

State Attorney General's Office asks appeals court to rehear Heather Sims case

FROM STAFF REPORTS
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The State Attorney General's Office will ask the S.C. Court of Appeals to rehear the case of a Conway woman whose conviction for voluntary manslaughter was overturned last week.

Robert Kittle, spokesman for Attorney General Alan Wilson, said via email that the appellate review committee of the AG's office met Friday and decided to petition the appeals court for a rehearing.

"If the Court denies that petition we'll have to decide what to do from there," he said, adding that he couldn't comment further because the case is pending.

Heather Causey Sims, 37, was convicted of killing her husband and sentenced to 25 years in prison in 2015. That sentence was suspended to 10 years and five years probation. But appeals court justices determined that Judge J. Cordell Maddox Jr. erred when he allowed the jury to consider a charge of voluntary manslaughter, along with the charges of murder, self-defense and involuntary manslaughter. The appeals court published its decision this past week.

At the time of trial, defense attorneys argued more than once that neither voluntary

nor involuntary manslaughter should be charged, but Maddox responded that in his mind it was appropriate.

The court's ruling says that it is possible that the jury thought it was finding a lesser charge than murder, but a more serious one than involuntary.

The justices pointed out that the jury marked not guilty on its verdict form for murder and involuntary manslaughter, so they opined that she cannot be tried again on either of those charges because that would constitute this country's laws against double jeopardy or being tried twice for the same crime.

However, last week's ruling does not mean that Sims will be released from prison immediately or even if before her sentence is served out because there is a process that must be followed before her case is final. She has been incarcerated since Nov. 25, 2015, and is now at Graham Correctional Center in Columbia. The state's inmate search lists her projected release date as May 14, 2024, without the possibility of an earlier parole. That, of course, was before this past week's ruling.

In its opinion that voluntary manslaughter was not the right charge for Heather

Sims, the court found that the defendant's actions did not show any signs of acting in the heat of passion.

"The sudden heat of passion need not dethrone reasons entirely or shut out knowledge and volition, but it must be such as would naturally disturb the sway of reason and render the mind of an ordinary person incapable of cool reflection and produce what may be called an uncontrollable impulse to do violence," the court opinion states, quoting a previous S.C. Supreme Court ruling.

The evidence presented at the trial did not support a charge for conviction of voluntary manslaughter because any evidence of the crime would have been for murder and as the Court of Appeals said in that opinion there was no manslaughter evidence.

According to the court opinion, the state argued that Sims planned to kill her husband David to get the \$750,000 life insurance policy that she encouraged him to buy.

She testified that she shot him on Aug. 11, 2013, in their bathroom where he had come with several tools to work on the toilet, and she was preparing to bathe. She said he charged at her with a knife, they struggled and she

shot him as she began to back out of the bathroom. Testimony showed that she had three cuts. He was shot once in the chest.

As soon as she shot him, she testified that she began administering CPR, but by the time medical workers arrived he was dead.

Before prosecutors can ask the Supreme Court to take a case, they must first ask the Court of Appeals to rehear the case.

If the request to rehear is denied, a new deadline is triggered for the Supreme Court to take the case, which the higher court does not have to do.

If the Supreme Court agrees to hear the case, it can take another six to eight months before there's an answer.

But, experts say, the vast majority of requests to move the case on to the Supreme Court are rejected.



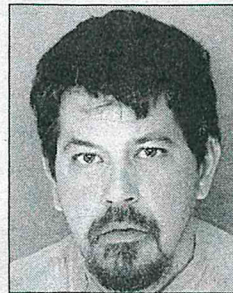
Heather Sims

Little River man pleads guilty to voluntary manslaughter and neglect of children

BY KATHY ROPP
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A Little River man was sentenced to 30 years in jail Monday morning after pleading guilty to voluntary manslaughter and two counts of unlawful neglect of children in connection with the strangling death of his girlfriend in November of 2015.

Prosecutor Josh Holford said Leon Edward Collier, 48, must serve 85 percent of his sentence, which comes out to about 25.5 years. Circuit



Collier

saying she was sick and just didn't feel well.

The man who was the father of one of the children had died previously from cancer.

The children are living now with other family members, according to Holford.

The prosecutor said he had an expert from the Medical University of South Carolina at the courthouse Monday morning to testify that Collier was mentally capable of standing trial, but his testimony was not needed.

Myrtle Beach man did not qualify for a Stand Your Ground ruling

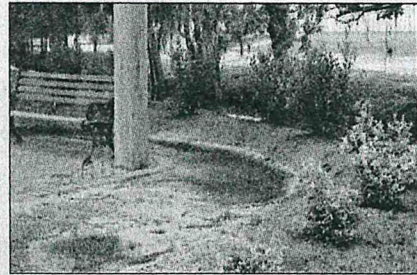
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She also testified that before the shooting she heard



COMING BACK STRONG



KATHY ROPP / THE HORRY INDEPENDENT



Heather Sims

Conwayite's manslaughter case is over

BY KATHY ROPP
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It's over!
That's the pronouncement of Conway attorney Morgan Martin as he responds to two recent court actions in the case of Conwayite Heather Sims, who was convicted of voluntary manslaughter in connection with the shooting death of her husband.

In an order clocked into the Horry County Clerk of Court's Office this past week, the S.C. Supreme Court says it won't hear an appeal of a second finding by the S.C. Court of Appeals that Judge J. Cordell Maddox Jr. erred when he allowed the jury in this case to consider a verdict of voluntary manslaughter.

In its opinion that voluntary manslaughter was not the right charge for Ms. Sims, the Court of Appeals found twice that the defendant's actions did not show any signs of acting in the heat of passion.

"The sudden heat of passion need not dethrone reasons entirely or shut out knowledge and volition, but it must be such as would naturally disturb the sway of reason and render the mind of an ordinary person incapable of cool reflection and produce what may be called an uncontrollable impulse to do violence," the court opinion says,

ent park with
arrett Roberts.

The supervisor of the project is Monty Martin, left in the hole, Nicholas Pruitt, kneeling, on the far side of the hole, and Robert Bauman in the yellow shirt.

Coming back strong after hurricane devastation

corner and is ready to move into the future.
The FEMA buyout is rounding down, adding to the city 128 acres of vacant property that should help some residents in the affected areas with future water problems. He also points out that Conway has more than 3,000 acres of

conservation property in its city limits, which he thinks is unusual for a city this size.
The city isn't allowed to put any kind of structures on the now city-owned properties and must tend them, which is expensive, but the city has come up with an idea to help. At the request of some of the resi-

dents living near the flooded properties, the city plans to lease these vacant lots to adjoining property owners for \$1 a year. That will allow them to enlarge their yards and they will be required to keep them manicured.

CONWAY, A2

SIMS, A3

file on first day to run in November 1

Sims: Served almost four years in prison on an incident attorney says was clearly self defense

FROM A1

quoting a previous S.C. Supreme Court ruling.

The S.C. Court of Appeals first made that ruling in February. The S.C. Attorney General's Office then asked the court to reconsider. In an opinion released this past week, the court stood by its earlier ruling.

Sims has been out of jail and back living at home near Conway since shortly after the first Appeals Court's ruling. She had been in state prisons for a little less than four years.

"The criminal prosecution is over and she has been acquitted of all charges," Martin said.

He expects her charges to eventually be expunged and for her to be able to revive her nurse anesthetist license.

"Heather is a wonderful and gifted person, and I think certainly she should return to the practice of nursing, which she loved very much and certainly to

being a mother for her child. It's been a difficult journey, but it's one that has ended with her having the ability to get her life back and I'm glad that she has that opportunity," her attorney said.

He said he thinks it's sad that she served time in jail on an erroneous conviction, "...but I think it's just a product of our legal system and you hope that it doesn't happen again."

Sims was convicted of voluntary manslaughter and sentenced to 25 years in jail, reduced to 10 years in jail and five years probation.

The jury was also given the options of finding her guilty of murder or involuntary manslaughter or of ruling in the 2015 trial that the shooting was self-defense.

Because the jury found her not guilty of murder and involuntary manslaughter, she cannot be tried again on these charges.

"I think it's a just and fair

outcome at the end of the day. I think it's been clear throughout that she acted in self defense and, accordingly, should not have been convicted of murder or manslaughter," Martin said.

Fifteenth Circuit Solicitor Jimmy Richardson says the ruling has somewhat confused him because he's seen a court rule differently in another case where the question of charging voluntary manslaughter as a lesser charge for murder ended with a different finding.

But, he says, a very competent judge heard Sims' case.

"It's just up in the air; nobody knows when to charge manslaughter as a lesser charge of murder," he said.

"I don't think this fixes anything," Richardson said of the recent rulings.

"...I'm proud of the job that we did. I don't know that there's another way we could have done it. I'm proud of what we did. I hate it for the victim's family, but

there's another recourse and that is civil," he said.

If the statute of limitations has not run out, David Sims' representative can bring a civil suit against Heather Sims, he said.

As far as Sims serving almost four years in jail on an erroneous conviction, Richardson said, "It won't be enough for a murder or manslaughter, but the court has intervened and said it wasn't murder or manslaughter..."

At the time of trial, defense attorneys argued more than once that neither voluntary nor involuntary manslaughter should be charged, but Maddox responded that in his mind it was appropriate.

The court's ruling says that it is possible that the jury thought it was finding a lesser charge than murder, but a more serious one than involuntary manslaughter.

The justices pointed out that the jury marked not guilty on its verdict form for

murder and involuntary manslaughter, so they opined that she cannot be tried again on either of those charges because that would violate this country's laws against Double Jeopardy, or being tried twice for the same crime.

The nurse anesthetist worked in prison as a teacher's aide, and had no recorded disciplinary actions, according to state prison records.

Martin said previously that he argued against the charges of manslaughter and involuntary manslaughter fearing that the jury would select one of them as a compromise verdict.

According to the Court opinion, the State argued that Sims planned to kill her husband David to get his \$750,000 life insurance policy that she had earlier encouraged him to buy.

She testified that she shot him on Aug. 11, 2013, in their bathroom where he had come with several tools

to work on the toilet and she was preparing to bathe. She said he charged her with a knife, they struggled and she shot him as she began to back out of the bathroom. Testimony showed that she had three cuts. He was shot once in the chest.

As soon as she shot him, she testified that she began administering CPR, but by the time medical workers arrived he was dead.

The medical workers waited near the house, but didn't go in until police arrived which, according to the opinion, took about 20 minutes.

One issue that remains to be settled is who will get the proceeds of the insurance policy. Martin said the money was deposited with a federal court and no decision has been made yet about how the money will be disbursed.

The S.C. Attorney General's Office chose not to comment on the case at this point.

YOU ASKED FOR IT

FROM A1

sun you get.

However, he said, lantana is probably the most common flowering perennial that people in this area choose.

If you don't want lantana, he suggests you consider, for hedging with color, Lanten rose, bleeding heart or foxglove, just to name a few. If it's texture you want, try elephant ears or caladium.

He suggests you contact the Clemson University Home and Garden Center at hgic.clemson.edu where you will find a number of fact sheets about plants

You can also contact Forester at (843) 365-6715.

Q. What's the holdup on the Cultra Road paving project?

A. SCDOT construction manager Anna Barnhill says the project has been delayed a little while the highway department coordinates with Horry Electric Cooperative whose officials are planning to add turn lanes into their building.

Barnhill says this will greatly improve the project because it won't affect traffic as much while it's underway and it won't leave joints in the asphalt.

She says they're planning

Day. Drainage and paving will follow. They'll also need to put down some base to make the turn lanes possible.

She expects the project to be complete by the end of the year.

Barnhill says she hates that the project has been delayed, but getting the turn lanes included in this project is "just an awesome thing" and that doing the project all at once will be worth it in the end.

Q. What can be done to

get the green turn lights on Main Street in Downtown Conway not to stay on when there's no one in the turn lanes?

A. Again, SCDOT construction manager Anna Barnhill was our go-to for an answer to your question, and we think you'll like it.

Barnhill says the turn signals were not able to work at maximum efficiency for about a year due to all the work that has been going on with the roads in that

area. When the wires in the asphalt that control the lights are damaged, the lights resort to a timer that causes them to go through a full cycle, she said.

However, she says, the lights should be working on

sensors now and should not be staying green when there are no cars in the left turn lanes.

If you still see a problem with the way they're working, she encourages you to call (843) 365-2130.

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