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DAY 1 - Suspected murderer may have been insane during the crime



Joshua Davidson walks toward the table where he will sit with his attorney. Davidson seen here on Monday afternoon (June 24) is presumed innocent and he will retain that presumption unless the state proves to the exclusion of all reasonable doubt that he is guilty of the charge of first degree murder, or the lesser-included offense of second degree murder or the lesser included offense of manslaughter. Jurors may find Davidson not guilty, or not guilty due to insanity. All 12 jurors must rule one way or another, or if they become deadlocked and can't rule unanimously – then the trial is a mistrial.

Story and Photo

By Jeff M. Hardison © June 25, 2019 at 12:09 a.m.

CROSS CITY – At 5:33 p.m. on Monday (June 24), Third Judicial Circuit Court Judge David W. Fina was able to announce the names of 12 jurors and one alternate juror after a full day of vetting prospective jurors.

These 12 men and women are scheduled to decide if Joshua Davidson retains his presumption of innocence against the allegation that he committed first degree murder,

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after he allegedly killed Wendy Powers in Dixie County in 2017.

The Third Judicial Circuit of Florida includes Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor counties.

Third Judicial Circuit Assistant Public Defender Nathan Marshburn of the office of Third Judicial Circuit Public Defender M. Blair Payne is representing the accused murderer. Marshburn is using an affirmative defense, where he hopes to prove to a clear and convincing degree that Davidson was legally insane when he killed Powers.

Assistant State Attorney John Weed and Assistant State Attorney Will Washington, with Washington as co-counsel, and both of the office of Third Judicial Circuit State Attorney Jeff Siegmeister, hope to prove that Davidson committed first degree murder.

Premeditated, purposeful, illegal and deliberate execution of an individual at the hands of another individual is a definition of first degree murder. First degree murder is considered to be one of the most heinous and grievous crimes within the justice system.

Weed and Washington must overcome the presumption of innocence that Davidson, like all defendants, enjoys. They must prove beyond and to the exclusion of all reasonable doubt that Davidson committed this heinous act.

The 12-member jury must vote 12-0 that the defendant is guilty of first degree murder, or choose from four other options unanimously.

The form the jurors will mark shows five options: Guilty of First Degree Murder; Guilty of the Lesser Included Offense of Second Degree Murder; Guilty of the Lesser Included Offense of Manslaughter; Not Guilty; or Not Guilty Because the Defendant is Legally Insane.

If the state proves the man killed the woman, according to what was said during jury selection, then the defense attorney must prove to a clear and convincing degree that Davidson was mentally ill when he killed Powers, AND that he did not know what he was doing was against the law, or that what he was doing was wrong.

Just as Davidson currently enjoys a presumption of innocence, likewise he enjoys a presumption of sanity, according to Florida law.

It was clear Monday that Assistant Public Defender Marshburn did not intend to have Davidson take the stand. The defendant, as noted in part by The Fifth Amendment to the United States Constitution, cannot be forced to incriminate himself.

The entire Fifth Amendment follows:

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

All of these protections were noted by Americans to protect people from government actions that had existed against colonists before the end of the American Revolution against Great Britain – more than two centuries ago.

There was one juror, though, who told the judge and attorneys that if Davidson invoked his right to not incriminate himself, then he would see that as tantamount to having some degree of guilt. That juror was excused from service.

More than a dozen jurors gave varied answers to indicate they could not follow the law and rule that the man was “Not Guilty by Reason of Legal Insanity.”

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And other jurors disqualified themselves by not being able to follow a finer point of Florida law. Some felt that the defense attorney should have to prove insanity to the same degree as the state must prove guilt – beyond and to the exclusion of all reasonable doubt – rather than the lower standard – clear and convincing.

One juror was excused because he said his intellect does not allow him to define "clear and convincing" as being any different than to "the exclusion of all reasonable doubt."

As the assistant public defender interviewed jurors, he told them that he wanted to see them perceive his client as a man playing baseball – with no fouls or strikes called against him. If by using the defense of being legally insane was viewed as “a strike” against his client, then Marshburn wanted that juror to not sit in judgment of the accused. Another "strike" against his client might occur, Marshburn intimated, if a juror puts too much value in what some witness for the prosecution may say.

Marshburn intimated that Davidson suffered from schizophrenia, and that somehow the “illuminati” and some other groups would be part of the allegedly insane man’s reality – leading him to murder Powers.

Some number of jurors were disqualified from serving because they admitted they could not follow the law if jury instructions said they could not consider that if Davidson deliberately stopped taking psychotropic drugs before he killed Powers.

One juror was excused from duty because she had prior knowledge of the murder.

Dixie County Clerk Dana Johnson sent 211 letters to potential jurors. There were 101 who answered the demand to appear for jury duty.

The 101 who failed to perform this civic duty must now appear in court to explain to a judge why they failed to respond properly, Johnson said. Clerk Johnson said she has seen people fined \$100 for failure to appear when summonsed for jury duty.

The trial is set to begin at 9:30 a.m. on Tuesday (June 25) in Courtroom A of the Dixie County Courthouse.

Third Judicial Circuit Court Judge Fina said he expects the attorneys to complete their presentations and for the jury to make its decision by the end of Thursday (June 27). He told jurors that he anticipates ending trial on Tuesday, Wednesday and Thursday by 5 p.m., and to have a one-hour lunch time on each day.

Jurors were repeatedly reminded to not discuss this trial or the jury selection process with anyone. Jury deliberations begin after both sides present their cases. Jurors were repeatedly reminded not to attempt to conduct their own search for information about this alleged murder, or this alleged mentally ill defendant, etc.

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DAY 2 - First day of murder trial reflects different perspectives



The honorable Third Judicial Circuit Court Judge David W. Fina speaks to the opposing prosecuting and defense attorneys just before the jury is brought in to hear their opening arguments Tuesday (June 25).

Story and Photos

By Jeff M. Hardison © June 25, 2019 at 11:09 p.m.

CROSS CITY – Law enforcement officers, FDLE analysts, a forensic psychologist and relatives of a man accused of first degree murder testified under oath Tuesday (June 25) in the Dixie County Courthouse’s Courtroom A.



Assistant State Attorney John Weed and Assistant State Attorney Will Washington are seen moments before the start of trial on Tuesday morning. Both attorneys brought forth testimony and evidence to show why they think jurors should convict Joshua Davidson of first degree murder.

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Assistant Public Defender Nathan Marshburn prepares for trial Tuesday. He wants to convince jurors that his client is either not guilty, or not guilty by reason of legal insanity.

Dixie County Sheriff's Office Maj. Scott Harden is seen before the start of trial Tuesday. He is one of the prosecution's witnesses.



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Suspect Joshua Davidson is escorted into the courtroom by a deputy. Dixie County Sheriff Dewey Hatcher Sr. takes steps to assure everyone is safe in the county courthouse, even during a first degree murder trial.

Opening statements by the prosecuting attorney and the defense attorney in the first degree murder trial of the case of the State of Florida versus Joshua Davidson showed what would unfold that day, but the actual evidence and testimony gave the 12 jurors finer points.

The presentation of evidence in this trial did not conclude Tuesday.

Third Judicial Circuit Court Judge David W. Fina, presiding over this trial, gave the jurors clear instructions. No juror was to speak to anyone about this trial – not even their spouse. They were not to speak with each other about the case until both sides had presented the whole case for consideration.

Jurors were not to look at TV, newspapers, online daily news websites, social media sites or anywhere else to find their own facts. They were not to communicate via cell phone, or by any other means, anything about this trial with anyone.

Only the facts and evidence presented within the four corners of Courtroom A are allowed to be considered by the 12-member jury as it determines the verdict for the defendant.

Joshua Davidson is accused of murdering his girlfriend Wendy Powers by stabbing her with two knives in the throat, abdomen and elsewhere on Sept. 4, 2017, according to testimony and evidence presented Tuesday.

Dixie County Deputy Chad King responded to the call from Davidson to a dispatcher, where Davidson said he stabbed Powers to death with two knives, according to testimony and the 9-1-1 tape from that night.

DCSO Maj. Scott Harden, DCSO Sgt. Bob Wimberly and DCSO Deputy Harry Davis also responded to the murder scene in Old Town. No person who took the stand Tuesday said Davidson indicated any sort of level of insanity immediately after the murder.

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In his opening statement, Assistant State Attorney John Weed said he will prove that Davidson killed Powers.

During the trial Tuesday, photos of the crime scene showed the victim's corpse as well as stab wounds to her throat and elsewhere.

Florida Department of Law Enforcement Crime Lab Analyst Amy George, who has worked for FDLE for more than 20 years, including being in the lab since 2002, collected the two bloody knives, blood samples from the victim and off of the alleged killer – who was thoroughly covered in the woman's blood, according to testimony and photographs.

In addition to the 9-1-1 tape where Davidson told the dispatcher that he had just stabbed his girlfriend to death with two knives, the responding deputies found her blood on both of his hands, his upper torso, on his face, eyeglasses, in his ears and elsewhere.

The victim's blood on the suspected murderer's hands at the scene is known as – “catching him red-handed” in common parlance.

Giovanni Davidson, Joshua Davidson's son, had been told to leave the residence earlier that day. When deputies arrived, they found Giovanni outside the trailer waiting to collect his belongings.

Giovanni Davidson, like several of Joshua Davidson's relatives, are alleged to have various mental disorders, especially different forms of schizophrenia.

Jack Martin, another FDLE laboratory analyst, said he specializes in DNA, serology and statistics related to crime scenes, proved that the victim's blood and the suspect's blood were on the knife and the suspect's and victim's bodies.

Assistant Public Defender Marshburn elicited testimony to show some reason to believe the victim had attacked his client in the past, especially when she was drunk. The autopsy results from Powers showed alcohol in her urine but not her blood, meaning all of the effects of alcohol had been completed when she was killed. It had all been metabolized, and therefore not affecting her judgment.

However, some other drugs were found in her blood, including from cough syrup. And there was testimony that the FDLE lab tests cannot detect some new versions of mind-altering drugs.

Wendy Ann Koertje-Stroh, D.O., Associate Medical Examiner, a forensic pathologist with the Eighth Judicial Circuit Medical Examiner's Office, testified that Wendy Powers died from multiple stab wounds. The fatal wound cut her internal jugular vein on the right side of her throat, Stroh said.

DCSO Maj. Harden was the final witness for the state before it rested its case. Maj. Harden said he has put 100 or more people in places for 72-hour holds under the Baker Act, because they showed evidence of being a danger to themselves or someone else.

Harden said he did not see evidence that Joshua Davidson should be placed under that form of mental health care the night of the murder, indicating reason to believe the suspect was not legally insane during the moments he repeatedly stabbed his girlfriend of “four or five on and off years” to death.

Assistant Public Defender Marshburn brought to the 12 jurors' attention every bit of evidence he could to help discredit facts and evidence presented by the prosecution.

Marshburn started the defense's part of the process by bringing the suspected murderer's mother – Theresa Squire – to testify.

Squire helped attempt to dispel the prosecution's contention that Joshua Davidson's

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girlfriend Wendy Powers had packed her car with all of her belongings because she was leaving him that night.

Prosecutors saw Powers' leaving Davidson as a motive for the killing.

Squire said Powers had been ordered into a 28-day rehab program, and Powers was just trying to find a place to store her items while she was gone for rehabilitation away from alcohol and other drugs.

Prosecutors pointed out that she was living with Squire's son. Why would she need a place to store her things? Squires contended that her son was moving back in with her, his mother.

Another theme for the defense to show the alleged killer was out of his mind when he stabbed Powers to death was that he allegedly had not slept or eaten for four days.

Thomas Elvis Lauderdale, Joshua Davidson's uncle, said he too suffered from schizophrenia. The defense attorney brought forth by questioning stories from Lauderdale to show reason to suspect Davidson hallucinated on occasion, and these visions were paranoid delusions.

Attorney Marshburn also provided evidence of other 9-1-1 calls made by Joshua Davidson in the wee hours of the morning before he stabbed Powers to death. Those calls for help were about Davidson's alleged belief that some person or persons had snuck into the place where he and Powers lived, and deposited very smelly garbage there.

The Tuesday part of this trial did not lead to the conclusion of the defense's presentation of facts and evidence.

Dr. Umesh Madhav Mhatre, a specialist in psychiatry and neurology, with an office in Lake City, was not present to testify for the defense Tuesday afternoon.

Rather than ending at 5 p.m., the Tuesday part of the trial wrapped up a bit after 3:30 p.m.

The two parts of this case are for the state to prove guilt to the exclusion of all reasonable doubt. Given the state meets this goal and proves to the jury that Joshua Davidson murdered Powers, then the defense has added another consideration for those 12 individuals.

The defense must show the jurors clear and convincing facts and evidence to prove Davidson was so out of his mind, and that he did not know that what he was doing was wrong.

The form the jurors will mark shows five options. The 12 people must all pick one of these options – or there will be a mistrial: Guilty of First Degree Murder; Guilty of the Lesser Included Offense of Second Degree Murder; Guilty of the Lesser Included Offense of Manslaughter; Not Guilty; or Not Guilty Because the Defendant is Legally Insane.

After the prosecution and defense present their entire cases, the judge will instruct the jurors on the law – and how to apply what they learned from the presentations.

Circuit Court Judge Fina has consistently shown his strong intent to assure the trial is properly conducted in Courtroom A of the Dixie County Courthouse in this criminal case of the State of Florida versus Joshua Davidson.

At this time, the suspect is presumed innocent and he is presumed sane, according to state law. This trial is anticipated to be complete by Thursday or Friday.

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DAY 3 –

Jury rules man is guilty of first degree murder



Umesh Madhav Mhatre, forensic psychiatrist – witness for the defense

Story and Photos

By Jeff M. Hardison © June 27, 2019 at 9:19 p.m.

CROSS CITY – Four men and eight women ruled Thursday afternoon (June 27) that a man killed his girlfriend with premeditation on Sept. 4, 2017.

Joshua Davidson is tentatively scheduled to be sentenced by Third Judicial Circuit Court Judge David W. Fina on Aug. 12. The maximum sentence in this case is life in prison.

The state is conducting a pre-trial investigation to provide the judge with information he needs to impose a just and wise sentence.

This first degree murder case was especially unusual, because the defendant chose to seek a ruling of not guilty by reason of insanity as a possible choice for the jurors.

During his 19 years of trying murder cases as a prosecutor, Third Judicial Circuit Assistant State Attorney John Weed said after the trial that he has only seen two instances in murder trials where a person sought to be declared not guilty by reason of insanity.

As Judge Fina spoke to the jurors Thursday, before he allowed Assistant State Attorney Weed and Assistant Public Defender Nathan Marshburn to give their closing arguments, the judge reminded jurors that what those attorneys say in closing arguments is not evidence. Judge Fina told jurors they must rely only on the evidence presented during trial in the courtroom.

Marshburn objected a few times to some of the things Weed said in his closing

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argument, but the judge overruled all of those objections, and as part of one of those rulings, the judge reminded the jury that what is said in closing arguments is not evidence.

First, the prosecution gave its closing statement. Then, the defense gave its final argument. The prosecution had time to rebut the defense's statements, per the rules of criminal procedure in Florida courts.

The judge spent about 30 minutes reading instructions to jurors to define certain terms and the process to assure the 12 members of the jury could follow the law as they made their ruling.

The jury entered the jury room at about 10:56 a.m. on Thursday. The ruling of guilty of first degree murder with the use of a weapon was read at about 12:56 p.m., including Dixie County Clerk Dana Johnson polling each individual juror, upon request of the defense, to assure every single person voted "Guilty" of first degree murder, while using a weapon.

In his closing argument, Assistant State Attorney Weed reminded the jury that Marshburn was burdened with the demand to present "clear and convincing" evidence that Davidson was so insane at the time of the murder that he did not know what he was doing was wrong.

The jury, Weed said, to conclude that Davidson was insane at that time, must reach the determination with a "firm belief and without hesitation," according to the law.

Two psychologists – Dr. Chris P. Robison and Dr. Gregory Prichard -- both said it was their opinion that Davidson was not that insane at the time in question.

Joining them in the case against Davidson was Dr. Raycheal Roberts.

Dr. Roberts, a psychologist who was at the state mental hospital in Chattahoochee, saw Davidson for almost six months, because Davidson was there being treated to assure he was competent to stand trial.

Dr. Roberts found Davidson to be malingering, faking symptoms or exaggerating them, which she proved by having him take an objective test.

Dr. Robison administered two other objective tests to further determine if Davidson was faking or exaggerating symptoms – malingering. All three tests proved Davidson was malingering. The results from one of those tests, Dr. Robison said, also showed conclusively that the patient was knowingly answering in a manner to skew results in favor of proving himself to be insane.

The defense used a forensic psychiatrist – Dr. Umesh Madhav Mhatre – who shared his opinion that Davidson was insane at the time he stabbed Powers to death.

While the various mental health professionals all had their opinions, no one except Davidson himself is alive to have witnessed what happened when he stabbed the victim to death. So, there was no independent witness.

Davidson chose not to take the witness stand. Jurors were reminded to not give that any weight to his choice as they made their ruling.

Weed pointed out that two forensic psychologists who are trained in this specialized field of criminal mental health both said Davidson was not that insane when he murdered Powers.

Dr. Roberts testified on Wednesday that she found Davidson to be malingering to avoid being returned to the Dixie County Jail from the hospital, because he preferred the hospital to jail.

Weed asked jurors how they can, "without hesitation," believe there is "clear and

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convincing” evidence that Davidson was insane when he killed Powers – when two psychologists shared their professional opinions that he was not insane when he committed the heinous crime.

The prosecutor presented two other points in his closing argument. Could Davidson have been faking mental illness to obtain drugs? Also, Weed intimated that this man who in the past had helped people through the Florida Department of Children and Families to obtain Social Security benefits for being disabled, may have become diagnosed with mental illness so that he would receive the disability benefit from Social Security.

Davidson received Social Security benefits for being disabled because of his mental illness. Dr. Mhatre asserted on Wednesday that Social Security takes great care to assure people are actually disabled before awarding disability payments.

Weed reminded jurors, in his closing argument, that Dr. Robison found Davidson had a personality disorder. And that personality flaw is that Davidson is possessive and overly controlling of women.

“That is something significant to consider in this case,” Weed said, “considering that Wendy Powers was his girlfriend at this time.”

Having a personality disorder, Weed added, is not something exclusive to a person suffering from insanity. It just shows Davidson may have had a motive to commit the killing, Weed said.

The prosecutor reminded jurors that Giovanni Davidson, the defendant’s own son, did not know Joshua Davidson had mental health issues until after the murder of Powers.

Attorney Weed also pointed out instances from testimony in the trial, which proved Davidson knew right from wrong and that he was functional in society – despite any alleged mental health issues, where he might have been under the spell of severe psychosis.

By his proved malingering, Davidson undermined his own credibility, Weed said. The defendant is not forthcoming, Weed said. He is deceitful, Weed said. He is manipulative, Weed said.

This defendant had a consciousness of guilt, Weed said, to the point that he faked or exaggerated mental illness as a method to be found by a jury to be not guilty by reason of insanity.

Another strong point that Weed made as he pointed out to listeners with common sense, is that if Davidson heard voices telling him to kill Powers, and he was unable to resist those voices and he killed her, and those same voices then told him to kill himself, why did Davidson not kill himself?

By looking at all of the evidence presented, and the law, Weed said, the indictment returned by the Dixie County Grand Jury – composed of jurors – charging Davidson with first degree murder is the choice the state wants jurors to choose.

In his final argument, Assistant Public Defender Marshburn pointed out many, many instances where and when, before the murder, Davidson visited Meridian Behavior Health in Lake City, The Centers in Ocala and The Vines in Ocala to help him with his mental illness.

The defense attorney reminded jurors that the man’s mother said he was discharged from the United States Navy due to mental illness.

Marshburn said “the evidence is overwhelming” that Davidson suffers from mental

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health issues.

The defense attorney asserted that Davidson committed the crime, but at that time, Davidson could not tell right from wrong or could not control his behavior because of severe mental defect or illness.

Florida law provides that, as a result of him being criminally insane, Davidson should not be held criminally responsible for his behavior.

As Marshburn read reports from the three places where Davidson sought mental health help, he repeated a few times that Davidson thought “the Illuminati” and “Free Masons” “were out to get him.”

Defense attorney Marshburn said that while Assistant State Attorney Weed questioned Dr. Mhatre about his standing as a forensic psychiatrist, Dr. Mhatre had been practicing psychiatry before that specialized field was established. Marshburn reminded jurors, too, that this expert witness had been called to testify in many cases, including the Ted Bundy trial.

Dr. Mhatre was appointed by Gov. Bob Graham, Gov. Bob Martinez and Gov. Lawton Chiles to be the psychiatrist to determine competency for people scheduled for execution by the state.

On Wednesday, all of the expert witnesses gave verbal statements to show their pedigrees in their profession. While Dr. Mhatre attended medical school and could write prescriptions, he did not apply testing to subjects as a psychologist does.

Perhaps the strongest point in comparing the psychiatrist with the psychologists is that Dr. Mhatre simply accepted Davidson’s version of reality as being true. This was in contrast with the psychologists who applied objective tests with results that proved the defendant purposefully misrepresented truth, according to what was said in open court.

Both sets of experts shared with the jury and other listeners that they all have been appointed to serve on both the prosecution and the defense sides of criminal cases, and they all served in various circuits of Florida, perhaps even all 20 circuits of Florida’s 67 counties.

Joshua Davidson, Marshburn reminded the jurors, thought Wendy Powers had poisoned his food. His client thought his son and girlfriend were messing with his mind, Marshburn said as he recited records of reported delusions of the suspect.

As the defense attorney attempted to show evidence to prove his client was insane when he murdered his girlfriend, Marshburn said Davidson gave a 9-1-1 operator the wrong address, when he called to report someone had put smelly garbage in his house – in the very wee hours of the morning before Davidson killed his girlfriend.

Also, Davidson called 9-1-1 to report that he stabbed her with two knives after he killed her, according to the 9-1-1 call played in open court.

Defense attorney Marshburn asked any juror who believed Davidson was legally insane to stand firm and not be swayed, even if 11 other jurors thought he was sane.

Despite a valiant effort to convince the jury that there was clear and convincing evidence to prove his client was so crazy that he did not have the ability to comprehend his action at the time when Davidson repeatedly stabbed Powers to death, the 12 jurors all ruled Davidson was guilty of first degree murder while using a weapon.

The premeditation requirement of first degree murder was explained to the jurors.

In one version of the stories that relate to this murder, Marshburn said his client awoke to what he thought was his girlfriend attempting to strike him.

“She had done it in the past,” Marshburn said.

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Davidson, diagnosed to be a schizophrenic, reportedly had gone four days without sleep and little food. He had quit taking medicine “for some time” to control symptoms of schizophrenia, Marshburn said.

“When Wendy woke him,” Marshburn said, “he was in a psychotic state, separated from reality. He killed Wendy, but he did not understand the consequences of what he was doing when that happened. He was legally insane at that moment.”

While the defense attorney believed his stance in this case, all 12 jurors agreed that it was not believable enough. Within two hours of deliberation, they all voted to say Joshua Davidson is guilty of first degree murder.

Assistant State Attorney Weed told the jurors that the “clear and convincing” degree that Marshburn is forced to meet, means his case for Davidson being legally insane means the evidence must be “precise, explicit, lacking in confusion, and of such weight that it produces a firm belief, without hesitation, about the matter in issue.”

Insanity Instruction

- All persons are presumed to be sane. The defendant has the burden of proving the defense of insanity by clear and convincing evidence. Clear and convincing evidence is evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief, without hesitation, about the matter in issue.

Insanity Instruction

- Unrestrained passion or ungovernable temper is not insanity, even though the normal judgment of the person is overcome by passion or temper.

Insanity Instruction

- A defendant who believed that what he was doing was morally right is not insane if the defendant knew that what he was doing violated societal standards or was against the law.

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Insanity Instruction

- Although insanity is a defense, mental or psychiatric conditions not constituting insanity are not defenses to any crime in this case. Unless there is clear and convincing evidence that JOSHUA DAVIDSON was insane at the time of the crime alleged, any evidence of mental illness, an abnormal mental condition, or diminished mental capacity may not be taken into consideration to show that he lacked the specific intent or did not have the state of mind essential to proving that he committed the crime charged or any lesser crime.

These are some of the jury instructions.

Weed reminded the jurors that the two psychologists who said Davidson was not insane when he committed the crime "... looked at everything," including the several pages of documents the defense provided to catalog Davidson's treatment at the various mental health facilities.

Weed carefully laid out his reasons for the jury to choose first degree murder as the verdict. He went through the applicable law, and he asserted the evidence showed the following.

Wendy Powers was dead.

Joshua Davidson killed her by stabbing her repeatedly with a knife.

The killing of Powers by Davidson was premeditated, Weed said.

Killing with premeditation is killing with the conscious design to do so, Weed said the law states. Making a decision to kill, he said, is premeditation. The decision must be present in the mind at the time of the killing, he added.

The period of time between when the person decides to kill another person and when he or she performs the act, Weed intimated, must include some amount of time for the perpetrator to reflect.

"He can form the conscious decision to kill within a matter of seconds," Weed said in his closing argument.

Weed gave an example by saying that he does not like co-counsel Assistant State Attorney Will Washington, and then he shoots him immediately after making that statement. That matter of seconds, Weed said, is premeditation.

"Objection," Assistant Public Defender Marshburn said. "Misstatement of the law."

"Overruled," Judge Fina said.

The prosecutor went on to say that Davidson had a conscious decision to kill, prior to performing the murder.

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Evidence of this conscious decision to kill is reflected in the evidence, Weed said.

“Action speaks louder than words,” Weed said.

Jurors again saw photographs of the victim, that included the many stab wounds to the abdomen and two stab wounds below the chin, and ultimately severing a jugular vein.

The repeated stabbing in the abdomen and then the neck may have been part of a reason the jury understood this was a premeditated murder. It was not just a few stabs to wound the victim.

As the victim was stabbed, the defendant had time to reflect on his action – which he continued until he stabbed her enough to kill her.

“It’s not like on TV where a person is stabbed and they fall over dead,” Weed said. “All of these stabbings in the abdomen and chest area were mostly superficial – not immediately fatal, and she was probably conscious at the time.”

He added this murder went on for some time.

“It’s not just a stab and that’s it,” Weed said.

Cuts on the victim’s hand also show it was a struggle by her as she attempted to stay alive, Weed said.

Weed said this evidence does not show overkill. Instead, it shows Davidson kept stabbing her until she died – reflecting premeditation and a time to reflect before finishing the act of premeditated murder by using a weapon.

As part of this ruling, Weed said, the jurors had to understand this killing was not justified by self-defense or by any other lawful taking of life allowed by Florida law.

The 12 jurors completed their assignment. They made the decision.

As for Judge Fina imposing a sentence, as noted he is awaiting a pre-sentence investigation report to be given to him. As it stands now, at 9 a.m. on Aug. 12 in the Dixie County Courthouse, the sentencing of Davidson for the crime of first degree murder will be on the docket (which may include some number of other judicial actions by that judge).

Assistant Public Defender Marshburn said he is needed for a circuit court trial in Lake City on that day. The judge said to pencil in Aug. 12 at Cross City for this imposition of a sentence, however that date may be changed.