

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

JANE KATHERINE HUGHES,

APPELLANT

APPELLATE CASE NO 2018-000659

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT # 94 (CD-911 Call)**

1 THE COURT: Anything else?

2 MS. TAYLOR: I'll double-check at lunch, Your Honor.

3 THE COURT: And if y'all will be back in here --

4 Yes.

5 MR. JOHNSON: Judge, shall we go into whether or not
6 our clients are going to testify?

7 THE COURT: Do y'all want to do that now, or do y'all
8 want to do it at the conclusion?

9 MR. JOHNSON: We can do it now.

10 THE COURT: All right. And I'll just kind of -- I'll
11 give you both the same little spiel. And then I'll talk
12 to you independently.

13 Ms. Jane Hughes, if you could stand up at this point
14 and, also, Jacob Hughes. Both of you raise your right
15 hand.

16 WHEREUPON,

17 JANE KATHERINE HUGHES,

18 JACOB CODY HUGHES,

19 after first having been duly sworn, testified as follows:

20 THE COURT: All right. Now, we've come to the stage
21 of the trial where the State has -- y'all can sit down, if
22 you need to.

23 We've come to the stage of the trial where the State
24 has put up all their evidence. And it's now your decision
25 to determine whether you want to testify or not. Okay.

1 And I'm going to address both Jane Hughes and Jacob
2 Hughes. And I'll ask you to respond independently.

3 Now, as you know, both of you have the absolute right
4 to testify on your behalf. You, also, have the right
5 under the Fifth Amendment not to testify. And that's your
6 absolute right as well. And that is -- well, first of
7 all, let me ask you this. Are either one of you under the
8 influence of any alcohol, drugs, or medication?

9 DEFENDANT JANE HUGHES: No, sir.

10 THE COURT: And Jacob Hughes?

11 DEFENDANT JACOB HUGHES: No, sir.

12 THE COURT: Do you have any health or mental issues
13 which would keep you from understanding what's going on
14 here today, Jane Hughes?

15 DEFENDANT JANE HUGHES: No, sir.

16 THE COURT: And Jacob Hughes?

17 DEFENDANT JACOB HUGHES: No, sir.

18 THE COURT: All right. Again, you have a Fifth
19 Amendment right that says you cannot be forced to testify,
20 that you have a right to remain silent. That means nobody
21 can make you testify. If you decide that you do not want
22 to testify, then I will instruct the jury that that's not
23 to be considered by them in any way. It's not even to be
24 discussed by them during their deliberations. Because you
25 have the right to remain silent at every stage of the

1 proceedings.

2 And the burden is still on the State to prove you
3 guilty beyond a reasonable doubt.

4 And as I, also, said, you, also, have a right to
5 testify. There are benefits sometimes from testifying.
6 There's benefits from not testifying, which I'm sure
7 you've discussed with your attorneys. One is as to the --
8 as I'm sure they've discussed, final arguments is one
9 benefit. Sometimes, it's important.

10 If you do testify, then you would be subject to all
11 the cross-examination -- the same cross-examination as any
12 other witness. In other words, if there's prior
13 statements, you could be cross-examined on them.

14 Is there any criminal record which relates to either
15 of these that would be brought in?

16 MR. MOYER: No. There wouldn't be anything.

17 THE COURT: So there wouldn't be any criminal record
18 that would come in. But statements would be fair game and
19 anything else that -- as any other witness.

20 Now, before you make your decision, I want to make
21 sure that you've had sufficient time to think about this,
22 whether you want to testify, whether you've discussed it
23 with your attorneys, or whether you need to discuss it
24 with anybody else.

25 So I need to, first, make sure, have you had

1 sufficient time to discuss and make a decision whether you
2 want to testify, Ms. Jane Hughes?

3 DEFENDANT JANE HUGHES: I don't think I have yet,
4 Your Honor.

5 THE COURT: I'm sorry?

6 DEFENDANT JANE HUGHES: I don't think I have yet.
7 I'd like to discuss it --

8 THE COURT: Okay. You want to discuss that further
9 with your attorney?

10 DEFENDANT JANE HUGHES: Yes, sir.

11 THE COURT: Do you want to do that over lunch?

12 DEFENDANT JANE HUGHES: If that's okay.

13 THE COURT: Okay. And, Mr. Jacob Hughes, have you
14 had sufficient time to talk with your attorney and decide
15 whether you want to testify or not?

16 DEFENDANT JACOB HUGHES: No, sir, I have not.

17 THE COURT: All right. So y'all want to discuss that
18 over lunch?

19 DEFENDANT JACOB HUGHES: Yes, sir.

20 THE COURT: So we'll come back after lunch and, I'll,
21 again -- ultimately, I'll ask you because it's your
22 decision. You need to get advice from your family, if you
23 want to, if they're here, or your attorneys. But the
24 ultimate decision is your decision alone on whether you
25 testify or not.

1 So that's the question I will ask you when you --
2 when you get back.

3 So, at this point, then we'll take a break. If y'all
4 will be back a little before 1:30. And we'll discuss it
5 further at that point.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: All right. First of all, let's go over
8 the right to testify here. Let's finish up on that.

9 Ms. Jane Hughes and Mr. Jacob Hughes, y'all are
10 already under oath.

11 So before lunch, I discussed with you your right to
12 testify and your right not to testify. And you have the
13 privilege not to testify.

14 First of all, do you understand all my questions and
15 understand your rights, Ms. Jane Hughes?

16 DEFENDANT JANES HUGHES: Yes, sir.

17 THE COURT: And Jacob Hughes?

18 DEFENDANT JACOB HUGHES: Yes, sir.

19 THE COURT: All right. And you've had further time.
20 Both of you indicated that you wanted to talk with your
21 attorneys during lunch about this right.

22 Have you had sufficient time --

23 Ms. Jane Hughes, have you have sufficient time to
24 talk with your attorney?

25 DEFENDANT JACOB HUGHES: Yes, Your Honor.

1 THE COURT: And based on your discussions and you're
2 aware of your rights, do you wish to testify or not
3 testify?

4 DEFENDANT JANE HUGHES: No. I wish not to testify.

5 THE COURT: All right. And that's your decision?

6 DEFENDANT JANE HUGHES: Yes, sir.

7 THE COURT: Do you have any other questions of the
8 Court about your rights or any -- first of all, do you
9 have any questions about your rights?

10 DEFENDANT JANE HUGHES: No, sir.

11 THE COURT: Do you need any additional time to
12 discuss that decision with your attorney?

13 DEFENDANT JANE HUGHES: No, sir.

14 THE COURT: All right. And to Jacob Hughes, do you
15 also -- do you understand your rights?

16 DEFENDANT JACOB HUGHES: Yes, sir.

17 THE COURT: And you've talked with your attorney and
18 have you had sufficient time now to make a decision
19 whether you want to testify or not to testify?

20 DEFENDANT JACOB HUGHES: Yes, sir.

21 THE COURT: And based on that, do you wish to
22 testify?

23 DEFENDANT JACOB HUGHES: No, sir.

24 THE COURT: And you don't need any additional time to
25 talk with your attorneys?

1 DEFENDANT JACOB HUGHES: No, sir.

2 THE COURT: Okay. Well, I find that y'all have been
3 advised of your rights, that you understand your rights,
4 and that you've waived your right to testify. And I will
5 accept that as your decision.

6 All right. As to the jury charge, I know that
7 Defendant Jane Hughes has -- had requested a charge for
8 ABHAN, assault and battery of a high and aggravated
9 nature. And I think after further evaluation, I do
10 believe that is a totally separate issue and would not
11 be -- that would be a separate charge. It would not be a
12 lesser included offense of the charges here.

13 So I'm going to decline to charge that. But, at this
14 time, I'll be glad to have anybody put anything on the
15 record they need to.

16 MS. TAYLOR: Certainly, Your Honor.

17 May it please the Court.

18 As I stated in chambers and just to put it on the
19 record, I do believe that there's been sufficient evidence
20 that the State has introduced, at this point, that
21 establishes that the Defendant -- or the victim died from
22 a gunshot wound. I believe gunshot wound number four, the
23 pathologist testified to -- that that was the mortal wound
24 and cause of death. And so that is the basis for me
25 asking for the instruction.

1 THE COURT: And I understand your argument. Again, I
2 find that, under the law, that would not be appropriate to
3 charge.

4 Anything else that you'd like to put on the record?

5 MS. TAYLOR: Nothing further, Your Honor.

6 THE COURT: Anything from Defendant Jacob Hughes?

7 MR. JOHNSON: No, sir.

8 THE COURT: Anything from the State?

9 MR. MOYER: No, Your Honor.

10 THE COURT: All right. Are we ready to argue -- to
11 bring the jury in?

12 I guess -- you've rested?

13 MS. TAYLOR: I didn't.

14 THE COURT: I'll be glad to hear from -- do y'all
15 want to rest on the record, or do you want me to tell the
16 jury that y'all have rested? That's what I've done
17 before.

18 It's my understanding y'all are not presenting any
19 testimony.

20 MS. TAYLOR: That's correct.

21 MR. JOHNSON: Procedurally, however Your Honor does
22 it, I think is fine.

23 MS. TAYLOR: I agree.

24 THE COURT: What -- as to Defendant -- I'll be glad
25 to hear any evidence on behalf of Defendant Jane Hughes?

1 MS. TAYLOR: Your Honor, Defendant Jane Hughes' case
2 rests.

3 THE COURT: All right.

4 MR. JOHNSON: And, Your Honor, Defendant Jacob
5 Hughes' case rests as well.

6 THE COURT: Anything from the State?

7 MR. MOYER: No, Your Honor.

8 THE COURT: And I will advise the jury that at the --
9 while during the break that y'all had indicated you rested
10 and were not planning on putting up any testimony, which
11 is your Constitutional right, and then go into argument.

12 And everybody understands kind of what we
13 tentatively -- or tacitly, maybe, agreed to about the
14 arguments in chambers.

15 Open in full.

16 Your response.

17 And you get final argument.

18 All right. When the jury is ready, bring them in.

19 (WHEREUPON, the jury came into open court at
20 approximately 2:01 p.m.)

21 THE COURT: All right. Ladies and gentlemen, as you
22 will recall before lunch, the State rested their case in
23 chief. And during the break, the Defendants, also,
24 indicated that they would not be putting up any testimony
25 at this point.

1 it's clean. You can see children riding their bikes. You
2 can see trees, bushes, flowers, grass. It's crystal
3 clear. You don't have any trouble looking through that
4 door to see what's on the other side. Okay. But if it
5 gets dirty, or if it rains, or someone puts mud on it or
6 fingerprints, you can't see really clearly what's
7 happening on the other side. So that fuzziness, that's
8 going to be what your reasonable doubt is going to be.
9 Okay.

10 So this case has been confusing from the very
11 beginning. So let me try to just streamline this for you.
12 And let's talk about what we do know. We know that Jane
13 Hughes was not present at the Waffle House. We all saw
14 that on the videotape. Okay. We didn't see the videotape
15 of The Station, but from the testimony from the
16 investigator, she was not there either. Okay.

17 She wasn't in any of these text message
18 conversations. They weren't group texts. They didn't
19 have her number attached to it. She wasn't a participant
20 in that conversation. She didn't even know that that
21 conversation was taking place or, at least, there hasn't
22 been any evidence admitted to show you that.

23 She didn't clean up anything or, at least, no one
24 testified that there's any evidence she did. She called
25 911. She's the only person in this family that called

1 911 -- or the only person that's been charged out of this
2 incident that called 911.

3 Okay. Let's talk about the one witness in here that
4 may have some idea of what happened that you heard from --
5 okay -- the person that was there, Mr. Martin, the State's
6 witness. Well, it's your job, as the jury, to determine
7 who you believe and what parts of their statement you
8 believe. You can believe all of it, or you can believe
9 some of it. Just because you don't believe everything a
10 witness says doesn't mean that you can't find some parts
11 of their statement to be credible. Okay.

12 In the case of Mr. Martin, I believe the State has
13 even presented evidence that he has not been consistent
14 throughout this process. Okay. He's given multiple
15 statements that are very differing in nature. And this is
16 a big deal. These are big details. Okay. These aren't
17 like small little details, like I don't remember what I
18 ate for breakfast. This is I don't remember who shot a
19 man, or what was involved, or who was in there.

20 This is a small house. And these are rather large
21 people inside in physicality. And you don't remember what
22 you saw or who was there? He doesn't do this once --
23 okay -- when he's scared and just in the moment of the
24 night and somebody has been shot and he doesn't know.
25 He's in shock maybe. No, no, no. He gives multiple bad

1 statements.

2 Now, once he's in jail and he sits there for a while
3 and realizes that this is not where he wants to spend the
4 next foreseeable future, he decides he's going to give
5 some information that's going to be helpful -- okay --
6 that's going to get him out of jail. And that information
7 does exactly that, y'all. Very soon after that March 20th
8 interview when gives that statement and ties all these
9 missing facts together, and gives the officers exactly
10 what their theory was, and what they were hoping to be
11 able to get enough evidence to show, he, all of a sudden,
12 gets a bond.

13 And that means once he meets that bond -- or gets a
14 bondsman to pay a portion of it, he can be released. He
15 has been released. Y'all heard this happened in 2015.
16 That's been three years that he has not been in jail. He
17 is living his life. He is sleeping in his own bed every
18 night. Okay. He has every motivation to come in here and
19 tell you something so that he gets to continue to live his
20 life like that, every motivation to lie do you. And he's
21 done it not once, not twice, multiple times.

22 He couldn't even remember the most recent -- or what
23 he considers to be the truth. He couldn't even testify to
24 that when he was here. He couldn't remember. This is
25 probably one of the biggest things that's ever going to

1 happen in his life, and he still can't get the facts
2 right. That's important, y'all. That's the witness that
3 they presented to you to get you to convict someone of
4 murder. And they're not totally telling you truth?
5 That's an issue.

6 Okay. Let's talk about what the pathologist told
7 you. Okay. And that was really cool with the tech stuff
8 and being able to show the bullet trajectory and
9 everything. That did show some clarity on the situation.
10 And one of the most important things that he told you was
11 some of these wounds were not necessarily fatal. Some of
12 them, he could have continued to live. It wouldn't have
13 been very comfortable and he might have had some
14 disfiguration, but they wouldn't have killed him.

15 But one wound was fatal and it absolutely did kill
16 him. And that wound was a gunshot wound. Okay. It was a
17 gunshot wound. Gunshot wound number four, very
18 specifically. I believe number two could have possibly
19 been the fatal shot. But he absolutely testified that
20 number four was the one that killed John Ferrell.

21 Y'all, we know who pulled the trigger of the gun. We
22 know who the shooter is. They're not in this room. He
23 did not die from any other reason than a gunshot, gunshot
24 number four. That's what caused his death. There's been
25 no evidence that Jane Hughes actively, knowingly

1 participated in any kind of conspiracy.

2 And, to be honest, if this was a plan, it was a
3 really bad one. Why would you go through all of these
4 other hoops if you had a gun accessible to you? It just
5 doesn't make sense. Nothing about this case makes sense.
6 But my point is that they haven't given you what you need
7 to convict beyond any reasonable doubt. You can't see out
8 that door. You just can't.

9 Thank you for your time and service. I appreciate it
10 very much.

11 THE COURT: Mr. Johnson.

12 MR. JOHNSON: Thank you, Judge.

13 Your Honor, may it please the Court.

14 THE COURT: Yes.

15 MR. JOHNSON: We've all been grocery shopping before.
16 We've all been to restaurants. We've been to various
17 department stores. We've been to JC Penney, and to Belk,
18 and everything in the world. And what's one of the best
19 things we like to see when we walk in the store? We like
20 a sale, buy one, get one free. Buy one, get one
21 50 percent off. We like all of those things. We like
22 when a company or a substance -- a company or organization
23 tries to give us something for free.

24 And, in this situation, you guys are the store. You
25 guys hold the key. Y'all say whether it's guilty or

1 innocent. And what the State is trying to get you to do
2 here today is buy one, get one free. They know who shot
3 the man. They're trying to get you to throw my man in
4 there with him. But there's a cost for that. And that
5 cost is proof beyond a reasonable doubt.

6 Now, I want to go through some of the evidence. And
7 I think based upon the charges that we have, we have
8 conspiracy. We have murder. They've got to either prove
9 there was a plan or that my client was a part of the plan.
10 And that's something they can't do.

11 So let's talk about the plan. Well, first of all,
12 this situation was carelessness. It was pure,
13 unadulterated carelessness. This ain't no plan. This is
14 no plan. Think about the facts we know about this. There
15 was a child custody case. If any of you have ever been
16 involved in one or if anybody is familiar with a child
17 custody case, those things can be emotional. They're
18 emotional.

19 And we know there was a hearing coming up. We know
20 that -- we know from Lisa Mobley, the guardian ad litem,
21 that there was going to be a mediation. The mediation was
22 a negotiation conference where each party had to pay a fee
23 based upon income. We know that the Hughes didn't have an
24 attorney. And they were largely dealing with the case
25 among themselves.

1 So why wouldn't they talk about a custody case?
2 Don't they got to talk about it? There's going to be a
3 case coming up. Why wouldn't you want to settle it?

4 They've got a situation where they both were required
5 to do psych evaluations. Think about it. John Ferrell --
6 it was testified that he was court ordered to pay \$3,000
7 apiece, three grand apiece for psych evaluations. He has
8 motivation to settle this case as well. He don't have
9 that type of money. They had not done psych evaluations.
10 He had not paid those fees. There were going to be
11 additional fees at the mediation, probably additional
12 attorney's fees. They wanted to talk about this case.
13 They both did, Mr. Ferrell and the Hughes.

14 Now, what do we hear about Jacob in this case? The
15 guardian ad litem didn't ever talk to my client. She
16 didn't know who he was. The lady at Visitation Express
17 had never met my client, never met Jacob Hughes, that man
18 right there.

19 Now, there was a video from the Waffle House where my
20 client was with John Ferrell. There's a video from The
21 Station, which is a bar. I don't question that there's a
22 video. I know you didn't see it, but there's a video.

23 And Detective Manley told you that my client and
24 Mr. Ferrell were cordial. They went to go have some
25 drinks. They went to go have a meal. Andrew Martin,

1 also, testified that they're friendly. They did some work
2 together.

3 My client and Mr. Ferrell are friends. Think about
4 that. Why would my client get involved in the child
5 custody case, in a heated child custody case? Whose side
6 is he going to take? They're friends. He didn't want to
7 put himself in between those things.

8 Now, we have a situation where he's charged with
9 conspiracy and murder. Well, it can't be enough that
10 there was a plan for them to get together and talk about
11 the child custody case or visitation. Okay. That's not
12 enough to be an illegal conspiracy. It has to be an
13 illegal conspiracy. That means they were -- there was a
14 plan to do something -- something insidious, or as the
15 State might suggest, to hurt him, or murder him, or
16 something of that nature.

17 So the fact that they were together and the fact that
18 they're friendly tends to support that he was bringing him
19 back to the house so they could speak on the issues, on
20 the child custody case.

21 Think about what Andrew Martin said, initially.
22 Okay. Now, he's changed his story now that he's seen the
23 evidence, now that he's got with his attorney. And,
24 obviously, he asked for his release and he secured his
25 release. He's not on trial today before you. He's not

1 facing murder. He's not facing conspiracy -- or he wasn't
2 even charged with conspiracy.

3 And so we, also, have Ms. Boisher, who was the
4 guardian ad litem from the church. She had been a
5 guardian ad litem before. But she was -- primarily spoke
6 to the Hughes family at the church. Who didn't she speak
7 to? Jacob.

8 Jacob is not part of these conversations. Jacob's a
9 throw in, y'all. He's a buy one, get one. He's a throw
10 in. They are throwing my client in the fray. Ms. Boisher
11 didn't talk to him a month before. Ms. Boisher didn't
12 talk to him the night before. The guardian ad litem don't
13 know him. The real guardian, Lisa Mobley, don't know him.
14 He's not involved in this.

15 Now, let's talk about the texts and calls. And I
16 thought this was interesting. Because what we have
17 here -- and you guys can -- you guys can either listen to
18 the testimony -- y'all have the right to do that if you
19 need to -- or if y'all remember it, that's terrific as
20 well.

21 But when we talk about texts and calls, you were
22 given excerpts from a large portion of things and what the
23 officer thought was pertinent. But you guys can use your
24 common sense and realize that there's, obviously, a larger
25 picture. And if you and I text each other, you know,

1 there's -- or me and my wife text each other every
2 year [sic] with text messages. There's no telling how
3 many text messages, phone calls, different types of
4 information that might, actually, be accessible.

5 So what we have is Jacob Hughes and John Ferrell at
6 the bar together at 8:19. And they left the bar at 10:30.
7 They got to the Waffle House at 10:49. And they left the
8 Waffle House at 11:21 to go to the house.

9 Now, if there's a plan -- if there's a plan, my
10 client is talking with his daddy about the plan while the
11 man is sitting next to him. How is that going to work?
12 Hey, man, yeah, I'm going to bring him over to the house
13 and y'all kill him. The guy is not going to get up and
14 hang out with him. He's going to leave. That's not how
15 that works. You don't plan something with somebody
16 sitting next to you. You don't plan something insidious
17 about them with them sitting right next to you. That's
18 not how it works.

19 So there was a call at 9:47, and a call at 10:26
20 between John Hughes and Jacob Hughes. We, also, have them
21 in the car. They left the Waffle House at 11:21. They're
22 in the car. You saw the video. So you got -- it's the
23 white minivan. And John Ferrell is driving the white
24 minivan. And my client gets into the car. So they're in
25 the car.

1 There's a call at 11:24, three minutes later, between
2 Jacob and John. And another call at 11:27. What are they
3 talking about? I know what they ain't talking about, that
4 John Ferrell is going to get to the house and he's talking
5 about I'm going to kill you. No. That's not real life.
6 That's not common sense. That's not how it works.
7 There's no plan. There's no plan.

8 So what I think we have here, as other people
9 described it, is you have people that sat down and they
10 met about this case, and things got heated. That sounds
11 simple enough because it's simple. They sat down and they
12 discussed things that are highly emotional. They sat down
13 and they discussed things that are highly emotional, and
14 things got heated.

15 Now, because there's no plan, there's no conspiracy.
16 There's no hand of one for my client.

17 Now, there was also -- and I want to be clear what
18 I'm suggesting to you. There was a scuffle at the home.
19 And there were different people at the home. The children
20 were, apparently, asleep in the room. We know that Andrew
21 Martin was told to, apparently, go outside so they could
22 discuss the child custody case.

23 And, again, we're talking about a plan, you know.
24 The guy parked in front of the house. How are you going
25 to plan to kill somebody and you're going to say, hey,

1 come and just park right in front of the house? We're
2 going to go to the bar and be seen together. We're going
3 to go to the Waffle House. We're going to eat dinner
4 together. We're just going to be seen together. We're
5 going to do all these things together. Then I'm going to
6 say I ain't got nothing to do with it. No, that's not how
7 that works.

8 You're going to tell Andrew Martin to go outside.
9 We're going to talk about this custody case. What,
10 they're going to have a witness there, too? I mean, it
11 doesn't make sense that there was a plan. And I'm sorry
12 to go back on that, but I thought that was important to
13 say.

14 So let's talk about the scuffle. Was my client
15 involved in the scuffle? Well, initially, Andrew Martin
16 says he wasn't. And let's go into what he says was
17 involved and why he wasn't.

18 First, there was forensics. There was DNA. There
19 was somebody who came out to the home and took samples,
20 took pictures, and various things of that nature. There
21 was someone who took testable samples from that. And then
22 there was someone that, actually, tested it. And that was
23 Dr. Kandala. And what he testified to was that my
24 client's DNA wasn't on Mr. Ferrell. Okay. My client's
25 DNA wasn't on Mr. Ferrell. And I think that's important.

1 Because think of Andrew Martin's story.

2 Jacob, stand up.

3 That's a big man. That's a big dude. Okay. That's
4 a big man.

5 Sit down.

6 That's a big dude. And we know John Ferrell was
7 five-foot -- I believe 5'7", 300 pounds. That's a
8 heavyweight fighting guy. Come on. That's a heavyweight
9 fighter. And my client is -- not only that, my client is
10 bigger than him.

11 So if John Ferrell is trying to get out of the
12 window -- he's trying to climb and get out of this little
13 bitty window. Okay. He's got to climb the sink -- first
14 of all, the sink was intact. I don't know how it works.
15 He's got to climb over the sink, and get up on that, and
16 climb through a window. So he's having to go up.

17 My client is about 6'4", 300 pounds. If my client
18 don't want him going through the window, he ain't going
19 through the window. He ain't going through it. It ain't
20 happening. That's a big guy. He don't have to be
21 especially strong. He's got the weight. He's got the
22 height. He ain't getting out that window. If my client
23 is out there trying to stop him from getting out of the
24 window, he ain't getting out.

25 What did Andrew Martin say? He said he hit him with

1 a stun gun. A stun gun? There ain't no stun gun. The
2 police came to the house after the shooting. What did
3 they do? They secured the scene. Why did they secure the
4 scene? Because they don't want to get shot. They don't
5 want to get hurt by no weapons. They didn't find no stun
6 gun. What did Andrew Martin say? He crushed it up and
7 flushed it. I can hardly flush my waste. And he's going
8 to flush a stun gun down a toilet?

9 He just happened to be there. And he's saying
10 something that incriminating. How convenient. You just
11 happen to walk in there as he's crushing up a stun gun and
12 flushing it down the toilet. Are you kidding me?

13 There's also -- you know, they took photos. They
14 took swabs of my client. There's no signs of injury.
15 Again, we've got two big boys. Apparently, according to
16 Andrew Martin, they had been scrapping. There was a scrap
17 in the kitchen. If my client was involved in the scrap,
18 there's going to be some damage done. I'm sorry. There's
19 going to be some damage.

20 My client -- again, no forensics or DNA on my client
21 as far as John Ferrell. There's nothing like that.
22 There's no photographs of my client with blood on him.
23 They know what he was wearing that night. They've got
24 videos. So he can't say I wasn't wearing that shirt, so
25 I'm going to put on this shirt. No, no. They know

1 they've got him on video twice. One of them was two
2 hours. So long -- they wouldn't show it to you. They
3 know what he looks like. There's nothing on him.

4 So I think what you rely upon is Andrew Martin's
5 first statement.

6 Now, I mean, it's amazing to me sometimes. Because,
7 you know, it's one of those things where, you know,
8 somebody lies to me, and they lie to me twice, and they
9 lie to me three times, the fourth time, I'm going to be
10 like, oh, okay, yeah, I see, you're telling the truth now.
11 That's not how stuff works. Come on, y'all. That's not
12 how it works. If somebody lies to y'all once, y'all are
13 going to doubt them the second time. If somebody lies to
14 you three times, you definitely are not going to take it
15 the fourth time.

16 And what the State's asking you to do is rely on the
17 unreliable. If I've got a flat tire on my car, I take the
18 tire off. I don't put it back on the car and keep
19 driving. It don't work that way.

20 Andrew Martin is a flat tire. He's unreliable. You
21 can't rely on him. They're asking you to convict a man of
22 murder, convict him of conspiracy based on a lie. We
23 don't rely on lies. That's not what we do.

24 We as people -- I told you at the beginning of the
25 case, you rely on your common sense. You rely on the

1 faculties that we were given, things we learned growing
2 up, things we learned as adults. If somebody lies to you,
3 they're a liar. That's what you call them. Andrew Martin
4 is a liar. But, instead, they put him up on the stand and
5 told you to believe him.

6 Now, the first story he told, he, specifically,
7 excluded Jacob Hughes from being in the scuffle. He's not
8 under arrest at this point in time. He gave two
9 statements, on January 25th and he gave another one on
10 January 28th. Jacob Hughes isn't involved. He,
11 specifically, wasn't involved.

12 Now, I know that there could be, okay, well, he
13 didn't say some other things. Well, one thing he did say
14 is there was a scuffle. And, you know -- okay. So if you
15 have a situation where somebody is just going to
16 completely take themselves out of it, there's no motive
17 for him to lie for Jacob. He ain't dating Jacob. He's
18 dating Jane. Him and Jacob, they're not secret lovers.
19 He's got no reason to argue -- he ain't got no reason to
20 lie for him.

21 He had a reason to lie once he got arrested. He had
22 a reason to lie once he realized police thought something
23 certain about the case. He had a reason to lie when he
24 didn't want to be in jail no more.

25 Think about what he said. He said, I hope -- he,

1 actually, testified, I hope -- he confirmed, I hope I'm
2 going to get out of jail now. When can we do this bond
3 thing? When are we going to be able to do the bond now
4 that I've told y'all what you want to hear? He said, my
5 statement, I know it matches up with the evidence. You
6 know why it matches up with the evidence? Because you
7 seen the evidence and now you know what they want you to
8 say. And he's out. He ain't in jail no more. He walked
9 in the courtroom. He ain't in shackles. He's out of
10 jail. He got what he wanted, and said what he wanted.

11 And, now, they ask you to rely upon this man and
12 convict him. They have to prove him guilty beyond a
13 reasonable doubt. And he's unreliable. Y'all don't rely
14 upon him.

15 Now, the -- when we talk about the stun gun, and
16 other things, and talk about the fact that he said --
17 conveniently said he walked in and Jacob was talking about
18 crushing it up and flushing it. We find out that he,
19 also, did an affidavit in May of 2015. And in that
20 affidavit, he denies having a conversation with anyone
21 about the killing of Ferrell. So it's okay, I'm telling
22 the truth. Now, I'm going to lie again. Or is it lie,
23 lie, lie, and it's just all lies? You can't take anything
24 he says.

25 So which is true? What's true? Because it can't all

1 be true. It's not possible. It's not possible. I
2 understand they're going to tell you, okay, on March 20th,
3 he's telling the truth now. And then he comes back in May
4 and says something inconsistent with what he says in
5 March. He denies having a conversation about the killing
6 of Mr. Ferrell with any of the Hughes. Inconsistent.
7 Unreliable.

8 Now, the Judge is going to give you the law in this
9 case. And what he says goes. What he says goes. And
10 he's going to talk about what murder is, what conspiracy
11 is. He's going to charge you what the hand of one hand of
12 all means. He's going to tell you about credibility of
13 the witnesses. He's going to talk about different
14 concepts that you may or may not have heard before. But
15 what he says goes.

16 But I know he's going to talk about reasonable doubt.
17 And I've eluded to it a couple times. And I want to give
18 you a little bit of a background that I think will help
19 illustrate the job y'all have to do today.

20 So proof beyond a reasonable doubt is a pretty high
21 standard. Okay. There are other standards that I want to
22 compare to you. One is probable cause.

23 Probable cause is what you need to get an arrest
24 warrant. That means that you think something is more
25 likely than not. That's 51 percent -- well, I guess 50.01

1 percent versus 49.99 percent. Okay. So that's the
2 standard there. That means, okay, I tend to believe this
3 could have happened. Reasonable doubt is a higher
4 standard.

5 In between that is what we call clear and convincing
6 evidence. And that's a strong word. Clear and convincing
7 is a strong word. That means you're convinced of
8 something, clear and convincing evidence. And that's a
9 strong standard. And that's in between reasonable doubt
10 and probable cause.

11 Up high, the highest standard we have in this
12 criminal world, and there's nothing with absolute
13 certainty, but it's reasonable doubt. And that's the type
14 of -- if you're not firmly convinced, the type of doubt
15 that causes you to hesitate to act. Hesitate, to hesitate
16 to find someone guilty. Hesitate to find someone guilty.

17 And, you know, that's a strong standard. And it's a
18 difficult standard to reach. If you have that hesitation,
19 if you have doubts about Andrew Martin, if you have your
20 doubts, you must find my client innocent of conspiracy and
21 murder.

22 I ask you to take this very seriously, as we are. My
23 client's life is on the line. And I know you guys will.
24 And I appreciate y'all allowing me to argue to you guys.
25 And I really appreciate your time this week.

1 Thank you.

2 THE COURT: Mr. Moyer.

3 MR. MOYER: Thank you, Your Honor.

4 May it please the Court.

5 All right. Ladies and gentlemen, I want to join
6 everyone else in thanking you for the very close attention
7 that you paid us throughout this trial. It is very
8 important.

9 The Defense has exhibited to you how important it is
10 to them. I want to stress to you that this is equally
11 important to the State. It's equally important to John
12 Ferrell's family.

13 This is the one opportunity for this case to be heard
14 before you people here today. We appreciate the thought
15 and attention that you gave this case throughout.

16 So I'm going to make some closing remarks here. And
17 I'm going to summarize the evidence. As you've heard
18 everyone say, this has been a pretty dense case, I would
19 say. We've heard from about 23 or 24 witnesses in just
20 about a day and a half. And a lot of testimony came out.
21 And I'm going to summarize that for you.

22 The first thing I'm going to say is something that
23 you're going to hear from the Judge. And that is that --
24 something about the way trials work. And that is that we
25 are finished now with the evidence phase of the case. And

1 what that means is that you're not going to be able to
2 hear any more witnesses, or get any more evidence or
3 statements, or anything like that. That phase of the case
4 is over.

5 Every once in a while, we have jurors come back and
6 say, well, we'd like to see this or that to help -- to aid
7 us in our deliberations. And at this stage, it's not
8 possible. Except for very rare circumstances, things like
9 police reports and witness statements aren't admissible
10 into evidence. There are a few exceptions, but it's very
11 rare. So you have what you need and what you -- all you
12 can have in order to make the decision in this case.

13 Let me start off by just making a couple of remarks
14 about reasonable doubt. And we've heard a good bit about
15 that from the Defense attorneys, and you'll hear about
16 that from the Judge. And I want to stress to you that the
17 State joins in all of the remarks that are going to be
18 said about what the standard of proof is and about
19 reasonable doubt.

20 The -- these Defendants come into this courtroom
21 innocent, as Defendants do in every criminal case that
22 comes before jurors in this state and throughout the
23 country. We gladly accept that burden in this case. We
24 would have it no other way. It's a fundamental concept of
25 our system of juris prudence.

1 But keep in mind what a reasonable doubt is. His
2 Honor, again, is going to instruct you very fully about
3 that. There have been some examples given to you. Now, I
4 don't know whether they work or not.

5 But, essentially, His Honor is going to instruct you
6 that you have to be firmly convinced. At the end of the
7 case, when you think about everything you've heard and you
8 look at the evidence, you have to ask yourselves, have we
9 been firmly convinced? It doesn't mean you're not going
10 to dispute and talk about different things, and agree and
11 disagree on certain things, then come to a consensus.
12 You're going to talk about all that. But at the end, are
13 you firmly convinced?

14 Now, it doesn't mean beyond all doubt. Reasonable
15 doubt doesn't mean that you have to be convinced beyond
16 all doubt. There are very few things in this world that
17 one can say at the end of the day that you know beyond all
18 doubt. And our justice system doesn't require it. It's
19 just beyond a reasonable doubt.

20 Every criminal defendant who has ever been found
21 guilty in this country has walked in with the same burden
22 of proof. And a jury just like yourselves has had to make
23 that determination that the person was guilty beyond a
24 reasonable doubt.

25 Now, in analyzing this case, you're going to have to

1 make these two considerations. You're going to have to
2 make two sort of steps in that process. You're going to,
3 first, have to decide was John Ferrell murdered?

4 And, secondly, you're going to have to decide did
5 these two people have enough of an involvement in that
6 case -- in that scenario for them to be found guilty?

7 So let's do that in a two-step process. First, was
8 John Ferrell murdered? What is murder? Murder is the
9 killing of another person with malice aforethought, either
10 expressed or implied.

11 What is malice? Malice is -- has the connotation of
12 ill will. It is the intentional doing of a wrongful act
13 without just cause or excuse. It's something that imports
14 wickedness and excludes any kind of justifiable excuse.

15 So how do you know if a person has malice? Malice, I
16 mean, that's sort of a state of mind or emotion, isn't it?
17 So how are we supposed to know if someone has malice?
18 Well, the law says that we can look at the circumstances.

19 In some situations, there is expressed malice. And
20 that is when there is -- there are overt expressions of
21 that ill will or hatred. We're going to have that in this
22 case. I'm going to touch on that in a minute.

23 Another scenario where there can be malice is you can
24 infer it from the circumstances. You can just look at
25 what happened and you can say, based on that, there was --

1 that there was malice.

2 For example, having a gun, having a deadly weapon.
3 You can look at that in and of itself and say, yes, there
4 was malice based on someone killing someone with a deadly
5 weapon. You can look at the circumstances behind the
6 death and decide if there was malice.

7 Now, ask yourselves, was John Ferrell killed with
8 malice? And let's just go over that aspect of this case
9 first. How was he killed? John Ferrell was killed trying
10 to escape unarmed while he was literally begging for his
11 life. Under these circumstances, is that being killed
12 with malice? Let's delve into that just a little bit.

13 Where was John Ferrell shot? What part of his body
14 was shot? We know from the testimony from Dr. Fulcher
15 yesterday, he was shot five times. We know, also, where
16 those gunshot wounds were. They were all to the top of
17 his body, his eye, his shoulder, behind his head to his
18 right shoulder, two wounds, two behind him, two,
19 literally, in the back.

20 What does that tell us about how this took place?
21 That tells us that John Ferrell was in a position --
22 thinking of this as the body, facing that shooter like
23 this. And I would argue to you that it's very clear what
24 happened.

25 When he came out of that window falling, think about

1 it. While his head had, literally, been bashed in with a
2 hammer by that woman, while his face had been hit so hard
3 with a hammer that his jaw was broken, there were pieces
4 of his skull that had been chipped out, think about the
5 pain and agony he was going through.

6 Under those conditions, while this Defendant, Jacob
7 Hughes, and his mother were trying to keep him inside,
8 causing his clothes to come down to his ankles, he goes
9 out that window, falls about six feet, and falls to the
10 ground.

11 And one thing we know, also, from the way his clothes
12 were on his body is that one of the legs had to have --
13 the clothes had to have come all the way off. And how do
14 we know that? Because his underwear was only around one
15 leg. Do you remember that? You can even see it in the
16 photographs. Whereas the pants had started to be put back
17 on the other leg.

18 So while he was coming out of the window, his pants,
19 literally, came off one of his legs all but down to his
20 ankles. And we can imagine him on the ground in this
21 freezing cold night, his head bleeding, his jaw broken,
22 dazed, trying to put his clothes on so he can leave. And
23 John Hughes and, I would argue to you, Jacob Hughes as
24 well came around that house and confronted him.

25 And I argue to you the only way it's possible for

1 these gunshot wounds to be placed the way they were was
2 for John Ferrell to be on his hands and knees trying to
3 get up. And what was he doing? He was, literally,
4 begging for his life. God help me, he called out. We
5 heard that from both Andrew Martin and we heard that from
6 the neighbor, Scott Coleman -- Richard Scott Coleman, who
7 said that those words haunted him for years after that
8 because he knew what had just happened. He was on the
9 ground begging for his life.

10 The shot that hit his eye, the only way for that to
11 have taken place was for his head to have been down in
12 such a way that the bullet struck here and then came out
13 his eye.

14 We, also, know something about the sequence of the
15 shots. We know there was a shot. There was a pause.
16 There were more shots. And then there was a final shot,
17 the coup de gras. It was the coup de gras. It was,
18 literally, take the one where John Hughes wanted to make
19 sure he was dead.

20 And we know -- like I said, it was tight grouping.
21 He had to have taken aim -- he was only about 10 feet
22 away -- as John Ferrell was on the ground and just
23 shooting at him over and over until he was dead. Is that
24 malice? There's no way it could not be.

25 You're not going to have the option of looking at

1 this case and excusing it on the basis of self-defense, or
2 accident, or any kind of defense like that. It's either
3 murder or nothing the way this happened. There's not a
4 self-defense issue here before you.

5 So we have malice. We have inferred malice from
6 those circumstances. And we have expressed malice, based
7 on what was said by Jane Hughes throughout this ordeal
8 leading up to the death. And I'm going to talk about that
9 in a minute.

10 But let's talk about another aspect of the law. And
11 that is these concepts of conspiracy and accomplice
12 liability. So we have a murder. And under the law of
13 accomplice liability, if others were participating in the
14 crime, if they were participating along with wrongful
15 acts, then they, too, are responsible, even if they didn't
16 commit the final deadly blow. If they are participating
17 along with it, they are accountable for murder. The hand
18 of one is the hand of all.

19 So the two concepts of law that go along with that
20 are, number one, is -- it's, actually, a separate crime.
21 And that's called conspiracy. And then there's the hand
22 of one is the hand of all, which is a concept that goes
23 along with it.

24 What is conspiracy? Conspiracy is a combination
25 between two or more people to accomplish a criminal act.

1 A couple of things we know to clarify about a conspiracy.
2 One is this, there doesn't have to be a formal or
3 expressed agreement. The agreement between people doesn't
4 have to be some sit down, let's spell it out, let's
5 discuss everything we're going to do. It doesn't. It can
6 be what's termed as a tacit mutual understanding that
7 you're going to do a wrongful act. That's all it takes.

8 When is a conspiracy committed? When the agreement
9 occurs. However that agreement is made in this tacit
10 mutual way.

11 What kind of proof do you need to be able to see a
12 conspiracy? You don't have to hear words that they --
13 someone overheard them talking about it. It doesn't --
14 you don't have to see some formal written out thing. No.
15 It can be even circumstantial evidence. Just looking at
16 the circumstances, you can infer from the circumstances
17 that there was -- that there was a conspiracy. That's
18 enough.

19 Now, accomplice liability is something different.
20 Conspiracy is an actual separate crime, along with murder.
21 You can find them guilty -- these people guilty of murder
22 and conspiracy, or murder and not conspiracy. You can,
23 under the theory of the hand of one is the hand of all,
24 accessory liability.

25 I'm going to go over the evidence in just a moment

1 that's going to show the overwhelming evidence that these
2 people had murder in their hearts from the beginning as
3 this set out. But you could believe, actually, that that
4 was not the case and still find these Defendants guilty of
5 murder.

6 You could believe that they had -- that they were
7 agreeing to -- or they were working together maybe to
8 accomplish some other act, like maybe threatening him,
9 hurting him, kidnapping him. And if you believe that and
10 that John Hughes murdered him, they would be guilty of
11 murder.

12 And why is that? Do you remember the example I used
13 at the beginning in my opening about a bank robbery?
14 People going to commit a bank robbery don't necessarily
15 believe they're going to go out and kill somebody. The
16 guy sitting out in the getaway car, he just wants the
17 money from the guy who goes in to get the money. The guy
18 who's the lookout guy on the street, he doesn't have any
19 intention for the guy going in to do the robbery to kill
20 somebody. But they were agreeing to do a wrongful act.

21 And in agreeing to do a wrongful act, each is
22 responsible for everything else that foreseeably could
23 come from that. So it's foreseeable that -- a guy who's
24 going in a bank with a gun, it's foreseeable that could
25 end up in a shooting and a murder and everyone is

1 responsible. That's what we have here.

2 Let's talk about the lead in to January the 24th of
3 2015. We know there was a contentious custody dispute.
4 There were serious allegations going back and forth. And,
5 like I said, we're not here to decide who was a better
6 parent, or which allegations were correct or not. But
7 there were serious allegations going back and forth.

8 And the Court did the prudent thing, let's get a
9 guardian to investigate this. Let's get Mr. Ferrell
10 supervised custody with his children until we can sort
11 through this and find out what's going on.

12 Remember, the people involved in Family Court, they
13 don't know John Ferrell and Jane Hughes. They don't know
14 them. They're just trying to get this right. We're not
15 here to determine whether Jane or John Ferrell was at
16 fault, or who was the better parent. They could have both
17 been great parents. They could have both been terrible
18 parents. That's not the issue.

19 The issue is it was contentious. And the issue is
20 Jane Ferrell at all cost -- Jane Hughes, excuse me, at all
21 costs did not want John Ferrell to get those children. We
22 know that.

23 And so what did John do? What was the status of this
24 case? Well, we learned he went to court in California and
25 he got custody in California. Jane left with the kids and

1 came to South Carolina. What did John Ferrell do? Well,
2 he uprooted himself and he came across the country to
3 follow-up on what he wanted to do, this chance to be with
4 his children.

5 And so -- excuse me. So John Ferrell continued his
6 fight. But the fight that John Ferrell was doing was in
7 the courts. He hired a lawyer. They went to court and
8 petitioned the courts to acknowledge his right to the
9 children. He got the Court to give him a hearing.

10 Then a guardian was appointed to look out for the
11 best interest of the children. There was a hearing. Then
12 there was another hearing. They allowed him visitation
13 rights to see the children. And this went on for a couple
14 of months.

15 And what was going to happen? You remember Lisa
16 Mobley and Christy Cash testifying about how he was
17 supposed to have several months of supervised visitation
18 and if everything went well, he was going to get
19 unsupervised visitation. And that's what was happening.
20 Christy Cash, the woman from Visitation Express, said,
21 yeah, he did everything he was supposed to do. He was
22 paying. He was showing up on time. The children seemed
23 comfortable.

24 Everything was going as it should have been until
25 January 15th of 2015, when Jane Hughes saw what was coming

1 down the tracks and said, I'm going to stop it. John
2 Ferrell was following what he was supposed to do in the
3 courts. Jane Hughes was not happy about how that was
4 going. And so she was going to stop it herself.

5 And what did she do? She showed up at that
6 January the 15th meeting, didn't call ahead of time,
7 didn't call and say the kids are sick, or something came
8 up. She just showed up.

9 And it sounds like she showed up and she was defiant.
10 She said, I didn't bring the kids. I don't want them
11 to -- I don't want my kids to be around him. And you can
12 write whatever you want in your report. And she left.
13 She did not want John Ferrell to have any access to those
14 children.

15 We know Jane Hughes didn't show up for the custody
16 hearing in California. We know Jane Hughes didn't show up
17 for the first hearing in South Carolina when the Family
18 Court proceeding started.

19 What do we, also, know from others about what the
20 Hughes family and Jane Hughes particularly thought about
21 the system and the way the Family Court process was going?
22 Let's talk about Christine Boisher. She's the woman who
23 testified this morning who became connected to the family
24 out of a gesture of good will. The Bishop in the church
25 said, hey, would you mind talking to these people and

1 helping them out?

2 An hour after she said sure, I'll do it, she gets a
3 call and she goes over there. And it was not good, it was
4 not happy. There was concern. There was bitterness.
5 They did not want John Ferrell to have the children.
6 That's the way Jane Hughes portrayed it to her.

7 And what do we know about the final meeting? The
8 final meeting was the day before John Ferrell was killed,
9 the night before. She was there from 7:00 or 7:30 in the
10 evening until 2:00 in the morning talking to those people.

11 How was Jane Hughes now? She said -- Christine
12 Boisher said she noticed a change. Jane Hughes now wasn't
13 so much upset. She was mad. She was mad. She did not
14 want John Ferrell to have the children. And, in fact, she
15 made a comment, she said -- the comment that she made was
16 how much better things would be if John Ferrell was gone.

17 Christy Cash, also, from Visitation Express gave you
18 an idea of what Jane Hughes thought about John Ferrell
19 having the children. She said from the very beginning --
20 she made it clear she didn't want that. When they met,
21 before they even had the first supervised visitation, that
22 was the posture that she had. She did not want John
23 Ferrell to have the children until, finally, leading up
24 until that moment when she showed up without the children.

25 So the evidence shows that Jane Hughes and, in an

1 extension, the Hughes family, especially her parents that
2 took such an active role in this, did not want John
3 Ferrell to have the kids. And the Courts weren't helping
4 them. In fact, the Courts were going against them.

5 So they decided to take matters into their own hands.
6 Revolution is the solution, as we saw in the text
7 messages. Revolution. They were going to take matters
8 into their own hands. How were they going to do it?
9 Well, they had to get rid of him.

10 How are they going to get rid of him? Let's get him
11 over to the house. Let's try to make it look like this
12 guy was breaking in. We'll kill him. The police will
13 show up. And they'll just say, hey, he doesn't live here.
14 This must be self-defense. This guy is trying to break
15 into the house, he's killed. We've got this Castle
16 Doctrine in South Carolina that your home is your castle
17 and you can defend it. So let's just get him to the house
18 and we'll kill him.

19 And how is that plan going to work? Well, let's
20 think about, first, what they did. You remember you can
21 hear on the 911 call when Jane Hughes is on the phone and
22 she's talking to the 911 operator and the 911 operator
23 makes a comment, Yes, this is that residence where we had
24 the security check yesterday. That's the first thing
25 the -- the 911 operator picked up on that. She knew about

1 it.

2 And you heard the officer who showed up testified
3 about going out there. Well, what did that officer tell
4 you happened when she went out there? There was nobody
5 there. The officer pulled up on the road. She said she
6 did this black out where she pulled down the cul-de-sac
7 and turned her lights out. She just sat there for 20 to
8 25 minutes.

9 The Hughes family drives up. They hadn't even been
10 at home. But they were calling to try to start and put
11 that thought in the minds of the police as it, obviously,
12 happened because we heard that from the dispatcher, that
13 this guy is a problem. Let's plant that seed.

14 Now, they have to get John Ferrell to the house. And
15 how are they going to do that? That's going to take
16 someone with some rapport with John Ferrell. And that's
17 where Jacob Hughes comes into play.

18 The Defense wants to say that they were friends. I
19 don't know if they were friends, but they, certainly, had
20 a rapport. They, certainly, were friendly.

21 I think there was some testimony that Jacob had done
22 some work with John Ferrell a time or two, and they had
23 gotten together a few times. They, certainly, had a bit
24 of a rapport. So that's the way to get him over there.
25 And we don't know the specifics of how he did it. But we

1 know they went out.

2 They went out to a bar and had a few drinks. And
3 they just talked. They were together for hours. John
4 Ferrell, certainly, had his guard down during that period
5 of time. Maybe these people are being friendly. Maybe
6 after all this time, there is going to be some give on
7 their part and they'll want to talk. And so that's the
8 way to get him over there.

9 And all the while, what do we know Jacob is doing?
10 He's communicating with his father. He's communicating.
11 There are a couple calls. There are a couple text
12 messages. And, no, he wasn't sitting there saying how are
13 we going to kill John Ferrell to his father in front of
14 John Ferrell. Of course, not. This had been thought
15 about and talked about ahead of time, as we know from one
16 of the text messages.

17 What do we know from the text messages that night?
18 Are you ready for pie, Jacob texted his dad. His dad
19 texted back and says, Almost. There were a series of
20 texts.

21 If you recall, Jacob Hughes texted his dad and says,
22 Call me when you're ready for pie. That was 10:03 p.m.
23 At 10:41, John Hughes texted back to Jacob and said,
24 Almost. 10:55, John Hughes says, Just a few more minutes.
25 11:03, John tells Jacob, Call me. 11:10, John tells

1 Jacob, Call me. 11:24, Jacob calls his dad. That's when
2 they were leaving the Waffle House, hey, we're on the way.

3 What is this talk about pie? Let's talk about that
4 for just a minute. You heard Investigator Manley testify
5 how when she went through the text messages, this grabbed
6 her attention. It should grab all of our attention.
7 Because what happened the day before? The day before on
8 January the 23rd, John Hughes texted his son Jacob and
9 says, Stop on the way home. Need to discuss dessert,
10 revolution is the solution. That's at 2:00 in the
11 afternoon on January 23rd of 2015.

12 The next night, what are they talking about when
13 they're talking about them coming over? Call when you're
14 ready for pie. There was no pie in that kitchen.

15 First off, how many 59-year-old dads are texting
16 their sons about dessert any time, especially two days in
17 a row. This was clearly some kind of code that they had
18 back and forth. Use your life experiences. You're going
19 to have to grapple with that issue. But what -- how much
20 sense does that make?

21 And, once again, look through all of those pictures
22 we have of that kitchen. And do you see any sign of some
23 kind of dessert, or anything like that? No. That's what
24 they thought in their clever way, just in case after John
25 Ferrell is dead, just in case the police think about

1 looking through this phone, well, that won't look
2 suspicious. That's not, actually, obviously, talk about
3 killing somebody.

4 So it's further evidence that we have of this
5 conspiracy, of this plan between this family. In addition
6 to having the motive of not allowing John Ferrell to have
7 the children, let's look at that -- let's look at the
8 house. Let's look at the kitchen. And we heard a little
9 bit about what took place in that kitchen. We heard a
10 little bit about it from Andrew Martin.

11 And, of course, the Defense wants to try to make it
12 look like all of our eggs are in that basket, the basket
13 of Andrew Martin. I can tell you, ladies and gentlemen,
14 if Andrew Martin had never darkened that door, I would be
15 in front of you right now arguing to you with just as much
16 confidence and conviction that you should find these two
17 people guilty beyond any reasonable doubt. There's that
18 much sufficient evidence. Andrew Martin decided he wanted
19 to testify. And let's -- and he did. And let's talk
20 about that for just one moment.

21 Andrew Martin, clearly, lied at the beginning of this
22 case. He wasn't going to tell what happened, obviously.
23 That's why he got charged. He was lying.

24 Let's talk about -- let 's talk about him and why
25 that should not surprise us. What do we know? What do

1 you remember about Andrew Martin? What's the picture you
2 have of Andrew Martin when he testified?

3 Do you remember, compared to some of the other people
4 in this case, he's a little guy. He's maybe what you
5 would consider maybe a bit of a nerdy guy. He went to
6 Furman University. He's -- he seems kind of quiet and
7 mousy.

8 Jacob Hughes is a huge man. John Hughes, we heard,
9 is big. We heard he has a gun. We heard he killed
10 somebody. This is who he's dealing with. What do you
11 think is going through this man's mind in the aftermath of
12 this case? Do you think there was some fear on his part?

13 We heard him, also, testify about how after the fact
14 when he was going over to the Simpsonville Police
15 Department and, also, the next morning after it happened,
16 John Hughes made some pretty clear statements that what
17 happened in that kitchen better not come out to the
18 police. It would really be good if the police don't know
19 what happened in this kitchen. If they don't know, we're
20 going to get away with this.

21 Knowing that these people just murdered somebody in
22 cold blood, kept somebody from escaping from their home,
23 and killed them, how do you think that would -- how do you
24 think that would affect someone? Anyone? How do you
25 think it would affect someone like Andrew Martin?

1 We, also, know Andrew Martin was in love. He was in
2 love with Jane Hughes. He was living with the family.
3 He's trying to protect them. And what he does is he's
4 just trying to pretend I don't know nothing about nothing.
5 He didn't say anything about Jacob being in there with a
6 stun gun. He didn't talk about seeing John Hughes with a
7 gun. He didn't talk about Jane beating someone with a
8 hammer. None of that. He just tried to stay out of it.

9 And then he sat in jail for a little while. And that
10 will wake somebody up. And he was like what in the world
11 am I doing in here for those people? For Jane, who,
12 apparently, has now moved on, and John and Jacob, who
13 killed someone? What am I doing in here getting the blame
14 for this? I'm going to tell what happened.

15 But, like I said, whether or not he testified in this
16 case or not would not make a difference in whether we
17 would be in this case. We would be before you arguing as
18 we are for the conviction of these people.

19 In that kitchen, there's blood. And there's a lot of
20 it. There's visible blood. There's blood in areas -- you
21 remember the pictures, under the sink, on that -- on that
22 quilt, a couple other different areas. It was on the
23 window.

24 There's, also, a cover-up. What in the world is
25 going on? Why in the world are we trying to cover-up

1 something if no one did anything wrong? If Jacob Hughes
2 had done nothing wrong, why is he trying to clean up that
3 kitchen?

4 What do we know about Jane's condition? Well, we
5 know she went to the hospital and she had a sore wrist.
6 That was the wrist that she had been using to beat another
7 man with a hammer. Of course, she had a sore wrist. That
8 would explain why that took place, which brings me to
9 another point.

10 When we think about when Andrew Martin was telling
11 Investigator Manley and Investigator Morecraft in March of
12 2015 what took place, and that Jane was beating -- that
13 Jane was beating John Ferrell with a hammer, we didn't
14 have the DNA results at that time, did we? We didn't have
15 that until September.

16 So he was taking -- if he's lying, if he's making
17 stuff up, he's taking a mighty big gamble saying that
18 before we even have the test results back. So you can
19 look at that as evidence that he decided he's going to
20 tell the truth.

21 Jane has blood on her. She has blood on her clothes.
22 She has the victim's blood on her clothes. Her DNA is on
23 that hammer. It's on the handle of that hammer. Her
24 wrist is sore because she had been beating somebody. She
25 had been beating her husband with it.

1 We, also, have the 911 call. And I'm about to close
2 my remarks with this. And I want to play it for you in
3 just a minute. I want to make sure that you picked up on
4 some things. Because this 911 call tells us multiple
5 things about what happened, and about what the plan was.
6 It tells us about the plan, and it tells us about how the
7 plan went wrong.

8 How does it tell us about the plan? Do you remember
9 when the -- Ms. Tirissa Johnson testified? She was the
10 first witness in the case. And she testified about how
11 911 calls were made. Do you remember what she said? She
12 said those things start recording before the dispatcher
13 picks up.

14 So you make -- and it's not that way now, apparently.
15 But then, you make a 911 call, it's going to be recorded
16 before that dispatcher picks it up. So what is being said
17 is being recorded.

18 And what do we know Jane Hughes said before it picks
19 up? Where's my hammer, she says. I'm going to play it
20 for you in just a minute. Where's my hammer, she
21 screeches. And you listen as I play that, before the 911
22 operator picks it up.

23 Then what happens? When the 911 operator for
24 Greenville County realizes this is, actually, in
25 Simpsonville, she says, Hold on. I'm going to transfer

1 it. You hear beep, beep, beep. That's while the call is
2 being transferred. I would argue to you Jane, once again,
3 thinks she's not being recorded. And what do we hear her
4 saying at that time? Where is he? Go get him, go get
5 him. Listen. That's when he was out the window. He had
6 gotten away and Jane Hughes is saying, Go get him.

7 And then we hear a slip up. When she's speaking to
8 the 911 operator about what happened -- well, first off,
9 she starts talking about my husband broke in the house,
10 he's trying to kill me. No, there's no testimony about
11 John Ferrell -- there's no evidence that John Ferrell
12 broke in that house. There's no evidence that John
13 Ferrell was trying to kill anyone. He didn't have a
14 weapon. No -- none of the Hughes were injured in any way,
15 other than Jane's wrist from when she was beating him.

16 Why does she say that? That was the plan. Have him
17 there, kill him inside the kitchen, and then say he busted
18 in in a crazed way. He was trying to kill us and he was
19 killed in self-defense.

20 But then what does she do? As you hear the
21 conversation last -- and it lasts about six minutes. As
22 you hear that, she tells the dispatcher, He escaped out of
23 the window. Escaped. He got away. He wasn't supposed
24 to. He was supposed to die on that kitchen floor, but he
25 got away.

1 And what do we know Jane Hughes said after the fact?
2 Why did you do this, she was asked? He hesitated. He
3 hesitated. John Hughes was supposed to kill John Ferrell
4 in that kitchen. But he hesitated.

5 It's one thing to talk about killing someone, ladies
6 and gentlemen. It's one thing to talk a big game. But
7 when you're, actually, there in that moment, how easy is
8 it to pull that trigger when you're staring at another
9 human being? And John Hughes hesitated.

10 And Jane Hughes wasn't going to allow for that. John
11 Ferrell wasn't going to get out. So she started beating
12 him. And that's when the plan went awry. She starts
13 beating him over the head over and over. And that's when
14 John Ferrell got away.

15 And think about it. Think about the pain that he was
16 in. Have you ever bumped your head on the kitchen
17 cabinet, just bumped your head without drawing blood? It
18 hurts. It hurts. Now, imagine blows to your head so hard
19 that they chip your skull, a blow to your jaw that breaks
20 your jaw.

21 Of course, John Ferrell got away. He was manic. And
22 he ran to that window and squeezed through that window as
23 those people tried to pull him back in.

24 Let's listen to the 911 call.

25 MS. TAYLOR: Your Honor, I would object to that being

1 played at this time. The evidence has already been
2 admitted.

3 THE COURT: It's in. He can play it.

4 (WHEREUPON, State's Exhibit No. 94 was played in
5 open court.)

6 MR. MOYER: And, ladies and gentlemen, I would argue
7 to you that the operative words in this case are these, he
8 escaped and go get him. And I ask you to think about that
9 and what she said as you back -- as you go back and
10 deliberate this case.

11 Jane's hatred was so intense that she began smashing
12 him in the head with that hammer, literally, over and
13 over, taking chips out of his skull and smashing his jaw
14 to keep him from getting away. And he did almost --
15 tragically, almost, he got out of the kitchen window, but
16 not far enough.

17 Because John Hughes was not going to allow this to
18 end that way. He was not going to allow this to end
19 without him dying. At this point, there was no backing
20 out. At this point, there was an injured man outside on
21 the ground bleeding and screaming for help.

22 Ladies and gentlemen, I asked you at the outset of
23 this case, at the end of this case to -- well, I asked you
24 to use your common sense throughout as you listened to the
25 testimony, and look and evaluate the evidence in this

1 case. And I ask you to continue to do so. And I ask you
2 to do justice.

3 Ladies and gentlemen, John Ferrell -- I was going to
4 say did not deserve to die this way. He, certainly,
5 didn't deserve to die at all, and he didn't deserve to die
6 this way.

7 And he died because of all of these people. Jacob
8 Hughes got him over there and tried to keep him from
9 getting out of the house. Jane Hughes had the hatred for
10 him and the desire -- the intense desire to not allow him
11 to have the children. Her dad was the one who had the --
12 for whatever reason, had it in him to sort of corral these
13 people and push them towards this final end of killing
14 John Ferrell. And that's what they did.

15 They were all in this together in varying ways. But
16 they were all in it together. The hand of one is the hand
17 of all.

18 And I ask you to do justice in this case and find
19 both Jane Hughes and Jacob Hughes guilty of murder and
20 conspiracy to commit murder.

21 Thank you:

22 THE COURT: Ms. Taylor.

23 MS. TAYLOR: No rebuttal, Your Honor.

24 THE COURT: Mr. Johnson.

25 MR. JOHNSON: I stand on what I've stated, Judge.

1 THE COURT: Ladies and gentlemen, now, I'm going to
2 charge you on the law.

3 Does anybody need to take a break? It's going to
4 take about 20 minutes. Is everybody good?

5 JUROR #185, JARIUS JACKSON: Yes.

6 THE COURT: We'll take a break. And don't discuss
7 the case.

8 We'll have you right back out as soon as you're
9 ready.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 3:16 p.m.)

12 THE COURT: Bring the jury in when they're ready.

13 (WHEREUPON, the jury came into open court at
14 approximately 3:26 p.m.)

15 CHARGE ON THE LAW

16 THE COURT: Ladies and gentlemen, it's now my
17 opportunity to charge you on the law in this case. As
18 I've told you from the -- at the outset, as the trial
19 judge -- first of all, we have two distinct duties.

20 As the trial judge, it's my duty and responsibility
21 to preside over the trial of the case. And I have the
22 duty to rule on the admissibility of evidence that's
23 offered throughout the trial. You're only to consider
24 competent evidence which was presented in the courtroom.

25 If there's any testimony or questions that were

1 stricken, then y'all are to disregard those and not
2 consider those in your deliberation. You're to consider
3 only the testimony which has been presented from the
4 witness stand, and any exhibits which have been
5 introduced, or any stipulation through counsel.

6 Now, I have the additional duty to charge you on what
7 the law in this case is. Now -- and as the presiding
8 judge, I'm the sole judge of what that law is. And it's
9 your duty to accept that.

10 Now, you may have an idea of what you thought the law
11 was or what the law should be. And I'm going to ask you
12 if that contradicts what I tell you, you're to disregard
13 that. Under your oath, you have agreed that you will
14 apply the law as I charge it to you.

15 In every case tried before a jury, you're the sole
16 and exclusive judge of the facts. As the trial judge, I
17 cannot have an opinion or indicate my opinion on the facts
18 of this case.

19 So anything that I have said or done in this case
20 that gives you an inference or makes you think I have an
21 opinion on the facts and what that opinion is, you're to
22 disregard that. Because that would be invading your
23 duties and your privileges as the jury. In this case,
24 you're to infer from what I've said -- nothing I've said
25 during the progress of the trial regarding the

1 admissibility of evidence or otherwise, or anything I say
2 that makes you think I have an opinion on the facts.

3 As jurors, it's your duty to determine the value, the
4 weight, and effect of all the testimony and determine what
5 the facts in this case are.

6 As I, also, told you at the very beginning -- and
7 this is very important. I referenced indictments as to
8 each Defendant. And that was for the indictment for
9 murder and the indictment for conspiracy to commit murder.

10 And I remind you of the fact that the Defendants were
11 charged, they were arrested, or indicted is not to be
12 considered by you in any way. This is not evidence. And
13 this does not create any type of presumption or inference
14 of their guilt. These documents are merely the formal
15 written documents which presents these matters to the
16 Court. And in this case, both Defendants have pled not
17 guilty to all the -- to both sets of charges.

18 All right. There have been multiple charges. Now,
19 I'm going to give you some instructions on how you're to
20 deal with those charges. There's several different
21 offenses against these Defendants, as I said, murder and
22 conspiracy to commit murder.

23 Each indictment charges a separate and distinct
24 offense. You must decide each indictment separately on
25 the evidence and the law that applies. And your decision

1 is to be -- on one charge is to be uninfluenced -- not
2 influenced is an better word. It's not to be influenced
3 by your decision on the other. The Defendants may be
4 convicted or acquitted on any of them, all of them, one of
5 them, or none of them.

6 So you will be -- when you get the verdict form,
7 Mr. Foreman, you'll see you're to make a separate decision
8 as to each indictment as to each Defendant.

9 Again, let me, also, give you kind of the rule on
10 multiple Defendants. There's two separate Defendants in
11 the matter. The case of each Defendant and the evidence
12 and law concerning that Defendant should be considered
13 separately and independently. Your verdict does not have
14 to be the same for both Defendants.

15 The fact that you may find one Defendant guilty or
16 not guilty should not control your verdict as to the other
17 Defendant. When more than one person is charged with a
18 crime, if the evidence warrants it, you may convict one
19 and acquit the other, or you may acquit both, or you may
20 convict both. It will depend on your view of the
21 testimony and the evidence.

22 You must take each Defendant and consider the
23 evidence as to the Defendant and my instructions to you on
24 the law. You will then write a separate verdict of guilty
25 or not guilty for each individual Defendant and as to each

1 charge.

2 And, again, the question -- I'll show you the verdict
3 form. It kind of sets that out for you and helps you
4 follow that.

5 All right. I, also, charge you, as indicated, the
6 Defendants have pled not guilty to these indictments. And
7 that plea puts the burden on the State to prove the
8 Defendants guilty.

9 A person charged with committing a crime in South
10 Carolina is never required to prove himself innocent. I
11 charge you that it is an important rule that the law --
12 it's an important rule of law that a Defendant in a
13 criminal trial, no matter how serious, will always be
14 presumed to be innocent of the crime for which the
15 indictment was issued, unless guilt has been proven by
16 evidence satisfying you of guilt, again, beyond a
17 reasonable doubt.

18 This presumption of innocence does not end when you
19 begin your deliberations. It goes to the -- it follows
20 the Defendants all the way through to the point until you
21 have found the State has met its burden beyond a
22 reasonable doubt.

23 And the presumption of innocence is not a mere legal
24 theory. It's not just a legal phrase that we like to use
25 and throw around in the courtroom. It's a substantial

1 right of every Defendant and one of the bases of our
2 Constitutional system. And that stays with the Defendant
3 until you're convinced otherwise.

4 Now, what is reasonable doubt? Again, that's the
5 burden that the State has to -- has in this matter as to
6 each element of the crimes charged. And if any of you
7 have served in a civil matter or you've been involved in a
8 civil matter, then that's what's called the preponderance
9 of the evidence, or greater weight of the evidence.
10 That's a much lesser standard than we're applying today.
11 That would not apply here. This, again, is a much higher
12 level, beyond a reasonable doubt.

13 Reasonable doubt is the kind of doubt that would make
14 a reasonable person hesitate to act. Proof beyond a
15 reasonable doubt is proof that leaves you firmly convinced
16 of the Defendants' guilt. There are very few things in
17 this world that we know with absolute certainty. And our
18 system does not require proof that overcomes every
19 possible doubt.

20 If, based upon your consideration of the evidence,
21 you're firmly convinced that the Defendant is -- the
22 Defendants are guilty of any of the crimes charged, then
23 you must find the Defendants guilty. If, on the other
24 hand, you think there's a real possibility the Defendants
25 are not guilty, then you must give the Defendants the

1 benefit of that doubt and find them not guilty.

2 Facts and circumstances that merely place upon the
3 Defendants a grave suspicion of the crime charged or they
4 merely raise a speculation or conjecture of the
5 Defendants' guilt is not sufficient to authorize a
6 conviction.

7 Now, there are two types of evidence which you are to
8 consider and which are presented usually during a trial,
9 and that's direct evidence and circumstantial evidence.
10 Direct evidence directly provides -- proves the existence
11 of a fact and does not require deduction. Circumstantial
12 evidence is proof of a chain of facts and circumstances
13 indicating an existence of a fact.

14 Crimes may be proven by circumstantial evidence. The
15 law makes no distinction between the weight or value to be
16 given either to direct or circumstantial evidence.
17 However, to the extent that the State relies upon
18 circumstantial evidence, all of the circumstances must be
19 consistent with each other and when taken together point
20 conclusively to the guilt of the -- of the accused beyond
21 a reasonable doubt. If the circumstances merely portray
22 the Defendants' behavior suspicious, then that proof has
23 failed.

24 The State has the burden of proving the Defendants
25 guilty beyond a reasonable doubt. The burden rests upon

1 the State, whether they're relying on direct evidence,
2 circumstantial evidence, or a combination of the two.

3 Now, one of the things that you must determine in
4 weighing the evidence is you must evaluate the credibility
5 of witnesses. Credibility merely means believability. It
6 becomes your duty, as jurors, to analyze and evaluate the
7 evidence and determine which evidence convinces you of its
8 truth.

9 In determining the believability of witnesses who
10 testified, you may believe one witness over several
11 witnesses. You may believe several witnesses over one
12 witness. You may believe part of the testimony of a
13 witness and accept the remaining part, or you may accept
14 the witness's testimony in its entirety, or you may reject
15 it in its entirety.

16 You may consider whether any witness has exhibited to
17 you any interest, bias, or prejudice, or other motive in
18 the case. You may, also, consider the appearance and
19 manner of a witness while on the witness stand. In other
20 words, you're to give each witness, as with all evidence,
21 the weight that you feel is appropriate.

22 Now, also, as I told you, when people are -- various
23 witnesses were qualified as an expert that normally our
24 law does not -- our rules of evidence do not allow a
25 person to testify about opinions or conclusion. An

1 exception to this rule is when somebody has been qualified
2 as an expert witness. A witness who by education or
3 experience is an expert in a particular field or
4 profession can state their opinion to relevant material
5 matters in which the witness claims to be an expert, and
6 can state their reasons for the opinion.

7 Now, you should consider any expert opinion just like
8 all other evidence. You give it the weight that you feel
9 it deserves. If you decide that the opinion of an expert
10 witness is not based on sufficient education and
11 experience, or if you conclude the reasons given in
12 support of the opinion are not sound or it's outweighed by
13 other evidence, then you can disregard that opinion in its
14 entirety. An expert witness's testimony is to be given no
15 greater weight than any other witness simply because they
16 have been designated as an expert.

17 Further, you're not required to accept an expert's
18 opinion, even if it is contradicted. And, once again,
19 kind of the general rule is you give it the weight which
20 you feel is appropriate.

21 Now, I'm going to instruct you at this point and
22 emphasize very strongly the fact that the mere -- the fact
23 that the Defendants did not testify is not a factor to be
24 considered by you in any way in your deliberations, and in
25 your consideration of the question of guilt or innocence

1 of the Defendants. It's not to be considered by you in
2 any manner whatsoever. Because the Defendants have a
3 right to remain silent under our Constitution. And the
4 mere fact that they asserted that right cannot be
5 considered by you in your deliberations.

6 I repeat that under your oath as jurors, you are to
7 draw no conclusion whatsoever from the fact that the
8 Defendants did not testify. That fact should not even be
9 discussed in your jury room. The burden, as I stated to
10 you, is on the State. And the Defendants are not required
11 to prove their innocence. The burden of proof remains on
12 the State to prove guilt beyond a reasonable doubt.

13 Now, there's, also, been evidence presented that one
14 or more witnesses have made prior statements which are not
15 consistent with their testimony from the stand. You may
16 use this evidence to decide whether to believe the
17 witness. And you may, also, use evidence of the earlier
18 contradictory statements to determine the truth of those
19 statements. It is up to you to decide whether to believe
20 their earlier statements or the testimony given at trial.

21 If a witness is shown to not knowingly testified
22 untruthfully concerning any material matter, you may
23 consider that and determine whether to trust the witness's
24 testimony as to other matters. You may reject all the
25 testimony of that witness, or give all or part of the

1 testimony the weight that you think it deserves.

2 Now, let me talk to you a little bit about intent.
3 In order to establish criminal liability, criminal intent
4 is required. For example, the mental state required to be
5 proven by the State for a particular crime might be
6 purpose, intent, knowledge, recklessness, or criminal
7 negligence. Criminal intent must be proven by the State,
8 again, beyond a reasonable doubt.

9 Criminal intent is always a matter that must be
10 determined by the jury from the circumstances surrounding
11 the situation. There's no way to prove intent to a
12 mathematical certainty. There's no way medical science
13 has a way of showing what intent is or dissecting a
14 person's brain.

15 So the law says that criminal intent may be inferred
16 from the circumstances shown to have existed at the time.
17 That's how you make your determination of whether or not
18 the element of intent was present.

19 It's not necessary to establish intent by direct and
20 positive evidence. But intent may be established by
21 inference, the same way as any other fact, by taking into
22 consideration the acts of the parties and all the facts
23 and circumstances at the time.

24 Criminal intent is a mental state. It's a conscious
25 wrongdoing. It is up to you to determine what the

1 Defendants intended to do based on the circumstances at
2 the time.

3 Criminal intent can arise from action or failure to
4 act. It may arise from negligence, recklessness, or an
5 inference to duty or to consequences considered by you to
6 be the law to be the equivalent of criminal intent. Those
7 are the general rules for you in your evaluation process.

8 Now, I'm going to give you the actual elements of the
9 charges for which you will be deliberating. The
10 Defendants are charged with murder. The State must prove
11 beyond a reasonable doubt that the Defendants killed
12 another person with malice aforethought.

13 Malice is hatred, ill will, or hostility towards
14 another person. It is the intentional doing of a wrongful
15 act without just cause or excuse, and with an intent to
16 inflict an injury or under circumstances that the law
17 would infer evil intent.

18 Malice aforethought does not require that malice
19 exist for any particular length of time before the act is
20 committed. But malice must exist in the mind of the
21 Defendants just before and at the time the act was
22 committed. Therefore, there must be a combination of the
23 previous evil intent and the act.

24 Malice aforethought may be expressed or inferred.
25 Expressed and inferred do not mean different kinds of

1 malice, but, merely, the manner in which the malice may be
2 shown to exist. That is either by direct evidence or by
3 an inference from the facts and circumstances which have
4 been presented.

5 Expressed malice is shown when a person speaks words
6 which express hatred or ill will for another, or when the
7 person prepared beforehand to do the act which was later
8 accomplished. For example, lying in wait for a person or
9 any other acts of preparation going to show that the deed
10 was within the Defendants mind would be expressed malice.

11 Malice may, also, be inferred from conduct showing a
12 total disregard for human life. Inferred malice may,
13 also, arise when the deed is done with a deadly weapon. A
14 deadly weapon is an article, instrument, or substance
15 which is likely to cause death and great bodily harm.
16 Whether an instrument has been used as a deadly weapon
17 depends on the facts and circumstances of each case.

18 The following are examples of instruments which may
19 be deadly weapons: Pistol, shotgun, rifle, dagger, knife,
20 slingshot, razor, et cetera, those type things, and
21 lighter fluid. A gun may be a deadly weapon, even if it
22 is not operating correctly.

23 If facts are proven beyond a reasonable doubt to
24 raise an inference of malice to your satisfaction, this
25 inference would be simply an evidentiary fact to be

1 considered by you, along with other evidence in the case.
2 And you may give it the weight you decide it should
3 receive. So that is the definition of murder.

4 There's, also, an indictment -- another charge is
5 conspiracy. The Defendants are charged with conspiracy.
6 And the State must prove beyond a reasonable doubt that
7 the Defendant combined with one or more persons for the
8 purpose of committing an unlawful act or committing a
9 lawful act by unlawful means.

10 There must be a mutual understanding, agreement, or
11 common intention and plan. Mere passive knowledge of or
12 consent to the criminal conduct of another is not enough
13 to make a person a conspirator. There must be guilty
14 knowledge and participation.

15 Similarly, the mere fact that the Defendant may have
16 associated with another person or met with another person
17 and discussed common aims and interests does not
18 necessarily establish proof of the existence of a
19 conspiracy, or that the Defendant was involved in the
20 conspiracy.

21 On the other hand, it is not necessary that the
22 agreement be a formal one, that it be in writing, that the
23 person hold a meeting and expressly state the terms of the
24 common plan, or that the agreement be stated in words
25 between them. The agreement of a criminal conspiracy may

1 be -- may come into being through an implied mutual
2 understanding.

3 The willful, intentional, and knowing adoption by two
4 or more persons of a common plan is sufficient. No overt
5 acts need to be shown to establish a conspiracy. A
6 conspiracy may be shown by circumstantial evidence and the
7 conduct of the parties.

8 Now, there -- you have two separate charges of murder
9 and conspiracy. As a general rule, it's a little bit
10 different -- accomplice liability. And that is a phrase
11 we normally refer to as the hand of all is the hand of
12 all.

13 If a crime is committed by two or more people who are
14 acting together and committing a crime, the act of one is
15 the act of all. A person who joins with another to commit
16 an unlawful act is criminally responsible for everything
17 done by the other person which happens as a probable or
18 natural consequence of the acts done in carrying out the
19 common plan and purpose.

20 If two or more people are together, acting together,
21 assisting each other in committing the offense, the act of
22 one is the act of all, or, as I said, it's the hand of one
23 is the hand of all.

24 Prior knowledge that a crime is going to be committed
25 without more is not sufficient to make a person guilty of

1 that crime. Mere knowledge that another person is going
2 to commit a crime, even if the Defendant is present when
3 the crime is committed, is not sufficient to convict the
4 Defendant as a principle.

5 Guilt as a principle is shown by actual or
6 constructive presence at the scene as a result of a prior
7 arrangement. Therefore, a finding of a prior arranged
8 plan or common scheme is necessary for a finding of guilt
9 as a principle. The State must prove beyond a reasonable
10 doubt by competent evidence the theory of the hand of one
11 is the hand of all.

12 Now, I want to, also, advise you that mere presence
13 and prior knowledge that a crime was going to be committed
14 without more is not sufficient to constitute guilt.
15 However, presence at the scene of a crime by
16 prearrangement to aid, encourage, or vet in the
17 preparation of the crime does constitute guilt.

18 The burden is on the State to prove every element of
19 the crime charged. If you find, after viewing all the
20 evidence, the State has proven the Defendants were only
21 present at the scene of the crime and they have not proved
22 beyond a reasonable doubt any other participation in the
23 crime, then you must find the Defendants not guilty. The
24 law is that the proof of -- proof of at the scene of the
25 crime is not sufficient to find someone guilty.

1 You must, also, determine intent. Intent is, also, a
2 necessary element of this. For there must have been a
3 common design or intent to commit the crime, and the crime
4 must have been committed pursuant thereto of the persons
5 aiding and abetting by some overt act. Intent means
6 intending the result which, actually, occurs, not
7 accidentally or involuntarily.

8 Intent may be shown by acts and conduct of the
9 Defendants and other circumstances which you may naturally
10 and reasonably infer intent. The State must prove these
11 elements, again, beyond a reasonable doubt.

12 All right. Mr. Foreman, at this time, I'm going to
13 hand you the verdict form. And I'm going to go through
14 this with you so you'll know the questions you've got to
15 ask -- answer, I mean.

16 All right. First of all, there are several
17 possibilities of your verdict. But all of your verdict --
18 I advise you your verdict must be unanimous. That means
19 all 12 of you must agree as to each verdict as to each
20 charge and as to each Defendant. It cannot be based on
21 sympathy, passion, prejudice, emotion, or any
22 consideration not in evidence of this case.

23 Now, first of all, there's -- you have two separate
24 ones here, one is for Jacob Cody Hughes and Jane Katherine
25 Hughes. And then you have the charges. You have to put

1 these in some order. So don't -- there's no significance
2 to the order that these are in.

3 But I'm going to start with Jane Katherine Hughes.
4 The top part of it has the caption of the case and the
5 indictment numbers. And it says, Verdict form, please
6 answer each question below. The first, As to the charge
7 of murder, we, the jury, unanimously find the Defendant,
8 Jane Katherine Hughes, and you're going to check one. And
9 that's either you're going to check guilty -- if you find
10 the State has met its burden of proof on that charge as to
11 Ms. Hughes, then you would find guilty. If you find the
12 State has not met its burden on that charge as to
13 Ms. Hughes, then you would check not guilty. And, again,
14 this is something all 12 of you must agree on.

15 Then the second question that you will answer as to
16 Jane Katherine Hughes is to conspiracy, As to the charge
17 of conspiracy, we, the jury, unanimously find the
18 Defendant, Jane Katherine Hughes, again, if you find that
19 the State has met its burden in proving her guilty beyond
20 a reasonable doubt under conspiracy, then you would check
21 guilty. If you find that they did not meet their burden,
22 then you would -- on this one, then you would check not
23 guilty.

24 When you have finished with answering both questions
25 on Jane Katherine Hughes, the Defendant, you would sign

1 your name and put the date there.

2 Then you would go to Jacob Cody Hughes. And you can
3 start with Jacob's first, or however you want to do it.

4 For illustration purposes, I'm doing it this way.
5 Then you go to the next verdict form, this is for Jacob
6 Cody Hughes. And, again, you go through the same
7 analysis. On the first one, the charge of murder, if you
8 find the State has met its burden, then guilty. If you
9 find the State has not met its burden, then you find not
10 guilty.

11 And the same analysis on conspiracy. If you find the
12 State has met its burden, then you would find guilty. If
13 you find the State has not met its burden, then you would
14 find not guilty. Once you've completed that verdict, then
15 you would, also, sign and date there.

16 So once you have completed both verdict forms, you
17 will let -- the bailiff will instruct you what you'll need
18 to do to advise us that you've reached a verdict. And
19 once you have reached a verdict, then we will -- it may
20 take us a few minutes to get everybody back together. And
21 we'll call you in as soon as possible.

22 Now, I'm going to give you a couple other rules. One
23 is --

24 And you can put that verdict form down there.

25 I'm going to tell you, you'll go back in your jury

1 room in a few minutes. And, first, let me give you some
2 other instructions.

3 One is, if you have any questions, that's what your
4 duty is -- the Foreperson is. You'll write those on a
5 piece of paper and you will present those to the bailiff.
6 Write your question out, sign, date it, and you give it to
7 the bailiff. The bailiff will present it to the Court.

8 At that point, I will look at it and decide, okay, if
9 it's something I can answer by just writing a response on
10 the same piece of paper, then I will do so and send it
11 back to you. Sometimes, it may be something I have to
12 bring you back out here and give you further instructions
13 on. And I will let you know if I have to do that.

14 Now, I will, also, caution you that we -- you --
15 there will not be additional evidence than what is put in.
16 A lot of times, juries will ask factual questions. We
17 cannot answer factual questions. We cannot give you
18 additional information. Routinely, every little bit,
19 you'll have a jury say, hey, can we see such and such, a
20 medical report, or can we see a report that was
21 referenced. If it was not placed into evidence, it's not
22 something you'll be able to consider.

23 As to videos, I think all three -- the videos are in
24 evidence. If you need to review any of those, we'd have
25 to bring you back out here for the review of those. But

1 you just need to let us know if that's what you would like
2 to do.

3 To my alternates, let me talk to y'all. First of
4 all, y'all have played a very important role in the
5 matter. If something had happened to any of the jurors or
6 they were not able to come back a day, then we would have
7 had to place one of y'all in that position as a regular
8 juror.

9 Unfortunately, you're not allowed to participate in
10 the deliberations, even though you've been involved in the
11 case for three solid days. But I don't want you to feel
12 like that minimizes your role. Because if you had not
13 been here, then -- and something was needed -- one of the
14 other jurors -- then we would have had to call a mistrial.

15 I always like to reference it to, you know, in the
16 Super Bowl, the backup quarterback. You know, you sit on
17 the bench and nobody knows who you are. But if something
18 happens to that first quarterback, you're the most
19 important person in the game. And even though you can't
20 deliberate, I do want you -- your role in the matter was
21 very important.

22 Now, I'm going to send you back, but you can't
23 deliberate yet. Because, one -- I have to determine, one,
24 if I've said everything correctly or if I've missed
25 anything. If I've missed anything or said anything

1 incorrectly, I'll bring you back out and correct that. It
2 will be just a short charge there.

3 Your signal to know that you can begin deliberating
4 is the bailiff will bring you all the evidence and the
5 verdict forms. And then, at that point, the alternates
6 will step out of the jury room. And then you can begin
7 deliberations, but not until then.

8 So go back to your jury room and do not begin
9 deliberations until you get the signals and the alternates
10 have stepped out of the jury room.

11 (WHEREUPON, the jury was excused from open court at
12 approximately 3:53 p.m.)

13 THE COURT: All right. Objections or exceptions from
14 the State on the jury charge?

15 MR. MOYER: No, Your Honor.

16 THE COURT: Defendant Jane Hughes?

17 MS. TAYLOR: No, Your Honor.

18 THE COURT: Jacob Hughes?

19 MR. JOHNSON: No, sir.

20 THE COURT: All right. Check the evidence and make
21 sure it's all there. Make sure we do have separate
22 verdict forms. I think I checked that, but just make sure
23 one for each Defendant.

24 (Pause.)

25 THE COURT: Okay. They're both here.

1 We'll be at ease pending a verdict.

2 (WHEREUPON, the proceedings were recessed at
3 approximately 3:55 p.m.)

4 (WHEREUPON, Court's Exhibit No. 2 was marked for
5 identification and admitted into evidence.)

6 QUESTIONS FROM THE JURY

7 THE COURT: All right. I've marked as Court's
8 Exhibit No. 2 a question from the jury. It says, What is
9 def -- it's shortened D-F-I-N. What is the definition of
10 conspiracy, and does the hand of all apply to conspiracy?

11 As I discussed with counsel, my response -- I was
12 going to write a response on this and put, Attached is the
13 charge on conspiracy. And I have printed only the -- the
14 exact charge I gave on conspiracy. We're going to attach
15 that.

16 And then the second question, The doctrine of the
17 hand of one is the hand of all would apply to both
18 charges?

19 Any objection or exception to that from the State?

20 MR. MOYER: No, Your Honor.

21 THE COURT: Defendant Jane Hughes?

22 MS. TAYLOR: No, Your Honor.

23 THE COURT: And Jacob Hughes?

24 MR. JOHNSON: No, Your Honor.

25 THE COURT: All right. We'll send that back and wait

1 for further communications.

2 (WHEREUPON, the proceedings were recessed at
3 approximately 4:49 p.m.)

4 (WHEREUPON, Court's Exhibit No. 3 was marked for
5 identification and admitted into evidence.)

6 THE COURT: All right. We have another question from
7 the jury. One, Define the hand of one. And, two, Define
8 reasonable doubt, signed Foreperson.

9 After discussions with the attorneys, I have printed
10 out my charge just on reasonable doubt and, also, the one
11 on hand of one. And I'm just going to submit that in
12 response.

13 Any objection to that from the State?

14 MR. MOYER: No, Your Honor.

15 THE COURT: Any objection to that from Defendant Jane
16 Hughes?

17 MS. TAYLOR: No, Your Honor.

18 THE COURT: And Jacob Hughes?

19 MR. JOHNSON: Question, Judge. I didn't -- can I
20 review the hand of one? Is it the whole one?

21 THE COURT: It's what I charged them before.

22 MR. JOHNSON: Okay.

23 THE COURT: I just printed off what I read to them.
24 I can make you a copy of it.

25 MR. JOHNSON: Okay.

1 THE COURT: I didn't change anything from what I
2 charged before.

3 MR. JOHNSON: Yes, sir..

4 THE COURT: All right. I'll send this back. And
5 we'll let you know when we hear the next question.

6 (WHEREUPON, the proceedings were recessed at
7 approximately 6:09 p.m.)

8 THE COURT: All right. I understand we have a
9 verdict.

10 Anything before we bring in the jury from the State?

11 MR. MOYER: No, Your Honor.

12 THE COURT: On behalf of Defendant Jane Hughes?

13 MS. TAYLOR: No, Your Honor.

14 THE COURT: And behalf of Defendant Jacob Hughes?

15 MR. JOHNSON: No, sir, Your Honor.

16 THE COURT: All right. Bring the jury in when
17 they're ready.

18 By the way, we did offer them dinner. They were the
19 ones that said they did not want it, just for the record.

20 (WHEREUPON, the jury came into open court at
21 approximately 7:11 p.m.)

22 THE COURT: Mr. Foreman, I understand you've reached
23 a verdict?

24 JUROR #85, JARIUS JACKSON: Yes, sir.

25 THE COURT: All right. If you could hand it to the

1 bailiff.

2 All right. It looks like it's in proper form.

3 If you would publish the verdict.

4 VERDICT

5 THE CLERK: Your Honor, in the case of
6 2015-GS-23-3345, State v. Jacob Cody Hughes, as to the
7 charge of murder, not guilty.

8 In the case of 2017-GS-23-4937A, State v. Jacob Cody
9 Hughes, as to the charge of conspiracy, guilty.

10 In the case of 2015-GS-23-3343, State v. Jane
11 Katherine Hughes, as to the charge of murder, guilty.

12 In the case of 2017-GS-23-4938A, State v. Jane
13 Katherine Hughes, as to the charge of conspiracy, guilty.

14 Ladies and gentlemen, if these are the verdicts you
15 came to in the deliberation room, please, raise your right
16 hand.

17 (WHEREUPON, all of the jurors raised their right
18 hand.)

19 THE CLERK: Thank you.

20 THE COURT: All right. Anything from the jury from
21 the State before we release them?

22 MR. MOYER: No, Your Honor.

23 THE COURT: Anything from Defendant Jane Hughes?

24 MS. TAYLOR: No, Your Honor.

25 THE COURT: On behalf of Jacob Hughes?

1 MR. JOHNSON: No, sir, Your Honor.

2 THE COURT: Ladies and gentlemen, thank you for your
3 service.

4 I know it was a very -- y'all worked hard at it here.
5 And we're past dinner time. So I appreciate your service.

6 At this time, you're excused. You can go back to
7 your jury room. And I'll step back there just to answer
8 any questions and chat with you. But y'all are free to
9 go.

10 Thank you very much.

11 (WHEREUPON, the jury was excused from open court at
12 approximately 7:13 p.m.)

13 THE COURT: We'll be in short recess until -- about
14 five minutes.

15 (WHEREUPON, a break was taken.)

16 THE COURT: All right. Are we ready?

17 MR. MOYER: We're ready.

18 THE COURT: I guess just both of them stand up here
19 at the same time.

20 All right. Just to -- all right.

21 Ms. Jane Hughes, you've been found guilty of murder
22 and conspiracy.

23 And on Mr. Jacob Cody Hughes, for conspiracy.

24 Now, what I'll do is I'll hear from the Solicitor,
25 and then I'll be glad to hear from y'all.

1 MR. JOHNSON: Yes, sir, Your Honor.

2 MR. MOYER: If it please the Court.

3 Your Honor, I believe Shirley Varner, the victim's
4 sister, would like to address the Court or, at least, have
5 our victim advocate read something.

6 THE COURT: Okay. I'll be glad to hear from her.

7 THE VICTIM'S ADVOCATE: Your Honor, the family of
8 John Ferrell would like to thank you, the jury, Mark Moyer
9 and Andrea Phillips, all the detectives, Captain Manley,
10 and Investigator Morecraft for all their hard work in
11 bringing out the truth and for obtaining justice.

12 She'd like to thank -- or she'd like to mention her
13 sorrow for Samantha and Charlie to have to carry the
14 burden of their father's murder, and for the pain and loss
15 it has caused within their family and their lives.

16 THE COURT: Thank you.

17 And I'm sorry for your loss and appreciate your
18 journey -- I know -- for the previous trial. I know this
19 has been a long ordeal for y'all. So my sympathies are
20 with you.

21 And, again, I appreciate you being here.

22 Yes, sir.

23 MR. MOYER: And as Your Honor knows, they did travel
24 here from out west where Ms. Varner is keeping the
25 children. And, apparently, the children are doing well

1 now.

2 The only thing I would add, Your Honor, you've heard
3 this trial twice now. In fact --

4 THE COURT: Hold on just a minute.

5 MR. MOYER: Okay.

6 THE COURT: I guess we're jumping the gun here
7 because we need to hear any motions.

8 I'm sorry. I totally forgot about that.

9 On behalf of Jacob -- on behalf of Jane Hughes, I'll
10 be glad to hear any motions.

11 MS. TAYLOR: No motions, Your Honor.

12 THE COURT: Yes.

13 MS. TAYLOR: No motions, Your Honor.

14 THE COURT: Anything on behalf of Jacob Hughes?

15 MR. JOHNSON: No, sir, Your Honor.

16 THE COURT: I'm sorry. I didn't catch that earlier.
17 Now, proceed.

18 MR. MOYER: So you've heard this case twice now. So
19 you're, certainly, about as familiar with the case as any.
20 So there's not a whole lot that I want to add about that.

21 Other than regarding Jane Hughes, Your Honor
22 sentenced her father, who was the shooter, to 40 years.
23 It is our contention that she is just as guilty, if not
24 more so, than her father. And that this was all because
25 of her. And we would ask the Court for a similar sentence

1 as you gave her father.

2 As for Jacob Hughes, Your Honor, we -- we understand
3 the sentence is a maximum of five years for a crime of
4 this nature. We would ask the Court to give as strict a
5 sentence as possible.

6 I will -- neither one of these Defendants has
7 criminal records.

8 I will give you their jail days. Jane Hughes has
9 1,162 days that she has been in jail. Jacob Hughes was in
10 jail for 292 days before he was released on bond and on
11 the home incarceration program.

12 THE COURT: His was how much?

13 MR. MOYER: 292 days.

14 MR. JOHNSON: And, Your Honor, I would ask -- he's
15 been on house arrest this whole time. No violations. I
16 would ask you to consider -- I believe it's discretionary
17 for you whether or not you give him that time.

18 THE COURT: And do you know how much that is?

19 MR. JOHNSON: It would be the same as Jane.

20 MR. MOYER: Well, he has 870 days on home
21 incarceration on top of the 292 days. So, yes, it would
22 be the same total.

23 THE COURT: Okay. Anything else from the State?

24 MR. MOYER: No, Your Honor.

25 THE COURT: All right. Since we've been going in

1 this order, I will hear on behalf of Jane Hughes first.

2 MS. TAYLOR: Thank you, Your Honor.

3 May it please the Court.

4 Jane is 36 years old.

5 Your Honor has heard the case before you. Some of
6 the things that you didn't hear that I think are probably
7 relevant to the sentencing. She met the deceased when she
8 was 17. Her first encounter with him was a sex violation,
9 according to what she has told me. That has been a theme
10 in their relationship throughout the years. She has been
11 to many counselors, including Compass of the Carolinas,
12 that have diagnosed her with PTSD or Post Traumatic Stress
13 Disorder.

14 I understand, obviously, that that is in no way an
15 excuse for any actions that have occurred. But just to
16 shed some light on the history of this situation. This
17 was a long, contentious relationship.

18 And I think Jane has prepared some things she would,
19 also, like to address, Your Honor.

20 THE COURT: I'll be glad to hear from you.

21 DEFENDANT JANE HUGHES: Your Honor, please, bear with
22 me. I'm a bit light -- light-headed right now.

23 THE COURT: I understand.

24 DEFENDANT JANE HUGHES: Today, I come to you with an
25 endless amount of sorrow, heartbroken, sheer exhaustion

1 concerning this horrific event that has changed many
2 lives. I am heartbroken about the death of John Michael
3 Ridell [phonetic] Ferrell.

4 This has been an arduous time for me. I pray
5 constantly for mercy and recovery from this trauma that
6 affected me to so greatly. I wish I could go back in time
7 and change what happened to John. I truly had wished him
8 no harm nor, to my recollection, caused him any.

9 I was terrified of him, to be honest. He was a very
10 troubled man. I lived in a constant state of
11 hypervigilance in fear of my life, the lives of my two
12 children, and my family.

13 I was looking forward to starting a happier,
14 healthier, safer life with our two children when my dear
15 father rescued us from a horrible living condition in
16 northern California on Father's Day of 2012. I was
17 exhausted from the oppression and fear of John.

18 I can only hope you take mercy on me. I hope that
19 you can pardon what wrongs you say I have done.

20 I would like to help my community educate themselves
21 about domestic violence. Daily, I talk with women who I
22 live with at the detention center about domestic violence
23 and family violence. I tell them there's hope and ways to
24 find a life of serenity. I am considered by these women
25 that I've counseled in the past 38 months empathetic,

1 forgiving, tolerant, meek, generous, a God-loving and
2 graceful, sweet woman.

3 I humbly request to be free of any more time
4 incarcerated. I would like to be given the opportunity to
5 serve the victims and survivors of domestic violence,
6 perhaps, work with Safe Harbor. I want to reestablish
7 being a mother to my children one day. But being without
8 them is another heartbreak.

9 I want to gain counseling for the PTSD I have. I
10 want to be back in society to recover from the 18 years of
11 violence I endured. This goal won't be achieved if I'm
12 locked away. I want to restore my family, the life I was
13 beginning before a horrible mistake three Januaries ago..

14 Thank you for allowing me, finally, to have a chance
15 to have my voice heard. May the Lord be with you in your
16 decision.

17 THE COURT: Ms. Taylor.

18 MS. TAYLOR: Nothing further, Your Honor.

19 THE COURT: All right. Mr. Johnson.

20 MR. JOHNSON: Thank you, Your Honor.

21 May it please the Court.

22 I have been Jacob's attorney, essentially, from the
23 get-go. And he's been -- except for some initial
24 distrust, me and him have been good.

25 He was able to get out on house arrest. He doesn't

1 have any violations. I'm not going to go into any of
2 the -- we've had a trial, the jury has spoken, and you've
3 heard that, Judge. And I don't intend to belabor this any
4 further.

5 He has been on house arrest with no violations for an
6 extended period of time. I know that he has a job. He
7 does have a girlfriend, who I've been -- dealt with, and,
8 also, a family member, Lynn Southern, who's sitting in the
9 audience who has been supportive.

10 But, based upon that, I think he's a good candidate
11 to, potentially, be supervised in the community in some
12 fashion. And we ask you to consider that.

13 He does want to tell you about his job, and things of
14 that nature. But that's it, Judge.

15 THE COURT: All right. I'll be glad to hear from
16 you, Mr. Hughes.

17 DEFENDANT JACOB HUGHES: Your Honor, I'm not quite
18 sure what to say to you. From the beginning of this, I've
19 just wanted to come in this courtroom and talk freely and
20 openly about what, actually, happened with my family. And
21 I know within my heart that everybody in my family deeply
22 regrets that night with everything that's inside them.

23 Despite whatever the Solicitor or anybody else would
24 like to try and tell you, I held my father in tears after
25 this. And he told me that he wished that it could have

1 happened any other way, that he did not want to see this
2 happen to John.

3 John and I became friends through the course of him
4 and Jane's marriage. And through the custody battle, I
5 foolishly wanted to try and get involved to try and see
6 them come to some sort of peaceful solution, whether it be
7 John gets supervised visits or he just gets partial
8 custody. I wanted to see some sort of resolution.

9 And if there's anything I could do to tell him after
10 Waffle House, you know what, dude, just take me back to my
11 truck and maybe we can talk about this at another time
12 with my parents. Because he was the one pushing for the
13 meeting.

14 And I just ask that you, please, take in
15 consideration that I am a law abiding citizen. I'm not a
16 criminal. My girlfriend refers to me as a gentle giant.
17 And all I want to do is return home to her so I can know
18 that her heartache will end with this. Because I know
19 it's been just as hard on her as it has me.

20 And I don't want to lose any more years with her son,
21 Nathan, who's very impressionable. And he's a very sweet
22 child. And I'm the only male figure in his life. And
23 it's more than I can bear to think for her to lay in that
24 bed alone every single night and have to deal with the
25 pressures of everyday life.

1 And I just ask that you, please, take in
2 consideration that I do have a job. And my employer is
3 more than willing to talk to the Court about that job. He
4 told me I always have a job with him. And all I want to
5 do is move on from this tragedy. I have no interest in
6 anything but getting a house with my -- my fiancée and
7 moving on.

8 And I ask that you, please, just take that into
9 consideration, please.

10 THE COURT: All right. Anything else from anybody?

11 MR. MOYER: Your Honor, I would like to make one
12 further remark just on behalf of the deceased and his
13 family. I just want -- based on some things that were
14 said, I just want to make sure the Court is aware that he
15 has no convictions for any kind of sexual assault on
16 anybody, certainly, not this Defendant. He has no
17 domestic violence convictions. He had one assault charge
18 in the 90's in Arizona. It was a misdemeanor --

19 THE COURT: You've had your moment. I don't think
20 that's relevant. Whether there was an arrest or not, that
21 doesn't mean it didn't happen.

22 MR. MOYER: Okay.

23 THE COURT: And I don't mean to cut you off. I'm
24 just saying we --

25 Mr. Hughes, I mean, you have a very compelling story

1 there. But I've got to look at the fact that a jury has
2 determined that you were guilty of conspiracy of murder.
3 And, quite frankly, if I give you credit for your time --
4 the time on house arrest, then, basically, it would be a
5 time served thing.

6 SENTENCING

7 THE COURT: So the sentence of the Court as to Jacob
8 Hughes, on the charge of conspiracy, is four years with
9 credit for 292 days served.

10 On Jane Hughes, this is a minimum of --

11 I believe a minimum of 30 years; is that correct?

12 MR. MOYER: That's right --

13 THE COURT: All right. The sentence of the Court is
14 30 years on the murder charge with credit for 1,062 days.

15 And on the conspiracy charge, five years, same
16 credit. And it will run concurrent.

17 Good luck to both of you.

18 *****END OF TRANSCRIPT OF RECORD*****
19
20
21
22
23
24
25

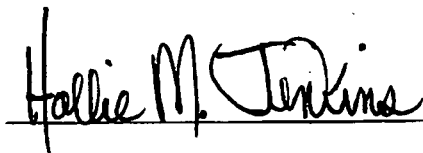
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 2nd, 3rd, and 4th days of April, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 17, 2018



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

000340

DOCKET NO. 2015-GS-23-
LMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2015

THE STATE

vs.

JANE KATHERINE HUGHES

WITNESSES

Simpsonville Police Dept. *KM*

1/28/2015

ARREST WARRANT NUMBER

2015A2320400084, 2015A2320400085

ACTION OF GRAND JURY

TRUE BILL

Wayne Sheppard

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Indictment for

0116, 0549

MURDER AND POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME

VIOLATION S 16-03-0010 AND 16-23-0490

009
ENTERED
JCC

Foreperson of Petit Jury

Date:

RECEIVED

MAY 11 2015

Clerk of Court
Greenville County

595

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 MURDER AND POSSESSION OF A WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **JUN 30 2015** the Grand Jurors of Greenville
 County present upon their oath:

COUNT ONE

MURDER

That JANE KATHERINE HUGHES did in Greenville County, on or about the 24th day of January, 2015, unlawfully and with malice aforethought kill JOHN MICHAEL FERRELL by means of shooting him multiple times with a handgun and assaulting him with a hammer, and that JOHN MICHAEL FERRELL died as a proximate result thereof. This is in violation of §16-03-0010 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That JANE KATHERINE HUGHES did in Greenville County, on or about the 24th day of January, 2015, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 64155

WITNESSES

K. Morecraft *KM*

Simpsonville Police Dept.

DOA: 1/28/2015 W/F DOB: [REDACTED]

SSN: [REDACTED]

ARREST WARRANT NUMBER
DIRECT PRESENTMENT

ACTION OF GRAND JURY
TRUE BILL

[Signature]

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-23-^{LMM} 004938A

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2017

THE STATE

vs.

JANE KATHERINE HUGHES

Indictment for

0049

CONSPIRACY

VIOLATION § 16-17-0410

[Signature]
ENTERED
ACCT.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 CONSPIRACY

At a Court of General Sessions, convened on
 County present upon their oath:

JUN 27 2017

the Grand Jurors of Greenville

That JANE KATHERINE HUGHES did in Greenville County, on or about the 24th day of January, 2015, willfully and unlawfully combined with Margaret Hughes and/or Jacob Hughes and/or John Hughes for the purpose of accomplishing an unlawful object or a lawful object by unlawful means, to wit: Murder. This is in violation of §16-17-0410 of the South Carolina Code of Laws (1976) as amended.

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


 SOLICITOR

BAR # 64155

STATE OF SOUTH CAROLINA

1577672

IN THE COURT OF GENERAL SESSIONS

599

COUNTY OF Greenville
STATE VS.

Jane Katherine Hughes

AKA:

Race: WHITE Sex: F Age: 36

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED] Rd

City, State, Zip: Simpsonville, SC 29681

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Murder

INDICTMENT/CASE#: 2015GS2303343

A/W#: 2015A2320400084

Date of Offense: 1/24/2015

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Mark Moyer
Moyer, Mark 64155 SC Bar#

Lauren Taylor
TAYLOR, LAUREN 100417 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 30 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 4/4/18

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied the State Department of Corrections. 1062 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5%)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 61.6 (Public Def/Probation)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)		\$	3.75
		\$	128.75

PTUP _____

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk

Paul B. Richardson

Court Reporter:

Jenkins

SCCA/217 (07/2016)

Presiding Judge

Judge Code: 2155

Sentence Date: 4/4/18

600

STATE OF SOUTH CAROLINA)
 COUNTY OF Greenville)
 STATE VS.)
 Jane Katherine Hughes)
 AKA:)
 Race: WHITE Sex: F Age: 36)
 DOB: [REDACTED] SS#: [REDACTED])
 Address:)
 City, State, Zip:)
 DL#: SID#:)
 *CDL Yes No CMV Yes No Hazmat Yes No

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS2304938A
 A/W#: 2017GS2304938A
 Date of Offense: 1/24/2015
 S.C. Code §: 16-17-0410
 CDR Code #: 0049

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Mark Moyer 64155 SC Bar# Defendant Lauren Taylor 100417 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 4/4/18
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____

Set by SCDPPPS _____
 Recipient: _____
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 2500
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75
		\$ 128.75

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wickham
 Court Reporter: Jenkins
 SCCA/217 (07/2016)

Presiding Judge _____
 Judge Code: 2755
 Sentence Date: 4/4/18

**THE STATE OF SOUTH CAROLINA
In the Appellate Court**

**APPEAL FROM GREENVILLE COUNTY
Court of General Sessions**

{Prompt}, Circuit Court Judge

Case No(s): 2015A2320400084, 2017GS2304938A

FILED CLERK OF COURT
PAUL B WICKENSMAIER
GREENVILLE CO. SC
2018 APR 10 PM 1:10

The State,

Respondent.

v.

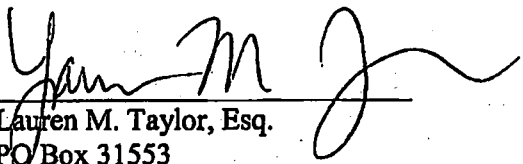
Jane Katherine Hughes

Appellant.

NOTICE OF APPEAL

Jane Katherine Hughes appeals her conviction and sentence in this case. The sentence was imposed by the Honorable Perry H. Gravely on April 4, 2018.

Date: April 9, 2018


Lauren M. Taylor, Esq.
PO Box 31553
Greenville, SC 29608
Attorney for Appellant

Other Counsel of Record:
Mark Moyer, Esq.
305 East North St.
Greenville, SC 29601
Attorney for Respondent

RECEIVED
APR 12 2018
SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Appellate Court**

**APPEAL FROM GREENVILLE COUNTY
Court of General Sessions**

Perry H. Gravely, Circuit Court Judge

FILED CLERK OF COURT
PAUL B WICKENSHER
GREENVILLE CO. SC
2018 APR 10 PM 1:10

Case No(s): 2015A2320400084, 2017GS2304958

The State,

Respondent.

v.

Jane Katherine Hughes,

Appellant.

PROOF OF SERVICE

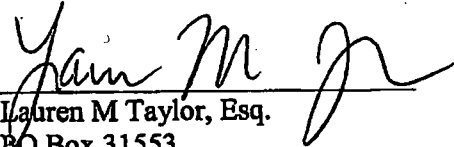
I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on April 10, 2018 addressed to:

Greenville County Solicitor's Office
L. Mark Moyer, Esq.
305 E. North St.
Greenville, SC 29601

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

RECEIVED
APR 12 2018
SC Court of Appeals

Date: April 9, 2018


Lauren M Taylor, Esq.
PO Box 31553
Greenville, SC 29608
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

{Prompt}, Circuit Court Judge

Case No(s): 2015A2320400084, 2017GS2304938A

FILED CLERK OF COURT
PAUL B. WICKENS JR.
GREENVILLE CO.
7:11 PM APR 10 2018

The State,

Respondent.

v.

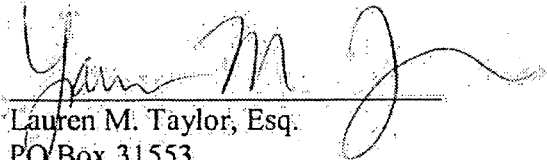
Jane Katherine Hughes

Appellant.

NOTICE OF APPEAL

Jane Katherine Hughes appeals her conviction and sentence in this case. The sentence was imposed by the Honorable Perry H. Gravely on April 4, 2018.

Date: April 9, 2018



Lauren M. Taylor, Esq.
PO Box 31553
Greenville, SC 29608
Attorney for Appellant

Other Counsel of Record:
Mark Moyer, Esq.
305 East North St.
Greenville, SC 29601
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Perry H. Gravely, Circuit Court Judge

Case No(s): 2015A2320400084, 2017GS2304938A

FILED CLERK OF COURT
PAUL B. WICKER
GREENVILLE, SC
APR 10 PM 1:09

The State,

Jane Katherine Hughes,

v.

Respondent.

Appellant.

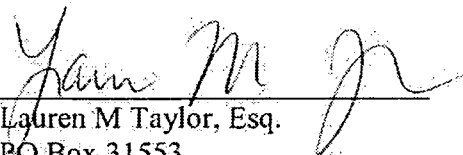
PROOF OF SERVICE

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L. Mark Moyer, Esq.
305 E. North St.
Greenville, SC 29601

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

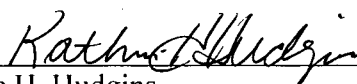
Date: April 9, 2018.


Lauren M Taylor, Esq.
PO Box 31553
Greenville, SC 29608
Attorney for Appellant

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 3rd day of September, 2019.

RECEIVED
SEP 03 2019
SC Court of Appeals