

STATE OF SOUTH CAROLINA)
)
IN THE COURT OF APPEALS)

Indictment Nos.: 2011-GS-10-04183 and
2011-GS-10-4190

State of South Carolina,)
)
-vs-)
)
Lanell Goodwine,)
)
)
Defendant.)
_____)

Appellate Case No.: 2013-001948

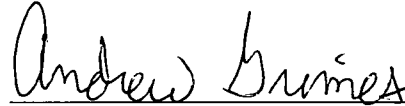
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SC Court of Appeals

EXPLANATION OF GROUNDS FOR APPEAL

Pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules, the issues to be raised on appeal are the following: (1) whether the trial court erred in concluding that the ten year mandatory minimum for armed robbery violates the prohibition against cruel and unusual punishments in Article I, section 15 of the South Carolina Constitution and the Eighth Amendment of the United States Constitution, and (2) whether the sentence of twelve years violates the prohibition against cruel and unusual punishments in Article I, section 15 of the South Carolina Constitution and the Eighth Amendment of the United States Constitution.

These issues are properly before the Court because they were raised at the sentencing hearing¹ and ruled upon by the trial court.

Respectfully submitted,



Andrew D. Grimes
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Fifth Floor
Charleston, SC 29401
(843) 958-1850
ATTORNEY FOR LANELL GOODWINE

Charleston, South Carolina

October 8, 2013

¹ See Sentencing memorandum (Attached as Exhibit A).

Exhibit A

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,) Indictment Nos.: 2011-GS-10-0483.
) 2011-GS-10-0490
)
 v.)
)
 LANELL GOODWINE,)
)
 DEFENDANT.)

2013 SEP -6 AM 8:32
 JUDGE J. ARMSTRONG
 CLERK OF COURT
 MHT

FILED

SENTENCING MEMORANDUM

This matter is before the Court for the sentencing of Lanell Goodwine on the charges of armed robbery and attempted armed robbery. For the following reasons, the Defendant respectfully requests that the Court impose a sentence of five years or less upon him.

I. Background

Lanell Goodwine was born in Charleston on August 29, 1991. Lanell was raised in the Johns Island area of Charleston County. Unfortunately, Lanell did not grow up in the best of circumstances. For example, Lanell’s parents were not very involved in his life because they were on drugs and “they didn’t care” about Lanell. See Letter of Albertha Sease (Exhibit A). Despite these handicaps, Lanell stayed out of trouble until the dates of the incidents for which he has accepted responsibility.

Lanell attended St. Johns High School. He was a student at the time of his arrest in 2010. While at Johns Island, Lanell participated in many extracurricular activities. For example, Lanell did the following:

1. He played quarterback and safety on the football team;
2. He played point guard for the basketball team; and
3. He played goalie on the soccer team.

In addition to these activities, Lanell was planning to run the 200 meters and 400 meters for the track team.

In October 2010, Lanell made two decisions that resulted in his being arrested for armed robbery and attempted armed robbery. On October 14, 2010, Lanell and Jozeph Lemon robbed Matthew Keever outside of Hege's restaurant. There are disputes about exactly how the robbery occurred. However, in the light most favorable to Lanell, it appears that he and Jozeph were broke and got the idea of robbing someone from Marlon Vandiver. It further appears that Jozeph drove them to the area, that Jozeph had a BB gun, that Lanell followed him, that Jozeph pointed the BB gun at the victim, and that Jozeph took money and an ATM card from the victim.

On October 17, 2010, Lanell and Jozeph attempted another robbery. In this case, it appears that Lanell took a BB gun and attempted to rob James Walling as he got into his truck. Walling, however, was able to kick Lanell and to escape unharmed.

During the investigation of these robberies, law enforcement developed Lanell as a suspect based upon a photograph from the ATM that was taken when he used Keever's card. Detective Boyd of the Charleston County Sheriff's Department met with Lanell's mother, and she confirmed that Lanell was the person in the ATM photograph. Subsequently, Detective D.J. Boyd and Detective Perkins interviewed Lanell. During this interview, Lanell confessed to his role in the robberies. *See Grand Jury Indictment Form (Exhibit B).*

After taking responsibility for his actions, Lanell was arrested and booked into the detention center. He subsequently bonded out and retained David Lawson as his attorney.¹ Since Lanell bonded out, he has been a model citizen. Lanell had two jobs. One job was at Charleston Executive Airport where he worked on as needed basis as a plane detailer. Lanell's second job was

¹ The undersigned was appointed to represent Lanell after Mr. Lawson was suspended from the

Knudson Construction where he helped with roofing, plumbing, and vinyl siding. In addition to working two jobs, Lanell attended Wesley United Methodist Church. Finally, Lanell has not committed for any criminal offense since he bonded out.

II. Discussion

The Defendant contends that the Court has the authority to sentence him to less than the mandatory minimum of ten years for armed robbery because the mandatory minimum violates the prohibition against cruel and unusual punishments in Article I, section 15 of the South Carolina Constitution and the Eighth Amendment of the United States Constitution.

A. Cruel and Unusual Punishment

1. Lack of Individualized Sentencing

The prohibitions against cruel and unusual punishment contained in the South Carolina and Federal Constitutions require courts to make individualized sentencing decisions. The Supreme Court has recognized the importance of individualized sentencing in numerous cases. For example, Justice Sotomayor discussed the longstanding tradition of individualized sentencing in *Peppers v.*

United States:

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Koon v. United States*, 518 U. S. 81, 113 (1996). Underlying this tradition is the principle that “the punishment should fit the offender and not merely the crime.” *Williams*, 337 U. S., at 247; *see also Pennsylvania ex rel. Sullivan v. Ashe*, 302 U. S. 51, 55 (1937) (“For the determination of sentences, justice generally requires consideration of more than the particular acts by which the crime was committed and that there be taken into account the circumstances of the offense together with the character and propensities of the offender”).

Consistent with this principle, we have observed that “both before and since the American colonies became a nation, courts in this country and in England practiced a

practice of law.

policy under which a sentencing judge could exercise a wide discretion in the sources and types of evidence used to assist him in determining the kind and extent of punishment to be imposed within limits fixed by law.” *Williams*, 337 U. S., at 246. In particular, we have emphasized that “[h]ighly relevant—if not essential—to [the] selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant’s life and characteristics.” *Id.*, at 247. Permitting sentencing courts to consider the widest possible breadth of information about a defendant “ensures that the punishment will suit not merely the offense but the individual defendant.” *Wasman v. United States*, 468 U. S. 559, 564 (1984).

Peppers, 131 S. Ct. 1229 at 1239-40 (2011).

In this case, the application of the ten year mandatory minimum prohibits the Court from conducting an individualized sentencing because it ensures that the punishment will suit only the offense rather than Lanell. Thus, the mandatory minimum should be considered cruel and unusual punishment.

The Defendant notes that our Supreme Court has rejected a similar argument. In *Stockton v. Leeke*, 269 S.C. 459, 237 S.E.2d 896 (1977), the Supreme Court upheld the imposition of a ten year mandatory minimum sentence upon a 17 year old juvenile for his conviction of safecracking with tools. The Defendant, however, contends that the reasoning in *Stockton* has been undermined by our Nation’s evolving standards of decency.

Recognizing that the Eighth Amendment “must draw its meaning from the evolving standards of decency that mark the progress of a maturing society,”² the Supreme Court has reconsidered its prior decisions and has overruled them when appropriate. For example, in *Atkins v. Virginia*³ the Supreme Court overruled its prior decisions allowing the execution of the mentally retarded.⁴ In *Roper v. Simmons*,⁵ the Supreme Court overruled its previous decisions that allowed

² *Trop v. Dulles*, 356 U.S. 86, 101 (1958).

³ 536 U.S. 314 (2002).

⁴ *Penry v. Lynaugh*, 492 U.S. 302 (1989).

⁵ 543 U.S. 551 (2005).

the execution of a juvenile under the age of 18.⁶

Following *Roper*, the Supreme Court has addressed further the role of youth in sentencing. In *Graham v. Florida*,⁷ the Supreme Court held that the Eighth Amendment prohibited the imposition of a sentence of life without parole for a juvenile defendant who was convicted of a non-homicide offense. In *Miller v. Alabama*,⁸ the Court concluded that the Eighth Amendment required an individualized assessment of whether a juvenile defendant who was convicted of homicide should be given a sentence of life without parole.

Although *Roper*, *Graham*, and *Miller* involve juvenile defendants, the reasoning in those decisions apply to Lanell because he was 19 at the time of the offenses. Long before *Roper*, the Supreme Court had recognized the differences between adults and adolescents:

The trial judge recognized that youth must be considered a relevant mitigating factor. But youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage. Our history is replete with laws and judicial recognition that minors, especially in their earlier years, generally are less mature and responsible than adults. Particularly during the formative years of childhood and adolescence, minors often lack the experience, perspective, and judgment expected of adults.

Eddings v. Oklahoma, 455 U.S. 104, 115-116 (1982) (footnotes and internal quotation marks omitted). In making this observation, the Court quoted from the Twentieth Century Fund Task Force on Sentencing Policy Toward Young Offenders, *Confronting Youth Crime* 7 (1978), which states the following:

Adolescents, particularly in the early and middle teen years, are more vulnerable, more impulsive, and less self-disciplined than adults. Crimes committed by youths may be just as harmful to victims as those committed by older persons, but they deserve less punishment because adolescents may have less capacity to control their conduct and to think in long-range terms than adults. Moreover, youth crime as such is not exclusively the offender's fault; offenses by the young also represent a failure of family, school, and the social system, which share responsibility for the

⁶ *Stanford v. Kentucky*, 492 U.S. 361 (1989).

⁷ 560 U.S. 48 (2010).

⁸ 132 S. Ct. 2455 (2012).

development of America's youth.

Id. at footnote 11.

Apart from the chronological fact that Lanell was 19 rather than a juvenile, there is no meaningful distinction between the *Roper* line of cases and Lanell's case. The record shows that Lanell had not developed his full sense of maturity, that he was subject to negative peer pressure, and his character was not as well formed as the character of an adult. Thus, the Court should conclude that the ten year mandatory minimum violates the South Carolina and Federal Constitutions because the mandatory minimum prohibits the Court from imposing a sentence of less than ten years if the Court were to conclude that the individual facts of this case warranted such a sentence.

2. The Penalty is Disproportionate When Compared to Other Offenses

A sentence of ten years or more in this case is unconstitutional because it is not in proportion to the offenses at issue. "South Carolina has long recognized the concept requiring the sentence to be in proportion to the crime." *Stockton v. Leeke*, 269 S.C. 459, 462, 237 S.E.2d 896, 897 (1977). Our Supreme Court "has reaffirmed the concept that a sentence, though not cruel and unusual in kind, may be so severe in duration as to be cruel and unusual." *Id.* See also *Miller v. Alabama*, 132 S. Ct. 2455, 2463 (2012) (stating that the "concept of proportionately is central to the Eighth Amendment").

A review of the South Carolina Code of Laws shows that the mandatory minimum for armed robbery is disproportionate to other serious, violent felonies. For example, the following offenses do not have any mandatory minimum sentences:

1. Attempted murder,
2. Assault and battery of a high and aggravated nature,

3. Criminal sexual conduct in the first degree,
4. Criminal sexual conduct in the second degree,
5. Assault with the intent to commit criminal sexual conduct in the first degree,
6. Assault with the intent to commit criminal sexual conduct in the second degree,
7. Kidnapping,
8. Attempted armed robbery, and
9. Carjacking.

In this case, it appears that either Lanell or his co-defendant used a BB gun to rob the victim. Undoubtedly, such conduct would terrify the victim because he does not know if the BB gun was a real gun or not. Nevertheless, it seems patently absurd to require someone who uses a representation of a deadly weapon, such as their finger under a shirt, to serve ten years while it is possible for someone who commits an aggravated sexual assault or who tries to murder another to have the possibility of receiving a probationary sentence. Thus, the ten year mandatory minimum for armed robbery amounts to cruel and unusual punishment.

B. Factors in Mitigation

1. Aberrant Conduct

Under the federal sentencing guidelines, the federal courts have recognized “that a single act of aberrant behavior might justify a downward departure.” *United States v. Gonzalez*, 281 F.3d 38, 43 (2d Cir. 2002). In developing the framework for determining when a criminal act qualifies for a departure as aberrant behavior, the Second Circuit endorsed a totality of the circumstances test:

The panel aligned itself with those circuits adopting the totality of circumstances approach, defining aberrant behavior as a short-lived departure from a life that is otherwise law abiding and listing the following factors to be considered:

(1) the singular nature of the criminal act; (2) the defendant's criminal record; (3) the degree of spontaneity and planning inherent in the conduct; (4) extreme pressures acting on the defendant, including any psychological disorders from which he may have been suffering, at the time of the offense; (5) the defendant's motivations for committing the crime, including any pecuniary gain he derived therefrom; and (6) his efforts to mitigate the effects of the crime.

Id. (quoting *Zecevic v. United States Parole Commission*, 163 F.3d 731, 736 (2d Cir. 1998)). In addition, the sentencing guidelines allow the federal courts to now consider the defendant's employment record and prior good works. *Id.* at 46-47.

The record shows that Mr. Goodwine's conduct constitutes aberrant behavior. The record shows that Mr. Goodwine had been arrested for shoplifting in 2009, but that charge was dismissed. (Exhibit C). In the undersigned's investigation, which included a conversation with the case agent Det. Boyd, Mr. Goodwine's conduct was influenced by his sister's boyfriend, Marlon. *See* Incident Report at 7 (Exhibit D). Finally, according to Det. Boyd, Mr. Goodwine and his co-defendant were pretty good kids who made some terrible choices after meeting the wrong people.

The State, however, may argue that Mr. Goodwine's conduct does not constitute aberrant behavior because the incidents occurred three days apart. These offenses may constitute separate

offenses under section 17-25-50. *See Bryant v. South Carolina*, 384 S.C. 525, 683 S.E.2d 280 (2009). However, the Fourth Circuit may consider them as one offense for sentencing purposes. In *United States v. Breckenridge*, the Fourth Circuit listed the following factors for determining when crimes are part of a common scheme or plan:

In deciding whether offenses are part of a common scheme or plan, courts have looked to whether the crimes were committed within a short period of time, in close geographic proximity, involved the same substantive offense, were directed at a common victim, were solved during the course of a single criminal investigation, shared a similar *modus operandi*, were animated by the same motive, and were tried and sentenced separately only because of an accident of geography.

93 F.3d 132, 138 (4th Cir. 1996). *See also United States v. Byrd*, No. 00-4265, 2003 U.S. App. Lexis 82 (4th Cir. 2003) (applying *Breckenridge* in a drug case) (attached as Exhibit E).

In summary, the Court should find that Lanell's actions were a single act of aberrant behavior because the offenses were committed within three days of each other, involved the same substantive offense, were committed in Charleston County, were solved by the same detective in a single investigation, and he had a similar motive to commit both crimes.

B. Lanell's Age at the Time of the Offense

The Court should also consider Lanell's age at the time of these offenses when it sentences him. As discussed above, courts have recognized that one's youth is a mitigating factor. If the Court was to hold that the mandatory minimum for armed robbery does not constitute cruel and unusual punishment, the Defendant respectfully requests that the Court consider his age in imposing the sentence.

In *Roper v. Simmons*, the Supreme Court noted three reasons why juvenile offenders cannot be classified as "among the worst offenders." 543 U.S. 551 (2005). The first reason is that "as any parent knows and as the scientific and sociological studies respondent and his *amici* cite tend to confirm, a lack of maturity and an underdeveloped sense of responsibility are found in youth more

often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.” *Id.* at 569 (internal quotation marks and alteration omitted). The *Roper* Court went on to state that “[t]he second area of difference is that juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure.” *Id.* Finally, the Court noted that “[t]he third broad difference is that the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.” *Id.* at 570. Accordingly, the Court concluded that “[t]he susceptibility of juveniles to immature and irresponsible behavior means their irresponsible conduct is not as morally reprehensible as that of an adult” and “that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character.” *Id.* (internal quotation marks omitted). Thus, “[f]rom a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.” *Id.*

In this case, a review of Lanell’s statements to the police and the undersigned’s conversation with Detective Boyd shows that he was influenced by peer pressure from Marlon and by his desire to help support his family. It is undeniable that Lanell’s actions caused the victims great fear and were borderline heinous. Nevertheless, Lanell is not “among the worst offenders” as shown by his following the conditions of his bond since he got out of jail.

C. Law Enforcement’s Position

Law enforcement does not support the imposition of a ten year sentence upon Lanell. In preparing for this sentencing, the undersigned has spoken with the case officer (Detective Boyd) on at least two separate occasions. In both instances, Detective Boyd noted the following:

1. Lanell and his co-defendant were students at the time of the crimes,
2. they were pretty good kids,
3. Lanell was subject to pressure from Marlon,
4. they were cooperative with law enforcement, and
5. a sentence of five years would be fair for Lanell and his co-defendant.

The undersigned has informed the assistant solicitor, her team leader (who originally had the case), and the chief deputy solicitor of law enforcement's position, but apparently the solicitor's office has decided to disregard law enforcement's opinion in this matter.

D. Post-Offense Rehabilitation

Lanell's conduct after he bonded out of jail shows that the time he spent in jail and learning of the consequences of his actions have matured and rehabilitated him.

Courts have recognized that post-offense rehabilitation is a factor to consider in mitigation. *See, e.g., Peppers*, 131 S. Ct. at 1242. In *Peppers*, the Supreme Court observed that one's post-offense rehabilitation is crucial to the court's fashioning a just and individualized sentence:

In addition, evidence of postsentencing rehabilitation may be highly relevant to several of the § 3553(a) factors that Congress has expressly instructed district courts to consider at sentencing. For example, evidence of postsentencing rehabilitation may plainly be relevant to the history and characteristics of the defendant. Such evidence may also be pertinent to the need for the sentence imposed to serve the general purposes of sentencing set forth in § 3553(a)(2) --in particular, to afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training . . . or other correctional treatment in the most effective manner. Postsentencing rehabilitation may also critically inform a sentencing judge's overarching duty under § 3553(a) to impose a sentence sufficient, but not greater than necessary to comply with the sentencing purposes set forth in § 3553(a)(2).

As the original sentencing judge recognized, the extensive evidence of Pepper's rehabilitation since his initial sentencing is clearly relevant to the selection of an appropriate sentence in this case. Most fundamentally, evidence of Pepper's conduct since his release from custody in June 2005 provides the most up-to-date picture of Pepper's history and characteristics. *See United States v. Bryson*, 229 F.3d 425, 426

(2nd Cir. 2000) (“[A] court’s duty is always to sentence the defendant as he stands before the court on the day of sentencing.”). At the time of his initial sentencing in 2004, Pepper was a 25-year-old drug addict who was unemployed, estranged from his family, and had recently sold drugs as part of a methamphetamine conspiracy. By the time of his second resentencing in 2009, Pepper had been drug-free for nearly five years, had attended college and achieved high grades, was a top employee at his job slated for a promotion, had re-established a relationship with his father, and was married and supporting his wife’s daughter. There is no question that this evidence of Pepper’s conduct since his initial sentencing constitutes a critical part of the history and characteristics of a defendant that Congress intended sentencing courts to consider.

Pepper’s postsentencing conduct also sheds light on the likelihood that he will engage in future criminal conduct, a central factor that district courts must assess when imposing sentence. As recognized by Pepper’s probation officer, Pepper’s steady employment, as well as his successful completion of a 500-hour drug treatment program and his drug-free condition, also suggest a diminished need for educational or vocational training or other correctional treatment. Finally, Pepper’s exemplary postsentencing conduct may be taken as the most accurate indicator of his present purposes and tendencies and significantly to suggest the period of restraint and the kind of discipline that ought to be imposed upon him. Accordingly, evidence of Pepper’s postsentencing rehabilitation bears directly on the District Court’s overarching duty to impose a sentence sufficient, but not greater than necessary to serve the purposes of sentencing.

Peppers, 131 S. Ct. 1242-43.

Since Lanell bonded out of jail, he has worked for Clark Hanger for two years as an aircraft detailer. *See* Letter from Mr. Hanger (Exhibit F). Mr. Hanger is very supportive of Lanell and states that he believed that Lanell had put his problematic behavior behind him. In addition to working with Mr. Hanger, Lanell worked with Knudson Construction. Finally, Lanell has not committed any criminal offense since he bonded out of jail on April 30, 2011. If Lanell was truly unrepentant or still impulsive and immature, he would have been rearrested for a new criminal charge rather than working two jobs and staying out of trouble.

E. Remorse

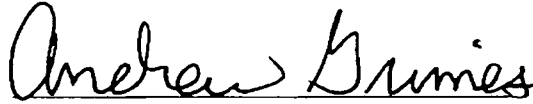
Finally, the record shows that Lanell has taken responsibility for his actions and expressed a great deal of remorse since his first interview with Detective Boyd. *See* Statement of Lanell

Goodwine (Exhibit G).

III. Conclusion

In conclusion, the Court should impose a sentence of not more than five years upon Lanell because such a sentence strikes a fair balance between the nature and circumstances of his offenses and his history and characteristics.

Respectfully submitted,



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Fifth Floor
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ATTORNEY FOR LANELL GOODWINE

Charleston, South Carolina

September 5, 2013

2013 SEP -6 AM 8:32
FILED
JULIE J. ARMSTRONG
CLERK OF COURT
BY MK

Exhibit A

Aug. 4, 2013

Dear Judge,

My name is Albertha Doris Sease. I am LaNell Goodwine's grandmother. LaNell has done some things that were wrong. I am not excusing him for doing those things because there is always another way.

LaNell's mother is my daughter and I'm ashamed to say so because she and LaNell's father did him and his siblings terribly wrong. LaNell was raised by his father's mother and father with help from me and my family. LaNell did not have decent clothing, nothing that other children had. His mother and father were on drugs and didn't see them for maybe only twice a year. They didn't have the time and they didn't care. When LaNell, his brother and sister were old enough, his brother used his income tax money to get an apartment for them including their mother. She did not work and got no help from their father. LaNell and his brother would work 2 jobs at a time at fast food restaurants to pay \$800⁰⁰ per month.

for rent, also utilities and food. My mother
was placed in a nursing home in 2009.

I let them live inside of her home. His
mother still wasn't working. LaWell was playing
basketball in High School which he was very
good. His mother then got arrested for
child support. He stopped going to school,
things started going down for them. His brother
enlisted in the army so he can have some-
thing. LaWell seemed as though that he had
lost everything. Your Honor, if possible in
your heart, please give him another chance.
Thank you.

Sincerely,

Alberto Seace

Exhibit B



Charleston County Sheriffs Office
Criminal Investigation Division

GRAND JURY INDICTMENT FORM

OCA# 10-017173 **Incident Date** 10/14/2010 **Detective** Det. D. Boyd
Incident Location
 275 Gardner Circle, Johns Island, SC 29455

LEMON, JOZEPH GOSH **Date Of Birth** 9/13/1992 **Statement** **Confession**

CCSO Serious Habitual Offender

Reason:

- CHARGE 1** N/A
- CHARGE 2** N/A
- CHARGE 3** N/A
- CHARGE 4** N/A

Victim Information		Phone 1	Phone 2	Date Of Birth	Statement
KEEVER	MATTHEW ELLIOT				<input type="checkbox"/>

Synopsis

On October 14, 2010, members of the Charleston County Sheriff's Office responded to Hege's restaurant located at 275 Gardner's Circle, Johns Island in reference to an armed robbery. The victim, Matthew Kever, reported that he had just finished his shift at Hege's and walked out to the parking lot when he was approached by two black males who had their faces covered with black bandanas. Kever reported that one of the suspects put a gun to the back of his head and the other put a gun in his back before forcing him behind some bushes. Kever stated that they forced him on the ground and took his cell phone, keys, wallet containing a Wachovia debit card and a check for \$119. Kever stated that the suspects demanded his PIN (Personal Identification Number) and he gave it to them. Kever stated that the suspects told him that they had his driver license and he better not call the police. Kever contacted Wachovia and they reported that someone had made a \$300 withdrawal from the Wachovia ATM about 150 feet away from the incident location.

On October 18, 2010, Kever reported he received information on transactions from Wachovia. Wachovia reported a \$300 withdrawal at 9:30 p.m. the Wachovia ATM at Fresh Fields, a \$34.86 purchase and a \$47.24 purchase at 9:52 p.m. and

9:30 p.m. at the Hess at 2750 Maybank Highway and a \$102 withdrawal at the Bank of America ATM at 10:02 p.m. on Johns Island.

On October 19, 2010, I, Detective D. J. Boyd, received ATM images of a black male subject from Wachovia for the \$300 transaction at 9:30 p.m. on the night of the robbery.

On October 20, 2010, I found that several subjects had been filed-interviewed in the area of Fresh Fields and started checking reports and booking photographs of these subjects. I found a subject, Lanell Goodwine, listed in a report from 3106 River Rd. (2010-016243B) in reference to a disturbance with shots fired. I located a booking photograph for Goodwine and identified him as the suspect in the ATM image.

On October 26, 2010, Detective Boyd spoke with Goodwine's mother, Daphne Goodwine, and she positively identified the person in the ATM image as her son, Lanell. Detective Boyd and Detective Perkins interviewed Lanell Goodwine and after being advised of his Miranda warnings and waiver of same he gave a signed written statement confessing to the robbery, that he was person in the ATM image, and admitting to the above listed withdrawals and purchases. Lanell reported that Jozeph Lemon drove a white Ford Crown Victoria to the parking lot in Fresh Fields near Hege's restaurant. Lanell stated that Lemon exited the car and put a BB gun into the victim's back and walked him to some bushes. Lanell stated Lemon had the victim lay on the ground and called Lanell over. Lanell stated that Lemon obtained the PIN for the victim's debit card and had Lanell go to the bank to get money out. Lanell stated that he then met Lanell on the next street over and they left the area.

On October 27, 2010, I obtained warrants for Lanell Goodwine and Jozeph Lemon for armed robbery. Detective Perkins, Detective Colson and I headed to St. Johns High School to pick up Lemon. I observed a white Ford Crown Victoria in the parking lot with a black male student sitting on the trunk. When we approached the subject on the trunk Lemon walked out of the school towards the car. We placed Lemon under arrest and verified the car was driven by him. Lemon's parents arrived at the school and I explained to his father Timothy Lemon that he was under arrest and we were towing the car. Jozeph was transported to the Detectives Office and I had the vehicle towed to the evidence compound. Jozeph was advised of his Miranda warnings prior to departing the school by Detective Perkins. During the drive to the office Jozeph admitted that there was a BB gun and a small caliber revolver in the trunk of the car on the right side behind the carpeting. Detective Perkins and I interviewed Jozeph at the Detectives Office and he reported the following information: He and Lanell went to Fresh Fields and when they saw a white male, Lanell jumped out of the car with the BB gun and told the man to put his hands up. Jozeph stated that Lanell had him hold the gun on the guy as he went to the bank to get the money. Jozeph stated that Lane told him to meet him down the road and that they then went to the Hess. Jozeph admitted that he had driven his brother's white Ford Crown Victoria.

On October 29, 2010, I obtained a search warrant on the white Ford Crown Victoria.

On November 2, 2010, Investigator Herriott executed the search warrant and took

a receipt, a H&K style BB gun, and a H&K .32 caliber revolver into evidence.

Exhibit C

274. TO: CHSSO274-35711 20101020 18:58:05 0035D48E92
FROM: III-13930130 20101020 18:58:05 1F9100354F
7L011F9100354F2QH
SC0100000

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/GOODWINE,LANELL SEX/M RAC/B DOB/19910829 PUR/C

NAME	FBI NO.	INQUIRY DATE
GOODWINE,LANELL	23505FD4	2010/10/20

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	B	1991/08/29	601	190	BRO	BLK	N

BIRTH PLACE

SOUTH CAROLINA

FINGERPRINT CLASS

PATTERN CLASS

AU AU AU RS RS LS AU AU AU LS

AU AU

ALIAS NAMES

GOODWINE,LYNELL

SOCIAL SECURITY

248-87-5918

IDENTIFICATION DATA UPDATED 2009/10/07

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:

SOUTH CAROLINA - STATE ID/SC01907895

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

274. TO: CHSSO274-35715 20101020 19:01:59 003F9715D0
FROM: SCCH-9901520 20101020 19:01:57 1F91003552
ICHR REQUEST FOR RAP SHEET
ORI-SC0100000 FBI- 23505FD4 PUR-C
ATN-BOYD, DEREK

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-10/20/2010 TIME-19:04:06

REQ ORI-SC0100000 CHARLESTON CNTY SO

SID-SC01907895 FBI- 23505FD4

NAME-GOODWINE, LANELL SEX-M RACE-B

HEIGHT-601 WEIGHT-190 EYES-BRO HAIR-BLK SKIN- BORN-SC

FPC- HENRY-

PALM PRINTS AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--10/06/2009 DATE OF LAST UPDATE--04/22/2010

ADDITIONAL IDENTIFIERS BIRTH
NAME DATES MARKS SOC SEC MISC NUM
GOODWINE, LYNELL 08291991 248875918

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

GOODWINE, LANELL 10/05/2009

SC0100100 CHARLESTON POLICE DE

CASE-2009018391

ATN-10D100585182

WARR-K395384

CIT-16-13-110(B)(1)-MISDEMEANOR

ARREST CHARGE 01-SHOPLIFTING
OFFENSE DATE-10/05/2009
PALM PRINTS AVAILABLE

~~CIT-16-13-110(B)(1)-MISDEMEANOR~~
DOC-R84 WARR-K395384

COURT CHARGE 01-SHOPLIFTING
COURT DISP-NON-CONVICTION;
dismissed

ATN-10D100585182

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/ 23505FD4

REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

** S C CJIS END OF RECORD **

CIC MESSAGE NUMBER 5798219

10/20/10

274. TO: CHSSO274-35716 20101020 19:02:00 00062942B7

FROM: NC2K-2704055 20101020 19:01:58 1F91003553

1L011F910035532QWA

SC0100000

NO NCIC WANT FBI/23505FD4

NO NCIC WANT SOC/248875918

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

In /usr/ud/sys/CTLG/t/TC47 at line 403 Non-numeric found when numeric required.
In /usr/ud/sys/CTLG/t/TC47 at line 407 Non-numeric found when numeric required.
CIC MESSAGE NUMBER 5823968 10/28/10

274. TO: CHSSO274-35727 20101028 10:46:30 003F97B453

FROM: SCCH-9942099 20101028 10:46:29 1F91003558

ICHS/QH INQUIRY OF SCLED CCH FILES USING:

ATN-BOYD, DEREK

ORI-SC0100000 PUR-C

NAM-LEMON, JOZEPH

SEX-M RAC-B DOB-19920913

NO RECORD FOUND TO DISSEMINATE USING:

NAM (NAME), SEX, RAC (RACE), DOB (DATE OF BIRTH)

REQUESTED FOR CRIMINAL JUSTICE PURPOSES MAY OCCUR DAILY, A NEW INQUIRY
SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED.

REQUEST FORWARDED TO NCIC

ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCIC VIA YOUR TERMINAL

** END OF MESSAGE **

Exhibit D

INCIDENT REPORT

SC0100000 DISPATCH NUMBER 2010-017173-B ORIGINAL CASE NUMBER PAGE 1 OF 3 PAGES

EVENT

1. Armed Robbery INCIDENT TYPE INCIDENT CODE COMPLETED YES NO FORCED ENTRY YES NO PREMISE TYPE Parkinglot TYPE VICTIM INDIVIDUAL BUSINESS FINANCIAL INST. GOVERNMENT RELIG. ORG. SOC./PUB. OTHER UNKNOWN POLICE OFF.

2. N/a

3. N/a

INCIDENT LOCATION: 275 Gardner Cir, Johns Island SC ZIP CODE 29455 WEAPON TYPE Handgun

BEGINNING INCIDENT DATE 10/14/10 24 HR. CLOCK 2141 ENDING INCIDENT DATE 10/14/10 24 HR. CLOCK 2150 DISP. DATE 10/14/10 MSP. TIME 2141 TIME ARRIVED 2150 DEPART TIME 2240 TRACT #

COMPLAINANT #1

NAME: (LAST, FIRST, MIDDLE) Same as Victim #1 RELATIONSHIP TO SUBJECT RESIDENTIAL RENTED SEX J AGE DOB ETH

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. DRIVERS LIC / ID & STATE SOCIAL SECURITY #

ADDRESS # STREET NAME CITY STATE ZIP CODE DAY PHONE EVENING PHONE

OCCUPATION EMPLOYER ALIAS NIC #

VIC #1

NAME: (LAST, FIRST, MIDDLE) Kevvor, Matthew Elliot RELATIONSHIP TO SUBJECT RESIDENTIAL RENTED SEX J AGE 20 DOB ETH

HEIGHT 508 WEIGHT 175 HAIR BRO EYES BLU FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. Red Shrt Blk Pants DRIVERS LIC / ID & STATE SOCIAL SECURITY #

INJURY

VISIBLE INJURY NO YES EXPLAIN NO YES EXPLAIN

USING ALCOHOL NO YES UNK TWO-HAN VEHICLE OFFENSIVE WEAPON ALONE ONE-HAN VEHICLE OTHER ASSAULT

DRUGS NO YES TYPE UNK

ALIAS N/a NIC # N/a

SUBJ. I.D.

COMPLAINANT VICTIM # SUSPECT # 1 WITNESS # WANTED WARRANT ARREST RUNAWAY MISSING PERSON

NAME: (LAST, FIRST, MIDDLE) Unk RELATIONSHIP TO SUBJECT RESIDENTIAL RENTED SEX J B M AGE 20 DOB Unk ETH Unk

HEIGHT 600 WEIGHT 190 HAIR BLK EYES XXX FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. Blk Bandana Over Face DRIVERS LIC / ID & STATE Unk SOCIAL SECURITY # Unk

ADDRESS # STREET NAME CITY STATE ZIP CODE DAY PHONE EVENING PHONE

Unk Unk Unk Unk Unk Unk

VISIBLE INJURY NO YES EXPLAIN NO YES EXPLAIN

USING ALCOHOL NO YES UNK TWO-HAN VEHICLE OFFENSIVE WEAPON ALONE ONE-HAN VEHICLE OTHER ASSAULT

DRUGS NO YES TYPE UNK

ALIAS Unk NIC # N/a

ARREST

(A) CHARGE n/a. (C) CHARGE n/a

(B) CHARGE n/a. (D) CHARGE n/a

NARRATIVE

<Johns Island (Fresh fields)> Deputy Khan (R/d) responded to a armed robbery to a person at the above location and time. Upon arrival R/d spoke to the compl/victim (Matthew) who stated that "as he was finishing his shift at Hagge's, he walked outside to his vehicle and he was approached by 2 unknown Black males, approximately 600 feet in height and weighing approximately 190 pounds each who had their faces covered with black bandanas, these unknown suspects held him at gun point where one of the suspects put a black semi-auto handgun to the back of his head, and the other unknown suspect also armed with a black semi-auto handgun, put his handgun into the victim's back. The victim further stated that both suspect's took him into some bushes in the parking lot and took his cell phone, keys and wallet and \$119 check, and also got his PIN for his debit card. (cont page 2)

PROPERTY EST.	TYPE (GROUP)	Currency	Check	Cell Phone	TOTAL VALUE	JURISDICTION OF THE COURT LAW ENFORCEMENT AGENCY
	STOLEN	300	119	200	619	CCSO
	DAMAGED					
	BURNED					
	RECOVERED					N/a
	SEIZED					

ADMINISTRATIVE

SUBJECT IDENTIFIED YES NO SUBJECT LOCATED YES NO ACTIVE ADM. CLOSED UNFOUNDED ARRESTED UNDER 18 EXCLEAR UNDER 18 ARRESTED 18 AND OVER EXCLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. EXHIBITION DENIED 4. VICTIM DECLINE COOPERATION 5. JUVENILE NO CUSTODY

REPORTING OFFICER(S) Deputy Khan DATE 10/14/10 BADGE NUMBER 9595 APPROVING OFFICER Sglt. Dulin DATE 10/14/10 BADGE NUMBER 8458

FOLLOW-UP INVESTIGATION: YES NO

PERSON SUPPLEMENT

SC0100000		DISPATCH NUMBER 2010-017173-B		ORIGINAL CASE NUMBER		PAGE 2 OF 3 PAGES		NIC# ENTRY		MID.		ETH.			
<input checked="" type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> MODIFIES REPORT		<input type="checkbox"/> SUPPLEMENTAL REPORT <input type="checkbox"/> CASE STATUS CHANGE		<input type="checkbox"/> ADDITIONAL VICTIMS <input type="checkbox"/> ADDITIONAL OFFENDERS		<input type="checkbox"/> ADDITIONAL WITNESSES <input type="checkbox"/> ADDITIONAL SUBJECTS		<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY <input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY							
SUBJ. ID. ARREST	<input type="checkbox"/> COMPLAINANT	NAME (LAST, FIRST, MIDDLE) Unk						RELATIONSHIP TO SUBJECT		RESIDENTIAL	RACE	SEX	AGE	DOB	ETH
	<input type="checkbox"/> VICTIM #									J	W	M	20	25	Unk
	<input checked="" type="checkbox"/> SUSPECT # 2	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, BEARD, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		DRIVERS LIC / ID & STATE		SOCIAL SECURITY #					
	<input type="checkbox"/> SUBJECT #	600	190	BLK	BRO	Blk Bandana Over Fac		Unk		Unk					
	<input type="checkbox"/> WITNESS #	ADDRESS #		STREET NAME			CITY	STATE	ZIP CODE	DAY PHONE		EVENING PHONE			
	<input type="checkbox"/> WANTED	Unk		Unk			Unk	Unk	Unk	Unk		H Unk H			
	<input type="checkbox"/> WARRANT	<input type="checkbox"/> VISIBLE INJURY		<input type="checkbox"/> NO <input type="checkbox"/> YES		COMPLAINANT OR NON-VISIBLE INJURIES <input type="checkbox"/> NO <input type="checkbox"/> YES		USING ALCOHOL <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK		<input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> ONE-MAN VEHICLE		<input type="checkbox"/> DETECTIVE FLASHING <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED			
	<input type="checkbox"/> ARREST	EXPLAIN		OCCUPATION			EMPLOYER		ALIAS		NIC #				
	<input type="checkbox"/> RUNAWAY	Unk		Unk			Unk		Unk		N/a				
	<input type="checkbox"/> MISSING PERSON	Unk		Unk			Unk		Unk		N/a				
(A) CHARGE		n/a						(C) CHARGE		n/a					
(B) CHARGE		n/a						(D) CHARGE		n/a					
SUBJ. ID. ARREST	<input type="checkbox"/> COMPLAINANT	NAME (LAST, FIRST, MIDDLE) N/a						RELATIONSHIP TO SUBJECT		RESIDENTIAL	RACE	SEX	AGE	DOB	ETH
	<input type="checkbox"/> VICTIM #									J					
	<input type="checkbox"/> SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, BEARD, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		DRIVERS LIC / ID & STATE		SOCIAL SECURITY #					
	<input type="checkbox"/> SUBJECT #			BLD	BLK										
	<input type="checkbox"/> WITNESS #	ADDRESS #		STREET NAME			CITY	STATE	ZIP CODE	DAY PHONE		EVENING PHONE			
	<input type="checkbox"/> WANTED											H H			
	<input type="checkbox"/> WARRANT	<input type="checkbox"/> VISIBLE INJURY		<input type="checkbox"/> NO <input type="checkbox"/> YES		COMPLAINANT OR NON-VISIBLE INJURIES <input type="checkbox"/> NO <input type="checkbox"/> YES		USING ALCOHOL <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK		<input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> ONE-MAN VEHICLE		<input type="checkbox"/> DETECTIVE FLASHING <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED			
	<input type="checkbox"/> ARREST	EXPLAIN		OCCUPATION			EMPLOYER		ALIAS		NIC #				
	<input type="checkbox"/> RUNAWAY														
	<input type="checkbox"/> MISSING PERSON														
(A) CHARGE								(C) CHARGE							
(B) CHARGE								(D) CHARGE							
SUBJ. ID. ARREST	<input type="checkbox"/> COMPLAINANT	NAME (LAST, FIRST, MIDDLE) N/a						RELATIONSHIP TO SUBJECT		RESIDENTIAL	RACE	SEX	AGE	DOB	ETH
	<input type="checkbox"/> VICTIM #									J					
	<input type="checkbox"/> SUSPECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, BEARD, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		DRIVERS LIC / ID & STATE		SOCIAL SECURITY #					
	<input type="checkbox"/> SUBJECT #			BLD	BLK										
	<input type="checkbox"/> WITNESS #	ADDRESS #		STREET NAME			CITY	STATE	ZIP CODE	DAY PHONE		EVENING PHONE			
	<input type="checkbox"/> WANTED											H H			
	<input type="checkbox"/> WARRANT	<input type="checkbox"/> VISIBLE INJURY		<input type="checkbox"/> NO <input type="checkbox"/> YES		COMPLAINANT OR NON-VISIBLE INJURIES <input type="checkbox"/> NO <input type="checkbox"/> YES		USING ALCOHOL <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK		<input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> ONE-MAN VEHICLE		<input type="checkbox"/> DETECTIVE FLASHING <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED			
	<input type="checkbox"/> ARREST	EXPLAIN		OCCUPATION			EMPLOYER		ALIAS		NIC #				
	<input type="checkbox"/> RUNAWAY														
	<input type="checkbox"/> MISSING PERSON														
(A) CHARGE								(C) CHARGE							
(B) CHARGE								(D) CHARGE							
<p>Then the suspect's made the victim lie down on the ground and told him that "they had his driver's license and he better not call the Police". The victim (Matthew) stated that at this point the suspect left the area in a dark SUV of some type, but he is not sure if the vehicle was a SUV or a car. While R/d was on scene the victim contacted his bank and had his credit card and debit card cancelled. The victim was advised by his bank Wachovia that there was a \$300 withdrawal made from his account from the Wachovia ATM located in Fresh fields approximately 150 feet away. R/d went to the ATM at Fresh fields in order to obtain some latents. R/d processed the ATM keypad for latent prints, those latent prints to be entered into evidence for processing. The victim was advised by Wachovia that the reference number for his inquiry is 17206559, and that the Sheriff's Office will have (cont page 3)</p>															
SUBJECT IDENTIFIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED		<input type="checkbox"/> ARRESTED UNDER 16 <input type="checkbox"/> ARRESTED 16 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 16 <input type="checkbox"/> EX-CLEAR 16 AND OVER							
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY															
REPORTING OFFICER(S)			DATE		BADGE NUMBER		APPROVING OFFICER			DATE		BADGE NUMBER			
Deputy Khan			10/14/2010		8599		Sgt. Oulin			10/14/2010		8458			
FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO															

CCSO-103-3/1/99

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DISPATCH NUMBER 2010-017173-B

ORIGINAL CASE NUMBER

PAGE 3 OF 3 PAGES

NCIC ENTRY

REQ.

ENT.

ORIGINAL REPORT MODIFIED ORIGINAL SUPPLEMENTAL REPORT CASE STATUS CHANGE ADDITIONAL STOLEN PROPERTY ADDITIONAL RECOVERED PROPERTY

VEH. / GUN / ETC.

STATUS <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> FOUND <input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> SUSPECT <input type="checkbox"/> TOWED N/A		TYPE <input type="checkbox"/> VEHICLE <input checked="" type="checkbox"/> GUN <input type="checkbox"/> BOAT <input type="checkbox"/> LICENSE PLATE <input type="checkbox"/> SECURITIES/BONDS, STOCKS <input type="checkbox"/> ARTICLE		LICENSE/REGISTRATION NO. N/A	BOAT HULL NO. OR VIN NO. N/A	OWNER APPLIED # Unk	SERIAL # Unk	YEAR OF REGISTRATION N/A	YEAR OF EXPIRATION N/A	MAKE Unk	TYPE Semi Auto	BRAND NAME Unk	COLOR Blk	CALIBER Unk	MODEL Unk	STYLE Handgun	ISSUER N/A	SECURITY DATE N/A	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY N/A	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY N/A
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VEH. / GUN / ETC.

STATUS <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> FOUND <input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> SUSPECT <input type="checkbox"/> TOWED N/A		TYPE <input type="checkbox"/> VEHICLE <input checked="" type="checkbox"/> GUN <input type="checkbox"/> BOAT <input type="checkbox"/> LICENSE PLATE <input type="checkbox"/> SECURITIES/BONDS, STOCKS <input type="checkbox"/> ARTICLE		LICENSE/REGISTRATION NO. N/A	BOAT HULL NO. OR VIN NO. N/A	OWNER APPLIED # Unk	SERIAL # Unk	YEAR OF REGISTRATION N/A	YEAR OF EXPIRATION N/A	MAKE Unk	TYPE Semi Auto	BRAND NAME Unk	COLOR Blk	CALIBER Unk	MODEL Unk	STYLE Handgun	ISSUER N/A	SECURITY DATE N/A	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY N/A	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY N/A
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VEH. / GUN / ETC.

STATUS <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> FOUND <input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> SUSPECT <input type="checkbox"/> TOWED N/A		TYPE <input checked="" type="checkbox"/> VEHICLE <input type="checkbox"/> GUN <input type="checkbox"/> BOAT <input type="checkbox"/> LICENSE PLATE <input type="checkbox"/> SECURITIES/BONDS, STOCKS <input type="checkbox"/> ARTICLE		LICENSE/REGISTRATION NO. Unk	BOAT HULL NO. OR VIN NO. Unk	OWNER APPLIED # N/A	SERIAL # N/A	YEAR OF REGISTRATION Unk	YEAR OF EXPIRATION Unk	MAKE Unk	TYPE Truck	BRAND NAME Unk	COLOR Drk	CALIBER N/A	MODEL Unk	STYLE SUV	ISSUER N/A	SECURITY DATE N/A	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY N/A	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY N/A
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VEH. / GUN / ETC.

STATUS <input checked="" type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> FOUND <input type="checkbox"/> VICTIM <input type="checkbox"/> SUSPECT <input type="checkbox"/> TOWED N/A		TYPE <input type="checkbox"/> VEHICLE <input type="checkbox"/> GUN <input type="checkbox"/> BOAT <input type="checkbox"/> LICENSE PLATE <input type="checkbox"/> SECURITIES/BONDS, STOCKS <input checked="" type="checkbox"/> ARTICLE		LICENSE/REGISTRATION NO. N/A	BOAT HULL NO. OR VIN NO. N/A	OWNER APPLIED # N/A	SERIAL # Unk	YEAR OF REGISTRATION N/A	YEAR OF EXPIRATION N/A	MAKE Unk	TYPE Cell Phone	BRAND NAME Unk	COLOR Slvr	CALIBER N/A	MODEL Unk	STYLE Slide Phone	ISSUER N/A	SECURITY DATE N/A	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY CCSO	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY N/A
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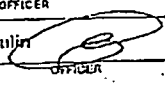
VEH. / GUN / ETC.

STATUS <input checked="" type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> FOUND <input type="checkbox"/> VICTIM <input type="checkbox"/> SUSPECT <input type="checkbox"/> TOWED N/A		TYPE <input type="checkbox"/> VEHICLE <input type="checkbox"/> GUN <input type="checkbox"/> BOAT <input type="checkbox"/> LICENSE PLATE <input type="checkbox"/> SECURITIES/BONDS, STOCKS <input checked="" type="checkbox"/> ARTICLE		LICENSE/REGISTRATION NO. N/A	BOAT HULL NO. OR VIN NO. N/A	OWNER APPLIED # Unk	SERIAL # Unk	YEAR OF REGISTRATION N/A	YEAR OF EXPIRATION N/A	MAKE Unk	TYPE Debit Card	BRAND NAME N/A	COLOR Unk	CALIBER N/A	MODEL N/A	STYLE N/A	ISSUER N/A	SECURITY DATE N/A	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY CCSO	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY N/A
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	---------------------------------	---------------------------------	------------------------	-----------------	-----------------------------	---------------------------	-------------	--------------------	-------------------	--------------	----------------	--------------	--------------	---------------	----------------------	---------------------------------------------------------	-----------------------------------------------------------

REMARKS

To request a video from the ATM. The victim was advised to contact the Sheriff's Office if he has further information. Nothing further.

ADMINISTRATIVE

SUBJECT IDENTIFIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER'S DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE NO CUSTODY							
REPORTING OFFICER(S) Deputy Khan		DATE 10/14/10	BADGE NUMBER 9599	APPROVING OFFICER Sgt L. Duijn		DATE 10/14/10	BADGE NUMBER 8458
FOLLOW-UP INVESTIGATION: <input type="checkbox"/> NO <input type="checkbox"/> YES				OFFICER 			

CCSO-102 3/1/92

0003/004

10/13/2010 FRI 10:01 FAX

INCIDENT SUPPLEMENT

J. AL LATHROP, JR. Sheriff

SC0100000 DEVIATION NUMBER ORIGINAL CASE NUMBER: 2010-017173 PAGE 1 OF 1 PAGES A/C/E ENTRY NO ENT

ORIGINAL REPORT SUPPLEMENTAL REPORT ADDITIONAL VICTIMS ADDITIONAL WITNESSES ADDITIONAL STOLEN PROPERTY
 MODIFIES ORIGINAL CASE STATUS CHANGE ADDITIONAL OFFENDERS ADDITIONAL SUBJECTS ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: ARMED ROBBERY

INCIDENT LOCATION: FRESHFIELDS, JOHNS ISLAND SC

VICTIM: KEEVER, MATTHEW
 1026 WAYFARER LANE
 CHARLESTON SC 29412
 828-381-5146

SUSPECT(S): UNKNOWN

(FRESHFIELDS VILLAGE) ON 10/15/10 VICT. KEEVER CONTACTED THE OD TO ADVISE OF SOME ADDITIONAL INFORMATION REGARDING AN ARMED ROBBERY THAT HE WAS A VICTIM TO ON 10/14/10. VICT. KEEVER TOLD ME THAT HE NOTICED SEVERAL USES FROM HIS ATM/DEBIT CARD THAT WAS TAKEN DURING THE ROBBERY. VICT. KEEVER STATES THAT THE CARD WAS USED AT THE WACHCOVIA ATM LOCATED AT THE INCIDENT LOCATION FOR \$300.00, A UNKNOWN HESS GAS STATION FOR \$34.86, \$44.24 AND \$102.00. VICT. KEEVER WANTED TO SHARE THIS INFORMATION IN HOPES THAT CCSO DETECTIVES COULD CHECK CAMERAS IN THE ABOVE MENTIONED LOCATIONS FOR POSSIBLE SUSPECT IDENTIFICATIONS. I TOLD VICT. KEEVER THAT THIS WOULD BE FORWARDED TO CID FOR FOLLOW UP. NOTHING FURTHER.

NARRATIVE

TYPE (GROUP)	N/A	N/A	N/A	N/A	N/A	TOTAL VALUE	JURISDICTION OF THE FT. LAW ENFORCEMENT AGENCY
STOLEN							
DAMAGED							
BURNED							JURISDICTION OF ALLEGED/LAW ENFORCEMENT AGENCY
RECOVERED							
SEIZED							

SUBJECT IDENTIFIED YES SUBJECT IDENTIFIED NO ACTIVE ADM. CLOSED ARRESTED UNDER 16 EX-CLEAR UNDER 18
 UNFOUNDED ARRESTED 18 AND OVER EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. EXTRAJURISDICTION 4. VICTIM DECLINES COOPERATION 5. JUVENILE NO CUSTODY

REPORTING OFFICER(S) SHORTER	DATE 10-15-10	BADGE NUMBER 10309	APPROVING OFFICER <i>[Signature]</i>	DATE 10-15-10	BADGE NUMBER 8555
FOLLOW-UP INVESTIGATION			OFFICER		
<input type="checkbox"/> YES			<input type="checkbox"/> NO		

ADMINISTRATIVE

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700

J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER N/A	BOOKING CASE NUMBER 2010-017173 -B	PAGE 1 OF 5 PAGES	ICIC ENTRY	INC	SMI
<input type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> MODIFIES ORIGINAL	<input checked="" type="checkbox"/> SUPPLEMENTAL REPORT <input checked="" type="checkbox"/> CASE STATUS CHANGE	<input type="checkbox"/> ADDITIONAL VICTIME <input type="checkbox"/> ADDITIONAL OFFENDERS	<input checked="" type="checkbox"/> ADDITIONAL WITNESSES <input type="checkbox"/> ADDITIONAL SUBJECTS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY	

INCIDENT TYPE: Robbery

Incident Location: 275 Gardner Circle, Johns Island, SC 29455

Incident Date: 10/14/2010

On October 14, 2010, members of the Charleston County Sheriff's Office responded to Hege's restaurant located at 275 Gardner's Circle, Johns Island in reference to an armed robbery. The victim, Matthew Keever, reported that he had just finished his shift at Hege's and walked out to the parking lot when he was approached by two black males who had their faces covered with black bandanas. Keever reported that one of the suspects put a gun to the back of his head and the other put a gun in his back before forcing him behind some bushes. Keever stated that they forced him on the ground and took his cell phone, keys, wallet containing a Wachovia debit card and a check for \$119. Keever stated that the suspects demanded his PIN (Personal Identification Number) and he gave it to them. Keever stated that the suspects told him that they had his driver license and he better not call the police. Keever contacted Wachovia and they reported that someone had made a \$300 withdrawal from the Wachovia ATM about 150 feet away from the incident location.

On October 18, 2010, Keever reported he received information on transactions from Wachovia. Wachovia reported a \$300 withdrawal at 9:30 p.m. the Wachovia ATM at Fresh Fields, a \$34.86 purchase and a \$47.24 purchase at 9:52 p.m. and 9:58 p.m. at the Hess at 2790 Maybank Highway and a \$102 withdrawal at the Bank of America ATM at 10:02 p.m. on Johns Island.

On October 19, 2010, I, Detective D. J. Boyd. received ATM images of a black male subject from Wachovia for the \$300 transaction at 9:30 p.m. on the night of the robbery.

On October 20, 2010, I found that several subjects had been filed-interviewed in the area of Fresh Fields and started checking reports and booking photographs of these subjects. I found a subject, Lanell Goodwine, listed in a report from 3106River Rd. (2010-016243B) in reference to a disturbance with shots fired. I located a booking photograph for Goodwine and identified him as the suspect in the ATM image.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THE LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	JURISDICTION OF RECEIVING LAW ENFORCEMENT AGENCY
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> NOW CLOSED	<input type="checkbox"/> ARREST UNDER 18 <input checked="" type="checkbox"/> ARREST 18 AND OVER	<input type="checkbox"/> EX-CLEARED UNDER 18 <input type="checkbox"/> EX-CLEARED 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE		<input type="checkbox"/> OFFENDER DEATH	<input type="checkbox"/> NO PROSECUTION	<input type="checkbox"/> EXTRADITION DENIED		<input type="checkbox"/> MCTM DECLINES COOPERATION	<input type="checkbox"/> JUVENILE NO CUSTODY
REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER		DATE	BADGE NUMBER	
Det. D. Boyd	12/2/2010	8885					
FOLLOW-UP INVESTIGATION		YES	NO	OFFICER			

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7760 • (843) 202-1700

J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2010-017173-B	PAGE 2 OF 5 PAGES	MCC ENTRY	INC	INT.
<input type="checkbox"/> ORIGINAL REPORT	<input checked="" type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input checked="" type="checkbox"/> ADDITIONAL WITNESSES	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY		
<input type="checkbox"/> MODIFIES ORIGINAL	<input checked="" type="checkbox"/> CASE STATUS CHANGE	<input type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL SUBJECTS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY		

NARRATIVE

On October 26, 2010, Detective Boyd spoke with Goodwine's mother, Daphne Goodwine, and she positively identified the person in the ATM image as her son, Lanell. Detective Boyd and Detective Perkins interviewed Lanell Goodwine and after being advised of his Miranda warnings and waiver of same he gave a signed written statement confessing to the robbery, that he was person in the ATM image, and admitting to the above listed withdrawals and purchases. Lanell reported that Jozeph Lemon drove a white Ford Crown Victoria to the parking lot in Fresh Fields near Hege's restaurant. Lanell stated that Lemon exited the car and put a BB gun into the victim's back and walked him to some bushes. Lanell stated Lemon had the victim lay on the ground and called Lanell over. Lanell stated that Lemon obtained the PIN for the victim's debit card and had Lanell go to the bank to get money out. Lanell stated that he then met Lanell on the next street over and they left the area. Goodwine was booked and lodged at the Charleston County Detention Center.

On October 27, 2010, I obtained warrants for Lanell Goodwine and Jozeph Lemon for armed robbery. Detective Perkins, Detective Colson and I headed to St. Johns High School to pick up Lemon. I called the St. Johns School Resource Officer (CCPD) Al Camarata and left a message on his voice mail. When we arrived at St. Johns at approximately 12:45 p.m. the buses we departing the parking lot. I spoke with Officer Camarata in the parking lot and he stated that the school had a half day and the students were leaving. I observed a white Ford Crown Victoria in the parking lot with a black male student sitting on the trunk. When we approached the subject on the trunk Lemon walked out of the school towards the car. We placed Lemon under arrest and verified the car was driven by him. Lemon's parents arrived at the school and I explained to his father Timothy Lemon that he was under arrest and we were towing the car. T. Lemon requested to speak to his son and he demanded that Jozeph tell the detectives the truth. Jozeph then admitted that he was with Lanell during the robbery. Jozeph was transported to the Detectives Office and I had the vehicle towed to the evidence compound. Jozeph was advised of his Miranda warnings prior to departing the school by Detective Perkins. During the drive to the office Jozeph admitted that there was a BB gun an a small caliber revolver in the trunk of the car on the right side behind the carpeling.

Detective Perkins and I interviewed Jozeph at the Detectives Office and he reported the following information: He and Lanell went to Fresh Fields and when they saw a white male, Lanell jumped out of the car with the BB gun and told the man to put his hands up. Jozeph stated that Lanell had him hold the gun on the guy as he went to the bank to get the money.

ADMINISTRATIVE PROPERTY LIST

TYPE (GROUP)						TOTAL VALUE	APPROPRIATION OF THE/LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	APPROPRIATION OF RECOVERY LAW ENFORCEMENT AGENCY
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	
RECOVERED	0	0	0	0	0	0	
SEIZED	0	0	0	0	0	0	

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		ACTIVE UNFOUNDED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		ADM. CLOSED <input type="checkbox"/> YES <input type="checkbox"/> NO		ARREST UNDER 14 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		EX-CLEARED UNDER 14 <input type="checkbox"/> YES <input type="checkbox"/> NO	
REASON FOR EXCEPTIONAL CLEARANCE <input type="checkbox"/> OFFENDER DEATH				NO PROSECUTION				EXTRADITION DENIED		VICTIM DECLINES COOPERATION	
REPORTING OFFICER(S) Det. D. Boyd			DATE 12/2/2010		BADGE NUMBER 8885		APPROVING OFFICER			DATE	
FOLLOW-UP INVESTIGATION						YES		NO		OFFICER	

INCIDENT SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEMAVEN DRIVE, CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700

J. AJ Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER N/A	ORIGINAL CASE NUMBER 2010-017173-B	PAGE 3 OF 5 PAGES	MISC ENTRY	SW	EXT.
<input type="checkbox"/> ORIGINAL REPORT	<input checked="" type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input checked="" type="checkbox"/> ADDITIONAL WITNESSES	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY		
<input type="checkbox"/> MODIFIED ORIGINAL	<input checked="" type="checkbox"/> CASE STATUS CHANGE	<input type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL SUBJECTS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY		

NARRATIVE

Jozeph stated that Lanell told him to meet him down the road and that they then went to the Hess. Jozeph admitted that he had driven his brother's white Ford Crown Victoria.

Jozeph also advised that he drove Lanell behind the Newton Farms Piggy Wiggly and Lanell also tried to rob the truck driver. Jozeph stated that Lanell asked the truck driver for the wallet and then his cell phone but the victim refused. Jozeph stated that the truck driver was able to shut the door and drive off. Jozeph stated that Lanell used the BB gun that looked like a .45 caliber pistol.

I added a charge of possession of a weapon during the commission of a violent crime on Lanell Goodwine and Lemon was booked and lodged at the CCDC.

On October 29, 2010, I obtained a search warrant on the white Ford Crown Victoria.

On November 1, 2010, I reinterviewed Lanell Goodwine at the Detectives Office and he reported the following information; Goodwine reported that Jozeph had approached the victim with the BB gun and Lanell was low on the ground and came up once Jozeph had him on the ground. Lanell stated that they made him get in the bushes and Josh found the plastic clip with the debit card and gym card inside it. Lanell reported that his sister's boyfriend, Marlon Vandiver, was the one who explained to him how to commit a robbery with at least 2 people because one had to hold him down while the other went to the ATM. Lanell stated that Vandiver told him he should target Kiawah. Lanell also stated that Marlon told him about 2 robberies he committed in North Charleston. Lanell stated that Marlon told him tried to sell him a blackberry cell phone and an iPod Touch that he took during an armed robbery at the Station.

On November 2, 2010, Investigator Herriott executed the search warrant and took a receipt, a H&K style BB gun, and a H&R .32 caliber revolver into evidence.

Due to the results of this investigation, I request that this case be cleared with 2 arrests and 3 warrants served.

ADMINISTRATIVE PROPERTY EST

TYPE (GROUP)						TOTAL VALUE	AGENCY OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	0	0	0	0	0	0	
DAMAGED	0	0	0	0	0	0	
BURNED	0	0	0	0	0	0	
RECOVERED	0	0	0	0	0	0	AGENCY OF RECOVERY LAW ENFORCEMENT AGENCY
SEIZED	0	0	0	0	0	0	

<input checked="" type="checkbox"/> SUBJECT IDENTIFIED	<input checked="" type="checkbox"/> SUBJECT LOCATED	<input checked="" type="checkbox"/> ACTIVE	<input type="checkbox"/> NON-CLOSED	<input checked="" type="checkbox"/> ARREST UNDER 18	<input type="checkbox"/> EX-CLEARED UNDER 18
<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> ARREST 18 AND OVER	<input type="checkbox"/> EX-CLEARED 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE	<input type="checkbox"/> OFFENDER DEATH	<input type="checkbox"/> NO PROSECUTION	<input type="checkbox"/> EXTRADITION DENIED	<input type="checkbox"/> VICTIM DECLINES COOPERATION	<input type="checkbox"/> JUVENILE NO CUSTODY
REPORTING OFFICER(S) Det. D. Boyd <i>[Signature]</i>	DATE 12/2/2010	BADGE NUMBER 8885	APPROVING OFFICER	DATE	BADGE NUMBER
FOLLOW-UP INVESTIGATION			YES	NO	OFFICER

Exhibit E



UNITED STATES OF AMERICA, Plaintiff-Appellee, v. JOSEPH BYRD, JR.,
Defendant-Appellant.

No. 00-4265

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

55 Fed. Appx. 115; 2003 U.S. App. LEXIS 82

December 4, 2002, Argued
January 6, 2003, Decided

NOTICE: [**1] RULES OF THE FOURTH
CIRCUIT COURT OF APPEALS MAY LIMIT
CITATION TO UNPUBLISHED OPINIONS. PLEASE
REFER TO THE RULES OF THE UNITED STATES
COURT OF APPEALS FOR THIS CIRCUIT.

SUBSEQUENT HISTORY: Post-conviction relief
dismissed at *United States v. Byrd*, 2006 U.S. App. LEXIS
10334 (4th Cir. S.C., Apr. 25, 2006)

PRIOR HISTORY: Appeal from the United States
District Court for the District of South Carolina, at
Greenville. Henry M. Herlong, Jr., District Judge.
(CR-98-998).

DISPOSITION: Vacated and remanded.

COUNSEL: ARGUED: Andrew David Grimes,
ANDREW D. GRIMES, P.A., Summerville, South
Carolina, for Appellant.

Thomas Ernest Booth, UNITED STATES
DEPARTMENT OF JUSTICE, Washington, D.C., for
Appellee.

ON BRIEF: J. Strom Thurmond, Jr., United States
Attorney, A. Bradley Parham, Assistant United States
Attorney, UNITED STATES DEPARTMENT OF
JUSTICE, Washington, D.C., for Appellee.

JUDGES: Before NIEMEYER and LUTTIG, Circuit
Judges, and HAMILTON, Senior Circuit Judge.

OPINION

[*116] PER CURIAM:

Joseph Byrd, Jr. (Byrd) appeals his sentence imposed
by the district court following his guilty plea to
conspiracy to possess with intent to distribute and to
distribute a "quantity" of cocaine and a "quantity"
of cocaine base (crack), 21 U.S.C. §§ 841(a)(1) and 846.
(J.A. 9). Although Byrd challenges his sentence on
numerous [**2] fronts, he principally argues that his
sentence violated the dictates of *Apprendi v. New Jersey*,
530 U.S. 466, 147 L. Ed. 2d 435, 120 S. Ct. 2348 (2000),
and that the district court erred when it sentenced him as
a career offender, United States Sentencing Commission,
Guidelines Manual, (USSC) § 4B1.1, because his two
prior state felony drug offenses were related as part of a
single common scheme or plan and thus constituted one
conviction instead of the two convictions necessary for
career offender status. For the reasons stated below, we
reject Byrd's *Apprendi* arguments, but nevertheless vacate
his sentence and remand the case to the district court with
instructions to determine whether Byrd's two prior state
felony drug offenses were related as part of a single
common scheme or plan by applying the factors set forth
in *United States v. Breckenridge*, 93 F.3d 132 (4th Cir.
1996).

I

A

In January 1998, an informant told Drug Enforcement Administration (DEA) agents that Byrd was a cocaine dealer and that he was storing cocaine at a Storage Trust Company storage unit (Unit # 730) in Greenville, South Carolina. On May 6, 1998, a drug detection [**3] dog alerted on Unit # 730, which was rented to Macy Byrd, Byrd's aunt. On May 8, 1998, the DEA agents executed a search warrant at Unit # 730 and seized numerous plastic baggies that contained a residue that subsequently tested positive for cocaine.

On November 16, 1998, Byrd entered Unit # 730 three times. On November 20, [*117] 1998, the DEA agents executed a second search warrant at Unit # 730 and seized 3.25 kilograms of cocaine, \$ 70,020 in cash, five one-kilogram shells containing cocaine residue, and two sets of scales. Byrd's fingerprints were subsequently detected on the scales.

After the search, Everette Byrd (Everette) and Frank Henderson (Henderson) arrived at the unit. After they arrived, Everette got out of the car, unlocked the door to Unit # 730, and went inside. While Everette was entering the storage unit, Henderson stayed in the car. Subsequently, the DEA agents arrested both of them. Thereafter, the DEA agents searched Everette's residence and seized 69.77 grams of crack, 64.26 grams of marijuana, \$ 3,500 in cash, an electronic scale, and three firearms.

B

On December 15, 1998, a federal grand jury sitting in the District of South Carolina indicted Byrd and Everette [**4] on two counts. Count One charged the defendants with conspiracy to possess with the intent to distribute and to distribute a "quantity" of cocaine and a "quantity" of crack, 21 U.S.C. §§ 841(a)(1) and 846. (J.A. 9). Count Two charged the defendants with possession with the intent to distribute a "quantity" of cocaine, 21 U.S.C. § 841(a)(1). (J.A. 10).

Byrd's trial began on November 8, 1999. On November 9, 1999, Byrd pled guilty to the conspiracy count. During the plea hearing, the government presented a brief summary of its evidence against Byrd.

In preparation for sentencing, a United States Probation Officer prepared a Presentence Investigation Report (PSR). According to the PSR, Byrd's base offense level was thirty-two, which was based on 11.05 kilograms of cocaine, USSG § 2D1.1(c)(4). The 11.05 kilograms of cocaine was based on the items recovered from Unit # 730 on November 20, 1998; specifically, the 3.25 kilograms of cocaine, the five one-kilogram shells which contained cocaine residue, and the \$ 70,020 in cash (the equivalent of 2.8 kilograms of cocaine). Because the PSR determined that Byrd was a career offender, Byrd's offense [**5] level was thirty-seven, *id.* § 4B1.1(A) (offense level of thirty-seven if the statutory maximum sentence for the offense of conviction is life). According to the PSR, Byrd's career offender status was based on his two prior state felony drug convictions for distribution of cocaine and the fact that his instant offense of conviction carried a maximum sentence of life under 21 U.S.C. § 841(b)(1)(A) (providing a statutory maximum sentence of life for an offense involving at least five kilograms of cocaine). With regard to Byrd's two prior state felony drug convictions, the first offense involved a cocaine sale on June 30, 1989 to an undercover agent of the Greenville, South Carolina Police Department at the C & C garage on Green Avenue in Greenville. The second offense involved a cocaine sale to ostensibly the same undercover agent on July 7, 1989 at the Jetco Station on Green Avenue in Greenville. Byrd was arrested for both offenses on December 2, 1989 and was charged in two separate indictments in General Sessions Court in Greenville. Byrd pled guilty to both indictments and, on June 26, 1990, was sentenced to concurrent terms of seven years' imprisonment. [**6] Byrd was paroled in November 1991.

Byrd's offense level was reduced by two levels for acceptance of responsibility; consequently, Byrd's offense level of thirty-five, coupled with his criminal history category of six, resulted in a Sentencing Guidelines range of 292 to 365 months' imprisonment.

[*118] Byrd objected to the PSR's drug quantity and career offender recommendations. At sentencing, the district court overruled Byrd's objection to the PSR's drug quantity determination on the ground that the PSR's recommendation was supported by substantial evidence, including Byrd's fingerprints on the scales. Without addressing the factors set forth in *Breckenridge*, the district court overruled Byrd's objection to the PSR's career offender determination on the ground that Byrd's

prior state drug felony offenses were "separate." (J.A. 40). The district court then sentenced Byrd to a term of imprisonment of 365 months, a term of supervised release of five years, and a special assessment of \$ 100. On March 27, 2000, Byrd noted a timely appeal.

II

We first consider whether Byrd's sentence is invalid under the Supreme Court's decision in *Apprendi*, which was decided while this case was pending [**7] on appeal. Byrd did not raise this issue before the district court, so we apply the plain error standard of review. *United States v. Carter*, 300 F.3d 415, 428-29 (4th Cir.) (discussing application of the *United States v. Olano*, 507 U.S. 725, 123 L. Ed. 2d 508, 113 S. Ct. 1770 (1993), plain error standard to *Apprendi* claims not raised in the district court), *cert. denied*, 154 L. Ed. 2d 552, 123 S. Ct. 614, 2002 WL 31511362 (U.S. 2002).

The indictment to which Byrd pled guilty did not specify a particular threshold drug quantity. Further, drug quantity was determined by the district court at sentencing. Because Byrd received a sentence of 365 months, five months above the thirty-year statutory maximum for a violation of 21 U.S.C. § 841 where there is no jury finding of a specific threshold drug quantity and the defendant has a prior felony drug offense, *id.* § 841(b)(1)(C), it is clear that an error occurred in sentencing Byrd and that the error was plain. *United States v. Promise*, 255 F.3d 150, 156-60 (4th Cir. 2001) (*en banc*), *cert. denied*, 535 U.S. 1098, 152 L. Ed. 2d 1053, 122 S. Ct. 2296 (2002). [**8]

We find, however, that any resulting error did not "seriously affect[] the fairness, integrity or public reputation of judicial proceedings," *Olano*, 507 U.S. at 736 (quoting *United States v. Atkinson*, 297 U.S. 157, 160, 80 L. Ed. 555, 56 S. Ct. 391 (1936)), based on the overwhelming and essentially uncontroverted evidence presented at the guilty plea hearing and at sentencing indicating that Byrd was responsible for far more than the 500 grams of cocaine necessary to sentence him under 21 U.S.C. § 841(b)(1)(B), which authorizes a forty-year maximum term of imprisonment. *United States v. Cotton*, 535 U.S. 625, 122 S. Ct. 1781, 1786, 152 L. Ed. 2d 860 (2002).¹

¹ We also find no merit to Byrd's contention that the district court clearly erred when it found that he was accountable for 11.05 kilograms of

cocaine for purposes of calculating his offense level under the Sentencing Guidelines.

We also note that, in light of the indictment's [**9] failure to allege drug quantity, the district court, without having the benefit of the Supreme Court's decision in *Apprendi*, incorrectly informed Byrd that he faced a possible sentence of a minimum of not less than ten years and a maximum of life imprisonment. Under 21 U.S.C. § 841(b)(1)(C), there is no mandatory minimum, and the maximum possible sentence is thirty years where the defendant has a prior felony drug offense. Thus, in retrospect, the district court violated *Rule 11(c)(1) of the Federal Rules of Criminal Procedure*. *United States v. Martinez*, 277 F.3d 517, 530 (4th Cir.), *cert. denied*, [**119] 154 L. Ed. 2d 169, 123 S. Ct. 200 (2002). We find that Byrd cannot establish plain error in this regard, however, because he cannot show that he would not have pled guilty absent this error. *Id.* at 533.

Finally, under our circuit precedent, we must reject Byrd's claims that 21 U.S.C. § 841 is unconstitutional after *Apprendi*, *United States v. Chong*, 285 F.3d 343, 346-47 (4th Cir. 2002) (21 U.S.C. § 841 is facially constitutional), and that *Apprendi* [**10] requires the government to plead a defendant's prior convictions in the indictment, *United States v. Cristobal*, 293 F.3d 134, 147-48 (4th Cir.) (*Apprendi* does not require prior convictions to be pleaded or proven), *cert. denied*, 154 L. Ed. 2d 319, 123 S. Ct. 396 (2002).

III

We next consider Byrd's contention that he was improperly sentenced as a career offender because his two prior state felony drug offenses, one occurring on June 30, 1989 and the other occurring on July 7, 1989, were related as part of a single common scheme or plan and thus constituted one conviction instead of the two convictions necessary for career offender status. The district court held that the two offenses were separate offenses. Our review of the district court's Sentencing Guidelines determinations is deferential. *Buford v. United States*, 532 U.S. 59, 60, 149 L. Ed. 2d 197, 121 S. Ct. 1276 (2001).

Under *USSG § 4B1.1*, a defendant is a career offender if

(1) the defendant was at least 18 years old at the time the defendant committed

the instant offense of conviction; (2) the instant offense of conviction is a felony that is either a crime [**11] of violence or a controlled substance offense, and (3) the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense.

Id. § 4B1.1.

Byrd meets the first two conditions of *USSG* § 4B1.1 because he was eighteen years old at the time he committed the instant offense of conviction and because the instant offense of conviction is a felony that is a controlled substance offense. The point of contention between the parties is whether Byrd has at least two prior felony convictions for a controlled substance offense.

The term "two prior felony convictions" is defined in *USSG* § 4B1.2(c) as follows:

The term "two prior felony convictions" means (1) the defendant committed the instant offense of conviction subsequent to sustaining at least two felony convictions of either a crime of violence or a controlled substance offense (*i.e.*, two felony convictions of a crime of violence, two felony convictions of a controlled substance offense, or one felony conviction of a crime of violence and one felony conviction of a controlled substance offense), and (2) the sentences for at least two of the aforementioned felony [**12] convictions are counted separately under the provisions of § 4A1.1(a), (b), or (c).

Id. § 4B1.2(c). There is no dispute that Byrd has at least two prior felony convictions for a controlled substance offense. The issue is whether the sentences for the two prior controlled substance offenses are counted separately under the provisions of *USSG* § 4A1.1(a), which awards three criminal history points for each "prior sentence of imprisonment exceeding one year and one month." *Id.* § 4A1.1(a).

USSG § 4A1.2(a)(2) instructs us that "prior sentences imposed in unrelated cases are to be counted separately." *Id.* § 4A1.2(a)(2). However, "prior sentences imposed in

related cases are to be treated as one sentence for purposes of [*120] § 4A1.1(a), (b), and (c)." *Id.* § 4A1.2(a)(2). In *Application Note 3 to USSG* § 4A1.2, the term "related cases" is defined in relevant part as follows:

Prior sentences are not considered related if they were for offenses that were separated by an intervening arrest (*i.e.*, the defendant is arrested for the first offense prior to committing the second offense). Otherwise, prior sentences are considered related if they resulted from [**13] offenses that (A) occurred on the same occasion, (B) were part of a single common scheme or plan, or (C) were consolidated for trial or sentencing.

Id. § 4A1.2, comment. (n.3).

In this case, Byrd's two prior state felony drug offenses were not separated by an intervening arrest. Further, the "same occasion" prong does not apply because the conduct underlying Byrd's first prior offense did not occur on the same occasion as the conduct underlying Byrd's second prior offense. From the record before this court, one cannot find that the "consolidation" prong applies because the record contains no materials from Byrd's state court offenses except for the information used in the PSR. Thus, Byrd must establish that his prior offenses were part of a single common scheme or plan for this court to conclude that his two prior state felony drug offenses were related.

Although there is a split in the circuits as to the proper test for determining when prior offenses are part of a single common scheme or plan, *compare United States v. Ali*, 951 F.2d 827, 828 (7th Cir. 1992) (holding that prior offenses are part of the same scheme or plan only if the prior offenses were [**14] jointly planned or, at a minimum, the commission of one offense necessarily required the commission of another), *with Breckenridge*, 93 F.3d at 138-40 (applying eight-factor test), this court has identified eight factors for district courts to consider in determining whether prior offenses are part of a single common scheme or plan: (1) commission within a short period of time; (2) close geographic proximity; (3) same substantive offenses; (4) directed at a common victim; (5) solved in a single criminal investigation; (6) similar *modus operandi*; (7) animated by the same motive; and (8) tried and sentenced separately only because of an

accident of geography. *Breckenridge*, 93 F.3d at 138.

In explaining how these factors should be applied, *Breckenridge* states that all eight factors do not have to be present for there to be a common scheme or plan. *Id.* *Breckenridge* also notes that the most significant factors to a finding that prior offenses are related are temporal proximity, geographic proximity, and being the same substantive offense. *Id.*

In this case, the district court did not apply the *Breckenridge* factors; rather, without addressing [*15] the *Breckenridge* factors, the district court overruled Byrd's objection to the PSR's career offender determination on the ground that Byrd's prior state drug felony offenses were "separate." (J.A. 40).

The district court's failure to apply the *Breckenridge* factors or to give reasons supporting its conclusion that Byrd's two prior state felony drug offenses were "separate," *id.*, makes meaningful appellate review of Byrd's *Breckenridge* claim inappropriate at this time. The more prudent course here is to vacate Byrd's sentence and remand the case to the district court with instructions to apply the *Breckenridge* factors to Byrd's two prior state felony drug offenses.

IV

For the reasons stated herein, we vacate Byrd's sentence and remand the case to [*121] the district court

with instructions to the district court to determine whether Byrd's two prior state felony drug offenses were related as part of a single common scheme or plan by applying the factors set forth in *Breckenridge*. If after applying the *Breckenridge* factors the district court concludes that Byrd's two prior state felony drug offenses are not related, the district court may reimpose the same career [*16] offender sentence it imposed at Byrd's original sentencing. However, if the district court concludes that Byrd's two prior state felony drug offenses are related, Byrd may not be sentenced as a career offender and must be resentenced within the appropriate Sentencing Guidelines range.²

2 Byrd also claims that he received constitutionally ineffective assistance of counsel in the district court. Because the record does not conclusively establish that Byrd's counsel was constitutionally ineffective, this claim is not cognizable on direct appeal and must be raised under 28 U.S.C. § 2255. *United States v. Richardson*, 195 F.3d 192, 198 (4th Cir. 1999), cert. denied, 528 U.S. 1096, 145 L. Ed. 2d 704, 120 S. Ct. 837 (2000). Finally, we have reviewed the additional claims raised by Byrd in his *pro se* supplemental brief and find those additional claims to be without merit.

VACATED AND REMANDED WITH
INSTRUCTIONS

Exhibit F

Andrew Grimes

From: CLARK HANGER [clarkhan@bellsouth.net]

Sent: Wednesday, September 04, 2013 5:01 PM

To: Andrew Grimes

Subject: Lanelle Goodwine

To whom it may concern,

Lanelle Goodwine has worked for me for the last two years as an aircraft "detailer". He worked diligently preparing all of my aircraft for resale; namely, washing, waxing, cleaning the interiors, and fine-tuning minute details on every plane. He has been sorely missed the last 60 days.

I found out in short order that Lanelle was trustworthy, hard working, smart, and very able. He drove my cars, performed errands, worked well with others, and was a dependable, much valued employee.

I was aware he had some problems in the past, but I was not concerned as he apparently had learned his lesson and put that behavior way behind him.

I was shocked and saddened to learn that he may be facing significant time behind bars and I am writing this letter to inform the court of his mended ways. It would be a waste of his life to stick him in a jail cell. I would put him back to work detailing airplanes immediately if able.

Sincerely,

W. Clark Hanger
President

Hanger Aviation, Inc.
2167 River Road
Johns Island, SC. 29455

www.HangerAviation.com

843-577-3456 mobile
843-559-3400 office

Notice:

It's OK to print this email. Paper is a biodegradable, renewable, sustainable product made from trees. Growing and harvesting trees provides jobs for millions of Americans. Working forests are good for the environment and provide clean air and water, wildlife habitat and carbon storage. Thanks to improved forest management, we have more trees in America today than we had 100 years ago.

Exhibit G

OCA# 20	B	Date: 11/1/2010
Name: LANELL GOODWINE	Race: B	Sex: M DOB: 01/29/91
Address: 3106 PINE RD	Phone:	
SSN:	DL:	

Detective D. J. Boyd has advised me that he is a member of the Charleston County Sheriff's Office, and has further advised me:

- LG 1. That I have the absolute right to remain silent and do not have to answer any questions or give a statement and this fact cannot be used against me.
- LG 2. That if I do answer questions or give a statement, anything I say can and will be used against me in a Court of Law.
- LG 3. That I have the right to consult with a lawyer of my choice before I answer questions or give a statement and also to have him present while I am being questioned.
- LG 4. That if I wish to talk to a lawyer or have him present, but am unable to afford to hire a lawyer, one will be appointed to represent me free of charge.
- LG 5. That if I decide to answer questions or give a statement without having a lawyer present representing me, I have the absolute right during this interview to stop answering questions and remain silent.

I FULLY UNDERSTAND EACH OF THESE RIGHTS WHICH HAVE BEEN EXPLAINED TO ME.

D. J. Boyd

Lanell Goodwine

Signature

Witnesses

WAIVER OF RIGHTS

I fully understand each of these rights which have been explained to me, and having these in mind, I wish to waive these rights and answer questions. No threats, force, or promises of any kind have been made to me by anyone to induce or cause me to waive these rights and answer questions.

D. J. Boyd

Lanell Goodwine

Signature

Witnesses

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # 100-47721

DATE 7-11-91

STATEMENT OF David Anthony

ADDRESS 106 Vine Road

PHONE # 843-518-06

EMPLOYER: Student

PHONE # _____

RACE: Black

SEX: Male

DATE OF BIRTH: 8-29-91

one night my friend John and I were out walking and he thought of the idea of getting some money and told me to come with him. I didn't know what we were going to do so we went to a nearby bank and had gotten behind the the black ink. The money of the bank were sitting near the car and the man came out for a second and he was with the \$1000 and took up to the man and told him that on the ground he wanted for the money the man told him that there are the pro and told me to go to the other I want the and got the money 200 dollars and we left the man went to the house and found the money and my friend brought money came to the station and said that if he wanted some money to send you for that. I left the station and went to my home and threw the

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES: [Signature]

[Signature]
Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

[Signature]
Signature

CHARLESTON COUNTY SHERIFF'S OFFICE

STATEMENT

OCA #

10-07-10

DATE

10-2-10

STATEMENT OF

Lee ...

ADDRESS

PHONE #

EMPLOYER:

PHONE #

RACE:

SEX:

DATE OF BIRTH:

Q. What was the name of the person you told
to take my mother to the house I lived at?
A. ...
Q. What is your name?
A. ...

Q. What is your phone number?
A. 843-530- ...

Q. What car did you go to Marsh Field in
and who was driving?

A. It's white ...
Q. What were you and Josh wearing?
A. I had on a white Obama shirt and black
pants. Josh had on ...

Q. How do you know Josh and Fore Howland?
A. School friends and over the summer ...

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES:

[Handwritten witness signatures]

[Handwritten signature]
Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

[Handwritten signature]
Signature

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # 10-11-120 P.

DATE 10-20-13

STATEMENT OF LORENZO HOUNDWINE

ADDRESS _____ PHONE # _____

EMPLOYER: _____ PHONE # _____

RACE: _____ SEX: _____ DATE OF BIRTH: _____

Q. Did you have a car involved in the robbery?
A. No.

Q. What business did you work for?
A. Trust in ...

Q. Where did you go after HESS?
A. ...

Q. How much did you see of HOUNDWINE?
A. ...

Q. How much did you see of HOUNDWINE?
A. ...

Q. How much did you purchase at HESS?
A. ...

Q. Will you have any other items that were taken?
A. ...

Q. How did you see the ...
A. ...

Q. Do you remember all the ...
A. ...

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES: [Signature]
[Signature]

[Signature]
Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT [Signature]
Signature

CHARLESTON COUNTY SHERIFF'S OFFICE

STATEMENT

OCA # 10-01717BB

DATE 10-26-10

STATEMENT OF [Handwritten Name]

ADDRESS [Handwritten Address] PHONE # [Handwritten Phone]

EMPLOYER: [Handwritten Employer] PHONE # [Handwritten Phone]

RACE: [Handwritten Race] SEX: [Handwritten Sex] DATE OF BIRTH: [Handwritten Date]

Q: What is your name?

A: [Handwritten Name]

Q: What is your address?

A: [Handwritten Address]

Q: What is your employer?

A: [Handwritten Employer]

Q: What is your race?

A: [Handwritten Race]

Q: What is your sex?

A: [Handwritten Sex]

Q: What is your date of birth?

A: [Handwritten Date]

Q: What is your phone number?

A: [Handwritten Phone]

Q: What is your employer's phone number?

A: [Handwritten Phone]

Q: What is your race?

A: [Handwritten Race]

Q: What is your sex?

A: [Handwritten Sex]

Q: What is your date of birth?

A: [Handwritten Date]

Q: What is your phone number?

A: [Handwritten Phone]

Q: What is your employer's phone number?

A: [Handwritten Phone]

Q: What is your race?

A: [Handwritten Race]

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES: [Handwritten Witness Names]

[Handwritten Signature] Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

[Handwritten Signature] Signature

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

OCA # 10-017173B

DATE 11-20-10

STATEMENT OF LAWELL GOODWIN

ADDRESS _____ PHONE # _____

EMPLOYER: _____ PHONE # _____

RACE: _____ SEX: _____ DATE OF BIRTH: _____

[Faint handwritten text, possibly describing an incident or statement]

[Faint handwritten text, possibly describing an incident or statement]

[Faint handwritten text, possibly describing an incident or statement]

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE BY ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESSES: [Signature]

[Signature]
Signature

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____

[Signature]
Signature

Berkeley County
219 N. Hwy. 52, Suite E
P.O. Box 1687
Moncks Corner, SC 29461
(843) 899-2777
(843) 899-2701 Fax
Cody Groeber
Chief County Public Defender

Ninth Circuit Public Defender
Berkeley & Charleston Counties

D. Ashley Pennington, Circuit Defender
publicdefender@charlestoncounty.org
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Charleston County
O.T. Wallace Building
101 Meeting Street, 5th Floor
Charleston, SC 29401-2214
(843) 958-1850
(843) 958-1860 Fax
Lorelle D. Proctor
Chief County Public Defender

October 8, 2013

The Honorable V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
OCT 11 2013
SC Court of Appeals

Re: State of South Carolina v. Lanell Goodwine
Appellate Case No.: 2013-001948

Dear Ms. Allen:

Pursuant to your letter of October 1, 2013, I am enclosing redacted copies of the sentencing sheets for this appeal. I also am enclosing the Explanation Of Grounds For Appeal.

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,


Andrew D. Grimes

enclosures

cc: Mr. Lanell Goodwine (with enclosures)
Shannon N. Elliott, Esquire (with enclosures)
Salley W. Elliott, Esquire (with enclosures)
Robert M. Dudek, Esquire (with enclosures)