr. Babb that we weren't -- that they hadn't
9 received things that Mr. Howle was in agreement
10 they had received. We gave everything that we had
11 given in discovery which was documented through
12 our discovery request, and anything that we might
13 not have given him. So that the whole thing was
14 there. That's my recollection. Quite frankly, we
15 were relieved that we were able to do that, which
16 kind of took the monkey off our back so to speak.
17 We felt we complied with everything.

18 Q Okay.

19 A And certainly didn't want to -- if there
20 is something that the other side, we don't always
21 look at it as mitigating and exculpatory. But if
22 you look at it from another angle, it may be.
23 Maybe it needed to be looked at from another
24 angle. Which is why we were glad if that came
25 about.

Kelly Jackson-cross by Zelenka

1 Q And in your trial preparation, did you
2 personally review the various statements that the
3 defendant gave to law enforcement at or near the
4 time of his arrest?

5 A I did. At or near the time of arrest I
6 did.

7 Q And those statements included various
8 accounts about what he was doing at the crime
9 scene, and the discussions he had with Mr.
10 Teitjen; is that not correct?

11 A Yes, sir.

12 Q And that also included two recorded
13 statements that he gave to Pam Crawford?

14 A Yes, sir.

15 Q Who was brought in to assist in the
16 investigation in the case; is that not also
17 correct?

18 A Yes, sir.

19 Q And did you also have access at the time
20 of trial, to the reports that were given by Dr.
21 Donna Schwartz-Watts concerning her evaluation of
22 the defendant, her review, and the interpretation
23 of the incidents that he had given before she
24 testified at the time of the sentencing
25 proceeding?

Kelly Jackson-cross by Zelenka

1 A And I am sure that we did, but I don't
2 recall if it was one of those situations we got as
3 they were stepping on the stand, or if we actually
4 had them to review. I don't recollect that. But
5 I am sure we would have had it.

6 Q Okay.

7 A If she had prepared something, I am sure
8 we would have gotten it at least when she took the
9 stand.

10 Q Okay.

11 A I don't remember.

12 Q And did you consider the statements that
13 the defendant gave on how you would piece together
14 your closing argument that you gave in the case?

15 A I did.

16 Q And is your closing argument based upon
17 that information that you reviewed concerning the
18 testimony that was presented at trial, and your
19 understanding of the statements that he had given?

20 A Yes, sir.

21 Q And do you believe that your argument that
22 you gave concerning the circumstances;
23 particularly, of the Teitjen murder was consistent
24 with the testimony that you had heard in court on
25 that day?

Kelly Jackson-cross by Zelenka

1 A Yes, sir.

2 Q Now during the closing argument, it was
3 down to the judge solely, rather than a jury. Did
4 that factor in on that manner, the sense of
5 advocacy you had of this particular case?

6 A It did not. Our approach was of the jury,
7 the whole jury box that one person. And it was
8 the same delivery one or 12.

9 Q Okay. Just to clarify, Plaintiff's
10 Exhibit No. 6, is a computer disk.

11 A Yes, sir.

12 Q Prepared by sled. Had you seen something
13 like that in your preparation for Mr. Bryant's
14 case?

15 A No, sir, I don't recall seeing that.

16 Q Okay. Is it your recollection that the
17 materials that you provided to the defense
18 concerning the Teitjen computer, were essentially
19 the same materials that had been presented to you
20 as attachment 79 in the sled report?

21 A That's correct.

22 Q Court's indulgence. A couple of areas.
23 Do you have any discussions prior to the plea and
24 sentencing disillusions with Mr. Teitjen's wife
25 Mildred Teitjen, about the possibly of information

Kelly Jackson-cross by Zelenka

1 about the pornography coming into the case?

2 A She and then in preparing her for her
3 testimony, she asked me what possibly could she be
4 cross examined on. And I said, you know, you're
5 the wife, you're the victim, they are not going to
6 be very hard on you probably. But Mr. Bryant gave
7 him his statement that he went and looked at porn
8 on the computer. You may have to address that if
9 that comes.

10 THE PLAINTIFF: I never gave that
11 statement in any written document. You won't find
12 a document with my signature on it no where. I
13 never gave a statement like that, so don't lie.

14 THE COURT: Okay. Go ahead.

15 A That was my discussion with him.

16 MR. ZELENKA: Okay. Court's indulgence
17 one moment.

18 THE COURT: Yes, sir.

19 Q Mr. Jackson, let me show you some
20 materials to refresh your recollection concerning
21 a handwritten statement. And ask you to look at
22 the bottom of page 5, October 14th, 15th
23 statement. 15th, 16th statement, and see if that
24 refreshes your recollection. I will have it
25 marked.

Kelly Jackson-cross by Zelenka

1 A Is this the same statements there were
2 read?

3 Q That was a compilation of a set of
4 statements.

5 A That's correct.

6 Q And in your preparation for the trial upon
7 review of that written statement, what information
8 did that give you as to an understanding of the
9 statement that Mr. Bryant had given in writing to
10 law enforcement in October of 2004?

11 A Ask that me that again, Mr. Zelenka.

12 Q What information did that give you in
13 preparation for your investigation, your closing
14 argument, your defense about the state's theory
15 or a state's theory on the case on what Mr. Bryant
16 is telling law enforcement in October of 2004?

17 A That he had accessed the websites on the
18 computer after death. Bryant himself.

19 Q After the killing?

20 A Yes, sir.

21 Q That he had gone into the internet.

22 A Right. Well, I don't know the word -- I,
23 on the computer.

24 Q Okay. But he says he went on the internet
25 history---

Kelly Jackson-cross by Zelenka

1 A Yes, sir.

2 Q ---in that statement; didn't he?

3 A Yes, sir.

4 Q After the killing.

5 A After the killing.

6 Q And that he and Mr. Teitjen had had

7 discussions before that about the internet

8 generally; correct?

9 A Yes, that's what he claimed.

10 Q Now this case ended up rather than going

11 to trial, as being a guilty plea; correct?

12 A Yes, sir.

13 Q Yet the sentencing proceeding was

14 addressing the existence of the statutory

15 aggravating factor concerning Mr. Teitjen's

16 murder.

17 A Correct.

18 Q Correct. And whether the death penalty

19 should be given on that particular case; correct?

20 A Yes, sir.

21 Q Did that effect how or the procedures on

22 the admissibility of the victim's impact

23 statements as authorized by South Carolina law on

24 the other crimes which were not the capital

25 offenses?

Kelly Jackson-cross by Zelenka

1 A I don't know that it effected the
2 procedure. I can tell you how we chose to handle
3 to try to safeguard it for appellate reasons.

4 Q Okay. And when you say we, please.

5 A Mr. Saleeby and I. And I believe we had
6 discussions with the court about, none of us
7 thought it was a good idea for victim impact
8 testimony on the other 5 crimes to be mixed in
9 with the victim impact statement testimony of the
10 death penalty case. And I believe that we waited
11 until everything -- we didn't do it at the guilty
12 plea. We didn't do any victim impact testimony at
13 the time we took the pleas. And we instructed
14 them not -- this isn't your day yet. If we try
15 the death penalty case and we get a verdict, then
16 some point down the road it might be life, it
17 might be death. But at some point, we will be
18 sentencing on your cases. And you will be heard.
19 And as I recollect, we waited until all the way
20 after the closing arguments. Perhaps after he
21 made the decision, I don't recollect how.

22 Before---

23 Q If the record reflects before the closing
24 argument before sentencing, would that be
25 consistent?

Kelly Jackson-cross by Zelenka

1 A Yes. Biggers.

2 Q And at the time that was the done, do you
3 know whether the defense had been advised of that
4 particular procedure?

5 A I believe we all knew that that was going
6 to happen. I recollect we all knew that we were
7 not going to present victim impact testimony until
8 afterwards.

9 Q Okay.

10 A I don't recall that we, to back that up,
11 we did not ask any of the victims. When we were
12 putting up the evidence of aggravation,
13 aggravating circumstances, I don't believe any of
14 that came in. That was still held off.

15 MR. ZELENKA: Court's indulgence just one
16 moment.

17 Q On that last day of the proceeding, it was
18 brought to your attention that there was an issue
19 concerning an individual named Edward Gause. Do
20 you recall that occurring?

21 A I recall that occurring, but that's about
22 it.

23 Q Okay. Prior to that incident that I will
24 call it, did you have any information from law
25 enforcement or from Mr. Gause's family members,

Kelly Jackson-cross by Zelenka

1 that there may have been an incident with an
2 individual months -- a month or so before the
3 crime occurred?

4 A No, sir.

5 Q Did you ever have any discussions or were
6 you ever asked to have any discussions with Deputy
7 Sheriff Trip Mays concerning a situation where he
8 had run into somebody a month before the crime
9 occurred?

10 A No, sir.

11 MR. ZELENKA: No further questions.

12 MS. ARMSTRONG: May it please the court.

13 Redirect Examination by Ms. Armstrong:

14 Q Mr. Jackson, I think you said on cross
15 that one of the important things about getting
16 these computers analyzed and that sort of thing,
17 is that if there is any corroboration you would
18 have wanted it. So you would agree with me that
19 in a case this significant as with any criminal
20 case, that corroboration is a very important
21 factor.

22 A It is.

23 Q And so and I also think you said that you
24 had some hearsay statement from Judy Justice about
25 pornography being on the computers to which

Kelly Jackson-redirect by Armstrong

1 Mr. Bryant had access.

2 A Right.

3 Q You never got any evidence from sled that
4 informed you that there was evidence whatsoever of
5 any pornography on those computers.

6 A That's correct.

7 Q Okay. So you didn't know that there was
8 that lack of corroboration.

9 A Right. And if, you know, if we had
10 something that would have corroborated what was in
11 the house or corroborated that there was child
12 pornography, it would have been a plus for us. It
13 would have been something we would have put into
14 evidence. Therefore, certainly disclosed to the
15 defense.

16 Q If there had been evidence of child porn
17 on the Teitjen computer?

18 A If there been evidence, been any evidence,
19 I'm going to say child porn. If there had been
20 any evidence of child porn that Mr. Bryant had
21 accessed---

22 Q Right, I got you.

23 A You know it while, it would have been
24 another count. It would have been more
25 corroboration.

Kelly Jackson-redirect by Armstrong

1 Q But there was porn on his computer.

2 A Not that I -- yeah, that I knew of.

3 Q But my point is, you never got anything
4 from sled advising you there was no porn on
5 Mr. Bryant's computer.

6 A Right.

7 Q Okay. Which obviously would have called
8 into question the veracity of Ms. Justice's
9 statement. But she never testified, so I guess
10 that's just more of an outside fact. Okay. But
11 again the point being, that corroboration was very
12 important; especially, when you had multiple
13 accounts.

14 A Right. To me it would have corroborated
15 our version, but we didn't have it. So we didn't
16 turn it over. But if---

17 Q You mean if there had been some existence
18 of pornography.

19 A Yeah or the times. You know, if he's
20 saying it's there. He proves it's there. We
21 didn't have it.

22 Q Okay. And I believe Mr. Zelenka showed
23 you one of the numerous statements. One was
24 handwritten that said that Mr. Bryant went on the
25 computer after the homicide. And that essentially

Kelly Jackson-redirect by Armstrong

1 he corroborated the conversation about porn he
2 had with Mr. Teitjen. Which obviously occurred
3 before he was killed. So you saw that statement
4 also.

5 A I can agree.

6 Q Okay.

7 A Couldn't have a conversation.

8 Q Obviously he was alive at the time. And
9 porn was a discussion. And Mr. Bryant went and
10 corroborated his discussion with Mr. Teitjen.
11 That was what was in his statement.

12 A I don't see where it would help me with
13 the corroboration part.

14 Q According to his statement.

15 A Right.

16 Q The one that you relied on in formulating
17 part of your closing argument. I believe what
18 Mr. Bryant wrote down in his handwritten statement
19 was that afterwards, he went on the computer and
20 pulled up the stuff that they had talked about.
21 So in other words, there had been a discussion
22 about pornography prior to the homicide.

23 A I see what you are saying.

24 Q And so he got on the computer to confirm
25 what he and Mr. Teitjen had discussed, which is

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1 clearly pornography.

2 A I don't know that that's why he got on the
3 computer. But I understand -- yeah, I understand
4 exactly what you're saying.

5 THE COURT: And I didn't catch that. When
6 Mr. -- when he asked that question, he said they
7 had a discussion about the computer. But there
8 was another discussion about porn is what was said
9 in my recollection. Now in the discussion about
10 porn; that he pulled up porn. In his conversation
11 with the deceased what Mr. Zelenka, I took special
12 notice when he said that. And it didn't say
13 anything about porn. It was discussion in the
14 computer.

15 MS. ARMSTRONG: Well it talks about young
16 girls.

17 THE COURT: Okay. He didn't say that, and
18 didn't write that down. So if there was a
19 discussion about porn between Mr. Teitjen and the
20 defendant.

21 MS. ARMSTRONG: Yeah, I think it might be
22 worthwhile to read the entire thing.

23 THE COURT: Is that in evidence?

24 MR. ZELENKA: No, but we can put that
25 document in evidence.

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1 MS. ARMSTRONG: Yeah, I think we should.

2 THE COURT: Okay. Because my
3 recollection, my notes and recollect basically his
4 question was the discussion about the internet.
5 And then he said he looked at porn after he killed
6 him. But I didn't get the discussion about porn.

7 MS. ARMSTRONG: I am getting the whole
8 discussion and not.

9 THE COURT: Okay. I am sorry to interrupt
10 you but it's an issue that.

11 MS. ARMSTRONG: I understand.

12 MR. ZELENKA: Your Honor, just to clarify,
13 these are just -- these are statements involving
14 each of the crimes that were separated out from
15 each of the statements.

16 THE COURT: Okay.

17 MR. ZELENKA: Put all Teitjen ones. Just
18 put everything in a little better context.
19 Because I may have confused you and the solicitor
20 by my questions, but it wasn't my intent. Just do
21 this.

22 MS. ARMSTRONG: Pages one through six on
23 Mr. Teitjen. No objection. We join in the
24 motion.

25 THE COURT: So those come in as what

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1 exhibit?

2 MR.ZELENKA: These will be State's Exhibit
3 No. 3.

4 (Statements of Bryant marked Defendant's
5 Exhibit No. 3 into evidence.)

6 Q Referring back to the State's Exhibit No.
7 3, page 5, and if you would, sir, may I approach
8 the witness?

9 THE COURT: Yes.

10 Q The last full paragraph, if you don't
11 mind, starting with also during the time on
12 October 11th, Mr. Teitjen is also talking about.

13 A Also during the time on October 11th, Mr.
14 Teitjen was also taking about how he wished he was
15 my age, because he liked young girls and
16 everything. And he was talking about some website
17 he looked up. And later before I left his house,
18 I got into -- I got into his computer and noticed
19 the password written on piece of paper on the wall
20 and typed in the password that is. And came up,
21 and I looked under history to see if what he said
22 was true. And so it was, more sites than I could
23 count of nude young girls. Especially one with a
24 horse inside her. I also recall taking a Sony
25 camera with some tapes in it. It was in a black

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1 nylon bag.

2 Q And I believe that Mr. Zelenka has asked
3 you as far as the arguments made to the court, you
4 didn't -- I think your response was, that you
5 treated your oral argument and your arguments to
6 the court the same way you would treat it as if it
7 went to the jury. Okay. So it wasn't your
8 impression that the Rules of Procedure and
9 Evidence were relaxed simply because you had the
10 judge. It wasn't a free for all. Would that be
11 fair to say this was a trial like any other? And
12 that the normal rules applied?

13 A Right.

14 Q Let me ask you this. You said that you
15 think everybody understood that even after the
16 close of evidence that there would be additional
17 unsworn, uncross examined victim impact testimony.

18 Are you familiar at all with the line of
19 cases; such as, Gardner vs. Florida and some of
20 the other 8th Amendment cases that say in a death
21 penalty case you've got an absolute right to
22 confront any and all pieces of evidence that could
23 be used against you? Certainly while victim
24 impact evidence -- I mean in the standard death
25 penalty case, I've never seen a case, and I've

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1 done this 15 years. Maybe you are familiar with
2 cases where they allowed prosecution to put on
3 witnesses before a judge or certainly before a
4 judge or a jury after the close of evidence.

5 A The---

6 Q And bear in mind, this was after the judge
7 had refused to reopen the case for Mr. Gause, but
8 then allows these three evidence -- these three
9 witnesses to testify about these events ruined
10 their lives. That didn't strike you as odd?

11 A My recollection is that that's when it was
12 believed to have occurred. When they took their
13 pleas on those cases early on, and otherwise they
14 would have spoken then. None of those were death
15 penalty cases.

16 Q But some non-death penalty folks did
17 testify during the penalty phase. I mean it
18 wasn't just the death penalty phase.

19 A But not about victim impact; right?

20 Q Well let's see, there's Christopher Dale
21 Gainey.

22 A Well those were -- we had to put up, she's
23 got to the put the other crimes and the
24 aggravating circumstances. But that's I don't
25 think it would properly go into the victim impact

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1 stuff on their particular sentencing.

2 Q Well you realize that happens all the
3 time. Even in an unadjudicated homicide the
4 capital case essentially that penalty phase is an
5 opportunity for people to -- for the solicitor to
6 introduce not only victim impact for the murder,
7 but I mean they tote people up there who have been
8 a victim from eight years before for some petty
9 larceny. I mean that's pretty much the way the
10 typical death penalty phase goes.

11 I mean unless you can point me to
12 something that's out there of which I am unaware.

13 A Maybe we are not talking about the same
14 thing, but I understand what you are saying.

15 Q Okay. I just want to make sure you are
16 saying that the defense lawyers is what you are
17 saying -- let me make sure I understand what you
18 are saying here. Let me back up here. On cross
19 was it your testimony that the defense lawyers
20 knew you were going to put up this additional
21 evidence after the close of evidence?

22 A I would like to go back and look at the
23 record. I believe there was some discussion of
24 that.

25 Q It wasn't on the record.

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1 A Okay.

2 Q Okay. I just want to make sure I
3 understand. If there was something that wasn't on
4 the record then obviously I have a little
5 ignorance.

6 A I know I explained to the victim's at the
7 time we took the plea that there would be no --
8 there was no sentencing at that time. We went to
9 Florence. Isn't Florence where we took the pleas?

10 Q Correct. Yeah, I mean the sentencing
11 proceeding obviously was in Sumter.

12 A Yes.

13 MS. ARMSTRONG: I think that's all I have,
14 Your Honor. Thank you.

15 Recross Examination by Mr. Zelenka:

16 Q Just so I am clear. Mr. Jackson, in the
17 bifurcated proceedings, in this case on the
18 existence or nonexistence of the aggravating
19 factor involved the presentation of character
20 evidence concerning the defendant, which included
21 information about the particular crimes he had
22 pled guilty to; correct?

23 A That's correct.

24 Q In addition to criminal incidences he had
25 been involved in prior to that time; correct?

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1 A That's correct.

2 Q In South Carolina law in non-capital cases
3 as a matter of law, the victims are allowed to
4 make impact statements concerning their particular
5 cases; is that not correct?

6 A That's correct.

7 Q Was the bifurcated proceeding that was
8 being presented then in your understanding, was
9 that proceeding limited to the sentencing
10 concerning the Teitjen murder?

11 A Completely limited to the Teitjen murder.

12 Q Okay. Even though evidence and
13 information presented in that case involved the
14 other crimes that he had already pled guilty to;
15 correct?

16 A That's correct.

17 Q As well as, the evidence of the other
18 criminal incidents.

19 A Yes, sir.

20 Q Correct. And is it my understanding
21 within the parameters of that sentencing
22 proceeding, a decision was made that was agreed
23 with by the judge that the victim impact
24 statements would not be included within that
25 sentencing proceeding and not subject to your

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1 closing arguments is for, how this defendant was
2 going to be sentenced for the crime of killing Mr.
3 Teitjen.

4 A It was not to be included in the Teitjen
5 sentencing.

6 Q All right. And when victim's impact
7 evidence is presented at any time by any victim in
8 a case in the presence of a defendant and his
9 defense counsel, is there anything in South
10 Carolina law or otherwise that precludes defense
11 counsel from making inquiry or correcting or
12 challenging what that victim says before the
13 court?

14 A Nothing that I am aware of, and it happens
15 at times.

16 Q Okay. And was any request made in this
17 case on the record or off the record by either
18 defense counsel to cross examine any of the three
19 victim's impact witnesses that testified about the
20 effect that the crime had, their particular crimes
21 had on them for the purposes of sentencing on
22 their particular crimes?

23 A Not in my recollection.

24 MR. ZELENKA: No further questions.

25 MS. ARMSTRONG: Just very briefly.

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1 Redirect Examination by Ms. Armstrong:

2 Q Do you recall the testimony of Larry
3 Justice during the penalty phase of Mr. Bryant's
4 trial? He was the gentle, the officer who was
5 assaulted after---

6 A Yes, yes. At the department---

7 Q The detention center.

8 A At the detention center.

9 Q Yes, sir. Now I think you just said that
10 there was a decision made not to present any
11 victim impact evidence as far the other crimes. I
12 would like to refresh your recollection if I may,
13 by handing you the transcript. And ask you if you
14 would please, at the top where it says, SW
15 L. Justice direct, at the top of page 390. Can
16 you read line No. 1 please?

17 A Are you working right now Mr. Justice.
18 No, sir, I am placed on disability. Since the
19 attack I suffer brain damage. I can't -- don't
20 annunciate. That's fine. Like I used to I mean.
21 Not like you. Yes, sir. Or the eloquence of
22 Mr. Green. But my memory is slow. I had an
23 aneurysm that became inflamed and I have had two
24 brain surgeries also. All right, let me stop you.
25 Keep going?

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1 Q That's fine. Would it be fair to say that
2 Mr. Justice was testifying as to the impact of
3 having been beaten up at the detention center?

4 A I think he was testifying to the extent of
5 his injuries.

6 Q And the fact that he was on disability
7 doesn't that sort of relate to the impact?

8 A It relates to the injury completely.

9 Q And the impact it had on his life?

10 A Nah, I think to the extent of the injury.

11 Q Not in your mind.

12 A No.

13 Q Fair enough. Thank you.

14 THE COURT: You may step down. Let's take
15 a 10 minute break.

16 (Whereupon, the court takes a short
17 recess.)

18 MS. ARMSTRONG: We would call John Clark.

19 THE BAILIFF: Mr. Clark, state your full
20 name and spell your last for the record.

21 A John Derrick Clark. C-L-A-R-K.

22 DIRECT EXAMINATION By Ms. Armstrong:

23 Q Good afternoon, Mr. Clark, how are you?

24 A Find.

25 Q What do you do for living?