

Dr. Charles Scott's Role as an Expert Witness in the Nikolas Cruz Sentencing Trial  
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On Valentine's Day of the year 2018, a nineteen-year-old man by the name of Nikolas Cruz entered his alma mater, the Marjory Stoneman Douglas High School, located in the Miami suburb of Parkland, Florida. With "an AR-15-style semiautomatic rifle" (Laughland, et al, 2018) in hand, Cruz gunned down thirty-four people and traumatizing all within the building. Authorities stated that Cruz was equipped with three-hundred-thirty rounds of ammo when he crossed the threshold of the school and had carved swastikas onto the magazines. At the end of his rampage, seventeen were wounded and seventeen were deceased on account of this mass murderer's actions. Of the seventeen dead, three were members of the school staff and fourteen were students attending classes. Shortly after fleeing the scene of the massacre, an hour and twenty minutes to be exact, Cruz was arrested with no resistance in the nearby neighborhood of Coral Springs, Florida. Three years later, on October 21, 2021, Cruz plead guilty. Cruz's defense attorneys began collecting mitigating factors and expert witnesses for the sentencing trial to try to win a decision of life imprisonment without the possibility of parole (LWOP), rather than death, for this client. Simultaneously, on the opposing side, the prosecution (the State of Florida) began gathering aggravating factors and expert witnesses in an attempt to impose capital punishment on Cruz. The prosecution's most candid and knowledgeable expert witness brought forth to testify as to what the penalty for Nikolas Cruz should be was Dr. Charles Scott, a licensed forensic psychiatrist employed by the University of California. The purpose of this paper is to highlight Dr. Scott's role in testifying to negate the defense's mitigating factors including 1) their stance that Cruz's actions were a result of Fetal Alcohol Syndrome, 2) the stance that Cruz's actions were a result of in-home childhood trauma, 3) the stance that Cruz's actions were a result of educational/intellectual/behavioral downfalls, and 4) the stance that Cruz's actions were a result of social struggles.

“Cruz’s late birth mother, Brenda Woodard, drank alcohol and used drugs while she was pregnant with Nikolas and the defense has been trying to use the results from Cruz's life as a mitigating factor to avoid the death penalty” (Cohen, 2022). In doing so, the defense put Dr. Paul Connor on the stand, having him testify remotely, to try to convince the jury that Cruz’s actions were connected to him being a victim of Fetal Alcohol Syndrome. Dr. Connor “used slides to help with his explanations of neurodevelopmental disorders, neurobehavioral disorders, prenatal alcohol exposure, and fetal alcohol syndrome” (Cohen, 2022). He defined many of the neurobehavioral disorders from which an individual may suffer directly resulting from alcohol exposure while in-utero. Dr. Connor stated that these included, but were not limited to “impairments in self-regulation such as unstable moods, attention deficits, impulse control problems, and communication social issues” (Cohen, 2022). In addition, he examined Cruz's records of birth and noted the word "abuse" with regard to Cruz’s birth mother’s alcohol usage, remarking on the severity of her habit. Dr. Connor testified that “abuse usually indicates a level of magnitude use of alcohol is causing more problems for the person, things like that. They’re using greater quantities, greater frequency” (Cohen, 2022). Not only did the prosecution minimize the quality of Dr. Connor’s expertise by having him state on the record that he is, in fact, “not board certified in his field” (Spencer, 2022), but that he is also not licensed to practice in Florida, the very state in which this sentencing trial was occurring. To add insult to injury, the multiply-licensed and excessively credentialed Dr. Charles Scott, was brought forth for his expert testimony for the prosecution. Dr. Scott stated with regard to Cruz, “his trajectory of improving academic and executive function is in contrast to what's been written and described in individuals with fetal alcohol syndrome” (Cohen, 2022). He acknowledged culpability and blamed Cruz's conduct on the psychological disorders, Antisocial Personality Disorder (APD)

and Borderline Personality Disorder (BPD), both of which would not impede on his ability to plan and plot, as opposed to “his mother drinking fortified wine and malt liquor during pregnancy” (Spencer, 2022). Moreover, Dr. Scott went on to raise doubts regarding Cruz’s birth mother’s alcohol consumption as problematic at all while pregnant with him. He stated that the evidence in her medical records regarding her alcohol usage was essentially negligible (Cohen, 2022). “Not only do those records show she denied drinking after five weeks of pregnancy, there is nothing in Woodard's doctor examinations or Cruz's infant medical records that indicate she was lying” (Cohen, 2022).

Another mitigating factor brought forth by the defense included in-home childhood trauma during Cruz’s youth. “Tiffany Forrest, a certified behavioral health case supervisor, took the stand” (CBS News, 2022) for the defense. She proceeded to testify to Cruz’s home life as being disordered. Roger and Lynda Cruz were aged fifty and sixty-one at the time of Nikolas’ adoption into their family. Roger was the proprietor of a fruitful marketing business and Lynda was a homemaker. All seemed well until Cruz reached the age of five. It was at this point, as “Cruz entered kindergarten, he witnessed his father suffer a fatal heart attack in the family’s den” (Spencer, 2022). Lynda was left widowed, alone, and unemployed with two challenging, young boys (Nikolas and younger brother Zachary) who would have given an even much younger mother a run for her money. Besides this, Zachary tormented his older brother, Nikolas, relentlessly because he felt that he was the favorite child. Zachary “told investigators that he bullied his sibling when they were younger, according to a sheriff’s report” (Lynch, 2018). After the incident, Zachary “admitted to investigators from Palm Beach and Broward Counties that it was something he ‘now regrets ever doing’”, (Lynch, 2018). A childhood including being

adopted, watching an adoptive father pass away, witnessing the struggles of one's adoptive mother afterward, and being bullied by a sibling would surely have led to Post Traumatic Stress Disorder (PTSD), according to Cruz's defense lawyers, triggering Cruz's mass murder. However, Dr. Scott made no mention of PTSD. He instead stated that in his opinion, Cruz's actions derived from his "antisocial personality disorder, and to some degree, borderline personality disorder" (Cohen, 2022). Dr. Scott attested to Cruz's production of a multitude of sexualized drawings, curiosity in very young girls, and additional interests of a deviant nature. Dr. Scott attested to Cruz's self-proclaimed hatred of both animals and humans, and "determined his posts on social media 'strongly relate to the murders, as he had great interest months in advance'" (Cohen, 2022). Dr. Charles Scott stated that in his opinion, the evidence was extremely strong that "this was planned, premeditated, thought out" (Cohen, 2022). The State of Florida even submitted video evidence of Dr. Scott speaking with Cruz, showing Cruz talking about how his fascination with mass shootings began. In the video, Cruz stated that he studied mass murderers and how they did it, referring Colorado's 1999 Columbine school massacre. "That would be much more characteristic of anti-social personality disorder" (Cohen, 2022), Dr. Scott said about Cruz's years of studying murderers and their weapons, laying to rest any insinuations of in-home childhood trauma-based PTSD brought forth by the defense, and replacing it with APD.

According to the defense, educational/intellectual/behavioral downfalls were also to blame for Cruz's actions on February 14, 2008. Cruz's developmental delays in early childhood were proven with his educational history involving having to repeat kindergarten, being on medication, and the like. Third grade, in particular, did not run smoothly for Cruz, and in sixth

grade his behavior worsened with him acting out. His test scores remained low throughout his academic life, and his IQ was slightly below average. However, defense counsel was dismayed when Dr. Scott offered “an example from eighth grade, when an assistant principal would enter one of Cruz's classrooms. His name was Mr. Lindsey and he would come in sometimes for support and to observe, and when Mr. Lindsey would come into the room, Nikolas would have no behavioral difficulties, even if around the time before and after he might, indicating he had the ability to control” (Laughland, 2018). Dr. Scott indicated that even though Cruz was a struggling student with an intelligence quotient on the lower end of average, who may have been impulsive behaviorally “as noted throughout the junior high records, that doesn’t mean that he can’t also plan. They are not in any way mutually exclusive” (Laughland, 2018). Dr. Scott assured the jury that Cruz did achieve with regard to scholastics when the proper structure and guidance was provided to him, “So he had the brain power, if you will, he had the executive ability, executive functioning and the structure may have shown that he was capable” (Florida v. Nikolas Jacob Cruz, 2022). Prosecution attorneys returned to the video evidence that displayed Cruz explaining to Dr. Scott, in great depth, how he readied for the mass murder, from preparing the weapon, to donning the clothing “to disguise myself so I don’t draw attention” (Florida v. Nikolas Jacob Cruz, 2022). This was all presented to jurors while noting that Dr. Scott was in no way denying Cruz’s educational/intellectual/behavioral downfalls, but showing that despite those factors, he was indeed culpable. It was reiterated that Dr. Scott’s diagnosis of Cruz having APD and BPT has no bearing on his ability to strategize and does indeed allow for blameworthiness.

The final mitigating factor brought forth by the defense involved Cruz’s social struggles. Cruz’s attorneys attempted to portray him as a sad and pitiable individual who was not accepted

by peers. “Dakota Mutchler, a 17-year-old junior at the school and a former friend, said Cruz started ‘progressively getting a little more weird, and I kind of cut off from him’” (Siddique, 2018). Mutchler also stated that Cruz would often post on social media with regard to weaponry and to taking the lives of animals on social media. “Victoria Olvera, also 17, said: ‘He just changed. As far as I knew, he was like a future school shooter (Siddique, 2018). One unnamed student stated that many students at the school would joke “saying he was the one that screwed up at school and would shoot it up, but it turns out everyone predicted it. That’s crazy” (Siddique, 2018). The defense, specifically one lawyer named Melissa McNeil, described him as a “broken human being” to gain sympathy from the jury. The State of Florida showed no mercy and provided evidence that Cruz commented “I’m going to be a professional school shooter” (Siddique, 2018) on a YouTube video, displayed “racist and misogynistic behavior online” (Siddique, 2018), “had a backpack that had a swastika written on it and then the F-word, you, and the N-word” (Siddique, 2018), and hand-drawn swastikas on his boots. As the icing on the cake, the prosecution had Dr. Scott share that Cruz “engaged with him in a high-level discussion about Russia's invasion of Ukraine that had begun just days earlier. Cruz discussed Russian President Vladimir Putin's goals and history with clarity” (Siddique, 2018). In addition, Cruz informed the doctor that he would conduct internet searches on “how to buy a Nazi flag, information on Adolf Hitler’s birthday, how to get a swastika tattoo, and that he wrote online that ‘the Nazi party will rise again’” (Siddique, 2018). Those statements offer support to Dr. Scott's diagnosis of Cruz as an individual “driven by antisocial personality disorder — commonly known as being a sociopath” (Laughland, 2018).

Dr. Scott did indeed play his role thoroughly and ethically when testifying for the prosecution to negate the defense's mitigating factors. He very much offered sound testimony to refute the defense's presentation of Fetal Alcohol Syndrome, in-home childhood trauma, educational/intellectual/behavioral downfalls, and social struggles. However, it was not enough. In order for Cruz to receive death as his sentence, the jury of seven men and five women had to have come to a unanimous vote of twelve in favor of capital punishment. They did not. For the murders of Alyssa Alhadeff, 14, Martin Duque Anguiano, 14, Nicholas Dworet, 17, Jaime Guttenberg, 14, Luke Hoyer, 15, Cara Loughran, 14, Gina Montalto, 14, Joaquin Oliver, 17, Alaina Petty, 14, Meadow Pollack, 18, Helena Ramsay, 17, Alex Schachter, 14, Carmen Schentrup, 16, Peter Wang, 15, Scott Beigel, 35 (geography teacher), wrestling coach Chris Hixon, 49 (wrestling coach), and Aaron Feis, 37 (football coach), Nikolas Cruz was sentenced to LWOP.



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