STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
The Honorable Debra McCaslin, Circuit Court Judge

Appellate Case No. 2025-000953

THE STATE, Respondent,

v.

HARVEY LEE GOODWIN, Appellant.

FINAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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The circuit court judge did not err by ordering Appellant to register as a sex offender as part of his sentence.

STATEMENT OF THE CASE

Appellant pled guilty to one count of assault and battery 2nd degree and one count of unlawful conduct towards a child during the April 2025 term of the Lexington County General Sessions Court before the Honorable Debra McCaslin. Appellant was sentenced to concurrent terms of imprisonment of three years for assault and battery and eight years for unlawful conduct towards a child. He was also ordered to participate in mental health counseling, have no contact with his victim, and to register as a sex offender for the unlawful conduct charge.

Counsel for Appellant filed a timely Motion to Reconsider Sentencing on April 16, 2025. The State filed a response to Appellant's motion on April 29, 2025. The Court issued an order denying Appellant's motion to reconsider on May 6, 2025. Appellant filed a timely appeal on May 16, 2025. This appeal follows.

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Palmer, 415 S.C. 502, 511, 783 S.E.2d 823, 827 (Ct. App. 2016). When reviewing a sentencing issue on appeal, an appellate court will only interfere with a trial judge's sentencing decisions in rare and unusual circumstances in light of the broad discretion afforded to trial judges on such matters. State v. Ferguson, 221 S.C. 300, 307, 70 S.E.2d 355, 358 (1952); see State v. Sidell, 262 S.C. 397, 398, 205 S.E.2d 2, 3 (1974) ("A broad discretion is allowed the trial judge in imposing sentence within the legal limits."); see also State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976) ("A trial judge generally has wide discretion in determining what sentence to impose. It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come.").

Relatedly, an appellate court will not interfere with a trial judge's discretionary decision to order a criminal defendant to register as a sex offender absent an abuse of discretion. In re M.B.H., 387 S.C. 323, 327, 692 S.E.2d 541, 542-543 (2010); see State v. Fuller, 425 S.C. 468, 479, 822 S.E.2d 910, 916 (Ct. App. 2019) (recognizing an appellate court reviewing a discretionary decision regarding sex offender registration must apply a "deferential" standard of review). "An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." State v. McDonald, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000); see also United States v. Summers, 666 F.3d 192, 197 (4th Cir. 2011) (instructing an appellate court will not find a trial judge's ruling constituted an abuse of discretion unless it was arbitrary and irrational).

ARGUMENT

The circuit court judge did not err by ordering Appellant to register as a sex offender as part of his sentence.

On April 9, 2025, Harvey Lee Goodwin pled guilty to assault and battery second-degree and unlawful conduct towards a child in front of the Honorable Debra McCaslin. (R. 19). One count of assault and battery second-degree and one count of unlawful conduct towards a child was being dismissed as a part of the negotiated plea. (R. 19-20). During the plea hearing the solicitor gave the following facts:

> On May 10th of 2024, the Lexington County Sheriff's department responded to [a particular address] in the West Columbia area of Lexington County in reference to a sexual assault. They made contact with the parents of the victim in this case, Victim, who was 17 years old at the time, who advised that the victim called them and stated that the defendant had touched her inappropriately and wanted to leave. The defendant is her stepfather.
>
> The victim shortly arrived and spoke to law enforcement, and she explained that the Thursday prior, the defendant and her mom were standing around talking. I believe the defendant was intoxicated at the time, and he began rubbing her back and her butt, which made her feel uncomfortable. So, she tried to distance herself from him.
>
> When her mom walked out of the room, she sat down. The defendant got behind her and began to rub her neck and her back and started to kiss her neck. She then got up and went to her room and locked the door, and she advised that he—during this incident he had touched her inside and outside clothing.
>
> And she also disclosed a separate incident that happened about a year prior when he had told her to come hug her—hug him, and he started to rub his hands all over her and whispered things in her ear. At that time, again, she backed into her room to get away from him, but at that time was too scared to report it.
>
> There were screenshots of texts that were submitted by the victim. That was a conversation between her mother and the defendant, and when her mother says if you wanted an out, it didn't have to be on my child, he responds by saying I don't want out of anything. She says you have some explaining to do. What happened? And the—her mother sends him a screenshot of what the victim had reported to her that had happened, and he says I understand and I'm very sorry I upset her, and he said there's no reasoning for what I did.
>
> This case was investigated by Detective Kinder, who interviewed him, and post-Miranda, he admitted to rubbing her on the rear, as he described it, and her legs, and that—and corroborated that she did get up and go inside to distance herself from him. He also admitted to rubbing her neck and that he stepped out of line.

(R. 21-22). Judge McCaslin asked if Appellant agreed with the facts and he stated that "we were not inside, but most of the facts are true. Yes ma'am." (R. 22-23).

The victim gave a statement on how the events have impacted her life. (R. 23-24). She stated that she used to feel safe and now lives in constant fear and anxiety. She stated she struggles with anxiety and depression and had to move to a town over an hour away just to feel a sense of happiness and safety. (R. 23-24). She discussed the financial impact as well with therapy and having to take time off work to attend those therapy sessions. (R. 24). The victim's father also made a statement about how this has affected not only his daughter, but the family as well. (R. 24-25).

At the end of mitigation, Judge McCaslin asked if the State was asking for the sex offender registry, but the State stated that they were leaving it to her discretion. (R. 29-30). Counsel for Appellant stated that they opposed the sex offender registry. (R. 30). During sentencing, Judge McCaslin sentenced him to three years on the assault and battery second-degree and eight years on the unlawful conduct charge to run concurrently. She also placed him on the sex offender registry.

Appellant contends that the trial court erred by imposing sex offender registry sua sponte. Specifically, Appellant argues that Appellant's due process rights were violated by imposing the sex offender registry when it was not negotiated in the plea negotiations, not requested by the state and was not statutorily required for the offense of conviction. However, this argument lacks merit because the trial court did not abuse its broad discretion by ordering Appellant to register as a sex offender following Appellant's convictions for assault and battery second-degree and unlawful conduct towards a child because the facts and circumstances before her—including Appellant's entry of a guilty plea to an offense of a sexual nature—established a good cause basis to believe

Appellant was a risk to sexually reoffend, and her ruling in that regard was supported by the evidence and testimony presented during the plea hearing. Under such circumstances, there is no proper basis upon which to disturb the circuit court judge's discretionary decision on appeal. Both Appellant's conviction and the order requiring sex offender registration should be affirmed.

Under Section 23-3-430(A), "Any person, regardless of age, residing in the State of South Carolina who is in this State has been convicted of, pled guilty or nolo contendere to an offense described below, or who has been convicted, pled guilty or nolo contendere, or found not guilty by reason of insanity in the United States federal courts of a similar offense, or who has been convicted of, pled guilty or nolo contendere or found not guilty by reason of insanity to an offense for which the person was required to register in the state where the conviction or plea occurred, shall be required to register pursuant to the provisions of this article. A person who has been found not guilty by reason of insanity shall not be required to register pursuant to the provisions of this article unless and until the person is declared to no longer be insane or is ordered to register by the trial judge." S.C. Code Ann. § 23-3-430(A). see M.B.H., 387 S.C. at 327, 692 S.E.2d at 542 ("[A] finding of good cause in this context means only that the judge must consider the facts and circumstances of the case to make the determination of whether or not the evidence indicates a risk to reoffend sexually.").

The section lists several offenses all somewhat sexual in nature that apply. In this case Appellant pled guilty to second-degree assault and battery and unlawful conduct towards a child, which are not specifically included in the list of offenses requiring mandatory registration upon conviction. However, section § 23-3-430(D) gives the judge discretion to order registration for a non-enumerated offense if good cause is shown by the solicitor. See S.C. Code § 23-3-340(D) (Upon conviction, guilty plea, or plea of nolo contendere of a person of an offense not listed in

this article, the presiding judge may order as a condition of sentencing that the person be included in the sex offender registry if good cause is shown by the prosecution.).

By entering his guilty plea and admitting to the conduct he engaged in with his minor victim, Appellant was guilty in the eyes of the law of the offense to which he pled, and that offense—as directly acknowledged by Appellant during the plea proceedings—involved the non-consensual touching of Victim's private parts. Further, after the recitation of the facts Appellant admitted that the facts were true. Based on Appellant's conviction for an offense of a sexual nature directed at a minor, the existence of risk factors involving multiple attempts at touching the minor, and the residual effects on the minor, Judge McCaslin had a legitimate basis upon which to find good cause existed to believe that Appellant was a risk to sexually reoffend, and, therefore, properly could and did order Appellant to register as a sex offender pursuant to South Carolina Law. S.C. Code Ann. § 23-3-430(D); see Fuller, 425 S.C. at 481, 822 S.E.2d at 917 ("[T]he trial court acted within its discretion in ordering Fuller to register as a sex offender because of evidence that the kidnapping charge of which he was convicted included an attempted criminal sexual offense.").

Furthermore, because the circuit court judge properly considered all the facts and circumstances before her and had factual support for her determination, the plea judge in no way abused her discretion or committed any other legal error by doing so. See M.B.H., 387 S.C. at 327, 692 S.E.2d at 542-543 (holding the family court judge did not abuse his discretion by discretionarily ordering M.B.H. to register as a sex offender when "[t]he judge relied on the professional findings and recommendations in [an evaluation] report in concluding good cause existed for placing [M.B.H.] on the registry" and "the judge considered all the facts and circumstances of [M.B.H.'s] case, both aggravating and mitigating, in determining that there is a

risk of sexual reoffense"). Accordingly, her factually-supported discretionary decision was not erroneous simply because Appellant would have preferred a different outcome following his conviction for a sexual offense. See Fuller, 425 S.C. at 479, 822 S.E.2d at 916 (recognizing a circuit court judge's discretionary decision regarding sex offender registration must be afforded deference on appeal); cf. In re Care & Treatment of Kennedy, 353 S.C. 394, 398, 578 S.E.2d 27, 28-29 (Ct. App. 2003) ("While there may be some evidence supporting Kennedy's claim that he is not a sexually violent predator, including a normal PPG test result, there is more than enough evidence to support the decision reached by the trial court. . . . [I]n light of our limited scope of review, we find the trial court did not err in concluding Kennedy was a sexually violent predator and in committing him to the DMH for treatment."). Both Appellant's convictions and the order requiring sex offender registration should be affirmed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court should be affirmed.

Respectfully submitted,

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May 14, 2026

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the within Final Brief of Respondent on Madalyn Norton and James R. Snell, Jr., counsel of record for Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 14th day of May, 2026.

Grace Sommer

Grace Sommer
Legal Assistant

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