

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



MARK SANFORD
Governor

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Chief

January 25, 2008

INVESTIGATIVE REPORT

TO: File 31060072

FROM: Special Agent Shaun Harley *SH*

RE: Homicide

Ferrell, Jaquan (s)
Belli, James (v)

COUNTY: Dorchester

Introduction

On August 23, 2006, the South Carolina Law Enforcement Division (SLED) received a request from Investigator Merv Powell, South Carolina Department of Corrections (SCDC), to investigate the death of Inmate James Belli at Lieber Correctional Institution (LCI). According to SCDC officials, Belli was transported to Trident Hospital for the treatment of several stab wounds to his upper chest and later died as a result of his injuries, as he was removed from life-support equipment at the hospital. Agents C. Lehanne Bailey and Shaun Harley were assigned by Captain Roger Heaton, SLED, to conduct the investigation. Agent Eddie Porter, SLED Crime Scene Unit, was assigned for crime scene processing.

Belli 00616



Summary

On August 23, 2006, Agents Bailey and Harley interviewed Correctional Officer (C/O) Joel Eaton, who later provided a written statement (**Attachment 1**). During a briefing on the morning of August 23, 2006, Belli came into the "break room" holding his throat with blood covering his hands. C/Os Paul Hightower, Michael Rice, Douglas Westerholm and Eaton laid Belli on the floor and attempted to stop the bleeding until the medical unit arrived. When asked who had cut him, Belli could only say "Room 39". Emergency Medical Services arrived and transported Belli to the hospital.

On August 23, 2006, Agents Bailey and Harley interviewed C/O Douglas Westerholm, who later provided a written statement (**Attachment 2**). During a shift change, Belli came into the "break room" grasping his throat. Blood was pouring through his fingers. Belli was laid on the floor and asked who had stabbed him. Belli responded several times "Room 39".

On August 23, 2006, Agents Bailey and Harley interviewed C/O Michael Rice, who later provided a written statement (**Attachment 3**). After Belli came into the "break room" holding his throat and bleeding, Rice proceeded to the "A Side" of the Ashley Unit to begin a "lock down". Rice noticed a blood trail leading to Cell 39. Rice then observed Inmate Tony Rush, who lives in Cell 39, mopping some blood from the floor. Rice ordered Rush to stop the mopping and directed him to his cell. Before Rush went into his cell, he threw the mop over the edge of the tier. When Rush returned to his cell, Rice observed that Rush had already mopped the floor inside the cell and that his cellmate, Inmate Jaquan Ferrell, was also inside the cell. After completing the "lock down", Rice returned to Cell 39, removed Rush and Ferrell, and placed them in a separate holding cell. While searching the area, some bloody clothing was found in a trash can outside of Cell 39.

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On August 23, 2006, Agents Bailey and Harley interviewed C/O Paul Hightower, who later provided a written statement (**Attachment 4**). Belli came into the "break room" holding his throat and was bleeding heavily from a wound. While care was being given to Belli, Hightower and Rice went to the A-Wing of the Ashley Unit and began a "lock down". Hightower observed Rush mopping what appeared to be blood from the floor near Cell 39. Rush was told to stop mopping and stated that nothing had happened in Cell 39. After completing the "lock down"

Hightower noted a trail of blood starting at Cell 39, going to "the rock area" and stopping at the "break room".

On August 23, 2006, Agents Bailey and Harley interviewed Inmate Tony Rush (a.k.a. "Ya Yo"), who waived his Miranda Rights but refused to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 5**). During the course of the interview, Rush stated on the evening of August 22, 2006, he had an encounter with Belli and "busted" him in the face a couple of times. The next morning, some friends of Belli came to his cell wanting to talk. Another altercation occurred between Rush and Inmate Brandon Lee (a.k.a. "Dirty"). That fight was broken up and they decided to meet at the barbershop to continue the fight. At the barbershop, all of the inmates watching started to run and Rush noticed Belli at the stairwell, bleeding. Rush ran back to his cell and saw a mop. He picked up the mop and made a few swipes on the floor and the guards then called for "lock down". When Rush went into his cell, he saw his cellmate, Ferrell, wiping up the floor.

On August 23, 2006, Agents Bailey and Harley interviewed Brandon Lee (a.k.a. "Dirty"), who refused to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 6**). On August 23, 2006, Lee learned that Rush and Belli had an altercation because Rush had extorted money from Belli in the past. During the altercation, Rush had hit Belli several times. Lee went to Rush to talk to him when a fight started in Rush's cell. The fight was broken up and they decide to meet at the barbershop to continue the fight. When Lee got to the barbershop, no one wanted to fight, so Lee left. As Lee was approaching Belli's cell, he saw an inmate (Lee would not identify this inmate) holding onto Belli. Belli turned toward the stairs and was bleeding very badly. Lee did provide the name of Inmate Sylvester Black (a.k.a. "Flame") as one of the inmates in the area of the stabbing.

Belli 00618

On August 23, 2006, Agents Bailey and Harley interviewed Robert Schliewenz (a.k.a. "Robo"), who refused to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 7**). Earlier that morning, Belli woke him for breakfast. Schliewenz noticed that Belli had a cut on his forehead, which was done by Rush in a fight the night before. According to Schliewenz, Rush had been extorting money from Belli and Belli's family and had the money put into his inmate account (J-Pay). Schliewenz further explained that Rush had even contacted Belli's mother and had money sent to him. This led to Rush being put in "lock up". After Rush

was released from "lock up", the problems with Belli kept growing. After Belli woke him, Schliewenz went to breakfast. When he returned from breakfast, he saw that Belli had been stabbed, but did not witness the assault.

On August 23, 2006, Agents Bailey and Harley interviewed Inmate Christopher Ready who also provided a written statement (**Attachment 8**). Last night, Ready noticed a cut on Belli's head. Belli told him that he had gotten the cut from wrestling next door. Belli could not get the bleeding to stop and was going to go to the medical unit in the morning. Earlier today, he and Belli took their sheets to the laundry and Ready went to work in the kitchen. That was the last time he saw Belli.

On August 23, 2006, Agents Bailey and Harley attempted to interview Inmate Jaquan Ferrell (a.k.a. "Sticks"). After acknowledging his Miranda Rights (**Attachment 9**), Ferrell refused to be interviewed.

On August 24, 2006, Agents Bailey and Harley interviewed Inmate Timothy Hudson who also provided a written statement (**Attachment 10**). On August 23, 2006, Hudson saw a white male inmate standing in the doorway of Cell 39 talking to Rush and Ferrell. A third inmate known as "Flame" (Sylvester Black) who lives in Cell 44, came up to the white inmate and stabbed him in the upper body, close to the neck. Hudson then left the unit and went to the cafeteria.

Based on Hudson's information, Agent John Burnett, SLED, administered a polygraph examination to Hudson. Based on Agent Burnett's interpretation of Hudson's responses to the questions, deception was indicated (**Attachment 11**). In a post-polygraph interview, Hudson refused to provide any further details.

Belli 00619

On August 25, 2006, Agents Bailey and Harley interviewed Inmate Robert Washington who also provided a written statement (**Attachment 12**). On the morning of August 23, 2006, he was talking to his cellmate, Black (Flame), about going to breakfast. Black got up and went to Rush's (Yayo) cell. As Washington was coming out of his cell, he saw Black and Rush at Belli's (Little J) cell. As he was going down the stairs, he began to hear some loud noises coming from Belli's cell. After breakfast, Washington and a lot of the other inmates were told to go to the gym. After being sent back to their cells, Washington and Black talked about what had happened when Black noticed that one of his shirts had a lot of blood on it. The shirt was then cut up and

Black began flushing it down the toilet. Black started saying "That dam Yayo trying to set me up". Black explained that Rush wouldn't do anything to Belli and Black told Rush to get him. Rush grabbed Belli and began to choke him. Ferrell then came in and stabbed Belli three times. A friend of Belli's (Lives in Cell 23) came into the cell to break up the fight and Black chased him away. Later that night, Black was talking to someone on a cell phone and said "we went bloodthirsty and had to take a motherfucker out".

On August 25, 2006, Agents Bailey and Harley interviewed Inmate Johnny LeFrance Mayes who also provided a signed statement (**Attachment 13**). On August 23, 2006, about five minutes before breakfast, he was standing on the top tier near the television and saw a group of inmates standing near cells 39 and 40. The inmates were Schliewenz (Robo), Lee (Dirty), Inmate Robert Isom and "GT" (Isom's Cellmate). Schliewenz knocked on Belli's door and he came out. Lee then began knocking on Rush's door. When Rush opened the door, they all went inside (Cell 39), but Ferrell walked out of the cell. A few seconds later, Belli came out and began walking to the barbershop. Mayes then heard a lot of noise and Rush yelling "yard, got that". Someone then called Belli and he started walking back to his cell. The door to Cell 39 burst open, Schliewenz, Lee, Isom and "GT" ran out of the cell. Ferrell and Black were standing next to Cell 45 and began walking to Cell 39. Mayes say that Ferrell had a knife in his hand. Black then grabbed Belli and pulled him toward Cell 39. Ferrell then stabbed Belli in the neck and chest area. The knife fell to the ground and either Black or Ferrell picked it up and tried to stab Belli again, but he had gotten away and was trying to get to the wing door. Mayes further stated that Schliewenz lives in Cell 23, Lee lives in Cell 8, and Isom and "GT" live in Cell 31.

On August 25, 2006, Agents Bailey and Harley re-interviewed Rush who waived his Miranda Rights and provided a signed statement (**Attachment 14**). Rush provided the same details as stated in Attachment 5.

On August 25, 2006, Agents Bailey and Harley attempted to interview Inmate Sylvester Black (a.k.a. "Flame"). After acknowledging his Miranda Rights (**Attachment 15**), Black refused to be interviewed.

On August 28, 2006, Agents Bailey and Harley interviewed Inmate Michael Gambrell who provided a written statement (**Attachment 16**). On August 23, 2006, he saw Belli come up the stairs to where a group of inmates were fighting. A tall inmate grabbed Belli and pulled him into a cell. Belli came out of the cell a few moments later, bloody.

On August 28, 2006, Agents Bailey and Harley interviewed Inmate Derrick Singleton (a.k.a. "GT"), who waived his Miranda Rights but refused to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 17**). Singleton stated that he was not present the night that Belli and Rush got into a fight, but he was involved in an altercation with Rush the next morning (August 23, 2006). Isom and Singleton went to Rush's room and told Ferrell that he needed to leave. Isom and Rush then got into a fight. After the fight, Isom and Singleton left the room and went to eat breakfast. When they got to the breakfast line, they went back to the dorm area because they heard a call for the "First Responders". When they got back to the unit, they saw blood in the front room and on the "rock".

On August 28, 2006, Agents Bailey and Harley interviewed Inmate Robert Isom who waived his Miranda Rights but refused to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 18**). On the morning of August 23, 2006, Isom, Schliewenz, Lee and Singleton went to Rush's cell to find out why Rush had "jumped" Belli the night before. They encountered Rush and a fight began between Rush and Isom. After the fight, they left Rush's cell when Black showed up. Isom, Lee, Singleton, Schliewenz and Belli were leaving to go to breakfast. When they arrived at breakfast, Belli was not with them. They returned to the unit and saw all the blood on the floor.

On August 28, 2006, Sergeant Adcox, SCDC, received a hand written letter from Inmate Craig George indicating that he witnessed the stabbing (**Attachment 19**).

On August 30, 2006, Agents Bailey and Harley interviewed Inmate Craig George who provided a written statement (**Attachment 20**). On Wednesday morning (August 23, 2006), George saw a fight going on inside Cell 39 with the guy who lives there. The other cellmate, "Sticks" got behind Belli and "choked him out". "Sticks" then tried to throw him down the stairs, but Belli woke up. Belli then ran away and the guards came "locking down" the unit.

On August 30, 2006, Agents Bailey and Harley interviewed Inmate George Adams who provided a written statement (**Attachment 21**). On August 23, 2006, a fight took place in Cell 39 between an inmate that lives in Cell 39 and an inmate that lives in Cell 10. The fight came out of the cell and on into the day room or barbershop. Adams then saw Ferrell drag Belli into either Cell 39 or Cell 40. Ferrell was bent down over Belli punching him and saying "I'll kill him". Belli then scooted out of the cell, towards the stairs. Adams saw blood squirting from Belli's neck. Adams looked back at Cell 39 and saw the tall guy that lives in the cell, mopping up some blood. He dropped the mop and walked off. Ferrell then got the same mop and began to mop the blood in his cell, Cell 39.

On August 30, 2006, Agent Bailey had Investigator Greg Antley, SCDC, prepare a photographic line-up of inmates involved for use in future interviews (**Attachment 22**).

On August 30, 2006, Agents Bailey and Harley re-interviewed Schliewenz who refused to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 23**). During the course of the interview, Schliewenz was shown the photographic line-up (**Attachment 22**) and was asked to make reference to the photograph numbers when talking about an inmate. On the morning of August 23, 2006, Schliewenz went to Cell 40 to fight Rush (Photo #6) in defense of his friend, Belli (Little J). Black (Photo #3) showed up and everyone left to go to the barbershop to fight. Lee and Rush "squared off" but never fought, they just walked around calling each other names. Belli was told to go to his cell, lock the door and wait. They heard Ferrell (Photo #2) screaming something and they went towards him. As Schliewenz got around the corner, he saw Ferrell choking Belli. Belli fell to the ground and Ferrell began pulling him into Cell 39. Ferrell was screaming out "Die!" and "I'm going to kill this motherfucker", or something to that effect. Ferrell then began to stab Belli with something, but Schliewenz did not see the weapon, as he only saw the stabbing and jabbing motions. Black was standing next to Ferrell while the stabbing was taking place. Belli began to crawl towards the stairs and blood was squirting from his neck. Schliewenz had a "pole" and swung it at Black, making him back-off. Schliewenz and Lee helped Belli down the stairs and when they got to the "sally port", they let Belli go to the C/Os.

On October 3, 2006, under the advice and direction of Deputy Solicitor Don Sorenson, Agent Bailey obtained an arrest warrant from Magistrate L.C. Knight, Dorchester County, charging Ferrell with murder in the death of Belli (**Attachment 24**).

On October 12, 2006, Agent Bailey re-interviewed Inmate Gambrell who declined to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 25**). On the morning of August 23, 2006, Gambrell heard a big fight going on upstairs and Belli started to walk towards the fight. Belli was then grabbed and pulled into Cell 39. Gambrell is not sure who grabbed Belli, but he saw Ferrell stabbing Belli. Ferrell and Black then tried to pick up Belli and throw him down the stairs, but Belli stood up and blood was coming out of his neck and chest. Belli got to the stairs and Lee helped him down the staircase. Black and Ferrell then started mopping the area and Ferrell was saying he was a "murderer".

On January 5, 2007, Agent Bailey interviewed Lieutenant Johnny Buncumb, SCDC, who provided a written statement (**Attachment 26**). In mid-November 2006, Lt. Buncumb was approached by Inmate Herbert McDowell who stated that he knew the location of the murder weapon in the Belli murder. Later that day, McDowell handed him a piece of metal that was sharpened to a point. Lt. Buncumb turned it over to the Contraband Officer with an evidence card attached. The items were then given to the Major's Office.

On January 5, 2007, Agent Bailey interviewed Inmate Herbert McDowell who provided a written statement (**Attachment 27**). On the day of the Belli murder, McDowell went to his room to get some personal items because he knew the unit was going to be put on "lock down". He saw two inmates, Rush and Ferrell, standing outside his cell handcuffed. He then noticed a "shank" in his cell window. McDowell told his cellmate, Inmate (first name not provided) Jackson, (a.k.a. "Wildman"), who then took the "shank" and put it in the ground on the recreation yard of the unit. He told Lt. Buncumb where the weapon was and was told that it was turned over to SLED.

On January 5, 2007, Agent Bailey interviewed Inmate Derekee Johnson (a.k.a. "Wildman") who declined to provide a written statement; therefore a Memorandum of Interview was prepared (**Attachment 28**). When questioned about the weapon his cellmate, McDowell, had given to Lt. Buncumb, Johnson stated that he was on "lock-up" when the murder was committed and did not return to his cell until September 13, 2006 and did not have any information concerning the murder or the murder weapon. This information was confirmed by Agent Bailey through SCDC records.

Belli 00623

On January 5, 2007, Agent Bailey met with Officer Mitchell Cummings, LCI Evidence Custodian, regarding the "shank" that McDowell had submitted as evidence (**Attachment 29**). A

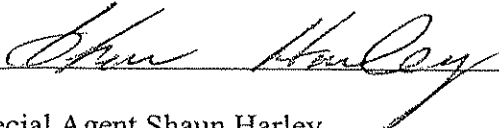
search of the evidence locker revealed no evidence associated with this investigation. Cummings also explained that if evidence is submitted without an evidence tag or an incident report, then the item is stored in a bin with other "shanks".

On March 29, 2007, Agents Bailey and Michele China interviewed Inmate Gregory Mouzon who provided a written statement (**Attachment 30**). Mouzon stated that he had witnessed several altercations between Rush and Belli. Mouzon had also witnessed Sgt. Maniguault and Lt. Buncumb provided other inmates with contraband, and threatened Belli if he told anyone what they were doing. Mouzon was later placed in protective custody at McCormick Correctional Institution (MCI), and Ferrell was later transferred to the same unit. Ferrell and Mouzon began to talk and Ferrell told Mouzon that he had "wet him up" which meant he had stabbed Belli.

The following documents were obtained pertinent to this investigation:

- SCDC Incident Report (**Attachment 31**)
- SCDC Health Services Report (**Attachment 32**)
- SCDC Information Packet on James Belli, Jr. (**Attachment 33**)
- Memorandum of Interview – James Belli, Sr. (**Attachment 34**)
- SCDC J-Pay Account – James Belli, Jr. (**Attachment 35**)
- Layout of the Ashley Unit at LCI (**Attachment 36**)
- Evidence Inventory from SLED Crime Scene Unit (**Attachment 37**)
- SLED Forensic Laboratory Report – Latent Prints (**Attachment 38**)
- SLED Receipt for Property & Returned Property Receipt (**Attachment 39**)
- SLED Forensic Services Request (**Attachment 40**)
- SLED Forensic Laboratory Report – DNA Analysis (**Attachment 41**)
- SLED Forensic Laboratory Amended Report – DNA Analysis (**Attachment 42**)
- SLED Receipt for Property & SLED Forensic Services Request (**Attachment 43**)
- SLED Forensic Laboratory Report – Questioned Documents (**Attachment 44**)
- Dorchester County Emergency Medical Services Report (**Attachment 45**)
- Autopsy Report prepared by Newberry Pathology Associates (**Attachment 46**)

A copy of this report will be provided to the proper prosecutorial authority for their review.


Special Agent Shaun Harley