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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County

Honorable Jennifer B. McCoy, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ZORA SIMONE HENDERSON,

APPELLANT

APPELLATE CASE NO. 2024-000096

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RECORD ON APPEAL

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I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits submitted.)

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P R O C E E D I N G S

THE COURT: Zora Simone Henderson, is that your name?

THE DEFENDANT: Yes, ma'am.

THE COURT: Ms. Henderson, you're obviously joined with your attorney, Mr. Loignon, standing at your side. And you have walked into court today, I understand, to plea under Alford to attempted armed robbery and a criminal conspiracy to commit armed robbery.

Is that your understanding as well?

THE DEFENDANT: Yes, ma'am.

THE COURT: Now, when you plea under Alford, Ms. Henderson, while not necessarily admitting guilt, you are admitting that if you went to trial, the State has facts that they could present to a jury that may result in them finding you guilty of a charge. And in exchange for you accepting responsibility for these charges, you are receiving a benefit.

Is that your understanding of what pleading under Alford means?

THE DEFENDANT: Yes, ma'am.

THE COURT: Has anybody promised you anything or threatened you or forced you to plea today?

THE DEFENDANT: No, ma'am.

THE COURT: And do you understand that when you plea under Alford, the criminal penalties are the same as if you

1       pled guilty?

2               THE DEFENDANT: Yes, ma'am.

3               THE COURT: Mr. Loignon, based on your discussions with  
4 your client, do you believe she understands what she's doing  
5 today?

6               MR. LOIGNON: Yes, Your Honor.

7               THE COURT: Ms. Henderson, I'm required to tell you  
8 that when you plea, even under Alford, you're giving up  
9 several Constitutional rights.

10              THE DEFENDANT: Yes, ma'am.

11              THE COURT: You're giving up your right to a jury  
12 trial, your right to confront the State's witnesses at  
13 trial. You're, also, giving up your right to remain silent.

14              Do you want to give up all these rights and plea today?

15              THE DEFENDANT: Yes, ma'am.

16              THE COURT: Do you understand that when you plea, even  
17 under Alford, to attempted armed robbery, you will incur two  
18 strikes on your record as a result of today's plea?

19              THE DEFENDANT: Yes, ma'am.

20              THE COURT: You understand South Carolina is what's  
21 called a three-strike state, so if you were to be released  
22 after a sentence on that offense and you were to receive  
23 another charge that carried even one strike, you could face  
24 the potential of a life sentence without the possibility of  
25 parole?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: All right. Ms. Henderson, I want you to  
3 listen carefully to the solicitor. At this point in time,  
4 he'll tell me a little bit more about the facts that led up  
5 to your arrest on these charges. After that, we'll come  
6 back to you and Mr. Loignon, okay?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Yes, sir.

9 MR. ZEIGLER: Thank you, Your Honor. May it please the  
10 Court. Lem Zeigler on behalf of the State.

11 On January 9th, 2022, around 3:00 a.m., the North  
12 Charleston Police Department responded to [REDACTED] Suzanne  
13 Drive, Apartment [REDACTED], in the City of North Charleston in  
14 Charleston County in reference to an unresponsive individual  
15 in the apartment of Asharay (ph) Gadston. The victim, Allen  
16 Johnson, suffered from multiple gunshot wounds and was  
17 pronounced dead on scene. Allen had met Asharay Gadston,  
18 who is a codefendant of this Defendant, on a dating app.  
19 They met in person earlier that night in downtown  
20 Summerville and proceeded downtown in Charleston to get  
21 drinks at Mint & Republic.

22 They arrived back to her apartment some time in the  
23 early morning hours. Allen went upstairs to use the  
24 bathroom. Upon exiting the bathroom, he was held at  
25 gunpoint by codefendant, Joshua Mack, who is the third

1 defendant in this situation. He tried to rob Allen, but,  
2 instead, he ended up shooting and killing him.

3 A dump of Asharay Gadston's phone revealed multiple  
4 phone calls between Gadston and this Defendant throughout  
5 the evening. And deleted text messages were recovered from  
6 that phone between this Defendant and Asharay Gadston.

7 Shortly before the robbery and murder, Gadston texted  
8 this Defendant saying, Tell Josh rob him. And this  
9 Defendant or somebody using her phone responded with, What  
10 he got on him? Shortly thereafter, Mack went over and  
11 committed the murder of Allen Johnson while trying to rob  
12 him.

13 Witnesses, also, reported hearing shouting before the  
14 gunshots. And Asharay Gadston provided a confession  
15 admitting to hearing Joshua Mack's voice yelling to get on  
16 the ground, get on the fucking ground.

17 There's no allegation that Zora Henderson was present  
18 at the incident location. The allegation is that she was,  
19 actually, across the street in her own apartment during the  
20 robbery and murder.

21 So based on the text messages and Gadston's statement  
22 to police, it is clear that this Defendant had a role in  
23 setting up the robbery. She was either relaying messages  
24 between Gadston and Mack or was otherwise involved and she  
25 relayed the final fateful text message that, ultimately, led

1 to Allen Johnson's death.

2 The victim's family is present today. They are aware  
3 of the fact that the sentencing will occur at a later date  
4 and that this plea is contingent -- well, ultimately,  
5 sentencing and the dismissal of the murder charge is  
6 contingent upon her cooperation and truthfulness when we  
7 meet with her at a later date to discuss the facts of this  
8 case.

9 Additionally, the Sinkler Bond Company has agreed to  
10 remain on the bond. We've passed up that book and release  
11 order for Your Honor.

12 THE COURT: Ms. Henderson, I want to go over a couple  
13 more things with you as well. Number one, it's imperative  
14 that you understand what these charges carry even though  
15 we're not sentencing today, we're accepting the plea. We'll  
16 sentence at a later time. But attempted armed robbery  
17 carries up to 20 years and criminal conspiracy to commit  
18 armed robbery carries up to five years.

19 Do you understand those are the maximum possible  
20 sentences associated with those charges?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. Furthermore, we talked about  
23 the fact that the attempted armed robbery carries two  
24 strikes. It's, also, classified as a violent offense in  
25 South Carolina, which means you would have to serve, at

1       least, 85 percent of whatever sentence you are, ultimately,  
2       sentenced to on that charge.

3               Do you understand that?

4               THE DEFENDANT: Yes, ma'am.

5               THE COURT: Okay. Finally, Ms. Henderson, you've heard  
6       the facts stated from the solicitor. Once again,  
7       reiterating that the State has no objection to you pleading  
8       under Alford and the fact that you understand this is a plea  
9       today only, we'll sentence later, are those the facts that  
10      you understand the State would seek to prove against you at  
11      trial if you were to go to trial?

12              THE DEFENDANT: Yes, ma'am.

13              THE COURT: All right. I will accept your pleas to  
14      these charges. I find you're entering into these pleas  
15      willingly and voluntarily with the advice of a most  
16      excellent attorney who you've indicated you've had enough  
17      time to talk to before coming into court today.

18              Obviously, because the sentencing is taking place at a  
19      later date, it's not necessary for me to hear from the  
20      victims as you stated, Mr. Zeigler, but if there's anything  
21      they'd just like to tell me today, I'm happy to hear from  
22      them. Of course, I know you've explained to them we're not  
23      sentencing today.

24              MR. ZEIGLER: I believe --

25              THE COURT: Their presence is, obviously, noted for the

1 record and I appreciate them being here and taking part in  
2 the process.

3 MR. ZEIGLER: And we appreciate you allowing the six  
4 family members.

5 THE COURT: Of course. I know it's a difficult time  
6 for everyone, but I do commend them for appearing and,  
7 again, just taking part in the process.

8 Mr. Loignon, anything else I need to put on the record  
9 for you today?

10 MR. LOIGNON: No, Your Honor. Since you've agreed to  
11 accept the plea and defer sentencing, I think that I'll save  
12 my comments for that time. Just glad that Zora is here to  
13 accept responsibility today and I'm ready to move forward.

14 THE COURT: Thank you.

15 You still are under all conditions of your bond, so  
16 please understand that these charges will still hold you to  
17 your bond conditions. I will sign the consent order for  
18 your book and release on the criminal conspiracy charge so  
19 you'll need to go get processed for that at the Al Cannon  
20 Detention Center, okay?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Thank you very much.

23 MR. ZEIGLER: Thank you, Your Honor.

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CERTIFICATE OF TRANSCRIBER

I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

June 2, 2024

Penny M. Johnson  
Penny M Johnson  
Transcriber



I N D E X

(There were no witnesses called.)

E X H I B I T S

(There were no exhibits submitted.)

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P R O C E E D I N G S

THE COURT: Zora Henderson, is that your name?

THE DEFENDANT: Yes, ma'am.

THE COURT: Ms. Henderson, you pled under Alford to two charges in front of me back in May of this year. May 17th of 2023, you pled to criminal conspiracy to commit an armed robbery, which can carry up to five years. And you, also, pled to attempted armed robbery, which can carry up to 20 years. You pled under Alford, as I stated, to those charges at the side of your attorney, Mr. Loignon, who is with you today, as well.

So now, we've accepted the plea. We are here for deferred sentence, which, I believe, was requested by both parties at the time.

Is that right, Solicitor?

MR. ZEIGLER: Yes, Your Honor.

THE COURT: So at this time, what I'd like to do is have the attorneys state their full names for the record and who they represent and then I'll allow the State to present whatever it would like to tell me in regards to its position on sentencing.

And then after that, of course, Mr. Loignon, I'll hear from you and your client, if she wishes to speak, when the State is finished.

Of course, the victims will have an opportunity to

1 speak before we switch it over.

2 Happy to hear from you. Go ahead and tell me your  
3 name.

4 MR. ZEIGLER: Thank you, Your Honor. Lemuel Zeigler on  
5 behalf of the State.

6 MR. LOIGNON: Michael Loignon on behalf of Zora  
7 Henderson.

8 THE COURT: All right. Happy to hear from you.

9 MR. ZEIGLER: Just briefly, a refresher of the facts.  
10 On January 9th of 2022 around 3:50 in the morning, North  
11 Charleston Police Department responded to [REDACTED] Supan Drive  
12 in Charleston County. The victim, Alan Johnson, was shot  
13 and killed in the town home of the co-defendant of Zora  
14 Henderson, Asheray Gadsden.

15 Gadsden called 911 indicating that something was wrong  
16 with a man she had gone out on a date with. She took police  
17 up to her guest room where Alan's body was unresponsive with  
18 four gunshot wounds, one to the left upper chest, one to the  
19 right upper chest, the right hand and left eye. Three shell  
20 casings were found on the scene. Neighbors said they heard  
21 gunshots about an hour prior.

22 Officers found deleted incriminating messages on  
23 Gadsden's phone to her cousin, Zora Henderson. Gadsden told  
24 Zora to tell Josh to rob him and indicated that the door was  
25 unlocked. Gadsden was then arrested and two weeks later,

1 Ms. Henderson and Mr. Mack were, also, arrested. Joshua  
2 Mack admitted to shooting the victim.

3 So neither Gadsden nor Mack ever implicated Henderson  
4 in this crime. The State provided a plea agreement to Ms.  
5 Henderson in exchange for her cooperation. On May 17th, we  
6 dismissed the murder charge and she pled in front of Your  
7 Honor.

8 Her sentence was deferred pending resolution of the  
9 co-defendants' cases. She provided a statement to my office  
10 in June of 2023. The statement was recorded. We released  
11 it to all the defense attorneys.

12 In summary, she, basically, said that all three of them  
13 had committed crimes like this before, but she was unaware  
14 of them using a gun in the past. She was unaware that  
15 Joshua had a gun. She said that she had fallen asleep  
16 earlier in the night, around midnight, with her baby and  
17 Joshua usually gets home from work later in the evening. He  
18 works all the way [indiscernible] Island and then comes all  
19 the way up to North Charleston after work to spend the night  
20 with her. She left her phone on the nightstand, fell asleep  
21 with the baby and she was under the impression that Joshua  
22 and Ms. Gadsden had been communicating using her cell phone.

23 She further stated that a night or two after the  
24 murder, Joshua's mom's door got kicked in by the U.S.  
25 Marshals. He woke up Zora that night and told her that he

1 had to tell her something. He told her that Asheray had  
2 texted him on her phone after she fell asleep with the baby.  
3 He left the phone at Zora's apartment and went over to  
4 Asheray's house, kicked in the door, but it was already  
5 unlocked, so the door flew open. Asheray was on the couch.  
6 She pointed upstairs, told him to go up there. He went  
7 upstairs to Asheray's room, came out of the room when the  
8 victim was coming out of the bathroom. That's when Joshua  
9 pulled the gun out and told him to get on the ground and  
10 give him everything that he had.

11 At this point, the victim, he doesn't really know what  
12 happened. Joshua's story was that there was a tussle over  
13 the gun. He shot a warning shot and then shot two more  
14 times after the victim continued to try to take the gun away  
15 from him.

16 So following her statement, the codefendants pled  
17 guilty on November 1st in front of Judge Price. Joshua was  
18 sentenced to 38 years in prison and Asheray was sentenced to  
19 30 years in prison.

20 THE COURT: And her charges were what?

21 MR. ZEIGLER: Her charges were murder and attempted  
22 armed robbery. And we directly indicted for the conspiracy  
23 and dismissed the murder -- I'm sorry, actually, it was  
24 murder and attempted armed robbery as well. Joshua was  
25 murder, attempted armed robbery and possession of a weapon

1 during a violent crime.

2 Having provided you an extensive summary of Alan  
3 Johnson as well as the sentencing memorandum for the two  
4 codefendants, that includes videos from Tony Signor  
5 Scholarship fund guide, who gave Alan a scholarship back in  
6 2021 to pursue graduate school.

7 Alan's potential of those around him is undisputed. He  
8 spent his youth caring for the elderly and children with  
9 autism, both in South Carolina and New Jersey, where Ms.  
10 Flora Richardson and Mr. Richardson adopted him and  
11 eventually brought him down here.

12 He wanted to be a teacher. His greatest dream was to  
13 make a difference in children's lives and helping youth  
14 because that's how he saw the world to becoming a better  
15 place. And, actually, a \$30,000 scholarship was announced  
16 in his name based in large part to his own family and that  
17 will be awarded this spring. So even after his tragic  
18 death, he continues to impact society.

19 Like you rightfully said, his family does wish to  
20 speak. They're, also, here with Ms. Trudy from National  
21 Action Network. I believe each of them wishes to say  
22 something briefly at the appropriate time.

23 THE COURT: Sure. And I would love to hear the State's  
24 position on the appropriate sentence as well.

25 MR. ZEIGLER: So I don't have a specific position on

1 sentencing in this case. She was tremendously helpful in  
2 getting the codefendants to plead guilty. While I think we  
3 could have easily convicted them at trial, her statement  
4 definitely provided us with another tool that we needed to  
5 procure pleas from the codefendants.

6 THE COURT: Is it the State's position that her  
7 involvement and the crime warrants prison time today?

8 MR. ZEIGLER: I would say it does.

9 THE COURT: Okay. Happy to hear from the victims at  
10 this time in whatever fashion or order they'd like to go in.

11 If you'll stand up one at a time and tell me your name,  
12 if you will, please.

13 MR. NILE JOHNSON: Thank you, Your Honor. My name is  
14 Nile Johnson, N-I-L-E Johnson, I'm Alan Johnson's brother.  
15 He was a great man. He shouldn't have passed away in this  
16 kind of way. I wish he would have been here longer. With  
17 the suspects, they should all get max time. That's all I  
18 have to say. Thank you.

19 THE COURT: Okay.

20 MR. JUSTIN JOHNSON: Your Honor, my name is Justin  
21 Johnson. I'm Alan Johnson's brother. He was always trying  
22 to do anything if we needed help. Anytime we needed help,  
23 he was always there for us. Anytime we need something, he  
24 would get it for us. And he always have my back and my  
25 whole family's back. I, also, ask you sentence her to the

1 maximum time possible. Thank you, Your Honor.

2 MS. LATASHA RICHARDSON: Good afternoon, my name is  
3 Latasha Floyd Richardson. I am the mother of Alan Johnson.  
4 It is very difficult for me to stand here in this situation.  
5 There's no words to explain why someone would do this to our  
6 child. He was an honest person, a very good person. He did  
7 a lot for the community. He met a lot of people. He did  
8 things globally.

9 And I just want to say the day before this incident  
10 happened, he was at my home that day before it happened.  
11 And he was just so excited about going out on a date with a  
12 young lady. Not knowing that was the last time I was going  
13 to see him.

14 I just can't understand how people can sit here and sit  
15 around a table to plot to harm someone. So we ask as a  
16 family for this individual to get the max they can get of  
17 whatever is being decided. He was globally nominated for a  
18 lot of things, lot of colleges. And it's unfortunate that  
19 we lost him this way, especially around these times,  
20 holidays, birthdays and now we coming up to another year  
21 where he's not here today.

22 These individuals do not know how they ruined our lives  
23 on a daily basis. So we just ask for you to give them the  
24 max time concurrent, consecutively and maybe they will have  
25 time to regain and become a person, a human being. There's

1 no words for me to explain anything else. Thank you.

2 THE COURT: Obviously, I'm so sorry, you know, as a  
3 mother, too, that you have had to endure this and continue  
4 to endure it and continue to show up for court dates. I  
5 know that's difficult. I'm sure each time you have to come,  
6 it reopens the wounds. Thank you for being here today and  
7 talking to me about it.

8 MS. LATASHA RICHARDSON: Thank you.

9 THE COURT: Yes, ma'am.

10 MR. RASHON RICHARDSON: Hello, my name is Rashon  
11 Richardson, R-A-S-H-O-N. I'm the father of Alan P. Johnson.  
12 I just want to state that my family miss him everyday.  
13 These are the times we get real emotional because it's  
14 getting closer to the time of his anniversary again of not  
15 being here. He was a good man. Sometimes, I think he was  
16 better than me. But the thing is that he had an open heart,  
17 an open line to everybody. He gave people the benefit of  
18 the doubt. He believed too much in people and hurt himself.

19 And when I say that, it's to say that you couldn't ask  
20 for a better son. You couldn't ask for a better human  
21 being. He accomplished more in his lifetime than a person  
22 could accomplish in a day. I just want to ask you that they  
23 get the maximum or whatever you allow, Judge. You know, our  
24 days will never be the same. Take this as a lesson, learn  
25 from it, grow from it. [Indiscernible] other people's

1 family. Of course, it's not a good feeling for anybody.  
2 You feel empty everyday. Thank you very much.

3 THE COURT: Yes, sir. Thank you.  
4 Anybody else?

5 MS. TRUDY GRANT: Your Honor, my name is Trudy Grant.  
6 I'm a national officer for the National Action Network. We  
7 have been supporting this family since they reached out to  
8 us in a matter of crisis. And we're just here to support  
9 them and to ensure that they are treated just and fair as  
10 they go through this. So thank you for the opportunity to  
11 be here with them today.

12 THE COURT: Thank you, ma'am. Appreciate your service.  
13 Anyone else?

14 MR. ZEIGLER: I believe former Detective Woods is here  
15 today. I don't believe he wishes to speak, but he wanted to  
16 be here in support of the victim's family as well.

17 THE COURT: Well, I appreciate that. I know it's  
18 tremendous for you all to appear in court numerous times and  
19 have to reopen these wounds. I certainly appreciate all  
20 your words today. It's so important. Thank you for being  
21 here.

22 Anything else from the State?

23 MR. ZEIGLER: No, Your Honor.

24 THE COURT: Mr. Loignon, I'm happy to hear from you.

25 MR. LOIGNON: Thank you, Your Honor. May it please the

1 Court. We're asking the Court to consider probation today.  
2 And we're asking that for three primary reasons. Number  
3 one, Zora was not present or involved in the planning of  
4 this crime. Number two, Zora cooperated with the State to  
5 secure the convictions of the two people that were. Number  
6 three, Zora has no prior record and has already spent 13  
7 months in jail related to these charges.

8 This is a very strange situation, one that I haven't  
9 been involved in before. But it's one where the Alford plea  
10 is appropriate, I think. Without it, I don't know if we  
11 could have gone forward. The State's case against Zora from  
12 the outset was very, very weak. Zora could have easily gone  
13 to trial and she probably had a pretty good chance of  
14 beating some of the charges.

15 Now, we discussed a lot of this at the beginning and I  
16 told her that there's, also, a good chance that should  
17 people's statements change or should some other evidence  
18 come out that there could be other charges, lesser included  
19 that she could be susceptible to. But from the outset,  
20 Zora's story never changed and from the outset, these  
21 codefendants' stories never changed. They never implicated  
22 her. When they were flip-flopping trying to save their own  
23 skin in the beginning, they still never implicated Zora.

24 Zora is 22 now. She was 19 when this occurred. She's  
25 lived here in the Charleston area her entire life. Her mom,

1 her stepdad and her boyfriend, they're all here in support  
2 of her today. She, also, has a two-year-old son, Chance,  
3 who's turning three in January. Zora is the sole caregiver  
4 for Chance. She, also, expecting her second child in July.

5 She's struggled during her short life. She made it to  
6 the ninth grade in school. She's, actually, trying to take  
7 some steps to get her GED. She's supposed to start those  
8 classes in January. She was working at the time she was  
9 arrested for these charges at McDonald's in Mt. Pleasant,  
10 but she's had a lot of difficulties since getting out on  
11 bond with finding a job with these charges on her record.

12 She was released about a year ago on \$50,000 bond. She  
13 started working through a temp agency at Warehouse in North  
14 Charleston, but when she got pregnant, they, essentially,  
15 said you can't do this type of work, manual labor while  
16 you're pregnant. Since then, she's been trying to find work  
17 again and getting turned down due to her record. So she  
18 understands that that's going to be something that,  
19 potentially, she has to deal with throughout her entire life  
20 due to this incident.

21 I guess the question is why would she plead to this if  
22 she was not present or involved in the planning? As you've  
23 heard, she was originally charged with murder. The risk was  
24 too great to go to trial. She was locked up for over a  
25 year. She had a newborn baby at home. Her boyfriend and

1       cousin were, also, locked up. She was 19 years old. And  
2       the State recognized right from the start that she was the  
3       least culpable here. They presented her with this deal,  
4       talk to us, tell us the truth and we'll dismiss the murder  
5       and let you plead to lesser offenses.

6               I tried my best to convince the solicitor that I still  
7       don't know that these are appropriate offenses for her level  
8       of involvement, but this is where we ended up. The State's  
9       evidence against her was this text message from Gadsden. I  
10      explained to Zora if we went to trial, unless people's  
11      statements changed, which they could, the State may have a  
12      hard time proving that Zora ever even saw this text message.

13             So I think it's important to note that the State has  
14      told you that neither Gadsden nor Mack ever implicated  
15      Henderson in the crime. Not only that, they specifically  
16      said that Zora did not have any involvement in the planning  
17      and that -- and Gadsden stated that she was texting or  
18      speaking with Mack and Mack said that -- admitted to using  
19      Zora's phone that evening. So, you know, that's it. That's  
20      the only evidence against Zora.

21             Now, we know things could have changed at trial and  
22      that's why we're here. The detective at the preliminary  
23      hearing confirmed that Zora was not present in Gadsden's  
24      apartment when the shooting happened. He, also, confirmed  
25      that Mack in the beginning confessed to him that it was

1 Gadsden's plan. So Gadsden planned it, Mack, unfortunately,  
2 was the one who went through with it. Mack reiterated this  
3 to Judge Price during his sentencing recently, a few months  
4 ago. He said that Zora was asleep when the text came in and  
5 did not see it until after the fact.

6 In my discussions with the State, I said, well, you  
7 know, what about accessory after the fact or something like  
8 that because that seemed like that's what all the evidence  
9 was pointing towards if that's what they could do at trial.  
10 And the response was, essentially, if she's convicted of  
11 that at trial, I'm going to ask for the maximum sentence of  
12 15 years. So it was a difficult position for Zora to be in,  
13 but she made the choice after all of that.

14 After me explaining everything that I just went through  
15 to her, she chose to cooperate. She chose to help the State  
16 secure those convictions for Gadsden and Mack with,  
17 potentially, a danger to herself. I mean, she's been  
18 worried that word is going to get around in the community  
19 and she's going to be a target.

20 But I think most importantly, the key part of Zora's  
21 proffer agreement was that she was required to tell the  
22 truth to the State and if she doesn't, then the State can  
23 revoke that proffer agreement and prosecute her for murder.  
24 Well, she told the truth. The State believed her. And what  
25 she told was that she was not present, was not involved in

1 the planning. She got wrapped up in this because of the  
2 people that she was around and she got wrapped up in this  
3 because of her phone being used by Mack.

4 But Zora told the truth and the State believed her.  
5 The State held up their end of the bargain, so Zora entered  
6 the Alford plea. She helped the State convict the two  
7 people who were responsible and she's here today to ask the  
8 Court to take that into consideration.

9 By all accounts, Alan Johnson was the type of person  
10 that we need more of in the world. And Zora is very  
11 remorseful that all of this happened. She's expressed that  
12 to me many times. I know that not a day goes by that she  
13 doesn't feel regret and sorry for this family. She's a  
14 mother.

15 It doesn't change the fact that Gadsden and Mack did  
16 this. And Zora is the reason they're sitting in prison  
17 today. She spent 397 days in jail. She's been out on bond  
18 for a year now with no trouble, no issues whatsoever. No  
19 prior record. She wants nothing more than to be a mother to  
20 her children, to build a life for them. She knows that will  
21 be difficult with her criminal record, but it will be  
22 exponentially more difficult if she's sent to prison.  
23 That's why we're asking the Court to sentence her to  
24 probation today.

25 I do believe she would like to briefly speak to the

1 Court.

2 THE COURT: Of course. Glad to hear from her.

3 Yes, ma'am.

4 THE DEFENDANT: I would just like to tell the family  
5 that I apologize and I'm sorry for their loss.

6 THE COURT: Okay. Anybody else?

7 MR. LOIGNON: No, ma'am.

8 THE COURT: All right. Mr. Zeigler, anything else from  
9 the State?

10 MR. ZEIGLER: Nothing further, Judge.

11 THE COURT: So as to her involvement, the State's  
12 position is what? Does it seem like her cell phone was used  
13 without her knowledge in furtherance of the crime or do you  
14 believe that she had more involvement than that?

15 MR. ZEIGLER: Well, initially, we believed she  
16 definitely had more involvement. We do think that had she  
17 gone to trial, we could have used another one of the  
18 defendants against her and they would have implicated her a  
19 lot further in this. Specifically, Defendant Gadsden was  
20 willing to cooperate against Ms. Henderson.

21 THE COURT: Okay.

22 MR. ZEIGLER: However, the case was weakest against Ms.  
23 Henderson and she, nonetheless, would have been the least  
24 involved in the entire case, so we opted to offer her a plea  
25 agreement instead of Ms. Gadsden.

1 THE COURT: Okay. So those are the two codefendants  
2 that just collected the charges; is that right?

3 MR. ZEIGLER: Joshua Mack and Asheray Gadsden, yes.

4 THE COURT: All right. Anything else?

5 MR. LOIGNON: No, Your Honor.

6 THE COURT: Okay. It's a horrible situation.  
7 Obviously, where social media and all, just all goes wrong.  
8 It's such a tragedy to lose such a promising young life who  
9 could have given so much back to his community and really  
10 truly just an innocent victim in all of this. It's very  
11 difficult for everybody to hear and to stomach that kind of  
12 thing happening. My heart goes out to the family members  
13 and others here in support of him.

14 It's commendable, Ms. Henderson, that you were willing  
15 to cooperate with the State to secure these other folks'  
16 convictions. I understand that's, obviously, why you were  
17 offered these reduced charges and that is a significant  
18 reduction in what you were facing to begin with. But,  
19 nonetheless, I think -- it sounds like involvement that  
20 wound up with this young man losing his life senselessly,  
21 which is such a tragedy.

22 The sentence of the Court on these charges will be 20  
23 years provided on the service of 15 years, balance is  
24 suspended to probation for five.

25 My heart goes out to the family, once again. I

1 understand you're in a difficult position with your own  
2 family, Ms. Henderson, but, nonetheless, we just can't  
3 tolerate these senseless acts and it won't be tolerated.

4 Thank you very much.

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CERTIFICATE OF TRANSCRIBER

I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

April 4, 2024

Penny M. Johnson  
Penny M. Johnson  
Transcriber

LCZ/0387597  
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2022-000641

ARREST WARRANT NUMBER

2023-GS-10-02723

DATE OF ARREST

02/28/2022

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

DOCKET NO. 2023-GS-10-02723

The State of South Carolina  
County of Charleston

COURT OF GENERAL SESSIONS

MAY TERM 2023

THE STATE

VS.

ZORA SIMONE HENDERSON  
B/F DOB: [REDACTED]-2001

Indictment for

CRIMINAL CONSPIRACY

SC Code: § 16-17-0410  
CDR Code: 0049

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

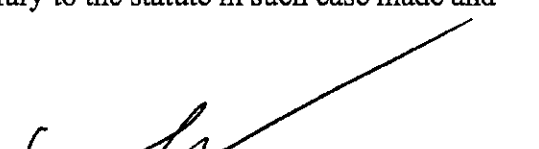
INDICTMENT

At a Court of General Sessions, convened May 2023, the Grand Jurors of Charleston County present upon their oath:

**Criminal Conspiracy to Commit Armed Robbery**

That in Charleston County, South Carolina on or about May 9, 2023, the Defendant, Zora Simone Henderson, did combine; conspire, confederate, agree or have tacit understanding with another or others for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, namely Armed Robbery, in violation of § 16-17-410, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
LEMUEL C. ZEIGLER  
ASSISTANT SOLICITOR

LCZ/0387597  
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2022-000641

ARREST WARRANT NUMBER

2022A1010200238

DATE OF ARREST

02/28/2022

ACTION OF GRAND JURY

**TRIPPLE**

*Patricia Dorman* NOV 15 2022  
Foreperson of Grand Jury Date:

VERDICT

DOCKET NO. 2022-GS-10-06575

The State of South Carolina  
County of Charleston

**FILED**

11/16/2022 3:28:10 PM  
JULIE J. ARMSTRONG  
CLERK OF COURT

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2022

THE STATE

VS.

ZORA SIMONE HENDERSON  
B/F DOB: [REDACTED]-2001

Indictment for

ATTEMPTED ARMED ROBBERY

SC Code: § 16-11-0330(B)  
CDR Code: 0026

Foreperson of Petit Jury Date:

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened November 2022, the Grand Jurors of Charleston County present upon their oath:

**Attempted Armed Robbery**

That on or about January 9, 2022, in Charleston County, South Carolina, the Defendant, Zora Simone Henderson, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, she was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did attempt to take and carry away goods and/or monies from the person or immediate presence of Alan Philipeon Johnson III with the intent to permanently deprive the victim of possession thereof, in violation of §16-11-330(B) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
**LEMUEL C. ZEIGLER**  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON )

STATE )

INDICTMENT/CASE#: 2023-GS-10-02723

VS. )

ZORA SIMONE HENDERSON )

A/W#: 2023-GS-10-02723

Date of Offense: 01/09/2022

S.C. Code §: 16-17-0410

AKA: )  
Race: Black Sex: F Age: 22 )

CDR Code #: 0049

DOB: [REDACTED]/2001 SS#: [REDACTED] )

Address: [REDACTED] Mcknight Street Apt [REDACTED] )

City, State, )

Zip: North Charleston, SC 29418 )

DL#\* [REDACTED] SID# SC02449532 )

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS Alford

TO: Criminal Conspiracy to Commit Armed Robbery (NMT 5 years)

In violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature]  
103314 Zora Henderson  
Lemuel C. Zeigler, SC Bar # Defendant  
Assistant Solicitor

[Signature]  
101291  
Michael Leyer Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of \_\_\_ days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_ years

and/or to pay a fine of \$\_\_\_; provided that upon the service of \_\_\_ days/months/years/Time Served and or payment

of \$\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.  
days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

STATE ZORA SIMONE  
VS. HENDERSON

INDICTMENT/CASE#: 2023-GS-10-02723

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____ Beginning	_____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ _____
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
	<b>TOTAL</b>	\$ _____

Clerk of Court/Deputy Clerk: Cherise Gray/  
Court Reporter: Marica Emanuel Klein/

Presiding Judge: \_\_\_\_\_  
Judge Code: \_\_\_\_\_  
Sentence Date: \_\_\_\_\_

**DEFERRED SENTENCE: (Plea Accepted)**

Judge: J. McClay  
Date: 05/17/2023

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE

INDICTMENT/CASE#: 2022-GS-10-06575

VS.

ZORA SIMONE HENDERSON

A/W#: 2022A1010200238

Date of Offense: 01/09/2022

S.C. Code §: 16-11-0330(B)

CDR Code #: 0026

AKA:  
Race: Black Sex: F Age: 22

SS# [REDACTED]

DOB: [REDACTED]/2001

Address: [REDACTED] Mcknight Street Apt [REDACTED]

City, State, Zip: North Charleston, SC 29418

DL#\* SID# SC02449532

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS Alford

TO: Attempted Armed Robbery (NMT 20 years)

In violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature] 103314 Zora Henderson 101291  
Lemuel C. Zeigler, SC Bar # Defendant Attorney for Defendant SC Bar #  
Assistant Solicitor

WHEREFORE, the Defendant is committed to the  State Department of Correction  County Detention Center,

for a determinate term of \_\_\_ days/months/years/Time Served  Youthful Offender Act not to exceed \_\_\_ years

and/or to pay a fine of \$\_\_\_; provided that upon the service of \_\_\_ days/months/years/Time Served and or payment of \$\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or  CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE ZORA SIMONE INDICTMENT/CASE#: 2022-GS-10-06575  
VS. HENDERSON

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_ months/years

**And Other Terms Listed Below:**

- Substance Abuse Counseling       Completion of GED       Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp       No Contact with Victim       Domestic Violence Intervention Program
- Mental Health Counseling       May serve W/E beginning: \_\_\_\_\_
- Sex Offender Registry pursuant to S.C. Code § 23-3-430       Public Service Employment \_\_\_\_\_ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: \_\_\_\_\_

RESTITUTION:     Deferred     Def. Waives Hearing     Ordered

Total \$ \_\_\_\_\_ plus 20% fee: \_\_\_\_\_ \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

*Fine:		\$ _____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____ Beginning	_____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ _____
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§14-1-212 (Law Enforce. Funding)	\$25	\$ _____
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
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3% to County (if paid in installments)	TBD	\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
	<b>TOTAL</b>	\$ _____

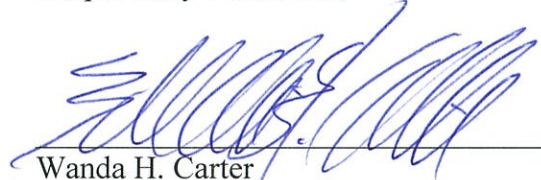
Clerk of Court/Deputy Clerk: Cheryl Emory /  
 Court Reporter: Maria Emanuel Klein /  
 Presiding Judge: \_\_\_\_\_  
 Judge Code: \_\_\_\_\_  
 Sentence Date: \_\_\_\_\_

**DEFERRED SENTENCE: (Plea Accepted)** Page 2 of 4  
 Judge: [Signature]  
 Date: 5/17/2023

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



---

Wanda H. Carter  
Deputy Chief Appellate Defender

**RECEIVED**

**Sep 04 2024**

**SC Court of Appeals**

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of September, 2024.

**RECEIVED**

**Sep 04 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

Honorable Jennifer B. McCoy, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

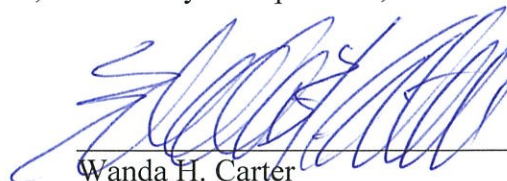
V.

ZORA SIMONE HENDERSON,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and on Zora Simone Henderson, 392869, at Camille Griffin Graham Correctional Center, 4450 Broad River Road, Columbia, SC, 29210, this 4th day of September, 2024.



\_\_\_\_\_  
Wanda H. Carter

Deputy Chief Appellate Defender