

JUL 17 2023

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT

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State of Minnesota,

Court File No.: 70-CR-21-10039

Plaintiff,

v.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER**

Alexis Saborit,

Defendant.

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The above-entitled matter came before the Honorable Caroline H. Lennon, Judge of District Court, on June 23, 2023, at the Scott County Government Center, for a Court Trial. Kristian Wier, Assistant Scott County Attorney, appeared on behalf of the State. Steven Bergeson, Attorney at Law, and Michelle McLean, Attorney at Law, appeared with and on behalf of Defendant Alexis Saborit ("Defendant").

Defendant has been charged with Murder in the First Degree in violation of MINN. STAT. § 609.185(a)(1). Defendant asserts the defense of not guilty by reason of mental illness. The parties agreed to bifurcate the proceedings and Defendant waived his right to a jury trial on all issues, including on any mental illness defense. On May 11, 2023, Defendant was found guilty of Murder in the First Degree following a stipulated facts trial. The determination of Defendant's state of mind and resulting culpability was addressed in the second phase of the proceedings. The Court heard testimony from Dr. Andrea Lovett and received as exhibits the following:

Exhibit 101 – Report of Dr. Andrea Lovett

Exhibit 102 – Curriculum Vitae of Dr. Andrea Lovell

Exhibit 103 – Report of Dr. Kathryn Jameson

Exhibit 104 – Curriculum Vitae of Dr. Kathryn Jameson

Exhibit 105 – Prior report of Dr. Kathryn Jameson (Arson case)

Exhibit 106 – Certified copies of Louisiana Criminal Convictions

The parties provided written submissions received by the Court on July 7, 2023 and July 12, 2023.

Based upon the evidence, the Court makes the following:

### **FINDINGS OF FACT**

1. On July 28, 2021, Alexis Saborit, Defendant herein, murdered his significant other, America Mafalda Thayer ("Thayer") by crushing her skull with a dumbbell and decapitating her with a machete in Shakopee, Scott County. After a Court Trial on stipulated evidence, the Court found Defendant guilty of First Degree Murder in violation of MINN. STAT. § 609.185(a)(1).
2. The issue of criminal responsibility pursuant to Minnesota Rule of Criminal Procedure 20.02 was tried before the Court on June 23, 2023. The State offered the above exhibits and presented testimony from Dr. Lovett.
3. Dr. Lovett completed a thorough review of Defendant's psychiatric and criminal history. In addition to reviewing Dr. Jameson's report on the current offense, she further reviewed the report completed for the arson case which was pending at the time of the murder. In fact, Defendant was on his way to court for the 20.02 report on the arson matter when the murder was committed.
4. Defendant was born in Cuba and came to the United States in 2007. His criminal history includes a conviction for domestic abuse in 2009 and violating a protective order in 2013 both in the state of Louisiana and involving a different victim than the current case. Defendant was also convicted of false imprisonment with an armed weapon and two counts of domestic battery in 2011 also in Louisiana. For the 2011 charge, Defendant was sentenced to two years of hard labor.
5. Defendant's history with Thayer in this case includes a 2017 domestic abuse conviction. The parties reunited after this offense and married in 2018. A friend of Thayer reached out to Defendant's probation officer in 2020 and expressed concern about Defendant's physical and emotional abuse. The friend characterized Defendant as 'mentally ill to an extreme extent' and predicted Thayer would 'end up dead soon'. When probation staff reached out to Thayer, she denied Defendant was violent and insisted that her friend had fabricated the story.

6. Records reflect Defendant's history of substance use. Notably he started smoking THC in 2019 to treat his chronic headaches and neck/back pain. He reported smoking cannabis two to three times per day. Defendant entered chemical dependency treatment in July of 2019 and was successfully discharged four months later.
7. Alcohol has been a significant issue for Defendant resulting in a driving while intoxicated charge in 2017. A motor vehicle accident related to that charge left Defendant in a coma for an unspecified period of time. It is alleged that Defendant suffered a traumatic brain injury (TBI) as a result of that accident.
8. Thayer reported Defendant began experiencing auditory hallucinations and paranoid delusions after the TBI in 2017. Medical records reflect a report of bizarre delusions during an emergency department visit to St. Francis Hospital in Shakopee as early as March of 2013. In May of 2020, Defendant was again hospitalized at Unity Hospital. During these hospital stays, Defendant reported a number of delusions including the following:
  - a. Defendant reported having a GPS tracking device in his head or some type of chip or camera following a car accident. He feels like everyone can hear what he is thinking.
  - b. Defendant reported he was raped and medical professionals removed his eyes and placed micro chips in his brain.
  - c. After starting a fire in his own apartment related to the arson charge, Defendant was reported to have racing thoughts and hearing voices leading to him barricading himself in the burning apartment and ultimately having jumped from a second story window.
9. As a result of these symptoms and interventions the past diagnoses include: Unspecified Depressive Disorder; Unspecified Schizophrenia Spectrum and other Psychotic Disorder; Schizophrenia versus Schizoaffective Disorder; Manic Psychosis and Delusional Disorder. Mental health professionals working with Defendant have observed symptoms of mania in conjunction with psychosis. Defendant has been prescribed a number of neuroleptic medications though he has a significant history of treatment non-compliance.

10. Defendant was apprehended and interviewed by police within hours of the murder in this case. During that interview, Defendant demonstrated significant symptoms of psychosis evidenced by disorganized thought processes, paranoia, and bizarre delusions.<sup>1</sup>
11. Upon admission to the jail after his police statement, Defendant remained calm and cooperative though he continued to endorse and demonstrate significant symptoms of psychosis for several weeks.
12. While housed in the Scott County Jail, Defendant suspected his food was tainted and so would rinse it in water in his cell. For a period of several weeks, he severely limited food intake leading to a hospital evaluation. He was started on Abilify and returned to the jail. Upon return, he remained paranoid of his food being poisoned. Defendant complained of depression and auditory hallucinations but remained sporadic in his medication compliance.
13. Dr. Lovett then reviewed the criminal investigation of the homicide and the statements made by Defendant on the day of his arrest.<sup>2</sup> During the three-hour interview, detectives used a Spanish interpreter. Dr. Lovett noted that Defendant was at times emotional or tearful. Although he generally controlled his behavior, his thought processes were often quite circumstantial and tangential. Defendant perseverated on his paranoid and delusional thoughts. It was not unusual for Defendant to initially respond to a question in a clear and coherent way, but then devolve into confusing and disorganized statements. On multiple occasions, the interpreter indicated Defendant did not make sense or it was not understandable for him to translate.
14. On April 14, 2022, Defendant was interviewed by Dr. Jameson, who was tasked with preparing the first 20.02 report. In that interview, Defendant denied hearing voices on the date of the murder. He reported going to lunch with Thayer before heading to court for his hearing on the arson case. While in the car on the way to court he attempted to fix the air conditioning vent with his machete. The machete

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<sup>1</sup> Delusions are deemed bizarre in psychiatric terms when they defy possibility, such as having an EMT remove your eyes and place microchips in your brain. A simple delusion might be imagining your spouse is spying on you.

<sup>2</sup> The Court incorporates by reference the factual findings made in the guilt phase of this bifurcated trial in its Order dated May 11, 2023.

got caught in the vent grill, so the two of them together tried to pull it out. Somehow the blade came loose under their combined power and slashed Thayer's neck, decapitating her. Defendant recalled pulling Thayer from the car and then standing there for a few minutes. He heard voices saying 'go for a walk', so he took his backpack from the car and went for a walk.

- a. Defendant acknowledged that he knew at the time of the incident that it was wrong to kill another person. He described the incident as an accident because he did not intend to kill her.
- b. When questioned about the story Defendant gave police on the day of the murder, he denied any animosity between himself and Thayer. He claimed he removed his bloody shirt and hers because they were stained. He reiterated that the voices told him to take a walk.
- c. When asked about the alleged murder weapon, a machete, Defendant admitted that he purchased it at a pawn shop a month or two before the offense because he had "problems". He planned to defend himself against a guy who abused him. When Dr. Jameson informed him that residents at the hotel where he lived had reported that he was going to use the machete to cut his wife's head off, Defendant responded that he never talked to anyone in the hotel and that the machete was in the car, not their room.
- d. When asked about the allegations Defendant made to police about Thayer abusing him, he affirmed that Thayer injected someone in his head and paid someone to put something in his drink and rape him. He claimed these were old arguments and that he didn't kill her because of those things.
- e. When asked if he was experiencing any mental health symptoms at the time of the offense, he stated, 'No, I don't know. Maybe, yes. I think so. The thing is that an accident can happen to anyone. Mental health has nothing to do with accidents...the voices were telling me at the time to help her and help myself.'

15. Defendant was then interviewed by Dr. Lovett on October 5, 2022. Defendant readily agreed to discuss the circumstances surrounding the offense. This version

was vastly different than his police statement and fairly consistent with his statements to Dr. Jameson.

- a. Defendant endorsed that he was in bad shape during the relevant time period. He and Thayer had been living alternately in the hotel and the car. Defendant knew he had to go to court that day because of the incident involving him setting fire to their apartment in late 2020.
- b. When asked what he thought when he realized Thayer had been hurt by the machete, he stated, 'I wanted to kill myself that day from the thought of how it happened. I didn't know what to do. I've never had the courage to hurt someone.'

### **CONCLUSIONS OF LAW**

1. A person is presumed responsible for criminal behavior. MINN. STAT. § 611.026. It is Defendant's burden to prove a mental illness defense by a preponderance of the evidence. *State v. Linder*, 304 N.W.2d 902, 907 (Minn. 1981). Defendant must prove that at the time of the offense he was laboring under such a defect of reason as to not know the nature of the act or that it was wrong. MINN. STAT. § 611.026.
2. The use of the term 'wrong' under this section means knowing that the act was wrong in the moral sense, not merely that the act violated the statute. *State v. Ulm*, 326 N.W.2d 159, 161 (Minn. 1982). The fact finder "is not bound by expert psychiatric testimony and may reject it entirely, even when the only experts who testify support the defendant's assertion of mental illness." *State v. DeMars*, 352 N.W.2d 13, 16 (Minn. 1984).
3. The issue of legal mental illness is a question for the finder of fact. *State v. Peterson*, 764 N.W.2d 816, 822-23 (Minn. 2006). The trial court is granted substantial deference in the evaluation of the evidence of mental illness and the weight given to expert psychiatric testimony. *State v. Roberts*, 876 N.W.2d 863 (Minn. 2016) (citing *State v. Odell*, 676 N.W.2d 646, 647 (Minn. 2004)), see also *State v. Brom*, 463 N.W.2d at 764-65 (Minn. 1990) (listing cases). Courts can also consider a defendant's behavior before and after the crime, including planning and

concealment of evidence and expressing awareness of consequences. *Roberts*, 876 N.W.2d at 869-70.

4. The State argues that the Court should reject the opinions of both experts because there is substantial evidence of malingering which calls into question the degree of mental illness at the time of the offense and there is substantial evidence that Defendant did understand the moral wrongfulness of his actions. The Defense argues that the Court accept and adopt the opinions of the two qualified experts.
5. Dr. Jameson and Dr. Lovett both provided the Court with detailed and lengthy reports. Both professionals had access to the entire breadth of information available about the current offense, Defendant's prior criminal and corrections history, and Defendant's medical and mental health history. There is no assertion by the State that the experts lacked any information that is before the Court. Additionally, both experts addressed the potential issue of malingering.
6. Dr. Lovett found that information drawn from events immediately surrounding the alleged offense typically provides the most useful information about Defendant's mental state when the offense occurred. Dr. Lovett fully reviewed the police records, the statements of witnesses, and Defendant's video interview with police. The current version of events espoused by Defendant proved to the examiner that he is an unreliable self-historian and as a result little weight was placed on that version.
7. According to the records, Defendant has experienced intermittent episodes of severe psychosis and some mania since at least 2018. Defendant's psychotic episodes have been characterized by agitation, pressured speech, insomnia, disorganized thinking, auditory hallucinations, and entrenched paranoid, somatic and/or bizarre delusions. Defendant's delusional beliefs have been his most pronounced symptom of psychosis.
8. In considering the possibility of malingering, Dr. Lovett noted that the language barrier (Defendant was interviewed with the assistance of a Spanish interpreter) precluded the use of some written tests that are used to assess malingering. Even so, Dr. Lovett found little indication that Defendant was sophisticated enough to successfully feign disorganized thought processes and other symptoms of mental

illness for an extended period. Dr. Lovett further found that Defendant's symptoms on the day of the offense stemmed from a primary mental illness rather than from the effects of illicit drugs or alcohol.

9. The witness statements regarding the days leading up to the offense point out a heightened level of paranoia. In a text message to a friend, Thayer remarked about Defendant talking to the voices in his ears. People who knew Defendant remarked on his heightened symptoms in the days and hours leading up to the offense.
10. In the videotaped detective interview of Defendant, it was not unusual for Defendant to initially be reasonably clear and coherent in his answers but then devolve into confusing and disorganized statements. On multiple occasions, the interpreter indicated that Defendant did not make sense or was simply not understandable in his native language. Defendant's thought processes were quite circumstantial and tangential, and he perseverated on his paranoid and delusional thoughts throughout the interview. Defendant repeatedly claimed that Thayer had raped him or induced someone else to rape him, poisoned his food, put semen in his food, planted cameras in his body, and tried to have him killed.
11. The content of Defendant's expressed delusions on July 28, 2021 were of particular importance to Dr. Lovett. Specifically, Defendant believed that Thayer had hurt him and tried to kill him in the past, and he believed Thayer intended to seriously harm or kill him on the afternoon of July 28<sup>th</sup>. Defendant told detectives Thayer wanted to get rid of him while making a cutting motion with his hand across his throat. When one of the detectives asked if he killed Thayer because of the things she had done to him, Defendant cried and provided responses that the interpreter could not understand. He subsequently stated that he wanted "to get everything she put in my body out, but anyway, this is not going to happen again. My heart is not good anymore. I just want to stop suffering...everyday [Thayer] was telling me that she was going to kill me...I never thought this was going to be this way. Everyone thought of her as if she was an angel but she was pure devil."
12. In analyzing the possibility of malingering it must be noted that Defendant's symptoms of psychosis and his delusional beliefs continued for several weeks after his arrest. Jail records indicate that Defendant severely restricted his food intake.



His symptoms notably improved after he began regularly taking antipsychotic medication.

13. In her report to the Court in June of 2022, Dr. Jameson opined that Defendant was experiencing genuine symptoms of a psychotic disorder on the date of the offense. Although Dr. Jameson believed Defendant understood the nature and legal wrongfulness of his actions during the alleged offense, he did not appreciate their moral wrongfulness. “Based on statements the defendant provided detectives on the day of the alleged offenses, his reasons for engaging in the alleged offenses were motivated by paranoid delusions his wife was trying to get rid of and kill him and had been poisoning and implanting items in his body...Although it is difficult to ascertain Mr. Saborit’s exact motivation(s) for the alleged offenses, the greater weight of available information suggests his ability to reason and appraise his circumstances was significantly compromised by delusional paranoia. His paranoid ideations impaired his reality testing or ability to emotionally and intellectually realize and appreciate as an integrated personality, the nature and consequences of the moral choice presented. Mr. Saborit was unable to consider reasonable alternatives to his actions and appreciate the wrongfulness of his behavior in a moral sense. Taken together, it is my opinion Mr. Saborit was laboring under such a defect of reason as not to know the moral wrongfulness of the acts constituting the alleged offenses.” (Jameson report.)
14. Dr. Lovett strongly agreed with Dr. Jameson’s conclusions and the basis for her opinion. Dr. Lovett independently opined that Defendant was suffering from a mental illness to the extent that it prevented him from understanding the moral wrongfulness of his actions during the alleged offense.
15. The State argues that the Defendant’s attempts to conceal evidence and evade police indicate a consciousness of guilt. While the Defendant’s statements and actions immediately after the murder imply that he knew killing Thayer was ‘bad’ and against the law, the evidence is clear that he felt he was justified in his actions due to his persecutory delusions and paranoia based in his mental illness. See *Ulm*, 326 N.W.2d at 162 (rejecting a defendant’s insanity defense where the

defendant knew the act was wrong but believed it to be politically justified and the trial court determined the political beliefs to be severable from his mental illness).

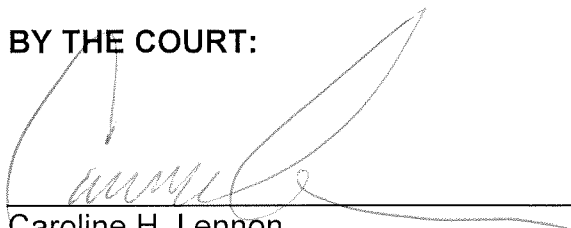
16. This Court has reviewed all of the submitted materials and the relevant statutes and case law and cannot find any basis to reject the opinions of the two experts. The Court can find no deficit in the experts' review of the record or the soundness of their analysis.

### ORDER

1. Defendant is hereby found NOT GUILTY BY REASON OF MENTAL ILLNESS of the felony count of Murder–1<sup>st</sup> Degree–Premeditated in violation of Minn. Stat. §609.185(1)(a).
2. The Court hereby directs the Scott County Attorney's Office to file a Civil Commitment Petition pursuant to Minn. R. Crim. P. 20.02, subd. 8(1). A copy of all exhibits filed in this case shall be provided to the Civil Division of the Scott County Attorney's Office.
3. Defendant shall be detained at the Scott County Jail, pending transfer to a facility operated by the Commission of Human Services, as required under Minn. Stat. §253B.10, subd. 1(a)(3) and Minn. R. Crim. P. 20.02, subd. 8(1).
4. The Clerk of Court shall serve a copy of this Order via e-service upon counsel of record, which shall be good and proper service for all purposes.
5. The Court and the Prosecutor, namely the Scott County Attorney's Office Criminal Division, must be notified of any proposed institutional transfer, partial hospitalization status, and proposed termination, discharge, or provisional discharge of the civil commitment.

Dated: July 17, 2023

BY THE COURT:



Caroline H. Lennon  
Judge of District Court