

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

Alison Renee Lee, Circuit Court Judge

RECEIVED

JAN 22 2014

S.C. Supreme Court

WILLIE GOODWIN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000974

APPENDIX

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND) 2008-GS-40-11771

STATE OF SOUTH CAROLINA)
)
) vs.) TRANSCRIPT OF RECORD
)
WILLIE R. GOODWIN)
) DEFENDANT)

June 10, 2009
Columbia, South Carolina

B E F O R E:

THE HONORABLE J. MICHELLE CHILDS, JUDGE.

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

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Attorneys for the State

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Carol M. Thueme, RPR
Official Court Reporter

I N D E X

DEFENDANT:

PAGE

WILLIE R. GOODWIN

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EXHIBITS

(There were no exhibits marked.)

1 MR. ROGERS: The State calls Mr. Willie Goodwin.

2 THE CLERK: Raise your right hand, please.

3 WILLIE GOODWIN, after being duly sworn,
4 testified as follows:

5 THE COURT: Mr. Goodwin, are you under the
6 influence of any alcohol, drugs, or medication?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: Have you ever been evaluated for
9 your mental or psychological health?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Okay. And that just means any
12 doctor's visits indicating that you have a certain
13 condition.

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Okay. That's fine.

16 The Court has before it several indictments, and
17 the various true-billed indictments, we'll go through
18 those: Distribution of marijuana, third offense and
19 above, indicating in Richland County on or about
20 February 26th, 2007, you manufactured, distributed,
21 dispensed, or otherwise had in your possession with an
22 intent to distribute, manufacture, dispense the substance
23 of marijuana.

24 How do you wish to plead?

25 THE DEFENDANT: Guilty.

1 THE COURT: You also have another such offense
2 occurring in Richland County on or about February 2nd,
3 2007. How do you wish to plead?

4 THE DEFENDANT: Guilty.

5 THE COURT: And another offense in Richland
6 County on or about February 6th, 2007. How do you wish to
7 plead?

8 THE DEFENDANT: Guilty.

9 THE COURT: Another offense in Richland County
10 on or about January 31st, 2007. How do you wish to plead?

11 THE DEFENDANT: Guilty.

12 THE COURT: Another offense in Richland County
13 on or about January 31st, 2007. How do you wish to plead?

14 THE DEFENDANT: Guilty.

15 THE COURT: And an offense in Richland County on
16 or about January 23rd, 2009, that you unlawfully failed to
17 stop while driving a motor vehicle on a road, street, or
18 highway after being signaled by a law enforcement officer.
19 How do you wish to plead?

20 THE DEFENDANT: Guilty.

21 THE COURT: And you understand that that's your
22 second offense as well?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: All right. With respect to each of
25 these offenses, are you aware that you will give up your

1 constitutional right to a jury trial at which you could
2 hold the State to their burden of proof beyond a
3 reasonable doubt that you in fact committed the offense?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: You also understand that they have
6 to convince 12 jurors that you are in fact guilty and
7 cannot require you to testify against yourself at trial
8 and, in fact, you don't have to prove yourself innocent,
9 they have to prove you guilty?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Do you understand that you don't
12 have to put up any evidence in this case, that if you
13 wanted to, though, at a trial, you could challenge the
14 evidence and present defense testimony and evidence on
15 your behalf?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Anyone force you or threaten you to
18 plead?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: You're doing so voluntarily?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Had enough time to speak with your
23 attorney about the nature of the charges and the maximum
24 possible punishment and your constitutional rights?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Did they discuss all issues,
2 questions, or concerns you might have?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Were they responsive to address any
5 of these issues with you?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: So as you're standing here pleading
8 today, you feel like you're making an informed and
9 intelligent decision as to whether you should plead guilty
10 or go to trial?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And that's based on them sharing
13 with you the State's evidence and what you would have been
14 facing at trial; is that correct?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And then they discussed with you
17 whatever strategies and defenses and opportunities you
18 would have had to challenge that evidence; is that
19 correct?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: And we were here willing, ready, and
22 able to go to trial. In fact, your trial was scheduled to
23 begin this afternoon; is that correct?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And I know it's a late hour, but we

1 could have started tomorrow, but you're waiving that
2 ability to go to trial; is that correct?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Okay. You do understand that
5 because you have drug offenses on your record, that will
6 result in the loss and suspension of your driver's
7 license?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And you also understand that
10 additionally, to the extent that you get additional
11 offenses or find yourself in a subsequent offense
12 category, meaning a second, third, or more offense, then
13 those would have mandatory minimum sentencing categories;
14 you're aware of that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And that means the Court has no
17 discretion to go lower than the mandatory minimum
18 sentence. Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Okay. Do you have any questions of
21 the Court at this time?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: And have your answers been truthful?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And do you feel like you need any

1 additional time to speak with your attorneys at this time?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Any complaints against any of the
4 arresting officers or the Solicitor's office or any
5 governmental agency handling this case?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Okay. All right. Listen to the
8 State as they give me additional information, including
9 your prior record.

10 MR. ROGERS: Thank you, your Honor. May it
11 please the Court. Andrew Rogers for the State. Beside me
12 is Mr. D.J. Carson, who is second chair on this case.

13 Also present in the courtroom, your Honor, is
14 Investigator John Lutz. I believe your Honor's familiar
15 with him from the previous case. Mr. Lutz is seated on
16 the bench.

17 Your Honor, for the Court's convenience I'll go
18 through those chronologically.

19 The first incident, Indictment 2008-GS-40-11771,
20 occurred here in Richland County on January 31st, 2007.
21 At that time the defendant did sell a quantity of 28.43
22 grams of marijuana to an undercover Richland County
23 deputy. This warrant was served on November 6th, 2007,
24 after the officer broke cover.

25 The next incident, your Honor, occurred in

1 Richland County on January 31st, 2007. That was the same
2 day. That warrant or that indictment number is
3 2008-GS-40-11770. At that time the defendant sold a
4 quantity of 26.94 grams of marijuana to an undercover
5 Richland County deputy. That warrant was served on
6 November 6th, 2007.

7 The next incident, your Honor, occurred on
8 February 2nd, 2007, while here in Richland County. The
9 indictment number is 2008-GS-40-11769. At that time the
10 defendant sold a quantity of 26.01 grams of marijuana to
11 an undercover Richland County deputy. This warrant again
12 was served on the defendant on November 6th, 2007.

13 The next incident, your Honor, occurred on
14 February 26th, 2007. That indictment number is
15 2008-GS-40-11767. At that time the defendant sold a
16 quantity of 22.67 grams of marijuana to an undercover
17 deputy. This warrant was served on November 6th, 2007.

18 Your Honor, the defendant was charged with a
19 possession with intent to distribute marijuana. That was
20 the result of a search warrant. That incident was on
21 March 2nd, 2007. A search warrant was executed at his
22 home. The State is dropping that charge in return for his
23 plea today. So he is not pleading guilty to that PWID.

24 The next incident, your Honor, occurred here in
25 Richland County on January 23rd, 2009. That is the

1 failure to stop for a blue light charge.

2 Your Honor, at that time, CPD Officer Blanton
3 observed the defendant get into a gray 1986 Oldsmobile and
4 drive away from the location. Officer Blanton was
5 familiar with the defendant through prior interactions and
6 had been conducting an investigation on him.

7 The officer knew that he had a suspended
8 driver's license, followed him, and activated her blue
9 lights in an attempt to initiate a traffic stop.

10 Your Honor, at that time the defendant sped up
11 and fled through Columbia College campus, turned onto
12 North Main, ran a red light, weaved in and out of traffic
13 on the wrong side of the road. It's 5 o'clock during rush
14 hour. Officers were forced to cease the pursuit for the
15 safety of the citizens.

16 During that time, the officer did observe the
17 defendant throw a quantity of marijuana out of his vehicle
18 window. After the chase was stopped, the officer did
19 return and collect the marijuana that was discarded from
20 the vehicle.

21 The State is dismissing that simple possession
22 of marijuana charge, your Honor, but the defendant is
23 pleading guilty to the failure to stop for a blue light
24 charge.

25 Your Honor, I think it's important for the Court

1 to understand the time line and the history of this case.

2 The distribution charges to the undercover
3 officer were caught on video. Those warrants were not
4 served on him until after the search warrant case had been
5 served on him because the officer was undercover.

6 In August of 2008, he was previously represented
7 by the Public Defender's office, Ms. Jen Davis of their
8 office. She was relieved in August of 2008 because the
9 defendant wished to proceed pro se. Your Honor herself
10 instructed the defendant of his right to an attorney and
11 deemed him competent to represent himself on 10-27-2008.

12 Various trials were scheduled in this matter,
13 your Honor. There was a time at which he was momentarily
14 represented by Joenathan Chaplin. There was a question of
15 representation in that case. That was resolved and the
16 defendant was again represented by Mr. Rhodes Bailey,
17 who's had the case ever since.

18 The officers in the distribution case, your
19 Honor, have been very interested in the case. The
20 undercover officer would be present here today; however,
21 he's involved in a search warrant case, an unrelated case,
22 and could not make it.

23 Investigator Lutz is here in court. He was the
24 lead officer in these cases and handled all of the
25 paperwork between the undercover officer and the

1 department.

2 Your Honor, I do need to clarify exactly how
3 interested CPD Officer Blanton and the rest of her
4 community have been in this case.

5 After Mr. Goodwin was charged with all of his
6 distributions and his PWID, he moved locations. He moved
7 his house. He moved basically from one side of Columbia
8 College to the other side of Columbia College. At his new
9 location, while he's not charged with any illegal activity
10 from his house, he did catch the eye of officers in the
11 community.

12 To say that the community is interested and
13 involved would be a complete understatement. Your Honor,
14 at various times and at various motions we have had
15 reverends here on behalf of the community. I have had --
16 I've got six e-mails from various members of the
17 community. I have CPD officers calling me about the case.
18 They would be here, your Honor, except for the late moment
19 of how this plea came about.

20 They were aware that the case was going forward;
21 however, since it wasn't their case, it was the Richland
22 County case that the State was proceeding against first,
23 they couldn't sit around all week and wait for the trial.

24 I tried to contact them about an hour ago and I
25 haven't heard back from anybody yet. These people have

1 jobs and were unable to be here. But I do want to voice
2 their concerns to your Honor.

3 They have been fighting very hard to take back
4 their community from the criminal element that is around
5 Columbia College. They take their community very
6 seriously and are extraordinarily upset that Mr. Goodwin
7 has continued illegal activity.

8 THE COURT: Let me ask you this. In fairness to
9 the State's side of the case, do you all wish to accept
10 the plea and allow the opportunity for persons to come
11 speak?

12 MR. BAILEY: Your Honor, we would vehemently be
13 opposed to that. They are not victims. They have no
14 right to come in here just because they don't like
15 Mr. Goodwin. They certainly wouldn't be entitled to that.

16 THE COURT: I didn't know if they were victims
17 or not.

18 MR. BAILEY: Not to mention that most of
19 these -- most of these cases were not even in the
20 community. Only the last one was in the community.

21 THE COURT: You relayed the concern. That is
22 sufficient.

23 MR. ROGERS: I just wanted to make it clear on
24 the record since they were unable to be here.

25 And I do believe if we were to delay it until

1 tomorrow morning, we would be fighting about whether or
2 not they could actually be heard on the record.

3 THE COURT: Okay.

4 MR. ROGERS: It's the State's position they
5 could.

6 MR. BAILEY: Absolutely not.

7 THE COURT: I've heard you all. That's fine.

8 MR. ROGERS: Your Honor, given the way this has
9 come about, Mr. Goodwin has exhibited a complete disregard
10 for the rules of our community. Not only has he sold
11 drugs on video to an undercover officer, continued to have
12 those drugs on him. And I understand that there is no
13 distribution charges alleged by the State after he moved,
14 but there is the failure to stop for a blue light where he
15 disregarded community safety and ran through campus and
16 threw drugs out the window.

17 Your Honor, in addition to that, every step
18 along the way of this process, Mr. Goodwin has dragged his
19 feet. He has tried to get attorneys relieved from his
20 case. He has done everything he can to stall this case.
21 I say that just so that the Court is aware of his
22 disregard for our rules and the laws of our community.

23 The defendant is facing five to 20 years on the
24 distribution charges, the marijuana thirds. The State's
25 aware that it's five to 20 years. Your Honor, I believe

1 that a significant sentence is appropriate. I know that
2 the officers in this case have put in a lot of time and
3 effort, particularly with the undercover work. The
4 officers have put their own safety on the line to do these
5 investigations and to enable the State to prosecute these
6 charges.

7 I believe a significant amount of time is
8 appropriate. I think 15 years is appropriate. I know
9 that the defense counsel is going to be asking the Court
10 for the minimum sentence. That's their job, but I think a
11 sentence closer to 15 years would be appropriate in this
12 case.

13 THE COURT: Just give me the weights again.
14 It's 26.01, 22.67, and what were the others?

15 MR. ROGERS: If you don't mind, your Honor, I'll
16 list them in order. It's 28.43, 26.94, 26.62, 26.01,
17 22.67. Those are the distribution weights.

18 Basically what happened was the officer would go
19 over there, the defendant would take out his scale, pour
20 marijuana on the scale until it went over his ounce, and
21 then they'd give them the money and then leave. So the
22 sale was for an ounce everytime.

23 THE COURT: Mr. Bailey.

24 MR. BAILEY: Thank you, your Honor. I'm going
25 to have to address a lot of things here.

1 THE COURT: Prior record.

2 MR. ROGERS: Yes, your Honor.

3 Defendant's prior record dates back to 1987,
4 your Honor. He has a DUS and a simple possession of
5 marijuana.

6 In 1988, resisting arrest, possession of
7 cocaine, another possession of cocaine, malicious injury
8 to personal property.

9 1989, he had a failure to stop on police
10 command.

11 1991, PWID crack, first offense; another failure
12 to obey police command; failure to stop for a blue light;
13 and assault of a high and aggravated.

14 2000, simple possession of marijuana.

15 He had some misdemeanors in 2001.

16 In 2003, he had some more misdemeanors and a
17 simple possession of marijuana, first.

18 In 2004 is his most recent conviction. It's DUI
19 and some misdemeanors.

20 THE COURT: Okay. All right. Sir, do you
21 disagree with any of that prior record?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Okay. Do you dispute any of those
24 facts about the sales and the potential weight?

25 MR. BAILEY: No, your Honor.

1 THE COURT: Okay. All right. Happy to listen
2 to you all.

3 MR. BAILEY: Thank you, your Honor.

4 It's kind of tough to know where to start. I
5 know it's the end of the day, so I'll try and be as
6 concise as possible, your Honor.

7 First of all, I'd like to say that I did get
8 Mr. Goodwin's case really in about February. He's been in
9 jail since January 30th.

10 We're going to ask for the minimum in this case.
11 We think it's more than warranted.

12 I know that feelings run high, and Mr. Rogers
13 and I have worked a lot. It took a long time for me to
14 get an offer from the State. That's why it's been on the
15 trial docket for so long. Eventually they agreed to drop
16 one of the charges.

17 I think it's important to keep in mind that this
18 is marijuana. Mr. Goodwin had -- there are no guns
19 involved. It's not trafficking. There are -- he has no
20 violent crimes on his record. There's nothing violent
21 here.

22 It's also important to note that it's not like
23 seven different instances of arrest. In this
24 investigation they did numerous controlled buys which
25 eventually led to the search warrant which led to the

1 eventual arrest. So it isn't like Mr. Goodwin was selling
2 a bunch of drugs, arrested, went back out and sold a bunch
3 of drugs, arrested, went back out and sold a bunch of
4 drugs. It's essentially all, until the failure to stop
5 for a blue light, one full investigation.

6 The thing that concerns me primarily, your
7 Honor, is never before have I seen the State get so
8 emotionally, and I'm not talking about Mr. Rogers
9 specifically, but police officers and these community
10 members. Mr. Goodwin lived in their community for a
11 fraction, I mean just like a blink of a moment and they
12 have been in here lobbying for Mr. Goodwin to get the full
13 sentence.

14 I've gotten to know Mr. Goodwin. He's been
15 through several lawyers. He gave one private lawyer about
16 \$1,500 and he tells me he was dumped at that point. I can
17 understand why he's been frustrated with the process.

18 But I have grown pretty close to Mr. Goodwin.
19 He's always been extremely amicable to me. He's been very
20 cooperative.

21 I know that sometimes it's hard for the State
22 not to have personal feelings against people, but it's
23 important to keep in mind that this is a non-violent, this
24 is selling marijuana that at times is usually around an
25 ounce or less.

1 Now, Mr. Goodwin has broken the law and he's
2 here to admit to that. He has a record. He knows he's
3 going to jail. But when we live in a state in the middle
4 of a budget crisis where it cost \$17,000 a year to house
5 an inmate -- and I've sat on the Sentencing Commission
6 meetings at the State House. It costs \$17,000 a year to
7 house an inmate in the Department of Corrections and it
8 only costs \$8,000 a year to put a child through the South
9 Carolina public education department. Adding an extra ten
10 years it to is a waste of time, it's a waste of taxpayers'
11 dollars. We are 36th in the most violent crimes in the
12 city and the country and that's where our money needs to
13 be and that's where our resources need to be.

14 Mr. Goodwin has taken full responsibility for
15 this. He has been involved, since he's been in jail he's
16 been involved in Narcotics Anonymous, Alcoholics
17 Anonymous; he's been involved in religious studies; he's
18 been involved in drug programs. I've noticed a change in
19 him just since he's been in jail for awhile. Obviously he
20 had a drug problem.

21 Again, this is marijuana. I'm not saying to
22 legalize marijuana, but I'm saying that if we're putting
23 people in jail for a decade for marijuana, something's
24 gone terribly wrong here. Again, it's not even
25 trafficking marijuana.

1 The State has refused to lower it under three,
2 under a third offense, and I can understand why
3 Mr. Goodwin held out for awhile. He's had a tough time
4 with his previous lawyers, but we were able to come to --
5 he didn't want to drag the Court, didn't want to waste
6 time, he understands the evidence, and I feel like he's
7 been extremely reasonable talking to him today.

8 It's been a long, drawn out event with me and
9 the solicitor and Mr. Goodwin. Mr. Beckman's been here to
10 help out. I think he can attest to how accommodating
11 Mr. Goodwin has been, at least with us.

12 You know, I really would just like to finish
13 with, you know, that this is not a violent man. He's 43
14 years old. The biggest injury to the community is selling
15 marijuana to undercover agents repeatedly which all came
16 from one investigation and this failure to stop for a blue
17 light.

18 I'm not saying he's innocent. I'm not saying we
19 need to legalize drugs, but I do think that it is
20 excessive, dogmatic, and it's down right zealous to ask
21 for 15 or even 10 years for this man.

22 And, you know, I think he's a good guy. I think
23 he's ready to do his time. And I think if you look at the
24 extent of his record, no guns, no violence, that it would
25 be a terrible waste of taxpayer dollars for somebody to go

1 to jail for the better part of a decade because certain
2 people that work for the State of South Carolina have a
3 personal bone to pick with this man.

4 THE COURT: Okay. Just to distinguish, when you
5 say he's not trafficking, I mean, what's your point?

6 MR. BAILEY: I mean, trafficking, I mean I think
7 we just saw this bench trial, trafficking cocaine.
8 There's a difference between distribution and trafficking;
9 primarily quantities and the manner in which things are
10 distributed.

11 If this were a PWID marijuana first, it would be
12 a suspendible sentence. If it were a second, it would be
13 a range of zero to ten. But he unfortunately falls,
14 because of some prior drug offenses, he falls in the 15 to
15 20 range.

16 And I would like to say this: We've talked a
17 lot about this. If he gets five years, it's 85 percent
18 time. That's a non-parolable offense. That is straight,
19 serious time. He's going to be released on community
20 supervision. When he finally gets out, he's going to have
21 to do two straight years of community supervision or they
22 send him back to jail. I think considering the drug and
23 considering the circumstances, I think that that is
24 serious time for this offense, and he's willing to face
25 that. I would just ask that the Court in the Court's

1 discretion consider five years.

2 Five years is nothing to treat lightly. I deal
3 with these people every day. I go to the county jail. We
4 can sit here and toss around numbers at that jail, we can
5 prosecute cases. These people live -- five years in jail,
6 your Honor, is very serious and non-parolable, and I beg
7 your Honor to please give this man the minimum.

8 THE COURT: All right. Mr. Beckman.

9 MR. BECKMAN: Thank you, your Honor. Very
10 briefly.

11 I just want to echo Mr. Bailey's sentiments. I
12 don't know the history with Mr. Goodwin's prior attorneys,
13 but in my brief encounters with him, he has been a
14 pleasure to work with, really a model client. So all I
15 can say is he's been great to work with and we have had no
16 issues with him.

17 THE COURT: And the State.

18 MR. ROGERS: Your Honor, there's a couple of
19 things that I need to address.

20 First of all, I'd like to point out that over
21 the course of his criminal -- this investigation, your
22 Honor, he's been caught with almost nine ounces of
23 marijuana. We're talking about defense likes to say this
24 isn't trafficking. Well, if you look at all the drugs
25 he's sold, we only don't have trafficking because we

1 didn't get it all. He's been selling it since as early as
2 January 31st, 2007, and that is ongoing. It's not like he
3 just sold it to the officer. It's not like the only six
4 times that he's sold drugs was to Richland County.

5 MR. BAILEY: Again, we live in the United States
6 of America, and to be guilty of something, they have to
7 prove that. You can't speculate on what he's guilty of or
8 he's not guilty of.

9 MR. CARSON: Your Honor, the State is addressing
10 the Court and we'd ask that you ask that he not interrupt
11 the State while we're addressing the Court.

12 THE COURT: Yes. Thank you.

13 MR. ROGERS: Your Honor, I say that only because
14 those are the indictments before him, that is what he's
15 charged with.

16 The defense counsel likes to point out that five
17 years is significant time and that something any higher
18 would be unrealistic.

19 Your Honor, the people of this state have spoken
20 through their legislature. The legislature has deemed
21 that 20 years is an appropriate sentence for PWID
22 marijuana, third offense. If defense counsel or the
23 defendant have a problem with that, they need to call
24 their legislators and get the rules changed.

25 Your Honor, the State prosecutes these cases

1 without pride or prejudice in accordance with the laws as
2 handed down by the legislature. We are perfectly within
3 those guidelines. In fact, we're underneath those
4 guidelines.

5 It's not like we're here asking for consecutive
6 time. I'm not here asking the Court to give him 120 years
7 consecutively. Your Honor, we understand the realities of
8 the situation, the realities of this case. We're asking
9 the Court for 15 years on all charges given his ongoing
10 criminality.

11 And, your Honor, there's been some allegations
12 about people having bones to pick and picking out the
13 defendant.

14 Your Honor, the community has spoken in an
15 outrage about the crime and the violent crime. Your
16 Honor, marijuana is part of that process. The drugs that
17 are being sold on the streets contribute to all the crime.
18 You get addicts that break into cars and all kinds of
19 criminality is secondary to the distribution of drugs.

20 Now, the defendant's not charged with any
21 violent crimes. I'm not alleging that he has had any
22 violent activity. But the Court needs to keep in mind
23 that that's why, that drugs have an impact on everything.
24 The community has spoken out because they're trying to
25 take all of the crime out of their community.

1 The State here has prosecuted this case because
2 of the facts on the record. The facts are that he sold
3 drugs to an undercover officer five times on video.
4 There's no disputing that he did those charges. At this
5 point even the defense has admitted to that.

6 We are here because the facts of the case are
7 solid. That's why he's being prosecuted. He's being
8 prosecuted underneath the full limits of the State because
9 of his actions and his actions alone and the facts on the
10 record. That is why we're prosecuting this case, not for
11 any personal vendetta.

12 THE COURT: Mr. Carson, anything else you'd wish
13 to add?

14 MR. CARSON: Well, your Honor, the State's
15 position is that we're fortunate that we are a nation of
16 laws and that we're a state of laws.

17 With this matter before you, the State is
18 confident that we would be able to take this to the jury
19 and we're confident that we would be able to prove beyond
20 a reasonable doubt that this young man before you, the
21 defendant, is guilty of possession with intent to
22 distribute marijuana. We were ready to move forward with
23 Investigator Lutz of the Richland County Sheriff's
24 Department and we were also willing and able to go forward
25 with Officer Jason Williams. This was the undercover

1 officer that he sold to that was on video, that we had a
2 case that we were willing and ready and able to go forward
3 and that we were confident in this matter that we would
4 find him guilty.

5 Again, we're not here to try the case, your
6 Honor. He is here to take responsibility for it. We're
7 not here talking about policy. We're here because this
8 defendant is pleading guilty on five counts of
9 distribution along with the resisting arrest. So it's the
10 state's position -- failure to stop. I apologize, your
11 Honor. Failure to stop.

12 It's the State's position that the policy
13 concerns that defense counsel brings up, it's his right;
14 however, we're here to move forward and we are asking for
15 a considerable amount of time for his actions, for his
16 actions of selling or distributing marijuana here in the
17 state of South Carolina.

18 THE COURT: Okay. How long has he been
19 incarcerated?

20 MR. BAILEY: Since January 30th. And, your
21 Honor, if I could --

22 THE COURT: Is that 2009?

23 MR. BAILEY: Yes, ma'am, 2009.

24 First, I know that Mr. Carson feels very
25 passionately since he first picked up this case and became

1 second seat this morning, but I'd like to say that, you
2 now, nobody is asking you, nobody is asking you, your
3 Honor, to go below the five-year minimum. We're also
4 asking you to speak within the laws.

5 And I actually had several conversations with
6 State Representative Todd Rutherford about the changing of
7 drug laws. I've actually been involved in the legislative
8 process and so I have taken it up with the State
9 legislature and they have echoed some of the similar
10 concerns I have. That being kept in mind, I'm not asking
11 anybody do anything outside of the legislative guidelines.
12 That's why in your discretion you can either go five
13 years, which is reasonable, or you can give him 15 years.
14 Simply because the State, you know, allows it doesn't mean
15 we have to do it.

16 Again, your Honor, I know I've talked a lot and
17 I know that I come off as passionate. I ask you, please,
18 your Honor, forgive me for my, you know, I just feel
19 strongly about my client's rights and his position. I
20 know him personally. I'm not here for a paycheck. I'm
21 here for my client and the prosecution, so please excuse
22 me if I've spoken out of line at all today, but I would
23 ask for the smallest sentence you can give Mr. Goodwin for
24 marijuana which in no way is trafficking.

25 THE COURT: Okay. Anything further from anyone

1 else?

2 MR. ROGERS: Nothing from the State, your Honor.

3 THE COURT: All right. These are to run
4 concurrent and he's given credit for time served since
5 January 30th, 2009.

6 For the failure to stop for a blue light, second
7 offense, 18 months. For the distribution of marijuana,
8 third offense -- these are to run concurrent. He's to be
9 placed in the ATU program and you'll be sent to the State
10 Department of Corrections for 12 years.

11 MR. BAILEY: Thank you, your Honor.

12 MR. ROGERS: Thank you, your Honor.

13 (The proceedings were concluded.)

14 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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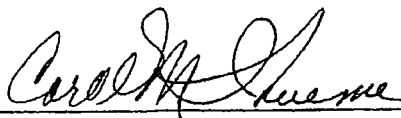
1 CERTIFICATE OF REPORTER

2
3
4 STATE OF SOUTH CAROLINA)
5 COUNTY OF RICHLAND)
6

7
8 I, CAROL M. THUEME, RPR, Official Court Reporter for
9 the 11th Judicial Circuit of the State of South Carolina,
10 do hereby certify that the foregoing is a true, accurate
11 and complete Transcript of Record of the proceedings had
12 and evidence introduced in the trial of the captioned
13 case, relative to appeal, in the Court of General Sessions
14 for Richland County, South Carolina, on the 10th day of
15 June, 2009.

16 I do further certify that I am neither of kin,
17 counsel nor interest to any party hereto.
18

19 August 26, 2009
20

21 
22

23 CAROL M. THUEME, RPR
24 Circuit Court Reporter
25

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
3 08-GS-40-11767
 08-GS-40-11771
 09-GS-40-00831

4
5 State of South Carolina,)
6 Plaintiff,)
7 vs.) TRANSCRIPT OF RECORD
8 Willie Goodwin,)
9 Defendant.)

10 October 22, 2009
11 Columbia, South Carolina

12
13 B E F O R E:

14 THE HONORABLE J. MICHELLE CHILDS, JUDGE.

15

16

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

18 DRELTON "D.J." CARSON, ASSISTANT SOLICITOR
19 Attorney for the Plaintiff

20 J. RHODES BAILEY, ASSISTANT PUBLIC DEFENDER
21 Attorney for the Defendant

22

23

24

25

DEBORAH M. McCURDY, RPR
Official Court Reporter

I N D E X O F W I T N E S S E S

(WHEREUPON, no witnesses were called
during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced
during these proceedings.)

OCTOBER 22, 2009

MR. CARSON: Willie Goodwin.

THE COURT: I know it had already been requested some time, and then last time we didn't get to it, I think maybe he wasn't transported or --

MR. BAILEY: Mr. -- I think one time he wasn't transported, and the next time I know Mr. Rogers was out of the courthouse, so -- Your Honor, this is our motion to reconsider Mr. Goodwin's sentence.

I dropped off a transcript of the previous plea and sentencing from June last week. I don't know if you have that. I have another copy if you need to consult it. It deals with the issues that we wanted to bring up for the Court's consideration.

THE COURT: Okay.

MR. BAILEY: Mr. Goodwin was initially sentenced for five distributions of marijuana third. He was given 12 years on the marijuana charges, and then 18 months on a failure to stop for a blue light.

Those were from one investigation, it wasn't like five separate arrests. It was a long term investigation, you know, controlled buys, and what

1 not.

2 We have got a few issues here. I certainly
3 want to be as efficient as possible. My
4 understanding is that Mr. Carson is going to argue
5 that some community members from a political action
6 group or a community organization group speak on
7 sentencing.

8 I would go ahead and offer now my standing
9 objection to that as they are not covered by the
10 Victim's Bill of Rights.

11 I have got the statute right here which says,
12 "'Victim' means a person who suffers direct or
13 threatened physical, psychological, or financial
14 harm as the result of a commission or attempted
15 commission of a crime against him. The term
16 'victim' also includes the person's spouse, parent,
17 child," et cetera.

18 My understanding is these are individuals that
19 were in a neighborhood during one of these
20 offenses, and I'm -- you know, with all due respect
21 to them, I just don't think they have any standing
22 to be heard on this, you know, when it comes to
23 political organizations. You know, I am a member
24 of the NRA, I can't go to any, you know, guilty
25 plea involving a firearm charge and say what I

1 think about it. Mothers Against Drunk Driving can
2 not have representatives at every individual thing.

3 But, anyway, that is -- I have already made my
4 argument to that. I just would like to say that I
5 think that that is completely improper. And I just
6 want to note my standing objection, and hopefully
7 we can move onto other things. But here is a copy
8 of the Bill of Rights for you, Your Honor.

9 THE COURT: Okay.

10 MR. BAILEY: So I'd like to move on to the
11 transcript issues or things that came up at the
12 last actual hearing.

13 You know, it was a complicated case. I think
14 things got pretty heated. I think a lot of things
15 were brought up that probably were, you know,
16 factually legally incorrect and probably improperly
17 presented by the State. I certainly don't mean
18 that the State was being malicious, I just think
19 that they misspoke in ways that were probably
20 fairly material.

21 You know, things were pulled down. We have
22 had a chance to look at the transcripts, both of
23 us. I want to make sure that I'm doing everything
24 right to make sure we are presenting the correct
25 statutes and the correct laws.

1 First, there were some issues as to the weight
2 of the drugs and what constitutes distribution and
3 what constitutes trafficking.

4 I said several times, Your Honor, that I would
5 ask for a lower sentencing range for Mr. Goodwin, a
6 range from five years to 20, because he didn't have
7 any violent charges previously on his record, and
8 that this wasn't, you know, trafficking.

9 Trafficking is, of course, seen as much more
10 severe. In fact, trafficking third carries 25
11 period.

12 The Solicitor said several times on Pages
13 23 -- 22 and 23 of the transcript, he said, "If you
14 look at" -- not Mr. Carson, it was Mr. Andrews, he
15 can't be here today -- "If you look at the drugs he
16 sold, we only don't have trafficking because we
17 didn't get it all."

18 There are numerous, you know, things wrong
19 with this argument, this logic. For one thing,
20 collectively Mr. Goodwin only had 8.17 ounces. And
21 that wasn't at one time, that was in five or six
22 different times.

23 And it is a requirement -- trafficking
24 requires a minimum of ten pounds of marijuana for
25 trafficking marijuana. So, you know, first of all,

1 to even be charged with trafficking you have to
2 have all this stuff on your one person.

3 At most, if you added it up over a period of a
4 year investigation, he had under nine ounces, and
5 so I think this was a misstatement. And this was
6 sort of a -- you know, this was a statement that
7 they hung -- that I feel like the State reiterated
8 numerous times.

9 Also they asked the Court to imagine or
10 envision other crimes that the Defendant could have
11 possibly committed.

12 They presented to the Court that the Court
13 should sentence based on crimes that he was never
14 charged with, arrested for or even directly under
15 suspicion for.

16 The Solicitor said, quote, "It is not like the
17 only six times that he sold drugs was to Richland
18 County."

19 And it just gets back to the, "We only don't
20 have trafficking because we didn't get it all."

21 So I think it was a clear misstatement of the
22 law. I don't think it was malicious, I just think
23 that maybe there wasn't a fully informed
24 understanding of it.

25 I do think that trafficking is significant --

1 it is not the same thing as a distribution charge,
2 especially five distribution charges around an
3 ounce.

4 And I think that that is why we would ask,
5 Your Honor, that Mr. Goodwin, considering his
6 non-violent offenses on his record, you know, I
7 would ask that his sentence be reduced, Your Honor,
8 to somewhere between five and seven years. It is
9 an 85 percent. Your charge, Your Honor, I just
10 feel like Mr. Goodwin, who I have gotten to know
11 well, I don't think he is a violent person, I think
12 he had a terrible drug problem and that he was
13 selling marijuana, absolutely. He wasn't
14 trafficking in it, but he was selling it in small
15 amounts. And he pled guilty. He never said he
16 wasn't guilty of that.

17 You know, he has been involved with the
18 Longterm Offender Program since he has been in the
19 incarceration program, ATOP. It is to improve the
20 prison system with efforts to get the prison
21 community and the officers to work together.

22 So far he's only been incarcerated in DOC
23 since June, but he has tried to make the best of
24 it.

25 So, Your Honor, in considering, you know, it

1 is his marijuana, considering the weight of it,
2 although it is drug dealing, it is clearly wrong
3 and it is clearly illegal, I would ask for a
4 reduction from 12 years, which I, you know, I feel
5 like maybe the way things came out I would feel
6 that -- or I would ask Your Honor that we lower it
7 to something that I think more fits the crime,
8 especially since I feel like it may have been
9 misstated in such a way to make him out to be a
10 drug trafficker.

11 And then, you know, that is pretty much it,
12 except I would like to cite Article 1, Section 24
13 of the South Carolina Constitution, which I already
14 gave to you, which says that, you know, that
15 victims are limited to people that are physically
16 and directly affected by crimes, that those are
17 people entitled under the Victim's Bill of Rights.

18 And several times during the plea -- actually
19 I counted up seven different times when the
20 Solicitor said, "The community is angry, the
21 community thinks he should get time." The
22 community, the community, the community. And I
23 felt like that was, you know, improperly presented.
24 I think that that was to build up this swell of
25 support because some people didn't like

1 Mr. Goodwin, that that should have some kind of
2 political influence on his future.

3 And I have already stated, I don't want to be
4 a broken record here, I might have some responses
5 to Mr. Carson, but I certainly would like to keep
6 it brief. You know, I would just ask for any
7 sentence reduction you would be inclined to give,
8 Your Honor, and I will answer any questions.

9 THE COURT: Okay. Mr. Carson?

10 MR. CARSON: Thank you, Your Honor. And may
11 it please the Court? And I'll be as simple as I
12 can, Your Honor. And, again, I'm D.J. Carson. I'm
13 standing in for Andrew Rogers. He was the first
14 seat when we brought this matter to you back on
15 June 10th of this year, if I'm not mistaken.

16 THE COURT: But you were present?

17 MR. CARSON: I was second chair, Your Honor,
18 so I'm very familiar with these facts.

19 And on June 10th, 2009, the Defendant,
20 Willie -- Mr. Willie Goodwin, did come before you
21 where you indeed did sentence him to five counts of
22 distributing -- or possessing marijuana with intent
23 to distribute five counts and for a failure to stop
24 for a blue light where indeed you sentenced him to
25 12 years in the Department of Corrections.

1 And first and foremost, it is the State's
2 contention that that is a proper sentence. You
3 were presented with the facts. You heard all the
4 testimony. You qualified a plea. And it is the
5 State's position that a 12-year sentence is proper.

6 Now, as to Mr. Bailey's contention -- or
7 speaking towards the trafficking in marijuana, the
8 State would like to bring to your attention the
9 transcript and to, I guess, keep it in context, I
10 think we need to go back to -- or a few pages back.

11 On Page 21, my understanding -- and correct
12 me, Your Honor, if you see it differently --
13 Mr. Bailey stated, "Your Honor," or this is to the
14 effect, "Your Honor, it is not trafficking in
15 cocaine. This isn't trafficking cocaine."

16 Thereafter where Mr. Rogers in our office
17 stated, "But for officers catching him every time,
18 this would be trafficking."

19 So he was responding to Mr. Bailey's statement
20 that, "This isn't trafficking cocaine, this is
21 merely weed, Your Honor."

22 Thereafter he stated, "It would be trafficking
23 if officers would have gone there every time.
24 However, that wasn't the case."

25 Also speaking to trafficking, Your Honor, this

1 Defendant knew through his counsel, through this
2 Court asking questions, through this Court
3 qualifying such plea that he was before you on
4 possession with intent to distribute marijuana
5 third offense. You qualified such plea. He
6 understood that is why he was before you to plead
7 guilty.

8 You asked him a series of questions, as you do
9 every Defendant when they are coming before -- not
10 going forward to trial, and he understood that.
11 This Court understood that. This Court was
12 presented with indictments that stated this was
13 possession with intent to distribute marijuana
14 third.

15 So I say all this to say that maybe what
16 Mr. Rogers said was taken a little bit out of
17 context, taken out of character. However, once you
18 look at the transcript, once you go back through,
19 he was just retorting to what Mr. Bailey was saying
20 when he said, "This isn't trafficking in cocaine."

21 As to the concerned citizens in the community,
22 it is the State's contention that indeed they are
23 victims. Oftentimes we stand before Your Honor and
24 this Court and we say that drug crimes, they are
25 victimless.

1 Well, they may not have victims as a murder
2 case would have to where you have a projectile
3 going through an individual and you have one laying
4 dead. It may not be a victim in the sense of an
5 ABHAN to where you have an individual that is hit
6 or bludgeoned and he has something swollen.

7 Nonetheless, drug crimes do have victims. We
8 stand before you as the State of South Carolina.
9 We stand before you saying that we do have victims
10 in this matter, and that is the community,
11 community members that we have before you today,
12 Your Honor.

13 And at the appropriate time we would ask that
14 you hear from the community members. We have
15 before you a -- and if you could stand -- we have
16 before you a Tiffany Neville. She is the
17 neighborhood crime secretary. I notified
18 Mr. Bailey that she was indeed here and she would
19 like to address the Court, if this Court sees fit.
20 And also you have a Pastor Wylie Cooper, a
21 concerned citizen, and in fact that lives
22 approximately eight blocks from where this
23 Defendant lived, and he pastors a congregation that
24 is approximately two blocks away from where this
25 Defendant resided at the time of these crimes, or

1 at the time of at least one of the crimes.

2 So they are here before you to state the
3 concerns of the State, to state the concerns of
4 that community out there. And at the appropriate
5 time, Your Honor, we would ask that you hear from
6 them to where they can talk about the impact that
7 this Defendant's actions had on their community.

8 Well, when we speak about victims, we must
9 consider that, because we all know, it is almost as
10 though it is judicial notice that when drugs are
11 being sold in the community it impacts property
12 value, it impacts way of life. So we're all
13 victims.

14 But they are here to talk about their
15 community and how this Defendant's actions had an
16 impact upon them.

17 So, it is the State's understanding that there
18 was a mischaracterization of -- or Mr. Bailey
19 misunderstood Mr. Rogers as far as the trafficking.
20 It is the State's contention that this Court
21 understood that this Defendant was here to move
22 forward on PWID marijuana third offense, not
23 trafficking. It is the State's contention that
24 this Court understands the law. This Court
25 understood what statute this Defendant was pleading

1 guilty of -- or under. The State realizes -- or
2 under the statute that he was under a mandatory
3 minimum of five to 20 years.

4 And being so, you saw fit, after hearing all
5 the testimony, after qualifying this plea, to move
6 forward on five counts of PWID marijuana third to
7 sentence him to 12 years.

8 And the State moves before this Court to say
9 that that was a proper sentence and such sentence
10 should remain, Your Honor.

11 THE COURT: Okay. The Court had before it the
12 five counts, as you indicated, which each count
13 carrying the five to 20 years, is what you are
14 indicating?

15 MR. CARSON: That's correct, Your Honor.

16 THE COURT: Correct. And I had the transcript
17 ahead of time, as Mr. Bailey indicated, but now
18 even re-reading the transcript since we got it from
19 Mr. Bailey indicating that the State did lay out
20 the quantity of grams of marijuana that were sold
21 each time, if I'm understanding, to an undercover
22 agent.

23 MR. CARSON: That's correct, Your Honor.

24 THE COURT: Okay.

25 MR. CARSON: And if I would, I can readdress,

1 but for time sake and for brevity --

2 THE COURT: That's okay, I'm looking at it,
3 I'm looking at the transcript. But I'm just saying
4 that it wasn't as if we just took a plea where he
5 indicated guilt. You all laid out the facts of it,
6 which is what I generally require, that in addition
7 to the indictment, which has boilerplate language,
8 that I require the State to lay out the facts, and
9 then when you lay out the facts I get that
10 particular Defendant who is before me to see if
11 they agree or disagree with those particular facts.

12 So in those facts that the Defendant agreed
13 upon with respect to this particular charge, you
14 all laid out the various quantities of marijuana,
15 each on these five occasions which were sold to an
16 undercover deputy.

17 MR. CARSON: Yes, ma'am.

18 THE COURT: And this spanned a period of
19 weeks, you know, not in the same week, but that
20 there would be a week and then maybe a couple of
21 weeks or so would go by or the next week or so.
22 And then of course we had one of them which was a
23 failure to stop for a blue light. And then the
24 State dismissed a simple possession charge I recall
25 there.

1 Mr. Bailey, before I hear anything further, is
2 there anything that you wish to add?

3 MR. BAILEY: Yes. It looks like Mr. Rogers
4 began with the facts after you had accepted -- or
5 after you had accepted his -- or when his plea
6 said -- the Defendant said, yes, ma'am, I wish to
7 plead guilty. That was in the earlier pages like
8 around 4 and 5 through 6 and 7. And then
9 Mr. Rogers began his characterizations of the facts
10 about 8. But I just wanted to document that for
11 the record.

12 You know, briefly I would --

13 THE COURT: And then one other thing, just
14 while we're on that point.

15 MR. BAILEY: Yes, ma'am.

16 THE COURT: I recall -- well, the transcript
17 itself speaks that there are several victims who
18 may have wished to have spoken at that time, and
19 then you had vehemently objected to that indicating
20 that they weren't victims at that time.

21 And if I recall correctly, I didn't hear from
22 any victims per se at that plea?

23 MR. CARSON: That is correct, Your Honor.

24 THE COURT: Okay.

25 MR. BAILEY: Yes, ma'am.

1 THE COURT: So while you all might have made
2 community interest arguments, so to speak, I did
3 not allow people to specifically speak, which
4 indicates that I did not take whatever their
5 statements were into consideration for this plea.

6 Mind you, that while the Victim's Act does
7 state specifically who might be a victim, who is
8 immediately affected about an issue, I would have
9 to agree with Mr. Carson that generally speaking
10 drugs for sale in anybody's community is a
11 community interest, no doubt. It may not be our
12 Victim's Right, but that might even be more reason
13 why I didn't particularly hear from victims at that
14 case, because, again, I'm not relying on just the
15 victim's statement, I am recognizing that when
16 there is a sale of drugs wholesale within a
17 particular community it has its obvious effects,
18 that it could lead to crime, lead to lower property
19 values, leading to people being victimized because
20 they are users potentially of those drugs as well.

21 So I just wanted the record to state that that
22 was not a consideration of what I had here. I did
23 have five counts of marijuana distribution that
24 carries a five to 20 years and then gave a sentence
25 of 12 years based on the totality of what was

1 presented to me considering that he had a lot of
2 time facing him.

3 Mr. Bailey, is there anything else?

4 MR. BAILEY: No, Your Honor. I mean, I --

5 THE COURT: I did not consider it a
6 trafficking case because that was not what was
7 before me.

8 MR. BAILEY: Your Honor, it was -- our primary
9 concern was the way in which things were
10 mischaracterized by the State, and, again, not
11 maliciously, but as for Mr. Carson's interpretation
12 of it, I mean, Mr. Rogers did clearly say,
13 regardless of what I said, "He's been caught with
14 almost nine ounces of marijuana. We are talking
15 about the Defense. Like I say, this isn't
16 trafficking. Well, if you look at all the drugs he
17 sold, we only don't have trafficking because we
18 didn't get it all."

19 All I'm saying is it is a huge leap from 8.73
20 ounces accrued over many months to a 10 pounds on
21 his person right now. And you can understand my
22 concern as Mr. Goodwin's counsel.

23 THE COURT: That's okay.

24 MR. BAILEY: I'm not saying that --

25 THE COURT: I'm just letting you know for the

1 record I did not consider that. He was not charged
2 with what they asked. And, in fact, they asked me
3 for more time and he got less than what they asked
4 me for. But I did not consider it trafficking at
5 that time.

6 I have heard everything and I have reread the
7 transcript. The Court will stand by its decision.

8 MR. BAILEY: All right. Thank you, Your
9 Honor. I would -- I just -- I would like a
10 standing objection on the previous grounds that I
11 stated during the guilty plea, I'd like to preserve
12 that for the record.

13 I'd like to preserve for the record, you know,
14 my standing objection to the mischaracterization of
15 the facts being presented, the improper way the
16 State presented the drug law, and in the way in
17 which they characterized community voices needing
18 to be heard, which I thought violated the Bill of
19 Rights, Victim's Bill of Rights Act.

20 And I just renew all standing objections and
21 previous objections, for the record, please, Your
22 Honor.

23 THE COURT: Certainly. Okay, respectfully.

24 MR. CARSON: Thank you, Your Honor.

25 (WHEREUPON, the proceedings were concluded.)

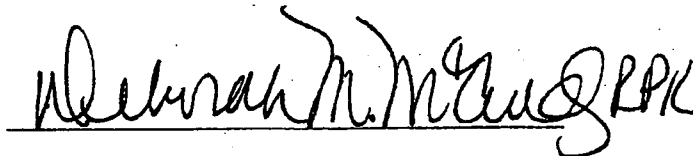
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 22nd day of October, 2009.

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

February 10, 2010



Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

FORM 5

2012C P402614

STATE OF SOUTH CAROLINA
COUNTY OF Richland
Willie Ray Goodwin #181207
Full name and prison number (if any) of Applicant.

IN THE COURT OF COMMON PLEAS

APPLICATION FOR
POST-CONVICTION RELIEF

RICHLAND COUNTY
FILED
2012 MAR -2 AM 11:12
JEANETTE W. BRIDGEMAN
C.C.P. & G.

State of South Carolina

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Stevenson Correctional Inst 4546 Broad River Rd.
2. Name and location of Court which imposed sentence Richland County (Judicial) Center
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2003-11767, 11768, 11769, 11770 and 2009-831
 - (b) Dist. 3rd Failure Stop blue light
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 6/10/08 12 yrs
 - (b) _____

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓ _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeal _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Case Denied or Affirmed _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. Feb, 2012 _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. None _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Ineffective Counsel

(b) Counsel fail to object to Court not advising minimum/max

(c) Counsel made me plea to a charge i didn't do.

10. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) Ineffective Counsel

(b) 4th Amendment Right Violation

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? Yes ~~No~~

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? Yes

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. 2/1/11

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. 2/1/11

ii. _____

iii. _____

iv. _____

(c) the disposition thereof:

i. 2/1/11

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

None

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) First Time Present to the Court

(b) _____

(c) _____

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

- (a) your arraignment and plea? yes
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? No

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

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

i. Sam Rhode Bailey Public Defender (Plea)

ii.

iii. Katrina Hoggins (Appeal)

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

i. Plea

ii.

iii. Appeal

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

Resentence or Reverse my Sentence

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

no

STATE OF SOUTH CAROLINA

)

County of

)

)

VERIFICATION

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

SWORN to and subscribed before me this _____
day of _____, 2____.

(L.S.)

Notary Public

My Commission Expires: _____

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

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

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

Willie Goodwin
Applicant

SWORN or affirmed to and subscribed before me this

4th day of April, 2012.

Yolanda Long
Notary Public

My Commission Expires: 1/20/2022

RICHLAND COUNTY
FILED
2012 MAR -2 AM 11:13
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

GOODWIN Willie -
00181207,

2012CP4002614

Applicant,

v.

RETURN

State of South Carolina,

Respondent.

The Respondent, making its Return to the application for post conviction relief (PCR) filed March 2, 2012, would respectfully show this Court:¹

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. The Applicant was indicted at the January 2008 term of the Richland Grand Jury for four (4) counts of Distribution of Marijuana – Third Offense (2009-GS-40-11767/11768/1769/11770). He was represented by J. Rhodes Bailey, Esquire, on the charge(s). On June 10, 2009, Applicant appeared before The J. Michelle Childs where he waived presentment to the Grand Jury on one (1) count of Failure to Stop for a Blue Light (2009-GS-40-00831) and pled guilty to the charges as indicted. He was sentenced to thirteen (13) years imprisonment on one count of Distribution of

¹<http://www4.rcgov.us/publicindex/PICaseDetails.aspx?County=40+&Casenum=2011CP4003067&CourtType=G&CaseType=Civil&CourtAgency=40002>

Marijuana, to run concurrently with twelve (12) year terms of imprisonment on the remaining three Distribution charges, as well as to an eighteen (18) month term for the Failure to Stop charge.

Direct Appeal

A timely Notice of Appeal was filed and an appeal was perfected. Kat Hudgins, Esquire, of the South Carolina Office of Appellate Defense represented Applicant on the appeal. By order filed February 29, 2012, the South Carolina Court of Appeals affirmed the convictions and sentences. State v. Goodwin, Opinion No. 2012-UP-124 (S.C. Ct. App. filed February 29, 2012). The Remittitur was issued March 19, 2012.

The current application for post conviction relief (PCR) was filed March 2, 2012.

II.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject conviction(s), the Applicant's records from the South Carolina Department of Corrections, and the trial transcript, and the Applicant's applicable direct appeal files.² The Respondent reserves the right to amend this Return upon receipt of any relevant materials or submit an amended Return to reflect any amended allegations and/or to provide a more detailed procedural history.

² The Respondent will utilize the Record on Appeal if the direct appeal was an Anders appeal.

III.

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

- (a) Ineffective Counsel
 (b) Counsel fail to object to Court not advising minimum/max set
 (c) Counsel made me plea to a charge i didn't do.
18. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Ineffective Counsel
 (b) 4th Amendment Right Violation
 (c) _____

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

Resentence or Reverse my Sentence

IV.

For the purposes of this Return, the Respondent interprets each of the Applicant's allegations to be claims that he received ineffective assistance of counsel. The Respondent contends that the Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. See Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

In a post-conviction relief proceeding, the Applicant bears the burden of proving the allegations in their application. Id. Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's

conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 80 L.Ed.2d 674. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. **The Respondent requests an evidentiary hearing to fully resolve this issue.** See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied. The Respondent therefore requests that this Court convene an evidentiary hearing solely on the issue of ineffective assistance of counsel. As to all other allegations, the Respondent moves for summary dismissal pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held. The Respondent will coordinate with the Applicant's attorney who is, according to the Respondent's file, TBT, Esquire regarding when the hearing should be set.³

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney
General

ROBERT D. CORNEY
Assistant Attorney General

By: RDC
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737
rcorney@scag.gov

June 13, 2012

³ The current PCR Roster for the 5th Circuit is available at <http://www.scag.gov/criminal-litigation/postconvictionrelief>

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

)
) IN THE COURT OF COMMON PLEAS

2012-CP-400-2614

Willie Goodwin, 181207

Applicant,

vs

State of South Carolina,

Respondent.

)
)
)
) AFFIDAVIT OF SERVICE BY MAIL
)
)
)
)

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

Willie Goodwin, #181207

STEVENSON CORRECTIONAL INSTITUTION
4546 Broad River Road
Columbia, SC, 29210

DATED this 14th day of June, 2012.



Jean R. Indriago, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
County of Richland	)	2012-CP-40-02614
	)	
Willie Goodwin,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
State of South Carolina,	)	
	)	
Defendant.	)	
	)	

March 5th, 2013
Columbia, South Carolina

BEFORE:

THE HONORABLE ALISON RENEE LEE, JUDGE.

APPEARANCES:

ROBERT RUSSO, ESQ.
Attorney for the Applicant

ROB CORNEY, ASSISTANT ATTORNEY GENERAL
Attorney for the State

AMINAH R. HARDY, RPR
Official Court Reporter

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EXHIBITS

No.	Description	Page
-----	-------------	------

(No exhibits were marked.)

P R O C E E D I N G S

1
2 THE COURT: This is 2012-CP-40-02614, Willie R.
3 Goodwin versus the State. Mr. Goodwin is represented
4 by -- is it Robert Russo?

5 MR. RUSSO: Yes, sir -- yes, ma'am.

6 THE COURT: And the State is represented by Rob
7 Corney. We're here on Mr. Goodwin's application for
8 post-conviction relief. As I understand and have read in
9 the application, he was indicted January 2008 for four
10 counts of distribution of marijuana, third or subsequent
11 offense. He pled guilty on June the 10th of 2009, and
12 were also some additional charges to which he pled guilty,
13 which would include failure to stop for a blue light. I
14 think there were five distribution charges all together,
15 and he was sentenced to a total of 13 years, and he
16 appealed to the Court of Appeals.

17 That appeal was affirmed on February 2012, and he
18 filed his postconviction relief application on June -- I'm
19 sorry -- March 2nd of 2012. And so we're here today on
20 that application. Is there anything we need to take up
21 before we proceed?

22 MR. RUSSO: No, ma'am.

23 THE COURT: Anything further, Mr. Corney?

24 MR. CORNEY: Nothing from the State, Your Honor.

25 THE COURT: And am I correct? Was it four

1 distribution charges or just --

2 MR. RUSSO: Five.

3 THE COURT: Five or four?

4 MR. RUSSO: Five.

5 THE COURT: Then Mr. Russo, you may proceed.

6 MR. RUSSO: From the pleadings as you can see, the
7 post-conviction relief motion is based on ineffective
8 assistance of counsel, and that is the crux of it. What
9 we'll get from the testimony is his understanding of what
10 he was facing when he went in to plead guilty. The plea
11 is going to be -- in his argument not voluntarily made and
12 not knowingly made because of the amount of time he
13 thought he was going to get through his conversations with
14 his attorney, with his public defender. His understanding
15 was an amount much less than he received. So he wants to
16 put on some testimony to show what his understanding of
17 what he was going to get was and put up testimony from
18 Mr. Bailey as well, who is here.

19 THE COURT: You may call your first witness if you
20 want.

21 MR. RUSSO: Mr. Goodwin.

22 WILLIE GOODWIN, after having first being duly sworn,
23 testified under oath as follows:

24 THE COURT: Please state your full name.

25 THE WITNESS: My name is Willie Roy Goodwin.

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 THE COURT: Oh, Mr. Goodwin, you need to speak up a
2 little bit. I can barely hear you.

3 THE WITNESS: Full name is Willie R. Goodwin.

4 THE COURT: Yes, sir.

5 DIRECT EXAMINATION

6 Q. Mr. Goodwin, you're currently incarcerated here in
7 Richland County?

8 A. Yes, sir.

9 Q. And how long have you been here?

10 A. Been four years now.

11 Q. And that was the result of a plea that you heard the
12 judge mention on that June 10th, 2009?

13 A. Yes, sir.

14 Q. And you pled to counts for failure to stop for a blue
15 light as well as multiple counts of distribution of
16 marijuana?

17 A. Yes, sir.

18 Q. And what was the sentence you received?

19 A. I received 12 years.

20 Q. Did that surprise you when you received that
21 sentence?

22 A. Yes, sir.

23 Q. Why did that surprise you?

24 A. Because I thought I was going to get five years that
25 was promised.

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 Q. And what made you think you were getting five years?

2 A. Because it was on paper -- with -- my first lawyer
3 told me I was going to get the first five years and then I
4 couldn't afford the paid attorney I had anymore, so they
5 appointed me J. L. Bailey. And after we talked for a
6 while, he came with me with the five years, but he told me
7 don't take it. Hold on. Might can get a better deal.

8 So I waited, and I waited until the last day before
9 we went to trial, then I -- we talked to him again. He
10 came and talked to me back there in the back, and he said,
11 "Go ahead and plea. I think I can get us the five years.
12 I can get the five years promised you," and he told me to
13 plea to a charge that I didn't do, the failure to stop for
14 a blue light. So all that was in the plea.

15 So I'm thinking okay, go ahead and plea. I didn't
16 know what I was really facing, I could get 20 years for
17 this, each charge. And I said, "Okay, I'll go ahead and
18 plea." So I'm thinking I'm going to get the five years.
19 So pleaded for the five years -- I mean pleaded, and the
20 came back and the State asked for 15. Judge gave me 12.
21 12 years. That brings me here today.

22 THE COURT: I'm sorry, I didn't hear the last part.
23 And what?

24 THE WITNESS: The State -- they had gave me 12 years,
25 so that's why I came here back today on a PCR.

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 BY MR. RUSSO

2 Q. Now, had you, at the time you pled to these charges,
3 had you known you were going to get 12 years, would you
4 have pled to these charges?

5 A. No.

6 Q. And why not?

7 A. Because I didn't know nothing about the 85 percent
8 thing and the third offense and all that. And I would
9 have took the five years. Anybody would have took the
10 five years. Knowing that I was facing that much time, I
11 would have took five and been going home this year, matter
12 of fact, if I had took the five years. But I ain't -- he
13 didn't explain to me about the 85 percent. Or I could get
14 20 years for each charge and all that. I didn't -- I
15 wasn't aware of that.

16 Q. When was the first time you became aware you could
17 get 20 years per charge?

18 A. When they started reading it off in court.

19 Q. The day you pled guilty?

20 A. June 6.

21 Q. And how come you didn't stop court at that point and
22 reconvene with your attorney?

23 A. Because they was just talking, but I figure that's an
24 attorney, so I figure he knows best. So I just let it go
25 on because I'm thinking he's going to get me the five

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 years.

2 Q. You just stayed quiet and answered yes to all the
3 judge's questions?

4 A. Exactly.

5 Q. You mentioned another attorney prior to Mr. Bailey.
6 You said that was a private attorney?

7 A. Yes.

8 Q. You mentioned he came to you with five years, or what
9 do you remember about that?

10 A. Yes, yes. He -- when he -- I went in his office
11 several times before coming to -- before my bond got
12 revoked and he came to jail here. He had showed me a
13 paper where we could get you five years, plead five years.

14 Q. That was his negotiation?

15 A. Johnson Chapman, that was his name, as a matter of
16 fact. Mr. Chapman.

17 Q. That was his negotiation with the prosecutor?

18 A. Yeah.

19 Q. Why didn't you finish up representation with that
20 attorney?

21 A. Because I couldn't finish paying him the money, and
22 got locked up. They revoked my bond and locked me up. So
23 I couldn't -- I had but like 30 days before I come to
24 court. So I couldn't pay him all that money in 30 days.

25 Q. What did you do for an attorney after that?

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 A. Appointed Mr. Bailey.

2 Q. And was that first time you met Mr. Bailey?

3 A. He came to see me like two, three times but, you
4 know -- I -- I mean, after I got to seeing him and talking
5 to him, I felt comfortable with him and so I just went
6 along whatever he told me to do. That's what I did.

7 Q. You trusted him?

8 A. Yes.

9 Q. Full confidence in your attorney? And the
10 discussions you had about your case, did you talk about
11 the charges that -- the distribution of marijuana charges?

12 A. Yeah.

13 Q. Did you talk about the failure to stop for a blue
14 light charges?

15 A. Yes.

16 Q. And you mentioned you did plead guilty to failure to
17 stop for a blue light, but you also said you didn't do it?

18 A. I didn't do it.

19 Q. Why did you plead to the failure to stop for a blue
20 light?

21 A. Because he said that would be in my best interest.
22 He said -- he gave me some kind of story about sometimes
23 in life, you know, you go through things and stuff
24 happens, and you just have to get over it and get on with
25 it, you know. And he was making it seem like if I go

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 ahead and plead to that, you know, he would -- I could
2 get -- the State would probably, know what I'm saying,
3 just give me the five years if I plead to the charge.

4 Q. And you would have been content with the five-year
5 sentence for these charges?

6 A. Yes.

7 Q. And that's what you were expecting at the time of
8 sentence?

9 A. Yes, sir.

10 Q. And you were fully expecting that based on your
11 consultation with your private, paid attorney, as well as
12 your public defender?

13 A. Yes, sir.

14 Q. You mentioned the 85 percent that you did not know
15 about, 85 percent -- you have to serve 85 percent of your
16 sentence. Is that what you're saying?

17 A. Yes, sir.

18 Q. When was the first time you heard about that?

19 A. In court. Well, I didn't hear about it then in
20 court. Somebody told me on the way to R & E.

21 Q. After --

22 A. Because I got this 12 years, you know, then he said,
23 "Man, you should have checked to make sure that was
24 85 percent." I was like "What?" because I ain't know
25 nothing about that. You know, and then sure enough when I

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 got to R & E, they started processing, and it was
2 85 percent.

3 Q. Would that have affected your decision to plead to
4 the charges?

5 A. Yes, sir.

6 Q. As well as the 12-year sentence, 13-year sentence,
7 that would have affected your decision to plead guilty to
8 charges?

9 A. Yes. I would have -- I would have been plead when
10 they came with the five years, no questions asked. No
11 nothing. Just yes, I'm guilty.

12 Q. Had you been presented with a plea deal of 12 years,
13 would you have taken that deal?

14 A. No.

15 Q. And were you prepared to go to trial on those
16 charges?

17 A. Yes.

18 Q. And how soon was your trial coming up at the time of
19 your guilty plea?

20 A. Like I said, I been in Richland County about six
21 months. And they hooked me -- appointed me Mr. Bailey, I
22 think I had like probably three, four months before I
23 before he started coming to me. And I had -- I would say
24 I was appearing the day before we went to trial. So
25 that's how...

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 Q. You pled guilty the day before your trial was
2 scheduled?

3 A. Yes.

4 Q. And did you have your witnesses readied? Did you
5 have your defense strategy put together for the trial the
6 next day?

7 A. I wouldn't say that because it was like, I'm guilty.
8 You know, I knew I was guilty. Wasn't no way around it.

9 Q. So a plea deal sounded like a good deal at that time?

10 A. Yeah.

11 Q. And it didn't come up until after the sentencing when
12 you decided that it wasn't a good deal?

13 A. After I got sentenced, I was like, I shouldn't have
14 pleaded. I shouldn't have pleaded to that because 12
15 years was way off base of what I was expecting. I just...

16 Q. Was your attorney, Mr. Bailey, surprised about the
17 sentence?

18 A. Yes, he was.

19 Q. How do you know that?

20 A. Because he was like -- he almost was like -- they was
21 getting -- the prosecutor was like having words back and
22 forth. He had to apologize to the judge about certain
23 outbursts and stuff like that.

24 Q. Did he think you were going to be sentenced to five
25 years as well?

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 A. I actually think he did.

2 Q. And you believed him?

3 A. Yes.

4 Q. And he probably believed it too, at least from your
5 impression of dealing with Mr. Bailey? You were both
6 under the impression you were going to be sentenced to
7 five years?

8 A. Yes.

9 Q. Did Mr. Bailey, your court-appointed attorney, do
10 anything for you to try to rectify the situation?

11 A. Well, he filed a -- what's that thing called -- he
12 filed a motion for sentence reduction or something like
13 that.

14 Q. And what were the grounds for that, if you recall?

15 A. I can't recall. It was like -- I think it was like
16 the weight and some kind of prejudice something else. It
17 was three things he filed on the grounds. I forgot what
18 that was.

19 Q. And what was the result of that motion?

20 A. It was denied.

21 Q. Did you appeal your sentence as well?

22 A. No, because the attorney that I had on that one, she
23 said it's no need to appeal it because she -- they didn't
24 even call me into court or her to court. They just did it
25 themselves and gave her the decision. And then she called

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 me, and I ain't never had met her myself, you know. She
2 was just appointed me and I ain't never seen her. Just
3 talked to her one time. Then she sent me a letter in the
4 mail saying I was denied.

5 Q. You're talking about your appellate attorney?

6 A. Yes.

7 Q. So you did attempt an appeal?

8 A. Yes.

9 Q. And that was unsuccessful?

10 A. Yes.

11 Q. Had you gotten five years, when would you have been
12 out? Do you know?

13 A. Yeah, I think October this year.

14 Q. So pretty well almost done?

15 A. Yes.

16 Q. How much more time do you have now?

17 A. Six years. Big difference.

18 Q. What is it that you want to see happen today? What
19 would you like the Court to do for you today?

20 A. If I can get my five years, time served, where I was
21 originally was looking for, the five years what I was
22 promised.

23 Q. As far as what the judge's ability to do today, if
24 you had just had the option of getting your sentence
25 vacated and going back to court to get resentenced again,

WILLIE GOODWIN - DIRECT EXAMINATION BY MR. RUSSO

1 is that something you would like to happen?

2 A. Yes, yes.

3 Q. Take your chances with the -- perhaps another plea
4 deal? Start from scratch, go back to where were you
5 before you pled guilty? Is that what you want to see
6 happen?

7 A. Yes, sir.

8 Q. Is that what you want the Court to do for you?

9 A. Yes.

10 Q. No further questions.

11 THE COURT: Any cross?

12 MR. CORNEY: Just briefly, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. CORNEY

15 Q. Mr. Goodwin, you told the plea judge, who was Judge
16 Childs at the time of your June 2009 guilty plea, that
17 nobody had threatened you or forced you to plead guilty,
18 correct?

19 A. Yes. Yes, I did.

20 Q. In fact, your case was set for trial that day when
21 you pled guilty, correct?

22 A. No, I was supposed to go to trial the next day.

23 Q. The next day you were supposed to go to trial?

24 A. Yes, sir.

25 Q. So you knew you had the right to trial?

WILLIE GOODWIN - CROSS-EXAMINATION BY MR. CORNEY

1 A. Yes.

2 Q. And you knew by pleading guilty you weren't going to
3 trial?

4 A. Yes.

5 Q. You were giving up your right to trial?

6 A. Yes, sir.

7 Q. You were giving up your right to say "I'm not guilty
8 of these charges"? You were going to admit your guilt by
9 pleading guilty, correct?

10 A. Yes, sir.

11 Q. Okay. You said to Judge Childs at the plea you were
12 entering that plea voluntarily, correct?

13 A. Yes, sir.

14 Q. You told Judge Childs you felt you were making an
15 informed and intelligent decision on whether to plead
16 guilty, correct?

17 A. Yes, sir.

18 Q. You said that your attorneys shared the State's
19 evidence with you prior to that day, correct?

20 A. What kind of evidence? I mean, we discussed a couple
21 things, yes. But not the sentencing, what I could get,
22 and he's more confident I would get the five years. Yes.

23 Q. As far as the State's evidence against you, you told
24 Judge Childs --

25 A. Yeah, yeah. He already told me, yeah. They got me

WILLIE GOODWIN - CROSS-EXAMINATION BY MR. CORNEY

1 on camera and I already know that.

2 Q. And Judge Childs told you if you wanted to continue
3 to trial that day, you had the right to do so. It was
4 your decision, correct?

5 A. Yes.

6 Q. All right. Judge Childs also asked you if you had
7 enough time to speak with your attorney about the nature
8 of the charges and the maximum possible punishment you
9 could receive, and you said you had, correct?

10 A. Yeah, but I don't remember like the maximum time
11 punishment. I received -- I learned that the day when I
12 plead.

13 Q. Okay. But you knew that at the time you pled guilty,
14 and that's what you told Judge Childs, that you knew what
15 the maximum was, correct?

16 A. Well, when the prosecutor started going over -- said,
17 "Judge, Your Honor, we can give him 20 years for each
18 charge," then I knew. Then I knew.

19 Q. All right. So at the time -- before the solicitor
20 said that -- and it's on page 5 for the Court to turn
21 to -- in the plea hearing before the solicitor started
22 giving the presentation of facts, on lines 22 through 25,
23 and I don't know if you've got a copy there with you, but
24 I'll read it and see if it refreshes your memory. The
25 Court asked you, "Had enough time to speak with your

WILLIE GOODWIN - CROSS-EXAMINATION BY MR. CORNEY

1 attorney about the nature of the charges, and the maximum
2 possible punishment and your constitutional rights," and
3 you answered, "Yes, ma'am"?

4 A. Yes.

5 Q. Do you remember that happening at the plea hearing?

6 A. Exactly.

7 Q. So at that point in time, you told the Court you were
8 aware of the max possible punishment?

9 A. I mean, I was aware of the charge, yeah, but I didn't
10 know about the sentencing.

11 Q. Well, on page 7 right after that, the Court asked on
12 lines 20 through 22, and I'll read it to you, see if you
13 remember that question being asked to you. Court said,
14 "Okay. Do you have any question of the Court at this
15 time?" This is after the Court has gone through complete
16 questioning of you about your guilty plea. Court asks,
17 "Do you have any questions?" and you said "No, ma'am."
18 Correct?

19 A. Correct.

20 Q. At that point in time, you didn't say, "I don't
21 understand what the maximum is, I don't understand what's
22 going on." You didn't ask any questions.

23 A. Let me sum all that up. I left everything in my
24 lawyer's hands, so that's why I went along with whatever
25 she asked me.

WILLIE GOODWIN - CROSS-EXAMINATION BY MR. CORNEY

1 Q. You left everything in your lawyer's hands, except
2 the decision to plead guilty. That was your decision?

3 A. Yes, to plead guilty, but I figured the sentence was
4 left up to my lawyer. He would handle that.

5 Q. Now, I think you mentioned about a five-year plea
6 offer. Is that something you discussed with Mr. Bailey?
7 I think you said that your private attorney before
8 Mr. Bailey had brought that to you, correct?

9 A. Yes, and Mr. Bailey came to the county jail one time
10 and said it too.

11 Q. And y'all discussed that offer, the five-year plea
12 offer?

13 A. Yeah.

14 Q. And you're saying at that point in time, Mr. Bailey
15 advised you not to take the plea offer?

16 A. Yes.

17 Q. Were you aware at that point in time -- or did he
18 discuss with you that it was your decision? I mean, in
19 the end you knew it was your decision to plead or not.
20 Were you aware at that point in time it was your decision
21 whether to take that plea offer?

22 A. Yes, I wanted to. I wanted to.

23 Q. You wanted to take the plea offer?

24 A. Yes.

25 Q. Why didn't you take the plea offer? If you knew it

WILLIE GOODWIN - CROSS-EXAMINATION BY MR. CORNEY

1 was your decision, why did you decide not to?

2 A. Because he's the lawyer, and he said I think I should
3 wait. I think I can get a better deal. That's what I
4 did.

5 Q. All right. And I think you said a minute ago you're
6 not guilty of the failure to stop for a blue light,
7 correct?

8 A. No.

9 Q. You told Judge Childs on the day of your plea you
10 were guilty, correct?

11 A. Yes.

12 Q. And you were under oath that day?

13 A. Yes.

14 Q. So you lied to Judge Childs under oath is what you're
15 telling this Court today?

16 A. No, I told a story.

17 Q. You said you were not guilty then --

18 A. I admit I told a story.

19 Q. Okay.

20 A. All right.

21 Q. And you realize that if you were granted PCR today,
22 post-conviction relief, your plea were vacated, you're not
23 guaranteed to get anything less than 12 years when you go
24 back, correct?

25 A. Yes, sir.

WILLIE GOODWIN - CROSS-EXAMINATION BY MR. CORNEY

1 Q. All right. There's a possibility you could get more
2 time than 12 years if you go back?

3 A. Yes, sir. Yes, sir.

4 Q. And that's a risk you're willing to take? You're
5 willing to roll the dice with that?

6 A. Yes, sir.

7 MR. CORNEY: I believe that's all the questions I
8 have, Your Honor. Thank you.

9 THE COURT: Redirect?

10 REDIRECT EXAMINATION

11 BY MR. RUSSO

12 Q. You had mentioned -- I think you told the judge that
13 you knew about the minimums and maximums; that you could
14 get 20 years per charge?

15 A. Uh-huh.

16 Q. In the transcript that was just read to you and you
17 told the judge, "Yes, ma'am." That wasn't true, though,
18 was it?

19 A. No.

20 Q. That was the first time you heard you could get --

21 A. That's the first time I heard, yeah.

22 Q. First time you heard you could get potentially 20
23 years per charge. And again, just one more question. Why
24 didn't you bring that to the Court's attention at that
25 time?

WILLIE GOODWIN - REDIRECT EXAMINATION BY MR. RUSSO

1 A. Because I -- after everybody said what they got to
2 say, this and that, I'm thinking Mr. Bailey is going to
3 handle it and get me five years. So that's all I -- I
4 don't -- I don't know the law. I don't know what's really
5 going on. I just know he was my attorney and whatever he
6 said, I do.

7 Q. You did what you thought you were supposed to do?

8 A. Yes.

9 MR. RUSSO: No further questions.

10 MR. CORNEY: No further questions from the State.

11 THE COURT: You may step down. Thank you. You may
12 call your next witness.

13 MR. RUSSO: Call Mr. Bailey, please. Apparently that
14 mic is really not working, so...

15 THE WITNESS: My name is John Rhodes Bailey.

16 THE COURT: Thank you. Yes, sir.

17 DIRECT EXAMINATION

18 BY MR. RUSSO

19 Q. Mr. Bailey, you represented Mr. Willie Goodwin back
20 in the trial -- in his guilty plea of June 10th, 2009?

21 A. That's right. He had a series of lawyers before me,
22 but I was the last lawyer he had. He had a few charges.

23 Q. And he had the -- you were here in the courtroom
24 during Mr. Goodwin's testimony?

25 A. Yeah, yes, sir.

JOHN RHODES BAILEY - DIRECT EXAMINATION BY MR. RUSSO

1 Q. So you heard he was -- pled guilty to the multiple
2 charges of distribution of marijuana and the failure to
3 stop for a blue light?

4 A. That's right.

5 Q. And on that date, do you recall what sentence he
6 received?

7 A. 12 years.

8 Q. Did that surprise you?

9 A. It did surprise me, yes.

10 Q. How come?

11 A. I mean, I certainly thought it was excessive. This
12 was -- it -- if I remember correctly, and it probably says
13 so in the transcript. It was under 8 ounces of marijuana
14 total. And I think it was about six distribution charges
15 and the failure to stop for a blue light. But they were
16 all smaller. Now, he was on video in all of them. I
17 should probably only answer questions I'm being asked, but
18 I did think it was a lot.

19 Q. And had you how long have you been representing
20 clients in criminal defense at this time?

21 A. I -- let's see. I started working in the public
22 defender's office in later 2007, so at this point I was
23 probably almost two years. I was at the public defender's
24 office for four years.

25 Q. And about how many clients had you had?

JOHN RHODES BAILEY - DIRECT EXAMINATION BY MR. RUSSO

1 A. I had had a fair amount. I certainly had a fair
2 amount of drug clients.

3 Q. So you were familiar with sentences are as well as
4 what plea bargain -- plea deals are?

5 A. Yes, sir.

6 Q. And is that why it surprised you when Mr. Goodwin got
7 the 12 years?

8 A. Well, stop me if I'm going into too much background
9 or whatever, but this was a particularly odd case because
10 the -- Mr. Goodwin had a record, so he was charged with
11 possession with intent to distribute, third. Typically
12 drugs -- or solicitors especially on thing like marijuana
13 were willing to negotiate with you. And the prosecutor in
14 this case, because Mr. Goodwin had been arrested several
15 times and had been sort of in and out and he was fighting
16 about bond, I think the prosecutor personally felt jerked
17 around. This is not my words. I could see that the
18 prosecutor was really agitated and did not like
19 Mr. Goodwin. And by the time I got Mr. Goodwin, he was
20 just determined that Mr. Goodwin was going to get a lot of
21 time for I guess what amounted up to under 8 ounces of
22 marijuana. I don't have it right in front of me.

23 And he told me that there was a lot of pressure from
24 some people in a neighborhood, one of the neighborhoods
25 where Mr. Goodwin had lived at one point where one of

JOHN RHODES BAILEY - DIRECT EXAMINATION BY MR. RUSSO

1 these charges originated from. And, you know, I -- and at
2 this point, I had a fair amount of experience negotiating
3 with prosecutors, and this prosecutor just wouldn't budge.
4 I feel like he kind of saw red with Mr. Goodwin all the
5 time.

6 I think eventually we were put on the trial docket
7 and Spencer Beckman was assisting me on that. He lives in
8 Washington D.C. now, but he didn't come into the picture
9 until later. He was also a public defender. Because
10 Mr. Goodwin was on tape five or six times -- and I've got
11 the DVDs here -- the only real argument we had jury wise
12 was, you know, sort of a jury nullification argument. And
13 even though you can't -- you don't explicitly say
14 to the -- you know, you make an argument of nullification,
15 you are allowed to pursue that sort of case. I mean, we
16 researched it. It's been a long time since I've looked at
17 it. We researched everything we could on jury
18 nullification.

19 Mr. Goodwin didn't want -- he did not want to plead
20 guilty to this. Now, the failure to stop for a blue light
21 was a relatively smaller charge compared to what he was
22 facing on these other -- PWID third charges. And but, you
23 know, he thought -- I think at the time from best I can
24 recall the solicitor wanted like -- first he was saying he
25 wanted like 10 or 12, then he was saying 15. You know, he

JOHN RHODES BAILEY - DIRECT EXAMINATION BY MR. RUSSO

1 was mad that Mr. Goodwin wasn't pleading guilty.

2 Finally I -- I said, "You got to give him some
3 incentive to plead guilty. You got to drop some of this
4 stuff. This guy is not a hardened, violent criminal."
5 He's -- you know, over time he's acquired some marijuana
6 charges, and I didn't think at first it was in
7 Mr. Goodwin's best interest to plead guilty.

8 So finally it was coming to trial like a lot of these
9 things do, and we were faced with going to trial, which
10 was, you know -- the theory of the case would have
11 essentially been, if you can call it a theory of the case,
12 the approach we would have taken is this is silly, look at
13 all the -- they clearly have it out for this guy. And
14 this is a small amount of marijuana which, you know, is
15 not as serious a drug as others.

16 But, you know, I was -- after a while speaking with
17 the solicitor, we were under the impression that he was
18 not going to be as vehement about it. He dropped -- he
19 dismissed one of the charges, which was something. And I
20 came to Willie and said, "Listen, here's the deal. We go
21 to trial, it's very, very likely that you are going to
22 lose. And if you go to trial and you're not repentant at
23 all or you show no remorse for it or don't think you did
24 anything wrong, you're going to end up with a larger
25 sentence than if you plead guilty." And I said we were

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1 going to ask for the minimum, and that we would -- were
2 going to fight hard -- the minimum even in this case I
3 thought was a lot, which was five years at 85 percent. He
4 didn't have a great record, but remembering it wasn't this
5 terrible, violent record. He had -- you know he had a
6 criminal past of sorts. And so, you know, I'm sure I told
7 him it was 85 percent. You know, I don't know if you -- I
8 don't want to get off track. I don't want to take over
9 this whole --

10 Q. I do want to know what his impressions were. What
11 was Mr. --

12 A. I told him I think several things. This is a case I
13 remember well. And the reason why I remember it well is
14 because I would have done it differently had I a chance to
15 do it over again. I think that I misjudged the
16 prosecution's zeal and emotion in this case and their lack
17 of understanding of the law going into that guilty plea.
18 And I think I overestimated because I had a lot of
19 experience of convincing judges, or trying to, and I just
20 thought it would be unreasonable for, you know, I thought
21 that most judges would see it unreasonable that a guy
22 would get over a decade for what amounted to less than
23 eight ounces over a period of time. Not even eight ounces
24 at once if I remember. Eight might be a rough number, but
25 it was right around an ounce over like six arrests or

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1 something like that, or seven. I can't remember
2 specifically. Either way give or take an ounce.

3 Q. You were pretty convinced they would probably
4 sentence on the minimum side more on the five-year side?

5 A. I felt so.

6 Q. And you expressed that to Mr. Goodwin?

7 A. Right. I said -- I never promised him anything, but
8 I said, you know, "We're going go in there, I'm going to
9 give him everything we got, you know. We're going fight
10 hard for you in mitigation, and I'm going to try and
11 convince this judge, who I think will be reasonable, that
12 you're not this hardened criminal, and that whatever you
13 do is going to be 85 percent time, and it's hard time."

14 The solicitor, though, just did all sorts of weird
15 stuff. If I would have known that the solicitor was going
16 to say -- at one point, I said, "This isn't trafficking."
17 And the solicitor said, "Well, Judge, the only reason this
18 isn't trafficking" -- and you can look at this in the
19 transcript -- "is just because we didn't catch him these
20 other times."

21 Q. Alluding to other crimes --

22 A. Now, I tell you one thing I should have done right
23 away which, you know, maybe I was caught up into it which
24 I didn't do was I should have said, "Judge, that's not --
25 trafficking is 10 pounds of marijuana." And only after --

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1 I knew it was a lot more but only in that moment I didn't
2 know it was 10 pounds. I knew it was significantly more.
3 I wish -- I should have been able to come back with --
4 immediately with, "Judge, that's ridiculous. It's
5 10 pounds of marijuana." I think I made the argument but
6 I didn't make it as well as I should have.

7 And even worse, you know, the solicitor said, "Well,
8 Judge, there are all these people in this community, and
9 this is -- they're victims in this crime," or something to
10 that effect. And the Victim's Bill of Rights doesn't
11 allow anybody who just lives in a neighborhood to come in
12 here and say and to have an opinion about whether a guy
13 should, you know, go to jail or not. It doesn't. And
14 they made an argument that -- these people, and it was
15 people that lived in like one neighborhood, and was
16 blind-sided by this. I should have paid more attention to
17 the fact that this guy had organized members of the
18 community and a reverend come in who just had it out for
19 Mr. Goodwin and didn't even know him. And I should have
20 been better -- I misjudged the way they were coming in,
21 you know, guns blazing on this. I thought I could
22 persuade the judge to give him five. I was pretty
23 convinced we were going to lose at trial.

24 Q. But you were also pretty convinced that with a plea,
25 you could get your client close to the minimum, around the

JOHN RHODES BAILEY - DIRECT EXAMINATION BY MR. RUSSO

1 five?

2 A. I thought I could get the client close to the
3 minimum. I underestimated, you know, and I didn't promise
4 him anything. I never did that. I don't have -- I cannot
5 locate the advice of rights form, which I always did. I
6 was very specific about that, and I always add up the
7 total amount, you know, you could get 20 for this, 20 for
8 this or whatever.

9 But, you know, he wanted to go to trial. We knew it
10 was a dead dog loser. In retrospect, though, the plea, it
11 was just like, you know, it was -- especially the stuff
12 the solicitor was trying to, you know, assert and stuff
13 like that. If I would have known, you know -- if I would
14 have known he would have had so much going against him the
15 way it was presented, I would have tried to do something
16 to stop it or withdraw the plea, which I don't even know
17 if the judge would have let me withdraw the plea.

18 Q. What about Mr. Goodwin's competence as well as
19 understanding, assisting you with the trial? What was
20 your impression of that?

21 A. Well, I mean, again, had I -- I mean, he would have
22 been better served rolling the dice at trial in the jury
23 nullification thing. I don't mean that in some reckless
24 thing. I just think when someone is in jail doing
25 85 percent time for 12 years, which, I guess, rough

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1 estimation, he's doing a decade for that small amount of a
2 drug. And I hate to sound like some hippie legalize
3 person, but, you know, I don't think marijuana is good for
4 you. I don't think alcohol is either, but they've all but
5 been legalized marijuana in certain states. I hate to
6 sound like I'm on a soapbox, but I feel it's my fault that
7 something went wrong and he ended up in that situation.

8 Q. What would you like see happen as far as the PCR
9 motion?

10 A. You know, I think that's up to the Court to decide.
11 It really -- it's the Court's decision on whether I was
12 effective or not, but I can honestly tell you that out of
13 the cases I've had, I still think of this one, and I still
14 think of Mr. Goodwin being in there for 12 years, and I
15 thought I might have been overly confident in my ability
16 to persuade the Court. And I -- you know, if I would
17 have -- if -- and if I would have maybe been paying -- I
18 misjudged and underestimated the zeal with which the
19 solicitor's personal feelings were going to get involved
20 with it.

21 I mean, if I -- maybe -- maybe some people would make
22 the argument -- I can't say it's the right one or not --
23 some people would make the argument that I should have
24 maybe even asked the solicitor to be recused, not because
25 he didn't like my client, but because he was so -- just so

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1 emotionally invested in giving as much time to Mr. Goodwin
2 as he could.

3 Q. And it seemed in your opinion to be disproportionate
4 to the sentences you had seen in the past?

5 A. I would say so. You know, I'm not a judge, but I've
6 had a client -- I had a thousand clients in my time as a
7 public defender. I never had a guy go to jail for 12
8 years for that amount of drugs and those kind of drugs.

9 MR. RUSSO: Thank you. No further questions.

10 THE COURT: Any cross?

11 MR. CORNEY: Yes, ma'am, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. CORNEY

14 Q. Mr. Bailey, you recall your meetings with Mr. Goodwin
15 prior to the plea?

16 A. Yeah, yes, I do. We had a few meetings, a fair
17 amount of meetings because we were set up for trial until
18 he pled at the last minute.

19 Q. And during those meetings, were you able to review
20 the maximum and minimum sentence he was facing?

21 A. Yeah, we did. We talked about that. And again, I
22 can't -- I don't have documentation of it, but I'm always
23 real careful to review the review the maximum sentence
24 with them in case there are surprises.

25 Q. Would that be something that would be very important

JOHN RHODES BAILEY - CROSS-EXAMINATION BY MR. CORNEY

1 in your initial discussions with him to understand?

2 A. Yes, sir.

3 Q. Do you recall him having any difficulties
4 participating in your communications, understanding any of
5 your talks?

6 A. Well, I mean -- no. I don't think he had any
7 difficulties. I mean he's a smart guy. Very pleasant
8 client. But, you know, there are times -- and this is
9 just a fact of representing clients, especially over a
10 long period of time -- there are times when you advise,
11 you know, the client looks to you and you advise them.
12 And at first he didn't want to -- he just wanted to go to
13 trial and say, you know, the heck with it. I don't
14 like -- I still was surprised the prosecutor wouldn't do
15 more to reduce some of these or reduce it to a second or
16 just something to get it 65 percent time, because it
17 seemed strange he would be classified as a 85 percent
18 prisoner. I tried that for a long time. I don't know how
19 much we've talked about that. But I tried to negotiate
20 with the solicitor. I did for a while.

21 And so we were in a situation where, you know, he had
22 a bad offer, if you can call it an offer. Finally, at the
23 last minute, we got something. You know, you can't
24 squeeze blood from a turnip, they say. This was as much
25 of a reduction as it was going to get. So I figured the

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1 poor offer that was there which was, you know, dropping
2 one thing and, you know, I figured that was the best it
3 was going to get, and we were going to have to try our
4 luck and rely on my persuasion and my command of the facts
5 to explain to the judge why he should get less. But I --
6 and I'm sorry. I'm kind of losing track of the question
7 you asked me. But we definitely talked about it, but I
8 will -- but we had a conversation, and that's what I
9 advised him to do.

10 Q. And you said was one charge dropped. Possession with
11 intent to distribute marijuana and a simple possession of
12 marijuana both dismissed, or was that one charge?

13 A. That might be right. Honestly, I'd have to look at
14 it again, at the transcript.

15 Q. It will speak for itself.

16 A. Right. It was -- something was dropped, but in the
17 large scheme of things, it was not a lot.

18 Q. All right. I think you said a moment ago you had
19 entered into some pretty serious negotiations for a plea
20 offer with the State, and you noted on some of the offers
21 that were extended. Do you remember a five-year offer
22 ever being extended?

23 A. No. No. I mean, he might have said something like
24 you could ask for the minimum, one of those nonoffer
25 offers that the solicitor's office would make from time to

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1 time. But I -- no. I was -- I mean, that was one reason
2 why we were on the trial docket up until the last minute
3 because -- and I can't remember if was the day of trial or
4 a few days before the trial or maybe the end of the week
5 right before the next week, but we were on the trial
6 docket up until very late.

7 Q. And at the time that this plea came forward, were you
8 prepared to take the case to trial?

9 A. Yeah. I mean, we were ready to take it to trial. As
10 I said, full disclosure, it would have been essentially
11 been a -- the State is wasting the resources. I mean,
12 it's not the most winning approach you want to take, a
13 nullification argument, but that would have essentially
14 been -- that's what we were looking and prepared to go
15 with primarily.

16 Q. Okay. So just to make sure I'm clear on this: You
17 don't ever recall discussing the five-year plea offer,
18 ever seeing a five-year plea offer, anything along those
19 lines from the State?

20 A. No. I told him I was going to ask for five years. I
21 don't remember if I'm said, "I'm confident I will get you
22 five years," but I felt confident I could get him less
23 than ten years, or I felt confident in my ability. You
24 don't promise anything, but -- you know. I mean, it's
25 always a gamble and I told him she can sentence you up to

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1 whatever, but I think we're better off pursuing this and
2 showing remorse and me trying to mitigate it and get it
3 down to less.

4 Q. Okay. And I think on your direct testimony, you
5 mentioned the solicitor -- I believe you said the
6 solicitor along the way kind of said, "Well, I'm going to
7 kind of pursue ten years, 12 years, up to 15 years." Were
8 those conversations you were relaying to Mr. Goodwin
9 throughout your meetings with him?

10 A. Probably so, and I'm sure I did in some way or
11 another. I think it was more like he tried to -- the
12 prosecutor was insinuating that he would only ask like ten
13 to 12, but then he got all pissed when we asked for five.
14 Excuse me. I apologize for -- he got angry or he seemed
15 perturbed when we were asking for the minimum, and then he
16 started saying, "Well, I'm going to ask for 15," so then
17 he asked for 15. And I, you know, he -- the guy -- the
18 prosecutor didn't know the law himself. He didn't know
19 what the difference between trafficking and PWID were, and
20 I didn't know it well enough to come back with the actual
21 trafficking figure, which is 10 to 100 pounds. And I did
22 in the motion I filed.

23 Q. But those -- as far as those discussions with the
24 solicitor, that would have been something you relayed to
25 him as to where the State stands and what they're going to

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1 ask for.

2 A. I told him -- I mean, I think he knew the State had
3 it out for him, yes, and I'm sure I conveyed that.

4 Q. Okay. Based on all your discussions with him leading
5 up to the plea and your discussion, I guess, during the
6 plea or right before the plea, do you believe he was aware
7 that there were no guarantees as to what his sentence was
8 going to be and was aware of the maximum he was
9 potentially facing if he pled guilty?

10 A. Yes, I think so. I -- I mean, I told him what I
11 thought was best and I advised him to plead because I
12 thought I could get less. But I made it clear there were
13 other things that could -- I mean, you know. The sentence
14 could be larger.

15 Q. Okay. And was he aware it was ultimately his
16 decision? He was the sole decision-maker as to whether to
17 plead guilty or go to trial?

18 A. Yeah. I mean, he was aware it was his decision, but
19 I mean, I have to be honest. There takes -- sometimes you
20 talk a lot about it, and sometime you think it's -- you
21 feel it's your duty to convince your client what's in his
22 best interest. And at that time, I thought it was in his
23 best interest to plead guilty. In retrospect, I think it
24 turned out not to be in his best interest to plead guilty
25 because I misjudged and mis -- whatever, underestimated

JOHN RHODES BAILEY - CROSS-EXAMINATION BY MR. CORNEY

1 the situation.

2 Q. And you say that in retrospect based on the fact he
3 got 12 years, ultimately. I mean, that's what you're
4 basing your retrospect on this side, knowing he was
5 sentenced to?

6 A. I wouldn't be questioning if he had gotten, you know,
7 if he had gotten, you know, what I asked for, I wouldn't
8 be questioning, you know.

9 Q. Absolutely. I just mean your hindsight is based on
10 the fact now you know what was going to happen.
11 Essentially, hindsight is 50/50. You know because he got
12 12 years that now you say he should have gone to trial,
13 correct?

14 A. I mean, I -- that sounds accurate.

15 Q. Okay.

16 MR. CORNEY: Beg the Court's indulgence just one
17 minute.

18 BY MR. CORNEY

19 Q. As far as the comments about voicing the, I guess --
20 voicing the community's concerns about trafficking or the
21 possession with intent to distribute charges or -- yeah,
22 distribution charges, excuse me, that was something that
23 you argued against at the plea hearing, correct?

24 A. I -- yeah I did, but I was kind of caught off --
25 okay. I'm sorry. The question is: You're saying whether

JOHN RHODES BAILEY - CROSS-EXAMINATION BY MR. CORNEY

1 or not these people had a right to speak or to be taken
2 into account?

3 Q. Absolutely. Yes.

4 A. Okay. There were several hearings, because I did a
5 motion to reconsider. And you're going to have to forgive
6 me because I haven't had a chance to review this full
7 transcript. But they made a point to say -- I know the
8 State said, "These people are here," and the implication
9 was, "They're watching you, Judge." I mean, I think
10 that's what they were saying. "These people are community
11 members and they have a right to be considered, and
12 they're trying to make their community better and Willie
13 Goodwin is messing it up."

14 And another thing was -- it was misrepresented in
15 such a way, set up in such a way that Mr. Goodwin -- I
16 think it was his last charge, he had lived there for a
17 very brief period of time. All the other charges were
18 from another neighborhood over a course of other years.
19 So I mean it was -- you know, I was -- I knew he had --
20 the solicitor was under political pressure to make these
21 people happy, but I didn't think, you know, -- I -- I
22 guess I didn't expect that he would actually try and treat
23 them like victims in this crime and represent this to the
24 Court. And I think it was impossible for the Court not
25 take it into account when there were like a dozen people.

JOHN RHODES BAILEY - CROSS-EXAMINATION BY MR. CORNEY

1 I can't remember exactly how many watching -- you know,
2 watching with stern looks in the thing, and he was
3 treating him like they were victims in the Bill of Rights.

4 I mean, I feel like that kind of pressure -- I mean,
5 that's kind of like -- I mean, nobody can get a fair thing
6 in front of a judge of when you got the pews lined with
7 people that you've organized to come and stare. I mean, I
8 might not like a neighbor down the street, but that
9 doesn't that mean my opinion matters as to whether or not
10 he goes to jail if nothing that's been done affects him.

11 Q. And you did file a motion for reconsideration?

12 A. Yes, I did.

13 Q. And in that motion for reconsideration hearing, you
14 argued these issues as far as the trafficking, the
15 comments on trafficking, and the voicing of the
16 community's concerns?

17 A. I did. I put a lot of time into it. The -- I
18 basically tried to make up for everything I didn't say --
19 I mean, I made arguments in the original guilty plea, but
20 I tried to back it up with actual statutes on the Victim's
21 Bill of Rights, which I should have had a better
22 understanding of just as a lawyer anyway before I did the
23 research and turned in a memo -- motion to reconsider.
24 And then also I pointed out that it was improper to for
25 the solicitor to say, "Oh, Judge, the only reason it's not

JOHN RHODES BAILEY - CROSS-EXAMINATION BY MR. CORNEY

1 trafficking is because we didn't catch him all those other
2 times," and there was a huge difference between eight
3 ounces and 10 pounds of marijuana. And I should have been
4 able to say it at the hearing. I mean, I think I should
5 have been able to say it in the hearing anyway, that it
6 was ridiculous for him to talk about hypotheticals. I'm
7 sure I mentioned it was ridiculous for him to talk about
8 hypotheticals at 10 pounds.

9 Q. And Judge Childs ultimately denied the motion for
10 reconsideration?

11 A. That's right.

12 Q. And on the record at the motion for reconsideration
13 hearing, is that something you had the opportunity to
14 review before coming in today?

15 A. And I apologize. I haven't. I mean, I might have
16 glanced --

17 MR. CORNEY: If I may approach the witness, Your
18 Honor, with a copy of it.

19 THE COURT: Yes.

20 MR. CORNEY: This is on page 18 when the Court rules
21 on the motion to reconsider sentence. And I'll just have
22 him look at line 21 on page 18 through line 7 on page 19.

23 THE WITNESS: I'm sorry, lines 21 through 7?

24 BY MR. CORNEY

25 Q. Yeah, I'm sorry. Lines 21 through the next page.

JOHN RHODES BAILEY - CROSS-EXAMINATION BY MR. CORNEY

1 A. Just read it?

2 Q. Yeah, and you don't -- you can read it out loud or
3 you can read it to yourself. Whatever you want.

4 A. I'll read it out loud if it's okay. It will be more
5 accurate. Okay. I'm on page 18, line 21. Starting with,
6 "So I just wanted the record to state that that was not a
7 consideration of what I had here. I did have five counts
8 of marijuana distribution that carries a -- five to 20
9 years and then gave a sentence of 12 years based on the
10 totality of what was presented to me considering that he
11 had a lot of time facing him."

12 Is that Judge Childs reading, I guess?

13 Q. It is. It's Judge Childs.

14 A. And I say, "Mr. Bailey, is there" -- oh, then she
15 says, "Mr. Bailey is there anything else?" I say, "No,
16 Your Honor, I mean I" -- and she says, "The Court did not
17 consider a trafficking case because that's not what was
18 before me."

19 Q. Okay. I appreciate it. And just personal feelings
20 aside based on what Judge Childs said here, essentially
21 she said the voicing of the community concerns and the
22 trafficking comments were things she didn't consider at
23 the time?

24 A. I mean, she says that at the trafficking thing. Did
25 she say something about the community in that thing?

JOHN RHODES BAILEY - CROSS-EXAMINATION BY MR. CORNEY

1 Maybe I was reading it --

2 Q. The first part of that is the following paragraph,
3 and I didn't have you read the whole thing.

4 A. Okay.

5 Q. But referring to the comments on the communities and
6 their ability to talk as --

7 A. I mean, that's sound accurate.

8 Q. But personal feeling aside, Judge Childs said, "Those
9 aren't thing I considered"?

10 A. That's what she said, yes, at the second hearing.

11 MR. CORNEY: That's all the questions I have. Thank
12 you.

13 THE COURT: Any redirect?

14 REDIRECT EXAMINATION

15 BY MR. RUSSO

16 Q. The judge said she didn't consider those things, but
17 the judge did hear those things, did she not?

18 A. That's right.

19 Q. And she heard them before she imposed the sentence of
20 12 years?

21 A. That's right. And I objected to them being heard. I
22 thought it shouldn't be framed the way it was, but...

23 Q. You had good rapport with Mr. Goodwin during your
24 representation of him?

25 A. Yes.

JOHN RHODES BAILEY - REDIRECT EXAMINATION BY MR. RUSSO

1 Q. He was a good client?

2 A. I mean, you know -- yes, he was a good client.

3 Q. Not confrontational, not overly picky, not
4 argumentative?

5 A. I mean, you know, I think there might have been some
6 times it was hard for me to get him to listen to me. But
7 not like -- I don't mean -- and he was a real restless
8 guy. Had a lot on his mind. I thought he was a good
9 client, and I thought he was a good guy.

10 Q. Seems like he trusted you?

11 A. Yes, I think so.

12 Q. And his trust wasn't mislaid? You were trying to do
13 a good job for him.

14 A. I was -- yes.

15 MR. RUSSO: No more questions.

16 THE COURT: You may step down. Anything further from
17 the applicant?

18 MR. RUSSO: Nothing further, Your Honor.

19 THE COURT: Anything from the State?

20 MR. CORNEY: Nothing from the State, Your Honor. I
21 just reserve very, very brief closing. Thank you.

22 THE COURT: Mr. Russo, would you like to make any
23 closing statements?

24 CLOSING STATEMENTS BY MR. RUSSO

25 MR. RUSSO: Briefly. What you heard from today from

1 Mr. Goodwin's testimony as well as the public defender
2 Mr. Bailey's testimony, you'll see that by his own
3 admission he made some errors. In hindsight, he would
4 have done things a little bit differently. He was
5 surprised -- Mr. Bailey was surprised on the amount of
6 sentence based on his experience with thousands of
7 clients. And the communications between him and his
8 client as far as what was he advised of, was he advised of
9 the maximum/minimums? Did he know he could get up to 20
10 years per count for five counts? Theoretically,
11 consecutively could be 100 years. But was he aware of
12 that? We didn't see the plea sheet that was signed, from
13 I guess, from the public defender's office. We didn't see
14 that. We heard testimony about it. You heard
15 Mr. Goodwin's testimony that he did not know until the day
16 of sentencing that he could have gotten up to 20 years per
17 charge. He talked a lot about the five years.

18 Mr. Bailey certainly didn't promise five years
19 according to his testimony, but what we're here about is
20 Mr. Goodwin's understanding, what his belief was going
21 into the plea. That's what voluntariness is, that's
22 what's willingness is. It's not about what's in the
23 records, not about the papers that's written down, it's
24 not what's signed. It's what he believed, and I think
25 from his testimony today you can certainly see his that --

1 his beliefs. His beliefs were that he was getting around
2 the minimum, around the five-year sentence, and that's why
3 he pled guilty. That's why he's here on post-conviction
4 relief requesting the Court's assistance. Thank you.

5 THE COURT: Thank you.

6 CLOSING ARGUMENT BY MR. CORNEY

7 MR. CORNEY: Very briefly, Your Honor. The State
8 would submit the credible testimony presented by
9 Mr. Bailey and confirmed by the record before this Court
10 on the plea hearing is that Mr. Goodwin was well aware it
11 was his decision whether to plead guilty or not. He was
12 well aware he would be waiving his right to jury trial by
13 doing so. He was well aware of the maximum and minimum
14 sentences he was facing, and he pled guilty without
15 recommendations or negotiations. That's the risk of
16 pleading guilty without recommendation or negotiations.
17 Mr. Bailey was up there and testified that he was very
18 certain Mr. Goodwin was aware that by pleading guilty he
19 could get the potential maximum. Yes, he did advise him
20 I'm going to argue for less, but he also testified
21 credibly that -- the State will submit was credible
22 testimony was that he also said, "I didn't promise him
23 anything." He knew there was no promises.

24 Additionally, and as far as the comments about the
25 voicing the community's concern and about the trafficking

1 comments, those were raised in the motion for
2 reconsideration. Judge Childs specifically said, "I
3 didn't consider those things in my sentence." I mean, we
4 can just take the transcript for what it's worth and what
5 the judge said on the record. She said, "I didn't
6 consider those things."

7 That's the risk that you take when you plead guilty
8 without recommendation or negotiation. The State would
9 submit he was well aware he could receive the maximum and
10 that he was rolling the dice but hoping for a lesser
11 sentence or closer to the mandatory minimum.

12 Unfortunately, he didn't receive that, and it's easy to
13 look back in hindsight knowing what he got to say, "Well,
14 I should have gone to trial now knowing I got 12 years."
15 At the time, he believed it was in his best interest, so
16 he plead guilty voluntarily and intelligently.

17 So the State would ask that this Court deny the
18 application for post-conviction relief. And, Your Honor,
19 I don't know if the Court is inclined to leave the record
20 open momentarily to see if the Clerk of the Court's office
21 may have the advisement of rights form that was usually
22 filled out by the public defender's office before the
23 guilty plea. It's something I would request, but I
24 understand if the Court is prepared to rule on the issue.

25 THE COURT: I'm prepared to rule, but I also think

1 unless it's handed up to the Court with the sentencing
2 sheets, it's not always in the record.

3 MR. CORNEY: Yes, ma'am.

4 THE COURT: It's not always placed in the file in the
5 clerk's office unless it was handed up during the course
6 of the plea.

7 MR. CORNEY: I withdraw that request, then, Your
8 Honor.

9 THE COURT: You can go and look. That's not a
10 problem, but I think that there's information on the
11 record that it was at least disclosed, at least from the
12 plea transcript it was disclosed. There was some
13 conversation about that.

14 MR. CORNEY: Yes, ma'am, Your Honor. That's all the
15 State has. We just ask you deny and dismiss the
16 application with prejudice.

17 THE COURT: Anything further, Mr. Russo?

18 MR. RUSSO: Nothing further.

19 THE COURT: Based upon my review of the transcript
20 and listening to the evidence and the testimony presented
21 here today -- let me start off by saying that Mr. Goodwin
22 was charged with six charges relating to possession with
23 intent to distribute marijuana, third offense; that they
24 carried a minimum -- mandatory minimum of five years up to
25 20 years; and there was also one charge of failure to stop

1 for a blue light. I will notice that in the course of the
2 discussion about the charges that one of the possessions
3 with intent to distributes arose out of the failure to
4 stop for a blue light. So to the extent that he was
5 pleading guilty to that particular charge, apparently the
6 facts as recited by the Solicitor's Office was that he
7 failed -- that he the officer knew that he had been -- his
8 driver's license had been suspended. When pursued by
9 police, he failed to stop upon -- he either threw
10 something out the window or when he got out the car. He
11 dropped or threw a quantity of marijuana and that was
12 retrieved and tested and the weights were given -- of the
13 amounts of marijuana at the plea.

14 The rest of the marijuanas were -- marijuana charges
15 were based upon sales to an undercover police officer.
16 They were recorded. The weights of those various
17 distributions were recorded, so that tells me the
18 marijuana had been tested. Mr. Goodwin acknowledged that
19 there -- that he was on film, at least he did in the
20 courtroom here today. So that he admitted he had seen the
21 video and he did not deny he was guilty of the offenses
22 today. There is one charge that apparently was dismissed
23 which arose out of a search warrant which was executed,
24 and that charge was dropped in exchange for the plea, and
25 so that was not part of the charges that he pled to.

1 I do understand -- Mr. Goodwin did acknowledge that
2 he was aware and advised of his rights. He was aware of
3 the fact he was giving up jury trial. The history
4 regarding representations was discussed, when he was
5 represented by the public defender's office. He was also
6 represented by a private attorney, and then that he was
7 subsequently represented by Mr. -- I believe it was
8 Beckman or Spencer and Mr. Bailey. It did appear to be a
9 case of intense interest in the community between the
10 police officers and members of the community. There was a
11 lot of discussion about that. It's apparent from the
12 record that the emotions were high and that each side was
13 intently arguing their positions.

14 Mr. Goodwin did acknowledge that he was aware of the
15 minimums and maximums. He was also aware of the fact that
16 with subsequent convictions that he would be facing
17 harsher penalties, including mandatory minimums. The
18 State indicated he was facing five to 20 years. That's on
19 page 14. And Mr. Bailey in his discussions with the Court
20 indicated on page 21, beginning of line 16 that, "We've
21 talked a lot about this. If he gets five years, it's
22 85 percent time. That's a nonparolable offense. That is
23 straight, serious time. He's going to be released on
24 community supervision. When he finally gets out, he's
25 going have to do two straight years of community

1 supervision or they send him back to jail," and goes on to
2 argue that considering the drug and circumstances that I
3 think that is serious time for this offense, and he's
4 willing to face that, meaning the five years. And so I
5 think -- and he repeats again on page 22, that it's a
6 serious, nonparolable offense and that he begged the Court
7 to give him the minimum, which would have been the five
8 years.

9 With all those the discussions about whether it was
10 trafficking or other comments, certainly there was
11 discussion that it was not trafficking and that's not what
12 he had been charged with. And Mr. Bailey objected about
13 that. I think there were no negotiations. I think that
14 Mr. Bailey genuinely thought he would be able to argue for
15 the five-year minimum, but as he indicated, that was never
16 promised, and I don't think that that was promised. I
17 think that based upon the testimony, I don't find credible
18 Mr. Goodwin's statement that he was not aware of what he
19 was facing. I think he certainly believed that his
20 attorney would argue for the five years and that he was
21 hopeful he could get the five years, but I think he was
22 aware of the 85 percent time. And if he wasn't, the fact
23 he wasn't advised of that would not be a basis for him to
24 say his plea was not freely and voluntarily made.

25 Mr. Goodwin clearly acknowledged that he was pleading

1 guilty freely and voluntarily. I don't think that there
2 has been any real discussion about the failure to stop for
3 a blue light, but in any event, he certainly pled guilty
4 to it, and it appears from the record that it's free and
5 voluntary. I will note that it was not uncommon for
6 someone when there's surprised about something that's been
7 said is to make comment or to speak up to say something,
8 and to either call his attorney's attention and you have
9 your private conversation before the plea continues. I
10 think he had the opportunity to do that, and I don't think
11 that in this case that there has been any ineffective
12 assistance of counsel.

13 I think certainly Mr. Goodwin would like for the
14 sentence to be less than what it was but it -- and I think
15 he's well aware of the fact that if he -- if I were to set
16 it aside and he goes back, he's facing 20 years on each
17 one of those charges. And he's been aware of that and is
18 well aware of that, and given the fact that there were
19 five charges of distribution of marijuana -- or at least
20 four charges of distribution, perhaps one possession with
21 intention to distribute marijuana, third or subsequent
22 offense. This wasn't in the prior convictions that are
23 listed in the record and they are discussed, and he
24 acknowledged that his record was correct. The judge went
25 over each charge with him and the allegations from each

1 indictment and asked him how he wished to plead. And
2 specifically on the failure to stop for a blue light, on
3 page 4, the Court said, "An offense in Richland County on
4 or about January 23, 2009, that you willfully failed to
5 stop while driving a motor vehicle on a road, street, or
6 highway after being signaled by law enforcement officer.
7 How do you wish to plead?" His answer was guilty.

8 "Do you understand that's your second offense as
9 well?"

10 "Yes, ma'am."

11 "Are you aware you're giving up your constitutional
12 right to a jury trial, which you could hold the State to
13 their burden of proof beyond a reasonable doubt that you,
14 in fact, committed the offense?"

15 "Yes, ma'am."

16 "Do you understand they have to convince 12 jurors
17 that you are, in fact, guilty, and cannot require you to
18 testify against yourself at trial? And, in fact, you
19 don't have prove yourself innocent. They have to prove
20 you're guilty?"

21 "Yes, ma'am."

22 And he had a DUS and a simple possession of marijuana
23 in '87; in '88, a possession of cocaine, another
24 possession of cocaine; in '91, possession with intention
25 to distribute crack, first offense; the previous failure

1 to stop for a blue light among other charges; in 2000,
2 simple possession of marijuana; in 2003, another simple
3 possession of marijuana, first; and then in 2004, there
4 was a DUI and other misdemeanors.

5 So the record clearly supports they were
6 appropriately charged as thirds. And based upon the
7 totality of the evidence that's been presented here, I
8 find that Mr. Goodwin is not credible when he indicates
9 that he would not have pled if he had known he was going
10 to get more than five years, and that if he had been
11 offered 12 years he would not have pled. And I find
12 uncredible in the sense he would -- he was not aware of
13 the fact it was 85 percent time. And so based upon that,
14 I'm going to -- I'll deny his request for post-conviction
15 relief, and I'll ask the State to prepare the order to
16 that effect and circulate it to Mr. Russo for any comments
17 and to include the appropriate case law consistent with my
18 ruling here in court.

19 MR. CORNEY: Yes, ma'am, Your Honor. Thank you.

20 THE COURT: Anything else?

21 MR. RUSSO: Nothing further.

22 THE COURT: Thank you. We're concluded in the
23 particular matter.

24 (Whereupon, the proceedings were concluded.)
25

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

I, Aminah R. Hardy, RPR, Official Court Reporter
for the 16th Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the hearing of
the captioned case, relative to appeal, in the Court of
Common Pleas for Richland County, South Carolina, on the
5th day of March, 2013.

August 20th, 2013

Aminah R. Hardy

Aminah R. Hardy, RPR

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Willie Goodwin, #181207,

DOCKET NO. 2012-CP-40-02614

Applicant,

v.

State of South Carolina,

Respondent.

RECEIVED
ORDER OF DISMISSAL
MAY 09 2013

SC Court of Appeals

JEANETTE W. McBRIDE
P. & B.

2013-MAR-26-AM 9:24

RICHLAND COUNTY
FILED

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for Post-Conviction Relief (PCR) filed March 2, 2012. An evidentiary hearing into the matter was convened before this Court on Tuesday, March 5, 2013, at the Richland County Courthouse. Applicant was present at the hearing with counsel, Tony Russo, Esquire. Respondent was represented by Robert D. Corney of the South Carolina Attorney General's Office.

At the hearing, this Court also had before it a copy of the transcript of the proceedings against Applicant, the records of the Richland County Clerk of Court, the documents related to Applicant's direct appeal and Applicant's records from the South Carolina Department of Corrections.

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was indicted at the January 2008 term of the Richland County Grand Jury for five (5) counts of Distribution of Marijuana (Third Offense) (2008-GS-40-11767 through -11771). Applicant was represented by J. Rhodes Bailey, Esquire, on the charges. On June 10, 2009, Applicant appeared before the Honorable J. Michelle Childs where he waived presentment to the grand jury on one count of Failure to Stop for a Blue Light (2009-GS-40-00831), and pled guilty to all six charges. He was sentenced to twelve (12) years imprisonment on each Distribution charge and eighteen (18) months imprisonment on the Failure to Stop, all to run concurrently. One count of Possession with Intent to Distribute Marijuana and one count of Simple Possession of Marijuana were both *nolle prossed* by the state in exchange for the plea. A

hearing on Applicant's Motion to Reconsider was held October 22, 2009. Judge Childs denied the motion at the close of the hearing.

A Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. Applicant was represented by Kat Hudgins, Esquire, of the South Carolina Office of Appellate Defense. By Order filed February 29, 2012, the South Carolina Court of Appeals affirmed the convictions and sentences. The remittitur was issued March 19, 2010.

In the current application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

(a)	<u>Ineffective Counsel</u>
(b)	<u>Counsel fail to object to Court not advising minior/miser</u>
(c)	<u>Counsel made me plea to a charge I didn't do.</u>
10.	State concisely and in the same order the facts which support each of the grounds set out in (10):
(a)	<u>Ineffective Counsel</u>
(b)	<u>4th Amendment Right Violation</u>
(c)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17-27-80 (Rev. 2003).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel

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rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. See Butler, 286 S.C. at 442, 334 S.E.2d at 814. The Applicant must overcome this presumption to receive relief. See Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the Applicant must "show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." Hill v. Lockhart, 474 U.S. 52, 62, 106 S.Ct. 366, 372, 88 L.Ed. 2d 203 (1985).

Involuntary Plea

Several of Applicant's claims ultimately amount to a claim that his plea was entered involuntarily and unintelligently as a result of counsel's ineffective representation and advice. Those allegations are addressed collectively in this section of the order.

Applicant testified at the PCR hearing he pled guilty and received a twelve (12) year jail sentence, which surprised him as he expected to receive much closer to the mandatory minimum five (5) year term. Applicant alleged there had been a previous plea offer from the State for a five (5) year sentence that was given to his previous attorney, but said he chose not to accept the offer upon counsel's advice to reject it. Applicant noted the State requested that the plea judge impose a fifteen (15) year sentence under the plea, but said based on his discussions with counsel, that he believed he would likely receive a five (5) year sentence. Applicant also alleged he was unaware he would be required to serve eight-five percent (85%) of his sentence before becoming parole eligible. Had he known these things, Applicant said he would not have pled, but instead would have insisted on proceeding to trial.

When asked about his discussions with counsel in preparation for trial, Applicant said he and counsel never really discussed a trial strategy because Applicant "knew [he] was guilty" of the charges, so he "didn't really have a defense" to be presented as to the Distribution charges.

ad #3

As to the Failure to Stop charge, Applicant alleged he was not guilty of that crime, which he had told counsel in their meetings. Applicant finished by recounting the denial of his motion to reconsider sentence, and said had he received the five (5) year sentence he thought he would, his release would be scheduled for October of this year.

On cross-examination, Applicant agreed that he told the plea judge he was entering into the plea without reliance on any promises and without anyone forcing or coercing him to do so. Applicant also agreed that he told the plea judge he was making an "informed and intelligent decision" to enter the plea. He further acknowledged it was his decision alone whether to enter a plea or proceed to trial, and he was aware that by pleading guilty he would be waiving his right to jury trial on the charges. When asked about his admission of guilt at the plea hearing to the Failure to Stop charge in contradiction with his PCR testimony claiming actual innocence of such, Applicant admitted he "told a story" to the plea judge under oath. Applicant further acknowledged if he were granted relief, there would be no guarantee he would receive any less of a sentence than the twelve (12) years he was currently facing, and in fact he could receive more time.

Counsel testified he recalled his representation of Applicant and this particular case well. He said at the time of Applicant's case, he had been with the Public Defender's Office for roughly two (2) years and had "a fair amount" of clients at that time, including other clients facing drug charges. Counsel said this was a "particularly odd" case because Applicant had prior drug offenses on his record and the prosecuting solicitor seemed agitated by Applicant and determined to get Applicant a long prison sentence. Counsel also noted there seemed to be a lot of pressure from the community to prosecute Applicant sternly.

Counsel noted Applicant's case was set for trial the day following the plea, which counsel said he was fully prepared for at the time of the plea. He went on to say the "only real argument" that was feasible for trial was a "jury nullification" argument because five or six of the drug buys were on videotape and clearly showed Applicant. Counsel testified Applicant did not want to plead guilty to the charges at the outset of the case, and said he did not believe it was in Applicant's best interest to plead guilty early on in the case.

When the trial date came, counsel said that the Solicitor agreed to drop some charges in exchange for a plea, at which time he advised Applicant to take the plea as Applicant would likely lose the trial and receive a fairly lengthy sentence if he proceeded. Counsel said he made

clear to Applicant he was ready and willing to proceed to trial, and it was Applicant's decision whether to plead or go to trial. He noted he told Applicant they would request the five (5) year mandatory sentence from the plea judge, but never guaranteed Applicant any particular sentence if he pled. Counsel said he was sure he told Applicant his sentence would require service of "85%, hard time" before becoming eligible for any early release, and counsel reiterated that he *never* promised or guaranteed Applicant a particular sentence if he pled.

On cross-examination, counsel testified he recalled his pre-trial meetings with Applicant where he was able to review with Applicant the maximum and minimum sentences he was facing on the charges. He noted it was very important for Applicant to understand that sentencing range, so he made sure Applicant was aware of it. Counsel stated Applicant was a "smart guy" whom he never had any problems communicating with. Counsel said he recalled trying to negotiate with the Solicitor's Office for a while to obtain a beneficial plea offer, but that the Solicitor's Office refused to offer anything other than a "straight up plea" for the maximum sentences. Specifically, counsel said that he did not recall there ever being a five (5) year offer extended by the Solicitor's Office as alleged by Applicant.

Counsel stated prior to the plea, he told Applicant he would *ask* for the mandatory five (5) year minimum and felt confident he could argue for a sentence less than ten (10) years, but never guaranteed Applicant any sentence. Counsel finished by saying he was certain Applicant was aware of the maximum and minimum sentences he was facing, that there were no guarantees as to the sentence he would receive if he pled, and that it was ultimately his decision whether to plead or not.

After a thorough review of the record and the testimony presented, this Court finds this allegation to be without merit. As a preliminary note, this Court finds Applicant's testimony to be entirely **not** credible as to the existence of a five (5) year plea offer from the state, his discussions with counsel prior to the plea, his claims of innocence to the charges, his alleged understanding of the sentence he expected to receive upon entry of the plea, and his testimony that he would have proceeded to trial but for counsel's advice regarding a potential five (5) year sentence. Conversely, this Court finds counsel's testimony as to his discussions with Applicant and recollection of the case to be entirely **credible**. RD
X

In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999).

A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

With the credible testimony before this Court and the record of the plea hearing, it is clear Applicant was adequately advised of all relevant issues related to his case sufficient to make an intelligent, informed and voluntary decision whether to plead or go to trial. Further, Applicant was well aware that he was not guaranteed any specific sentence upon entry of the guilty plea. Rather, counsel made it abundantly clear to Applicant the maximum sentences that could be imposed. Applicant, fully aware of such, made the voluntary and independent decision to enter the pleas rather than proceed to trial where he would likely receive much harsher sentences.

Therefore, Applicant has failed entirely to carry his burden in showing how counsel was deficient in his representation, or how such alleged deficient representation rendered his plea involuntarily and unintelligently entered. Rather, the testimony and record leave this Court firmly convinced Applicant's plea was entered freely, voluntarily and intelligently in accordance with the mandates of Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969).

Additionally, this Court finds Applicant's claim that but-for counsel's alleged deficient performance, he would not have pled but proceeded to trial is **not** entirely credible. Applicant was facing significant time on the five indicted counts of Distribution (Third Offense), with each carrying a mandatory minimum of five (5) years imprisonment. Counsel's credible testimony makes it clear there was extremely condemning evidence against Applicant that would have been produced at trial, and that the prosecuting solicitor was "determined" to pursue a severe penalty

upon conviction. With these things in mind, this Court finds Applicant's testimony to that end to be not credible. Therefore, he has failed to prove resulting prejudice.

Community Concerns / Solicitor's "Trafficking" Commentary

Applicant additionally contends counsel was ineffective in addressing the Solicitor's commentary at the plea hearing regarding the community's concerns in the matter and when there was mention of the word "trafficking".

Applicant provided very little testimony regarding this allegation, other than to say he did recall counsel filing a motion for reconsideration of his sentence in which counsel argued the Solicitor's comments were improper and should not have been considered by the judge in sentencing.

Counsel testified the charges stemmed from numerous drug purchases through an undercover law enforcement officer that resulted in a cumulative weight of roughly eight (8) ounces of marijuana when considered altogether. He noted the Solicitor stated he felt a lot of pressure from the community at-large to get a conviction and long sentence for Applicant because of the concerns about drug activity in the community. In retrospect, counsel said, he felt he may have misjudged the State's intentions to advocate so strongly for a harsh sentence and at the time believed he would be able to convince the judge that a fifteen (15) year sentence was simply unreasonable. He also stated he wished he would have made a stronger argument to rebut the Solicitor's commentary about trafficking in marijuana, as the threshold weight for trafficking is significantly more than what Applicant purchased.

On cross-examination, counsel agreed his regrets were only made in hindsight knowing the results of the plea and said Applicant always knew it would be a gamble to plead guilty as there was the potential he could receive the maximum sentences. Counsel said he did make those arguments at the plea hearing and expounded upon them at the reconsideration hearing, but said he wished he made stronger arguments to rebut those issues to the plea judge. Counsel further read into the record Judge Childs's commentary from the transcript of the reconsideration hearing where Her Honor specifically noted she had not considered either the community's concerns, or the solicitor's remarks about trafficking, in her sentencing of Applicant.

Based upon a review of the record and the testimony presented, this Court finds counsel was not ineffective in this regard. Counsel undertook diligent steps to rebut the comments and issues he believed were improperly presented to the plea court during the course of the plea

hearing. Thereafter, he further argued the issues at the motion for reconsideration hearing, ensuring the matter was properly preserved for appellate review. Counsel's reservations about the arguments he made at the plea hearing are clouded with the benefit of hindsight as the result of the plea is now apparent. This Court, in accordance with Strickland v. Washington, must evaluate counsel's performance under an objective standard of reasonableness with "every effort made to eliminate the distorting effects of hindsight." See Strickland v. Washington, at 669, 104 S.Ct. at 2055. With that in mind, this Court cannot find counsel's performance in addressing the Solicitor's remarks to be objectively unreasonable under prevailing professional norms. Therefore, this Court finds Applicant's performance was not deficient.

Further, this Court finds any alleged deficiency in this regard did not result in prejudice to Applicant's case. The plea judge specifically noted at the motion to reconsider that she considered neither the community members' concerns, nor the Solicitor's comment about trafficking, in crafting Applicant's sentence. Therefore, this Court can find no reasonable probability that had counsel argued the issues differently, the sentence imposed by Judge Childs would have been different. Accordingly, Applicant has failed to prove resulting prejudice.

CONCLUSION

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

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

ad
#8

IT IS THEREFORE ORDERED:

1. The application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. The Applicant is remanded to the custody of the Respondent.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge
Fifth Judicial Circuit.

March 25, 2013
Columbia, South Carolina.

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State,

Respondent,

v.

Willie Goodwin,

Appellant.

Appeal From Richland County
J. Michelle Childs, Circuit Court Judge

Unpublished Opinion No. 2012-UP-124
Submitted February 1, 2012 – Filed February 29, 2012

AFFIRMED

Appellate Defender Kathrine H. Hudgins, of
Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy
Attorney General John W. McIntosh, Assistant
Deputy Attorney General Salley W. Elliott, Assistant

Attorney General Mark R. Farthing, and Solicitor
Daniel E. Johnson, all of Columbia, for Respondent.

PER CURIAM: Willie Goodwin appeals his sentence for five counts of distribution of marijuana, third offense, and one count of failure to stop for a blue light, arguing the plea judge erred in refusing to reconsider the sentence imposed after Goodwin's guilty plea. Specifically, Goodwin argues the plea judge improperly considered inaccurate and prejudicial remarks made by the State during sentencing. We affirm¹ pursuant to Rule 220(b)(1), SCACR, and the following authorities: State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) ("A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed."); State v. Barton, 325 S.C. 522, 531, 481 S.E.2d 439, 444 (Ct. App. 1997) ("Absent partiality, prejudice, oppression, or corrupt motive, this [c]ourt lacks jurisdiction to disturb a sentence that is within the limit prescribed by statute.").

AFFIRMED.

PIEPER, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

WITNESSES

DOCKET NO. 2009-GS-40-831

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

21

APRIL TERM 2009

ARREST WARRANT NUMBER

K373375

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury
Date:

Indictment for

TRAFFIC/FAIL TO STOP FOR BLUE
LIGHT 2ND OFFENSE

SC Code: 56-5-750(b)(2)
CDR Code: 2396
Class FEL/F

After being fully advised of my legal rights, I hereby waive my rights to the Grand Jury.

Defendant

hereby appear in my own person and plead guilty to the within indictment.

RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness
J.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on _____, the
Grand Jurors of Richland County present upon their oath:

TRAFFIC/FAIL TO STOP FOR BLUE LIGHT 2ND OFFENSE

That Willie Goodwin did in Richland County on or about January 23, 2009,
unlawfully fail to stop while driving a motor vehicle on a road, street or highway of the
state for a law enforcement vehicle after being signaled so to by a duly constituted and
acting law enforcement officer, with a blue light and/or siren all in violation of §56-5-750,
Code of Laws of South Carolina, (1976, as amended). Such not being the first offense.

Against the peace and dignity of the State, and contrary to the statute in such

case made and provided:

W. B. [Signature]

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#: 2009-GS-40-00831

STATE

VS. Willie Roy Goodwin

AKA:

A/W#: K373375

Race: B

Sex: M

Age: 43

Date of Offense: 01/23/2009

DOB:

SS#:

S.C. Code §: 56-05-0750(B)(1)

CDR Code #: 0065

Address:

City, State, Zip

Columbia, SC 29201

DL#

SID#

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Failure to Stop For Blue Lights, 2nd Offense

in violation of § 56-05-750(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2396

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

ATTEST:

74194 Willie Roy Goodwin J. P. [Signature] 76195
 Solicitor SC BAR # Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 18 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina

Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 08-GS-40-11767☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. (since 1-30-09)☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS _____

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

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

pmts. of \$ _____ Beginning

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP, requires \$500 be paid to Clerk during probation.PRESIDING JUDGE: [Signature]Judge Code: C.C. 2186Sentence Date: 08-18-09

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
\$90.11 TP (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/ Deputy Clerk: Jeanette M. Bridges
Court Reporter: [Signature]

ARREST WARRANT

K-373375 0992271

STATE OF SOUTH CAROLINA

County ☒ Municipality of COLUMBIA

THE STATE
against

WILLIE ROY GOODWIN

Address: COLUMBIA SC 29202

Phone: SSN:

Se Race: B Height: 5.0 Weight: 160

DL state: DL#

DOB Agency ORI# SC06400100

Prosecuting Agency: CITY OF COLUMBIA
Prosecuting Officer: A.S. BLANTON/H. WEISS
Offense: FAIL STOP FOR BLUE LIGHTS

Offense Code: ESC

Code/Ordinance Sec: 56-5-750

This Warrant is CERTIFIED FOR SERVICE in the County/ Municipality of COLUMBIA

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge

(L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant Willie R. Goodwin on 04 Dec 09

Signature of Constable/Law Enforcement Officer

RETURN WARRANT: COLUMBIA

MUNICIPAL COURT

POST OFFICE BOX 644

COLUMBIA, S. C. 29202

STATE OF SOUTH CAROLINA)
County ☒ Municipality of COLUMBIA)

AFFIDAVIT

A.S. BLANTON

Personally appeared before me the affiant WILLIE ROY GOODWIN being duly sworn deposes and says that defendant WILLIE ROY GOODWIN did within this county and state on 01/23/2009

State of South Carolina (or ordinance of County/ Municipality of COLUMBIA) in the following particulars:

DESCRIPTION OF OFFENSE: FAIL STOP FOR BLUE LIGHTS 56-5-750

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON 01/23/09 AT APPROX 1654 HRS AT COLUMBIA COLLEGE DR COLUMBIA, SC COUNTY OF RICHLAND AFF OBSERVED DEF GET INTO AND DRIVE AWAY IN A 1986 GRAY OLDS (SC TAG: 360WAP). AFF HAD PRIOR KNOWLEDGE THAT DEF HAD A SUSPENDED DL IN AN ATTEMPT TO STOP THE VEH AFF INITIATED BLUE LIGHTS AND SIREN ON COLUMBIA COLLEGE. DEF ACCELERATED AND RAN THE RED LIGHT AT COLUMBIA COLLEGE AND MAIN ST, AND THEN TURNED ONTO MAIN ST FOR APPROX 8 BLOCKS. AFF WAS BEHIND DEF WITH BLUE LIGHTS & SIREN ON AND DEF FAILED TO STOP. OFFICERS OBSERVED DEF THROW A CLEAR

Signature of Affiant

STATE OF SOUTH CAROLINA)
County/ Municipality of COLUMBIA)

Affiant's Address: #1 JUSTICE SQUARE
COLUMBIA, SC 29201
Affiant's Telephone: 5453500

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that defendant WILLIE ROY GOODWIN did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of COLUMBIA) as set forth below:

DESCRIPTION OF OFFENSE: FAIL STOP FOR BLUE LIGHTS 56-5-750

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 01/24/2009

Signature of Affiant (L.S.)

Witnessed By: [Signature]

Ministerial Recorder

Judge's Address: CITY OF COLUMBIA, SC
MUNICIPAL COURT, P.O. BOX 644 29202
Judge's Telephone: [Blank]

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

License Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, not pros., etc.)

Disposition: _____

Sentence: _____

COPIES
30198
JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEPENDANTS

COPIES
30198
JURORS

WITNESSES

(S) LUTZ - RCSD

DOCKET NO. 2008-GS-40-11770

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2008
21

ARREST WARRANT NUMBER

1891694

THE STATE
vs.

WILLIE GOODWIN

ACTION OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury
Date: JAN 1 2008

VERDICT

Indictment for

DISTRIBUTION MARIJUANA
3RD OFFENSE AND UP
SC Code: 44-53-370(b)(2)
CDR Code: 188
Class FEL/C

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

TRUE COPY
ORIGINAL FILED
JAN 1 2008
C.C. REG. B.
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

C.C.C. PLS. AND G.S.

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

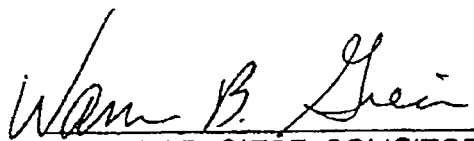
INDICTMENT

At a Court of General Sessions, convened on January 15, 2008, the Grand Jurors of Richland County present upon their oath:

DISTRIBUTION MARIJUANA 3RD OFFENSE AND UP

That Willie Goodwin did in Richland County on or about January 31, 2007, manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance, to wit: Marijuana, such not being the first offense in violation of Section § 44-53-370 Code of Laws of South Carolina (1976, as amended).

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



WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

STATE

VS. Willie Roy Goodwin

INDICTMENT/CASE#: 2008-GS-40-11770

AKA:

Race: B

Sex: M

Age: 43

DOB:

SS#:

Address:

City, State, Zip

Columbia, SC 29203

DL#:

SID#:

A/W#: 1891694

Date of Offense: 11/06/2007

S.C. Code §: 44-53-0370(b)(2)

CDR Code #: 0188

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Distribution of Marijuana, 3rd Offense

In violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188

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

ATTEST:

 Solicitor
 And *[Signature]*
 SC BAR # 74194

Defendant

Attorney for Defendant

SC Bar# 78145

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina

Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 08-GS-40-11767☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.11 TP (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

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

pmts. of \$ _____ Beginning _____

\$ _____ paid to Public Defender Fund

Other: WtU program☐ Appointed PD or appointed other counsel, \$35.13 TP, requires \$500 be paid to Clerk during probation.PRESIDING JUDGE: *[Signature]*Judge Code: *[Signature]*Sentence Date: *[Signature]*

SOUTH CAROLINA

Clerk of Court/ Deputy Clerk *[Signature]*
Court Reporter: *[Signature]*

ARREST WARRANT

1-891694

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE 07018410-31

Willie Roy Goodwin

Address: Columbia, SC 29203-

Phone: SSN: Sex: M Race: B Height: 5 7 Weight: 150

DL # SC DL # Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: John Lutz, II - 679

Offense: Distribution of Marijuana

Offense Code: 2584

Code/Ordinance Sec: 44-53-0370(g)(1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be

dealt with according to the law. (L.S.)

Date: Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant on 11-6-07

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Personally appeared before me the affiant John Lutz, II

being duly sworn deposes and says that defendant Willie Roy Goodwin

did within this county and state on or about 01/31/2007

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

In the following particulars: Richland / Olympia Magistrate

DESCRIPTION OF OFFENSE: Distribution of Marijuana

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

That on 1/31/07 while at venue in the Upper Township Magisterial District of Richland County, the Willie Roy

Goodwin did commit the crime of Distribution of Marijuana in that he did sell a quantity of marijuana to an undercover agent of the

RCSO in exchange for marked US Currency. The subject was positively identified in a photo line-up. The marijuana tested positive

at the RCSO Forensic Sciences Laboratory and weighed 26.94 grams. The affiant and others are witness to prove the same. RCSO

Case # 07018410-31

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Affiant's Address: 5623 Two Notch Road

Affiant's Telephone: (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/31/2007 defendant Willie Roy Goodwin

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Olympia Magistrate

DESCRIPTION OF OFFENSE: Distribution of Marijuana

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 11/05/2007

Signature of Issuing Judge: Harold A. Cuff (L.S.)

Judge's Address: 1601 - B Shop Road
Columbia, SC 29201-4847

Judge's Telephone: (803)576-2550

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

BAIL set by

WITNESSES

Judge

Maurer

on

11-6-07

Type and Amount

500000

Name of Surety

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney

Decision

DISPOSITION before

Judge

on

by

(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition

Sentence

JURORS

NOV 10 10:58 AM '07

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

WITNESSES

(S) LUTZ - RCSD

ARREST WARRANT NUMBER

1891695

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: JAN 17 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-11769

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

21
JANUARY TERM 2008

THE STATE
vs.

WILLIE GOODWIN

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 of

FILED TRUE COPY
ORIGINAL FILED
JAN 17 2008
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

C.C.C. PLS. AND G.S.

Indictment for

DISTRIBUTION MARIJUANA
3RD OFFENSE AND UP
SC Code: 44-53-370(b)(2)
CDR Code: 188
Class FEL/C

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

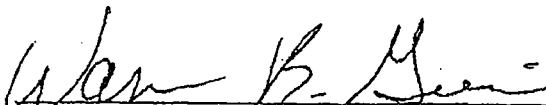
INDICTMENT

At a Court of General Sessions, convened on January 15, 2008, the Grand Jurors of Richland County present upon their oath:

DISTRIBUTION MARIJUANA 3RD OFFENSE AND UP

That Willie Goodwin did in Richland County on or about February 2, 2007, manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance, to wit: Marijuana, such not being the first offense in violation of Section § 44-53-370 Code of Laws of South Carolina (1976, as amended).

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#: 2008-GS-40-11769

STATE

VS. Willie Roy Goodwin

AKA:

A/W#: 1891695

Race: B

Sex: M

Age: 43

Date of Offense: 11/06/2007

DOB: _____

SS#: _____

S.C. Code §: 44-53-0370(b)(2)

CDR Code #: 0188

Address: _____

City, State, Zip

Columbia, SC 29203

DL# _____

SID# _____

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Distribution of Marijuana, 3rd Offense

In violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188

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

ATTORNEY:



74194

SC BAR #

Defendant

Attorney for Defendant

76145
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

- ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 08-GS-40-11769
☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.11 TP (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk
Court Reporter: _____

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. In equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$ _____ paid to Public Defender Fund

Other: NTU program☐ Appointed PD or appointed other counsel, \$35.13 TP, requires \$500 be paid to Clerk during probation.PRESIDING JUDGE: [Signature]Judge Code: C.S. 116Sentence Date: 08-12-09RICHLAND COUNTY
SOUTH CAROLINA

ARREST WARRANT

1-891695

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE

07028028-02

Willie Roy Goodwin

against

Address:

Columbia, SC 29203.

Phone:

SSN:

Sex: M

Race: B

Height: 5

Weight: 150

DL State:

DL #:

DO

Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: John Lutz, II - 679

Offense: Distribution of Marijuana

Offense Code: 2584

Code/Ordinance Sec: 44-53-03706(X)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

deal with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 11-6-07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Personally appeared before me the affiant John Lutz, II

being duly sworn deposes and says that defendant Willie Roy Goodwin

did within this county and state on or about 02/02/2007

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Distribution of Marijuana

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 2/2/07 while at

Avenue in the Upper Township Magisterial District of Richland County, off Willie Roy

Goodwin did commit the crime of Distribution of Marijuana in that he did sell a quantity of marijuana to an undercover agent of the

RCSO in exchange for marked US Currency. The subject was positively identified in a photo line-up. The marijuana tested positive

at the RCSO Forensic Sciences Laboratory and weighed 26.01 grams. The affiant and others are witnesses to prove the same. RCSO

Case # 07028029-02

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Affiant's Address: 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone: (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/2/2007

defendant Willie Roy Goodwin

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Olympia Magistrate

) as set forth below

DESCRIPTION OF OFFENSE: Distribution of Marijuana

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 11/05/2007

Signature of Issuing Judge

(L.S.)

Harold A. Cuff

Judge Code: 5906

Judge's Address: 1601 - B Shop Road

Columbia, SC 29201-4847

Judge's Telephone: (803)576-2550

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2000
SCA 518NOTIFIED TRIAL
ORIGINAL
C.C.C.R. & G.
RICHLAND COUNTY
SOUTH CAROLINABARBARA
07 NOV 15 2007
11:23 AM

BAIL set by

Judge

Maurer

on

11-6-07

Type and Amount:

\$5000.00

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

WITNESSES

(S) LUTZ - BCSB

DOCKET NO. 2008-GS-40-11768

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

21
JANUARY TERM 2008

ARREST WARRANT NUMBER

1891696

THE STATE
vs.

WILLIE GOODWIN

ACTION OF GRAND JURY
TRUE BILL

Paula Brink
Foreperson of Grand Jury

Date: JAN 17 2008

VERDICT

Indictment for

DISTRIBUTION MARIJUANA
3RD OFFENSE AND UP
SC Code: 44-53-370(b)(2)
CDR Code: 188
Class FEL/C

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

RECEIVED TRUE COPY
OF ORIGINAL FILED
JAN 23 2008
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

C.C.C. PLS. AND G.S.

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

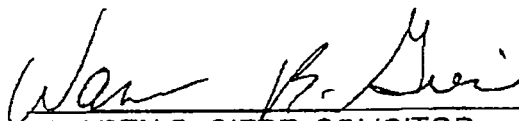
INDICTMENT

At a Court of General Sessions, convened on January 15, 2008, the Grand Jurors of Richland County present upon their oath:

DISTRIBUTION MARIJUANA 3RD OFFENSE AND UP

That Willie Goodwin did in Richland County on or about February 6, 2007, manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance, to wit: Marijuana, such not being the first offense in violation of Section § 44-53-370 Code of Laws of South Carolina (1976, as amended).

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

STATE

VS. Willie Roy Goodwin

INDICTMENT/CASE#: 2008-GS-40-11768

AKA:

Race: B

Sex: M

Age: 43

DOB:

SS#:

Address:

City, State, Zip

Columbia, SC 29203

DL#

SID#

A/W#: 1891696

Date of Offense: 11/06/2007

S.C. Code §: 44-53-0370(b)(2)

CDR Code #: 0188

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Distribution of Marijuana, 3rd Offense

in violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188

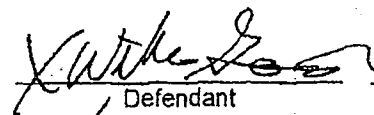
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant initial)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence,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

ATTEST:

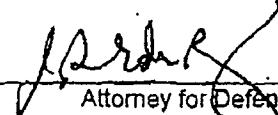


74194

SC BAR #



Defendant



Attorney for Defendant

76195
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina

Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 08-05-40-11767☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.11 TP (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

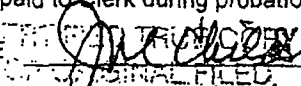
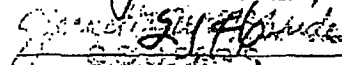
May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

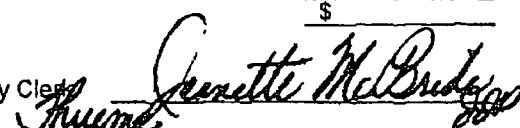
Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ paid to Public Defender Fund

Other: Attu program☐ Appointed PD or appointed other counsel, §35.13 TP, requires \$500 be paid to Clerk during probation.PRESIDING JUDGE: Judge Code: Sentence Date: RICHLAND COUNTY 09

SOUTH CAROLINA

Clerk of Court/ Deputy Clerk
Court Reporter: 

ARREST WARRANT

1-891696

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE 07028100-06
against

Willie Roy Goodwin

Address:

Columbia, SC 29203-

Phone: SSN: _____

Sex: M Race: B Height: 5 7 Weight: 150

DL State: SC DL #: _____

DOB: _____ Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: John Lutz, II - 679

Offense: Distribution of Marijuana

Offense Code: 2584

Code/Ordinance Sec: 44-53-0370(g)(1)

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality ofis to be arrested and brought before me to be
dealt with according to the law. The accused

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Willie Roy Goodwin
on 11/05/2007Signature of Constable/Law Enforcement Officer
REPORT WARRANT FOROlympia Magistrate
1601 Shop Road
Columbia, SC 29201

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Personally appeared before me the affiant John Lutz, II
being duly sworn deposes and says that defendant Willie Roy Goodwin
did within this county and state on or about 02/06/2007 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Olympia Magistrate)
in the following particulars:

DESCRIPTION OF OFFENSE Distribution of Marijuana

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on 2/6/07 while at

Avenue in the Upper Township Magisterial District of Richland County, one Willie Roy
Goodwin did commit the crime of Distribution of Marijuana in that he did sell a quantity of marijuana to an undercover agent of
RCSD in exchange for marked US Currency. The subject was positively identified in a photo line-up. The marijuana tested posi-
at the RCSD Forensic Sciences Laboratory and weighed 26.62 grams. The affiant and others are witness to prove the same. RCSD
Case # 07028100-06

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Affiant's Address
5623 Two Nitch Road
Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

If appearing from the above affidavit that there are reasonable grounds to believe

on or about 2/6/2007

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Olympia Magistrate

DESCRIPTION OF OFFENSE: Distribution of Marijuana

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable Sworn to and subscribed before me on 11/05/2007

Signature of Affiant Judge

Harold A. Cuff

Judge Code: 5906

Judge's Address
1601 - B Shop Road
Columbia, SC 29201-4847

Judge's Telephone (803)576-2550

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

BAIL set by

Judge

Mauer

on

11-6-07

Type and Amount:

\$5000 PM

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Indant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition:

Sentence:

JURORS

ES:0112-0110450
17002

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

WITNESSES

(S) LUTZ - RCSD

ARREST WARRANT NUMBER

1891697

ACTION OF GRAND JURY

TRUE BILL

James B. Brice
Foreperson of Grand Jury
Date: JAN 1 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-11767

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

21
JANUARY TERM 2008

THE STATE
vs.

WILLIE GOODWIN

Indictment for

DISTRIBUTION MARIJUANA
3RD OFFENSE AND UP
SC Code: 44-53-370(b)(2)
CDR Code: 188
Class FEL/C

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.

FILED TRUE COPY
ORIGINAL FILED
C.C.C. P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

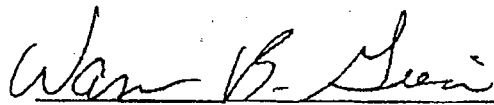
INDICTMENT

At a Court of General Sessions, convened on January 15, 2008, the Grand Jurors of Richland County present upon their oath:

DISTRIBUTION MARIJUANA 3RD OFFENSE AND UP

That Willie Goodwin did in Richland County on or about February 26, 2007, manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance, to wit: Marijuana, such not being the first offense in violation of Section § 44-53-370 Code of Laws of South Carolina (1976, as amended).

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


WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

INDICTMENT/CASE#: 2008-GS-40-11767

STATE

VS. Willie Roy Goodwin

AKA:

A/W#: 1891697

Race: B

Sex: M

Age: 43

Date of Offense: 11/06/2007

DOB:

SS#:

S.C. Code §: 44-53-0370(b)(2)

CDR Code #: 0188

Address:

City, State, Zip

Columbia, SC 29203

SENTENCE SHEET

DL#

SID#

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Distribution of Marijuana, 3rd Offense

in violation of § 44-53-370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0188

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

ATTEST:

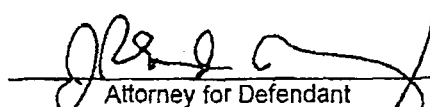


74194

SC BAR #



Defendant



Attorney for Defendant

76145

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 13 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 09-65-90-0683
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. (since 7-30-09)
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§56-1-286 (DUI Breath Test)	\$25
§35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
§90.11 TP (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

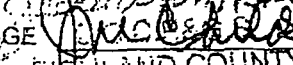
Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ paid to Public Defender Fund

Other: ATU Program

CERTIFIED TRUE COPY

☐ Appointed PD or appointed attorney fee of \$35.13 TP, requires \$500 be paid to Clerk during probation.
 PRESIDING JUDGE 
 RICHLAND COUNTY
 SOUTH CAROLINA

Judge Code: _____

Sentence Date: 6-10-09
 Clerk of Court/ Deputy Clerk: Jeanette McBride
 Court Reporter: Thurston

ARREST WARRANT

1-891697

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE

07028486-28

Willie Roy Goodwin

against

Address:

Columbia, SC 29203-

Phone:

SSN:

Sex: M Race: B Height: 5 Weight: 150DL # SC DL # Agency ORI #: 04000Prosecuting Agency: Richland County Sheriff DepartmentProsecuting Officer: John Lutz, II - 679Offense: Distribution of MarijuanaOffense Code: 2584Code/Ordinance Sec: 44-53-0370(g)(1)This warrant is CERTIFIED FOR SERVICE in the☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Willie Roy Goodwin
on 11-19-07

Signature of Court/Clerk/Law Enforcement Officer

RETURN WARRANT TO:

Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Personally appeared before me the affiant John Lutz, IIbeing duly sworn deposes and says that defendant Willie Roy Goodwindid within this county and state on or about 02/26/2007State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Olympia Magistrate)violates the criminal laws of the
State of South Carolina

DESCRIPTION OF OFFENSE:

Distribution of Marijuana

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 2/26/07 while at

Avenue in the Upper Township Magisterial District of Richland County, one Willie Roy Goodwin did commit the crime of Distribution of Marijuana in that he did sell a quantity of marijuana to an undercover agent of the RCSD in exchange for marked US Currency. The subject was positively identified in a photo line-up. The marijuana tested positive at the RCSD Forensic Sciences Laboratory and weighed 22.67 grams. The affiant and others are witnesses to prove the same. RCSD Case # 07028486-26

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Affiant's Address: 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone: (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

If appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/26/2007

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Olympia Magistrate) as set forth below:DESCRIPTION OF OFFENSE: Distribution of Marijuana

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me

on 11/05/2007

Signature of Issuing Judge

(L.S.)

Judge's Address: 1601 - B Shop Road

Columbia, SC 29201-4847

Judge's Telephone: (803)576-2550Judge Code: 5906Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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AFFIDAVIT

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Form Approved by
S.C. Attorney General
April 21, 2003
SCOA 510CERTIFIED TRUE
ORIGINAL
COPIES
RICHLAND COUNTY
SOUTH CAROLINANOV 15 10:23
C.C. ARB
G. SCOTT

BAIL set by

WITNESSES

Judge

Maurer

on

11-6-07

Type and Amount:

5000 PR

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(Indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition:

Sentence:

JURORS

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS