

BELYNDA F. GOFF
AN INNOCENT INCARCERATED

SUMMARY

Stephen Goff was killed on June 11, 1994. Belynda Goff discovered him in their apartment just inside the door at approximately 4:20 a.m.; Belynda dialed "0" for the operator for an ambulance. There was no 911 emergency services. She made no other call, which was established by her telephone records. Paramedics arrived nearly ten minutes later. The door was unlocked as the paramedics entered without difficulty into the residence.

BELYNDA'S STATEMENT

Belynda made one statement to the police on the morning of June 12, 1994. Later, after Belynda had been charged with this crime, when the prosecution continued to indicate she said this or that and Belynda continued to deny it, she could not prove it. However, after she gained the [typed] version of her statement she began to understand what had occurred. Leading questions are not allowed in court because they draw answers that the interrogator desires rather than a simple unfettered response. Throughout the interview, it is obvious that the police officer was leading the witness with his questions and even providing the answers. *He* was the one who stated Belynda's feelings were hurt by her husband's humor. *He* was the one who interjected the question of an affair. *He* was the one who stated the marriage was unhappy. Never did Belynda call her husband a womanizer yet this name suddenly appears out of nowhere to become part of the official version of the crime. The police officer's questions [and] answers were taken as Belynda's. An experienced person can easily see this reflected in the interview, particularly considering the fact that Belynda was interviewed approximately two hours after she found her husband and was still in shock and hysteria. Just a few hours later she was back under the interrogation of the Carroll County investigators. When asked for the tape of the interview to authenticate its veracity, it was said the tapes were "accidentally" erased.

"CONSISTENT WITH"

In documentation throughout this case you find the term "consistent with." I submit to you that once the term was used, it was abused. I need to stress that even though the state chose to overuse the term "consistent with," it does not make their statements become what they desire—evidence of a crime. If a tool is used as a weapon, there should be actual evidence of that fact, not something that is "consistent with" evidence.

Not just any gun can be presented as the "weapon" in a criminal trial of someone accused of shooting someone. It has to be *"the"* gun. Not a gun "consistent with" any gun because they all shoot bullets.

For example, I can say water with red food coloring in it is consistent with red Kool-Aid, Why? Because they are both red and liquid, but this does not make the colored water anything other than colored water. Something considered "consistent with" evidence is NOT evidence of a crime. It is a placebo—not the real thing, which is unacceptable; particularly in the state of affairs before you now.

AUTOPSY RESULTS

Stephen Goff died from blunt force trauma to his head. This is a fact. However, it was/is not a fact that the weapon used to cause that trauma was a hammer. That was NEVER established. The medical examiner stated the wounds *could* have been inflicted with a hammer. This was because the question was put forth to him by Carroll County and he was required to answer it. The term *consistent with* does not even mean it was a hammer—it implies the possibility; nor does it mean it was the weapon used. All hammers leave marks consistent with each other, however, this is nothing more than jargon intended to color the listener's understanding of the situation. In the notes contained in the entire file from the medical examiner's office, it states there were other possibilities, as is of course the truth. There was abrading on the wounds that did not come from the hammers seized, nor was it ever pointed out and discussed. The two hammers seized from a toolbox in Belynda's residence were clearly the wrong size and shape as the

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actual wounds indicate. Moreover, the laboratory reports clearly indicate there was no blood, hair, or other evidence on the hammers seized from her home

JUDGE/JURORS

Enclosed are letters from the Judge in the case, Honorable Jay T. Finch providing his thoughts. Also enclosed is a letter from the now retired Bailiff, Jan Precure; she was with the court and had observed many of the proceedings as well as all of the other events and people; she is supporting Belynda's release based on actual innocence. Moreover, enclosed at the time of this writing are four letters from four of the jurors in this case requesting Belynda's release from prison.

BRADY VIOLATIONS

Recently discovered are vital documents that had been withheld from the defense through the discovery process and never actually released in a timely manner. We have received confirmation in from defense attorney, Stevan Vowell regarding his knowledge of this information. It had never been disclosed to him.

At the very time Belynda was trying to get an ambulance, a female claiming to be a "nurse" at the local hospital called the Carroll County Sheriff's Office to report a beating death in Green Forest at the residence of Belynda Goff. Now, the only person who could have known this information was the person or persons who were responsible for his death. The incident was so out of the ordinary that the sheriff had the dispatcher complete an incident report about the entire call, which was never released to the defense. The dispatcher never even asked the caller for her name. The "nurse" was never located at the hospital, or anywhere else for that matter. This "nurse" has never been identified. She was never interviewed and the local law enforcement officials covered up the incident. A critical fact is that NOBODY except the killer and his or her accomplices knew that a beating death had occurred. The determination for the cause of death would not be made for several days. The paramedics and police still believed that Stephen had been shot. Yet a "nurse" had this knowledge? This "nurse" may have been the reason the "beating death" occurred.

Also recently discovered in the investigator's notes [obviously taken during a telephone conversation with the Medical Examiner's office], was the fact that female epithelial cells were found on Stephen's genitals. This undisclosed information would have changed the entire case. Did Stephen recently have marital relations with his wife or did he have relations with someone else? You see the point I am sure. Nobody ever bothered to ask Belynda about this very private topic. The state's claim was that the home environment was hostile giving rise to rage as a motive for murder. However, since Belynda and Stephen did have marital relations that afternoon, it evidences the fact that the atmosphere was indeed peaceful and loving. Requiring serious consideration however, is the fact that Stephen had gone out that evening. Nobody except him and those with him have knowledge of his activities. The combination of the evidence—the female epithelial cells and a pubic hair discovered in Stephen's underclothing that was not his—is very significant. This case and the evidence involved is what gave rise to the need for scientific testing of the biological trace evidence. But it was not tested—it was *noted*. The pubic hair is recorded as going into the crime laboratory. The other was not disclosed at all. Had it been Belynda's hair and genetic material it would not have supported their case, had it been an unknown woman's, it would have provided evidence of third party involvement.

Belynda only recently discovered this information as she slowly but surely reviewed the documents she finally obtained through a Freedom Of Information Act request. It took her years to gain access to the records she should have had by 1996. Belynda was forced to file a Writ of Mandamus in 2006 to cause the prosecutor to release the information to her after she had served numerous FOIA requests to his office for the records. A hearing was scheduled, which Belynda was not allowed to attend, although she did have her son-in-law appear in her behalf. The prosecutor denied having any knowledge of Belynda's FOIA requests. However, when the court was presented with all of the proof of service [certified return

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receipt postal signature cards] with the FOIA request, the court ruled in her favor. The only reason this is mentioned is to demonstrate to you that the same frame of mind still dominates in the Carroll County jurisdiction; open disclosure is not the norm.

EVIDENTIARY DISSARAY

BONE SPLINTER

During the trial the prosecution relied heavily on a photo of what they claimed was a “bone splinter/matter” from Stephen’s skull found in an undisclosed location. I am unsure what this was to imply. However, what is vitally important is that there is absolutely no record from the state crime laboratory [or other laboratory] supporting this claim. Actually, the “splinter or matter” was never submitted for testing or identification. The entire crime laboratory case file has been scoured and no such item was submitted or verified through testing. Not only is this important because of the false representation, the autopsy report itself seems to indicate that part of the skull was in fact missing. Since skull remnants were not found at the crime scene, this leaves a very open ended question. Because the “splinter/matter” was moved prior to it being photographed, the entire scope of its “discovery”, veracity, and authenticity is in question. Laboratory reports and crime scene transcript³ enclosed.

TAMPERING WITH EVIDENCE

The crime scene video also proves that what ever this item was, it was discovered in a location other than where it was photographed. The person is clearly heard saying let me get the picture then I will have to explain why I moved it in a laughing manner. This was never disclosed and was only discovered by Belynda long after the trial. The location and what the item actually was have never been disclosed. This clearly demonstrates questionable ethical tactics and procedural violations that sparked an unending trend of manipulations by the police at the scene. Failure to disclose the facts demonstrates prosecutorial misconduct minimally.

CLUB-LIKE WEAPON

Belynda’s trial was immediately halted when a telephone call came in reporting that a club-like weapon was discovered near the crime scene a full two years after Stephen’s death. Carroll County authorities rushed to the residence of the caller to take possession of the potential weapon. It was immediately hand carried to the state crime laboratory for testing. The jury was never allowed to know this. As far as they knew, the state said the hammers were the weapons and they simply believed them. The defense attorneys did not use the laboratory reports to rebut this false assertion although they had access to them. They never brought up the topic of the club-like weapon, or what it represented even if it was not the weapon at all. It represented the fact that the authorities knew the hammers were not the weapons even though they testified to such.

HAMMERS / DOOR TRIM

Two hammers were seized from a toolbox in a utility closet in Belynda’s home. The laboratory reports are clear. No evidence exists what so ever that those hammers were used as weapons. No blood, no fingerprints, nothing. As a matter of critical information, while reviewing the transcripts of the crime scene video, it is strange that one [unidentified] man continued to interject his thoughts of a hammer being the weapon from the beginning. Nothing at the crime scene indicated this. No probable cause, only his repeated interjected statements. The testimony of the crime laboratory expert, Don Smith, was only available because the defense subpoenaed him. The correct interpretation of his testimony after all of the impassioned arguing in front of the jury was that he could not make the claws of the seized hammers fit the scratch made in the door trim, particularly because one of the tips of the claws was bent. This in itself would leave unique markings. The state would not relent until he would say it was “*possible*”, not likely

³ Throughout out this document there are references to the transcript of the crimes scene’s videotape. It is included in this submission for review as a supporting document.

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or even probable. ***Initially, the authorities believed Stephen had been shot. The police even conducted a gunpowder test on Belynda's hands. The jury was never allowed to hear this. Laboratory reports on hammers and the testimony of Don Smith, State Crime Laboratory expert available.

BLOCKED DOORWAY

The state claimed that the only entry/exit door to the residence was blocked by Stephen's body therefore somehow trapping the killer inside, implying Belynda's guilt. Never utilized or mentioned to the jury, or anyone else, was the fact that a video was made of the crime scene. Prior to Stephen's body being removed, at least fifteen people [listed in the index of crime scene video's transcript] came and went through that same door numerous times, including the man holding the video camera. This video taped evidence screams the truth. The door was not blocked and anyone could [and did] come and go through the door without problem and without transferring blood to their clothing. The only supporting statement offered by the police about Belynda's being trapped by the "blocked door" was that if she had gone through the door blood would have been transferred to her clothing and Belynda had no blood on her clothing. The irony of this strongly suggests a cover up. Belynda did not have blood on her clothing because she did not commit the crime. Not one officer or other person at the scene who had gone in and out of the door numerous times had blood on their clothing. The paramedics and police who had entered and exited the door hours earlier had no blood on their clothing either.

The initial course of action was to seize Belynda's clothing items [many were sent to the crime lab] to find blood to prove she committed the crime. When none was found, the story was turned upside down. Because Belynda did not have blood on her clothing she must have committed the crime. The irony and manipulation cannot be overlooked.

The same holds true for the towels. Since there was not any blood on the towels taken from the dirty laundry, the state claims she must have washed them somehow. However, blood does not simply wash out without a trace. Indeed, even if it did, how could she leave to go to a laundry facility if the door was blocked?

EMT TRAINING

The state implicated guilt by claiming that Belynda had completed training as an EMT. However, Detective Rousey had in his possession the truth. Enclosed in his own handwriting are the results of his communication with the community college he had contacted. Belynda had completed one class and withdrew. She quickly discovered she did not have the temperament for such things. She could not handle those types of situations. However, Rousey was allowed to testify that Belynda was trained in emergency medicine and she was in fact not trained. Document enclosed.

KNOCK AT THE DOOR

The neighbors upstairs testified they heard someone knocking on the door to the Goff's apartment around 2:00 in the morning. They also said they heard the door open. Later a "tapping" sound was heard on what they said was the ceiling of the lower apartment. This clearly indicates that someone other than Stephen was at the door. He had his own keys and would not have knocked. [The keys were discovered under or near his body and were used by the Carroll County Authorities to gain entrance into the Goff residence numerous times without a warrant or consent.] Many who know about this case's details believe he opened the door to his own killer. This is yet another vital piece of information overlooked and dismissed as meaningless by the authorities. They want to discuss the "tapping noise" but not the knock at the door—who was at that door? I cannot answer that, but it is a very serious piece of the puzzle of this case, a vital piece of information that was never followed up on and completely obscured by the actions of the investigators. An unidentified party was at the crime scene at the time of the crime and this went unaddressed as if irrelevant. This defies the prudence of criminal investigation and plain logic.

LOUD CRASH

Somehow a statement about a loud crash being heard by a neighbor at approximately 1:30 in the morning found its way into the official version of the crime. Belynda does not recollect this ever being part of my trial, however, nonetheless, it must be established that this “*crash*” had no bearing on this case. Nor was it determined what or where the source of the noise originated from. Trying to connect it with this crime goes beyond reaching for something that did not occur within Belynda’s residence into direct manipulation of information that has never even been substantiated.

MAJOR SURGERY

The fact that Belynda was recovering from a complete hysterectomy continues to be disregarded as if meaningless. The fact is she had just weeks earlier had abdominal surgery and had an incision ranging from hip to hip healing. She was still taking medication and in the recovery mode. Additionally, she was dealing with other physical issues for which she took medication. She was physically incapable of such an attack against her husband. Moreover, she was under the influence of medication when she went to bed. There were no loud noises that would cause her to wake. There was no fight, no furniture tossed around, nothing. Photos of the crime scene itself clearly demonstrate that all was in order within the residence. Stephen was found directly inside the door—literally. The question was put forth among the police...how loud is the sound of a bone breaking? Would it be loud enough to wake a woman who was sleeping? What about a woman on medication recovering from major surgery sleeping? Not necessarily. The fact that Belynda was asleep during the attack does not implicate her guilt. If Stephen had screamed, she would have heard that, but he did not. The neighbors would have heard any shouting or screams of a fight or a man in pain. But they did not hear that either. They heard Belynda screaming when she found her husband. Initially the police were badgering and yelling at Belynda accusingly as to how she could sleep through a gunshot. The test results for gunpowder residue are unavailable; the fact that they conducted the test was obscured. It was clear they had decided already *who* was guilty.

BATHTUB AND DRAIN

The official version of the crime states that “a speck of blood” was found on the bathtub rail and that “blood in its liquid state was discovered” in the tub drain by Officer Gage. These are both clearly false statements as the laboratory reports enclosed clearly specify that no DNA was recovered from the tub rail “sample” submitted. Moreover, the “sample” on the swab from the tub drain submitted to the laboratory for testing was so minute that even with the PCR⁴ process applied, not even one complete DNA fingerprint could be established. We are back to the term “consistent with” here. In other words, no blood in its “liquid state” was in the drain. If it had, there would have been no difficulty in establishing a complete DNA fingerprint without the process of PCR. The prosecuting attorney [Brad Butler who is no longer practicing law in Arkansas] and the officer that testified in such a manner had complete knowledge as to the misleading perjurious testimony he was giving. As of the date of this writing, we are waiting for a response from the private laboratory as to what the *genetic material* tested actually was, not what is was “listed” as. Even so, it is vitally important for you to know that “blood in its liquid state” was not discovered in the drain. ***It is critical to understand that *everyone’s* DNA is in his or her tub drain because it is his or her habitat. One skin cell, one hair, any body excretion, or blood from shaving in the shower can provide a complete DNA fingerprint. ***

The total lack of evidence surrounding this collection demonstrates how the officer embellished his story. The officer who testified was not the collecting officer. There is absolutely no evidence to support the state’s claim. No still photos were taken to display this “blood in a liquid state” running down the

⁴ **Polymerase Chain Reaction (PCR):** An in vitro technique for rapidly synthesizing large quantities of a given DNA segment that involves separating the DNA into its two complimentary strands, using DNA polymerase to synthesize two-stranded DNA from each single strand, and repeating the process. In other words, causing the segment to reproduce itself in order to obtain a complete DNA fingerprint in its entirety. An extremely small quantity of genetic material is all this process requires.

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collector's arm as testified to. As mentioned previously, even with the process of PCR, one complete DNA fingerprint could not be established. Once again, we have nothing but this officer's statement to rely on, which proves to be false.

WET TOWELS

The pattern of omitting part of Belynda's statements about the night before her husband's murder is readily obvious to those who knew the case and interviews intimately. For example, yes Belynda was the last to shower the night before to her recollection. They included this in their version. However, they decided to omit the rest of the statement. Her very young boys had bathed together. During their usual playtime in the tub, they splashed water all over the bathroom floor. The 6-8 towels used to mop up this water, which included the towels the entire family used for their daily hygiene, were placed with the rest of the dirty laundry to be washed the next day. Nothing was "hidden" nor was any blood found on any towels as intimated. The enclosed laboratory reports from Roche Biomedical Laboratory established that no DNA was recovered from any towels. The transcript of the videotape is clear about this—the number of towels in the dirty laundry was established in the crime scene video; it was not 15 as testified to. ***Somehow that number continued to grow as they seized every dishtowel and rag in the residence. The officer involved embellished and manipulated the entire scenario to aid his case.

BLOOD ON DOOR AND OUTSIDE

The state claims there was no blood on the outside of the door or doorknob of the apartment. However, this was never established through the proper process. They never swabbed, tested, or submitted anything from the areas they claim was blood free. It is simply their word. Still photos clearly indicate something was on the outside of the door. However, the investigators disregarded it.

BLOOD ON THE INSIDE OF THE DOORKNOB

A claim that there were undisturbed blood droplets on the inside of the doorknob cannot be substantiated with any evidence at all. The crime scene video does not show any blood on the doorknob, nor does any still photo. Once again, the state offered nothing but their word, which is simply not enough in a case such as this, particularly with the well recognized pattern of unethical and unprofessional conduct by the investigators from the very moment they arrived on the scene. Worth noting is the fact that the apartments had recently been painted and the doors were metal. There was primer paint on both the inside and outside doorknobs. However, this was disregarded. I believe this statement was made to cloud over the fact that no attempt was made to obtain fingerprints from the doorknobs and that the crime scene had been contaminated prior to any proper crime scene containment. Even if there had been droplets of blood on the doorknob, fingerprints could have been obtained following the taking of photos, which do not exist, and gathering of samples of "blood" from the doorknob, which does not exist. Had there been a lack of prints at all, what would this have represented? Had they swabbed the "blood droplets" and discovered someone else's DNA, what would have happened? Sadly, we will never be able to know now.

FINGERPRINTS

The fact that no attempt at all was made to secure fingerprints from the doorknobs, hammers, vehicle, or anywhere else in the residence, cries out to be addressed. This strongly implies that the investigators had decided, without the benefit of a thorough investigation, that Belynda was guilty. They did not see a need to be thorough in order to find the truth. They made that judgment within minutes. Supporting this statement the crime scene videotape speaks volumes as to the mind frame of the investigators that fateful day. On the crime scene video a conversation is recorded between two officers of the law. Male Officer: "And I don't know why they quit taking notes." Other male: "I don't know why—I don't know why the hell they quit doing a lot of stuff." The lead investigators were acting in a manner that so violated proper protocol and procedure in such crime scenes, even their own men questioned it. A very valid question worth asking is, did it occur to anyone that the doorknobs had been wiped clean by the person exiting? Why no attempt to obtain fingerprints on anything? It defies logic.

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Events such as officers' recording, in a clandestine manner, conversations with Belynda without her even having knowledge she was being recorded. Another glaring example of the unethical and illegal conduct of the investigators is the fact the no legal search warrants were issued, nor were any return receipts ever filed with the proper court of jurisdiction or defense. Yet they claimed they obtained all of those items seized via the means of executed search warrants on different occasions. Documents from the court are enclosed to verify no such records are on file with the court. The pattern of deceit and misleading behavior did not begin with Belynda Goff. It began with law enforcement. Worth noting is the fact that even though the police seized numerous items trying to implicate Belynda's guilt in this crime, all they did was actually exonerate her all the more. With the numerous items tested, nothing tested, including hammers and clothing; nothing implicated her in this crime.

DOORWAY BLOCKED

The Crime Scene video clearly proves that the door was never blocked and that numerous people came and went prior to the removal of Stephen's body. Even the cameraman walks in and out without a problem. Included in this submission is a report submitted by Officer Mead that clearly indicates the only problem with the door was the Stephen's left leg was in front of it. This is another perfect example of how each officer chose their wording to manipulate the data to influence the reader or listener.

CRIME SCENE VIDEO TRANSCRIPT

The crime scene video itself is a gruesome thing. However, it was submitted to two different sources to obtain a transcript of the actual statements made during these crucial early moments of the investigation. One reason being is that most human beings could not actually *hear* what was being said *and* understand its import because of the inflammatory visuals. Another reason is the documentation of the events leading to a wrongful conviction is imperative.

STILL PHOTOGRAPHS

There are many still photographs that were taken but never viewed. Due to the cost factor, duplicates cannot be made for every copy of this submission. However, they are certainly available for your review. Very noteworthy is the fact that the state never took still photos of the doorknobs, the bathroom area, the bathtub, or the arm of the officer collecting the tub drain's swab sample displaying the flow of blood they claim came from the tub's drain. All we have is their word, which is not enough.

AFFIDAVITS FOR INSURANCE

A significant point of argument in Belynda's petition for ineffective counsel centered on her attorney's involvement in completing an insurance affidavit and securing insurance proceeds, which seriously prejudiced her. During one of Belynda's hearings for her Petition for Rule 37, Mr. Charles Davis, Belynda's original defense counsel, testified that he had no participation in gaining the proceeds for the insurance. He stated that Belynda hired his partner to do that without his knowledge or participation. Further, he indicated that his partner, Jeff Watson, did not know that her husband's death was a homicide. Enclosed are copies of letters and hand written notes from their law firm, which at that time consisted only of Charles Davis and Jeff Watson. There is no room for doubt as to both of the parties having knowledge as to the manner of death and their insistence to obtain the proceeds from the accidental insurance policy. A note from Charles Davis to Jeff Watson clearly demonstrates his interests. Questions worth asking are, if a law firm, which only has two partners, receives and deposits a check for almost three hundred thousand dollars, would both partners be aware? Was their firm so lucrative that large sums of money went unnoticed and not discussed among themselves? They kept a substantial amount of this money as well as many thousands of dollars paid by Belynda's family.

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THIRD PARTY INVOLVEMENT

Enclosed are the interviews and letters from Jody Morgan Davidson, Harold Keith Johnson, and Chris Lindley. Neither of these people knew each other, nor have they ever spoken to one another. The jury never heard the crucial information they could provide. Their stories will tell the facts for themselves—facts that should have been heard by the jury. Jody, a woman who lived adjacent to Belynda, tells of her encounter with a group of scary violent looking men who accosted her while looking for someone just hours before Stephen was killed. They were in the same parking lot that was shared with Belynda and Stephen. [See Diagram enclosed.] Eight miles away Harold Johnson speaks about witnessing a group of men talk about a blood bath that just took place in Green Forest, which occurred that very night—only moments after Stephen had been killed. Chris Lindley testifies about Stephen's involvement in illegal activities that could easily have had a direct bearing on his murder. All of these people were sent away—not allowed to speak of the facts and events they knew to be true. All of these witnesses are separate unto themselves, yet they support each other and in most likelihood are linked. None of this should have been hidden from the jury.

BIOLOGICAL FORENSIC EVIDENCE

Certain evidence was discovered but went untested and was never presented to the jury. Specifically head and pubic hair that did not match Stephen's was found in his undergarments. The state requested no sample from Belynda. However, they already had her DNA that she willingly submitted prior. Hair that was in the folds of Stephen's shirt and in his hands went untested. Additionally, documentation clearly confirms that the state crime laboratory received fingernail clippings and scrapings to be analyzed. However, the results from the analysis, if conducted, somehow vanished. There is no conclusion to the testing or any record of its findings. This is highly questionable to say the least. But taken together with the other evidence, the value of it cannot be measured. Carroll County authorities have refused to cooperate with the Innocence Project Organizations working on Belynda's case regarding this evidence. To date they refuse to even acknowledge the attempts to communicate by these organizations.