

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Sumter County

George C. James, Jr., Circuit Court Judge

RECEIVED

FEB - 6 2015

S.C. Supreme Court

TERRANCE GOODMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2014-001424

APPENDIX

KATHRINE H. HUDGINS
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

DANIEL GOURLEY
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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ORDER OF DISMISSAL80

State of South Carolina)
)
County of Sumter)
)

Terrance Goodman & Dayquan Robinson,
Plaintiffs

vs.

Guilty Plea
2012-GS-43-00217

The State of South Carolina,
Defendants

July 23, 2012
Sumter, S.C.

Before the Honorable R. FERRELL COTHRAN, Judge.

Mr. Jason Corbett,
Assistant Solicitor for the State

Mr. Tim Murphy,
Attorney for defendants

Ms. Tiffany Butler,
Attorney for defendants

Margaret T. Sullivan
Court Reporter

1 MR. CORBETT: Your Honor, May it Please
2 the Court, this is the State of South Carolina
3 versus Terrance Goodman and the State of South
4 Carolina Dayquan Robinson. Indictment No.
5 2012-GS-43-217. As the court is aware, both
6 defendants are in this courtroom today with their
7 attorneys Tim Murphy and Tiffany Butler.

8 Your Honor, as the court is further aware,
9 we previously selected a jury in this case. Over
10 the lunch recess, I believe we have reached a
11 point where the defendant's wished to change their
12 plea and tender a plea of guilty under counts 1, 2
13 and 3 of the indictment. In exchange for that
14 plea and as part of the negotiations, the state is
15 dismissing count 4 of the indictment.

16 Your Honor, they also indicate they wish
17 to plead guilty under North Carolina versus
18 Alford. And there is a negotiated sentence in the
19 case.

20 (Whereupon, the defendants sworn.)

21 THE COURT: Mr. Robinson, do you want to
22 plead guilty?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Goodman, do you want to
25 plead as well?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Have you both had enough to
3 talk to your lawyers about this decision?

4 DEFENDANT ROBINSON: Yes, sir.

5 THE COURT: Are you satisfied with their
6 representation?

7 DEFENDANT ROBINSON: Yes, sir.

8 DEFENDANT GOODMAN: Yes, sir.

9 THE COURT: Outside of these negotiations
10 that you have entered into with your lawyer and
11 the state, has anyone promised you anything or
12 threatened you to get you to plead guilty?

13 DEFENDANT ROBINSON: No, sir.

14 DEFENDANT GOODMAN: No, sir.

15 THE COURT: You understand that since it's
16 negotiated if I feel after I hear the facts that I
17 cannot follow the negotiations, I will allow you
18 to withdraw your plea. Do you understand that?

19 DEFENDANT ROBINSON: Yes, sir.

20 DEFENDANT GOODMAN: Yes, sir.

21 THE COURT: Are either one of you under
22 the influence or alcohol or drugs today?

23 DEFENDANT ROBINSON: No, sir.

24 DEFENDANT GOODMAN: No, sir.

25 THE COURT: Do you have any mental

1 diseases that would keep you from understanding
2 what you are doing here today?

3 DEFENDANT ROBINSON: No.

4 DEFENDANT GOODMAN: No, sir.

5 THE COURT: Including, you are giving up
6 your constitutional rights under the 5th Amendment
7 to remain silent. Do you understand?

8 DEFENDANT ROBINSON: Yes, sir

9 DEFENDANT GOODMAN: Yes, sir.

10 THE COURT: You are also giving up your
11 right to a jury trial. We have a jury selected in
12 this case. And we can go forward with the trial.
13 And you have the right to confront the witnesses
14 testifying against you in that trial. Your lawyer
15 can cross examine the state's witnesses. And they
16 could subpoena witnesses to testify in your
17 behalf. They and you may want to put up any
18 defenses you may have in that crime.

19 When you plead guilty, you give that up.
20 Do you understand that?

21 DEFENDANT ROBINSON: Yes, sir.

22 DEFENDANT GOODMAN: Yes, sir.

23 THE COURT: But you give all that up, the
24 right to a trial, by pleading guilty. Do you
25 understand that?

1 DEFENDANT ROBINSON: Yes, sir.

2 DEFENDANT GOODMAN: Yes, sir.

3 THE COURT: You understand that
4 discharging a firearm into an occupied vehicle
5 carries up to 10 years. And armed robbery carries
6 up to 30 years with a minimum of 10. And the
7 attempted armed robbery up 20 years. Do you
8 understand that?

9 DEFENDANT ROBINSON: Yes.

10 DEFENDANT GOODMAN: Yes, sir.

11 THE COURT: The armed robbery and the
12 attempted armed robbery are 85 percent cases. No
13 parole offenses. You have to serve 85 percent of
14 the sentences you get. Do you understand that?

15 DEFENDANT ROBINSON: Yes, sir.

16 DEFENDANT GOODMAN: Yes, sir.

17 THE COURT: All three are felonies. And
18 armed robbery is a most serious offense. And the
19 attempted robbery. Do you understand that?

20 DEFENDANT ROBINSON: Yes.

21 DEFENDANT GOODMAN: Yes, sir.

22 THE COURT: So if you ever get in trouble
23 before -- I mean again when you get out since
24 these are most serious offenses, that you are
25 going to be looking at life without the

1 possibility of parole do you understand?

2 DEFENDANT ROBINSON: Yes.

3 DEFENDANT GOODMAN: Yes, sir.

4 THE COURT: Do you have any questions you
5 want to ask me concerning your rights?

6 DEFENDANT ROBINSON: No, sir.

7 DEFENDANT GOODMAN: Oh, yeah, if I am
8 pleading to these charges because I didn't want to
9 take the trial and get the 15.

10 THE COURT: I understand that.

11 DEFENDANT GOODMAN: I didn't want the
12 trial.

13 THE COURT: You want to plead under North
14 Carolina vs. Alford.

15 DEFENDANT GOODMAN: Yes, sir.

16 THE COURT: Now the state is going to tell
17 me about the facts in this case. And you listen
18 closely and I will come back and ask you if they
19 are correct, okay?

20 DEFENDANT GOODMAN: Yes, sir.

21 MR. CORBETT: Thank Your honor. In that,
22 the defendants are tendering a plea under Alford,
23 I will recite to the court what the state believes
24 it could prove and what the state alleges.

25 Your Honor, this incident took place on

1 September 20, 2011. Sometime approximately at
2 6:00 o'clock in the afternoon, here in Sumter
3 County, in the vicinity of Annie Street and Annie
4 Court. On that day in question one of victims,
5 Corey Jones, was driving his vehicle. He had two
6 friends in the car with him that day, Mr. Perry
7 and Mr. Bennett. As they were driving along Annie
8 Street, they saw two individuals, the defendants,
9 standing before you, whom they recognized.

10 They pulled over and began just having a
11 conversation. Indicated that they did not know
12 them well, but did know them. Knew their faces.
13 Having previously attended school with them in the
14 past. So the victims were able to positively
15 identify the defendants in this case.

16 The victims indicated that as they sat
17 their on the side of the road, the victims were
18 actually remained in the car. The car was still
19 running. As they were sitting there talking to
20 them, they indicate that both of the defendants
21 before you produced handguns. While standing at
22 both the driver's window and the passenger window,
23 demanding money from the occupants of the car. Two
24 of the occupants indicated that they did not have
25 any type of money or property on them. From the

1 driver of the vehicle they did take \$20 in cash
2 and a cell phone.

3 Once the defendants had stepped back away
4 from the car slightly. The victim pressed the gas
5 and accelerated away from the scene. While
6 fleeing from the scene, several shots were fired.
7 One of those shots struck the vehicle in which the
8 victims were traveling. That bullet entered the
9 lower rear glass, traveled through the occupant
10 compartment of the car, through the headrest and
11 out the front windshield.

12 The victims made their way back to one of
13 the homes where his mother was, and called law
14 enforcement. Deputies responded to the scene.
15 Spoke to witnesses in the area who heard gunshots.
16 There was very few from witnesses in terms of
17 direct sight, but did hear the gunshots. One
18 witness did put two individuals fleeing from the
19 incident location running into a wood line behind
20 the residences. As officers were on the scene,
21 Officer Allen with the Sumter County Sheriff's
22 Department recovered three 40 caliber shell
23 casings from the roadway and in a yard adjacent to
24 Annie Street. Those were Winchester 40-caliber
25 empty casings. Another deputy responded to the

1 location where they believed the defendants may
2 have been.

3 Upon arriving at that location did find
4 both of the defendants standing before you. Prior
5 to the deputy's arrival, the victim had provided
6 them with the phone number of the cell phone that
7 had been taken. As the deputy approached the two
8 individuals the defendants before you and spoke
9 with them briefly, he dialed the phone number to
10 the victim's cell phone. And a cell phone on the
11 ground in between the two defendants began
12 ringing.

13 Deputies discovered that that was in fact
14 the cell phone that belonged to the victim. Your
15 Honor, that is the basic factual recitation. We
16 believe that with the defendant's identification
17 and testimony concerning how the armed robbery and
18 firing into the vehicle took place, and we believe
19 those statements are corroborated by the physical
20 evidence both at the incident location and at the
21 arrest location.

22 THE COURT: Mr. Robinson and Mr. Goodman,
23 do you understand that if you went to trial those
24 facts could be presented against you?

25 DEFENDANT ROBINSON: Yes, sir.

1 DEFENDANT GOODMAN: Yes, sir.

2 THE COURT: And you want me to accept your
3 pleas under North Carolina vs. Alford?

4 DEFENDANT ROBINSON: Yes, sir.

5 DEFENDANT GOODMAN: Yes, sir.

6 THE COURT: I accept the plea,
7 Mr. Solicitor. Tell me what the negotiations are.

8 MR. CORBETT: Yes, sir, Your Honor. The
9 negotiations would be that on the charge of armed
10 robbery, the sentence would be 15 years.
11 Attempted armed robbery, 15 years. Discharging a
12 firearm into an occupied vehicle, 10 years. And
13 that those would run concurrent for a total 15
14 years.

15 THE COURT: Is that you all's
16 understanding?

17 DEFENDANT ROBINSON: Yes, sir.

18 DEFENDANT GOODMAN: Yes, sir.

19 THE COURT: Then I find there is a factual
20 basis for your plea. It is freely and voluntarily
21 entered into. You have been advised by counsel
22 and you are satisfied. And I will accept the
23 plea..

24 MR. MURPHY: Your Honor, we just ask that
25 you accept the negotiated plea.

1 THE COURT: Is that your understanding,
2 Mr. Robinson?

3 DEFENDANT ROBINSON: Yes.

4 DEFENDANT GOODMAN: Yes.

5 THE COURT: Mr. Goodman. The sentence on
6 Count one, you are committed to the State
7 Department of Corrections on Count 1, for a term
8 10 years. Credit for time served. Count 2, is 15
9 years; those are to run concurrent to count one.
10 And Count three is 15 years. To run concurrent to
11 Count 1 and 2. You are given credit for time
12 served. That's all concurrent.

13 THE COURT: Mr. Robinson, the sentence is
14 10 years on Count 1. Concurrent to Count 2 and
15 count 3. Count 2, is 15 years to run concurrent
16 to Count 1. Count 3, attempted robbery 15 years
17 to run concurrent with Count 1 and 2. You are
18 given credit for all the time served all three of
19 those.

20 --End of Requested Transcript of Record---

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third 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 Court of General Sessions on July 23, 2012, in Sumter County, Sumter, South Carolina.

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

2-7-13

DATE

Margaret T. Sullivan

COURT REPORTER

My Commission expires: 9/7/21

WITNESSES

Paul Gay Sumter County Sheriff

Melissa Addison

DOCKET NO. 2012-GS-43-0217

The State of South Carolina
County of SUMTER

COURT OF GENERAL SESSIONS

January TERM 2012

THE STATE

VS.

TERRANCE JAMINE GOODMAN
DAYQUAN MARKEE ROBINSON

Indictment for

Discharging Firearm into Occupied Vehicle
Armed Robbery
Attempted Murder

Forfeiture of Grand Jury
Date: 01.05.12 *Paul Gay*

VERDICT

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

ACTION OF GRAND JURY

True Bill

Forfeiture of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

INDICTMENT FOR

Discharging Firearm into Occupied Vehicle
Armed Robbery
Attempted Murder

At a Court of General Sessions, convened on January 5, 2012 the Grand Jurors of

SUMTER County present upon their oath:

COUNT ONE - DISCHARGING FIREARM INTO OCCUPIED CONVEYANCE

CERTIFIED TRUE COPY
OF ORIGINAL FILE

Barbara Shaper
DEPUTY CLERK OF COURT

That Terrance Jamine Goodman and Dayquan Markee Robinson did in Sumter on or about September 20, 2011, discharge or cause to be discharged unlawfully, firearms at or into a vehicle, while it was occupied by Corey Jones, Ammanuel Perry and Darrell Bennett, in violation of Section 16-23-440, South Carolina Code of Laws, 1976, as amended

COUNT TWO - ARMED ROBBERY

That Terrance Jamine Goodman and Dayquan Markee Robinson did in Sumter County on or about September 20, 2011 violate Section 16-11-330 of the Code of Laws of South Carolina (1976), as amended, while armed with a deadly weapon, to-wit: pistols, did feloniously take from Corey Jones in the presence of Corey Jones, by means of force or intimidation goods or monies of the said Corey Jones, such goods or monies being described: money and cell phone.

COUNT THREE - ATTEMPTED ARMED ROBBERY

That Terrance Jamine Goodman and Dayquan Markee Robinson did in Sumter County on or about September 20, 2011 violate Section 16-11-330 of the Code of Laws of South Carolina (1976), as amended, while armed with a deadly weapon, to-wit: pistols, did feloniously attempt to take from Ammanuel Perry and Darrell Bennett in their presence, by means of force or intimidation goods or monies of the said Ammanuel Perry and Darrell Bennett.

COUNT FOUR - ATTEMPTED MURDER

That Terrance Jamine Goodman and Dayquan Markee Robinson did in Sumter on or about September 20, 2011, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Terrance Jamine Goodman and Dayquan Markee Robinson did with intent to kill, attempt to kill another person, Ammanuel Perry, Corey Robinson and Darrell Bennett with malice aforethought, either express or implied, by shooting at the victims.

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

Solicitor

Ernest A. Finney III

COUNTY OF Sumter
STATE VS.
Terrance Jamine Goodman
AKA:
Race: 2 Sex: Age:
DOB: IS#:
Address:
City, State, Zip: Sumter,
DL#: SID#:

INDICTMENT/CASE#: 2012-GS-43-0217
A/W#: M444153
Date of Offense: 9/20/2011
S.C. Code § : 16-11-0330(A)
CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Armed Robbery

CONVICTED OF or PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Corbett, Jason W SC Bar# 065340 Defendant
Attorney for Defendant SC Bar# 80195

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 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, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$133.90

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, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk James C. Campbell
Court Reporter: Margaret Sullivan
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 21484
Sentence Date: 11-23-12

COUNTY OF 16 Sumter)
 STATE VS.)
Terrance Jamine Goodman)
 AKA:)
 Race: 2 Sex: M Age: 19)
 DOB: 3 SS#:)
 Address:)
 City, State, Zip:)
 DL#:) SID#:)

INDICTMENT/CASE#: 0-20 2012-CG-43-217
 A/W#: M444154
 Date of Offense: 9/20/2011
 S.C. Code § : 16-11-0330(A)
 CDR Code #: 0139

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Attempted Armed Robbery

in violation of § 16-11-0330 of the S.C. Code of Laws, bearing CDR Code # 0026
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45
 w/minor 1st or Lewd Act)

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

ATTEST: [Signature] 165340 Terrance Goodman [Signature] 80195
 Corbett, Jason W 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 15 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: § 17-2
 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 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: _____

Recipient: _____
 *Fine: _____

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk James C. Campbell Presiding Judge [Signature]
 Court Reporter: Margaret Sullivan Judge Code: 21404
 SCCA/217 (03/2011) Sentence Date: 7-23-12

COUNTY OF Sumter
STATE VS.

Terrance Jamine Goodman

AKA:

Race: 2 Sex: M Age: 19

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Discharging firearm into an occupied automobile

0-10 17
INDICTMENT/CASE#: 2012-GS-43-0217

A/W#: M444152

Date of Offense: 9/20/2011

S.C. Code § : 16-23-0440(B) ORIGINAL FILE

CDR Code #: 2907

DEPUTY CLERK OF COURT
SENTENCE SHEET
SUMTER COUNTY
SOUTH CAROLINA

CONVICTED OF or PLEADS

in violation of § 16-23-0440(B) of the S.C. Code of Laws, bearing CDR Code # 2907
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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

ATTEST: Corbett, Jason W SC Bar# 065346 Terrance Goodman Defendant [Signature] Attorney for Defendant 80195 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 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: 0.253
 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 the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment

Recipient:		
*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(I) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

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, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk James C. Campbell
Court Reporter: Margaret Sullivan
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2144
Sentence Date: 7-23-12

RECORDED

2012 NOV -9 PM 2: 26

STATE OF SOUTH CAROLINA

County of Sumter

In the Court of Common Pleas
SUMTER COUNTY, S.C.
CERTIFIED TRUE COPY
OF ORIGINAL FILE

21 Barbara Shaper
2012-CP-43-
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

Terrance Goodman 351723
Full name and prison number (if any) of Applicant.

vs.

The State of South Carolina
Name of Respondent.

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS -- READ CAREFULLY

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

Since every application must be sworn to 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 applicant was convicted.

1. Place of detention Sumter Lee Regional Detention

2. Name and location of Court which imposed sentence Sumter County Court of General Sessions
141 North Main Street, Sumter, South Carolina, 29150

3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:

- (a) Indictment Number 2012-GF-43-0217
- (b) _____
- (c) _____

4. The date upon which sentence was imposed and the terms of the sentence:

- (a) I was sentence to 15 years to the department of Corrections
- (b) On July 23 2012
- (c) _____

5. Check whether a finding of guilty was made

- after a plea of guilty After a plea of Guilty
- (b) after a plea of not guilty No
- (c) after a plea of nolo contendere No

6. Did you appeal from the judgment of conviction or the imposition of sentence? no

I didn't apply for an appeal from the judgement of conviction

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

- i. none of the above
- ii. _____
- iii. _____

(b) the result in each such Court to which you appealed:

- i. none of the above
- ii. _____
- iii. _____

(c) the date of each such result:

- i. none of the above
- ii. _____
- iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. none of the above
- ii. _____
- iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) I took a guilty plea
- (b) I applied for my Post Conviction Relief form.
- (c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) I never received all evidence against me in my motion of discovery from the State.
- (b) Victim Cory Jones gave false allegations to law enforcement
- (c) I was assigned a new public defender which she misrepresented me.

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) I never received none of the statements from the victims neither the witnesses
- (b) In my motion of discovery it states that witnesses also victims made statements that I didn't receive
- (c) (See the reverse side to Question 10)

defendants Before this incident took place. ^{that my lawyer did in fact speak with these}

Public Defender David Sullivan was assigned as my Public Defender until he was fired. I was then assigned Tiffany Butler. She didn't know much about my case at the time before I went to Court for trial. We went over small details about my case. At the time I was sentenced I feel as if my Public Defender misrepresented I, Terrance Goodman

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? None of the above
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. None of the above
- ii. _____
- iii. _____
- iv. _____

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

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

(c) the disposition thereof:

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

(d) the date of each such disposition:

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

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

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

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No, Grounds that I brought forth in Question 9 was presented in Court.

(a) which grounds have been presented:

- i. none of the above
- ii. _____
- iii. _____

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

- i. none of the above
- ii. _____
- iii. _____

15. If any ground set forth in (9) 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) Cory Jones did in fact contact the defendants before of this incident
- (b) Cory Jones gave law enforcement false information
- (c) (See the reverse side to Question 15)

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

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

17. If you answered "yes" to one or more parts of (16), list:

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

- i. Affony Butler
141 North Main Street, Sumter South Carolina 29150
- ii. _____
- iii. _____

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

- i. At the time I was sentenced
- ii. At the time when I was preparing for trial
- iii. _____

18. State clearly the relief you seek in filing this application.

I seek through justice and through my relief for a sentence under 15 years

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

I'm not under any other sentence in the state of South Carolina

gunshots fired between the time of 17:00 and 17:30. Victim Cory Jones called law enforcement almost 45 minutes later at 18:22.

Witnesses states they heard gun shots and saw two males running. Witnesses never stated that they saw these two defendants shooting or stated they saw these defendants committing or attempted to commit Armed Robbery.

Victim Cory Jones states that he saw these two defendants talking so he stop to talk to them. Mr. Jones never informed the law enforcement that he had contacted these defendants. This cell phone that was recovered.

STATE OF SOUTH CAROLINA

VERIFICATION

County of Sumter

I, Terrance Goodman, 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.

Terrance Goodman

SWORN to and subscribed before me this 15th

day of November, 19 2012

[Signature] (L.S.)
Notary Public

My Commission Expires
October 8, 2014

My Commission Expires: October 8, 2014

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

I, Terrance Goodman, 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 therefor.

Terrance Goodman
Applicant

SWORN or affirmed to and subscribed before me this

15th day of November, 19 2012

[Signature]
Notary Public

My Commission Expires

My Commission Expires October 8, 2014

STATE OF SOUTH CAROLINA)	
County of Sumter	)	IN THE COURT OF COMMON
Terrance J. Goodman #351723	)	PLEAS
Applicant)	
	)	2012-CP-43-2186
v. JAMES B. GENTRY	)	ISSUE TO BE AMENDED TO
The State of South Carolina,	)	POST-CONVICTION RELIEF
Respondent.	)	APPLICATION

Applicant alleges his Sixth(6th) Amendment Constitution right to effective assistance of counsel was denied when his attorney failed to challenge his indictment as containing a matter of duplicity in violation of the Fifth(5th) Amendment Constitution; and for failing to inform Applicant his indictment was insufficient and defective, [which rendered the indictment wholly invalid], before advising him to plead guilty. Applicant was not made aware he was waiving a ground to challenge a duplicity issue involving his indictment, thus, his plea was not voluntarily, knowingly, and intelligently entered.

INSUFFICIENT/DEFECTIVE INDICTMENT

(Law): In Gentry, the Supreme Court of South Carolina returned to its earlier view that an indictment is a "notice document." The primary purpose of an indictment are to put the defendant on notice of what he is called upon to answer, i.e., to apprise him of the elements of the offense and to allow him to decide whether to plead guilty or stand trial, and to enable the circuit court to know what judgment to pronounce if the defendant is convicted. State v. Gentry, 610 S.E.2d 494, 500 (S.C. 2005). The required notice is a component of the due process that is accorded every criminal defendant; one required by the United States Constitution and South Carolina's State Constitution and Statutes.

Applicant contends his indictment is insufficient to give the required notice pursuant to the Fifth(5th) Amendment Constitution and South Carolina's Constitution and Statutes. See S.C. const. art. 1§11 and art. V§22; n6; S.C. Code Ann §17-19-10 (2003). His indictment is defective because it charges him with four(4) distinct offenses in the same count, which is contrary to precedent law. (An indictment which charges defendant with two or more distinct offenses in the same count is bad for "duplicity." State v. Turner, 18 S.E.2d 372, 198 S.C. 487); also see: State v. Fennell, 263 S.C. 216, 209 S.E.2d 433 (Two separate offenses cannot, ordinarily, be charged in a single count indictment unless one is a lesser-included offense of the other.)

The manner in which the indictment subjudice was presented to the Grand Jury had a defect of such a fundamental character as to make the indictment wholly invalid. Furthermore, "an indictment which is deemed a nullity would be insufficient, as a matter of law, to give the required notice to a defendant." Evans v. State, 611 S.E.2d at 510.

INEFFECTIVE ASSISTANCE OF COUNSEL

(Law): Entering a guilty plea results in a waiver of several constitutional rights, therefore, the Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently by defendants. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). In order for a defendant to knowingly and voluntarily plead guilty, he must have a full understanding of the consequences of his plea. State v. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980). He must also have an understanding of the charges against him. State v. Lambert, 266 S.C. 574, 225 S.E.2d 340 (1976).

Applicant could not have understood that his guilty plea would have waived a challenge to have his indictment quashed on the ground that it contained a duplicity issue because his counsel never explained to him that his indictment was defective; and he had standing to challenge the indictment as not giving the "required notice" component mandated by Federal and State Law. Moreover, when taking his plea, the Judge did not specifically explain that his plea would result in a waiver of his right to challenge the defective and insufficient indictment. Thus, his plea can not be deemed to be "an intentional relinquishment or abandonment of his constitutional rights." Johnson v. Zerbst, 304 U.S. 458, 464 (1938). (a defendant who enters a plea simultaneously waives several constitutional rights, including his privilege against compulsory self-incrimination, his right to trial by jury, and his right to confront his accusers. For this waiver to be valid under the due process clause, it must be "an intentional relinquishment or abandonment of a known right or privilege.") Being Applicant was not made aware his indictment contained a matter of duplicity; and due to the indictment being defective it did not give the required notice accorded to him, his plea was not knowingly, voluntarily, and intelligently entered. Boykin. supra. Because he was not afforded the opportunity to chose between the options available to him, he did not have understanding of the charges against him, Lambert, supra, and full understanding of the consequences of his plea. Hazel, supra.

Applicant asserts had he known he had grounds to challenge his indictment where a pre-trial motion could have been raised that would have resulted in his indictments getting quashed and

his charges dismissed; See S.C. Code Ann. §17-19-90 (2003) (Every objection to an indictment for any defect apparent on the face thereof shall be taken by demurrer or on motion to quash such indictment before the jury shall be sworn and not afterwards.), he would not have plead guilty but instead opted to go to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985).

Applicant was prejudiced by counsel's deficient performance. Furthermore, counsel's performance fell below the reasonable norms established by Strickland v. Washington, and its progeny. 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984). Applicant is entitled to relief in the form of this Court vacating his conviction and remanding his case for a trial.

Respectfully Submitted,

S/ _____
Terrance J. Goodman #351723

Terrance J. Goodman #351723
 Lee Correctional Florence N. #2145
 990 Wisacky Highway
 Bishopville, S.C. 29010

Date: _____

Charles Brooks, Esq.
 The Brooks Law Offices, LLC
 309 Broad Street
 Sumter, S.C. 29151

Re: 2012-CP-43-2186

Dear Mr. Brooks,

Enclosed, you will find a claim I am going to raise at the evidentiary hearing held for my Post Conviction Relief matter. I am respectfully asking that you will include it in the Amended Application you brief and file before the date of the evidentiary hearing. The legal case law(s) available to me at this prison is limited i.e., the latest South Eastern Edition the law library carries is book 576 S.E.2d; so I ask that you will revise the claim using up-to-date case law. Please send to me a copy of the brief you plan to file and a copy of the case laws you cite within that supports the claim.

Thank you very much for your time and assistance with this matter.

Respectfully Submitted,

S/ _____
 Terrance J. Goodman #350478

2013 MAY 17 PM 1:32
 RECORDED
 JAMES C. [unclear]
 CLERK OF COURT
 SUMTER COUNTY, SC

STATE OF SOUTH CAROLINA

RECORDED

IN THE COMMON PLEAS COURT

COUNTY OF SUMTER

2013 MAY 21 10:10:33

TERRANCE J. GOODMAN, 351723

JAMES O. ...
CLERK OF COURT
SUMTER COUNTY

DOCKET NO.: 2012-CP-43-2186

Applicant

) AMENDMENT TO POST
) CONVICTION RELIEF APPLICATION
)
)
)

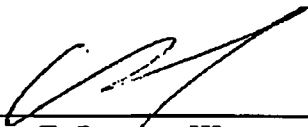
STATE OF SOUTH CAROLINA

Respondent,

The Applicant through undersigned Counsel wishes to amend his Post
Conviction Relief Application as follows:

ATTACHED PAGES 1-4

RESPECTFULLY SUBMITTED ON BEHALF OF
APPLICANT, Terrance Goodman



Charles T. Brooks, III
Attorney for Applicant
309 Broad Street
Post office Box 3512
Sumter, South Carolina, 29150
(803) 418-5708

May 20, 2013

STATE OF SOUTH CAROLINA)	
County of Sumter	)	IN THE COURT OF COMMON
	)	PLEAS
Terrance J. Goodman #351723)	
Applicant,	)	2012-CP-43-2186
)	
V.	)	ISSUE TO BE AMENDED TO
	)	POST-CONVICTION RELIEF
The State of South Carolina,)	
Respondent.	)	APPLICATION

Applicant alleges his Sixth(6th) Amendment Constitution right to effective assistance of counsel was denied when his attorney failed to challenge his indictment as containing a matter of duplicity in violation of the Fifth(5th) Amendment Constitution; and for failing to inform Applicant his indictment was insufficient and defective, [which rendered the indictment wholly invalid], before advising him to plead guilty. Applicant was not made aware he was waiving a ground to challenge a duplicity issue involving his indictment, thus, his plea was not voluntarily, knowingly, and intelligently entered.

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(Law): In Gentry, the Supreme Court of South Carolina returned to its earlier view that an indictment is a "notice document." The primary purpose of an indictment are to put the defendant on notice of what he is called upon to answer, i.e., to apprise him of the elements of the offense and to allow him to decide whether to plead guilty or stand trial, and to enable the circuit court to know what judgment to pronounce if the defendant is convicted. State v. Gentry, 610 S.E.2d 494, 500 (S.C. 2005). The required notice is a component of the due process that is accorded every criminal defendant; one required by the United States Constitution and South Carolina's State Constitution and Statutes.

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Respectfully Submitted,

S/

Terrance J. Goodman #351723

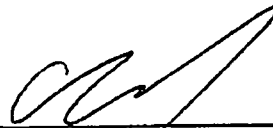
RECORDED

STATE OF SOUTH CAROLINA) IN THE COMMON PLEAS COURT
 2013 SEP 20 PM 1:23)
 COUNTY OF SUMTER)
 JAMES H. AMBELL)
 TERRANCE J. GOODMAN, 351528) DOCKET NO.: 2012-CP-43-2186
 351528)
 SUMTER COUNTY, S.C.)
 Applicant) AMENDMENT TO POST
) CONVICTION RELIEF APPLICATION
)
)
 STATE OF SOUTH CAROLINA)
)
 Respondent,)
 _____)

The Applicant through undersigned Counsel wishes to amend his Post Conviction Relief Application filed November 9, 2012 as follows:

ATTACHED PAGES 1-4

RESPECTFULLY SUBMITTED ON BEHALF OF
 APPLICANT, Terrance Goodman



 Charles T. Brooks, III
 Attorney for Applicant
 309 Broad Street
 Post office Box 3512
 Sumter, South Carolina, 29150
 (803) 418-5708

September 19, 2013

STATE OF SOUTH CAROLINA
 County of Sumter
 Terrance J. Goodman #351723
 Applicant,

v.

The State of South Carolina,
 Respondent.

)
) IN THE COURT OF COMMON
) RECORDABLE PLEAS
)
) 2013 SEP 20 2 PM 1:23 43-2186
) JAMES H. CAMPBELL
) CLERK OF COURT
) SUMTER COUNTY, S.C.
)
) ISSUE TO BE AMENDED TO
) CONVICTION RELIEF
) APPLICATION

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Respectfully Submitted,

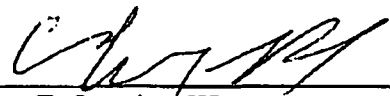
S/ Terrance J. Goodman #351723

STATE OF SOUTH CAROLINA)
 COUNTY OF SUMTER) 2013 OCT 31 PM 12:16
 TERRANCE J. GOODMAN, 351723) DOCKET NO.: 2012-CP-43-2186
 Applicant) AMENDMENT TO POST
) CONVICTION RELIEF APPLICATION
 STATE OF SOUTH CAROLINA)
 Respondent,)
 _____)

The Applicant through undersigned Counsel wishes to amend his Post Conviction Relief Application filed on November 9, 2012 as follows:

ATTACHED PAGES 1-5

RESPECTFULLY SUBMITTED ON BEHALF OF APPLICANT, Terrance Goodman



Charles T. Brooks, III
 Attorney for Applicant
 309 Broad Street
 Post office Box 3512
 Sumter, South Carolina, 29150
 (803) 418-5708

October 31, 2013

1: The Applicant couldn't of plead guilty when in ^{2013 OCT 20 4:11 PM} fact ~~did not~~ receive a complete copy of Rule 5 and 6 Discovery nor did Brady Rule was meet. This falls under invalid plea and ineffective assistance of ^{COURT} counsel, S.C.

The State failed to disclosed potential exculpatory evidence related to the arm robbery charge.

In Gibson v. State, 514 S.E.2d 320(S.C.1999) the defendant in the instant case was entitled to a new trial despite his guilty plea based on the State's failure to disclose a witnesses inconsistant statement and a trip to the crime scene. In Simpson v. Moore, 627 S.E.2d 701; the trial court erred in denying relief because the State fai to turn over all of Applicant's Rule 5 SCRP Discovery in this case. 2012-CP-43-0217.

To knowingly withhold, a discovery that contained exculpatory evidence and evidence of Applicant's innocence is a violation of Applicant's Due Process right that is protected by the Fourteenth and Fifth Amendment of U.S. Constitution. Therefore, without the discovery Due Process of Law was violated and Applicant's Fith and Fourteenth Amendment right of the U.S Constitution in which Due Process is incorporated was violated.. See U.S. Const. 5th and 14th; see Rule 5 SCRPC, Brady v. Maryland, 83 S.Ct. 1194.

2: The alleged Indictment was not adequate to give notice of the said charges. See Hulstine v. Morris, 819 F.2d 861, 863-64(8th Cir.1987)-concluding that defective state charging documents does not violate due process unless "inadequate notice [leads] to a trial with an unacceptable risk of convicting the innocent."

The innocent was convicted and the court lacked subject matter jurisdiction

over the case in its entirety. Case # 2012-CP-43-2186.

The act as a whole is a element that has to be proven by all offenses charged. (Multiple offenses arising out of one act separate elements of proof U.S. v. Sharpe, 193 F.3d 1852. The indictment is inadequate and the charges the State of South Carolina still thinks that Applicant can get found guilty on one charge and not on the others, or on some or all not on other which is a false element and false information upon indictment and the Rules and instruction of Court of elements of a multiple offenses arising out of one act. These charges are true indeed yet separate and distinct yet still connected.

Here if the court argues Gentry then Brown v. State, 540 S.E.2d 846(2001)(overruled in part State v. Gentry, 610 S.E.2d 494(2001). The court still lacks jurisdiction over a defective indictment or any error of law or constitutional violations or errors, or over an inadequate indictment or notice. And the petiti jurors need not be seated, sworn or objected to the indictment before all this takes place. According to Brown supra subject matter jurisdiction can be raised at anytime.

3: The Applicant plead guilty only to avoid a greater sentenced. The Applicant was promised a ten (10) years and got fifteen (15). Furthermore, the Applicant's plea counsel, the plea Judge and the State attorney did not prepare a pre-sentencing sheet or a contract to sign in writing and the Solicitor reniged on the deal and contract of the sentencing and plea agreement. The proof here is that a pre-sentencing sheet can't be produced. The Applicant will contend that he did not sign one. Applicant will also

contend that his Plea counsel was ineffective and untrustworthy and he was working with the state.

4: The court held that possession of a firearm during commission of a violent crime is not a felony amended in S.C. Code§20-7-430(5). A violent weapon charge is incorporated within S.C.Code§16-11-330(a) State and the court lacked subject matter jurisdiction over the arm robbery and other offense(s) in the case 2012-CP-43-2186, because of the non felony charge and the court labels the four (4) offenses as felonies. Hereto the statute above contradicts this.

5: There is no such crime as Attempted Murder- an Attempt is the incompleteness of the act. This means a person attempted to murder but did not do the crime. as to jump at a person. The Solicitor's office alleges this act was carried all the way. A completion of the attempt--Attempted murder still doesn't exist. State v. Foust 325 S.C. 12, 15, 479 S.E.2d 50, 51(1996). Attempted means you started to but did not complete the crime or act accused of Attempt means the slightest movement towards something.

Therein the new appealed case and statute is invalid and unlawful in its entirety. §16-3-29; act S.B. No.1154.

6: A guilty plea should not be accepted for any other reason but that in fact that the person is guilty. The plea shouldn't be accepted by a plea judge Rule 609 SCRE. Pursuant to the veracity of witnesses was not present. If evidence provides. The subjects (3) had \$20.00 and a cellular phone obviously there in a drug area looking for a way to make \$ 40.00 out of the \$20.00 or to entice someone to rob them by doing illegal acts--according to Solicitor's version of story.

For the following reasons Applicant will pray that this court grants the

⑦ The State's theory is that Applicant was present at the scene but this wasn't corroborated by any evidence physical scientific or otherwise.

Martin v. State, 533 S.E.2d at 575 and Shrock are thus distinguishable. See State v. Peare, 396 S.E.2d 362(1990)(Shrock is distinguishable and directed verdict properly denied.

Where defendant was seen following victim's car toward scene, the victim's and defendant's car was seen at the scene and carpet fibers at the scene matched fibers from defendant's car. In the instant case Applicant would submit that there wasn't any evidence to create a juror question on whether Applicant participated in the arm robbery or any other crime and the State fail to present any evidence of Applicant's presence at scene.

requested relief of reversed and remand.

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

TERRANCE J. GOODMAN, 351723

Applicant

STATE OF SOUTH CAROLINA

Respondent,

FILED IN THE COMMON PLEAS COURT

2014 FEB 20

AM 10: 55

DOCKET NO.: 2012-CP-43-2186

AMENDMENT TO POST
CONVICTION RELIEF APPLICATION

The Applicant through undersigned Counsel wishes to amend his Post
Conviction Relief Application filed on November 9, 2012 as follows:

ATTACHED PAGES 1 and 2

RESPECTFULLY SUBMITTED ON BEHALF OF
APPLICANT, Terrance Goodman



Charles T. Brooks, III
Attorney for Applicant
309 Broad Street
Post office Box 3512
Sumter, South Carolina, 29150
(803) 418-5708

February 20, 2014

① It is fraud to neglect trick, scheme, or use untruth for a person to plea guilty and state knew I could not read or write and was illiterate at time of crime allegedly and plea, and not competent to stand trial nor plea in violation of McNaughten and Blair, must be competent at time of crime and plea. Two standards instead of 1 must be met. Invalid guilty plea for above

2. The alleged plea was not knowingly and intelligently made my test scores of A evaluation was hidden or a mere estimate of my comprehension skills. This also tricked Boykin v. Alabama.

3. Considerations in determining whether a fair ~~and~~ and just reason exist include: (1) whether there has been an assertion of legal innocence; (2) the amount of time between the plea and motion and (3) whether the government would be prejudiced by withdrawal of the plea. See Fed. R. Crim. ~~32(d) advisory committee's note (1983 Amendment by a 1994 amendment the substance of the former Rule 32(d) was reverted to Rule 32(e); Reference to Rule 32(d) advisory committee's notes are applicable to the current rule 32(e); courts may also look to additional factors see e.g., U.S. v. Marrero - Rivera, 124 F.3d 342, 347 (1st Cir. 1997) (factors include~~

48
voluntary nature of plea, plausibility and weight of reasons for withdrawal, timing of request, assertion of innocence, and whether parties reached - or breached - plea agreement; U.S. v. Brown, 250 F.3d 811, 815 (3d Cir. 2001) (factors) to include assertion of innocence, prejudice to government, and strength of defendant's reasons for moving to withdraw; U.S. v. Wilf, 81 F.3d 1300, 1306 (4th Cir. 1996) (factors include credibility of evidence that plea was knowingly or not, assistance of counsel, prejudice to government, innocence to court, adequate assistance of counsel), voluntariness of plea, and waste of judicial resources) U.S. v. Pluta, 144 F.3d 968, 973 (6th Cir. 1998).

U.S. v. Ford, 993 F.2d 249, 251-52 D.C. Cir. 1993) (defendant entitled to withdraw plea because he asserted legal innocence, and plea was entered after defective Rule 11 colloquy in which the court failed to explain the nature of the charges and failed to establish factual basis of charges.

4. For the record this PCR hearing should be fair, impartial and just, most of the recent cases haven't been there been a lot of pre-rulings and I have a winner the only instance can over-throw me is a impartial hearing - Applicant request each and every issue to be ruled on pursuant to PRU-IT; and 517-27-80.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	FOR THE THIRD JUDICIAL CIRCUIT
)	
)	
Terrance Goodman, #351723,	)	Case No.2012-CP-43-2186
)	
Applicant,)	
)	
v.	)	RETURN
)	
State of South Carolina,)	
)	
Respondent.)	
)	
)	

In response to the post-conviction relief application filed November 9, 2012, the Respondent would show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Sumter County. The Applicant was true bill indicted during the January 2012 term of the Sumter County Grand Jury under a four count indictment (2012-GS-43-0217) for Discharging a Firearm into Occupied Conveyance, Armed Robbery, Attempted Armed Robbery, and Attempted Murder. Applicant was represented by Tiffany Butler, Esquire. On July 23, 2012, the Applicant pled guilty, as indicted, to Discharging a Firearm into an Occupied Automobile, Armed Robbery, and Attempted Armed Robbery before the Honorable R. Ferrell Cothran. Judge Cothran sentenced Applicant to ten years imprisonment for Discharging a Firearm into an Occupied Automobile, fifteen years imprisonment for Armed Robbery, and fifteen years for Attempted Armed Robbery; with the sentences to be served concurrently. The remaining charge was *nolle prossed* pursuant to the plea. The Applicant did not appeal his conviction and sentence.

Attached herewith and incorporated herein are the records of the Sumter County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, and the guilty plea hearing transcript. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

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

1. "I never received all evidence against me in my motion of discovery from the State."
2. "Victim Cory Jones gave false allegations to law enforcement."
3. "I was assigned [sic] a new public defender witch [sic] she misrepresented me."
4. "I never received none of the statements form the victims neither the witnesses."
5. "In my motion for discovery it states that witnesses also victims wrote statements that I didn't receive."
6. "Phone records for victim Corey Jones cell phone that was recovered and support the fact that Cory Jones did in fact speak with these defendants before this incident took place."
7. "Public Defender David Sullivan was assigned [sic] as my Public Defender until he was fired. I was then assigned [sic] Tiffany Butler witch [sic] she didn't know much about my case at the time before I went to Court for trail [sic]. We went over small details about my case. At the time I was sentenced I feel as if my Public Defender misrepresented I, Terrance Goodman."

Any claims not specifically enumerated in the post-conviction relief application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

For the purposes of this Return, the Respondent interprets the allegations to be that of ineffective assistance of counsel. In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, 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, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance 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 alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

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 the record does not conclusively refute. Accordingly, 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).

IV.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY ELLIOTT
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
Attorneys for the Respondents
Post Office Box 11549
Columbia, South Carolina 29211

March 22, 2013.

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER)	
)	
	)	2012-CP-43-2186
)	
TERRANCE GOODMAN, 351723,)	
)	
Applicant,)	
)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
)	
STATE OF SOUTH CAROLINA,)	
)	
Respondent.)	

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

Charles T. Brooks, III, Esquire
Law Office of Charles T. Brooks, III
309 Broad Street
Sumter SC 29150

DATED this 22nd day of March, 2013.

Lauren Meara
 Lauren Meara, Legal Assistant
 For Respondent

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STATE OF SOUTH CAROLINA

County of Sumter

Terrance Goodman,
Plaintiff

PCR Hearing
2012-CP-43-02186

vs.

The State of South Carolina,
Defendants

February 26, 2014
Sumter, S.C.

Before the Honorable George C. James, Jr., Judge.

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

Mr. Charles T. Brooks, III
Attorney for Applicant

Mr. Daniel F. Gourley, II
Attorney for the State

Margaret T. Sullivan,
Court Reporter

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1 MR. GOURLEY: We will do Terrance Goodman next,
2 please.

3 THE COURT: Everybody ready to go forward?
4 This is Terrance Goodman.

5 MR. GOURLEY: Yes, sir.

6 THE COURT: Is there anything you want to
7 put on the record before we begin, Mr. Brooks?

8 MR. BROOKS: No, sir. Ready to go.

9 THE COURT: Mr. Gourley.

10 MR. GOURLEY: This is Terrance Goodman
11 versus The State of South Carolina. Docket No.
12 2012-CP-43-2373.

13 THE COURT: I've got 2186.

14 MR. GOURLEY: 2186. Right, Your Honor.
15 He's presently residing in the South Carolina
16 Department of Corrections pursuant to the Sumter
17 County Clerk of Court. He was indicted during the
18 January 2012 term of the Sumter County Grand Jury
19 for a 4-count indictment for discharging a firearm
20 into an occupied van, an armed robbery, an
21 attempted armed robbery and attempted murder. He
22 was represented by Ms. Tiffany Butler.

23 On July 23, 2012, he pled guilty as
24 indicted to discharging a firearm into an
25 occupied automobile, armed robbery and attempted

1 armed robbery before the Honorable R. Ferrell
2 Cothran, Jr. Judge Cothran, sentenced him to 10
3 years imprisonment for discharging a firearm into
4 an occupied automobile, 15 years imprisonment for
5 armed robbery and 15 years imprisonment for
6 attempted armed robbery. Those sentences were to
7 be served concurrently. The remaining charge was
8 nol-prossed pursuant to the plea. He did not
9 appeal his guilty plea or conviction.

10 He subsequently filed an application for
11 post conviction relief on November 9th 2012. And,
12 Your Honor, he's represented here today by
13 Mr. Brooks. I will turn it over to Mr. Brooks,
14 Your Honor.

15 THE COURT: Okay. All the sentences be
16 being served concurrently.

17 MR. GOURLEY: Yes, sir.

18 THE COURT: And if he -- if it's granted,
19 they will all be reinstated as well as the
20 attempted murder.

21 MR. GOURLEY: Yes, sir, Your Honor.

22 THE COURT: Mr. Brooks, you can call your
23 first -- well anything you want to tell me before
24 we start?

25 MR. BROOKS: Judge, I am ready to put my

Terrance Goodman-direct by Brooks

1 client on the stand.

2 THE COURT: Okay. He can come forward.

3 MR. BROOKS: I call Mr. Goodman to the
4 stand.

5 Terrance Goodman, being first duly
6 sworn, testified as follows:

7 THE BAILIFF: State your name and spell
8 your last for the record.

9 A Terrance Goodman 351723.

10 MR. BROOKS: Are you ready, Judge?

11 THE COURT: Yes, sir.

12 DIRECT EXAMINATION by Mr. Brooks:

13 Q Terrance, how are you doing today?

14 A I am doing all right.

15 THE COURT: You are going to need to speak
16 up.

17 Q You got to speak up.

18 A I'm doing all right.

19 Q And the reason you have got to speak up
20 is, this lady right here, remember we talked about
21 this downstairs. Remember I told you things are
22 going to be on the record.

23 A Yes, sir.

24 Q And this is the the lady that keeps the
25 record.

Terrance Goodman-direct by Brooks

1 A Okay.

2 Q And she has to hear you in order be able
3 to get it on the record.

4 A Yes, sir.

5 Q How old are you Terrance?

6 A 21.

7 Q Okay. Now you brought this application
8 for post conviction relief.

9 A Yes, sir.

10 Q And you understand that we can't change
11 your sentence. You can't modify your time. You
12 can't make you parole eligible any sooner. The
13 only that Judge James can do is give you a new
14 trial?

15 A Yeah, I'll take a new trial.

16 Q Okay, but you understand, that's the only
17 remedy we can get.

18 A Yeah, I understand.

19 Q And you understand that if we convince
20 Judge James to get you a new trial, you would go
21 back and face all these charges.

22 A Yeah.

23 Q And you understand what kind of time that
24 would be.

25 A Yes, sir.

Terrance Goodman-direct by Brooks

- 1 Q That would be well over 50 years.
- 2 A Yes, sir.
- 3 Q And we talked about that.
- 4 A Yeah, we done talked about it.
- 5 Q And I know we talked about it, Terrance.
- 6 But I just want to make sure that you understand
- 7 and that everybody knows that you are fully aware,
- 8 and you still want to be get a new trial.
- 9 A Yes, sir.
- 10 Q Is that right?
- 11 A Yes, sir.
- 12 Q Now you pled in this case.
- 13 A Yes, sir.
- 14 Q And you got a negotiated 15, is that
- 15 right?
- 16 A Yes, sir.
- 17 Q And you had Tiffany Butler there as your
- 18 court appointed lawyer, is that right?
- 19 A Yes, sir.
- 20 Q Now you said that this plea -- you didn't
- 21 understand what you were doing.
- 22 A No, I didn't understand what I been doing.
- 23 Q All right.
- 24 A I was young at the time.
- 25 Q Tell the court why you ended up pleading

Terrance Goodman-direct by Brooks

1 guilty, and why you didn't understand what you
2 were doing?

3 A Because I been scared I am going to get
4 more time. And I ain't been know how to read and
5 write then.

6 Q You didn't know read and write. How far
7 did you have gone in school?

8 A Every day.

9 Q No, how far have you gone in school?

10 A Oh, to the 10th grade.

11 Q Now you said you really weren't good at
12 reading and writing, is that correct?

13 THE COURT: He said he didn't know how to
14 read and write.

15 A I didn't.

16 Q You didn't know how to read and write.

17 A Yeah, until I come to prison.

18 Q Okay. Now what do you know now that you
19 learned since you have been in prison, that if you
20 had known it back then when you did the plea,
21 would have you caused you to make a totally
22 different decision?

23 A About this case and why the case mess up.

24 A lot of things are messed up about the case.

25 Q Listen, Terrance, this is your day.

Terrance Goodman-direct by Brooks

1 We're trying to convince Judge James to get you a
2 new trial. So talk, man.

3 A I done sit and learn. Everything I have
4 been down four years, learning the law word. I
5 couldn't read and write then. I ain't been know
6 what I have been doing. I am young.

7 Q And I got that. What have you learned
8 that if you knew back in 2012, when you took this
9 plea.

10 A I wouldn't have took it.

11 Q Why? What have learned to cause you to
12 think differently now? And why do you think your
13 plea back then was not freely and voluntarily
14 given?

15 A Because I couldn't even comprehend then.
16 I been young. I didn't even know what I been
17 doing. I been in the blind.

18 Q Let me help you out. How many times did
19 you met with Ms. Butler in preparing your case?

20 A About two times.

21 Q Were you in the county detention center or
22 were you out on the street?

23 A County.

24 Q You were there the whole time before you
25 pled, is that right?

Terrance Goodman-direct by Brooks

1 A Yeah.

2 Q What did you all talk about?

3 A About this negotiation on that 15. But I
4 ain't been know. I ain't been know what they say
5 on the paper about. I just checked yes.

6 Q Did you tell her that you wanted to go to
7 trial?

8 A Yeah, I tell her.

9 Q So are you saying that she talked to you
10 into pleading guilty?

11 A Yes, sir.

12 Q How did that conversation go?

13 A They tell me I get 15. I get 15. I asked
14 for 11 years. She said she couldn't do it.

15 Q Okay.

16 A So I plead to 15.

17 Q Okay. Now are you saying that---

18 A I waive all my rights.

19 Q Are you saying that Ms. Butler convinced
20 you to plead guilty?

21 A Yeah, I am saying. Yes, sir.

22 Q What else did she say to convince you to
23 plead guilty?

24 A I couldn't remember.

25 Q Remember now, we are trying to get you

Terrance Goodman-direct by Brooks

1 this new trial. And we've claimed that Ms. Butler
2 was ineffective in representing you.

3 A Yes, sir.

4 Q What else do you want to tell Judge James
5 as to why Ms. Butler was ineffective in
6 representing you?

7 A Try to get a whole new trial, try to get
8 some time cut.

9 Q Let me go back, Terrance. You can't get a
10 time cut on a PCR. You understand that? Do you
11 understand that?

12 A Yes, sir.

13 Q Judge James cannot cut from 15 to 11 or to
14 7 or whatever. He can't change the time.

15 A All right.

16 Q You understand that.

17 A Yes.

18 Q The only thing he can do is start you
19 over. Is that a yes?

20 A Yes.

21 Q And you still want to do that.

22 A Yes.

23 Q Okay. Now what else do you want to tell
24 the court as to why Ms. Butler was ineffective in
25 representing you?

Terrance Goodman-direct by Brooks

1 A She ain't been know what she been doing.

2 Q She didn't know what she was doing.

3 A Yeah, she ain't been -- she only see me
4 two times before we go to trial.

5 Q And did you talk about the case?

6 A Yeah, we talked about it.

7 Q And what did you tell her?

8 A I tell her I didn't want to go to trial.

9 Q Okay. And what did she say to you? Did
10 she say, man, your better take this deal?

11 A Yeah, it's something like that. Yeah.

12 Q Did she scare you up?

13 A Yeah. Yes, sir.

14 Q What else did she say? If you don't go
15 take this deal, you're going to be looking at a
16 whole bunch time, right?

17 A Yes, sir.

18 Q Now, I am going to ask you, Terrance, you
19 understand that if we convince Judge James you go
20 back and face all that.

21 A Yes, sir.

22 Q Now you feel that if you got a new trial,
23 you would win. Is that right?

24 A Yes, sir.

25 Q You feel that if you put 12 in the box

Terrance Goodman-direct by Brooks

1 that if you had a new trial, you would convince 12
2 people to acquit you in this case, is that right?

3 A Yes, sir.

4 Q And that's why you want this new trial.

5 A Uh-huh. (Affirmative.)

6 Q Is that yes?

7 A Yes, sir.

8 Q Now you can't say uh-huh, uh-uh. She
9 can't take that down. You've got to say yes and
10 no, okay.

11 A Okay.

12 Q So is there anything else that you want to
13 tell Judge James that we haven't covered, as to
14 why you should get a new trial.

15 A That's it.

16 Q That's it. Are you sure?

17 A Yes, sir.

18 Q This is your day to ask the court to
19 overturn this plea that you said was bad, and you
20 didn't understand what you were doing. Is there
21 anything else you want tell Judge James?

22 A That's it.

23 Q Are you sure?

24 A I am sure.

25 MR. BROOKS: Answer any questions of the

Terrance Goodman-cross by Gourley

1 attorney general.

2 THE COURT: Mr. Gourley.

3 MR. GOURLEY: Thank you, Your Honor.

4 Cross Examination by Mr. Gourley:

5 Q Mr. Goodman, how many times did you meet
6 with your attorney, you said twice?

7 A Twice. Before my trial.

8 Q Before the trial. Before your plea.

9 A Yeah, before the plea.

10 Q And did you all talk about any of the
11 evidence or anything?

12 A No, not like that.

13 Q No. Did you ever tell your attorney that
14 you couldn't understand or read or write?

15 A No.

16 Q Did you all talk about any defenses or
17 anything?

18 A Yeah.

19 Q Do you recall what they were?

20 A Huh?

21 Q Do you recall what they were? What your
22 defenses were?

23 A No.

24 Q Did you ever give your attorney any type
25 of leads or witnesses to talk to on your behalf?

Terrance Goodman-cross by Gourley

1 A Yeah, I got a lot of witnesses.

2 Q Do you know who they are?

3 A Yes, sir.

4 Q Can you tell me?

5 A Yeah, Quinton Singleton.

6 Q Okay.

7 THE COURT: Who? Quinton Singleton?

8 A Yeah.

9 THE COURT: You need to answer out loud.

10 A Yeah, Quinton Singleton, one of my
11 witnesses, said I ain't been at this crime.

12 Q Is that it?

13 A Yeah, that's it.

14 Q Now do you recall waiving your
15 constitutional rights during your plea, the right
16 to a trial, the right to present witnesses, so on
17 and so forth?

18 A Yes, sir.

19 Q And you told the plea judge that you were
20 satisfied with your attorney's services. Do you
21 recall that?

22 A Yes, sir, because I ain't been knew what I
23 been doing.

24 Q You also told the plea judge that you had
25 enough time to talk to your attorney?

Terrance Goodman-cross by Gourley

1 A No, I ain't said that.

2 MR. GOURLEY: Judge, it's page 3 line 2

3 through 7, Your Honor.

4 Q Did you ever tell the judge you didn't
5 understand what you were doing?

6 A Yes, sir.

7 Q You did? If the record doesn't show that,
8 would you dispute it?

9 A No.

10 Q You told the judge that no one was
11 promising you or threatening you to get you to
12 plead guilty, right?

13 A No.

14 Q You didn't tell them that?

15 MR. GOURLEY: Your Honor, that's page 3
16 line 9 through 13.

17 Q And you pled guilty under North Carolina
18 vs. Alford, right?

19 A Huh?

20 Q You pled guilty under Alford?

21 A Yeah.

22 Q And as part of your plea negotiations they
23 dropped an attempted murder charge against you?

24 A Yes, sir.

25 Q And then your attorney asked for the

Terrance Goodman-by the Court

1 sentences to be run concurrent and they were,
2 right?

3 A Yes, sir.

4 Q Did you plead guilty to avoid a harsher
5 sentence?

6 A Huh?

7 Q Did you plead guilty to avoid a harsher
8 sentence?

9 A Yes, sir.

10 MR. GOURLEY: I beg the court's
11 indulgence, Your Honor. I have no further
12 questions, Your Honor. Thank you.

13 THE COURT: Mr. Brooks.

14 MR. BROOKS: No other questions, Judge.

15 THE COURT: You said you wanted a time
16 cut. What do you want your time cut to?

17 A At least about 5 years. 5 to 7 years.

18 THE COURT: You want it cut to 5 to 7
19 years. Is that right?

20 A Yes, sir.

21 THE COURT: And you said that you told
22 Ms. Butler that you wanted 11 years, but she said
23 you couldn't get that?

24 A Yes, sir.

25 THE COURT: So you plead to the 15?

Tiffany Butler-direct by Brooks

1 A Yes, sir.

2 THE COURT: Any follow up questions,

3 Mr. Brooks?

4 MR. BROOKS: No, sir, Your Honor.

5 THE COURT: Mr. Gourley.

6 MR. GOURLEY: No, sir.

7 THE COURT: Thank you. You can step down.

8 Thank you. Mr. Brooks, any additional witnesses?

9 MR. BROOKS: We would call Tiffany Butler
10 to the stand.

11 THE COURT: Okay.

12 Tiffany Butler, being first duly sworn,
13 testified as follows:

14 THE BAILIFF: Come around, please.

15 THE COURT: Mr. Brooks, all right.

16 Q By The Bailiff) State your name and spell
17 your last for the record.

18 A Tiffany Butler. B-U-T-L-E-R.

19 Direct Examination by Mr. Brooks:

20 Q Ms. Butler, how are you today?

21 A I am fine, thank you.

22 Q You were appointed to represent
23 Mr. Goodman?

24 A I was.

25 Q And that's through the public defender's

Tiffany Butler-direct by Brooks

1 office.

2 A Yes.

3 Q Can you give a brief summary of what the
4 state's case was against Mr. Goodman?

5 A According to all of the discovery, there
6 were three individuals driving down the road.
7 Mr. Goodman and his co-defendant were walking on
8 the street. They stopped. There were shots fired
9 to the vehicle. The vehicle sped away. The two
10 individuals ran. The three victims gave
11 statements. And there were also three other
12 witnesses who heard the gunshots and who also saw
13 two individuals running away.

14 There were shell casings found at the
15 scene. One of the victims, his cell phone, was
16 taken. And that cell phone was found where
17 Mr. Goodman and his co-defendant were arrested.
18 And there was also another -- a bullet matching
19 the shell casings found with Mr. Goodman's
20 co-defendant.

21 Q Were there any identifications of
22 Mr. Goodman?

23 A Well the three victims knew Mr. Goodman
24 and his co-defendant. They had gone to school
25 with them, so they knew who they were. And told

Tiffany Butler-direct by Brooks

1 law enforcement that.

2 THE COURT: Did they identify him?

3 A They did, yes.

4 Q Were there any confessions by Mr. Goodman
5 or his co-defendant?

6 A I don't believe Mr. Goodman give any
7 statements. I don't believe he confessed.

8 Q Now did you talk with Mr. Goodman about
9 going to trial?

10 A I did. The case was -- I wasn't the
11 original attorney in the case. That attorney had
12 left the office. And so the case was transferred
13 to me maybe a month and a half or two months
14 before this particular time. And as soon as I got
15 the file, I went out to the jail and I meet with
16 him and talked to him. And I talked to him
17 several times before trial. Because we got notice
18 that his case would be up for trial during the
19 next term. So I met with him quite a few times to
20 prepare.

21 Q Did he indicate to you that he wanted to
22 go trial; that he didn't want to take the plea?

23 A At that point, we didn't have an offer.
24 And he didn't indicate that he wanted to plead,
25 so we were preparing for trial.

Tiffany Butler-direct by Brooks

1 Q Now who was the prosecutor in the case?

2 A Jason Corbett.

3 Q When Jason -- do you recall in relation to
4 the plea, when Jason had relayed this offer to
5 you?

6 A We actually picked a jury. This was late
7 morning, and we broke for lunch. And we were
8 going to start the trial after lunch. And after
9 we broke, Mr. Corbett approached myself and
10 Mr. Murphy who was representing the co-defendant,
11 about an offer. He said that he had talked to the
12 victim and had run it by law enforcement. And
13 that is the offer that he was able to make us.

14 Q And that was for 15.

15 A The 15 years to run concurrent, and to
16 dismiss the attempted murder.

17 Q Did Mr. Goodman tell you that he would
18 take 11 years?

19 A I did go back and give him the offer. And
20 I remember him asking me if he can get 11 or 12.
21 I said I wasn't sure if I could do it, but I would
22 ask the solicitor. And I did go back to
23 Mr. Corbett and ask for the 11 to 12, I can't
24 which remember one. And he said he, no. He
25 stood firm with the 15. And so I told Mr. Goodman

Tiffany Butler-Cross by Gourley

1 we couldn't get any lower.

2 MR. BROOKS: I beg the court's indulgence,
3 Your Honor.

4 THE COURT: Okay.

5 MR. BROOKS: No other questions, Judge.

6 THE COURT: Cross?

7 Cross Examination by Mr. Gourley:

8 Q Ms. Butler, how many times did you meet
9 with Mr. Goodman prior to his plea?

10 A Probably three or four times.

11 Q Did you file your Rule 5 or Brady motions?

12 A I did.

13 Q Did you review that with him?

14 A I did review it with him.

15 Q Did you all discuss his version of the
16 facts?

17 A We did.

18 Q Did you all discuss any possible defenses?

19 A We did. I laid out the evidence that the
20 State had at the time, and what they would try to
21 prove. And, you know, the strength of their
22 evidence versus his version of the facts. We
23 discussed all of that.

24 Q Okay. And did he ever give you any leads
25 of witnesses to investigate?

Tiffany Butler-Cross by Gourley

1 A He gave me the name of one person. So
2 that was correct. The name he gave, Quinton
3 Singleton. But I did not contact him because I
4 did not feel as though he would help any sort of
5 defense that we had.

6 Q And what was your defense?

7 A We didn't have much of a defense. I would
8 say that the evidence was pretty overwhelming. My
9 plan was just to poke holes into the
10 investigation. For example, you know, the time
11 when, you know, law enforcement was called. And I
12 don't think an actual weapon was located. That
13 was my plan to poke holes in the investigation.

14 Q Did you review the applicant's
15 constitutional rights with him?

16 A I did.

17 Q And again you entered plea negotiations on
18 his behalf?

19 A I did.

20 Q Whose decision was it to plead guilty?

21 A He decided to plead guilty.

22 Q By Mr. Gourley)Your Honor, that's all the
23 questions I have.

24 THE COURT: Mr. Brooks.

25 Redirect Examination by Mr. Brooks:

Tiffany Butler-redirect by Brooks

1 Q Did he give you the name of Quinton
2 Singleton?

3 A He did give me that name. I reviewed my
4 notes prior to this hearing, and I did write that
5 name down.

6 Q But you never followed up to try to
7 contact Mr. Singleton.

8 A I did not.

9 MR. BROOKS: No other questions, Judge.

10 THE COURT: You can step down. Thank you,
11 ma'am. Additional witness Mr. Brooks?

12 MR. BROOKS: That's the applicant's case,
13 Judge.

14 THE COURT: Any witnesses from the State?

15 MR. GOURLEY: No, Your Honor.

16 THE COURT: Mr. Brooks, any closing
17 comments?

18 MR. BROOKS: Judge, we would just
19 respectfully in light of my client's testimony, we
20 would ask the court to grant his post conviction
21 relief and grant him a new trial.

22 THE COURT: Anything from the State?

23 MR. GOURLEY: No, Your Honor.

24 THE COURT: Mr. Goodman, what I am going
25 to review the material that has been presented.

1 You've got quite a bit up here. I will be issuing
2 an order, doing one of two things. I will either
3 grant your application or I will deny it. If I
4 grant it, you will back in front of the court at
5 some later date on all of these charges. Of
6 course, facing the maximum penalties that are in
7 place for those, or I will deny it. Whatever the
8 order is, your lawyer will educate you on the
9 time to appeal and time to make motions and so
10 forth. But you will get a copy of that, and you
11 will have the opportunity to get Mr. Brooks'
12 advice as to what can be done if you don't like
13 any portion of it. Do you understand all that?

14 THE APPLICANT: Yes, sir.

15 THE COURT: Thank you. We are concluded
16 with this hearing.

17 ---End of Requested Transcript of Record--

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third 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 on February 26th 2014, in the Common Pleas/Nonjury Court in Sumter County, Sumter, South Carolina.

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

9.4.14
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/2021

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER) FOR THE THIRD JUDICIAL CIRCUIT

RECORDED
2014 JUN 16 AM 11:26

Terrance Goodman, #351723)
Applicant,)
JAMES C. CAMPBELL)
CLERK OF COURT)
SUMTER COUNTY, S.C.)

Case No. 2012-CP-43-2186

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Henry H. Hunt
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

v.)

ORDER OF DISMISSAL

State of South Carolina,)
Respondent.)

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on November 9, 2012. Respondent made its return on March 22, 2103. An evidentiary hearing into the matter was convened on February 26, 2014, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

PROCEDURAL HISTORY

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. Applicant was true bill indicted during the January 2012 term of the Sumter County Grand Jury under a four count indictment (2012-GS-43-0217) for Discharging a Firearm into Occupied Conveyance, Armed Robbery, Attempted Armed Robbery, and Attempted Murder. Applicant was represented by Tiffany Butler, Esquire. On July 23, 2012, the Applicant pled guilty pursuant to Alford¹ to Discharging a Firearm into an Occupied Automobile, Armed Robbery, and Attempted Armed Robbery before the Honorable R. Ferrell Cothran, Jr. Judge

¹ 91 S.Ct. 160, 400 U.S. 25 (2000)

testimony from plea counsel, Tiffany Butler, Esquire (Counsel). This Court also had before it a

Cothran sentenced Applicant to a negotiated sentence of ten years imprisonment for Discharging a Firearm into an Occupied Automobile, fifteen years imprisonment for Armed Robbery, and fifteen years for Attempted Armed Robbery with the sentences to be served concurrently. The remaining charge was *nolle prossed* pursuant to the plea. Applicant did not appeal his guilty plea or sentence.

ALLEGATIONS

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

1. Ineffective Assistance of Counsel;
 - a. "I never received all evidence against me in my motion of discovery from the state."
 - b. "Victim Cory Jones gave false allegation to law enforcement."
 - c. "I was assigned [sic] a new public defender witch [sic] she misrepresented me."
 - d. "I never received none of the statements from the victims neither the witnesses."
 - e. "In my motion for discovery it states that witnesses also victims wrote statements that I didn't receive."
 - f. "Phone records for victim Corey Jones cell phone that was recovered and support the fact that Cory Jones did in fact speak with these defendants before this incident took place."
 - g. "Public Defender David Sullivan was assigned [sic] as my Public Defender until he was fired. I was then assigned [sic] Tiffany Butler witch [sic] she didn't know much about my case at the time before I went to Court for trial [sic]. We went over small details about my case. At the time I was sentenced I feel as if my Public Defender misrepresented I, Terrance Goodman."

At the PCR hearing, Applicant proceeded on only the allegation that his plea was involuntary.

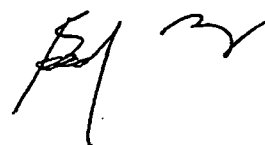
SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from plea counsel, Tiffany Butler, Esquire (Counsel). This Court also had before it a

copy of plea transcript, the Sumter County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

During the evidentiary, Applicant testified that he understood the PCR process and was asking the Court to grant him a new trial. Applicant stated that he has a tenth grade education. Applicant stated at the time of his plea he was young, scared, and did not fully understand what he was doing. Applicant stated he asked Counsel for a plea deal of eleven years, but Counsel could not get the Assistant Solicitor to agree. Applicant stated that he did not understand the plea process and only pled guilty because he was scared he would receive significantly more time if he went to trial. Applicant further alleged that Counsel coerced him into pleading guilty but could not recall what she said. Applicant stated that he met with Counsel twice prior to entering his guilty plea. Applicant stated he did not review any discovery material with Counsel prior to his plea. Applicant stated that he discussed various defenses with Counsel. Applicant stated he gave Counsel various witnesses to investigate. Applicant recalled telling the plea judge that he was satisfied with Counsel's services. Applicant recalled telling the plea judge that no one had promised or threatened him in an effort to get him to plead guilty. Applicant stated that he pled guilty under North Carolina v. Alford, 91 S.Ct. 160, 400 U.S. 25 (2000). Applicant stated as part of his plea negotiations that the State *nolle prossed* an Attempted Murder charge and asked the plea court to run the sentences concurrently. Applicant stated that he entered the Alford plea to avoid a harsher sentence.

Following Applicant's testimony, Tiffany Butler (Counsel), Esquire was called to testify by the State. Counsel stated she was appointed to represent Applicant and met with him three or four times prior to his Alford plea. Counsel stated she filed both Brady and Rule 5 motions. Counsel stated she reviewed all discovery material with Applicant prior to his Alford plea.



Counsel stated she discussed Applicant's right to a trial and they had selected a jury prior to Assistant Solicitor, Jason Corbett, Esquire, making a plea offer of fifteen years with all sentences running concurrently. Counsel stated Applicant originally wanted eleven or twelve years, but ultimately chose to accept the fifteen year plea offer.

Counsel stated she discussed Applicant's version of facts and any possible defenses. Specifically, Counsel stated if Applicant had elected to proceed to trial she was going to attempt to "poke holes" in the State's evidence. However, Counsel testified that the State had "overwhelming" evidence against Applicant. Counsel stated the Victim had positively identified Applicant and the Victim's cell phone was found on the ground ^{beside (DP)} by Applicant when he was arrested. Counsel further stated that there were three individuals involved in the crime. Counsel stated there were shots fired into the Victim's car. Counsel stated Applicant requested that she interview Mr. Quinton Singleton, as a potential witness, but she was not able to contact him. Counsel stated she reviewed Applicant's constitutional rights.

INVOLUNTARY GUILTY PLEA

The voluntariness of a guilty plea is determined in light of the entire record before the court. Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012) (citing Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000)). "To knowingly and voluntarily enter a plea of guilty, all that is required is that a defendant have a full understanding of the consequences of his plea and of the charges against him." Simpson v. State, 317 S.C. 506, 508, 455 S.E.2d 175, 176 (1995) (citing Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991)). Furthermore, a defendant must only be informed of the privilege against self-incrimination, the right to a jury trial, and the right to confront one's accusers. Roddy, 339 S.C. at 33, 528 S.E.2d at 421 (citing Boykin v. Alabama, 395 U.S. 238 (1969)). "When attempting to determine the voluntary and intelligent nature of a

plea, the plea colloquy ordinarily serves as confirmation that a criminal defendant is waiving the right to raise certain constitutional claims by pleading guilty." Hyman, 397 S.C. at 44, 723 S.E.2d at 379 (citing Rivers v. Strickland, 264 S.C. 121, 213 S.E.2d 97, 98 (1975)). However, the plea judge need not provide an "enumeration of specific rights waived ... where the record otherwise reveals affirmative awareness of the consequences of a guilty plea." State v. Lambert, 266 S.C. 574, 579, 225 S.E.2d 340, 342 (1976) (citing Stinson v. Turner, 473 F.2d 913 (10th Cir. 1973)). Furthermore, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. at 137-38, 654 S.E.2d at 874 (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). Pleading guilty to avoid a possibly greater sentence, without more, does not render a guilty plea involuntary. Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463, 25 L.Ed. 2d 747 (1970); Wicker v. State, 310 S.C. 8, 12, 425 S.E.2d 25, 27 (1992).

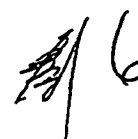
The Court finds Applicant failed to demonstrate his plea was not knowingly and voluntarily entered. This Court further finds Counsel's testimony to be credible and Applicant's testimony not credible. During the evidentiary hearing, Applicant testified that his guilty plea was involuntary because he was young at the time of the plea, did not know what he was doing, could not read or write, and could not comprehend anything. Applicant further testified that Counsel "did not know what she was doing." Applicant stated that he met with Counsel twice prior to his plea. Applicant stated that he could not read or write, could not recall any defenses he discussed with Counsel, and that the told the plea judge he was satisfied with her services

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because he did not understand what he was doing. Applicant further claimed that Counsel talked him into pleading guilty or scared him into pleading guilty. Applicant could not recall what Counsel said or did to coerce Applicant into pleading guilty. Applicant stated that he accepted the fifteen year offer due to Counsel's failure to obtain an eleven year plea offer per his request. Applicant further admitted to pleading guilty to avoid a harsher sentence.

Counsel stated she was appointed to represent Applicant and met with him three or four times before his Alford plea. Counsel stated she filed both a Brady and Rule 5 motion. Counsel stated she reviewed all discovery material with Applicant prior to his Alford plea. Counsel stated she discussed Applicant's right to a trial and had selected a jury prior to Assistant Solicitor, Jason Corbett, Esquire, making a plea offer of fifteen years with all sentences running concurrently. Counsel stated Applicant originally wanted eleven or twelve years, but ultimately chose to accept the plea offer.

In Counsel's testimony at the evidentiary hearing, Counsel stated she discussed Applicant's version of facts and any possible defenses. Specifically, Counsel stated if Applicant had elected to proceed to trial she was going to attempt to "poke holes" in the State's evidence. However, Counsel testified that the State had "overwhelming" evidence against Applicant. Specifically, Counsel stated the Victim had positively identified Applicant and the Victim's cell phone was found on the ground by Applicant when he was arrested. Counsel further stated there were three individuals involved in the crime. Counsel stated there were several shots fired into the Victim's car. Counsel stated Applicant requested that she interview Mr. Quinton Singleton, as a potential witness, but she was not able to contact him. Counsel stated she reviewed Applicant's constitutional rights. Counsel stated initially Applicant wanted to proceed to trial, there was no plea offer, and she began to prepare for trial. During a recess for lunch the day of



the trial, Assistant Solicitor Corbett contacted Counsel and offered a fifteen year negotiated sentence should the defendant plead guilty. Counsel stated she relayed the plea offer, and Applicant ultimately chose to accept the plea offer.

This Court finds Applicant has failed to demonstrate that his plea was not freely and voluntarily entered. As the record reveals, the Applicant's plea was given freely, voluntarily, and intelligently entered. This Court notes that nothing in the record reveals that Applicant did not understand what he was doing, or that he was dissatisfied with Counsel, or that he was pressured into pleading guilty. Applicant admitted that he was willing to accept an eleven year plea offer; it does not stand to reason that he was competent enough to contemplate and demand an eleven year deal but that he was unable to understand and competently accept a fifteen year deal. Applicant simply did not get the deal that he wanted and his testimony that he was forced into pleading guilty is not credible in the least. Accordingly, this Court finds Applicant's plea was knowingly and voluntarily entered. Therefore, this allegation should be denied and dismissed with prejudice.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present sufficient evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

CONCLUSION

Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Plea counsel rendered effective assistance and Applicant's plea was knowingly and voluntarily

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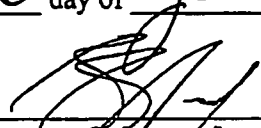
entered. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

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


IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 6 day of June, 2014.



 GEORGE C. JAMES, JR.
 Presiding Judge
 Third Judicial Circuit


 _____, South Carolina