

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lancaster County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRY CATOE,

APPELLANT

APPELLATE CASE NO 2016-000104

RECORD ON APPEAL

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JURY CHARGE

1 must be determined by the jury from the circumstances
2 surrounding the situation. There's no way to prove intent
3 to a mathematical certainty. There's no way medical
4 science can dissect a person's brain and determine what
5 that person had in mind. So the law says you, the jury,
6 have to -- criminal intent may be inferred from the
7 circumstances shown to have existed as you find them to be,
8 that's how you make a determination of whether or not the
9 element requiring intent was present. It's not necessary
10 to establish intent by direct and positive evidence, but
11 intent may be established by inference in the same way as
12 any other fact by taking into consideration the acts of the
13 parties and all of the facts and circumstances of the case.
14 Criminal intent is a mental state, a conscious wrongdoing.
15 It's up to you ladies and gentlemen to determine what the
16 defendant intended to do based upon the circumstances shown
17 to have existed. Criminal intent can arise from actions or
18 a failure to act. It can arise from negligence,
19 recklessness or an indifference to duty, or to consequences
20 that is considered by the law to be the equivalent of
21 criminal intent. Now, statements alleged to have been made
22 by the defendant have been admitted into evidence in this
23 case. While the Court -- that's me -- has determined that
24 the statements are admissible, you, the jury, must
25 determine whether the statements were made by the defendant

JURY CHARGE

1 voluntarily and of his own free will. This means that the
2 statements were not caused by pressure, force, fear,
3 threats, coercion or intimidation, or by hope or a promise
4 of leniency or a reward of any kind. In determining
5 whether the statements were voluntary you should consider
6 both the characteristics of the defendant and the details
7 of the questioning. Some of the factors that you must
8 consider are the age of the defendant, the defendant's
9 education or lack thereof, the defendant's mental state or
10 his capacity, the defendant's intelligence, the defendant's
11 background and his environment, the place and length of the
12 detention, the nature of the questioning and advice or lack
13 thereof to the defendant of his constitutional rights
14 including but not limited to the right to remain silent,
15 that any statement could be used against him in a court of
16 law, the right to have a lawyer present, that if he could
17 not afford a lawyer, a lawyer would be appointed to
18 represent him without any cost, and that he could stop
19 making a statement at anytime. You must carefully consider
20 all of the surrounding circumstances before you give any
21 weight to an alleged statement. Now, the State has the
22 burden of proving to you beyond a reasonable doubt that the
23 alleged statements were voluntary. If you determine that
24 they were, you may give the statements any further
25 consideration that you deem proper. You must decide what

JURY CHARGE

1 weight, if any, should be given to these alleged
2 statements. If you determine the alleged statements were
3 not free and voluntarily you should not consider them at
4 all. Now, there's been evidence presented that witnesses
5 have made prior statements which are not consistent with
6 their present testimony. You may use this evidence to
7 decide whether to believe the witness. You may also use
8 this evidence of the earlier contradictory statements to
9 determine the truth of those statements. It's up to you to
10 decide whether to believe the earlier statement or the
11 testimony given at trial. If a witness has shown to have
12 knowingly testified untruthfully concerning any material
13 matter, you may consider this in determining whether or not
14 to trust the witness' testimony as to other matters. You
15 can reject all the testimony of the witness or give all or
16 part of the testimony the weight that you think it
17 deserves. I'm almost finished. I'm going to define the
18 various offenses and then we will wrap it up. Thank you
19 for your attention up to this point. The defendant is
20 charged with murder. The State must prove beyond a
21 reasonable doubt that the defendant killed another person
22 with malice aforethought. Malice is hatred, ill will or
23 hostility towards another person. It is the intentional
24 doing of a wrongful act without just cause or excuse, and
25 with an intent to inflict an injury or under circumstances

JURY CHARGE

1 that the law will infer an evil intent. Malice
2 aforethought does not require that malice exists for any
3 particular time before the act is committed, but malice
4 must exist in the mind of the defendant just before and at
5 the time the act was committed. Therefore, there must be a
6 combination of the previous evil intent and the act. Now,
7 malice aforethought may be expressed or inferred. These
8 terms expressed and inferred do not mean different types of
9 malice, but merely the manner in which malice may be shown
10 to have existed, that's either by direct evidence or by
11 inference from the facts and circumstances which have been
12 proved to you. Expressed malice is shown when a person
13 speaks words which express hatred or ill will for another,
14 or when the person, for example, prepared beforehand to do
15 the act which was later accomplished, for example, lying in
16 wait for a person or any other acts of preparation going to
17 show that the deed was within the defendant's mind. That's
18 an example of expressed malice. Now, malice can also be
19 inferred from conduct showing a total disregard for human
20 life. Inferred malice may also arise when the deed is done
21 with a deadly weapon. Now, a deadly weapon is any article,
22 instrument or substance which is likely to cause death or
23 great bodily harm. A hand or a fist is not normally
24 considered a deadly weapon, however under some
25 circumstances depending on the manner and means of its use

JURY CHARGE

1 the wounds inflicted and other relevant facts, a hand or
2 fist may be considered a deadly weapon. It's for you to
3 decide in this case beyond a reasonable doubt whether or
4 not a hand or fist is a deadly weapon. Voluntary
5 manslaughter. If you find that the State has failed to
6 prove beyond a reasonable doubt that the defendant
7 committed murder, you may then consider whether the State
8 has proved beyond a reasonable doubt that the defendant
9 committed the lesser offense of voluntary manslaughter. To
10 prove voluntary manslaughter the State must prove beyond a
11 reasonable doubt that the defendant took the life of
12 another in the sudden heat of passion based on legal
13 provocation. Both heat of passion and sufficient legal
14 provocation must be present at the time of the killing to
15 constitute voluntary manslaughter. Sudden heat of passion
16 may for a time affect a person's self-control and
17 temporarily disturb a person's reasoning. The sudden heat
18 of passion must be the type that would make an ordinary
19 person unable to coolly reflect on his actions and would
20 produce an uncontrollable impulse to do violence.
21 Sufficient legal provocation must be the type that would
22 make a person of ordinary reason and caution to become
23 enraged and lose control temporarily. The provocation
24 needed for voluntary manslaughter must come from some act
25 of or related to the victim. Now, words alone, however

JURY CHARGE

1 vulgar or insulting, are not enough to meet legal
2 provocation. Where death is caused by the use of a deadly
3 weapon the words must be accompanied by some overt
4 threatening act, which could have produced the heat of
5 passion. The exercise of a legal right, no matter how
6 offensive it is to another, is never sufficient legal
7 provocation for voluntary manslaughter. If the heat of
8 passion has cooled or if there was enough time between the
9 provocation, if any, and the killing for the passing of
10 another reasonable person to cool, the killing would not be
11 voluntary manslaughter. In deciding whether a reasonable
12 person would have had enough time to cool off, you need to
13 consider all of the circumstances surrounding the killing.
14 You may consider the nature of the provocation, if any, the
15 defendant's mental and physical state, and the
16 circumstances and relationships between the parties.
17 Involuntary manslaughter. If you find that the State has
18 failed to prove beyond a reasonable doubt that the
19 defendant committed voluntary manslaughter you may consider
20 whether the State has proved beyond a reasonable doubt that
21 the defendant committed the lesser offense of involuntary
22 manslaughter. To prove involuntary manslaughter the State
23 must prove beyond a reasonable doubt that the defendant
24 unintentionally killed the victim without malice but while
25 engaged in an unlawful activity not naturally tending to

JURY CHARGE

1 cause death or great bodily harm, or that the defendant
2 unintentionally killed the victim without malice while
3 engaged in a lawful activity with reckless disregard for
4 the safety of others. Unintentional means that the
5 defendant did not intend for anyone to be killed or
6 seriously injured. Reckless disregard for the safety of
7 others is more than mere negligence or carelessness. Mere
8 negligence or carelessness is the failure to use the care
9 that a person of ordinary reason would use under the same
10 or similar circumstances. Recklessness, however, is the
11 conscious failure to use ordinary care. Reckless disregard
12 for the safety of others means that you are not interested
13 in the consequences of your acts or the rights and safety
14 of others. If a person who knows or should know that
15 ordinary care requires certain precautions be taken for the
16 safety of others but that person fails to use those
17 precautions without concern, that person's actions are
18 considered reckless. The State must also prove beyond a
19 reasonable doubt that the defendant's act was the proximate
20 cause of death. Proximate cause is the direct cause, it is
21 the immediate cause, it is the official cause. It is that
22 cause without which the death of the victim would not have
23 resulted. There must be a chain of causation from the time
24 of injury inflicted by the defendant until the time of the
25 defendant's death -- excuse me, the victim's death.

JURY CHARGE

1 Proximate cause does not necessarily mean that it occurred
2 immediately prior to death. Now, let me say something
3 about your deliberations. The word deliberation is defined
4 as a careful consideration weighing up with a view to a
5 decision. The genius of our jury system is that it allows
6 12 good people, both men and woman, from differing
7 backgrounds, life experiences and perspectives to consider
8 the evidence, talk about it and ultimately reach a verdict.
9 The task of a juror is called deliberations for a reason,
10 because you, the jury, are to consider the evidence in this
11 case carefully and deliberately, you are to discuss it in a
12 calm, thorough and courteous manner. Now remember, you are
13 not partisans or advocates for either side favoring one
14 side or the other, you are judges of the facts. Your sole
15 duty, as I have said many times, is to sort through the
16 information you received in this trial and find the truth
17 from the evidence presented in this courtroom. The supreme
18 law of our land, the United States Constitution, affords
19 everyone their day in court and a fair trial. So this case
20 is very important to both sides, the State and the
21 defendant, because it is their day. I charge you to listen
22 to the views of your fellow jurors, carefully consider
23 their viewpoints and courteously discuss the evidence.
24 Remember, you're doing something deliberately, you're not
25 in a big hurry and you are tasked with a duty of utmost

JURY CHARGE

1 importance. Now, in conclusion, ladies and gentlemen,
2 you've been selected by both the State and the defendant to
3 be fair and impartial jurors. It is your duty then in your
4 deliberations to determine the truth of this case, giving
5 the defendant the benefit of every reasonable doubt on the
6 charge, and from the facts which you determine to be true
7 you take and apply the law which I have now just given you
8 and thus arrive at a verdict which speaks the truth in this
9 case. I've told you the standards you have to apply to the
10 charge in the indictment, you've heard the evidence and now
11 you've heard the law. Whatever your verdict as to the
12 indictment, guilty or not guilty, Mr. Foreman, you will
13 indicate it by marking the jury's decision in the
14 appropriate blank on the verdict form, you will then sign
15 and date the verdict form. There's three choices -- excuse
16 me, four choices. We, the jury, unanimously find the
17 defendant as to the offense of murder, not guilty or
18 guilty, or guilty of the lesser offense of voluntary
19 manslaughter, or guilty of the lesser offense of
20 involuntary manslaughter, then you will sign it and date
21 it. Now Mr. Foreman, although you're the only one
22 authorized to write on the verdict form, you cannot write
23 on the verdict form until y'all have reached a unanimous
24 decision, that means all 12 of you have to agree to the
25 verdict. Now, I'm going to send you to your jury room, but

JURY CHARGE

1 again, don't discuss the case until you've received all of
2 the exhibits as well as the verdict form, once you receive
3 these things that is your signal to finally begin
4 deliberating on this case. And once you begin
5 deliberations you will deliberate until you've reached a
6 verdict, at which time you will knock on the door, advise
7 the bailiff and we'll bring you out to receive your
8 verdict. Thank you very much, ladies and gentlemen. Mr.
9 Foreman, y'all may retreat to your jury room, everybody
10 except for my alternates, if y'all will stay here with me.

11 (The jury left the courtroom.)

12 THE COURT: All right. Any exceptions to the charge?

13 MS. COLLINS: No, Your Honor. Thank you.

14 MR. LEE: No, Your Honor.

15 (The alternates were dismissed and the jury began
16 Deliberations.)

17 (The jury returned with a question.)

18 THE COURT: All right. All members of the jury are
19 present. Mr. Foreman and members of the jury, I have
20 received your note, and I'll read it into the record.

21 "Were there any lab tests conducted on Terry Catoe? If
22 yes, when was it done and can it be given to us? Is there
23 any previous criminal history of Terry Catoe?" Now, Mr.
24 Foreman and ladies and gentlemen of the jury, you have all
25 of the evidence back there with you in your jury room and

JURY VERDICT

1 your verdict must be based solely on the evidence that's
2 been presented, both the written evidence that you have in
3 the courtroom as well as the testimonial evidence which was
4 why I told you to pay attention. And like I told you many
5 times, you must not speculate about anything else, your
6 verdict must be based solely on the evidence presented in
7 this courtroom. Okay. So go back to your deliberations.
8 Thank you.

9 (The jury left the courtroom and resumed
10 deliberations.)

11 (The jury returned to the courtroom with a verdict.)

12 THE COURT: All right. All members of the jury are
13 present. Mr. Foreman, it's my understanding that the jury
14 has reached a verdict?

15 THE JUROR: Yes.

16 THE COURT: Is the verdict unanimous?

17 THE JUROR: Yes.

18 THE COURT: And did you indicate that on -- and did
19 you sign the verdict form and initial the appropriate form?

20 THE JUROR: Yes.

21 THE COURT: If you will hand that now to the clerk:

22 Mr. Clerk, you may publish the verdict.

23 THE CLERK: Yes, sir. "State of South Carolina versus
24 Terry Catoe, indictment number 2012-GS-29-612, we, the jury
25 unanimously find the defendant as to the offense of murder,

JURY VERDICT

1 guilty. I will certify the decision was a unanimous
2 decision of the jury, Himanshu Patel, dated January 6th of
3 2016." Ladies and gentlemen of the jury, if this be your
4 verdict so say you all by the raising of your right hands.
5 Let the record reflect all jurors have raised their right
6 hands.

7 THE COURT: All right. Ladies and gentlemen of the
8 jury, thank you so much for your service to the State of
9 South Carolina and to Lancaster County. Your service as
10 jurors has not only ended in this case but it has also
11 ended for this week. Again, thank you. You are more than
12 welcome to hang around or stick around for sentencing which
13 will be done momentarily here in this courtroom. Again,
14 thank you so much for your service. If you will please
15 retire to the jury room I believe the bailiffs have some
16 matters they need to talk to you about and then we'll go
17 from there.

18 (The jury left the courtroom.)

19 THE COURT: Any motions you would like to make at this
20 time?

21 MR. LEE: Your Honor, I would just make a motion for a
22 new trial and JNOV based on any actions that were entered
23 into in Court during the trial.

24 THE COURT: All right. That motion is denied. Y'all
25 prepare a sentencing sheet, we'll commence with sentencing

SENTENCING HEARING

1 here momentarily. We are in recess until y'all have that
2 done.

3 MR. NEWMAN: Thank you, Your Honor. May I have just a
4 moment to speak with the family?

5 THE COURT: Yes, sir.

6 (Break in proceedings.)

7 THE COURT: All right. The parties can approach.

8 MS. COLLINS: Your Honor, as to the defendant's prior
9 record he has the following criminal convictions: In
10 August of '93 he was convicted of possession of a sawed off
11 shotgun and possession of more than one gram of crack
12 cocaine, and received a suspended youthful offender
13 sentence. In December of '93 he was convicted of
14 disturbing the peace, in May of '95 he was convicted of
15 possession of less than one ounce of marijuana, that was a
16 second offense according to his record. For each of those,
17 the disturbing the peace and possession of marijuana, his
18 YOA was revoked for a time. In April of '99 he's got an
19 open container. February of 2005 driving under suspension.
20 Criminal domestic violence first offense in March of 2007.
21 Shoplifting first offense in July of 2007. Shoplifting
22 second offense in July of 2008. Possession of stolen goods
23 second offense January of 2008. Possession of less than
24 one gram of marijuana second offense, April of 2008.
25 Possession of less than one gram of crack cocaine base,

SENTENCING HEARING

1 April of 2008. He had a felony -- as you heard earlier a
2 felony trying to give contraband to a county prisoner in
3 April of 2008. March 2011, possession of less than one
4 ounce of marijuana, they allowed him to plead to a first
5 offense there. And he did enter a guilty plea to the
6 charge of solicitation of prostitution in March of 2012
7 from the companion charge in this case. He is entitled to
8 credit for jail time spent, he was in jail from the date of
9 his arrest on 2/29 of 2012 to 12/14 of 2012, and counting
10 those days -- he bonded out at that time, and counting
11 those days and the two days he served overnight here during
12 this trial would come to a total of 291 days jail time.

13 THE COURT: Thank you. Solicitor Newman?

14 MR. NEWMAN: Your Honor, the family has selected one
15 spokesperson that would like to speak at the appropriate
16 time, Mr. Jermaine Massey, he's the nephew of Ms. Gaymon.
17 Your Honor, the State's position as to sentencing, Your
18 Honor, I believe this is a case that warrants life in
19 prison no less, this is a very brutal crime, a very brutal
20 murder, a very senseless murder. And also if things went
21 the way he said they went he had every opportunity to ask
22 for help which he did not do. I believe the jury agreed it
23 was a very brutal murder, therefore we ask for life without
24 parole. Do you want to hear from the family?

25 THE COURT: I will be glad to hear from Mr. Massey.

SENTENCING HEARING

1 SPEAKER: I'm Jermaine Massey.

2 THE COURT: Yes, sir.

3 SPEAKER: I would like to just say like it's very
4 detrimental to our family, the situation. I knew my aunt's
5 history, she was not perfect, everybody have their
6 differences, but it was a very senseless act in the way she
7 was brutally murdered. But as far as my heart, I mean, I
8 forgive him, my family has forgiven him, but I'm glad that
9 like justice has been served. I appreciate the courts for
10 doing their job. I appreciate the DA for helping us out in
11 this situation. I know it's hard on his family but it's
12 much harder on ours because we have to go visit our aunt at
13 the grave. So I'm just glad it's over with and I just
14 thank y'all for what y'all have done. That's it.

15 THE COURT: Thank you, sir. Anything further from the
16 State?

17 MR. NEWMAN: Nothing further, Your Honor.

18 THE COURT: Mr. Lee?

19 MR. LEE: Thank you, Your Honor. May it please the
20 Court? Your Honor, Mr. Catoe is 43 years of age, he's
21 lived here in Lancaster except for when he bonded out. He
22 managed to get a job in Rock Hill and he was working up
23 there and living up there. He was laid off of that
24 particular job but he didn't just sit around, he went out
25 and got another job, and it was part-time initially and

SENTENCING HEARING

1 just recently been moved up to a full-time position, was
2 working at a McDonald's in Rock Hill. He has a high school
3 education. He has a total from what he tells me, there are
4 five children that he has. He was living in Rock Hill, had
5 been living in Rock Hill with his fiance'. She's here and
6 he has a sister who is here. They're, I think, pretty
7 upset, I'm not sure if they want to address the Court.
8 But, Your Honor, I will say that in talking with Mr.
9 Catoe -- I got appointed some time shortly after this, I
10 believe it looks like from our records the first part of
11 March of 2012, his story has been the same to me, he's
12 never wavered in what his story was as to what happened.
13 And he's told me a number of times that he was sorry this
14 happened and he was remorseful in what had happened on
15 this, he never intended it to happen that way, and we would
16 just ask the Court to take that into consideration. We
17 would ask the Court to have mercy on him. When you look at
18 his age, Your Honor, any sentence is a life sentence. We
19 would just ask the Court to maybe take into consideration
20 of giving him less than that life sentence. Like I said,
21 he's 43 years of age, as the Court is aware, any sentence
22 he does is going to be day for day and he won't get any
23 credit, although he will get credit for the 291 days. But
24 we would ask the Court to be lenient with him on this and
25 to -- I will say this, Your Honor, there are several people

SENTENCING HEARING

1 that I have run in to who know him and everybody agrees, "I
2 don't think Terry can do that, that just doesn't seem like
3 the Terry I know." And I've found him -- he's always --
4 anytime I needed to see him he responded to me, even when
5 we had transportation problems we worked it out and he
6 showed up to where I met him in Rock Hill. I have not had
7 problems from him and we would just ask the Court to be as
8 lenient as possible with him and have mercy on him.

9 THE COURT: Thank you, Mr. Lee. Mr. Catoe, I'll
10 extend to you an opportunity to speak to me. Do you wish
11 to tell me anything prior to imposing sentence? Yes,
12 ma'am, I will be glad to hear from you before I hear from
13 Mr. Catoe.

14 MR. LEE: Your Honor, this is his sister.

15 SPEAKER: I am Terry's sister. My name is Tamara
16 Watson, I'm very emotional right now. First I want to say
17 sorry to the family, I hate it happened. And I do know my
18 brother and I know that he wouldn't do such a thing, he was
19 at the wrong place at the wrong time. And I know that
20 drugs was a factor, it had to be. I just want to say I'm
21 sorry to y'all. It is so painful. I just ask you for
22 mercy, Your Honor. That's all.

23 THE COURT: Thank you ma'am. Mr. Catoe, I will be
24 glad to hear from you, sir.

25 THE DEFENDANT: I wanted to apologize to you and the

SENTENCING HEARING

1 victim's family, I'm just sorry.

2 THE COURT: Yes, sir. You know, Mr. Catoe, sitting
3 through this trial, I've sat through many trials in my
4 years on the bench, and the facts I heard, the evidence I
5 heard shocks the conscious. I have to respect the jury's
6 decision. I think there was more than enough evidence for
7 the jury to convict you of the most serious charge of
8 murder and I have to respect that verdict. In considering,
9 you know, the evidence which I've heard sitting through
10 this trial over the past three days, the evidence that has
11 shocked my conscience, I think the only appropriate
12 sentence would be life in prison. That is the sentence of
13 the Court. Good luck to you, sir.

14 (End of trial proceedings.)

15

16

17

18

19

20

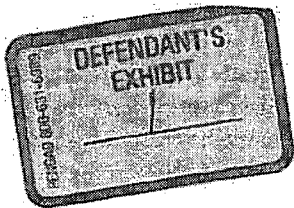
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Lancaster County Sheriff's Office
Barry S. Faile, Sheriff

VOLUNTARY STATEMENT

Form with fields: LAST NAME (Cauthen), FIRST NAME (Sherry), MIDDLE NAME (Renee), AGE (40), D.O.B. (71), NICKNAME/AKA, M, F, SSN, STREET ADDRESS, CITY, STATE (SC), ZIP, MAILING ADDRESS (IF DIFFERENT), HOME TELEPHONE, WORK TELEPHONE, CELL TELEPHONE, OCCUPATION (N/A), EMPLOYER, EMPLOYER ADDRESS, DL NUMBER/STATE, DATE AND TIME OF INTERVIEW (02/24/12 at 1455hrs), LOCATION OF INTERVIEW (LCSO DTF Office), INTERVIEWER (Inv. F. Thompson), DEPT. (Inv.), INTERVIEWER, CRN (12-06837)

I, Sherry R. Cauthen, understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purpose(s) it may serve, I [X] can [] cannot read and write and have completed the 11 grade in school.

Q: Inv. F. Thompson
A: Sherry R. Cauthen

Q: How did you learn of the death of Linda Massey?
A: I just heard from Buck Sanders. I called him and he told me that somebody had gotten killed in the houses back behind Lou's store. That is when I told him that I saw Linda and a dude on a bicycle go back there this morning. It was between 1 and 2am. I left Jimmy's house to walk and the dude on the bike stopped me and asked me if I would be with him and I told him that I didn't do that anymore. He wanted me to go with him to one of those houses back behind Lou's store and I told him no

Q: Where were you when he stopped you?
A: I was between Todd Street and the two story apartment on Brooklyn Ave. I was walking toward Crenco and he was riding toward me like he was coming from that direction.

Q: Do you know the name of the person that stopped you?
A: Not really, but I said "Hey William" and he said "Hey Sherry."

Q: Why did you call him William?
A: Because I knew his face. He looked like William Catoe to me

Q: How do you know William Catoe?
A: I used to date him years ago.

Handwritten signature: Sherry R. Cauthen

Lancaster County Sheriff's Office
Barry S. Faile, Sheriff

VOLUNTARY STATEMENT

Q: How long has it been since you have seen him?

A: About 3-4 years

Q: Did you and William discuss anything else in that conversation?

A: No

Q: How close to him did you get?

A: Within arm's length to him

Q: What did you do after that conversation?

A: I kept walking toward Lousia Street and that is when I turned around and started walking back toward the house. William was on the bike riding backward and forth. If he saw a girl he would try to stop them. He tried to stop Gretta, but she kept going. She lives on 13th Street and is dating Freddie Reid. After that is when he stopped Linda Massey and they went back there. She was walking beside him while he was riding his bike.

Q: Where did he meet with her at initially?

A: She was walking down Brooklyn. They met in front of the woman's house that works for the Department of Corrections.

Q: Did you see them go into a particular house?

A: No

Q: Did you see Linda anymore after that?

A: No. I heard her holla shortly after she walked in there. They didn't hardly have time to do anything.

Q: What did you hear her say?

A: I heard her say "Stop." I just stood there on the side walk and tried to figure out if I needed to go back there or not. I was scared

Q: How certain are you that you were approached by William Catoe?

A: I know him and I know his face when I see it.

Q: How certain are you that the female that you saw him with is Linda?

A: I know her too. I saw them walking together. I had talked to her right before she met with him. She told me that she was tired and I told her that she needed to go home

Q: Do you see William Catoe in the Brooklyn area much?

A: No



Lancaster County Sheriff's Office
Barry S. Faile, Sheriff

VOLUNTARY STATEMENT

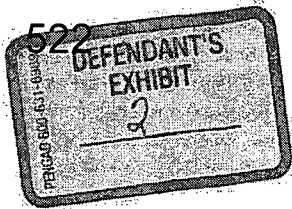
Q: Have you been completely honest in this statement?

A: Yeah

Q: Could you identify him from a photo line-up as being the person that asked you to be with him in the early morning hours of 02/24/12?

A: Yeah

A handwritten signature in cursive script, appearing to read "Sherry R. Coulter".



Lancaster County Sheriff's Office
 Barry S. Faile, Sheriff

VOLUNTARY STATEMENT

LAST NAME Cauthen		FIRST NAME Sherry		MIDDLE NAME	AGE 40	DOB 1971
NICKNAME/AKA		M <input type="checkbox"/>	F <input checked="" type="checkbox"/>	SSN	STREET ADDRESS South Ave	
CITY Lancaster		STATE SC	ZIP	MAILING ADDRESS (IF DIFFERENT)		
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE	OCCUPATION			
EMPLOYER			EMPLOYER ADDRESS			
DL NUMBER/STATE /		DATE AND TIME OF INTERVIEW 2/28/12 at 1:32pm		LOCATION OF INTERVIEW LCSO		
INTERVIEWER Capt Bailey/Inv Bennett		DEPT. LCSO	INTERVIEWER Capt Bailey		CRN	

I, Sherry Cauthen, understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purpose(s) it may serve, I can cannot read and write and have completed the 11th grade grade in school.

Q: Capt. Craig Bailey & Inv. Danny Bennett
 A: Sherry Cauthen

Q: Sherry I understand you may have information about Linda Massey?
 A: Yes, That Friday morning I was walking on Brooklyn Ave it was about 1:30am I think I know it was between 1:30 and 3:00am it's hard to narrow it down exactly.

Q: Where were you walking from?
 A: I was walking from home on South Ave South Ave and I was going up to Crenco to get a soda and a Nab. I saw Linda Massey walking up 15th street to Brooklyn carrying a black pocket book. She had a wig on and dark clothing. The wig was about neck length with blue jeans and a dark or black coat. Linda turned on Brooklyn walking behind and 15 feet or so behind me. Linda looked like she was high or intoxicated to me.

Q: Did you talk with at all?
 A: She called me by name and said she was tired. So I told her to take her black ass home. We laughed and she said she was trying to get back to Kershaw. We continued walking but I was ahead of her. When we got to the curve in the road at the two story apartment's and Lou's store. William Catoe came up on a bicycle it was a 10 speed bike I don't remember the color. He was coming from Main Street toward us. William stopped me first and asked if I would go into one of the empty house with him. I told him no I was trying to quit and clean my life up.

Q: What was he wearing?

Barry S. Faile, Sheriff

VOLUNTARY STATEMENT

A: I couldn't tell you I don't know

Q: What did he say after you told him no?

A: Nothing he just kept riding

Q: Where is Linda now?

A: She was behind me still walking toward Crenco and he was riding the bike beside her toward Crenco. I was at Danny Gibson's store and looked back they were headed into the abandoned house's. They cut by the big tree in front of the apartments. Myself and Linda were the only ones out. I saw Gretta earlier but we were the only ones around. I know Gretta didn't see anything she was already on Louisa Street when all this took place.

Q: When I saw them walk past the old tree I just stood there a minute looking at them. They disappeared from my sight. It wasn't 5 minutes and she screamed "No don't do this and she screamed out for Bop Hall" he lives right behind there and I guess she was screaming for help. I waited for her come out so I waited between Lou's and Danny Gibson's old store but they never came out. I thought about it and I was scared so I just kept walking. I kept going back toward 15th street and on to 11th street. I stayed home the rest of the night and watched TV the rest of the night. About 11:00am I went to the grocery store when I cut through Brooklyn I saw the Sheriffs Dept there. I called Buck Sanders and he told me what happened. I told Buck what I saw and he said call Inv. Fred Thompson I didn't want to get involved and Buck told me if I didn't he was going to call so I did.

Q: How do you know William Catoe?

A: I use to date him a long time ago

Q: How long ago?

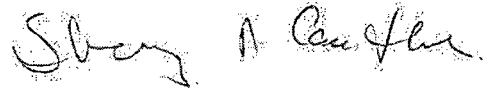
A: It's been years ago about 5 or 6 maybe longer

Q: How often do you see William Catoe out there?

A: It shocked me to see him out there he is Bi-sexual and he just don't be around Brooklyn with the girls. He lives on South Jackson

Q: When was the last time you saw him before that night?

A: Years ago since I saw him.



283-4041



Lancaster County Sheriff's Office

VOLUNTARY STATEMENT (NOT UNDER ARREST)

I, Ricky Edward Sistare, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Inv. Danny Bennett. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 51 years of age, and I live at Th st.

Q: Inv. Danny Bennett

A: Ricky Sistare

Q: Mr. Sistare, you have come to the Sheriff's Office this morning at the request of Inv. Bennett in reference to a body that you found at a house located near Brooklyn ave. Can you give me any information that you have in this incident?

A-I live on _____ street and I walk through that area when going to the store. I walked to the Crenco this morning and bought two beers. It was about 10:30, I don't know the exact time. I walked by the house where the woman was found and she and a black man were going into the house. He was walking behind the woman. He was about 5/8 to 5/9. He had a bald head with a small goatee or small amount of hair on his chin. He appeared to be about 40 yoa and a medium build, not skinny. He had medium to dark skin. He was wearing blue jeans, a red Tshirt, I walked by them as they were going into the house. Knowing the area, I did not think anything of it. I walked on to the scrap yard (Andy's) and then on to Crenco's. I got two 24 oz beers and walked back toward home. I did not stop anywhere on the way back until I got to the house where the body was found and walked past it. At that time, I met (Mannor) Or Man in front of the house and he was walking towards the store, Lou's place. I ask Mannor why the couch was standing in front of the door. I walked in and saw the woman laying on her side. She did not have any clothes on. I did not touch her but as Mannor was walking back from the store, I told Mannor a woman was in the house. I walked away and to the house where I drank the beer. He went in the house two times. The first time he went in, when he came out, I ask him who it was and he said it looked like Tina. I don't know Tina. He went on to Lou's place and it was closed. Then he came back by and he had a lady with him. He went in the house the second time. The lady did not stop. When he came out, he said he felt her feet and she was cold. This is about the time the police showed up. I was at the apartment with the porch drinking the beer. At that time, I saw Mannor point at me and the officer ask for my name. I walked up the officer (Thompson) and ask what was going on. Thompson said that you needed to talk with me. I don't know these two people or why they were in this area.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at LCDC, this 24th day of February, 2012.

Witness: X Ricky Sistare

Signature of Person Giving Voluntary Statement

Witness: _____

Lancaster County Sheriff's Office
Barry S. Faile, Sheriff

VOLUNTARY STATEMENT

LAST NAME Catoe		FIRST NAME Terry		MIDDLE NAME NMN	AGE 39	D.O.B. 72
NICKNAME/AKA		M: <input checked="" type="checkbox"/> F: <input type="checkbox"/>	SSN	STREET ADDRESS		
CITY Lancaster		STATE SC	ZIP	MAILING ADDRESS (IF DIFFERENT)		
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE	OCCUPATION unemployed			
EMPLOYER		EMPLOYER ADDRESS				
DL NUMBER/STATE /		DATE AND TIME OF INTERVIEW 02/29/12 at 02:33		LOCATION OF INTERVIEW LCSO		
INTERVIEWER Inv. F. Thompson		DEPT. LCSO	INTERVIEWER Inv. D. Bennett		CHN 12-	

I, Terry Catoe, understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purpose(s) it may serve, I can cannot read and write and have completed the 12 grade in school.

Q: Inv. F. Thompson & Crump
A: Terry Catoe

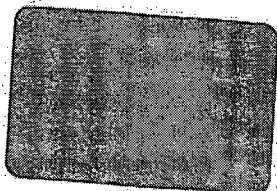
Q: What do you know about the death of Linda Massey Gaymon?
A: All I know is what I read in the paper

Q: Had you had any contact with her before her death?
A: Before Thursday evening, I had never seen her before. When I saw her she was walking up past Mrs. Jackie's walking up toward Main Street and I came up behind her. When I first saw her I thought that she was an undercover police until I seen the way that she was dressed. She was wearing black pants, and a blue or black shirt and a pocketbook with her. Just by the way that she was dressed; I thought that she was a prostitute so I propositioned her.

Q: What did you offer?
A: I told her \$10 at first and she wouldn't take that so I told her that I only had \$15 and she took that. I got off the bike and walked with her and we went to find somewhere to go.

Q: Did you find a place for the two of you to go?
A: We both agreed to go into the yellow house there on the end down below Lou's store. She showed me the room that she wanted to use. It had a bed or a mattress. She pulled down her cloths and kneeled down on the bed

Q: Did she perform oral sex on you or did you have vaginal or anal sex?



Lancaster County Sheriff's Office**Barry S. Faile, Sheriff****VOLUNTARY STATEMENT**

Q: She pulled them down and kneeled down on the mattress. She got down on her knees.

Q: How long were the two of you in there?

A: No more than about 15-20 minutes. While we were having sex I could feel the condom break so I pulled it out and I let it go on the floor

Q: What do you mean by "let it go on the floor?"

A: I shot off on the floor

Q: Did you ejaculate inside of her at all?

A: I'm not sure. Maybe a drop or two.

Q: Did the two of you argue about anything while inside of the house?

A: No

Q: Did she tell you that the sex was uncomfortable or that she was hurting?

A: No sir

Q: What did you do or where did you go after you finished?

A: I went outside and got on my bike and went on up the road. When I got to Creenco I looked back and I saw her standing there with a white girl. I think that her name is Sherry. They were standing there talking to someone in a dark colored car. I said to myself that they were making some money tonight. It was just a dark colored car with tinted windows. I don't know if it was a Chevy or a Ford

Q: How do you know Sherry?

A: From back in the days. Back when Brooklyn was wide open. She is a white girl that I met her around 1995 or 1996. At that time she was involved in prostitution. Now she is about 37-38 and she has lost a lot of weight

Q: Did you speak or talk to Sherry that day?

A: I spoke to her. She was on Brooklyn too and I spoke to her before I spoke to the other lady. She was just walking back and forth

Q: Approximately what time was this when you met with Linda Gaymon?

A: I don't have a phone or watch. It may have been a little after 8pm because I was trying to get home to watch a show called Intervention. It comes on at 9pm on Direct TV on Wednesday or Thursday night. I still didn't make it home on time to watch it.

Q: Did you go directly home after you left Brooklyn Ave?

Barry S. Faile, Sheriff

VOLUNTARY STATEMENT

A: No, I was on my way home, but when I knew that I would not make it home on time I stopped at the hill up by my house. That is where the guys sit around the fire barrel and drink

Q: Who did you meet with?

A: The Heaths. They live on Shiloh Unity Road in a trailer. It was Will Heath, James Howard, and a couple more guys were out there

Q: About what time did you leave there?

A: Around 10:30 or 11pm. It may have been a few minutes earlier or later.

Q: Where did you go after leaving the Heath's?

A: I went home

Q: Did you leave back out at anytime?

A: No sir

Q: Who could verify that came home that night?

A: Everybody was sleep and I came in through the window. I keep it unlocked. I talked to my sister Pam the following morning. She was walking out of her room when I was going into the bathroom

Q: How do you normally get into the house?

A: If I get home early enough my sister or her husband would open the door.

Q: Have you been completely honest in this statement?

A: Yes sir

Q: Are you willing to voluntarily consent to a DNA test to be tested against any DNA that was found on Linda Gaymon?

A: Yes sir

Terry Cabot

Lancaster County Sheriff's Office

Barry S. Faile, Sheriff

Suspect's Rights Miranda Warning

For

Terry Catoe

Grade Last Completed in School 12

Place: LCSSO

Under the Influence of Drugs/Alcohol? Yes No

Date: 02/29/12

Can you read and write the English Language? Yes No

Time: 3:28

CRN: 12-0

- T.C. You have the right to remain silent.
- T.C. Anything you say can and will be used against you in a court of law.
- T.C. You have the right to talk to a lawyer and have him present with you while you are being questioned.
- T.C. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
- T.C. You can decide at any times to exercise these rights and not answer any questions or make any statements.
- T.C. **DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?**
- T.C. **HAVING THESE RIGHTS IN MIND, ARE YOU WILLING TO TALK TO US AT THIS TIME?**

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed

Terry Catoe

Witness

[Signature]

Witness

Danny Bennett



On 02/29/12, investigators D. Bennett, F. Thompson, and J. Catalano did go to a residence in Heath Springs for the purpose locating and speaking with Terry Catoe. The unnamed female reported that he did not live at that residence anymore, but lives with his mother on Shiloh Unity Road. Investigators learned that Catoe's address is Shiloh Unity Road

Investigators did respond to Shiloh Unity Road and did speak with Mrs. Truesdale, the mother of Catoe, who reported that he was not home at the moment. Thompson provided Mrs. Truesdale with his contact information and requested that she pass it on to Catoe.

At 12:21hrs. Investigator Thompson receives a call from T. Catoe while he was in an interview with another person that was possibly connected to this incident. Thompson asked T. Catoe to return his call in approximately 30 minutes.

At 13:03hrs. Investigator Thompson receives a follow-up call from T. Catoe. Thompson asked T. Catoe to meet with him at the LCSD to discuss what he knows about this case and T. Catoe agrees. Thompson asked T. Catoe if he needs Law Enforcement to escort him to the LCSD and he reported that he would have his sister bring him.

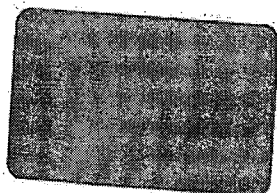
At 13:07hrs. Investigator Thompson received a call from T. Catoe's sister Tika Holmes reporting that she would be bringing him to the LCSD. At 13:55pm Holmes arrives at the LCSD with T. Catoe and investigators begin their interview.

T. Catoe provided investigators F. Thompson and D. Bennett with a voluntary statement concerning his knowledge of this incident. T. Catoe began his interview by stating that the only thing that he knows about this murder is what he read in the newspaper.

When asked about where he was in the night time hours of 02/23/12, T. Catoe reported that he had ridden his bicycle from the New Town area of Lancaster to the Midway area and from Midway to Brooklyn Avenue before heading back in the direction of his residence. T. Catoe reported that his intentions were to get home before 9pm so that he could watch the show Intervention.

While on Brooklyn Avenue he meets a thin white girl that he only knows as Sherry and speaks to her before meeting with an unknown black female that was walking on Brooklyn Avenue in the direction of South Main Street. Initially, T. Catoe assumes that she is working with law enforcement in a prostitution sting, but when he approaches her and sees what she is wearing he opted to proposition her for sex. According to T. Catoe he offers her \$10 and she declined. He then tells her that he only has \$15 and she agrees. T. Catoe gets off of his bicycle and walks beside the female up to a yellow abandoned house next to Lou's Store on Brooklyn Avenue. When asked about which house they entered, T. Catoe reported that it was the very first house on the right after walking past the store.

After T. Catoe and the female entered the house, he reported that she told him to follow her to one of the back bedrooms because there was a mattress or bed in that room and he did.



Initially, T. Catoe reported that the female took off her pants before getting on her knees, but later changed to state that she pulled them down and then got down on her knees on the mattress before they had sexual intercourse.

T. Catoe reported that during intercourse the condom that he was wearing broke. He could feel that it had, so he pulled his penis out of her and he ejaculated on the floor of the abandoned house. Investigators asked if he ejaculated inside of the female at all and T. Catoe reported that he may have allowed "a drop or two to go in her."

After they completed their act, both walked outside together. T. Catoe got his bicycle and rode it up toward South Main Street. At the light, T. Catoe looked back toward Todd Street and could see her standing at a dark colored car with tinted windows with the thin white female that he only knows as Sherry.

T. Catoe turns left and heads in the direction of his home. He reported to investigators that he stopped at the Heath's residence on Shiloh Unity Road for a moment before going to his residence. Upon his arrival home, T. Catoe learned that everyone was asleep, so he climbs into his unlocked bedroom window.

T. Catoe was asked to provide a possible time that he got home and he reported that it was around 10:30pm-11pm.

Before concluding this interview, investigators asked T. Catoe if he would voluntarily consent to DNA testing after explaining to him his options. T. Catoe signed a Consent to Search Form and Investigator D. Bennett collected the Buccal Swabs.

T. Catoe signed the Voluntary Statement and it was turned over to Capt. T. C. Bailey and Lt. M. B. Howell to be added to the case file.

At that time investigators reported to T. Catoe that several inconsistencies were found in his initial statement; therefore, Investigator Thompson read and explained to him his Miranda Warning before resuming the interview.

Post Miranda, Thompson asked T. Catoe to describe what the female was wearing and he provided the same clothing description. Initially, T. Catoe reported that the female was wearing a wig. When Thompson confronted T. Catoe about what he had previously stated, he reported that he did not say that.

Next, investigators questioned T. Catoe about the time frame that he reported that he encountered the thin white female that he only knows as Sherry and the black female that he later learned to be Linda Massey Gaymon.

T. Catoe reported that the time that he reported in the Voluntary Statement was not completely accurate either after investigators informed him that a person matching his physical description was seen in the area in the early morning hours of 02/24/12.

Investigator asked T. Catoe to tell them again about the sexual encounter and if she became agitated during the intercourse. He reported that they did not get into any altercation and that it lasted approximately 15-20 minutes. Afterwards, they walked out together. He walked out first and Gaymon walked out behind him and stood on the front porch as he got his bicycle.

Investigator asked T. Catoe if he had any scratches, cuts, or bruises. At that time T. Catoe became agitated and stated that William Catoe had informed him earlier that we had asked him and had even checked his arms. T. Catoe stated that he did have a scratch on his arm. Investigator asked him to tell them how he got it and he reported as she was walking into the back bedroom she slipped and accidentally scratched his arm with her finger nails.

Investigator asked T. Catoe to demonstrate how the incident occurred and he reported that he could not because it was too dark. At this time investigators asked T. Catoe to tell them an approximate time for this account of his evening and he reported that it was later than what he had reported earlier.

Investigator asked T. Catoe if he killed Linda Massey Gaymon and after a brief hesitation he reported that he did not. T. Catoe repeated it several times that he did not kill her before he reported that he was ready to go and that he did not want to talk anymore today.

Investigator Thompson asked T. Catoe if he would stay long enough for him (Thompson) to report back to him what he had provided in the presence of Capt. T. C. Bailey and he agreed. Thompson reviewed the information and afterwards T. Catoe was placed under arrest for Solicitation of Prostitution.

LANCASTER COUNTY SHERIFF'S OFFICE
BARRY S. FAILE, SHERIFF

SUSPECT'S RIGHTS
MIRANDA WARNING
FOR
TERRY CATOE

PLACE LC.S.O.

DATE 3/1/2012

TIME 3:51

- T.C. 1. YOU HAVE THE RIGHT TO REMAIN SILENT.
- T.C. 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- T.C. 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
- T.C. 4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.
- T.C. 5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS. REPD
- T.C. 6. DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
- T.C. 7. HAVING THESE RIGHTS IN MIND, ARE YOU WILLING TO TALK TO US AT THIS TIME?

WAIVER OF RIGHTS

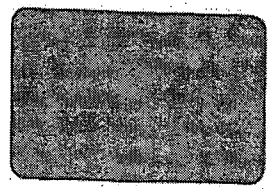
I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME.

SIGNED Terry Catoe

WITNESS [Signature]

WITNESS [Signature]

TIME 3:52 PM.



COUNTY OF LANCASTER
STATE OF SOUTH CAROLINA

CASE NUMBER 12-06837
DATE 4/01/2010

I, TERRY CATOE GIVE FREELY AND VOLUNTARILY,

THIS STATEMENT TO INV. C. CRUMP AND INV. J. WHITAKER

, WHO HAVE IDENTIFIED THEMSELVES AS OFFICERS OF THE LANCASTER COUNTY SHERIFF'S OFFICE, LANCASTER, SOUTH CAROLINA. I HAVE BEEN ADVISED THAT I DO NOT HAVE TO MAKE THIS OR ANY OTHER STATEMENT, AND THAT WHAT I SAY CAN BE USED AGAINST ME IN A COURT OF LAW. I HAVE BEEN ADVISED THAT I HAVE A RIGHT TO COUNSEL WITH AN ATTORNEY OF MY CHOICE, AND THAT IF I AM FINANCIALLY UNABLE TO OBTAIN AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT ME. I HAVE NOT BEEN THREATENED OR PROMISED ANY REWARD TO MAKE THIS STATEMENT AND I DO SO VOLUNTARILY. I UNDERSTAND I HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME AND I HEREBY WAIVE THESE RIGHTS.

Q: INV. C. CRUMP
A: TERRY CATOE

Q: HAVE YOU BEEN READ YOUR MIRANDA RIGHTS?
A: YES

Q: HAVING THOSE RIGHTS IN MIND ARE YOU WILL TO GIVE A STATEMENT?
A: YES

Q: ON 2/29/2012, YOU GAVE A STATEMENT TO INV. F. THOMPSON AND BENNETT THAT THAT ON 2/24/2012, YOU HAD SEXUAL RELATION WITH LINDA MASSY GAYMON IS THAT TRUE?
A: YES

Q: WHAT TYPE OF SEX DID YOU HAVE WITH LINDA MASSY GAYMON?
A: IT WAS ANAL

Q: WHAT LOCATION DID YOU HAVE SEXUAL RELATIONS AT WITH LINDA?
A: IN AN ABANDON HOUSE IN THE CIRCLE BEHIND THE STORE ON BROOKLYN AN ABANDON YELLOW HOUSE

Q: DID YOU USE THE COUCH FROM THE ABANDON HOUSE TO BLOCK THE DOORWAY?
A: YES I USE IT TO BLOCK THE DOORWAY, I TOLD INV. THOMPSON THAT I USED IT TO HIDE MY BIKE

Q: IN WHAT POSITION WAS LINDA IN DURING THE SEX?
A: DURING THE VAGINAL SEX WE WERE DOGGIE STYLE AND SHE WANTED TO TURN OVER FOR THE ANAL SEX, ON TO HER BACK, SHE WANTED IT ANAL

Q: AT ANY TIME DURING THE SEX ACT OR ACTS DID YOU START CHOKING HER?
A: YES SHE ASKED ME TO WAS I INTO HARD CORE SEX, I SAID WHAT ARE YOU TALKING ABOUT AND SHE SAID HERE AND PLACED MY ARM ACROSS HER NECK, WITH MY FOREARM ACROSS HER NECK, SHE WAS LOOKING AT ME AND THEN SHE TURNED HER HEAD TO THE SIDE LOOKING AWAY AT THE WALL.

Q: HOW LONG DID YOU HAVE SEX WITH HER ANALLY WITH YOUR FOREARM ACROSS HER NECK?
A: ABOUT 20 TO 25 MINUTES

Q: DID YOU HAVE AN ORGASM?

I HAVE READ OR HAD READ TO ME THE ABOVE STATEMENT CONSISTING OF PAGE(S) AND IT IS TRUE AND CORRECT AS BEST I RECALL, AND I HAVE RECEIVED A COPY OF THIS STATEMENT.

WITNESSES

[Signature]
[Signature]

Terry Catoe

I, TERRY CATOE GIVE FREELY AND VOLUNTARILY,

THIS STATEMENT TO INV. C. CRUMP AND INV. J. WHITAKER, WHO HAVE IDENTIFIED THEMSELVES AS OFFICERS OF THE LANCASTER COUNTY SHERIFF'S OFFICE, LANCASTER, SOUTH CAROLINA. I HAVE BEEN ADVISED THAT I DO NOT HAVE TO MAKE THIS OR ANY OTHER STATEMENT, AND THAT WHAT I SAY CAN BE USED AGAINST ME IN A COURT OF LAW. I HAVE BEEN ADVISED THAT I HAVE A RIGHT TO COUNSEL WITH AN ATTORNEY OF MY CHOICE, AND THAT IF I AM FINANCIALLY UNABLE TO OBTAIN AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT ME. I HAVE NOT BEEN THREATENED OR PROMISED ANY REWARD TO MAKE THIS STATEMENT AND I DO SO VOLUNTARILY. I UNDERSTAND I HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME AND I HEREBY WAIVE THESE RIGHTS.

A: YES

Q: DID LINDA HAVE AN ORGASM?

A: I DON'T KNOW

Q: TELL ME WHAT HAPPENED AFTER YOUR ORGASM?

A: AFTER I NUTTED I PUT MY CLOTHS ON, I THINK THAT THE DAMAGE WAS ALREADY DONE

Q: BY DAMAGE WHAT DO YOU MEAN?

A: SHE WAS ALREADY ABOUT TO GO OUT, SHE WAS JUST LYING THERE MOANING, I ASKED HER WHAT WAS WRONG AND SHE DID NOT SAY ANYTHING, I GOT SCARED AND LEFT

Q: DID YOU PAY FOR THE SEX AND IF SO HOW MUCH AND WHEN DID YOU PAY?

A: YES I DID, I PAID HER \$15.00,

Q: WHEN DID YOU PAY HER AND WHERE DID SHE PUT THE MONEY?

A: WHEN SHE PULLED HER CLOTHES DOWN I GAVE HER THE MONEY, I DON'T KNOW WHERE SHE PUT THE MONEY, IF SHE PUT IT IN HER BAR OR NOT.

Q: WHAT WAS SHE WEARING IF YOU CAN REMEMBER?

A: SHE WAS WEARING BLACK PANTS AND A BLUE OR BLACK SHIRT

Q: WHAT WERE YOU WEARING?

A: I HAD ON BLUE JEANS A WHITE SHIRT AND A GREY HOODIE

Q: WAS LINDA ALIVE WHEN YOU LEFT HER?

A: YES SIR, I GUESS SHE WAS

Q: YOU SAID YOU GUESS HOW DID YOU KNOW IF SHE WAS ALIVE?

A: HER LEG WAS MOVING AND SHE WAS LYING ON HER SIDE AND HER EYES WERE OPEN WHEN I LEFT

Q: DID SHE EVER YELL OUT "YOU DON'T HAVE TO DO THAT"?

A: YES SHE YELL OUT SOMETHING WHEN I FIRST PUT IT IN HER ASS, THE FIRST TIME I PUT IN WITHOUT ASKING HER, WE WERE DOING IT DOGGIE STYLE

Q: WHEN DID THE CONDOM BREAK?

A: WHEN I WAS IN HER ASS

Q: HAVE YOU BEEN HONEST IN THIS STATEMENT?

I HAVE READ OR HAD READ TO ME THE ABOVE STATEMENT CONSISTING OF ___ PAGE(S) AND IT IS TRUE AND CORRECT AS BEST I RECALL, AND I HAVE RECEIVED A COPY OF THIS STATEMENT.

WITNESSES

[Signature]
[Signature]

Terry Catoe

COUNTY OF LANCASTER
STATE OF SOUTH CAROLINA

CASE NUMBER 12-05837
DATE 4/01/2010

I, TERRY CATOE GIVE, FREELY AND VOLUNTARILY,

THIS STATEMENT TO INV. C. CRUMP AND INV. J. WHITAKER

, WHO HAVE IDENTIFIED THEMSELVES AS OFFICERS OF THE LANCASTER COUNTY SHERIFF'S OFFICE, LANCASTER, SOUTH CAROLINA. I HAVE BEEN ADVISED THAT I DO NOT HAVE TO MAKE THIS OR ANY OTHER STATEMENT, AND THAT WHAT I SAY CAN BE USED AGAINST ME IN A COURT OF LAW. I HAVE BEEN ADVISED THAT I HAVE A RIGHT TO COUNSEL WITH AN ATTORNEY OF MY CHOICE, AND THAT IF I AM FINANCIALLY UNABLE TO OBTAIN AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT ME. I HAVE NOT BEEN THREATENED OR PROMISED ANY REWARD TO MAKE THIS STATEMENT AND I DO SO VOLUNTARILY. I UNDERSTAND I HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME AND I HEREBY WAIVE THESE RIGHTS.

A: YES SIR

Q: ARE YOU WILLING FOR US TO PHOTOGRAPH YOUR WHOLE BODY?

A: YES

Q: IS THERE ANYTHING THAT YOU WANT TO ADD TO THIS STATEMENT?

A: I AM SORRY THAT IT HAPPENED, I WISH I COULD TAKE IT BACK I WISH SHE WAS STILL HERE TODAY.

I HAVE READ OR HAD READ TO ME THE ABOVE STATEMENT CONSISTING OF PAGE (S) AND IT IS TRUE AND CORRECT AS BEST I RECALL, AND I HAVE RECEIVED A COPY OF THIS STATEMENT.

WITNESSES *[Signature]*
P. S. A.

Terry Catoe

DOCKET NO. 2012-GS-29- ⁶¹²

The State of South Carolina
County of Lancaster

2012 JUN 7 11:12 AM
LANCASTER

COURT OF GENERAL SESSIONS

JUNE TERM 2012

THE STATE
vs.

Terry Catoe

WITNESSES

Bennett - LCSO #12-06837

f. Catoe

ARREST WARRANT NUMBER/DOA

M742534 (DOA-3-1-12)

ACTION OF GRAND JURY

Roger [Signature]
Foreperson of Grand Jury
Date: JUN 7 2012

VERDICT

Indictment for

Murder

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

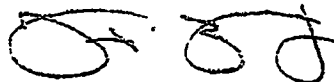
INDICTMENT

At a Court of General Sessions, convened on June 7, 2012, the Grand Jurors of Lancaster County present upon their oath:

MURDER

That Terry Catoe did at Starnes Street, in Lancaster County on or about February 24, 2012, feloniously, willfully, and of his malice aforethought kill and murder Linda Massey Gaymon by choking the victim's neck during a sexual assault and the victim did die as the proximate cause thereof then and there, in violation of Section 16-3-10 of the *Code of Laws of South Carolina*.

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

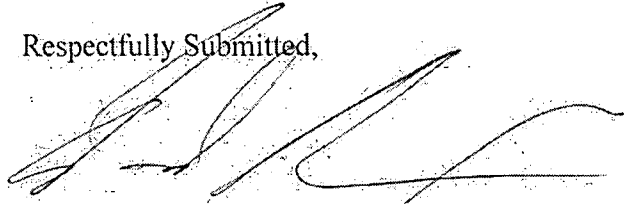


Douglas A. Barfield, Jr., SOLICITOR

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,



David Alexander
Appellate Defender

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

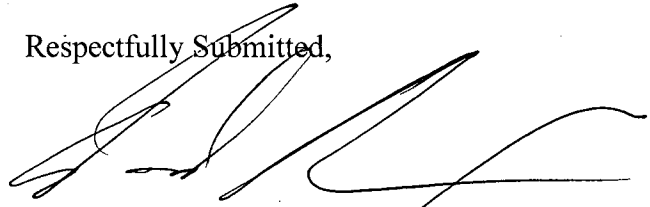
ATTORNEY FOR APPELLANT

This 16th day of November, 2016.

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,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 16th day of November, 2016.

RECEIVED

NOV 16 2016

SC Court of Appeals