

Lawsuit Blames Many in Killings

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Missteps and carelessness by state and local authorities allowed a mentally ill man to roam the streets of Charleston and kill the woman he had been stalking, according to a lawsuit filed by the victim's family.

The family of Mary Lynn Witherspoon alleges that authorities failed to alert and protect her when her stalker was released from jail. This left Witherspoon vulnerable when Edmonds Tennent Brown IV showed up at her Tradd Street home and strangled her on Nov. 14, 2003, the lawsuit claims.

The family's lawsuit lays blame at the doorsteps of Charleston County Sheriff Al Cannon, the Sheriff's Office, the state Department of Mental and Health and the South Carolina Department of Corrections. The lawsuit seeks unspecified damages.

Witherspoon's sister, Jackie Olsen, said the family wants accountability and better protection for stalking victims.

"This is not about money," she said. "We just felt in our hearts that those people who caused such a gap in the system should be held accountable. This was just so avoidable if they had just done their jobs."

Cannon, who had known Witherspoon for several years, said her death was a "bizarre, sad and tragic situation" that was difficult to foresee. Much of Brown's stalking went unreported, and it remains unclear whether anyone in law enforcement could have realized the potential danger he posed or the depths of his obsession, Cannon said.

Brown, who has bipolar disorder, met Witherspoon through his father, who once dated the popular French teacher from Charlestowne Academy. Brown's fascination with Witherspoon continued long after that relationship ended, and he kept popping up at her home.

Witherspoon, 53, finally pressed charges against Brown after he broke into her laundry room and stole her underwear in June 2003. While in jail, he put together a rambling manifesto that included plans to "take care of MLW" and put her "on ice."

On Nov. 10, 2003, Brown was released from jail on orders from the county's Mental Health Court. He was transported to an area mental-health facility and ordered to undergo outpatient

treatment, authorities have said.

After giving Witherspoon's address as his place of residence, Brown was allowed to leave the center, the lawsuit stated. He then roamed free. The mental health center failed to promptly notify authorities or Witherspoon when Brown failed to return for an appointment two days later, the lawsuit stated.

"They just let this kid loose on the street when everyone knew he was a danger," said Richard Rosen, an attorney for Witherspoon's family.

Witherspoon had asked to be notified if Brown was released from jail, but an automated victim alert system used by the Sheriff's Office was unsuccessful in reaching her by phone. Victim advocates also sent a form letter to her home, but it didn't arrive until after her death. The letter mistakenly indicated that Brown had been transferred to the care of the state Corrections Department rather than released.

Witherspoon was apparently unaware Brown was free until he went to her home and forced his way inside. He bound her hands and feet, raped and strangled her and then left her naked body in a bathtub full of water, the lawsuit stated. Brown, now 35, is serving life in prison without parole for the crime.

Her sister's death led Olsen to work with state legislators to enact stronger anti-stalking measures. Mary Lynn's Law, passed in June 2005, includes stronger victim-notification requirements and allows judges to order mental health exams before setting bail for alleged stalkers.

Olsen said the family struggled with the decision to file a lawsuit, but eventually decided it was necessary to continue focusing attention on gaps in the criminal justice system.

John Hutto, a spokesman for the state Mental Health Department, said the agency had no comment on the lawsuit. James Stuckey, a lawyer for the Corrections Department, could not be reached for comment Monday.

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