STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
Honorable W. Jeffrey Young, Circuit Court Judge

Appellate Case No: 2011-193927

THE STATE,

Respondent,

v.

DEMETRIUS GOODWIN,

Appellant.

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General
S.C. Bar No: 79818

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

The trial court properly denied Appellant's motion for a directed verdict because sufficient evidence was presented establishing Appellant acted with extreme indifference, thereby satisfying that element of homicide by child abuse.

STATEMENT OF THE CASE

A Richland County Grand Jury indicted Appellant for homicide by child abuse. (R.* Indictment.) On March 13-18, 2011, Appellant proceeded to trial before a jury. Kris Hines, Tracy Pinnock, and Nicole Singletary represented Appellant, and Kathryn Luck Campbell, Joanna McDuffie, and Carter Potts represented the State. The jury found Appellant guilty, and the Honorable W. Jeffrey Young sentenced Appellant to twenty-five years' imprisonment. (Tr. 814, 830.) Appellant filed a motion for a new trial and a motion to reconsider the sentence. The trial court held a hearing on May 9, 2011, and Judge Young issued an order denying the motions on June 13, 2011.

On June 14, 2011, Appellant filed a Notice of Appeal.

STATEMENT OF FACTS

On February 6, 2009, Appellant asked his cousin to take him and his 23-month-old daughter (Victim) to the hospital because she was not breathing. (Tr. 165 lines 3-9; Tr. 184 lines 2-11; Tr. 206 lines 3-11.) A team of medical professionals attempted to revive Victim, but she was pronounced dead after approximately thirty minutes of unsuccessful resuscitation measures. (Tr. 167 lines 7-13; Tr. 173 lines 12-14.) Dr. Bradley Marcus performed an autopsy and ruled the death a homicide based on some unexplained rib fractures. (Tr. 424 lines 1-5.) Dr. Matthew Marcus, a radiologist, confirmed the rib fractures with x-rays and determined squeezing could have caused the fractures. (Tr. 504 lines 1-2; Tr. 508 lines 1-13.) He further determined that CPR could not have caused the fractures because one of them was posterior and with CPR injuries, only anterior rib fractures would occur. (Tr. 507 lines 4-7; Tr. 510 lines 23-25; Tr. 511 lines 1-8.)

On February 7, 2009, Investigators Joshua Mauldin and John Baker, of the Richland County Sheriff's Department, contacted Appellant and Shayla Matthews, Victim's mother. (Tr. 270 lines 19-24.) Investigator Mauldin interviewed Appellant, who gave a statement. (Tr. 271 lines 15-16; Tr. 272 lines 18-23.) In the statement, Appellant reported that on February 5, 2009, he heard Victim and his cousin's children playing on the stairs at his cousin's house, heard a thud, and saw Victim lying flat at the bottom of the stairs.[1] (Tr. 275 lines 2-10.) He explained that she cried and then got back up and was jumping, playing, and laughing. (Tr. 275 lines 20-24.) When they got home,

[1] In order to ascertain what happened, investigators obtained the services of the Assessment Resource Center to attempt to interview the four-year-old child who was playing with Victim when the fall would have happened, but he was unable to respond to questioning. (Tr. 316 lines 19-21; Tr. 318 lines 7-20.)

Appellant reported Victim vomited twice. (Tr. 276 lines 16-17.) He also told Investigator Mauldin he noticed marks on Victim's forehead and chest when he bathed her that night and a mark on her back the next day. (Tr. 277 lines 9-12.) Appellant then explained he woke up at 11:45 am on February 6, 2009, and heard Victim wheezing. (Tr. 277 lines 20-21.) He explained in his statement:

> I went to go pick her up. She gave a small cry and looked like she was hurting. Her body seemed limp. I put her on the bed in her mother's room. I saw that her breathing was getting slower. I tried to do some CPR. We don't have a phone in the house and I don't have a cell phone. When I was doing CPR I noticed green mucus coming out of her nose. When I was doing mouth to mouth, I saw a yellowish substance on her mouth. I turned her on her side so it could run out. I ran outside to go to my cousin's house. I saw him outside. I told him that something was wrong with [Victim] and that he needed to call 911. I ran back in to the house and saw that she had gotten worse. I came back outside and called my cousin to the house. He came over and tried to wake her by calling her name. We decided that it would take too long for an ambulance to get here so we got in his car, drove to the hospital.

(Tr. 277 lines 22-25; Tr. 278 lines 1-13.) When asked to describe Victim's condition on the way to the hospital, Appellant said she was lifeless and he knew she was gone. (Tr. 279 lines 1-4.)

On April 2, 2009, the coroner's office, the solicitor's office, and the sheriff's office held a meeting. (Tr. 221 lines 8-25; Tr. 235 lines 18-23.) At the meeting, Dr. Bradley Marcus went over his findings, pointing out they were in line with an asphyxiation death, not a fall. (Tr. 222 lines 3-19.) As a result of the meeting, Investigator Robert Martin determined it was necessary to re-interview Appellant. (Tr. 320 lines 7-15.) After attempting to contact Appellant at his home on two occasions, Investigator Martin left a phone message with Shayla Matthews. (Tr. 321 lines 4-24.)

On April 13, 2009, Appellant went to the sheriff's department. (Tr. 323 lines 2-4.) He gave a statement after he was advised of his rights. (Tr. 324 lines 20-25; Tr. 326 lines 14-16.) In the statement, Appellant claimed to hear Victim wheezing when he woke up on February 6, 2009. (Tr. 331 lines 21-22.) He explained he ran to her, saw she was not responding, picked her up, held her tight, and put her on the bed and ran to his cousin's home. (Tr. 331 lines 22-25.) Appellant reported he went back to his home and started CPR. (Tr. 332 lines 1-2.) When asked by the investigator if he hugged Victim tightly to hurt her on purpose, Appellant explained, "I picked her up and she cried a little. She didn't hug me back like she normally does. I hugged her really tight. It got worse after I hugged her. I didn't do it on purpose. I swear that I didn't mean it." (Tr. 332 lines 5-13.) Next, Investigator Martin asked if the hug knocked the air out of her. (Tr. 332 lines 14-15.) Appellant answered, "Yeah. She started making a hiccupping sound like she couldn't breathe. That's when I laid her down to get Terrell."[2] (Tr. 332 lines 16-18.) When asked if he thought he could have squeezed Victim hard enough to break her ribs, Appellant replied, "Yes, I was so scared." (Tr. 333 lines 13-15.) Appellant also admitted in his statement to Investigator Martin that the day before she died he grabbed Victim's face for swearing and spanked her legs for spitting on people. (Tr. 332 lines 19-23; Tr. 333 lines 24-25.) When Investigator Martin asked Appellant why he did not mention hugging Victim when Investigator Mauldin interviewed him the day of the incident, Appellant stated, "I didn't want anyone to think that I had killed her." (Tr. 332 lines 24-25; Tr. 333 line 1.)

[2] Terrell seems to be a nickname for Marquis Carter, Appellant's cousin who drove Victim and Appellant to the hospital. Additionally, although Appellant refers to him as his cousin, Carter's testimony is he only knew Appellant about a year. (Tr. 204 lines 2-3.)

Victim's family soon after requested a meeting with the coroner, and it was held on April 15, 2009. (Tr. 224 lines 2-15.) During that meeting, the family was told the death was not caused by a fall but by some type of asphyxiation or squeezing. (Tr. 225 lines 10-20.) After the explanation, Appellant asked to speak to Coroner Gary Watts alone. (Tr. 226 lines 11-12.) Appellant told Watts he realized that when he squeezed his daughter in a hug for a minute or two, he had killed her. (Tr. 227 lines 2-4.) Coroner Watts told Appellant to explain what had happened to Investigator Martin. (Tr. 228 lines 15-19.) Appellant gave another statement to Investigator Martin, which stated in part:

> Question: When you hugged [Victim] very hard, did that cause her death?
>
> Answer: Yes, but it was unintentional—I'm sorry. But it wasn't intentional. I was scared at the time and I didn't have a ride or a way to make contact. I just wanted to hug her for comfort.

(Tr. 343 lines 21-25; Tr. 344 line 1.) Appellant estimated the hug lasted two minutes. (Tr. 344 lines 21-24.) Subsequently, Appellant was charged with homicide by child abuse. (R.* Indictment.)

At trial, Dr. Mark Phillip Mercier testified Victim was basically lifeless when she was brought to the hospital with no breathing, no spontaneous respirations, and non-reactive pupils. (Tr. 165 lines 17-21.) Dr. Mercier further testified that once a person has died, her pupils no longer respond to light. (Tr. 165 lines 24-25.) Dr. Mercier explained that Victim never showed signs of life. (Tr. 170 lines 4-6.)

Zemulous Dozier, an investigator with the Richland County Coroner's Office, testified Appellant told him Victim fell down some stairs on February 5, 2009, and she vomited and had loose bowels that day. (Tr. 139 lines 4-23.) The following day, the morning of February 6, Appellant reported Victim was wheezing and green matter

flowed from her nose. (Tr. 140 lines 7-15.) Dozier testified Appellant told him at that point he called 911 but cancelled the call and went to his cousin's house for help instead. (Tr. 140 lines 16-20.) Dozier attempted to confirm the 911 call and discovered no record of the call existed. (Tr. 140 lines 21-25; Tr. 141 lines 1-3.)

Dr. Bradley Marcus, the pathologist who performed the autopsy, testified he ruled the death a homicide based on some unexplained rib fractures he found. (Tr. 424 lines 1-5.) He determined the death was caused by asphyxia due to chest compression from squeezing and testified it would take approximately one to one and a half minutes to compress a child's chest so that she could no longer breathe. (Tr. 430 lines 19-22; Tr. 431 lines 1-5.) He further testified it takes an extremely large amount of force to cause compression asphyxia. (Tr. 429 lines 23-25; Tr. 430 line 1.) Additionally, he testified the death could not have been caused by Victim's alleged fall down the stairs the day before her death and that he could not even say the fall happened because the injuries on Victim were inconsistent with that type of fall. (Tr. 431 lines 22-25; Tr. 432 lines 6-25.)

Dr. Matthew Marcus, the radiologist, testified he confirmed the rib fractures with x-rays and determined squeezing could have caused the fractures. (Tr. 504 lines 1-2; Tr. 508 lines 1-13.) He further testified that CPR could not have caused the fractures because one of them was posterior and with CPR injuries, only anterior rib fractures would occur. (Tr. 507 lines 4-7; Tr. 510 lines 23-25; Tr. 511 lines 1-8.) After examining the brain and the histological slides, Dr. Jacob Vandersteenhoven, a pathologist, testified no disease was present in the brain or eyes and no signs of cerebral edema existed. (Tr. 523 lines 14-15; Tr. 525 lines 2-8; Tr. 525 lines 9-20; Tr. 536 lines 12-14.) Dr. Vandersteenhoven agreed that asphyxia was the cause of death. (Tr. 537 lines 15-17.)

Marquis Carter, Appellant's cousin, testified that when he got back from the store on February 5, 2009, Appellant told him Victim had fallen down the stairs. (Tr. 205 lines 7-10.) According to Carter, Victim was not crying and seemed to be playing normally with his children. (Tr. 205 lines 15-20.)

After the State rested, Appellant moved for a directed verdict, first arguing the State had not met the element of homicide by child abuse that requires a showing that the death occurred under circumstances manifesting an extreme indifference to human life. (Tr. 543 lines 1-6.) Appellant argued under State v. Jarrell[3] that extreme indifference is the mental state akin to intent characterized by a deliberate act culminating in death and that the testimony had not met that element. (Tr. 543 lines 7-18.) The State argued the testimony showed Appellant picked up Victim and squeezed her hard for one to two minutes, admittedly hard enough to crack her ribs, and that testimony was sufficient to submit the case to the jury. (Tr. 544 lines 4-12.) Secondly, Appellant argued the State's case was based solely on circumstantial evidence. (Tr. 545 lines 4-7.) The trial court denied the motion on both bases. (Tr. 544 lines 24-25; Tr. 547 lines 4-7.) As to the first argument, the trial court found that, based on the evidence presented on the fractures and the statement as to what caused the fractures, the jury would be able to consider that to be a deliberate act that would be indifferent or reckless to human life. (Tr. 544 lines 18-22.)

Appellant called Dr. Stan Kessler to testify that, based on his review of the autopsy and slides, Victim died of Waterhouse-Friderichsen Syndrome. (Tr. 571 lines 14-15; Tr. 576 lines 12-13; Tr. 606 lines 10-16; Tr. 641 line 25; Tr. 642 lines 1-5.)

In reply, the State called Dr. Olga Rosa, who testified Victim did not die of Waterhouse-Friderichsen Syndrome based on her review of the autopsy, Victim's

[3] 350 S.C. 90, 564 S.E.2d 362 (Ct. App. 2002).

medical records, and the statements pertaining to Victim's condition before her death. (Tr. 671 lines 1-15; Tr. 687 lines 13-15.) Dr. Rosa opined that had Victim actually had the disease, she would have shown signs of fever, lethargy, and purple marks on her skin. (Tr. 674 lines 1-13; Tr. 677 lines 17-21.) Dr. Rosa pointed out children with this disease deteriorate over a period of time and would not be playing one morning and then die later the same day. (Tr. 675 lines 12-17.)

At the end of all the evidence, Appellant renewed his motion for a directed verdict, and the trial court denied it. (Tr. 732 lines 19-25; Tr. 733 lines 4-5.) After the jury began deliberating, it asked the trial court to explain extreme indifference to human life, and the trial court re-instructed the jury on that section of the jury charges. (Tr. 809 lines 13-17; Tr. 810 21-25; Tr. 811 lines 1-25; Tr. 812 lines 1-7.) Ultimately, the jury found Appellant guilty, and the trial court sentenced him to twenty-five years' imprisonment. (Tr. 814 lines 14-20; Tr. 830 lines 1-2.)

Appellant filed a motion for a new trial and a motion to reconsider the sentence. The trial court held a hearing on both motions on May 9, 2011. Among other things, Appellant argued he should be entitled to a new trial because the trial court denied his motion for a directed verdict. (Hearing Tr. 14 lines 18-22.) Specifically, he argued the State did not show the element of extreme indifference. (Hearing Tr. 15 lines 20-25.) He also pointed out that because the jury asked to hear the law on extreme indifference again, it must have been confused about that element of the law. (Hearing Tr. 15 lines 2-6.) The trial court took the matter under advisement and denied the motions in an order dated June 13, 2011.

ARGUMENT

The trial court properly denied Appellant's motion for a directed verdict because sufficient evidence was presented establishing Appellant acted with extreme indifference, thereby satisfying that element of homicide by child abuse.

Appellant argues the trial court erred in denying the motion for a directed verdict because there was insufficient evidence he showed extreme indifference to human life. However, the evidence shows Appellant squeezed Victim in a hard hug for approximately two minutes, thereby asphyxiating her and causing her death. This evidence was sufficient to demonstrate extreme indifference, and the trial court correctly denied the motion for a directed verdict.

In reviewing the denial of a motion for a directed verdict, an appellate court must view the evidence in the light most favorable to the State, and if there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, it must find the case was properly submitted to the jury. State v. Kelsey, 331 S.C. 50, 502 S.E.2d 63, 69 (1998). In ruling on a directed verdict motion, the trial court is concerned with the existence of evidence, not its weight. Id. If the State presents any evidence which reasonably tends to prove the defendant's guilt or from which his guilt could be fairly and logically deduced, the trial court must send the case to the jury. State v. McKnight, 352 S.C. 635, 576 S.E.2d 168, 173 (2003); State v. Jarrell, 350 S.C. 90, 564 S.E.2d 362, 366 (Ct. App. 2002). The appellate court may reverse the trial court's denial of a motion for a directed verdict only if there is **no** evidence to support the trial court's ruling. State v. Lindsey, 355 S.C. 15, 583 S.E.2d 740, 742 (2003) (emphasis added).

Here, the State charged Appellant with homicide by child abuse. A person is guilty of homicide by child abuse if the person "causes the death of a child under the age of eleven while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life . . . ." S.C. Code Ann. §16-3-85(A)(1) (2003). "For purposes of the [homicide by child abuse] statute, 'extreme indifference' has been defined as 'a mental state akin to intent characterized by a deliberate act culminating in death.'" McKnight v. State, 378 S.C. 33, 48, 661 S.E.2d 354, 361 (2008) (quoting Jarrell, 350 S.C. at 98, 564 S.E.2d at 367). Our courts have equated it more to the reckless disregard of reckless homicide cases. William Shepard McAninch et al., The Criminal Law of South Carolina 96 (5th ed. 2007). Recklessness is:

> something more than mere negligence or carelessness which indicates inadvertence, which is the failure to exercise due care, sometimes called ordinary care, which means such care as a person of ordinary reason and prudence would exercise under the same circumstances. Recklessness denotes a conscious failure to exercise due care or ordinary care or a conscious indifference to the rights and safety of others or a reckless disregard thereof.

McAninch et al., *supra* at 196 (quoting State v. Tucker, 273 S.C. 736, 739, 259 S.E.2d 414, 415 (1979)). See also Jarrell, 350 S.C. at 98, 564 S.E. 2d at 367 ("In this state, indifference in the context of criminal statutes has been compared to the conscious act of disregarding a risk which a person's conduct has created, or a failure to exercise ordinary or due care.").

Appellant argues the State did not prove intent because he said he did not mean to kill Victim. However, this is not what is required under South Carolina's recognized definition of extreme indifference. If the legislature had wanted to require that type of

intent, it could have written the statute more like the murder statute, which requires malice aforethought. "'Murder' is the killing of any person with malice aforethought, either express or implied." S.C. Code Ann. § 16-3-10 (2003). "Malice is the wrongful intent to injure another and indicates a wicked or depraved spirit intent on doing wrong. It is the doing of a wrongful act intentionally and without just cause or excuse." Tate v. State, 351 S.C. 418, 426, 570 S.E.2d 522, 527 (2002). In its section regarding the homicide by child abuse statute, South Carolina Jurisprudence specifically states, "Proof of malice aforethought is not required." 23 S.C. Jur. Homicide § 29 (1994). Appellant confuses the intent required for extreme indifference and the intent required for malice. Extreme indifference only requires the actor has the intent to do a deliberate act, and that act culminates in death. Nothing in the definition of extreme indifference indicates the act itself must be wrongful or done with the intent to cause harm. On the other hand, malice requires the actor to have wrongful intent to injure another. Thus, in this case of homicide by child abuse, Appellant's admission that he deliberately picked up Victim and hugged her "really tight" is sufficient to show the intent required for extreme indifference. The "really tight" hug was the deliberate act that caused the death.

In State v. McKnight, the supreme court affirmed the denial of McKnight's motion for a directed verdict on the issue of extreme indifference. 352 S.C. 635, 646, 576 S.E.2d 168, 174 (2003). McKnight was charged with homicide by child abuse after taking cocaine while she was pregnant and giving birth to a stillborn baby. Id. at 641-42, 576 S.E.2d at 171. "Given the fact that it is public knowledge that usage of cocaine is potentially fatal, [the court found] the fact that McKnight took cocaine knowing she was pregnant was sufficient evidence to submit to the jury on whether she acted with extreme indifference to her child's life." Id. at 646, 576 S.E.2d at 174. McKnight did not have to

intend to kill her unborn child by taking cocaine; she recklessly disregarded the risk her conduct created. That act culminated in the death of her baby and was sufficient to satisfy the intent required under the homicide by child abuse statute. In the case sub judice, it is reasonable to believe that it is public knowledge that squeezing a child tightly until she goes limp could be potentially fatal. Regardless of any intent to harm Victim, Appellant recklessly disregarded the risk his conduct created and, thus, had the requisite intent to satisfy the homicide by child abuse statute when he deliberately squeezed Victim tightly and she died as a result.

Victim died of asphyxia from squeezing or chest compression. The State proved through Appellant's statements that he gave Victim a really tight, hard hug that lasted approximately two minutes. Testimony also showed the squeezing caused two of Victim's ribs to fracture. The medical experts testified the fractured ribs could not have been caused by CPR because one rib was fractured posteriorly rather than anteriorly. Dr. Bradley Marcus ruled Victim's death a homicide. He testified the death could not have been caused by Victim's alleged fall down the stairs the day before her death. Moreover, Appellant's cousin testified Victim seemed fine when he got back from the store on February 5, 2009, she was not crying, and she was playing normally with his own children after the alleged fall.

The evidence shows Appellant gave inconsistent statements about what happened and initially attempted to cover up the fact that he squeezed Victim. When Appellant first spoke to Investigator Dozier of the coroner's office, he reported he called 911 when he first noticed Victim was wheezing but cancelled the call and ran to his cousin's home instead. However, no record of this alleged 911 call exists. Moreover, Appellant told Investigator Mauldin he had no phone in the home and no cell phone and he had to ask

his cousin to call 911. In his statement to Investigator Martin, Appellant also told him he had no way to make contact. Additionally, no witnesses could corroborate that Victim fell down the stairs the day before she died. Appellant himself reported he did not see the fall but noticed her lying at the bottom of the stairs crying. Investigator Martin attempted to interview the four-year-old child who was playing with Victim when the fall would have happened, but he was unable to respond to questioning. Dr. Bradley Marcus testified Victim's injuries were inconsistent with a fall down stairs. Appellant also admitted in his statement to Investigator Martin that the day before Victim died, he grabbed her face for swearing and spanked her on her legs because she was spitting on people. When asked by Investigator Martin why Appellant did not mention hugging Victim when Investigator Mauldin interviewed him on the day of the incident, Appellant stated, "I didn't want anyone to think that I had killed her."

Although Appellant's medical expert opined Victim died of Waterhouse-Friderichsen Syndrome, the State produced medical experts that contradicted this opinion and agreed with Dr. Bradley Marcus's findings of asphyxia by chest compression as the cause of death. Dr. Jacob Vandersteenhoven, a pathologist, examined the brain and the histological slides and testified no disease was present in the brain or eyes and no signs of cerebral edema existed. Moreover, Dr. Vandersteenhoven agreed that asphyxia was the cause of death. Additionally, Dr. Olga Rosa testified Victim did not die of Waterhouse-Friderichsen Syndrome based on her review of the autopsy, Victim's medical records, and the statements pertaining to Victim's condition before her death. Dr. Rosa opined that had Victim actually had the disease, she would have shown signs of fever, lethargy, and purple marks on her skin. Dr. Rosa pointed out children with this disease deteriorate over a period of time and would not just be playing one morning and then die the same

day. Dr. Rosa also agreed with the other medical experts that the cause of death was asphyxia by chest compression.

The State's theory was that Appellant deliberately squeezed Victim's chest until she went limp. Appellant's own statements show he deliberately picked up Victim when she was wheezing and hugged her tightly for approximately two minutes. Furthermore, he admitted he squeezed her hard enough to have broken her ribs. Although he may not have intended his act to culminate in Victim's death, viewing the evidence in the light most favorable to the State, the State established Appellant committed a deliberate act and the child died as a result of that act. That is sufficient to satisfy the extreme indifference element of the offense. The charge of homicide by child abuse was, therefore, properly submitted to the jury. The weight or credibility of the evidence was properly left for the jury as the fact-finders and not the trial court at the directed verdict stage. Thus, ample evidence supported the trial court's denial of the motion for a directed verdict. Appellant's conviction should be affirmed.

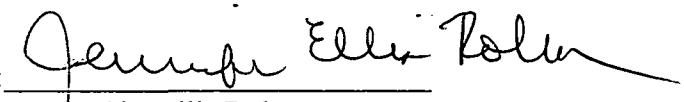
CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General

BY: 
Jennifer Ellis Roberts
Bar # 79818

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 13, 2012

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

In addition to the matter designated by Appellant, Respondent proposes the following to be included in the Record on Appeal:

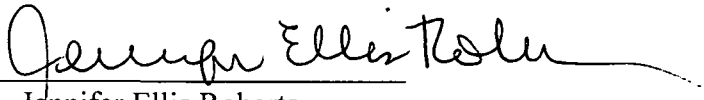
> **(1)** March 14-18, 2011 Transcript pages 139-41, 235, 270-72, 275-79, 316, 318, 321, 324, 326, 343-44, 424, 429-30, 432, 504, 507-08, 510-11, 523, 525, 536-37, 545, 547, 671, 674, 675, 677, 687.

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General

BY: 
Jennifer Ellis Roberts
Bar # 79818

Office of the Attorney General
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Columbia, SC 29211
(803) 734-3727

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Appellant Case No: 2011-193927

THE STATE,

Respondent,

v.

DEMETRIUS GOODWIN,

Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 13th day of September, 2012.

ANGELA BENNETT
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727