

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

GENERAL SESSIONS COURT

THE STATE
VS.
KIMMIE SNIPES HEATON,
DEFENDANT.

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:
: TRANSCRIPT OF RECORD
: 97-GS-30-678
: 98-GS-30-415
:
:

MARCH 20, 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, IV, ESQUIRE
SOLICITOR
EIGHTH JUDICIAL CIRCUIT

CLAUDE H. HOWE, III, ESQUIRE
ATTORNEY AT LAW
ATTORNEY FOR THE DEFENDANT

REBECCA A. BAZZLE
CIRCUIT COURT REPORTER

A TRUE COPY OF ORIGINAL

Barbara T. Wasson

BARBARA T. WASSON
Laurens County CCCP & GS

1 THE COURT: OKAY, SOLICITOR. WE HAVE SOMEBODY
2 IN FRONT OF US.

3 MR. JONES: YES, SIR, YOUR HONOR. OF COURSE, MY
4 NAME IS TOWNES JONES. I AM THE SOLICITOR FOR THE
5 EIGHTH JUDICIAL CIRCUIT. WITH ME IS MICHAEL COULTER,
6 DEPUTY SOLICITOR FOR THE EIGHTH JUDICIAL CIRCUIT, AND
7 RON DAVENPORT, VICTIM'S ADVOCATE AND DIRECTOR OF
8 VICTIM'S SERVICES IN THE EIGHTH JUDICIAL CIRCUIT. HE
9 IS ACCOMPANYING THE FAMILY OF THE VICTIM IN THIS CASE,
10 DAVID HEATON.

11 YOUR HONOR, BEFORE YOU IS THE
12 DEFENDANT IN THIS CASE, WHO IS CHARGED WITH MURDER,
13 CONSPIRACY TO COMMIT MURDER AND USING A WEAPON IN THE
14 COMMISSION OF A VIOLENT CRIME. MY UNDERSTANDING IS
15 THAT SHE INTENDS TO OFFER A PLEA OF GUILTY AS CHARGED
16 ON ALL COUNTS IN THE INDICTMENT AND THAT SHE INTENDS TO
17 WAIVE GRAND JURY CONSIDERATION ON ONE COUNT IN THAT
18 INDICTMENT, WHICH IS THE CONSPIRACY COUNT TO COMMIT
19 MURDER.

20 THE COURT: OKAY.

21 KIMMIE SNIPES HEATON,
22 HAVING BEEN FIRST DULY SWORN BY THE COURT, TESTIFIED AS
23 FOLLOWS:

24 EXAMINATION BY THE COURT:

25 Q YOU ARE KIMMIE HEATON? IS THAT HOW YOU ARE

1 REFERRED TO?

2 A YES, SIR.

3 Q AND MS. HEATON, HOW OLD ARE YOU?

4 A TWENTY-ONE.

5 Q TWENTY-ONE. DO YOU MIND STEPPING UP A LITTLE

6 CLOSER TO ONE OF THE MICROPHONES? THE ACOUSTICS

7 IN HERE ARE NOT TOO GOOD. SO YOU ARE TWENTY-ONE

8 YEARS OLD?

9 A YES, SIR.

10 Q AND HOW FAR IN SCHOOL DID YOU GO?

11 A TWELFTH GRADE.

12 Q TWELFTH GRADE?

13 A UH-HUH (NODDED HEAD TO INDICATE AFFIRMATIVE

14 ANSWER.)

15 Q I KNOW NOTHING OF THE CASE. OKAY. NOTHING OF

16 THE CASE. I'M LOOKING AT THE INDICTMENTS, AND

17 THE INDICTMENT ALLEGES A COMMISSION OF THREE

18 SEPARATE CRIMES. DIFFERENT INDICTMENTS. ONE

19 ALLEGES THAT YOU WERE INVOLVED WITH A WILLIAM

20 CATHCART APPARENTLY. IN APRIL OF LAST YEAR

21 DAVID HEATON WAS KILLED AND YOU WERE A

22 PARTICIPANT IN THAT, AND YOU ARE PLEADING GUILTY

23 TO MURDERING DAVID HEATON. IS THAT YOUR

24 UNDERSTANDING?

25 A YES, SIR.

1 Q ALL RIGHT. ANOTHER CHARGE AGAINST YOU IS BEING
2 IN POSSESSION OF A DEADLY WEAPON AT THE TIME
3 THAT THE VIOLENT CRIME WAS COMMITTED, THE
4 VIOLENT CRIME ITSELF BEING MURDER. THAT'S A
5 SEPARATE OFFENSE. THAT CARRIES UP TO FIVE YEARS
6 IF YOU PLEAD GUILTY TODAY. DO YOU UNDERSTAND
7 THAT?

8 A YES, SIR.

9 Q IF YOU PLEAD GUILTY TO MURDER, YOUR FUTURE IS
10 NOT BRIGHT UNDER ANY CIRCUMSTANCES. DO YOU
11 UNDERSTAND THAT?

12 A YES, SIR.

13 Q I MEAN THE PENALTIES ARE AS FOLLOWS. I CAN
14 SENTENCE YOU, IF I ACCEPT YOUR PLEA, TO LIFE
15 JUST FOR MURDER. LIFE MEANING LIFE. THAT'S IT.
16 YOU ARE TWENTY-ONE NOW. IT'S JUST LIFE FOREVER.
17 I CAN SENTENCE YOU TO LIFE AND YOU ARE NOT
18 ELIGIBLE FOR PAROLE UNTIL AFTER THE EXPIRATION
19 OF THIRTY YEARS. THAT DOES NOT MEAN THAT YOU
20 WOULD GET OUT AFTER THIRTY YEARS. IT JUST MEANS
21 YOU ARE NOT ELIGIBLE FOR PAROLE UNTIL AFTER YOU
22 HAVE SERVED THIRTY YEARS OR. THEY CHANGED THE
23 LAW I THINK LAST YEAR, AND I CAN SENTENCE YOU
24 ACTUALLY TO ANYTHING FROM THIRTY YEARS TO LIFE.
25 NOW MURDER BEING A VIOLENT CRIME, YOU ARE NOT

1 ELIGIBLE FOR PAROLE UNTIL YOU SERVE AT LEAST
2 EIGHTY-FIVE PERCENT OF THE SENTENCE. SO, YOU
3 KNOW. IF I SENTENCED YOU TO THE MINIMUM, WHICH
4 WOULD BE THIRTY YEARS, YOU WOULD HAVE TO SERVE
5 ALMOST THIRTY YEARS. SO WHAT YOU ARE LOOKING AT
6 REALLY IS SOMEWHERE BETWEEN THIRTY YEARS AND
7 LIFETIME CONFINEMENT. EVEN THOUGH YOU ARE JUST
8 TWENTY-ONE. DO YOU UNDERSTAND THAT?

9 A YES, SIR.

10 Q NOW, THERE'S ANOTHER CHARGE THAT HAS BEEN
11 BROUGHT AGAINST YOU AND THAT IS CONSPIRACY TO
12 COMMIT MURDER. THAT CRIME ONLY CARRIES A
13 PENALTY OF UP TO FIVE YEARS. DO YOU UNDERSTAND
14 THAT?

15 A YES, SIR.

16 Q NOW THAT CHARGE HAS NOT BEEN SUBMITTED TO THE
17 GRAND JURY. THE GRAND JURY CONSISTS OF EIGHTEEN
18 CITIZENS OF LAURENS COUNTY WHO PASS UPON WHETHER
19 OR NOT YOU SHOULD BE CHARGED WITH THE CRIME.
20 YOU DON'T GET TO APPEAR IN FRONT OF THE GRAND
21 JURY, BUT AFTER THE STATE PRESENTS EVIDENCE TO
22 THE GRAND JURY, THE GRAND JURY DECIDES WHETHER
23 TO ISSUE A CHARGE AGAINST YOU OR NOT. IF THEY
24 ISSUE A CHARGE, THAT IS CALLED A TRUE BILL. IT
25 MIGHT BE THAT AFTER LISTENING TO THE EVIDENCE,

1 THE GRAND JURY WOULD RETURN A NO BILL. IF THEY
2 DID THAT, THE CHARGE WOULD BE DISMISSED.

3 IN GRAND JURY PROCEEDINGS, A UNANIMOUS
4 VOTE IS NOT REQUIRED OF THE GRAND JURY. I TOLD
5 YOU THAT THE GRAND JURY CONTAINED EIGHTEEN
6 MEMBERS, BUT ONLY TWELVE WOULD HAVE TO AGREE
7 THAT BASED ON WHAT WAS PRESENTED BY THE STATE
8 YOU SHOULD BE CALLED TO ANSWER THOSE CHARGES.
9 DO YOU UNDERSTAND THAT?

10 A YES, SIR.

11 Q NOW, YOU HAVE AN ABSOLUTE CONSTITUTIONAL RIGHT
12 TO REQUIRE THE STATE TO GO IN FRONT OF THE GRAND
13 JURY. YOU CAN WAIVE IT. IT IS MY UNDERSTANDING
14 THAT YOU ARE WAIVING PRESENTMENT OF THE
15 CONSPIRACY CHARGE BEFORE THE LAURENS GRAND JURY
16 AND ARE TENDERING A PLEA OF GUILTY TO THAT
17 CHARGE ALONG WITH A PLEA OF GUILTY TO THE
18 POSSESSION OF FIREARM CHARGE AND TO THE MURDER
19 CHARGE, WHICH TWO CHARGES HAVE ALREADY BEEN TRUE
20 BILLED. IS THAT YOUR UNDERSTANDING?

21 A YES, SIR.

22 Q ALL RIGHT. NOW, YOU ARE REPRESENTED BY MR.
23 HOGAN. IS THAT RIGHT?

24 A MR. HOWE.

25 Q I MEAN MR. HOWE. MR. HOGAN WORKS FOR MR. HOWE.

1 AND YOU HAVE HAD TIME TO DISCUSS THIS WITH HIM I
2 TAKE IT?

3 A YES, SIR.

4 Q AND HOW LONG HAVE YOU NOW BEEN INCARCERATED?

5 A IT WILL BE A YEAR NEXT MONTH.

6 Q SINCE THE TIME THAT THE ALLEGED INCIDENT
7 OCCURRED?

8 A YES, SIR.

9 Q ALL RIGHT. IF YOU ARE PLEADING GUILTY, IT DID
10 OCCUR.

11 A YES, SIR.

12 Q NOW, YOU CAN GET A JURY TRIAL. YOU HAVE
13 DISCUSSED IT WITH MR. HOWE MANY TIMES I'M SURE.

14 A (WITNESS NODDED HEAD TO INDICATE AFFIRMATIVE
15 ANSWER.)

16 Q YOU HAVE TO ANSWER.

17 A YES, SIR.

18 Q ALL RIGHT. IT'S NOT THAT I DIDN'T UNDERSTAND
19 THAT YOU WERE SAYING YES WHEN YOU NODDED YOUR
20 HEAD. IT IS JUST THAT THE COURT REPORTER CAN
21 JUST TYPE DOWN NODDED HEAD. SHE MUST MAKE SURE
22 THAT YOU UNDERSTAND EVERYTHING, THAT YOU HAVE
23 REPLIED, BECAUSE WHAT HAPPENS UNDER THE BEST OF
24 SITUATIONS, YOU ARE GOING TO BE IN JAIL A LONG
25 TIME. DO YOU UNDERSTAND THAT?

1 A YES, SIR.

2 Q NOW, WHILE YOU ARE INCARCERATED IT MIGHT OCCUR
3 TO YOU THAT MR. HOWE HAS NOT DONE SOMETHING, NOT
4 EXPLAINED SOMETHING TO YOU OR THAT WHEN YOU
5 PLEAD IN FRONT OF ME I DIDN'T EXPLAIN SOMETHING
6 TO YOU. THAT'S WHY THE COURT REPORTER TAKES IT
7 ALL DOWN, SO THAT IF LATER, WHATEVER SENTENCE I
8 IMPOSE, YOU COMPLAIN ABOUT IT, WE HAVE A RECORD
9 THAT SHOWS THAT I WENT OVER IT WITH YOU AND THAT
10 YOU INDICATED THAT YOU UNDERSTOOD EVERYTHING.
11 DO YOU UNDERSTAND THAT?

12 A YES, SIR.

13 Q NOW, YOU HAVE VARIOUS RIGHTS AFFORDED YOU UNDER
14 THE U.S. AND STATE CONSTITUTIONS. YOU ARE
15 ENTITLED TO A TRIAL ANY TIME YOU WANT ONE ON ANY
16 ONE OF THESE THREE CHARGES. YOU GIVE UP YOUR
17 RIGHT TO A TRIAL BY TENDERING A PLEA OF GUILTY
18 AND MY ACCEPTANCE OF THE SAME. DO YOU
19 UNDERSTAND THAT?

20 A YES, SIR.

21 Q IF YOU WANTED A TRIAL, YOU SIMPLY HAVE TO PLEAD
22 NOT GUILTY. THAT PLACES THE BURDEN OF PROOF ON
23 THE STATE. THE BURDEN OF PROOF IS THAT THE
24 STATE MUST CONVINCe TWELVE JURORS UNANIMOUSLY,
25 BEYOND A REASONABLE DOUBT, THAT YOU COMMITTED

1 THE CRIME WITH WHICH YOU ARE CHARGED. DO YOU
2 UNDERSTAND THAT?

3 A YES, SIR.

4 Q IF YOU WANTED A TRIAL, YOU WOULD HAVE FULL
5 ACCESS TO YOUR ATTORNEY. YOU WOULD BE ENTITLED
6 TO BE PRESENT AT ALL STAGES WHEN ANYTHING
7 IMPACTING YOUR CASE WAS GOING ON. IF YOU WANTED
8 A TRIAL, YOU COULD CONFER WITH YOUR ATTORNEY AND
9 WHEN THE JURY WAS BEING PRESENTED, YOU WOULD BE
10 ABLE TO EXERCISE CERTAIN PREEMPTORY CHALLENGES
11 THEY ARE CALLED AND EXCUSE SOME JURORS. YOU GET
12 MORE STRIKES, THEY ARE CALLED, IN A CRIMINAL
13 CASE OR A MURDER CASE THAN YOU WOULD IN A NORMAL
14 CASE. YOU COULD ACTUALLY JUST EXCUSE TEN FOR
15 VIRTUALLY NO REASON. THERE HAS TO BE SOME
16 MINIMAL REASON, BUT YOU WOULD HAVE A CHANCE TO
17 PARTICIPATE AND GET AS GOOD A JURY FROM YOUR
18 VIEWPOINT AS YOU COULD BASED ON THE PANEL. DO
19 YOU UNDERSTAND THAT?

20 A YES, SIR.

21 Q NOW, AFTER THE JURY WAS IMPANELED, THE STATE
22 WOULD MAKE A BRIEF OPENING STATEMENT TO THE JURY
23 AND TELL THEM WHAT THEY SOUGHT TO PROVE. YOUR
24 ATTORNEY WOULD BE GIVEN AN OPPORTUNITY TO MAKE A
25 STATEMENT, BUT HE WOULDN'T HAVE TO, BECAUSE YOU

1 DON'T HAVE TO PROVE YOU ARE NOT GUILTY IN A
2 TRIAL. DO YOU UNDERSTAND THAT?

3 A YES, SIR.

4 Q I'VE TOLD YOU THAT THE STATE HAS THE BURDEN OF
5 PROOF BEYOND A REASONABLE DOUBT, AND THAT GOES
6 TO EVERY ELEMENT THAT CONSTITUTES A CRIME THAT
7 YOU ARE CHARGED WITH, WHETHER IT BE MURDER,
8 POSSESSION OF A WEAPON IN COMMISSION OF A
9 VIOLENT CRIME AND THE CONSPIRACY TO COMMIT
10 MURDER. DO YOU UNDERSTAND THAT?

11 A YES, SIR.

12 Q NOW, DO YOU UNDERSTAND WHAT MURDER IS? HAVE YOU
13 HAD TIME TO TALK IT OVER WITH MR. HOWE?

14 A YES, SIR.

15 Q AND THE STATE IN A MURDER CHARGE, WHICH OF
16 COURSE IS THE MOST SERIOUS CHARGE THAT WE HAVE
17 UNDER THE LAW, MUST CONVINCe THOSE TWELVE JURORS
18 BEYOND A REASONABLE DOUBT THAT YOU ACTUALLY
19 PARTICIPATED IN THE DEATH OF DAVID HEATON WITH
20 MALICE AFORETHOUGHT. DO YOU UNDERSTAND THAT?

21 A YES, SIR.

22 Q THE STATE'S GOT TO PROVE ALL THAT. I DON'T KNOW
23 ANYTHING ABOUT THE FACTS. THEY ARE GOING TO
24 GIVE ME SOME FACTUAL BASIS IN JUST A LITTLE BIT.
25 I'M TALKING ABOUT THE STATE. YOU NEED TO LISTEN

1 CAREFULLY AT THAT TIME, BUT FOR INSTANCE IF
2 EVIDENCE OF SELF DEFENSE WAS RAISED, THE STATE
3 WOULD HAVE TO PROVE THAT DAVID HEATON DIED AT
4 YOUR HANDS IN SPITE OF THE FACT THAT YOU MIGHT
5 HAVE ACTED IN SELF DEFENSE. YOU DON'T HAVE TO
6 PROVE THAT YOU DID. THE STATE HAS TO PROVE THAT
7 YOU DIDN'T, OR ANY OTHER DEFENSE THAT YOU MIGHT
8 RAISE. DO YOU UNDERSTAND THAT?

9 A YES, SIR.

10 Q YOU HAVE THE TOTAL RIGHT TO QUESTION EVERY
11 WITNESS THAT THE STATE PUTS UP THROUGH YOUR
12 ATTORNEY. YOU CAN CONFER WITH YOUR ATTORNEY
13 AFTER OBSERVING THE STATE'S WITNESSES, LISTENING
14 TO WHAT THEY SAY. YOU WILL HAVE A CHANCE
15 THROUGH YOUR LAWYER TO QUESTION THE STATE'S
16 WITNESSES IN DETAIL. YOU ALSO HAVE THE RIGHT
17 THROUGH YOUR ATTORNEY TO OBJECT TO THE
18 ADMISSIBILITY OF ANY OTHER EVIDENCE. I DON'T
19 KNOW ANY ABOUT THE TRIAL, AGAIN, THAT WOULD
20 PROCEED. OBVIOUSLY, THERE WAS A WEAPON
21 INVOLVED. YOU COULD OBJECT EVEN TO THE
22 ADMISSIBILITY OF THAT WEAPON IF THE CHAIN OF
23 CUSTODY HADN'T BEEN KEPT TOGETHER ON THAT. DO
24 YOU UNDERSTAND THAT?

25 A YES, SIR.

1 Q NOW, YOU DON'T HAVE TO TESTIFY IN A TRIAL.
2 UNDER OUR CONSTITUTIONS YOU HAVE A RIGHT TO SIT
3 ABSOLUTELY SILENT. THE STATE CAN'T EVEN COMMENT
4 ON YOUR FAILURE TO TESTIFY. DO YOU UNDERSTAND
5 THAT?

6 A YES, SIR.

7 Q IF YOU HAVE GIVEN STATEMENTS TO LAW ENFORCEMENT,
8 WHICH I DON'T KNOW, BUT IF YOU HAVE, THE STATE
9 COULD NOT INTRODUCE THOSE STATEMENTS DURING A
10 TRIAL UNLESS AT WHAT IS CALLED A SUPPRESSION
11 HEARING THE STATE CONVINCED THE TRIAL JUDGE THAT
12 THOSE STATEMENTS MADE BY YOU WERE FREELY AND
13 VOLUNTARILY MADE AFTER YOU HAD BEEN GIVEN YOUR
14 MIRANDA WARNINGS AND SO FORTH AND ASSURED THAT
15 YOU COULD HAVE AN ATTORNEY AND ALL OF THOSE
16 RIGHTS. DO YOU UNDERSTAND THAT?

17 A YES, SIR.

18 Q YOU DO HAVE A RIGHT TO PRESENT A DEFENSE. THERE
19 IS NO OBLIGATION ON YOUR PART, AGAIN, TO DO
20 THAT, BECAUSE YOU DON'T HAVE TO PROVE THAT YOU
21 ARE NOT GUILTY. THE DEFENSE COULD SIMPLY BE
22 ALIBI, YOU WERE NOT THERE. AGAIN, I KNOW
23 NOTHING OF THE FACTS, BUT IF YOU PLEAD GUILTY,
24 YOU DON'T HAVE THE RIGHT TO PUT UP A DEFENSE.
25 YOU CAN STATE SOME THINGS TO ME OR ANYTHING YOU

1 LIKE REALLY IN MITIGATION, BUT NOT TO GO TO THE
2 ISSUE OF "I DIDN'T DO IT." THE TIME FOR -- YOU
3 KNOW, THE ISSUE OF WHETHER YOU DID OR DIDN'T DO
4 IT IN FRONT OF A JURY IS WHEN A JURY IS
5 IMPANELED. DO YOU UNDERSTAND THAT?

6 A YES, SIR.

7 Q IN ANY TRIAL YOU WOULD BE PRESUMED INNOCENT.
8 THAT WOULD BE THE FIRST THING THAT A TRIAL JUDGE
9 WOULD TELL THE JURY. THE STATE HAS TO OVERCOME
10 THAT AND CONVINCING THE TWELVE JURORS UNANIMOUSLY,
11 BEYOND A REASONABLE DOUBT, OF EVERY ELEMENT OF
12 THE CRIME WITH WHICH YOU WERE CHARGED. DO YOU
13 UNDERSTAND THAT?

14 A YES, SIR.

15 Q ONCE YOU PLEAD GUILTY YOU GIVE UP ALL OF YOUR
16 CONSTITUTIONAL RIGHTS THAT I JUST WENT OVER.
17 YOU GIVE UP YOUR RIGHT OF CONFRONTATION. THAT'S
18 THE RIGHT TO QUESTION THE STATE'S WITNESSES.
19 YOU GIVE UP YOUR PRESUMPTION OF INNOCENCE,
20 BECAUSE YOU ADMIT THAT YOU ARE GUILTY. YOU GIVE
21 UP YOUR RIGHT AGAINST SELF INCRIMINATION. THAT
22 IS THE RIGHT TO TESTIFY OR NOT. DO YOU
23 UNDERSTAND THAT?

24 A YES, SIR.

25 Q YOU GIVE UP YOUR RIGHT TO PUT UP A DEFENSE TO

- 1 ANY OF THE THREE CHARGES. DO YOU UNDERSTAND
2 THAT?
- 3 A YES, SIR.
- 4 Q NOW, IS THERE ANYTHING ABOUT TRIAL PROCEDURES
5 THAT YOU DO NOT UNDERSTAND?
- 6 A NO, SIR.
- 7 Q HAVE YOU DISCUSSED WITH MR. HOWE ANY POTENTIAL
8 WITNESSES THAT YOU MIGHT BE ABLE TO CALL, AND
9 YOU DO RECOGNIZE THAT IF YOU HAD A WITNESS WHO
10 COULD GIVE FAVORABLE TESTIMONY TO YOU OR JUST
11 TESTIMONY CONCERNING THE TRIAL IF THE STATE
12 WANTED A TRIAL AND THE WITNESSES WOULD NOT
13 VOLUNTARILY COME IN, YOU COULD SEND THE
14 SHERIFF'S DEPARTMENT OUT TO PICK THEM UP AND
15 BRING THEM IN AND MAKE THEM TESTIFY? DO YOU
16 UNDERSTAND THAT?
- 17 A YES, SIR.
- 18 Q DO YOU HAVE ANY QUESTIONS ABOUT WHAT WOULD
19 HAPPEN IN A TRIAL AND RIGHTS YOU COULD EXERCISE,
20 BECAUSE YOU WAIVE THEM ALL IF YOU PLEAD GUILTY?
- 21 A NO, SIR.
- 22 Q TODAY HAVE YOU HAD ANY SUBSTANCE THAT CONTAINS
23 ALCOHOL OR ANY NARCOTIC?
- 24 A NO, SIR.
- 25 Q HAVE YOU TAKEN ANY MEDICATIONS OF ANY SORT?

1 A NO, SIR.

2 Q ARE YOU TAKING ANY MEDICATIONS?

3 A NO, SIR.

4 Q NO PRESCRIPTION MEDICATIONS AT ALL?

5 A NO, SIR.

6 Q WHEN'S THE LAST TIME THAT YOU WERE TREATED BY A
7 PHYSICIAN?

8 A UM --

9 Q NOT RECENTLY IN OTHER WORDS?

10 A NO.

11 Q HAS ANYBODY COERCED, INTIMIDATED OR THREATENED
12 YOU TO CAUSE YOU TO TENDER THIS PLEA?

13 A NO, SIR.

14 Q HAS ANYBODY PROMISED YOU ANYTHING OR GIVEN YOU
15 ANY ASSURANCES AS TO THE TYPE SENTENCE YOU WOULD
16 RECEIVE OTHER THAN WHAT I TOLD YOU WHAT THE LAW
17 IS? THE BOTTOM LINE IS THE BEST YOU CAN
18 POSSIBLY GET IS A THIRTY-YEAR SENTENCE. THE
19 MAXIMUM WOULD BE LIFE. HAS ANYBODY TOLD YOU
20 ANYTHING DIFFERENT THAN THAT?

21 A NO, SIR.

22 Q I MEAN IT'S NOT A MATTER IF YOU PLEAD AND
23 SENTENCING IS DEFERRED, THAT YOU KNOW WHEN YOU
24 COME BACK YOU CAN GET PROBATION. IT IS STILL
25 GOING TO BE THE SAME, THIRTY YEARS TO LIFE. DO

1 YOU UNDERSTAND THAT?

2 A YES, SIR.

3 Q AND OF COURSE THE SENTENCES COULD BE ADDED UP
4 ON YOU. THE FIVE YEARS FOR CONSPIRACY COULD BE
5 ADDED TO IT, BUT YOU KNOW IF YOU ARE SERVING SO
6 MUCH TIME, IT IS NOT GOING TO IMPACT IT TOO
7 MUCH. DO YOU UNDERSTAND THAT?

8 A YES, SIR.

9 Q DO YOU HAVE ANY QUESTIONS ABOUT ANYTHING AT THIS
10 POINT?

11 A NO, SIR.

12 Q ALL RIGHT. NOW, I AM GOING TO TENTATIVELY
13 ACCEPT YOUR PLEA. I SAY TENTATIVELY, BECAUSE
14 AGAIN I KNOW NOTHING OF THE CHARGE. THE STATE
15 IS GOING TO TELL ME WHAT THEY WERE IN A POSITION
16 TO PRESENT IN COURT. THEY ARE NOT GOING TO DO
17 IT IN GREAT DETAIL THAT THEY WOULD HAVE HAD A
18 TRIAL GONE FORWARD, BUT THEY WILL OUTLINE WHAT
19 THEY THINK THEY WOULD HAVE PROVED AND WHY A JURY
20 WOULD HAVE CONVICTED YOU, AND IF IT SOUNDS LIKE
21 YOUR PLEA IS JUSTIFIED, THEN I WILL ACCEPT IT.
22 BUT IF YOU DON'T AGREE WITH SOMETHING THEY SAY,
23 NOW IS THE TIME, OKAY, TO TELL ME. I'LL COME
24 BACK TO YOU.

25 A YES, SIR.

1 MR. JONES: YOUR HONOR, PRIOR TO GIVING YOU
2 THE INFORMATION CONCERNING THE EVIDENCE THAT THE STATE
3 WAS PREPARED TO PRESENT IN THIS CASE, IT IS MY
4 UNDERSTANDING IN TALKING TO THE DEFENDANT'S ATTORNEY
5 THAT HE WAS GOING TO ASK YOU TO DEFER SENTENCING IN
6 THIS CASE, AND I JUST WANTED TO MAKE SURE, BEFORE I
7 CONCLUDE MY REMARKS THAT IF HE DOES NOT ASK YOU TO
8 DEFER SENTENCING, THAT I BE GIVEN AN OPPORTUNITY ---

9 THE COURT: SURE.

10 MR. JONES: --- TO ALLOW A NUMBER OF FAMILY
11 THAT ARE HERE --

12 THE COURT: ANYBODY THAT WOULD LIKE TO
13 SPEAK IN AGGRAVATION WILL BE AFFORDED AN OPPORTUNITY,
14 AND IF SENTENCING IS DEFERRED, THEY WILL BE AFFORDED AN
15 OPPORTUNITY TO AT THAT POINT.

16 MR. JONES: THANK YOU. UNDERSTANDING THEN,
17 JUDGE, THAT THIS IS NOT A SENTENCING PROCEEDING BUT
18 RATHER A FACT FINDING PROCEEDING, I NEVERTHELESS WOULD
19 LIKE FOR YOU TO ALLOW ME TO PRESENT A PHOTOGRAPH OF THE
20 VICTIM IN THIS CASE, DAVID HEATON, TO YOU ---

21 THE COURT: SURE.

22 MR. JONES: WHILE I PRESENT THE FACTUAL
23 BASIS.

24 THE COURT: ALL RIGHT.

25 MR. JONES: THE DEFENDANT IS HERE AND HE'S

1 NOT, AND EVEN THOUGH WE ARE NOT GOING INTO SENTENCING
2 MATTERS HER PRESENCE IS HERE, AND IN THE FORM OF THAT
3 PHOTOGRAPH I WOULD LIKE FOR HIS TO BE HERE TOO.

4 THE COURT: OKAY.

5 MR. JONES: JUDGE, ON APRIL 17, 1997 THE
6 VICTIM IN THIS CASE, DAVID HEATON, WHO WAS TWENTY-FIVE
7 YEARS OLD AT THE TIME, WAS DELIVERING PAPERS. THAT WAS
8 HIS JOB, ONE OF HIS JOBS -- AT ABOUT 5:00 O'CLOCK IN
9 THE MORNING IN THE LONG BRANCH COMMUNITY OF LAURENS
10 COUNTY BASICALLY. AT THE TIME HE WAS ALONG FRONTAGE
11 ROAD JUST OUTSIDE OF CLINTON NEAR INTERSTATE 385. HIS
12 WIFE, THE DEFENDANT, IN THIS CASE WAS WITH HIM, AND AS
13 THEY PULLED UP TO A MAILBOX TO PLACE A PAPER, A
14 DELIVERY OF THE GREENVILLE NEWS THERE, SHE GOT OUT OF
15 THE PASSENGER'S SIDE PRETENDING TO BE GETTING THE
16 NEWSPAPER AND INSTEAD RETRIEVED A .22 REVOLVER, A .22
17 CALIBRE REVOLVER, AND FROM THE BACK SEAT SHOT DAVID
18 TWICE IN THE HEAD. ONCE WAS A CONTACT WOUND JUST ABOVE
19 THE RIGHT EAR THAT ENTERED PASSING THROUGH THE BRAIN
20 AND STOPPING NEAR THE LEFT OCCIPITAL POLE IN THE BRAIN.
21 THE SECOND SHOT ENTERED SEVERAL INCHES BEHIND THE RIGHT
22 EAR AT ABOUT THE SAME HORIZONTAL PLANE PASSING FROM THE
23 LEFT -- TO LEFT AND TOWARD THE FRONT OF DAVID'S HEAD.

24 THE DEFENDANT THEN TOOK THE PISTOL AND
25 SHOT HERSELF IN THE RIGHT SHOULDER, AND AFTER DOING

1 THAT RETRIEVED A CELLULAR PHONE THAT SHE HAD AND CALLED
2 THE POLICE. SHE TOLD THE POLICE THAT TWO BLACK MEN AND
3 A WHITE MAN HAD ROBBED HER AND HER HUSBAND, THAT THE
4 BLACK MAN HAD SHOT HER HUSBAND TWICE AND THEN TURNED TO
5 HER AND SHOT HER IN THE SHOULDER WHILE SAYING, "YOU
6 LUCKY BITCH. THAT'S ALL YOU'RE GOING TO GET." SHE
7 MAINTAINED THIS STORY TO THE POLICE.

8 DAVID PASSED AWAY WITHIN HOURS OF THE
9 TIME. HE WAS ALIVE WHEN THE AUTHORITIES ARRIVED AND
10 THERE WERE EFFORTS TO SAVE HIS LIFE, BUT HE NEVER
11 REGAINED CONSCIOUSNESS. HE PASSED AWAY WITHIN HOURS OF
12 HER HAVING SHOT HIM IN THE HEAD.

13 SHE MAINTAINED THIS STORY UNTIL
14 S.L.E.D AGENT SPIKE MCGRAW WAS INTERVIEWING HER JUST
15 PRIOR TO TAKING A POLYGRAPH TEST ON THE 24TH OF APRIL,
16 SEVERAL DAYS OR ALMOST A WEEK AFTER DAVID HAD BEEN
17 MURDERED. AND AT THAT TIME, AFTER BEING INTERVIEWED BY
18 AGENT SPIKE MCGRAW WITH S.L.E.D. AND A REPRESENTATIVE
19 OF THE SHERIFF'S DEPARTMENT SHE EXPLAINED THAT SHE HAD
20 IN FACT SHOT DAVID. AFTER HAVING BEEN READ HER MIRANDA
21 WARNINGS, SHE CONFESSED THAT SHE DID IT, THAT SHE AND
22 HER COUSIN, TONY CATHCART, HAD PLANNED TO IT FOR UP TO
23 TEN DAYS PRIOR TO THIS OCCASION. THAT TONY HAD
24 ASSISTED IN OBTAINING THE PISTOL, THE WEAPON USED IN
25 THE COMMISSION OF THIS CRIME, FROM A FRIEND OF HIS.

1 THAT HE TURNED IT OVER TO HER, AND THAT THEY PLANNED
2 FOR TONY TO COME BY AT THE TIME SHE WAS MURDERING DAVID
3 AND AFTER SHE HAD SHOT HERSELF TO RETRIEVE THE PISTOL
4 AND DISPOSE OF IT SO THAT HER STORY ABOUT THE OTHERS
5 HAVING COMMITTED THE CRIME WOULD BE JUSTIFIED BY HER
6 NOT HAVING A WEAPON ANYWHERE AROUND THAT AREA. AND HE
7 DID DISPOSE OF THAT WEAPON SOME FIVE OR SIX MILES AWAY
8 FROM THE CRIME SCENE. HE THREW IT IN A POND. HE TOOK
9 THE AUTHORITIES TO THAT LOCATION. THEY RETRIEVED THAT
10 .22 CALIBRE WEAPON. BALLISTICS TESTS INDICATED THAT IT
11 WAS IN FACT THE WEAPON USED TO MURDER DAVID HEATON.

12 YOUR HONOR, I WOULD POINT OUT TO THE
13 COURT AT THIS TIME THAT AT THE TIME THE MURDER WAS
14 COMMITTED, AND WE OF COURSE OBTAINED THIS STATEMENT
15 FROM THE DEFENDANT AND WOULD HAVE INTENDED TO INTRODUCE
16 IT AT TRIAL, THE BALLISTICS ON THE GUN WOULD HAVE BEEN
17 INTRODUCED AT TRIAL, AND THERE WERE OTHER WITNESSES TO
18 THE CONSPIRACY BETWEEN SHE AND TONY CATHCART, THE PLAN,
19 THE PREMEDITATION THAT SHE HAD DETERMINED TO COMMIT
20 THIS MURDER THAT WE WOULD OFFER AT THE TIME OF TRIAL,
21 OTHER WITNESSES THAT HAD KNOWLEDGE OF HER PLAN AND WHAT
22 SHE INTENDED TO DO AT TRIAL. THAT WOULD BASICALLY BE
23 THE EVIDENCE THAT YOU WOULD RECEIVE.

24 IN THE STATEMENT WE ALSO POINT OUT TO
25 YOU THAT JUST PRIOR TO DAVID BEING MURDERED THERE WAS

1 NO WORD OR NO ARGUMENT BETWEEN THESE TWO. THERE HAD
2 NOT BEEN ANY ARGUMENT BETWEEN THESE TWO IN THE TEN DAYS
3 PRECEDING THIS, AND IN FACT DAVID HEATON HAD NEVER LAID
4 A HAND ON THIS WOMAN IN ANY WAY. THAT WAS IN HER WORDS
5 AND HER STATEMENT.

6 JUDGE, I WOULD LIKE TO POINT OUT TO
7 YOU EVEN THOUGH THEY ARE NOT HERE AT THIS TIME TO SPEAK
8 SINCE IT IS NOT A SENTENCING PROCEEDING THAT DAVID'S
9 FATHER IS PRESENT, HIS MOTHER IS PRESENT, HIS TWO
10 SISTERS ARE HERE, HIS BROTHER IS HERE AND A NUMBER OF
11 FAMILY MEMBERS, FRIENDS AND LOVED ONES ARE ON THE
12 RIGHT-HAND SIDE OF THE COURTROOM ON BEHALF OF DAVID
13 TODAY, AND I JUST WANTED YOU TO KNOW THAT THEY WERE
14 HERE.

15 THE COURT: OKAY.

16 MR. HOWE: THANK YOU, YOUR HONOR. MY NAME
17 IS CHIP HOWE. I WAS APPOINTED TO REPRESENT MRS. HEATON
18 BACK IN APRIL OF 1997, SHORTLY AFTER THIS HAPPENED.
19 JUDGE, FIRST OF ALL, WE ARE ASKING THAT THE COURT DEFER
20 SENTENCING IN THIS MATTER.

21 YOUR HONOR, THE DECISION TO PLEAD,
22 ALTHOUGH IT HAS BEEN WELL THOUGHT OUT, HAPPENED RATHER
23 QUICKLY. THERE ARE SIGNIFICANT MATTERS THAT NEED TO BE
24 TAKEN UP AT A LATER DATE AT SENTENCING. SHE HAS A
25 HISTORY OF MENTAL ILLNESS DATING BACK TO BEFORE SHE

1 BECAME A TEENAGER. WE HAVE RETAINED A PSYCHIATRIST WHO
2 HAS BEEN EVALUATING THOSE RECORDS. UNFORTUNATELY, WE
3 DON'T HAVE THEM ALL, AND I AM EXPECTING TO HAVE THE
4 OPPORTUNITY TO EITHER PRESENT A REPORT OR LIVE
5 TESTIMONY FROM THE PSYCHIATRIST THAT MAY SERVE AS
6 MITIGATING FACTORS IN THIS CASE AT THE TIME OF
7 SENTENCING. THAT'S WHY, YOUR HONOR, I FELT LIKE IT WAS
8 APPROPRIATE TO ASK THAT THE COURT DEFER SENTENCING AND
9 RETAIN JURISDICTION OVER THIS MATTER.

10 I UNDERSTAND THAT YOU WILL BE BACK IN
11 LAURENS COUNTY THE WEEK OF MAY THE 4TH I BELIEVE. THAT
12 WILL GIVE US AN OPPORTUNITY TO GATHER THE ADDITIONAL
13 INFORMATION AND PROPERLY PREPARE FOR A SENTENCING
14 PROCEEDING, BUT WE DID WANT TO GO AHEAD AND ENTER THIS
15 PLEA TODAY. THE SOLICITOR'S OFFICE HAD NOTIFIED ME
16 THAT THIS CASE WOULD BE CALLED TO TRIAL AS EARLY AS
17 APRIL THE 20TH I BELIEVE. AND IT WAS OUR FEELING THAT
18 IT WAS APPROPRIATE TO ENTER THIS PLEA TODAY RATHER THAN
19 PUTTING THE SOLICITOR'S OFFICE AND THIS FAMILY THROUGH
20 THE HARD WORK AND HEARTACHE OF PREPARING FOR A TRIAL.
21 THIS IS TOUGH ENOUGH, WE REALIZE, ON EVERYBODY
22 INVOLVED, BUT WE FELT LIKE THAT WOULD BE APPROPRIATE TO
23 GO AHEAD AND ENTER THE PLEA. IF THE COURT WILL AFFORD
24 US THE OPPORTUNITY THROUGH A DEFERRED SENTENCING
25 PROCEEDING TO PUT FORTH WHAT WE CAN FOR THE COURT TO

1 CONSIDER ON BEHALF OF MRS. HEATON --

2 THE COURT: ALL RIGHT.

3 MR. HOWE: YOUR HONOR, THERE IS NO QUESTION
4 IN MY MIND ABOUT COMPETENCY TO ENTER THIS PLEA. THAT
5 DOESN'T ENTER INTO THIS. AT THE SAME TIME, THE HISTORY
6 SO THAT YOU WILL KNOW MORE ABOUT KIMMIE HEATON WILL BE
7 IMPORTANT I THINK AT SENTENCING.

8 THE COURT: YOU REPRESENT THAT FROM YOUR
9 LENGTHY INVOLVEMENT WITH MRS. HEATON THAT AT THE TIME
10 DAVID HEATON WAS KILLED MRS. HEATON HAD TOTAL CONTROL
11 OF HER MENTAL FACULTIES?

12 MR. HOWE: SHE WAS NOT INSANE, YOUR HONOR.

13 THE COURT: AND SHE UNDERSTOOD UNDER OUR
14 DEFINITION THE DIFFERENCE BETWEEN RIGHT AND WRONG AND
15 THE CONSEQUENCES AND SO FORTH? YOU ARE NOT ASKING FOR
16 SENTENCING TO BE DEFERRED SO THAT A PSYCHIATRIST CAN
17 SAY SHE HAS A LEGAL DEFENSE?

18 MR. HOWE: NO, YOUR HONOR.

19 THE COURT: ALL RIGHT.

20 EXAMINATION CONTINUED OF KIMMIE S. HEATON:

21 BY THE COURT:

22 Q NOW, MRS. HEATON, AGAIN I KNOW NOTHING OF THE
23 CASE. I EXPLAINED TO YOU WHEN WE WERE GOING
24 OVER THE TRIAL PROCEDURES THAT IF YOU WANTED A
25 TRIAL, YOU WOULD NOT HAVE TO TESTIFY AND THAT

1 THE STATE WOULD HAVE TO CONVINCING THE JURORS
2 BEYOND A REASONABLE DOUBT OF YOUR GUILT IF YOU
3 DIDN'T TESTIFY. DO YOU RECALL MY SAYING THAT?
4 A YES, SIR.
5 Q AND I ALSO TOLD YOU THAT IF YOU HAD MADE ANY
6 STATEMENT TO LAW ENFORCEMENT, THEY COULDN'T JUST
7 PUT THAT STATEMENT IN. NOW, IT TURNS OUT AFTER
8 LISTENING TO THE SOLICITOR THAT A LARGE PART OF
9 THE CASE THAT THE STATE WOULD HAVE WOULD BE A
10 STATEMENT THAT YOU GAVE TO SOME OFFICER. DO YOU
11 ACKNOWLEDGE GIVING THE STATEMENT TO THAT
12 OFFICER?
13 A YES, SIR.
14 Q NOW, I AM ABOUT FIFTH IN SENIORITY ON CIRCUIT
15 JUDGES, AND I JUST RECOGNIZE THAT ANY TIME
16 SOMEBODY GOES TO JAIL FOR A LONG PERIOD OF TIME
17 I HAVE TO SIT IN SOMETHING CALLED POST
18 CONVICTIONS AND VIRTUALLY EVERYBODY THAT WE HAVE
19 TAKEN A MURDER PLEA ON COMES BACK AND COMPLAINS
20 LATER THAT THEY DIDN'T UNDERSTAND EVERYTHING.
21 SO I'M GOING TO GO BACK OVER IT IN A LITTLE MORE
22 DETAIL ABOUT YOUR STATEMENT.
23 DO YOU KNOW THE OFFICER THAT YOU GAVE THE
24 STATEMENT TO?
25 A YES, SIR.

1 Q WHO WAS IT?

2 A SPIKE MCGRAW AND MIKE EATON WAS ALSO PRESENT.

3 Q DID -- HOW LONG WERE YOU CONFINED BEFORE YOU
4 GAVE THE STATEMENT? I MEAN, THEY DIDN'T PUT YOU
5 UNDER A LIGHT BULB AND KEEP YOU THERE WITHOUT
6 GOING TO THE BATHROOM OR ANYTHING, DID THEY?

7 A NO, SIR.

8 Q ALL RIGHT. DID THEY PUT ANY PHYSICAL PRESSURE
9 ON YOU WHILE YOU WERE GIVING THE STATEMENT?

10 A NO, SIR.

11 Q DID THEY TELL YOU OF YOUR CONSTITUTIONAL RIGHTS?

12 A YES, SIR.

13 Q DID THEY TELL YOU THAT YOU HAD THE RIGHT TO BE
14 REPRESENTED BY AN ATTORNEY AND THAT IF YOU
15 COULDN'T AFFORD ONE, ONE WOULD BE APPOINTED FOR
16 YOU?

17 A YES, SIR.

18 Q DID THEY TELL YOU THAT IF YOU HAD AN ATTORNEY,
19 YOU HAD THE RIGHT TO HAVE THAT ATTORNEY WITH YOU
20 BEFORE YOU ANSWERED ANY QUESTIONS AND AT ALL
21 TIMES?

22 A YES, SIR.

23 Q DID THEY TELL YOU THAT IF YOU STARTED TALKING TO
24 THEM, WHICH YOU DIDN'T HAVE TO DO, YOU COULD
25 STOP AT ANY TIME?

1 A YES, SIR.

2 Q DID THEY TELL YOU THAT IF YOU DIDN'T STOP AND
3 GAVE THEM A STATEMENT, THAT STATEMENT COULD AND
4 PROBABLY WOULD BE INTRODUCED IN COURT?

5 A YES, SIR.

6 Q THEY DIDN'T PROMISE YOU ANYTHING AS I ALREADY
7 MENTIONED OR THREATEN YOU IN ANY MANNER?

8 A NO, SIR.

9 Q YOU MADE YOUR STATEMENT FREELY AND VOLUNTARILY?

10 A YES, SIR.

11 Q NOW, I TAKE IT THAT YOU DID NOT HAVE AN ATTORNEY
12 PRESENT WHEN YOU WERE DOING THAT?

13 A NO, SIR.

14 Q ARE YOU SATISFIED THAT THAT STATEMENT WOULD
15 SURVIVE A SUPPRESSION HEARING BY MR. HOWE IN A
16 TRIAL? IN OTHER WORDS, ARE YOU SATISFIED THAT
17 THAT STATEMENT WOULD BE ADMITTED TO THE JURY? I
18 KNOW YOU ARE NOT A LAWYER, BUT YOU HAVE
19 DISCUSSED THIS WITH MR. HOWE.

20 A YES, SIR.

21 Q AND YOU FEEL THAT THE STATEMENT WAS FREELY AND
22 VOLUNTARILY MADE AND DOES IT TRUTHFULLY REFLECT
23 WHAT TRANSPIRED?

24 A YES, SIR.

25 Q YOU AREN'T SAYING THERE'S SOMETHING IN THE

1 STATEMENT -- I DON'T HAVE IT IN FRONT OF ME NOW
2 YOU SEE, BUT AT THE SENTENCING PHASE THE
3 SOLICITOR IS JUST GOING TO HAND IT UP TO ME. DO
4 YOU WANT TO RETRACT ANYTHING THAT IS IN THAT
5 STATEMENT?

6 A NO, SIR.

7 Q NOW, YOU DO UNDERSTAND THAT IF I DEFER
8 SENTENCING, THAT WILL BE FOR MR. HOWE TO HAVE AN
9 OPPORTUNITY TO CHECK WITH THE PSYCHIATRIST AND
10 FURNISH MORE BACKGROUND INFORMATION FROM YOUR
11 PAST TO ME. IT WILL NOT IMPACT ON THE ISSUE OF
12 GUILTY OR NOT GUILTY. DO YOU UNDERSTAND THAT?

13 A YES, SIR.

14 Q NOW, DO YOU WANT TO MAKE ANY CORRECTIONS TO WHAT
15 SOLICITOR JONES TOLD ME?

16 A NO, SIR.

17 Q DO YOU HAVE ANY FURTHER QUESTIONS?

18 A NO, SIR.

19 Q ALL RIGHT. NOW, I'VE JUST SENTENCED LOTS OF
20 PEOPLE, LOTS OF PEOPLE THAT HAVE KILLED PEOPLE.
21 I HAVE NEVER DEFERRED SENTENCING ON ONE. THAT'S
22 NOT MY POLICY, BUT IN THE FEDERAL SYSTEM NOBODY
23 GETS SENTENCED THE DAY THAT THEY PLEAD. THEY
24 HAVE NINETY DAYS TO A HUNDRED AND TWENTY DAYS
25 WHEN A PRESENTENCE REPORT IS WRITTEN UP AND SO

1 FORTH. I HAVE SENTENCED A GOOD MANY PEOPLE THAT
2 HAVE COMMITTED MURDER WHERE OTHER JUDGES HAVE
3 DEFERRED -- HAVE JUST RECEIVED THE PLEA AND THEN
4 THEY ALLOW THE PRESENTENCE INFORMATION TO BE
5 SUBMITTED TO THE TRIAL JUDGE.

6 THE COURT: IT LOOKS LIKE IT IS IN
7 EVERYONE'S BEST INTEREST FOR ME TO KEEP JURISDICTION
8 AND SENTENCE HER DURING THE WEEK OF MAY THE 5TH AT
9 WHICH POINT THE VICTIMS WILL BE BACK. THIS IS NOT
10 TOTAL CLOSURE. I RECOGNIZE THAT IT IS NOT TOTAL
11 CLOSURE, BUT YOU DON'T HAVE TO WORRY ABOUT A TRIAL. IT
12 IS ALL OVER. SHE GOES TO JAIL THIRTY YEARS TO LIFE. I
13 DOUBT WHATEVER TIME I WOULD GIVE HER, WHICH I'M NOT
14 SAYING TODAY IT'S GOING TO CHANGE BETWEEN NOW AND THEN,
15 BUT I ACCEPT HER PLEA. I DEFER SENTENCING TO THE WEEK
16 OF MAY THE 4TH OR 5TH, WHATEVER. MAY THE 4TH, THAT
17 WEEK, AND WE CAN ARRANGE A TIME, AND WHEN WE ARRANGE A
18 TIME WE WILL DO IT AT THAT TIME AND NOT KEEP EVERYBODY
19 HERE WAITING, YOU KNOW. IF IT'S AT 10:00 O'CLOCK THAT
20 DAY, WE'LL DO IT AT 10:00. I WON'T BE DOING OTHER
21 PLEAS AND WHAT HAVE YOU. SO YOU CAN JUST COME IN AND
22 NOT WAIT AROUND. I RECOGNIZE THAT YOU JUST GET ANXIOUS
23 AND NERVOUS OUT THERE WAITING, AND YOU CAN SAY
24 WHATEVER. I'LL LISTEN ALL DAY IF NECESSARY TO ALL
25 PEOPLE, BECAUSE THIS IS JUST TRAUMATIC. I'M SORRY IT

1 CAN'T END TODAY. YOU ARE SAVED LOTS OF AGONY BY NOT
2 GOING THROUGH A TRIAL.

3 I ACCEPT HER PLEA. SENTENCING WILL BE
4 MAY THE 4TH OR THAT WEEK.

5 MR. HOWE: THANK YOU, YOUR HONOR.

6 - - - END OF PROCEEDINGS - - -

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1 STATE OF SOUTH CAROLINA


2 CERTIFICATE

3 COUNTY OF LAURENS

4
5 I, THE UNDERSIGNED REBECCA A. BAZZLE, OFFICIAL
6 COURT REPORTER FOR THE EIGHTH JUDICIAL CIRCUIT OF THE
7 STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE
8 FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT
9 OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE
10 INTRODUCED IN THE TRIAL OF THE CAPTIONED CAUSE,
11 RELATIVE TO APPEAL, IN THE GENERAL SESSIONS COURT FOR
12 LAURENS COUNTY, SOUTH CAROLINA ON THE 20TH DAY OF MARCH
13 1998.

14 I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
15 COUNSEL NOR INTEREST TO ANY PARTY HERETO.

16
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20 APRIL 23, 1998

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COURT REPORTER