

# NEWS RELEASE

**R. Andrew Murray**  
District Attorney

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## **Man automatically committed after being found not guilty by reason of insanity**

CHARLOTTE, N.C. – Davon Lamont Thomas, 30, who was charged with the First-Degree Murder of his girlfriend in 2009, was found not guilty by reason of insanity this week and will be committed to a State mental hospital. Evidence presented at an October hearing, including testimony from a forensic psychologist, showed that Thomas was suffering from Post-Traumatic Stress Disorder and Schizoaffective Disorder, which caused him to be unable to appreciate the wrongfulness of his actions at the time of the killing. The State does not intend to appeal the Court's ruling and believes it is supported by all the evidence presented at the hearing.

On Tuesday, the Honorable Eric L. Levinson, Superior Court Judge entered an order finding Davon Lamont Thomas, 30, not guilty by reason of insanity of First-Degree Murder and Possession of a Firearm by a Convicted Felon. Judge Levinson ordered that Thomas be indefinitely committed to a State mental hospital operated by the Department of Health and Human Services. Before entering that order, Judge Levinson presided over a hearing in this matter where he heard evidence offered by the State and the defendant's attorneys to determine if the defendant had a valid defense of insanity to offenses committed on November 7, 2009.

At the hearing, both the prosecution and the defense presented their own forensic psychologist, who each testified that the defendant suffered from severe mental illness and lacked the capacity to appreciate the wrongfulness of his actions.



**Davon Lamont Thomas**

The defendant was evaluated by Dr. Nicole Wolfe, a forensic psychologist employed by the State of North Carolina. Dr. Wolfe, who has been called by the State in other murder cases to rebut mental illness defenses, conducted an evaluation of the defendant over a four week period. The evaluation also included reviewing the defendant's military and medical records. Dr. Wolfe testified that the defendant has a baseline paranoia that continued from the time of his active duty in the Army and since his return home from Iraq in 2005. The defendant believes American Muslims are going to launch a mass attack within the United States. The Fort Hood attack played a role in his thoughts of the United States' infiltration by American Muslims. Dr. Wolfe further testified that the defendant was delusional and believed that his girlfriend, the victim, was a terrorist who planned to kill him. Dr. Wolfe diagnosed the defendant with Post-Traumatic Stress Disorder with psychosis and believed the mental illness

predated this killing. The director of Central Regional Hospital, who assisted with the evaluation of the defendant, also concurred with Dr. Wolfe's assessment.

The defense's forensic psychologist, Dr. Moira Artigues, evaluated the defendant and testified that the stresses of the defendant's environment while in active duty and assignment likely triggered his psychosis. Dr. Artigues agreed with Dr. Wolfe's findings that the defendant suffered from severe mental illness at the time of the killing when the defendant took the victim to his parents' house and accused her of being a spy.

Judge Levinson heard testimony from the lead detective who said that during the early morning hours on November 7, 2009, the defendant killed his girlfriend, Tigist Yemane Southern, 23. The defendant's parents witnessed the murder and described the defendant's bizarre behavior. The defendant's mother said he was in a combat-like posture, and she described his behavior as acting as if he was in a war zone. She and her husband witnessed the defendant hit the victim in the face with his hand, hit her in the head with a gun, and throw a table at her while interrogating her about being a spy and a Muslim. They tried to restrain the defendant, but he broke away and shot the victim. After the defendant's father fainted and collapsed to the floor, the defendant's mother ran to the neighbor's house to call the police. The defendant turned himself into the custody of law enforcement on November 9, 2009.

At the conclusion of the hearing, Judge Levinson found that there was clear, cogent and convincing evidence that the defendant was suffering from delusions and paranoia caused by his diagnoses of severe mental illnesses -- Schizoaffective Disorder and Post-Traumatic Stress Disorder -- which caused him to be unable to appreciate the wrongfulness of his actions at the time of the offense. As a result of the finding, it is required under the law that the charges against the defendant be dismissed and that the defendant be automatically committed to a State 24-hour facility for the mentally ill. The defendant will remain in custody and cannot be released unless he can prove at a court hearing that he no longer has a mental illness or is no longer dangerous to others.

The State consented to a hearing before proceeding to a jury trial in this matter. That decision was made after consulting with the family of Tigist Yemane Southern.

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