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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Saluda County

Honorable David P Caraker, Jr, Circuit Court Judge

ROBERT GOODWIN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001125

APPENDIX

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1 State of South Carolina) Court of General Sessions
2 County of Saluda) Eleventh Judicial Circuit

3

4 State of South Carolina,) Transcript of Record
5)
6 vs.) 2017-GS-41-01382
7) 2017-GS-41-01383
8 Robert Goodwin, Jr.,) 2017-GS-41-01386
9) 2017-GS-41-01387
10) 2017-GS-41-01388
11 Defendant.)

12

13 August 8, 2018
14 Lexington, South Carolina

15

16 B E F O R E:

17 The Honorable Eugene C. Griffith, Jr., Judge

18

19 A P P E A R A N C E S:

20

21 Samuel R. Hubbard, III, Solicitor
22 On behalf of the State of South Carolina

23 Andrew B. Farley, Esquire
24 On behalf of the Defendant

25

26

27 Stacy S. Johnson
28 Circuit Court Reporter

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I N D E X

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Certificate of Reporter

32

E X H I B I T S

NO EXHIBITS WERE INTRODUCED

1 (The following proceedings were held August 8, 2018,
2 beginning at 9:06 AM.)

3 **BAILIFF:** All rise.

4 **THE COURT:** Good morning. Be seated.

5 **THE CLERK:** Robert Goodwin. Indictment
6 2017-GS-41-01383, State versus Robert Goodwin, Junior,
7 indicted for criminal conspiracy. It has been true billed.
8 Indictment 2017-GS-41-01388, State versus Robert Goodwin,
9 Junior, indicted for kidnapping. It has been true billed.
10 He's pleading to the same. Indictment 2017-GS-41-01387,
11 State versus Robert Goodwin, Junior, indicted for
12 kidnapping. He's pleading to the same. It has been true
13 billed. Indictment 2017-GS-41-01386, State versus Robert
14 Goodwin, Junior, indicted for armed robbery. He's pleading
15 to the same. It has been true billed. Indictment
16 2017-GS-32 -- I'm sorry -- GS-41-01382, State versus Robert
17 Goodwin, Junior, indicted for burglary first. He's
18 pleading to the same. It has been true billed. He's
19 represented by Mr. Farley.

20 Raise your right hand.

21 (Whereupon, Robert Goodwin, Junior, was duly sworn by
22 the Clerk of Court.)

23 **THE COURT:** You're Robert Goodwin, Junior?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** I'll go through these indictments kind of

1 in reverse order. First is burglary first, which is 1382.
2 It alleges that you and some other defendants in Saluda
3 County on March 8th of '17 went into a dwelling owned by
4 Danny and Linda Tidwell without their consent to commit
5 a crime therein, armed and at nighttime, in violation of
6 16-11-311.

7 It's my understanding that you're pleading guilty to
8 that?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Also Indictment 1386 for armed robbery.
11 That indictment alleges that you, while in Saluda County on
12 March 8th of '17, while armed, did take from Danny and
13 Linda Tidwell goods or monies from them in violation of
14 16-11-330, Subpart A. It's my understanding you're going
15 to plead guilty on that indictment?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** Indictment 1387 for kidnapping alleges
18 that you, while with some others on March 8th of '17, did
19 confine Danny Tidwell without his consent inside his home
20 in violation of 16-3-9. It's my understanding you want to
21 plead guilty to the offense of kidnapping?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Also Indictment 1388 alleges that you,
24 while in Saluda County on March 8th of '17, did seize or
25 confine Linda Tidwell without her consent in her home in

1 violation of 16-3-910. It's my understanding you want to
2 plead guilty on that indictment as well?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** And, lastly, Indictment 17-1383 for
5 criminal conspiracy. That indictments alleges that you on
6 March 8th of '17 in Saluda County did conspire with Abin
7 Lowman, James Wilson and Joshua Darien for the purpose of
8 committing some criminal acts, including those outlined by
9 the Court moments ago, in violation of 16-17-410. It's my
10 understanding you want to plead guilty on that indictment
11 as well?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** All right. Mr. Farley, you represent
14 Mr. Goodwin?

15 **MR. FARLEY:** That is correct, Your Honor.

16 **THE COURT:** You've advised him of the elements of
17 these five offenses and the potential punishment he faces?

18 **MR. FARLEY:** That's correct, Your Honor.

19 **THE COURT:** And you've also advised him he has a right
20 to have a jury trial in Saluda County and we're currently
21 in Lexington County?

22 **MR. FARLEY:** Yes, Your Honor.

23 **THE COURT:** And he's signed a waiver of venue allowing
24 the Court to hear this plea in Lexington County?

25 **MR. FARLEY:** And I explained that to him before he

1 signed it, Your Honor.

2 **THE COURT:** All right. Very well.

3 You've examined the discovery, interviewed your
4 client, perhaps reviewed part of the transcript from the
5 trial of the co-defendant, and you have a firm and
6 reasonable belief that if he stood trial he would more
7 probably than not be convicted?

8 **MR. FARLEY:** That's correct, Your Honor.

9 **THE COURT:** Mr. Goodwin, you're under oath and so I
10 ask you in the last twenty-four hours have you taken any
11 alcohol, drugs or medication?

12 **THE DEFENDANT:** No, sir.

13 **THE COURT:** Are you clearheaded?

14 **THE DEFENDANT:** Yes, sir.

15 **THE COURT:** Do you suffer from any disabilities
16 whatsoever that affects your understanding of why you're
17 hear and what you're pleading to?

18 **THE DEFENDANT:** No, Your Honor.

19 **THE COURT:** You have a constitutional right to have a
20 jury trial. Do you understand that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** All these charges can be tried in one
23 trial. The State bears the burden of proving your guilt;
24 meaning they are required to call witnesses and present
25 evidence for a jury to consider the issue of guilt or

1 innocence. Your attorney's allowed to challenge those
2 witnesses, confront those people accusing you of this
3 crime -- these crimes, challenge the introduction of
4 evidence, perhaps present defenses you may have under
5 our laws. In order for me to accept your plea of guilt
6 to these charges, you must give up or waive all those
7 defenses and challenges. Do you understand?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** Now the State's not allowed to call you
10 as a witness. The State's not allowed to comment on your
11 silence if you choose not to testify. Do you understand
12 that?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** In a plea, you must admit your guilt so
15 you've got to waive your right to remain silent during a
16 plea. Do you understand that?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** Are you waiving your right to remain
19 silent here today?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** Very well. Are you waving these rights
22 and defenses on these charges freely and voluntarily?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** All right. Solicitor.

25 **MR. HUBBARD:** Yes, sir. Thank you, Your Honor.

1 If Your Honor recalls, this is a continuation of a
2 case that we tried in front of Your Honor in Saluda a few
3 weeks back. We tried Abin Lee Lowman on these very charges
4 that are in front of you know. We had a week-long trial
5 and Mr. Lowman is now beginning a life sentence in our
6 prison system. Mr. Goodwin was part of this scheme to rob
7 the Tidwells, as Your Honor recalls. And I have with me
8 today Danny and Linda Tidwell. We also have officers from
9 SLED and Saluda here. They're all very interested in
10 what's going on.

11 As Your Honor recalls, this is probably one of the
12 biggest cases in Saluda in a long time. It was just
13 shocking. We had a local, Mr. Lowman, who we tried who's
14 from Edgefield, who knows the Tidwells, actually had been
15 into Mr. Tidwell's store. Mr. Tidwell knew Mr. Lowman's
16 daddy way back when. If you recall, the Tidwells own --
17 Mr. Tidwell and Ms. Tidwell own several jewelry stores.
18 One in downtown Johnston that's been there for a good
19 while. They're known by everybody and loved by everybody.
20 Mr. Lowman knows that. Well, his uncle, Mr. Goodwin
21 here, lived up in Maryland, but had this South Carolina
22 connection, and as you recall Mr. Lowman was routinely
23 going up to Maryland and through Mr. Goodwin got to know
24 James Wilson, who you heard testify in that trial. They
25 all schemed. Really it was initially a scheme of Lowman

1 and Wilson and Wilson brought in Mr. Darien, Joshua Darien,
2 that young kid, out of Maryland and said I've got a couple
3 that we need to rob, they have a jewelry store, but it's
4 just a front, really they're big dope dealers. They said
5 there's drugs involved, jewelry involved, and a lot of
6 money, and talked them into bringing them down, drove them
7 down to South Carolina. The next day they met up with
8 Mr. Goodwin. He was already down here. I don't know why,
9 but he was clearly familiar with the scheme and it was
10 made known at that time that he was part of the package of
11 schemers and this plan to break into the home of Mr. and
12 Ms. Tidwell, to hold them hostage, to steal from them.

13 They came down -- the actual incident, as Your Honor
14 recalls, happened in the early morning hours of March the
15 8th of last year, but these individuals were all down here
16 almost a week prior to that and what they did, unbeknownst
17 to Mr. and Ms. Tidwell, they'd sit out in front of that
18 jewelry store in Johnston and watch them. They'd follow
19 them home because they didn't know exactly where they
20 lived in Saluda. They would follow them home. In fact,
21 initially they thought the home where Mr. and Ms. Tidwell
22 lived was actually their daughter's home and -- which is
23 horrifying enough, but they would follow them home, track
24 them, watch their movements, try to get their routine down.
25 They even went out on that golf course. Remember there's

1 -- on the other side of a pond there was -- they live out
2 on a golf course, but on the other side of that pond in
3 their backyard is a wooded area, so they could watch out
4 from that area as well. So they took all these steps to
5 figure out what's the routine, where do they live.

6 March the 5th, three days before this happened, they
7 drove all the way up to Spartanburg. Mr. Goodwin, Lowman,
8 Wilson, Darien all drove up to Spartanburg to buy a pistol
9 to commit this armed robbery. They bought it from a man
10 -- do you remember the ATF agent saying they're looking at
11 the fellow that sold them the pistol? The Feds are very
12 interested in this case. The next day they went to two
13 different Walmarts. They bought ammunition and other
14 stuff to accomplish this home invasion and kidnapping.
15 They bought the tie strips.

16 **THE COURT:** They bought dark clothes, too, didn't
17 they?

18 **MR. HUBBARD:** Yes, sir. Everything to conceal
19 themselves. Absolutely, Your Honor. Your Honor remembers.
20 Like I said, it was a week-long trial and I know Your Honor
21 was -- it wasn't that long ago.

22 March the 7th, really the day before this happened,
23 less than a day actually, Mr. Lowman and Mr. Goodwin drop
24 Mr. Darien and Mr. Wilson off in that wooded area back
25 behind the house and they go to the house. Mr. and

1 Ms. Tidwell are still working. They go up to that house,
2 pry open the window. The plan was that they were going
3 to go in the house and wait and that Lowman and Goodwin
4 were going to call on those walkie-talkies -- it turned
5 out they didn't work worth a darn -- and let them know
6 they're en route. They wanted to shock them, surprise
7 them, hold them hostage in the house. That didn't work
8 out, so Wilson and Darien -- they also saw golfers out
9 there. They went back to that wooded area and waited, so
10 they changed their plans.

11 Mr. and Mrs. Tidwell got home after dropping off
12 stuff at their daughter's house, doing their normal
13 routine. These folks, their lives are like clockwork.
14 They're business people, they're very serious about what
15 they do, they're good people. So they waited until
16 nightfall. All four of these individuals waited and they
17 even crawled up on that golf course, spied into their home
18 while the Tidwells were completely unaware, going about
19 their normal business. Mr. Tidwell was eating his dinner
20 there in the den watching TV, Mrs. Tidwell getting ready
21 for bed. They spied on them, watched them, waited until
22 all the lights went off. Waited to make sure they actually
23 went to sleep. Then they went up to that house, all four
24 of them. They knew they only had one pistol, but they
25 broke into that GMC Yukon. Mr. Goodwin found a .380

1 pistol. He armed himself for this event by taking
2 Mr. Tidwell's own pistol to use against him. They broke
3 into that window, and as Your Honor remembers, the initial
4 plan was only Wilson and Darien were going to break into
5 the house. Mr. Goodwin was supposed to hang out with
6 Mr. Lowman. These other too young guys, and they were
7 the youngest, they were only 22 and 18 at the time. I
8 believe Mr. Goodwin was about 28, Lowman was about 38. I
9 think the deal was these two young guys are supposed to go
10 in there and not only commit this robbery, but the big
11 thing they're supposed to do is get the keys and the code
12 to the stores, that's where the real money was, and
13 Mr. Lowman and Mr. Goodwin were going to go to the stores.

14 Judge, I'm convinced Wilson and Darien were
15 throwaways. What are they going to do, go tell the cops
16 they got the raw end of the deal? But Wilson and Darien
17 got cold feet in the early morning hours of 3/8 of 2017.
18 They said we're not going in unless this man goes with us,
19 and that's where that white glove came into play. He
20 wasn't prepared to go in, so he took a glove out of
21 Lowman's car. Remember we found other gloves in that car.
22 He went in the house with them. That's the only way this
23 thing was going to work. They screamed ATF, got these
24 folks up out of bed. These folks literally thought ATF was
25 coming in their house, it was a mistake, but they were

1 still complying.

2 They laid Mr. Tidwell down on his own floor and his
3 wife at his feet. Judge, it's got to be horrifying, but
4 to think that your wife is being treated this way, too, is
5 just -- to me I can't get past that. They tied him up
6 with tie strips in his own house and they put a pistol in
7 Mr. Tidwell's face, pressed it there, saying where are the
8 drugs, where's the money or we'll blow your F'ing head off.
9 Mr. Tidwell is compliant, but when he starts hearing this
10 language he realizes these are not agents, ATF agents,
11 these guys are robbing us in their dark house.

12 Judge, the horror. I can't even comprehend the
13 horror and to think my wife would be laying at my feet,
14 what's going to happen to her.

15 They separate them. They put Mr. Tidwell in that
16 little hall bath in the middle of the house and they
17 take Mrs. Tidwell back in their master bedroom, but they
18 put her in that little laundry room. Here they are.
19 They're separated. These folks do everything together.
20 throughout this entire time their biggest worry was how's
21 my husband, how's my wife. You remember that.

22 The one fact that has always stood out was they
23 -- their concern for one another had an impact on the
24 people breaking in the house. You heard Mr. Wilson and
25 Mr. Darien, they cooperated in this case. Neither one of

1 them had any criminal record. You remember Mr. Wilson
2 saying I was one the ones holding the gun at Mr. Tidwell's
3 face. He said I was mean to him, you know, but I pretty
4 quickly learned these were not drug dealers, these were
5 good people.

6 Soon enough he was in there with Mrs. Tidwell saying
7 I want you to look at me. We are not gonna hurt you.
8 I'm not gonna let anyone hurt you. They're so good, Your
9 Honor, they had an impact on the people breaking in their
10 home.

11 I've never had a case like that ever. The youngest
12 one, Joshua Darien, he's like a young kid running around
13 the house trying to find drugs, he can't find any drugs,
14 he finds a little bit of jewelry, but he is so impacted
15 by this couple he brings each of them pillows. They're
16 laying on cold tile. He brings them their pillows, he
17 brings Mrs. Tidwell a sheet to cover up in, or a blanket,
18 to keep her worn, made sure her nightgown wasn't crawling
19 up. He kept checking on her. He brought Mr. Tidwell
20 water. He's in their house to rob them and he's tending
21 to their needs. He knows he's messed up. Mr. Wilson was
22 so upset. Do you remember him going out on that back
23 porch, sitting down, saying I've screwed up, I've made a
24 huge mistake?

25 Before that incident happened though, before he got

1 to that point, Mr. Lowman, who we tried, who never went
2 in the house, was standing out on that back porch, waiting
3 for the keys or the codes. The minute those are put in
4 his hands, Wilson looks out in the woods and sees there's
5 a -- it looks like cops initially, but then he realizes
6 there's a repo man coming after the car they're using. It
7 became almost comical, but, Judge, I'm gonna tell you I
8 think the good Lord was at work here in this case. This
9 -- this plan started unravelling rapidly.

10 **THE COURT:** I was wondering about something I learned
11 from the trial. Wasn't it about that same time that
12 Mr. Tidwell asked one of the captors if he had permission
13 to pray?

14 **MR. HUBBARD:** Absolutely. Because you'll remember
15 Mrs. Tidwell, they heard her talking, like do you have a
16 phone? No, I'm praying. What are you, a Christian? Yes,
17 I am. Okay. Unbeknownst to Mr. Tidwell, he asked them do
18 you mind if I pray? They asked him what are you, a Jew?
19 I don't know where that comes from. Mr. Tidwell goes no,
20 I'm a Christian, and that had a real profound impact on
21 Wilson and Darien. But you remember Wilson and Darien
22 saying the one guy that was harsh to them, that never
23 changed his tone, was this man, Mr. Goodwin. He was the
24 rough one. The youngest, do you remember Mr. Darien,
25 Joshua Darien, saying at some point he had to stop him

1 and say man, calm down, do not hurt this woman? Do you
2 remember Lowman got the keys and he runs off, gets in his
3 car and there comes that comical farce where the repo
4 man is literally tracking him to Johnston? Mr. Lowman
5 foolishly continues with the plan, parks right near the
6 jewelry store. Law enforcement gets involved, he gets
7 stopped. I think it was almost a week or so later we find
8 the keys to the store right near where he was stopped. He
9 had obviously thrown them out of his car window.
10 he's apprehended. He sends a text back to the guys in
11 that house saying -- as if it's to his mom, mom, I've been
12 stopped by the police. It was on Mr. Goodwin's phone.
13 Mr. Goodwin was part of this deal from the very beginning.
14 One thing that happened, too, that really struck all
15 of us was that incident involving Linda Tidwell's driver's
16 license. He took that driver's license, and we believe it
17 was Mr. Goodwin by the testimony of the other two fellows,
18 showed it to her and said -- used the "B" word, bitch, is
19 this you? He walks in to where her husband is lying on
20 the floor where he's worried about his wife and he says I
21 see your wife's an organ donor. You don't want her
22 donating any organs, do you? That was to get all of that
23 information out of them for the stores. That's got to be
24 just incredibly horrifying. I don't know how a person
25 gets over that, Judge.

1 As you recall, the -- Goodwin, Wilson and Darien,
2 they have to find their own way out of the house. They
3 steal that GMC Yukon. They drive to Aiken. They leave
4 this couple tied up. They end up -- Ms. Linda gets loose
5 first and comes and helps her husband. They seek help.
6 Meanwhile, these guys are heading towards Aiken to get
7 away. They realize that vehicle has OnStar. And, again,
8 the good Lord was all into this case.

9 Law enforcement shows up and finds that abandoned
10 vehicle. Mr. Goodwin, Darien and Wilson are at the local
11 Waffle House. They see what's going on. We have them on
12 video, so we know he's there. We see him going into the
13 bathroom and there's testimony that he left that white
14 glove in there and, sure enough, that's where we found it.
15 Do you remember our SLED agent testifying he went to pick
16 it up, took a photograph of it? There's that and the
17 money clip that came from Mr. Tidwell. We know this man's
18 involved.

19 The next day Darien and Wilson managed to get away.
20 They take jewelry. I don't know what Mr. Goodwin has,
21 but, Judge, he makes it back to Maryland separately from
22 them. We do know this. That it's a well-over a hundred
23 thousand dollars' worth of jewelry. It's not a lot of
24 jewelry, but jewelry is expensive and these folks are in
25 the jewelry business. So a lot of it was just stuff over

1 all those years Ms. Tidwell had, but also some jewelry
2 from the store. And they took cash. About \$4,000 worth
3 of cash.

4 **THE COURT:** Three thousand in the money clip.

5 **MR. HUBBARD:** Three thousand in the money clip and
6 there was about another thousand that was taken as well.
7 Remember her purse was taken.

8 **THE COURT:** And her earrings were taken off her ears,
9 wasn't it?

10 **MR. HUBBARD:** Yes, sir. And by all accounts they're
11 saying it was Mr. Goodwin, the guy that was being rough
12 with Ms. Tidwell. He wasn't arrested -- everybody else
13 got arrested pretty quick. Do you remember -- obviously
14 Lowman got arrested that night. Wilson, James Wilson,
15 didn't make it I don't think a week up in Maryland. They
16 picked him up and it was shortly thereafter that they got
17 Joshua Darien. And you remember he had that little
18 incident with law enforcement and he ended up in the
19 hospital for a little while.

20 **THE COURT:** Uh-huh.

21 **MR. HUBBARD:** No complaints. They both came down
22 and, Judge, they were willing to testify from the get-go.
23 And Your Honor will remember we've made no deals. None.
24 What we have done in this case, as Your Honor sees, he's
25 pleading -- this man's pleading to burg first, two counts

1 of kidnapping, armed robbery and conspiracy. We're
2 treating him just like Mr. Lowman. We've dropped the
3 -- there was a grand larceny, impersonating an officer
4 charge, and a pistol charge. We've dropped those, Judge.
5 Compared to what he's pleading to, they're insignificant,
6 but as Your Honor knows we gave everyone a chance to
7 cooperate in this case. We've never really thought
8 Mr. Goodwin would want a trial. We've always been willing
9 to give him one. It would be a lot shorter than the one
10 we gave Mr. Lowman. But, Judge, we believe Mr. Lowman and
11 Mr. Goodwin were two of a kind in this case. They got two
12 patsies to help them, Darien and Wilson, who are gonna pay
13 a price. They're looking at a minimum of fifteen right
14 now and we really don't have an incentive to cut them any
15 kind of deal. For what they did, fifteen is really a
16 bargain if they get that.

17 Unlike Mr. Lowman, Wilson and Darien had no record
18 whatsoever, but Mr. Goodwin does. He's got a manslaughter
19 out of Maryland. He's been in deep trouble before. He's
20 experienced the system before back in '07 and, Judge, he
21 was cut a break by their system up there. I don't
22 understand it, but by '09 he was on work release with
23 probation or parole. In 2012, there was a warrant for a
24 probation violation. He had another one in 2013, he had
25 another one in 2014. On this most serious charge he

1 couldn't keep probation. And then the next thing you
2 know he's down here in South Carolina in 2017 plotting
3 with his uncle to harm people that he doesn't even know.
4 And Your Honor will remember Mr. Lowman made it clear to
5 these guys before he left to go get his car and to go to
6 Johnston, once he gets those keys, he said if anything
7 goes wrong, kill them. And as he's saying it, things are
8 going wrong and but for James Wilson and Joshua Darien
9 really changing their hearts while they're in the house
10 dealing with these nice people, but for that they'd be
11 dead and we'd probably be having a capital murder case.
12 We would not be having Mr. Goodwin standing here. If he
13 pled, we'd be still seeking whether he's getting life or
14 death he was that tied into Mr. Lowman.

15 Judge, we want a big sentence on this. That's what
16 we're asking for. We think he needs to be treated much
17 more like Mr. Lowman and at the appropriate time I know
18 Mr. Tidwell would like to speak.

19 **THE COURT:** All right. Regarding the facts,
20 Mr. Farley and Mr. Goodwin, I sat through the trial so I
21 remember large parts of the testimony just from having to
22 sit through it. The State has to have a factual basis for
23 your plea. Those facts outlined by Solicitor Hubbard, are
24 those facts accurate as to the counts that you're pleading
25 to and your involvement?

1 **THE DEFENDANT:** I guess.

2 **MR. HUBBARD:** Your Honor, if there's any question,
3 we'll be happy to try him.

4 **THE COURT:** I know you will.

5 I just want to make sure you're comfortable with
6 that. Now everything he said, part of it came from the
7 two co-defendants, but your involvement, going in the
8 house, taking these people, tying them up, talking to
9 them, threatening them --

10 **THE DEFENDANT:** That's also what two other people are
11 saying against me.

12 **THE COURT:** That's right. I understand that and
13 they --

14 **THE DEFENDANT:** That's what they're saying about me,
15 you know what I'm saying?

16 **MR. FARLEY:** Your Honor, can I have a moment?

17 **THE COURT:** You can.

18 (Discussion between the Defendant and his counsel.)

19 **MR. FARLEY:** Your Honor, thank you. We're ready to
20 proceed.

21 **THE COURT:** All right.

22 Mr. Goodwin, I'll ask you again. The facts outlined
23 by him, you were involved doing these acts to these people,
24 planning it, executing it, the events, going in the house,
25 taking them hostage and taking their goods and having --

1 and I believe one fact in particular is you did acquire
2 the pistol out of the car. That's you?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Okay. Now the State's dismissed some
5 related to grand larceny, impersonating an officer,
6 possession of pistol by a felon, something along those
7 lines, but you're not pleading -- those are dismissed,
8 but these you're pleading as is; two counts of kidnapping,
9 one armed robbery, one count burglary first and one count
10 criminal conspiracy. For those five, have any many
11 promises been made to you as to what you might get?

12 **THE DEFENDANT:** No, Your Honor.

13 **THE COURT:** Has anybody threaten you or coerced you
14 to get you to plead guilty?

15 **THE DEFENDANT:** No, Your Honor.

16 **THE COURT:** And you realize these -- the armed
17 robbery and the burglary first are most serious
18 convictions. And the kidnappings, okay? I wasn't sure
19 about that.

20 **MR. HUBBARD:** Yes, sir.

21 **THE COURT:** The only nonviolent offense is the
22 conspiracy, okay?

23 **MR. FARLEY:** And, Your Honor, for the record, I went
24 through each of those counts with my client prior to the
25 hearing and I explained also that they were most serious

1 and violent.

2 **THE COURT:** Okay.

3 **MR. HUBBARD:** And, Your Honor, too, just for the
4 record, based on his prior, if he had gone to trial we
5 could have done exactly what we did with Mr. Lowman and
6 sought life without parole, so the mandatory life sentence
7 would have kicked in.

8 **THE COURT:** Okay.

9 You've got a conviction from Maryland, which is
10 classified under Maryland law, but under South Carolina
11 law could be considered a strike on your record. These
12 four pleas, the two kidnappings, the armed robbery and
13 the burglary first, all are considered most serious
14 offenses, thus, under any scenario in the future if you
15 commit another crime that's either a serious crime or a
16 most serious crime and State prosecutes you again on
17 whatever charge that is, you'd be facing a life without
18 parole sentence then. Do you understand? So these
19 convictions can be used against you in the future. Do
20 you understand that?

21 **THE DEFENDANT:** I understand.

22 **THE COURT:** All right. And the -- all four of those
23 charges are violent offenses; meaning you'll be classified
24 as a violent offender at the Department of Corrections
25 and what that means is you'll not be entitled to the same

1 programs that nonviolent offenders are entitled to and
2 it means you'll have to serve 85 percent of any sentence
3 the Court imposes before you're eligible for a community
4 supervision release, but you will not be released on a
5 parole. Do you understand that?

6 **THE DEFENDANT:** I understand, Your Honor.

7 **MR. FARLEY:** And, Your Honor, for the record, I also
8 thoroughly explained that -- both of those things to my
9 client prior to the hearing.

10 **THE COURT:** You've had enough time to go over the
11 evidence in the case that the State has against you with
12 Mr. Farley?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** You've spoken with him about the defenses
15 you may have, potential defenses, if you went to trial?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** He explained to you how the trial would
18 have worked and how the jury is selected and how to
19 proceed?

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** Have you understood all those
22 conversations?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** And you understand this case is being
25 heard today and this plea in Lexington County and not

1 Saluda County, which would be the venue that you could
2 elect to have a trial in. Do you understand that?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** You're waiving venue?

5 **THE DEFENDANT:** Yes, sir.

6 **THE COURT:** Are you satisfied with the advice and
7 counsel Mr. Farley's given you?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** Are you entering this plea to these five
10 charges today freely and voluntarily?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** Nobody's making you do it?

13 **THE DEFENDANT:** No.

14 **THE COURT:** Any complaints against the Eleventh
15 Circuit Solicitor's Office, the Saluda County Sheriff's
16 Department, the South Carolina Law Enforcement Division
17 or any law enforcement agency in their involvement in the
18 investigation and prosecution of these charges?

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** Are you pleading guilty because you are,
21 in fact, guilty of committing the offenses as you're
22 charged?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Regarding Indictments 17-GS-41,
25 Indictments 1383, 1388, 1387, 1386 and 1382, I find that

1 Robert Goodwin, Junior's made a free, knowing, intelligent
2 plea of guilt to one count of criminal conspiracy, two
3 counts of kidnapping, one count of armed robbery and one
4 count of burglary in the first degree. He's entered all
5 five pleas with the advice and counsel of a competent
6 attorney of whom he's testified under oath that he has
7 understood and is satisfied with the advice and counsel.
8 The State has provided ample facts to support this plea.
9 Mr. Goodwin has waived venue and allowed the Court to
10 hear this plea in the county of Lexington rather than the
11 originating county of Saluda.

12 All right, Mr. Goodwin. I'll tell you now that you
13 have a limited number of days from today during which time
14 to file a notice of intent to appeal if you believe that
15 something procedurally was not done properly. Do you
16 understand?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** All right. Mr. Farley, before I hear
19 from you, I'm gonna hear from Mr. Tidwell and then I'm
20 gonna come back to you and listen to you and Mr. Goodwin
21 or any other folks you have.

22 **MR. FARLEY:** Yes, sir.

23 **THE DEFENDANT:** Thank you.

24 **THE COURT:** All right. Let me hear from Mr. Tidwell.

25 **MR. TIDWELL:** Judge, this has changed our lives. As

1 you've heard a few weeks back the whole case, we had a
2 very peaceful life and we kind of lived and let live is
3 kind of the way that we looked at things. We lived a
4 pretty simple life and just -- kept just to ourselves for
5 the most part, dealt with the public every day, and we
6 now do things completely different than we did, always
7 looking over your shoulder and every little sound you hear
8 at night it awakens us. And we have grandchildren, two
9 grandchildren, that will not come to our house. They'll
10 visit, but not spend the night or anything. It's -- it's
11 been life-changing.

12 When -- during the ordeal when they showed me my
13 wife's driver's license and, you know, asked me if I knew
14 she was an organ donor and would I -- I wouldn't want her
15 to donate any organs, you know, I felt like then that
16 there was a possibility that they would kill us. The Lord
17 took care of us, protected us through the whole ordeal,
18 and I believe, I'm convinced, that he was able to bring
19 all of the evidence together for these law enforcement
20 agents to put together and bring a case, the Solicitor's
21 office. And, yeah, there's -- there's some peace at the
22 end, but they definitely violated us and changed our lives
23 forever and I'd -- I'd like a -- a very harsh sentence
24 here just as with Abin Lowman. There's -- people, of
25 course, they make mistakes. I don't know if this was a

1 mistake or their career or whatever. I personally believe
2 it was their career, you know, it wasn't just something
3 that -- that they slipped up and made a mistake. They set
4 out to do this and I believe that they set out to harm us
5 and if it weren't for God Almighty intervening we would
6 not be here today.

7 **THE COURT:** Thank you, sir.

8 **MR. TIDWELL:** Thank you.

9 **THE COURT:** All right, Mr. Farley. Let me hear from
10 you.

11 **MR. FARLEY:** Thank you, Your Honor. May it please
12 the Court?

13 **THE COURT:** Uh-huh.

14 **MR. FARLEY:** Your Honor, I'd like to say that
15 Mr. Goodwin is twenty-nine years old now. He is -- as
16 you heard, he's from Maryland. He is single; however, he
17 does have three children, I think, back in Maryland. He's
18 a bricklayer by trade. It's my understanding he still
19 has a job doing bricklaying back in Maryland just if --
20 when he can get all this past him. He's graduated from
21 high school, so he has a high school diploma. I would
22 certainly after -- I would certainly inform the Court
23 that after talking to Mr. Goodwin on several different
24 occasions I certainly think he does have some regret for
25 anything that occurred in this case -- for everything

1 that occurred in this case certainly, and I think that
2 he's here wanting to take ownership and certainly own up
3 to his involvement in this case and certainly show to the
4 Court that he's here to take responsibility for -- for
5 his actions.

6 Certainly we've -- we've heard from the Solicitor
7 the facts in this case, but notwithstanding we would
8 still ask for a certain leniency in that, you know, we
9 certainly are not going to trial and he is here and taking
10 responsibility and certainly we would ask that the Court
11 consider that in handing down the sentence.

12 Thank you, Your Honor.

13 **THE COURT:** All right.

14 Mr. Goodwin, anything you'd like to say?

15 **THE DEFENDANT:** Yes, sir. I would like to -- to
16 apologize and say that I'm very sorry and by the grace of
17 God you will forgive me. I never meant to hurt you or
18 your family. I'm very sorry.

19 **MR. TIDWELL:** We will forgive you.

20 **THE DEFENDANT:** Thank you.

21 **MR. HUBBARD:** Your Honor, just briefly, one -- one
22 thing I do want to say. Throughout this process, and I
23 meant to put this on the record earlier, Mr. Farley and
24 I've done a lot of talking, made sure we gave everything
25 over to Mr. Farley. We've talked about -- early on about

1 whether his client would also wish to cooperate. I know
2 Mr. Farley made that trek up to Anderson, it's about two
3 and a half hours away, to follow up on this. He's been
4 in communication with us. I think that needs to be on
5 the record of the amount of work that he had to do for
6 this case and I think probably but for his work we'd
7 probably be in a trial.

8 A couple of other things I wanted to point out.
9 Judge, you know, obviously we're looking for a serious
10 sentence. Remember the SLED CSI agent, Your Honor, said
11 that when he showed up he expected to find two bodies.
12 He said he'd just never seen a case like this where
13 people lived. It's just remarkable. But now it's what
14 the Tidwells have to live with and I know you have to
15 balance punishment and their concerns as well. I just
16 ask for a sentence that the Tidwells can go home and
17 realize that it will be a long, long, long time before
18 they ever have to look over their shoulder and see this
19 man.

20 **THE COURT:** When did his sentences start? When was
21 he picked up?

22 **MR. HUBBARD:** He was picked up, Judge, July 10,
23 2017, and that was in Montgomery County, Silver Springs,
24 Maryland.

25 **THE COURT:** All right. Anything else from anybody?

1 **MR. HUBBARD:** No, sir, Your Honor.

2 **MR. FARLEY:** No, Your Honor.

3 **THE COURT:** All right. I accept the plea.

4 This -- the trial and the facts of this case are just
5 -- I just find it unbelievable. They're bad. You've got
6 a prior record. So the sentence on the burglary first is
7 -- it's the most exposure you had. The sentence on that,
8 considering you've accepted some responsibility, is
9 forty-five years. You get days credit since July 10, 2017.

10 On the other three most serious, thirty years each,
11 and on the conspiracy, five. Everything runs concurrent.

12 Good luck to you.

13 **MR. HUBBARD:** Thank you, Your Honor.

14 (Whereupon, the proceedings were concluded at
15 9:50 AM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned case in Circuit Court on the 8th day of August, 2018.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin, counsel, nor have an interest to any party hereto.

February 4, 2019

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

FORM 5

2018 DEC 17 PM 3:19
Filed: Clerk of Court, Saluda, SC.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of Saluda)ROBERT WOODWIN JR)

Full name and prison number (if any) of Applicant)

2018-CP-41-250

v.)

APPLICATION FOR

State of South Carolina)

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McComick Correctional Institution
2. Name and location of Court which imposed sentence _____
3. Name(s) of co-defendant(s) (if any) Abin lee Lowman; Joshua lee Daries;
James Christopher Wilson
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017A411020039; 2017A411020040; 2017A411020041;
 - (b) 2017A411020042; 2017A411020043; 2017A411020044;

- (c) 2017 A41102 00045
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 8/8/2018
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
No
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. NA
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. NA
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. NA
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. NA
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Counsel did not advise me of Right to Appeal
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) _____
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? Yes
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. No
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. No
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____
 (b) _____
 (c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____
 (b) your trial, if any? _____
 (c) your sentencing? _____
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Andrew B farley, 137 East Butler st. lexington SC 29072

ii. _____
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. Plan & sentencing

ii. _____
 iii. _____

19. State clearly the relief you seek in filing this application:

Attack the Sentence

20. Are you now under sentence from any other court that you have not challenged?

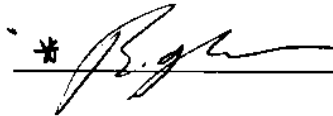
yes

STATE OF SOUTH CAROLINA)

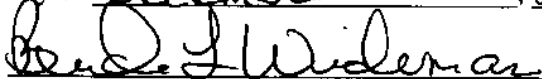
County of SALUDA)

VERIFICATION

I, Robert Goodwin Jr, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

* 

SWORN to and subscribed before me this 11
day of December, 2018.

 (L.S.)
Notary Public

My Commission Expires: 9-30-26

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Robert Goodwin Jr., hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

* 
Applicant

SWORN or affirmed to and subscribed before me this

11 day of December, 2018.


Notary Public

My Commission Expires: 9-30-26

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SALUDA	)	FOR THE ELEVENTH JUDICIAL CIRCUIT
	)	
Robert Goodwin, Jr., #377346,	)	Case No.: 2018-CP-41-250
	)	
Applicant,	)	
	)	RETURN AND MOTION FOR A MORE
v.	)	DEFINITE STATEMENT
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

Respondent, making its Return to the application for post-conviction relief filed on December 17, 2018, would respectfully show this Court:

I. Procedural History

Robert Goodwin, Jr. (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Saluda County Clerk of Court. During its October 2017 term, the Saluda County Grand Jury indicted Applicant for first-degree burglary (2017-GS-41-01382), criminal conspiracy (2017-GS-41-01383), impersonating a law enforcement officer (2017-GS-41-01384), grand larceny, \$10,000 or more (2017-GS-41-01385), armed robbery (2017-GS-41-01386), and two counts of kidnapping (2017-GS-41-01387; -01388). Andrew B. Farley, Esquire, represented Applicant on these charges. Solicitor for the Eleventh Judicial Circuit S. R. Hubbard, III prosecuted the case. On August 8, 2018, Applicant appeared before the Honorable Eugene C. Griffith, Jr. and pled guilty as indicted to first-degree burglary, criminal conspiracy, armed robbery, and both counts of kidnapping. The charges for impersonating a law enforcement officer and grand larceny were dismissed. Judge Griffith accepted the pleas and sentenced Applicant to a term of imprisonment of forty-five years for first-degree burglary, five years for criminal conspiracy, thirty years for armed robbery, and thirty years for each count of kidnapping. The sentences were to

be served concurrently. Applicant did not appeal his pleas or sentences.

II. Factual History

Applicant, and his co-defendants, Abin Lee Lowman, Joshua Darien, and James Wilson, planned to rob Danny and Linda Tidwell, who owned several jewelry stores, one of which is located in Johnston, South Carolina. Tr. 8-9. Lowman, who is Applicant's nephew, knew the Tidwells; and Lowman and Wilson believed the Tidwells' were "big dope dealers." Tr. 8-9. Applicant and his co-defendants, therefore, sat outside of the Tidwells' jewelry store for a week and watch them. Tr. 9. They would also follow the Tidwells home. Tr. 9-10. On March 5, 2017, Applicant and his co-defendants drove up to Spartanburg, South Carolina in order to buy a pistol so that they could commit these crimes. Tr. 10. On March 6, 2017, they bought ammunition and other supplies, including tie strips and dark clothing, in order to commit these crimes from a Wal-Mart. Tr. 10.

On March 7, 2017, Applicant and Lowman dropped Darien and Wilson off in a wooded area behind the Tidwells house; and Darien and Wilson went into the Tidwells' home while the Tidwells were still at work. Tr. 10-11. Applicant and Lowman were going to call Darien and Wilson on walkie-talkies when the Tidwells were en route. Tr. 11. However, their plan did not work, so Wilson and Darien exited the house and waited in the wooded area. Tr. 11. All of the co-defendants waited in that wooded area, looked into the Tidwells' home, and waited until the Tidwells turned off all of the lights. Tr. 11.

After all of the lights were off, Applicant and his co-defendants went up to the house and broke into a GMC Yukon, where Applicant found a .380 pistol. Tr. 11-12. Applicant armed himself with that pistol. Tr. 12. Applicant, Darien, and Wilson then went into the house, screaming "ATF." Tr. 12. Lowman waited on the porch for the keys and codes to the jewelry store. Tr. 15. The men laid the Tidwells on the floor, tied Mr. Tidwell up, pressed the pistol into his face, and threatened to

shoot him if he did not give them drugs and money. Tr. 13. The men then put Mr. Tidwell in the hall bathroom, while they took Mrs. Tidwell into the master bedroom and put her in the laundry room. Tr. 13. Applicant continued to threaten the Tidwells in order to get information about their jewelry stores out of them. Tr. 16. Applicant and his co-defendants were able to get jewelry, valued at greater than \$100,000, and approximately \$4,000 cash from the Tidwells. Tr. 17-18.

Eventually, Lowman got the keys and drove to the Tidwells' jewelry store in Johnston. Tr. 16. Law enforcement, however, stopped Lowman, at which point he sent a text to Applicant informing Applicant he had been stopped by the police. Tr. 16. Meanwhile, Applicant, Wilson, and Darien left the house, with the Tidwells tied up, stole the Tidwells' Yukon, and drove to Aiken, South Carolina. Tr. 17. While Applicant, Wilson, and Darien were in a Waffle House in Aiken, law enforcement was able to locate the Tidwells' vehicle.¹ Applicant and his co-defendants saw law enforcement at the vehicle, so Applicant went into the restaurant bathroom and deposited a white glove he had worn during the robbery, as well as Mr. Tidwell's money clip. Tr. 17.

The next day, Darien and Wilson were able to get away and took jewelry with them. Tr. 17. Applicant was also able to get to Maryland.² Tr. 17. Shortly thereafter, Darien and Wilson were arrested, and both were willing to cooperate. Tr. 18. Applicant was arrested thereafter. Tr. 18.

III. Current Application

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on:

1. Ineffective Assistance of Counsel.
 - a. Counsel did not advise me of right to appeal.

Other than alleging he did not appeal his conviction or sentence, Applicant wholly fails to set forth

¹ The vehicle is equipped with OnStar. Tr. 17.

any facts to support his general allegation of ineffective assistance of counsel.

Attached to this Return and incorporated by reference are the records of the Saluda County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, a copy of the transcript from Applicant's guilty plea proceeding, and the post-conviction relief application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

Additionally, Applicant must specify any claims he intends to raise at the post-conviction relief evidentiary hearing. Any claims not specifically laid out in this post-conviction relief application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. *See also* Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRPC. *Pro se* filings will not be considered at the post-conviction relief hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. *See* Rule 15(a), SCRPC.

IV. Ineffective Assistance of Counsel

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a post-conviction relief action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having

² Applicant lived in Maryland at the time. Tr. 8.

produced a just result.” *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland v. Washington*, 466 U.S. 668. First, Applicant must prove counsel’s performance was deficient. *Id.*; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. In order to satisfy the prejudice prong of this test following a guilty plea, the applicant “must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

Failure to Advise Applicant of the Right to Appeal

Applicant alleges plea counsel was ineffective for failing to advise him of his right to appeal from his guilty plea. Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to think either: (1) that a rational defendant would want to appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in

appealing. *Roe v. Flores-Ortega*, 528 U.S. 470 (2000). Absent extraordinary circumstances, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea. *Turner v. State*, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). For example, “one extraordinary circumstance which would require counsel to advise a defendant of the right to appeal from a guilty plea would arise when the defendant inquires about an appeal.” *Weathers v. State*, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995). Moreover, in order to establish he was prejudiced by counsel’s failure to file an appeal, Applicant must show he would have appealed absent counsel’s deficient performance. *See Roe*, 528 U.S. at 484. Here, Applicant has wholly failed to provide this Court with any information he: (1) wanted to appeal his guilty plea or (2) informed plea counsel to appeal his plea. Indeed, this allegation is conclusively refuted by the record, as the plea court advised Applicant of his right to appeal and Applicant indicated he understood that right. Tr. 26.

Respondent submits Applicant can satisfy neither requirement of the *Strickland* test, particularly in light of Applicant’s complete failure to list any facts to support his general allegation of ineffective assistance of counsel. However, the allegation of ineffective assistance of counsel probably raises questions of fact the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. Motion for More Definite Statement

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to “support each ground” or to explain with any specificity whatsoever the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires Applicant to “*specifically set forth the grounds upon which the application is based.*” S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits it is incumbent upon Applicant, through

counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VI. Denial of All Other Claims

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VII. Conclusion and Request for Evidentiary Hearing

WHEREFORE, Respondent requests an evidentiary hearing be held on the claims of ineffective assistance of counsel.

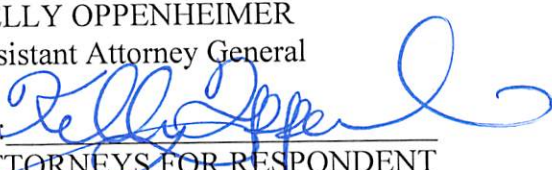
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

KELLY OPPENHEIMER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
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Columbia, SC 29211
Telephone: (803) 734-3737

February 26, 2019

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SALUDA	)	
	)	
	)	2018-CP-41-250
	)	
ROBERT GOODWIN JR., #377346	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Motion for a More Definite Statement** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Aaron J. Kozloski, Esquire
Capitol Counsel, LLC
Post Office Box 1996
Lexington, South Carolina 29071-1996

DATED this 25th day of February, 2019.


 Camille Henry, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF SALUDA)

COURT OF COMMON PLEAS
FOR THE 11th JUDICIAL CIRCUIT
Case No.: 2018-CP-41-00250

Robert Goodwin, Jr., #377346)

Applicant,)

v.)

State of South Carolina.)

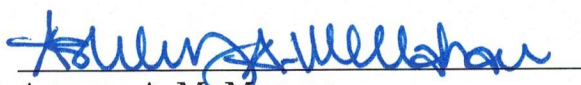
**AMENDED POST-CONVICTION
RELIEF APPLICATION**

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on December 17, 2018, to add the following allegations:

1. Ineffective Assistance of Counsel of Andrew B. Farley –
 - a. Failed to adequately explain the possible sentence he was facing.
 - b. Failed to discuss possible defenses to the case in assisting whether or not the Applicant should go to trial.
 - c. Failure to raise as mitigating evidence during sentencing that the Applicant had never been in trouble in SC and didn't really get to know the Applicant as a person to present better mitigation. Applicant's family was not present to testify at mitigation and was not told of the guilty plea so they could be present and speak on the Applicant's behalf.
 - d. Never had any adequate, in-depth conversations with Mr. Farley.
 - e. Applicant was waiting for Mr. Farley to give him options, but Mr. Farley never presented him with any.

Furthermore, the Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,



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August 23, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

I certify that I have served this document via email to:

Donald J. Zelenka
Deputy Attorney General
dzelenka@scag.gov

This 23rd day of August, 2024.


ASHLEY A. MCMAHAN
Attorney for Applicant

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
)
COUNTY OF SALUDA) ELEVENTH JUDICIAL CIRCUIT

Robert Goodwin, Jr.,)
)
 Plaintiff,) Case No. 2018-CP-41-00250
)
vs)
)
State of South Carolina,)
)
 Defendant.

H E A R I N G

BEFORE THE HONORABLE DAVID P. CARAKER, JR.

DATE: August 27, 2024
LOCATION: South Carolina Circuit Court 11
TRANSCRIBER: Jessica Antonucci

LEGAL EAGLE

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Greenville, South Carolina 29606

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Attorney for the Defendant

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EXAMINATION

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>
Robert Goodwin, Jr.	6	13	
Michelle Hinton	16		
Antonio Goodwin	26		
Andrew Farley	31	39	43

E X H I B I T S
(None Marked)

1 P R O C E E D I N G S

2 JUDGE CARAKER: Yes, sir?

3 MR. ZELENKA: Thank you, Your Honor. Don Zelenka on
4 behalf of the Respondent. Your Honor, this is a matter
5 of Robert Goodwin, Jr. versus the State of South
6 Carolina, civil action number 2018-CP-41-450 in Saluda
7 County. This involves an application. It was initially
8 filed pro se on December 17, 2018, by the applicant. It
9 involves a Saluda County conviction.

10 He was indicted on October 17 -- excuse me, October
11 2017 for first degree burglary, criminal conspiracy,
12 impersonating a law enforcement officer, grand larceny,
13 armed robbery, and two counts of kidnapping. He was
14 represented at that time by Andrew Farley. The solicitor
15 was Solicitor Rick Hubbard; he prosecuted that case.

16 On August 8th, 2018, he appeared before Judge
17 Griffith and pled guilty to first degree burglary,
18 criminal conspiracy, armed robbery, and two counts of
19 kidnapping. The charges for impersonating a law
20 enforcement officer and grand larceny were dismissed.
21 Judge Griffith accepted the pleas and sentenced the
22 applicant to a term of 45 years for first-degree
23 burglary, five years for criminal conspiracy, 30 years
24 for armed robbery, 30 years for each count of kidnapping,
25 those sentences ran concurrent.

1 And at the time the applicant in his pro se
2 application asserted that counsel did not advise of the
3 right to appeal, and on August 23rd, last Friday, the
4 Respondent's received an amended application filed
5 through counsel McMahan that asserted ineffective
6 assistance of counsel, and first failed to adequately
7 explain the possible sentence he was facing.

8 Second, was failed to discuss possible defenses to
9 the case in assisting whether or not applicant should go
10 to trial.

11 The third one was failure to raise as a mitigating
12 evidence during sentencing that the applicant had never
13 been in trouble in South Carolina and didn't really get
14 to know the applicant as a person to present better
15 mitigation.

16 The applicant's family was not present to testify at
17 mitigation and was not told of the guilty plea so they
18 could be present and speak on the applicant's behalf.

19 The fourth one is never had any adequate in-depth
20 conversation with Mr. Farley. And finally, applicant was
21 waiting for Mr. Farley to give him options but Mr. Farley
22 never presented him with any.

23 Those are the allegations. Mr. Farley is here, and
24 the applicant has the burden of proof, and we're prepared
25 to go forward at this time.

1 JUDGE CARAKER: All right, Ms. McMahan, I'd be happy
2 to hear from you.

3 MS. MCMAHAN: Okay, Judge, I'm going to call
4 Mr. Goodwin.

5 CLERK: All right, put your right hand -- raise your
6 -- I can't even talk today. All right, raise your right
7 hand, put your left hand on the Bible. All right, you're
8 good. Do you swear and affirm that the testimony you
9 give will be the truth, the whole truth, and nothing but
10 the truth, so help you God?

11 MR. GOODWIN: Yes, ma'am.

12 CLERK: All right, please go have a seat. State
13 your full name, and the spelling of your last name for
14 the record.

15 MR. GOODWIN: My name is Robert Goodwin, Jr., last
16 name, G-O-O-D-W-I-N.

17 BY MS. MCMAHAN:

18 Q. Is this your PCR application?

19 A. Yes, ma'am.

20 Q. Do you wish to still go forward on it?

21 A. Yes, ma'am.

22 Q. Who was your attorney?

23 A. The one --

24 Q. Who was your attorney that represented you?

25 A. Andrew Farley.

1 Q. Did you retain him? Was he appointed?

2 A. He was appointed.

3 Q. And did you have any bond hearings or anything?

4 A. At the beginning, yeah.

5 Q. Were you able to get out on bond --

6 A. No.

7 Q. -- or were you detained?

8 A. I was detained.

9 Q. And at the time of your guilty plea, were you
10 scheduled to go to trial, or was it just set for a guilty
11 plea?

12 A. It wasn't set for either, I just took the plea
13 because of his inefficiency.

14 Q. Okay, well, let's talk about that. How many times
15 would you say you met with Mr. Farley?

16 A. Twice.

17 Q. In person or by video or?

18 A. In person.

19 Q. What did you guys talk about?

20 A. Just the charges, stuff of that sort.

21 Q. Did he go through the discovery with you?

22 A. No.

23 Q. Did he give you a copy of it?

24 A. He sent it to me.

25 Q. But he didn't sit and go through it with you?

1 A. No.

2 Q. So, what did you guys talk about besides the
3 charges?

4 A. We only -- we only met twice, and both the times we
5 met we were here at the courthouse. We never met --

6 Q. You talking -- go on, I'm sorry.

7 A. We met -- we met twice here at the courthouse,
8 talked maybe five, 10 minutes, just about the charges and
9 stuff of that sort.

10 Q. Did he explain to you the possible sentence you were
11 facing?

12 A. No.

13 Q. What did he tell you about your possible sentence?

14 A. He said -- he just said that -- explained the
15 charges to me. He didn't talk too long. Most of the
16 time if we did talk I was about ready to come in the
17 courtroom.

18 Q. Most of the time, what now?

19 A. Most of the time we did talk I was about to come in
20 the courtroom.

21 Q. What were the two times you were at the courthouse?
22 Was that for bond hearings?

23 A. One was -- one I guess was a bond hearing. I had
24 one bond hearing when I was in the county.

25 Q. Was the other time you were at the courthouse the

1 guilty plea?

2 A. Yes.

3 Q. Okay, so you spoke to him just before both of those
4 hearings? Did he ever come to the detention center?

5 A. No.

6 Q. Did you talk to him on the phone?

7 A. No.

8 Q. How long were you in the detention center before
9 your guilty plea?

10 A. Maybe about a week, 'cause I was in -- I was in
11 federal holding. As soon as I got sentenced with federal
12 holding, they automatically brought me to the county.

13 Q. How long were you in federal holding?

14 A. Maybe three months, two months.

15 Q. And where were they holding you for the feds?

16 A. In Anderson.

17 Q. And so were you convicted in federal court too?

18 A. I was, yeah.

19 Q. And then they sent you back -- they sent you to
20 Saluda County right after that?

21 A. You mean after I -- after I got sentenced in federal
22 court they came -- the State came and picked me up. They
23 had mentioned that I wouldn't have to face any state
24 charges and --

25 Q. Who had mentioned that?

1 A. I mean, when I was in federal court they mentioned
2 that, and they ended up bringing me from federal court to
3 -- to the county.

4 Q. Was it your public defender that said you probably
5 wouldn't face state charges?

6 A. When I was in the feds. See this dude -- I'm the
7 only person who had federal and state charges that seemed
8 kind of funny to me.

9 Q. You mean the only person you mean of the four co-
10 defendants?

11 A. Yes.

12 Q. When did you learn what the possible sentence was
13 that you were going to be facing? Was it at the guilty
14 plea?

15 A. Yeah.

16 Q. Did you and Mr. Farley have a discussion about any
17 defenses you may have to this case?

18 A. No.

19 Q. Did he have a discussion with you about the
20 possibility of going to trial versus a guilty plea?

21 A. No.

22 Q. Did you want a trial?

23 A. I mean, I didn't -- I didn't meet with him enough to
24 fully say I would've went to trial, but I mean, for him
25 to get to know me a little better and we come up with a

1 game plan for trial and maybe I would've went to trial.

2 I didn't speak with him enough to even consider going to

3 trial with him. He didn't know me. I didn't know him.

4 Q. Did you feel like you were kind of forced into the
5 guilty plea just because you didn't know him that well?

6 A. Yes.

7 Q. When you said he didn't know you very well, well he
8 didn't --

9 A. I mean, we -- we spoke twice, so I mean you can't --
10 I -- I ain't gonna know nobody from speaking to them
11 twice, for maybe five, 10 minutes, that's -- that's not
12 long enough for me to -- to say, look let's go to trial.

13 Q. Was your family notified about your plea here?

14 A. No, not until afterwards.

15 Q. When did they find out that you had had a plea here?

16 A. Maybe a few days after. You mean after I took the
17 plea or just in general?

18 Q. Did you tell your family that you had had a guilty
19 plea or did someone else?

20 A. Afterwards -- afterwards I did, yeah.

21 Q. Okay. But nobody contacted them to have them here
22 on your behalf?

23 A. This is the first time they've been here. Out of
24 any -- out of any court case I've had this is the first
25 time they've been here. That's why I stressed it so much

1 for you to have them here.

2 Q. And you already kind of talked over this but you
3 said you've never felt like you had in-depth
4 conversations with Mr. Farley, why is that?

5 A. I mean, we only spoke twice and --

6 Q. What kind of --

7 A. Any time we did speak it was -- it was kind of
8 quick. The first time we spoke we were in a holding
9 cell. The second time we spoke we were in the courtroom
10 for probably like maybe five to 10 minutes. We didn't --
11 we didn't have enough time, I mean, from what I seen he
12 was -- he was kind of in a rush.

13 Q. You felt like Mr. Farley was rushed every time he
14 was talking to you?

15 A. Yes.

16 Q. And the options that Mr. Farley -- what were the
17 options that Mr. Farley gave you that you talked to him
18 about?

19 A. He didn't really give too many options.

20 Q. Was he insisting that you should plead guilty or was
21 he suggesting you should go to a trial?

22 A. He wasn't really giving too many options.

23 Q. Anything else you want the Court to know today about
24 your PCR application?

25 A. I put it in -- I believe I put it in for a good

1 reason. I believe that -- that -- that I should be given
2 equal justice. I believe that -- that what I'm saying is
3 the absolute truth, and I believe that he could've done
4 more. I'm not playing the blame game, but I'm just
5 saying I believe that he could've done more. I mean, you
6 know, I -- I -- I can't go to trial with someone I don't
7 trust. I can't go to trial with someone that I don't
8 think is gonna at least try to work for me; especially
9 with charges like that.

10 Q. Did you trust Mr. Farley at the point that you pled
11 guilty?

12 A. I mean --

13 Q. No?

14 A. I -- I -- I thought I did what was best at the time.
15 I ain't saying that I was guilty of anything. I'm saying
16 I did what I thought was best at the time.

17 Q. Answer any questions Mr. Zelenka may have for you.

18 BY MR. ZELENKA:

19 Q. Mr. Goodwin, why'd you plead guilty?

20 A. I pled guilty because due to his inefficiency. I
21 mean, I -- I would -- I would, you know, thinking about
22 the charges and what I could be facing, I might've -- I
23 might've got something less or what I would've had if I
24 gone to trial with him. I did that for that -- for that
25 purpose, so I did it.

1 Q. You thought you would get something less?

2 A. I mean, due his inefficiency that's why I took the
3 plea.

4 Q. You were facing, based upon the charges against you,
5 life without parole at the time, correct?

6 A. Yes.

7 Q. Okay, how did you know that?

8 A. You said how did I know that?

9 Q. Yeah, how'd you know that you were facing life
10 without parole?

11 A. I'm -- I'm looking at the numbers here. I'm looking
12 at the numbers of what --

13 Q. Were you served with the notice?

14 A. I'm looking at the numbers here what -- what first
15 degree burglary carries. I'm looking at stuff like that.

16 Q. All right.

17 A. So, by knowing that that's -- that's what I'm
18 getting at.

19 Q. Okay, so you knew that was on the table, that you
20 were facing. And prior to the plea, isn't it true you
21 also know what your co-defendant, Abin Lowman, who went
22 to trial had already received; isn't that correct?

23 A. Yes.

24 Q. And you knew Mr. Lowman, who didn't go into the
25 house, got a sentence of life without parole after a jury

1 trial? You knew that at the time you entered the plea;
2 isn't that true?

3 A. I mean, I was in the -- I was in the feds at the
4 time when he caught his time or whatever it be. I was in
5 the feds and, you know, as I said before, I didn't think
6 what the lawyer said was I wouldn't be facing these state
7 charges, I would be facing only federal charges. So, I
8 wasn't -- that wasn't all the way the reason why I took
9 the plea, but -- 'cause I didn't even think that I was
10 gonna have to deal with any state charges at all.

11 Q. Well you knew that before you walked in the
12 courtroom and entered a guilty plea? You had some
13 negotiation with your lawyer, Mr. Farley, on (inaudible)
14 possible sentence and you told the judge you were ready
15 to plea to the state charges; isn't that correct?

16 A. When I came -- when I came in, I said -- I said
17 we'll go to trial, I'll plea, 'cause I ain't gonna sit
18 and try to go to trial with him. Wasn't gonna take the
19 risk. Wasn't gonna take the risk with him.

20 Q. Okay. You knew the State had these charges against
21 you. You were --

22 A. They wanted charges (inaudible) --

23 Q. -- in state custody at the time. Your lawyer had
24 met with you according to your assertions at least twice.

25 A. You say I was in state custody?

1 Q. Yeah, did you tell your lawyer I'm not supposed to
2 be tried in state court?

3 A. You said, did I tell him that?

4 Q. Yeah.

5 A. I mean, they -- they took me from the -- from the --
6 from the feds and brought me to -- to the county. Took
7 me from the feds, brought me to the county, I see him
8 maybe a few days to a week later.

9 Q. Okay. And the State ended up running those charges
10 concurrent to your federal time; is that correct?

11 A. Yes.

12 Q. Or they're trying to at least?

13 A. They tried to, they didn't.

14 Q. Okay. In the application as amended, you asserted
15 that your lawyer didn't tell you about defenses that you
16 could raise.

17 A. Yeah.

18 Q. What were the defenses?

19 A. I mean, we could've -- we could've brought
20 witnesses. We could've -- there's a lot of different
21 things we could've did. I mean, we didn't talk too much.

22 Q. Okay, well let me ask this --

23 A. Me and him didn't talk enough. I mean, I don't know
24 what we could've did. He didn't talk.

25 Q. Okay. But did you tell him what you did on that day

1 at the jeweler's home?

2 A. I didn't say anything like that.

3 Q. You didn't say anything about Mr. Tidwell's home?

4 A. No.

5 Q. What occurred there?

6 A. No.

7 Q. You went in the house didn't you?

8 A. No. I didn't tell him anything like that.

9 Q. You told him you didn't go into the house?

10 A. I didn't tell him anything like that. I didn't say
11 him anything about no house, or nothing of that sort.

12 Q. Okay.

13 A. I didn't say anything like that.

14 Q. So your defense that he would have was I absolutely
15 had nothing to do with it? Is that it?

16 A. Of course. Of course.

17 Q. Yeah.

18 A. Of course.

19 Q. Something happened, it wasn't me?

20 A. Of course.

21 Q. Okay. So, you knew from Mr. Lowman's case -- were
22 you with Mr. Lowman on that day?

23 A. Was I with him on that day?

24 Q. Yeah.

25 A. No, I wasn't with him.

1 Q. Okay.

2 A. I'm gonna tell you what -- I'm gonna tell you what
3 it is. Due to some people saying we're kin and stuff
4 like that, that's the reason why it went the way it went.
5 I believe it went the way it went because they -- they --
6 they see us as kin when the whole time other family that
7 I have know them.

8 So, they think that we're kin and that's been the
9 whole problem with this whole case, ain't you his people?
10 Ain't that your peoples? Aren't y'all family? So, ever
11 since the whole case been going on, everyone's been
12 throwing that out there. He lives in South Carolina; I
13 live in Maryland. We live in two different places. We
14 live in two different places. He came to visit up there.
15 That's it. We live in two different places, man. Two
16 different places.

17 Q. Did you tell Mr. Farley that?

18 A. I'm sorry?

19 Q. Did you tell Mr. Farley that?

20 A. Did I tell him that?

21 Q. Yeah.

22 A. I mean we didn't have the time to talk about --
23 these are questions that he could've asked me or I
24 could've answered for him, but we never had time to talk
25 about it. I can't stress it enough to you, we didn't

1 have enough time to really speak and get into anything
2 like that. Any time we -- we spoke we always talk about
3 -- we talked about the charges and stuff of that sort.

4 Q. Okay. Were you aware, like in Mr. Lowman's case,
5 the co-defendants were going to testify against you if
6 you went to trial?

7 A. I found that out afterwards.

8 Q. You didn't have knowledge? Did Mr. Farley tell you
9 that?

10 A. No.

11 Q. Or did you already know that?

12 A. No. I didn't have that knowledge 'till afterwards.

13 Q. Pardon me?

14 A. I said I didn't have that knowledge 'till
15 afterwards. I heard -- I heard -- I heard that they
16 testified on him, but I didn't know they was gonna
17 testify on me. I didn't know that.

18 Q. Did you know the State's version of the case is that
19 you went in there; in fact you got a gun, correct? And
20 you know that was the State's version you were listening
21 to it while the Solicitor, Solicitor Hubbard, was going
22 through the facts of the case, summarizing the case
23 against you and describing to the Court the way the
24 evidence came out in Mr. Lowman's case.

25 A. Basically saying what they told him.

1 Q. Yeah, that's what you said -- that's what they say.

2 A. That's what they say, hearsay.

3 Q. Right.

4 A. That's what they say.

5 Q. That's what you said. And then you said you were
6 willing to plead guilty; isn't that correct?

7 A. I said I was willing to plead guilty due to what I
8 was going through with him -- what I was going through
9 with Mr. Farley.

10 Q. And as a result of that plea life without parole was
11 taken off the table, that possibility, then you ended up
12 getting 45 years.

13 A. That's a big difference, isn't it? I ain't saying
14 45 years is a good thing. I'm saying that's a big
15 difference. That's a big difference.

16 Q. Okay.

17 A. Not too many people that you would ask a question
18 like that, what would you do, you know what I'm saying.
19 There's not too many people you could walk to and be like
20 hey, what would you do in a situation like that.

21 Q. A situation --

22 A. A situation like you facing life, without ever
23 getting out, and a number.

24 Q. With the knowledge that the State Attorney
25 prosecuted your defendant -- your co-defendant who was

1 similarly charged with your crime, and received a
2 sentence of life without parole. And you had discussed
3 the discovery with Mr. Farley about the facts of the case
4 the State was willing to present against you.

5 A. The charges.

6 Q. You're aware of that, weren't you?

7 A. Just the charges. All we talked about was the
8 charges. The charges, the numbers of the charges, stuff
9 of that sort.

10 Q. What sentence did you think you were going to
11 receive when you walked into the courtroom to plead
12 guilty?

13 A. I don't know.

14 Q. So, all you knew it wasn't going to be life without
15 parole?

16 A. Yes.

17 Q. Did you ask your lawyer to have your family present
18 at the plea?

19 A. I didn't get a chance to really talk to him until
20 the day of. I mean, it would've been kind of hard to
21 tell him to call nine and half, 10 hours away to tell
22 them to fly down here or drive down here on the same date
23 I'm going to court.

24 MR. ZELENKA: Beg the Court's indulgence.

25 JUDGE CARAKER: Yes, sir.

1 MR. ZELENKA: No further questions.

2 JUDGE CARAKER: Is there redirect?

3 MS. MCMAHAN: I have no questions, Your Honor.

4 JUDGE CARAKER: Thank you. You may step down, sir.

5 Thank you.

6 MS. MCMAHAN: Judge, at this time I would call Mr.

7 Goodwin's mother.

8 JUDGE CARAKER: All right. Please come forward,

9 ma'am.

10 CLERK: Raise your right hand; put your left hand on
11 the Bible. Do you swear or affirm that the testimony you
12 will give will be the truth, the whole truth, and nothing
13 but the truth, so help you God?

14 MS. HINTON: Yes.

15 CLERK: All right. Please go have a seat. State
16 your full name for the record and the spelling of your
17 last name.

18 MS. HINTON: My name -- my name is Michelle Lisa
19 Hinton, H-I-N-T-O-N.

20 BY MS. MCMAHAN:

21 Q. Michelle Hinton?

22 A. Yes, ma'am.

23 Q. Ms. Hinton, were you at your son's guilty plea in
24 State Court?

25 A. No, ma'am.

1 Q. Did you know about it?

2 A. No, ma'am.

3 Q. And if you had been there would you have spoken on
4 his behalf?

5 A. Yes, ma'am.

6 Q. What would you have told the court on behalf of your
7 son?

8 A. My son has been raised in a good Christian family.
9 This is not him. And they have attached him with Abin
10 Lowman. Abin Lowman is Robert's sister's child. Robert
11 -- she moved with me in Maryland, at some point when Abin
12 was a younger -- younger lad, and when she moved with me
13 I had to send her and Abin home because my other son, my
14 older son, older than Robert -- because I have six boys,
15 my older son, that's older than Rob, had to fight every
16 day when he came home from school with this boy.

17 This boy has been trouble throughout his life. When
18 I asked her where -- we call him Lee, when I asked her
19 where Lee was, she told me he's in -- he's at home. I
20 said with you? She says, no, in the jailhouse because
21 that's where he stays. And I told her, I said why? Why?
22 But I told her when she came -- when he came up and was
23 fighting my son -- he's been troubled all throughout his
24 life. All throughout his life.

25 Q. By he, you mean Lee?

1 A. Lee, yes. He's been trouble all through his life.
2 And my son, when I found out that Lee was in Maryland --
3 and you can ask my other son back here, my -- I looked
4 for -- I said where are you? Where -- I called Tony and
5 left a message; Tony is my other son. I called and left
6 him a message. I said Lee is in Maryland. I said stay
7 away from him. Stay away from him 'cause he's trouble.
8 Stay away from him. And I didn't get in touch with Rob
9 because when I called Rob, Lee had his phone. So, he
10 answered the phone and he never gave him the message that
11 I called, 'cause I was going to tell him also stay away
12 from him.

13 So, I'm not sure how they even got hooked up because
14 he doesn't know him. He doesn't know him. And if you
15 look on the -- if you look on any of his records, no one
16 from South Carolina has visited my son since he's been
17 locked up down here. No one, because his family doesn't
18 even -- he doesn't even mess with his family like that.
19 And I told him you don't know this young man. He never
20 knew him. He never knew him. I'm telling you.

21 And this hurts so bad. I'm sorry. I'm sorry. But
22 he never knew him. He -- I said this boy is the devil.
23 He's a devil, and you need to do something. He's nothing
24 but a -- my son was (inaudible) my son was (inaudible).
25 I don't even know how anything transpired. I don't even

1 know what's going on right now, because my son -- my grew
2 -- my son grew up in a good Christian home.

3 I have -- said -- like I've said I have six sons.
4 One has a master's degree, the other one is playing
5 football in Europe. I have -- and I have a personal
6 trainer back here on the bench. I have two more -- two
7 more sons, and all of them have a active life doing
8 something with themselves. So, I'm not understanding.
9 I'm not understanding. I don't know. And I want the
10 Court to know my son wasn't a problem child. He was not
11 a problem child. I don't understand this. He was not.
12 He was not. And I know he would've never done anything
13 like this. No. (Inaudible) someone else, no. No. Even
14 -- some -- something happened along the way. Something
15 had to happen. What I don't know.

16 As a mother, I don't know. But my son -- my son --
17 this son was a loving and caring, you can -- I don't care
18 what the letters from my neighbors, he would -- he -- he
19 does the snow removal. He cuts the grass. He does
20 different things. He work for UPS. So, he was doing
21 things with his life. He was not out here doing things
22 to people and doing things to people's homes. He was
23 not.

24 Q. Anything else?

25 A. No.

1 Q. Okay. Is that what you would've told the judge if
2 you --

3 A. I would've told him, yes.

4 Q. Okay. I have no further questions.

5 A. Okay, thank you.

6 JUDGE CARAKER: Mr. Zelenka?

7 MR. ZELENKA: No questions of this witness, Your
8 Honor.

9 JUDGE CARAKER: Thank you, Ms. Hinton, you can step
10 down.

11 MS. MCMAHAN: Judge, the Applicant calls Antonio
12 Goodwin.

13 CLERK: All right, raise your right hand; put your
14 left hand on the Bible. Do you swear or affirm the
15 testimony you will give will be the truth, the whole
16 truth, and nothing but the truth, so help you God? All
17 right, if you'd please go have a seat, state your full
18 name for the record, and the spelling of your last name.

19 MR. GOODWIN: How you doing, Your Honor?

20 JUDGE CARAKER: Good, and you, sir?

21 MR. GOODWIN: My name is Antonio. My last name is
22 Goodwin, G-O-O-D-W-I-N.

23 BY MS. MCMAHAN:

24 Q. Were you present at your brother's guilty plea?

25 A. No, ma'am.

1 Q. Were you told about it at all?

2 A. No, ma'am.

3 Q. And if you had known about it, would you have been
4 present to speak on his behalf?

5 A. Absolutely.

6 Q. What would you have told the Court on his behalf?

7 A. Without fabricating nothing, me and my brother, this
8 is one of my closest brothers, like my mom said, she got
9 six boys. This one, and my little brother Ryan, and
10 they're both my younger brothers, I should have been a
11 more active, you know, as far as checking in on them and
12 stuff like that. But, Rob is a very, very good person.
13 Very intelligent.

14 I would say that my mom raised us all to be -- to be
15 good people, you know. We didn't have our father around.
16 We didn't have him to teach us what a man was supposed to
17 be, to teach us to provide, to teach us what we were
18 supposed to do as young man. My mom can't do that. She
19 couldn't do that. We had to learn that ourselves. And,
20 you know, I think all of us turned out well, you know.
21 Like my mom said, I got a little brother; my youngest
22 brother has his master's. I have another brother who's
23 playing overseas doing very well for himself. I have
24 another brother who just got his CDL, Class A, he driving
25 tractor-trailers now. My oldest brother runs two

1 successful businesses. You know, I'm a personal trainer
2 amongst other things. I'm an entrepreneur (inaudible)
3 things, and I got -- I got -- I got place, you know, for
4 my family.

5 None of my other brothers are locked up. He's the
6 only one. All of us are doing good for ourselves. All
7 of us are doing -- sustaining, you know. We're taking
8 care of our families. We all have kids. You know, I see
9 his kids, and I don't know what to tell them when they
10 look at me and ask about their dad I -- I don't know what
11 to tell them. It breaks my heart, it really does. But -
12 -

13 Q. Did you know Lee to be problematic?

14 A. Absolutely. And the -- the one time we had
15 travelled to Augusta, South Carolina, just because I have
16 aunts down here, we have family down in South Carolina,
17 and don't get to see them, rest in peace my last aunt
18 just passed away. And so, my -- my -- my sister -- one
19 of my oldest sister's on my father's side is Abin's mom.

20 And when we first came down there and we haven't
21 seen them for years since, you know, like my mom told you
22 the story when we were young, I was too young to
23 understand he was fighting my oldest brother and they
24 were getting into their little situations. But, when we
25 came down he talked a lot of negative -- I just got a

1 real negative vibe from him, and I just feel like that's
2 not something that you should be -- that's not some way
3 that you should be acting or treating family that you
4 haven't seen in a long a period of time. Or that, you
5 know, you haven't -- he known us when we were young, but
6 we didn't know him, you know, so, it's -- it's not a way
7 that you should treat family and the way that he was
8 talking and how he was talking I just kind of got a vibe
9 from him and I knew I should stay away from him, you
10 know.

11 And that's where I left it at. And I thought that
12 my brother caught -- kind of caught the same vibe. I had
13 no idea what their relationship was beyond that point but
14 I never talked to Abin. He wasn't one of my friends. He
15 wasn't somebody that I considered family 'cause I felt
16 like he didn't consider me family.

17 And I haven't known you for years so I've been doing
18 this good without you, I mean, what's the point of me
19 trying to get to know you and this is how you're talking
20 and we haven't seen each other in years, you know, so --
21 I would say, yeah, I believe he's a very negative person.

22 Q. Is there anything else you would've let the Court
23 know on your brother's behalf?

24 A. I believe the -- if I can -- I just wish I could
25 have some tape to kind of -- to kind of show you guys

1 (inaudible) of us growing up, our childhood, and how Rob
2 was, you know.

3 He was a -- he was the brother that you wanted to
4 have around you, especially if you felt uneasy. He was
5 the brother that you wanted to have around you. He was
6 the protector. He was a -- he was a provider. He was a
7 -- he was just a good person. He's was a good person.
8 And this is my younger brother and I looked up to him in
9 a lot of ways because he -- he did a lot of things that I
10 feel like I failed on, you know.

11 And me and him are not -- not too far off in age.
12 We're actually the same age for six days out of every
13 year. And through that six -- through that six days I
14 always hear from him. If I don't hear from him
15 throughout the whole year, I always hear from him through
16 that six days. We have plenty of birthdays that we
17 shared. My birthday is on Halloween; his birthday is on
18 the 25th. I would just say he's a very loving person and
19 he has a good heart. And I would ask that the Court be
20 lenient on him.

21 Q. I have no further questions, Your Honor.

22 JUDGE CARAKER: Thank you, ma'am. Mr. Zelenka?

23 MR. ZELENKA: No cross.

24 JUDGE CARAKER: Mr. Goodwin, you can step down.

25 Thank you, sir.

1 MR. GOODWIN: Thank you.

2 MS. MCMAHAN: Judge, at this time the Applicant
3 rests.

4 JUDGE CARAKER: All right. Mr. Zelenka?

5 MR. ZELENKA: The State calls Andrew Farley.

6 CLERK: All right, raise your right hand; put your
7 left hand on the bible. Do you swear and affirm the
8 testimony you will give will be the truth, the whole
9 truth, and nothing but the truth, so help you God?

10 MR. FARLEY: I do.

11 CLERK: All right. You will take -- have a seat.
12 State your full name for the record, and the spelling of
13 your last name.

14 MR. FARLEY: My name is Andrew Blaine Farley. My
15 last name is spelled F-A-R-L-E-Y.

16 BY MR. ZELENKA:

17 Q. Mr. Farley, what's your occupation?

18 A. I am an attorney in Lexington, South Carolina.

19 Q. How long have you been practicing law?

20 A. I've been practicing law since 2006.

21 Q. And briefly describe the type of practice you have.

22 A. I had a local practice here, a two-attorney practice
23 in Lexington, South Carolina. I practiced throughout the
24 Midlands. My law firm does both criminal and domestic
25 work, throughout the Midlands mostly. I do most of the

1 criminal work. I do some family. My law partner does
2 only family, but no criminal work. So, I'm the only
3 criminal practitioner in my firm.

4 Q. And as part of your practice, did you come to know
5 Mr. Robert Goodwin, Junior?

6 A. I was appointed to represent Mr. Goodwin, pursuant
7 to the 608 Appointment Rule, when you have a law license,
8 of course, and that was on August 10th of 2017, according
9 to my notes. But I was appointed.

10 Q. Upon appointment, did you receive or request to
11 receive the State's discovery in the matter?

12 A. I filed a Rule 5 and Brady motion and I received all
13 of the discovery -- or at least I had received my initial
14 batch of discovery. I also went to see my client.
15 Unfortunately he was -- this was Saluda County charges in
16 the 11th Circuit, unfortunately my client was not being
17 housed in Saluda County. Upon a little investigation I
18 discovered that he had been housed in Anderson County
19 because he was facing federal charges at that time. And
20 I went to visit him in Anderson with the discovery,
21 according to my notes, on March 9th of 2018.

22 Q. Okay. And with the discovery, did you go over the
23 discovery with your client?

24 A. I went over the discovery that I had at that time.
25 I think we had received some other supplemental later on

1 down the line. That was our first initial meeting.

2 According to my notes, we had three meetings. That was
3 the first one, and that was in, like I said, I had to
4 travel to Anderson 'cause he was in federal -- he was in
5 custody of the Federal Marshals at that time. I
6 certainly went over the -- what I thought the impression
7 of the case was, some of the difficulties. Some of the -
8 - it was a -- it was a difficult fact pattern.

9 Q. Okay. Briefly describe for the Court the State's
10 version of Mr. Goodwin's role in the case, if you could.

11 A. The State's version of this case was that Mr.
12 Goodwin, and I believe Mr. Lowman, were the principals of
13 this matter. That they had engaged to underlings as it
14 were, two very young -- young men, I think in their early
15 20's, if I'm mistaken, to help them.

16 The State primarily blamed Mr. Lowman, and
17 secondarily Mr. Goodwin as the principals in this matter.
18 My understanding is Mr. Lowman, who was designated as
19 almost the mastermind, had convinced Mr. Goodwin to go
20 inside the domestic residence of these jewelers that were
21 located in Saluda County, along with the help of the two
22 young men. They were to accost this couple.

23 Their primary purpose was to take any jewelry that
24 may have been located in the residence, but also to get
25 the information from the victims in order to determine

1 the security code for the jewelry shop located in the
2 town of Saluda, so that they could later burgle that and
3 get the larger amount of jewelry and other valuables.

4 The State's position was that Mr. Goodwin was the
5 person to orchestrate that inside the residence and to
6 maintain control over the two young men that were being
7 used as help. My understanding is Mr. Lowman didn't even
8 go inside the house, and I think my personal speculation
9 is that Mr. Lowman felt that that would prevent
10 prosecution for him if he exposed everyone else including
11 Mr. Goodwin to the -- to the victims.

12 Q. With that brief summary, what was Mr. Goodwin's
13 position that he gave to you about his involvement, if
14 any in the case, in that first meeting, if at all?

15 A. I mean, according to my notes, Mr. Goodwin did not
16 confirm nor deny that he was there. He was -- he really
17 was reticent to state whether he was involved or not and
18 -- and frankly I don't generally ask my clients that. I
19 focus on what I believe the State could prove and what I
20 believe the pitfalls may be as far as going to trial as
21 opposed to taking a plea agreement. So, in my estimation
22 of defending the case, I didn't necessarily need Mr.
23 Goodwin to confirm that he was inside the residence. I
24 just wanted to make it clear of what I thought the
25 potential problems with going to trial could be.

1 Q. Okay.

2 A. Largely that would -- in my estimation would be
3 victims and the co-defendants testimony against Mr.
4 Goodwin.

5 Q. Okay. And was that information pretty much laid out
6 in the factual basis of the sentencing court received
7 during the time of the guilty plea?

8 A. That was all put on the record when we did the
9 guilty plea in front of Judge Griffith.

10 Q. Okay. Is that consistent with your understanding of
11 the State's case and consistent with the version you told
12 Mr. Goodwin that he was facing?

13 A. That's correct. But I would like to make it clear
14 that that was not the August 10th meeting, that was -- we
15 also had a July 25th meeting, where my understanding was
16 -- I'm sorry, the March 9th meeting that we had in
17 Anderson. I followed up with him July 25th, that was
18 after the conviction of the principal co-defendant Mr.
19 Lowman and what had occurred in his trial. At that
20 meeting I had already received the sentence sheets from
21 the Attorney General's office. I had been in --

22 Q. You mean the Solicitor's office?

23 A. I mean, from the Solicitor's office, I apologize,
24 thank you, from Solicitor Hubbard, I mean. And Solicitor
25 Hubbard had served us with notice of life without the

1 possibility of parole.

2 I had informed Mr. Goodwin that that's what the
3 State was seeking, and that the two young men who were
4 co-defendants had testified against Mr. Lowman. I don't
5 believe Mr. Goodwin did because I don't think he
6 cooperated with them. The two co-defendants testified
7 against Mr. Lowman and also the two victims.

8 The victim's testimony I understood was very
9 compelling. The verdict in that matter was life in
10 prison without the possibility of parole. I certainly
11 made Mr. Goodwin aware that I thought it was highly
12 likely that's exactly what would happen if Mr. Goodwin
13 went to trial, and I had negotiated with the Solicitor's
14 office to have that taken off the table. And frankly, I
15 thought that was the most important part of the job was
16 to make sure that he would not be facing any mandatory
17 life sentence without the possibility of parole.

18 What was offered to us is they would take that off
19 the table, we would plead straight up to some of, but not
20 all of, those charges. And that's exactly what we did.
21 He signed the sentence sheets that I had presented to
22 him. According to my notes, that was on August -- I
23 think that was August 8th. August 25th after our meeting
24 he had decided that he wanted to plea, given all the
25 information I had relayed to him.

1 Wednesday, August 8th is when we met. I went back
2 over that with him and he signed the plea sheets
3 indicting that he did want to plea and not take the
4 chance of having a jury verdict of life -- or guilty with
5 life in prison without the possibility of parole, which
6 is what his co-defendant received.

7 Q. Okay. And the plea was taken on that same day,
8 August 8th; is that correct?

9 A. That's correct. That's correct. But again, and
10 just for clarity, it was July 25th, which I had discussed
11 that, and he made that decision. We had until August 8th
12 and he did sign the sentence sheets on August 8th and
13 again, I believe he had time to think about his decision
14 and he still wanted to continue with it.

15 I felt -- and I encouraged him to do so, because I
16 thought that -- and I certainly made it understood that
17 I'd be willing to take this to trial but given the facts
18 and the potential testimony that would be against him, I
19 thought that this would be, in my legal opinion, a far
20 better outcome. And I believe it was a better outcome
21 than life in prison without the possibility of parole.
22 So, that was the option that he did choose.

23 Q. During your meetings with him, did he indicate any
24 alibi or any potential defenses, other than he was
25 innocent, if that?

1 A. I don't -- I don't have in my notes he ever overtly
2 stated he was innocent. He just didn't really confirm or
3 deny that he was there or not there. I know -- I think
4 he was certainly very frustrated by this and being
5 incarcerated. He was certainly frustrated by having the
6 federal charges and the federal incarceration, and being
7 moved from Anderson to Saluda, then up to Lexington,
8 where we had to waive venue in order to do the guilty
9 plea. But all things considered, I think this was the
10 best decision that Mr. Goodwin could have made and I
11 supported him in this decision.

12 Q. Did he indicate to you that it was not supposed to
13 be tried in State Court based upon what occurred in
14 Federal Court?

15 A. I have no information in that regard. I literally
16 have no idea. I don't know anything about his federal
17 charge, other than he was in the custody of the Marshals
18 on my initial visit of March 9th of 2018. But other than
19 that, I don't know what his charges were. I don't know
20 what his Federal Public Defender presented to him or made
21 assertions of. I have -- I just have no knowledge of
22 that.

23 Q. Okay. A couple of family members have testified
24 here today that they would have come to the guilty plea
25 if they were aware of it. Did you make any attempts to

1 communicate with the defendant's family members?

2 A. I -- I did not. I knew his family members were in
3 Maryland. I don't -- I don't remember getting any
4 contact information, but however if I did then -- then I
5 did not contact any family members and they were not
6 present for the guilty plea. Again, my focus was
7 literally trying to get the life in prison without the
8 parole off the table, so that Mr. Goodwin wouldn't suffer
9 the same potential fate as Mr. Lowman.

10 Q. Did your client express to you any expectation that
11 his family members would or should be there?

12 A. I don't recall that.

13 Q. Okay.

14 A. If he did, I just don't remember, I'm sorry.

15 Q. I don't think I have any further questions at this
16 time.

17 JUDGE CARAKER: All right. Ms. McMahan?

18 BY MS. MCMAHAN:

19 Q. So you said you met in March and July and then in
20 August, were those the three times that you met?

21 A. That's correct.

22 Q. And the March was -- you went over discovery in
23 March?

24 A. That's what I have in my notes.

25 Q. Did you go over discovery again in July?

1 A. I -- I know we had a meeting on the 25th. I don't
2 know if we necessarily went over discovery. I know I
3 provided a copy with him. And mostly I remember, at
4 least as far as my notes and what my memory serves, we
5 did talk about the Lowman (inaudible) verdict and the
6 possibility he could get the same thing if he had gone to
7 trial. And also the notice of the Solicitor's office of
8 they intended to seek life in prison without the
9 possibility of parole.

10 Q. That was my next question. Do you remember when
11 that was served?

12 A. I really don't, exactly. I know it was before the -
13 - I believe it was before the July 25th meeting, but on
14 what date specifically I could probably go back and --

15 Q. What were the priors that he had that caused him to
16 qualify for LWOP?

17 A. My belief -- my recollection was he had a
18 manslaughter out of Maryland that certainly I think
19 caused a real issue as far as his criminal background.
20 That manslaughter conviction certainly did not -- did not
21 help things. But I don't -- I don't recall how much time
22 he served in Maryland or I think they have different laws
23 in that regard or something. But certainly that -- that
24 impacted his criminal history in a way that was not
25 favorable.

1 Q. In terms of plea offers was the plea -- only plea
2 offer that Rick would take LWOP off the table and he
3 could plead straight up to something?

4 A. That's the only offer I ever received. The
5 Solicitor's office in this matter felt that the facts
6 were very egregious and that they were going to pursue
7 them very vigorously.

8 Q. So, if Mr. Goodwin had gone to trial were the
9 judge's hands tied then in terms of sentencing with the
10 LWOP notice?

11 A. I believe that if he had -- if a guilty verdict had
12 been decided by the jury, I believe that the judge's
13 hands would've been tied.

14 Q. And that would've been life?

15 A. Life without the possibility of parole.

16 Q. And did you discuss with Mr. Goodwin the amount of
17 time that he was facing both before the LWOP notice and
18 after?

19 A. I did. That was -- when we spoke on July 25th I
20 told him about that, and we further talked about it on
21 August 8th, which was -- I had a meeting with him prior
22 to going in front of Judge Griffith and we did talk in
23 the holding cell about this decision.

24 I wanted to make sure he was still clear about what
25 he wanted to do and the fact that I had taken the -- I

1 mean, through negotiation we had taken the life without
2 the parole off the table and that he would be pleading
3 straight up, but that I thought Judge Griffith was a --
4 was a good judge to do that in front of, and I told him
5 that I didn't think he would get life, but there would be
6 a range, you know.

7 I mean, when I did my mitigation, I certainly
8 brought up the fact that I thought his acceptance of
9 responsibility that, you know, he didn't have -- I mean,
10 he had some criminal background, but it was mostly in
11 Maryland. I mean, I think that was brought out on the
12 record as well. I -- I'd like to think that that was
13 certainly factored into the judge's decision.

14 MS. MCMAHAN: Beg the Court's indulgence.

15 JUDGE CARAKER: Yes, ma'am.

16 BY MS. MCMAHAN:

17 Q. Do you have a notation as for how long you met each
18 time you've met with him?

19 A. I do not.

20 Q. Was it -- do you -- I mean, I understand it was a
21 long time ago, do you have any recollection?

22 A. I mean, I remember driving out and meeting him in
23 Anderson, but that was a long time ago. I -- I -- my
24 recollection of that was it was just this is just a heck
25 of a long drive, and I had to go through a lot to get,

1 you know, to actually see him in the Anderson Detention.

2 The August 8th meeting where we had just before the
3 plea was taken, I don't think it was very long. I mean,
4 I think it was about 15 minutes. It was mostly a follow
5 up to discuss, you know, is this still what you want to
6 do? Do you understand what we were doing?

7 Q. Was the plea here or was it in Saluda?

8 A. No, it was here. We had to waive venue.

9 Q. Is that because Saluda just --

10 A. It was in the next courtroom one over.

11 Q. Is that because Saluda just doesn't have a lot of
12 court terms?

13 A. That's correct. And a lot of times it's easier just
14 to stack tri-county pleas here in Lexington, if they're
15 willing to waive venue, in order just to -- for, you
16 know, judicial economy. Mr. Goodwin seemed that he was
17 fine with waiving venue and having it heard here in front
18 of Judge Griffith. Certainly --

19 MS. MCMAHAN: I have no further questions.

20 JUDGE CARAKER: All right, thank you, ma'am.
21 Redirect?

22 MR. ZELENKA: I just have one follow up.

23 BY MR. ZELENKA:

24 Q. Let me ask you to review the transcript of the plea,
25 page 19, and line 17 through the top of line 20, and see

1 if that refreshes your recollection.

2 A. It's at the line that begins, "Unlike Mr. Lowman,
3 Wilson and Darien had no record whatsoever, but Mr.
4 Goodwin does." Okay. Would you like me to read that
5 into the record or just refresh my --

6 Q. You said you thought he might have that conviction,
7 does this --

8 A. It goes on to state on line 18, page 19 of the
9 transcript, he's got a -- "He's got a manslaughter out of
10 Maryland. He's been in deep trouble before. He's
11 experienced the system back in '07, and Judge, he was cut
12 a bit -- a break by their system up there. I don't
13 understand it, but by '09 he was on work release with
14 probation or parole." Do you want me to continue?

15 Q. Yes, go ahead.

16 A. "In 2012 there was a warrant for a probation
17 violation. He had another one in 2013. He had another
18 one in 2014. On this most serious charge he couldn't
19 keep probation."

20 Q. Okay, that's it. No further questions.

21 JUDGE CARAKER: Thank you.

22 MS. MCMAHAN: Judge, I just want to point out,
23 that's what Mr. Hubbard was saying at the plea, not what
24 Mr. Farley (inaudible).

25 JUDGE CARAKER: Thank you, sir, you may step down.

1 Thank you.

2 MR. FARLEY: Thank you, Your Honor.

3 MR. ZELENKA: The State has no further witnesses.

4 We will rest on the record of the entire plea from August
5 8th, as well as the other records in the -- from the
6 Clerk of Court for Lex -- excuse me, Saluda County, but
7 were included with our return.

8 JUDGE CARAKER: All right, thank you, sir. Ms.
9 McMahan, I'll be happy to hear from you.

10 MS. MCMAHAN: Judge, I'd just like for you to review
11 the record as a whole, but also take into consideration
12 what his family members would have told the judge, had
13 they been able to be here and present mitigation on his
14 behalf, and that's it.

15 JUDGE CARAKER: All right, thank you, ma'am. I'll
16 take this matter under advisement and have a decision for
17 you in a couple days. Thank you very much.

18

19 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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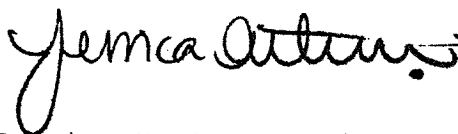
CERTIFICATE OF TRANSCRIBER

State of South Carolina

County of Saluda

I, JESSICA ANTONUCCI, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the hearing of the captioned case, relative to appeal, in South Carolina Circuit Court 11, Saluda County, South Carolina, on the 27th day of August 2024.

That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.



Jessica N. Antonucci

Transcriber

August 12, 2025

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SALUDA	)	FOR THE ELEVENTH JUDICIAL CIRCUIT
Robert Goodwin, Jr., #377346,	)	
	)	Case No.: 2018-CP-41-250
Applicant,	)	
	)	ORDER OF DISMISSAL
v.	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

This matter comes before this Court by a *pro se* application for post-conviction relief filed on December 17, 2018 by Robert Goodwin Jr. challenging his 2018 guilty plea. The Respondent made a Return and Motion for a More Definite Statement on February 25, 2019. The records reflect that current counsel Ashley A. McMahan was ultimately appointed on October 2, 2023 after prior court appointed lawyers were relieved. On August 23, 2024, the Applicant through counsel McMahan made an Amended Application.

On August 27, 2024, the matter was convened before this Court for an evidentiary hearing. The Applicant was present and represented by counsel McMahan. The Respondent was represented by Deputy Attorney General Donald J. Zelenka. At the hearing, testimony was received from the Applicant, his mother Michelle Hinton, his brother Antonio Goodwin and his counsel Andrew Farley. At the conclusion of the hearing, this Court took the matter under advisement. This Order of Dismissal follows.

I. Procedural History

Robert Goodwin, Jr. (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Saluda County Clerk of Court. During its October 2017 term, the Saluda County Grand Jury indicted Applicant for first-degree burglary (2017-GS-41-01382), criminal conspiracy (2017-GS-41-01383), impersonating a law enforcement

officer (2017-GS-41-01384), grand larceny, \$10,000 or more (2017-GS-41-01385), armed robbery (2017-GS-41-01386), and two counts of kidnapping (2017-GS-41-01387; -01388). Andrew B. Farley, Esquire, represented Applicant on these charges. Solicitor for the Eleventh Judicial Circuit S. R. Hubbard, III prosecuted the case.

On August 8, 2018, Applicant appeared before the Honorable Eugene C. Griffith, Jr. and pled guilty as indicted to first-degree burglary, criminal conspiracy, armed robbery, and both counts of kidnapping. The charges for impersonating a law enforcement officer and grand larceny were dismissed. Judge Griffith accepted the pleas and sentenced Applicant to a term of imprisonment of forty-five years for first-degree burglary, five years for criminal conspiracy, thirty years for armed robbery, and thirty years for each count of kidnapping. The sentences were to be served concurrently. Applicant did not appeal his pleas or sentences.

II. Factual Basis for the Guilty Plea

The Solicitor presented the following factual basis during the guilty plea. Applicant, and his co-defendants, Abin Lee Lowman, Joshua Darien, and James Wilson, planned to rob Danny and Linda Tidwell, who owned several jewelry stores, one of which is located in Johnston, South Carolina. Tr. 8-9. Lowman, who is Applicant's nephew, knew the Tidwells; and Lowman and Wilson led the codefendants to believe the Tidwells were "big dope dealers." Tr. 8-9. Applicant and his co-defendants sat outside of the Tidwells' jewelry store for a week and watch them. Tr. 9. They would also follow the Tidwells home. Tr. 9-10. On March 5, 2017, Applicant and his co-defendants drove up to Spartanburg, South Carolina in order to buy a pistol so that they could commit these crimes. Tr. 10. On March 6, 2017, they bought ammunition and other supplies, including tie strips and dark clothing, in order to commit these crimes from a Wal-Mart. Tr. 10.

On March 7, 2017, Applicant and Lowman dropped Darien and Wilson off in a wooded area behind the Tidwells house; and Darien and Wilson went into the Tidwells' home while the Tidwells

were still at work. Tr. 10-11. Applicant and Lowman were going to call Darien and Wilson on walkie-talkies when the Tidwells were in route. Tr. 11. However, their plan did not work, so Wilson and Darien exited the house and waited in the wooded area. Tr. 11. All of the co-defendants waited in that wooded area, looked into the Tidwells' home, and waited until the Tidwells turned off all of the lights. Tr. 11.

After all of the lights were off, Applicant and his co-defendants went up to the house and broke into a GMC Yukon, where Applicant found a .380 pistol. Tr. 11-12. Applicant armed himself with that pistol. Tr. 12. Applicant, Darien, and Wilson then went into the house, screaming "ATF." Tr. 12. Lowman waited on the porch for the keys and codes to the jewelry store. Tr. 15. The men laid the Tidwells on the floor, tied Mr. Tidwell up, pressed the pistol into his face, and threatened to shoot him if he did not give them drugs and money. Tr. 13. The men then put Mr. Tidwell in the half bathroom, while they took Mrs. Tidwell into the master bedroom and put her in the laundry room. Tr. 13. Applicant continued to threaten the Tidwells in order to get information about their jewelry stores out of them. Tr. 16. Applicant and his co-defendants were able to get jewelry, valued at greater than \$100,000, and approximately \$4,000 cash from the Tidwells. Tr. 17-18.

Eventually, Lowman got the keys and drove to the Tidwells' jewelry store in Johnston. Tr. 16. Law enforcement, however, stopped Lowman, at which point he sent a text to Applicant informing Applicant he had been stopped by the police. Tr. 16. Meanwhile, Applicant, Wilson, and Darien left the house, with the Tidwells tied up, stole the Tidwells' Yukon, and drove to Aiken, South Carolina. Tr. 17. While Applicant, Wilson, and Darien were in a Waffle House in Aiken, law enforcement was able to locate the Tidwell's' vehicle.¹ Applicant and his co-defendants saw law enforcement at the vehicle, so Applicant went into the restaurant bathroom and deposited a white glove he had worn during the robbery, as well as Mr. Tidwell's money clip. Tr. 17.

The next day, Darien and Wilson were able to get away and took jewelry with them. Tr. 17. Applicant was also able to get to Maryland.² Tr. 17. Shortly thereafter, Darien and Wilson were arrested, and both were willing to cooperate. Tr. 18. Applicant was arrested thereafter. Tr. 18.

III. Summary of PCR Testimony

The Applicant testified that he was detained until the plea after his arrest. The case had not been set for trial and he took the guilty plea for efficiency. After counsel was appointed Goodwin claimed that he only met with him in person twice at the courthouse. The Applicant testified that Farley did not review discovery with him, but he had received a copy of it from him. He clarified that both times he personally met with him was at the courthouse during the day of the bond hearing and the day of the guilty plea. These meetings lasted around 5-10 minutes about the charges just before he entered the courtroom. He asserted that counsel Farley did not explain the possible sentence. Goodwin asserted that counsel never went to the jail and never spoke with him on the telephone.

Goodwin testified that he was in federal holding for 2-3 months in Anderson. After his federal conviction, he was taken to Saluda for the state charges. He contended that the federal authorities indicated that he "would not have to worry about the state charges." He claimed that it was odd to him that he was the only one to face both federal and state charges.

The Applicant testified that he did not discuss the options about a trial versus a guilty plea with Farley. Goodwin stated that he first learned of the sentence length at the guilty plea. He claimed that he did not know enough from his lawyer because they did not meet enough to know what would happen if he would have gone to trial. He claimed that he felt forced into the guilty plea based upon his lack of knowledge. He complained that his family was not notified about the plea so

¹ The vehicle is equipped with OnStar. Tr. 17.

² Applicant lived in Maryland at the time. Tr. 8.

they were not present who learned about it afterwards when Goodwin called them. He noted that they were present at this hearing. The Applicant felt counsel Farley was rushed and could have done more. He stated that Farley gave him options, but there were not many. He did not have any in-depth discussions with him. He claimed he made his PCR application for a good reason because he wants equal justice. He claimed that he cannot go to trial with someone he does not trust. The Applicant declared that he "did what was best at the time" when he pled guilty.

On cross-examination, the Applicant claimed that he pled guilty due to "inefficiency" the he may have gotten something less by pleading guilty than by going to trial. He claimed that he was not confident in his attorney and did not trust him to go to trial. He was aware of his charges and his sentencing possibility. He knew that Abin Lowman was convicted and received life without parole. He knew when he pled guilty that based upon the negotiations that he had with his lawyer that he was facing state charges and confirmed that with the plea judge. He restated that he was not going to take the risk of going to trial with Farley because he did not know him. Goodwin pointed out that the federal authorities took him from federal custody and brought him to county detention center. He claimed he saw Farley a few days to a week later. Although he had been under the impression that the state charges would not be pursued, he became aware that the state was trying to run the charges concurrent with his federal time.

The Applicant claimed that they could have brought witnesses on his behalf, but he did not talk enough with his lawyer to have his family at the plea. Goodwin claimed that he did not tell his lawyer about anything that happened at the Tidwell's house. He asserted that his defense would have been that he had nothing to do with Lowman on that day. He claimed that people see him and Abin as kin and therefore associate the two. He claimed that he was not aware until after the guilty plea that his co-defendants were going to testify against him. He stated that he was aware that they had testified against the other co-defendant (Lowman) at his trial. The Applicant said he was willing to

plead guilty due to what he was going through with Farley and the guilty plea removing life without parole which was a big difference. At the time of the plea, he stated he did not know what the sentence would be.

His mother, Michelle Hinton, testified that she had no knowledge of the plea hearing. She would have spoken on his behalf. She stated that they were raised in a good Christian family and he would not have done this. She stated that her oldest son fought with "Lee" (Abin Lowman) all the time. She felt that Lee was in jail all the time and was trouble all his life. She told her son and was going to tell her son Robert to stay away from him when he was in Maryland, because Lee was "bad news." She claimed that Robert never knew Abin before this matter. She said Robert never had behavioral problems and grew up in a good Christian home. She described him as hard working with jobs and a loving and caring son. She said she would have told the sentencing judge all this if she was present at the plea.

The Applicant's brother, Antonio Goodwin, also testified. He stated that he was not aware of the guilty plea and would have appeared to speak on his brother's behalf. He described the Applicant as a smart and good person who was raised right. He stated that he should have looked after him and his other little brother more, but Robert is the only brother locked up. He agreed that all in his family were raised to be good people. He stated that his father was not around to teach them. He stated that the other brothers turned out well and all have kids. The witness stated that it breaks his heart. He stated that he knew Lee (Abin) to be problematic. He stated the oldest sister on father's side was Abin's mom. However, the witness stated he got a real negative vibe from Abin, knew he should stay away from him and never spoke to him. He stated he wished he could have shown the judge Robert's childhood, that was a good person, that Robert was looked up to by him even though he was younger. The witness asks for the Court's leniency.

Counsel Andrew Farley testified that he was appointed pursuant to Rule 608 on August 10,

2017. He stated that he had been practicing since 2006, with both criminal and domestic work throughout the Midlands. He stated that he was the only criminal practitioner in his firm. Counsel stated that he filed Rule 5 discovery motion. When he received all discovery, he went to see his client in Anderson on March 9, 2018 when he was housed pursuant to the federal charges rather than in Saluda. At that meeting, he went over all the discovery he had at that time. Farley stated that in that meeting he went over his impression of the case, the difficulties, and the fact pattern. Farley described the State's version of the case. He stated that under the state's theory Abin Lowman and Robert had two young men join them going inside the domestic residence of the jewelers in Saluda County. The purpose was to take jewelry and obtain security codes for jewelry store so they could rob it. Under the state theory, Robert was the orchestrator inside the residence, and his understanding was that Lowman was not inside the house, perhaps to protect himself from prosecution. Farley stated that Robert did not confirm or deny he was involved in the incident or in the home. Farley's focus was on what state could prove. He wanted to make clear to Robert what problems a trial would bring. He stated that he pointed out to Robert the biggest problems were the victim and the co-defendant testimony.

At the July 25 meeting, after Lowman's conviction, he received sentence sheets from solicitor Hubbard, including a notice of life without parole sentence request (LWOP). He informed Robert of this request. He further advised him at that Lowman's trial two victims testified against him and the co-defendants did too. Farley indicated to the Applicant that it was highly likely that would also happen at his trial and the result would be an LWOP sentence.

Farley testified that it was an important part of the job is to make sure the Applicant would not be facing the mandatory LWOP sentence. He stated that eventually could plead to some but not all the charges. The decision to plead by the Applicant was initially made at the July 25 meeting. Farley stated that the Applicant had time to think about his decision to plead from the July 25

meeting until August 8.

Farley stated that on August 8th, the Applicant signed the plea sheet during the meeting they had in Lexington County. Farley believed and advised the Applicant that under the facts and potential testimony, the guilty plea was a better outcome than LWOP. Farley stated that he had no notes about alleged innocence, but Goodwin would neither confirm nor deny he was involved to him. However, Farley stated that Goodwin was frustrated by being incarcerated. Farley stated that he had no information that Goodwin was not supposed to be charged with state charges. Counsel knew his family was in Maryland, but did not contact them and they were not at the guilty plea. He did not recall requesting for his family be there.

On cross-examination, Farley confirmed that he met those three times; on March 8 with discovery, on July 25, when they talked about Lowman guilty verdict and the state's intent to seek LWOP. Counsel was aware that Goodwin had a prior manslaughter conviction in Maryland (which supported the LWOP potential). Farley stated the only offer they received is what they took. Farley was aware that this charge was going to be vigorous pursuit by solicitor. Counsel believed that with the LWOP notice, the judge would have had his hands tied to sentence to LWOP. Farley believed that a straight up plea with mandatory LWOP removed was good.

He stated that he told the Applicant that he would not receive life with the plea offer, there was a large range for punishment that he needed to consider. Counsel noted that they had to waive venue for the Saluda case to be plead in Lexington due to the lack of court terms in Saluda.

On redirect, reference was made to page 19, l. 17-20 of the transcript where the Solicitor stated where the Solicitor pointed out the co-defendants Lowman, Wilson and Darien did not have prior criminal records, where the Applicant had a manslaughter charge out of Maryland.

IV. Allegations before the Court

In his *pro se* application for post-conviction relief, Applicant alleges he is being held in

custody unlawfully based on the following:

- I. Ineffective Assistance of Counsel.
 - a. Counsel did not advise me of right to appeal.

In the August 24, 2024 Amended Application, the Applicant alleged the following:

- II. Ineffective Assistance of Counsel of Andrew B. Farley -
 - a. Failed to adequately explain the possible sentence he was facing.
 - b. Failed to discuss possible defenses to the case in assisting whether or not the Applicant should go to trial.
 - c. Failure to raise as mitigating evidence during sentencing that the Applicant had never been in trouble in SC and didn't really get to know the Applicant as a person to present better mitigation.
 - d. Applicant's family was not present to testify at mitigation and was not told of the guilty plea so they could be present and speak on the Applicant's behalf.
 - e. Never had any in depth conversations with Mr. Farley
 - f. Applicant was waiting for Mr. Farley to give him options, but Mr. Farley never presented him with any.

IV. Matters before the Court

This Court has before it the following material: the records of the Saluda County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, a copy of the transcript from Applicant's guilty plea proceeding, and the post-conviction relief application

V. Standards of Review of Ineffective Assistance of Counsel

In a post-conviction relief action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland v. Washington*, 466 U.S. 668. First, Applicant must prove counsel's performance was deficient. *Id.*; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. In order to satisfy the prejudice prong of this test following a guilty plea, the applicant "must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

Failure to Advise Applicant of the Right to Appeal from the Guilty Plea.

Applicant alleges plea counsel was ineffective for failing to advise him of his right to appeal from his guilty plea. Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to think either: (1) that a rational defendant would want to appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. *Roe v. Flores-Ortega*, 528 U.S. 470 (2000). Absent extraordinary circumstances, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea. *Turner v. State*, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008). For example, "one

extraordinary circumstance which would require counsel to advise a defendant of the right to appeal from a guilty plea would arise when the defendant inquires about an appeal.” *Weathers v. State*, 319 S.C. 59, 61, 459 S.E.2d 838, 839 (1995). Moreover, in order to establish he was prejudiced by counsel’s failure to file an appeal, Applicant must show he would have appealed absent counsel’s deficient performance. *See Roe*, 528 U.S. at 484.

During the PCR hearing, the Applicant did not indicate that he had any desire to appeal the guilty plea. In particular, the Applicant has wholly failed to provide this Court with any information he: (1) wanted to appeal his guilty plea or (2) informed plea counsel to appeal his plea.

Important the plea judge advised the Applicant of his right to appeal his guilty plea if he believed that something procedurally was done wrong, and Applicant indicated he understood that right. Tr. 26. More particularly, he has failed to show either: (1) that a rational defendant would want to appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing under *Roe v. Flores-Ortega*, 528 U.S. 470 (2000). The record supports that that Applicant was fully advised of his constitutional rights to a jury trial, the potential punishment he was facing, the factual basis of the charges against him and whether his decision to plead was knowing and freely and voluntarily entered. Tr.p. 3-26. The sentence he received was within the range of punishment could receive. No objection was made during the plea or sentence.

This Court finds that he has failed in his burden of proof where there was no duty on the part of counsel to further advise the Applicant of his right to appeal under the circumstances of this case. It must be denied for failure of credible proof.

Failure to Inform of a Possible Sentence

This Court finds the Applicant has failed in his burden of proof to show that counsel was deficient in failing to advise the Applicant of the possible sentence. This Court finds that counsel Farley was credible in his testimony. Counsel advised the Applicant that he was facing a mandatory

life without parole if he went to trial due to the Solicitor's notice to seek LWOP on the armed robbery and kidnapping charges based upon the Applicant's prior conviction for manslaughter. Counsel advised the plea court after Judge Griffith went over each indictment that he had "advised him of the elements of each of the offenses and the potential punishment on each." Tr.p. 5, l. 16-18. His statement in open court by counsel carries a strong presumption of verity under *Blackledge v. Allison*, *supra*.

Since the only offer was to remove the mandatory LWOP if he pled guilty, the Applicant was facing a range of 10 to 30 years on armed robbery (§16-11-330), an upper range of thirty years on kidnapping (§16-3-910), and a minimum of fifteen years to a life sentence on burglary in the first degree (§16-11-311). The Applicant received 45 years on the burglary first degree rather than the life sentence and the other sentences were run concurrent. Tr.p. 31. The sentence the Applicant received was less than the potential he was facing, which was life imprisonment.

The Applicant has failed in his burden of proof in his contention that counsel did not advise him of his potential sentences. It must be dismissed.

Failed to Discuss Possible Defenses if He Went to Trial.

This Court finds that the Applicant has failed in his burden to show that counsel was deficient in an alleged failure to explain possible defenses if he went to trial. This Court initially finds that counsel met with the Applicant sufficient times to learn about the Applicant's theories of possible defenses. Contrary to the Applicant's testimony, this Court finds that counsel did review the discovery with Hoodwin prior to the decision to plead guilty. In this hearing, the Applicant maintained that he had nothing to do with the kidnappings and robbery, however when asked by his counsel about any involvement the Applicant would not confirm or deny his involvement. Therefore, his defense theory was that the State would have to prove his guilt beyond a reasonable doubt when the victims and his co-defendants (James Darien and James Wilson) would be testifying

against him, as they did in Abin Lowman's case.

During the PCR proceeding, the Applicant failed to present any cogent evidence of a defense that reasonable counsel would have discussed with the Applicant. Although there were references that he was told by a federal agent that the state prosecution authorities were not going to pursue charges against him, this was no defense where the State had pursued the charges after the Saluda County grand jury had indicted and the Eleventh Circuit Solicitor's Office made clear its intent to pursue a conviction against the Applicant.

As to the existence of any defenses, the Applicant made many inculpatory statements during the plea proceeding. *Blackledge v. Allison*, 431 U.S. 63, 73 (1977) ("[T]he representations of the defendant ... at [a plea] hearing, as well as any findings made by the judge accepting the plea, constitute a formidable barrier in any subsequent collateral proceedings. Solemn declarations in open court carry a strong presumption of verity."). As noted above, during the plea proceeding, the Applicant confirmed that:

THE COURT: ... The facts outlined by him, you were involved doing these acts to these people, planning it, executing it, the events, going in the house, taking them hostage and taking their goods and having – and I believe one fact in particular is that you did acquire the pistol out of the car. That's you?

THE DEFENDANT: Yes, Your Honor.

Tr.p. 21, l. 22- p. 23, l. 3. At the plea, the Applicant further confirmed that his counsel had spoken with him about potential defenses if he went to trial. Tr.p. 24, l. 14-16. At the plea, the Applicant, in mitigation, apologized to the victims and asked them to forgive him, claiming that he never meant to hurt them. Tr.p. 29, 15-18.

The Applicant failed to prove that counsel was deficient in his advice related to possible defenses. For similar reasons, since the Applicant failed to present any defenses that reasonable counsel should have discussed, the Applicant failed to prove prejudice under *Hill v. Lockhart*.

Failure to Advise of Right to Trial and Options.

This Court finds that the Applicant failed to show that counsel was deficient in allegedly failing to adequately advise that Applicant about his rights to a jury trial and other options arising from his defense. This Court finds counsel Farley's testimony credible related to his discussion with his client about the right to a jury trial, the Solicitor's failure to negotiate below dropping the LWOP notice and the unavailability of other options. As stated above, the Applicant was questioned about his waiver of his trial rights by the plea judge. He acknowledged that he was aware of the charges in each indictment. Tr.p. 3-6. His counsel acknowledged that he had advised him of the elements of each of the crimes, and the potential punishment and his right to a jury trial in Saluda. Tr.p. 5. Counsel confirmed that he had gone over the discovery with him, interviewed him, possibly reviewed a portion of the trial of his codefendant, and had a firm belief that if he stood trial he would more probably than not be convicted. Tr.p. 5-6.

This Court finds that the plea judge specifically inquired of the Applicant about his constitutional right to a jury trial including, the State's burden of proof, the State's requirement to present witnesses and evidence sufficient for a jury to consider the issue of guilt, which his attorney was allowed to confront, including challenging the evidence and presenting a defense. Tr.p. 6-7. As state above, these statements at the plea "carry a strong presumption of verity."

This Court also finds credible counsel's testimony in this proceeding that a critical part of his defense, once the LWOP notice was served, to remove the potential mandatory LWOP after a jury trial or plea to a term of years sentence. The counsel made clear to the Applicant was that the option was to go to trial and risk the LWOP sentence if convicted. With the codefendants already testifying in the Lowman trial and the State's theory that the Applicant was a leader in the planning with Lowman of the robbery, the reasonable course was the recommendation to waive the trial and argue mitigation. However, the Applicant, as well as counsel, was aware that the State's theory was that

Goodwin was the person being rough with the victims at the incident. Tr.p. 18, l. 10-14.

The Applicant has failed to allege or prove that he was not aware of any critical right to a jury trial or that there was a particular deficiency in counsel's advice on this issue. Further, the Applicant has failed to prove any omission on counsel's part related to the advice about a jury trial right or option, to a reasonable probability would have led him to insist on a trial rather than a guilty plea. *Robinson v. State*, 422 S.C. 78, 85, 810 S.E.2d 32, 36 (2018); *Hill v. Lockhart*, 474 U.S. 52, 56, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985) (quoting *McMann v. Richardson*, 397 U.S. 759, 771, 90 S.Ct. 1441, 25 L.Ed.2d 763 (1970)). "[T]he defendant can show prejudice by demonstrating a 'reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial.' " *Lee v. United States*, 582 U.S. 357, 137 S.Ct. 1958, 1965, 198 L.Ed.2d 476 (2017) (quoting *Hill*, 474 U.S. at 59, 106 S.Ct. 366). His allegation is denied.

Failed to Have In-Depth Conversations With Him

This Court finds that the Applicant failed to prove that the conversations that the Applicant had with counsel were constitutionally inadequate. Here, the Applicant complained that counsel only met with him very briefly. Federal case law holds that there is no constitutional minimum number of meetings between attorneys and their clients to satisfy competency. *Campbell v. Polk*, 447 F.3d 270, 279 fn.2 (4th Cir. 2006) (no constitutional minimum number of meetings to satisfy competency); *United States v. Olson*, 846 F.2d 1103, 1108 (7th Cir. 1988) (reciting that there is no constitutional minimum number of meetings between attorney and client and observing that an experienced attorney may get more out of a single meeting than a neophyte). "Brevity of time spent in consultation, without more, does not establish that counsel was ineffective." *Easter v. Listelle*, 609 F.2d 756, 759 (5th Cir. 1980) (holding it is not enough to merely show that counsel only met with his client twice before trial as long as counsel devoted sufficient time to insure an adequate defense and to become thoroughly familiar with the facts of the case and the law applicable to the case, and

holding the record revealed that counsel was so prepared.).

South Carolina case law has established that even if plea counsel only met with his client very briefly, that alone does not establish that he was unprepared or ineffective at trial. *See Harris v. State*, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008) (citing *Easter*) ("First, there is no question that counsel met with [Applicant] on several occasions prior to the first trial. Even if the meetings were brief, this fact alone is not indicative of inadequate trial preparation.") Mere speculation and conjecture is insufficient to substantiate allegation that counsel's deficient performance was prejudicial. *See Harris v. State*, 377 S.C. 66, 659 S.E.2d 140 (2008), *abrogated by Smalls v. State*, 422 S.C. 174, 810 S.E.2d 836 (2018).

This Court finds that counsel met adequately with the Applicant to prepare for trial based upon counsel's credible testimony. Contrary to the Applicant's testimony, this Court finds as a fact that counsel Farley met with the Applicant on March 9, 2018 at the detention center in Anderson County when counsel went over the discovery he had received with his client, his own impression of the case, the difficulty with the case and the facts of the case. The Applicant did not confirm or deny his involvement in the case at that meeting. Counsel had a second meeting with Goodwin on July 25 and discussed the life without parole notice they had received from the solicitor and its impact. They also discussed the Lowman trial and that 2 codefendants testified about their involvement as well the Applicant and Lowman in Lowman's trial. In that meeting the Applicant indicated his desire to plead guilty rather than risk LWOP in a trial. This was the only offer by the State to plead guilty and that they would take LWOP off the table. The Applicant was aware that he would not automatically receive life without parole with the plea agreement to take mandatory LWOP off as an option but would have a range of punishment that counsel believed was more likely than a life sentence which would be rare. Counsel also met the Applicant on August 8, the day of the plea, to confirm the Applicant's intent to plead guilty and his understanding of what he was facing.

In this pre-plea meeting, the Applicant also signed the sentencing and plea sheets for each offense. This sentencing sheets included the potential punishment for each crime that he was pleading as well as the reference that it was without negotiation or recommendation involving a straight up plea on each charge.

The Court finds that counsel performed within the range of competence demanded of criminal lawyers in his communication and cannot be found to be deficient. The Applicant has failed to show with credible evidence any deficiency in these discussions prior to the plea. Under *Hill*, he has failed in his burden of proof based upon counsel's credible testimony as well as the record of the guilty plea. Since no omissions were proven, the Applicant failed in his burden to show prejudice under the *Hill* and *Strickland* standard as well.

Failed to raise as mitigating evidence that he had not been in trouble in South Carolina and counsel failed to get to know the Applicant or have his family present at sentencing.

In his last remaining claim, he contends that counsel failed to present an adequate sentencing presentation and specifically claimed that he did not present evidence that he had not been in trouble in South Carolina previously and did not have his family present at the sentencing. He further asserts that his counsel did not get to know him better as a person. This Court finds that the Applicant failed to prove deficient performance by counsel related to mitigation.

During the plea in mitigation, counsel Farley indicated that the Applicant was 29 years old at the time and was Maryland. He stated that Goodwin was single with three children in Maryland. He was a bricklayer by trad with a job. Counsel expressed his assertion that as a result of his several meetings with the Applicant, that the Applicant had regret for everything that occurred and was taking ownership to his involvement in the case and requested leniency on his behalf. Tr.p. 28-29. The Applicant also apologized to the family and expressed that he never meant to hurt them. Tr.p. 29. [Mr. Tidwell indicated that he forgave him].

As to the claim that counsel failed to assert that he had no convictions in S.C., he has failed to show that this was deficient. At his plea, the sentencing judge was advised about that Applicant's prior record, which included a conviction in Maryland for manslaughter in Maryland, a series of probation or parole violations, prior to this involvement in South Carolina. A comment by counsel that a person from Maryland had not had a prior criminal record in South Carolina in response to this record would not have been done by reasonable counsel in a similar setting. In fact, it may have aggravated the situation more because it reflected more aggravation in the event by emphasizing more bringing the crime into S.C. at the time by an individual unknown to local law enforcement.

Similarly, the alleged failure to have his family present to speak for him at trial was not deficient. The Applicant's mother and brother certainly could have appeared at the plea. However, the failure to have family present is not constitutionally mandated, contrasting with a victim state constitutional and statutory right to speak that the court is mandated to enforce. It was apparent to the sentencing judge that the Applicant was from out of state so it could be presumed that the family was from out of state. Counsel acknowledged that he made no attempt to have the family present.

Even assuming *arguendo* that counsel was deficient, the Applicant was failed to show prejudice. In *Glover v. United States*, 531 U.S. 198, 202-04, 121 S.Ct. 696, 148 L.Ed.2d 604 (2001), the United States Supreme Court applied *Strickland* to a noncapital sentencing proceeding. *Glover* presented the question whether "a showing of prejudice, in the context of a claim for ineffective assistance of counsel, requires a significant increase in a term of imprisonment." *Id.* at 204, 121 S.Ct. 696. The claim in *Glover* arose from noncapital sentencing proceedings governed by federal guidelines. *Id.* at 200, 121 S.Ct. 696. The Supreme Court reversed the Seventh Circuit for "supplant[ing] the *Strickland* analysis" in such a context. *Id.* at 203, 121 S.Ct. 696. In closing, *Glover* noted that "the ultimate merits of [petitioner's] claim" would turn on *Strickland's* elements:

"the question of deficient performance" and "prejudice flow[ing] from the asserted error in sentencing." *Id.* at 204, 121 S.Ct. 696.

To the extent that there was any doubt that *Glover* "clearly established" that *Strickland* applied to noncapital sentencing proceedings, that doubt was erased in *Lafler v. Cooper*, 132 S.Ct. 1376, 182 L.Ed.2d 398 (2012). In *Lafler*, the Supreme Court stated that *Glover*:

establish[ed] that there exists a right to counsel during sentencing in ... noncapital ... cases. Even though sentencing does not concern the defendant's guilt or innocence, ineffective assistance of counsel during a sentencing hearing can result in *Strickland* prejudice because "any amount of [additional] jail time has Sixth Amendment significance."

Lafler, 132 S.Ct. at 1385–86 (second alteration in original) (citations omitted) (quoting *Glover*, 531 U.S. at 203, 121 S.Ct. 696).

Given *Glover* and *Lafler*, the Supreme Court has clearly established that *Strickland* governs claims for ineffective assistance of counsel in noncapital sentencing proceedings. *See also Premo v. Moore*, 562 U.S. 115, 126, 131 S.Ct. 733, 178 L.Ed.2d 649 (2011) ("Whether before, during, or after trial, when the Sixth Amendment applies, the formulation of the standard [for deficient performance, as an element of ineffective assistance of counsel] is the same: reasonable competence in representing the accused.") (quoting *Strickland*, 466 U.S. at 688, 104 S.Ct. 2052).

This Court finds that the Applicant has failed to show that absent the alleged omissions alleged above, that there is a reasonable probability that the result of the sentence would have been different. First, the sentencing court of was aware of his record in Maryland for manslaughter, a qualifying offense to allow mandatory LWOP if the Solicitor chose to present it. Since the Solicitor did not advise the Court when going over his criminal record about a South Carolina conviction it is reasonable that the sentencing court would not have thought he would have a criminal record involving any earlier South Carolina offense. Similarly, the Applicant's mother's PCR testimony would have had similar *de minimus* impact on the court. Her focus was on how bad a person

Lowman was and that she failed to tell her son to stay away from him because he was trouble. Although as a mother, she claimed he never had behavioral problems. The fact was that he was convicted of manslaughter in Maryland and had a number of probation or parole violations that defeats the impact of her presentation. His brother again indicated that Lowman was a problem, that Applicant was raised better in a Christian home and was a good person, but that he was the only person in the family who had been locked up. He blamed himself for not looking after his brother more.

Under the facts of the crime with the Applicant's involvement in the planning and possession and purchase of the weapon, this Court must find that the added testimony from the family does not under confidence in the sentence that the Applicant received from Judge Griffith. *Strickland* prejudice was not met.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant her application and vacate her conviction. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that she must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant's attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED;

1. That the Application for Post-Conviction Relief be denied and dismissed with prejudice; and
2. The Applicant is returned to the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 22nd day of April, 2025.

DAVID P. CARAKER, JR.
Presiding Judge
Eleventh Judicial Circuit

Lexington _____, South Carolina

WITNESSES

Saluda County Sheriff's Department

Toby Horne

Law Enforcement Case #: 201703-531

SRH

ARREST WARRANT NUMBER

2017A4110100128

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

OCT 31 2017

VERDICT
TRUE BILL

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS4101382

The State of South Carolina

County of Saluda

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Robert Goodwin Jr

CDR #: 0079

Indictment for

BURGLARY FIRST DEGREE

§ 16-11-0311

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

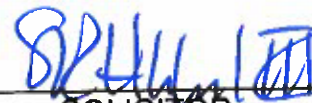
INDICTMENT FOR
BURGLARY FIRST DEGREE

§ 16-11-0311

At a Court of General Sessions, convened on OCTOBER 2017, the Grand Jurors of Saluda County present upon their oath:

That **Robert Goodwin Jr**, together with others, did in Saluda County, South Carolina on or about March 8, 2017 did knowingly and willfully enter a dwelling, to wit: [REDACTED] Birdie Court, being the dwelling of Danny and Linda Tidwell, without consent and with the intent to commit a crime therein, and was armed with a deadly weapon, and/or the entering and/or remaining occurred in the nighttime, in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

WITNESSES

Saluda County Sheriff's Department

Toby Horne

Law Enforcement Case #: 201703-531

SRH

ARREST WARRANT NUMBER

017A4110200039

ACTION OF GRAND JURY

Forrest L. Armstrong
Foreperson of Grand Jury
Date: OCT 31 2017

VERDICT
TRUE BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS4101383

The State of South Carolina

County of Saluda

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE
vs.

Robert Goodwin Jr

CDR #: 0049

Indictment for

CRIMINAL CONSPIRACY

§ 16-17-0410

S.R. Hubbard III, SOLICITOR

ATTEST: TRUE COPY

Sheri C. Coleman
Clerk of Court
Saluda, S. C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

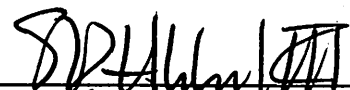
INDICTMENT FOR
CRIMINAL CONSPIRACY

§ 16-17-0410

At a Court of General Sessions, convened on OCTOBER 2017, the Grand Jurors of Saluda County present upon their oath:

That **Robert Goodwin Jr** did in Saluda County, South Carolina on or about March 8, 2017 knowingly and willfully unite, combine, conspire, confederate, agree and have tacit understanding with Abin Lee Lowman, James Christopher Wilson and Joshua Lee Darien, for the purpose of accomplishing a criminal or unlawful object and/or an object neither criminal nor unlawful but by criminal or unlawful means; to wit: Burglary, Impersonating Law Enforcement, Grand Larceny, Armed Robbery, Kidnapping and Possession of a Weapon during the Commission of a Violent Crime, in violation of the common law and punishable under Section 16 -17- 410 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

Saluda County Sheriff's Department
Toby Horne

Law Enforcement Case #: 201703-531

SRH

ARREST WARRANT NUMBER

017A4110200040

ACTION OF GRAND JURY

Ganathan R. Quistling
Foreperson of Grand Jury
Date: OCT 31 2017

VERDICT
TRUE BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS4101384

The State of South Carolina
County of Saluda

COURT OF GENERAL SESSIONS
OCTOBER TERM 2017

THE STATE
VS.

Robert Goodwin Jr

CDR #: 0088

Indictment for

**IMPERSONATING LAW ENFORCEMENT
OFFICER**

§ 16-17-0720

S.R. Hubbard III, SOLICITOR

Not pros; A PC
DH Singh
Dep. Sol.
8/8/2018

ATTEST: TRUE COPY

Sherrill C. Coleman
Clerk of Court
Saluda, S. C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

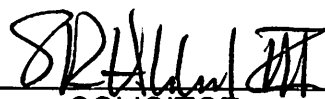
INDICTMENT FOR
IMPERSONATING LAW ENFORCEMENT
OFFICER

§ 16-17-0720

At a Court of General Sessions, convened on OCTOBER 2017, the Grand
Jurors of Saluda County present upon their oath:

That **Robert Goodwin Jr**, together with others, did in Saluda County, South Carolina, on or about March 8, 2017, unlawfully represent to others that he was a law enforcement officer, or did impersonate a law enforcement officer, or did act in accordance with the authority commonly given to such officers, to wit; Defendant presented himself as a Alcohol, Tobacco and Firearms (ATF) Agent, in violation of Section 16-17-720 Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

WITNESSES

Saluda County Sheriff's Department

Toby Horne

Law Enforcement Case #: 201703-531

SRH

ARREST WARRANT NUMBER

2017A4110200041

ACTION OF GRAND JURY

Jennifer L. Amick
Foreperson of Grand Jury

Date:

OCT 31 2017

VERDICT
GUILTY

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS4101385

The State of South Carolina

County of Saluda

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Robert Goodwin Jr

CDR #: 3421

Indictment for

GRAND LARCENY

§ 16-13-0030(B)

S.R. Hubbard III, SOLICITOR

Nol pros; A Psc
DH Eff
Dep. Sol.
5/8/2018

ATTEST: TRUE COPY

Shirley C. Coleman
Clerk of Court
Saluda, S. C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

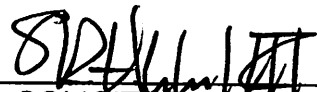
INDICTMENT FOR
GRAND LARCENY

§ 16-13-0030(B)

At a Court of General Sessions, convened on OCTOBER 2017, the Grand Jurors of Saluda County present upon their oath:

That **Robert Goodwin Jr** did, together with others, in Saluda County, South Carolina, on or about March 8, 2017, unlawfully commit a larceny of goods, chattels, instruments, or other property, to wit: cash, cell phones, jewelry, keys to businesses and vehicles, firearms, and/or victims' vehicle, such property having a value of ten thousand (\$10,000) dollars or more, in violation of §16-13-0030(B) of the South Carolina Code of Laws of 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

WITNESSES

Saluda County Sheriff's Department

Toby Horne

Law Enforcement Case #: 201703-531

SRH

ARREST WARRANT NUMBER

2017A4110200042

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

OCT 31 2017

VERDICT

TRUE BILL

Foreperson of Petit Jury

Date:

DOCKET NO. 2017GS4101386

The State of South Carolina

County of Saluda

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Robert Goodwin Jr

CDR #: 0139

Indictment for

ARMED ROBBERY

§ 16-11-0330(A)

S.R. Hubbard III, SOLICITOR

ATTEST: TRUE COPY

Sheri C. Coleman

Clerk of Court
Saluda, S. C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

INDICTMENT FOR

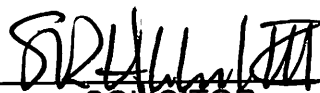
ARMED ROBBERY

§ 16-11-0330(A)

At a Court of General Sessions, convened on OCTOBER 2017, the Grand Jurors of Saluda County present upon their oath:

That **Robert Goodwin Jr** did in Saluda County, South Carolina on or about March 8, 2017 knowingly and willfully while armed with a deadly weapon, and/or having possession of an object which the victim reasonably believed to be a deadly weapon and alleging by actions or words that he was armed, to wit: did feloniously take from the person or presence of Danny Tidwell and Linda Tidwell, by means of force, threats or intimidation, goods or monies being described as follows: cash, cell phones, jewelry, keys to businesses and vehicles, firearms and/or the victims' vehicle with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

WITNESSES

Saluda County Sheriff's Department

Toby Horne

Law Enforcement Case #: 201703-531

SRH

ARREST WARRANT NUMBER

017A4110200043

ACTION OF GRAND JURY

Jonathan L. Quilley
Foreperson of Grand Jury
Date: OCT 31 2017

VERDICT
TRUE BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS4101387

The State of South Carolina

County of Saluda

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Robert Goodwin Jr

CDR #: 0948

Indictment for

KIDNAPPING

§ 16-03-0910

S.R. Hubbard III, SOLICITOR

ATTEST: TRUE COPY

Sherrill C. Coleman

Clerk of Court
Saluda, S. C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

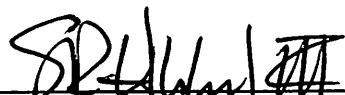
INDICTMENT FOR
KIDNAPPING

§ 16-03-0910

At a Court of General Sessions, convened on OCTOBER 2017, the Grand Jurors of Saluda County present upon their oath:

That **Robert Goodwin Jr**, together with others, did in Saluda County, South Carolina on or about March 8, 2017, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Danny Tidwell by any means whatsoever without authority of law, and without his consent, to wit: did bound the victim with plastic zip ties against his will inside his home at [REDACTED] Birdie Court, in violation of § 16-3-910 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

WITNESSES

Saluda County Sheriff's Department

Toby Horne

Law Enforcement Case #: 201703-531

SRH

ARREST WARRANT NUMBER

017A4110200044

ACTION OF GRAND JURY

Jonathan L. Ausilery
Foreperson of Grand Jury
Date: **OCT 31 2017**

VERDICT
TRUE BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2017GS4101388

The State of South Carolina

County of Saluda

COURT OF GENERAL SESSIONS

OCTOBER TERM 2017

THE STATE

vs.

Robert Goodwin Jr

CDR #: 0948

Indictment for

KIDNAPPING

§ 16-03-0910

S.R. Hubbard III, SOLICITOR

ATTEST: TRUE COPY

Sherrill C. Coleman

Clerk of Court
Saluda, S. C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)
)

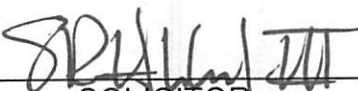
INDICTMENT FOR
KIDNAPPING

§ 16-03-0910

At a Court of General Sessions, convened on OCTOBER 2017, the Grand Jurors of Saluda County present upon their oath:

That **Robert Goodwin Jr** did in Saluda County, South Carolina on or about March 8, 2017, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away Linda Tidwell by any means whatsoever without authority of law, and without her consent, to wit: did bound the victim with plastic zip ties against her will inside her home located at 106 Birdie Court, in violation of § 16-3-910 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Saluda
STATE VS.Robert Goodwin Jr

AKA: _____

Race: Black Sex: M Age: 29DOB: -1988 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Silver Spring, MD 20906-6002DL#: [REDACTED] SID#: SC02296496*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary / Burglary (After June 20, 1985) - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4101382A/W#: 2017A4110100128Date of Offense: 3/8/2017S.C. Code § : 16-11-0311CDR Code #: 0079

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0311of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY:

[Signature]
Solicitor

15294

SC Bar#

Defendant

Attorney for Defendant

75281
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 45 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.Since July 10, 2017
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/ Deputy Clerk [Signature]Court Reporter: [Signature]

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.Presiding Judge [Signature]Judge Code: 2154Sentence Date: 8-8-18

132
STATE OF SOUTH CAROLINACOUNTY OF
STATE

Saluda

VS.

Robert Goodwin Jr

AKA:

Race: Black Sex: M Age: 29

DOB: SS#:

Address:

City, State, Zip: Silver Spring, MD 20906-6002

DL#: 2 SID#: SC02296496

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4101383

A/W#: 2017A4110200039

Date of Offense: 3/8/2017

S.C. Code § : 16-17-0410

CDR Code #: 0049

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

15294
SC Bar#

Defendant

Attorney for Defendant

75281
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 85

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Lisa Comer LP

Court Reporter: S Johnson

SCCA/217 (04/2018)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2154

Sentence Date: 8-8-18

ATTEST: TRUE COPY

Shen C. Coleman
Clerk of Court
Saluda, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Saluda

VS.

Robert Goodwin Jr

AKA:

Race: Black Sex: M Age: 29

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Silver Spring, MD 20906-6002

DL#: [REDACTED] 2 SID#: SC02296496

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Solicitor

15294

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4101386

A/W#: 2017A4110200042

Date of Offense: 3/8/2017

S.C. Code § : 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

Attorney for Defendant

SC Bar#

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code:

Sentence Date:

ATTEST: TRUE COPY

Sherrill C. Coleman
Clerk of Court
Saluda, S. C.

2154

8-8-18

134
STATE OF SOUTH CAROLINACOUNTY OF Saluda
STATE VS.
Robert Goodwin Jr

AKA:

Race: Black Sex: M Age: 29

DOB: SS#

Address:

City, State, Zip: Silver Spring, MD 20906-6002

DL#: SID#: SC02296496

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping / Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4101387

A/W#: 2017A4110200043

Date of Offense: 3/8/2017

S.C. Code § : 16-03-0910

CDR Code #: 0948

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 15294 [Signature] [Signature] 75281
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.25TOTAL \$ 128.75Clerk of Court/ Deputy Clerk [Signature]Court Reporter: [Signature]

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees. [Signature]Presiding Judge [Signature]Judge Code: 2154Sentence Date: 8-8-18

ATTEST: TRUE COPY

[Signature]Clerk of Court
Saluda, S. C.

STATE OF SOUTH CAROLINA

COUNTY OF Saluda
STATE VS.
Robert Goodwin Jr

AKA: _____
Race: Black Sex: M Age: 29

DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: Silver Spring, MD 20906-6002
DL#: [REDACTED] SID#: SC02296496

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping / Kidnapping

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 15294 [Signature] [Signature] 75181
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the SCDOC.

Since July 10, 2017
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5%) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso (Public Def/Probation) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: [Signature]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017GS4101388

A/W#: 2017A4110200044

Date of Offense: 3/8/2017

S.C. Code § : 16-03-0910

CDR Code #: 0948

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge [Signature]

Judge Code: 8-8-18

Sentence Date: 8-8-18

ATTACHED TRUE COPY

[Signature]

Clerk of Court
Saluda, S.C.