

Before The Hearing Board  
of The  
Illinois Attorney Registration  
and  
Disciplinary Commission

**FILED**

MAY 17 2013

ATTY REG & DISC COMM  
CHICAGO

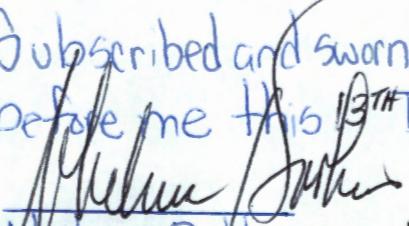
In the Matter of                              Commission No.: 2013 PR 00035  
Fredrick D. Goings                      )  
Attorney- Respondent                    )  
No.: 62 84580                         )

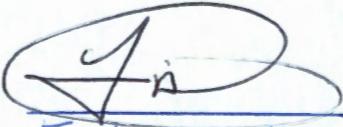
Notice of Answer

To: heel S. Gutierrez  
Counsel for Administrator  
130 East Randolph Drive, Ste. 1500  
Chicago, IL 60601

Kenneth G. Jablonski  
Clerk of ARDC  
130 East Randolph Drive, Ste. 1500  
Chicago, IL 60601

You are hereby notified that on May 13, 2013, I handed a sealed envelope to the Correctional Staff at Cook County Jail Containing an original ~~plus two copies~~ of this notice and answer, with proper postage pre-paid and addressed to the Clerk of the ARDC, to be deposited in the U.S. Mail.

Subscribed and sworn to  
before me this 13<sup>th</sup> Day of May 2013  
  
Notary Public

  
Fredrick D. Goings  
Attorney- Respondent



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In the Matter of:      )      Commission No.: 2013 PR00035  
Fredrick D. Goings      )  
Attorney-Respondent      )  
No.: 6284580      )

Answer

Fredrick D. Goings, pro se, pursuant to Supreme Court Rule 231, answers as follows:

I. Professional Background

Fredrick D. Goings, was licensed to practice law in the State of Illinois on April 6, 2005. He was also admitted to practice before the United States District Court for the Northern District of Illinois- Sometime shortly after that. Other than a CDL, he has never received any other professional license or certificate.

II. Response to Allegations

I. Respondent is currently in custody, where he has been held

without bond since February 2009. He currently has insufficient information to state the exact date Ms. Henry and him entered into a contractual agreement to represent her in a child support and custody battle against the biological father of her son. Respondent agrees that the matter had been docketed by the Clerk of the Circuit Court of Cook County as Nova F. Henry v. Eddy Curry, but he is uncertain if the case number is 2005 D080721. Respondent demands strict proof thereof.

2. Respondent admits he was representing Ms. Henry in December 2006 in relation to her child support and custody fight, but he denies he "began" having a sexual relationship with Ms. Henry at that time. Respondent demands strict proof thereof. And Respondent has attached as a Exhibit Nova Henry's Affidavit signed by her in the presence of a Notary and sworn to under oath and pursuant to penalty of perjury that speaks for itself regarding when the dating and sexual relationship began.

3. Respondent denies he shot and killed Ms. Henry, and her 10-month old baby girl Ava. Respondent denies at the time of Ava's death her last name was Curry. Respondent demands strict proof thereof of every allegation contained in paragraph 3 of the Complaint.

4. Respondent admits a secret ex parte grand jury impaneled in March 2009, and returned an indictment against him for

an allegation of double murder apparently committed on January 24, 2009. The indictment charged Respondent with fourteen counts. Respondent is not in possession of sufficient info to admit or deny if the document attached as Exhibit One, is a true and accurate copy of the indictment in the case captioned as State v. Goings, case number 09-CR-5704. Respondent demands strict proof thereof.

5. Respondent denies each and every one of the allegations set forth in the indictment as follows:

a. Respondent denies Counts One and two of the indictment which charge that he, without lawful justification, shot and killed Nova Frances Henry while armed with a firearm, in violation of 720 ILCS 5/9-1(a)(1) and (2). Respondent demands strict proof thereof.

b. Respondent denies Counts Three and Four of the indictment which charged that he, without lawful justification, shot and killed Ava Curry while he was armed with a firearm, and that the State would seek an extended term in that Ms. Curry was under 12 years of age and her death resulted from exceptionally brutal or heinous behavior indicated of wanton cruelty, in violation of 720 ILCS 5/9-1(a)(1) and (2). Respondent demands strict proof thereof.

C. Respondent denies Counts Five and Six of the indictment

which charged that he, without lawful justification, shot and killed Ms. Curry while he was armed with a firearm, in violation of 720 ILCS 5/9-1(a)(1) and (2). He demands strict proof thereof.

d. Respondent denies Counts Seven and Eight of the indictment which charged that he, without lawful justification, shot and killed Ms. Henry while he was armed with a firearm and, during the commission of the offense, personally discharged a firearm, in violation of 720 ILCS 5/9-1(a)(1) and (2). Respondent demands strict proof thereof.

e. Respondent denies Counts Nine and Ten of the indictment which charged that he, without lawful justification, shot and killed Ms. Curry while he was armed with a firearm and, during the commission of the offense, personally discharged a firearm, in violation of 720 ILCS 5/9-1(a)(1) and (2). Respondent demands strict proof thereof.

f. Respondent denies Counts Eleven and Twelve of the indictment which charged that he, without lawful justification, shot and killed Ms. Henry while he was armed with a firearm and during the commission of the offense, personally discharged a firearm that proximately caused death, in violation of 720 ILCS 5/9-1(a)(1) and (2). He demands strict proof thereof.

g. Respondent denies Counts Thirteen and Fourteen of the indictment which charged that he, without lawful justification shot and killed Ms. Curry while he was armed with a firearm and during the commission of the offense, personally discharged a firearm that proximately caused death, in violation of 720 ILCS 5/9-1(a)(1) and(2). Respondent demands strict proof thereof.

6. Respondent admits that prior to trial, which began on February 1, 2013, the State's Attorney moved to nolle prosequi Counts three and four, and Seven through fourteen, of the indictment against Respondent in case number 09-CR-5704.

7. In a seven (7) day jury trial in which not one person testified to being an eyewitness to the murders; no blood evidence connected respondent to the murders; no DNA was presented that established Respondent murdered anyone; no finger print evidence linked Respondent to the crimes; Respondent exercised his right to remain silent when questioned by police; no ballistic evidence was presented that connected respondent to the murders; no murder weapon was recovered in this case; no testimony was presented at trial that any neighbor of Ms. Henry identified Respondent or his vehicle being at the crime scene on January 24, 2009; there was no video surveillance presented at trial that positively placed Respondent on his vehicle at the crime scene on the day of the murders. Despite the above, a jury found Respondent guilty of counts 1, 2, 5 & 6.

8. Respondent has insufficient information to admit or deny whether the Honorable Judge Maura Slattery-Boyle entered a judgment of conviction on February 15, 2013, as he had no scheduled Court appearance on that date. Additionally, respondent has never been admonished by the Court that any judgment of conviction was entered on that date in his absence. Furthermore, he has not been furnished with any written Order reflecting a judgment of conviction being entered on February 15, 2013. Moreover, the Exhibit two which purports to be the judgment of conviction does not indicate any judgment of conviction being entered on that date. In fact, the last entry on the record is from February 12, 2013. Respondent demands strict proof thereof. Also, respondent is unable to admit or deny if the copy of the order of commitment and sentence that is attached as Exhibit three is a true and accurate record. Respondent demands strict proof thereof.

9. Respondent admits that Supreme Court Rule 761(a) provides that it is the duty of an attorney admitted in Illinois who is convicted in any court of a felony or misdemeanor to notify the administrator of the conviction in writing within thirty days of the entry of the judgment.

10. Respondent denies that pursuant to Supreme Court Rule 761(a), he was required to notify the administrator of his conviction in case number 09-CR-5704 on or before March 15, 2013. Respondent demands strict proof thereof.

730 ILCS 5/5-1-12 provides:

Judgment. "Judgment" means an adjudication by the Court that the defendant is guilty or not guilty, and if the adjudication is that the defendant is guilty, it includes the sentence pronounced by the Court.

Additionally, the Supreme Court of Illinois made clear that "In a criminal case the pronouncement of the sentence is the judicial act which comprises the judgment of the Court." See, State v. Allen, 375 N.E.2d 1283.

Respondent admits he was sentenced on April 14, 2013, to natural life in the Illinois Department of Corrections. This constituted the entry of the judgment of conviction. And thus, the complaint was filed too soon.

Respondent moves to strike the complaint as being premature.

II. Respondent denies that as of April 10, 2013, the date the complaint was filed he had not notified the Administrator of his felony conviction in case number 09-CR-5704. Respondent re-alleges paragraph 10 of his answer and incorporates it by reference as if fully recited herein and states he had no duty to notify the Administrator until within thirty days of his "sentence", which for all relevant purpose was the "judgment of conviction". However,

in an effort to exercise abundant caution, Respondent mailed a letter to the Administrator from the Cook County Jail, dated February 26, 2013, requesting clarification on Supreme Court Rule 761(a). Respondent never received a response and he is unaware if the Administrator ever received the letter. Obviously, Respondent has no control of the flow of the mail once he gives it to the Correctional Staff to forward on to the post office. Respondent has attached as an Exhibit the letter he mailed to the Administrator. To the extent that respondent is misguided on the law as far as his duty pursuant to Rule 761(a), than he respectfully request his letter dated February 26, 2013, be considered as timely notification.

12. Respondent is unaware of any "order" of conviction and therefore is unable to admit or deny the existence. Respondent denies he engaged in the following misconduct:

a. Respondent denies committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(a)(3) of the Illinois Rules of Professional Conduct. He demands strict proof thereof;

b. Respondent denies committing conduct which is prejudicial to the administration of justice in violation of Rule 8.4(a)(5). He demands strict proof thereof;

"C." Respondent denies failing to notify "the Administrator of his Conviction in writing within 30 days after the entry of the judgment of conviction in violation of Supreme Court Rule 761(a). "He demands strict proof thereof;

"C." Respondent denies being involved in conduct which tends to defeat the administration of justice or to bring the Courts or legal profession into disrepute. Respondent demands strict proof thereof.

Respondent moves that paragraph 12 in its entirety be stricken as being confusing- there are two (2) Subparagraphs C. In the alternative I move that petitioner be required to strike one of the subparagraphs, or file an amended complaint.

Wherefore, for all the reasons above, Respondent respectfully request that this Complaint be struck and this matter be dismissed, or petitioner be required to file an amended Complaint, and that this matter not be assigned to any panel of the Hearing Board, and that no hearing be held at this time as I have given my notice of my intent to file a notice of appeal if necessary, subsequent to resolution of my timely filed post-trial motions currently pending in State v. Goings, Case number 09CR5704, and that the panel make no findings of fact, no conclusions of fact and law, and no recommendation for any such discipline.

Respectfully submitted,

A handwritten signature in blue ink, enclosed in a circle. The letters 'F' and 'D' are prominent.

Fredrick D. Goings  
Attorney - Respondent

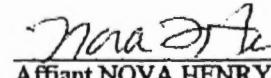
Fredrick D. Goings  
2013-042-4097  
Div 9-2G-2086  
P.O. Box 089002  
Chicago, IL 60608

STATE OF ILLINOIS                          )  
    ) SS  
COUNTY OF COOK                          )

**AFFIDAVIT**

I, NOVA HENRY OF 4338 S. King Drive Chicago, IL hereby state under oath and pursuant to Section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109) that the statements below is true and correct:

1. I am 22 years old.
2. I have had a dating and sexual relationship with Fredrick D. Goings.
3. That the dating and sexual relationship I participated in with Fredrick D. Goings began at least (6) six months prior to him representing me in my Child Support and Child Custody case.
4. That the dating and sexual relationship with Fredrick D. Goings continued throughout him representing me in my matter.
5. That I did not object to Fredrick D. Goings representing me while we had a dating and sexual relationship until he was arrested for Domestic Battery.
6. That Fredrick D. Goings immediately withdrew from my case subsequent to his arrest.
7. That I have always been satisfied with Fredrick D. Goings representation in my Child Support and Custody case.
8. That I have not contacted the ARDC to complain of my relationship with Fredrick D. Goings nor have I contacted the ARDC to complain of his legal services he provided in my Child Support and Custody case.
9. That I do not wish to file any complaint with the ARDC concerning Fredrick D. Goings representation in my child support and custody case nor any compliant involving him being arrested.
10. That I appeared before a Judge and advised the Court that I did not need an Order of Protection nor did I want to pursue any criminal charges against Fredrick D. Goings.
11. That I consider the dating and sexual relationship between Fredrick D. Goings and myself to be of a private, consensual and personal nature.
12. That I made the statements in this affidavit of my own choice and free of any undue influence or coercion and for the purpose of resolving any concerns the Attorney Registration and Disciplinary Commission as well as other third outside parties have regarding Fredrick D. Goings legal services I received and the dating and sexual relationship between Fredrick D. Goings and myself.

  
Affiant NOVA HENRY

Subscribed and sworn to before me this 28 Day of May 2007.

  
NOTARY PUBLIC

