



**IN THE CIRCUIT COURT OF ST. CLAIR COUNTY, ALABAMA
 PELL CITY DIVISION**

STATE OF ALABAMA)	
)	
V.)	Case No.: CC-2016-000036.00
)	
PRUITT PEYTON JACK)	
Defendant.)	

ORDER

This case originated from a felony charge and subsequent indictment against the Defendant, Peyton Jack Pruitt, for **Soliciting or Providing Support for an Act of Terrorism**. On November 13, 2015, the Defendant was arrested and charged with Soliciting or Providing Support for an Act of Terrorism and his case was docketed to the St. Clair County District Court with a bond set at \$1,000,000.00. The Defendant was appointed counsel, a Preliminary Hearing and Bond Reduction Hearing were set before the District Court on December 13, 2015. Testimony and evidence during this hearing showed that Mr. Pruitt, prior to his arrest, was investigated by the FBI with support from the St. Clair County Sheriff's Department.

The investigation, which concluded with a video-taped interview of the Defendant, was detailed by testimony and evidence at the preliminary hearing. The record revealed that Mr. Pruitt communicated with persons he believed to be ISIS, the Taliban or otherwise part of the radical Islamic movement. The topics of the Internet discussions were dissemination of bomb making information and construction which the Defendant found on *Inspire* magazine, a terrorist supported English language online publication. The Defendant told investigators he created a direct link with persons whom he believed were terrorists via an encrypted **Wickr** account he created so as to be undetected by authorities.

According to the Defendant in his interview, the bombs Mr. Pruitt described were car bombs as well as "pressure cooker bombs" much like the ones detonated in the 2013 Boston Marathon terrorist attack killing 3 and injuring over 250 people; as well as the recent New York City bombings. Coincidentally, the Boston

Marathon bomber used bomb making information from the same online *Inspire* magazine utilized by the Defendant. Mr. Pruitt told the investigators that his suggested targets for the bombs included police stations, malls, banks and big events including football games. Mr. Pruitt also stated he pledged online allegiance to Osama Bin Laden and Abu Bakr, the leader of ISIS; and further that he believed Jihad should be fought in America. The Defendant additionally stated that he warned American soldiers if they returned to Syria, they would be beheaded or sent back in body bags. At the time of these communications, which were prior to his arrest, Peyton Pruitt lived with his 23-year-old sister in a trailer in Wattsville, Alabama at 100 Deerfoot Road, an approximate 10-minute drive from his father's home. Mr. Pruitt's sister was unable to drive and had no driver's license. The Defendant's recorded interview was admitted into evidence through testimony and later included in the submissions to Dr. King for purposes of his competency to stand trial as well as the Alabama Department of Mental Health for his Rule 25 evaluation.

The District Court found probable cause to send the case to the Grand Jury and after review of the Defendant's video statement, denied the Defendant's bond reduction request. During the February 2016 term, the St. Clair County Grand Jury indicted Mr. Pruitt for **Soliciting or Providing Support for Act of Terrorism** and the Grand Jury set his bond at \$1,000,000.00. Following the indictment, the Defendant's case was assigned to this court for further proceedings. This court appointed counsel to represent the Defendant in circuit court.

On February 25, the Defendant, through his appointed counsel, filed a Motion for Court Ordered Mental Evaluation to determine his competency to stand trial which was granted by this court on March 3, 2016. On March 16, the Defendant's appointed counsel withdrew from this case because Mr. Pruitt retained new counsel.

On July 29, 2016, the Defendant, through his new counsel, filed a Motion for Bond Reduction and Review of Release Conditions. The court notes that this bond reduction motion was the first such motion filed in circuit court since the denial of a previous motion in district court in December, 2015.

Prior to his August 8th Arraignment, the Defendant filed a Waiver of the Arraignment Hearing. A Motion for Expedited Appearance also was filed on

August 11, 2016. On August 12, 2016, this court set a hearing for September 8, 2016 at 9:00 a.m.

During the September 8, 2016 hearing, the State submitted a copy of Dr. King's findings pursuant to the court-ordered mental evaluation to determine Mr. Pruitt's fitness to stand trial. In this report, Dr. King found that this 19-year-old Defendant currently understands the nature and seriousness of the charges against him and is able to assist legal counsel in his defense. However, Dr. King opined that at the time of his offense, he suffered from a mental defect rendering him unable to appreciate the nature and quality of his actions or the wrongfulness of his actions.

Dr. King diagnosed Mr. Pruitt with a mild to moderate intellectual disability. According to the Defendant's attorney's pleading, Mr. Pruitt has an IQ score of 52 to 58. Dr. King stated in his report that Mr. Pruitt had never seen a mental health professional for treatment either as an in-patient or out-patient. Dr. King further revealed that the Defendant had never been psychiatrically hospitalized.

Dr. King additionally suggested that, if the Defendant was released, a condition of any release should include no internet use and computer supervision. Dr. King furthermore correctly stated his opinion was only advisory and that the court could add more conditions upon release, whereby the Alabama Department of Mental Health would be ordered to perform a Rule 25 evaluation to assist this court with expert recommendations.

Subsequently, the Defendant moved for a Finding of Not Guilty by Reason of Mental disease or Defect. The State of Alabama, based on the opinion of Dr. King, agreed with this Motion. This court found the Defendant Not Guilty by Reason of Mental Disease or Defect by stipulation of the Defendant and the District Attorney's office for which a written Order was issued on September 13, 2016. A Not Guilty by Reason of Mental Disease or Defect is a finding that at the time of his offense, the Defendant was unable to appreciate the nature and quality or wrongfulness of his illegal acts. This finding is proper despite Dr. King's opinion that Mr. Pruitt currently possesses the requisite ability to assist his legal counsel in his on defense and proceed with a reasonable understanding of the legal proceedings against him.

This Not Guilty by Reason of Mental Defect of Disease ruling is not a finding relating to the Defendant's guilt or innocence of the criminal act for which he was

charged, but only that, according to Dr. King, he was not able to appreciate his criminal actions due to a mental disease or defect at the time of those actions.

Because it is the court's duty to ensure the safety of both the Defendant and the community, pursuant to Rule 25, Alabama Rules of Criminal Procedure, this court ordered that the Defendant be further evaluated by the Alabama Department of Mental Health and submit its findings and recommendations as to whether the Defendant was dangerous to himself or others and, if so, whether the least restrictive means would be confinement in a secure facility with the Alabama Department of Mental Health or release with conditions. After a finding of Not Guilty by Reason of Mental Disease or Defect, the court can (i) commit the Defendant to a facility with the State Department of Mental Health if he is determined to be dangerous to himself or to others, or, after further evaluation, (ii) determine whether to release the Defendant and, if so, under what conditions. Following this court's finding of Not Guilty by Reason of Mental Disease or Defect, this court immediately contacted the Alabama Department of Mental Health to set up the Rule 25 evaluation as the Defendant had been in custody for approximately 10 months.

The following day, the St. Clair County District Attorney hand delivered to the Alabama Department of Mental Health in Tuscaloosa, Alabama all documents pursuant to Rule 25. Shortly, thereafter, Defense counsel provided further documents for this evaluation.

On September 19th, the parties and this court received a notification from the Alabama Department of Mental Health advising that the evaluation would be performed, Thursday, September 29, 2016, thirteen days after this court's written Order. The evaluation, in fact, was performed on September 29th. A *Forensic Evaluation Post NGI Adjudication Risk Assessment* report was filed with this court on October 17, 2016, by Dr. Amber Simpler of the Alabama Department of Mental Health.

The issues before this court are whether the Defendant poses a real and present threat of substantial harm to himself or to others and should be committed to the Department of Mental Health; or released with or without conditions so as not to be a danger to himself or others in the community.

The court reviewed Dr. Simpler's 25 page evaluation. A copy of this

evaluation was submitted to both Mr. Pruitt's counsel and the District Attorney's office. Dr. Simpler's evaluation revealed that in the months prior to his arrest, Peyton Pruitt and his sister primarily spent their time watching television and playing video games, oftentimes late into the night. The evaluation further expressed that in August, 2014, Mr. Pruitt's father placed him in the E.H. Gentry Facility in Talladega, which is a full service education and rehabilitation facility where Peyton lived in a supervised dorm during non-school hours. In May or June of 2015, Peyton's father withdrew him from E.H. Gentry. At the time of his withdrawal, Peyton was taking a driver's education class and working on getting his permit, according to his case manager.

While in custody, Mr. Pruitt was visited weekly by his father and step-mom and stated that he talked with his father about 2 times per day and, occasionally talked to his sister and step-mom.

According to Dr. Simpler, in 2002, Mr. Pruitt was referred by his pediatrician for a psychological evaluation through Children's Health System of Alabama relating to inattention, restlessness, fidgeting and apparent slow learning. The 2002 evaluation yielded an extremely low range on a test for intellectual function. At the time of his entry into G. H. Gentry, records revealed that it was "unclear if he was Asperger's, but it was evident that he has substantial intellectual limitations". At entry to this school he was prescribed Concerta and Clonidine. Peyton continued to take the Clonidine, however, according to the records, his father took him off the Concerta.

On April 7, 2016, Mr. Pruitt was referred for psychological evaluation to determine his present level of functioning. His performance was in the extremely low to borderline ranges. This April 7, WAIS-IV test, revealed a full scale IQ of 68.

Mr. Pruitt, according to Dr. Simpler, revealed that his father once took his computer from him when he discovered Peyton was downloading programs in order to crash websites. Also, Mr. Pruitt's brother stated that that Peyton created a website pretending to be a Russian spy. According to Mr. Pruitt's brother, Peyton's father took his computer away and returned it another day.

Peyton further stated in his interview that he no longer supports ISIS because "he changed 2 days before he was arrested..." and further that "[he] learned my actions have consequences".

Dr. Simpler, in her report, concluded that it was likely that “Mr. Pruitt’s presentation is commensurate for an Autism Spectrum Disorder (ASD).” She further opined that Peyton “may have a more developed skill set/ability level than was previously believed.”

In her summary, Dr. Simpler concluded that Mr. Pruitt’s primary risk factors relate to unbridled access to computers and the internet. She found that he has demonstrated the ability to use his computer and written communication skills to a group engaged in cyber warfare and a group he believed to be international terrorist. A further concern was the security of weapons in his father’s home. Based on Dr. King’s finding that he was unable to appreciate the consequences of his actions, his inability to make reasonable choices and a lack of understanding of his actions; Dr. Simpler felt such lack of appreciation could actually elevate his risk to himself or others.

Based on the above findings and submissions, the court finds that without court-ordered conditions, Mr. Pruitt is dangerous to himself or others. It is hereby ORDERED that the Defendant, Peyton Pruitt, is released from custody to live at the home of his father and under the direct supervision of his father and step-mother with the following conditions:

1. That he not be allowed to use computers, cellular telephones, other electronic devices, or the internet other than in a supervised school facility;
2. That as an added precaution, his home will be equipped with a 9:00 p.m. kill switch for all internet and WIFI access and shall activate the switch daily from 9:00 p.m. to 7:00 a.m.;
3. That law enforcement, including representatives from the St. Clair County Sheriff’s Department and either the FBI or ATF, shall immediately inspect the home for its compliance with this Order;
4. That Mr. Pruitt shall comply with the current school plan in place for his education;
5. That law enforcement shall randomly, and in not more than 3 month intervals, inspect the home for compliance with this Order with

reasonable notice to the father, Tony Pruitt;

6. That any guns or weapons of any kind located in the home shall be locked in a closet and secured in a locked safe for which Peyton has no access. Peyton Pruitt shall not be allowed to possess any firearms, explosives, or other weapons;
7. That Tony Pruitt and Peyton's step-mom shall complete parental counseling related to Peyton's condition with internet safety as a point of emphasis;
8. That Peyton Pruitt shall undergo professional mental health counseling as well as attend internet safety awareness classes. Progress reports of such counseling shall be submitted to this court every 3 months;
9. That reports shall be submitted from the St. Clair County Sheriff's Department to this court every 6 months regarding compliance with this Order;
10. That the Court shall be notified immediately of any anticipated change of residence of Peyton Pruitt;
11. That should Peyton's supervisors not be able to locate his whereabouts for a period of longer than one hour, local authorities/law enforcement shall be notified immediately to determine his location;
12. That six months prior to the end of his eligibility for services from his school, a plan shall be submitted with the court relating to his future supervision;
13. That this court may add to or reduce such conditions in future orders;
14. This court shall retain jurisdiction of this matter.

DONE this 18th day of October, 2016.

/s/ PHIL K SEAY
CIRCUIT JUDGE
