

VOLUME II OF II

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LEONARD GOODWIN,

APPELLANT

APPELLATE CASE NO. 2011-193507

RECORD ON APPEAL

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- STATE’S EXHIBIT #5 (PHOTOGRAPH)**
- STATE’S EXHIBIT #19 (PHOTOGRAPH)**
- STATE’S EXHIBIT #21 (PHOTOGRAPH)**
- STATE’S EXHIBIT #29 (PHOTOGRAPH)**
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- STATE’S EXHIBIT #40 (PHOTOGRAPH)**
- STATE’S EXHIBIT #41 (PHOTOGRAPH)**
- STATE’S EXHIBIT #52 (PHOTOGRAPH)**
- STATE’S EXHIBIT #54 (PHOTOGRAPH)**

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1 Mr. Palmer testified that he was a customer
2 there, he did buy the lime. Ila Simmons testified that
3 the material that was on the body was lime, the
4 material that was in the bags was lime, and it had the
5 same four common ingredients. However, she could not
6 say where this lime came from, there's many of
7 manufacturers of lime, that she could not definitively
8 tell whether it was the same lime, unlike what the
9 State wants you to believe. I think they said it was a
10 hundred-percent identical. That's incorrect. She did
11 not say that. If he was a mastermind, why would not it
12 [phonetic] still be at his house three weeks later? He
13 would have gotten rid of it, just like he got rid of
14 the murder weapon.

15 Another contradiction that the State wants you
16 to embrace is that they want you to believe that he
17 cleaned -- Leonard Goodwin cleaned up so well, that he
18 cleaned up himself so well. However, the officers
19 testified that even though they can find the presence
20 of blood even after someone has tried to clean it up,
21 they didn't find any of that in the home.

22 Additionally, Mary Ann testified that there was
23 smells of bleach in the home. However, she never told
24 the officers -- back in April 27th, 2006, she never
25 told them she smelled anything. Doug Armstead said he

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1 did not smell anything. So they want you to believe
2 the contradictions in their case.

3 When Leonard Goodwin met with Latarshia and
4 Jessie on the side of the road she says that there's
5 small blood-splatter spots. If you had just been under
6 a crawl space or dragging a body, you would be filthy.
7 You wouldn't just have a couple of dots on you. You
8 would have some mud on you, you would have stains on
9 you. It wouldn't just be a couple of dots. You would
10 be filthy. And your composure just after shooting
11 someone in the head would not be calm and normal.

12 Ladies and gentlemen, the State said that Mr.
13 Goodwin spent some time under his home. They have
14 nothing to show this. They say that the gin bottle
15 under the house has Leonard Goodwin's DNA in it. Well,
16 in that very same photograph of the gin bottle under
17 the house -- and you'll have the photograph in the back
18 with you -- there's the gin bottle, there is Mary Ann's
19 debit card, and there's a magazine that has the
20 victim's name on it. So are we supposed to say that
21 the victim was under the home all the time? Mary Ann's
22 debit card was under there, but no questions are asked
23 of that. That's a question left unanswered.

24 If Mary Ann knew she gave that debit card to her
25 son or Mr. Goodwin, she would have testified to that.

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1 So what's the explanation of her card being under the
2 home that evening -- or, excuse me -- when they
3 searched that home, underneath the home, April 27th --
4 April 27th, 2006?

5 This case is a tragic case. Eric Goodman --
6 excuse me -- Eric Robinson was shot in the head. And
7 we're not here to say that Eric was not shot in the
8 head. But it wasn't Leonard Goodwin. The impossible
9 story that the State wants you to believe, it couldn't
10 have happened.

11 The State is now assuming that Leonard Goodwin
12 [sic], after a gun was pointed at him, is running out
13 of the house. If you're running away from a gun, the
14 bullet hole would be to the back of the head. He was
15 shot in the front of the head, ladies and gentlemen of
16 the jury.

17 The firearm expert also testified that he
18 couldn't tell what kind of bullet it was in his head.
19 It could have been a twenty-two, it could have been a
20 twenty-four, it could have been a projectile. He
21 couldn't even say for sure if it was a bullet or not.
22 So where the State is getting up this magic twenty-two
23 number I'm not sure. It's all speculation. Mere
24 speculation is not enough to convict a man. Mere
25 speculation of hiding a body under a tarp, where

1 there's no evidence, is not enough to convict a man.

2 Cynthia Schandl, who did the autopsy on Eric
3 Robinson, also cannot put a time of death. She says
4 his body was older than four days, had been deceased
5 for over four days, but she can't say if it was fifteen
6 days, she can't say if it was twenty days, she can't
7 say if it was twenty-five days or thirty days. She
8 can't tell. All she knows, it's over four days old.

9 There is blood on the back side of the exterior
10 of the home door. We're not denying that. Eric was
11 shot at some point by someone, and we don't know who,
12 and his blood is outside there.

13 This isn't a perfect world. We're not on TV.
14 This isn't a novel. We're not at a movie. And we will
15 never know what really happened in real life. And
16 there's always going to be questions left unanswered in
17 this case because the State's story just doesn't make
18 sense. This did not happen the way that the State
19 claims that it happened, and that's why there's
20 questions left unanswered. That's why Mr. Kidd is
21 speculating about how this had happened, how his body
22 was found under a tarp and then moved under the home.

23 There are no witnesses at all to this incident.
24 And in a moment the judge is going to instruct you on
25 the law, but I wanted to remind you of two important

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1 laws. The State has to prove their case beyond a
2 reasonable doubt. And what that means, if you hesitate
3 to act ever so slightly in your decision of guilt or
4 innocense, you must find Mr. Goodwin not guilty. If
5 you have any questions in your mind, you have to look
6 at the State for the answer, not to the defense. The
7 State has to prove their case beyond a reasonable
8 doubt.

9 One question that may be going through your
10 minds right now is why did Mr. Goodwin not testify.
11 It's a constitutional right that he doesn't have to
12 testify. And it's for a good reason: because he's
13 more nervous, just like I'm nervous here today. If
14 your life and your freedom was on the line, you would
15 be nervous. You would pause, you would stumble over
16 certain words, and you would be nervous, and we didn't
17 want you to take that away from Mr. Goodwin.

18 Mr. Goodwin -- or, excuse me -- Officer Glover
19 told you what Mr. Goodwin told him. He said he was
20 running because he knew he was wanted for murder. Mr.
21 Goodwin has always maintained that he is innocent. And
22 before you, he stood over there, took the oath, raised
23 his right hand, and said he was not guilty of murder.

24 The State wants you to believe the impossible.
25 They want you to embrace their contradictions and

1 ignore the fact that no one could testify to how long
2 Eric Robinson's body was under the home. They want you
3 to ignore the fact that this whole impossible story is
4 supposed to take place in about thirty minutes. Use
5 your common sense. An old man with back problems could
6 not have completed this act in thirty minutes the way
7 the State is claiming.

8 At the end of this trial, you will find Mr.
9 Goodwin not guilty of murder.

10 THE COURT: Thank you, Ms. Winslow.

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CHARGE OF THE COURT

1
2 THE COURT: Ladies and gentlemen, I will now
3 instruct you on the law applicable to this case. I
4 remind you that during this trial you and I have had
5 certain duties to perform. As the trial judge it is my
6 responsibility to preside over the trial of this case
7 and I have the duty to rule on the admissibility of the
8 evidence offered during this trial.

9 You are to consider only the competent evidence
10 before you. If there was any testimony that was
11 ordered stricken from the record in this case, you must
12 disregard that testimony. You are to consider only the
13 testimony that has been presented from the witness
14 stand, any exhibits which have been made a part of the
15 record of this case, as well as the stipulations of
16 counsel.

17 I have the additional duty to charge you the law
18 applicable to this case. As the presiding judge, I am
19 the sole judge of the law in this case. It is your
20 duty as jurors to accept it and apply the law as I
21 state it to you now. If you already have any idea as
22 to what the law is or what the law ought to be and it
23 does not agree with what I now tell you, you must
24 abandon your own ideas because you are sworn to accept
25 the law and apply the law exactly as I state it to you

1 now.

2 In every case tried in this Court before a jury,
3 the jury becomes the sole and exclusive judges of the
4 facts in the case. A trial judge cannot make any
5 comment on or make any statement to a trial jury about
6 the facts in this case. You are the sole judge of the
7 facts in this case. You are not to infer from anything
8 that I have said during the progress of this trial in
9 ruling upon the admissibility of the evidence, or
10 anything else, or anything that I say now to you during
11 the charge on the law, that I have any opinion about
12 the facts in this case. The law does not allow me to
13 have an opinion about the facts in this case. This is
14 a matter solely for you, the jury, to determine. As
15 jurors, it your duty to determine the effect, value,
16 weight, and truth of the evidence presented during this
17 trial.

18 The indictment charges the defendant with
19 murder. I remind you that the fact that the defendant
20 was arrested, charged, and indicted in this case is not
21 evidence in this case and it cannot be considered by
22 you as evidence of guilt in this case, nor does it
23 create any presumption or inference of guilt. This
24 document is simply the formal written instrument which
25 contains the charges made against the defendant. It is

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1 the formal document by which this case is brought into
2 court.

3 The defendant has pled not guilty to this
4 indictment and that plea puts the burden on the State
5 to prove the defendant guilty. A person charged with
6 committing a criminal offense in South Carolina is
7 never required to prove himself innocent.

8 I charge you it is an important rule of the law
9 that the defendant in a criminal charge, no matter what
10 the seriousness of the charge may be, will always be
11 presumed innocent of the crime for which the indictment
12 was issued unless guilt has been proven by evidence
13 satisfying you of that guilt beyond a reasonable doubt.
14 This presumption of innocence does not end when you
15 begin your deliberations but it accompanies the
16 defendant throughout the trial until you have reached a
17 verdict of guilt based upon the evidence satisfying you
18 of that guilt beyond a reasonable doubt. The
19 presumption of innocence is not a mere legal theory, it
20 is not just a legal phrase, it is a substantial right
21 to which every defendant is entitled unless you, the
22 jury, are satisfied from the evidence of the
23 defendant's guilt beyond a reasonable doubt.

24 The State has the burden of proving the
25 defendant guilty beyond a reasonable doubt. Some of

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1 you may have served as jurors in criminal -- excuse me
2 -- in civil cases before where you were told that it
3 was only necessary to prove that a fact is more likely
4 true than not true, such as by greater weight or
5 preponderance of the evidence. In criminal cases, the
6 State's proof must be more powerful than that. It must
7 be beyond a reasonable doubt. It must be more than
8 mere suspicion.

9 Proof beyond a reasonable doubt is proof that
10 leaves you firmly convinced of the defendant's guilt.
11 There are very few things in this world that we know
12 with absolute certainty and in criminal cases the law
13 does not require proof that overcomes every possible
14 doubt. If based upon your consideration of the
15 evidence you are firmly convinced that the defendant is
16 guilty of the crime charged, you must find the
17 defendant guilty. If on the other hand you think there
18 is a real possibility that the defendant is not guilty,
19 you must give the defendant the benefit of the doubt
20 and find him not guilty.

21 There are two types of evidence generally
22 presented during a trial: direct evidence and
23 circumstantial evidence. Direct evidence is the
24 testimony of a person who claims to have actual
25 knowledge of a fact, such as an eyewitness. It is

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1 evidence which immediately establishes the main fact to
2 be proved. Circumstantial evidence is proof of a chain
3 of facts and circumstances indicating the existence of
4 a fact. It is evidence which immediately establishes
5 collateral facts from which the main fact may be
6 inferred. Circumstantial evidence is based on
7 inference and not on personal knowledge or observation.
8 You should weigh all of the evidence in this case.
9 After weighing all of the evidence, if you are not
10 convinced that the State has proven each element of the
11 charge beyond a reasonable doubt, you must find the
12 defendant not guilty.

13 Necessarily, you must determine the credibility
14 of the witnesses who have testified in this case.
15 Credibility simply means believability. It becomes
16 your duty as jurors to analyze and to evaluate the
17 evidence and determine which evidence convinces you of
18 this truth. In determining the believability of
19 witnesses who have testified in this case, you may
20 believe one witness over several witnesses or several
21 witnesses over one witness. You may believe a part of
22 the testimony of a witness and reject the remaining
23 part of the testimony of that same witness. You may
24 believe the testimony of a witness in its entirety or
25 reject the testimony of a witness in its entirety. You

1 may consider whether the witness has exhibited to you
2 any interest, bias, prejudice, or other motive in this
3 case and you may also consider the appearance and the
4 manner of a witness while on the witness stand.

5 The rules of evidence ordinarily do not permit
6 witnesses to testify to opinions or to conclusions. An
7 exception to this rule exists for witnesses we call
8 expert witnesses, a witness who by education and
9 experience has become expert in some art, science,
10 profession or calling may state an opinion as to
11 relevant and material matter in which the witness
12 claims to be an expert and may also state the reasons
13 for the opinion. You should consider any expert
14 opinion received into evidence in this case and like
15 any other evidence give it the weight you think it
16 deserves. If you decide that the opinion of an expert
17 witness is not based on sufficient education and
18 experience, or if you conclude that the reasons given
19 in support of the opinion are not sound, or that the
20 opinion is outweighed by other evidence, you may
21 disregard the opinion entirely. An expert witness'
22 testimony is to be given no greater weight than that of
23 other witnesses simply because the witness is an
24 expert. Further, you are not required to accept an
25 expert's opinion, even though it's not contradicted.

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1 Ladies and gentlemen, I instruct you, and
2 emphasize the fact, that the defendant did not testify
3 is not a factor to be considered by you in any way in
4 your deliberation and in your consideration of the
5 question of the guilt or the innocence of the
6 defendant. It must not be considered by you in any
7 manner whatsoever. A defendant has a constitutional
8 right to remain silent and the assertion of this right
9 must not be considered by you in your deliberations. I
10 repeat, under your oath you are to draw no conclusion
11 whatsoever from the fact that the defendant in this
12 case did not testify. The fact that the defendant in
13 this case did not testify must not even be discussed in
14 the jury room. The burden of proof, as I have stated
15 to you, is on the State. The defendant is not required
16 to prove his innocence. The burden of proof remains on
17 the State to prove guilt beyond a reasonable doubt.

18 An issue in this case is the identification of
19 the defendant as the person who committed the crime
20 charged. The State has the burden of proving identity
21 beyond a reasonable doubt. You must be satisfied
22 beyond a reasonable doubt of the accuracy of the
23 identification of the defendant before you may convict
24 the defendant. Identification testimony is an
25 expression or belief or impression by a witness. You

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1 must determine the accuracy of the identification of
2 the defendant. You must consider the believability of
3 each identification witness in the same way as any
4 other witness. You may consider whether the witness
5 had an adequate opportunity to observe the offender at
6 the time of the offense. This will be affected by
7 things like how long or short a time was available, how
8 far or close the witness was, the lighting conditions,
9 and whether the witness had a chance to see or know the
10 person in the past. The burden of proof on the State
11 extends to every element of the crime charged and this
12 specifically includes the burden of proving beyond a
13 reasonable doubt the identity of the defendant as the
14 person who committed the crime. If after examining the
15 testimony you have a reasonable doubt as to the
16 accuracy of that identification, you must find the
17 defendant not guilty.

18 In order to establish criminal liability,
19 criminal intent is required. For example, the mental
20 state required to be proven by the State for a
21 particular crime might be purpose, intent, knowledge,
22 recklessness, or criminal negligence. Criminal intent
23 must be proven by the State beyond a reasonable doubt.
24 Criminal intent is always a matter that must be
25 determined by the jury from the circumstances

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1 surrounding the situation. There is no way to prove
2 intent to a mathematical certainty. There is no way
3 medical science can dissect a person's brain and
4 determine what the person had in mind so the law says
5 that criminal intent may be inferred from the
6 circumstances shown to have existed. This is how you
7 make a determination of whether or not the element
8 requiring the intent was present. It is not necessary
9 to establish intent by direct and positive evidence but
10 intent may be established by inference in the same way
11 as any other fact: by taking into consideration the
12 acts of the parties and all the facts and circumstances
13 of the case. Criminal intent is a mental state, a
14 conscience wrongdoing. It is up to you to determine
15 what the defendant intended to do, based upon the
16 circumstances shown to have existed. Criminal intent
17 can arise from action or a failure to act. It may
18 arise from negligence, recklessness, or an indifference
19 to duty, or to consequences that is considered by the
20 law to be equivalent of criminal intent.

21 A statement alleged to have been made by the
22 defendant has been admitted into evidence in this case.
23 While the Court has determined that the statement is
24 admissible, I instruct you that you make the ultimate
25 decision of whether or not the defendant made the

1 statement. If the defendant did make the statement,
2 you must determine whether the statement was made by
3 the defendant voluntarily and of his own free will.
4 This means that the statement was not caused by
5 pressure, force, fear, threats, coercion or
6 intimidation or by hope or a promise of leniency or a
7 reward of any kind. In determining whether the
8 statement was voluntary, you should consider both the
9 characteristics of the defendant and the details of the
10 questioning. Some of the factors that you must
11 consider are the age of the defendant, the defendant's
12 education or lack of education, the defendant's mental
13 ability or capacity, the defendant's IQ or
14 intelligence, the defendant's background and
15 environment, the place and length of detention, the
16 nature of the questioning, and the advice or lack
17 thereof to the defendant of his constitutional rights,
18 including but not limited to the right to remain
19 silent, that the statement could be used against him in
20 a court of law, the right to have a lawyer present,
21 that he -- if he could not afford a lawyer, one would
22 be appointed to him without any cost, and that he could
23 stop making a statement at any time. You must
24 carefully consider all the surrounding circumstances
25 before you give any weight to an alleged statement.

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1 The State has the burden of proving beyond a reasonable
2 doubt that the alleged statement was voluntary. If you
3 determine it was, you may give the statement any
4 further consideration that you deem proper. You must
5 decide what weight, if any, should be given to the
6 alleged statement. If you determine the alleged
7 statement was not a free and voluntary statement of the
8 defendant, you should not consider the statement at
9 all.

10 The defendant is charged with murder. The State
11 must prove beyond a reasonable doubt that the defendant
12 killed another person with malice aforethought. Malice
13 is hatred, ill will, or hostility towards another
14 person. It is the intentional doing of a wrongful act
15 without just cause or excuse and with an intent to
16 inflict an injury or under circumstances that the --
17 will infer an evil intent. Malice aforethought does
18 not require that malice exists for any particular time
19 before the act is committed but malice must exist in
20 the mind of the defendant just before and at the time
21 the act is committed. Therefore, there must be a
22 combination of the previous evil intent and the act.
23 Malice aforethought may be express or inferred. These
24 terms express and inferred do not mean different types
25 of malice but merely the manner in which malice may be

1 shown to exist; that is, either by direct evidence or
2 by inference of the facts and circumstances which are
3 proved. Express malice is shown when a person speaks
4 words which express hatred or ill will for another
5 person or when the person prepared beforehand to do the
6 act which was later accomplished. For example, lying
7 in wait for a person, or any other acts of preparation
8 going to show that the deed was with the defendant's
9 mind, would be express malice. Malice may be inferred
10 from conduct showing a total disregard for human life.
11 Inferred malice may also arise when the deed is done
12 with a deadly weapon. A deadly weapon is any article,
13 instrument, or substance which is likely to cause death
14 or great bodily harm. Whether an instrument has been
15 used as a deadly weapon depends on the facts and
16 circumstances of each case.

17 Ladies and gentlemen, I will now go over the
18 verdict form. Mr. Foreman, it is your responsibility
19 to complete the verdict form but I will go over the
20 verdict form with you now at this time.

21 Ladies and gentlemen, there is no significance
22 at all in the way that I read the verdict form. It's
23 simply one must go first on the paper.

24 Ladies and gentlemen, in the Court of General
25 Sessions, indictment number 2010-GS-10-738, the State

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1 of South Carolina versus Leonard Goodwin. Number one,
2 we, the jury, find the defendant not guilty, or, we,
3 the jury, find the defendant guilty, of murder.

4 Ladies and gentlemen, this must be a unanimous
5 decision, meaning all twelve of you must agree. After
6 you have come to a unanimous decision, you will sign
7 the verdict form and date it. You will then indicate
8 to the bailiff, by knocking on the door, that you have
9 reached a verdict.

10 Ladies and gentlemen, this is the last time that
11 I will say this to you. Do not begin your
12 deliberations. Do not discuss this case amongst
13 yourselves. We'll be gathering the verdict form, as
14 well as gathering the exhibits to go back to you. At
15 that time the bailiff will bring those into the jury
16 room and indicate that you may begin your
17 deliberations.

18 To my two alternates, you have at this time
19 completed your service to this case. I ask that you
20 not begin your deliberations or discuss this case
21 amongst yourselves. We will keep you in a separate
22 room until the evidence has been given and the twelve
23 jurors have been instructed that they may begin their
24 deliberations. So please do not talk to each other
25 about this case or begin your deliberations until I

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1 have instructed you further.

2 Ladies and gentlemen, please rise for the jury.

3 Thank you.

4 [Whereupon, the jury exits the courtroom at
5 12:07 p.m.]

6 THE COURT: Thank you. Please be seated.

7 Any objection, correction, or addition to the
8 charge from the State?

9 MR. KIDD: No, ma'am.

10 THE COURT: From the defendant?

11 MR. BUTLER: None other than those previously
12 stated and those two requests to charge that were made
13 Court's exhibits.

14 THE COURT: Yes, sir.

15 MR. BUTLER: Nothing further.

16 THE COURT: Just please review -- I've read it.
17 Just please review the verdict form, to make sure there
18 are no errors, before it goes back.

19 Ms. Winslow?

20 [Whereupon, counsel review documents]

21 THE COURT: And all of the exhibits have been
22 returned?

23 [Off the record momentarily]

24 MR. BUTLER: Your Honor, are we at ease?

25 THE COURT: I'm just waiting, just to make sure

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1 there are no objections to what's going back.

2 MR. KIDD: No, ma'am.

3 MS. WINSLOW: No objection, Your Honor.

4 THE COURT: Counsel, I just wanted to thank you,
5 Mr. Kidd, Mr. Young, Ms. Winslow and Mr. Butler for
6 your courteousness and professionalism in this case.

7 And to the members of the audience, friends and
8 family of those -- the victim and the defendant, again,
9 thank you for your courteousness and your
10 respectfulness to the Court and to the courtroom.
11 Thank you.

12 We are at ease.

13 MR. YOUNG: Thank you, Judge.

14 MR. KIDD: Thank you, Your Honor.

15 [Whereupon, the evidence goes to the jury at
16 12:11 p.m.]

17 [Whereupon, a recess is taken from 12:11 p.m. to
18 2:14 p.m.]

19
20
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24
25

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VERDICT

1
2 THE COURT: All right. Anything before we bring
3 in the jury? From the State?

4 MR. KIDD: No, ma'am.

5 THE COURT: From the defendant?

6 MS. WINSLOW: No, Your Honor.

7 THE COURT: All right. Thank you.

8 Let's bring in the jury.

9 [Whereupon, the jury enters the courtroom at
10 2:19 p.m.]

11 THE COURT: Thank you. Please be seated.

12 Mr. Foreman, I understand you have reached a
13 verdict. If you'll hand it to the clerk. Thank you.

14 [Whereupon, the foreperson proffers documents to
15 the clerk of court. The clerk of court proffers
16 documents to the Court]

17 [Whereupon, the Court reviews documents]

18 THE COURT: Mr. Goodwin, if you will please
19 stand.

20 [Whereupon, the Court proffers documents to the
21 clerk of court]

22 THE CLERK OF COURT: The State of South
23 Carolina, County of Charleston, in the Court of General
24 Sessions, indictment number 2010-GS-10-738, the State
25 of South Carolina versus Leonard Goodwin. We, the

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1 jury, find the defendant guilty of murder.

2 Mr. Foreperson, ladies and gentlemen of the
3 jury, if this is your verdict please raise your right
4 hand.

5 [Whereupon, the jurors comply]

6 THE CLERK OF COURT: Your Honor, the verdict
7 stands.

8 THE COURT: May the record reflect all twelve
9 jurors have raised their hand.

10 Anything further from --

11 MS. WINSLOW: Your Honor, we would ask to poll
12 the jury.

13 THE COURT: All right.

14

15

POLLING OF THE JURY

16 THE COURT: Mr. Clerk, if you would poll the
17 jury, please.

18 THE CLERK OF COURT: Ladies and gentlemen, I'm
19 going to ask you each two questions: is this your
20 verdict, and is this still your verdict. Please answer
21 each question appropriately. And also stand whenever I
22 call your name.

23 John Koprowski, juror number 112, is this your
24 verdict and is this still your verdict?

25 MR. KOPROWSKI: Yes, this is my verdict. It is

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1 still my verdict.

2 THE CLERK OF COURT: Juror number 44, Mark
3 Clair, is this your verdict?

4 MR. CLAIR: Yes.

5 THE CLERK OF COURT: Is this still your verdict?

6 MR. CLAIR: Yes.

7 THE CLERK OF COURT: Thank you.

8 Juror number 73, Erin Gallman. Is this your
9 verdict?

10 MS. GALLMAN: It is.

11 THE CLERK OF COURT: Is this still your verdict?

12 MS. GALLMAN: Yes.

13 THE CLERK OF COURT: Thank you.

14 Juror number 128, Teresa Maddox-Kirkland, is
15 this your verdict?

16 MS. MADDOX-KIRKLAND: Yes.

17 THE CLERK OF COURT: Is this still your verdict?

18 MS. MADDOX-KIRKLAND: Yes.

19 THE CLERK OF COURT: Juror number 148, Angela
20 Myers, is this your verdict?

21 MS. MYERS: Yes.

22 THE CLERK OF COURT: Is this still your verdict?

23 MS. MYERS: Yes.

24 THE CLERK OF COURT: Thank you.

25 Juror 151, Brandon Nelson, is this your verdict?

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1 MR. NELSON: Yes.

2 THE CLERK OF COURT: Is it still your verdict?

3 MR. NELSON: Yes.

4 THE CLERK OF COURT: Thank you.

5 Juror 156, Paul Nocida, is this your verdict?

6 MR. NOCIDA: Yes, sir.

7 THE CLERK OF COURT: Is this still your verdict?

8 MR. NOCIDA: Yes, sir.

9 THE CLERK OF COURT: Juror number 157, Jackie
10 Nolen, is this your verdict?

11 MR. NOLEN: Yes.

12 THE CLERK OF COURT: Is this still your verdict?

13 MR. NOLEN: Yes.

14 THE CLERK OF COURT: Thank you.

15 Juror 175, Marilyn Sagel, is this your verdict?

16 MS. SAGEL: Yes.

17 THE CLERK OF COURT: Is it still your verdict?

18 MS. SAGEL: Yes.

19 THE CLERK OF COURT: Thank you.

20 Juror 179, Destine Sanders, is this your
21 verdict?

22 MS. SANDERS: Yes, it is.

23 THE CLERK OF COURT: Is it still your verdict?

24 MS. SANDERS: Yes.

25 THE CLERK OF COURT: Thank you.

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1 Juror 182, Phyllis Scott, is this your verdict?

2 MS. SCOTT: Yes.

3 THE CLERK OF COURT: Is this still your verdict?

4 MS. SCOTT: Yes.

5 THE CLERK OF COURT: Thank you.

6 Juror 219, Joseph Tucker, is this your verdict?

7 MR. TUCKER: Yes.

8 THE CLERK OF COURT: Is this still your verdict?

9 MR. TUCKER: Yes.

10 THE CLERK OF COURT: Your Honor, the jury has
11 been polled and the verdict stands.

12 THE COURT: Thank you.

13 Anything further?

14 MS. WINSLOW: No, Your Honor.

15 THE COURT: Thank you. Please be seated.

16 Anything further, from the State, of the jury?

17 MR. KIDD: Nothing from the jury, Your Honor.

18 THE COURT: All right. Ladies and gentlemen,
19 this concludes your service to this case. It also
20 concludes your service for the week. If you would
21 please remain in your jury deliberation room, I would
22 like to come and personally thank you for your service
23 to Charleston County.

24 Please rise for the jury.

25 [Whereupon, the jury exits the courtroom at

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1 2:23 p.m.]

2 THE COURT: Thank you. Please be seated.

3 Mr. Kidd, if you will prepare the sentencing
4 sheet. I'm going to go release the jury if there's
5 nothing further required of the jury from the State.

6 MR. KIDD: Nothing further.

7 MS. WINSLOW: Nothing further, Your Honor.

8 THE COURT: Thank you. We'll be at ease.

9 [Whereupon, a recess is taken from 2:24 p.m. to
10 2:35 p.m.]

11 THE COURT: All of the jurors have indicated
12 that they wish to be present for sentencing so they
13 will be coming back.

14 Please bring in the jury.

15 THE COURT: Anything before we proceed with
16 sentencing, Mr. Kidd?

17 MR. KIDD: Not before we proceed with it. I
18 mean, I would like to talk about sentencing.

19 THE COURT: I just want to make sure --

20 MR. KIDD: Okay.

21 THE COURT: Anything before we begin with
22 sentencing?

23 MS. WINSLOW: No, Your Honor.

24 THE COURT: All right. Thank you, Ms. Winslow.

25 [Off the record momentarily]

SENTENCING

1
2 THE COURT: Ms. Winslow, did you advise your
3 client this is a violent and a most serious offense?

4 MS. WINSLOW: I have not today, Your Honor. I
5 can go over it with him again.

6 [Off the record momentarily]

7 THE COURT: All right. Mr. Kidd, I have the
8 sentencing sheet. Is the Court correct the possible
9 sentence is a minimum of thirty up to life? Is that
10 correct?

11 MR. KIDD: That's correct, Your Honor.

12 THE COURT: And this is a violent and a most
13 serious offense?

14 MR. KIDD: It is, Your Honor.

15 THE COURT: Ms. Winslow, you have indicated to
16 your client what that terminology means, as far as
17 violent and most serious?

18 MS. WINSLOW: Yes, Your Honor.

19 THE COURT: All right. Thank you.

20 Mr. Kidd, I will be happy to hear from you.

21 MR. KIDD: Thank you, Your Honor.

22 I just kind of want to stress a couple of points
23 with regard to sentencing.

24 Obviously, we put a lot of work in this case
25 over a period of time. And with regard to the victim,

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1 Eric Robinson, I have to say that it is rare for me in
2 the cases that I do that I haven't heard a single
3 negative word spoken about him. He was a twenty-four-
4 year-old man who's never been in trouble in his life,
5 not a single arrest.

6 Everyone says he's a hard-working kid, he was
7 always non-confrontational, always trying to resolve
8 people's inferences. And it tends to work out like
9 that, that those are the people who end up the victims
10 and those are the people who end up being killed and
11 having their life taken from them for something so
12 stupid as this.

13 It's important to note the defendant's prior
14 record. He has an assault and battery with intent to
15 kill conviction in which he got a twelve-year sentence.
16 He shot someone in that case, as well. With that in
17 consideration and with the gruesome nature of this
18 crime, I think a life sentence is an appropriate one.

19 And with those things in mind, Your Honor, we do
20 have three family members of the victim who would like
21 to address you at the appropriate time.

22 THE COURT: Mr. Kidd, was that the extent of the
23 defendant's prior record was the ABWIK?

24 MR. KIDD: It is, Your Honor.

25 THE COURT: All right. Thank you.

1 Ms. Purcell, I'll be happy to hear from the
2 victims.

3 MS. CUMMINGS: Good afternoon, Your Honor. Good
4 afternoon, Your Honor. My name is Ms. Barbara
5 Cummings. The last name is spelled C-U-M-M-I-N-G-S.

6 And I just want to say -- on behalf of my
7 family, we just want to thank everybody that have
8 partaken in this today. And our family have closure
9 now and everyone can move forward, and justice has been
10 made. And thanks again.

11 THE COURT: Thank you, Ms. Cummings.

12 MS. WASHINGTON: My name is Latarshia
13 Washington. And I just want to say this has been a
14 very long road, long, hard, with my two children. I've
15 been struggling. I've been going through the holidays.
16 Everything has been passing me by. It's hard. And
17 justice has been served. I just want to know why?
18 Why?

19 Thank you, guys, for everything.

20 MR. REID: My first name is Ronald. My last
21 name is Reid and it's R-E-I-D.

22 Eric was my son, my firstborn. And when you got
23 kids, you know, just all your children are special.
24 And you've got -- that first one is the most important
25 because -- I guess women know what I'm talking about,

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1 to deal with that pain and that's the first kid you
2 bring in this world.

3 I guess anybody I guess would think, you know,
4 you bring your kids here in the world and one day that
5 you're going to have to leave, that you leave your kids
6 behind to -- but, you know, people die every day,
7 different things. But to have someone actually take
8 your kid's life away is kind of hard; that you are
9 here, and they are gone for no reason at all.

10 And in those twenty-four years I guess kids are
11 going to be bad, they're going to be good, but as I'm
12 standing here I can tell you he never give me a trouble
13 in the world. As a father, I argue with him, I fuss
14 with him. He never talked back, never disrespect me.

15 But I prayed for three years that I'm going to
16 look for him night and day. My job on the line. I
17 hunt him down in the shelters, in the crack house. I
18 put my life on the line. I looked for him. Until
19 today, Your Honor I haven't slept a wink. To today, I
20 haven't slept for three years.

21 And I don't know. I guess it's God's doing.
22 Just three years came around and went to church with my
23 girlfriend and still with my -- I guess what I do --
24 I'm in the military so I'm just watching, as I drive,
25 for a bicycle. I came out of church around twelve

1 o'clock that day and I looked toward my right. Who did
2 I see? Mr. Goodwin. I said some things. I figured
3 the Lord was playing tricks on me. I figured the devil
4 was messing with my head. I figured in three years I
5 haven't saw a sight of him no way. People know, but
6 they tell me they didn't know where he was. But that
7 day he was riding his bicycle, not a worry in the
8 world.

9 God knows I wanted to get out of my car. I
10 wanted to actually touch him. But with the help of the
11 Good Lord, my girlfriend tell me, said, no, let the law
12 handle it. I drove past him three times. Each times I
13 drove past him, I wanted to get out. On my third
14 passing, I guess he noticed me. I look over my
15 shoulder and he look over his and I guess he caught my
16 eyes. During that time I know -- I had to get out of
17 my car the next time because I know he was going to get
18 away. By the time I turned around, he was gone. And
19 that time, when my girlfriend be dialing 911, I drove
20 around for just a couple of while. But then I guess he
21 duck somewhere.

22 I went home still upset with myself. And in
23 turning to come back to see whether he came out where
24 he was at, North Charleston called me and told me I
25 didn't need to come back again because they had

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1 someone. And at that time, that ID he had was a false
2 name. And I told them whatever they do, don't let Mr.
3 Goodwin go, because that's who he is, that I would come
4 back where they were at and point him out. And in my
5 travel back to where they had him detained, the officer
6 called me back again, said, no need to come back again
7 because he finally admitted who he was.

8 Like I said, for three years I hunt him down. I
9 promised Eric that I would do it. And I know that if
10 he was alive today, I would think this is the way he
11 would have wanted it. I don't think he would have
12 wanted me to be on the other side of this table with
13 Mr. Goodwin -- let the law handle it. But I can see
14 today I guess that's what's come through.

15 I've got two grands. For three years I haven't
16 had the strength to go see them because he looks like
17 Eric so much that it tears me apart. They ask about
18 him every day, where is their father. And to today, I
19 don't know what to tell them. I can't say daddy took
20 sick and passed away.

21 But what I can do is thank the jury for all your
22 help and here in the courtroom. I know it took up all
23 of your time. And like I said, I'm glad I didn't do
24 what I wanted to do. I'm letting justice handle it.
25 I'm hoping, with your help, that justice prevail. And

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1 I'm hoping that the sentence coming back is life.
2 Because Eric had a life. He's not going to come back
3 ten years from now, he's not going to come back thirty
4 years from now, he's gone for good. So I think he
5 should have the same kind of sentence of life, he
6 doesn't see the outside. And he ran for three years.
7 That's his freedom right there --

8 I thank you for this time.

9 THE COURT: Thank you, Mr. Reid. And my
10 condolences on your loss.

11 Anything further, Mr. Kidd?

12 MR. KIDD: Nothing further from the State, Your
13 Honor.

14 THE COURT: Ms. Winslow, I'll be happy to hear
15 from you or anyone else regarding sentencing.

16 MS. WINSLOW: Thank you, Your Honor. May it
17 please the Court.

18 Leonard Goodwin, he has always maintained his
19 innocence and he still does.

20 He is fifty-eight years old. He was married for
21 seventeen years. Leonard Goodwin does have family.
22 His children were in the courtroom. They couldn't be
23 here. They're in North Charleston. But he is still
24 close to them. He was working during this time period,
25 as well.

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1 Your Honor, the conviction that the State
2 mentioned was from 1987. I would like for you to take
3 that into consideration. He also does suffer from
4 multiple health problems. We would ask the Court for a
5 thirty-year sentence.

6 While in custody at the Charleston County jail,
7 he was beaten up pretty badly by the victim's brother.
8 All his front teeth were knocked out and he suffers
9 from that. He's been placed in protective custody at
10 the Charleston County jail since then. He fears for
11 his own safety, whether he's in jail or out of jail.
12 We would ask you to write on the sentencing sheet while
13 in prison put him in protective custody because he's
14 not safe without being in protective custody. He has
15 had threats before.

16 But we would ask for a thirty-year sentence. It
17 is a life sentence for him. He's fifty-eight years old
18 and with his health condition as it is, that will be a
19 life sentence for him.

20 I've asked -- I have also asked my client not to
21 speak, in light of an appeal, so that's why he's not
22 going to be speaking, Your Honor.

23 THE COURT: Is there anyone else that wishes to
24 speak to his behalf, Ms. Winslow?

25 MS. WINSLOW: No, Your Honor. I think -- his

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June 3, 2011

1 family is not here.

2 THE COURT: Ms. Winslow, you have advised Mr.
3 Goodwin of his appellate rights, that he must appeal
4 within ten days of the date of sentencing; is that
5 correct?

6 MS. WINSLOW: Yes, Your Honor.

7 THE COURT: And, Mr. Goodwin, you understand
8 that; is that correct?

9 MR. GOODWIN: Yes, ma'am.

10 THE COURT: And you also understand that the
11 minimum that I may impose upon you here today is thirty
12 years. You understand that, sir?

13 MR. GOODWIN: Yes, ma'am.

14 THE COURT: And is there anything -- Ms. Winslow
15 has indicated that she has advised you not to speak.
16 Is there anything further that you wish to address to
17 the Court?

18 MR. GOODWIN: No, ma'am.

19 THE COURT: All right. Thank you, Mr. Goodwin.
20 Anything further, Ms. Winslow?

21 MS. WINSLOW: No, Your Honor.

22 THE COURT: Anything further from the State?

23 MR. KIDD: No, ma'am.

24 THE COURT: Thank you.

25 Mr. Goodwin, I have sat here now for four days

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June 3, 2011

1 and I listened to the testimony that was presented by
2 the State and based upon the testimony, your prior
3 record, and the fact that you knew that you had a
4 warrant out for your arrest and you were using a fake
5 ID, fake identity, and had left the jurisdiction, it is
6 the order of the Court on indictment 2010-GS-10-738,
7 that you be committed to the State Department of
8 Corrections for a term of life.

9 Good luck to you, sir. Thank you.

10 MS. WINSLOW: Thank you, Your Honor.

11 MR. KIDD: Thank you, Your Honor.

12 THE COURT: Thank you. We're in recess. Thank
13 you. Thank you Ms. Winslow, Mr. Butler, Mr. Kidd and
14 Mr. Young. Thank you.

15 [JURY TRIAL CONCLUDES AT 2:50 P.M.]
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June 3, 2011


C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held the Honorable Kristi L. Harrington, on June 3, 2011.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 15th day of November, 2011.



Mia Perron, CVR-CM
Circuit Court Reporter
9th Judicial Circuit

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

) Warrant No(s): K121773
) Charge(s): Murder


STATE OF SOUTH CAROLINA
vs.

LEONARD GOODWIN,
Defendant

JURY CHARGE

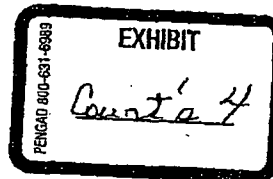
Every circumstance relied upon by the State [must] be proven beyond a reasonable doubt; and ... all of the circumstances so proven [must] be consistent with each other and taken together, point conclusively [***10] to the guilt accused to the exclusion of every other reasonable hypothesis. ¹ It is not sufficient that they create a probability, though a strong one and if, assuming them to be true they may be accounted for upon any reasonable hypothesis which does not include the guilt of the accused, the proof has failed.

I SO MOVE:


Cassandra L. Winslow
Attorney for Defendant

Charleston, South Carolina

Dated: 6/3/11



¹ State v. Edwards, 298 S.C. 272 at 275, 379 S.E.2d at 889 (citing State v. Littlejohn, 228 S.C. 324, 89 S.E.2d 924 (1955))

C4

PMC20090905238

DOCKET NO. 2010GS1000738

WITNESSES

ROBERT JOYNER
North Charleston Police Department

The State of South Carolina
County of Charleston

AGENCY CASE NUMBER

2006015029

COURT OF GENERAL SESSIONS

January Term 2010

ARREST WARRANT NUMBER

K121773

DATE OF ARREST

September 6, 2009

ACTION OF GRAND JURY

LEONARD BERNARD GOODWIN
DOB:
B/M

FILED

1/26/2010 8:07:57 AM
JULIE J. ARMSTRONG
CLERK OF COURT

09-5403-1

THE STATE

vs.

TRIP BILL

Indictment for

Murder

Da [Signature]
Foreperson of Grand Jury

Date: JAN 13 2010

VERDICT

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

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

Murder

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

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


PETER MCCOY
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
 COUNTY OF Charleston)
 STATE VS.)
LEONARD BERNARD GOODWIN)
 AKA: _____)
 Race: BLACK Sex: M Age: 57)
 DOB: _____ SS#: _____)
 Address: _____)
 City, State, Zip: NORTH CHARLES, SC 294060000)
 DL#: _____ SID#: SCL0008626)
 *CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Murder

IN THE COURT OF GENERAL SESSIONS

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

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

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

ATTEST: [Signature] 76671
Kidd, Culver SC Bar# _____ Defendant [Signature] Attorney for Defendant SC Bar# _____

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

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

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

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BU1 Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Other: "A has been in protective custody due to threats."

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

Clerk of Court/ Deputy Clerk [Signature]
 Court Reporter: MIA Perron
 SCCA/217 (03/2011)

Presiding Judge [Signature]
 Judge Code: 215
 Sentence Date: 6/3/11

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."

May 3rd, 2013

A handwritten signature in black ink, appearing to read "Breen Richard Stevens", written over a horizontal line.

Breen Richard Stevens
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

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

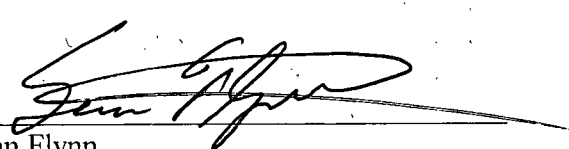
LEONARD GOODWIN,

APPELLANT

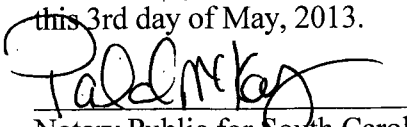
APPELLATE CASE NO. 2011-193507

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Melody J. Brown, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 3rd day of May, 2013.


Sean Flynn
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 3rd day of May, 2013.

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

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SC Court of Appeals