

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

DAVID WILSON,)	
)	
Petitioner,)	
)	
v.)	No. 1:19-CV-00284-RAH-CSC
)	
JOHN Q. HAMM,)	
Commissioner of the Alabama)	
Department of Corrections,)	
)	
Respondent.)	

Response to Order

Pursuant to this Court’s November 3, 2023 and November 17, 2023 orders (Docs. 83 & 85), comes the Respondent and responds to Petitioner David Wilson’s July 19, 2023 Motion for Full Disclosure of Kittie Corley’s Statements (Doc. 81.) In response to petitioner’s motion and this Court’s order, Respondent submits the following:

1. Wilson is seeking an order “to produce the full set of statements by Kittie [sic] Corley” *or* “discovery” in the form of an extensive order of production of a broad range of materials concerning any investigation into whether Catherine Nicole Corley was involved in the murder of C.J. Hatfield, and numerous ancillary matters. As an initial matter, Respondent notes that Wilson’s requested discovery is extraordinarily broad, delving into matters that are neither relevant nor necessary

to this Court’s resolution of Wilson’s *Brady* claim and—if such matters exist—for which Respondent does not concede that Wilson has shown good cause to obtain discovery. (Doc. 81, pp. 20-24.)

2. It is undisputed that, prior to his trial, the State produced to Wilson, in open-file discovery, a copy of a police report describing a letter – purportedly written by Catherine Corley – and describing her alleged participation in the murder of Dewey Walker. That police report was attached to Wilson’s Rule 32 petition. (Vol. 24, R32 C. 615-16.) Wilson could have raised a *Brady* claim prior to his trial or on direct appeal. He did not. Perhaps more importantly, that police report notified Wilson of the possibility that Catherine Corley had additional information regarding Walker’s murder beyond that contained in her April 15, 2004 custodial statement. It is apparent that Wilson never interviewed Corley during the intervening years.

3. Further, factual discrepancies exist between the letter’s account of Dewey Walker’s murder and what actually happened. For instance, Wilson makes much of the fact that the letter states that Corley disposed of the murder weapon, but the bat *was not* disposed of. Wilson directed police to its location, they recovered it, and he identified it during his confession. (Vol. 3, C. 501.) Similarly, the letter’s author stated that Corley had “pawned everything ... and split the money” with her accomplices. *Id.* at ¶ 7. But the evidence at trial established that

the stolen goods were divvied between the accomplices, with Petitioner taking multiple items that were recovered *from his home*.¹ (Vol. 8, R. 331, 336.)

4. 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. These files included transcribed statements of various witnesses and defendants and multiple recorded interviews of same. In total, these files consisted of three banker's boxes full of materials, one expandable folder, and one file folder.

5. In the files reviewed, no materials exist that would be responsive to subparagraph 34(a) of Wilson's motion. (Doc. 81.)

6. In the files reviewed, with the exception of accomplice statements that were originally produced to Wilson prior to trial, no materials exist that would be responsive to subparagraph 34(b) of Wilson's motion. (Doc. 81.)

¹ This fact corroborates Corley's statement to police that Petitioner took "half" of the speakers and amplifiers that were stolen from Mr. Walker. (Vol 24, R32 C. 631; Vol. 8, R. 365.)

7. No materials exist that would be responsive to subparagraph 34(c) of Wilson's motion (Doc. 81) because Catherine Corley *was* charged with capital murder and indicted for the same offense

8. In the files reviewed, no materials exist that would be responsive to subparagraph 34(d) of Wilson's motion. (Doc. 81.)

9. With respect to subparagraph 35(a) of Doc. 81, two audiotapes of recorded statements (Dated January 29, 2005 and March 24, 2005) by Catherine Corley were located in the Henry County District Attorney's file regarding the Hatfield murder. These recordings were taken by Henry County law enforcement officers and concern Corley's knowledge, or alleged knowledge of the Hatfield murder. Corley does not claim to have witnessed the murder in either statement and specifically denies having witnessed it in the first statement. Nether statement directly addresses Corley's alleged "confession" letter, though in one Corley is asked about her familiarity with Joan Vroblick (who delivered the original letter to the Houston County District Attorney) and indicates that she does not trust Vroblick and does not talk to her. Respondent does not concede that these statements were discoverable, material, exculpatory, or otherwise relevant to this action. However, in the interests of judicial economy, Respondent will produce electronic copies of those recordings to Wilson's counsel. No transcriptions of those recordings exist in the materials reviewed. 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.

10. With respect to subparagraph 35(b) of Doc. 81, a two-page record of an interview with Joan Vroblick by Henry County investigators was located in the Henry County District Attorney's file. Respondent does not concede that this document was discoverable, material, exculpatory, or otherwise relevant to this action. However, in the interests of judicial economy, Respondent will produce electronic copies of that document to Wilson's counsel. No audiotape of that statement exists in the materials reviewed.

11. In the files reviewed, no materials exist that would be responsive to subparagraph 35(c) of Wilson's motion. (Doc. 81.)

12. In the files reviewed, no materials exist that would be responsive to subparagraph 35(d) of Wilson's motion. (Doc. 81.)

13. With respect to subparagraph 35(e) of Wilson's motion, there is no "open, ongoing investigation" into the Hatfield murder. In the course of evaluating Wilson's claims, undersigned counsel interviewed Catherine Corley regarding the

authenticity, accuracy, and origin of the letters regarding the murders of Dewey Walker and C.J. Hatfield that have been the subject of litigation in this matter. Attached hereto is an affidavit of Catherine Nicole Corley obtained by undersigned counsel. (Exhibit A.)² Corley denies authorship of the letter, and testifies that she was not present when Dewey Walker was killed and reaffirms the contents of her custodial statement. *Id.* Relevant to Wilson’s current motion, Corley also denies authorship of the purported account of the C.J. Hatfield murder that was disclosed to Wilson pursuant to this Court’s June 21, 2023 order, and denies having been an eyewitness to that murder. *Id.*; (Doc. 79.) Notably, Wilson’s extensive narrative regarding the C.J. Hatfield murder, a case that involved numerous witnesses and co-defendants, is absent of any indication that any participant in that crime ever *mentioned* Catherine Corley³, much less pointed to her as an eyewitness or the procurer of the murder weapon. That fact, coupled with key mistakes in the narrative – such as mis-naming the gunman, James Adger Stuckey, as “David” – tends to corroborate Corley’s affidavit testimony that she was not an eyewitness to

² Paragraph three of the affidavit contains a redacted sentence with the redaction initialed by Corley. The redacted line originally read: “I learned of his death from David Wilson, who telephoned the house where I was and said that he had killed Mr. Walker.” Undersigned counsel struck out the line after Corley explained that Wilson had not spoken to Corley, but to one of the other co-conspirators.

³ Further, the materials reviewed by undersigned counsel are also entirely absent of any statement, note, recording, or other document stating that Corley was an eyewitness to the murder of C.J. Hatfield. During the 2005 interviews, however, Corley does state that she had knowledge of a gun, and may have been in possession of a gun, that belonged to Scott Mathis—one of the suspects in the Hatfield murder.

that murder. (Doc. 81, pp. 6-19.) Corley also takes issue with factual discrepancies⁴ between the letter's account of Dewey Walker's murder and what actually happened. For instance, Corley notes that the letter's author stated that Corley had "pawned everything ... and split the money" with her accomplices. *Id.* at ¶ 7. The evidence at trial established that the stolen goods were divvied between the accomplices, with Petitioner taking multiple items that were recovered *from his home*.⁵ (Vol. 8, R. 331, 336.) At bottom, these facts further support the conclusion that the handwritten accounts of the Walker and Hatfield murders are neither reliable nor material for *Brady* purposes.

14. In the files reviewed, no materials exist that would be responsive to subparagraph 36(a) of Wilson's motion. (Doc. 81.)

15. In the files reviewed, no materials exist that would be responsive to subparagraph 36(b) of Wilson's motion. (Doc. 81.)

16. With respect to subparagraph 36(c) of Wilson's motion, a sealed envelope of handwriting exemplars was located at the Houston County Police Department. Upon the unsealing of that envelope several purported writings of Catherine Corley were found. One of those documents, a letter addressed only to

⁴ Moreover, other factual discrepancies certainly exist. Wilson makes much of the fact that the letter states that Corley disposed of the murder weapon, but the bat *was not* disposed of. Wilson directed police to its location, they recovered it, and he identified it during his confession. (Vol. 3, C. 501.)

⁵ This fact corroborates Corley's statement to police that Petitioner took "half" of the speakers and amplifiers that were stolen from Mr. Walker. (Vol 24, R32 C. 631; Vol. 8, R. 365.)

“David,” states that the writer was “asked to testify” and “refused” because “I am loyal.” Because this document could be read as evincing a reason why Corley did not wish to testify in the Walker matter, it is arguably responsive to subparagraph 36(c). (Doc. 81.) Respondent does not concede that this document was discoverable, material, exculpatory, or otherwise relevant to this action. However, in the interests of judicial economy, Respondent will produce an electronic copy of that document to Wilson’s counsel.

17. In the files reviewed, no materials exist that would be responsive to subparagraph 36(d) of Wilson’s motion. (Doc. 81.)

18. Since the receipt of this Court’s order, undersigned counsel has spoken with people associated with the investigation and prosecution of Dewey Walker’s murder. Lt. Tony Luker (Ret.) of the Dothan Police Department who has no recollection of any additional statements by Corley. Similarly, former Chief Deputy Houston County District Attorney Gary Maxwell has no recollection of any further investigation into or statements by Corley.

Respectfully submitted,

/s/ Richard D. Anderson

Richard D. Anderson

Assistant Alabama Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2023, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following: **Bernard E. Harcourt.**

s/ Richard D. Anderson
Richard D. Anderson
Assistant Attorney General

ADDRESS OF COUNSEL:

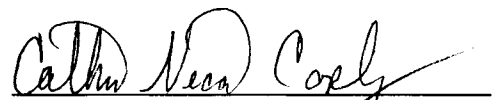
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EXHIBIT

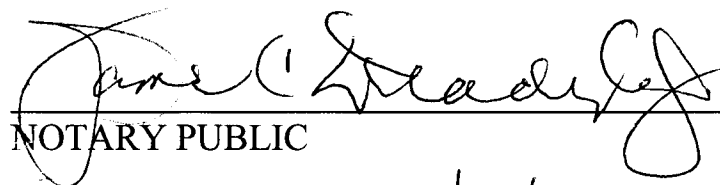
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4. I did not know Mr. Walker personally, and had no reason to wish him to be physically harmed in any way. I did not take a baseball bat to Mr. Walker's residence or use one to strike him. Nor did I strike him with any other object. Nor did I strangle or otherwise harm him.
5. Sometime after my arrest, I learned that Joan Vroblick gave a letter to the Houston County District Attorney and claimed that I wrote the letter. I have recently been shown a copy of that letter which I understand was filed with this Court.
6. I did not write the letter, nor did I request anyone to write it for me. Nor would I have trusted Ms. Vroblick with any letter because she had a reputation among the jail inmates as a forger who could not be trusted.
7. The letter's account of Mr. Walker's death is false. Most importantly, because I was not there and did not hit Mr. Walker with a baseball bat. The letter is also inaccurate in other ways such as the statement that I pawned items obtained from Mr. Walker's house. I did not.
8. Additionally, the letter I was shown also contains a reverse side that claims that I was an eyewitness to the murder of C.J. Hatfield. I did not witness that murder, and I did not write that letter either.

Further affiant sayeth not.


Catherine Nicole Corley

Subscribed and sworn to before me on this the 29 day of June, 2023.


NOTARY PUBLIC

My commission expires 1/28/2027.