

20068

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RONALD GOODEN,

APPELLANT

APPELLATE CASE NO. 2011-202546

RECORD ON APPEAL

LANELLE CANTEY DURANT
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3970

Attorneys for Respondent

RECEIVED

NOV 26 2012

CLERK OF COURT

INDEX

INDEX	i, ii
TRIAL TRANSCRIPT	1
MOTION IN LIMINE BY MR. GOUDE	6
OPENING STATEMENT BY MS. BAILEY	13
OPENING STATEMENT BY MR. GOUDE	14
TESTIMONY	
JACKIE SHAW	
Direct Examination by Ms. Bailey	15
TIMOTHY HARRELSON	
Direct Examination by Ms. Bailey	18
MATTHEW HOFFER	
Direct Examination by Ms. Bailey	21
ALPHONSO GILES, SR.	
Direct Examination by Ms. Bailey	24
CURTIS ANDERSON	
Direct Examination by Ms. Bailey	27
RONALD EDWARD GOODEN	
Direct Examination by Mr. Goude	32
CLOSING ARGUMENT BY MR. GOUDE	59
CLOSING ARGUMENT BY MS. BAILEY	80
CHARGE ON THE LAW	86
QUESTION FROM JURY	103
VERDICT	107

SENTENCING	109
INDICTMENT	110
SENTENCING SHEET	112
CERTIFICATE OF COUNSEL.....	113

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	2011-GS-22-00054
COUNTY OF GEORGETOWN	)	
The State,	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
vs.	)	Trial Transcript
	)	
Ronald Edward Gooden,	)	October 26-27, 2011
	)	
Defendant.	)	

B E F O R E :

Honorable Benjamin H. Culbertson
Georgetown County Courthouse
Georgetown, South Carolina

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

Erin Bailey, Esquire
Attorney for Plaintiff

Reuben Goude, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM
Circuit Court Reporter

1	I N D E X	
2	October 26, 2011	
3	Voir Dire.	5
4	Jury Selection	18
5	Motions.	28
6	Opening Instructions by Court.	52
7	Opening Statement by Ms. Bailey.	58
8	Opening Statement by Mr. Goude.	59
9	<u>Jackie Shaw</u>	
10	Direct by Ms. Bailey.	60
11	Cross by Mr. Goude.	65
12	Redirect by Ms. Bailey.	77
13	<u>Timothy Harrelson</u>	
14	Direct by Ms. Bailey.	81
15	Cross by Mr. Goude.	86
16	Redirect by Ms. Bailey.	88
17	<u>Matthew Hoeffler</u>	
18	Direct by Ms. Bailey.	92
19	Cross by Mr. Goude.	104
20	<u>Alphonso Giles, Sr.</u>	
21	Direct by Ms. Bailey.	105
22	Cross by Mr. Goude.	110
23	<u>Curtis Anderson</u>	
24	Direct by Ms. Bailey.	112
25	Cross by Mr. Goude.	121

1	Motions.	133
2	Questioning Defendant Re: Testifying	133
3	October 27, 2011	
4	<u>Ronald Edward Gooden</u>	
5	Direct by Mr. Goude	143
6	Cross by Ms. Bailey	180
7	Redirect by Mr. Goude	189
8	<u>Gerry Chandler</u>	
9	Direct by Mr. Goude	192
10	Cross by Ms. Bailey	194
11	Motions.	197
12	Closing Argument by Mr. Goude	217
13	Closing Argument by Ms. Bailey.	238
14	Charge.	244
15	Question from Jury.	261
16	Verdict	265
17	Motions.	267
18	Sentencing.	268
19	Certificate	272
20		
21		
22		
23		
24		
25		

E X H I B I T S

(ALL EXHIBITS RETAINED BY GEORGETOWN COUNTY CLERK OF COURT.)

		Id	Evd
1			
2			
3			
4	S-1 Photograph		96
5	S-2 Photograph		96
6	S-3 Photograph		96
7	S-4 Photograph		96
8	S-5 Photograph		102
9	S-6 Photograph		102
10	S-7 Photograph		94
11	S-8 Photograph		94
12	S-9 CD - Statement in Car		85
13	S-10 Clothing - Flannel Shirt		98
14	S-11 Clothing - Jacket		99
15	S-12 Clothing - Thermal Shirt		101
16	D-1 Calendar	65	69
17	D-2 Photographs	65	69
18	D-3 Photographs	65	69
19	D-4 CD		87
20	D-5 Photographs		156
21	D-6 Photographs		156
22	D-7 Photographs		156
23	D-8 Photographs		156
24	C-1 Foreperson Selection		28
25	C-2 Request to Charge - Defense		215

1	C-3 Request to Charge - State	215
2	C-4 Charge	260
3	C-5 Question from Jury	265
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 MS. BAILEY: Thank you, Your Honor. Do we need to
2 hear other pretrial motions first or do you want to go
3 straight to the Jackson hearing?

4 THE COURT: However you all want to handle it.

5 MR. GOUDE: We've got a few normal ones, Judge.
6 One, we would move that the Prosecution produce any
7 Prosecution witnesses' statements that they have not yet
8 provided to us.

9 THE COURT: All right, yeah, are there any - you
10 talking about out-of-court statements ---

11 MR. GOUDE: Yes, Your Honor.

12 THE COURT: --- prior statements? Is there any been
13 - that have not been produced?

14 MS. BAILEY: No, Your Honor.

15 THE COURT: Okay.

16 MS. BAILEY: Several were taken at the scene. Those
17 have all been provided to Mr. Gooden in preparation for this
18 trial. I did go out and interview all the witnesses but did
19 not take any recording or written statements from them.

20 THE COURT: All right.

21 MR. GOUDE: Your Honor, the second would be a motion
22 in limine to ask the Prosecutor to advise us what impeachable
23 offenses they contend that Mr. Gooden has on his record in
24 case he testifies.

25 THE COURT: All right, in the event he testifies

1 what's the prior record do you have?

2 MS. BAILEY: Thank you, Your Honor, in 2007 a larceny
3 of a firearm out of North Carolina. He received a 10 to 12-
4 month sentence on that. We did some research and found out
5 that is a Class H felony in North Carolina and the potential
6 sentence is up to 20 months in prison. Also, in 1992 he was
7 convicted of a strong-arm robbery here in Georgetown or in
8 South Carolina. He violated his parole on that strong-arm
9 robbery charge in 1999 and was released from confinement on
10 January 18th of 2002. I called and verified that with Carol
11 Joyner at the Department of Corrections. Since he was
12 released from confinement in the last 10 years it's the
13 State's contention that that is an impeachable offense.

14 THE COURT: When was he released?

15 MS. BAILEY: January 18th of 2002.

16 THE COURT: Okay, all right, so, you're talking about
17 larceny of a firearm and strong-arm robbery; correct?

18 MS. BAILEY: Yes, yes, Your Honor.

19 THE COURT: All right, Mr. Goude, anything else?

20 MR. GOUDE: Judge, we would just ask that - we know
21 that on the strong-arm robbery and attempt to commit strong-
22 arm robbery are 1992 convictions. The Solicitor has indicated
23 we were released from prison less than 10 years ago. I would
24 just say that the original conviction date is almost 20 years
25 ago, 1992. The offense would've occurred before that. So, it

1 would've been 20 years ago, and he - Mr. Gooden went to
2 prison, then was out of prison, violated parole and went back
3 in. So, that's how it's within the ten-year deal, but we
4 would say that it's still too remote and not relevant and the
5 prejudicial effect since it happened 20 years ago outweighs
6 any credibility issues in this case and we would ask that it
7 be excluded and not be brought out on cross by the Prosecution
8 during Mr. Gooden's testimony.

9 THE COURT: All right, so, what's the probative
10 value, credibility issue?

11 MS. BAILEY: Yes, Your Honor, to go to the Defendant's
12 credibility particularly because it's our understanding that
13 self-defense is going to be an issue in this case, not
14 necessarily self-defense per se but the, that the victim was
15 picking on the Defendant, that there may have been some
16 physical altercation in the past; and so, each, you know -
17 obviously the victim does have a violent record and will be
18 cross examined on that. So, it is extremely probative ---

19 THE COURT: Well, yeah.

20 MS. BAILEY: --- as to credibility that the ---

21 THE COURT: Well, on credibility but now, if you're
22 talking - trying to paint him as a violent person then that's
23 going to have a pretty prejudicial effect, and this, I mean,
24 the strong-arm robbery is not evidence in this crime.

25 MS. BAILEY: Absolutely, Your Honor, I agree.

1 THE COURT: So, the sole question is credibility.

2 MS. BAILEY: Yes, Your Honor, and strong-arm robbery
3 is, is a crime of dishonesty in taking money from somebody
4 else, just like petit larceny is a crime of dishonesty.

5 THE COURT: Well, and I understand that but you just,
6 you - your argument, what tapped me in was your argument that
7 it shows he's a violent person.

8 MS. BAILEY: Your Honor, the State does not intend to
9 go into that. The State does not intend to argue that he is a
10 violent person.

11 THE COURT: Okay.

12 MS. BAILEY: And I would just note for the record I'm
13 looking for the exact rule now that the rule states it's ten
14 years from the release of confinement or supervision.

15 THE COURT: Well, I understand that and it's
16 admissible under that but I still have to balance the
17 probative value versus the prejudicial effect. I mean,
18 otherwise, it meets - if it was not within the ten years it
19 wouldn't come in period, but it is within the ten years. So,
20 now I have to measure the probative value versus the
21 prejudicial effect against the Defendant. Let me hear from
22 you on that, Mr. Goude.

23 MR. GOUDE: Judge, as the Solicitor pointed out in
24 this case the victim has a violent criminal record and he and
25 a gang of his friends and I don't mean gang like the Bloods

1 and the Crips or the Jessie James gang or whatever, just more
2 than one person or friends of his were continually picking on
3 Mr. Gooden till Mr. Gooden eventually, as many people do,
4 picked an incorrect response to their picking on him. Instead
5 of calling the police or moving out of town or any of a
6 million other things he could've done he threw gasoline on one
7 of the guys. So, if Mr. Gooden testifies to bring out the
8 history between them and his fear of the people, the
9 Prosecutor, if they're allowed to ask him, will show that he's
10 got a prior criminal record and I imagine I would want to show
11 that to show - to try to bring out the word strong and try to
12 bring out the word armed and emphasize, you know, with my
13 voice on those when I'm talking to the jury, strong-arm
14 robbery and attempted strong-arm robbery, so Mr. Gooden
15 himself is a violent person, has already been convicted of
16 this and how can he say he's like a victim to the victim of
17 picking on him when he's already been in prison for strong-arm
18 robbery and attempted strong, strong-arm robbery. That's what
19 I would do if I was the Prosecutor if it's admissible and
20 those things happened 20 years ago when he was ---

21 THE COURT: Yeah, all right, I'm going to go ahead -
22 I'm not going to let you use the strong-arm robbery.

23 MS. BAILEY: Your Honor ---

24 THE COURT: You can, you can use the larceny of a
25 firearm but I'm going to - I think prejudicial effect far

1 outweighs the probative value.

2 MS. BAILEY: Can I, can I just for the record point
3 Your Honor to State v. Al-Amin, 353 S.C. 405, which held that
4 crimes involving dishonesty are automatically admissible for
5 impeachment purposes without the requirement that the Court
6 balance the probative value against the prejudicial effect.
7 That case also noted that armed robbery like shoplifting is a
8 crime of dishonesty.

9 THE COURT: What is that case now?

10 MS. BAILEY: State v. Al-Amin.

11 THE COURT: And when was that?

12 MS. BAILEY: And it - it was in 2003, it was Court of
13 Appeals in 2003.

14 THE COURT: And it says I don't weigh the prejudicial
15 effect ---

16 MS. BAILEY: Yes, Your Honor.

17 THE COURT: --- versus the probative value?

18 MS. BAILEY: When it's a - it says when it's a crime
19 of dishonesty that you do not weigh the prejudicial effect and
20 it notes armed robbery specifically like shoplifting.

21 THE COURT: Well, let me pull that up because I - if
22 I'm applying the wrong law I need to take a look at it. So,
23 let me - what is the case?

24 MS. BAILEY: State v. Al, A-L dash Amin, A-M-I-N,
25 it's 353 S.C. 405.

1 THE COURT: All right, let's take a short recess.

2 Let me go take a look at that.

3 MS. BAILEY: Thank you, Your Honor.

4 THE COURT: Because I thought everything had to be
5 prejudicial effect. So, that one says even if the prejudicial
6 effect far outweighs - even if you have one minute probative
7 value ---

8 MS. BAILEY: The, the court ---

9 THE COURT: --- and a billion percent prejudicial
10 effect I don't consider that at all is what that case says?

11 MS. BAILEY: That case says that that particular
12 balancing test for probative versus prejudicial doesn't come
13 into effect when it's a crime of dishonesty.

14 THE COURT: All right, let me take a look at that.
15 All right, I'll be back in a second.

16 MS. BAILEY: Thank you, Your Honor.

17 OFF THE RECORD

18 (On the record.)

19 (Whereupon, the following takes place outside the
20 presence of the jury.)

21 THE COURT: All right, I went and checked. Mr.
22 Goude, I'm going to reverse my ruling. They are going to be
23 able to use the strong-arm robbery. It is a crime of
24 dishonesty. So, it can be used to attack your client's
25 credibility if he takes the stand.

1 opening charges by the State?

2 MS. BAILEY: None, Your Honor.

3 THE COURT: Any by the Defense?

4 MR. GOUDE: No, sir.

5 THE COURT: All right, Ms. Bailey, you wish to make
6 an opening statement?

7 MS. BAILEY: Yes, Your Honor, may it please the Court.

8 THE COURT: Yes, ma'am.

9 MS. BAILEY: There's no excuse. October 22nd of 2010,
10 almost exactly a year ago Ronald Gooden walked in the Shaw's
11 Corner Store, walked directly up to Curtis Anderson, squirted
12 gasoline all over him and lit him on fire. There's no excuse
13 for that. There is no excuse for doing that to another human
14 being. I'm sure you're wondering why he did that and you'll
15 hear why. He says he was being picked on. He says he was
16 being called names. There's no excuse for that.

17 Ladies and gentlemen, my name is Erin Bailey. I'm an
18 Assistant Solicitor here in Georgetown. In South Carolina we
19 call the prosecutor solicitors, which is a little bit of
20 ancient language. In other states they're called district
21 attorneys or state's attorneys. It's all the same thing. I
22 represent the State of South Carolina when a crime has been
23 committed.

24 You may see sitting at the table with me our in-house
25 investigator, Steve Brown. He operates my equipment and will

1 help get some things up on your computer screen so that you
2 can see all the evidence in this case.

3 This case won't be long. It's not complicated. You will
4 hear from witnesses. There was a store full of people there
5 when it happened. You're going to hear from the officers that
6 investigated on the scene. You're going to get to see some of
7 the evidence and judge for yourself.

8 Jury service is one of the most important constitutional
9 services that we have in this country and I know that for some
10 of you this is jury number two this week and I thank you so
11 much for your patience and your service this week. I ask that
12 you be patient just a little while longer to hear the evidence
13 in this case, consider it carefully and to come back and let
14 the Defendant know there is no excuse for lighting another
15 person on fire.

16 THE COURT: All right, Mr. Goude, does the Defense
17 wish to make an opening statement?

18 MR. GOUDE: Thank you, Your Honor, yes.

19 My name is Reuben Goude. I'm a lawyer here in
20 Georgetown. I'm representing Ronald Gooden who is seated over
21 there beside me. What I ask you to do is listen to the
22 witnesses testify, listen and watch any exhibits that we put
23 into evidence with the court reporter, and when we finish this
24 case whether that's - it's 11:30 now, whether that's today or
25 tomorrow morning I will come back up here and talk with you

Jackie Shaw - Direct by Ms. Bailey

60

1 all and go over and ask you how to vote in regards to your
2 verdict. Thank you.

3 THE COURT: All right, Ms. Bailey, you can call your
4 first witness.

5 MS. BAILEY: Thank you, Your Honor the State calls
6 Jackie Shaw.

7 Whereupon, Jackie Shaw was called to the stand, duly
8 sworn by the clerk and testified as follows:

9 THE CLERK: Thank you. Please be seated and state
10 your name for the record.

11 MR. SHAW: Jackie Shaw.

12 DIRECT EXAMINATION

13 BY MS. BAILEY:

14 Q Mr. Shaw, please be sure to speak into the microphone
15 and speak up so we can all hear you; all right?

16 A Okay.

17 Q Mr. Shaw, do you own a store in Andrews?

18 A Yes, ma'am.

19 Q And what store is that?

20 A Shaw's Corner Store.

21 Q Is that located in Georgetown County?

22 A Yes, ma'am.

23 Q And how long have you had the store?

24 A About five, six, seven years.

25 Q All right, and just to set the scene a little bit what

1 Q So, who all was standing up at the front?

2 A It was me, Curtis, Al Giles, Herman Scott, Candy Man and
3 my wife was in and out.

4 Q Okay, and what happened next?

5 A After that, a few minutes after that everything had die
6 down and everybody just been in that part and talking to each
7 other and he came in the store.

8 Q So, he had left again at some point?

9 A Yes, ma'am, he left and then he came back.

10 Q Okay, what happened then?

11 A Then he came - he stayed around there for a little while
12 and he came in the store. My wife was leaving. They was kind
13 of passing each other at the same time and she tried to, you
14 know, to talk, hey, then he didn't really pay her no attention
15 and he came right on up kind of sideways and the next thing I
16 know he said, yo, boo, flip and that's what happened.

17 Q Okay, and so, tell us more specifically what it is that
18 you saw, you saw - did you see him walk in the door?

19 A Yes, ma'am.

20 Q Okay, and so, did he pass your wife when he walked in
21 the door?

22 A Yes, ma'am.

23 Q Okay, did he - what did he do then, did he walk around
24 the store, did he go straight somewhere?

25 A No, ma'am, he just came straight up to where we were.

1 Q Okay, and what did he do then?

2 A He, the guys been over there talking and they didn't pay
3 him no attention and usually when he come in he usually
4 regularly get a beer or a cigarette or, you now, and for some
5 reason he just didn't and he came up there and the guys was on
6 my right side and he said, yo, then he throw something and
7 light and ran out.

8 Q Okay, and so, did you see fire?

9 A Yes, I sure did.

10 Q Okay, did it - did - was it a little bit of fire that
11 spread slowly or was it a big flash?

12 A It, it was a big flash.

13 Q Okay, and so, did you see Mr. Gooden pour something on
14 him, on Mr. Anderson?

15 A He throwed something and it was flammable.

16 Q Okay.

17 A Uh-huh.

18 Q And what was the next thing that you saw after that?

19 A Everything was on fire.

20 Q Okay, and do you know Mr. Gooden, how well do you know
21 him?

22 A I know him just by being around. I don't know him
23 personally ---

24 Q Uh-huh.

25 A --- but I just know him because, you know.

1 Whereupon, Timothy Harrelson was called to the stand,
2 duly sworn by the clerk and testified as follows:

3 THE CLERK: Thank you. Please be seated and state
4 your name for the record.

5 MR. HARRELSON: My name is Timothy Harrelson.

6 THE COURT: All right, Ms. Bailey.

7 MS. BAILEY: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MS. BAILEY:

10 Q Officer Harrelson, could you tell us how long have you
11 been in law enforcement?

12 A Since 2009.

13 Q And where have you worked?

14 A Georgetown County Sheriff's Office, Andrews Police
15 Department and now currently employed with Jamestown.

16 Q Okay, and on October 22nd of 2010 where were you employed
17 then?

18 A Andrews Police Department.

19 Q And did you have reason to respond to the Shaw's Corner
20 Store?

21 A I did.

22 Q And can you tell us about what you found when you got
23 there?

24 A I was flagged down by a pedestrian, explained to me that
25 she had observed a man on fire running across Martin Luther

1 King Boulevard, which is adjacent to Shaw's Corner Store. I
2 immediately was in route to that. As I was in route I was
3 called by central dispatch. They explained to me the same
4 thing, told them I was already in route. Whenever I arrived
5 on the scene I could see obvious signs of smoke in the air,
6 didn't see anybody. They said he was inside. I immediately
7 ran inside, found Mr. Curtis Anderson inside walking around
8 dazed, a little lethargic to say the least. He was obviously
9 burned to a large extent.

10 Q Can you describe where the burn injuries were on his
11 body?

12 A All over his face, nose, mouth, throat area, on his
13 chest, down his side, his arm. He was burned very severely.
14 His skin was peeling off to say the least.

15 Q And how was he dressed when you got there?

16 A When I got there he was wearing burned, tailored pants
17 dark-color, no shirt. They had torn his shirt off of him
18 because it was burning.

19 Q And while you were on the scene did - was there a
20 commotion outside?

21 A There was. While I was inside tending to him keeping
22 him, trying to keep him incoherent I heard a lot of screaming
23 and chaos outside. As I ran outside to find out what was
24 going on I saw Mr. Gooden and my partner tussling on the
25 ground and a crowd surrounding them.

1 little bit. Could you describe more about the scene when you
2 got there?

3 A Whenever I arrived on scene there was a bunch of people
4 standing in the parking lot waiving me in. The - I could see
5 smoldering clothes laying in the highway from where he had
6 apparently ran across the street. There was smoldering
7 clothes in a trashcan where they had put a bunch of stuff in
8 the trashcan and tried to out the fire. His clothes were
9 continuing to burn because of the gasoline. When I got inside
10 he was - his - the skin on his face was ---

11 Q When you say he who do you mean?

12 A Mr. Anderson, Curtis Anderson, the victim in the case.
13 His skin was peeling away from his face. It was a very - it
14 was a gruesome scene to say the least. He - I'm trying,
15 trying not to be too terribly graphic. He was missing skin on
16 his face, his throat area, down his chest, his stomach, his
17 side and all down his arm.

18 Q Let's go back to that statement that you took on the way
19 to the jail, have you had the opportunity to review what has
20 been previously marked as State's Exhibit Number Nine?

21 A I have.

22 Q And could you describe what is on this CD?

23 A It is a - basically, a confession to what happened by
24 Mr. Gooden from the ---

25 Q It is, is it a true and accurate tape or recording of

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: All right, anything from the State before
4 we bring the jury in?

5 MS. BAILEY: No, Your Honor.

6 THE COURT: Anything from the Defense?

7 MR. GOUDE: No, sir.

8 THE COURT: All right, let's go ahead and bring the
9 jury in.

10 (Whereupon, the following takes place in the presence of
11 the jury.)

12 THE COURT: All right, ladies and gentlemen, welcome
13 back. I remind you if you have any cell phones or pagers
14 please turn those off at this time.

15 Ms. Bailey, you can call your next witness.

16 MS. BAILEY: Thank you, Your Honor. The State calls
17 Matt Hoefffer.

18 THE COURT: All right.

19 Whereupon, Matthew Hoefffer was called to the stand, duly
20 sworn by the clerk and testified as follows:

21 THE CLERK: Thank you. Please be seated and state
22 your name for the record.

23 MR. HOEFFER: My name is Matthew Hoefffer.

24 DIRECT EXAMINATION

25 BY MS. BAILEY:

1 Q And where are you employed?

2 A Andrews Police Department.

3 Q How long have you been in law enforcement?

4 A A little over four years.

5 Q And where all have you been employed?

6 A I worked three years here in the City of Georgetown
7 before going to Andrews about a year ago.

8 Q On October 22nd of 2010 did you have reason to go to the
9 Shaw's Corner Store in Andrews?

10 A Yes, ma'am.

11 Q And what did you find when you arrived?

12 A I found Officer Harrelson standing with the victim
13 Curtis Anderson in the parking lot of the Corner Store. I
14 observed Mr. Anderson to have severe third-degree burns to his
15 chest, face and both of his arms.

16 Q I'm going to hand up to you what's been previously
17 marked as State's Exhibits Seven and Eight. Do you recognize
18 those pictures?

19 A Yes, ma'am, I do.

20 Q What are those pictures of?

21 A They are pictures of the victim Mr. Anderson in the back
22 of the ambulance.

23 Q And do those pictures fairly and accurately depict his
24 injuries and his state when you arrived at the scene?

25 A Yes, ma'am, they do.

1 apparently some of his clothing had fallen off and also where
2 they tried to douse him with water to put the fire out.

3 Q Please pull up State's Exhibit Six. For the record,
4 we're now looking at State's Exhibit Six. Could you please
5 describe what we're looking at here?

6 A Yes, ma'am, again, this is just a vantage point further
7 back right here at the corner of the bar in front of that
8 Coca-Cola cooler was where the victim, Mr. Anderson, would
9 have been standing where he was set on fire and then where he
10 retreated back into the office.

11 Q And where is the door in relation to this picture?

12 A From this vantage point it would be off to my left.

13 Q Thank you. After you responded to the scene was the
14 Defendant there when you first got there?

15 A No, ma'am.

16 Q Did the Defendant arrive there?

17 A Yes, ma'am, I was in inside with Officer Harrelson and
18 the victim Mr. Anderson. We received information that the
19 subject was outside. I exited straight out the front door and
20 proceeded into the gravel portion of the parking lot. On the
21 other side of that gravel along Martin Luther King Drive
22 there's a grass edge to the roadway. I observed the
23 Defendant, Mr. Gooden, standing in that grassy section there.
24 He put his hands up in the air and stated, "It's me. I did
25 it." At that point, I took my tazer out of its holster,

1 A Yes, Curtis Anderson.

2 Q Okay.

3 A And just be - I was talking to the owner, you know, we
4 were laughing and joking and everything; and so, when I glance
5 or turn to the side at an angle I notice Ronald because like I
6 say Curtis's got a wide frame and Ronald is more skinnier.
7 So, I noticed Ronald when he came in and he's like he leaned
8 forward and said, you know, "Like I told you," that's all I
9 could hear, you know, could hear and then after that, bam, he,
10 Mr. Anderson burst out in flames.

11 Q Did you know Ronald before this?

12 A Yes, I do.

13 Q And how long have you known him?

14 A Me and him came - grow up together in school. So, I
15 knowed him probably 20, 20 something years, 30 years.

16 Q And you're certain it was him that you saw walk into the
17 store?

18 A Yes, ma'am.

19 Q Okay, can you pull up State's Five, please. If you'll
20 look at your screen there we're going to look at a picture.
21 Using this picture could you describe where you were standing?

22 A I was standing exactly at the corner, at the, at the
23 bar.

24 Q The corner that is closest to the camera or the corner
25 that is furthest away from the camera?

- 1 A Furthest away to the camera, on the corner on the right-
2 hand side furthest away.
- 3 Q Okay, and where was Curtis Anderson standing?
- 4 A He was standing right there where the like - where the
5 racks at right there on the right-hand side on the counter.
- 6 Q Okay, and after you said that you saw - can you describe
7 it again what, what you saw happen?
- 8 A Just like a explosion pretty much.
- 9 Q Okay.
- 10 A Yeah, he was on fire.
- 11 Q After that explosion what's the next thing that you
12 remember?
- 13 A The next thing when that happened, Mr. Anderson he ran
14 towards me and the small room behind it he ran towards me, he
15 was on fire and we was trapped up in the room.
- 16 Q So, you and he were both in that room?
- 17 A In that small room, correct.
- 18 Q Was that door opened or closed when it happened?
- 19 A That's - I can't remember. I know he came - I can't
20 remember if it was open or closed.
- 21 Q Okay, but both of you ended up back in that small room?
- 22 A Correct, correct.
- 23 Q And what happened next?
- 24 A When he came in the room, like I say, it was dark but
25 the lights from him because he was so much still in flames

1 pretty much it - I was able, I was able - I felt, I fell down
2 first and I jumped back up because he came so quickly upon me;
3 and so, at the time I reached and try to find a rag so I can
4 try to pat out him. So, that's what I done. Like I say, and
5 that room was filled with - that's where he keep his boxes and
6 containers and paper and stuff like that. So, you know, I was
7 careful what I grab to try to out him because like I say he
8 was - his shirt and everything was on fire. So, I pat him,
9 out, out him, and then at that time we tried to exited. We
10 couldn't because the counter and everything else was -
11 couldn't let us get out.

12 Q Okay, why, why couldn't - well, at this point was he
13 completely put out or was he still on fire?

14 A Correct, yes, he was out.

15 Q He was, okay, and so, why couldn't you exit at that
16 point?

17 A Because of the - the - from the fire that the trashcan
18 and I guess whatever that he used got on the side of the wall
19 and the counter so we was trapped then, we couldn't get out at
20 the time at least about less than a minute.

21 Q And what happened next?

22 A After that we came out, kept him calm. So, I was on my
23 cell phone calling 911 at the time, and we kept him calm
24 talking to him, you know, he was nodding his head and
25 everything, and then, then he went outside. We tried to get

Curtis Anderson - Direct by Ms. Bailey

112

1 THE COURT: All right, he's free to go. Thank you
2 very much. The State can call its next witness.

3 MS. BAILEY: Thank you, Your Honor. The State calls
4 Curtis Anderson.

5 WHEREUPON, Curtis Anderson was called to the stand, duly
6 sworn by the clerk and testified as follows:

7 THE CLERK: Thank you. Please be seated and state
8 your name for the record.

9 MR. ANDERSON: Yes, my name is Curtis Anderson.

10 DIRECT EXAMINATION

11 BY MS. BAILEY:

12 Q Do you need some water?

13 A Yes.

14 Q Curtis, I'm going to ask that you speak into the
15 microphone and loudly and clearly so everybody in the jury can
16 hear you; okay?

17 A Yes.

18 Q And I know this is painful for you emotionally and
19 physically. So, I apologize for some sensitive questions, but
20 on October 22nd of 2010 were you up at Shaw's Corner Store?

21 A Yes, ma'am.

22 Q And how long had you been there?

23 A I can't really remember.

24 Q Would it be fair to say you were there on and off all
25 day?

1 next thing after watch out what's the next thing that you
2 remember?

3 A Me being on fire.

4 Q Okay, and do you know who set you on fire?

5 A Yes, ma'am.

6 Q Who's that?

7 A Ronald Gooden.

8 Q Did you know him before this incident?

9 A Yes, ma'am.

10 Q How long have you known him?

11 A I know him for a while, probably about a year or so.

12 Q Okay, and is he here in the courtroom today?

13 A Yes, ma'am.

14 Q And where is he?

15 A Right there.

16 Q Okay, after - how did you end up leaving the scene that
17 night?

18 A I remember getting in the ambulance and I remember going
19 to a football field and getting into a helicopter and that's
20 pretty much it.

21 Q Okay, where did that helicopter take you?

22 A Augusta, Georgia.

23 Q And did you get medical treatment in Augusta?

24 A Yes.

25 Q Is there specialized medicine there? Is that why they

- 1 took you there?
- 2 A Yes.
- 3 Q And what kind of hospital do they have there?
- 4 A It's a burn center, it's a burn unit for a third degree
5 and third degree burns.
- 6 Q And how long were you at the burn center in Augusta?
- 7 A About three months.
- 8 Q And after you were released from the burn center where
9 did - did they let you go home?
- 10 A No, ma'am, I went to a rehabilitation center in Florence.
- 11 Q And how long did you have to stay there?
- 12 A For about almost a month.
- 13 Q And after three months in the burn center and one month
14 at the rehab center were you released then to come home?
- 15 A Yes.
- 16 Q What kind of - are you still under a doctor's care?
- 17 A Yes.
- 18 Q And how often do you see the doctor?
- 19 A Every month.
- 20 Q And where do you see the doctor?
- 21 A In Charleston.
- 22 Q And which doctor is that?
- 23 A Dr. Mullins.
- 24 Q And where is his primary practice?
- 25 A In Augusta, Georgia.

1 Q Okay, so, you meet him in Charleston once a month?

2 A Yes.

3 Q Do you know how long you're going to have to do that
4 for?

5 A No, I don't.

6 Q During the time that you were in the burn center and up
7 until today could you please tell us more about the injuries
8 that you sustained and what kind of treatments you've had to
9 undergo?

10 A Well, I burned the right side of my face, my lips, my
11 chin, my throat, my whole right arm, my right-hand, my left
12 hand, my chest and my stomach and I got grafts on my stomach,
13 grafts on my legs, all over.

14 Q Did you say you had grafts?

15 A Yes, ma'am.

16 Q Okay, and what, what is a graft?

17 A Where they had to take skin from my legs to redo my face
18 and to redo my arms and my body and my hands.

19 Q Okay, what degree - do you know what degree burns you
20 have?

21 A Third-degree.

22 Q And were you under treatment to prevent any, any other
23 injuries as a result of those third-degree burns?

24 A I don't understand what you mean.

25 Q Did they, did they put you on antibiotics to prevent

1 Q And why is that?

2 A At - well, while they're doing the injections to my face
3 they're putting medication in my skin. So, as it, as it go in
4 it swells the skin. Once it swells it releases. So, when
5 they release it I can't have this on or it's pushing the
6 medicine out. So, I don't wear it.

7 Q Okay, I apologize to make you do this but I want this
8 jury to know everything that happened. Will you take your
9 mask off and let them see your scars?

10 A Yeah.

11 MS. BAILEY: And Your Honor, I would ask for
12 permission because the side that is scarred is facing away
13 from the jury permission for him to come down and stand in
14 front of the jury.

15 THE COURT: Well, I mean, he can do that or he can
16 just stand right there and turn and face them, however you
17 want to present it I'll allow him to do that.

18 MS. BAILEY: Okay.

19 BY MS. BAILEY:

20 Q If you could, if you could stand up?

21 A (Complies with request.)

22 Q And walk over here about to the corner of that rail and
23 if you could look over by that door, look towards that flag.

24 Okay, thank you. You can have a seat and you can put your
25 mask back on if you need to. Now, you said that you had known

1 duly sworn by the clerk and testified as follows:

2 THE CLERK: Thank you.

3 THE COURT: All right, Mr. Goude.

4 DIRECT EXAMINATION

5 BY MR. GOUDE:

6 Q Ronald, if you would tell the ladies and gentlemen of
7 the jury your full legal name.

8 A My name is Ronald Edward Gooden.

9 Q What is your date of birth and how old are you?

10 A My date of birth is . I'm 41 years old.

11 Q And what's your marital status? Are you married now or
12 not married?

13 A I'm single.

14 Q And do you have any children?

15 A Yes, I have two.

16 Q And what are their ages and sexes?

17 A I have one 19 here in South Carolina. I have one ten
18 years old in North Carolina.

19 Q And the one that's 19 is that a boy or a girl?

20 A He's a boy, a boy.

21 Q And where does he live?

22 A He live with his grandmother in Andrews, South Carolina.

23 Q Okey-dokey, now, where were you raised as a child?

24 A I was raised partially Bridgeport, Connecticut, and then
25 I moved here when I was about ten years old, South Carolina.

1 Q And you lived in Andrews from the time you were about
2 ten years old until about what age?

3 A Till I was about, I'd say about 20, 21.

4 Q And did you move back there, this is October 2011 today,
5 this incident that we're here in court on was October of 2010,
6 a year ago, when had you moved back to Andrews before this
7 incident last year?

8 A That was at the end of 2009.

9 Q 2009?

10 A Yes.

11 Q So, you'd been living back in Andrews roughly a year?

12 A Roughly a year.

13 Q And where did you live in Andrews?

14 A I lived at the bottom of Jones where my father gave me a
15 trailer. It was like a fix up and try to get myself back on
16 track.

17 Q Okay, now, for most of the end of 2009 up until this
18 incident happened in October of 2010 were you living in your
19 father's trailer?

20 A Yes, sir.

21 Q And for most of that time period who else was living in
22 the trailer with you?

23 A It was just me by myself.

24 Q All right, now, what was your financial condition during
25 most of that time, the end of '09 up till October of 2010?

1 A I was broke, excuse me.

2 Q Did you have money to have the lights, the electricity
3 turned on in the trailer while you were living there?

4 A No.

5 Q And did you have the money to have the city water and
6 the city sewer turned on in the trailer while you were living
7 there?

8 A No, not yet.

9 Q Now, if you had no electricity how were you able to run
10 a refrigerator in your trailer to keep your food in the
11 refrigerator?

12 MS. BAILEY: Objection, Your Honor, I'm not sure of the
13 relevance of this line of questioning.

14 THE COURT: I'm going to allow it. Go ahead.

15 Q If you had no electricity how were you able to keep your
16 refrigerator running in your trailer to keep the food in it?

17 A Well, it wasn't, it wasn't nothing inside the trailer,
18 there was nothing, no refrigerator, no stove. It was just I
19 got a bed and I just had a bed.

20 Q Did you have a vehicle during this period of time?

21 A No, I haven't.

22 Q No car, no truck?

23 A No.

24 Q Where would you often go to get something to eat?

25 A I would go to Shaw's Corner Store.

1 Q And what type of things did they sell there to eat or to
2 drink?

3 A I would basically get like a hot dog, two hot dogs, a
4 sausage and something to drink or I might get a beer, buy some
5 cigarettes.

6 Q Did they sell sodas, soft drinks?

7 A Yes, sir.

8 Q Did they sell like orange juice and milk, things like
9 that?

10 A Yes.

11 Q Approximately how far down Jones Avenue was it from your
12 trailer where you lived to Shaw's Country Store?

13 A I'd say about a half a mile or probably a little bit
14 more. It's a stretch going up the block, all the way up the
15 block, yes.

16 Q Now, at some point while you were living there in the
17 trailer did you try to get a tenant to move into the trailer
18 to help you financially?

19 A Yes.

20 Q And did you get a tenant to move in?

21 A Yes, I found one.

22 Q Who was the person's name?

23 A Well, his name was Johnny Bradshaw.

24 Q And after - and about when was it when he moved into the
25 trailer with you roughly?

1 A It was probably two weeks or something prior to this
2 incident.

3 Q Two weeks prior to October the 22nd, 2010?

4 A Yes.

5 Q Okay, now, and after he moved in with you did you hear
6 rumors going on about yourself as far as being a homosexual or
7 not?

8 A You talking about before he moved in or after he moved
9 in?

10 Q After he moved in.

11 A Well, it wasn't that day or the next day, you know what
12 I'm saying, some things had occurred to lead up to that.

13 Q What occurred?

14 A You know, with this lady, Ms. Birdie, she stopped. I
15 was walking up the street. I was going to the car wash.
16 That's where I worked at, and she pulled over and she told me,
17 and she told me, she said, "Oh, I hear that you had a - you
18 have a boyfriend," and I was like, "What you mean," and she
19 said Johnny Bradshaw. I said, "What?" I said - he said, I
20 asked her what is he gay, and she like, "You should know," you
21 know what I mean. That's when I went to the Corner Store and
22 that's when I asked Jackie, you know what I'm saying, about
23 Johnny Bradshaw was he gay and he told me that he was known to
24 pull on one.

25 MS. BAILEY: Objection, Your Honor, that's hearsay.

1 MR. GOUDE: We're not offering it for the truth.

2 THE COURT: Yeah, he's not offering it for the truth
3 of the matter asserted. So, I'll allow it. Overruled.

4 BY MR. GOUDE:

5 Q What does he's known to pull on one mean to you?

6 A He's known to suck on a penis.

7 Q When you learned that what did you do?

8 A I went back home. He was there.

9 Q He who?

10 A Johnny Bradshaw he was there. I told him he had to get
11 out, you know, because I asked him was he gay, you know, he,
12 he confessed to it. He was gay and then I kicked him out that
13 same day.

14 Q Had he paid you any money on the rent to live there with
15 you?

16 A Yes, yes, he pay me \$200.

17 Q And what did you do insofar as the money?

18 A Well, I got some can goods so I could have something to
19 eat in the trailer, you know, things like that.

20 Q Did you refund him any of his rent?

21 A I gave him \$100 back.

22 Q And did he move out?

23 A Yes, he, he, he got out.

24 Q Now, did you know a gentleman named Curtis Anderson?

25 A Yes.

1 Q Where did you meet him?

2 A Actually I didn't meet him, he met me, you know, he
3 intruded on me.

4 Q Where did he meet you?

5 A I was walking down the street and they be over on the
6 side. They be drinking and stuff like that and Gerry and them
7 they be - I know Gerry from when he was small and so he get -
8 he call me over there and I was talking to Gerry and stuff
9 like that and that's how we kind of like got to know each
10 other right there.

11 Q And where would Gerry and Curtis be talking where they
12 would call you over? Where was that located?

13 A It's right there on the beginning of Jones Street right
14 at the top in front of the store.

15 Q Now, did Curtis say anything to you about you letting
16 Johnny Bradshaw live in the trailer with you?

17 A Not right then, no, not right then. He didn't actually
18 say nothing, you know what I'm saying, it was more Gerry at
19 that time, you know.

20 Q All right, well, let me rephrase the question. At any
21 time after you let Johnny Bradshaw stay in the trailer with
22 you up until the time of the burning incident did Curtis
23 Anderson ever say anything to you?

24 A Yes, sir.

25 Q What kind of things did he say?

1 A He would say, "Yeah, I know Johnny Bradshaw sucking your
2 dick," excuse my language, "I know you," can I - I can curse;
3 right?

4 Q Well, say what he said.

5 A Well he was saying like, "Yeah, I know you're fucking
6 him in his ass," and things like that and, "Yeah, because he's
7 known to pay people for him to suck your dick, suck his dick,"
8 you know what I'm saying, they were saying like he gave me
9 \$200 for I would let him suck my, my penis.

10 Q Now, well, who would hang around often with Mr.
11 Anderson, Curtis Anderson?

12 A It would be him, Gerry Chandler and Greg Tisdale and
13 some other friends of theirs.

14 Q And would Gerry Chandler say anything to you along those
15 lines to you?

16 A Yes, he would.

17 Q What would he say?

18 A He would call me dick sucker, "Yeah, Johnny Bradshaw is
19 looking for you," from out the blue, I be minding my business
20 and, "Yeah, you know you fucked that man in his ass," and
21 things, things of that nature, you know. I'm not used to
22 that.

23 Q And would Greg Tisdale, did he say anything to you along
24 those lines?

25 A Yes, he's like the runt of the pack. He, he follows

1 everything they do, yes.

2 Q Had you said anything to those three guys about what they
3 were saying to you - you said - did you told them you liked
4 it, didn't like it, asked them to keep saying it or not say it
5 or had you said things to them about it?

6 A Well, on a couple, couple, certain occasions, yes, I did
7 tell them. I asked them, I begged them. I came to them just
8 like a man. I'm 40 years old. I said, "Please leave me
9 alone." I said, "I'm not gay." I said, "I don't know why you
10 all chose me to pick on me." I don't - I couldn't even
11 understand why they was saying things like that on me and I
12 pleaded with them. They just laughed. They just laughed at
13 me. I just I ain't know what to do.

14 Q At some point in there in that same time period, did they
15 invite you to come over to a barbeque or something in their
16 yard?

17 A Yes, that's - that was when I first - when I first came
18 down here, you know, I was kind of hungry and stuff like that.
19 Me, I'm thinking that Gerry was being a good friend since I'd
20 known him when he was small. He's, he's, he's a little,
21 little guy, you know. They invited me down to the picnic. I
22 went down there. My clothes was kind of messed up because I
23 didn't have no washing machine. I used to wash my clothes out
24 in a bucket and stuff like my shoes and stuff. I'm trying to
25 get - do the best I can.

Ronald Gooden - Direct by Mr. Goude

152

1 They invite me down there. They fixed me a plate. Then
2 all of a sudden, Gerry Chandler, he turns the attention on me
3 and it's all, it's all - it wasn't Greg there. It was just
4 him and Curtis there this time. Then he was like, "Boy, I
5 know you hungry. Boy, you know, your stomach rumbles." He
6 said, "Yep, I know your stomach don't even know what food is,"
7 and at that time everybody start laughing at me, you know, and
8 it was just like my stomach was saying, "Oops, oh, what's
9 that? What's coming down my throat?" You know what I'm
10 saying, "Oh, it's food." You know what I'm saying, boy, you
11 know I be hungry man, you know. Back then I didn't have my
12 food stamp card and stuff like that and, so, yes.

13 Q At some point in the month of October before this
14 incident did any of these gentlemen show you anything in the
15 trunk of their car out there at the parking lot of the store?

16 A Yes, Gerry Chandler, on the night that was - I think it
17 was the night before or I'm not, I'm not, I'm not sure. We
18 got into it because when I walked up to the store, I just got
19 off from work. I was washing cars all day long. I go on.
20 I'm coming up in the parking lot. They standing out there by
21 his car. He's like, "Oh, there go" - he said, "There go
22 Ronald Gooden." He said, "Yo, Johnny Bradshaw looking for
23 you." I'm like I'm ignoring them. Then he was like, "Man,
24 you need to go wash your clothes," and stuff like that, you
25 know what I'm saying. He was talking about, "Johnny Bradshaw

1 was around here looking for you," you know what I mean and
2 that's - he's implying gay things, you know and just ---

3 Q Did they show you anything in the trunk of their car?

4 A Yes, that's when - right then I was, I was heated, you
5 know, and then words got exchanged. Then Gerry went inside
6 his trunk of the car and he pull out like two long like
7 swords, like ninja swords and put them to my neck. I wasn't
8 even expecting it.

9 Q Did you all get in any kind of a scuffle?

10 A Yes, we did.

11 Q What?

12 A After Gerry put the knives back, it was one of their
13 friends, one of their cousins named Lamb, but he's not here.
14 He stole off on me. He punched me, knocked me down, then
15 Curtis, he came and kicked me in my ribs.

16 Q And who was present at that occasion?

17 A It was Lamb, his cousin. It was Curtis and there was
18 Greg.

19 Q Greg or Gerry?

20 A Gerry, excuse me. I'm nervous, Gerry.

21 Q And this happened where?

22 A It was right there in front of the store.

23 Q The store being the Shaw's Country Store?

24 A Yes, sir.

25 Q Is it country store or community store?

1 exhibits in order.

2 THE COURT: Any objection?

3 MS. BAILEY: None from the State, Your Honor.

4 THE COURT: All right, Defendant's Exhibit Number
5 Five, Defense Exhibit Number Six admitted into evidence
6 without objection.

7 MR. GOUDE: Judge, it was Five, Six, Seven and Eight
8 if it pleases the Court.

9 THE COURT: Okay, all right, Defendant's Exhibits
10 Five, Six, Seven and Eight admitted into evidence without
11 objection.

12 (Whereupon, Defendant's Exhibit Five, Six, Seven and
13 Eight admitted into evidence and appropriately marked.)

14 BY MR. GOUDE:

15 Q Now, Mr. Gooden, a few days or so before the burning
16 incident, one night while you were sleeping in your trailer
17 did you hear anything?

18 A Yes, I was awake by some gunshots.

19 Q And where were the gunshots, where did the gunshots
20 sound?

21 A Right there in the back of my trailer. I was sleeping
22 right there by the window and I heard the gunshots and I heard
23 the bullets coming through, in through my trailer.

24 Q And was this at nighttime or daytime?

25 A It was, it was really, it was late. I was already - I

1 was already asleep and it was probably like two, three
2 o'clock, something in the morning.

3 Q Now, when the daylight came did you go out and look at
4 your trailer?

5 A Yes, I did.

6 Q And what did you see when you looked at your trailer?

7 A I seen bullet holes in my trailer.

8 Q How many was there?

9 A I seen two.

10 Q And did you talk with Mr. Anderson - and this happened
11 before the burning incident; correct?

12 A Yes, this was before the burning incident.

13 Q Did you talk with Mr. Anderson about somebody having shot
14 into your trailer?

15 A Yes.

16 Q What did you tell him?

17 A Well, on that evening when I went to the store, I got off
18 of work, I went to the store. They started in on me again,
19 the same thing. It was Greg and Curtis. They started in on
20 me again with the gay things, saying you was - I don't want to
21 curse, but, you know, he sucking your dick and it's the same
22 thing everyday and I then confronted him. I told him, "Yeah,
23 I know that was you that shot inside my trailer." Then he was
24 like, "It wasn't the first time that I try to kill somebody."
25 He said like - he didn't say killed. He said it was the first

1 time that I ---

2 MS. BAILEY: That's certainly hearsay.

3 MR. GOUDE: We asked the witness ---

4 THE COURT: Yeah.

5 MR. GOUDE: --- Mr. Anderson specifically ---

6 THE COURT: Yeah, I'm going to allow it. Go ahead.

7 A He didn't say kill. He said it wasn't the first time
8 that I try to get somebody.

9 Q Now, if you will step down here in front of the jury.

10 COURT REPORTER: He needs to face me, please.

11 THE COURT: Yeah, put him near a microphone and have
12 him face.

13 Q Would you stand on this side for me, please?

14 THE COURT: Yeah.

15 Q And on this picture, which is Defense Exhibit Five, and
16 the top one which is the - has a - an A on it, it shows a
17 little red car and a little dirt street. What does that
18 picture show? Speak up loudly so the court reporter can get
19 you ---

20 A Oh, that's the ---

21 Q --- and the jury can see you and hear you.

22 A That's a picture of my trailer right here peeking through
23 the bushes.

24 Q And the part of your trailer that you would see through
25 this little street through these little bushes, is that the

1 The day of the incident, the day of the burning, which was as
2 we've seen with the calendar and let's refresh all our minds,
3 October the 22nd, 2010, was what day of the week?

4 A It was on a Friday.

5 Q All right, that Friday, and the deputies have testified
6 this happened around nine or 9:30 that evening, that Friday
7 night. When did you go to the store, Shaw's store, that day?
8 When was the first time you went to the store that day?

9 A It was right after I got off from work. It was probably
10 four or five, something like that. I'm not - it's been a year
11 ago.

12 Q Did you see any of the three men there, Mr. Anderson, Mr.
13 Chandler?

14 A Yes, sir, all three of them was in the store.

15 Q And were they drinking alcohol at that time or not
16 drinking alcohol at that time?

17 A They wasn't drinking no alcohol far as I - I wasn't
18 trying to look for that, but I didn't see no alcohol in their
19 hand.

20 Q Was there any trouble at that time?

21 A Yes, when I went into the store, yes.

22 Q And what happened?

23 A Well, when they started saying the names and like that,
24 things got out of hand because right then, you know, I had
25 worked a whole, a whole day and it just - everything was just

1 boiling up to a head and they just, just so relentless on me.
2 I didn't know what to do, so words got exchanged.

3 Q What kind of words?

4 A I said, "If you keep bothering me," I did, I'm not going
5 to sit here and lie. I said, "You keep lying on me," I said,
6 "I'm going to set your ass on fire."

7 Q And what did they say to you?

8 A They said, "Yeah, and we'll set your ass on fire."

9 Q Now, and what else did you say to them? What else did
10 they say to you?

11 A Well, they was like, "Yeah, we'll set your ass on fire.
12 We have guns," like that, you know, and they was just -
13 everything was just heated. Everything was just going out of
14 control and then it was Gerry, I mean, Greg Tisdale, he jumped
15 up and he was like, "Yeah, well, I got a gun, you know what
16 I'm saying?" Then I said, "Well, what you going to do?"
17 Right then I was just - I was ready to die. They was ready to
18 die, just I was tired of it and they just wouldn't leave me
19 alone. So, he got up. He went out the door, you know.

20 Q He who? Greg?

21 A Greg, he went out the door. Okay, Curtis, he, he was
22 playing a big part, too, because he already, you know what I'm
23 saying, when he told me that - okay, he said that it wasn't
24 the first time that I killed - I mean, "It wasn't the first
25 time that I tried to get somebody before." Right then that

1 let me know that, you know what I'm saying, he was the one
2 that shot in my trailer, you know. I took it as that; and so,
3 Greg, I mean Gerry, him and Greg, he got up and he left and I
4 went out behind him, you know, and ---

5 Q Well, let me ask you this, not to interrupt the flow, but
6 you said Curtis had said he had tried to kill somebody before.
7 Did you know that Gerry Chandler had also killed somebody
8 before?

9 A Yes, I knew he had killed somebody before, too, because
10 he said, "I already have" - he said, "I have one under my
11 belt, too," and that right there, I was - I already knew. I
12 already knew what I was dealing with with them and I knew they
13 already had killed a person a piece; and so, I was, man, I
14 didn't - I just came - I'm new down there. I have no family.
15 They jumped me before and they - it's always they in a group
16 and I just was I was scared for my life. I was - I didn't
17 know what to do. I was scared to even go home. I didn't ---

18 Q Why didn't you just stand up to them one at the time and
19 you all have like a little wrestling match?

20 A No, it wouldn't have been like that because they jumped
21 me before and they not going to take no - they, they not going
22 to let a outsider beat one of their own, you know. I'm the
23 only one there. I have no family here. It's just, it's just
24 me. It's just me.

25 Q So, Greg leaves the store. He says, "I'll get a gun,"

Ronald Gooden - Direct by Mr. Goude

167

1 A Yeah, I cut in half so it could be ---

2 Q How did you cut it in half?

3 A I - it was a saw. I had a saw..

4 Q A hand saw?

5 A Yes, and so, I cut it in half and then I picked it up,
6 looking at it ---

7 Q And a bush axe, in case everybody has not worked cleaning
8 hedgerows with a bush axe, what is a bush axe?

9 A That's what you clean bushes with, got a big blade on it
10 with a tall handle on it. Yeah, and so, I looked at it and I
11 said, "Man, I can't do this." I said I couldn't do that. I'm
12 not - I'm not a killer. I wasn't trying to kill nobody, I
13 just - I try to picture myself doing it. I wanted to do it,
14 but I just couldn't do it. That's not me. So, I left the
15 bush axe home and I walked back up to - back up the street,
16 which I shouldn't have done ---

17 Q Why did you go back up the street? Where were you
18 headed?

19 A Well, I was heading back to the store because at that
20 time I left - I had left my cell phone in the back of the
21 store. I left it back there charging.

22 Q Why were you not charging your cell phone at your own
23 home?

24 A I have no electricity there.

25 Q And is there a place in the Shaw's Country Store where

1 you can charge your cell phone?

2 A Yes, it's right there in the back where they be playing
3 pool and things like that.

4 Q They got a pool table in there?

5 A Yeah, a couple of poker machines and stuff in there.

6 Q And what type of electrical outlet is in the store where
7 you were charging your cell phone?

8 A Just a regular outlet.

9 Q Had you seen other people doing the same thing?

10 A Oh, yes, many times.

11 Q Okay, you're going back up to the store to get your cell
12 phone?

13 A Right, and so, on the way back, I noticed that they was
14 just pulling back up. So, obviously they went somewhere, you
15 know what I mean, and I stayed and I watched. I said, "Man,
16 I don't know if I should go back over there right now," but
17 because my cell phone over there and I was cocky and I said,
18 "Bump it, I'm just going to go over there. I'm going to get
19 my cell phone." So, I walked over there. When I walked in
20 the back, I got my cell phone, and then at that time - let me
21 back up, before I went into the store I noticed there was some
22 gas. There was a gas - there was a lawnmower on the side of
23 the store that had a jug on it, you know. Right then I said,
24 "Okay, if anything go down, you know what I'm saying, I might
25 could use that or maybe scare them or whatever that - whatever

1 might happen." So, I seen that on the side, but I wasn't like
2 intentionally was going to use it.

3 Q Where was it located?

4 A It was like in the front but more on the side in the
5 corner.

6 Q If you're going in the front of the store and you're in
7 the parking lot would the lawnmower have been off to the right
8 side of the store or the left side?

9 A It was like in front of the liquor store, the part, but
10 it was like on the side. You couldn't like really see it.

11 Q On the side of the liquor store?

12 A Yes.

13 Q That was the, that was the picture that showed the end of
14 the store with the red dot that Mr. Shaw said was the liquor
15 store that's in Exhibit 3-B and C?

16 A Right.

17 Q The lawnmower would have been at the end of the building?

18 A Not right there, but in front of it.

19 Q In front of the little liquor ---

20 A But yeah ---

21 Q --- store would have been in the middle?

22 A And it's in, yeah, and it's another wall in front of that
23 where you couldn't see it from the front.

24 Q Okay, you see, you see the little lawnmower and you say
25 there was a jug of gas on it?

1 A Yes, it wasn't - I don't know what it was. I don't know,
2 I don't know what it was. It just happened so quick. I just
3 know it was, it was like a container or something.

4 Q You remember if it was a riding lawnmower or a push
5 lawnmower?

6 A It was a push lawnmower.

7 Q A push lawnmower?

8 A Yes.

9 Q Okay, and so, you see that and what happens? You go in
10 the store?

11 A I go into the store. I get my cell phone and something
12 just told me - I just - I looked over because in the store -
13 it's a back and then, and then you can see the front of the
14 store and you can see the people standing up right there
15 drinking at the bar and then when I looked at Curtis, he made
16 a motion to me like, like this.

17 Q Like what?

18 A Like, like that's - he going to kill me. He going to
19 shoot me.

20 Q With his hand ---

21 A With his hand.

22 Q --- with his thumb up and his fingers pointed ---

23 A Like this.

24 Q --- like a pistol?

25 A Like this, yes.

1 Q Like he's moving his thumb to cock the hammer of the
2 pistol?

3 A Yes, sir, like this.

4 Q So, I'm trying to talk out loud so the court reporter
5 will have a record of what kind of symbol you're making with
6 your hand.

7 A Okay.

8 Q Okay, all right, so Mr. Anderson does that and what
9 happens then?

10 A Then, I'm sorry that everything went down like that. I
11 apologize to you, Curtis, man. It hurts me. I didn't even
12 know I was going to mess you up like that and I hope God
13 forgive me. I went outside. I got the, I got the gas and I
14 threw it and somebody said, "Hey." I wasn't, I wasn't even
15 going to throw it in his face, but he turned around so quick
16 and it just was in one motion and I did it. Man, I seen you,
17 I seen the pictures on the camera yesterday. Man, I swear to
18 God, man, I - much as, much as man, I was - you all aggravate
19 me and things, but I didn't, I didn't mean for that to happen
20 like that, man, and I hope that you can forgive me, man. I
21 wasn't trying to kill you. I just wanted you all to feel my
22 pain, man. I just wanted you to feel some of the pain that
23 you was giving me, man, you and Greg and them, man. I made a
24 - I might have overreacted, bro. I'm sorry. I'm sorry.

25 Q And so, how did the - who was in the store, Mr. Gooden,

1 when you - you walked outside and got the gas and came back
2 in?

3 A Yes.

4 Q Who was in the store that you remember seeing?

5 A When I walked into the store, it was, it was Al Giles, it
6 was - Curtis was in there. Greg was in there and it was a
7 girl, Angie, she was in there.

8 Q Greg was in there?

9 A No, not, not Greg was in there, Gerry. I keep getting
10 their names mixed up. It was Gerry in the store.

11 Q And you said Sheila or Jackie Shaw, the owners of the
12 store?

13 A Jackie was there. I didn't even see Sheila because I was
14 - they had me so upset when I was inside the store. She was
15 in there and I, I felt somebody touch me, but then when Gerry
16 left, I was - after him, I didn't even know she was in the
17 building. She said she tried to stop me. I didn't even see
18 her, man, it just ---

19 Q How did you light up the gasoline?

20 A I had a lighter. I had a lighter.

21 Q And what did you do? Throw the lighter on Mr. Anderson
22 or hold it in your hand and light it or how did you?

23 A No, it - really, I threw the gas. It was one motion. I
24 didn't even - I wasn't even close to him like that, but when I
25 hit him with the gas, the gas came on me, too, because I also

1 got burned. When I did that, I caught on fire and he caught
2 on fire from the fumes, you know. It was as if the fumes got
3 - the fumes caught.

4 Q Did you keep the lighter in your hand or did you throw it
5 or do you remember?

6 A Everything was in such chaos, I don't even know what
7 happened. I know that I ran. I ran behind the daycare
8 center. I was back there in the woods.

9 Q Where is the daycare center?

10 A It's on Martin Luther King Street.

11 Q In other words, when you came out of the store, which
12 direction did you take?

13 A I took a left and I ran and I ran behind some bushes and
14 I went behind the building. I laid there in the woods and I
15 thought about what I did, thought about what I had just done.
16 I heard the police and all of that and I just was in the
17 woods, man, just - I was like, "I don't know where I'm going
18 to run, why am I running. I have nowhere to run." I figure I
19 was in the right. I got up. I said, "Well, I'm going to turn
20 myself in, there's no need to run." I got up and I walked
21 down the street and I seen the crowd. I didn't want to go. I
22 didn't want to. I was afraid and I walked anyway and they - I
23 said, "It's me. I did it. It's me," and then that's when
24 chaos - the crowds jumped on me and the police tried to
25 contain us and stuff like that.

1 Q When you threw the gas on Mr. Anderson, what were you
2 intending to do to him?

3 A I was intending him - it wasn't - I wasn't really
4 intending to do it like, "This is what I'm going to do," and
5 throw it on him, I just wanted him just to - just - I just
6 wanted him just to leave me alone, just - I wasn't trying to
7 kill him. I wasn't trying to kill him. I just wanted him to
8 feel my pain, "Just, just, just leave me alone, please. Why
9 is you aggravating me? Just leave me alone," that's all I
10 been asking you all to do, just please leave me alone. That's
11 it.

12 Q I think in the police video in the car you had said that
13 earlier that day you had seen the guys at the store and they
14 were not drinking at that time and they had not said anything
15 to you. Had you been over to the store earlier that day when
16 the three guys were not drinking?

17 A I was - when I got off of work, yeah, I came to the store
18 and they was there. They was sitting there. I don't know if
19 they wasn't drinking. I don't know if they was drinking or
20 not because when I went in the store they started in on me.

21 Q All right, well, when you had gotten off work that was
22 about what time?

23 A It was probably like five o'clock, something like that.

24 Q Okay, and this incident happened like 9 or 9:30, the
25 police dispatch and the police report said when he was burned.

Ronald Gooden - Direct by Mr. Goude

175

1 So, at five o'clock, had you gone home or somewhere and then
2 came back over later when you all had the trouble because
3 there's a long time between five and nine o'clock.

4 A Yeah, I know that, but I couldn't even tell you where
5 time - where the time went. I was, I was over at the trailer
6 park. When I went to the store, it was just - we got into it
7 and Greg did that and I went. I don't know where the time
8 went. I don't know. I was in the back of the store for
9 awhile, for a little bit.

10 Q What did you think that these three guys were going to do
11 to you this evening that provoked you to throw the gas?

12 A I thought they was going to hurt me. Honestly, I knew
13 they killed people. I thought you don't play with killers. I
14 thought they was going to kill me because I stayed back there
15 in that little spot back there and my house is surrounded by
16 trees. They already had shot in my trailer. I thought I was
17 in grave danger and I wish I could avoid them. I couldn't
18 avoid them because every day I come up the block. I go to
19 work in the morning, wherever they might be out there. When I
20 get off, I have to come back the same way. I couldn't avoid
21 them. I eat right there and for me to avoid them I have to
22 walk like a mile or so out out my way and go to another store,
23 you know. I just prayed on it, just prayed that they leave me
24 alone and I leave it up to God, you know.

25 Q You say in the police video that you had called your

1 trailer.

2 Q In the end, on October 22nd of 2010, after you said that
3 you would light them on fire and they supposedly said they
4 would light you on fire back, Curtis Anderson is the only one
5 that got lit on fire. Is that correct?

6 A True.

7 Q You've been convicted of larceny of a firearm in North
8 Carolina in 2007. Is that right?

9 A Yes, that's correct.

10 Q That means that you stole a gun. Isn't that right?

11 A Yes.

12 Q And in 1992 you were convicted of a strong arm robbery.
13 Is that right?

14 A I pleaded to it, yes.

15 Q And that means you took something by force that didn't
16 belong to you. Is that right?

17 A Yes.

18 Q Now, you've testified that supposedly Curtis, Greg and
19 Gerry were picking on you that night, October 22nd, and calling
20 you a faggot, but isn't it true that it was you that made the
21 first physical threat of, "I'm going - if you all don't stop,
22 I'm going to come back and light you on fire?"

23 A The first physical threat?

24 Q Is that a physical threat? If you don't stop, I'll come
25 back and light you on fire?

Closing Argument by Defense

217

1 Now, just like their opening statements these closing
2 arguments are not evidence in this case. It is simply the
3 attorney's contention as to what the facts in this case are
4 and what the law in this case is. If at any time an attorney
5 makes reference to a fact that is different from the facts as
6 you find them to be or makes mention of a law that is
7 different from the law as I charge you at the close of their
8 arguments, then you're to disregard their statements because
9 it is simply the attorney's opinion or contention as to what
10 the facts and law are in this case.

11 All right, Ms. Bailey, does the State wish to waive
12 opening or open first?

13 MS. BAILEY: The State wishes to close last.

14 THE COURT: Okay, all right, Mr. Goude, closing
15 arguments.

16 MR. GOUDE: The Judge will tell you all in a few
17 minutes what the law are, are, laws are and the Judge will
18 give you a set of jury instructions to take back with you into
19 the jury room to repeat what the laws are and how to vote
20 procedurally-wise in the case.

21 Some of the things we know are undisputed and plain and
22 clear. We know that the Prosecution witness, Mr. Anderson,
23 was burned and is burned and still has burns on him. We know
24 that Ronald Gooden threw the gasoline on him and threw the Bic
25 cigarette lighter on Mr. Anderson and lit him. We know all

1 this happened at Shaw's Country Store. So, the question is is
2 Mr. Gooden guilty or not guilty of a crime in doing that? Did
3 he have a legal right to do it? If he did have a legal right
4 to do it, which is self defense, the Judge will tell you that
5 your job is to vote not guilty of any charge. If Mr. Gooden
6 did not have the right to act in self defense, the Judge will
7 tell you that there are five charges that you can choose from
8 in deciding to assign or assess Mr. Gooden an amount of guilt.
9 The Judge is going to tell you that that's either the most
10 serious is on top, the least serious is on the bottom, the
11 least serious on the bottom, which is not guilty, most serious
12 on top, which is the charge attempted murder. Under that,
13 it's sort of like Tupperware bowls, you got the bigger bowl on
14 top of the smaller bowls, the worst, most serious on top
15 attempted murder, under that assault and battery of a high and
16 aggravated nature, under that assault and battery in the first
17 degree, under that assault and battery in the second degree,
18 under that assault and battery in the third degree. The Judge
19 is going to read you the law on each of these charges to tell
20 you the difference in them so you'll know what to do.

21 The actual charge, the actual indictment is Ronald Edward
22 Gooden did in Georgetown County about October the 22nd, 2010,
23 with intent to kill Curtis Anderson, attempted to kill Curtis
24 Anderson, the victim, with malice aforethought either express
25 or implied malice aforethought, to wit, that is that the

Closing Argument by Defense

219

1 Defendant, Ronald Gooden, squirted gasoline on the victim,
2 Curtis Anderson, and set Curtis Anderson afire in violation of
3 the law that the Judge is going to read you, in violation of
4 the statute.

5 What we ask you in the overall picture of the case, to
6 begin with on the attempted murder charge what we ask you to
7 listen to the Judge say is the Judge will say on the attempted
8 murder charge, and I've got the same instructions you're going
9 to have, so I'm going to read them right to you. On the
10 attempted murder charge the Judge will say, read to you the
11 law which is that Mr. Gooden with intent to kill attempted to
12 kill Mr. Anderson. This is the first charge, attempted
13 murder. The Judge will say with intent to kill, that he
14 intended to kill him, and then you go on into the other stuff
15 about malice and all that, but the simple, easy thing for us
16 to understand is in this charge it is that Mr. Gooden with
17 intent to kill threw the gas on him.

18 Well, the Judge is going to tell you that intent - when
19 Matt Dillon on Gunsmoke every night on Encore at 7 p.m., when
20 he walks out into the street and the other guy walks out and
21 they draw the guns, Matt Dillon and the other guy that's
22 drawing against him do not say at the beginning of Gunsmoke,
23 "I am intending to kill you, Marshall Dillon," and Matt Dillon
24 does not say, "Well, if you draw on me, I am intending to kill
25 you." They don't say that because the Judge is going to read

1 you that intent cannot always be proven by a mathematical
2 certainty. Medical science cannot dissect a person's brain
3 and determine what the person had in mind. So, the law says
4 criminal intent may be inferred from the circumstances. So,
5 if Matt Dillon and the guy are out there drawing on each
6 other, even though they don't say I am intending to kill you
7 by drawing and shooting you, you can infer that by them
8 drawing the pistols and shooting each other that they're
9 intending to kill each other. So, that's what they mean that
10 they don't always have to say it.

11 So, in Ronald Gooden's case, the Judge is going to tell
12 you you have to decide has the Prosecution proven beyond a
13 reasonable doubt, any reasonable doubt, all reasonable doubt,
14 one reasonable doubt, two reasonable doubts, 18 million
15 reasonable doubts, it gets kind of complicated there, but the
16 Judge is going to say the common sense thing is has the
17 Prosecution proven to you beyond any reasonable doubt that
18 Ronald Gooden intended to kill the man when Ronald Gooden in
19 the middle of the store, with half a dozen witnesses there,
20 Jackie Shaw, Sheila Shaw, Mr. Scott, Gerry Chandler and Mr.
21 Anderson and Mr. Giles who testified, all here in this - all
22 here in the store, did he intend to go in the store, throw the
23 gas on him, kill the man so he could get life in prison or the
24 electric chair, and you say, "Well, how in the world are we
25 going to figure out what Ronald Gooden thought or wondered and

1 stuff because the Judge is going tell us about we've got to
2 figure out what his intent was and all this stuff." Well, we
3 have the police video made on the scene that night in the
4 dark, 9:30 p.m. the policeman said, Friday night, October the
5 22nd, 2010, a year ago at the scene by Ronald Gooden. He told
6 you what he intended to do. He didn't have a lawyer there. I
7 was not there in the chair on the police car with Ronald
8 Gooden saying, "Ronald, now, I want you to make up a little
9 story to tell the policemen here on the video so that it'll
10 sound nice a year from now when we go to court." I was not
11 there. I was not in the police car. There was no lawyer in
12 the police car. Nobody was there telling Ronald Gooden what
13 to say. Remember the policeman said Ronald Gooden came up to
14 the crowd, held his hands up and said, "I did it. I threw the
15 gas," and then the crowd - friends of - just like Ronald
16 Gooden had been saying, "All of the people there were either
17 friends of Mr. Anderson and Gerry Chandler and Greg Tisdale.
18 I was new. I had just moved back in here after being gone 20
19 years, been here eight or ten months. I didn't have a gang
20 with me." A gang does not - does not mean Jessie James'
21 outlaw gang, the Crypts out of Los Angeles, California, or the
22 Bloods. It just means two or more friends that hang together
23 that will help each other out. If one of them gets in a
24 fight, they will help their friend. They will not help the
25 stranger or they will not sit there and watch the stranger

1 beat up their friend, if two or three or four or a dozen
2 friends will get together and beat up the one little stranger,
3 skinny Ronald Gooden. He's fat as a hog now. Like he said,
4 he's been in jail for a year eating that food for three times
5 a day whereas then he had no money, no lights, no utilities,
6 no water, no sewer in the trailer, broke, eating the little
7 stuff he could afford to buy after washing cars from Shaw's
8 Country Store. The beer, the hotdog, the Coca-Cola, that was
9 his meals then, that's why they all called him Slim as they
10 said.

11 So, little Ronald Gooden with no lawyer, no advisor goes
12 up to the police right at the scene, sits in the police car
13 and he tells you his intent. You didn't have to dissect his
14 brain. He told us his intent on the video. "What was my
15 intent? What was my intent on the attempt to murder charge,
16 what was my intent on the intent to kill the man charge? My
17 intent, Officer, was I did not want to kill them." Them, and
18 notice he said them. This is no lawyer, F. Lee Bailey if he's
19 still alive, Johnny Cochran, I know that got off O.J. Simpson
20 is dead. So, he cannot help Ronald Gooden. Swerling and
21 Harpootlian or McMaster or Lionel Lofton from Charleston and
22 Columbia, they were not there in the police car to advise,
23 these are famous lawyers, to advise Ronald Gooden on what to
24 say to help his case. He's sitting right there telling the
25 policemen what he wanted to do. "I had to do something

1 instead of killing them. I did what I wanted to do. I did
2 not want to kill them."

3 Well, he has answered the question for you on your voting
4 on the attempted murder charge which is not guilty on the
5 attempted murder because he didn't want to kill him. Did he
6 think about it? Yeah, he thought about killing them. Why
7 would he think about killing them? Well, Gerry Chandler,
8 who's already killed one person, on the stand said, "I have
9 already killed one person. I have already been convicted of
10 involuntary manslaughter." He said, "All this was just a
11 joke, see. All of us, me, Curtis, Greg and our friends when
12 we would cuss out, insult and humiliate Ronald, that was
13 friendly, that's the way we do our friends. We really like
14 Ronald, that's why we cussed him out, insulted him, calling
15 him a queer," and starving to death, no money, doesn't even
16 have lights in his trailer, no water, can't take a bath except
17 from his neighbor's water hose and a bucket like he said, no
18 refrigerator to keep anything cold, cheese, bologna, the
19 cheapest food you can find, he can't keep it in the house
20 without it rotting in a day or two because he's got no
21 utilities, can't use the toilet in your bath, in your trailer,
22 can't pee, can't do-do, can't take a shower, washing cars to
23 stay alive to get enough money a day so he can stop at Shaw's
24 Store and buy a beer or a Coca-Cola or a milk or an orange
25 juice and a hotdog on that little machine where it rolls

1 around all day long. Maybe that hotdog wiener has been there
2 two or three days, hard as that microphone stand on you all's
3 jury panel bench so he'd have something to eat. Then he walks
4 the other half a mile home to go stay in his trailer when it's
5 a hundred degrees last summer, the summer of 2010, with no AC
6 in a trailer, you know how hot that gets. It's like being in
7 a trailer with no AC is what it's like being in or the winter
8 before that in the end of 2009 when it gets 14 degrees in
9 December and he's got no heat pump, he's staying in the
10 trailer trying to mind his own business like a little dog,
11 like a little puppy, goes out to the community store like a
12 little dog. You know how when you go home in the evening and
13 your dog comes up to you wants you to just pet him just a
14 little bit on the head, little tongue hanging out, he just
15 wants a little bit of love and affection, just a tiny bit.
16 You don't have to take the dog in the house, sit him up on top
17 of your kitchen table, put you a big mink coat on him. All
18 you've got to do is pet the little dog a tiny little bit, say,
19 "Good Mac, good Boone," then the little dog will like you and
20 he'll stay out there all night in the cold under the carport.

21 So, little Ronald Gooden, he comes out to the little
22 store, walks from working washing cars, making no money, got
23 the great thrill and pleasure of walking to his little
24 trailer, if it's hot or if it's cold, to sleep there tonight
25 by himself, got no family, no girlfriend, no wife, no children

1 living with him, nobody, just him, poor, back down here
2 recently. So, he goes out to the little store to get
3 something to eat after he's worked a day's honest work, made
4 his little bit of money. What do you make washing cars, \$30 a
5 day, 40, 50? Get him something to eat to go home. A little
6 bit of kindness would go a long way.

7 How about, "How you going - how you doing, Ronald?
8 What's going on? How are the Gamecocks doing? You like
9 Clemson? How about those Carolina Panthers," or any little
10 kindness would go a long way. Remember Mr. Anderson said on
11 the stand, "If I had never said a word to Ronald Gooden I
12 would not be here burned," but instead of a tiny little bit of
13 kindness to the little dog that's coming up to you, got no
14 friends, nobody, just him living in a little trailer that his
15 daddy owns, what does the great bold and brave, wonderful
16 members of the community do to the little stray dog coming up
17 to them, Mr. Anderson, Mr. Chandler, Mr. Tisdale and their
18 friends, the brave men that they are, the ones that have
19 already killed two people, they say, "Hey, Ronald, you sucked
20 any dicks lately? Has you let Mr. Bradshaw stick his pee-wee
21 in your butt or in your mouth lately? Have you licked his
22 pee-wee lately? Now, we know you got a little teenage boy
23 around here. Maybe he'll be proud to know that his daddy
24 licks pee-wees of other men. Ha, ha, ha, ha, ha, what, that
25 is so funny, Ronald. Why don't you get the joke? I can't

1 understand why you don't get the punch line, my God. What is
2 wrong with your sense of humor, you old queer you. You gay
3 faggot, what's wrong with you? You just take it the wrong
4 way, ha. All we're doing is trying to be friendly. We like
5 you. My God, this is our way of showing you how much we love
6 you and care about you. Now, if you don't like that what you
7 going to do about it, you skinny little thing? Huh? If
8 you're so brave, come over here to us and just say one word to
9 us. We'll stomp your ass, yes, sir. Yo, get your little tail
10 on home. Go home. Run home, dog." So, he goes home and
11 every night goes home and that's not enough. That's not
12 enough. That's not enough.

13 So, a few nights before this shooting happens down at the
14 end of Jones Street a half a mile from the little store, off
15 the little dirt road, it's off of Jones Street where Ronald
16 lives, a little dirt road with his little trailer, you can see
17 through the bushes, off the little dirt road where you can see
18 his little trailer off the bushes where you see this car
19 parked on the little dirt street, the little dirt road in
20 front of his house which goes straight to the back side of his
21 little trailer, straight to the back side of his little
22 trailer where the double window is, which he said was the
23 living room that he slept on because he didn't have a
24 refrigerator or stove in there, that he slept on the floor on
25 the bed, right through those bushes and right in the tree,

1 right up to the double window, right up to the double window
2 on his trailer as you get close to it you see the two little
3 holes, one to the left side of the window, one to the bottom
4 left, and then as you get closer with your photograph you see
5 the little hole that Ronald says the bullet holes came into
6 his trailer a few days or nights in the dark in the nighttime
7 before this.

8 Well, the Prosecutor said, "Why didn't you call the
9 police? Why didn't you call the police?" Well, why didn't he
10 call the police? He could have called the police. It would
11 not have hurt a bit in the world to call the police. Of
12 course if he had called the police there was no eyewitnesses
13 who did it. You can't convict anybody right then. Of course,
14 you could have made a report, that's very true. Yes, he could
15 have done that. That's exactly true.

16 So, then what does Ronald say about that? He says,
17 "Well, I go up to Mr. Anderson and I tell him that and he says
18 well, 'I've already killed one, I've already learned how to
19 kill one,'" and so Ronald believes and understands that Mr.
20 Anderson had shot the two holes in his trailer. Is that all?
21 Seemed like a night or two before this he says he's at the
22 country store and Gerry Chandler, the one that's already
23 killed one, Curtis Anderson, the one that's already killed
24 one, and their good friend Lamb they call him, Jesus' little
25 lamb, their cousin or friend is standing there with them and

1 they open the trunk of Gerry's car and show him some long
2 knives in it, hold it to his throat. Lamb sucker punches
3 Ronald, knocks him down and Mr. Anderson, in the height of
4 glory, goes over there and (knocks on jury box three times),
5 kicks him while he's down on the dirt, the three of them, the
6 three brave ones, Lamb, Gerry Chandler, that's murdered one
7 already or killed one already, and Mr. Gaithers that's killed
8 one already. So, they beat him up. Why didn't he go to the
9 police on that? Well, he could have. He could have went to
10 the police on that. He could have said, "They attacked me."
11 I guess they could have said, "Yes, we attacked him," or I
12 guess they could have said, "Attacked him? Is he crazy? We
13 hadn't done a thing, we - all three of us." "Did you do
14 anything Gerry?" "No, I didn't." "Did you do anything,
15 Lamb?" "No, I didn't." "Did you anything, Curtis?" "No, I
16 didn't." "He's lying. There's three of us saying we did
17 nothing. We did not a thing to him."

18 So, and this is over in the Martin Luther King Drive area
19 of Andrews. Mr. Gooden says, "Well, why did I keep going to
20 this little store?" "Well, I went to this little store
21 because where I work and I walk, I got no vehicle. We got no
22 public transportation. I walk by the little store on the way
23 to my little trailer to get something to eat at night when I'm
24 coming home so I won't starve to death because I got nothing
25 in the house. I can't keep anything in there because I got no

1 stove or electricity to cook it, no refrigerator to keep it
2 cool with little electricity." Got even no lights unless he
3 lights up a candle or something to see how he eats when he
4 gets home. So, maybe he just eats it in the store, but
5 anyway, he comes by the store. Here is the three guys again.
6 "We hear Johnny Bradshaw's looking for you."

7 Now, sometimes, you know, when you get home from work -
8 you worked all day. You come in the house, you just want to
9 relax. You just are tired. You've had a lot of things.
10 You've washed your car for two hours and you take it to the
11 owner and the owner says, "There is a spot of dirt under the
12 center of the car. I want you to crawl under there and clean
13 it." Then you got to do that to keep business. You come -
14 you getting ready to go home. You want to stop and get you a
15 bite, whether it's a couple of beers, a couple of hotdogs,
16 whatever, to eat them and you get in there. You're trying to
17 have a little bit of peace. "Can I have a couple of hotdogs
18 and a couple of beers?" "Hey, man, hear Johnny Bradshaw's
19 looking for you." Here is the two guys that there's no
20 testimony about work from Mr. Anderson and Mr. Greg Tisdale.
21 They sitting over there. Ronald says they pick on people all
22 day long and they said, "Oh, we do that but that's because we
23 like people. That's how - in Andrews, that's how we show you
24 we like you. We cuss you out, say that you gay, a faggot,
25 suck people's pee-wees. Oh, that means we friends of yours.

1 Yes, sir. So, we over there telling everybody how much we
2 like them and how much friends we are."

3 So, Ronald comes in. He's had a hard day. "Give me a
4 hotdog or a beer, let me eat it in here in peace. Let me go
5 back there and charge my cell phone in the back." "Hear old
6 Johnny Bradshaw's looking for you." "Now, I have asked you
7 all, enough is enough. Enough is enough. I am chicken.
8 There's three of you all and one of me. I'm skinny. I'm
9 taller than you all, but I'm skinny. You, Mr. Chandler, you
10 weighed 186 pounds. I weighed 160 and I'm six feet. You 5-4
11 and weigh 186. You like Lattimore for the Gamecocks, stocky
12 and strong," even though I think Lattimore is 6-2 and 230 or
13 something.

14 "I've had enough. I have begged you. I have pleaded
15 you. I have asked you all to stop and leave me alone. I know
16 the Shaws are not doing anything about it because they own the
17 store. They want you all to come here. They're fine people.
18 They want to sell you all the beer. They want you - sell you
19 the Coco-Colas. They want you to play pool. They want to
20 sell you mixed candies, peanuts, Nabs, Cheetos, Cheez-Its, so
21 they're not going to make you leave, but that's enough. I
22 don't want to hear anymore. If you want to insult and be
23 friendly with them, go cuss out or cuss or insult somebody
24 else, not me. I don't want to hear it anymore, please. Thank
25 you, and if you do it, I'm going to set your ass on fire."

1 Now, a word to the wise is sufficient. "Well, if you set
2 our ass on fire or try to, we'll set your ass on fire.
3 There's three of us and we got guns." "Well, I'll go home and
4 I'll come back and I'll set your ass on fire." "Well, I'll
5 just go get my gun." So, Ronald says Greg Tisdale walks out
6 of the store, walks across to the mobile home park, straight
7 across the highway that you all see, straight across the
8 highway, the mobiles home's over there, straight across from
9 Martin Luther King Street Drive, that's where Greg Tisdale
10 walks, Ronald says to get his gun. That's what Greg said,
11 "I'm going to get my gun."

12 So, Ronald says, "I come out of the store and I could
13 walk down Jones Street which is straight across the road from
14 the store to go to my house about a half a mile away, but I
15 cut through the mobile home park because it's a little closer
16 and when I do Greg is there at his trailer and he shows me his
17 pistol. So, I go on to the trailer. I've had, I've had all
18 I'm going to take. I'm going to take my bush axe, five or so
19 foot long tool with a big blade on it, and I'm going to saw it
20 in half and I'm going to go," as he said on the police report,
21 the video, "I had a bush axe. I was going to chop their necks
22 off," but like he said here today when he got there and he's
23 chopped it and he's cut his bush axe in half with his handsaw,
24 thought to himself, "What am I doing? I don't want to kill
25 those people. I don't want to go to prison for life. I don't

1 want to do that. I am stupid for doing this. I have removed
2 that intent from my head. I'm just going back to the store to
3 get my cell phone in the back of the store by the pool table
4 where it's charging," and what did Jackie Shaw say when he was
5 on the stand? He said, "When Ronald Gooden came back into the
6 store, he went into the back where the pool table is," and I
7 asked him, "Does people charge their cell phones in there
8 sometimes?" He said, "Yeah, they do it." He said, "They try
9 not to let me see it because they're using my electricity,
10 but they do it," and Ronald's got no electricity to charge his
11 cell phone. So, he - Jackie Shaw says Ronald comes in the
12 store, goes in the back of the store, exactly what Ronald said
13 he did. He didn't walk right in the store with the intent,
14 "Oh, I've got my gas from the lawnmower, I'm going to go back
15 to the store, throw it on Curtis Anderson, and burn him."

16 Jackie saw him. He said he came in and went to the back
17 of the store where the pool table is and the electrical
18 outlets are where people charge their phones and he came back
19 up. Ronald said he came back up and remember how Ronald did
20 his hand. Ronald did his hand like you got a gun, a pistol in
21 your hand, where I'm pointing my finger and I got my thumb on
22 my right hand held up like I'm cocking the pistol, that Curtis
23 just pointed at him like that. In Ronald's mind and in
24 Ronald's intent the guys are never trying to go in a different
25 direction of peace and leaving each other alone and not

1 bothering him and not bothering anybody and just minding the
2 hell out of your own business and keeping your mouth shut. If
3 you can't say something good about somebody, just keep your
4 mouth shut. Mr. Anderson said, "If I had never said one word
5 to Ronald Gooden I would not be burned." Ronald Gooden would
6 not be sitting over there in this table facing the prison for
7 these charges or a charge of the charges but it is more fun to
8 pick on people for some people. Frank Sinatra said some
9 people get their kicks stomping on a dream. I guess some
10 people get their kicks picking on people, being bullies, just
11 will not leave people alone and that is old as time. Remember
12 the old Little Rascals from the thirties, they always had the
13 one, Butch, Butch and his little buddy that was always picking
14 on the little ones, beating them up, ha, ha, ha. Remember the
15 little Christmas Story that comes on every Christmas the
16 little boy that wants the BB gun and they have to go to school
17 and come home and the big, the big dumb one with the Davy
18 Crockett coonskin hat on and his little toad, that's what they
19 call him on the Christmas, his little toad that was always
20 picking on us and beating us up all the time, picking.

21 Well, anyway, Ronald goes in, gets his cell phone because
22 he doesn't have much. He's got no money for electricity. So,
23 to him a little pay phone or TracFone or cell phone is more
24 valuable than to us that live in nice houses and have cars and
25 SUVs and all this stuff. It might be one of the only thing he

1 had. He said he had no stove, no refrigerator, no furniture,
2 no nothing in his house and a few little clothes to wear. He
3 said, "The people always making fun because I got no clothes,
4 I don't have any food to eat. They invite me to their house
5 to a little barbecue in their yard just so they can make fun
6 of me there like, 'Hey, you never had anything to eat before?
7 What's wrong with your stomach? Boy, you sure you like,'" ,
8 can't even be generous and hospitable to him when they invite
9 him to their little outside cookout.

10 So, he goes in and gets his own little possession, his
11 little cell phone and there's Mr. Anderson. Now, nobody else
12 saw, they saw it, but nobody else said that he did not do
13 that, that Curtis Anderson did not do the hand and you don't
14 have to make a lot of noise to say something like this, and if
15 you've got other people standing there talking to each other,
16 there's no reason for them to see anyway. So, Ronald out of
17 having been beat down to nothing physically and emotionally
18 and mentally and in fear, "I've already got bullet holes in my
19 trailer. I already been beat up the other night by three of
20 them. They've already put the knife to my throat. Greg's
21 already said he was going home, across the road to get his
22 pistol. I know that Curtis that's standing there doing his
23 hands like this has already killed one person." How many of
24 us have ever killed anybody? How many of our husbands and
25 wives or children have ever killed anybody? How many of us of

1 anybody in the church that we go to has killed anybody? How
2 many of the deputies and the police that work carrying a
3 pistol everyday have ever killed anybody in their whole career
4 of being a policeman? How many of them has even shot anybody?
5 You got deputies sitting right there with pistols, yet two of
6 the guys that is there picking on Ronald, two of them have
7 already killed a human being, and one of - I think Mr.
8 Chandler said he was around 30 and Mr. Anderson is around 30
9 or something, young men. They've already killed, both of them
10 killed a human being, a person, been convicted in court,
11 manslaughter, involuntary manslaughter. Ronald knows this.
12 He knows this is not like in church where people in your
13 Sunday school class say, "Hey, boy, you look like you really
14 eating that food in the fellowship hall," or when you come
15 into the courtroom one of the lawyers or the deputy says to
16 you, "Hey, you gay, that looks gay, that looks like a gay tie
17 on you. That's a gay haircut." That's a lot different than
18 being at Shaw's Country Store in the dark with the guys drunk
19 or drinking alcohol, both of them have already killed a human
20 being, getting beat up, the night or two before having bullet
21 holes in your trailer, them showing you knives in the back of
22 the car, putting them to your throat, and yes, there is no
23 other evidence other than Ronald Gooden saying that that the
24 guys put the knives to his throat. He says it happened.
25 Obviously, there was something going on or he would not go

1 there to the store for no reason and throw gas on the man. He
2 doesn't want to go to prison any more than any of you all or
3 me wants to go to prison.

4 So, Anderson does the hand signal. Ronald walks outside.
5 He'd seen the gas on the little lawnmower at the end of the
6 store when he came in, gets the gas, goes back in and throws
7 it on the guy to keep the guys off of him so that they won't
8 bug him. He said he didn't mean to throw it in the guy's
9 face, but he just threw one time and it went on him and he
10 threw the cigarette lighter and it got on him and I suppose
11 when you think about it, if he threw the gas on his shirt and
12 coat which we've got into evidence which did burn and those
13 things lit up I guess the flames from that, even if none of
14 the gas got on your face, could burn, could burn your face,
15 could burn your neck, could burn your chin because a flame is
16 going to rise. A flame rises and I guess if the guy's running
17 around and trying to shake that thing and get it off of him
18 maybe some of the gas got on his face and maybe some of it
19 didn't. Ronald said he didn't intend to throw any on his
20 face. Anyway, the man is burned. Ronald goes out, comes back
21 in and makes his statements to the police.

22 The Judge is going to tell you that there's four elements
23 to self defense, to act and to defend yourself, and if you
24 find that Mr. Gooden acted in self defense because he was
25 afraid of them, he was in fear, he thought they was going to

1 hurt him like they had tried to before and he did this to keep
2 them off of him and to make them leave him alone and to defend
3 himself and there was nothing else he could do because what's
4 the point of going home? They've already shot at his trailer
5 there. He's got no car. They got cars. He's got no gun.
6 They've got a gun. He is no safer there than he is in this
7 public store. The Judge will tell you if you find that Mr.
8 Gooden acted in self defense then to vote not guilty of the
9 charges.

10 The Judge will tell you that the actual charges under the
11 attempted murder, which we've determined is improper and not
12 guilty because he had no intent to kill, the lesser charges
13 under that are assault and battery of a high and aggravated
14 nature, assault and battery in a first degree, second degree
15 and third degree. You all know what the evidence was. Just
16 as soon as the Judge finishes telling you the charges you all
17 will know what the law is and procedure-wise on how to vote.

18 Is the man hurt? Yes, he is. Is it regretful? Yes, he
19 is. Does Mr. Gooden regret it? Yes, he is. Does Mr.
20 Anderson regret he ever opened his mouth to Ronald Gooden?
21 Yes, he does. Any time you insult somebody does that give
22 them a right to kill you or to throw gas on you or to beat you
23 in the head? No, it does not. At the same time you cannot
24 continually do that and add to that beating them up, putting
25 knives at his throat, shooting holes in the trailer,

1 threatening them, and what we ask you to do is listen to all
2 the evidence and we ask you to vote as you think fair and
3 correct on the charges. You all got 12 brains and you all
4 will know what to do right and we ask you to do that. Thank
5 you.

6 THE COURT: All right, Ms. Bailey.

7 MS. BAILEY: May it please the Court?

8 THE COURT: Yes, ma'am.

9 MS. BAILEY: Remember what the first thing I told you
10 was when I stood up here when we started this trial? There is
11 no excuse to light another human being on fire. You have now
12 heard all the evidence. You've heard all the testimony.
13 You've seen the videos, and here's what we know, we know that
14 Ronald Gooden lit Curtis Anderson on fire. We know that it
15 was not an accident. We know that it was deliberate. We know
16 that he put some thought into it. How do we know that he did
17 that? He told us on the video. He said, "I told you to quit
18 picking on me. If you don't quit picking on me, I'm going to
19 come back here and light your ass on fire," and what did he
20 do? He kept his promise. He left, and when he came back, he
21 had gas and a lighter. He walked straight up to Curtis
22 Anderson and he lit him on fire.

23 Mr. Goude talked a lot about the Defendant. The
24 Defendant, Mr. Gooden, took the stand and it's sad. It is a
25 sad story. It's sad how poor he is. It is sad the conditions

1 in Andrews. It's sad that he didn't have any food and it's
2 sad that he is extraordinarily sensitive to words, words. You
3 can feel sorry for him and still find him guilty. That's
4 okay. You can feel empathy for his situation and still find
5 him guilty. Your job here as jurors is not to empathize with
6 one side. It's not to empathize with the victim or empathize
7 with the Defendant. Your job here as jurors is to take the
8 law and apply it to the facts.

9 Mr. Goude talked a lot about was there the intent to
10 kill. He's charged with attempted murder. Mr. Goude wants
11 you to believe that he did not intend to kill somebody when he
12 lit him on fire. He may have walked out of that place, walked
13 away, hid in the bushes, came back, got in the police car and
14 then said, "Well, I didn't mean to kill him." He lit him on
15 fire.

16 When Mr. Gooden took the stand and testified on his own
17 behalf I asked him, "Do you know that fire kills people?" He
18 said yes. So, when after the fact he wants you to believe
19 that he didn't have the intent to kill him, but he does admit
20 that he lit him on fire intentionally and he knows that fire
21 kills people, that just, that just doesn't work.

22 Now, Mr. Goude talked to you a lot about self defense as
23 well and the Judge is going to tell you all about self
24 defense. There's all these elements that the State, that's
25 me, has to disprove for self defense. Here's some facts that

1 I want you to keep at the front of your mind when you all
2 consider self defense. First of all, every single piece of
3 evidence regarding self defense came from one source and
4 that's Ronald Gooden. The only person who says that there
5 were knives or guns or threats or any physical problems
6 between these parties is Ronald Gooden. All these folks live
7 around Andrews. Mr. Goude told you they see each other
8 walking down the street, they all hang out at the Shaw's
9 Country - the Shaw's Corner Store. They all know everybody
10 else's business and none of these other witnesses who were
11 there in the store, Al Giles, Jackie Shaw, they're not friends
12 with one side or the other, they were just there. None of
13 them knew anything about anybody getting beat up or knives or
14 people showing guns. The only person who's talking about that
15 is Ronald Gooden.

16 Next thing I want you to keep in mind is exactly how this
17 happened. Ronald Gooden was at the Shaw's Country Store. He
18 was getting picked on. He says he felt threatened. So, he
19 left and then he went back. He went back to where those
20 people that he was supposedly so afraid of, he knew exactly
21 where they were and he went back to the scene voluntarily. He
22 went back there. Self defense just doesn't work that way.
23 You go back to the people that you're afraid of, it is not
24 self defense.

25 Next thing I want you to keep in mind is the majority of

Closing Argument by State

241

1 the testimony that we've heard from Mr. Gooden about this self
2 defense claim has to do with other people, has to do with
3 Gerry. It has to do with Greg. Maybe, I don't know, maybe
4 it's true that Gerry showed him some knives in the car and
5 held a knife to his throat. Maybe it's true that Greg showed
6 him a gun. That has absolutely nothing to do with him
7 lighting Curtis Anderson on fire. He didn't light those other
8 guys on fire.

9 Let's go ahead and cue up, I want you to hear in his own
10 words from the back of the police car, I want you to hear what
11 he says, the only thing that he says on self defense the night
12 of the actual crime.

13 (Whereupon, State's Exhibit Number Nine played in open
14 court.)

15 MS. BAILEY: It was Greg, it was Greg who had the gun.
16 It was Greg that had it coming and Greg slipped off, he crept
17 off. Those aren't my words, those are the Defendant's words.

18 I also want you to remember the other tape, not the one
19 that I played for you, but the one that the Defense played for
20 you. It was right there at the scene. The officer opened the
21 door, said, "Tell me what happened," and Ronald Gooden had a
22 lot to say. He told you all about what happened, and for that
23 entire statement he never said the words self defense. He
24 never said he was threatened. He never said he had been
25 beaten. He never said anything about a knife. He said, "I

1 can't be laughed at. I can't be called a faggot. I can't
2 have my reputation like that."

3 If you want to know what this is about, just listen to
4 the Defendant's own words, his own words the night that it
5 happened, the night that it happened before he had a whole
6 year to sit in a jail cell and think about how this trial was
7 going to go. The night that it happened, he said this was
8 about his reputation. This was not about self defense.

9 As you consider the various charges in this case, he's
10 indicted for one charge, that one charge is attempted murder.
11 We've discussed that a little bit. Mr. Goude, Mr. Goude has -
12 believes that there is not the intent to kill even though he
13 set him on fire and knows that fire kills people. If you have
14 a reasonable doubt, and the Judge will charge you on what
15 reasonable doubt means, reasonable doubt is not beyond any
16 doubt. Reasonable doubt is beyond a reasonable doubt, a doubt
17 that might cause a person to hesitate to act, a doubt that
18 would leave you firmly convinced. I always give this example,
19 I could probably listen to some scientists that could explain
20 to me why the sun isn't going to come up in the morning. They
21 could have this equations and theories and all kinds of ideas
22 why the sun isn't going to come up in the morning, but I'm
23 still going to set my alarm clock just in case because I've
24 got to go to work. That's not a reasonable doubt. Just
25 because you have an idea in your head that may possibly be

1 true, that's not a reasonable doubt. A reasonable doubt is
2 one that leaves you firmly convinced.

3 If you as a group or if one of you has a reasonable doubt
4 about the intent to kill the next charge that you will
5 consider is assault and battery of a high and aggravated
6 nature, that's one step down from attempted murder. Assault
7 and battery of a high and aggravated nature is one person
8 causing injury to another person that causes great bodily
9 injury. You don't have to guess what great bodily injury
10 means because the legislature has spelled that out for you and
11 one of the things included in their definition of great bodily
12 injury is permanent disfigurement. You all saw the pictures.
13 You all saw Mr. Anderson here live, permanent disfigurement.

14 As you consider all the evidence in this case, as you
15 consider whether there was an intent to kill, as you consider
16 which charge is appropriate and whether self defense is
17 actually what was going through Ronald Gooden's mind, I want
18 you to keep one last thing in mind, but it's not something I'm
19 going to say. It's something I'm going to let Mr. Gooden tell
20 you himself. I'm going to let you hear his words and think
21 about those as you go back to the jury room.

22 (Whereupon, State's Exhibit Number Nine played in open
23 court.)

24 THE COURT: All right, ladies and gentlemen, the
25 parties have concluded their closing arguments and I need to

Charge

244

1 charge you on the law applicable in this case, but I'm going
2 to give you a little bit of a break because this charge on the
3 law is going to take a little while. So, let's take about a
4 ten minute break and then we'll bring you back and I'll charge
5 you on the law. Do not discuss the case even among yourselves
6 at this point in time. All right, let's take a ten minute
7 break.

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right, before we break, let's make
11 sure we've got all the exhibits up here, we've got everything,
12 then I just wanted to give them a little stretch because that
13 went on for about an hour. They needed a little break and
14 I'll charge them on the law and then we'll go ahead. All
15 right?

16 (Exhibits reviewed by counsel for State and Defense and
17 approved.)

18 OFF THE RECORD

19 (On the record.)

20 (Whereupon, the following takes place outside the
21 presence of the jury.)

22 THE COURT: All right, anything from the State before
23 we bring the jury in?

24 MS. BAILEY: No, Your Honor.

25 THE COURT: Anything from the Defense?

Charge

245

1 MR. GOUDE: No, sir.

2 THE COURT: All right, let's bring the jury in.

3 (Whereupon, the following takes place in the presence of
4 the jury.)

5 THE COURT: All right, welcome back, ladies and
6 gentlemen. We're now ready to resume the trial with the
7 charge of the law. All of the evidence in this case has been
8 presented to you, the attorneys have made their closing
9 arguments and now is the time of the trial with me - for me to
10 charge you with the law to be applied in this case. I'll give
11 you a copy of these instructions in written form, and during
12 your deliberations you may refer to the instructions to guide
13 your decision-making. However, you must consider the
14 instructions as a whole and not follow some instructions and
15 ignore others. Please return the instructions to the Court at
16 the time you render your verdict.

17 Now, the indict charges the Defendant with attempted
18 murder. I remind you that the fact that the Defendant was
19 arrested, charged and indicted in this case is not evidence in
20 this case and cannot be considered by you as evidence of guilt
21 in this case, nor does the Defendant's arrest, charge or
22 indictment create any presumption or inference of guilt. This
23 document is simply the formal written instrument which contains
24 the charge made against the Defendant. It is the formal
25 document by which this case is brought into this court.

1 The Defendant has pled not guilty to this indictment and
2 that plea puts the burden on the State to prove the Defendant
3 guilty. A person charged with committing a criminal offense
4 in South Carolina is never required to prove his innocence. I
5 charge you that an important rule of the law is that the
6 Defendant in a criminal trial no matter what the seriousness
7 of the charge may be will always be presumed to be innocent of
8 the crime for which the indictment was issued unless guilt has
9 been proven by evidence satisfying you of that guilt beyond a
10 reasonable doubt. This presumption of innocence does not end
11 when you begin your deliberations, but it accompanies the
12 Defendant throughout the trial until you reach a verdict of
13 guilt based on evidence satisfying you of that guilt beyond a
14 reasonable doubt.

15 The presumption of innocence is like a robe of
16 righteousness placed about the shoulders of the Defendant
17 which remains with the Defendant until it has been stripped
18 from the Defendant by evidence satisfying you of the
19 Defendant's guilt beyond a reasonable doubt.

20 The presumption of innocence is not a mere legal theory.
21 It is not just a legal phrase. It is a substantial right to
22 which every Defendant is entitled unless you, the jury, are
23 satisfied from the evidence of the Defendant's guilt beyond a
24 reasonable doubt.

25 Now, what is reasonable doubt in the law? A reasonable

1 doubt is the kind of doubt that would cause a reasonable
2 person to hesitate to act. Proof beyond a reasonable doubt is
3 proof that leaves you firmly convinced of the Defendant's
4 guilt. We know very few things in this world with absolute
5 certainty, and in criminal cases the law does not require
6 proof that overcomes every possible doubt. If, based on your
7 consideration of the evidence, you are firmly convinced that
8 the Defendant is guilty of the crime charged you must find the
9 Defendant guilty. If on the other hand, you think a real
10 possibility exists that the Defendant is not guilty, you must
11 give the Defendant the benefit of that doubt and find him not
12 guilty.

13 I remind you that during this trial, you and I have
14 certain duties to perform. As the trial judge my
15 responsibility is to preside over the trial of this case. I
16 also have the duty to rule on the admissibility of the
17 evidence offered during this trial. You are to consider only
18 the competent evidence before you. If any testimony was
19 ordered stricken from the record in this case during this
20 trial, you must disregard that testimony. You are to consider
21 only the testimony which has been presented from this witness
22 stand, any exhibits which have been made a part of the record
23 in this case and any stipulations of counsel.

24 I have the additional duty to charge you the law
25 applicable to this case. As the presiding judge, I am the

1 sole judge of the law in this case. Your duty as jurors is to
2 accept and apply the law as I now state it to you. If you
3 already have any idea as to what the law is or what the law
4 ought to be and your idea does not agree with what I now tell
5 you the law is, you must abandon your idea of what the law is
6 or ought to be because you are sworn to accept the law and
7 apply the law exactly as I state it to you.

8 In every case tried in this court before a jury, the jury
9 is the sole and exclusive judge of the facts in a case. A
10 trial judge cannot intimate, state, comment on or make any
11 statement to a trial jury about the facts in a case. Since
12 you, the jury, are the sole judge of the facts in this case,
13 you are not to infer from what I have said during the progress
14 of this trial in ruling upon the admissibility of evidence or
15 otherwise or anything that I say now during the course of this
16 instruction to you that I have any opinion about the facts in
17 this case. The law does not allow me to have an opinion about
18 the facts in this case. This is a matter solely for you, the
19 jury, to determine. As jurors your duty is to determine the
20 effect, the value, weight and truth of the evidence presented
21 during this trial.

22 Necessarily, you must determine the credibility of
23 witnesses who have testified in this case. Credibility simply
24 means believability. Your duty as jurors is to analyze and to
25 evaluate the evidence and determine which evidence convinces

1 you of its truth. In determining the believability of
2 witnesses who have testified in this case you may believe one
3 witness over several witnesses or several witnesses over one
4 witness. You may believe a part of the testimony of a witness
5 and reject the remaining part of the testimony of that same
6 witness. You may believe the testimony of a witness in its
7 entirety or reject the testimony of a witness in its entirety.
8 You may consider whether any witness has exhibited to you any
9 interest, bias, prejudice or other motive in this case. You
10 may also consider the appearance and manner of the witness
11 while on the witness stand.

12 Some of the witnesses who have testified in this case
13 have prior criminal records. A person who has a past criminal
14 record is competent to testify during a trial. A past record
15 does not affect the ability of that witness to testify. The
16 past record may only be considered by you, if at all, in
17 determining the witness' believability. Remember, you are the
18 sole judge of the facts in the case and the believability of
19 any and all of the witnesses.

20 You have heard evidence that the Defendant was convicted
21 of a crime or crimes other than the one for which the
22 Defendant is now on trial. This evidence may be considered by
23 you, if you conclude it is true, only in deciding whether the
24 Defendant's testimony is believable and for no other purpose.
25 You must not consider the Defendant's prior record as any

1 evidence of the Defendant's guilt of the charge against him in
2 this case.

3 You have heard testimony concerning the penalty a person
4 can serve for certain crimes. In determining the guilt or
5 innocence of the Defendant, you cannot consider any possible
6 penalty for any particular crime. The punishment for the
7 crime is a matter for me to determine and you should never be
8 considered - and should never be considered by you in any way
9 whatsoever in arriving at a fair and impartial verdict as to
10 the guilt or innocence of the Defendant.

11 The Defendant is charged with attempted murder. In order
12 to convict the Defendant of this crime the State must prove
13 beyond a reasonable doubt that the Defendant with intent to
14 kill attempted to kill another person with malice
15 aforethought, either express or implied.

16 Malice is hatred, ill-will or hostility towards another
17 person. It is the intentional doing of a wrongful act without
18 just cause or excuse and with an intent to inflict an injury
19 or under circumstances that the law will infer an evil intent.
20 Malice aforethought does not require that malice exists for
21 any particular time before the act is committed but malice
22 must exist in the mind of the Defendant just before and at the
23 time of the act is committed. Therefore, there must be a
24 combination of the previous evil intent and the act.

25 Malice aforethought may be express or inferred. These

Charge

251

1 terms express and inferred do not mean different kinds of
2 malice but merely the manner in which the malice may be shown
3 to exist, that is either by direct evidence or by inference
4 from the facts and circumstances which are proved. Express
5 malice is shown when a person speaks words which express
6 hatred or ill will for another or when the person prepared
7 beforehand to do the act which was later accomplished. For
8 example, lying in wait for a person or any other acts of
9 preparation going to show that the deed was within the
10 Defendant's mind would be express malice.

11 Malice may be inferred from conduct showing a total
12 disregard for human life. If facts are proved beyond a
13 reasonable doubt sufficient to raise an inference of malice to
14 your satisfaction this inference would be, would be simply an
15 evidentiary fact to be considered by you, the jury, along with
16 the other evidence in the case and you may give it the weight
17 you decide that it should receive.

18 If you find that the State has not proven that the
19 Defendant is guilty of attempted murder you must determine
20 whether the State has proven that the Defendant is guilty of
21 assault and battery of a high and aggravated nature. By
22 statute assault and battery of a high and aggravated nature is
23 a lesser included offense of attempted murder. A person
24 commits the offense of assault and battery of a high and
25 aggravated nature if the person unlawfully injures another

1 person and - excuse me, if - a person commits the offense of
2 assault and battery of a high and aggravated nature if the
3 person unlawfully injures another person and great bodily
4 injury to another person results or the act is accomplished by
5 means likely to produce death or great bodily injury. Great
6 bodily injury means bodily injury which causes a substantial
7 risk of death or which causes serious permanent disfigurement
8 or protracted loss or impairment of the function of a body
9 member or organ.

10 If you find that the State has not proven that the
11 Defendant is guilty of attempted murder or assault and battery
12 of a high and aggravated nature you must then determine
13 whether the State has proved that the Defendant is guilty of
14 assault and battery in the first degree. By statute assault
15 and battery in the first degree is a lesser included offense
16 of attempted murder. A person commits the offense of assault
17 and battery in the first degree if the person unlawfully
18 offers or attempts to injure another person with the present
19 ability to do so and the act either is accomplished by means
20 likely to produce death or great bodily injury or occurred
21 during the commission of a robbery, burglary, kidnapping or
22 theft. Great bodily injury, as I have stated, means bodily
23 injury which causes a substantial risk of death or which
24 causes serious permanent disfigurement or protracted loss or
25 impairment of the function of a body member or organ.

1 If you find that the State has not proven that the
2 Defendant is guilty of attempted murder, assault and battery
3 of a high and aggravated nature or assault and battery in the
4 first degree you must then determine whether the State has
5 proved that the Defendant is guilty of assault and battery in
6 the second degree. By statute assault and battery in the
7 second degree is a lesser included offense of attempted
8 murder. A person commits the offense of assault and battery
9 in the second degree if the person unlawfully injures another
10 person or offers or attempts to injure another person with the
11 present ability to do so, moderate injury to another person
12 results or moderate bodily injury to another person could have
13 resulted. Moderate bodily injury means physical injury
14 requiring treatment to an organ system of the body other than
15 the skin, muscles and connective tissues of the body, except
16 when there is penetration of the skin, muscles and connective
17 tissues that require surgical repair of a complex nature or
18 when treatment of the injuries requires the use of regional or
19 general anesthesia.

20 If you find that the State has not proven that the
21 Defendant is guilty of attempted murder, assault and battery
22 of a high and aggravated nature, assault and battery in the
23 first degree or assault and battery in the second degree you
24 must then determine whether the State has proved that the
25 Defendant is guilty of assault and battery in the third

1 degree.

2 By statute, assault and battery in the third degree is a
3 lesser included offense of attempted murder. A person commits
4 the offense of assault and battery in the third degree if the
5 person unlawfully injures another person or offers or attempts
6 to injure another person with the present ability to do so.

7 In order to establish criminal liability, criminal intent
8 is required. For example, the mental state required to be
9 proven by the State for a particular crime might be purpose,
10 intent, knowledge, recklessness or criminal negligence.
11 Criminal intent must be proven by the State beyond a
12 reasonable doubt. Criminal intent is always a matter that
13 must be determined by the jury from the circumstances
14 surrounding the situation. Intent cannot be proven to a
15 mathematical certainty. Medical science cannot dissect a
16 person's brain and determine what the person had in mind. So,
17 the law says that criminal intent may be inferred from the
18 circumstances shown to have existed. This is how you make a
19 determination of whether or not the element requiring intent
20 was present. Intent need not be established by direct and
21 positive evidence, but intent may be established by inference
22 in the same way as any other fact by taking into consideration
23 the acts of the parties and all the facts and circumstances of
24 the case.

25 Criminal intent is a mental state, a conscious

1 wrongdoing. You are to determine what the Defendant intended
2 to do based on the circumstances shown to have existed.

3 Criminal intent can arise from an action or a failure to
4 act. It may arise from negligence, recklessness or an
5 indifference to duty or to consequences that is considered by
6 law to be the equivalent of criminal intent.

7 The Defendant has raised the defense of self-defense.
8 Self-defense is a complete defense and, if it is established,
9 you must find the Defendant not guilty. The State has the
10 burden of disproving self-defense by proof beyond a reasonable
11 doubt. If you have a reasonable doubt of the Defendant's
12 guilt after considering all of the evidence, including the
13 evidence of self-defense, then you must find the Defendant not
14 guilty. On the other hand, if you have no reasonable doubt of
15 the Defendant's guilt after considering all of the evidence,
16 including the evidence of self-defense, then you must find the
17 Defendant guilty.

18 The following elements are required to establish self-
19 defense: first, the Defendant must be without fault in
20 bringing on the difficulty. If the Defendant's conduct was
21 the type which was reasonably calculated to, and did, provoke
22 a deadly assault, the Defendant would be at fault in bringing
23 on the difficulty and would not be entitled to an acquittal
24 based on self-defense.

25 The second element of self-defense is that the Defendant

1 was actually in imminent danger of death or serious bodily
2 injury or that the Defendant actually believed he was in
3 imminent danger of death or serious bodily injury.

4 If the Defendant was actually in imminent danger, it must
5 be shown that the circumstances would have warranted a person
6 of ordinary firmness and courage to strike the fatal blow to
7 prevent death or serious bodily injury. If the Defendant
8 believed he was in imminent danger of death or serious bodily
9 injury, it must be shown that a reasonably prudent person of
10 ordinary firmness and courage would have had the same belief.

11 In deciding whether the Defendant actually was, or
12 believed he was, in imminent danger of death or serious bodily
13 injury, you should consider all of the facts and circumstances
14 surrounding the crime, including the physical condition and
15 characteristics of the Defendant and the victim.

16 The Defendant does not have to show that he was actually
17 in danger. Imminent danger is established if the Defendant
18 believed he was in imminent danger and a reasonably prudent
19 person of ordinary firmness and courage would have had the
20 same belief. The Defendant has the right to act on
21 appearances even though the Defendant's beliefs may have been
22 mistaken. It is for you to decide whether the Defendant's
23 fear of imminent danger of death or serious bodily injury was
24 reasonable and would have been felt by an ordinary person in
25 the same situation.

1 Words accompanied by hostile acts may, depending on the
2 circumstances, establish self-defense. Evidence of prior
3 difficulties between the Defendant and the victim may be
4 considered in deciding whether a threat existed, whether the
5 Defendant had a reason to believe a threat existed and how
6 serious that threat was. The relative sizes, ages and
7 weights of the Defendant and the victim may be considered in
8 deciding the apparent or actual need for force in self-defense
9 and the amount of force needed. The reputation of the victim
10 as a violent person may be considered in deciding whether
11 there was a need for force, whether the Defendant had reason
12 to believe there was a need for force and whether deadly force
13 was reasonably necessary. Prior instances of violence by the
14 victim may be considered in deciding whether the Defendant
15 actually believed he was in imminent danger of death or
16 serious bodily injury or was actually in imminent danger.
17 Threats made by the victim may be considered in determining
18 whether the Defendant actually was, or believed he was, in
19 imminent danger.

20 The final element of self-defense is that the Defendant
21 had no other probable way to avoid the danger of death or
22 serious bodily injury than to act as the Defendant did in this
23 particular instance. A person cannot be required to make an
24 exact calculation as to the degree or amount of force which
25 may be needed to avoid death or serious bodily harm.

1 Therefore, in self-defense, the Defendant has the right to use
2 the force needed to avoid death or serious bodily harm. The
3 force used in self-defense does not have to be limited to the
4 degree or amount of force used by the victim. The Defendant
5 has the right to use so much force as appeared to be necessary
6 for complete self-protection and which a person of ordinary
7 reason and firmness would have believed to be needed to
8 prevent death or serious bodily harm.

9 Now, there are six possible verdicts which you may find
10 in this case. No significance should be given to the order in
11 which I state these verdicts to you. I simply must state one
12 first, one second and so forth. The possible verdicts in this
13 case are, one, we, the jury, find the Defendant guilty of
14 attempted murder, or two, we, the jury, find the Defendant
15 guilty of assault and battery of a high and aggravated nature,
16 or three, we, the jury, find the Defendant guilty of assault
17 and battery in the first degree or four, we, the jury, find
18 the Defendant guilty of assault and battery in the second
19 degree. The fifth possible verdict is we, the jury, find the
20 Defendant guilty of assault and battery in the third degree or
21 the sixth possible verdict is we, the jury, find the Defendant
22 not guilty.

23 Ladies and gentlemen, your verdict must be a unanimous
24 one. Mr. Simon, as foreperson, when the jury agrees on the
25 verdict, you will check the appropriate verdict here on the

Charge

259

1 verdict form, date the verdict form, sign your name, then
2 knock on the door and advise the bailiff that you have
3 reached a verdict and at that time we'll bring you back into
4 the courtroom and receive your verdict.

5 I'm going to excuse you now to the jury room but do not
6 begin your deliberations at this point in time. I have to
7 check with the attorneys to see if they have any challenges to
8 the charge on the law. If they do and I deem that those are
9 appropriate I'll bring you back in and make whatever
10 corrections or additional charges are needed. If there are no
11 more additional charges we'll send the exhibits back to the
12 jury room with a copy of the instructions, the indictment, the
13 verdict form and the bailiff will tell you you can begin your
14 deliberations at that time. All right, so, I'll excuse you to
15 the jury room but please do not begin your deliberations just
16 yet.

17 (Whereupon, the following takes place outside the presence
18 of the jury.)

19 THE COURT: All right, any exceptions or additions to
20 the charge by the State?

21 MS. BAILEY: None from the State, Your Honor.

22 THE COURT: Any from the Defense?

23 MR. GOUDE: Judge, we renew the same requests we had
24 earlier about if there was a doubt between the greater and the
25 lesser charge to give the benefit of the doubt to the

1 Defendant and find not guilty of the greater and guilty of the
2 lesser charge.

3 THE COURT: All right, your motion is noted. I'm
4 going to deny that. Anything else?

5 MR. GOUDE: No, sir.

6 THE COURT: All right.

7 MS. BAILEY: Your Honor, I suppose for the record I
8 just need to renew my previous objection about the State's
9 proposed charges that have been put in as a Court's Exhibit

10 ---

11 THE COURT: All right.

12 MS. BAILEY: --- that they should have been included.

13 THE COURT: That's so noted and I'll deny it.

14 All right, let's go ahead here, I'm going to mark, I
15 guess let's mark this charge of law, that'll be Court's
16 Exhibit Four and we'll send it back with the indictment. I
17 think I've got the indictment here, yeah.

18 (Court's Exhibit Number Four [Charge] appropriately
19 marked.)

20 THE COURT: All right, here's - put that indictment
21 with that. All right, let's take all of the exhibits back to
22 the jury. I'll need you to bring Ms. Victoria Jones out.
23 Bring the alternate juror, Ms. Victoria Jones, Juror Number
24 67, bring her out and you can tell them they can go ahead and
25 begin their deliberations.

Question from Jury

261

1 (Alternate dismissed and deliberations begin at 3:48
2 p.m.)

3 OFF THE RECORD

4 (On the record, question from jury at 5:03 p.m.)

5 (Whereupon, the following takes place outside the
6 presence of the jury.)

7 THE COURT: All right, we've had a question and I
8 apologize for taking so long but I'm not so sure I've got the
9 right answer. The question is, "What is the difference
10 between high and aggravated versus first degree?" All I know
11 is high and aggravated, a person commits the offense of
12 assault and battery of a high and aggravated nature if the
13 person unlawfully injures another person and either great
14 bodily injury to another person results or the act is
15 accomplished by means likely to produce death or great bodily
16 injury; whereas, a person commits the offense of assault and
17 battery in the first degree if the person unlawfully offers or
18 attempts to injure another person with the present ability to
19 do so and the act is accomplished by means likely to produce
20 death or great bodily injury and then it has or occurred
21 during the commission of a robbery, burglary, kidnapping or
22 theft, which we don't have in this. So, as I understand even
23 though they're very similar the way I read it you can almost
24 have assault and battery in the first degree without an
25 injury.

1 MS. BAILEY: Yes, Your Honor, that's my reading of the
2 statute.

3 THE COURT: If the person unlawfully offers or
4 attempts to injure another person with the present ability to
5 do so and the act, in other words, the attempt to injure is
6 accomplished by means likely to produce death or great bodily
7 injury; whereas, assault and battery of a high and aggravated
8 nature requires an injury. First the person unlawfully
9 injures another person and then that injury is either a great
10 bodily injury or the act is likely to produce a great bodily
11 injury. What's the State's position on that?

12 MS. BAILEY: That's my understanding of the statute,
13 Your Honor.

14 THE COURT: All right, what's the Defense's position?

15 MR. GOUDE: Could I have just one second, Judge?

16 THE COURT: Yeah.

17 MR. GOUDE: Would the Court say its position one more
18 time, Judge?

19 THE COURT: My understanding is the difference between
20 assault and battery of a high and aggravated nature and
21 assault and battery in the first degree is that assault and
22 battery of a high and aggravated nature requires an injury and
23 that injury must either be a great bodily injury or the act of
24 the Defendant must be by a means likely to produce death or
25 great bodily injury; whereas, assault and battery in the first

Question from Jury

263

1 degree only requires an attempt or an offer to injure another
2 person with the present ability to do so and that act, that
3 offer or that attempt is accomplished by means likely to
4 produce death or great bodily injury. So, assault and battery
5 in the first degree does not require an actual injury;
6 whereas, assault and battery of a high and aggravated nature
7 does.

8 MR. GOUDE: That works for me.

9 THE COURT: All right, all right, let's go ahead and
10 bring the jury back in.

11 (Whereupon, the following takes place in the presence of
12 the jury. Jury enters courtroom at 5:24 p.m.)

13 THE COURT: All right, ladies and gentlemen, welcome
14 back. Mr. Simon, I understand that the jury had a question.
15 The question is what is the difference between high and
16 aggravated versus first degree? I'm assuming by this the jury
17 wants to know what is the difference between assault and
18 battery of a high and aggravated nature and assault and
19 battery in the first degree; is that correct?

20 FOREPERSON: Correct.

21 THE COURT: All right, all right, assault and battery
22 of a high and aggravated nature is the unlawful injury of
23 another person and that injury is either a great bodily injury
24 as that is defined, as I define to you or the act that the
25 Defendant committed is accomplished by a means likely to

1 produce a death or great bodily injury. Assault and battery
2 in the first degree is committed when a person attempts or
3 offers to injure another person with the present ability to do
4 so and that act, that offer or that attempt is accomplished by
5 a means likely to produce death or great bodily injury. So,
6 the major distinction is you have to have an actual injury for
7 assault and battery of a high and aggravated nature and that
8 actual injury has to be either a great bodily injury or it has
9 to have occurred by acts that are likely to produce death or
10 great bodily injury, whereas assault and battery in the first
11 degree does not require an injury. It just requires an
12 attempt or an offer to injure someone and the acts implemented
13 have to be accomplished by means likely to produce death or
14 great bodily injury. All right.

15 FOREPERSON: Can I ask a question?

16 THE COURT: All right, sir.

17 FOREPERSON: Can the second one, the first degree,
18 still have, include the act of doing that, of having great
19 injury?

20 THE COURT: Well, I can tell you that the - assault
21 and battery of the first degree is a lesser included offense
22 of assault and battery of a high and aggravated nature. In
23 other words, all of the elements of assault and battery in the
24 first degree are required to prove assault and battery of a
25 high and aggravated nature. However, assault and battery of a

Verdict

265

1 high and aggravated nature has additional elements, that being
2 the injury that is not needed to prove assault and battery in
3 the first degree. Does that answer your question?

4 FOREPERSON: It does.

5 THE COURT: All right, thank you very much. I'll
6 excuse you back to the jury room for you to continue your
7 deliberations.

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right, I'm going to mark their
11 question, that'd be Court's Exhibit Five.

12 (Whereupon, Court's Exhibit Number Five [Question from
13 Jury] appropriately marked.)

14 THE COURT: And we'll stand in recess unless and until
15 we hear from them.

16 MS. BAILEY: Thank you, Your Honor.

17 THE COURT: All right.

18 OFF THE RECORD

19 (On the record. Verdict reached at 5:32 p.m.)

20 (Whereupon, the following takes place outside the
21 presence of the jury.)

22 THE COURT: I understand the jury has reached a
23 verdict; is that correct? All right, anything from the State
24 before we bring the jury in?

25 MS. BAILEY: No, Your Honor.

Verdict

266

1 THE COURT: Anything from the Defense?

2 MR. GOUDE: No, Your Honor.

3 THE COURT: All right, let's bring the jury in.

4 (Whereupon, the following takes place in the presence of
5 the jury.)

6 THE COURT: All right, ladies and gentlemen, welcome
7 back. Mr. Simon, I understand the jury has reached a verdict;
8 is that correct?

9 FOREPERSON: Yes, Your Honor.

10 THE COURT: Have you completed the verdict form?

11 FOREPERSON: I have.

12 THE COURT: All right, if you'd please give it to the
13 bailiff.

14 (Complies with request. Court reviews verdict form.)

15 THE COURT: All right, I'm going to ask the Clerk to
16 please publish the verdict.

17 CLERK: Indictment number 2011-GS-22-00054, the
18 State of South Carolina versus Ronald Edward Gooden, we, the
19 jury, find the Defendant guilty of assault and battery of a
20 high and aggravated nature.

21 THE COURT: All right, ladies and gentlemen, if this
22 is your verdict please signify by raising your right hand.

23 (All jurors raise right hand.)

24 THE COURT: All right, please let the record reflect
25 that all jurors raised their right hand. Any polling of the

Sentencing

271

1 battery of a high and aggravated nature. The sentence of the
2 Court is that you be confined to the State Department of
3 Corrections for 20 years. You'll be given credit for any time
4 served thus far. All right, thank you, sir.

5 (Adjourned.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESSES

Andrews Police Department

ARREST WARRANT NUMBER

J530664

CDR: 3410 §16-03-0029

DOI: October 22, 2010

ACTION OF GRAND JURY

TRUE BILL

Richard C. Hahn

Foreperson of Grand Jury

Date: 3-23-11

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2011-GS22-00054~~x~~✓

The State of South Carolina

County of Georgetown

Erin Bailey

10G01104

COURT OF GENERAL SESSIONS

MARCH, 2011 TERM

THE STATE

VS.

RONALD EDWARD GOODEN

DOB:

SSN:

B/M

ATTORNEY: Goude, C. Reuben

Indictment for

ATTEMPTED MURDER

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

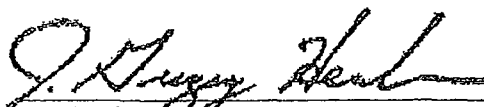
At a Court of General Sessions, convened on March 23, 2011, the Grand Jurors of Georgetown County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-03-0029

That Ronald Edward Gooden did in Georgetown County on or about October 22, 2010 with intent to kill Curtis Anderson, attempt to kill the victim with malice aforethought, either expressed or implied, to wit: the defendant squirted gasoline on the victim and set him afire, in violation of Section 16-3-29, S. C. 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.


J. GREGORY AMBREE
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Georgetown
VS.

Ronald Edward Gooden

AKA:

Race: BLACK Sex: M Age: 42

DOB: SS#

Address:

City, State, Zip:

DL#: SID#: SC00863947

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Murder / Attempted Murder Assault and Battery of a High and Aggravated Nature

in violation of § 16-03-000(13)(2) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ 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. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY:

SCB76016

Bailey, Erin

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 20 days/months/years or ☐ under the Youthful Offender Act not to exceed X years

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

of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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 PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 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

Clerk of Court/ Deputy Clerk

Court Reporter:

Susananna Wilson
Grace Hurley

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011-GS22-00054

A/W#: J530664

Date of Offense: 10/22/2010

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-000(13)(2) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ 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. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY:

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed X years

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

of \$ X; plus costs and assessments as applicable*; the balance is suspended with probation for X

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 PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$
§ 14-1-206 (Assessments 107.5 %)
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 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

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 \$ 30.00 beginning 1 mo after release

\$ paid to Public Defender Fund

Other: ☐

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

Presiding Judge

Judge Code:

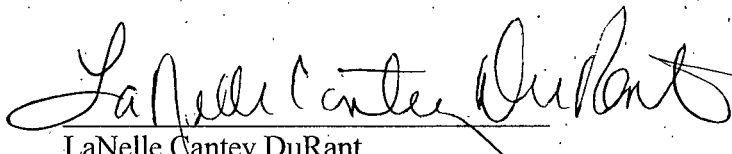
Sentence Date:

Benjamin Culberson
2148
OCT. 26, 27, 2011

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 26th, 2012


LaNelle Cantey DuRant
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

NOV 26 2012

SC COURT OF APPEALS

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Georgetown County

Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT

V.

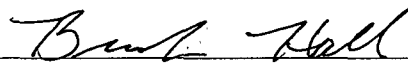
RONALD GOODEN,

APPELLANT

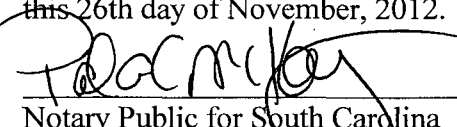
APPELLATE CASE NO. 2011-202546

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 26th day of November, 2012.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 26th day of November, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.