

20085

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM YORK COUNTY

G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JERRY ALAN GOODE,

APPELLANT

RECEIVED

NOV 27 2012

SC Court of Appeals

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

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

CHRISTINA J. CATOE
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

Attorney for Appellant

Attorneys for Respondent

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK) IN THE COURT OF GENERAL SESSIONS
) SIXTEENTH JUDICIAL CIRCUIT
) 11-GS-46-00120

State of South Carolina)
)
)
 VS.) Transcript of Record
)
)
 Jerry Alan Goode, II)

July 14, 2011
 York, South Carolina

B E F O R E:

The Honorable G. Thomas Cooper

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

Leslie Robinson, Assistant Solicitor
 York, South Carolina

Attorney for the Plaintiff

Katie Taylor-Cummings, Assistant Public Defender
 York, South Carolina

Attorney for the Defendant

SHIRLEY G. BROOM
 CIRCUIT COURT REPORTER
 SIXTEENTH JUDICIAL CIRCUIT

I N D E X

WITNESS

DIRECT CROSS RE-DIRECT RE-CROSS

(No testimony taken)

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	ID	EV
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(No Exhibits)

1 Ms. Robinson - May it please the court, Your
2 Honor. This is Jerry Goode. He's appearing today with
3 his attorney, Katie Taylor, from the public defender's
4 office. He is charged with arson in the third degree. He
5 is here today to plead to that same charge. The state is
6 recommending a ten year sentence suspended to two and a
7 half years followed by probation with restitution of
8 twelve hundred dollars.

9 The Court - Now, wait a minute. Slow down. He
10 did two years or ---

11 Ms. Robinson - No, ten years suspended to two
12 and a half years.

13 The Court - Why two and a half?

14 Ms. Robinson - That was what we agreed upon in
15 terms of what we would recommend, Your Honor.

16 The Court - What you would recommend.

17 Ms. Robinson - Yes.

18 The Court - Followed by what?

19 Ms. Robinson - Followed by probation and with
20 restitution of twelve hundred dollars. And, Your Honor,
21 this is the matter we discussed with you yesterday in
22 chambers regarding credit for time served. The state ---

23 The Court - This is a North Carolina case?

24 Ms. Robinson - Correct. He is entitled to -- by
25 my calculations I have two hundred and thirty-three days

1 of credit. The state ---

2 The Court - Does that agree with your figures,
3 Ms. Taylor?

4 Ms. Taylor - Your Honor, my figures for what
5 we've agreed upon that he would get credit for, my figures
6 were off by ten. I had two forty-three, so I think in the
7 grand scheme of things we're talking about a difference of
8 ten when it comes to that. (Pause) And actually, Your
9 Honor, I see where there may have been the discrepancy for
10 the longer -- the longest period of time, so I believe Ms.
11 Robinson may actually be right. It may be two hundred and
12 thirty-three days.

13 The Court - All right. (Pause) That means he
14 basically would report and walk out of the department of
15 corrections.

16 Ms. Taylor - No, sir, Your Honor. It's my
17 understanding the department of corrections would take the
18 two and a half years minus the two hundred and thirty-
19 three days, then divide that remaining balance in half.
20 I believe by my calculations with just the two hundred and
21 thirty-three days credit we're talking about roughly a ten
22 to eleven month active sentence that he would have
23 following.

24 The Court - Let me do it again. It's non-
25 violent. Right?

1 Ms. Taylor - Correct, Your Honor.

2 The Court - All right, Ms. Taylor, you represent
3 Jerry Goode?

4 Ms. Taylor - I do, Your Honor.

5 The Court - You advised your client of the
6 charge contained in this indictment and his right to a
7 trial by a jury?

8 Ms. Taylor - I have, Your Honor. Uh ---

9 The Court - Ma'am?

10 Ms. Taylor - I guess that's getting to the next
11 question, Your Honor. We forgot to approach at the
12 beginning. Mr. Goode is going to be pleading guilty under
13 North Carolina v. Alford. The night that this all
14 happened he had consumed roughly seven twenty-two ounce
15 beers in a matter of about an hour and a half to two hours
16 and there are large blackout periods in his memory of that
17 time.

18 The Court - You sure about that?

19 Ms. Taylor - Your Honor, he has been consistent
20 about that with Mr. Sullivan and then with myself with the
21 amount of alcohol and with his memory.

22 The Court - All right. Have you advised him of
23 his right to a trial by jury?

24 Ms. Taylor - I have, Your Honor.

25 The Court - Mr. Goode, you're charged in this

1 indictment with arson third degree, a charge which carries
2 a penalty of up to fifteen years in jail. Do you
3 understand that?

4 Mr. Goode - Yes, sir.

5 The Court - Your attorney tells me you wish to
6 plead guilty under North Carolina vs. Alford. Do you
7 understand that?

8 Mr. Goode - Yes, sir.

9 The Court - Did she explain that to you?

10 Mr. Goode - Yes, sir.

11 The Court - Did she explain to you that it makes
12 no difference to me in terms of sentencing how you -- how
13 you couch this plea? As far as I'm concerned it's a
14 guilty plea. You understand that?

15 Mr. Goode - Yes, sir.

16 The Court - Do you believe that this stage of
17 the proceedings in this case that if you went to trial the
18 state could prove you guilty beyond a reasonable doubt?

19 Mr. Goode - Yes, sir.

20 The Court - All right. You understand by
21 entering this plea you're giving up your right to remain
22 silent?

23 Mr. Goode - Yes, sir.

24 The Court - You understand by entering this plea
25 you're giving up your right to a trial by jury?

1 Mr. Goode - Yes, sir.

2 The Court - If you requested or demanded a trial
3 by a jury the state would give you a trial. Do you
4 understand that?

5 Mr. Goode - Yes, sir.

6 The Court - At that trial you'd have the right
7 to confront and cross examine all witnesses against you.
8 You'd have a right to present any witnesses and/or
9 evidence in your own defense. You'd have a right to
10 testify in your own defense if you wished to do so, but no
11 one could make you testify at your own trial. If you
12 decided to go to trial and not testify, the judge would
13 tell the jury they could not hold your failure to testify
14 against you. In fact, the jury could not even consider
15 your failure to testify in their deliberations on your
16 guilt or innocence. You'd be presumed innocent throughout
17 your trial. The state would have to prove you guilty
18 beyond a reasonable doubt to a jury of twelve people and
19 all twelve people would have to unanimously agree that you
20 were guilty in order for you to be convicted. Even if you
21 were convicted, you'd still have the right to appeal that
22 conviction. You understand your rights with regard to a
23 trial by a jury?

24 Mr. Goode - Yes, sir.

25 The Court - Understanding those rights, you

1 still want to enter this plea?

2 Mr. Goode - Yes, sir.

3 The Court - Has anyone promised you anything,
4 held out any hope of reward, threatened you in any manner
5 to make you plead guilty ---

6 Mr. Goode - No.

7 The Court - --- to make you enter this plea?

8 Mr. Goode - No, sir.

9 The Court - Has anyone promised you a sentence
10 in this case?

11 Mr. Goode - No, sir.

12 The Court - You satisfied with the manner in
13 which your attorney has advised and represented you in
14 this case?

15 Mr. Goode - Yes, sir.

16 The Court - You and your attorney fully
17 discussed these charges against you?

18 Mr. Goode - Yes, sir.

19 The Court - Has she done everything you asked
20 her to do in preparation for this plea?

21 Mr. Goode - Yes, sir.

22 The Court - You need any more time to talk to
23 her about this plea?

24 Mr. Goode - No, sir.

25 The Court - You satisfied with her advice?

1 Mr. Goode - Yes, sir.

2 The Court - Are you under the influence of any
3 alcoholic beverages, drugs or prescription medications at
4 this time?

5 Mr. Goode - No, sir.

6 The Court - Are you aware of any mental
7 condition that would keep you from understanding what
8 you're doing here today?

9 Mr. Goode - No, sir.

10 The Court - Pleading guilty today of your own
11 free will and accord?

12 Mr. Goode - Yes, sir.

13 The Court - All right, solicitor, give me the
14 factual basis for the plea.

15 Ms. Robinson - Yes, Your Honor. On August 26th,
16 2009 on Westerly Road in Fort Mill, York County, South
17 Carolina, the defendant was upset with his then girlfriend
18 believing that she was cheating on him. The girlfriend
19 left her residence which was a mobile home that she was
20 renting, not wanting to be around the defendant while he
21 was drunk. The neighbors saw the defendant on his phone
22 outside of the girlfriend's residence arguing about the
23 fact that she was cheating on him. Neighbors saw him go
24 into the residence and come back out with a box that
25 appeared to be heavy. The defendant was then on the phone

11

1 again outside advising someone to come pick him up but not
2 to come into the mobile home park, he would walk to a
3 nearby street. He told the person on the phone that he
4 had something to do. The defendant got off the phone,
5 approached the neighbors and asked for a cigarette and
6 then as he walked away from those neighbors, he said I
7 hope y'all like bonfires, because I'm about to burn her
8 stuff. The defendant was seen by another neighbor leaving
9 on foot around 11:45 p.m. ---

10 The Court - How'd they know what he was talking
11 about on the cell phone?

12 Ms. Robinson - They overheard what he was saying
13 to the other person on the phone. The defendant was seen
14 by another neighbor leaving on foot around 11:45 p.m. with
15 a large bag of stuff. That night the fire department
16 responded to a fire at the girlfriend's residence.
17 Attempts to go in through the front door of the home were
18 blocked because furniture had been piled up in the way.
19 The fire department broke out the back entrances to put
20 out the fire. The fire was determined to be arson. The
21 residence appeared to have been ransacked. There were
22 papers scattered everywhere. A frig was tipped over. The
23 big screen t.v. was on the floor with a loveseat on top of
24 it. A coffee table was overturned. Shelves and stereo
25 equipment were overturned. There was a gas can on the

1 front porch and two gold fish in jars that had been
2 brought out from a tank inside, though I believe the fish
3 died from the heat. Other pets including a cat and a
4 turtle were killed in the fire. The mobile home had
5 extensive damage. At least one room was completely gutted
6 except the sheet metal roof. All of the girlfriend's
7 personal belongings were destroyed, including the
8 belongings of her three children. She has requested
9 twelve hundred dollars in restitution. The mobile home
10 itself was also a total loss. The value of the mobile
11 home was estimated to be about twenty thousand dollars,
12 though there's no separate restitution request for that
13 amount. The ex-girlfriend ---

14 The Court - Why not? Why not?

15 Ms. Robinson - Your Honor, the owner of the
16 mobile home did not keep in contact with our office and
17 never returned the paperwork or anything to indicate what
18 the loss was to our office.

19 The Court - So the whole mobile home was burned?

20 Ms. Robinson - That's my understanding. And,
21 Your Honor, there --- the girlfriend -- The ex-girlfriend
22 is afraid of the defendant and had requested that you
23 order he have no contact with her. She was afraid and did
24 not want to come to court. The defendant was released on
25 bond in March of this year and I have received complaints

1 from both the girl --- the ex-girlfriend and the
2 girlfriend's mother about the defendant contacting them
3 since he was released.

4 The Court - Is that what happened, Mr. Goode?

5 Mr. Goode - What do you mean exactly, sir.

6 The Court - You want her to repeat it?

7 Mr. Goode - The whole thing?

8 The Court - What she said, yes.

9 Mr. Goode - Yes, sir. No. She doesn't need to
10 repeat it.

11 The Court - Is that what happened?

12 Mr. Goode - Yes, sir.

13 The Court - All right. I find the decision of
14 defendant Jerry Goode to plead guilty to be -- or to enter
15 a plea of guilt under North Carolina vs. Alford to be
16 freely, voluntarily, intelligently made. He's had the
17 representation of a competent attorney, a person, Ms.
18 Taylor with whom he's satisfied. I find a factual basis
19 for his plea, therefore, I'll accept his plea. Mr. Goode,
20 if you disagree with the sentence I give you, the
21 procedure we just completed, you have ten days from
22 today's date within which to file notice of intent to
23 appeal. Do you understand?

24 Mr. Goode - Yes, sir.

25 The Court - Has he got a record?

1 Ms. Robinson - Yes, Your Honor. Possession of
2 a stolen motor vehicle in 2000, felony breaking and
3 entering in North Carolina in 2001, felony conspiracy in
4 regard to an armed robbery in 2001, burning personal
5 property and obstructing an officer and simple assault,
6 possession of a stolen motor vehicle, all those in 2002,
7 possession of marijuana, hit and run involving property
8 damage and eluding arrest in a motor vehicle in 2005 and
9 possession of marijuana in 2007.

10 The Court - Those are all the South Carolina ---

11 Ms. Robinson - Those are all North Carolina,
12 Your Honor.

13 The Court - All North Carolina. He lives in
14 North Carolina?

15 Ms. Taylor - He does, Your Honor.

16 The Court - All right, Ms. Turner (sic)?

17 Ms. Taylor - Your Honor, just to clarify, ---

18 The Court - Taylor, I'm sorry. I beg your
19 pardon.

20 Ms. Taylor - That's fine. Just to clarify with
21 the record, from a possession of stolen vehicle that was
22 mentioned from 2002, it is my understanding from reviewing
23 the record and from speaking with Mr. Goode that that was
24 actually the same charge from 2001. Prison sentence was
25 imposed in 2002, but it was one possession of a stolen

1 vehicle charge, not two. Your Honor, also related to Mr.
2 Goode's record, those charges from 2002 and earlier were
3 when he was basically a teenager. Mr. Goode has battled
4 with alcoholism and substance abuse since he was roughly
5 fifteen to sixteen years old. A lot of those charges
6 occurred when he was in the beginnings of that substance
7 abuse. Your Honor, as we had discussed with you back in
8 chambers yesterday, after this incident Mr. Goode turned
9 himself in in North Carolina on a probation warrant up
10 there. That was in August of 2009. Since that time, of
11 course while he was incarcerated, Mr. Goode has remained
12 sober. He sought treatment while in the department of
13 corrections. He has also maintained his sobriety since
14 making bond on this charge in March of this year. Your
15 Honor, he is currently married. He has actually been
16 married since his release. He has two children from a
17 previous relationship that are five and four years old
18 that he has been catching up on his back child support on.
19 He also has a two year old step child. Your Honor, his
20 children -- His biological children are actually in the
21 custody of Social Services. He was incarcerated. Social
22 Services, it's my understanding, found their mother to be
23 unfit to care for them. Mr. Goode since his release has
24 been taking the steps necessary to try and regain custody
25 of those children, is just kind of in the middle of that

1 process as we stand here today. It is his desire to
2 regain custody of those children and to care for them and
3 be the sole provider as needed. Your Honor, since his
4 release he has also found employment. He has been working
5 with a company called RLJ Landscaping. He's roughly been
6 there about three and a half months pretty much since his
7 release on bond. He has gotten a letter from his boss to
8 bring to Your Honor today basically saying that he's been
9 a dependable employee and that they will take him back
10 upon his ultimate release. This boss has also contacted
11 me on multiple occasions on Jerry's behalf trying to see
12 what can be done to assist him in this process. If I
13 could pass the letter up to Your Honor.

14 (Document handed up to the court)

15 Ms. Taylor - Your Honor, unfortunately, at the
16 time that this incident happened, Jerry was in a period of
17 relapse. He had maintained sobriety for a while and
18 unfortunately in the time immediately leading up to this
19 incident he had fallen off the wagon. This night alone in
20 a matter of less than two hours he consumed seven twenty-
21 two ounce beers. It's my understanding it was the kind of
22 beers that are similar to Ice House, the very strong
23 beers.

24 The Court - Twenty-two beers in an hour?

25 Ms. Taylor - No, twenty-two ounce -- seven

1 twenty-two ounce beers ---

2 The Court - All right.

3 Ms. Taylor - --- in an hour and a half to two
4 hours in a small time-frame starting at around nine
5 o'clock that evening.

6 The Court - It doesn't justify anything.

7 Ms. Taylor - It does not justify, Your Honor,
8 just going to explain basically why his recollection may
9 not necessarily be the clearest. When he met with Mr.
10 Sullivan initially he was still incarcerated. He had not
11 made bond. By the time I took over his representation he
12 was out on bond. The prospect of facing this charge that
13 carries fifteen years, the prospect of being away from his
14 family for that long and especially his children for that
15 long is something that has really terrified him. He has
16 attempted to take all reasonable steps between his release
17 and now to show Your Honor, to show the solicitor that he
18 does take this very seriously, that he understands that
19 there are major life changes that need to be made and that
20 he can be a responsible member of society. Your Honor,
21 his wife is here today and would like to speak briefly to
22 Your Honor. I would just ask that Your Honor would go
23 along with the state's recommendation for the suspended
24 sentence with an active time of two and a half years
25 followed by the probation with the twelve hundred dollars

1 restitution. For the record, however, I would ask Your
2 Honor to not just give him credit for two hundred and
3 thirty-three days but to give him credit for an additional
4 three hundred and seventeen days. While we have talked
5 with Your Honor back in chambers regarding this jail time
6 credit, those three hundred and seventeen days are the
7 days after a hold was placed on Mr. Goode when he was in
8 North Carolina after an extradition bond was set after Mr.
9 Goode waived extradition. He never met that extradition
10 bond, remained in custody the entire time, and the three
11 hundred seventeen days additional that I'm asking Your
12 Honor for are the -- or is the time that he was actively
13 serving his North Carolina probation revocation sentence
14 also. Your Honor, I would argue under South Carolina case
15 law that he is eligible for that time. Specifically what
16 we had talked about back in chambers was that the Blakeney
17 vs. South Carolina case that says when that hold is placed
18 on them they start accruing jail time credit towards both
19 charges even if the warrant had not been served. Your
20 Honor, we would ask for the credit of that time, although
21 I understand that it is South Carolina Department of
22 Corrections stance on it that he is not entitled to that
23 time. It is also my understanding that whatever Your Honor
24 ordered they would follow that order. So for matters of
25 the record and for request from Your Honor, we would

19

1 request that additional three hundred and seventeen days
2 credit. As I had told Your Honor previously, if he is
3 given credit for only the time that state and defense
4 agree upon, then he would have eleven active months that
5 he would have to do. This is following the time he has
6 done in North Carolina ---

7 The Court - Why do you -- I'm just wondering why
8 you say that.

9 Ms. Taylor - Because if we take the thirty
10 months minus the six months he has done, that leaves
11 twenty-four months, so we're talking about -- depending on
12 when his release date would fall in the month, we're
13 talking ---

14 The Court - Why would he -- It's a non-violent
15 offense for which he only has to serve twenty-five
16 percent.

17 Ms. Taylor - And when I talk with people I don't
18 talk about parole eligibility. I talk about if they were
19 to max-out ---

20 The Court - Max -- If they were to max out.
21 Right.

22 Ms. Taylor - It's my understanding you'd have to
23 do fifty-one percent.

24 The Court - If you were to max-out.

25 Ms. Taylor - Correct.

1 The Court - But if he -- He is parole eligible.
2 Right.

3 Ms. Taylor - He would be parole eligible. The
4 likelihood that he would receive parole with his record,
5 I cannot say with a great certainty that he would receive
6 parole.

7 The Court - I'm just wondering why you -- You've
8 explained it to me then. Being a non-violent, he's parole
9 eligible after twenty-five percent of the sentence.
10 Right.

11 Ms. Taylor - Correct, Your Honor, ---

12 The Court - Based on his record that you say --
13 It's your position it's not likely that he would be
14 paroled and that he would have to max-out that sentence.

15 Ms. Taylor - Correct, Your Honor.

16 The Court - All right. I understand you now.

17 Ms. Taylor - If Your Honor did give him credit
18 for the additional three hundred seventeen days, however,
19 his max-out at fifty-one percent would still have him
20 serving an additional five months. I would also argue
21 that the time he did in North Carolina he did suffer
22 detriment for the South Carolina charges. It did affect
23 what credits he was eligible to work towards in the
24 department of corrections which affected his max-out date
25 on that time up there, along with where he was housed, his

1 classification and the like, so I would just submit to
2 Your Honor that he did suffer detriment in North Carolina
3 because of the South Carolina charges, but we understand
4 that that is something that is wholly within Your Honor's
5 discretion. His wife I believe would like to briefly
6 address the court.

7 The Court - Be glad to hear from her.

8 Mrs. Goode - My name is Jessica Goode.

9 The Court - Yes, ma'am.

10 Mrs. Goode - And I wanted to say that ---

11 The Court - How long have y'all been married?

12 Mrs. Goode - We've been married only a short few
13 weeks, three ---

14 The Court - Few weeks?

15 Mrs. Goode - Three weeks, yes, sir.

16 The Court - Three weeks?

17 Mrs. Goode - Yes, sir.

18 The Court - Okay.

19 Mrs. Goode - He is very loyal. He has ---

20 The Court - He's been loyal for three weeks?

21 Mrs. Goode - Well, we've been dating since he
22 basically got out, but we got married three weeks ago.

23 The Court - Okay.

24 Mrs. Goode - And he has taken responsibility.
25 He did get a job within a month, month and a half of him

1 getting out. He is helping me raise my son. I'm a single
2 mother with his help. He's now a step daddy, but I would
3 please --- just give mercy.

4 The Court - Thank you.

5 Ms. Taylor - And, Your Honor, one thing I forgot
6 to mention. I know the state addressed the victim in this
7 case having fear of Mr. Goode. I would like to disclose
8 that as soon as the state approached me about her not
9 wanting contact, I immediately contacted Mr. Goode and
10 there has been no allegation of any contact following
11 that. I would also think it's important for the court to
12 know that during Mr. Goode's incarceration in North
13 Carolina, the victim in this case continued communication
14 with him of her own fruition. It's my understanding that
15 complaints about contact did not arise until after Mr.
16 Goode started dating his wife, but she had instigated
17 contact in there, granted, she has the right to say I
18 don't want any ---

19 The Court - You know, I don't know -- I don't
20 know, is the light red or the light green? You know? I
21 don't know. She tells me one thing; You tell me the
22 other.

23 Ms. Taylor - But he would have no opposition to
24 a no contact provision of his probation.

25 The Court - Well, he's going to have it. He's

1 going to have it. Anything further?

2 Ms. Taylor - Nothing further, Your Honor.

3 The Court - Did the fire endanger the property
4 or lives of other -- I know it destroyed these animals,
5 but did it in any way endanger the other residents of the
6 mobile home park?

7 Ms. Robinson - Not that was specified in the
8 report, Your Honor.

9 The Court - What?

10 Ms. Robinson - Not that was specified in the
11 report, Your Honor. I believe once they entered the
12 residence, they were able to contain it relatively
13 quickly.

14 The Court - You have anything else you want to
15 tell me, Mr. Goode?

16 Mr. Goode - Sir, I'd just like to say that I
17 have -- I have made a lot of mistakes and whether I can
18 remember exactly what happened that night or not, I am
19 deeply sorry for what part that I played and I just want
20 to get this behind me and move forward with my life. Just
21 ask that you have mercy.

22 The Court - All right, Mr. Goode, the sentence
23 of the court is you be committed to the state department
24 of corrections for a period of ten years, provided however
upon the service of thirty months the balance is

1 suspended, you're placed on probation for four years. I'm
2 going to give you credit of two hundred and thirty-three
3 days time served, you pay restitution when you get out in
4 the amount of twelve hundred dollars to Betty Danielle
5 Shugart and you are to have no contact with that lady,
6 either her or her family directly or indirectly. If you
7 do, it will be a violation of your probation and you'll go
8 back to jail for the remainder of the ten year sentence.
9 You understand?

10 Mr. Goode - Yes, sir.

11 The Court - Good luck to you, sir.

12 Ms. Taylor - Your Honor, would you consider a
13 PTUP provision to that probation?

14 The Court - No, ma'am.

15 Ms. Robinson - Thank you, Your Honor.

16 (End of transcript)

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Certificate

I, Shirley G. Broom, the undersigned Court Reporter, hereby certify that the foregoing 25 pages constitute a true record of proceedings taken in the case of State of South Carolina vs. Jerry Alan Goode, II, as taken by me at the time and place stated.

I do further certify that the persons were present as stated, that I am not of Counsel for, related to, or in the employe of any of the parties to this action and that I have no interest whatsoever in the outcome of this case.

This the 23rd day of Nov., 2011


Shirley G. Broom
Circuit Court Reporter
Sixteenth Judicial Circuit

DOCKET NO. 2011-GS-46-00120

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

January 20, Term 2011

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

THE STATE

Jerry Alan Goode II
Defendant

vs.

Witness
William C. ...
C.C.C. P/S. AND G/S.

ACTION OF GRAND JURY

JERRY ALAN GOODE, II

TRUE BILL

George ...
Foreperson of Grand Jury
Date: *1/20/11*

VERDICT

Indictment for
ARSON - 3rd DEGREE

SC Code: 16-11-110
CDR Code: 3435

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK

CERTIFIED TRUE COPY

2011 JUL 21 PM 4:43

At a Court of General Sessions convened on January 20, 2011, the Grand Jurors of York County present upon their oath.

ARSON, THIRD DEGREE

The Defendant, Jerry Alan Goode, II, did in York County, South Carolina, on or about August 26, 2009, wilfully and maliciously cause an explosion, or set fire to, burn or caused to be burned, or aided, counseled or procured the burning of a dwelling house described as following: a residence located at 7138 Westerleigh Drive, Fort Mill, South Carolina, all in violation of Section 16-11-110 of the Code of Laws of South Carolina, (1976 as amended).

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



 ASSISTANT SOLICITOR

28 COUNTY OF York
STATE VS. Jerry Goode
AKA:
Race: W Sex: M Age:
DOB: SS#:
Address:
City, State, Zip: Child
DL#: SID#:
*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was:
TO: Arson / Arson - Third degree

INDICTMENT/CASE#: 2011GS4600120
A/W#: J154472
Date of Offense: 8/26/2009
S.C. Code §: 16-11-0110(B)
S.C. Code #: 2551

2011 JUL 21 PM 4:43

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0110(C) of the S.C. Code of Laws, bearing CDR Code # 0008
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) § 17-25-45

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

ATTEST: Robinson, Leslie Dawn
80157 SC Bar#
Defendant
Katherine J. Cummings 74923
Attorney for Defendant
SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ 30; provided that upon the service of 30 days/months/years and/or payment
of \$ plus costs and assessments as applicable*, the balance is suspended with probation for 4

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. 233 DAYS
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ 1200.00 plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment

Table with columns for assessment type, amount, and total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(I) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL \$ 130.

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

No CONTACT w/ VICTIM OR VICTIM'S
FAMILY; DIRECT OR INDIRECT

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

Clerk of Court/Deputy Clerk: David Hamilton
Court Reporter: Shirley Broom
SCCA/217 (03/2011)

Presiding Judge: G. J. [Signature]
Judge Code: 2126
Sentence Date: 7/14/11

ARREST WARRANT

J-154472

STATE OF SOUTH CAROLINA

County/ Municipality of

York

THE STATE

200900028865

against

Jerry Alan Goode, II

Address:

Phone: _____ SSN: _____

Sex: M Race: W Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: SC0460000

Prosecuting Agency: York County Sheriff

Prosecuting Officer: John L Martin - L1532

Offense: Arson / Arson - Second degree

Offense Code: 2551

Code/Ordinance Sec: 16-11-0110(B)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

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

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant JERRY ALAN GOODE II

on September 10, 2010.

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

York County General Sessions
1675 York Hwy
York, SC 29745

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

York

Personally appeared before me the affiant John L Martin who

being duly sworn deposes and says that defendant Jerry Alan Goode, II

did within this county and state on or about 08/26/2009 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of York)

in the following particulars:

DESCRIPTION OF OFFENSE Arson / Arson - Second degree

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

On August 26, 2009, the defendant did willfully and unlawfully violate South Carolina Code of Laws by setting fire to the residence at 7138 Westerleigh Drive, Fort Mill, South Carolina, York County causing over \$20,000.00 worth of damage to the residence. Probable cause based on police investigation & witness statements

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

York

Affiant's Address 1675 York Hwy

York, SC 29745-000

Affiant's Telephone (628)305-9 x

F.T. Comply (2)
S. 28-09 Prob viol.
Extradition of
Fug Warrant
11-18-09-DJC

YCSA

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 8/26/2009 defendant Jerry Alan Goode, II

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of York) as set forth below.

DESCRIPTION OF OFFENSE: Arson / Arson - Second degree

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

Sworn to and subscribed before me on 08/27/2009

Lynn Benfield (L.S.)
Signature of Issuing Judge

Lynne Horton Benfield

Judge Code: 5806

Judge's Address Moss Justice Center

York, SC 29745-7423

Judge's Telephone (803)628-3029

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Revised by
July General
April 1, 2003
SCCA 518

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Thomas G. Cooper, Circuit Court Judge

FILED-RECEIVED
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2011 JUL 21 PM 4:40

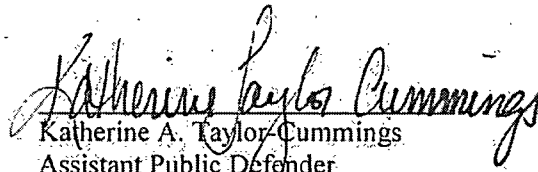
DAVID HAMILTON
E.C.C.P. & G.S.
YORK COUNTY, SC

Case Nos.: 2011-GS-46-0120
The State of South Carolina, Respondent
v.

Jerry Alan Goode, Appellant

NOTICE OF APPEAL

Jerry Alan Goode appeals his guilty plea and sentence imposed by the Honorable Thomas G. Cooper. On July 14, 2011, the Appellant pled guilty to Arson 3rd degree (Indictment No. 2011-GS-46-0120) and received a sentence of thirty (30) months and 4 years probation.


Katherine A. Taylor-Cummings
Assistant Public Defender
P.O. Box 691
York, SC 29745
(803) 628-3031
Attorney for Appellant

This 21st day of July, 2011
York, South Carolina

Other Counsel of Record:
Leslie Robinson
Assistant Solicitor
1675-1A York Highway
York, SC 29745
(803) 628-3020

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

Thomas G. Goode, Circuit Court Judge

FILED-RECEIVED

2011 JUL 21 PM 4:40

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

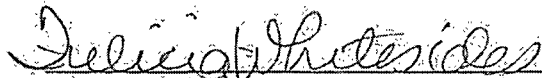
Case Nos.: 2011-GS-46-0120

The State of South Carolina, Respondent
v.

Jerry Alan Goode, Appellant

Certificate of Service

This is to certify that a copy of the Notice of Appeal in the case of The State vs. Jerry Alan Goode, was served upon Assistant Solicitor Leslie Robinson, on July 21, 2011, by hand-delivering a copy to the Solicitors Office, Second floor of the Moss Justice Center, 1675 York Highway, York, South Carolina, by the undersigned.



Felicia Whiteides
Legal Secretary for Katherine A. Taylor-Cummings
Attorney for the Defendant

FILED-RECEIVED

STATE OF SOUTH CAROLINA

2011 JUL 21

Indictment Nos. 2011-GS-46-0120

PM 4:39

IN THE COURT OF APPEALS

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

State of South Carolina,

-vs-

Jerry A. Goode

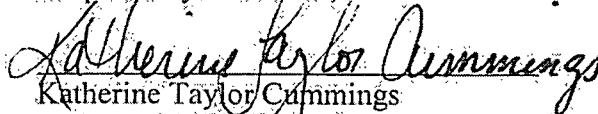
Defendant.

RULE 203(B) EXPLANATION

The undersigned does have a good faith basis to believe that this appeal is properly before the Court of Appeals. The undersigned contested the recommendation of the State and sentence of Judge Thomas G. Cooper related to the credit for time served. A meeting was held in chambers with Judge Thomas G. Cooper, Assistant Solicitor Leslie Robinson and defense counsel. During this meeting Assistant Solicitor Leslie Robinson and defense counsel argued statute and case law in regards to credit for time served specifically related to time Jerry Goode served in the North Carolina Department of Corrections following an extradition hold being placed on him while he was in a county detention center. Case law cited by defense counsel in chambers and reiterated on the record included State v. Dozier (263 S.C 267) and Blakeney v. State (339 S.C. 86). The statute cited by defense counsel is §24-13-40.

The undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant.

Respectfully submitted,



Katherine Taylor Cummings
Assistant Public Defender
16th Circuit Public Defender Office

P.O. Box 691
York, SC 29745
(803) 628-3031
ATTORNEY FOR Jerry Goode

York, South Carolina
July 21st, 2011

COMMITMENT

- Original Commitment
- Additional Charge(s)

FILED-RECEIVED

2011 MAR 21 PM 2: 18

PR

HAMILTON
Date: 3/10/2010
YORK COUNTY, SC

TO: Director York County Detention Center

You are hereby commanded by this Court to hold in your custody,

Jerry Alan Goode II
(Defendant's name)

(Address)

DOB: Race: W Sex: M

Bonding Company:

Case number	Charge	Trial Court	Bond Type	Amount
J154472	Arson / Arson - Second degree	York County General Sessions	Cash Bond	\$25,000.00
			Surety Bond	\$25,000.00

Initial appearance: 10/25/2010 @ 9am/General Sessions: ^{TBD} ~~11/16/2010~~ @ 8:30am at Moss Justice Center, York, SC/no contact with victim

That you are commanded by this Court to continue custody of the named person until the person in custody is ordered to be released by a Judicial Officer

Judge [Signature] York County

Dr. Balow

Criminal Charging Document No.

**BAIL PROCEEDING
FORM II**

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IN THE York County General Sessions

2011 MAR 21 PM 2: 18

STATE OF SOUTH CAROLINA
COUNTY OF York

STATE OF SOUTH CAROLINA
v.

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

HAMILTON
P.O. BOX 63
YORK COUNTY, SC

Goode, Jerry Alan II
NAME OF DEFENDANT

Offense Charged: Arson / Arson - Second degree-[J154472]

At a bail proceeding conducted by undersigned Judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: _____

Nature of Circumstances of Offense; Must Immediately Notify Court of Change of Address _____

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.

2. That the above named defendant be released from custody provided as follows:

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits \$ _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ 25,000.00.

3. That the defendant shall appear at (check one):

TRD

the term of COURT OF GENERAL SESSIONS beginning on November 16, 2010 at 8:30 o' clock, A.M., at York County General Sessions - 1675 York Hwy/York, SC 29745 / (803) 628-3036 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of MAGISTRATE COURT MUNICIPAL COURT beginning on _____ at _____ o' clock, M., at _____
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$25,000.00 (CS) or \$25,000.00 (SB)

Initial appearance: 10/25/2010 @ 9am/General Sessions: 11/16/2010 @ 8:30am at Mos

INITIALS OF DEFENDANT JG II

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions hereinafter in the Order.

Jerry Alan Goode
SIGNATURE OF JUDGE

3-17-11
DATE

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 27th, 2012



David Alexander
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

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 27th, 2012



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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

G. Thomas Cooper, Circuit Court Judge

RECEIVED

NOV 27 2012

SC Court of Appeals

THE STATE,

RESPONDENT,

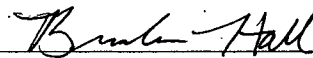
V.

JERRY ALAN GOODE,

APPELLANT

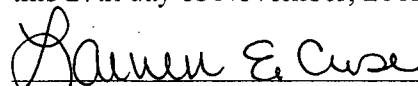
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Christina J. Catoe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 27th day of November, 2012.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 27th day of November, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014