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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from McCormick County
Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES HEYWARD,

APPELLANT

APPELLATE CASE NO. 2024-001445

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

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2 COUNTY OF MCCORMICK) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 JAMES HEYWARD,) 2024-GS-35-192
8 DEFENDANT.) 2024-GS-35-133

9
10 August 26th-27th, 2024

11
12 B E F O R E:

13 THE HONORABLE DEBRA R. MCCASLIN, Judge, and a jury.
14

15 A P P E A R A N C E S:

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17 ASSISTANT SOLICITORS
Attorneys for the State

18 AARON TAYLOR
19 ESQ.
Attorney for the Defendant
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21
22
23 Transcribed by Pamela E. Green, from
24 DCRP
25

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P R O C E E D I N G S

THE COURT: All right. Can I see the lawyers just for one second?

(WHEREUPON, a bench conference was held out of the hearing of the jury venire at this time.)

THE COURT: Okay. Are we ready?

MR. TAYLOR: Yes, ma'am.

THE COURT: All right.

All right, ladies and gentlemen. We are about to begin the trial of the State of South Carolina versus James Heyward. Let me turn to the State.

Would you please call your case?

SOLICITOR FENDER: Your Honor, the State calls for trial State v. James Heyward. 2024-GS-35-00133. True bill indictment for taking of a hostage by an inmate.

The allegations are that, on December 27th, 2020, the defendant did willfully and unlawfully, as an inmate at McCormick Correctional Institute, whether acting alone or in concert with others, did, by threats, coercion, intimidation, or physical force, hold, decoy, or carry away a person as a hostage or for any other reason in violation of 24-13-450.

The State also calls the trial of the State v. James Heyward on 2024-GS-35-00192. True bill indictment.

1 Indictment for attempted escape.

2 The allegations in that indictment is that, in
3 McCormick County, on or about December 27th, 2020, the
4 defendant did willfully and unlawfully, as a person who's
5 lawfully confined in a prison, did escape or attempt to
6 escape in violation of 24-13-410(A).

7 THE COURT: Thank you.

8 All right. Let me turn to you, Mr. Taylor.

9 How does your client plead to these two charges,
10 guilty or not guilty?

11 MR. TAYLOR: Not guilty, Your Honor.

12 THE COURT: And are you ready for trial?

13 MR. TAYLOR: We are ready to proceed.

14 THE COURT: Thank you.

15 All right, ladies and gentlemen. Before we select
16 the jury, there are several questions which I will ask
17 you. If you need to answer, please stand and I will call
18 on you and I will ask you the questions.

19 I -- don't stand and start talking. I will ask you
20 the questions.

21 But before we get started, let me ask the solicitors
22 for the State to please introduce themselves to the jury
23 panel and anyone else assisting in the prosecution of this
24 case.

25 SOLICITOR FENDER: Good morning. My name's Doug

1 Fender. I'm one of the prosecutors.

2 Here with me today is Player Long, who's also a
3 prosecutor on this case. We have Jennifer Jones. She's
4 our paralegal. We also have Russ Padgett from SLED and we
5 have John Bishop, our investigator here. He's helping us
6 out with this case as well.

7 Thank you.

8 THE COURT: Thank you.

9 Now let me ask the defense to please introduce
10 yourself, your client, and anyone else assisting you in
11 the defense of this case.

12 MR. TAYLOR: Thank you, Your Honor.

13 My name's Aaron Taylor. I'm from Greenwood. I have
14 my law practice over there. It's very close by and I have
15 the pleasure of representing Mr. James Heyward and that's
16 all we got. So, it's the two of us.

17 Thank you.

18 THE COURT: All right. Let me ask the jury panel,
19 has anyone been represented by any of the attorneys
20 involved in the case or their law firms, if so, please
21 stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Is any member of the jury panel related
24 by blood or marriage, know personally, or have any
25 religious, political, social, or business association with

1 any of the attorneys involved in this case or anyone in
2 their law firms, if so, please stand.

3 SOLICITOR FENDER: Your Honor, may we approach?

4 (WHEREUPON, a bench conference was held out of the
5 hearing of the jury venire at this time.)

6 THE COURT: Can I see Jurors Number 24 and Juror
7 Number 82 please?

8 SOLICITOR FENDER: If, if they don't remember their
9 number, Your Honor, it's Jarvis Callahan and David Taylor
10 Letman.

11 THE COURT: A Jarvis Callahan. David --

12 SOLICITOR FENDER: Taylor Letman.

13 THE COURT: -- Taylor Letman.

14 Could you please come down and let me speak with you
15 please?

16 (WHEREUPON, a bench conference was held with Juror
17 Numbers 24 and 82 at this time.)

18 THE COURT: All right.

19 THE BAILIFF: Number 131.

20 (WHEREUPON, a bench conference was held with Juror
21 Number 131 at this time.)

22 THE COURT: All right. Is any member of the jury
23 panel related by blood or marriage, know personally, or
24 have any religious, political, social, or business
25 association with the defendant, James Heyward, or anyone

1 in his family, if so, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: All right. The following is a list of
4 possible witnesses in this case:

5 John Douglas from the South Carolina Department of
6 Corrections.

7 Daniel Cotter, South Carolina Department of
8 Corrections.

9 Stanley Terry from the South Carolina Department of
10 Corrections.

11 Verdeia Hall from the South Carolina Department of
12 Corrections.

13 And Aaron -- is it Couey?

14 SOLICITOR FENDER: Yes, Your Honor.

15 THE COURT: Couey. Let me spell that for you.
16 C-O-U-E-Y from the South Carolina Department of
17 Corrections.

18 A Harold Ray Owens from the South Carolina Law
19 Enforcement Division.

20 Todd Schenk---

21 UNIDENTIFIED SPEAKER: Schenk.

22 THE COURT: Schenk spelled S-C-H-E-N-K. Also from
23 the South Carolina Law Enforcement Division.

24 Russ Padgett from the South Carolina Law Enforcement
25 Division.

1 And DeQuawn Smith from the South Carolina Law
2 Enforcement Division.

3 Let me ask the jury panel is there any member of the
4 jury panel related by blood or marriage, know personally,
5 or have any religious, political, social, or business
6 association with any of the witnesses in this case, if so,
7 please stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Has any member of the jury panel, an
10 immediate family member, or close friend ever been the
11 victim of or accused of a crime involving a relative or
12 household member, if so, please stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Has any member of the jury panel ever had
15 any kind of an experience with a police officer, a state
16 trooper, a federal agent, or state or federal law
17 enforcement agency that might affect your ability to be
18 fair and impartial in this case, if so, please stand.

19 (WHEREUPON, one juror responds at this time.)

20 THE COURT: Your juror number?

21 THE JUROR: Thirty.

22 THE COURT: Thirty.

23 All right. And I think you told me that you had law
24 enforcement in your background?

25 THE JUROR: Yes, ma'am.

1 THE COURT: So let me ask you, I think you told me
2 that you were a law enforcement officer for several
3 years---

4 THE JUROR: Can I stand closer please?

5 THE COURT: Sure.

6 THE JUROR: Right here?

7 A little bit.

8 THE COURT: Can you tell me where you were a law
9 enforcement officer?

10 THE JUROR: I was in the State of Georgia.

11 THE COURT: Okay.

12 THE JUROR: I worked at the Warrenton Police
13 Department and then I went to Glascock County from there.

14 THE COURT: Okay. Well, let me ask you this.

15 Your experience as a law enforcement officer, if you
16 were selected as a juror in this case, could you be fair
17 and impartial to both the State and the defense?

18 THE JUROR: I'm, I'm just---

19 THE COURT: That's good enough for me. You don't
20 need to say another word. You're excused.

21 THE JUROR: Yes, ma'am, I can -- I'm gonna be honest,
22 judge. Thank you.

23 THE COURT: I'm just, I'm just telling you this case
24 is important.

25 Anybody else?

1 (WHEREUPON, there was no response.)

2 THE COURT: I'd have to --.

3 UNIDENTIFIED SPEAKER: Thirty-nine.

4 UNIDENTIFIED SPEAKER: Thirty-nine.

5 THE COURT: All right. Let me ask, has any member of
6 the jury panel, their immediate family member or close
7 friend, currently a law enforcement officer?

8 That includes the Lexington County Sheriff's
9 Department, the McCormick County Sheriff's Department,
10 SLED, or even the Dickerson Center.

11 If so, please stand.

12 (WHEREUPON, jurors respond at this time.)

13 THE JUROR: Juror 38. My son is in law enforcement.

14 THE COURT: I'll ask you the question.

15 Ma'am, can you tell me where he is a law enforcement
16 officer at?

17 THE JUROR: At this time, Greenwood County,
18 Ninety-Six, South Carolina.

19 THE COURT: Okay. And then let me ask you.

20 THE JUROR: Okay.

21 THE COURT: You're Juror Number 39?

22 THE JUROR: Thirty-eight I think.

23 UNIDENTIFIED SPEAKER: Thirty-eight.

24 THE COURT: Thirty-eight, Ms. Deason.

25 THE JUROR: Yes.

1 THE COURT: Let me ask you, if you were selected as a
2 juror in this case, could you be fair and impartial to
3 both the State and the defense?

4 THE JUROR: Yes, ma'am.

5 THE COURT: Thank you. Keeping you.

6 Anybody else?

7 (WHEREUPON, one juror responds at this time.)

8 THE COURT: Yes, ma'am, your juror number?

9 THE JUROR: One forty-six.

10 THE COURT: Juror Number 146. That is Ms. --

11 THE JUROR: Spilker.

12 THE COURT: Spilker.

13 Ms. Spilker, who do you know in law enforcement?

14 THE JUROR: My daughter is a sheriff deputy in
15 Richland County, South Carolina.

16 THE COURT: Okay. Well, let me ask you, if you were
17 selected as a juror in this case, could you be fair and
18 impartial to both the State and the defense?

19 THE JUROR: Yes, Your Honor.

20 THE COURT: Thank you.

21 Anybody else?

22 (WHEREUPON, there was no response.)

23 THE COURT: Is there any member of the jury panel who
24 is a member of or contributor to any group which has its
25 primary concern the promotion of law enforcement or

1 victim's rights?

2 These groups would include, but certainly not limited
3 to, MADD, SADD, or CAVE, Citizens Against Violent Crime.

4 If this applies to you, please stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Has any member of the jury panel heard
7 anything about this case in the news media or in the
8 community that would prohibit you from being fair and
9 impartial in this case, if so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: During the course of this trial all
12 jurors will be asked to listen carefully to testimony from
13 witnesses, review and consider various exhibits that get
14 admitted as evidence, and follow my instructions on the
15 law in this case.

16 Is there any member of the jury panel who feels that
17 they will not be able to listen carefully to the testimony
18 or review exhibits or follow my instructions on the law,
19 if so, please stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Has any member of the jury panel formed
22 or expressed an opinion about any issue or matter involved
23 in this case, if so, please stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: Is there any member of the jury panel

1 aware of any bias or prejudice toward either the State or
2 the defendant in this case, if so, please stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: Does any member of the jury panel have
5 any religious or moral beliefs which would prevent them
6 from passing judgment on another person as a member of a
7 jury, if so, please stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Has any member of the jury panel been the
10 victim of a kidnapping or held hostage, if so, please
11 stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: Does any member of the jury panel have a
14 close family member or friend who was the victim of a
15 kidnapping or held hostage, if so, please stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: Does any member of the jury panel believe
18 that, because someone is arrested while already
19 incarcerated in prison, they could not be fair and
20 impartial to that person, if so, please stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: Does any member of the jury panel feel
23 that a person is automatically guilty of a crime alleged
24 to have occurred while they were already incarcerated for
25 a completely different incident, if so, please stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Does any member of the jury have a close
3 family member or friend who is currently incarcerated in
4 the Department of Corrections, if so, please stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Does any member of the jury panel know of
7 any reason whatsoever why he or she should not serve as a
8 juror in this case with particular emphasis being placed
9 on your ability to be fair and impartial to both the State
10 and the defendant, if so, please stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Does the State have any additional
13 questions it would like to have asked?

14 SOLICITOR FENDER: Nothing from the State, Your
15 Honor.

16 THE COURT: Does the defendant have any additional
17 questions?

18 MR. TAYLOR: No, Your Honor.

19 THE COURT: Okay. Then let's get ready to select the
20 jury.

21 Is this five and ten?

22 SOLICITOR FENDER: Five and five.

23 MR. TAYLOR: Five and five.

24 THE COURT: Five and five.

25 All right. Well, five and five.

1 All right. Let me tell the jury panel, they're gonna
2 call your number, and when they do, are we walking up this
3 way, Mr. Ricky, or walk around this way?

4 I want you to walk up, stand right here in the
5 middle, and the lawyers are gonna say please present the
6 juror. The other side's gonna say please seat the juror
7 or excuse the juror. If they say excuse, you're gonna go
8 back to your seat.

9 So, when you come up, bring everything you've got
10 because you might be going into the box.

11 Now, let me just tell everybody this now. If you --
12 I don't want anybody getting upset if you don't get
13 selected. I have had it happen. I mean truly it has
14 happened.

15 So, we will be picking another jury in December. So
16 you might get an opportunity then. But this will be the
17 only trial this week.

18 Are we doing this by computer --

19 (WHEREUPON, an indiscernible statement was made at
20 this time.)

21 THE COURT: -- numbers?

22 All right. Let me tell y'all something cause I had
23 to do this in Lexington. But, you know, usually they will
24 randomly select these numbers and they'll call you up on a
25 sheet of paper. But here, you're gonna get picked out of

1 a cup. Please remember this. You, you won't get to see
2 this very often. But it's, it's always -- what happened
3 to the little wheel thing?

4 SOLICITOR FENDER: I just wanted to add to Your
5 Honor, it's generally like a young child, child or blind
6 person to come up. That's how they used to do it.

7 THE COURT: It used to be that and then we had --
8 what happened to the wheel?

9 THE CLERK: I haven't -- I've been here 35 years and
10 I have seen it. But where it is now I --.

11 THE COURT: The wheel's gone.

12 THE CLERK: The wheel's gone as (indiscernible).

13 THE COURT: The wheel's gone and the styrofoam cup is
14 in.

15 All right. That's how we're gonna select your juror
16 numbers. So, make sure you have your cards out so when
17 they call your number you can come on up.

18 You can -- go ahead, Ms. Gwen.

19 THE CLERK: Number 18---

20 THE COURT: That doesn't happen---

21 THE CLERK: ---Bonnie Brown.

22 What says the State?

23 SOLICITOR FENDER: Please seat Ms. Brown.

24 THE CLERK: What says the defendant?

25 MR. TAYLOR: Please seat the juror.

1 THE COURT: To the jury box. It's that's easy.

2 THE CLERK: Number 75, Brian A. Hughes.

3 What says the State?

4 SOLICITOR FENDER: Please seat Mr. Hughes.

5 THE CLERK: What says defense?

6 MR. TAYLOR: Please excuse the juror in the case.

7 UNIDENTIFIED SPEAKER: Come on back this way, sir.

8 THE CLERK: Number 95, Yolanda Martin.

9 What says the State?

10 SOLICITOR FENDER: Please present Ms. Martin.

11 THE CLERK: What says defense?

12 MR. TAYLOR: Please seat the juror, Your Honor.

13 UNIDENTIFIED SPEAKER: Go to the jury box please.

14 THE CLERK: Number 92, Arentha Martin.

15 What says the State?

16 SOLICITOR FENDER: Please excuse the juror.

17 UNIDENTIFIED SPEAKER: Come on back, sir.

18 THE CLERK: Number 146, Karen Spilker.

19 What says the State?

20 SOLICITOR FENDER: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. TAYLOR: Your Honor, please excuse the juror.

23 THE CLERK: Number 54, Deborah Fuller.

24 What says the State?

25 SOLICITOR FENDER: Please present Ms. Fuller.

1 THE CLERK: What says the defense?

2 MR. TAYLOR: Your Honor, please seat the juror.

3 THE CLERK: Number 154, Meredith Theilen.

4 What says the State?

5 SOLICITOR FENDER: Please present the juror.

6 THE CLERK: What says the defense?

7 MR. TAYLOR: Please seat the juror.

8 THE CLERK: Number 5, Edith Anderson.

9 What says the State?

10 SOLICITOR FENDER: Please present Ms. Anderson.

11 THE CLERK: What says the defense?

12 MR. TAYLOR: Please excuse the juror in this case.

13 THE CLERK: Number 86, Harriett Lomax.

14 What says the State?

15 SOLICITOR FENDER: Please present the juror.

16 MR. TAYLOR: Your Honor, please excuse the juror in

17 this case.

18 THE CLERK: Number 33, T'Shaun Creswell.

19 What says the State?

20 SOLICITOR FENDER: Please present the juror.

21 THE CLERK: What says defense?

22 MR. TAYLOR: Your Honor, please seat the juror.

23 THE CLERK: Number 157, Katrina Trumble.

24 What says the State?

25 SOLICITOR FENDER: Please present the juror.

1 THE CLERK: What says the defense?
2 MR. TAYLOR: Please seat the juror.
3 THE CLERK: Number 12, Raymond Blankenship.
4 What says the State?
5 SOLICITOR FENDER: Please present Mr. Blankenship.
6 THE CLERK: What says the defense?
7 MR. TAYLOR: Please seat the juror.
8 THE CLERK: Number 68, Emanuel Hill.
9 What says the State?
10 SOLICITOR FENDER: Please excuse the juror.
11 THE CLERK: Number 35, Cheryl Daniels.
12 What says the State?
13 SOLICITOR FENDER: Please present Ms. Daniels.
14 THE CLERK: What says the defense?
15 MR. TAYLOR: Please excuse the juror.
16 THE CLERK: Number 23, Willie A. Calhoun.
17 What says the State?
18 SOLICITOR FENDER: Please present the juror.
19 THE CLERK: What, what says the defense?
20 MR. TAYLOR: Please seat the juror, Your Honor.
21 THE CLERK: Number 39, Sidney Dennis.
22 THE JUROR: I've been -- (indiscernible) excused.
23 SOLICITOR FENDER: Yeah, she is.
24 UNIDENTIFIED SPEAKER: Yeah.
25 THE CLERK: Excused by the judge. I'm sorry.

1 Number 82, Tyler -- Taylor Letman.

2 What says the State?

3 SOLICITOR FENDER: Your Honor, I'd move for cause.

4 MR. TAYLOR: Your Honor, I think we've already
5 questioned them and, and I believe he's qualified --

6 THE COURT: Oh.

7 MR. TAYLOR: -- and there would be no legitimate
8 cause to strike him.

9 SOLICITOR FENDER: Please excuse.

10 THE COURT: Okay.

11 UNIDENTIFIED SPEAKER: Sir?

12 THE CLERK: Number 10, Margarita Blair.

13 What says the State?

14 SOLICITOR FENDER: Please present the juror.

15 THE CLERK: What says the defense?

16 MR. TAYLOR: Please seat the juror.

17 THE CLERK: Number 1, Anfernee---

18 THE JUROR: Abraham.

19 THE CLERK: What says the State?

20 SOLICITOR FENDER: Please present the juror.

21 THE CLERK: What says the defense?

22 MR. TAYLOR: Please seat the juror.

23 THE CLERK: Number 83, Debra Leverette.

24 What says the State?

25 SOLICITOR FENDER: Please present the juror.

1 THE CLERK: What say the defense?
2 MR. TAYLOR: Please seat the juror.
3 THE CLERK: Number 24, Jarvis Callaham.
4 What says the State?
5 SOLICITOR FENDER: Please excuse.
6 UNIDENTIFIED SPEAKER: Sir.
7 THE CLERK: Return to your seat.
8 Number 52, Tracy Findley.
9 What says the State?
10 SOLICITOR FENDER: Please present Ms. Findley.
11 THE CLERK: What says the defense?
12 MR. TAYLOR: Please seat the juror.
13 THE CLERK: And two alternates?
14 Number 37, Andrea Dean.
15 What says the State?
16 SOLICITOR FENDER: Please present Ms. Dean.
17 THE CLERK: And what says the defense?
18 MR. TAYLOR: Please seat the juror.
19 THE CLERK: Number 22, Howard---
20 THE JUROR: Caccia.
21 THE CLERK: ---Caccia. Thank you.
22 THE JUROR: You welcome.
23 THE CLERK: What says the State?
24 SOLICITOR FENDER: Please present the juror.
25 THE CLERK: What says the defense?

1 MR. TAYLOR: Please excuse the juror.
2 THE CLERK: Number 108, Whitley Nelson.
3 What says the State?
4 SOLICITOR FENDER: Please excuse the juror.
5 THE CLERK: Number 105, Patsy Murray.
6 What says the State?
7 SOLICITOR FENDER: Please present the juror.
8 THE CLERK: What says the defense?
9 MR. TAYLOR: Please seat the juror.
10 THE COURT: Thank you.
11 All right. Let me just ask the jury right quick.
12 Other than Juror Number 76, did I promise Friday for
13 any of you for vacation?
14 Is that right?
15 THE JUROR: Twenty-three.
16 THE COURT: Twenty---
17 THE JUROR: I'm Juror 23.
18 THE COURT: Twenty-three?
19 THE JUROR: Yes, ma'am.
20 THE COURT: And you're leaving Friday?
21 THE JUROR: Thursday.
22 THE COURT: Thursday?
23 THE JUROR: Thursday.
24 THE COURT: Leaving Thursday for vacation.
25 Thursday morning, right?

1 THE JUROR: Right.

2 THE COURT: Okay. Any -- anybody else with any other
3 dates this week?

4 I think that was the only juror I saw.

5 (WHEREUPON, there was no response.)

6 (WHEREUPON, the jurors not selected were excused at
7 this time.)

8 THE COURT: All right. Ladies and gentlemen of the
9 jury, you are now the jury in this case. We are gonna
10 start this trial first thing in the morning.

11 All right. Let me ask the lawyers, 9:00, 9:30?

12 I'd say nine o'clock.

13 SOLICITOR FENDER: Yes.

14 THE COURT: All right. So, I'm gonna ask that you be
15 in your jury room at 8:45. If one of you's late, we're
16 all late. I can't start without you. So be conscientious
17 of everybody else's time.

18 Also, these are the housekeeping rules. You'll get a
19 juror badge tomorrow.

20 They will, won't they?

21 THE CLERK: Yes, ma'am.

22 THE COURT: When you report, wear your badges cause
23 you are the jury in this case.

24 The lawyers are not allowed to talk to you. So, if
25 you see them, and they turn around and run, that's exactly

1 what they're suppose to do because they're not allowed to
2 talk to you. Please do not try to talk to them.

3 It's not that they're rude or anything like that. I,
4 I know all these lawyers. They're, they're fine lawyers.
5 very kind. But it's just my orders that they're not
6 allowed to speak to you.

7 Also, you're not allowed to talk about this case at
8 all even amongst yourselves. Even when you're back in the
9 jury room, you're not allowed to talk about this case
10 until I tell you it's time to deliberate.

11 You are not allowed to go home and pick up the phone,
12 call your best friend and say you ain't gonna believe
13 this, but I got picked for jury duty. I promise you I
14 will find out about it. I find out about it Lexington. I
15 can only imagine what I would find out in McCormick
16 because it's so much smaller. But you'd be surprised I do
17 find out.

18 You are not allowed to have a cellphone in the jury
19 room. They will pick up some cellphones on the way in.
20 In fact, if I were you, I'd probably leave them in the car
21 unless you think there's some emergency. The bailiffs
22 will take them. You can look at them during the break.

23 However, you may not use your cellphones, computers,
24 or any other device with communication capabilities to do
25 any research about this case, look up any court officers,

1 any lawyers, or anything about this case. You are not
2 allowed to do any research that you think might even help
3 you decide this case. That is not how you will decide
4 this case.

5 Everything must come from this witness stand or
6 exhibits that will be presented to you during the course
7 of this trial and that's how you're to make your decision.

8 So, if you read anything in the newspaper, put it
9 down. You hear it on TV, turn it off. You are not
10 allowed to know anything about this case except what comes
11 from this courtroom.

12 Now, Ms. Martin, will you do me the honor of being my
13 forelady?

14 THE JUROR: Yes, I will.

15 THE COURT: Thank you.

16 THE JUROR: All right.

17 THE COURT: All right. We'll have you a special
18 chair when you come in tomorrow.

19 THE JUROR: Oh.

20 THE COURT: All right. I'm gonna excuse you. Like I
21 said, we'll start this case in the morning. Just make
22 sure you're on time and I'll see you about a quarter till.

23 I will tell you I'm, I'm pretty prompt. If I say
24 we're gon' start at 9:00, we're gon' start at 9:00. I
25 won't waste your time and I'll try to keep you informed as

1 to what we're doing each day.

2 Okay. I hope you enjoy the rest of the day and I'll
3 see you in the morning.

4 Thank you.

5 THE COURT: If you'll follow them, they're gonna show
6 you---

7 THE JUROR: Oh.

8 THE COURT: ---where you're to report in the morning.
9 We have the jury room. Yes, we do.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 SOLICITOR FENDER: Your Honor, the State's --?

13 THE COURT: Can we turn that down?

14 UNIDENTIFIED SPEAKER: Can we get Doug in contempt?

15 SOLICITOR FENDER: I can just turn this off, judge.
16 I don't really need it.

17 THE COURT: Okay.

18 SOLICITOR FENDER: I, I was just gonna say our, our
19 pretrial stuff is pretty brief. I'm happy to just roll
20 right into from back here.

21 THE COURT: All right. Anybody need a break?

22 (WHEREUPON, there was no response.)

23 THE COURT: You only have one motion?

24 SOLICITOR FENDER: Yes, Your Honor, and just as a
25 housekeeping matter, I did want to read into the record

1 that Deputy Solicitor Suzannah Hayes did do an LWOP notice
2 in this case for the defendant based on his prior criminal
3 history and his record's supporting today.

4 Additionally, notices of evidence have been filed for
5 his prior convictions. You know, if he does testify, you
6 know, we're gonna seek to introduce those prior
7 convictions for kidnapping, murder, things alike like
8 that. If he does not testify, I've instructed our
9 witnesses to stay away from those matters and not to
10 mention why he's in prison if that pleases the Court.

11 So, notice of evidence has been filed for that and
12 also a video that, that will show the cell block.

13 And then, as far as the stipulation, I, I think we're
14 in agreement to stipulate that he was an inmate lawfully
15 confined and held under the statute. But, again, if he
16 does testify, we would intend to introduce those prior
17 matters.

18 THE COURT: Okay. Well---

19 MR. TAYLOR: Thank you, Your Honor.

20 I agree with the State. There's no doubt we've been
21 properly served with notice of life with the State's
22 seeking life without parole. That was in Lexington we do
23 that. We knew it'd been filed and then there's no doubt
24 and he's still incarcerated today at the present time.
25 So, he would definitely -- we would stipulate to that fact

1 that he was lawfully incarcerated.

2 And, otherwise, Your Honor, the only other thing I
3 was gonna add, if the State, if we can set up a laptop for
4 my client to watch the whole video just because I know
5 that was one of -- the one piece of evidence they will
6 admit and that way we potentially would be able to
7 stipulate to that.

8 So, move things along if that was possible.

9 THE COURT: Can we do that?

10 SOLICITOR FENDER: Yes, Your Honor. I think we can
11 accommodate that during the lunch break.

12 THE COURT: Okay.

13 MR. TAYLOR: But, otherwise, I, I concur with Mr.
14 Fender.

15 THE COURT: All right. Perfect then.

16 Now, we're not gonna mention anything as to why --
17 any -- about any charges of why Mr. Heyward's
18 incarcerated?

19 MR. TAYLOR: Yes, ma'am.

20 THE COURT: Okay.

21 SOLICITOR FENDER: And, Your Honor, just kind of on
22 that point as well, one of the key locations in this case,
23 you know, happened in the administrative offices within
24 the prison.

25 THE COURT: Right.

1 SOLICITOR FENDER: That's where, you know, somebody
2 was taking hostages.

3 He wasn't there for any kind of disciplinary matter
4 that day. He actually got out of his cell and then went
5 to those offices. But just as a housekeeping matter, I
6 have instructed our witnesses, you know, not to refer that
7 as disciplinary hearing office. Just to say the office if
8 that suits the Court.

9 THE COURT: Any objection to that?

10 MR. TAYLOR: No, Your Honor.

11 SOLICITOR FENDER: And there are pictures I think
12 that do say disciplinary office, you know, just with the
13 scatter. You know, we do enter -- intend to introduce
14 those. You know, we've asked the witnesses not to put
15 emphasis on that if that's okay with the Court.

16 MR. TAYLOR: Your Honor, I guess that's the one maybe
17 when we come up to it we may have an objection. But in
18 terms of -- I appreciate---

19 THE COURT: Well, I mean is there a way to block it
20 out?

21 MR. TAYLOR: No, that's, that's---

22 THE COURT: Redact it---

23 SOLICITOR FENDER: We can certainly do that you know.

24 MR. TAYLOR: ---what -- I was gonna ask that to be
25 redacted.

1 THE COURT: Just what's on the door.

2 MR. TAYLOR: That was gonna be my suggestion.

3 THE COURT: Let's, let's go ahead---

4 SOLICITOR FENDER: Okay.

5 THE COURT: ---and redact it.

6 SOLICITOR FENDER: Yes.

7 And, judge, this is the last pretrial matter. You
8 know, we filed the motion for inadmissible character
9 evidence in this case.

10 You know, Your Honor, this case happened -- you know,
11 it's a -- basically a prison riot, and, after this
12 happened, SLED investigated this case. OID investigated
13 this case and there was no finding of any kind of
14 wrongdoing or criminal activity by any of the people who
15 were working in the prison that day.

16 You know, our victim in this case, since this
17 happened, she's actually been promoted to another prison
18 where she's working.

19 So, essentially, what -- we would move to exclude any
20 kind of unsubstantiated allegations that, you know, she
21 was in on the take or getting paid off or having any kind
22 of sexual relationship with an inmate. We don't feel like
23 there's any evidence in this case and we feel like that is
24 very prejudicial, not relevant.

25 So we would move, under the 400 rules, that -- to

1 exclude any kind of allegation like that.

2 MR. TAYLOR: Your Honor, we would stipulate to that.
3 I mean our defense is that they have the wrong guy. There
4 was a riot. It was confusing and there's -- but not
5 correct about identifying him. But clearly I, I don't
6 have anything that shows any of that stuff that he
7 references.

8 THE COURT: Okay. He's---

9 MR. TAYLOR: So we're not going down that road.

10 THE COURT: Okay. He's not going down that road,
11 and, if he does, you can object---

12 MR. TAYLOR: All right.

13 THE COURT: ---and we'll deal with it then.

14 MR. TAYLOR: Thank you, judge.

15 SOLICITOR FENDER: And, and, judge, just as a
16 housekeeping matter, you know, we did read these
17 indictments earlier today but not to do so -- that
18 suffices for the arraignment is my understanding.

19 MR. TAYLOR: I, I think so. What I wasn't even
20 thinking -- I think he's (sic) understands what he's
21 facing and has been properly noticed.

22 THE COURT: Okay.

23 SOLICITOR FENDER: And that's everything we have
24 pretrial.

25 THE COURT: All right. well, very well.

1 All right. Then we'll start trial at nine o'clock in
2 the morning. Please be prepared. We're gonna work right
3 on through and go --

4 MR. TAYLOR: Yes, ma'am.

5 THE COURT: -- as long as we can. If we can get
6 through the trial tomorrow, we will. I've told -- Mr.
7 Taylor, he's got somewhere he needs to be wednesday
8 afternoon. The only thing that concerns me is the one
9 juror that we have for Thursday morning.

10 MR. TAYLOR: Yes, Your Honor, if I need to --
11 depending on how it goes, I could always -- I -- you know,
12 I guess we'll see how fast we go. But I could always see
13 if they'll let me come up there tomorrow afternoon. I
14 don't know if I can promise that---

15 THE COURT: Well---

16 MR. TAYLOR: ---and I know we don't know how fast
17 we'll move.

18 THE COURT: Well, let's see how far we get.

19 MR. TAYLOR: It really is -- I mean it's very, very
20 serious. But it is very straightforward in terms of
21 what's -- I, I believe is, is gonna be presented.

22 THE COURT: Let me ask you this.

23 Does -- did Mr. Heyward -- cause I've already got
24 jury instructions done because Mr. Cox was his
25 codefendant, right?

1 MR. TAYLOR: That's correct.

2 THE COURT: And I tried that case.

3 was there originally four charges and he's going to
4 trial on two?

5 SOLICITOR FENDER: Yes, Your Honor.

6 Just as -- to streamline this is taking of a hostage
7 by an inmate and escape or attempted escape.

8 THE COURT: Escape or attempted escape.

9 All right. I'll tell you, I'm gonna go ahead and
10 make sure y'all have a copy of these jury charges.

11 MR. TAYLOR: Cause I know you asked about that in an
12 email. I wasn't sure that the State was still going
13 forward on these charges or which ones. So that's why I
14 didn't go with that issue. I didn't think to add to that.

15 THE COURT: Okay. How about getting two copies?

16 Make sure that both lawyers have a copy before they
17 leave here today. That way we can discuss that early --

18 MR. TAYLOR: Yes, ma'am.

19 THE COURT: -- and have that done. If -- y'all look
20 at it tonight and have any objection, how about just shoot
21 me an email and I'll be prepared to discuss that.

22 MR. TAYLOR: Yes, please.

23 THE COURT: Anything else?

24 SOLICITOR FENDER: Nothing further in regards to this
25 trial, Your Honor, and I believe we're gonna try to show

1 him this video and then, at one o'clock, you may have some
2 public defender pleas potentially.

3 (Pause.)

4 THE COURT: All right. Well, I tell you what, I want
5 to get Mr. Taylor's stuff done and get him going.

6 But is there any reason why he can't watch the video
7 in the back?

8 MR. TAYLOR: I don't see why not, Your Honor.

9 THE COURT: If it's gon' be by computer, can we do
10 that?

11 UNIDENTIFIED SPEAKER: Sure.

12 THE COURT: And that way it might be better to watch
13 it in the back.

14 UNIDENTIFIED SPEAKER: We're gon' watch it -- we're
15 gon' watch it in this room right back here if that's okay.

16 THE COURT: Okay. We're gon' -- Mr. Heyward, we're
17 gonna let you watch that video in the back.

18 Okay?

19 SOLICITOR FENDER: Thank you, judge.

20

21 (WHEREUPON, Court was in recess in this case at this
22 time.)

23

24

25

1 Tuesday, August 27th, 2024

2

3 THE COURT: Ms. Gwen, you got the oath for the jury?

4 (WHEREUPON, there was no audible responsible.)

5 THE COURT: Perfect.

6 (WHEREUPON, the following takes place within the
7 presence of the jury.)

8 THE COURT: Y'all don't have to sit in the same
9 seats. The only person who has to sit in the same seat is
10 Ms. Martin.

11 It's Martin, right?

12 THE JUROR: Yes.

13 THE COURT: You're my forelady.

14 THE JUROR: Okay.

15 THE COURT: You are the only person that has to sit
16 in the same seat.

17 THE JUROR: Okay.

18 THE COURT: All right. Please be seated.

19 All right. Before we get started, I'm gon' get the
20 clerk to swear the jury in.

21 (WHEREUPON, the jury was placed under oath at this
22 time.)

23 THE CLERK: Thank you.

24 THE COURT: All right. Before we get started, I have
25 a morning question that I ask every morning.

1 Has anyone approached you about this trial or have
2 you done any research or talked to anyone about this
3 trial, if so, please raise your hand.

4 (WHEREUPON, there was no response.)

5 THE COURT: All right. Perfect.

6 All right. Before we begin the actual trial of the
7 case, I thought it might be helpful if I explained
8 basically how a trial proceeds.

9 First, the State will make an opening statement. An
10 opening statement is not evidence. It is simply an
11 outline to help you understand what that party expects the
12 evidence will show.

13 The defendant may, if he wishes, present an opening
14 but he doesn't have to for reasons that I will explain
15 later.

16 Following the opening statements, you will hear
17 testimony and evidence in the case. This will consist of
18 testimony from State's witnesses as well as any exhibits
19 which will be introduced into evidence.

20 Following, following the completion of the testimony,
21 the attorneys will again have an opportunity to make what
22 is called a closing statement. These arguments are not
23 evidence.

24 Following the closing statements by the attorneys, I
25 will instruct you on the law as it pertains to this case.

1 when I have completed my instructions, then you will be
2 permitted to begin your deliberations in order to reach a
3 verdict.

4 I want to take a few minutes to tell you something
5 about your duty as jurors and give you some instructions.
6 At the end of the trial, I will give you more detailed
7 instructions and those instructions will control your
8 deliberations.

9 It will be your duty to decide, from the evidence,
10 what the facts are. You and you alone are the judges of
11 the facts. You will hear the evidence, decide what the
12 facts are, and then apply those facts to the law which I
13 will give to you. That is how you will reach your
14 verdict. In doing so, you must follow the law whether you
15 agree with it or not.

16 The evidence will consist of testimony from
17 witnesses, documents, and other things that are received
18 into evidence and any facts on which the lawyers agree or
19 which I may instruct you to accept.

20 You should not take anything I may say or do during
21 the trial as indicating what I think of the evidence or
22 what your verdict should be.

23 This is a criminal case brought by the State of South
24 Carolina. The State charges the defendant with taking of
25 hostages -- hostages by inmate and escape or attempted

1 escape.

2 The indictment is not evidence of anything. It is
3 simply the description of the charge made by the State
4 against the defendant.

5 The defendant has pled not guilty to the charge and
6 is presumed innocent unless and until proven guilty beyond
7 a reasonable doubt. Proven beyond a reasonable doubt is
8 proof that leaves you firmly convinced of the defendant's
9 guilt.

10 A defendant has the right not to testify and never
11 has to prove his innocence or present any evidence. The
12 burden of proof is always upon the State of South
13 Carolina.

14 The following things are not evidence and you must
15 not consider them as evidence in deciding the facts of
16 this case:

17 Statements and arguments of the attorneys are not
18 evidence.

19 Questions and objections made by the attorneys are
20 not evidence and testimony that I instruct you to
21 disregard.

22 Evidence may be direct or circumstantial. Direct
23 evidence is testimony by a witness about what that witness
24 personally saw, heard, or did. Circumstantial evidence is
25 indirect evidence. That is proof of one or more facts

1 from which one can find another fact.

2 You are to consider both direct and circumstantial
3 evidence. The law permits you to give equal weight to
4 both. But it is for you to decide how much weight to give
5 any evidence.

6 There's also rules of evidence which control what can
7 be received in this case as far as evidence goes. When a
8 lawyer asks a question or offers an exhibit into evidence,
9 and the lawyer on the other side thinks that it is not
10 permitted by the rules of evidence, that lawyer may
11 object. I'm sure you've seen that on TV. That will
12 happen in this case.

13 If I overrule the objection, the question may be
14 answered or the exhibit may be received. If I sustain the
15 objection, the question can not be answered and the
16 exhibit can not be received.

17 Whenever I sustain an objection to a question or deny
18 a motion to admit an exhibit into evidence, you must
19 ignore the question or existence of the exhibit and you
20 must not guess what the answer would have been or what the
21 exhibit would have shown.

22 Sometimes it may be necessary for me to request that
23 you leave the courtroom while I discuss legal questions
24 that arise with the lawyers. I will try not to do that
25 very often. I know it gets aggravating to send you back

1 to your jury room. But I promise you it will happen
2 during this trial.

3 Most of the time I try to get the lawyers to come up
4 to the bench and we'll have a conference. And I just want
5 you to know that we're talking about legal questions and
6 it's a procedure that the law requires when certain legal
7 issues arise.

8 I don't want you to think that anyone's trying to
9 hide anything from you when we do that or keep any
10 evidence from you because we're not. This is simply a
11 procedure used by all lawyers and by all Courts to
12 determine and decide legal questions.

13 In deciding the facts of this case, you may have to
14 decide which witness to believe and which witness not to
15 believe. You may believe everything a witness says, only
16 part of it, or none of it.

17 In deciding what to believe, you may consider a
18 number of factors including the following:

19 The witness' ability to see, hear, or know the things
20 testified to, the quality of the witness' memory, the
21 witness' manner while testifying, whether the witness has
22 an interest in the outcome of the case or motive, bias, or
23 prejudice, or whether the witness was contradicted by
24 anything the witness said or wrote before the trial, how
25 reasonable was the witness' testimony when considered in

1 the light of other evidence which you believe.

2 Until I advise you to begin your deliberations, you
3 must not discuss this case with anyone including your
4 fellow jurors, your friends, family members, or anyone
5 involved in this case. This includes discussions
6 face-to-face, by telephone, email, text, blogs, Twitter,
7 Facebook. You may not use a computer, a cellphone, or
8 other electronic device with communication capabilities at
9 anytime while in the courtroom or during your
10 deliberations.

11 During your breaks, you may use your phone but you
12 may not, at anytime, use any of these devices to get or
13 send information about the case. This includes
14 information about a party, a witness, an attorney, a court
15 officer, read any news accounts about the case, research
16 on any topics raised or any topics you may think would be
17 helpful in deciding the case, or any testimony presented
18 by a witness.

19 I think I told you yesterday do not read, listen to,
20 or watch any news reports about the case. It is important
21 that you keep an open mind and not decide any issues in
22 this case until all the evidence has been presented, the
23 parties have made your closing arguments, and I have
24 instructed you on the law in this case.

25 It is your sole responsibility to determine the guilt

1 or innocence of the defendant and your verdict must be
2 based solely on the evidence as it is presented to you in
3 this trial and on the law as I instruct you during and at
4 the close of this trial.

5 Madam Forelady, it is gonna be your duty to preside
6 in the jury room. It will also be your duty to write the
7 verdict. But I'll give you more instructions on that
8 later. And you are also the spokesperson for the jury
9 here in court.

10 Okay. All right. With that, any objections to my
11 opening to the jury from the State?

12 SOLICITOR FENDER: None from the State, Your Honor.

13 THE COURT: Any from the defense?

14 MR. TAYLOR: No, Your Honor.

15 THE COURT: Be happy to begin with opening arguments.

16 SOLICITOR LONG: May it please the Court.

17 THE COURT: Yes, sir.

18 SOLICITOR LONG: You want to know what my favorite
19 time of the year is?

20 It's Christmas time.

21 It's just almost like it's really something in the
22 air. You know, it's just a -- you get time with family
23 and friends. Get to enjoy some delicious meals. It's a
24 time of togetherness, and joy, peacefulness.

25 But two days after Christmas in 2020, it was anything

1 but peaceful at the McCormick Correctional Institute.

2 The case you're gonna hear about today is about some
3 prisoners who tried to escape from prison, and while doing
4 so, one of them took a hostage, a correctional officer,
5 and held her hostage. That's what the defendant's charged
6 with.

7 He's charged with one count of escape or attempted
8 escape and one count of taking of a hostage by inmate.

9 Now, the burden is on us, the State, to prove our
10 case beyond a reasonable doubt and I know we've all seen
11 TV. We've all seen it on shows. We've heard the term
12 beyond a reasonable doubt.

13 But what exactly does it mean?

14 Well, let's start with what it doesn't mean. It
15 doesn't mean proof beyond a shadow of a doubt or proof
16 beyond all doubt. There's very few things in this life
17 that are proven beyond all doubt.

18 Our Courts have defined proof beyond a reasonable
19 doubt as proof that leaves you firmly convinced of the
20 defendant's guilt and that's what we have to do.

21 So, what do we have to prove?

22 Well, the judge is gonna instruct you on the law at
23 the end of this trial. I want to give you a brief
24 rundown.

25 For the escape or attempted escape, it's fairly

1 simple. He had to be lawfully confined in a state prison
2 and he had to either escape or attempt to escape or he may
3 of just had tools in his possession that were used to help
4 with his escape.

5 The other thing is taking of a hostage. That's a
6 pretty, pretty simple explanation too. He had -- also he
7 had to be lawfully confined in a state prison and either
8 he -- he can either do it by himself or he could of acted
9 with others and he took the guard hostage with either
10 threats, coercion, force, either took her or held her in a
11 place, and that's what we have to prove.

12 Now, how are we gonna prove that?

13 By introducing evidence and calling witnesses.
14 You're gonna hear from several witnesses.

15 The first witness you'll hear from is Lieutenant
16 Verdeia Hall. She's the one who was taken hostage.
17 Lieutenant Hall will come up here and she'll tell you her
18 life story of how she worked in the Department of
19 Correctional Institute for over 14 years.

20 She'll also tell you her story of how she worked --
21 started out as a corrections officer and has worked her
22 way up. She's now a captain.

23 She'll tell you how about six o'clock, on
24 December 27th, 2020, as the other corrections officers
25 were getting inmates to go to their rooms, getting ready

1 to go night -- getting ready to go to their rooms for the
2 night, several inmates decided to break out.

3 The evidence will show that one of the inmates let
4 Mr. Heyward out of his cell. He wasn't let out by a
5 corrections officer.

6 The evidence will show that, once Mr. Heyward was out
7 of his cell, he made his way to the supervisor's office
8 across the prison. When he walked in that room, he met
9 Lieutenant Verdeia Hall and another correctional officer,
10 Officer Couey.

11 Lieutenant Hall will tell you that when she saw
12 Mr. Heyward, as soon as he came in that room, he had a
13 knife in his hands, was demanding her keys, her radio, and
14 he took that radio. He took those keys.

15 She'll tell you how she knows Mr. Heyward, how she
16 knows it was him that came in that night. I expect the
17 defense will get up here and tell you that Mr. Heyward was
18 wearing a mask that night and how does she know it was
19 him.

20 well, Lieutenant Hall will tell you that Mr. Heyward
21 has a dark mark on his forehead and she was used -- she
22 was able to -- she knows him. But she was able to also
23 confirm that. A mask doesn't cover his forehead, y'all.

24 You'll also hear from Warden Stanley Terry. Like
25 Lieutenant Hall, he started out as corrections officer and

1 he's worked his way up to associate warden. He still
2 works at McCormick Correctional Institute. He's worked
3 there for over 20 years.

4 He'll tell you the basic duties of corrections
5 officers and what they do, their job roles. He'll tell
6 you that, unlike regular law enforcement that you usually
7 see out and about, corrections officers, they don't carry
8 guns. They don't carry tasers.

9 Ladies and gentlemen, Lieutenant Verdeia Hall, when
10 he took her radio, he took her phone, he took her keys,
11 she was a lamb in a lion's den. She had no way to call
12 for help. She had no way to defend herself. So she had
13 to stay in that room until help came.

14 Warden Terry will also tell you, how after everything
15 calmed down, they caught some -- several inmates outside
16 the fence of McCormick Correctional Institute. Outside
17 one of the fences.

18 They'll tell you that, after they got everybody
19 separated and got everybody detained, one of those people
20 identified was Mr. James Heyward. Warden Terry will tell
21 you he's known Mr., Mr. Heyward a while too. He's known
22 him from working at the prison. He knows who he is. He
23 knows what he looks like.

24 Just like any time else, when you spend time around
25 people, you learn different things about them, their

1 mannerisms, the way they walk, the way they carry
2 themselves. Everybody's got a uniqueness about them.
3 They'll tell you about that and that's how we're gonna
4 prove our case.

5 Now, the judge explained the roles. She's the judge
6 of the law. She is the only one that can tell you what
7 the law is.

8 But you have a role to play as well. You're the
9 judges of the facts. You're the only ones that can tell
10 us what the facts are.

11 Now, how are you gon' do that?

12 well, you're not coming in here empty handed. You're
13 coming in here, each of you, with your own life
14 experiences, your own common sense, and you're gonna use
15 that in this case. You're gonna use that to look at the
16 evidence and the testimony and you're gonna apply that to
17 the law that the judge gives you.

18 And, ladies and gentlemen, when you do that, when you
19 use your common sense and your own life, reap -- life
20 written -- life experiences, and when you're looking at
21 the evidence in this case, and you're applying it to the
22 law, you'll see that you have only one choice and that
23 choice is to find the defendant guilty of both charges.

24 Thank you.

25 THE COURT: Thank you.

1 Mr. Taylor.

2 MR. TAYLOR: Please the Court?

3 THE COURT: Yes, sir.

4 MR. TAYLOR: Good morning.

5 My name's Aaron Taylor, just to remind you, and I
6 have the pleasure of representing Mr. Heyward who you're
7 gonna hear all about and it sounds like what a horrible
8 guy and they just got this easy case and it's a slam dunk
9 and all these witnesses and he's in prison.

10 I mean what are we doing here?

11 That, that is absolutely not the case and, and the
12 good news is y'all get to be the ones who decide that.
13 So, the 12 of you, unanimously by the way, have to decide
14 whether he's guilty or not guilty.

15 I would say that we agree that this event happened.
16 So we're not gonna get into -- I, I don't want to waste
17 y'all's time and the, the -- act like -- there was a --
18 there was a kidnapping, hostage situation.

19 You can imagine how chaotic, how insane that was at a
20 prison where, by the way, there's cameras everywhere.
21 Think about -- I mean we all know what a prison is.
22 There's cameras every -- everywhere you can think. Tons
23 of witnesses.

24 Surely somebody's gonna come in and say a hundred
25 percent it was him and I know you, you heard a mention

1 about the, the victim who was held hostage. She says I
2 know it's him because of some mark on his face.

3 Let's back -- go back to -- y'all remember what
4 happened in 2020?

5 What was going on in the country?

6 COVID.

7 So, everybody has masks on mostly.

8 Also, do, do you know that everybody in prison
9 dresses alike, right?

10 So we have somebody who's wearing a jumpsuit like
11 everybody else in the prison. He's got a mask on like
12 everybody else in the prison. It, it -- it's not just so
13 simple to say oh, I, I know him because I'm -- I work here
14 and, and I just know it's him.

15 So, I, I can't wait to see the video and all the
16 really strong evidence that they said -- they're, they're
17 gonna talk about that shows you that happened and I guess
18 I'm here to jump ahead and say it didn't. They don't have
19 it. It's just gonna be a few people that say well, I, I
20 know it's him because of whatever reason. We worked there
21 and know him.

22 Let me tell you a quick story and this is true. I
23 got engaged to my wife many years ago in Ireland.

24 And so that's a big deal, right, to be engaged?

25 And, since then, we've had a bunch of kids and have a

1 life together.

2 I would absolutely be able to remember what my wife
3 was wearing that day, right?

4 We have a picture of it. I mean I, I should -- in my
5 house. And a couple years ago I went up to the picture
6 and noticed that my wife was marrying -- wearing a green
7 dress and I have admitted to this her. But, in my mind, I
8 swore up and down she had a blue dress on.

9 I wasn't under stress. It was a happy time. It's a
10 big deal. You would think -- I'm pretty smart I feel
11 like. I would remember what dress she's wearing. I
12 couldn't even remember the dress.

13 So, so, here's my point.

14 What does that have to do with this case?

15 You have somebody who was being held hostage and you
16 have people threatening her, taking her, you know, as you
17 heard, her walkie-talkie, her phone. She's scared to
18 death and she's terrified.

19 People make mistakes, guys. I don't think there's
20 anybody here that's saying that she -- anybody's lying on
21 purpose or trying to bring Mr. Heyward into this to try to
22 hurt him or they're out for him or there's some
23 conspiracy.

24 They're just wrong. People get stuff wrong all the
25 time. I can't remember what I had for lunch three days

1 ago and they're super stressed, terrified. Literally
2 probably thinking they could, they could die maybe, be
3 hurt really bad and that's what we have here.

4 She's wrong. It's okay. It happens.

5 So, you have people wearing masks, wearing the same
6 uniforms, all in the same place. Again, surely there's
7 gonna be this piece of evidence that shows him running
8 from his cell, going to this place to in -- to be involved
9 in it and then coming back there and connecting it all
10 together. Surely with how many cameras and how much
11 security they have there.

12 So, I, I -- I'm looking forward to seeing all that
13 because, at the end, I'm gonna come back and point out all
14 the reasons way I don't believe they proved their case
15 beyond a reasonable doubt and I'll close with this for
16 now.

17 what is reasonable doubt?

18 You heard their, their, their definition where you're
19 firmly convinced that he's guilty. I have a different way
20 to look at it.

21 Do you have a reason and do you have a doubt?

22 Reasonable doubt. And I'm gonna talk about all those
23 reasons why they didn't prove their case.

24 So, I know that y'all have common sense. Y'all are
25 here. Y'all are serving. Some of you got volun-told. I

1 don't think all of you were super excited. But y'all are
2 here.

3 This is gonna be a great experience for you and I do
4 appreciate your time because, no matter what, what --
5 regardless of whether Mr. Heyward was in prison at the
6 time or whatever else was going on, he has the same rights
7 that I have and you have for a fair trial and that's what
8 I'm -- I appreciate y'all being here to do.

9 Thank you.

10 THE COURT: Thank you, Mr. Taylor.

11 State can call their first witness.

12 SOLICITOR FENDER: State calls Stanley Terry to the
13 stand.

14 THE CLERK: Will you please raise your right-hand and
15 place your left-hand on the Bible?

16 STANLEY TERRY, being first duly
17 sworn, testified as follows:

18 THE CLERK: Thank you. You may have a seat.

19 DIRECT EXAMINATION

20 BY SOLICITOR FENDER:

21 Q. Good morning, Mr. Terry.

22 A. Good morning.

23 Q. Can you tell the jury just a little bit about
24 yourself and how -- kind of your professional background?

25 A. I'm Stanley Terry. I'm currently the associate

Stanley Terry - Direct examination
By Solicitor Fender

1 warden at McCormick Correctional Institution. I've been
2 in corrections since 2012 at the same institution.

3 Q. So, you've worked at McCormick Correctional Institute
4 since 2002?

5 A. Correct.

6 Q. And before we get into, you know, the jobs you've
7 done there, McCormick Correctional Institute, and that's
8 the state prison here in McCormick?

9 A. Yes.

10 Q. Okay. All right. And you've said you've worked
11 there what, almost 20 years?

12 A. Twenty-two years.

13 Q. Yeah.

14 And can you tell us about the, the jobs, you know,
15 that, that you've done there and kind of how you've worked
16 your way up in that prison?

17 A. I mean I started off as an officer in 2002 and I
18 moved my way through the ranks from corporal to sergeant
19 to lieutenant to captain to major. Now I'm the associate
20 warden.

21 Q. So, you started as a correctional officer and now
22 you're the associate warden of the entire prison?

23 A. Yes.

24 Q. That is impressive.

25 Can you tell us just a little bit about, you know,

Stanley Terry - Direct examination
By Solicitor Fender

1 day-to-day life in prison?

2 You know, what kind of stuff do correctional officers
3 do?

4 A. They monitor inmate movement. They lock them down.
5 They count them. They send them out for movement to
6 trials and chapel movements and, at the end of the day,
7 they lock them down again for count for the end of the
8 day. That's every --.

9 Q. So folks like you and correctional officers that work
10 in prison, they work closely with the inmates.

11 Is that fair to say?

12 A. Yes.

13 Q. They're in the dormitories?

14 A. Yes.

15 Q. They get the inmates' food?

16 A. Yes.

17 Q. Do they get the inmates' healthcare?

18 A. Yes.

19 Q. Do they get the inmates to the shower?

20 A. Yes.

21 Q. And they go around and they count those inmates every
22 single night?

23 A. Correct.

24 Q. So, seeing those inmates day in and day out, do
25 correctional officers and people like yourself, do they

Stanley Terry - Direct examination
By Solicitor Fender

1 get familiar with the inmates?

2 A. We do.

3 Q. Know them by their names?

4 A. Yes.

5 Q. Do you know them by how they look like?

6 A. Yes.

7 Q. And, correctional officers, do y'all get to carry
8 guns in there?

9 A. No, sir.

10 Q. You're not armed?

11 A. No.

12 Q. Can you tell us why correctional officers are not
13 armed?

14 A. Because inmates can take you over and potentially
15 murder you.

16 Q. So, there's a concern about an inmate and being able
17 to take somebody's gun?

18 A. Yes.

19 Q. All right. Now, with situations, you know, where
20 inmates are getting violent, you know, what kind of
21 tactics, you know, are you-all use in this -- in
22 circumstances?

23 A. Well, we had defensive tactics and we have chemical
24 munitions.

25 Q. Do y'all try to deescalate those situations?

Stanley Terry - Direct examination
By Solicitor Fender

1 A. We do.

2 Q. And, you know, when something like that happens, do
3 they use radios and things like that to try to get help?

4 A. Yes.

5 Q. All right. Tell us a little bit about those kind of
6 procedures.

7 A. I mean if an incident happened, you got what you call
8 the A-Team. You're called for A-Team response, and
9 whoever assigned to the A-Team, they'll come to assist.

10 Q. Come, come to rescue?

11 A. Yes.

12 Q. All right. And, in prison, can you tell us what's
13 meant by the word shank?

14 A. It's a homemade weapon.

15 Q. And how do inmates, you know, make those shanks?

16 Can you tell us generally about your shanks and --?

17 A. They, they make them out of anything. Make them out
18 of light fixtures, a piece of the bed. They make shanks
19 out of anything.

20 Q. I've, I've got this metal pen here, just pieces of
21 metal at my desk, is this something that can be used to
22 make a shank?

23 A. It can.

24 Q. And is there also industrial shops there?

25 Is there a kitchen in, in a prison as well?

Stanley Terry - Direct examination
By Solicitor Fender

1 A. It is.

2 Q. So -- and any items in those kind of places, could
3 they be used potentially to make a shank?

4 A. Yes, sir.

5 Q. All right. And, and shanks are not allowed in
6 prisons.

7 Is that correct?

8 A. No.

9 Q. But, but they do exist unfortunately?

10 A. Yes.

11 Q. Thank you for telling us about that.

12 I want to ask you just a minute about cameras in
13 prison.

14 You know, in the prison, are there some cameras kind
15 of in the common areas like the dormitories and stuff like
16 that?

17 A. It is.

18 Q. Are there typically cameras in more private areas
19 like administrative offices?

20 A. No, sir.

21 Q. So, you've told us just a little bit about, you know,
22 the prison and what it means to be a correctional officer,
23 how you worked there for over 20 years. I want to direct
24 your attention now to December the 27th, 2020.

25 A. Uh-huh. (Affirmative).

Stanley Terry - Direct examination
By Solicitor Fender

- 1 Q. Do you remember that day?
- 2 A. I do.
- 3 Q. Were you working that day?
- 4 A. I wasn't.
- 5 Q. Can you tell us what, what happened that day, what
- 6 you remember?
- 7 A. I was home and I received a call that certain
- 8 officers was unaccounted for and inmates was attempting to
- 9 escape. So, I responded to the institution.
- 10 Q. Okay. So you were at home when you got the call?
- 11 A. I was.
- 12 Q. And what'd you do once you got that call?
- 13 A. I got in my truck and headed towards the institution
- 14 to start calling help to meet me outside the prison.
- 15 Q. When you got that call, did you learn that some of
- 16 the correctional officers, they were unaccounted for, that
- 17 they hadn't heard from, from them?
- 18 A. I did.
- 19 Q. And was -- Verdeia Hall, was she one of those
- 20 officers?
- 21 A. Yes, sir.
- 22 Q. When you got in your vehicle, you were going to help?
- 23 A. Uh-huh. (Affirmative).
- 24 Q. You were going to help your coworker and friend.
- 25 what were you gonna do once you got there?

Stanley Terry - Direct examination
By Solicitor Fender

1 A. I was going in and secure the prison and find my
2 officers.

3 Q. Going in to secure the prison and find your officers.
4 Your Honor, may I approach the witness?

5 THE COURT: You may.

6 (WHEREUPON, an aerial photograph of the prison was
7 marked as State's Exhibit No. 1. A blowup of State's
8 Exhibit No. 1 was marked as State's Exhibit No. 1-A. Both
9 exhibits were for identification purposes only at this
10 time.)

11 Q. Now, Mr. Terry, I'm showing you now what's been
12 marked as State's Exhibit 1.

13 what does this appear to be?

14 A. It's a layout of the institution.

15 Q. Does this seem to be kind of a fair and accurate
16 aerial photo of that institution?

17 A. It is.

18 SOLICITOR FENDER: Your Honor, at this time I would
19 move into evidence State's 1, this photograph, aerial
20 photograph, of the prison. I also have State's 1-A just
21 kind of a large blowup of the very same.

22 THE COURT: Any---

23 MR. TAYLOR: No objection, Your Honor.

24 THE COURT: Then it's admitted.

25 (WHEREUPON, State's Exhibit No. 1 and 1-A were

Stanley Terry - Direct examination
By Solicitor Fender

1 received into evidence at this time.)

2 Q. Mr. Terry, I'm showing you what's now in evidence as
3 State's Exhibit 1-A for demonstrative purposes and what
4 does this appear to be here?

5 A. It's a layout of the institution.

6 Q. And can you tell us a little bit about this
7 institution?

8 A. What you mean a little bit about it?

9 Q. All right. Just tell us what these buildings are and
10 if you can point out the fences and just kind of explain
11 to us what we're looking at here.

12 A. Ah, this the outer fence of the prison. You got the
13 dormitories, 1, 2, 3, and 4. You got the PI building,
14 your cafeteria, your administrative offices, and the
15 chapel area right there.

16 Q. This building here, what's that?

17 A. It's F-1 of the housing unit inmates.

18 Q. So this is a dormitory?

19 A. It is.

20 Q. Is this also a dormitory?

21 A. Correct.

22 Q. What about that?

23 A. A dormitory. A dormitory.

24 Q. And, and these are the areas that might have some
25 cameras in these dorms.

Stanley Terry - Direct examination
By Solicitor Fender

1 Is that correct?

2 A. Correct.

3 Q. These other buildings over here, what's, what's going
4 on over here?

5 A. That's your admin buildings and your chapel area and
6 your gymnasium.

7 Q. So these are kind of offices and things like that and
8 different things?

9 A. Yes, it is.

10 SOLICITOR FENDER: Your Honor, while the jury takes
11 it -- I'm sorry.

12 THE COURT: Yeah, it's kind of tight quarters.

13 SOLICITOR FENDER: It is.

14 THE COURT: You might do better over there.

15 SOLICITOR FENDER: I apologize, Your Honor.

16 Would it be okay if he's allowed to, you know, step
17 down here?

18 THE COURT: Sure.

19 SOLICITOR FENDER: All right.

20 (WHEREUPON, the witness comes down from the stand.)

21 Q. And just to kind of reiterate this a little bit, Mr.
22 Terry, can you point out those dorm rooms on this map?

23 A. The dormitories are 1, 2, 3, and 4.

24 Q. And where is those offices at?

25 A. Oh, it's in this area.

Stanley Terry - Direct examination
By Solicitor Fender

1 Q. Can you tell us a little bit about the fence in this
2 area?

3 A. This your outer fencing. You have an inner fence
4 here.

5 Q. So there's a two fence system?

6 A. It is.

7 Q. And, if you could, could you please just kind of
8 circle those fences for us today?

9 A. Your outer area's here and your inner area's here.

10 Q. And why are there two fences in a prison?

11 A. It's a -- it's the level of the institution. There's
12 two fences, an outer area and the inner area.

13 Q. And these fences are designed to keep the inmates in?

14 A. Correct.

15 Q. So, if they were to even get over the first fence,
16 they have the second hurdle before they could get out?

17 A. Correct.

18 Q. All right. Is there ever a scenario where an inmate
19 should be outside of these fences?

20 A. No.

21 Q. Especially after count?

22 A. No.

23 (WHEREUPON, the witness returns to that stand.)

24 Q. I'd like to direct your attention now to inmate James
25 Heyward.

Stanley Terry - Direct examination
By Solicitor Fender

1 A. All right.

2 (WHEREUPON, a photograph of the dorm roster was
3 marked as State's Exhibit No. 2 for identification
4 purposes only at this time.)

5 Q. I'm showing you now what's been marked as State's
6 Exhibit 2.

7 What does this item appear to be?

8 A. This the dorm bed assignment.

9 Q. Is this reflecting inmate's cell assignment?

10 A. It does.

11 SOLICITOR FENDER: Your Honor, at this time I'd move
12 State's 2 into evidence.

13 THE COURT: Okay. And what, what exactly -- any
14 objection?

15 MR. TAYLOR: Your Honor, I think it's just showing
16 that he was an inmate and he's already testified to it.

17 SOLICITOR FENDER: This is ah reported dorm roster
18 showing James Heyward, Cell 139.

19 THE COURT: Okay. Thank you.

20 It's admitted.

21 (WHEREUPON, State's Exhibit No. 2 was received into
22 evidence at this time.)

23 SOLICITOR FENDER: Your Honor, I, I -- we would
24 publish as well.

25 THE COURT: Go ahead.

Stanley Terry - Direct examination
By Solicitor Fender

1 Q. Just very briefly, does this item show anything of
2 James Heyward?

3 A. It does.

4 Q. Well, what is this number here, F3B-0139-A?

5 A. That's the F-3 building on the D side and cell
6 assignment is 139.

7 Q. And this date here in 2020, does this show the --
8 what he was in at that time?

9 A. Yes.

10 (WHEREUPON, a building diagram was marked as State's
11 Exhibit No. 3. The blow-up of State's Exhibit No. 3 was
12 marked as State's Exhibit No. 3-A. Both were for
13 identification purposes only at this time.)

14 Q. Mr. Terry, I'm showing you now what's been marked
15 State's Exhibit 3.

16 what does this item appear to be?

17 A. It's a layout of the dorm such as then.

18 Q. And does this fairly and accurately represent the
19 cells in that dormitory?

20 A. It does.

21 SOLICITOR FENDER: All right. Your Honor, at this
22 time I'd move State's 3---

23 THE COURT: Any---

24 MR. TAYLOR: No objection, Your Honor.

25 THE COURT: It's admitted.

Stanley Terry - Direct examination
By Solicitor Fender

1 (WHEREUPON, State's Exhibit No. 3 was received into
2 evidence at this time.)

3 SOLICITOR FENDER: And, judge, I also have a very
4 same just kind of blown up larger. I believe it's State's
5 3-A for demonstrative purposes.

6 THE COURT: Okay. And what is State's 3?

7 SOLICITOR FENDER: This is the building diagram.

8 THE COURT: Thank you.

9 Q. Mr. Terry, can you please just tell the jury a little
10 bit about what we're seeing here in this picture?

11 A. This is a layout of the dorm and these are inmate's
12 assign -- room assignments on the dorm -- room
13 assignments.

14 Q. And where was James Heyward's room?

15 A. He was right in there.

16 Q. And if I can at least ask you to circle that for the
17 jury here today?

18 A. (WHEREUPON, the witness complies.)

19 Q. One thirty-nine.

20 Is that the same as what's on State's 2?

21 A. It is.

22 Q. This dormitory, is there a camera that overlooks some
23 of these cells?

24 A. It is. There's a camera in this area that overlooks
25 the whole layout of the dorm.

Stanley Terry - Direct examination
By Solicitor Fender

1 Q. And if we were to review that video footage, would we
2 see James Heyward's cell?

3 A. We will.

4 SOLICITOR FENDER: Your Honor, pursuant to the notice
5 of evidence, and the matter that we handled pretrial
6 yesterday, at this time I would move to enter and publish
7 to the jury the dormitory video under 19-5-520.

8 THE COURT: Any objection?

9 MR. TAYLOR: No, Your Honor.

10 THE COURT: What exhibit is that gonna be?

11 (WHEREUPON, the dormitory video was marked as State's
12 Exhibit No. 4 for identification purposes only at this
13 time.)

14 SOLICITOR FENDER: This is State's 4, Your Honor, and
15 I would call it dorm video.

16 THE COURT: All right. The dorm video, it's admitted
17 without objection.

18 (WHEREUPON, State's Exhibit No. 4 was received into
19 evidence at this time.)

20 THE COURT: You may publish.

21 Q. Having worked at that prison every day, did you know
22 Mr. Latord (phonetic)?

23 A. I do.

24 Q. Did you know inmate James Heyward?

25 A. I do.

Stanley Terry - Direct examination
By Solicitor Fender

1 Q. would you be able to recognize him?

2 A. I will.

3 MR. TAYLOR: Your Honor, may I stand -- I've seen it.

4 But may I just to, to watch this?

5 THE COURT: Absolutely. You move where you can see.

6 If you need to come over here, Mr. Taylor, you're more

7 that welcome.

8 MR. TAYLOR: I may. I think so.

9 THE COURT: I know it's tight quarters right here.

10 (WHEREUPON, a portion of State's Exhibit No. 4 was
11 played for the jury at this time.)

12 Q. If you could please pause the video at this time.

13 Mr. Terry, I'm just gonna ask you a few questions
14 just to kind of narrate it so we understand what's going
15 on in this video.

16 At this time, are we seeing a camera pointed down
17 into the cell block?

18 A. Correct.

19 Q. And who is -- who is this person here in the blue?

20 A. Sergeant Harden.

21 Q. Is that a correctional officer?

22 A. It is.

23 Q. And what time of day is this video?

24 A. 6:07 it look like.

25 Q. well, what's going on every night at about 6:07 in

Stanley Terry - Direct examination
By Solicitor Fender

1 prison?

2 A. She's securing the building for the man dorm account
3 (phonetic).

4 Q. So, this correctional officer, she's walking this
5 dorm and she's locking everybody down for the night?

6 A. Correct.

7 Q. All right. Thank you.

8 If you could, please go ahead.

9 (WHEREUPON, a portion of State's Exhibit No. 4 was
10 played for the jury at this time.)

11 Q. Can you please pause it there?

12 At this point in the video, what's happened?

13 A. Inmates have took Sergeant Harden hostage.

14 SOLICITOR FENDER: And, Your Honor, if I again may
15 ask for Mr. Terry to step down?

16 THE COURT: Sure.

17 (WHEREUPON, the witness comes down from the stand.)

18 Q. Can you point to us the location of James Heyward
19 cell?

20 A. That will be --.

21 Q. All right. Keep it playing.

22 (WHEREUPON, a portion of State's Exhibit No. 4 was
23 played for the jury at this time.)

24 Q. Could you please pause the video?

25 what are we seeing on the video at this point?

Stanley Terry - Direct examination
By Solicitor Fender

1 A. You see Mr. Heyward come out, change his
2 (indiscernible), and giving directions to some guys
3 upstairs.

4 Q. And can you please identify James Heyward?

5 A. He's right here.

6 Q. Please play the video.

7 (WHEREUPON, a portion of State's Exhibit No. 4 was
8 played for the jury at this time.)

9 Q. Could you please pause the video?

10 Do you recognize James Heyward?

11 A. I do.

12 Q. Can you please point him out to the jury?

13 A. (WHEREUPON, the witness complies.)

14 Q. And can you tell us what's going on at this point?

15 A. Inmates are getting ready to leave the building.

16 Q. All right. These inmates in this video here?

17 A. Correct.

18 Q. Are they suppose to be out of their cells at this
19 time?

20 A. No, sir.

21 Q. And what was going on at this time of night?

22 A. What was going on was suppose to been locked down.

23 Q. Being locked down?

24 A. Yes.

25 Q. Please play.

Stanley Terry - Direct examination
By Solicitor Fender

1 (WHEREUPON, a portion of State's Exhibit No. 4 was
2 played for the jury at this time.)

3 Q. At this point, had the inmates taken keys from Juwan
4 Harden?

5 A. They had.

6 Q. And are they leaving the dorm room at this time?

7 A. They are.

8 (WHEREUPON, a portion of State's Exhibit No. 4 was
9 played for the jury at this time.)

10 Q. And if you want to take your seat again?

11 (WHEREUPON, the witness returns to the stand.)

12 Q. Mr. Terry, how are you able to recognize James
13 Heyward?

14 A. I mean I just -- one thing in security, you got to
15 learn your inmates. You can recognize them by they
16 movement and by they posture.

17 Q. So you know him by his cell?

18 A. Sir?

19 Q. You know him by the cell that he was in?

20 A. Yes.

21 Q. Did, did you know him by his body language?

22 A. I do.

23 Q. Did you know, you know, by the way his face looks,
24 his head, his forehead, his height, things like that?

25 A. Uh-huh. (Affirmative).

Stanley Terry - Direct examination
By Solicitor Fender

1 He got a distinct mark on his forehead as well.

2 Q. He has a mark on his forehead?

3 A. He do.

4 Q. After he escaped his cell that night, what happened
5 next?

6 A. I learned through my investigation that they went
7 over to the administrative building and held Lieutenant
8 Hall hostage and took her keys.

9 Q. Verdeia Hall, she's also a correctional officer?

10 A. She is.

11 Q. And you learned that she'd been taken hostage by
12 inmate James Heyward?

13 A. I did.

14 Q. And I just want to kind of, again, go back to
15 initially when you got that call December 27th, 2020.

16 You said that you rushed to the prison at all that
17 day?

18 A. Uh-huh. (Affirmative).

19 Q. As you were coming in, did you see any inmates who
20 were outside the fence?

21 A. I did.

22 Q. Tell us about that.

23 what'd you see?

24 A. I see a, a bunch of guys outside the fence in areas
25 that they don't suppose to be in and I get inside the

Stanley Terry - Direct examination
By Solicitor Fender

1 prison and I see over a hundred and some guys on the yard
2 that night.

3 Q. So, ultimately, after this initial incident happened,
4 you know, was James Heyward -- lots of inmates were
5 released?

6 A. They were.

7 Q. Was James Heyward -- was he one of the inmates that
8 you saw outside of the fence that night?

9 A. I did.

10 Q. And, again, you saw him here on this video?

11 A. I did.

12 Q. Can you identify him for us today in this courtroom?

13 A. I can.

14 Q. Please do so.

15 A. He's right there.

16 Q. Was he caught outside the fence that night?

17 A. He was.

18 Q. Thank you.

19 Beg the Court's indulgence, Your Honor.

20 THE COURT: Take your time.

21 (Pause.)

22 Q. And, and just a few follow-up questions for you here.

23 What county is McCormick Correctional Institute
24 located in?

25 A. McCormick.

Stanley Terry - Direct examination
By Solicitor Fender

1 Q. And shanks, you know, is it common for those to get
2 passed around in a prison?

3 A. Every day common.

4 Q. And they go missing and the, the inmates try to hide
5 them?

6 A. They do.

7 Q. The outside of the -- this, these dormitories, are
8 there cameras in like supervisor's offices, administrative
9 offices?

10 A. Not at the time it wasn't. But recently we have
11 upgraded to that. But at the time of this incident, no,
12 sir.

13 Q. And what does it mean again when a correctional
14 officer is doing a count?

15 A. They going around and counting the bodies. Each dorm
16 has a total count. So they going around and counting
17 bodies and they done -- they can count. They can verify
18 who's missing or who's not accounted for.

19 Q. So, after that time, the inmates are not suppose to
20 be walking around freely?

21 A. Not at all.

22 Q. And, again, you know, just, you know, for the record,
23 you've identified James Heyward in the courtroom here with
24 us today?

25 A. I did.

Stanley Terry - Direct examination
By Solicitor Fender

1 Q. Can you point him out and just tell us what color
2 shirt he's wearing just for the record?

3 A. He's wearing a blue and dark gray shirt right there.

4 Q. All right. And that's, that's the person that you
5 saw outside of that (indiscernible)?

6 A. I did.

7 Q. Thank you and please answer the defense attorney
8 questions.

9 A. All right.

10 THE COURT: Mr. Taylor.

11 MR. TAYLOR: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. TAYLOR:

14 Q. All right, sir. My name's Aaron Taylor and I don't
15 need a fence. If my tone's not good, I, I really don't
16 mean it.

17 You'd agree you -- y'all are probably -- your whole
18 staff up there, I mean you're underpaid, unappreciated,
19 don't get treated great all the time?

20 Is that, is that true?

21 A. No, sir.

22 Q. All right. You don't think you have a hard job?

23 A. Oh, I got a hard job. But unappreciated and
24 underpaid, I -- that's not true.

25 Q. All right. Fair enough.

Stanley Terry - Cross-examination
By Mr. Taylor

1 How many inmates do y'all have at McCormick prison?

2 A. Now we have 459.

3 Q. How about back in 2020?

4 A. I don't remember the exact number.

5 Q. Was it -- would you say -- I -- I'm not holding it to
6 you but similar?

7 I mean it wasn't like 800 or 200?

8 It was probably in that range?

9 A. About similar.

10 Q. Okay. So you, you said you know Mr. Heyward pretty
11 well?

12 A. I do.

13 Q. Do you know all the inmates well?

14 A. Not all of them but most of them.

15 Q. Okay. So -- and, and I -- this is where I'll try not
16 to be rude to you.

17 That video where everybody's wearing the same thing
18 and hundreds -- tons of people coming in and out, how, how
19 do you know that that's him?

20 A. I know him. I know his movement. I, I know him. I
21 know what cell he in. I, I just know him.

22 Q. I mean do you have like super human eyesight to be
23 able to zoom in and, and be able to see that?

24 A. I don't have super human eyesight. But I know
25 Mr. James Heyward.

Stanley Terry - Cross-examination
By Mr. Taylor

1 Q. All right. So, and -- don't you think that was
2 like -- and I, I know it wasn't a comedy and it wasn't
3 funny. But like a common hue (phonetic) of people coming
4 in and out of the same doors over and over and over and
5 tons of different legs and you can only see half the body.

6 Is that right?

7 A. I mean it's abnormal. But I still know inmate --
8 everybody's posture, sir.

9 Q. You, you understand that's hard for me to, to
10 believe, right?

11 A. I'm sorry.

12 Q. Okay. All right. So, you mentioned about a head --
13 a spot on his head.

14 A. Uh-huh. (Affirmative).

15 Q. Do, do you have -- and you may, you may not know the
16 exact amount.

17 But do you agree that there's Muslim gang or Muslim
18 affiliates that, that sort of stick together in prisons?

19 A. It is.

20 Q. Okay. As part of being Muslim, don't they put their
21 head down every day and pray down several times a day?

22 A. That's not my tradition. But I, I don't -- I don't
23 know how---

24 Q. Okay.

25 A. ---they pray.

Stanley Terry - Cross-examination
By Mr. Taylor

1 Q. Well, what I'm getting at is, isn't it, isn't it true
2 that a lot of Muslim inmates have their spots on their
3 head from where they put their heads down?

4 A. Correct.

5 Q. Okay. So, in other words, this isn't like some
6 special mark that he's the only one in the prison has?

7 A. No.

8 Q. Okay. And something I didn't, I didn't understand.
9 You may be able to help me.

10 So, let's go back to the end of your testimony where
11 you said when you pulled up to the gate you saw a bunch of
12 inmates sort of mulling about.

13 Is that -- standing about?

14 A. Uh-huh. (Affirmative).

15 Q. Well, explain to me -- let me get, if I can, can
16 you -- judge, may I ask the witness to step down?

17 THE COURT: Absolutely.

18 (WHEREUPON, the witness comes down from the stand.)

19 Q. So I understand what we're talking about.

20 Okay. And, and while you're stepping down, that --
21 that's just in a cell block before they got out.

22 I understand they got out of their cell, right?

23 But, in other words, they hadn't gotten out of the
24 building yet?

25 A. Correct.

Stanley Terry - Cross-examination
By Mr. Taylor

- 1 Q. Okay. All right. Let's try to do the best way to
2 help me here.
- 3 Is that right or do I have it upside down or down --
4 oh, there you go.
- 5 All right. where's the gate where you pulled in---
- 6 A. I pulled in the---
- 7 Q. Were you trying---
- 8 A. ---gate here---
- 9 Q. Well---
- 10 A. ---cause I drove up this road here.
- 11 Q. Okay. where did you see the -- and you don't need to
12 mark it so much unless you want to.
- 13 But where, where did you see the inmates outside of
14 the, the building?
- 15 A. I see inmates in this area.
- 16 Q. Yes, sir.
- 17 A. That's the -- they're not suppose to be in there.
- 18 Q. Right.
- 19 A. When I come into the gate, I see inmates all over the
20 yard.
- 21 Q. So, the, the yard's the big kind of rectangular area
22 in-between all the other cell blocks?
- 23 A. Correct.
- 24 Q. All right. And you said -- did I hear you right?
25 You said hundreds of them?

Stanley Terry - Cross-examination
By Mr. Taylor

1 A. Yes.

2 Q. Okay.

3 A. There's a lot of inmates.

4 Q. No, no. Fair enough.

5 Now, did all, all hundreds of them, did they all get
6 charged with escape?

7 A. No, sir.

8 Q. Okay. Why weren't they -- everybody else if they
9 weren't suppose to be out there, why weren't they charged?

10 A. Because you -- they, they didn't go over this inner
11 fence.

12 Q. Okay. So, the inner fence, who, who was -- you said
13 you saw Mr. Heyward out there?

14 A. About five inmates come up there.

15 Q. Okay. Well -- and where is -- I mean -- where that
16 circle is?

17 Is that --?

18 A. It's outside this area. I got five inmates right
19 there.

20 Q. Okay. I -- and, again, I'm asking cause I don't --
21 so, they're allowed to be in there?

22 A. They're not allowed to be in here. They'll, they'll
23 be charged with out of place. But escape is when you
24 breach a fence.

25 Q. All right. And I -- so my -- for my understanding,

Stanley Terry - Cross-examination
By Mr. Taylor

1 why wouldn't, if you are not allowed out of your cell,
2 break out, whether someone lets you out or not, and you're
3 out here, why would they not be charged with escape?

4 A. Because they didn't breach the inner fence. It's not
5 escape.

6 Q. So they're just allowed to get out of their cell?

7 A. They're not allowed. It's out, it's out of a place
8 charge. But not escape charge, sir.

9 Q. Okay. That's what I didn't understand.

10 All right. So -- and, and you can go sit back down.
11 Thank you.

12 (WHEREUPON, the witness returns to the stand.)

13 Q. So, you would say that it's pretty chaotic out there?

14 A. It was.

15 Q. Now, you, individually, when you -- you mentioned you
16 saw particular inmates that had gotten over the inner
17 fence.

18 Did you -- were you the one that went out there and
19 physically put your hands on them?

20 A. Some of them. It, it was a whole team of us.

21 Q. Okay. And how many people did you catch out there?

22 A. I think five.

23 Q. Do you remember who they were?

24 A. Yes, Jonell Richardson, Mr. R -- Archie -- I got it
25 in my statement. I call it -- Jonathan Archie, Jonell

Stanley Terry - Cross-examination
By Mr. Taylor

1 Richardson, Chavis Cox, Darrin Robertson, and James
2 Heyward.

3 Q. Okay. And what were they doing out there?

4 A. They was laying around. Just laying down. Laying
5 low, trying to hide.

6 Q. I mean were -- did they -- were they not -- well, was
7 everybody else commanded to get down on the ground when
8 there's a security breach?

9 A. Excuse me?

10 Q. Like when, when you -- in other words, when y'all are
11 trying to maintain order or restore order, do y'all not
12 tell them to lay down on the ground and put their hands
13 behind their back?

14 A. We do. But we hadn't got to that area yet.

15 Q. Okay. Let's talk more about that video you have.
16 How, how are -- like who's, who's room is this up
17 here where the guard actually went to, one of these?

18 A. I, I don't remember off the top of my head.

19 Q. Okay. So -- well, I didn't catch that part of the
20 story.

21 So they supposedly -- somebody pulled her in the
22 cell?

23 A. Uh-huh. (Affirmative).

24 Q. Okay. And left her -- locked her in?

25 A. Uh-huh. (Affirmative).

Stanley Terry - Cross-examination
By Mr. Taylor

- 1 Q. Is that -- you got to say yes or no.
- 2 A. Yes, sir.
- 3 Q. And then they start moving about, letting other
- 4 people out, and doing what they're doing?
- 5 A. They did.
- 6 Q. Okay. Now, there was a mention about video cameras
- 7 not being somewhere. That's in a different part of the
- 8 facility.
- 9 Isn't that right?
- 10 A. Correct.
- 11 Q. All right. Where, where is it?
- 12 Like how far from here to the actual -- to the office
- 13 right -- the front office?
- 14 A. I'd say 75 to a hundred yards.
- 15 Q. Well, what are -- where's all the video when they
- 16 went through all the other places and went up to the other
- 17 facility?
- 18 A. I don't know.
- 19 Q. Okay. Do y'all have video there?
- 20 A. We have video in the yard.
- 21 Q. Have y'all improved y'all's video system in here now
- 22 so you can see better like to get the whole range cause
- 23 you're---
- 24 A. We have.
- 25 Q. Okay. And you mentioned y'all've now added video to

Stanley Terry - Cross-examination
By Mr. Taylor

1 the, to the front where the actual hostage and all that
2 stuff took place?

3 A. We have.

4 Q. Why didn't y'all have it back then if inmates are in
5 and out of there?

6 A. That's a budget question, sir. I don't, I don't
7 know.

8 Q. Okay. I got ya.

9 Is there anything else -- when, when you watch the
10 video and say that was Mr. Heyward, obviously you can't
11 see the forehead or anything else, you just -- you're
12 saying by the way he walks, the way he was standing?

13 I mean what was---

14 A. Yes, I know, I know Mr. Heyward.

15 Q. I do -- again, I'm not, I'm not trying to beat you up
16 about it. It's just I, I -- I think that's really strange
17 that you can tell by someone's walk that it's them
18 unless he -- does he have a really bad limp?

19 A. Sir, I mean I don't know his limp. I just know his
20 posture, his demeanor. I, I know Mr. Heyward.

21 Q. Okay.

22 A. Mr. Heyward was assigned to 139 that night. That's
23 Mr. Heyward that came out on that rock.

24 Q. This -- is there -- is he the only one in that cell?

25 A. Yes.

Stanley Terry - Cross-examination
By Mr. Taylor

1 Q. How many or, or is that the only -- you have just one
2 in the cell or two?

3 A. Yes.

4 Q. Okay. Well, with all that going on, are we sure --
5 cause I, I didn't see the -- you didn't have the video
6 before this, right, that was played?

7 You only had this one timeline, correct?

8 A. Uh-huh. (Affirmative).

9 Q. Is that a yes?

10 A. Uh-huh. (Affirmative).

11 Yes, sir.

12 Q. Yeah.

13 So, in other words, I don't know what happened or you
14 don't either, do you, 30 seconds before or two minutes
15 after this?

16 You're saying it is. We don't know who's in and out
17 of that cell.

18 A. I know Mr. Heyward was assigned to 139. That was
19 Mr. Heyward on that rock.

20 Q. Okay. But don't you agree that with all the inmates
21 unlocking people that there could of been somebody else?

22 A. I don't.

23 Q. Okay. So, you're saying that's not even possible?

24 A. Not for this incident, no. That's Mr. Heyward.

25 Q. Okay. Who's, who's that guy that's on---

Stanley Terry - Cross-examination
By Mr. Taylor

1 A. I don't---

2 Q. ---the---

3 A. I don't know for sure.

4 Q. well, I thought you know everybody.

5 A. I, I didn't tell you I knew everybody.

6 Q. Okay. Who -- what about that guy right there --

7 A. I'm, I'm not sure.

8 Q. -- you see there?

9 How about the other guy right here?

10 A. I'm not sure.

11 Q. Okay. But, but you don't know them but you know Mr.
12 Heyward?

13 A. I do.

14 Q. Okay. Fair enough.

15 No further questions.

16 THE COURT: Wait a minute. I, I think you're---

17 MR. TAYLOR: I'm sorry. I, I think I'm being waved
18 to. I'm sorry.

19 THE COURT: Yep. And we're waiting.

20 (Pause.)

21 Q. Sir, one last question.

22 Are you sure he didn't have a cellmate?

23 You're positive?

24 A. From my knowledge, he didn't. But he, he could of
25 had of. But, from my knowledge, he didn't.

Stanley Terry - Cross-examination
By Mr. Taylor

1 Q. Did y'all not have someone get murdered a couple
2 months after this?

3 A. I don't, I don't --

4 Q. Okay.

5 A. -- recall.

6 Q. And, and that person was his cellmate?

7 A. I, I don't recall.

8 Q. Okay.

9 All right. No further questions. Thank you, Your
10 Honor.

11 THE COURT: Thank you.

12 Any redirect?

13 SOLICITOR FENDER: Just very briefly, Your Honor.

14 REDIRECT EXAMINATION

15 BY SOLICITOR FENDER:

16 Q. If you could just go -- get it back to 18:30 -- 35.

17 Just to be clear, Mr. Terry, you've reviewed quite a
18 lot of video.

19 Is that correct?

20 A. I do.

21 Q. And this is the relevant portion as to what happened
22 that day?

23 A. Uh-huh. (Affirmative).

24 Q. We're gonna direct your attention back to the
25 clipping of this and so whether or not -- would you hit

Stanley Terry - Redirect examination
By Solicitor Fender

1 the play?

2 That's the inmate that came out of that cell?

3 A. Yes.

4 Q. Is that James Heyward?

5 A. It is.

6 Q. And you heard the defense attorney say that, you
7 know, after this initially happened, when these initial
8 inmates got out, that ultimately many inmates got out of
9 there?

10 A. Correct.

11 Q. And -- but not everyone went over the cell or went
12 over the fence?

13 A. Correct.

14 Q. Did he go over the fence?

15 A. He did.

16 Q. Some of those other inmates that, you know, got out,
17 were they doing stuff that, you know, that in some ways
18 kind of comp (phonetic) to that facility?

19 A. Uh-huh. (Affirmative).

20 Q. But you said that was not -- did not result in a
21 criminal charge?

22 A. It don't.

23 Q. All right. And that's when you said out of place?

24 A. An out of place charge.

25 Q. Is that something y'all handle kind of more

Stanley Terry - Redirect examination
By Solicitor Fender

1 administratively?

2 A. We do.

3 Q. Like going to the principal's office?

4 A. We do.

5 Q. All right. And, again, you've testified that this
6 defendant, he made it over the first fence?

7 A. He did.

8 Q. Was he able to make it over the second fence?

9 A. He wasn't.

10 Q. Thank you.

11 THE COURT: Anything, Mr. Taylor?

12 MR. TAYLOR: Yes, Your Honor, a couple if I may.

13 (Pause.)

14 SOLICITOR FENDER: I'm sorry.

15 THE COURT: That's okay. I'm telling you it's small.
16 It's close quarters.

17 MR. TAYLOR: Your Honor, may I -- the witness step
18 down just one last time?

19 I know it's---

20 THE COURT: Sure.

21 MR. TAYLOR: ---sort of like the musical chairs here.

22 RE CROSS EXAMINATION

23 BY MR. TAYLOR:

24 Q. All right, sir. A couple other questions.

25 So, that's a -- that -- that's a fence there.

Stanley Terry - Recross examination
By Mr. Taylor

1 Is that right?

2 A. It is.

3 Q. It's not possible you caught the guys here?

4 A. No.

5 Q. That would be inside the fence?

6 A. No.

7 Q. And that's -- that fence right there, how, how tall
8 is that one?

9 A. I'm -- I don't know how tall it is. But I know we
10 got a stairway where you can access it and jump over it.

11 Q. Okay. How easy is it to get over that fence?

12 A. It's hard.

13 Q. Okay. And do y'all have -- do y'all wear body camera
14 footage like a police officer would?

15 A. We don't.

16 Q. Do y'all have any video footage showing where y'all
17 caught them to show that they were outside the fence?

18 A. We don't.

19 Q. Okay. So, I mean like, in general, would there be a
20 camera out here in any of these places?

21 A. It is now. Not, not at the time.

22 Q. Okay. Got you.

23 All right. No further questions. Thank you.

24 THE COURT: All right. May I let this witness be
25 excused?

1 SOLICITOR FENDER: Thank you, judge, and, yes, we'd
2 ask that he be excused.

3 THE COURT: All right. Thank you --

4 THE WITNESS: All right.

5 THE COURT: -- so much for coming.

6 THE WITNESS: Yes, ma'am.

7 THE COURT: All right. Madam Forelady, jury okay?
8 (WHEREUPON, there was no audible response.)

9 THE COURT: I mean do -- call another witness.

10 SOLICITOR FENDER: Your Honor, at this time we would
11 call Verdeia Hall to the stand.

12 THE COURT: Okay. Is it Towean (phonetic) Harden?

13 SOLICITOR FENDER: Verdeia Hall.

14 THE COURT: Hall.

15 SOLICITOR FENDER: Hall.

16 THE CLERK: If you would please, Ms. Hall, stand so I
17 can swear you in.

18 (WHEREUPON, there was indiscernible talking between
19 the clerk and the witness at this time.)

20 THE CLERK: would you please raise your right-hand
21 and place your left-hand on the Bible?

22 VERDEIA HALL, being first duly
23 sworn, testified as follows:

24 THE CLERK: All right. Thank you.

25 DIRECT EXAMINATION

Verdeia Hall - Direct examination
By Solicitor Fender

1 BY SOLICITOR FENDER:

2 Q. Morning, Ms. Hall.

3 A. Hello.

4 Q. Before we get into this case, can you tell the jury
5 your -- just a little bit about, you know, yourself and
6 kind of your professional background?

7 A. I've been with the agency, Department of Corrections,
8 since October 2010. I started as an officer on night
9 shift and I went to day shift like three years after that.
10 So, I moved up from a corporal, sergeant, shift
11 lieutenant. Then I was a training lieutenant and then I
12 just got recently promoted to captain.

13 Q. So, you've been working in corrections over 10 years?

14 A. Yes, 14.

15 Q. All right. And that's a, you know, starting as a
16 correctional officer and you've worked your way up?

17 A. Yes.

18 Q. And can you tell us just a little bit about, you
19 know, what, what does it mean to be a correctional
20 officer?

21 You know, what, what is your day-to-day look like?

22 A. Day-to-day, when you first get there, you get your --
23 they get their shift assignment, what post they'll be
24 working, the roster. When they get to whatever post
25 they're working, they make sure that the inmates are

Verdeja Hall - Direct examination
By Solicitor Fender

1 accounted for. We count first.

2 You make sure, throughout the day, they have what
3 they need. If they don't, get them what they need. You
4 make sure that everyone is safe.

5 Q. So, y'all work every day with inmates?

6 A. Yes.

7 Q. And are you in the bunking quarters with those
8 inmates?

9 A. Yes.

10 Q. And are you -- are y'all making sure that they get,
11 you know, food, healthcare, shower, stuff like that?

12 A. Yes.

13 Q. And during those, those interactions that you're
14 having every day with the inmates, do you get to know the
15 inmates?

16 A. Yes.

17 Q. Do you know their faces?

18 A. Uh-huh. (Affirmative).

19 Yes.

20 Q. Know their body language over here?

21 A. Yes.

22 Q. Kind of what cells they're in, that kind of stuff?

23 A. Yes.

24 Q. You know, working as a correctional officer, do you
25 get to carry a firearm?

Verdeja Hall - Direct examination
By Solicitor Fender

1 A. No.

2 Q. Why not?

3 A. Cause they could took it from me.

4 Q. Is there a fear that, you know, them getting a gun
5 inside the prison would be a bad situation?

6 A. That would be very bad.

7 Q. So, when an inmate does get violent, you know, what
8 are y'all taught to do with your training?

9 A. You deescalate the situation. If you can't handle
10 it, if it's bigger than you, you call for an A-Team, and
11 then whoever's on the A-Team, they come.

12 Q. And what is the A-Team?

13 A. It's a response team. Every morning -- every morning
14 when we get there around 8:00 they'll announce who's on
15 the A-Team. You have an A-Team. You also have a B-Team.

16 So, if it's bigger than the A-Team, then you go into
17 B-Team mode and they go to their staging area.

18 Q. So that's, that's who you call for help when
19 something---

20 A. Yes.

21 Q. ---goes bad?

22 And typically when they get there, you know, what are
23 you suppose to do?

24 A. You leave.

25 Q. To get away to deescalate the situation?

Verdeja Hall - Direct examination
By Solicitor Fender

1 A. Yes.

2 Q. So, to call the A-Team in, is that something -- how
3 would you go about doing that?

4 A. The officer would get on the radio. They have A-Team
5 response to whatever housing unit or whatever building
6 there is in. They also have -- well, they need to tell
7 you what's going on. So, if I have to grab something from
8 the control room, I can stop by the control room, grab
9 cuffs, extra gas, or anything else that I may need.

10 Q. Now -- and the -- so you can use a radio to call for
11 help?

12 A. Yes.

13 Q. Do you use a phone to call for help?

14 A. You can.

15 Q. And in the, in the prison, especially at this time,
16 you know, where -- was there some cameras kind of in the
17 dormitory spaces?

18 A. Yes.

19 Q. What about in the offices?

20 A. Not at that time.

21 Q. And so, as part of, you know, your work there, you
22 know, in 2020, been in corrections over 10 years, did you
23 know an inmate James Heyward?

24 A. Yes.

25 Q. How did you know him?

Verdeia Hall - Direct examination
By Solicitor Fender

1 Can you tell us about that?

2 A. I knew him from being -- I would have to go to F-3 at
3 times, different times. So I was well familiar with him.
4 I've spoken with him numerous times.

5 Q. You spoke with him numerous times?

6 A. Yes.

7 Q. All right. And without going into exactly what was
8 said in each of those conversations there, can you tell us
9 just a little bit more about that?

10 A. I mean he was living in F-3. I would have to go down
11 there if officers had issues or whatever. We would have
12 to make inmates go back in their room or to go down there
13 and do showers and help feed if we were short staffed and
14 stuff like that.

15 Q. Okay. So you knew James Heyward?

16 A. Yes.

17 Q. And I want to go back -- and this, this is, you know,
18 an important matter. This is -- it's gonna be difficult
19 frankly. But I want to go back to December 27th, 2020.

20 A. Uh-huh. (Affirmative).

21 Q. Can you tell us just everything you remember about
22 your work day that day?

23 A. That day, all the inmates -- that's on the weekend.
24 It was on a Sunday.

25 All the inmates, besides the few workers in each

Verdeja Hall - Direct examination
By Solicitor Fender

1 housing unit, they were in lockdown, and throughout the
2 day, we had some issues on R-H-U (phonetic) that we went
3 up there to see about.

4 Advance forward to the end of the day, I started
5 count early. I started count around 5:30. That way we
6 can have at least a little break before night shift gets
7 in. So, I started counting at 5:30.

8 The control room operator, Lieutenant Craig, she
9 announced count was in progress. So, all the officers was
10 counting and the dorm count -- Officer Couey came down to
11 the shift office where I was cause he had got dashed with
12 some feces or something on lockup.

13 So, he came down there. I told him to come down and
14 I helped him clean his vest and he was writing his
15 incident report and I was helping him with that.

16 While I was helping him with that, that's when the
17 inmates rushed in on us, took Couey's gas and his radio
18 first, and that's when they came and got mine. And in the
19 midst of him taking my gas and my radio, he was --
20 started -- Heyward started pulling on my keys.

21 So, we went like kind of a tug of war back and forth
22 motion cause I didn't know what he was gon' do and then he
23 had a knife to my neck. So --.

24 Q. So you were in the office that night --

25 A. Yes.

Verdeia Hall - Direct examination
By Solicitor Fender

1 Q. -- filling out a report?

2 A. Yes.

3 Q. Tell us exactly, you know, what, what happened when
4 he approached you.

5 A. When he approach me, when they -- when he came in, I
6 mean he came in so fast like you, you didn't only -- you
7 only had time to just look up. You didn't have a chance
8 to like call nobody or get your gas cause you normally, if
9 you're right-handed, you keep your gas on your right side.
10 So he never had a chance to like reach for it.

11 So, when he came in, he came in with a knife. He got
12 Couey keys and his radio. So, he had the knife to my
13 neck.

14 So, when he had the knife to my neck, he was like I
15 just go ahead and cut her. So, the other guy, which was
16 Stanley Jones, was in our office too, he was like no, we
17 ain't talk about that. We're not gon' cut her. We ain't
18 say we was gon' do that. So, you're not gonna do it.

19 So, he ended up eventually getting my keys and they
20 were gonna split us up. They were gonna take Couey and
21 put Couey in the gym. But I convinced them not to. Just
22 keep him with me. Like I don't -- he don't know y'all. I
23 know you.

24 So, just leave him with me and they kind of left him
25 with me and put us in another office, admin office.

Verdeja Hall - Direct examination
By Solicitor Fender

- 1 Q. So, just to be clear, Stanley Jones, he's another
2 inmate?
- 3 A. Yes.
- 4 Q. And he was working with James Heyward that day?
- 5 A. Yes.
- 6 Q. Who had the knife?
- 7 A. James Heyward.
- 8 Q. And what did James Heyward do with that knife?
- 9 A. Put it to my neck.
- 10 Q. How close did he get to you?
- 11 A. He was -- he was close. He was real close. The
12 knife was like right here. Like he could have easily just
13 did like that if he wanted to.
- 14 Q. So, he was in your face then?
- 15 A. Yes.
- 16 Q. After that, he put that knife to your throat, you
17 said that you, you were put in an office?
- 18 A. Yes, another admin office.
- 19 Q. Can you tell us what you mean by that or --?
- 20 A. It's an office right outside the supervisor office.
21 If you go down the hall maybe from that door to the next
22 door, maybe about three or four steps to the right, it's
23 another admin office right there.
- 24 Q. Okay. Once you were put in there, did you have a
25 telephone or radio that you can call for help?

Verdeja Hall - Direct examination
By Solicitor Fender

1 A. When we first got in there -- when they first put us
2 in the office, they knocked the computer over and snatched
3 the phone out the wall so you couldn't call.

4 Q. And then did they leave?

5 A. Yeah.

6 Because when they closed the door, I guess they
7 thought the door automatically locked. So they figure,
8 when they close the door, we couldn't get back out. So,
9 when they closed the door and we just pushed the desk --
10 the file cabinet up against the door.

11 Q. With all this around you that occurs in there, did
12 you feel safe?

13 A. No, I didn't.

14 Q. Did you feel like you were free to leave?

15 A. No.

16 Q. And you testified that the phone had been taken out
17 of the wall?

18 A. Yes, he snatched the phone out the wall.

19 Q. And your radio had been taken all -- also?

20 A. Yes.

21 Q. And he had threatened you with a knife?

22 A. Yes.

23 Q. When he was close, when he was in your face, did you
24 recognize him to be James Heyward?

25 A. Yes.

Verdeja Hall - Direct examination
By Solicitor Fender

1 Q. Is he what -- the same person here with us today in
2 court?

3 A. That's him.

4 Q. Can you identify him for the jury?

5 A. That's -- he's right there.

6 Q. And, and what kind of clothes is he wearing?

7 A. What kind of clothes he wear now?

8 Q. Yes, ma'am.

9 A. A blue shirt, gray top -- gray on top.

10 Q. So, you remember the person who was in your face with
11 that knife to your throat?

12 A. Yes.

13 (WHEREUPON, three photographs were marked as State's
14 Exhibit Nos. 5, 6, and 7 for identification purposes only
15 at this time.)

16 SOLICITOR FENDER: Your Honor, may I approach the
17 witness?

18 THE COURT: You may.

19 (WHEREUPON, an indiscernible statement was made at
20 this time about a noise in the courtroom.)

21 THE COURT: What is that?

22 In the floor?

23 (WHEREUPON, an indiscernible statement was made at
24 this time about a noise in the courtroom.)

25 Q. I'm gonna show you now what's been marked as State's

Verdeia Hall - Direct examination
By Solicitor Fender

1 5 and State's 6 and State's 7.

2 A. Uh-huh. (Affirmative).

3 Q. What do these items appear to be?

4 A. That's the phone on the floor, the computer. The
5 file cabinet is moved, the desk drawer, and when they
6 snatched the phone out the wall.

7 Q. And are these fair and accurate pictures of that
8 office that you testified about?

9 A. Yes.

10 SOLICITOR FENDER: Your Honor, at this time I'd move
11 State's 5, 6, and 7 into evidence, office photos, and
12 publish.

13 THE COURT: Any objection?

14 MR. TAYLOR: No, Your Honor.

15 THE COURT: They're admitted.

16 (WHEREUPON, State's Exhibit Nos. 5 through 7 were
17 received into evidence at this time.)

18 Q. I'm just gonna do a little, little follow-up here.

19 Is, is this the office that you were talking about?

20 A. Yes.

21 Q. Is this here?

22 A. Yes, this is---

23 Q. Why is everything so messed up in there?

24 A. That's when they took the computer off the desk. The
25 computer was actually suppose to sit on the desk.

Verdeia Hall - Direct examination
By Solicitor Fender

- 1 Q. And when you say they, who's they?
- 2 A. Heyward.
- 3 Q. Okay. And who else?
- 4 A. Stanley Jones.
- 5 Q. The two inmates.
- 6 Is this the office that -- the small one previously
- 7 you were filling out a report that evening?
- 8 A. Come again?
- 9 Q. And, and there is where you were filling out the
- 10 report in that office?
- 11 A. No, I was filling out the report next door in the
- 12 shift office. That's the admin office. The---
- 13 Q. This is the office---
- 14 A. ---office next door.
- 15 Q. ---that they put you in?
- 16 A. Yes.
- 17 Q. And they took your keys?
- 18 A. Yeah, they took my keys in the shift office and we
- 19 moved to that office.
- 20 Q. And they took your radio?
- 21 A. Yes.
- 22 Q. State's 6 here.
- 23 why is -- why is this desk drawer opened?
- 24 A. I don't know why it's opened. Probably when they
- 25 were going through the stuff. That's why.

Verdeia Hall - Direct examination
By Solicitor Fender

1 Q. Okay. What am I seeing here in State's 7?

2 A. That is when they ripped the phone out the wall.

3 That's where the phone was actually plugged in at.

4 Q. And just a few brief follow-up questions on this one.

5 You were forced in that office at knife, knife point?

6 A. Yes.

7 Q. All right. And, the, the defendant, was he the one

8 who was holding that knife?

9 A. Yes.

10 Q. Were you -- were your keys taken?

11 A. Yes.

12 Q. And could those keys that were taken from you

13 ultimately unlock quite a few doors?

14 A. He could of gone out the front door if he knew how to

15 use them.

16 Q. Were you in fear for your life?

17 A. Yes.

18 Q. And did you have any way to call for help?

19 A. No.

20 Q. Thank you. Please answer the defense attorney

21 questions.

22 THE COURT: Mr. Taylor.

23 MR. TAYLOR: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. TAYLOR:

Verdeia Hall - Cross-examination
By Mr. Taylor

1 Q. Ma'am, isn't it true that Mr. Heyward was moved over
2 to -- you -- is it F-3?

3 Is that right?

4 Is that the name of the cell block?

5 A. He was in F-3.

6 Q. Yeah.

7 wasn't it in September when you were told he was
8 moved over there?

9 A. I don't know.

10 Q. Okay. Well, you were talking like you've just known
11 him for so long. I'm just---

12 A. That's an operations thing. I don't move inmates.

13 Q. I got you.

14 Okay. What would of been -- and, by the way, I'm
15 very sorry this happened. So, I hate that I have to talk
16 to you about this---

17 A. Uh-huh. (Affirmative).

18 Q. ---other than -- what were the people wearing when
19 they come to the -- into the office building and started
20 yelling at you and threatening you and all that stuff?

21 Do you remember?

22 A. White T-shirts, orange pants, and some of them wear a
23 mask.

24 Q. Okay. So, they all had white T-shirts on?

25 A. Some of them.

Verdeia Hall - Cross-examination
By Mr. Taylor

1 Q. Okay. were some just in their full like they had the
2 orange jacket or the shirt and pants?

3 A. Some of them was in they white T-shirt --

4 Q. Okay.

5 A. -- and orange pants.

6 Q. I gotcha.

7 Now, you testified earlier -- isn't it true that you
8 said they came in so fast you didn't have any time to look
9 up?

10 A. When they came in.

11 Q. Okay. And then when did you have time to start
12 noticing every little detail?

13 A. When he put the knife to my neck and was in my face.

14 Q. Okay. How do you -- you've, you've mentioned that
15 you, you identified Mr. Heyward.

16 How do you know it's him?

17 A. I know him by his voice and he has a mark on his
18 forehead.

19 Q. Okay. well, you heard -- I know you were in the
20 courtroom.

21 Aren't there a bunch of other inmates with the mark
22 on their forehead?

23 A. I don't know.

24 Q. You don't know?

25 A. But I know him.

Verdeia Hall - Cross-examination
By Mr. Taylor

- 1 Q. Okay. Well, what's so distinctive about his voice?
- 2 A. I've talked to him. I know him.
- 3 Q. No, no, I'm, I'm here -- I'm asking.
- 4 Like does he have a strange like very low or high
- 5 voice or --?
- 6 A. I know him.
- 7 Q. Okay. Isn't it true that they you told it was him
- 8 after the fact---
- 9 A. No.
- 10 Q. ---and you're now coming in here saying it's him?
- 11 A. No.
- 12 Q. Okay. Did they do a -- you're -- you do a photo
- 13 lineup?
- 14 Do you know what that is?
- 15 A. Did we do one that night?
- 16 Q. Yeah.
- 17 A. I can't remember.
- 18 Q. Okay. Don't you think that would of probably been a
- 19 good idea to have a, a group of people, six different
- 20 people, and you can pick out---
- 21 A. I know---
- 22 Q. ---who it was?
- 23 A. ---who James Heyward is.
- 24 Q. That's not what I asked you.
- 25 I just said wouldn't that have been helpful---

Verdeia Hall - Cross-examination
By Mr. Taylor

1 A. I don't know.

2 Q. ---for you to---

3 A. You have to ask them.

4 Q. Okay. So, you weren't in charge of investigating at
5 all?

6 You just answered the questions and somebody else did
7 that?

8 I don't know. I'm, I'm asking.

9 A. I'm not in charge of investigating.

10 Q. Okay. I didn't, I didn't think that was funny.

11 Did you think that was funny what I asked?

12 I, I don't think any of this is funny.

13 Do you?

14 A. I'm not in charge of investigating.

15 Q. I don't know why you laughed at it.

16 A. Uh-huh. (Affirmative).

17 Q. So, who took the keys from you?

18 Do you remember?

19 A. James Heyward.

20 Q. Okay. Did you have injuries to your neck?

21 A. No.

22 Q. Okay. So, you luckily didn't have anything
23 physically happen to you other than when it happened and
24 they left?

25 A. Physically, no.

Verdeia Hall - Cross-examination
By Mr. Taylor

1 Q. Okay. How long had you been knowing Mr. Heyward up
2 to that point?

3 So, that was December of 2020.

4 Do you remember how long you've known him?

5 A. I don't know.

6 Q. Okay. But you knew him really well?

7 A. I know him.

8 Q. Okay. So, did anybody have on any clothes that
9 jumped out different than everyone or is it pretty much
10 like you said, they were all similarly dressed?

11 A. All of them was similar.

12 Q. Okay. Did they all have masks on?

13 A. I can't remember.

14 Q. Okay. Was it -- was COVID going on then?

15 In other words, their masks would of been a medical
16 mask?

17 A. I don't know if COVID was going on.

18 Q. Okay.

19 All right. If I may have one moment, Your Honor?

20 THE COURT: Take your time.

21 MR. TAYLOR: Okay.

22 (Pause.)

23 Q. Ma'am, who else was in the office with you before
24 they came in?

25 A. Officer Couey.

Verdeia Hall - Cross-examination
By Mr. Taylor

1 Q. How do you -- do you know how to spell that last
2 name?

3 A. I don't.

4 Q. All right. Is that a man or a woman?

5 A. That's a man.

6 Q. What, what happened?

7 Did, did you see what happened with him?

8 A. What you mean?

9 Q. Like did they hold him hostage too or what happened?

10 A. He was in the room with us. They took his keys.

11 They took his gas --

12 Q. Okay.

13 A. -- and his radio.

14 Q. I got you.

15 Does that person still work there?

16 A. No.

17 Q. Okay. And you don't know if they're gonna call him
18 as a witness today?

19 A. I don't know.

20 Q. All right. I don't have any other questions. Thank
21 you.

22 THE COURT: Any redirect?

23 REDIRECT EXAMINATION

24 BY SOLICITOR FENDER:

25 Q. He asked you if, if you were physically hurt.

Verdeja Hall - Redirect examination
By Solicitor Fender

1 Were you upset by this situation?

2 A. Very.

3 Q. Is this something that you carried with you for a
4 long time?

5 A. Yes.

6 Q. Do you carry this with you today?

7 A. Uh-huh. (Affirmative).

8 Yes.

9 Q. What happened that day, is that burned in your
10 memory?

11 A. Yes.

12 Q. And he asked you about -- and I know you testified,
13 since this, you've gone on to work in corrections and
14 actually been promoted and that -- that's great.

15 But Couey, you know, did, did he ever come back to
16 work after this?

17 A. No.

18 Q. In fact, he left the state after this incident?

19 A. He left the state.

20 Q. He was so upset by this that he no longer---

21 MR. TAYLOR: Your Honor, objection. I -- there's
22 been tons of leading the whole entire time. Most of it I
23 hadn't said anything.

24 THE COURT: It is leading.

25 MR. TAYLOR: Objection.

Verdeia Hall - Redirect examination
By Solicitor Fender

1 SOLICITOR FENDER: Okay.

2 THE COURT: I'm gon' tell the jury to please ignore
3 that last statement and question.

4 Q. Did Couey leave the state?

5 A. Yes.

6 Q. Does Couey still work in corrections?

7 A. No.

8 Q. Was he upset by this?

9 A. Very.

10 MR. TAYLOR: Objection, Your Honor. I'm not sure how
11 she knows---

12 THE WITNESS: That---

13 MR. TAYLOR: ---how someone feels.

14 THE COURT: I don't know that she can know. She
15 can't testify to, to that.

16 So, I'm gon' ask the jury to disregard that part of
17 her answer.

18 SOLICITOR FENDER: And, Your Honor, for
19 clarification, she can testify that he left the state,
20 correct?

21 THE COURT: Absolutely. If she knows that.

22 Q. How many inmates came in that night -- that day?

23 A. Two.

24 Q. Who had the knife?

25 A. James Heyward.

Verdeja Hall - Redirect examination
By Solicitor Fender

- 1 Q. Thank you.
- 2 A. Uh-huh. (Affirmative).
- 3 MR. TAYLOR: No recross, Your Honor.
- 4 THE COURT: Thank you.
- 5 May I excuse this witness?
- 6 SOLICITOR FENDER: Yes. Thank you, judge.
- 7 THE COURT: Ms. Hall, thank you. You can be excused
- 8 from the trial of this case.
- 9 The jury need a break?
- 10 (WHEREUPON, there was no audible response.)
- 11 THE COURT: If one goes we all go.
- 12 THE FORELADY: Said they need a break.
- 13 THE COURT: They need a break.
- 14 Let's take a quick 15 minute break and we'll be back.
- 15 Thank you.
- 16 Might want to get a little hand signal or something.
- 17 (WHEREUPON, the following takes place outside the
- 18 presence of the jury.)
- 19 THE COURT: All right.
- 20 (WHEREUPON, a short recess was taken at this time.)
- 21 (WHEREUPON, the following takes place within the
- 22 presence of the jury.)
- 23 THE COURT: All right. Madam Forelady, the jury
- 24 ready?
- 25 THE FORELADY: The jury ready.

Todd Schenk - Direct examination
By Solicitor Long

1 THE COURT: Please be seated.

2 The State can call your next witness.

3 SOLICITOR LONG: The State calls Lieutenant Todd
4 Schenk.

5 THE CLERK: Stand like this.

6 TODD SCHENK, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR LONG:

10 Q. Lieutenant Schenk, can you tell the jury a little bit
11 about yourself, where you work, what you do for a living?

12 A. Yes, sir.

13 My name is Todd Schenk. I'm a lieutenant with the
14 South Carolina Law Enforcement Division commonly referred
15 to as SLED and I'm a crime scene investigator for SLED.

16 Q. A crime scene investigator.

17 what is a -- what is that?

18 what's your normal job duties as a crime scene
19 investigator?

20 A. So, SLED is an assisting agency. We're the state
21 police for South Carolina.

22 But crime scene's main goal is we go help local
23 investigators, local county Sheriff's Office or police
24 departments when they have a forensic need.

25 So, someone's been hurt or someone's been attacked

Todd Schenk - Direct examination
By Solicitor Long

1 and they need us to document the scene and collect the
2 evidence and go through all the scientific part of the
3 investigation, that is our job. Show up, document scenes,
4 collect evidence, and help bring forensic science aspect
5 to investigations.

6 Q. All right. And how long have you been with -- how
7 long have you been with SLED?

8 A. I hit 11 years in November.

9 Q. And have you -- how long have you been with crime
10 scene investigations?

11 A. The whole time.

12 Q. So, you talked about I got to do some forensic stuff.
13 You ever had any kind of training to kind of keep
14 certifications or anything?

15 A. We do.

16 Q. What kind of trainings do you have?

17 A. So, what -- we all have to have a bachelor's degree.
18 I graduated the Citadel in 2013. Then, when I got hired
19 on with SLED, we start our internal training program.

20 Our internal training program consists of sections,
21 what we call blocks. Each block is an aspect of crime
22 scene investigation.

23 So photography, how to write a report, evidence
24 collection for DNA, firearms evidence. Every, every type
25 of evidence that we're gonna come in contact with there's

Todd Schenk - Direct examination
By Solicitor Long

1 a section for it.

2 How the section works is there are books, articles,
3 texts, different types of literature that you have to read
4 and familiarize yourself with. Then you have to do
5 practical exercises for each block. I have to be able to
6 document a car with photographs. I have to be able to
7 collect a DNA sample.

8 Once you've done all the practicals for those, you
9 then take a written test on all the material you've
10 studied. That's for each block.

11 while working these blocks, you're also doing your
12 field work. So, you're responding to active scenes with a
13 field training agent and you're getting on the job
14 training. Training lasts about a year to a year and a
15 half long.

16 Once all that's done, all your blocks and sections
17 are done, you then do an all encompassing test where you
18 have to take a written test on all the information you
19 know. You have to do a mock or a pretend crime scene
20 where the outcome's known and you have to show that you
21 can follow policy and procedure and work a crime scene.
22 And then you have to do a mock trial which shows you have
23 the ability to talk about what you did to a jury.

24 Then you get signed off in crime scene and then you
25 begin your external training where I've been through a 40

Todd Schenk - Direct examination
By Solicitor Long

1 hour bloodstain pattern analysis course, a 40 hour
2 shooting incident reconstruction course, a two day
3 forensic photography course, and a three day intermediate
4 crime scene investigations course.

5 So those are just some of the external trainings we
6 do on top of the year and a half long internal training.

7 Q. Okay. That sounds like a lot.

8 Do you have to do training every -- like yearly?

9 Do you have any, any annual, annual training that you
10 have to do or that you try to do to stay up to date with
11 the changes that happen in your field?

12 A. We do.

13 So, our unit typically holds a training day once a
14 month just to talk about different materials or articles
15 or publications that have come out. But we also have a
16 yearly proficiency test where we have to show that we are
17 still processing scenes by following policy and procedure
18 and we are make -- doing everything we say we do when it
19 comes to the casework making sure we're staying on top of
20 everything.

21 Q. In your 11 years as a SLED CSI, approximately how
22 many crimes scenes do you think you've investigated?

23 A. I've been on around 500.

24 Q. About how many times do you think you've testified in
25 trials?

Todd Schenk - Direct examination
By Solicitor Long

1 A. This, I think, is around 24, 25.

2 Q. Have you ever been qualified as an expert?

3 A. I have.

4 Q. And that's in state court?

5 A. Yes.

6 SOLICITOR LONG: Your Honor, at this time, State
7 moves to, moves to introduce Mr. Todd Schenk as an expert
8 in the field of crime scene investigations.

9 THE COURT: Any objection?

10 MR. TAYLOR: I mean so that -- that's pretty general.
11 I mean just like what exactly -- is there like a -- what,
12 what -- what's the point of that?

13 I guess I'm -- what I'm getting at is he wasn't
14 there. And so what's the -- what is he suppose to testify
15 about as an expert?

16 SOLICITOR LONG: Your Honor, he can -- as an expert
17 in crime scene investigations. Particularly evidence
18 collection he can talk about.

19 MR. TAYLOR: No, I, I object to him testifying to
20 this as an expert.

21 THE COURT: All right. Let me send the jury back to
22 the jury room just for a moment please while I take
23 something up with the lawyers.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

Todd Schenk - Direct examination
By Solicitor Long

1 THE COURT: All right. Let me hear from the, the
2 State.

3 SOLICITOR LONG: Your Honor, Lieutenant Schenk has
4 discussed the fact that he's, he's investigated
5 approximately 500 crime scene investigations in his
6 approximately 11 years with SLED. All of them have been
7 with CSI.

8 He's currently a break -- a lieutenant. He's talked
9 about his -- the countless hours that the -- SLED goes
10 through once they -- just to start the process of being a
11 crime scene investigator. I believe he said it was
12 approximately a year and a half long training.

13 He testified that they go through training every
14 year, Your Honor, to stay up to date with the current
15 changes going on in their field. We believe he's stated
16 his qualifications, Your Honor.

17 Beg the Court's indulgence, Your Honor.

18 (Pause.)

19 SOLICITOR LONG: Your Honor, he's -- he testified
20 that he's been qualified as an expert numerous times in
21 state Court. In fact, in fact, Your Honor, I believe he
22 was qualified as an expert in his codefendant -- in the
23 codefendant trial of James Cox that just took place a few
24 mouths ago, Your Honor.

25 THE COURT: While I'm sitting here looking at my

Todd Schenk - Direct examination
By Solicitor Long

1 notes, I guess I'm -- I guess she's got this -- the name
2 spelled wrong.

3 All right. Let me hear---

4 MR. TAYLOR: One moment, Your Honor.

5 Yeah, this is nothing. I, I know he's qualified. I
6 know it's -- and I think he's definitely got the
7 knowledge.

8 My way -- I guess what I was trying to not get into
9 in front of the jury, and I'm not trying to steal their
10 thunder on what he's testifying to, I just don't want this
11 to turn into well, my expert meaning he's guilty. That --
12 that's what I was trying to get at.

13 I know a case -- I don't know if it was after he was
14 qualified as an, as an expert. But I -- recently out of
15 our circuit, and it will help if I can remember the name
16 right now, the police officer was allowed to testify as an
17 expert and it was -- the case was overturned.

18 I guess what I'm getting at is I feel like in every
19 trial we could put an officer up there and go I've been an
20 officer 20 years and I've stopped thousands of people.
21 I'm an expert in general law enforcement. That's what I
22 was sort of trying to figure out. I, I know what's gonna
23 come out in testimony. But I'm just trying to figure out
24 where they're going with this in front of the crime scene
25 investigator.

Todd Schenk - Direct examination
By Solicitor Long

1 THE COURT: All right. I, I know that in the last
2 case he testified as to the rags that were made as a
3 ladder I think --

4 MR. TAYLOR: Okay.

5 THE COURT: -- like going over the fence.

6 I think if you could be specific with the defense and
7 tell him what it is.

8 SOLICITOR LONG: That's what that -- that -- that's
9 one of the main cruxes I'm heading at, Your Honor, is --.

10 THE COURT: I know. But he wants to know that.

11 MR. TAYLOR: Yeah, I mean I wasn't, I wasn't---

12 THE COURT: He was not aware---

13 MR. TAYLOR: ---a part of that.

14 THE COURT: He was not aware---

15 SOLICITOR LONG: So, the ladder---

16 THE COURT: ---or part of the last trial.

17 SOLICITOR LONG: The ladder they used, obviously it
18 was very detailed. It was not something they made
19 overnight. They went to get that out through him.

20 MR. TAYLOR: In other words, he's not gonna say,
21 after my investigation, he's guilty. It's one of those
22 things that this is common within -- in how they do this
23 case.

24 SOLICITOR LONG: Yes, and there's another thing. I
25 mean that I'm, I'm, first of all, gonna ask him, you

Todd Schenk - Direct examination
By Solicitor Long

1 can't comment on -- you're an expert. But you can't tell
2 me that James Heyward took this -- took Lieutenant Hall as
3 a kidnapping -- kidnapping and I---

4 MR. TAYLOR: And he went to the Citadel. So, that
5 goes way over in my book.

6 So I, I still object, the State and what they're
7 trying to do. That, that makes a lot more sense.

8 SOLICITOR LONG: Yeah.

9 THE COURT: Okay. I -- and I'm just assuming this is
10 for the part like over the fence and how they---

11 SOLICITOR LONG: They -- correct, Your Honor.

12 THE COURT: ---and how they got over there.

13 SOLICITOR LONG: It's just him---

14 THE COURT: And---

15 SOLICITOR LONG: ---just explaining the photos.

16 Yeah, I mean I do have a question in there and we're
17 gonna, we're gonna cover. He can not say that. He knows
18 that.

19 THE COURT: Okay. All right. Then I'm gonna allow
20 him as an expert.

21 Let's bring the jury back in and there's no objection
22 to his qualifications, right?

23 MR. TAYLOR: Right.

24 (WHEREUPON, the following takes place within the
25 presence of the jury.)

Todd Schenk - Direct examination
By Solicitor Long

1 THE COURT: Ms. Martin, the jury ready?

2 THE FORELADY: The jury is ready.

3 THE COURT: Please be seated.

4 All right. Let me tell the jury.

5 Normally -- I told you earlier that witnesses testify
6 to things that they heard, they saw, or they did.
7 However, the law has an exception to that rule and it's
8 called expert witnesses. An expert witness can testify
9 and give his opinion due to his education and experience.
10 However, you give it the weight you think it's worth.

11 This witness is gonna be qualified as an expert in
12 crime scene investigation.

13 You may continue on.

14 CONTINUED DIRECT EXAMINATION

15 BY SOLICITOR LONG:

16 Q. So, Investigator Schenk, Lieutenant Schenk, excuse
17 me, as a crime scene investigator, most of the time --
18 well, as a crime scene investigator, are you ever on scene
19 when a, when a crime occurs?

20 A. No.

21 Q. So you're called after the fact?

22 A. That is correct.

23 Q. Did you work a case in December of -- 27th, 2020, at
24 McCormick Correctional Institute?

25 A. I did.

Todd Schenk - Direct examination
By Solicitor Long

1 Q. Can you kind of explain to the jury what your --
2 what's your, what's your process like when you first come
3 on scene?

4 what, what do you do?

5 A. Yes, sir.

6 So all of SLED crime scene is stationed out of
7 Columbia.

8 So, the first thing we do when we get anywhere in the
9 state is we meet with our investigators because for us to
10 get from Columbia to McCormick might be an hour. We want
11 to get any updated information that they may have before
12 we start the investigation.

13 So, we're meeting with our investigators to figure
14 out what exactly happened, what they know, where things
15 are that they see, and then we do a walk through, which is
16 kind of a let's make a game plan of how we're gonna
17 investigate this, what can we do first, what is gonna --
18 if it starts to rain, we want to make sure we get certain
19 evidence.

20 So, it's just we're trying to figure out what is the
21 best way to go through this investigation while preserving
22 all the evidence as best we can.

23 Q. And did, did you do that in this case?

24 A. We did.

25 Q. Can you kind of explain to the jury what you -- just

Todd Schenk - Direct examination
By Solicitor Long

1 tell the jury what you did when you go out to the scene
2 that night.

3 A. Sure.

4 So, in this one, we met with our field agents that
5 were already on scene and then they took us to a part of
6 the prison that was next to a tall barbed wire fence with
7 several items strewn out on the grass on the outside of
8 the fence where we were told several people had been
9 apprehended.

10 Q. As part of crime scene investigations, do you, do you
11 take photos?

12 A. We do.

13 Q. What's the purpose of that?

14 A. So we try to document anything that -- even if
15 there's not something that we're trying to document the
16 scene as we found it as everything's laying out on the
17 ground, or if nothing's laying on the ground, we're trying
18 to show exactly how it was when we showed up.

19 Q. So, after you worked the outside of the fence, what
20 did y'all do then?

21 A. So, once we documented everything that was out there,
22 collected any evidence we needed to, we then went to the
23 inside of the fence to document. There was a rope ladder
24 that went over the fence that we were trying to document
25 and collect. And then, from there, we move out throughout

Todd Schenk - Direct examination
By Solicitor Long

1 the rest of the prison on different areas we needed to
2 document.

3 Q. Okay. After you -- is, is one of those areas that
4 you investigated, is one of those areas the -- we'll call
5 it -- I think they been calling it administrative offices
6 and office areas in the prison?

7 A. Yes.

8 Q. So you say you normally take photos of crime scenes.
9 Did you take photos in this case?

10 A. We did.

11 SOLICITOR LONG: Permission to approach the witness?

12 THE COURT: You may.

13 (WHEREUPON, nine photographs were marked as State's
14 Exhibit Nos. 8 through 16 for identification purposes only
15 at this time.)

16 Q. Lieutenant Schenk, I'm handing you several photos.
17 These photos have been marked as State's 8 through
18 sis -- 16 for identification only.

19 Do you recognize those photos?

20 A. Yes, sir, I do.

21 Q. Did you take those photos?

22 A. Yes, I did.

23 Q. What are those photos showing?

24 A. These are different scenes or different photographs
25 of the prison that night.

Todd Schenk - Direct examination
By Solicitor Long

1 Q. Are those photos a fair and accurate depiction of the
2 scene as you recall it that night?

3 A. They are.

4 Q. Have they been altered in any way?

5 A. No, sir.

6 SOLICITOR LONG: Your Honor, State moves to introduce
7 ex -- State's 8 through 16 for evidence.

8 THE COURT: Any objection?

9 MR. TAYLOR: Your Honor, may I see those and I'm sure
10 I've seen them.

11 SOLICITOR LONG: Sure.

12 MR. TAYLOR: But I just didn't know which ones you're
13 talking about.

14 SOLICITOR LONG: Well, there's -- here's the --.

15 MR. TAYLOR: No, you're good.

16 Without objection, Your Honor.

17 THE COURT: Then they're admitted.

18 (WHEREUPON, State's Exhibit Nos. 8 through 16 were
19 received into evidence at this time.)

20 SOLICITOR LONG: Permission to publish?

21 THE COURT: You may.

22 Q. Lieutenant Schenk, I just want to kind of walk
23 through these in order and the best that we can.

24 Can you tell the jury what we're looking at here in
25 State's Exhibit 8?

Todd Schenk - Direct examination
By Solicitor Long

1 A. Yes.

2 So, this is the original spot outside of the fence to
3 the right. That brick building is the dorm. To the left,
4 I forget exactly which building it was, but it was a
5 separate building. But you can see all the articles or
6 items up in the barbwire at the top of the fence and then
7 all around the grass at the bottom of the fence.

8 Q. And then there's some -- you said there's some stuff
9 on the grass.

10 Do you recall what -- any of those items?

11 Do you recall anything that you collected?

12 A. There was notebooks, food, a radio. There was
13 some -- there was a bunch of stuff that was laying out out
14 there.

15 Q. Did y'all collect a shank?

16 A. We did I believe.

17 If I may refer my notes?

18 We did.

19 Q. Showing you State's Exhibit 9.

20 Is that -- that that same fence?

21 A. It is.

22 Q. It's just a -- kind of a different angle?

23 A. Yes.

24 Q. That's State's 10.

25 What is that?

Todd Schenk - Direct examination
By Solicitor Long

1 A. So this is a better photograph of the made ladder
2 that they were -- that was observed across the top of the
3 fence.

4 Q. Now I want to -- I want to talk to you about that
5 ladder.

6 First I want to -- uh, you said you collected a
7 radio?

8 A. We did.

9 Q. Were you able to identify who -- if that radio
10 belonged to McCormick Correctional Institute?

11 A. It did.

12 Q. But we -- you can't tell us if that was Lieutenant
13 Verdeia Hall's radio, correct?

14 A. I can not.

15 Q. But it was property of McCormick Correctional
16 Institute?

17 A. Yes.

18 Q. And this was found outside of the fence where the
19 prisoners were found by, by prison staff?

20 A. Yes.

21 Q. You said there was some notes --

22 A. Yes, sir.

23 Q. -- that were collected outside as well?

24 A. I don't remember if we collected them. I think or I
25 know we photographed. There was, yes.

Todd Schenk - Direct examination
By Solicitor Long

1 Q. You photographed them?

2 A. And collected.

3 Q. Can you tell the jury what this is and what State's
4 12 is?

5 A. Yes.

6 This is the photograph of one of the pages on a
7 notebook and it had what appeared to be distance and time
8 for local police jurisdictions, different ATMs, and
9 different areas to stay off on it. For instance, it says
10 stay off I believe it's Band Com (phonetic) Street and
11 stay clear of East Gold Street and then it says McCormick
12 P.D. is five minutes, 3 miles from prison with the address
13 of the prison or with the address of the P.D.

14 Q. Lieutenant Schenk, in your 11 years of crime scene
15 investigations, what's your opinion of that note?

16 what does that note really -- what is that for?

17 A. To me, this was a stay away from, be aware of
18 potentially who could come pick you up and where they'd be
19 coming from. It was more of a, a -- information for the
20 folks that got out of, who to stay away from, or where to
21 stay away from.

22 Q. And just to be clear, this was -- this note was found
23 outside the fence?

24 A. It was.

25 Q. Showing you State's 13.

Todd Schenk - Direct examination
By Solicitor Long

1 What are we looking at there?

2 A. So this is the stairwell that led up to that tall
3 fence. So the original photos we were just looking at
4 would be on the other side of that fence you see in the
5 background. If you go up this stairwell, you can see
6 where the ladder is tied off to that top rung of that
7 bannister and it was thrown over the fence itself.

8 Q. So, just to be clear, what we're looking at right
9 now, where you're standing taking this photo, you're on
10 the inside of that -- you're on the inside of that room?

11 A. Yes.

12 Q. Show you State's 14. This is a -- can you tell us
13 what 14 is?

14 A. This is more of a close-up photograph of the top of
15 that rung. If you see the top ladder where that fabric
16 is, that's where the ladder was tied off to and then there
17 was a sandbag at the base of that rail.

18 Q. Lieutenant Schenk, can you kind of explain to the
19 jury what's the purpose of all that?

20 What's that -- what's the -- is there, is there
21 something on top of that fence they should avoid?

22 A. There's very, very sharp razor wire. There was also
23 jackets and other type of heavy cloth material that they
24 had -- someone had thrown on top of the fence to try to
25 bat it down before they climbed over or protect whoever

Todd Schenk - Direct examination
By Solicitor Long

1 was going over it.

2 Q. In your opinion, what did that barbwire be used --
3 what was -- what's that on top of that fence for?

4 A. I think -- well, to, to protect them so you're not
5 getting cut. You got the fabric to protect you.

6 Q. Show you State's 15.

7 Can you tell us what State's 15 is?

8 A. So this is the handmade ladder. It was interwoven
9 fabric, interwoven pieces of plastic that they bundled up
10 and more or less wove, and they made this fairly long
11 ladder of, of fabric and plastic that was woven together.

12 Q. Lieutenant Schenk, is that a -- is that a quick
13 fix -- is that a quick something they can make quickly?

14 A. No.

15 Q. would it take a -- would it take significant time to
16 make that ladder?

17 A. I would think so, yes.

18 Q. I show you State's 16.

19 what are we looking at in State's 16?

20 A. This is one of the offices in the administration
21 building that we documented with photographs.

22 Q. So, this is one of the areas you went out the fence?

23 A. Yes.

24 Q. And what is the significance of this room?

25 A. This room was, for lack of a better term, destroyed

Todd Schenk - Direct examination
By Solicitor Long

1 or tornadoed (sic). It was -- everything was all over the
2 place in this room.

3 SOLICITOR LONG: Court's indulgence.

4 THE COURT: Take your time.

5 (Pause.)

6 Q. Lieutenant Schenk, these have already been introduced
7 as evidence. Be State's 5, 6, and 7.

8 Do you recognize this exhibit?

9 A. I do.

10 Q. You took those photos as well, correct?

11 A. Yes, sir.

12 Q. What are those photos of?

13 A. These are better photographs inside this office --
14 room showing the chaos that was in this room.

15 SOLICITOR LONG: Permission to publish?

16 THE COURT: You may.

17 Q. All right, Agent Schenk.

18 State's 5, we'll just leave it like that.

19 State's 5, what are we looking at here?

20 A. So this is once we entered into that room. You can
21 see the computer's been thrown on the ground. The cell or
22 the desk phone's been thrown on the ground. The rooms
23 been pushed around. The furniture's been pushed around.
24 There was something going on in there.

25 Q. Showing you State's 6, State's 6 is coming out -- is

Todd Schenk - Direct examination
By Solicitor Long

1 that from that same office?

2 A. Yes.

3 Q. But when you're taking photos, you don't just
4 randomly take photos, do you?

5 A. No, sir.

6 Q. Why would -- why do you take photos?

7 A. To try to explain where things are in relation to
8 each other or to document the way things were when we
9 found them.

10 Q. So, would it be fair to say that you photo things
11 that you find significant?

12 A. Yes.

13 Q. What would you say is significant about this photo?

14 A. It shows -- the drawer does -- excuse me.

15 The desk drawers have been opened, gone through.
16 There's stuff on the floor underneath the desk. The desk
17 itself has stuff all over the top of it.

18 Q. Show you State's 7.

19 What are the -- what's -- what are we looking at in
20 State's 7?

21 A. So this is the phone jack in the wall where the phone
22 jack itself has been ripped out of the wall. But if you
23 look kind of in that triangle of tan right in front of the
24 fail cabinet, you -- the end of the phone, the desk phone
25 line, had actually been broken and is right kind of in the

Todd Schenk - Direct examination
By Solicitor Long

1 middle of that tan triangle. There's a white spot in the
2 middle of the triangle and then bottom left.

3 Q. Down here?

4 A. No, sir, further right. Down. Keep going down. In
5 that -- right there. That, that streak is the end of the
6 phone line where it was broken.

7 Q. So, that phone line is from the phone that was on the
8 floor in State's 5?

9 A. Yes.

10 Q. So, what -- I'm sorry.

11 what were you -- that was a lot there.

12 what were your observations when you walked into that
13 room?

14 A. This room had been destroyed. People -- someone had
15 been through it, tossed, threw stuff around. Something
16 happened in this room.

17 Q. So it's your -- it's your opinion as a CSI guy who --
18 as a crime scene investigator that something happened in
19 this room?

20 A. Yes.

21 Q. Could you say a struggle occurred in that room?

22 A. It, it is possible, yes.

23 Q. But you can't tell us here today that, based on your
24 observations of that room, you can't tell us that James
25 Heyward took Lieutenant Hall hostage---

Todd Schenk - Direct examination
By Solicitor Long

1 A. I can---

2 Q. ---can you?

3 A. I can not.

4 Q. Cause you weren't there?

5 A. Correct.

6 Q. But you can tell us that something happened in that
7 room?

8 A. Yes.

9 SOLICITOR LONG: Beg the Court's indulgence.

10 THE COURT: Take your time.

11 (Pause.)

12 Q. Based on your investigation, did it appear somebody
13 had just come up and taken the phone out of the wall?

14 A. No, the cord, the cord itself had been -- it was
15 broken like it was ripped.

16 Q. So you said the phone was off. The computer was
17 moved -- the computer was thrown on the floor.

18 Based on your investigation of this room, did you see
19 any way that somebody, that somebody was inside that room
20 that could communicate with somebody outside of that room
21 for help?

22 A. No.

23 SOLICITOR LONG: No further questions, Your Honor.

24 THE COURT: Mr. Taylor.

25 MR. TAYLOR: Thank you, judge.

Todd Schenk - Cross-examination
By Mr. Taylor

1 CROSS-EXAMINATION

2 BY MR. TAYLOR:

3 Q. Sir, and I probably missed it. You've already been
4 asked this.

5 When this happened in December on that date, how long
6 after did you show up to the crime scene?

7 A. We got the call at approximately 9:12 that morning
8 or, excuse me, that evening and we got on scene at
9 10:13 approximately --

10 Q. Okay. So the same night?

11 This is---

12 A. -- that afternoon.

13 Q. -- three or four---

14 A. Yes, sir.

15 Q. ---hours after?

16 A. Yes, sir.

17 Q. Okay. Did you have a chance to start interviewing
18 people as well?

19 Was that your job or someone else did that?

20 A. That is someone else's job.

21 Q. Okay. Do you know, based on your -- the file you
22 have here or your recollection of the investigation, were
23 people interviewed?

24 A. I can tell you I met with Lieutenant DeQuawn Smith of
25 our region and then -- but as far as the actual -- excuse

Todd Schenk - Cross-examination
By Mr. Taylor

1 me. Not the actual. But that line of investigation with
2 the interviews, that's not my---

3 Q. Do you know who that was?

4 A. I -- the lead would of been, for this case, was
5 Special Agent William Russ Padgett was the lead
6 investigator for us.

7 Q. Is, is it common practice in your field to do photo
8 line-ups?

9 A. I don't know. That's -- we just do the forensic
10 side. When it comes to the investigations itself, I try
11 to stay in my lane.

12 Q. So -- okay. So, that -- this is just -- not that --
13 you said you didn't do it.

14 But explain what a photo lineup is if you would
15 please?

16 A. So, to me, a photo lineup is when you show similar
17 but different people to a witness for identification
18 purposes.

19 Q. So, for example, they could have six people that all
20 look alike and one of them is the offender and a witness
21 would, would -- they would ask who was it that did it --
22 whatever crime?

23 A. I -- I've never actually seen a real photo lineup in
24 my life. So, I don't --

25 Q. Okay. Fair enough.

Todd Schenk - Cross-examination
By Mr. Taylor

- 1 A. -- have a -- sorry.
- 2 Q. That -- that's, that's a different, different
- 3 world---
- 4 A. Yes.
- 5 Q. ---from you.
- 6 A. Yes.
- 7 Q. And so you would again, just make sure the jury
- 8 understands, forensic and sort of breaking down some of
- 9 the more physical aspects of what was happening?
- 10 A. That is correct.
- 11 Q. Okay. Those pictures that you showed and the, and
- 12 the jury's gonna get to go back with those once that --
- 13 the trial is over.
- 14 But the one that had the clothing over the fence, and
- 15 you testified about that earlier, you know about the
- 16 jackets that were---
- 17 A. Yes, sir.
- 18 Q. ---over the fence?
- 19 Could you determine, in your expert opinion, do you
- 20 know how many people went over the fence?
- 21 A. I don't know. I can't tell you.
- 22 Q. So, it could of been one or 21?
- 23 A. That is correct.
- 24 Q. Okay. Is it possible, with looking at all those
- 25 physical things that were on the scene, could somebody

Todd Schenk - Cross-examination
By Mr. Taylor

1 have jumped back over the fence?

2 A. That's a long fence to jump or it's a tall fence. I,
3 I can't say one way or the other --

4 Q. Okay. But there---

5 A. -- to be fair.

6 Q. ---there was that cloth ladder hanging over it?

7 A. Yes. But there was also barbed wire at the bottom of
8 it. I don't know if you were gonna get back to that
9 ladder.

10 Q. Okay. You just don't know?

11 A. Yes.

12 Q. Okay. Fair enough.

13 Did you have any surveillance videos that you looked
14 at?

15 Did you have anything to do with that?

16 A. No, sir.

17 Q. That's not your field again?

18 Somebody else did it?

19 A. No.

20 Q. May it be -- all right. We'll, we'll hopefully talk
21 to somebody to get into that.

22 All right. And then I, I guess the bottom line is
23 you got there after that. Nobody told you we have these
24 people that jumped over or didn't.

25 You're just, again, sort of putting all these

Todd Schenk - Cross-examination
By Mr. Taylor

1 physical things together?

2 A. So, we normally get the suspects that they have and
3 I'll write down the suspects. But as to where each person
4 is, no, I don't know.

5 Q. And, and it was, again, the lead guy you're talking
6 about, he would of tried to speak to the, the alleged
7 offenders or witnesses or whoever?

8 A. Him or anyone helping him with the investigation---

9 Q. Fair enough.

10 A. ---yes.

11 Q. Okay.

12 A. Yes.

13 Q. And tell me again what's his name?

14 A. Special Agent Russ or William Russ Padgett.

15 MR. TAYLOR: All right. Judge, may I have one
16 moment?

17 THE COURT: You may.

18 (Pause.)

19 MR. TAYLOR: Your Honor, I don't have any further
20 questions then.

21 THE COURT: Any redirect?

22 SOLICITOR LONG: None from the State, Your Honor.

23 THE COURT: May I excuse this witness from the trial
24 of this case?

25 SOLICITOR LONG: Oh, yes, sir, Your Honor. The

Russ Padgett - Direct examination
By Solicitor Long

1 witness may be excused.

2 THE COURT: You may be excused. Thank you.

3 THE WITNESS: All right.

4 THE COURT: You can call your next witness.

5 SOLICITOR LONG: Your Honor, the State calls
6 Investigator Russ Padgett.

7 RUSS PADGETT, being first duly
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR LONG:

11 Q. Agent Padgett, can you tell the jury what you do for
12 a living?

13 A. Yeah, I work for the South Carolina Law Enforcement
14 Division. I've been in law enforcement since December of
15 2004. Started off at the Saluda County Sheriff's Office
16 and I've been at SLED now for the past seven years.

17 Q. And what do you do at SLED?

18 A. I'm a regional investigator.

19 Q. And what's some -- what's in your job duties?

20 A. SLED is an assisting agency. Anytime a local agency
21 calls and requests assistance in any type of
22 investigation, we will handle that. So, since I've been
23 at SLED, I've worked anything from a simple assault case
24 to murder and any and everything in-between.

25 Q. Approximately how many -- approximately how many

Russ Padgett - Direct examination
By Solicitor Long

1 investigations do you think you've conducted in your
2 career?

3 A. I, I don't know. Upwards of a hundred.

4 Q. Did you investigate a case -- you investigate this
5 prison case in December of 2020?

6 A. I did.

7 Q. What do you do when you first get -- what do you --
8 what do you do when you first arrive on scene?

9 A. When we first arrived on scene, the inmates were
10 still out. Me living in Saluda, I got here fairly quick.
11 We assisted with securing the prison prior to starting any
12 of our investigation.

13 Q. So, you weren't -- you don't work at the prison?

14 A. No.

15 Q. You weren't working there when the incident started?

16 A. Nope. I was eating Christmas supper with my in-laws.

17 Q. You came -- were all the inmates -- were they already
18 detained when you got on scene?

19 Do you recall?

20 A. When I first arrive, I don't think any of them were
21 on scene. There was a team that was going and securing
22 the five or six inmates that got over the perimeter fence.

23 Q. Okay. Now, we been hearing a lot about six -- a six
24 pack lineup.

25 what is -- can you tell the jury what a six pack

Russ Padgett - Direct examination
By Solicitor Long

1 lineup is?

2 A. A sic pack lineup is essentially a photo lineup that
3 is done by analyst at SLED. We will -- we would request
4 one if there was a question about the identity of our
5 sus -- suspect. And, essentially, what they do will --
6 they will take the suspect's name, pull a photo. Whether
7 it be a DMV photo, booking photo, they will, they will get
8 a photo of the suspect, put five other photos that are
9 similar to that person, and it would be presented to
10 someone to make an identification.

11 Q. Did you speak with Lieutenant Verdeia Hall that, that
12 night?

13 A. I did not.

14 Q. During the course of your investigation, were you
15 a -- were you made aware that she was taken hostage that
16 night?

17 A. I was.

18 Q. Were you made aware that she identified the person
19 who took her hostage as Mr. James Heyward?

20 A. Yes.

21 Q. Why wasn't she shown a photo lineup?

22 A. Because she positively identified the person that put
23 the knife to her throat as being James Heyward.

24 Q. So, would there be any reason to show somebody a
25 photo lineup if they know who the suspect is?

Russ Padgett - Direct examination
By Solicitor Long

1 A. No, sir. It would be no different than me showing
2 you a photo lineup of -- that included your father.

3 Q. Okay.

4 A. You know who he is. You gon' be able to pick him out
5 of the photo lineup.

6 Q. Fair point.

7 If it's -- Agent Padgett, did you, did you see the
8 photos that were taken in that room that night?

9 A. I did.

10 Q. Did they look -- did that -- did -- the room, did it
11 look normal?

12 A. No, it appeared to be in disarray as if some type of
13 struggle or somebody went through it or I mean stuff was
14 knocked over, moved around, gone through.

15 Q. As a -- and you were the lead agent on this case,
16 right?

17 A. Yes, sir.

18 Q. So, you got a fair knowledge of everything that went
19 on?

20 A. Yes, sir.

21 Q. During the course of your investigation, was one of
22 the inmates that was found outside the fence of the
23 prison, was one of those inmates identified as James
24 Heyward?

25 A. Yes, sir.

Russ Padgett - Direct examination
By Solicitor Long

1 SOLICITOR LONG: Beg the Court's indulgence.

2 THE COURT: Take your time.

3 (Pause.)

4 Q. No further questions, agent. Thank you.

5 THE COURT: Mr. Taylor.

6 MR. TAYLOR: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. TAYLOR:

9 Q. Sir, you said you lived close by McCormick.

10 Is that right?

11 A. Just about 35 minutes.

12 Q. And I know you probably don't know exactly when --

13 when, when did you make it over to the prison---

14 A. I don't know the---

15 Q. ---after this happened?

16 A. ---exact time. But I ran code due to the nature of
17 the call. So, it probably took me a little less than 35
18 minutes.

19 Q. Okay. when did you start interviewing witnesses?

20 Do you remember?

21 And I know you don't know the exact time but if
22 possible.

23 A. It was, it was at least, at least an hour after.

24 Q. Okay. Do you remember Ms. Hall, who was the one who
25 was held hostage, when, when did you start investigating

Russ Padgett - Cross-examination
By Mr. Taylor

1 or talking to her?

2 Do you know?

3 A. I did not. She was interviewed by other agents that
4 was there.

5 Q. Do you remember when that was?

6 A. It, it should be in my report.

7 Q. So, either way, it wasn't -- you didn't talk to her?

8 A. No, sir.

9 Q. Okay. Is it possible some people may have told her
10 who did it?

11 Like, in other words, she really wasn't the one who
12 could identify him?

13 A. I don't --.

14 Q. Well, let me rephrase it like this.

15 Isn't it true that the hours after and between when
16 she was held hostage and she was interviewed, isn't it
17 possible someone came up to her and said man, James
18 Heyward and Joe Blow or whoever else kidnapped you?

19 Isn't that possible?

20 A. Well, I mean anything's possible but --.

21 Q. Right.

22 Well, well, the, the reason I'm bringing that up is
23 you said that y'all didn't offer a photo ID or lineup to
24 her cause she knew who it was.

25 A. Right.

Russ Padgett - Cross-examination
By Mr. Taylor

1 Q. Well, my point is, isn't it possible someone told her
2 who it was and that's the name they gave her?

3 A. No, that's not what she relayed to us.

4 Q. Okay. Fair enough.

5 Did you -- were you there when they actually put
6 their hands on the people that supposedly got in the
7 fence?

8 A. I was at the prison. But I was not where they were
9 at.

10 Q. That's fine.

11 So y'all---

12 A. I was out by the front gate.

13 Q. I'm sorry. I didn't mean to interrupt you.

14 Okay. So -- and at some point did y'all have an
15 opportunity to interview any of the -- anybody like any of
16 the actual people that were in prison?

17 A. Yes.

18 Q. The inmates?

19 Okay. Did you interview Mr. Heyward?

20 A. I did not. He was interviewed.

21 Q. Got you.

22 And what, what I'm getting at is you're -- I know
23 that you've heard the test -- you've been in here the
24 whole time?

25 A. Yes, sir.

Russ Padgett - Cross-examination
By Mr. Taylor

- 1 Q. You've heard everybody and I, I guess it really --
2 only the first witness said yeah, I'm the one who I saw
3 Mr. Heyward behind the -- one of the fences---
- 4 A. Yes.
- 5 Q. ---on the other side?
6 So, you, you -- in other words, you don't know if
7 that's true or not?
8 You're just being told that?
9 Like you didn't lay eyes on him and see him over the
10 fence?
- 11 A. I did not lay eyes---
- 12 Q. You didn't?
13 A. ---on him?
- 14 Q. Okay. Cause I, I know -- I'm sure you heard me ask
15 about---
- 16 A. He's not the only person that was involved in the
17 investigation that saw him over the fence.
- 18 Q. But do you know if they're here today or see any of
19 them?
- 20 A. I don't see any in the courtroom.
- 21 Q. Okay. Did y'all ever figure out if, if there was any
22 surveillance video out there like on the grounds and close
23 to where this fence line was?
- 24 A. There was some video that was taken from outside.
25 But it was -- you've seen the quality of the video from

Russ Padgett - Cross-examination
By Mr. Taylor

1 inside the building. The outside wasn't any better and---

2 Q. You're saying---

3 A. ---it was dark.

4 Q. ---it was bad too and nighttime?

5 A. Uh-huh. (Affirmative).

6 Q. Got you.

7 Do you understand what I -- it, it was mentioned
8 several times but there's this PI building.

9 Do you know what that is?

10 In other words, people have said several times in
11 testimony that the fence was over by the PI building.

12 Do you know what that is?

13 A. I don't know what that stands for. It's my
14 understanding it's kind of like a rec area and I know they
15 mentioned something about a dog run being there.

16 Q. I got you. Got you.

17 Did y'all ever have any knowledge if anybody got over
18 the fence and came back over back into the -- on the other
19 side of the fence?

20 A. Yes, there was an inmate that -- I don't remember
21 which one without referring to my report.

22 Q. Yes, sir.

23 A. But there was at least one inmate that we know of
24 that made it over the fence and, and went back to his cell
25 once he realized that they wasn't gonna make it over the

Russ Padgett - Cross-examination
By Mr. Taylor

1 second fence.

2 Q. who's in charge of deciding what criminal offenses to
3 bring in terms of warrants and arresting people?

4 would it be you?

5 A. Yes.

6 Q. Okay. I -- I'm sure you heard the first person who I
7 think you -- assistant warden now said they didn't want to
8 charge the other people that were out in sort of the main
9 area.

10 Did you hear that part?

11 A. Yes.

12 Q. What -- why is that cause don't you think that's --
13 a -- again, assuming everything's true, and everything as
14 near as accurate, they got out of their cells and escaped
15 into another -- why would they not be charged?

16 Is that -- is that just a -- and I'm not offending
17 when you -- when I say -- cause I'm human too.

18 That's just a lot of paperwork?

19 It would of been just hey, they, they didn't jump
20 over the fence?

21 It didn't really matter or --?

22 A. Well, as some of them -- some of the testimony, I
23 mean some of them was just -- they like went and got food
24 out of the canteen and was eating. I mean they would -- I
25 don't know that we could prove the intent that they were

Russ Padgett - Cross-examination
By Mr. Taylor

1 trying to leave the facility. The ones that were caught
2 over the fence was obviously trying to -- trying to leave.

3 Q. Do you remember how many people that you interviewed
4 as part of this?

5 A. I, I don't. I know -- I know I, I interviewed
6 several officers. I didn't have any part in any of the
7 inmate interviews.

8 Q. Got you.

9 Did any of the -- to your recollection, did any of
10 the -- it's just yes or no. I don't need to know the
11 details.

12 But did anybody -- any of the other inmates identify
13 Mr. Heyward or it was just the staff?

14 If you don't know, it's okay.

15 A. I---

16 Q. I'm, I'm not trying to trip you up.

17 A. I don't recall.

18 Q. I'm just asking.

19 A. I don't recall.

20 MR. TAYLOR: Your Honor, may I have one moment?

21 THE COURT: Sure.

22 (Pause.)

23 Q. Sir, just a couple more follow-up and you may not
24 know.

25 were -- I keep hearing about these people that were

Russ Padgett - Cross-examination
By Mr. Taylor

1 caught outside the fence.

2 were there multiple groups?

3 In other words, one group got caught cause one of
4 them was injured or something in a different part or the
5 other one or do you know?

6 A. It was, it was my understanding they were all in one
7 group but -- in, in the same general area. There were
8 multiple inmates that had to be transported to the
9 hospital from injuries from crossing the fence and one of
10 them broke his leg. One of them got cut up by the razor
11 wire.

12 Q. Well, I guess what I'm getting at is were there
13 multiple like groups of law enforcement that caught them
14 in different spots?

15 Do you know?

16 A. It was my understanding it was one team that went
17 inside the in -- outer perimeter fence, between the two
18 fences, and took all of them into custody.

19 Q. All right. So, it wasn't, it wasn't a couple that
20 were right inside the fence next to that PI building that
21 didn't go over?

22 Do you know?

23 A. It's (sic) seems like there were some taken into
24 custody on the inside of the fence. But I don't know
25 which ones.

Russ Padgett - Cross-examination
By Mr. Taylor

1 Q. So, you don't know if that -- one of those was Mr.

2 A. No.

3 Q. ---Heyward actually?

4 A. I don't.

5 MR. TAYLOR: Okay. I don't have any other questions.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 Any redirect?

9 SOLICITOR LONG: Briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY SOLICITOR LONG:

12 Q. Agent Padgett, you're not the only one that responds
13 to the scene that night from SLED, are you?

14 A. No, there was, there was a lot of SLED agents. It
15 was a full SWAT---

16 Q. So you're---

17 A. ---called.

18 Q. But you're the lead investigator that night?

19 A. Yes.

20 Q. But you're not the only one who's talking to people?
21 You have other investigators there, correct?

22 A. Yes.

23 Q. And I guess did they come and tell you kind of what
24 they, what they -- the information they'd gathered?

25 A. Yes.

Russ Padgett - Redirect examination
By Solicitor Long

1 Q. Now, when y'all first got that call that night, you
2 weren't responding to a typical investigation, were you?

3 It was, it was a hostage rescue at first, wasn't it?

4 A. Yes.

5 Q. And then it later changed to an investigator -- to
6 an, to an investigation?

7 MR. TAYLOR: Objection. This is very leading
8 complaint (phonetic).

9 THE COURT: All right. Just slow down and let's
10 rephrase it.

11 Q. When y'all were first dispatched that night, were you
12 dispatched as a normal investigation?

13 A. No, we were dispatched that there was an uprising at
14 the McCormick prison with approximately a hundred inmates
15 being out and the initial phonecall that I had was
16 multiple guards had been taken hostage and one was
17 possibly being raped.

18 Q. Agent Padgett, SLED and SCDC are two different
19 agencies?

20 A. Yes.

21 Q. And you don't work for SCDC?

22 A. No, sir.

23 Q. Do you know if sometimes inmates -- sometimes their
24 conduct can be handled administratively rather than
25 getting criminal charges?

Russ Padgett - Redirect examination
By Solicitor Long

1 A. That's---

2 Q. Do you know?

3 A. ---my understanding.

4 Q. But there were more than just Mr. Heyward outside
5 that fence that night, correct?

6 A. Yes.

7 Q. And, in fact, those people were arrested as well,
8 correct?

9 A. Yes.

10 MR. TAYLOR: Objection on more leading questions.

11 Q. Were they, were they charged?

12 A. Yes.

13 THE COURT: Thank you.

14 SOLICITOR LONG: Beg the Court's indulgence.

15 THE COURT: Take your time.

16 (Pause.)

17 SOLICITOR LONG: No further questions.

18 THE COURT: Anything else, Mr. Taylor?

19 MR. TAYLOR: Not for this witness, Your Honor.

20 THE COURT: May I excuse this witness?

21 SOLICITOR LONG: Yes, Your Honor. I would ask if he
22 may be excused---

23 THE COURT: Oh.

24 SOLICITOR LONG: ---or no.

25 THE COURT: Well, he's staying here. You can return

1 to the table.

2 THE WITNESS: Yes, ma'am.

3 THE COURT: All right. Your next witness.

4 SOLICITOR FENDER: Judge, if we could have a brief
5 recess?

6 THE COURT: Sure.

7 Madam Forelady, members of the jury, I'm gonna give
8 you about 10 minutes. Let me take up a matter with the
9 lawyers.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 THE COURT: All right. All right. Let me talk to
13 the lawyers just for a second because I think that y'all
14 need to stipulate that he was lawfully being detained.

15 MR. TAYLOR: I, I don't think that -- that, to me,
16 would be very disingenuous to say that he was not lawfully
17 detained.

18 THE COURT: Detained.

19 MR. TAYLOR: I think he definitely was.

20 Judge, may I get---

21 THE COURT: I know. But---

22 MR. TAYLOR: I, I under -- I understand. I'll put it
23 on the record.

24 SOLICITOR LONG: I was about to say I thought we did
25 that.

1 (Pause.)

2 THE COURT: I'm --.

3 MR. TAYLOR: Yes, Your Honor.

4 I would stipulate that my client was lawfully
5 detained at that prison as an inmate after being found
6 guilty at trial. I don't think that's one question or
7 anything I'm gonna bring up in closing on that.

8 THE COURT: Well, I think it's a stipulation that I
9 need to read to the jury because it's an element---

10 MR. TAYLOR: Yes, ma'am.

11 THE COURT: ---of the crime.

12 MR. TAYLOR: Understood, yes, ma'am.

13 THE COURT: All right.

14 MR. TAYLOR: And, Your Honor, we -- I think that -- I
15 don't want to speak for them too much. I think they're
16 getting close to the end here and I was gonna try to, if
17 we had just a moment, to ask what potential witness or
18 something. But maybe we can just speed him along.

19 THE COURT: All right. That door -- how many more
20 witnesses do we have?

21 SOLICITOR FENDER: Judge, the State rests. I mean we
22 rest. We're ready to go and let's wrap it up.

23 THE COURT: You're done?

24 SOLICITOR FENDER: Yes.

25 MR. TAYLOR: Your Honor, may I speak very briefly to

1 one of the -- their agent sat there and I want---

2 THE COURT: Absolutely.

3 MR. TAYLOR: And then I may rest as well.

4 THE COURT: Doug, let's -- Doug, let's, let's write
5 up -- write up something real quick for me just to the
6 jury that the parties have stipulated that the -- that
7 James Heyward was lawfully detained at the McCormick
8 Detention Center during this time period.

9 (Pause.)

10 THE COURT: Okay. I'm sorry.

11 MR. TAYLOR: That's okay.

12 Your Honor, at this time I'd make a motion for
13 directed verdict. I think even looking at it in the light
14 most favorable to the State, they did not meet, beyond a
15 reasonable doubt, I believe -- I think even -- there was
16 some potential -- and they may have covered on McCormick
17 and went back and said McCormick, South Carolina. But
18 otherwise I, I would ask for directed verdict.

19 THE COURT: Okay.

20 MR. TAYLOR: I don't believe all the elements have
21 been met in the testimony.

22 THE COURT: I'll be happy to hear from you.

23 SOLICITOR FENDER: Your Honor, in the light most
24 favorable to the State, we do feel like we've established
25 sufficient evidence in this case of each and every element

1 of these offenses for this case to go to the jury.

2 Just looking back over what you've heard briefly this
3 morning, the first witness, Stanley Terry, he testified
4 McCormick Correctional Institute is in McCormick County.
5 He identified the defendant, James Heyward, on the video
6 and also being the person that he caught over the fence
7 that night.

8 Circumstantial evidence, including the ladder, that
9 he'd gone over fence, one, gotten out of his cell. That
10 is circumstantial evidence, you know, to prove the escape
11 and then eye, eye witness testimony being more direct type
12 evidence of what he was trying to do that night.

13 He saw video, a dorm roster, of him busting out of
14 the cell, heading over the fence, trying to get out of
15 there. There was a ladder. There was notes about where
16 to avoid those police stations.

17 We've met the elements of the -- for escape/attempted
18 escape. Looking secondly at the taking of a -- hostages
19 by an inmate, you know, again, we saw video of him coming
20 out of the cell based on a dorm roster.

21 Shortly thereafter you heard from the victim in this
22 case. She testified emphatically that this defendant,
23 James Heyward, was the one who pointed a knife at her.
24 This defendant, James Heyward, was the one that put her in
25 that office, took the radio, smashed up the phone. She

1 was not free to leave. She did not feel safe.

2 There's a stipulation that he is, in fact, an inmate,
3 and, again, she testified that she was a correctional
4 officer. Currently still is and, you know, was working in
5 corrections at the time of that.

6 So, again, Your Honor, you know, based on these
7 witnesses, you know, of course, we've heard from other
8 folks too about the crime scene. We do feel like there is
9 sufficient evidence to, to put this case to the jury.

10 Thank you.

11 THE COURT: Okay. Anything else?

12 MR. TAYLOR: No, Your Honor. I would also renew all
13 our previous motions.

14 THE COURT: And, and so noted for the record.

15 I just went through, during the break, looking at the
16 elements of both crimes. I believe the State has
17 presented evidence enough to go to the jury.

18 As far as establishing jurisdiction, and the identity
19 of the defendant, it was Major Stanley Terry, I'm looking
20 at my notes, that I starred jurisdiction and
21 identification along with Ms. Hall who also identified the
22 defendant in open court. Both, both of them did.

23 So, I find it sufficient enough to go to the jury.

24 Now, with all that said, did y'all look at the jury
25 instructions?

1 They're pretty straightforward.

2 MR. TAYLOR: They, they are, Your Honor, and I'd
3 already mentioned to Gibbons just, just to fix the
4 indictment on only one front, or the last names. I didn't
5 have any other changes.

6 THE COURT: Okay. Anything -- cause I know there's
7 like four indictments.

8 MR. TAYLOR: Yes, sir.

9 THE COURT: But there's really just two that are here
10 for trial.

11 Anything from the State?

12 SOLICITOR FENDER: Nothing from the State, Your
13 Honor.

14 THE COURT: Okay. All right.

15 Well then let me ask you. I've got lunch coming at
16 12:30 I think, right, for the jury?

17 THE CLERK: I think 12:00 I think.

18 THE COURT: 12:00. We might have time for closings
19 and charge.

20 I mean it's not a hot lunch, right?

21 It's a sandwich.

22 THE CLERK: It's a sandwich.

23 THE COURT: Okay. We might get done in time. They
24 can eat lunch and we can move forward.

25 Any objection to that plan?

1 MR. TAYLOR: No, Your Honor.

2 THE COURT: Okay. Great.

3 SOLICITOR FENDER: Your Honor, are we closing before
4 lunch?

5 I, I just wanted a few minutes before we close. That
6 was fine.

7 THE COURT: Well, I -- I'm fixing to call them in and
8 we're closing.

9 SOLICITOR FENDER: All right. Thank you though.

10 THE COURT: Okay. Now, for the record, the State
11 hasn't rested on the record yet. I'm gonna bring the jury
12 in.

13 Do -- I know you've already made your motions.

14 You want me to send them back out?

15 MR. TAYLOR: No, Your Honor. That's been, that's
16 been handled and I'll, I'll just rest on the record as
17 well.

18 THE COURT: All right. And, for the record, Mr.
19 Taylor had made his appropriate motions. We're just not
20 gonna send the jury back out, bring them back in. I just
21 wanted to make sure that was noted.

22 Okay. Let's bring the jury in.

23 (WHEREUPON, the following takes place within the
24 presence of the jury.)

25 THE COURT: All right. Madam Forelady, is the jury

1 ready?

2 THE FORELADY: The jury is ready.

3 THE COURT: Okay. Please be seated.

4 Let me speak to the jury just for a moment.

5 I had mentioned earlier about stipulations.

6 In this case, both parties have stipulated that James
7 Heyward, who is the defendant in this case, was lawfully
8 detained at the McCormick Correctional Institution at the
9 time of this incident. You are to treat that as a true
10 fact.

11 Okay. Let me turn to the State.

12 You can call your next witness.

13 SOLICITOR FENDER: Your Honor, the State rests at
14 this time.

15 THE COURT: All right. Madam Forelady, I'm gonna
16 have to send the jury out for like five minutes, maybe 10,
17 and then I'll have you back into the courtroom.

18 Okay?

19 THE FORELADY: Okay.

20 (WHEREUPON, the following takes place outside the
21 presence of the jury.)

22 THE COURT: Mr. Taylor?

23 MR. TAYLOR: Yes, ma'am.

24 THE COURT: I need to read Mr. Heyward his rights---

25 MR. TAYLOR: Yes, ma'am.

1 THE COURT: ---to testify.

2 All right. Mr. Heyward, at this time I'm going to
3 explain to you certain of your rights. If you do not
4 understand anything I say, please let me know. If you
5 want me to explain anything in more detail, please let me
6 know.

7 Do you understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: We have now reached the stage of the
10 trial where you may present your defense. You have the
11 right to claim the protections given to you by the Fifth
12 Amendment to the Constitution of the United States.

13 In part, no person shall be compelled in any criminal
14 case to be a witness against himself. This means that you
15 can not be required to testify in this case. You have the
16 right to testify on your behalf. However, no one can make
17 you testify. This is a personal right and no one can
18 waive this right except you.

19 If you decide to testify, you will be subject to the
20 same rules that govern other witnesses and you may be
21 examined and cross-examined on any relevant issue in this
22 case.

23 In addition, if you have any convictions involving
24 dishonesty, false statements, or for crimes punishable by
25 imprisonment for more than one year, and this Court

1 determines that the probative value of admitting this
2 evidence outweighs its prejudicial effect to you, the
3 solicitor will be able to introduce your record to attack
4 your credibility.

5 If you decide to testify, this decision must be on
6 your part and be freely, voluntarily, and intelligently
7 made with knowledge of the protections given to you by the
8 Fifth Amendment and the consequences of your decision to
9 testify.

10 If you decide not to testify, I will instruct the
11 jurors that they can not give the fact that you did not
12 testify any consideration whatsoever and that there is to
13 be absolutely no prejudice to you because you did not
14 testify. It is left entirely up to you whether or not to
15 testify.

16 You may talk with your attorney, your family,
17 friends, or anyone else but the final decision will be
18 left entirely up to you.

19 Do you understand what I've explained to you?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Do you have any questions about what I've
22 explained to you?

23 THE DEFENDANT: No.

24 THE COURT: Have you discussed with your lawyer
25 whether you should or should not testify?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you wish to talk to your lawyer
3 anymore?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: At this time, let me ask you, do you wish
6 to testify?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: Thank you.

9 All right. Okay. So, I'm gonna bring the jury back
10 in.

11 Let's bring the jury back in.

12 THE BAILIFF: Yes, ma'am.

13 THE COURT: I apologize for that. I --.

14 SOLICITOR FENDER: Your Honor?

15 THE COURT: We're gonna need the jury.

16 SOLICITOR FENDER: Judge, I think---

17 THE CLERK: Judge, the lunch is here.

18 THE COURT: I, I got it. We're -- we're gonna close
19 and charge right quick and then we'll do lunch.

20 THE CLERK: May they take it in?

21 THE COURT: Yes, cause I'm gon' keep them in here.
22 They're coming in.

23 (WHEREUPON, the following takes place within the
24 presence of the jury.)

25 THE COURT: All right. Madam Forelady, the jury

1 ready?

2 THE FORELADY: The jurors are ready.

3 THE COURT: All right. The State has rested. I'm
4 gon' turn to the defense. Let me remind you you do not
5 have to put up a defense.

6 But let me ask you, Mr. Taylor, are you ready?

7 MR. TAYLOR: We are, Your Honor, and we rest at this
8 time.

9 THE COURT: Okay. The defense has rested. So, I'm
10 gonna turn to the State.

11 Are you ready for closing arguments?

12 SOLICITOR FENDER: Yes, Your Honor.

13 THE COURT: Be glad to hear from you.

14 SOLICITOR FENDER: Good afternoon. It's afternoon
15 now.

16 I really appreciate everybody, you know, being here
17 day, you know, your service, what you're doing. I know
18 we're all really eager to get to lunch.

19 So I just want to be brief up here today. But you've
20 heard a lot of important things and I do just want to take
21 a few minutes to kind of go back over, you know, what
22 you've heard in this case.

23 I know that we all think a jury, maybe it's gonna be
24 fun and exciting like what we get to see on TV and in the
25 movies. We think it's gonna be some kind of Hollywood who

1 done it or action packed mystery. But, you know, the
2 reality of that, it's just -- not simply not the case.

3 You know, the reality is that, you know, it's -- we
4 have laws and our laws, they apply everywhere in McCormick
5 County. Even in the prison.

6 I know you heard some testimony that, you know, some
7 things are handled administratively. You know, if they
8 had a food fight or something, they would handle it. If
9 something serious happens, what happened in this case, the
10 people who are responsible are charged and it's up to you,
11 the jury, to bring those people to justice and that's what
12 I'm gonna ask you to do here today.

13 When you give a verdict, you know, verdict is just an
14 old Latin word and that word means to speak the truth and
15 that's what I'm gonna ask you to do when you go back into
16 that jury room is speak the truth about what you -- what
17 happened that day.

18 You've heard from witnesses today and they spoke
19 their truth. You heard from Verdeia. She spoke the truth
20 about what happened, about what he did to her. And,
21 again, I just want to take a, a couple minutes to go back
22 over these things with you.

23 We looked at this map.

24 Can I see all the exhibits please that are in
25 evidence?

1 You know, we started with this McCormick Correctional
2 Institute. If you're like me, you've probably driven past
3 it a hundred times. It's on Highway 378 here in McCormick
4 County. It's got a two fence system. It's got
5 dormitories where inmates are housed and it has
6 administrative offices for the correctional workers.

7 You heard about that. You heard from Stanley Terry.
8 He's worked in that prison for 20 years. He knows the
9 place in and out. You got to see the floor plan in this
10 case.

11 This shows the dorms, F-3-D when this whole thing
12 started. We got to see that.

13 We saw it on this board here. Saw 139, James
14 Heyward's cell.

15 How do we know that?

16 Well, you heard from the witnesses and you've got
17 this dorm roster here. This roster proves that, that --
18 that's where he was that day.

19 So, we placed him there in the cell and then there's
20 the video, that video that we saw, and I know it's not,
21 you know, movie quality or anything like that. But if you
22 watch that video closely, it will give you a good idea of
23 what happened that day.

24 We saw the video kind of peering down into his cell.
25 It showed 139. It showed him coming out of that cell.

1 That's what started this whole thing.

2 Stanley Terry, he identified James Heyward. He
3 identified him as the inmate who was coming out of that
4 cell. He knew it cause he knew him from working in the
5 prison. He knew it because of this dorm roster. That's
6 his cell and he was also found outside of the cell on that
7 day.

8 That's the information that we heard from Mr. Terry.
9 Very important stuff about the defendant of what happened
10 in this case.

11 We got to hear from Verdeia Hall. She's the victim
12 in this case. You know, that's easy to forget. You know,
13 they're making her out to be a liar or some kind of, you
14 know, dirty correctional officer or something. But she's
15 the victim.

16 She's the one that had a knife held to her throat.
17 She's the one who, just after Christmas, was forced into
18 that office. And I know we can sit up here and play, you
19 know, lawyer word games.

20 Was she a hostage?

21 Was she free to leave?

22 But, folks, use your common sense. She was pushed
23 into that room. Her radio was taken. That phone was
24 jerked out of the wall. While the whole world burned
25 around her, she was there alone. She was the lamb in the

1 lion's den.

2 I'm sure that she was afraid for her life, afraid for
3 her, her life. When that man got in her face, when he put
4 that knife to her throat, he had a plan and he acted on
5 that plan.

6 You think it's just some coincidence that they just
7 so happened to have this ladder that day, the ladder that
8 he used to get over that fence?

9 You saw him coming out of the cell. He came out of
10 that cell. He went to her office, took her keys, took the
11 radio, jerked that phone out of the wall, and over the
12 fence he went. He had a plan and he acted on that plan.

13 Look at that office that day.

14 Folks, this is terror. This is chaos and the defense
15 attorney wants you to believe that she's a liar. She's
16 made the whole thing up.

17 But what did they find right there by that fence
18 where he was?

19 This radio.

20 what an credible coincidence that she testifies that
21 her radio was taken and they just so happened to find a
22 radio right outside the fence where they find him.

23 Folks, this is not a coincidence. Use your common
24 sense.

25 what do these witnesses tell them?

1 what has this evidence done?

2 It's time to put these pieces together. It's time to
3 find this defendant guilty.

4 And, folks, I'm sorry for being long winded up here
5 but, you know, I'm passionate about this case. This is an
6 important case. This is -- this is for Verdeia's day in
7 court. Like, I said, she is the victim in this case.

8 You know, you heard from Todd Schenk. You know, I
9 know the defense attorney was up here saying, you know,
10 you weren't actually there. You didn't see James Heyward,
11 and, folks, that true. He wasn't there.

12 But the pictures that he took, these pictures of this
13 office, it's consistent with exactly what she testified
14 to, that she was in there. She was not free to leave.
15 That phone was jerked out of the wall and her radio was
16 taken, taken as part of this plan, that's escape plan.
17 They had a plan and they acted on that plan, you know, and
18 he's here to tell you, you know, hey, I couldn't of known
19 it was them. He had a mask on. He had a jumpsuit that
20 there's no way that he could be recognized because he had
21 a mask on.

22 what does your common sense tell you about that?

23 He's here to tell you that, because of this, he's not
24 guilty, that this protected him from his identity.

25 Now, folks you see me right here today, right?

1 You see my face.

2 Let me ask you, is this still me?

3 Can you see me?

4 Can you see my identity?

5 What about now?

6 What if I'm a little bit closer?

7 Can you see me now?

8 What if I'm a this close?

9 What if I'm this close to you with the mask on?

10 What if I have a knife to your throat?

11 Is that the kind of thing that you forget?

12 Folks, what happened to her that day was a traumatic
13 event and it will forever be burned into her memory.

14 As the judge will tell, eye witness testimony, what
15 she remembers, that's evidence. Her memory, her testimony
16 that she gave under oath, that's evidence, evidence that
17 he's guilty, that he was the man who had that knife on
18 her. He was the man who took her hostage that day as he
19 tried to escape.

20 That's the evidence in this case and, again, the
21 follow-up investigation, the work that was done in this
22 case, it supports her testimony.

23 I mean she said that phone was jerked out of the
24 wall?

25 Folks, this phone was jerked out of this wall.

1 She says that the radio was taken. Folks, here's the
2 radio found right outside the fence where he was.

3 But, hey, it's all a coincidence, right?

4 It's not a coincidence. Use your common sense and
5 you don't have to, you know, know much about the law to
6 know that what the defendant did that day is wrong, that
7 he broke that law.

8 You know, again, this is some serious stuff. You
9 know, she's the victim. That's why we're here today in
10 court. We are here for Verdeia.

11 I, I promise I'm gonna wrap up. But I just -- wanted
12 just want to take a couple minutes to tell y'all about
13 this law in this case and, the judge, she's the expert on
14 the law and she'll instruct you more at the appropriate
15 time. But I want to start with this.

16 Escape or attempted escape. It is unlawful for a
17 person lawfully confined in a prison, local detention
18 facility, or under the supervision of an officer or other
19 employee, whether awaiting trial or serving a sentence, to
20 escape, to attempt to escape, or to have in his possession
21 weapons, tools, or other items that may be used in the
22 escape.

23 This is our statute. It's escape or attempted
24 escape. He stipulates that he was lawfully confined in
25 that prison and the evidence showed that he attempted to

1 escape.

2 You saw on that video -- and you're welcome to watch
3 that video again if you like. You know, you can look at
4 all this stuff as much as you want to during your
5 deliberations. No one's asking you to make a rush to
6 judgment here.

7 But, again, you heard testimony about what was going
8 on that night. They were getting locked down. It was
9 count time and here he comes darting out of his cell
10 trying to get over that fence.

11 So, folks, he is committed the offense of attempted
12 escape. You heard that they got over fence one and they
13 were stopped by fence two.

14 He was trying to get out. He had a plan and he acted
15 on that plan.

16 These notes here, the places that they wanted to
17 avoid, the police department, law enforcement, they didn't
18 want to get out of McCormick Correctional Institute, head
19 down to the local police department, you know, where these
20 folks will be able to arrest them. So, this is all part
21 of their plan here.

22 This ladder, this wasn't something that they got out
23 that night and just happened to put together. If you look
24 closely at this, this took some time. This was part of
25 their plan, a planned escape. He committed attempted

1 escape that night. He is guilty of attempted escape for
2 what he did that night.

3 The other charge that we have in this case, taking of
4 a hostage by an inmate, what does this say?

5 An inmate of a state correctional facility, a local
6 detention facility, or private entity that contracts with
7 the state, county, or city is to provide care and custody
8 of inmates, including persons in safekeeper status, acting
9 alone, and this is very important, or in concert with
10 others.

11 So, he could of acted alone or he can act with
12 others. The judge will actually instruct you on
13 accomplice liability, the hand of one, the hand of all.
14 All these folks are guilty but today is his day in court
15 for what he did putting that knife to verdeia's throat,
16 putting her in the office, taking away the phone, taking
17 her -- I see taking a radio, pulling the phone out of the
18 wall, leaving her helpless, who by threats, coercion,
19 intimidation, or physical force, holds, decoys, or carries
20 away any person as a hostage is guilty.

21 In this case, you have physical force. She was
22 forced into that office. She was threatened with a knife.
23 She was not free to leave.

24 Folks, the State has the burden of proof in this case
25 and we welcome that burden. You've heard from eye witness

1 testimony that Verdeia Hall, Stanley Terry, folks who have
2 worked in that prison for a long time, they're there with
3 those inmates making their rounds every day, getting them
4 their food, getting them showers, getting them healthcare.
5 She knows this defendant. He knows this defendant.

6 That was the person who was over the fence. That was
7 the person who put a knife to her throat.

8 She's not a liar. She's not a liar. She did not put
9 her hand on this Bible and swear to tell the truth and
10 then get on that stand and tell you a lie. She has
11 nothing to gain from this.

12 Folks, today's the day for justice. Today's the day
13 to believe these witnesses, to believe Verdeia, to look at
14 this evidence. Today is the day to find him guilty of
15 these offenses, guilty of attempting to escape, guilty of
16 taking of a hostage by an inmate.

17 I don't know if any of you've ever served on a jury
18 before. But there's really only one thing that you need
19 and y'all brought it with you and that's your common
20 sense. You know, you use common sense, your heart.
21 That's what tells you the truth.

22 You use your common sense when you hear those
23 witnesses testifying, you know, to see who's telling you
24 the truth, and, you know, maybe who has something to hide.

25 Common sense. All you need is your common sense to

1 look at this evidence. All you need is your common sense
2 to find him guilty.

3 Thank you.

4 THE COURT: Thank you.

5 Mr. Taylor.

6 MR. TAYLOR: Thank you, Your Honor.

7 You know, the whole time I've been sitting here
8 listening to people testifying, you know, you heard two of
9 the four people that they know Mr. Freeman -- Heyward so
10 well that they just ah, they picked him, picked him out
11 immediately. Got a spot on his head even though I asked
12 the one -- the first witness and he said yeah, a lot of
13 other people in prison have that mark.

14 I don't know if y'all can see from here. He has a
15 gigantic tattoo on his neck. That's a -- and -- you, you
16 know, we, we had the little show about putting the mask
17 on, is it still me and stuff. These people knew him so
18 well and picked him out. He has a huge tattoo and not one
19 person said anything about it. Not one person.

20 Oh, we know it's him cause we say it's him. I just
21 know it's him. That was what the first -- the, the, the
22 now assistant warden. I just know it's him.

23 Not one person said anything about that. That's a
24 huge thing. Imagine if you had to describe me and I have
25 a massive tattoo on my neck and you know me so well.

1 somebody would be like hey, there's a tattoo on his neck.

2 It has his daughter's name. Her name's Tonya.

3 Nobody said a word about that. But they know him real
4 well. They know it.

5 A couple things going on here. We got -- really
6 it's, it's one event but two different crimes.

7 That video is, is crap. I'm sorry. I'm not saying
8 anybody doctored it. I was, by the way, very offended by
9 the, the State's representation that I called any of the
10 witnesses liars. I don't think any of them are lying. I
11 think they're just wrong. I've never said that.

12 Y'all have no idea how nasty some of these defense
13 attorneys get. I was very nice I thought, very calm, and
14 didn't beat them up a whole lot about it. But they're
15 wrong.

16 I told you the story about the color of my wife's
17 dress. I was wrong. I'm wrong all the time. I'm human
18 and that's the whole point about this. Never called
19 anybody a liar. So, I'm -- a -- again, that, that upset
20 me.

21 But back to the whole point of this. That video's
22 terrible, and when I questioned the guy who said oh, yeah,
23 that's him, I just know it's him, that -- that's not good
24 enough, guys. We talked about at the beginning what's
25 reasonable doubt.

1 Do you have a reason?

2 Do you have a doubt?

3 That's ridiculous. Oh, I just know it's him.

4 Literally wearing the same outfit as everybody else, had a
5 mask on, and then, again, he said oh, he has a spot on his
6 head, and, of course, he admitted that well, yeah, there's
7 a bunch of other people in prison that have that.

8 He's a 5'10", 180, 190 pound black guy, no offense,
9 very average. Just like you'd describe me. He's 6'1" and
10 he's tall, skinny, and a dark hair, and he's white.
11 That's nothing.

12 So, as you keep going, and then it gets to well -- I
13 mean again I believe that that young lady who didn't
14 deserve any of that much -- who didn't deserve any of that
15 to happen to her, horrible what happened to her, she's
16 wrong about who it was. Again, she, she was adamant cause
17 she got a little, little defensive with me. Fair enough.
18 I know that she don't want to be here. She thinks I'm
19 being mean to her. But she got defensive.

20 Oh, I know it's him. Never mentioned his tattoo.
21 But she got a good look at him and saw him the whole time
22 and knew him. That, that -- I mean I, I don't want to
23 beat a dead horse on the whole and neck tattoo. But
24 that's not something like he had a little one on his
25 sleeve that was underneath there where you couldn't see

1 it.

2 But she knew him really well and is a hundred percent
3 positive. I don't think so. I think she's wrong. I
4 don't think she came in here and lied. I think she's
5 probably a good woman and my point was she has a hard job
6 and that's horrible. But she was wrong.

7 Super, super stressed, scared. I would be scared.
8 I'm not gonna sit here and act like a tough guy. I would
9 be very scared and what happened when there's confusing
10 things, you're terrified, under stress, you misremember
11 things. You re -- you don't even -- you just don't even
12 remember and that's my point. So I, I think she
13 identified the wrong person.

14 Now, what -- this, this is really important. We got
15 this fence jumping here and I don't know if y'all caught
16 it. It's sort of -- well, I, I kind of glossed over it
17 last but I'm gonna point it out to you.

18 The first witness who said he got his hand on
19 everybody and said they were all in the same spot. Well,
20 I asked the lead SLED investigator at the end and he said
21 no, there was another group behind the PI building. I
22 don't know which one it was. I wasn't there. I have no
23 idea. I don't know which one it was. But the point is
24 somebody was wrong.

25 Either they were all in one spot or there was a group

1 that got caught over the fence and another group behind a
2 wall behind the PI building. That's not for me to decide.
3 That's what y'all have to figure out.

4 which one was it?

5 I don't think anybody's lying. I would never come in
6 here and say that. Now, these people are just doing their
7 job. But people are wrong all the time.

8 Let's, let's, let's get it out here. Let's, let's be
9 honest about it. He's an inmate. He's a scumbag. He's a
10 criminal. Oh, he's guilty. Of course he is. Who cares.
11 He did it. Let's move on and quit. Let's do a little
12 quick check the box, quick little trial that the jury will
13 just find him guilty and move on. And that's obviously
14 what I'm asking you not to do. I'm asking you to look at
15 all this.

16 At no time have I come in here and tried to lie to
17 y'all and say that she wasn't kidnapped or held hostage.
18 Of course she was. At no time did I ever tell you that
19 nobody jumped over the fence.

20 But my point is where was Mr. Heyward?

21 was he behind the PI building or was he behind the
22 fence?

23 I don't know.

24 But that's reasonable doubt. I think you got enough
25 there to say he's not guilty and what I did tell you

1 earlier?

2 I understand that they got the burden. We have no
3 burden. I do have kind of an easy job. I can come in
4 here and sort of give the State a hard time and point out
5 things they didn't do or did do and I get to come up here
6 and ask you to find him not -- whoever it is not guilty.
7 But I am asking you that for all of those reasons.

8 The event happened. I think they have the wrong guy.
9 Hundreds of people got out of their cells, guys.
10 Hundreds. Hundreds. That's insane. It's chaos and then
11 you have one witness say oh, I put -- I'm, I'm the one
12 who, who saw him behind the fence and the other one says
13 no, there's another group behind there. That's reasonable
14 doubt.

15 The witness who, again, I think genuinely meant what
16 she said, she got the wrong person. So I'm not gonna go
17 on and on and on and bore y'all. We want lunch. Y'all've
18 heard it. This has been a short case. Y'all hadn't been
19 grinding this out for a whole week. It's been literally
20 one and a half day or really a day.

21 So, I ask that you take all that in consideration and
22 I say this very respectfully cause I used to do their job.
23 I started out as a prosecutor.

24 A lot of what you heard today is window dressing.
25 It's stuff that they got to put in so y'all understand.

1 But it isn't really important. It comes down to did they
2 identify the right person. We know the event happened.
3 Did they have the right guy and I've already explained a
4 hundred different times why they have -- why it's not him.

5 Yeah, he was a prisoner there. Yeah, he was out of
6 his cell. I don't even know if it was him. And, by the
7 way, the last thing.

8 I asked the question, you know, he was adamant oh, he
9 was in the cell by himself, Mr. Heyward, when he came out
10 on video. I asked him if they had -- he's like I, I don't
11 really know if he did have a cellmate or not.

12 Again, he's not lying. He just doesn't know. It's
13 been four years ago, three and a, three and a half and
14 that's sort of my point.

15 Things happen. You forget things and -- but that's
16 the problem with these trials is we can't have that going
17 on. We can't just say oh, well, he's in jail already or
18 was at the time. So, in prison. Let's just find him
19 guilty and move on. Somebody got hurt. Someone's got to
20 pay.

21 That's not how it works and you're gonna be
22 instructed by the judge in a minute that your passions,
23 your emotion in this, cause that was absolutely terrible
24 what happened to her, that doesn't matter. It's what are
25 the facts and they've got to prove it beyond a reasonable

1 doubt. I don't think they proved it.

2 The neck tattoo, that's insane to me. I, I can't get
3 over that. I, I been waiting the whole time. I been
4 like, like jumping out of my chair to say something.
5 Nobody, nobody mentioned it. But they knew him really
6 well now. So, I want you to think about all that.

7 Thank y'all for your time. Other than serving in the
8 military, y'all just did the second most important thing
9 you can do for this country. Very important and I hope, I
10 hope y'all give him a fair shake. Listen to everything
11 that was presented. That's all you got, the, the evidence
12 and the testimony, and we, again, ask that he be found
13 or -- not guilty.

14 Thank you.

15 THE COURT: Thank you, Mr. Taylor.

16 All right. I'm gonna charge the jury. I want to
17 make sure there's not anybody coming in and out of these
18 doors. If you need to leave, now would be the time.

19 I will tell the jury we do have your lunch. So, when
20 I finish, we've got lunch for you in the jury room. It,
21 it won't take me long.

22 All right. Ladies and gentlemen, I will now charge
23 you on the law applicable to this case. You must consider
24 the charge as a whole and not focus on some portion of --
25 to the exclusion of others.

1 The indictments charge the defendant with taking
2 hostages by inmate and escape or attempted escape.

3 I remind you the fact the defendant was arrested,
4 charged, and indicted in this case is not evidence in this
5 case and can not be considered by you as evidence of guilt
6 in this case. Nor does it create any presumption or
7 inference of guilt.

8 These documents are simply the formal written
9 instruments which contain the charges made against the
10 defendant. These are the formal documents by which this
11 case is brought into this court.

12 Each indictment charges a separate and distinct
13 offense. You must decide each indictment separately on
14 the evidence and the law applicable to it uninfluenced by
15 your decision as to any other indictment.

16 The defendant may be convicted or acquitted on any or
17 all of the offenses charged. You will be asked to write a
18 separate verdict of guilty or not guilty for each
19 indictment.

20 The following things are not evidence and you must
21 not consider them as evidence in deciding the facts of
22 this case:

23 Again, the statements and argument of the attorneys
24 is not evidence. Questions and objections are not
25 evidence and testimony that I instruct you to disregard.

1 I think there was twice I asked that you please disregard
2 some testimony. So please do so. It is not evidence.

3 I remind you that, during this trial, you and I have
4 certain duties to perform. As the trial judge, it is my
5 responsibility to preside over the trial of this case and
6 I also have the duty to rule on the admissibility of the
7 evidence offered during the trial.

8 You are to consider only the competent evidence
9 before you. If there was any testimony ordered stricken
10 from the record in this case, and there was, you must
11 disregard that testimony. You are to consider only the
12 testimony which has been presented from this witness stand
13 and any exhibits which have been made part of the record
14 in this case and any stipulations of counsel.

15 we did have a stipulation that the defendant was
16 lawfully detained at the McCormick Correctional
17 Institution during this time period.

18 I have the additional duty to charge you the law
19 applicable to this case. As the presiding judge, I am the
20 sole judge of the law of this case and it is your duty, as
21 jurors, to accept and apply the law as I now state it to
22 you. If you already have an idea as to what the law is or
23 what the law ought to be, and it does not agree with what
24 I now tell you the law is, you must abandon this idea
25 because you are sworn to accept the law and apply the law

1 exactly as I state it to you.

2 In every case tried in this court before a jury, the
3 jury becomes the sole and exclusive judge of the facts in
4 a case. A trial judge can not state, comment on, or make
5 any statement to a trial jury about the facts in a case.
6 Since you, the jury, are the sole judge of the facts in
7 this case, you are not to infer from anything that I have
8 said during the progress of this trial, in ruling upon the
9 admissibility of the evidence or otherwise, or anything
10 that I say now during the course of this instruction to
11 you that I have any opinion about the facts in this case.

12 The law does not allow me to have an opinion about
13 the facts in this case. This is a matter solely for you,
14 the jury, to determine. As jurors, it is your duty to
15 determine the effect, value, and weight of the evidence
16 presented during this trial.

17 The defendant has pled not guilty to these
18 indictments and that plea puts the burden on the State to
19 prove him guilty. A person charged with committing a
20 criminal offense in South Carolina is never required to
21 prove himself innocent. I charge you that it is an
22 important rule of the law that the defendant, in a
23 criminal trial, no matter what the seriousness of the
24 charge may be, will always be presumed to be innocent of
25 the crime for which the indictment was issued unless guilt

1 has been proven by evidence satisfying you of that guilt
2 beyond a reasonable doubt.

3 This presumption of innocence does not end when you
4 begin your deliberations. But it accompanies the
5 defendant throughout the trial unless you reach a verdict
6 of guilt based on evidence satisfying you of that guilt
7 beyond a reasonable doubt.

8 The presumption of innocence is like a robe of
9 righteousness placed about the shoulders of the defendant
10 which remains with the defendant unless it has been
11 stripped from the defendant by evidence satisfying you of
12 the defendant's guilt beyond a reasonable doubt. The
13 presumption of innocence is not a mere legal theory. It
14 is not just a legal phrase. It is a substantial right to
15 which every defendant is entitled to unless you, the jury,
16 are satisfied from the evidence of the defendant's guilt
17 beyond a reasonable doubt.

18 The State has the burden of proving the defendant
19 guilty beyond a reasonable doubt. Some of you may have
20 served as jurors in civil cases where you were told that
21 it is only necessary to prove that a fact is more likely
22 true than not true such as by the greater weight or what
23 we call the preponderance of the evidence.

24 In criminal cases, the State's proof must be more
25 powerful than that. It must be beyond a reasonable doubt.

1 Proof beyond a reasonable doubt is proof that leaves you
2 firmly convinced of the defendant's guilt.

3 There are very few things in this world that we know
4 with absolute certainty and, in criminal cases, the law
5 does not require proof that overcomes every possible
6 doubt. If, based on your consideration of the evidence,
7 you are firmly convinced that the defendant is guilty of
8 the crime charged, you must find him guilty. If, on the
9 other hand, you think there is a real possibility that the
10 defendant is not guilty, you must give the defendant the
11 benefit of the doubt and find him not guilty.

12 Now, there are two types of evidence which are
13 generally presented during a trial, direct evidence and
14 circumstantial evidence.

15 Direct evidence directly proves the existence of a
16 fact and does not require deduction.

17 Circumstantial evidence is proof of a chain of facts
18 and circumstances indicating the existence of a fact.
19 Crimes may be proven by circumstantial evidence. The law
20 makes no distinction between the weight or value to be
21 given to either direct or circumstantial evidence.

22 However, to the extent the State relies on
23 circumstantial evidence, the circumstances must be
24 consistent with each other, and when taken together, point
25 conclusively to the guilt of the accused beyond a

1 reasonable doubt. If these circumstances merely portray
2 the defendant's behavior as suspicious, the proof has
3 failed.

4 The State has the burden of proving the defendant
5 guilty beyond a reasonable doubt. This burden rests with
6 the State regardless of whether the State relies on direct
7 evidence, circumstantial evidence, or some combination of
8 the two.

9 Criminal intent is a state of mind which operates
10 jointly with an act or omission in the commission of a
11 crime. Criminal intent is a mental state of conscience
12 wrongdoing. Criminal intent includes those consequences
13 which represent the very purpose for which an act is done
14 or are known to be substantially certain to the result
15 regardless of one's desire.

16 Intent may be shown by acts and conduct of the
17 defendant and other circumstances from which you may
18 naturally and reasonably infer intent. Criminal intent
19 must be proven by the State beyond a reasonable doubt.

20 You must determine the credibility of witnesses who
21 have testified in this case and the evidence presented.
22 Credibility simply means believability.

23 It becomes your duty, as jurors, to analyze and to
24 evaluate the witnesses and the evidence and determine the
25 credibility of the witnesses and the evidence. In

1 determining the credibility of witnesses who have
2 testified, you may believe one witness over several
3 witnesses or several witnesses over one witness. You may
4 believe a part of the testimony of a witness and reject
5 the remaining part of the testimony of that same witness.

6 You may believe the testimony of a witness in its
7 entirety or reject the testimony of a witness in its
8 entirety. You may consider whether any witness has
9 exhibited to you any interest, bias, prejudice, or other
10 motive in this case. You may also consider the appearance
11 and manner of a witness while on the witness stand.

12 The rules of evidence ordinarily do not permit
13 witnesses to testify to opinions or conclusions. An
14 exception to this rule exists for witnesses we call expert
15 witnesses. We had an expert witness in this case for the
16 crime scene investigation.

17 An expert witness is a witness, who by education and
18 experience, has become an expert in some art, science,
19 profession, or calling and they may state an opinion as to
20 relevant and material matter in which to collect -- the
21 witness claims to be an expert and they may also state the
22 reasons for the opinion.

23 You should consider any expert opinion received in
24 evidence in this case like any other evidence. Give it
25 the weight you think it deserves. If you decide that the

1 opinion of an expert is not based on sufficient education
2 or experience or if you conclude that the reasons given in
3 support of the opinion are not sound or that the opinion
4 is outweighed by other evidence, you may disregard the
5 opinion entirely.

6 An expert witnesses testimony is to be given no
7 greater weight than that of any other witness simply
8 because the witness is an expert. Further, you are not
9 required to accept an expert's opinion even though it is
10 not contradicted.

11 I instruct and emphasize that the fact that the
12 defendant did not testify is not a factor to be considered
13 by you in any way in your deliberation and in your
14 consideration of the question of the guilt or innocence of
15 the defendant. It must not be considered by you in any
16 manner whatsoever.

17 A defendant has the constitutional right to remain
18 silent and the assertion of this right must not be
19 considered by you in your deliberations. I repeat, under
20 your oath, you are to draw no conclusion whatsoever from
21 the fact that the defendant in this case did not testify.

22 The fact that this defendant did not testify should
23 not even be discussed in the jury room. The burden of
24 proof, as I have stated to you, is on the State. The
25 defendant is not required to prove his innocence. The

1 burden of proof remains on the State to prove guilt beyond
2 a reasonable doubt.

3 The defendant is charged with attempted escape. It
4 is unlawful for a person who is lawfully confined in a
5 prison to escape or attempt to escape from confinement.
6 So, to prove the defendant guilty of this offense, the
7 State must prove, beyond a reasonable doubt, the following
8 things:

9 First, that the defendant was lawfully confined in
10 prison.

11 Second, that the defendant willfully intended to
12 escape that confinement. To escape means to willfully
13 fail to remain within the limits of this confinement. To
14 do an act willfully means to do it intentionally, to do it
15 with knowledge, not as a result of a mistake or accident.
16 So, the State must prove that the defendant intended to
17 escape.

18 Third, the State must prove that the defendant
19 engaged in the attempt to escape. An attempt involves
20 more than mere preparation but does not result in the
21 successful completion of the intended act.

22 An attempt to commit a crime is an offense when
23 accused -- when an accused makes a substantial but
24 unsuccessful effort to commit a crime. The elements of
25 attempt vary although generally there must be an intent to

1 commit the escape. There must be an overt act towards the
2 escape that went beyond mere preparation and there must
3 have been an apparent ability to complete the escape if
4 the conditions had allowed it.

5 In a separate indictment the defendant is charged
6 with violating a statute called taking hostages by an
7 inmate. Actually the title of that statute is somewhat
8 misleading because the statute criminalizes more than
9 hostage taking.

10 The statute provides that it is unlawful for an
11 inmate of a state, county, or city correctional facility,
12 acting alone or in concert with others, to use threats,
13 coercion, intimidation, or physical force to take, hold,
14 decoy, or carry away any person as a hostage or for any
15 other reason whatsoever.

16 So, to prove that the defendant is guilty of this
17 crime, the State must prove, beyond a reasonable doubt,
18 the following things:

19 First, that the defendant was an inmate in a state
20 correctional facility.

21 Second, that he or someone with whom he was acting in
22 concert as an accomplice used threats, coercion,
23 intimidation, or physical force over another person.

24 Third, that the purpose of using such threats,
25 coercion, intimidation, or physical force was to take

1 physical control over another person, to hold that person,
2 to decoy that person, or to carry that person away.

3 This may have been to use that person as a hostage
4 though the statute does not necessarily limit it to that
5 person. The term hostage is not defined in our South
6 Carolina statutes. The term has evolved over the
7 centuries.

8 In modern terms, it generally refers to a person who
9 is seized by a criminal abduction in order to compel
10 another party to act or refrain from acting in a
11 particular way.

12 Even though the statute is not necessarily limited to
13 making someone a hostage, the law requires that a criminal
14 statute be given a reasonable construction. So, in order
15 for a criminal act to take place, the law would require
16 that the conduct be for an unlawful purpose.

17 The language about the purpose being for any purpose
18 whatsoever must be read as requiring an unlawful purpose.
19 In other words, the State must prove that the taking, the
20 holding, the decoying, or carrying away of another person
21 be done against that captured person's will and with a
22 criminal intent. It would require proof that the
23 defendant, as an inmate, acting alone or in concert with
24 another accomplice, acted knowingly and intentionally for
25 an unlawful purpose to take physical control over another

1 person or to hold someone against his or her will or to
2 decoy someone for that unlawful purpose.

3 A verdict in this case can not be based upon
4 sympathy, passion, prejudice, or emotion, or some other
5 consideration not bound in the evidence.

6 Let me say something about your deliberations.
7 Deliberation is defined as a careful consideration
8 weighing up with a view to decision. The genius of our
9 jury system is that it allows 12 good men and women from
10 12 different backgrounds, life experiences, and
11 perspectives to consider the evidence, talk about it, and
12 ultimately reach a verdict.

13 we call them deliberations for a reason. You are to
14 consider the evidence in this case carefully and
15 deliberately and discuss it in a calm, thorough, and
16 courteous manner. Listen to the views of your fellow
17 jurors. Consider other people's points and points of view
18 and talk through and discuss the evidence and remember, if
19 you are doing something deliberately, you are not in a big
20 hurry and you should not be in a hurry here.

21 This case is very important to both sides and it is
22 their only day in court. When you retire to the jury
23 room, you should discuss the case with your fellow jurors
24 to reach an agreement if you can do so.

25 Your verdict must be unanimous and each of you must

1 decide the case for yourself. But you should do so only
2 after you have impartially considered all the evidence,
3 discussed it fully with the other jurors, and listened to
4 the views of your fellow jurors.

5 Do not be afraid to change your opinion if the
6 discussions persuade you to. But do not come to a
7 decision simply because the other jurors thinks it is
8 right. It is important that you attempt to reach a
9 unanimous, unanimous verdict but only after each of you
10 have considered all your own decision.

11 Do not change an honest belief about the weight and
12 effect of the evidence simply to reach a verdict. In
13 other words, do not change your opinion solely for the
14 sake of reaching a unanimous verdict.

15 There are two possible verdicts for each charge which
16 you may find in this case, it's listed on the verdict
17 form, which would be guilty, not guilty.

18 There is no significance whatsoever in the order that
19 I state these possible verdicts. It's simply that one
20 must be stated first.

21 Again, your verdict must be unanimous. I'm gonna ask
22 y'all to go back to your jury room. I do have lunch back
23 there for you. The clerk bought you lunch today.

24 Is it Subway?

25 THE CLERK: Yes, ma'am.

1 THE COURT: You got Subway.

2 Do not start deliberating until the clerk comes back
3 and tells you to begin. We're gonna gather up the
4 evidence. We will bring it back to you.

5 If at anytime you have a question, Madam Forelady,
6 they'll give you a pad and a pen. It must be in writing
7 to me. If I can answer it I will. I, I don't know that I
8 can. We'll see. Hopefully you won't be writing me. I
9 don't know. But, if so, it must be in writing.

10 If at anytime there's a split in the verdict, I don't
11 want to know the number -- know it by number.

12 Okay. So, at this time, let me ask the State, any
13 objections to my jury charges?

14 SOLICITOR FENDER: None from the State, Your Honor.

15 THE COURT: Any from the defense?

16 MR. TAYLOR: No, Your Honor.

17 THE COURT: All right. I'm gon' let you go back to
18 the jury room. I'm gon' tell the alternates, you can stay
19 until the clerk runs you out. But I'm gon' keep you here.
20 I'm not gonna let you go. You can't be back there when
21 the jury starts deliberating. It is only the 12.

22 Madam Forelady, if somebody has to go to the
23 restroom, all deliberations stop. All 12 must be in the
24 room when you're deliberating.

25 okay?

1 THE FORELADY: Yes.

2 THE COURT: All right. Thank you.

3 THE FORELADY: Thank you.

4 THE COURT: Thank you. Thank you.

5 (WHEREUPON, the following takes place outside the
6 presence of the jury.)

7 THE COURT: Gwen, are you taking all this stuff back
8 to them?

9 THE CLERK: Yes.

10 THE COURT: Well, will you tell them that, when they
11 reach a verdict, to knock on the door. I forgot to tell
12 them.

13 Thank you.

14 Do we have a computer for them?

15 UNIDENTIFIED SPEAKER: We do.

16 THE COURT: You do, to take back there?

17 SOLICITOR FENDER: It's logged in. It's right there.

18 THE COURT: All right. We're taking a computer back
19 there that we have that they can watch the video.

20 (WHEREUPON, the jury began deliberations at 12:51PM
21 and returned with a question at 2:09PM.)

22 THE COURT: Mr. Taylor, is that correct?

23 MR. TAYLOR: That is correct that we are waiving his
24 presence for several reasons that he's back there and
25 that's what's going on.

1 THE COURT: Right. And I'm just reading the jury the
2 law again on escape and hostage taking by an inmate.

3 (WHEREUPON, the following takes place within the
4 presence of the jury panel.)

5 THE COURT: Okay. Are my alternates still out there?

6 UNIDENTIFIED SPEAKER: One's right there and I --
7 the other alternate, for other reasons now, the other
8 alternate's in the bathroom.

9 THE COURT: Okay. Probably ought to wait on the
10 other alternate.

11 Y'all can be seated --

12 UNIDENTIFIED SPEAKER: I'll bring her in.

13 THE COURT: -- before I read this just in case. You
14 never know.

15 (Pause.)

16 THE COURT: All right. Madam Forelady, I read your
17 note. I want to read you the law again on escape and
18 taking of hostage.

19 okay?

20 THE FORELADY: Uh-huh. (Affirmative.)

21 THE COURT: The defendant is charged with attempted
22 escape.

23 It is unlawful for a person who is lawfully confined
24 in a prison to escape or attempt to escape from
25 confinement.

1 So, to prove the defendant guilty of this offense,
2 the State must prove, beyond a reasonable doubt, the
3 following things:

4 First, that the defendant was lawfully confined in
5 prison.

6 Second, that the defendant willfully intended to
7 escape that confinement.

8 To escape means willfully failed to remain within the
9 limits of this confinement. To do an act willfully means
10 to do it intentionally, to do it with knowledge, not as a
11 result of a mistake or accident. So, the State must prove
12 that the defendant intended to escape.

13 And, third, the State must prove that the defendant
14 engaged in the attempt to escape.

15 An attempt involves more than mere preparation but
16 does not result in the successful completion of the
17 intended act. An attempt to commit a crime is an offense
18 when an, an accused makes a substantial but unsuccessful
19 effort to commit a crime.

20 The elements of attempt vary although generally there
21 must be an intent to commit the escape. There must be an
22 overt act toward the escape that went beyond mere
23 preparation and there must have been an apparent ability
24 to complete the escape if the conditions had allowed it.
25 That's escape.

1 All right. Taking of hostages. In a separate
2 indictment, the defendant is charged with violating a
3 statute called taking hostages by an inmate. Actually the
4 title of that statute is somewhat misleading because it
5 criminalizes more than the hostage taking.

6 It provides that it is unlawful for an inmate of a
7 state, county, or city correctional facility, acting alone
8 or in concert with others, to use threats, coercion,
9 intimidation, physical force to take, hold, decoy, or
10 carry away any person as a hostage or for any other reason
11 whatsoever.

12 So, to prove the defendant is guilty of this crime,
13 the State must prove, beyond a reasonable doubt, the
14 following things:

15 First, that the defendant is an inmate in a state
16 correctional facility.

17 And, second, that he or someone with whom he was
18 acting in concert as an accomplice used threats, coercion,
19 intimidation, or physical force over another person.

20 And, third, that the purpose of using such threats
21 and coercion, intimidation, or physical force was to take
22 physical control over another person, to hold that person,
23 to decoy that person, or to carry that person away.

24 This may have been to use that person as a hostage
25 though the statute does not necessarily limit it to that

1 purpose. The term hostage is not defined in the South
2 Carolina statutes. The term has evolved over the
3 centuries. In modern terms, it generally refers to a
4 person who is seized by a criminal abduction in order to
5 compel another party to act or refrain from acting in a
6 particular way.

7 Even though the statute is not necessarily limited to
8 making someone a hostage, the law requires that a criminal
9 statute be given a reasonable construction.

10 So, in order for a criminal act to take place, the
11 law would require that the conduct be for an unlawful
12 purpose. The language about the purpose being for any
13 purpose whatsoever must be read as requiring an unlawful
14 purpose.

15 In other words, the State must prove that the
16 talking, holding, decoying, or carrying away of another
17 person be done against that captured person's will and
18 with a criminal intent. It would require proof that the
19 defendant, as an inmate, acting alone or in concert with
20 another accomplice acted knowingly and intentionally for
21 an unlawful purpose to take physical, physical control
22 over another person, hold someone against his or her will,
23 or to decoy someone for that unlawful purpose.

24 I hope that helps. I will send you back to the jury
25 room.

1 THE FORELADY: Thank you.

2 (WHEREUPON, the jury began deliberations again at
3 2:17PM and returned with a verdict at 2:37PM.)

4 (Whereupon, the following takes place within the
5 presence of the jury.)

6 THE COURT: All right. Madam Forelady, has the jury
7 reached a verdict?

8 THE FORELADY: Yes.

9 THE COURT: Is it unanimous?

10 THE FORELADY: Yes.

11 THE COURT: If you will, please hand the verdict to
12 the bailiff please?

13 (WHEREUPON, the forelady complies.)

14 THE BAILIFF: Thank you.

15 THE COURT: All right. I'm gonna get the clerk to
16 publish the verdict.

17 Y'all can be seated except for the defendant.

18 THE CLERK: The State of South Carolina, County of
19 McCormick, State of South Carolina versus James Heyward,
20 defendant, Indictment Number 2024-GS-35-00192 and
21 2024-GS-35-00133, verdict sheet, has the State of South
22 Carolina proven beyond a reasonable doubt that James
23 Heyward committed the act of taking of hostage by inmates,
24 we, the jury, unanimously, unanimously find James Heyward
25 guilty.

1 Has the State of South Carolina proven beyond a
2 reasonable doubt that James Heyward committed the act of
3 escape or attempted escape, we, the jury, unanimously find
4 James Heyward guilty. Signed August 27th, 2024, McCormick
5 County, by foreperson Yolanda R. Martin.

6 THE COURT: Okay. Now, if you'd ask the jury if
7 that's their verdict please?

8 THE CLERK: Ladies and gentlemen of the jury, is this
9 your verdict, please indicate by raising your right-hand.

10 (WHEREUPON, all jurors raise their hands at this
11 time.)

12 THE COURT: All right. Let the record show that all
13 jurors have raised their right-hand.

14 would you like them polled, polled individually?

15 MR. TAYLOR: No.

16 THE COURT: No.

17 Okay. All right. Let me thank the jury.

18 This was a very, very short trial. Probably a little
19 shorter than I had anticipated. But you did a great job.
20 I'm gon' ask you to return to your jury room and I'll be
21 back to dismiss you in just a moment.

22 (WHEREUPON, the following takes place outside the
23 presence of the jury.)

24 THE COURT: All right. Let's go back and get the
25 forelady to sign what we need to get her to sign and the

1 indictments -- no, she does sign the indictments.

2 She's got to sign the indictments. I'm gon' walk
3 back there and then y'all gon' be ready for sentencing?

4 SOLICITOR FENDER: Yes, Your Honor.

5 THE COURT: All right. Well, I'll walk back there
6 with you and then --.

7 (WHEREUPON, a short recess was taken at this time.)

8 THE COURT: All right. We got a sentencing sheet?

9 SOLICITOR FENDER: Your Honor, we have the sentencing
10 sheet for the escape. Our computer, for some reason, is
11 not producing the other one. We're trying to fix that
12 right now with the, the program. We do have it for escape
13 and I, I did want to be heard, you know, just briefly
14 prior to sentencing if that's okay.

15 THE COURT: Absolutely. I'm gon' let you talk.
16 We don't have a handwritten one?

17 SOLICITOR FENDER: I, I don't have one that the
18 matrix -- can it make a sentencing sheet like a blank one?

19 MR. TAYLOR: You don't have it?
20 There's like three copies of it.

21 SOLICITOR FENDER: We've got this computer program
22 that makes them.

23 THE COURT: Well, what is it that you want me to do?

24 SOLICITOR FENDER: Judge, I, I think we're in -- just
25 in a holding pattern. I, I could print that, a duplicate

1 of that, and then cross it out with a pen if that would
2 suit you?

3 Is that all right with the Court?

4 MR. TAYLOR: I'm okay with that.

5 You want to fix it now?

6 THE COURT: It's fine with me.

7 (Pause.)

8 SOLICITOR FENDER: Thank you, judge.

9 THE COURT: All right. Well, that worked out
10 perfectly.

11 Okay. Go ahead. Let me hear from you for
12 sentencing. Of course, I've listened to the trial.

13 SOLICITOR FENDER: Judge, I, I just want to be brief
14 as far as the sentencing.

15 I mean this defendant, he has an absolutely horrific
16 record. You know, by our account, this is his fourth or
17 his fifth strike.

18 You know, he was convicted in -- of murder in
19 Richland County. It was an absolutely horrific set of
20 facts.

21 In that case, you know, he took a -- I believe an
22 eight year old hostage that was with her grandmother and
23 strangled the grandmother to death using a necklace.
24 Strangled her grandmother to death and that child had to
25 testify in that case against him, identify him as the

1 person who kidnapped and murdered her grandmother. They
2 used the DNA off of that necklace to prove that, you know,
3 he was the one who did that.

4 So, you're dealing with somebody here who's very
5 violent who's killed in the past. Just a very serious
6 situation.

7 He's kidnapped people before. Similar bad conduct
8 here today.

9 Your Honor, the victim in this case is Verdeia Hall.
10 She left to pick up her own children this afternoon for
11 school.

12 I just want to say, you know, these correctional
13 officers, they've got a very difficult job. Each and
14 every day they're in these facilities with these inmates
15 each and every day. Two days after Christmas, she became
16 a hostage through no fault of her own as he attempted to
17 escape.

18 So, I just want to speak here today for SCDC, for
19 every correctional officer, in asking that, you know, you
20 take those folks into consideration as you sentence him
21 today. You know, prison is bad enough without him turning
22 it into a violent environment.

23 You know, those folks, you know, they're, they're --
24 they're fairly well paid. I know there's been efforts
25 recently to try to get their pay up. But they're just

1 working a tough job. You know, every day these, you know,
2 inmates are just doing terrible stuff to them.

3 So, you know, judge, just taking that into
4 consideration, you know, obviously pretrial we put the
5 LWOP notice on the record. You know, by statute, you
6 know, he deserves that life sentence.

7 We're asking the Court to impose that and to run that
8 consecutively to what he's currently doing and that -- the
9 reason in that is just to, to send a message to other
10 inmates and provide some justice for the victim in this
11 case and also, by statute, the escape must be consecutive.

12 So, that's the State's position.

13 THE COURT: Well, that was gonna be my next question.
14 I think it has to be and the taking hostage by inmate is
15 the one that you LWOP'ed him on the life without parole --

16 SOLICITOR FENDER: That's correct.

17 THE COURT: -- because of the violent, most serious
18 aspect that made it a strike?

19 Is that correct?

20 SOLICITOR FENDER: Yes, Your Honor.

21 THE COURT: Okay.

22 MR. TAYLOR: Your Honor, I think you have to give him
23 life. I don't think there's---

24 THE COURT: I don't think I have a choice. It's---

25 MR. TAYLOR: And I, I say this in all due respect to

1 Mr. Fender, I understand he needed to put that on the
2 record, I don't think anybody needs to say anything.
3 There's nothing you can do.

4 You have to give him life. It has to be consecutive
5 on one charge.

6 So, my client knows that. I -- this isn't his I
7 don't care or don't want to talk. It's -- there's nothing
8 I can say to change it.

9 So, we understand you have to do what you got to do
10 and that's all there is to it.

11 THE COURT: I would agree with you, Mr. Taylor.

12 Mr. Heyward, is there anything you'd like to add?

13 THE DEFENDANT: Yeah.

14 THE COURT: I'll be happy to hear from you.

15 THE DEFENDANT: First off, we had -- as he stated,
16 you know I've got multiple life sentences for something
17 else I didn't do. And, yeah, I got one life sentences and
18 I got another one running consecutive. This gon' be a
19 third life sentence running consecutive. I got two 30
20 years running consecutive.

21 So, I'm saying that to say this. You know, I'm
22 Muslim. I been Muslim for 30 plus years.

23 I came up in a bad life. You know, I did a lot that
24 I didn't get caught for. So, I feel as though now that
25 God is punishing me now for the things that I didn't get

1 caught for and I didn't, I didn't come to trial cause I
2 got multiple life sentences.

3 I came because I didn't do this. You know what I'm
4 saying.

5 I admit I did try to escape. But I didn't take that
6 woman as a hostage and I didn't take the stand because I
7 didn't want them to break out the situation where I'm --
8 you know, my original charge being locked up cause I know
9 they be looking at me differently because of that
10 situation I been accused for.

11 So that's the reason why I didn't take the stand.
12 You know what I'm saying.

13 But, again, I was in fear of the time because, like I
14 say, I already got multiple life sentences. But, again, I
15 state for the record I did not do this to Ms. Hall. I
16 don't, I don't know Ms. Hall like that. So I don't know
17 why she say she know me like that.

18 But the other, the other two CO's was holding -- was
19 held hostage, I knew them. We had kind of like a, a
20 repertoire meaning like I, I did try to teach one of them
21 the thing which is being Muslim cause he asked questions
22 about me being Muslim. He had questions. So like I was
23 teaching him that.

24 You know, I don't have problems with women. My
25 mother always told me to respect them. So, I don't have

1 problems with women. I never put my hands on women. I
2 don't beat women.

3 So, I'm not gonna hold them like up like in the
4 beginning. I didn't, I didn't do that she said. I will
5 apologize to her for going through what she went through.
6 But she's not here. But I have being making prayer for
7 her the whole three years that it been had that I been in
8 lockup and I been in Lee County, her and her family.

9 But, again, like I say, I didn't do this. I'm hoping
10 it will come back on appeal and the only thing is thank
11 you for your time and spending time here and I appreciate
12 it.

13 THE COURT: All right. Thank you, Mr., Mr. Heyward.
14 All right. And what sentence is he serving life on?
15 Do you have a number, an indictment number?

16 SOLICITOR FENDER: Judge, we've got the certified
17 priors we can hand up.

18 SOLICITOR LONG: It's -- Your Honor, it's
19 2015-GS-40-06020, murder. Indictment ending in 06017,
20 burglary first degree.

21 THE COURT: 06017?

22 All right. Thank you.

23 SOLICITOR FENDER: Yeah, Your Honor, there's not a
24 sentencing on -- there's not a sentence on the, on the
25 kidnapping. So, I'm not sure of that one.

1 THE COURT: Okay. Well, that's cause the law changed
2 and they can't sentence him on the kidnapping if you give
3 somebody life is the deal on that.

4 All right. Mr. Heyward, I'll -- my hands are tied.
5 This is another violent, another most serious. It's
6 another strike for you. I'm not telling you anything you
7 don't already know.

8 The sentence of the Court, on the taking hostage by
9 inmate, you are to be committed to the State Department of
10 Correction for a period of life. That will be life
11 without parole. I am running it consecutive to this
12 murder, the burg first, and the escape.

13 On the escape, it's 15 years at the Department of
14 Correction.

15 Good luck to you. Thank you.

16 Court's adjourned.

17 THE COURT: Thank you, Aaron.

18 MR. TAYLOR: Yes, ma'am.

19 (WHEREUPON, two notes from the jury were marked as
20 Court's Exhibit Nos. 1 and 2 and received into evidence at
21 this time.)

22

23 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

24

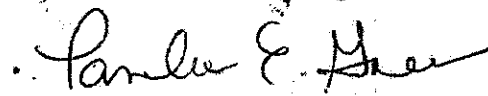
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for McCormick County, South Carolina, on the 26th and 27th days of August, 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 22nd, 2024



PAMELA E. GREEN, Court Reporter

WITNESSES

SLED

William R. Padgett, Jr. - SLED

Law Enforcement Case #: 32200155

DWF

ARREST WARRANT NUMBER

2022A3510100214

ACTION OF GRAND JURY

Guadalupe J. Lugo

Foreperson of Grand Jury
Date: AUG 2 2 2024

VERDICT

James Heyward

Guadalupe J. Lugo
Foreperson of Petit Jury
Date: AUG 2 2 2024

INDICT

DOCKET NO. 2024GS3500133

The State of South Carolina

County of McCormick

MCCORMICK COUNTY
COURTHOUSE

August Term 2024

THE STATE

vs.

James Heyward

Indictment For

Taking of Hostages by Inmate

SC Code: §24-13-450

CDR Code: 2524

Class A Felony

S.R. Hubbard III, Solicitor

STATE OF SOUTH CAROLINA)

COUNTY OF MCCORMICK)

INDICTMENT FOR

2024GS3500133

Taking of Hostages by Inmate

§24-13-450

At a McCormick County Courthouse, convened on August 22, 2024, the Grand Jurors of McCormick County present upon their oath:

Taking of Hostages by Inmate

That in McCormick County, South Carolina, on or about December 27, 2020, the Defendant, James Heyward, did willfully and unlawfully, as an inmate of a state correctional facility (McCormick Correctional Institute), whether acting alone or in concert with others, did by threat, coercion, intimidation, or physical force take, hold, decoy or carry away a person as a hostage, or for any other reason, to wit: SCDC Lt. Verdeia Hall, all in violation of Section 24-13-450, et al. of the Codes of Law of South Carolina.

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



Assistant Solicitor

DOCKET NO. 2024GS3500192

The State of South Carolina

County of McCormick

MCCORMICK COUNTY
COURTHOUSE

August Term 2024

THE STATE

vs.

James Heyward

Indictment For

Escape or Attempted Escape

SC Code: §24-13-410(A)

CDR Code: 2527

Class D Felony

S.R. Hubbard III, Solicitor

WITNESSES

SLED

William R. Padgett, Jr. - SLED

Law Enforcement Case #: 32200155

DWF

ARREST WARRANT NUMBER

2024GS3500192

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: AUG 22 2024

VERDICT

Foreperson of Petit Jury

Date: AUG 22 2024

INDICT

STATE OF SOUTH CAROLINA

COUNTY OF MCCORMICK

)
)
)
)
)
)

INDICTMENT FOR

2024GS3500192

Escape or Attempted Escape

§24-13-410(A)

At a McCormick County Courthouse, convened on August 22, 2024, the Grand Jurors of McCormick County present upon their oath:

Escape or Attempted Escape

That in McCormick County, South Carolina, on or about December 27, 2020, the Defendant, James Heyward, did willfully and unlawfully, as a person who was lawfully confined in a prison (McCormick Correctional Institute) or while in the custody of an officer or another employee, did escape, attempt to escape or have in possession tools, weapons, or other items that may be used to facilitate an escape, all in violation of Section 24-13-410(A), et al. of the Codes of Law of South Carolina.

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



Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF MCCORMICK

STATE

VS.

James Heyward

AKA:

Race: Black Sex: Male Age: 47DOB: 1973 SS#: [REDACTED]Address: Redemption Way
City, State, Zip: Mc Cormick, SC 29899DL#* SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2024 GS3500133
2024 GS3500192

A/W#:

Date of Offense:

12/27/2020

S.C. Code §:

24-13-440(A) 450

CDR Code #:

2527 2524

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 ☒ PLEADSTO: Escape or Attempted Escape Taking Hostage By InmateIn violation of § 24-13-440(A) 450 of the S.C. Code of Laws, bearing CDR Code # 2527 2524☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)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:

Solicitor

SC Bar # 101155

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of LIFE days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; 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: 2024 GS3500192 - Escape☐ 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 VS. James HeywardINDICTMENT/CASE#: 2024GS3500192**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	\$ 100.00
§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	\$ 25.00
§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	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$

TOTAL \$ 128.75Clerk of Court/Deputy Clerk: Anna Foster
Court Reporter: Anna FosterPresiding Judge: Debra McCade
Judge Code: 2169
Sentence Date: 8/27/24

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF MCCORMICK

STATE

VS.

INDICTMENT/CASE#: 2024GS3500192

James Heyward

A/W#:

AKA:

Date of Offense:

Race: Black Sex: Male Age: 47

12/27/2020

DOB: 1973 SS#: [REDACTED]

S.C. Code §: 24-13-410(A)

Address: [REDACTED] Redemption Way

CDR Code #: 2527

City, State, Zip: McCormick, SC 29899

SENTENCE SHEET

DL#* SID#

*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

TO: Escape or Attempted Escape

In violation of § 24-13-410(A) of the S.C. Code of Laws, bearing CDR Code # 2527

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

 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:

Solicitor

SC Bar # 101135

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 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:

2024GS3500133

☐ 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:☐ **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:**

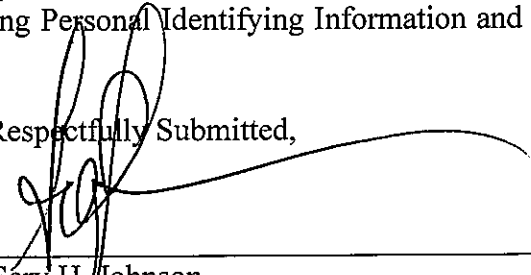
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ _____
§56-5-2995 (DUI Assessment)		\$12	\$ _____
§56-1-286 (DUI Breath Test)		\$25	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ <u>25.00</u>
§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	\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ _____
TOTAL			\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: Ambera P. Se 14
Court Reporter: Anna FosterPresiding Judge: Debra McCaslin
Judge Code: 2769
Sentence Date: 8/27/24

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,



Gary H. Johnson
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 8th day of May, 2025.

RECEIVED

May 08 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
May 08 2025
SC Court of Appeals

Appeal from McCormick County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

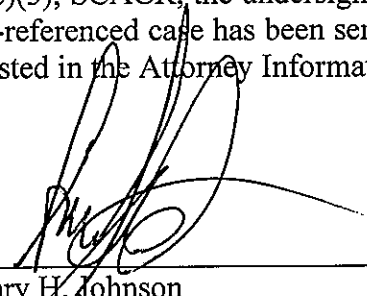
JAMES HEYWARD,

APPELLANT

APPELLATE CASE NO. 2024-001445

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), this 8th day of May, 2025.



Gary H. Johnson
Appellate Defender

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

ATTORNEY FOR APPELLANT