

IN THE CIRCUIT COURT OF THE
TWENTY FIRST JUDICIAL CIRCUIT,
IN AND FOR CAMDEN COUNTY,
MAJOR

CASE NO. 666

STATE OF MAJOR

-vs-

GARY LEE GOODMAN
Defendant.

CHARGE(S):

- I. MURDER IN THE SECOND DEGREE
- II. ATTEMPTED MURDER IN THE SECOND DEGREE
- III. CARRYING A CONCEALED FIREARM

INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MAJOR: COUNT I: The Grand Jurors of the County of Camden, State of Major, charge that GARY LEE GOODMAN, on or about the 1st day of May, 20XX-1, in the County and State aforesaid, did then and there committed the felony of murder in the second degree in that the said Gary Lee Goodman unlawfully and by an act imminently dangerous to another and evincing a depraved mind regardless of human life, but without a premeditated design to effect the death of any particular individual or person, did kill and murder MOE HELTON by shooting him with a firearm, to wit: a handgun, thereby inflicting in and upon MOE HELTON mortal wounds and injuries, of and from which said mortal wounds and injuries the said MOE HELTON did then and there die, contrary to Revised General Statute of Major and against the peace and dignity of the State of Major. COUNT II: The Grand Jurors of the County of Camden, State of Major, further charge that GARY LEE GOODMAN, on or about the 1st day of May, 20XX-1, in the County and State aforesaid, did then and there unlawfully attempt to commit the felony of murder in the second degree in that said GARY LEE GOODMAN unlawfully and by an act imminently dangerous to another and evincing a depraved mind regardless of human life, but without a premeditated design to effect the death of any particular person, did shoot JOHN ELDER with a firearm, to wit: a handgun, thereby attempting to inflict in and upon JOHN ELDER mortal wounds and injuries, contrary to Revised General Statute of Major and against the peace and dignity of the State of Major. COUNT III: The Grand Jurors of the County of Camden, State of Major, charge that GARY LEE GOODMAN, on or about the 1st day of May, 20XX-1, in the County and State aforesaid, did then and there unlawfully carry a concealed firearm, to wit: a handgun, on or about his person, contrary to Revised General Statute of Major and against the peace and dignity of the State of Major.

Entry 1: Indictment

A TRUE BILL:

Terrence R. Stampp

FOREPERSON OF THE GRAND JURY

I HEREBY CERTIFY that the Grand Jury returning this Indictment was advised and instructed according to law.

Percy Cyutor

CAMDEN COUNTY PROSECUTING ATTORNEY

Entry 2: Durkin Investigation Report

CAMDEN COUNTY SHERIFF'S DEPARTMENT Investigation Report

Offense Type: Homicide and Attempted Homicide

Offense Date: May 1, 20XX-1

Report by: FRED DURKIN

Report date: June 16, 20XX-1

On May 2, 20XX-1 at approximately 0115 hours, writer was contacted at home by Camden County Communications Operator FRED MERVIS. MERVIS advised that there had been a shooting at the Infernal Club and that the officers on the scene were requesting writer to respond. Writer responded to the Infernal Club at 1313 Perry Lane, Camden City.

Upon arrival, writer observed Camden County Emergency Medical Services personnel transferring w/m JOHN ELDER from the club into an ambulance. Upon entering the club, writer approached Patrolman NICK CHARLES and inquired as to what had occurred. CHARLES advised that there had been two persons shot and a gun discovered. CHARLES pointed to a .38 revolver lying on the floor of the club and indicated that one of the persons who had been shot was lying on the dance floor dead. Writer went to the dance floor area and observed w/m MOE HELTON lying on the floor with his mother, MARIE HELTON, kneeling beside him crying. Camden County Deputy ATHELNY JONES was with the HELTONS. Camden County Deputy GILES LESTRADE was standing by the revolver to preserve it as evidence. Writer also was able to determine that JOHN ELDER, who had been transferred to Camden County Hospital, was the second shooting victim.

Writer spoke with Camden County Deputies JOHN ROBERTS and WILLIAM GEORGE, who both were identifying and interviewing possible witnesses. Writer learned from ROBERTS and GEORGE that the suspect in the shooting, a w/m named GARY LEE GOODMAN had fled the scene.

Writer, assisted by Deputy GEORGE, then began to process the crime scene. Writer and George measured the crime scene in order that a diagram could later be prepared. A copy of that diagram is attached to this report. Writer collected the revolver into evidence and secured the weapon. Writer checked the interior of the Infernal Club for additional evidence and discovered a bullet lodged in the floor near the body of HELTON. Writer recovered the bullet from the floor. Writer then observed the body of Helton and determined that he had been shot in the back at least twice, because there were three bullet wounds in the back. Writer thought at that time that one bullet wound could possibly be an exit wound. After examining the body, writer authorized its removal to the Medical Examiner's office and released the crime scene.

Writer spoke with the officers who had been interviewing possible witnesses and learned the following:

1. The shooter was possibly a w/m GARY LEE GOODMAN.
2. That at the time he was shot, MOE HELTON had been engaged in a fist fight with GOODMAN'S brother, BARRY GOODMAN.
3. That ELDER was apparently shot while struggling with GARY GOODMAN over the gun.
4. That the GOODMAN brothers fled the scene after the shooting

Writer then went to the Camden County Hospital to check on the condition of JOHN ELDER. At the hospital, ELDER was in the trauma room being attending to by a host of emergency room personnel. Writer learned that ELDER had a single gunshot wound to the stomach and several abrasions about his head. ELDER was unable to give an interview at that time.

Entry 2: Durkin Investigation Report

Writer located witness NATHAN BEDFORD and interviewed him concerning the altercation. BEDFORD advised as follows:

MOE HELTON had gotten into a fight with BARRY GOODMAN while they were on the dance floor at the Infernal Club. While GOODMAN and HELTON were fighting, GARY LEE GOODMAN walked up behind HELTON and shot him in the back. JOHN ELDER then grabbed GARY GOODMAN and they began to struggle and GARY GOODMAN shot ELDER. BEDFORD did not see this happen, it is what others told him. When he first heard shots, BEDFORD took cover under a table and stayed there until he heard no more shooting. After the shooting stopped, BEDFORD crawled out from under the table and saw HELTON and ELDER lying on the dance floor.

At 0900 hours, writer attended the autopsy of MOE HELTON at the Camden County Medical Examiner's office located in the Camden County Hospital. Writer learned from Dr. Tavis Wood that there were actually three gunshot wounds. The wounds on the back were all entrance wounds and there were no exit wounds. According to Dr. Wood, one bullet had entered HELTON'S heart.

At 1200 hours, writer conducted a tape recorded interview with SHEMP CAMPBELL. A transcript of that tape is submitted herewith.

At the conclusion of the interview with SHEMP CAMPBELL, Officers ROBERTS and GEORGE provided writer with hand written statements from various witnesses. The substance of those statements is set forth below:

DENISE HUGHES: I know MOE HELTON, JOHN ELDER, and SHEMP CAMPBELL, but I'm not friends with them. I went to school with BARRY GOODMAN. I didn't see GARY GOODMAN having any trouble with anyone while he was dancing. I was sitting at a table when the shooting started. I heard a shot and turned to look, and I saw GARY standing over MOE and he shot him three or four more times. I didn't see JOHN ELDER get shot, but I did see BARRY standing over JOHN beating him with a chair.

MACK ANTHONY: I know MOE HELTON, JOHN ELDER, BARRY GOODMAN, and GARY GOODMAN as acquaintances. I was at the Infernal Club that night and MOE and JOHN were copping an attitude and being rude to people. GARY and BARRY weren't bothering anybody. I was standing on the dance floor when somebody bumped into me. I turned around and saw MOE on top of BARRY. Then I heard gunfire. It sounded like three or four shots. I don't know where it was coming from. I dove over the half wall and took cover. When I looked back up after the shooting stopped, I saw BARRY hitting somebody on the ground with a chair. Somebody else came up and hit BARRY in the head. BARRY went down to a knee and got up and ran out of the Infernal Club. I never saw GARY involved in the fight at all.

ELLA QUEEN: I had been at the club about 30 minutes when the fight started. I was on the dance floor dancing with GARY GOODMAN when the fight started. I looked around and saw two men wrestling. I don't know who they were. It looked to me like there was going to be a riot, so I ran and hid in the bathroom. While I was running, I couldn't see what was going on. When the shooting was over, I came out of the bathroom and saw MOE HELTON lying on the floor. He looked dead.

SIMON KENT: I was at the Infernal Club dancing that night when I saw BARRY GOODMAN and MOE HELTON fighting. MOE was getting the best of BARRY and had him down on the floor pounding on him pretty good. I saw GARY GOODMAN walk across the floor and try to pull MOE off BARRY, but MOE was on him pretty tight. GARY pulled a gun out of his pocket and started shooting. I decided it was time for me to leave, and I didn't see anything else that happened. I went outside and waited until I saw BARRY and GARY GOODMAN run out of the club and jump into a car and drive off. I went back in, and I saw MOE and JOHN ELDER lying on the floor.

ERVIN JAMES: I know MOE HELTON. He has a bad reputation for being a fighter and a bully. I went to the Infernal Club with GARY and BARRY GOODMAN that night. GARY had a gun that he

Entry 2: Durkin Investigation Report

was holding for a friend who was too drunk to hold it. I was dancing when the gunfire started, and I hit the floor. I didn't see nothing after that.

ROSE THAMES: I just know MOE HELTON and his friends when I see them. Same for the GOODMANS. Before the fight started, I saw GARY and BARRY looking hard at MOE HELTON. They looked like they were mad about something. When the fight broke out, I looked over and saw MOE HELTON on top of BARRY GOODMAN and I heard GARY yell to MOE that he was going to shoot him if he didn't get off his brother. MOE didn't get off and GARY started shooting. I heard two shots and then JOHN ELDER jumped GARY. They scuffled over into a dark area and I heard more shots. The next thing I know, I see BARRY standing over JOHN ELDER hitting him in the head with a chair. Then people started picking up chairs and throwing them around, and the GOODMANS ran out the door. I went over to MOE and tried to give him mouth-to-mouth, but it didn't help.

Writer was able to locate BARRY and GARY GOODMAN and arrange for them to come in on May 3, 20XX-1, at 1800 hours for tape recorded interviews. Transcripts of those interviews submitted with this report.

On June 15, 200XX-1, writer interviewed JOHN ELDER at the Camden County Hospital. A transcript of that statement will be provided when available.

Entry 3: Autopsy Report

May 2, 20XX-1

Tavis Wood, Medical Examiner
Camden County Hospital
Camden City, Major

AUTOPSY #: 10m-38

DECEASED: MOE HELTON

RACE: White

SEX: Male

AGE: 22

INVESTIGATING AGENCY:

Camden County Sheriff's Office

IN ATTENDANCE:

Inv. Fred Durkin, CCSO

DATE AND TIME OF DEATH:

May 1, 20XX-1

DATE AND TIME OF AUTOPSY:

May 2, 20XX-1, at 9:00pm

SIGNIFICANT FINDINGS:

- I. Fatal gunshot wound of back of lower left chest extending slightly to the right, upward and forward with penetration of the left lung and heart and bullet recovery from the sternal area.
- II. Two additional bullet wounds of back with bullet recovery
- III. Superficial abrasions of right wrist and knees.
- IV. Toxicological analysis.
- V. No evidence of significant antemortem pathological changes.

IDENTIFYING DATA: The body is observed in the Camden County Medical Center morgue. Clothing consists of a black leather jacket, a black T shirt, a gray T shirt, denim trousers, boxer-type undershorts and white underbriefs. There are black tennis shoes with white socks. Development is normal for a white male whose age is consistent with that recorded of 22 years. Length measures 5 feet, 11 inches, approximately. Weight is estimated at 190 to 210 pounds. The body is well preserved and has not been embalmed. There is fully developed rigidity. There is absent lividity. The hair line is normal with thin black hair measuring 1/8 inch in maximum thickness. Sideburns are partially shaved above. There is slight beard and there is slight mustache growth. The ears are not pierced. The eyes are open with brown irides, no arcus and pupils measuring 6.0 mm each. Natural teeth are present. There are no scars other than a single

Entry 3: Autopsy Report

curved scar on the scalp. There is a tattoo on the front of the left chest, having the appearance of an assault rifle. Photographs are taken by the Medical Examiner.

SPECIAL STUDIES: Blood, urine and eyefluid are obtained for toxicological analysis. A portion of gastric content is saved.

EVIDENCE OF TREATMENT: There is no evidence of treatment. Chest electrode patches are present.

EVIDENCE OF INJURY: There are three gunshot wounds present on the body. These are situated upper portion of the back of the trunk and are designated from left to right as "A", "B", and "C". These designations are purely for reference and do not reflect any opinion on the author's part as to the order in which these inshoots were inflicted. Inshoot "A" is situated 21 $\frac{3}{4}$ inches below the top of the head and is approximately 2 inches to the left of the midline. This measures $\frac{3}{16}$ inch in internal diameter and $\frac{7}{16}$ inch including an abrasion collar. This wound path extends upward, slightly to the right and mainly from back to the front. It enters the left chest posteriorly and passes through the left lower lobe and the lingula into the heart, involving the posterior surface of the left ventricle medially, piercing the interventricular septum and the anterior surface of the right ventricle. This bullet comes out of the sternum and is recovered in the subcutaneous tissue on the front of the chest. This is situated 15 inches below the top of the head and at the midline. This bullet is designated #1 and given directly to Inv. DURKIN. Associated with this wound is massive left hemothorax with marked mediastinal shift from the left to the right.

Inshoot wound "B" is situated approximately 1 inch to the left of the midline and 19 $\frac{1}{2}$ inches below the top of the head on the back of the chest. This measures also $\frac{3}{16}$ inch in internal diameter and has a $\frac{5}{16}$ inch abrasion collar surrounding. This enters the muscular tissue of the back, passes just to the left of the spine and is recovered on the left lateral surface of the vertebral spine at the level of the 8th thoracic vertebral body. This bullet is removed and is designated #3 and given directly to Inv. DURKIN.

In-shoot wound "C" is on the right side of the back of the chest, in the approximate posterior axillary line, and is approximately 19 $\frac{1}{2}$ inches below the top of the head on back. This measures $\frac{3}{16}$ inch in internal diameter and there is a $\frac{1}{16}$ inch diameter abrasion collar. This bullet extends inward on the posterolateral chest wall, upward and slightly forward. Associated with this is fracture of the 7th, 6th and 5th ribs with marked lung contusion of the right lower lobe and right upper lobe. The bullet is found at the level of the 4th rib in the anterior axillary line and is designated as bullet #2 and presented directly to Inv. DURKIN.

There are also abrasions over the right wrist on the lateral aspect and two abrasions above the knees. These appear fresh.

INTERNAL, EXAMINATION : Unremarkable. There are no significant antemortem pathologic changes noted within the viscera.

Entry 3: Autopsy Report

Travis Wood

Tavis Wood, M. D.
Medical Examiner

Entry 4: Firearms Report

August 15, 20XX-1.

State Bureau of Law Enforcement
Division of Local Law Enforcement Assistance
J. Edgar Hooper Building
Georgetown , State of Major

TO: Hon. Roy Rodgers
Camden County Sheriff
Camden City, Major
ATTN: Inv. Fred Durkin
FROM: Ed Armor, Firearms Examiner
RE: GARY GOODMAN
Murder & Attempted Murder
MOE HELTON & JOHN ELDER
Lincoln County, May 1, 20XX-1
SBLE Case No. 94100377
Agency Case No. BR-549.

SUBPOENAS PERTAINING TO THIS
CASE SHOULD REFER TO THE
SBLE CASE NUMBER

REFERENCE:

This report has reference to items received in this laboratory on May 3, 20XX-1 from Inv. Fred Durkin.

EXHIBITS: DESCRIPTION

- A One .38 spl. caliber S&W double action revolver, Model 36, commonly called a Chief's Special, SN 11235813
- B Five fired .38 spl caliber Remington cartridge cases
- C One fired lead bullet marked as recovered from JOHN ELDER by FRED DURKIN
- D On fired lead bullet marked as removed from floor near body of MOE HELTON by FRED DURKIN
- E One fired lead bullet marked as "bullet #2 removed from inshoot C" on the body of MOE HELTON by TAVIS WOOD and turned over to FRED DURKIN
- F One fired lead bullet marked "bullet #1 removed from inshoot A" on the body of MOE HELTON by TAVIS WOOD and turned over to FRED DURKIN
- G One fired lead bullet marked as "bullet #3 removed from inshoot B" on the body of MOE HELTON by TAVIS WOOD and turned over FRED DURKIN
- H One black leather jacket marked as removed from body of MOE HELTON by TAVIS WOOD and turned over to FRED DURKIN
- I One outside shirt marked as recovered from JOHN ELDER by FRED DURKIN

Entry 4: Firearms Report

RESULTS:

EXHIBIT A:

This revolver was test fired using laboratory ammunition and was found to be in working order. The trigger pull was determined to be approximately 3 pounds single action and 10 pounds double action.

EXHIBIT B:

These cartridge casings were microscopically compared with casings known to be fired from the revolver, Exhibit A. These cartridge casings were fired in the Exhibit A revolver.

EXHIBITS C-G:

These bullets were microscopically compared with tests fired from the Exhibit A revolver. Exhibits C, E, F, and G were identified as having been fired from Exhibit A. While the class characteristics on the Exhibit D bullet are the same as on the Exhibit A revolver, Exhibit D could not be positively identified as having been fired from Exhibit A due to the damaged condition of Exhibit D.

EXHIBIT H:

Examination and chemical processing of the three questioned holes in the lower center and right back portion of this jacket revealed the presence of propellant powder residue. Range tests were conducted using Exhibit A and suitable ammunition. For reference, the questioned holes will be referred to as Holes 1, 2, and 3, with the hole farthest left being denominated 1 and the hole farthest right being denominated 3. Characteristics around the questioned Hole H-1 were consistent with those produced when the muzzle-to-garment distance is between 12 to 24 inches.

Examination and chemical processing of the Holes H-2 and H-3 revealed that lead residue consistent with bullet wipe was found only around the edges of the holes. This is indicative of the firearm being fired at a distance beyond which it would normally deposit propellant powder residue. The range tests conducted with Exhibit A revealed it ceases to deposit such residue at a distance beyond two feet.

EXHIBIT I:

Examination and chemical processing around the questioned hole in this shirt revealed characteristics consistent with those produced when the muzzle of the firearm Exhibit A is within 12 inches of the material at the time of discharge.

REMARKS:

These exhibits are now available for pickup.

Entry 4: Firearms Report

Ed Armor

Ed Armor

Ed Armor, Senior Crime Laboratory Analyst

Entry 5: Curriculum Vitae for Ed Armor

CURRICULUM VITAE

ED ARMOR

FORENSIC FIREARMS EXAMINER

EDUCATION AND TRAINING:

- 200XX-15 A.S. Degree, with Honors, Lake City Community College, Lake City, FL
- 200XX-14 F.B.I./P.O.S.T./N.R.A. Firearms Instructor Certification, Miami, FL
- 200XX-13 Field Training Officer Course, Madison Community College, Madison, FL
- 200XX-12 Basic criminal Investigation Course, Los Angeles Police Department, Los Angeles, CA
- 200XX-11 Successfully completed an extensive two-year Firearms and Toolmark Examiners training
—200XX-9 course as proscribed by the Association of Firearms and Toolmark Examiners
- 200XX-8 Smith & Wesson Armorer's Course, , Jackson, MS
- 200XX-7 Remington Armorers Course, Houston, TX
- 200XX-6 FBI Gunpowder and Primer Residue Course, Quantico, VA
- 200XX-5 RCMP Wound Ballistics Seminar, Montreal, Canada
- 200XX-4 FBI Gunpowder and Primer Residue Course, Spokane, WA
- 200XX-3 Beretta Pistol Armorer's Course, Milan, Italy
- 200XX-2 Glock Pistol Armorers Course, Virginia Beach, VA
- 200XX-1 B.S. in Criminalistics, Georgetown University, Georgetown, Major

PROFESSIONAL EXPERIENCE:

- 200XX-11 Forensic Firearms Examiner, State Law Enforcement Crime Lab, Georgetown, Major
to present

Entry 6: Elder Statement

SWORN STATEMENT OF JOHN ELDER,
TAKEN AT THE CAMDEN COUNTY HOSPITAL BY FRED DURKIN, 6/15/20XX-1

1
2
3
4 Q Mr. ELDER, my name is FRED DURKIN and I am investigating the shooting that took place at the
5 Infernal Club last month. You've been in the hospital since that shooting, and the doctor has
6 just cleared you to give an interview. Do you mind talking to me about that shooting?
7 A No, I don't mind.
8
9 Q Let me get some preliminary matters out of the way first. State your name, please.
10 A JOHN ELDER.
11
12 Q Where do you live?
13 A 301 Folsom Place.
14
15 Q All right, sir. Is that here in Camden City?
16 A Yes, sir.
17
18 Q What is your date of birth?
19 A June 31, 20XX-29.
20
21 Q There's only thirty days in June.
22 A Well, maybe it's June 30. I know it's the last day of June.
23
24 Q How tall are you?
25 A 6'3'.
26
27 Q And how much do you weigh?
28 A 275.
29
30 Q Do you have a criminal record?
31 A I done some time for selling crystal meth once or twice. I done some time for DUI
32 manslaughter, too.
33
34 Q Do you know a man by the name of MOE HELTON?
35 A Yes, sir.
36
37 Q How long have you known Mr. HELTON?
38 A Near bout all my life.
39
40 Q Was he a friend of yours?
41 A Yes, sir. We was on the wrestling team together. He was the captain of the team my senior
42 year.
43
44 Q Can you estimate his height and weight for me?
45 A Around 5'9, maybe 170 pounds.
46
47 Q Do you know a man by the name of GARY GOODMAN?
48 A Yes, sir.

Entry 6: Elder Statement

- 1
- 2 Q How long have you known him?
- 3 A Four or five years. Somebody told me he was a freshman on the wrestling team my senior year,
- 4 but I don't remember him from that.
- 5
- 6 Q How big a man is he?
- 7 A He's gotta be 6'5" and weigh near 300 pounds.
- 8
- 9 Q Was he a friend yours?
- 10 A No, sir.
- 11
- 12 Q Do you have any bad feelings or hard feelings towards him?
- 13 A No, sir.
- 14
- 15 Q Ever had any difficulties with him?
- 16 A No, sir.
- 17
- 18 Q Now about BARRY GOODMAN, do you know him?
- 19 A Yes, sir.
- 20
- 21 Q How big a man do you think he is?
- 22 A He's a big'un, probably about my size.
- 23
- 24 Q Did you ever have any hard feelings towards Mr. BARRY GOODMAN?
- 25 A No, sir.
- 26
- 27 Q Or him towards you that you're aware of?
- 28 A No, sir.
- 29
- 30 Q Now, let's go back to the day you got shot. Were you at the Infernal Club on that date?
- 31 A Yes, sir. That's where I got shot.
- 32
- 33 Q And how was it that you came to go to the Infernal Club?
- 34 A I drove up, me in my uncle's car.
- 35
- 36 Q Did anyone go with you?
- 37 A Yes, sir.
- 38
- 39 Q Who?
- 40 A SHEMP CAMPBELL and STANLEY HOPKINS.
- 41
- 42 Q When you got to the Infernal Club, what did you do?
- 43 A I was standing up in front of the dance floor. I went in.
- 44
- 45 Q Did you do anything else?
- 46 A No, sir.
- 47
- 48 Q Talking to any friends or anything like that?

Entry 6: Elder Statement

- 1 A Standing and talking to STANLEY and SHEMP.
2
- 3 Q Was MOE HELTON at the Infernal Club when you got there?
4 A Yes, sir.
5
- 6 Q Did you and he at any time have any occasion to speak to MOE HELTON?
7 A No, sir.
8
- 9 Q Did you see any kind of a fight between MOE HELTON and anyone else?
10 A Yes, sir.
11
- 12 Q And who was that?
13 A BARRY GOODMAN.
14
- 15 Q How long had you been at the Infernal Club when you saw this?
16 A About 45 minutes.
17
- 18 Q Okay. And in that 45-minute period of time, had you spoken at all to MOE, do you remember?
19 A No, sir.
20
- 21 Q Had you spoken at all to GARY GOODMAN or BARRY GOODMAN?
22 A No, sir.
23
- 24 Q Did you see how the fight started between these two men?
25 A I just seen an argument.
26
- 27 Q Was it a verbal argument to begin with?
28 A Verbal. Talking, you know.
29
- 30 Q Talking?
31 A Conversation.
32
- 33 Q Could you hear what they were saying?
34 A No, sir.
35
- 36 Q Now, could you see the expression on their faces?
37 A No, sir.
38
- 39 Q Could you see the demeanor that they had when they were talking?
40 A You mean how was they acting?
41
- 42 Q Yes.
43 A Yes, I seen it.
44
- 45 Q And their demeanor was, did they look like they were doing what?
46 A Having an argument.
47
- 48 Q How did this argument end?

Entry 6: Elder Statement

1 A In a fight.
2
3 Q A fight?
4 A Yes, sir.
5
6 Q Who fought?
7 A MOE and BARRY.
8
9 Q Did you see who passed the first lick?
10 A No, sir.
11
12 Q Can you describe for us the fight between MOE HELTON and BARRY GOODMAN?
13 A It was as I see it, it started as an argument. And then they was asking each other. I mean they
14 were asking each other, "What's up? What's up?" And then they just started hand-to-hand
15 combat.
16
17 Q In what manner of hand-to-hand.
18 A Fist fighting.
19
20 Q What's that?
21 A Fist fighting.
22
23 Q Was MOE HELTON swinging his fists?
24 A Yes, sir.
25
26 Q Was BARRY GOODMAN swinging his fists?
27 A Yes, sir.
28
29 Q Who was getting the better of the fight?
30 A At the end, MOE got the better of the fight.
31
32 Q About how long did they fight, if you recall?
33 A About a couple of minutes.
34
35 Q And it started off an even fight?
36 A Yes, sir.
37
38 Q And then somebody began to win?
39 A Yes, sir.
40
41 Q And who was that that won?
42 A GARY.
43
44 Q GARY?
45 A Yes, sir.
46
47 Q I mean between MOE HELTON and BARRY?
48 A Oh, MOE.

Entry 6: Elder Statement

- 1
- 2 Q And MOE got on top of BARRY on the floor?
- 3 A No, they just stood toe to toe and slugged it out and MOE busted up BARRY's face pretty good.
- 4 There was blood everywhere. MOE knew how to hit somebody and cut them up. It's a trick he
- 5 learned when he was a Golden Gloves boxer. He was whipping BARRY's tail, but BARRY was
- 6 gutsy. He didn't try to run or give up or nothing. He hung right in there and kept on fighting.
- 7
- 8 Q Was BARRY ever on the floor with MOE on top of him?
- 9 A No, never.
- 10
- 11 Q Are you sure of that?
- 12 A Yeah. I saw the whole fight. BARRY never hit the floor.
- 13
- 14 Q Okay. Did anyone in that fist fight pull any kind of a weapon or use anything other than a fist?
- 15 A No, sir.
- 16
- 17 Q Did anyone intervene in the fist fight?
- 18 A You mean, what you mean? What you mean?
- 19
- 20 Q Come in and interrupt it or do something to stop it?
- 21 A GARY, he come in.
- 22
- 23 Q GARY who?
- 24 A Not come in and stop it or nothing. But then he just come in like from behind me because I'm
- 25 standing.
- 26
- 27 Q What were you doing?
- 28 A Standing up like right in front of the dance floor where they was fighting.
- 29
- 30 Q So you were watching the fight?
- 31 A Yeah. It was a good fight until GARY pulled the gun and started shooting.
- 32
- 33 Q Did you see where GARY GOODMAN came from?
- 34 A Yes, sir.
- 35
- 36 Q Where did he come from?
- 37 A From behind me.
- 38
- 39 Q Had you taken any action to intervene in the fight?
- 40 A No, sir.
- 41
- 42 Q When GARY GOODMAN came around you?
- 43 A No, sir.
- 44
- 45 Q When GARY GOODMAN came around you, did you see what GARY GOODMAN did?
- 46 A Yes, sir.
- 47
- 48 Q What did he do?

Entry 6: Elder Statement

1 A He come back and got on the dance floor, I guess, about two or three yards away from the fight
2 and stand up in a stationary position with a gun. And he hollered "MOE, get off of BARRY!" a
3 couple of times and then he pulled on the back of MOE's jacket. MOE backed up when GARY
4 pulled on him, so BARRY punched MOE one more time, and MOE pulled loose from GARY and
5 went back at BARRY. So GARY pulled a gun ...
6

7 Q [Interrupting] Did you see where he got the gun from?

8 A No, sir.
9

10 Q Did he do anything with the gun?

11 A He fired it.
12

13 Q Did he fire it in any particular direction?

14 A Yes, sir.
15

16 Q And in what direction did he fire?

17 A Directly at MOE's back. It was crazy, his brother was face to face with MOE. He could have
18 killed his brother, too.
19

20 Q How many times did he fire?

21 A Four times.
22

23 Q Now, was it four shots in rapid succession or was there a break between them? Or just describe
24 how the shots were fired.

25 A I think it was fired you know, pow, you know. It wasn't rapid. It wasn't like an automatic or
26 nothing.
27

28 Q There was some space of time between the shots?

29 A Yes, sir.
30

31 Q When the first shot was fired, did you see any reaction from MOE?

32 A Yes, sir.
33

34 Q What did MOE do?

35 A He started falling.
36

37 Q He started falling?

38 A Yes, sir.
39

40 Q And what happened after when MOE started falling?

41 A GARY shot again as he was falling. He fell to his knees.
42

43 Q Okay. And when MOE HELTON hit his knees --

44 A Yes, sir.
45

46 Q -- what happened?

47 A I reacted. I attempted --
48

Entry 6: Elder Statement

1 Q You reacted?
2 A Yes, I reacted toward GARY.
3
4 Q Okay. That would have been after the second shot that you reacted?
5 A Yes, sir.
6
7 Q And what was your idea of going towards GARY?
8 A To help MOE.
9
10 Q In what way?
11 A To keep him from getting murdered, getting killed, you know.
12
13 Q Okay. As you were going towards GARY GOODMAN, did anything else happen?
14 A Did anything else happen?
15
16 Q Yes, sir. Did GARY GOODMAN do anything else while you were going towards him?
17 A He was still firing.
18
19 Q And how many more times did he fire before you got to him?
20 A Two times.
21
22 Q What happened when you got to him?
23 A I hit him.
24
25 Q Where did you hit him?
26 A In the face.
27
28 Q What did you hit him with?
29 A My fist.
30
31 Q How hard did you hit him?
32 A Just swinging, not hard.
33
34 Q And your --
35 A Trying to get his attention.
36
37 Q Trying to get his attention?
38 A Yes, sir.
39
40 Q Were you trying to stop him?
41 A Yes, sir.
42
43 Q When you hit GARY GOODMAN upside the head --
44 A Yes, sir.
45
46 Q What did he do?
47 A He reached back and hit me with the butt of the gun on top of the head.
48

Entry 6: Elder Statement

- 1 Q What happened when you got hit upside the head with the gun?
2 A I fell to my knees.
3
4 Q What did you do when you fell to your knees?
5 A I grabbed his knees.
6
7 Q You grabbed whose legs?
8 A I grabbed GARY GOODMAN's.
9
10 Q Was Mr. GOODMAN facing away from you or facing towards you when you did this?
11 A Towards me.
12
13 Q What happened after you grabbed Mr. GOODMAN's legs?
14 A He shot at me. Shot down on me.
15
16 Q Shot down on you?
17 A Yes.
18
19 Q Did he hit you?
20 A Yes, sir.
21
22 Q Could you feel yourself being hit?
23 A Yes, sir.
24
25 Q Where were you hit?
26 A In the back.
27
28 Q In the back?
29 A Yes, sir.
30
31 Q What was your reaction there to being struck with a bullet?
32 A What was my reaction?
33
34 Q Yes, sir, what did you do?
35 A What did I do?
36
37 Q Yes, sir.
38 A I kind of blacked out like I was thrown, I was thrown into shock.
39
40 Q All right. And how long were you out?
41 A Just off and on.
42
43 Q Just off and on?
44 A Yes.
45
46 Q Could you remember anything that happened after you got shot that first time?
47 A Yes, sir.
48

Entry 6: Elder Statement

- 1 Q All right. Tell us what happened that you can remember.
2 A After he shot the second time which missed me, SHEMP CAMPBELL came across me and kind of
3 dove into GARY and struggled with the gun.
4
5 Q All right. And you saw that?
6 A Yes, sir.
7
8 Q Could you see what happened in the struggle over the gun?
9 A No, sir.
10
11 Q What happened after that when –
12 A I was out.
13
14 Q -- when they was struggling over the gun?
15 A I was out after that.
16
17 Q Now, do you recall coming back to your senses at any time after that?
18 A No, sir.
19
20 Q When is the next time you remember anything that happened?
21 A I was in someone's arms.
22
23 Q In someone's arms?
24 A Yes, sir. Hitting me trying to wake me up, telling me to keep breathing.
25
26 Q Okay. Do you recall who that person was?
27 A Yes, sir.
28
29 Q Who was it?
30 A SHEMP.
31
32 Q SHEMP CAMPBELL?
33 A Yeah.
34
35 Q Were you still at the Infernal Club or were you somewhere else when that happened?
36 A I was still there.
37
38 Q Do you remember anything else?
39 A No, sir.
40
41 Q You blacked out again?
42 A Yes, sir.
43
44 Q What's the next thing you remember?
45 A I remember hearing, and I come back again and I remember hearing that MOE was dead.
46
47 Q Do you remember hearing anything else?
48 A No, sir.

Entry 6: Elder Statement

1
2 Q What's the next thing you remember?
3 A That's all there is. I just kept hearing people keep on telling me to keep breathing. And then I
4 was telling them to spread the crowd back because I can't breathe.
5
6 Q Were you having trouble breathing?
7 A Yes, sir.
8
9 Q Were you taken to a hospital?
10 A Yes, sir.
11
12 Q Where were you first taken?
13 A Camden County.
14
15 Q Camden County Hospital?
16 A Yes.
17
18 Q Now, did they treat you there at Camden County or did they send you somewhere else?
19 A They did something to me. I can't remember. They treated me. Gave me some blood or
20 something.
21
22 Q Did you go anywhere else?
23 A No.
24
25 Q How long were you in the hospital?
26 A I'm still here.
27
28 Q Was the bullet removed from your body?
29 A Yes, sir.
30
31 Q And where was it removed from your body?
32 A My back.
33
34 Q Is there a scar on your back from where you were shot?
35 A Yes, sir.
36
37 Q Would you mind showing me the bullet wound?
38 A No.
39
40 Q Okay, if you would please, sir, unbutton your shirt and pull it down. And then turn and point on
41 your back to where the wound is.
42 A (Witness complying)
43
44 Q You're putting your finger just above the spot?
45 A Yes, sir.
46
47 Q Is it that discoloration right there just to the right of your spine?
48 A Yes, sir.

Entry 6: Elder Statement

1 Q Between your shoulder blades; is that correct?

2 A Yes, sir.

3

4 Q Do you have any lasting results from this?

5 A Yes, sir. I have on a colostomy bag.

6

7 Q A colostomy bag?

8 A Yes, sir.

9

10 Q And is there any prospect of having your colostomy bag removed and your bowel re-attached?

11 A I don't know, sir. They say it'll cost a lot of money and I don't have any money.

12

13 Q One last thing, Mr. ELDER, were you under the influence of drugs or alcohol on the night of this shooting.

15 A I'm not sure I want to answer that question.

16

17 Q I'm not trying to make a case against you, I'm just trying to find out how well you can remember what happened.

19 A Okay. I was smoking some weed, and I had two six packs of beer before I went to the Infernal Club. When I was at the Club I only had three mugs of beer and did one line of coke. I had a pretty good buzz on, but I can drink lots more than that without getting drunk.

22

23 Q How long before the shooting was it that you did the line of coke?

24 A I did it right when I got to the club, so it was maybe an hour or two before the shooting.

25

26 Q Thank you. Mr. ELDER, have I forced you, threatened you, or coerced you in any way to give me this statement?

28 A No.

29

30 Q Have I promised you any leniency or hope of reward in order to get you to make this statement?

31 A No.

32

33 Q Is your statement free and voluntary?

34 A Yes.

35

36 Q Do you solemnly swear that the statement you just gave is the truth, the whole truth and nothing but the truth, so help you God?

38 A Yes.

39

40 This will conclude the interview with JOHN ELDER, held at the Camden County Hospital. It is now 10:00
41 PM on June 15, 20XX-1

42

43

Entry 7: Campbell Statement

SWORN STATEMENT OF SHEMP CAMPBELL
TAKEN BY INVESTIGATOR FRED DURKIN
CAMDEN COUNTY SHERIFF'S OFFICE

1
2
3
4
5 Q Okay, Mr. CAMPBELL, my name is FRED DURKIN and I am an investigator with the Camden
6 County Sheriff's Office. I'd like to take a sworn statement from you at this time concerning the
7 events that happened at the Infernal Club last night. Are you willing to talk to me about that?
8 A Yeah, fine, go ahead.
9
10 Q Do you mind if I tape record this conversation?
11 A No.
12
13 Q Okay, let me ask you some preliminary questions first. State your name for the record?
14 A SHEMP CAMPBELL.
15
16 Q Where do you live, Mr. CAMPBELL?
17 A Tidewater Apartments, B-4.
18
19 Q What is your date of birth?
20 A 5/9/20XX-35
21
22 Q How tall are you?
23 A Five foot nine.
24
25 Q How much do you weigh?
26 A 220 pounds.
27
28 Q You don't look that heavy.
29 A I work out with weights. Muscle is heavier than fat.
30
31 Q Do you have a criminal record?
32 A You know I do. You done sent me off twice for selling meth and once for stabbing a guy.
33
34 Q Are those the only criminal convictions you have?
35 A I done some county time for two worthless bank checks.
36
37 Q Are you under the influence of any alcoholic beverage or drug of any kind?
38 A I smoked some weed last night, but that don't bother me. Last night I was pretty messed up on
39 beer and bourbon, but whatever liquor I drank last night has done left my system on account of
40 the shooting.
41
42 Q Mr. CAMPBELL, do you know a man by the name of MOE HELTON?
43 A Yes, sir.
44
45 Q How long have you known Mr. HELTON?
46 A About three, four years.
47
48 Q Was he a friend of yours?

Entry 7: Campbell Statement

1 A Yes, sir.
2
3 Q About how tall is he?
4 A Around 5'5".
5
6 Q How much would you say he weighed?
7 A Around 150, give or take.
8
9 Q Do you know a man by the name of JOHN ELDER?
10 A Yes, sir.
11
12 Q How long have you known Mr. ELDER?
13 A About eight, nine years.
14
15 Q Is Mr. ELDER a friend of yours?
16 A Yes, sir.
17
18 Q As a matter of fact, I arrested both you and Mr. ELDER in a meth lab several years ago.
19 A Yeah, but your warrant wasn't no good. The judge threw that case out.
20
21 Q How tall is Mr. ELDER?
22 A Why don't you ask him?
23
24 Q I'm asking you.
25 A I don't know, around 6'3".
26
27 Q How much does he weigh?
28 A He might go as high as 250. He works out, too.
29
30 Q Do you know a man by the name of GARY GOODMAN?
31 A Yes, sir.
32
33 Q How long have you known Mr. GOODMAN?
34 A About five, six years.
35
36 Q Was Mr. GOODMAN a friend of yours?
37 A He wasn't no enemy.
38
39 Q He wasn't an enemy?
40 A No.
41
42 Q Now, he was just an acquaintance of yours?
43 A Yes. Just we speak. You know, we spoke.
44
45 Q How tall do you reckon Mr. GOODMAN was?
46 A Him? He's around 6'5" and he weighs about 275.
47
48 Q Don't get ahead of me, now.

Entry 7: Campbell Statement

1 A Okay, I won't.
2
3 Q I'm going to ask you, Mr. CAMPBELL, about what happened last night and ask you if you were at
4 the Infernal Club?
5 A Yes, sir.
6
7 Q And how was it that you came to come, to go to the Infernal Club?
8 A Well, I was on my way home and JOHN ELDER stopped by and asked me to ride out with him for
9 a little while so I went in the car and we went out.
10
11 Q And you rode to where?
12 A To the Infernal.
13
14 Q Who rode to the Infernal with you?
15 A Me, JOHN, and STANLEY HOPKINS.
16
17 Q Is that another friend of yours?
18 A Yes, sir.
19
20 Q Give me his height and weight.
21 A Around 5'11", 190 pounds.
22
23 Q When you arrived at the Infernal Club, what did you do?
24 A Just went inside and just stood around like we usually do, just sitting down, talking, and having a
25 couple of beers.
26
27 Q When you came in, did you see GARY GOODMAN at the Infernal?
28 A I seen him and his brother BARRY.
29
30 Q Do you know BARRY?
31 A I went to school with him.
32
33 Q Was he a classmate of yours?
34 A Yes, sir.
35
36 Q Was he a friend of yours?
37 A Yes, sir, during school.
38
39 Q How about BARRY'S height and weight?
40 A He's around 6' even and weighs maybe 190.
41
42 Q What was GARY and BARRY GOODMAN doing at the Infernal Club that night when you first saw
43 them?
44 A Standing upside the wall with their hands crossed.
45
46 Q All right. Did you pay any attention to them?
47 A Not really. They usually dance. They wasn't dancing that night.
48

Entry 7: Campbell Statement

- 1 Q All right. Did you speak to them at all or say anything to them?
2 A No, sir.
3
4 Q Did anyone in your group speak to the GOODMANS or say anything to them?
5 A No, sir.
6
7 Q Was MOE HELTON at the Infernal Club when you got there that night?
8 A No, sir.
9
10 Q Did there come a time when he came to the Infernal Club?
11 A About 30 minutes after we were there.
12
13 Q What happened when he got there?
14 A He come over and spoke, walked over to the bar and got him a drink, come back and stood over
15 where we was standing at.
16
17 Q He was standing there with you?
18 A He was standing.
19
20 Q And how long a period of time did that go on, him just standing by you?
21 A Well, it was like two, three minutes. Then I walked off in the back and stood up by the mirror by
22 myself.
23
24 Q Any particular reason you did that?
25 A No, sir.
26
27 Q Well, what happened next?
28 A We just heard the music playing. You see JOHN ELDER and MOE talking. And JOHN was getting
29 ready to walk like out of the club, like toward the bricks. MOE walked down to the end of the
30 bricks and you could see him standing up. Therefore, he's looking like straight ahead where
31 GARY and his brother was standing there. And BARRY walked towards MOE.
32
33 Q Let me stop you at that point. You said that GARY walked over to, excuse me, you said that MOE
34 walked over to the bricks?
35 A Yes, he walked down to the end as JOHN was leaving like he was getting ready to go outside the
36 club. I don't know whether he was going outside the club or was he going to sit on the bricks or
37 whatever, but that's the way they was walking together.
38
39 Q Okay, the bricks, is that kind of a, kind of a half wall that's there in the club?
40 A A half wall?
41
42 Q Something you can almost sit down on behind up there?
43 A Yes, sir.
44
45 Q And it's made out of bricks; is that correct?
46 A Yes, sir.
47
48 Q Now, does that separate the dance floor from the other part, another part of the club?

Entry 7: Campbell Statement

1 A Yes, sir.
2
3 Q Then you were standing over by where?
4 A Back side over there by the women's rest room.
5
6 Q By the women's rest room. And JOHN was -- looked like he was heading towards the door?
7 A It looked like he was getting ready to walk out. And on his way going out, that's when you could
8 see BARRY and MOE stand up in each other's face. And I don't know what the conversation was
9 about. And then they started fighting.
10
11 Q Now, who started fighting?
12 A MOE and BARRY GOODMAN.
13
14 Q MOE and BARRY GOODMAN? Now, before they started fighting could you see them talking?
15 A Not really. You could just see them standing up in each other's face. I don't know what was said.
16
17 Q All right. When they were standing up in each other's face, did it look like they were being
18 friendly to each other?
19 A Not really.
20
21 Q And then a fight broke out; is that right?
22 A Yes, sir.
23
24 Q Could you see who passed the first lick of the fight?
25 A MOE passed the first lick.
26
27 Q MOE HELTON?
28 A Yes, sir.
29
30 Q He took a swing at BARRY?
31 A Yes, sir.
32
33 Q Where did MOE hit him?
34 A He hit him upside the head, you could see the blood splatter where MOE busted his lip.
35
36 Q Did BARRY back up? Try to run away or anything like that?
37 A No, he started fighting back.
38
39 Q Okay.
40 A He started fighting back.
41
42 Q Could you describe what was going on as they engaged in whatever altercation they were
43 engaged in?
44 A Well, when they walked, once he walked up in MOE's face and then whatever they said, MOE hit
45 him. When MOE hit him, he must have got in a good lick 'cause the blood spattered and BARRY
46 went down, and MOE got on top of him. He was trying to hit MOE, and MOE was just beating
47 him. MOE had BARRY in a regular "ground and pound." Blood was splattering everywhere.
48

Entry 7: Campbell Statement

- 1 Q Now, who got up in MOE's face?
2 A BARRY.
3
- 4 Q And were both of them swinging fists?
5 A Yes, sir.
6
- 7 Q What occurred at that point in the altercation?
8 A His brother walked around. Once he started fighting, JOHN turned around and his brother
9 walked around him. GARY GOODMAN walked around JOHN, pulled out his gun out of his pants,
10 and shot MOE three times in the back.
11
- 12 Q Who did you say that GARY walked around?
13 A JOHN.
14
- 15 Q What was JOHN doing when GARY walked around him?
16 A Like I guess when he seen the fight, it made him turn around and, you know, just stand up and
17 just look at the fight. And by that time, he stepped down on the dance floor; that's when he
18 walked around him, walked around him and pulled out a gun and shoot him.
19
- 20 Q Did you see where GARY GOODMAN pulled the gun from?
21 A Right there on the dance floor. He pulled it out of his britches.
22
- 23 Q Out of his britches?
24 A Yes.
25
- 26 Q Did you see where he pointed the gun?
27 A He pointed it at MOE.
28
- 29 Q And then what did he do?
30 A He shot three to four times.
31
- 32 Q What happened when the shots were fired?
33 A By that time, JOHN was trying to, I guess he was trying to help MOE. So he swung at him.
34
- 35 Q Who swung at who?
36 A JOHN swung at GARY.
37
- 38 Q At GARY?
39 A GARY was trying to back up and like still back over the bricks, just because him and JOHN were
40 tussling.
41
- 42 Q GARY was backing up when JOHN hit him?
43 A Yeah, but he didn't back up for long.
44
- 45 Q What did he do?
46 A He hit JOHN upside the head with the gun causing him to fall. When JOHN fell, he shot two more
47 times. The second shot hit -- it must have hit JOHN in the back. By that time, he was still trying

Entry 7: Campbell Statement

1 to beat JOHN in the head with the pistol. And I come across JOHN's back and grabbed his gun. I
2 grabbed the gun. The gun was in his hand.

3
4 Q Let me stop you at that point and just back up. Now, when JOHN came over and intervened
5 with GARY GOODMAN, did you see what was going on with MOE HELTON?

6 A Not really, but out of the corner of my eye I can see his brother was getting up. And when he got
7 up, that's when MOE fell down on the ground. And I don't think -- I think he knew right then
8 MOE was dead. He already knew MOE was dead so he come over. His brother BARRY come over
9 to help. Me -- when he seen me grab his brother, and me and JOHN struggling with him trying
10 to, you know, I'm trying to get the gun out of his hand, he come over to help his brother then.

11
12 Q Now, you were struggling with Mr. GOODMAN trying to get the gun out of his hand. What was
13 Mr. GOODMAN doing?

14 A Started pulling the trigger.

15
16 Q Pulling the trigger of what?

17 A Of the pistol he had in his hand.

18
19 Q Now, where was it pointing when he was pulling the trigger?

20 A Pointed towards my face.

21
22 Q Your face?

23 A My face.

24
25 Q What were you trying to do while this was going on?

26 A I was trying to really help JOHN, having seen what he had did. After he had done shot MOE and
27 then he shot JOHN, I went out and tried to help JOHN.

28
29 Q Now, did you see what happened to JOHN after GARY shot him and while you were wrestling
30 with GARY?

31 A No, sir.

32
33 Q Okay, what happened, what happened then in the tussle between you and GARY GOODMAN?

34 A Well, after we got over like towards where the two mirrors was at where JOHN was laying at,
35 when he fell he fell on the back of my leg. That's causing me and GARY to fall on the other side
36 of the club with the gun still in his hand. And I grabbed his hand and like hit it down to the
37 ground, causing him to drop the pistol out of his hand. And then me and him was just tussling
38 and fighting on the other side until I seen out of the glare of my eye STANLEY HOPKINS coming
39 up with a chair and I ducked and moved out of the way. And he jumped up and ran outside.

40
41 Q You saw STANLEY HOPKINS with what?

42 A I seen STANLEY HOPKINS coming over with a chair.

43
44 Q And what did you do when you saw STANLEY HOPKINS with a chair?

45 A I was trying to get out of the way because I didn't know who it was, but knew it was him and his
46 brother in the club.

47
48 Q And is that when GARY GOODMAN got up?

Entry 7: Campbell Statement

- 1 A That, that -- he was already standing over, he was standing against the wall. And he just turned
2 and went to running out of the club and left the gun on the ground.
3
- 4 Q The gun was on the floor?
5 A Yes, sir.
6
- 7 Q Now, did you see what happened with BARRY GOODMAN as far as after the -- while you were
8 tussling with GARY GOODMAN?
9 A No, sir.
10
- 11 Q Did you see anything about what became of BARRY GOODMAN after you and GARY GOODMAN
12 got separated?
13 A No, sir.
14
- 15 Q Now, in the tussle between BARRY GOODMAN and MOE HELTON, were either one of those
16 individuals armed with any kind of a weapon?
17 A No, sir.
18
- 19 Q When JOHN came over and intervened, was he armed with any kind of a weapon?
20 A No, sir.
21
- 22 Q When you intervened, were you armed with any weapon?
23 A No, sir.
24
- 25 Q Now, I believe that you testified that GARY GOODMAN was armed; is that correct?
26 A Yes, sir.
27
- 28 Q And someone else had armed himself with a chair; who was that?
29 A STANLEY HOPKINS.
30
- 31 Q STANLEY HOPKINS? Did you see anyone else in that club house with any kind of a weapon?
32 A No, sir.
33
- 34 Q After GARY GOODMAN ran out of the Infernal, what did you do?
35 A I went to see was MOE and JOHN all right, but there be other people walking around saying
36 MOE was dead and you could JOHN was not, you know, he hadn't closed his mouth and stopped
37 breathing so I went over and tried to wake him up.
38
- 39 Q Were you able to wake him up?
40 A Yes, sir.
41
- 42 Q Did he say anything to you?
43 A He was telling me to get the people back, he told me he couldn't breathe.
44
- 45 Q Could you see where he was injured?
46 A No, sir.
47
- 48 Q Did you see any blood on his clothing?

Entry 7: Campbell Statement

1 A Well, after they tried to pick him up one time, you know, you could see the blood on the back of
2 his shirt, but we still didn't know where he was shot at.

3
4 Q As far as MOE HELTON was concerned, do you go over to him and try and render any assistance
5 to him?

6 A Well, I was upset and crying because they was walking around saying that he was dead.
7 Somebody walked over there and closed his eyes.

8
9 Q So, he didn't move any after this incident was over?

10 A No, sir.

11
12 Q How long was it before law enforcement arrived?

13 A Two, an hour-and-a-half, an hour-and-a-half to two.

14
15 Q Seemed like a long time?

16 A Seemed like forever.

17
18 Q Is there anything else you would like to add to your statement?

19 A Just that GARY didn't have no business pulling that gun and shooting the place up. He killed
20 MOE and hurt JOHN real bad, and he would have killed me if he hadn't run out of bullets.

21
22 Q Thank you. Mr. CAMPBELL, have I forced you, threatened you, or coerced you in any way to give
23 me this statement?

24 A No.

25
26 Q Have I promised you any leniency or hope of reward in order to get you to make this statement?

27 A No.

28
29 Q Is your statement free and voluntary?

30 A Yes.

31
32 Q Do you solemnly swear that the statement you just gave is the truth, the whole truth and
33 nothing but the truth, so help you God?

34 A Yes.

35
36 This will conclude the interview with SHEMA CAMPBELL, held at the Criminal Investigation Division. It is
37 now 12:00 noon on May 1, 20XX-

Entry 8: Statement of Barry Goodman

SWORN STATEMENT OF BARRY GOODMAN
TAKEN BY INVESTIGATOR FRED DURKIN
CAMDEN COUNTY SHERIFF'S OFFICE

1
2
3
4
5
6 Q Mr. Goodman, I appreciate you coming in to talk to me today. It's been a week since the
7 shooting, and I understand that you just got out of the hospital.
8 A Yeah, I was pretty bunged up by the fighting.
9
10 Q You understand you don't have to talk to me.
11 A I want to try to do something to help my brother.
12
13 Q Well, you know, I'm not after anything but the truth. If it helps your brother, fine. If it hurts
14 him, fine. Just so long as I get to the bottom of things.
15 A It was awful nice of you not to arrest GARY the night of the shooting.
16
17 Q Well, I may have to when the investigation is all over, but that remains to be seen. I'm going to
18 try to talk to everybody who was at the Infernal Club that night and then make a report to the
19 prosecutor's office and let them decide what happens to GARY.
20 A Our family appreciates what you're doing.
21
22 Q Well, you may not appreciate it after everything is over, but I want you to know I'm just trying to
23 get to the truth. And it looks like the truth is not many people at the club will admit to seeing
24 anything. Seems like they were all looking the other way, or dancing, or standing at the jukebox,
25 or sitting at the bar, or in the bathroom. Hardly anybody wants to say they saw the fight break
26 out.
27 A I understand.
28
29 Q Now I've got a tape recorder going, you don't mind if I tape this interview, do you?
30 A No, go right ahead.
31
32 Q Alright, sir, would you state your name.
33 A BARRY GOODMAN.
34
35 Q BARRY, I wonder if you'd scoot your chair up a little bit so that you can be close to the
36 microphone. How old are you, BARRY?
37 A Twenty.
38
39 Q Do you know GARY GOODMAN?
40 A That's my brother.
41
42 Q BARRY, do you have any more brothers?
43 A Yes, I have another brother named RUFUS GOODMAN.
44
45 Q And how old is Rufus?
46 A Twenty-six.
47

Entry 8: Statement of Barry Goodman

1 Q BARRY, I want to ask you about the events of last week , at the Infernal Club here in Camden
2 City, the shootings; okay?
3 A Okay.
4
5 Q Now this wasn't the first time you ever went to the Infernal Club, is it?
6 A Yes, I'd been there before.
7
8 Q All right. Had GARY been there before?
9 A Yes.
10
11 Q Did you go to the Infernal Club with GARY on the night of the shooting?
12 A Yes, we went together.
13
14 Q Okay. And do you know about what time you got there?
15 A Not really.
16
17 Q All right. Now, did GARY have a gun?
18 A I didn't know about it. I didn't --
19
20
21 Q You didn't know about it? Pardon me?
22 A I didn't no nothing about a gun.
23
24 Q But he, obviously, had one, right?
25 A Yes.
26
27 Q Okay. But you didn't know about it at the time?
28 A No, I didn't.
29
30 Q Okay. Now, at the time did you know MOE HELTON? Did you know him?
31 A No, because we don't even talk.
32
33 Q Did you know JOHN ELDER?
34 A I knew him.
35
36 Q You knew JOHN?
37 A Yes.
38
39 Q All right. Did you know SHEMP CAMPBELL?
40 A Yeah, I used to go to school with him.
41
42 Q And how about STANLEY HOPKINS?
43 A I just waved at him every night there. I just waved at him every night when we be
44 walking and stuff.
45
46 Q Were you at the Infernal Club on the night of the shooting?
47 A Yeah.
48

Entry 8: Statement of Barry Goodman

- 1 Q What were you wearing?
2 A I'm not sure.
3
4 Q Now, on the night of May 1, 20XX-1, when you guys went into the Infernal Club, what did y'all
5 begin doing once you got in there?
6 A We was talking, waiting on the people to come, doing what we just normally do, just dance.
7
8 Q All right. And was BARRY, pardon, was GARY dancing some that night?
9 A Yes.
10
11 Q And were you dancing some that night?
12 A No.
13
14 Q What were you doing?
15 A I was just standing up, sitting on the little wall.
16
17 Q Okay. Do you remember the young lady that GARY was dancing with?
18 A Yes.
19
20 Q And who was that?
21 A REGINA POWELL.
22
23 Q At some point in time, did something peculiar or strange started to happen as far as GARY out
24 there dancing with REGINA and MOE HELTON and JOHN ELDER and those guys?
25 A Yeah, they came in. They walked over there on the side. GARY was in the middle of the dance
26 floor. They was just dancing. All of a sudden, MOE went out there, throwing kicks and punches
27 at him like he was some kind of Ninja assassin. Then, he walked back. JOHN come through doing
28 the same thing. Then, they just kept doing it. And all I did, I asked them what they were doing.
29
30 Q Now, let me stop you there. You say that they were throwing kicks?
31 A And punches at us. They wasn't hitting us or nothing. They was just acting stupid.
32
33 Q Okay. Now, what do you mean by that? I mean could you get up and kind of show me what they
34 were doing.
35 A Yes. (Demonstrating). GARY was sitting out there dancing. MOE walked out there and he do
36 such stuff like this here, trying to kick at him, doing all this and the other. Then, he walked back.
37 And JOHN could come out there and he'll do this, all this and the other. Then, JOHN would
38 throw a couple of kicks and stuff. And he'd go back, and they'd keep doing it.
39
40 Q Okay. Kind of like a poor man's Bruce Lee?
41 A Something like that.
42
43 Q And what was GARY's reaction to all this?
44 A He wasn't paying no attention because he hadn't turned his head.
45
46 Q Okay. Why don't you have a seat? Now, BARRY, what did you do about the
47 situation?

Entry 8: Statement of Barry Goodman

- 1 A All I did, I didn't go over there. All I did was stood where I was standing. They was over there.
2 And I asked them, I said, "What you doing?" Then, they didn't say nothing. Then I said, "Well, he
3 ain't messing with y'all. Leave him alone." That's when MOE went to acting funny and junk,
4 trying a new attitude. I said, "Now, don't mess with him." That's when MOE came over and
5 went to swinging at me for no reason.
6
- 7 Q All right. Now, did MOE -- you say he was swinging at you. Did he connect?
8 A Yes, he hit me one time.
9
- 10 Q Okay. Now, where did he hit you?
11 A Right there upside my head
12 .
- 13 Q All right. Now, when he hit you, was it just a little tap? Was it just a little swing or what was it?
14 A Not, it was a hit.
15
- 16 Q He hit you hard?
17 A Hard.
18
- 19 Q Okay. And did it hurt?
20 A Yes.
21
- 22 Q All right. Now, what happened next?
23 A Well, after he hit me, I was sort of dazed. But, then he grabbed me and he hit me and he
24 threw me, and I hit the side of the brick wall and I fell.
25
- 26 Q The brick wall?
27 A Yes.
28
- 29 Q You mean the little half wall that people sat and leaned on?
30 A Yes.
31
- 32 Q Okay. Now, now, BARRY, here's a diagram. Is that the wall --
33 A Yes.
34
- 35 Q -- that he threw you up against?
36 A Yes.
37
- 38 Q All right. Now, I just wonder if you would, let's say I'm you and you're MOE, show me how he
39 threw up against the wall.
40 A Well.
41
- 42 Q I mean don't really do it, just kind of get close to me. Okay.
43 A He grabbed me, when he grabbed --
44
- 45 Q Okay, go ahead and grab me how he did.
46 A He grabbed me like that and he swung.
47
- 48 Q All right, okay. Now, here's the wall, which way, he swung you in this wall?

Entry 8: Statement of Barry Goodman

1 A Yes.
2
3 Q Okay. Now, was it just a little kind of swingy-dingy or was he being really --
4 A He put force on when he did it.
5
6 Q Okay. And what happened then?
7 A My head hit the wall and I fell.
8
9 Q All right. You fell, and where did you fall, on the floor?
10 A Uh-huh.
11
12 Q All right. Were on your stomach or were you on your back?
13 A I was on my back.
14
15 Q All right. How were you, how were you feeling at that point?
16 A I was dizzy.
17
18 Q Okay. Were you hurt?
19 A I had a big headache.
20
21 Q Okay. And then what, if anything, did MOE start doing then?
22 A Well, he got on to me and I -- we went to tussling on the ground.
23
24 Q All right.
25 A And that's when JOHN came over and kicked me.
26
27 Q All right.
28 A And that's when the rest of them went to coming over there.
29
30 Q Okay. Now, was MOE hitting on you or something?
31 A Yes.
32
33 Q Okay. Kind of, you know, I mean was it just a little love tap, or how was he doing that?
34 A He was hitting me all up in the chest, all up in my ribs, in the stomach and everywhere.
35
36 Q With his open hand or closed fist or what?
37 A Fist.
38
39 Q I mean show me the kind of the motion that was used.
40 A He was doing full throttle, he was hitting me.
41
42 Q Okay. And about how many times did he hit you?
43 A I don't know.
44
45 Q All right, sir, now after you were on the ground and during the time MOE was hitting you, did
46 you say some other people got into it with you then?
47 A Yes, JOHN.
48

Entry 8: Statement of Barry Goodman

- 1 Q JOHN came over?
2 A Yeah.
3
4 Q Is that JOHN ELDER?
5 A Yes.
6
7 Q All right. And you need to keep your voice up, right?
8 A Yes.
9
10 Q And what did JOHN do?
11 A He kicked me.
12
13 Q Where did he kick you?
14 A He kicked me on the side of the head.
15
16 Q All right. Did anybody else get into it at that point?
17 A They ain't. Well, I couldn't really tell you who all got into it. All I know, I got kicked by JOHN
18 and MOE; me and him was fighting. That's when STANLEY and all of them was coming around.
19
20 Q So, you say that's the point STANLEY got into it?
21 A Yes.
22
23 Q Is that STANLEY HOPKINS?
24 A Yes.
25
26 Q Now, what was he doing?
27 A He was trying to hit me, too. But he couldn't get no licks in, too, because MOE was on top of me.
28 And I was squirming, trying to get from under him because I knew if I stayed down, you know,
29 that they was going to hurt me. So, I was trying to get from under him.
30
31 Q All right. Now, did SHEMP CAMPBELL get into it at that point?
32 A He didn't, he didn't hit me or nothing, but he was over there.
33
34 Q Okay. All right. And so it was four of them at that point against you?
35 A No, it was just three. I can't really say that SHEMP had anything to do with beating up on me
36 except standing close while they was doing it.
37
38 Q All right. Now, let me ask you this. What then did GARY do?
39 A GARY came -- I was on the floor. He told them to leave me alone and get away from me. They
40 wouldn't. So, that's when he shot.
41
42 Q All right. So, before he shot he did what now?
43 A He told them to leave me alone and get away from me, and they wouldn't.
44
45 Q They kept on?
46 A Yes.
47
48 Q All right. And that's when he shot?

Entry 8: Statement of Barry Goodman

- 1 A Yes.
- 2
- 3 Q Okay. Now, when did you realize that MOE had been hit?
- 4 A When he stopped moving.
- 5
- 6 Q All right. And what did you do once he stopped moving?
- 7 A I pushed him off of me. And that's when I seen JOHN and BAM-BAM over there double-teaming
- 8 GARY.
- 9
- 10 Q Now, "BAM-BAM", who is BAM-BAM?
- 11 A SHEMP CAMPBELL.
- 12
- 13 Q SHEMP CAMPBELL, BAM-BAM is his nickname?
- 14 A Uh-huh.
- 15
- 16 Q All right. What do you mean "double-teaming" GARY?
- 17 A Both of them was hitting him and grabbed a hold to him, trying to put him down, trying to pin
- 18 him down on the ground. And when I seen him doing that, I ran over and grabbed BAM-BAM,
- 19 SHEMP CAMPBELL, trying to keep him from double-teaming GARY. That's when STANLEY
- 20 HOPKINS hit me in the back of the head, and I fell on top of BAM-BAM. And he kept hitting me.
- 21
- 22 Q Who's "he"?
- 23 A STANLEY HOPKINS. He kept hitting me. I'm trying to keep BAM-BAM down, keep him pinned.
- 24 And that's when STANLEY HOPKINS grabbed a chair and hit me full in the back with it. And
- 25 when I stood up to find out who it was, I seen the chair up now, and I threw my arm to keep
- 26 him from hitting me in the head. Because if I wouldn't have thrown my arm, the chair would
- 27 have hit me right in the head. And I bruised up my arm.
- 28
- 29 Q Okay. Just from knowing, you know, your own self, were you injured?
- 30 A Yes, he tore me up.
- 31
- 32 Q Where were you injured?
- 33 A My arm was completely bruised. I had to go to the hospital in Riverton. But I couldn't go down
- 34 here because when the police talked to us they told us to leave because a lot of MOE'S people
- 35 said they were threatening they were going to come over to shoot us. So, he told us the best
- 36 thing for us to do is leave and go somewhere to make sure that, you know, that they don't find
- 37 us. So, we had went to Riverton.
- 38
- 39 Q All right. Now, so you went to Riverton?
- 40 A Yes.
- 41
- 42 Q And where did you go in Riverton?
- 43 A I went to my sister's house.
- 44
- 45 Q All right. And then did you go to a doctor?
- 46 A Yes.
- 47
- 48 Q Or a hospital?

Entry 8: Statement of Barry Goodman

1 A I went to Riverton Community Hospital.
2
3 Q All right. And what did they do to you there?
4 A They ran x-rays on my arm to see if there was any bones broken. And see if there was any puss
5 in my arm from where it had swollen.
6
7 Q Was your arm swollen?
8 A It had swollen where I couldn't even move it.
9
10 Q All right. Did you have any bruise or cuts or abrasions?
11 A Yes, I had a big knot on the side of my head.
12
13 Q Did they treat that there as well?
14 A Yes.
15
16 Q All right. And then did you leave that hospital?
17 A Yes, I left.
18
19 Q And did you go to another medical place at all?
20 A I went home.
21
22 Q Okay. You went home. And how long did it take for these injuries to clear up?
23 A About two or three days.
24
25 Q Okay. Now, BARRY, just based upon what you saw and observed that night, if GARY hadn't come
26 in and shot MOE, what just physically would have happened to you?
27 A They probably would have killed me because it was all of them against my by myself. They
28 would have killed me.
29
30 Q Did you see GARY shoot JOHN?
31 A No, I did not.
32
33 Q Did you see GARY tied up as they say with JOHN, meaning having any kind of, you know, scuffle
34 with him at all?
35 A I seen him tussling, that was it. That's when the gun went off on JOHN. He was tussling for the
36 gun.
37
38 Q All right. What do you mean "they were tussling for the gun"?
39 A JOHN and GARY had the gun. And I guess JOHN was trying to take the gun from GARY and it
40 went off. He did not mean to shoot JOHN because JOHN ran over and grabbed him.
41
42 Q All right. Now, when JOHN was locked up with GARY, was anybody else helping JOHN against
43 GARY?
44 A That's when BAM-BAM had ran over there.
45
46 Q Okay. But didn't you kind of jump on BAM-BAM?
47 A When I had stopped BAM-BAM from messing with GARY.
48

Entry 8: Statement of Barry Goodman

1 Q Okay. Let me ask you this, BARRY. Have you ever been convicted of a felony for a crime involving
2 dishonesty?
3 A No, sir.
4
5 Q Was GARY drinking any alcohol that night?
6 A No, sir.
7
8 Q That you saw?
9 A No, sir.
10
11 Q Had you had any alcohol?
12 A No, sir, I don't drink.
13
14 Q Thank you. Mr. GOODMAN, have I forced you, threatened you, or coerced you in any way to
15 give me this statement?
16 A No.
17
18 Q Have I promised you any leniency or hope of reward in order to get you to make this statement?
19 A No.
20
21 Q Is your statement free and voluntary?
22 A Yes.
23
24 Q Do you solemnly swear that the statement you just gave is the truth, the whole truth and
25 nothing but the truth, so help you God?
26 A Yes.
27
28 This will conclude the interview with BARRY GOODMAN, held at Camden County Sheriff's Office . It is
29 now 10:00 PM on May 7, 20XX-1.

Entry 9: Gary Goodman Statement

SWORN STATEMENT OF GARY LEE GOODMAN
TAKEN BY FRED DURKIN
CAMDEN COUNTY SHERIFF'S OFFICE

- 1
2
3
4
5
6 Q Alright, GARY, you're not under arrest, but I'm gonna hafta advise you of your rights, you
7 understand?
8 A Yeah.
9
10 Q You have the right to remain silent, do you understand that?
11 A Yeah.
12
13 Q Anything you say may be used against you in a court of law, do you understand that?
14 A Yeah.
15
16 Q You have the right to a lawyer, and to have him present with you during questioning, do you
17 understand that?
18 A Yeah.
19
20 Q If you can't afford a lawyer, the court will provide you with a lawyer free of charge, do you
21 understand that?
22 A Yeah.
23
24 Q If you decide to waive your rights and speak to me now without a lawyer, you may change your
25 mind at any time and stop talking until you get a lawyer, do you understand that?
26 A Yeah.
27
28 Q Do you want to talk to me now, or do you want to get a lawyer?
29 A I'll talk to you now.
30
31 Q Without a lawyer?
32 A Yeah.
33
34 Q Okay, I've got this waiver form, it says what I've just told you, read it over and if you want to talk
35 to me now without a lawyer, sign it at the bottom.
36 A Okay.
37
38 Q Thank you. Mr. GOODMAN, have I forced you, threatened you, or coerced you in any way to get
39 you to sign that waiver?
40 A No.
41
42 Q Have I promised you any leniency or hope of reward in order to get you to sign that waiver?
43 A No.
44
45 Q Was your decision to waive your rights and make a statement free and voluntary?
46 A Yes.
47
48 Q What's your full name, GARY?

Entry 9: Gary Goodman Statement

1 A GARY LEE GOODMAN.
2
3 Q How old are you?
4 A Nineteen.
5
6 Q Okay. Is BARRY your brother?
7 A Yes, sir.
8
9 Q Okay. Now, this incident happened at the Infernal Club, correct?
10 A Yes, sir.
11
12 Q GARY, had you ever been to the Infernal Club before this night?
13 A Yes, sir.
14
15 Q And about how many times had you gone there?
16 A I go there several times, but I just go to dance. That's all.
17
18 Q All right. So you'd been there several times before?
19 A Yes, sir.
20
21 Q Okay. Did you know MOE HELTON and SHEMP CAMPBELL and that group before that night at
22 all?
23 A I heard of them and the things that he did, but as serious knowing him, I didn't know him.
24
25 Q Okay. So, you had heard things about them, correct?
26 A Yes, sir.
27
28 Q From other people?
29 A Yes, sir.
30
31 Q All right. Now, GARY, I don't want you to get into the details of what you had heard about JOHN
32 ELDER and MOE HELTON and SHEMP CAMPBELL. Let's take them one at a time.
33
34 Q Had you heard things about JOHN ELDER before this evening?
35 A Yes, sir. I heard things and also saw a couple of things that he did.
36
37 Q All right. What had -- well, let me ask you this. How did that cause you to feel about JOHN
38 ELDER?
39 A I was afraid of him. I was scared to be by him.
40
41 Q Let me ask a question. Had you seen him do some things, some specific things, that caused you
42 to be afraid of JOHN ELDER?
43 A Yes, sir.
44
45 Q Now, hold it. My next question is what did you see? Go ahead and answer out loud.
46 A I know I seen him jump on a couple of people from out of town, and selling drugs.
47
48 Q Now, let's talk about MOE HELTON. How did you feel about him on this particular night?

Entry 9: Gary Goodman Statement

- 1 A I was afraid of him, too, because I –
2
- 3 Q All right, now hold it. Is that because of things you had heard and also seen, or just one or the
4 other?
- 5 A Because of what I heard and what I saw.
6
- 7 Q All right. Now, I'm just asking you about things that would cause you to be afraid of him. What is
8 it that you saw?
- 9 A Well, I saw him jumping on, you know, this boy one time, him and his friends, for no reason.
10
- 11 Q All right. Now, when SHEMP, I'm sorry, MOE HELTON did this, was he alone in jumping on the
12 friends?
- 13 A No, sir.
14
- 15 Q Or did he have some help?
- 16 A He had some help.
17
- 18 Q And who was helping him?
- 19 A Him and a couple of his friends.
20
- 21 Q Do you remember their names?
- 22 A TERRY PACE, FRED GREEN, several more of them.
23
- 24 Q Did you know STANLEY HOPKINS before this night?
- 25 A Yes, sir.
26
- 27 Q How did you feel about him?
- 28 A I felt fine about him. I never seen him do no fighting.
29
- 30 Q All right. How about SHEMP CAMPBELL?
- 31 A I didn't really know SHEMP. He seemed okay.
32
- 33 Q When you saw I think you said JOHN ELDER is the first person you talked about being in fear of,
34 right?
- 35 A Yes, sir.
36
- 37 Q When JOHN did whatever he did, was he alone or with other people?
- 38 A He was with other people.
39
- 40 Q Okay. So, as of that night, you were fearful; is that fair to say of these two individuals?
- 41 A Yes, sir.
42
- 43 Q Now, GARY on this night at the Infernal Club, you had a pistol with you?
- 44 A Yes, sir.
45
- 46 Q GARY, how did you come to have that firearm that night?

Entry 9: Gary Goodman Statement

- 1 A Well, a friend of mine was drunk and he had it. And he was acting funny with it, so I told him
2 you don't need the gun while you are acting funny. And I told him that I would take it to my
3 house and leave it there and he could get it in the morning.
4
- 5 Q All right. But you brought it with you that night?
6 A Because I had forgot I had it on.
7
- 8 Q Do you normally carry a firearm around?
9 A No, sir, that was really my first time ever touching a gun.
10
- 11 Q You don't own a gun? You didn't own a gun before this?
12 A No, sir.
13
- 14 Q Do you know what kind of a gun it was?
15 A Yeah. It was a Smith & Wesson Chief Special revolver with a hammer shroud. It chambers five
16 bullets.
17
- 18 Q It would only shoot five times?
19 A Yeah, after that, you'd have to reload it.
20
- 21 Q What's a hammer shroud?
22 A It's a cover put over the hammer so the hammer won't snag in your pocket when you try to pull
23 the gun out. With a hammer shroud you can still thumb cock the revolver and shoot single
24 action. Chief Specials with concealed hammers can only be fired double action.
25
- 26 Q Okay. GARY, have you ever been convicted of a felony for a crime involving dishonesty?
27 A No, sir.
28
- 29 Q Let's talk about the shooting. Did you, in fact, shoot MOE HELTON?
30 A Yes, sir, I shot him.
31
- 32 Q What were you doing, if anything, shortly before that? I mean before going over to be near
33 where you shot him, what were you doing?
34 A Besides dancing with REGINA, you know, before I started dancing with her I had walked in the
35 club with my brother BARRY. And he said he wanted to go there to listen to some music so I told
36 him okay. So, we went into the club. And, you know, at first we were just sitting down and just
37 listening to some music. Then, a friend of mine named PABLO BLACK came in there, and we
38 went over there and started talking to him. And the girl by the name of REGINA POWELL came
39 over and asked him to dance. But, then, he turned her down and said no, so she said me to
40 dance. By me and her husband went to school together, she knows me. She asked me to dance
41 so I said okay. PABLO said he was fixing to get ready to go home so I told him we was going
42 home, too, after this song right here so wait on us outside. PABLO went outside and I was
43 dancing with REGINA. And, you know, I glanced over, you know, my shoulders and I see JOHN
44 and MOE over there talking. And they throwing little hits at me like they was trying to hit me
45 and kick me. So, I turned my head and so I ain't --
46
- 47 Q All right, now, GARY, you say that you were out there dancing with Regina, right?
48 A Yes, sir.

Entry 9: Gary Goodman Statement

1
2 Q All right. Now, did you then notice something going on as far as JOHN and MOE was concerned?
3 A I didn't. The only thing I really noticed besides the little, you know, stunt they was doing was
4 that I noticed somebody was rushing over there toward me, where I was.
5
6 Q All right. Now, at some point in time did you notice something going on with BARRY?
7 A No, sir. I seen -- beside I seen, you know BARRY had stood up. I seen him when he was sitting on
8 the bricks. He like stood up and he had his hand crossed like this right here and he was looking
9 at me beside that.
10
11 Q Okay.
12 A And I didn't notice anything else.
13
14 Q Okay. At some point in time did you see MOE HELTON and BARRY get into it?
15 A Yes, sir. That is when I seen MOE rush over. I thought he was fixing to hit me so I folded up. But
16 he wasn't coming to hit me, and I looked back. And I didn't really know who he was fighting at
17 first.
18
19 Q Okay. At some point in time did you see him hit your brother BARRY, see MOE hit BARRY?
20 A Yes, sir.
21
22 Q Okay. Now, tell me about that.
23 A I seen him after he hit him, he grabbed him and swung him up against some bricks and then
24 slammed him on the floor and kept hitting him.
25
26 Q All right. You mentioned a brick wall. Is that the brick wall that MOE threw your brother BARRY
27 up against?
28 A Yes, sir.
29
30 Q Okay. Now, I don't want you just to kind of ramble on. Let's just talk about the situation where
31 you see your brother hit. Just take me through that and tell me what you saw as far as MOE
32 doing anything to BARRY.
33 A Well, I saw MOE had him down on his back and he was hitting him. And I seen JOHN run up
34 there and started kicking him. Then, I see SHEMP and STANLEY was coming over there. By that
35 time, I was already scared. MOE got on my brother, got on my brother. Then, I tried to get him
36 off, but that wasn't working. So, I –
37
38 Q But you actually saw MOE hit BARRY while BARRY was standing up there?
39 A Yes, sir.
40
41 Q What happened to BARRY after?
42 A I see when he grabbed him and he slammed him.
43
44 Q All right. Now, who grabbed who and slammed who?
45 A MOE grabbed BARRY and slammed him.
46
47 Q Slammed him where?
48 A Up against the bricks, and then he fell to the floor.

Entry 9: Gary Goodman Statement

- 1
- 2 Q Okay. What do you mean he slammed him against the brick wall?
- 3 A Well, he got him and he slammed him right there, and he turned around and just slammed him
- 4 on the floor. He was the captain of the high school wrestling team when I was a freshman.
- 5
- 6 Q All right. And you saw that?
- 7 A Yes, sir.
- 8
- 9 Q All right. How did that make you feel?
- 10 A I was afraid and scared at that time.
- 11
- 12 Q Now, we've go the situation where your brother GARY -- I mean your brother BARRY is on the
- 13 ground, right?
- 14 A Yes, sir.
- 15
- 16 Q Is he on his back or is he on his stomach?
- 17 A He was on his back.
- 18
- 19 Q He was on his back? Now, what did MOE do?
- 20 A Punching him all in the face.
- 21
- 22 Q Okay. GARY, when you say punching him, what do you mean? I mean can you just kind of show
- 23 me with your arm.
- 24 A I mean punching and swinging, like MMA ground and pound.
- 25
- 26 Q Hard?
- 27 A Yes, sir.
- 28
- 29 Q Okay. And was anybody else in on it against your brother at that point?
- 30 A Yes, sir. There was JOHN ELDER. I seen him kicking. And STANLEY HOPKINS, I seen him trying to
- 31 get in on it, too. And I seen BAM BAM like standing over by JOHN.
- 32
- 33 Q And BAM BAM is SHEMP CAMPBELL?
- 34 A Yes, sir.
- 35
- 36 Q All right. And I just want to be sure are you saying that they were in on your brother before you
- 37 shot MOE?
- 38 A Yes, sir.
- 39
- 40 Q Okay. Well, now let me ask you this, GARY. What did you do when you saw your brother in this
- 41 situation?
- 42 A Well, I was scared and I told him to get off of my brother, get off my brother. And I tried getting
- 43 MOE off of him, but that wasn't working. So, I got scared and pulled the gun.
- 44
- 45 Q And what did you do?
- 46 A I shot MOE.
- 47
- 48 Q Okay. GARY, what was your purpose? Why did you shoot MOE?

Entry 9: Gary Goodman Statement

1 A To get him off of my brother.
2
3 Q What did you think would happen to your brother if you didn't use that pistol?
4 A I thought they were going to kill him.
5
6 Q Now, how did the shots go? Just like one at a time or I mean fast or slow of what?
7 A Well, I can't really -- I don't really know because I had blanked out. I was -- when I first shot, I got
8 so scared that I had blanked out.
9
10 Q Okay. BARRY, BARRY, I'm sorry. It's been a long night. GARY, were there any police officers in the
11 club that night?
12 A No, sir.
13
14 Q Were there any bouncers or people like that?
15 A Yes, sir.
16
17 Q Was there anybody that you knew in there that could come and help you?
18 A No, sir.
19
20 Q How was the lighting? Was it light or dark?
21 A It was kind of dark.
22
23 Q Okay. Now, after you shot MOE do you remember how many, how many times you pulled the
24 trigger?
25 A I think around about four.
26
27 Q And you just squeezed the --
28 A I just squeezed. The first time I shot, I was so scared and believe that I really shot him, you know,
29 I was so scared and I had blanked out.
30
31 Q Okay. Now, GARY, let's talk about what happened after that. After you shot MOE, what happens
32 to him? What does he do?
33 A I was, you know, brought into it by somebody punching me. Somebody else punched me. And
34 when I came to, I seen MOE laying there and I was still dazed like. Lord knows, Lord knows I was
35 saying to myself -- and somebody had rushed me, which was JOHN ELDER. He had rushed me.
36 And he was trying to take the gun out of my hand. And I had stumbled and by me, stumbling
37 BAM BAM, which is SHEMP, he had came over and grabbed me also.
38
39 Q All right. Well, how did you come to shoot JOHN; do you recall at all?
40 A I don't really recall how I shot JOHN because he was trying to snatch the gun up out of my hand,
41 and I really don't know.
42
43 Q Okay. Well, now, you know he was shot in the back?
44 A No, sir. The only thing I know is when he wrestled me, he grabbed the gun. He was like leaning
45 forward like that because BAM BAM, SHEMP, he had reached over and grabbed me also. But I
46 don't know how he got shot in the back.
47

Entry 9: Gary Goodman Statement

- 1 Q All right. As best you recall, how many of those guys, if there were any, were on you when you
2 were locked up with JOHN?
- 3 A SHEMP. He was on me. My brother was trying to get SHEMP up off of me, up off me so it was
4 SHEMP and JOHN.
5
- 6 Q Where was STANLEY HOPKINS; do you recall?
- 7 A The only thing I seen STANLEY is when he had had my brother. And, then, he came across him
8 with a chair.
9
- 10 Q You saw STANLEY hit your brother BARRY with a chair?
- 11 A Yes, sir.
12
- 13 Q And was it a hard hit or what; do you recall?
- 14 A It was a hard hit.
15
- 16 Q Okay.
- 17 A When Mr. -- well, when SHEMP pushed me in the back he was pushing me up against the mirror
18 in the club. And that's when I seen STANLEY HOPKINS grab a chair and like that. And PACO came
19 back in at the time, and he was looking around wondering what was going on. And I was telling
20 PACO, "Stop STANLEY, Stop STANLEY. Don't let him hit my brother with the chair." And STANLEY
21 hit him with the chair. And at that time, I got, you know, upset at him and I was scared. And I
22 grabbed SHEMP and pushed him out of the way. And I ran over there and STANLEY, he ran off.
23 And I grabbed my brother, and picked him up because he was trying to get a hold of his arm.
24 And I grabbed him and picked him up and yanked him out of the club, and we started running.
25
- 26 Q And you went home?
- 27 A Yeah. Momma took BARRY to the hospital and I just stayed at the house.
28
- 29 Q And that was where I found you this morning at 4:00 AM?
- 30 A Yeah. I was just fixing to call the law when you drove up.
31
- 32 Q Okay. All right, sir. Now, you remember being locked up with JOHN ELDER, you just don't
33 remember the shooting; is that what you're saying?
- 34 A No, sir. The only thing I remember is his body jumping. I thought I had shot him in the leg really.
35 Because when my brother was telling me that JOHN was shot and MOE was shot, I said, "Well, I
36 ain't know if MOE was dead or not." But, you know, I ain't see no movement so I was assuming
37 that he was dead. So, I was scared. And my brother, he said, "I don't know, I think he's dead."
38
- 39 Q Well, GARY, as to MOE HELTON, just one more time, why did you shoot him?
- 40 A Because I was afraid that they would kill my brother.
41
- 42 Q And at the time that JOHN was shot, what was actually happening between the two of you, if
43 anything?
- 44 A He was hitting me. I know that. When he rushed me, he was hitting me, like in the side.
45 And I guess he was trying to hit me in the face, but I definitely know he was hitting me in the
46 sides. And I was telling him to stop. But, you know, I kind of figured out that I had shot him, his
47 body jumped. And I was telling him I was sorry. Because he leaning back on me, I was trying to, I

Entry 9: Gary Goodman Statement

1 said, "JOHN, I'm sorry, JOHN, I'm sorry." But, then, he kept hitting me while he was leaning on
2 me. And that's when I hit him with the gun.
3
4 Q And where was SHEMP CAMPBELL; if you recall?
5 A At that time, he grabbed me by my hand with the gun in it. And he grabbed me by my shirt, and
6 he pushed me in the back, and there was scuffling.
7
8 Q How tall are you GARY?
9 A I'm 6'5".
10
11 Q How much do you weigh?
12 A Around 300.
13
14 Q Now you said something about MOE being on the wrestling team when you were a freshman.
15 Were you a wrestler, too?
16 A I was state champion heavyweight my senior year. But my favorite sport was weight lifting. I
17 still hold the Class A state record for the clean and jerk.
18
19 Q Let's go back and let me ask you some more questions. How many times did MOE punch
20 your brother in the face?
21 A Several times.
22
23 Q More than five?
24 A Yes, sir.
25
26 Q More than 10?
27 A I wasn't really counting.
28
29 Q Between five and 10 as an estimate?
30 A It was several punches.
31
32 Q Several punches?
33 A Yes, sir.
34
35 Q Just as hard as he could right in the face?
36 A Yes, sir.
37
38 Q Now, there was at least three people on your brother, right?
39 A Well, there was two, and STANLEY was trying to hit him.
40
41 Q And you only shot one of them, right?
42 A Yes, sir. I was pulling MOE up off him, trying to pull him up off him.
43
44 Q And JOHN was standing there kicking, you didn't shoot him, did you?
45 A Because JOHN was in front, and I didn't really see JOHN. I seen JOHN kicking him, but as far as
46 MOE was the main one on top of him hitting him.
47
48 Q You didn't shoot JOHN because you didn't see

Entry 9: Gary Goodman Statement

- 1 A I seen JOHN. I said I seen -- I didn't see JOHN because I seen him kicking him. I ain't said that I
2 didn't see JOHN at all.
- 3 Q Well, did you or did you not see JOHN kicking your brother?
- 4 A I seen JOHN kicking.
- 5
- 6 Q But you didn't shoot him?
- 7 A No, sir.
- 8
- 9 Q You weren't trying concerned about stopping him, were you?
- 10 A I was concerned, but MOE was doing the most damage.
- 11
- 12 Q Okay. And STANLEY was over there trying to get into it, too?
- 13 A Yes, sir.
- 14
- 15 Q You didn't shoot him, did you?
- 16 A Because MOE was on top.
- 17
- 18 Q The person you shot was MOE, right?
- 19 A I tried to get him off and I said, "Stop jumping on my brother." I was trying to get him up off my
20 brother.
- 21
- 22 Q You shot MOE three time; didn't you?
- 23 A The first time I shot I went blanked out, I didn't know what was going on, I was afraid.
- 24
- 25 Q In the back, right?
- 26 A Yes, sir.
- 27
- 28 Q Did you cock the gun, or did you just pull the trigger?
- 29 A I just pulled the trigger. A Chief Special is a double action revolver.
- 30
- 31 Q Okay. Now, you took this gun away from a man because you were afraid that he might injury
32 somebody with it, didn't you?
- 33 A Yes, sir.
- 34
- 35 Q Who was the man?
- 36 A I don't want to get him in no trouble.
- 37
- 38 Q And you took this gun away from him because you knew that whoever had possession of the
39 gun had to exercise an extreme degree of care --
- 40 A Yes, sir.
- 41
- 42 Q -- in the use of that gun; didn't you?
- 43 A Yes, sir.
- 44
- 45 Q When you took that gun, did you put it in a safe place?
- 46 A Well, that was my mistake, I put it in my coat pocket.
- 47
- 48 Q You took it and put it in your coat pocket?

Entry 9: Gary Goodman Statement

1 A Yes, sir.
2
3 Q It wasn't a safe place to be putting that gun, was it?
4 A No, sir.
5
6 Q And, then, you forgot you had it?
7 A Because I wasn't, I wasn't planning on going to the club. My brother wanted to go to the club
8 and listen to some music.
9
10 Q But, then, you forgot you had the gun in your coat pocket?
11 A Yes, sir.
12
13 Q And you forgot it was there?
14 A Yes, sir.
15
16 Q But you remembered it was --
17 A When I --
18
19 Q -- when you saw the fight begin?
20 A When I swung around and hit my leg.
21
22 Q When you swung around and hit your leg?
23 A Because I had my back turned when I was dancing with REGINA. And when I heard the nooise
24 and turned around, after I seen MOE and all them jumping on them, then I swung and the gun
25 hit my leg.
26
27 Q So, you walked into the Infernal Club, and you saw this group of people that you're scared of,
28 and you stayed there?
29 A We was there first.
30
31 Q You were bigger than MOE HELTON, weren't you?
32 A Yes, sir.
33
34 Q MOE was a pretty thin young man, wasn't he?
35 A MOE was also muscular.
36
37 Q Now, when you stood over MOE HELTON as he was fighting with your brother, you could have
38 grabbed him by the collar and pulled him back, couldn't you?
39 A Could I have grabbed him by the collar --
40
41 Q Yes, sir.
42 A -- and grabbed him back? I tried to get him off of him.
43
44 Q You tried?
45 A Yes, sir.
46
47 Q And then—
48 A I think I don't want to talk about the fight any more.

Entry 9: Gary Goodman Statement

1
2 Q Okay, if you want to stop talking, that's fine with me. Thank you. Mr. GOODMAN, have I forced
3 you, threatened you, or coerced you in any way to give me this statement?
4 A No.
5
6 Q Have I promised you any leniency or hope of reward in order to get you to make this statement?
7 A No.
8
9 Q Is your statement free and voluntary?
10 A Yes.
11
12 Q Do you solemnly swear that the statement you just gave is the truth, the whole truth and
13 nothing but the truth, so help you God?
14 A Yes.
15
16 Q Alright, you can go home now, and tell your momma that I'm not going to make an arrest here.
17 I'm just going to write the case up and turn it over to the prosecutor and let him decide.
18 A Okay. I reckon I'll see you at church next Sunday?
19
20 Q Probably so. Now try to stay out of trouble, you hear?
21 A Yes, sir.
22
23 This will conclude the interview with GARY GOODMAN, held at the Criminal Investigation Division. It is
24 now 6:30 PM on May 3, 20XX-1.

Entry 10: Psychiatric Report

September 1, 20XX-1
Forensic Pyschiatric Services
Arden Conger, M.D., Ph.D.
Board Certified Forensic Psychiatrist
Licensed Clinical Psychologist
22 Catch Lane
Georgetown, Major

IDENTIFICATION DATA

Name: GARY GOODMAN
Camden County, Major
Date of Birth: April 30, 20XX-19
Age: 18 years
Marital Status: Single
Place of Birth: Camden City, Major
REASONS FOR REFERRAL

Mr. GOODMAN was referred for Psychiatric and Psychological Evaluation by Honorable Judge James Roy Bean to determine:

1. Sanity at the time of the alleged offense.
 2. Competency to proceed.
 3. Whether he meets the criteria of involuntary hospitalization.
- The purpose of this evaluation was a confidential report for the Defense only.

Mr. GOODMAN was examined on September 20, 20XX-1, at the Camden County Jail.

PERSONAL HISTORY

GARY was born in Camden City. His biological father, JONATHAN GOODMAN, is 44-years old and lives in Camde City. His father is in the construction business. His biological mother, VANESSA WILLIAMS, is 43 years old and also lives in Camden City. His mother is unemployed due to an operation on her hands and a back injury. His parents were separated when he was 12-years old and he was raised mostly by the mother and his oldest brother.

GARY claims that his overall childhood was essentially normal with no history of alcohol or drug abuse in the family.

GARY was attending 12th grade in Camden County prior to getting arrested and subsequently has not been able to attend school because of incarceration. While in school he attended regular classes. He reports having been suspended a few times for fighting, and that report is corroborated by his school records, which list 15 incidents of discipline for fighting, including 5 suspensions for fighting. He was below average as a student, repeating the 8th grade.

GARY did excel at athletics, being a member of the wrestling, weightlifting, and football teams, and having won state championships as a wrestler and weightlifter.

GARY has never been married and has no children. He denies ever suffering from a venereal disease and denies any significant sexual problems.

Most of his life he has done odd jobs such as mowing lawns, etc. He does, however, pride himself in being a good artist and claims that several people often come to him and pay him small amounts for his pictures .

ALCOHOL AND DRUG HISTORY

GARY admits that he has been occasionally drinking, mostly on weekends, but does not think that he has a problem with alcohol. He also admits that on weekends he usually smokes a few joints of marijuana .

LEGAL HISTORY

Entry 10: Psychiatric Report

He denies any prior problems with the law.

MEDICAL HISTORY

GARY claims that as a child he hurt his left eye in a fall and subsequently underwent surgery. Currently he reports no problems with his vision.

PSYCHIATRIC HISTORY

Patient denies any prior inpatient or outpatient psychiatric care, but claims that two years ago he did attempt suicide by an overdose when he failed to advance in the sectional championships in wrestling. He claims he just got tired of living.

He does at this time complain of feeling depressed, but this depression appears to be consistent with being incarcerated and recognizing that he is in serious trouble with the law.

PATIENT'S ACCOUNT OF THE CIRCUMSTANCES LEADING TO HIS ARREST

GARY claims that he has been charged with second degree murder and second degree attempted murder. He claims the particular incident happened on May 1, 20XX-1. He started narrating the incidence by claiming that he had been talking to his friend, DELBERT HIGGENBOTHAM, who was heavily intoxicated and carrying a gun around. GARY felt that it was risky for him to carry a gun, so he took the gun away from him and put it in his pocket. He then ran into a friend called JACOB and along with his brothers started riding around. JACOB then decided to split and then his brothers and he went to a club in Camden City. They sat down and started listening to the music and watching the girls dance. As they were doing so another friend called KAREN BLACK came in and joined them. As they were enjoying themselves, four people by the names of MOE, STANLEY, JOHN, and BAM BAM came in and sat on the other side of the club. They kept looking at GARY and acting like they were shooting him (with hand gestures). A girl meanwhile approached GARY asking him to dance with her and he did so. He looked out of the corner of his eye and every time he looked at these four people they would make hand gestures of shooting him and other threatening gestures. As he was dancing he suddenly noticed that MOE had hit his brother BARRY for no apparent reason. He told MOE to get off when he claims that JOHN and STANLEY came at him. He remembers pulling the gun and shooting once and then "I blacked out." He claims that when he came back to his senses he thought he had shot his brother. JOHN then tried to take his gun away and he claims the gun went off again. He apparently hit JOHN in the stomach. His brother who had been hiding under the chair, got up and got JOHN and pulled him off GARY. He remembers then saying "JOHN, I'm sorry, I'm sorry." Meanwhile BAM BAM grabbed him STANLEY was trying to hit his brother with a chair. His friend KAREN BLACK meanwhile came in and GARY asked her to help them. GARY then slammed BAM BAM to the floor and he and his brother BARRY ran out of the club and left. He discovered later that MOE had died and that JOHN was badly hurt.

MENTAL STATUS EXAMINATION

GARY is an 18-year black male, housed at the Camden County Jail. He was dressed in blue clothes provided by the county jail. His mood at the time of examination was depressed and his affect was blunted. He spoke with little variation in tone and avoided eye contact. He denies any auditory or visual Hallucinations, perceptual deficits or psychosis. He is well oriented to time, place, and person and his memory is fairly intact for all three spheres, except a brief period during the alleged offense when he claims he blacked out. Apparently he does not remember shooting MOE. He has no prior history of any such blackout spells. He denies any history of auditory or visual hallucinations. There was no evidence of any paranoia. He denies being suicidal or homicidal at this point.

SANITY AT THE TIME OF THE ALLEGED OFFENSE

GARY did not suffer from any mental illness at the time of the alleged offense. His brief amnesiac episode appears to be very convenient in nature to absolve the responsibility for the death of MOE. It is my medical opinion at this time that GARY was SANE at the time of the alleged offense.

COMPETENCY TO PROCEED

Entry 10: Psychiatric Report

GARY understands the nature of charges against him and possible penalty if convicted. He understands the function of the judge and jury in the court of law and the adversary nature of the legal system. He understands what plea bargaining is. He is capable of exhibiting appropriate courtroom behavior and challenging the prosecutor's witnesses. He is capable of assisting his attorney in his own defense. It is therefore my medical opinion that he is COMPETENT to proceed.

INVOLUNTARY HOSPITALIZATION

GARY does not meet the criteria for involuntary hospitalization at this point.

IMPRESSION

No mental illness, but suffering from a mild degree of depression which is normal under the circumstances. Although no mental illness was apparent, it was felt advisable to inquire further into GARY'S mental functioning. Consequently the Wechsler Adult Intelligence Scale – Revised and the Minnesota Multiphasic Personality Inventory – Adolescent Version were employed. It was found that On the WAIS-R, Gary obtained a Verbal I.Q. of 80, a Performance I.Q. of 86, and a Full Scale I.Q. of 82. This latter score places Gary in the Borderline Retarded range of intellectual functioning. The 6-point discrepancy between Verbal and Performance I.Q.s is not significant and indicates that Gary is equally adept on tasks requiring verbal expression and comprehension and on tasks requiring the manipulation of visual-perceptual stimuli. Within the Verbal Scale, Gary performed below Average on all subtests. Across Performance subtests, Gary scored in the Low Average to Borderline Retarded range with no discrepant strengths or weaknesses. Individual subtest scores on the WAIS-R are listed as follows:

Verbal Scale Scores		Performance Scale Scores	
Information	6	Picture Completion	8
Digit Span	9	Picture Arrangement	7
Vocabulary	4	Block Design	9
Arithmetic	5	Object Assembly	9
Comprehension	5	Digit Symbol	6
Similarities	5		

These testing results, coupled with GARY'S history, suggest that although he has no mental illness at this time, he suffers from a mild personality disorder which I would classify Personality Disorder NOS with Passive-Dependent Features. The interplay between this personality disorder and GARY'S low mental functioning, coupled with his relative unfamiliarity with violent combat, could easily cause him to over-estimate the seriousness of threats posed to him or to any of his loved ones and to over-react to those threats.

Arden Conger

ARDEN CONGER, M.D., Ph.D.

CURRICULUM VITAE

ARDEN CONGER, M.D., Ph.D

2580 Country Road

Suite 300

Georgetown, Major

General and Forensic Psychiatry

MEDICAL LICENSURE AND REGISTRATION

Physician and Surgeon, 200XX-15, Major No. 578902345-71

Psychologist, 200XX-15, Major No. 1-0958-158582-0

D.E.A. Controlled Substance Registration No. 5840-24

PROFESSIONAL STATUS

Diplomate in Psychiatry, American Board of Psychiatry and Neurology, 200XX-14.

Diplomate in Forensic Psychiatry, American Board of Forensic Psychiatry, 200XX-15

Private Practice, General Adult and Forensic Psychiatry

Forensic Psychiatric Consultant to Camden County Circuit Court, Public Defender and State's Attorney's Offices; Riverton County Public Defender's Office; Office of the State Appellate Defender Supreme Court Unit, Camden County Child Advocacy Center; private attorneys in Florida, Georgia, Alabama, and Mississippi. Over 2500 cases in 15 years of Consultation, Evaluation, Reports and Testimony in Civil and Criminal Matters.

FORENSIC EXPERTISE IN CRIMINAL MATTERS:

Fitness to Stand Trial: Defendant's capacity to comprehend legal proceedings and cooperate with counsel; evaluation of effects of psychotropic medications and neuropsychiatric factors on fitness and courtroom presentation at trial and sentencing.

Criminal Competency: Mental state at time of offense for mental disease or defect impairing appreciation of wrongfulness/criminality of acts and/or capacity to conform conduct.

Mitigating and Aggravating Factors: Mental state at time of offense, provocation, mens rea, developmental trauma, relational factors, neuropsychiatric/ medical disorders and brain injury factors.

Post Conviction Analysis: Scrutiny of civil rights violations; competency for Miranda warning; competency at arrest, detention, evaluation, trial, and sentencing; factors in mitigation/aggravation; medication and neuropsychiatric effects; relevance of prior evaluations.

EDUCATION

Bachelor's Degree in Biology (with honors), Gateway College, Gate City, FL, 200XX-28.

Master's Degree in Psychology (with high honors), Gateway College, Gate City, FL, 200XX-26.

Doctor of Philosophy in Psychology, Gateway College, Gate City, FL, 200XX-25.

Doctor of Medicine Degree, Georgetown University School of Medicine, Georgetown, Major, 200XX-20.

Medical-Surgical Internship, Camden County Hospital and Clinics, 200XX-19 to 200XX-18.

Residency in Psychiatry, Camden County Hospital and Clinics, 200XX

Entry 12: DSM-IV-TR

DIAGNOSTIC CRITERIA FOR PASSIVE DEPENDENT PERSONALITY DISORDER

Diagnostic and Statistical Manual IV, Text Revision (DSM-IV-TR)

Dependent Personality Disorder (DSM-IV-TR, 301.6)

A pervasive and excessive need to be taken care of that leads to submissive and clinging behavior and fears of separation, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

1. Difficulty making everyday decisions without an excessive amount of advice and reassurance from others.
2. Need for others to assume responsibility for most major areas of his or her life.
3. Difficulty expressing disagreement with others because of fear of loss or support or approval. (Does not include realistic fears of retribution).
4. Difficulty initiating projects or doing things on his or her own because of a lack of self-confidence in judgment or abilities rather than a lack of motivation or energy.
5. Goes to excessive lengths to obtain nurturance and support from others to the point of volunteering to do things that are unpleasant.
6. Feels uncomfortable or helpless when alone because of exaggerated fears of being unable to care for himself or herself.
7. Urgently seeks another relationship as a source of care and support when a close relationship ends.
8. Unrealistically preoccupied with fears of being left to take care of himself or herself.

International Classification of Diseases 10 (ICD 10)

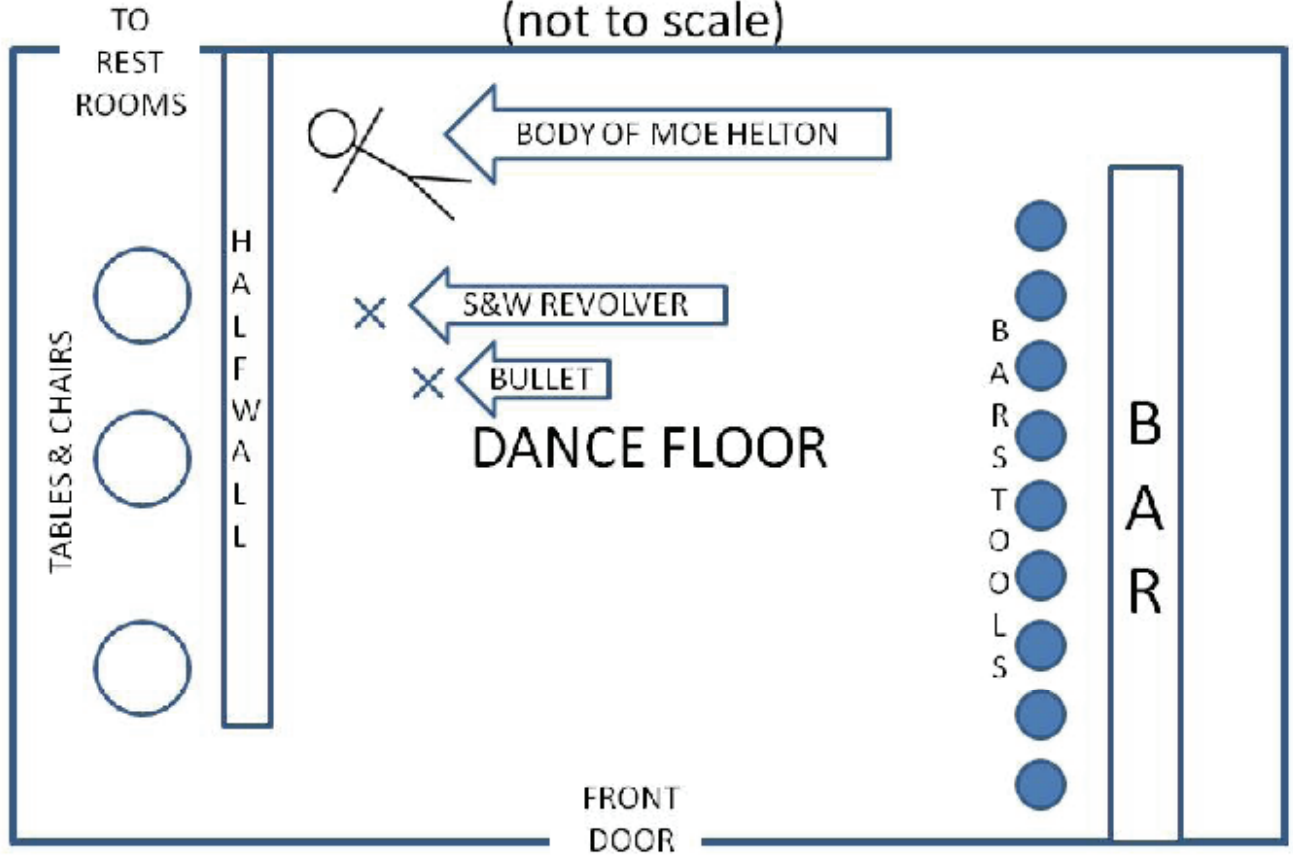
Dependent Personality Disorder (ICD 10, F60.7)

Personality disorder characterized by at least three of the following:

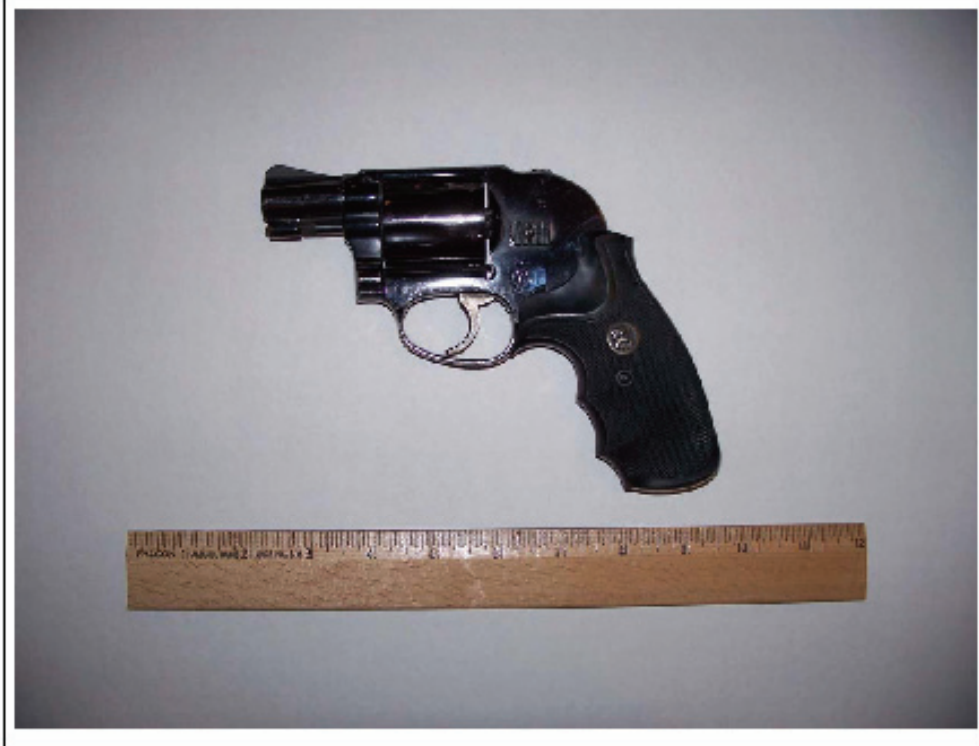
1. Encouraging or allowing others to make most of one's important life decisions.
2. Subordination of one's own needs to those of others on whom one is dependent, and undue compliance with their wishes.
3. Unwillingness to make even reasonable demands on the people one depends on.
4. Feeling uncomfortable or helpless when alone, because of exaggerated fears of inability to care for oneself.
5. Preoccupation with fears of being abandoned by a person with whom one has a close relationship, and of being left to care for oneself.
6. Limited capacity to make everyday decisions without an excessive amount of advice and reassurance from others.

Layout of the Infernal Club

drawn on May 1, 20XX-1 by Fred Durkin
(not to scale)



Entry 14: Firearm Photo 1



Entry 14: Firearm Photo 1

Entry 15: Firearm Photo 2



Entry 15: Firearm Photo 2

In the Circuit Court, of the 21st Judicial Circuit, in and for
Camden County, Major

State of Major

Case No. 443

v.

John Elder,
Defendant.

JUDGMENT AND SENTENCE

The defendant, JOHN ELDER, being personally before this court represented by PERRY MASON, the attorney of record, and the state represented by HAMILTON BURGER, and having entered a plea of guilty to COUNT 1: SALE OF A CONTROLLED SUBSTANCE, and COUNT 2: SALE OF A CONTROLLED SUBSTANCE the Court does now adjudge you guilty of the foregoing offense(s).

It is the sentence of the law that:

As to COUNT 1: You shall serve a term of five years in the Department of Corrections with credit for 180 days time served in jail.

As to COUNT 2: You shall serve a concurrent term of five years in the Department of Corrections with no credit for jail time.

DONE AND ORDERED in open court in Camden County, Florida, on the 2nd day of October, 20XX-11.

Solomon Justice

Circuit Judge

FINGERPRINTS OF DEFENDANT

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

Fingerprints taken by:

S/Giles Lestrade

Deputy Sheriff

Name

Title

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, JOHN ELDER, and that they were placed thereon by the defendant in my presence in open court this on the 2nd day of October, 20XX-11.

Solomon Justice

Circuit Judge

In the Circuit Court, of the 21st Judicial Circuit, in and for
Camden County, Major

State of Major

Case No. 349

v.

John Elder,
Defendant.

JUDGMENT AND SENTENCE

The defendant, JOHN ELDER, being personally before this court represented by PERRY MASON, the attorney of record, and the state represented by HAMILTON BURGER, and having entered a plea of guilty to DUI MANSLAUGHTER, the Court does now adjudge you guilty of the foregoing offense(s).

It is the sentence of the law that:

You shall serve a term of fifteen years in the Department of Corrections with credit for 180 days time served in jail. After serving five years of that sentence, you shall be released on probation for a period of ten years on terms and conditions to be set forth in a separate Order of Probation.

DONE AND ORDERED in open court in Camden County, Florida, on the 12th day of November, 20XX-11.

Solomon Justice

Circuit Judge

FINGERPRINTS OF DEFENDANT

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

Fingerprints taken by:

S/Giles Lestrade

Deputy Sheriff

Name

Title

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, JOHN ELDER, and that they were placed thereon by the defendant in my presence in open court this on the 2nd day of November, 20XX-11.

Solomon Justice

Circuit Judge

In the Circuit Court, of the 21st Judicial Circuit, in and for
Camden County, Major

State of Major

Case No. 983

v.

Shemp Cambpell,
Defendant.

JUDGMENT AND SENTENCE

The defendant, SHEMP CABELL, being personally before this court represented by PERRY MASON, the attorney of record, and the state represented by HAMILTON BURGER, and having entered a plea of guilty to AGGRAVATED BATTERY, the Court does now adjudge you guilty of the foregoing offense(s).

It is the sentence of the law that:

You shall serve a term of three years in the Department of Corrections with credit for 90 days time served in jail.
DONE AND ORDERED in open court in Camden County, Florida, on the 12th day of November, 20XX-15.

Solomon Justice

Circuit Judge

FINGERPRINTS OF DEFENDANT

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

Fingerprints taken by:

S/Giles Lestrade

Deputy Sheriff

Name

Title

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, SHEMP CABELL, and that they were placed thereon by the defendant in my presence in open court this on the 2nd day of November, 20XX-15.

Solomon Justice

Circuit Judge

In the Circuit Court, of the 21st Judicial Circuit, in and for
Camden County, Major

State of Major

Case No. 471

v.

Shemp Cambpell,
Defendant.

JUDGMENT AND SENTENCE

The defendant, SHEMP CABELL, being personally before this court represented by PERRY MASON, the attorney of record, and the state represented by HAMILTON BURGER, and having entered a plea of guilty to COUNT 1: SALE OF A CONTROLLED SUBSTANCE; COUNT 2: SALE OF A CONTROLLED SUBSTANCE, the Court does now adjudge you guilty of the foregoing offense(s).

It is the sentence of the law that:

As to Count 1, you shall serve a term of six years in the Department of Corrections with credit for 90 days time served in jail.

As to Count 2, you shall serve a consecutive term of six years in the Department of Corrections with credit for no time served in jail.

DONE AND ORDERED in open court in Camden County, Florida, on the 12th day of November, 20XX-10.

Solomon Justice

Circuit Judge

FINGERPRINTS OF DEFENDANT

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

Fingerprints taken by:

S/Giles Lestrade

Deputy Sheriff

Name

Title

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, SHEMP CABELL, and that they were placed thereon by the defendant in my presence in open court this on the 2nd day of November, 20XX-10.

Solomon Justice

Circuit Judge

In the County Judge's Court of the 21st Judicial Circuit, in
and for Camden County, Major

State of Major

Case No. 888

v.

Shemp Cambpell,
Defendant.

JUDGMENT AND SENTENCE

The defendant, SHEMP CABELL, being personally before this court represented by PERRY MASON, the attorney of record, and the state represented by HAMILTON BURGER, and having entered a plea of guilty to COUNT 1: PASSING A WORTHLESS BANK CHECK WITH INTENT TO DEFRAUD; COUNT 2: PASSING A WORTHLESS BANK CHECK WITH INTENT TO DEFRAUD, both misdemeanors in the first degree, the Court does now adjudge you guilty of the foregoing offense(s).

It is the sentence of the law that:

As to Count 1, you shall serve a term of six months in the Camden County Jail with credit for six months time served in jail.

As to Count 2, you shall serve a consecutive term of six months in the Camden County Jail with credit for no time served in jail.

DONE AND ORDERED in open court in Camden County, Florida, on the 12th day of November, 20XX-5.

Solar Pons

County Court Judge

FINGERPRINTS OF DEFENDANT

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

Fingerprints taken by:

S/Giles Lestrade

Deputy Sheriff

Name

Title

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, SHEMP CABELL, and that they were placed thereon by the defendant in my presence in open court this on the 2nd day of November, 20XX-5.

Solar Pons

County Court Judge

STATE OF MAJOR

-vs-

GARY LEE GOODMAN
Defendant.

OMNIBUS ORDER ON MOTIONS IN LIMINE

This cause coming on to be heard before the Court on the State's Motion in Limine to Suppress the Testimony of Arden Conger, M.D., Ph.D., and the Defense Motion in Limine to Amend the definition of "reasonably cautious and prudent person under the same circumstances" as given in the State Standard Jury Instructions, and the Court having heard argument of counsel, considered the authorities submitted, and otherwise being fully advised in the premises, the Court finds:

1. The State desires to have the testimony of Dr. Conger suppressed as legally irrelevant to the issue of self defense, the standard for self defense being the reasonably cautious and prudent person under the same circumstances. The State contends that a person suffering from passive dependent personality disorder is not a reasonably cautious and prudent person under the same circumstances and that regardless of such disability, should be required to conform his behavior to the requirements of law without regard for such disability.
2. The Defense argues that the phrase "under the same circumstances" encompasses personality disorders, and that the true legal standard to apply in this case is "a reasonably cautious and prudent person under the same circumstances who suffers from a personality disorder." The Defense urges the Court to modify the standard jury instructions to conform to this interpretation, and to allow the Defense to argue that interpretation to the jury.

The Court having considered same, it is the considered opinion of the Court that the term "reasonably cautious and prudent person under the same circumstances" is expressed in plain language open to understanding by all, and is not in need of further elaboration in the form of special jury instructions. Whether someone is a "reasonably cautious and prudent person under the same circumstances" is a question of fact for the jury and not a question of law for the Court. Based upon these findings, it is thereupon

ORDERED AND ADJUDGED as follows:

- a. The State's Motion in Limine shall be and the same is hereby DENIED.
- b. The Defense Motion in Limine shall be and the same is hereby DENIED.
- c. Both the State and the Defense shall be free to argue to the jury any reasonable interpretation of "reasonably cautious and prudent person under the same circumstances," including the interpretations pressed by both sides upon the Court at the hearing held on the aforementioned motions.

DONE AND ORDERED in Chambers this 30th day of November, 20XX-1, at Camden City, Major.

James Roy Bean
CIRCUIT JUDGE

Entry 22: Revised General Statute § 777.04

REVISED GENERAL STATUTE § 777.04: ATTEMPT TO COMMIT A CRIME: A person who attempts to commit an offense prohibited by law and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution thereof, commits the offense of criminal attempt, punishable by imprisonment for a term of years not exceeding life or as provided in § 775.082, § 775.083, or § 775.084.

REVISED GENERAL STATUTE § 782.04: MURDER IN THE SECOND DEGREE: The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in § 775.082, § 775.083, or § 775.084.

REVISED GENERAL STATUTE § 790.01: CARRYING A CONCEALED FIREARM: A person who carries a concealed firearm on or about his or her person commits a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084.

No. 1

INTRODUCTION TO HOMICIDE

In Count I of this case GARY LEE GOODMAN is accused of Murder in the Second Degree.

Murder in the Second Degree includes the lesser crime Manslaughter, all of which are unlawful.

A killing that is excusable or was committed by the use of justifiable deadly force is lawful.

If you find GARY LEE GOODMAN killed MOE HELTON, you will then consider the circumstances surrounding the killing in deciding if the killing was Murder in the Second Degree or was Manslaughter, or whether the killing was excusable or resulted from justifiable use of deadly force.

No. 2

JUSTIFIABLE HOMICIDE

The killing of a human being is justifiable homicide and lawful if necessarily done while resisting an attempt to murder or commit a felony upon GARY LEE GOODMAN.

No. 3

EXCUSABLE HOMICIDE

The killing of a human being is excusable, and therefore lawful, under any one of the following three circumstances:

1. When the killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent, or
2. When the killing occurs by accident and misfortune in the heat of passion upon any sudden and sufficient provocation, or
3. When the killing is committed by accident and misfortune resulting from a sudden combat, if a dangerous weapon is not used and the killing is not done in a cruel or unusual manner.

"Dangerous weapon" is any weapon that, taking into account the manner in which it is used, is likely to produce death or great bodily harm.

I now instruct you on the circumstances that must be proved before GARY LEE GOODMAN may be found guilty of Murder in the Second Degree or any lesser included crime.

No. 4

MURDER—SECOND DEGREE

To prove the crime of Second Degree Murder, the State must prove the following three elements beyond a reasonable doubt:

1. MOE HELTON is dead.
2. The death was caused by the criminal act of GARY LEE GOODMAN.
3. There was an unlawful killing of MOE HELTON by an act imminently dangerous to another and evincing a depraved mind without regard for human life.

An “act” includes a series of related actions arising from and performed pursuant to a single design or purpose.

An act is “imminently dangerous to another and evincing a depraved mind” if it is an act or series of acts that:

1. a person of ordinary judgment would know is reasonably certain to kill or do serious bodily injury to another, and
2. is done from ill will, hatred, spite, or an evil intent, and
3. is of such a nature that the act itself indicates an indifference to human life.

In order to convict of Second Degree Murder, it is not necessary for the State to prove GARY LEE GOODMAN had an intent to cause death.

No. 6

MANSLAUGHTER

To prove the lesser crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. MOE HELTON is dead.
2. GARY LEE GOODMAN’S act or acts caused the death of MOE HELTON.

However, GARY LEE GOODMAN cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide:

The killing of a human being is justifiable homicide and lawful if necessarily done while resisting an attempt to murder or commit a felony upon GARY LEE GOODMAN.

The killing of a human being is excusable, and therefore lawful, under any one of the following three circumstances:

1. When the killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent, or

Entry 23: Jury Instructions

- 2 When the killing occurs by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or
- 3 When the killing is committed by accident and misfortune resulting from a sudden combat, if a dangerous weapon is not used and the killing is not done in a cruel or unusual manner.

In order to convict of manslaughter by act, it is not necessary for the State to prove that GARY LEE GOODMAN had an intent to cause death, only an intent to commit an act that was not justified or excusable and which caused death.

No. 7

INTRODUCTION TO ATTEMPTED HOMICIDE

In Count II of this case GARY LEE GOODMAN is accused of Attempted Murder in the Second Degree.

Attempted murder in the second degree includes the lesser crime of attempted voluntary manslaughter, all of which are unlawful.

An attempted killing that is excusable or was committed by the use of justifiable deadly force is lawful.

If you find that there was an attempted killing of JOHN ELDER by GARY LEE GOODMAN, you will then consider the circumstances surrounding the attempted killing in deciding if it was attempted first degree murder, or attempted second degree murder, or attempted third degree murder, or attempted voluntary manslaughter, or whether the attempted killing was excusable or resulted from justifiable use of deadly force.

No. 8

JUSTIFIABLE ATTEMPTED HOMICIDE

The attempted killing of a human being is justifiable and lawful if necessarily done while resisting an attempt to murder or commit a felony upon GARY LEE GOODMAN, or to commit a felony in any dwelling house in which GARY LEE GOODMAN was at the time of the attempted killing.

No. 9

EXCUSABLE ATTEMPTED HOMICIDE

The attempted killing of a human being is excusable and therefore lawful under any one of the three following circumstances:

1. When the attempted killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent, or
2. When the attempted killing occurs by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or
3. When the attempted killing is committed by accident and misfortune resulting from a sudden combat, if a dangerous weapon is not used and the attempted killing is not done in a cruel and unusual manner.

Entry 23: Jury Instructions

"Dangerous weapon" is any weapon that, taking into account the manner in which it is used, is likely to produce death or great bodily harm.

I now instruct you on the circumstances that must be proved before defendant may be found guilty of attempted murder or any lesser included crime.

No. 10

ATTEMPTED SECOND DEGREE MURDER

To prove the crime of Attempted Second Degree Murder, the State must prove the following two elements beyond a reasonable doubt:

1. GARY LEE GOODMAN intentionally committed an act which would have resulted in the death of JOHN ELDER except that someone prevented GARY LEE GOODMAN from killing JOHN ELDER or he failed to do so.
2. The act was imminently dangerous to another and evincing a depraved mind without regard for human life.
3. An "act" includes a series of related actions arising from and performed pursuant to a single design or purpose.

An act is "imminently dangerous to another and evincing a depraved mind" if it is an act or series of acts that:

1. a person of ordinary judgment would know is reasonably certain to kill or do serious bodily injury to another, and
2. is done from ill will, hatred, spite, or an evil intent, and
3. is of such a nature that the act itself indicates an indifference to human life.

In order to convict of Attempted Second Degree Murder, it is not necessary for the State to prove GARY LEE GOODMAN had an intent to cause death.

It is not an attempt to commit second degree murder if GARY LEE GOODMAN abandoned the attempt to commit the offense or otherwise prevented its commission under circumstances indicating a complete and voluntary renunciation of his criminal purpose.

No. 11

ATTEMPTED VOLUNTARY MANSLAUGHTER

To prove the crime of Attempted Voluntary Manslaughter, the State must prove the following element beyond a reasonable doubt:

GARY LEE GOODMAN committed an act which was intended to cause the death of JOHN ELDER and would have resulted in the death of JOHN ELDER except that someone prevented GARY LEE GOODMAN from killing JOHN ELDER or he failed to do so.

Entry 23: Jury Instructions

However, GARY LEE GOODMAN cannot be guilty of Attempted Voluntary Manslaughter if the attempted killing was either excusable or justifiable as I have previously explained those terms.

It is not an attempt to commit manslaughter if GARY LEE GOODMAN abandoned the attempt to commit the offense or otherwise prevented its commission under circumstances indicating a complete and voluntary renunciation of his criminal purpose.

In order to convict of Attempted Voluntary Manslaughter it is not necessary for the State to prove that GARY LEE GOODMAN had a premeditated intent to cause death.

No. 12

JUSTIFIABLE USE OF DEADLY FORCE

An issue as to Counts I and II in this case is whether GARY LEE GOODMAN acted in self-defense. It is a defense to the offense with which GARY LEE GOODMAN is charged if the death of MOE HELTON or the injury to JOHN ELDER resulted from the justifiable use of deadly force.

“Deadly force” means force likely to cause death or great bodily harm.

The use of deadly force is justifiable only if GARY LEE GOODMAN reasonably believes that the force is necessary to prevent imminent death or great bodily harm to himself while resisting:

1. another’s attempt to murder him, or
2. any attempt to commit a forcible felony upon him.

Murder, Voluntary Manslaughter, and Attempted Homicide are forcible felonies.

A person is justified in using deadly force if he reasonably believes that such force is necessary to prevent

1. imminent death or great bodily harm to himself or another, or
2. the imminent commission of a forcible felony against himself or another.

In deciding whether defendant was justified in the use of deadly force, you must judge him by the circumstances by which he was surrounded at the time the force was used. The danger facing GARY LEE GOODMAN need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, GARY LEE GOODMAN must have actually believed that the danger was real.

There is no duty to retreat where GARY LEE GOODMAN was not engaged in any unlawful activity other than the crime(s) for which GARY LEE GOODMAN asserts the justification.

If GARY LEE GOODMAN was not engaged in an unlawful activity and was attacked in any place where he had a right to be, he had no duty to retreat and had the right to stand his ground and meet force with

Entry 23: Jury Instructions

force, including deadly force, if he reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or another, or to prevent the commission of a forcible felony.

In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of GARY LEE GOODMAN and MOE HELTON and JOHN ELDER.

If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether GARY LEE GOODMAN was justified in the use of deadly force, you should find GARY LEE GOODMAN not guilty.

However, if from the evidence you are convinced that GARY LEE GOODMAN was not justified in the use of deadly force, you should find him guilty if all the elements of the charge have been proved.

No. 13

CARRYING CONCEALED WEAPONS

To prove the crime of Carrying a Concealed Firearm charged in Count III, the State must prove the following two elements beyond a reasonable doubt:

1. GARY LEE GOODMAN knowingly carried on or about his person a firearm, to wit: a handgun.
2. The firearm was concealed from the ordinary sight of another person.

"Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

"Concealed firearm" means any firearm which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another