

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

James R. Barber, III, Circuit Court Judge

RECEIVED

NOV 05 2014

SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF ANDREW GOODWIN,

APPELLANT

APPELLATE CASE NO. 2014-001038

RECORD ON APPEAL

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Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-40-4370

IN THE MATTER OF THE CARE)
AND TREATMENT OF)
ANDREW GOODWIN, a/k/a)
Andy Goodwin, a/k/a Chuck)
Goodwin,)
RESPONDENT.)

PETITION PURSUANT TO THE
SEXUALLY VIOLENT PREDATOR ACT

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (Supp. 2008).
2. The South Carolina Department of Corrections, having determined that Respondent, Andrew Goodwin, a/k/a Andy Goodwin, a/k/a Chuck Goodwin, had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40 (Supp. 2008). Respondent's anticipated release date from custody is on or about March 30, 2014.
3. The Multidisciplinary Team met on June 24, 2013 and determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30 (Supp. 2008), and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 (Supp. 2008) as to whether probable cause exists to believe Respondent is a Sexually Violent Predator. **(PETITIONER'S EXHIBIT A)**. The assessment of the Multidisciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee met on July 18, 2013 and determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute. **(PETITIONER'S EXHIBIT B)**. The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multidisciplinary Team including any information provided by the agency that prosecuted the qualifying offense.
5. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30(1) (Supp. 2008), to wit:
 - (a) On or around October 30, 1999, Respondent sexually assaulted and murdered Victim 1 (32-year-old female). According to law enforcement

documentation, Victim 1 was found dead by police in a wooded area and partially clothed. Autopsy results revealed that Victim 1 was raped and strangled. In addition, there was DNA found on Victim 1's body that matched the Respondent. Respondent was initially charged with one count each of Murder in violation of South Carolina Code section 16-3-10 and Criminal Sexual Conduct in the First Degree in violation of South Carolina Code section 16-3-652. In addition, on or around September 4, 1999, Respondent sexually assaulted Victim 2 (26-year-old female). According to law enforcement documentation, Victim 2 stated that she was walking down the street when she was approached by Respondent, who she knew by the name of "Chuck." Respondent walked with her for a while, and then invited her to the home of his aunt. Victim 2 stated that Respondent led her to a vacant lot and then told her he had a gun. Victim 2 stated that Respondent then forced her to engage in both oral and vaginal sex with him. Victim 2 then was able to leave the area and subsequently identified Respondent in a photo lineup. It appears, based on incident reports, that Victim 2 initially refused to cooperate with authorities. However, it later appears a warrant was issued and Respondent was initially charged with one count of Criminal Sexual Conduct in the First Degree. On May 13, 2010, Respondent pled guilty to Voluntary Manslaughter in violation of South Carolina Code section 16-3-0050 and Criminal Sexual Conduct in the First Degree for the offenses committed against Victim 1 and Criminal Sexual Conduct in the Third Degree in violation of South Carolina Code section 16-3-654 for the offenses committed against Victim 2. Respondent received a concurrent sentence of five years incarceration for Voluntary Manslaughter and Criminal Sexual Conduct in the First Degree and 10 years of incarceration for Criminal Sexual Conduct in the Third Degree (PETITIONER'S EXHIBIT C).

- (b) Prior to the offenses described in subparagraph (a), Respondent sexually assaulted Victim 3 (91-year-old female). According to law enforcement documentation, on or about August 9, 1974, Respondent and two co-defendants entered Victim 3's home. They then raped Victim 3 and stole \$10 from her. Respondent was 16 when he committed the offense. Respondent was initially charged with one count each of Burglary, Robbery, Larceny, Housebreaking and Rape. On December 3, 1975, Respondent pled guilty to one count of Rape and received 20 years of incarceration suspended to 15 years. (PETITIONER'S EXHIBIT D).
- (c) During Respondent's incarceration at the South Carolina Department of Corrections, Respondent has had 16 recorded disciplinary infractions, and two were dismissed. In addition, one of the disciplinary infractions resulted in a conviction for Class 1 Escape. (PETITIONER'S EXHIBIT E).
- (d) Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, and that Respondent has serious

difficulty in controlling his behavior or sexual desire impulses.

(e) In support of the State's allegations that Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, the State, in addition to any other evidence which Petitioner may present to the Court hereafter, submits the following:

i. According to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, published by the American Psychiatric Association, the diagnostic criteria for Paraphilia:

A. Recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving (1) the suffering or humiliation of oneself or one's partner, or non-consenting person, (2) over a period of at least 6 months. (PETITIONER'S EXHIBIT F).

iii. "[P]revious instances of violent behavior are an important indicator of future violent tendencies." *Kansas v. Hendricks*, 521 U.S. 346, 358, 117 S.Ct. 2072, 2080 (1997). Respondent's instances of violent and non-violent behavior are:

A. Respondent's 2010 conviction for Criminal Sexual Conduct in the First Degree and Criminal Sexual Conduct in the Third Degree as set forth above. (PETITIONER'S EXHIBIT C, *supra*).

B. Respondent's 1975 conviction for Rape as set forth above. (PETITIONER'S EXHIBIT D, *supra*).

C. The basis of his record of convictions and arrests in South Carolina dating back to at least 1975, including convictions for:

1. 8/5/1975 – Possession of Marijuana and Grand Larceny of a Vehicle;
2. 12/19/1984 – Shoplifting over \$50;
12/26/1984 – Forgery;
4. 11/07/1985 – Possession of a Stolen Vehicle;
5. 01/04/2001 – Criminal Domestic Violence (1st);
6. 06/10/2003 – Possession of Less than One Gram Ice/Crack;
7. 11/15/2004 – Sex Offender Registry Violation;
8. 05/25/2005 – Sex Offender Registry

Violation;

9. 4/9/2007 – Drinking Alcohol in Public Conveyance and Unlawful Carrying of a Weapon;

10. 8/7/2007 – Sex Offender Registry Violation

(see NCIC Report, PETITIONER'S EXHIBIT H, *infra*).

- iv. The facts of Respondent's offenses indicate the existence of a mental abnormality in that they involve recurrent sexual urges or behaviors involving underage children occurring over a period of at least six months.
- v. **Known risk factors** increasing Respondent's likelihood to re-offend include: 1) Not related to victim, 2) Stranger to victim, 3) Prior non-sexual convictions, 4) Prior sexual offenses, 5) Force or threat of force used, 5) Two or more age groups victimized, and 6) One or more major discipline reports while incarcerated.
- vi. Upon information and belief, Respondent has not completed sex offender treatment while incarcerated in the South Carolina Department of Corrections. (PETITIONER'S EXHIBIT G).
- vii. Attached also is Respondent's NCIC Report. (PETITIONER'S EXHIBIT H).

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator and Order:

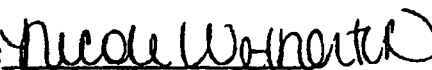
- 1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
- 2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
- 3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, if he is not already in custody;
- 4. Counsel be appointed for Respondent, if necessary;
- 5. If probable cause is found at that hearing, Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
- 6. The Court approve a qualified expert for such an evaluation, if probable cause is found;

7. If probable cause is found, a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator, that he be committed to the custody of the South Carolina Department of Mental Health for control, care, and treatment until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.* (Supp. 2008), and
8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

NICOLE T. WETHERTON
Assistant Attorney General

By: 
Attorneys for Petitioner
S.C. Bar No. 100500
Office of the Attorney General
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Columbia, South Carolina 29211
V: (803) 734-0087
F: (803) 734-6679
nwetherton@scag.gov

July 24, 2013
Columbia, South Carolina

Petitioner's Exhibit A

SEXUAL PREDATOR REFERRAL FORM

Offender	Offender	Jurisdictional
Name: ANDREW GOODWIN	Number: 298432	Agency: SCDC
Age: 55	County: RICHLAND	Qualifying Offense(s): Guilty Plea: Trial:
Gender: Male	No. of Incarcerations: 5	Criminal Sexual Conduct 1st, Criminal Sexual Conduct 3rd, Voluntary Manslaughter
Adult 10 years	Parole Eligibility	Max-Out
Sentence:	Date:	Date: 03/30/2014
Juvenile	Parole	SFII
Guidelines:	Release Date:	Date:

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
_____	_____	_____

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

_____	SCDC -- CHAIRPERSON
_____	SCDPPS
_____	DMH
_____	JDG
_____	ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on June 20, 2013, and based upon that assessment, we find that:

- _____ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- _____ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

Petitioner's Exhibit B

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

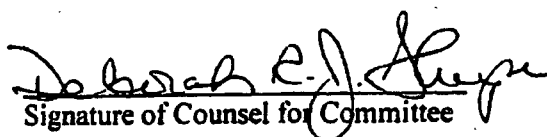
INMATE NAME:	INMATE NUMBER	PRC REVIEW DATE:
GOODWIN, ANDREW	298432	July 18, 2013
		MEMBERS PRESENT:
		John McIntosh for Alan Wilson
		David M. Stumbo via telephone
		Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: JUNE 24, 2013

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

Petitioner's Exhibit C

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

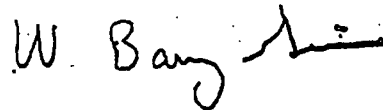
INDICTMENT

At a Court of General Sessions, convened on April 15, 2009, the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT 1ST DEGREE

That ANDREW GOODWIN did in Richland County on or about OCTOBER 30, 1999, engage in sexual battery with the victim, to wit: GWENDOLYN KIDD without her consent. Such sexual battery was accomplished by the use of aggravated force, and/or the victim is also the victim of murder, all in violation §16-3-652, Code of Laws of South Carolina.

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



Warren B. Giese, SOLICITOR

ARREST WARRANT

K- 358566

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality ofTHE STATE
against

Address: _____

Phone: _____ SSN: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

DL State: _____ DL#: _____

DOB: _____ Agency ORI#: _____

Prosecuting Agency: _____

Prosecuting Officer: _____

Offense: _____

Offense Code: _____

Code/Ordinance Sec: _____

This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant Andrew Goodwin
 on 10/29/08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CITY OF COLUMBIA
 MUNICIPAL COURT
 P.O. BOX 644
 COLUMBIA, SC 29202

STATE OF SOUTH CAROLINA)

☐ County/ ☐ Municipality of)

AFFIDAVIT

Personally appeared before me the affiant _____
 being duly sworn deposes and says that defendant _____
 did within this county and state on _____ violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____
 in the following particulars: _____

DESCRIPTION OF OFFENSE:

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:

THE AFFIDAVIT WAS FILED BY THE PROSECUTOR, ROBERT L. WILSON, JR., OF THE COLUMBIA
 COUNTY SOLELY FOR THE PURPOSE OF OBTAINING AN ARREST WARRANT FOR THE DEFENDANT, ANDREW
 GOODWIN, A SEXUAL BATTERY ON THE VICTIM WHILE BEING ASSAULTED
 BY THE DEFENDANT, AND THE AFFIDAVIT WAS FILED IN THE COLUMBIA COUNTY
 SOLELY FOR THE PURPOSE OF OBTAINING AN ARREST WARRANT FOR THE DEFENDANT.

Signature of Affiant

Affiant's Address: _____

Affiant's Telephone: _____

STATE OF SOUTH CAROLINA)

☐ County/ ☐ Municipality of)

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
 on 10/29/08 defendant ANDREW GOODWIN
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: MURDER

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 10/29/08

Signature of Issuing Judge

Judge Code: _____

Judge's Address: _____

Judge's Telephone: _____

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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

2008 NOV - 7 28 PM 11:28
 C.C.C. S. SCOTT
 RECORDS OFFICE

ARREST WARRANT

K-1000

STATE OF SOUTH CAROLINA

[] County/ [] Municipality of

THE STATE
against

Address: _____

Phone: _____ SSN: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

DL State: _____ DL #: _____

DOB: _____ Agency ORI#: _____

Presenting Agency: _____

Presenting Officer: _____

Offense: _____

1ST Offense Code: _____

Code/Ordinance Sec: _____

This Warrant is CERTIFIED FOR SERVICE in the
[] County/ [] Municipality of _____ The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant _____

Signature of Constable/Law Enforcement Officer

ARREST WARRANT TO:

STATE OF SOUTH CAROLINA)

[] County/ [] Municipality of)

AFFIDAVIT

Personally appeared before me the _____
being duly sworn deposes and says that defendant

did within this county and state on 2/28/13 violate the criminal laws

State of South Carolina ordinance of [] County/ [] Municipality of _____
in the following particulars:

DESCRIPTION OF OFFENSE:

1ST

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

Signature of Affiant

STATE OF SOUTH CAROLINA)

[] County/ [] Municipality of)

Affiant's Address _____

Affiant's Telephone _____

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 _____ defendant _____

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

[] County/ [] Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE:

1ST

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 _____)

Judge's Address _____

Signature of Issuing Judge (L.S.)

Judge's Telephone _____

Signature of Issuing Judge

Judge Code: _____

Issuing Court:

[] Magistrate

[] Municipal

[] Circuit

Form Approved by
S.C. Attorney General
April 1, 2001
CD-1518
CERTIFIED TRUE COPY
OF ORIGINAL FILED
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

ARREST WARRANT
K- 358565
STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of

THE STATE
against

Address: _____
Phone: _____ SSN: _____
Sex: _____ Race: _____ Height: _____ Weight: _____
DL State: _____ DL#: _____
DOB: _____ Agency ORI#: _____
Prosecuting Agency: _____
Prosecuting Officer: _____
Offense: _____
1ST Offense Code: _____
Code/Ordinance Sec: _____

This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge _____ (L.S.)

Date: _____

RETURN
A copy of this arrest warrant was delivered to
defendant Andrew Goodwin
on 10/29/08
M.W. V...
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
CITY OF COLUMBIA
MUNICIPAL COURT
P.O. BOX 644
COLUMBIA, SC 29202

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

Personally appeared before me the Affiant
being duly sworn deposes and says that defendant
did within this county and state

State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:

DESCRIPTION OF OFFENSE:

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:

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
I, the undersigned, being duly sworn, depose and say that the defendant named above did commit the crime set forth in the foregoing description of offense and that probable cause is based on the following facts:

Signature of Affiant

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)

Affiant's Address _____
Affiant's Telephone _____

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 10/29/08 defendant ANDREW GOODWIN
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: DRIVING ON SUSPENDED LICENSE

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 _____

Signature of Issuing Judge _____ (L.S.)
Judge Code: _____

Judge's Address _____
Judge's Telephone _____

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

AFFIDAVIT
INMATE RECORDS OFFICE
2013 MAY 28 AM 10:42

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

CERTIFIED TRUE COPY
OF ORIGINAL FILED
JANUARY 2009
C.C.C.P.G.S.
RICHLAND COUNTY
SOUTH CAROLINA

FILED
2008 NOV - 7 PM 4:17
JANUARY A. SCOTT
C.C.C.P.G.S.

COLUMBIA POLICE
SC0400100

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

99-28033

NCIO

INQ. ENTO.

☒ ORIGINAL REPORT
☐ MODIFIED ORIGINAL

☐ SUPPLEMENTAL REPORT
☐ CASE STATUS CHANGE

☐ ADDITIONAL VICTIM
☐ ADDITIONAL OFFENSES

☐ ADDITIONAL STOLEN PROPERTY
☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 OF 3 PAGES

☐ COMPLAINT ☒ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT:			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.	
	[REDACTED]		[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL REGULARITIES, ETC.							
	503	150	BLK	BRN	[REDACTED]							
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	NONE		[REDACTED]			
	VICTIM NO. [REDACTED] VISIBLE INJURY: ☐ NO ☒ YES		COMPLAINT OF NON-VISIBLE INJURY: ☐ NO ☒ YES		VICTIM USING ALCOHOL: ☐ NO ☒ YES		TWO-MAN VEHICLE: ☐ DETECTIVE/PLAINT: ☐ ALONE		ONE-MAN VEHICLE: ☐ OTHER: ☐ ASSISTED			
	EXPLAIN: [REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			
	SUBJECT NO. [REDACTED] USING ALCOHOL: ☐ NO ☒ YES		USING DRUGS: ☐ NO ☒ YES		TYPE: [REDACTED]		[REDACTED]		[REDACTED]			
	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT:			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.	
	[REDACTED]		[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
	HEIGHT		WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL REGULARITIES, ETC.						
	505		140	BLK	BRN	KNOWN AS CHUCK						
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]			
	VICTIM NO. [REDACTED] VISIBLE INJURY: ☐ NO ☒ YES		COMPLAINT OF NON-VISIBLE INJURY: ☐ NO ☒ YES		VICTIM USING ALCOHOL: ☐ NO ☒ YES		TWO-MAN VEHICLE: ☐ DETECTIVE/PLAINT: ☐ ALONE		ONE-MAN VEHICLE: ☐ OTHER: ☐ ASSISTED			
	EXPLAIN: [REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]			
	SUBJECT NO. [REDACTED] USING ALCOHOL: ☐ NO ☒ YES		USING DRUGS: ☐ NO ☒ YES		TYPE: [REDACTED]		[REDACTED]		[REDACTED]			

ON 9-04-99 VICTIM CAME TO POLICE HEADQUARTERS AT APPROX 1915 HOURS. REPORTING INVESTIGATOR MET WITH VICTIM AND INTERVIEWED HER CONCERNING THIS INCIDENT. VICTIM STATED THAT SHE LIVES AT HER LISTED ADDRESS WITH CALVIN WALKER. SHE FURTHER STATED THAT SUSPECT IN THIS CASE IS A FRIEND OF HIS AND HAS BEEN TO RESIDENCE ON PREVIOUS OCCASIONS. VICTIM STATES THAT AT APPROX. 0400 HOURS THIS DATE, SHE AND CALVIN WALKER GOT INTO A SMALL ARGUMENT AND

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM	TYPE ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS/STOCKS ☐ ARTICLE	VIN AND/OR LICENSE NO.		BODY MARK NO. AND/OR REG. NO.		
		SERIAL AND/OR OWNER APPLIED NO.		STATE		
		YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
		MODEL	STYLE	COLOR	GRAND NAME	CALIBER
NO. NO.		DENOMINATION	ISSUE	RECEIPT DATE		
MISCELLANEOUS						
ENTERED 6893 1055						
TOTAL VALUE						
TYPE (GROUP)						
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						
SUBJECT IDENTIFIED		SUBJECT LOCATED		B.F. [REDACTED]		
☐ YES ☒ NO		☐ YES ☒ NO		☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH		2. ☐ NO PROSECUTION		3. ☐ EXTRADITION DENIED		
4. ☐ VICTIM DECLINES COOPERATION		5. ☐ JUVENILE - NO CUSTODY				
REPORTING OFFICER		DATE	UNIT NUMBER	APPROVING OFFICER	DATE	
[REDACTED]		9-04-99	683	FABROU JEW	090799	
FOLLOW-UP INVESTIGATION		X YES ☐ NO ☐ OTHER		9-04-99 683		

RECORDS

FORM 231

Petitioner's Exhibit D

The State of South Carolina

RICHLAND COUNTY

Fifth Circuit

IN THE COURT OF GENERAL SESSIONS

Dec 1975

74GS40-1790

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

Andrew Goodwin

M-13-17

Burglary, Robbery, H.B.C.
Rape

PLEA

The prisoner Andrew Goodwin is put to the bar and arraigned and upon his arraignment pleads guilty to Rape.

Attest:

John R.T. Major
12/3/75 C.S.A. & G.S.

Andrew Goodwin

SENTENCE

The sentence of the Court is that the prisoner Andrew Goodwin be confined at the State Penitentiary for a period of twenty (20) years suspended upon service of fifteen (15) yrs.

Clyde A. Eltyroth
12/3/75 Presiding Judge

THE STATE OF SOUTH CAROLINA,

County of Richland

I, JOHN R. T. MAJOR, Clerk of the Court of General Sessions for Richland County, State aforesaid, do hereby certify that the foregoing is a true copy of the sentence pronounced by the Court in the case above entitled.

GIVEN under my HAND and the Seal of the said Court, at

Columbia, this 3rd day

of December, A.D. 1975

John R.T. Major
C.S.A. & G.S.

2013 MAY 28 AM 10:43

OFFICE

0075 1434

The State of South Carolina
 RICHLAND COUNTY
 Fifth Circuit

IN THE COURT OF GENERAL SESSIONS

Dec

Term, 19 75

75GS405-1790

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

vs.
Michael Kennedy
M-B-16

Burglary, Robbery, Larceny,
Rape, Homebreaking

PLEA

The prisoner Michael Kennedy
 is not to the bar and arraigned and upon his arraignment pleads guilty as charged. HB

Attest:

John R.T. Major
12/3/75
 C. G. S. & C. S.

Michael Kennedy

SENTENCE

The sentence of the Court is that the prisoner Michael Kennedy
 be held to labor upon the public works of Richland County for a period of
 confined to hard labor in the State Penitentiary for a period of five (5) years shall be confined in
 the custody of the Board of Corrections of the State of S.C.
 for a period of five (5) years under the Youthful
 offender act. It is recommended that this man
 not be released until after service of two (2) years,
 and that he have vocational and educational
 training.

Clyde A. Elgarth
12/3/75
 Presiding Judge

THE STATE OF SOUTH CAROLINA,
 County of Richland

I, JOHN R. T. MAJOR, Clerk of the Court of General Sessions for Richland County, State aforesaid, do
 hereby certify that the foregoing is a true copy of the sentence pronounced by the Court in the case above entitled.

GIVEN under my HAND and the Seal of the said Court, at

Columbia, this 3rd day

of December, A.D. 19 75

John R.T. Major
 C. G. S. & C. S.

2013 MAY 28 AM 10:43

OFFICE

CERTIFIED TO
 OF ORIGIN
 C.C.
 RICHLAND
 SOUTH

0075 1438

STATE OF SOUTH CAROLINA.

COUNTY OF RICHLAND.

By

D. L. PAYNE

Ministerial Recorder in and for the said

County and the said State.

To my Lawful Constable:

Whereas, Complaint upon oath has been made by Harry T. Snipes, that at Columbia, S. C. in the County and State aforesaid, on the 9th day of August 1974, one Andrew Goodwin, Perry Lee Williams, and Michael Kennedy, did commit the Crimes of Burglary and Rape:

as per affidavit below.

THESE ARE THEREFORE to command you to apprehend the said defendant and bring them before me, to be dealt with according to law.

GIVEN under my hand and Seal, this

11th day of August 1974

Ministerial Recorder.

(L.S.)

AFFIDAVIT

STATE OF SOUTH CAROLINA.

COUNTY OF RICHLAND.

PERSONALLY appeared before me,

F. P. Fletcher,

Notary Public of S. C.

of the said County and State Harry T. Snipes,

who, being duly sworn,

says that Andrew Goodwin, in the city of Columbia, County and State aforesaid, Perry Lee Williams, and Michael Kennedy, on the 9th day of August 1974, did commit the Crimes of Burglary and Rape, in that at approximately 9:00 to 10:00 P. M., night time, they did wilfully, unlawfully, and feloniously break and enter the home of the said Mrs. [redacted], aged ninety one years, and did take, steal, and appropriate to their own use and purpose, approximately ten dollars in money; and did then and there rape the said [redacted], all this being

Against the form of statute in such case made and provided for, and against the peace and dignity of

the State, and that Harry T. Snipes

and others

are material witnesses for the State to prove said charge. The above information based on statement of facts made by Harry T. Snipes.

WORN to before me this the

11th day of August 1974.

F. P. Fletcher (L.S.)
Notary Public of South Carolina
commission expires 12-5-79

H. T. Snipes
Columbia Police Department

2013 MAY 28 AM 10:43
CLERK OF COURSE

2013 MAY 28 11:10:43
OFFICE

RTIFIED TRUE COPY
OF ORIGINAL FILED,
CLERK OF SUPERIOR COURT
RICHLAND COUNTY
SOUTH CAROLINA

674-1743
74-25-40-1790

C74-1510
74-2102

THE STATE OF SOUTH CAROLINA
County of Richland

THE STATE

CEPI CORPUS

Constable

Andrew Goodwin - M/S 16
Perry Lee Williams - M/S 15
Michael Kennedy M/S 16

ARREST WARRANT

OFFENSE: Burglary
Rape

DATE: August 12, 1974

OFFICER: Det. C. J. Carnaglio
Det. P. S. Reynolds
Det. W. L. Cannon
Det. F. R. Elkins

J. M. Brown, III

60-15-10438

The State of South Carolina
 RICHLAND COUNTY

IN THE COURT OF GENERAL SESSIONS

Book 38 Page 162

Term, 19

14-68-40-1799

THE STATE

INDICTMENT

Perry Lee Williams

for

BURGLARY, LARCENY, TARCENY,
 HOUSEBREAKING AND RAPE

41453

It appearing to the Court, That Perry Lee Williams

Oct 7 3 47 PM '75
 C.C.S.
 40108

under recognizance to appear at Court of General Sessions in the above stated case, and failed to answer when
 called, on motion of James O. Anders, Solicitor, it is Ordered that a Bench Warrant be forthwith issued and
 executed to compel the attendance of the said defendant.

Date October 7, 1975

John Kimball
 Presiding Judge

2013 MAY 28 AM 10:43
 U.S. OFFICE

Form 29

CERTIFIED TRUE COPY
 OF ORIGINAL FILED,
 J. O. C. REG. S.
 RICHLAND COUNTY
 SOUTH CAROLINA

8075 1390

The State of Smith Carolina
RICHLAND COUNTY

IN THE COURT OF GENERAL SESSIONS

October, Tenn, 1975

THE STATE

vs.

Andrew Goodwin

74-GEN-1790

INDICTMENT

for

BURGLARY, ROBBERY, LARCENY, HOUSEBREAKING
AND RAPE

It appearing to the Court, That Andrew Goodwin

under recognizance to appear at Court of General Sessions in the above stated case, and failed to answer when
called, on motion of James C. Anders, Solicitor, it is Ordered that a Bench Warrant be forthwith issued and
executed to compel the attendance of the said defendant.

Date October 6, 1975

John Kimbrell
Presiding Judge

FILED
OCT 1 3 47 PM '75
C.C.P. S.O.S.

2013 MAY 28 ACTION 43

OFFICE

Petitioner's Exhibit E

South Carolina Department of Corrections

Classification Summary Reports

Date: Friday, June 7, 2013

Classification Summary Reports

Inmate Number 298432

[Submit](#)

Classification Summary Report for GOODWIN, ANDREW :

[Create PDF](#)

CLASSIFICATION SUMMARY REPORT DATED 06/07/2013

SCDC# 00298432

GOODWIN, ANDREW

FBI# 200085P1

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCEINSTITUTION: MACDOUGALL
CORR INST

SECURITY/CUST: 2 MINIMUM IN

CURR INCARC 10 YRS 0 MOS 0
SENT: DAYSVICTIM
WITNESS: Y SEPREQ:NMED MED PROB/WORK
CLASS: RESTRICTINST DAILY NURSING
RESTRICT: COVERAGEMENTAL NMH (NO MENTAL
CLASS: HEALTH TRECURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 55

RESIDENT
STABILITY: NA

DORMROOMBUNK_CODE: M1B 0024 B

PROJ MAXOUT
DATE: 03/30/2014

PROJ PAROLE DATE: 04/17/2014

EWC JOB: SENIOR WARDKEEPER

ASSIGNMENT: WARD KEEPER WARD #5

EWC
LEVEL: 2F5 EEC LEVEL:-EDUC
PGM: NO CURR EDUC PROGRAM

PREVIOUS NUMBERS:

00079553

00136485

SENTENCE

SENTENCE

CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
CRIMINAL SEX CNDCT 3RD DEG	10	0	0	RICHLAND	10/29/2008	N	4	09GS4011076
VOLUNTARY MANSLAUGHTER	5	0	0	RICHLAND	10/29/2008	V	4	09GS4011077
CRIMINAL SEX CNDCT 1ST DEG	5	0	0	RICHLAND	10/29/2008	V	5	09GS4011078

COMPLETED OFFENSES	YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
SEX OFF REG-3RD OFFENSE	3	0	0	RICHLAND	04/03/2007	N	5	07GS403152
CRACK POSSESS	1	0	0	RICHLAND	09/15/2003	N	2	03GS403327

PRIOR COMMITMENTS OVER 90 DAYS:

08/05/1975

RAPE

08/05/1975

GRAND LARCENY

PREVIOUS OFFENSES	PREVSCDCID	YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
POSSESS STOLEN VEHICLE	00136485	3	0	0	RICHLAND	07/25/1986	N	2	00001
FORGERY	00136485	1	8	0	RICHLAND	07/25/1986	N	2	00001

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINEES

ESCAPES:

11/15/1986

CLASS II

ESCAPE

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

05/02/2013	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
12/29/2012	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
12/19/2012	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
10/19/2012	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
09/27/2012	POSSESSION OF CONTRABAND	CLOSED	OTHER ACTION TAKEN/INFORM
09/21/2012	OUT OF PLACE	CONVICTED	ADMINISTRATIVE RESOLUTION
10/21/2011	USE/POSS OF TATTOO PARAPHERNALIA	CLOSED	OTHER ACTION TAKEN/INFORM
08/01/2011	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
10/01/2010	OUT OF PLACE	CLOSED	OTHER ACTION TAKEN/INFORM
07/13/2008	INTERFERING WITH COUNT	CONVICTED	ADMINISTRATIVE RESOLUTION
07/09/2008	OUT OF PLACE	DISMISSED	CHARGES DROPPED/INSUFF. E
03/01/2008	REFUSING TO WORK	CONVICTED	ADMINISTRATIVE RESOLUTION
02/26/2008	REFUSING TO WORK	CONVICTED	ADMINISTRATIVE RESOLUTION
02/16/2008	REFUSING OR FAILING OBEY ORDERS	CONVICTED	ADMINISTRATIVE RESOLUTION
01/18/2008	REFUSING TO WORK	DISMISSED	CHARGES DROPPED/INSUFF. E

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

11/15/1986	00136485	CLASS I ESCAPE	CONVICTED	MAJOR DISC. HEARING
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HISTORY OF MOVEMENTS:

10/19/2010	MACDOUGALL CORR INST	INCARCERATED	ADMINISTRATIVE
10/19/2010	KIRKLAND	INCARCERATED	MEDICAL
07/01/2010	MACDOUGALL CORR INST	INCARCERATED	ADMINISTRATIVE
07/01/2010	KIRKLAND	INCARCERATED	MEDICAL
06/23/2010	MACDOUGALL CORR INST	INCARCERATED	ADMINISTRATIVE
05/18/2010	KIRKLAND	INCARCERATED	NEW ADMISSION
10/31/2008	UNK	RELEASE	EXPIRATION OF SENTENCE
10/29/2008	RICHLAND CO	AUTH ABSENCE (AWL)	TO COURT
10/23/2008	LEE	INCARCERATED	ADMINISTRATIVE
04/18/2008	TURBEVILLE	INCARCERATED	ADMINISTRATIVE
04/18/2008	LEE	INCARCERATED	MEDICAL
12/18/2007	TURBEVILLE	INCARCERATED	ADMINISTRATIVE
12/17/2007	KIRKLAND	INCARCERATED	MEDICAL
09/19/2007	TURBEVILLE	INCARCERATED	ADMINISTRATIVE
08/07/2007	KIRKLAND	INCARCERATED	NEW ADMISSION
04/01/2004	UNK	RELEASE	EXPIRATION OF SENTENCE
01/13/2004	RIDGELAND	INCARCERATED	ADMINISTRATIVE
12/10/2003	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
SENIOR WARDKEEPER	10/05/2012	-		2F5
CUSTODIAL WORKER	06/24/2010	10/04/2012	LATERAL TRANSFER	2F5
BAKER	11/13/2007	10/09/2008	PLACED IN ST/SP CUSTODY	2F7
FOOD SERVICE AIDE	09/20/2007	11/12/2007	PROMOTION	2F5
WARDKEEPER	01/16/2004	04/01/2004	RELEASED/PAROLED	2F5
WARDKEEPER	01/15/2004	01/15/2004	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

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Petitioner's Exhibit F

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Paraphilic Disorders

Paraphilic disorders included in this manual are voyeuristic disorder (spying on others in private activities), exhibitionistic disorder (exposing the genitals), frotteuristic disorder (touching or rubbing against a nonconsenting individual), sexual masochism disorder (undergoing humiliation, bondage, or suffering), sexual sadism disorder (inflicting humiliation, bondage, or suffering), pedophilic disorder (sexual focus on children), fetishistic disorder (using nonliving objects or having a highly specific focus on nongenital body parts), and transvestic disorder (engaging in sexually arousing cross-dressing). These disorders have traditionally been selected for specific listing and assignment of explicit diagnostic criteria in DSM for two main reasons: they are relatively common, in relation to other paraphilic disorders, and some of them entail actions for their satisfaction that, because of their noxiousness or potential harm to others, are classed as criminal offenses. The eight listed disorders do not exhaust the list of possible paraphilic disorders. Many dozens of distinct paraphilias have been identified and named, and almost any of them could, by virtue of its negative consequences for the individual or for others, rise to the level of a paraphilic disorder. The diagnoses of the other specified and unspecified paraphilic disorders are therefore indispensable and will be required in many cases.

In this chapter, the order of presentation of the listed paraphilic disorders generally corresponds to common classification schemes for these conditions. The first group of disorders is based on *anomalous activity preferences*. These disorders are subdivided into *courtship disorders*, which resemble distorted components of human courtship behavior (voyeuristic disorder, exhibitionistic disorder, and frotteuristic disorder), and *allogynic disorders*, which involve pain and suffering (sexual masochism disorder and sexual sadism disorder). The second group of disorders is based on *anomalous target preferences*. These disorders include one directed at other humans (pedophilic disorder) and two directed elsewhere (fetishistic disorder and transvestic disorder).

The term *paraphilia* denotes any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. In some circumstances, the criteria "intense and persistent" may be difficult to apply, such as in the assessment of persons who are very old or medically ill and who may not have "intense" sexual interests of any kind. In such circumstances, the term *paraphilia* may be defined as any sexual interest greater than or equal to normophilic sexual interests. There are also specific paraphilias that are generally better described as *preferential* sexual interests than as intense sexual interests.

Some paraphilias primarily concern the individual's erotic activities, and others primarily concern the individual's erotic targets. Examples of the former would include intense and persistent interests in spanking, whipping, cutting, binding, or strangulating another person, or an interest in these activities that equals or exceeds the individual's interest in copulation or equivalent interaction with another person. Examples of the latter would include intense or preferential sexual interest in children, corpses, or amputees (as a class), as well as intense or preferential interest in nonhuman animals, such as horses or dogs, or in inanimate objects, such as shoes or articles made of rubber.

A *paraphilic disorder* is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to

others. A paraphilia is a necessary but not a sufficient condition for having a paraphilic disorder, and a paraphilia by itself does not necessarily justify or require clinical intervention.

In the diagnostic criteria set for each of the listed paraphilic disorders, Criterion A specifies the qualitative nature of the paraphilia (e.g., an erotic focus on children or on exposing the genitals to strangers), and Criterion B specifies the negative consequences of the paraphilia (i.e., distress, impairment, or harm to others). In keeping with the distinction between paraphilias and paraphilic disorders, the term *diagnosis* should be reserved for individuals who meet both Criteria A and B (i.e., individuals who have a paraphilic disorder). If an individual meets Criterion A but not Criterion B for a particular paraphilia—a circumstance that might arise when a benign paraphilia is discovered during the clinical investigation of some other condition—then the individual may be said to have that paraphilia but not a paraphilic disorder.

It is not rare for an individual to manifest two or more paraphilias. In some cases, the paraphilic foci are closely related and the connection between the paraphilias is intuitively comprehensible (e.g., foot fetishism and shoe fetishism). In other cases, the connection between the paraphilias is not obvious, and the presence of multiple paraphilias may be coincidental or else related to some generalized vulnerability to anomalies of psychosexual development. In any event, comorbid diagnoses of separate paraphilic disorders may be warranted if more than one paraphilia is causing suffering to the individual or harm to others.

Because of the two-pronged nature of diagnosing paraphilic disorders, clinician-rated or self-rated measures and severity assessments could address either the strength of the paraphilia itself or the seriousness of its consequences. Although the distress and impairment stipulated in the Criterion B are special in being the immediate or ultimate result of the paraphilia and not primarily the result of some other factor, the phenomena of reactive depression, anxiety, guilt, poor work history, impaired social relations, and so on are not unique in themselves and may be quantified with multipurpose measures of psychosocial functioning or quality of life.

The most widely applicable framework for assessing the strength of a paraphilia itself is one in which examinees' paraphilic sexual fantasies, urges, or behaviors are evaluated in relation to their normophilic sexual interests and behaviors. In a clinical interview or on self-administered questionnaires, examinees can be asked whether their paraphilic sexual fantasies, urges, or behaviors are weaker than, approximately equal to, or stronger than their normophilic sexual interests and behaviors. This same type of comparison can be, and usually is, employed in psychophysiological measures of sexual interest, such as penile plethysmography in males or viewing time in males and females.

Voyeuristic Disorder

Diagnostic Criteria

302.82 (F65.3)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity, as manifested by fantasies, urges, or behaviors.
- B. The individual has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The individual experiencing the arousal and/or acting on the urges is at least 18 years of age.

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in voyeuristic behavior are restricted.

Petitioner's Exhibit G

SP Multi-Disciplinary Team
 Goodwin Andrew - 298432
 Page 2

SPECIAL NEEDS/DISABILITIES: N/A

Limitation(s) in Mobility and Sensory:

Level of Supervision Needed:

Ability to Complete Activities of Daily Living:

COGNITIVE FUNCTIONING/ACADEMIC ABILITY:

Beta Score: N/A
 Other IQ Screening: 100
 Mental Retardation: No
 Disability/Other Known Impairment:

Wide Range Achievement Tests (WRAT)
 Grade Level: Reading: 6.2
 Math: 4.6
 Language: N/A

SUBSTANCE ABUSE:

SASSI Score: Valid	Yes	No	Chemically Dependent:	Yes	No
TCUDDS: Valid	Yes	No	Chemically Dependent:	Yes	No
Other Screening(s):					
Under influence at the Time of Crime (Self-Report):					
Treatment History:					

Other Information:

HEALTH SUMMARY CLASSIFICATION:

Mental Health Status: No Mental Health
 Medical Problem(s): Yes Work Restriction(s): No
 Institutional Assignment: Daily Nursing Coverage

SP Multi-Disciplinary Team
 Goodwin Andrew - 298432
 Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: None
 Medications:
 Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: N/A
 Medications: N/A
 Problems/Compliance: N/A
 Treatment History:
 Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
 Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
 Other Information:

SEX OFFENDER TREATMENT HISTORY: None in the file

	TYPE	DATES	STATUS
Phase I:			
SOTP GROUP:			
Phase II:	Education		
Phase III:	Education		
OTHER			
RTU:	Intensive Residential Treatment		

Admission of Sex Offense(s):
 Other Information:

SP Multi-Disciplinary Team
 Goodwin Andrew - 298432
 Page 4

VICTIM PROFILE: N/A

Conviction(s):

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

Aggravating Circumstances: N/A

Other Victims Alleged or Self-Reported by Inmate: N/A

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

**** A = Alleged S = Self-Reported**

Aggravating Circumstances:

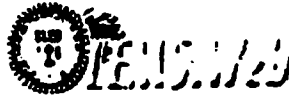
Other Information:

Information submitted in this packet was obtained from the SCDC Offender Management System, Inmate's Primary Therapist and Automated Medical Records.

Submitted by: Sylvia Roberts, MSW
 Sylvia Roberts, MSW HSC II

Date: 6/19/13

Petitioner's Exhibit H



ICHR 003FE3BC80 from SCCH

ATTSC406

.ICHR.003FE3BC80.SCCH.20130621 09:54:15

TO: ATTSC406-96 20130621 09:54:15 003FE3BC80
FROM: SCCH-14924928 20130621 09:54:15

ICHR REQUEST FOR RAP SHEET

ORI-SC040015A FBI- 200085P1 PUR-C

ATN-DEB SHUPE

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AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
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SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-06/21/2013 TIME-09:53:11

REQ ORI-SC040015A ATTORNEY GENERALS

SID-SC00099270 FBI- 200085P1

NAME-GOODWIN, ANDREW

SEX-M RACE-B

HEIGHT-509 WEIGHT-147 EYES-BRO HAIR-BLK SKIN-DRK BORN-SC

FPC-20PM17PO1919POPMPPIPI

HENRY-20 M 28 W MOO 19

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PHOTOGRAPH AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--02/19/1977 DATE OF LAST UPDATE--07/19/2012

ADDITIONAL IDENTIFIERS

NAME

BIRTH

DATES

MARKS

SOC SEC

MISC NUM

GOODWIN, ANDY

SC R ARM

GOODWIN, DREW

SC L ARM

251585239

GOODWIN, CHUCK

TAT L ARM

251155239

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

GOODWIN, ANDREW

08/05/1975

SC0400100 COLUMBIA PD

CASE-81846

ARREST CHARGE 01-POSS OF
MARIJUANA

PHOTOGRAPH AVAILABLE

ARREST CHARGE 02-AUTO THEFT

COURT CHARGE 01-SIMPLE POSS

OF MARIJUANA 1 SENT

COURT DISP-CONVICTED;90D

CONFIN; CONCURRENT

COURT CHARGE 02-RAPE 1 SENT

COURT DISP-CONVICTED;20Y

CONFIN

COURT CHARGE 03-GRAND LARCENY

OF VEHICLE 1 SENT

COURT DISP-CONVICTED;5Y CONFI

NE; CONCURRENT

CUSTODY STATUS-RECEIVED

START DATE-12/11/1975

SC040055C R & E CENTER COLA
CASE-79553

GOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-B248200 @

12/19/1984

WARR-B248200

ARREST CHARGE 01-SHOPLIFTING
OVER \$50
COURT CHARGE 01-SHOPLIFTING
OVER \$50
COURT DISP-CONVICTED;5D CONFI
NE; \$38 FINE;CONFINEMENT
OR FINE
COURT DATE-12/21/1984

GOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-B248378

12/26/1984

SC040015G CENTRAL PPP

ARREST CHARGE 01-FORGERY
PHOTOGRAPH AVAILABLE
COURT CHARGE 01-FORGERY
COURT DISP-CONVICTED;2Y SUSP;
4M CONFINEMENT; 2Y PROB
COURT DATE-04/22/1985

GOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-B348345

05/03/1985

ARREST CHARGE 01-LARCENY OF
MOTOR VEHICLE
PHOTOGRAPH AVAILABLE

GOODWIN, ANDREW

11/07/1985

SC040015G CENTRAL PPP
CASE-400100

ARREST CHARGE 01-DATE OF
ARREST NOT DETERMINED
COURT CHARGE 01-POSSESSION
OF STOLEN MOTOR VEHICLE
COURT DISP-CONVICTED;5Y SUSP;
2Y PROB; TIMED SERVED
142 DAYS
CUSTODY STATUS-PROBATION
START DATE-11/07/1985

GOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-B625546

07/04/1986

ARREST CHARGE 01-POSSESSION
OF STOLEN VEHICLE
OFFENSE DATE-07/04/1986
PHOTOGRAPH AVAILABLE

GOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-C679983

03/26/1990

WARR-C679677

ARREST CHARGE 01-MALICIOUS
DESTRUCTION REAL PROPERTY

WARR-C679983

ARREST CHARGE 02-SIMPLE ASSAULT

COURT CHARGE 01-MALICIOUS
DESTRUCTION TO REAL PROPERTYCOURT DISP-NON-CONVICTION;
NOLLE PROSSED

WARR-C679677

COURT CHARGE 02-SIMPLE ASSAULT

COURT DISP-NON-CONVICTION;
NOLLE PROSSEDGOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-09720WG

04/19/1993

ARREST CHARGE 01-DRIVING
UNDER INFLUENCE
PHOTOGRAPH AVAILABLE

WARR-09721WG

ARREST CHARGE 02-DRIVING
UNDER SUSPENSION

WARR-09722WG

ARREST CHARGE 03-RESISTING
ARRESTGOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-D913082

09/21/1993

ARREST CHARGE 01-PETTY LARCENY
UNDER \$200
PHOTOGRAPH AVAILABLEGOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-E252341

06/30/1994

ARREST CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE
OFFENSE DATE-06/30/1994
PHOTOGRAPH AVAILABLEGOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-81846
WARR-83305AP

09/19/1997

ARREST CHARGE 01-SHOPLIFTING
OFFENSE DATE-09/19/1997
PHOTOGRAPH AVAILABLEGOODWIN, ANDREW
SC0320200 CAYCE PD
CASE-22025
ATN-
WARR-12495BR

12/11/2000

ARREST CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE
OFFENSE DATE-12/11/2000
PHOTOGRAPH AVAILABLE

DOC-R84
WARR-12495BR

COURT CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE 1ST
OFFENSE
COURT DISP-CONVICTED; SENTENCE
UNKNOWN
COURT DATE-01/04/2001
ATN-

GOODWIN, ANDREW
SC0040000 ANDERSON CNTY SO
CASE-0313633
ATN-
WARR-H380645
CIT-44-53-375 (A)-FELONY

05/05/2003

ARREST CHARGE 01-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
OFFENSE DATE-05/05/2003
PHOTOGRAPH AVAILABLE

CIT-44-53-375 (A)-FELONY
DOC-03GS4003327
WARR-H380645

COURT CHARGE 01-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED; JAIL 1
YR AND FINE \$350 AND PAYME
NT \$350
COURT DATE-06/10/2003
ATN-

SC040015C SC DEPT CORRECTIONS
CASE-298432
CIT-44-53-375 (A)-FELONY

12/10/2003 CUSTODY STATUS-RECEIVED
START DATE-12/10/2003

COURT CHARGE 01-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED; 1 YR
ATN-500100003757

GOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-04-26980
ATN-980000535848
WARR-H760005
CIT-16-11-610-UNCLASSIFIED

08/22/2004

ARREST CHARGE 01-TRESPASSING
OFFENSE DATE-08/22/2004
PHOTOGRAPH AVAILABLE

CIT-23-3-470 (A) (B) (1)-MISDEMEAN
DOC-04GS4006520
WARR-H717305

COURT CHARGE 01-SEX OFFENDER
REGISTRY VIOLATION 1ST
OFFENSE
COURT DISP-CONVICTED; JAIL 90
DAYS TIME SERVED
COURT DATE-11/15/2004
ATN-980000535848

GOODWIN, ANDREW
SC0400000 RICHLAND CNTY SO
CASE-NA
ATN-990000068300

05/25/2005

WARR-1915255
CIT-23-3-470(A) (B) (1-MISDEMEANO

ARREST CHARGE 01-SEX OFFENDER
REGISTRY VIOLATION 1ST
OFFENSE
OFFENSE DATE-05/25/2005
PHOTOGRAPH AVAILABLE

END OF PAGE

01 - PAGE 02 TO FOLLOW



ICHR 003FE3BC81 from SCCH

ATTSC406

.ICHR.003FE3BC81.SCCH.20130621 09:54:16

TO: ATTSC406-97 20130621 09:54:16 003FE3BC81

FROM: SCCH-14924929 20130621 09:54:16

PAGE-02 DATE-06/21/2013 TIME-09:53:11

REQ ORI-SC040015A ATTORNEY GENERALS

SID-SC00099270 FBI- 200085P1

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

CIT-23-3-470(A) (B) (1)-MISDEMEAN

DOC-05GS4005251

WARR-1915255

COURT CHARGE 01-SEX OFFENDER
REGISTRY VIOLATION 1ST
OFFENSE

COURT DISP-CONVICTED;90 days

- credit for time served

COURT DATE-08/03/2005

ATN-990000068300
-----GOODWIN, ANDREW
SC0400100 COLUMBIA PD

CASE-0710852

ATN-990000292744

WARR-66822DV

CIT-23-31-0215(M)-MISDEMEANOR

04/03/2007

ARREST CHARGE 01-CARRYING
CONCEALABLE WEAPON IN
RESTRICTED AREA
OFFENSE DATE-04/03/2007
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-66821DV

CIT-61-06-4720-MISDEMEANOR

ARREST CHARGE 02-DRINKING
ALCOHOL IN PUBLIC CONVEYAN
CE UNLAWFUL
OFFENSE DATE-04/03/2007

CIT-61-06-4720-MISDEMEANOR

DOC-R84

WARR-66821DV

COURT CHARGE 01-DRINKING
ALCOHOL IN PUBLIC CONVEYAN
CE UNLAWFUL
COURT DISP-CONVICTED;SENTENCE
UNKNOWN
COURT DATE-04/09/2007
ATN-990000292744

CIT-16-23-20-MISDEMEANOR

DOC-R84

WARR-66822DV

COURT CHARGE 02-UNLAWFUL
CARRYING OF WEAPON
COURT DISP-CONVICTED;SENTENCE
UNKNOWN
COURT DATE-04/09/2007

SC040015C SC DEPT CORRECTIONS 08/07/2007 CUSTODY STATUS-RECEIVED
CASE-080720 START DATE-08/07/2007
CIT-23-3-470(2)-FELONY

COURT CHARGE 01-SEX OFFENDER
REGISTRY VIOLATION 3RD &
SUB
COURT DISP-CONVICTED; 3 YRS
COURT DATE-08/07/2007
ATN-500100019596

GOODWIN, ANDREW
SC0400000 RICHLAND CNTY SO
CASE-0610813511
ATN-990000328321
WARR-I916439
CIT-23-3-470(2) FELONY

A08/07/2007

ARREST CHARGE 01-SEX OFFENDER
REGISTRY VIOLATION 3RD &
SUB
OFFENSE DATE-08/07/2007
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

GOODWIN, ANDREW
SC0400100 COLUMBIA PD
CASE-9934371
ATN-990000447403
WARR-K358566
CIT-16-3-10-FELONY

10/29/2008

ARREST CHARGE 01-MURDER
OFFENSE DATE-10/29/2008
PHOTOGRAPH AVAILABLE

WARR-K358567
CIT-16-3-652-FELONY

ARREST CHARGE 02-CRIMINAL
SEXUAL CONDUCT - FIRST
DEGREE
OFFENSE DATE-10/29/2008

WARR-K358565
CIT-16-3-652-FELONY

ARREST CHARGE 03-CRIMINAL
SEXUAL CONDUCT - FIRST
DEGREE
OFFENSE DATE-10/29/2008

SC040015C SC DEPT CORRECTIONS 05/18/2010 CUSTODY STATUS-RECEIVED
CASE-002984 START DATE-05/18/2010
CIT-16-3-654-FELONY

COURT CHARGE 01-CRIMINAL
SEXUAL CONDUCT - THIRD
DEGREE
COURT DISP-CONVICTED; 10 YRS
ATN-50D200003794

CIT-16-3-652-FELONY

COURT CHARGE 02-CRIMINAL
SEXUAL CONDUCT - FIRST
DEGREE
COURT DISP-CONVICTED; 5 YRS CC

CIT-16-3-50-FELONY

COURT CHARGE 03-MANSLAUGHTER/

VOLUNTARY MANSLAUGHTER
COURT DISP-CONVICTED; 5 YRS CC

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/ 200085P1
REQUESTED FOR CRIMINAL JUSTICE PURPOSES-----
>>> *** NOTICE *** <<<
-----*****
* THE SUBJECT OF THIS RECORD IS A CONVICTED SEX OFFENDER. ADDITIONAL *
* INFORMATION MAY BE OBTAINED FROM THE SOUTH CAROLINA SEX OFFENDER *
* REGISTRY AT: > WWW.SLED.SC.GOV < *

-----SCLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINALINQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S
-----INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN
SOUTH CAROLINAINFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR
ACQUIRE A HANDGUN.-----
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 ANDREW GOODWIN, A/K/A)
 ANDY GOODWIN, A/K/A)
 CHUCK GOODWIN,)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT
 CASE NO. 2013-CP-40-04370
 (NON-JURY)

PROBABLE CAUSE ORDER

RICHLAND COUNTY
 FILED
 2013 AUG - 1 PM 6:00
 JEANETTE W. C.C.P. & C.D.

IT APPEARING FROM the petition filed by the State of South Carolina that there is probable cause to believe the Respondent meets the criteria to be a sexually violent predator pursuant to statute, and the State of South Carolina has established sufficient evidence to require that the Respondent be taken into custody and confined in a secure facility, and a hearing be held to allow Respondent to contest probable cause as to whether Respondent is a sexually violent predator;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

1. If Respondent is not in custody in a secure facility, Respondent shall be taken into custody by the Sheriff of any county in which the Respondent may be found and shall be transferred to the custody of the Sheriff of Richland County and shall be confined in the Alvin S. Glenn Detention Center pending the probable cause hearing;

2. Respondent shall be personally served by the agency having custody of the Respondent with copies of the Petition filed in this action and this Order, as notice to the Respondent of this proceeding and of his opportunity to be heard;

3. A hearing shall be held before the Court within 72 hours after Respondent has been taken into custody, if he is not already in custody, to allow Respondent to contest probable cause exists to Order that Respondent remain in custody and be evaluated by an appointed expert;

4. The Clerk of Court for Richland County shall appoint the next available attorney for court appointed indigent cases in Richland County, to represent the Respondent at the aforementioned hearing and until further Order of the Court. The Clerk of Court shall notify said attorney of the appointment promptly;

5. Counsel for the State shall ensure that Respondent is transported to Court for the hearing on the date and time of the hearing as will be set by the Court.

AND IT IS SO ORDERED.

July 31, 2013
 Columbia, South Carolina

Casey Manning
 The Honorable Casey Manning,
 Chief Administrative Judge for the Fifth
 Judicial Circuit Court of Common Pleas

State of South Carolina

Court of Common Pleas

County of Richland

2013-CP-40-4370

In The Matter Of The Care And :
Treatment of Andrew Goodwin :

:
: TRANSCRIPT OF RECORD

May 12, 2014

Columbia, South Carolina

B E F O R E:

The Honorable James R. Barber, III, Judge, and
jury.

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

Nicole T. Wetherton, Esquire
Attorney for the State

David E. Belding, Esquire
Attorney for Mr. Goodwin

Daphne D. Helms
Circuit Court Reporter

I N D E X

Witness

Dr. Kimberly Harrison

Direct Examination by Ms. Wetherton.....	31
Cross-Examination by Mr. Belding.....	68
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Heather Weiss

Direct Examination by Ms. Wetherton.....	94
Cross-Examination by Mr. Belding.....	103

Andrew Goodwin (in camera)

Examination by the Court.....	109
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E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-1	Indictment 2009-GS-40-11078, Sentence sheet, and arrest warrant	3	49
S-2	Indictment 2009-GS-40-11076, Sentence sheet, and arrest warrant	3	51
S-3	1975 indictments	3	53

1 (State's exhibits 1 through 3 were marked for
2 identification only.)

3 **The Court:** All right. Can we bring the jury up?

4 **Mr. Belding:** Can I still have just a couple of minutes
5 to finish going through the strike sheet? I'm almost done.

6 **The Court:** Well, not really.

7 **Mr. Belding:** Okay. Well...

8 **The Court:** Before we pick, I'll give you a chance.

9 **Mr. Belding:** Okay.

10 **The Court:** Because if we're going to be -- if somebody
11 is going to be excused, disqualified or something like that,
12 you might as well wait and see.

13 **Mr. Belding:** Okay.

14 **The Court:** But I will give you an opportunity before we
15 pick for you to review. You can do as much of it now as you
16 possibly can.

17 **Mr. Belding:** I'm working on it.

18 (Pause in proceedings. Whereupon, the jury panel was
19 brought into the courtroom.)

20 **The Court:** Good morning again, ladies and gentlemen.
21 As I told you earlier, I'm Judge Barber, and we are about to
22 select a jury in a case entitled In The Matter Of The Care
23 And Treatment of Andrew Goodwin. Ladies and gentlemen, this
24 is a case where the State is alleging that Mr. Goodwin is a
25 sexually violent predator under the Sexual Violent Predator

1 Act of South Carolina, and the State is seeking to commit,
2 civilly commit, the -- Mr. Goodwin for long-term care,
3 control, and treatment. This is not a criminal proceeding.
4 It is a civil proceeding, but it is a little different in
5 that the State has the burden of proof in this case and has
6 to prove that the respondent is a sexually violent predator
7 by proof beyond a reasonable doubt. Of course, he denies
8 that to be the case, and as a result we have this dispute and
9 you are going to be asked to resolve it by determining
10 whether, in fact, Mr. Goodwin is, in fact, a sexual violent
11 predator under our act.

12 Before we begin the selection of the jury, ladies and
13 gentlemen, I have certain questions that I want to ask you
14 and I have some individuals that I want to introduce you to.
15 First let me introduce you to Mr. Goodwin. Mr. Goodwin, if
16 you would stand and face the jury. This is Mr. Andrew
17 Goodwin, and I would inquire at this time: Is there any
18 member of this jury panel or any member of the jury panel's
19 immediate family who is related by blood or connected by
20 marriage or either now or in the past has had a close
21 personal relationship with Mr. Goodwin or either now or in
22 the past has had an employment or a business relationship
23 with Mr. Goodwin? If so, please stand. All right. Thank
24 you, sir. You may be seated.

25 Ladies and gentlemen, as is the case when most parties

1 come to court, they're represented by attorneys, and that is
2 the situation here today. The State of South Carolina is
3 represented by the Attorney General's office for the State of
4 South Carolina, and the assistant attorney general handling
5 this matter is Ms. Nicole T. Wetherton and this is Ms.
6 Wetherton right here. And I would inquire at this time,
7 ladies and gentlemen: Is there any member of this jury panel
8 or any member of the jury panel's immediate family who is
9 related by blood or connected by marriage or either now or in
10 the past has had a close personal relationship with Ms.
11 Wetherton or any other employee of the Attorney General's
12 office or either now or in the past has had an employment or
13 a business relationship with the Attorney General's office or
14 Ms. Wetherton? If so, please stand. Yes. All right. Tell
15 me your name, please, ma'am.

16 **Juror Smith:** Rakale Smith.

17 **The Court:** Smith?

18 **Juror Smith:** Yes.

19 **The Court:** All right. Ms. Smith, what is your
20 situation?

21 **Juror Smith:** I was formerly an assistant attorney
22 general, but it's been 15 years ago.

23 **The Court:** All right. The fact that you formerly were
24 employed as an attorney with the Attorney General's office,
25 would that prevent you from listening to the evidence in this

1 case and based upon such evidence rendering a fair and
2 impartial verdict?

3 **Juror Smith:** No, Your Honor.

4 **The Court:** All right. Thank you, ma'am. Yes, ma'am,
5 your name?

6 **Juror Jones:** Barbara Jones. I was a legal secretary at
7 the Attorney General's office - it's been about 15 years - in
8 post-conviction relief.

9 **The Court:** All right. The fact that you formerly
10 worked in the Attorney General's office, would that prevent
11 you from listening to the evidence in this case and based
12 upon such evidence rendering a fair and impartial verdict?

13 **Juror Jones:** No, sir.

14 **The Court:** All right. Thank you, ma'am. Ladies and
15 gentlemen, representing Mr. Goodwin is Mr. David Belding, and
16 Mr. Belding is a member of the South Carolina bar. His
17 offices are in Columbia, but he practices throughout the
18 state of South Carolina. And I would inquire at this time:
19 Is there any member of this jury panel or any member of the
20 jury panel's immediate family who is related by blood or
21 connected by marriage with Mr. Belding or either now or in
22 the past has had an employment or a business relationship
23 with Mr. Belding or his office or either now or in the past
24 has been represented by Mr. Belding? If so, please stand.
25 All right. Thank you, sir.

1 Ladies and gentlemen, I'm now going to read you the
2 names of some potential witnesses who may testify in this
3 trial, and let me find... Dr. Kimberly Harrison. If they
4 would -- if any of these witnesses are here, if they would
5 please stand. Assistant Deputy Attorney General Heather
6 Weiss. Antonio Andre Martin, Sr. Mr. Martin is in the back.
7 Jennifer Olympia Youmans Martin.

8 **Mr. Belding:** She'll be here right after work, Your
9 Honor.

10 **The Court:** And Oliver Washington. Ladies and
11 gentlemen, I would inquire at this time: Is there any member
12 of this jury panel or any members of the jury panel's
13 immediate family who is related by blood or connected by
14 marriage or either now or in the past has had a close
15 personal relationship with any of these individuals or either
16 now or in the past has had an employment or a business
17 relationship with any of these individuals? If so, please
18 stand. All right. Thank you.

19 Does any member of this jury panel know anything about
20 any sexual offenses for which Mr. Goodwin may have been
21 convicted? If so, please stand. The fact that Mr. Goodwin
22 may have been convicted of a sexual offense in the past and
23 completed his criminal sentence related to that conviction,
24 would that in any way prevent you from being able to be fair
25 and impartial in this trial? If you believe you cannot,

1 please stand.

2 All right. If anybody is going to respond to this
3 question, I'm going to ask that you come down and meet with
4 me in front of the court reporter. Has any member of this
5 jury panel or any member of the jury panel's immediate family
6 or close personal friend or relative ever been the victim of
7 a sexual assault? If so, I'd ask you to come down and meet
8 with me down here in a more private setting.

9 (Whereupon, the following colloquy took place with each
10 juror individually, the attorneys, and the Court out of the
11 hearing of the jury pool.)

12 **The Court:** Come on up. All right. Let me -- yes,
13 ma'am, if you'll come down here.

14 (Juror McBride approaches the bench.)

15 **The Court:** All right. I need the court reporter to....
16 Tell me your name, ma'am.

17 **Juror McBride:** Krista McBride.

18 **The Court:** McBride?

19 **Juror McBride:** Yes, sir.

20 **The Court:** Ms. McBride, what is your situation?

21 **Juror McBride:** I was in two sexually-injurious
22 relationships in high school. Then I was also sexually
23 abused by my grandfather when I was younger, so...

24 **The Court:** The fact that you have that history, would
25 that prevent you from listening to the evidence in this case

1 and based upon such evidence rendering a fair and impartial
2 verdict?

3 **Juror McBride:** I think it might.

4 **The Court:** You need to tell me yes or no. If it does,
5 I understand. Tell me...

6 **Juror McBride:** I believe it would.

7 **The Court:** All right. I'm going to excuse you from
8 service on this jury. What...

9 **Ms. Wetherton:** 175.

10 **The Court:** 175. All right. If you'll -- you can just
11 go in the back. I'm excusing this juror. Let her -- she can
12 sit all the way in the back of those pews.

13 (Juror McBride leaves the bench conference.)

14 **The Court:** Yes, ma'am.

15 (Juror Cox approaches the bench.)

16 **The Court:** Good morning.

17 **Juror Cox:** Hi.

18 **The Court:** Tell me your name.

19 **Juror Cox:** Brittany Cox. Brittany Cox.

20 **The Court:** Cox?

21 **Juror Cox:** Yeah.

22 **The Court:** All right. What is your situation?

23 **Juror Cox:** My mother and my best friend.

24 **The Court:** Were both of them involved in a sexual -- in
25 an abusive---

1 **Juror Cox:** Not -- they're separate situations, but yes.

2 **The Court:** All right. The fact that you have that
3 history, would that prevent you from listening to the
4 evidence in this case and based upon such evidence rendering
5 a fair and impartial verdict?

6 **Juror Cox:** I think so. Just...

7 **The Court:** All right. Well, that's okay. All right.
8 If you would have a seat all the way in the back. Thank you,
9 ma'am. All right. I have excused this juror.

10 (Juror Cox leaves the bench conference.)

11 **The Court:** Yes, ma'am.

12 (Juror Flamholtz approaches the bench.)

13 **Juror Flamholtz:** I'm 92.

14 **The Court:** Tell me your name.

15 **Juror Flamholtz:** Hilda Flamholtz.

16 **The Court:** Flamholtz?

17 **Juror Flamholtz:** Uh-huh.

18 **The Court:** And what is your situation?

19 **Juror Flamholtz:** My nephew had a pedophile that took
20 photos of him and touched him inappropriately.

21 **The Court:** All right. The fact that you have that
22 history, would that prevent you from listening to the
23 evidence in this case and based upon such evidence rendering
24 a fair and impartial verdict?

25 **Juror Flamholtz:** No.

1 **The Court:** All right. Thank you, ma'am.

2 (Juror Flamholtz left the bench, and the bench
3 conferences concluded.)

4 **The Court:** Pat, did you get those juror numbers?

5 **The Clerk:** Yes, sir.

6 **The Court:** All right. Juror 65 and 175. Is that...

7 All right. Does any member of this jury panel have any
8 training or experience in the fields of psychiatry,
9 psychology, or the law? If so, please stand. All right.
10 Yes, sir. Tell me your name.

11 **Juror Broadus:** Allen Broadus, retired police officer.

12 **The Court:** All right. The fact that you are a retired
13 police officer, would that prevent you from listening to the
14 evidence in this case and based upon such evidence rendering
15 a fair and impartial verdict?

16 **Juror Broadus:** No, sir.

17 **The Court:** All right. Yes, sir. Your name?

18 **Juror Kenyon:** Sid Kenyon.

19 **The Court:** All right. Mr. Kenyon.

20 **Juror Kenyon:** I have -- my Master's degree is in
21 counseling.

22 **The Court:** All right. The fact that you have a -- some
23 background in psychology, would that prevent you from
24 listening to the evidence in this case and based upon such
25 evidence rendering a fair and impartial verdict?

1 **Juror Kenyon:** No, sir, Your Honor.

2 **The Court:** All right. Thank you. Yes, ma'am?

3 **Juror Goldstein:** Melissa Goldstein. I'm a current
4 nursing student and just finished clinicals at Richland
5 Springs.

6 **The Court:** All right. The fact that you have some
7 experience in the field of psychology, would that prevent you
8 from listening to the evidence in this case and based upon
9 such evidence rendering a fair and impartial verdict?

10 **Juror Goldstein:** No, sir.

11 **The Court:** All right. Thank you. Yes, ma'am. Your
12 name again?

13 **Juror Smith:** I'm a lawyer.

14 **The Court:** All right. And your name?

15 **Juror Smith:** Rakale Smith.

16 **The Court:** All right, Ms. Smith. The fact that you
17 have a law degree, would that prevent you from listening to
18 the evidence in this case and based upon such evidence
19 rendering a fair and impartial verdict?

20 **Juror Smith:** No, sir.

21 **The Court:** All right. Thank you, ma'am. Is there any
22 member of this jury panel who is currently working or
23 formerly worked in the fields of psychiatry, psychology, or
24 law other than the ones who have already stood and told us
25 that? Has any member of this jury panel ever been involved

1 in a prison ministry, a prison outreach program, or any other
2 program involving contact with incarcerated persons? If so,
3 please stand.

4 **Juror Culbertson:** Your Honor, I've done prison ministry
5 over the years.

6 **The Court:** All right. Your name, please, sir.

7 **Juror Culbertson:** It's Warren Culbertson.

8 **The Court:** All right. The fact that you have that
9 experience, would that prevent you from listening to the
10 evidence in this case and based upon such evidence rendering
11 a fair and impartial verdict?

12 **Juror Culbertson:** No, sir.

13 **The Court:** All right. Thank you, sir. Oh, yes, sir,
14 your name.

15 **Juror Sansbury:** Andrew Sansbury.

16 **The Court:** All right. What's your situation?

17 **Juror Sansbury:** I, too, have a prison ministry.

18 **The Court:** All right. The fact that you have that
19 background, would that prevent you from listening to the
20 evidence in this case and based upon such evidence rendering
21 a fair and impartial verdict?

22 **Juror Sansbury:** No, sir, Your Honor.

23 **The Court:** All right. Ladies and gentlemen, at the end
24 of this case I'm going to---

25 **Bailiff:** One more juror, Your Honor.

1 **The Court:** Oh, yes, ma'am.

2 **Juror Driskell:** Sorry. I'm Karen Driskell. I work
3 with the department of corrections. I have inmate contact
4 but not...

5 **The Court:** All right. You're an employee with the
6 department of corrections?

7 **Juror Driskell:** (Nodded head affirmatively.)

8 **The Court:** The fact that you have that experience,
9 would that prevent you from listening to the evidence in this
10 case and based upon such evidence rendering a fair and
11 impartial verdict?

12 **Juror Driskell:** No, sir.

13 **The Court:** All right. Thank you. At the end of this
14 case, I'm going to charge you or instruct you as to the law
15 as it applies to this type of case. It is your obligation to
16 accept the law as I give it to you and apply it to the facts
17 as you determine them to be in this case. Is there any
18 member of this jury panel who believes you will not be able
19 to comply with my instructions and apply the law as I give it
20 to you to the facts of the case? If you do not believe you
21 can comply with my instructions, please stand at this time.

22 Does any member of this jury panel know of any bias or
23 prejudice either for or against either the State or Mr.
24 Goodwin in this matter? If you believe you have some bias or
25 prejudice, please stand at this time.

1 Any member of this jury panel who believes that you
2 cannot be fair and impartial to both the State and the
3 defendant? If you believe you cannot be fair and impartial,
4 please stand at this time.

5 All right. Any further inquiry from the State?

6 **Ms. Wetherton:** None from the State, Your Honor.

7 **The Court:** Any from the respondent?

8 **Mr. Belding:** None. Thank you, Your Honor.

9 **The Court:** All right. We'll take a few minutes and let
10 you review the strike sheets.

11 **Mr. Belding:** It will take me a minute.

12 **The Court:** We will go one through -- 1 through 22?

13 **The Clerk:** Yes, sir.

14 **The Court:** And then 23, 24, and 25 for the alternate.

15 (Pause in proceedings.)

16 **The Court:** Is the State ready?

17 **Ms. Wetherton:** Yes, Your Honor.

18 **The Court:** All right. Madam Clerk, if you would,
19 please, ma'am.

20 **The Clerk:** Yes, sir. Counsel, please exercise your
21 strikes using the numbers to the left, beginning with the
22 plaintiff..

23 (The jurors were selected.)

24 **The Court:** All right. Anything from the State with
25 respect to the composition of the jury?

1 **Ms. Wetherton:** None from the State, Your Honor.

2 **The Court:** Anything from the defendant?

3 **Mr. Belding:** Nothing, Your Honor.

4 **The Court:** I mean the respondent.

5 **Mr. Belding:** Thank you.

6 **The Court:** All right. Madam Clerk, if you would.

7 (Whereupon, the jury was impaneled at 12:04 p.m. The
8 jurors who were not impaneled were excused from the
9 courtroom.)

10 **The Court:** All right. Madam Clerk, you may swear the
11 jury.

12 (Whereupon, the jury was sworn at 12:06 p.m.)

13 **The Court:** All right. Ladies and gentlemen, before I
14 turn this over to the attorneys, I'm going to take a little
15 bit of time and tell you a little bit about the process in
16 case you've not served on a jury before or it's been some
17 time since you have served. First of all, nobody has a set
18 seat. The only thing I ask, when you come in, is everybody
19 go all the way to the end. The alternate will stay in the
20 back row until we -- unless we need her to replace one of the
21 jurors. This case is likely to go into tomorrow, so that's
22 why we select an alternate.

23 Ladies and gentlemen, this case is a little bit
24 different than most civil cases and it's -- this is a case
25 where the State alleges that the respondent, Mr. Goodwin, is

1 a sexually violent predator and that as a result of that he
2 should be incarcerated -- I mean put into a long-term care
3 facility to receive treatment because he is a danger if he's
4 not. Mr. Goodwin denies that, and the State now has to prove
5 to your satisfaction that he is, in fact, a sexually violent
6 predator under our act.

7 In most civil cases, the burden of proof on a party that
8 is seeking to prove their case is the preponderance of the
9 evidence which means more likely than not. In this case the
10 burden of proof is the proof beyond a reasonable doubt which
11 is also the burden of proof that's required to convict
12 somebody in a criminal case. Now, this is a civil case, but
13 because it relates to treatment of a patient in a long-term
14 care facility, the burden falls on the State to prove its
15 case by the proof beyond a reasonable doubt.

16 Because the State has that burden, the State will go
17 first throughout the course of the trial. The first thing
18 that's going to happen when we turn this over to the
19 attorneys is they're going to get up and make an opening
20 statement to you, and this is a chance for the lawyers to
21 introduce themselves to you and to tell you a little bit
22 about what this case is all about, to educate you or inform
23 you so that you have some idea about what will be coming out
24 during the course of the trial.

25 After the State makes their opening statement, then Mr.

1 Belding will make his opening statement on behalf of his
2 client. When both sides have completed their opening
3 statements, then the State will go forward with the
4 presentation of its evidence, and I would assume most of its
5 evidence will come in by way of testimony from witnesses.
6 They'll get up and tell you what information they have about
7 the case. If they're a fact witness, they've seen something,
8 heard something, smelled something, tasted something, they
9 have some factual knowledge about the case or they may be
10 what we call an expert witness, and that's somebody who has
11 specialized knowledge, skill, training in a particular field
12 and, as such, can offer opinions related to that training or
13 experience that that witness has. Normally, fact witnesses
14 don't offer opinions, but experts can offer opinions in their
15 area of expertise.

16 Other types of evidence that could come in could be
17 documents of some sort. If that evidence is introduced, it's
18 given an exhibit number and it will go with you to the jury
19 room for your review during the course of your deliberations.
20 Testimony goes with you, ladies and gentlemen, in your
21 memories. So it is absolute essential that you pay close
22 attention to what's being said here in the courtroom. So if
23 you can't hear somebody, don't understand somebody, let me
24 know in some way and we'll make sure that that person speaks
25 more clearly or speaks louder, whatever the situation may be.

1 And a third type of evidence is what we call a stipulation,
2 and that's where the parties stipulate or agree as to some
3 fact or some matter. If there's a stipulation, the lawyers
4 will tell me and I will tell you, and you are to accept that
5 as though it has been proven here in the courtroom.

6 Now, after the State has put forth its case, then the
7 respondent is given an opportunity to offer any evidence the
8 respondent wishes to offer, and I would assume that if the
9 respondent elects to put up a case in this matter that his
10 testimony would be of a similar type -- I mean its evidence
11 would be similar evidence to the State in that most of it
12 would be testimony from witnesses.

13 When both sides have completed any evidence they want to
14 put into the case, then the lawyers are given another
15 opportunity to speak with you, ladies and gentlemen. This is
16 what we call a closing, and it is different from an opening
17 in that the closing is a chance for the lawyers to review
18 with you what evidence they think came in during the course
19 of the trial. It's a chance for them to emphasize to you
20 what they think you should consider and discuss in the course
21 of your deliberations. It's an opportunity for the lawyers
22 to attempt to convince or persuade you as to why you should
23 ultimately return a verdict for their respective clients.

24 When both sides have completed their closings, then I
25 will charge you or instruct you as to the law. You will then

1 retire to the jury room, determine what you believe to be the
2 facts in the case, apply the law, and ultimately render your
3 verdict.

4 As I have said on several occasions this morning, ladies
5 and gentlemen, your role in this case is that of the fact
6 finders. You're the judges of the facts in this case.
7 Nobody else will participate in that process but you. My
8 role is a little bit different from yours. Mine is twofold:
9 One, as with most structured events, there are rules and we
10 have rules as to how a trial is to be conducted. We have
11 rules of evidence and rules of procedure, and it's my
12 responsibility to see that those rules are followed. My
13 other responsibility is to instruct you as to the law so that
14 you can apply the law to the facts and render your verdict.

15 Now, ladies and gentlemen, I want you to pay close
16 attention to what these lawyers say in the course of this
17 trial, but understand one thing: What the lawyers say is not
18 evidence. They are advocates for their respective clients
19 and they -- you pay close attention, but understand what they
20 are telling you is not evidence. They are here to represent
21 their clients and put in front of you what they think is
22 sufficient for their respective client to ultimately prevail
23 in this matter.

24 Now, this case is a very important case to both the
25 State and the respondent, so I want you to pay close

1 attention. We want to do everything we can to make sure both
2 sides are given a fair and impartial trial, and one of the
3 ways I'm going to ask you to help me in that regard, ladies
4 and gentlemen, is that you not discuss this case with each
5 other or with anyone else at any time until you have been
6 given instructions that you can begin your deliberations. So
7 any time you go back to the jury room, do not discuss the
8 case with each other.

9 We're going to go to lunch in a little while. If you go
10 to lunch with each other or with somebody else, don't discuss
11 the case with that person. When we go home tonight, you'll
12 come in contact with family or friends or neighbors. Do not
13 discuss this case with anybody that you come in contact with,
14 and the reason I ask you to do that is: If you start
15 discussing the case with each other or with somebody else,
16 you might begin to formulate some opinion about the case or
17 you may be influenced by that person in some regard and you
18 should not do that until both sides have had an opportunity
19 to put forth everything they wish to offer, and you are to
20 decide this case based on the evidence that's introduced here
21 in this courtroom. If you go home and talk to a neighbor, I
22 promise you they'll have an opinion even though they have not
23 heard a thing about this case, and that may influence you in
24 some way.

25 I'm also going to ask you not to do any investigation or

1 make any inquiry in this case. Don't get on the internet.
2 Don't go see what you can Google and find out about anything
3 that's involved in the case. The only thing that you're
4 supposed to decide this case on is the facts that are
5 introduced here in this courtroom.

6 Now, you have met a number of people involved in this
7 trial so far, and there's a couple of other individuals that
8 I want to introduce you to. Ms. Falcone is our clerk and
9 she's the young lady seated in front of me, and she's already
10 assisted me in a number of things and she'll continue to do
11 so during the course of trial.

12 Seated up to my left is Mr. Madison Marchant, one of my
13 law clerks, and I think right over here is Caitlin Creswick
14 who is another one of my law clerks and they help me in a
15 number of ways. You heard me talk this morning in jury
16 qualification about it being a court of record. Well, it's a
17 court of record because we have a court reporter here who is
18 making a record of everything that is being said in this
19 courtroom, and this is Ms. Daphne Helms.

20 Now, ladies and gentlemen, the people that you're going
21 to have the most contact with in the course of this trial are
22 the bailiffs, and we're fortunate we have three good ones
23 here in this courtroom. We have Mr. Dye who is seated right
24 in front of the jury box and Ms. Sutton who is seated in the
25 back and Mr. Addison who is all the way in the back of the

1 courtroom. These folks may move around a little bit during
2 the course of the trial, but they're experienced and they're
3 gentlemen and a lady and they will assist you in any way they
4 possibly can. If any problems come up, if you have any
5 questions, please bring it to their attention and they will
6 help you.

7 So I think with that said, I'll ask: Ms. Wetherton, are
8 you ready to proceed?

9 **Ms. Wetherton:** Yes, Your Honor.

10 **The Court:** All right. If you would, please, ma'am.

11 **Ms. Wetherton:** All right. Thank you, Your Honor. May
12 it please the Court?

13 **The Court:** Yes, ma'am.

14 **Ms. Wetherton:** Judge Barber, Mr. Belding, Mr. Goodwin,
15 and ladies and gentlemen of the jury, I guess I can say good
16 afternoon now. My name is Nicole Wetherton, and I'm an
17 assistant attorney general here at the South Carolina Office
18 of the Attorney General, and seated with me at counsel table
19 is Chris Poliaro (phonetic). He's a new law clerk. He's
20 still in law school. He started about a week ago, and so
21 we're throwing him into the fire and I have drug him to court
22 with me today. So he's here to help he, but that's who is at
23 counsel table.

24 So this case today is about the protection of the
25 citizens of Richland County and the State of South Carolina.

1 So you're probably wondering why we're here. We are here
2 today because it is our position that that man seated at that
3 table over there, Mr. Andrew Goodwin, is a sexually violent
4 predator. So what is a sexually violent predator? I think
5 in our minds we all have something -- a definition of what a
6 sexually violent predator is, but what is that specifically
7 in this courtroom?

8 About 16 years ago our representatives here in Columbia,
9 they passed a law with two thoughts in mind: One, there are
10 certain individuals in this state that suffer from what's
11 referred to as a mental abnormality/personality disorder that
12 make them likely to commit acts of sexual violence, and those
13 individuals need treatment in a secured setting to protect
14 the public while they're receiving that treatment because
15 they're considered extremely dangerous individuals.

16 The State contends that Mr. Goodwin is one of those
17 individuals that our representatives had in mind when they
18 passed that act, The Sexually Violent Predator Act. So how
19 do we know this? So under the law I'll go through what the
20 statute says - and it sounds like a whole bunch of stuff -
21 but then we'll break it down and I'll explain it to you.

22 I have to prove two main things: One, a person has to
23 be convicted of what's considered a qualifying sexually
24 violent offense under the statute and, two, they have to be
25 found that they suffer from a mental abnormality and/or a

1 personality disorder that makes them likely to commit acts of
2 sexual violence if not committed to a secure facility for
3 control, care, and treatment.

4 So let's break that down. First, I have to prove that a
5 person has been convicted of a qualifying sexually violent
6 offense. In this case Mr. Goodwin has been convicted of a
7 sexually violent offense. In fact, he's been convicted of
8 three sexually violent offenses.

9 You'll see during the trial I'll admit certified copies
10 of his convictions, and I don't think the defense can really
11 -- is going to dispute that. But you're going to learn about
12 these convicted offenses and his victims and you're going to
13 hear how Mr. Goodwin sexually assaulted them.

14 You're going to hear that at the age of 16 Mr. Goodwin,
15 with his friends, broke into a house of a 91-year-old woman,
16 raped her, and stole \$10 from her. You're going to also hear
17 how when he got out of prison he went on to rape two other
18 women on two different occasions, and you're going to also
19 hear how he murdered one of them.

20 The Sexually Violent Predator Act also requires that a
21 person suffers from what's referred to as a mental
22 abnormality or a personality disorder that makes them likely
23 to commit acts of sexual violence if not confined for long-
24 term control, care, and treatment. In this case, Mr. Goodwin
25 has both a mental abnormality and personality disorder.

1 You're going to hear testimony from a forensic
2 psychologist who is seated right behind me. Her name is Dr.
3 Kimberly Harrison, and while working at the Department of
4 Mental Health, she evaluated Mr. Goodwin and she had rendered
5 an opinion to a reasonable degree of psychological certainty
6 that he has what's referred to as a paraphilia. You'll learn
7 what that is later, and then you'll also hear that he has
8 what is referred to as a personality disorder.

9 And you're going to hear testimony from which you can
10 decide whether Mr. Goodwin lacks control over his paraphilia
11 and whether he's likely to commit acts of sexual violence.
12 You will hear testimony that it was necessary for Dr.
13 Harrison to review Mr. Goodwin's criminal history which spans
14 more than over half his life, 38 years, and he's been
15 convicted of a total of 15 offenses that are both sexual and
16 nonsexual, and Dr. Harrison is going to explain to you how
17 that shows a lack of control while he's out in society. And
18 you will also hear that Mr. Goodwin has a significant risk to
19 re-offend because he shows a preference for having sex by
20 force, that he's impulsive, and he does not follow the law.

21 Now, in these cases, as Judge Barber just explained to
22 you, despite the fact they're considered civil in nature, I'm
23 required to prove my case beyond a reasonable doubt similar
24 to that of a criminal case. And I want you to know that in
25 this case I embrace that burden, and I believe that I will be

1 able to prove beyond a reasonable doubt that Mr. Goodwin is a
2 sexually violent predator.

3 Now, in these cases -- I'm sure that you probably
4 already realize these cases tend to have some very disturbing
5 facts, and I can assure you this case will be no different in
6 that regard, but I'm going to ask you to do one thing and
7 that's listen to all the facts and not just the facts that I
8 present but what the defense presents to you and what isn't
9 presented to you.

10 And after I think that you hear all the evidence, one
11 thing is going to become clear: That Andrew Goodwin is a
12 sexually violent predator who must be committed to the
13 Department of Mental Health to get that treatment he so
14 desperately needs and to protect the citizens of Richland
15 County and the residents of the State of South Carolina from
16 him.

17 **The Court:** All right. Mr. Belding?

18 **Mr. Belding:** Thank you, Your Honor. May it please the
19 Court? Good afternoon, Ms. Wetherton. Good afternoon. I'm
20 Dave Belding. I'm an attorney here in Columbia, and I am
21 representing Mr. Andrew Goodwin who has committed some crimes
22 that will come before you that we will stipulate to because
23 it's part of the official records of the court of this
24 county.

25 But he was released from the department of corrections

1 recently. His debt has been paid to society. What he was
2 sentenced to do, he has done. Most offenses don't come
3 before juries like this. People murder people. They don't
4 come back again when they get out to see if they need
5 treatment. You know, sex offenders do, but that's the only
6 type of crime where they come back and say: Well, even
7 though he's done his prison sentence, we think that he needs
8 treatment. And all of this is going to rest on the testimony
9 of one person, Dr. Kimberly Harrison, who you will hear and
10 I'll have a chance to question.

11 What I'm going to ask you to do right now is just to
12 give us our turn at bay. The State gets to go first. You're
13 going to hear the bad stuff first. Okay? But I'm going to
14 ask you to wait, not make any kind of decisions. Think about
15 what you hear and put it all together at the end.

16 It kind of reminds me -- I'm sure a lot of you are
17 parents. I have two kids; they're grown up now. A boy and a
18 girl. And I'll never forget one time coming home with my
19 little daughter -- you know how father/daughter stuff is and
20 I was real close to her. She's younger. And she was sitting
21 on her little bike out in the driveway and I said -- she was
22 crying. I said, "What is wrong?" And she said, "Braydon hit
23 me," and I went in and, I mean, I was ready to cut him, you
24 know. I mean, I was mad because he's not supposed to hit
25 her.

1 And I grabbed him and he said the most interesting
2 thing. He said, "Daddy, don't you want me to tell you what
3 happened?" Turned out he was wrong anyway, but it was an
4 interesting point. You know what? I had already made a
5 decision to punish him and I hadn't even heard his side of
6 the story.

7 Mr. Goodwin is going to get up and tell you his side of
8 the story so that you have all the information you need to
9 make this serious decision. All I ask is that you pay
10 attention, listen, and at the end I will be asking you to let
11 Mr. Goodwin go home because he's finished his sentence, and
12 we don't believe the State can prove beyond a reasonable
13 doubt that he's any threat to society anymore. Thank you
14 very much. I hope you enjoy it.

15 **The Court:** All right. Ladies and gentlemen, I think
16 we're going to go ahead -- before we start putting up
17 evidence, we're going to go ahead and break for lunch. It is
18 25 after. We're going to take about an hour and 15 minutes.
19 So I'm going to ask you to be back here about 20 'til 2 which
20 is -- gives you enough time to have some lunch and get back.

21 Mr. Dye and the bailiffs will take you out and show you
22 how to -- where you're going to be in the jury room, how to
23 get out and go out of the courthouse and how to come back
24 after lunch. Again, I'm going to remind you: Please don't
25 discuss the case with each other or with anyone else while

1 we're gone, and if y'all will come back in an hour and 15
2 minutes, we'll start up the trial with the State calling its
3 first witness. So y'all have a nice lunch, and we'll see you
4 in a little bit.

5 (Whereupon, the jury was excused from open court to go
6 to lunch at 12:25 p.m.)

7 **The Court:** All right. We'll go ahead and break for
8 lunch. Anything we need to take up?

9 **Mr. Belding:** Nothing from the respondent, Your Honor.

10 **Ms. Wetherton:** Nothing from the State, Your Honor.

11 **The Court:** Y'all step up here just a second.

12 (Whereupon, a bench conference was held. There was a
13 lunch break.)

14 **The Court:** All right. Thank y'all. Please be seated
15 if you would. We're going to go ahead and take his belly
16 chain off.

17 **Deputy:** Sir?

18 **The Court:** We're going to take his belly chain off.

19 **Deputy:** Yeah, I just had him in handcuffs.

20 **The Court:** Well, I want to take all that off. I don't
21 want the jury...

22 **Deputy:** You want it all off?

23 **The Court:** Yeah. You can keep the leg irons on until
24 he testifies.

25 **Deputy:** All he has on is the leg irons.

1 **The Court:** All right. All right. Let's bring the jury
2 in, Mr. Dye, if we could.

3 (Whereupon, the jury was brought into open court at
4 1:40 p.m.)

5 **The Court:** Hope y'all had a nice lunch, ladies and
6 gentlemen. As you know, when we finished the -- both parties
7 have made their opening statements. Now we go forward with
8 the State, and do you want to call your first witness,
9 please, ma'am?

10 **Ms. Wetherton:** Thank you, Your Honor. The State calls
11 Dr. Kimberly Harrison to the stand.

12 Dr. Kimberly Harrison, after being duly sworn,
13 testified as follows:

14 **The Clerk:** Please have a seat in the witness stand, and
15 state your full name for the record.

16 **The Witness:** My name is Kimberly Harrison.
17 H-A-R-R-I-S-O-N.

18 Direct Examination

19 By Ms. Wetherton:

20 Q. And, Dr. Harrison, what is your occupation?

21 A. I'm a psychologist.

22 Q. Okay. Can you briefly tell the jury: What is the study
23 of psychology?

24 A. Psychology is the study of usually human emotions,
25 thinking, and behavior.

1 Q. Okay. And so what is forensic psychology?

2 A. Forensic psychology is a subset of clinical psychology.
3 So clinical psychology looks at the diagnosis and assessment
4 and treatment of mental disorders. Within that is forensic
5 psychology which is taking the principles of psychology and
6 applying them to the legal world, so assessing, for example,
7 a defendant's competency to stand trial. Do they have a
8 mental disorder that makes them unable to understand the
9 legal proceedings?

10 Other types of forensic psychology would involve risk
11 assessment. Is a person likely to re-offend in the future?
12 So, taking the principles of psychology and then applying
13 them to legal questions that are asked by the Court.

14 Q. What advance degrees do you possess?

15 A. I have Bachelor's and Master's Degrees in psychology and
16 a Ph.D. in clinical psychology.

17 Q. What states are you licensed in?

18 A. I'm licensed to practice as a psychologist in South
19 Carolina and in Texas.

20 Q. Do you have any memberships in any organizations?

21 A. Yes. I'm a member of the American Psychology Law
22 Society and a member of a couple of Texas state psychological
23 associations.

24 Q. Do you have any experience working directly with sex
25 offenders?

1 A. Yes, I do.

2 Q. Okay. How long have you worked directly with sex
3 offenders?

4 A. I suppose I first worked with sex offenders when I was
5 on my internship in California, the maximum security state
6 hospital. That would have been in 2006/2007, so since then,
7 so about eight years.

8 Q. Can you briefly talk about your relevant experience that
9 you have in relation to working with sex offenders?

10 A. Sure. Like I mentioned, I completed a year-long
11 internship at Atascadero State Hospital that's in California.
12 It's a maximum security forensic hospital. And I conducted
13 assessments and psychotherapy with a wide range of criminal
14 offenders, including sex offenders.

15 I then did a postdoctoral fellowship in forensic
16 psychology up in Minnesota, and in that capacity I conducted
17 evaluations pursuant to Minnesota state law having to do with
18 sex offenders and their laws related to sex offenders. And
19 then I worked in South Carolina for the Department of Mental
20 Health in the forensic evaluation service for about five and
21 a half years, conducting various types of evaluations on
22 criminal defendants and on sex offenders pursuant to the
23 South Carolina Sexually Violent Predator Act.

24 Q. To that end, can you briefly explain your background in
25 regards to conducting those evaluations on those sex

1 offenders?

2 A. Sure. I conducted these types of evaluations that we're
3 talking about today which are commitment evaluations, so
4 determining if a person meets criteria to be civilly
5 committed to the Department of Mental Health under the
6 Sexually Violent Predator Act, and then I've also conducted
7 evaluations on individuals once they get into the Sexually
8 Violent Predator Program to determine if they continue to
9 need treatment and to be confined. So I've done evaluations
10 on the front end, deciding if someone should come into the
11 program, as well as their annual reviews which they're
12 entitled to get a review of their progress every year in
13 determining if they should be released.

14 Q. How many evaluations have you conducted on sexually
15 violent predators?

16 A. About 125 would be a good estimate.

17 Q. And have you had any specialized training or experience
18 within the field of psychology beyond your doctorate degree?

19 A. I completed the postdoctoral fellowship in forensic
20 psychology in Minnesota, yes.

21 Q. Have you ever testified in courts as an expert witness?

22 A. Yes, I have.

23 Q. Okay. And how many times?

24 A. Approximately between 40 and 50 times.

25 Q. Okay. And where?

1 A. Here in South Carolina, the state of Minnesota, and in
2 the state of New Jersey.

3 Q. Okay. Have you ever been qualified as an expert in
4 sexually violent predator cases?

5 A. Yes, I have.

6 Q. How many times have you been qualified as an expert in
7 sexually violent predator cases?

8 A. I would say between 25 and 30 times.

9 Q. Have you previously been recognized and testified as an
10 expert witness in forensic psychology in the courts of law
11 here in the state of South Carolina?

12 A. Yes, I have.

13 Q. Okay. Approximately how many times have you been so
14 recognized?

15 A. Between 40 and 45 times.

16 **Ms. Wetherton:** Okay. Your Honor, at this time I move
17 for Dr. Harrison to be recognized as an expert in forensic
18 psychology.

19 **Mr. Belding:** Without objection, Your Honor.

20 **The Court:** All right. Ladies and gentlemen, as I told
21 you, if scientific, technical or other specialized knowledge
22 will assist you, the trier of the facts, in understanding any
23 issue that -- any fact that may be in issue or any evidence
24 that's in question, then a witness can be qualified as an
25 expert by virtue of his or her knowledge, skill, experience

1 or training or education and, as such, may testify in his or
2 her areas of expertise and may offer an opinion in that area
3 of expertise.

4 I find the doctor to be qualified as an expert in
5 forensic psychology. I tell you you are to give her
6 testimony such weight and credibility as you deem
7 appropriate, as you will with all witnesses who testify in
8 this case.

9 **Ms. Wetherton:** Thank you, Your Honor.

10 By Ms. Wetherton:

11 Q. All right. Approximately how many pre-commitment
12 evaluations have you conducted under the South Carolina
13 Sexually Violent Predator Act?

14 A. I believe between 20 and 25.

15 Q. Okay. Out of those 20 to 25 evaluations, about how many
16 have you recommended that certain individuals not be
17 committed into the sexually violent predator treatment
18 program?

19 A. That they not be committed? About two-thirds I say do
20 not meet criteria to be committed.

21 Q. So you've actually testified for the defense in these
22 types of proceedings.

23 A. Yes, I have.

24 Q. Do you know how many times you have testified for the
25 defense in these types of proceedings?

1 A. I don't know the exact number, but probably some of
2 those -- about 20 have gone to trial. I would say probably
3 between 12 and 15 I've testified for the respondent.

4 Q. Okay. So, Doctor, how did you become involved with this
5 case?

6 A. I was appointed by the court to conduct an evaluation on
7 Mr. Goodwin to determine if he meets criteria to be
8 committed.

9 Q. So as a court-appointed evaluator, were you paid to
10 conduct your evaluation in this case?

11 A. No, I was not paid specifically for this evaluation. I
12 was a salaried employee with the Department of Mental Health.

13 Q. So as a result of your opinion, did you receive any
14 additional compensation?

15 A. No, I did not.

16 Q. So as part of your evaluation, did you meet with and
17 interview Mr. Andrew Goodwin?

18 A. Yes, I did.

19 Q. Is the man you met with here in the courtroom today?

20 A. Yes, he is.

21 Q. Could you please point him out for the jury?

22 A. Yes. He's sitting next to his attorney, Mr. Belding.

23 **Ms. Wetherton:** Okay. Your Honor, may the record
24 reflect that Dr. Harrison identified the respondent?

25 **The Court:** It does. Thank you.

1 By Ms. Wetherton:

2 Q. So when you are appointed by the court to conduct an
3 evaluation, what are you ordered specifically to do?

4 A. In the order I am asked to help the court determine if
5 Mr. Goodwin meets criteria for a mental abnormality or a
6 personality disorder that makes him likely to commit acts of
7 sexual violence in the future.

8 Q. Can you describe for the jury your protocol in
9 conducting an evaluation of this type when you have been
10 ordered to do so by the court?

11 A. Sure. I receive a packet of information that comes from
12 the Attorney General's office, from the court, and from the
13 department of corrections, and in that packet of information
14 it has all the various paperwork for the process that someone
15 goes through when they are eligible to be committed under the
16 Sexually Violent Predator Act. So there are many steps in
17 the process where the person is reviewed by various
18 committees to determine if they should be sort of passed on
19 to the next step in the process. So the evaluation that I do
20 is the last step in the process before it comes in front of
21 the court for a decision to be made.

22 In that packet of information is also legal documents,
23 police documents regarding the crimes that the person was
24 convicted of or accused of. There are records from the
25 prison documenting their disciplinary infractions, any

1 medical or mental health treatment that they've had in
2 prison. And so I review all of that information before I
3 actually meet with Mr. Goodwin.

4 An appointment is scheduled. He's brought to the
5 Department of Mental Health, and at that time I interview
6 him. It's a fairly extensive interview. We go through his
7 background. We talk about all the offenses that he was
8 accused or convicted of. We talk about his experiences in
9 prison. And so what I'm trying to determine is if he does
10 meet criteria for a relevant mental abnormality or
11 personality disorder and also to assess his risk of sexual
12 offending in the future.

13 During the course of the interview, I may learn of
14 additional information that I need to get. For example, if
15 he's been treated anywhere or had any hospitalizations, had
16 any psychiatric treatment. And so then I request those
17 records and just trying to get as much information as I can
18 to make the most informed opinion that I can. And so that's
19 sort of the system and the course of the evaluation
20 procedure.

21 Q. So after you conducted your evaluation and consulted all
22 the information that you just talked about, how do you reach
23 a professional opinion in these types of matters?

24 A. I look at all the information that I've gathered and I'm
25 looking for very specific things to answer this question

1 that's before the court today. The first question is: Does
2 he have a mental abnormality or personality disorder? And so
3 we have a system by which we diagnose individuals. It's
4 called the "Diagnostic and Statistical Manual" that lays out
5 all the diagnoses and the various criteria that a person
6 needs to meet in order to have the diagnosis.

7 So I go through that. I see if he meets the criteria
8 for any disorders. And if he does, then I go on to the
9 second phase of my assessment which is the risk assessment.
10 And so looking again at all the information from his history,
11 the information that I gathered from evaluating him and
12 seeing what, if any, risk factors pertain to him that make
13 him likely to commit a sex offense in the future... And so
14 that's taking all that information into account and knowing
15 the scientific literature about what constitutes a risk
16 factor, all of that goes into making my opinion.

17 Q. So about how long does it take from beginning to end to
18 reach your professional opinion in these matters?

19 A. It varies from case to case depending on the complexity
20 of the case, depending on how long it may take to receive
21 records, how many records there are to go through. Some of
22 these cases have voluminous amounts of records. In this case
23 I saw Mr. Goodwin in December of 2013, and then I finished
24 compiling all the information and I generated my report at
25 the beginning of February of 2014, so about two months.

1 Q. Doctor, you testified that you received a lot of
2 information to reach your opinion in this matter. What type
3 of information specifically did you receive to aid you in
4 conducting this evaluation?

5 A. In Mr. Goodwin's case, he has been convicted of three
6 sex offenses, and so I received all of the police reports
7 regarding those offenses. So if there were any victim or
8 witness statements, all the police investigative reports, I
9 reviewed as much of that as was available to me. As I
10 previously mentioned, I reviewed prison records - so looking
11 at his disciplinary infractions, things that he got in
12 trouble for while he was in prison.

13 I looked at -- I had access to jail records when he was
14 in the jail. He had had some substance abuse treatment in
15 Columbia at Morris Village back in the nineties. I reviewed
16 those records. I reviewed previous mental health evaluations
17 that had been conducted on him, and all the legal records
18 showing that he had come to this stage in the process of
19 being civilly committed. So I reviewed all those records.

20 Q. Now, is this the type of information that is typically
21 and reasonably relied upon by experts such as yourself in the
22 field?

23 A. Yes, it is.

24 Q. Doctor, can you explain to the jury what are risk
25 factors?

1 A. Sure. Risk factors are those things that make something
2 more likely to happen. So you often hear it in terms of
3 health. So you hear about risk factors for having a heart
4 attack or having heart disease, and so we know from all
5 commercials and T.V. shows some risk factors for heart
6 disease are things like smoking, eating, eating a poor diet,
7 not exercising, having a family history of heart disease. So
8 all those things you can sort of make a list and check off
9 "how many of these risk factors do I have" to sort of help
10 you see how likely am I to have heart disease in the future.

11 Well, we -- in the field of forensic psychology, a lot
12 of research has been done on sex offenders, looking at sex
13 offenders who re-offend and those who don't, and being able
14 to identify what are those risk factors that make people more
15 likely to commit acts of sexual violence in the future. So
16 what differentiates these people that commit a sex offense
17 and then never do it and those that commit a sex offense and
18 go on to commit more if they're not incarcerated or otherwise
19 confined?

20 And so we have -- we know what some of the risk factors
21 are of sex offenders. We probably don't know what they all
22 are. This is still a relatively new area of psychology that
23 we're still investigating and, of course, it varies from
24 person to person. Just like with heart disease, sometimes
25 you hear those stories of someone just having a heart attack

1 for no apparent reason. They didn't have all those lists of
2 risk factors. And so this isn't an exact science. It's not
3 like we can do a checklist and say, "Oh, okay. They've got
4 these risk factors. Therefore, they're absolutely likely to
5 re-offend again." But we do the best with the science that
6 we have available to us.

7 And so in terms of sex offending, some things that have
8 been shown to be risk factors are a young age. We know that
9 younger people are more likely to commit sex offenses in the
10 future than older individuals. That holds true for all
11 criminal activity, that the younger is more likely than the
12 older. Other things having to do with sex offenders is if
13 the victim was a stranger. That's a risk factor. That makes
14 a person more likely to commit acts of sexual violence in the
15 future. Having other -- having multiple convictions, violent
16 behavior in the past, that's a risk factor as well.

17 And so all of those are historical risk factors that we
18 look at, and we call them static risk factors because those
19 can't be changed. You can't change your age. You can't
20 change your history of behavior. So it's kind of like the
21 family history of heart disease. You can't change that. You
22 can't do anything about that, but it helps you know where you
23 are, your sort of baseline level of risk.

24 And then the other category is dynamic risk factors, and
25 these are things that potentially can be changed. So we know

1 that things like impulsivity or personal -- personality
2 characteristics like poor problem-solving, those can be risk
3 factors as well for someone committing a sex offense in the
4 future.

5 Q. Okay. Now, were these risk factors -- did they serve as
6 part of the basis of your opinion?

7 A. Correct.

8 Q. And with regard to -- you referred to as dynamic risk
9 factors?

10 A. Uh-huh.

11 Q. Could you describe what dynamic risk factors you
12 discovered Mr. Goodwin has and how they relate to his
13 likelihood to sexually re-offend?

14 A. Sure. I'm just going to refer to my report so I don't
15 misspeak. So in Mr. Goodwin's case, his history is
16 consistent with a pattern of what we call lifestyle
17 impulsiveness. So he has a history of behaving impulsively.
18 He's got numerous arrests, not just for the sex offenses but
19 for other types of behavior that appear to have been
20 impulsive in nature.

21 He has resistance to rules and supervision. He's had
22 numerous violations. He was required to be on the Sex
23 Offender Registry, and he violated that numerous times, was
24 frequently arrested for failing to report or violating the
25 conditions of the Sex Offender Registry in other ways. He

1 was also on probation when he committed one of his offenses
2 that we'll talk about. So even while he was under
3 supervision, while under probation, he continued to commit
4 acts that are illegal.

5 A sense of grievance and hostility. So what this means
6 is that the individual blames everyone else for their
7 behaviors instead of taking responsibility for their own
8 behaviors. So just having sort of a negative outlook on
9 everyone, blaming other people for things that happen to them
10 or that they do themselves, just having a sort of hostile
11 view of the world, that people are out to get them, that was
12 apparent also with Mr. Goodwin.

13 And then the idea of sexualized violence, incorporating
14 violence into sexual acts, which we can talk about more when
15 we discuss his actual offenses, but that's also a risk factor
16 that makes someone more likely to respond in the future if
17 there are elements of violence in -- physical violence in the
18 sex offense as well.

19 Q. Now, when you spoke with Mr. Goodwin, did he know of any
20 risk factor that would make him want to commit another sex
21 act?

22 A. No. He denied that there were any risk factors or that
23 there was anything that could make him re-offend sexually in
24 the future.

25 Q. Okay. Now, did you base your opinion solely on these

1 risk factors?

2 A. No. This was a part of my opinion in determining his
3 risk for sexual re-offending.

4 Q. Okay. Is it professionally acceptable to do so?

5 A. To do?

6 Q. To base your opinion solely on risk factors.

7 A. No. In these -- in these types of evaluations, you're
8 really looking at a lot of data all together and not just one
9 area.

10 Q. Is it common for experts in your field to rely upon an
11 individual's criminal history to reach an opinion in a
12 sexually violent predator case?

13 A. Yes. That's definitely part of the evaluation that we
14 look at and weigh pretty strongly because in a lot of these
15 cases you'll see someone with a really long history of
16 criminal behavior and sexual offending behavior that often
17 starts quite young. And so the longer their history, the
18 more likely they are to continue that same pattern in the
19 future.

20 Q. Now, can you explain to the jury how an individual's
21 past sexual behavior relates to his future sexual offense
22 behavior?

23 A. Sure. Well, a person, generally in adolescence,
24 determines what they're sexually attracted to, what they're
25 aroused by sexually, and then if they continue engaging in

1 that same behavior, what they find arousing, it just
2 reinforces itself. So it's sort of a cycle that if I'm
3 attracted to this particular situation or this particular
4 item, whatever it might be, and I keep allowing myself to
5 become sexually aroused to that over and over again, then it
6 just becomes stronger and stronger. And when a person
7 continues that behavior over a pattern of years, then it
8 becomes more likely to continue.

9 Q. Okay. And based on your interview with Mr. Goodwin and
10 the review of his file, at the time of your interview with
11 him had he been convicted of a sexually violent offense?

12 A. Yes, he has.

13 Q. Okay. And what were those convictions?

14 A. I'll start with the most recent one. This was in 1999.
15 The body of a 32-year-old woman was found in a wooded area
16 and it was determined that she had been raped and strangled.
17 Mr. Goodwin was eventually arrested for that and charged with
18 murder and criminal sexual conduct in the first degree. He
19 was eventually convicted of criminal sexual conduct in the
20 first degree and voluntary manslaughter for that offense.

21 **Ms. Wetherton:** Okay. Your Honor, may I approach the
22 witness?

23 **The Court:** You may.

24 By Ms. Wetherton:

25 Q. Dr. Harrison, have you seen those documents before?

1 A. Yes, I have.

2 Q. Is there anything on those documents that shows their
3 authenticity?

4 A. Yes. It's a stamp that says, "Certified true copy of
5 original file by the court."

6 Q. Okay. Did you review these documents as part of your
7 evaluation?

8 A. Yes, I did.

9 Q. And what are those documents?

10 A. This is a sentencing sheet from the offense that I just
11 talked about showing that he was sentenced for a sentence of
12 five years. It's also the indictment for the criminal sexual
13 conduct first degree related to that same offense and then
14 the arrest warrant for the criminal sexual conduct.

15 Q. Are these the type of documents that are commonly relied
16 on by experts such as yourself in the field?

17 A. Yes, they are.

18 Q. And why is it necessary to review these details of the
19 underlying facts of the offense?

20 A. Well, for a couple of reasons. First of all, in order
21 to be committed under the Sexually Violent Predator Act, the
22 person has to have a qualifying conviction. So these
23 documents show to me that he does have a qualifying
24 conviction for a sexually violent offense in the past. What
25 it also does is just show me -- because, again, I'm trying to

1 see if he has a mental abnormality or personality disorder,
2 and so knowing some of the details of the offenses helped me
3 reach my diagnosis.

4 **Ms. Wetherton:** Your Honor, at this time we would move
5 to introduce that as a State's Exhibit 1.

6 **Mr. Belding:** Without objection, Your Honor.

7 **The Court:** So admitted.

8 **Ms. Wetherton:** Thank you, Your Honor.

9 (State's Exhibit 1 was received in evidence.)

10 **Ms. Wetherton:** Permission to approach the witness
11 again?

12 **The Court:** Yes, ma'am.

13 By Ms. Weather:

14 Q. Dr. Harrison, have you seen these documents before?

15 A. Yes, I have.

16 Q. Is there anything on the document that shows their
17 authenticity?

18 A. Again, there's a stamp that says, "Certified true copy
19 by the courts of South Carolina."

20 Q. Did you review these documents as part of your
21 evaluation?

22 A. Yes, I did.

23 Q. And what are these documents?

24 A. It's another sentencing sheet, arrest warrant, and
25 indictment.

1 Q. And are these the types of documents that are commonly
2 relied upon by experts such as yourself in the field?

3 A. Yes, they are.

4 Q. Would you please describe to the jury the details
5 underlying these specific facts?

6 A. Yes. This -- he was convicted of this offense at the
7 same time as the one I just discussed. This one was for a
8 woman -- she was supposedly walking down the street when Mr.
9 Goodwin approached her, invited her to go with him to his
10 aunt's home. He then led her to a vacant lot and told her
11 that he had a gun on him and then he proceeded to force her
12 to engage in both oral and vaginal sex. He was originally
13 charged with C.S.C. first degree for this offense. He was
14 eventually then convicted of criminal sexual conduct in the
15 third degree for this offense.

16 Q. And what sentence did he receive following this
17 conviction?

18 A. He received a sentence of ten years.

19 **Ms. Wetherton:** Your Honor, I'd move to admit this as
20 State's Exhibit 2.

21 **Mr. Belding:** And just to clarify, Your Honor, Exhibit 2
22 is the 1974? Is that right?

23 **Ms. Wetherton:** No, Exhibit 2 is the second 1999
24 conviction.

25 **Mr. Belding:** Okay. I understand. Without objection,

1 Your Honor.

2 **The Court:** So admitted.

3 (State's Exhibit 2 was received in evidence.)

4 By Ms. Wetherton:

5 Q. And when did these past two crimes that we just talked
6 about -- when did they occur?

7 A. They both occurred in 1999. The first one occurred in
8 October of 1999. I'm sorry. The first one I talked about
9 occurred in October of '99. The other one occurred in
10 September of 1999.

11 Q. Okay.

12 A. So about a month or so apart.

13 Q. Now, when did he plead guilty?

14 A. He did not plead guilty until 2010.

15 Q. So why did it take over ten years for Mr. Goodwin to
16 plead guilty to these offenses?

17 A. From what I understand is that for the first offense
18 that I discussed with the murder, eventually manslaughter,
19 was that they did not have a suspect in that case and they
20 retrieved D.N.A. from the body. Later when Mr. Goodwin was
21 arrested on a Sex Offender Registry violation, they took his
22 D.N.A. at that time and it came up with a match for this
23 earlier D.N.A. that they had found. And so that's -- that
24 was why it took the length of time that it did.

25 **Ms. Wetherton:** Your Honor, permission to approach the

1 witness again?

2 **The Court:** Yes, ma'am.

3 By Ms. Wetherton:

4 Q. Dr. Harrison, have you seen these documents before?

5 A. Yes, I have.

6 Q. Is there anything on these documents that shows their
7 authenticity?

8 A. Yes. Again, they're stamped, "Certified true copy of
9 original filed by the courts."

10 Q. Did you review these documents as part of your
11 evaluation?

12 A. Yes, I did.

13 Q. And what are these documents?

14 A. These are several indictments for Mr. Goodwin and some
15 co-defendants from 1974 -- '75.

16 Q. Are these the type of documents that are commonly relied
17 upon by experts in your field?

18 A. Yes, they are.

19 Q. Would you please describe for the jury the facts
20 underlying this specific offense?

21 A. Yes. This was another offense that Mr. Goodwin was
22 convicted of. In 1975 he pled guilty to a charge of rape and
23 was sentenced to 20 years. He was originally charged with
24 burglary, robbery, larceny, housebreaking, and rape. These
25 are for offenses that occurred in August of 1974.

1 Mr. Goodwin was 16 years old at the time, and he and two
2 co-defendants entered the home of a 91-year-old woman. The
3 friends robbed the woman I believe of \$10 and Mr. Goodwin
4 raped her.

5 Q. And what sentence did he receive following his
6 conviction?

7 A. He received a sentence of 20 years incarceration
8 suspended to 15 years incarceration.

9 Q. Was Mr. Goodwin convicted of any nonsexual offenses?

10 A. During this time or ever?

11 **Ms. Wetherton:** Oh, I apologize. Your Honor, I would
12 admit State's -- this as State's Exhibit 3. I apologize.

13 **Mr. Belding:** Without objection, Your Honor.

14 **The Court:** So admitted.

15 **Ms. Wetherton:** I'm sorry. I apologize.

16 (State's Exhibit 3 was received in evidence.)

17 By Ms. Wetherton:

18 Q. Was Mr. Goodwin convicted of any nonsexual offenses?

19 A. Ever in his life?

20 Q. Yes.

21 A. Yes. He's been convicted of possession of marijuana,
22 grand larceny of a vehicle, shoplifting, forgery, possession
23 of a stolen vehicle, criminal domestic violence, possession
24 of crack cocaine, drinking alcohol in a public conveyance,
25 and unlawful carrying of a weapon. He's also been convicted

1 of several Sex Offender Registry violations.

2 Q. Now, was that significant to your opinion?

3 A. Yes. All of these convictions are significant in that
4 when you go back to talking about risk factors -- and one of
5 the risk factors I listed was his resistance to rules and
6 supervision. And so again he's -- even though he spent a
7 relatively long time in prison at a young age for that rape
8 that we discussed in 1974, he continues to get arrested over
9 and over again for a variety of types of offenses, and so
10 that suggests a resistance to rules and laws. It also
11 suggests an antisocial orientation, that he continually
12 violates the rights of others in various ways, not just
13 through sex offending but in other ways as well.

14 Q. Did he commit any of these crimes while either on
15 probation or parole?

16 A. I believe he did. I believe the 1999 sex offenses that
17 I discussed were committed while he was on probation or some
18 type of supervision.

19 Q. Is that significant, in your opinion?

20 A. Yes. Again, it just reinforces what I said about his
21 antisocial orientation and his being resistant to being
22 supervised or having rules or constraints placed on him.

23 Q. So are you basing your opinion solely on Mr. Goodwin's
24 criminal history?

25 A. No, I'm not.

1 Q. Is that professionally acceptable to do so?

2 A. No, it would not be.

3 Q. All right. Did you review records concerning Mr.
4 Goodwin's disciplinary history while in prison?

5 A. Yes, I did.

6 Q. How many disciplinary infractions has he received since
7 2010?

8 A. From the records that I was able to review, he had --
9 well, since 2010 -- the records I have go back to 2008 and he
10 was convicted of 11 disciplinary infractions.

11 Q. Okay. What are they?

12 A. Refusing or failing to obey orders, refusing to work,
13 interfering with count, being out of place, and possession of
14 contraband. All -- and he had several possession of
15 contraband charges. All of those were for being in
16 possession of cigarettes and on one occasion he was found to
17 have vodka in his possession in prison.

18 Q. Did he have any other significant disciplinaries while
19 in the prison system?

20 A. Yes. His major disciplinary infraction occurred in 1986
21 and he was actually -- he actually escaped from prison. The
22 information I was able to receive about this was fairly
23 scanty because of the age of it. It happened in 1986. But I
24 was able to get some information that apparently he was in a
25 relatively minimum security type of facility and he just --

1 he walked away from it, went into downtown, spent several
2 hours downtown, and then eventually called the prison and
3 they came and picked him up.

4 Q. Did you review any records concerning Mr. Goodwin's
5 mental health history?

6 A. Yes, I did.

7 Q. Okay. What did you find?

8 A. Let me just review my report here. There's no
9 indication that he's ever been psychiatrically hospitalized,
10 made any kind of suicide attempts or anything that we would
11 consider really, really serious in that way. He did receive
12 some treatment while he was in prison. He did receive some
13 medications, some antipsychotic medications. He reported
14 that he was hearing voices. This was in 2007.

15 He also reported having problems sleeping, feeling like
16 other people were talking about him, and so the mental health
17 staff did give him a diagnosis of schizophrenia as well as
18 alcohol abuse, marijuana and cocaine abuse, and at that time
19 is when he was prescribed antipsychotic medications.

20 Then in -- when he was in jail in 2009, he was also
21 prescribed another antipsychotic medication, but he
22 discontinued that after a couple of months. Same thing in
23 prison: He stopped taking the medication after a couple of
24 months.

25 Q. Now, you said that he had complained about hearing

1 voices. Whose voices does he claim that he's heard,
2 according to the records?

3 A. In the past he's claimed that he heard the voice of his
4 mother and the voice of the victim that was murdered.

5 Q. Is he currently taking any medication now?

6 A. I don't know about today. At the time that I saw him I
7 don't believe he was taking any kind of psychiatric
8 medication.

9 Q. So overall did you find that he had been compliant with
10 taking his medication?

11 A. Well, the time when he was prescribed psychiatric
12 medication, both in prison and in jail, he stopped taking it
13 after a couple of months. So he was essentially not
14 compliant with the medication.

15 Q. Now, you interviewed Mr. Goodwin. How long did you
16 interview him?

17 A. I interviewed him for two hours and 40 minutes.

18 Q. Is that a reasonable amount of time for experts such as
19 yourself to be able to interview someone?

20 A. Yes. Again, it varies from case to case depending on
21 how much information there is to cover as well as how
22 talkative the person might be, but I would say that that's
23 average.

24 Q. Okay. Can you describe the interview with Mr. Goodwin
25 for the jury? What actually took place?

1 A. When I first meet (verbatim) with Mr. Goodwin, I would
2 have told him why he was seeing me, explained to him that
3 anything he says to me can go into the report. There's no
4 sense of confidentiality, that I'm not his treating doctor,
5 that I'm doing this evaluation on the order of the court,
6 that I'm not working on his side; I'm not working against
7 him. I'm just gathering information so that I can come to an
8 objective opinion.

9 I then go through and ask him about how he's been doing
10 recently. Is he having any current problems with his sleep,
11 his appetite, those types of things, and then we go through
12 his history starting from childhood, his employment history,
13 his school history, his relationship history. And so he gets
14 a chance to tell me basically whatever he wants to tell me
15 that might be important to him. And we spend a lot of time
16 talking about the offenses that he was convicted of so that I
17 can get his side of the story as well as what's in the legal
18 records. And so we go through each offense and he tells me
19 whatever it is he wants to tell me about that.

20 Q. Okay. What was Mr. Goodwin's demeanor during this
21 interview?

22 A. Initially when he first came into the evaluation room
23 and I was explaining the purpose of the evaluation, he was
24 very irritable, very angry about the process, about --
25 interestingly, the thing he was most -- seemed most upset

1 about was the length of time that it took with these last
2 offenses. I mentioned how it was ten years basically between
3 the time of the offenses and the time he was arrested and he
4 was very angry that he had been picked up relatively recently
5 for offenses that occurred so long ago.

6 So he talked about that for quite awhile, just about
7 being angry about that, the prison sentences that he
8 received. He felt like they were unfair. So he just -- he
9 aired a lot of his grievances, that he felt he had been
10 mistreated, but then after he sort of vented all of that then
11 he became quite calm and we were able to conduct the
12 evaluation with no problem.

13 Q. To your knowledge, has Mr. Goodwin taken any
14 responsibility for his sexual offenses?

15 A. In terms of taking responsibility he did -- he
16 acknowledged committing the rape against the 91-year-old
17 woman when he was a teenager. He said he doesn't -- he
18 doesn't know why he did it. He doesn't seem to have any
19 insight into it. He said he was high on drugs and also
20 intoxicated at the time, but he does admit to doing that.

21 The other two victims -- the one acquaintance who he
22 said he took her to a vacant lot and said he had a gun, he
23 said, "I don't remember having sex with her," and he doesn't
24 know why she would have accused him of this.

25 The victim that was murdered, he did acknowledge having

1 sex with her. He said it was a situation in which it was an
2 exchange of sex for drugs and that after they had sex he said
3 that she put the drugs, the crack cocaine, in her mouth and
4 he was attempting to get drugs out of her mouth and that he
5 wrapped his hands around her throat and she lost
6 consciousness. He said he didn't necessarily intend to kill
7 her but that he might have killed her.

8 So as far as taking responsibility, he admits the first
9 rape, denies one of them, and gives a story about consensual
10 sex for the third one.

11 Q. And based on your interviews -- your interview and the
12 records you received for conducting this evaluation, has Mr.
13 Goodwin had any sex offender treatment?

14 A. No. There's no indication he's received any kind of
15 treatment that would target his sexual offending at all.

16 Q. Based on your examination of Mr. Goodwin, the review of
17 the records and all these factors we have been discussing,
18 did you render an opinion to a reasonable degree of
19 psychological certainty as to whether Mr. Goodwin has a
20 mental abnormality and/or a personality disorder?

21 A. Yes, I did.

22 Q. Okay. And what is that opinion?

23 A. My opinion is that he has both a mental abnormality and
24 a personality disorder. In terms of the mental abnormality,
25 I diagnosed him with something that's called Other Specified

1 Paraphilic Disorder, specifically biastophilia. So I'll
2 explain what that is. A paraphilia or a paraphilic disorder
3 basically means that someone has deviant sexual interests.
4 So someone that is interested in having sex with children,
5 for example, that's called pedophilia and that's a type of
6 paraphilia. So paraphilia is the big umbrella term, and then
7 you can have all these different types of deviant sexual
8 interests.

9 Based on Mr. Goodwin's history, I feel that he meets
10 criteria for a specific paraphilia called biastophilia which
11 is basically becoming aroused to rape scenarios, so being
12 aroused to having sex with nonconsenting individuals. So
13 someone who is aroused to having sex with someone who is
14 passed out and can't consent to someone who enjoys raping
15 people and is sexually aroused by the person sort of fighting
16 them off. So any type of arousal to nonconsensual sexual
17 activity and, again, it's not just one instance. There has
18 to be a pattern of it, and in Mr. Goodwin's case he has this
19 pattern dating back all the way back to 1974 and three
20 separate victims which I believe indicates an arousal to
21 having sex with nonconsenting partners, and that's why I
22 applied the diagnosis of biastophilia.

23 Q. Is it curable?

24 A. It's generally not considered curable. It may be
25 treatable or manageable if the person desires to stop their

1 behavior and is given the appropriate tools or is placed in
2 confinement where they're not allowed to have sex with
3 nonconsenting partners, but it's generally not considered
4 curable.

5 Q. Can it take a long time to learn how to properly manage
6 biastophilia?

7 A. It can. Yes.

8 Q. And you also said that he had a personality disorder?
9 Is that correct?

10 A. Yes. A personality disorder is a longstanding generally
11 lifelong pattern of just inflexible patterns of dealing with
12 the world, so sort of an inflexible way of thinking, of
13 dealing with other people. These are the people that are
14 just really difficult to deal with, and there are several
15 different types of personality disorders.

16 The one that applies to Mr. Goodwin is Antisocial
17 Personality Disorder, and actually technically what I
18 diagnosed him with was Other Specified Personality Disorder
19 With Antisocial Features. So antisocial just means that
20 someone doesn't like following rules. They don't care about
21 violating the rights of other people. They tend to be
22 deceptive, impulsive.

23 So most people who are in prison, a large majority of
24 them would meet criteria for Antisocial Personality Disorder,
25 just this chronic rule-breaking behavior. And I felt like

1 based Mr. Goodwin's history, not just of the sexual offending
2 but all of those other offenses that I listed earlier, he has
3 sort of a wide-ranging array of criminal behaviors.

4 In his childhood he described to me a history of
5 fighting, of aggressive behavior, using baseball bats on
6 people when he was with children, even shooting at people's
7 feet with a gun, and finally his behavior illustrates a real
8 sort of disregard for the safety of both himself and other
9 people. And so all of these are criteria under Antisocial
10 Personality Disorder.

11 Q. Is this curable?

12 A. No. This is generally not considered curable either.

13 Q. Can it ever be learned to be managed?

14 A. It can be managed, yes.

15 Q. Can it take a long time to learn how to properly manage
16 this personality disorder?

17 A. Yes, it can.

18 Q. Is the presence of both a mental abnormality and this
19 personality disorder in Mr. Goodwin -- could that make him
20 more dangerous?

21 A. It can. Generally with sex offenders, what you're
22 looking for for the most dangerous of the sex offenders are
23 the ones that have a sexual deviance. So in this case Mr.
24 Goodwin appears to be aroused to having sex with
25 nonconsenting partners. So you have the sexual deviance and

1 then you also have this antisocial orientation, this chronic
2 rule-breaking, doing whatever they want, taking whatever they
3 want without concern for other people or for the law. And so
4 those are sort of the two major things that we're looking for
5 when we're doing these evaluations about who's riskiest,
6 who's most likely to commit another act of sexual violence.

7 If you just have one -- if you just have the sexual
8 deviance but you don't have the antisocial orientation,
9 you're probably not as likely because you're going to be
10 constrained by some rules and laws and things like that. But
11 if you have both, that tends to make for the most dangerous
12 sex offenders.

13 Q. Okay. And, Doctor, what is sexual sadism?

14 A. Sexual sadism is another paraphilia like we talked
15 about, the sexual arousal to things that are considered
16 deviant. Sexual sadism is someone who is aroused to the pain
17 and suffering of others, so people that torture others in the
18 sexual act or humiliate them, make them do humiliating things
19 during sex acts would be considered sexual sadists.

20 Q. Did you consider sexual sadism as a diagnosis for Mr.
21 Goodwin?

22 A. I did. I considered that diagnosis based on the fact
23 that he murdered one of his victims, and the first rape that
24 occurred against the 91-year-old woman -- unfortunately I had
25 very little information about that first rape against the

1 91-year-old woman just because it occurred in 1974 and there
2 are very few records available. And so I was not able to
3 apply that diagnosis.

4 I did not give that diagnosis to Mr. Goodwin because I
5 want -- I really want to make sure that diagnosis is there
6 before I apply it to somebody because it is such a serious
7 diagnosis. But there were sort of some red flags, if you
8 will, that might suggest he does have an arousal to engaging
9 in violence against his sexual partners or victims in this
10 case.

11 Q. So did you find that he possessed any traits of sexual
12 sadism?

13 A. Possibly, yes.

14 Q. Okay. Does he have any other disorders that may impact
15 his risk?

16 A. The third diagnosis I gave him was for alcohol
17 dependence, and that's just based on his history. He
18 reported a history of using large quantities of alcohol on a
19 daily basis. He described having withdrawal symptoms when he
20 stopped drinking alcohol. He described having problems
21 because of his alcohol use, including getting arrested,
22 having conflicts with other people over his use, and trying
23 unsuccessfully to reduce his use on his own. So that was a
24 problem for him in the past. Technically he has alcohol
25 dependence in a controlled environment which means that

1 theoretically at least he doesn't have access to alcohol. So
2 it's not a current problem, but it could be something that
3 becomes a problem later when he has free access to alcohol.

4 Q. Why would alcohol dependence affect his risk to
5 re-offend?

6 A. In his case, for example, looking at the -- at the 1974
7 rape, he said that he was intoxicated on alcohol at that
8 time. So for him on an individual basis it could really
9 lower his inhibitions, cause him to -- make him more likely
10 to engage in these types of behaviors.

11 Q. Okay. Do you have an opinion as to whether his
12 biastophilia that we talked about, if it causes him serious
13 difficulty in controlling his behavior?

14 A. It appears to, based on his history and the fact that
15 he's been convicted of three sexual offenses -- does suggest
16 serious difficulty controlling his behavior.

17 Q. Do you have an opinion as to whether this personality
18 disorder causes him serious difficulty in controlling his
19 behavior?

20 A. Again, it does seem to, based on his long history of
21 arrests, several of them occurring even when he's under
22 supervision. So, yes, that suggests difficulty controlling
23 behavior as well.

24 Q. Do you have an opinion as to whether Mr. Goodwin has the
25 propensity to commit future sexually violent offenses?

1 A. That is my opinion, yes.

2 Q. Okay. Did you find evidence that Mr. Goodwin has
3 difficulty in controlling his sexual behavior?

4 A. He does appear to, yes.

5 Q. Do you have an opinion whether Mr. Goodwin's
6 biastophilia makes him likely to engage in acts of sexual
7 violence if he is not confined in a secure facility for long-
8 term control, care, and treatment?

9 A. I would say that his biastophilia, in combination with
10 the Antisocial Personality Disorder, does make him likely to
11 commit acts of sexual violence.

12 Q. Do you have an opinion as to whether Mr. Goodwin meets
13 the legal criteria to be found to be a sexually violent
14 predator at this time?

15 A. It's my opinion that he does meet the criteria.

16 Q. And are all these opinions based on a reasonable degree
17 of psychological certainty?

18 A. Yes, they are.

19 Q. So if Mr. Goodwin was released at this time, will he be
20 released into the community?

21 A. That's my understanding, yes. I don't believe he has
22 any kind of supervision that would be over him, no probation
23 or parole, so he would -- he would just be released.

24 Q. Is there anything requiring him to take sex offender
25 treatment?

1 A. No, not to my knowledge.

2 Q. Do you know of any program that can guarantee Mr.
3 Goodwin will receive sex offender treatment other than
4 through this commitment process?

5 A. No, I don't know of any other mechanism whereby he would
6 receive treatment.

7 Q. And who would most likely be at risk if Mr. Goodwin was
8 released?

9 A. Based on his history of sexual offending, adult women
10 would probably be the most likely victims.

11 **Ms. Wetherton:** Your Honor, if I could ask the Court's
12 indulgence for just a second.

13 **The Court:** Yes, ma'am.

14 **Ms. Wetherton:** Your Honor, we'd offer her for cross-
15 examination.

16 **The Court:** All right. Mr. Belding?

17 **Mr. Belding:** Thank you, Your Honor.

18 Cross-Examination

19 By Mr. Belding:

20 Q. All right. Good morning, Dr. Harrison. Actually good
21 afternoon. Are you doing all right?

22 A. Good afternoon. Doing well. Thank you.

23 Q. Now, in previous testimony that I have been in front of
24 you on is -- I understand you went to school at North Texas;
25 right?

1 A. University of North Texas, yes.

2 Q. Okay. Isn't that considered to be the best school in
3 the country for this kind of psychology?

4 A. It's up there.

5 Q. Yeah. I actually have a friend doing that right now.
6 And did you study under Dr. Richard Rogers---

7 A. Yes, I did.

8 Q. ---while you were there? And isn't he considered to be
9 one of the experts in this field?

10 A. In -- yes, in forensic psychology he is.

11 Q. Okay. You talked briefly about giving this objective
12 test, but you didn't talk about it very much. When you were
13 talking about the risk factors, you didn't really detail that
14 too much. Did you give him the Static-99 test?

15 A. Yeah. Well, it's not something I gave him, but, yes, I
16 did complete what's called a Static-99R. It's a risk
17 assessment instrument. It's sort of like the -- I mentioned
18 a checklist of risk factors, and that's the name of this
19 particular checklist, if you will, that we use to help
20 determine risk of sexual violence in the future.

21 Q. Okay. Well -- and I understand you don't even need to
22 talk to Mr. Goodwin to complete this assessment; correct?

23 A. Generally not, if we have good records about his
24 history.

25 Q. Okay. Is there any reason that you didn't talk about

1 what his score was on the Static-99 in your testimony?

2 A. I wasn't asked.

3 Q. Okay. In fact, in previous testimony, that has been
4 part of your testimony; correct?

5 A. Sure. If I'm asked about the Static-99, I'll talk about
6 it for sure.

7 Q. Okay. Is the Static-99R test kind of going out of vogue
8 in your field? Is that one of the reasons you didn't talk
9 about it?

10 A. No, I wouldn't say it's going out of vogue. There are
11 definitely other measures. Other people are constantly
12 trying to develop new measures or modify existing measures in
13 order to enhance our accuracy in doing these types of
14 evaluations. But, no, it's still the most commonly used of
15 the actuarial risk assessment instruments.

16 Q. But it's not without its flaws; isn't that correct?

17 A. Oh, sure. This is definitely not an exact science.

18 Q. Okay. And, in fact, Dr. Richard Rogers from the
19 University of North Texas there didn't -- wrote an article
20 just nine years ago talking about the risks involved with
21 risk assessment. Have you read that article?

22 A. I have.

23 Q. Okay. Do you -- do you disagree with his conclusions in
24 that article?

25 A. It's been awhile since I've looked at that article, so I

1 can't say that I recall every criticism he made of the
2 Static-99 or of risk assessment in general, but absolutely
3 there are, you know, drawbacks to these types of evaluations.
4 Unfortunately, at this time they're the best that we have.

5 Q. Okay. And do you know where the Static-99 was
6 developed?

7 A. It was developed by Canadian researchers.

8 Q. Okay. And two years ago in May of 2012 did you read the
9 article that they wrote that said that this test could not be
10 used to predict in any individual case the rate of recidivism
11 or, in other words, the re-offense in sexual cases?

12 A. Right. Well, it's based on large numbers of people, and
13 so to apply that information to one particular person with a
14 high degree of accuracy just isn't possible. The same thing
15 with the heart attack risk factors. You could have all the
16 risk factors that there are and never have a heart attack or
17 you could have none of the risk factors and have a heart
18 attack. So, again, this isn't an exact science. We do the
19 best that we can with what we have with where the state of
20 the science is right now.

21 Q. Okay. Now, you did a lot of talking about mental
22 abnormality. Where did you get that term from?

23 A. Mental abnormality?

24 Q. Yes.

25 A. I believe that's the statutory language.

1 Q. Okay. Now, you also talked about the D.S.M.

2 A. Yes.

3 Q. What is the full name of that book?

4 A. That is the "Diagnostic and Statistical Manual." It's
5 currently in the fifth edition. The fifth edition just
6 recently came out. It's published by the American
7 Psychiatric Association, and it's basically the guidebook
8 that mental health providers and evaluators use to diagnose
9 individuals. It lays out all the criteria and other
10 information about the various disorders. So that's not just
11 for sex offenders. It has everything from depression to
12 schizophrenia to drug abuse disorders, so sort of all of the
13 mental disorders are in that book.

14 Q. Okay. This is essentially what the science knows about
15 psychiatry and psychology as of today. Is that a fair way of
16 putting it?

17 A. About diagnoses, yes.

18 Q. Okay. So -- and as they update it, they put in more
19 that they have found out about these particular diseases.

20 A. Yes. They add new information. They remove outdated
21 information. So it's a work in progress.

22 Q. Okay. Actually, isn't it true that the term "mental
23 abnormality" is not used in that book at all?

24 A. I don't -- I have not read every page of that book.

25 Q. Okay. Have you ever seen the term "mental abnormality"

1 in the D.S.M.?

2 A. I believe they use the term mental disorder.

3 Q. Okay. And, well, you named some other things:

4 Schizophrenia, kleptomania, all kinds of things like that.

5 Aren't these mental disorders that have a specific name and
6 have been studied for a long time?

7 A. Yes.

8 Q. Okay. The newer things, the more inexact science that
9 you referred to earlier, are things like Other Specified
10 Paraphilia Not Otherwise Specified; correct?

11 A. Right. Well, it's Other Specified Paraphilia, yes.

12 Q. Didn't you say "N.O.S.," too, at the end of that?

13 A. No.

14 Q. Okay. What does N.O.S. mean?

15 A. Well, they've taken N.O.S. out of the new D.S.M. for
16 some disorders. So N.O.S. means "not otherwise specified."
17 So basically it means you have in this case a paraphilia, but
18 it doesn't have -- they don't delineate every single
19 paraphilia in the D.S.M. They delineate a few such as
20 pedophilia, sexual sadism, but they don't have specific
21 categories for every single type of deviant arousal that
22 people can have, which is a lot.

23 Q. Okay. And these things that you're talking about are
24 relatively new to the science; correct?

25 A. Paraphilias?

1 Q. Yes.

2 A. I guess perhaps assessing them or having them laid out
3 in sort of a systematic way might be new. I wouldn't say
4 that identifying sexual deviance is relatively new.

5 Q. Okay. Now, one of the things that you talked about was
6 that you named the three convictions that we stipulated to
7 because they happened.

8 **Mr. Belding:** Did you mark all the exhibits, Ms. Helms?

9 **Court Reporter:** Yes.

10 By Mr. Belding:

11 Q. All right. Do you have them in front of you, Dr.
12 Harrison?

13 A. I do.

14 Q. Okay. I just want to make sure I've got this down right
15 because having people talk to me... Exhibit 1, what's marked
16 as Exhibit 1, is the information concerning -- is it the
17 criminal sexual conduct in the third degree? Is that right?

18 A. It just---

19 Q. It was given to me as a whole package. I just want to
20 make sure I got it right.

21 A. No. This is the criminal sexual conduct first degree.

22 Q. First degree.

23 A. Yes.

24 Q. Okay. Is Exhibit 1.

25 A. Yes.

1 Q. And Exhibit 2, is that the third degree?

2 A. Yes.

3 Q. Okay. And Exhibit 3 is all the 1974---

4 A. Yes.

5 Q. ---information. Okay. Do you know the difference
6 between criminal sexual conduct in the first degree and
7 criminal sexual conduct in the third degree?

8 A. It's been awhile since I looked at the statute. First
9 degree is considered more serious, generally involves
10 penetration, whereas third degree does not.

11 Q. It's not as serious.

12 A. Right.

13 Q. Okay. Looking -- if you compare Exhibits 1 and 2...

14 A. Yes.

15 Q. Okay. Am I reading this right? For the criminal sexual
16 conduct first which you say is more serious, Mr. Goodwin was
17 sentenced to five years. Correct?

18 A. Correct.

19 Q. And Exhibit 2 for the criminal sexual conduct in the
20 third degree which is less serious, he was sentenced to ten
21 years.

22 A. Correct.

23 Q. Did you find out why there was that disparity?

24 A. I did not. I believe I asked about that because that is
25 unusual, but I don't believe I ever got any answers as to why

1 the sentencing seemed to be backwards on those convictions.

2 Q. Okay. All right. And is it your understanding that ten
3 years went by, that both of these offenses occurred in 1999?

4 Correct?

5 A. Yes.

6 Q. And that he pled guilty to them in the year 2010.

7 A. Yes.

8 Q. Eleven years later.

9 A. Correct.

10 Q. All right. Did you have any -- as I understand it, your
11 only explanation was is that they ended up linking him up
12 with the crimes ten years later?

13 A. Correct.

14 Q. From the Sex Offender Registry stuff.

15 A. That was my understanding, yeah.

16 Q. All right. Let me ask you: Do you think it's important
17 in forensic psychology to look at patterns?

18 A. Patterns of behavior, yes.

19 Q. Okay. Are patterns and, you know, historical behavior
20 the best indicators of future behavior?

21 A. That is a maxim in psychology that past behavior is the
22 best predictor of future behavior.

23 Q. Well, I just want to go through this pattern real quick.

24 A. Okay.

25 Q. So we've got a - not good - a rape and robbery of a

1 91-year-old woman with two other kids, correct, in 1974?

2 A. Correct. He was the only one that was accused of the
3 rape.

4 Q. Okay. And how old was he at the time?

5 A. I believe he was 16.

6 Q. Okay. And then you've got no other sexual offenses
7 until 1999 that he didn't actually plead to 'til the year
8 2010; correct?

9 A. Well, he was incarcerated for a number of those years in
10 between, yes.

11 Q. So what is the answer to my question? Are there any
12 other sex offenses between 1974 and 1999?

13 A. Not that I'm aware of, no.

14 Q. All right. And I understand he was incarcerated for a
15 period of that time, but can he still commit sex offenses in
16 prison?

17 A. Yes. Sex offenses do occur in prison, yes.

18 Q. Okay. And you did list off all of his disciplinaries in
19 the department of corrections including one -- you said the
20 most serious was that he walked away from a minimum security
21 prison. Correct?

22 A. Correct.

23 Q. All right. And minimum security means no fence?

24 A. I'm not sure what minimum security back in -- that was
25 in 1986, so I'm not exactly sure of the logistics of it or

1 how it was set up. The person that I contacted at the
2 department of corrections---

3 Q. Dr. Harrison---

4 A. ---sort of implied -- I'm sorry?

5 Q. I don't need you to give any hearsay testimony---

6 A. Okay.

7 Q. ---but is it your understanding that he walked away?

8 A. Yes, that's my understanding.

9 Q. Okay. Do you know whether or not that's the most common
10 way people escape?

11 A. I don't know.

12 Q. Okay. Would you -- would you agree it's probably the
13 easiest way to escape?

14 A. Yes.

15 Q. Okay. As opposed to tunneling and things like that.

16 A. Sure.

17 Q. Okay. Do you know where he was when he escaped, what
18 institution he was in?

19 A. I do not know.

20 Q. Okay. Now, while he was out on escape, did he commit
21 any sex offenses?

22 A. Not that I'm aware of, no.

23 Q. Okay. So we have -- this is -- this is the pattern, as
24 I understand it, from your testimony. 1974, 25 years go by,
25 1995 (verbatim) and he's got two separate convictions for two

1 separate victims; correct?

2 A. Correct.

3 Q. And nothing since then.

4 A. That's right. Yes, no sexual offenses since then.

5 Q. I understand. Okay. The two hours and 40 minutes that
6 you spent with Mr. Goodwin, did you feel that you got enough
7 from him to form this opinion?

8 A. Well, the information I get from Mr. Goodwin is only
9 part of what I consider. Obviously I consider all these
10 records as well. So, yes, I feel like I -- I asked all the
11 questions that I wanted to ask. At the end I always ask if
12 there's anything else that I haven't asked about that they
13 want to share with me, anything that would be important to my
14 opinion, and so I feel like I did a thorough evaluation of
15 Mr. Goodwin.

16 Q. Okay. Did he provide a different version of some of
17 these events than what you read in the information you were
18 provided by the Attorney General's office?

19 A. Yes, he did.

20 Q. Okay. How did you let that form -- help formulate your
21 opinion?

22 A. Well, I included it in my report, so it was definitely
23 something that I took into consideration, but this is very
24 common that we get different accounts from the respondent
25 about what happened. The fact is he pled guilty or was

1 convicted of all of these offenses, so he pled guilty to
2 criminal sexual conduct third. He pled guilty to criminal
3 sexual conduct first. So when you plead guilty, you're
4 admitting guilt, and so that to me -- I weigh that heavier
5 than his current version.

6 Q. One of the things you mentioned and I think it was when
7 you were talking about the Static-99R -- and I apologize for
8 jumping around. I'm just going through my notes of your
9 testimony.

10 A. It's okay.

11 Q. I think you might have said that under static risk
12 factors that you can't change your age. What did you mean by
13 that?

14 A. Well, I can't change my current age, what I am right
15 now.

16 Q. 'Til tomorrow?

17 A. Well, tomorrow -- if tomorrow was my birthday, then I
18 would be a year older.

19 Q. Okay.

20 A. But, right, they're just -- there are factors that you
21 have no control over essentially.

22 Q. Okay. All right. And in the Static-99 coding sheet
23 that you do, the only thing that really ever changes is your
24 age. Correct?

25 A. Correct.

1 Q. And is that because the older you get, the less likely
2 you are to commit offenses?

3 A. That's correct.

4 Q. Okay. How much older is Mr. Goodwin than he was in
5 1999?

6 A. Well, if my math is correct, that's 15 years.

7 Q. You were talking about his ability to control himself.
8 Are you familiar with the term "volitional impairment"?

9 A. Yes.

10 Q. Okay. What is volitional impairment?

11 A. Volitional impairment basically means having problems
12 controlling your behavior, controlling your actions.

13 Q. Okay. Is it your testimony that Mr. Goodwin has
14 volitional impairment?

15 A. I believe that based on his history, based on his long
16 criminal history, that he does have difficulty controlling
17 his behavior when it comes to committing offenses.

18 Q. Okay. Any offenses or sexual offenses?

19 A. In his case, both.

20 Q. Okay. Well, we're here today because the State wants
21 this jury to find that Mr. Goodwin is a sexual predator. Do
22 you understand that?

23 A. Absolutely.

24 Q. And he has, according to you and the records, raped
25 three people in 40 years; correct?

1 A. Correct.

2 Q. Okay. Now, on the issue of whether he can control his
3 behavior, what's keeping him from raping people every day?

4 A. What's keeping him from raping people every day?

5 Q. Why isn't he raping -- if he's a predator, then he would
6 be raping people every time he -- every time he's awake. Why
7 wouldn't he be doing this all the time?

8 A. Well, he is in prison, so he does have some monitoring.
9 Based on his history, his preferred victim would be adult
10 women, and although there are adult women that work in
11 prisons -- but they're not going to be housed with him.
12 They're not going to be his cellmates. So his -- his access
13 to his desired or his potential victim pool is pretty
14 limited.

15 Q. So -- do you understand that rapes do occur in prison?

16 A. They do.

17 Q. Okay. Of -- of -- heterosexually, too.

18 A. Absolutely.

19 Q. Okay. And that many women work in prison.

20 A. Yes, they do.

21 Q. Okay. Somehow he has been able to control himself
22 around them; correct?

23 A. He has.

24 Q. Of the list of offenses that he committed in the
25 department of corrections, including walking away, sexually

1 assaulting anybody wasn't one of them, was it?

2 A. No. He does not have any sexual assaults on his prison
3 record.

4 Q. Do you think that it is likely that Mr. Goodwin will
5 commit a future act of sexual violence?

6 A. Well, what I'm asked to evaluate is: Does he have a
7 mental abnormality or personality disorder that makes him
8 likely to commit acts of sexual violence in the future? And
9 I believe that he does. I believe that he has both that
10 mental abnormality that we talked about and a personality
11 disorder, and I think the combination of those does make him
12 likely.

13 Q. Okay. And statistically what is likely?

14 A. Well, unfortunately the statute doesn't spell that out
15 for us. The statute says something about likely, meaning to
16 be a menace to society, but it doesn't give us a percentage.
17 It doesn't say, you know, 51 percent likely. So that's --
18 that's left up to the triers of fact.

19 Q. And the only objective assessment you could give him was
20 that Static-99R; correct?

21 A. Right, that risk assessment instrument. Yes.

22 Q. I mean -- I mean -- and I'm not trying to, you know, be
23 -- disparage your abilities at all, but you can't look in
24 anyone's head and tell what they're thinking, can you?

25 A. Oh, absolutely not.

1 Q. And you can't predict the future.

2 A. I cannot.

3 Q. Okay. So you have to go with your education to try to
4 assess someone's risk.

5 A. You know, with my education as well as the current
6 scientific literature that's available and the information --
7 the specific information that's provided to me about the
8 individual case.

9 Q. And I left out your experience, of course.

10 A. And my experience, yes.

11 Q. Okay. But the only objective thing we can really put
12 our hands on today is this scoring that you did on the
13 Static-99R. Correct?

14 A. Well, and his history, yes.

15 Q. Okay. And that feeds into the score on the Static-99;
16 correct?

17 A. It does.

18 Q. Your -- when you scored him on the Static-99 -- I have
19 found it -- what was his score, by the way? Do you recall?

20 A. He scored a four.

21 Q. Okay. And the range is from what to what?

22 A. The score can be as low as a negative three and as high
23 as I believe a ten.

24 Q. Okay.

25 A. The average sex offender coming out of prison will score

1 a two. That's sort of the average sex offender score, and
2 Mr. Goodwin's score is a four.

3 Q. Okay. Now, is that considered low? Moderate? High-
4 risk? What?

5 A. It's considered in the moderate range.

6 Q. Okay.

7 A. Yeah.

8 Q. I mean -- and, again, I'm not trying to give you a hard
9 time.

10 A. Uh-huh.

11 Q. When you've testified in this court before and someone's
12 scored like an eight or nine, we spend a lot of time talking
13 about the Static-99, don't we?

14 A. We often do---

15 **Ms. Wetherton:** Objection, Your Honor. Relevance.

16 **The Court:** Well, what she's done in the past in
17 testifying is not applicable. You can ask her about how it
18 relates in this case or maybe in her experience.

19 **Mr. Belding:** Let me just rephrase. I appreciate it,
20 Your Honor. Were Mr. Goodwin to have scored an eight, would
21 you have been talking about the Static-99R a lot more?

22 **Ms. Wetherton:** Objection. Calls for speculation.

23 **Mr. Belding:** Well, this is her opinion, Your Honor. I
24 mean---

25 **Ms. Wetherton:** I'm---

1 **The Court:** Whoa. Whoa. I don't need to hear from you.

2 **Mr. Belding:** Okay.

3 **The Court:** Overruled.

4 **Ms. Wetherton:** Okay.

5 **The Court:** You can answer the question.

6 By Mr. Belding:

7 Q. Do you need the question repeated?

8 A. Well, I would be -- I would talk about it if I was asked
9 about it more, but my testimony, as I understand it, is here
10 to answer the questions from the attorneys.

11 Q. Fair enough. Now, is there with the Static-99R an
12 estimate of the sexual recidivism of people with a given
13 score?

14 A. Yes, there is.

15 Q. Okay. For Mr. Goodwin's score, on the average how many
16 re-offend within five years, have another sexual offense
17 within five years of their release?

18 A. So if -- the sample of sex offenders that they looked
19 at, of everybody who scored the same as Mr. Goodwin, about
20 15 percent of them re-offended sexually over five years, and
21 about 22 to 23 percent of them re-offended sexually over the
22 next ten years.

23 Q. Okay. So in ten years, one out of four.

24 A. Right, of the sample that were detected.

25 **Mr. Belding:** Beg the Court's indulgence one moment,

1 Your Honor. That's all my questions. Thank you very much,
2 Your Honor.

3 **The Court:** All right.

4 **Mr. Belding:** I appreciate it.

5 **The Witness:** Uh-huh.

6 **Ms. Wetherton:** Your Honor, I just have a few questions.

7 Redirect Examination

8 By Ms. Wetherton:

9 Q. And I apologize. In relation to the Static-99R I didn't
10 ask you that on direct, but what percentage of sex offenders
11 scored better than him?

12 A. Better than him? I'm not sure.

13 Q. Okay. And you said the average sex offender is - I'm
14 sorry - what?

15 A. A two.

16 Q. Okay. And the numbers that you gave the percentages of
17 people recidivating within ten years and five years---

18 A. Correct.

19 Q. ---is the numbers... Did you find that significant to
20 your opinion?

21 A. That was a part of my opinion. I view the Static-99 as
22 sort of a baseline risk. So when we're talking about risks,
23 again these are things that he can't change, that nobody can
24 change, historical factors. So that's sort of his baseline
25 risk, and then I'm looking at these other dynamic risk

1 factors and seeing if they contribute to his risk on top of
2 what his sort of baseline risk is that's determined by the
3 Static-99. So in his case he has a moderately high actuarial
4 risk, but then he has all of these other risk factors that we
5 talked about like the impulsivity, the grievance, the
6 hostility that sort of elevate his risk.

7 Q. Okay. And let me make sure I have this correct. In the
8 D.S.M. he's been diagnosed, as you said on direct, with Other
9 Specified Paraphilic Disorder?

10 A. Yes.

11 Q. Okay. And then he was diagnosed with biastophilia.

12 A. Right. That's -- that's like all one. Biastophilia is
13 the specified paraphilia, yes.

14 Q. That's what I was going to ask. So that's actually the
15 specific diagnosis - is that correct - that would fall under
16 the paraphilia?

17 A. Yes.

18 Q. Okay. And then as far as criminal sexual conduct in the
19 first degree and criminal sexual conduct in the third degree,
20 as a forensic psychologist are those qualifying sexually
21 violent convictions under the act?

22 A. Yes, they are.

23 Q. Okay. And also as far as him -- do you have the
24 petition with you?

25 A. I don't.

1 Q. Okay. As far as him not committing these -- well, these
2 three sexual offenses they said on cross-examination were so
3 far apart, do you have any records up there of the times that
4 he has been incarcerated during those time periods?

5 A. I do. I'm not sure if what I have captures all of his
6 incarcerations, but, yes, I have several dates when he
7 entered prison.

8 Q. Can you go through those, please?

9 A. Sure. So he -- let me see here.

10 **Mr. Belding:** May I ask, Your Honor, is this -- is this
11 in the petition, Nicole? Which exhibit?

12 **Ms. Wetherton:** It's in his rap sheet.

13 **Mr. Belding:** Oh, okay. I'm sorry. Got it. Thank you,
14 Your Honor.

15 **The Witness:** So in 1975, that's when he was sentenced
16 to the 15 years for the rape. Then in 1984 he got a fine for
17 shoplifting. In 1985 I believe he got four months for
18 forgery. Then in 1986 he got three years for possession of
19 stolen vehicle and burglary. So he entered prison in 1986,
20 and that's the same year then that he walked away from
21 prison. He had that escape. He was released on supervision
22 in 1988. He had a probation violation in 1989. And then I
23 don't think there was anything until the 1999 rapes and the
24 one murder.

25 But, again, he wasn't caught for that for several years,

1 and so then in 2000 there's a criminal domestic violence. In
2 2003 there's a crack possession that he got one year for, so
3 he went into prison in 2003. He got out in 2004. He had sex
4 offense registry violations in 2004 and 2005. He did 90 days
5 for each of those.

6 Then in 2007 he got three years for more Sex Offender
7 Registry violations as well as unlawful carrying of a weapon.
8 So he was then incarcerated in 2007, released in 2008, and
9 then in that same year 2008 is when he was detected for the
10 1999 rapes.

11 By Ms. Wetherton:

12 Q. Okay. So from the period when he got out from his rape
13 conviction and the period that he went in for the two other
14 sexual assaults, has he been on -- out in the community the
15 entire time, based on your review?

16 A. No, he has not.

17 Q. Okay. And there was some discussion about him not
18 raping people every day. Does a person have to rape a person
19 every day to be considered to qualify as a sexually violent
20 predator under the act?

21 A. No, they do not.

22 **Ms. Wetherton:** And, Your Honor, if I could approach the
23 witness one more time?

24 **The Court:** Sure.

25 By Ms. Wetherton:

1 Q. Have you seen this before?

2 A. Yes. This is the Sexually Violent Predator Act, the
3 language from the statute.

4 Q. Okay. If you could flip to the second page, please. Is
5 there a definition of "likely" in the Sexually Violent
6 Predator Act? Did you find the subsection now?

7 A. Yes.

8 Q. Okay. How is that defined?

9 A. It says, "Likely to engage in acts of sexual violence
10 means the person's propensity to commit acts of sexual
11 violence is of such a degree as to pose a menace to the
12 health and safety of others."

13 Q. And based on your review as applying the statute, the
14 Sexually Violent Predator Act, does he meet the criteria---

15 A. I believe he does, yes.

16 Q. ---of a sexually violent predator? Nothing further,
17 Your Honor.

18 **The Court:** Anything, Mr. Belding?

19 **Mr. Belding:** No re -- no recross. Thank you.

20 **The Court:** All right. Thank you, ma'am. You may step
21 down.

22 **The Witness:** Thank you.

23 **The Court:** All right. Ladies and gentlemen, I think
24 we'll take a break at this time and let you step back to the
25 jury room. While you're back there, we'll have some

1 refreshments. Please don't discuss the case while you're
2 there, and we'll bring you back in about 15, 20 minutes.

3 (Whereupon, the jury was excused from open court at
4 3:00 p.m.)

5 **The Court:** All right. We'll take a little break. Are
6 you going to call anybody else on direct?

7 **Ms. Wetherton:** Well, I had called Heather Weiss. I
8 don't believe she's here yet. I may call her as a reply
9 witness.

10 **The Court:** So you don't intend to call her in your case
11 in chief?

12 **Ms. Wetherton:** I was going to be. We had called her.
13 She's not here yet. I mean, I think I can call her in reply.

14 **The Court:** We can wait and see if she gets here and --
15 but right now you intend---

16 **Man In The Courtroom:** She will probably be here before
17 our break is over. She's on her way.

18 **The Court:** All right. Well, we'll take a little bit of
19 a break.

20 **Ms. Wetherton:** Oh, Your Honor, we have to -- can Dr.
21 Harrison be excused? I'm sorry. I haven't... Should we
22 wait to get back on the record?

23 **The Court:** No.

24 **Ms. Wetherton:** Okay.

25 **The Court:** Do you think she's anxious to get back---

1 **Mr. Belding:** She can go back to Texas.

2 **Ms. Wetherton:** She is.

3 **The Court:** Sure. You have a safe trip back.

4 **The Witness:** Thank you so much.

5 (Whereupon, a short break was taken.)

6 **The Court:** Thank y'all. Let me ask you: Did you bring
7 the next witness up here and practice with her?

8 **Ms. Wetherton:** I didn't practice with her, no.

9 **The Court:** Do you want us to take a break for about an
10 hour so you can practice to see if you want to call her?

11 **Ms. Wetherton:** No. I'm going to roll the dice, Judge.

12 **Mr. Belding:** Is she going up now?

13 **Ms. Wetherton:** Yeah, I'm calling her now.

14 **Mr. Belding:** Okay.

15 **The Court:** All right. Let's bring the jury in if we
16 could.

17 (Whereupon, the jury was brought into open court at
18 3:25 p.m.)

19 **The Court:** All right. Madam Attorney General, are you
20 ready to call your next witness?

21 **Ms. Wetherton:** Yes, Your Honor.

22 **The Court:** All right. If you would, please.

23 **Ms. Wetherton:** All right. The State calls Assistant
24 Deputy Attorney General Heather Weiss.

25 Heather Weiss, after being duly sworn, testified as

1 follows:

2 **The Clerk:** Please have a seat in the witness stand and
3 state your full name for the record, and please spell your
4 last name.

5 **The Witness:** Heather Weiss. W-E-I-S-S.

6 Direct Examination

7 By Ms. Wetherton:

8 Q. And where are you currently employed?

9 A. The Attorney General's office.

10 Q. Okay. And how long have you been with the Attorney
11 General's office?

12 A. Since January of 2011.

13 Q. And where did you work prior to joining the office?

14 A. The Richland County Solicitor's Office or Fifth Circuit
15 Solicitor's Office under Solicitor Barney Giese.

16 Q. And how long did you work there?

17 A. I started there in 1999, so I worked there approximately
18 12, 12 and a half years.

19 Q. Okay. And what was your position at the solicitor's
20 office?

21 A. When I left, I was the special city prosecutor which is
22 a position that was created between the solicitor's office
23 and city council to be a liaison with the City of Columbia
24 and the solicitor's office to handle -- to handle really any
25 cases they wanted me to for the City of Columbia. Of course,

1 I couldn't handle all of them, but I handled a lot of the
2 high-profile cases and the violent crimes as well as drug
3 roundups, drug sweeps, those types of things, some of the
4 bigger cases from the City of Columbia.

5 Q. Okay. Were you assigned Mr. Goodwin's case back in
6 2007?

7 A. I was.

8 Q. Okay. And are you familiar with that case?

9 A. I am.

10 Q. And how were you assigned to handle that case?

11 A. When cases come in, they would come to my supervisor who
12 was Luck Campbell at the time. She was the head of the
13 Violent Crimes Task Force, and I was considered a part of
14 that task force. It came in. If it was a City of Columbia
15 case, especially if it had any difficult aspects to it, a lot
16 of times those cases would just come directly to me. She
17 would assign them to me, and I could only handle City of
18 Columbia cases, so she would assign those to me pretty
19 regularly.

20 Q. So in preparation for Mr. Goodwin's case, what did you
21 do?

22 A. When I got the case, it was two very old cases. It was
23 -- they were both from 1999, and the information I had was
24 there was a C.S.C. first and a murder and then a C.S.C. -- I
25 think it came in as a C.S.C. third and what the charge -- the

1 charges showed they were both from 1999 and that he had --
2 when I read through the file, he had had a CODIS hit in 2007
3 which is a D.N.A. hit. Basically they had gotten D.N.A. from
4 a deceased victim back in 1999, put it into CODIS, but at
5 that time his D.N.A. was not in the system.

6 So in 2007 when he failed to register as a sex offender
7 and got picked up, they got his D.N.A. at that time. They
8 put it in and it had come up as a hit.

9 So the first thing I did was -- we can't take a CODIS
10 hit and put that into evidence when we're presenting a case.
11 You have to actually verify that that's his D.N.A. and that
12 it actually matches him. You have to have a D.N.A. analyst
13 match it. So we had to do a hearing.

14 We had to get him in, and he ended up consenting to the
15 Schmerber hearing which is the name of the hearing where we
16 come in and we put up the evidence saying we have enough
17 probable cause to believe it's him, and pretty much a CODIS
18 hit is automatically probable cause to believe it's him.

19 The judge gave us permission to get his D.N.A. which is
20 done with a swab of his cheek. We sent that out to S.L.E.D.,
21 and then we had to wait on the D.N.A. results to come back.
22 When those came back and they verified that it was his D.N.A.
23 that was found on the body of the deceased victim, we then
24 had that one.

25 The investigator on the case was Mark Vinson from the

1 City of Columbia. He was the cold case investigator. He had
2 put together the case. The first case he remembered because
3 he's been with the city for a long time. He actually
4 remembered that there was -- he believed there was a similar
5 case around the same time, and he found the other case where
6 a woman had been raped by an unknown -- well, it was unknown
7 to the State at that time. She knew his nickname was Chuck
8 and she had given some information, but for whatever reason
9 that case was never pursued.

10 So he went back, found that victim and actually took a
11 lineup, a photo lineup, to her with the defendant's picture
12 in it and was able to get him identified in that photo
13 lineup. Unfortunately, because of issues that had happened
14 back in 1999, the rest of her D.N.A. evidence was gone.

15 So I had -- so as I was researching this case, talking
16 to the victims, I had one case that was a photo lineup I.D.
17 with her testimony. She was brutally attacked in the city of
18 Columbia off Street. He had taken her into an area
19 where he had forced her to commit different sexual acts, but
20 I had no D.N.A. evidence, and so it was going to be her word
21 from 1999 to 2007, so eight years later, or even more as we
22 go on before the plea. But it would have been her word with
23 the photo lineup or I had -- and then -- in her case.

24 And then I had the other case that was a murder case.
25 In that case there had been an issue with an eyewitness that

1 had given the wrong time that he saw the defendant go into
2 the woods with the victim. So I had that to overcome and I
3 had -- I believe in that case they had originally pinpointed
4 somebody else that was -- ended up being exonerated, not --
5 obviously not pursued on that case. And so it had sat as a
6 cold case for many years, and all I had on that case was a
7 D.N.A. hit because unfortunately the only person who could
8 really identify the defendant was deceased, and she had been
9 strangled which, you know, was basically -- you know, you
10 could see if it was -- it was a violent act, a violent act if
11 she had tried to get away. I mean, I could see how that
12 would happen.

13 It all made sense to me, and those two crimes happened
14 between September 4th and October 30th I believe are the two
15 dates, so it was very close together in 1999. I also knew
16 that the defendant had failed to register as a sex offender
17 for a sex offense years earlier.

18 So basically that's what I did is I started to prepare.
19 I got the cases together, and I knew at that point there was
20 a good chance I was going to have to try one of those cases.
21 And I had talked to the victim and then looked at my evidence
22 in my other case. I was either going to have to try the case
23 or I was going to have to plea it, come up with some sort of
24 a guilty plea, but I needed to get this man off the street.
25 He was a danger to the community. This is my opinion as the

1 prosecutor. He was a danger to the community. He had
2 committed at least -- you know, at least those two. In my
3 view I felt that I had sufficient evidence to prosecute those
4 cases, but it was going to be hard trying either one because
5 I had issues in both cases.

6 . There were -- there was an issue with a mental eval. We
7 had to do a mental evaluation. The defense attorney had
8 asked for one. That was part of the reason that it prolonged
9 the process, but when that came back, we were at the point of
10 either trying it or offering a plea and so...

11 Do you want me to keep going at this point? So
12 basically at that point I talked to the defense attorney, and
13 the question was, you know, could I -- could I get an offer
14 that would keep the one victim who was still alive but was
15 still, you know, living with the effects of having been
16 brutally attacked years earlier, keep from risking her taking
17 the stand and it just being her word against his, if he was
18 willing to plead guilty to that one? And then the other case
19 where it was clear -- it was clear that he had had sexual
20 intercourse with her. That was something I felt there was no
21 question on. The problem was: We didn't have a lot of
22 evidence as to whether or not he was the one who actually
23 killed her.

24 I believed with his history that he raped her and that
25 he probably was the one who killed her, but at that point I

1 didn't have that evidence. The evidence I had was that his
2 D.N.A. was on her in her vaginal area and her rectum, and
3 that was going to be the evidence I could present. So it
4 would be -- I could make the jump that he was probably the
5 one who killed her and he was probably the one that went into
6 the woods with her, but I had that eyewitness issue.

7 So I was trying to come up with a plea that was going to
8 get him off the street, guarantee that he would be in prison,
9 and then I knew at that point with two C.S.C. convictions -
10 criminal sexual conduct/rape convictions - with his prior
11 rape - this was my understanding at the solicitor's office -
12 that he would be reviewed by the S.V.P. Unit because we had
13 the sexually violent predator thing in place and that
14 hopefully, you know, he would be kept away from society.
15 That was my hope at the time because I felt that he was a
16 danger.

17 Q. Okay. So what did Mr. Goodwin plead to?

18 A. Mr. Goodwin pled to C.S.C. third -- criminal sexual
19 conduct third which is your basic -- and I hate to put it
20 this way as a prosecutor, but basically your basic rape, your
21 basic sexual assault. He pled to that for ten years. That
22 was the case that I felt was the strongest. I had the live
23 victim who could identify him and say, "He's the one who
24 raped me." And if we had gone to trial, I felt like even ten
25 years was a fair -- would have been a fair range of what he

1 would be facing.

2 On the other case where I knew that I had the sexual
3 assault but I wasn't sure about the murder, he pled to two
4 five-year sentences to run concurrent. They all ran
5 concurrent, so he was facing a total of ten years, but he
6 would also have those convictions on his record, hopefully
7 either S.V.P. or if he did anything else again, he would be
8 facing a stiffer sentence at that point.

9 Q. Okay. So was that plea agreement negotiated as to the
10 charge and the sentence?

11 A. Yes.

12 Q. Okay. And as a prosecutor, do you have discretion based
13 on the circumstances of the case to make those decisions?

14 A. Absolutely. That's what we're trained to do is to try
15 to seek justice and get the right result that provides what
16 we need. In this case I felt like getting him off the
17 street, getting him away from the public was the best result
18 I could hope for.

19 Q. Okay. So prior to coming to court, did you review Dr.
20 Kimberly Harrison's report who just testified?

21 A. I, of course, wasn't in here when she testified. My
22 understanding was that report was in 2013?

23 Q. Yes.

24 A. And I was already at the Attorney General's office,
25 so... To prepare for his case, we pled his case in 2010.

1 Q. Yes. But did you review her report prior---

2 A. Oh, prior to today?

3 Q. Yes.

4 A. Yes.

5 Q. Okay. Had Mr. Goodwin admitted to choking the victim
6 and maybe killing her, as he explained to Dr. Harrison, would
7 you have made the same plea agreement?

8 A. I can't imagine that I would have. Looking back, that
9 was the one hole I had. I knew that he had sexually
10 assaulted her, but I felt like he could argue that they had
11 had consensual sex earlier in the evening and that he didn't
12 know what happened after that. Had I known that -- had I had
13 a confession from him that he choked her and could have
14 possibly killed her, I want to say I would have gone to trial
15 on that one because at that point I had the D.N.A. and the
16 confession.

17 But, no, I think -- there's no way I would have gone
18 with the voluntary or the five years. I mean, I don't want
19 to say never, but I don't believe I would have because I
20 would have had the confession to go with it, and that was the
21 big hole I had in my case.

22 Q. Okay. Did you ever consider not going forward in these
23 cases?

24 A. No, absolutely not.

25 Q. Okay. Well, why not?

1 A. Because I felt, looking at his record and looking at
2 these charges, there was no doubt in my mind that he was
3 involved in both of these cases. I mean, we had him there in
4 both of these cases, and being so close together, I felt like
5 we were dealing with someone who could possibly be serial --
6 a serial rapist and, no, absolutely not. I would have done
7 -- I would have tried both of the cases and left it up to a
8 jury to make a decision if he wasn't going to plead because I
9 was determined to try to get him off the street.

10 **Ms. Wetherton:** All right. Offer for cross-examination.

11 **The Court:** Mr. Belding, anything?

12 **Mr. Belding:** Thank you, Your Honor.

13 Cross-Examination

14 By Mr. Belding:

15 Q. Ms. Weiss?

16 A. Yes.

17 Q. The last thing you said was you were concerned he might
18 be a serial rapist; correct?

19 A. Yes.

20 Q. Do you have any other cases between 1999 and 2007 that
21 involved Mr. Goodwin?

22 A. I did not have any of which he -- any that I knew that
23 he was involved in, no.

24 Q. So he had two from 1999 and that was it.

25 A. No, had two from 1999 and then I knew he was a sex

1 offender from something else he had done earlier. So at that
2 point I was looking at at least three. What we do know about
3 sex offenses is those are some of the most underreported
4 crimes, and so I don't know what he actually did. I just
5 know what he had been caught for.

6 Q. Okay. That's -- I mean, I don't want to minimize it,
7 but it's not like he had a slew of -- when you said he was a
8 serial rapist, you've got convictions on two; correct? He
9 had a C.S.C. third and a C.S.C. first and that---

10 A. I got convictions on two.

11 Q. Okay.

12 A. Correct.

13 **Mr. Belding:** That's fine. No further questions, Your
14 Honor.

15 **The Court:** All right.

16 **Ms. Wetherton:** Nothing else, Your Honor.

17 **The Court:** Thank you, ma'am.

18 **The Witness:** Thank you, Your Honor.

19 **The Court:** You can step down.

20 **Ms. Wetherton:** We'd ask that she be released.

21 **The Court:** All right. You're free to leave. Thank
22 you.

23 **The Witness:** Thank you, Your Honor.

24 **Mr. Belding:** Without objection.

25 **Ms. Wetherton:** Your Honor, at this time the State would

1 rest.

2 **The Court:** All right. Ladies and gentlemen, the State
3 has rested which now means they have now completed the
4 presentation of their evidence in their case in chief, and I
5 need to take up some matters with the attorneys before we go
6 forward. So I'm going to let you step back to the jury room
7 for about five minutes. Please don't discuss the case while
8 you're there, and we'll bring you back as soon as we can.

9 (Whereupon, the jury was excused from open court at
10 3:39 p.m.)

11 **The Court:** All right. Any kind of motions?

12 **Mr. Belding:** Motion for a directed verdict, Your Honor,
13 on behalf of the respondent.

14 **The Court:** All right.

15 **Mr. Belding:** And I'd like to just point out a couple of
16 things. First of all, Dr. Harrison testified under oath that
17 she tested -- the only objective test we have is the
18 Static-99, and he tested out at a four which is pretty low.
19 It's the lowest I have ever had. She claimed it was
20 moderate. There's a 15 percent chance that within five years
21 he would sexually re-offend and 24 percent within ten years
22 and that would -- in no statistical analysis would that be
23 considered likely to re-offend. All right?

24 The other -- the other part of that is that there's --
25 the pattern she talked about -- I asked her about the

1 pattern. We've got a conviction when he was 16 years old and
2 then some - what was that - five years ago - no, eight years
3 ago - from something that happened 25 years after the first
4 convictions. This isn't the kind of pattern -- he's not a
5 serial rapist. He's had three convictions. Okay? But I
6 think that under the standards that are set forth by the
7 United States Supreme Court, I don't think that they have
8 shown that he is likely to engage in future acts of sexual
9 violence unless he is committed for, you know, long-term
10 treatment, care, and control, and we'd move for a directed
11 verdict on that basis. Thank you.

12 **Ms. Wetherton:** Thank you, Your Honor. Under the
13 statute, I have to prove that he's been convicted of a
14 sexually violent offense. I've admitted three exhibits of --
15 all qualifying sexually violent convictions. I also have to
16 prove that he suffers from either a mental abnormality or a
17 personality disorder. We have testimony from Dr. Kimberly
18 Harrison that he suffers from both.

19 And then the next part is: Makes him likely to commit
20 acts of sexual violence if not committed for full-time
21 control, care, and treatment. Some of the things that Dr.
22 Harrison talked about, one, she reviewed his criminal
23 history. She saw dynamic risk factors that she was concerned
24 about. He has no insight into his sexual offending. He also
25 has a longstanding criminal history of nonsexual -- but it

1 goes towards the Antisocial Personality Disorder, and the
2 Antisocial Personality Disorder with the biastophilia creates
3 a higher risk to re-offend. Also, the Static-99, he still
4 falls into the moderate range for recidivating.

5 **The Court:** The question is: Is there any evidence?

6 **Ms. Wetherton:** Is there any evidence?

7 **The Court:** Is there any evidence? Not the sufficiency
8 of the evidence. The question is: Is there any evidence?

9 **Ms. Wetherton:** Based on the testimony that we've
10 received today, we would say that there is.

11 **The Court:** Yeah. I'm going to -- I'm going to deny
12 your motion. I'm going to find that the doctor testified
13 that there's evidence that he was convicted of a sexually
14 violent offense and there's evidence that, based on the
15 doctor's testimony, that he suffers from a mental abnormality
16 and a personality disorder that makes him likely to engage in
17 sexual -- in an act of sexual violence.

18 Now, you may have some good points with the jury, if you
19 want, but the question is: Is there any evidence at all?
20 And there is. So -- all right. Let's bring the jury in.

21 **Mr. Belding:** Can I have him put on the stand with
22 his...

23 **The Court:** Well, we're going to take his -- hold on
24 just a minute. We'll take his...

25 **Mr. Belding:** Yeah. Are we going to take them off for

1 him to get up there? Is that -- the shackles?

2 **The Court:** We need to swear him in front of the jury.
3 Go ahead and...

4 **Mr. Belding:** Wait a minute. Let me ask you -- do you
5 mind if I take one moment, Your Honor?

6 (Mr. Belding talks off the record with Mr. Goodwin.)

7 **Mr. Belding:** Let me -- let me state for the record:
8 There's been a lot of discussion with Mr. Goodwin about
9 whether or not he should take the stand. At this point he is
10 advising me that he would prefer to not take the stand, and I
11 understand his reasoning for that. He doesn't feel like he
12 would be a good witness because he's been locked up for the
13 last seven years, and that's what he just stated to me.

14 I had thought that -- and I wanted to leave that up to
15 him. So I think he understands that he's got the right to
16 take the stand in his own -- in the defense of his own case
17 here, but he cannot be forced to testify. So is that your
18 decision, Mr. Goodwin, that you would rather not take the
19 stand right now?

20 **The Court:** Well, this is not a criminal proceeding.
21 It's a civil proceeding. I'm not sure that he can't be
22 required to testify, if the State elected to call him,
23 because he's not looking at any---

24 **Mr. Belding:** I understand.

25 **The Court:** ---self-incrimination problems. But clearly

1 if -- I mean, they've rested in their case, and if you don't
2 want to call him they can't---

3 **Mr. Belding:** That's it.

4 **The Court:** If you rest, that's the end of the case. I
5 don't know whether you intend to call -- you had some other
6 fellow here.

7 (Mr. Belding talks off the record with Mr. Goodwin.)

8 **Mr. Belding:** My understanding from my client is that he
9 would like us to rest at this time, Your Honor.

10 Examination by the Court of Mr. Goodwin

11 Q. All right. Mr. Goodwin -- Mr. Goodwin, stand up if you
12 would. You know, this is not a criminal case. You
13 understand that.

14 A. Yes, Your Honor, I understand but---

15 Q. All right. But -- whoa, whoa, whoa, whoa. I'm going to
16 ask you some questions just to make sure you understand. I
17 know Mr. Belding. He's a very thorough lawyer and I'm sure
18 he's explained to you that you have a right to testify if you
19 want, but you don't have to testify if you don't want. Do
20 you understand that?

21 A. Yes, sir.

22 Q. And while it's not a criminal case, if you're not -- if
23 you testify, you're not getting up there and incriminating
24 yourself. You're not being charged with a criminal offense
25 here. I don't think you have any constitutional rights of

1 protection at this point because it's a civil case, but this
2 is your decision. This is not Mr. Belding's decision - is
3 that correct - for whatever reason?

4 A. Well, but, Your Honor---

5 Q. Is that right? Is this your decision?

6 A. Yeah. It's my decision.

7 Q. All right. Nobody has threatened you, coerced you,
8 forced you or pressured you into making this decision?

9 A. Yeah, two people are. I ain't -- they're trying to
10 confine me again, so ain't no need to---

11 Q. Your decision to testify, nobody has threatened you,
12 have they?

13 A. Not verbally, no.

14 Q. Coerced you?

15 A. No. No, Your Honor.

16 Q. You're making that decision freely and voluntarily. Is
17 that right?

18 A. Yeah, I am. Yeah.

19 Q. All right. And you're doing so knowingly and
20 intelligently. You understand what you and can't do; right?

21 A. Yes, sir.

22 **The Court:** All right. All right. Let's -- so what do
23 you want to do? I guess we'll just come back in the morning
24 and argue and charge?

25 **Mr. Belding:** Works for me.

1 **Ms. Wetherton:** That would be fine, Your Honor.

2 **The Court:** All right. Let's bring the jury in and
3 we'll -- I normally don't charge after -- before 4:00. I
4 mean, we could argue and charge this afternoon if you want.

5 **Ms. Wetherton:** We can do that if you want.

6 **Mr. Belding:** I know they wouldn't probably have time to
7 deliberate, but if you think it would be better to charge
8 this afternoon---

9 **The Court:** I don't care. It's -- I don't know.

10 **Ms. Wetherton:** I mean, my closing is not very long.

11 **Mr. Belding:** We could do it today if it's all right
12 with you.

13 **The Court:** Well, I'm going to let them deliberate.

14 **Mr. Belding:** Okay. Let's...

15 **Ms. Wetherton:** That's fine.

16 **The Court:** All right.

17 (Whereupon, the jury was brought into open court at
18 3:48 p.m.)

19 **The Court:** All right. Anything from the defendant?

20 **Mr. Belding:** No, Your Honor.

21 **The Court:** Y'all -- all right, ladies and gentlemen.
22 Of course, the State has put up its evidence, and the
23 defendant has the opportunity to offer any evidence the
24 defense wants to. The defendant doesn't have to put up any
25 evidence because the burden doesn't fall on the defendant.

1 It falls on the State.

2 In this case the defendant has elected to rest which
3 means that we're now in a position to go forward with the
4 closing arguments and the charge. So with that said, I'll
5 ask the -- y'all going to -- are you ready to go forward?

6 **Ms. Wetherton:** Yes, Your Honor.

7 **The Court:** All right. If you would, please.

8 **Ms. Wetherton:** May it please the Court?

9 **The Court:** Yes, ma'am.

10 **Ms. Wetherton:** On behalf of the Attorney General's
11 office and Attorney General Alan Wilson, I'd like to thank
12 you for your time. I can only imagine when you all probably
13 got your civil summons in the mail you were probably thinking
14 you were going to see a car accident or a slip and fall in a
15 grocery store.

16 We're all here trying to figure out whether someone is
17 going to be a sexually violent -- be classified as a sexually
18 violent predator. But this is a very short case, but I just
19 wanted to remind everyone this is a very important case.
20 That is a very important case obviously to Mr. Goodwin. This
21 is a very important case to our office, and it's going to be
22 very important to the community as well. So, again, I would
23 thank you for your time.

24 So what did I say in our opening? What did I have to
25 prove? I had to prove that he was convicted of a sexually

1 violent offense that would qualify and that he would suffer
2 from a mental abnormality or personality disorder that would
3 make him likely to sexually re-offend if not confined in a
4 secure facility for control, care, and treatment. So let's
5 go through those.

6 First, the sexually violent offenses. I admitted into
7 evidence - I think they're over here - three pieces of
8 evidence. He's been convicted of three sexually violent
9 offenses. The judge is going to -- he's going to charge you
10 on that. But I also would ask that you would look at the
11 sexually violent offenses. In one instance he raped a
12 91-year-old woman and the other one woman was found raped and
13 dead in a field. When this man commits an act of rape, it is
14 particularly heinous and brutal, and that's something that we
15 should all remember and think about.

16 And then, second, let's think about the mental
17 abnormality and personality disorder. We heard from Dr.
18 Harrison and she believes to a reasonable degree of
19 psychological certainty that he suffers from both. He has
20 biastophilia and also he has a personality disorder. So how
21 does Dr. Harrison know that? She testified that Mr. Goodwin
22 establishes a pattern of nonconsensual sexual acts and he's
23 acted this way on more than one occasion, and she further
24 testified that these are a pattern of crimes that shows a
25 reckless disregard from self and others. That's, of course,

1 a diagnosis of a personality disorder with antisocial
2 features.

3 And Dr. Harrison further testified that based on her
4 review and experience, it is her expert opinion that Mr.
5 Goodwin lacks control over both his mental abnormality and
6 personality disorder, so he would commit future acts of
7 sexual violence. So how do we know that? Let's look to the
8 lack of control. As stated in my opening and by Dr.
9 Harrison, he has an extensive criminal history that spans
10 over half his life in close to four decades that supports
11 convictions for both sexual and nonsexual offenses.

12 He also has significant risk factors such as a history
13 of lifestyle impulsiveness, a resistance to rules, and holds
14 an attitude that it's okay to sexually assault women, that
15 he's a dangerous and he lacks control. This is particularly
16 troublesome since he has not had any sex offender treatment.
17 It is even more important that he is required to attend sex
18 offender treatment so he can finally gain an understanding of
19 his mental abnormality and personality disorder and he does
20 not victimize another woman.

21 And Dr. Harrison also stated that the best predictor of
22 future behavior is past behavior, and he has established a
23 repetitive pattern of very sexually violent behavior.

24 I believe that I have met my burden of proof, and the
25 judge is going to explain exactly what that means to you,

1 what that means beyond a reasonable doubt, and I ask you to
2 find Mr. Goodwin to be a sexually violent predator.

3 **The Court:** Mr. Belding?

4 **Mr. Belding:** Thank you, Your Honor. May it please the
5 Court? Ms. Wetherton? Sometimes in life things don't go the
6 way you think they're going to. When I came up and gave you
7 my opening argument, I assumed that I was going to be putting
8 Mr. Goodwin on the stand. He did not take the stand. And I
9 told you: Wait and hear the rest of the story. We have
10 decided Dr. Harrison's testimony is not enough for you beyond
11 a reasonable doubt to find that he's a sexually violent
12 predator, so we rested. And let's just go over what she
13 said.

14 First of all, Dr. Harrison -- one of the quotes I wrote
15 down quickly while she was testifying was: We do the best we
16 can with the science we have. She admitted this is a very
17 new area of forensic psychology. It's so new they don't even
18 have a name for it. It's paraphilia not otherwise specified.
19 You know, it's not like it has a real background of
20 scientific research and data to it at all. So it's a lot of
21 what some people call junk science.

22 The point is this: She was talking about - and Ms.
23 Goodwin (verbatim) brought it up again - that this pattern is
24 what you need to focus on. Well, what is the pattern? What
25 is the pattern? He hasn't done -- committed a sexual offense.

1 in 15 years, and before that it was 25 years.

2 So I don't want to gloss over or try to make light of
3 these crimes that he did commit. All right? I didn't object
4 to those; they're part of the record. Okay? When he was
5 16 years old, he and two other guys were involved in the
6 burglary of a 91-year-old woman and he was also convicted of
7 sexually assaulting her. Not good. That was in 1974.

8 Well, he's about the same age -- just a little bit
9 younger than I am. I don't know about you, but I'm not the
10 same person I was in 1974. You know, that was 40 years ago.

11 So then you move up to 25 years later and he's got these
12 two crimes that the Attorney General's office had Ms. Weiss
13 come testify about. Again, not good, but they were pled
14 down, that he agreed to plead guilty instead of taking the
15 stand in those cases, too. All right? And served his time.

16 And I asked her -- I asked Dr. Harrison: Has he
17 committed other sexual offenses since then? No. But he's
18 been in prison. Well, but people get raped in prison, too,
19 don't they, both men and women? Well, yeah, you know, they
20 do. And we don't have that problem here, do we? No.

21 The point is this: The State -- and Judge Barber is
22 going to charge you the law. What he says, you have to
23 listen to and abide by. One of the things that they talk
24 about is that you have to find beyond a reasonable doubt --
25 and he will explain what a reasonable doubt is. You have to

1 find beyond a reasonable doubt that Mr. Goodwin is likely to
2 engage in future acts of sexual violence if he's not put in
3 this program for long-term care, control, and treatment.
4 Long-term.

5 What in the world can we say beyond a reasonable doubt?
6 Judge Barber will explain to you what you need to consider
7 that that means. But how can we sit here and say what a guy
8 did when he was 16 years old and then what he did again
9 15 years ago is a pattern? It's not a pattern. It's things
10 that happened in the past that he served his time for. He
11 was wrong. He pled guilty. He served his time. All right.

12 Now, he's out. He's been released from the department
13 of corrections. His sentence is over with. And Dr. Harrison
14 said: But I still think he's a menace. He's likely to be a
15 menace to the health and safety of others, obviously
16 particularly women, as Ms. Wetherton said.

17 Likely. Likely. What does that mean? That's something
18 that you have to find beyond a reasonable doubt, and the
19 testimony that we heard from Dr. Harrison was this: That
20 when she tested him with the only objective test, the only
21 objective risk assessment she had, the Static-99R, he tested
22 out as a four which she said is moderate. People that test
23 out as a four go out, when they're released -- 15 percent of
24 those people will commit another sex act within five years,
25 and 22.4 percent will commit another one within ten years.

1 Well, I'm sure y'all have had some understanding of
2 statistics. A 15 percent chance is not likely. That's not
3 even half. It's not anywhere near half. It's unlikely.
4 Statistically it is unlikely that he will ever commit another
5 sex offense, plus she admitted that the older he gets, the
6 less likely he is to re-offend. That's part of that
7 Static-99, too: The older you get, the less likely you are.

8 So the point is this: We didn't put him up, but I think
9 that we didn't have to because I don't think the State proved
10 their case. They have to prove to you beyond a reasonable
11 doubt that if you don't put him in here for long-term care,
12 custody, and treatment that he's going to be out becoming
13 this serial rapist, and the pattern is not there.

14 You know, they wanted to talk about all these other
15 little things. You know, he had, you know, drug convictions
16 and he's got this and this and this. None of them are sexual
17 offenses, you know, except for 1974s and the 1999s. That's
18 not a pattern of a serial rapist, as Ms. Weiss said. That's
19 not a pattern that even Dr. Harrison could say shows that
20 he's going to commit sex crimes if you don't find him to be a
21 sexually violent predator.

22 So I'm asking you to go back after Judge Barber charges
23 you. Listen to what he says; take it seriously. I know you
24 will. I don't think you can find beyond a reasonable doubt
25 that he is likely to sexually re-offend again in the future,

1 not at 15 percent and not at 22.4 percent, and I would ask
2 you to find that he is not a sexually violent predator so he
3 can go back to his family. He's out of prison now. He's
4 been sitting in the Richland County Detention Center waiting
5 on you, waiting on this trial. It's time to send him home.
6 He's served his time. Thank you very much for your
7 attention.

8 **Ms. Wetherton:** Reply.

9 **The Court:** Ms. Wetherton.

10 **Ms. Wetherton:** Very briefly. So what exactly needs to
11 be done? What more does Andrew Goodwin have to do to
12 establish the defense version of a pattern? Does he have to
13 get out and rape another 91-year-old woman? Does he have to
14 rape and murder another woman and leave her dead in a field?
15 How many different things does he have to do for him to feel
16 that that's a sufficient pattern?

17 I ask you to look at the totality of the evidence. Look
18 at everything that's there. Look at his criminal history.
19 Look into his insight. He has not had any sex offender
20 treatment. He denies -- either he can't remember what
21 happened or he admits to it. That is the problem. He has
22 not had any treatment.

23 We're not trying to just throw someone back in a jail
24 cell and give them extra punishment. We're trying to give
25 him treatment so he doesn't go out and hurt someone else

1 again. And he has no insight or any understanding of what he
2 did.

3 As far as this being a new area of medicine, this is the
4 D.S.M.-V. This is what Dr. Harrison used to diagnose him.
5 Other Specified Paraphilia Disorder is in here, and
6 biastophilia, as she explained, is the specifier. This is a
7 relevant mental disorder as she testified, and she got that
8 disorder out of this book.

9 This isn't junk science. This statute has been around
10 for over 16 years. There have been people that have been
11 reviewed and there are people that have gone into the
12 program. This is not a new area of the law that's unsettled.

13 And as far as the Static-99, I didn't bring that up on
14 direct and I now realize that I didn't. However, the
15 percentages -- let me talk to you about this. Let's equate
16 it a different way. Let's say, for example -- let's equate
17 it to a plane crash because when someone has sexually
18 offended, it has absolutely devastating effects on a victim.

19 So let's equate it to a plane. If you knew that -- if a
20 plane was going to crash and it had a 22 percent chance of
21 crashing, would you get on that plane? What if you knew that
22 plane had crashed before? And we know that it's crashed
23 three times. Would you get on that plane?

24 It's not a zero to a hundred percent scale. You have to
25 put it in perspective to what these people do when they go

1 out and rape women. I believe I have met my burden of proof,
2 and I ask that you find him to be a sexually violent
3 predator.

4 **The Court:** All right. Mr. Kenyon, I'm going to ask --
5 do you mind serving as foreperson of this jury?

6 **Juror Kenyon:** I will, Your Honor.

7 **The Court:** All right. Thank you. Ladies and gentlemen
8 of the jury, the State of South Carolina has brought this
9 case under the Sexual Violent Predator Act of South Carolina.
10 The State seeks the civil commitment of the respondent for
11 long-term control, care, and treatment in a secure facility.
12 This is not a criminal proceeding wherein the State seeks
13 incarceration but, rather, a proceeding seeking civil
14 commitment.

15 The State of South Carolina alleges or claims that the
16 respondent, Andrew Goodwin, is a sexually violent predator
17 under the law. The respondent denies that he's a sexually
18 violent predator, and the burden of proof is, therefore, on
19 the State to prove by evidence sufficient to satisfy each of
20 you beyond a reasonable doubt that the respondent is a
21 sexually violent predator.

22 If the State is unable to meet that burden of proof as
23 to one or more of the elements of this claim, the respondent
24 is entitled to a finding that he is not a sexually violent
25 predator. In most civil cases, the petitioner only has the

1 burden of proving that a fact is more likely true than not
2 true such as by the greater weight or the preponderance of
3 the evidence. However, in this type of case the State's
4 burden of proof must be more powerful. It must be beyond a
5 reasonable doubt.

6 Now, under the Constitution and laws of South Carolina,
7 you are the sole finders of fact. I may not intimate to you
8 in any way what I may think about the claims in this case.
9 You are also the judges of the credibility and by that I mean
10 the believability of the witnesses who have testified.

11 In passing upon the witnesses' credibility, you may take
12 into consideration many things such as: What was the manner
13 and the appearance of the witness who testified? Was the
14 witness straightforward or was the witness hesitant in
15 answering? How did the witness come to know the facts of
16 which she testified? What was her ability to know these
17 facts? Is there some reason a witness would want to give
18 testimony which would help or hurt one side or the other? In
19 other words, was the witness biased or prejudiced? And was
20 the testimony of a witness strengthened or was it weakened by
21 other testimony or evidence?

22 You may believe as much or as little of a witness's
23 testimony as you think proper. You may believe the testimony
24 of one witness or you can believe the testimony of all the
25 witnesses or some of all of them.

1 You do not determine the truth merely by counting the
2 number of witnesses who may have been presented by one side
3 or another. The fact the testimony is not controverted does
4 not mean you must accept it as true and undisputed. You must
5 gauge the credibility of the witness to determine the
6 believability or the truth of the facts offered through the
7 testimony. Keep in mind, throughout this process you have but
8 one objective and that is to seek the truth, regardless of
9 the source or from where it comes.

10 Now, there are two types of evidence which are presented
11 during a trial: Direct evidence and circumstantial evidence.
12 Direct evidence is the testimony of a person who claims to
13 have actual knowledge of a fact such as an eyewitness. It is
14 evidence which immediately establishes the main fact to be
15 proved.

16 Circumstantial evidence is proof of a chain of facts and
17 circumstances indicating the existence of a fact. It is
18 evidence which immediately establishes collateral facts from
19 which the main fact may be inferred. Circumstantial evidence
20 is based on inference and not on personal knowledge or
21 observation. The law makes absolutely no distinction between
22 the weight or value to be given to either direct or
23 circumstantial evidence nor is a greater degree of certainty
24 required of circumstantial evidence than of direct evidence.

25 Now, you've heard the testimony of a witness who has

1 special knowledge, skill, experience, training or education
2 in a particular field and who has given her opinion as an
3 expert as to matters in which she is skilled. In determining
4 the weight to be given such an opinion, you should consider
5 the qualifications and credibility of the expert and the
6 reasons given for the opinion. You are not bound by the
7 opinion. Give the opinion the weight, if any, to which you
8 deem it entitled.

9 The value and effect of expert testimony is a matter to
10 be solely estimated by you, the jury. No opinion of an
11 expert can be accepted in and of itself as truthful or
12 reliable but must be weighed by you and convince your
13 judgment beyond a reasonable doubt and with the same force
14 and effect as the other facts proved in this case. You must
15 consider expert testimony in the same manner as you do any
16 other testimony and give it the weight that you believe that
17 it's entitled when considering all the evidence of the case.

18 Now, the same Constitution and laws which make you the
19 judges of the facts make me the judge of the law. You must
20 accept as correct the law which I charge and apply it to the
21 evidence. If you make an error in the law as I instruct it
22 to you, there's another time and place that that can be
23 resolved. If I should make an error, that can be resolved.

24 But for the purpose of this case today, you must accept
25 the law as I charge it, and in that regard I tell you that

1 neither you nor I should be concerned about what we think the
2 law should be or what we wish the law were. Your only
3 concern should be what the law is as I charge it.

4 Now, ladies and gentlemen, what is a reasonable doubt in
5 the law? A reasonable doubt is the kind of doubt that would
6 cause a reasonable person to hesitate to act. Proof beyond a
7 reasonable doubt is proof that leaves you firmly convinced
8 that there -- firmly convinced. There are few things in the
9 world that we know with absolute certainty, and the law does
10 not require proof to overcome every possible doubt.

11 What is required is if, based on your consideration of
12 the evidence, you are firmly convinced that the respondent is
13 a sexually violent predator, then you must return a verdict
14 for the State. If, on the other hand, you think there's a
15 real possibility that he is not a sexually violent predator,
16 you must give him the benefit of the doubt and find a verdict
17 for the respondent.

18 Reasonable doubt may arise from the evidence which is in
19 the case or from the lack or absence of evidence in the case.
20 It is up to you to determine whether or not a reasonable
21 doubt exists in this case.

22 Now, the elements which the State must prove beyond a
23 reasonable doubt are, one, that the respondent has been
24 convicted of a sexually violent offense. I charge you that
25 criminal sexual conduct in the first degree, criminal sexual

1 conduct in the third degree, and rape are all sexually
2 violent offenses.

3 Second, the State must prove beyond a reasonable doubt
4 that the respondent suffers from a mental abnormality or
5 personality disorder that makes him likely to engage in acts
6 of sexual violence if he is not confined in a secure facility
7 for long-term control, care, and treatment. Inherent in
8 these two elements is that the State must prove the
9 requirement that the respondent's mental abnormality or
10 personality disorder causes him serious difficulty in
11 controlling his behavior. In other words, the State must
12 prove beyond a reasonable doubt that the individual that it
13 seeks to commit suffers from a mental illness which he cannot
14 sufficiently control without the structure and care provided
15 by a mental health facility, rendering him otherwise likely
16 to commit a dangerous act.

17 In order for you to better understand the elements of
18 the State's cause of action, I'm going to define for you some
19 of the terms that I have just used. Mental abnormality means
20 a mental condition affecting a person's emotional or
21 volitional capacity that predisposes the person to commit
22 sexually violent offenses. This mental abnormality or
23 personality disorder must cause respondent serious difficulty
24 in controlling his behavior.

25 Likely to engage in acts of sexual violence means that

1 the person's propensity to commit acts of sexual violence is
2 of such a degree as to pose a menace to the health and safety
3 of others so that he is a danger to others.

4 Again, I remind you that the burden of proof is on the
5 State to prove to your satisfaction beyond a reasonable doubt
6 that the respondent has been convicted of a sexually violent
7 offense as I instructed you and also suffers from a mental
8 abnormality or personality disorder that makes the respondent
9 likely to engage in acts of sexual violence if not confined
10 to a secure facility for long-term control, care, and
11 treatment.

12 If the State carries its burden of proof and convinces
13 you beyond a reasonable doubt as to each of the two elements
14 of its cause of action, it is entitled to a finding that the
15 respondent is a sexually violent predator. If the State does
16 not meet that burden as to one or both of these elements, the
17 respondent is entitled to a finding that he's not a sexually
18 violent predator.

19 Ladies and gentlemen, as I bring this charge to a
20 conclusion, I want you to clearly understand that you are not
21 partisans or advocates for the State or the respondent. You
22 do not serve as jurors to reward friends or punish enemies.

23 In this regard, you have been selected by both the State
24 and the respondent to be fair and impartial jurors. It is
25 your duty to determine the truth in this case, giving the

1 respondent the benefit of every reasonable doubt on each and
2 every issue. Then to the facts which you determine to be
3 true you should take and apply the law which has been given
4 and, thus, arrive at a verdict which speaks the truth in this
5 case. When you have done this, you will have accomplished
6 the responsibilities that you were required to do under your
7 oath as jurors and you will have discharged your duty to the
8 Court.

9 Now, there are two possible verdicts that you can reach
10 in this case. Those two possible verdicts are set out here.
11 You should not be concerned about what goes first or what
12 goes second because something has to go first and something
13 has to go second. The two possible verdicts are: Yes,
14 Andrew Goodwin is a sexually violent predator or, no, Andrew
15 Goodwin is not a sexually violent predator.

16 Now, this verdict must be the unanimous verdict of all
17 12 jurors. It can't be 11/1 or 7/5 or 9/3. It has to be the
18 unanimous verdict of all 12 jurors. Your verdict cannot be
19 based on sympathy or passion or prejudice or emotion or other
20 kind of consideration not evidence in this case. It must be
21 based on the evidence that has been introduced in this case.

22 Mr. Foreman, what I'm going to ask you to do when the
23 State (verbatim) has reached its verdict, I'm going to ask
24 you to check wherever the -- I mean, when the jury has
25 reached a verdict, check whatever the verdict is and then I'm

1 going to ask you to circle that whole verdict, and I'm going
2 to ask you to sign the verdict form as foreperson and date
3 the verdict form.

4 When you have reached your verdict and the verdict form
5 is completed, if you will knock on the door or have somebody
6 knock on the door. There will be a bailiff seated outside
7 your door. Advise the bailiff that you have reached your
8 verdict, and then we will bring you back in so that your
9 verdict can be published.

10 Now, in just a moment I'm going to ask all of you but
11 our alternate to step back to the jury room, but when you get
12 back there do not begin your deliberations. I must review
13 with the attorneys the instructions I've just given you, and
14 if they believe I either failed to instruct you in some
15 matter or I incorrectly instructed you and I agree, I'll
16 bring you back and give you additional instructions.

17 If not, I will have this verdict form along with all the
18 exhibits that have been introduced into this case brought to
19 the jury room. At that time you can begin your
20 deliberations.

21 All right. If y'all will step back to the jury room.
22 Do not begin your deliberations. We'll be with you
23 momentarily.

24 (Whereupon, the jury was excused from open court at
25 4:15 p.m. The alternate juror was excused from the trial by

1 the Court.)

2 **The Court:** Anything from the State with respect to the
3 instructions?

4 **Ms. Wetherton:** Nothing from the State, Your Honor.

5 **Mr. Belding:** No exceptions from the respondent, Your
6 Honor.

7 **The Court:** All right. Would y'all get with Ms. Helms
8 and make sure we got all the exhibits? Let them deliberate
9 for a little while. Here is the verdict form.

10 (Whereupon, the jury began deliberating at 4:18 p.m.)

11 **The Court:** All right. It has been reported the jury
12 has reached a verdict. Is the State ready to receive the
13 verdict?

14 **Ms. Wetherton:** Yes, Your Honor.

15 **The Court:** The respondent ready?

16 **Mr. Belding:** Yes, Your Honor. The respondent is ready.

17 **The Court:** All right. If you could, Mr. Dye.

18 (Whereupon, the jury returned to open court with a
19 verdict at 4:40 p.m.)

20 **The Court:** All right. Mr. Foreman, it's been reported
21 the jury has reached a verdict.

22 **Foreman:** Yes, sir, we have.

23 **The Court:** Is this the unanimous verdict of all 12
24 jurors?

25 **Foreman:** It was, sir.

1 **The Court:** All right. If you would hand the verdict
2 form to the bailiff, please, sir. You may publish it.

3 **The Clerk:** Yes, sir. In the Court of Common Pleas,
4 Fifth Judicial Circuit, 2013-CP-40-4370, State of South
5 Carolina, County of Richland. In the matter of the care and
6 treatment of Andrew Goodwin. Has the petitioner, the State
7 of South Carolina, proven beyond a reasonable doubt that
8 Andrew Goodwin is a sexually violent predator under the South
9 Carolina Sexually Violent Predator Act?

10 We, the jury, unanimously answer the question as
11 follows: Yes, Andrew Goodwin is a sexually violent predator,
12 signed Number 306, Sidney Kenyon; foreperson, May the 12th,
13 2014.

14 Mr. Foreman, was this your verdict and the verdict of
15 the entire jury?

16 **Foreman:** Yes, it was.

17 **The Clerk:** Thank you.

18 **The Court:** All right. Anything from the State with
19 respect to the verdict and the jury?

20 **Ms. Wetherton:** Nothing from the State, Your Honor.

21 **The Court:** Anything from the respondent?

22 **Mr. Belding:** Nothing. Thank you, Your Honor.

23 **The Court:** All right. Ladies and gentlemen, I thank
24 you very much for your service.

25 (Whereupon, the jury was excused from the trial at 4:43

1 p.m.)

2 **The Court:** All right. Anything from the State?

3 **Ms. Wetherton:** No, Your Honor. We do have a proposed
4 order of commitment.

5 **The Court:** All right.

6 **Mr. Belding:** I have seen the proposed standard order,
7 Your Honor, and we wouldn't have any objection to it.

8 **The Court:** All right. Thank you.

9 **Ms. Wetherton:** And I can take care of the filing
10 because I'll have to give it to the jail so he can be
11 transported.

12 **The Court:** All right.

13 **Ms. Wetherton:** Thank you.

14 **The Court:** Thank y'all. Thank you for your courtesies.

15 **Mr. Belding:** Thank you, Your Honor. Enjoyed it.

16 (Whereupon, the proceedings were concluded.)
17
18
19
20
21
22
23
24
25

I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 12th of May, 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 5, 2014

A handwritten signature in cursive script that reads "Daphne D. Helms". The signature is written in dark ink and is positioned above the printed name.

Daphne D. Helms, court reporter

WITNESSES

✓(s) VINSON CPD

ARREST WARRANT NUMBER

K358567

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

APR 15 2009

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-40-11078

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2009

102

THE STATE

vs.

ANDREW GOODWIN

Indictment for

CRIMINAL SEXUAL CONDUCT

1ST DEGREE

SC Code: 16-3-652

CDR Code:0160

Class FEL/A(V)

After being fully advised of legal rights, I hereby waive them and to the Grand Jury.

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Jesse H. Williams
C.C.C. P&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Richland

VS.

ANDREW GOODWIN

AKA:

Race: B Sex: M Age: 52

DOB: [REDACTED] SS#: [REDACTED]

Address: NO PERM [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED] SID#: [REDACTED]

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

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

TO: Sex / Criminal sexual conduct - First degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009GS4011078

A/W#: K358567

Date of Offense: 10/30/1999

S.C. Code §: 16-03-0652

CDR Code #: 0160

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160

☒ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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

WEISS, HEATHER

SC Bar# 16400

Defendant

Attorney for Defendant

SC Bar# 79925

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

for a determinate term of 5 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

Recipient:

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

§ 47-12 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$

§ 14-1-213 (Drug Court Surcharge) \$100 \$

§ 30-31-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

§ 90-7 (SCCJA Surcharge) \$5 \$

3% to County (if paid in installments) \$

TOTAL \$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (1/1/2009)

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

Other: _____

☐ Appointed PD or appointed one of the following § 47.12 requires \$500 be paid to _____ during probation.

Presiding Judge

Judge Code:

Sentence Date:

CERTIFIED TRUE COPY

BE ORIGINAL FILED

JAN 12 2010

JAN 12 2010

JAN 12 2010

JAN 12 2010

JAN 12 2010

JAN 12 2010

JAN 12 2010

ARREST WARRANT

K35A567 K- 358567 9934371

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
COLUMBIATHE STATE
against

ANDREW GOODWIN

Address: TURBEVILLE CORRECTIONS
COLUMBIA SC 29202Phone: _____ SSN: _____
Sex: ☒ Male Race: ☒ B Height: ☒ 5' 1" Weight: ☒ 165
DL State: _____ DL#: _____
Agency ORI#: SC0420100

Prosecuting Agency: CITY OF COLUMBIA

Prosecuting Officer: VINSON MW

Offense: CRIMINAL SEXUAL CONDUCT

Code/Ordinance Sec: 1ST Offense Code: MAC
16-3-652This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☒ Municipality of
COLUMBIA. The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Andrew Goodwin
on 10/29/99

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CITY OF COLUMBIA
MUNICIPAL COURT
P.O. BOX 844
COLUMBIA, SC 29202

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
COLUMBIA

AFFIDAVIT

Personally appeared before me the affiant INV MARK W VINSON
being duly sworn deposes and says that defendant ANDREW GOODWIN
did within this county and state on 10/30/1999 violate the criminal laws of theState of South Carolina (or ordinance of ☐ County/ ☒ Municipality of COLUMBIA)
in the following particulars: CRIMINAL SEXUAL CONDUCT 16-3-652
DESCRIPTION OF OFFENSE: 1STI 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:THE DEFENDANT DID AT ██████████, COLUMBIA, SC KILL THE VICTIM
GWENDOLYN KIDD BY MEANS OF STRANGULATION. THE DEFENDANT ALSO
COMMITTED A SEXUAL BATTERY ON THE VICTIM WHILE USING AGGRAVATED
FORCE. THE DEFENDANT HAS BEEN IMPLICATED IN THIS CRIME BY HIS DNA
WHICH WAS FOUND UPON THE VICTIM'S BODY.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIAAffiant's Address: #1 JUSTICE ST.
COLUMBIA, SC 29201

Affiant's Telephone: 5453520

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 10/30/1999 defendant ANDREW GOODWIN
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County/ ☒ Municipality of COLUMBIA) as set forth below:DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT 16-3-652
1STHaving 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 10/30/1999Signature of Issuing Judge
Judge Code: 4013703

Judge's Address: CITY OF COLUMBIA, SC

MUNICIPAL COURT, P.O. BOX 844 29202

Judge's Telephone: _____

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

Form Approved by
U.S. Justice Dept.
8-73
CERTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 11 1999
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA2008 NOV -7 PM 11:11
FILED
BALTIMORE
A.S.G.S.

WITNESSES

(s) VINSON CPD

ARREST WARRANT NUMBER

K358565

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: APR 15 2009

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-40-11076

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2009

102

THE STATE

vs.

ANDREW GOODWIN

Indictment for

CRIMINAL SEXUAL CONDUCT
1ST DEGREE

SC Code: 16-3-652
CDR Code: 0160
Class FEL/A(V)

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

RECEIVED TRUE COPY
CLERK OF COURT
OFFICE OF THE CLERK
OF THE COURT
COUNTY OF RICHLAND
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

181

COUNTY OF Richland
 STATE VS.
ANDREW GOODWIN

INDICTMENT/CASE#: 2009GS4011076A/W#: K358565Date of Offense: 9/4/2009S.C. Code § 16-03-0652CDR Code #: 0160

AKA:

Race: B Sex: M Age: 52DOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]

DL#:

SID#:

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

In disposition of the said indictment comes now the Defendant who was
 TO: Sex / Criminal sexual conduct - Third degree

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-3-654 of the S.C. Code of Laws, bearing CDR Code # 0162

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

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

ATTEST: [Signature] 16700 [Signature] 74925
 WEISS, HEATHER SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 10 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: _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5%) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ _____

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-299.5 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

§ 47-12 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ _____

§ 14-1-213 (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-294.2(J) (Vehicle Assessment) \$40/ea \$ _____

§ 90.7 (SCCA Surcharge) \$5 \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

Clerk of Court/ Deputy Clerk: [Signature]Court Reporter: [Signature]

SCCA/217 (11/2009)

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

Other: _____

☐ Appointed PD or appointed other counsel

§ 47.12 requires \$500 be paid during probation.

Presiding Judge: [Signature]

Judge Code: _____

Sentence Date: _____

CERTIFIED TRUE COPY
 CERTIFIED TRUE COPY
 COPIES FILED
 2009 OCT 13 PM 3:45
 CLERK OF COURT
 RICHLAND COUNTY
 SOUTH CAROLINA

ARREST WARRANT

K-358565 K- 358565 9928033

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIATHE STATE
against

ANDREW GOODWIN

Address: TURBEVILLE CORRECTIO
COLUMBIA SC 29202Phone: _____ SSN: _____
Sex: M Race: E Height: 5 10 Weight: 165DL State: _____ DL#: _____
Agency ORI#: SC0400100

Prosecuting Agency: CITY OF COLUMBIA

Prosecuting Officer: VINSON MW

Offense: CRIMINAL SEXUAL CONDUCT

1ST Offense Code: MAC

Code/Ordinance Sec: 16-3-652

This Warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☒ Municipality ofCOLUMBIA The accused
is to be arrested and brought before me to be
dealt with according to law._____
Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Andrew Goodwin
on 10/29/99M.W. Vinson
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

CITY OF COLUMBIA
MUNICIPAL COURT
P.O. BOX 644
COLUMBIA, SC 29202

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIA

AFFIDAVIT

Personally appeared before me the affiant INV MARK W VINSON
being duly sworn deposes and says that defendant ANDREW GOODWIN
did within this county and state on 09/04/1999State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of COLUMBIA)
in the following particulars: CRIMINAL SEXUAL CONDUCT 16-3-652
1STI 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:THE DEFENDANT DID AT [REDACTED], COLUMBIA, SC COMMIT A SEXUAL
BATTERY UPON THE VICTIM DEIDRA DRAKE BY FORCING HER TO ENGAGE IN
ORAL AND VAGINAL SEX WHILE THE DEFENDANT THREATENED HER WITH AN ITEM
HE CLAIMED TO E A HANDGUN. THE VICTIM KNEW THE DEFENDANT BY HIS
STREET NAME OF "CHUCK" AND SHE HAS ALSO IDENTIFIED HIM IN A PHOTO
LINE-UP.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
COLUMBIAAffiant's Address: #1 JUS. ICE SC
COLUMBIA, SC 29201

Affiant's Telephone: 5433500

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 09/04/1999 defendant ANDREW GOODWIN
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County/ ☒ Municipality of COLUMBIA) as set forth below:DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT 16-3-652
1STHaving 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 10/29/99

(L.S.)

Mark W. Vinson

Judge's Address: CITY OF COLUMBIA SC

MUNICIPAL COURT P.O. BOX 644 COLUMBIA

Judge's Telephone: _____

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

Form Approved by
U.S. Attorney General
06-21-2003
C.C.C.A. P&GS.
JANUARY 21 2000
CITY OF COLUMBIA
RICHLAND COUNTY
SOUTH CAROLINA
CERTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 21 2000JANUARY 21 2000
C.C.C.A. P&GS.
FILED
2008 NOV - 7 PM 6:17

The State of South Carolina
 RICHLAND COUNTY

IN THE COURT OF GENERAL SESSIONS

October 6, 1975

TITLE STATE

74-GS-140-1790

INDICTMENT

for

BURGLARY, ROBBERY, LARCENY, HOUSEBREAKING
 AND RAPE

Andrew Goodwin

It appearing to the Court, That: Andrew Goodwin

under recognizance to appear at Court of General Sessions in the above stated case, and failed to answer when
 called, on motion of James G. Anders, Solicitor, it is Ordered that a Bench Warrant be forthwith issued and
 executed to compel the attendance of the said defendant.

Date: October 6, 1975

John Timberlake
 Presiding Judge

FILED TRUE COPY
 ORIGINAL FILED,
 J. W. W. W. W. W.
 C.C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

The State of South Carolina

RICHLAND COUNTY

Fifth Circuit

Dec

Term, 1975

IN THE COURT OF GENERAL SESSIONS

749840-1790

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

Andrew Goodwin

U-13-17

*Burglary, Robbery, H.B.L.**Rape*

PLEA

The prisoner

*Andrew Goodwin*is put to the bar and arraigned and upon his arraignment pleads guilty to charges of *Rape*.

Attest:

John R. T. Major
12/3/75

C. C. P. & G. S.

Andrew Goodwin

SENTENCE

The sentence of the Court is that the prisoner

*Andrew Goodwin*be confined in the State Penitentiary for a period of *twenty (20) years**with suspended service of fifteen (15) yrs.**Clyde A. Eltyroth*
12/3/75 Presiding Judge

THE STATE OF SOUTH CAROLINA

County of Richland

I, JOHN R. T. MAJOR, Clerk of the Court of General Sessions for Richland County, State aforesaid, do hereby certify that the foregoing is a true copy of the sentence pronounced by the Court in the case above entitled.

GIVEN under my HAND and the Seal of the said Court at

Columbia, this *3rd* dayof *December*, A.D. 1975*John R. T. Major*
C. C. P. & G. S.

FIED TRUE COPY

ORIGINAL FILED

12/24/75

C. C. P. & G. S.

RICHLAND COUNTY

SOUTH CAROLINA

8875 1424

The State of South Carolina

RICHLAND COUNTY

Fifth Circuit

IN THE COURT OF GENERAL SESSIONS

Dec

Term, 1975

75GS405-1790

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

Michael Kennedy

M.B. 16

Burglary, Robbery, Larceny,Rape, Harassment

PLEA

The prisoner

Michael Kennedy

is put to the bar and arraigned and upon his arraignment pleads guilty as charged. H.B.

Attest:

John R.T. Major
12/13/75

C.G.S. & G.S.

Michael Kennedy

SENTENCE

The sentence of the Court is that the prisoner Michael Kennedy be held in jail until the public works of Richland County for a period of one (1) year in the State Penitentiary for a period of five (5) years under the Yacht Club offenders act. It is recommended that this man not be released until after service of two (2) years and that he have vocational and educational training.

Clyde A. Clifton
12/13/75
Presiding Judge

THE STATE OF SOUTH CAROLINA,

County of Richland

I, JOHN R. T. MAJOR, Clerk of the Court of General Sessions for Richland County, State aforesaid, do hereby certify that the foregoing is a true copy of the sentence pronounced by the Court in the case above entitled.

GIVEN under my HAND and the Seal of the said Court at

Columbia, this 3rd dayof December, A.D. 1975
John R.T. Major
C.G.S. & G.S.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED
 12/13/75
 C.G.S. & G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

8815 1936

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

By

D. L. PAYNE

Ministerial Recorder in and for the said

County and the said State

To Any Lawful Constable:

Whereas, Complaint upon oath has been made by Harry T. Snipes, that at Columbia, S. C., in the County and State aforesaid, on the 9th day of August 1974, one Andrew Goodwin, Perry Lee Williams, and Michael Kennedy, did commit the Crimes of Burglary and Rape;

as per affidavit below

THESE ARE THEREFORE to command you to apprehend the said defendant and bring them before me, to be dealt with according to law.

GIVEN under my hand and Seal, this

11th day of August 1974

Ministerial Recorder

(L.S.)

AFFIDAVIT

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

PERSONALLY appeared before me,

P. P. Fletcher,

Notary Public of S. C.

of the said County and State Harry T. Snipes,

who, being duly sworn,

says that Andrew Goodwin, Perry Lee Williams, and Michael Kennedy, in the city of Columbia, County and State aforesaid, on the 9th day of August 1974, did commit the Crimes of Burglary and Rape, in that at approximately 9:00 to 10:40 P. M., night time, they did wilfully, unlawfully, and feloniously break and enter the home of the said Mrs. Carrie Rutherford, aged ninety one years, and did take, steal, and appropriate to their own use and purpose, approximately ten dollars in money, and did then and there rape the said Mrs. Carrie Rutherford, all this being

Against the form of statute in such case made and provided for, and against the peace and dignity of the State, and that Harry T. Snipes

and others

are material witnesses for the State to prove said charge. The above information based on statement of facts made by Harry T. Snipes

SWORN to before me this the

11th day of August 1974

P. P. Fletcher

Notary Public of South Carolina

My commission expires 12-5-79

(L.S.)

H. T. Snipes

Columbia Police Department

CERTIFIED TRUE COPY
OF ORIGINAL FILED
EX-112-10715-10
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA
SOUTH CAROLINA

174-1773
70-40-1790

C74-1640
74-2409

THE STATE OF SOUTH CAROLINA
County of Richland

THE STATE

vs.

CEPI CORPUS

19

Constable

Andrew Goodwin - M/B 16

Perry Lee Williams - M/B 16

Michael Kennedy M/B 16

ARREST WARRANT

OFFENSE: Burglary
Rape

DATE: August 14, 1974

OFFICER: Det. G. J. Cartagio
Det. F. S. Reynolds
Det. W. L. Cannon
Det. F. R. Hicks

NOTED TRUE COPY
OFFICIAL FILED BY
DEPT. OF CORRECTIONS
C.C. P. 3015
CHLAND COUNTY
SOUTH CAROLINA

88-15-0018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
IN THE MATTER OF THE CARE	)	CASE NO. 2013-CP-40-4370
AND TREATMENT OF	)	
ANDREW GOODWIN,	)	ORDER OF COMMITMENT
RESPONDENT.	)	

RICHLAND COUNTY
 FILED
 2014 MAY 12 PM 4:21
 JEANNETTE W. MCBRIDE
 C.C.P. & G.S.

The trial of this case was held in the County of Richland in the Court of Common Pleas week of May 12, 2014. A jury of citizens from Richland County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney General Nicole T. Wetherton represented the State. David Edward Belding, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to South Carolina Code Sections 44-48-90 and 44-48-100:

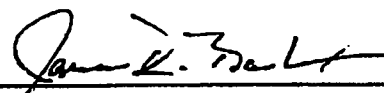
The State has proven beyond a reasonable doubt that Respondent, Andrew Goodwin, is a sexually violent predator as that term is defined in South Carolina Code Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent is to continue to be detained at the Richland County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.



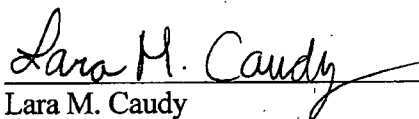
 Presiding Judge
 Fifth Judicial Circuit
 Court of Common Pleas

May 12, 2014
 Columbia, South Carolina

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 April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 5, 2014



Lara M. Caudy
Appellate Defender

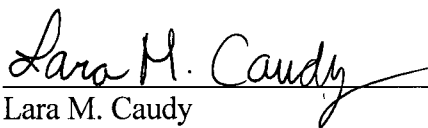
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

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 April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 5, 2014



Lara M. Caudy
Appellate Defender

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NOV 05 2014

SC Court of Appeals

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

ATTORNEY FOR APPELLANT