VOLUME II of II

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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 GOODWIN, APPELLANT

APPELLATE CASE NO 2025-000260

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regard to self-defense? Frankly, most of it is sort of a standard charge. It does not vary much from what the Court had drafted in the first instance.

MR. SCOTT: Your Honor, as long it's pretty much your standard. I would ask for your particular standard self-defense.

THE COURT: That's what I'm saying. This is more or less that. I've made some minor alterations based on the defense request --

MR. SCOTT: Okay.

THE COURT: -- but the only thing that I have not included is threats by the victim. That is on page five. I think it's subsection 3(d) maybe. I just don't remember any testimony about threats.

MR. SCOTT: I agree, Your Honor.

MR. BRADY: He did testify about "You're not with your homeboys, and if my Top Shot is getting out of the car, you have to get out of the car." That could be interpreted as threats particularly in concert with some of the defense exhibits that go towards that Top Shot link with firearms directly associated and a caption that says, "My Top Shooter" -- let me quote it, so I don't get it wrong.

MR. SCOTT: And I specifically asked him, "Did he make any threats to you as you asked him -- did he tell

you he wanted the gun and was going to use it on you?" Because I was trying to clarify this is your assumption, or is he making verbal statements that he would use a gun on you.

THE COURT: Right. I mean, and certainly words accompanied by acts, you know, is in there, but specifically to charge on threats by the victim, I just -- I guess there is something somewhere that someone could interpret as a threat, but there's nothing that's clearly a threat: "I'll kill you or anything like that." It's, you know, "I'm playing with you. Back up. Get out of the car" blah, blah, blah. So I'm not going to include that portion of it.

I will tell you as to intoxication, I have sort of combined one of the Court's charges with what is proposed by the defense, and that is certainly they can consider -- they have written intoxication of the parties because voluntary intoxication, there's some testimony that Mr. Goodwin was drinking.

So voluntary intoxication is not a defense to a crime. A person who becomes voluntarily intoxicated is just as responsible for the acts committed. However, the intoxication of the victim may be considered in deciding whether the defendant's fear of death or bodily harm was reasonable. Any objection to that language?

MR. BRADY: Well, I do object to that. We're not putting forward an accident defense or anything like that. I understand the Court seems to be saying it's more along the lines that could be argued that the intoxication, I suppose, led to it, I think the Court might be going with.

Particularly, with a self-defense case, we're not arguing that his capacity was diminished by the alcohol, and therefore, he shouldn't be found guilty of measure or voluntary manslaughter. We are only going to be arguing that he was entitled to act in self-defense. We will not argue accident in any way.

THE COURT: So that can be removed, unless the State requests that specifically, voluntary intoxication?

MR. SCOTT: No, Your Honor.

THE COURT: Okay. Good enough. Thank you.

Continuing on with the Defense's proposed jury charges on page seven, subsection 8, implicit bias. I don't plan to charge on implicit bias. It's sort of a fact of life. It's not a typical jury charge. It's not rooted in the law to give such a charge that I'm aware of. Let me hear from the defense.

MR. BRADY: Certainly, Your Honor. I know Judge Hood, he uses an implicit bias charge in jury trials now. I think it was suggested by Justice Beatty on the Supreme Court.

I took this one from a scholarly article that's fairly recent. I think it's one from an Ohio judge that I thought was fitting for the case. It's certainly a more common trend now. I think particularly in cases like this where we have -- a big question going to be reasonableness.

We have objective reasonableness which is something the jury must consider, as well as subjective reasonableness, and that does require the jury to consider Jerod's position and his background and his facts of life which I think are a significant part of this.

I think whether or not it's reasonable for someone from a Section 8 neighborhood that has drugs and guns to carry a firearm or option even if he doesn't have a Concealed Weapons Permit or something like that because they're used to needing that for their protection. I think it's important for that the jury know that's something that's on it, what they're background is when they're putting themselves in his shoes when there's a subjective consideration.

So I think especially we've heard testimony where, you know, there were questions that emphasized certain language to the people used. I think, you know, we heard the term homeboy a lot, and we heard the term like draw a line and really some emphasis on terms that people like we

wouldn't relate to but are just common language for different people who have different backgrounds. So I do think it is an important charge for this case, and I ask the Court to consider it.

THE COURT: What's the State's position?

MR. SCOTT: I don't think it's a proper charge. I've never seen it requested until I got here to Richland County, but it's really not their role to put themselves in the shoes of Jerod Goodwin.

It's not their role to put their shoes -- their feet in the shoes of Genesis Williams. Their role is to look at the evidence, hear the testimony and determine whether the State prove the case beyond a reasonable doubt. So I don't know that we use so many terms that, you know, the average person has to this understanding. You know, if I live in a bad neighbor, you know, does that give me the right to kill anybody, carry a gun? I disagree.

THE COURT: The Court declines to charge on implicit bias.

Subsection 9 stipulations, I just don't know if that's necessary. I mean, the sort of opening to the jury charges and telling the jury that they are to consider the evidence before them, the testimony, exhibits and any stipulations of counsel, I don't think even think that's raised much as an issue to the jury.

MR. BRADY: No. I think that was behind the -- kind of the carryover from when we started in the beginning this case before it was connected before the jury.

THE COURT: Okay. Thank you.

Spoliation of evidence. Talk to me about that, Mr. Brady.

MR. BRADY: Heard a lot of -- I think particularly Investigator Jordan that was not done. You know, there were items that had not been tested, and those are still in the State's control and custody.

I think that's certainly an issue that the jury is required to consider in whether or not the State has met its burden of proof beyond a reasonable doubt in whether or not enough evidence was presented and whether or not the State had evidence that was not presented or was not tested or both and whether or not that brings doubt into the case.

So I think there's enough testimony that's already been put in particularly from Sergeant Jordan, and I think also the firearms expert testified to the gunshot residue kit being at SLED pending. I do think the charge is appropriate.

THE COURT: State's position?

MR. SCOTT: This is sort of a civil litigation in a jury charge that really has no basis in a criminal case.

He's certainly going to argue, you know, the fact that oh man, they didn't test that DNA and look what -- look what it shows us.

They could have showed tested the GSR. It could have showed us Mr. Goodwin -- or if he's -- he is free to argue that. I don't really think that is an appropriate jury charge, candidly.

It's more difficult for me to argue against that. I do think this is something more we see in the Court of Common Pleas, but had we lost key pieces of evidence that, you know, potentially could have exonerated the man or whatnot, that puts me in a more difficult position.

THE COURT: It really comes down to where you typically see it is in destruction of evidence, withholding evidence, as in, in my mind, hiding it somewhere, not providing it, whatever.

In every case, there is evidence that is not presented to the jury. I'm sure in many criminal cases, there are items that remain without forensic testing, maybe not always, but it happens. There are plenty of things that the jury doesn't see, so just a general the other party didn't do this or offer this evidence or didn't test this, I don't think rises to the level of a spoliation charge. So the Court will not charge on that.

Does the State have anything else with respect to

defendant's requested charges?

MR. SCOTT: I just -- I think I would just ask that your Honor for the -- 11, really for this to be -- I think you -- you used Victor v. Nebraska as far as reasonable doubt. I think that's what you typically use.

THE COURT: I don't know what case it comes from but...

MR. SCOTT: Just the firmly convinced, and I think your standard reasonable doubt. I think 12, presumption of innocence would suffice.

THE COURT: So I have not taken these proposed charges verbatim. I think the essence of it, of both of them, is in the Court's anchored jury charges.

Certainly, every element of the crime must be proven beyond a reasonable doubt. I'm sure I'm going to same reasonable doubt 5,000 times throughout this jury charge. And the presumption of innocence, I mean, there's a charge about that, the robe of righteousness placed about the shoulders of the defendant, et cetera, et cetera.

So that's included in some fashion, although maybe not verbatim. I probably should have started this way. I'm going to tell you what I have: The duties of the judge and jury: Charge, arrest and indictment not evidence.

From State's proposed charge, I have included what is

not evidence. It's a single sentence that the statements and arguments of the attorneys, questions and objections of the attorneys and any testimony that they are to disregard is not evidence.

Any objection to that?

MR. BRADY: No.

THE COURT: Okay. Multiple charges, you must decide each of them uninfluenced by your decision as to any other indictment, the presumption of innocence, what is a reasonable doubt, doubt that causes a reasonable person to hesitate to act, direct and circumstantial evidence, credibility of witnesses. I've included prior inconsistent statements.

Any objection from the State?

MR. SCOTT: No, Your Honor.

THE COURT: From the defense?

MR. BRADY: No, Your Honor.

THE COURT: Expert witnesses, intent, criminal intent must always be determined from the circumstances surrounding the situation. Then I go into the elements of murder. Self-defense, being without fault, imminent danger, the right to act on appearances. I have included the State's request for the right of ejectment.

Is there an objection to that?

MR. BRADY: Let me look it over, Your Honor, just a

minute. We just exchanged these this morning.

(Pause).

THE COURT: If the victim had the right to use force to eject the defendant, then the defendant had no right to self-defense.

MR. BRADY: That looks like a California citation.

THE COURT: It is.

MR. BRADY: So I think Ms. Pinnock just helped me out a little bit here. Under State v. Bradley, this is all -- South Carolina law appears to be limited to the home and curtilage.

It also appears to be something of ownership and testimony of these defendants that they are allowed to use the vehicle, not necessarily that it's his vehicle. So I think that's another issue, but also under Bradley which they cited, that's actually a self-defense case where they say that if that person is acting in self-defense, the ejectment kind of goes hand in hand with that.

I think that really will confuse some of these issues for the jury. There's been zero testimony about Mr. Williams acting in self-defense and that case law is clearly geared towards a defendant and boosting that right to self-defense as a part of the Castle Doctrine scenario.

I don't know any South Carolina case law that applies it to vehicles. We even thought a little bit about trying

to use the immunity statutes to see if we could get any good instructions for being ejected from the vehicle under the doctrine, but I think there's case law that says that you can't use that. I'm not aware of anything else that would allow for that type of instruction.

THE COURT: Mr. Scott?

MR. SCOTT: Just that Bradley does talk about the current situation. That language comes from page five and page six. It deals with our current situation where the occupant has been slain in a homicide while he was in the exercise of his right to protect the premises.

Our Legislature has taken the Castle Doctrine, protection of home and hearth and extended that to any rightful place that a person has a right to be in.

To be explicitly in a vehicle, is there any other place they have a right to be in. So the idea taken from Bradley and taken from Lakey is if you have a possessory interest in a premises.

You have an invitee or you have some other person on your premises. You ask them to leave. They don't leave. You use whatever force to make them leave. You are in the right.

It occurred to me as I was looking for some kind of case like the Uber driver, taxi driver. We all understand somebody is being unruly, somebody throws something in the

backseat or being vulgar towards the driver, they have every right to stop the car and order the occupant out of the taxi. I mean, it's just common sense.

Even April Goodwin sat there and said, "Yeah, absolutely. I could tell them to get out of my yard. I have the right to make people leave my yard, leave the porch." If I'm in a car and I have somebody in the back that I no longer want to be in the back, I have every right to eject them.

THE COURT: Anything else, Mr. Brady?

MR. BRADY: Just again that State v. Bradley is a 1926 case. Clearly, it does not apply to vehicles, and I believe there's case law that says we cannot use the Immunity Doctrine to get that type of instruction, and there's been no extension of the Castle Doctrine to vehicles.

MR. SCOTT: 16-11-420, Your Honor, is the statute that extends the rights of the Castle Doctrine into cars and whatnot on other premises.

THE COURT: Right. This just seems like a very odd twist and sort of melding the concepts. The Court will not charge on the right of ejectment.

Moving on, I did include --

MR. SCOTT: I'm sorry, Your Honor, you said you will not?

THE COURT: Will not, correct.

I've included the decedent's violent reputation. Then I go into no other way to avoid the danger; that the defendant has no duty to retreat, the degree of force in whether a defendant must -- a person must make an exact calculation.

MR. SCOTT: Your Honor.

THE COURT: Yes, sir?

MR. SCOTT: I'm sorry to interrupt. Did you say the defendant has no duty to retreat?

THE COURT: If, by doing so, the danger of being killed or suffering serious bodily injury would increase. I'm sorry, I misread the first couple words of the sentence.

MR. SCOTT: Okay. Okay. That was in your charge or the defense?

THE COURT: Was it in mine? Yeah, duty to retreat whether it's an increased risk of harm. Maybe you didn't see it a moment ago, but there was no objection to that.

MR. SCOTT: I'm sorry.

THE COURT: Is there now an objection?

MR. SCOTT: Okay, I'm sorry.

THE COURT: Okay. Continuing until the threat of harm has ended. I have included a charge in there about an unlawful weapon. If a person is justified in acting in

self-defense and using deadly force, he is not guilty. Even if he used a firearm, that it was unlawful for him to posses at that time.

A person can be acting in self-defense even if he is in unlawful possession of a weapon if he was entitled to arm himself in self-defense at the time of shooting.

Okay. Then I -- that's the end of that. I then move on to the charge of possession of a weapon during the commission of a violent crime, grand larceny of a motor vehicle, and that's essentially it.

Does the State object to the jury having a copy of the charge in the jury room?

MR. SCOTT: No, Your Honor.

I do have -- if you look at the size kind of charge to the relevant size. It's a fairly standard relative size and weights of the parties may be considered in appearance in the course of self-defense.

THE COURT: Absolutely. I did include that.

MR. SCOTT: Okay.

THE COURT: I'm sorry. I just didn't carve it out as a separate heading. It's within some language about the characteristics of the parties.

MR. SCOTT: Is it your typical practice, Your Honor, to send the charges back to the jury?

THE COURT: For me, it depends on the case. I think

there's so many nuances in self-defense, and I tend to think that the average person thinks they know self-defense and don't really know about the law of self-defense.

I mean, it has a very specific legal meaning that differs from the way it's used colloquially, and because of the length of the charge, I propose to send it back to the jury. Is there any objection?

MR. SCOTT: I strongly -- it tends to me, to turn 12 citizens who have tried to listen and be unbiased and hear the testimony and look at the evidence, it turns them into amateur lawyers who are treeing to work with very complex legal issues amongst themselves, take their eye off of what they just heard and saw in court. If that makes any sense to you.

We're going to have like 12 junior lawyers back there trying to decipher various theories of law. See what I'm saying? That's my only argument. I don't have a strong -- that's just what I worry about happening back there sometimes.

THE COURT: Does the defense object?

MR. BRADY: I would like to go back. I think their duty is to apply the facts to the law after instructions, and this is the first time they're going to get it. It's useful, helpful and probably save us time in the long run.

THE COURT: I agree. I will send a copy of the charge back to the jury room, again because of the defense of self-defense and all that comes with that in addition to the length of the charge and people's attention spans are pretty short.

When it's a longer charge, some of those words that I say may fly by them. If this were simply a murder charge without self-defense without any other charges or something more direct, I probably wouldn't send it back unless requested by counsel, but in this case I do think it's appropriate.

Mr. Brady?

MR. BRADY: A few things, Your Honor. You may have said it and included it, but I just wanted to be sure. There was language that we included about withdrawing from the difficulty that goes into the rights of self-defense to the other party.

THE COURT: Where is that in your proposed charge? What page number?

MR. BRADY: Where prior difficulty exists -- this is on page three at the top -- the defendant has a right to self-defense if he withdrew from the prior difficulty and made it known to the other party, and that's from State v. Slate 360 SC 487 and 491.

THE COURT: That is included in the charge, worded

slightly differently but it is included.

MR. BRADY: And I think you may have said this, as well. The language that we hear about you don't have to wait for someone to get the jump on you.

THE COURT: Yes, that is included in there.

MR. BRADY: Okay. And then I did have one objection. I didn't hear us go over the specific language. I reached out to Appellate Defense. This is a continuing issue that we're kind of litigating.

They're looking at the language in the murder charge of excluding a just -- malice is a legal term implying wickedness and excluding a just cause or excuse. The term malice indicates a forum, purpose or design to do a wrongful act under the circumstances that exclude any legal right to do it.

I'm just providing this as background information. I'm certainly not arguing it because it's an unpublished opinion that's now at the Supreme Court pending appeal, but it's an unpublished opinion State v. William Sellers.

In talking to Appellate Defense, essentially the Court of Appeals said that that language is confusing and potentially burden shifting where it may make it seem like the defendant might have an obligation to establish if he's acting lawfully or if there's allegations of wrongful acts.

It certainly can confuse the jury in particular when you have the self-defense elements going on, as well. So they may contain some of these issues like malice and wrongful acts versus self-defense and without acting unlawfully.

So I think there's a definite possibly of confusion to the jury and burden shifting, and that is what the Court of Appeals in that opinion essentially said. Then they said the law is what it is. We can't overturn it. The Supreme Court is law right now. So to be clear, the law currently is this can be charged, but I want to preserve the issue by objecting to the language.

THE COURT: Understood. And I don't even know that I charge it using that specific language. I was trying to sort of do a key word search while you were speaking, but in any event, it's on the record preserved for appellate review.

MR. BRADY: Thank you. And then I know we've provided some later instructions on voluntary manslaughter.

THE COURT: Yes, sir.

MR. BRADY: I think we want those charges, as well. And we provided -- what was the case? I think -- yeah, okay. Well, then there's the voluntary charges sent to, Your Honor. I let Your Honor know we were looking at

another one about -- from State v. Jackson, if there's reasonable doubt between a greater and lesser offense, it must be resolved in favor of the lesser offense.

However, Ms. Pinnock has let me know that being a mandatory charge has been overturned, and I think State v. Gainey. I'm sorry, State v. Brightman 336 SC 338 it's still a permissible charge, it appears, but it is not mandatory.

THE COURT: What's the State's position on charging voluntary manslaughter?

MR. SCOTT: This is a self-defense case, and that's all they provided the entire trial.

THE COURT: Yeah. What would lead to a voluntary manslaughter charge?

MR. BRADY: I think there's been a good bit of testimony that the State has produced and that Mr. Adeyinka has talked about those prior difficulties and certainly that everyone agrees that Mr. Williams was reaching into the backseat, grabbing at him, pulling at him and trying to remove him from the vehicle.

I think that in combination, if the jury is to believe that Mr. Adeyinka's testimony and Mr. Gibson's testimony is truthful, that Jerod was still standing from this issue over at Greene Street and then that continued and never interrupted which is what Mr. Adeyinka provided

was kind of Jerod still being mad about that, and then this provocation leading to an incident, bit of aggression. You know, once he starts getting grabbed.

I think exact words that are Mr. Gibson Adeyinka used were, "You think I'm playing? You think I'm playing?" Which I think again goes towards whether or not this is an escalating heat of passion scenario with provocation as to being physically grabbed or carried over from earlier as Mr. Gibson Adeyinka also testified.

So I do think that there's been evidence presented through testimony that would go towards a manslaughter charge. I think I have one case to cite. The case I haven't cited, State v. Linder, 276 SC 304, 1981.

It's -- Mr. Linder was charged with capital murder for a State Trooper being shot and killed. The allegations were that the troopers pulled him over, and then after he was pulled over, he killed the trooper.

He was given a self-defense charge and was convicted capitally. He was denied a manslaughter charge. They reversed on the failure to provide the manslaughter charge finding that the jury could under Mr. Linder's facts and his testimony where the trooper had clipped him. His gun had come loose, and then the trooper pulled his gun in response to that, find that it was a heightened and agitated situation that led to the shooting.

So they reserved it. He was actually acquitted in self-defense retrial, but they did order that the manslaughter was sufficient for reversal.

THE COURT: The facts of this case don't support a charge of voluntary manslaughter. Even if Mr. Gibson Adeyinka's testimony is to be believed, that testimony is that there was malice; that he was sitting and stewing, not any kind of sudden heat of passion.

There's a build up: "You think I'm playing? You think I'm playing?" That would be evidence of malice, and that's if that witness' testimony is to be believed.

Certainly, if the defendant's testimony is found to be credible, we're not there with voluntary manslaughter. The Court will not charge voluntary manslaughter.

Anything else regarding jury charges?

MR. SCOTT: No, Your Honor.

THE COURT: Okay.

MR. BRADY: Nothing from the defense.

THE COURT: All right. We're going to take maybe ten minutes while I polish off this jury charge, and we'll get to closing arguments.

(WHEREUPON, a short break was taken.)

THE COURT: Yes, sir, Mr. Scott?

MR. SCOTT: Did you see my email?

THE COURT: Not at all.

MR. SCOTT: Just on that last -- right before you went to chambers, I was in the middle of doing some stuff, so I didn't have my argument in mind, but it occurred to me use of vehicle without permission is not a lesser grand larceny. Petit larceny is. Use of vehicle without permission envisions the vehicle. The grand larceny and element does not encompass. Lesser included of grand larceny is petit larceny.

THE COURT: But the grand larceny is alleged to have occurred as to a vehicle, so it's grand larceny of a motor vehicle.

MR. SCOTT: Right, but use of vehicle without permission is a vehicle specifically.

THE COURT: Okay.

MR. SCOTT: And value is attached there, as well, as far as grand larceny.

THE COURT: That's true. Mr. Brady?

MR. BRADY: State v. McNeil, 314 SC 473, "On the other hand use of the vehicle without permission is a lesser-included offense of larceny."

THE COURT: The Court will charge the jury on use of a vehicle without permission.

MR. BRADY: Thank you.

THE COURT: All right. Anything else before we bring the jury? Ready for closing?

MR. SCOTT: Nothing from the State.

THE COURT: All right. Good. Bring the jury, please.

THE BAILIFF: Yes, Your Honor.

MR. SCOTT: Oh, wait there...

(Pause).

(Whereupon, the jury entered the courtroom at 11:32 AM).

MR. BRADY: Do you want contemporaneous objections or at the end?

THE COURT: At the end, please.

THE BAILIFF: The jury is all seated, Your Honor.

THE COURT: Thank you. Welcome back, ladies and gentlemen. We've now come to one of the last phases of the trial of this case.

The defense rested their case before you left the courtroom. Of course, you've heard all the State's testimony. It's now time for the closing arguments of the attorneys and my charge to you on the law which applies in this case.

After all of that, you will deliberate and continue to deliberate until you've reached a verdict. We have ordered lunch for you. As you should know, that lunch should be here around 12:30. Hopefully, that's slightly before you begin to deliberate.

So once you get back there, the lunch will probably be there. If it's not, the bailiffs will knock and interrupt you to give you your lunch. Whether you decide to take a break and eat lunch -- not a break to leave the room, but to sit back there and not deliberate so everyone can eat lunch or whether you want to eat through deliberations is totally up to you.

You know, the way deliberations look is your call. I will repeat this, I'm sure at the end, but the foreperson of the jury will be in charge of the deliberations and be the jury spokesperson. That foreperson is going to be juror 199. Raise your hand.

(indicating).

Okay. I just want you to switch seats with this lady in the front corner because that is now your seat. It will be your responsibility to write the verdict, and communicate with the Court if that becomes necessary, but before we get to all of that, I'm going to ask you to give the attorneys your full attention for their closing arguments.

Who is opening for the State, Mr. Scott?

CLOSING STATEMENT:

MR. SCOTT: May it please the Court. Nearly all of us share the understanding that every person should continue to live, and to kill someone is wrong beyond all

other things we could do, right.

You hold human life to be priceless. We say all of us, nearly all. That is a basic tenant of civilized society, is it not? We have religious commands, right?

MR. BRADY: Objection.

MR. SCOTT: We are beings --

THE COURT: That objection is sustained.

MR. SCOTT: We are beings with a soul, right? We are children of some other being. To kill another, to destroy the design of a creator, all major organized religion or belief systems --

MR. BRADY: Objection, Your Honor.

THE COURT: Sustained.

MR. SCOTT: We all hold life to be valuable from our own beliefs, correct? All right. Well, how about a philosophical. We will talk about philosophical prohibitions against that. Aristotle, we believe in the hierarchy of beings based on what kind of soul they have.

Okay, philosophically speaking, I'm not talking about religion. I'm talking about philosophy. At the bottom are the plants and trees, okay, nutritive souls. Next, we would have sensitive souls. That would be the animal kingdom.

We were searching for value in human life beyond plant life, beyond animal life, right. This a higher way

of thinking. The top tier, Aristotle said, was human life, okay.

And we were given reason, and that's what made human life valuable beyond all other lives. Legally, every government, every organized government has a prohibition against killing.

So no matter what belief system you have, okay, we all have that basic tenant, and we are taught that pretty much from birth, right. Human life is valuable beyond anything else. We only get one of them, right? We only get one shot, right?

So what about Richland County? How do we feel about killing here in Richland County? Have we gotten so used to the killing that we begin turning our heads? Are we not to be bothered by people killing one another over the most minor things, needless things?

Can we accept someone to be killed because they post something disrespectful on social media? Do we believe that? What if someone owes you $200, and they don't pay you back immediately? Do they deserve to die?

What if someone says something to you that you perceive as disrespectful, is that a license to kill? If someone demands you get off their property, they tell you get off their property? And I say that, every one of those fact patterns has been the basis of a murder I tried

in this courtroom.

MR. BRADY: Objection, that's outside the case.

THE COURT: Overruled.

MR. SCOTT: That's what happens. People die over every day in Richland County.

MR. BRADY: Objection again, community.

THE COURT: Overruled. Continue.

MR. SCOTT: What value do we have here? Do we still hold human life to be valuable in Richland County? Do any of those reasons mean you get to kill somebody? The answer is no. Human life should be invaluable.

It should be something you can't put a price tag on. We hope in Richland County we still hold that value. Hopefully we believe that our fellow citizens shouldn't be killed for trivial disputes because of the whims of gun-toting murderers.

August 15th, 2021, that's the day Genesis Williams was gunned down in the street and left to die on the asphalt by somebody he thought was his friend, left to die like a dog, like road kill. That's him.

You'll have the picture. Look how he was left to die. Over what? Why is there a mother without a son? Why is there a father without a son?

MR. BRADY: Objection.

THE COURT: Overruled.

MR. SCOTT: Why is there a brother without a brother? Why is there a daughter without a father?

In Richland County, we don't believe somebody should die based on the whims of a gun-toting murderer strapped within a gun he knows he's not supposed to have, stolen gun, tucked in his waist with a bullet in the chamber.

The chain of events leading up to that began on the night of August 14th, 2021. It was then that Genesis Williams got together with Jerod Goodwin at Jerod Goodwin's house on Greene Street. You heard a lot about Greene Street.

According to testimony, they sat outside in the car, smoked at least two blunts of marijuana. The two rode in a car that belonged to Genesis Williams' girlfriend, that Genesis Williams had permission to use. Keep in mind he was an invited guest onto somebody else's property. That's going to come up later.

He said they went to a club on Two Notch. They left that club, went to pick up Artiz. He testified he was surprised to see Goodwin in the car when they arrived. He wouldn't expect -- he knew Genesis was coming. He wasn't expecting he had a passenger in the front seat. Sadly for Genesis, he did. It was Jerod Goodwin, said -- he said he jumped in with Jerod, with Genesis and Jerod.

He said he wasn't dressed to go to any club. Pictures seemed to back it up. He wore a white tank top. Jerod Goodwin called it a wife beater, said they visited the bootlegger Jerod Goodwin knew and they bought a bottle of tequila.

Now they're driving around drinking tequila and smoking weed. They went to a gas station, saw some footage from that gas station.

They went to a bar called Felicities on Fairfield Road. Shots were fired at the club. However, they continued to hang out in the parking lot. It's very, very late now. There are no more clubs to go to, so they go back to the Greene Street house.

Jerod Goodwin said they drank and smoked some more there.

Jerod Goodwin said that Genesis got into it with one of his good friends. He talked about he was a very good friend of his, and that was one he refused to identify to law enforcement when they asked him about that, talked about Danny Sims this week in trial, didn't tell law enforcement about that. I don't know why. We don't know why.

Maybe he didn't want law enforcement talking to Danny Sims, but it was interesting if it's a good friend of his when they asked what's this good friend's name. He said,

"I don't know."

I don't know my good friend's name. Maybe I don't want y'all talking to him. Goodwin says that this was so heated he had to physically restrain this good friend of his, and again, this friend is an interesting character. Goodwin only seemed to know his name when the right people asked.

Like I said, when deputies asked about this person, he claimed he didn't know his name. At trial this week, he said the guy is Danny Sims. Who knows why he wouldn't tell detectives when they asked him what the guy's name is.

Did this good friend of Jerod Goodwin have something to do with Goodwin's decision to arm himself and kill Genesis Williams that night? I don't know because it was after this heated argument within Jerod's good friend that Jerod Goodwin decides to arm himself with a stolen pistol and jump in the car with Genesis Williams and Artiz.
I don't know.

At any rate, the argument between
Genesis Williams and this mystery friend spilled over into a tussle with Jerod Goodwin. Jerod Goodwin, you heard him talk about Genesis and he mushing each other's faces, and they had a physical altercation.
They put hands on each other, as he said. So mushing

each other's faces.

They're doing a very disrespectful thing, right, make somebody angry doing that to one another. He said they tussled which indicates another physical altercation between the two of them at his house.

It is at this point, I suppose that April Goodwin comes out and says everybody out of my yard, a sensible reaction because you got Jerod out here smoking weed with everybody and drinking, and you have Genesis getting into it with Jerod, getting into it with Danny Sims, everybody being noisy.

April Goodwin tells them, "Leave my property." And she talked about, on the stand, how everybody knows when you're on somebody else's property and they ask you to leave, you do it. She said that's a basic legal concept.

Jerod Goodwin said it, too. He said, "You know, Mr. Scott, if you were at my house and you let me have it, I would push you out the door." I said, "You have every right to."

Okay. But Jerod Goodwin only seems to understand that basic concept when it's convenient for him, all right. Everybody out there who is being loud and boisterous, when April told them to leave they said, "Okay. We're leaving."

Nothing else bad can happen in that yard because

everybody is dispersed, everybody left when they were supposed to, okay. So nobody else could be at fault for anything that happened. You can't be at fault for something if you leave the event, right. You can't be in a fight with somebody if you walk away from them.

All these people understood that basic legal concept. That's something school children learn. Adeyinka at this point decides something pretty sensible. He says he's ready to call it a night and go home, right. I mean, they've been to a club, shots were fired.

I think for most of us, that would be the end of the night. He had seen a couple of tussles. He's seen people arguing. Apparently, guns were pulled out at some point. They went to three different clubs. I kind of lost count.

By now, the sun is coming up. The sensible thing to do is this night let's call it a night. It didn't do as we hoped. Let's go home, and that's Artiz Adeyinka has to do.

Mr. Adeyinka said he recognized that Genesis had been drinking. Again, they just polished off a bottle of tequila. Jerod Goodwin, Artiz Adeyinka, I lost count of all blunts they smoked during the night.

Adeyinka says he'll drive. Again, it's close to sun up.

Now, you think every would have called it quits long ago, but Jerod Goodwin does something very peculiar. There's no good explanation. I asked and asked, and I couldn't get any explanation whatsoever.

We knew Jerod Goodwin lives right near Five Points, okay, just for reference, Greene Street. You know Artiz Adeyinka lives way out Garners Ferry heading towards Sumter.

Goodwin says that's like 20 minutes away, okay. By now, it's like 5 a.m., 5:30 a.m. He's been drinking. He's been smoking. He's been fighting. Genesis Williams has been belligerent, apparently, and they're going to drop Artiz Adeyinka off, and presumably Genesis is going to go home, right, because they've been up all night.

He does something very peculiar. He takes that Glock, the stolen Glock, tucks it into his pants so nobody can see it, chambers a round and he gets into the car. When this person with the defense is now trying to say is this violent person. He's real scared of the Genesis Williams guy.

My question to you is does that make sense? Do any of you think it's a good idea to do what he did? Get in

the car with somebody. Think about it. If you had been fighting with somebody all night.

You're scared of them. They're dangerous. They're drunk. They're belligerent. You have to restrain them because they're fighting somebody else. They're leaving the scene of your house.

They're driving far away, and to do just a very routine task of dropping somebody off and then going home, why did he get in the car with him? You think maybe he had something in mind? Maybe?

As Artiz and Genesis are in the car about to drive 15, 20 minutes away from Greene Street, that's what I said, Goodwin jumps in the backseat with a stolen pistol tucked into his waist band.

He's armed himself with a stolen pistol knowing he's not supposed to possess a firearm whatsoever. Again, that was another thing. Ask yourselves why after all that's gone on that night does he make that move? Why does he decide after being up all night after realizing there were no more clubs left to visit, after he's already home, his bed is just feet away. Go in the door, man. Call it a night. Sleep it off.

He's already come home, dressed himself for home, said he changed into something more comfortable. Why did he decide to jump in that car? Why does he need this gun

now because he says he arms himself once he gets to his. mother's house even though his mom said he doesn't have any guns. That's the testimony.

Why does he put on a different shirt and arms himself? His testimony was he wasn't armed before that night. The mom said if he got a gun from inside the house, he's lying. That was his own mother.

I just want to know why -- I mean, when you're about to ride out, drop somebody off. There's a routine kind of a chore, you arm yourself with a gun. Why do you chamber a round.

Obviously, he knew it was going to be him and Genesis after Artiz got dropped off. All right. That just makes sense. If you're in the car with Genesis, after you drop Artiz off, it's just going to be me and you.

Genesis says who just mushed his face and tussled. Genesis had just got into a fight with Jerod Goodwin, his best friend, who he can only sometimes remember his name. Genesis runs sideways using some kind of street code. What did Genesis do to put this mark on his head? Think about that long drive out to Dominion Drive and Prince Edward Court.

Earlier Genesis Williams had been about Jerod Goodwin's house, and he left voluntarily. Now he is in Genesis Williams' car, and it seems he has invited

himself.

I never heard anybody tell him to come along. They just said they were leaving, in the back seat. Shockingly, the arguing begins again between Genesis and Jerod.

It's the same subject matter: "I'm not a bitch. You're a bitch." This is what's going on when you're smoking weed and drinking all night. Genesis and Jerod are challenging each other's manhood.

For some reason, for some young men, it seemed that the idea someone would challenge how much of a man you are is some form of disrespect that cannot be tolerated, right?

I don't know if y'all seen that. Young men, I don't know if it's a self-esteem thing, but they can't handle their manhood being challenged. That can't be allowed. This machismo is probably some issue with only self-esteem.

You call me a bitch, that's just your opinion. But some young men just cannot stand, okay. Maybe this is why so many young men feel the need to carry a gun, glorifying guns, steal them, possess them illegally. Guns seem to symbolize the ultimate image of being a macho man.

MR. BRADY: Objection.

THE COURT: Overruled.

MR. SCOTT: This is what Jerod Goodwin was talking about. He talked about how it completely changed the dynamics of a one-on-one scrap, right, because the gun -- you know, it changes dynamics of what would just be an ordinary one-on-one altercation, and this guy with the biggest gun or the most guns is the man, and now he can't be called a bitch, right.

You're going to call me a bitch? I got something for you. That's a dangerous idea. That's a dangerous idea. This reckless mindset is what is responsible for so many young men walking around with illegal guns in their pants ready to use them with the slightest provocation or for protection. "I ain't no bitch. You're a bitch." Pulled into the Citgo. They polished off that bottle of tequila. They lost count of how many blunts they smoked. Arguments have been on and off for hours now.

Jerod Goodwin and little Genesis Williams have already laid hands on one another. We're sitting there now why doesn't Jerod Goodwin get out there at the Citgo? "Get out man."

Things aren't going right. Things haven't been going right all night. You know, every time it seems like it's calmed down, it's ramped back up. Just get out, man. You don't need to go to Artiz Adeyinka's house to drop him off.

You don't need to go home with Genesis Williams, be alone. If the two of you can't control your attitude towards one another, why doesn't he get out of the car here and catch a ride home. Would a reasonable person do that?

Not saying that he's doing one single reasonable thing all night. Would a reasonable prudent person have gotten out of the car at this point? What about his girlfriend who lives down the road on Decker Boulevard. "Jessica, I'm at the Citgo down the road."

MR. BRADY: Objection, facts not in evidence.

THE COURT: Overruled.

MR. SCOTT: "Jessica, my girlfriend, down the road, can you come get me?"

Why not call her. Mom was already up at the house. She said, "I would you gotten him." Jerod Goodwin has a perfectly functioning car, Crown Vic. She loves her son. "Mom, I know you're up. You talked about earlier how you were going to get coffee." She said she was going to a niece's house. "I need you to come get me."

What about guy who picked him up after he ditched the stolen car? That guy, I think he lives out on Decker, too. What was his last name, Sims? What about him. That's a good enough friend that he allowed him to hang out at his house for two days when he was on the run.

Because, if you remember, he stole the car, dumped it off, got this one guy to pick him up, take him to his apartment. He was there for two days.

Pretty good friend, he's going to hide him out when he's on the run. Surely that guy would have come picked you up if you needed him to, right. You call a taxi service, Uber. That's the sensible thing. That would be what a reasonably prudent person would do.

It seems, though, that Jerod Goodwin was already locked in at that point. That gun was starting to feel heavy in his pants. You're a man if you have a big gun, but you're a bigger man if people know you're willing to use that gun, right.

Jerod Goodwin -- Genesis Williams and Jerod Goodwin? continue to argue as they drive out to Artiz Adeyinka's home. Artiz stops the car three houses away. His home here in State's number 2 at the very end of Prince Edward, stops the car here because these two have been arguing all night and they're still arguing.

He says, "I don't want this in my mom's driveway. I'm getting out." That's the sensible thing to do. You hear him say -- he even used the pointer. He's driving, said he got out and walked around to the passenger's side to get some cigarettes. Do you remember him saying that?

He said as he's over here, Genesis Williams gets out

and after realizing he was about to be left alone with this dude who has a gun on him all night, goes around here, opens up this door, according to Jerod Goodwin, tells Jerod Goodwin to get out of car.

Unlike all the people in his mother's yard who left when they were told to do so, he said no. Why Jerod Williams is even in the car in the first place is something I hope you've been asking yourself. He shouldn't have been but he was.

Again, when you're on someone else's property whether you have been invited or not, they ask you to exit the property, whether it's their house or their yard or their car, you must leave, simple. You have to leave. It's a basic concept. School children understand this.

Jerod Goodwin is someone that feels as though the rules don't apply to him, right. I'm not supposed to have a gun. I don't care. I know you want me out of your car. I don't care. I know you want to live. I don't know care.

Genesis Williams, again, opens up that rear passenger door, and again tells Goodwin to get out. He still refuses. Williams tries to pull the much larger man from the passenger's side. Again, that didn't work, not what Jerod testified to.

He opened up that rear passenger was trying to pull

him across the seat. It occurs to me he's closer to the gun then. It was on his right side. Why didn't he go for the gun then?

Genesis Williams, after Jerod Goodwin won't get out because he doesn't want to, the rear driver's side, he opens the door, tells him again to get out of car. "I don't want to be with you anymore. I don't want you in this car with me."

Still no luck, pulls on Goodwin to get out. Goodwin testified that he got out of the car three, four times but would just get back in. After he was taken out of the car, he continued to get back in the car.

This is a -- here is a very important point that came up yesterday, and I hope y'all paid attention to this. About the last question I asked, and it was any of those organization three or four times that you stepped out of car or he pulled you out, right -- you could have take six, seven steps this way. You could taken seven, eight, nine, ten steps this way and completely avoided any further issues. You could have completely avoided the danger. he said, "Yeah. I could have done that." Do you remember that? That was about the last thing I asked him. That was about the last answer he gave before I sat town.

I could have completely avoided the danger.

You admitted yes, he did have other means of avoiding

shooting Genesis Williams. He didn't -- maybe that wouldn't have been tough enough if he had just gotten out when asked to do so.

He's described as 5'7, 150-pounds Genesis Williams pulling on him, and he theorized that if he would get my gun he would turn it on me and shoot me. He says that in the past, Genesis had never done anything like that to him before.

It occurs to me, too, and I hope it occurs to you on the one hand he wants you to believe Genesis was armed that night, too, despite no evidence whatsoever, despite Genesis didn't even have a gun.

Despite nobody, one, ever saying he didn't have a gun in the car at the scene, he wants you to believe Genesis Williams had a gun that night. Ask yourself this: If Genesis Williams had a gun, why is he trying to take his gun?

Why doesn't Genesis pull a gun, aim it at him and shoot him so easily when it -- I mean Jerod Goodwin shot him, just as easy, you could imagine. If Genesis had a gun, why didn't he just keep it on him.

Do you see what I'm saying? Because y'all remember him trying to convince you that Genesis had a gun, too. Why is he trying to take a gun off a much larger Jerod Goodwin?

He's a dangerous dude. Why is he trying to take a gun off a much larger Jerod Goodwin? Does that make any sense? No, it doesn't, but he theorized he was trying to get my gun, and I just knew if he got it, he was going to turn it on me.

Despite there never being any threat, I asked him did he say he was going to kill you? Did he say he was going to get this gun and use it? No, it was a theory I have. So when I make an assumption I'm justified in killing somebody. That's what he testified to. Think about that for a minute.

Think about, too, that Genesis Williams is 5'7, 150 pounds. Jerod Goodwin is just under six foot tall, said he weighed about 215 pounds, high school athlete. My math, which is not so good, tells me he outweighed him by 65 pounds, Jerod Goodwin did. Are you tracking with me right now?

The way things used to go was this, okay. If there was a disagreement with two guys, and they had to figure out who feels more macho, two egos decided they had to get physical to resolve a disagreement. They fight it out, right. They thrown punches.

How many old people or older people have you heard lament man, back in my day, we would just thrown fists. Usually, we would be cool after that. If somebody gets

beat down, they take the licks, that would be it. I guess those were the good old days. It doesn't happen like that anymore, right.

How many older folks, people, have you heard say that? Back in my day, we just throwing fists when it came to something like that, but I don't know.

Maybe some people aren't taught the value of human life they used to be taught. We don't have Jerod Goodwin walking around with a fully loaded pistol in his pants, a bullet chambered and no safety on the gun. We don't have a dead father, brother and son. He said that himself.

I said, Jerod, if you had not taken that gun, you know you weren't supposed to possess, that stolen pistol and put it in your pants that night, Jerod Goodwin would still be alive today, wouldn't he? He said, Yeah, he would. He would."

You're asking for his last breath on the hot blacktop on the south side of Columbia. You don't introduce guns into the equation. We have a much larger man against a much smaller intoxicated man. They were all -- they brought a toxicologist in here to talk about how drunk Genesis Williams was, .177. That toxicologist said you would be sluggish, uncoordinated at that point.

I said, "Does it give you super human strength?" I don't know that he would have been able to fight himself

out of a wet paper sack, 5'7", 150 pounds.

Another thing -- well, that's what I was taught. I guess I have it on here twice, but that is a good point, though. Like I said, Genesis has a gun, and as Jerod Goodwin was saying, "Why do we need to take the gun"?

Did Genesis Williams have a mark on him that night? I don't know. Jerod Goodwin's testimony was that he theorized if Genesis Williams was able to get the stolen Glock out of his pants, he would turn it on Goodwin.

Goodwin's concept of the value of human life: Kill a man based on assumption. Jerod Goodwin then says he pushes Genesis Williams off of him and fired his gun at him, shot Williams three times.

You know that. The pathologist, the guy who did the autopsy, he can't tell you which shot comes first. He can't tell you which shot came last. He can't tell you any particular order that the shots were fired, but what he can tell you is this: The two shots that go front to back, he can't tell you the range, okay.

But this particular shot here, what he said was soot is observed zero to six inches away. So Jerod Goodwin shot this man right here from zero to six inches away, okay. So we know it was zero to six inches away.

We can conclude that he was much further when he shot from the front. How does that happen? I don't know. Is

he running after him when he's shooting? Somehow he's getting closer to him when he fires this shot.

So was that the first shot, and then if he's facing the guy, I don't know how you achieve this. He would shoot himself because there's an exit right here.

The evidence doesn't lie. Genesis Williams has a bullet that goes from his back to his front. Y'all handle that information however you see fit. That wasn't a fatal wound. These two were but not immediately.

Was there the potential to save Genesis Williams. He could have lived despite all this, but Jerod Goodwin jumps in that car. The car he had been asked and told to get out of all night, takes it. The killing happens right about here -- takes it down here and says out uh-oh, dead end.

So he turns around, driving over evidence the whole time, right. Stops the car with his so-called friend lying gasping for air in the road. You have Adeyinka, "Stay with me, stay with me" trying to pick Genesis up, trying to render aid, stops the car, and this is a moment. We don't know what could have, would have, should have happened.

Perhaps if he gets Genesis in the car, they go straight to the hospital, perhaps Genesis would still be here with us. Perhaps he lives, but what does Jerod

Goodwin do?

Stops, takes a look at what he did. Hauls ass. Does he put his foot on the gas? Left the scene. Did he call 9-1-1? No. Did he call the fire department? No. Did he call EMS? No. Did he stay at the scene? Absolutely not.

If it's a justified killing, the State has to explain. I'm having to do this. He is fleeing the scene, and he is immediately taking steps to cover his tracks to hide out while this man is laying gasping, his last breath on that hot asphalt.

Some friend, right? Hightails it out of there, drives home, changes clothes. Why? I don't know. Why does he change clothes? He's got the presence of mind to make these decisions after he kills this man. He's thinking clearly now, I got to cover this. I got to stay on the run long enough to come up with some kind of story here.

So I'm going to go home, change clothes, then I've got to get rid of this car, too, because that will link me to him. Takes the stolen car, not only does he park it at some apartment complex, he backs it in, okay.

It's kind of tough for the police tag readers to identify that car when the tag is backed up against the wall, right? He had the presence of mind to do that, too.

Does that sound like somebody who is panicking to you

or maybe somebody who knows they did something wrong, knows they shot a man for no good reason, and now they've got to be on the run, hides out at the friend's house a couple days, and then he goes to a cousin's house. He says it was his aunt, then his cousin out in Lexington County, hides out there for the next 107 days before a fugitive task force locates him.

He has an AR rifle at the foot of his bed, and there's that stolen Glock ready to be used again right on top of him. This is the story of a murder. This is a story of a needless killing.

He's got three charges for you guys to consider. It really is murder. He's got a possession of a weapon used to commit a violent crime, and he's got a grand larceny of a car.

The Judge is going to instruct you on the law. If I can work this thing, I want to go over it all with you a little bit.

Murder, we know, is the killing of somebody else. Legally speaking, the State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought.

You hear on TV and other states they talk about premeditated murder. In South Carolina, we have malice aforethought. That is a prerequisite of proving murder.

You kill somebody with malice aforethought, what is malice aforethought?

Okay, the Judge is going to instruct you on this, so you'll have the jury charges back there to look at. It's hatred, ill will, hostility toward another person. It is the intentional doing of a wrongful act, a wrongful act, without just cause or excuse, an attempt to inflict an injury under circumstances, the law will infer an evil intent.

How can malice be shown? Either express or inferred. Express and inferred do not mean different kinds of malice. It's merely the manner in which it's shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred, ill will for another. "You think I'm playing? You think I'm playing," words that talk about what their intent is, what they need to do to somebody. "You think I'm playing?"

But when the person prepares beforehand to do the act which is later accomplished, and they prepare beforehand, in other words, you arm yourself with a stolen gun. You conceal it illegally. You chamber the round. That's how malice may be shown.

It may also be inferred when conduct showing a total

disregard for human life. That's what we're talking about here, regarding human life. Do we have it? Do we still value life in Richland County is my question.

Does Jerod Goodwin value human life? No, he does not. If he had any shred of value for human life after he did this to this man, he would have helped seek medical attention. The pathologist said he could have been saved, left him to die like roadkill.

Possession of a weapon during the commission of a violent crime is just what it sounds like. I have got to prove the defendant was in possession of a firearm. He's already admitted to, in possession of a firearm.

Murder is a violent crime. If you committed a murder and used a weapon, that's all the charge is, possession of a weapon during the commission of a violent crime.

MR. BRADY: Objection, Your Honor.

THE COURT: I'm sorry, I didn't hear what you said.

MR. BRADY: May we approach briefly?

THE COURT: Yes.

(There was a bench conference in the presence of the jury but out of the hearing of the jury.)

THE COURT: Proceed, Mr. Scott.

MR. SCOTT: He admitted he stole the car, right. We heard Jamiah Wilson said, "That's my car. Genesis had permission to use it. I don't know Jerod Goodwin. I

never gave him permission to use it," took the car and hid it.

He never called Jamiah and said, "Here is where you can find the car." He just took it. He stole it. We understand that, right? This is grand larceny greater than $10,000. You all heard the testimony the value of that Chrysler was $14,998. Therefore, that is grand larceny. It's the stealing of a car with a value of more than $10,000.

Elements of self-defense, okay. This is what the judge is going to talk about to you guys. Jerod Goodwin must be without fault in bringing on the difficulty. If you are to believe self-defense, all of these have to apply to him.

If you don't think -- any one of these fails, it's not self-defense. I think you already know this is not self-defense. The shooting of an unarmed man in the back, we know that's not self-defense, but I want to walk through legally why we know this. Because it's got to be shown. You have to believe that he was without fault in bringing on the difficulty, okay. That's element one.

Element two, Jerod Goodwin must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in such danger. Okay.

Was he in actual imminent danger by a drunk 5'7, 150 pounds Genesis Williams, unarmed? Was he in imminent danger of losing his life? Okay, you if you believed it, like he thought he was, he must show a reasonably prudent person or ordinary courage -- I'm not talking about the bravest guy in the world. I'm not talking about the biggest coward in the world, would they have thought the same thing.

Would an average person -- somebody had asked him to get out of car and pull it on him, and thought they were about to die? I don't think so. Did April Goodwin, you know, whenever she told those people to leave, did any of them probably think they were about to die when she asked them to leave the property?

Genesis Williams asked him to get out of car. Why, at that point, do you feel like you're about to die? Would an ordinary person have that thought? When Genesis Williams tries to pull you out, why do you think you're going to die? Would an ordinary person think that?

Now here is the final element, okay. From the defendant's mouth, he says, "This does not apply to me." He admitted this is not self-defense okay.

The fourth prong of self-defense is this: Jerod Goodwin must be shown to have no other probable means of avoiding the danger, okay.

Prong one, because they bring up self-defense. We have to talk about it. Jerod Goodwin must be without fault in bringing on the difficulty. Jerod Goodwin was solely responsible.

He even said, "Don't put that stolen loaded gun in your pants." He knows he's not supposed to have a gun. You don't put it in your pants and get in that car, Genesis Williams is still alive today, right? "Yes." Do you remember he admitted that? So he can't say he. is not without fault in bringing on the difficulty, but he continues to take the steps to bring on the difficulty.

He didn't leave someone else's property when told to do so multiple times. Avoid the difficulty, get out of somebody's property when they ask you to. Get off of somebody's property when things are going there. Don't continue to interject and put yourself in a situation to bring on the fault, and he's armed illegally.

Jerod Goodwin was at fault in bringing on the difficulty. He fails prong one immediately. His whole self-defense argument is over on the first prong. Prong number two is this: Jerod Goodwin must have been in actual imminent danger. He has got to be shown to be in actual imminent danger. You all have to believe he. was about to be killed had he not killed this man, losing his life was what was bothering him -- or he must have

actually believed he was in such danger, okay.

Jerod Goodwin's testimony was that he only theorized that Genesis Williams was trying to get his gun. He said there is something they call the waist check. He has got a name for it, so I don't know if this happens often or what.

He says this is when somebody touches your gun whether purposefully or inadvertently. He just, in his mind, he was doing a waist check. Well, could it have been inadvertent trying to get his big ass out of the car when he won't get out and that he accidentally touched it and illegally possessed a gun.

I guess if you're Jerod Goodwin, you have an assumption just kill, just go ahead and kill, ask questions later. He says he theorized he was trying to get his gun.

Jerod Goodwin's testimony was that he theorized that if Genesis Williams had gotten his gun, which he says he never did, there is no testimony that Genesis Williams ever possessed this gun. He theorized. "I just assumed that if he got my gun he turned it on me and maybe shoot me." Well, that's a big assumption to make, buddy. And when you get that assumption wrong, there's a little girl left without a daddy.

So your theory does not show he was in actual danger

5'7", 150 pounds, unarmed Genesis Williams. Sorry, Jerod. You failed that prong, too.

Moving on to the third prong now. If he did believe he was in such danger, he must show that a reasonable person of ordinary courage would have had that same belief.

A reasonable person of ordinary courage would not just assume his unarmed friend would take the gun and shoot you with it. I mean, he testified that Genesis has never done anything like that to him before and laid hands on one another that night.

Why do you just assume -- why would a reasonable person just assume he was going to turn, grab the gun and shoot him? I think -- you know the issue is this: You ever heard the saying if all you have is a hammer, that's the only tool you have, then everything starts looking like a nail?

It's almost like if you arm yourself with guns and you think about guns all the time and you carry guns all the time and you glorify guns all the time, it almost seems like every problem, every minor issues, seemed to call for that tool to be used but guns really should be used in only the most extreme situations, the most extreme, but if your tool is a hammer, everything starts looking like a nail, doesn't it?

Your life revolves around guns, maybe every situation in your mind seems to call for the use of that gun. Somebody is asking you to get out of the car. Whose mind jumps to, "I'm going to kill this man now"? Would a reasonable person entertain that?

A reasonable person would not feel the need to use a deadly weapon against a smaller unarmed person. He fails prong three. And by the way, if he fails any one of these four, self-defense has been disproven. Strike that out of your mind.

Jerod Goodwin must be shown to have no other probable means of avoiding the danger. That's prong number four. He admits, "I failed this prong." He did not have to leave his house with someone he had already gotten into a physical altercation with when he had no reason to. He's got no business at Artiz Adeyinka's house. Certainly has no business going home with Genesis and his girlfriend Jamiah, got no business.

Jerod Goodwin could have gotten out of car. Someone could have picked him up. The girlfriend lives right down the street. The other dude hides him out over here. His best friend, Danny Sims, why can't you come get him. It's all kind of choices, okay. He has a lot of means of avoiding this situation.

Jerod Goodwin could have gotten out of the car the

very first time he was asked to, ordered to, but he didn't. Jerod Goodwin could have been gotten out of the. car at any of the subsequent times he was ordered to.

Jerod Goodwin admitted on the stand that he pulled out three or fire times -- or else he got out of car three or four times and he got back in. He could have walked away and avoided any danger. That's in the transcript.

Mr. Goodwin, you could have walked away after he asked you to get out. You could have walked away after he told you to get out. Free to do it, right? You could have avoided all danger, right? Yes. It was in black and white print of the transcript. He testified to that under oath.

He has failed not one, not two, not three, all four prongs of what's required under self-defense, but this is just legally. Common sense, we all know, you shoot a man in the back, you shoot an unarmed man, that's not self-defense. That's a needless killing of somebody who has no concern, no respect, no value of human life.

This case has to be proven by the State beyond a reasonable doubt. Every person who is convicted from here to Portland, Oregon has to be proven guilty beyond a reasonable doubt, okay. That's the standard in criminal cases. That's the standard for this case. That's the standard for every case we try in this courtroom.

Has the State proven the case beyond a reasonable doubt? What does that mean? Does it mean beyond all doubt? The judge is going to tell you no. It means if you have a doubt that is reasonable and based on logic, okay, you should find the defendant not guilty, okay. If you have a reason to believe maybe Genesis should feel died that night, you can find him not guilty. Find him not guilty if you think his actions that night were warranted.

If you think Jerod Goodwin acted legally, you think people should behave that way, you can find him not guilty. But if your doubt is not reasonable, if your doubt is not really logical, you know, you've taken an oath, then you should find the defendant guilty.

You mean -- now, does it mean that you have to be 100 percent certain of everything you're heard in this trial? No. This is what the judge is going to charge you on because there's very few things in the world we know with absolute certainty, very few things.

The sun will rise tomorrow. Besides that, what do we really, if you think about it, know with 100 percent certainty? In criminal cases, that certainly is not required.

It's not required for proof that overcomes every possible doubt, okay. It's what the law is. If based on

your consideration of the evidence, you are firmly convinced, I'm pretty sure Judge Newman uses the charge that talks about firmly convinced. I'm pretty sure she is going to use that term two times: Firmly convinced, if you are firmly convinced of his guilt that he killed this man or that he killed him with malice and that Genesis Williams shouldn't have died, that's what the evidence shows, you must find him guilty.

The judge is going to tell you, too, you don't have any friends to reward. You don't have any enemies to punish in this. This is just a reasonable logical exercise, okay.

You listen to the testimony. You look at the everyday. Think about where things are located. Think about his side of the story, whether that makes sense, take all of your common sense.

Remember in opening that was one thing that we talked about? You don't check your common sense at the door. That is your greatest tool, your collective knowledge. You know, I see a different bunch of different walks of life on this jury, a bunch of different life experiences. I'm hoping that everybody here has this good common sense, okay. If you find yourself kind of confused, you know, torture yourself with some interpretation and you leap to conclusions, try to come back. Take a step back

and look at the forest, okay, look at the big picture. Use common sense. What makes sense, what doesn't, okay, because you're going to be given a lot of legal terms, okay.

You're going to have this big stack of paper that talks about the law. If you want to throw it away, just say, "Let's talk about what we heard. Let's talk about what the evidence was. Let's try to ask ourselves what makes sense. Let's try to ask ourselves was this reasonable behavior? Is this what we want our fellow citizens to be doing? Are we okay with this?" Talk about that.

If somebody in the back is self-defense -- these are questions I hope you all ask. If you're firmly convinced, you find him guilty.

Genesis Williams did not have to die that night. He didn't. Jerod Goodwin himself said, "If I had not illegally armed myself with a stolen gun, if I had not grabbed that gun knowing that I wasn't supposed to have a gun, Genesis Williams would still be alive."

"I could have gotten out of the car at the gas station. I could have gotten out when he asked me to, could have walked away. I didn't have to have the gun to begin with. Maybe I could have, after I had done the deed taken him for some medical help. He didn't have to die."

You don't have to have people without a loved one but we do. We do. Too many, too much, too many guns out there. Too many gun-toting people having a gun, no training, knowing they're not supposed to have one walking around with one waiting to use it.

You'll hear from me one more time. At the end of this trial, I told y'all at the beginning of it I'm going to ask you this, but I'm going to ask you to deliberate and use your common sense and talk amongst one another.

I'm going to ask you to find him guilty of all three charges. Charged with possession of a weapon during a violent crime. Charged with stealing that Chrysler and the charge of ending the life illegally, murdering Genesis Williams.

Thank you.

THE COURT: Do you want top use it or turn it off, Mr. Brady?

MR. BRADY: I'm about to get it.

THE COURT: Okay. Yes, sir. Whenever you're ready.

CLOSING STATEMENT:

MR. BRADY: The darkest day in Jerod Goodwin's life. That is the dark morning that he had to kill his friend in self-defense. That is the morning that Genesis Williams, out of control, when he reached for that gun the second time -- he had his hand on that gun the second time, Jerod

had no choice but to act in self-defense.

Everyone agrees today that Genesis when they got to Dominion and Prince Edward got out of the car, started screaming, "Get the fuck out. Get the fuck out." Jerod didn't.

He said, "I don't want to do this. I don't want anything with this." Genesis then walked around the car. Artiz got out of the car, started yelling, "My Top Shot, I got to get out of car. You got to get out of car. Get the fuck out. Get the fuck out."

He's reaching in. He's pulling on it. He's reaching in. He's pulling on it. These are the facts that everyone agrees today. Jerod gets out of the car, and he pulled out. This is the second time.

He turns to Artiz and he says, "Come get bro. Help, help." Everyone agrees that that happened. Jerod got back in the car hoping he would be able to go home and that this would stop.

Genesis went in the car again, grabbed him. This time getting in his waistband, getting his gun. That last time you heard Genesis went in, tried to grab that gun. A that point, he had no choice but to shoot that gun. Pop, pop, pop. All right. Artiz didn't remember a lot of what he told the police. He didn't remember a lot of what he told the police, he said: "No, I didn't say

that. No, I didn't say that." You know that he did, put his video up there.

I asked him about a lot of different things. I'm sure it's hard to talk about those things but the one -- two things that came to his mind right away where he acknowledged that is what he said. That's different than what the State is telling you today.

I asked him, "Are those gunshots" when he heard them described to the police. He told them pop, pop, pop. There was no delay. This was not meditation. This was not thought out. He was acting in self-defense.

Those bullets, you heard the pathologist testify that his opinion is today as of last week he changed his opinion, and the story hasn't changed that he gave in November when he was arrested in 2021.

He changes his opinion to say that that first shot came here, struck in the hip, front to right, front to back, left to right. As he's reaching, pulling him, pulling him Jerod is trying to push him off, getting out of car, he fires the second, third excessively.

As that portion until pulling him turns one, two. The pathologist told you that -- can't tell you the exact direction that those bullets went through because they crossed paths, and there was medical intervention after that, but he told you that those fit what Jerod has said

from the beginning.

Jerod is 19 years old. He panics. He's never been in a situation like this before in his life, never shot someone, never had to kill a friend. So he gets in the car, and he drives off, turns around and he stops because he's a human being who loves his friend and wants to stop and help.

You heard from Artiz again, "That's what happened. He did stop." He was saying, "Gen, get in. Gen, get in." He thought Artiz was going to pick him up, and he's back at the exact same scene where he's just heard, "My Top Shot, get out of the car. You get out of car. Get the fuck out. Get the fuck out."

He panicked and took off. He went home, changed. He went somewhere he felt safe, and he did what 19 year olds do. He hoped that he wasn't in trouble. He even called a lawyer to look and see if he had warrants because that's what he had access to.

He had a family member who had an attorney, and that was the best source that he could think of. She came here, and she told you that's what she did. She checked, and the record that she had access to there were no search warrants, no arrest warrants she could see.

So he did what 19 year olds do. He held onto hope that Artiz had told the police that day what he told the

police on November 22nd, 2023 how it had actually happened. And Jerod stayed a long time.

He wasn't hiding from the police. You heard from his mother. I think you believed his mother about what she experienced and what she has been through. He was hiding from people.

You heard Artiz again acknowledge that in the days after this, this is the number one thing on his mind. That's the number one thing he's talking about, and the day after this he's talking to Martika Edwards, and that message that he says comes from Martika is not about Jerod, doesn't care about who it was about and said that and where grandma stays. He told you that's where his grandmother lives. He was terrified.

I'm going to talk you about the evidence in the case, but before I do that, I want to talk to you about fundamental principles of law the judge is going to instruct you on.

First one, is it reasonable the person standing, and when we say that, it's kind of a two-part thing. It's one, what would a reasonable person do, and two, would a reasonable person subjectively, Mr. Goodwin in his position knowing what he knows having been through what he's been through, what would he do, and that's hard. That's hard for any of us to step in there, think about

that, right, because we all come from different backgrounds.

I don't know what it's like to grow up with guns, on drugs, in suburbs. I grew up in the suburbs, had a very safe upbringing, didn't have firearms, didn't have to lock my door at night. That's not the case with Jerod.

And, you know, I heard the State emphasize some words like, you know, home boys and stuff throughout this case. And you know, that's trying to distinguish our background when they put the emphasis on the words to make you separate and not necessarily relate to somebody who is in that situation who has that background, all right. That's what your job is. You have to put aside any presence that you might have, put aside what your exclusive life experience is, that's Jerod.

When we talked about using terms of what Jerod knew, the Judge is going to tell you this, too. We are required to take into account what we know about the person you're defending yourself from. Yes, he was friends with Genesis, absolutely.

As his mom told you, she doesn't approve of all his friends. He's 19 years old. He can have the friends he wants. Just because we have friends doesn't mean we don't know that they can get out of control; that they have bad sides. Maybe that's why they're our friends, because that

hadn't happened to us. They've never been in that difficult situation.

They've known they've done it to other people, though. When you're thinking about Jerod in his shoes, his background, his upbring, you still have to consider when he's in that car, and he hears Genesis yell, "My Top Shot has to get out of car, you have to get out of the car."

Artiz told you that this was sent -- Jerod, it's not like he doesn't know about their reputation for violence, the reputation for being shooters. He just thought it would never apply to him.

You're thinking about Jerod in that car. What he's hearing, "Get the fuck out. Get the fuck out. My Top Shot, I've got to get out, you have to get out." He's thinking, "Artiz, come get this man. Come get this man. Help me. Help me." That doesn't happen.

And he's thinking when Genesis hits my gun that second time and starts grabbing for it, is it reasonable in thinking Genesis might want to use that gun against him?

Now, the judge is also going to instruct you, and you heard a little bit on the self-defense elements bringing on the difficulty. The Judge is also going to tell you that if you separate yourself from that, and if you say,

"I don't have any part of that. I'm done with whatever this difficulty is," then that's over. You write self-defense and Artiz got up here and told you he was not engaging with Genesis when Genesis got back into the old argument.

He acknowledges that it was done, the whole argument in the car. He was not responding. He was not trying to engage. It wasn't until they got all the way to Dominion and Prince Edward that he starts demanding, "Get out. Get the fuck out of car. Get the fuck out of car" that this new difficulty had happened.

The judge is also going to tell you -- and the State has been -- again, I think this picture of guns and things that we're uncomfortable with, right, but the Judge is going to tell you there has to be a nexus between those things, right.

Just because a gun is stolen that doesn't mean that it's bringing on the difficulty. She is going to tell you that being armed illegally does not preclude self-defense. There has to be some sort of connection between the two things.

You are not -- like the State said, "Use common sense". You're not sentenced to death because you have gun when you're not supposed to, and someone is trying to grab it from you, take it from you to use it. It's common

sense.

I talked to you about, you know, the State's hypotheticals that they used a little bit throughout the trial talking about, well, you know if you're in your home and you ask somebody to leave, then you have a right to do that. You have the right to do that.

Now, if that person has a firearm on them in a neighborhood they don't know without a shirt and slides, nowhere to go, is it reasonable to start grabbing them and dragging them and trying to throw them out of the car? They knew then, as the homeowner, start trying to reach into their waistband for their gun because they asked, "Hang on a second. Hang on, man. Take me home. Take me home."

The last legal concept I want to talk to you a little bit about is proof beyond a reasonable doubt. It is the highest standard that we have in the justice system. It is the standard that is greater than what it takes to win $100 million. That's the preponderance of that.

It's greater than what it takes for the government to take away a child from her mother for rest of her childhood. That's clear and convincing evidence. The beyond a reasonable doubt standard is the standard that we use to make a decision that we can't take pack. When we go home after this, we're going to go have

Christmas with my families, go enjoy the holidays, and I'm going to think about this case. I'm sure you will, too, but we can't come back. Your decision will last the rest of your life, the rest of my life, the rest of Jerod Goodwin's life.

So I do want to talk to you about the physical evidence that we have in this case. I'm going to do the same thing we've been doing all trial. We have the same car, same spot.

The State told you the doctor can't tell you which shot came first. Common sense can. They posited you on maybe shot him once and chased him down, but we know that's not true.

Jerod is getting pulled, yanked out of the car. Sitting here in the vehicle. "Help, help, help" the first time trying to get back in, hoping that Artiz will help. By the time -- he doesn't have a choice. By the time he actually goes for that firearm, pivots to shoot -- we have the DNA evidence, right? We got those fingernail scrapings.

At the time they were tested, the State had two stories. They had the story of Artiz Adeyinka, the 15th of August, right. Now, Jerod Goodwin and what he told the police right away when hell spoke to them on November 30th.

Artiz never mentioned Greene Street, lied about where he was, said he was at the hookah bar on Broad River and Bush River. He says, "No. Everybody was yelling, Get out of the car. Get out of the car."

I asked him, "Well, what does that mean?" He's like, "You know, like you're going to fight. Folks shoving each other to fight." You heard exactly what he told the police that day, right. That is what they had to go on.

You heard from Sergeant Jordan that's just how bad cases get made. You get bad information, all right. Bad income in, bad outcome out. That's what they were going on. Based off they had both agreed to get out and fight. Jerod shove, shove. Bang, bang, bang. That's also what the pathologist said, right, because he didn't know about the soot from the clothing. He said an indeterminate distance. I don't know if it can be within six inches. It's close. I don't know that. That's the story they went with, and that story different make sense which I agree with.

Today we know the truth. Everybody agrees Jerod did not get out of car to fight. He asked for help repeatedly from Artiz to stop. It was only after he reached in, reached in, gone for the gun and the DNA shows that happened, right.

We've got 4 percent on the left fingernails. We have

got 20 percent on the right fingernails. I'm facing this way, yanking him out of car, grabbing on with this hand pulling and scraping along the skin collecting that 20 percent.

Again, he told you the significant amount for a minor contributor, significant amount for the person who doesn't have those fingernails, right, a large amount. Four percent is less. That is more consistent with grabbing at the gun, going for the gun.

Then we have got the shell casings, right. Three shots, three shell casings. We know about two of the shell casings. We've got one shot at least we know that goes right in there.

You got a little lost in the weeds, since I agreed that gun is going to eject right here. That's in the middle of the roadway, right. That is exactly what Jerod said happened. Pivoted out, right and rear to the middle of the roadway.

He also said Artiz was right there standing the whole time. He never intervenes. It scares him because he is standing there not helping when he is screaming for help, and the State has, you know, said he needs to settle. He walked down the street at first, and then came back around here, but they have him over here on this side of the car in front of the car. That is not going to eject through

my body away from the direction where it naturally ejects right in here over the car and then hit Mr. Adeyinka in the cheek beyond the two to 15-foot range. That's not going to happen.

Mr. Adeyinka is exactly where Jerod said he was standing there by the front door with that brass that hit him in the cheek; that he acknowledged was the second thing he told you he remembered. He remembered that hot brass hitting him in the cheek.

Again, the last piece of physical evidence that we have are those bullet wounds. So I'm pivoting out. He's pulling on me, pulling me toward the back, and I shoot six inches soot. First entry wound, it keeps him spinning. It's going to greatly greater distance. There's going to be no soot. The second two shots are right here and here. That's what Jerod had said from November 30th through today.

Another central piece of evidence I want to talk to you about is the testimony. Undoubtedly, the two most important people that you heard from are Mr. Gibson, Adeyinka and Jerod, right. They were the two people who were there. They were the two people who can tell you what happened.

Jerod has had the same story since the day he spoke to the police. Mr. Adeyinka has not. It's only after he

spoke to him on August 15th after we get all this evidence collected, after he gets the armed robbery charge that he comes forward with the story that now much more closely matches the facts that we know have to be true regarding physical evidence and that matches what Jerod has said from the beginning.

Their only difference is whether or not Genesis was likely going for that gun. I can't make people testify a certain way, right. I can't make them tell the truth. Even the Court can't make them tell the truth.

You heard from Artiz's brother, another dear friend of Genesis, right. So he didn't want to be here, but you heard his exact reaction after he had gotten on the scene, spoken to his brother, and then was talking to the police. You heard exactly what he said. His reaction to hearing that Genesis had been shot. "He got a fucked-up attitude. He tries to fight some people. He tries to fight people." That was his initial reaction to hearing that his friend had been shot, not you have to find Jerod. He's dangerous.

This guy, whoever he is, he must have done it with malice aforethought. He must have thought this out. The people closest to us know us. That's the best that I can bring you. I can't make people testify a certain way.

When I sit down, I know I'm going to have a million

more things that I wished I talked to you about. They're already flooding in. I'm not going to take up more of your time, but the State will get another chance to talk to you if they need it, like you heard from Mr. Scott. They don't have to get back up here to prove their case. It's up to them if they want to get back up and talk to you again, but when I sit down, I'm done. That's it.

The Judge is going to tell you about the presumption of innocence. He's going to tell you that Jerod carries that with him into the jury room with you, and that's going to be with you guys. I need you to be honest. I need you to talk about what I'm wishing I thought of.

I need you to talk about other testimony. Talk about the physical evidence. Match it up. Reenact it. Think it out. Please, take the time to make the decision that matters. Today is Winter Solstice, the darkest day of the year. I'm asking you please be that light of innocence with Jerod. Send him home.

THE COURT: Mr. Scott.

CLOSING STATEMENT:

MR. SCOTT: MR. SCOTT: Thank you, Your Honor.

Okay. You see this right here. This was a calculated attempt to inflame your passions, okay. Of all the evidence they introduced, all the evidence that had to

do with the case, pictures of the scene, which is what they put up.

This was a calculated -- did you see how putting that up, had it on the whole time? I was watching it. Okay. This is what some lawyers do because --

MR. BRADY: Objection.

THE COURT: Sustained.

MR. SCOTT: As lawyers, what we know is this: If facts were on your side, beat that in. Beat it in. If the law is on your side, beat that in. But if neither are on your side, beat on the victim. Beat on the dead guy. Beat him up. Make him look bad. He's not here. He can't defend himself. That's why you don't talk about the facts. That's why you don't talk about the law as much. That's why you have that behind you, a man with a toy gun.

MR. BRADY: Objection, facts not in evidence.

THE COURT: Overruled.

MR. SCOTT: The man with the toy gun. That's why he put that up. That's why you try to inflame passions because what the judge will talk to you about is you need to look at the evidence. You need to remember the testimony, okay.

I talked to you about having no enemies to punish, no victims to reward, okay. He wants to distract from that. He wants to get you -- he's talking about implicit bias.

Let's don't think about our stereotypes and other biases. Why did he put that up there? Think about that, okay. When the law is on your side, you talk a lot about the law. Beat that in. The evidence: If the evidence is good for you, you have got good evidence, talk a lot about that.

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.

MR. BRADY: Objection.

THE COURT: Sustained.

MR. SCOTT: He tried to demonstrate through different --

MR. BRADY: Objection.

THE COURT: Sustained.

MR. SCOTT: I asked a question on how it happened. Do you remember that? I asked various questions. How did it come about. I was never given an answer.

So for him to say this is how it happened, does he know something we don't? Maybe he's just theorizing, kind of like his client, they're theorizing somebody is going to shoot because what I remember the testimony to be, Artiz Gibson was back here.

He used the pointer and showed you where he was. I don't know why this defense attorney keeps saying he was up here because he said he was here, okay, which means -- and this is just my theory -- he can do a theory. Maybe I can, too.

He gets out and he shoots this way or he shoots that way. That has casings going to the rear of the car, right. We don't know, and I'm not trying to figure out, you know, how this exactly happened.

We know he's outside the car. He says he was when he shot. He said, "I jumped back in the car after that and drove away." That means you're back in. You're out but it's so hard to follow his story because sometimes he talks about not wearing a shirt.

His defense attorney just said he wasn't wearing a shirt, but do you all remember when I talked to him he said he was wearing a wife beater. So the defense, some of them say one thing. Some of them say another thing. Just remember, arguments of the lawyers aren't evidence, but for him to say his client wasn't wearing a shirt, his

client actually said, "Yes, I was wearing a shirt. I was wearing a wife beater." Okay. Just trust your own memory of what you heard. His words aren't evidence.

You know, he says Genesis Williams was out of control. Jerod had no choice. You know, it's so hard to say this is out of control. He's crazy. He could do anything at any given time. He's a bad dude, but I don't want to be jumping in the car with him. I'm the one who is armed. Who is really out of control?

They try to dirty up Artiz, you know. Artiz had the terrible misfortune, okay, of watching somebody get shot three times in front of him, watching the murderer drive off then spin back around.

He knows he's armed and then leaves the scene leaving him with his friend gasping for air. What does that do to a mind? That's PTSD material. You never forget that, once your friend dies. There's nothing you could do about it because the dude who could have done something about it just left leaving you trying to help your friend.

The police get on the scene -- and I'm sorry that he didn't tell every fact exactly like it happened, but he didn't have 107 days on the run to think about his story, did he?

Shell shocked, and what did he say that was so different from what he testified to? He said the two of

them were sitting outside of the car.

Well, isn't that what Jerod testified to? He's pulling on me, pulling on me. I bowed up. I bowed him off of me. How is that so different? Okay.

If the facts aren't on your side, the evidence isn't on your side, you try to dirty things up. He's trying his best to make Jerod look like the unlikely hero. He stopped the car. He looked at his friend. He said, "Gen, get up. Gen, get up." He tried to help.

Was that trying to help? Because right after he asked him that, you seen what he did. He put his damn foot on the gas and hauled ass, didn't he? He ain't no hero. He wasn't even trying to be a hero. He didn't do the basic minimum thing you would do for a hurt dog you saw on the side of the road. Some friend.

He didn't stay at his house, ladies and gentlemen, because he was terrified. You got the house being broken into. You have got all of these threats. I say, "Well, let's just pull the police reports where this house was broken into."

Oh, I didn't call the police. They stole every belonging I had. I had to leave the house, but I didn't call the police. I was threatened. You know, this time. That time, this time.

Let me see. There's texts. I have got to see this.

Oh, I don't have those anymore. Well, you told the police they were threatening your life, right? No. He said we're just left to kind of assume. Right. My job is to give you evidence. You know, I can't just say something happened. I have to show you evidence, okay.

He wasn't terrified. He didn't want to get caught by the cops. I know that. He said, "Well, I called his boss, you know, the day it happened." He said, "Do I have any warrants? She said I didn't so oh, well. I'll just stay over here in Lexington County for 107 days."

You're not going to have a warrant day it happens. He did what all 19 year olds would do. He's right. I'm sorry you guys were here the week before Christmas. That's not where we all wanted to be. We got to do what the Court's schedule tells us to do. I appreciate that. We will, hopefully, be with the ones we love next week.

You know, the last few Christmases there has been an empty seat at the table at the Goodwin household, and it will forever be, okay. There's never going to be -- there's never going to be a Christmas again where they give to enjoy it with dad.

MR. BRADY: Objection.

THE COURT: Overruled.

MR. SCOTT: Never going to be another Christmas a daughter gets to see her daddy. Never going to be another

Christmas where mom or dad get to see her son, ever. They will never spend another Christmas with their brother, okay. So he's right, Christmas is next week. There's going to be a family without a loved one.

MR. BRADY: Objection.

THE COURT: Overruled.

MR. SCOTT: There's going to be a family without a loved one. It hurts to hear but it's true. It didn't need to happen. Let's take the guns out of the equation, y'all. Let's put value back on human life here in Richland County. Let's --

MR. BRADY: Objection.

THE COURT: Sustained.

MR. SCOTT: Let's agree with Jerod, though, if he's not armed with that gun, Jerod Goodwin is still alive. Let's agree with him on that.

He told you if I hadn't gotten in that car -- I shouldn't have. I knew I wasn't supposed to have a gun. If I hadn't done that, he would still be alive. If I had duked it out with him, you know, he might have had a black eye. I might have had a bruise here or there. He would still be alive.

But I made a choice. I made a choice, a temporary problem to use the final solution, deadly force, from somebody tugging on your wife beater. Y'all, DNA evidence

he talks about, I'm happy that they felt the need to spend six, seven, $8,000 on DNA evidence that shows us nothing, absolutely nothing.

We know the two of them were scuffling on Greene Street. We know that. Jerod Goodwin says, "We were smooshing each other's face. We were tussling, getting DNA under each other's fingernails."

The analyst said, "I don't know when this DNA was transferred. I can't say it was at the scene." Even if it was at the scene, everybody says he was trying to get him out of the car. What does it show us? Am I missing something? Shows us nothing.

I bet if he hadn't gone on the run and be stayed at the scene, I bet if we would have tested his fingernails possibly would have had Genesis DNA under his fingernails, right?

What does the DNA show us? They were tussling? Did I miss it? The facts are the facts are the facts. The evidence is the evidence is the evidence. Common sense needs to rule today here.

You don't shoot somebody in the back, claim self-defense on the side of the road. You don't go on the run for 107 days and claim it was a justified killing.

Ladies and gentlemen, you've seen the test. You have seen the evidence. You have heard the testimony. The

only verdict here that speaks the truth, the only verdict that renders justice in this case is a verdict of guilty, guilty on that possession of weapons charge.

Tell him he wasn't supposed to have it in the first place. Guilty on that grand larceny charge, stealing that car, ditching it, getaway vehicle. Most importantly, unlawful, illegal, needless, unjustifiable killing of Genesis Williams.

Thank you.

THE COURT: All right. Ladies and gentlemen, the next phase is for me to charge you on the law which applies in this case.

We've been going for a little while now, so we're going to take about a 15-minute break. Please return to your jury room. Do not discuss the case amongst yourselves.

Thank you.

(Whereupon, the jury left the courtroom at 1:23 PM).

THE COURT: Court will be in recess 15 minutes.

(WHEREUPON, a short break was taken.)

THE COURT: Mr. Brady, do you want to go ahead and make objections now, or put on the record?

MR. BRADY: If the State is okay with it. I don't know if you want to wait for Mr. Scott. Is everyone okay with it?

THE COURT: I mean, we can wait. We'll wait for Mr. Scott. I just meant before --

MR. BRADY: Oh, yes.

THE COURT: -- I charge the jury.

MR. BRADY: Yes, thank you.

(Pause.)

THE COURT: All right. Mr. Brady, your objections.

MR. BRADY: Thank you. I think I wrote them all down, but I may not have. There were two that appeal to religious beliefs at the beginning. I believe you sustained those.

Facts outside evidence, there was appeal to community in order to call for the community. I think there were numerous references to guns in Richland County to, you know, are we sick of this behavior in Richland County; talk about the prosecutor's personal experience with handling murder cases in Richland County.

So those are all objections that I noted: Father without a son. That was -- and obviously, a mother without a son and a brother without a brother, and then at that time, the State was also pointing to and referencing the victims who were present here in the back so the jury can see them. There are quite a few that are present.

There was a macho man kind of generalization tying back to community and less about Jerod and more in general

about people in the community with guns.

There was an objection to facts not in evidence that I believe I was actually out of the room when that testimony came in. That's what I was told. That was, I think, his ex-girlfriend living on Decker, according to the co-counsel. I could be wrong.

We approached for a conference. There was a number of slides that were passed through very quickly in front of the jury. I was concerned it might be during discussions since that was what we would have seen before. It could be jury instructions that were improper.

As I said at the time, it went very quick, a few seconds. So I didn't even see the exact wording or language. I just wanted to make those slides a part of the record just in case a juror had saw them. We could hold them back or something like that or whatever the Court thinks is appropriate.

THE COURT: I would think that it happened so quickly that no juror could have read or appreciated what was on those slides because the slides contained text and not images, probably concepts with which they are not familiar.

It was probably harmless, and I can't imagine that any juror was able to focus and read and appreciate what was on the slides because it happened so rapidly.

Mr. Scott?

MR. SCOTT: The confusing thing to me was that was my presentation. I had only filtered through the whole thing quickly, and I had to get back to slide 1. So I ultimately presented the entire thing to them which observed what he was objecting to, and he never objected again. So I'm confused on what the objection was.

It's a PowerPoint. I hit the wrong button, and it scrolled to the last slide. Then I had to back up when he objected. Then I presented it in its entirety. So you heard what I was talking about, basic concepts. So I'm just confused on what the objection was.

MR. BRADY: Sounds like there was just a mix up. I didn't know he had hit a button and scrolled through, and unintentionally, I thought he was trying to pass up things that maybe were not supposed to be shown.

THE COURT: I was unable to see it, but that was the concern that maybe you were scrolling through some slides that you had prepared, but the Court declined to charge that portion of the law or something like that that you were scrolling through, but evidently that's not what occurred.

MR. BRADY: 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 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?

MR. BRADY: Yes, Your Honor.

THE COURT: Okay.

MR. BRADY: The last two objections that I have written down relate to the State referred to, again, family saying, you know, the Goodwin family is what was said is without -- has an empty seat at their table this Christmas. Obviously, I think the State meant the Williams family, but it's kind of a two-part compounding issue. I think that also indicates to the jury essentially that Mr. Goodwin is incarcerated.

If they were to think that actually did apply to

Mr. Goodwin not being there for Christmas with his family, and then for Mr. Williams' family, obviously, this is the same objection with appealing to something that is not allowed to be appealed to, victim impact, as a part of the deliberations on whether or not Mr. Goodwin is, in fact, guilty.

Those are the last two objections. Again, there was pointing in reference to the victim's family which is here in great support of the victim, a good number of people.

THE COURT: Okay.

MR. BRADY: 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.

MR. BRADY: 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.

MR. BRADY: 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.

MR. BRADY: 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 Mr. Brady.

Bring the jury, please.

THE BAILIFF: Yes, ma'am.

(Pause).

The jury is seated, Your Honor.

(Whereupon, the jury entered the courtroom at 1:54 PM).

JURY CHARGE:

THE COURT: It's now time to charge you on law which applies to this case. I remind you that during this trial, you and I have certain duties to perform.

As the trial judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on admissibility of evidence offered during this trial.

You are to consider only the evidence before you including the testimony which has been presented from this witness stand, any exhibits which have been made a part of the record in this case and any stipulations of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law in this case, and it is your duty as jurors to accept and apply the law as I now state it to you.

If you already have any idea as to what the law is or

what the law ought to be, and it does not agree with what I now tell you the law is, you must abandon that idea because you were sworn to accept and the law and apply the law exactly as I state to it you.

In every case tried in this court before a jury, the jury is the sole and exclusive judge of the facts. A trial judge cannot intimate, state, comment on or make any statement to a trial jury about the facts in a case.

Since you, the jury, are the sole judges of the facts in this case, do not infer from anything that I have said during the progress of this trial or anything that I say now during the course of this instruction to you that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts. This is a matter solely for you, the jury, to determine.

The indictments charge the defendant with three separate and distinct offenses. I remind you that the fact that the defendant was arrested charged and indicted is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or influence of guilt.

These documents are simply the formal written instruments which contain the charges made against the defendant. They are the formal documents by which this case is brought into this court.

The following things are also not evidence, and you must not consider them as evidence in deciding the facts of this case. That is the statements and arguments of the attorneys, questions and objections of the attorneys and any testimony that I instructed you to disregard.

The indictments in this case allege several different offenses against the defendant. The charges are murder, possession of a weapon during the commission of a violent crime, and grand larceny valued at $10,000 or more.

Each indictment contains or charges a separate and distinct offense. You must decide each indictment separately on the evidence and the law applicable to it uninfluenced by your decision as to any other indictment.

The defendant may be convicted or acquitted on any or all of the offenses charged. You'll be asked to write a separate verdict of guilty or not guilty for each indictment.

The defendant has pled not guilty to each of these indictments, and that plea puts the burden on the State to prove the defendant guilty of the offenses charged in each of these indictments.

A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent. I charge you that it is an important rule of law that the defendant in a criminal trial, no matter what

the seriousness of the charge may been, will always be presumed to be innocent of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence does not end when you begin your deliberations, but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until it has been stripped from him by evidence satisfying you of the defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It's not just a legal phrase. It is a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt.

What is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have

served as jurors in civil cases where you were told it is only necessary to prove that a fact is more likely true than not true such as by the greater weight or preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.

There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty.

If, on the other hand, you think that there's a real possibility that the defendant is not guilty, you must give the defendant the benefit of the doubt and find him not guilty.

There are two types of evidence which are generally presented during a trial: Direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who claims to have actual knowledge of a fact such as an eyewitness. It is evidence which immediately establishes the main fact to be proved. It does not

require a deduction.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation.

The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence, nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

However, to the extent that the State relies on circumstantial evidence, the circumstances must be consistent with each other, and when taken together point conclusively to the defendant's guilt beyond a reasonable doubt.

If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed. The burden of proof rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

You should weigh all of the evidence in the case. After weighing all of the evidence, if you are not convinced of the guilt of the defendant beyond a

reasonable doubt, you must find the defendant not guilty.

Necessarily, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness.

You may believe a part of the testimony of a witness and reject the remaining part of the testimony of the same witness. You may it believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety.

You may consider whether any witness has exhibited to you any interest, bias, prejudice or other motive in this case. You must also consider the appearance and manner of the witness while on the witness stand.

There's been evidence presented that witnesses have made prior statements which are not consistent with the witness' present testimony. You may use this evidence to decide whether to believe the witness. You may also use evidence of the earlier contradictory statements to determine the truth of those statements. It is up to you

to decide whether to believe the earlier statements or the testimony given at trial.

If a witness is shown to have knowingly testified untruthfully concerning any material matter, you may consider this in determining whether to trust the witness' testimony as to other matters. You may reject all testimony of that witness or give all or part of the testimony the weight you think it deserves.

The Rules of Evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule exists for the witnesses we call expert witnesses.

A witness who by education and experience has become expert in some art, science, profession or calling may state an opinion as to relevant and material matter in which the witness claims to be an expert and may also state the reasons for the opinion.

You should consider any expert opinion received in evidence in this case, and like any other evidence give it the weight you think it deserves. If you decide that the opinion of an expert witness is not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion are not sound or that the opinion is outweighed by other evidence, you may disregard the opinion entirely.

An expert witness' testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion even though it is not contradicted.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, reckless or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt.

Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty.

There is no way that medical science can dissect a person's brain and determine what the person had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed.

This is how you make a determination of whether or not the element requiring intent was present. It is not necessary to establish intent by direct and positive evidence but intent may be established by inference in the same way as any other fact by taking into consideration the acts of the parties and all of the facts and

circumstances in the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the defendant intended to do based on the circumstances shown to have existed.

The defendant is charged with murder in this case. Therefore, the State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought.

Malice is hatred, ill will or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict injury or under circumstances that the law will infer an evil intent.

In its legal sense, however, malice does not necessarily mean ill will towards the individual injured but signifies a general malignant recklessness of the lives and safety of others or a condition of the mind which shows a depraved heart regardless of social duty and fatally bent on mischief.

In other words, a malicious killing is where the act is done without legal justification, with excuse or extenuation, and malice has frequently substantially been so defined as consisting of the intentional doing of a wrongful act toward another without legal justification or

excuse.

Malice aforethought does not require that the malice exists for any particular time before the act is committed, but malice must exist in the mind of the defendant just before and at the time the act is committed.

Therefore, there must be a combination of the previous evil intent and the act. Malice may be conceived at the very moment the fatal blow is given. It is sufficient in the law as the combination of the evil intent and act produced the fatal result.

Malice aforethought may be expressed or implied. These terms do not mean different kinds of malice but merely the manner in which malice may be shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill will toward another and when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person or other acts of preparation going to show that the deed was within the defendant's mind would be express malice.

You may find malice if you find that the State has proven beyond a reasonable doubt that the defendant was

consciously and unlawfully involved in conduct that constituted an extremely high risk of death or serious injury to others and that he was acting with such recklessness and wantonness as to indicate a depravity of mind and disregard for human life beyond a reckless disregard for the safety of the others rising to the level where he consciously disregarded the extremely high risk of death that this conduct was creating.

Where this state of mind exists, it is known as a depraved heart or malignant heart, and if a defendant having such a mental state and acting with malice aforethought engages in such conduct it acts as a proximate cause of the unlawful death of another person, it does not matter whether he actually intended to kill anyone, he may be found guilty of murder.

One of the issues that you must consider is whether the defendant acted in self-defense. Self-defense is a complete defense. If the defendant was acting in self-defense, his conduct was lawful, and you must find him not guilty.

A defendant does not have any burden of proof whatsoever, so he does not have to prove self-defense. Rather, the State has the burden of proving beyond a reasonable doubt that the defendant did not act in self-defense.

In other words, the State carries the burden to disprove self-defense beyond a reasonable doubt. If you find a reasonable doubt as to defendant's guilt after considering all the evidence, including evidence of self-defense, then you must find the defendant not guilty.

On the other hand, if you have no reasonable doubt of the defendant's guilt after considering all of the evidence, including the evidence of self-defense, then you must find the defendant guilty.

The following elements are required to establish self-defense. First, the defendant must be without fault in bringing on the difficulty. If the defendant's conduct was the type that was reasonably calculated to and did provoke a deadly assault, the defendant would not be at fault in bringing on the difficulty and would not be entitled to an acquittal based on self-defense.

However, where a prior difficulty existed, the defendant may have restored his right to self-defense if he withdrew from the prior difficulty and communicated that decision to the other party.

The second element of self-defense is that the defendant was actually in imminent danger of death or series bodily injury or that the defendant actually believed he was in imminent danger of death or serious bodily injury.

If the defendant was actually in imminent danger, it must be shown that the circumstances would have warranted a person of ordinary firmness and courage to strike as the defendant did to prevent death or serious bodily injury.

If the defendant believed he was in imminent danger of death or series bodily injury, it must be shown than a reasonably prudent person of ordinary firmness and courage would have had the same belief.

In deciding whether the defendant actually was or believed that he was in imminent danger of death or serious bodily injury, you should consider all of the facts and circumstances surrounding the incident including the relationship between the parties and the respective physical conditions and characteristics.

The relative sizes, ages, and weights of the parties may be considered in deciding the apparent or actual need for force in self-defense and the amount of force needed.

A defendant has the right to act upon appearances even if his assessment may have been incorrect. It is not necessary that a defendant was actually in danger. It is enough if the defendant believed he was in imminent danger and a reasonably prudent person of ordinary firmness and courage in his position and with his knowledge would have had the same belief.

It is for you to decide whether the defendant had a

reasonable fear of immediate danger of death or serious bodily injury and that it would have been felt by a person of ordinary firmness and courage in the same situation.

Words, accompanied by hostile acts, may depending on the circumstances allow the defendant to act in self-defense. The reputation of the decedent as a violent person may be considered in deciding whether there was a need for force whether the defendant had reason to believe there was a need for force and whether deadly force was reasonably necessary.

If the defendant knew that his opponent was of such propensity, then the defendant would be warranted in construing the defendant's actions more harshly and acting upon hostile appearances more readily than he would have been entitled to -- that he would have been entitled to do to a man who was not of such propensity.

The intoxication of the victim may also be considered in deciding whether the defendant's fear of death or bodily harm was reasonable. The final element of self-defense is that the defendant had no other probable way to avoid the danger of death or serious bodily injury than to act as the defendant did in this particular instance. However, a defendant does not have to wait until an assailant has the drop on him before acting in self-defense.

A defendant has no duty to retreat if by doing so the danger of being killed or suffering serious bodily injury would increase.

A person confronted with a self-defense situation is not required to make an exact calculation of the amount of force needed to avoid death or series bodily harm but has the right to use the degree of force that a person of reasonable -- goodness. Let me stop.

(Pause).

Let's start that paragraph again. A person confronted with a self-defense situation is not required to make an exact calculation of the amount of force needed to avoid death or serious bodily harm.

They do have the right to use the degree of force that a person of ordinary reason and firmness would have believed to be needed to prevent his open death or serious bodily injury.

The force used in self-defense does not have to be limited to the degree or the amount of force used by his opponent. A defendant has the right to use so much force as appears to be necessary for complete self-protection and which a person of ordinary reason and firmness would have believed to prevent death or serious bodily harm.

Therefore, in self-defense, the defendant has the right to use the force needed to avoid death or series

bodily harm. The force used in self-defense does not have to be limited to the degree or amount of force used by the purported victim.

The defendant has the right to use so much force as appeared to be necessary for complete self-protection in which a person of ordinary reason and firmness would have believed to be needed to prevent death or serious bodily injury.

If the defendant is justified in defending himself by firing a weapon, then the defendant is also justified in continuing to shoot until it is apparent that the danger of death or serious bodily injury has completely ended.

If a person is justified in acting in self-defense and using a -- or using deadly force under the standards that I just explained, he is not guilty even if he used a firearm that it was unlawful for him to posses at that time.

A person can be acting in self-defense even if he is in unlawful possession of a weapon if he was entitled to arm himself in self-defense at the time of the shooting.

Next, the defendant is charged with the crime of possession of a weapon during the commission of a violent crime. The State must prove beyond a reasonable doubt that the defendant was in possession of a weapon during the commission of a violent crime.

A weapon is any article or instrument which is likely to cause death or great bodily harm. Whether an instrument has been used as a weapon depends on the facts and circumstances of each case.

In order to find the defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the defendant guilty of committing a violent crime. Murder is a violent crime.

The State must prove beyond a reasonable doubt that the weapon further advanced or helped in the commission of the violent crime.

Finally, the defendant is charged with grand larceny of a motor vehicle. The State must prove beyond a reasonable doubt that the defendant took a motor vehicle that belonged to someone else against the will or without the consent of the other person.

The slightest removal of the motor vehicle or the complete possession of the motor vehicle even for an instant by the defendant is enough to show a taking and carrying away of the motor vehicle.

The State must also prove beyond a reasonable doubt that the defendant intended to permanently deprive the owner of the vehicle of its possession. Finally, the State must prove that the value of the motor vehicle taken was $10,000 or more.

If you do not find that the State has proven beyond a reasonable doubt that the defendant is guilty of grand larceny of a motor vehicle, you must then decide whether the defendant is guilty of use of a vehicle without permission.

In order to find the defendant guilty of this charge, you must find that the State has proven beyond a reasonable doubt that the defendant took, used or drove a vehicle which the defendant was not entitled to possess and did not have the consent of the owner for with the intent to deprive the owner of the vehicle of its possession.

Now, there are two possible verdicts which you may find for each of the indictments in this case: Guilty or not guilty. There is no significance whatsoever in the order in which I say these possible verdicts. It's simply that one must be stated first.

Now, you have been chosen and sworn to give the parties in this case a fair and impartial trial. When you have done so, you will have complied with your oath and filled your duty as jurors, and no one will have the right to criticize your verdict.

You must not be influenced by opinions or expressions of opinions you may have heard inside or outside of the courtroom, but rather should base your verdict solely on

the sworn testimony of the witnesses who took the witness stand, the exhibits received into evidence and the law which I have stated to you.

You should not be swayed by caprice, passion, prejudice or improper sympathy for or against anyone in this case. Remember, you have no friends to reward or enemies to punish, and all parties are entitled to a fair and impartial trial.

It is your duty as jurors to consult with one another and to deliberate in an effort to reach an agreement. As I stated earlier, you are judges, judges of the facts. Your verdict must represent the considered judgment of each juror. In other words, your verdict must be unanimous.

Now, you may have noticed that I read these instructions. I do so to give you the law as accurately as possible. I will give you a copy of these instructions in written form. During your deliberations, you may refer to the instructions to guide your decision making.

You must consider the instructions as a whole and not follow some and ignore others. Please return the instructions to the Court at the time your verdict is rendered.

Now, Mr. Foreman, it will be your duty to preside over the deliberations of the jury. If, during your

deliberations, you should desire to communicate with the Court, please reduce your message or question to writing, signed by you as foreperson on behalf of the jury and the foreperson alone and pass it to the bailiff who will bring it to my attention as quickly as possible. I will then respond either in writing or by having you come back into the courtroom as quickly as I am able to.

I caution you, however, with regard to any message or question that you might send that you should never state or specify your numerical division if you have taken a vote in the jury room on guilty or not guilty or anything like that.

Now, you have heard the evidence and you have heard the law. Whatever your verdict is, Foreperson, you will indicate the verdict on the indictment and then sign it on behalf of the jury. So there are three indictments each describing the offense.

If you flip them over, in the bottom left-hand corner, there is a place to write the verdict, to sign your name on behalf of the jury and date it. For the charges of murder and possession of a weapon during the commission of a violent crime, you'll simply write guilty or not guilty.

If you find the defendant guilty of the grand larceny, then you would write guilty. However, if you

find him guilty of the separate charge, the different charge of use of vehicle without permission, you would write that here and still sign your name on behalf of the jury and date it. At that time, we will receive you back into the courtroom to receive your verdict.

Remember that although the Foreperson is the only juror who writes the verdict, it is not his alone. The verdict has to be unanimous. Mr. Foreman, you are not permitted to write the verdict until it is unanimous.

So when you step out of the courtroom now, you are not to begin deliberating quite yet. In just a moment, the bailiff will bring you the evidence in this case. He'll also bring you this binder which includes those written instructions, and in the front pocket are the indictments.

As soon as you receive this binder and the evidence, you are to begin deliberating. You'll continue to deliberate until you've reached a verdict. The only thing that we're not going to send into the jury room is the weapon itself.

Although that is in evidence, and you're entitled to see it if you would like to see it, I don't ever send weapons and ammunition back at the same time. Just out of an abundance of caution, I will keep the weapon out here.

If you do want to see the weapon for whatever reason,

put that in a note. We'll probably ask you to send the ammunition out, and we will make sure the weapon is secure before it goes back into the jury room for you to inspect it if you would like to do that, but that's the one that we will withhold initially.

Please return to your jury room. As soon as you receive the evidence and this binder you can begin to deliberate. Thank you.

The alternates can day in the courtroom.

(Whereupon, the jury left the courtroom at 2:22 PM).

THE COURT: Any objections to the jury charges from the State?

MR. SCOTT: No, Your Honor.

THE COURT: From the defense?

MR. BRADY: Other than the ones we've already put on the record.

THE COURT: Okay. Alternates, thank you for being here. I hate that we've had to take up your whole week, but you won't be permitted to deliberate. You are backups in case one of the other jurors had some issue come up. You know, sometimes people get sick or a car accident, things like that, but fortunately all 12 jurors have made it to the finish line. They'll deliberate on the case.

Thank you for your service, though. We can't do what we do without people like you showing up and doing what

you have done this week. So on behalf of the Court, the attorneys, defendant, everyone, I do thank you for being here and being patient and prompt and all those things.

If you need a work excuse, you can go back down to the jury assembly room on the first floor. They'll give you a work excuse down there. Your pay should be loaded on whatever debit card you have. I don't really know how that works anymore. They used to just send you a check in the mail, but you know, they'll be loaded on that, I believe.

You're now free to discuss the case with whoever you want to discuss it with, friends, family, put it on Facebook. I don't really care. It doesn't really matter. If you want to talk to the attorneys or the parties in this case, they will be in the courtroom for a little while, while we wait for the jury to deliberate.

You don't have to talk to anybody if you don't want to. They're not going to harass you or anything like that. I'm actually going to excuse you out of the door that you have been using so you can get your cellphones.

A bailiff may have to go in. I don't know if either -- if you're finished with lunch or if you still have lunch back there, okay, so a bailiff will knock on the door, get your lunch for you.

Any personal belongings that you have, just let the

bailiff know. He'll get your phones, and you can exit out the way you've been coming in. Your jury service is complete.

If you want to chat with these lawyers or anyone for any reason, you're also permitted to come back in the courtroom. We'll be on a break while we wait for the jury. Thank you for your service. You are excused.

(The alternates were excused.)

Do we have anything to talk about?

MS. EIGENBROT: No.

THE COURT: Okay. It just looked like you were --

MS. EIGENBROT: I'm going to -- I was just checking.

THE COURT: Okay. So the Court will be in recess while we wait for the jury.

MS. EIGENBROT: I think all that is good.

(Whereupon, the jury began deliberations at 2:27 PM).

(WHEREUPON, Court's Exhibit No. 15 was marked for identification only.)

(WHEREUPON, Court's Exhibit No. 16 was marked for identification only.)

(WHEREUPON, a break was taken.)

THE COURT: All right. All parties are back in the courtroom including the defendant. I understand that the jury has reached a verdict. I need a bailiff. Bring the jury, please.

THE BAILIFF: Yes, ma'am.

THE COURT: Thank you.

(Whereupon, the jury returned to open court with a verdict at 4:49 PM).

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you, Mr. Foreman. Has the jury reached a verdict as to each of the charges?

THE FOREMAN: Yes, Your Honor.

THE COURT: Are those verdicts unanimous?

(There was no response.)

Did everyone agree on the verdicts?

THE FOREMAN: Yes, ma'am.

THE COURT: Would you hand the indictments to the bailiff? You can have a seat, yes. Thank you, sir.

(Pause).

All right. Just -- I'm going to have the Clerk publish the verdict. I just want to remind everyone, everyone in the courtroom that there is to be no outbursts, no hollering, no screaming, no audible gasps, nothing.

We have got law enforcement all around the courtroom, and they will take you into custody for a contempt hearing, should it become necessary. If you cannot control your emotions, please go ahead and step outside.

Madam Clerk, would you publish the verdict?

THE CLERK: Yes, Your Honor.

THE COURT: Mr. Goodwin, please rise.

THE CLERK: Indictment number 2022-GS-40-03134, the State of South Carolina vs. Jerod De'Quin Goodwin, indictment for grand larceny value 10,000 or more: Not guilty of grand larceny; guilty of use of vehicle without permission.

Indictment number 2022-GS-40-03132, the State of South Carolina vs. Jerod De'Quin Goodwin, indictment for murder: We, the jury, find the defendant guilty.

Indictment number 2022-GS-40-03133, the State of South Carolina vs. Jerod De'Quin Goodwin, indictment for possession of a weapon during a violent crime: We, the jury, find the defendant guilty, signed number 199 Foreperson, December 21st, 2023.

Mr. Foreman, were these your verdicts and the verdicts of the entire jury?

THE FOREMAN: Yes.

THE CLERK: Thank you.

THE COURT: Mr. Goodwin, you may have a seat.

Anything before -- from the defense before the jury is released?

MR. BRADY: Request to poll the jury.

THE COURT: Madam Clerk, would you please poll the jury?

THE CLERK: Yes, Your Honor. Ladies and gentlemen of the jury, I'm going to ask you two questions related to your verdicts. Please answer yes or no to each question.

Number 199, were these your verdicts?

THE JUROR: Yes.

THE CLERK: Are they still your verdicts?

THE JUROR: Yes.

THE CLERK: Number 178, were these your verdicts?

THE JUROR: Yes.

THE CLERK: Are they still your verdicts?

THE JUROR: Yes.

THE CLERK: Number 184, were these your verdicts?

THE JUROR: Yes.

THE CLERK: Are they still your verdicts?

THE JUROR: Yes.

THE CLERK: Number 135, were these your verdicts?

THE JUROR: Yes.

THE CLERK: Are they still your verdicts?

THE JUROR: Yes.

THE CLERK: Number 276, were these your verdicts?

THE THE JUROR: Yes.

THE CLERK: Are they still your verdicts?

THE JUROR: Yes.

THE CLERK: Number 67, were these your verdicts?

THE JUROR: Yes.

THE COURT: Are they still your verdicts?
THE JUROR: Yes.
THE CLERK: Number 259, were these your verdicts?
THE THE JUROR: Yes.
THE CLERK: Are they still your verdicts?
THE THE JUROR: Yes.
THE CLERK: Number 170, were these your verdicts?
THE THE JUROR: Yes.
THE CLERK: Are they still your verdicts?
THE JUROR: Yes.
THE CLERK: Number 357, were these your verdicts?
THE THE JUROR: Yes.
THE CLERK: Are they still your verdicts?
THE JUROR: Yes.
THE CLERK: Number 261, were these your verdicts?
THE THE JUROR: Yes.
THE CLERK: Are they still your verdicts?
THE THE JUROR: Yes.
THE CLERK: Number 266, were these your verdicts?
THE THE JUROR: Yes.
THE CLERK: Are they still your verdicts?
THE JUROR: Yes.
THE CLERK: Number 311, were these your verdicts?
THE THE JUROR: Yes.
THE CLERK: Are they still your verdicts?

THE JUROR: Yes.

THE CLERK: The jury has been polled, Your Honor.

THE COURT: Thank you.

Ladies and gentlemen, thank you for your service here this week. I know that this was not an easy case, but I thank you for your time and attention and punctuality and just being here.

We cannot do the work that we need to do without people like you showing up and doing what you have done. As I told you during my jury instructions, you have fulfilled your duty as jurors. You have reached a verdict. You have considered the evidence.

No one has the right to criticize your verdict. It was and is your decision. That's how our justice system works, so I thank you for your time in doing that. Your jury service is now complete.

If you are summoned for jury duty -- I'm sorry, y'all don't really get an exemption. You're not required to serve more often than once every calendar year, but this is the last date of court for the year. So had you been here the 1st of January, I would have told you that you were clear for the rest of the year because it's calender year, but if you are summoned in 2024 or 2025, you will have to show up for jury duty but tell the judge then that you served on a jury this week. Provided they have enough

jurors, they should let you go.

This case is important to a whole lot of people. I know that you've seen a whole lot of people in and out of courtroom this week. That's not typical of all trials, so I just appreciate you having been here and done your job. If you need a work excuse -- do you have one?

THE CLERK: I have one.

THE COURT: Okay. The Clerk is going to step back to the jury room while you're gathering your things and bring you work excuses and talk to you a little bit more.

You're now free to discuss the case with whoever you want to discuss it with. You can discuss it with anyone, everyone or no one. It does not matter.

If you would like an escort, are you prepared -- the deputies will escort you all back across the street to your cars so that you can leave comfortably and peacefully.

I will tell you that I watch TV a lot. I'm sure you do, too. In a lot of other states and in Federal Court in South Carolina, defendants are typically sentenced at some later time when they are convicted of crimes. We don't do that in state court in South Carolina. The sentencing is immediate, absent some reason why it shouldn't occur.

Typically, they're done immediately, so I'm going to dismiss you. Then we're going to take a little break

because some paperwork needs to be done, but I will be sentencing Mr. Goodwin within the next 20 minutes or so when the paperwork is done.

So if you're interested in that and you wish to come back in the courtroom, you're welcome to do so. You're not required to do so. You can go on and go home and just enjoy your holidays.

So you can step back to the jury room to get your belongings and cell phones. If you'll wait just a moment, I'm going to come back there and chat with you for just a second. Otherwise, you're free to go. Thank you.

(Whereupon, the jury left the courtroom at 4:58 PM).

Any motions?

MR. BRADY: We would renew and do renew all motions and objections at this time and note that we are also moving for the cumulative effect to be taken into consideration, and that includes, obviously, the motion for a mistrial.

THE COURT: Yes, sir. My rulings on all of those things remain the same.

Anything else before -- any reason why Mr. Goodwin should not be sentenced this evening?

MS. PINNOCK: Your Honor, could we have just one second?

THE COURT: I just want to make sure that we can do

it tonight.

MR. BRADY: Can we approach briefly?

THE COURT: Sure.

(Whereupon, there was a bench conference.)

All right. The sentencing will happen in just a moment after we take a break. The Solicitor's Office is going to go get me some paperwork.

Defense counsel will talk to their client, so the Court will be -- I'm going to go talk to the jurors for a minute. The Court will be in recess about ten minutes before sentencing.

(WHEREUPON, a short break was taken.)

THE COURT: All right. Would everyone come forward for sentencing, particularly Mr. Goodwin and Mr. Scott, too? Thank you.

Mr. Scott, whenever you're ready.

SENTENCING:

MR. SCOTT: Okay. Thank you, Your Honor. Mr. Goodwin has kept me pretty busy the last year or so. He got this charge, bonded out. He was given GPS monitoring, immediately violated that pretty badly, pretty egregiously.

The patience of that family should be noted, okay, because whenever they get put on a GPS monitor, sometimes I know what they're up to. Sometimes I don't, but I

certainly don't have time to scour social media to see what they're doing.

So they alerted me that Mr. Goodwin who is accused of killing their son, brother, father was really flaunting his newfound freedom while out on bond, and he is posting this to social media -- this is a man on bond for murder, the murder of Genesis Williams. He's posing with guns he's not supposed to have. He's flashing money. He's kind of rubbing it in their face. You know, yeah, I killed Genesis. I'm still out here with guns.

He is the poster boy, really, for the issues we are dealing with in Richland County, okay. So his bond is revoked. You would think Dale gets a little bit of rest from Jerod Goodwin until we can handle his trial, but he was given a new bond eventually after about six months.

He was given increased warnings: "You are not to have a gun. Do not be around any guns, okay. I'm trying to get through to you, Jerod."

Well, he's arrested, what was it, three weeks ago for pointing and presenting and caught redhanded with another firearm. Lock him back up, okay. So this is just me trying to get him to trial he's doing all that.

Judge, he's a young guy, but he cannot separate himself from weapons that he knows he's not supposed to be around whether they're stolen or not. He was convicted in

2020 of an unlawful carrying of a weapon, and then of course, we discussed it briefly, but a possession with intent to distribute marijuana in 2020.

Judge, you saw some of them. I know my victim was beat up pretty bad, kicked around. You know, the video of him posted on social media with a gun. I have got Facebook picture after Facebook picture where this man is in public with firearms with extended clips in them.

You heard him testify that he carries a loaded Glock, bullet chambered, no safety on him in his pants. I mean, it's just, the recklessness of this is fairly mind boggling to me. I see a lot, but it's just -- I mean, I don't know.

Maybe Mr. Brady will say this is something that's normal. I don't know. It's not normal to me, and I don't think we should accept that this is a new normal.

Genesis Williams didn't have to die. That came out of Jerod Goodwin's own mouth. He did not have to die, and he did not have to kill that man, but Judge, having said all that, I defer to you on sentencing.

I know you're going to do what's right, and I know you're going to sentence accordingly, but I do note that. I mean, he is just a one, two, three-time loser as far as these guns are concerned. It's just rampant.

You know it. You see it all the time, but he's just

kind of a poster boy for this, seems to be. He was warned not to do it and warned not to do it. Then it culminates into this, someone dying needlessly.

Judge, whenever you care to hear from -- there's two members of Genesis Williams' family that wish to address the Court. There's Lakeisha McGee. That's his niece, I understand.

MS. MCGEE: First cousin.

MR. SCOTT: But the first cousin is Lakeisha McGee, and then Sinquez Mims is his brother, and that is S-I-N-Q-U-E-Z, M-I-M-S.

THE COURT: I'll hear from first Ms. McGee.

MS. MCGEE: My name is Lakeisha McGee. As I stated, I'm Genesis' first cousin. His mom and my dad are sisters and brothers. My dad and his wife raised Genesis up until the age when he was like 15, 16, and my sister and I were raising him.

Genesis was not the best person, but we all loved him. We loved him dearly. We miss him so much. Genesis was very hilarious. He was a silly person, a playful person.

He didn't deserve what happened to him. Genesis is his dad's only child, his dad's only son. Genesis has one child himself. She is 13, and this baby, she misses her daddy. Here is the holidays. Even if her daddy didn't

have a gift to give her, he would spend time with her. He made it clear to her that he loved her.

Now, tonight she has to grow up in this world without her daddy. Me, my daughter and the rest of my family, we're all she has, her mom and her mom's side of the family.

It's hard to explain to a 13 year old why this happened. It's hard to keep telling this baby not to be mad. It's hard when she is hurting. When she is having suicidal thoughts when she is going to school being picked at, and she's going through things in her life.

I'm trying to be strong for her, be strong for myself, be strong for my family. It's hard, and I'm going to say it again, Gen was loved by -- Genesis Shyheed Williams was loved by a lot of people even with that big mouth he had. That boy was hilarious. We loved him.

His mom had five boys. He's the second oldest. My grandmother died last Christmas. Right when Genesis got killed, my grandmother held me down. Her heart was broken. She raised him, too. She loved him, too.

My grandmother would say over and over and over he didn't have to do him like this. Why you did him like that? Why you took my baby. Here it is the holidays coming around, and we're going through this trial, going through my grandmother's death. We're dealing with all of

this. It's hard on us. It hurts. It hurts. It hurts.

I am happy for the verdict. I'm happy that he was found guilty. Justice for Genesis. I've been saying it. I'm going to keep saying it. I've always said it, and again, I love him and I miss him.

Thank you to the State for doing y'all's jobs, and at some point in my life -- and I'm not mad at nobody, but at some point in my life -- and I'm speaking for me, for myself, not for LaKeisha.

At some point in my life, I want to move on and start to forgive Jerod for what he did. I wish none of this would have happened. Thank you.

I miss Genesis. I love him, and I just -- there were some other things I wanted to say, but it would be inappropriate for now for the most part. I'm happy for the verdict.

THE COURT: Thank you, ma'am.

Mr. Mims?

MR. MIMS: My name is Sinquez Mims. I don't have too much to say. The only thing is I miss him, and love my brother. That's it.

THE COURT: Yes, sir. Thank you.

Anything else from the State, Mr. Scott?

MR. SCOTT: No, Your Honor.

THE COURT: Mr. Brady? Ms. Eigenbrot?

MS. EIGENBROT: Thank you, Your Honor. May it please the Court.

Your Honor, Mr. Scott and I don't agree on a lot, but I do agree that the culture in Richland County in some of these neighborhoods has become a -- just melting pot of issues and problems. These young men are growing up in these neighborhoods where they are witnessing violence every day.

In fact, I think they grow up to make certain decisions that we all wish they didn't. I think Jerod is one of those young men. I actually think Mr. Williams is one of those young men.

I think, as you saw from some of the evidence, everyone is on social media with guns. Everyone is touting this culture, and I think ultimately we're going to continue seeing these tragedies because these young men know the other ones carry guns. They all know they carry.

I do think there is a level of fear that all of them walk around with every single day. When Jerod tells me that he thought he was going to die that night, I believe him.

I think a lot of what was said on the stand is hindsight. I think he feels a level of guilt because his friend is dead, and I think he thinks about it a lot which is why I think some of the testimony elicited was what it

was. I think he's thought a lot about that night and what he could have done differently and wishes he had.

I will tell you, Your Honor, I've been working with Jerod one on one for the past couple of weeks. It's definitely not the longest I've represented an individual, but in that time we had a lot of one-on-one conversations in large part so I can get to know him and understand where he's coming from.

He grew up without a father, misses his mom. His mom does have some pretty significant health issues. I think in her early 20s, she was diagnosed with lupus. She feels a lot of pain on a regular basis, and I think that's kind of what led to some of the housing in the neighborhood situations they ended up in.

Despite that, Jerod was on a good path. He actually was being recruited by a school in Florida to play basketball and then messed it up by hanging out with people in the neighborhood and getting charged with a bunch of auto breaking as a juvenile, and then it kind of, I think, went downhill from there.

Three or four months before this incident happened, Jerod was with one of his best friends, the person he would call a brother, and he watched him get gunned down at a gas station.

That charge was -- I think he is actually currently

detained with the two young men that are charged in that murder, and when I was talking to him, I think we realized that it had affected him a lot more than he realized.

He talked about expressing his emotions more, talking things out more and realizing kind of where some of that pain is coming from to be better.

I also had very stern conversation with him and explained that I've been doing this job for ten years now, and I'm tired of seeing young men that I am trying to fight for keep coming around and around.

When Mr. Brady told me he had been rearrested, I was shocked, surprised. He's young. I think a little immature, so I was surprised. So we had a long talk about this and how if he were to walk away from this, he has to change his lifestyle. The biggest life change he would have to make is putting up the guns, that it will lead nowhere, nowhere good.

I like to believe I got through to him. I'd like to believe that conversation meant something to him. I think deep down he's a very good person. I don't think this situation is indicative of who he is as a person, and I really enjoyed spending a lot of -- couple of weeks getting to know him and working with him in preparation for this trial.

Your Honor, he is accompanied by his mom, his

girlfriend, Jacob, and a good close friend he's had most of his life. As Your Honor heard, his mom was not here yesterday. She lost her sister yesterday while we were in trial. He had to get that news the night before.

So I applaud him for continuing to maintain his decorum in the courtroom, and I just -- I know he's going to miss his mother a lot. He helps take care of her. He is also a father of a three-year-old daughter I know he loves and cares for a lot. I think that was one of his biggest concerns is being there to raise her.

Your Honor, obviously, we would be asking for the minimum in the law in this situation. I think he is a redeemable individual. He has some growing up to do, but he has very redeemable qualities and can be successful one day.

THE COURT: Mr. Brady?

MR. BRADY: The first words that Jerod said when I met him were, "He was my friend." I know that's true. I know that's how he feels about Genesis.

One of the things that he's always said from that night when he got back in the car, he said Genesis said to him, "You're my son." He looked up to him. There was an age gap. Genesis was older, I think eight years. He really did look up to him.

Again, you heard about a lot of qualities in life,

how charismatic Genesis was. I think all the things Mr. Gibson Adeyinka said on the stand, he was a great friend, a loyal friend. He was a loving person.

I know Jerod is someone who shares those characteristics. I hear it when he talks about his family. I hear it when he talks about his friends. He has a lot of friends.

I don't doubt him when he says that if he could bring Genesis back, he would. Your Honor, I know in that sense he regrets that night, and he always will. Like Ms. Eigenbrot said, I believe that he's someone who has a future. I think he's very young right now. That's important to consider.

I think he's, obviously, facing mandatory time before he's outside, when he will be mature and when he will be ready to be the person that we think he will be. I ask that you take that into consideration.

THE COURT: Mr. Goodwin, is there anything you would like to say?

THE DEFENDANT: Yes, Your Honor. Just address before we get to the outcome of it. August 21st, that's the day that changed my life in each way and form.

After a night of enjoyment with my friend, it turned into the worst day of my life. Both families, mine and his, we lost Gen. We can't hear his voice, laugh, talk.

For my family, they lost me. I can't come home, can't see my child, my mom, siblings. I just can't be there no more, but for both families, I say I'm sorry.

THE COURT: How long has he been in jail, counsel? Do you have a number of days?

MR. BRADY: I can get that to, Your Honor. It's close to about 13 months total, Your Honor.

MS. EIGENBROT: Some of the people in his family wants to speak.

THE COURT: Absolutely.

MS. EIGENBROT: Just go ahead and just say your full name in this microphone.

MS. RILEY: My name is Jeanette Riley. I met Jerod when we was a freshman in high school. He left after I graduated, so I didn't really -- the perception that was received of Jerod, I've never seen that.

He's a caring man. He played basketball. He played football. What happened is tragic and devastating, but we've been dating for the past two years. The conversations came about, about trial, about his ankle monitor all of that, he took it all in perception also. I'm sorry. He took everything into consideration. He tried. He tried. I know when we talked about it. He regrets it a lot. Both parties, me personally, things were different for both parties, but the outcomes were the

outcomes.

I don't understand that, but from what I heard a lot of people just make him out like a bad person. I've never known him as a bad person. So as you sentence him, I would ask that you take into consideration.

There was a birthday. She called me. She didn't know what to say. I didn't know what to say either. That kind of hurt. I grew up without my father. My father left my life voluntarily.

I know Jerod does want to be in his child's life. He just doesn't know how because he wasn't there. I would still be there to try to teach him, not teach him but help him to find a way to be in his kid's life. That's all.

THE COURT: Thank you.

Tell us your name.

OLIVIA BROOKS: I'm Olivia Brooks. I'm his friend. I considered him my brother. We grew up together. I've like to start off extending my condolences to the victim's family. I'm sorry that you guys went through that.

Nobody should have to lose a loved one, especially for what you're going through. I know how you feel. Jerod isn't a bad guy. Like she said, he didn't grow one with a father.

He didn't grow up with no guidance outside his mom. The thing is everything could have went differently, and I

wish it would have happened differently. I do respect and understand any decision that you do make.

Like they said, I just ask that you do the minimum or what you think is the best because he does have a chance. He does know that he has to turn things around. Like I said, he hasn't had a male figure to show him, and then our best friend, Caleb, has the way. So I would say not that it made him aggressive but made him more like, you know, on the go. Always not knowing who to trust, not knowing -- you know, not knowing how to handle that kind of thing.

He didn't talk to me about it personally because he keeps me out of those things, but I could tell something was wrong. I never asked. You know, you have your feelings. That's not something you want to speak on, but I know it was eating him up to stay up all night, call.

Because I'm in school, so he would call me four o'clock. You know, I'm like, "Why are you up?" He never said anything until my blood brother told me about the situation, and I'm like that don't sound like him. There had to be a reason. Like something, he's not just going to do that especially because he never has done that before, like he never -- everybody that meets Jerod loves him.

He's never known bad reception. What he chooses to

be around changes, but like he said, it's not -- he don't judge. He loves everybody. He can have somebody -- a homeless person could be his friend. He would consider them as family. Like you don't look at how they're raised, what they do, what they post on social media. He doesn't do that.

I'm not going to speak on the condition of the gun situation, but he does, you know, stay in a not-so-good environment. That's really all he grew up around, and what he chooses to get into, it's always those he's around.

He don't know outside. He knows he could do right. I feel like he portrays the image on me because he pushes me. He always calls, you know, "Go to class. I took a semester off, so you need to go to school. You know, you need to do this for the both of us," like a lot.

He had a chance, too, but I have a chance. He's not dealt with the cards to get a full ride. He's not dealt with the cards to, you know, go to school. He has to take care of his mom. He has to take care of his child.

So he -- you know, he's like -- you need to finish. You need to go. You need to do what needs to be done. I'm looking up to you. Just like I look up to him in certain ways, as well. He is definitely not a bad guy. He's not at all.

THE COURT: Yes, ma'am, thank you.

MS. EIGENBROT: I don't think Ms. Goodwin wants to.

THE COURT: Did we count the number of days?

MR. SCOTT: Here is what I have: November 30th, 2021 is when he was arrested. He was bonded out on March 30th, 2022. That would be 91 days. Thereafter, his bond was revoked, and he went back in November 29th of 2022 until August 14th, 2023. That would be 258 days. That would be for a total of 349 days.

Now, Mr. Brady brought to my attention this new arrest that I referenced earlier, a pointing and presenting, I believe. That happened last month.

My initial thought was, "Well, he doesn't get credit for that," but I think Mr. Brady's take, as well, that mechanically revoked his other bond, so he should. I think 400 even is what we kind of settled on.

THE COURT: Okay.

MR. SCOTT: Is that how you understand the new statute wording is that you get credit for the --

THE COURT: I believe so. He's not entitled to credit while he's -- of course, I think it has been while he's serving a sentence for another charge. Had he gone to SCDC, had he been convicted of a new charge, he would not be entitled by law to that time because he's serving a sentence, but as a pretrial detainee, I believe that he is

entitled to credit. I will give him credit for the full 400 days.

So several people have told me that Mr. Goodwin is not a bad guy, and I believe that. I just think some bad decisions were made. I don't even think that Genesis would say that you're a bad guy.

THE DEFENDANT: No, ma'am.

THE COURT: And I -- I don't want to say I understand because I haven't lived that life, but I understand that there is a culture of a life of people living in certain places and having guns and feeling they need to protect themselves, and you do need to protect yourself in those situation.

I mean, as I'm listening to this case, I can envision everything that's happening and how it got to where it got and how we got to the result that we have. The problem with the culture -- that is the problem; that everybody has got guns, and especially when you're hanging out and you're drinking and you're smoking and doing whatever, you end up using a gun in a way that you wish you never had.

I think that -- I get it, but that's the danger. That's the problem. I even on some level get it if you're just in the lot next to your mom's house, and everybody has got their guns. It's dangerous and drug infested and all that stuff, I get it, but then I think, "Well, he was

riding with his boy just out to drop somebody at home. What do you need your gun for then?" That's not a dangerous situation necessarily.

I don't know. I just -- this case makes me sad because I hate to see. You're 22 years old?

THE DEFENDANT: Yes, ma'am.

THE COURT: Yeah. With a minimum 30-year sentence, I just -- I hate that because I don't think you set out that night when you left from your house, you know in the car, to kill Genesis. I don't think anybody thinks that.

UNIDENTIFIED WOMAN: No.

THE COURT: I don't want to speak for everybody else, but I don't believe that. Even when we took a break, and I walked into the jury room, I could feel this heaviness in the air in the jury room not because any one of them said: "We made the wrong decision" or "We regret our decision."

In fact, I asked, "Do you regret your decision?" No. They just hated to see this result. Why didn't you just get out of the car, and I know a lot of this is hindsight.

THE DEFENDANT: Yes, ma'am.

THE COURT: I'm sure you wish you had. I also understand or can envision at least -- I won't say I understand, but I can envision why you wouldn't get out of the car. It's your boy.

You're tripping. It's squashing, take me home. I'm out here in the middle of nowhere. I don't know Artiz like that to be out here. You know, I don't have a ride. It's late at night or early morning hours or whatever.

I can see how that happened. I can envision that where maybe, you know, Genesis is serious, but you don't really think he's serious when he says, "Get out of the car."

You know what I'm saying? I can -- I can envision it almost like a movie playing in front of me. So I just think it's sad for everybody because you lost your friend at your own hands.

THE DEFENDANT: My brother.

THE COURT: Absolutely.

So this isn't something where you're out in the streets and you're proud that, you know, "He didn't get me. I got him." It's nothing like that which is a lot of murder cases that I see.

It's just -- it's sad, and I don't think you're a bad person. I've seen the Facebook photos. I wouldn't choose that behavior. It's illegal behavior in some ways. I don't think you're a bad person.

You've been -- I've watched you the whole trial. You've been polite to me. You've been kind, jovial -- polite. Not jovial. That's a bit far, but warm with your

attorneys. I don't want to use the word jovial because I don't think you've been like giddy.

THE DEFENDANT: Yes, ma'am.

THE COURT: I mean, you recognize the weight of this. I don't mean it that way, but you seem like a nice person. So I just -- this is just such an unfortunate result.

Nevertheless, I'm going to do my job and impose sentence. On indictment 2022-GS-40-03134, that is the lesser charge of use of vehicle without permission, the sentence is that you be committed to the State Department of Corrections for three years.

On indictment 2022-GS-40-03133, possession of a weapon during the commission of a violent crime, the sentence is that you be committed to the State Department of Corrections for five years.

On 2022-GS-40-03132, an indictment for murder, the sentence is that you be committed to the State Department of Corrections for 30 years.

All sentences are to run concurrent to each other, and you'll get credit for the 400 days that you served in jail. Good luck to you, sir.

MS. EIGENBROT: Thank you, sir.

THE COURT: God bless you.

(Whereupon, the proceedings were concluded.)

STATE OF SOUTH CAROLINA) **COUNTY OF RICHLAND)**	**IN THE COURT OF GENERAL SESSIONS** **FOR THE FIFTH JUDICIAL CIRCUIT**
THE STATE OF) **SOUTH CAROLINA,)**	**WARRANTS: 2021A4011200692-694** **INDICTMENTS: 2022GS4003132-134**
vs.)	**MOTION FOR NEW TRIAL**
Jerod Goodwin,) **Defendant.)**	

RICHLAND COUNTY FILED
2024 JAN -2 AM 11:22
JEANETTE W. WALDEN C.C.P., G.S., & C.C.

ATTN: DALE SCOTT, FIFTH CIRCUIT SOLICITOR'S OFFICE

NOW INTO COURT comes Jerod Goodwin, through Undersigned Counsel, and moves this Court to grant a new trial. In so moving, the Defense renews all of its previous motions and objections, and asks the court to consider the cumulative effect of all issues, including motions and objections, throughout the trial.

In support, Counsel States:

1. Mr. Goodwin was convicted of use of vehicle without permission, murder, and possession of a weapon during the commission of a violent crime on December 21, 2023. He moves for a new trial based on the below law and arguments.

I. Mr. Goodwin Should be Granted a New Trial based on the Prejudice he Suffered from Shackling, in Combination with the State's Questioning and Argument in Front of the Jury Regarding his Inability to Demonstrate How the Incident Occurred

2. The Defense moves for a new trial based on the individual and compounding prejudice that Mr. Goodwin suffered due to being placed in shackles throughout trial, as well as the State's challenges to Mr. Goodwin to demonstrate how the incident occurred to the jury during cross-examination and the State's arguments related to the same in closing.

3. Mr. Goodwin moved that he not be in restraints during the trial in accordance with constitutional law on the matter. *Deck v. Missouri*, 544 U.S. 622 (2005); *See also Reese v. State*,

Op. No. 6024 (Ct. App. Filed September 6, 2023)[1]; *State v. Heyward*, Op. No. 28182 (S.C. Sup. Ct. Filed October 5, 2023)[2]. That motion was denied, although the Court, during that hearing, acknowledged that Her Honor, from the jury box, could see something metallic where Mr. Goodwin had a wrist-shackle—though the Court stated that it could not tell the difference between the wrist-shackle and a watch. The jury was likely disabused of any doubts they might have held as to whether Mr. Goodwin was shackled during his cross-examination and the State's closing.

4. During cross-examination, the State repeatedly challenged Mr. Goodwin to demonstrate how he shot the decedent as he was pulled from/exiting the vehicle. This includes the State asking Mr. Goodwin to demonstrate the act after the State had been objected to and the objection was sustained. By the second objection, the assistant solicitor had placed himself directly between Mr. Goodwin and the jury box—about a foot apart from each—and was continuing to challenge Mr. Goodwin to show the jury how the shooting occurred through physical reenactment. Mr. Goodwin could not do so without exposing the leg-shackles that remained on him during his testimony.

5. During closing, the State argued to the jury that Mr. Goodwin's failure to reenact the incident was something that they should weigh in considering his guilt and the truth of his testimony. After a sustained objection, the State again put forward the same argument a second time in front of the jury during closing. No curative instructions were provided upon defenses' motion for mistrial and request for curatives if mistrial was not granted (the Defense maintained that no curative would be sufficient).

6. The shackling, in combination with the State's cross-examination and closing, prejudiced

[1] Available at https://www.sccourts.org/opinions/advSheets/no352023.pdf.
[2] Available at https://www.sccourts.org/opinions/advSheets/no402023.pdf.

Mr. Goodwin in two ways. First, it alerted the jury to his shackled status. Second, and far more prejudicial, Mr. Goodwin's inability to show the jury how the incident occurred—due to the shackles—was used by the State to imply that Mr. Goodwin was being untruthful and not able to or not willing to show the jury how the incident occurred. Shackled status alone is so prejudicial that "the State bears the burden of establishing the error was harmless" when a defendant appears shackled in front of the jury. *Reese v. State*, Op. No. 6024 (Ct. App. Filed September 6, 2023). Here, the prejudice is far more severe because the State used Mr. Goodwin's shackled status to place him in the impossible position of trying to reenact the incident while shackled and constrained within the witness box. The State then used this tactic to attack his credibility during closing.

7. The South Carolina Supreme Court has held that a Defendant's credibility in self-defense cases is critical. *See e.g. State v. Bryant*, 633 S.E.2d 152, 156 (S.C. 2006) ("Petitioner's defense was that he acted in self-defense, and this hinged entirely on his own testimony...[Therefore], Petitioner's credibility was essential to his defense."). As with shackling in-and-of-itself, where cases "[come] down to the jury's evaluation of witness credibility," the Supreme Court is "unwilling to assume a jury would have the ability to limit its consideration of such prejudicial [tactics]..." even with a curative or limiting instruction. *State v. Cross*, 427 S.C. 465, 483 (2019). Because Mr. Goodwin suffered prejudice due to being shackled in front of the jury, and because the State seized upon that prejudice in its examination and arguments, Mr. Goodwin should be granted a new trial.

II. The Jury was Required to be Instructed on Voluntary Manslaughter

8. Mr. Goodwin also moves for a new trial based on the jury not receiving an instruction on voluntary manslaughter. Mr. Goodwin requested a charge of voluntary manslaughter, but the State objected to the charge and the Court declined to instruct the jury on voluntary

manslaughter. *Leggette v. State*[3] was published by the Court of Appeals in August and addresses the issue.

9. "Voluntary manslaughter is the unlawful killing of a human being in sudden heat of passion upon sufficient legal provocation" *Leggette v. State*, Op. No. 6007 (S.C. Ct. App. Filed August 2, 2023) (internal quotations and citation omitted). "If there is any evidence from which if could be inferred that the lesser, rather than the greater, offense was committed, the defendant is entitled to such charge." *Id.* (internal citations and quotations omitted). "To warrant the court eliminating the charge of manslaughter, there must be no evidence whatsoever tending to reduce the crime from murder to manslaughter." *Id.* (internal quotations and citation omitted). "[A] person's fear immediately following an attack or threatening act may cause the person to act in a sudden heat of passion." *Id.* (internal citation and quotations omitted). "[I]n order to constitute sudden heat of passion upon sufficient legal provocation, the fear must be the result of sufficient legal provocation and cause the defendant to lose control and create an uncontrollable impulse to do violence." *Id.* (internal citation and quotations omitted). "In determining whether the act which caused death was impelled by heat of passion or by malice, all the surrounding circumstances and conditions are to be taken into consideration, including previous relations and conditions connected with the tragedy, as well as those existing at the time of the killing." *Id.* (internal quotations and citation omitted).

10. In *Leggette*, the Court found that a voluntary manslaughter charge was appropriate where there had been prior difficulties and threats between Leggette and the decedent's group of friends two days prior. *Id.* The decedent and Leggette had not had personal prior difficulties within the past year, but the decedent had approached Leggette with another man—the decedent's friend

[3] Available at https://www.sccourts.org/opinions/advSheets/no302023.pdf.

(Friend)---with whom Leggette had ongoing difficulties. *Id.* Leggette and Friend had argued and threats had been made two and four days prior to the incident, according to some testimony. *Id.* Leggette testified that the decedent and Friend approached him from behind and that Friend said, "what up now?" after Leggette had walked away from the decedent's group of friends that had been making threats and causing difficulties two days prior. *Id.* Leggette also testified that he thought he then saw the Friend reaching toward his (Friend's) waistband, and, at that point, he drew his weapon and began to fire, striking and killing decedent. *Id.* No witnesses ever placed a firearm in Friend's possession that night, but Leggette testified about Friend's reputation for carrying firearms. *Id.* In finding that a manslaughter charge was appropriate, the Court repeatedly emphasized the "any evidence" test as what determines if the instruction must be given upon request. *Id.*

11. Here, Mr. Goodwin and the only other witness present at the time of the shooting—Mr. Gibson-Adeyinka—both testified that the decedent began yelling for Mr. Goodwin to get out of the car and began trying to drag Mr. Goodwin out of the car immediately after the car stopped. Mr. Gibson-Adeyinka also testified that the decedent had yelled "If my top shotta got to get out of the car, you got to get out of the car!" A video showing the decedent and his "top shotta" posing with an AK-47 had been shared with Mr. Goodwin about a week prior to the incident, and contained the caption "My top shoota more active than yours pussy." Both Mr. Goodwin and the witness also testified that Mr. Goodwin yelled for the witness/top shotta to intervene in an attempt to get his help in stopping the decedent from grabbing at Mr. Goodwin within the car. Both testified that the witness/top shotta did not help. Both also testified that the decedent knew that Mr. Goodwin was armed with a firearm when he began trying to grab and pull him out of the backseat. Their testimony conflicted as to whether or not the decedent was attempting to grab

Mr. Goodwin's weapon from him at any point. This came after prior difficulties in the night, which both witnesses acknowledged. Testimony was also provided for the decedent's reputation for turbulence, violence and use of firearms.

12. These facts are similar to *Leggette*, but show greater support for the charge of manslaughter. Both cases involve the decedent and the Defendant having difficulties in the recent past. However, here, the difficulties are more recent. Further, the difficulties here are not just between Defendant and decedent's group of friends or neighborhood, but also involve decedent directly. Both cases involve testimony that a fight was about to ensue, but the defendant alleged he was trying to avoid it. However, here, testimonies of Mr. Goodwin and the Mr. Gibson-Adeyinka show greater support for the charge of manslaughter, because both agree that the decedent began yelling at Mr. Goodwin and attempting to drag him out of the car. Additionally, both witnesses agree the decedent started the physical altercation that led to the shooting by attempting to drag Mr. Goodwin from the car. Further, both witnesses agreed that Mr. Goodwin was yelling for help during the incident. Finally, this case lends greater support, because Mr. Goodwin testified that the decedent was reaching for Mr. Goodwin's weapon. Further, the other witness acknowledged that while the decedent was grabbing at and trying to drag Mr. Goodwin from the car, the decedent was at least aware of Mr. Goodwin's weapon being on his person. The Court correctly instructed the jury that it was free to accept some, all or none of the witnesses' testimonies throughout trial. Under Mr. Goodwin's testimony, Mr. Gibson-Adeyinka's testimony, or both the jury could have found Mr. Goodwin guilty of voluntary manslaughter.

13. Under the "any evidence" test, and in light of *Leggette*, it is clear that there is evidence that meets both requirements for the charge of voluntary manslaughter (heat of passion and

sufficient provocation) such that a jury should consider the charge. The Court has repeatedly emphasized that self-defense and manslaughter instructions are not mutually exclusive. *Id.*; *see also e.g. State v. Linder*, 276 S.C. 304 (1981) (reversing for trial courts failure to give manslaughter charge when gave self-defense charge). Due to this error, Mr. Goodwin should be granted a new trial.

III. Mr. Goodwin was Entitled to Present Critical State of Mind Evidence, Regarding the Decedent, which Supported the Defense's Theory of the Case

14. The Defense moves for a new trial based on the Defense not being permitted to offer evidence regarding the decedent's state of mind at the time of the incident.

15. At trial, the Defense sought to introduce Facebook posts from the decedent to demonstrate the decedent's state of mind at the time of the incident. The Defense proffered the content of the posts and the dates they were posted through Mr. Gibson-Adeyinka, the best friend of the decedent who was also the only eye witness other than Mr. Goodwin. The posts were not submitted as Court's exhibits, but are attached to this motion for a new trial. See Attachments A, B, C, and D. Prior to trial, the State and the Defense stipulated that authentication was not required for Facebook materials, however the materials would be admissible regardless under *State v. Green*, 427 S.C. 223 (Ct.App. 2019).

16. Mr. Goodwin testified that the difficulty that led to him killing the decedent arose, in part, from the decedent feeling that Mr. Goodwin had chosen a mutual friend's side earlier in the night when the decedent and the mutual friend got into a fight. The decedent had made several posts in the month prior to the shooting indicating that he did not trust his friends—like Mr. Goodwin—and that he would kill his friends if he felt that they were not loyal to him. See Attachments A, B, C, and D.

17. State of mind evidence regarding the decedent, including character evidence

demonstrated through specific instances, is admissible as exculpatory evidence in self-defense cases. *See e.g.* South Carolina Rules of Evidence Rule 405(b) ("[i]n cases in which character or a trait of character of a person is an essential element of a charge, claim, or defense[.]"); *State v. Hill*, 129 S.C. 166, 168 (1924) (this evidence "has a direct bearing upon each of the four familiar elements" of self-defense); *see also State v. Day*, 341 S.C. 410 (2000); *see also State v. Gilchrist*, 329 S.C. 621, 628 (S.C. App. 1997) ("Evidence which tends to approve [a person's] state of mind or intent at or near the time of the crime alleged is relevant..."). The Supreme Court has held that "the conduct, actions, and general demeanor of the defendant immediately before the killing is admissible to show that he was in a vicious humor, as bearing upon the great issue in this case, his frame of mind at the time of the homicide. The same rule should apply on behalf of the accused in establishing the temper of the deceased at the time of the fatal encounter." *State v. Hill*, 129 S.C. 166, 167 (internal citations omitted). Therefore, a defendant is entitled to introduce state of mind evidence where that evidence is "directed against the defendant or, if directed against others, were so closely connected at point of time or occasion with the homicide as reasonably to indicate the state of mind of the deceased at the time of the homicide, or to produce reasonable apprehension of great bodily harm." *State v. Day*, 341 S.C. 410, 419-420 (2000) (reversing trial court for excluding violent incident of decedent from four months prior, where would have shown decedent's state of mind and reasonable fear of harm); *see also State v. Mekler*, 368 S.C. 1 (S.C. App. 2005) (reversing trial court where excluded prior domestic violence incident from three months prior because went to state of mind); *see also State v. Douglas*, 411 S.C. 307 (S.C. App. 2014) (upholding trial court's immunity grant where allowed prior acts from 1 year and 4 years prior, though no ruling on if error in allowing); *cf. State v. Brown*, 321 S.C. 184 (1996) (23 year old manslaughter too old). The nature of the evidence—

state of mind evidence—also allows its admissibility as an exception to the rule against hearsay. SCRE Rule 803(3).

18. In this case, the materials "were so closely connected at point of time or occasion with the homicide as reasonably to indicate the state of mind of the deceased at the time of the homicide." *Day* at 419-420. The posts qualify because they are both 1) closely connected in time—all having been posted within one month of the incident—, and 2) are closely connected in occasion, because they deal with the exact type of paranoia—that the decedent's friends were not loyal and therefore he may kill them—that was also relevant in Mr. Goodwin's trial. There were only two witnesses to the shooting in this case: Mr. Goodwin and Mr. Gibson-Adeyinka. At trial, their testimonies largely matched each other (see description above). However, the critical difference between the two is whether or not the decedent was reaching for or would have reached for Mr. Goodwin's gun in an attempt to get it from him and use it. This state of mind evidence would have been critical in demonstrating to the jury that the decedent was likely doing what Mr. Goodwin testified he believed he was doing: attempting to get his firearm to use it against him. Therefore, exclusion of the evidence was extremely prejudicial to Mr. Goodwin.

IV. Mr. Goodwin Moves for a New Trial Based on the Admission of Evidence that the Firearm used to Kill the Decedent was Stolen, Admission of Evidence that Mr. Goodwin Possessed an Unrelated Assault Rifle at the time of his Arrest, and Arguments Made by the State During Closing Regarding Guns in Richland County

19. The Defense moves for a new trial on the individual and compounding effect of 1) evidence admitted that the the defendant possessed an unrelated assault rifle several months after the incident, 2) evidence that the firearm used to kill the decedent was stolen, and 3) the State's use of that evidence in arguing to the jury that Mr. Goodwin was representative of a larger community problem in Richland County (gun possession and use generally) upon which they

should speak through their verdict.

20. The Defense moved pretrial to exclude the assault rifle under SCRE Rules 401 and 403, and objected to its introduction through testimony at trial. It was never tied to the incident in anyway, though the State elicited testimony and argued that Mr. Goodwin could not possess firearms.[4]

21. The Defense moved pretrial to exclude mention that the incident weapon was stolen based on SCRE Rules 401, 403, 404, and the rule against hearsay and the confrontation clause. The Defense objected on the same bases when the gun's stolen status was testified to at trial. The State did not put forward an exception under 404(b)*f Lyle*, and the Court did not perform a 404 or 403 analysis on the record. *State v. King*, 424 S.C. 188 (2018) (trial courts must conduct on record analysis of 404 and 403 prior to admitting such evidence). No evidence was ever presented that the firearm's stolen status was the cause of the incident or related to it in anyway—i.e. there was no evidence presented that "it [was] intimately connected with the [incident], or [was] necessary to provide a complete story or explanation of the [incident]." *State v. Williams*, 321 S.C 455, 462 (1996).

22. During closing arguments, the State repeatedly asked the jury "what Richland County thinks" about guns and gun use in Richland County—a massive public issue. The State also painted Mr. Goodwin as representative of young men today who feel they need to solve their problems with a gun or need to a gun to be a man. The State tied these issues and the community question posed to the jury to the incident gun's stolen status and Mr. Goodwin possessing multiple guns (the relevant firearm and the assault rifle). The Defense objected multiple times to

[4] This is due to a possession with intent to distribute marijuana conviction, which prohibits Mr. Goodwin's gun possession federally, but not under state law. That Mr. Goodwin had such a conviction was excluded at trial, and the State was limited to eliciting and arguing he was not supposed to have a gun.

the State's use of "call to the community" arguments during closing and "facts outside of evidence," but those objections were, largely, overruled.

23. A solicitor's "duty is not to convict a defendant but to see justice done. The solicitor's closing argument must, of course, be based upon this principle. The argument therefore must be carefully tailored so as not to appeal to the personal bias of the juror nor be calculated to arouse his passion or prejudice." *Linder*, 276 S.C. at 312. Arguments aimed at community safety, rather than the individual case in front of the jury, are inappropriate because they both inject an issue outside of the case into the case and inflame passion and prejudice of the jury. *See e.g. State v. Smith*, 425 S.C. 20, 36-39 (S.C. App. 2018) (acknowledging impropriety of arguments and outlining history of cases in which similar issues have arisen) (*rev'd* by *State v. Smith*, 430 S.C. 226 (2020) for failure to grant new trial on other issues). Both issues are present here and were emphasized to the jury throughout the State's closing. In the context of the entire trial, particularly because the State hinged a significant portion of its case on Mr. Goodwin not being entitled to use self-defense because he could not legally possess a firearm, Mr. Goodwin suffered prejudice that requires a new trial from these issues.

V. Mr. Goodwin should be Granted a New Trial based on Improper Victim Impact Arguments

24. The Defense moves for a new trial based upon the State arguing victim impact to the jury throughout its closing over the Defense's objections. The State made references to the victim's family and friends in the courtroom throughout closing and pointed to the large number of victim supporters in the courtroom. The State asked the jury to consider that the family was without a son, father and brother. The State also asked the jury to consider the empty seat the victim's family has had at their Christmas dinner table the past two years. "Because victim impact

evidence has little, if any, probative value during the guilt phase of a trial, victim impact evidence is only admissible during the sentencing phase." *State v. Bowman*, 656 S.E.2d 638, 647 (N.C. App. 2008). This is because, besides its irrelevance in guilt phases of trials, victim impact—even where appropriately admissible within capital sentencing—is recognized as material that can naturally inflame the passion and prejudices of jurors. *See Humphries v. State*, 351 S.C. 362 (2002) (Where victim impact "evidence is introduced that is so unduly prejudicial that it renders the [sentencing phase of] trial fundamentally unfair, the Due Process Clause of the Fourteenth Amendment provides a mechanism for relief." (quoting *Payne v. Tennessee*, 501 U.S. 808, 825 (1991))); *see also State v. Reese*, 370 S.C. 31 (2006) (overruled on other grounds by *State v. Belcher*, 385 S.C. 597 (2009)). Where malice and intent to kill are at issue, this type of prejudice requires reversal. *State v. Reese*, 370 S.C. 31 (2006).

25. Here, Mr. Goodwin testified that he shot the decedent in self-defense rather than malice. Further, he stated that he tried to aim for the lower body, because he did not want to kill his friend. This is supported by the physical evidence of the gun shot entry wound locations (hip, pelvis, lower abdomen). Therefore, inappropriate inflammatory arguments likely played a part on a critical issue in this case, causing prejudice to Mr. Goodwin.

VI. The Defense Moves for a New Trial based on Mr. Goodwin being Deprived of his Rights to Compulsory Process and Confrontation regarding Lt. Dauway, the Lead Investigator, whom was under Subpoena from the Defense

26. The Defense moves for a new trial based on the absence of Lt. Dauway, the lead investigator whom the Defense sought to cross-examine regarding the investigation. The Defense issued a subpoena for Lt. Dauway, the lead investigator in the case, to both testify and produce communications related to the case. The communications were not produced and Lt. Dauway did not appear at trial.

27. The Defense was not able to confront Lt. Dauway on critical issues within the case. This includes that 1) the arrest and charging decisions in the case were based on initial, false statements from Mr. Gibson-Adeyinka, the only witness to the shooting besides Mr. Goodwin,[5] 2) Mr. Goodwin had asked Lt. Dauway to seek statements from multiple individuals, including Mr. Gibson-Adeyinka, when arrested, 3) the Defense was unable to question Lt. Dauway on the Government's refusal to investigate and produce evidence including DNA evidence and social media evidence which corroborated Mr. Goodwin's version of events, 4) the Defense was unable to question Lt. Dauway regarding a prior statement from Mr. Gibson-Adeyinka that he—Mr. Gibson-Adeyinka—thought the prior difficulty had ended prior to the shooting.

VII. Motion for New Trial Based on all Other Issues and Cumulative Effect

28. The Defense moves for a new trial based on all other the issues raised by the defense throughout trial, including all motions, objections, and errors. The Defense also moves for a new trial based on the cumulative effect all issues, motions, objections and errors from trial.

Respectfully Submitted,

Nathaniel P. Brady (SC Bar No. 102632)
Richland County Public Defender's Office
1701 Main St., Suite #103
Columbia, South Carolina 29201
(803) 765-2592

Counsel for Jerod Goodwin

[5] Mr. Gibson Adeyinka's initial story was that Mr. Goodwin and the decedent mutually agreed to exit the vehicle in order to fight and that Mr. Goodwin then pulled his gun and shot the decedent.

STATE OF SOUTH CAROLINA) **COUNTY OF RICHLAND)** **)**	**IN THE COURT OF GENERAL SESSIONS** **FOR THE FIFTH JUDICIAL CIRCUIT**
THE STATE OF) **SOUTH CAROLINA,)** **)**	**WARRANTS: 2021A4011200692-694** **INDICTMENTS: 2022GS4003132-134**
vs.) **)**	**MEMORANDUM ON *STATE v. SELLERS*** **IN SUPPORT OF MOTION FOR NEW TRIAL**
Jerod Goodwin,) **Defendant.)**	

RICHLAND COUNTY
FILED
2024 JAN 22 PM 2:06
C.P., G.S.,

ATTN: DALE SCOTT, FIFTH CIRCUIT SOLICITOR'S OFFICE

NOW INTO COURT comes Jerod Goodwin, through Undersigned Counsel, and submits this memorandum in support of his motion for a new trial which was filed on January 2, 2024. In support, Counsel States:

1. Mr. Goodwin filed his *Motion for New Trial* on January 2, 2024 and renewed his objections and motions in requesting a new trial, as well as the cumulative effect of any error or prejudice he suffered.

2. At trial, Mr. Goodwin objected to the jury receiving a malice instruction that allowed them to infer malice based on illegal acts. Counsel noted that, while it was currently still a valid instruction, *State v. Sellers* was pending in the Supreme Court and would address the issue. In objecting to the instruction, Counsel argued that the issue was particularly prejudicial for Mr. Goodwin, because Mr. Goodwin had a self-defense case and the potential to burden shift and confuse the jury was higher, because the jury would already be considering the legality of his acts under self-defense law.

3. *Sellers* was published on January 17, 2024 and voices those same concerns, also urging judges to scrutinize the instruction specifically in self-defense cases. *See State v. Sellers*, Op. No. 28188 (S.C. Cup. Ct. filed January 17, 2024).[1] Sellers' case involved only an issue of

[1] Available at https://www.sccourts.org/opinions/advSheets/no22024.pdf.

identification—whether or not he had in fact killed the decedent. Therefore, the Court found, the instruction was not inappropriate and did not risk confusion or burden shifting in his case. However, the Court agreed with the Court of Appeals' concerns regarding the instruction, "question[ing] what the phrase 'without just cause or excuse' add[s] to the jury's understanding of the legal principle of malice" at all. *Id.*

4. Moreover, the Court juxtaposed Sellers' identification case, wherein the instruction was harmless, against "some cases, such as where there is evidence the defendant acted in self-defense." *Id.* In such cases, confusion and burden-shifting is more likely to occur, because "the State must prove the defendant acted without just cause or excuse," and must do so beyond a reasonable doubt. *Id.* After this juxtaposition, the Supreme Court "caution[ed] our trial courts to carefully consider whether to include any phrase in a jury instruction" on a case-by-case basis. *Id.*

5. In light of *Sellers*, it is clear that, in self-defense cases, the inferred malice instruction greatly risks confusing the jury and shifts the prosecution's burden away from the beyond a reasonable doubt standard in violation of *Sandstrom v. Montana*, 442 U.S. 510 (1979). "Jury instructions by the court of irrelevant and inapplicable principles may be confusing to the jury and can be reversible error," even when they do not hold the potential to burden-shift. *State v. Perry*, Op. No. 28167 (S.C. Sup. Ct. filed July 26, 2023)[2] (quoting *State v. Washington*, 338 S.C. 392, 400 (2000)). Where burden-shifting "may have" occurred, a new trial is mandatory under the Fourteenth Amendment. *Sandstrom v. Montana*, 442 U.S. 510, 525 (1979).

6. Mr. Goodwin's case is the exact type of case in which the Court indicated the inferred malice instruction could confuse the jury and shift the prosecution's burden. At trial, the State

[2] Available at https://www.sccourts.org/opinions/advSheets/no292023.pdf.

argued that because the gun Mr. Goodwin used to kill the decedent was stolen and because Mr. Goodwin was not permitted to carry a firearm, he was precluded from receiving a not guilty verdict based on self-defense. The State specifically argued that the illegality of these acts prevented it. The instruction, in combination with the State's arguments and the evidence introduced at trial, created the possibility of jury confusion and burden-shifting which is prohibited under *Sandstrom*. Therefore, because the jury "may have" interpreted the instruction as burden-shifting or been confused by the instruction, the Court should grant Mr. Goodwin a new trial.

7. Based on the Supreme Court's opinion in *Sellers* and his objection at trial, Mr. Goodwin asks the Court to evaluate whether a new trial is appropriate based on new law for an issue that was properly preserved at trial.

Respectfully Submitted,

Nathaniel P. Brady (SC Bar No. 102632)
Richland County Public Defender's Office
1701 Main St., Suite #103
Columbia, South Carolina 29201
(803) 765-2592

Counsel for Jerod Goodwin

RECEIVED
Feb 18 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND 2025 FEB 11 PM 3:39 FOR THE FIFTH JUDICIAL CIRCUIT

State of South Carolina

v.

Jerod Goodwin,

Defendant.

Warrant Nos.: 2021A4011200692, 2021A4011200693, 2021A4011200694

Indictment Nos.: 2022GS4003132, 2022GS4003133, 2022GS4003134

ORDER DENYING MOTION FOR NEW TRIAL

This matter comes before the Court upon "Motion for New Trial," which was filed by Defendant on January 2, 2024. In the motion, Defendant asks that this Court order that a new trial be held, setting aside the jury's verdict on December 21, 2023. Having fully considered Defendant's motion as well as Defendant's "Memorandum on *State v. Sellers* in Support of Motion for New Trial" (which was filed on January 22, 2024), Defendant's "Motion for New Trial" is DENIED.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Defendant Jerod Goodwin was charged with murder, possession of a weapon during the commission of a violent crime, and use of vehicle without permission. The charges arose from a shooting incident that occurred in the early morning hours of August 15, 2021, when Defendant; the victim, Genesis Williams ("Victim"); and their friend ("Witness") were on their way to Witness's house. Witness drove Victim's vehicle; Victim was in the back seat; and Defendant in the front passenger's seat.

Upon arrival near Witness's home, he stopped and exited the vehicle. Victim, who had been arguing with Defendant during the ride, told Defendant to get out of the car. When Defendant refused, Victim also exited the vehicle and began grabbing Defendant's clothes in an attempt to

forcefully remove him. Defendant then took a gun from the waistband of his pants and shot Victim -three times. He left Victim lying in the roadway injured and fled in Victim's car without rendering aid or calling for medical assistance.

After three months of searching for Defendant, the Fugitive Task Force unit of the Richland County Sheriff's Department (RCSD) apprehended him. He was tried by a jury from December 18 to December 21, 2023, at which time he testified that he acted in self-defense. The jury found him guilty as charged, and the Court sentenced Defendant to serve thirty years in the South Carolina Department of Corrections.

I. Shackling

Defendant's first argument is that he suffered prejudice by being shackled during trial. According to Defendant, the prejudice was compounded by the prosecution's urging that he demonstrate to the jury how the victim was shot. While Defendant contends that he is entitled to a new trial on this basis, the Court disagrees.

At the commencement of the trial, Defendant – who remained detained at the Richland County Detention Center – asked that the Court order RCSD to remove all shackles from his person during the pendency of trial. The Court conferred with RCSD regarding its policies and procedures, heard arguments from the prosecution, and conducted a visual assessment to determine whether shackles would be visible to jurors. Ultimately, the Court determined that jurors would be unable to see the shackles on Defendant's legs and that Defendant's clothing and position while seated were sufficient to mask the handcuff on Defendant's left wrist.

Defendant testified in his own defense. He stated that during the altercation between him and Victim, Victim "waist checked" him by reaching for the gun in Defendant's waistband. Defendant also testified that Victim was angry that evening and that he was "one hundred percent

positive" that Victim was carrying a weapon. He stated that upon arrival near Witness's home, there was a physical struggle which resulted in Victim being shot. During cross-examination the prosecution asked Defendant to demonstrate how the shooting occurred. Defense counsel objected, and the Court sustained the objection. Later, in the State's closing argument, the prosecution argued that Defendant was unable to demonstrate the chain of events because his story was implausible. The Court denied Defendant's subsequent motion for a mistrial.

"The law has long forbidden routing use of *visible* shackles during [a jury trial]; it permits a State to shackle a criminal defendant only in the presence of a special need." *State v. Heyward*, 441 S.C. 484, 491-91, 895 S.E.2d 658, 662 (2023) (quoting *Deck v. Missouri*, 544 U.S. 622, 626 (2005)) (emphasis added). While visible shackling undermines a defendant's presumption of innocence, it may be done where there is a particular need – a matter left to the trial judge's discretion. *Deck*, 544 U.S. at 630; *State v. Tucker*, 320 S.C. 206, 209, 464 S.E.2d 105, 107 (1995). "The trial judge is to balance the prejudicial effect of shackling with the considerations of courtroom decorum and security. *Id.* (citing *Illinois v. Allen*, 397 U.S. 337 (1970). "If the court finds restraints are necessary, it must make every reasonable effort to ensure the restraints are not visible to the jury." *Heyward*, 441 S.C. at 493, 895 S.E.2d at 663 (citing *Deck*, 544 U.S. at 629).

In this case, no visible shackles were employed. The Court made every effort to ensure that Defendant's shackles were not visible to jurors, including conducting its own visual assessment and ensuring that Defendant walked to the witness stand outside of the jury's presence. The Court also considered the fact that Defendant fled from the scene on the night of the incident and that he remained "on the run" for three months without capture. Ultimately, the Court determined that, where shackles could not be seen by the jury, security interests outweighed any prejudicial effect to Defendant.

In addition, each time that the prosecutor suggested that Defendant do a physical demonstration, the Court sustained defense counsel's objection. No curative instruction was given to the jury because defense counsel argued that no curative instruction would be sufficient. Finally, the Court found that because jurors were unaware of the reason Defendant wasn't required to demonstrate his action and because the State argued that a reasonable demonstration was impossible, no manifest necessity existed for the granting of a mistrial. *See, e.g., State v. Rowlands*, 343 S.C. 454, 539 S.E.2d 717 (Ct. App. 2000) ("a mistrial is proper only where it is dictated by 'manifest necessity' or 'the ends of public justice.'"). Therefore, Defendant's motion for a new trial based upon alleged improper shackling is denied.

II. Voluntary Manslaughter

Defendant next argues that the Court erred in declining his request to allow the jury to consider whether he was guilty of voluntary manslaughter instead of murder. He contends that there was evidence at trial that would support a jury charge on voluntary manslaughter, entitling him to that charge upon his request. The Court disagrees.

"The law to be charged must be determined from the evidence presented at trial." *State v. Cole*, 338 S.C. 97, 101, 525 S.E.2d 511, 512 (2000) (citing *State v. Lee*, 298 S.C. 362, 380 S.E.2d 834 (1989)).

> "A trial judge must charge a lesser included offense if there is any evidence from which the jury could infer the defendant committed the lesser rather than the greater offense." *State v. White*, 361 S.C. 407, 412, 605 S.E.2d 540, 542 (2004). "To justify charging the lesser crime, the evidence presented must allow a *rational* inference the defendant was guilty only of the lesser offense." *State v. Geiger*, 370 S.C. 600, 607, 635 S.E.2d 669, 673 (Ct. App. 2006) (emphasis added).

State v. Sims, 426 S.C. 115, 130, 825 S.E.2d 731, 738 (Ct. App. 2019). Voluntary manslaughter is a lesser-included offense of murder. *Id.* at 131, 825 S.E.2d at 739.

"Voluntary manslaughter is the unlawful killing of a human being in a sudden heat of passion upon sufficient legal provocation." *State v. Starnes*, 388 S.C. 590, 596, 388 S.E.2d 590, 608 (citing *State v. Wharton*, 381 S.C. 209, 214, 672 S.E.2d 786, 788 (2009)). While an individual's fear resulting from an attack can constitute sufficient legal provocation in this context, the analysis does not end there. *Sims*, 426 S.C. at 132, 825 S.E.2d at 740 (citations omitted). "A person may act in a deliberate, controlled manner, notwithstanding the fact that he is afraid or in fear." *Starnes*, 388 S.C. at 599, 698 S.E.2d at 609. Where an assailant claims to have been in fear, yet there is no evidence that the assailant was out of control as a result of that fear or that his fear resulted in an uncontrollable impulse to do violence, a charge on voluntary manslaughter is not appropriate. *See, e.g., id.*

In this case, Defendant testified that he shot Victim because he was in fear for his life. He also testified that he felt justified in shooting Victim because of Victim's "bad reputation" and Defendant's "one hundred percent positive" belief that Victim was carrying a black gun in his waistband on the day of the incident. According to Defendant, he watched Victim pacing outside the vehicle getting angrier and angrier before he grabbed at Defendant, causing Defendant to shoot him. He testified that he aimed the pistol at Victim's lower body in an effort to shoot him without killing him. Further, Witness testified that Defendant twice said, "You think I'm playing?" before shooting Victim. While that testimony could support a self-defense theory, it does not support a charge of voluntary manslaughter. Viewing the evidence in the light most favorable to Defendant, a jury could conclude that Defendant was, in fact, in fear; but there is no evidence that he acted on an uncontrollable impulse. Instead, it appears that Defendant had sufficient time to coolly reflect, so much so that he was able to aim his weapon towards Victim's lower body. Therefore,

Defendant's motion for a new trial on the grounds that the jury wasn't allowed to consider voluntary manslaughter is denied.

III. "State of Mind" Evidence

Defendant's third argument is that he is entitled to a new trial because the Court prohibited him from introducing Victim's Facebook posts into evidence. Defendant contends that the Facebook posts were essential to prove Victim's state of mind and lend credence to Defendant's testimony that Victim reached for Defendant's weapon on the night of the incident. The Court disagrees.

At trial, Defendant sought to introduce the following Facebook posts:

- On July 19, 2021, "If feel them acting strange, I'll kill one of my niggaz..."
- On August 5, 2021, "Don't tell me sorry im very unforgiven..."
- On August 8, 2021, "I do not fear being alone, my dear; I fear being in a room full of people I cannot trust. -Brooke Hampton"
- On August 13, 2021, "Done met so many fake friend, say they yo brother but when you touch them you feel the [snake] skin..."

According to Defendant, these Facebook posts are "character evidence, demonstrated through specific instances," which would be admissible under Rule 405(b), SCRE.[1] To support his argument, he relies in part on *State v. Day*, 341 S.C. 410, 535 S.E.2d 431 (2000),

In *Day*, the Supreme Court reversed the trial court's decision to bar the defendant from offering testimony that four months prior to his death, the victim held a shotgun to someone's head for eighteen hours. *Id.* at 420, 535 S.E.2d at 436. The Court found that the prior act of violence was admissible to prove the defendant's reasonable apprehension of violence. *Id.* at 421, 535

[1] Incidentally, if the Court were to accept Defendant's argument on this issue, that would further support the Court's refusal to charge the jury on voluntary manslaughter. This evidence tends to support Defendant's position that he was scared of Victim but rational and calculated in choosing his reaction to being attacked by Victim.

S.E.2d at 437. In that case, the victim's history of acting "very violently" was relevant to the defendant's theory of self-defense, as it supported the defendant's fear that the victim may pull a gun on him. *Id.*

Unlike the evidence in *Day*, the Facebook posts proffered by Defendant do not demonstrate any specific *acts* taken by Victim or Victim's "specific instances of *conduct*." Rather, the Facebook posts contain Victim's nebulous thoughts about betrayal that are not directed at anyone in particular. Instead, the Court permitted Defendant to testify about his fear of Victim and Victim's reputation for violence and all other manner of victim's state of mind on the evening in question. Therefore, Defendant's motion for a new trial based on the exclusion of certain "state of mind" evidence is denied.

IV. Lieutenant Dauway

Defendant also argues that he is entitled to a new trial because the Court did not compel Lieutenant Dauway, the lead investigator on this case, to attend trial. Defendant argues that Lt. Dauway was properly served with a subpoena but failed to attend, improperly depriving Defendant of his constitutional rights. The Court disagrees.

In criminal cases in South Carolina,

> A subpoena may be served ... by any other person who is not a party [to the action] and is not less than eighteen years of age.... Service of a subpoena upon an individual may be made by delivering a copy to him personally, or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy to an agent authorized by appointment or by law to receive service.

Rule 13(b), SCRE. This rule is similar, though not identical, to the procedure for civil matters. *See* Rule 45, SCRCP. Although there appears not to be a bright-line rule in criminal matters, when a subpoena in a civil case commands production of documents or tangible things, the subpoena

must be served at least ten days before the time specified for compliance. *Id.* The civil rule also permits the Court to quash a subpoena when it imposes undue burden or expense on the responding party or fails to allow a reasonable time for compliance. *Id.*

In this case, a subpoena was served on Lt. Dauway on December 6, 2023, by substitute service. A copy of the subpoena was left with Jennifer Spurrier at the Richland County Sheriff's Department, where Lt. Dauway is employed. It remains unclear whether Ms. Spurrier qualifies as "an agent authorized by appointment ... to receive service."

When trial commenced twelve days later, Lt. Dauway failed to appear or to provide Defendant with the documents requested in the subpoena. When the Court inquired about Lt. Dauway's whereabouts, his coworker indicated that Lt. Dauway was on vacation and had indicated by phone that he was unaware of the existence of the subpoena. The Court determined that although substitute service is permitted in criminal cases, it would be unduly burdensome and unreasonable to command the attendance of a witness on such short notice, particularly where the witness had no reason to know that Defendant's subpoena even existed.[2] Therefore, any prejudice suffered by Defendant occurred as a result of Defendant's failure to communicate or take any other action to ensure that Lt. Dauway was aware that his presence was necessary for trial. Thus, Defendant's motion for a new trial on this basis is denied.

[2] Based on conversations with counsel, it appears to the Court that Defendant assumed that Lt. Dauway would attend trial at the State's request, irrespective of the subpoena. Although Lt. Dauway is listed as number one of thirty-nine potential witnesses for the State, only ten of those witnesses were called and Lt. Dauway was not one of them.

CONCLUSION

The Court does not find error in any of the ways suggested by Defendant. Moreover, there was overwhelming evidence of Defendant's guilt to support his conviction for murder and the jury's rejection of self-defense. For the foregoing reasons,

IT IS, THEREFORE, ORDERED that Defendant's Motion for New Trial is DENIED.

AND IT IS SO ORDERED.

Jocelyn Newman
CIRCUIT COURT JUDGE

February 11, 2025
Columbia, South Carolina.

#24

I recently had to take off of work Sunday 1/12/22 because of not feeling well. My job currently has the flu going around. I wanted to notify you this and didn't want to feel responsible if someone were to get sick.

199 Broadwalk

How old is the [redacted] victim?

You must rely on your collective recollections.
If you need to rehear testimony, let me know.

Judy Yeman

WITNESSES

(S) Stephen J Dauway
– Richland County Sheriff Dept

ARREST WARRANT NUMBER

2021A4011200692

ACTION OF GRAND JURY

TRUE BILL

Christina Gillard
Foreperson of Grand Jury
Date: JUL 14 2022

VERDICT

Guilty

Dec 21 2023
Foreperson of Petit Jury
Date:

DOCKET NO. 2022GS4003132

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

67 July TERM 2022

THE STATE
vs.

Jerod De'Quin Goodwin

Indictment for
MURDER

SC Code: **16-03-0010**
CDR Code: **0116**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:
C.C.C. PLS. AND G.S.

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 12, 2022, the Grand Jurors of Richland County present upon their oath:

MURDER

That Jerod De'Quin Goodwin did in Richland County, on or about August 15, 2021, kill the victim, Genesis Williams, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, S. C. 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.

BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE)
VS.)
Jerod De'Quin Goodwin)
AKA:)
Race: BLACK Sex: M Age: 22)
DOB: [redacted]-2001 SS#:: [redacted])
Address: [redacted] Loquat Dr)
City, State, Zip: Columbia, SC 29205-4908)
DL#: [redacted] SID#:)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 40 - 03132

A/W#: 2021A4011200692
Date of Offense: 8/15/2021
S.C. Code §: 16-03-0010
CDR Code #: 0116

SENTENCE SHEET

30 – Life

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

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Murder / Murder

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ 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. _____ (def.'s initials)

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

ATTEST:

Scott, Dale SC Bar # 73081 Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,** for a determinate term of 30 ~~days/months/years/Time Served~~ ☐ **Youthful Offender Act** not to exceed ___ years and/or to pay a fine of $ ___; provided that upon the service of ___ days/months/years/Time Served 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.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2022 GS 40 03133, 03134 (December 21, 2023)

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 400 ~~days/months~~

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jerod De'Quin Goodwin INDICTMENT/CASE#: 2022 - GS - 40 - 03132

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

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

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114(BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 128.75

Clerk of Court/ Deputy Clerk: Jeanette W. McBride
Court Reporter: Anthoziak

Presiding Judge: Judge Newman
Judge Code: 2757
Sentence Date: December 21, 2023

WITNESSES

(S) Stephen J Dauway
– Richland County Sheriff Dept

ARREST WARRANT NUMBER

2021A4011200693

ACTION OF GRAND JURY

TRUE BILL

Christina Jellard
Foreperson of Grand Jury
Date: JUL 14 2022

VERDICT

Guilty

[signature]
DEC 21 2023
Foreperson of Petit Jury
Date:

DOCKET NO. 2022GS4003133

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

67 July **TERM 2022**

THE STATE
vs.

Jerod De'Quin Goodwin

Indictment for
POSSESSION OF A WEAPON DURING VIOLENT CRIME

SC Code: **16-23-0490**
CDR Code: **0549**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

SCANNED

675

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 12 2022, the Grand Jurors of Richland County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That Jerod De'Quin Goodwin did in Richland County, on or about August 15, 2021, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. 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.

BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF Richland

STATE
VS.
Jerod De'Quin Goodwin
AKA:
Race: BLACK Sex: M Age: 22
DOB: [redacted]-2001 SS#:: [redacted]
Address: [redacted] Loquat Dr
City, State, Zip: Columbia, SC 29205-4908
DL#: [redacted] SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 40 - 03133

A/W#: 2021A4011200693
Date of Offense: 8/15/2021
S.C. Code §: 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

5 yrs

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

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ 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. _____ (def.'s initials)

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

ATTEST:

Scott, Dale 73081 _____
Scott, Dale SC Bar# Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,** for a determinate term of 5 ~~days/months~~/years/~~Time Served~~ ☐ **Youthful Offender Act** not to exceed ___ years and/or to pay a fine of $ ____; provided that upon the service of ___ days/months/years/Time Served 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.

The sentence shall run
☑ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2022 GS 40 03132 & 3134 (December 21, 2023)

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 400 ~~days/months~~

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jerod De'Quin Goodwin INDICTMENT/CASE#: 2022 - GS - 40 - 03133

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

Total: $ _____ plus 20% fee: _____ $

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114(BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees.	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 128.75

Clerk of Court/ Deputy Clerk: Jeanette W. McBride
Court Reporter: Lori Wozniak

Presiding Judge: Jocelyn Newman
Judge Code: 2757
Sentence Date: December 21, 2023

WITNESSES

(S) Stephen J Dauway
– Richland County Sheriff Dept

ARREST WARRANT NUMBER

2021A4011200694

ACTION OF GRAND JURY

TRUE BILL

Christina Hilbert
Foreperson of Grand Jury
Date: JUL 14 2022

VERDICT

Not guilty of grand larceny
Guilty of use of vehicle without permission

Brian Whaley DEC 21 2023
Foreperson of Petit Jury
Date:

DOCKET NO. 2022GS4003134

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

July TERM 2022

67

THE STATE
vs.

Jerod De'Quin Goodwin

Indictment for
GRAND LARCENY, VALUE $10,000 OR MORE

SC Code: **16-13-0030 (B)**
CDR Code: **3421**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

_____
Defendant

I _____
hereby appear in my own proper person and plead guilty to the within indictment or to

_____

_____
Defendant

Witness:

_____
C.C.C. PLS. AND G.S.

SCANNED

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 12, 2022, the Grand Jurors of Richland County present upon their oath:

GRAND LARCENY
VALUE $10,000 OR MORE

That Jerod De'Quin Goodwin did in Richland County on or about August 15, 2021, take and carry away the personal goods of Genesis Williams, valued at more than Two Thousand ($2,000.00) Dollars, but less than Ten Thousand ($10,000.00) Dollars, described as follows: 2016 White Chrysler sedan, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(1), S. C. 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.

BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF **Richland**)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)

INDICTMENT/CASE#: 2022 - GS - 40 - 03134

Jerod De'Quin Goodwin)
AKA:)
Race: BLACK Sex: M Age: 22)
DOB: [redacted]-2001 SS#:: [redacted])
Address: [redacted] Loquat Dr)
City, State, Zip: Columbia, SC 29205-4908)
DL#: [redacted] SID#:)

A/W#: 2021A4011200694
Date of Offense: 8/15/2021
S.C. Code § 16-13-0030 (B)
CDR Code #: 3421

SENTENCE SHEET

0-3y

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

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Vehicle / Use of vehicle without permission with intent to deprive

in violation of § 16-21-0060(A) of the S.C. Code of Laws, bearing CDR Code # 0756

☒ 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. _____ (def.'s initials)

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

ATTEST:

Scott, Dale 73081 _____
SC Bar # Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction,** ☐ **County Detention Center,**

for a determinate term of 3 ~~days/months/years/Time Served~~ ☐ **Youthful Offender Act** not to exceed ___ years and/or to pay a fine of $ ____; provided that upon the service of ___ days/months/years/Time Served 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.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2022 GS 40 03132, 3133 (12/21/23)

☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. 400 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jerod De'Quin Goodwin INDICTMENT/CASE#: 2022 - GS - 40 - 03134

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

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☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

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☐ Mental Health Counseling ☐ May serve W/E beginning: _____

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☐ Other: _____

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

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§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
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☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 128.75

Clerk of Court/ Deputy Clerk: Jeanette W. McBride AF

Court Reporter: Ann Braziak

Presiding Judge: Joseph Newman

Judge Code: 2757

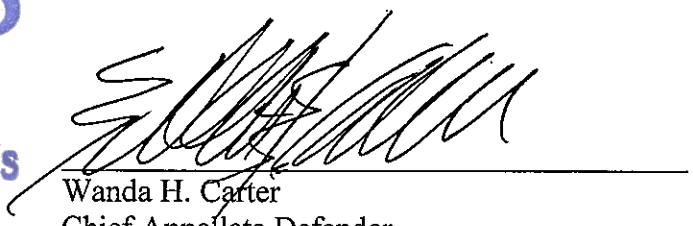
Sentence Date: December 21, 2023

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED
Aug 05 2026
SC Court of Appeals

Respectfully Submitted,



Wanda H. Carter
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 5th day of August, 2026.