

STATE OF SOUTH CAROLINA)
) THE COURT OF GENERAL SESSIONS
 COUNTY OF LAURENS)

THE STATE)
)
 -VS-)
)
 WILLIAM ANTHONY CATHCART)
 AND KIMMIE SHIPES HEATON,)
)
) SENTENCING
 DEFENDANTS.)

MAY 6, 1998
 LAURENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J. ERNEST KINARD, JR., JUDGE.

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

W. TOWNES JONES, SOLICITOR, EIGHTH JUDICIAL CIRCUIT
 MICHAEL T. COULTER, DEPUTY SOLICITOR, EIGHTH
 JUDICIAL CIRCUIT
 ATTORNEYS FOR THE STATE

JOHN R. FERGUSON, ESQUIRE
 ATTORNEY FOR THE DEFENDANT WILLIAM ANTHONY CATHCART

CLAUDE H. HOWE, III, PUBLIC DEFENDER, COUNTY OF
 LAURENS
 ATTORNEY FOR THE DEFENDANT KIMMIE SHIPES HEATON

MARGARET F. BRIGGS
 CIRCUIT COURT REPORTER
 POST OFFICE BOX 1722
 GREENWOOD, SOUTH CAROLINA 29648

1 THE COURT: OKAY. WE'RE READY TO PROCEED
2 WITH SENTENCING IN THE HEATON MATTER, IS THAT RIGHT?

3 MR. JONES: THAT'S CORRECT, YOUR HONOR.

4 THE COURT: ALL RIGHT.

5 MR. JONES: WHICH ONE DO YOU WANT TO PROCEED
6 WITH, JUDGE?

7 THE COURT: MS. HEATON'S STANDING THERE.

8 MR. JONES: ALL RIGHT, SIR. WOULD YOU ALLOW
9 THE STATE TO PRESENT OUR CIRCUMSTANCES --

10 THE COURT: SURE.

11 MR. JONES: -- IN AGGRAVATION AND ANY --

12 THE COURT: RIGHT.

13 MR. JONES: THE FAMILY WOULD LIKE TO ADDRESS
14 YOU, ALSO.

15 THE COURT: THEY CAN.

16 MR. JONES: JUDGE, BASICALLY, YOU'VE HEARD
17 THE FACTS OF THIS CASE. WE PRESENTED THEM AT THE --
18 WHEN THE GUILTY PLEA WAS ENTERED AND OFFERED BY THE
19 DEFENSE. I WOULD LIKE TO, AT THE OUTSET, ASK YOU
20 TO ALLOW CHIEF DEPUTY SOLICITOR MICHAEL COULTER TO
21 OUTLINE FOR YOU SOME OF THE FACTUAL BASIS UPON WHICH
22 THE STATE ASSERTS THE AGGRAVATED NATURE OF THIS CRIME,
23 THE COLD-BLOODED NATURE OF IT, THE COLD-BLOODED ACT,
24 THE COLD-BLOODED PREPARATION THAT WAS TAKEN BY THIS
25 DEFENDANT TO ACCOMPLISH THIS MURDER. YOUR HONOR, IT

1 IS OUR POSITION THAT IT WAS DONE SOLELY FOR HER OWN
2 MEANS AND PURPOSE AND NONE OTHER; THAT SHE DID IT AS
3 A COLDHEARTED AND MEAN PERSON; SHE DID IT TO A
4 WONDERFUL, NICE, KIND PERSON; AND THAT AFTER SHE
5 ACCOMPLISHED IT, JUDGE, HER ATTENTION TURNED TO THE
6 BENEFITS THAT WOULD INURE TO HER AS A RESULT OF
7 ACCOMPLISHING THIS CRIME. FROM HER HOSPITAL BED,
8 RECOVERING FROM SELF-INFLICTED WOUNDS, SHE CALLED HIS
9 EMPLOYERS, WANTING TO KNOW ABOUT HIS DEATH BENEFITS.
10 WITHIN HOURS OF ACCOMPLISHING THIS ACT OF GETTING HIM
11 OUT OF HER LIFE AND FREEING HER LIFE UP FOR WHATEVER
12 SHE WANTED TO DO, SHE BEGAN LOOKING TO THE FRINGE
13 BENEFITS OF THIS CRIME, THE ICING ON THIS CAKE:
14 MONEY, WHAT MONEY SHE COULD GET FROM HIS DEATH.

15 BUT, JUDGE, IF YOU WOULD, PLEASE ALLOW
16 DEPUTY SOLICITOR COULTER TO OUTLINE TO YOU WHAT WE
17 HAVE IN THIS CASE.

18 THE COURT: OKAY. MR. COULTER?

19 MR. COULTER: THANK YOU, YOUR HONOR. THE
20 STATE HAD INTENDED TO PROVE AND PRESENT TO THE COURT
21 DURING THE CASE IN CHIEF OF THE TRIAL OF MS. HEATON
22 AND MR. CATHCART THE FOLLOWING FACTS SUPPORTED BY THE
23 EVIDENCE COLLECTED BY THE SHERIFF'S DEPARTMENT AND THE
24 SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

25 IN APRIL OF 1997, THE DEFENDANT

1 MS. HEATON AND THE VICTIM IN THIS CASE, DAVID HEATON,
2 HAD BEEN MARRIED ABOUT TWO YEARS. THEY WERE LIVING IN
3 A HOME THAT THEY HAD PURCHASED THAT WAS RIGHT NEXT
4 DOOR TO THE VICTIM'S MOTHER AND FATHER. THEY HAD BEEN
5 LIVING THERE FOR SOME TIME. IN APRIL OF '97, AT THE
6 TIME OF THIS MURDER, THE CO-DEFENDANT, TONY CATHCART,
7 ALSO LIVED IN THIS HOME. HE'D BEEN LIVING THERE FOR
8 ABOUT THREE MONTHS. HE WAS STAYING THERE, PAYING RENT
9 WEEKLY FOR ABOUT TEN DOLLARS A WEEK.

10 ON APRIL 17TH, DURING THIS TIME THAT
11 THEY WERE LIVING IN THIS HOME, THINGS WERE DIFFICULT.
12 MONEY WAS TIGHT. BOTH OF THEM WERE HOLDING DOWN TWO
13 JOBS, ONE JOB JOINTLY, AND THAT WAS THE PAPER ROUTE
14 THAT THEY BOTH CARRIED OUT -- DAVID AND KIMMIE -- AND
15 THE DEFENDANT MS. HEATON ALSO HAD A JOB AT A GAS
16 STATION, AND THE VICTIM, DAVID, ALSO WORKED AT B.F.
17 SHAW DURING THE DAY AND AT NIGHT WAS CONTINUING HIS
18 EDUCATION AT PIEDMONT TECH IN ARCHITECTURE.

19 IN APRIL, ON APRIL 17TH OF 1997, THE
20 DEFENDANT AND THE VICTIM, DAVID HEATON, WENT ON THIS
21 PAPER ROUTE AT FOUR O'CLOCK IN THE MORNING. THEY HAD
22 COMPLETED THE PAPER ROUTE AROUND FIVE-THIRTY OR SO
23 THAT MORNING. THREE SHOTS WERE FIRED. MS. HEATON
24 CALLED THE CLINTON POLICE DEPARTMENT REQUESTING E.M.S.
25 AND POLICE, THAT SHE HAD BEEN SHOT AND HER HUSBAND HAD

1 BEEN SHOT. SHE WAS TAKEN TO THE HOSPITAL AS WELL,
2 WITH THE VICTIM, DAVID HEATON, WHO HAD GRAVE INJURIES,
3 TWO GUNSHOT WOUNDS TO THE HEAD. SHORTLY AFTER BEING
4 IN THE HOSPITAL, SHE WAS INTERVIEWED BY THE SHERIFF'S
5 DEPARTMENT HERE, BY INVESTIGATOR ROBBIE YON, AND TOOK
6 A TAPED STATEMENT WHEREIN THE DEFENDANT MS. HEATON
7 SAID THAT AS SHE WAS DELIVERING THE PAPERS WITH HER
8 HUSBAND, SHE HAD ASKED AT THE END OF THE ROUTE TO HAVE
9 HIM STOP SO SHE COULD GET A BUNDLE OF PAPERS OUT OF
10 THE BACK TO FINISH UP THE ROUTE. AS SHE WENT -- SHE
11 WAS IN THE PASSENGER'S SIDE OF THE CAR. SHE GOT OUT
12 OF THE CAR, WENT TO THE REAR DOOR OF THE CAR, AND
13 OPENED UP THE CAR AND TOOK OUT THE BUNDLE OF PAPERS.
14 SHE SAID SHE THOUGHT SHE HAD CUT HER FINGER. SHE WENT
15 TO PLACE THE BUNDLE ON THE GROUND, AND AS SHE DID
16 THAT, SOMEBODY CAME UP FROM BEHIND, PUSHED HER IN THE
17 CAR, AND THEN SHOT TWO TIMES AT HER HUSBAND, DAVID
18 HEATON. WHEN SHE WAS ABLE TO GET UP OUT OF THE BACK
19 SEAT, SHE SAID THAT THE ASSAILANT, A BLACK MALE, HAD A
20 GUN, CALLED HER A LUCKY BITCH, AND SHOT HER IN THE
21 CHEST. SHE DESCRIBED THE SHOOTER AS A BLACK MALE.
22 SHE SAID THERE WERE ALSO TWO OTHER PEOPLE, TWO OTHER
23 ASSAILANTS THERE, ANOTHER BLACK MALE AND A WHITE MALE.
24 THEY DROVE OFF IN THE CAR -- IN A CAR. SHE COULD GIVE
25 NO FURTHER DESCRIPTION OF THE ASSAILANTS OR OF THE CAR

1 THAT THEY DROVE OFF IN. MS. HEATON MAINTAINED THIS
2 PARTICULAR STORY, THIS VERSION OF FACTS FOR THE NEXT
3 EIGHT DAYS, UNTIL APRIL 24TH.

4 DAVID HEATON DIED LATER ON THAT DAY,
5 APRIL 17TH OF '97, JUST TWO DAYS BEFORE HE WOULD HAVE
6 TURNED TWENTY-SIX YEARS OLD. AUTOPSY REVEALED TWO
7 FATAL GUNSHOTS TO THE HEAD. ONE WAS JUST BEHIND THE
8 RIGHT EAR, SLIGHTLY ABOVE IT. IT WENT FROM BACK TO
9 FRONT AND UPWARDS AND TO THE LEFT. THE SECOND ONE WAS
10 JUST TO THE FRONT OF THE RIGHT EAR AND SLIGHTLY ABOVE
11 IT. THIS ONE WENT HORIZONTAL ACROSS THE HEAD TOWARDS
12 THE BACK, AND THE FORENSIC PATHOLOGIST DESCRIBED THIS
13 PARTICULAR WOUND AS A CONTACT WOUND. THERE WAS
14 CHARRING AROUND THE WOUND ITSELF, AS WELL AS AN
15 IMPRINT OF THE MUZZLE OF THE WEAPON ON THE WOUND THAT
16 WAS RIGHT IN FRONT OF THE RIGHT EAR.

17 ON THIS SAME DAY, LAW ENFORCEMENT
18 PERSONNEL INTERVIEWED TONY CATHCART, WHO, AGAIN, WAS
19 LIVING WITH DAVID AND KIMMIE HEATON, WHO WAS ALSO THE
20 FIRST COUSIN OF KIMMIE HEATON, AND HE DENIED ANY
21 KNOWLEDGE OF THESE MURDERS AT ALL ON APRIL 17TH.

22 THROUGH THE FOLLOWING DAYS, SHE
23 REMAINED IN THE HOSPITAL -- THE DEFENDANT HEATON --
24 UNTIL THE 21ST. ALL THROUGH THIS TIME SHE WAS BEING
25 SUPPORTED EMOTIONALLY BY THE FAMILY OF THE VICTIM,

1 DAVID HEATON, AND AGAIN SHE CONTINUED TO MAINTAIN
2 THIS STORY, WHILE ALL THE WHILE THE VICTIM'S FAMILY
3 WAS SIMPLY ASKING FOR SOMEONE TO COME FORWARD AND
4 TELL THEM WHO AND WHY SOMEBODY WOULD SHOOT THEIR
5 SON. SHE WAS RELEASED ON THE 21ST. THE FUNERAL
6 WAS ON THE 22ND, AND THERE IS FILM FOOTAGE TAKEN
7 BY CAMERAS SHOWING THE DEFENDANT MS. HEATON WALKING
8 INTO THE FUNERAL, INTO THE CHURCH, HOLDING THE
9 MOTHER'S HAND -- OF DAVID HEATON -- THE VICTIM'S
10 MOTHER AND THE MURDERER WALKING IN HAND IN HAND INTO
11 THE FUNERAL OF DAVID HEATON.

12 ON THE 23RD OF APRIL, MS. HEATON CAME
13 INTO THE SHERIFF'S DEPARTMENT AND TALKED WITH LAW
14 ENFORCEMENT. SHE TALKED WITH DWIGHT MC CRAW, AN AGENT
15 WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, AND
16 SHE AGAIN TOLD THE SAME STORY THAT SHE HAD GIVEN
17 BEFORE ABOUT THE THREE ASSAILANTS. AGENT MC CRAW
18 REQUESTED THAT SHE TAKE A POLYGRAPH THE NEXT DAY. SHE
19 AGREED TO THAT. THEY WENT DOWN ON THE 24TH, AND AFTER
20 GIVING THIS SAME STORY AGAIN, FAILED THE POLYGRAPH.
21 WHEN CONFRONTED WITH THE FAILURE, SHE CONFESSED TO
22 AGENT MC CRAW THAT SHE HAD IN FACT, ALONG WITH THE
23 HELP OF A CO-DEFENDANT, TONY CATHCART, KILLED DAVID
24 HEATON.

25 THE ACTUAL WAY THIS MURDER WAS

1 COMMITTED WAS THAT SHE HAD GOT HER COUSIN TO GET HER
2 A GUN, ASKED HER COUSIN THE DAY OF THE MURDER TO PLACE
3 THAT GUN UNDER THE PASSENGER SEAT OF THE CAR, WENT ON
4 THE PAPER ROUTE. THE COUSIN ALSO PLACED A GLOVE UNDER
5 THE SEAT OF THE CAR. WENT ON THE PAPER ROUTE. THERE
6 AT THE END SHE DID ASK HER HUSBAND TO STOP THE CAR TO
7 GET THE BUNDLE. AS SHE WAS GETTING OUT OF THE CAR,
8 SHE PUT A GLOVE ON HER RIGHT HAND, GOES INTO THE BACK
9 SEAT OF THE CAR, REACHES UNDER THE PASSENGER SEAT OF
10 THAT CAR, TAKES THE .22-CALIBER WEAPON, PUTS IT TO HER
11 HUSBAND'S HEAD, AND PULLS THE TRIGGER TWICE. AT THAT
12 TIME THE DEFENDANT TONY CATHCART COMES DOWN THE HILL.
13 SHE SHOOTS HERSELF IN THE CHEST. SHE GIVES THE GLOVE
14 AND THE GUN TO TONY CATHCART, AND HE DRIVES AWAY ON A
15 MOTORCYCLE AND THROWS THE GUN IN A POND.

16 SHE SAID IN HER CONFESSION THAT SHE WAS
17 DOING EVERYTHING SHE COULD PRIOR TO THIS MURDER TO GET
18 OUT OF THIS MARRIAGE BUT DAVID DIDN'T WANT TO. SHE
19 SAID THAT SHE HAD DONE ALL SHE COULD. SHE HAD HAD AN
20 AFFAIR WITH A PERSON OUT OF NEWBERRY, BUT SAID THAT
21 DAVID DIDN'T CARE. HE BEGGED FOR HER TO COME BACK TO
22 HIM. SHE TOLD DAVID ONE TIME THAT SHE WAS PREGNANT
23 WITH ANOTHER MAN'S CHILD, BUT DAVID STILL DIDN'T CARE.
24 HE SAID THAT HE WOULD RAISE THE CHILD AND HE STILL
25 LOVED HER. SHE FURTHER STATED IN HER CONFESSION, "I

1 STILL HAD PIDDLY LITTLE AFFAIRS ON THE SIDE. JUST
2 SEXUAL FLINGS. DAVID TRIED. HE THOUGHT THINGS WERE
3 OKAY. IT HAD CROSSED MY MIND BEFORE THAT IT WOULD BE
4 BETTER IF DAVID WERE DEAD. HE WAS NEVER MEAN. HE
5 NEVER HIT ME."

6 WHEN THE CO-DEFENDANT TONY CATHCART
7 WAS CONFRONTED WITH DEFENDANT HEATON'S VERSION OF
8 THE STORY, TONY CATHCART AS WELL GAVE A CONFESSION,
9 STATING THAT IN FACT HE WAS INVOLVED. HE ADMITTED TO
10 GETTING THE GUN AT KIMMIE'S REQUEST AND PUTTING THE
11 GUN IN THE CAR THE DAY OF THE MURDER. HE DID STATE
12 THAT HE DIDN'T KNOW WHY SHE WANTED THE GUN, DIDN'T
13 KNOW WHY SHE REQUESTED HIM TO PUT IT IN THE CAR, BUT
14 AT SOME POINT DECIDED THAT MORNING THAT HE BETTER
15 CHECK ON KIMMIE, WORRIED ABOUT WHAT SHE MAY DO WITH
16 THAT GUN, AND JUST HAPPENED TO DRIVE UP ON THIS SCENE
17 RIGHT AFTER THE MURDER HAD TAKEN PLACE, AND AS SOON AS
18 HE WAS GIVEN THAT GUN, HE DROVE AWAY AND CONCEALED IT
19 BY THROWING IT IN A POND. HE SAID HE HAD BEEN LIVING
20 THERE FOR THREE MONTHS AND ABOUT THE SAME TIME THAT HE
21 MOVED IN, KIMMIE HAD ALREADY APPROACHED HIM ASKING
22 WHETHER OR NOT HE KNEW ANYBODY WHO COULD KNOCK
23 SOMEBODY OFF. DEFENDANT CATHCART TOOK THE AGENTS TO
24 THE POND, AND THEY WERE ABLE TO RECOVER THE WEAPON,
25 AND IN FACT IT WAS THE MURDER WEAPON.

1 THE STATE WAS PREPARED TO CALL, YOUR
2 HONOR, A NUMBER OF WITNESSES WHO, IT WOULD HAVE BEEN
3 THE STATE'S POSITION, WOULD HAVE TESTIFIED REGARDING
4 PREMEDITATION INVOLVED IN THIS CASE, INTENT AND
5 MOTIVE. WE WERE READY TO PRESENT A WITNESS BY THE
6 NAME OF CHIANTA ADAMS, WHO WAS A CO-DEFENDANT OF
7 THE -- I MEAN, EXCUSE ME, A CO-WORKER OF THE
8 CO-DEFENDANT, TONY CATHCART. SHE WOULD HAVE SAID
9 THAT ON APRIL 14TH OR 15TH OF 1997, JUST TWO OR THREE
10 DAYS BEFORE THE MURDER, SHE WAS DRIVING TONY CATHCART
11 HOME FROM WORK AND DURING THE DRIVE, TONY CATHCART WAS
12 COMPLAINING THAT DAVID HEATON, THE VICTIM, HAD RAISED
13 HIS RENT FROM TEN DOLLARS A WEEK TO FIFTY DOLLARS A
14 WEEK AND THAT DAVID WANTED HIM OUT OF THE HOUSE.
15 DEFENDANT CATHCART TOLD THIS CO-WORKER THAT IT WOULD
16 BE EASIER JUST TO KILL HIM THAN MOVE FROM THE HOUSE
17 WHERE HE WAS STAYING. JUST TWO DAYS BEFORE THE
18 MURDER.

19 KENNETH MOSES, ANOTHER CO-WORKER
20 OF DEFENDANT CATHCART, WHO WAS ALSO CHARGED WITH
21 MISPRISION OF A FELONY, WAS THE ONE WHO ACTUALLY
22 PROVIDED THE GUN TO THE DEFENDANT CATHCART THAT THE
23 DEFENDANT HEATON USED TO KILL HER HUSBAND. IN KENNETH
24 MOSES'S STATEMENT OF APRIL 7TH, 1997, DEFENDANT
25 CATHCART ASKED IF HE HAD A GUN. MOSES SAID HE DID,

1 A .22, AND TONY CATHCART ASKED IF HE COULD HOLD ONTO
2 IT FOR A WHILE. MOSES GAVE IT TO HIM, AGREED AND LET
3 HIM USE IT. OVER THE NEXT WEEK OR SO, HE KEPT ASKING
4 THE DEFENDANT CATHCART WHERE THE GUN WAS, AND THE
5 DEFENDANT CATHCART KEPT PUTTING HIM OFF. ON APRIL
6 11TH OF 1997, KENNETH MOSES -- SIX DAYS BEFORE THE
7 MURDER -- WOULD HAVE TESTIFIED THAT HE TALKED WITH
8 TONY CATHCART, AND "TONY TOLD ME HE AND KIMMIE HAD
9 PLANNED TO GET RID OF HER HUSBAND." THIS IS ON
10 APRIL 11TH. "I ASKED HIM FOR WHAT, AND HE TOLD ME
11 THAT THERE WAS SOME CONFUSION AROUND THEIR HOUSE, BUT
12 MAINLY FOR MONEY. I TOLD HIM I DIDN'T WANT THAT GUN
13 INVOLVED IN NOTHING LIKE THAT. I WANTED MY GUN BACK.
14 HE, TONY, TOLD ME NOT TO WORRY ABOUT IT."

15 THE STATE WOULD HAVE ALSO PRESENTED
16 TESTIMONY FROM A SHERRY OAKLEY, WHO WORKED AT SAFEWAY
17 FINANCE, WHERE KIMMIE HEATON AND DAVID HEATON HAD A
18 LOAN. SHE HAD GONE INTO THIS FINANCE COMPANY ON APRIL
19 7TH, TEN DAYS BEFORE THE MURDER, AND TOLD THESE PEOPLE
20 WORKING AT SAFEWAY, WHEN SHE WAS TRYING TO PAY PART OF
21 A LOAN, THAT HER HUSBAND WAS GOING TO BE OUT OF WORK
22 FOR A WHILE -- THIS BEING ON THE 7TH -- AND ASKED WHAT
23 TYPE OF INSURANCE THEY MAY HAVE TO COVER THIS LOAN
24 THAT THEY HAD OUTSTANDING. THERE WAS ALSO ANOTHER
25 INDIVIDUAL, JIMMY SPENCER, WHO WAS THE SUPERVISOR

1 REGARDING THEIR PAPER ROUTE, AND THE DAY OF THE
2 FUNERAL, FEBRUARY 22ND, MS. HEATON CALLED MR. SPENCER
3 AND ASKED ABOUT THE BOND MONEY THAT THEY HAD PUT UP TO
4 COVER THE PAPERS THAT THEY HAD ON THIS ROUTE. THE
5 VERY SAME DAY OF THE FUNERAL, THAT MORNING.

6 THE STATE WOULD HAVE ALSO INTENDED TO
7 PRESENT TESTIMONY OF A MARTHA BROWN, AS SOLICITOR
8 JONES HAD ALLUDED TO BEFORE. SHE WORKS AT B.F. SHAW.
9 SHE IS IN CHARGE OF PERSONNEL. ON APRIL 17TH, THE
10 VERY DAY OF THE MURDER, AS SHE'S SITTING IN HER
11 HOSPITAL BED, SHE CALLS B.F. SHAW TO FIND OUT THE
12 STATUS OF DAVID'S PAYCHECK AND ALSO ABOUT INSURANCE
13 MONEY THAT MAY HAVE BEEN THERE, SOME EIGHTEEN THOUSAND
14 DOLLARS, WHICH WAS THE AMOUNT OF HIS ONE-YEAR SALARY,
15 WHICH WAS THE INSURANCE THAT THEY HAD. SHE CALLED
16 SEVERAL TIMES OVER THE NEXT FEW DAYS ASKING ABOUT THE
17 INSURANCE; AND AS A MATTER OF FACT, ON APRIL 21ST, THE
18 DAY SHE'S RELEASED, SHE IMMEDIATELY GOES TO B.F. SHAW
19 AND COLLECTS HIS PAYCHECK AND DEMANDS TO GET THE MONEY
20 FOR THIS INSURANCE THEN AND THERE.

21 BUT THAT GENERALLY, YOUR HONOR, IS WHAT
22 THE STATE WOULD HAVE INTENDED TO INTRODUCE AT TRIAL
23 REGARDING THE PREMEDITATION OF THIS DEFENDANT AND THIS
24 DEFENDANT, MR. CATHCART; HOW THEY HAD SPENT OBVIOUSLY
25 MUCH TIME CONSIDERING HOW THEY WERE GOING TO COMMIT

1 THIS MURDER. LONG AND THOUGHT OUT. THEY KNEW THEIR
2 ACTIONS, THEY KNEW THE CONSEQUENCES OF THEIR ACTIONS,
3 AND CONSIDERED ONLY THEMSELVES ON APRIL 17TH. THEY
4 KNEW THEIR ACTIONS WOULD RESULT IN THE DEATH OF DAVID
5 HEATON, DISREGARDED THAT CONSEQUENCE AND DISREGARDED
6 THE CONSEQUENCES THAT THIS FAMILY OUT HERE HAS TO
7 SUFFER WITH FOR THE REST OF THEIR LIVES AS A RESULT
8 OF THE ACTIONS. THAT'S WHAT THE STATE WOULD HAVE
9 INTENDED TO PROVE.

10 THE COURT: OKAY, MR. COULTER. SOME FAMILY
11 MEMBERS WOULD LIKE TO ADDRESS THE COURT?

12 MR. JONES: YES, SIR.

13 MR. DAVENPORT, IF YOU'D BRING THEM UP.

14 (PAUSE.)

15 MR. JONES: STATE YOUR NAME FOR THE JUDGE
16 AND SPELL IT OUT FOR US BEFORE YOU SPEAK.

17 MS. BETTY CAMPBELL: BETTY CAMPBELL.

18 B-E-T-T-Y, C-A-M-P-B-E-L-L. I'M DAVID'S GODMOTHER,
19 AND FROM THE MOMENT I FIRST HEARD THAT DAVID WAS SHOT,
20 MY EMOTIONS HAVE JUST BEEN ON A ROLLERCOASTER. IT'S
21 WENT FROM DEVASTATION TO JUST BEING STUNNED TO ANGER
22 AND HELPLESSNESS. AND DAVID WAS -- HE WAS JUST SUCH A
23 JOY. AND THE THING THAT I WOULD LIKE TO POINT OUT
24 TO THIS COURT IS THAT DAVID -- KIMMIE AND TONY HAD A
25 CHOICE. THEY COULD HAVE CHOSE DURING THE WEEKS THAT

1 THEY PLOTTED HIS MURDER, THEY COULD HAVE CHOSE NOT TO
2 DO IT, BUT THEY CHOSE TO TAKE HIS LIFE. AND I FEEL
3 THAT THE ONLY THING THAT CAN COMPENSATE -- OR EVEN
4 THAT WOULD NEVER COMPENSATE -- IS THAT THEIR FREEDOM
5 BE TAKEN AWAY FROM THEM AND THAT THEY HAVE TO SPEND
6 LIFE IN PRISON WITHOUT PAROLE. DAVID WAS MY GODSON,
7 AND I KNOW HE WAS GOD SENT, AND HE WAS TAKEN FROM US,
8 AND I ASK THIS COURT TO PLEASE JUST HAVE JUSTICE TO
9 THE GREATEST DEGREE THAT IT CAN. THANK YOU.

10 THE COURT: OKAY. THANK YOU.

11 MR. JONES: STATE YOUR NAME AND SPELL IT FOR
12 US.

13 MR. RANDY CAMPBELL: RANDY CAMPBELL.
14 R-A-N-D-Y, C-A-M-P-B-E-L-L. I'M DAVID AND JULIE
15 HEATON'S GODFATHER, AND IF I UNDERSTAND SOUTH CAROLINA
16 LAW CORRECTLY, THERE CAN BE VERY LITTLE JUSTICE IN
17 THIS COURTROOM TODAY. IF I HAD GODFATHER CONNECTIONS
18 LIKE WE SEE IN THE MOVIES -- I BETTER NOT SAY NO MORE
19 ON THAT. BUT CHRISTIAN PEOPLE ARE NOT ALLOWED THE
20 LUXURY OF HATE, AND ACTUALLY WE DON'T WANT TO HATE
21 PEOPLE, EVEN WHEN THREE PEOPLE -- I INCLUDE THE GUN
22 SUPPLIER -- ARE INVOLVED IN THE PLANNED TAKING OF
23 THE LIFE OF YOUR PRECIOUS LITTLE ONES. AT THIS POINT
24 IN TIME, I DON'T HATE THESE THREE CRIMINALS, BUT I'M
25 STILL TRYING.

1 TO REVIEW DAVID'S LIFE AND GOOD TIMES
2 WILL MAKE ME CRY. SO IF I MAY, LET'S DWELL ON THE
3 DEFENDANTS. BY CONFESSION AND EVIDENCE THEY ARE
4 GUILTY OF PLANNING, CONNIVING, AND CONSPIRING TO
5 TAKE A VERY PROMISING HUMAN LIFE. THAT SEEMS TO BE
6 HAPPENING QUITE OFTEN THESE DAYS. PEOPLE THINK THAT
7 KILLING ONE SOLVES THEIR PROBLEM. TO A POINT, YES.
8 BUT GREATER PROBLEMS ARE SENT THEIR WAY. THESE
9 MURDERERS HAVE NO THOUGHT OF WORKING OUT OTHER
10 SOLUTIONS. THEY DON'T CARE ABOUT THE PAIN THAT THEY
11 CAUSED TO OTHERS. THEY SEEM TO THINK THAT THEY WON'T
12 BE CAUGHT, AND IF THEY ARE CAUGHT AND TRIED, THAT THE
13 PUNISHMENT WON'T BE SO GREAT. THIS COURT HAS AN
14 OPPORTUNITY TO SEND A MESSAGE TO OTHERS THAT MAY BE
15 CONTEMPLATING THESE CRIMINAL ACTIONS. THESE THREE
16 HAVE EARNED THE MAXIMUM PENALTY THAT THIS COURT CAN
17 GIVE. IF THESE THREE HAVE NOT EARNED THE DEATH
18 PENALTY, THEN THE STATE SHOULD APOLOGIZE TO THE PEE
19 WEE GASKINS FAMILY. HOW CAN LOCKING AWAY THESE THREE
20 MURDERERS BRING BACK THE VICTIM? THAT'S IMPOSSIBLE.
21 BUT LOCKING THEM AWAY FOR THE REST OF THEIR LIVES WILL
22 GIVE THE PUBLIC SOME MEASURE OF SAFETY. WE CAN'T
23 EMPHASIZE THE RESULTS THESE DEFENDANTS' ACTIONS HAVE
24 AND WILL CONTINUE TO HAVE ON DAVID'S FAMILY AND
25 FRIENDS. AND BE ASSURED THAT WE DO HURT CONSTANTLY.

1 MEMORIES BRING TEARS AND SORROW. DAVID'S FAMILY FEELS
2 PAIN FOR THE FAMILIES OF THESE MURDERERS. THEIR
3 CALLOUS SELF ACT HAS HURT THEIR OWN FAMILIES AS WELL.
4 THE DEFENDANTS SHOWED NO LOVE OR AFFECTION FOR THEIR
5 OWN FLESH-AND-BLOOD FAMILIES WHEN THEY PLANNED THIS
6 COLD-BLOODED ACT OF SNUFFING OUT DAVID'S LIFE ON
7 PURPOSE.

8 KIMMIE, I HOPE THAT SOME DAY THE HURT
9 AND PAIN THAT YOU HAVE NEEDLESSLY CAUSED -- WHEN THAT
10 DAY COMES, YOU'LL WANT TO SAY, "UNCLE RANDY, I'M
11 SO" -- WELL, STOP. JUST STOP RIGHT THERE. DON'T CALL
12 ME UNCLE NO MORE.

13 MR. CORKY CAMPBELL: MY NAME IS CORKY
14 CAMPBELL. C-O-R-K-Y, C-A-M-P-B-E-L-L. I'VE KNOWN
15 JIMMIE HEATON FOR OVER FORTY YEARS. I KNEW HIM WHEN
16 WE WERE IN THE THIRD GRADE TOGETHER. WE'VE BEEN
17 THROUGH SOME HARD TIMES BEFORE. THIS IS THE HARDEST.
18 ON THE 17TH OF APRIL, 1997, DAVID HEATON WAS TAKEN
19 FROM HIS FAMILY AND HIS FRIENDS, AND THEY ALL LOVED
20 HIM VERY MUCH. AND DAVID TRIED TO HOLD ON TO THIS
21 LIFE FOR OVER SIXTEEN HOURS, BUT HE LOST THAT STRUGGLE
22 WITH DEATH THAT NIGHT. JULIE STEELE, DAVID'S TWIN
23 SISTER, MADE THE STATEMENT IN THAT ROOM THAT NIGHT, "I
24 WISH IT WAS ME LYING THERE INSTEAD OF DAVID." THAT'S
25 THE KIND OF LOVE THAT THIS FAMILY HAS FOR ONE ANOTHER.

1 KIMMIE HAS EXPERIENCED THAT VERY SAME LOVE WHEN SHE
2 LIVED IN THE SAME HOUSE WITH THEM FOR OVER A YEAR AND
3 A HALF. DAVID WAS A QUIET YOUNG MAN. HE WASN'T
4 BOISTEROUS OR LOUD OR ANYTHING LIKE THAT. HE COULD BE
5 IN A ROOM AND IF YOU DIDN'T SEE HIM, YOU WOULDN'T KNOW
6 HE WAS THERE. NOW DAVID IS NO LONGER IN THIS LIFE
7 WITH US, AND THE REASON BEING KIMMIE DECIDED SOLELY
8 THAT HE SHOULD DIE. NO OTHER PERSON MADE THAT
9 DECISION. SHE DONE IT. AND SHE MURDERED DAVID NOT IN
10 THE HEAT OF AN ARGUMENT AND NOT BECAUSE HE ATTACKED
11 HER OR ABUSED HER IN ANY WAY. SHE WANTED HER FREEDOM
12 OF A SINGLE WOMAN. AND I HOPE THAT SHE IS NOT GOING
13 TO HAVE ANY FREEDOM AT ALL. SHE WENT THROUGH THE
14 PLANS OF DOING THIS TERRIBLE DEED, OF OBTAINING THE
15 GUN WITH THE HELP OF HER COUSIN, AND FIRING TWO
16 BULLETS INTO DAVID. IN A VAIN ATTEMPT TO TRY TO COVER
17 THIS CRIME UP, SHE TURNED THE GUN ON HERSELF. AND TO
18 SHOW YOU THE NERVE THIS WOMAN HAS, THE SATURDAY AFTER
19 SHE CONFESSED, SHE CALLED JIM AND SARAH'S HOUSE FROM
20 THE DETENTION CENTER. I ANSWERED THE PHONE, AND SARAH
21 TALKED TO HER. SHE -- YOUR HONOR, YOU CAN'T SENTENCE
22 HER TO THE SENTENCE I THINK SHE DESERVES ACCORDING TO
23 THE STATE LAWS OF SOUTH CAROLINA. BECAUSE OF HER
24 PREMEDITATED ACT OF MURDER, SHE CANNOT RECEIVE THE
25 DEATH PENALTY UNLESS SHE KILLED MORE THAN ONE PERSON.

16 MR. BRIAN STEELE: YOUR HONOR, MY NAME IS
17 BRIAN STEELE. I WAS DAVID HEATON'S BEST FRIEND. YOUR
18 HONOR, WE WERE BEST FRIENDS PROBABLY AS LONG AS I CAN
19 REMEMBER. ALL I GOT LEFT OF MY FRIEND IS THIS BOOK
20 RIGHT HERE WITH JUST PAPER CLIPPINGS AND PICTURES OF
21 ME AND HIM GROWING UP TOGETHER. I LOVED DAVID LIKE
22 HE WAS MY OWN BROTHER. I WOULD HAVE DONE ANYTHING
23 FOR HIM. YOUR HONOR, AT NIGHT I CAN'T EVEN SLEEP,
24 BECAUSE EVERY TIME I CLOSE MY EYES, I PICTURE KIMMIE
25 HEATON PUTTING A GUN UP TO HIS HEAD AND PULLING THE

1 TRIGGER. YOUR HONOR, DAVID LOVED LIFE. HE LOVED HIS
2 FAMILY. HE LOVED HIS FRIENDS. BUT MOST OF ALL,
3 MORE THAN ANYTHING IN THIS WORLD, HE LOVED HIS WIFE,
4 KIMMIE. HE LOVED HER SO MUCH, YOUR HONOR, IT KILLED
5 HIM. YOUR HONOR, THAT BURDEN IS LEFT WITH THIS FAMILY
6 AND ALL HIS FRIENDS. DAVID HAD NUMEROUS FRIENDS.
7 JUST TALK FOREVER ABOUT HIS FRIENDS. DAVID, HE WOULD
8 COME TO MY HOUSE THREE OR FOUR O'CLOCK IN THE MORNING.
9 "COME ON AND LET'S GO FIND HER, I NEED TO TALK WITH
10 HER," AND ALL THIS. YOUR HONOR, IT'S JUST NOT RIGHT
11 WHAT SHE HAS DONE OR WHAT TONY HAS DONE. IT'S HARD
12 NOT TO HATE THEM, AND I'M NOT GOING TO SIT HERE AND
13 SAY I DO HATE THEM, BUT, YOUR HONOR, THE ONLY WAY
14 JUSTICE CAN BE DONE FOR THIS FAMILY AND FRIENDS IS IF
15 THEY SERVE THE REST OF THEIR LIVES IN PRISON. I HOPE
16 YOU TAKE THAT INTO CONSIDERATION. THANK YOU, SIR.

17 MR. DONALD HENSON: MY NAME IS REVEREND
18 DONALD HENSON. D-O-N-A-L-D, H-E-N-S-O-N. I HAVE
19 KNOWN THE HEATON FAMILY AND BEEN THEIR PASTOR FOR
20 MORE THAN TWENTY-TWO YEARS. I ACTUALLY PERFORMED
21 THE CEREMONY AT THEIR SON'S WEDDING AND COUNSELED
22 THIS COUPLE. DAVID WAS ONLY FOUR YEARS OLD WHEN I
23 CAME. WE'VE ENJOYED A LOVING FAMILY RELATIONSHIP
24 WITH THE HEATONS. ACTUALLY THEIR DAUGHTER IS OUR
25 GOD-GRANDCHILD. SHE WAS NAMED AFTER OUR OWN TAMMY.

1 AND NOW WE'VE WATCHED THEM SUFFER THROUGH THE MOST
2 UNIMAGINABLE TRAGEDY THAT ANYONE CAN THINK OF. THEY
3 ARE FOREVER CHANGED. THEIR FOURTEEN-YEAR-OLD WENT
4 THROUGH A TIME OF FEAR THAT SHE FELT SHE MIGHT BE
5 NEXT. THIS FAMILY AND THEIR FRIENDS AND EVEN THE
6 FAMILY ON THE OTHER SIDE OF THIS COURTROOM ARE
7 VICTIMS. WE ALL LOVED DAVID. AND WE HAVE BEEN DENIED
8 HIS PRESENCE FOR THE REST OF OUR LIVES. AND ALL THAT
9 THIS FAMILY CAN HOPE FOR TODAY IS THAT JUSTICE, REAL
10 JUSTICE, WILL BE SERVED. DAVID LOVED AND LOST. HIS
11 FAMILY REACHED OUT AND LOVED AND LOST AS WELL. WE
12 HAVE ALL FELT THAT WE'VE BEEN BETRAYED AND VICTIMIZED
13 BY A SELFISH AND UGLY ACT. I HOPE FOR THIS FAMILY
14 THAT THEY CAN FEEL A CLOSURE OF THIS MATTER AND LEAVE
15 THIS COURTROOM TODAY FEELING THAT JUSTICE HAS BEEN
16 SERVED. THANK YOU, YOUR HONOR.

17 THE COURT: OKAY.

18 MS. JULIE STEELE: I'M JULIE STEELE.

19 J-U-L-I-E, S-T-E-E-L-E. I'M DAVID'S TWIN SISTER.
20 WHEN DAVID WAS BORN, HE WASN'T BORN ALONE. HE HAD
21 SOMEONE WITH HIM, AND IT WAS ME. NOT EVERYONE IS
22 BLESSED WITH A TWIN, BUT I WAS. SINCE THE VERY
23 BEGINNING, IT WAS THE TWO OF US. I HAD SOMEONE TO
24 GROW UP WITH AND SOMEONE TO PLAY WITH. WE WENT TO
25 SCHOOL TOGETHER. WE HAD THE SAME CLASSES TOGETHER.

1 HIS FRIEND WERE MY FRIENDS. WE WENT TO THE PROM
2 TOGETHER, AND WE GRADUATED TOGETHER. WE EVEN
3 CELEBRATED BIRTHDAYS TOGETHER. THE BOND OF TWINS IS
4 MUCH MORE THAN JUST BEING A BROTHER AND SISTER. HE
5 WAS MY OTHER HALF. A PART OF ME IS GONE NOW. THE
6 ONE PERSON WHO'S ALWAYS BEEN WITH ME. KIMMIE TOOK
7 AWAY FROM US THE MOST PRECIOUS THING IN THIS WORLD,
8 LIFE. DAVID'S LIFE CAN NEVER BE REPLACED. I HAVE A
9 THREE-YEAR-OLD SON WHO STILL ASKS ME WHERE IS UNCLE
10 DAVID AT. HE WILL NEVER COME TO KNOW HOW MUCH HIS
11 UNCLE DAVID LOVED HIM. MY FAMILY HAS NOW GOT TO LIVE
12 WITH THE FACT THAT DAVID'S NEVER COMING BACK. THIS IS
13 SOMETHING THAT WILL REMAIN WITH US FOR THE REST OF OUR
14 LIVES. THERE'S NOT A DAY THAT GOES BY THAT I DON'T
15 FEEL THE PAIN OF MISSING HIM. IT WILL NEVER BE THE
16 SAME AGAIN. KIMMIE TOOK DAVID'S LIFE AWAY FROM HIM.
17 SHE PLANNED IT, AND SHE WENT THROUGH WITH IT. SHE
18 NEEDS TO PAY FOR WHAT SHE'S DONE. KIMMIE STILL HAS
19 HER LIFE, BUT SHE DOESN'T DESERVE THE PLEASURES OF
20 LIFE. WHAT SHE DESERVES IS TO SPEND THE REST OF HER
21 LIFE IN PRISON WITHOUT PAROLE, AND, JUDGE, YOU ARE THE
22 ONE WHO CAN SEE TO IT THAT JUSTICE IS DONE. THANK
23 YOU.

24 MS. SARAH HEATON: SARAH HEATON. S-A-R-A-H,
25 H-E-A-T-O-N. I'M DAVID'S MOTHER. I WANTED TO SHARE A

1 FEW MEMORIES WITH YOU THIS MORNING OF MY SON DAVID.

2 THE COURT: SURE.

3 MS. SARAH HEATON: MEMORIES ARE ALL WE HAVE
4 LEFT, NOW THAT HE'S GONE. IN APRIL, 1971, GOD BLESSED
5 OUR LIVES WITH NOT ONE BABY, BUT WITH TWO PERFECT
6 BABIES. AND LIKE ALL MOTHERS, I ENVISIONED GREAT
7 DREAMS FOR DAVID. AS THEY GREW, DAVID AND JULIE WERE
8 NEVER SEPARATED. THEY DID EVERYTHING TOGETHER. WE
9 TOOK THEM TO GOD'S HOUSE, AND WE TAUGHT THEM TO LOVE
10 GOD AND TO SERVE HIM AND TO LOVE OTHERS. THEY WERE
11 GOOD CHILDREN. AND AS A TEEN, WE WERE PROUD OF DAVID
12 FOR BEING IN THE TOP TEN PERCENT OF HIS CLASSES. AND
13 HE GRADUATED WITH THE FOURTH HIGHEST AVERAGE OF HIS
14 GRADUATING CLASS. HE ENTERED THE ADULT WORLD, AND HE
15 BECAME A HARD WORKER. AND THEN HE MET KIMMIE. KIMMIE
16 SEEMED PERFECT FOR HIM AND FOR OUR FAMILY. FOR YOU
17 SEE, FAMILY, WE FELT, WAS THE MOST IMPORTANT THING
18 THERE WAS. WE WERE VERY CLOSE. WE VACATIONED
19 TOGETHER. WE EAT TOGETHER SEVERAL TIMES A WEEK. WE
20 ATTEND CHURCH TOGETHER. WE'RE ALWAYS THERE FOR EACH
21 OTHER. THEY ASKED IF KIMMIE COULD STAY WITH US SO SHE
22 COULD FINISH CLINTON HIGH SCHOOL. WE WERE GLAD TO
23 TAKE HER INTO OUR HOME. WE TREATED HER LIKE SHE WAS
24 OUR OWN DAUGHTER, AND WE GREW TO LOVE HER. AND AFTER
25 GRADUATION, THEY GOT MARRIED. AND WE WERE VERY PROUD

1 TO HAVE HER AS OUR DAUGHTER-IN-LAW. MY HUSBAND GAVE
2 HER A GOOD JOB AS HIS SECRETARY. DAVID WAS ATTENDING
3 COLLEGE. HE WAS WORKING AT B.F. SHAW. HE WAS WORKING
4 TWO NEWSPAPER ROUTES AS WELL AS TUTORING OTHERS AT
5 PIEDMONT TECH. HE WAS STRIVING HARD TO PROVIDE A GOOD
6 LIFE. AND HE LOVED KIMMIE WITH ALL OF HIS HEART.
7 WHATEVER KIMMIE ASKED FOR, DAVID TRIED TO GIVE IT TO
8 HER, FROM THE NEW BRICK HOME THAT SHE WANTED TO THE
9 DIAMOND TENNIS BRACELET THAT SHE ASKED FOR FOR
10 CHRISTMAS JUST A FEW SHORT WEEKS BEFORE SHE TOOK HIS
11 LIFE. TWO NIGHTS BEFORE SHE MURDERED HIM, THEY WERE
12 IN MY HOME FOR SUPPER, AND THEY WERE LAUGHING AND
13 JOKING AND ACTING LIKE THE HAPPIEST COUPLE THAT YOU
14 HAD EVER SEEN. AND ALL THE TIME SHE ALREADY HAD THE
15 GUN AND ALREADY HAD HER PLANS IN PLACE. ON THAT
16 THURSDAY MORNING, AROUND FOUR OR FOUR-THIRTY, THEY
17 WENT OUT TO DELIVER THE NEWSPAPER AS USUAL. DAVID WAS
18 UNAWARE THAT SHE'D HAD TONY PLACE A GUN IN THE CAR.
19 HE THOUGHT HE WAS GOING TO GET UP AND GO OUT TO WORK
20 AND GET READY FOR SCHOOL AS USUAL, BUT KIMMIE HAD
21 OTHER PLANS FOR HIM. ON A DARK, LONELY COUNTRY ROAD,
22 SHE SNEAKED UP BEHIND DAVID AND SHE SHOT HIM IN THE
23 HEAD. DAVID EVIDENTLY MOVED OR MADE SOME KIND OF
24 MOANING THAT SHE REALIZED HE WASN'T DEAD, AND SHE FELT
25 SHE HAD TO DO SOMETHING ELSE, AND THEN SHE PROCEEDED

1 TO PLACE THE GUN TO HIS TEMPLE AND SHOT HIM FOR THE
2 SECOND TIME. SHE CHOSE TO KILL HIM NOT ONCE, BUT SHE
3 KILLED HIM TWICE. HIS ONLY THOUGHT WAS THAT HE LOVED
4 HER SO MUCH, AND THAT LOVE AND HIS MORAL VALUES THAT
5 HIS MARRIAGE VOWS WERE SACRED COST HIM HIS LIFE. MY
6 FAMILY'S BEEN TORN APART, AND THERE AREN'T WORDS TO
7 DESCRIBE OUR PAIN. IT'S BAD WHEN AN OUTSIDER HARMS
8 YOUR FAMILY, BUT WHEN IT'S SOMEONE THAT YOU LOVE AND
9 SOMEONE THAT YOU TRUST, SOMEONE YOU'VE TAKEN INTO YOUR
10 HOME THAT BETRAYS YOU THAT WAY, IT'S MORE THAN YOU CAN
11 BEAR. WE NOT ONLY HAVE TO DEAL WITH HIS DEATH, BUT WE
12 HAVE TO DEAL WITH HER BETRAYAL. WE'VE BEEN DENIED OUR
13 SON'S PRESENCE. I'LL NEVER BE ABLE TO HOLD MY
14 GRANDCHILDREN. I'LL NEVER HEAR DAVID SAY, "I LOVE
15 YOU, MOTHER." HIS LIFE WAS CRUELLY TAKEN FROM HIM,
16 AND NOW I FEEL THAT SHE HAS TO PAY WITH HERS. WHEN
17 ONE PLANS A CRIME, JUSTICE HAS TO BE DONE. YES, SHE'S
18 YOUNG. BUT SO WAS MY DAVID. HE WAS ONLY TWENTY-FIVE
19 YEARS OLD ALSO. IT WAS A SENSELESS, UNNECESSARY
20 TAKING OF A HUMAN LIFE. WE OFFERED HER NOTHING BUT
21 LOVE, AND SHE TOOK THE MOST PRECIOUS THING IN THE
22 WORLD THAT WE HAD.

23 KIMMIE, WE LOVED YOU, AND WE WANTED YOU
24 TO BE PART OF OUR FAMILY. I REMEMBER THE DAY THAT YOU
25 TOLD ME HOW MUCH IT MEANT TO YOU TO BE PART OF OUR

1 FAMILY. I DON'T KNOW HOW YOU COULD HAVE TAKEN DAVID
2 AWAY FROM US.

3 SHE REPAID DAVID'S LOVE WITH DEATH.
4 JUDGE, IF YOU GIVE HER THIRTY YEARS IN PRISON, SHE
5 WILL BE MY AGE WHEN SHE GETS OUT, AND I FEEL THAT I
6 STILL HAVE A LOT OF LIFE THAT I HAVE YET TO LIVE. SHE
7 TOOK THE LIFE OF A TWENTY-FIVE-YEAR-OLD BOY, AND I
8 THINK JUSTICE DEMANDS THAT SHE RECEIVE LIFE WITHOUT
9 PAROLE FOR THIS CRIME.

10 THE COURT: OKAY. THANK YOU.

11 MR. JIMMIE HEATON: MY NAME IS JIMMIE
12 HEATON. J-I-M-M-I-E, H-E-A-T-O-N. I'M DAVID'S
13 FATHER. YOUR HONOR, I RAISED MY SON TO RESPECT THE
14 LAW, TO WORK HARD, TO KEEP HIS PROMISES, AND TO BE
15 THE KIND OF PERSON THAT SOCIETY COULD BE PROUD OF.
16 I REMEMBER WHEN HE WAS ONLY FIVE OR SIX YEARS OLD AND
17 WE CAME HOME FROM A CONVENIENCE STORE AND I DISCOVERED
18 THAT HE HAD A LITTLE PIECE OF CANDY THAT HE HAD PICKED
19 UP AND BROUGHT HOME WITH HIM. AND I TALKED WITH HIM,
20 AND WHEN I REALIZED WHAT HE HAD DONE, YOUR HONOR, I
21 TURNED AROUND AND TOOK HIM BACK TO THAT STORE. AND I
22 SAID, "DAVID, YOU'VE GOT TO GIVE THIS BACK AND YOU'VE
23 GOT TO TELL THEM WHAT YOU DID." WELL, OF COURSE, AS A
24 FIVE- OR SIX-YEAR-OLD, HE WAS JUST TERRIFIED, BUT I
25 TOOK HIM, AND HE WENT IN THAT STORE, AND LIKE ANY

1 LITTLE BOY, HE COULD NOT LOOK UP AT THE PERSON, BUT HE
2 GOT IT OUT OF HIS MOUTH. HE TOLD THEM WHAT HE HAD
3 DONE AND THAT -- I REMEMBER THAT WOMAN LOOKING AT HIM
4 AND JUST SMILING LIKE IT WAS JUST NOTHING, AND SHE
5 SAID, "THAT'S ALL RIGHT. DON'T WORRY ABOUT IT." BUT,
6 YOUR HONOR, I SAID, "IT'S NOT ALL RIGHT. HE MUST
7 LEARN." AND, YOUR HONOR, THAT'S THE WAY I RAISED MY
8 SON. FROM THAT MOMENT ON, TO THE BEST OF MY KNOWLEDGE
9 HE NEVER TOOK ANOTHER THING THE REST OF HIS LIFE.
10 BECAUSE I RAISED HIM TO DO WHAT WAS RIGHT. AND WHEN
11 HE MARRIED KIMMIE, HE MARRIED HER WITH THAT SAME
12 ATTITUDE, WITH THAT SAME SPIRIT. HE MARRIED HER
13 BECAUSE HE LOVED HER AND HE TOOK THOSE VOWS SERIOUSLY.
14 AND EVEN WHEN SHE WAS UNFAITHFUL AND HE KNEW IT, EVEN
15 WHEN SHE WOULD LEAVE, IF SHE WANTED TO COME BACK, HE
16 WOULD TAKE HER BACK IN, BECAUSE THAT'S THE KIND OF
17 HEART HE HAD. I EVEN MADE THE REMARK TO HIM, "DAVID,
18 YOU'VE GOT A HEART BIGGER THAN MINE, BECAUSE I
19 COULDN'T DO WHAT YOU ARE DOING." HE SAID, "BUT,
20 DADDY, YOU DON'T UNDERSTAND. I LOVE HER." YOUR
21 HONOR, YOU KNOW THE TYPE OF SOCIETY IN WHICH WE LIVE.
22 EVEN THOUGH HE WAS COMMITTED TO THE MARRIAGE VOWS,
23 EVEN THOUGH WHEN HE REALIZED THAT THINGS WERE NOT
24 GOING WELL BETWEEN HIM AND KIMMIE, AND HE SUGGESTED
25 THEY GO TO A MARRIAGE COUNSELOR, AND HE GOT HER TO GO

1 ONE TIME. BUT THAT WAS ALL. YOUR HONOR, YOU KNOW
2 THAT IN TODAY'S SOCIETY, HAD SHE WANTED OUT, ALL YOU
3 GOT TO DO IS WALK AWAY. IT'S NOT HARD TO GET OUT OF A
4 MARRIAGE IF YOU WANT TO DO SO. BUT, YOUR HONOR, WHEN
5 SHE WOULD LEAVE, SHE'D HAVE NOWHERE TO GO. SHE HAD NO
6 MEANS OF SUPPORT. SHE HAD NO WAY TO MAKE A LIVING AND
7 LIVE THE KIND OF LIFE SHE WANTED, SO SHE WOULD RETURN
8 TO HIM FOR THAT REASON, AND BECAUSE HE HAD A HEART OF
9 LOVE, HE WAS WILLING TO TAKE HER BACK, TO TAKE HER IN.
10 YOUR HONOR, SHE DID NOT MURDER HIM TO GET OUT OF A
11 MARRIAGE. SHE MURDERED HIM SO SHE COULD LIVE THE
12 KIND OF LIFE SHE WANTED TO LIVE AND HAVE A HOME AND A
13 VEHICLE AND EVERYTHING NECESSARY TO DO IT WITH. EVERY
14 DAY, AT SOME POINT, WHEN I QUIT WORK, WHEN I ALLOW MY
15 MIND JUST TO BEGIN TO RELAX AND THINK, HE COMES TO MY
16 MIND; AND EVERY DAY I ENVISION IN MY MIND HER PUTTING
17 THAT GUN TO HIS TEMPLE. AND IT'S MORE THAN I CAN
18 STAND. I DON'T HATE HER. I NEVER HAVE AT ANY POINT
19 HATED HER. I'M SORRY THAT SHE FELT LIKE THAT'S WHAT
20 SHE HAD TO DO TO ENJOY LIFE AS SHE WANTED. YOUR
21 HONOR, IF SHE COULD DO THAT TO SOMEONE WHO ONLY
22 OFFERED HER LOVE, WHAT CAN SHE DO TO THE REST OF
23 SOCIETY. I FEEL LIKE SHE IS THE KIND OF PERSON WHO
24 ENVISIONS WHAT SHE WANTS AND IS WILLING TO DO WHATEVER
25 IT TAKES TO GET IT. AND I THINK FOR JUSTICE FOR MY

1 SON AND TO PROTECT ALL OTHERS WHOM SHE MAY COME IN
2 CONTACT WITH, YOUR HONOR, SHE DOES NOT DESERVE FREEDOM
3 AT ALL. YOU HAVE THE POWER TODAY TO DO WHAT YOU FEEL
4 IS JUST AND RIGHT IN THIS CASE. AND, YOUR HONOR, I
5 TRUST YOU TO THINK OF WHAT IS JUST AND RIGHT AND TO DO
6 IT. AND I THANK YOU.

7 THE COURT: OKAY. THANK YOU, MR. HEATON.

8 MR. JONES: YOUR HONOR, I APPRECIATE YOU
9 GIVING THEM THAT OPPORTUNITY, AND I WOULD LIKE TO SAY
10 BEFORE YOU TURN TO THE DEFENSE THAT I FEEL WHAT THEY
11 PRESENTED TO YOU WAS COMPLETELY ON POINT. I WOULD
12 LIKE FOR YOU TO KNOW THAT THE STATE'S POSITION AS FAR
13 AS THIS CRIME IS CONCERNED IS THAT I PERSONALLY HAVE
14 NEVER BEEN INVOLVED IN ONE ANY MORE COLD-BLOODED, ANY
15 MORE PREMEDITATED. THIS VICTIM WAS KIND, LOVING,
16 CHRISTIAN, GENEROUS. THEY CAN'T GIVE YOU ONE IOTA OF
17 ANY CONFLICT, PHYSICAL, MENTAL ABUSE THAT HE WOULD
18 HAVE INFLICTED UPON HER. THIS WAS A TOTALLY SELFISH,
19 VICIOUS CRIME COMMITTED ON A BEAUTIFUL, KIND HUMAN
20 BEING BY A VICIOUS, BLACK-WIDOW-LIKE HUMAN BEING.
21 JUDGE, MY REQUEST TO YOU IS THAT YOU CONSIDER THE
22 APPROPRIATE PUNISHMENT IN THIS CASE BE LIFE WITHOUT
23 PAROLE.

24 THE COURT: OKAY. THANK YOU.

25 MR. HOWE: THANK YOU, YOUR HONOR. I'M CHIP

1 HOWE. OF COURSE, I'VE BEEN APPOINTED TO REPRESENT
2 KIMMIE HEATON AND HAVE FOR THE LAST YEAR. JUDGE,
3 I'VE BEEN DOING THIS WORK FOR ABOUT ELEVEN YEARS AS
4 PUBLIC DEFENDER -- A LITTLE OVER ELEVEN YEARS -- AND
5 SOME CASES ARE HARDER THAN OTHERS, AND THIS IS
6 PROBABLY ONE OF THE MOST DIFFICULT IF NOT THE MOST
7 DIFFICULT I'VE EVER HAD, BECAUSE IT DOESN'T MAKE A
8 WHOLE LOT OF SENSE AT ALL. I DON'T UNDERSTAND IT.
9 I DON'T UNDERSTAND MENTAL ILLNESS. I DON'T UNDERSTAND
10 A LOT OF THINGS. I KNOW I DON'T FULLY APPRECIATE THE
11 HEATON FAMILY'S PAIN. I UNDERSTAND WHAT I HAVE HEARD
12 TODAY, AND THEY HAVE DONE A VERY GOOD JOB OF
13 PRESENTING THAT TO YOU, AND I UNDERSTAND A LITTLE BIT
14 MORE NOW, BUT STILL I'M SURE I DON'T FULLY APPRECIATE
15 THAT, AND I DON'T THINK THIS YOUNG LADY DOES EITHER,
16 STANDING UP HERE AND HEARING THIS. JUDGE, HOPEFULLY,
17 AT THE APPROPRIATE TIME SHE WILL BE ABLE TO AT LEAST
18 ADDRESS THE HEATON FAMILY TO SOME DEGREE. SHE HAS
19 SHOWN REMORSE THROUGHOUT THIS YEAR THAT I'VE DEALT
20 WITH HER. I THINK STANDING UP HERE BEFORE YOU TODAY
21 YOU CAN SEE THAT SHE HAS AS WELL.

22 MY JOB, JUDGE, IS TO ATTEMPT TO TELL
23 YOU ON BEHALF OF MY CLIENT WHY YOU ARE JUSTIFIED IN
24 GIVING HER SOMETHING OTHER THAN JUST LIFE UNTIL DEATH.
25 I AM GOING TO TRY TO DO THAT. YOU HEARD THE OTHER

1 POSITION, AND I'VE GOT A LOT TO OVERCOME, I REALIZE,
2 BECAUSE I'VE HEARD THAT. YOU GAVE ME THE CHANCE, YOUR
3 HONOR, WHEN SHE ENTERED THE PLEA, TO COME BACK BEFORE
4 THE COURT AND TELL YOU EVERYTHING I COULD ABOUT MY
5 CLIENT, KIMMIE HEATON, AND I WAS ABLE TO DO THAT.
6 WE WERE WAITING ON MEDICAL RECORDS BEFORE. I'VE
7 HANDED THAT UP TO THE COURT EARLIER AND PROVIDED THE
8 SOLICITOR'S OFFICE WITH A COPY OF THE RECORDS FROM
9 DR. HAROLD MORGAN, A FORENSIC PSYCHIATRIST IN COLUMBIA
10 WHO HAS EXAMINED THE EXTENSIVE MENTAL HEALTH RECORDS
11 THAT KIMMIE HEATON HAD AS AN ADOLESCENT AND ALSO HAS
12 MET WITH HER AND DONE THE APPROPRIATE BACKGROUND, AND
13 YOU HAVE THE SUM AND SUBSTANCE OF THAT REPORT. YOUR
14 HONOR, I WANT TO TELL YOU, JUST LIKE I TOLD YOU BACK
15 AT THE PLEA, NOTHING IN THERE CHANGES MY POSITION THEN
16 AND WHAT I STATED TO THE COURT, THAT THIS IS NOT A
17 GUILTY-BUT-MENTALLY-ILL PLEA, AND CERTAINLY SHE WAS
18 COMPETENT TO ENTER THAT PLEA, AND WE'RE NOT CONTENDING
19 THAT SHE WAS, OF COURSE, INSANE. ~~THAT REPORT I~~

20 ~~THINK SPEAKS FOR ITSELF.~~

21 JUDGE, SHE IS TWENTY-ONE YEARS OLD. AT
22 THE TIME THAT THIS HAPPENED, SHE WAS TWENTY. HER DATE
23 OF BIRTH IS JANUARY 20, 1977. SHE'S BEEN IN JAIL
24 SINCE APRIL 24 OF 1997. WHEN SHE WAS SEVENTEEN YEARS
25 OLD, YOUR HONOR, SHE WAS ENGAGED TO DAVID HEATON AFTER

1 DATING HIM ABOUT SIX MONTHS, AND THEY WERE MARRIED ON
2 JULY OF 1995. THEY WERE MARRIED LESS THAN TWO YEARS.
3 SHE MOVED IN WITH THE HEATONS HER LAST SEMESTER, I
4 THINK, AT CLINTON HIGH SCHOOL AND ACTUALLY LIVED WITH
5 THE HEATON FAMILY THAT LAST SEMESTER, WHEN SHE WAS
6 STILL JUST EIGHTEEN YEARS OLD. OF COURSE, YOU'VE
7 HEARD THAT HE WAS ABOUT SIX YEARS OLDER THAN SHE IS.

8 SOME OF THOSE FACTS THAT YOU HEARD
9 CONCERNING THE MONEY ARE CERTAINLY IN DISPUTE. YOUR
10 HONOR, MY INVESTIGATION OF THIS MATTER WAS THAT THIS
11 WAS NOT FOR MONEY, AND I THINK IF IT HAD BEEN I THINK
12 THE SOLICITOR'S OFFICE WOULD HAVE BEEN SEEKING THE
13 DEATH PENALTY IN THIS CASE. THAT'S MY POSITION. YOUR
14 HONOR, MY INVESTIGATION WAS THAT IF SHE HAD GOTTEN
15 EVERY BIT OF MONEY THAT THEY HAD, THIS YOUNG COUPLE
16 WAS STILL SIGNIFICANTLY IN DEBT. ON THE ADVICE OF A
17 FAMILY MEMBER, SHE WAS CHECKING ON THIS INSURANCE AND
18 THESE BENEFITS, AND THAT PROBABLY WASN'T VERY SMART TO
19 DO, BUT THAT'S WHAT HAPPENED.

20 NOW, BY WAY OF BACKGROUND ALSO, HER
21 MOTHER GOT PREGNANT WITH KIMMIE WHEN SHE WAS -- AS A
22 RESULT OF SOME TYPE OF A RAPE. THAT'S WHAT KIMMIE'S
23 BEEN TOLD. THAT'S WHAT WE'VE BEEN TOLD. HER MOTHER
24 THEN MET SAMMIE SHIPES, WHO IS STANDING BACK THERE
25 WITH HER. AND KIMMIE, BY THE WAY, HAS FAMILY AND

1 PEOPLE OUT IN THE COURTROOM AS WELL. BUT HER MOTHER
2 MET MR. SHIPES. THEY MARRIED, AND HE LATER ADOPTED
3 KIMMIE WHEN KIMMIE WAS PROBABLY LESS THAN A YEAR OLD.
4 KIMMIE ALSO HAS A BROTHER WHO IS NINETEEN YEARS OLD.
5 SHE FIRST LEARNED THAT SHE WAS ADOPTED WHEN SHE WAS
6 PROBABLY ABOUT THIRTEEN YEARS OLD. SHE'S BEEN TOLD A
7 LOT OF DIFFERENT STORIES ABOUT WHO HER BIRTH FATHER
8 WAS. TO THIS DAY, SHE'S NOT REAL SURE AND DOESN'T
9 KNOW.

10 JUDGE, IN FEBRUARY OF 1991, WHEN SHE
11 WAS FOURTEEN YEARS OLD, HER MOTHER LEFT THE FAMILY AND
12 HAS BEEN IN AND OUT OF HER LIFE -- MOSTLY OUT -- SINCE
13 THAT TIME. IN FAIRNESS TO THE MOTHER, JUDGE, THE
14 MOTHER HAS HAD A HISTORY OF MENTAL HEALTH PROBLEMS,
15 MENTAL ILLNESS, AS WELL AS DID SOME OF HER MOTHER'S
16 FAMILY. THAT'S SOME OF THE BACKGROUND THAT YOU HAVE.
17 WHEN KIMMIE'S MOTHER LEFT, IT HAD A VERY PROFOUND
18 IMPACT ON HER. MEDICAL RECORDS AND MY DISCUSSIONS
19 WITH HER FAMILY INDICATE THAT. SHE BEGAN SHOWING
20 SYMPTOMS OF DEPRESSION FIRST WITH A FAMILY DOCTOR,
21 AND LATER THAT RESULTED IN GOING TO LOCAL MENTAL
22 HEALTH, AND ULTIMATELY SHE ENDED UP GOING TO MARSHALL
23 PICKENS ON TWO DIFFERENT OCCASIONS AND THEN HAD A STAY
24 OF ALMOST TWO MONTHS AT THE HALL INSTITUTE. AGAIN,
25 SHE IS FOURTEEN YEARS OLD. SHE FOLLOWED UP SOME THERE

1 IN NEWBERRY COUNTY WITH MENTAL HEALTH TREATMENT AND
2 JUST QUIT RECEIVING ANY TREATMENT WHEN SHE WAS ABOUT
3 SIXTEEN YEARS OLD, IN 1993. JUDGE, I WOULD CONTEND
4 THAT WE CAN'T IGNORE THESE FACTORS IN THIS MATTER HERE
5 TODAY, BECAUSE THAT'S WHO WE'RE DEALING WITH. SHE
6 WENT TO THE NINTH GRADE IN SCHOOL AT NEWBERRY HIGH
7 SCHOOL, AT SOME POINT IN TIME MOVED BACK WITH HER
8 MOTHER, WHO WAS IN THE CLINTON SCHOOL DISTRICT, AND
9 ENDED UP DOING TEN THROUGH TWELVE AT CLINTON HIGH,
10 ALTHOUGH SHE MOVED BACK WITH HER FATHER, AND HE WAS
11 TAKING HER BACK AND FORTH TO CLINTON HIGH. THEN
12 ULTIMATELY, AFTER SHE MET AND BECAME ENGAGED TO
13 DAVID HEATON, SHE ENDED UP MOVING IN WITH THE FAMILY.
14 AGAIN, DAVID WAS ALMOST SIX YEARS DIFFERENT IN AGE.

15 THESE FOLKS -- AND YOU HEARD THAT --
16 DID NOT HAVE A PERFECT MARRIAGE. SHE TELLS ME THEY
17 SEPARATED SEVERAL TIMES, ONCE FOR AS SHORT AS A DAY
18 AND OTHER TIMES FOR LONGER PERIODS OF TIME, WHEN SHE
19 WOULD GO AND STAY WITH FAMILY MEMBERS. I GUESS THE
20 ONLY PEOPLE WHO KNOW ALL THE REASONS FOR THE
21 SEPARATIONS WOULD BE THOSE TWO. SHE TELLS ME THAT
22 THEY WENT ON TWO SEPARATE OCCASIONS TO TALK WITH
23 MINISTERS ABOUT MARRIAGE COUNSELING. FROM HER
24 PERSPECTIVE, IT DIDN'T WORK OUT. SHE TRIED TO BREAK
25 THIS OFF. HE WOULDN'T ALLOW IT, WOULDN'T AGREE TO IT,

1 AND HE TOLD HER -- SHE TELLS ME HE TOLD HER THAT SHE
2 WOULDN'T LIVE A PEACEFUL DAY WITHOUT HIM. HE NEVER
3 THREATENED HER OR ANYTHING LIKE THAT -- I WANT TO MAKE
4 THAT CLEAR -- BUT HE WOULD FOLLOW HER AND SAY HE
5 WANTED HER TO LIVE WITH HIM. JUDGE, IN MY JUDGMENT
6 SHE WAS WAY TOO YOUNG AND TOO IMMATURE AND REALLY ILL
7 TO BECOME MARRIED, AND WITH ALL THE OTHER PRESSURES
8 THEY HAD, BEING A YOUNG MARRIED COUPLE, APPARENTLY IT
9 REACHED THE POINT WHERE WE'RE UP HERE BEFORE YOU ON
10 THIS VERY SERIOUS MATTER.

11 A NORMAL PERSON IS NOT GOING TO DO
12 SOMETHING LIKE THIS. A NORMAL PERSON IS GOING TO
13 SEEK ANOTHER SOLUTION TO DO IT. SOMEBODY WHO HAS HER
14 BACKGROUND -- I STILL DON'T UNDERSTAND IT AT ALL, BUT,
15 AGAIN, WE'RE NOT DEALING WITH A NORMAL PERSON. THIS
16 PLAN THAT SHE HAD THAT WE'VE HEARD ABOUT WAS -- YOU
17 KNOW, NOT VERY WELL -- I WOULD SUBMIT NOT NEAR AS WELL
18 THOUGHT OUT. IN FACT, THE SHOT THAT SHE FIRED CAME,
19 ACCORDING TO THE DOCTORS, WITHIN A FRACTION OF AN INCH
20 OF HITTING AN ARTERY AND WOULD APPARENTLY HAVE CAUSED
21 HER TO DIE. IN THE END, JUDGE, SHE CONFESSED TO THIS
22 WITH THE SLED AGENT, PLED GUILTY BEFORE YOU LAST MONTH
23 IN OPEN COURT HERE, AND KNEW THEN WHAT THE POTENTIAL
24 CONSEQUENCES WERE. SHE KNEW VERY WELL WHAT THE
25 POTENTIAL SENTENCES WERE.

1 THE COURT: YES. BACK ON MARCH 20TH.

2 MR. HOWE: YES, SIR.

3 THE COURT: I SPENT ABOUT AN HOUR WITH HER.

4 MR. HOWE: YES, SIR. AT THE TIME SHE DID
5 THIS, SHE WAS TWENTY YEARS OLD. SHE'S BEEN IN JAIL
6 FOR OVER A YEAR, AND OF COURSE SHE KNOWS THAT THE VERY
7 LEAST SHE CAN GET OUT OF THIS IS THIRTY YEARS IN JAIL.
8 I HESITATE TO CALL THAT A MINIMUM, BECAUSE IN MY MIND
9 THIRTY YEARS IN PRISON MAY VERY WELL BE A LIFETIME.
10 YOU KNOW, BUT THIRTY YEARS, JUDGE, IS ALSO TIME
11 MAYBE -- A LONG TIME TO THINK ABOUT THINGS, TO ATTEMPT
12 TO GET PROPER TREATMENT, TO GET SOMEBODY'S LIFE IN
13 ORDER, TO GIVE SOMEBODY A CHANCE TO COME OUT AND DO
14 SOMETHING GOOD IN SOCIETY. OTHER PEOPLE HERE I'M SURE
15 WOULD TELL YOU -- AND I'M NOT GOING TO PRESENT THEM --
16 BUT OTHER PEOPLE WOULD TELL YOU THAT SHE IS -- THAT
17 SHE'S GOT GOOD QUALITIES TO HER, AND I WOULD SUBMIT,
18 JUDGE, THAT IF GIVEN AN OPPORTUNITY WAY ON DOWN THE
19 ROAD, THAT SHE COULD DEMONSTRATE THAT TO SOCIETY.

20 JUDGE, SO I'M ASKING YOU ON HER BEHALF
21 TO GIVE HER SOMETHING OTHER THAN LIFE UNTIL DEATH IN
22 PRISON. TO GIVE HER THAT OPPORTUNITY TO SHOW
23 EVERYBODY INVOLVED THAT SHE CAN BE SOMETHING OTHER
24 THAN WHAT'S BEEN PORTRAYED HERE, AND THAT'S ALL WE CAN
25 ASK. I APPRECIATE VERY MUCH THE FACT THAT YOU HAVE

1 GIVEN US THIS CHANCE.

2 THE COURT: KIMMIE, LIKE TO SAY SOMETHING?

3 MS. KIMMIE HEATON: NO, SIR. NO, SIR.

4 THE COURT: ALL RIGHT. MR. SHIPES,
5 ANYTHING?

6 MR. SHIPES: NO, SIR.

7 THE COURT: OKAY. LET'S BRING THE OTHER
8 GENTLEMAN UP AND SENTENCE THEM BOTH AT THE SAME TIME.

9 (MR. CATHCART WAS PRESENTED TO
10 THE COURT.)

11 THE COURT: I'VE HEARD MR. COULTER GIVE THE
12 RECITATION OF THE FACTS. BACK ON MARCH 20TH I WENT
13 OVER THE VARIOUS CONSTITUTIONAL RIGHTS AND POSSIBLE
14 DEFENSES THAT MR. CATHCART COULD RAISE IN THIS, AND
15 HE AT THAT POINT KNOWINGLY ENTERED HIS PLEA OF GUILTY,
16 WITH SENTENCING DEFERRED FROM MARCH THE 20TH UNTIL
17 THIS WEEK.

18 MR. FERGUSON: YES, SIR.

19 MR. JONES: YOUR HONOR, IF I COULD, NOT
20 GOING INTO THE FACTS THAT MR. COULTER HAS GIVEN YOU,
21 BUT I WOULD LIKE TO POINT OUT THAT THIS DEFENDANT
22 CATHCART WAS ON PROBATION AT THE TIME THE CRIME WAS
23 COMMITTED FOR RECEIVING STOLEN GOODS. I WOULD LIKE TO
24 POINT OUT TO YOU THAT THE STATE RECOGNIZES A FACTUAL
25 DIFFERENCE BETWEEN THE CRIMES AND THE PARTICIPATION OF

1 THE TWO DEFENDANTS BEFORE YOU. LEGALLY HE STANDS
2 BEFORE YOU AS A MURDERER, AN AIDER AND ABETTOR.

3 THE COURT: RIGHT.

4 MR. JONES: HE PROCURED THE WEAPON, HE
5 PROVIDED THE WEAPON, AND HE ASSISTED IN DISPOSING OF
6 THE WEAPON, AND IT'S OUR POSITION THAT SHE WOULD HAVE
7 HAD A MORE DIFFICULT TIME ACCOMPLISHING THE CRIME WE
8 BELIEVE SHE WAS HELL-BENT AND INTENT ON ACCOMPLISHING
9 WITHOUT HIM. BUT NEVERTHELESS, HE WASN'T THE
10 TRIGGERMAN.

11 THE COURT: RIGHT.

12 MR. JONES: AND FROM OUR PERSPECTIVE,
13 THEN -- FROM A SENTENCING STANDPOINT, THERE SHOULD BE
14 A DISTINCTION.

15 THE COURT: RIGHT.

16 MR. JONES: AND HE, UNDER THE LAW, CAN
17 RECEIVE NO LESS THAN THIRTY YEARS FOR THE MURDER THAT
18 HE'S COMMITTED, AND THAT'S OUR POSITION. YOUR HONOR,
19 I WOULD LIKE YOU TO GIVE -- IF THERE'S ANY FAMILY
20 MEMBER THAT WOULD LIKE TO PRESENT ANY WORD TO YOU AN
21 OPPORTUNITY TO DO THAT AT THIS POINT IN TIME.

22 MR. JIMMIE HEATON: I WOULD JUST LIKE TO SAY
23 IN BEHALF OF MY SON, THERE AGAIN, YOU WILL FIND VERY
24 FEW PEOPLE WHO ARE MARRIED FOR JUST A YEAR THAT WILL
25 LET A THIRD PARTY COME INTO THEIR HOME, BUT BECAUSE

1 TONY NEEDED A PLACE TO BE ABLE TO GO BACK AND FORTH TO
2 WORK, DAVID ALLOWED HIM TO COME AND TO LIVE IN THAT
3 HOME. THERE AGAIN, IT JUST DEMONSTRATES A BOY, A
4 YOUNG MAN, WHO HAS MATURE QUALITIES THAT VERY FEW
5 OLDER PEOPLE HAVE IN THAT HE HAS A HEART THAT REACHES
6 OUT TO OTHER PEOPLE. AND I JUST THINK THAT TONY
7 BETRAYED THAT TRUST, THAT HELPING HAND, AND THAT LOVE
8 EVEN THAT WAS EXTENDED TO HIM BY MY SON BY ALLOWING
9 HIM TO COME INTO THE HOME AND BY LIVING IN THAT HOME
10 AND THEN PLANNING THE MURDER OF THE PERSON WHO IS
11 GOING SO FAR OUT OF HIS WAY TO HELP. I FEEL LIKE IT'S
12 JUST UNCONSCIONABLE. I DON'T UNDERSTAND HOW ANYBODY
13 COULD EVEN CONTEMPLATE DOING SUCH A THING, BUT HE DID,
14 AND HE CARRIED IT OUT, AND I FEEL, YOUR HONOR, UNDER
15 THESE CIRCUMSTANCES HE NEEDS AS MUCH AS THE LAW WILL
16 ALLOW. THAT'S THE WAY I FEEL, AND I LEAVE IT TO YOU,
17 YOUR HONOR, TO DO THAT. THANK YOU.

18 MR. FERGUSON: YOUR HONOR, WHEN I WAS BEFORE
19 YOU PREVIOUSLY, I MADE THE STATEMENT THAT THE DECISION
20 TO PLEAD WAS PRECIPITOUS, AND WHAT I MEANT BY THAT WAS
21 NOT THAT THE DEFENDANT HAD NOT CAREFULLY CONSIDERED
22 THIS, BECAUSE THIS WAS SOMETHING THAT WE HAD GONE OVER
23 FOR MONTHS AND HE HAD CONSIDERED FOR MONTHS. BUT YET
24 THIS HAS BEEN A VERY, VERY DIFFICULT DECISION FOR HIM
25 TO MAKE. HE HAS TOLD YOUR HONOR THE CIRCUMSTANCES OF

1 HIS INVOLVEMENT, THAT THE STATE HAS TOLD YOUR HONOR
2 THE CIRCUMSTANCES OF HIS INVOLVEMENT, AND THERE'S A
3 FAIRLY HIGH DEGREE OF CONCURRENCE OVER WHAT THAT
4 INVOLVEMENT WAS. THE LAW DOES NOT MAKE DISTINCTIONS
5 THAT PEOPLE IN THEIR DAILY LIVES TEND TO MAKE ABOUT
6 THE LEVEL OF INVOLVEMENT THAT HE HAD, AND I WOULD SAY
7 THAT EVEN TODAY HE HAS EXPRESSED TO ME THAT HE DOESN'T
8 UNDERSTAND THE WAY THAT THE LAW APPROACHES SUCH A
9 SITUATION IN SAYING THAT SOMEONE WHO DID NOT PULL
10 THE TRIGGER WOULD NEVERTHELESS BE GUILTY OF MURDER.
11 BEFORE I GO FURTHER WITH MY REMARKS, I WOULD TELL
12 YOUR HONOR THAT BECAUSE OF HIS GENUINE CONCERN ABOUT
13 THE LEVEL OF HIS INVOLVEMENT AND HOW THE LAW HAS
14 CLASSIFIED THAT, HE HAS REQUESTED ME TO ASK YOUR
15 HONOR IF THERE IS A POSSIBILITY OF HIS WITHDRAWING
16 HIS GUILTY PLEA AND PRESENTING THE SAME FACTS THAT
17 HE HAS PRESENTED TO YOU TO A JURY TO SEE IF THEY WOULD
18 CLASSIFY HIS INVOLVEMENT AS MURDER ALSO. SO AT THIS
19 POINT I WOULD LIKE TO ASK YOUR HONOR ABOUT THAT.

20 THE COURT: WELL, ON MARCH THE 20TH, I SPENT
21 A LONG TIME WITH HIM, MUCH LONGER THAN MOST PEOPLE.
22 WENT OVER EVERY POSSIBLE DEFENSE HE MIGHT HAVE, THE
23 POSSIBILITY OF LESSER INCLUDED AND SO FORTH, AND
24 ONLY DEFERRED SENTENCING AT HIS REQUEST. I'VE ONLY
25 DEFERRED SENTENCING MAYBE -- WELL, LET'S SAY NO MORE

1 THAN TEN TIMES IN THE FIFTEEN THOUSAND PLUS I'VE
2 SENTENCED. SO I JUST RARELY DO THAT, BECAUSE ONCE YOU
3 GET THIRTY DAYS TO THINK ABOUT IT, YOU KNOW, YOU START
4 THINKING MAYBE IT WOULD HAVE BEEN DIFFERENT. GET LOTS
5 OF LETTERS FROM PRISONERS AFTER I SENTENCED THEM
6 SAYING THEY'D LIKE TO WITHDRAW IT. ALMOST WEEKLY.
7 AND OF COURSE CAN'T DO IT. I COULD, ACTUALLY, LET
8 HIM WITHDRAW, BUT HE IN FRONT OF ME KNOWINGLY AND
9 INTELLIGENTLY PLED TO THE CHARGE, I ACCEPTED HIS PLEA,
10 AND ONLY DEFERRED SENTENCING. SO I WILL NOT LET HIM
11 WITHDRAW HIS PLEA.

12 MR. FERGUSON: YES, SIR. YOUR HONOR,
13 THE FIRST THING THAT I WOULD LIKE TO SAY IN THIS
14 PROCEEDING IS THAT IT IS MY WISH THAT NOTHING THAT
15 I SAY WOULD CAUSE ANY HURT TO THE VICTIM'S FAMILY.
16 I UNDERSTAND THAT THEY HAVE SUFFERED A GRIEVOUS LOSS,
17 AND IT'S CERTAINLY NOT MY DESIRE TO MINIMIZE THAT
18 LOSS IN ANY WAY, BUT YET THE TASK THAT I HAVE AS
19 MR. CATHCART'S ATTORNEY IS TO SPEAK ON BEHALF OF
20 THE LIVING AND NOT ON BEHALF OF THE DEAD.

21 SHAKESPEARE HAS SAID THAT SORROWS COME
22 NOT AS SINGLE SPIES BUT IN BATTALIONS, AND I THINK
23 THIS CASE IS AN ILLUSTRATION OF THE MULTIPLICATION OF
24 TRAGEDY. TONY CATHCART IS ONLY TWENTY-FOUR YEARS OLD,
25 YOUR HONOR, AND YET HE STANDS BEFORE YOU TODAY FACING

1 THE PROSPECT OF SPENDING THE REST OF HIS LIFE IN
2 PRISON. HE'S THE FATHER OF A YOUNG DAUGHTER THAT HE'S
3 NOT GOING TO HAVE A CHANCE TO RAISE. HE'S THE SON OF
4 A MOTHER WHOSE HEART IS GOING TO PRISON WITH HIM.
5 HE'S A MAN WHOSE LIFE NOW LIES IN RUINS. I CAN TELL
6 YOU JUST A LITTLE BIT ABOUT TONY IN THE TIME I HAVE.
7 AS I SAID, HE'S TWENTY-FOUR YEARS OLD. HE FINISHED
8 HIGH SCHOOL. HE JOINED THE AIR FORCE AND WAS
9 HONORABLY DISCHARGED. HE'S CONTINUED TO BE EMPLOYED
10 SINCE HIS DISCHARGE. SUCH PRIOR SCRAPES AS HE'S HAD
11 WITH THE LAW HAVE NOT BEEN NUMEROUS, AND THEY HAVE
12 BEEN NON-VIOLENT. HE DOESN'T HAVE A HISTORY OF
13 AGGRESSION OR VIOLENT BEHAVIOR. I WISH THAT I COULD
14 EXPLAIN TO YOU HOW THIS AWFUL EVENT HAPPENED, NOT THE
15 LEAST BECAUSE I BELIEVE IT WOULD PROVIDE SOME COMFORT
16 TO THE VICTIM'S FAMILY, BUT I CONFESS THIS SENSELESS
17 CRIME REMAINS SENSELESS TO ME ALSO.

18 YET THERE ARE DISTINCTIONS TO BE MADE
19 BETWEEN THOSE WHO WERE INVOLVED. TONY CATHCART DID
20 NOT PULL ANY TRIGGER. TONY CATHCART WAS NOT PRESENT
21 WHEN ANY TRIGGER WAS PULLED. YET TONY CATHCART DID GO
22 ALONG WITH THE MURDER, AND IT IS BECAUSE OF THAT THAT
23 HE IS GIVING UP JUST ABOUT ALL THAT HIS LIFE COULD
24 HAVE BEEN. I DON'T PROFESS TO KNOW WHAT TRANSPIRED IN
25 TONY'S MIND WHEN HE DECIDED TO ASSIST HIS COUSIN IN

1 HER FATAL ACT. ONLY HE CAN KNOW THIS. BUT I KNOW
2 FROM THE STATEMENT OF BRENDA JACKSON THAT SHORTLY
3 AFTER IT HAPPENED HE WAS SEEN TO HAVE EYES THAT WERE
4 RED AND PUFFY FROM CRYING. THIS IS NOT THE SIGN OF
5 SOMEONE WHO HAS THE HEART OF A KILLER AND FOR WHOM
6 HUMAN LIFE MEANS NOTHING. SOMEHOW KIMMIE HEATON
7 PERSUADED HER COUSIN TO HELP HER DO THE UNTHINKABLE,
8 AND A LIFE HAS BEEN LOST BECAUSE OF IT. HER
9 DETERMINATION TO GET OUT OF HER MARRIAGE BY ANY MEANS
10 NECESSARY HAS CREATED MORE GRIEF THAN THIS COURTROOM
11 CAN HOLD. BUT SOMEHOW YOU HAVE TO BALANCE TONY'S
12 PARTICIPATION IN A TERRIBLE CRIME AGAINST HIS LEVEL
13 OF INVOLVEMENT AND HIS DECISION TO ADMIT THAT
14 INVOLVEMENT. THE LEGISLATURE WHICH HAS SO RESTRICTED
15 YOUR CAPACITY AND WHAT YOU CAN DO IN SENTENCING TONY
16 IS THE SAME LEGISLATURE WHICH ALSO PASSED A STATUTE
17 THAT SAID THAT A GUILTY PLEA IS THE EQUIVALENT OF A
18 JURY RECOMMENDATION FOR MERCY. WITHIN THE CONTEXT OF
19 YOUR LIMITED ABILITY TO MODERATE YOUR SENTENCE, I
20 SUGGEST TO YOU RESPECTFULLY THAT THIS IS A DEFENDANT
21 WHO DESERVES THE MEAGER MERCY THAT YOU ARE ABLE TO
22 OFFER. HE PULLED NO TRIGGER, AND HE SHOWED REMORSE
23 WHEN HE FULLY REALIZED WHAT HE HAD BEEN TALKED INTO.
24 HE'S NOT A COLD-BLOODED KILLER, AND HE'S NOT A MAN
25 WHOSE HEART IS BEYOND REDEMPTION. THERE IS NOTHING

1 TO BE GAINED BY SOCIETY OR BY ANY OF THE PEOPLE IN
2 THIS COURTROOM TO GIVE HIM A SENTENCE THAT IS DEVOID
3 OF COMPASSION. I ASK YOU THAT YOU PLEASE SHOW TONY
4 THAT DEGREE OF MERCY WHICH THE LAW ALLOWS YOU IN THIS
5 CASE. THANK YOU.

6 THE COURT: ANYBODY ELSE LIKE TO SPEAK?

7 MR. MACK CATHCART: MACK CATHCART. M-A-C-K,
8 C-A-T-H-C-A-R-T. I'M THE FATHER OF TONY. I'D JUST
9 LIKE TO SAY THAT I ADOPTED TONY WHEN HE WAS ABOUT FOUR
10 YEARS OLD. I RAISED HIM AS MY OWN, AND I LOVE HIM AS
11 MUCH TODAY AS I DID THEN. AND FOR THE HEATON FAMILY,
12 I WISH I COULD TELL THEM I KNOW WHAT THEY'RE GOING
13 THROUGH, BUT I HAVEN'T WALKED IN THEIR SHOES YET, BUT
14 I'VE BEEN PRAYING FOR THEM, AND I WISH I COULD TALK TO
15 THEM A LITTLE BETTER THAN WHAT I HAVE. BUT AS FAR AS
16 TONY, I STILL LOVE HIM, AND I'LL STAND BEHIND HIM
17 FOREVER. I'D JUST, YOU KNOW, LIKE FOR YOU TO BE AS
18 EASY AS YOU CAN ON HIM.

19 THE COURT: THANK YOU.

20 MR. MACK CATHCART: THANK YOU.

21 MR. PHIL BRYSON: REVEREND PHIL BRYSON.
22 P-H-I-L, B-R-Y-S-O-N. I'VE KNOWN TONY CATHCART SINCE
23 HE WAS A LITTLE BOY. I BECAME INVOLVED WITH HIS
24 PARENTS IN A WORK STATUS BEFORE I WENT INTO THE
25 MINISTRY AND HAVE KNOWN HIM, LIKE I SAID, FOR A LONG,

1 LONG TIME. I WAS AWAY FROM HIM FOR A LONG, LONG TIME.
2 I WAS NOT A PART OF HIS ADOLESCENT YEARS. HOWEVER, I
3 WAS A PART OF HIS SMALL CHILDHOOD YEARS. HE WAS VERY
4 INVOLVED IN ATHLETICS AND WAS JUST A COMMON LITTLE BOY
5 AT THAT TIME. I WAS AMAZED AND SHOCKED LIKE EVERYBODY
6 ELSE TO DETERMINE THAT THIS WAS HAPPENING, AND I
7 CANNOT IN ANY FASHION MINIMIZE THE PAIN THAT MR. AND
8 MS. HEATON AND THEIR ENTIRE FAMILY IS GOING THROUGH.
9 AT THE SAME TIME, I ALSO HAVE BEEN IN THEIR SITUATION
10 IN WHICH A MURDER HAS OCCURRED IN MY FAMILY AND I'VE
11 BEEN THERE LOOKING AT THE PEOPLE INVOLVED. AND AS AN
12 OBJECTIVE PARTY I'VE SAT IN THE COURTROOM TODAY AND
13 LISTENED TO EVERYTHING. AND IT'S HORRENDOUS. I DON'T
14 UNDERSTAND IT. THERE'S PARTS OF ME THAT ARE ANGERED
15 BY IT, AND THERE'S PARTS OF ME THAT ARE JUST
16 FRUSTRATED OVER IT. HOWEVER, AS I LOOK INTO THE
17 SITUATION, EVERYBODY'S HURTING HERE. NOBODY IS A
18 WINNER IN THIS SITUATION. EVERYBODY IS GOING TO
19 SUFFER. AND I DO UNDERSTAND THAT TONY WAS INVOLVED,
20 BASED ON WHAT I'VE HEARD HERE TODAY. I UNDERSTAND,
21 BASED ON WHAT I'VE HEARD HERE TODAY, THE LEVEL OF
22 INVOLVEMENT. I DON'T UNDERSTAND THAT BY ANY MEANS.
23 HOWEVER, WE HAVE AS MINISTERS -- ANOTHER MINISTER AND
24 MYSELF HAVE WORKED WITH HIM THROUGHOUT THE ENTIRE TIME
25 OF HIS INCARCERATION, AND WE HAVE SEEN HIM CHANGE. WE

1 HAVE HAD THE PRIVILEGE OF COUNSELING WITH HIM. WE'VE
2 HAD THE PRIVILEGE OF SHARING MATERIALS WITH HIM AND
3 CHRISTIAN MATERIALS WITH HIM AND BEING A WITNESS TO
4 HIM, AND WE HAVE SEEN HIM CHANGE IN THAT. AND WE
5 BELIEVE THAT EVEN THOUGH HE DOES DESERVE PUNISHMENT
6 SOMEWHAT THAT TO ASK YOU FOR MERCY ON HIS BEHALF WOULD
7 BE BENEFICIAL TO HIS LIFE, BECAUSE WE BELIEVE THAT
8 HE CAN BE CONDUCIVE TO PROVIDING SOMETHING POSITIVE IN
9 SOCIETY IN THE DAYS AHEAD.

10 MR. WIL OWENS: MY NAME IS WIL OWENS.
11 W-I-L, O-W-E-N-S. I DIDN'T KNOW TONY UNTIL HE WAS
12 AT THE LAURENS COUNTY DETENTION CENTER. I WAS WORKING
13 AT THE CHURCH WHERE HIS PARENTS ATTEND, AND SO I BEGAN
14 TO VISIT TONY THERE, AND VISITING HIM THERE AT THE
15 DETENTION CENTER, I OBSERVED A CHANGE IN HIS LIFE.
16 TONY ASKED CHRIST INTO HIS HEART AS PERSONAL LORD AND
17 SAVIOUR. I'VE BEEN VISITING WITH TONY SINCE THEN
18 THROUGHOUT HIS STAY THERE AND BEEN TRYING TO WITNESS
19 TO HIM AND PRAYING WITH HIM AND ALSO PROVIDING HIM
20 SOME CHRISTIAN MATERIALS TO READ DURING THAT TIME. I
21 DO BELIEVE THAT CRIME DESERVES PUNISHMENT, BUT I ALSO
22 BELIEVE THAT TONY HAS HIS LIFE ON THE RIGHT TRACK NOW
23 AND THAT HE COULD BE A BENEFIT TO SOCIETY.

24 THE COURT: OKAY. THANK YOU.

25 WOULD YOU LIKE TO SAY SOMETHING,

1 MR. CATHCART?

2 MR. ANTHONY CATHCART: TO THE FAMILY?

3 THE COURT: YOU CAN SPEAK IF YOU LIKE.

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

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

23 MR. ANTHONY CATHCART: (NODDING HEAD.)

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

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

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

9 MR. ANTHONY CATHCART: OKAY. THANK YOU.

10 MR. FERGUSON: THANK YOU, SIR.

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

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

1 DURING THE TIME WHEN SHE DID THE KILLING. I DON'T
2 KNOW IF SHE NEEDS TO STAY IN JAIL FOR LIFE OR NOT.
3 BALANCING OUT, I SENTENCE HER TO FIFTY YEARS. THAT
4 PUTS HER OUT AROUND SEVENTY-TWO IF SHE GETS IN TROUBLE
5 THERE, ABOUT OVER SIXTY-FIVE IF SHE DOESN'T. IT'S
6 WORTH SOMETHING TO PLEAD GUILTY AND NOT PUT THE FAMILY
7 THROUGH THE TRIAL. TRIALS ARE REAL TRAUMATIC. THAT'S
8 IT. FIVE YEARS ON THE OTHER COUNT. OF COURSE, THEY
9 ARE CONCURRENT.

10 - - -END OF TRANSCRIPT OF RECORD- - -
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