

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Administrative Law Judge

SC Court of Appeals

ALC Case No. 22-ALJ-04-0113-AP
Appellate Case No. 2022-001331

William Cathcart, # 249565,

Appellant,

v.

South Carolina Department of Connections,

Respondent,

RECORD ON APPEAL

The Appellant William Cathcart submits the Record on Appeal. The Record on Appeal is in compliance with Rule 210, Rule 209, and Rule 267 of the S.C. Appellate Court Rules.

Date: 11-22-22

William Cathcart
APPELLATE

Joseph B. Bhakibanasab
Office of General Counsel
4444 Broad River Rd
Columbia SC 29221

Attorney for Respondent

William Cathcart # 249565
Macdonald CI 1M1B119
1516 Old Gilliland Rd
Ridgeville SC 29472

Appellant Pro SE

- 1 A YES, SIR. I UNDERSTAND THAT.
- 2 Q IF YOU DON'T WITHDRAW YOUR PLEA AND I ACCEPT
- 3 YOUR PLEA, THEN IF YOU WANT ME TO DEFER
- 4 SENTENCING UNTIL YOU CAN HAVE TIME TO GET FAMILY
- 5 MEMBERS HERE AND SO FORTH I MAY, I'LL DO THAT
- 6 PROVIDED YOU ANSWER THE QUESTIONS TRUTHFULLY.
- 7 A YES, SIR. I WOULD LIKE THAT.
- 8 Q ALL RIGHT. NOW, YOU UNDERSTAND THAT THE CHARGE
- 9 AGAINST YOU CARRIES THE SAME SENTENCE AS YOUR
- 10 COUSIN CAN RECEIVE?
- 11 A YES, SIR.
- 12 Q LIFE WITHOUT PAROLE, LIFE WITH ELIGIBILITY FOR
- 13 PAROLE AFTER THIRTY YEARS AND A SENTENCE OF JUST
- 14 THIRTY YEARS TO WHATEVER.
- 15 A YES, SIR.
- 16 Q YOU UNDERSTAND THAT?
- 17 A YES, I DO.
- 18 Q ~~MURDER BEING A VIOLENT CRIME, IF YOU DON'T GET A~~
- 19 ~~LIFE SENTENCE, YOU WOULD HAVE TO SERVE ANY~~
- 20 ~~NUMERICAL SENTENCE THAT I WOULD IMPOSE OF YOU,~~
- 21 ~~EIGHTY-FIVE PERCENT OF IT. DO YOU UNDERSTAND~~
- 22 ~~THAT?~~
- 23 A YES, SIR. I KNOW THAT. YES, SIR.
- 24 Q WHEN YOU PLEAD GUILTY TO MURDER, YOU HAVE
- 25 DISCUSSED WITH MR. FERGUSON THE ELEMENTS THAT

1 THE STATE WOULD HAVE TO PROVE BEYOND A
2 REASONABLE DOUBT I TAKE IT?

3 A YES, SIR.

4 Q BECAUSE YOU WERE NOT, AS I UNDERSTAND FROM THE
5 PRESENTATION FROM YOUR COUSIN, YOU WERE NOT THE
6 PERSON WHO PULLED TRIGGER.

7 A THAT'S TRUE.

8 Q YOUR INVOLVEMENT FROM THE PREVIOUS RECITATION
9 WAS KNOWLEDGE BEFOREHAND, PUTTING A WEAPON IN A
10 LOCATION THAT YOUR COUSIN KNEW ABOUT AND
11 DISPOSING OF THE WEAPON AFTER THE FACT.

12 A YES, SIR.

13 Q IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q AND YOU ACKNOWLEDGE THAT YOU DID IN FACT DO
16 THAT?

17 A YES, SIR.

18 Q AND IF YOU DID THAT, AS MR. FERGUSON HAS
19 EXPLAINED TO YOU, THEN THE STATE OF COURSE COULD
20 PRESENT THAT TO THE JURY AND IT WOULD BE JUST
21 LIKE YOU WERE THERE AND PULLED THE TRIGGER?

22 A YES, SIR. I UNDERSTAND.

23 Q BECAUSE YOU WERE AIDING, PARTICIPATING BEFORE
24 AND AFTER.

25 A YES, SIR.

1 MR. CATHCART?

2 MR. ANTHONY CATHCART: [REDACTED]

3 THE COURT: YOU CAN SPEAK IF YOU LIKE.

4 MR. ANTHONY CATHCART: I JUST WANT TO SAY
5 THAT I'M SORRY. YOU MIGHT NOT BELIEVE ME, BUT I MEAN
6 IT FROM THE BOTTOM OF MY HEART. LIKE WIL SAID, I GAVE
7 MY HEART TO THE LORD. I'M GETTING ON THE RIGHT TRACK,
8 AND I BELIEVE YOU MIGHT JUST THINK I DID IT BECAUSE
9 I'M IN JAIL, BUT IT WAS -- I HATED DOING, AND I'VE
10 BECOME A BETTER PERSON SINCE I'VE BEEN IN THERE. ALL
11 I CAN SAY, I'M SORRY THAT HAPPENED. I HOPE YOU
12 BELIEVE ME, BECAUSE I MEAN IT FROM THE BOTTOM OF MY
13 HEART.

14 THE COURT: OKAY. MR. CATHCART, YOUR
15 INVOLVEMENT, OF COURSE, WAS NOT AS MUCH AS MS. HEATON.
16 YOU WERE NOT THE TRIGGER PERSON, SO TO SPEAK. THIS
17 HAPPENED ABOUT TWO YEARS AGO AND I'D GIVEN YOU LIFE,
18 YOU WOULD HAVE BEEN OUT IN ABOUT TWENTY YEARS MAX, AND
19 CHANCES ARE YOU'D HAVE BEEN OUT IN TEN. NOW IF I GIVE
20 YOU THE MINIMUM SENTENCE, WHICH IS THIRTY, YOU GOT TO
21 SERVE VIRTUALLY THIRTY. YOU DO UNDERSTAND THAT. I
22 EXPLAINED THAT TO YOU.

23 MR. ANTHONY CATHCART: (NODDING HEAD.)

24 THE COURT: I SAY SOMETHING LIKE, "YOU
25 HAVE TO SERVE AT LEAST EIGHTY-FIVE PERCENT," WELL,

1 ~~THAT'S -- IF YOU HAVE BEEN IN PRISON TWENTY SEVEN~~
2 ~~YEARS AND YOU'VE DOTTED EVERY I AND CROSSED EVERY T,~~
3 ~~YOU MIGHT GET OUT AT THE EIGHTY FIVE PERCENT.~~

4 BUT SINCE YOU HAD MINIMUM INVOLVEMENT,
5 I DO SENTENCE YOU TO THIRTY YEARS FOR THE MURDER AND
6 FIVE YEARS ON THE CONSPIRACY OR THE USE OF WEAPON
7 CHARGE, EACH OF THOSE COUNTS. EVERYTHING IS
8 CONCURRENT. THAT'S IT.

9 MR. ANTHONY CATHCART: OKAY. THANK YOU.

10 MR. FERGUSON: THANK YOU, SIR.

11 THE COURT: NOW, MS. HEATON IS THE PROBLEM.
12 I JUST SENTENCE SO MANY PEOPLE FOR NEEDLESS KILLINGS,
13 IT'S JUST UNBELIEVABLE. I'M ABOUT FIFTH AMONG THE
14 FORTY-THREE CIRCUIT JUDGES, AND MOST OF MY TIME HAS
15 BEEN SPENT IN THE METROPOLITAN AREA, WHERE WE'RE
16 CONFRONTED WITH THESE SITUATIONS MORE OFTEN THAN IN
17 THE SMALLER COUNTIES. I PERSONALLY, WHEN IT'S A
18 FAMILY SITUATION, HAVEN'T FOUND SENTENCES TO BE
19 DETERRENTS, BECAUSE WE'VE BEEN GIVING PEOPLE LIFE FOR
20 YEARS AND THEY STILL -- STILL FOR NO REAL REASON AT
21 ALL COMMIT MURDER ON A SPOUSE.

22 MS. HEATON IS REAL YOUNG. SHE'S HAD
23 MENTAL PROBLEMS SINCE 1991 AT LEAST. BEEN TREATED.
24 SHE'S TAKING PROZAC AND OTHER MEDICATIONS. SHE'S
25 TAKING SOME AT THIS TIME, BUT SHE WAS NOT TAKING THEM

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CERTIFICATE OF COUNSEL

The Appellant William Cathcart hereby certifies that the Record on Appeal contains all material proposed to be included and no other material.

Date: 11.22.22

William Cathcart
APPELLANT

William Cathcart #249565
Macdougall CI M1B119
1516 Old Gilliland Rd
Ridgeville, SC 29472