

BEFORE THE GOVERNOR OF THE STATE OF MISSOURI  
THE HONORABLE JAY NIXON

In the Matter of: )  
 )  
PAUL GOODWIN, ) Scheduled for Execution by the State  
 ) of Missouri on December 10, 2014, at  
Petitioner. ) 12:01 a.m.  
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**AFFIDAVIT OF DAVID BARNETT**

1. My name is David Barnett. I am an inmate at Potosi Correctional Center in Mineral Point, Missouri. My inmate number is 990135.
2. I was already at Potosi Correctional Center when Paul Goodwin arrived, so I have known him for the fifteen (15) years he has been here. We were "cellies," or cellmates, a couple of times. I would say we were cellies for four (4) to six (6) months in the aggregate.
3. Paul's comprehension level is delayed. He is slow in everything he does -- his speech is slow, as are his movements, which appear measured and methodical -- and not purposeful.
4. From an intellectual perspective, Paul is child-like -- I would put him at second (2nd), third (3rd) or fourth (4th) grade. I think Paul has reached his mental capacity. If

there is something he does not know or understand, he looks to an adult, much like a child would. Paul is very slow to process information. In conversation, his response times are delayed -- almost as if he has to think extra hard to find the right words -- and even then, the words he uses are often not actually the "right" words. Paul definitely does not have all of his pistons firing at the same time.

5. From a social perspective, Paul's low functioning is very clear. Paul functions at the level of an eighth (8th) or ninth (9th) grader. His vocabulary is limited. Everyone here at Potosi Correctional Center -- staff and inmates alike -- knows that Paul is not all the way there. They also know that a man of Paul's size *could* be a threat, but that he is not. Paul's size and personality have protected him.

6. You can always tell if Paul does not understand something by the expression on his face. Paul has a hearing impairment, and sometimes he misses something because he did not hear it, but, more often, it is that he does not understand it. The expression on Paul's face when he does not understand something is different from the expression on his face when he cannot hear. You can tell when Paul did not hear something -- when that happens, Paul strains, and sometimes fiddles with his hearing aid, in an effort you can see. He laughs a lot of stuff that he does not understand off.

7. Because Paul is so simple, you never have to worry about an underlying motive. He comes to you exactly the way he is. Paul is very capable of giving wisdom to others,

in that I believe you can learn from his humility, but he lacks intellect. He has a child-like humility that you do not find in adults.

8. When I think about how I would describe Paul to someone who had never met him, I would describe him as an uncoordinated gentle giant, who would never hurt anyone unless he thought he was in danger. I can give an example of what I mean by this. Relatively early in Paul's time at Potosi Correctional Center, he had an issue with another inmate. He and the other inmate were both working in the kitchen. The other inmate threw pancake batter on Paul. Paul took what I think was meant in a joking way as an insult, and responded -- after some delay -- verbally. The inmate threw more pancake batter on Paul, and then after another delay, Paul threw pancake batter back on the other inmate. I think it was all in fun to begin with, but it got to a point that Paul wanted it to stop but did not know how to stop it. Eventually, the back-and-forth with the pancake batter escalated into a physical fight.

9. Paul has held a few "jobs" here at Potosi Correctional Center. It is important to know that his jobs are not like most jobs, in that what he does is very, very simple. Paul worked in the Laundry Room for a while. I was working there at the same time. In the Laundry Room, one guy runs the washing machines, one guy runs the driers, one guy runs the press and another guy folds. Once you are done with your job, you move on to help the others. Paul could never really do anything more than some folding and custodial work. Even when he was assigned to do something as simple as folding, he

would get distracted and wander away from his task. While it would not be obvious from Paul's pay grade, because the Laundry Room supervisor insisted that we all be paid equally, Paul was basically a custodian in the Laundry Room.

10. There ARE higher-skilled, higher-paying jobs, where an inmate can earn as much as \$10 more a month, but Paul would never be able to hold one of those jobs, as those jobs require specific skills.

11. Paul is child-like, and has a need for acceptance. He participates in all of the fund-raisers and special events. Any time there is anything special going on, Paul always buys a "mother-lode" of tickets -- the maximum allowed of whatever it is. As a result, Paul often has things to give away, and he shares freely with other inmates. I think the generosity is just a part of who Paul is as a person, not that Paul is trying to buy friendships. That said, I DO think that on some level, Paul understands that he is "buying favoritism" amongst some of the inmates, and I do believe that some of the inmates Paul thinks are his "friends" are attracted to him because of his generous nature.

12. Ten (10) to twelve (12) years ago, Paul's uncle worked at a law firm or some sort of a big company. The company wanted to make a donation somewhere and somehow Paul's uncle came up with the idea of sending money to inmates who did not have any resources. He had Paul identify inmates who did not have televisions, and he sent \$150

to ten (10) of those inmates. The company did it as a tax write-off, but the Missouri Department of Corrections wrote Paul up because his family had sent money in to other inmates, which is not permitted. I do not think Paul understood that what he was helping his uncle do would be perceived as wrong by the facility.

13. In some ways, Paul reminds me of the younger inmates, who often aim to please. Paul is driven more on emotion than reason. I think that because he is so slow he does not have the capacity to understand the magnitude of some of what he does, as in the incident with the money for the televisions -- to Paul, it was simple -- he was helping his uncle and he was helping those inmates. While I believe that Paul understands the basics of what is going on, I also feel that cool reflection is not within Paul's capacity.

14. Paul's family is able to provide him with the maximum allowable commissary money on a monthly basis. If Paul did not have the financial support of his family, he would be miserable. Prison food is terrible, and Paul is a physically large man. He does not go and eat chow (provided by the prison) regularly; he picks which meals to go to based on what they are serving and tends to eat cookies, cake and fruit crisps. Because Paul has the support of his family, he is able to buy food for himself from commissary and through fundraisers. When Paul wants something -- like a candy bar or a cake or a chicken -- he indulges himself until it is gone. If we are having a fundraiser, Paul will buy the maximum of whatever is being sold, and he will eat it immediately. Paul goes all out when he can get personal gratification through food,

which is a comfort for him and seems to put him in a different state of mind. I do not think he has the capacity to understand that sometimes one has to wait for things in life.

15. I do not think Paul would be able to stay sane if he was not able to buy food from the commissary. If Paul had to live on what we call "State Tip," which is either \$7.50 or \$8.50 a month, he could not do it. I think it is good that Paul is able to live in comfort, as anything else would be very difficult for him given his cognitive limitations. I do not know what would happen to Paul if he did not have the support of his family. I think he might just curl up and check out.

16. Paul has been involved in the Puppies for Parole program, in which inmates work with rescue dogs. In this program, the inmates become certified trainers through the program and train the dogs, socializing the dogs and teaching them basic obedience skills, with the goal of making them more adoptable. In order to be in the Puppies for Parole program, inmates have to be in the Honor Dorm. They also have to complete an application. Both cellmates have to want to have a dog and agree to be in the Puppies for Parole program. I think Paul first got involved in the program because he had a cellmate who wanted a dog.

17. Once an inmate is accepted into the program, he must work with the professional who comes in to provide the training. There are small-group training opportunities, but

the inmates also have to do some of the learning on their own, using the manual provided.

18. Paul could not follow the protocols required by the Puppies for Parole program. I think it was that Paul simply did not understand what was required, but it could also be that he also lacked the discipline required by the program. I think that when Paul thought about the program, he was probably envisioning the dog as a pet, not an animal that needed to undergo rigorous training so as to become more adoptable. Based on what I saw of Paul with his dog, I believe the biggest problem was that he treated his dog like a pet (playing with it instead of training it).

19. I believe Paul only had one dog, and that Paul never graduated a dog from the Puppies for Parole program. I do not know if Paul was formally removed from the program or if they simply stopped giving him dogs because he was not able to fulfill the program requirements. It might sound like it would be easy to train a dog, but, it is actually not always intuitive. And, it is more complicated with rescue dogs, as they have a background, and may have had bad experiences in their past. For example, if you are training a dog who cowers when a car backfires, the instinct might be to comfort the dog when it hears a backfiring car and cowers. However, the goal should be to extinguish the undesirable cowering behavior, and in that case, you cannot give the dog a reward (the comfort) when it cowers. Paul would never be able to grasp the complexities of that concept.

20. Paul's sense of humor is very simple, and child-like. The things Paul finds funny are so "low" and simple that sometimes it is hard to find the humor that he sees, because you are looking for something subtle or hidden when the "humor" is right there in plain sight.

21. Paul has many limitations. He is able to -- to some degree -- clean his cell and take a shower. He is usually on time, but he does sometimes sleep through count. (I think that is mostly due to his hearing impairment). Nothing Paul does exerts his mind, and what he does is about the most he can manage. If Paul were living on the outside (read: not incarcerated), he would need someone to micromanage his life. On the outside, Paul would be unable to get a job on his own, but, if someone got him a job, he could probably usually be on time.

22. I do not think Paul has any major violations within the Missouri Department of Corrections, other than the one incident involving the pancake batter. I think most of the rest of Paul's violations (read: Conduct Violations) are for petty things, especially sleeping through count. While there is a buzzer prompting us to line up for count, the buzzer is a "courtesy," and all inmates are expected to take responsibility for getting themselves up and to count at the right time. I think that because of Paul's hearing, he sometimes sleeps through his alarm and/or the buzzer. Even though Paul is child-like,

he really does not even get into trouble for the kinds of things the "kids" (read: young, immature inmates) do.

23. Paul is very simple. It does not take much to please him or to occupy him. If he has his junk food from commissary and his television, his needs are met. Most inmates need more than this to be satisfied, but because Paul is child-like, his needs are simpler than those of many of the rest of the inmates at Potosi Correctional Center.

24. Because of circumstances in my past life, I am hyper vigilant. I watch what is happening around me very carefully. I have also become a Christian during my time at Potosi Correctional Center. Paul will not admit it, but he has trouble keeping up with what is going on around him. When I can, I look out for him, as do some of the other inmates. If I were not a Christian, I would be able to take advantage of Paul -- easily. Even with a group of us looking out for him, there are still inmates who take advantage of and use Paul.

25. If I could tell the court just one thing about why Paul should not be executed, it is this: Paul has a limited ability to understand what is happening in the world around him. Because of his size and strength, he could be a huge threat, but he is not. He is a physical example to other inmates that it is possible to live peacefully. In a place like Potosi Correctional Center, that is very important. While Paul looks like someone you should fear because of his stature, he is absolutely approachable in every way. It would

be a great injustice to all inmates in prison if Paul -- with his limited intellectual capacities -- were executed.

Further affiant sayeth not.

  
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David Barnett

SWORN to and SUBSCRIBED in my presence  
this 29th day of November, 2014.

  
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Notary Public

