



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA)
V.) Case No.: CC-2019-002082.00
)
ROBERT JASON CHAPMAN,)
Defendant.)

**ORDER FINDING DEFENDANT
NOT GUILTY BY REASON OF MENTAL DISEASE OR DEFECT**

THIS CAUSE came before the Court for trial on November 7, 2024. Having considered the evidence presented at the trial, and being otherwise fully advised in the premises, the Court renders the following special verdict, pursuant to Ala. Code §15-16-24 (1975):

Factual Background

Robert Chapman was indicted by a Mobile County Grand Jury for the attempted murder of Cedric Sutherland. The indictment alleges in relevant part that the Defendant, “with intent to commit the crime of murder, as defined by Section 13A-6-2, of the Code of Alabama, attempt to intentionally cause the death of another person, MR. CEDRIC SUTHERLAND, by stabbing him with a knife, in violation of Section 13A-4-2 of the Alabama Criminal Code.”

Dr. Anna Smith’s report (Defense Exhibit 2) reflects that “[i]t is alleged that on the evening of June 20th, 2018 while a patron at Callaghan’s Bar in Mobile, AL, Mr. Chapman suddenly stabbed another patron of the bar multiple times, causing serious injuries to the victim requiring hospitalization.”

Procedural History

The Defendant was indicted for the crime of attempted murder in April of 2019. On July 23, 2019, the Defendant filed a written plea of not guilty and not guilty by mental disease or defect. [1] (Document 11). On November 12, 2019, the Court issued an order for the Defendant to be evaluated regarding his mental condition at the time of the offense. [2] (Document 39). A report by Dr. Anna Smith, dated July 10, 2022, was completed.

Dr. Smith concluded that there “appears to be sufficient evidence to conclude with a reasonable degree of psychological certainty that due to symptoms of the dissociative mental disorder PTSD, Mr. Chapman would have lacked the mental capacity at the time of the alleged acts to be rendered capable of appreciating the nature and quality or wrongfulness of his acts.”

On January 4, 2024, at a motion hearing, an Assistant District Attorney conceded in open court that because of a “severe mental disease or defect” the Defendant was “unable to appreciate the nature and quality or wrongfulness of his acts” at the time of the incident made the basis of the indictment. On January 8, 2024, the Court issued an order referencing this concession, continued the February 5, 2024, trial setting, and setting the case for status on March 7, 2024. (Document 267).

On July 12, 2024, the Defendant filed a motion to dismiss the indictment and release the Defendant. (Document 279). On August 21, 2024, the State of Alabama filed a “Motion to Clarify Case Status,” to clarify whether the Court had issued a final judgment that the Defendant is not guilty by reason of mental disease or defect. The State noted that “although the State indicated in open court that it was not contesting the claim that Defendant is not guilty by reason of insanity, no final judgment appears to have been entered in this case.” (Document 289).

Thereafter, on November 5, 2024, the Defendant waived his right to trial by jury on the issue of not guilty by reason of mental disease or defect. The Defendant also withdrew “his defense of not guilty.” (See Document 298). Accordingly, a bench trial was conducted on November 7, 2024, regarding the Defendant’s plea of not guilty by reason of mental disease or defect. See Ala. R. Crim. P. 14.2(c)(3).

Bench Trial

At the bench trial, the Defendant called Dr. Anna Smith, an expert witness in psychology, as a witness. The Court received her sworn testimony. It is significant to note that Dr. Smith is the “assigned Alabama Department of Mental Health Forensic Outpatient Program Certified Forensic Examiner.” Dr. Smith was *not* an expert retained by the Defendant. The Defendant also introduced three written reports regarding the Defendant into evidence:

- (1) Written Report of Dr. Sarah Vinson (Defendant’s Exhibit 1).
- (2) Written Report of Dr. Anna Smith dated July 10, 2022 (Defendant’s Exhibit 2).
- (3) Written Report of Dr. Anna Smith dated June 19, 2024 (Defendant’s Exhibit 3).

The State did not offer any additional evidence at trial.

Conclusions of Law

“Every person over 14 years of age charged with crime is presumed to be responsible for his acts, and the burden of proving that he is irresponsible is cast upon the accused.” Ala.

Code §15-16-2 (1975). “The defendant has the burden of proving the defense of insanity by clear and convincing evidence.” Ala. Code §13A-3-1(c) (1975).

In Alabama, intoxication *in itself* does not constitute mental disease or defect. Ala. Code §13A-3-2(d) (1975). (Emphasis added). As the Alabama Court of Criminal Appeals has explained: “Temporary insanity which arises from present voluntary intoxication is no defense to a criminal charge On the other hand, if the accused is suffering from a settled or fixed insanity, even though caused by long-continued alcoholic indulgence, the rule is the same as in the case of insanity arising from any other cause.” *Lister v. State*, 437 So. 2d 622, 624 (Ala. Crim. App. 1983), citing 21 Am. Jur. 2d *Criminal Law* Section 54 (1981). See also Annot. 8 A.L.R.3d 1236 (1966). In addition, the Court notes that before intoxication can negate intent as an element of murder it must amount to insanity. *Jackson v. State*, 305 So. 3d 440, 488 (Ala. Crim. App. 2019), citing *Woods v. State*, 789 So. 2d 896, 934 (Ala. Crim. App. 1999).

Findings of Fact

On the evening of June 20, 2018, the Defendant stabbed Cedric Sutherland with a knife. The victim was stabbed multiple times. This occurred in Mobile County, Alabama, at “Callaghan’s Irish Social Club.” [3]

It appears to be undisputed that the Defendant consumed alcoholic beverages prior to the time of the stabbing. Prior to the stabbing, the Defendant indicated that he had been at the bar “for about three hours, had had several beer and whiskey shots (approximately 5-6).” Defendant’s Exhibit 2, page 10 of 14.

Nevertheless, the evidence before the Court that the Defendant was unable to appreciate the nature and quality of his actions is uncontroverted. Dr. Smith testified that it was her opinion that the Defendant was “not able to appreciate the nature or quality or wrongfulness of his acts.” Dr. Smith testified that the Defendant was suffering from a severe mental disease or defect, specifically post-traumatic stress disorder. Dr. Smith explained, regarding her confidence in her opinion that the Defendant was unable to appreciate the nature and quality or wrongfulness of his acts, “I would say I’m 99 percent confident or more. I have to say, this is one of the most clearcut cases I have ever seen of PTSD operation when something has occurred.” (Trial Transcript, at page 41, emphasis added).

VERDICT AND CONDITIONS OF RELEASE

I. VERDICT

This Court is bound by the law and by the evidence presented by the parties. The State has not offered any evidence to rebut or contradict the evidence offered by the Defendant as to the defense of “not guilty by reason of mental disease or defect.” In addition, on January 4, 2024 in open Court the State had previously conceded that because of a “severe mental disease or defect” the Defendant was “unable to appreciate the nature and quality or wrongfulness of his acts” at the time of the incident made the basis of the indictment. See January 8, 2024 Order, Doc. 267. The Court finds that the Defendant has undisputedly met his burden by clear and convincing evidence.

Accordingly, as to the attempted murder of Cedric Sutherland, it is hereby ORDERED and ADJUDGED that the Defendant Robert Chapman is NOT GUILTY BY REASON OF MENTAL DISEASE OR DEFECT.

II. CONDITIONS OF RELEASE

THIS CAUSE came before the Court pursuant to Rule 25.2, Alabama Rules of Criminal Procedure. In consideration of the Court’s verdict that the Defendant is not guilty by reason of mental disease or defect, the Court has considered the question of whether there is probable cause that the Defendant poses a “real and present threat of substantial harm to himself or others” due to his mental illness.

Dr. Anna Smith testified that she evaluated the Defendant for a “risk assessment.” (Trial Transcript, at page 31). She explained that used “HCR-20” guidelines in evaluating the Defendant, which she referred as “the gold standard assessment in assessing risk for dangerousness.” (Trial Transcript, at page 34). Based on her analysis, she testified that, in her opinion, the Defendant does not pose a significant risk for danger to himself or others.” (Trial Transcript, at page 35).

The Court inquired of Dr. Smith whether her risk assessment assumed that the Defendant would “stay on that protocol with that nurse practitioner in the psychiatric field.” (Trial Transcript, at page 45). Dr. Smith agreed with the Court that “staying on the nurse practitioner protocol is an important aspect” of the conclusion that the Defendant is not a threat to himself or to others.” (Id., at 46).

Based on the totality of the evidence before the Court, including the undisputedly

violent and unjustified behavior that formed the basis of the indictment, the Court finds that the Defendant is not a “real and present threat of substantial harm to himself or others” if sufficient conditions of release are imposed by this Court. See Ala. R. Crim. P. 25.8(f). Therefore, the Court imposes the following conditions of release:

- 1.) The Defendant is not permitted to consume alcohol or any illegal drugs or controlled substances. The Defendant is to submit to random testing by either the Alabama Department of Mental Health or the Veteran’s Administration to ensure that the Defendant is not consuming alcohol or any non-prescribed controlled substance.
- 2.) The Defendant shall submit to treatment and accept care from the Veteran’s Administration regarding his mental illness or other mental condition.
- 3.) The Defendant shall take any medication prescribed by any treating providers from the Veteran’s Administration.

The Alabama Department of Mental Health shall submit periodic reports, no less than once every six months, to the Court, the Defendant’s Attorney, and the Mobile County District Attorney, regarding the Defendant’s compliance with these conditions of release and progress in treatment.

The Mobile County District Attorney is ORDERED to serve an appropriate representative of the Alabama Department of Mental Health (hereinafter “ADMH”) with a copy of this Order within seven (7) days of the date of the Order, such that it can be verified that these conditions are known to the ADMH and in order that the ADMH may confirm compliance with these conditions.

1. See Ala. R. Crim. P. 14.2(c)(4).
2. On November 12, 2019, the Court also issued an order for the Defendant to be evaluated regarding his competency to stand trial. (Document 41). However, the parties agree that the Defendant is competent to stand trial. See Order dated July 9, 2020, (Document 51) and Order dated December 11, 2023 (Document 250).
3. The stabbing was apparently recorded on surveillance video. In Defendant’s Exhibit 2, the Defendant is quoted as saying he “doesn’t want to see the video.” See page 10 of 14. Dr. Smith testified that she had reviewed the “videotape of this event.” (See Trial Transcript, at page 41).

DONE this 3rd day of January, 2025.

/s/ BEN H. BROOKS
CIRCUIT JUDGE