

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

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Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

PRESS RELEASE
For Immediate Release

April 13, 2017

Vermont Woman Pleads Guilty in Death of Greenville Man

Thirteenth Circuit Solicitor Walt Wilkins states that Heather Mallett, 47, pled guilty on April 12, 2017, to Arson in the First Degree in the death of Greenville resident Johnny McCarter. The Honorable Perry H. Gravely sentenced Mallett to thirty years in the South Carolina Department of Corrections, suspended on the service of thirteen and one-half years and followed by five years of probation.

Evidence presented at the hearing by Assistant Solicitor Allen Fretwell established, on February 11, 2015, at approximately 10:50 pm, Mallett set fire to McCarter's home at 459 Becky Gibson Road in Greenville County. According to Fretwell, Mallett and McCarter were in a relationship at the time of the incident, and witnesses told investigators that the two were arguing several hours prior to the fire. Mallett's friend, Sarah Pope, told police she drove Mallett to the incident location around 10:30 pm, thinking Mallett would get her stuff and come back with her to spend the night. After a few minutes, Mallett returned and told Pope she could not get anyone to come to the door and that she would be spending the night on the porch (though it was extremely cold that evening.) Mallett told Pope someone would be coming to get her in about an hour, so Pope left her there. At approximately 10:50 pm, McCarter's neighbors noticed the fire and contacted 911. Pope identified the photo of a shirt located by investigators close to the incident location as the one Mallett was wearing when she dropped her off.

Approximately six hours after the fire was reported, according to Fretwell, Mallett knocked on the door of a neighbor's house and told the occupants she had "been in a fire" earlier that night, giving them the impression she had lost her house in a fire. While waiting for her ride, Mallett watched the news with the neighbors. When the news reported the fire, she had little or no reaction, but when the reporter indicated the discovery of a body, Mallett appeared to be genuinely surprised. According to the neighbors, Mallett said, "No, that ain't right. That wasn't the same fire I was in. They didn't nobody die. Nobody died. He didn't die." Mallett then changed her story and told the neighbors she was just walking by a fire and saw some people with whom she "hung out for awhile."

Fretwell told the Court the investigation revealed that the fire started near the front porch of the victim's residence (where the Δ told Pope she intended to "spend the night") though soil samples produced no evidence of ignitable liquids. According to the medical examiner, the victim died as a result of the injuries he sustained in the fire, with indications of soot in his airways and on his head and neck. A toxicology report indicated the victim's blood-alcohol concentration was 0.273% at the time of his death.

According to Wilkins, Mallett will not be eligible for parole and will be required to serve at least eighty-five (85) percent of her sentence since the charge carries a maximum sentence of twenty years or more.

COUNTY OF Greenville
STATE VS.
Heather L Mallett

AKA:

Race: WHITE Sex: F Age: 47DOB: [REDACTED] SS#: [REDACTED]Address: 43 Railroad St. Apt 2City, State, Zip: St. Johnsburg, VT 05819-0000DL#: [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: Arson in the First DegreeINDICTMENT/CASE#: 2015GS2306984A/W#: 2015A2330201304Date of Offense: 2/11/2015S.C. Code § : 16-11-0110(A)CDR Code #: 3535

SENTENCE SHEET

AIFORD PLEA

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0110(A) of the S.C. Code of Laws, bearing CDR Code # 3535☐ 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. [Signature] (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Fretwell, Allen17016
SC Bar#Heather Mallett
Defendant[Signature]
COOKE, LARRY01375SC Bar# [Signature]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 _____ yearsand/or to pay a fine of \$ _____; provided that upon the service of 13 1/2 days/months/years and/or paymentof \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

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:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 789 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	\$
§ 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	\$
§ 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)		\$

TOTAL

\$

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: _____

NO CONTACT WITH ANY MEMBER OF THE VICTIMS' FAMILY☐ 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

Court Reporter: [Signature]

SCCA/217 (07/2016)

Presiding Judge [Signature]Judge Code: 216 27551Sentence Date: 4-12-17prob begins wpm corp of any early rel. prog