

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Clarendon County  
William Jeffrey Young, Presiding PCR Judge  
R. Ferrell Cothran, Presiding Trial Judge

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**RECEIVED**

MAR - 4 2015

**Leon A. Goodman, Petitioner,**

**S.C. Supreme Court**

v.

**State of South Carolina, Respondent,**

**Appellate Case No. 2012-213366  
Lower Court Case No. 2010-CP-14-00705**

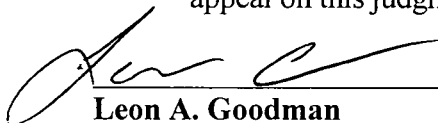
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**AFFIDAVIT IN SUPPORT OF MOTION TO  
WITHDRAW BELATED DIRECT APPEAL**

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PERSONALLY appeared before me, **Leon A. Goodman #321501**, who being duly sworn, deposes and says:

1. I am aware that by Order dated September 24, 2014, the Supreme Court of South Carolina has granted me a belated direct appeal from my conviction and sentence on Indictment No. 2009-GS-14-0190 for Possession with Intent to Distribute Crack Cocaine;
2. I am further aware that Tara Dawn Shurling, Esquire, has been appointed by the Supreme Court of South Carolina to perfect a direct appeal on my behalf. I am aware that Attorney Shurling has over thirty-five (35) years experience representing clients in criminal appellate matters. She has expressly advised me that she has been appointed for the belated direct appeal granted by the Supreme Court of South Carolina and that she would not be my court-appointed attorney in the event I were to win a new trial on appeal;
3. I have recently been granted parole on this judgment and sentence;
4. I am aware that if I withdraw my direct appeal I *will not* be able to pursue the issues that could have been raised in this belated direct appeal at a later time. It has been fully explained to me that once an order is issued permitting me to withdraw this belated direct appeal, I will not be able to request a direct appeal on this judgment and sentence at some later date;

  
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**Leon A. Goodman**

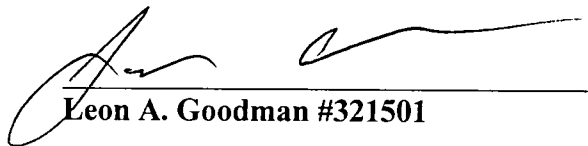
  
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**Notary Public for S.C.**

5. Attorney Shurling has fully advised me that should I regret this decision at some later date, and wish to appeal this judgment and sentence, ***I will not be able to do so.*** Specifically, Attorney Shurling has informed me that barring some exceptionally rare circumstance, such as the discovery of after discovered evidence, I will not be able to obtain another direct appeal of my judgment and sentence at some future date. Attorney Shurling has further advised me that a claim of after discovered evidence would require that I demonstrate that the evidence in question existed at the time of my original trial and further, that it could not have been discovered by either me or my attorney through the exercise of due diligence;
6. Attorney Shurling has expressly advised me that if I violate my parole in the future, that violation would not provide a legal basis to have this belated appeal restored or to seek the grant of a new one. She has further advised me that such an occurrence would not result in my ability to have another Application for Post-Conviction Relief reviewed on its merits;
7. Attorney Shurling has advised me that my charge carried a minimum sentence of fifteen (15) years incarceration and a maximum of thirty (30) years. She has further advised me that if I were to win a new trial on direct appeal and were subsequently convicted on that same charge, there exists a possibility that I could receive a harsher sentence than the twenty (20) year sentence imposed following my original trial and conviction. Attorney Shurling *did not* tell me I *would* get more time if I were convicted again on this charge, but rather, she advised me that such an outcome was possible under South Carolina law. Attorney Shurling advised me that if a new trial were held in front of my original trial judge and I were once again convicted, that judge could not give me a harsher sentence without articulating a reason for the enhancement of my punishment that was clearly not related to my success on appeal. She further advised me, however, that if my case were retried before a different circuit court judge, that judge would be bound only by the statutory sentencing authority for my offense. Additionally, I have considered the fact that I already had three prior judgments for possession of cocaine base prior to this judgment and sentence and therefore, even the successful removal of this judgment and sentence from my record would not leave me with a record free of felony convictions. Likewise, I have been advised by Attorney Shurling that any subsequent drug convictions I might receive would be considered third or subsequent convictions even if I were able to have my current judgment and sentence overturned and were not reconvicted inasmuch as I already had prior drug convictions dating from 1999, 2004 and 2007 on my record at the time of my adjudication on this present charge;


  
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Leon A. Goodman

  
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Notary Public for S.C.

8. As noted above, I have recently been granted the privilege of parole. Attorney Shurling has expressly advised me that if I were convicted on this charge on retrial *there is no guarantee that I would make parole again when eligible for consideration for parole;*
9. I have most recently been confined at the Sumter-Lee County Detention Center while serving my sentence in the technical custody of the South Carolina Department of Corrections. I have been advised by SCDC and the South Carolina Department of Pardon, Probation and Parole Services that I will soon be moved to a SCDC facility for ATU treatment during the last months of my detention before I am released on parole. I may in fact have been moved to SCDC at the time of the execution of this affidavit. I have been advised by Attorney Shurling that if I were convicted on retrial following a successful belated direct appeal, *there is no guarantee that I would be able to obtain a custody assignment to the Sumter-Lee County Detention Center again;*
10. Nothing has been said or done to coerce my decision in any way. I have made the decision to withdraw my belated direct appeal freely and voluntarily with the benefit of counsel with whom I am well pleased. Attorney Shurling has answered all my questions concerning this decision and has afforded me an opportunity to ask any additional questions I might have before executing this affidavit. She has assured me that she has been working on my Brief of Petitioner and that she was in fact nearly ready to file the same before I advised her that I had made parole and wanted to discuss the wisdom of withdrawing my belated direct appeal in light of this development in my case;
11. I am grateful to the Supreme Court for affording me the opportunity for a belated direct appeal and I have given this decision extremely careful consideration. I wish to withdraw my belated direct appeal and respectfully request that I be permitted to do so.

  
Leon A. Goodman #321501

SWORN TO BEFORE me this 27<sup>th</sup> day  
of February, 2015.

  
Notary Public for South Carolina (L.S.)

My Commission Expires: 17 February 2020

**Please sign pages 1 and 2 of this affidavit as well as this signature page.**