

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.
)

AFFIDAVIT OF TERRANCE PATRICK BARBER

1. My name is Terrance Patrick Barber. I am the President of Managed Care Consulting Services, LLC. I have a Bachelor's in Psychology and a Master's in Hospital Administration. I am a Fellow in the American College of Healthcare Executives.
2. I have known and visited Paul Goodwin for about four (4) years. I first met Paul Goodwin through his sister, Mary Mifflin. I met Paul's sister, Mary, at the annual fundraiser for Missourians for Alternatives to the Death Penalty. The death penalty is of interest to me, because I am Catholic and I am troubled by how much time the Catholic Church spends on abortion and how little time it spends on the death penalty.
3. After I met Mary, I learned she had a brother under a death sentence. Mary shared a lot of information with me about her brother's case, and I became very interested in him and his case. I asked Mary if she thought Paul would be open to visitors from people other than family members. I am nearing retirement, and felt that I could make a long-term commitment to a relationship with Paul.

4. Mary told me that she thought Paul would be open to visits from me, but I wanted to be sure, so I wrote Paul a letter. Paul agreed to meet me, and I started visiting him regularly -- about every third (3rd) or fourth (4th) Sunday, one (1) to two (2) times a month. After my visits with him, I would tape record "notes" about our visit as I was driving home.

5. I visited with Paul for several months before I decided to take my son, Luke, who is autistic, to meet him. Luke is socially inept. As a child, Luke picked his nose. His grade school peers called him "Booger Boy." Luke liked and still really likes Boy Scouting. He earned many more badges than were required in order to become an Eagle Scout, and participated in Sea Base, which is a high adventure scouting program in Florida. Luke's coordination is very poor, and because of his poor coordination, there were things in which his scout troop did not want him to participate, like hikes, for example. He does not drive because of his very poor coordination. Luke has never been invited to a party of any kind. At nineteen (19), Luke went on the second date of his life (a month ago), with a girl who is also Autistic. The girl he went out with has "more issues than Luke."

6. Luke is a very kindhearted individual. He tends to donate whatever he has to causes that he believes in. Luke has never, for example, collected candy on Halloween. He has always collected money for UNICEF. Luke is very compassionate toward dogs and cats, and he often donates his money to programs like animal shelters.

7. I was not sure what it would be like for Luke and Paul to visit, but Luke was interested in meeting Paul, so I took him. Luke was fifteen (15) years old when I first took him to visit Paul. Luke was immediately interested in Paul, and liked him. All I can say to describe their early relationship is that almost immediately most of the conversations were between Paul and Luke, with me only adding an occasional comment.

8. While Luke is academically strong, he has the social maturity of about a twelve (12) year old. Luke is not good at reading social clues, and he repeats himself an enormous amount. Luke and Paul function on a similar level, and when they were together, they were "best buddies." Paul would go way out of his way to be funny with Luke over really trivial stuff, which was appealing to Luke. Paul used "fart humor", and entertained Luke with middle school stories. Paul tried to watch his language, but he still used a lot of "potty talk," which amused Luke. Paul shared stories about his time as a Boy Scout (he only made it to second class) and the pranks that he pulled. Luke thought Paul's stories were hysterical, and the two of them would sit in the visiting room together -- laughing and giggling. It was astounding to me to see that Paul and my son Luke, both of whom have significant limitations, were so in tune with each other. When those two get together, it is like watching two twelve (12) or thirteen (13) year olds. Once Luke had met Paul, he went with me on virtually every visit -- there was no keeping Luke away.

9. I have a picture of Luke, Paul and me that was taken in the visiting room.



I love the picture, because right after the picture was taken, Paul lifted Luke up and the two of them were laughing hysterically. Whenever they were together, it was like watching two (2) little kids -- they were always that way.

10. We play games with Paul during our visits. Paul sometimes wants to play Scrabble, so we do that. While Paul has developed some skill greater than I might have expected in that area, the words he knows and spells correctly are pretty simple. Paul cheats much of the time. He will insist on the spelling of a word that was clearly incorrect. While there is a Scrabble dictionary in the visiting room, we can never find Paul's misspelled words because they are not actually words. After I came to understand this, I never fought Paul on misspelled words, as it is not worth it to me. I

know that Paul plays Scrabble with other inmates and my suspicion is that some of the other inmates let Paul get away with misspelled words. We also play Checkers, which Paul is "not bad at," but it is also "kind of a simple game."

11. We do not always play games when we visit. A lot of times we just talk. Paul and I spend a lot of time talking about his late girlfriend, Penny. Apparently Penny had a Worker's Compensation case that settled just before she died. She and Paul had been planning to go somewhere really nice with the money, but then she died of an overdose. Paul shared with me that Penny was a "real drug user." It sounded like their relationship was not very stable, but it was also clear that every time they separated, Penny returned to Paul...and Paul took her back every time. It was as though Paul was a safe place for Penny, because he helped her whenever he had money, and he did whatever she told him to do. Paul was Penny's safe harbor. He tolerated her prostitution, her drug abuse, her mood and behavior swings -- he was not very controlling and he had limited expectations. Paul did not appear to have ever worried about AIDS or sexually transmitted diseases. While I am sure Penny and Paul were having sex, based on what Paul has told me, I think it was more important to Paul to have her support, companionship and friendship than anything else.

12. Apparently Penny also had another boyfriend, in addition to Paul, who "was kind of like a pimp for Paul." Paul bought drugs for Penny, used drugs with Penny, pawned things -- what it was that Penny told Paul to do, he did. We talked about the drugs Paul was using just before the offense. While I believe Penny did most of the drugs, Paul did

some with her, in a "cooperative spirit." As an aside, it was very evident to me that Penny controlled everything -- that she "wore the pants" in the relationship. Paul was the "puppy dog" in the relationship. We talked a lot about how completely devastated Paul was by Penny's death.

13. Paul also talks with me some about his childhood. He has confided in me that his father almost always referred to him as a "moron." Paul explained that his fondest memories of his relationship with his father were when his father would get heavily drunk at Al's Restaurant, a fancy local place and Paul would go down to pick him up. When Paul's father was drunk, he would have Paul sit down at Al's Restaurant with him and talk favorably about him. The rest of the time, in Paul's father's eyes, Paul was a moron, a thief, untrustworthy a drug addict -- someone no one wanted around.

14. Mary, Paul's sister, has told me that neither of her brothers is very smart. Apparently, Paul was clearly viewed as the "dumber of the two" by their father. While Paul's mother will not be pleased to know I have shared this, I think it is important information.

15. I believe a lot of Paul's father's negative feelings toward Paul stemmed from Paul's time spent working at the family business, Goodwin Brothers Printing Company. When he worked at the printing company, Paul made some mistakes that resulted in wastage. I also know that Paul tried to sell some things that the business owned -- actively trying to take valuable things that he might be able to sell -- in an effort to get

money. I think he was trying to sell metal plates that are used and then reused during the printing process. It was my understanding that Paul was trying to get money so that he could buy drugs for Penny at that time.

16. Paul confided in me that he enjoyed it greatly when he got his paychecks from Goodwin Brothers Printing Company. He would buy expensive steaks and beer and invite his "friends" to "parties." It was my impression that Paul would "piss it all away on parties instead of buying Penny drugs," and I think that despite the fact that Paul was obviously a low wage earner, he was trying to emulate his father, who he saw buying for his friend's at Al's, the fancy restaurant where he hung out. I personally believe that a major component of Paul's status in life prior to the offense had much to do with the repeated profound rejection from his father, who criticized him and withheld trust from a young age.

17. Another thing we talked about during our visits was Paul's dog. He had been assigned a dog from an outside shelter, Edna's Animal Rescue in South St. Louis, to train through a program called Puppies for Parole. The dogs were assigned to inmates living in the Honor Dorm for twelve (12) to sixteen (16) weeks. The inmates have to agree to take responsibility for the dog, and Luke, who really likes animals, found it appealing that Paul was involved in such a program.

18. At one point, while Paul was talking about working with the dogs, it became apparent to me that while the inmates are supposed to put the dogs through a rigorous

training program, they did not really have any equipment with which to train the dogs. Luke and Paul started talking about whether or not it would be valuable if the men had things they could train the dogs to jump over or walk around, which led to a discussion of whether or not an obstacle course would be of value. I think it is important to note that Paul said more than once that if the dogs were not trained properly, they would be "executed." I believe that Paul truly believed this. Of course, the dogs did not face execution if they "failed" the program, but it is what Paul believed, which is an interesting parody on Paul's own situation.

19. Luke was looking for an Eagle Scout project, and from our discussion about the things the men needed in order to be able to really train their dogs came the idea that Luke could build an obstacle course for the men in the Puppies for Parole program to use with their dogs. Even though the scouts are supposed to do all of the work for their Eagle Scout project themselves, I wrote to the warden at Potosi Correctional Center on behalf of Luke. I wanted him to know that I would be supporting Luke's vision and that I would ensure that Luke completed the project. I also wanted to convey to him how serious we were about wanting the opportunity to do the project and our willingness to work within whatever guidelines the correctional center might impose.

20. The warden informed me that I would have to get approval from someone in Jefferson City, who oversaw the prisons, and that if I could get that approval, he would allow Luke to build an obstacle course to donate to Potosi Correctional Center. At first, I was told that Luke would have to use cast iron and that the obstacle course would have

to be constructed of steel and sunk into the ground with a certain number of feet of concrete at the base of each piece. Then, just as I was thinking that the required materials would make the project impossible, we were informed that we could use PVC pipe, and that the Missouri Department of Corrections wanted the obstacle course to be portable, rather than installed.

21. Luke was thrilled, and set about researching the types of things to include in the obstacle course on line. Luke had to create a budget for this project, which was incredibly unique, as Boy Scout Eagle projects go. Luke drew out a sketch of what he was planning and created a map of the obstacle course, which we sent to Paul. Paul thought it was a great idea.

22. Around that time, I realized that Paul wanted to be seen as a person who did things, and Luke readily bought into that and liked the idea of helping make that happen for Paul. The idea that the agility course was something Luke was doing for Paul was highly motivational for Luke. Luke thought the obstacle course was a crucial missing piece of the training program. And, in fact, in the end, Luke was more motivated by the idea that the obstacle course was something he was doing for Paul than by the fact that it was the final step in his becoming an Eagle Scout. Luke wanted to name it the Paul Goodwin obstacle course. The project just happened to fulfill both requirements, and it was a BIG DEAL to Luke that he was doing it "for" Paul.

23. Luke and I built the obstacle course in our garage. We had to disassemble the entire thing in order to take it to Potosi Correctional Center. The trainer who worked with the Puppies for Parole program met us at Potosi Correctional Center when we went to deliver it and helped us stow it in a storage shed. We color-coded the ends so that it would be easy for anyone who was assembling it to put it together properly. It was a very unusual project, and I am proud of Luke's work on it. I have pictures of the finished project.

24. Shortly after we delivered the obstacle course, Paul stopped participating in the Puppies for Parole program. At the time, he said that he was tired of feeling like he was the only one doing any work with the dog he and his cellmate were responsible for training. Paul also made it sound like his cellmate had not been careful enough with one of their dogs. Paul also explained to me that the trainer wanted him to do various things but that he just wanted to sit down and be outside. It sounded like a lot of excuses, so I knew there was more to the story. I did not know the details other than what Paul told me.

25. I know that Paul never "graduated" a dog, which means that he was never able to take a dog all the way through the training program. I understood that Paul had never had the capacity to train a dog in a regimented training program. I was glad that the program required cellmates to work together to train their dogs, because I knew Paul needed his cellmate to take over the training piece. Based on things Paul shared with me about his interaction with his dog, and things I observed, it was clear to me that

Paul just wanted to play with the dogs in the Puppies for Parole program. When I saw Paul with his dog, he was happiest sitting in the grass playing and rolling around with the dog. I doubt that Paul was ever able to appropriately show his dog that he was the boss.

26. Luke is nineteen (19) years old now. He had a high B/low A grade point average in high school, with a cumulative high school grade point average of 3.6. He scored a twenty-seven (27) on his ACT test and is now a freshman at Merrillville University. He has a nice academic scholarship.

27. Luke lives with his mother, who was out of town a few weeks ago. Luke's younger brother Matt, who is eighteen (18) and lives with me, always goes to stay with Luke when my ex-wife goes out of town. Matt stays with Luke so that he can help take care of Luke, because we all know that Luke gets "discombobulated if he is alone."

28. A few years ago, during a visit, Paul and I were talking about the intellectual disability issue and the ways in which it might impact his case. The subject of the IQ tests came up, and I broached the subject of performance with Paul. I do not remember exactly what I said, but it was something along the lines of "Paul, you did want to do poorly on that test, right?" Paul's response, which I think really speaks to the fact that he is "mentally retarded" was something like, "Well, I wanted to do well on that test." When I asked him why, he responded by saying, "I don't want people around here calling me retard." I struggled to respond, and ended up saying, "Well, they are going to

call you DEAD, Paul." I was stunned that it was of greater concern to Paul that he not be called a "retard" than the fact that the test could save his life. I found it just astounding, and really troubling, and I am still not sure Paul fully understood the connection.

29. Luke and I visited Paul a few weeks ago. When we left the visit, Luke was crying about the upcoming execution. Luke can insulate himself emotionally and he recovered pretty quickly and got excited about stopping to get something to eat. Now, Luke is preoccupied with the idea that Paul is going to be executed. Autistic kids do "get kind of fixated on things," and Luke is currently fixated on the fact that Paul is facing an impending execution. A few weeks ago, Luke called me approximately twenty-five (25) times -- on my cell phone, on my regular phone -- because he desperately wanted to know what Paul's IQ was because he understands that the intellectual disability issue is important.

30. Luke has been writing a letter to Governor Nixon, asking that the governor grant Paul clemency. His letter is "kind of a rambling about everything," including how unfair the death penalty is, the issue of Paul's intellectual disability, the fact that Paul did not have good lawyers at his trial, and the ways in which Paul helped Luke become an Eagle Scout. The letter is thoroughly researched, and even has footnotes. Luke is very troubled emotionally, because he does not understand what is happening. I know he is trying to wrap his head around it all, because he went to a talk about social justice and the death penalty on his own.

31. Paul is a "serious diabetic." Whenever we visited, Paul would eat "volumes of junk from the vending machines." He wanted double frozen hamburger sandwiches, and he "always had to have ice cream." Paul's eating habits during our visits seemed kind of crazy to me, and the enormous volume of bad food seemed particularly crazy for a diabetic, but I wanted to make him happy. That said, I knew Paul's sister Mary would probably be mad at me, because she worries about Paul's health, but I did it anyway.

32. I was concerned about Paul's lack of attention to the details that mattered when it came to him taking care of his health -- especially the importance of good care of his feet. I worried because Paul -- despite his history of trouble with his feet -- would go out walking in damp, wet weather without socks. He would get a rub mark that would turn into a major wound with a massive infection that would not heal because he suffers from peripheral vascular disease. Whenever Paul got a cut on his foot, he would end up in the infirmary. He never learned.

33. I was distressed during my most recent visit with Paul. He is now in a pre-execution holding cell. Despite the fact that Paul knows his execution is scheduled and set within a few weeks, he is very focused on his current living situation, and the ways in which his pre-execution housing is better than his previous housing. About half of our conversation was about the new amenities Paul had and what he liked about them. He is pleased that he had all of his "stuff" -- his fan, the thing he uses to make coffee, etc. Paul also explained that he has his own shower, a bigger bed and a larger living space,

which he likes. Paul also explained that, given the limitations now imposed on him when it comes to recreation he feels "penned in" when he goes outside. At the time of my visit, they were not giving Paul an opportunity to smoke, and he was really "freaked out" about the loss of his cigarettes. I was really struck -- and saddened -- by the fact that a person facing execution within thirty (30) days would be as thrilled by a change in his environment and as focused on the minor details as Paul was.

Further affiant sayeth not.

Terrance Patrick Barber
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SWORN to and SUBSCRIBED in my presence
this 4th day of December, 2014.

Monica Krizan
Notary Public

