GOLDEN, Andrew, (W/M)
DC# 365791
DOB: 06/14/44

Tenth Judicial Circuit, Polk County, Case # 90-1778
Sentencing Judge: The Honorable Robert E. Pyle
Trial Attorney: Allen R. Smith Esq.
Attorney, Direct Appeal: Gwendolyn Spivey, Esq.

Date of Offense: 09/13/89
Date of Sentence: 11/15/91

Circumstance of Offense:

On 9/13/89, at 3:30 a.m., a police officer found the body of Ardelle Golden floating in Lake Hartridge, which is located in Winter Haven, Florida. Golden's rented car was submerged in the lake. On 4/5/90, her husband, Andrew Golden, was indicted for her murder.

At trial, Andrew Golden testified that he and his wife had been at Lake Hartridge on the evening of 09/12/89 and had returned home at approximately 11:00 p.m. He claimed that upon returning home, his wife could not find her cigarette case and went out to go look for it and to purchase more cigarettes. Mr. Golden claimed that he stayed home and went to sleep. When Mr. Golden awoke the next morning, he asked his eldest son where his mother was. His son did not know where his mother was and left the home shortly after 6:00 a.m. to look for her. He was, however, unable to find her and returned home and then left again shortly thereafter to report to his school that he would be late. Golden called the police to report that his wife was missing. Two detectives came to the Golden home and, while they were there gathering information, they received a radio call informing them that the drowning victim was identified as Andrew Golden's wife. Mr. Golden was subsequently arrested a month after his wife's drowning for First-Degree Murder.

The State presented evidence at trial that the cigarette case that Mr. Golden claimed his wife "was going crazy looking for" was discovered floating in the lake near Mrs. Golden's body and an unopened package of cigarettes was found inside of her purse. The State claimed that investigators went to every convenience store in close proximity to the Golden home, and there were no clerks who could identify Mrs. Golden as being a customer that evening. Mrs. Golden's body was found floating in the lake without her glasses, which were discovered inside of her purse. Mrs. Golden's vision was 400/20, and an expert testified that Mrs. Golden was extremely nearsighted and would not have been able to see more than 10 inches away without her glasses; therefore, she would not have been able to drive the car to the lake prior to driving the vehicle into the water.

The State introduced evidence that, although Golden initially denied that he had any insurance, the family had more than $300,000 in life insurance policies. It was determined that Golden forged his wife's signature on life insurance applications, most of which were purchased within the five months prior to Ardelle Golden's death. Additionally, the rented car discovered in the lake was rented by Mr. Golden, who used his American Express card. American Express automatically provided $200,000.00 in accidental death insurance. The State pointed out that the Goldens owned two cars; therefore, renting an additional car would have been an unnecessary expense.

The State proved that Golden had not been gainfully employed for approximately two years and was over $200,000.00 in debt. Golden filed for bankruptcy after his wife's death and never related to his bankruptcy attorney that he anticipated receiving an insurance settlement. In closing arguments, the State argued that Golden drowned his wife and drove the car into the lake. The State contended that Golden forged his wife's signature on several insurance applications and then murdered her to collect on the policies.

Mr. Golden's attorney argued that Golden was not aware of the existence of the policies because they were offered by their credit card companies. The defense claimed that Golden was contacted by the credit card companies after his wife's death and that he did not pursue them for payment.

The jury convicted Golden and recommended that he be sentenced to death. The trial court agreed with the jury recommendation and sentenced Golden to death on 11/15/91.

Trial Summary:

04/05/90	Defendant was indicted for one count of First-Degree Murder.
10/28/91	Defendant was found Guilty by the trial jury.
10/28/91	The jury, upon advisory recommendation, recommended death by a vote of 8 to 4.
11/15/91	Defendant sentenced: Count I: First-Degree Murder – Death

Appeal Summary:

<u>Florida Supreme Court, Direct Appeal</u>
FSC# 78,982
629 So. 2d 109(Fla. 1993)

11/25/91	Appeal filed
11/10/93	FSC vacated Golden's conviction and sentence and directed that he be released from custody.
11/17/93	Motion for rehearing filed (State filed)
01/05/94	Rehearing denied
01/05/94	Mandate issued

Case History:

On 11/25/91, Golden filed a Direct Appeal in the Florida Supreme Court. The main issue, on appeal, was that there was insufficient evidence to prove that his wife's death resulted from the criminal agency of another person.

The Supreme Court stated that ". . . the finger of suspicion points heavily at Golden. A reasonable juror could conclude that he more than likely caused his wife's death." The Court concluded, however, that the State's circumstantial evidence was insufficient to prove beyond a reasonable doubt that Mr. Golden's wife's drowning was not an accident. The Court subsequently vacated the conviction and sentence and ordered that Golden be released.

Prosecution/ Law Enforcement Statements:

John Aguero, Director, Special Prosecution, State Attorney's Office - Tenth Judicial Circuit, wrote:

> I received your memo and list of the "21 innocent" defendants convicted and sentenced to death. I write only to comment on one, Andrew Golden. This abominable opinion by the Florida Supreme Court was an insult to the memory of Ardelle Golden and to the jurors and the judge who heard the case. The Supreme Court just decided to be 13th juror and disagree with everyone else. They overturned this conviction and sentence saying that "The finger of suspicion points heavily at Golden. A reasonable juror could conclude that he more likely than not caused his wife's death." They also said "There were no wounds or other signs of violence on the body." This last quote shows that they completely misapprehended the manner in which Mr. Golden killed his wife. They paid absolutely no attention to the FACTS. If they had, Mr. Golden would still be on death row where he belongs. The reason the above quote is of particular significance is that Mr. Golden claimed his wife drove her car into the lake. I proved she would have to have been going over 35 miles per hour to get the car as far out in the lake as it was found. According to the testimony of the medical examiner and the accident reconstruction expert, either the woman should have had seat belt injuries (she always wore a seat belt) or, in an unexpected crash like the defense theorized, she would have hit the windshield. Thus it was precisely the LACK OF INJURIES that helped prove the case. Of course there was a multitude of other evidence, but this complete lack of understanding in deciding a death penalty case is what misleads people like those who think there were 21 innocent people on death row. I got calls from three of the jurors after Mr. Golden was released. Each asked me essentially, who the hell does the Supreme Court

> think they are? They didn't sit through this trial. I challenge anyone who thinks Mr. Golden is innocent to sit down and talk to me. They won't think he's innocent when they leave."

A request for comment was made to Deputy Chief Darrell Kirkland of the Winter Haven Police Department. A response has not been received to date.

Defense Attorney Statements:

Gwendolyn Spivey, Golden's attorney on Direct Appeal stated that any information relative to this case may be found in her Direct Appeal initial brief. She stated, "The Florida Supreme Court did an excellent job regarding this case."

Current Status:

Andrew Golden is presently serving a fifteen-year prison sentence in Texas for three separate cases of Indecency with a Child. His projected release date is 03/16/07.

Report Date: 03/25/02 WHS
Updated: 10/05/06 JFL