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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Honorable Deadra L. Jefferson, Circuit Court Judge

Case No: 2014-CP-10-4276

LEONARD BROWN GOODWIN,

APPELLANT,

VS.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO: 2016-001173

APPELLANT'S PRO SE BRIEF

Prepared by:

LEONARD B. GOODWIN
Appellant Pro Se

Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina

20010

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First Cause of Action

10(a).

Applicant's right to DUE PROCESS OF LAW and EFFECTIVE ASSISTANCE OF COUNSEL as guaranteed by the United States Constitution and the Laws of the State of South Carolina were violated when trial counsel failed to "OBJECT" to Indictment (2010-GS-10-00738) - as presented by the prosecution - prior to the jury being sworn - for said document "DOES NOT" support a finding that twelve (12) members of the full grand jury actually "reviewed" and "voted" to True Bill the document against the applicant was prejudicial to the defense - - constituted INEFFECTIVE ASSISTANCE OF COUNSEL. U.S.C.A. 5th, 6th and 14th Amend.

PROCEDURAL HISTORY

11(a).

During the January term of 2010, the grand jury for the Court of General Sessions, in Charleston County met, and the arresting officer was examined, by the county solicitor, supposingly before the full grand jury.

On the 11th day of January 2010, those grand jurors convened and supposingly decided to "Indict" the applicant, based upon this examination. The document was stamped TRUE BILL and signed by the grand jury's foreperson, on the 13th day of January, 2010.

ARGUMENT IN SUPPORT

The United States Supreme Court has shown that it takes seriously

and rigorously enforces the constitutional command that a defendant to a charge of an "infamous crime" be tried only on an Indictment of a Grand Jury. REVIEW: S.C. Const. I, § 11.

Here the applicant was held before the bar to answer by-way-of a - "form" - drafted by the prosecution - supposingly upon the grand jury's instructions that the applicant be indicted for the presented offense... Thus, the document was founded "NOT BY THE GRAND JURY" but by the county solicitor whom drafted it,... and then only signed by the grand jury's foreperson.

It is argued that the foreperson of the grand jury should have been present during the grand jury's deliberations, and that his/her signature upon said document "MAY" (emphasis added) reflect the foreperson's best recollection of the grand jury's intent...

Certainly the jurors' uncollaborated decision may have been that the applicant could have been indicted for the offense presented, does not (emphasis added), entail that twelve (12) members of the grand jury, actually review the facts during deliberations, and compared them to the charging instrument, then voted to indict the applicant, as charged.

THEREFORE, applicant argues "without" the grand jury's deliberations before the court for review, the state "CAN NOT" support a finding that the full grand jury actually reviewed the

facts and voted, with a results that twelve members of this grand jury actually voted to TRUE BILL the applicant.

The sole signature of a grand jury foreperson does not support and can not in itself convert a "form" - drafted by a county solicitor - into an INDICTMENT, that fails to support a finding that twelve (12) members of the full grand jury actually reviewed the facts, compared these facts to the charging instrument and voted to TRUE BILL the document against the applicant, as demanded by both Constitutions (Federal & State).

For a conviction under such prohibitions shall not stand.

U.S.C.A. 5th, 6th and 14th; S.C. Const. ART. I, § 11.

REVIEW: APPLICANT'S APPENDIX, Exhibit [A], PAGE 29

Second Cause of Action

10(b).

Applicant's rights to DUE PROCESS OF LAW and EFFECTIVE ASSISTANCE OF COUNSEL as guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and South Carolina Law; ... were violated when counsel failed to "object" to and the trial court allowed "hearsay" and "character" evidence, concerning Applicant's conduct of bad acts and his relationship with the victim and applicant's family.

ARGUMENT IN SUPPORT

11(b).

Several of the State's witnesses testified, ... before the jury, ... without objection from defense counsel, ... to "hearsay" and "character" evidence, concerning applicant's relationship between himself and his family; as well as, between Applicant and the victim.

State's first witness, ... Latarshia Washington, ... girlfriend of victim, ... testified without objection from defense counsel, to "hearsay" and "character" evidence associated with Applicant's relationship with the victim and his wife; ... and to prior bad character conduct.

Tr. Trans., Volume I, page 108, lines 8-13, (character evidence):

Q...WHAT KIND OF RELATIONSHIP DID MR. GOODWIN AND ERIC HAVE?

A...A VERY ROCKY RELATIONSHIP

Q...WHAT WAS THE SOURCE OF THEIR TROUBLES?

A...ERIC WAS ALWAYS UPSET BECAUSE LEONARD WAS MOOCHING OFF HIS MOM.

Tr. Trans., Volume I, page 113, lines 8-10, (hearsay & bad character evidence).

Q...NOW, I WANT YOU TO GO SLOW. I WANT YOU TO TELL THE JURY EVERYTHING YOU CAN REMEMBER ABOUT THAT PHONE CONVERSATION

A...I WAS TALKING TO ERIC. AND WE TALKED FOR A WHILE. WE HAD A CONVERSATION GOING. AND ERIC TOLD ME HE OVERHEARD MR. GOODWIN SAYING EARLIER THAT DAY HE WAS GOING TO WHIP SOMEONE'S ASS.

Tr. Trans., Volume I, page 114, lines 16-20, (hearsay evidence).

Q...DO YOU -- WHAT ELSE DO YOU HEAR?

A...I HEARD ERIC SAY, YOU NEED TO PACK YOUR BAGS, YOU NEED TO LEAVE, BECAUSE YOU'RE NOT PAYING ANY BILLS UP IN HERE AND IF MY BROTHER WAS OUT OF JAIL I WOULD HAVE HURT -- HE WOULD HAVE HURT YOU A LONG TIME AGO

Tr. Trans., Volume I, page 116, lines 16-20, (hearsay evidence).

Q...SO WHAT DID YOU -- WHAT DID YOU SAY TO LEONARD WHEN HE SAID THAT TO YOU?

A...I ASK HIM WHERE IS ERIC AND HE SAID THAT ERIC JUMPED IN THE CAR GOING TO RUSSELLVILLE LOOKING FOR WEED.

Tr. Trans., Volume I, page 119, lines 12-14, (hearsay evidence).

Q...DOES HE -- WHAT DOES HE SAY?

A...HE SAID ERIC JUMPED IN THE CAR GOING OVER TO RUSSELLVILLE.

Tr. Trans., Volume I, page 119, line 22 through page 120, line 2 (character evidence).

Q...AND EXCUSE ME. I'M GOING TO GET OFF TRACK HERE JUST ONE SECOND. I WANT TO BACK UP TO WHEN YOU CALLED BACK AND YOU HAD -- AND MR. GOODWIN ANSWERED THE PHONE. DID YOU NOTICE ANYTHING ABOUT HIS DEMEANOR WHEN YOU WERE TALKING WITH HIM ON THE PHONE?

A...HE WAS BREATHING HARD.

State's next witness, ... Jessie Owens, ... cousin of victim, ... testified before the jury, without "objection" from defense

counsel, ... to "hearsay" evidence.

Tr. Trans., Volume I, page 147, lines 14-16, (hearsay evidence).

Q...AND WHAT WAS SAID?

A...WE ASKED HIM WHERE ERIC WAS AT. HE SAID ERIC HAD LEFT THE HOUSE.

Tr. Trans., Volume I, page 150, lines 9-14 (hearsay evidence).

Q...WHAT WAS Lатарshia's KIND OF DEMEANOR LIKE?

A...SHE WAS ACTUALLY QUITE SCARED WHEN SHE CALLED ME. SHE SAID SOMETHING ABOUT SOME KIND OF BANG OR SOMETHING, AND SHE WAS PRETTY MUCH TERRIFIED. SHE JUST KEPT SAYING, SOMETHING HAPPENED TO HIM, SOMETHING HAPPENED TO HIM.

State's next witness, ... Mary Ann Robinson, ... wife of applicant and mother of victim, ... testified before the jury, without "Objection" from defense counsel, to "hearsay" and "character" evidence, concerning the relationship between herself and the applicant; as well as, to the character of applicant and his relationship with victim.

Tr. Trans., Volume I, page 169, lines 12 through page 170, line 8, (hearsay and character evidence).

Q...WHAT WAS ERIC AND LEONARD'S RELATIONSHIP LIKE?

A...IT WASN'T VERY GOOD AT ALL.

Q...WHAT WAS THE SOURCE OF THEIR DISAGREEMENTS OR THEIR PROBLEMS?

A...WELL, HE DIDN'T LIKE THE THINGS THAT ERIC, YOU KNOW, DID. AND FRIENDS AND COUSINS COME OVER AND HE ALWAYS GET LIKE A BAD ATTITUDE.

Q...SO HE DIDN'T LIKE PEOPLE COMING OVER TO THE HOUSE?

A...RIGHT.

Q...DID ERIC HAVE PROBLEMS WITH LEONARD?

A...NO

Q...DID LEONARD HAVE A JOB BACK IN APRIL OF 2006?

A...NO. HE WAS JUST CUTTING GRASS AND MAINTENANCE.

Q...GO AHEAD.

A...FIXED TVs AND STUFF LIKE THAT

Q...FIXED TVs AS IN WORKING IN A SHOP OR --

A...NO.

JUST, YOU KNOW, FIXING PEOPLE AROUND, THE NEIGHBOR.

WENT AROUND NEIGHBOR FIXING TVs.

Q...DID HE HAVE A CAR?

A...NO.

Tr. Trans., Volume I, page 171, lines 11-12, (character evidence).

Q...OKAY. DID LEONARD HELP PAY ANY BILLS AROUND THE HOUSE

A...NO

Tr. Trans., Volume I, page 172, lines 10-25, (character evidence).

Q...OKAY, HOW DID LEONARD FEEL ABOUT ERIC MOVING INTO THE HOUSE?

A...HE DIDN'T FEEL SATISFIED.

LIKE I SAY, HE ALWAYS HAD A ATTITUDE WHEN, YOU KNOW, HE -- ALL HE WAS -- EVERY LITTLE THING THAT HE DID, YOU KNOW, HE GET LIKE AN ATTITUDE AND HE -- HE DIDN'T LIKE IT AT ALL. LIKE HE SAID, LIKE HE DIDN'T WANTED ERIC THERE.

Q...DID THEY ARGUE A LOT?

A...YES, ON OCCASION.

Q...HAD YOU EVER SEEN THEM GET PHYSICAL BEFORE.? DID THEY EVER GET INTO A FISTFIGHT OR ANYTHING LIKE THAT?

A...I HAVE HERAD -- NO. I HAVE HEARD ARGUING --

Q...YOU HEARD --

A...FUSSING

Tr. Trans., Volume I, page 177, lines 11-20, (character evidence).

Q...DID YOU AND ERIC HAVE A PRETTY GOOD RELATIONSHIP?

A...YES, A REAL GOOD ONE.

Q...HOW WAS LEONARD ACTING THAT NIGHT?

A...WELL, HE JUST SAT THERE IN FRONT OF THE COUCH AND,
YOU KNOW, JUST AS CALM LIKE NOTHING HAPPENED.

Q...HOW WERE YOUR AND LEONARD'S RELATIONSHIP?

A...IT WASN'T TOO GOOD.

Q...IT WASN'T TOO GOOD?

A...HUH-UH

Tr. Trans, Volume I, page 179, lines 7-19, (character evidence).

Q...AND FROM THE TIME YOU CALLED THE POLICE, DID YOU
EVER SEE LEONARD GOODWIN AGAIN UNTIL TODAY?

A...UNTIL TODAY, I HAVEN'T SEEN HIM SINCE.

Q...DID YOU EVER GET A PHONE CALL FROM LEONARD GOODWIN
FROM APRIL 27th, 2006, UNTIL TODAY?

A...NO.

Q...DID YOU EVER GET A LETTER?

A...NO

Q...DID HE GO TO ERIC'S FUNERAL?

A...NO

Q...AND YOU WERE HIS WIFE OF SEVENTEEN YEARS AT THAT
POINT?

A...YES.

Counsel was ineffective for not objecting to this prejudicial
testimony before the jury, and if necessary, to preserve these

issues for appellate review. This form of testimony, before the jury, having no foundation was extremely prejudicial to applicant over any probative measures. Trial counsel just stood by and allowed this form of testimony to continue, until the prosecution finally said to a witness, "DON'T SAY WHAT THEY SAID, JUST TELL ME WHAT YOU DID, BASED ON WHAT YOU KNEW."

This form of testimony has a reasonable probability of an "influential effect" upon the jury's verdict, giving the fact that the prosecution's case was nothing more than circumstantial, with NO direct evidence to connect the applicant to actually committing the crime. STATE -vs- CHEESEBORO, 346 S.C. 526, 546, 552 S.E.2d 300, 311 (2001); STATE -vs- PIERCE, 326 S.C. 176, 178, 485 S.E.2d 913, 914 (1997); STATE -vs- SMITH, 322 S.C. 107, 470 S.E.2d 364 (1996); STATE -vs- PARKER, 315 S.C. 230, 234, 433 S.E.2d 831 (1993); STATE -vs- (Terry) SMITH, 322 S.C. 107, 470 S.E.2d 364 (1996); STATE -vs- (Grover Lee) SMITH, 300 S.C. 216, 218-19, 387 S.E.2d 245, 247 (1989); STATE -vs- LYLE, 125 S.C. 406, 118 S.E. 803 (1923); STATE -vs- HUMPHRIES, 346 S.C. 435, 451, 551 S.E.2d 286, 295 (Ct.App. 2001), rev'd on other grounds, 354 S.C. 87, 579 S.E.2d 613 (2003); STATE -vs- KENNEDY, 389 S.C. 243, 247, 528 S.E.2d 700, 702 (Ct.App. 2000), aff'd 348 S.C. 32, 558 S.E.2d 527 (2002); STATE -vs- HENRY, 313 S.C. 106, 432 S.E.d 489 (Ct.App. 1993).

South Carolina Law is clear, ... evidence of prior bad acts,

which places the applicant's character at issue, are inadmissible
. REVIEW RULE 802, SCRE; RULE 404(b), SCRE. Counsel's deficient
performance prejudiced applicant to a fair trial - constituted
ineffective assistance of counsel. STRICKLAND -vs- WASHINGTON,
466 U.S. 668, 104 S.Ct. 2052 (1984).

Trial counsel's stewardship was deficient because prevailing
professional norms at the time required counsel to object to
obvious evidentiary errors, such as these. STRICKLAND, supra.

U.S.C.A. 5th, 6th and 14th.

REVIEW: TRIAL TRANSCRIPTS, Page 108 through 179.

Third Cause of Action

10(c).

Applicant's right to DUE PROCESS OF LAW and EFFECTIVE ASSISTANCE OF COUNSEL as guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution,... and the Laws of South Carolina - - were violated when defense counsel failed to OBJECT TO and then; if necessary, preserve the matter for appellate review ("the testimony of a state witness testifying in the form of an "opinion," relevant to scientific evidence, without being qualified as an expert"); ... Nor did the Court administer its "Gatekeeping Function" under RULE 702 SCRE - CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL, U.S.C.A. 6th and 14th Amend; and Court Error - RULE 702, SCRE, U.S.C.A. 5th and 14th.

ARGUMENT IN SUPPORT

11(c).

Before a witness may testify in the form of an "Opinion" the trial Court in the discharge of its "GATEKEEPING ROLE" must assess the threshold foundational requirements of qualifications and reliability by establishing: (1)... the proffered opinions will assist the trier of facts, (2)... the witness possesses the requisite knowledge, skill, experience, training and education; and, (3)... the proffered opinions are reliable (RULE 702, SCRE). STATE -vs- WHITE, 382 S.C. 265, 676 S.E.2d 684 (2009).

Testimony concerning non-scientific, technical or other

specialized knowledge that may assist the triers of fact to understand or to determine a fact; ... must satisfy the criteria of the "RULE OF EVIDENCE" governing the Court's "GATEKEEPING FUNCTIONS" both in terms of qualifications and reliability of the subject matter, to ensure the proffered opinions (evidence) meets the reliability threshold for the jury's ultimate consideration. STATE -vs- WHITE, supra.

The following opinions were proffered by the prosecution, from an unqualified state witness (under the terms of RULE 702 SCRE) -- and -- without objection from the defense; ... Nor did the Court administer its "GATEKEEPING FUNCTIONS" to ensure these opinions (evidence) met the threshold of reliable, for the jury's consideration; ... Nor did the Court give a curative instruction to this witness's opinions.

Tr. Tr., Page 169, line 4-16, proffered testimony, by the prosecution, from a state witness, in the form of an "opinion," relevant to - Firearms Analysis:

Evidence to the location of a gunshot wound and to gunshot power burns - stippling on the victim, visible with the naked eye

NOTE: according to state's witness, Dr. Cynthia A. Schandl, M.D. Ph.D (I-4382), testimony and Autopsy Report, this evidence,

gunshot power burns (stippling), was not detectable by the naked eye (emphasis added), due to the decomposition of the body. SEE Exhibit D, "FORENSIC AUTOPSY REPORT" EVIDENCE OF INJURY,

NO OBJECTION BY THE DEFENSE.

Tr. Tr., Page 169, line 22 through Page 170, line 3.

Bench Conference - "Court Ruling"

Tr. Tr., Page 170 thru 171: proffered testimony from a state witness, relevant to this witness's training.

Applicant shall argue the witness's training failed to satisfy the criteria of RULE 702, SCRE, to testify in the form of an opinion in Forensic Trace Evidence or to non-scientific, technical or other specialized knowledge, for the jury's consideration;... Nor has this witness, pursuant to the record, ever been qualified by a Court (civil or criminal) as an "Expert" in Forensic Trace Evidence;... Nor did the Court administer, its "GATEKEEPING SAFEGUARDS" both in terms of qualifications and reliability of the subject matter to ensure the witness's opinions met the criteria's threshold for the jury's ultimate consideration.

NOTE: this witness was never qualified by the Court, pursuant to RULE 702' criteria.

Tr. Tr., Page 172, thru Page 173, line 13: proffered testimony, by the prosecution, from a state witness, in the form of an "opinion," relevant to - Firearms Analysis:

"Evidence in the form of an opinion to firearms and caliber size"

NO OBJECTION BY THE DEFENSE.

Tr. Tr., Page 174, lines 11-13: proffered testimony, by the prosecution, from state witness, in the form of an "opinion," relevant to - Firearms Analysis:

"Evidence in the form of an opinion to a projectile passing through an object"

NO OBJECTION BY THE DEFENSE.

Tr. Tr., Page 176, lines 13-15: proffered testimony, by the prosecution, from a state witness, in the form of an "opinion," relevant to - Firearms Analysis:

"Evidence in the form of an opinion to an Entrance and Exit holes, after a projectile passed through an object"

NO OBJECTION BY THE DEFENSE.

Tr. Tr., Page 176, lines 23-25: proffered testimony, by the prosecution, from a state witness, in the form of an "opinion," relevant to - Firearms Analysis:

"Evidence in the form of an opinion to identify an Entrance hole when a projectile has passed through an object, in comparison to the Exit hole"

NO OBJECTION BY THE DEFENSE.

Tr. Tr., Page 177, lines 16 thru Page 178, Line 19, proffered testimony, by the prosecution, from a state witness, in the form of an "opinion," relevant to - Firearms Analysis:

"Evidence in the form of an opinion to determine the direction in which a projectile travels with respects to the Entrance and Exit holes. Also, as to what a projectile would look like after passing through an object"

NO OBJECTION BY THE DEFENSE.

Tr. Tr., Page 178, lines 20-24: proffered testimony, by the prosecution, from a state witness, in the form of an "opinion," relevant to - Blood Splatter Analysis:

"Evidence in the form of an opinion to the direction of

blood droplets"

NO OBJECTION BY THE DEFENSE.

Tr. Tr. Page 180, line 22 thur Page 182, line 5, proffered testimony, by the prosecution, from state witness, in the form of an "opinion," relevant to Firearms Analysis:

"Evidence in the form of an opinion to the size of a projectile would make after passing through an object."

OBJECTED TO BY THE DEFENSE, ... However was overruled by the Court, ... whereby the Court relaxed its Gatekeeping Functions and allowed the witness to provide an answer in the form of an "opinion," ... then allowed the prosecution to continue to proffer testimony in the form of an opinion from this witness, which had no foundation.

Applicant shall argue that defense counsel was ineffective by failing to "OBJECT TO" these unqualified opinions (evidence), coming before the jury, ... which in theory, ... allowed the prosecution to utilize an officer of the North Charleston Police Department, no longer in the same position, to mislead the jury that -- because he was an officer of the law, his testimony must be reliable. When the truth of the matter, was this same witness was unqualified pursuant to the RULE OF EVIDENCE, to provide

this evidence in the form of an opinion. Thereby, creating the scenario what is akin to an "Oxymoron" (something which appears to be something it's not); nor did counsel request a curative instruction from the court, in regards to this witness's testimony - **CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL.** U.S.C.A. 6th and 14th Amend.

Nor did the Court properly administer its GATEKEEPING FUNCTIONS, both in terms of qualifications and reliability of the subject matter, to ensure this witness's opinions (evidence), met the Court's threshold for the jury's ultimate consideration KUMHO TIRE CO. LTD. -vs- CARMICHAEL, 526 U.S. 137, 147 119 S.Ct. 1167 (1999); STATE -vs- JONES, 541 S.E.2d 813 (2001); STATE -vs- COUNCIL, 515 S.E.2d 508 (1999) ... OTHERWISE ... The Court and defense counsel left the jury to speculate which state witness (Office Al Hallman or Dr. Cynthia A. Schandl, M.D. Ph.D, Medical University of South Carolina "Forensic pathologist") testimony was reliable ... was **COURT ERROR** (abuse of discretion) and **PREJUDICIAL TO THE DEFENSE.** U.S.C.A. 5th and 14th, and **RULE 702** South Carolina Rules of Evidence.

Nor did the Court (sua sponte) provide any form of curative instructions with regards to the differences in the two witnesses opinions being reliable for the jury's consideration.

Fourth Cause of Action

10(d).

Applicant received INEFFECTIVE ASSISTANCE OF COUNSEL on Direct Appeal (Applicant's first right of review), -- as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution -- when trial counsel "OBJECTED TO" the Court's charge on Malice a burden-shifting instruction, which Appellate Counsel "FAILED" to raise the issue on appeal. U.S.C.A. 6th and 14th Amend.

ARGUMENT IN SUPPORT

11(d).

South Carolina Constitution, ARTICLE V, § 21 clearly reads:

"Judges shall not charges juries in respect to matters of fact, but shall declare the Law." (1972 (57) 3176; 1973 (58) 161; 1985 Act No: 9.

Tr. Trans., Volume 4, page 44, lines 2 - 4; Trial counsel's objection to the malice charge:

MR. BULTER: ... "I also want to object to the permissive inference language, the standard charge: malice may be referred to as use of a deadly weapon."

Tr. Trans., Volume 4, page 44, lines 12 - 20:

MR. BUTLER: ... "I also want to object to the permissive inference language, the standard charge: malice may be referred to as use of a deadly weapon."

Tr. Trans., Volume 4, page 44, lines 12 - 20:

MR. BUTLER: ... "But I want to make that same argument that it's impermissible burden shifting under our state constitution, even in any context where permissive inference language is used. Oh -- yeah. Malice may be inferred from the use of deadly weapon."

THE COURT: ... Do you wish to address that issue Mr. Kidd? .. You do not have to.

MR. KIDD: No, ma'am.

THE COURT: ... All right. Thank you.

Tr. Trans., Volume 4, page 46, line 24 through page 47, line 25;
Trial Counsel's further clarification to his objection:

MR. BUTLER: .. I had one clarification on my objection, if your Honor would --

THE COURT: ... I'll be glad to hear it.

MR. BUTLER: .. "I'm just stating something. My objection to the malice may be inferred from the use of deadly weapon, I do want to include the grounds of burden-shifting. But the case I was thinking of was STATE -vs- BELCHER, and actually the issue that was raised -- 685 S.E.2d 802 from 2009 was that -- applies section 21 of our South Carolina Constitution precludes judicial comments on the facts."

"And I would want to raise and preserve that, as well, that malice may be inferred from a deadly weapon charge constitutes an impermissible judicial comment on the facts. The facts are distinguishable in BELCHER, but I want to preserve that issue."

THE COURT: ... And I did consider -- Mr. Kidd, do you have any comment?

MR. KIDD: No, ma'am.

COURT'S RULING

Tr. Trans, Volume 4, page 47, lines 18-25:

THE COURT: ... All right, I did consider and went back during our

recess and looked at the Court's charge and reviewed BELCHER. The issue in BELCHER was, of course, self-defense, which we have not -- do not have in this case. And so I had a -- court standard charged that malice may be inferred and it's merely a factor that may be considered."

"Again, your objection is noted for the record."

Despite Counsel's "objection" to the Court's standard charge - the Court charged the jury on malice as follows"

COURT'S CHARGE TO THE JURY

Tr. Trans., Volume 4, page 92, line 10 through page 93, line 16:

THE COURT: ... "The defendant is charged with murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice and aforethought. Malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the -- will infer an evil intent. Malice aforethought does not require that malice exists for any particular time before the act is committed but malice must exist

in the mind of the defendant just before and at the time the act is committed. Therefore, there must be a combination of the previous evil intent and the act. Malice aforethought may be express or inferred. These terms express and inferred do not mean different types of malice but merely the manner in which malice may be shown to exist; that is, either by direct evidence or by inference of the facts and circumstances which are proved. Express malice is shown when a person speaks words which express hatred or ill will for another person or when the person prepared beforehand to do the act which was later accomplished. For example, lying in wait for a person, or any other acts of preparation going to show that the deed was with the defendant's mind, would be express malice. Malice may be inferred from conduct showing a total disregard for human life. Inferred malice may also arise when the deed is done with a deadly weapon. A deadly weapon is any article, instrument, or substance which is likely to cause death or great bodily harm. Whether an instrument has been used as a deadly weapon depends on the facts and circumstances of each case."

Counsel for the defense "OBJECTED TO" and preserved for appellate review, the Court's charge to malice (malice may arise from the

use of a deadly weapon), which constitutes an impermissible judicial comment on the facts; whereby, ... the Court shall only charge the law. (ARTICLE V, § 21 of the South Carolina Constitution). Thus the charge was prejudicial to the defense.

On Direct Appeal (applicant's first right of review), appellate counsel "FAILED" to raise this issue in the Appellate court - CONSTITUTED INEFFECTIVE ASSISTANCE OF COUNSEL on appeal. U.S.C.A. 6th and 14th Amend.

REVIEW: ARTICLE V, § 21 ("Charge to Jury") of the South Carolina Constitution and STATE -vs- BELCHER, 685 S.E.2d. 802 (SC.2009).

CONCLUSION

For reasons set forth above appellant, Leonard B. Goodwin, respectfully prays upon this Honorable Court reverse the lower court's denial of post-conviction relief and remand the matter for further briefing or grant appellant a new trial.

Respectfully submitted



Leonard B. Goodwin
SCDC No: 143201
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina
29010

APPELLANT, Pro Se

DATE: 3-14-17

PMC20090905238

DOCKET NO. 2010GS1000738

WITNESSES

ROBERT JOYNER

North Charleston Police Department

The State of South Carolina

County of Charleston

AGENCY CASE NUMBER

2006015029

COURT OF GENERAL SESSIONS

January Term 2010

ARREST WARRANT NUMBER

K121773

DATE OF ARREST

September 6, 2009

ACTION OF GRAND JURY

LEONARD BERNARD GOODWIN

DOB: 1953-06-23

B/M

TRUE BILL

09-5403-1

THE STATE

vs.

Indictment for

Murder

Foreperson of Grand Jury

Date: JAN 13 2010

VERDICT

Foreperson of Petit Jury

Date:

INDICT

FILED

1/26/2010 8:07:57 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT....

At a Court of General Sessions, convened on January 11, 2010 the Grand Jurors of Charleston County present upon their oath:

Murder

That in Charleston County on or about April 3, 2006, with malice aforethought, LEONARD BERNARD GOODWIN did kill and murder Eric Robinson by means of shooting the victim, and that Eric Robinson did die in Charleston County as a proximate result thereof on April 3, 2006; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976) as amended.

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



PETER MCCOY
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Charleston)
 STATE VS.)
LEONARD BERNARD GOODWIN)
 AKA: _____)
 Race: BLACK Sex: M Age: 57)
 DOB: 06-23-1953 SS#: 251-98-3730)
 Address: 2136 TARGET STREET)
 City, State, Zip: NORTH CHARLES, SC 294060000)
 DL#: _____ SID#: SCL0008626)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS1000738
 A/W#: K121773
 Date of Offense: 4/3/2006
 S.C. Code § : 16-03-0010, 0020
 CDR Code #: 0116

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
 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] 76671
 Kidd, Culver 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 life 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
 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

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BLI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Other: He has been in protective custody due to threats.

Clerk of Court/ Deputy Clerk Sam Canney
 Court Reporter: MIA PERON
 SCCA/217 (03/2011)

Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.
 Presiding Judge [Signature]
 Judge Code: 215
 Sentence Date: 6/3/11

MC20090905238

WITNESSES

ROBERT JOYNER

North Charleston Police Department

AGENCY CASE NUMBER

2006015029

ARREST WARRANT NUMBER

K121773

DATE OF ARREST

September 6, 2009

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: JAN 13 2010

VERDICT GUILTY

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2010GS1000738

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

January Term 2010

09-5403-1

THE STATE

vs.

LEONARD BERNARD GOODWIN

DOB: 1953-06-23

B/M

Indictment for

Murder

ARREST WARRANT

K- 121773

STATE OF SOUTH CAROLINA

County/ Municipality of

CHARLESTON

THE STATE
against

LEONARD BERNARD GOODWIN

Address: 2136 TARGET STREET
NORTH CHARLESTON, SC 29406

Phone: 283-98-3730

Sex: M Race: B Height: 5'11 Weight: 167

DL State: DL #:

DOB: 6-23-1953 Agency ORI#:

Prosecuting Agency: NCPD

Prosecuting Officer: R JOYNER

Offense: MURDER

Offense Code:

Code/Ordinance Sec. 16-3-10

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

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

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Leonard B. Goodwin
on 9-6-2007

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
CHARLESTON)

AFFIDAVIT

Zone 5

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant R JOYNER
being duly sworn deposes and says that defendant LEONARD BERNARD GOODWIN
did within this county and state on APRIL 3, 2006
State of South Carolina (or ordinance of County/ Municipality of CHARLESTON
In the following particulars:

DESCRIPTION OF OFFENSE: MURDER
16-3-10

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

SEE ATTACHED AFFIDAVIT

Entered Ncic 4-27-06 W350406103 pr 801

SCC IN 4/27/06
OPR 844

NCIC 4/27/06
OPR 801

NCIC # W3504061

Signature of Affiant

STATE OF SOUTH CAROLINA)
 County/ Municipality of)
CHARLESTON)

Affiant's Address 4900 LACROSS RD
NORTH CHARLESTON, SC 29405
Affiant's Telephone 843-554-5700

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that

on APRIL 3, 2006 defendant LEONARD BERNARD GOODWIN
did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of CHARLESTON) as set forth below.

DESCRIPTION OF OFFENSE: MURDER

MURDER
16-3-10

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

Sworn to and subscribed before me
on April 27, 2006

Signature of Issuing Judge (L.S.)

Judge Code: 5885 mag

Judge's Address 3841 LEEDS AVENUE
N. CHARLESTON, SC 29405

Judge's Telephone 843-529-7482
Issuing Court: Magistrate Municipal Circuit

ORIGINAL

BAIL set by

WITNESSES

Judge COOPER

Name: _____

on SEP 07 2009

Address: _____

Type and Amount: Hold for

Telephone: _____

Name of Surety: [Signature]

Name: _____

Address: _____

PRELIMINARY HEARING held by

Telephone: _____

Judge _____

Name: _____

on _____

Address: _____

Defense Attorney: _____

Telephone: _____

Decision: _____

Name: _____

Address: _____

Telephone: _____

Judge _____

Name: _____

Address: _____

Telephone: _____

on _____

Name: _____

Address: _____

Telephone: _____

by _____

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

Disposition: _____

Name: _____

Address: _____

Telephone: _____

Sentence: _____

JURORS CHECKLIST

SUM. CRT. CASE # 8402 of 1

JW CASE # 5403

REPORT GROUP 0116

DEPT. CODE 7900

CODEFENDANTS

COPY

Patient: ROBINSON, ERIC J
Med Rec: 249470658
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-06-00263
Date Received: 4/27/2006
Date Collected: 4/27/2006

Page: 1 of 8

**F o r e n s i c A u t o p s y F i n a l
R e p o r t**

CASE HISTORY

According to the coroner, the decedent was a 24-year-old black male who was found in a moderate state of decomposition in the crawlspace under the house in which he lived at approximately 10:30 a.m. on April 27, 2006. A missing persons report was filed by his father on April 10, 2006. The decedent lived with his mother and stepfather. On April 3, 2006, his girlfriend overheard the decedent's stepfather threaten him while she and the decedent were on the phone together. She did not see or talk to him since then, and the decedent had not been to work or to pick up his paycheck since that time.

The body was found soon after someone called authorities regarding an unpleasant odor beneath the home at 2136 Target Street. The body was found at the far end of the house from the crawlspace access door in a small cinder block alcove, face down. It was covered in whitish powder.

A complete autopsy was requested by the Charleston County Deputy Coroner, Ms. Judy Koelpin and performed at the Medical University of South Carolina on April 27, 2006.

GROSS DESCRIPTION

EXTERNAL EXAMINATION:

The body is that of a well-developed, well-nourished, adult male of visually indeterminate age and race, who weighs approximately 158 pounds and is 68 inches in length. Prior to further examination, the body is scraped and washed of an extensive, caking, whitish powder. A plastic bag containing similar powder is removed from the body. The pH of the powder when mixed in water with a measured pH of 6 = greater than 9 by litmus testing. The bag of powder is given to Detective Hallman who has additional samples of the powder from around the body at the crime scene. The body is identified by the coroner by two unique tattoos uncovered at the external examination upon cleaning of the body: a 3.3 x 1.0 inch tattoo of the name "ERIC" on the anterior right forearm and a 5.0 x 3.0 inch tattoo of praying hands with an illegible word beneath of the upper lateral left shoulder. Should any question arise as to the identity of the decedent, the

Department of Pathology and Laboratory Medicine
Forensic Pathology

Chair: Janice M. Lage, M.D.

Director: Kimberly A. Collins, M.D.

Forensic Pathology Phone: 843-792-3500

Forensic Pathology Fax: 843-792-3537

Patient: ROBINSON, ERIC J
Med Rec: 249470858
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-06-00263
Date Received: 4/27/2006
Date Collected: 4/27/2006

Page: 2 of 8

F o r e n s i c A u t o p s y F i n a l
R e p o r t

attending North Charleston Police official, Detective Hailman has requested a portion of vertebral column for potential future DNA studies. The body is clad in black shorts and darkly colored boxer brief underwear. Changes of decomposition include diffuse red-green-gray mottling of the body surface, extensive decomposition breakdown of the facial soft tissues including the eyes, generalized bloating with variable mummification and leathery changes of the skin, hands and feet, generalized epithelial sloughing with prominent gloving of the left hand, and several superficial defects of the skin and subcutaneous tissue in regions of insect activity (2.3 inch at the lower lateral left chest, 2.6 inch at the lateral upper left arm, and 2.3 inch at the anterior lateral right shoulder). Maggots on the body range in size from 0.4 to 1.5 cm. The body is cool to the touch. Neither rigor nor livor mortis are present. The scalp hair is largely absent due to extensive sloughage of the scalp; in regions where present (left and occipital region) it is curly, dark brown and approximately 1.0 inch in length. The sclerae and conjunctivae are softened and discolored pink-red from decomposition. The nose and ears are softened and distorted by changes of decomposition. The lips and gums are softened, pink-gray and losing architectural integrity. The teeth appear to be in good repair; they are loose in their sockets due to decomposition changes of the surrounding soft tissues. Due to skin sloughage, it is not possible to determine whether the deceased wore a beard or mustache. The neck is without masses, and the larynx is in the midline. The thorax is symmetrical with an anteroposterior/lateral ratio of about 1:2. The abdomen is protuberant. The penis is distorted by decomposition changes; the testes are not palpable within the scrotum, which is distended by decomposition gases. The anus and back are unremarkable except for changes of decomposition; the back skin is largely leathery in consistency. The upper and lower extremities are well-developed and symmetrical, without absence of digits. Other than the two tattoos previously described, any identifying marks present are obscured by decomposition changes. There is no evidence of emergency resuscitation.

EVIDENCE OF INJURY

HEAD AND NECK: A 0.60 x 0.35 inch entrance gunshot wound defect is to the right frontal skull, 2.7 inches from the top of the head and 2.2 inches right of midline. The overlying scalp is absent in this region. Black discoloration of the scalp surrounding the defect is suggestive of soot, although it may represent an artifact of decomposition. The skull defect reveals inward beveling. The residual gunshot wound pathway is through the frontal skull, dura and into the brain matter, which is liquefied by decomposition. Resultant injuries include skull fracture, dural perforation and central nervous system disruption. Decomposition changes of the brain make specific identification of the central nervous system structures disrupted by the bullet impossible.

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Patient: ROBINSON, ERIC J
Med Rec: 249470656
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-06-00263
Date Received: 4/27/2006
Date Collected: 4/27/2006

Page: 3 of 8

F o r e n s i c A u t o p s y F i n a l
R e p o r t

A deformed gray metal fragment is retrieved from the brain matter. The approximate trajectory of the bullet pathway is to the left. The gray metal fragment is 0.42 x 0.32 x 0.25 inch.

THORAX AND ABDOMEN: Injuries may be obscured by decomposition.

UPPER EXTREMITIES: Injuries may be obscured by decomposition.

LOWER EXTREMITIES: Injuries may be obscured by decomposition.

RADIOGRAPHS: Anterior-posterior and lateral radiographs of the head reveal radiopaque fragments, one of which is identified and retrieved. Anterior-posterior radiographs of the chest, shoulders, abdomen, and pelvis reveal no radiopaque missiles.

CLOTHING: Several nondescript defects are of the boxer brief underwear; there is no apparent relationship to injuries, and these are likely artifacts of tearing and insect activity.

WEAPON: No weapon is available for examination.

EVIDENCE TRANSFER: The following items are transferred as evidence to Detective Hallman of the North Charleston Police Department: one pair of black shorts, one pair of black boxer-brief underwear, a yellow metal necklace with a dollar sign "\$" pendant, a yellow metal bracelet, a gray metal circular clamp, a bullet fragment, a portion of vertebra, and four fingernail from the left hand. A white plastic bag containing whitish powder is also transferred at the same time.

INTERNAL EXAMINATION

BODY CAVITIES: No adhesions are in any of the body cavities. All body organs are present in normal anatomical positions.

HEAD (CENTRAL NERVOUS SYSTEM): The residual brain matter weighs 700 grams. The dura mater is disrupted as described under "Evidence of Injury". The central nervous system structures are liquefied and no anatomical landmarks are identifiable.

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Patient: ROBINSON, ERIC J
Med Rec: 249470658
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-08-00283
Date Received: 4/27/2008
Date Collected: 4/27/2008

Page: 4 of 8

**F o r e n s i c A u t o p s y F i n a l
R e p o r t**

NECK: Examination of the soft tissues of the neck, including strap muscles, thyroid gland, and large vessels, reveals no abnormalities other than discoloration and softening of decomposition. The hyoid bone and larynx are intact. The lingual mucosa is softened and discolored black at its tip.

CARDIOVASCULAR SYSTEM: The heart weighs 200 grams. The pericardial and epicardial surfaces are smooth and dull; the pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally, follow the usual distribution and are patent, without evidence of apparent atherosclerosis or thrombosis. The chambers and valves bear the usual size-position relationships and are unremarkable. The myocardial valves are softened, discolored purple-red and distorted; their circumferences are as follows: tricuspid valve = 10.9 cm, pulmonic valve = 7.4 cm, mitral valve = 12.2 cm, and aortic valve = 6.6 cm. The myocardium is red-purple and soft; the atrial and ventricular septa are intact. The left ventricular thickness = 1.1 cm, right ventricular thickness = 0.4 cm, and the interventricular septum = 1.7 cm. The aorta and its major branches arise normally, follow the usual course and are patent, free of significant atherosclerosis; the intima is discolored purple-pink. The venae cavae and their major tributaries return to the heart in the usual distribution and are free of thrombi.

RESPIRATORY SYSTEM: The right and left lungs weigh 190 and 170 grams, respectively. The upper airway mucosal surfaces are smooth, gray and decomposing. The pleural surfaces are smooth and dull. Lobar divisions are of the usual configuration. The pulmonary parenchyma is pasty and red-purple, exuding minimal amounts of blood and frothy fluid; no focal lesions are noted. The pulmonary arteries are normally developed, patent, and without thrombus or embolus.

LIVER AND BILIARY SYSTEM: The liver weighs 550 grams. The hepatic capsule is smooth and dull, covering tan-brown, pasty parenchyma. The gallbladder is empty; the mucosa is unremarkable. The extrahepatic biliary tree is patent, without evidence of calculi. The portal vein and its tributaries are unremarkable except for decomposition.

ALIMENTARY TRACT: The esophagus is lined by grayish, pink, sloughing mucosa. The gastric mucosa is smooth, and the lumen contains approximately eight ounces of partially digested food. The small and large bowel are unremarkable. The appendix is present. The pancreas is pink-gray and soft; the ducts appear clear.

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Patient: ROBINSON, ERIC J
Med Rec: 249470658
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-08-00263
Date Received: 4/27/2006
Date Collected: 4/27/2006

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**F o r e n s i c A u t o p s y F i n a l
R e p o r t**

GENITOURINARY TRACT: The right and left kidneys weigh 70 and 90 grams, respectively. The renal capsules are smooth and thin, semi-transparent, and strip with ease from the underlying, smooth, tan-brown, soft, cortical surfaces. The cortices are poorly delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelvis, and ureters are unremarkable except for changes of decomposition. The relationships at the trigone are unremarkable. The urinary bladder is empty; the mucosa is gray-tan and smooth. The testes, prostate and seminal vesicles are unremarkable.

RETICULOENDOTHELIAL SYSTEM: The spleen weighs 40 grams and has a smooth, intact capsule covering red-purple, liquefying parenchyma; the lymphoid follicles are unremarkable. The regional lymph nodes appear normal. The bone marrow is red-purple and homogeneous, without evidence of focal abnormality.

ENDOCRINE SYSTEM: The pituitary, thyroid, and adrenal glands are unremarkable except for changes of decomposition.

MUSCULOSKELETAL SYSTEM: The bony framework, supporting musculature, and soft tissues are not unusual except as previously described under "External Examination" and "Evidence of Injury".

CASSETTE SUMMARY:

1. Left cardiac ventricle, left kidney, left lung, left adrenal
2. Right cardiac ventricle, right kidney, right lung, right adrenal
3. Interventricular cardiac septum, liver, spleen, pancreas
4. Testis, prostate, thyroid
5. DECAL - skull at gunshot wound

CAS:mtr
4/30/06
5/17/06

Cynthia A Schandl, M.D. Ph.D. (1-4382)/MTR

Department of Pathology and Laboratory Medicine
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Medical University of South Carolina
Department of Pathology and Lab Medicine
165 Ashley Avenue, Suite 309
PO Box 250908
Charleston, SC 29425

Patient: ROBINSON, ERIC J
Med Rec: 249470656
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-06-00263
Date Received: 4/27/2006
Date Collected: 4/27/2006

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F o r e n s i c A u t o p s y F i n a l
R e p o r t

CASE SUMMARY

A complete autopsy was performed on the body of Eric J. Robinson at the Medical University of South Carolina Autopsy Suite on April 27, 2006. The postmortem examination began at approximately 1:00 p.m. The prosecutors were Drs. Cynthia A. Schandl and Frank Ingram. The autopsy technician was Mr. Raymond Edwards. The autopsy was authorized by the Charleston County Deputy Coroner, Ms. Judy Koelpin.

Significant findings at autopsy included a single, indeterminate range, penetrating gunshot wound to the head that perforated the frontal skull and dura and disrupted the central nervous system as evidenced by a portion of deformed gray metal within the brain matter. Additional findings included moderate decomposition and a covering over the body of a whitish powder. Identity was established by the presence of unique tattoos.

Microscopic examination of the skull in the region of the entrance gunshot wound reveals bacterial overgrowth and minute fragments of black pigmented material, which may represent soot or may represent artifact of decomposition. The remaining organ sections are significant for extensive autolysis and putrefaction with significant nuclear, cellular, and architectural obliteration. Organs examined include heart (left and right ventricle, interventricular septum), kidneys, adrenals, lungs, liver, spleen, pancreas, testis, prostate, and thyroid. Brain was not examined microscopically, as it was liquified by decomposition.

Toxicological analysis of liver is performed by National Medical Services, Inc (control no: 10577498). Results are pending as of May 17, 2006. Results will be reviewed by a forensic toxicologist when they become available.

In light of the historical information provided and the gross and microscopic autopsy findings, it is the opinion of the prosecutors that the decedent died as the result of central nervous system disruption due to a single, indeterminate range, penetrating gunshot wound to the head. Furthermore, the manner of death is best deemed homicide.

Department of Pathology and Laboratory Medicine
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Director: Kimberly A. Collins, M.D.

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Patient: ROBINSON, ERIC J
Med Rec: 249470658
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-06-00263
Date Received: 4/27/2006
Date Collected: 4/27/2006

Page: 7 of 8

F o r e n s i c A u t o p s y F i n a l
R e p o r t

FINAL DIAGNOSIS

Single, indeterminate range, penetrating gunshot wound to the head: skull fracture, dural perforation, and central nervous system disruption.
Moderate decomposition.
Toxicology pending.

CERTIFICATION

I certify that I personally conducted the diagnostic evaluation of the above specimen(s) and have rendered the above diagnosis(es)

Cynthia A Schandl, M.D. Ph.D. (1-4382)
(Electronically signed by)
Verified: 05/17/06
CAS/MTR

AUTOPSY INFORMATION

Date of Death: ?4/3/06 Time: ?
Date of Autopsy: 4/27/06 Time: 1:00 p.m.
County: Charleston
Coroner: Judy Koelpin, Deputy
Attending Pathologist: Cynthia A. Schandl, M.D., Ph.D.
Autopsy Technician: Raymond Edwards
Prosector(s): Schandl/Ingram

Reason for Autopsy: Found dead in crawl space
(If Injury) How occurred: Shot by someone
Date of Injury: ?4/3/06 Time: ?
Place of Injury: Home At Work: No

Department of Pathology and Laboratory Medicine
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MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

Medical University of South Carolina
Department of Pathology and Lab Medicine
165 Ashley Avenue, Suite 309
PO Box 250908
Charleston, SC 29425

Patient: ROBINSON, ERIC J
Med Rec: 249470858
DOB: 7/24/1981 Age: 24 years
Sex: Male Race: Black
ACCESSION: FA-06-00263
Date Received: 4/27/2006
Date Collected: 4/27/2006

Page: 8 of 8

F o r e n s i c A u t o p s y F i n a l
R e p o r t

PROBABLE CAUSE OF DEATH

Central nervous system disruption due to single, indeterminate range, penetrating gunshot wound to the head

MANNER OF DEATH

Homicide

Cynthia A Schandl, M.D. Ph.D. (1-4382)

(Electronically signed by)

Verified: 05/17/06

CAS/MTR

Department of Pathology and Laboratory Medicine
Forensic Pathology

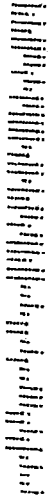
Chair: Janice M. Lage, M.D.

Director: Kimberly A. Collins, M.D.

Forensic Pathology Phone: 843-792-3500

Forensic Pathology Fax: 843-792-3537

0 A 1 # 1112221



MIT ROOM

Rocky Highway

South Carolina

29010



PITNEY BOWES

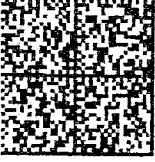
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Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC

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