

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

DAVID WILSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 1:19-CV-284-RAH-CSC
	)	
JOHN Q. HAMM, Commissioner,	)	*** DEATH PENALTY CASE ***
	)	
Respondent.	)	

PETITIONER’S RENEWED FIFTH MOTION FOR *BRADY* DISCOVERY

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PETITIONER’S RENEWED FIFTH MOTION FOR *BRADY* DISCOVERY

Petitioner David P. Wilson respectfully renews his Fifth Motion for *Brady* Discovery, in which Mr. Wilson sought additional discovery of information about law enforcement interactions with his co-defendant Kittie Corley. *See* Doc. 100.

By Order dated August 13, 2024, this Court denied the original motion without prejudice to refileing the motion once Mr. Wilson had filed his amended habeas corpus petition. *See* Doc. 102.

Now that Mr. Wilson has filed his First Amended Petition (Doc. 114), Respondent has filed his Answer (Doc. 129), and Mr. Wilson has filed his Reply (Doc. 135), this Court is in a position to address the Fifth Motion for *Brady* Discovery.

This court has the authority to order the requested discovery pursuant to Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts and *Bracy v. Gramley*, 520 U.S. 899 (1997). Petitioner David Wilson respectfully requests that the Court do so.

In support of this motion, Petitioner states the following:

I. Procedural History

1. In this section, Petitioner recounts the history of the *Brady* requests and productions to give the Court background regarding Petitioner's renewed request for additional discovery.

2. The very first docket entry in the capital prosecution of Mr. David Wilson, dated **July 27, 2004**, is a reciprocal discovery order entered by the state trial court directing the prosecutor to "make any exculpatory materials available to the defense." Doc 76-1 at PDF 15, Bates 15, Reciprocal Discovery Order. From that date forward, Mr. Wilson filed fifteen *Brady* motions specifically requesting statements by the co-defendant Catherine Nicole "Kittie" Corley.

3. Prior to trial, defense counsel filed on **March 1, 2007**, a *Brady* motion including a specific request for any and all statements by the co-defendants, which included Kittie Corley. *See* Doc. 76-1 at PDF 132-144, Bates 132-144, ("Motion for Discovery of Prosecution Files, Records, and Information Necessary to a Fair Trial"). This motion specifically requested "Statements of Co-conspirators, Co-defendants, and Accomplices." *Id.* at Bates 135.

4. On **March 5, 2007**, the trial court effectively granted that motion by referencing its earlier "Reciprocal Discovery Order," entered on July 27, 2004, which ordered the prosecutor to make all exculpatory materials available to the defense. *See* Doc. 76-2 at PDF 25, Bates 25.

5. Seven months later, on **October 4, 2007**, defense counsel filed a “Motion to Reconsider Denial of Defendant’s Motions and Motion for Hearing on Those Motions Denied Without a Hearing,” which specifically included, in the list of motions to reconsider, the “Motion for Discovery of Prosecution Files, Records, and Information” filed on March 1, 2007. *See* Doc. 76-2 at PDF 160, Bates 360.

6. A motions and suppression hearing took place on **October 9, 2007**, during which defense counsel reargued the motions, including the “Motion for Discovery of Prosecution Files, Records, and Information” filed on March 1, 2007. *See* Doc. 76-6 at PDF 117-118, Bates 1122-1123.

7. Prior to undersigned counsel being appointed to represent Mr. Wilson in January 2020, previous defense counsel and Mr. Wilson *pro se* filed another four *Brady* motions specifically asking for the Corley letter and/or any Corley statements. These included the following:

- Motion for Discovery of Law Enforcement and Prosecution Files, Records, and Information (specifically requesting Kittie Corley’s confession on pages 6, 7, 8, et seq. of the motion), dated September 7, 2016. (Doc. 76-28 at PDF 4-26, Bates 4649- 4671).
- Response to State’s Motion to Withhold Ruling on Motion for Discovery (requesting previous discovery motion be granted), dated October 4, 2016. (Doc. 76-28 at PDF 82-84, Bates 4727-4729)
- Hearing on Rule 32 Motions (Rule 32 counsel specifically states: “And we’re entitled to the [Kittie Corley] letter. We still don’t have the letter”), dated November 8, 2016. (Doc. 76-30 at PDF 114, Bates 5161)
- *Pro se* Letter by Mr. Wilson to this Court asking for the Kittie Corley letter (stating that “[I]f this issue was litigated in the first place like I tried to have done I would have more than likely received an evidentiary hearing

and obtained the newly discovered evidence which is in the *Brady* issue that was filed”), dated June 13, 2019. (Doc. 15 at p. 2)

8. Undersigned counsel entered an appearance in Mr. Wilson’s federal habeas corpus proceedings on November 20, 2019, stating that he would take the appointment only if the Corley letter was produced, effectively filing his first *Brady* motion on Mr. Wilson’s behalf. Doc. 19.

9. Undersigned counsel again requested the production of the Corley letter in Petitioner’s “Reply to Respondent’s Response,” filed on December 29, 2019 (Doc. 36), and at the hearing held on January 23, 2020 before this Court (Doc. 42).

10. Undersigned counsel filed a “Renewed Motion for Disclosure of Ongoing *Brady* Material” on November 7, 2022, specifically requesting the Corley letter for what was effectively the eleventh time since proceedings against Mr. Wilson began in 2004. Doc. 60.

11. In response to those *Brady* requests, the Attorney General refused to turn over the Corley letter and took the position that the Corley letter was “not exculpatory.” We now know that that was, as a legal matter, patently wrong. The Attorney General argued:

- In Respondent’s “Response to Notice of Appearance, Motion for a Status Conference, for Appointment of Counsel, and for an Order of Disclosure,” filed on December 5, 2019, that the Corley letter was a “non-exculpatory document.” (Doc. 33 at p. 1)

- During a hearing before this Court on January 23, 2020, in response to the Court's question as to whether they were agreeing that the letter is exculpatory, "No, Your Honor, we're not. Having seen the letter myself." (Doc. 42 at p. 21)
- In Respondent's "Response to Motion for Disclosure and to Motion to Refile the State Court Record," filed on December 12, 2022, that the Corley letter was a "non-exculpatory document" (Doc. 64 at p. 1), and that "the Corley letter is not exculpatory." (Doc. 64 at p. 8)

12. Following Petitioner's "Reply to Respondent's Response" filed on December 19, 2022 (Doc. 65), this Court granted Petitioner's *Brady* motion on March 27, 2023, and ordered the State of Alabama to turn over the Kittie Corley letter. (Doc. 67) The Court quoted, in its order, Judge Charles S. Coody's comment during the January 23, 2020 hearing (Doc. 42), to the effect that the Corley letter "was exculpatory material which should have been turned over." Doc. 67 at p. 16.

13. On March 31, 2023, Respondent produced the front side of the Kittie Corley letter to the Court and Petitioner. *See* Doc. 69-2; Doc. 114-1. On the front side of the letter, Corley mentioned that she had been involved in another murder and referred to the back side of her letter for a description of her involvement in that other murder.

14. Petitioner moved for disclosure of the back side of the Kittie Corley letter on the same day, March 31, 2023, in Petitioner's Third *Brady* Motion. *See* Doc. 70 ("Motion for Full Disclosure of the Kittie Corley Letter and For a Hearing at the Court's Earliest Convenience").

15. The Attorney General, having been ordered to turn over the Corley letter, nonetheless maintained in Respondent's "Response to Show Cause Order," filed on April 13, 2023, that *both* sides of the letter were "neither exculpatory nor material as required for Brady purposes." Doc. 73 at p. 1 and p. 4. In fact, counsel for Respondent went so far as to claim that "to the extent the letter has any materiality at all, it is *inculpatory*." Doc. 73 at ¶8 (emphasis added).

16. Mr. Wilson filed a reply on April 27, 2023, once again asking for the back side of the Corley letter. Doc. 75.

17. The Court granted Petitioner's Third *Brady* Motion on June 21, 2023. Doc. 79. In its order, the Court ruled that Respondent had failed to argue, prior to the disclosure of the first side of the letter, that "a part of the letter need not be disclosed because it concerns separate, unrelated criminal activities of Corley," and instead chose an "approach of maximal resistance" by arguing that the "State's *Brady* obligations vanish in postconviction and that, ultimately, no disclosure was warranted because petitioner's *Brady* claim is without merit." *Id.* at p. 5. As that approach had failed, the Court stated in its order granting Petitioner's third *Brady* motion, "Respondent should not now be heard to conjure wholly new grounds to avoid disclosure of the letter." *Id.* at p. 6.

18. Respondent turned over the back side of the Corley letter, via email to undersigned counsel, on June 28, 2023, at 11:54 PM. *See* Doc. 81-1, back side of

Corley letter; Doc. 81-2, email from Richard D. Anderson to Bernard E. Harcourt; and Doc. 114-3. The back side of the Corley letter recounts in detail Corley's involvement in the murder of C.J. Hatfield and was material within the meaning of *Brady v. Maryland*.

19. Petitioner filed his fourth *Brady* motion on July 19, 2023, requesting a thorough production of all written and oral materials in the possession of any state, county, or municipal actors involved in the investigation of the Hatfield and Walker murders related to Kittie Corley. Doc. 81.

20. On November 3, 2023, this Court entered a show cause order requiring Respondent to respond to Petitioner's Fourth *Brady* Motion. Doc. 83.

21. Respondent first responded, on November 16, 2023, that he had found no materials requested by Petitioner in his Fourth *Brady* Motion and moved for an extra 21 days. Doc. 84. This Court granted Respondent's motion for an extension of time on November 17, 2023. Doc. 85.

22. On December 7, 2023, Respondent e-mailed undersigned counsel with new discovery productions. *See* Doc. 89-7 (two emails from Richard D. Anderson to Bernard Harcourt dated Dec. 7, 2023). Respondent attached to his emails the following:

- a. a Waveform audio recording of a police interrogation of Kittie Corley conducted on January 29, 2005, lasting 27 minutes (Doc. 114-5; Doc. 114-6);
 - b. a Windows Media Audio recording of a police interrogation of Kittie Corley dated March 24, 2005, lasting 33 minutes (Doc. 114-7; Doc. 114-8);
 - c. the first two pages of a “Dearest David,” undated, personal letter that Kittie Corley wrote to Petitioner while she was in jail pending trial for charges in connection to the murder of Mr. Dewey Walker (Doc. 114-9; Doc. 114-10);
 - d. a police interview worksheet from a police interrogation of Joan Dixia Vroblick dated August 3, 2004 (Doc. 118-3; Doc. 118-4).
23. In addition, on December 7, 2023, Respondent filed with the Court a new affidavit by Kittie Corley dated June 29, 2023. Doc. 86-1.

II. The New Evidence

24. It is not Petitioner’s burden or intention, at this stage, to prove, as a factual matter, that the favorable evidence that was produced by the Attorney General in their December 7, 2023, *Brady* disclosures is material and, therefore, that the state’s withholding amounted to a violation of David Wilson’s right to due process under *Brady*.

25. At this stage of federal habeas corpus litigation, the additional discovery requested is necessary for undersigned counsel to investigate and determine the materiality of any *Brady* violations disclosed by the Attorney General's December 7 productions, and to present argument on the preliminary question of "cause" and "prejudice" to excuse any possible procedural default. *See Strickler v. Greene*, 527 U.S. 263, 282 (1999); *Amadeo v. Zant*, 486 U.S. 214 (1988); *Murray v. Carrier*, 477 U.S. 478 (1986).

26. In fact, it is premature for undersigned counsel to specify in what way the information in the newly disclosed evidence is material.

27. Nevertheless, Petitioner will address what is already known about the favorability and materiality of the new evidence at this early, preliminary stage.

28. All of the new evidence produced by Respondent on December 7, 2023, is favorable and material under *Brady*, and militates for further discovery. Petitioner will take each piece of evidence in order.

29. Very briefly, though, by way of background, Petitioner will begin with a recapitulation of the favorability and materiality of the front and back sides of the Corley letter.

A. The Front Side of the Corley Letter

30. The front side of the Corley letter is favorable to Petitioner because it contains a confession by Kittie Corley to the murder of Mr. Dewey Walker and

indicates that she was involved in a second murder. (*See* Doc. 114-1 for the front side of the Corley Letter; Doc. 114-2 for the Certified Court Reporter transcription of the front side of the Corley Letter.)

31. This Court has already addressed the potential materiality of the front side of the Corley letter in its two previous opinions dated March 27, 2023 (Doc. 67 at p. 19) and June 21, 2023 (Doc. 79 at pp. 8-10 and 14-17).

32. Briefly, on the front side, Corley writes that she alone, and not Petitioner, bludgeoned Mr. Walker to death with a baseball bat; that she disposed of the murder weapon (the bat) by throwing it in a dumpster; that she had a motive to kill Mr. Walker; that she had some kind of personal relationship with the victim; and that she pawned the items stolen from Mr. Walker's home.

33. The evidence presented at Mr. Wilson's trial never resolved the inconsistency between, on the one hand, Mr. Wilson's claim that he did not beat Mr. Walker to death and, on the other hand, the 114 blows that were inflicted on Mr. Walker's body. This confession by Kittie Corley resolves that inconsistency. A reasonable juror could have concluded that Corley was the person who actually killed Mr. Walker. Moreover, the Corley letter contained reference to another murder that Corley was involved in. Petitioner would refer the Court to Doc. 75 for further discussion of the favorability of the front side of the Corley letter. (Doc. 75)

B. The Back Side of the Corley Letter

34. On the back side of the Corley letter, Kittie Corley confesses to being part of a violent drug gang that engages in murder, to having had possession of the murder weapon, to covering up for the murder, and to having serious mental health problems. The back side of the letter is favorable to Petitioner because it supports the theory—confirmed on the front side of the letter—that Corley had greater culpability for the murder of Dewey Walker, relative to Petitioner, who had no prior criminal history and no previous brushes with the law. (*See* Doc. 114-3 for the back side of the Corley letter; and Doc. 114-4 for the Certified Court Reporter transcription of the back side of the Corley letter.)

35. This Court already addressed the potential materiality of the back side of the Corley letter in its opinion dated June 21, 2023 (Doc. 79 at pp. 8-10 and 14-17). Petitioner would refer the Court to Doc. 81 for further discussion of the *Brady* materiality of the back side of the Corley letter (*see* Doc. 81 at ¶ 4-11) and the discussion in Part V *infra* at ¶ 123 et seq.

36. Briefly, on the back side of the Corley letter, Corley confesses to being at the heart of a violent drug trafficking gang that engages in the murder of C.J. Hatfield. Corley confesses to possession of the murder weapon. Corley confesses to being the intimate partner of one of the leaders, who is called “Bam Bam” (like the sound of a gun going off twice). Corley confesses to knowing who killed Hatfield.

Corley confesses to knowing who the drug runners are for the drug trafficking enterprise and everything that they planned to do (steal the money and pretend to be robbed) and why Hatfield was murdered. Corley confesses to covering up the murder. The letter exposes Kittie Corley as callous and indifferent to human life, as she reveals she does not care whether an innocent person (even someone who might be considered her friend) will face life imprisonment or the death penalty for a crime he did not commit. These multiple confessions are corroborated by her subsequent police interrogations dated January 29, 2005, and March 24, 2005. *See* Table of Correspondences Between Letter and Interrogations, Doc. 114, at pp. 110-117.

C. Corley Police Interrogation of January 29, 2005

37. Petitioner now will discuss the new evidence produced on December 7, 2023, beginning with the audio recording of the interrogation of Kittie Corley by investigator Allen Hendrickson of the Henry County Sheriff's Office conducted on January 29, 2005. *See* Doc. 114-5 for the audio recording conventionally filed with the Court; Doc. 114-6 (unredacted) or Doc. 118-1 (redacted) for the Certified Court Reporter transcription.

38. During this lengthy 27-minute interrogation, Kittie Corley confesses to being deeply implicated in a violent drug-trafficking gang led by her fiancé “Bam Bam” and to substantial involvement in the murder of C.J. Hatfield. During the course of the interrogation, Corley confesses to:

- Having almost exclusive access to the .38 caliber revolver that was apparently used to murder C.J. Hatfield. Corley was one of three people with access to the murder weapon. (Her proximity to the murder weapon is consistent with her having possession of the baseball bat in the Walker case.) Corley owned the safe that the gun was kept in, which was used for myriad illicit activities. (Doc. 114-6 or Doc. 118-1, Transcription at p. 28, lines 4-15.)
- Seeing Hatfield and Stuckey (the drug runners) leave for Atlanta prior to the murder (Doc. 114-6, Transcription at p. 8, lines 21-22).
- Knowing the people in Atlanta (“Flex”) who made the drug transaction with Hatfield and Stuckey and knowing that the transaction actually occurred. (Doc. 114-6 or Doc. 118-1, Transcription at p. 15, lines 6-7.)
- Knowing which kind of gun Bam Bam, Mark Hammond, and Stuckey each carried. (Doc. 114-6 or Doc. 118-1, Transcription at p. 31, line 15 through p. 34, line 3.)
- Knowing where the drug gang met to drop off drugs and how long a drug transaction usually took. In fact, Corley says that most of the gang’s activities happened within fifteen minutes of her apartment, correcting the investigator’s suggestion that most activities occurred within fifteen minutes of downtown Dothan. It is obvious that Corley was, quite literally, central to the drug operations. (Doc. 114-6 or Doc. 118-1, Transcription at p. 26, lines 12-19.)
- Knowing approximately where the Hatfield murder occurred in the outskirts of Dothan. (Doc. 114-6 or Doc. 118-1, Transcription at p. 6, line 20 through p. 7, line 13.)
- Being deeply involved personally with the two leading suspects in Hatfield’s murder and with all of their drug dealings: “Bam Bam” (Scott Mathis), who she identifies as her “fiancé” (*see* Doc. 114-6 or Doc. 118-1, Transcription at p. 4, lines 1-2); and Mark Hammond, for whom she served as an alibi and with whom she had sexual relations in the past (*see* Doc. 114-6 or Doc. 118-1, Transcription at p. 4, lines 11-12 and at p. 8, lines 6-7 “Corley: I screwed him [Hammond] once”; and “Hendrickson: Where had you and Mark been? Corley: I was supposed to be his alibi that night.”)
- Being accustomed to murder: “It was nothing for somebody to talk about killing folks, you know, back then, especially with the business that we

were doing.” (Doc. 114-6 or Doc. 118-1, Transcription at p. 24, line 18 through p. 25, line 2.)

- Having severe mental disorders: “I have [dis]sociative disorder, and I’m a paranoid schizophrenic.” (Doc. 114-6 or Doc. 118-1, Transcription at p. 20, lines 12-13.) This not only is material evidence for Mr. Wilson standing alone, but it also further bolsters the veracity of the front side of the Corley letter, in which she acknowledges mental illness and claims insanity. (*See* Doc. 114-2.)
- Being suicidal: “I was hanging from a rope from a tree trying to kill myself.” (Doc. 114-6 or Doc. 118-1, Transcription at p. 35, lines 8-9)
- Being callous and not caring about someone being shot dead: “I said, ‘What’d you do, kill somebody?’ And I was laughing about it.” (Doc. 114-6 or Doc. 118-1, Transcription at p. 24, lines 14-16)
- Being familiar with finding guns for illicit purposes. (*See* Doc. 114-6 or Doc. 118-1, Transcription at p. 33, lines 1-3, “The .38s were hard enough for us to find, let alone unregistered.”)

39. It is remarkable how much consistency there is between Corley’s various statements about the Hatfield murder, given her psychological challenges and the high-pressure, police-custodial environments in which her statements were taken. Most of the important themes on the back side of the Corley letter are corroborated by this (January 2005) and the following (March 2005) police interrogations. This consistency is evident from a side-by-side comparison of the Corley letter, the January 29, 2005 police interrogation, and the March 24, 2005, police interrogation. *See Table of Correspondences Between Letter and Interrogations*, in First Amended Petition, Doc. 114, at pp. 110-117.

40. The consistencies reveal that whoever wrote the Corley letter had direct access to Corley's brain: in all likelihood, it was Kittie Corley, as the State of Alabama investigated, concluded, and maintained for nineteen years.

41. To be sure, despite the jury verdict at trial, there remain inconsistencies regarding the murder of Mr. Walker, not the least of which is the identity of the perpetrator of the 114 bat blows to Mr. Walker's body. Given that the State of Alabama used multiple different theories of how, where, and who killed Mr. Hatfield, there are also wild inconsistencies in "what actually happened" in the murder of C.J. Hatfield—which is why multiple suspects were convicted for the Hatfield murder on different theories (one theory that he was killed in the woods, another that his body was transported to the woods).

42. As the January 29, 2005 interrogation makes clear, it is unsurprising that there are some inconsistencies in Corley's recounting of the murder because Corley admits that she has dissociative personality disorder and paranoid schizophrenia, which would impact her ability to provide cogent and consistent testimony at various points in time. (Doc. 114-6 or Doc. 118-1, Transcription at p. 20, line 12 through p. 21, line 4: "Corley: That's not gonna help. I'm a — I have associative disorder and I'm a paranoid schizophrenic and I'm sitting here talking to a police officer. It's nerves [...] I have a straight mind it's just my system goes into shock sometimes.")

D. Corley Police Interrogation of March 24, 2005

43. The next piece of new evidence produced on December 7, 2023, is the police interrogation of Kittie Corley by investigator Allen Hendrickson of the Henry County Sheriff's Office and Tommy Merritt of the Alabama Bureau of Investigations conducted on March 24, 2005. (*See* Doc. 114-7 for the audio recording filed conventionally; Doc. 114-8 (unredacted) or Doc. 118-2 (redacted) for the Certified Court Reporter transcription of the interrogation.) During this second, lengthy, 33-minutes long interrogation, Kittie Corley again confesses to deep involvement in the violent drug ring and to substantial involvement in the murder of C.J. Hatfield and its aftermath. During the course of the interrogation, Corley

- Confesses to having had possession of the murder weapon in the Hatfield case. (Doc. 114-8 or Doc. 118-2, Transcription at p. 10, lines 11-20)
- Identifies the exact murder weapon (the “blue-plated type,” “dark color not silver” .38 caliber revolver), which is shown to her. (Doc. 114-8 or Doc. 118-2, Transcription at p. 13, lines 14-15) Corley says that she kept it in a lock box that she had exclusive access to along with Bam Bam and Hammond.
- States that she got the lock box because “I was also holding some narcotics for other people.” (Doc. 114-8 or Doc. 118-2, Transcription at p. 14, lines 8-9)
- Admits that, among her drug-dealing conspirators, “between all the boys, we pass knives and guns off all the time.” (Doc. 114-8 or Doc. 118-2, Transcription at p. 11, lines 20-21)

- Confesses to planning to sell the drugs that Hatfield and Stuckey were supposed to have brought back from Atlanta. (Doc. 114-8 or Doc. 118-2, Transcription at p. 17, lines 4-6)
- Says that she was involved in the planning and execution of the drug run to Atlanta. (Doc. 114-8 or Doc. 118-2, Transcription at p. 17, lines 13-23)
- Says that Hammond told her that he killed Hatfield and said “that he needed it to be dealt with and that he shot him and that we didn’t have to worry about it anymore.” (Doc. 114-8 or Doc. 118-2, Transcription at p. 20, lines 17-20)
- Admits knowing that Mark Hammond’s truck was involved in the murder of Hatfield and being able to identify the truck. (Doc. 114-8 or Doc. 118-2, Transcription at p. 4, line 13 through p. 5, line 17)
- Says that she saw Bam Bam hide evidence involved in the murder of Hatfield and that she was able to roughly identify the evidence. (Doc. 114-8 or Doc. 118-2, Transcription at p. 6, line 1 through p. 9, line 15)
- Confesses to being involved in illicit drug activities since she was less than eleven years old. (Doc. 114-8 or Doc. 118-2, Transcription at p. 12, line 12 through p. 13, line 2)
- Admits that she saw the murder weapon for the last time a week before Hatfield was murdered. (Doc. 114-8 or Doc. 118-2, Transcription at p. 11, lines 3-4)
- Admits knowing the habits and law-evading tactics of the drug ring. (Doc. 114-8 or Doc. 118-2, Transcription at p. 21, lines 10-16)
- Admits knowing who was with Hammond when Hammond shot Hatfield. (Doc. 114-8 or Doc. 118-2, Transcription at p. 21, lines 17-22)
- Admits knowing that Hammond gave Sarah Drescher the jewelry that Hatfield was wearing and knowing the type of jewelry it was. (Doc. 114-8 or Doc. 118-2, Transcription at p. 26, line 7 through p. 28, line 19)
- Admits knowing that Hammond and Stuckey urinated next to Hatfield’s body. (Doc. 114-8 or Doc. 118-2, Transcription at p. 29, line 20 through p. 30, line 1)
- Admits being in constant contact with members of the drug ring on the outside and even while incarcerated. (Doc. 114-8 or Doc. 118-2, Transcription at p. 23, line 12 through p. 25, line 20)

44. Kittie Corley’s knowledge concerning the Hatfield murder here and in the January 29, 2005 interrogation closely corroborates the back side of the Corley letter. In Petitioner’s case, Kittie Corley is the only other individual who had access to Mr. Walker around the time of his murder. Corley’s evident comfort with violence, drug dealing, guns and knives, and murder is profoundly material to Mr. Wilson’s case.

E. The “Dearest David” Letter

45. The next new piece of evidence produced on December 7, 2023, is a two-page “Dearest David” letter that was written by Kittie Corley (*see* Doc. 114-9 for the “Dearest David” letter; Doc. 114-10 for a Certified Court Reporter transcription of the letter). The letter was seized by Sgt. Luker on September 30, 2004 (*see* Doc. 76-24 at PDF 16, Bates 3857). It is undated, but was probably written around that time, two months after the Corley letter. It was used by the U.S.P.S. handwriting expert and has the expert’s markings on it. In the letter, Kittie Corley apologizes for being responsible for the Walker murder and for Mr. Wilson’s incarceration. In the new “Dearest David” letter, Corley

- Says that Corley and the other co-defendants were badly intoxicated during the entire week during which the Walker murder occurred: “we were all High + drunk. And to my knolage you or I didn’t stop drinking all week. But then were all were partying pretty hard.” (Doc. 114-10, Transcription at p. 2, lines 7-10, underlining in original)

- Apologizes for the Walker murder: “I am sorry for all of this. I really am sorry we are all up in here.” (Doc. 114-10, Transcription at p. 2, lines 19-21)
- Writes “I will not let them give you time on b-s,” which suggests that Mr. Wilson did not commit the murder but Corley did. (Doc. 114-10, Transcription at p. 3, lines 2-3)
- Writes “You were Right about it all. I owe you big time,” which suggests that Mr. Wilson had taken the fall for her actions in the murder of Mr. Walker, and in fact, might have attempted to stop her. (Doc. 114-10, Transcription at p. 3, lines 19-20)
- Writes “look bro I will help you as much as I can. This is all a big mess that should Never have gone this far,” which is consistent with the fact that Mr. Wilson was less culpable. (Doc. 114-10, Transcription at p. 3, lines 12-15)
- Expresses fondness for David and suggests that they had an intimate relationship. Corley writes, referring to the piece of paper she is writing on, “Oh hope you like the paper. Amazing what you can do with Now & Later paper & clear deoterant. huh. You & your girl ok.” (Doc. 114-10, Transcription at p. 2, lines 13-15)

46. Throughout the “Dearest David” letter, Corley writes as if she is responsible for the murder of Mr. Dewey Walker.

47. Corley’s admission that she considers herself Mr. Wilson’s girlfriend (“You & your girl ok”) suggests that she believed they were on intimate terms. This supports this Court’s suggestion, in its opinion dated June 21, 2023, that Mr. Wilson may have been trying to protect Corley (*see* Doc. 79 at p. 9-10, n.4). It confirms the Court’s suggestion that Mr. Wilson may have taken responsibility for Corley’s actions and did not mention her bludgeoning the victim with the bat when he was interrogated by the police on April 14, 2004, because of their intimate relationship.

As this Court noted, there was independent evidence in the record to support this fact: “At a hearing more than a year before trial, [... o]ne of the appointed attorneys informed the trial court that she had ‘suspicions about a codefendant and a possible relationship [Petitioner] has with that co-defendant that might be influencing his decision and influencing the reason why he doesn’t want us to be his lawyer.’” (Doc. 79 at p. 10, n.4, citing record at Doc. 76-6 at PDF 23, Bates 1028) This is consistent with Corley writing, in her “Dearest David” letter “You are the only on [sic] I can trust. I am sorry I didn’t listen to you earlyer [sic]. You were Right about it all. I owe you big time.” (Doc. 114-10, Transcription at p. 3, lines 17-20)

48. Corley also writes as if she is trying to coordinate a defense with Mr. Wilson and is at greater risk. She seems to feel that Mr. Wilson is no longer cooperating with her and has not responded to her earlier two letters. Corley seems to be trying to coax Petitioner into a joint defense: “I don’t believe you did this. And I have an Alibi. So who did it. Steve wrote Jen Jen & said you had told them someone else was. There. But they have to prove you were there at all. like me. No proff o well right.” (Doc. 114-10, Transcription at p. 3, line 25 through p. 4, line 5) After that, Corley tries to butter him up. “I figure you are pissed at me. Why? I wasn’t the one who put us in here. I was Narked out too. Someone narked out my house and my full name. But I will find out soon enuff. Motion of discovery.” (Doc. 114-10, Transcription at p. 4, lines 7-12)

49. The constant theme throughout her “Dearest David” letter is that Corley believes she is more culpable. As she states, “I am sorry for all of this.” (Doc. 114-10, Transcription at p. 2, lines 19-20)

F. The Police Interview Worksheet re. Joan Vroblick

50. The Attorney General next produced notes from a police interrogation of Joan Dixia Vroblick dated August 3, 2004. The document, a “police interview worksheet,” has been filed as Doc. 114-11 (unredacted) or Doc. 118-3 (redacted); a Certified Court Reporter transcription of the document has been filed as Doc. 114-12 (unredacted) or Doc. 118-4 (redacted).

51. Joan Dixia Vroblick, referred to elsewhere, by law enforcement, as Joan Ann Vroblick (*see* Doc. 76-24 at PDF 16, Bates 3857), was the jail cellmate of Kittie Corley while Corley was awaiting trial for the murder of Mr. Dewey Walker.

52. The interrogation of Vroblick would have occurred one week prior to Corley writing the Corley letter. The interrogation was conducted by Troy Silva and Nick Check, of the Henry County Sheriff’s Department. Note that the *Slate* article on the Hatfield murder (Doc. 114-26) states that “The Hatfield case was handled at its outset by an old hand from the Alabama State Bureau of Investigation named Tommy Merritt and Troy Silva, a young detective from the Henry County Sheriff’s Office who had never before investigated a murder.” (Doc. 114-26 at p. 6).

53. The interview worksheet indicates that Kittie Corley told Vroblick about the Hatfield murder. Vroblick reports to the police that “Kathleen” Corley, whom she also refers to as “Kitty” (presumably a misspelling for “Kittie”), told her:

- “Bam Bam killed C.J.” (Doc. 114-11 (unredacted) or Doc. 118-3 (redacted) at p. 3; Doc. 114-12 (unredacted) or Doc. 118-4 (redacted), Transcription at p. 7, line 7)
- Something about “C.J., Stucky” (who were the drug runners who went to Atlanta). (Doc. 114-12 (unredacted) or Doc. 118-4 (redacted), line 8)
- Something about “Bankhead Highway, Atlanta.” (Doc. 114-12 (unredacted) or Doc. 118-4 (redacted), line 10)
- Pertinent information about an extensive list of drug dealers, including “Ghost, Iceman, Ice, Tank and Czar,” as well as “Jessy,” C.J., and Stuckey. (Doc. 114-12 (unredacted) or Doc. 118-4 (redacted)., lines 9-12)
- Additional information about “DOC” and “MGR Trucking.” (Doc. 114-12 (unredacted) or Doc. 118-4 (redacted), lines 10 and 12)

54. This extensive information and the detailed and correct list of aliases confirm, first, that Kittie Corley was at the heart of a violent drug ring headed by “Bam Bam” (her fiancé); and second, that Corley trusted Vroblick and told her everything about the Hatfield murder.

G. The Corley Affidavit

55. The Attorney General also produced an affidavit by Kittie Corley sworn and signed on June 29, 2023, in which she claims that the Corley letter was a forgery

by Joan Vroblick. (Doc. 86-1) It is likely perjurious and self-serving. There is no reason to believe what Corley swore to in her affidavit.

H. Excerpts from James Stuckey Clerk's File

56. As an exhibit to the prior "Response to Order and Motion for Extension" (Doc. 84), the Attorney General filed an excerpt from James Stuckey's Clerk's file (*see* Doc. 114-21; also Doc. 84-1, Exhibit A to Doc 84). The document is a "Report of Investigation" ("PSI") by the Alabama Board of Pardons and Paroles dated March 31, 2010.

57. The Attorney General filed the excerpt as a basis for arguing that there are factual discrepancies between "what actually happened" in the two murders and what Corley says happened (*see* Doc. 84 at ¶ 3).

58. But the information in Doc 84-1 actually corroborates the information that Corley provided to the police, both in the interrogations and in the Corley letter, namely that she possessed and was the handler of the Hatfield murder weapon.

59. In the interrogation of Kittie Corley on March 24, 2005, Corley notes that Andrew White had possession of the safe box containing the gun (*see* Doc. 114-8 (unredacted) or Doc. 118-2 (redacted), Transcription at p. 16, lines 7-9, "Corley: Well, it went from Drew to Mark, back to Drew, then Bam Bam, and I got it back"). This is consistent with the PSI report, which indicates that Andrew White was the person who turned over the handgun to the police: "Late Monday night, Henry

County Authorities were contacted by Andrew White, who released to authorities a Taurus handgun believed to have been used to shoot Hatfield. It was determined that White received the weapon from Hammond and Mathis on Sunday March 14, 2004 and that Mathis had received instruction from Stuckey to dispose of the weapon.” (Doc. 114-21 at p. 4) The PSI adds that the police obtained an “empty Taurus handgun box with a serial number that was traceable to Stuckey.” (Doc. 114-21 at p. 4)

60. This is all consistent, too, with Corley identifying the .38 gun, which was allegedly the murder weapon, in her interrogation by Hendrickson and Merritt on March 24, 2005. That gun is identified as a Rossi .38, but Rossi and Taurus effectively merged in the 1990s. The PSI corroborates Corley’s admissions about the murder weapon being in her possession.

61. As a result, the PSI is favorable and material evidence for Petitioner. Any slight discrepancies do not lessen the importance to Mr. Wilson of evidence that Kittie Corley has openly confessed, seemingly without remorse, to possessing, handling, and providing the murder weapon in the Hatfield case.

III. The New Evidence Demands More Discovery

62. In this Part, Petitioner will document how the new evidence turned over on December 7, 2023, now requires the production of additional evidence.

A. Corley Police Interrogation of January 29, 2005

63. The Attorney General produced the audio recording of the Corley interrogation of January 29, 2005, but failed to produce the police transcription.

64. Petitioner independently obtained a copy of the official police transcription; however, for purposes of chain of custody and authenticity, Petitioner needs to receive the official transcript from Respondent. (Doc. 114-17 (unredacted); Doc. 118-7 (redacted))

65. The police transcription is relevant, important, and material. It reflects the expertise and qualifications of the law enforcement agency to interpret what was said, and it reflects the state's understanding of what was said. Two listeners might hear a certain word or a mumbled phrase differently, which would lead to different interpretations. The transcription provides favorable, material information that the audio recording does not, namely how the police and prosecution interpreted Corley's statement. (It is likely that the prosecutors never actually listened to the recordings, but only read the transcription.) For this reason, Respondent should be ordered to produce the police transcription of the interrogation.

66. At the beginning of the interrogation, Hendrickson seems to refer to the Corley letter when he tells Corley that "the reason I got you brought down here is I wanted to interview you as a witness to a – to a case. I understand you might have some information or an item that I might want in reference to a case." (*See* Doc. 114-

6 or Doc. 118-1, Transcription at p. 2, lines 12-17.) It is probable that the “item” he is referring to is her written confession, the Corley letter. During the entire interrogation, there is no indication by Hendrickson that the Corley letter is not authentic. Hendrickson may be a witness regarding the authenticity of the Corley letter. For this reason, it is necessary for Petitioner to depose Hendrickson. Section (c) of Rule 6 of the Rules Governing § 2254 Cases contemplates that a federal judge may grant a party leave to take a deposition under the Federal Rules of Civil Procedure. This Court should grant Petitioner an opportunity to depose Hendrickson.

B. Corley Police Interrogation of March 24, 2005

67. For the reason stated in paragraph 65 above, Petitioner is entitled to the official police transcription of the Corley interrogation of March 24, 2005.

68. In addition, the March interrogation suggests there were other interrogations *after* the January 29, 2005 interrogation but *before* the March 24, 2005 interrogation.

69. At the March 24, 2005, interrogation, investigator Hendrickson mentions to Kittie Corley: “Last time you told me you thought Mark Hammond’s truck needed to be looked at; is that correct?,” to which she responds “Yes, sir.” (Doc. 114-8 or Doc. 118-2, Transcription at p. 4, lines 1-4) Corley did not tell Hendrickson that Hammond’s truck needed to be looked at in the January 29, 2005 interrogation. So there had to be another interrogation between the two.

70. At the March 24, 2005, interrogation, investigator Hendrickson mentions that Corley had previously mentioned the name “Andrew White.” Hendrickson says: “last time, you also told me that Andrew White had possession of that box at some point in time; is that correct? Can you cover when Andrew White had possession of that box?” (Doc. 114-8 or Doc. 118-2, Transcription at p. 15, lines 12-16) However, the January 29, 2005, interrogation makes no mention of “Andrew White.” There is a mention of a “Drew” but Corley never says there that “Drew” is “Andrew White.”

71. Petitioner suspects that this “Andrew White” is the same Andrew White who is mentioned in the “Excerpts from James Stuckey Clerk’s File” that Respondent included as Exhibit A to Doc. 84, filed on November 16, 2023 (Doc. 114-21). According to the excerpt (Doc. 114-21), a sentencing report, Andrew White was associated with Corley’s drug ring, and he was the one who turned over the handgun from Bam Bam and Hammond to the authorities. That report reads: “Late Monday night, Henry County Authorities were contacted by Andrew White, who released to authorities a Taurus handgun believed to have been used to shoot Hatfield. It was determined that White received the weapon from Hammond and Mathis [Bam Bam] on Sunday, March 14, 2004 and that Mathis had received instruction from Stuckey to dispose of the weapon.” (Doc. 114-21 at p. 4) Since there is no mention of “Andrew White” in the January interrogation, there had to have

been other interrogations of Kittie Corley between the two. Petitioner is entitled to production of those other interrogations.

72. In the March 24, 2005, interrogation, investigator Hendrickson says that “let me put it on the record that we’re not here to try to prosecute you or question you about your old – your current charges that you have or come back and try to prosecute you about drug charges. Okay? So I’d like that to be out there and known. I think I told you that last time also. We just like to document that. Okay?” (Doc. 114-8 or Doc. 118-2, Transcription at 15, lines 3-11). Hendrickson had *not* said that or mentioned anything about non-prosecution in the January 29, 2005, interrogation.

73. All of these discrepancies demonstrate that there are likely one or more other interrogations of Kittie Corley between January 29, 2005, and March 24, 2005, that have not yet been produced by the Attorney General. Those need to be produced.

74. Moreover, an agent of the Alabama Bureau of Investigations (ABI), Tommy Merritt, was present and actively interrogated Kittie Corley during the March interrogation. This is, again, consistent with the news reporting about the Hatfield case. (Doc. 114-26 at p. 6) In addition, defense counsel at trial explicitly included the ABI in their original discovery motions. (*See* Doc. 76-1 at PDF 143, Bates 143; Doc. 76-2 at PDF 48, Bates 248.) There is no indication in the Attorney

General's Response that he searched the ABI files. Petitioner would request access to those ABI law enforcement records as well.¹

75. Finally, neither Hendrickson nor Merritt indicate that Corley did not write the Corley letter. Petitioner requests an opportunity to take depositions of both investigators to determine whether they believe, as did Sgt. Luker, that Corley wrote the Corley letter.

C. The "Dearest David" Letter

76. The Attorney General only produced two (2) pages of a longer letter. It is clear from the letter (Doc. 114-9) that there are likely more pages. There is no closing. There is no signature. Evidently, there are one or more pages missing. Petitioner is entitled to receive the rest of the "Dearest David" letter.

77. In addition, Petitioner is entitled to full access to all of the other letters that were in the stash of Corley letters (referenced in Doc. 86 at ¶ 16) that the USPS handwriting and fingerprint experts consulted when they rendered their expert opinion that the original Corley letter (both sides) was indeed written by Kittie Corley. The "Dearest David" letter is marked number #8 (*see* Doc. 114-9). This matches with the number #8 in the list of papers that Sgt. Luker found in Corley's

¹ Note that Tommy Merritt, who actively interrogated Corley on the Hatfield murder, was also assigned to the investigation of the murder of Mr. Dewey Walker. Mr. Merritt is one of the people named during the jury *voir dire* in David Wilson's capital trial as an officer who worked on the Walker case. *See* Doc. 76-7 at PDF 64, Bates 1269 (jury selection); *see also* Doc. 76-7 at PDF 194-195, Bates 1399-1400 (cross examination of Lynn Watkins). So, Mr. Merritt was an active investigator on *both* cases.

cell. (*See* Doc. 76-24 at PDF 16, Bates 3857) This means that there are many more letters in the stash, and in fact, just based upon the list by Sgt. Luker, there is at least “1 folder containing assorted hand written papers” and “1 writing pad with handwritten letters” (listed as #1 and #1A), “1 Brown cardboard folded [sic] containing assorted hand written papers” (listed as #6), and “1 Hand written letter to Travis from Nicole” (listed as #7). Petitioner requests production of the entire stash of letters. Production is also necessary to make proper handwriting comparisons if necessary.

D. The Vroblick police interview worksheet

78. It is clear from the police interview worksheet regarding the interrogation of Joan Vroblick (Doc. 118-3; Doc. 118-4) that Kittie Corley had confided in Vroblick about the murder of Hatfield. The notes indicate the names of culprits such as “Ghost, Iceman, Ice, Tank and Czar.” The police interview worksheet makes clear that Corley trusted Vroblick and acted in such a way as to tell her everything.

79. Corley nevertheless maintains now that she did not trust Vroblick “because she had a reputation among the jail inmates as a forger who could not be trusted.” (Doc. 86-1, ¶ 6) If we were to take Corley’s affidavit at face value, the question becomes: Who wrote the Corley letter, if not Corley? The only other person who could have written the letter is Joan Vroblick. But if that’s the case, how would

Vroblick have known all the details about the Hatfield and the Walker murders? As Sgt. Luker noted, “[t]his letter contained details of the murder of Dewey Walker which only the perpetrators would have known.” (Doc. 76-24 at PDF 16, Bates 3857) Joan Vroblick is likely a witness regarding the authenticity of the Corley letter. Petitioner must be afforded an opportunity to depose Vroblick.

80. In addition, Petitioner is entitled to depose the two police interrogators who interrogated Vroblick, Troy Silva and Nick Check. Officer Silva was the novice investigator charged with investigating the Hatfield murder. What Officers Silva and Check believed at the time of the Vroblick interview would shed significant light on how to interpret the contents of the police worksheet documenting the Vroblick interrogation (Doc. 118-3; Doc. 118-4 and Doc. 114-12; Doc. 118-4) and the back of the Corley letter (Doc. 114-3 and Doc. 114-4).

81. Moreover, Sgt. Tony Luker, in his police report, indicated that Vroblick had turned over the Corley letter first to her own attorney, Kaylia Lane, who then turned it over to District Attorney Douglas Valeska and Sgt. Luker. Ms. Lane is the individual who would be most aware of how Vroblick obtained the letter. Petitioner is entitled to depose attorney Kaylia Lane.

E. Corley affidavit

82. The State of Alabama had never challenged the authenticity of the Corley letter. Sgt. Luker believed that Corley wrote it, and the same seems to be true

of Gary Maxwell and Douglas Valeska in the District Attorney's Office. Assistant Attorney General Richard Anderson, who was counsel of record from 2008 until the end of 2024, did not previously challenge the letter's authenticity. To the contrary, Mr. Anderson used its authenticity to argue against production on numerous occasions before the United States Supreme Court and this Court.

83. The Attorney General relied upon the premise that Corley authored the letter to oppose production of the letter, under procedural default rules, in arguments to this Court: "Wilson knew – at the very least – that the letter stated that Ms. Corley had also struck Mr. Walker *and that the State believed that Ms. Corley was its author*" (see Doc. 64 at p. 7, Respondent's Response to Motion for Disclosure).

84. In fact, the Attorney General used the authenticity of the Corley letter to argue against production in briefs filed with the United States Supreme Court and this Court on at least six other occasions:

1. *To the United States Supreme Court, in its Brief in Opposition to Petition for Writ of Certiorari*: "The prosecutor in this case maintained an open file policy and disclosed the existence of the Corley letter, its content, *and its authenticity* to Wilson's counsel. The police report attached to Wilson's petition disclosed that there was *an authentic letter* from Wilson's accomplice in which she stated that she had 'hit Mr. Walker with a baseball bat until he fell.'" (Doc. 76-35 at PDF 131, Bates 5990)
2. *To the United States Supreme Court, again in its Brief in Opposition to Petition for Writ of Certiorari*: "Wilson also argues that the State violated *Brady* by not producing documents authenticating the Corley letter, but that argument fails for at least three reasons. *First, the authorship of the letter was not in dispute.* As the exhibits to Wilson's petition show, the investigating officer believed "that the author of both documents are [sic]

Catherine Nicole Corley.” (R32 C. 616.) Second, the authenticating documents described in the petition have no independent materiality. [...] A document “authenticating” a letter’s authorship ***when the authorship is not in dispute*** is not material because it neither adds to nor takes away from the quantum of evidence before the jury. Third, even if the letter’s authenticity was at issue, the State produced the police report which disclosed the substance of the allegedly suppressed fact: ***that the document was authentic.***” (Doc. 76-35 at PDF 133, Bates 5992)

3. *To this Court, in its Response to Notice of Appearance, Motion for a Status Conference, for Appointment of Counsel, and for an Order of Disclosure:* “Thus, Wilson has, for over fifteen years, known both that a letter existed stating that Ms. Corley had also struck Mr. Walker ***and that the State believed that Ms. Corley was its author.***” (Doc. 33 at p. 6)
4. *To this Court, in its Amended Response:* “Thus, Wilson has, for over fifteen years, known both that a letter existed stating that Ms. Corley had also struck Mr. Walker and ***that the State believed that Ms. Corley was its author.***” (Doc. 37 at p. 6)
5. *To this Court, in Respondent’s Answer to David Wilson’s Petition for Writ of Habeas Corpus:* “In this case, Wilson does not contest the fact that, at minimum, he was made aware of the fact that ***Corley had written a letter*** in which she stated that she had ‘hit Mr. Walker with a bat until he fell.’” (Doc. 56 at p. 9)
6. *Again, in its Answer to David Wilson’s Petition for Writ of Habeas Corpus:* “Thus, Wilson knew before trial both that a letter existed stating that Ms. Corley had also struck Mr. Walker and ***that the State believed that Ms. Corley was its author.***” (Doc. 56 at p. 13)

85. However, the very next day after the Attorney General lost its battle to withhold *Brady* evidence and produced the full Corley letter under court order on June 28, 2023, the Attorney General obtained on June 29, 2023, a sworn affidavit from Kittie Corley in which she stated that her letter was a forgery.

86. And now, in his Answer to Mr. Wilson's First Amended Petition, Respondent constantly refers to the Corley letter as "a handwritten letter *purportedly* written by codefendant Corley." *See* Doc. 129, at ¶¶ 15, 21, 24, 33, 64, 65, 66, 80, and 235 (emphasis added).

87. To claim that the Corley letter was "purportedly" written by Corley is very different than to tell the United States Supreme Court, as Respondent has, "that the document was authentic." (Doc. 76-35 at PDF 133, Bates 5992)

88. This allegation of forgery requires additional discovery.

89. Corley's new affidavit is in all probability perjurious *for at least five independent reasons*. First, the lead investigator of Mr. Walker's death, Sgt. Tony Luker, personally investigated and concluded that Kittie Corley wrote the letter. Sgt. Luker compared Corley's handwriting samples (which he purposefully seized during a search he conducted of her jail cell) and concluded that the Corley letter was written by Kittie Corley: "After comparing the hand written letter turned over to me from Kaylia Lane and the hand written documents seized in the search of Corley's cell, I believe that the author of both documents are Catherine Nicole Corley." (Doc. 76-24 at PDF 17, Bates 3858) Second, Sgt. Luker turned over the Corley letter and handwriting samples to a United States Postal Service (U.S.P.S.) handwriting expert for further evaluation. That handwriting expert, Gale Bolsover, the Laboratory Unit Manager at the U.S.P.S., examined the letter and concluded that, in his expert

opinion, Kittie Corley wrote the Corley letter: “Nicole Corley (K-1) probably wrote the questioned entries appearing on Exhibit Q-1-1 (two-sided letter).” (Doc. 76-24 at PDF 37, Bates 3878) Third, the lead investigator on the Hatfield murder, investigator Allen Hendrickson of the Henry County Sheriff’s Office, confronted Kittie Corley about her confession in the Corley letter: “the reason I got you brought down here is I wanted to interview you as a witness to a – to a case. I understand you might have some information or an item that I might want in reference to a case.” (See Doc. 118-1, Certified Court Reporter Transcription of Interrogation of Catherine Corley on January 29, 2005, at p. 2, lines 12-17.) At no time during that or the subsequent police interrogation did Hendrickson ever suggest that he believed Corley had not written the confession letter; and at no time during that or the subsequent interrogation did Corley deny writing the Corley letter. Fourth, all the intricate details that Kittie Corley wrote on the back side of the Corley letter regarding her involvement in the Hatfield murder are minutely corroborated by what she told Hendrickson in her two recently disclosed police interrogations from 2005. See Table of Correspondences Between Corley Letter and Interrogations, Doc. 114, pp. 110-117. Fifth, at no time over the course of the past nineteen years, in any of the voluminous *Brady* litigation over the Corley letter, in state or in federal court, has the Attorney General ever once said or implied that the Corley letter is a forgery.

On the contrary, the Attorney General has used the fact that the Corley letter was authentic to shield production.

90. Other indications cast doubt on the reliability of the Corley Affidavit. First, the Alabama Attorney General obtained Kittie Corley's sworn signature on June 29, 2023, the day after the Attorney General complied with this Court's production order (Doc. 79). Indeed, on June 28, 2023, at 11:54 PM, just a few hours before obtaining Corley's affidavit, the Attorney General turned over to undersigned counsel the back side of the Corley letter. (*See* Doc. 81-2, Email from Richard D. Anderson to Bernard E. Harcourt dated June 28, 2023, 11:54 PM.)

91. Second, the Alabama Attorney General, having obtained the new Corley affidavit, did not produce it to Petitioner until six months later (on December 7, 2023) and did not mention it in his Response filed on November 16, 2023 (Doc. 84). In that pleading, the Attorney General stated to this Court that "Respondent is unable to certify at this time that no documents responsive to Wilson's desired discovery exist." (Doc. 84 at p. 4) At the very moment that the Attorney General signed and filed that federal court pleading, the Attorney General had in his possession the new Corley affidavit which he knew he had to turn over because it was obviously covered by this Court's previous orders.

92. Third, the Alabama Attorney General filed new contested evidence at a late stage of this litigation, during a § 2554 federal habeas corpus action, when the

Attorney General maintains that there is no way to introduce new evidence under the AEDPA, and the Attorney General did so by filing the document on the Court's docket. The Attorney General could have turned over the affidavit to Petitioner by email, without filing it with the Court, as he did for the "Dearest David" letter and Vroblick police interview worksheet that he produced to Petitioner by email. (*See* Doc. 89-7, two emails from Richard D. Anderson to Bernard E. Harcourt dated December 7, 2023.) The Attorney General deliberately chose to make the new Corley affidavit a federal pleading (Doc. 86-1) but chose *not* to do that with any of the other discovery materials that he turned over that same day, including the Vroblick police interview worksheet, which was a PDF file that would have been easy to file electronically as another pleading appendix. (*See* Doc. 118-3 and Doc. 118-4, police interview worksheet of Vroblick interrogation.)

93. Thus, the Alabama Attorney General has now filed an affidavit with the Court stating that the Corley letter is a forgery. This flies in the face of all their own evidence and all their statements to state and federal courts over the past nineteen years. This matter calls for additional discovery above and beyond the initial requests contained in Petitioner's "Fourth Motion for Full Disclosure of Corley's Statements." (Doc. 81)

94. For all the foregoing reasons, Petitioner should be granted leave to conduct discovery regarding the conditions under which the Corley Affidavit was

written and obtained. The Corley Affidavit opens a host of contested factual matters that call for additional discovery, not least of which is the authenticity of the Corley letter itself.

95. Accordingly, all of the individuals who have knowledge of the authenticity of the Corley letter need to be deposed, including (1) Kittie Corley; (2) Tony Luker; (3) Gary Maxwell; (4) Douglas Valeska; (5) and Richard Anderson.

96. In order to prepare for these depositions, Petitioner will need to have interrogatories answered by the Attorney General. Petitioner has attached as Appendix A a preliminary set of interrogatories for the Attorney General, to be finalized once the Court has granted leave for discovery.

F. Additional New Evidence

97. The Alabama Attorney General is improperly shielding a number of other *Brady*-discoverable law enforcement reports as “attorney work product.” In a response to this Court’s earlier order, the Attorney General wrote: “Additionally, the Henry County District Attorney’s file contained several typed attorney memoranda containing summaries of various recorded statements. Some of these memoranda contained very abbreviated summaries of Corley’s two recorded statements. None of these memoranda contained any material that would be responsive to Wilson’s other requests. Because these documents are attorney work product, they are not discoverable.” (Doc. 86, pp. 4-5, ¶ 9)

98. State law work-product rules do not shield material from *Brady*'s disclosure obligations. *See, e.g., Fontenot v. Crow*, 4 F.4th 982, 1063 (10th Cir. 2021) (holding that although "[a]t the time of Mr. Fontenot's trials, Oklahoma law viewed unsworn statements of prosecution witnesses and police investigative reports to fall within the work-product privilege, making them non-discoverable," the prosecutor's failure to turn such materials over to the defense violated *Brady*).

99. Undersigned counsel independently obtained a summary of law enforcement's conclusions about the various suspects in the Hatfield murder from a third-party journalist. The document is titled "Work Product | James William Bailey" at the top and is dated 2005. *See* Doc. 114-16. It describes Kittie Corley's involvement in the Hatfield murder. The State of Alabama has never produced this evidence to Mr. Wilson.

100. Counsel also obtained another document that represents a police summary of the evidence and investigation (two partial versions of which are attached to the previous document under the date of March 31, 2005 and April 4, 2005). (*See* Doc. 114-15 (unredacted) or Doc. 118-5 (redacted), Document titled "Final Summary" and dated April 4, 2005). It also describes Kittie Corley's involvement in the Hatfield murder. The State of Alabama has never produced this document to Mr. Wilson.

101. Those law enforcement memoranda that reference Kittie Corley must be produced to Petitioner by Respondent. In order to establish chain of custody and the reliability of the memoranda, Petitioner must have the memoranda, documents that inform the memoranda, and any other related documents produced by Respondent.

102. These memoranda are especially material because they reflect the law enforcement interpretations of what was important, authentic, and reliable in the interrogations, and of the materiality of what Corley told them. If they believed that Corley was making everything up, that would be reflected in the memoranda. What they decided to include in their memoranda is important and reflects their views about the materiality and veracity of the evidence that Corley provided them.

103. The Attorney General states that there are “several” documents that mention the interrogations of Kittie Corley. Petitioner is entitled to each and every one of them.

G. Access to all law enforcement files

104. Finally, the procedural history in this case, *see* Part I *supra*, casts doubt on the Alabama Attorney General’s ability to reliably determine whether evidence in its possession is favorable to Petitioner and should be produced under *Brady*. As this Court observed in its ruling on June 21, 2023, “respondent’s dogged insistence, even after partial disclosure, that no part of the Corley letter, front or back, is

favorable for *Brady* purposes calls into question respondent's ability to reckon in good faith with this area of the law." (Doc. 79 at p. 14)

105. In light of this track record, Petitioner respectfully requests "open file" access to all law enforcement files in the Walker and Hatfield murder investigations in order to conduct his own review of the existence of additional *Brady* materials.

IV. The Attorney General Has Not Complied with this Court's Directions

106. Petitioner's request for production sought materials in the possession of "any State, county, or municipal actors . . . (including by the District Attorney's Office, the Attorney General's Office, any other law enforcement office, or any law enforcement personnel involved in the Walker or Hatfield homicide cases)." (Doc. 81 at ¶ 34.a and ¶ 35.a)

107. In its Order dated November 3, 2023, this Court directed the Attorney General to determine "that material covered by Petitioner's discovery requests does not exist," and to "certify in his response that no covered material exists." (Doc. 83)

108. In his Response dated December 7, 2023, Respondent certified that he reviewed material in the files of the following law enforcement agencies: "Materials Reviewed: undersigned counsel has obtained and reviewed the Houston County District Attorney's files regarding David Wilson and Catherine Corley, and the murder of Dewey Walker; undersigned counsel has also obtained and reviewed the

Dothan Police Department's file regarding the murder of Dewey Walker; and the Henry County District Attorney's Office files regarding the murder of C.J. Hatfield.” (Doc. 86, p. 3, ¶ 4)

109. Paragraph 4 of the Attorney General's Response does not assert that no other State, county, or municipal actors or law enforcement offices or personnel (other than the Houston County District Attorney's office, the Dothan Police Department, and the Henry County District Attorney's Office) were involved in the Walker and Hatfield cases. We know that the ABI was involved in the investigation, for instance. *See supra*, p. 29, n.1. Respondent asserts only that there was no additional discoverable evidence in the files of the three named agencies that the Attorney General chose to review. As a result, the Attorney General's notice of compliance is deficient. They have not certified that they have comprehensively investigated every law enforcement agency or state actor that could have possession of evidence that Petitioner requested. And therefore, they are not in a position to certify whether there is remaining evidence that they have yet to turn over.

110. So, for instance, no police agency of Henry County is included in the enumeration of agencies whose files were reviewed, although (i) the two interrogations of Corley produced by the Attorney General in the form of audio recordings were apparently conducted by detective Allen Hendrickson of the Henry County Sheriff's Office; and (ii) the March 24, 2005 interrogation mentions a certain

Andrew White who appears to have turned the Hatfield murder weapon in to “Henry County Authorities.”

111. Also absent from the enumeration in paragraph 4 of Doc. 86 is the Alabama Bureau of Investigations, although Tommy Merritt, identified as “with the Alabama Bureau of Investigations,” was present and actively questioned Corley during the March 24, 2005 interrogation and was involved in the investigation of the Dewey Walker murder. *See* Doc. 76-7 at PDF 64, Bates 1269 (jury selection in David Wilson’s case); *see also* Doc. 76-7 at PDF 194-195, Bates 1399-1400 (cross examination of Lynn Watkins in David Wilson’s case).

112. In effect, the Attorney General has only canvassed a subset of the law enforcement agencies that would qualify as responsive to the Court’s order.

113. In addition, paragraph 9 of Doc. 86 does not assert that no other materials than those expressly mentioned therein (which are within the category specified by subparagraph 35.a of Doc. 81) were found in the files examined.

114. Similarly, paragraph 10 of Doc. 86 (at page 5) does not assert that no other materials than those expressly mentioned therein (which are within the category specified by subparagraph 35.b of Doc. 81) were found in the files examined.

115. Similarly, paragraph 16 of Doc. 86 (at pp. 7-8) does not assert that none of the “purported writings of Catherine Corley” found in the sealed envelope (other

than the single “Dearest David” letter addressed to Petitioner) are within the category specified by subparagraph 36.c of Doc. 81; and it does not assert that no other materials than the sealed envelope (which is within the category specified by subparagraph 36.c of Doc. 81) were found in the files examined.

116. In all of these paragraphs, the Attorney General has not indicated that there were no other materials to disclose pursuant to this Court’s order.

117. Moreover, paragraph 18 of Doc. 86 (at page 8) does not assert that the two individuals mentioned (Lt. Tony Luker (Ret.) of the Dothan Police Department and former Chief Deputy Houston County District Attorney Gary Maxwell) are the only persons within the category of agents and agencies from whom information was requested for “any State, county, or municipal actors . . . (including by the District Attorney’s Office, the Attorney General’s Office, any other law enforcement office, or any law enforcement personnel involved in the Walker or Hatfield homicide cases)” as requested per Doc. 81.

118. In addition, paragraph 36.e of Doc. 81 requests production of “all . . . materials recording or evidencing any agent’s decision, recommendation, or consideration of reasons not to charge Corley with capital murder in the Walker case or participation in the Hatfield homicide.” The Attorney General’s Response ignores this request completely, without explanation.

119. Finally, as noted earlier, the Attorney General has produced only two pages of the “Dearest David” letter that Corley purportedly wrote to Petitioner while she was in jail pending charges for the Walker murder. The whole letter needs to be produced.

V. The Favorability and Materiality of the New Evidence

120. Again, it is not Petitioner’s burden, at this preliminary stage, to prove that the information produced by the Attorney General in his December 7 filings is material and was required by *Brady* to be disclosed before trial. Nevertheless, it may be helpful to the Court for Petitioner to quickly sketch out why, as a legal matter, Petitioner is entitled to additional discovery.

121. It is important to understand that Petitioner’s entire defense at trial was that he was not the person who bludgeoned Mr. Walker repeatedly with the bat. He confessed to the police that he tried to subdue Mr. Walker with an electric cord and mistakenly hit Mr. Walker once with the bat, but he consistently maintained that he did not commit the multiple fatal batteries with the bat. The only other person who entered Mr. Dewey’s home was Kittie Corley. So everything turned on who beat Mr. Walker to death with the bat. Petitioner denied doing so and told the police:

She, she was, she was kind of I don’t know what was her, what her, she seem like she said she got a little thrilled with it or some . . . something like that. She said she guess she was excited I don’t know what was up with her.

. . .

I asked her if she was ok. She said yeah sure. Cause she use, cause she use to do stuff like that or something like that. I don't know exactly what was up with her, what her story is. Cause she's got in some weird cult thing.

See Memorandum Opinion and Order, Doc. 67 at p. 5.

122. The whole trial, then, turned on whether Petitioner or Corley committed the battery. The Court underscored this in its opinion on June 21, 2023, finding that: “evidence of Corley’s apparent propensity to involve herself in murders, especially if the ‘backside’ murder bears any similarity to the circumstances of the ‘frontside’ murder, likely would be ‘advantageous’ in a defense effort to apportion greater culpability onto Corley and away from petitioner” (Doc. 79 at p. 10). It is important to remember that Corley is the only other person who confessed to entering Mr. Walker’s home, and in fact confessed to having access to the body of Mr. Walker. She told the police that she had stepped through a hole in the sheet rock wall into Walker’s bedroom, walked from the bedroom to the living area, and saw Mr. Walker’s body in a different room. (Doc. 76-24 at PDF 27-28, Bates 3868-3869, Catherine Corley Statement to Police)

123. Given that everything turns on their relative culpability, it is clear that any and all evidence that ties Corley to violent drug dealing and murder would be material to the defense. Here, all of the evidence about the Hatfield murder furthers the defense theory in at least three ways:

A. Impeachment Evidence

124. Kittie Corley's "Dearest David" letter and two police interrogations constitute classic impeachment evidence regarding the prosecution's lead trial witness, Sgt. Tony Luker, and would have served as the basis for calling Kittie Corley as an adverse witness during the defense case.

125. At trial, the prosecution called Sgt. Luker as the lead witness to recount David Wilson's admission of involvement in his police statement, which was the most important piece of evidence presented at trial. During the direct examination, investigator Luker testified that he had interviewed Corley, who gave a police statement; the line of questioning came immediately before Luker was asked about the police interrogation of Mr. Wilson. (Doc. 76-8 at PDF 26, Bates 1432) That line of questioning was intended to communicate to the jury that Corley did not tell Luker anything inconsistent with Mr. Wilson's police statement.

126. That line of questioning gave an opening to defense counsel to impeach Luker and bring in all the incriminating evidence of Corley's involvement in the murders of Walker and Hatfield. Armed with the Corley letters and interrogation transcripts, defense counsel could have engaged in a classic form of impeachment: "At any time during the course of your investigation, Sgt. Luker, did you ever come across any evidence whatsoever that another person beat Dewey Walker to death with a bat, disposed of the murder weapon in a dumpster, and pawned his stolen

property? Did you ever come across any information that this person was involved in a second murder as well?” And so on. With this impeachment evidence, defense counsel would have cast doubt on the prosecution’s theory that David Wilson was the one who bludgeoned Dewey Walker to death. In this respect, the glut of new evidence produced on December 7 and any additional discovery would be material evidence under a *Brady* analysis. *See Clemmons v. Delo*, 124 F.3d 944, 947 (8th Cir. 1997) (finding a *Brady* violation where the prosecution did not disclose a statement made to a state investigator who was a trial witness by an individual who was not called to testify, but who told the investigator that he was present at the scene of the crime, saw the crime committed, and identified the perpetrators in terms that excluded Clemmons; this statement was held material even though the investigator’s notes relating it expressed the view that the declarant “did not make sense and further investigation reflects that . . . [his] statement is untrue”); *and see United States v. Kiszewski*, 877 F.2d 210 (2d Cir. 1989) (finding a *Brady* violation where evidence usable to impeach a police witness was not disclosed); *Jackson v. City of Cleveland*, 925 F.3d 793, 813-15 (6th Cir. 2019) (same); *Douglas v. Workman*, 560 F.3d 1156 (10th Cir. 2009) (a co-defendant’s confession is impeachment material to which the *Brady* rule clearly applies).

127. Moreover, this Court’s order on June 21, 2023 regarding the potential materiality of the original Corley letter applies with full force to the December 7

discovery materials and any additional evidence requested: “defense counsel might have called Corley to the stand and impeached her police statement, in which she did not admit to striking Walker or to even being present at the time of the attack. . . .” (Doc. 79 at p. 9) In other words, defense counsel could also have impeached Corley, as an adverse witness, on the basis of her multiple confessions to involvement in a violent drug-dealing ring, to handling the murder weapon, to lying about her whereabouts and serving as an alibi, and to concealing the murder of C.J. Hatfield. Defense counsel might have likewise argued in closing that Corley had motive to mislead the jury (namely, to avoid criminal charges in the Hatfield murder and greater criminal liability in the murder of Dewey Walker) by falsely casting blame on David Wilson for Walker’s death. In this respect as well, the new and any additional evidence would be material under *Brady*. See *Kyles v. Whitley*, 514 U.S. 419, 446 (1995) (holding that an analysis under *Brady* must consider the impact of impeachment evidence regardless of whether the witness testified at trial); *State v. Whitt*, 220 W. Va. 685, 688-89, 696 (2007) (holding, like *Kyles*, that the possibility of calling another suspect as an adverse witness raises the potential of material evidence under *Brady*).

B. Defense of Incompetent Investigation

128. In addition, the requested discovery is favorable to the defense because it likely undermines the reliability of the State’s investigation into the Walker

murder. As this Court found in its decision on June 21, 2023, evidence of Corley’s involvement in the Walker and Hatfield murders likely “suggests that [Corley] should have been subject to greater scrutiny for her role in Walker’s murder.” (Doc. 79 at p. 9)

129. Petitioner and the Court are now aware that the State of Alabama had in its possession, prior to Mr. Wilson’s trial, evidence that Corley was deeply involved in violent crime and drug trafficking in the Dothan area—and that there is likely more such evidence. This is evidence which would have allowed defense counsel to have “attacked the reliability of the investigation” and “attacked the investigation as shoddy.” *See* Doc. 79 at p. 10 (citing *Kyles v. Whitley*, 514 U.S. 419 (1995)); *see also* Doc. 75 at p.7-9 (“Petitioner’s Reply,” explicating how Corley’s confession to a second murder is favorable to the defense because it discredits the state’s investigation). Yet, law enforcement and prosecution chose to focus their investigation on Mr. Wilson for the Walker murder, despite Mr. Wilson’s spotless criminal record at the time.

130. In all likelihood, had the State of Alabama turned over all of the material in its possession linking Corley to the Hatfield murder—including the additional material requested now—the defense could have successfully attacked the credibility of the investigation of the Walker case. *See Stano v. Dugger*, 901 F.2d 898, 903 (11th Cir. 1990) (evidence of a dishonest investigation is considered

material for *Brady* purposes); *Lindsey v. King*, 769 F.2d 1034, 1042–43 (5th Cir. 1985) (evidence that discredits the state’s investigation is material); *and see, e.g., Floyd v. Vannoy*, 894 F.3d 143, 165 (5th Cir. 2018); *Dennis v. Sec’y, Pa. Dep’t of Corr.*, 834 F.3d 263, 302 (3d Cir. 2016) (en banc); *Juniper v. Zook*, 876 F.3d 551, 570-71 (4th Cir. 2017); *Gumm v. Mitchell*, 775 F.3d 345, 274-75 (6th Cir. 2014); *Mendez v. Artuz*, 303 F.3d 411, 416 (2d Cir. 2002); *United States v. Hannah*, 55 F.3d 1456, 1460 (9th Cir. 1995); *Bowen v. Maynard*, 799 F.2d 593, 613 (10th Cir. 1986). Such evidence of misdirected investigation into Mr. Wilson, considered cumulatively with evidence showing that Corley was a likely alternative perpetrator of the 114 blows, would have served to “undermine confidence in the outcome of the trial.” *Kyles*, at 434, 115 S.Ct. 1555 (quoting *Bagley* at 678, 105 S.Ct. 3375).

C. Exculpatory Evidence

131. Alternatively, the evidence about the Hatfield murder is exculpatory evidence because it may bolster the credibility of Corley’s confession to having beaten Mr. Walker with the bat. The central question for the jury at Petitioner’s trial was *who* bludgeoned Mr. Walker to death. Corley’s criminal history is exculpatory because it stands as evidence that someone else inflicted the 114 contusions, skull fractures, and broken bones. (*See* Doc. 79 at p. 13, “*Brady*... do[es] not require that

evidence tend to “exonerate” a defendant to trigger the prosecution’s “broad” duty to disclose.”)

132. At trial, District Attorney Douglas Valeska convinced the jury that it was Petitioner who did the brutal, fatal beating. But Valeska knew, and withheld, Corley’s violent drug-dealing history and involvement in the Hatfield murder. The probability that a reasonable juror would have found Corley’s criminal history to be both at odds with Valeska’s trial theory and “entirely consistent” with Petitioner’s trial defense is enough to question the Attorney General’s decision to shield Corley’s criminal history. *See Youngblood v. West Virginia*, 547 U.S. 867 (2006). Corley’s criminal history is exculpatory evidence because its net effect makes reasonably probable that its disclosure at trial would have produced a different result at the guilt and penalty phase. *See Kyles v. Whitley*, 514 U.S. 419 (1995) (finding that the State’s disclosure obligation turns on the cumulative effect of all suppressed evidence favorable to defense).

133. *Brady v. Maryland* has become such an iconic ruling in the body of federal constitutional law that we sometimes forget its specific facts. On its specific facts, *Brady* holds that due process is violated when the prosecution fails to disclose that a codefendant has confessed to being an actual perpetrator of the murder with which a defendant is charged. *Brady* speaks specifically to Mr. Wilson’s situation and clearly controls it.

Conclusion

134. For the foregoing reasons, and pursuant to the authority vested in this Court by Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts and *Bracy v. Gramley*, 520 U.S. 899 (1997), Petitioner respectfully requests that the Court order the following additional discovery:

1. Production of the police transcripts of the two police interrogations of Kittie Corley dated January 29, 2005 and March 24, 2005.
2. Production of all other police interrogations of Kittie Corley that were conducted between January 29, 2005 and March 24, 2005; and any other police interrogations, statements, writings, letters, or any form of communication of Kittie Corley before or after those dates.
3. Production of all the letters and writings that Sgt. Luker seized from Corley's jail cell and any and all of her other correspondence, including, but not limited to "1 folder containing assorted hand written papers" and "1 writing pad with handwritten letters" (listed as #1 and #1A), "1 White inmate request form" (listed as #2), "1 yellow inmate request form dated 9/06/04" (listed as #3), "1 White inmate request form dated 9/23/04" (listed as #4), "1 Notice of appeal (Houston Co. Jail Form)" (listed as #5), "1 Brown cardboard folded [sic] containing assorted hand written papers" (listed as #6), and "1 Hand written

letter to Travis from Nicole” (listed as #7). (Doc. 76-24 at PDF 16, Bates 3857)

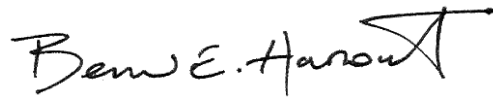
4. Production of all materials and information requested by Petitioner’s “Fourth Motion for Full Disclosure of Kittie Corley’s Statements” (Doc. 81) that the Attorney General failed to disclose in his filings of December 7, 2023, as itemized specifically *supra*.
5. Full and complete compliance, through a notice of compliance, with this Court’s Order dated November 3, 2023. (Doc. 83)
6. Production of any and all police memoranda in law enforcement files that mention Kittie Corley (using any of her names, nicknames, or aliases), including but not limited to the “several” memoranda contained in the Henry County District Attorney’s file [...] containing summaries of various recorded statements.” (Doc. 86 at p. 5)
7. Production of any documents or materials of any kind whatsoever in the possession of any state agency responsible for law enforcement or prosecution that mention Kittie Corley (using any of her names, nicknames, or aliases) in the possession of the law enforcement records of the Alabama Bureau of Investigations.
8. Permission to file a set of interrogatories to the Alabama Attorney General.

See Appendix A.

9. Permission to depose Kittie Corley.
10. Permission to depose Tony Luker.
11. Permission to depose Gary Maxwell.
12. Permission to depose Douglas Valeska.
13. Permission to depose Richard D. Anderson.
14. Permission to depose Allen Hendrickson.
15. Permission to depose Tommy Merritt.
16. Permission to depose Joan Vroblick.
17. Permission to depose Troy Silva.
18. Permission to depose Nick Check.
19. Permission to depose Kaylia Lane.
20. Access to all law enforcement records for Petitioner to conduct his own review of the records, given Respondent's questionable track record of interpreting *Brady* disclosure obligations.

Dated this 30th day of October, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bernard E. Harcourt", with a stylized flourish at the end.

BERNARD E. HARCOURT
Alabama Bar No. ASB-4316A31B

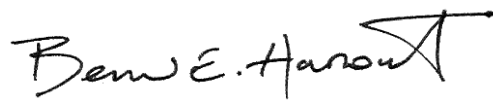
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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2025, the foregoing motion has been electronically filed with the Clerk of the Court and therefore a copy has been electronically served upon counsel for Respondent:

Lauren Simpson, Esq.
Office of the Attorney General
Capital Litigation Division
501 Washington Avenue
Montgomery, AL 36130

A handwritten signature in black ink, reading "Bernard E. Harcourt". The signature is stylized, with a large, sweeping "B" and a distinctive flourish at the end of the last name.

Bernard E. Harcourt