

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.	)	

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PETITIONER'S MOTION FOR AN ENLARGEMENT OF TIME  
TO FILE PETITIONER'S REPLY RE. FOURTH *BRADY* MOTION FOR FULL  
DISCLOSURE OF KITTIE CORLEY'S STATEMENTS

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PETITIONER’S MOTION FOR AN ENLARGEMENT OF TIME  
TO FILE PETITIONER’S REPLY

Pursuant to the Rules Governing Section 2254 Cases in the United States District Courts, Petitioner David Wilson respectfully requests an enlargement of time to file his Reply to Respondent’s Response to Petitioner’s Fourth *Brady* Motion for Full Disclosure of Kittie Corley’s Statements. In furtherance of this motion, Petitioner states as follows:

1. Following the production of the front and back sides of the hand-written letter in which Kittie Corley confesses to her involvement in two murders (Doc. 69-2 and Doc. 81-1, henceforth “the Corley letter”), Respondent produced extensive *Brady* discovery materials to Petitioner on December 7, 2023, as part of its Response to this Court’s show cause order dated November 3, 2023 (Doc. 83). Petitioner is due to file a Reply on January 5, 2024, pursuant to the Court’s schedule order dated November 17, 2023 (Doc. 85).

2. Respondent produced, first, a Waveform audio recording of a police interrogation of Kittie Corley conducted on January 29, 2005—almost 19 years ago. This police interrogation had never previously been disclosed to Petitioner, nor had its existence or any of its contents ever been revealed to Petitioner. The police interrogation took place during the time of the initial investigations into the murders

of Mr. Dewey Walker (this case, for which Petitioner received the death penalty) and of Mr. C. J. Hatfield (the other murder that Kittie Corley claimed to be involved in, unbeknownst to the Petitioner, and that Petitioner had nothing to do with). The audio recording of the police interrogation is 27 minutes long. On a first cursory review, Kittie Corley can be heard confessing that she belonged to a drug trafficking ring and had almost exclusive access to the .38 caliber revolver that was apparently used to murder C.J. Hatfield. On the audio recording, Corley confesses to being deeply involved with two of the leading suspects in Hatfield's murder and in all of their drug dealings: "Bam Bam" (Scott Mathis), who she identifies as her "fiancé," and Mark Hammond. Corley confesses to providing Bam Bam with his false alibi at his request. Corley is also heard to say that "I have dissociative disorder and I'm a paranoid schizophrenic."

3. This first piece of evidence is a lengthy interrogation, and Respondent has not turned over the official police transcript of the interrogation—which must exist and must be in the law enforcement records given all of the extraordinary facts that Corley confesses to in the interrogation. Barring the immediate receipt of the official police transcript, Petitioner will need to have this police interrogation properly transcribed by a professional court reporter before being able to analyze it properly to file his Reply. This has not yet been possible to accomplish because of Christmas and New Year's, which have resulted in holiday closings.

4. Respondent produced, second, a Windows Media Audio recording of a police interrogation of Kittie Corley dated March 24, 2005—approximately two months after the previous interrogation and, again, almost 19 years ago. The audio recording of the interrogation is 33 minutes long. On a first cursory review, Kittie Corley can be heard admitting to having had possession of the murder weapon in the Hatfield case. Corley identifies apparently the exact murder weapon (the “blue-plated type,” “dark color, not silver” .38 caliber revolver), which is shown to her, and says that she kept it in a lock box that she had exclusive access to along with Bam Bam and Hammond; she explains that she got the lock box because “I was also holding some narcotics for other people”; she adds that, among her drug-dealing conspirators, “between all the boys we pass knives and guns off all the time.” Moreover, Corley can be heard saying that Hammond told her he killed Hatfield and, something to the effect that Hammond said “that he needed to be dealt with, and then he shot him and that we didn’t have to worry about it anymore.”

5. This too is a lengthy police interrogation. Once again, Respondent has not turned over the official police transcript of the March 24, 2005 interrogation, which also is likely to be in the law enforcement records. In addition, from Petitioner’s initial review, there appears to be present at that second interrogation an officer from the Alabama Bureau of Investigations. There is someone with what sounds like the name “Tommy Merritt” from the “Alabama Bureau of

Investigations” who participates in the questioning. It does not appear from Respondent’s Response (Doc. 86) that Respondent has reviewed any of the files from the Alabama Bureau of Investigations to determine whether they contain *Brady* materials. It will be imperative for Petitioner to properly formulate in his Reply a discovery request for any *Brady* materials maintained by the Alabama Bureau of Investigations. Also, barring immediate receipt of the official police transcript, Petitioner will now need to have the interrogation properly transcribed by a professional court reporter. This too has not yet been possible to accomplish because of the Christmas and New Year’s holidays.

6. Moreover, there is an indication in the March 24, 2005 audio recording of an undisclosed prior police interrogation in which Corley had said something about someone referred to as “Andrew White.” However, on a first review, there seems to be no mention of Andrew White in the January 29, 2005 interrogation. This suggests that there might be other interrogations (between January 29, 2005, and March 24, 2005) that have not yet been produced by the Respondent. 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 mysteriously included as Exhibit A to Doc. 84, filed on November 16, 2023 (Doc. 84-1). According to that information, 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. 84-1)

7. These two police interrogations alone change the entire complexion of Petitioner’s *Brady* claim and will require a thoughtful Reply regarding additional information that must now be produced by Respondent, including the police transcripts of the interrogations, which would reflect the state’s expertise in terms of deciphering Corley’s exact words, other interrogations referenced in these two interrogations, materials held in the law enforcement files of the Alabama Bureau of Investigations, and any other relevant *Brady* materials now unearthed by this trove of new *Brady* evidence.

8. Respondent produced, third, the first two pages of a 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. The letter is undated, but was likely written in autumn 2004 or spring 2005. There are likely more pages to this letter—Respondent only turned over two pages, but those are evidently incomplete and do not include a letter closing or signature. On a preliminary reading of the two pages,

Kittie Corley can be read to admit that “we were all High + drunk. And to my knolage [sic] you or I didn’t stop drinking all week. But then were [sic] all were partying pretty hard.” In the two pages, Corley also confesses that “I am sorry for all of this. I really am sorry we are all up in here.” This letter also needs to be professionally transcribed and analyzed. Moreover, it raises every indication that, first, there are more pages to the letter; and, second, that Petitioner is entitled to inspect all of the other letters that were in the stash of Corley letters 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. (Doc. 86, ¶ 16) This too will require an enlargement of time for Petitioner to properly reply.

9. Respondent produced, fourth, notes from a police interrogation of Jean Dixia Vroblick dated August 3, 2004. Upon information and belief, Jean Vroblick was the cellmate of Kittie Corley in jail while Corley was awaiting trial for the murder of Mr. Dewey Walker. The notes indicate that Vroblick told the police that “Kathleen” [presumably a misspelling of “Catherine”] Corley, whom she also refers to as “Kitty,” [presumably a misspelling for “Kittie”], told her that “Bam Bam killed C.J.” and other pertinent information about the murder of C.J. Hatfield. These notes need to be properly deciphered, as there are extensive lists of people whose names are unknown at present to Petitioner, including “Ghost, Iceman, Ice, Tank and Czar,”

among others mentioned only by pseudonym. Corley was at the heart of an extensive drug ring headed by Bam Bam (her fiancé) and Hammond, so there are lots of pseudonyms that need to be deciphered and identified.

10. Respondent produced, fifth, an affidavit from Kittie Corley obtained by Respondent on June 29, 2023, this past summer (Doc. 86-1). This affidavit should have been produced to Petitioner immediately on June 29, 2023, six months ago. In this affidavit, Kittie Corley contends that she never wrote the Corley letter, front or back.

11. This is an extraordinary new piece of evidence that Respondent has injected into this case, presumably as a means to undermine Petitioner's compelling *Brady* claim related to the Corley letter.

12. Based upon all the information that the State of Alabama has provided to this Court, to previous courts, and to Petitioner throughout the 19 years of litigation prior to the most recent *Brady* production on December 7, 2023, the Corley affidavit that Respondent just filed appears to be perjurious.

13. The State of Alabama has *never* previously taken the position, in any of its pleadings, over the course of the entire state and federal proceedings, during the past nineteen years, that Kittie Corley did not write the Corley letter. Nor has the State of Alabama ever *intimated* that it believed that Corley did not write the letter. Moreover, in all the intense litigation in this Court regarding the Kittie Corley letter



over the past four years—since undersigned counsel was appointed to represent Mr. Wilson—Respondent has never taken the position that Respondent did not need to turn over the letter because it was a forgery. That would have been the easiest and most straightforward way for Respondent to shield the Corley letter, which it made every effort to do: namely, to say that it was a forgery. It would have made the strongest argument for non-disclosure. Yet Respondent never said that before. To the contrary, the State of Alabama had their own handwriting and fingerprint experts examine the letter in 2004, and they determined that Corley wrote it. At no point in this litigation until now, *19 years later*, has the State of Alabama ever even suggested that the Corley letter might not have been penned by her own hand.

14. Even more surprisingly, the new affidavit (dated June 29, 2023) flies in the face of the fact that practically everything on the second side of the Corley letter is corroborated by what Kittie Corley told the police in the two, previously undisclosed interrogations back in 2005. (Note that those two interrogations had *not* been disclosed to the Attorney General before the Attorney General had Corley make an affidavit on June 29, 2023; the Attorney General made *no mention* of the two interrogations in their preliminary Response to this Court, dated November 16, 2023, *see* Doc. 84). The new affidavit simply flies in the face of the other evidence just produced: for instance, Corley maintains in her new affidavit that she did not trust Ms. Vroblick “because she had a reputation among the jail inmates as a forger who

could not be trusted.” (Doc. 86-1) And yet, the notes from the interview with Vroblick (just turned over) reflect that Vroblick reports all the information that Corley told her about the Hatfield murder.

15. This new Corley affidavit raises a host of suspicious issues that need to be sorted out by Petitioner before he can file a proper Reply—beginning with the question of whether Respondent has allowed Corley to make a sworn statement that is likely perjurious, according to their own experts and based on the new *Brady* evidence just disclosed. This is an utterly remarkable turn of events, and it raises a number of questions that Petitioner must now untangle before filing a Reply. Given that it flies in the face of all the other evidence Respondent just produced, the new Corley affidavit raises serious suspicions that require further analysis. What is sure is that Petitioner will be asking the Court for permission to depose Kittie Corley given that Respondent has now introduced new and entirely unfronted evidence into the federal record from Corley herself.

16. Petitioner needs to carefully review the trove of new *Brady* discovery material, have it professionally transcribed, and then comprehensively analyzed, before formulating a proper Reply to Respondent’s Response. The transcriptions of the two police interrogations, especially, will take weeks, given that Respondent did not turn over the official police transcripts of the interrogations, meaning that Petitioner will have to have them transcribed by a professional court reporter. As

indicated above, there are myriad other extraordinary issues that have arisen from the massive *Brady* disclosures that Respondent just effectuated.

FOR THE FOREGOING REASONS, Petitioner David Wilson respectfully requests that this Court grant him an enlargement of 60 days to submit his Reply pursuant to the Court's show cause order, which would make his Reply due on March 5, 2024.

Dated this 29<sup>th</sup> day of December, 2023.

Respectfully submitted,



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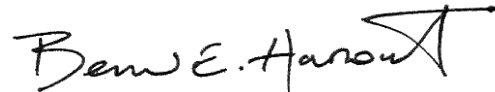
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2023, 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:

Office of the Attorney General  
Attn: Capital Litigation Division  
501 Washington Avenue  
Montgomery, AL 36130

A handwritten signature in black ink that reads "Bernard E. Harcourt". The signature is written in a cursive style with a prominent, stylized initial "B".

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Bernard E. Harcourt