

Hon. Jenny Abbott-Kitchings, Clerk
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

JAN 14 2021

SC Court of Appeals

RE: McIntosh v State, No. 2020-000741

Dear Ms. Kitchings.

Please find enclosed for filing in your office Appellate's Initial Brief, Record on Appeal, and Proof of Service on Respondent. Also, because I must reserve the Respondent with my date stamped copy of the Initial Brief and Record on Appeal, I have only the originals to provide the court. So, I am requesting to file the originals with no copy. Further, because SCDC will not copy documents produced by an inmate, I do not have a copy for my records. Can the court send me a copy since I'm Acting In Forma Pauperis?

Further, October 23, 2020, the court ordered me to make "satisfactory arrangements" with the Court Reporter for the Bench Trial Transcript. Enclosed is his response to my request for the transcript. The original and a copy for the Respondent and myself will cost about \$360. The court has granted me In Forma Pauperis status, but that does not solve the problem. Even if I somehow managed to obtain the transcript, the issue of indigent litigants not being able to obtain the Bench Trial Transcript when appealing a Motion for Declaratory Judgment, and retrospective Application of SC 23-3-430(C)(5), will need to be addressed by the court in this appeal. The court is going to have to make some decisions about equality in administration of this law when applied retrospectively, especially since

Sexoffenders are being denied access to more and more rehabilitation programs inside the SCDC — Most recently, Claflin University's Bachelor's Degree Program at Lee Correctional Inst. And Furman University's program at Perry. These are federally funded programs. Is the federal government now excluding sexoffenders from Federally funded programs? Will social security be the next program?

Appellate's Account Balance is .03¢ As of January 13, 2021, And I owe the SCDC \$1,800+ for Medical Co-pays and legal material/mail. If the court feels it cannot proceed without the Bench Trial Transcript, then let the court rule on that; that Appellate is denied the right of Appeal because he is indigent.

Court Reporter's response attached hereto.

DATE: 1-13-21

cc: Harley L. Kirkland, Esquire
Wesley A. Vorbergart, Esquire

B. McIntosh
Billy McIntosh - 87743
990 Wisacky Hwy.
Bishopville, SC 29010
pro se

State of South Carolina
In The Court of Appeals

RECEIVED

JAN 14 2021

Appeal From Lexington County
Court of Common Pleas

SC Court of Appeals

Hon. Alison R. Lee, Circuit Court Judge

Appellate Case No. 2020-000741

Billy Wayne McIntosh ----- Appellate

v

State of South Carolina ----- Respondent

PROOF OF SERVICE

Appellate certifies that I served my Initial Brief, Record on Appeal, and PROOF OF SERVICE on Respondent in the above captioned case by depositing same in the U.S. Mail addressed to Hon. Jenny Abbott-Kitchings, Clerk of Court, SC Court of Appeals, PO Box 11629, Columbia, SC 29211, on January 13 2021.

DATE: 1-13-21

Bj McIntosh
Billy McIntosh - 87743
990 Wisacky Hwy.
Bishopville, SC 29010
pro se

State of South Carolina
In The Court of Appeals

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JAN 14 2021

Appeal From Lexington County

SC Court of Appeals

Court of Common Pleas

Hon. Alison R. Lee, Circuit Court Judge

Appellate Case No. 2020-000741

Billy Wayne McIntosh

Appellate

v

State of South Carolina

Respondent

PROOF OF SERVICE

Appellate certifies that I served my Initial Brief and Record on Appeal on Respondent by depositing same in the U.S. Mail addressed to Harley L. Kirkland and Wesley A. Vorberger, PO Box 11549, Columbia, SC 29211, on January 13 2021.

DATE: 1-13-20

cc: Jenny Abbott-Kitchings, Clerk
SC Court of Appeals

Bj McIntosh
Billy McIntosh - 87743
990 Wisacky Hwy.
Bishopville, SC 29010
pro se

Steven E. LeBlanc, R.P.R.
Circuit Court Reporter
Eleventh Judicial Circuit
P.O. Box 184
Lexington, South Carolina 29071
sleblanc@scccourts.org

January 4, 2021

Billy Wayne McIntosh, #87743
990 Wisacky Highway
Lee Correctional Institution
F2A-1110
Bishopville, SC 29010

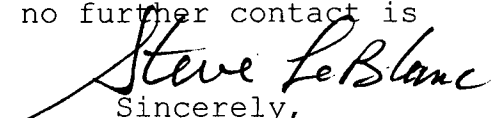
In Re: Billy Wayne McIntosh vs. State of South Carolina
Obtaining transcript.

Dear Mr. McIntosh:

In reply to your letter I received on December 30, 2020 pertaining to your transcript request, In Re: Billy Wayne McIntosh vs. State of South Carolina, case number 2018-CP-32-02764, a PCR hearing held before the Honorable Judge Alison R. Lee on July 31, 2019 at the Lexington County Courthouse, Lexington, South Carolina.

Transcript cost is \$4.25 per page. I am estimating the transcript will be 55 pages in length. If you would like to receive this transcript, I will need to receive \$233.75 to cover the cost of the transcript plus \$14.70 for certified mails. Upon receipt of payment in the amount of \$248.45 payable to me and delivered to the address listed above the transcript will be prepared and forwarded to you. If I have overestimated the amount due, you will receive a refund of unused funds along with the transcript of record.

I am given sixty (60) days in which to prepare the record. Extensions of time may be granted if necessary. My sixty (60) days will not commence until receipt of payment in the amount of \$248.45. Court reporters are not required by State or Federal law to provide free transcripts. If you do not wish to order this transcript, no further contact is necessary.


Sincerely,
By:s/Steve LeBlanc

cc: South Carolina Court Administration

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS
HON. ALISON R. LEE, CIRCUIT COURT JUDGE

RECEIVED

DEC 11 2020

SC Court of Appeals

APPELLATE CASE NO. 2020-000741

BILLY WAYNE MCINTOSH APPELLATE

V

STATE OF SOUTH CAROLINA RESPONDENT

INITIAL BRIEF

HARLEY L. KIRKLAND, ESQUIRE
WESLEY A. VORBERGER, ESQUIRE
PO BOX 11549
COLUMBIA, SC 29221
RESPONDENTS

BILLY W. MCINTOSH
990 WISACKY HWY.
BISHOPEVILL, SC 29010
PRO SE'

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AUTHORITIES

CASES

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YATES V EVATT, 500 U.S. 791

DUNCAN V LOUISIANA, 391 U.S. 145; 88 S.Ct 1444, 1450

SECONDARY SOURCES

USCA CONST. AMED. 5, 14

73 AMER. JURIS. 2d STATUTES § 166

CJS STATUTES § 585

STATUTES

SC CODE 23-3-430, SECTION - C(15)

STATEMENT OF CASE

APPELLATE WAS CONVICTED OF KIDNAPPING AND MURDER IN LEWINGTON COUNTY SEPTEMBER 1977, AND FILED A MOTION FOR DECLARATORY JUDGEMENT JULY 26, 2018, PURSUANT TO THOMPSON V STATE, 415 SC 560. ASKING THE COURT FOR A RULING ON WHETHER OR NOT THE KIDNAPPING CONVICTION INCLUDED A CRIMINAL SEXUAL OFFENSE OR AN ATTEMPTED CRIMINAL SEXUAL OFFENSE; BECAUSE THE SEX OFFENDER CLASSIFICATION SUBJECTS HIM TO A MORE ONEROUS PAROLE PROCESS VIA THE PAROLE ADVISORY ASSESSMENT/RISK ASSESSMENT CRITERIA WHICH RATES SEX OFFENDERS AT A HIGH RISK OF RE-OFFENDING. THE COURT RULED THAT PLAINTIFF FAILED TO PROVE THAT HE DID NOT COMMIT A SEX OFFENSE OR AN ATTEMPTED SEX OFFENSE ON THE VICTIM.

ISSUES ON APPEAL

- 1) DOES RETROSPECTIVE APPLICATION OF SC CODE 23-3-430, SECTION C(5) DENY APPELLATE EQUAL PROTECTION AND DUE PROCESS OF LAW?
- 2) DID ADMISSION OF FALSE ALLEGATION OF KIDNAPPING AND RAPE IN AN UNRELATED CASE DENY APPELLATE A FAIR TRIAL?
- 3) DID APPELLATE'S KIDNAPPING CONVICTION INCLUDE A CRIMINAL SEXUAL OFFENSE OR AN ATTEMPTED CRIMINAL SEXUAL OFFENSE? MUST THE COURT FIND EVIDENCE OF INTENT?

QUESTION #1

DOES RETROSPECTIVE APPLICATION OF SC 27-3-430, SECTION - C (US) DENY APPELLATE EQUAL PROTECTION AND DUE PROCESS OF LAW?

WHEN THE TRIAL COURT MAKES THE DETERMINATION WHETHER OR NOT A KIDNAPPING OFFENSE INCLUDED A CRIMINAL SEXUAL OFFENSE OR AN ATTEMPTED CRIMINAL SEXUAL OFFENSE, THE DEFENDANT HAS THE BENEFIT OF THE SUPERIOR POSITION OF THE TRIAL COURT TO JUDGE THE CHARACTER OF A WITNESS AND THE WEIGHT OF THE EVIDENCE, TRIAL COUNSEL TO CHALLENGE ANY EVIDENCE THAT HAS SEXUAL CONNOTATIONS, AND APPELLATE COUNSEL TO APPEAL AN ADVERSE RULING BY THE COURT. HOWEVER, APPELLATE HAD TO STAND ALONE BEFORE THE COURT (42) YEARS AFTER THE DATE OF THE OFFENSE WITHOUT THE TRIAL TRANSCRIPT, AN INDIGENT, INEXPERIENCED, PRO SE LITIGANT, UNABLE TO CONDUCT AN INVESTIGATION, LOCATE AND SUBPOENA WITNESSES, PRESENT PROFESSIONAL WITNESSES NOR DO ANY OTHER THING TO CHALLENGE THE STATE'S CASE IN CHIEF TO MEET OR REBUTT THE PRESUMPTION THAT THE KIDNAPPING INCLUDED A CRIMINAL SEXUAL OFFENSE OR AN ATTEMPTED CRIMINAL SEXUAL OFFENSE. THE RESPONDENT (STATE) CONTROLS THE EVIDENCE AND DID NOT GIVE APPELLATE ANY EVIDENCE EXCEPT WHAT SUPPORTS RESPONDENT'S POSITION, AND STATE LAW PROHIBITS INMATES FROM UTILIZING THE FREEDOM OF INFORMATION ACT.

EQUAL PROTECTION OF LAW

A STATE CAN, CONSISTENTLY WITH THE 14TH AMEND. PROVIDE FOR DIFFERENCES SO LONG AS THE RESULT DOES NOT DENY DUE PROCESS OF LAW OR AMOUNT TO AN INVIDIOUS DISCRIMINATION, DOUGLAS V STATE, 83 S.Ct. 814. ANYTIME CRIMINAL PROCEDURES DISCRIMINATE AGAINST DEFENDANTS BY REASON OF THEIR INDIGENT STATUS, SUCH PROCEDURES VIOLATE EQUAL PROTECTION OF LAW. WHERE AN INDIGENT DEFENDANT IS SUBJECTED TO A PROCESS THAT IS REQUIRED OF A INDIGENT DEFENDANT AND NOT A NON-INDIGENT DEFENDANT, THEN THE PROCESS BECOMES INVIDIOUSLY DISCRIMINATORY AND VIOLATIVE

OF EQUAL PROTECTION OF LAW, EX PARTE LEXINGTON COUNTY, 442 SE2d 589.

AN INTENT TO DISCRIMINATE UNJUSTLY BETWEEN DIFFERENT CASES OF THE SAME KIND IS NOT TO BE ASCRIBED TO THE LEGISLATURE. THUS, WHERE THE LEGISLATURE HAS LAID DOWN A RULE FOR ONE CLASS OF CASE, IT IS NOT TO BE READILY SUPPOSED THAT, IN THE SAME ACT, A DIFFERENT RULE HAS BEEN PRESCRIBED FOR ANOTHER CLASS OF CASES WITHIN THE SAME REASON AS THE FIRST. WHERE THE LANGUAGE OF A STATUTE IS AMBIGUOUS, THE COURTS WILL STRIVE TO AVOID A INTERPRETATION PRODUCING A SENSELESS DISTINCTION OR DISCRIMINATION, OR UNEQUAL OPERATION GENERALLY, OF A STATUTE, 73 AMER. JUR. 2d STATUTES § 166. WHERE A STATUTE TAKES AWAY OR IMPAIRS VESTED RIGHTS ACQUIRED UNDER EXISTING LAW, CREATES NEW OBLIGATIONS, IMPOSES A NEW DUTY, OR ATTACHES A NEW DISABILITY, IT WILL BE CONSTRUED PROSPECTIVELY ONLY, CJS STATUTES § 585. WHEN THE TRIAL COURT MAKES THE DETERMINATION WHETHER OR NOT A KIDNAPPING OFFENSE INCLUDED A CRIMINAL SEXUAL OFFENSE OR AN ATTEMPTED CRIMINAL SEXUAL OFFENSE, THE DEFENDANT IS PROTECTED BY THE FULL PENELOPE OF DUE PROCESS OF LAW. WHEN THE DETERMINATION IS MADE RETROSPECTIVELY BY A MOTION FOR DECLARATORY JUDGEMENT, THESE DUE PROCESS PROTECTIONS ARE STRIPED AWAY.

MINIMUM DUE PROCESS

DUE PROCESS REQUIRES (1) NOTICE (2) HEARING (3) RIGHT TO INTRODUCE EVIDENCE (4) RIGHT TO CONFRONT AND CROSS-EXAMINE WITNESSES, USCA CONST. AMED. 14. THE FUNDAMENTAL REQUIREMENT OF DUE PROCESS IS THE OPPORTUNITY TO BE HEARD IN A MEANINGFUL TIME AND IN A MEANINGFUL MANNER, USCA CONST. AMED. 14. TO PREVAIL ON A CLAIM OF DENIAL OF DUE PROCESS, THERE MUST BE A SHOWING OF SUBSTANTIAL PREJUDICE.

APPELLATE WAS CONVICTED OF KIDNAPPING AND MURDER (42) YEARS AGO. WITNESSES HAVE

DIED AND SURVIVING WITNESSES HAVE SURELY SUFFERED A LOSS OF MEMORY, STATE V LANGFORD, 400 SC 421. AS AN INDIGENT INMATE, APPELLATE CANNOT CONDUCT AN INVESTIGATION, LOCATE AND SUBPEONA WITNESSES, OBTAIN PROFESSIONAL WITNESSES, NOR DO ANY OTHER THING CONSISTENT WITH DUE PROCESS EXCEPT APPEAL, AND THE APPEAL PROCESS IS DILUTED AND UNRELIABLE DUE TO APPELLATE NOT BEING ABLE TO PAY FOR THE BENCH TRIAL TRANSCRIPT; THE COURT'S ORDER READS LIKE A SHUFFLED DECK OF CARDS AND HAS EXCLUDED APPELLATE'S BEST ARGUMENT THAT CO-DEFENDANT IS LYING ABOUT THE ACTUAL MURDER AND HIS ROLE IN IT, AKE V OKLAHOMA, 470 U.S. 68

THE STATE'S CONVICTION WAS DEPENDANT ON THE VICTIM BEING SHOT IN THE HEAD (3) TIMES WITH A .22 CALIBRE PISTOL. HOWEVER, THE PATHOLOGIST RULED THE CAUSE OF DEATH WAS (2) GUNSHOT WOUNDS TO THE HEAD. THERE IS UNCERTAINTY WHETHER A 3rd WOUND IS A BULLET HOLE. IF IT IS, IT IS CERTAINLY AN EXIT POINT FOR THE MISSING BULLET FROM GUNSHOT WOUND #2; (BECAUSE, THAT HOLE IS "SQUARED OFF" AT .30 X .25. ROUND BULLETS DON'T MAKE SQUARE HOLES, UNLESS THE BULLET STRIKES ANOTHER OBJECT BEFORE HITTING THE TARGET.) ^{P.030} IF APPELLATE SHOT THE VICTIM IN THE WOODS AS KNEECE SAYS, DO YOU SUPPOSE A TREE JUMPED BETWEEN APPELLATE AND THE VICTIM, AND THE BULLET RICHOATED OFF THE TREE BEFORE HITTING THE VICTIM? NO. IF THE VICTIM WAS SHOT IN THE TRUNK, AS APPELLATE SAYS, MAYBE THE BULLET RICHOATED OFF SOMETHING THEN. YET, THAT SCENARIO WOULD PRODUCE (2) MISSING BULLETS. SO, THE THIRD HOLE, IF MADE BY A BULLET, IS AN EXIT POINT FOR PART OR ALL OF THE BULLET FROM GUNSHOT WOUND #2.

FURTHER, AND APPELLATE READ THIS PART OF THE PATHOLOGIST'S REPORT INTO THE RECORD AT THE BENCH TRIAL, THE BULLET HOLES ARE DISTINCTLY DIFFERENT IN SIZE: GUNSHOT WOUND #1 IS .28 INCHES IN DIAMETER. GUNSHOT WOUND #2 IS .35 INCHES IN DIAMETER. ^{R.030} INVESTIGATOR MATTLOCK, WHO ATTENDED THE VICTIM'S AUTOPSY, NOTED THE SIGNIFICANCE OF THE DIFFERENT SIZE BULLET HOLES AND INTERRUPTED AGENT GRANT'S INTERROGATION OF KNEECE TO QUESTION KNEECE

ABOUT THE SECOND WEAPON (^{R.P.17, L26-30} ST. EX. 6. P. 5-6). THEY EVEN ASKED ABOUT THE SEQUENCE OF SHOTS FIRED TO DETERMINE IF APPELLATE COULD HAVE STOPPED SHOOTING LONG ENOUGH TO CHANGE ^(R.P.18, L1-10) GUNS. THERE CAN BE NO DOUBT THE BALLISTIC EVIDENCE INDICATES THE VICTIM WAS SHOT WITH (2) GUNS OF A DIFFERENT CALIBRE EACH. THIS EVIDENCE WAS SUPPRESSED (IGNORED) AT APPELLATE'S 1977 TRIAL, AND THE COURT IS TRYING TO SUPPRESS IT NOW. THE COURT CANNOT SAY IT WAS NOT RAISED AT THE HEARING AND IN APPELLATE'S "FINAL BRIEF" (^{Appendix to ROP} PREPARED ORDER), WHICH THE COURT RECEIVED PRIOR TO ISSUING ITS ORDER. THIS IS PHYSICAL EVIDENCE AND NOT DEPENDANT ON THE CREDIBILITY OF APPELLATE OR KNEECE. IT IS IRRATIONAL OF THE COURT TO IGNORE IT. FURTHERMORE, APPELLATE'S INABILITY TO OBTAIN A FORENSIC SCIENTIST AND BALLISTICS EXPERT TO PROVE THE VICTIM WAS/MOST LIKELY WAS/SHOT WITH (2) WEAPONS OF DIFFERENT CALIBRE IS PREJUDICIAL AND DENIES APPELLATE EQUAL PROTECTION AND DUE PROCESS OF LAW.

APPELLATE ALSO ARGUED KNEECE'S CREDIBILITY ON CLAIMING HE PLAYED NO ACTIVE ROLE IN THE KIDNAPPING AND MURDER. THE COURT CHOSE TO ENDORSE AND DOLSTER KNEECE'S CREDIBILITY WITH CORROBORATING STATEMENTS BY THE VICTIM'S FANCE' GARY MULLIS AND HIS SISTER CINDY JOYNER, YET ^(CO, P8, L19-21) THEY ARE SUSPECTS IN THE CASE. ^(R.P.22, L5-11) A BETTER JUDGE OF KNEECE'S CREDIBILITY IS THE INVESTIGATORS. THEY KNEW APPELLATE LIED ABOUT EVERYTHING WITH INTENT TO TAKE ALL THE BLAME AND KNEECE WAS LYING TO AVOID ANY BLAME: MATTLOCK: HOW DID YOU KNOW WHAT HE WAS GOING TO DO? HE DIDN'T TELL YOU ANYTHING ABOUT, YOU FOLLOW ME, OR I'LL FOLLOW YOU, OR ANYTHING LIKE THAT? YOU JUST AUTOMATICALLY SLID OVER IN THE CAR SEAT AND FOLLOWED HIM? ^(R. P.15, L17-23) DID YOU AT ANY TIME SEE BILLY WAYNE WITH ANOTHER WEAPON? DID YOU HAVE ANOTHER WEAPON? ^(R.P.17, L22-30) (EX.6. P.5). WHAT SEQUENCE, WERE THEY RAPID FIRING OR ONE HERE, AND THEN A COUPLE SECONDS AND ANOTHER ^(R.P.18, L1-10) ONE (EX.6. P.6) YOU SAY SHE WAS ASLEEP THE WHOLE TIME YOU WERE IN THE CAR? DIDN'T IT SEEM KIND OF STRANGE TO YOU THAT SHE WAS SLEEPING AFTER BEING KIDNAPPED? SHE HAIN'T BEEN SHOT HAD SHE? ^(R.P.19, L1-4) (EX.6. P.6-7) IT IS RATHER IRONIC THE COURT CHOSE THE MOST INCREDIBLE LIE KNEECE

TOLD TO BOLSTER HIS CREDIBILITY: THAT THEY PARKED THE VICTIM'S CAR IN APPELLATE'S FRONT YARD, GOT OUT OF THE CARS AND HAD A CASUAL CONVERSATION ABOUT THE VICTIM BEING PREGNANT. (R.P.14.L9-12)

THE VICTIM'S ALARM CLOCK WAS SET FOR 5:15 AM. ^(R.P.26.L20) (EX.7). THE VICTIM WOULD HAVE GOTTEN DRESSED AND BRUSHED HER TEETH, USED THE BATHROOM, ETC. AT BEST, SHE LEFT HOME AT 5:25 AM. IT WOULD TAKE HER AT LEAST 6 MINUTES TO DRIVE FROM HER TRAILOR TO WHERE KNEECE SAYS SHE WAS ABDUCTED AT 5TH AND WALTON WAY. THE STAGED ACCIDENT TOOK A MINUTE OR TWO. BUT IT IS 20 MILES FROM THE POINT OF ABDUCTION TO WHERE APPELLATE'S FAMILY HOME IS AT IN AIKEN. YOU CANNOT DRIVE 60 MILES AN HOUR ^(R.P.18.L16) (EX.6.P6.L16) ALL THE WAY. SO IT HAD TO TAKE AT LEAST 25 MINUTES TO GET THERE.

IT IS REASONABLE TO SAY KNEECE HAS US IN MY PARENTS FRONT YARD AT 6 AM — THE CACK OF DAWN THAT TIME OF YEAR (FEB.25TH). DO YOU THINK APPELLATE WOULD PARK THE VICTIM AND HER CAR IN THE FRONT YARD AND HAVE A CASUAL CONVERSATION, WITH HIS FAMILY JUST WAKING UP? ESPECIALLY WITH APPELLATE'S BROTHER, SAMMY MCINTOSH, INSIDE THE HOUSE — THAT'S

DEPUTY SAMMY MCINTOSH, AN UNDERCOVER NARCOTICS OFFICER WITH AIKEN COUNTY SHERIFFS

^(R.P.3.L2) DEPT. (EX.1.P1L2). KNEECE DID NOT KNOW APPELLATE'S BROTHER WAS A NARCOTICS OFFICER. THE INVESTIGATORS SURELY DID NOT BELIEVE KNEECE ON THIS POINT.

THE COURT'S ORDER CAN STAND ON ANY EVIDENCE AT ALL. APPELLATE IS ONLY TRYING TO DEMONSTRATE THAT THE OUTCOME WOULD BE DIFFERENT IF HE COULD HAVE SUBPEONAED THE FEW SURVIVING WITNESSES AND PRESENTED THE TESTIMONY OF A BALLISTICS EXPERT. WITHOUT THAT BASIC RIGHT OF CONFRONTATION, THE HEARING WAS POINTLESS. IN ESSENCE, THE RESPONDENT HANDED THE COURT ITS EVIDENCE, AND THE COURT SAID, "THIS WILL DO." THE COURT THEN DECLARED APPELLATE, "NOT A CREDIBLE WITNESS..."

QUESTION #2

DID A FALSE ALLEGATION OF KIDNAPPING AND RAPE IN AN UNRELATED CASE DENY APPELLATE A FAIR TRIAL?

STATE'S EXHIBIT #4 — SLED INCIDENT REPORT BY AGENT PAUL A. GRANT, FILED MARCH 31, 1977, ACCUSSING APPELLATE OF HOUSEBREAKING, KIDNAPPING, ASSAULT AND BATTERY WITH INTENT TO KILL, AND RAPE. THE RESPONDENT OFFERED NO OTHER DOCUMENTATION IN SUPPORT OF THIS REPORT. APPELLATE SAYS THE REPORT IS HEARSAY AND PROFFERS TWO INDICTMENTS FROM THE TRUITT CASE. THE COURT WILL NOTE THAT THE INDICTMENT'S WITNESS SECTION LISTS ALL POLICE OFFICERS AND OTHER WITNESSES. AGENT GRANT'S NAME DOES NOT APPEAR ON THE LIST. ^(R.P.1-2) HE WAS NOT INVOLVED IN THAT CASE. FURTHER, IT APPEARS THE REPORT IS MERELY AGENT GRANT REPORTING WHAT'S GOING ON WITH HIS SUSPECTS IN THE HEINIG CASE. STATE'S WITNESS CATHY SILES IMPLICATED APPELLATE IN THAT CASE ON OR ABOUT MARCH 5, 1977 — STATE'S EXHIBIT #5.

EVIDENCE OF PRIOR CRIMES OR MISCONDUCT IS INADMISSIBLE TO PROVE THE SPECIFIC CRIME CHARGED UNLESS THE EVIDENCE TENDS TO ESTABLISH (1) MOTIVE, (2) INTENT, (3) THE ABSENCE OF MISTAKE OR ACCIDENT, (4) A COMMON SCHEME OR PLAN EMBRACING THE COMMISSION OF TWO OR MORE CRIMES SO RELATED TO EACH OTHER THAT PROOF OF ONE TENDS TO ESTABLISH THE PROOF OF THE OTHER, OR (5) THE IDENTITY OF THE PERSON CHARGED WITH THE PRESENT CRIME, SEE Lyle, 125 SC @416; RULE 404(B), S.C.R. TO BE ADMISSIBLE, A PRIOR BAD ACT MUST FIRST BE ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE. STATE V BECK, 342 S.C. 129 (2000); STATE V WEAVERLING, 377 SC 460, (CTAPP 1999) (STATING IF PRIOR BAD ACT IS NOT THE SUBJECT OF A CONVICTION, PROOF THEREOF MUST BE BY CLEAR AND CONVINCING EVIDENCE). FURTHER, "A CLOSE DEGREE OF SIMILARITY OR CONNECTION BETWEEN THE PRIOR BAD ACT AND THE CRIME FOR WHICH THE DEFENDANT IS ON TRIAL IS REQUIRED TO SUPPORT ADMISSIBILITY. UNDER THE COMMON SCHEME OR PLAN," STATE V CHEESEBORO, 346 SC 526 (2001).

THE RELEVANCY OF THIS EVIDENCE IS TO "BOLSTER THE PROBABILITY" THAT APPELLATE COMMITTED A SEX OFFENSE ON THE VICTIM. THE PREJUDICE IS OBVIOUS. THE COURT'S ORDER SAYS "TWO MONTHS AFTER PLAINTIFF KIDNAPPED THE VICTIM, HE ABDUCTED PEGGY TRUITT FROM HER HOME, RAPED AND BEAT HER BEFORE LETTING HER GO." AND, "THE ACTIONS OF PLAINTIFF ESTABLISHES A PATTERN OF BEHAVIOR ABDUCTING WOMEN AND ASSAULTING THEM (INCLUDING RAPE) (COURT'S ORDER P.8). ON THE BASIS OF THIS MISREPRESENTATION OF A CRUCIAL FACT, I BEG THIS COURT OF APPEALS TO CONDUCT A THOROUGH, INDEPENDANT REVIEW OF THIS CASE.

" ABDUCTED ANOTHER UN-NAMED FEMALE." STATE'S WITNESS CATHY SIPES, (EXHIBIT #5) SIPES CONCLUDED HER STATEMENT TO AGENT GRANT AND INVESTIGATOR MATTLACK BY SAYING, " I TOOK HER TO A LOCATION AND TOLD HER MY MOTHER LIVED NEAR THERE. GOT OUT OF THE CAR AND LEFT." SHE TOOK ME HOME!

THE HEINIG MURDER OCCURED FEBRUARY 25, 1977. AND APPELLATE WAS NOT ARRESTED UNTIL THE TRUITT CASE ON MARCH 30, 1977. (EX. 5, R. P. 11) SO, WHY WAS APPELLATE NOT ARRESTED FOR KIDNAPPING SIPES? IT'S NOT AS THOUGH SHE DID NOT KNOW WHERE I LIVED. INVESTIGATORS INTERVIEWED HER ON OR ABOUT MARCH 6, 1977. SHE DID NOT CALL THE POLICE. HER ROOM-MATE TOLD CAMILLE GRIFFIN GRAHAM THAT CATHY WAS INVOLVED IN THE CRIME WITH APPELLATE, AND GRAHAM CALLED THE POLICE. FACED WITH LOSING HER JOB AND GOING TO JAIL, CATHY SAID I FORCED HER TO ACCOMPANY ME AT GUNPOINT.

IF INVESTIGATORS WERE CONFIDENT IN SIPES ALLEGATION OF KIDNAPPING, THE STATE COULD HAVE PRESSED CHARGES. HOWEVER, SIPES' STATEMENT AND COURT ROOM TESTIMONY IS AN ADMISSION THAT SHE KNEW APPELLATE WAS INVOLVED IN A MURDER, THE APPROXIMATE LOCATION OF THE VICTIM'S BODY, AND THAT APPELLATE WAS LOOKING FOR KNEECE AND THE VICTIM'S CAR WITH THE INTENT TO BURN IT. KIDNAPPED OR NOT, FAILURE TO CALL POLICE, ESPECIALLY AFTER LEARNING MORE ABOUT THE CRIME THROUGH MEDIA REPORTS, ~~MADE~~ MADE HER GUILTY OF ACCESSORY AFTER THE FACT. REFUSING TO PRESS CHARGES ON APPELLATE FOR KIDNAPPING WAS ACTIVE OB-

STRUCTION AND MAKES HER ALLEGATION OF KIDNAPPING SUSPECT. HOWEVER, KIDNAPPING OR NOT, SIPES DID NOT ACCUSE APPELLATE OF ASSAULTING OR MOLESTING HER. THUS, THE COURT MISCHARACTERIZED THIS EVIDENCE.

THE RELEVANCY OF THIS EVIDENCE UNDER THE "COMMON SCHEM OR PLAN" WAS TO PAINT A BROADER PICTURE THAT "BOOSTERED THE PROBABILITY" THAT APPELLATE COMMITTED A SEX OFFENSE ON THE VICTIM. THE PRESUDICE IS ODDIOUS IN THE COURT'S ORDER. "PLAINTIFF HAD ENGAGED IN SIMILAR CONDUCT INVOLVING ANOTHER WOMAN CLOSE IN TIME TO KIDNAPPING THE VICTIM. TWO MONTHS AFTER PLAINTIFF KIDNAPPED THE VICTIM, HE ABDUCTED PEGGY TRUITT FROM HER HOME, RAPED AND BEAT BEFORE LETTING HER GO... THE ACTIONS OF PLAINTIFF ESTABLISHES A PATTERN OF BEHAVIOR ABDUCTING WOMEN AND ASSAULTING THEM (INCLUDING RAPE)." (COURT'S ORDER. P8).

CONCLUSIVELY, APPELLATE KNEW TRUITT AND SIPES. THE TRUITT CASE WAS AN ATTEMPTED ROBBERY THAT ENDED WITH HER BEING BEATEN. THERE IS NO EVIDENCE TO SUPPORT THE ALLEGATION OF KIDNAPPING AND RAPE. THE SIPES INCIDENT CONSISTS OF APPELLATE SEARCHING FOR KWEECE AND THE VICTIM'S CAR. SIPES MADE NO ALLEGATION OF ASSAULT OR SEXUAL MISCONDUCT. THUS, THE COURT MISCHARACTERIZED THIS EVIDENCE, AND ADMISSION OF IT WAS AN ABUSE OF DISCRETION.

QUESTION #3

DID APPELLATE'S 1977 KIDNAPPING CONVICTION INCLUDE A CRIMINAL SEXUAL OFFENSE OR AN ATTEMPT TO COMMIT A CRIMINAL SEXUAL OFFENSE? MUST THE COURT FIND EVIDENCE OF INTENT?

THE COURT RULED, "IT IS UNCLER WHETHER PLAINTIFF COMMITTED A SEXUAL OFFENSE ON THE VICTIM BECAUSE HE WENT INTO THE WOODS WITH HER ALONE. ACCORDING TO KWEECE,

THEY WERE IN THE WOODS FOR SOMETIME BEFORE HE HEARD(3) GUNSHOTS. SHORTLY THERE - AFTER, THE PLAINTIFF RETURNED WITH THE VICTIM'S CLOTHES IN HAND TO THE CAR WHERE KNEECE WAS WAITING. THEREFORE, THE PLAINTIFF IS NOT A CREDIBLE WITNESS IN DETERMINING WHETHER HE COMMITTED A SEXUAL OFFENSE ON THE VICTIM. ^(CO.P8.L22-26) THEREFORE, THE OBSTACLE TO OVERCOME IS KNEECE'S CREDIBILITY, AND WAS THERE EVIDENCE OF AN INTENT TO COMMIT A SEX OFFENSE.

1) APPELLATE LIED WITH INTENT TO TAKE ALL THE BLAME AND KEEP THE ELEMENTS OF KIDNAPPING AND MURDER IN AIKEN COUNTY, BUT KNEECE LIED TO AVOID ANY BLAME FOR THE CRIME.

2) INVESTIGATORS QUESTION KNEECE'S CLAIM NOT TO HAVE KNOWN THE VICTIM WAS GOING TO BE KIDNAPPED.

MATLOCK: DID HE TELL YOU TO DRIVE HIS MOTHER'S CAR?

KNEECE: NO SIR.

MATLOCK: HOW DID YOU KNOW WHAT HE WAS GOING TO DO?

KNEECE: I DIDN'T. I JUST SLID OVER BEHIND THE WHEEL.

MATLOCK: HE DIDN'T TELL YOU ANYTHING ABOUT YOU FOLLOW ME OR I'LL FOLLOW YOU, OR ANYTHING ALONG THIS ORDER?

KNEECE: NO SIR.

MATLOCK: YOU JUST AUTOMATICALLY SLID OVER AND FOLLOWED HIM?

KNEECE: YES SIR.

MATLOCK: HAVE YOU EVER DONE THIS WITH BILLY WAYNE BEFORE?

STATE'S EXHIBIT #6 - KNEECE'S STATEMENT P.97 (R.P 15, L14-24)

3) INVESTIGATORS QUESTION KNEECE'S CLAIM THE VICTIM WAS ASLEEP WHEN APPELLATE'S MOTHER'S CAR WAS PARKED IN HIS MOTHER'S FRONT YARD.

GRANT: YOU SAY SHE WAS ASLEEP THE WHOLE TIME YOU WERE IN THE CAR?

KNEECE: WELL, WHEN I GOT IN SHE RAISED UP AND WHEN WE HEADED OUT 19 SHE WENT BACK TO SLEEP.

GRANT: DIDN'T IT SEEM ODD TO YOU THAT SHE WOULD BE SLEEPING AFTER BEING KIDNAPPED? SHE HADN'T BEEN SHOT, HAD SHE?
(ST. EX. 6. P. 6-7) (R. P. 18-19. L. 30. L. 1-5)

NOTE: ON PAGE 2, LINE 10-11, KNEECE SAYS APPELLATE GOT OUT OF THE VICTIM'S CAR AT HIS MOTHER'S HOME AND TOLD HIM THE VICTIM WAS PREGNANT. THE VICTIM'S ALARM CLOCK WAS SET FOR 5:15AM (R. P. 26. L. 20) (ST. EX. 6. L. 20). SHE MOST LIKELY USED THE BATHROOM, BRUSHED HER TEETH, AND GOT DRESSED BEFORE LEAVING HOME. THAT'D TAKE AT LEAST TEN MINUTES. LEAVING HOME AT 5:25AM WOULD PUT HER AT THE ABDUCTION POINT AT 5:35AM - McDUFFIE RD. TO 5TH AND WALTON WAY. IT IS 20 MILES FROM AUGUSTA GEORGIA TO APPELLATE'S PARENTS HOME ON EAST BOUNDARY IN AIKEN, SC. AND YOU CANNOT DRIVE 60 MILES AN HOUR ALL THE WAY. KNEECE HAS US IN THE FRONT YARD TALKING ABOUT THE VICTIM JUST AS ITS TURNING DAYLIGHT THAT TIME OF YEAR - FEBRUARY 25TH. SURELY INVESTIGATORS FOUND THIS HARD TO BELIEVE, KNOWING APPELLATE'S BROTHER, DEPUTY SAMMY MCINTOSH, AN UNDERCOVER NARCOTICS OFFICER, LIVED WITH HIS FAMILY AND WOULD HAVE BEEN HOME. (R. P. 3. L. 2) (ST. EX. 1). KNEECE DID NOT KNOW THIS.

4) INVESTIGATORS QUESTION KNEECE ABOUT HIS CLAIM APPELLATE SHOT THE VICTIM (3) TIMES WITH A .22 CALIBRE PISTOL.

THE PATHOLOGIST RULED THE CAUSE OF DEATH WAS TWO GUNSHOT WOUNDS TO THE HEAD. (R. P. 29. L. 12-15) GUNSHOT WOUND #1 IS .28 INCHES IN DIAMETER AND GUNSHOT WOUND #2 IS .35 INCHES IN DIAMETER. INVESTIGATOR MATLOCK, WHO ATTENDED THE VICTIM'S AUTOPSY, REALIZED THE SIGNIFICANCE OF THE DISTINCTLY DIFFERENT SIZE BULLET HOLES AND QUESTIONED KNEECE ABOUT THE SECOND GUN:

MATLOCK: ALRIGHT, DESCRIBE THE GUN THAT SHE WAS SHOT WITH?

KNEECE: CHROME PLATED .22 AND IT HAD PEARL HANDLES.

MATLOCK: DID YOU AT ANYTIME SEE BILLY WAYNE WITH ANOTHER GUN BESIDES THE ONE THAT YOU JUST DESCRIBED?

KNEECE: NO SIR.

MATLOCK: DID YOU HAVE A WEAPON?

KNEECE: NO SIR.

(ST. EX. 6-P5) (R.P. 17. L26-30)

MATLOCK EVEN QUESTIONS KNEECE ABOUT THE FIRING SEQUENCE IN AN APPARENT ATTEMPT TO DETERMINE IF APPELLATE COULD HAVE STOPPED SHOOTING LONG ENOUGH TO CHANGE GUNS. (R.P. 18. L1-11) (PL. 47).

IT IS MORE LIKELY THAN NOT THE VICTIM WAS SHOT WITH TWO GUNS. THEREFORE, HAVING MET THE PRESUMPTION WITH A VIABLE ALTERNATIVE, APPELLATE ASSERTS THE COURT MUST BE ABLE TO FIND EVIDENCE SUFFICIENT TO SUPPORT AN INFERRENT OF AN INTENT TO COMMIT A SEX OFFENSE.

APPELLATE DIRECTS THE COURT TO YATES V EVATT, 500 U.S. 391. A PERMISSIVE PRESUMPTION IS CONSTITUTIONAL BECAUSE IT MERELY ALLOWS AN INFERENCE TO BE DRAWN FROM THE PROVEN FACTS. ("THE COURT HAS DISAPPROVED MANDATORY PRESUMPTIONS BECAUSE IT CONFLICTS WITH THE FACT FINDING PROCESS AND CONFLICTS WITH THE PRESUMPTION OF INNOCENCE, SANDSTORM V MONTANA, 99 S. CT. 2450, 2459, AND IT INVADES THE FACT FINDING PROCESS.) EVEN IN A CIVIL CASE, THE COURT IS BOUND BY THE LAW OF PRESUMPTION. THE ONLY DIFFERENCE IS THAT IN A CRIMINAL TRIAL, THE PREDICATE FACTS MUST BE PROVEN "BEYOND A REASONABLE DOUBT," AND IN A CIVIL CASE IT IS A "MORE LIKELY THAN NOT" - AT LEAST APPELLATE BELIEVES SC 23-3-430, (C.X.15) HAS SUCH A PRESUMPTION. OTHERWISE, HOW CAN THERE BE AN EXCEPTION? (SEE DUNCAN V LOUISIANA, 391 U.S. 145, 155; 88 S. CT. 1444, 1450.)

APPELLATE ASKS THIS HONORABLE COURT FOR A JUDGEMENT ACCORDING TO FACTS AND LAW.

FILED: ~~12/10/20~~ 1-13-21 Bwm

CC: HARLEY L. KIRKLAND, ESQUIRE
WESLEY A. VORBERGER, ESQUIRE

Billy McIntosh
BILLY MCINTOSH
990 WISACKY HWY.
BISHOPEVILLE, SC 29010
PRO SE

9

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
DEC 11 2020
SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS
HON. ALISON R. LEE, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2020-050741

BILLY WAYNE MCINTOSH APPELLATE
V
STATE OF SOUTH CAROLINA RESPONDENT

RECORD ON APPEAL

DATE: ~~10/10/20~~ 12-13-21
BWM

B. McIntosh
BILLY MCINTOSH
990 WISACKY HWY
BISHOPEVILLE, SC 29010
PRO SE

CC: HARLEY L. KIRKLAND, ESQUIRE
WESLEY A. VORBERGER, ESQUIRE

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I certify the Record on Appeal contains no matter other than the Court's Order and Exhibits.

Billy McIntosh
Billy McIntosh
pro se

FILED

SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
LEXINGTON) ELEVENTH JUDICIAL CIRCUIT

2020 APR -7 PM 2:53

Billy Wayne McIntosh, #8774)
Plaintiff,) Case No.: 2018-CP-32-02764

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

Plaintiff,

v.

State of South Carolina,

Defendant.

**ORDER
(NON-JURY)**

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APR 30 2020

SC Court of Appeals

A TRUE COPY
Lex. Co. C.C.C.P., G.S. & F.C.

Billy Wayne McIntosh ("Plaintiff") filed a Declaratory Judgment action to determine whether his 1977 kidnapping conviction requires him to register as a sex offender. A bench trial was held on July 31, 2019. Plaintiff represented himself *pro se*. Harley Kirkland, Esq. and Wesley Vorberger, Esq. represented the State of South Carolina ("the State").

BACKGROUND

In 1977, Plaintiff was convicted of the kidnapping and murder of Joyce Marie Heinig ("Victim"). Plaintiff stated in his Declaratory Judgment that subsequent to his date of conviction, the South Carolina Department of Probation, Parole, and Pardon Services ("SCDPPS") classified his kidnapping conviction as a sex offense. Plaintiff alleges because his kidnapping conviction is considered a sex offense, he is subject to a more onerous parole process based on SCDPPS's parole evaluation risk assessment tool. Plaintiff contends that the risk assessment tool assigns a higher degree of risk to sex offenses and sex offenders which subjects him to a sentence enhancement without due process of law.

Plaintiff argues that his 1977 kidnapping conviction did not include a criminal sexual offense and petitions the Court to decide whether the kidnapping conviction included a criminal sexual offense or an attempt to commit a criminal sexual offense based on the evidence and witnesses presented at trial.

SUMMARY OF EVIDENCE

Plaintiff was the only witness who testified at the hearing.

Plaintiff testified that he was convicted of murder and kidnapping in 1977. The victim's body was recovered nude near Highway 240 in Lexington County; however, the crime occurred in Aiken County. He confessed to the crimes in Aiken County with an understanding he would

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receive fifteen to thirty years in prison if he plead guilty. His confession is contained in State's Exhibit 1. Plaintiff stated repeatedly that he was under the influence of alcohol and narcotic pain medicine at the time of the kidnapping and murder.¹ He remembers kidnapping and killing the victim. He shot her in the head, forehead, and cheek. The gun belonged to the co-defendant, Eugene Allen Kneece ("Kneece").

Plaintiff did not recall what the victim was wearing; however, he removed her clothing and jewelry while in the woods after she was dead to prevent identification of the body. He chose to leave her body in a wooded area because it was an isolated area, too close to the road for hunters to find, but also unlikely that someone would be in the area. He was sober when he removed the victim's clothing. The clothing was burned along with the victim's car.

According to Plaintiff, Kneece was questioned by authorities and told them he was with Plaintiff at the time of the crimes. Kneece informed the police that Plaintiff told him the victim was pregnant. Plaintiff denied knowing she was pregnant or having any conversation with the victim about being pregnant. He states Kneece was present when he took off the victim's clothes. Kneece stated in his interview with law enforcement, that he thought Plaintiff was going to rape the victim. *See State's Ex. 6.* At the criminal trial, Kneece's testimony "fell apart during cross-examination" and Plaintiff was convicted under "hand of one, hand of all." +

Plaintiff maintains that he did not rape and did not molest the victim or commit any sexual offense on the victim or her body after she was dead. The autopsy revealed that the victim's body was partially decomposed most likely eaten by animals. Based on the condition of the body, there was no conclusive evidence on whether the victim was sexually assaulted.

Plaintiff disagreed with the State's characterization that because the body was found nude, he should have to register as a sex offender without any further evidence. Plaintiff testified he is unable to file a Freedom of Information Act request as an inmate and the interview with Sheriff Metts was the only allusion to a sex offense.² Plaintiff contends that at his criminal trial there was no testimony by officers to support a finding that he committed a sex offense on the victim.³

¹ Plaintiff testified that prior to the criminal trial, he was willing to be hypnotized to sort out his memory; however, his attorney filed a motion to prevent the hypnosis.

² Plaintiff did not elaborate on the details of the interview with Lexington County Sheriff Metts. There were no documents presented at the hearing that discussed any interview between Plaintiff and Sheriff Metts.

³ None of the testimony from the trial has been offered as evidence.

The Lexington County deputies believed the murder took place in Lexington County because Plaintiff said he reloaded the gun at the spot where the body was found. Detective Byars ("Byars") had no contact with Plaintiff other than what Aiken County Sheriff's told Byars. Officer Baggett's report contained information relayed to him by Byars. Plaintiff argues both reports are hearsay.

Plaintiff asserts it is unfair for him to register as a sex offender based on speculation made by the State. He contends the only evidence the State has is his fabricated confession and Kneece's testimony. Plaintiff admitted that he previously fabricated his testimony in court when he was indicted for housebreaking and robbery of his neighbors after hearing they received a tax refund. Pl. Ex. 1. Plaintiff was also accused of rape by a female acquaintance as outlined in State's Ex. 4. There is no evidence of any convictions related to these incidents.

At the conclusion of Plaintiff's testimony, he consented to admitting the exhibits of all newspaper articles, despite his previous objections.⁴

EXHIBITS

- Plaintiff's Exhibit 1 – Billy McIntosh's Indictment for Housebreaking (separate incident involving Peggy Truitt)
- Plaintiff's Exhibit 2 – Billy McIntosh's Indictment for Aggravated Assault and Battery (separate incident involving Peggy Truitt)
- State's Exhibit 1 – Billy McIntosh's Statement to Aiken County Sheriff's Department
- State's Exhibit 2 – Aiken County Supplemental Report (Joyce Heinig's investigation)
- State's Exhibit 3 – Lexington County Sheriff's Department Incident Report for Joyce Heinig
- State's Exhibit 4 – SLED Incident Report (a separate incident involving Peggy Truitt)
- State's Exhibit 5 – Report containing allegations of Billy McIntosh abducting an unnamed female
- State's Exhibit 6 – Eugene Allen Kneece Statement to Aiken County Sheriff's Department
- State's Exhibit 7 – Aiken County Investigation Report with Joyce Heinig's Fiancé Gary Mullis
- State's Exhibit 8 – Joyce Heinig Autopsy Report
- State's Exhibit 9 – *Aiken Standard*, April 6, 1977, Article: "Body Is Identified as Miss Heinig's"
- State's Exhibit 10 – *Aiken Standard*, April 7, 1977, Article: "Murder Charges Added"
- State's Exhibit 11 – *Aiken Standard*, September 14, 1977, Article: "McIntosh Sentenced In Heinig Murder"
- State's Exhibit 12 – *The State*, September 13, 1977, Article: "Detective Says Man Confessed Killing"
- State's Exhibit 13 – *The State*, September 14, 1977, Article: "McIntosh Convicted of Murder"
- State's Exhibit 14 – *Aiken Standard*, April 6, 1977, Article: "Body Is Identified as Miss Heinig's"
- State's Exhibit 15 – *The Index-Journal*, April 7, 1977, Article: "Two Aiken Men Charged with Heinig's Murder"

⁴ Exhibits nine through twenty-three repeat allegations contained in the investigative reports.

State's Exhibit 16 – *Aiken Standard*, September 13, 1977, Article: "Edwards: McIntosh Called To Confess To Murder"

State's Exhibit 17 – Article: "McIntosh Sentenced In An Assault Case"

State's Exhibit 18 – *Aiken Standard*, September 14, 1977, Article: "McIntosh Sentenced"

State's Exhibit 19 – *The Index-Journal*, April 7, 1977, Article: "Two Aiken Men Charged With Heinig's Murder"

State's Exhibit 20 – *The Index Journal*, September 14, 1977, Article: "Aiken Man Gets Life Sentences"

State's Exhibit 21 – *The Index Journal*, April 6, 1977, Article: "Body Found In Wooded Area In Lexington"

State's Exhibit 22 – *Aiken Standard*, September 16, 1977, Article: "Kneece Given 18-Year Sentence"

State's Exhibit 23 – *Aiken Standard*, April 5, 1977, Article: "Tip Leads Police To Body; May Be That Of Miss Heinig"

FINDING OF FACT

Based upon the testimony and the exhibits presented, this Court makes the following findings of fact:

On February 25, 1977, the Victim's fiancé, Gary Mullis ("Mullis"), reported the Victim missing to the Richmond County Sheriff's Department in Augusta, Georgia. State's Ex. 7. Two days later, the Victim's car was found in Aiken, South Carolina. State's Ex. 2. After the Aiken County Sheriff's office received a report that a burned vehicle was found in a wooded area, Detective Matlock of the Aiken County Sheriff's Department went to the scene. *Id.* The vehicle matched the description of the vehicle stated in the missing person's report from the Richmond County Sheriff's Department. State's Ex. 7. Mullis told detectives he last saw the Victim two days earlier after she took him home from her trailer. *Id.* Mullis explained that the Victim had been using his car for the past six months. *Id.* He told detectives that the victim was pregnant and they planned to get married soon. *Id.* Cindy Joyner ("Joyner"), Mullis's sister, who lived in the same trailer park as the Victim told detectives that she last saw the Victim two nights prior to her disappearance around 9:30 p.m. *Id.* She also knew the Victim was pregnant and was excited to get married. *Id.*

Approximately one month later, Plaintiff and Kneece abducted Peggy Truitt from her residence and drove her around all day. State's Ex. 4. They carried Truitt into some woods where Plaintiff beat Truitt with his fists breaking her jaw. *Id.* According to a statement Truitt gave to Aiken County detectives, Plaintiff raped her and told her that he was going to kill her. *Id.*

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Sometime after this incident, Plaintiff abducted another unnamed female. Plaintiff drove her around for a few hours before meeting up with Kneece in a shopping center. State's Ex. 5. Plaintiff spoke with Kneece and then drove off. *Id.* Plaintiff told the unnamed female that he was going to take her to see a lot of lights in Georgia. *Id.* He told her that he would only be charged with abduction because if he took her across state lines, he could be charged with kidnapping. *Id.* After returning to Aiken, they ran out of gas. *Id.* Before walking to the Hess gas station, Plaintiff left his gun on the post of a fence, until after they returned to the vehicle. *Id.* Plaintiff asked her if she wanted to see some dead bodies. *Id.* The female told him no. *Id.* He pointed his finger towards a nearby hill and told the female that the bodies were on the hill. *Id.* They left the rest area and Plaintiff drove her to Columbia. *Id.* They drove around Columbia making various stops. *Id.* On the third trip to Aiken, Plaintiff took her to a location claiming his mother lived there. He got out of the car and left her. *Id.*

Plaintiff and Kneece were arrested sometime after the two incidents. Both were held at the Aiken County jail. On April 4, 1977, Plaintiff was lying in bed at the jail when he realized what he had done. State's Ex. 1. He asked the "turnkey" to call law enforcement so he could tell them where to find the Victim's body. *Id.* Law enforcement agreed and Plaintiff lead them to where the Victim's body was located. *Id.* The Victim's body was found in a wooded area off Highway 240 near I-20 in Aiken County. State's Ex. 2. Law enforcement observed a badly decomposed body stripped of all clothing, lying on the ground. State's Ex. 1.

That same day, Byars interviewed Plaintiff about the disappearance of the Victim. State's Ex. 3. Plaintiff told Byars that he jumped into the Victim's car brandishing a pistol. *Id.* She was hysterical so he slapped her. *Id.* He made her stop the car and jerked her from behind the wheel. *Id.* He put her inside the trunk and shot her three times. *Id.* Plaintiff was in Aiken County when he removed her clothes. *Id.* He told Byars that he left the body near Highway 204 in Aiken County. *Id.* Law enforcement located the .22 caliber pistol that Plaintiff sold after he killed the Victim. *Id.*

The next day, Sheriff Paul Grant ("Grant") with the Aiken County Sheriff's Department, interviewed Plaintiff regarding the disappearance of the Victim. Plaintiff told Grant that he saw the Victim about to turn out of the parking lot of a filling station. State's Ex. 1. He held her by gunpoint, jumped in her car, and commanded her to drive off. *Id.* The Victim started screaming so he stopped the car and threw her in the trunk. *Id.* He shoot her once in the back of the head,

once in the forehead, and once in the center of the cheek. *Id.* He took off all her clothes and jewelry after he shot and killed her. *Id.*

Next, Grant interviewed McIntosh's accomplice, Kneece. Kneece explained that they were on their way back to Aiken when Plaintiff saw the Victim about to turn out a filling station. State's Ex. 6. Plaintiff bumped the Victim's car with his car. *Id.* The Victim got out of her car and walked towards the back of her car where Plaintiff bumped it. *Id.* Plaintiff got out of his car and pulled a gun on her telling her to "get over" and she did. *Id.* Plaintiff climbed in and drove off. *Id.* Kneece followed behind them to Plaintiff mother's house to drop off her car. *Id.* Once there, Plaintiff told Kneece that the Victim was pregnant and Kneece told him to let her go. *Id.* Plaintiff replied that it did not matter to him that she was pregnant. *Id.* The two of them got back into the car with the Victim and proceeded to I-20. *Id.* Plaintiff veered off onto a dirt road that went up a hill and into a wooded area. *Id.* Plaintiff and the Victim got out of the car and walked down into the woods. *Id.* They were down there for a while when Kneece heard three gunshots. Plaintiff came back with the Victim's clothes in his hands. *Id.*

Later that evening, Plaintiff got in the car of another girl driving a Volkswagen. State's Ex. 6. After they left, Kneece waited for them to return, but Plaintiff never came back. *Id.* Kneece drove the Victim's car to Aiken and hid it in some woods behind a high school. *Id.* The next day, Plaintiff came over to Kneece's house and told him that he wanted to get the car. *Id.* Kneece went with Plaintiff to get the car. Plaintiff took the wheels off the car and set the car on fire. *Id.*

During the interview, Kneece told Sheriff Grant that the Victim was driving a blue Lemans. State's Ex. 6. Kneece could not recall the Victim's name, but described her as being tall with blond hair. *Id.* He also described the clothes she was wearing. *Id.* Kneece knew that the Victim was shot with a chrome plated .22 caliber with a pearl handle. *Id.*

The findings of the Victim's autopsy report includes marked decomposition of her body, two gunshot wounds to the head, and probable congenital hypoplasia of the right kidney. State's Ex. 8. The victim was five feet, six inches in length and had long blonde hair. *Id.* The face was mummified with hard yellowish brown skin. *Id.* The genitalia were not present, but the pubic hair was in place. The buttocks were not present. *Id.*

CONCLUSIONS OF LAW

Plaintiff brought this action pursuant to South Carolina's Uniform Declaratory Judgment Act ("the Declaratory Judgment Act"), which grants the court "power to declare rights, status, and

other legal relations whether or not further relief is or could be claimed." S.C. Code Ann. § 15-53-20. "To state a cause of action under the Declaratory Judgment Act, a party must demonstrate a justiciable controversy." *Thompson v. State*, 415 S.C. 560, 565, 785 S.E.2d 189, 191 (2016). A justiciable controversy is a "real and substantial controversy which is appropriate for judicial determination, as distinguished from a dispute or difference of a contingent, hypothetical, or abstract character." *Id.* The Court should liberally construe and administer the Declaratory Judgment Act. *Id.*; *see also* S.C. Code Ann. § 15-53-130.

Subsequent to Plaintiff's 1977 kidnapping conviction, state laws were enacted that classified the crime of kidnapping as an offense of a sexual nature, which requires registration as a sex offender. S.C. Code Ann. § 23-3-430(C)(15). Specifically, South Carolina law requires a defendant convicted of the "kidnapping ... of a person eighteen years of age or older" to register as a sex offender "except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense." *Thompson*, 415 S.C. at 562, 785 S.E.2d at 190 (2016); *see also* S.C. Code Ann. § 23-3-430(C)(15). There is a presumption under the statute that a kidnapping conviction automatically requires placement on the sex offender registry. *State v. Fuller*, 425 S.C. 468, 480, 822 S.E.2d 910, 916 (Ct. App. 2019).

Plaintiff argues that his kidnapping conviction did not involve a sexual offense, therefore he should not be required to register as a sex offender pursuant to S.C. Code Ann. § 23-3-430(C)(15). Specifically, he argues that finding the victim's nude body, without other evidence of a sexual offense, does not support a finding that the kidnapping was sexual in nature.

In *State v. Fuller*, the defendant was convicted with kidnapping a female victim. Defense counsel argued Fuller's acquittal on a charge of criminal sexual conduct warranted a finding by the trial court that Fuller would not have to register as a sex offender. *Fuller*, 822 S.E.2d at 914. The State opposed the request, arguing conviction on a criminal sexual conduct charge was not a statutory prerequisite to placing a criminal defendant on the registry. *Id.* The Court held that "the trial court acted within its discretion in ordering Fuller to register as a sex offender because of evidence that the kidnapping charge of which he was convicted included an attempted criminal sexual offense." *Id.* at 917. The Court reasoned, if S.C. Code Ann. § 23-3-430(C)(15) "were to be interpreted to require a defendant convicted of kidnapping to register as a sex offender only if the defendant was also convicted of a criminal sexual offense, this section would be unnecessary

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because convictions for numerous criminal sexual offenses automatically trigger the requirement of placement on the registry." *Id.*

Based upon the evidence presented, Plaintiff failed to establish by a preponderance of the evidence that the kidnapping did not involve a sexual offense or an attempted sexual offense. Like the defendant in *Fuller*, Plaintiff was convicted of kidnapping the Victim. Plaintiff had engaged in similar conduct involving another woman close in time to kidnapping the Victim. Two months after Plaintiff kidnapped the Victim, he abducted Peggy Truitt from her home, raped and beat her, before letting her go. When Plaintiff abducted the Victim and Peggy Truitt, Kneece accompanied him. The actions of Plaintiff, established a pattern of behavior abducting women and assaulting them (including rape).

Plaintiff testified he could not remember all of the events because he was under the influence of drugs. Plaintiff admitted that he lied to law enforcement about the location where he killed the Victim. Plaintiff told law enforcement that he shot and killed the Victim in Aiken County in an attempt to keep his case in Aiken County. Law enforcement had reason to believe that Plaintiff killed the Victim in Lexington County because Plaintiff told them that he reloaded his gun in the woods before shooting the Victim. Plaintiff told law enforcement that he shot the Victim three times while the Victim was inside the trunk of her car. However, Kneece told law enforcement that the Victim was forced by Plaintiff into the woods where Plaintiff shot and killed her. Plaintiff denied that he knew the Victim was pregnant, however Kneece told law enforcement that the Plaintiff told him that she was pregnant. The Victim's fiancé and her neighbor confirmed that she was pregnant when she was murdered.

It is unclear whether the Plaintiff committed a sexual offense on the Victim because he went into the woods with the Victim alone. According to Kneece, they were in the woods for some time before he heard three gunshots. Shortly thereafter, the Plaintiff returned with the Victim's clothes in hand to the car where Kneece was waiting. Therefore, the Plaintiff is not a credible witness in determining whether he committed a sexual offense on the Victim.

Further, the autopsy report was inconclusive in determining whether the Victim was sexually assaulted. The Victim's body, was decomposed and partially eaten by animals. The Victim's genitalia was missing, thereby preventing forensic examination and testing.

Based on the testimony and evidence presented, and S.C. Code Ann. § 23-3-430, Plaintiff failed to overcome the presumption that the kidnapping conviction required sex offender

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registration. Plaintiff failed to establish by a preponderance of the evidence that he did not commit a sexual offense or an attempted sexual offense on the Victim.

ORDER

For the reasons stated above, it is therefore **ORDERED AND DECLARED** that the kidnapping conviction requires sex offender registration pursuant to S.C. Code Ann. § 23-3-430.

AND IT IS SO ORDERED.

Alison Renee Lee

ALISON RENEE LEE

Presiding Judge

Columbia, South Carolina
April 3, 2020

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The State of South Carolina

County of _____ Aiken

INDICTMENT FOR HOUSEBREAKING AND LARCENY

At a Court of General Sessions, convened on the 13th day of June 19 77, the Grand Jurors of Aiken County present upon their oath:

COUNT ONE—HOUSEBREAKING

That BILLY WAYNE MCINTOSH

did in Aiken County on or about the 29th day of March 19 77, break and enter the house, to wit: the dwelling house of one Peggy Jane Truitt with intent to commit a crime therein.

COUNT TWO—LARCENY

That

did in _____ County on or about the _____ day of _____ 19____, feloniously take and carry away the personal goods of another of the value of more than fifty dollars, to wit: the personal goods of _____

Described as follows: _____

with intent to deprive the owner permanently of such goods.

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

Sylvia W. Westerdahl
SYLVIA W. WESTERDAHL
Solicitor

①

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

26 day of June 20 17

Robert J. Harte
C.C.C.P. & G.S., Aiken County, S.C. 15F14

Antony Hynes
Deputy Clerk

PLAINTIFF'S EXHIBIT # 27-31-79

The State of South Carolina

County Of Aiken

INDICTMENT FOR AGGRAVATED ASSAULT AND BATTERY

At a Court of General Sessions, convened on the 13th day of June 19 77, the Grand Jurors of Aiken County present upon their oath:

That BILLY WAYNE MCINTOSH did in Aiken County on or about the 29th day of March 19 77, commit an assault and battery upon one Peggy Jane Truitt constituting an unlawful act of violent injury to the person of the said Peggy Jane Truitt

accompanied by circumstances of aggravation, to wit: in that he the said Billy Wayne McIntosh with his hands, feet, fists and arms did hit, strike, beat and kick the said Peggy Jane Truitt, and with his hands, feet, fists and arms did wound and ill-treat the said Peggy Jane Truitt, and at the time there being a difference in the strength of the parties in that he the said Billy Wayne McIntosh was a strong person while she, the said Peggy Jane Truitt, was a weaker person and at the time and place there was a difference in sexes of the parties, in that he, the said Billy Wayne McIntosh, was a male person, while she, the said Peggy Jane Truitt, was a female person.

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

Handwritten signature and date: Edwin White Jr. 6-10

AIKEN COUNTY

PAUL D. GRANT
Sheriff

MEMBER OF NATIONAL SHERIFFS ASSOCIATION

C. H. HEMPHILL
CHIEF DEPUTY

P. O. BOX 462
AIKEN, SOUTH CAROLINA 29801
TELEPHONES: Office: 648-9581

Grant: Alright, this is an interview with Billy Wayne McIntosh, his brother is present, Sammie McIntosh, at 10:16 A.M. on April 5th, 1977. Billy, I'm going to read you your rights, I now warn you you have the right to remain silent and tell me absolutely nothing in the world about this matter being investigated, Do you understand?

McIntosh: Yes

Grant: I further warn you that anything you say about this matter to me, I can and will testify against you in court, now you understand this, that if you tell me anything that I'm going to tell it in court against you?

McIntosh: Yes

Grant: You are entitled to have a lawyer present with you and before I ask you any questions or at anytime during questioning, do you understand?

McIntosh: Yes

Grant: If you cannot afford to have a lawyer one will be appointed for you without any cost by the court to be present with you and me before any questions are asked or before you make any statement, do you understand this?

McIntosh: Yes

Grant: Do you understand each of these four rights that I've explained to you?

McIntosh: Yes

Grant: Having explained these rights under the law do you care to make a statement about this matter we are investigating now?

McIntosh: Yes

Grant: O.K. sign this right there. O.K. Billy Wayne start from the beginning and tell us everything about, this is in the investigation into the missing of Joyce Heilig from Augusta, Ga. Billy Wayne McIntosh suspect.

McIntosh: I was coming back from Augusta one Saturday morning, it was about 4:00 A.M. to 5:30 A.M. and I was passing a filling station on top of Schultz Hill and there was a woman pulling out of there on, in a Blue Lemans, red headed woman and she pulled up to the side of the parking lot to come back out on the highway, I snatched the door open on the car and jumped in, she started screaming and stuff and I pulled the gun on her and told her to sit up and drive like I said and she

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Murder

McIntosh: wouldn't get hurt, so she kept screaming and finally she quit screaming a little bit and she turned off to the right toward Aiken down Highway #1, she was going all over the road and stuff, screaming and hollering, I slapped her and she sat up and drove on about another 1/4 mile or so and she started going all over the road and everything and I made her stop and I started driving and I just kept on, while I was driving she kept mumbling something or doing something that got me real mad I told her, I didn't tell her nothing now, she just doing that there, I stopped the car and grabbed her by the hair of the head and pulled her out and went around and threw her in the trunk, this was down at the roadside park right across from Midland Valley Country Club, when I threw her in the trunk she kept on screaming and stuff so, I just pulled out the gun and shot her, I shot her once in the back of the head and once right around the forehead and one right in the center of the cheek, I closed the trunk and I got back in the car and drove off and come through Aiken on Highway #1 and I got on Highway #78 and went through Aiken back out toward Wire Road on the Bypass, I stopped somewhere on Road 49 and took all her clothes, earrings, and everything off of her and laid them inside the trunk and I just drove and got on I-20 somewhere between 8 to 9:30 A.M. that morning I turned off a road and went off of I-20 and went back up that road into the woods and threw her body out, went back to the car and I got in it and I drove off, I don't recall where all I went but I come back to Aiken later on that night, Saturday night and I parked the car and hid it back over in, somewhere over in the Millbrook area and went home, on Saturday night I went back and got the car and I drove it down to Cold Creek and I had done bought a gallon of gas and I poured the gas all over the car and set it on fire and I walked back home and that's all it was to it.

Grant: O.K., approximately how long ago was this?

McIntosh: I don't remember the date

Grant: A month, six weeks?

McIntosh: Something like that.

Grant: Do you remember what all you did to the vehicle after you carried it down there?

McIntosh: Well, I parked it at Cold Creek and I loosened all the lugs on the wheels, I was going to keep the tires and I loosened them all and I jacked the left back side up and I got the wheel off and started on the right side and the jack kept falling so, I just got mad and pulled the jack out from under the car and threw it out across the woods.

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Murder

Grant: Did you take anything else off the car?

McIntosh: No.

Grant: Did you tear anything off of it?

McIntosh: No, I didn't Yea, a C.B. antenna that was on the back, I broke that off and threw it across the woods, other than that I didn't touch nothing other than pouring gas on it, in the trunk and everything, those socks, I took her socks and filled them with sand and tied them in a knot and dipped one end of them in gas and lit them and threw them in the car to start the fire, I threw one in the front seat and one in the trunk.

Grant: What all did you put in the trunk of the car belonging to her?

McIntosh: I took all of her clothes, her earrings, her necklace, and a ring or something, she had some kind of a ring I think and I just threw all that in the trunk and I just left it in the trunk, really I just left it in the trunk because that's where I took her clothes off, in the trunk.

Grant: How about eye glasses?

McIntosh: They were left laying in the trunk to, I think, she might have lost them, they came off her head while I shot her because I don't remember pulling them off.

Grant: O.K, can you think of anything else?

McIntosh: No.

Grant: O.K. can you relate to us what happened to you last night, this being the 4th of April around 10:00 P.M.

McIntosh: I was laying in bed and all of a sudden I just, it just hit me all at once and then I realized what I had done and I called, I asked the turnkey to call ya'll and he did and ya'll come over and I told ya'll what I could remember right at that time and I asked you if I could take you where her body was and ya'll said yes, and I took you up there and showed you where the body was.

Grant: Chuck being the Detective with the City of Alken?

McIntosh: Yes.

Grant: Can you add anything else to your statement?

McIntosh: No.

Grant: O.K., you do make this statement of your own free will?

McIntosh: Yes

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Grant: Without promise of anything?

McIntosh: Yes

Grant: This ends the interview with Billy Wayne McIntosh at 10:24 A.M.
April 5th, 1977.

(8)

AGENCY ID.
SC

SUPPLEMENTAL REPORT

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ORIGINAL REPORT SUPPLEMENTAL REPORT

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ON FEB. 25, 1977 ONE JOYCE HEING WAS REPORTED MISSING TO THE RICHMOND CO. GA. SHERIFF'S DEP.

ON FEB. 27, 1977 THE CAR THAT JOYCE WAS DREIVING WAS FOUND BY THE AIKEN CO. SHERIFF'S THEY HAD RECIEVED A REPORT FROM ONE CARL RICHARDSON 2907 POREU DR, AIKEN, S.C. BILL MATLOCK INVESTIGATOR AIKEN CO., SLED AGENT PAUL GRANT AND RICHMOUD CO. INV. JAMES CADDEN AND TOM PERRY INVESTIGATED THE CAR.

THE CAR WAS LOCATED APPROXIMATELY 1/4 MILE FROM THE END OF PAVEMENT ON BANKS MILL RD. TRAVELING EAST ON BANKS MILL RD. DIRT SECTION, COLE CREEK AREA, A SMALL DIRT ROAD TO THE LEFT(NORTH OF BANKS MILL ROAD) APPROXIMATLEY 400 YARDS ALOND DIRT ROAD. THIS XEX VEHICAL WAS VISIBLE FROM BANKS MILL RD. EXR. APPROX. 200 YARDS IN THE WOODED AREA. THE CAR WAS OBSERVED TO BE A LATE MODEL VEHICAL COMPLETELY BURNED. THE PASSENGERS DOORE(RIGHT SIDE DOORB) WAS STILL IN TACT. THE PAINT COLOR ON THIS DOORE WAS A LIGHT BLUE, THE VIN # 2D37M5A115253, PONTIAC 1975 MODLE, GA. LICENSE INH 663. AIKEN CO. INVESTIGATORS WERE INFORMED THE CAS WAS BEING OPERATED BY ON JOYCE HEING OF AUGUSTA, GA. THEY WERE ALSO INFORMED THAT SHE HAD BEEN REPORTED MISSING ON FEB. 25, 1977 BY GARY MULLIS.

THE VEHICAL WAS BURNED, INTERIOR WAS DESTROYED, ENGINE BURNED, TRUNK BURNED. THREE WHEELS AND TIRES BURNED, LEFT REARWHEEL MISSING FROM VEHICKE,, C.B. ANTENNA MISSING FROM BRUNK. SPARE TIRE MISSING FROM TRUNK. SEVERAL ITEMK WERE FOUND IN THE TRUNK WHAT APPEARED TO BE A WOMANS PURSE, BURNED, CONTENTS POSSIBLY CHECKBOOK, POSSIBLE ADDRESS BOOK WIRE BOUND, PAIR OF SIZZORS, LIPSTICK, BOTTLE OF POSSIBLE EYE LINER, X A PAIR OF OCTAGON SHAPED WIRE RIMMED GLASSES AND AN UMBRELLA. ALL ITEMS BURNED. A SEARCH OF THE AREA REVEALED, A BUMPER JACK AND BAN PLATE TOE THE RIGHT OF THE VEHICAE , APPROX. TEN FEET AWAY. APPROX. 20 FEET FROM THE VEHICLE A PLASTIC MILK JUG CONTAINING THE ORDER OF GASOLINE. APPROX. 50 FEET TO THE RIHHT OF THE VEHICLE THE GASE SECTION OF A C.B. ANTENNA WAS LOCATED. ALL ITEMS PRESERVER AN EVIDENCE, AND PROCESSED BY SLED. PHOTO'S OF THE SCENE WERE TAKEN BY INVESTIGATOR GENE JOHNSON OF RICHMOND CO. AND TURNED OVER TO BILL MATLOCK OF AIKEN CO.

ON APRIL 4, 1977 DET. BYARS OF THE LEXINGTON SHERIFF'S DEP. AND WAS ADVISED BY AIKEN CO. THAT THEY HAD RECOVERED A BODY OFF HIGHWAY 204 NEAR I-20.

XXXXXXXXX
100-894

DET. BYARS ARRIZED AT THE SCENE AND BLONG WITH SLED AGENT PAUL GRANT AND AIKEN CO. INVESTIGATOR JACK FIELDS, BILL MATLOCK AND RICHMOND OO. GA. INVESTIGATORS JAMES CABDEN , TOM PERRY, ALSO LEXINGTON CO. CORONER HARRY HARMOND. LEXINGTON CO. ID OFFICER JOHN DAUTH. SEED ID OFFICER AND AIKEN CO. ID OFFICER WERE ALSO PRESENT . UPON ARRIVING TO THE LOCATION OF THE BODY THES

CASE STATUS: ACTIVE CLEARED BY ARREST OVER 18 UNDER 18 UNFOUNDED

REPORTING OFFICER: _____ NUMBER: _____ APPROVING OFFICER: *St. James* NUMBER: *169*

REPORT DATE: *04/17/77*

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000093

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SC

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OFFICER OBSERVED A BADLY DECOMPOSED BODY OF WHAT APPEARED TO BE A WHITE FEMALE. THE BODY HAD BEEN STRIPPED OF ALL CLOTHING AND WAS LYING ON THE GROUND. THERE HAD BEEN NO ATTEMPT TO COVER THE BODY. PICTURES WERE TAKEN BY ALL THREE DEPARTMENTS. THE AIKEN CO. SHERIFF'S DEP. HAD BEEN LED TO THE SCENE BY BILLY WAYNE McINTOSH AND HE ADVISED THEM THAT HE HAD KILLED THE GIRL ON ROAD 49 IN AIKEN CO. AFTER THE SCENE WAS PROCESSED THE BODY WAS REMOVED TO CAUGHMAN HARMOND FUNERAL HOME BY THE CORONER. AT THIS POINT THE AIKEN CO. CORONER TOOK CHARGE OF THE BODY AND HAD IT TAKEN TO THE MEDICAL UNIVERSITY OF CHARLESTON FOR AN AUTOPSY.

ON FEB. 5, 1977 DET. BYARS WAS ADVISED BY AIKEN CO. THAT THEY HAD REASON TO BELIEVE THE DEATH HAD OCCURED IN LEXINGTON CO. WHERE THE BODY WAS FOUND. DET. BYARS WAS SENT TO AIKEN CO TO TALK WITH THE SUSPECT. UPON ARRIVING IT WAS LEARNED THAT THERE WAS ANOTHER SUSPECT. ONE ALLEN EUGENE KNEECE. DET, BYARS RECIEVED A VERBAL ATATEMENT OF ALLEN AND HE STATED THAT HE AND BILLY HAD ABDUCTED THE VICTUM IN AUGUSTA, GA. AND HAD TAKEN HER TO LEXINGTON CO. AT WHICH POINT BILLY McINTOSH HAD TAKEN THE GIRL INTO THE WOODS AND AFTER A FEW MINUTES ALLEN HAD HEARD THREE SHOTS. A FEW MINUTES LATER BULLY RETURNED TO THE CAR WITH THE GIRLS CLOTHING. DURING ALLEN'S STATEMENT HE ALSO STATED THAT BILLY HAD STATED THAT HE HAD TO WAST KKN HER. BILLY SAID THIS WHILE RIDDING IN THE CAR ON I-20.

ALLEN STATED THAT THE NEXT DAY HE AND BILLY AND MIKE WILSON HAD THE CAR AND BURNED IT. BILLY McINTOSH WAS TOLD WHAT ALLEN HAD STATED AND HE SAID THAT IF HE KNEW THAT MUCH ABOUT WHAT HAPPEN IT MUST BE THE TRUTH. HOWEVER BILLY STILL BELIEVES THAT H KELLEED SOMEONE IN AIKEN CO. ON ROAD 49. EVENTHOUGH BILLY'S STORY DOES NOT GO ALONG WITH ALLEN IT IS IMPORTANT TO POINT OUT THAT BILLY KNEW WHERE THE BODY WAS AND ALSO KNEW THE NUMBER OF SHOTS FIRED AND WHERE THE VICTUM WAS SHOT(HEAD). BILLY ALSO KNEW THE CAL. OF WEAPON USED (22 pistol) THERE ARE ALSO SEVERAL THINGS THAT CHECK OUT WITH ALLEN'S STORY. FIRST: THE LOCATION IN AUGUSTA WHERE THE ABDUCTION TOOK PAACE IS WHERE THE VICTUM WOULD HAVE BEEN AT THAT TIME OF DAY. ALSO THE LOCATION OF THE BURNING OF THE Auto IS WHERE IT WAS FOUND. ALLEN WAS ALSO ABLE TO IMEXX DESCRIBE THE LOCATION WHERE THE BODY WAS FOUND.

ON FEB. 5, 1977 THE BODY WAS IDENTIFIED THROUGH DENTAL RECORDS FROM THE VICTUM'S PERSONAL DENTIS. THE AUTOPSY WAS ABLE TO CONFERM THAT THE VICTUM IN THE HEAD TWO TIMES AND POSSIBLY THREE TIMES WITH A 22 CAL WEAPON. ONE SLUG WAS RECOVERED.

DURING THIS INVESTIGATION BOTH SUSPECTS WERE IN THE AIKEN CO. JAIL ON OTHER CHARGES. AIKEN CO. WAS ABLE TO LOCATE A 22 CAL PISTOL THAT BILLY HAD SOLD, THIS GUN ALONG WITH THE SLUG TAKEN FROM THE VICTUM WAS TAKEN TO SLED HQ FOR COMPAIRSON.

ON FEB. 6, 1977 WARRANTS WRER DRAWN ON BILLY WAYNE McTOSH AND ALLEN EUGENE KNEECE FOR MURDER. THE NEXT DAY A WARRANT WAS DRAWN ON MICHAEL WILSON FOR ACCESSORY AFTER THE FACT:

CASE STATUS: ACTIVE CLEARED BY ARREST EX. CLEARED OVER 10 UNDER 10 UNFOUNDED REPORT DATE: 2.4.77

REPORTING OFFICER: _____ NUMBER: _____ APPROVING OFFICER: *[Signature]* NUMBER: 88

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AGENCY ID
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SUPPLEMENTAL REPORT

CASE NUMBER
77040504481

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After hearing this story Det. Jack Fields A.P.S.O., Bill Matlock A.C.S.O. and S.I.E.D. Agent Paul A. Grant. had suspect take them to the location of body. After finding the body they contacted Lexington Co. S.O. Det. Byars was sent to the scene. Det. Byars then called out Det. John Douth, Aiken Co. I.D. officer and S.I.E.D. photographer were called. Coroner Harry Hammond also arrived. Aiken Co. Coroner also came to Lexington and met with Harry Hammond.

The body was extremely decomposed and had been partly eaten by animals. After photos were taken body was taken to Charleston, S.C. Medical Univ.

The victim was reported missing from Augusta, Ga. so Det. James M. Cadden and Det Tom Perry of Augusta, Ga. P.D. also came to the scene.

The Aiken Sheriff's office thinks they will be able to pin point location of shooting because suspect stated he dropped empty cartridges where he shot her. Also Aiken Co. S.O. believes they have the weapons used.

At this point Aiken Co. S.O. is handling case. They sent their I.D. officer and one Det. to Charleston with body.

CASE STATUS: ACTIVE CLEARED BY ARREST

EX. CLEARED OVER 18 UNDER 18 UNFOUNDED

REPORT DATE
0.40.5777

REPORTING OFFICER
B. K. R. S. [Signature]

NUMBER
164

APPROVING OFFICER
DAVIS R.C. [Signature] SGT. [Signature]

COLLEEN OFFICE SUPPLY CO. 285288

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Opening Active

INCIDENT REPORT

AGENCY ID: **S CLED 0000** CASE NUMBER: **77-561** NCIC ENTRY:

INCIDENT TYPE: **Abduction - RAPE - Assault + Battery w/ Intent to Kill**
House breaking - 2, 5, 24, 35

INCIDENT LOCATION: **333 Berkeley Street Aiken S.C.**

INCIDENT DATE: **3-29-77** TIME: **9:10 PM** TO **3-29-77** TIME: **8:10 AM**

COMPLAINANT: **Peggy Tavitt**

VICTIM NAME: **SAME AS Comp**

SUSPECT NAME: **Billy Wayne McTosh + Eugene Kneese**

CHARGES: **SAME Incident Type**

ARREST: A B C

VEHICLE: STOLEN RECOVD SUSPECTS

WITNESS: NAMES: _____ ADDRESS: _____ PHONE NUMBER: _____

NARRATIVE: **Subjects abducted the victim from her residence and rode her around all day. They carried her out into the woods where McTosh beat her with his fist breaking her jaw in two places and other various bruises and lacerations. McTosh then raped the victim and told her he was going to kill her. Victim is in the hospital in Augusta Ga. The investigation is continuing.**

U.C.R.:

VEHICLES		CURRENCY	JEWELRY	FURS
STOLEN	RECOVERED			
CLOTHING		OFFICE EQUIP.	TV, RADIO, ETC.	FURNITURE
STOLEN	RECOVERED			
FIREARMS		CONSUMER GOODS	OTHER	TOTAL
STOLEN	RECOVERED			

REPORTING OFFICER: **A. Board** NUMBER: **189**

APPROVING OFFICER: _____

CASE STATUS: ACTIVE CLEARED BY ARREST EX. CLEARED OVER 18 UNDER 18 UNFOUNDED

REPORT DATE: **3-31-77**

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came into Aiken, on a four lane road and went into a shopping center. She stated that they rode around in the shopping center and stopped a subject in a NOVA, dark colored, operated by a white male with short hair. She stated that McIntosh stopped this vehicle in the parking lot. After talking with him he left the shopping center and made a right turn and went to another location. She stated that he took her to a place where she could see a lot of lights and he told her that those lights were in Georgia, and that all she had at that time was abduction and he was not taking her across the state line, because that would be kidnapping. She stated that they went to a trailer park and rode around it for a few minutes then came back to Aiken. She stated that after coming back to Aiken they ran out of gas and had to walk to a station. She stated that it was a Hess Station. She stated that he placed the gun on top of a brick fence post until they returned to the vehicle.

They took an interstate and started back to Columbia, S.C. She stated that while traveling back to Columbia they pulled into the rest area before you get to Columbia, S.C. She stated that they stopped and two trucks were parked in the area. He asked if she would like to see some dead bodies. She stated then that she did not. He pointed to an area in front of the vehicle and told her the bodies were on the hill. She told him that she did not want to see them. He then told her that he would take her there anyway. She told him that he might take her but she would not look. She stated that they left and went to Columbia, S.C. He took her to her Apartment Complex and then left the area again. She stated that he brought her to Aiken again, and took her to a location and told her his mother in law lived there. He also took her several other places. Then they returned to Columbia, S.C. He brought her to Aiken on a third trip and took her to a location and told her his mother lived near there, he got out of the car and left her.

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Cathy Sipes Interview by Matlock & Grant
March 5, 1977

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AIKEN COUNTY

PAUL D. GRANT

Sheriff

MEMBER OF NATIONAL SHERIFFS ASSOCIATION

P. O. BOX 462

AIKEN, SOUTH CAROLINA 29801

TELEPHONES: Office 644-9581

C. H. HEMPHILL
CHIEF DEPUTY

This is an interview with Eugene Allen Kneece at 10:37 A.M. April 6th 1977. Present are Mr. Gene Kneece, Investigator Bill Matlock, and myself (Paul A. Grant). This is a investigation into a Murder in Lexington County.

Grant: Mr. Kneece, I'm going to read you your rights. You have the right to remain silent, do you understand that?

Kneece: Yes

Grant: Anything you say will be used against you as evidence in court, do you understand this?

Kneece: Yes

Grant: You are entitled to talk to a lawyer now, and have him present at any time during questioning, do you understand this?

Kneece: Yes

Grant: If you cannot afford a lawyer one will be appointed for you without cost, do you understand this?

Kneece: Yes

Grant: If you decide to talk with us and if you wish to stop at anytime we will do so, do you understand this?

Kneece: Yes

Grant: Having been read your rights do you understand all your rights?

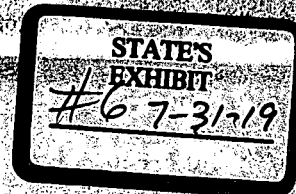
Kneece: Yes

Matlock: Do you agree to talk with us without having a lawyer present?

Kneece: Yes, it was about 7:00 me and Billy Wayne left Aiken

Matlock: State the whole name of the other subject involved.

Kneece: Billy Wayne McIntosh, myself and Billy Wayne McIntosh left Aiken and went to Tarzan Swings (Highway #1) and about 5:00 or 5:30 we left Tarzan's and went up Gordon Highway to Shoney's and turned around and come back towards Aiken, we saw this blue car and said that's the car, he (Billy Wayne McIntosh) said I'm going to get it and we turned



Kneece: off of Gordon Highway onto Walton Way and turned back on 5th Street and that's when he bumped it. She got out and come to the back of the car and Billy got out and walked to the front of his car and when she walked back to the door Billy walked back up to the door with her and that's when he pulled the gun and told her to get over and she did and Billy climbed in and he turned on the road. I don't even know the name of the road, went out and got on Gordon Highway and went to the lights and turned and came back towards Aiken and I was driving his mother's car and I followed him and we took his mother's car home and when I got out to go to the car where Billy was he ah, got out of the car and said the girl was pregnant, I told him to let the girl go and he said it didn't make any difference to him. Then we headed out 19 and got on I-20 and went to, I don't know the name of the road, got off there and went about a mile down the road and turned up a dirt road and then went up the dirt road and found this old road that run off the dirt road and it went up a hill and into a pine thicket, Billy and the girl got out and walked away down into the pine thicket and I couldn't see them from the car and they were down there for a while and then I heard three (3) shots and Billy came back to the car with the girls clothes and then when Billy got back to the car, he was upset and shaking and Billy said not to worry about it because she didn't suffer, I never did say anything else to Billy, we went to Columbia, S.C. and Billy took the C.B. out of the car and ~~maxxxxxxxx~~ sold it and got some gas and we went and got something to eat at McDonalds, then we pulled, after we left McDonalds we went to the store and there wasn't nothing there and we stopped beside this big green trash can and we got the clothes out of the back seat and put them in the trunk and we left there and we went down to the Mall in Columbia, S.C. and we rode around there and we left there and we went to, we just went riding through town and then about 5:30 or 6:00 we went back to the Mall and we were driving through there, about, between 8:00 and 9:30 he got in the car in a Volkswagen with another girl and they left and I waited on them about 12:00 and he never did come back, I drove that Pontiac back through Columbia and to Aiken and hid it behind Kennedy High School in the woods and then I went home, the next day Billy and Mike Wilson came over to the house and they said let's go get that car and burn it, so, I went with Billy and Mike, Billy got the car and went down on Banks Mill Road and we got on the dirt road and turned up in there and he said he was going to take the tires off the car and he got the right rear tire off of it and the jack kept falling and he couldn't get the rest of them off so, he threw gas all over the inside of the car and the trunk and he poured it all over the car, then he took the girls socks and he put sand in them and dipped them down in the gas and then he lit the socks and threw them in the car and we left and I went home and I don't know what they did.

Grant: O.K., how long ago was this, when it happened?

Kneece: A month ago.

Grant: When ya'll were at Tarzan's did ya'll discuss what you were going to do, before you did it?

Kneece: No.

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State Vs. McIntosh, Billy Wayne
Murder

Grant: Did you know anything about what was going to happen when you went out to the car?

Kneece: No.

Grant: Was there anything that would make you think it was planned on him taking that car and abducting that girl?

Kneece: The only thing that I can figure is when he said that's the car, he kinda startled me.

Matlock: Gene, while he (Billy Wayne) was driving his mothers car on Gordon Highway and he turned off on Walton Way onto 5th Street, Billy Wayne bumped the vehicle the girl was in, and she got out of the car, you said that Billy Wayne got out of the car and he walked up there where she was at and as she went back to the door he pulled the pistol and he got in the car right?

Kneece: Yes sir

Matlock: Did he tell you to drive his mothers car?

Kneece: No sir

Matlock: How did you know what he was going to do?

Kneece: I didn't, I just slid over behind the wheel

Matlock: He didn't tell you anything about, you follow me or I'll follow you or anything along this order

Kneece: No Sir

Matlock: You just ~~automatically~~ automatically slid over and followed him,

Kneece: Yes sir

Matlock: Have you ever done this with Billy Wayne before?

Kneece: No sir, yes, now I have.

Matlock: Before this happened?

Kneece: No

Matlock: Never before?

Kneece: No

Grant: Do you know where you sold the C.B. out of the car?

Kneece: At a truck stop in Columbia, S.C.

Grant: On I-26?

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State Vs. McIntosh, Billy Wayne
Murder

Kneece: Yes

Grant: Casey's Truck Stop?

Kneece: I don't know what the name of it was, it's off, it's coming off
of Columbia, it's off a big interstate

Grant: Did you sell it to an individual or the man that owned it?

Kneece: To a trucker

Grant: A trucker, how about describe the Pontiac to me, as best, as in detail
as you can describe it.

Kneece: It was a blue Lemans with white Keystone mags and it had wide tires
on it, I don't know what model it was, a 73 or 74, I'm not sure.

Matlock: While you were in the vehicle did the girl ever tell you her name

Kneece: Nosir, not me, she might have told Billy before I got in the car, she
never did say anything to me

Matlock: Did you ever know the girls names

Kneece: Yes sir, Billy told me ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ to go through
the girls pocket book and when I did I saw her drivers license

Matlock: And what was the name on the drivers license

Kneece: I don't, I forgot, the last name was

Matlock: Do you know how to spell it?

Kneece: I forgot

Matlock: How about Heinig?

Kneece: It might be, I'm not sure

Grant: How about the first name?

Kneece: I don't remember that either.

Grant: Describe her

Kneece: She had glasses, hair about the length, about as long as mine about down
to her shoulders, and

Matlock: Color of hair

Kneece: Blonde

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State vs. McIntosh, Billy Wayne
Murder

Matlock: Dark or Light

Kneece: Light blonde

Matlock: About how tall was she?

Kneece: 5'8", I guess, she was skinny, from what I seen, she had a furry white coat on, I couldn't see to her clothes

Grant: Describe the clothes she had on

Kneece: She had a white jacket and blue jeans that's all I saw.

Grant: Did we ask you any questions while the tape was off?

Kneece: No sir. Go ahead, like I said she had a white furry looking jacket and a pair of blue jeans, I don't remember what the rest of her clothes looked like.

Grant: Do you know what happened to the tire that you took off the car?

Kneece: No sir, it was there when I left the car.

Grant: How about credit cards, did you take a credit card out of her pocket book?

Kneece: No sir, I think they were still in her pocketbook.

Matlock: Was there anything that was taken from this car or from this girl that was killed?

Kneece: No, not that I know of

Matlock: Did she have any money?

Kneece: No sir

Grant: Alright, how about describe the gun that she was shot with.

Kneece: Chrome plated, 22 and it had pearl handles.

Grant: Do you know what name brand it was?

Kneece: No sir, I don't remember that

Matlock: Did you at anytime see Billy Wayne with another weapon besides the one that you just described?

Kneece: No sir

Matlock: Did you have a weapon?

Kneece: NO sir

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Murder

Matlock: You stated that Billy Wayne walked into the woods with the girl.

Kneece: Yes sir

Matlock: And you heard a number of shots, or what you thought to be shots?

Kneece: Yes sir

Matlock: Do you remember how many?

Kneece: Three (3) I believe

Matlock: What sequence, were they rapid firing or one here, and then a couple seconds and another one

Kneece: No, they were one, two, three.

Matlock: Normally, if what you would say if you were firing?

Kneece: As fast I could pull the handle back.

Grant: Did the girl do anything fighting while you were riding with her?

Kneece: No sir, she went to sleep when I got in the car, she was asleep when I got in the car.

Matlock: Did she ever give you any problems, did she scream, did she attempt to get out of the vehicle or did she attempt to fight either one of you?

Kneece: No sir

Grant: Did she fight with Billy Wayne when you were following them back to Aiken?

Kneece: No sir, I wasn't that close to them, I kept running about 60 M.P.H.

Matlock: Did Billy Wayne stop the vehicle anywhere between the time you picked her up and the time you arrived there.

Kneece: Yes sir, we came down the bypass all the way to behind the ~~bowling~~ bowling alley on Park Ave., Park Avenue Lanes Bowling alley, he pulled over and told me to take his car to his house and that's all.

Matlock: How many times did the vehicle stop from the time that Billy Wayne put the girl in there at gun point and the time you got to his mother's house. It stopped one time at Park Ave.

Kneece: Behind Park Avenue

Grant: You say she was asleep the whole time you were in the car

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Kneece: Well, when I got in she raised up and when we headed out 19 she went back to sleep.

Grant: Didn't it seem kind of strange to you that she was sleeping after she'd been kidnapped, she hadn't been shot had she?

Kneece: No, because she got up and walked.

Grant: You didn't see any blood on her?

Kneece: No sir, I didn't see blood nowhere.

Matlock: Was she in the front seat of the vehicle or the back seat when you got there?

Kneece: Front seat.

Matlock: When you got in the car she was between you and Billy?

Kneece: Yes sir.

Matlock: You got in the front seat also?

Kneece: Yes sir.

Matlock: Did you talk to the girl?

Kneece: No.

Matlock: Did you say anything at all to her?

Kneece: No.

Matlock: Did you know that Billy Wayne had taken her to the area in the pine thicket off the dirt road to kill her?

Kneece: When he got out of the car with the gun I figured he was going to shoot her or something, got up there and rape her or something.

Matlock: When Billy Wayne came back to the car did you ask him what he had done?

Kneece: No he just said he wasted her.

Matlock: He said he wasted her?

Kneece: Yes sir.

Matlock: Did you question him at anytime about what happened?

Kneece: No sir.

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State Vs. McIntosh, Billy Wayne
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Matlock: Did you question him at anytime about it, until this day you never talked to him about what happened?

Kneece: No sir

Matlock: Do you remember anything else about the situation that you haven't told us?

Kneece: No sir,

Grant: Let me ask you something, you brought the car from Columbia, on you, when he got the girl from the shopping center on Friday night you were suppose to meet him where in Columbia, anywhere?

Kneece: I just sat there, I pulled the car over the front of the parking lot and sat there and waited until 12:00 and he never did come back he never did say anything about weather I should meet him or not, so, I just waited there.

Grant: Then you came to Aiken

Kneece: Yes

Grant: Where dl you park the car?

Kneece: Behind Kennedy in the woods

Grant: This was what time Friday?

Kneece: About 1:30 when I got back to Aiken

Grant: It was doing about the time of the change from Friday night to Saturday morning, right?

Kneece: Yes sir

Grant: When did you get the car again?

Kneece: About 7:00 the next day,

Grant: The next morning or that evening?

Kneece: That evening.

Grant: Who went with you to get it?

Kneece: Me, Billy Wayne and Mike Wilson

Grant: you took the car where?

Kneece: To down Banks Mill Road

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State Vs. McIntosh, Billy Wayne
Murder

Grant: How far off, you know Down Banks Mill the pavement turns into dirt, you know, how far off the pavement and onto the dirt road where you?

Kneece: About a mile or two we turned

Grant: Which way did you turn?

Kneece: To the left

Grant: You went up how far?

Kneece: Not real far, about a block, we turned back to the right and we went about 100 yards and stopped, Billy Wayne got out and said that he was going to take the tires off the car and he got the jack out and he was jacking it up and he got one tire off the car and then the jack started falling and he couldn't get it to jack up.

Matlock: Was there a spare tire in the car?

Kneece: Yes

Matlock: Was the spare tire removed from the car?

Kneece: It was thrown out from the back of the car

Matlock: It was thrown out of the back of the car, O.K. there was another subject with you and Billy at the time you burned the automobile

Kneece: Yes

Matlock: Do you know his name?

Kneece: Mike Wilson

Matlock: Do you know where he lives at?

Kneece: Yes sir, On Highway #1 across from Crosland Park, he's about 5'11" about 140 lbs. I guess, he's got hair about to his shoulders and it's bushy and brown, between light and dark brown

Grant: Does he wear a hat?

Kneece: No sir

Grant: Did he use to wear a hat?

Kneece: He has worn one.

Grant: Does he have a big

Kneece: Not really, it's kinda big.

Matlock: What type of vehicle does Mr. Wilson operate?

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Kneece: A New Yorker.

Matlock: Chrysler New Yorker

Kneece: Yes sir

Matlock: what color is it?

Kneece: Beige, dark top on it I believe

Matlock: Do you know what year it is?

Kneece: I'm not sure I think it's a 71 or a 72.

Matlock: Is this the vehicle that he drove to the Cold Creek Area off of Banks Mill Road?

Kneece: Yes sir

Grant: Ya'll didn't take the tires and put them in his car when you left?

Kneece: No sir

Grant: What part did he play in burning the automobile?

Kneece: None really, he was trying to help get the tires off the car, but Billy Wayne's the one that threw gas on it and lit it.

Grant: Did Mike Wilson know what you were going to do with the car when ya'll went down there?

Kneece: I think so, I didn't tell him, when I got in the car with Billy Wayne he didn't tell him

Matlock: Billy Wayne and The Wilson boy came to get you to go get the car, Billy Wayne made the statement to you that he was going to take the car out and burn it, Was Bilson present?

Kneece: No sir, he was outside.

Grant: Tell us what you did to the car, did the car have a C.B. antenna on it?

Kneece: Yes

Grant: Tell me what you did.

Matlock: Describe to us, exactly what Billy Wayne McIntosh did to this Pontiac

Kneece: Well, ah, he took the antenna off the car and I believe he threw it in the trunk or in the woods, then he got the jack out of the trunk and started jacking it up and was going to take the wheels off of it, he got the right rear tire off the car and I believe he got it out from under the car, I'm not sure but, the jack started falling, the jack wouldn't stand up and everytime he'd jack it up it would fall back down.

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Murder

Matlock: o.k. now, when you say it was the right wheel, which do you consider the right wheel, the one on the passenger side or the one on the drivers side to the right side.

Kneece: Passenger, then he started that's when he got the gas out of the Pontiac and scattered it inside the car and in the trunk and then he poured some all up and down the car and then he got the socks out and dipped them in the gas and lit them and he put sand in them and he threw one in the trunk and one inside the car and ~~xxx~~ that's when we left.

Grant: When you left, the wheel off the car and the spare tire off the car were on the ground behind the car?

Kneece: Im not sure I know that one of the tires was behind the car, I don't know what happened to the other one, I don't know, I think, I believe they threw it in the trunk, Im not sure.

Matlock: You know they took the spare out and put it in the car.

Kneece: Yea

Grant: You're not real sure it was the right rear or the left rear that come off the car

Kneece: I forget which one it was

Grant: It was a rear tire that came off the car

Kneece: Yes, it was a rear tire that came off I know that for a fact.

Grant: Is there anything else about any of this that you can tell us.

Kneece: No sir, not that I haven't already told.

Matlock O.K. the information that you've given us, is the truth to your best knowledge?

Kneece: Yes sir

Matlock: We haven't promised you anything, or threatened you in anyway?

Kneece: No sir

Matlock: and you give us this statement of your own free will and accord?

Kneece: Yes sir

AIKEN COUNTY

PAUL D. GRANT

Sheriff

MEMBER OF NATIONAL SHERIFFS ASSOCIATION

C. H. HEMPHILL
CHIEF DEPUTY

P. O. BOX 462
AIKEN, SOUTH CAROLINA 29801
TELEPHONES: Office: 648-9581 Jail: 649-4481

Report of Investigator Bill Matlock
Criminal Investigation

Incident Type: Stolen Vehicle Recovery
Unlawful Burning
Missing Person

Incident Date: February 27, 1977

Incident Location: 1/4 miles from end of pavement on Banks Mill Road
Extension Wooded Area. (International Paper
Co. Land)

Weather: Rain

Complainant: Carl Richardson
2907 Poreu Drive
Aiken, South Carolina Phone 648-0869

Witnesses: Deputy Don Gray
Deputy Leon Hare
Investigator Bill Matlock
SLED Agent Paul Grant
Richmond County Investigator James Cadden
Richmond County Investigator Tom Perry

Investigation: On the above date and time Agent Grant and I went to the Six Points area and met with the above Richmond County Investigators and Deputy Hare and Deputy Gray. We were informed that a vehicle had been located in a wooded area, burned, that matched the description of a vehicle that Richmond County had received on a missing person's report on February 25, 1977. We then proceeded to the complainant's residence and he accompanied Agent Grant and me to a wooded area off Banks Mill Road, Aiken, S.C. The complainant stated that at approximately 09:00 Hrs. he arrived in the wooded area to go hunting and he observed the vehicle burned. He stated that he thought that it was an older model that had been discarded. He went closer to the vehicle and found it to be a late model. He returned home and called the Sheriff's Department. The Scene: Approximately 1/4 mile from end of pavement on Banks Mill Road traveling East on Banks Mill Road dirt section, Cole Creek area, a small dirt road to the left (North of Banks Mill Road) approximately 400 yards along dirt road. This vehicle was visible from Banks Mill Road Ext. approximately 200 Yards in the wooded area.

STATE'S
EXHIBIT

#7-7-31-19

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Page two

On approaching the scene we observed a late model vehicle completely burned. The passengers door (right side door) was still in tact. The paint color on this door was a light blue. The VIN 2D37M5A115253 Pontiac 1975 Model, Ga. License LNH 663. We were informed by Richmond County Investigators that the vehicle was being operated by one Joyce Elaine Heinig of Augusta, Ga. They also stated that this subject had been reported missing on Friday morning, February 25, 1977, by Gary Mullis to the Richmond County Sheriff's Department. Observation: The vehicle was burned, interior was destroyed, engine burned, trunk burned. Three wheels and tires burned. Left rear wheel missing from vehicle, C.B. radio antenna missing from trunk. Spare tire missing from trunk. We found in the trunk of the vehicle what appeared to be a womans purse, burned, contents possibly checkbook, possible address book wire bound, pair of sizzors, lipstick, bottle of possible eye liner, a pair of octagon shaped wire rimmed glasses and an umbrella. All items burned. A search of the area revealed, a bumper jack and ban plate to the right of the vehicle, approximately 10 feet. Approximately 20 feet from the vehicle a plastic milk jug containing the odor of gasoline was located. Approximately 50 feet to the right of the vehicle the base section of a CB antenna was located. All items preserved as evidence, and processed by SLED. Photo's of the scene were taken by Richmond County Investigator Gene Johnson and turned over to me.

At approximately 20:45 Hrs. on February 27, 1977 Agent Grant and I went to the Richmond County Sheriff's Department and met with investigators we talked with one Gary Mullis: He stated that Joyce Heinig had been keeping his vehicle for approximately six months. He also stated that they had planned to be married on Saturday, February 26, 1977, in Aiken. He stated that the last time he saw Joyce Heinig was on Thursday, February 23, 1977, at approximately 19:00 Hrs. when she took him home from her trailer. He stated that he talked with Joyce on the phone at approximately 21:00 Hrs. He stated that she was approximately one month pregnant and they had reset the date of the marriage. Mr. Mullis stated that he normally had Joyce take him home just before dark so she could be home at dark. He stated that she had told him of the pregnancy on Monday and they agreed to get married on the following Saturday.

Mr. Mullis informed us that Joyce worked for Thomspen Company as a sewing machine operator, and had no enemies that he knew of. He also stated that she had no other boy friends that he knew of. Mr. Mullis told us that he had a spare tire in the rear of his vehicle and two lug wrenches, one regular type and one four way. He also stated that the vehicle had four new tires with raised white letters and four keystone mag wheels on the vehicle.

Mr. Mullis informed us that the only person that may have a reason to hurt him or Joyce would be one Marvin Lively of Augusta, Ga. He stated that Marvin Lively was his Ex brother-in-law and that he (Mullis) was instrumental in breaking up the marriage between his sister and Lively. He stated that Lively had abused his sister and their three children and that he (Mullis) and Lively had altercation about the matter. He stated that Lively had threatened to get even with him.

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Page three

Mr. Mullis stated that Joyce was to pick him up at 06:00 Hrs. on Friday, February 25, 1977, and take him to work. Joyce had taken Friday, February 25, 1977 off from her job at Thompson Company so, that they could come to Aiken and obtain a marriage license. Mr. Mullis stated that he was awake and waiting for Joyce Helnig on Friday morning. He stated that he went outside and got the newspaper and read it until 06:15 Hrs. Joyce had not arrived at this time. He stated that he waited until approximately 06:30 and called his sister Cindy Joyner - who lives near Joyce and asked her to check and see if Joyce had left home. He stated that Cindy informed him that the vehicle was not in the drive of the trailer. He stated that he waited until 07:00 and Joyce had not arrived. He stated that he borrowed his grandmothers vehicle and drove the route that Joyce normally took to pick him up to see if she had problems with the vehicle. He stated that he went to Browns trailer park to the trailer Joyce lived in, she was not at the trailer. He stated that he went to the rear door of the trailer and took the bottom glass from the door and entered the trailer. He stated that the bed appeared to have been slept in and everything was in order. He stated that he checked the alarm clock and it was set for 05:15 Hrs. and the alarm was turned off. He stated that her watch was still on the night stand beside the bed. He also stated that there was no sign of a struggle inside the trailer.

Mr. Mullis was asked if he was sure that the baby Joyce was carrying belonged to him. He stated that it was.

Interview of Cindy Joyner: Brown's Trailer Park, Box 338 Old McDuffie Road, Augusta, Ga. 798-0401. Ms. Joyner stated that she last saw Joyce on Thursday night at approximately 9:30 P.M. when Joyce left her residence going home approximately 150 yards away. She stated that Joyce had told her that she was pregnant. She also informed us of Marvin Lively, (basically same information received from Mullis). She also informed us that she, Joyce and her sister Kathy Mullis, had been living together at Door Street in Belvedere, S.C. She stated that she knew of no one that had threatened or would hurt Joyce. She stated that Joyce appeared to be happy about the pregnancy and marriage. She stated that she went to the trailer with Gary Mullis. She stated that the bed was turned back as if some one had slept in it. She stated that the blouse that Joyce had been wearing the night before was found in the washing machine and a chicken had been taken out of the refrigerator, as she (Joyce) was to cook for her (Cindy) on Friday night. After talking with Cindy Joyner, we interviewed Mrs. Ann Helnig of Hepzibah, Ga. Phone 592-2063, who is the mother of Joyce Helnig. She could give no reason for the disappearance of her daughter. After talking with all subjects we informed them that the vehicle had been located in a wooded area burned, the mother became hysterical. Mr. Mullis showed no emotion. Cindy Joyner began shaking but made no comment. Mr. Mullis only statement was asking if he should notify his insurance company.

On March 1, 1977 Investigator Fields and I met with Richmond County Investigators Cadden, Johnson, Perry in Augusta, Ga. We interviewed several people at Thompson Company without obtaining any results. We

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contacted Mr. Mullis and advised him that a polygraph test would be administered at Johnson, Tank and Associates at 15:00 Hrs. If he would be willing to submit to the test. He stated that he would meet us at the location.

At 15:00 Hrs. March 1, 1977 we met Mr. Mullis at Johnson, Tank and Associates office on Green Street, Augusta, Ga. A polygraph test was administered to Mr. Mullis by James Johnson. After the test Mr. Johnson informed us that Mr. Mullis had lied on two occasions during the test. He stated that the test showed Mullis to have lied about telling the whole truth about the incident and that he lied about knowing the whereabouts of Joyce Heinig at the time of the test.

Investigation continuing.

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CLINICAL AND LABORATORY DATA

Case No: 04767

AUTOPSY NO: FA77-228

Joyce Heinig

REPORTED BY: _____

S. E. Conradi, M.D.

A 20 year old Caucasian woman was allegedly abducted on the South Carolina side of the Georgia border in Aiken County on the 25th of February, 1977 in the early morning hours. Her body was found in Lexington County, SC on the 4th of April, 1977 at about 11:50 P.M. A burning automobile had been discovered on the 25th of February in Aiken County about 45 miles from the location of the body. Within the trunk were a purse belonging to the deceased as well as personal effects.

STATE'S
EXHIBIT
#S 7-31-19

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04767

April 15

NECROPSY REPORT

Necropsy No. FA77-228

Name: Joyce Heinig

Age: 20

Sex: Female

Race: Caucasian

Hospital:

Hospital Number

Service Aiken County Coroner

Clinical Attending:

House Staff:

Admitted:

Died: 2/25/77

Autopsied: 4/5 Hours P.M.: 40 days
9:30 AM

Type of Autopsy: Complete CNS Omitted Limited

Prosector(s): S. E. Conradi, M.D.

Clinical Diagnoses:

Decomposed nude female body found in woods.

Provisional Necropsy Diagnoses:

1. Marked decomposition.
2. Gunshot wounds (2) of head with perforation into cranial cavity.
3. Probable congenital hypoplasia of right kidney.

FINAL NECROPSY DIAGNOSES:

1. Marked decomposition.
2. Gunshot wounds (2) of head with perforation into cranial cavity.
3. Probable congenital hypoplasia of right kidney.

PROBABLE MANNER OF DEATH: HOMICIDE

Probable Cause of Death: GUNSHOT WOUNDS (2) OF HEAD

MEDCO 162

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GROSS ANATOMICAL PROTOCOL

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Case No: 04767

Autopsy No. FA77-228-----

Report by -----

Joyce Heinig

S. E. Conradi, M.D.

EXTERNAL EXAMINATION:

The body is that of a markedly decomposed Caucasian woman measuring about 5'6" in length. On the head and submitted separately is long dark blonde hair. The face is mummified with hard yellowish-brown skin. The nose is shrunken and mummified. The lips are partially present on the right and destroyed on the left. The entire right side of the face is better preserved than the left. The skin of the upper and lower abdomen and back is largely in place with mummified fingers. Numerous defects within the skin of the left chest and right chest are noted and there are numerous holes within the skin of the posterior thorax. Pubic hair is in place. The genitalia are not present. The right lower extremities is present but there is destruction of the left lower extremity skin with only the bones intact. However, both feet are intact. Buttocks are not present.

INJURIES:

Two gunshot wounds are indentified. The wound identified as #1 is in the back of the head. The diameter of the external table of the skull wound is 0.28 inch. It shows internal beveling and fouling on its edge. The wound is 4.5 inches from the top of the head and 1.0 inch to the right of the midline.

A gunshot wound arbitrarily designated #2 is present within the left maxilla which shows a semi-circular scalloped area with border fouling. It measures 0.35 inch in diameter. The entrance wound is 7.3 inches from the top of the head and 1.8 inches to the left of the midline. Judging from fractures involving the olfactory plate, wound #2 appears to pass 30° to the right and upward 10° anterior to the coronal plane.

A separate defect possibly representing a third gunshot wound is present within the right orbital plate. The defect measures .3 inch in length and .25 inch in width and is squared off. It is 5.5 inches from the top of the head and 0.75 inch to the right of the midline. No wounds in the remaining portions of the body are identified.

INTERIOR OF THE BODY:

The usual Y shaped incision is made to reveal mummified skin of the thorax. The thoracic tissues are reflected from the underlying subcutaneous tissues. The muscles of the left chest, including the pectoralis muscles, are intact although pinkish in color. With

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GROSS ANATOMICAL PROTOCOL

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Case No: 04767

Autopsy No. FA77-228

Joyce Heinig

Report by -----

S. E. Conradi, M.D.

removal of the chest plate, shrunken lungs and heart are identified. The abdominal organs are largely autolyzed. A shrunken mass of liver is present. The bowel is not present but stomach, pancreas, and spleen are identified. Pelvic organs are not identified. Both kidneys are present.

REVIEW OF SYSTEMS:

CARDIOVASCULAR SYSTEM: The heart weighs 100 grams. It is shrunken and flabby. Examination of the external surface reveals no abnormality. The coronary arteries appear to be normal and the endocardial surfaces are smooth. The valves are normally formed. Sections through the myocardium reveal no abnormality. The aorta is the seat of scattered yellowish atherosclerotic streaking but no other abnormality. Both renal arteries are of approximately the same size. No abnormality of the large veins or their tributaries are identified.

NECK ORGANS: The neck organs are not identified.

RESPIRATORY SYSTEM: The right lung weighs 160 grams and the left lung weighs 150 grams. The lungs are shrunken. A small portion of trachea and bronchi are identified and these are lined by reddish mucosa. Sectioning through the rubbery lung tissue shows no obvious abnormality.

LIVER: The liver is markedly autolyzed and shrunken weighing 340 grams. Sections reveal bubbly soft reddish-brown tissue. No abnormalities are identified. The gallbladder is not identified.

PANCREAS: A remnant of pancreas is present in the usual location and shows the usual lobular architecture.

SPLEEN: The spleen weighs 60 grams. Its capsular surface is smooth and has a grayish-purple color. On sectioning the spleen is softened and dark purple in color. A gray trabecular background is not identified nor are follicles identified.

GENITOURINARY SYSTEM: The right kidney weighs 10 grams and the left weighs 75 grams. The capsules strip with ease. The right kidney is markedly small, however, the anatomic structure on sectioning is grossly normal. The cortices and medullae are purplish in color. A partial ureter is noted on the left but can not be followed further than 5 centimeters.

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GROSS ANATOMICAL PROTOCOL

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Case No: 04767

Autopsy No. FA77-228

Joyce Heinig

Report by _____

S. E. Conradi, M.D.

ADRENALS: A single right adrenal gland is identified and on section shows a bright yellow-orange cortex measuring less than 0.1 centimeter in thickness. The medulla is not identified.

HEAD: With removal of the calvaria, a bullet is retrieved from cheese-like brain tissue in the posterior fossa. The bullet is silver colored measuring 0.45 inch in length and 0.15 inch in width. It is markedly deformed and marked 228. It is delivered in person to the Aiken County Sheriffs Department (Officer Matlock).

With removal of the brain tissue and dura, defects which have been described within the right orbital plate, the olfactory plate and the posterior fossae to the right of the midline are present. There is internal beveling of the posterior fossa wound. No other wounds to the calvaria are identified. No other projectiles are identified.

SEC/pch

4/6/77

STATEMENT

FORENSIC PATHOLOGY CONSULTANTS
C/O Dept. of Pathology
MUSC, 80 Barre St.
Charleston, S.C. 29401

April 8, 19 77

Mr. J. L. Gregory

Aiken County Coroner

For Professional Services:

FA7 7-228	4/5/77	04767	Joyce Henig	\$125.00
			Dental autopsy	<u>35.00</u>
				\$ 160.00

PLEASE MAKE CHECK PAYABLE TO AND MAIL TO:
Forensic Pathology Consultants
Department of Pathology
MUSC, 80 Barre Street
Charleston, S.C. 29401

Attention: Ms. Mary Barrow

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April 18

Detective Byrne.

This is the letter
confirming Joyce
Hearns' identification.
Please call me
if I can be of any
further assistance.

Paul H. Hildner
792-3541

COLLEGE OF DENTAL MEDICINE
DEPARTMENT OF ORAL MEDICINE
(803) 792-2101 / 2103



Medical University of South Carolina
80 BARRE STREET / CHARLESTON, SOUTH CAROLINA 29401

April 8, 1977

Dr. Sandra Conradi
Medical Examiners Office
Medical University of South Carolina
Charleston, South Carolina

RE: Re #FA77-228

Dear Dr. Conradi:

A comparison of the post mortem x-rays and charting with the ante mortem dental chart reveals that the chart and x-rays are identical with the exception that the ante mortem chart does not show a facial filling on the lower right 1st molar.

This could just be an omission by the victims' dentist.

The ante mortem bite wing x-rays were taken in December of 1975 and of course do not show all the restorations done after December 1975 as revealed on the post mortem charting and x-rays. However, the restorations on the antemortem x-rays do coincide in shape and teeth filled as on the post mortem x-rays.

It is concluded that the victim had more dental work done after December, 1975. It is felt that these exceptions are not important and that the ante mortem charting and post mortem charting agree in at least 16 different points.

Therefore, it is concluded without any doubt that the ante mortem and post mortem dental records are one and the same person.

Sincerely,

Julian W. Habercam
Julian W. Habercam, D.D.S.
Dental Consultant

JWH/jpe

34

Missing Since February

Body Is Identified As Miss Heinig's

By JEANE HALL
Staff Reporter

36

A body found early yesterday in a wooded area in Lexington County has been positively identified as Joyce Marie Heinig of Augusta, who had been missing since Feb. 25.

A prisoner at the Aiken County Jail, Billy Wayne McIntosh, 19, 308 East Boundary St., Aiken, led law enforcement officials to the body, which lay unburied in an area off Highway No. 240, three miles off Interstate-20 in Lexington County.

While it was believed the body was that of Miss Heinig, this was not confirmed until dental records verified it late yesterday.

The death of the young woman, who was to be married the day after she disappeared, was caused by bullet wounds to the head, according to Investigator Bill Matlock of the Aiken County Sheriff's Department.

The death of Miss Heinig was thought at first to have occurred in Aiken County. However, it was learned late last night that it had taken place in Lexington County.

Any charges of murder will be brought by Lexington County authorities.

Aiken County, Lexington County and State Law Enforcement Division agents in South Carolina and Richmond County authorities in Georgia are all involved in the investigation.

It is believed Miss Heinig was abducted in Augusta while on her way to pick up her fiance, Garv C. Mullis, to take him to work.

They were to meet later and apply for a marriage license and be married the next day.

The victim was reported missing when she failed to pick up Mullis, something she had been doing each day for over a year. She drove Mullis' automobile home each day and returned the following morning to take him to work.

Mullis' car was found burned in a wooded area off Banks Mill Extension Road in Aiken County on Feb. 28. Nothing had been heard from Miss Heinig since that time.

McIntosh was being held in jail, charged with kidnapping, rape, assault and battery of a high and aggravated nature and housebreaking. These charges resulted from a young Aiken woman reporting to police that she had been abducted from her home on March 30 and taken to a wooded area near North Augusta where she was raped.

McIntosh and Eugene Kneece, 22, Rt. 3, Box 504, Aiken, were both arrested and charged in the incident within hours after it was reported to city police.

Kneece has been charged with kidnapping, housebreaking, and with being an accessory before and after the fact of rape and assault and battery of a high and aggravated nature.

Investigators say there is another suspect in Miss Heinig's death but declined to identify him.

Officials have declined to say if Miss Heinig was sexually molested or if the body was clothed when it was found.

Vol. 119, No. 58 - 18 Pages Aiken, South Carolina, Thursday, April 7, 1977 14¢ Per Single Copy Telephone: 848-2711

What's Going On

Federal Prosecutor Assassinated
WASHINGTON (AP) - A federal prosecutor was assassinated in a drive-by shooting in the Washington area on Wednesday.

Guerrillas Claim Capture
SECURITY forces have captured a guerrilla leader in the Philippines, according to a report from the Philippine government.

Aid Bill Language Too Strong
WASHINGTON (AP) - The House of Representatives passed a bill on Wednesday that would require the president to report to Congress on the progress of his foreign aid program.

U.S. To Keep Hands Off Elections
WASHINGTON (AP) - The State Department announced on Wednesday that the United States will not interfere in the elections of any foreign country.

Rhodes 'Shocked' Over Print Shop
WASHINGTON (AP) - President Ronald Reagan's press secretary, James Brady, said on Wednesday that the president was "shocked" by a report that a print shop in the White House had been used to produce a document that was critical of the president.

Have You Heard?
Aiken County is currently seeking applications for the position of County Administrator. The position is a full-time position and requires a minimum of a Bachelor's degree in Business Administration.

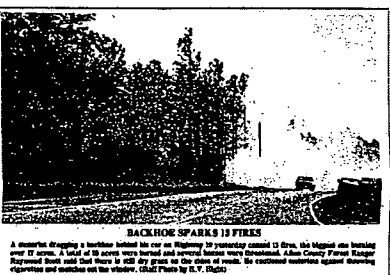
Inside Today
Ernie Star Resigns as Pastor
See Page 12

Red Cross CPR May Make A Difference Between Life, Death
See Page 5

For Kneece, McIntosh
Murder Charges Added
Aiken County Jail, Lbr. 6-18-75
C/O HONOLULU, S.C.
Aiken, S.C. 29807

Aiken Standard

Carter Policy May Endanger Future Of Barnwell Plant



BACKLOG SPARKS FIRES
A fire at the Barnwell nuclear power plant on Wednesday caused a backlog of spent nuclear fuel rods to be moved to a temporary storage area.

Decision May Be Coming Soon

The future of the Aiken County Public Schools (ACPS) facility near Barnwell may be in jeopardy if President Carter signs legislation that would require the federal government to fund the construction of a new school building.

School Board Members Say Houston Trip Helpful

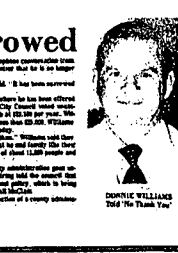
Improving the public's understanding of the operation of the school system was one of the main objectives of the trip to Houston, Texas, by members of the Aiken County Board of Education.

Cool Weather Predicted For Tonight

Shower will be followed by a clear, cool night with a low of 60 degrees and a high of 70 degrees.

Williams Told 'No' Administrator List Has Narrowed

Aiken County is currently seeking applications for the position of County Administrator. The position is a full-time position and requires a minimum of a Bachelor's degree in Business Administration.



DONNELL WILLIAMS Told 'No' Thanks You

37

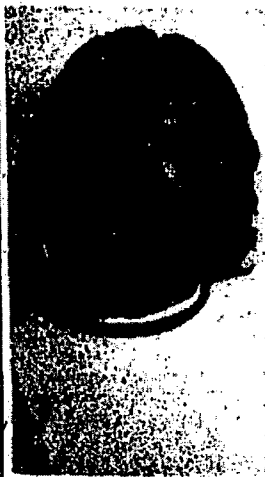
STATE'S EXHIBIT #10 7-31-19

AIKEN COUNTY PUBL. LHR. 6-19-75
435 NEWBERRY, S.W.
AIKEN, S. C. 29801

For Kneece, McIntosh

Murder Charges Added

By JEANE HALL
Staff Reporter



McINTOSH
In Custody

Murder charges have now been lodged against two Aiken County men in connection with the death of a 19-year-old Augusta woman.

Allen Eugene Kneece, 22, Rt. 3, Box 504, and Billy Wayne McIntosh, 19, 308 East Boundary St., both of Aiken, were formally charged by the Lexington County Sheriff's Department yesterday.

"We've charged both of the men with murder," Lexington County Sheriff James Metts said this morning. "We are still investigating to see if charges will be brought against a third person."

The third person, who has not been identified, may also face charges in Aiken County in connection with the burning of the car being driven by Miss Joyce Marie Heinig on the day

she disappeared, Feb. 25.

Miss Heinig was on her way to pick up her fiance and take him to work when she disappeared. Nothing further was heard from her until her body was found Tuesday. The burned car was found in Aiken two days after she was last seen.

"It is my understanding that McIntosh staged a fake automobile accident by bumping into her with his car bumper," Sheriff Metts said. "When she got out of her car, he forced her at gunpoint to get back into her car and they drove off."

Metts said it was Kneece who then drove the other car off. The victim was driven to a wooded area off Interstate-20 in Lexington County where she was shot. Her unclothed body was found after law enforcement officials were led to the spot by McIntosh.

McIntosh, already in the Aiken County Jail on charges of

(See COUNTY MEN, Page 18)



KNEECE
More Charges

...County Men Face Murder Charges

(Continued From Page 1)

rape and kidnapping in connection with an attack on an Aiken woman last week, asked to see a city detective, C.L. Edwards, on Monday night. Following this, McIntosh told Edwards and Investigator Bill Mattlock, who is with the Aiken County Sheriff's Department, where the body could be found.

An autopsy at the Medical University of South Carolina in Charleston verified the identification of Miss Heinig through dental work.

Miss Heinig's fiance, Gary C. Mullis of Augusta, had reported the victim missing. This touched off a missing per-

son's report plus a land and air search of the area where the burned car was found in Aiken County.

Mullis said in an interview with the Aiken Standard this week that if Miss Heinig were alive she would have contacted him or her parents. Her body was found a few hours after the interview.

Aiken County law enforcement officers, Richmond County law enforcement officers, along with agents from the State Law Enforcement Division (SLED), had spent many hours on the investigation prior to and following the discovery of the body, according to Virgil R. Wilkins, chief of staff services at the Aiken County Sheriff's Department.

Gets 2 Consecutive Life Terms

McIntosh Sentenced In Heinig Murder

By JOHN SHARKEY
LITTLETON-624 Wayne McIntosh, 34, of Aiken, was sentenced to two consecutive life terms after being convicted by the Aiken County Grand Jury...

McIntosh's body was at the scene of the 1974 shooting and the... The Aiken Standard with the usual publicity...

McIntosh also had Mr. Evans, and another defendant... The Aiken Standard with the usual publicity...

White of Aiken, later learned that McIntosh's car in a wooded area in Aiken County... The Aiken Standard with the usual publicity...

What's Going On

Welfare Reform Hearings Set

WASHINGTON (AP) - The House Social Security Committee... The hearings will focus on...

Secrecy Rules May Be Changed

WASHINGTON (AP) - President Carter is proposing rules... The President's proposal...

Deck Talks To Get Serious

NEW YORK (AP) - Republican Sen. Judd Gregg... The deck will be serious...

Mrs. Scott Asks Court To Overturn Conviction

COLUMBIA - Attorney for Mrs. William T. Scott... The conviction is overturned...

Inside Today

Summary of today's news items: The Shamrock, Aiken's First, Full Freezer, etc.

Aiken Standard

Lance Says Attack Unfair; Raps Innuendo And Hearsay



He Doesn't Intend To Quit

By W. DALE HELLER
Sen. James L. Lance... He doesn't intend to quit...

Board Approves Budget

By JOHN SHARKEY
Board of Health... Approves budget...

Cecil's To Build County \$1,452,000 Nursing Home

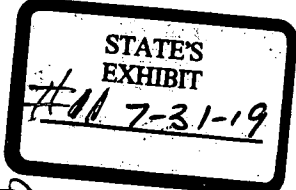
By W. DALE HELLER
Planning committee... Cecil's to build nursing home...

Republicans To Vie In Council Primary

By W. DALE HELLER
This year's primary... Republicans to vie in council primary...

Republicans To Vie In Council Primary

Portraits of candidates for council primary: Bill C. Walker, Daniel F. Walker, Raymond B. Walker, Clarence Walker, William Walker.



Handwritten number 39 in a circle.

Page 24 - Aiken Standard, Aiken, S.C., Wednesday, September 14, 1977



Busbee (right), center and John Crowner talk during administrator breakfast this morning. (Staff Photo by Henry G.)

Public Safety Department More Efficient: Busbee

BY FRED WRIGHT
Staff Writer
The Aiken Public Safety Department is providing better police and fire protection and saving the money, according to Lt. Col. Carl Busbee, director of the department. Busbee said the Aiken's Public Safety Department is more efficient than other departments in the area. He said the department has been able to reduce the number of officers and firefighters by 10 percent. He said the department has been able to reduce the number of officers and firefighters by 10 percent. He said the department has been able to reduce the number of officers and firefighters by 10 percent.

New Ellenton Extends Fire Limits

NEW ELLENTON - The new Ellenton fire station will extend the fire limits of the town to the north and south. The new station will be located on the north side of the town. The new station will be located on the north side of the town. The new station will be located on the north side of the town.

Big Discount's
Two Big Events

1. Therefore we are introducing our "Miss Mickey Sportsweaver FALL LINE" in our Aiken and Greenville stores. Please note that these items are available in the store until 9 p.m. Monday through Friday.
2. Therefore we are introducing our "Miss Mickey Sportsweaver FALL LINE" in our Aiken and Greenville stores. Please note that these items are available in the store until 9 p.m. Monday through Friday.

\$1.99	Shorts or Tank Tops
\$11.99	Stylish Low Slit-Denim Slacks
\$12.99	Put-on & Tie Slacks, short-sleeved & sleeveless blouses, short-sleeved blouses, short-sleeved blouses, short-sleeved blouses.
\$2.99	Blouses, short-sleeved & sleeveless blouses, short-sleeved blouses, short-sleeved blouses.
\$4.00	JumpSuits, Bodysuits, T-shirts, Full, Open, (Long)
\$4.49	Men's Socks
\$3.00	Plain Front Panties
\$4.00	Process Front Panties

Miss Mickey **BIG DISCOUNT** **MISS MICKEY SPORTSWEAR OUTLET**
Hampden Ave. at Old Market Aiken (1-800-395-1234)
Spartan & Charleston St. Aiken (1-800-395-1234)

... Cecil's To Build Nursing Home

CHESAPEAK PRIDE 144
The group, established for the purpose of building a nursing home in the area, is now in the planning stages. The group is now in the planning stages. The group is now in the planning stages. The group is now in the planning stages.

McIntosh Sentenced

CHESAPEAK PRIDE 144
The court sentenced the defendant to a term of imprisonment. The court sentenced the defendant to a term of imprisonment. The court sentenced the defendant to a term of imprisonment. The court sentenced the defendant to a term of imprisonment.

Community Calendar

9:00 AM - 10:00 AM - Aiken Chamber of Commerce Luncheon

10:00 AM - 11:00 AM - Aiken Chamber of Commerce Luncheon

11:00 AM - 12:00 PM - Aiken Chamber of Commerce Luncheon

12:00 PM - 1:00 PM - Aiken Chamber of Commerce Luncheon

1:00 PM - 2:00 PM - Aiken Chamber of Commerce Luncheon

2:00 PM - 3:00 PM - Aiken Chamber of Commerce Luncheon

3:00 PM - 4:00 PM - Aiken Chamber of Commerce Luncheon

4:00 PM - 5:00 PM - Aiken Chamber of Commerce Luncheon

5:00 PM - 6:00 PM - Aiken Chamber of Commerce Luncheon

6:00 PM - 7:00 PM - Aiken Chamber of Commerce Luncheon

7:00 PM - 8:00 PM - Aiken Chamber of Commerce Luncheon

8:00 PM - 9:00 PM - Aiken Chamber of Commerce Luncheon

9:00 PM - 10:00 PM - Aiken Chamber of Commerce Luncheon

10:00 PM - 11:00 PM - Aiken Chamber of Commerce Luncheon

11:00 PM - 12:00 AM - Aiken Chamber of Commerce Luncheon

Belk

Hanes Alive & Beautiful Sale

September 9-17

support pantyhose \$100 off

support stockings 70¢ off

Free Gift Book by Elton Ford head of famous model agency with each Alive purchase

SHOP FRIDAY 10 A.M. TO 9 P.M./OTHER DAYS 10 A.M. TO 6 P.M.

USE YOUR CONVENIENT CHARGE CARD

admission: infant \$1.00 • youth \$2.00 • adult \$3.00

40

Aiken Standard - September 14, 1977

Gets 2 Consecutive Life Terms

McIntosh Sentenced In Heinig Murder

By JOHN SHARKEY
Staff Reporter

LEXINGTON-Billy Wayne McIntosh, 19, of Aiken, was sentenced to two consecutive life terms after being convicted in Lexington County General Sessions Court yesterday for the murder of a young Augusta woman.

After deliberating for about 45 minutes, the six-man, six woman jury convicted McIntosh of the Feb. 25 kidnaping and shooting death of Joyce Marie Heinig, a 20-year-old Augusta woman.

McIntosh stood between his two attorneys as Circuit Judge Rodney Peebles sentenced him, saying, "I'm not too sure you don't deserve the same sentence as Miss Heinig." The death

sentence could not be imposed because South Carolina did not have capital punishment when the murder occurred.

The Aiken teenager took the stand yesterday, the second day of the trial, and testified that he and co-defendant Eugene Kneece had been bar-hopping in the Aiken area during the late hours of Feb. 24 and the morning of Feb. 25. McIntosh said he had been drinking heavily, smoking pot and had also taken pain pills before passing out.

He said he did not remember leaving Aiken on the morning of Feb. 25, but woke up in a wooded area off Interstate-20 in Lexington County. He said before he passed out he was in another car with Kneece driving, but when he woke up he was in a car later identified as Miss Heinig's.

McIntosh said Kneece forced him at gunpoint to carry Miss

Heinig's body out of the trunk of the 1974 LeMans and dispose of it. He never accused Kneece of the murder, but he said he repeatedly asked Kneece what had happened and got no response from him.

His voice cracking, McIntosh told Lexington County Public Defender H. Patterson McWhirter how he helped Kneece with the body and how he pleaded with him to tell him how she was killed.

Kneece, 22, pleaded guilty to accessory after the fact of kidnaping and murder on Monday. He will be sentenced Thursday and the maximum penalty for each charge is 10 years. He testified against McIntosh yesterday, implicating him in the murder.

McIntosh also said he, Kneece, and another defendant, Mike

Wilson of Aiken, later burned Miss Heinig's car in a wooded area in Aiken County. He said he did it because he knew his fingerprints were on parts of the car.

Wilson had been out drinking with Kneece and McIntosh the night of Feb. 24, but went home before the pair picked up Miss Heinig. He is charged with accessory after the fact of kidnaping and murder.

Miss Heinig's burned car was found in Aiken County on Feb. 27. On the evening of April 4, McIntosh led Aiken County Sheriff's Department investigators to her body. He was in Aiken County Jail on an unrelated charge at the time and he testified yesterday that he confessed to the murder because

(See MCINTOSH, Page 18A)

14

... McIntosh Sentenced

(Continued From Page 1A)

he wanted authorities to find the body even if it meant implicating himself.

McIntosh said yesterday that after he and Kneece left the body in Lexington County they drove to Columbia where they eventually split up at the Dutch Square Shopping Mall parking lot.

He said he wanted to get away from Kneece at first but then began looking for him. He said he saw Ms. Cathy Sipes, 29, an intake officer with the S. C. Department of Youth Services, and she offered to drive him back to Aiken. He said he had met Ms. Sipes on a few occasions when he was a juvenile inmate.

Ms. Sipes had testified earlier that McIntosh forced her to make two round trips to Aiken before releasing her on the third trip. She said he was looking for someone he was supposed to meet. Ms. Sipes also said she did not swear out a warrant against the Aiken youth because she was not harmed and did not want to go through court proceedings.

According to Kneece, McIntosh bumped into the rear of Miss Heinig's auto and when she got out of her car, he forced her back into it and drove it to McIntosh's mother's house. After following McIntosh to his mother's house, Kneece said he, McIntosh and Miss Heinig drove to Lexington County to a wooded area off of Interstate 20.

He said McIntosh and the young woman were gone for about a half-hour before he heard three gunshots. Kneece said McIntosh returned carrying Miss Heinig's clothing and said, "she didn't suffer."

McIntosh Convicted Of Murder

Billy Wayne McIntosh, 39, was convicted Tuesday in Lexington County General Sessions Court of kidnaping and murdering Augusta, Ga., resident Joyce Marie Heining, a 20-year-old bride-to-be.

Circuit Judge Rodney Peoples sentenced McIntosh, an Aiken County native, to two concurrent life sentences and said afterward, "I'm not too sure you don't deserve the same sentence as my co-defendant."

McIntosh was convicted of the Feb. 23 murder and could not receive the death penalty because South Carolina did not have capital punishment at the time of the crime.

The six-man, six-woman jury deliberated less than an hour after hearing two days of testimony including that of McIntosh who said he was passed out drunk on liquor, marijuana and pain pills when Miss Heining was kidnaped near the Georgia-South Carolina line and shot to death in a wooded area of Lexington County.

McIntosh, a slender teen with collar-length brown hair, implicated a co-defendant, Eugene Kneece, in the murder, but he did not actually accuse him.

Kneece, 22, pleaded guilty to accessory after the fact of kidnaping and murder and testified against McIntosh Tuesday. He will be sentenced Thursday.

Kneece's version of the murder differed on a number of points from the confession McIntosh made to investigators April 5 and recanted during the trial which began Monday afternoon.

The prosecutors, U.S. Circuit Solicitor Donald V. Myers and Assistant Solicitor Gam Littlejohn, pegged their case heavily on the testimony of Kneece and Capt. Gary Sipes, another of McIntosh's abductees. Sipes, an officer with the S.C. Department of Youth Services, was abducted from the Dutch Square shopping center parking lot on the evening of Feb. 23.

Kneece said he and McIntosh had spent the night of Feb. 22 and the early morning of Feb. 23 drinking in an Aiken bar. They left the bar around 5 a.m. and drove around until McIntosh saw a blue Pontiac LeMans and said, "That's the car," Kneece said.

He said McIntosh deliberately bumped into the rear of the LeMans and when Miss Heining got out to check the accident, McIntosh forced her to get out of the car and then drove.

Kneece said he followed the two in McIntosh's vehicle to McIntosh's mother's house where they left the vehicle and both continued to travel in Miss Heining's car.

They proceeded to Lexington County and then pulled off the interstate into

See MCINTOSH 22, Col. 11

entenced Killing

robbery. Harry Taylor, 38, made a deal in 1972 with then Columbia Detective Capt. Harry Sipes and then Solicitor John Foard, McIntosh said. In return for turning state's evidence against Porterfield, Taylor would get a seven-year sentence, the minimum sentence for armed robbery.

Taylor helped police find the pistol used in the robbery and gave other evidence against Porterfield. He told police the money taken was used to buy six or seven bags of heroin.

Taylor will be sentenced soon to his seven-year jail prison.

McIntosh said he didn't want to wait a week or two until we find out where Porterfield will be serving his sentence. McIntosh said he didn't want those two together in the same cell or in the same prison or we might lose one of them.

45

McIntosh

(Continued From 1-B)

a wooded area where McIntosh forced Miss Heining out of the car and disappeared with her for approximately a half an hour, Kneece said.

While he was waiting, he said he heard three gunshot blasts in rapid succession before McIntosh, carrying Miss Heining's clothing, returned to the car.

Kneece said McIntosh told him she didn't suffer.

They then drove to Columbia and sold the CB radio in Miss Heining's car for \$25, purchased gas and food and rode around most of the day, ending up in the Dutch Square parking lot later that evening.

Kneece said he and McIntosh talked for a while until McIntosh spotted a woman entering a tan Volkswagen. He approached her, forced her into the passenger side and drove off. Kneece said he followed the two until he lost McIntosh.

The woman later identified as Capt. Sipes, an attractive 29-year-old, testified Tuesday she spent a bizarre night with McIntosh who made two round trips from Columbia and Aiken, then a third trip to Aiken where he released her to drive home.

Capt. Sipes said McIntosh asked her twice during the evening if she wanted to see some dead bodies and warned her not to become hysterical.

He said he had abducted women before and that they go hysterical and he had to make them be quiet. I made up my mind I was not going to cry or do anything to get upset, Capt. Sipes testified.

At one point McIntosh offered to take her to her apartment and leave with her car, but he only drove by the apartment entrance and asked her how she felt being able to see where she lived and not be able to go there, she said.

McIntosh did not deny drinking with Capt. Sipes, but claimed she offered him a ride after Kneece left him in the shopping center lot.

McIntosh said he knew

Capt. Sipes from his tenure at the S.C. Department of Youth Services where he served time as a juvenile for assault.

McIntosh's version of the story was that after he, Kneece and a third co-defendant, Mike Wilson, who has not been tried, left the Aiken bar, they took Wilson home and Kneece then drove McIntosh's car.

McIntosh said he had been drinking wine and smoking marijuana before he took four pain pills and washed them down with rum.

He said he passed out and remembers nothing until he woke up in a different car in a wooded area of Lexington County, he said. Kneece dragged Miss Heining's body from the trunk of the car, then forced him at gunpoint to help carry the body further into the woods.

His voice cracking with emotion, McIntosh said he wanted to take Miss Heining to a hospital but Kneece refused.

He said when he questioned Kneece about what happened, Kneece would only say, "It's better that you don't know."

McIntosh said he eventually confessed because he wanted the police to know where the body was even if he had to take the blame for murder.

Prosecutors introduced a letter into evidence in which McIntosh wrote to Kneece asking him to change his story to say the murder occurred in Aiken County rather than in Lexington. McIntosh claimed Kneece threatened him and forced him to write the letter.

He also said he had taken 14 50-milligram Librium, a tranquilizer, after he showed investigators where to find the body and was still under the influence of the drug when he gave a tape-recorded confession the next day.

He said Kneece forced him and Wilson to burn Miss Heining's car the day after the murder to destroy fingerprints. Wilson is charged with accessory after the fact to kidnapping and murder.



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Missing Since February

Body Is Identified As Miss Heinig's

By JEANE HALL
Staff Reporter

A body found early yesterday in a wooded area in Lexington County has been positively identified as Joyce Marie Heinig of Augusta, who had been missing since Feb. 25.

A prisoner at the Aiken County Jail, Billy Wayne McIntosh, 19, 308 East Boundary St., Aiken, led law enforcement officials to the body, which lay unburied in an area off Highway No. 240, three miles off Interstate-20 in Lexington County.

While it was believed the body was that of Miss Heinig, this was not confirmed until dental records verified it late yesterday.

The death of the young woman, who was to be married the day after she disappeared, was caused by bullet wounds to the head, according to Investigator Bill Matlock of the Aiken County Sheriff's Department.

The death of Miss Heinig was thought at first to have occurred in Aiken County. However, it was learned late last night that it had taken place in Lexington County.

Any charges of murder will be brought by Lexington County authorities.

Aiken County, Lexington County and State Law Enforcement Division agents in South Carolina and Richmond County authorities in Georgia are all involved in the investigation.

It is believed Miss Heinig was abducted in Augusta while on her way to pick up her fiance, Garv C. Mullis, to take him to work.

They were to meet later and apply for a marriage license and be married the next day.

The victim was reported missing when she failed to pick up Mullis, something she had been doing each day for over a year. She drove Mullis' automobile home each day and returned the following morning to take him to work.

Mullis' car was found burned in a wooded area off Banks Mill Extension Road in Aiken County on Feb. 28. Nothing had been heard from Miss Heinig since that time.

McIntosh was being held in jail, charged with kidnapping, rape, assault and battery of a high and aggravated nature and housebreaking. These charges resulted from a young Aiken woman reporting to police that she had been abducted from her home on March 30 and taken to a wooded area near North Augusta where she was raped.

McIntosh and Eugene Kneece, 22, Rt. 3, Box 504, Aiken, were both arrested and charged in the incident within hours after it was reported to city police.

Kneece has been charged with kidnapping, housebreaking, and with being an accessory before and after the fact of rape and assault and battery of a high and aggravated nature.

Investigators say there is another suspect in Miss Heinig's death but declined to identify him.

Officials have declined to say if Miss Heinig was sexually molested or if the body was clothed when it was found.

(F)

(F)

EXHIBIT
State's
#14 7-31-19
FENGAD 800-631-6888

Two Aiken men charged with Heinig's murder

AUGUSTA, Ga. (AP)—"She was to pick me up on Friday and take me to work. She didn't have to work that day, and we were coming to Aiken to get a marriage license," said Gary C. Mullis of Augusta on the disappearance of Joyce Marie Heinig Feb. 25.

Miss Heinig, also of Augusta, never arrived at the Byrd Oil Co. in Augusta where Mullis worked. The burned automobile she was driving was found three days later in a wooded area of Aiken County, S.C.

Tuesday, a body was found in

a wooded area of Lexington County, S.C., and law enforcement officers confirmed that it was Miss Heinig.

The 19-year-old woman had been shot in the head.

Lexington County Sheriff James Metts announced Wednesday that two Aiken men—Allen Eugene Kneece, 22, and Billy McIntosh, 19—had been charged with her murder.

Metts said investigators learned that McIntosh had picked up Miss Heinig and had driven her to the area of Lexington County where her body was found.

"He staged a fake accident by bumping into her with his bumper. When she got out, he forced her at gunpoint back into her car and drove off," Metts said.

Authorities said McIntosh had given investigators information on where the body could be found. He and Kneece were being held in the Aiken County jail on unrelated charges at the time Miss Heinig's body was found. Metts said another person may be charged in the crime later.

Mullis, 26, who had been dating Miss Heinig for a year and a half, said before it was revealed that Miss Heinig's body had been found that he had searched for her and had reported her missing.

"The authorities tried to convince me that she had just gotten wedding jitters," he said. "But I know better."

He said she had gone shopping the night before she disappeared and purchased a nightgown and some other items for the wedding.

"If she were planning to run away from the wedding she wouldn't have bought the gown," he said.

"I hope she's found alive. I still want to marry her," he had said.



Our Little Miss winners

Winners in the Greenwood Regional Our Little Miss Pageant Saturday evening in the Greenwood High School auditorium were, left to right: Kristi Herin, 6, daughter of Mr. and Mrs. Ronnie Herin of Greenwood, Greenwood Regional Miss La. Patta, Greenwood Regional Our Little

48

48

EXHIBIT
SLATE'S
#15 7-31-19
PENGAD 800-631-6368

Edwards: McIntosh Called To Confess To Murder

LEXINGTON — An Aiken youth charged in the shooting death of an Augusta woman confessed to the murder and kidnaping in April, according to testimony given by an Aiken City Police Department detective.

Det. Chuck Edwards of the Aiken City Police Department testified that Billy Wayne McIntosh, 19, told him on April 4 that he abducted and killed Joyce M. Heinig, 20, of Augusta.

Miss Heinig was reported missing on Feb. 25. Her body was found on April 5 in an area off Highway 240, three miles off Interstate 20 in Lexington County. She died from a gunshot wound to the head.

Lexington County authorities charged McIntosh with murder and kidnaping. Before his trial began in Lexington County General Sessions Court yesterday, his co-defendant, Allen Kneece, 22, of Route 3 Box 504, Aiken, pleaded guilty to kid-

naping and accessory after the fact of murder. Circuit Judge Rodney Peoples postponed sentencing.

McIntosh was in the Aiken County Jail in early April on unrelated charges when he led authorities to Miss Heinig's body.

Edwards said he was on vacation when McIntosh called him at home from the jail and asked Edwards to meet with him.

The detective also testified that when he and State Law Enforcement Division (SLED) Agent Paul A. Grant Jr. met with McIntosh, the Aiken teen-ager confessed to the killing.

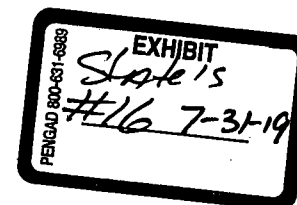
Edwards said McIntosh then described how he abducted the young Augusta woman and later shot her three times.

He said McIntosh confessed to abandoning Miss Heinig's body in Lexington County and driving her car back to Aiken County where he burned it.

The trial was to continue today.

(b7)

(b7)



McIntosh Sentenced In An Assault Case

By JOHN SHARKEY
Staff Reporter

An 18-year-old Alken man was sentenced to 10 years in prison after he pleaded guilty to assault and battery of a high and aggravated nature yesterday, in the last day of a four-day term of General Sessions Court.

Billy Wayne McIntosh received the maximum 10-year sentence from Third Circuit Judge Dan F. Lansy Jr. McIntosh originally requested a trial, but soon after a jury was selected, he entered the guilty plea.

The charge stemmed from the beating of a 24-year-old Alken woman in March. The woman received a broken jaw and other injuries as a result of the beating.

McIntosh is also charged with murder in Lexington County in connection with the shooting death of Joyce M. Heilig, 20, of Augusta.

Other sentences given by Judge Lansy for guilty pleas entered Thursday included

Frank Tucker, 27, five years for housebreaking, concurrent with a three-year sentence he is now serving; Larry Bonnette, 33, 15 years for breaking into a motor vehicle and grand larceny, concurrent with a four-year term he is now serving; Laverne Geter, 23, six months or \$300 for shoplifting; William D. Hamlet, 26, 18 months, suspended upon service of three months and three years probation for resisting arrest, and three months for shoplifting, concurrent sentence.

Also, Bernie Oliphant, 23, 10 years, suspended upon service of five years with five years probation for accessory after the fact of armed robbery; Richard B. Stewart, 23, six months or \$500 for each of two charges of possession of unlawful drugs, consecutive term. Stewart was also sentenced to six months for possession of marijuana, suspended on service of 18 months probation.

The next term of General Sessions Court is scheduled to begin Sept. 12.

STATE'S EXHIBIT
#17 7-31-19

BWM
12-10-20

... McIntosh Sentenced

(Continued From Page 1A)

he wanted authorities to find the body even if it meant implicating himself.

McIntosh said yesterday that after he and Kneece left the body in Lexington County they drove to Columbia where they eventually split up at the Dutch Square Shopping Mall parking lot.

He said he wanted to get away from Kneece at first but then began looking for him. He said he saw Ms. Cathy Sipes, 29, an intake officer with the S. C. Department of Youth Services, and she offered to drive him back to Aiken. He said he had met Ms. Sipes on a few occasions when he was a juvenile inmate.

Ms. Sipes had testified earlier that McIntosh forced her to make two round trips to Aiken before releasing her on the third trip. She said he was looking for someone he was supposed to meet. Ms. Sipes also said she did not swear out a warrant against the Aiken youth because she was not harmed and did not want to go through court proceedings.

52 According to Kneece, McIntosh bumped into the rear of Miss Heinig's auto and when she got out of her car, he forced her back into it and drove it to McIntosh's mother's house. After following McIntosh to his mother's house, Kneece said he, McIntosh and Miss Heinig drove to Lexington County to a wooded area off of Interstate 20.

He said McIntosh and the young woman were gone for about a half-hour before he heard three gunshots. Kneece said McIntosh returned carrying Miss Heinig's clothing and said, "she didn't suffer."

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Community Calendar

BOSS OWNER'S WELFARE PROGRAM TO BE HELD
The Boss Owners' Welfare Program (BOWP) is the first of its kind in the South. It is a program that gives the boss owner a chance to share in the success of the business. The program is being held on Wednesday, Sept. 14, at 7:30 p.m. at the Palmetto Club. The program will be held in the ballroom of the Palmetto Club. The program will be held in the ballroom of the Palmetto Club. The program will be held in the ballroom of the Palmetto Club.

WELLS RUBY AND PRAYER SERVICES AT ST. PETER'S
Wells Ruby and Prayer Services will be held at St. Peter's Episcopal Church on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

CONVULSIVE DISORDER CASES RECORDED
The Convulsive Disorder Cases recorded in the Palmetto Club on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

PRAYER MEETING AT WOODS CHURCH
Prayer Meeting at Woods Church will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

STAN FOSTER BROADCASTS (LIVE BROADCAST)
Stan Foster Broadcasts (Live Broadcast) will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

JOHN W. MEETS TONIGHT
John W. Meets Tonight will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

BEHAVIOR CORRECTIVE TO BE HELD
Behavior Corrective to be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

GIRL GROUP MEETS TONIGHT
Girl Group Meets Tonight will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

LETTERS WRITTEN TO MEET FRIDAY
Letters Written to Meet Friday will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

WOMEN'S BIBLE SOCIETY MEETS FRIDAY
Women's Bible Society Meets Friday will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

CELEBRATE TO MEET
Celebrate to Meet will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

COMMITTEE FOR RESEARCHERS TO MEET
Committee for Researchers to Meet will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.

HOW TO BE A COMMUNITY LEADER
How to be a Community Leader will be held on Wednesday, Sept. 14, at 7:30 a.m. The service will be held in the sanctuary of the church. The service will be held in the sanctuary of the church.



Peterson honored by Board of Rectors

Conference on terrorism set for big corporations

Corporate leaders are being urged to meet for a conference on terrorism. The conference is being held in the Palmetto Club on Wednesday, Sept. 14, at 7:30 a.m. The conference will be held in the ballroom of the Palmetto Club. The conference will be held in the ballroom of the Palmetto Club.

Cher indicted for making bogus distress report

Cher has been indicted for making a bogus distress report. The indictment was returned by the grand jury on Wednesday, Sept. 14, at 7:30 a.m. The indictment was returned by the grand jury on Wednesday, Sept. 14, at 7:30 a.m.

WANT STRAIGHT ANSWERS ABOUT HOUSE BUYING. SEE YOUR REAL ESTATE AGENT.
WANT FACTS ABOUT HOUSE FINANCING. SEE US - THE SPECIALISTS.

"BEEF AND PORK SALE"
B.C. BROTHERHOODS BROTHERHOODS
Prices Good Sept. 14th-20th
BEEF SIDES \$1.49
BEEF QUARTERS \$1.79
PORK QUARTERS \$1.50
TWO CUP HOME BEEF SIDES \$1.64

EXTRA SAVINGS SPECIALS
Extra Pesto Curry \$7.95
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FAMILY DOLLAR DYNAMIC DOLLAR 5 DAYS

PAPER TOWELS 3 for \$1

SHOWER TO SHOWER 2 for \$1

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COOKIES 4 for \$1

RUG YARN 3 for \$1

HOUSEHOLD GADGETS 2 for \$1

NOW, KRAFT MAKES IT! THE WAY YOU LIKE IT!



TANGY OR MILD. AND WE'LL PAY YOU 10¢ TO TRY IT!

Save 10¢ WHEN YOU BUY ANY ONE KRAFT PIMENTO SPREAD OR TANGY SPREAD.

EXHIBIT
State's
#20 7-31-19

54

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Body found in wooded area in Lexington

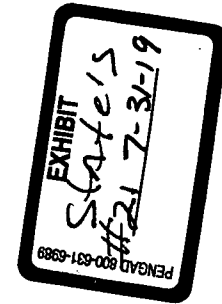
COLUMBIA (AP)—A badly decomposed body found in a wooded area of Lexington County was identified Tuesday night as 20-year-old Joyce Ann Heinig of Augusta, who disappeared on the day before she was to be married.

A spokesman for the Aiken County Sheriff's Department said an autopsy at the Medical University of South Carolina in Charleston confirmed the identity of the woman.

Miss Heinig was to have picked up her fiance, Gary G. Mullis, 26, of Augusta, on Feb. 25, but she reportedly never arrived. Mullis' car, a 1975 Pontiac Lemans, was found burned two days later in the Cold Creek area of Aiken County. Miss Heinig had been driving it when she disappeared.

The spokesman said Billy Wayne McIntosh, 18, who was held in the Aiken County jail in connection with another incident, gave investigators information which led to the discovery of the body in the woods off S.C. 204 and I-20.

Miss Heinig had been shot in the head and stripped of all clothing and jewelry.



Page 2 Aiken Standard, Aiken, S.C., Friday, September 16, 1977

Deaths And Funerals

Mr. Kim (S. Furr)
 LAMLEY, Mrs. Ruth (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home. Burial will be at 11 a.m. Monday at the funeral home.

Mr. Daniel (S. Furr)
 LAMLEY, Mr. Daniel (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home.

Mr. James (S. Furr)
 LAMLEY, Mr. James (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home.

Mr. John (S. Furr)
 LAMLEY, Mr. John (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home.

Mr. Robert (S. Furr)
 LAMLEY, Mr. Robert (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home.

Mr. William (S. Furr)
 LAMLEY, Mr. William (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home.

Mr. Charles (S. Furr)
 LAMLEY, Mr. Charles (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home.

Mr. Thomas (S. Furr)
 LAMLEY, Mr. Thomas (widow of S. Furr), 41 Cherry St., died Thursday at her home. Burial will be at 11 a.m. Monday at the funeral home. Services will be at 11 a.m. Monday at the funeral home.



The baby's arrival in one of three being raised at the Society for Prevention of Cruelty to Animals (SPCA) by the care of the animal's staff. Photo by Jerry S. ...

Federal Judge Won't Accept Guilty Plea
 A federal judge has refused to accept a South Carolina judge's guilty plea to charges of perjury and failure to disclose assets and income.



State Wants Tickets From Aiken, N. Ellenton

COLUMBIA (AP)—State officials are seeking tickets from Aiken and North Ellenton for a highway improvement project. The tickets are for a highway improvement project in the area of Aiken and North Ellenton.

Philly Diner
 Easy Washed Moccasins
 \$7.90
 Call to know your size.

For The Record
 A collection of short news items and announcements, including local business news and community events.

MONETTA DRIVE-IN Theatre
 GRAND THEFT AUTO
 Color-Rated
 Adults Only Mon. & Tues. Nites

Busbee Says Aiken's Tickets Are Coming

Aiken Public Safety Director, J. Charles Busbee, said that the tickets for the highway improvement project are being processed.

Community Calendar

DATE	TIME	EVENT
TODAY	10 a.m.	... Bert Lance
MONDAY	7 p.m.	... Local Bankers
TUESDAY	7 p.m.	... Going to Hilton Head?

... Bert Lance

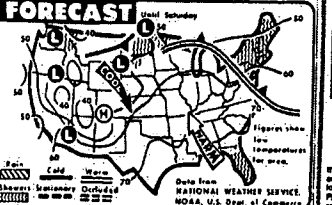
Members who said the book ... Bert Lance ...

Kneecap Given 18-Year Sentence

Dixie State ... Kneecap ...

... Local Bankers

There's an individual ... Local Bankers ...



NATIONWIDE WEATHER FORECAST
 Warm weather is predicted today for the eastern half of the country, except for the Northeast. Cool weather is expected for the remainder of the nation.

Empire of the Ants
 SHOWS FRI., SAT. & SUN. AT 7:30-7:45
 SHOWS MON. THRU THURS AT 7:30 PM

GOING TO HILTON HEAD?
 WHY NOT RENT MY SEA CABIN CONDOMINIUM?
 RENTAL RATES:
 MARCH 18 - NOVEMBER 1
 4 Days/3 Nights \$100
 7 Days/6 Nights \$195

LATE FLICK
 PETER FONDA Fighting MAD

EXHIBIT State's #22 7-31-19

56

Inside Today



Missing Finances

Mullis: It's A Mystery To Me

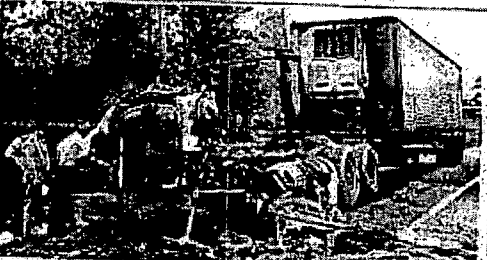
Article text regarding Mullis's financial situation, mentioning a mystery and a search for answers.



Aiken Standard

Publication details: Aiken, South Carolina, Tuesday, April 5, 1977. Price: 10¢.

Tip Leads Police To Body; May Be That Of Miss Heinig



Tip Aids Discovery

Article text describing the discovery of a body and the role of a tip in the investigation.

Lightning, Hail Force Plane Down

Article text reporting on a plane crash caused by severe weather, including lightning and hail.

Psychiatrists, PTA's, Churches Upset Over Television Violence

Article text discussing public concern and outrage over violence shown on television.

When's Going On

Soda Wars U.S. Area Aid

Article text about soda wars and aid in the U.S. area.

Bill Collects Deeper Power

Article text regarding a bill that collects deeper power.

Customs Expected To Sign Bill

Article text about customs and the expected signing of a bill.

Congress Must Vote On Pay Rises

Article text discussing congressional pay raises and the need for a vote.

County Workers May Hit Area

Article text about potential strikes by county workers in the area.

Have You Heard?

Small text block with the heading 'Have You Heard?' containing various notices or advertisements.

EXHIBIT State's #23 7-31-19 PENGAD 800-681-6888

Handwritten circled number '5' in the right margin.

Missing Fiancee

Mullis: It's A Mystery To Me

(EDITOR'S NOTE: Gary Mullis was interviewed yesterday at his home in Augusta, Ga., prior to a body being found in Lexington County that could be that of Miss Joyce Marie Heinig.)

By JEANE HALL
Staff Reporter

AUGUSTA — "It's a mystery to me!"

So said Augusta's Gary C. Mullis in discussing his missing fiancee, Miss Joyce Marie Heinig.

Miss Heinig, also of Augusta, has been missing since Feb. 25, the day before her intended wedding to Mullis. On Feb. 26, a hunter found the automobile being used by Miss Heinig in a wooded area off Banks Mill Road in Aiken County. The automobile was burned, and there was no sign of the driver.

"You know, her glasses frames, her shoes and a part of her coat were found in the trunk of the car," Mullis said. "But no sign of her."

While not saying outright that he thinks his fiancee is dead, Mullis said that if she were alive she would contact him or her parents.

Miss Heinig, whose 20th birthday will be next month, and Mullis, 26, had been dating for 1½ years. They attended Augusta Tech together.

Mullis said that for over a year, Miss Heinig has been keeping his car at night and picking him up for work the next day. He works at the Byrd Oil Company in Augusta, and she was employed at the Thomson Company in Martinez.

"She was supposed to pick me up on Friday and take me to work," Mullis said. "She didn't have to work that day, and we were coming to Aiken to get a marriage license."

Mullis said they had planned to come back to the Aiken County Courthouse on Saturday, pick up the license and get married.

"We were coming over to Aiken early Saturday because I think they close at the courthouse at noon," he said.

The Aiken County Courthouse is closed on Saturday. A spokesman at the courthouse said pre-arrangements for a wedding on Saturday can be made.

Mullis said that when Miss Heinig failed to pick him up that Friday, he called his sister, Cindy Joyner, who lives near the trailer once occupied by Miss Heinig, and asked her to see if the car was still there. It was not, according to Mullis.



GARY MULLIS
Fiancee Missing

(See DISAPPEARANCE, Page 2)

(25)

...Disappearance

(Continued From Page 1)

"I got my grandmother's car and drove to Martinez to see if for some reason she had gone on to work," he said. "The car was not there either."

Mullis said he then drove the route Miss Heinig would have taken on her way to his house.

"I thought maybe she had car trouble," he said. "I didn't find her, so I went on to work."

Mullis said he left work at 10 a.m. and reported Miss Heinig missing.

"The authorities tried to convince me that she had just gotten 'wedding jitters,'" Mullis said. "But, I know better."

Mullis said Miss Heinig had gone to a local shopping center the night before and had purchased a nightgown plus some other items for the wedding.

"If she were planning to run away from the wedding she wouldn't have bought the gown," Mullis said.

Mullis also said if Miss Heinig planned to leave she would have taken some of her clothing.

"We went to her trailer, and all of her clothes were there," he said. "Her contact lens and other pairs of glasses were in the trailer."

Mullis said the engagement ring he had given Miss Heinig was not in the trailer but the companion wedding ring was.

Mullis, who said he had moved his clothing into the trailer in preparation to living there after the wedding, said nothing was missing.

"An awning in front of the trailer was broken on one side and a bottle of her make-up was lying in a tire track in front of the trailer," he said.

Mullis expressed the belief that more than one person had taken Miss Heinig away from the trailer as she came out the door to get in the car.

"She was about five feet seven inches tall and weighed about 120 pounds," he said. "But she was strong. It would have taken more than one person to make her go with them."

Mullis also pointed out what he believes to be another reason that more than one person is involved in the disappearance of Miss Heinig.

"Someone had to drive my car to the area it was found, and someone had to drive another car to pick up the person driving mine," he said.

Mullis said two of the tires, the spare and another, were missing from the car.

Mullis said authorities have suspected he has something to do with Miss Heinig's disappearance.

"They gave me two polygraph tests, and I flunked both of them," he said.

Mullis said he was nervous and upset at the time.

"I took the test voluntarily," he said. "but I won't take any more."

Mullis said he had witnesses who could testify to his whereabouts during the hours Miss Heinig must have first become missing.

"I last saw her on Thursday evening," he said. "Then, she visited my sister after that until about 9 p.m."

Mullis said as far as he knows, his sister was the last person to see Miss Heinig before she disappeared.

"She always blew the car horn when she passed my sister's in the morning on her way to pick me up," Mullis said. "That Friday, she didn't blow."

All of Mullis' and Miss Heinig's belongings have been moved from the trailer. The burned automobile has been sold for scrap, and the insurance company has paid for the car loss.

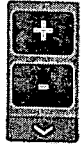
But Miss Heinig is still missing. No trace of her has turned up since she saw Mullis' sister on Thursday.

Authorities still have a missing person's report out on Miss Heinig, and the burning of the automobile is still under investigation.

"I hope she's found alive," Mullis said. "I still want to marry her."

55

Tip Leads Police To Body; May Be That Of Miss Heinig



Tip Aids Discovery

By JEANE HALL
Staff Reporter

A partially decomposed body was found in a wooded area in Lexington County early today which could possibly be that of an Augusta woman who has been missing since Feb. 25.

Joyce Marie Heinig of Augusta has been missing since her boyfriend's car was found burned in an area off Banks Mill Road Extension.

No trace of her had been uncovered until this body was found today.

(29)

Following information received by the investigators with the Aiken County Sheriff's Department, members of the department, agents with the State Law Enforcement Division (SLED) and officers from the Aiken Public Safety Department went to the area and found the body.

The body was found off of Highway No. 240, three miles off Interstate-20, according to investigator Jack Fields.

Fields said the body was taken to the Medical University of South Carolina at Charleston for identification and to find the cause of death.

Fields said it has not been officially determined whether the body was a male or female. Results of the autopsy are expected today or tomorrow.

Officials declined to discuss the body in connection with any specific unsolved case but speculation is that the body could be that of the missing Augusta woman who lived in a mobile home park on Old McDuffie Road

An automobile belonging to Miss Heinig's fiance, Gary C. Mullis, also of Augusta, and being driven by Miss Heinig, was found burned in a wooded area off Banks Mill Road on Feb. 28. While some of Miss Heinig's clothing was found in the car, no body or evidence of one was discovered in the area.

Miss Heinig has been the object of a missing person's search since that time.

She and Mullis were to have been married the day following her disappearance.

Asked if they have a suspect, officials declined to answer.

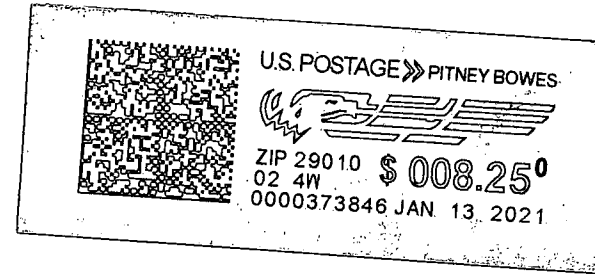
"We can do nothing until this body is identified," Fields said.

Fields would not speculate on whether it could be the body of Miss Heinig. He said the department was hoping for an identification soon.

A land and air search of the area where the burned car was found was made for several days following the discovery of the car to no avail.

(19)

Billy McIntosh - 87743
FA-1110
990 Wisacky Hwy.
Bishopville, SC 29010



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