

Judge orders new trial in 2014 Hampton murder case over issues with witness

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Nearly three years after a man was convicted in a Hampton murder case, a judge has tossed the jury's verdict and ordered a new trial.

Circuit Judge Bonnie L. Jones was scheduled to sentence the defendant, Calvin Jamar Schofield Jr., earlier this month in the 2014 slaying.

Instead, Jones ruled that Schofield, now 26, is entitled to a new trial because of evidence that a key prosecution witness might have lied on the stand when he testified that Schofield confessed to the crime while in custody.

TyQuan Woods, 21, was killed at 2:30 a.m. July 12, 2014, on North Back River Road, not far from West Queen Street, with another man wounded in the shooting.

Two men, Schofield and Larry Devon Scott, were arrested and charged in the killing.

At Schofield's 2016 jury trial, Jamal Spencer — who spent time locked up with Schofield at the Hampton Roads Regional Jail — testified that Schofield had confided in him that he shot and killed Woods.

The jury convicted Schofield of second-degree murder and a gun charge and recommended he get 28 years to serve.

But in 2018 — two years after the trial — Schofield's new attorney, David Hargett, asked Jones for a new trial, asserting that Spencer had simply made up the story of Schofield's jailhouse confession.

Hargett called two witnesses to the stand at an August 2018 hearing.

LaQuan Wright, an inmate who served with Spencer and Schofield at the regional jail, testified that it was obvious that Spencer was trying to “hop on” Schofield’s case.

That’s jailhouse lingo for an inmate trying to testify against someone else to get their own jail time reduced. Spencer was well-known around the jail, Wright said, at “hopping on other people’s cases.”

“I’m here because I didn’t think it was fair,” Wright testified. “Man deserves a fair trial, not a trial full of lies.”

The more details that informants can provide about the crime and the confession, the more credible they can appear to law enforcement — and to juries.

Wright testified that he, Spencer and Schofield often would eat together at the regional jail, with Spencer often pressing Schofield for details of the crime. Schofield would never answer the questions, Wright said, and at times the inquiries led to arguments between Spencer and Schofield.

Wright said he also declined several requests from Spencer to call Wright’s family to find out more details of Schofield’s case “from the news.”

Another jail inmate, Davon Brooks, wrote in a November 2016 letter that Spencer often tried to learn about other inmates cases. “He goes around and talks about other people’s cases — that’s what he does,” Brooks wrote in the letter. “He goes around trying to get his time cut.”

Brooks — who acknowledged an eight-year friendship with Schofield — wrote in the letter that he never heard Schofield talking about the details of his case “with anyone.”

But at the time of the August 2018 hearing, Jones deferred a ruling on Hargett’s new trial motion.

Fast forward to Feb. 7.

Woods' mother, Stephanie Woods, of Charlotte, N.C., said she was expecting that Schofield would finally be sentenced on the 2016 conviction. She said she was expecting that Jones would sentence the defendant to the jury's recommended 28-year punishment.

But instead of sentencing Schofield, Jones first heard further evidence from Hargett on the motion for a new trial.

"It really blew my mind," Woods said. "I came all the way to Virginia, and I thought he's finally going to be sentenced for killing my son."

At that hearing, Schofield's mother took the stand and testified that she spoke with Spencer after tracking him down on Facebook.

Though she wasn't allowed to give specifics of that conversation because of legal rules, Hargett told the judge that Spencer told Schofield's mother that he "did what he had to do" at the 2016 trial, but would "make it right" by signing an affidavit attesting to the truth.

Schofield's trial attorney, J. Robert Harris, also testified on the motion for a new trial, saying there was no way he could have discovered the other inmates' contentions about Spencer before the 2016 jury trial. That was to counter the prosecution's contention that Schofield and his lawyer should have done more "due diligence" before trial to track down those inmates.

The case's prosecutor, Assistant Hampton Commonwealth's Attorney Richard Shayegan, has argued against a new trial, pointing out that Spencer wasn't the only prosecution witness at the 2016 trial.

Brandon Robinson, a second man who was shot in 2014, testified at the trial that Schofield was standing behind him — when Robinson suddenly got shot.

There's no "reasonable probability" of a different trial outcome, Shayegan said, even if Spencer's testimony were called into question.

"It doesn't make sense that they're trying go base everything on Jamal Spencer's testimony," Stephanie Woods added.

But Hargett contended that Spencer's testimony was the only evidence that Schofield had shot Woods.

A new trial date has not yet been scheduled.

The other defendant in the case, Larry Devon Scott, now 29, of Hampton, was a fugitive from justice for nearly three years before being captured in Fayetteville, N.C., in May 2017. Scott has a five-day trial in June on first-degree murder, aggravated malicious wounding and gun charges.

"I'm praying that it will go the right way and these guys will be sentenced for taking my son's life," Stephanie Woods said.

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