

1 MR. PANOSH: No further. Thank you.

2 THE COURT: All right, thank you, Doctor.

3 (Witness stood aside.)

4 MR. PANOSH: Agent Bowman, please.

5 AGENT JAMES BOWMAN, being first duly sworn, testified as

6 follows during DIRECT EXAMINATION by MR. RICHARD PANOSH:

7 Q. Would you state your name, please, sir?

8 A. James Bowman, B-O-W-M-A-N.

9 Q. And you're an agent for the State Bureau of
10 Investigation; is that correct?

11 A. Yes, sir.

12 Q. And over the recess did you -- were you present
13 when a subpoena was prepared for the records of the
14 Department of Corrections?

15 A. Yes, sir. I was.

16 Q. And did you read that to them over the telephone?

17 A. Yes, I did.

18 Q. And did they give you the information that the
19 subpoena requested?

20 A. Yes, they did.

21 Q. And that's being FAXed; is that correct?

22 A. That's correct.

23 Q. Can you at this time verbally give the Court that
24 information?

25 A. Yes, sir. I can.

1 Q. What was it?

2 A. I spoke with a Physician's Assistant Hines at the
3 Caledonia Correctional Institute. He stated that the
4 defendant was taking a prescription 50mg of Vistaril,
5 20mg of Paxil. He stated that on January 28th at 6:00
6 a.m. he received one dose of Vistaril and one does of
7 Paxil.

8 Q. When was the next time he received the medication?

9 A. He stated that that was a daily medication. That,
10 uh, actually I received the information for the 26th,
11 27th and 28th, which he took it at 6:00 a.m. on those
12 days. Uh, and he's going to be FAXing a schedule of
13 those doses.

14 MR. PANOSH: No further. Thank you.

15 THE COURT: Would you like to ask any
16 questions?

17 **CROSS EXAMINATION by MR. THEODORE KIMBLE:**

18 Q. Did you say January or February?

19 A. January.

20 Q. What institute did you call?

21 A. I called Caledonia where the records, the medical
22 records are now housed. They were transferred there from
23 Southern Correctional Institute.

24 MR. KIMBLE: No further questions, Your
25 Honor.

1 THE COURT: Thank you.

2 (Witness stood aside.)

3 MR. PANOSH: Your Honor, that would be all
4 the evidence. We'd ask the Court permission to introduce
5 the FAX when it arrives.

6 THE COURT: That will be allowed. Do you
7 want to be heard in opposition to this defendant's
8 motions, counsel?

9 MR. PANOSH: Your Honor, we would submit on
10 the Answer that we filed in reference to the medication,
11 we would submit that the records show the defendant was
12 taking exactly the medication that he was taking at the
13 time that Your Honor saw him on that date. You've had a
14 chance to evaluate his person, his appearance, his
15 demeanor. And based upon his questions, based upon your
16 observations, you made a finding that those prescription
17 medications were not affecting him, and there's been no
18 evidence to the contrary. Also, I point out that he was
19 seen by Dr. Tyson as recently as February 22nd. Again,
20 he was on the same medication. Again, Dr. Tyson didn't
21 feel that that was affecting his ability to answer the
22 questions and give reliable information based upon the
23 statements here in court.

24 Your Honor, I think that the defendant's
25 letter when he says he was threatened is not born out by