

Evaluation of Competency to Stand Trial  
18 U.S.C. 4247 (Section 4241)

Defendant: Dylann Roof

Date of report: 11/15/16

Examiner: James C. Ballenger, M.D.

Introduction: Dr. Ballenger was asked by Judge Richard Gergel on November 7, 2016 to conduct a competency to stand trial evaluation on defendant Dylann Roof. This request came on the eve of Dylann Roof's trial after Roof submitted a letter to the prosecution. In that letter, he raised his contention that his representing attorneys were preparing to use a lie that he was autistic, and he disagreed with both the truth of that assertion, and its use in his defense. In his letter, he also stated that his lawyers were manipulating him, and he raised the issue that they should be disbarred. This raised questions for Judge Gergel of Mr. Roof's competency to stand trial, and Roof's attorneys raised the same issue with Judge Gergel.

Examiner: Dr. Ballenger has been a clinical psychiatrist for over 45 years and a psychiatric expert for over 30 years. He retired from full time academics in 2002. He had been Professor and Chairman of the Department of Psychiatry and Behavioral Sciences at the Medical University of South Carolina in Charleston, South Carolina from 1983 until 2000. He was Founding Director of the Institute of Psychiatry (1988-2000), and also founded MUSC's substance abuse clinical and research institute, the Center for Drug and Alcohol Programs in 1994, and was its Founding Executive Director until 2000. He is internationally recognized as an expert in psychopharmacology and the anxiety disorders and depression/bipolar illness. He is the author of over 350 professional papers and sixteen books. He

was board certified in psychiatry in 1977 and in forensic psychiatry in 1999, and re-certified in 2010. He currently has a private practice of adult clinical psychiatry (65%) and forensic psychiatry (35%).

He has been admitted as an expert in state and federal courts multiple times. He has consulted extensively with the National Institute of Mental Health, the Department of Defense, the American Psychiatric Association (APA), and the Anxiety Disorders Association of America (ADAA). He regularly attends the American Association of Psychiatry and the Law (AAPL) annual meetings and is a member and a journal reviewer. He has taken their four day forensic psychiatry review course twice, and Report Writing, Examination of Elderly and Neuroscience in the Courtroom courses, attended the 2010 SEAK Course for expert witnesses and in 2015 their course on How to Excel in Expert Depositions. He generally attends yearly meetings of the APA, AAPL, ACNP, and the ADAA. For further information about Dr. Ballenger's expertise, please refer to his CV.

Records examined:

1. Exhibit 1 ("as kid not raised in racist home")
2. Exhibit 2 (found in car)
3. Exhibit 4 FBI interview – 6/18/15 (confession)
4. Transcript of closed hearing 11/7/16 with defendant, defense attorneys, and Judge Richard Gergel
5. Statute for competency to stand trial
6. Judge Gergel's order for competency to stand trial evaluation
7. Exhibit 3 (additional writings in jail)
8. Writing in jail
9. Video interview 6/18/15 (confession)
10. Pictures taken by Dylann Roof of himself
11. Note to his mother
12. Note to his father
13. Videos of multiple jail visits

14.Confession:

- a. US-VID-001-Disc 1 of 4
- b. US-VID-001-Disc 2 of 4
- c. US-VID-001-Disc 3 of 4
- d. US-VID-001-Disc 4 of 4
- e. Transcript US016752, Dylann Roof, 2015.06.18

15.Education Records:

- a. DO6186 DR School Records – Richland One Responsive to Subpoena
- b. US018509 GED Transcript, Dylann Roof, 2015.07.09
- c. US018512 Screenshot, GED Transcript Dylann Roof
- d. US054618 Academic Records, Dylann Roof, Lexington County
- e. US054659 Academic Records, Dylann Roof, Provost Academy
- f. US054677 Academic Records, Dylann Roof, Richland County

16.Employment Records:

- a. D10885 DR Social Security Earnings Report
- b. US001578 Employment Records, Dylann Roof, Clarks Termite and Pest Control
- c. US017099 Insert, Documenting Roof Employment at Clarks Pest Control, 2015.06.30
- d. US060466 Timesheets, Dylann Roof, Clarks Termite and Pest Control

17.Jail Records:

- a. D00281 DR Charleston Detention Center Records, Lindsey Subpoena (2015.08.27)
- b. D01283 2. Response to Jail Subpoena (Inmate File) (received 2015.09.11)
- c. D01351 3. and 4. Response to Jail Subpoena (Forms Signed by DR) (received 2015.09.11)
- d. D01404 7(I). Response to Jail Subpoena (Documents Seized from DR Cell Part 1) (received 2015.09.11)
- e. D01473 7(II). Response to Jail Subpoena (Documents Seized from DR Cell Part 2) (received 2015.09.11)
- f. D01546 7(III). Response to Jail Subpoena (Documents Seized from DR Cell Part 3) (received 2015.09.11)
- g. D03859 Charleston County Jail Records (received 2015.11.30)
- h. D04225 Charleston Detention Center Medical Records (rec'd 2015.12.16)
- i. D07898 DR Medical Records – Carolina Occupational Health
- j. D09128 Charleston Detention Center Medical Records (rec'd 2016.04.26)

- k. D10633 Charleston Detention Center Medical Records (rec'd 2016.07.25)
  - l. US054589 Incident Reports RE Suicide Watch, CCDC, Multiple Dates
  - m. US064859 – Photograph – Roof Shoe
18. Jail Assault (2016.08.04)
- a. US063253-SN425 FD 302 – Dwayne Stafford Interview 8-29-2016 044A-CO-6460937\_0000425
  - b. US062860-SN421 FD302 – Jeff Osburn Investigative Report 8-15-2016-Roof Headshot
  - c. US062567-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Stafford Incident photos
  - d. US062437-SN421 FD302 – Jeff Osburn Investigative Report 8-15-16-Scene
  - e. US062406-SN421 FD302 - Jeff Osburn Investigative Report 8-15-16 Roof Incident photos
  - f. US062392-SN421 FD302 - Jeff Osburn Investigative Report 8-15-16-CCDC Incident report
  - g. US062391-SN421 FD302 - Jeff Osburn Investigative Report 8-15-16-2016-012001-Dylann Roof \_Redacted
  - h. US-AUDIO-037-SN421 FD302 - Jeff Osburn Investigative Report 8-15-16 Dwayne Stafford-801\_0239
  - i. US-AUDIO-038-SN421 FD302 - Jeff Osburn Investigative Report 8-15-16-Officer Gerald-801\_0240
  - j. US-AUDIO-039-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Bobby D Johnson-801\_0241
  - k. US-AUDIO-040-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Kayla Hinson-801\_0242
  - l. US-AUDIO-041-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Anthony O Williams-801\_0243
  - m. US-AUDIO-042-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Sgt Sonya Ellerby-80\_0244
  - n. US-AUDIO-043-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Kimeca L Maywether-801\_0245
  - o. US-AUDIO-044-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Dylann Roof-801\_0246
  - p. US-AUDIO-045-SN421 FD302 - Jeff Osburn Investigative Report 8-15-2016-Dylann Roof-801\_0247
19. Medical Records:
- a. D00062 Dylann Roof Pediatric Records (Dr. Mubarak)

- b. D01643 DR Medical Records – Palmetto Richland
- c. D01720 DR Medical Records – Palmetto Baptist Non Medication Orders
- d. D01724 DR Medical Records – Palmetto Baptist 8.10.1996  
Emergency Record – Hit on Mouth
- e. D01733 DR Medical Records – Palmetto Baptist 12.30.1996 –  
Chemical in Eyes
- f. D01742 DR Birth Records Palmetto Baptist
- g. D03420 DR Dental Records (Dr. Karen Park)
- h. D03814 DR Medical Records - Eau Clair Cooperative
- i. D03858 DR Medical Records – Southeastern ENT
- j. D03971 DR Medical Records – Dr. Sassnett
- k. D05861 DR Blood Test – LabCorp 01.06.2016 (Pt. 1)
- l. D05864 DR Blood Test – LabCorp 01.06.2016 (Pt. 2)
- m. D05866 DR Blood Test – LabCorp 01.06.2016 (Pt. 3)
- n. D05884 DR Blood Test – LabCorp 01.06.2016 (Pt. 4)
- o. D06060 DR Blood Tests – Final Results LabCorp 01.06.2016
- p. D06075 DR Blood Test – Mayo Clinic 01.06.2016
- q. D08569 DR Pharmacy Records – CVS
- r. D08571 DR Pharmacy Records – Longs Drugs
- s. D08742 DR Blood Tests – Final Results LabCorp 02.24.2016
- t. D08746 DR Blood Tests – Preliminary Report 02.22.2016
- u. D09487 Dylann Roof Medicaid Records
- v. D10385 Dylann Roof Medical Records – Richland EMS
- w. D10387 Dylann Roof Dental Records – Midlands Oral
- x. D10507 DR Blood Test – LabCorp 07.26.2016 (Prelim and Final)
- y. D10515 DR Medical Records – University Pediatrics
- z. D10531 DR Medical Records – CVS
- aa. D10624 DR Medical Records – CENTA Group
- bb. US056764 Medical Records, Laurel Endocrine and Thyroid  
Specialists
- cc. US056848 Medical Records, Palmetto Health Baptist
- 20. Mental Health:
  - a. D05748 DR Mental Health Records – Lexington Mental Health
  - b. D10550 Thomas Hiers and John Connery Email Re DR (2015.02.26)
- 21. Pleadings:
  - a. 002 Indictment
  - b. 164 Notice of Intent to Seek Death Penalty 2016-05-24
- 22. Prior Arrest Records:

- a. D01219 DR Lexington Court Records, Pending Drug Charge (2015-GS-32-1700)
  - b. D03699 DR 10 Year Driving Record (2015.11.18)
  - c. US001606 Incident Report, Columbia PD, 2015.03.13
  - d. US001608 Incident Report, Columbia PD, Dylann Roof Arrest, 2015.02.28 (Possession of Drugs)
  - e. US001612 Incident Report, Columbia PD, Dylann Roof Paraphernalia, 2010.05.07
  - f. US001613 Incident Report, Columbia PD, Dylann Roof Trespassing, 2015.04.26
  - g. US001615 Incident Report, General Growth Properties, Dylann Roof Arrest, 2015.02.28
  - h. US001626 Incident Report, Columbia PD, Roof Drug Arrest, 2015.02.28
  - i. US017626 Arrest Warrant, Roof Drug Arrest, 2015.03.01
  - j. US017634 Attachment, Dylann Roof Criminal History Obtained by SLED
  - k. US019514 Incident Report, Columbia, PD, Roof and Chandler RE Public Drunkenness, 2015.12.03
  - l. US019519 NCIC Record Check, Dylann Roof, 2015.06.20
23. Roof Writings:
- a. US001632 Handwritten Note, Roof to Parents
  - b. US001634 Journal, Dylann Roof
24. Witness Statements:
- a. US017170 SN002 FD302, Christon Tychius Scriven, 2015.06.18
  - b. US017173 SN004 FD302, Joseph Carlton Meek, Jr., 2015.06.18
  - c. US017178 SN010 FD302, Laura Ann Plexico, 2015.06.18
  - d. US017180 SN011 FD302, Brock Osteen Pack, John Henry Patton, 2015.06.19
  - e. US017182 SN012 FD302, Thomas Miles, and Brian Fanning, 2015.06.19
  - f. US017184 SN013 FD302, Nolan Byrd, 2015.06.18
  - g. US017197 SN034 FD302, Vanessa Dawne Clifford, 2015.06.18
  - h. US017215 SN064 FD302, Kimberly Ann Konzny, 2015.06.22
  - i. US017218 SN065 FD302, Gregg Thomas Stewart, 2015.06.23
  - j. US017226 SN079 FD302, Joseph Meek, Kimberly Konzny RE: Bottle, 2015.06.23
  - k. US017239 SN092 FD302, Amber Roof, 2015.06.23
  - l. US017243 SN098 FD302, Franklin Bennett Roof, 2015.06.18
  - m. US017257 SN113 FD302, Brandon Green Hicks, 2015.06.25



- n. US017266 SN15 FD302, Christopher Roman Salas, 2015.06.22
- o. US017270 SN126 FD302, Justin Tyler Meek, 2015.06.22
- p. US017275 SN127, Jacob Hunter Meek, 2015.06.22
- q. US017284 SN137 FD302, Dalton Denell Tyler, 2015.06.19
- r. US017297 SN148 FD302, Cassie Elizabeth Mosteller, 2015.06.22
- s. US017300 SN149 FD302, Paige Sinclair Hastings Mann, 2015.06.26
- t. US017317 SN153 FD302, Tim Edward Wrightson, 2015.06.30
- u. US017320 SN154 FD302, Brandon A Gantt, 2015.06.30
- v. UF017326 SN159 FD302, Ben Roof, 2015.06.18
- w. US017329 SN161 FD302, Joseph Meek, Jr., Kimberly Konzny RE. Tablet, 2015.06.24
- x. US017337 SN165 FD302, Eric Matthew Mann, 2015.06.26
- y. US017377 SN202 FD302, Bonnylin Bonnie Henry, 2015.07.01
- z. US017381 SN205 FD302, David Clark, 2015.07.01
- aa. US017382 SN213 FD302, Tony A Metze, 2015.07.01
- bb. US017396 SN224 FD302, Amber Roof, 2015.06.18
- cc. US017886 Memorandum of Interview, SLED and Amber Roof, 2015.06.18
- dd. US01788 Memorandum of Interview, SLED and Dalton Tyler, 2015.06.18
- ee. US017890 Memorandum of Interview, SLED Lt Bo Barton RE Ben Roof, 2015.06.18
- ff. US017892 Memorandum of Interview, SLED Lt Bo Barton RE Fanning and Schuler, 2015.06.18
- gg. US017894 Memorandum of Interview, SLED RE Beard, Danny E, 2015.06.19
- hh. US017895 Memorandum of Interview, SLED RE Roof, Amelia H 'Amy,' 2015.06.18
- ii. US017910 Transcript, CPD Interview of Ben Roof, 2015.06.18
- jj. US017914 Transcript, CPD Interview of Dalton Tyler, 2015.06.18
- kk. US017955 Transcript, CPD-FBI Interview of Paul. Roof, 2015.06.18
- ll. US019150 SN228 FD302, Randy Wainwright, 2015.07.07
- mm. US019153 SN229 FD302, Deborah Beard Wainwright, 2015.07.07
- nn. US019157 SN231 FD302, David Wayne Sprayberry, 2015.07.09
- oo. US019167 SN238 FD302, Amy Roof, 2015.07.07
- pp. US019172 SN239 FD302, Carson Cowles, 2015.07.07
- qq. US019174 SN240 FD302, Joseph Roof, 2015.07.07
- rr. US019176 SN242 FD302, Franklin Bennett Roof, 2015.07.07
- ss. US019180 SN244 FD302, Lindsey Nichole Fry, 2015.07.07
- tt. US019182 SN246 FD302, Jacob H. Meek, 2015.07.15

- uu.US019188 SN248 FD302, Nolan Byrd, 2015.07.16
- vv.US019198 SN263 FD302, Lucy Roof, 2015.07.07
- ww. US019200 SN264 FD302, Danny Beard, 2015.07.07
- xx.US019202 SN265 FD302, Paige Sinclair Hastings Mann, 2015.06.25
- yy.US019203 SN266 FD302, Michael TYO, 2015.07.21
- zz. US019206 SN267 FD302, Lindsey Nichole Fry, 2015.07.21
- aaa. US019207 SN268 FD302, Amber Roof, 2015.07.21
- bbb. US019212 SN270 FD302, Dalton Tyler, 2015.07.21
- ccc. US019214 SN275 FD302, Joseph Meek, 2015.06.20
- ddd. US019219 SN278 FD302, Joseph Roof, Sr., 2015.07.07
- eee. US019222 SN279 FD302, Paul Roof, 2015.07.09
- fff.US019225 SN280 F D302, Christian Tychius Scriven, 2015.07.21
- ggg. US019229 SN281 FD302, Cassie Elizabeth Mosteller, 2015.07.15
- hhh. US019232 SN282 FD302, Christopher Roman Salas, 2015.07.15
- iii. US019236 SN284 FD302, Melissa L. Chandler, 2015.07.29
- jjj. US019241 SN286 FD302, Laura Ann Plexico, 2015.07.09
- kkk. US0019244 SN287 FD302, Vanessa Dawne Clifford, 2015.07.09
- lll. US019249 SN294 FD302, Christopher Roman Salas, 2015.07.20
- mmm. US019254 SN299 FD302, John Austin Mullins, 2015.07.31
- nnn. US019256 SN300 FD302, Dalton Tyler, 2015.08.01
- ooo. US019261 SN306 FD302, Kevin Areheart, 2015.08.03
- ppp. US019561 Memorandum of Interview, SLED RE Page Mann, 2015.06.23
- qqq. US022217 Transcript, Joey Meek, 2015.06.20
- rrr.US054176 FD203, Dylann Storm Roof, 2015.07.31
- sss. US054181 FD302, Joseph Meek, Jr., 2015.06.24
- ttt. US054184 FD302, Joseph Meek, Jr., 2015., 2015.08.11
- uuu. US054209 FD302, William B. Shockey, 2015.08.12
- vvv. US054830 FD302, Jacquelin Munoz, 2015.11.16
- www. US054840 FD302, Lindsey Fry, 2015.10.08
- xxx. US054850 FD302, Susan Cowles Hargis, 2015.11.13
- yyy. US063534-SN445 FD302 – Elijah McPherson Interview 9-19-2016
- zzz. US063536-SN446 FD302 – Chris Sprott Interview 9-19-2016
- aaaa. US063717-SN458 FD302 – Interview of Charles G Brown – 1
- bbbb. US063756-SN470 FD302 – Interview of Joey Meek
- 25.Personality Assessment Inventory (PAI) and MMPI-II by Leslie C. Morey, Ph.D.
- 26.Psychological evaluation by Mark Wagner, Ph.D. (Attachment to this report)



Social history: Lives with his mother and until recently his sister and half-sister. Parents divorced when he was five years old, but father is very involved with him. Father undergoing second divorce. [REDACTED]

[REDACTED]

[REDACTED]

Drug history: Began marijuana use at age 12 – three times a day. Took Xanax when 13 years old 20 times. Took Oxycodone and Hydrocodone when 13 years old three or four times. Took stimulants first when 13 years old ten times. Started alcohol at 13 years old and drank twice. Was treated for alcohol and marijuana use as an outpatient beginning 3/5/09 through 6/18/09. At that point, he had been smoking pot and taking pills for six months, and his grades had gone from A's to F's. He was transiently suicidal. He and his counselors felt he was addicted to marijuana, and he received the diagnosis of Cannabis Dependence. He was arrested once in possession of one pill of Suboxone, although in his IME, he claims that he did not take it and that he received it “from a friend.” Witnesses have reported he has obtained Suboxone from his father and had taken it. At that arrest on 2/28/15 by police, he had been asking suspicious questions to employees about how many employees there were, when the store closed, and when they left the mall. At that time, the police found drug paraphernalia in his nap sack. He was also arrested 12/4/10 with a friend. Both of them were extremely intoxicated, and he had to be evaluated and treated at the hospital for that intoxication. Witnesses have reported that he has used cocaine, but he has reported to them that marijuana makes him paranoid and, therefore he no longer smokes marijuana.

Past psychiatric history: (See drug history above). At his evaluation and treatment sessions at the mental health center in March of 2009 (see above), he also told

them that he had severe social anxiety and was anxious whenever “people were looking at him.” He reported avoiding crowds and that he worried all the time about that anxiety. As a 13 year old at that time, his mother also reported that he tended to avoid restaurants or settings where the people were unknown to him. She stated that he was comfortable with peers that he had known for a while. He reported perhaps one panic attack. He reported that although he had no OCD or depressive symptoms at that time, in the past, he had had OCD symptoms of checking, excessive hand washing, and obsessions about whether he had emptied his bladder completely. He was diagnosed with Anxiety Disorder NOS, rule out Social Phobia and Cannabis Dependence during his treatment in the spring of 2009. His mother also reported several ADHD symptoms, and that he was often defiant, easily annoyed, and oppositional. He was placed on Celexa 20 mg in 2009 for anxiety, but it is unknown to this examiner if he took it and for how long.

On 2/26/15, the psychologist and former head of the Charleston Area Mental Health Center, Thom Hiers, Ph.D., responded to the defendant’s Craigslist ad asking to meet someone who would enjoy accompanying him on a day tour of historic Charleston. Dr. Hiers and his colleague, John Connery, briefly reached out to the defendant in an attempt to help him to get into psychological treatment. Dr. Hiers got to know the defendant well enough to describe his racist feelings about “niggers, queers, and homosexuals” which were so severe they “took (Dr. Hiers’) breath away.”

Family psychiatric history: [REDACTED]. One family member with a history of depression and [REDACTED].

Arrest history: Arrested 7/13/05 for possession of a controlled substance (Suboxone). He reported shoplifting (when high) twice since he was five but no arrests. On 2/28/15, he was arrested at the mall after he had been asking employees at Bed, Bath, and Beyond suspicious questions, e.g. how many employees there were, when the store closed, and when they left the mall. He was observed to be very nervous when doing that. On 3/13/15, his car was searched at the mall and ammunition for an AR-15 was found and six 40 round magazines. After his arrest for Suboxone and asking suspicious questions in the mall, he was banned at the mall for a year and was arrested when he returned to the mall 4/2/15. When his car was searched, the police found four 30 round magazines, two 40 round AR-15 magazines, a box for ammunition for an AR-15 with 300 bullets, a fore grip, and a four way rail system for an AR-15, but no weapons. He was arrested again for trespassing on 4/26/15.

Examiner's interview with defense attorneys 11/12/15 (David Bruck, Emily Pavalla, and Kim Stephens): Dylan Roof's lead attorney, David Bruck, wrote the examiner on 11/11/16 offering to share their personal observations of the Defendant, and send materials and information for the examiner's consideration. They provided voluminous materials listed on the documents examined list. Mr. Bruck also offered to talk with the examiner, and this was scheduled for 11:00 AM the next day. I spoke by phone with his three attorneys for an hour and forty-five minutes. The following reflects contemporary notes taken at the time of the phone conversation. His attorneys began by discussing that the biggest issue for them was the triggering event of the letter which has greatly complicated their efforts to defend him. They stated that they believe, and have experts who also support this view, that Roof has somatic delusions. They stated that what is even more destructive to him and their ability to work with him is what they believe is a

psychotic delusional belief that he is going to be rescued by the white nationalist movement and pardoned by them. They stated that they believe that Roof also expects to receive a high post in the post-war government (e.g. become Governor of South Carolina). They reported that Roof also does not believe he will be executed, because that he believes that once the race war begins, his white guards will let him go. His feeling that much of the details of preparing his defense is unimportant has greatly hampered their attempts to develop a detailed social history which they always collect in death penalty cases. This interferes with their efforts to develop his defense, because they assert that he feels there is no reason to be do this, because he is “going to be rescued.” They see as “irrational” his belief that the jury will not impose the death penalty on him, because they will “like him” when they learn the facts, and because “they smile at him.” They describe that Roof is more interested in talking with them about details that are extraneous to his defense, for instance, all the references and signs that he sees that the race war is impending from newspapers, the radio, etc. He brings to his meetings with them lists of terrorists’ attacks which to him mean that the race war is going to occur soon. They believe it is a fixed, immovable belief that Roof has gleaned from the internet about black on white crime and an impending race war. They contend he is unable to use ordinary logic to test whether these things he is reading and believing are true or not. They see it as part of the evidence that he has a pervasive psychosis because Roof “just knows it’s true” and dismisses contrary evidence. Roof believes there is a “massive media cover-up” of the black on white attacks, and that this belief in a media cover-up is part of his widespread delusional system. Their own experience is that they feel he has a mix of psychotic thinking and Autistic Spectrum Disorder traits which greatly interfere with their work with him. In their understanding of why Roof is so motivated to not have mental health issues presented in his defense, they believe that he fears his secret “future big job”

(governor) would be ruined if he is publicly labeled as Autistic. The reason why that he “can’t answer” questions about that is that his reputation with the white nationalists has to continue to be that there is “nothing wrong with him.” This stance blocks his cooperation with their experts, and they were convinced that they would lose his cooperation if they pushed the mental health defense any earlier than they did. They also see as a marked interference with their ability to defend him that he has “tremendous anxiety and shame.” For instance, they contend that he does not want any photos shown, because they are so embarrassing. Showing any photos would lead to him having “blushing attacks” in the court room. They describe that he has “blushing attacks” when he is upset in public, and his “whole body blushes, including his face, arms, and exposed areas.” One of their experts has suggested it is like panic attack. These attacks began when he was 16, and the triggers are not clear. He had a blushing attack with one of his attorneys when she was informing him about needing to use photos of his forehead which they describe he feels are “grotesque.” They describe that he is overwhelmed whenever he is being looked at. They describe that in their first appearances in court, that Roof did not know which way to face and copied their postures. At one point, because they had four different juries in the room, two of his attorneys looked one direction and David Bruck moved his chair to watch a different direction. They report that this led Roof to not know which way to face and to have a blushing attack. This so flustered Roof that their subsequent discussion (out of the court room) about what he would wear the next day was too much for him to deal with. Therefore, he was so disturbed that he could not change into the clothes that they had brought. They went on to describe what they feel are his “obsessions and fixations” around the color of his sweater, the weave, whether his pants touch his shoes, etc. and that these issues fill most of their time. They are particularly worried that the stress at this point of the trial is the lowest that it is going to be,

and it will be increasingly difficult for him, and therefore increasingly difficult for them to work effectively with him. One of the biggest issues they raised is that allegedly Roof cannot talk to them, or they talk with him, whenever anyone is watching. Therefore he cannot tolerate talking himself to them, or they try to talk to him in the court room. He refuses to explain why this is the case, and simply says “don’t look at me,” to his attorneys. At one point, he warned the female attorney who has been most supportive of him that she should be careful outside because “black people might kill you by putting a tire around your neck and lighting it on fire.” He told her that the race situation had become “ten times worse since he has been in jail.” They believe his “delusional belief system” begins with his somatic delusions, particularly around his forehead which he feels is too large and ugly. However, they also point out he feels his “left side is larger than his right,” because “his testosterone had all pooled there.” They have had two medical experts attempt to explain to him that that’s not possible, but that Roof continues to hold his own “fixed” beliefs about that. They posit that this is why Roof became so upset about the photos that were taken with him after he had been beaten in jail after the correctional officers required him to pull his hair back and expose his forehead. It is their contention that he did not proceed with the investigation of that beating or charge the inmate who beat him. If he did, the photographs would have to be used, and he feared they would be shown in court. They report that he also worries about his hair falling out, and the lawyers complain that he can’t talk about anything else but these issues for long periods. At one point, he was fixated about the TV cameras in state court and therefore pushed to have the federal trial proceed first. He also was greatly upset when David Bruck didn’t answer a question from the judge as fast as the prosecutor did. After that court appearance, Roof asked his attorneys what the prosecutor looked like, and they didn’t initially understand, but learned that it was because Roof had been looking straight forward



and saw nothing else. They contend this is one of his Autistic symptoms. They believe that his entire belief system is delusional, including that black people are regularly attacking whites (“all the time”), and that there is a media conspiracy. They believe he is secretive because he is fearful of being smeared if his story is told early on before he is rescued by the white nationalists, and that the media cover-up is part of his delusion. They believe that his life-long severe anxiety and the “discomfort” he has described to them that has “dominated his life” was “suddenly explained” to Roof when he learned about Trayvon Martin. His statement to them allegedly was “this now explains everything” and “I now know why I’ve been so anxious and uncomfortable all my life.” They report that Roof has been surprisingly comfortable about doing the various things that they have suggested, but he absolutely refused only two endeavors. One expert was going to use a facial morphology instrument, and although it would not produce a photograph, Roof flatly refused to do it without any explanation. He also refused a handwriting analysis, because he stated that the data would “be in the cloud.” His attorneys feel that his “delusions” reflect incompetence, because he does not want his attorneys to do anything in terms of a defense for him. They contend that he has believed at times that they do not “need to present a defense,” because the white nationalists will rescue him. Whether this is in fact a delusion or an over-valued racist view has not been determined, but it is the strong contention of his defense team. It is their belief that this is the explanation of why he repeatedly says “I can’t talk about that.”

On IQ testing with them, they reported that his full scale IQ was 107 with verbal scoring of 127. His lowest score was processing speed of 84. His defense team feels that Roof believes that there are “great people in history who have special missions,” and when they asked him who he was referring to, he was unable to

name anyone but himself. It has been their sense that these issues have waxed and waned, but that now Roof is extremely guarded and protective of the attempts of others to understand his “delusional system.” When asked if their defense experts had finalized any diagnosis, their answer was “no,” but preliminarily, they feel there are four: 1) Autism spectrum disorder, 2) Anxiety disorder, 3) Depression by history, and 4) Psychosis NOS. They reported that Roof initially denied that he had told his grandfather that he had taken a magazine survey and “had paranoid schizophrenia,” but they reported that he later admitted that he did to them. They too believe that the emails from Thom Hiers are genuine, in part because the photograph is certainly of Roof.

The lawyers filled in remaining details that they had uncovered that he had obsessive compulsive disorder symptoms as a child. He also had paranoid ideas that chemicals were coming out of the carpet and were in food. He also refused vaccines, and asked his mother to not take vaccines, nor that their cats be vaccinated. He stated to them that he believes that vaccines are used by the government “to control people.” They reported that he has often talked about a reversal of sleep cycle where he sleeps during the day and is up all night. They also report that he has told them that when he uses marijuana that he gets paranoid, and that perhaps he hears voices, and perhaps that is why he has quit marijuana. They reported that maybe God “let him get the gun” used in the incident. That there were no police after the incident was perhaps also a sign that God felt he “should have done this.” He pointed out that this is ironic, because he does not believe in God. He tells them that at times he feels that his lawyers work for the government. They categorically denied his accusations in the letter, and in particular, that they told experts what to say. Mr. Bruck commented that “of course there has never been a defense attorney who wouldn’t like to see a trial

slowed down.” However, he did argue that it appears that we are “in a rush” to decide about competency. He would prefer if Roof were sent to Butner for four months, because he feels the picture is so complicated. David Bruck also commented that he would “hate to plod ahead with all of these problems and would prefer waiting until after the holidays and Christmas.”

They asked practical questions about the possibility that a slower evaluation is not ordered. They asked this expert, knowing that I am an expert in anxiety and psychiatric medicines, was it my opinion that Roof could respond to medicines? I chose to answer that question that I do think his social anxiety disorder has a good chance of responding to an antidepressant. They reported that Roof has had “no consistency in his thinking about using an antidepressant.” I also shared that if Roof is in fact psychotic, obviously antipsychotics could be helpful. In response to David Bruck’s offer to provide any other information they had, the examiner asked if they had performed personality, diagnostic testing, or performed an MMPI or Personality Assessment Inventory (PAI). Mr. Bruck reported that they had not, but they were aware that Park Dietz, M.D., a prosecution expert, had in his evaluation of Roof. They stated that they would wave any objections to that and request that the judge ask the prosecution to provide the results from this testing to the examiner, especially the Personality Assessment Inventory.

Psychological Testing of the Defendant: At my request, Mark Wagner, Ph.D., head of Neuropsychology at the Medical University of South Carolina in Charleston, examined Dylann Roof at the Al Cannon Detention Center on 11/11/16 for four and half hours. (His 11/14/16 report is attached.) I asked Dr. Wagner to examine and test the Defendant with a focus on his cognitive abilities, the

possibility of malingering, and whether or not there was evidence of a psychosis present. On his IQ test, he attained a full scale score of 125 which placed the Defendant in the superior range of intellectual function at the 96<sup>th</sup> percentile relative to his comparison national standardized aged peers. On the four factors making up that IQ score, his verbal comprehension score was 141, which is at the 99.7<sup>th</sup> percentile relative to normative national peers, and is rated very superior. His relative weakness was a score of 100 for processing speed which placed him in the 50<sup>th</sup> percentile. His WAIS general ability score was 133, placing him in the very superior range of intellectual functioning and the 99<sup>th</sup> percentile. The testing of his memory was well above average on most tests, and at approximately the 85<sup>th</sup> percentile relative to his age cohort. The validity indices of the Personality Assessment Index (PAI) were all valid, and there was no evidence of malingering. In the testing profile, there were no clinical elevations suggestive of various forms of psychopathology. For instance, his score ruled out the presence of multiple diagnoses including anxiety and depression, bipolar affective disorder, paranoia, schizophrenia, and certain personality disorders such as borderline or antisocial personality disorder. Dr. Wagner commented that this was also consistent with his clinical impression that there was no evidence of psychosis. There was some trend suggesting that the Defendant may not have answered all of his questions in a completely forthright manner, and that there was a subtle suggestion that he may have made some attempts to portray himself in a negative or pathological manner, but this was very subtle. However, there was no evidence that he was motivated to show himself free of common shortcomings which was Dr. Wagner's principal concern. His personality traits in the testing were that he was wary and sensitive, very uncomfortable in social situations with little interest in interacting with others. It was suggested that the Defendant was mostly passive and submissive in dealing with others. Dr. Wagner's diagnostic sense and the result of his personality profile

were that the diagnosis of Schizoid Personality Disorder needed to be ruled out. In summary, he felt that the Defendant had “superior intellectual function and is free of psychopathology that would interfere with court proceedings.”

The Defendant’s defense team offered to make a series of records available to this examiner. The examiner asked if they had done testing of his intellect and if they had performed testing of his personality, and in particular, whether they had performed a PAI and/or an MMPI-II to rule in or rule out psychosis. They stated they had not but they were aware that Dr. Dietz and his team had performed these tests with Mr. Roof, and they waved any objections to having me obtain them. At the request of Judge Gergel, these two tests were made available to me. The Defendant was tested by Leslie C. Morey, Ph.D. on 10/26/16. Analysis of the Personality Assessment Inventory (PAI) at their testing resulted in no diagnosis on Axis I, but a rule out of a specific phobia and an avoidant personality disorder. In particular, they also found no evidence of a psychosis and “no marked elevations that should be considered to indicate the presence of clinical psychopathology.” This finding of no diagnoses is identical to the psychological testing by Dr. Wagner. The Defendant’s interpersonal style was again characterized as being very uncomfortable and passive in social situations and suggested that he might attempt to avoid social interactions. A subtle difference was only that his response pattern suggested a defensiveness about personal shortcomings, suggesting that he was reluctant to acknowledge personal limitations, and a “subtle suggestion that he was perhaps attempting to portray himself in a negative manner in some areas.” Their interpretation of his MMPI-II was that he may attempted to present himself in an “unrealistically favorable light.” However, importantly “the client’s MMPI-II clinical profile was within normal limits.” This suggested that he was a “rather introverted person” that “is probably shy and maybe uneasy and somewhat rigid

and over controlled in social situations.” The testing suggested that “the Defendant may be visibly uneasy around other people.” However, importantly again “his MMPI-II clinical profile was within normal limits.” In addition, there were no clinical diagnoses.

How similar the results on his two PAI’s (10/26/16 and 11/12/16) were adds to our confidence in their validity. Also that the two PAI’s were so similar to each other, and to the MMPI-II, on not finding any evidence of psychosis gives great confidence in that important result.

#### Independent Medical Exam:

The following are contemporaneous notes taken as they spoke of the three interviews between the Defendant and examiner:

IME on 11/8/16: I met with the defendant for 2 ½ hours in the Al Cannon Detention Center in North Charleston, SC. I explained to the defendant that I was retained by the judge after the defendant wrote a letter to the prosecution. I explained that I was there to assist the judge in responding to the potential implications of his letter, to decide how the trial should go forward, and whether the defendant was competent to assist his attorneys. The defendant explained that the letter to the prosecution was his attempt to show his wish to get his personal goals out for everyone to see. That is why he sent it to the prosecution, because they would be most motivated to make use of it in his trial. He explained his goal was to expose what his attorneys were planning to do which he totally disagreed with, and to discredit them so that he could get his defense presented the way he



would like it to be presented. He related that his attorneys want to use as a mitigation defense that he has autism and other mental health diagnoses. He reiterated that he did not want this, because 1) he “did not have autism,” 2) use of such a defense “would discredit” him and his act and mission, 3) that people would misunderstand and think he did not do what he did on his own free will, but that somehow the autism or mental illness influenced him do it, and 4) he also wanted the prosecutor and the entire court to not believe his attorneys or this defense. Also he stated that they had lied to him in an attempt to trick him to talk to the mental health examiners he had seen by telling him they were there to get him help for his thyroid condition. He feels they have been pacifying him to keep him from getting upset and kept him in the dark about this mental health defense until ten days prior to his trial. He stated that it was his understanding that his attorneys knew all along that they wanted to present a mental health defense, because he learned they had told the defendant’s father about the autism idea. When he confronted his attorneys about that, “they denied it.” When asked what impact he thought or wished for when he submitted the letter, he stated that he “hoped his attorneys would get into trouble” (with a smile). He qualified that to say that he didn’t believe they would get disbarred, although he “would like that.” However, he said that he was realistic that he didn’t think anyone would change his attorneys at this late point. He understood his attorneys’ strategy, which he so disagrees with, was because they are trying to get him life in prison as opposed to the death penalty. He described that he was “apathetic” about which outcome occurs. He stated that it is clearly “worth it,” and that he “would rather die,” than use such a defense. He reasons that “it would ruin me” to present the autism defense, because then “everybody would think I am a weirdo.” He described that he understands the death penalty and how the process works. He feels that it would take perhaps 10 years before he was executed and that he would be 32 years old and smiled at that.

He also thinks there is a possible chance that the death penalty laws will be changed in that 10 years, but wasn't sure if anything would happen along those lines. He stated that his goal for writing the letter was to find a way to "prevent his attorneys from doing what he didn't want them to," and it was the only strategy he felt was open to him. He had tried to hide his writings in jail, because of his fear that people would think that he was "crazy." He proceeded to present to this examiner some papers he had brought, which included an argument by the local prosecutor, Scarlett Williams. He analyzed her argument that it is "generally" accepted that a defendant's wishes can be overridden by a "strategic decision" by the defense attorneys in a capital case if it was felt to be in the defendant's best interest. He stated that his attorneys "know that he is competent" and therefore, when he wrote the letter, he was taking the offensive to try to get his wishes, not their wishes, followed by the attorneys. He was upset that he didn't get a chance to make his entire argument to Judge Gergel at the hearing and still hopes that he will be able to get his attorneys to do what he wants. He does sincerely think his attorneys are "trying to help him." He described several times that he is "a political prisoner," and "like a Jihadist." He feels that he did his crimes to make a political point like Muslim extremists. His wish is that he wants the court proceedings and publicity to be "all about the reasons he did it." He explained at several junctures that his reasons for the crimes he committed was that he wanted to "wake up the white people to all of the violence black people are doing against white people every day." He then laughed and said in various ways that his writings were "the worse manifesto ever written." By this he primarily meant that it was poorly written, and had typos and misspellings (e.g. "lense" instead of "lens"). He described that it was "complete garbage," because it was "terrible writing" and laughed. At that point, he again said that his message is that "white people are under attack and we have to do something about it." He feels this is a

simple message, and he wants to keep it clear. He stated his belief that “the media are all run by Jews,” because they have a separate identity and see all events through a “racial lens.” He gave the example from his writings that “if for 24 hours, all the Jews were turned blue, then we would know what they were doing was a concerted effort.” He stated that “the left (politics) is all run by Jews” and that they are “trying to destroy whites.” He said that they are “insecure because they are separate” and that they are “agitating and inciting blacks by doing things like making movies a certain way.” He stated “whites haven’t lost yet.” He digressed to explain why we could not talk upstairs at the detention center, because to meet in that room requires a strip search and that he is “worried that the camera is not turned off during a strip search and might be broadcast somewhere.”

I asked him about his knowledge of the court room and trial proceedings. He stated that his understanding is that the job of the prosecutor was “to get the death penalty,” to “show the evidence against me,” and to present the victim impact to the jury. When explaining what his own defense team’s job was, he stated that it was their job to show that “what I did was bad, but I don’t deserve the death penalty.” He stated they want to “humanize me, but that I actually don’t want to be humanized, I want to be de-humanized.” At this point, he laughed again, but went on to say that this is “funny” because “he’s not actually evil and if people knew him they would know that.” However he explained that it makes his message clearer if he seemed to be only someone who was pushing his “racist white versus black issue.” He explained that the judge’s job was to “run the court room, make sure that rules are followed, and that this is an orderly trial.” He explained that the jury was to “look at all the evidence and make a decision about guilt in the first trial, and in the penalty trial to decide whether he should be sentenced to death or given life in prison.” He went on to state it was their job to decide in the second

trial if he was “bad enough” that he should die. When discussing the consequences of the proceedings against him, he understood that the jury has to be unanimous and that he only has to have one juror against the verdict. He stated though that it is his understanding that a juror could pass all the pre-trial scrutiny by his attorneys and secretly harbor a negative bias against him. He did understand that the first trial is to determine his guilt or non-guilt, and the second is to determine the sentence. He understood that there was the possibility that there would be a hung jury. However, he understood all of this is despite the fact that he “is clearly guilty.” He commented that he finds the notoriety that he is in now “funny” and “somewhat enjoyable.”

He explained the symbol he had drawn. The 14 words that he had taken off the internet were from white nationalist literature. He described that it is “lame but helpful,” and he laughed about it. He explained that the 88 stood for Heil Hitler and that to him, Hitler was “cool” and the “greatest.” He didn’t agree with everything Hitler did and not everything he did was great. However, it would “be good” if Hitler were around today and in power again.

He stated that he would not want to offend black people in the court room and that he would be very embarrassed if he were to do that. He is concerned that he would offend black people if he presented the defense he wants to present, i.e. his act was a purely racist one. He stated that his attorneys were opposed to his wish to try to justify what he did by proposing a Jihadist-like rationalization that “the US was bombing their homeland and therefore they should be able to bomb in the United States.” He feels it would be “very offensive” if he said blacks and Jews were hurting white people which is what he believes, but is reluctant to “just say it.” He stated that it was true that he did not kill any Jews, and it was just black people that

he killed, because it was “easier to find a group of only black people, e.g. at the AME church.” He explained to the examiner that it was “way harder than killing the people he killed to make his real (racist) argument, especially in front of victims’ families,” and he didn’t have “that much courage.” He analogized his situation to “it is like the black guy in Dallas who killed white policemen.” The policemen were actually innocent officers, and the defendant was very offended when President Obama came to Dallas and did not point that out, but instead pointed out that this was a racist act.” He felt that President Obama somehow was justifying the killings by the black shooter. He pointed out that he “did the same thing” as the shooter in Dallas, i.e. killed innocent people in a racist act. He did a “similar publicity stunt.” He knew “that shooting up a (black) church was the most outrageous thing he could do and was a caricature of a racist act.” He stated that he knew (and hoped) that it “might lead to a revenge attack of blacks against whites” and would certainly “increase tension” (his goal). He reiterated that he had “never said that his intent was to start a race war – not exactly.” He stated that he was “not stupid enough to think that his act (alone) would lead to a race war.” “But if a black person did shoot up a white church and blamed him, that that would be good.” He pointed out that he “wouldn’t feel bad about the killing of those white people, because it would lead to increased tensions that would ultimately help stop black on white killings.” He pointed out he had another goal in what he did in that he wanted to “give the media something they could make a big deal of.” He stated he wanted to do something, and that they would “love what he did, because they could easily demonize him, which they do anyway all the time, but he made it easier to do this time.” He said that in this case “white people might say screw it, we’ve been demonized and let’s do something about it” (again, his goal). He stated he was “giving the media something the media doesn’t have to twist to make a story.” This was because he is “actually is a racist, and I (and they) don’t

have to distort it.” He said it makes his act “even more clearly racist that the people he killed were innocent.” He stated that if he had gone into a black neighborhood and killed “black criminals,” no one would pay attention. He said in this instance, he wants “the jury to believe his story about black on white crime 100% and look on the Internet and learn the truth.” He is convinced the statistics about black on white crime have worsened while he has been in jail. He stated that his ability to get his message across would be even better “if he had 12 blacks on his jury.” He said “some whites (on the jury and elsewhere) would even want him to get the death penalty, because they are brain washed and don’t want to be seen to be racist.” He stated that he had “broken his own brain washing,” and he could see things as they actually are. He is irritated at his attorneys, because they would not look into the statistics about black crime. He described that he had been examined by Dr. Dietz, and he asked him if he were Jewish because of his name. He stated that Dr. Dietz is “cool” and a “conservative.” They talked and he believes that Dr. Dietz is a “mainstream conservative.” He pointed out that Dr. Dietz was pleasant to him and “okay.” Dr. Dietz stated to him that there was “nothing wrong with me,” but he stated that is “obviously his job” and laughed. However, he believes that Dr. Dietz does believe that there is nothing wrong with him. He stated that Dr. Dietz was “perfect for my defense” (the one he wants presented), because he will argue that there is nothing wrong with me. Then people following the trial will then understand that the Defendant did his crimes just to get white people to pay attention to his message about black on white crime. He said that he feels that Dr. Dietz “doesn’t think I am sick.” He stated that his own sense of himself is that maybe he is a sociopath and narcissistic. When asked to explain, he stated that he might be a sociopath, because he “only cares about himself and doesn’t care about others.” He feels he is probably narcissistic, because he “only talks about himself or white nationalism.”



When asked about his ideas about something being wrong with his left side, he laughed and stated that he “couldn’t talk about that.” When pressed several times, he stated he “can’t give clues either.” When asked about what his defense team had mentioned about him not liking state court because of the TVs there because he does not want to be photographed, he again stated that he “won’t talk about it.” He stated that his reluctance to talk about it is “all about my lawyer/client relationship.” He felt that it was “not right” that in the recent closed hearing that he had to leave the court room, and his lawyers remained and talked to the judge. He wanted to know what his attorneys said about him. When asked about his fear that his hair was falling out, he gave a very logical answer that “no one would like it,” and “everyone likes a full attractive head of hair.” When asked about his anxiety, he stated that “yes, I have all kinds of anxiety.” He went on to describe that he had anxiety in social situations and generalized anxiety. At that point in the IME, he stated that he “loved being evaluated (and seemed to), this must be part of my narcissistic personality.” He said even if his evaluators were mean to him, he would enjoy it, because he “just likes to talk about myself.” He explained that if he could skip the court proceedings, he would “because his job is done.” He does not “want to show off,” and certainly does not want to be on the stand. He explained again that it seemed to him that he is a sociopath, because he uses people. For instance, he only thinks about his family when he wants them to bring him money so that he can buy things at the commissary. When asked about any arrest record, he described being arrested for having Suboxone and asking weird questions to clerks. When asked why he asked the clerks those questions, he stated that he thought it was “funny.” He stated that “suboxone doesn’t make you high” and that he had not taken it in hours before he was arrested. He related that he used weed from age 13 to 16 when he stopped. He stated that he had been arrested

for trespassing after a one year ban at the mall, when he went back to the mall not knowing he was still banned. He stated that he had not be arrested for any other crimes.

He came back to emphasize that “what I did wasn’t a crime,” because he is “a political prisoner” and “not like the criminals he is locked up with.” When asked how he feels about the fact that he might spend the rest of his life with this type of criminals, he stated “there’s nothing I can do about it.”

When asked again to talk about his ideas about his body, face and forehead, he stated several times that he “won’t talk about that.” He started out that he “can’t,” but then ultimately pointedly changed to that he “won’t.”

When asked about his future working relationship with his attorneys, he stated that he would “say as little as possible to his attorneys” going forward. He stated that he “hates his attorneys for what they are trying to do to me.” He stated that he “wouldn’t feel bad if one of them had died,” even though he had known his lead attorney, David Bruck, for some time. “But if David died, I would be relieved because he would no longer be there to push Autism or mental disorders as his defense.” However, he would then be worried about a new attorney perhaps coming to the same conclusion, and he would not like that. He pointed out that also David is his “enemy because he is Jewish, but that has not been a problem over the past year.” When I asked if he would participate and suggest ideas to his attorneys, he stated that he would if he had a good idea, but otherwise he would talk as little as possible. When asking him about the situation where his lawyers have the legal right to present a defense which they think is in his benefit, even if he disagrees about it, the defendant stated that if he “can’t stop his attorneys, he’ll

have to find a way to discredit them again.” He stated that given his understanding about this issue, he decided that writing a letter to the prosecution was the only effective way for him to try to block his attorneys’ strategy, and that he would try that or similar strategies, if they try to represent him with mental health defenses. When asked about whether or not he believed the idea that he would not be executed because he believes that there is a chance of a white nationalist uprising that would lead to his being pardoned, he laughed and stated that “there was a 0.5% chance of that happening, or even lower.” When asked about the idea that such an uprising would lead them to offer him a high ranking office like the governor (as his attorneys have reported he told them), he stated “that would be impossible” and that he “never said that” and laughed again. He responded to all this line of questioning in a light hearted joking manner. He stated that he likes the judge and that he “is nice.” He is convinced the judge “would give him life in prison,” and “I can tell that he likes me.” He went on to explain that he himself “tricks people into liking him” even though on the outside he is not a good friend, because he just uses people. He related that he “can’t help it.” He explained that he just “has a goofy smile and people like that smile.” He explained that the reason that he had been laughing and smiling throughout the evaluation was because he was “having fun” and likes being interviewed. He went on to ask the examiner if he had read Dostoyevsky and went on to say that he liked reading *The Idiot* four months ago and the *Brothers Karamazov* while in the jail. He also read *House of Dead/Poor Folk* and is currently reading *Possessed*. When asked if he liked Russian literature, he stated yes and that he likes Putin, because he is “a nationalist and a hero.” He pointed out that Putin was not “doing anything wrong” and that 86% or higher of the citizens of Crimea wanted to be annexed by Russia. He also likes Assad in Syria, explaining that he was “just a bigoted racist.” He

shared his worry that Hillary Clinton would take us to war with Russia, but wants Trump to lose, because his supporters “might get mad and do something.”

IME on 11/11/16 (three hours): After pleasantries, we began talking about what he thought the impact of his writing the letter to the prosecution was. It is his opinion that it did not compromise his ability to work with his attorneys. He simply disagrees on the strategy so strongly with them that “he’ll fight them on that issue however he can.” He called them “liars” in the letter, because he feels they misled him by hiding the real reason he was seeing evaluating physicians and feels it was manipulation, because they tried to “pacify him” and withheld information. He discussed why he wore a jail jumpsuit in court over his attorneys’ wishes, and in a joking manner implied that it was a conscious decision of his. Because he is seeing the evaluating psychologist, Dr. Mark Wagner, this afternoon as part of the competency evaluation, the examiner asked him about the results of his previous IQ testing. He stated that he had a verbal IQ of 127, reasoning of 107, but what he felt was an embarrassingly low score on a processing speed of 84. When asked questions about the judge’s hearing and my purpose in seeing him, he stated “I’m not going to talk to anyone my lawyers want me to see, especially the autistic guy” (to help him feel better about the autism idea). He asked the purpose of my visits and potential outcomes of my visits, and I repeated that I was sent by Judge Gergel to perform a competency to stand trial evaluation. He stated that he is looking forward to talking to the judge to express more completely his feelings about the letter and the issues involved. He explained that the situation he and the court are in currently is his attorneys’ fault, because it was on purpose that they did not talk about the mental health defenses until right before trial. Before he wrote the letter, he felt he was “between a rock and a hard place” and had to do something to help

himself. He feels that people would think he agrees with the mental health evidence if he didn't argue. He felt that the prosecution would be the one group clearly motivated to use the letter in the trial, and that his attorneys, and even perhaps the judge, would not be motivated and might not use it. He said he could envision the prosecution putting his letter on a scan and putting it up on a screen. They could then explain that they got it from the defendant, and that the defendant "wanted the jury to disregard everything his attorneys say." He felt that there was "nothing I could do to stop my attorneys except writing the letter." He had tried and they were not going to listen to him. He thinks there are "other things he could do," but he "probably would not be able to do them." When explaining his feelings about being observed and photographed, I asked him about how he felt about being on TV, and he stated he "doesn't want to be on TV." He stated that it had nothing with his feelings about his forehead, and that if anyone had a choice about it on trial, "nobody would want to be on camera unless they were crazy or they were a narcissist." He gave the example that he strongly believed that defendant Slager in his trial would definitely not want to be on camera. He argued that on TV people would see their expressions and reactions to facts and opinions they didn't like and then might judge guilt or innocence from their reactions. He also has a lot of anxiety relating to his embarrassment or shame of people judging him about what he did. He feels that people who disagree with what he did will judge him, for instance, the victims' families. He is extremely embarrassed and therefore reluctant to tell his truth in front of the families, because that would be "messed up" for them to be there and for him to say racist things. He is extremely reluctant to hurt their feelings further, but he stated that if family members came to watch his execution which is their right, then he would say to them that "didn't you shamelessly profit from the settlements you got." He knows that that would make them feel very guilty and that would be his object. He stated he would only do that

if they came to his execution. He stated that he is “not brave enough to put on his real defense” which is that he did it simply because he is a racist. He feels that it would excite onlookers and family members against him and not against blacks, which is his object and goal with the white people who are following his trial. However, he is only concerned about what he can control, and if he “had to present his real defense, he would.” He feels he has been tricked by his attorneys, because he shouldn’t have trusted them and has probably said too much to previous experts and wonders if he should trust me.

When asked why he was beaten up by fellow inmate Stafford, he said “well it’s obvious, it’s because of my crime.” He described that it would be “stupid” for him to take the stand in his own trial, because prosecutors “could ask any questions, including ones from left field and outer space.” He stated that “nobody in his situation is stupid enough to take the stand.” He stated that his attorneys are “ideologues” who are against the death penalty. He stated they are “not on my side, if they were, they would do what I ask.” He stated they are like “ACLU lawyers.” He stated that his lead attorney (DB) has been extremely liberal his whole life, beginning with protesting the Vietnam War and now “infects young minds” as a professor at Washington and Lee. He stated that “the whole idea of finding me incompetent is crazy.” If he was found incompetent, he “would feel that the whole legal system is incompetent.” He stated that the bottom line in his current situation is that he “could assist his attorneys if he agreed with them, but he doesn’t.”

When asked about the many pictures that have been entered into evidence and asked why he took them, he stated that he took them to put onto his website to support what he was writing. He said you “do you know which of the pictures is



my favorite?” He pointed out that it was the one with the two mannequin slaves. He pointed out that that was so ironic and funny that people would think they were “my slaves,” and that he took that picture “to be offensive.” He also stood on and burned the American flag to be offensive, and did that because he doesn’t like the American flag because of what it stands for. When asked why he went from being a good student to a very poor student, he stated that he lost his motivation, probably because of smoking marijuana. He also described that it was related to “when he realized that he had never been punished and was not going to be punished, he thought what’s the point?” He stated “nothing bothers me now.” When asked about his arrest in the mall for asking “weird” questions to the employees at Bed, Bath and Beyond, he stated he was “just messing with them.” He pointed out that at the end of this questioning, he told one of them that he was just “a racist.” He repeated the story he has used in his writings about why people have sympathy feelings for the dog in his story. He confirmed that he did have ammunition for an AR-15 and he was storing that because he “might use it in the shooting he was thinking about.” He denied that there were any swastikas that he drew in his books or cell.

In talking about why he wore a jumpsuit against his attorneys’ wishes, he stated that it was only because he “wanted his sweater washed” and that was the only clothing they presented to him. He denied that he had any other feelings about clothes, for instance that they needed to “feel right.” He said it was “ridiculous” and that he had no problem with the texture of clothes he wore. He denied that he had any symptoms of obsessive compulsive disorder now. He denied ever having psychotic symptoms, like auditory hallucinations, visual hallucinations, delusions, or Schneiderian criteria of schizophrenia, e.g. having thoughts inserted into his brain or having thoughts removed from his brain. He did admit that he had one

panic attack in his life in which he hyperventilated and had an increased heart rate, and this was in the fifth grade. When questioned about typical avoidance secondary to panic attacks and panic disorder, he denied all of them (e.g. elevators, crowds, escalators, bridges, etc.) He reported that he did have social anxiety when he was younger, but it was “better” now. When asked why he replied to the judge and to others that there were certain questions that he “couldn’t talk about,” he explained that he never wants to lie because that makes him feel bad. He feels that he cannot answer these questions, because he would be tempted to lie, so he says “I can’t talk about it.” When I asked him about the book by Goethe that he had in his cell and why he was reading it, he replied “I think a lot about stuff” and “all the time.” He stated that he has dialogues with himself to develop his thoughts. Sometimes these dialogues are out loud. He denied that he had ever been depressed in his life. When asked about his questioning whether or not he might get an antidepressant to “help in his trial,” he stated that it might help his anxiety, but what he would really like is that it would “turn him into a zombie” to be on an antidepressant. By which he seemed to mean that he would have less feeling, and this would be useful to him. When asked about his interaction with Dr. Thom Hiers who reached out to him when he posted an ad on Craigslist for someone to accompany him on a tour of historic Charleston, he denied that it ever happened. He also denied that he ever put an ad on Craigslist. He speculated that perhaps Dr. Hiers made this up and sent it to his attorneys, because he might be working with them. He reported that Dr. Dietz had asked him the same question, and he stated that “I had no contact with Dr. Hiers, period.” He also denied the reference in those emails that he had “spent weeks in bed depressed” and reiterated that he had “never been depressed in his life.” He went on to state that he is “never in a bad mood” and is “always happy,” unless he thinks about the race problem. He went on to explain further about his beliefs in stating that he likes white people, because

white people are “the greatest ever.” He stood up for the only time to explain animatedly his own original idea and theory. He stated that white nationalists primarily think that white people feel guilt or pathological altruism to blacks and that is why they ignore black on white violence and feel sorry for black people. He stated that his theory is that white people have a superiority complex and therefore don’t take non-white violence seriously. During this discourse, he stood up, leaned forward, and became very excited and very intent on explaining his theory. He was excited, passionate, pleased with himself, and presented his thoughts in a very well thought out and well-practiced fashion, as if he had thought about this a great deal. He gave another analogy that if people were in a restaurant and a male hit a female that it would be different than if a woman hit a male, making the point that onlookers would have sympathy for the weaker female. Because he thought that was an inadequate analogy, he gave another example where “if a 7-year old hit you in the stomach and it really hurt, we wouldn’t punch back and would pretend it didn’t happen” because the child is weak. He analogized that to if a non-white tried to hurt us, or the analogy he wrote about a dog being beaten. White people feel bad for the woman/the 7-year old/and the dog, because they are more helpless, and whites do not feel bad even if a man is bitten by the dog. He feels part of his message is that whites need to get rid of the superiority feelings, because non-whites are dangerous and whites are ignoring this. He went on to describe his ideas about “white privilege.” He feels whites are pretending they don’t like it, when they in fact do. He went on to state that the only white people who do not have a superiority complex are the white nationalists, because they are appropriately afraid of non-whites. He stated that “people like to believe there was more racism 50 years ago, but it seemed that way because then we realized we were more vulnerable.” In his opinion, the problem now is even worse because of the white superiority complex. He is convinced when demographics of non-

whites in the US shift to where whites are the minority, then persecution will really start and they “will kill us.” They won’t be like whites and be empathetic (like missionaries to non-whites). He feels whites have been under attack for decades but don’t realize it. He explains that he learned this on the internet where there are “a lot of videos about black violence,” but that it is hidden by the media who emphasize black on black crime. He feels this is critically important to the world, because if whites aren’t around to solve the big problems (e.g. climate change), the black people in control would not be able to deal with this complex type of problem. When asked if he had a Confederate license plate with the Confederate flag, he said, no, but explained that it said “Confederate States of America.” He was impassioned and logical about how he feels it is “funny” that they took the Confederate flag down from the state house because of him.” He didn’t really have any feelings about the flag issue, because he thought it was a “redneck thing.” But they “did his work” by maybe getting “some old guy angry enough to do something about it.” When asked “what should be done with him,” he stated he “doesn’t know and doesn’t care.” He explained that he “doesn’t have control over it” and that “he’s finished with his work.” Since he has no control over what happens to him now that he doesn’t care. He ended his second interview with the question as to whether he could represent himself. This comes up for him because his wish to “not have a defense presented.” He stated that he would talk to the judge about that when he gets a chance, but is skeptical that he would let that happen.

IME on 11/12/16 (two and a half hours): At the outset of the interview, he talked about Dr. Wagner, the psychologist he had seen the day before. He was a little embarrassed that he didn’t do well “with the mathematics part,” but he didn’t want

to talk about that. He questioned then what my practice and specialty was. I explained that am a clinical psychiatrist and a forensic psychiatrist. He stated he had asked Drs. Wagner and Nuburg (?) about the differences on psychological testing between females and males, and then between races. He asked Dr. Wagner if from his experience, “did Asians have the highest scores on IQ tests and blacks have the lowest?” and he said Dr. Wagner agreed. He then asked Dr. Wagner “how do you not become a racist – do you just keep it to yourself? And stated that was sad.” He asked the examiner if he had read *The Bell Curve* and admitted he himself had not. The examiner asked him if he could explain without any prompting questions from the examiner who the various members in the court room are and their jobs. He easily began by talking about the woman who states that “everyone should stand and then sit for the judge.” He stated that the marshalls were there to “keep us safe.” He stated the stenographer was there “to write down what was said.” He stated that the judge was like “the director, telling people when they can talk, and deciding what can happen in the court room, for instance, ruling on motions, whether or not aspects of the trial can be sealed, and even what the media can do in the court room.” He stated that the prosecutor, Ken Burns, “flies around the country trying to prosecute death penalties.” He stated the prosecution “shows all the evidence against me, works with the families, and will try to give me the death penalty.” He pointed out that “Loretta Lynch, the Attorney General, decided whether or not the death penalty should be pursued by the government and had denied his brief about that.” He stated that the jury’s job was “to listen, deliberate, if only one of them disagreed, then it would be a hung jury, that they were supposed to be unbiased, and not have an opinion about the death penalty.” He stated that the defense team’s job “according to them” is to “show evidence for me, to humanize me, and point out that killing is wrong and needless, and that life in prison would be enough punishment for me, cross

examine prosecution witnesses, and present defense witnesses.” When asked what is decided in his trial, he stated “his sentence and the possibility of life imprisonment versus death.” When asked how he felt about that, he stated again that he “didn’t care” and that “it doesn’t matter to” him. He stated both of them are bad and there is little way for him to know which is worse, although he had asked his attorneys. He said that with a life sentence, there are lots of places he could be sent, but with a death penalty, he would definitely go to Terra Haute, Indiana. He stated that he would be really scared if he in fact gets to the time to be executed, but that he could ignore it until that time. When asked what he felt the chances are that he would die if he got the death penalty, and he said it was 85%. When asked about the 15%, he stated “well, they may abolish the death penalty” or his prison “might get bombed by Russia.” When asked if because he likes Putin, does he think that Russia might actually bomb his prison, and he stated “Goodness no, Putin doesn’t even know who I am. He’s got more important things to do.” Then in a mocking, joking, humorous way, he stated that “well there’s another possibility and that is that a race war will happen (100%) and if the whites win, I could be pardoned.” When asked what would happen then, he stated he “doesn’t know what he would do.” When asked why he believed that things were “getting worse” and how did he know that, there was a very long pause for the only time in the interview. He then stated “I just know.” When pushed, he stated that he has learned from newspapers, the internet, and radio that more riots are occurring, for instance, in Charlotte, in the Midwest, after Trump’s election, and more police shootings. He talked about how this is getting “way, way bad.” He cited the news story where an 11 year old white boy was beaten up, because he had voted for Trump in an elementary school election. He believes that the media left the assumption that blacks did it, because they pointed out that it was a white boy and introduced the segment with a report about 20 cases of harassment of Hispanics.

He feels they also left the impression that the 11 year old “deserved it anyway.” He is persistent in his belief that we “don’t feel sorry for the 11 year old white boy but we do for the Hispanics.” He stated that the media doesn’t talk about “real things” or “bad things.” In Charlotte, there was a riot after a black officer killed a black criminal, but the victim’s family stated “all white people are devils,” ignoring that it was a black policeman who killed their relative. He stated that the blacks rioting after various killings don’t care whether the victims are black or white, because they use it as an excuse because they hate white people. He also pointed out that most people consider the police to be all white in their judgements about police violence. When asked about his feelings about the shootings at Pulse in Orlando, he stated “you know I would like that. But it’s even better than that.” He said “think about it, it’s queers and Hispanics” (who were shot) and that is “fine with me.” He stated that if the shooter had “not been a Muslim, he would be a hero,” but being a Muslim, he is a “bastard.” He went on to ask the examiner if I thought about what gay people do in their bedrooms or at home. He said “the problem is that people try to ignore what gay people do in the bedroom, and that we should not avoid picturing them,” because then we could not go on to ignore what they are doing. He went on to say that “all pedophiles are gay.” When the examiner’s response was “I’m not sure you are correct.” He changed what he said and said “I actually agree, not all are gay.” It appeared in his responses about these questions that he appears to elaborate beliefs from phrases he hears or reads about.

He agreed that during the incident, he did repeatedly say to the victims “I have to do this,” and he still feels that he had no choice about that. When asked “why” he stated with a smile “well people would kill my family if I didn’t do it, or if I back tracked now. So you see, I had to do it.” After he said that, he paused and then



burst out laughing, and said no “that’s just a joke. I did it because I have to call attention to what’s going on.” He went on to say “I’m just messing with you.” This joke was very believable and humorous. When confronted with the fact that some people (his attorneys) have articulated that that exact idea is in fact his real (psychotic) thinking, he laughed and said “I have never said that to anyone including my parents.” He stated that he “is worried about his reputation,” and he is afraid that what I write will “dehumanize him.” He asked if I had ever heard Governor Haley speak, and he stated “you know she sounds like a high school student.” He made a few quick observations about her and others that were reasonable and included some astute observations. He stated that “you know I’m easily pressured into doing things.” And he stated that that is how “my lawyers have done this to me.” Specifically when asked if he felt that there was anything wrong with his forehead, he stated that he “can’t and won’t talk about it.” When asked about his feelings about his left side, he made a clever joke and humorously tried to deflect the examiner into thinking the issues were about his right side. The examiner explained that body dysmorphic feelings are frequently expressed by anxious patients to me, and that it seemed like this was what others were saying he felt about his forehead. However, he again denied having any strong feelings about his forehead. He again made the point that if black people were in the court room, they would give him dirty looks if he stated what his real defense is, i.e. that he is simply a racist. When pushed about what his problem is about being looked at in the court room, he hesitated, and then denied that it happened. When asked about being looked at and difficulties answering or asking questions with his attorneys when he is being looked at, and whether he was in fact unable to look right or left so he would be able to know what the prosecutor looked like, and whether he had difficulties in the court room of knowing which way to face, he denied all of them in a playful, laughing, and actually believable fashion. He also

denied that he had any feelings about his forehead, his left side, or even extreme anxiety in the court room. He denied that he had any problems about what he wore to the court room beyond that he only had one outfit that was offered to him.

However, the sweater had not been washed, and he felt it was better to wear the jumpsuit. He had an enjoyable moment describing that what he wants is a blue pinstripe suit with a white shirt and white tie, but that “they would never get it for him, and it probably wouldn’t fit if they did.” He described his own problem that he is too trusting, and that he “trusts people on instinct” and that he generally feels “everybody is his friend.” He stated that this is how his attorneys and others have been able to trick him. When asked about why it has been so easy for him to relate to this examiner and in such a comfortable fashion, he stated that he didn’t know, but agreed that it had been. When asked if he could do this if there were 20 people watching our interview, he stated that he “absolutely could not do that.” He candidly described that from his perspective “no one” would like, or even be able to talk in front of 20 people they did not know. This led to a discussion about his social anxiety, which for the moment he admitted that he had. He asked if there was any way to treat it, and the examiner told him about the use of Paxil and other antidepressants and how effective they many times are, and he seemed interested in potentially taking it. However, he stated that he would not take it, but he would not explain why he would not. However, for the first time in all three interviews, he agreed that he did not want any evidence in his record that he was “defective” in any way, e.g. had social anxiety or took psychiatric medicines. He admitted that this was related to his beliefs that after the white nationalist revolution occurred and was successful, he has to maintain his reputation as “a perfect specimen.” However, he denied that he thought that he would have any special position in the government at that point. His feelings about keeping any mental illness or weakness secret seemed related to his white nationalist feelings about sterilization

and eliminating non-perfect, non-white people (like the Nazis did). He then talked about how he felt about vaccines. He joked that “vaccines lead to autism,” but that this idea had been “debunked.” However, he quickly followed (smiling) that the people who debunked it were the drug companies who profited from that. He stated this is the “only conspiracy he believed in.” However, when the examiner gave the example that there is Mercury in the fish we eat, he agreed with that, but he logically stated “that is not a conspiracy.” When asked about the quote in his writing that “even if my life is worth less than a speck of dirt, I want to use it for the good of society,” he did admit that that was referring to him. He feels that “I am my own hero, and not anything beyond that.” He did joke that “of course, it was a divine intervention that he was able to get a gun.” He joked about this, including that he didn’t even believe in God. On questioning, he stated that he probably did say to his victims “folks, you made me do it,” saying to one surviving victim on the floor that “black people have been killing and raping white people every day.” When asked about his response to discovering the Trayvon Martin story, he pointed out that that had led him to search the internet and to discover about black on white violence. When asked could that have “suddenly make everything make sense” including an explanation for his life-long anxiety, as his attorneys have reported he said previously, he laughed and said “no, it didn’t have anything to do with that. That never happened.” He described to the examiner that he listens to NPR all the time and “they’re nuts. I am actually open minded and listen to the other side, but they don’t listen.” When asked if he had told his grandfather that he took a magazine survey, and the results said that he was a paranoid schizophrenic, he denied it several times.

He finished the third and last interview by pointing out that if his attorneys don’t do everything he wants in presenting “no defense, evidence, or exhibits,” that he

would try to stab his lawyer. He said twice that it was important that I point out that this was “not him being a tough guy” and that he doesn’t expect to be successful. When asked how the IME experience and evaluation had been for him, he stated that he actually liked the first two, but not the last one. When asked why, he stated that the examiner was more aggressive in his questioning about the areas that he didn’t want to talk about.

Analysis of the evidence concerning competency: This competency evaluation is based on the criteria in 18 U.S.C. 4247 Section 4241. Those criteria include “whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.”

I. The first of the three prongs of this criterion is whether “the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him.” In the analysis of whether the Defendant has a “mental disease or defect,” it appears that there are two possibilities. The first possibility is that he has a quiet psychotic disorder without a formal thought disorder which is exceedingly rare. This is the possibility favored by his attorneys. The other possibility is that the motivation for his thoughts and actions are not driven by psychotic thinking but come from a deep seated racial prejudice which is not a mental disorder or defect. It is my medical opinion to a reasonable degree of medical certainty that he does not have a psychotic process and that he does have a deep seated, extensive, and well established prejudice against blacks, Jews, and homosexuals. My opinion is supported by the following:

A. Evidence that he does not have a psychosis follows:

1. In my own psychiatric examination of him on three different occasions for almost three hours each, at no time in that almost nine hours was there ever any evidence at all that the defendant was psychotic or had a history of psychosis. He denied all signs and symptoms of a psychotic process in a quite believable fashion. He also did not show any of the signs of psychosis that are always present when someone is psychotic. For instance, his speech was logical and coherent throughout the almost nine hour exam. There were no examples of the disorganized speech or the speech abnormalities seen in psychotic persons. He maintained full eye contact during that entire time effortlessly. His affect was normal, not the type of inappropriate affect seen in schizophrenia. He understood the views and perspectives of others and were often realistic, e.g. his feelings about NPR, potential biases of experts, the jury, and even his own attorneys, as well as being realistic about the impact of his act and what his attorneys' strategy necessarily leads them to assert. He was also realistic about issues about the low likelihood that he would be allowed to represent himself and the "preposterous" nature of the idea that he would be appointed governor after a race war, and the lack of wisdom in his taking the witness stand. Strikingly, he was able to develop multiple jokes about the delusions that have been attributed to him by his attorneys (no one else has reported them). For instance, he developed an excellent and humorous joke with this examiner that he had to do his act and continue with his current activities or the white nationalists would kill him and his family. Similarly, he made excellent

jokes about the so-called delusion that his left side was distorted (although he has some distorted concepts about it). This type of insight, perspective and humor is almost never seen in psychotic people and is essentially never seen about their own delusions. Perhaps most importantly, this examiner and Dr. Wagner, experienced none of the so-called praecox feelings named for the first description of schizophrenia as “Dementia Praecox.” This is a feeling that experienced clinicians understand is indicative of and produced by psychosis, in particular with schizophrenia. This feeling is described as an odd but characteristic discomfort in the presence of people with schizophrenic psychoses where the examiner finds it essentially impossible to relate in a normal human way to the psychotic individual. In contrast, this defendant is easy to relate to, and warm, humorous, and likeable, displaying the opposite of the type of deficits seen in psychotic people because of the negative symptoms associated with schizophrenia. Importantly in Dr. Wagner’s exam and his psychological testing, there was absolutely no evidence of psychosis. This was also true of the psychological testing performed as part of the prosecution’s witness, Dr. Park Dietz’s, evaluation of the Defendant and shared with this examiner. Both exams found no evidence of psychosis.

2. Also critically, the psychiatrist at the detention center, Elizabeth Leonard, M.D. examined the defendant on 6/13/15 and 6/19/15, soon after the event, and described him much the way that I did. She found his thought content normal, his affect appropriate, and he was in good humor. She reported that there were no signs of

psychosis “ever” and that his thoughts were logical. On her first visit on 6/13/15, and on the return visit 8/3/15 (D.O.O. 353), she again made no Axis I diagnosis where a diagnosis of a psychosis would be listed, and only mentions possible antisocial traits. Therefore on her exams too, she found no evidence of a psychotic process.

3. In all of the Defendant’s writings, there is no evidence of psychosis unless the trier of fact concludes that his entire thought pattern and acts are all part of a psychotic process. To this examiner, this possibility is extremely unlikely and would be very uncharacteristic of psychosis.
4. The details of the incident and his subsequent behavior shows no characteristics of psychosis and is consistently rational, and consistent with a deep seated racial prejudice, not psychosis. Even his lawyers agree that he does not have a thought disorder (Hearing page 27, lines 14-20).
5. The Defendant quotes the prosecution expert, Park Dietz, M.D., as saying there is “nothing wrong with you” (Page 33, Lines 9-10). It is unknown to this examiner whether this is in fact Dr. Dietz’s opinion at this point.
6. His own lawyers quote their defense experts opinions in the hearing as saying that they feel it is “not schizophrenia now, but time will tell.”
7. His pediatrician described at age 19 that the Defendant was a “very nice young man” and makes no comments about any psychiatric problems except that he makes the diagnosis of Anxiety Disorder NOS and Social Anxiety.



8. Nolan Byrd told the FBI on 6/20/15 that he did not believe that the Defendant had a mental illness, and that the shooting was a hate crime based on what the Defendant had previously told him.
9. Also Franklin Roof (father of the Defendant) stated to the FBI that he does not believe the Defendant suffers from a Mental Illness.

B. However, there is some evidence consistent with the possibility that he might have a psychotic process. The evidence that the Defendant might in fact have a psychosis finds partial support in the following:

1. After working with him for a year and a half, his attorneys state that they believe that he has a non-thought disordered, comprehensive psychosis underlying all of what he says, believes and does. They bring up that the Defendant said to them that after the Trayvon Martin incident, that “this explains everything including my life-long anxiety problem and discomfort.” This would be consistent with what a psychotic person might say but does not prove it. It also would be consistent with the other possibility, that it is a racial prejudice driving his actions.
2. His somatic delusions (Hearing Page 27, Lines 23-25) that his face is malformed, his forehead unsightly, and that he is afraid for anyone to see his forehead (Hearing Page 28, Lines 18-21) is consistent with, but again does not prove there is a comprehensive psychosis present.
3. His attorneys claim that his “decision incompetence” to fail to make self-protective decisions is evidence of this delusion, but again, this is not a confirmatory fact (Hearing Page 30, Lines 1-

- 3), because there is an even more logical set of reasons why he has reached his decision about the death penalty, i.e. that he has higher goals and priorities about protecting his “mission” and “reputation.”
4. He has a long history of these somatic distortions having been reported to his pediatrician, Dr. Brennan, on 3/14/14 and 12/31/14 that he felt that his left side was larger than the right.
5. The strength of his convictions that the racial situation is getting worse and that he fails to use traditional proof is certainly consistent with both a psychosis being present as well as a racial prejudice.

Therefore, it is this examiner’s opinion to a reasonable degree of medical certainty that there is almost no evidence, other than from the experience of his attorneys, that the Defendant has a psychotic process which explains his actions.

C. In contrast, the other possibility to explain his actions is that he has a deep racial prejudice and no mental disorder. This is supported by the following:

1. In my almost nine hours of examination and in reading all of his writings, the evidence that his thinking and actions are driven by a pervasive and deep racial prejudice against blacks, Jews, and homosexuals is supported by the entire accumulated bulk of the evidence. There is no evidence of psychosis in the writings, interviews, evaluations or actions, but there is a consistently logical, both internally and externally, consistent racial prejudice

- against non-whites. This has also been consistent with all mental health examiners including me, Dr. Wagner, and Dr. Leonard at the detention center, as well as his family and friends.
2. It is reasonable to postulate that his father's racial prejudices and belief that a race war may well be coming and his fondness for guns may have provided a stimulus for development of the Defendant's ideas.
  3. The fact that [REDACTED] [REDACTED] car might also be a hypothesis as part of the formative influences on the Defendant.
  4. The Defendant had a clear source of information, writings, and so-called facts from the Internet sites that he has been regularly following. Evidence from the eyewitnesses who survived the incident report his racial rationale that blacks are harming, killing and raping whites on a daily basis.
  5. His thoughtful analysis in planning what would lead to the maximum effectiveness of his actions in forwarding his goal to increase tension and call attention to whites of his belief that generally whites are unaware of the frequency of black on white crime is consistent and logical.
  6. He had spent at least the last two years thinking about and planning his acts which he told the FBI, this examiner, and Dr. Wagner, as well as some of his friends.
  7. He agreed that the sentence in his writing ("I would rather live in prison knowing I took action for my race than to live with the torture of sitting idle .... I did what I thought would make the biggest wave and now the fate of our race sits in the hands of my

brothers who continue to live freely”) was written by and about himself.

8. He clearly articulated to this examiner that he is guilty of his acts and also the only defense he could assert are his racist beliefs about black on white crime and trying to alert whites to the unrecognized danger. He stated this in the Hearing on Page 21, Lines 16-17, and in his IME, but explained that he feels that that defense would be so outrageous and unacceptable that no attorney would make it, and even he would be embarrassed to make that claim in front of the world, and particularly to the black families of victims who would probably be in the court room.
9. He explained his motives and rationale quite logically throughout his confession on the day of the incident.
10. He told his mother in his letter to her that he “had to do it.”
11. He expressed on 2/26/15 in an email diatribe to Dr. Thom Hiers, his marked racial prejudices about “queers, Jews, and niggers” that it “took his (Hiers) breath away.” In this exchange, the Defendant denied the Holocaust, said “niggers rape white women all the time,” and that “queers” are mentally ill.
12. He was arrested on 2/28/15 after asking questions to mall employees apparently casing the store for potential attack and told one girl that he was a “racist.”
13. He told Dwayne Stafford in the detention center his intention for his act was to raise racial tensions. He also told Stafford “those guys got what they deserved in the shooting at Pulse in Orlando.”

14. Dalton Tyler (DOO 310) said that the Defendant told him that he was coming to Charleston to stir things up, and he wanted people to recognize the frequency of black on white crime.
15. Chris Scrivens on 6/12/15 told the FBI that the Defendant said that he had a gun and that he would shoot a bunch of people in Charleston the following Wednesday.
16. Scrivens also told the FBI on 6/19/15 that Joey Meeks was the defendant's best friend, and the defendant never talked about race in his presence until he got drunk on 6/11/15 and began talking about Trayvon Martin and segregation. He stated at that time that the black race was bringing down the white race and that he wanted to "start a race war." He wanted to start "something big and crazy and make it big on the news." He stated that he wanted to hurt people in Charleston and had been planning it for six months.
17. Vanessa Clifford told the FBI on 6/22/15 that the Defendant would make racist comments a lot and use the "N-word" often but "like a joke." However, he sincerely did not like black people. More than two years before the event, she said that the Defendant described black people as horrible and that they had taken over the country and were abusing white women.
18. Nolan Byrd told the FBI on 6/20/15 that the Defendant had asked him in December of 2014 if he knew of any skin heads because he wanted to join a group. He also stated that he didn't think the Defendant had a mental illness, and that the shooting was a hate crime given what the Defendant had told him.

19. Brock Tate said that in 2015 the Defendant said he was a racist and was talking about going to Charleston.
20. Laura Plexico on 6/20/15 told the FBI that the Defendant hated blacks and that he said he was a neo-Nazi. He told her of his plan to rob gay people in Charleston with a gun he had. He also described buying beer for a black man in Charleston to keep him homeless.
21. Franklin Roof, the Defendant's father, stated that he did not believe that the Defendant suffered from a mental illness, and had asked him to watch a TV show on skin heads with him.
22. Justin Meek, on 6/22/15, told the FBI that the Defendant had asked him to photograph the Defendant burning an American flag.
23. Jacob Meek, on 6/22/15, told the FBI that the Defendant had told him that he was disappointed that Hitler had lost World War II, and that the white people had lost power because of this and were no longer in control. The Defendant described to him that he wanted South Carolina to be in the national news and that "nothing big" ever happened in South Carolina, and he wanted to do something "crazy in Charleston." The Defendant also blamed President Obama for messing up health care and trying to start World War III and that he had hurt the United States.
24. Dalton Tyler, on 6/30/15, described that when he was with Roof one night and after visiting a strip club, they drove by an African American woman standing outside a red light house, he shouted out the window of the car to her "you nigger bitch. I'll shoot your black ass." She related that Joey Meek had told her

- that the Defendant talked about being upset about Trayvon Martin and that he wanted to start a race war and kill people at a church.
25. Paige Mann, the former wife of the Defendant's father, told the FBI on 7/2/15 that the Defendant sang a very offensive rap song about "niggers" when he was 21 years old at the urging of his father. His father told her on 6/13/15 how he was preparing for a race war and the evidence was in the news, as well as how he had bought a gun and had gotten a concealed weapons permit.
26. Tim Wrightsen, on 7/2/15, stated that the Defendant didn't like what was happening in the world and that black people were taking over. He testified that the Defendant had told Meek that blacks were raping white women and that something had to be done about what blacks were doing to the country.
27. Dalton Tyler, on 6/18/15, related that the Defendant said "crazy things about segregation and wanting to start a civil war." He reported that the Defendant had a license plate "Confederate States of America."
28. By far the most animated and interested that the Defendant was in his three IME sessions with this examiner was when he stood up to animatedly, and excitedly to explain his own original contribution to the white nationalist thinking.
29. In his third session with this examiner, the Defendant finally admitted what he had been hiding in his many times to Judge Gergel and to this examiner and others when he would say "I can't answer that" or "I won't answer that." He finally explained that he could not admit or have introduced as evidence is that he had any mental health or Autistic disorder, because of his worry



about how he would be regarded in a post-revolutionary white nationalist controlled world. In that world, he believes that white nationalists would, like the Nazis, favor the elimination of “defectives,” eugenics, and elimination of non-white populations, and particularly those with mental health problems and homosexuals. When this examiner examined all of the information in the Defendant’s IME’s, writings, actions, and statements, they are all consistent with this point and perspective. Importantly, this explanation of his thinking eliminates the only sign that was suspicious of a psychotic process, i.e. when he would refuse to answer in a seemingly mysterious way and why he would not admit to various things which in fact in retrospect would have been admissions that there was “something wrong with him.” This is in fact not a “crazy” idea, but a logical one given his understandings that in a post-revolutionary white supremacist world, he would want to look “pure” and “unblemished.” It makes understandable his comment that if he was portrayed as an Autistic person at this point in time, he would have “no point in living” in what he believes the future world will be. This makes logical the decision that he would rather die now, than ruin his reputation in his longed for future world. Also he was always comfortable with the explanation that he would prefer to die rather than blur or discredit his message or “great act” that he had just accomplished and would make him important because he started the revolution.

Therefore, it is this examiner's opinion that the Defendant does have a strong racial prejudice, especially against African Americans, that he had been talking about and planning to do something about, for at least the two years prior to his shooting African Americans in Charleston.

Therefore, it would be my opinion to a reasonable degree of medical certainty, that the Defendant does not have a psychotic process which would be the only "mental disease or defect" which would significantly impact on his competency to stand trial. Although, it is my opinion that he meets the criteria for Social Anxiety Disorder, probably Generalized Anxiety Disorder, possible Autistic Spectrum Disorder, a Mixed Substance Abuse Disorder, depression by history and a Schizoid Personality Disorder. These would not seriously impact his competency to stand trial with the possible exception of influences of Social Anxiety Disorder and possible Autistic Spectrum Disorder which are reviewed in discussion of the Defendant's ability to "properly assist in his defense" (the third prong).

- II. The second prong of the competency evaluation is whether or not a person has a mental disease or defect which would render him "mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him." The evidence for this prong is more straight forward and in contrast to the first prong, relatively non-controversial in my opinion. The only controversial aspect of this prong appears to be that the Defendant has limits to the usual and expected self-protective thinking about survival above all else in that he is willing to die (i.e. accept the death penalty) rather than blur or discredit his basic racist

message behind his act or jeopardize his “reputation” in his hoped for future world. His competent understanding of “the nature and consequences of the proceedings against him” is supported by the following:

A. In the first interview, he presented in a lucid, facile fashion, his clear and fairly sophisticated understanding of “the nature and consequences of the proceedings against him.” These included:

1. His explanation for the prosecutor’s role “was to get the death penalty and to show evidence against him and present victim impact information.”
2. The defense’s role was to point out that “what he did was bad, but it didn’t deserve the death penalty, and to humanize the defendant.” However, in fact he does not want to be humanized, but instead de-humanized.
3. He stated that the judge “ran the court room, ensured everyone followed the rules that there was an orderly trial.”
4. He stated that the jury’s task was to “look at the evidence and make decisions” about his guilt and in the second trial to decide whether his offenses were bad enough for him to be sentenced to death.” He understood that all 12 jurors had to find him guilty if he were to be found guilty. He understood, however, that even though they “worked hard during jury selection, it would be easy for a juror to be silent about their belief that he was, in fact, guilty and be seated in the jury.” He understood that there was the determination of guilt phase trial first, and then there was a second trial about sentencing and the death penalty. He understood that the choices were life in prison versus the death

penalty. He stated however that he knows that he is guilty in this context.

B. In his third interview, the examiner asked him to spontaneously describe the participants in the trial and the potential consequences of a trial as he understood them. To that, he responded that there was a woman “who told people to stand up when the judge came in and then to sit down afterwards.” He knew that there were “marshalls in the court room to keep us safe.” He stated that there was a “stenographer to write down what was said.” He described that “the judge was the director, deciding who and when they can talk, what could happen in the court room, ruled on motions, and whether parts of the trial could be sealed, and what the media can do in the court room.” He described the prosecutor, Ken Burns, “flies around the country trying to get the death penalty” and that his job “was to show all the evidence against him, work with the families, and try to obtain the death penalty.” He stated that “Loretta Lynch, the Attorney General, had decided that the death penalty would be sought after denying his brief.” He repeated that the “jury’s job was to listen, deliberate, and if one disagreed, he would be found not guilty, and the jurors were supposed to be unbiased.” He described that the defense’s job “according to my lawyers” was to “show evidence supporting him, to humanize me, to make the point that killing is wrong and needless, and that life imprisonment would be enough punishment, cross examine prosecution witnesses, and present their own witnesses.” He spontaneously said that the job of the second trial is “to decide if the sentence would be life in prison or the death penalty.” He stated again that he didn’t care, because both outcomes were bad, and he didn’t

know what was worse, although he had asked his attorneys. He stated that if he were serving a life sentence, it could be in a lot of different prisons, but if he were given the death penalty, it would be in Terra Haute, Indiana. He stated that he would be really scared at his execution, but he could ignore it until then, because he can't do anything about it.

In my opinion, to a reasonable degree of medical certainty, the defendant appears to meet the second prong of the criteria in that he appears to be sufficiently able to understand the nature and consequences of the proceedings against him. However, the trier of fact in this determination of competency could decide that the Defendant does have a “mental disease or defect” (or “defects”), which is (are) so pervasive (and subtle) that it (they) undermine(s) the Defendant’s understanding of “the nature and consequences of the proceedings against him.” The Defense team is at this point the primary proponent (and providing all the evidence) of the view that the Defendant’s entire version of the facts, his understanding and rationale for his acts, and much of his alleged difficulties with working with his attorneys is secondary to a pervasive psychotic process which is behind everything. That is, it led to the crimes alleged, his statements about his mission, message and his feelings about not presenting a defense. Whether this is in fact the case or whether the Defendant’s acts and explanations are the product of his racist beliefs is a determination of fact for the trier of fact. (See evidence presented for and against this alleged fact in the Prong One discussion above.)

III. The third prong of the competency evaluation is whether the defendant can “assist properly in his defense” and is complicated, primarily because most of the alleged evidence is presented by his Defense team and the examiner does not have independent confirmation of the alleged difficulties they have described. Fortunately, the alleged difficulties and behavior described by his attorneys concern his court room behavior and these alleged limitations of his abilities, and problems with his court room demeanor have been witnessed by the trier of fact (Judge Gergel).

A. The principal evidence that he might not be able to properly work with his attorneys not surprisingly comes from those attorneys who have worked with him over the last 18 months. They list a series of issues:

1. His extreme anxiety about being looked at which they say has made him tell them not to look at him, talk with him or even slip notes to him when people are watching him (in the court room). This examiner has no independent evidence that this has occurred.
2. Their belief that his refusal to accept their strategy and want no defense and to accept the death penalty seems to them to be a lack of ability to work with them rather than a product of his logical, albeit odd, thinking which leads him to deeply disagree with them. So that the other possibility is that he deeply disagrees with them for his own rational reasons.

3. His attorneys claim that the letter that he presented to the prosecutor has very seriously damaged their ability to work with him.
4. They have asserted that a significant interference with their work is that he does not want to be on camera which would be the case in his case tried in state court. They state that this is because he does not want his forehead seen. He has a much more logical reason that he does not like or want to be in that court room. He argues that “who would like” for a camera to be trained on their face with they are learning adverse facts or opinions, because the camera might reveal his reaction to events to the audiences watching, and they might judge his guilt or innocence by his reactions caught on TV.
5. They have raised that his obsessions and fixations about his body and clothes (although he denies this) occupy a great deal of their time instead of their being able to work on trial related issues.
6. Because of his Social Anxiety problems which were in fact diagnosed on 3/26/09 at the Department of Mental Health, he has tremendous anxiety in the court room, especially when people are looking at him.
7. His attorneys raise the issue that he has Autistic features. However, examination at this point, makes clear that at most he has only perhaps some Autistic traits. His attorneys assert that his being stiff in court, not smiling, looking uncomfortable, and his inability to present well to the jury is related to Autistic traits.



8. They also have presented examples where the Defendant becomes upset if things are not stated or occur exactly how he expects. This interferes with his ability to pay attention to details and critical trial related issues.
9. They report that he sits in a rigid fixed position in the court room which prevents him from fully appreciating and participating in his defense, and presents an unflattering image of him to the jury.

B. In contrast, there is evidence that he can in fact cooperate with them and has been for the past 18 months.

1. His attorneys state that he has only refused twice in their 18 months of working with him to do the things they ask. They asked him to work with a facial morphology expert who would not produce a photograph, and he refused. Similarly, when they wanted him to work with a handwriting expert, he refused. He could not, or would not, explain why he refused both of those requests.
2. His attorneys have reported that they have given him a great deal to read, and had him look at “every exhibit” and told him about summaries about the testimony of every witness, had him read a large number of memos summarizing testimony of witnesses (Hearing, Page 26, Lines 1-4). Also he has been willing to meet with and cooperate with a large number of defense experts, as well as cooperating with prosecution experts.
3. To this examiner, it appears that the letter he wrote to the prosecution could be described even as a brilliant maneuver to allow him to effectively block what his attorneys were doing that

he did not wish for them to do. Writing the letter was a creative and well-reasoned and articulated maneuver and is an example of his ability to work in the court room, albeit not always in concert with his attorneys.

Brief Summary of Difficulties Assisting in His Defense:

It is the opinion of this examiner to a reasonable degree of medical certainty that there are some difficulties that the Defendant's racist beliefs have led him to this juncture where he steadfastly disagrees with the presentation of potentially mitigating mental health issues, although there is evidence that much of the time he has cooperated extensively in working with his attorneys. Obviously the critical disruption in their working relationship is his disagreement, based on his racial prejudice and belief about the future of race relations in the United States, that leads him to disagree with presenting any evidence of any mental health difficulties. He is knowledgeable about, and willing to accept the death penalty to protect 1) his reputation in a post-revolutionary white nationalist world as a person without mental health difficulties, and 2) to protect, not discredit, blur, or dilute what his mission was committing these murders. Also the writing of the letter to the prosecution related to his basic disagreement further complicates his abilities to cooperate and assist his defense attorneys and they with him – they ask “how do they move forward from this point?” Also, his attorneys describe their frustrations in working with him because of his “obsessions,

fixations, and over-valued ideas” which waste significant time that could better be spent on trial related issues. They also present difficulties seemingly caused by his social anxiety and/or Autistic traits that (by their report) prevent them from looking at him, talking to him, or even passing notes to him in the court room. In a similar fashion, they are concerned with his stiff, inflexible posture and demeanor in the court room because of its potential negative influence on the jury’s perception of him. This examiner does not have independent evidence of these alleged limitations in his ability to “properly assist” his attorneys. In fact, the trier of fact (Judge Gergel) may be in the best position to judge this set of alleged difficulties.

Brief summary of all three prongs:

It is the opinion of this examiner that the Defendant does not “suffer from a mental disease or defect which renders him mentally incompetent to the extent that he is unable to understand the nature and consequences of the procedures against him.”

It is the opinion of this examiner that he does not have the “serious and pervasive psychosis” as contended by the defense attorneys. However, if the trier of fact disagrees and finds that he has a psychosis which explains all of his actions in the last two years, his strong feelings of racial prejudice, and his motivation to commit murder, then the conclusion would reasonably follow that he does have “a mental disease rendering him mentally incompetent.” However if the trier of fact does not find that he has a serious and pervasive psychotic process, then it logically follows that the Defendant does not have a mental disease or defect rendering him mentally incompetent. Additionally, it would appear to this examiner that he is not “mentally incompetent to understand the nature and consequences of the

proceedings,” even if the trier of fact does find that he does have a psychotic process. The Defendant appears well versed in the proceedings of his trial and highly intelligent and capable of participating in the trial process. However, the Defendant does appear to have a Social Anxiety Disorder and may also have some Autistic traits which may significantly interfere with his working with his counsel. This is pertinent to the third prong of the competency determination, that is to “assist properly in his defense.” It is alleged that his anxiety and/or potentially Autistic traits, make him so anxious in the court room that his demeanor is stiff and inflexible, his attorneys argue that they interfere with his ability to interact with his attorneys and in answer questions in the court room from his counsel, or perhaps even in providing input to counsel. This examiner has no evidence pertinent to this evaluation, but the trier of fact (Judge Gergel) is actually in the best position to determine the extent and significance of this type of issue. However to this examiner, what even his defense attorneys are describing is less than the type of demeanor difficulties referenced in the *Sell* case in terms of creating an obvious negative appearance to the jury. It seems that one issue for the trier of fact to determine is the extent of this interference in the complex working relationship between the Defendant and his counsel. It remains a matter of fact whether these alleged difficulties are occurring and how significant they are for the jury, or for the complex relationship between the Defendant and defense counsel. What the examiner finds not credible is the defense hypothesis that there is a widespread psychotic process which explains the Defendant’s actions and difficulties working with counsel. Instead, the evidence is considerable that the Defendant’s thinking and actions up to and including the alleged crimes, and much of his difficulty working with counsel, is a product of his longstanding (at least two years) racial prejudice. This prejudice appears obvious, pervasive and the determinant of most, if not all, of the Defendant’s thinking and actions during this period. It is the

opinion of the examiner that the Defendant's conviction that there is ongoing widespread black on white crime and this will result in a "war" between the races and that the "white nationalist" movement will win this actual war and establish a new order and government drives the Defendant's criminal actions and thinking and working with his attorneys. It is not that the Defendant is not capable of working with his attorneys, and is in fact, quite intelligent and able to think in a thorough fashion about his defense options, it is that his prejudice and belief in this "revolution" makes him refuse to cooperate fully with his attorneys. In particular, he strongly disagrees with presenting any mental health issues at all. In one sense, he simply disagrees on a basic level with his attorneys' judgment that mental health issues need to be presented as potential mitigation in his death penalty trial. The Defendant ultimately made clear to the examiner that he does not want any mental health evidence presented for mitigation for two reasons. First and most importantly, he does not want to appear "not normal" or "not perfect" to the white nationalist leaders in the revolution that he believes is coming. He believes that their philosophy will be deeply prejudiced against individuals of color, homosexuality, and those with mental health problems. The Defendant draws this largely from the thinking and actions of the Nazi party during World War II. Therefore, he refuses to condone any evidence to be presented which suggests that he has a mental disorder, even Autism, for that reason. Also, he also does not want it presented, because it might lead people to conclude that his actions were driven by a mental disease or defect, when in fact, it appears and he strongly believes, that his actions were purely a political act aimed at "waking up the white race to the widespread nature of black on white crime." He fears that his actions, message, and mission will mistakenly be attributed to a mental disease or defect instead of a pure racist driven message to "wake up the white race" to the danger which is occurring and is hidden by forces, including a media conspiracy to hide it.

Therefore, it is the conclusion of this examiner that the Defendant 1) does not have a mental disease or defect which 2) renders him unable to understand the nature and consequences of the proceedings against him. He does not have a “mental disease or defect” beyond Social Anxiety Disorder and/or Autistic traits that potentially could interfere with his ability to “assist properly” in his defense. How much these influences interfere with his ability to assist his defense team is a matter of fact not yet determined. If these issues are primarily related to his social anxiety, their severity should lessen, not worsen, as he has more time to get more comfortable in the court room. Almost completely, it is his profound racial prejudice which does interfere with certainly his cooperation with his defense team. This lack of cooperation is a significant challenge to his working relationship with his counsel. However, it is to the trier of fact to determine the extent this conscious, clear, and comprehensive racist belief system of the Defendant’s interferes with his complicated relationship with his defense team.

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