Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI, Plaintiff-Respondent, v. SCOTT A. GOODWIN-BEY, Defendant-Appellant.	No. SD38778 Filed: March 12, 2026

APPEAL FROM THE CIRCUIT COURT OF GREENE COUNTY

Honorable Joshua B. Christensen, Circuit Judge

AFFIRMED

Following a jury trial, Scott Goodwin-Bey (Defendant) appeals from his convictions on four counts of the class A felony of first-degree murder and four counts of the unclassified felony of armed criminal action. *See* §§ 565.020, 571.015 RSMo (2000). Presenting one point on appeal, Defendant contends the trial court abused its discretion in overruling his motion for a new trial because of information disclosed by Juror No. 27 after trial. Finding no merit in this contention, we affirm.

Factual and Procedural Background

Defendant's jury trial on the aforementioned charges commenced on September 6, 2024. As *voir dire* began, the trial court stated to the venire:

> It is your duty to follow the law as the Court gives it to you in the instructions even though you may disagree with it. Are there any of you who would not be willing to follow all instructions that the Court will give to the jury? If so, please raise your hand. I see no hands.

During *voir dire*, A.B. identified herself as Juror No. 27. Later, during defense counsel's questioning of the venire, counsel stated:

> I'm worried that perhaps you'll feel strongly that [Defendant] is not guilty, but that other jurors may be pressuring you to change your mind to get out of there. Can you all promise me that if you feel strongly about your view of the evidence you will stand your ground, even if you're the only one on that side? [I]s there anyone who can't guarantee me that?

Two potential jurors responded to that question. Juror No. 27 did not do so. Juror No. 27 was selected as a member of the jury.

Prior to closing arguments, the trial court read the instructions to the jury. Instruction No. 4 stated:

> The charge of any offense is not evidence, and it creates no inference that any offense was committed or that the defendant is guilty of an offense.
>
> The defendant is presumed to be innocent, unless and until, during your deliberations upon your verdict, you find him guilty. This presumption of innocence places upon the state the burden of proving beyond a reasonable doubt that the defendant is guilty.
>
> A reasonable doubt is a doubt based upon reason and common sense after careful and impartial consideration of all the evidence in the case.
>
> Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. The law does not require proof that overcomes every possible doubt. If, after your consideration of all the evidence, you

> are firmly convinced that the defendant is guilty of the offense charged, you will find him guilty. If you are not so convinced, you must give him the benefit of the doubt and find him not guilty.

On September 12, 2024, the jury returned guilty verdicts on all charges. Defense counsel asked that the jury be polled. When the trial court asked Juror No. 27 if this was her verdict, she said, "Yes."

On September 24, 2024, defense counsel filed a motion for new trial. Paragraph 11 stated:

> Juror #27 reached out to the court shortly after the jury verdict to express her regret and misgivings about the verdict. Juror #27 made it clear both then and by affidavit … that she was not firmly convinced of Defendant's guilt and that she had been bullied into a guilty verdict by other jurors. The Court's failure to grant a mistrial at this point would [violate] Defendant's right to due process, fair trial and unanimous verdict[.]

In an affidavit attached to the motion, Juror No. 27 stated:

> 1. I was a juror in the above styled case (identified as juror #27 in court).
>
> 2. The facts stated in the foregoing application are true and correct to the best of my knowledge and belief.
>
> 3. I felt compelled by my fellow jurors to vote guilty even though I did not feel the state had proven their case beyond a reasonable doubt.
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> 4. The jury foreperson would not send a note to the court indicating that the jury was deadlocked and informed me that such a note would only result in further deliberations.
>
> 5. I was told by fellow jurors that a mistrial would be a waste of time and money and that I would either have to change my vote to guilty or we would be forced to deliberate indefinitely.
>
> 6. When polled by the court, I shrugged my shoulders twice hoping either the court or the attorneys would object or intervene in some fashion. When it became obvious that was not going to happen, I very reluctantly answered in the affirmative as I felt I had no other choice.

7. I am not, nor was I ever, firmly convinced of Defendant's guilt.

At the hearing for Defendant's motion for new trial, the trial court considered the arguments of counsel and then denied the motion. The court gave the following explanation for its ruling as to Paragraph 11:

> THE COURT: I appreciate the arguments of counsel, but I think the law is clear on this point that I'm not permitted – I have no discretion to consider testimony or affidavits from jurors impeaching the jury's verdict[,] that the jury speaks through its verdict. And there appears to be no question that the jury did unanimously vote on their verdict, and that even in being polled all the jurors confirmed that that was their verdict.

This appeal followed.

Standard of Review

On appeal, Defendant contends that:

> Juror No. 27 failed to disclose during voir dire that she would succumb to pressure from other jurors to change her vote during deliberations based on the length of time of deliberations, and not because she was firmly convinced of [Defendant's] guilt. As such she was not qualified to sit on [Defendant's] jury. [Defendant] asked a clear, unequivocal question regarding this issue to the entire panel during voir dire and Juror No. 27 failed to respond, despite making it clear in her affidavit that she would be unable to fulfil her duty as a juror in this regard, and as such Juror No. 27 engaged in intentional non-disclosure, or in the very least, an unintentional non-disclosure that prejudiced [Defendant] by her presence on his jury.

"For an allegation of error to be considered preserved and to receive more than plain error review, it must be … presented to the trial court in a motion for new trial." ***State v. Walter***, 479 S.W.3d 118, 123 (Mo. banc 2016). In relevant part, Defendant's motion for new trial stated in Paragraph 11 that the trial court was required to grant a mistrial based on the post-verdict statements of Juror No. 27. The motion said nothing

about any purported non-disclosure by Juror No. 27 during *voir dire*. Because this allegation of error was not included in Defendant's motion for new trial, it is not preserved for appellate review. *See* ***Walter***, 479 S.W.3d at 123. Accordingly, Defendant's point may only be reviewed for plain error pursuant to Rule 30.20. *See* ***State v. Brandolese***, 601 S.W.3d 519, 525-26 (Mo. banc 2020).[1]

Rule 30.20 gives appellate courts the discretion to review unpreserved issues involving "plain errors affecting substantial rights … when the court finds that manifest injustice or miscarriage of justice has resulted therefrom." ***Id***. "The plain language of Rule 30.20 demonstrates that not every allegation of plain error is entitled to review." ***State v. Nathan***, 404 S.W.3d 253, 269 (Mo. banc 2013). An appellate court should not engage in plain error review "unless the claimed error facially establishes substantial grounds for believing that manifest injustice or miscarriage of justice has resulted." ***Brandolese***, 601 S.W.3d at 526 (internal quotation marks and citations omitted); ***State v. Thompson***, 705 S.W.3d 707, 714-15 (Mo. App. 2004).

Discussion and Decision

Based upon our review of the transcript, Defendant's assertion of non-disclosure by Juror No. 27 is not supported by her responses in *voir dire* or by her answer to the judge's polling question. The only purported factual support for that argument comes from Juror No. 27's affidavit. The trial court, however, correctly excluded that affidavit based upon well-settled Missouri case law.

[1] All rule references are to Missouri Court Rules (2024).

"Missouri follows the Mansfield Rule, which provides that a juror's testimony about juror misconduct is generally not admissible to impeach the jury's verdict." ***Smotherman v. Cass Reg'l Med. Ctr.***, 499 S.W.3d 709, 712 (Mo. banc 2016); *see also* ***State v. West***, 425 S.W.3d 151, 154-55 (Mo. App. 2014) ("Missouri law has long held that a juror may not impeach a unanimous, unambiguous verdict after it is rendered"). A thorough explanation for this rule can be found in ***State v. Gilbert***, 628 S.W.3d 702 (Mo. App. 2021):

> The "well-founded and long-established rule" governing impeachment of a verdict, referred to in Missouri as the Mansfield Rule, is that a "juror's testimony about jury misconduct allegedly affecting deliberations may not be used to impeach the jury's verdict." [*West*], 425 S.W.3d at 154 (citing *State v. Herndon*, 224 S.W.3d 97, 103 (Mo. App. W.D. 2007)).
>
> > The rule is perfectly settled, that jurors speak through their verdict, and they cannot be allowed to violate the secrets of the jury room, and tell of any partiality or misconduct that transpired there, nor speak of the motives which induced or operated to produce the verdict. Missouri law has long held that a juror may not impeach a unanimous, unambiguous verdict after it is rendered[.] Further, a motion court is not required to hear testimony from jurors to rule on a motion for new trial that is brought on allegations of juror misconduct.
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> [*West*], 425 S.W.3d at 154-55 (internal citations and quotations omitted). In other words, "juror testimony is improper if it merely alleges that jurors acted on improper motives, reasoning, beliefs, or mental operations, also known as 'matters inherent in the verdict.' " *State v. Bolden*, 371 S.W.3d 802, 805 n.2 (Mo. banc 2012)[.]

Gilbert, 628 S.W.3d at 710. Therefore, Missouri courts generally are required to exclude juror testimony from consideration on post-judgment matters. *See* ***Strong v. State***, 263 S.W.3d 636, 643 (Mo. banc 2008).

There are only two exceptions to this rule. First, a trial court may consider juror testimony when it is alleged that a juror improperly gathered evidence outside of trial regarding consequential facts of the case. ***Smotherman***, 499 S.W.3d at 712. Second, a trial court may consider juror testimony when a juror makes statements evincing ethnic or religious bias or prejudice during deliberations, revealing that they are not fair and impartial. ***Fleshner v. Pepose Vision Inst., P.C.***, 304 S.W.3d 81, 89 (Mo. banc 2010).

Relying on Juror No. 27's affidavit, Defendant argues that it shows non-disclosure during *voir dire*. The statements in the affidavit do not fall within either exception to the Mansfield Rule. A juror's testimony constitutes impeachment if it declares a different intent than that expressed in the verdict returned in open court. *See* ***Reed v. State***, 649 S.W.3d 86, 90 (Mo. App. 2022); ***Songer v. Brittain***, 272 S.W.2d 16, 22 (Mo. App. 1954). Juror No. 27's affidavit, if admitted, would improperly impeach a unanimous jury verdict, which that juror unequivocally stated was her verdict during polling by the trial court.

For all of the foregoing reasons, the trial court's ruling was correct, and Juror No. 27's affidavit was properly excluded. Therefore, we cannot consider it in this appeal. *See* ***Smotherman***, 499 S.W.3d at 712. Defendant has not provided any other admissible evidence showing that Juror No. 27's answer during *voir dire* was untrue.

In sum, Defendant has failed to meet the threshold requirement of facially establishing substantial grounds for believing a manifest injustice or miscarriage of justice has resulted. *See* ***Brandolese***, 601 S.W.3d at 526. Accordingly, we decline to exercise our discretion to grant plain error review. ***Id***.

The judgment of the trial court is affirmed.

JEFFREY W. BATES, J. – OPINION AUTHOR

JACK A. L. GOODMAN, J. – CONCUR

MATTHEW P. HAMNER, J. – CONCUR