

RECEIVED

Jul 06 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEROD DE'QUIN GOODWIN,

APPELLANT

APPELLATE CASE NO 2025-000260

INITIAL REPLY BRIEF OF APPELLANT

WANDA H. CARTER
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
------------------------	---

TABLE OF AUTHORITIES	ii
----------------------------	----

ARGUMENT IN REPLY

In addition to the prejudicial impact of the trial judge's erroneous ruling that allowed the jury to reach the inescapable conclusion that appellant was shackled at trial (after denying the request by the defense for removal of the shackles), note that this error was exacerbated by the solicitor's mock re-enactment of the shooting on cross-examination of appellant where the solicitor engaged appellant unnecessarily with recreative actions where appellant was unable to respond adequately due to the shackles; <i>and note moreover that this error was exacerbated further and became obviously egregious after renewed attention to the same was redirected to the jury at closing when the solicitor commented on said demonstration in order to remind the jury of the failed earlier mock re-enactment</i> , which in turn compounded the due process violation and resulted in reversible error that was incurable even if a curative instruction had been given ¹	3
---	---

CONCLUSION.....	9
-----------------	---

¹ State v. Craig, 267 SC 262, 277 S.E.2d 306 (1976).

TABLE OF AUTHORITIES

Cases

<u>Deck v. Missouri</u> , 544 U.S. 622 (2005)	3
<u>Estelle v. Williams</u> , 425 U.S. 510 (1976)	4
<u>Reese v. State</u> , 441 SC 392, 894 S.E.2d 295 (2023).....	3, 4
<u>Ryals v. State</u> , 439 S.C. 230, 886 S.E.2d 239 (2023)	3
<u>State v. Craig</u> , 267 SC 262, 277 S.E.2d 306 (1976)	1, 3, 9
<u>State v. Heyward</u> , 441 S.C. 484, 895 S.E.2d 658	3, 4
<u>State v. Heyward</u> , 441 S.C. 484, 895 S.E.2d 658 (2023).....	3, 4
<u>Estelle v. Williams</u> , 425 U.S. (1976)	4
<u>United States v. Bell</u> , 819 F.3d 310 (7th Cir. 2016)	4

ARGUMENT IN REPLY

In addition to the prejudicial impact of the trial judge's erroneous ruling that allowed the jury to reach the inescapable conclusion that appellant was shackled at trial (after denying the request by the defense for removal of the shackles), note that this error was exacerbated by the solicitor's mock re-enactment of the shooting on cross-examination of appellant where the solicitor engaged appellant unnecessarily with recreative actions where appellant was unable to respond adequately due to the shackles; and note moreover that this error was exacerbated further and became obviously egregious after renewed attention to the same was redirected to the jury at closing when the solicitor commented on said demonstration in order to remind the jury of the failed earlier mock re-enactment, which in turn compounded the due process violation and resulted in reversible error that was incurable even if a curative instruction had been given²

Prior to trial, defense counsel requested that appellant's shackles be removed in order to eliminate the prejudicial impact of the jury's view of this at trial. The request was denied. Tr. 63, l. 17 – o. 67, l.6. Clearly, it was prejudicial error for the trial judge to allow appellant to remain shackled at trial, which was certainly readily apparent for the jury to view. It is inherently unfair and improper for a defendant to appear in front of a jury at trial in prison garb. Ryals v. State, 439 S.C. 230, 886 S.E.2d 239 (2023), citing to Deck v. Missouri, 544 U.S. 622 (2005). In Ryals, the defendant wore handcuffs and shackles at trial, and the Court held that trial counsel's failure to object to the same constituted ineffective assistance and prejudice resulted. In State v. Heyward, 441 S.C. 484, 895 S.E.2d 658 (2023), the Court held that the sight of shackles constituted inherent prejudice and that a defendant need not show prejudice to demonstrate a due process violation. Compare also Reese v. State, 441 SC 392, 894 S.E.2d 295 (2023), where the

² State v. Craig, 267 SC 262, 277 S.E.2d 306 (1976).

Court held that counsel erred in failing to object to the defendant wearing shackles at trial, particularly where the defendant walked from the defense table to the witness stand and the jury viewed the shackles.

There is inherent harm connected to the jury's viewing of a shackled defendant as this suggests that the justice system sees a need to separate the defendant from the community at large. Deck v. Missouri, *supra*, Estelle v. Williams, 425 U.S. 510 (1976). Seen shackles suggest that the defendant is dangerous and guilty, which undermines the presumption of innocence and the related fairness of the fact-finding process. See Reese citing to Deck v. Missouri, *supra*, and United States v. Bell, 819 F.3d 310 (7th Cir. 2016) See also State v. Heyward, where the Court held that the failure to remove the defendant's visible shackles violated due process. Here, just as in Reese, the belly chains were removed from appellant before he testified, but the shackles remained.

In the instant case, note that the shackles error was exacerbated by the solicitor's questioning appellant on cross-examination with what was the equivalent of an enactment of the shooting by forcing appellant to show how the incident unfolded, which certainly exposed his leg shackles to the extent that the activity resulted in the jury hearing the shackles and thus understanding that that the restraints existed. During the cross-examination of appellant, the solicitor engaged appellant into the following reenactment of the shooting that made his shackles all the more obvious (they could hear) to the jury. The colloquy and exchange follow:

SOLICITOR: And then you get out of the car. "You think I'm playing? You think I'm playing? And you shot him?"

APPELLANT: No.

SOLICITOR: You didn't shoot him?

APPELLANT: I didn't say I did. It didn't go like that.

SOLICITOR: How did it do?

APPELLANT: As he went for my gun, that's when I shot him.

SOLICITOR: Okay.

APPELLANT: And the struggle of him getting—the struggle of me getting him off my gun, that's when I shot him.

SOLICITOR: The struggle for getting you gun ,and you go out and shot him?

APPELLANT: A mix of him going for my gun, and me trying to fight him off. That's where shots were when it came about.

SOLICITOR: But you were outside the car when you shot him?

APPELLANT: No. I was getting outside the car when shots came out.

SOLICITOR: So you were getting outside of the car. What does that mean? You were outside of the car?

APPELLANT: My foot went out there, my whole body went out.

SOLICITOR: You said you have one foot out and you're shooting?

APPELLANT: I'm trying to get him off of me. That's when shots came.

SOLICITOR: You pulled the gun out of your waistband and shoot him?

APPELLANT: I had—yes, sir.

SOLICITOR: Okay. So you're fighting him. You're digging in your pants at the same time, and then you step out and shoot him?

APPELLANT: Me and him are fighting for possession of the gun.

SOLICITOR: Okay. And if you're sitting right here, the gun is over here, right, because you're on your right side. It says—is he reaching over your body trying to grab it?

APPELLANT: He's reaching around me.

SOLICITOR: Okay. But you have it tucked in your underwear, right?

APPELLANT: As far as the gun, came out.

SOLICITOR: Okay. And how quick did you do it? Did you just pull it and shoot it right there?

APPELLANT: No, sir. It's a tussle, struggle.

SOLICITOR: I'm apparently not doing a good job of describing this. Tell us step by step what happened.

DEFENSE COUNSEL: Your Honor, I'm going to object at this point. He's answered the question.

The COURT: Overruled.

Tr. 450, 1.4-p. 451, 1.23.

In addition, the solicitor commented at closing on the re-enactment in order to attack appellant's self-defense claim by highlighting appellant's re-enactment response, which was hampered due to the shackles. The solicitor's remarks follow:

SOLICITOR: If you have got a good self-defense claim, talk about that. If you don't feel so strong about it, let's dirty up the victim. You can't put him up here and talk. That was a calculated maneuver. I just wanted you to recognize that. A couple other things. You heard a lawyer give his theory of events, okay. He talked about somebody spinning this way and shooting. You never heard any testimony about that. I tried get Goodwin to show you how it happened.

DEFENSE COUNSEL: Objection.

THE COURT: Sustained.

SOLICITOR: He tried to demonstrate through different—

DEFENSE COUNSEL: Objection.

THE COURT: Sustained. Tr. 663, lines 7-22.

Defense counsel's objections regarding the solicitor's closing remarks in question follow:

DEFENSE COUNSEL: And there were two objections in a row regarding the State referencing trying to get him to show. We think that's a compounding problem with Mr. Goodwin having been in having been in shackles and unable to. We even kind of talked about doing that ourselves but were unable to do that with him in shackles. Related to that, Your Honor. We need to put on the record, if the Court will allow us, I know it's from yesterday. There was a bench conference related to that objection. I don't think it was ever put on the record, so to preserve it we're asking to put that bench conference on the record about those objections that were made contemporaneously when Mr. Scott was at that time testifying saying, "Show me, show me," even got up between the jury box and Mr. Goodwin saying, "Show me, show me" where he had shackles on.

THE COURT: Okay. Well, the Court's concern yesterday during that bench conference was because, I believe there was an objection made, because Mr. Goodwin still had leg shackles on and because of security concerns, the leg shackles remained on, and we positioned him in the jury box outside of the presence of the jury. Then when Mr. Scott was demonstrating or attempting to get Mr. Goodwin to demonstrate what happened, there was an objection because Mr. Goodwin's range of motion was limited by the shackles. Of course, he had to remain in the seat with the shackles hidden, and so to the extent that he may have wanted to demonstrate that it happened in some way other than that being suggested by Mr. Scott, he would have been unable to do so. So to comment on that during the closing argument was inappropriate. I sustained the objection because it is, through no fault of his own, that he was limited in his ability to demonstrate. Counsel, you know, was made aware of the reasons for the limitations, but to say that he didn't show something otherwise is inappropriate and almost -- I can't think of a word other than disingenuous is not what I mean, but it suggests that he just didn't show it when he was prohibited from doing that. So that -- does that comprise your concerns, Mr. Brady?

DEFENSE COUNSEL: And I'm sorry. I think we do have a make a motion for a mistrial based on, again, all of these compounding prejudice of those objections. I do not think there were any curative instructions that can fix that prejudice, and we make that motion again, especially in light of our previous objections, and what we had said. Again, that was one of the largest issues is that calling back to Mr. Goodwin being able to reenact it, and

the issues we had about it.

THE COURT: That motion is respectfully denied.

DEFENSE COUNSEL: I think we also, technically, then have to ask, say it's insufficient. We don't necessarily want them to have to request curatives in order to preserve the record. Well, we think it's not sufficient, only mistrial would be we are also required to ask for curatives.

THE COURT: So odd because you don't think they 're necessary. Because if you're requesting a curative instruction, then I would ask you what curative instruction would you like, but if you don't think it's appropriate, you have got nothing.

DEFENSE COUNSEL: I don't think there's any that can fix the prejudices. Whatever the Court would like to do if the Court were so inclined. We would make that motion.

THE COURT: Sure. And I'm happy to entertain any suggested curative instructions.

DEFENSE COUNSEL: I don't have any model curatives in front of me. I think an instruction that would not satisfy the prejudice, but the Court could point to the issues for the jury, would be that improper argument and references to evidence was made by the State during closing arguments, " You are instructed to ignore any sort of arguments from the State that would appear to inflame your passions or have you consider evidence that the Court has not allowed for you to consider."

THE COURT: Okay. Well, if that's the extent of the request, then the Court declines to add any additional instruction. There is comprised within the jury charge instructions regarding making a decision without regard to sympathy, passion, prejudice, et cetera, no friends to reward or enemies to punish which gets at the heart of the request made by [defense counsel].

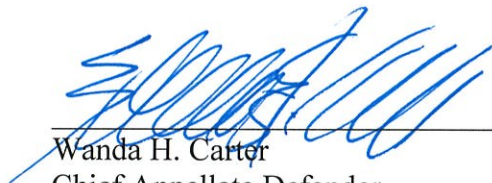
Tr. 676, l.11 - p. 678, l.1

Clearly, the re-enactment demonstration on cross examination that highlighted the existence of appellant's shackles was extremely prejudicial in and of itself, and this prejudice was furthered during closing arguments when the solicitor reminded the jury of the same by

commenting on the demonstration in an attempt to reduce appellant's defense and once more reiterate the existence of the shackles in the minds of the jurors, all of which resulted in reversible error on this issue and where a curative instruction would have been futile as the prejudice would have remained despite such an instruction. State v. Craig, supra.

CONCLUSION

Based on the foregoing arguments in this initial reply brief and all arguments presented in the initial brief of appellant, counsel for appellant requests that his convictions and sentences be reversed and his case remanded to the lower court for a new trial.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 6th day of July, 2026.