Consolidated Redacted Appendices to Doc. 114

Appendix A:	Frontside of the Corley Letter Confession to Walker Murder
Appendix B:	Certified Court Reporter Transcription of the Front Side of the Corley Letter
Appendix C:	Back Side of the Corley Letter Confession to Involvement in Hatfield Murder
Appendix D:	Certified Court Reporter Transcription of the Back Side of the Corley Letter
Appendix E:	Audio of Jan. 29, 2005, Interrogation of Kittie Corley, filed conventionally with the Court via flash drive
Appendix F:	Certified Court Reporter Transcription of Interrogation of Kittie Corley on January 29, 2005 (redacted)
Appendix G:	Audio of March 24, 2005, Interrogation of Kittie Corley, filed conventionally with the Court via flash drive
Appendix H:	Certified Court Reporter Transcription of Interrogation of Kittie Corley on March 24, 2005 (redacted)
Appendix I:	Kittie Corley's "Dearest David" Letter from 2004
Appendix J:	Certified Court Reporter Transcription of "Dearest David" Letter
Appendix K:	Police Interview Worksheet of Vroblick Interrogation dated August 3, 2004 (redacted)
Appendix L:	Certified Court Reporter Transcription of Police Interview Worksheet of Vroblick Interrogation (redacted)
Appendix M:	Police Transcript of Police Interrogation of Heather Lynn Brown dated January 29, 2005
Appendix N:	Police Transcript of Police Interrogation of Mark Hammond dated February 26, 2005

Appendix O:	Law Enforcement "Work Product | James William Bailey" Summary of Investigation into Murder of C.J. Hatfield (2005) (redacted)
Appendix P:	Law Enforcement "Final Summary" of Investigation into Murder of C.J. Hatfield (April 4, 2005) (redacted)
Appendix Q:	Official police transcription of Kittie Corley's police interrogation dated January 29, 2005 (redacted)
Appendix R:	Henry County Sheriff's Department Property/Evidence Sheet from approximately March 21, 2005
Appendix S:	Redacted transcript of a video recording of an interview by a documentary filmmaker with one of the suspects in the Hatfield murder who refers to Kittie Corley as "a loco psycho chick that actually killed someone herself"
Appendix T:	State of Alabama Expert Report on Handwriting Match re. the Corley Letter
Appendix U:	Excerpt from James Stuckey Clerk's File
Appendix V:	Transcript of *voir dire* at James Bailey trial, Case No. CC-05-380, November 18, 2008, p. 15
Appendix W:	Alabama SJIS Case Detail, Catherine Nicole Corley (redacted)
Appendix X:	Alabama SJIS Case Detail, Matthew Marsh (redacted)
Appendix Y:	Alabama SJIS Case Detail, Michael Jackson (redacted)
Appendix Z:	*Slate* article on C.J. Hatfield Murder
Appendix AA:	Table of Contents to Brief of Appellant, No. CR-07-0684 (filed July 10, 2008), pp. ii-vii.
Appendix BB:	Table of Contents to Brief of the Appellant on Return to Remand, No. CR-07-0684 (filed May 11, 2011), pp. i-ii.
Appendix CC:	List of Issues Raised to the Alabama Supreme Court on Direct Appeal.
Appendix DD:	Table of Contents to Brief of the Appellant, No. CR-16-0675 (filed August 15, 2017), pp. ii-iv.

Appendix EE: Table of Contents to Petition for Writ of Certiorari, No. 1170747 (filed May 17, 2018), pp. i-ii.

Appendix FF: Chart of jurors removed for cause or hardship

Appendix GG: Chart of jurors peremptorily struck by the State

Appendix HH: Chart of jurors empaneled

Appendix II: Chart of jurors questioned by DA Valeska about their views on the death penalty

Appendix JJ: Alacourt results for Darren Williams (under seal)

Appendix KK: Alacourt results for Darran Williams (under seal)

Appendix LL: Alacourt results for Jehl Dawsey (under seal)

Appendix MM: Alabama Department of Corrections, "Incarceration Details," Catherine Nicole Corley, AIS# 00256533.

Appendix NN: Psychological Report from Dr. Robert Shaffer and Curriculum Vitae of Dr. Robert Shaffer.

Appendix OO: Notarized letter by David Wilson to counsel dated Nov. 11, 2015 (redacted)

Appendix PP: Notarized letter by David Wilson to counsel dated July 5, 2017 (redacted)

Appendix QQ: Letter by David Wilson to counsel dated August 4, 2017 (redacted)

Appendix RR: Letter by David Wilson to counsel dated June 1, 2019 (redacted)

Appendix SS: Anthony Amsterdam and James Steven Liebman, *Loper Bright* and the Great Writ (October 17, 2024). Columbia Human Rights Law Review, February 2025, forthcoming.

Appendix A

Frontside of the Corley Letter Confession to Walker Murder

Dear Sir

My name is Catherine Nicole Corley & I am involved in 2 murders I am in jail for conspiracy to commit murder & 2nd degree burglary. Did I kill anyone I with David my boy friend & Matt a friend Marsh late one night we sat around talking. We needed some money. Old Dewey's name came up we knew he had a lot of stereo equip in a van at his house, so early next morning we went to Dewey's. Me & David went in, was not hard to get in the house Matt stayed in the truck. We took a baseball bat with us Dewey was not at home. I went in one room, David went in another room. About an hour later I heard Dewey hollering saying he was going to call the cops, he was hollering at me. I froze where I was David slipped up behind Dewey and put an extension cord around his neck, Dewey would not fall. I did not know what to do so I grabbed the baseball bat & hit Dewey with it till he fell. David & I loaded up all we could find We were there a few days taking things out. I pawned everything we got, split the money 3 ways. We took Dewey's Van also - About one week later we got caught. I threw baseball bat in trash dumpster.

Can I plead insanity? I am on medications, lots of them. Was I on medications then - No but I needed them. It was Dewey's time to go

This story is true, only thing I left out was the sex adventures at Dewey's & that dint no one's business.

Story on other side is true also. If I do not hear from you I will assume you did not want to take my case. Roll of the dice

Respectfully

08-10-04

P.S.

My nickname is Kittie

Appendix B

Certified Court Reporter Transcription of the Front Side of the Corley Letter

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

CASE NO.: 1:19-CV-284-RAH-CSC

DAVID WILSON,
Petitioner,

v.

JOHN Q. HAMM, Commissioner,
Respondent.

DOCUMENT TRANSCRIPTION
CORLEY LETTER FIRST SIDE

Transcribed by: Lane C. Butler, CCR

Dear Sir
My name is Catherine Nicole Corley & I am involved in 2 murders I am in jail for conspiracy to commit murder & 2nd degree burglary. Did I kill anyone I with David my boy friend & Matt Marsh a friend late one night we sat around talking. We needed some money. Old Dewey's name came up we knew he had a lot of stereo equip in a van at his house, so early next morning we went to Dewey's. Me & David went in, was not hard to get in the house Matt stayed in the truck. We took a baseball bat with us Dewey was not at home. I went in one room, David went in another room. About an hour later I heard Dewey hollering saying he was going to call the cops, he was hollering at me. I froze where I was David slipped up behind Dewey and put an extension cord Around his neck, Dewey would not fall. I did not know what to do so I grabbed the baseball bat & hit Dewey with it till he fell. David & I loaded up all we could find We were there a few days taking

things out. I pawned everything we got, split the money 3 ways. We took Dewey's van also -- About one week later we got caught. I threw baseball bat in trash dumpster.

can I plead insanity? I am on medications, lots of them. Was I on medications then -- no but I needed them. It was Dewey's time to go

This story is true, only thing I left out was the sex adventures at Dewey's & that ain't no one's business.

Story on other side is true also If I do not hear from you I know you did not want to take my case. Roll of the dice

Respectfully

Nicole

08-10-04

P.S.

My nickname is Kittie

C E R T I F I C A T E

STATE OF ALABAMA)

AT LARGE)

I hereby certify that the above and foregoing document transcription was taken down by me in stenotype, and transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript, to the best of my ability, of the handwritten document given.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Lane C. Butler

LANE C. BUTLER, RPR, CRR, CCR

CCR# 418 -- Expires 9/30/24

Commissioner, State of Alabama

My Commission Expires: 2/11/25

Appendix C

Back Side of the Corley Letter Confession to Involvement in Hatfield Murder

C.J. Hatfield was murdered thats true, but David Stuckey did not do it. C.J. got 3 bullets in him from a gun I bought for David. When call came in from David about what C.J. wanted to do, (take the money and say they were robbed) I rode up with Bam Bam & Tank. Bam Bam told me to go sit in truck where C.J. & David were at & stay there. Shortly David came over & got in with me I could see Bam Bam raise the pistol and flee, I did not know he was firing at C.J. till I saw C.J. go down. Bam Bam told me not to talk or he will kill my child and me. If David talks Bam Bam will kill me or my child or both of us - so David is in jail for something he did not do & he will die for something he did not do & I can not help him and I will not help him. He is safer in jail then on the street. I can never testify & I will never testify even if I get the death penelty. If Bam Bam does not kill me one of his friends will. C.J. was a runner as was David for mexican weed and coke for drug boys in Dothan. They were coming back from a drop in Atlanta, Ga. to Bankhead Dam. David is afraid of Bam Bam as is everyone else.

Can the Cops get me for with holding evidence? Bam Bam will follow through on his promises & threats. I have seen him in action before & I know how bad it will be for me & my child

Whoever is going to copy this letter maybe you should only copy the first one & Not this one. If an attorney will help me he may not want to help me on 2 & I am only charged with this one & frankly I dont know what the fuck I am writing this for, No one is going to help me I will plead insanity & I will get out of it. Will I help David No

Respectfully

08 - 10 - 04

Appendix D

Certified Court Reporter Transcription of the Back Side of the Corley Letter

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

CASE NO.: 1:19-CV-284-RAH-CSC

DAVID WILSON,
Petitioner,

v.

JOHN Q. HAMM, Commissioner,
Respondent.

DOCUMENT TRANSCRIPTION
CORLEY LETTER SECOND SIDE

Transcribed by: Lane C. Butler, CCR

CJ Hatfield was murdered that's true, but David Stuckey did not do it. CJ got 3 bullets in him from a gun I bought for David. When call came in from David about what C.J. wanted to do, (take the money and say they were robbed) I rode up with Bam Bam & Tank. Bam Bam told me to go sit in truck where C.J. & David were & stay there. Shortly David came over & got in with me I could see Bam Bam raise the pistol and fire, I did not know he was firing at C.J. till I saw C.J. go down. Bam Bam told me not to talk or he will kill my child and me. If David talks Bam Bam will kill me or my child or both of us. So David is in jail for something he did not do & he will die for something he did not do & I can not help him and I will not help him. He is safer in jail then on the street. I can never testify & I will never testify even if I get this death penelty. If Bam Bam does not kill me one of his friends will. C.J. was a runner as was David for Mexican weed and coke & for drug boys in

Dothan. They were coming back from a drop in Atlanta, Ga. to Bankhead [illegible]. David is afraid of Bam Bam as is everyone else.

Can the cops get me for with holding evidence? Bam Bam will follow through on his promises & threats. I have seen him in action before & I know how bad it will be for me & my child

Whoever is going to copy this letter maybe you should only copy the first one & Not this one. If an attorney will help me he may not want to help me on 2 & I am only charged with this one & frankly I don't know what the fuck I am writing this for, No one is going to help me I will plead insanity & I will get out of it. Will I help David No

Respectfully

Nicole

08-10-04.

C E R T I F I C A T E

STATE OF ALABAMA)

AT LARGE)

I hereby certify that the above and foregoing document transcription was taken down by me in stenotype, and transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript, to the best of my ability, of the handwritten document given.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Lane C. Butler

LANE C. BUTLER, RPR, CRR, CCR

CCR# 418 -- Expires 9/30/24

Commissioner, State of Alabama

My Commission Expires: 2/11/25

Appendix E

Audio of Jan. 29, 2005, Interrogation of Kittie Corley, filed conventionally with the Court via flash drive

Appendix F

Certified Court Reporter Transcription of Interrogation of Kittie Corley on January 29, 2005

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.	)	

AUDIO TRANSCRIPTION

(Transcription of an audio recording by Angela D. Richey, Court Reporter, ACCR No. 281)

-oOo-

AUDIO FILE: APPENDIX H-AUDIO OF JANUARY 29, 2005 INTERROGATION

INVESTIGATOR HENDRICKSON: Today's date is 1/29/2005. It's approximately 9:45 p.m. Present is Investigator Allen Hendrickson. Please state your name, ma'am.

CATHERINE CORLEY: Catherine Nicole Corley.

INVESTIGATOR HENDRICKSON: Okay. We're at the Houston County Jail. Ms. Corley, I told you 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. Do you understand that?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: The case that I'm referring to is the murder case of C.J. Hatfield. Did you know C.J. Hatfield?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: How did you know C.J. Hatfield?

CATHERINE CORLEY: Business dealings basically.

INVESTIGATOR HENDRICKSON: When you refer to as business dealings, what did you with business?

CATHERINE CORLEY: Drugs.

INVESTIGATOR HENDRICKSON: Drug business dealings. Y'all wasn't boyfriend/girlfriend, nothing like that. Y'all just had drug dealings?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Did you know Stuckey?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: How did you know Stuckey?

CATHERINE CORLEY: Business dealings.

INVESTIGATOR HENDRICKSON: Drug dealings, I'm assuming --

CATHERINE CORLEY: Yes.

INVESTIGATOR HENDRICKSON: -- since I'm referring to it at the same time.

Did you know Mark Hammond?

CATHERINE CORLEY: Yes.

INVESTIGATOR HENDRICKSON: How did you know Mark Hammond?

CATHERINE CORLEY: Grand Central.

INVESTIGATOR HENDRICKSON: Okay. Did you have any other dealings with Mark other than Grand Central?

CATHERINE CORLEY: I screwed him once, other than that, no, sir.

INVESTIGATOR HENDRICKSON: Do you know Bam Bam, Scott Mathis?

CATHERINE CORLEY: Yes, sir. I have his name on my hand -- I have his name on my arm.

INVESTIGATOR HENDRICKSON: Have you been interviewed before about this case?

CATHERINE CORLEY: No, sir.

INVESTIGATOR HENDRICKSON: Okay. Well, did you -- I take it you knew -- you dated Bam Bam for a while?

CATHERINE CORLEY: Yes, sir. I'm his fiancé.

INVESTIGATOR HENDRICKSON: You're his fiancé?

CATHERINE CORLEY: It's a twisted thing. I know.

INVESTIGATOR HENDRICKSON: You know what?

CATHERINE CORLEY: I know who he's with now. I'm still engaged to him. I have his engagement and wedding band in my pocket.

INVESTIGATOR HENDRICKSON: All right. I'm more concerned with that, too. The time -- do you know the time frame that I'm interviewing you about in reference to this C.J. Hatfield murder?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: When would that be?

CATHERINE CORLEY: January at some period in time.

INVESTIGATOR HENDRICKSON: March

2004, does that sound --

CATHERINE CORLEY: Last year, before I got locked up.

INVESTIGATOR HENDRICKSON: Last year. How long you been locked up?

CATHERINE CORLEY: Nine months, sir.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: Since April the 14th of last year.

INVESTIGATOR HENDRICKSON: Okay. So this would have occurred --

CATHERINE CORLEY: Right before I got locked up.

INVESTIGATOR HENDRICKSON: A few weeks before you got locked up. Okay. Was you present at the murder?

CATHERINE CORLEY: No, sir.

INVESTIGATOR HENDRICKSON: Do you know where the murder took place?

CATHERINE CORLEY: Basic area, yes, sir.

INVESTIGATOR HENDRICKSON: All right. What's the basic area?

CATHERINE CORLEY: Dirt road.

INVESTIGATOR HENDRICKSON: You don't know what dirt road, where?

CATHERINE CORLEY: I'm not from Dothan. I know how to get to where I need to go and that's it.

INVESTIGATOR HENDRICKSON: Was the murder in Dothan? Where was the murder?

CATHERINE CORLEY: On the outskirts.

INVESTIGATOR HENDRICKSON: Out skirts of Dothan?

CATHERINE CORLEY: From what I understand. I was told about it after I got brought back to the apartment.

INVESTIGATOR HENDRICKSON: Brought back to the apartment. Are you referring to when the Dothan police officers made contact with you about something?

CATHERINE CORLEY: No, sir. I was referring to it as in the next day when I got dropped off at the apartment I was living at.

INVESTIGATOR HENDRICKSON: Who was

you with?

CATHERINE CORLEY: I got dropped off by Mark.

INVESTIGATOR HENDRICKSON: Where had you and Mark been?

CATHERINE CORLEY: I was supposed to be his alibi that night, me and Diane, who lives on the same road as Herman & Ann's right in front of AAA Camp.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: She did.

INVESTIGATOR HENDRICKSON: Are you aware of any trip that was allegedly made to Atlanta?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Was that trip made, to your knowledge?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: How do you know it was made?

CATHERINE CORLEY: Because I seen them leave.

INVESTIGATOR HENDRICKSON: Who?

CATHERINE CORLEY: Stuckey and C.J. got in the truck.

INVESTIGATOR HENDRICKSON: Was anybody else with them?

CATHERINE CORLEY: No, sir. They had the cell phones like they were supposed to have, and other than that, they didn't have anything.

INVESTIGATOR HENDRICKSON: Did you have any money in that deal doing?

CATHERINE CORLEY: No, sir.

INVESTIGATOR HENDRICKSON: What did you know about that? When they came back, what was you told, and by who, happened?

CATHERINE CORLEY: When they came back, there was a phone call that Bam Bam had on his cell phone that was a pre-paid phone.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: And he looked at me. He said, "We have a problem." "What are you talking about?" "Well, we have a problem. We were in Grand." I said,

"Well, what is it?" He said, "Somebody wants to skip me out of my money. They either don't want to give me my money or give me my product." And Bam Bam never played with his money. I said, "Okay." He said, "I'm getting Mark." I said, "Okay." He said, "Go with Diane." "Okay."

We went to Diane's house. They got back 12:00 the next day. It was late.

INVESTIGATOR HENDRICKSON: Was it a Monday, Tuesday, Wednesday, Thursday, Friday?

CATHERINE CORLEY: I honestly can't remember.

INVESTIGATOR HENDRICKSON: They left one afternoon?

CATHERINE CORLEY: When they left, it was 1:00 o'clock, 2:00 o'clock. Because I just woke up.

INVESTIGATOR HENDRICKSON: In the afternoon?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: And they were gone all night?

CATHERINE CORLEY: They were going to go down there. It's -- I think he said it was like three and a half hours, four hours.

INVESTIGATOR HENDRICKSON: Go down where?

CATHERINE CORLEY: Atlanta. They had to make the deal. They had to make the transition, which usually takes about two to three hours to make contact, make the transition, make sure everything's good and then come back. So we weren't expecting them until later.

INVESTIGATOR HENDRICKSON: Who was going to go?

CATHERINE CORLEY: It was Stuckey and C.J.

INVESTIGATOR HENDRICKSON: All right. So they went. All right. When did you see C.J. again and Stuckey?

CATHERINE CORLEY: I didn't.

INVESTIGATOR HENDRICKSON: So what -- you seen C.J. and Stuckey leave?

CATHERINE CORLEY: Leave for Atlanta, and I didn't see them after that. I saw Stuckey, and all I was told was it's dealt with. And when I asked Bam Bam about it, he got real defensive and told me that it wasn't my place to know.

And, like, a couple of days later, my friend, Shannon Beach -- I walked from the house all the way out on to the Waffle House where Shannon Beach worked, and he said, "Your man's in jail." I said, "What?" And he showed me the newspaper. And I got freaked out, and I called the County and the City, and they said they didn't have a Scott Morris Mathis that was locked up. It wasn't un-normal for me not to see Bam Bam for a week or two weeks. That's just how we was. He'd get geeked out or get paranoid, and he'd split.

When I asked Mark what was going down, he told me that me and Diane, if

anybody asked, was having a threesome with him at the apartment. I said, "What about Bam?" "Oh, he's got an alibi." And due to the fact Mark told me -- he was an ex-Marine -- I didn't question it. He had already hit me before and almost broke my wrist.

INVESTIGATOR HENDRICKSON: Is Mark -- did Bam Bam, Scott Mathis, ever tell you anything about the murder?

CATHERINE CORLEY: He told me that Stuckey and C.J. was going up there. C.J. told Stuckey that they would make a lot more money if they just told us they got robbed, and all they would have to do is beat each other up, and we'd believe them.

Well, C.J. kept on pushing and pushing. He was just like that sometimes. You know, he was fun and crazy, but when he had an idea stuck in his head, he was going for it.

When I asked Bam again, I said, "Well, did -- what did he do, you know?

Tell me what's going on." He told me that C.J. thought he could get away with it. And Stuckey called him on his cell phone and told him what was up so that they'd know when they got there so if something was missing, we couldn't blame it on Stuckey.

INVESTIGATOR HENDRICKSON: So Stuckey called Bam Bam and told him that C.J. wanted them to get robbed, and they were going to act like they got robbed. Does anybody know if they actually went to Atlanta?

CATHERINE CORLEY: From what I understand, yes. He contacted the guy up there, and he made the delivery. They made the drop-off.

INVESTIGATOR HENDRICKSON: Who was the -- so they wasn't robbed in Atlanta?

CATHERINE CORLEY: No, sir.

INVESTIGATOR HENDRICKSON: Okay. So somebody in Atlanta did deliver them their narcotics?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Who delivered the narcotics in Atlanta?

CATHERINE CORLEY: That I know of?

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: It's -- we call him Flex. I don't know names. I have no idea.

INVESTIGATOR HENDRICKSON: They went to Atlanta. Somebody by the name of Flex did make the drop.

CATHERINE CORLEY: He wasn't my contact; he was Bam's.

INVESTIGATOR HENDRICKSON: Why -- so C.J. and Stuckey was going up to pick up what kind of drugs?

CATHERINE CORLEY: That, I had no business knowing.

INVESTIGATOR HENDRICKSON: They were going to pick up some drugs for Bam Bam?

CATHERINE CORLEY: And Mark and a couple of other people that I know of.

INVESTIGATOR HENDRICKSON: Who else?

CATHERINE CORLEY: One, they called him Big Country.

INVESTIGATOR HENDRICKSON: Hold on just a second. So C.J., Stuckey went to pick up for who? C.J. and Stuckey to pick up --

CATHERINE CORLEY: Bam Bam.

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: Mark.

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: A dude named Big Country -- sorry.

INVESTIGATOR HENDRICKSON: That's all right.

CATHERINE CORLEY: And Dee. I'm -- I don't know --

INVESTIGATOR HENDRICKSON: Dee?

CATHERINE CORLEY: Dee. I don't know --

INVESTIGATOR HENDRICKSON: White guy, black guy?

CATHERINE CORLEY: Big white guy.

INVESTIGATOR HENDRICKSON: Who is Big

Country? Is he a younger guy, older guy?

CATHERINE CORLEY: Big Country's got to be, like, 35 years old.

INVESTIGATOR HENDRICKSON: Where's he from?

CATHERINE CORLEY: I don't know. I didn't spend a lot of time around these guys, unless it was Bam.

INVESTIGATOR HENDRICKSON: What does Big Country drive?

CATHERINE CORLEY: A blue -- blue truck. I don't know what it was.

INVESTIGATOR HENDRICKSON: Excuse me. That was my telephone ringing.

So you know for a fact that they did pick up the drugs in Atlanta?

CATHERINE CORLEY: It wasn't the first time C.J. and Stuckey had to make a run.

INVESTIGATOR HENDRICKSON: All right. So they picked them up and brought them back to where, the drugs?

CATHERINE CORLEY: They always had a

designated spot, and I was not ever told where.

INVESTIGATOR HENDRICKSON: And they brought them back, and do you -- they're somewhere. And how do you know for sure that the drugs were brought back?

CATHERINE CORLEY: They said deduction. They picked it up in Atlanta. There would have been nowhere they could have dropped it off between.

INVESTIGATOR HENDRICKSON: Did you ever hear that they got robbed while they was in Atlanta?

CATHERINE CORLEY: I heard it, but I thought that that was just their plan, as Bam Bam told me.

INVESTIGATOR HENDRICKSON: Okay. So then Bam Bam and Mark went and met who?

CATHERINE CORLEY: C.J. and Stuckey.

INVESTIGATOR HENDRICKSON: And you don't know where they went and met them?

CATHERINE CORLEY: They was -- dirt road out in the middle of nowhere usually.

It's kind of one of those no eyes, no witnesses type deals.

INVESTIGATOR HENDRICKSON: Is that how they usually get their drugs back? So they meet them in the middle of nowhere. Is it usually close to here?

CATHERINE CORLEY: I've seen them meet in -- the only place I know of, it's got -- like, outside the circle, not the KFC here, but there's one there. There's also a church down the road a little bit, and there's the church with the dirt road. There's a vacant kind of field out there.

INVESTIGATOR HENDRICKSON: A KFC around here?

CATHERINE CORLEY: It's not this one. It's another one. There's two.

INVESTIGATOR HENDRICKSON: Two what?

CATHERINE CORLEY: Kentucky Fried Chickens.

INVESTIGATOR HENDRICKSON: In Dothan? Right. There's one downtown, and then there's one at Ross Park and Third Avenue.

CATHERINE CORLEY: I don't know directions. I just know how to get where I'm going.

INVESTIGATOR HENDRICKSON: Right. The one at Ross Park and Third Avenue would be -- you all right?

CATHERINE CORLEY: I know this, and I'm scared.

INVESTIGATOR HENDRICKSON: You want to take a deep breath for me.

CATHERINE CORLEY: No, that's not going to help. I'm -- I have associative disorder, and I'm a paranoid schizophrenic, and I'm sitting here talking to a police officer.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: It's nerves.

INVESTIGATOR HENDRICKSON: Okay. Well, just keep yourself together. Okay? Are you on any kind of medication now?

CATHERINE CORLEY: No.

INVESTIGATOR HENDRICKSON: So you're not under any kind of medication right now

for your problems?

CATHERINE CORLEY: I'm -- I have a straight mind. It's just my system goes into shock sometimes.

INVESTIGATOR HENDRICKSON: Okay. When you say you go past this KFC, that known them to meet before you go past it and there's a church?

CATHERINE CORLEY: And there's going to be a church on your left.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: And it also has a dirt road on it.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: You go down the dirt road, and there's three or four little nooks in there.

INVESTIGATOR HENDRICKSON: Yeah, to your --

CATHERINE CORLEY: It's going to be to the right.

INVESTIGATOR HENDRICKSON: To the right. Okay.

CATHERINE CORLEY: And one of the nooks -- at that time, it was a cornfield that was cut down, and they went out there and makes exchanges. And I wasn't supposed to be there, but it was kind of like me and Bam was in the middle of something when he got the call, and he couldn't just leave me there, so he had to take me along. And I was always told that you don't speak what happens.

INVESTIGATOR HENDRICKSON: Is that one of the places that they've met before? Do you know if that's where they met this night?

CATHERINE CORLEY: I couldn't tell you. I know they traded up.

INVESTIGATOR HENDRICKSON: Did Bam Bam ever tell you -- do what, now?

CATHERINE CORLEY: They always traded them up.

INVESTIGATOR HENDRICKSON: Did Bam Bam ever tell you anything about what happened when they met up this time?

CATHERINE CORLEY: He just said it was dealt with. He said anything but --

INVESTIGATOR HENDRICKSON: Did they say -- did he ever say how he dealt with it?

CATHERINE CORLEY: It was a present. He got a gift, some .38 gun, .38 Special to be specific.

INVESTIGATOR HENDRICKSON: Who did?

CATHERINE CORLEY: Bam Bam.

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: And wasn't supposed to have it. It's not registered. But it was given to him. Don't ask me who. He probably got it or found or something, but I've known to see it. He's always carried it in --

INVESTIGATOR HENDRICKSON: He said he dealt with it with his gift?

CATHERINE CORLEY: He dealt with it with a gift, and I never thought anything about it.

INVESTIGATOR HENDRICKSON: Did Mark

ever tell you anything?

CATHERINE CORLEY: He was damn sure going to make sure I was his alibi.

INVESTIGATOR HENDRICKSON: Did he ever say why he needed an alibi?

CATHERINE CORLEY: When I questioned him about it, he said that my old man could really get me -- get him. And when I asked him why, he said, "Well, if they ever ask me on a lie detector test did I do anything, he said he could pass it." I said, "Why?" That's when he told me ex-Marines. He could control his nerves, and the test aren't fail proof anyway. I said, "What'd you do, kill somebody?" And I was laughing about it.

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: It was nothing for somebody to talk about killing folks, you know, back then, especially with the business that we were doing. And he said, "Well, you'll never know." And Mark was never the harm-you type guy. I would

never have thought about it. But after that, you know, he got real violent.

INVESTIGATOR HENDRICKSON: When's the last time -- do you know where Mark Hammond is right now?

CATHERINE CORLEY: Living out of his truck.

INVESTIGATOR HENDRICKSON: In Dothan or --

CATHERINE CORLEY: In Dothan. I used to have a pager number for him, but --

INVESTIGATOR HENDRICKSON: When's the last time you knew that he was living out of his truck in Dothan?

CATHERINE CORLEY: Before I got locked up, I seen him.

INVESTIGATOR HENDRICKSON: What kind of truck is that?

CATHERINE CORLEY: It's Dodge Ram 2500 4X4 extended cab.

INVESTIGATOR HENDRICKSON: Did they ever -- so they never told you where they met Stuckey and C.J.?

CATHERINE CORLEY: A wooded area.

INVESTIGATOR HENDRICKSON: A wooded area?

CATHERINE CORLEY: Always. They never met, like, in a Walmart parking lot or something like that.

INVESTIGATOR HENDRICKSON: Would they have met, say, an hour's drive from Dothan? That wouldn't have been normal, would it?

CATHERINE CORLEY: No.

INVESTIGATOR HENDRICKSON: They always met right around --

CATHERINE CORLEY: Within a 15-minute area. They would --

INVESTIGATOR HENDRICKSON: Of downtown Dothan?

CATHERINE CORLEY: Basically from my apartment, yeah. They -- to go out there, would waste gas and money, and it would make no sense.

INVESTIGATOR HENDRICKSON: Do you know where C.J. Hatfield was found?

CATHERINE CORLEY: I read in the article he found in the tree with bullets in his chest.

INVESTIGATOR HENDRICKSON: You read an article?

CATHERINE CORLEY: Yeah.

INVESTIGATOR HENDRICKSON: That he was found where, now?

CATHERINE CORLEY: Up against a tree.

INVESTIGATOR HENDRICKSON: Where did you read that article?

CATHERINE CORLEY: Waffle House.

INVESTIGATOR HENDRICKSON: In a newspaper?

CATHERINE CORLEY: Had to be.

INVESTIGATOR HENDRICKSON: Do you know anybody in Abbeville?

CATHERINE CORLEY: I don't even know Abbeville is. If I've been there, I don't know, like, the Cottonwood specific area or the Ashford area, or I just know that I go. I -- I'm the type of stupid broad to never ask questions.

INVESTIGATOR HENDRICKSON: After this incident, was anything given to you and told you to keep?

CATHERINE CORLEY: I was told to go by Drew's house and pickup my box.

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: I'm one of the few people that has keys to my box.

INVESTIGATOR HENDRICKSON: What box?

CATHERINE CORLEY: It's one of those safety boxes.

INVESTIGATOR HENDRICKSON: Who all has got a key to it?

CATHERINE CORLEY: There was me, Bam Bam, and Mark had a key.

INVESTIGATOR HENDRICKSON: All right.

CATHERINE CORLEY: Because that's more or less where they would keep everything.

INVESTIGATOR HENDRICKSON: Okay. Did you go by Drew's and pick up your box?

CATHERINE CORLEY: Yes, I did. When --

INVESTIGATOR HENDRICKSON: What was in your box when you picked it up?

CATHERINE CORLEY: I didn't open it. I didn't want to know. When Bam Bam came over, he said, "I need the box." I said, "Okay." He opened it up. There was a gun. He said, "I'm going to give it to Mark. He needs it." I said, "Okay." He gave it to Mark; Mark gave it back to me. I put it in the box, and I got locked up. Last I knew it was in the box, and I called my friend today -- well, she's no longer my friend. But when I got ahold of her, she said that Bam Bam had got the box a long time ago, and I had to go three-way to get to her.

INVESTIGATOR HENDRICKSON: There -- Bam Bam had gotten the box a long time ago?

CATHERINE CORLEY: When I first got locked up, everything I had was in [redacted]. It's on South Dale.

INVESTIGATOR HENDRICKSON: [redacted]

CATHERINE CORLEY: [redacted]

[redacted]

INVESTIGATOR HENDRICKSON: If you're going down Summer Street, is that left or right?

CATHERINE CORLEY: Right. It's --

INVESTIGATOR HENDRICKSON: You turn right, the building. These apartments are on your left.

CATHERINE CORLEY: Four. It's the fourth block or the fourth pull-in. When I found out that he had got it, there wasn't nothing else I could do.

INVESTIGATOR HENDRICKSON: When did you find out he got it?

CATHERINE CORLEY: Today. He had got it a long time ago.

INVESTIGATOR HENDRICKSON: When's a long time ago?

CATHERINE CORLEY: Like, when I first got locked up.

INVESTIGATOR HENDRICKSON: So he got

this gun right in April? When did you get locked up?

CATHERINE CORLEY: April 14th.

INVESTIGATOR HENDRICKSON: Do you know what anybody ever said he done with it?

CATHERINE CORLEY: Melted it down. I don't --

INVESTIGATOR HENDRICKSON: Who was the gun registered to?

CATHERINE CORLEY: Nobody, that I know of.

INVESTIGATOR HENDRICKSON: Where'd it come from?

CATHERINE CORLEY: He just got it as a gift.

INVESTIGATOR HENDRICKSON: What about this gun that was sold by Bam Bam to Drew?

CATHERINE CORLEY: I don't know what gun that one was.

INVESTIGATOR HENDRICKSON: A .38.

CATHERINE CORLEY: That he sold?

INVESTIGATOR HENDRICKSON: Yes. You

don't know nothing about that?

CATHERINE CORLEY: If he -- if it's the .38, then that's the one he sold to him.

INVESTIGATOR HENDRICKSON: But you were told he melted a gun?

CATHERINE CORLEY: My best guess is he melted it. He would always tell me these stories about how he had done stuff before, how it wasn't nothing to have a piece melted down, and you could have it turned into something else.

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: And then when the cops would come, he'd say it was ironic because the evidence was right there, and there was nothing that a cop could do about it.

INVESTIGATOR HENDRICKSON: So you got locked up April 14th?

CATHERINE CORLEY: Uh-huh. At, like, 10:30 at night. If he sold Drew a .38, I guarantee you that's the same gun.

Because there was never two .38s. The .38s were hard enough for us to find, let alone unregistered.

INVESTIGATOR HENDRICKSON: What kind of gun did Mark carry?

CATHERINE CORLEY: There was three.

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: There was a -- I called it a peashooter, which is no bigger than my hand.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: And it held two small bullets. Most people call them widow makers. And then he carried two 9s. Some people call it silver plated. I think it's a nickel plate --

INVESTIGATOR HENDRICKSON: Uh-huh.

CATHERINE CORLEY: -- that he always carried on him. Whether he's got those registered or not, I don't know.

INVESTIGATOR HENDRICKSON: Okay. What kind of gun did Stuckey always carry?

CATHERINE CORLEY: Oh, Stuckey always

had a 9mm, and it was always carried on his left side. It was easier for him to get to.

INVESTIGATOR HENDRICKSON: So nobody's actually ever told you they shot somebody, then?

CATHERINE CORLEY: I heard several different stories from several different people, and I haven't heard it from them. One was when I finally did get to sit down with Stuckey a couple of days after -- or it had to have been a couple of hours after, I asked him was he okay, and he was flipping. He was upset, and I've never seen him shaking before.

INVESTIGATOR HENDRICKSON: What was -- what did he say he was upset about?

CATHERINE CORLEY: He just said that he couldn't believe it. And when I asked him what, he goes, "I never thought I could go through something like that, and I lived through it." And he would never tell me anything else.

INVESTIGATOR HENDRICKSON: You don't know what he said he went through?

CATHERINE CORLEY: It had to have been something traumatic for him because he was not the type to just sit there and freak out for nothing. I mean, Bam Bam fell out of a tree and Stuckey was stone cold. I had -- I was hanging from a rope from a tree trying to kill myself. Stuckey was stone cold. It had to have scared the crap out of him. And Bam Bam wasn't -- he was normal. He would -- he wasn't upset. He wasn't freaking. He was just okay.

But all the clothes that they had, Bam Bam put in a garbage bag. Mark had his -- he wore shorts all the time. I don't think Mark owned a pair of pants when I knew him. And his button-up shirt, it was ugly as hell, and Bam Bam bagged it up, and when I asked him what he was doing, he said, "Oh, it's just trash."

INVESTIGATOR HENDRICKSON: What color

pants was it -- shorts was it?

CATHERINE CORLEY: His -- Mark wore these bluejeans that come, like, right below his knee.

INVESTIGATOR HENDRICKSON: He bagged them up?

CATHERINE CORLEY: He bagged everything up, and he put it in his Bronco. I asked again. You know, "Trash." I said, "Well, why don't you just" -- "Well, no, we'll take care of it. You know, I've got to take the trash out anyway." Bam Bam hardly ever took out trash. But I couldn't question him.

INVESTIGATOR HENDRICKSON: What did he ever do with them clothes?

CATHERINE CORLEY: They were in the Bronco. I don't know if he threw them away or what, but he threw away his favorite pair of pants.

INVESTIGATOR HENDRICKSON: Name brand jeans?

CATHERINE CORLEY: It was a pair of

pants that I got him. They were Nautica.

INVESTIGATOR HENDRICKSON: What color were they?

CATHERINE CORLEY: Dark bluejeans kind of faded around the back and spots on front.

INVESTIGATOR HENDRICKSON: Uh-huh. He threw them away, too. Did you ever see them before he threw them away?

CATHERINE CORLEY: Yeah. They were muddy, but that wasn't anything different for him because he went mud bogging all the time in the Bronco. I was not a very smart person, like I stated. I never put two and two together.

INVESTIGATOR HENDRICKSON: So nobody ever told you why you needed to put this gun in the safe?

CATHERINE CORLEY: No.

INVESTIGATOR HENDRICKSON: And you had that gun until April 14th when you were locked up. It was in that safe until April 14th?

CATHERINE CORLEY: After getting it back, yeah.

INVESTIGATOR HENDRICKSON: You got it back from Mark?

CATHERINE CORLEY: Mark. He brought it back.

INVESTIGATOR HENDRICKSON: Where did he -- where had he took it to?

CATHERINE CORLEY: That, I wouldn't know. I never questioned anybody. They were supposed to protect me. They were supposed to be my friends. It was my old man. I was always taught -- I grew up in Atlanta for eight years. You don't question your old man, especially when you do dealings like this. You question, and you wind up dead. And I'm not -- (indiscernible).

INVESTIGATOR HENDRICKSON: Did anybody ever try to find you and talk to you as far as law enforcement, to your knowledge?

CATHERINE CORLEY: Not to my

knowledge. But if they find out, I'm dead anyway.

INVESTIGATOR HENDRICKSON: They find out what?

CATHERINE CORLEY: They find out I talked to you, I'm a dead woman.

INVESTIGATOR HENDRICKSON: How they going to find out you talked to me?

CATHERINE CORLEY: Motion for discovery.

INVESTIGATOR HENDRICKSON: The time now is approximately 10:15 p.m. That's going to conclude this interview.

(AUDIO CONCLUDED)

C E R T I F I C A T E

STATE OF ALABAMA:

I do hereby certify that the above proceedings were taken down in stenotype and transcribed by me using computer-aided transcription from an audio recording and that the foregoing is a true and accurate transcript of said proceedings as therein set out.

I do further certify that I am neither of kin nor of counsel to any of the parties to said cause, nor in any way interested in the results thereof.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter.

So certified this 9th day of January 2024.

/s/ANGELA RICHEY
Angela D. Richey, ACCR #281
Certified Court Reporter

Appendix G

Audio of March 24, 2005, Interrogation of Kittie Corley, filed conventionally with the Court via flash drive

Appendix H

Certified Court Reporter Transcription of Interrogation of Kittie Corley on March 24, 2005

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.	)	

AUDIO TRANSCRIPTION

(Transcription of an audio recording by Angela D. Richey, Court Reporter, ACCR No. 281)

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AUDIO FILE: APPENDIX J-AUDIO OF MARCH 24, 2005

INTERROGATION

INVESTIGATOR HENDRICKSON: Today's date is March 24, 2005. It's approximately 9:15 a.m. Present: Investigator Allen Hendrickson with the Henry County Sheriff's Office and Corporal Tommy Merritt with the Alabama Bureau of Investigations. We're here at the Houston County Jail located in Dothan, Alabama. And could you just state your name for me ma'am?

CATHERINE CORLEY: Catherine Nicole Corley.

INVESTIGATOR HENDRICKSON: And your date of birth, Cathy?

CATHERINE CORLEY: [redacted]

INVESTIGATOR HENDRICKSON: And social security number?

CATHERINE CORLEY: [redacted]. Sorry.

INVESTIGATOR HENDRICKSON: Okay.

We're here today. I spoke with you back in the past about the Charles "C.J." Hatfield murder case, case number 0403029. Is that correct?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Today, we're here to just speak with you about the case again. I did not advise you of your rights because I'm interviewing you as a witness and a witness only. Is that correct?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Okay. Can you -- I want to start off by asking a couple of questions, and I'm going to show you some photos and see if you can ID those photos. Okay?

Before, you had told me -- and correct me if I'm wrong anywhere. Okay? Don't be scared. Correct me. Correct me.

CATHERINE CORLEY: Never had a problem before.

INVESTIGATOR HENDRICKSON: I know it.

Okay. Last time you told me you thought Mark Hammond's truck needed to be looked at; is that correct?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: And why was your -- why did you think Mark Hammond's truck needed to be looked at about this murder?

CATHERINE CORLEY: Because there was a great possibility that it had been used to either take to and fro evidence that might still be in there.

INVESTIGATOR HENDRICKSON: Okay. Did anybody ever tell you that Mark Hammond's truck was used?

CATHERINE CORLEY: Once.

INVESTIGATOR HENDRICKSON: Who told you that Mark Hammond's truck was used?

CATHERINE CORLEY: Actually, I can't be specifically positive, but I do believe it was Scott.

INVESTIGATOR HENDRICKSON: Which is?

CATHERINE CORLEY: Scott Mathis. Bam Bam.

INVESTIGATOR HENDRICKSON: Bam Bam. Okay. If you want to, we can refer to him as Bam Bam.

CATHERINE CORLEY: That would help.

INVESTIGATOR HENDRICKSON: Is that okay?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: All right. Would you be able to ID that truck if you saw that truck?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Is that the truck that I'm showing you on my laptop computer?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Okay. When is the last time you've seen -- and the picture you just ID'd is a black Dodge 1500 extended cab, unknown year, to me, at this minute. That truck is currently in the custody of the Henry County Sheriff's

Department. Also, you had spoken of some clothes that Bam Bam put in a garbage bag; is that correct?

CATHERINE CORLEY: Yes sir.

INVESTIGATOR HENDRICKSON: Can you describe those clothes that Bam Bam put in a garbage bag and if you know who they belonged to?

CATHERINE CORLEY: I know it was a pair of bluejeans and a dark colored shirt. I can't ID it specifically, but it was supposed to have belonged to Mr. Hatfield.

INVESTIGATOR HENDRICKSON: It was supposed to have belonged to Hatfield?

CATHERINE CORLEY: And they also had their clothes as well.

INVESTIGATOR HENDRICKSON: Do you know what their clothes were? When you're referring to "their," who was their?

CATHERINE CORLEY: Mark and Bam Bam.

INVESTIGATOR HENDRICKSON: And that would be Mark Hammond?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Okay. What was -- more specific, was, if you can remember, did Mark Hammond's clothes look like?

CATHERINE CORLEY: Just his everyday button-up shirt. I can't remember specifically what it looked like.

INVESTIGATOR HENDRICKSON: So if I showed you a picture of one, you wouldn't -- you don't know if you could say that that was it or not.

CATHERINE CORLEY: Couldn't be positive on it.

CORPORAL MERRITT: Would you say it was blue or green or red or black?

CATHERINE CORLEY: It was a dark color, but I can't be specific on it.

CORPORAL MERRITT: Okay.

CATHERINE CORLEY: It's been a while ago.

CORPORAL MERRITT: Do you recall if it was a striped shirt or a plaid shirt or

a checkered shirt or a solid with no pattern?

CATHERINE CORLEY: It had a pattern but I can't be -- because the way they did it, they were rather sneaky.

CORPORAL MERRITT: And when you saw the shirt, was it in good lighting or poor lighting?

CATHERINE CORLEY: Not good lighting at all.

CORPORAL MERRITT: Okay.

INVESTIGATOR HENDRICKSON: Do you want me to show her the shirt?

CORPORAL MERRITT: Sure.

INVESTIGATOR HENDRICKSON: Okay, what I'm gonna do this time is show you a shirt and see if you recognize this shirt from anywhere. I don't remember specifically what number it is, so you have to give me a minute.

CATHERINE CORLEY: It looks similar.

INVESTIGATOR HENDRICKSON: So that could or could not be the shirt that

you're referring to?

CATHERINE CORLEY: It looks similar to the one that they put in.

INVESTIGATOR HENDRICKSON: Okay.

CORPORAL MERRITT: And whose shirt would that be?

CATHERINE CORLEY: They all grabbed the clothes together.

CORPORAL MERRITT: Okay.

INVESTIGATOR HENDRICKSON: Okay. What I just showed Ms. Corley was an orange in color, button-up shirt that was recovered out of Mark Hammond's truck. I believe that's all the photos we'll need to show, maybe.

Did you -- what kind of handgun did you ever see Mark with?

CATHERINE CORLEY: A regular handgun, a -- (inaudible) -- type gun.

INVESTIGATOR HENDRICKSON: I want to show you another picture of a handgun and see if you recognize that handgun. Have you ever seen that? And what you're

looking at is a .38 Rossi. Is that correct, Tommy?

CORPORAL MERRITT: Yes.

INVESTIGATOR HENDRICKSON: I believe it's a Rossi.

CORPORAL MERRITT: And is that the one that was recovered? Yes.

INVESTIGATOR HENDRICKSON: And you've seen that before?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Where and when did you see that .38 Rossi?

CATHERINE CORLEY: When it was put in a box that I had for safe keeping and when it was removed from the box for safe keeping.

INVESTIGATOR HENDRICKSON: Whose handgun would that be?

CATHERINE CORLEY: At the time it was Bam Bam's.

INVESTIGATOR HENDRICKSON: So that Rossi .38 handgun used to belong to Matt, Bam Bam, Morris Scott Mathis. When is the

last time you said you've seen that weapon?

CATHERINE CORLEY: Probably about a week before the demise of C.J.

INVESTIGATOR HENDRICKSON: Okay. Do you know where that weapon was at when, you -- I think that -- is this gonna be the weapon that you spoke to me about that was in a safe when you got arrested?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Okay. Where was it at when you got arrested?

CATHERINE CORLEY: It was supposed to be in the apartment that I was staying at before I got locked up.

INVESTIGATOR HENDRICKSON: Okay. So if Mark Hammond's daddy said that gun used to belong to him --

CATHERINE CORLEY: It's a great possibility because, between all the boys, we pass knives and guns off all the time.

INVESTIGATOR HENDRICKSON: Okay. Do you know or have you ever heard of a

William Tilly?

CATHERINE CORLEY: Tilly?

INVESTIGATOR HENDRICKSON: Tilly.

CATHERINE CORLEY: Heard of the name.

INVESTIGATOR HENDRICKSON: Okay. I don't -- do we have the report with us on that particular weapon? That particular weapon was filed stolen back in 1994. Did you live in Dothan in 1994?

CATHERINE CORLEY: No sir.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: I want to say '94 I was in the Inner Harbor Incorporated. It's kind of like a treatment center for adolescents --

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: -- in Douglasville.

CORPORAL MERRITT: When you were 11 years old?

CATHERINE CORLEY: Yes sir.

INVESTIGATOR HENDRICKSON: It was a --

CATHERINE CORLEY: I know I wasn't being a good kid.

INVESTIGATOR HENDRICKSON: It was -- it was reported stolen from Dothan. I don't recall the exact area, but -- not right at this minute. I don't have the report in front of me. How sure are you that that weapon that you're looking at on my computer is the weapon that was in that box?

CATHERINE CORLEY: If it's not the same one, it's one exactly like it.

INVESTIGATOR HENDRICKSON: So Bam Bam's .38 was a blue-plated type, what they call a dark color not silver.

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Okay. How did you come about having possession of this -- is it a safe, fireproof safe, or a box?

CATHERINE CORLEY: At Walmart, they have the fireproof safes --

INVESTIGATOR HENDRICKSON: Yes.

CATHERINE CORLEY: -- and at the time, I needed something to put my birth certificate and all that in because I happen to move a lot, and I needed something that not everybody could get in.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: Plus, at that time, I was also holding some narcotics for other people.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: And I needed something that I could put it in and wouldn't have to worry that other people in the areas that I was at was going to go steal.

CORPORAL MERRITT: Why was this gun in your box?

CATHERINE CORLEY: Why was it in my box? Because I was told to hold it.

CORPORAL MERRITT: By who?

CATHERINE CORLEY: By Bam Bam.

CORPORAL MERRITT: Okay.

INVESTIGATOR HENDRICKSON: Before we

go much further, let me -- would you say in that, about the illegal narcotics -- 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?

With that said, 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?

CATHERINE CORLEY: I was -- I don't even remember where I was at, at the time, when Scott came by and told me he needed the box. I said, "Why?" He said, "Don't ask me no questions. Just give me the box." And -- (inaudible) -- that he had taken it, and it had gone from him to

Andrew, and Andrew was sitting on it. Nothing new. Sometimes we had different people hold stuff because, well, police officers do tend to get knowledge of where we have our stuff.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: Well, it went from Drew to Mark, back to Drew, then Bam Bam, and I got it back.

INVESTIGATOR HENDRICKSON: Okay.

CORPORAL MERRITT: But without the pistol? When you got it back, was the pistol not there anymore?

CATHERINE CORLEY: I can't tell you. I hardly went in the box, except for when I had to go get things for Bam Bam or other people that come by.

INVESTIGATOR HENDRICKSON: Okay. We're going to go into a little more of the last interview now. Was you aware of a trip that Stuckey and C.J. made to Atlanta prior to his death?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: What do you know about the trip?

CATHERINE CORLEY: It was supposed to be a drug run. They was supposed to go to Atlanta to buy some drugs so that they could bring it back and we could sell it.

INVESTIGATOR HENDRICKSON: Did that trip happen, to your knowledge?

CATHERINE CORLEY: To my -- to my knowledge, yes sir.

INVESTIGATOR HENDRICKSON: Okay. How do you know it happened?

CATHERINE CORLEY: Because, at the time, when they was getting ready to leave, everybody was around talking about it making sure that the plans were right. I mean, the trip had been planned. The funds had been given out. We were to be called on their way back. We was to be called when they got there, you know, how much they scored exactly. You know, everything was supposed to weigh out with what we all were supposed to know.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: And when they left, they left well before the time that he disappeared.

INVESTIGATOR HENDRICKSON: When you say "well before," when? You talking days, hours?

CATHERINE CORLEY: It was, like, the afternoon when he come back, and he had left the night before.

INVESTIGATOR HENDRICKSON: Did you see C.J. Hatfield after this trip?

CATHERINE CORLEY: No, sir. But that wasn't anything different.

INVESTIGATOR HENDRICKSON: So you say you saw him before the trip.

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Okay. Was it daytime when they left for this trip --

CATHERINE CORLEY: Huh?

INVESTIGATOR HENDRICKSON: -- morning, evening?

CATHERINE CORLEY: Evening.

INVESTIGATOR HENDRICKSON: Evening. And typically when they left in the evening, how long did it take them to go up and come back?

CATHERINE CORLEY: It's supposed to be a six-hour trip, but it could take him -- it normally took them about 12, 10 to 12, to get down there, get everything that was --

INVESTIGATOR HENDRICKSON: Okay. Do you know who set this trip up for C.J. and Stuckey to go to Atlanta?

CATHERINE CORLEY: The boys, as always.

INVESTIGATOR HENDRICKSON: The boys. When you say "the boys" --

CATHERINE CORLEY: Bam Bam, Mark, the boys.

INVESTIGATOR HENDRICKSON: Do you know who the contact was in Atlanta? Who was the contact in Atlanta?

CATHERINE CORLEY: Several different people.

INVESTIGATOR HENDRICKSON: On this particular trip, do you know who the contact would have been? You're not sure on this --

CATHERINE CORLEY: Huh-uh.

INVESTIGATOR HENDRICKSON: Okay. Did Bam Bam ever tell you that he shot C.J. Hatfield?

CATHERINE CORLEY: No.

INVESTIGATOR HENDRICKSON: Did Mark Hammond ever tell you that he shot C.J. Hatfield?

CATHERINE CORLEY: Yes.

INVESTIGATOR HENDRICKSON: What did Mark Hammond tell you that he'd done in regards to shooting C.J. Hatfield?

CATHERINE CORLEY: Said that he needed it to be dealt with and that he had shot him and that we didn't have to worry about it anymore and that it was never going to come back on any of us because he was good. He could get rid of the evidence. They was never going to suspect

anybody. They was never going to suspect what happened. They was never going to find out because Dothan police weren't that smart.

INVESTIGATOR HENDRICKSON: Did he ever tell you where he shot him?

CATHERINE CORLEY: Chest.

INVESTIGATOR HENDRICKSON: I'm talking about, as far as location.

CATHERINE CORLEY: He never said where. But then they always had a different spot to go meet each other. One spot got hot one time, and they freaked out for a little while, so they'd always meet each other in different spots around Dothan.

INVESTIGATOR HENDRICKSON: Did he say if anybody was with him when he shot C.J.?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Who did he say was with him?

CATHERINE CORLEY: Stuckey. Because he had to follow him in the truck because

Stuckey's truck was acting up.

INVESTIGATOR HENDRICKSON: Had to follow him where?

CATHERINE CORLEY: To make sure he was okay. The truck acted up sometimes.

INVESTIGATOR HENDRICKSON: Right.

CATHERINE CORLEY: Stuckey's truck had acted up before. And it wasn't nothing new. It was a piece-of-crap truck.

INVESTIGATOR HENDRICKSON: So he said Stuckey followed him to do this?

CATHERINE CORLEY: He followed Stuckey.

INVESTIGATOR HENDRICKSON: He followed Stuckey.

CATHERINE CORLEY: And Stuckey had C.J.

INVESTIGATOR HENDRICKSON: Had C.J. where?

CATHERINE CORLEY: In the truck.

INVESTIGATOR HENDRICKSON: Was he already dead?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: You don't know?

CATHERINE CORLEY: All I know is they shot him up there.

INVESTIGATOR HENDRICKSON: They shot him somewhere? Did he say anybody else was present when the shooting happened?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Do you know James Bailey?

CATHERINE CORLEY: Under the door, yes sir.

INVESTIGATOR HENDRICKSON: Okay. Do you understand he's charged also in his case with capital murder?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Has he ever told you that he was there or present during the shooting or during the transportation to transport of C.J. Hatfield's body?

CATHERINE CORLEY: He's told me a lot

of stuff, but that ain't one of them.

INVESTIGATOR HENDRICKSON: Okay. Do you know John Edward Palmer, Eddy?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Okay. Has he ever told you that he was there during the shooting or during the transport of the body?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: He said that there was a phone call at the house where him and Bam Bam was. You know how your answering machine picks up sometimes? Bam Bam got the phone, but it was right after the machine clicked. And on the phone, it was Mark asking Scott, Bam Bam, to come help because they were in trouble and they needed his help and they needed him to come down. Bam Bam said no. And to my knowledge, that's all Eddy knows. But Bam Bam was there to help with a lot of the stuff, changing of the tires, he was

there. He's just -- he's in trouble.

INVESTIGATOR HENDRICKSON: Do you know Barbie Sarah Drescher?

CATHERINE CORLEY: Yes.

INVESTIGATOR HENDRICKSON: Has Barbie ever told you that she was present during the shooting or transportation of C.J. Hatfield's body?

CATHERINE CORLEY: I don't even talk to her.

INVESTIGATOR HENDRICKSON: Okay. Has Stuckey ever told you -- the same question -- there during the shooting or the transportation of the body?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: What had Stuckey tell you?

CATHERINE CORLEY: He said he felt bad about what he did, but he didn't have a choice.

INVESTIGATOR HENDRICKSON: What did he say that he did, if you could remember?

CATHERINE CORLEY: He was drunk. He

just went on about how messed up it was and how that was his friend, but it was survival of the fittest.

INVESTIGATOR HENDRICKSON: Did Mark or Stuckey ever tell you that they removed any items from C.J. Hatfield?

CATHERINE CORLEY: Jewelry.

INVESTIGATOR HENDRICKSON: What did they tell you they removed?

CATHERINE CORLEY: I don't know. I just know they said that they removed his jewelry and handed it to Barbie.

CORPORAL MERRITT: Who said that?

CATHERINE CORLEY: Mark.

CORPORAL MERRITT: Okay.

INVESTIGATOR HENDRICKSON: So Mark told you -- did he say who specifically, or he just said they?

CATHERINE CORLEY: He just said they.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: A lot of the times there was more than one of us there, so.

INVESTIGATOR HENDRICKSON: Did -- you

knew C.J. right? We're gonna talk just a minute about C.J. Do you know what kind of necklace that he always wore, that people are saying he always had? Could you describe it, to the best of your ability? Was it --

CATHERINE CORLEY: Like a herringbone type necklace. It's a long one that would have gone -- I guess it had to been over 18 inches long because the way it hung down on him. It was a real thick type necklace.

INVESTIGATOR HENDRICKSON: Was it a rope or -- did it look like the one I'm wearing, which I'm showing you is a gold colored rope?

CATHERINE CORLEY: Huh-uh. Herringbone is different.

INVESTIGATOR HENDRICKSON: Okay. Flat.

CATHERINE CORLEY: Yeah, it was flat.

INVESTIGATOR HENDRICKSON: You're talking a flat herringbone necklace.

Okay. Was it silver? Was it gold?

CATHERINE CORLEY: It's silver.

INVESTIGATOR HENDRICKSON: And Mark told you that they removed that necklace and gave it to Barbie?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Okay. Did C.J. wear, to your knowledge, any type of hand jewelry, watches, bracelets, rings?

CATHERINE CORLEY: Every other day he had something different, but he had a specific bracelet that he would always wear.

INVESTIGATOR HENDRICKSON: What'd that bracelet look like?

CATHERINE CORLEY: It was a -- similar to his necklace, but not as thick. And it was really -- it's a flat silver bracelet.

INVESTIGATOR HENDRICKSON: Did it clip on, or did it snap together? You don't remember? Okay.

Did anybody ever tell you that they

participated in bathing C.J. Hatfield and changing his clothes? Nobody ever said that?

CATHERINE CORLEY: Nobody copped to that one.

INVESTIGATOR HENDRICKSON: Okay. Some of the questions I'm asking you is questions -- things that's been told us, so we asked each person that we interview. And if it's something you haven't heard, just like you said, just say I ain't heard and that'd be fine. Let me think.

CATHERINE CORLEY: I know that the -- two people said that they -- men have to sometimes use the bathroom, and instead of going to a facility, they'll use the bathroom outside.

INVESTIGATOR HENDRICKSON: Okay. Who said they --

CATHERINE CORLEY: Mark and Stuckey said that they urinated either beside the road in front of his body, at the spot that he was finally laid or beside his

body right there.

CORPORAL MERRITT: Did they both say that?

CATHERINE CORLEY: Yes sir.

CORPORAL MERRITT: Independently, or were they together when they said it?

CATHERINE CORLEY: They were together. After this happened, we kind of didn't hang out with each other anymore.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: At least I didn't anyway.

INVESTIGATOR HENDRICKSON: Has anybody else told you they were there, participated in this murder case?

(Inaudible response.)

INVESTIGATOR HENDRICKSON: Do you think -- and this is your opinion, and I'm say it that way -- that anybody else was present?

CATHERINE CORLEY: Yes sir.

INVESTIGATOR HENDRICKSON: Who do you think, in your opinion?

CATHERINE CORLEY: I think Barbie was there.

INVESTIGATOR HENDRICKSON: You think Barbie was there. And why do you think Barbie was there?

CATHERINE CORLEY: Just because it's a little too convenient for my taste. She got tired of C.J. a while back, and she was messing with everybody in the group but me. Thank goodness. You might have something by this point. But she had made it known to Scott a couple of times that she wanted C.J. out the picture. He was getting too possessive. He was the one that: "I love you. I want to be with you and only you. I don't want you to be with nobody else." And she had said on several occasions that she wish he would just disappear.

INVESTIGATOR HENDRICKSON: Do you know P.K., Patrick Bush?

CATHERINE CORLEY: I know the name, yes sir. I've met him a couple of times.

I don't know him on a one-on-one basis.

INVESTIGATOR HENDRICKSON: How do you know him?

CATHERINE CORLEY: Transactions mostly, parties, get-togethers.

INVESTIGATOR HENDRICKSON: When you say "transaction," you're referring to drug deals?

CATHERINE CORLEY: Yes, sir.

INVESTIGATOR HENDRICKSON: Okay. Do you know -- okay. Give me a minute. I've got to think of his name. The Corley guy in Ashford. Do you know any Corleys in Ash -- kin to any in the Ash area?

CATHERINE CORLEY: I know I'm kin to some around here, but I couldn't tell you their names.

CORPORAL MERRITT: Do you remember their names?

INVESTIGATOR HENDRICKSON: Okay. We've been interviewing you for roughly 20-25 minutes. I think what we'll do is we'll just stop for a brief --

CORPORAL MERRITT: What have you told Joan Vroblick about any of this?

CATHERINE CORLEY: Who?

CORPORAL MERRITT: The lady that's in jail. Her name's Joan.

CATHERINE CORLEY: I don't talk to that crazy lady.

CORPORAL MERRITT: Do you know her?

(Inaudible response.)

CORPORAL MERRITT: Okay. You've not told her anything about any of this?

CATHERINE CORLEY: No sir. Because she likes to try to get herself out of trouble and get you in a lot of trouble.

CORPORAL MERRITT: Okay.

CATHERINE CORLEY: She's been known to do it before, and I don't got nothing to do with the lady.

CORPORAL MERRITT: Who is Tank?

CATHERINE CORLEY: Male or female?

CORPORAL MERRITT: I don't know.

CATHERINE CORLEY: There's two different.

CORPORAL MERRITT: Who are they?

CATHERINE CORLEY: Well, a guy named Tank is a guy I know in Atlanta, who works on cars. You need anything done, you call up Tank. Female one I know -- I don't even know where she is right now. Tank also comes through here a lot, doing different things, oddball jobs, dropping off stuff.

CORPORAL MERRITT: Stuff, as in drugs?

CATHERINE CORLEY: Drug transactions. A female I know, she used to want to be a bodybuilder. She's buff as I don't know what. She comes through all the time too. She also helps, you know, drop off drugs and pick them up, and she's a runner.

CORPORAL MERRITT: Who is Big Country?

CATHERINE CORLEY: Big Country? There's several different ones here. Man, I am going to be in so much trouble. Big Country was a guy that used to work at

Grands, was a nickname that they gave him, and he was a bouncer.

INVESTIGATOR HENDRICKSON: What's his name?

CATHERINE CORLEY: I don't know a lot of names. If I know your nickname, I'm doing good.

CORPORAL MERRITT: Who are some others, Big Country?

CATHERINE CORLEY: Other people that worked at Grands?

CORPORAL MERRITT: No, you said there were several named that. Who was?

CATHERINE CORLEY: Oh, there was a Big Country out of Eufaula that looks like Bam Bam. Scary resemblance. There was a Big Country here that's in the jail. There's a Big Country that was in Tallahassee when I lived down there. And I have a cousin named Big Country that lives -- got six kids and lives in South Carolina right now.

CORPORAL MERRITT: Has Andrew White

ever been known as Big Country?

CATHERINE CORLEY: Not to my knowledge. I always knew him as Drew.

CORPORAL MERRITT: Okay.

INVESTIGATOR HENDRICKSON: Does Mark Hammond have a street name, nickname?

CATHERINE CORLEY: Fat Nasty.

INVESTIGATOR HENDRICKSON: Fat Nasty?

CATHERINE CORLEY: That's what we always called him.

INVESTIGATOR HENDRICKSON: Okay.

CATHERINE CORLEY: I know it's mean, but --

INVESTIGATOR HENDRICKSON: Earlier, before we started the tape, we was telling you -- we told you who was in jail and that we wanted to re-interview you again, and you stated that you believe there's somebody else we need to talk to.

CATHERINE CORLEY: I said there's somebody else you're probably looking for to arrest.

INVESTIGATOR HENDRICKSON: And who

would that be?

CATHERINE CORLEY: Drew.

INVESTIGATOR HENDRICKSON: And why would we be looking for Drew?

CATHERINE CORLEY: I was told Drew, by James Bailey underneath the door, that y'all were looking for him, that y'all were looking for P.K., that y'all were looking for somebody else, but he just didn't remember the name.

INVESTIGATOR HENDRICKSON: James Bailey told you this? Why did James Bailey tell you we was looking for Drew?

CATHERINE CORLEY: Because he's so concerned. He's -- wants to know if I've talked to John. He wants to know if I've talked to Bam Bam. He wants to know if I can get ahold of them. He wants to know what's going on. He wants to know if I can call his girlfriend and make sure she's got some kind of paperwork or evidence to prove that they weren't nowhere here when this stuff happened. I

oblige him by talking to him.

INVESTIGATOR HENDRICKSON: Was you surprised when he was charged in this case?

CATHERINE CORLEY: No. Because I'd already been told that he had something to do with it under the door. Because that's one thing he was stressing about when he caught his first charge, was getting pulled into this case.

CORPORAL MERRITT: Were you surprised to learn that anybody that we've got charged with capital murder?

CATHERINE CORLEY: Actually, yeah, I was surprised about John.

CORPORAL MERRITT: Palmer?

CATHERINE CORLEY: Yes, sir. I was surprised by John. I was actually quite surprised that y'all got Bam Bam as well. I figured that he would also be more or less not got for murder but for a lesser crime.

CORPORAL MERRITT: Well, are you

saying that you don't think he shot or don't think he was there?

CATHERINE CORLEY: I don't think he shot him. I've known Bam Bam to have a temper but never to actually physically come out like that and hurt somebody.

CORPORAL MERRITT: But now, you said a while ago that they received the call that Bam Bam and John were together and received a call for help from Stuckey.

CATHERINE CORLEY: Yes.

CORPORAL MERRITT: And as far as you know, they responded to that call.

CATHERINE CORLEY: Afterwards.

CORPORAL MERRITT: Okay. Which would have put them -- at least put them there when the murder took place.

CATHERINE CORLEY: After.

CORPORAL MERRITT: Afterwards?

(Inaudible response.)

CORPORAL MERRITT: Okay.

INVESTIGATOR HENDRICKSON: You think their help was moving the body?

CATHERINE CORLEY: Probably.

INVESTIGATOR HENDRICKSON: Why would two people kill somebody and then call somebody -- call some more people to help move the body? I mean, are they that close that they would do that?

CATHERINE CORLEY: It was kind of like a brotherhood. One of us needs help, you call another person. Now, I've never heard of any one of us coming out and helping each other like this. Because this is just ludicrous. But if they needed help and they knew that they couldn't do it on their own, we've all swore oaths to each other if we all needed help, that's what we would do.

INVESTIGATOR HENDRICKSON: Did you ever work at Grand Central Station?

CATHERINE CORLEY: No.

INVESTIGATOR HENDRICKSON: Do you know Steve McGowan?

CATHERINE CORLEY: Sounds familiar, but I can't be positive.

INVESTIGATOR HENDRICKSON: He was one of the owners --

CATHERINE CORLEY: Yeah.

INVESTIGATOR HENDRICKSON: -- and owned the club. Do you know what I'm talking about now? He's also an attorney.

CATHERINE CORLEY: He's a lawyer?

INVESTIGATOR HENDRICKSON: Yeah.

CATHERINE CORLEY: Didn't know that.

INVESTIGATOR HENDRICKSON: To your knowledge, does he have anything to do with this case?

CATHERINE CORLEY: God, no.

INVESTIGATOR HENDRICKSON: You don't think so?

CATHERINE CORLEY: No.

INVESTIGATOR HENDRICKSON: Okay.

CORPORAL MERRITT: I can't think of --

INVESTIGATOR HENDRICKSON: During this interview, did we promise you anything, threaten you, coerce you, or anything like that to give this statement?

CATHERINE CORLEY: No, sir.

INVESTIGATOR HENDRICKSON: Did we, at all, go into your case? Because you're currently in here for conspiracy to commit murder? Did we ask you any questions concerning your charge here in Houston County, Alabama?

CATHERINE CORLEY: No sir.

INVESTIGATOR HENDRICKSON: Okay. I don't have any more questions. Do you, Corporal? Do you have anything that you would like to add, if you think of something that maybe we didn't asked you about that we need to know about or anything like that?

CATHERINE CORLEY: I can't think of anything right off the bat.

INVESTIGATOR HENDRICKSON: So, okay. What I'm going to do at this time is conclude this interview. It's approximately 9:45 p.m. Still present is Investigator Allen Hendrickson, Henry County Sheriff's Office, Corporal Tommy

Merritt with the Alabama Bureau Investigations and -- state your name?

CATHERINE CORLEY: Catherine Corley.

INVESTIGATOR HENDRICKSON: That will conclude this interview.

CORPORAL MERRITT: 9:45 a.m.

INVESTIGATOR HENDRICKSON: A.m., correction on the time.

CORPORAL MERRITT: Okay.

(AUDIO CONCLUDED)

C E R T I F I C A T E

STATE OF ALABAMA:

I do hereby certify that the above proceedings were taken down in stenotype and transcribed by me using computer-aided transcription from an audio recording and that the foregoing is a true and accurate transcript of said proceedings as therein set out.

I do further certify that I am neither of kin nor of counsel to any of the parties to said cause, nor in any way interested in the results thereof.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter.

So certified this 9th day of January 2024.

/s/ANGELA RICHEY
Angela D. Richey, ACCR #281
Certified Court Reporter

Appendix I

Kittie Corley's "Dearest David" Letter from 2004

#8

Dearest David,

Hey Bro what's up? Well not shit here. I just saw you when I came in. I was told you bonded out. But I see you are still here. So what's new with you? My lawyer has me pleading not guilty. I can beat this so can you. Remember we were all High + drunk and to my knolage you on I didn't stop drinking all week. But then were all were partying pretty hard. Oh did you know Matt asked me to marry him. LOL. for real. You know what I said. Oh hope you like the paper. Amazing what you can do with Newspaper + clean deodorant. huh. You + your girl ok. I hope so. Micheal is having hell. He got beat down 3x's already. Sad. Really. Hey why they keeping you on P/C. I thought you would be off by now. I am sorry for all of this. I really am sorry we are all up in here. Micheal is working. From what I know he told a bunch of lies on all of us. I can't trust Matt b/c that's his best friend. I think they are teamed up. I have been asked to testify. I refused. Why? B/c even if you aren't I am loyal. I will not let them give you time on b-s. let them earn thier money. But I will be supenaded I. think. Tammy is a good lawyer. she has a "Master Plain". look I don't know if you get a lot of mail or not. I just felt I should write. I have written you like 2 x's. My lawyer thinks I shouldn't. But I can't see

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what it could ~~be~~ harm. You are looking well. Nice hair. What is it like on P/C. Boring? look bro I will help you as much as I can. This is all a big mess that should Never have gone this far. I will wait until I get word. Feel me. I know you might not write me Back. But then you might. You are the only on I can trust. I am sorry I didn't listen to you early En. You were Right about it all. I owe you big time. I cryed when they showed you on the News. Yes me I cryed. They still ain't telling me a whole lot about the case. But I will hopefuly bond out soon so I can find out for real. I don't believe you did this. And I have an Al.bi. So who did it. Steve wrote Jen Jen + said you had told them some one else was. There. But they have to prove you were there at all. like me. No prolle well right. Well I hope you do right me back to at least let me know you are ok. I figure you are pissed at me. Why? I wasn't the one who put us in here. I was Nanked out too. Some one Nanked out my house and my full name. But I will find out soon enuff. Motion of discovery. I get to see all that was said agenst me who said it Plus what evidence they think they got against me. you should have already gotten yours [redacted] Who is your lawyer. I want my lawyer to talk to him + tell him I will do what I can for you. They can't talk about the case but it might help in your defence. No one is going to pen it all on us. Feel me right? You know my brother is in here. Terry Hank's A pod. My friend Daniel is a trustee. He is cool.

Appendix J

Certified Court Reporter Transcription of "Dearest David" Letter

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

CASE NO.: 1:19-CV-284-RAH-CSC

DAVID WILSON,
Petitioner,

v.

JOHN Q. HAMM, Commissioner,
Respondent.

DOCUMENT TRANSCRIPTION
CORLEY LETTER "DEAREST DAVID"

Transcribed by: Lane C. Butler, CCR

Dearest David,

Hey Bro whatz up? Well not shit here. I just saw you when I came in. I was told you bonded out. But I see you are still here. So what's New with you? My lawyer has me pleading not guilty. I can beat this so can you. Remember 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. Oh did you know Matt asked me to marry him. LOL. for real. You know what I said. Oh hope you like the paper. Amazing what you can do with Now & Later paper & clear deoterant. huh. You & your girl ok. I hope so, Micheal is having hell. He got beat down 3x's already. Sad. Really. Hey why they keeping you on P/C. I thought you would be off by now. I am sorry for all of this. I really am sorry we are all up in here. Micheal is Narking. From what I know he told a bunch of lies on all of us. I can't trust Matt b/c that's his best friend. I think they are teamed up. I have been

asked to testify. I refused. Why? B/c even if you arn't I am loyal. I will not let them give you time on b-s. let them earn their money. But I will be supenaded I. think. Tammy is a good lawyer. she has a "Master Plain". look I don't know if you get a lot of mail or not. I just felt I should write. I have writen you like 2x's. My lawyer thinks I shouldn't. But I don't see what it could harm. You are looking well. Nice hair. What is it like on P/C. Boring? look bro I will help you as much as I can. This is all a big mess that should Never have gone this far. I will wait until I get word. Feel me. I know you might not write me back. But then you might. You are the only on I can trust. I am sorry I didn't listen to you earlyer. You were Right about it all. I owe you big time. I cryed when they showed you on the News. Yes me I cryed. They still ain't telling me a whole lot about the case. But I will hopefully bond out soon so I can find out for real. 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. Well I hope you do right me back to at least let me know you are ok. 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 descovery. I get to see all that was said against me & who said it Plus what evidence they think they got against me. You should have already gotten yours. Who is your lawyer. I want my lawyer to talk to him & tell him I will do what I can for you. They can't talk about the case but it might help in your defence. No one is going to pen it all on us. Feel me right? You know my brother is in here. Terry Hank's A pod. My friend Daniel is a trustee. He is cool.

C E R T I F I C A T E

STATE OF ALABAMA)

AT LARGE)

I hereby certify that the above and foregoing document transcription was taken down by me in stenotype, and transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript, to the best of my ability, of the handwritten document given.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Lane C. Butler

LANE C. BUTLER, RPR, CRR, CCR

CCR# 418 -- Expires 9/30/24

Commissioner, State of Alabama

My Commission Expires: 2/11/25

Appendix K

Police Interview Worksheet of Vroblick Interrogation dated August 3, 2004

HENRY COUNTY SHERIFF'S DEPARTMENT

MIRANDA RIGHTS

NAME: Vroblick, Joan Dixie

ADDRESS: [redacted]

DOB: [redacted]

SSN: [redacted] PLACE: Houston Co. Jail

P.O.B: Littleton Co. DATE: 08/03/04

EDUCATION: Masters Degree TIME: 1250.

READ, WRITE, AND COMPREHEND ENGLISH LANGUAGE OR SPOKEN WORD. X YES OR ___ NO

YOUR CONSTITUTIONAL RIGHTS:

BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

JV 1. YOU HAVE THE RIGHT TO REMAIN SILENT. –

JV 2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT. –

JV 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND TO HAVE HIM WITH YOU DURING QUESTIONING. –

JV 4. IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONING IF YOU WISH. –

JV 5. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

WAIVER OF RIGHTS

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME, TO GET ME TO MAKE A STATEMENT.

SIGNATURE: Joan Vroblick TIME: 1255

WITNESS: [signature] WITNESS: [signature]

I HAVE EXPLAINED THE RIGHT TO REMAIN SILENT AND THE RIGHT TO COUNSEL TO _____, AS WELL AS ALL OTHER RIGHTS TO WHICH HE/SHE IS ENTITLED PRIOR TO QUESTIONING OR INTERROGATION BY LAW ENFORCEMENT OFFICERS. AFTER HAVING THESE RIGHT EXPLAINED, HE/SHE REFUSED TO WAIVE RIGHTS.

WITNESS: _____ SIGNED: _____

HENRY COUNTY SHERIFF'S DEPARTMENT
INTERVIEW WORKSHHET

NAME (LAST, FIRST, MIDDLE)			FILE NUMBER
Vroblick, Joan. Dixra			
ALIAS/NICKNAME	DATE	DAY OF WEEK / TIME	PLACE OF INTERVIEW
N/A.	08-05-04	Tuesday / TIME: 1150	Houston Co. Jail.
HOME ADRESS			HOME PHONE NUMBER
[redacted]			(334) 393-5399.
EMPLOYER	EMPLOYER ADRESS		WORK PHONE NUMBER
unemployed			

RACE	SEX	DOB	PLACE OF BIRTH	SOCIAL	OLN
(W) B H A	M (F)	[redacted]	Littleton OK.	[redacted]	05821709 ST TX.

HEIGHT	WEIGHT	HAIR	EYES	SCARS, MARKS, TATOOS, AND AMPUTATIONS
610	140	Bro	Gry.	(R) Leg.

VEHICLE YEAR	MAKE	MODEL	COLOR	VIN NUMBER	LICENSE

STATEMENT:

Kathleen Corley. - (Kitty) - Bam-Bam, killed CJ. CJ., Stuckey

Ghost, Iceman, Ice, Tank and Bear. -

POC - Bankhead highway - Atlanta..

Kitty Tank CJ, Stuckey, someone else.

MGR - Trucking Jessy

(20th August Court date.)

ACJIC/NCIC CHECK	FINGERPRINTED	AGENCY:
YES NO	YES (NO)	
	PHOTOGRAPHED YES (NO)	

SUSPECT VICITM (WITNESS)	PRESENT IN INTERVIEW	DATE AND TIME ENDED
RIGHTS BY _____	Troy Silva AND Nick Cheek	08/03/04.

Appendix L

Certified Court Reporter Transcription of Police Interview Worksheet
of Vroblick Interrogation

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

CASE NO.: 1:19-CV-284-RAH-CSC

DAVID WILSON,
Petitioner,

v.

JOHN Q. HAMM, Commissioner,
Respondent.

DOCUMENT TRANSCRIPTION
HENRY COUNTY SHERIFF'S DEPARTMENT
JOAN VROBLICK INTERVIEW STATEMENT

Transcribed by: Lane C. Butler, CCR

HENRY COUNTY SHERIFF'S DEPARTMENT

MIRANDA RIGHTS

NAME: Vroblick, Joan Dixia

ADDRESS: [redacted]

[redacted]

DOB: [redacted]

SSN: [redacted]

PLACE: Houston Co. Jail

P.O.B: Littleton OK

DATE: 08/03/04

EDUCATION: Master's Degree

TIME: 1250

READ, WRITE, AND COMPREHEND ENGLISH LANGUAGE OR SPOKEN WORD. X YES OR __NO

YOUR CONSTITUTIONAL RIGHTS:

BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

JV 1. YOU HAVE THE RIGHT TO REMAIN SILENT.

JV 2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT.

JV 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY

QUESTIONS AND TO HAVE HIM WITH YOU DURING QUESTIONING.

JV 4. IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONING IF YOU WISH.

JV 5. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

WAIVER OF RIGHTS

I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS. I DO NOT WANT A LAWYER AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME, TO GET ME TO MAKE A STATEMENT.

SIGNATURE: Joan Vroblick TIME: 1255

WITNESS: [illegible] WITNESS: [illegible]

I HAVE EXPLAINED THE RIGHT TO REMAIN SILENT AND THE RIGHT TO COUNSEL TO _____, AS WELL AS ALL OTHER RIGHTS TO WHICH HE/SHE IS ENTITLED PRIOR TO QUESTIONING OR INTERROGATION BY LAW ENFORCEMENT OFFICERS. AFTER HAVING THESE RIGHT EXPLAINED, HE/SHE REFUSED TO WAIVE RIGHTS.

WITNESS:_____ SIGNED:_____

HENRY COUNTY SHERIFF'S DEPARTMENT

INTERVIEW WORKSHEET

NAME (LAST, FIRST, MIDDLE)

Vroblick, Joan Dixia

FILE NUMBER

ALIAS/NICKNAME

N/A

DATE

08-03-04

DAY OF WEEK

Tuesday

TIME:

1150

PLACE OF INTERVIEW

Houston Co. Jail

HOME ADDRESS

[redacted]

HOME PHONE NUMBER

(334) 393-5399

EMPLOYER

unemployed

EMPLOYER ADRESS

WORK PHONE NUMBER

RACE

W B H A [W circled]

SEX

M F [F circled]

DOB

[redacted]

58

PLACE OF BIRTH

Littleton OK

SOCIAL

[redacted]

OLN

05821709 ST TX.

HEIGHT

6'0

WEIGHT

140

HAIR

Bro

EYES

Gry

SCARS, MARKS, TATTOOS, AND AMPUTATIONS

[SCARS circled]

R Leg. [R circled]

VEHICLE YEAR

MAKE

MODEL

COLOR
VIN NUMBER
LICENSE

STATEMENT:
Kathleen Corley -- (Kitty) [circled]
Bam-Bam, killed CJ.
CJ., Stuckey
Ghost, Iceman, Ice, Tank and Czar. --
DOC -- Bankhead highway -- Atlanta. --
Kitty Tank CJ, Stuckey, someone else.
MGR -- Trucking Jessy
(20th August Court date.)

ACJIC/NCIC CHECK
YES NO
FINGERPRINTED YES NO [NO circled]
PHOTOGRAPHED YES NO [NO circled]
AGENCY:
SUSPECT VICTIM WITNESS [WITNESS circled]
RIGHTS BY _____
PRESENT IN INTERVIEW
Troy Silva AND Nick Check
DATE AND TIME ENDED
08/03/04.

C E R T I F I C A T E

STATE OF ALABAMA)

AT LARGE)

I hereby certify that the above and foregoing document transcription was taken down by me in stenotype, and transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript, to the best of my ability, of the typed and handwritten document given.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

/s/ Lane C. Butler

LANE C. BUTLER, RPR, CRR, CCR

CCR# 418 -- Expires 9/30/24

Commissioner, State of Alabama

My Commission Expires: 2/11/25

Appendix M

Police Transcript of Police Interrogation of Heather Lynn Brown dated January 29, 2005

HENRY COUNTY SHERIFF'S DEPARTMENT

Hendrickson: Today's date is January 29th, 2005. It's approximately 9:15p.m. Present Investigator Allen Hendrickson. State your name please.

Brown: Heather Lynn Brown.

Hendrickson: We're here at the Houston County Jail. Heather do you understand your rights? You've been advised of your rights. Do you understand your rights? Are you giving me this statement without the presence of your attorney?

Brown: Yes.

Hendrickson: Ok that's freely correct?

Brown: Right.

Hendrickson: Sign right here. All right the reason I'm here to talk to you today I had talked to you in the past in reference to a murder case that occurred and the victim would be a C.J. Hatfield. Are you familiar with that case?

Brown: Yes.

Hendrickson: Make sure you kind of talk toward me that way the hear ok. What did you want to tell me about it today?

Brown: I was not in Pensacola at the time of the murder but in the week but in the week before the murder. Everyone knew that I had gotten my settlement the week before.

Hendrickson: Um, um.

Brown: Not the week of the murder, the week before the murder.

Hendrickson: That's correct.

Brown: Knowing then how much I spent. My settlement was eleven grand.

Hendrickson: Ok.

Brown: Eleven thousand dollars.

Hendrickson: Um, um. Scoot just a little bit closer to the tape. There you go. Your settlement was eleven thousand dollars.

Brown: Eleven thousand dollars from State Farm Insurance.

Hendrickson: Ok. Ok.

Brown: Stuckey, Mark, Bam Bam or Scott, Scott is his real name and BamBam's brother Eddie, a friend of ours Biggy, everyone knew about my settlement.

Hendrickson: Ok.

Brown: No one knew how much that I had spent.

Hendrickson: Ok.

Brown: Mark wanted to kill me to get the money.

Hendrickson: Ok.

Brown: He didn't have a chance. Stuckey told him no. Stuckey didn't trust me because of (not audible) but he trusted me enough to tell me that he was glad that I was going out of town. We had left after we had seen Stuckey we went to his house that Thursday morning and gave him fifteen hundred dollars and what it was suppose to get was give me a gram of ice that I was suppose to get rid of for him in Navar Beach.

Hendrickson: How much?

Brown: An ounce.

Hendrickson: He was suppose to get you an ounce of ice?

Brown: An ounce for fifteen.

Hendrickson: Who was there when you gave him the fifteen hundred dollars?

Brown: James Bailey, Stuckey, and I were all sitting at a table in his kitchen in his townhouse.

Hendrickson: Is that here in Dothan, Alabama?

Brown: Yes.

Hendrickson: Ok. Go ahead.

Brown: From what I understand he had already moved out of the house then.

Hendrickson: Ok.

Brown: That's why it was there. But they're moving his stuff out of the house at the time. There was someone upstairs. Stuckey would not let the transaction go on upstairs because a friend of his was upstairs. One of his connections for South Georgia. Stuckey told us he was going to Atlanta. He was dropping this guy off on the way.

Hendrickson: Who was suppose to be going to Atlanta?

Brown: Stuckey and two others.

Hendrickson: Who's the two others?

Brown: We didn't know who. I didn't know their names or nothing.

Hendrickson: Ok.

Brown: All this time James and Stuckey had gone upstairs on multiple times. Stuckey had the most trust in James because James didn't use. Anything. He wasn't a user.

Hendrickson: Ok.

Brown: I wasn't there during those conversations but Stuckey didn't trust anybody that was around him. And when James and I left Stuckey's we went straight down to Navar about eight thirty, nine o'clock, Thursday. Friday morning when we pulled into Navar.

Hendrickson: Go ahead.

Brown: We had went to Chris Altman's house. He's a tattoo artist down in Navar. An old, old friend James's (not audible).

Hendrickson: Ok.

Brown: That morning we were falling asleep. Friday morning we woke up. Stuckey was trying to get James on the phone.

Hendrickson: Ok.

Brown: And James went outside and talked to Stuckey on the front porch.

Hendrickson: Ok.

Brown: Because there was no reception in his trailer. I stayed futon in Chris's living room. When James came back in I asked him what Stuckey wanted. He said a whole bunch of stuff went down and we would deal with it when we got back up there. I asked him what it was about and he said he wasn't quite sure. (Not audible) and then he was lying. He knew what it was about. We went into Pensacola that day. I got to see my kids. We got back to Navar and we decided to stay Friday night cause Chris's son had his birthday party the next day.

Hendrickson: Ok.

Brown: We went to that and we left from Pensacola back up to Dothan. We got into Dothan really, really late. Later than what we usually do which is probably about ten thirty.

Hendrickson: On Thursday night?

Brown: On Saturday.

Hendrickson: Saturday. Saturday night ok.

Brown: We spent the night Thursday and Friday night and got back on Saturday night.

Hendrickson: Ok.

Brown: We got dressed and went to Grand because that's where we were suppose to met Stuck. Stuckey at.

Hendrickson: Ok.

Brown: James and I were immediately confronted to everyone was trying to figure out where Stuckey was at. When I had gone to Star Dust they told me Stuckey was wanted for questioning because he was suppose to have killed C.J.

Hendrickson: Ok.

Brown: We left Grand. I had gone back to Grand and met up with James. Told James and we left Grand. We kept on trying to call Stuckey, page him, call him, page him. He wasn't answering. We got up with Mark finally on Sunday and he had told us to meet up with him on Monday. James and I went and got our, got my house, got everything turned on and met up with Mark.

Hendrickson: Where did y'all meet Mark at?

Brown: The Waffle House right next to uh um right across the street from the Econo Lodge. The Motel 6. That Waffle House on Ross Clark.

Hendrickson: Circle.

Brown: Yeah. And we turned around and Mark didn't want to talk about anything there. He just said that a whole bunch of shit went down so they decide to go back to the house. And we went back to my house and Mark told us that Stuckey was hiding. He didn't know what to do. No one knew where he was at.

Hendrickson: Why did he say Stuckey was hiding?

Brown: Because that he was wanted for this murder.

Hendrickson: Ok.

Brown: I asked Mark what happened. Mark told me that it was Stuckey was being framed and that it wasn't any of them. None of them killed him. That's what he first told me. James and I knew that was bullshit.

Hendrickson: Ok.

Brown: Mark got a page about six o'clock and he left. He came back with Stuckey about three or four hours later. That was on Monday night.

Hendrickson: Ok. What were they one when they came back?

Brown: Mark's truck.

Hendrickson: Ok. When they came back what did they talk to you about?

Brown: Stuckey was pretty much cracked out. He had been up a couple of days. You could tell. And he was still geeked out. Stuckey told me straight up that he didn't kill the boy but he knew what happened.

Hendrickson: Did you say who killed him?

Brown: He didn't say anything until the next morning to me.

Hendrickson: Who did he tell you killed C.J. Hatfield?

Brown: He told me that Mark killed him and that he took a shot at him. Their were two guns used. Both shot 38's. Is what he told me.

Hendrickson: Two guns were used?

Brown: Two guns were used.

Hendrickson: When he said Mark shot him. Did he say where Mark shot him?

Brown: He said he made C.J. beg for his life.
Hendrickson: Who made him beg for his life?

Brown: Mark.

Hendrickson: Made C.J. beg for his life?

Brown: Made C.J. get on his knees and beg for his life.

Hendrickson: Um, um. Where did he say Mark shot him at first?

Brown: (Not audible)

Hendrickson: Did Stuckey say where he shot him?

Brown: They just they took a shot at him but he wanted to talk to James more than he talked to me.

Hendrickson: Ok. Did they say where they were at when they shot him?

Brown: No. But he said that they drove the body and dumped him.

Hendrickson: That they did what now?

Brown: That they had driven the body and dumped him.

Hendrickson: He didn't say where they shot C.J. Hatfield at?

Brown: Not to me.

Hendrickson: Did they say whether it was in Alabama or Florida?

Brown: He. He said that. All it was was everything was being taken care of to me. It had been taken care of and he told Mark to take care of it. C.J. wasn't suppose to be the one that died.

Hendrickson: Why was, why did he make him beg for his life if he?

Brown: He had nothing to do with the robbery (not audible).

Hendrickson: Did they even make the trip to Atlanta?

Brown: As far as I know yeah. He told me that they had gone to Atlanta. He told that he was robbed but that was not the reason why C.J. was killed.

Hendrickson: Why was C.J. killed?

Brown: An example.

Hendrickson: Where.

Brown: A loyalty test.

Hendrickson: A loyalty test to who?

Brown: Mark had to prove his loyal to Stuck.

Hendrickson: So Stuck made.

Brown: Kill or be killed but Mark wanted to kill me and James. James thought he was protecting me this whole time because you guys didn't have Mark.

Hendrickson: Where is Mark?

Brown: Um, I don't know.

Hendrickson: Where's the last ya'll heard of him?

Brown: I heard that he had been at Star Dust a couple weeks back before you guys had picked me up.

Hendrickson: That Mark was.

Brown: He had ran into James's little sister and told her that we still owed him a hundred dollars for the furniture we had gotten from him but he hasn't come around. I don't know. I didn't here about that until after you guys had already come and got

Hendrickson: How many times did Stuckey say Mark shot C.J.?

Brown: He didn't tell me.

Hendrickson: So he said Mark killed him and he took a shot at him? Did he say where C.J. was at when he took a shot at him? Was C.J. already dead laying on the ground? He didn't say.

Brown: All he told me was that C.J. was on his knees and begged for his life. Mark made him and Mark proceeded to shoot him and Stuckey took a shot at him. That's all he told me. He didn't tell me if he shot him, where he shot him, how he shot him.

Hendrickson: What did they move the body on?

Brown: I don't know.
Hendrickson: They never said what they put the body in and moved it.

Brown: I suspected it was Stuckey's truck.

Hendrickson: Did they ever say anything about taking jewelry off the body?

Brown: (Not audible)

Hendrickson: Never said nothing about removing items from the body?

Brown: Stuckey told me that he had told Mark to take care of it because Stuckey thought Mark was gonna kill him too. I don't know why.

Hendrickson: Told Mark to take care of what?

Brown: He told Mark to take care of the body, guns, everything while Stuckey went. He told me he went and dropped the truck. He went and drove around for awhile, went into Florida and then he cleaned up. I ask him why.

Hendrickson: Where did they say the guns were took care of at?

Brown: Mark gave me stories after stories that I've already told you. But one of the guns Stuckey gave to Bam. Bam had given it back to Mark. And Bam then told his ex-

girlfriend who goes by the name of Kitty, it's her nickname not her stage name or anything, get the gun back from Mark it's registered. I don't know who it's registered to. James does but he won't tell me. And she hid it in a lock box. She didn't know what it was for.

Hendrickson: Who put it in the lock box?

Brown: Kitty.

Hendrickson: Lock box where?

Brown: In her apartment. She had like a little safe lock box

Hendrickson: Ok. What happened to it then?

Brown: She got busted and she's in jail now. She's in here. (Not audible) right next to mine. She's scared she thinks that now she uh, (not audible) pointed out by someone.

Hendrickson: What did she do with the gun?

Brown: She left it at her apartment.

Hendrickson: When did she get busted?

Brown: Um, she's been in here for a little bit.

Hendrickson: What's a little bit?

Brown: A month or so. And she had it up until she was busted. She told me that she was scared because now she's being drug into it.

Hendrickson: So, she's saying she's got one of them?

Brown: She, yeah.

Hendrickson: What's her name?

Brown: I don't know her real name. I can find out but she's scared to death because she see's me in here. (Not Audible)

Hendrickson: Do you know anything else that I need to know in reference to the murder?

Brown: That James knows all you want to know, the vehicle, what name the gun was registered under, everything. But we're going nuts (not audible). We just wanted to tell you what all that we. James is scared to tell you because he just got his paper work. And honestly the only reason why I called you cause the past two days I broke down. I can't take this anymore, Allen.

Hendrickson: The clothes that ya'll gave me. Where did those clothes come from?

Brown: Stuckey gave them to us.

Hendrickson: And told you what?

Brown: To hold on to them or dispose of them. Which ever one we wanted. The gloves were suppose to be the one's used in the murder.

Hendrickson: What was the pagers in there for?

Brown: The pagers were what Stuckey used to conceal ice. Small quantities of ice. The whole entire thing was a fucking set up. You guys catching Stuckey at my house. Mark, Stuckey, and Bam Bam all knew that you guys were watching for him. You were watching Mark real closely. You were watching Bam Bam real closely. And you were watching for Stuckey. Stuckey agreed to turn himself in. Mark had stashed a gun and the bullets the used cartridges.

Hendrickson: Stashed them where?

Brown: In Stuckey's storage unit and in Mark's storage unit. Stuckey was so eager to get his stuff out of storage and into my house even though I told him no he wasn't going to live there.

Hendrickson: Who?

Brown: Mark.

Hendrickson: Whatever happened to the used cartridge shells?

Brown: Mark. I don't know. Mark had those but when Kitty got the gun from Mark. He got it back from.

Hendrickson: Now who's Kitty.

Brown: Kitty is Bam Bam's ex-girlfriend.

Hendrickson: What did she get busted for?

Brown: I think it had something to do with drugs. But nothing to do with Stuck's drugs.

Hendrickson: Time now is approximately 9:35 p.m. and that's gone conclude this interview.

Appendix N

Police Transcript of Police Interrogation of Mark Hammond dated February 26, 2005

HENRY COUNTY SHERIFF'S DEPARTMENT

Hendrickson: Today's date is 2-26-2005. We will be picking back up on the interview with Mr. Mark Hammond. Mr. Hammond I stopped the tape a while ago. Um. Was you threatened, promised or cohearsed anything while that tape was off?

Hammond: Not really.

Hendrickson: Yes or no.

Hammond: No, not at this time.

Hendrickson: Ok. What was told to you when the tape was off is I didn't feel you were being honest with me. Is that correct?

Hammond: What was told to me is what you said on the side the road that.

Hendrickson: What I asked you one of the questions I told your statements and told to you was on the side of the road I told you I wanted to speak to you tonight and I wanted the truth to come out because I was gone put the puzzle together step by step and I don't think you were being honest with me and there's a lot of things I know that I don't think you knew that I know. Is that clear? Does that wrap it up or would you like to add something else to it?

Hammond: That's fine.

Hendrickson: You in aggreance?

Hammond: Yes, sir.

Hendrickson: Ok do you still want to talk to me?

Hammond: Yeah.

Hendrickson: Ok.

Hammond: I got nothing to hide.

Hendrickson: We were at the point of you went to Graceville, Florida with now you think it was Stuckey, you in your truck. James and Lynn in

Hammond: In her car.

Hendrickson: In her car. Would that be a what kind of car? Eclipse?

Hammond: Eclipse. A black Eclipse.

Hendrickson: Two door?

Hammond: Two door and it's got nas on the back window or something, which it don't have nas in there but

Hendrickson: I understand. So y'all go to Graceville, Florida. Is this daytime, nighttime, morning time that you know of?

Hammond: It's late afternoon. I think it's dark. It was dark before we got back I believe.

Hendrickson: Ok so it probably was in the afternoon right before dark.

Hammond: Seven, eight o'clock, maybe six o'clock. I don't know.

Hendrickson: Ok. What did y'all do with the truck when you picked it up?

Hammond: Took it back to James house.

Hendrickson: And what occurred if anything after y'all brought the truck back?

Hammond: Um changed the tires on it. Well we took the tires off of it.

Hendrickson: Did y'all immediately go to changing the tires?

Hammond: No we were moving furniture.

Hendrickson: Where were you moving furniture from?

Hammond: Um I had some furniture in storage that I was putting in James and Lynn's house becuase I was moving in with them and they were moving into their house at that very day.

Hendrickson: And y'all moved, you removed the tires and that was because Stuckey asked you to.

Hammond: Right.

Hendrickson: Ok. Before I go with my next question there was something you said you wanted to ask awhile ago did you still want to ask. Ok. Um. Did you live with James Bailey and Heather Lynn Brown?

Hammond: I moved in and.

Hendrickson: When did you move in?
Hammond: That day that they moved in. Which was like the day before Stuckey got arrested.

Hendrickson: Stuckey got arrested on a first part of the week, Monday, Tuesday maybe. Something like that somewhere in there.

Hammond: Might have been I think it was Sunday they moved in. If I remember correctly. I'm not sure. It was something like that.

Hendrickson: The Friday before they moved in. Friday morning in question in particular where was you. It would be the Friday morning prior to Stuckey getting arrested. March of 2004. Approximately it's gone be somewhere in the dates would be between the 12th and the 13th. I can't give you the quiet exact dates because I got my computer here which has the dates but I can't get into that.

Hammond: I worked at Grand Central.

Hendrickson: Ok.

Hammond: That Thursday night. I got drunk at work. After I got off work and I went home with this girl. I stayed at her house till about.

Hendrickson: Hold it right there. You were at work on Thursday night and you got drunk and went home with somebody.

Hammond: Right.

Hendrickson: Who did you go home with?

Hammond: Her name was Diane.

Hendrickson: Does she have a street name? Who else, did Diane at that time also see you, see one of your friends? Is she one of your friends former girlfriends, fiances?

Hammond: Um, I think she had something to do with Bam Bam before or something.

Hendrickson: Ok.

Hammond: Um, she's just a girl from the bar.

Hendrickson: Diane.

Hammond: I believe that was her name.

Hendrickson: Ok. Did Diane have any scars, marks, or tattoos on her? You don't know her like that?

Hammond: I have. No I just went home with her that night and that's the last time.

Hendrickson: So you don't know if she's got Bam Bam tattooed on one of her arms.

Hammond: I sure don't.

Hendrickson: Ok. What does Diane do for a living?

Hammond: Um. The last I talked to her she was driving a taxi.

Hendrickson: Ok. Diane and you were at home and it was just ya'll or was there someone

Hammond: She had a roommate there.

Hendrickson: What was, who was her roommate?

Hammond: Some girl, um I have no idea.

Hendrickson: Would that girl be Scott Mathis' ex-fiancé, girlfriend, whatever she was.

Hammond: I don't have no idea.

Hendrickson: Do you know what she look like?

Hammond: She had like curly hair or something. I only saw her briefly right before we went to her bedroom.

Hendrickson: Did ya'll ever call her, did anybody ever call her by any name or name or street names. You don't know if it might have been Kitty? You know somebody Kitty?

Hammond: No, I know Kitty.

Hendrickson: You know Kitty.

Hammond: Know Kitty.

Hendrickson: Who was Kitty?

Hammond: She was this other girl that Bam Bam was messing around with.

Hendrickson: Did she have the tattoos?

Hammond: I believe so.

Hendrickson: Ok. What she present the same night that you got drunk at the club and went home with Diane was Kitty there.

Hammond: At Diane's house?

Hendrickson: Yes sir.

Hammond: No.

Hendrickson: Did you see Kitty that night?

Hammond: I don't remember. I was in the club. I see hundreds of people all night long.

Hendrickson: Before I go any further I like make sure I got everything in line. Um. So, if in your first interview you said you were with Kitty and Diane that would be incorrect.

Hammond: Yes.

Hendrickson: Ok. So your first interview was incorrect.

Hammond: I don't know remember what the other girls name was. Now I know another girl named Kitty that Bam Bam dated.

Hendrickson: The Kitty in question has Bam Bam's name tattooed. Maybe this will even help you. She's in jail in Houston County right now for conspiracy to commit murder.

Hammond: Ok. No that girl was not there.

Hendrickson: That girl was not there.

Hammond: No.

Hendrickson: You know that girl that I'm talking about.

Hammond: Right.

Hendrickson: And that would be Kitty. But your not sure what her real name is.

Hammond: Right.

Hendrickson: Ok. I can't recall off the top of my head either, but in your first interview that girl and Diane is what your first interview reflects you to be at.

Hammond: There was another girl.

Hendrickson: So, the first interview was incorrect or?

Hammond: No, yes, I guess.

Hendrickson: Or you lie or you forget?

Hammond: No.

Hendrickson: Misunderstanding?

Hammond: Probably just didn't understand them.

Hendrickson: Ok.

Hammond: It wasn't the Kitty that's in jail now. It was another girl. And I don't even remember if her name was Kitty or not. I don't even remember what I said in the last interview.

Hendrickson: Ok. Um. What happened when you stayed? Did you stay the night that night that you drank?

Hammond: Yeah. We had sex and I got up about 8 or 8:30 in the morning and left.

Hendrickson: Where did you go when you got up? That would put you getting up at 8 or 8:30 on Friday morning correct.

Hammond: Right.

Hendrickson: Where did you get up and go to?

Hammond: I went down main street, went to Burger King, got something to eat, went to

Bruno's parking lot and went back to sleep in my truck.

Hendrickson: So who seen you there asleep?

Hammond: Nobody. I was living in my truck at the time.

Hendrickson: Ok.

Hammond: I slept in Bruno's parking lot or Wal-Mart parking lot.

Hendrickson: That morning. We're gone jump around just a little bit to something else. Ok. Correct me if I'm wrong. Tell me if I. Just answer the question if you want to and let me get it all the way out. When I stop talking and have my question all the way out. Ok. Cause this is a pretty serious and hefty question. It might take you a minute to think about it. Or you might want to go ahead and answer or you might not. The Friday morning that's in question that you got up and went to Bruno's and went to sleep in your truck and nobody seen you. Did you make C.J. Hatfield get on his knees and shoot him in the head?

Hammond: No.

Hendrickson: Ok. Where you present when C.J. Hatfield got shot?

Hammond: No.

Hendrickson: Did you ever see C.J. Hatfield's body after he was shot?

Hammond: No.

Hendrickson: Do you know where he was shot?

Hammond: No.

Hendrickson: Do you know where the body of C.J. Hatfield was found?

Hammond: No.

Hendrickson: Ok. Do you own any pistols?

Hammond: No.

Hendrickson: Did you own any pistols back in March of 2004?

Hammond: Yes.

Hendrickson: What did you own in March of 2004?

Hammond: Um. 380. The one Stuckey had when he was arrested. It was laying on the front seat of his truck when they arrested him.

Hendrickson: 380?

Hammond: Um, um.

Hendrickson: And that was your pistol that was in Stuckey's truck at the time he was arrested which your saying was a 380?

Hammond: Yes sir.

Hendrickson: Is that the only, did you own a 9 millimeter handgun at that time.

Hammond: Yes.

Hendrickson: Did you own any kind of 357's, 38's?

Hammond: No sir.

Hendrickson: Any kind of revolvers that had where you could switch out the spindles?

Hammond: No, sir. That was the only pistol I had. And I bought it from a pawn shop on main street. Um. Right beside Sear's.

Hendrickson: Did anybody, did anybody or any persons ever tell you that they killed C.J. Hatfield?

Hammond: Um, no sir. Just heard rumors, hear say. But nobody ever come straight out and said they did.

Hendrickson: C.J. Hatfield in the time that you met him did he wear any jewelry? That stuck out and might still stick out to you.

Hammond: Not that I remember.

Hendrickson: You don't know if he had on a big necklace.

Hammond: He might a did.

Hendrickson: Did you give Sarah Dresher, Barbie, that necklace that was on C.J. Hatfield?

Hammond: No sir.

Hendrickson: Ok. So if.

Selva: How long ago was it that you got drunk at work on a Thursday night and then went home with the girl from the bar?

Hammond: That was.

Selva: A year ago?

Hammond: March, my birthday is the 14th it was like the 12th or 13th.

Hendrickson: (Not Audible)

Selva: Along the same time frame, trip to Florida to get the truck, kind of stuff?

Hammond: Um. It was Probably like a week or so before.

Selva: Ok. So roughly about a year. Ok. How is it that you can remember, got drunk the night before, went home with a girl, woke up Probably with a hang over. You can remember exactly what street you drove down, exactly where you went, exactly what you did, that morning but you can't remember who went to Florida, when you got there, when you came back. But that morning you know exactly where you were, exactly what you did and even the street you drove down. That's all

Hammond: Cause I've been asked the question so many times.

Selva: So I mean

Hammond: But I haven't been asked how many times I went to Graceville.

Selva: But we're dealing with the same time frame. If you can remember that.

Hammond: I remember that from the interviews.

Selva: Was it like a planned.

Hendrickson: Was you or was you not asked in the first interviews if there was anymore things that you did in relationship to Stuckey's truck besides changing the tires.

Hammond: Yeah they asked me if I did anything else. I told them no. Change the tires all I did.

Hendrickson: Now in this interview you telling me you went to Graceville with him and picked it up.

Hammond: Yeah.

Hendrickson: Do you know where Diane is now that you talking about? Would that be Bam Bam's, Scott Mathis', wife?

Hammond: I have no idea I haven't talked to Bam Bam.

Hendrickson: Do you know Scott Mathis?

Hammond: Yeah.

Hendrickson: Did you know Scott Mathis and Diane the lady that your in coercion of speaking about are married?

Hammond: No I didn't.

Hendrickson: Yeah. Yeah. Small world ain't it. How do you know Scott Mathis?

Hammond: I work with him at the club.

Hendrickson: Did Scott Mathis have anything to do to your knowledge with the murder of C.J. Hatfield?

Hammond: Um. To my knowledge I don't know but I've heard rumors.

Hendrickson: I'm I talking about rumors.

Hammond: No.

Hendrickson: Sir have you ever. We're gonna discuss we're gone go back for a minute to the trip to Atlanta, ATL, whatever ya'll want to call it at the time. There was some money put together and Stuckey and um, C.J. Hatfield allegedly took some money to um Atlanta and got robbed. Is that correct? Is that what you heard?

Hammond: That's what I heard.

Hendrickson: Do you. Was any of that money your money?

Hammond: no.

Hendrickson: Was any of that money James Bailey and Heather Lynn Brown's money?

Hammond: I have no idea.

Hendrickson: Was any of that money Scott Mathis' money?

Hammond: I don't know.

Hendrickson: Ok. So it wouldn't be fair to say that the money that was sent to Atlanta, the drugs that were bought in Atlanta, and brought back to Dothan. Gone stop the interview for just a... There was allegedly a trip made to Atlanta where drugs and illegal narcotics were purchased with and undetermined amount of cash at this time because I don't want to quote it because I don't have to right paper work with me. Ok. It would not be fair to say that money belonged to James Bailey, Heather Lynn Brown, Stuckey, Hatfield, Scott Mathis and yourself.

Hammond: I have no idea. I didn't even know. I didn't even know they went on a trip.

Hendrickson: Was any of the money that went on alleged trip, um just alleged.
Hammond: I didn't have any.

Hendrickson: You didn't have not one penny in that money. Ok. When the trip was made and came back did you go to the meeting spot and have a meeting with yourself, C.J. Hatfield, and James Bailey.

Hammond: No.

Hendrickson: Did you take James um, Stuckey any gas. Did he run out of gas and call you to bring him some gas?

Hammond: No.

Hendrickson: So if James Bailey gave a taped statement that you and him took gas to Stuckey that wouldn't be. I'll try to clear your name or either get the right answer. So if somebody said that you and him which in question would be James Bailey, took some gas to Stuckey and Hatfield because they were out of gas on side the road

would be?

Hammond: A lie.

Hendrickson: A lie? That's a lie. Ok. And the oven cleaner you said you'd never cleaned nothing but ovens with the oven cleaner.

Hammond: I guess. It's been a long time since I used it.

Hendrickson: Never cleaned no vehicles.

Hammond: Nope.

Hendrickson: Did you ever watch anybody use any of that kind of stuff to clean a vehicle, a truck, car, bronco?

Hammond: Um,um.

Hendrickson: You got any questions? Give me a minute to try to review my records. I'm gone stop for a brief minute to try and review some records. Time now is approximately 12:30 a.m.

Appendix O

Law Enforcement "Work Product | James William Bailey" Summary of Investigation into Murder of C.J. Hatfield (2005)

James William Bailey

Bailey became known to investigators at about the time Stuckey was arrested. Stuckey had just left Bailey's home on Southport Street when he was arrested. Stuckey was staying in Bailey's home at that time. In his initial statement, Bailey stated that Stuckey had told him that he was involved in CJ's death.

James Bailey's original statement was that Stuckey said he sent Mathis out to break Hatfield's legs and kick his ass. Bailey also says that Stuckey gave him clothes to get rid of, and he said that Stuckey talked about peeing at the scene of where CJ was found.

Bailey and Brown were possession of a meth lab in their home in December 2004. The meth lab arrest came about after investigators stopped at the home on Southport to talk to Bailey and Brown and one of the investigators smelled chemicals associated with a meth lab.

Following that arrest, while in jail, Bailey and Brown were interviewed again. Bailey said that Hammond and Stuckey shot CJ and that Bailey was present.

After she was arrested , Lynn Brown says that Hammond and Stuckey both told her that they peed at the scene of where the body was found. Brown said that Hammond and Stuckey called Bailey on Friday morning and that he was different when he came back.

John Edward Parmer said that Stuckey, Hammond and Mathis shot CJ, and that he, Sara Drescher, and James Bailey were present. He said that it took place at the place where Sara lived at the time and he described the place. He said that more than one weapon was used to shoot CJ and that the sounds were different. He said that Stuckey's truck was there, but CJ's body was transported in a toolbox on the back of Hammond's truck.

Bailey's statement after he was arrested for Capital Murder is that he was not present, and that he was in Pensacola with Lynn Brown.

Bailey's proof that he could not have been involved in CJ's murder is that he was in Pensacola on that weekend with Lynn Brown. Brown was supposed to be there to attend a hearing about her children and to visit her children.

A records check with Children and Family Services indicates that Brown did not attend the hearing that was scheduled, and she did not visit her children in March 2004.

Brown's former husband was interviewed and he said that Brown was recently in the Pensacola area trying to find people who would say that Bailey and Brown were in Pensacola during the weekend of March 12 through March 14, 2004.

Patrick Bushman stated that when Stuckey dropped his truck off for hiding in Florida, Stuckey was picked up by Bailey and Lynn Brown in Lynn's Mitsubishi Eclipse.

James Bailey advised Lynn Brown the directions to where Stuckey's truck was hid in Jackson County after the murder. Lynn drew a map from his directions and rode down there with Hendrickson in his vehicle to meet with Jackson County Investigator Kevin Arnold. The three of them drove to Brian Johns' home and confirmed by talking to Johns and his wife that the truck had been parked there.

Mark Anthony Hammond

Scott Mathis first mentioned Mark when he was interviewed on March 15.

Hammond was identified and Houston County Investigators. Hammond gave information that led to the location and arrest of Stuckey. Hammond claimed ownership of a handgun that was found in Stuckey's truck. Hammond assisted Stuckey in changing the tires on Stuckey's truck.

Melinda Gilbert confirmed that Hammond met with Stuckey and Mathis at her house on Friday March 12.

Andrew White stated that Mark Hammond and Scott Mathis brought a handgun to his house that White had reason to believe was involved in CJ's murder and White turned the gun over to authorities.

James Bailey said that Stuckey and Hammond shot CJ and that Bailey was present.

Tracey Brinkley said that at the time of the murder, Hammond showed her a newspaper article about the Hatfield murder brought it to her attention.

John Edward Parmer said that Stuckey, Hammond and Mathis shot CJ, and that he, Sara Drescher, and James Bailey were present. He said that it took place at the place where Sara lived at the time and he described the place. He said that more than one weapon was used to shoot CJ and that the sounds were different. He said that Stuckey's truck was there, but CJ's body was transported in a toolbox on the back of Hammond's truck.

Hammond's truck was located at Andrew White's place, and the toolbox was missing. Hammond's truck was located and processed. A 3X short sleeve button down shirt was found in the truck with what may be a spot of blood. A note was found in the pocket of the shirt which said " Bitch Dead ", along with the phone number to Hammond's former wife in California. A chemical was used to treat the interior of the truck to confirm the presence of blood. This chemical was reactive in spots, but there are things other than blood that may react to the chemical such as citrus cleaner, fruit juices, vegetable juices and others.

Catherine Corley said she had a strongbox that Scott Mathis had her store a handgun in. The box was in Hammond's possession some of the time. She said that she took care of CJ with his gift and she knew that gift to be a 38 revolver that an unknown person gave him.
Corley said that Hammond wanted her to say that he was with her at her place at the time the murder took place.

Lynn Brown said that Stuckey and Hammond each told her that they peed at the scene of where the body was found.

Hammond described by several witnesses as a violent person.

John Edward Parmer

John Edward Parmer became known to investigators when an Houston County Jail inmate overheard James Bailey talking about the Hatfield case. Bailey was overheard saying that several people were present at the time Hatfield was shot and that brothers were present.

It was already known that Mathis had brothers. It was determined from Mathis that his brother John Edward Parmer was in the Houston County Jail for robbery. Parmer was interviewed and he stated that he was present when CJ was shot because he was with Scott and a call came from Stuckey to Scott to come and help him.

Parmer stated that he was present along with Stuckey, Scott Mathis, Mark Hammond, James Bailey and Sara Drescher. The location is a place that Parmer had never been to before, but he believes it was the place where Sara Drescher was living at the time. It is a place near the Dale /Henry County line with a Headland address.

Parmer stated that he knows that CJ was shot multiple times with what he believed to be different guns. He stated that the shots sounded differently. Parmer stated that Stuckey was there on his truck. Mathis was there on his Bronco. Parmer stated that a friend named Corley took him there and dropped him off. He stated that CJ was transported from the place where he was shot to the place where he was found in a toolbox on the back of Hammond's truck. Parmer stated that a necklace and ring were removed from CJ's body and the jewelry was given to Sara.

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James Adger Stuckey

Doni Mobley and Sara told us about Stuckey. Mathis told us that Stuckey called him and told him that he killed CJ.

Andrew White calls and tells us to come get gun that he got from Mathis and Hammond. The gun received from White was given to Stuckey by his wife and the gun is traced back to Harden's gun shop.

Mathis tells us that Stuckey told him to get rid of the gun.Hammond tells us where to find Stuckey

Stuckey is arrested leaving Bailey and Brown's house and he has a gun box in truck that is linked by make and serial number to gun that was received from White.

A 380 handgun was found in Stuckey's truck that belong to Hammond.

Stuckey's truck was missing the toolbox that was supposed to be on it, and the ignition switch was damaged and hanging from the dash. The truck had smaller tires than was said to have been on it. It is proven that Stuckey took his truck to a tire dealer that he knew well and put smaller and different tread tires on his truck. Hammond admitted to assisting in changing the tires he was not truthful as to how it was done. The tire store owner described Hammond as being present with Stuckey. The tires that were recovered at the tire store that were removed from Stuckey's truck matched the tire marks left at the scene of where CJ was found.

James Bailey's original statement was that Stuckey said he sent Mathis out to break his legs and kick his ass. Bailey also says that Stuckey gave him clothes to get rid of, and he said that Stuckey talked about peeing at the scene of where CJ was found. Bailey later said that Hammond and Stuckey shot CJ and that Bailey was present. Bailey's latest statement is that he was not present, and that he was in Pensacola.

Lynn Brown says that Hammond and Stuckey both told her that they peed at the scene of where the body was found. Brown said that Hammond and Stuckey called Bailey on Friday morning and that he was different when he came back.

Chris Drescher said he last saw CJ being picked up by a guy on a black Toyota pickup and he thinks it was Stuckey.

Melinda Gilbert confirmed that there was a meeting at her house among Stuckey, Hammond and Mathis on Friday, March 12. She said that Connie Johnston and Stuckey went to Grands that Friday night and then came back.

Connie Johnston talked about Stuckey talking about the killing.
Patrick Bushman said that Stuckey came to him in Holmes County Florida asking for help in hiding his truck after saying that ***they*** had killed CJ. Brian Johns in Jackson County Florida stated that he returned home one day to find a Toyota truck in his yard.

Patrick Bushman stated that when Stuckey dropped his truck off for hiding in Florida, Stuckey was picked up by Bailey and Lynn Brown in Lynn's Mitsubishi Eclipse.

James Bailey advised Lynn Brown the directions to where Stuckey's truck was hid in Jackson County after the murder. Lynn drew a map from his directions and rode down
there with Hendrickson in his vehicle to meet with Jackson County Investigator Kevin Arnold. The three of them drove to Brian Johns' home and confirmed by talking to Johns and his wife that the truck had been parked there.

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Scott Mathis

Scott Mathis came forward on March 15, 2004 and was interviewed at Headland Police Department. Mathis stated that Stuckey called him at 630 pm on Sunday March 14 to say that he had killed CJ.

Tuesday, March 16, 2004 at about 1000 pm, Mathis and Andrew White went to the Henry County Sheriff's Department regarding a handgun that White had in his possession. White stated that he obtained the weapon from Hammond and Scott Mathis the day before and that he believed it had been used in the Hatfield murder.

Mathis admitted that he obtained the gun from Stuckey, that Stuckey had told him to get rid of it, and that he and Hammond took it to White.

Melinda Gilbert confirmed that Mathis, Stuckey and Hammond had a meeting at her house on Friday, March 12, 2004. According to Mathis, he obtained the weapon from Stuckey at that time.

Mathis submitted to a polygraph examination. The questions were:

Were you present when CJ Hatfield was shot?
Did you shoot CJ Hatfield?

Mathis answered no to the questions and it is the polygraph examiner's opinion that Mathis was not truthful about that.

John Edward Parmer said that Stuckey, Hammond and Mathis shot CJ, and that he, Sara Drescher, and James Bailey were present. He said that it took place at the place where Sara lived at the time and he described the place. He said that more than one weapon was used to shoot CJ and that the sounds were different. He said that Stuckey's truck was there, but CJ's body was transported in a toolbox on the back of Hammond's truck. Parmer said that Mathis shot, but he does not know if the shot hit CJ or not. He said that CJ was aready on the ground when Mathis shot.

Catherine Corley said she had a strongbox that Scott Mathis had her store a handgun in. The box was in Mathis some of the time and in Hammond's possession some of the time. She said that Mathis said he took care of CJ with his gift, and she knew that gift to be a 38 revolver that an unknown person gave him. Corley said she saw Mathis put shorts and a button down shirt which he said belonged to Mark Hammond, along with clothing she knew belonged to Mathis, in a trash bag for disposal on the same day that they also asked for a water hose to wash out the truck. This happened at the place where she was staying in Dothan. It was the same day that he said he took care of CJ with his gift. This is believed to be Friday March 12, 2004.

Diane Weeks Mathis, Scott's wife gave a statement at a time when she was angry with Mathis. She said that she thought he was involved in the murder. She stated that when she was driving and he was a passenger, he would get down in the vehicle when he saw a police car.

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Sarah Drescher

Sara Drescher was identified at the onset of the investigation as CJ's girlfriend. Drescher was interviewed at about midnight Saturday night March 13 after the body was identified. A written statement was taken and then a recorded interview was taken on Sunday March 14.

A friend of Drescher's known as BB, has given information several times to investigators. BB wore an electronic surveillance device and recorded a conversation between she and Sara in which Sara said " that she would not talk to police any more because she thought the police knew who all did it and she could be charged as an accessory, and she was going to get a passport and leave the country.

BB said that after CJ's death, Sara has shown her a necklace that BB knew CJ to wear when she was around him before his death.

Davie Green, said that Sara put a letter in CJ's casket in which Sara wrote that she was sorry if she caused his death or if she was a part of his death.

John Edward Parmer said that Stuckey, Hammond and Mathis shot CJ, and that he, Sara Drescher, and James Bailey were present. He said that it took place at the place where Sara lived at the time and he described the place. He said that more than one weapon was used to shoot CJ and that the sounds were different. He said that Stuckey's truck was there, but CJ's body was transported in a toolbox on the back of Hammond's truck.
He said that a necklace and ring was removed from CJ's body at the time of the shooting and given to Sara. In her first recorded interview, Sara said that she thought she had CJ's necklace at her home. Witnesses have stated that CJ consistently wore a necklace.
Parmer said that Sara said she would put a cross at the scene of where CJ's body was found with some necklaces on it that CJ had give her. Parmer stated that a meeting was held at a female's house. The meeting was among the people who were there when CJ was shot and the purpose of the meeting was for them to get their stories straight. Parmer stated that Sara wrote what she would tell police in a notebook whose pages were torn out at a perforation.

A white painted wooden cross and a small wooden box was found at the place where the body was found. The cross was draped with colored beads. The cross had writing on it. All family members have stated that they did not write on the cross or place it there. Sara has denied placing the cross there or writing on it. The cross and the box were placed at the approximate location of where CJ's head was situated, and in a similar angle with regard to the road nearby

A search warrant was conducted in the bedroom at Sara Drescher's home. In her room, letters were found that Sara confirmed were written by her. The writing on the cross appears to have been written by the same person who wrote those letters. A multi page statement was found in her room whose content is very similar to the transcript of the recorded statement taken from Drescher on March 14, 2004. Upon close examination, it appears that the pages were torn at a scored or perforated line, instead of being cut out with a sharp edge.

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Work product

Corroboration of Parmer's Statement

John Edward Parmer said that Stuckey, Hammond and Mathis shot CJ, and that he, Sara Drescher, and James Bailey were present.

After James Stuckey was arrested in March 2004, intelligence developed during the investigation has indicated multiple persons were involved.

He said that it took place at the place where Sara lived at the time and he described the place.

The residence is a mobile home with porches built on the front and back, and with a high privacy fence on one side of the yard. Parmer described the residence as a "trailer house and he described the fence on the correct side of the yard. There are several dogs penned up at the house and the dogs bark loudly with strangers present. When asked if he noticed anything about the environment there, Parmer mentioned dogs barking.

He said that more than one weapon was used to shoot CJ and that the sounds were different.

After James Stuckey was arrested in March 2004, intelligence developed during the investigation has indicated that a weapon other than the one Andrew White turned in was used, or that multiple weapons were used to kill Hatfield.

He said that Stuckey's truck was there, but CJ's body was transported in a toolbox on the back of Hammond's truck.

Hammond's truck was found hidden near Andrew White's residence. No tool box was on it when the truck was found, but there was evidence on it that one had been there, and a box was later found on the back of Andrew White's truck that he said had been on Hammond's truck.

He said that a necklace and ring was removed from CJ's body at the time of the shooting and given to Sara.

Witnesses and family have stated that CJ wore jewelry, specifically a necklace and his family thought it unusual that his body was found without it.

In her first recorded interview, Sara said that she thought she had CJ's necklace at her home. Witnesses have stated that CJ consistently wore a necklace.

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Parmer said that Sara said she would put a cross at the scene of where CJ's body was found with some necklaces on it that CJ had give her.

A wooden cross with colored beads draped across it was found at the place where the body was located. There was writing on the cross that is believed to be from Sara

Parmer stated that a meeting was held at a female's house. The meeting was among the people who were there when CJ was shot and the purpose of the meeting was for them to get their stories straight.

It has been established from different witnesses that at least one meeting took place at a female's residence.

Parmer stated that Sara wrote what she would tell police in a notebook whose pages were torn out at a perforation.

When Sara's room was searched, a multi page handwritten statement was discovered that was very similar in content to the recorded statement from Sara dated March 14, 2004.
The pages of this document have three smooth sides and a rough side that suggests that the pages were torn out of a notebook at a scored or perforated line.

Parmer said that Hammond shot in the air at the place where the body was found and Bailey said the same thing in one of his statements.

Bailey and Parmer both said that Stuckey made a telephone call right after the shooting. Patrick Bushman said that Stuckey called him right after the shooting and told him that CJ had been taken care of.

Parmer accurately illustrated by pointing to places on his body, where Hatfield was shot.

Parmer described with reasonable accuracy, Hatfield's clothing and the positioning of Hatfield's cap on his head.

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Work product

SUBJECT	FILE NUMBER	
	4C - 0307-09	2004
Final Summary	DATE	CODE
	March 31, 2005	**C**

Saturday, March 13, 2004 at about 600 am, an unidentified male body was found on a few yards off Henry County Road 104. Henry County Road 104 turns into Dale County Road 68 and intersects AL Highway 105 at Clopton, northwest of where the body was found. The body was found by Henry County Coroner Derek Wright and others as they were in the area for hunting purposes.

First officer on the scene was Henry County Deputy Gary Riddle, and Henry County Investigator Troy Silva and Abbeville Police Officer James Isler arrived at about 655 am. Henry County Chief Deputy Mark Jones and Reserve Deputy Chad Sowell arrived at about 750 am.

Merritt arrived at about 800 am and found that the scene was secured and processing had been initiated by Silva and Jones. Photographs were made and events were recorded by Silva. Dale County Deputy Tim McDonald reported to the scene by helicopter to assist in taking aerial photographs. These photographs were also taken by Silva.

The unidentified body was clothed in "Phat Farm " blue jeans, a white T Shirt, a gray T Shirt, a burgundy jacket bearing a "Florida State Seminoles" logo, white K-Swiss shoes, and a baseball cap bearing the letters "CHJ " on the front. The pockets of each article of clothing were empty. There was no jewelry about the body, but the body was heavily tattooed.

Significant evidence at the scene included two wet spots on the ground which appeared to be urine spots, and tire tracks.

Saturday, March 13, the body was transported to the Alabama Department of Forensic Sciences in Mobile for postmortem examination. Fingerprints from the body were inked onto cards in Mobile and the cards were driven by State Trooper relay to the Alabama Bureau of Investigation in Montgomery where they were received by print examiner Gayle Peters. The prints were entered into the AFIS System where they were matched to old prints taken from Charles James Hatfield at the time of a previous arrest.

Saturday night, March 13, photographs of the individual tatoos on Hatfield's body were shown on WTVY news. The tatoos were viewed by Doni Mobley, who identified Hatfield as her son.

Saturday, March 13 at 1100 pm, Mobley was interviewed. Investigators learned that her son known as CJ, lived with a female from the Headland area known as Sara Drescher.

Sunday, March 14 at 1235 am, Drescher was interviewed. Drescher stated that she last saw CJ on March 10. Drescher spoke of a friend of CJ's known as Stuckey or Jason. Drescher correctly described a male who was later identified as James Adger (Jason) Stuckey. Drescher stated that she talked with CJ by phone on Friday March 12. Drescher stated that CJ was in Atlanta with Stuckey.

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Sunday, March 14, 2005 at 405 pm, Brandy Detter was interviewed. Detter saw Hatfield at the Winn Dixie on Monday, March 8, and he said he had just returned from Atlanta. Detter talked to him by cell phone before 1000 am on Friday, March 12. At that time, Hatfield to Detter that he was going to Abbeville on Friday to see someone and to drop something off. He told Detter that he would call her Friday night after he returned from Abbeville and they would go out drinking.

Sunday, March 14, 2004 at 515 pm, Christopher Drescher was interviewed. Drescher last saw Hatfield at West Main Street and Cherokee in Dothan. This is the apartment complex where Sara Drescher's grandmother's lives and Sara and Hatfield were living with her. Chris Drescher saw Hatfield there on Friday March 12, 2004 when Hatfield was picked up by a guy on a black Toyota Tacoma truck whom Drescher believes was Stuckey. Drescher stated that Hatfield called on Thursday night around 600 or 700 pm asking Drescher to pick up Sara Drescher, his cousin, to take her to the Winn Dixie. The call from Hatfield was blocked to Caller ID on Chris Drescher's telephone.

Monday, March 15, 2004 at 140 pm, Jaime Stuckey was interviewed. James Stuckey left a message on her voice mail on Friday, March 12, at about 800 or 830 am. Friday night, March 12, 2004 at about 700 pm, Stuckey talked to her by telephone and told her he was held up and that his phone, keys, and money were stolen. Jaime said that Stuckey has a Taurus 38 special.

Monday, March 15 at about 330 pm, Drescher was interviewed a second time. This interview was recorded and transcribed.

Monday, March 15 at 530 pm, Morris Scott Mathis was interviewed at Headland Police Department. Mathis stated that he did not know CJ but he knew Stuckey from working with him at Grand Central and from living with Stuckey. Mathis stated that he received a call form Stuckey at 625 pm on Sunday night which would have been March 14. Mathis stated that Stuckey called from 310/356-7055 and that he was calling from Florida. Mathis stated that Stuckey wanted Mathis to give Jaime Stuckey some money. Stuckey told Mathis that he went to Atlanta on Thursday night (Mar 11?) with a friend and got robbed of everything to include his truck keys.

Mathis stated that he did have a High Point 9mm pistol but he pawned it at Super Pawn. Mathis indicated that Stuckey had a 38 revolver and that Hammond had a small 380. Mathis stated that if Stuckey and Hammond were together, then Stuckey may have Hammond's 380.

Mathis indicated that he and Hammond were together on Sunday, March 14 at the river playing with Hammond's truck when Mathis received a call from Stuckey saying that he shot Hatfield. Mathis stated that Stuckey talked about urinating at the scene and then shooting Hatfield in the chest, the neck, and the eye or head. Mathis described the tire size on Stuckey's truck as 31.10.5 and he described them as mud tires.

Tuesday, March 16, 2004 at 205 pm, based on information obtained from Mark Hammond by Houston County Investigators, Terry Nelson and others, James Stuckey was arrested on Southport Drive while driving his Toyota truck. An empty Taurus handgun box was discovered in the vehicle. The box bore the serial number of the Taurus handgun received from Andrew White. Stuckey took advantage of his constitutional right to remain silent.

Tuesday, March 16, at 1041 pm, Mathis was interviewed at the Henry County Sheriff's Office. Mathis stated that he had not told the complete truth in his first interview. Mathis stated that Stuckey called him and Hammond on Friday afternoon, which would have been March 12. Hammond picked up Mathis and they went to Stuckey's girlfriend's house, which would have been Melinda Gilbert on Burdeshaw Street. Mathis stated that Stuckey told him that Stuckey shot a guy and he talked about the Atlanta trip. Mathis stated that he and Hammond took a handgun to Andrew White and White bought it from them. He said the weapon had three expended cartridges and two live rounds.

Tuesday, March 17, 2004 at 1258 am, Andrew White was interviewed at the Henry Sheriff's Office. White stated that he last saw Stuckey when he came into Grands late Friday night, March 12 or early Saturday morning. He also saw Mathis at Grands on Friday and Saturday nights. A barbeque was planned for Sunday afternoon, March 14. White stated that Hammond and Mathis came to his house on Sunday on Hammond's truck. An agreement was made between White and Mathis on Saturday night for Mathis to sell a handgun to White on Sunday at White's house. He stated that Mathis had the gun with him in his truck on Saturday night. White examined the weapon on Sunday and the cylinder contained two live rounds and three empty casings.

Tuesday, March 17, 2004, Mark Hammond was interviewed at the Houston County Sheriff's Office. Hammond stated that he was at Grands' on Friday night March 12 and that he saw Stuckey there. Although Hammond was reluctant to say anything to incriminate Stuckey or himself, he eventually admitted to transporting a revolver to Andrew White along with Mathis, and to assisting Stuckey in changing the tires on Stuckey's truck. He stated that the tires were changed on March 16, 2004. Hammond confirmed that a meeting took place at Jasmine's house and that he, Stuckey and Mathis were there.

Friday, March 19 at 1106, James William Bailey was interviewed. Bailey stated that on Wednesday, March 10th, he and Lynn Brown went to Pensacola so that she could visit with her children at the state agency there. He stated that they stayed with his friend Chris until late Friday night March 12, or early Saturday morning March 13. Upon their return, Lynn went to work at Grand Central and learned that Stuckey had killed CJ. Bailey did not know CJ. Sunday morning, March 14, Mark Hammond called and he was offered a room to rent in Bailey and Brown's rented house on Southport. Bailey and Hammond met at Waffle House and Hammond told Bailey that Stuckey committed the murder. Monday, March 15, Hammond and Stuckey visit Bailey at Southport. Stuckey talked of the Atlanta trip, drugs, the setup and robbery. Stuckey said that when they got back to Dothan, he told Mathis to find CJ, kick his ass , and break his legs. Stuckey, Hammond and Mathis met at a female's house believed to be known as Jasmine.

Friday, March 19, 2004, in the afternoon, Scott Mathis submitted to polygraph examination . The relevant questions and Mathis' answers are as follows:

Did you shoot CJ Hatfield? NO
Did you shoot CJ Hatfield with a 38 caliber handgun? NO
Were you present when CJ Hatfield was shot? NO

Mathis appeared to be deceptive to the relevant questions.

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Friday, March 19, 2004 at 720 pm, Melinda Gail Gilbert (Jasmine) was interviewed. Gilbert stated that on Friday, March 12, 2004 at about 1030 am, Stuckey got into bed with her. A few minutes later, Mathis came in and said he needed to talk to Stuckey. Within a few minutes, Mathis was leaving as Mark Hammond came in saying that he needed to talk to Stuckey. Hammond and Stuckey talked privately for a few minutes and then Hammond, Stuckey and Gilbert sat together in the living room. In an hour or two, Mathis returned with a black and he was upset. Mathis said he needed to talk to Stuckey again. Gilbert and Hammond talked while Stuckey and Mathis talked and then Mathis left, leaving Gilbert, Hammond and Stuckey there until about 600 pm when Hammond left for work. Gilbert and Stuckey went to bed until about 700 pm when Connie Johnston called and then came over. Gilbert and Stuckey slept until 910 pm, when Johnston arrived. Johnston and Stuckey went to Grands and returned at 530 am on Saturday, March 13. Stuckey, Gilbert and Johnston went to bed and slept.

Monday, March 22, 2004 at about 100 pm, Mark Hammond submitted to a polygraph examination. The relevant questions and Hammond's answers are as follows:

Have you been truthful about what happened at Melinda's house? YES
Have you been truthful about what happened at Melinda's house on Friday? YES
Have you withheld any information you received from Stuckey? NO

Hammond appeared to be truthful to the relevant questions.

Thursday, April, 29 at 200 pm, Connie Johnston was interviewed. Johnston confirmed what Melinda Gilbert had said about her presence at Gilbert's house on Friday night, March 12, 2004. Johnston said that Stuckey was acting strange.

Wednesday, January 12, 2005 at 1235 pm, Nicole Danielle Morgan was interviewed. Morgan moved in with James Bailey and Lynn Brown a few days after Stuckey was arrested. Morgan says that Brown told her that Bailey was more involved in the death of Hatfield than had been admitted. Morgan says that Bailey lost some money in the robbery that went bad in Atlanta. Morgan says that Bailey was supposedly in Pensacola when Hatfield was killed but she does not think that he was. March 18, 2005, the Florida Department of Children and Family Services confirmed that Lynn Brown failed to appear at a scheduled hearing on March 11, 2004 regarding her children, and she did not visit with them during the month of March, 2004. Robert Brown, Lynn's former husband, said that about two weeks prior to his interview telephone interview on March 18, 2005, Brown and Bailey were in the Pensacola area trying to get people to say that she and Bailey were in Florida on or about March 11, 2004.

December 16, 2004 at 700 pm, Adams was interviewed. Adams is the step-father of Sara Drescher and Sara and her mother were living with him at his residence near Headland during March 2004. Adams says that Hatfield visited there and had spent the night there.

Thursday, January 13, 2005 at 500 pm, Lynn Brown was interviewed. Brown said that Mark Hammond had announced in Grand Central that he shot Hatfield and got away with it. Brown stated that Stuckey said he " didn't kill that boy", meaning Hatfield. Brown stated that Hammond said that he pissed at the scene of where Hatfield was found, and that he kicked the body out of the truck. Brown stated that she gave Stuckey 1500.00 to invest in the Atlanta trip. Brown stated that at the time of the murder, Bailey was not with her and that he came home, he was upset and acting weird. Brown stated that calls came to her house around 730 or 800 am on Friday, March 12, 2004 and it was Stuckey and Mark calling Bailey.

Monday, February 28, 2005, Joan Vroblick, a Houston County Jail inmate, released several pages of notes that she wrote after overhearing a conversation between James Bailey and his cell-mate. Vroblick heard the voices through the ventilation system. Through these notes, it was determined that several people were present at the time of Hatfield's death, and two of the person's present were brothers.

Monday, February 28, 2005, Sara Drescher's bedroom was searched pursuant to a warrant. A collection of papers was seized that appeared to be a rehearsed statement written by Drescher. Other documents were seized that were known to be have been penned by Drescher. Jewelry and a disposable camera was seized.

Friday, March 4, at about 400 pm, Mathis was visited at Jordan Building Supply, his place of employment. It was determined that John Edward Parmer is Mathis' brother, and that Parmer was an inmate at the Houston County Jail.

Thursday, March 3, 2005, John Edward Parmer was interviewed. Parmer stated that Stuckey, Hammond, Bailey, Mathis, Sara Drescher, and himself were present when Hatfield was shot. He stated that the shooting was with more than one handgun that sounded differently, and that Hatfield's jewelry was removed after he was shot. Parmer stated that he believes that the shooting took place at Sara Drescher's home at the time and he described the place with reasonable accuracy. Parmer stated that after the shooting, a meeting was held at a female's house at which time each participant got their story straight. Parmer stated that he saw Sara Drescher writing a statement on multiple pages that she tore from a binder containing perforated pages.

Friday, March 4, 2005, a cross constructed of old white painted wood was removed from the place where Hatfield's body was discovered. The cross had writing on it which was later viewed and denied by Sara Drescher. The writing appears to match writing known to been penned by Drescher.

Saturday, March 5, 2005 at 800 pm, Lynn Brown left a voice mail for Hendrickson. Brown indicated that she and Bailey were willing to cooperate and offer evidence regarding the death of Hatfield, and she stated that there would be no more games.

Work product

SUBJECT	FILE NUMBER	
	4C - 0307-09	2004
Final Summary	DATE	CODE
	April 4, 2005	C

Saturday, March 13, 2004 at about 600 am, an unidentified male body was found on a dirt road a few yards off Henry County Road 104. Henry County Road 104 turns into Dale County Road 68 and intersects AL Highway 105 at Clopton, northwest of where the body was found. The body was found by Henry County Coroner Derek Wright and others as they were in the area for hunting purposes.

First officer on the scene was Henry County Deputy Gary Riddle, and Henry County Investigator Troy Silva and Abbeville Police Officer James Isler arrived at about 655 am. Henry County Chief Deputy Mark Jones and Reserve Deputy Chad Sowell arrived at about 750 am.

Merritt arrived at about 800 am and found that the scene was secured and processing had been initiated by Silva and Jones. Photographs were made and events were recorded by Silva. Dale County Deputy Tim McDonald reported to the scene by helicopter to assist in taking aerial photographs. These photographs were also taken by Silva.

The unidentified body was clothed in "Phat Farm " blue jeans, a white T Shirt, a gray T Shirt, a burgundy jacket bearing a "Florida State Seminoles" logo, white K-Swiss shoes, and a baseball cap bearing the letters "CHJ " on the front. The pockets of each article of clothing were empty. There was no jewelry about the body, but the body was heavily tattooed.

Significant evidence at the scene included two wet spots on the ground which appeared to be urine spots, and tire tracks which were later determined to possibly have been made by tires that were on a Toyota truck belonging to James Adger (Jason) Stuckey. Stuckey later replaced the tires.

Saturday afternoon, March 13, 2004, the body was transported to the Alabama Department of Forensic Sciences in Mobile for postmortem examination. Fingerprints from the body were inked onto cards in Mobile and the cards were driven by State Trooper relay to the Alabama Bureau of Investigation in Montgomery where they were received by print examiner Gayle Peters. The prints were entered into the AFIS System where they were matched to old prints taken from Charles James Hatfield at the time of a previous arrest.

Saturday night, March 13,2004, photographs of the individual tatoos on Hatfield's body were shown on WTVY news. The tatoos were viewed by Doni Mobley, who identified Hatfield as her son.

Saturday, March 13, 2004, at 1100 pm, Doni Mobley was interviewed. Investigators learned that her son known as CJ, lived with a female from the Headland area known as Sara Drescher, also known as Barbi.

Sunday, March 14, 2004, at 1235 am, Sara Drescher was interviewed. Drescher stated that she last saw CJ on March 10. Drescher spoke of a friend of CJ's known as Stuckey or Jason. Drescher correctly described a male who was later identified as James Adger (Jason) Stuckey. Drescher stated that she talked with CJ by phone on Friday March 12. Drescher stated that CJ was in Atlanta with Stuckey.

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Sunday, March 14, at 140 pm, Erica Gray was interviewed at her home on Honeysuckle Road. Gray claims to be CJ Hatfield's best friend. Gray received a call from Anne Nguyen at 1051 pm Saturday, March 13 to learn that CJ had been shot.

Sunday, March 14, at 315 pm, Anne Nguyen, also known as BB, was interviewed. Nguyen stated she was with Sara Drescher most of the day on Saturday, March 13, 2004 and was with Sara after 1000 pm Saturday night when Sara received a call and started screaming that CJ had been shot.

Sunday, March 14, 2004 at 405 pm, Brandy Detter was interviewed. Detter saw Hatfield at the Winn Dixie on Monday, March 8, and he said he had just returned from Atlanta. Detter talked to him by cell phone before 1000 am on Friday, March 12. At that time, Hatfield to Detter that he was going to Abbeville on Friday to see someone and to drop something off. He told Detter that he would call her Friday night after he returned from Abbeville and they would go out drinking.

Sunday, March 14, 2004 at 515 pm, Christopher Drescher, Sara's cousin was interviewed. Drescher last saw Hatfield at West Main Street and Cherokee in Dothan. This is the apartment complex where Sara Drescher's grandmother's lives and Sara and Hatfield were living with her. Chris Drescher saw Hatfield there on Friday March 12, 2004 when Hatfield was picked up by a guy on a black Toyota Tacoma truck whom Drescher believes was Stuckey. Drescher stated that Hatfield called on Thursday night around 600 or 700 pm asking Drescher to pick up Sara Drescher, his cousin, to take her to the Winn Dixie. The call from Hatfield was blocked to Caller ID on Chris Drescher's telephone.

Monday, March 15, 2004 at 140 pm, Jaime Stuckey was interviewed. James Stuckey left a message on her voice mail on Friday, March 12, at about 800 or 830 am. Friday night, March 12, 2004 at about 700 pm, Stuckey talked to her by telephone and told her he was held up and that his phone, keys, and money were stolen. Jaime said that Stuckey has a Taurus 38 special.

Monday, March 15, 2004, at about 330 pm, Drescher was interviewed a second time. This interview was recorded and transcribed. Many details recorded in this interview, were later found documented in a multi-page letter written by Drescher and found in her home pursuant to a search warrant.

Monday, March 15, 2004, at 530 pm, Morris Scott Mathis was interviewed at Headland Police Department. Mathis stated that he did not know CJ but he knew Stuckey from working with him at Grand Central and from living with Stuckey. Mathis stated that he received a call form Stuckey at 625 pm on Sunday night which would have been March 14. Mathis stated that Stuckey called from 310/356-7055 and that he was calling from Florida. Mathis stated that Stuckey wanted Mathis to give Jaime Stuckey some money. Stuckey told Mathis that he went to Atlanta on Thursday night (Mar 11?) with a friend and got robbed of everything to include his truck keys.

Mathis stated that he did have a High Point 9mm pistol but he pawned it at Super Pawn. Mathis indicated that Stuckey had a 38 revolver and that Hammond had a small 380. Mathis stated that if Stuckey and Hammond were together, then Stuckey may have Hammond's 380.

Mathis indicated that he and Hammond were together on Sunday, March 14 at the river playing with Hammond's truck when Mathis received a call from Stuckey saying that he shot Hatfield. Mathis stated that Stuckey talked about urinating at the scene and then shooting Hatfield in the chest, the neck, and the eye or head. Mathis described the tire size on Stuckey's truck as 31.10.5 and he described them as mud tires.

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Tuesday, March 16, 2004 at 205 pm, based on information obtained from Mark Hammond by Houston County Investigators, Terry Nelson and others, James Stuckey was arrested on Southport Drive while driving his Toyota truck. Stuckey took advantage of his constitutional right to remain silent.

Tuesday, March 16, 2004, the residence at [redacted] was searched pursuant to a warrant. A black suitcase containing clothes said to belong to James Stuckey was seized, along with an empty Taurus handgun box, marked Serial VD87627, and a metal toolbox for the bed of a pickup truck. The serial number matches the records for a Taurus revolver purchased by James Stuckey's father- in- law, to be given to Stuckey by Jaime Stuckey, his wife.

Tuesday, March 16, 2004, at 1041 pm, Mathis was interviewed at the Henry County Sheriff's Office. Mathis stated that he had not told the complete truth in his first interview. Mathis stated that Stuckey called him and Hammond on Friday afternoon, which would have been March 12. Hammond picked up Mathis and they went to Stuckey's girlfriend's house, which would have been Melinda Gilbert, on Burdeshaw Street. Mathis stated that Stuckey told him that Stuckey shot a guy and he talked about the Atlanta trip. Mathis stated that he and Hammond took a handgun to Andrew White and White bought it from them. He said the weapon had three expended cartridges and two live rounds.

Tuesday, March 17, 2004 at 1258 am, Andrew White was interviewed at the Henry Sheriff's Office. White stated that he last saw Stuckey when he came into Grands late Friday night, March 12 or early Saturday morning. He also saw Mathis at Grands on Friday and Saturday nights. A barbeque was planned for Sunday afternoon, March 14. White stated that Hammond and Mathis came to his house on Sunday on Hammond's truck. An agreement was made between White and Mathis on Saturday night for Mathis to sell a handgun to White on Sunday at White's house. He stated that Mathis had the gun with him in his truck on Saturday night. White examined the weapon on Sunday and the cylinder contained two live rounds and three empty casings.

Tuesday, March 17, 2004, Mark Hammond was interviewed at the Houston County Sheriff's Office. Hammond stated that he was at Grands' on Friday night March 12 and that he saw Stuckey there. Although Hammond was reluctant to say anything to incriminate Stuckey or himself, he eventually admitted to transporting a revolver to Andrew White along with Mathis, and to assisting Stuckey in changing the tires on Stuckey's truck. He stated that the tires were changed on March 16, 2004. Hammond confirmed that a meeting took place at Jasmine's house and that he, Stuckey and Mathis were there.

Friday, March 19, 2004, at 1106, James William Bailey was interviewed. Bailey stated that on Wednesday, March 10th, he and Lynn Brown went to Pensacola so that she could visit with her children at the state agency there. He stated that they stayed with his friend Chris until late Friday night March 12, or early Saturday morning March 13. Upon their return, Lynn went to work at Grand Central and learned that Stuckey had killed CJ. Bailey did not know CJ. Sunday morning, March 14, Mark Hammond called and he was offered a room to rent in Bailey and Brown's rented house on Southport. Bailey and Hammond met at Waffle House and Hammond told Bailey that Stuckey committed the murder. Monday, March 15, Hammond and Stuckey visit Bailey at Southport. Stuckey talked of the Atlanta trip, drugs, the setup and robbery. Stuckey said that when they got back to Dothan, he told Mathis to find CJ, kick his ass , and break his legs. Stuckey, Hammond and Mathis met at a female's house believed to be known as Jasmine.

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Friday, March 19, 2004, in the afternoon, Scott Mathis submitted to polygraph examination .

The relevant questions and Mathis' answers are as follows:

Did you shoot CJ Hatfield? NO
Did you shoot CJ Hatfield with a 38 caliber handgun? NO
Were you present when CJ Hatfield was shot? NO

Mathis appeared to be deceptive to the relevant questions.

Friday, March 19, 2004, at 720 pm, Melinda Gail Gilbert (Jasmine) was interviewed. Gilbert stated that on Friday, March 12, 2004 at about 1030 am, Stuckey got into bed with her. A few minutes later, Mathis came in and said he needed to talk to Stuckey. Within a few minutes, Mathis was leaving as Mark Hammond came in saying that he needed to talk to Stuckey. Hammond and Stuckey talked privately for a few minutes and then Hammond, Stuckey and Gilbert sat together in the living room. In an hour or two, Mathis returned with a black and he was upset. Mathis said he needed to talk to Stuckey again. Gilbert and Hammond talked while Stuckey and Mathis talked and then Mathis left, leaving Gilbert, Hammond and Stuckey there until about 600 pm when Hammond left for work. Gilbert and Stuckey went to bed until about 700 pm when Connie Johnston called and then came over. Gilbert and Stuckey slept until 910 pm, when Johnston arrived. Johnston and Stuckey went to Grands and returned at 530 am on Saturday, March 13. Stuckey, Gilbert and Johnston went to bed and slept.

Monday, March 22, 2004, at about 100 pm, Mark Hammond submitted to a polygraph examination. The relevant questions and Hammond's answers are as follows:

Have you been truthful about what happened at Melinda's house? YES
Have you been truthful about what happened at Melinda's house on Friday? YES
Have you withheld any information you received from Stuckey? NO

Hammond appeared to be truthful to the relevant questions.

Thursday, April, 29, 2004 at 200 pm, Connie Johnston was interviewed at the Houston County Jail. Johnston confirmed what Melinda Gilbert had said about her presence at Gilbert's house on Friday night, March 12, 2004. Johnston said that Stuckey was acting strange.

December 16, 2004, at 700 pm, Steve Roy Adams was interviewed. Adams is the step-father of Sara Drescher and Sara and her mother were living with him at his residence near Headland during March 2004. Adams says that Hatfield visited there and had spent the night there.

December 22, 2004, at 1100 pm, Lynn Brown was interviewed. Brown said that CJ and Stuckey went to Atlanta and were robbed at gunpoint at a hotel room. She stated that Sara Drescher called Stuckey and told him that CJ set up the robbery. She stated that CJ and Stuckey argued in the truck on the way home and that Stuckey dropped CJ off at Sara's mother's home. Brown confirmed a meeting at Melinda Gilbert's home on Friday, and said that Stuckey, Mark and Mathis were there. She talks about Stuckey's truck being hidden in Graceville and about James Bailey helping Stuckey get the truck back. She talks about the tires being changed.

January 5, 2005, after James Bailey gave Lynn Brown directions to where Stuckey's truck was hidden in Jackson County after the murder, Lynn drew a map from his directions and rode down there with Hendrickson in his vehicle to meet with Jackson County Investigator Kevin Arnold. The three of them drove to Brian Johns' home and confirmed the

January 6, 2005, Brian Johns was interviewed at his residence in Jackson County and stated that Patrick Bushman had left Stuckey's truck in Johns' yard. Johns' wife further confirmed that the truck had been parked there.

January 6, 2005, Patrick Bushman was interviewed and confirmed that he had been told of the murder by Stuckey, and that he assisted Stuckey in hiding the truck. Stuckey called Bushman after CJ was shot to let him know that it had been taken care of.

Wednesday, January 12, 2005, at 1235 pm, Nicole Danielle Morgan was interviewed. Morgan moved in with James Bailey and Lynn Brown a few days after Stuckey was arrested. Morgan says that Brown told her that Bailey was more involved in the death of Hatfield than had been admitted. Morgan says that Bailey lost some money in the robbery that went bad in Atlanta. Morgan says that Bailey was supposedly in Pensacola when Hatfield was killed but she does not think that he was. March 18, 2005, the Florida Department of Children and Family Services confirmed that Lynn Brown failed to appear at a scheduled hearing on March 11, 2004 regarding her children, and she did not visit with them during the month of March, 2004. Robert Brown, Lynn's former husband, said that about two weeks prior to his interview telephone interview on March 18, 2005, Brown and Bailey were in the Pensacola area trying to get people to say that she and Bailey were in Florida on or about March 11, 2004.

Thursday, January 13, 2005, at 500 pm, Lynn Brown was interviewed. Brown said that Mark Hammond had announced in Grand Central that he shot Hatfield and got away with it. Brown stated that Stuckey said he " didn't kill that boy", meaning Hatfield. Brown stated that Hammond said that he pissed at the scene of where Hatfield was found, and that he kicked the body out of the truck. Brown stated that she gave Stuckey 1500.00 to invest in the Atlanta trip. Brown stated that at the time of the murder, Bailey was not with her and that he came home, he was upset and acting weird. Brown stated that calls came to her house around 730 or 800 am on Friday, March 12, 2004 and it was Stuckey and Mark calling Bailey.

Monday, February 28, 2005, Joan Vroblick, a Houston County Jail inmate, released several pages of notes that she wrote after overhearing a conversation between James Bailey and his cell-mate. Vroblick heard the voices through the ventilation system. Through these notes, it was determined that several people were present at the time of Hatfield's death, and two of the person's present were brothers.

Sunday, February 27, 2005, Anne Nguyen, also known as BB and a friend of Drescher's, wore an electronic surveillance device and recorded a conversation between she and Sara in which Sara said " that she would not talk to police any more because she thought the police knew who all did it, that she could be charged as an accessory, and she was going to get a passport and leave the country.

Monday, February 28, 2005, Sara Drescher's bedroom was searched pursuant to a warrant. A collection of papers was seized that appeared to be a rehearsed statement or script written by Drescher. Other documents were seized that were known to be have been penned by Drescher. Jewelry and a disposable camera was seized. Documents known to have been written by Drescher have been compared to the "script " and it was determined to have been written by Drescher also.

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Appendix P

Law Enforcement "Final Summary" of Investigation into
Murder of C.J. Hatfield (April 4, 2005)

Work product

SUBJECT	FILE NUMBER	
rinal Summary	4C - 0307-09 2004	
	DATE	CODE
	April 4, 2005	C

Saturday, March 13, 2004 at about 600 am, an unidentified male body was found on a dirt road a few yards off Henry County Road 104. Henry County Road 104 turns into Dale County Road 68 and intersects AL Highway 105 at Clopton, northwest of where the body was found. The body was found by Henry County Coroner Derek Wright and others as they were in the area for hunting purposes.

First officer on the scene was Henry County Deputy Gary Riddle, and Henry County Investigator Troy Silva and Abbeville Police Officer James Isler arrived at about 655 am. Henry County Chief Deputy Mark Jones and Reserve Deputy Chad Sowell arrived at about 750 am.

Merritt arrived at about 800 am and found that the scene was secured and processing had been tiated by Silva and Jones. Photographs were made and events were recorded by Silva. Dale County eputy Tim McDonald reported to the scene by helicopter to assist in taking aerial photographs. These photographs were also taken by Silva.

The unidentified body was clothed in "Phat Farm " blue jeans, a white T Shirt, a gray T Shirt, a burgundy jacket bearing a "Florida State Seminoles" logo, white K-Swiss shoes, and a baseball cap bearing the letters "CHJ " on the front. The pockets of each article of clothing were empty. There was no jewelry ut the body, but the body was heavily tattooed.

Significant evidence at the scene included two wet spots on the ground which appeared to be urine spots, and tire tracks which were later determined to possibly have been made by tires that were on a Toyota truck belonging to James Adger (Jason) Stuckey. Stuckey later replaced the tires.

Saturday afternoon, March 13, 2004, the body was transported to the Alabama Department of Forensic Sciences in Mobile for postmortem examination. Fingerprints from the body were inked onto cards in obile and the cards were driven by State Trooper relay to the Alabama Bureau of Investigation in Montgomery where they were received by print examiner Gayle Peters. The prints were entered into the AFIS System where they were matched to old prints taken from Charles James Hatfield at the time of a previous arrest.

Saturday night, March 13,2004, photographs of the individual tatoos on Hatfield's body were shown on WTVY news. The tatoos were viewed by Doni Mobley, who identified Hatfield as her son.

Saturday, March 13, 2004, at 1100 pm, Doni Mobley was interviewed. Investigators learned that her son known as CJ, lived with a female from the Headland area known as Sara Drescher, also known as Barbi.

Sunday, March 14, 2004, at 1235 am, Sara Drescher was interviewed. Drescher stated that she last saw CJ on March 10. Drescher spoke of a friend of CJ's known as Stuckey or Jason. Drescher correctly described a male who was later identified as James Adger (Jason) Stuckey. Drescher stated that she ed with CJ by phone on Friday March 12. Drescher stated that CJ was in Atlanta with Stuckey.

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y, March 14, at 140 pm, Erica Gray was interviewed at her home on Honeysuckle Road. Gray s to be CJ Hatfield's best friend. Gray received a call from Anne Nguyen at 1051 pm Saturday, rch 13 to learn that CJ had been shot.

unday, March 14, at 315 pm, Anne Nguyen, also known as BB, was interviewed. Nguyen stated she was with Sara Drescher most of the day on Saturday, March 13, 2004 and was with Sara after 1000 pm Saturday night when Sara received a call and started screaming that CJ had been shot.

Sunday, March 14, 2004 at 405 pm, Brandy Detter was interviewed. Detter saw Hatfield at the Winn Dixie on Monday, March 8, and he said he had just returned from Atlanta. Detter talked to him by cell phone before 1000 am on Friday, March 12. At that time, Hatfield to Detter that he was going to Abbeville on Friday to see someone and to drop something off. He told Detter that he would call her Friday night after he returned from Abbeville and they would go out drinking.

Sunday, March 14, 2004 at 515 pm, Christopher Drescher, Sara's cousin was interviewed. Drescher last saw Hatfield at West Main Street and Cherokee in Dothan. This is the apartment complex where Sara Drescher's grandmother's lives and Sara and Hatfield were living with her. Chris Drescher saw Hatfield there on Friday March 12, 2004 when Hatfield was picked up by a guy on a black Toyota coma truck whom Drescher believes was Stuckey. Drescher stated that Hatfield called on Thursday night around 600 or 700 pm asking Drescher to pick up Sara Drescher, his cousin, to take her to the Winn Dixie. The call from Hatfield was blocked to Caller ID on Chris Drescher's telephone.

Monday, March 15, 2004 at 140 pm, Jaime Stuckey was interviewed. James Stuckey left a message on her voice mail on Friday, March 12, at about 800 or 830 am. Friday night, March 12, 2004 at about 700 pm, Stuckey talked to her by telephone and told her he was held up and that his phone, keys, and ney were stolen. Jaime said that Stuckey has a Taurus 38 special.

Monday, March 15, 2004, at about 330 pm, Drescher was interviewed a second time. This interview was recorded and transcribed. Many details recorded in this interview, were later found documented in a multi-page letter written by Drescher and found in her home pursuant to a search warrant.

Monday, March 15, 2004, at 530 pm, Morris Scott Mathis was interviewed at Headland Police partment. Mathis stated that he did not know CJ but he knew Stuckey from working with him at and Central and from living with Stuckey. Mathis stated that he received a call form Stuckey at 625 pm on Sunday night which would have been March 14. Mathis stated that Stuckey called from 310/356-7055 and that he was calling from Florida. Mathis stated that Stuckey wanted Mathis to give Jaime Stuckey some money. Stuckey told Mathis that he went to Atlanta on Thursday night (Mar 11?) with a friend and got robbed of everything to include his truck keys.

Mathis stated that he did have a High Point 9mm pistol but he pawned it at Super Pawn. Mathis indicated that Stuckey had a 38 revolver and that Hammond had a small 380. Mathis stated that if Stuckey and Hammond were together, then Stuckey may have Hammond's 380.

Mathis indicated that he and Hammond were together on Sunday, March 14 at the river playing with Hammond's truck when Mathis received a call from Stuckey saying that he shot Hatfield. Mathis state that Stuckey talked about urinating at the scene and then shooting Hatfield in the chest, the neck, and the eye or head. Mathis described the tire size on Stuckey's truck as 31.10.5 and he described them nud tires.

day, March 16, 2004 at 205 pm, based on information obtained from Mark Hammond by Houston nty Investigators, Terry Nelson and others, James Stuckey was arrested on Southport Drive while ving his Toyota truck. Stuckey took advantage of his constitutional right to remain silent.

Tuesday, March 16, 2004, the residence at [redacted] was searched pursuant to a warrant. A black suitcase containing clothes said to belong to James Stuckey was seized, along with an empty Taurus handgun box, marked Serial VD87627, and a metal toolbox for the bed of a pickup truck. The serial number matches the records for a Taurus revolver purchased by James Stuckey's father- in- law, to be given to Stuckey by Jaime Stuckey, his wife.

Tuesday, March 16, 2004, at 1041 pm, Mathis was interviewed at the Henry County Sheriff's Office. Mathis stated that he had not told the complete truth in his first interview. Mathis stated that Stuckey called him and Hammond on Friday afternoon, which would have been March 12. Hammond picked up Mathis and they went to Stuckey's girlfriend's house, which would have been Melinda Gilbert, on Burdeshaw Street. Mathis stated that Stuckey told him that Stuckey shot a guy and he talked about the Atlanta trip. Mathis stated that he and Hammond took a handgun to Andrew White and White bought it from them. He said the weapon had three expended cartridges and two live rounds.

uesday, March 17, 2004 at 1258 am, Andrew White was interviewed at the Henry Sheriff's Office. White stated that he last saw Stuckey when he came into Grands late Friday night, March 12 or early Saturday morning. He also saw Mathis at Grands on Friday and Saturday nights. A barbeque was planned for Sunday afternoon, March 14. White stated that Hammond and Mathis came to his house o Sunday on Hammond's truck. An agreement was made between White and Mathis on Saturday night for Mathis to sell a handgun to White on Sunday at White's house. He stated that Mathis had the gun with him in his truck on Saturday night. White examined the weapon on Sunday and the cylinder ntained two live rounds and three empty casings.

Tuesday, March 17, 2004, Mark Hammond was interviewed at the Houston County Sheriff's Office. Hammond stated that he was at Grands' on Friday night March 12 and that he saw Stuckey there. Although Hammond was reluctant to say anything to incriminate Stuckey or himself, he eventually admitted to transporting a revolver to Andrew White along with Mathis, and to assisting Stuckey in changing the tires on Stuckey's truck. He stated that the tires were changed on March 16, 2004. ammond confirmed that a meeting took place at Jasmine's house and that he, Stuckey and Mathis were there.

Friday, March 19, 2004, at 1106, James William Bailey was interviewed. Bailey stated that on Wednesday, March 10th, he and Lynn Brown went to Pensacola so that she could visit with her childre at the state agency there. He stated that they stayed with his friend Chris until late Friday night March 12, or early Saturday morning March 13. Upon their return, Lynn went to work at Grand Central and learned that Stuckey had killed CJ. Bailey did not know CJ. Sunday morning, March 14, Mark Hammo called and he was offered a room to rent in Bailey and Brown's rented house on Southport. Bailey and Hammond met at Waffle House and Hammond told Bailey that Stuckey committed the murder. Monda March 15, Hammond and Stuckey visit Bailey at Southport. Stuckey talked of the Atlanta trip, drugs, t setup and robbery. Stuckey said that when they got back to Dothan, he told Mathis to find CJ, kick his ass , and break his legs. Stuckey, Hammond and Mathis met at a female's house believed to be kno as Jasmine.

March 19, 2004, in the afternoon, Scott Mathis submitted to polygraph examination .

relevant questions and Mathis' answers are as follows:

Did you shoot CJ Hatfield? NO
Did you shoot CJ Hatfield with a 38 caliber handgun? NO
Were you present when CJ Hatfield was shot? NO

Mathis appeared to be deceptive to the relevant questions.

Friday, March 19, 2004, at 720 pm, Melinda Gail Gilbert (Jasmine) was interviewed. Gilbert stated that on Friday, March 12, 2004 at about 1030 am, Stuckey got into bed with her. A few minutes later, Mathis came in and said he needed to talk to Stuckey. Within a few minutes, Mathis was leaving as Mark Hammond came in saying that he needed to talk to Stuckey. Hammond and Stuckey talked privately for a few minutes and then Hammond, Stuckey and Gilbert sat together in the living room. In an hour or two, Mathis returned with a black and he was upset. Mathis said he needed to talk to Stuckey again. Gilbert and Hammond talked while Stuckey and Mathis talked and then Mathis left, leaving Gilbert, Hammond and Stuckey there until about 600 pm when Hammond left for work. Gilbert and Stuckey ent to bed until about 700 pm when Connie Johnston called and then came over. Gilbert and Stuckey slept until 910 pm, when Johnston arrived. Johnston and Stuckey went to Grands and returned at 530 am on Saturday, March 13. Stuckey, Gilbert and Johnston went to bed and slept.

Monday, March 22, 2004, at about 100 pm, Mark Hammond submitted to a polygraph examination. The relevant questions and Hammond's answers are as follows:

ve you been truthful about what happened at Melinda's house? YES
Have you been truthful about what happened at Melinda's house on Friday? YES
Have you withheld any information you received from Stuckey? NO

Hammond appeared to be truthful to the relevant questions.

Thursday, April, 29, 2004 at 200 pm, Connie Johnston was interviewed at the Houston County Jail. hnston confirmed what Melinda Gilbert had said about her presence at Gilbert's house on Friday night, March 12, 2004. Johnston said that Stuckey was acting strange.

December 16, 2004, at 700 pm, Steve Roy Adams was interviewed. Adams is the step-father of Sara Drescher and Sara and her mother were living with him at his residence near Headland during March 2004. Adams says that Hatfield visited there and had spent the night there.

December 22, 2004, at 1100 pm, Lynn Brown was interviewed. Brown said that CJ and Stuckey went to Atlanta and were robbed at gunpoint at a hotel room. She stated that Sara Drescher called Stuckey and told him that CJ set up the robbery. She stated that CJ and Stuckey argued in the truck on the way home and that Stuckey dropped CJ off at Sara's mother's home. Brown confirmed a meeting at Melinda Gilbert's home on Friday, and said that Stuckey, Mark and Mathis were there. She talks about Stuckey's truck being hidden in Graceville and about James Bailey helping Stuckey get the truck back. She talks about the tires being changed.

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5, 2005, after James Bailey gave Lynn Brown directions to where Stuckey's truck was hidden son County after the murder, Lynn drew a map from his directions and rode down there with rickson in his vehicle to meet with Jackson County Investigator Kevin Arnold. The three of them ove to Brian Johns' home and confirmed the

January 6, 2005, Brian Johns was interviewed at his residence in Jackson County and stated that Patrick Bushman had left Stuckey's truck in Johns' yard. Johns' wife further confirmed that the truck had been parked there.

January 6, 2005, Patrick Bushman was interviewed and confirmed that he had been told of the murder by Stuckey, and that he assisted Stuckey in hiding the truck. Stuckey called Bushman after CJ was shot to let him know that it had been taken care of.

Wednesday, January 12, 2005, at 1235 pm, Nicole Danielle Morgan was interviewed. Morgan moved in with James Bailey and Lynn Brown a few days after Stuckey was arrested. Morgan says that Brown told her that Bailey was more involved in the death of Hatfield than had been admitted. Morgan says that Bailey lost some money in the robbery that went bad in Atlanta. Morgan says that Bailey was supposedly in Pensacola when Hatfield was killed but she does not think that he was. March 18, 2005, e Florida Department of Children and Family Services confirmed that Lynn Brown failed to appear at a scheduled hearing on March 11, 2004 regarding her children, and she did not visit with them during the month of March, 2004. Robert Brown, Lynn's former husband, said that about two weeks prior to his interview telephone interview on March 18, 2005, Brown and Bailey were in the Pensacola area trying to get people to say that she and Bailey were in Florida on or about March 11, 2004.

Thursday, January 13, 2005, at 500 pm, Lynn Brown was interviewed. Brown said that Mark mmond had announced in Grand Central that he shot Hatfield and got away with it. Brown stated that Stuckey said he " didn't kill that boy", meaning Hatfield. Brown stated that Hammond said that he pissed at the scene of where Hatfield was found, and that he kicked the body out of the truck. Brown stated that she gave Stuckey 1500.00 to invest in the Atlanta trip. Brown stated that at the time of the murder, Bailey was not with her and that he came home, he was upset and acting weird. Brown stated that calls came to her house around 730 or 800 am on Friday, March 12, 2004 and it was Stuckey and Mark calling Bailey.

Monday, February 28, 2005, Joan Vroblick, a Houston County Jail inmate, released several pages of notes that she wrote after overhearing a conversation between James Bailey and his cell-mate. Vroblick heard the voices through the ventilation system. Through these notes, it was determined that several people were present at the time of Hatfield's death, and two of the person's present were brothers.

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Appendix Q

Official police transcription of Kittie Corley's police interrogation dated January 29, 2005

HENRY COUNTY SHERIFF'S DEPARTMENT

Hendrickson: Today's date is 1-29-2005. It's approximately9:45p.m. Present is Investigator Allen Hendrickson. Please state your name mam.

Corely: Catherine Nicole Corely.

Hendrickson: Ok we're at the Houston County Jail. Ms. Corely I told you really brought you down here I want to interview you as a witness to a case I understand you might have some information or an item that I might want in reference to a case. Do you understand that?

Corely: Yes, sir.

Hendrickson: Ok the case number that I'm referring to is the murder case of C.J. Hatfield. Did you know C.J. Hatfield?

Corely: Yes, sir.

Hendrickson: How did you know C.J. Hatfield?

Corely: Business deals basically.

Hendrickson: When you're referring to business dealing what did you mean with business?

Corely: Drugs.

Hendrickson: Drug business dealings. So y'all wasn't boyfriend, girlfriend nothing like that just had drug dealings?

Corely: Yes, sir.

Hendrickson: Ok. Did you know Stuckey?

Corely: Yes, sir.

Hendrickson: How did you know Stuckey?

Corely: Business dealings.

Hendrickson: Drug dealings I'm assuming. (not audible) referring to at the same time. Did you know Mark Hammond?

Corely: Yes.

Hendrickson: How did you know Mark Hammond?

2588

Corely: Grand Central.

Hendrickson: Did you have any other dealings with Mark other than Grand Central?

Corely: I screwed him once other than that no sir.

Hendrickson: Do you know Bam Bam (Scott Mathis)?

Corely: Yes, sir. I was on hand on my arm.

Hendrickson: Ok. Have you been interviewed before about this case?

Corely: No, sir.

Hendrickson: Did you I take it you knew you dated Bam Bam for a while?

Corely: Yes, sir. I'm his fiancé.

Hendrickson: You're his fiancée?

Corely: It's a twisted thing. I know.

Hendrickson: You know what?

Corely: I know who he's with now. I'm still with engaged to him. I have his engagement and wedding band in my property.

Hendrickson: (not audible) concerned with that. The time, do you know the time frame that I'm interviewing you about in reference to this C.J. Hatfield murder?

Corely: Yes, sir.

Hendrickson: Where would that be?

Corely: Uh January of some period in time.

Hendrickson: March 2004. Does that sound.

Corely: Last year. Before I got locked up.

Hendrickson: Last year? How long have you been locked up?

Corely: Nine months sir.

D589

Hendrickson: Ok.

Corely: Since April the 14th of last year.

Hendrickson: So this would have occurred?

Corely: Right before I got locked up.

Hendrickson: A few weeks before you got locked up. Ok. Was you present at the murder?

Corely: No, sir.

Hendrickson: Do you know where the murder took place?

Corely: The basic area yes sir.

Hendrickson: All right what's the basic area?

Corely: Dirt road.

Hendrickson: You don't know what dirt road, where?

Corely: I'm not from Dothan. I know how to get to where I need to go and that's it.

Hendrickson: Was the murder in Dothan?

Corely: On the outskirts.

Hendrickson: Outskirts of Dothan?

Corely: From what I understand. I was told about it after I got brought back to the apartment.

Hendrickson: Brought back to the apartment. Are you referring when the Dothan police officers made contact with you about something?

Corely: No, sir. I was referring to it as in the next day when I got dropped off at the apartment I was living in.

Hendrickson: Who was you with?

Corely: I got dropped off by Mark.

Hendrickson: Where had you and Mark been?

D590

Corely: I was suppose to be his alibi that night. Me and Diane who lives on the same road as Herman and Ann's right in front of AAA Cab or she did.

Hendrickson: Ok. Are you aware of any trip that was allegedly made to Atlanta?

Corely: Yes, sir.

Hendrickson: Was that trip made to your knowledge?

Corely: Yes, sir.

Hendrickson: How do you know it was made?

Corely: Cause I seen them leave.

Hendrickson: Who?

Corely: Stuckey and C.J. got in the truck.

Hendrickson: Was anybody else with them?

Corely: No, sir. They had their cell phones like they were suppose to have and other than that they didn't have anything.

Hendrickson: Did you have any money in that deal going?

Corely: No, sir.

Hendrickson: What did you know about that. When they came back what was you told and by who happened?

Corely: When they came back there was a phone call that Bam Bam had on his cell phone that was a pre-paid phone and he looked at me and he said we have a problem. What are you talking about? Well we have a problem. We were in Grand. I said well what is it. He said somebody wants to skimp me out on my money. They either don't want to give me my money or give me my product. And Bam Bam never played with his money. I said ok. He said I'm getting Mark. I said ok. He goes go with Diane. Ok. We went to Diane's house, they got back twelve the next day. It was late.

Hendrickson: Was it a Monday, Tuesday, Wednesday, Thursday, Friday?

Corely: I honestly can't remember.

D591

Hendrickson: They left one afternoon?

Corely: When they left it was one o'clock, two o'clock because I just woke up.

Hendrickson: In the afternoon?

Corely: Yes, sir.

Hendrickson: And they were gone all night?

Corely: They were gonna go down there. It's a think they said it's like three and a half hours, four hours.

Hendrickson: Gone go where?

Corely: Atlanta. They had to make the deal. They had to make the transition, which usually takes about two to three hours to make contact, make the transition, make sure everything's good and then come back. So we weren't expecting them till later.

Hendrickson: Who was gone go?

Corely: It was Stuckey and C.J.

Hendrickson: All right so they went. All right when did you see C.J. again and Stuckey?

Corely: I didn't.

Hendrickson: So what you seen C.J. and Stuckey leave?

Corely: Leave for Atlanta and I didn't see them after that. I saw Stuckey and all I was told was it's dealt with and when I asked Bam Bam about it he got real defensive. And told me that it wasn't my place to know. And like a couple days later um my friend Shannon Beach I walked from the house all the way onto the Waffle House where Shannon Beach worked and he said your old man is in jail. I said what. And he showed me the news paper and I got freaked out and I called the county and the city and they said they didn't have a Scott Mathis that was locked up. It wasn't un-normal for me not to see Bam Bam for a week or two weeks. That's just how he was. He'd get geeked out or get paranoid and he'd split. When I asked Mark what was going down he told me that me, and Diane if anybody asked was having a threesome with him at the apartment. I said what about Bam. Oh he's got an alibi. And due to the fact Mark told me he was an ex-marine I didn't question him. He had already hit me before and almost broke my rib.

Hendrickson: Did Mark, did Bam Bam (Scott Mathis) ever tell you anything about the murder?

D592

Corely: He told me that Stuckey and C.J. was going up there. C.J. told Stuckey that they would make a lot more money if they just told us they got robbed and all they would have to do was bet each other up and we'd believe them. Well C.J. kept on pushing and pushing. He was just like that sometimes. You know he was fun and crazy but when had an idea stuck in his head he was going for it. Um when I asked Bam again I said well did what did he do you know tell me what's going on. He told me that C.J. thought he could get away with it and Stuckey called him on the cell phone and told him what was up so that they'd know when they got there so if something was missing they couldn't, we couldn't blame it on Stuckey.

Hendrickson: So Stuckey called Bam Bam and told him that C.J. wanted them to get robbed and they were gone act like they got robbed. Does anybody know if they actually went to Atlanta?

Corely: From what I understand yeah. I we contacted the guy up there and he made the delivery, they made the drop off.

Hendrickson: Who was the…So they wasn't robbed in Atlanta?

Corely: No, sir.

Hendrickson: Ok. So somebody in Atlanta did deliver them their narcotics?

Corely: Yes, sir.

Hendrickson: Who delivered the narcotics in Atlanta?

Corely: That I know of?

Hendrickson: Um, um.

Corely: It's we call him Flex. I don't know names. I have no idea.

Hendrickson: Ok so they went to Atlanta. Somebody by the name of Flex did make the drop.

Corely: He wasn't my contact. He was Bam's.

Hendrickson: Why so C.J. and Stuckey was going to pick up what kind of drugs?

Corely: That I had no business knowing.

Hendrickson: They were going to pick up drugs for Bam Bam?

Corely: And Mark and a couple other people that I know of.

Hendrickson: Who else?

D593

Corely: One they called him Big Country.

Hendrickson: Hold on just a second. So C.J. and Stuckey went to pick up for who? C.J. and Stuckey went to Atlanta to pick up

Corely: Bam Bam.

Hendrickson: Um, um.

Corely: Mark.

Hendrickson: Um, um.

Corely: A dude named Big Country.

Hendrickson: It's all right.

Corely: And D.

Hendrickson: D?

Corely: D.

Hammond: White guy, black guy?

Corely: Big white guy.

Hendrickson: Who is Big Country? Is he (not audible).

Corely: Big Country has got to be like thirty-five years old.

Hendrickson: Where is he from?

Corely: I don't know. I didn't spend a lot of time around these guys unless it was being

Hendrickson: What did Big Country drive?

Corely: Uh a blue truck I don't know what it was.

Hendrickson: Excuse me. That was my telephone ringing. So you know for a fact they did pick up the drugs in Atlanta.

Corely: Yeah that wasn't the first time C.J. and Stuckey had to make a run.

Hendrickson: Right so they picked them up and brought them back to where? The drugs.

Corely: They always had a designated spot and I was not ever told where.

Hendrickson: They brought them back and they are somewhere? And how do you know for sure the drugs were brought back?

Corely: (not audible) they picked it up in Atlanta there would be no where they could have dropped it off between.

Hendrickson: Did you ever hear that they got robbed while they was in Atlanta?
Corely: I heard it but I thought that that was just their plan as Bam Bam told me.

Hendrickson: Ok so then Bam Bam and Mark went and met who?

Corely: C.J. and Stuckey.

Hendrickson: And you don't know where they went and met them?

Corely: A dirt road out in the middle of no where usually. It's kind of one of those no eyes, no witnesses type deals.

Hendrickson: Is that how they usually get their drugs back? So they meet them in the middle of no where. Is it usually close to here?

Corely: I've seen them met in the only place I know of it's got outside the circle not the KFC here but there's one there, there's also a church down the road a little bit and there's the church with the dirt road. There's a vacant kind of field out there.

Hendrickson: It's the KFC around here?

Corely: It's not this one, it's another one. There's two.

Hendrickson: Two what?

Corely: Kentucky Fried Chicken's.

Hendrickson: In Dothan? Right there's one down town and then there's one at Ross Clark and Third Avenue.

Corely: I don't know directions. I just know how to get where I'm going.

Hendrickson: Right. The one at Ross Clark and Third Avenue would be…are you all right?

D595

Corely: I'm, I'm nervous and I'm scared.

Hendrickson: You need to take a deep breath for a minute?

Corely: 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.

Hendrickson: Ok. Just keep yourself together ok. Are you on any kind of medication now?

Corely: No.

Hendrickson: So you're not under any kind of medication right now for your problem?

Corely: I'm not…I have a straight mind it's just my system goes into shock sometimes.

Hendrickson: Ok. If you when you say you go past this KFC that you knowed them to met before. You go past it and there's a church?

Corely: And there's gonna be a church on your left and it also has a dirt road on it.

Hendrickson: Ok.

Corely: Um you go down the dirt road and there's three or four little nooks in there.

Hendrickson: Yeah to your

Corely: It's gonna be

Hendrickson: To your right ok.

Corely: In one of the nooks at that time it was a corn field that was cut down and they went out there and made a transition and I wasn't suppose to be there but it was kind of like me and Bam was in the middle of something when he go the call and he couldn't just leave me there so he had to take me along and I was always told that you don't speak what happens.

Hendrickson: Is that one of the places that they've met before? Do you know if that's where they met this night?

Corely: I couldn't tell you.

Hendrickson: Did Bam Bam ever tell you…do what now?

Corely: They always traded them up.

D596

Hendrickson: Did Bam Bam ever tell you anything about what happened when they met up this time?

Corely: He just said it was dealt with. He never said anything but

Hendrickson: Did he ever say how he dealt with it?

Corely: (not audible) Um he's got a gift some 38 gun, a 38 special to be specific.

Hendrickson: Who did?

Corely: Bam Bam. And he wasn't suppose to have it. It's not registered but it was given to him don't ask me who you probably got it or found it or something but I've none to see it. He always carried it in.

Hendrickson: He said he dealt with it with his gift?

Corely: He dealt with it with a gift. And I never thought anything about it.

Hendrickson: Did Mark ever tell you anything?

Corely: He was damn sure gonna make sure I was his alibi.

Hendrickson: Did he ever say why he needed an alibi?

Corely: When I questioned him about it he said that my ol' man could really get me. Get him. And when I asked him why he said well if they ever ask me on a lie detector test did I do anything he said he could pass it. I said why. That's when he told me ex-marines he could control his nerves and the test aren't fail proof anyway. And I said what did you do kill somebody and I was laughing about it.

Hendrickson: Um, um.

Corely: It wasn't nothing for somebody to talk about killing folks and you know back then especially with the business that we were doing and he said well you'll never know and Mark was never the harm you type guy I would have never thought about it but after that you know he got real violent.

Hendrickson: When was the last time…do you know where Mark Hammond is right now?

Corely: Living out of his truck.

Hendrickson: In Dothan or?

D597

Corely: In Dothan I use to have a pager number for him but

Hendrickson: When's the last time you knew he was living out of his truck in Dothan?

Corely: Right before I got locked up I seen him.

Hendrickson: What kind of truck was that?

Corely: It's a Dodge Ram 2500, 4x4, extended cab.

Hendrickson: Ok. Did he ever so they never told you where they met Stuckey was it and C.J.?

Corely: No just a wooded area.

Hendrickson: A wooded area.

Corely: Always it was a they never met like in a Wal-Mart parking lot or something like that.

Hendrickson: Would they have met say an hours drive from Dothan? That wouldn't be normal would it?

Corely: No.

Hendrickson: They always met right around.

Corely: Within a fifteen minute area.

Hendrickson: Of downtown Dothan?

Corely: Basically from my apartment yeah. They to go out there would waste gas and money and it would have made

Hendrickson: Do you know where C.J. Hatfield was found?

Corely: I read in an article he was found up against a tree with bullets in his chest.

Hendrickson: You read a article that he was found where now?

Corely: Up against a tree.

Hendrickson: Where did you read that article?

Corely: The Waffle House.

Hendrickson: In the news paper?

Corely: It had to be.

Hendrickson: Do you know anybody in Abbeville?

Corely: I don't even know where Abbeville is. If I've been there I don't know like the Cottonwood specific area or the Ashford area or I just know that I go. I'm the type of stupid broad to never ask questions.

Hendrickson: After this incident was anything given to you and told you to keep.

Corely: I was told to go by Drew's house.

Hendrickson: Um, um.

Corely: And pick up my box.
Hendrickson: Um, um.

Corely: I'm one of three people that has keys to my box.

Hendrickson: What box?

Corely: It's a one of those safety boxes.

Hendrickson: Whose all got a key to it?

Corely: There was me, Bam Bam, and Mark had a key.

Hendrickson: All right.

Corely: Because that's more or less where they would keep everything.

Hendrickson: Ok. Did you go by Drew's and pick up your box?

Corely: Yes I did. When

Hendrickson: What was in your box when you picked it up?

Corely: I didn't open it. I didn't want to know. When Bam Bam came over he said I need the box. I said ok. He opened it up. There was a gun. He says I'm gone give it to Mark. He needs it. I said ok. He gave it to Mark, Mark gave it back to me. I put it in the box. Well I got locked up. Last I knew it was in the box and I called my friend today. Well she's no longer my

D595

friend but when I got a hold of her she said that Bam Bam had got the box a long time ago. And I had to go three way to get to her.

Hendrickson: Bam Bam had got the box a long time ago?

Corely: When I first got locked up everything I had was in [redacted] Uh it's on South Bell.

Hendrickson: [redacted]

Corely: [redacted]

Hendrickson: If you're going down Summer Street is that left or right?

Corely: Right. It's

Hendrickson: You turn right the apartments are on your left?

Corely: 4 it's the forth block or the forth building. When I found out that he had got it there's nothing else I can do.

Hendrickson: When did you find out he had got it?

Corely: Today. He had got it a long time ago.

Hendrickson: When was a long time ago?

Corely: Right when I first got locked up.

Hendrickson: He got this gun right in April? When did you get locked up?

Corely: April 14th.

Hendrickson: Do you know what anybody ever said he done with it?

Corely: Melted it down. I don't know.

Hendrickson: Who was the gun registered to?

Corely: Nobody that I know of.

Hendrickson: Who where did it come from?

Corely: He just got it as a gift.

DL00

Hendrickson: What about this gun that was sold by Bam Bam to Drew?

Corely: I don't know what gun that one was.

Hendrickson: A 38.

Corely: That he sold?

Hendrickson: Yeah. You don't know nothing about that?

Corely: If he if it's a 38 then that's the one he sold to him.

Hendrickson: But you were told he melted the gun?

Corely: My best guess was that he melted it. He would always tell me these stories about how he had done stuff before. How it wasn't nothing to have a piece melted down and you could have it turned into something else.

Hendrickson: Um, um.

Corely: And then when the cops would come he would say it was ironic because the evidence was right there and there was nothing that a cop could do about it.
Hendrickson: So you got locked up April 14th.

Corely: Um,um. At like 10:30 at night. If he sold Drew a 38 I guarantee that's the same gun because there was never two 38's. The 38's were hard enough for us to find let alone unregistered.

Hendrickson: What kind of gun did Mark carry?

Corely: There's three. There was a I called it a pea shooter. Which it's no bigger than my hand.

Hendrickson: Ok.

Corely: And it held two small bullets. Um most people call them (not audible). And then he carried two 9's. Uh some people call it silver plated but uh I think it's a nickel plate that he always carried on him. Whether he's got those registered or not I don't know.

Hendrickson: Ok what kind of gun did Stuckey always carry?

Corely: Oh Stuckey always had a nine millimeter and it was always carried on his left side. It was easier for him to get to.

D401

Hendrickson: So nobody has actually ever told you they shot somebody then?

Corely: I heard several different stories from several different people and I haven't heard it from them. One was when I finally did get to sit down with Stuckey a couple days after or it had to been a couple hours after I asked him was he ok and he was flipping. He was upset and I've never seen him shaking before.

Hendrickson: What did he say he was upset about?

Corely: He said that he couldn't believe it. And when I asked him what he goes I never thought I could go through something like that and live throw it. And he would never tell me anything else.

Hendrickson: You don't know what he went said he went through?

Corely: It had to been something traumatic for him because he was not the type to just sit there and freak out for nothing. I mean Bam Bam fell out of a tree and Stuckey was stone cold. Um I had I was hanging from a rope from a tree trying to kill myself. Stuckey was stone cold. It had to have scared the crap out of him. And Bam Bam wasn't he was normal. He wasn't upset. He wasn't freaking. He was just ok. But all the clothes that they had Bam Bam put in a garbage bag. Um Mark had these he wore shorts all the time. I don't think Mark owned a pair of pants when I knew him. And he was buttoned up shirt it was ugly as hell and Bam Bam bagged it up and when I asked him what he was doing he said oh it's just trash.

Hendrickson: What color pants were they? Shorts were they?

Corely: He Mark? Wore these wild blue jeans that came right below his knee.

Hendrickson: He bagged them up?

Corely: He bagged everything up and he put it in his Bronco. I asked again you know. Trash. I said well why don't you just throw. No we'll take care of it. You know I got to take the trash out anyway. Bam Bam hardly ever took out trash. But I couldn't question him.

Hendrickson: What did he ever do with them clothes?

Corely: They were in the Bronco. I don't know if he threw them away or what but he threw away his favorite pair of pants.

Hendrickson: Bam Bam did?

Corely: It was a pair of pants that I had got him and they were Nautica.

Hendrickson: What color were they?

D602

Corely: A dark blue jean. Kind of faded around the back with spots on the front.

Hendrickson: He threw them away too? Did you ever see them before he threw them away?

Corely: Yeah they were muddy. But that wasn't anything different for him because he went mud bogging all the time in the Bronco. I was not a very smart person like I stated. I never put two and two together.

Hendrickson: So nobody ever told you why you need to put this gun in the safe?

Corely: No.

Hendrickson: You had that gun until April 14th it was locked up in that safe until April 14th?

Corely: After getting it back yeah.

Hendrickson: You got it back from Mark?

Corely: Mark. He brought it back.

Hendrickson: Where had he took it to?

Corely: That I wouldn't know. I never questioned anybody. They were suppose to protect me. They were suppose to be my friends. It was my ol man as I was always taught. I grew up in Atlanta for eight years. You don't question your ol man. Especially when you do dealing like this. You question then you wind up dead. And I might still.

Hendrickson: Did anybody ever try to find and talk to you as far as law enforcement to your knowledge?

Corely: Not to my knowledge. But if they find out I'm dead anyway.

Hendrickson: If they find out what?

Corely: If they find out I talked to you I'm a dead woman.

Hendrickson: How are they gone find out you talked to me?

Corely: (not audible) of discovery.

Hendrickson: Time now is approximately 10:15p.m. That's gone conclude this interview.

Appendix R

Henry County Sheriff's Department Property/Evidence Sheet from approximately March 21, 2005

HENRY COUNTY SHERIFF'S DEPARTMENT
PROPERTY/EVIDENCE SHEET

VIDENCE NUMBER	FILE NUMBER
NAME OF PERSON WHOM PROPERTY OBTAINED Inv. Allen Hendrickson	ADDRESS Henry County Sheriff's Department
NAME OF VICTIM	NAME OF SUSPECT(S)

LOCATION WHERE PROPERTY OBTAINED	DATE	DAY	TIME ☐AM ☐PM

ITEM NUMBER	QUANTITY	DESCRIPTION OF PROPERTY *(INCLUDE MODEL, SERIAL NUMBER IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE)*
1	1	Statement with Phillips
2	1	Kathy Corely Statement
3	1	John Parmer Statement
4	1	James Bailey Statement
5	1	Patrick Bushman Statement
6	1	Mark Hammond Statement
7	1	Patrick Bushman Statement 03/14/05

NAME AND NUMBER OF AGENT OBTAINING PROPERTY	SIGNATURE	NUMBER
Inv. Allen Hendrickson 3716		3716

CHAIN OF CUSTODY

ITEM NUMBER	DATE	RELINQUISHED BY	RECEIVED BY	REASON FOR CHANGE OF CUSTODY
1-7	3/21/05	Allen Hendrickson	Brooke Phillips	For Transcript

EVIDENCE LOCATION:	PAGE NUMBER OF	EXHIBIT NUMBER

ORIGINAL

Appendix S

Redacted transcript of a video recording of an interview by a documentary filmmaker with one of the suspects in the Hatfield murder who refers to Kittie Corley as "a loco psycho chick that actually killed someone herself"

[redacted]

(14:48:10.7)
[redacted]
Cathy Corley?

(14:48:12.5)
[redacted] Catherine Corley, they called her Kitty. Yeah, that's a loco psycho chick that actually killed someone herself. [redacted]

Appendix T

State of Alabama Expert Report on Handwriting Match re. the Corley Letter

STATE OF ALABAMA	*	IN THE CIRCUIT COURT OF
VS.	*	HOUSTON COUNTY, ALABAMA
CATHERINE NICOLE CORLEY DEFENDANT,	*	CASE NO. CC-05-1726

MOTION TO ORDER DEFENDANT TO PROVIDE
FINGERPRINT AND PALM PRINT

Comes now the State of Alabama and moves the Court to order the defendant pursuant to Alabama Rules of Criminal Procedure, Rule 16.2 (b) (3), to submit to having her fingerprints and palm prints made and for reason states:

A copy of a Forensic Laboratory Examination Report, copy attached, states that palm prints of the defendant are necessary "for a conclusive comparison."

Wherefore the State requests the Court to issue an order requiring the defendant to submit to the taking of said prints.

Respectfully submitted,

Gary R. Maxwell
Chief Assistant District Attorney

CERTIFICATE OF SERVICE

I, Gary R. Maxwell, hereby certify that I have served a copy of the foregoing motion upon the defendant's attorney Billy Sheffield by placing a copy of the same in his courthouse mail box on this 21st day of March 2007.

FILED

MAR 26 2007

Carla Woodall, Clerk
Houston County, AL

Gary R. Maxwell
Chief Assistant District Attorney

Requestor:USPIS\LWHarper

Forensic Laboratory Examination Report

United States Postal Inspection Service
Forensic Laboratory Services
22433 Randolph Dr
Dulles, VA 20104-1000

2

January 25, 2007

Case No. 0301-1617114-ASLT(2) - Lab File No. 9-401-001965 (2)
Type of Examination: Fingerprint
Request Date(s) 12/20/2006

James D. Tynan
Postal Inspector
P. O. Box 80
Montgomery, AL 36101-0080

EXAMINATIONS REQUESTED:
Examine a letter, Exhibit Q-1-1, and an envelope, Exhibit Q-1-2, for latent prints of value for identification. Compare any latent prints developed with the finger and palm prints of Catherine Nicole Corley, K-1-25 through K-1-30.

FINDINGS:
One latent palm print of value was developed on Exhibit Q-1-1. No latent prints of value for identification were developed on Exhibit Q-1-2.

The latent palm print was compared, insofar as possible, with the submitted palm prints of Catherine Nicole Corley without effecting an identification. Completely recorded palm prints of this individual are needed for a conclusive comparison.

REMARKS:
Photographs of the latent palm print are being maintained and will be available for any additional comparisons you may request.

EXHIBITS:
Exhibits Q-1-1, Q-1-2 and K-1-25 through K-1-30 are enclosed with this report under registered mail number RE 096 721 585 US, along with the K exhibits submitted for use in the handwriting examination.

Larry W. Harper
Laboratory Unit Manager
Telephone: 703-406-7118
Fax: 703-406-7115

This is an official FLS examination report only if it contains an original signature of the forensic analyst.

Requestor:USPIS\GBolsover

Forensic Laboratory Examination Report

United States Postal Inspection Service
Forensic Laboratory Services
22433 Randolph Dr
Dulles, VA 20104-1000

2

January 12, 2007

Case No. 0301-1617114-ASLT(2) - Lab File No. 9-401-001965 (1)
Type of Examination: Questioned Documents
Request Date(s) 12/20/2006

James D. Tynan
Postal Inspector
135 Catoma St. 2nd Fl
Montgomery, AL 36104

EXAMINATIONS REQUESTED:
Determine whether the questioned entries appearing on Exhibits Q-1-1 and Q-1-2 were written by Nicole Corley (K-1-1 thru K-1-9 and K-1-11, K-1-12 and K-1-14 thru K-1-24).

Determine whether the questioned entries appearing on Exhibit Q-1-2 (envelope) were written by the writer of the exhibit designated K-1-10 and re-designated K-2-1.

Determine whether any indented writing impressions are discernible on Exhibits Q-1-1 and/or Q-1-2.

FINDINGS:
Nicole Corley (K-1) probably wrote the questioned entries appearing on Exhibit Q-1-1 (two sided letter).

The writer of K-2-1 probably wrote the questioned entries appearing on Exhibit Q-1-2 (envelope).

The qualified conclusions (i.e. probably wrote) are necessitated by the presence of certain features in the questioned writing not fully reflected in the submitted specimens.

A visual and instrumental examination of Exhibits Q-1-1 and Q-1-2 for indented impressions discerned what appears to be "B or K-189 A(?)" on the lower corner of the reverse side of Exhibit Q-1-1 (prints enclosed).

REMARKS:
As information, Exhibits K-1-10 (K-2-1) and K-1-13 were written by two different writers and not by Nicole Corley (K-1).

EXHIBITS:
The exhibits, as described in the request, are retained in the Laboratory pending the completion of the latent fingerprint examination.

Gale Bolsover

Gale Bolsover
Laboratory Unit Manager

Telephone: 703-406-7122
Fax: 703-406-7115

This is an official FLS examination report only if it contains an original signature of the forensic analyst.

Appendix U

Excerpt from James Stuckey Clerk's File

Exhibit A

(Excerpts from James Stuckey Clerk's File)

ALABAMA BOARD OF PARDONS AND PAROLES

REPORT OF INVESTIGATION

Type of Investigation:	PSI			**Date Dictated:**	04/16/2010
Name:	STUCKEY JAMES ADGAR			**PR#:**	PR200801634700
Alias:					
RS	WM	**DOB:** [redacted]	**Est. Age:** 34	**Height and Weight:**	5'08" | 175
Complexion:			**Color of Hair:** BRO	**Color of Eyes:**	BRO
Bodily Marks:					
Driver's License:	AL		**SSN:** [redacted]		
AIS#:	000000	**FBI#:** 861618KC6	**SID:** AL01988558		
Phone #:	0000000000				
Address:	[redacted]				

Confidential

OFFENSE(S) OF INVESTIGATION

County: Henry　　**Case #:** CC 2004 000106.00

Offense(s):

MURDER

Sentence(s)	Date	Begin Date	Conf Imp	Conf Susp	Probation	Restitution
MURDER : C						$ 0.00

Date of Arrest: 03/16/2004　　**Date of Bond:**　　**Bond Amt.:** $ 100000.00

Judge: S EDWARD JACKSON　　**D.A.:** VALESKA DOUGLAS ALBERT

Attorney: BRUNSON PAUL WESTERFIELD　　**Retained:**　　**Appointed:** X

Court Ordered Restitution: $0

NOTES:

7/1　#250
3　100 days
100 days
3　3/31/2010

PRESENT OFFENSE(S)

County Court and Case Number: Henry, CC 2004 000106.00

Offense(s)

MURDER

Sentence(s)	Date	Begin Date	Conf Imp	Conf Susp	Prob.	Rest.
MURDER : C						$ 0.00

Date of Sentence:

Details of Offense:

(1) In count 1 according to Henry County summary and chronological reports, on Saturday March 13, 2004 at approximately 6:00 a.m. the body of a white male without identification was found by hunters on a dirt road in western Henry County. Photographs of the unique tattoos on the victim's body were shown on WTVY News and the deceased victim was identified by the mother as Charles James Hatfield, aka CJ.

An interview with the victim's mother identified Sara Drescher as Hatfield's girlfriend and Jason Stuckey as a companion. Interviews were conducted with Sara Drescher.

A search was initiated for Stuckey throughout that Sunday thru Monday, until a man known as Scott Mathis, came forward with information. Mathis stated that Stuckey called him on Sunday and gave him a reason to believe that Stuckey killed Hatfield.

Mathis also indentified a mutual friend known as Mark Hammond. Hammond was known to Houston County Sheriff's Investigators, who in turn located Hammond. Hammond provided information that led to the arrest of Stuckey as he left James Bailey and Lynn Brown's home located at 204 Southport Street in Dothan.

A search of Bailey's home led to the discovery of clothing thought to belong to Stuckey as well as a truck tool box and empty Taurus handgun box with a serial number that was traceable to Stuckey.

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.

As the investigation continued, due to their concealment of the weapon and other evidence, Mathis was soon arrested for hindering prosecution, and Hammond was eventually arrested for the same.

As the investigation continued into 2005, it was believed that Stuckey and others were responsible for Hatfield's death. A person, who said he was present when Hatfield was shot, gave a statement as to who was present, where the death occurred, who fired shots, and who transported the victim's body to another location. The statement was corroborated and additional arrests were made.

Stuckey's charges were upgraded to Capital Murder while Scott Mathis, Mark Hammond, James Bailey, Sara Drescher, and John Parmer were arrested for Murder. Patrick Bushman, who assisted Stuckey and Bailey in hiding Stuckey's truck, was later arrested for hindering prosecution.

James Bailey was later indicted as follows: The Grand Jury of said county charge that, before the finding of this indictment, James William Bailey IV, whose name is otherwise unknown to the Grand Jury, did intentionally cause the death of another person, Charles James Hatfield, by shooting him with a gun.

On Probation At Arrest: No

On Parole At Arrest: No

Serious Physical

Injury Barring Parole: No

Subject's Statement:

Case Status of Co-defendants: (1) Morris Mathis CC2005-379 (Murder) Pending Jury Trial

Mark Hammond CC2005-265 (Murder) Pending Jury Trial

Sara Drescher CC2005-298 (YO/Murder) Acquitted

John Parmer CC2005-380 (Murder)- 08-17-09 Guilty- Sentenced to 20 Years

Patrick Bushman CC2005-313 (Hindering Prosecution) 08-17-09- Dismissed

Victim Notification Information:

Victim Impact:

Victim Age: None

Location of Offense: Henry County, Alabama

Court Ordered Restitution: $0

RECORD OF ARREST(S)

Date	Agency ORI	Type	Charge	Disposition
12/19/2005	Houston County Sheriff's Department	Prior Adult	UPCS (38-CC-05-2127)	Other: 09-08-08- Guilty-04-14-10- Sentencing Hearing

PERSONAL/SOCIAL HISTORY

Marital Status/History Married

Name	Address	DOB	DOD	Marriage Begin/End
Annslee Stuckey	Panama City, Florida 32408			

Children

Name	Address	DOB	DOD	Other Parent
Tyler Stuckey		[redacted]		
Joshua Stuckey		[redacted]		
Logan Stuckey		[redacted]		

Housing History

Orphanage: No
Homeless: No
Foster Home: No
Other Institution: No
Boarding School: No

Health

Physical Disability: No

Mental Disability:	No	
Psychological Report:	No	
Prescribed Medications:	Yes	Asacol-Prednisone-Omeprazole-Rhumacald Infusions
Defendants Opinion Of Drug Problem:		
Past Drugs:	Yes	Marijuana-Ice-Nubain
Treatment History:		
Present Drugs:	No	
Defendants Opinion Of Alcohol Problem:	Denies	

Education

High School

Last Grade Completed	Name/Year	If DropOut, Reason why:
HSGraduate	Dothan High School, 1999	

College

Last Level Completed	Name/Year	If DropOut, Reason why:
AttendedCollege	Liberty Home Bible Institute,	

Further Education/Training

Type	Place	Length	Completed
Electrical Trades	Northview	2 Years	Yes

Financial Status

Owns:

Employment History

Type/Employer	Begin Date	# Months	Pay	Reason For Leaving
\ Emerald Point Community Church/		4	Love Offering	Current
\ Bay Co. Alum.	/	12	$10.00 Hour	No Work
\ Brannon Alum.	/	24	$10.00 Hour	No Work
\ Dothan Awning	/	9	Not Listed	Not Listed

Military Record

Registered W/Selective Service	Served	Length Of Service	Discharge Type
Yes	None		

Discharge Reason	Highest\Discharge Rank	Military Job Title	Medals/Awards
	\		

Notes:

Offender's Family

Parents

Father	Address	DOB	Felony Conv.	Deceased

Mother	Address	DOB	Felony Conv.	Deceased
Jimmie Stuckey	Panama City, Florida			
Glyn Stuckey				

Siblings

Name	Address	DOB	Felony Conv.
None Listed			

Notes:

Personal Relationship

Relationship w/father: Good

Relationship w/mother: Good

Relationship w/siblings: N/A

PROBATION PLAN

Home

Living With	Address	Relation
Annslee Stuckey	[redacted]	Wife

Employment

Employer	Address	Phone	Pay Rate
Dothan Awning	Dothan, Alabama		

Treatments

Treatment Type	Treatment Description

Officer Remarks: Mr. Stuckey has a prior felony conviction in Houston County for Unlawful Possession of a Controlled Substance.

Recommendations To Court: It is the recommendation of this officer that Mr. Stuckey receive a maximum sentence.

Signed and dated at Abbeville, Alabama the 31st day of March 10

KEMP DAVID
Alabama Probation and Parole Officer

PBF 203

Reviewed By

Grand Jury No. 152 Agency No.. 04-03-0209 DC No. 04-0201 CC-04-0106

INDICTMENT

The State of Alabama
HENRY COUNTY

CIRCUIT COURT
TWENTIETH JUDICIAL
MARCH Term, 2004

COUNT I

The Grand Jury of said county charge that, before the finding of this indictment, JAMES ADGER STUCKEY, whose name is otherwise unknown to the Grand Jury, did in Henry, County, Alabama, intentionally cause the death of another person, CHARLES JAMES HATFIELD, by SHOOTING HIM WITH A GUN, in violation of Section 13A-6-2 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Douglas Albert Valeska
District Attorney

THE STATE OF ALABAMA
Henry County

THE CIRCUIT COURT
Twentieth Judicial Circuit

THE STATE
vs.
James Adger Stuckey

Witnesses:
INVESTIGATOR TROY SILVA, HENRY COUNTY SO, ABBEVILLE, AL 36310
OFFICER JR WARD, ABI DOTHAN, DOTHAN, AL 36301
DERRICK WRIGHT, COUNTY CORNER, HEADLAND, AL 36345

Charges: 1. MURDER

Appendix V

Transcript of *voir dire* at James Bailey trial, Case No. CC-05-380, November 18, 2008, p. 15

Connie Johnston?

Steve Roy Adams?

Brian Johns?

Patrick Bushman?

Nicole Daniell Morgan?

John Edward Parmer?

Catherine Corley?

How about Charles James Hatfield, alleged to be the victim in this case?

Chris Alban?

Rick Rungee?

Any of you related by blood or by marriage or do you know any of those people? For those of you who indicated that you do know some of those people, I need to ask those follow-up questions of those I guess about ten individuals, jurors, that do know some of the potential witnesses: The fact that you know these people, would that in any way influence your judgment for or against the defendant or for or against the State of Alabama?

Ms. Murphy?

POTENTIAL JUROR: No, sir.

THE COURT: Thank you, ma'am.

Appendix W

Alabama SJIS Case Detail, Catherine Nicole Corley

ALABAMA SJIS CASE DETAIL

PREPARED FOR: ANNE BORELLI

County: **38** Case Number: **CC-2005-001726.00** Court Action: **GUILTY PLEA**

Style: **STATE OF ALABAMA V. CORLEY CATHERINE NICOLE**

Real Time

Case

Case Information

County:	38-HOUSTON	Case Number:	CC-2005-001726.00	Judge:	LKA-LARRY K ANDERSON
Defendant Status:	PRISON	Trial Type:		Charge:	MURDER CAPITAL-BURGL
Related Cases:	WR-2004-010265.00/DC-2004-001434.00			Court Action:	GUILTY PLEA
Probation Office #:	2008-001400-00	Probation Office Name:	N15609		
Jury Demand:	True	Traffic Citation #:		DL Destroy Date:	
Grand Jury Court Action:		Inpatient Treatment Ordered:		Previous DUI Convictions:	000

Case Initiation

Case Initiation Date:	10/30/2005	Case Initiation Type:	ARREST	Offense Date:	10/28/2005
Filing Date:	10/31/2005	Agency ORI:		Arresting Agency Type:	STATE (INCLUDES PARK RANGER)
Arrest Date:	10/30/2005	Arresting Officer:	T LUKER	City Code/Name:	00
Indictment Date:	10/28/2005	Grand Jury:	416	Domestic Violence:	NO

Defendant Information

Name:	CORLEY CATHERINE NICOLE		Alias 1:			Alias 2:	
Address 1:	AIS#256533 L		Address 2:	[redacted]			
City:	WETUMPKA		State:	AL	Zip: 36092-0000	Country:	
DOB:	[redacted]		SSN:	XXX-XX-X948		Phone:	0
Driver License N°:	NL		State ID:	AL000000000		Eyes/Hair:	HZL/BLK
Height :	5'07"		Weight:			Race/Sex:	W/F
Youthful Date:							
AL Institutional Service Num:	256533						

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	VAL002		VALESKA DOUGLAS ALBERT	DOUG.VALESKA@ALABAMADA.GOV	(334) 677-4894
Attorney 1	SHE049	C-CONTRACT	SHEFFIELD BILLY JOE II	JOEY030468@GMAIL.COM	(334) 794-3733
Attorney 2	CRE005	A-APPOINTED	CRESPI MICHAEL ALBERT	QFABIUSC@AOL.COM	(334) 702-9434

Warrant Information

Warrant Issuance Date:		Warrant Issuance Status:		Description:	
Warrant Action Date:		Warrant Action Status:		Description:	
Warrant Location Date:		Warrant Location Status:		Description:	
Number Of Warrants:	000				

Bond Information

Bond Amount:	0.00	Bond Type:	N	Bond Type Desc:	NO BOND
Bond Company:		Surety Code:	000	Release Date:	
Failed to Appear Date:		Bondsman Process Issuance:		Bondsman Process Return:	

Appeal Information

Appeal Date:	Appeal Case Number:	Appeal Court:
Appeal Status:	Orgin Of Appeal:	
Appeal To:	Appeal To Desc:	LowerCourt Appeal Date:
Disposition Date Of Appeal:	Disposition Type Of Appeal:	

Administrative Information

Transfer to Admin Doc Date:		Transfer Reason:		Transfer Desc:	
Number of Subponeas:	012	Last Update:	05/11/2010	Updated By:	MAK

Settings

Settings

	Date:	Que:	Time:	Description:
1	04/25/2008	001	09:00 AM	HEAR - EX PARTE MOTION
3	11/02/2005	000	02:00 PM	HEAR - BOND HEARING

Charges / Disposition

Court Action

Court Action: G-GUILTY PLEA
Court Action Date: 12/21/2007
Date Trial Began but No Verdict (TBNV1):
Date Trial Began but No Verdict (TBNV2):

Filing Charges

#	Code	ID	Description	Cite	Type Description	Category	Class
001	CM04		MURDER CAPITAL-BURGLARY	13A-005-040(A)(4)	FELONY	PERSONAL INJURY - PERSON	

Disposition Charges

#	Code	ID	Description	Cite	Type Description	Category	Class	Court Action	Court Action Date
001	MURD		MURDER	13A-006-002	FELONY	PERSONAL INJURY - PERSON		GUILTY PLEA	12/21/2007

Sentences

Sentence 1

Sentence

Requirements Completed:	NO	Sentence Provisions:	Y	Jail Credit Period:	3 Years, 0 Months, 224 Days.
Sentence Date:	12/21/2007	Sentence Start Date:	12/21/2007	Sentence End Date:	
Probation Period:	0 Years, 0 Months, 0 Days.	Probation Begin Date:		Probation Revoke:	
License Susp Period:	0 Years, 0 Months, 0 Days.	Last Update:	02/22/2008	Updated By:	MAF

Monetary

Costs:	X	Fine:	X	Fine Imposed:	10000.00	Fine Suspended:	0.00	Immigration Fine:	
Crime Victims Fee:	X			Crime History Fee:	X	License Suspension Fee:		Drug User Fee:	
WC Fee 85%:				Municipal Court:		Jail Fee:		Drug Docket Fees:	
WC Fee DA:				Removal Bill:		Amt Over Minimum CVF:	X-$9950.00	Alias Warrant:	
SX10:		Prelim Hearing:	X	Attorney Fees:		Demand Reduction Hearing:		Subpoena:	X

Restitution

Recipient	Restitution	Description	Amount
R001	X		7232.00

Confinement

Imposed Confinement Period:	**25 Years, 0 Months, 0 Days.**			Suspended Confinement Period	**0 Years, 0 Months, 0 Days.**
Total Confinement Period:	**25 Years, 0 Months, 0 Days.**			Penitentiary:	**X**
Life Without Parole:				Boot Camp:	
Jail:		Life:		Death:	
Split:		Reverse Split:		Electronic Monitoring:	**-0**
Concurrent Sentence:	**X**	Consecutive Sentence:		Coterminous Sentence:	
Chain Gang:	**0**				

Programs

Jail Diversion:		Informal Probation:		Alcoholics Anonymous:	
Dui School:		Defensive Driving Shcool:		Doc Drug Program:	
PreTrail Diversion:		Bad Check School:		Mental Health:	
Court Referral Program:		Alternative Sentencing:		Drug Court:	
Anger Management Program:		Doc Community Corrections:		Jail Community Corrections:	
Community Service:		Community Service Hrs:	**0**		

Enhanced

Drug Near Project:		Sex Offender Community Notification:		Drugs Near School:	
Habitual Offender:		Habitual Offender Number:	**0**	Victim DOB:	**N**
Drug:		Drug Code:		Drug Volume:	**0.00**
Drug Measure Unit:					

***Key: x = ordered by judge and should be collected. m = ordered by judge but remitted immediately. n = normally assessed but ordered to 'not collect**

Linked Cases

Sentencing Number	Case Type	Case Type Description	CaseNumber

Enforcement

Enforcement

Payor:	**D001**	Enforcement Status:	JAIL/PRISON: PERMITS RECEIPTING, NO MAILERS OR DA TURNOVER			Placement Status:	
Amount Due:	**$50,566.13**			Amount Paid:	$0.00	Balance:	$50,566.13
Due Date:	**01/19/2008**	Last Paid Date:		Frequency:		Frequency Amt:	$0.00
Over/Under Paid:	**$0.00**	TurnOver Date:		TurnOver Amt:	$0.00	D999 Amt:	$0.00
PreTrial:	**YES**	PreTrail Date:		PreTrial Terms:	YES	Pre Terms Date:	
Delinquent:	**YES**	Delinquent Date:		DA Mailer:	YES	DA Mailer Date:	
Warrant Mailer:	**YES**	Warrant Mailer Date:		Last Update:	08/27/2008	Updated By:	MAF
Comments:							

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	Y	R001	D001	R001	$7,232.00	$0.00	$7,232.00	$0.00	
ACTIVE	N	SF00	D001		$219.00	$0.00	$219.00	$0.00	
ACTIVE	N	SF10	D001		$9,950.00	$0.00	$9,950.00	$0.00	
ACTIVE	N	SF30	D001		$96.00	$0.00	$96.00	$0.00	
ACTIVE	N	SF80	D001		$30.00	$0.00	$30.00	$0.00	
ACTIVE	N	SF70	D001		$7,500.00	$0.00	$7,500.00	$0.00	
ACTIVE	N	SF70	D001		$2,325.00	$0.00	$2,325.00	$0.00	

ACTIVE	N	SF70	D001	$12,440.74	$0.00	$12,440.74	$0.00
ACTIVE	N	SF70	D001	$693.39	$0.00	$693.39	$0.00
ACTIVE	N	SF71	D001	$25.00	$0.00	$25.00	$0.00
ACTIVE	N	SF72	D001	$25.00	$0.00	$25.00	$0.00
ACTIVE	N	SF73	D001	$10,000.00	$0.00	$10,000.00	$0.00
ACTIVE	N	SO75	D001	$30.00	$0.00	$30.00	$0.00
			Total:	$50,566.13	$0.00	$50,566.13	$0.00

Financial History

Transaction Date	Description	Disbursement Accoun	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
12/21/2007	FEE CHANGED	SF10	2008060	00	$9,950.00	D001			N			MAF

SJIS Witness List

				Subpoena			
Witness #	Name	Requesting Party	Attorney	Date Issued	Issued Type	Date Served	Service Type
R001	ALBERT CHRISTOPHER WALKER	000				12/18/2007	SHERIFF
W001	SGT TONY LUKER	000		12/11/2007		12/18/2007	SHERIFF
W002	CPL JASON DEVANE	000		12/11/2007			
W003	CPL MIKE ETRESS	000		12/11/2007		12/18/2007	SHERIFF
W004	CPL FRANK MEREDITH	000		12/11/2007		12/18/2007	SHERIFF

Case Action Summary

Date:	Time	Code	Comments	Operator
10/31/2005	2:00 PM	JUDG	ASSIGNED TO: (LKA) C. LAWSON LITTLE (AR01)	ROJ
10/31/2005	2:00 PM	DAT1	SET FOR: ARRAIGNMENT ON 12/01/2005 AT 0900A(AR01)	ROJ
10/31/2005	2:00 PM	FILE	FILED ON: 10/31/2005 (AR01)	ROJ
10/31/2005	2:00 PM	STAT	INITIAL STATUS SET TO: "J" - JAIL (AR01)	ROJ
10/31/2005	2:00 PM	ARRS	DEFENDANT ARRESTED ON: 10/30/2005 (AR01)	ROJ
10/31/2005	2:00 PM	INDT	DEFENDANT INDICTED ON: 10/28/2005 (AR01)	ROJ
10/31/2005	2:00 PM	FILE	CHARGE 01: MURDER CAPITAL-BURGL/#CNTS: 001 (AR01)	ROJ
10/31/2005	2:01 PM	DAT2	SET FOR: JURY TRIAL ON 02/06/2006 AT 0830A (AR10)	ROJ
10/31/2005	2:01 PM	CASP	CASE ACTION SUMMARY PRINTED (AR10)	ROJ
10/31/2005	2:01 PM	FESH	FEE SHEET PRINTED (AR08)	ROJ
11/2/2005	9:38 AM	DAT3	SET FOR: BOND HEARING ON 11/02/2005 AT 0200P	NOC
11/2/2005	9:39 AM	COMM	11/2/05 - BOND HRG SET AT 1ST APPRD PER MJS (AR10)	NOC
11/8/2005	2:44 PM	COMM	11/8/05 - 2 JUDGE W/MOT FOR HANDWRITING SAMPLE	NOC
11/16/2005	7:52 AM	DAT1	SET FOR: RE:WRITING SAMPLE ON 12/16/2005 AT 0900A	ROJ
11/16/2005	9:50 AM	ATY1	ATTORNEY FOR DEFENDANT: DAVIS ERIC CLARK (AR10)	ROJ
11/22/2005	3:22 PM	ATY1	ATTORNEY FOR DEFENDANT: ADAMS RICHARD MARTIN(AR01)	ROJ
12/6/2005	9:34 AM	COMM	12-6-05 - 2 JUDGE W/MOT (AR10)	NOC
12/9/2005	10:24 AM	DAT2	SET FOR: JURY TRIAL ON 03/06/2006 AT 0830A (AR10)	PAM
12/9/2005	10:24 AM	COMM	12-8-05 MENTAL EVAL ORDERED (AR10)	PAM
1/13/2006	11:10 AM	COMM	1/13/06 - TO JUDGE W MOT TO RECONSIDER (AR10)	NOC
1/30/2006	11:02 AM	DAT1	SET FOR: MTN RECONDISER ON 02/24/2006 AT 0900A	ROJ
2/7/2006	1:21 AM	DAT2	CASE SET ON 04/10/2006	JUB
2/7/2006	1:21 AM	NOTF	NOTICE FLAG SET TO: N	JUB
3/14/2006	12:00 AM	DAT2	CASE SET ON 05/08/2006	JUB
3/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
4/5/2006	11:56 PM	DAT2	CASE SET ON 05/15/2006	JUB
4/5/2006	11:56 PM	NOTF	NOTICE FLAG SET TO: N	JUB
4/21/2006	12:00 AM	DAT2	CASE SET ON 08/14/2006	JUB
4/21/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB

6/16/2006	9:20 AM	COMM	6-16-06 SENT TO JUDGE W/MOTION (AR10)	TAB
7/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/14/2006	12:00 AM	DAT2	CASE SET ON 08/28/2006	JUB
7/25/2006	12:00 AM	DAT2	CASE SET ON 09/11/2006	JUB
7/25/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/27/2006	1:51 PM	COMM	7-26-06 SENT TO JUDGE W/MOTION (AR10)	RHM
8/2/2006	11:23 AM	DAT1	SET FOR: ARRAIGNMENT ON 09/20/2006 AT 0900A(AR10)	PAM
8/2/2006	11:24 AM	DAT2	SET FOR: JURY TRIAL ON 10/10/2006 AT 0830A (AR10)	PAM
8/24/2006	2:25 PM	COMM	8-24-06 FILE TO JUDGE W/ATTY B J SHEFFIELD (AR10)	ROJ
8/28/2006	2:43 AM	DOCK	NOTICE SENT: 08/28/2006 ADAMS RICHARD MARTIN	JIS
9/14/2006	12:00 AM	DAT2	CASE SET ON 10/16/2006	JUB
9/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/19/2006	12:00 AM	DAT2	CASE SET ON 11/06/2006	JUB
9/19/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/22/2006	4:02 PM	DAT1	SET FOR: MOTION HRG ON 10/26/2006 AT 0830A (AR10)	RHM
9/22/2006	4:04 PM	ATY2	ATTORNEY FOR DEFENDANT: CRESPI MICHAEL A (AR10)	RHM
9/22/2006	4:05 PM	COMM	RM CABINET (AR10)	RHM
10/11/2006	9:00 AM	ATY1	ATTORNEY FOR DEFENDANT: SHEFFIELD BILLY J II(AR10)	RHM
10/11/2006	9:01 AM	ATTH	CAS ATTACHMENT PRINTED (AR08)	RHM
10/12/2006	12:00 AM	DAT2	CASE SET ON 11/27/2006	JUB
10/12/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
10/24/2006	12:00 AM	DAT2	CASE SET ON 12/04/2006	JUB
10/24/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
11/9/2006	12:00 AM	DAT2	CASE SET ON 01/08/2007	JUB
11/9/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
11/22/2006	9:35 AM	COMM	RM CABINET 11-22-06 MOTION TO CONTINUE (AR10)	RHM
11/22/2006	10:13 AM	DAT1	SET FOR: MOTION HRG/ARRG ON 01/30/2007 AT 0830A	RHM
11/22/2006	10:13 AM	DAT2	SET FOR: JURY TRIAL ON 03/05/2007 AT 0830A (AR10)	RHM
12/1/2006	4:48 PM	COMM	RM CABINET (AR10)	RHM
1/29/2007	12:00 AM	DAT2	CASE SET ON 04/16/2007	CAW
1/29/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
3/7/2007	9:46 PM	DAT2	SET FOR: JURY TRIAL ON 04/30/2007 AT 0830A (AR10)	CAW
3/26/2007	8:32 AM	COMM	RM CABINET 3-26-07 MOTION FOR PALM PRINT (AR10)	RHM
3/27/2007	4:12 PM	COMM	RM CABINET (AR10)	RHM
3/28/2007	3:10 PM	DAT2	SET FOR: JURY TRIAL ON 05/21/2007 AT 0830A (AR10)	CAW
4/19/2007	3:27 PM	DAT2	SET FOR: JURY TRIAL ON 08/27/2007 AT 0830A (AR10)	CAW
4/24/2007	10:31 AM	ATTH	CAS ATTACHMENT PRINTED (AR08)	MAF
4/24/2007	10:36 AM	COMM	4/24/07 FILE TO JUDGE W/ EX PARTE MOTION (AR10)	MAF
6/26/2007	4:01 PM	COMM	6/26/07 FILE TO JUDGE W/ EX PARTE MOTION (AR10)	MAF
7/24/2007	11:13 PM	DAT2	CASE SET ON 09/10/2007	CAW
7/24/2007	11:13 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/7/2007	2:58 PM	COMM	8/7/07 FILE TO JUDGE W/ EX PARTE MOTION (AR10)	MAF
8/9/2007	10:51 PM	DAT2	CASE SET ON 09/24/2007	CAW
8/9/2007	10:51 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/23/2007	11:31 AM	DAT1	SET FOR: EX PARTE MOTION ON 10/04/2007 AT 0830A	MAF
8/23/2007	11:48 PM	DAT2	CASE SET ON 10/15/2007	CAW
8/23/2007	11:48 PM	NOTF	NOTICE FLAG SET TO: N	CAW
9/13/2007	1:09 PM	DAT2	SET FOR: JURY TRIAL ON 11/05/2007 AT 0830A (AR10)	CAW
10/5/2007	8:19 AM	DAT2	SET FOR: JURY TRIAL ON 01/14/2008 AT 0830A (AR10)	CAW
10/15/2007	3:22 PM	DAT1	SET FOR: STATUS CONFERENCE ON 11/27/2007 AT 0830A	MAF
11/19/2007	9:37 AM	COMM	11-19-07 FILE TO D.A.'S OFFICE W/ HEATHER (FOR GIG	MAF
11/19/2007	9:37 AM	COMM	I) (AR10)	MAF
12/11/2007	3:57 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM

12/19/2007	3:20 PM	SERV	PARTY W004 SERVED DATE: 12182007 TYPE: SERVED PER	DOS
12/19/2007	3:22 PM	SERV	PARTY W003 SERVED DATE: 12182007 TYPE: SERVED PER	DOS
12/19/2007	3:54 PM	SERV	PARTY W001 SERVED DATE: 12182007 TYPE: SERVED PER	DOS
12/21/2007	11:11 AM	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: LKA	MAF
12/21/2007	11:11 AM	DISP	CHARGE 01: MURDER/#CNTS: 001 (AR10)	MAF
12/21/2007	11:11 AM	DISP	CHARGE 01 DISPOSED BY: GUILTY PLEA ON: 12/21/2007	MAF
12/21/2007	11:16 AM	CH01	STATUS CHANGED TO: "P" - PRISON (AR05)	MAF
12/21/2007	11:16 AM	CH01	DEFENDANT SENTENCED ON: 12/21/2007 (AR05)	MAF
12/21/2007	11:16 AM	CH01	SENTENCE TO BEGIN ON: 12/21/2007 (AR05)	MAF
12/21/2007	11:16 AM	CH01	IMPOSED CONFINEMENT: 25 YEARS (AR05)	MAF
12/21/2007	11:16 AM	CH01	TOTAL CONFINEMENT: 25 YEARS (AR05)	MAF
12/21/2007	11:16 AM	CH01	COST PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:16 AM	CH01	FINE PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	FINE IMPOSED: $10000.00 (AR05)	MAF
12/21/2007	11:17 AM	CH01	3CVC PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	3CVC AMOUNT ORDERED: $10000.00 (AR05)	MAF
12/21/2007	11:17 AM	CH01	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	PREL FEE PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	CVCC PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	11:17 AM	CH01	CCUR WITH CC-2005-1725 (AR05)	MAF
12/21/2007	11:19 AM	D001	ENFORCEMENT STATUS SET TO: "J" (FE52)	MAF
12/21/2007	11:19 AM	D001	PAYMENT FREQUENCY SET TO: "L" (FE52)	MAF
12/21/2007	11:25 AM	CH01	JAIL CREDIT: 03 YEARS, 224 DAYS (AR05)	MAF
12/21/2007	11:26 AM	TRSC	TRANSCRIPT OF RECORD ISSUED: 12/21/2007 (AR08)	MAF
12/26/2007	8:24 AM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
1/2/2008	8:28 AM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
1/8/2008	4:22 PM	COMM	1-8-08 FILE TO JUDGE W/ MOTION FOR RESTITUTION	MAF
1/11/2008	12:00 AM	FELN	CONVICTION REPORT TO BOARD OF REGISTRARS	CAW
1/15/2008	1:15 PM	DAT1	SET FOR: RESTITUTION ON 02/22/2008 AT 0900A (AR10)	MAF
1/15/2008	1:16 PM	ATTH	CAS ATTACHMENT PRINTED (AR08)	MAF
2/19/2008	10:07 AM	COMM	2-19-08 FILE TO JUDGE W/ EX PARTE MOTION (AR10)	MAF
2/22/2008	9:46 AM	CH01	RESTITUTION FOR R001 ORDERED BY THE COURT (AR05)	MAF
2/22/2008	9:46 AM	CH01	R001 REST AMOUNT ORDERED: $7232.00 (AR05)	MAF
2/22/2008	9:52 AM	PRTY	PARTY ADDED R001 ALBERT CHRISTOPHER WALKER(AW21)	MAF
2/22/2008	9:52 AM	SERV	PARTY R001 SERVED DATE: 12182007 TYPE: SERVED PER	MAF
4/8/2008	8:58 AM	DAT1	SET FOR: EX PARTE MOTION ON 04/25/2008 AT 0900A	MAF
5/4/2010	2:01 PM	COMM	5.4.10 FILE TO JUDGE W/ RULE 32 (AR10)	MAK
5/11/2010	2:46 PM	TEXT	PARTIAL FILING FEE WAIVED. CASE MAY BE DOCKETED	MAK
5/11/2010	2:46 PM	TEXT	UPON PAYMENT OF $50.00. /S/ANDERSON, JUDGE.	MAK
5/11/2010	2:56 PM	ADD1	ADDR1 CHANGED FROM: C/O HOUSTON COUNTY JAIL (AR01)	MAK
5/11/2010	2:56 PM	ADD2	ADDR2 CHANGED FROM: [redacted] (AR01)	MAK
5/11/2010	2:56 PM	CITY	HOME CITY CHANGED FROM: DOTHAN (AR01)	MAK

END OF THE REPORT

ALABAMA SJIS CASE DETAIL

PREPARED FOR: ANNE BORELLI

alacourt.com

County: **38** Case Number: **CC-2005-001725.00** Court Action: **GUILTY PLEA**

Style: **STATE OF ALABAMA V. CORLEY CATHERINE NICOLE**

Real Time

Case

Case Information

County:	38-HOUSTON	Case Number:	CC-2005-001725.00	Judge:	LKA-LARRY K ANDERSON
Defendant Status:	PRISON	Trial Type:		Charge:	BURGLARY 2ND DEGREE
Related Cases:	WR-2004-010994.00/DC-2004-001097.00			Court Action:	GUILTY PLEA
Probation Office #:	2008-001400-00	Probation Office Name:	N15609		
Jury Demand:	True	Traffic Citation #:		DL Destroy Date:	
Grand Jury Court Action:		Inpatient Treatment Ordered:		Previous DUI Convictions:	000

Case Initiation

Case Initiation Date:	10/30/2005	Case Initiation Type:	ARREST	Offense Date:	10/28/2005
Filing Date:	10/31/2005	Agency ORI:		Arresting Agency Type:	STATE (INCLUDES PARK RANGER)
Arrest Date:	10/30/2005	Arresting Officer:	T LUKER	City Code/Name:	00
Indictment Date:	10/28/2005	Grand Jury:	415	Domestic Violence:	NO

Defendant Information

Name:	CORLEY CATHERINE NICOLE	Alias 1:				Alias 2:	
Address 1:	AIS#256533	Address 2:	[redacted]				
City:	WETUMPKA	State:	AL	Zip:	36092-0000	Country:	
DOB:	[redacted]	SSN:	XXX-XX-X948			Phone:	0
Driver License N°:	NL	State ID:	AL000000000			Eyes/Hair:	HZL/BLK
Height :	5'07"	Weight:				Race/Sex:	W/F
Youthful Date:							
AL Institutional Service Num:	256533						

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	MED009		MEDLEY ARTHUR ROSS	AMEDLEY@SW.RR.COM	(334) 790-6878
Attorney 1	SHE049	A-APPOINTED	SHEFFIELD BILLY JOE II	JOEY030468@GMAIL.COM	(334) 794-3733
Attorney 2	CRE005	A-APPOINTED	CRESPI MICHAEL ALBERT	QFABIUSC@AOL.COM	(334) 702-9434

Warrant Information

Warrant Issuance Date:		Warrant Issuance Status:		Description:	
Warrant Action Date:		Warrant Action Status:		Description:	
Warrant Location Date:		Warrant Location Status:		Description:	
Number Of Warrants:	000				

Bond Information

Bond Amount:	250000.00	Bond Type:		Bond Type Desc:	
Bond Company:		Surety Code:	000	Release Date:	
Failed to Appear Date:		Bondsman Process Issuance:		Bondsman Process Return:	

Appeal Information

Appeal Date:		Appeal Case Number:		Appeal Court:	
Appeal Status:		Orgin Of Appeal:			
Appeal To:		Appeal To Desc:		LowerCourt Appeal Date:	
Disposition Date Of Appeal:		Disposition Type Of Appeal:			

Administrative Information

Transfer to Admin Doc Date:		Transfer Reason:		Transfer Desc:	
Number of Subpoenas:	004	Last Update:	05/11/2010	Updated By:	MAK

Settings

Settings

	Date:	Que:	Time:	Description:
1	02/24/2006	001	09:00 AM	HEAR - MTN RECONSIDER
3	11/02/2005	001	02:00 PM	HEAR - BOND HEARING

Continuances

Continuance Date	Continuance Reason	Description:	Number of Previous Continuances:
01/20/2007	00/00/000D		1

Date	Time	Code	Comments	Operator
1/18/2007	11:02:36 AM	CONT	GRANTED CONTINUANCE DUE TO: REQUEST OF DEF/ATTY	MAF
1/18/2007	11:02:37 AM	CTDT	ABOVE CONTINUANCE EFFECTIVE: 01/20/2007 (AR10)	MAF

Charges / Disposition

Court Action

Court Action: G-GUILTY PLEA
Court Action Date: 12/21/2007
Date Trial Began but No Verdict (TBNV1):
Date Trial Began but No Verdict (TBNV2):

Filing Charges

#	Code	ID	Description	Cite	Type Description	Category	Class
001	BUR2		BURGLARY 2ND DEGREE	13A-007-006	FELONY	PERSONAL INJURY - PROPERTY	

Disposition Charges

#	Code	ID	Description	Cite	Type Description	Category	Class	Court Action	Court Action Date
001	BUR2		BURGLARY 2ND DEGREE	13A-007-006	FELONY	PERSONAL INJURY - PROPERTY		GUILTY PLEA	12/21/2007

Sentences

Sentence 1

Sentence

Requirements Completed:	NO	Sentence Provisions:	Y	Jail Credit Period:	3 Years, 0 Months, 251 Days.
Sentence Date:	12/21/2007	Sentence Start Date:	12/21/2007	Sentence End Date:	
Probation Period:	0 Years, 0 Months, 0 Days.	Probation Begin Date:		Probation Revoke:	
License Susp Period:	0 Years, 0 Months, 0 Days.	Last Update:	12/21/2007	Updated By:	MAF

Monetary

Costs:	X	Fine:	X	Fine Imposed:	2000.00	Fine Suspended:	0.00	Immigration Fine:	
Crime Victims Fee:	X			Crime History Fee:	X	License Suspension Fee:		Drug User Fee:	
WC Fee 85%:				Municipal Court:		Jail Fee:		Drug Docket Fees:	
WC Fee DA:				Removal Bill:		Amt Over Minimum CVF:	X-$2450.00	Alias Warrant:	
SX10:		Prelim Hearing:		Attorney Fees:		Demand Reduction Hearing:		Subpoena:	X

Restitution

Recipient	Restitution	Description	Amount

Confinement

Imposed Confinement Period:	20 Years, 0 Months, 0 Days.	Suspended Confinement Period	0 Years, 0 Months, 0 Days.
Total Confinement Period:	20 Years, 0 Months, 0 Days.	Penitentiary:	X
Life Without Parole:		Boot Camp:	
Jail:		Life:	Death:
Split:		Reverse Split:	Electronic Monitoring: -0
Concurrent Sentence:	X	Consecutive Sentence:	Coterminous Sentence:
Chain Gang:	0		

Programs

Jail Diversion:	Informal Probation:	Alcoholics Anonymous:
Dui School:	Defensive Driving Shcool:	Doc Drug Program:
PreTrail Diversion:	Bad Check School:	Mental Health:
Court Referral Program:	Alternative Sentencing:	Drug Court:
Anger Management Program:	Doc Community Corrections:	Jail Community Corrections:
Community Service:	Community Service Hrs: 0	

Enhanced

Drug Near Project:	Sex Offender Community Notification:	Drugs Near School:
Habitual Offender:	Habitual Offender Number: 0	Victim DOB:
Drug:	Drug Code:	Drug Volume: 0.00
Drug Measure Unit:		

*Key: x = ordered by judge and should be collected. m = ordered by judge but remitted immediately. n = normally assessed but ordered to 'not collect

Linked Cases

Sentencing Number	Case Type	Case Type Description	CaseNumber

Enforcement

Enforcement

Payor:	D001	Enforcement Status:	JAIL/PRISON: PERMITS RECEIPTING, NO MAILERS OR DA TURNOVER			Placement Status:	
Amount Due:	$31,136.00			Amount Paid:	$0.00	Balance:	$31,136.00
Due Date:	01/19/2008	Last Paid Date:		Frequency:		Frequency Amt:	$0.00
Over/Under Paid:	$0.00	TurnOver Date:		TurnOver Amt:	$0.00	D999 Amt:	$0.00
PreTrial:	YES	PreTrail Date:		PreTrial Terms:	YES	Pre Terms Date:	
Delinquent:	YES	Delinquent Date:		DA Mailer:	YES	DA Mailer Date:	
Warrant Mailer:	YES	Warrant Mailer Date:		Last Update:	12/21/2007	Updated By:	MAF
Comments:							

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	Y	R001	D001	R001	$26,355.00	$0.00	$26,355.00	$0.00	
ACTIVE	N	SF00	D001		$219.00	$0.00	$219.00	$0.00	
ACTIVE	N	SF10	D001		$2,000.00	$0.00	$2,000.00	$0.00	
ACTIVE	N	SF30	D001		$32.00	$0.00	$32.00	$0.00	
ACTIVE	N	SF71	D001		$25.00	$0.00	$25.00	$0.00	
ACTIVE	N	SF72	D001		$25.00	$0.00	$25.00	$0.00	

ACTIVE	N	SF73	D001	$2,450.00	$0.00	$2,450.00	$0.00
ACTIVE	N	SO75	D001	$30.00	$0.00	$30.00	$0.00
			Total:	$31,136.00	$0.00	$31,136.00	$0.00

Financial History

Transaction Date	Description	Disbursement Accoun	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
01/11/2006	FEE DELETED	SF50	2006040	00	$32.00	D001	000		N			ROJ

Case Action Summary

Date:	Time	Code	Comments	Operator
10/31/2005	1:57 PM	JUDG	ASSIGNED TO: (LKA) LARRY K ANDERSON (AR01)	ROJ
10/31/2005	1:57 PM	STAT	INITIAL STATUS SET TO: "J" - JAIL (AR01)	ROJ
10/31/2005	1:57 PM	FILE	FILED ON: 10/31/2005 (AR01)	ROJ
10/31/2005	1:57 PM	ARRS	DEFENDANT ARRESTED ON: 10/30/2005 (AR01)	ROJ
10/31/2005	1:57 PM	INDT	DEFENDANT INDICTED ON: 10/28/2005 (AR01)	ROJ
10/31/2005	1:57 PM	BOND	BOND SET AT: $250000.00 (AR01)	ROJ
10/31/2005	1:57 PM	DAT1	SET FOR: ARRAIGNMENT ON 12/01/2005 AT 0900A(AR01)	ROJ
10/31/2005	1:57 PM	FILE	CHARGE 01: BURGLARY 2ND DEGREE /#CNTS: 001 (AR01)	ROJ
10/31/2005	1:57 PM	DAT2	SET FOR: JURY TRIAL ON 02/06/2006 AT 0830A (AR10)	ROJ
10/31/2005	1:57 PM	CASP	CASE ACTION SUMMARY PRINTED (AR01)	ROJ
10/31/2005	1:58 PM	FESH	FEE SHEET PRINTED (AR08)	ROJ
11/2/2005	9:32 AM	COMM	11/02/05 - BND HRG SET AT 1ST APPD PER MJS (AR10)	NOC
11/2/2005	9:36 AM	DAT3	SET FOR: BOND HEARING ON 11/02/2005 AT 0200P	NOC
11/17/2005	12:00 AM	DOCK	NOTICE SENT: 11/17/2005 CORLEY CATHERINE NICOLE	AMT
11/30/2005	5:03 PM	ATY1	ATTORNEY FOR DEFENDANT: ADAMS RICHARD MARTIN(AR01)	ROJ
12/6/2005	9:33 AM	COMM	12-6-05 - 2 JUDGE W MOTION (AR10)	NOC
12/9/2005	10:24 AM	DAT2	SET FOR: JURY TRIAL ON 03/06/2006 AT 0830A (AR10)	PAM
12/9/2005	10:24 AM	COMM	12-6-05 MENTAL EVAL ORDERED (AR10)	PAM
1/13/2006	11:09 AM	COMM	1/13/06 - TO JUDGE W/MOT TO RECON. (AR10)	NOC
1/30/2006	10:22 AM	DAT1	SET FOR: MTN RECONSIDER ON 02/24/2006 AT 0900A	ROJ
2/7/2006	1:21 AM	DAT2	CASE SET ON 04/10/2006	JUB
2/7/2006	1:21 AM	NOTF	NOTICE FLAG SET TO: N	JUB
3/14/2006	12:00 AM	DAT2	CASE SET ON 05/08/2006	JUB
3/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
4/5/2006	11:56 PM	DAT2	CASE SET ON 05/15/2006	JUB
4/5/2006	11:56 PM	NOTF	NOTICE FLAG SET TO: N	JUB
4/21/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
4/21/2006	12:00 AM	DAT2	CASE SET ON 08/14/2006	JUB
6/16/2006	9:19 AM	COMM	6-16-06 SENT TO JUDGE W/MOTION (AR10)	TAB
7/14/2006	12:00 AM	DAT2	CASE SET ON 08/28/2006	JUB
7/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/25/2006	12:00 AM	DAT2	CASE SET ON 09/11/2006	JUB
7/25/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/27/2006	1:52 PM	COMM	7-26-06 SENT TO JUDGE W/MOTION (AR10)	RHM
8/2/2006	11:24 AM	DAT2	SET FOR: JURY TRIAL ON 10/10/2006 AT 0830A (AR10)	PAM
9/14/2006	12:00 AM	DAT2	CASE SET ON 10/16/2006	JUB
9/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/19/2006	12:00 AM	DAT2	CASE SET ON 11/06/2006	JUB
9/19/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
10/12/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
10/12/2006	12:00 AM	DAT2	CASE SET ON 11/27/2006	JUB

10/24/2006	12:00 AM	DAT2	CASE SET ON 12/04/2006	JUB
10/24/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
11/9/2006	12:00 AM	DAT2	CASE SET ON 01/08/2007	JUB
11/9/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
12/14/2006	12:00 AM	DAT2	CASE SET ON 01/22/2007	JUB
12/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
1/3/2007	11:53 AM	DAT2	CASE SET ON 01/22/2007 FOR JURY TRIAL (SS07)	JUB
1/3/2007	11:53 AM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
1/10/2007	8:04 AM	SUBP	WITNESS SUBPOENA ISSUED AWP24	JUJ
1/10/2007	8:08 AM	ATY1	ATTORNEY FOR DEFENDANT: SHEFFIELD BILLY J II(AR10)	MAF
1/10/2007	8:09 AM	ATY2	ATTORNEY FOR DEFENDANT: CRESPI MICHAEL A (AR10)	MAF
1/18/2007	11:02 AM	DAT2	SET FOR: JURY TRIAL ON 03/05/2007 AT 0830A (AR10)	MAF
1/18/2007	11:02 AM	CONT	GRANTED CONTINUANCE DUE TO: REQUEST OF DEF/ATTY	MAF
1/18/2007	11:02 AM	CTDT	ABOVE CONTINUANCE EFFECTIVE: 01/20/2007 (AR10)	MAF
1/29/2007	12:00 AM	DAT2	CASE SET ON 04/16/2007	CAW
1/29/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
3/7/2007	9:46 PM	DAT2	SET FOR: JURY TRIAL ON 04/30/2007 AT 0830A (AR10)	CAW
3/28/2007	3:10 PM	DAT2	SET FOR: JURY TRIAL ON 05/21/2007 AT 0830A (AR10)	CAW
4/19/2007	3:27 PM	DAT2	SET FOR: JURY TRIAL ON 08/27/2007 AT 0830A (AR10)	CAW
7/24/2007	11:13 PM	DAT2	CASE SET ON 09/10/2007	CAW
7/24/2007	11:13 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/9/2007	10:51 PM	DAT2	CASE SET ON 09/24/2007	CAW
8/9/2007	10:51 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/23/2007	11:48 PM	DAT2	CASE SET ON 10/15/2007	CAW
8/23/2007	11:48 PM	NOTF	NOTICE FLAG SET TO: N	CAW
9/13/2007	1:09 PM	DAT2	SET FOR: JURY TRIAL ON 11/05/2007 AT 0830A (AR10)	CAW
10/5/2007	8:19 AM	DAT2	SET FOR: JURY TRIAL ON 01/14/2008 AT 0830A (AR10)	CAW
12/11/2007	3:57 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM
12/19/2007	3:31 PM	SERV	PARTY W001 SERVED DATE: 12182007 TYPE: SERVED PER	DOS
12/19/2007	3:54 PM	SERV	PARTY W004 SERVED DATE: 12182007 TYPE: SERVED PER	DOS
12/19/2007	3:54 PM	SERV	PARTY W003 SERVED DATE: 12182007 TYPE: SERVED PER	DOS
12/21/2007	10:49 AM	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: LKA	MAF
12/21/2007	10:49 AM	DISP	CHARGE 01 DISPOSED BY: GUILTY PLEA ON: 12/21/2007	MAF
12/21/2007	10:49 AM	DISP	CHARGE 01: BURGLARY 2ND DEGREE/#CNTS: 001 (AR10)	MAF
12/21/2007	10:52 AM	CH01	STATUS CHANGED TO: "P" - PRISON (AR05)	MAF
12/21/2007	10:52 AM	CH01	SENTENCE TO BEGIN ON: 12/21/2007 (AR05)	MAF
12/21/2007	10:52 AM	CH01	IMPOSED CONFINEMENT: 20 YEARS (AR05)	MAF
12/21/2007	10:52 AM	CH01	DEFENDANT SENTENCED ON: 12/21/2007 (AR05)	MAF
12/21/2007	10:52 AM	CH01	TOTAL CONFINEMENT: 20 YEARS (AR05)	MAF
12/21/2007	10:52 AM	CH01	COST PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	FINE PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	FINE IMPOSED: $2000.00 (AR05)	MAF
12/21/2007	10:53 AM	CH01	3CVC PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	3CVC AMOUNT ORDERED: $2450.00 (AR05)	MAF
12/21/2007	10:53 AM	CH01	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	CVCC PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	RECOUPMENT PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	RCUP AMOUNT ORDERED: $750.00 (AR05)	MAF
12/21/2007	10:53 AM	CH01	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:53 AM	CH01	CCUR WITH CC-2005-1726 (AR05)	MAF
12/21/2007	10:54 AM	CH01	RECOUPMENT PROVISION DELETED (AR05)	MAF

12/21/2007	10:54 AM	CH01	RESTITUTION FOR R001 ORDERED BY THE COURT (AR05)	MAF
12/21/2007	10:54 AM	CH01	R001 REST AMOUNT ORDERED: $26355.00 (AR05)	MAF
12/21/2007	10:55 AM	D001	ENFORCEMENT STATUS SET TO: "J" (FE52)	MAF
12/21/2007	11:07 AM	CH01	JAIL CREDIT: 03 YEARS, 251 DAYS (AR05)	MAF
12/21/2007	11:09 AM	TRSC	TRANSCRIPT OF RECORD ISSUED: 12/21/2007 (AR08)	MAF
12/26/2007	8:21 AM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
1/2/2008	8:26 AM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
1/11/2008	12:00 AM	FELN	CONVICTION REPORT TO BOARD OF REGISTRARS	CAW
5/4/2010	2:00 PM	COMM	5.4.10 FILE TO JUDGE W/ RULE 32 (AR10)	MAK
5/11/2010	2:47 PM	TEXT	PARTIAL FILING FEE WAIVED. CASE MAY BE DOCKETED	MAK
5/11/2010	2:48 PM	TEXT	UPON PAYMENT OF $50.00./S/ANDERSON, JUDGE.	MAK
5/11/2010	2:55 PM	ADD1	ADDR1 CHANGED FROM: C/O HOUSTON COUNTY JAIL (AR01)	MAK
5/11/2010	2:55 PM	CITY	HOME CITY CHANGED FROM: DOTHAN (AR01)	MAK
5/11/2010	2:55 PM	ADD2	ADDR2 CHANGED FROM: [redacted] (AR01)	MAK
5/11/2010	2:56 PM	TRAN	TRANSMITTAL NOTICE SENT TO: DEFENDANT (AR09)	MAK

END OF THE REPORT

Appendix X

Alabama SJIS Case Detail, Matthew Marsh

ALABAMA SJIS CASE DETAIL

PREPARED FOR: ANNE BORELLI

alacourt.com

County: **38** Case Number: **CC-2006-000134.00** Court Action: **GUILTY PLEA**

Style: **STATE OF ALABAMA V. MARSH MATTHEW LEE**

Real Time

Case

Case Information

County:	38-HOUSTON	Case Number:	CC-2006-000134.00	Judge:	SEJ-SIDNEY E. JACKSON
Defendant Status:	PRISON	Trial Type:		Charge:	MURDER CAPITAL-ROBBE
Related Cases:	DC-2004-001433.00/WR-2004-010264.00			Court Action:	GUILTY PLEA
Probation Office #:	2008-000747-00	Probation Office Name:	N15702		
Jury Demand:	True	Traffic Citation #:	04-003384	DL Destroy Date:	
Grand Jury Court Action:		Inpatient Treatment Ordered:		Previous DUI Convictions:	000

Case Initiation

Case Initiation Date:	05/11/2004	Case Initiation Type:	ARREST	Offense Date:	04/13/2004
Filing Date:	02/27/2006	Agency ORI:		Arresting Agency Type:	STATE (INCLUDES PARK RANGER)
Arrest Date:	05/11/2004	Arresting Officer:	T LUKER	City Code/Name:	00
Indictment Date:	02/24/2006	Grand Jury:	180-01	Domestic Violence:	NO

Defendant Information

Name:	MARSH MATTHEW LEE	Alias 1:				Alias 2:	
Address 1:	C/O HOUSTON COUNTY JAIL	Address 2:	[redacted]				
City:	DOTHAN	State:	AL	Zip:	36301-0000	Country:	
DOB:	[redacted]	SSN:	XXX-XX-X988			Phone:	0
Driver License N°:	NL	State ID:	AL000000000			Eyes/Hair:	BLU/BLN
Height :	5'10"	Weight:				Race/Sex:	W/M
Youthful Date:							
AL Institutional Service Num:							

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	VAL002		VALESKA DOUGLAS ALBERT	DOUG.VALESKA@ALABAMADA.GOV	(334) 677-4894
Attorney 1	SMI183	C-CONTRACT	SMITH THOMAS SCOTT JR.	TSMITH@SMITHMCGHEE.COM	(334) 702-1744
Attorney 2	MCG062	A-APPOINTED	MCGHEE BILLY SHAUN	SHAUNMCGHEE2000@YAHOO.COM	(334) 702-1744

Warrant Information

Warrant Issuance Date:		Warrant Issuance Status:		Description:	
Warrant Action Date:		Warrant Action Status:		Description:	
Warrant Location Date:		Warrant Location Status:		Description:	
Number Of Warrants:	000				

Bond Information

Bond Amount:	250000.00	Bond Type:		Bond Type Desc:	
Bond Company:		Surety Code:	000	Release Date:	
Failed to Appear Date:		Bondsman Process Issuance:		Bondsman Process Return:	

Appeal Information

Appeal Date: | Appeal Case Number: | Appeal Court:
Appeal Status: | Orgin Of Appeal:
Appeal To: | Appeal To Desc: | LowerCourt Appeal Date:
Disposition Date Of Appeal: | Disposition Type Of Appeal:

Administrative Information

Transfer to Admin Doc Date: | Transfer Reason: | Transfer Desc:
Number of Subpoenas: **008** | Last Update: **05/10/2013** | Updated By: **AMI**

Settings

Settings

	Date:	Que:	Time:	Description:
1	**10/12/2006**	**001**	**01:30 PM**	**HEAR - STATUS HEARING**

Charges / Disposition

Court Action

Court Action: **G-GUILTY PLEA** | Court Action Date: **12/18/2007**
Date Trial Began but No Verdict (TBNV1):
Date Trial Began but No Verdict (TBNV2):

Filing Charges

#	Code	ID	Description	Cite	Type Description	Category	Class
001	CM02		MURDER CAPITAL-ROBBERY	13A-005-040(A)(2)	FELONY	PERSONAL INJURY - PERSON	

Disposition Charges

#	Code	ID	Description	Cite	Type Description	Category	Class	Court Action	Court Action Date
001	MURD		MURDER	13A-006-002	FELONY	PERSONAL INJURY - PERSON		GUILTY PLEA	12/18/2007

Sentences

Sentence 1

Sentence

Requirements Completed: **NO** | Sentence Provisions: **Y** | Jail Credit Period: **3 Years, 0 Months, 222 Days.**
Sentence Date: **12/18/2007** | Sentence Start Date: **12/18/2007** | Sentence End Date:
Probation Period: **0 Years, 0 Months, 0 Days.** | Probation Begin Date: | Probation Revoke:
License Susp Period: **0 Years, 0 Months, 0 Days.** | Last Update: **01/09/2008** | Updated By: **KIF**

Monetary

Costs:	X	Fine:	X	Fine Imposed:	10000.00	Fine Suspended:	0.00	Immigration Fine:	
Crime Victims Fee:	X			Crime History Fee:	X	License Suspension Fee:		Drug User Fee:	
WC Fee 85%:				Municipal Court:		Jail Fee:		Drug Docket Fees:	
WC Fee DA:				Removal Bill:		Amt Over Minimum CVF:	X-$9950.00	Alias Warrant:	
SX10:		Prelim Hearing:	X	Attorney Fees:	X-$1000.00	Demand Reduction Hearing:		Subpoena:	X

Restitution

Recipient	Restitution	Description	Amount
R001	X		7232.00

Confinement

Imposed Confinement Period:	**25 Years, 0 Months, 0 Days.**		Suspended Confinement Period	**0 Years, 0 Months, 0 Days.**	
Total Confinement Period:	**25 Years, 0 Months, 0 Days.**		Penitentiary:	**X**	
Life Without Parole:			Boot Camp:		
Jail:		Life:		Death:	
Split:		Reverse Split:		Electronic Monitoring:	**-0**
Concurrent Sentence:	**X**	Consecutive Sentence:		Coterminous Sentence:	
Chain Gang:	**0**				

Programs

Jail Diversion:		Informal Probation:		Alcoholics Anonymous:	
Dui School:		Defensive Driving Shcool:		Doc Drug Program:	
PreTrail Diversion:		Bad Check School:		Mental Health:	
Court Referral Program:		Alternative Sentencing:		Drug Court:	
Anger Management Program:		Doc Community Corrections:		Jail Community Corrections:	
Community Service:		Community Service Hrs:	**0**		

Enhanced

Drug Near Project:		Sex Offender Community Notification:		Drugs Near School:	
Habitual Offender:		Habitual Offender Number:	**0**	Victim DOB:	**N**
Drug:		Drug Code:		Drug Volume:	**0.00**
Drug Measure Unit:					

***Key: x = ordered by judge and should be collected. m = ordered by judge but remitted immediately. n = normally assessed but ordered to 'not collect**

Linked Cases

Sentencing Number	Case Type	Case Type Description	CaseNumber
0	C	CONCURRENT	38-CC-2004-001098.00

Enforcement

Enforcement

Payor:	**D001**	Enforcement Status:	JAIL/PRISON: PERMITS RECEIPTING, NO MAILERS OR DA TURNOVER			Placement Status:	
Amount Due:	**$40,091.25**			Amount Paid:	$50.00	Balance:	$40,041.25
Due Date:	**02/07/2008**	Last Paid Date:	09/19/2014	Frequency:		Frequency Amt:	$0.00
Over/Under Paid:	**$0.00**	TurnOver Date:		TurnOver Amt:	$0.00	D999 Amt:	$0.00
PreTrial:	**YES**	PreTrail Date:		PreTrial Terms:	YES	Pre Terms Date:	
Delinquent:	**YES**	Delinquent Date:		DA Mailer:	YES	DA Mailer Date:	
Warrant Mailer:	**YES**	Warrant Mailer Date:		Last Update:	09/19/2014	Updated By:	LIK
Comments:							

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
	Y	R001	D001	R001	$7,232.00	$0.00	$7,232.00	$0.00	
ACTIVE	N	SF00	D001	000	$219.00	$50.00	$169.00	$0.00	
ACTIVE	N	SF10	D001		$10,000.00	$0.00	$10,000.00	$0.00	
ACTIVE	N	SF30	D001		$64.00	$0.00	$64.00	$0.00	
ACTIVE	N	SF80	D001		$30.00	$0.00	$30.00	$0.00	
ACTIVE	N	SF70	D001		$1,000.00	$0.00	$1,000.00	$0.00	
ACTIVE	N	SF70	D001		$4,422.50	$0.00	$4,422.50	$0.00	

ACTIVE	N	SF70	D001	$7,093.75	$0.00	$7,093.75	$0.00
ACTIVE	N	SF71	D001	$25.00	$0.00	$25.00	$0.00
ACTIVE	N	SF72	D001	$25.00	$0.00	$25.00	$0.00
ACTIVE	N	SF73	D001	$9,950.00	$0.00	$9,950.00	$0.00
ACTIVE	N	SO75	D001	$30.00	$0.00	$30.00	$0.00
			Total:	$40,091.25	$50.00	$40,041.25	$0.00

Financial History

Transaction Date	Description	Disbursement Accoun	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
06/04/2009	RECEIPT	R001	2009184	1448740	$49.00	D001	R001		Y			STW
06/05/2009	CHECK	R001	2009185	265951	$49.00	D001	R001					ROJ
03/17/2011	VOID CHECK X	R001	2011121	265951	$49.00	D001	R001			X		LIK
03/17/2011	FEE CHANGED	R001	2011121	00	$7,232.00	D001	R001		Y			LIK
09/19/2014	RECEIPT	SF00	2014276	2290120	$50.00	D001	000		N			LIK
09/19/2014	VOID RECEIPT X	R001	2009184	1448740	$49.00	D001	R001		Y	X		LIK

SJIS Witness List

				Subpoena			
Witness #	Name	Requesting Party	Attorney	Date Issued	Issued Type	Date Served	Service Type
R001	ALBERT CHRISTOPHER WALKER	000					
W001	SGT TONY LUKER	000					
W002	CPL JASON DEVANE	000					
W003	CPL MIKE ETRESS	000					
W004	CPL FRANK MEREDITH	000					
W005	OFFICER RHETT DAVIS	000		08/15/2007			
W006	OFFICER L. WATKINS	000		08/15/2007			
W007	DR. KATHLEEN ENSTICE	000		08/15/2007			
W008	BRENDA K. JAY	000		08/15/2007			
W009	DR. LEROY RIDDICK	000		08/15/2007			
W010	MICHAEL RAY JACKSON #251643	000		08/15/2007			

Case Action Summary

Date:	Time	Code	Comments	Operator
2/27/2006	10:05 AM	JUDG	ASSIGNED TO: (SEJ) SIDNEY E. JACKSON (AR01)	PAM
2/27/2006	10:05 AM	FILE	CHARGE 01: MURDER CAPITAL-ROBBE/#CNTS: 001 (AR01)	PAM
2/27/2006	10:05 AM	ATY1	ATTORNEY FOR DEFENDANT: HERRING JOE EVANS JR(AR01)	PAM
2/27/2006	10:05 AM	ARRS	DEFENDANT ARRESTED ON: 05/11/2004 (AR01)	PAM
2/27/2006	10:05 AM	BOND	BOND SET AT: $250000.00 (AR01)	PAM
2/27/2006	10:05 AM	FILE	FILED ON: 02/27/2006 (AR01)	PAM
2/27/2006	10:05 AM	STAT	INITIAL STATUS SET TO: "J" - JAIL (AR01)	PAM
2/27/2006	10:05 AM	INDT	DEFENDANT INDICTED ON: 02/24/2006 (AR01)	PAM
2/27/2006	10:09 AM	DAT1	SET FOR: ARRAIGNMENT ON 03/14/2006 AT 0130P(AR10)	PAM
2/27/2006	10:09 AM	DAT2	SET FOR: JURY TRIAL ON 05/08/2006 AT 0830A (AR10)	PAM
2/27/2006	10:09 AM	CASP	CASE ACTION SUMMARY PRINTED (AR01)	PAM
2/27/2006	10:09 AM	FESH	FEE SHEET PRINTED (AR08)	PAM
2/27/2006	11:21 AM	ATY1	ATTORNEY FOR DEFENDANT: SMITH THOMAS SCOTT JR	PAM
2/27/2006	11:21 AM	CASP	CASE ACTION SUMMARY PRINTED (AR10)	PAM
2/28/2006	12:00 AM	DOCK	NOTICE SENT: 02/28/2006 MARSH MATTHEW LEE	AMT
2/28/2006	12:00 AM	DOCK	NOTICE SENT: 02/28/2006 SMITH THOMAS SCOTT JR	AMT
3/15/2006	11:46 AM	ATY2	ATTORNEY FOR DEFENDANT: MCGHEE BILLY SHAUN (AR10)	PAM
3/27/2006	11:04 AM	ATTH	CAS ATTACHMENT PRINTED (AR08)	PAM

4/5/2006	12:00 AM	DAT2	CASE SET ON 08/14/2006	JUB
4/5/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
4/19/2006	11:54 AM	DAT1	SET FOR: HEARING ON 05/02/2006 AT 0830A (AR10)	RHM
4/19/2006	1:28 PM	COMM	RW CABINET (AR10)	RHM
7/11/2006	12:00 AM	DAT2	CASE SET ON 08/28/2006	JUB
7/11/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/11/2006	3:24 PM	DAT2	CASE SET ON 08/14/2006 FOR JURY TRIAL (SS07)	JUB
7/11/2006	3:24 PM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
7/24/2006	2:26 PM	COMM	RW CABINET 7-24-06 TO JUDY KELLY (AR10)	RHM
7/27/2006	3:20 PM	COMM	RW CABINET (AR10)	ROJ
7/27/2006	3:22 PM	DAT2	SET FOR: JURY TRIAL ON 09/11/2006 AT 0830A (AR10)	ROJ
8/15/2006	12:00 AM	DAT2	CASE SET ON 10/16/2006	JUB
8/15/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/20/2006	12:00 AM	DAT2	CASE SET ON 11/06/2006	JUB
9/20/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/27/2006	11:35 AM	DAT1	SET FOR: STATUS HEARING ON 10/12/2006 AT 0130P	RHM
10/12/2006	12:00 AM	DAT2	CASE SET ON 11/27/2006	JUB
10/12/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
10/23/2006	12:00 AM	DAT2	CASE SET ON 12/04/2006	JUB
10/23/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
11/10/2006	11:52 PM	DAT2	CASE SET ON 01/08/2007	JUB
11/10/2006	11:52 PM	NOTF	NOTICE FLAG SET TO: N	JUB
12/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
12/14/2006	12:00 AM	DAT2	CASE SET ON 01/22/2007	JUB
1/3/2007	12:00 AM	DAT2	CASE SET ON 02/12/2007	JUB
1/3/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
1/18/2007	12:00 AM	DAT2	CASE SET ON 03/05/2007	CAW
1/18/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
1/29/2007	12:00 AM	DAT2	CASE SET ON 04/16/2007	CAW
1/29/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
3/7/2007	10:07 PM	DAT2	SET FOR: JURY TRIAL ON 04/30/2007 AT 0830A (AR10)	CAW
3/30/2007	12:29 PM	DAT2	SET FOR: JURY TRIAL ON 05/21/2007 AT 0830A (AR10)	CAW
4/20/2007	7:32 AM	DAT2	CASE SET ON 08/27/2007 FOR JURY TRIAL (SS07)	KIF
4/20/2007	7:32 AM	NOTF	NOTICE FLAG SET TO: N (SS07)	KIF
7/10/2007	8:25 AM	COMM	7/10/07 TO JUDGE REQUESTED BY SUZANNE (AR10)	KIF
7/25/2007	11:13 PM	DAT2	CASE SET ON 09/10/2007	CAW
7/25/2007	11:13 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/9/2007	11:00 PM	DAT2	CASE SET ON 09/24/2007	CAW
8/9/2007	11:00 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/15/2007	10:39 AM	PRTY	PARTY ADDED W005 OFFICER RHETT DAVIS (AW21)	KIF
8/15/2007	10:40 AM	PRTY	PARTY ADDED W006 OFFICER L. WATKINS (AW21)	KIF
8/15/2007	10:43 AM	PRTY	PARTY ADDED W007 DR. KATHLEEN ENSTICE (AW21)	KIF
8/15/2007	10:45 AM	PRTY	PARTY ADDED W008 BRENDA K. JAY (AW21)	KIF
8/15/2007	10:46 AM	PRTY	PARTY ADDED W009 DR. LEROY RIDDICK (AW21)	KIF
8/15/2007	10:49 AM	PRTY	PARTY ADDED W010 MICHAEL RAY JACKSON #251643	KIF
8/23/2007	11:39 PM	DAT2	CASE SET ON 10/15/2007	CAW
8/23/2007	11:39 PM	NOTF	NOTICE FLAG SET TO: N	CAW
9/12/2007	11:37 PM	DAT2	CASE SET ON 11/05/2007	CAW
9/12/2007	11:37 PM	NOTF	NOTICE FLAG SET TO: N	CAW
10/4/2007	11:04 PM	DAT2	CASE SET ON 01/14/2008	CAW
10/4/2007	11:04 PM	NOTF	NOTICE FLAG SET TO: N	CAW
10/9/2007	10:39 AM	COMM	10-9-07 BRANDY IN D.A.'S OFFICE HAS FILE (AR10)	MAF
12/10/2007	12:00 AM	DAT2	CASE SET ON 02/25/2008	CAW

12/10/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
12/18/2007	8:29 AM	COMM	TRACKING NO:CC2004001099.00 (AR01)	KIF
1/9/2008	2:23 PM	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: SEJ	KIF
1/9/2008	2:23 PM	DISP	CHARGE 01: MURDER/#CNTS: 001 (AR10)	KIF
1/9/2008	2:23 PM	DISP	CHARGE 01 DISPOSED BY: GUILTY PLEA ON: 12/18/2007	KIF
1/9/2008	2:32 PM	CH01	DEFENDANT SENTENCED ON: 12/18/2007 (AR05)	KIF
1/9/2008	2:32 PM	CH01	SENTENCE TO BEGIN ON: 12/18/2007 (AR05)	KIF
1/9/2008	2:32 PM	CH01	IMPOSED CONFINEMENT: 25 YEARS (AR05)	KIF
1/9/2008	2:32 PM	CH01	TOTAL CONFINEMENT: 25 YEARS (AR05)	KIF
1/9/2008	2:32 PM	CH01	JAIL CREDIT: 03 YEARS, 222 DAYS (AR05)	KIF
1/9/2008	2:32 PM	CH01	COST PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	FINE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	FINE IMPOSED: $10000.00 (AR05)	KIF
1/9/2008	2:32 PM	CH01	3CVC PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	3CVC AMOUNT ORDERED: $9950.00 (AR05)	KIF
1/9/2008	2:32 PM	CH01	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	PREL FEE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	CVCC PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	RECOUPMENT PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	RCUP AMOUNT ORDERED: $1000.00 (AR05)	KIF
1/9/2008	2:32 PM	CH01	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:32 PM	CH01	STATUS CHANGED TO: "P" - PRISON (AR05)	KIF
1/9/2008	2:32 PM	D001	ENFORCEMENT STATUS SET TO: "J" (FE52)	KIF
1/9/2008	2:32 PM	D001	PAYMENT FREQUENCY SET TO: "L" (FE52)	KIF
1/9/2008	2:33 PM	TRSC	TRANSCRIPT OF RECORD ISSUED: 01/09/2008 (AR08)	KIF
1/9/2008	2:40 PM	ATTH	CAS ATTACHMENT PRINTED (AR08)	KIF
1/9/2008	2:53 PM	PRTY	PARTY ADDED R001 ALBERT CHRISTOPHER WALKER(AW21)	KIF
1/9/2008	2:53 PM	CH01	RESTITUTION FOR R001 ORDERED BY THE COURT (AR05)	KIF
1/9/2008	2:53 PM	CH01	R001 REST AMOUNT ORDERED: $7232.00 (AR05)	KIF
1/11/2008	12:00 AM	FELN	CONVICTION REPORT TO BOARD OF REGISTRARS	CAW
1/11/2008	1:29 PM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
1/14/2008	2:47 PM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
3/17/2011	10:30 AM	TEXT	$49,5/21/09,CK#26595,OUTSTANDING TO ALBERT CHRISTO	LIK
3/17/2011	10:30 AM	TEXT	WALKER,COUNTY RD 103,NEWVILLE;CD FIND NO WALKERS	LIK
3/17/2011	10:30 AM	TEXT	ON 103 AND NONE FOR HIS #;INDEX NO WHTPGS HELP;VD	LIK
3/17/2011	10:30 AM	TEXT	CK & PUT ON HOLD	LIK
5/10/2013	4:01 PM	SCAN	CASE SCANNED STATUS SET TO: Y (AR10)	AMI

END OF THE REPORT

ALABAMA SJIS CASE DETAIL

PREPARED FOR: ANNE BORELLI

alacourt.com

County: **38** Case Number: **CC-2004-001098.00** Court Action: **GUILTY PLEA**

Style: **STATE OF ALABAMA V. MARSH MATTHEW LEE**

Real Time

Case

Case Information

County:	38-HOUSTON	Case Number:	CC-2004-001098.00	Judge:	SEJ-SIDNEY E. JACKSON
Defendant Status:	PRISON	Trial Type:		Charge:	REC STOLEN PROP 1ST
Related Cases:	DC-2004-001096.00			Court Action:	GUILTY PLEA
Probation Office #:	2008-000747-00	Probation Office Name:	N15702		
Jury Demand:	True	Traffic Citation #:	WR04-10995	DL Destroy Date:	
Grand Jury Court Action:		Inpatient Treatment Ordered:		Previous DUI Convictions:	000

Case Initiation

Case Initiation Date:	04/14/2004	Case Initiation Type:	ARREST	Offense Date:	04/11/2004
Filing Date:	06/24/2004	Agency ORI:		Arresting Agency Type:	STATE (INCLUDES PARK RANGER)
Arrest Date:	04/14/2004	Arresting Officer:	T LUKER	City Code/Name:	00
Indictment Date:	06/18/2004	Grand Jury:	272	Domestic Violence:	NO

Defendant Information

Name:	MARSH MATTHEW LEE	Alias 1:				Alias 2:	
Address 1:	C/O HOUSTON COUNTY JAIL	Address 2:	[redacted]				
City:	DOTHAN	State:	AL	Zip:	36301-0000	Country:	
DOB:	[redacted]	SSN:	XXX-XX-X988			Phone:	0
Driver License N°:	AL7068398	State ID:	AL000000000			Eyes/Hair:	BLU/BLN
Height :	5'10"	Weight:				Race/Sex:	W/M
Youthful Date:							
AL Institutional Service Num:	000000						

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	BIN002		BINFORD HENRY DUBOSE	BUTCH.BINFORD@ALACOURT.GOV	(334) 677-4845
Attorney 1	SMI183	C-CONTRACT	SMITH THOMAS SCOTT JR.	TSMITH@SMITHMCGHEE.COM	(334) 702-1744

Warrant Information

Warrant Issuance Date:		Warrant Issuance Status:		Description:	
Warrant Action Date:		Warrant Action Status:		Description:	
Warrant Location Date:		Warrant Location Status:		Description:	
Number Of Warrants:	000				

Bond Information

Bond Amount:	0.00	Bond Type:	N	Bond Type Desc:	NO BOND
Bond Company:		Surety Code:	000	Release Date:	
Failed to Appear Date:		Bondsman Process Issuance:		Bondsman Process Return:	

Appeal Information

Appeal Date:		Appeal Case Number:		Appeal Court:	
Appeal Status:		Orgin Of Appeal:			
Appeal To:		Appeal To Desc:		LowerCourt Appeal Date:	
Disposition Date Of Appeal:		Disposition Type Of Appeal:			

Administrative Information

Transfer to Admin Doc Date: | Transfer Reason: | Transfer Desc:
Number of Subpoenas: 020 | Last Update: 02/16/2012 | Updated By: CAG

Settings

Settings

	Date:	Que:	Time:	Description:
1	10/12/2006	001	01:30 PM	HEAR - STATUS HEARING

Charges / Disposition

Court Action

Court Action: G-GUILTY PLEA
Court Action Date: 12/18/2007
Date Trial Began but No Verdict (TBNV1):
Date Trial Began but No Verdict (TBNV2):

Filing Charges

#	Code	ID	Description	Cite	Type Description	Category	Class
001	RSP1		REC STOLEN PROP 1ST	13A-008-017	FELONY	PERSONAL INJURY - PROPERTY	

Disposition Charges

#	Code	ID	Description	Cite	Type Description	Category	Class	Court Action	Court Action Date
001	RSP1		REC STOLEN PROP 1ST	13A-008-017	FELONY	PERSONAL INJURY - PROPERTY		GUILTY PLEA	12/18/2007

Sentences

Sentence 1

Sentence

Requirements Completed: NO | Sentence Provisions: Y | Jail Credit Period: 3 Years, 0 Months, 249 Days.
Sentence Date: 12/18/2007 | Sentence Start Date: 12/18/2007 | Sentence End Date:
Probation Period: 0 Years, 0 Months, 0 Days. | Probation Begin Date: | Probation Revoke:
License Susp Period: 0 Years, 0 Months, 0 Days. | Last Update: 01/09/2008 | Updated By: KIF

Monetary

Costs:	X	Fine:	X	Fine Imposed:	2500.00	Fine Suspended:	0.00	Immigration Fine:	
Crime Victims Fee:	X			Crime History Fee:	X	License Suspension Fee:		Drug User Fee:	
WC Fee 85%:				Municipal Court:		Jail Fee:		Drug Docket Fees:	
WC Fee DA:				Removal Bill:		Amt Over Minimum CVF:	X-$950.00	Alias Warrant:	
SX10:		Prelim Hearing:	X	Attorney Fees:	X-$750.00	Demand Reduction Hearing:		Subpoena:	X

Restitution

Recipient	Restitution	Description	Amount
R001	X		26355.00

Confinement

Imposed Confinement Period: 20 Years, 0 Months, 0 Days. | Suspended Confinement Period 0 Years, 0 Months, 0 Days.
Total Confinement Period: 20 Years, 0 Months, 0 Days. | Penitentiary: X
Life Without Parole: | Boot Camp:
Jail: | Life: | Death:

Split: Reverse Split: Electronic Monitoring: 0
Concurrent Sentence: X Consecutive Sentence: Coterminous Sentence:
Chain Gang: 0

Programs

Jail Diversion: Informal Probation: Alcoholics Anonymous:
Dui School: Defensive Driving Shcool: Doc Drug Program:
PreTrail Diversion: Bad Check School: Mental Health:
Court Referral Program: Alternative Sentencing: Drug Court:
Anger Management Program: Doc Community Corrections: Jail Community Corrections:
Community Service: Community Service Hrs: 0

Enhanced

Drug Near Project: Sex Offender Community Notification: Drugs Near School:
Habitual Offender: Habitual Offender Number: 0 Victim DOB:
Drug: Drug Code: Drug Volume: 0.00
Drug Measure Unit:

*Key: x = ordered by judge and should be collected. m = ordered by judge but remitted immediately. n = normally assessed but ordered to 'not collect

Linked Cases

Sentencing Number	Case Type	Case Type Description	CaseNumber
0	C	CONCURRENT	38-CC-2006-000134.00

Enforcement

Enforcement

Payor: D001 Enforcement Status: JAIL/PRISON: PERMITS RECEIPTING, NO MAILERS OR DA TURNOVER Placement Status:
Amount Due: $31,044.00 Amount Paid: $0.00 Balance: $31,044.00
Due Date: 02/07/2008 Last Paid Date: Frequency: Frequency Amt: $0.00
Over/Under Paid: $0.00 TurnOver Date: TurnOver Amt: $0.00 D999 Amt: $0.00
PreTrial: YES PreTrail Date: PreTrial Terms: YES Pre Terms Date:
Delinquent: YES Delinquent Date: DA Mailer: YES DA Mailer Date:
Warrant Mailer: YES Warrant Mailer Date: Last Update: 01/09/2008 Updated By: KIF
Comments:

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	Y	R001	D001	R001	$26,355.00	$0.00	$26,355.00	$0.00	
ACTIVE	N	SF00	D001		$219.00	$0.00	$219.00	$0.00	
ACTIVE	N	SF10	D001		$2,500.00	$0.00	$2,500.00	$0.00	
ACTIVE	N	SF30	D001		$160.00	$0.00	$160.00	$0.00	
ACTIVE	N	SF80	D001		$30.00	$0.00	$30.00	$0.00	
ACTIVE	N	SF70	D001		$750.00	$0.00	$750.00	$0.00	
ACTIVE	N	SF71	D001		$25.00	$0.00	$25.00	$0.00	
ACTIVE	N	SF72	D001		$25.00	$0.00	$25.00	$0.00	
ACTIVE	N	SF73	D001		$950.00	$0.00	$950.00	$0.00	
ACTIVE	N	SO75	D001		$30.00	$0.00	$30.00	$0.00	
				Total:	$31,044.00	$0.00	$31,044.00	$0.00	

SJIS Witness List

				Subpoena			
Witness #	Name	Requesting Party	Attorney	Date Issued	Issued Type	Date Served	Service Type
R001	ALBERT CHRISTOPHER WALKER	000		03/14/2007			
W001	SGT TONY LUKER	000		03/14/2007			
W002	CPL JASON DEVANE	000		03/14/2007			
W003	CPL MIKE ETRESS	000		03/14/2007			
W004	CPL FRANK MEREDITH	000		03/14/2007			

Case Action Summary

Date:	Time	Code	Comments	Operator
6/24/2004	9:49 AM	JUDG	ASSIGNED TO: (SEJ) SIDNEY E. JACKSON (AR01)	AML
6/24/2004	9:49 AM	STAT	INITIAL STATUS SET TO: "J" - JAIL (AR01)	AML
6/24/2004	9:49 AM	FILE	FILED ON: 06/24/2004 (AR01)	AML
6/24/2004	9:49 AM	ARRS	DEFENDANT ARRESTED ON: 04/14/2004 (AR01)	AML
6/24/2004	9:49 AM	INDT	DEFENDANT INDICTED ON: 06/18/2004 (AR01)	AML
6/24/2004	9:49 AM	ATY1	ATTORNEY FOR DEFENDANT: HERRING JOE EVANSJR (AR01)	AML
6/24/2004	9:49 AM	DAT1	SET FOR: ARRAIGNMENT ON 07/27/2004 AT 0130P(AR01)	AML
6/24/2004	9:49 AM	FILE	CHARGE 01: REC STOLEN PROP 1ST /#CNTS: 001 (AR01)	AML
6/24/2004	9:49 AM	DAT2	SET FOR: JURY TRIAL ON 09/13/2004 AT 0830A (AR10)	AML
6/24/2004	9:49 AM	DAT2	SET FOR: JURY TRIAL ON 09/13/2004 AT 0830A (AR10)	AML
6/24/2004	9:49 AM	CASP	CASE ACTION SUMMARY PRINTED (AR10)	AML
6/24/2004	9:49 AM	FESH	FEE SHEET PRINTED (AR08)	AML
7/9/2004	12:00 AM	DOCK	NOTICE SENT: 07/09/2004 HERRING JOE EVANSJR	JAG
7/9/2004	12:00 AM	DOCK	NOTICE SENT: 07/09/2004 MARSH MATTHEW LEE	JAG
8/3/2004	9:00 AM	DAT1	SET FOR: YO APPLICATION/HEA ON 09/21/2004 AT 0830A	RHM
9/28/2004	3:27 PM	DAT1	SET FOR: YO APPLICATION/HEA ON 10/21/2004 AT 0830A	PAM
9/28/2004	3:34 PM	DAT1	SET FOR: YO APPLICATION/HEA ON 10/12/2004 AT 0830A	PAM
3/23/2005	1:00 AM	DAT2	CASE SET ON 05/23/2005	JUB
3/23/2005	1:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
3/23/2005	10:22 AM	DAT2	SET FOR: JURY TRIAL ON 05/02/2005 AT 0830A (AR10)	PAM
4/21/2005	12:00 AM	DAT2	CASE SET ON 08/22/2005	JUB
4/21/2005	1:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/19/2005	12:00 AM	DAT2	CASE SET ON 09/12/2005	JUB
7/19/2005	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
8/15/2005	1:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
8/15/2005	1:00 AM	DAT2	CASE SET ON 10/17/2005	JUB
9/19/2005	1:16 AM	DAT2	CASE SET ON 11/14/2005	JUB
9/19/2005	1:16 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/19/2005	1:24 AM	DAT2	CASE SET ON 10/17/2005	JUB
9/19/2005	1:24 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/19/2005	1:33 AM	DAT2	CASE SET ON 11/14/2005	JUB
9/19/2005	1:33 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/20/2005	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/20/2005	12:00 AM	DAT2	CASE SET ON 11/14/2005	JUB
9/20/2005	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/20/2005	12:00 AM	DAT2	CASE SET ON 10/18/2005	JUB
9/20/2005	1:00 AM	DAT2	CASE SET ON 10/18/2005	JUB
9/20/2005	1:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/20/2005	1:00 AM	DAT2	CASE SET ON 11/14/2005	JUB
9/20/2005	1:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
10/20/2005	12:00 AM	DAT2	CASE SET ON 12/12/2005	JUB
10/20/2005	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB

10/21/2005	11:06 AM	DAT2	CASE SET ON 11/15/2005 FOR JURY TRIAL (SS07)	JUB
10/21/2005	11:06 AM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
10/24/2005	4:55 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM
10/26/2005	11:44 AM	PRTY	PARTY ADDED W001 SGT TONY LUKER (AW21)	RHM
10/26/2005	11:44 AM	PRTY	PARTY ADDED W002 CPL JASON DEVANE (AW21)	RHM
10/26/2005	11:44 AM	PRTY	PARTY ADDED W003 CPL MIKE ETRESS (AW21)	RHM
10/26/2005	11:44 AM	PRTY	PARTY ADDED W004 CPL FRANK MEREDITH (AW21)	RHM
10/26/2005	1:21 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM
10/26/2005	3:48 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM
11/4/2005	10:29 AM	DAT2	SET FOR: JURY TRIAL ON 01/23/2006 AT 0830A (AR10)	PAM
12/21/2005	10:38 AM	DAT2	CASE SET ON 01/23/2006 FOR JURY TRIAL (SS07)	JUB
12/21/2005	10:39 AM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
1/3/2006	2:55 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM
1/26/2006	7:48 AM	COMM	1-23-06 ORDER FOR MENTAL EVAL. (AR10)	ROJ
1/26/2006	7:49 AM	DAT2	SET FOR: JURY TRIAL ON 05/08/2006 AT 0830A (AR10)	ROJ
4/5/2006	12:00 AM	DAT2	CASE SET ON 08/14/2006	JUB
4/5/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/11/2006	12:00 AM	DAT2	CASE SET ON 08/28/2006	JUB
7/11/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/11/2006	3:24 PM	DAT2	CASE SET ON 08/14/2006 FOR JURY TRIAL (SS07)	JUB
7/11/2006	3:24 PM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
7/14/2006	4:10 PM	ATY1	ATTORNEY FOR DEFENDANT: SMITH THOMAS SCOTT JR	MAF
7/27/2006	3:43 PM	DAT2	SET FOR: JURY TRIAL ON 09/11/2006 AT 0830A (AR10)	ROJ
8/15/2006	12:00 AM	DAT2	CASE SET ON 10/16/2006	JUB
8/15/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/20/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/20/2006	12:00 AM	DAT2	CASE SET ON 11/06/2006	JUB
9/27/2006	11:39 AM	DAT1	SET FOR: STATUS HEARING ON 10/12/2006 AT 0130P	RHM
10/12/2006	12:00 AM	DAT2	CASE SET ON 11/27/2006	JUB
10/12/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
10/23/2006	12:00 AM	DAT2	CASE SET ON 12/04/2006	JUB
10/23/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
11/10/2006	11:50 PM	DAT2	CASE SET ON 01/08/2007	JUB
11/10/2006	11:50 PM	NOTF	NOTICE FLAG SET TO: N	JUB
12/14/2006	12:00 AM	DAT2	CASE SET ON 01/22/2007	JUB
12/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
1/3/2007	12:00 AM	DAT2	CASE SET ON 02/12/2007	JUB
1/3/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
1/18/2007	12:00 AM	DAT2	CASE SET ON 03/05/2007	CAW
1/18/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
1/29/2007	12:00 AM	DAT2	CASE SET ON 04/16/2007	CAW
1/29/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
3/14/2007	10:49 AM	SUBP	WITNESS SUBPOENA ISSUED AWP24	CAW
4/12/2007	8:37 AM	DAT2	SET FOR: JURY TRIAL ON 05/21/2007 AT 0830A (AR10)	KIF
4/20/2007	7:32 AM	DAT2	CASE SET ON 08/27/2007 FOR JURY TRIAL (SS07)	KIF
4/20/2007	7:32 AM	NOTF	NOTICE FLAG SET TO: N (SS07)	KIF
7/25/2007	11:13 PM	DAT2	CASE SET ON 09/10/2007	CAW
7/25/2007	11:13 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/9/2007	11:00 PM	DAT2	CASE SET ON 09/24/2007	CAW
8/9/2007	11:00 PM	NOTF	NOTICE FLAG SET TO: N	CAW
8/23/2007	11:39 PM	DAT2	CASE SET ON 10/15/2007	CAW
8/23/2007	11:39 PM	NOTF	NOTICE FLAG SET TO: N	CAW
9/12/2007	11:37 PM	DAT2	CASE SET ON 11/05/2007	CAW

9/12/2007	11:37 PM	NOTF	NOTICE FLAG SET TO: N	CAW
10/4/2007	11:04 PM	DAT2	CASE SET ON 01/14/2008	CAW
10/4/2007	11:04 PM	NOTF	NOTICE FLAG SET TO: N	CAW
12/10/2007	12:00 AM	DAT2	CASE SET ON 02/25/2008	CAW
12/10/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
12/18/2007	8:40 AM	JFEL	JUROR FELONY FLAG SET ON FOR INDIVIDUAL (AR10)	KIF
12/18/2007	8:40 AM	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: SEJ	KIF
12/18/2007	8:40 AM	DISP	CHARGE 01: REC STOLEN PROP 1ST/#CNTS: 001 (AR10)	KIF
12/18/2007	8:40 AM	DISP	CHARGE 01 DISPOSED BY: GUILTY PLEA ON: 12/18/2007	KIF
1/9/2008	1:28 PM	STAT	STATUS CHANGED TO: "P" - PRISON (AR10)	KIF
1/9/2008	1:34 PM	CH01	DEFENDANT SENTENCED ON: 12/18/2007 (AR05)	KIF
1/9/2008	1:34 PM	CH01	SENTENCE TO BEGIN ON: 12/18/2007 (AR05)	KIF
1/9/2008	1:34 PM	CH01	TOTAL CONFINEMENT: 20 YEARS (AR05)	KIF
1/9/2008	1:34 PM	CH01	IMPOSED CONFINEMENT: 20 YEARS (AR05)	KIF
1/9/2008	1:34 PM	CH01	COST PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	FINE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	FINE IMPOSED: $2500.00 (AR05)	KIF
1/9/2008	1:34 PM	CH01	3CVC PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	PREL FEE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	CVCC PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	RECOUPMENT PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	RCUP AMOUNT ORDERED: $750.00 (AR05)	KIF
1/9/2008	1:34 PM	CH01	RESTITUTION FOR R001 ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	R001 REST AMOUNT ORDERED: $26355.00 (AR05)	KIF
1/9/2008	1:34 PM	CH01	3CVC AMOUNT ORDERED: $950.00 (AR05)	KIF
1/9/2008	1:34 PM	CH01	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:34 PM	CH01	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	KIF
1/9/2008	1:45 PM	PRTY	PARTY ADDED R001 ALBERT CHRISTOPHER WALKER(AW21)	KIF
1/9/2008	1:45 PM	ISSD	PARTY R001 ISSUED DATE: 03142007 TYPE: (AW21)	KIF
1/9/2008	1:51 PM	CH01	JAIL CREDIT: 03 YEARS, 249 DAYS (AR05)	KIF
1/9/2008	1:53 PM	D001	ENFORCEMENT STATUS SET TO: "J" (FE52)	KIF
1/9/2008	1:53 PM	D001	PAYMENT FREQUENCY SET TO: "L" (FE52)	KIF
1/9/2008	1:55 PM	TRSC	TRANSCRIPT OF RECORD ISSUED: 01/09/2008 (AR08)	KIF
1/11/2008	12:00 AM	FELN	CONVICTION REPORT TO BOARD OF REGISTRARS	CAW
1/11/2008	1:25 PM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
1/14/2008	2:44 PM	TRSC	Electronic transcript posted to DOC (ETRN)	ETC
2/16/2012	10:19 AM	----	SCANNED - COMPLETE FILE - STATE OF ALABAMA	
2/16/2012	10:20 AM	SCAN	CASE SCANNED STATUS SET TO: Y (AR10)	CAG

END OF THE REPORT

Appendix Y

Alabama SJIS Case Detail, Michael Jackson

ALABAMA SJIS CASE DETAIL

PREPARED FOR: ANNE BORELLI

alacourt.com

County: **38** Case Number: **CC-2006-000135.00** Court Action: **GUILTY PLEA**

Style: **STATE OF ALABAMA V. JACKSON MICHAEL RAY**

Real Time

Case

Case Information

County:	**38-HOUSTON**	Case Number:	**CC-2006-000135.00**	Judge:	**LKA-LARRY K ANDERSON**
Defendant Status:	**PRISON**	Trial Type:		Charge:	**MURDER CAPITAL-ROBBE**
Related Cases:				Court Action:	**GUILTY PLEA**
Probation Office #:	**2007-008563-00**	Probation Office Name:	**N15736**		
Jury Demand:	**True**	Traffic Citation #:		DL Destroy Date:	
Grand Jury Court Action:		Inpatient Treatment Ordered:		Previous DUI Convictions:	**000**

Case Initiation

Case Initiation Date:	**02/25/2006**	Case Initiation Type:	**ARREST**	Offense Date:	
Filing Date:	**02/27/2006**	Agency ORI:		Arresting Agency Type:	**COUNTY**
Arrest Date:	**02/25/2006**	Arresting Officer:	**LUKER TONY**	City Code/Name:	**00**
Indictment Date:	**02/24/2006**	Grand Jury:	**179-01**	Domestic Violence:	**NO**

Defendant Information

Name:	**JACKSON MICHAEL RAY**	Alias 1:				Alias 2:	
Address 1:	**C/O HCJ**	Address 2:	[redacted]				
City:	**DOTHAN**	State:	**AL**	Zip:	**36301-0000**	Country:	
DOB:	[redacted]	SSN:	**XXX-XX-X124**			Phone:	**0**
Driver License N°:	**AL**	State ID:	**AL000000000**			Eyes/Hair:	**GRN/BRO**
Height :	**5'10"**	Weight:				Race/Sex:	**W/M**
Youthful Date:							
AL Institutional Service Num:							

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	VAL002		VALESKA DOUGLAS ALBERT	**DOUG.VALESKA@ALABAMADA.GOV**	(334) 677-4894
Attorney 1	DAV096	**C-CONTRACT**	DAVIS ERIC CLARK	**ECDAVIS@ALA.NET**	(334) 792-1900
Attorney 2	MAD021	**A-APPOINTED**	MADDOX WILLIAM CHRISTIAN	**CHRISMADDOX@GRACEBA.NET**	(334) 678-8100

Warrant Information

Warrant Issuance Date:		Warrant Issuance Status:		Description:	
Warrant Action Date:		Warrant Action Status:		Description:	
Warrant Location Date:		Warrant Location Status:		Description:	
Number Of Warrants:	**000**				

Bond Information

Bond Amount:	**0.00**	Bond Type:	**N**	Bond Type Desc:	**NO BOND**
Bond Company:		Surety Code:	**000**	Release Date:	
Failed to Appear Date:		Bondsman Process Issuance:		Bondsman Process Return:	

Appeal Information

Appeal Date:	Appeal Case Number:	Appeal Court:
Appeal Status:	Orgin Of Appeal:	
Appeal To:	Appeal To Desc:	LowerCourt Appeal Date:
Disposition Date Of Appeal:	Disposition Type Of Appeal:	

Administrative Information

Transfer to Admin Doc Date:		Transfer Reason:		Transfer Desc:	
Number of Subponeas:	012	Last Update:	08/25/2009	Updated By:	MAK

Settings

Settings

	Date:	Que:	Time:	Description:
1	02/22/2008	001	09:00 AM	HEAR - RESTITUTION
2	02/12/2007	001	08:30 AM	JTRL - JURY TRIAL

Charges / Disposition

Court Action

Court Action: G-GUILTY PLEA
Court Action Date: 02/08/2007
Date Trial Began but No Verdict (TBNV1):
Date Trial Began but No Verdict (TBNV2):

Filing Charges

#	Code	ID	Description	Cite	Type Description	Category	Class
001	CM02		MURDER CAPITAL-ROBBERY	13A-005-040(A)(2)	FELONY	PERSONAL INJURY - PERSON	

Disposition Charges

#	Code	ID	Description	Cite	Type Description	Category	Class	Court Action	Court Action Date
001	MURD		MURDER	13A-006-002	FELONY	PERSONAL INJURY - PERSON		GUILTY PLEA	02/08/2007

Sentences

Sentence 1

Sentence

Requirements Completed:	NO	Sentence Provisions:	Y	Jail Credit Period:	2 Years, 9 Months, 1 Day.
Sentence Date:	02/08/2007	Sentence Start Date:	02/08/2007	Sentence End Date:	
Probation Period:	0 Years, 0 Months, 0 Days.	Probation Begin Date:		Probation Revoke:	
License Susp Period:	0 Years, 0 Months, 0 Days.	Last Update:	08/28/2009	Updated By:	MAK

Monetary

Costs:	X	Fine:	X	Fine Imposed:	5000.00	Fine Suspended:	0.00	Immigration Fine:	
Crime Victims Fee:	X			Crime History Fee:	X	License Suspension Fee:		Drug User Fee:	
WC Fee 85%:				Municipal Court:		Jail Fee:		Drug Docket Fees:	
WC Fee DA:				Removal Bill:		Amt Over Minimum CVF:	X-$2450.00	Alias Warrant:	
SX10:		Prelim Hearing:		Attorney Fees:		Demand Reduction Hearing:		Subpoena:	X

Restitution

Recipient	Restitution	Description	Amount
R002	X		7232.00

Confinement

Imposed Confinement Period:	**23 Years, 0 Months, 0 Days.**		Suspended Confinement Period	**0 Years, 0 Months, 0 Days.**	
Total Confinement Period:	**23 Years, 0 Months, 0 Days.**		Penitentiary:	**X**	
Life Without Parole:			Boot Camp:		
Jail:		Life:		Death:	
Split:		Reverse Split:		Electronic Monitoring:	**-0**
Concurrent Sentence:	**X**	Consecutive Sentence:		Coterminous Sentence:	
Chain Gang:	**0**				

Programs

Jail Diversion:		Informal Probation:		Alcoholics Anonymous:	
Dui School:		Defensive Driving Shcool:		Doc Drug Program:	
PreTrail Diversion:		Bad Check School:		Mental Health:	
Court Referral Program:		Alternative Sentencing:		Drug Court:	
Anger Management Program:		Doc Community Corrections:		Jail Community Corrections:	
Community Service:		Community Service Hrs:	**0**		

Enhanced

Drug Near Project:		Sex Offender Community Notification:		Drugs Near School:	
Habitual Offender:		Habitual Offender Number:	**0**	Victim DOB:	**N**
Drug:		Drug Code:		Drug Volume:	**0.00**
Drug Measure Unit:					

***Key: x = ordered by judge and should be collected. m = ordered by judge but remitted immediately. n = normally assessed but ordered to 'not collect**

Linked Cases

Sentencing Number	Case Type	Case Type Description	CaseNumber
0	C	CONCURRENT	38-CC-2005-001748.00

Enforcement

Enforcement

Payor:	**D001**	Enforcement Status:	JAIL/PRISON: PERMITS RECEIPTING, NO MAILERS OR DA TURNOVER			Placement Status:	
Amount Due:	**$29,930.22**			Amount Paid:	$0.00	Balance:	$29,930.22
Due Date:	**03/28/2007**	Last Paid Date:		Frequency:		Frequency Amt:	$0.00
Over/Under Paid:	**$0.00**	TurnOver Date:		TurnOver Amt:	$0.00	D999 Amt:	$0.00
PreTrial:	**YES**	PreTrail Date:		PreTrial Terms:	YES	Pre Terms Date:	
Delinquent:	**YES**	Delinquent Date:		DA Mailer:	YES	DA Mailer Date:	
Warrant Mailer:	**YES**	Warrant Mailer Date:		Last Update:	03/28/2008	Updated By:	MAF
Comments:							

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	**Y**	**R001**	**D001**	**R001**	**$6,537.00**	**$0.00**	**$6,537.00**	**$0.00**	
ACTIVE	**Y**	**R002**	**D001**	**R002**	**$7,232.00**	**$0.00**	**$7,232.00**	**$0.00**	
ACTIVE	**N**	**CF00**	**D001**		**$219.00**	**$0.00**	**$219.00**	**$0.00**	
ACTIVE	**N**	**CF10**	**D001**		**$5,000.00**	**$0.00**	**$5,000.00**	**$0.00**	
ACTIVE	**N**	**SF30**	**D001**		**$96.00**	**$0.00**	**$96.00**	**$0.00**	
ACTIVE	**N**	**SF70**	**D001**		**$8,316.22**	**$0.00**	**$8,316.22**	**$0.00**	

ACTIVE	N	CF71	D001	$25.00	$0.00	$25.00	$0.00
ACTIVE	N	CF72	D001	$25.00	$0.00	$25.00	$0.00
ACTIVE	N	CF73	D001	$2,450.00	$0.00	$2,450.00	$0.00
ACTIVE	N	SO75	D001	$30.00	$0.00	$30.00	$0.00
			Total:	$29,930.22	$0.00	$29,930.22	$0.00

Financial History

Transaction Date	Description	Disbursement Accoun	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
05/31/2007	FEE DELETED	R001	2007063	00	$6,537.00	D001	R001		Y			MAF

SJIS Witness List

				Subpoena			
Witness #	Name	Requesting Party	Attorney	Date Issued	Issued Type	Date Served	Service Type
R002	ALBERT CHRISTOPHER WALKER	000					
W001	JASON DEVANE	000		01/23/2007			
W002	MIKE ETRESS	000		01/23/2007			
W003	TONY LUKER	000		01/23/2007			
W004	FRANK MEREDITH	000		01/23/2007			
W005	KEN CURTIS	000	DAV096	01/23/2007			
W006	THE DOTHAN EAGLE	000	DAV096	01/23/2007			
W007	WAYNE MAY	000	DAV096	01/23/2007			
W008	JUDY BYRD	000	DAV096	01/23/2007			

Case Action Summary

Date:	Time	Code	Comments	Operator
2/27/2006	10:20 AM	JUDG	ASSIGNED TO: (JMW) (AR01)	PAM
2/27/2006	10:20 AM	STAT	INITIAL STATUS SET TO: "J" - JAIL (AR01)	PAM
2/27/2006	10:20 AM	FILE	FILED ON: 02/27/2006 (AR01)	PAM
2/27/2006	10:20 AM	ARRS	DEFENDANT ARRESTED ON: 02/25/2006 (AR01)	PAM
2/27/2006	10:20 AM	INDT	DEFENDANT INDICTED ON: 02/24/2006 (AR01)	PAM
2/27/2006	10:20 AM	FILE	CHARGE 01: MURDER CAPITAL-ROBBE/#CNTS: 001 (AR01)	PAM
2/27/2006	10:20 AM	DAT1	SET FOR: ARRAIGNMENT ON 03/30/2006 AT 0900A(AR10)	PAM
2/27/2006	10:20 AM	DAT2	SET FOR: JURY TRIAL ON 05/08/2006 AT 0830A (AR10)	PAM
2/27/2006	10:21 AM	PRTY	PARTY ADDED W001 JASON DEVANE (AW21)	PAM
2/27/2006	10:21 AM	PRTY	PARTY ADDED W002 MIKE ETRESS (AW21)	PAM
2/27/2006	10:21 AM	PRTY	PARTY ADDED W003 TONY LUKER (AW21)	PAM
2/27/2006	10:21 AM	PRTY	PARTY ADDED W004 FRANK MEREDITH (AW21)	PAM
2/27/2006	10:22 AM	CASP	CASE ACTION SUMMARY PRINTED (AR01)	PAM
2/27/2006	10:22 AM	FESH	FEE SHEET PRINTED (AR08)	PAM
2/27/2006	11:55 AM	JUDG	JUDGE ID CHANGED FROM: JMW TO: LKA (AR01)	RHM
2/27/2006	11:56 AM	DAT1	SET FOR: ARRAIGNMENT ON 03/15/2006 AT 0900A(AR10)	RHM
2/28/2006	11:52 AM	ATY1	ATTORNEY FOR DEFENDANT: LAMERE MATTHEW C (AR10)	RHM
2/28/2006	1:02 PM	COMM	2-28-06 SENT 2 JUDGE - MOTIONS (AR10)	JEC
3/1/2006	11:53 PM	DOCK	NOTICE SENT: 03/01/2006 JACKSON MICHAEL RAY	AMT
3/1/2006	11:53 PM	DOCK	NOTICE SENT: 03/01/2006 LAMERE MATTHEW C	AMT
3/14/2006	2:50 PM	ATY1	ATTORNEY FOR DEFENDANT: DAVIS ERIC CLARK (AR10)	PAM
3/28/2006	3:13 PM	ATY2	ATTORNEY FOR DEFENDANT: MADDOX WILLIAM CHRISTIA	ROJ
3/28/2006	3:47 PM	DAT2	SET FOR: JURY TRIAL ON 08/14/2006 AT 0830A (AR10)	ROJ
3/31/2006	10:19 AM	COMM	3-31-06 SENT TO JUDGE WITH MOTIONS (AR10)	JEC
4/6/2006	9:55 AM	DAT1	SET FOR: MOTION HEARINGS ON 05/03/2006 AT 0130P	RHM
4/27/2006	8:38 AM	PRTY	PARTY ADDED W005 KEN CURTIS (AW21)	TAB
4/27/2006	8:39 AM	PRTY	PARTY ADDED W006 THE DOTHAN EAGLE (AW21)	TAB

4/27/2006	8:40 AM	PRTY	PARTY ADDED W007 WAYNE MAY (AW21)	TAB
4/27/2006	8:40 AM	PRTY	PARTY ADDED W008 JUDY BYRD (AW21)	TAB
4/27/2006	8:41 AM	SUBP	WITNESS SUBPOENA ISSUED TO W005 KEN CURTIS (AW21)	TAB
4/27/2006	8:41 AM	SUBP	WITNESS SUBPOENA ISSUED TO W006 THE DOTHAN EAGLE	TAB
4/27/2006	8:42 AM	SUBP	WITNESS SUBPOENA ISSUED TO W007 WAYNE MAY (AW21)	TAB
4/27/2006	8:42 AM	SUBP	WITNESS SUBPOENA ISSUED TO W008 JUDY BYRD (AW21)	TAB
5/12/2006	11:03 AM	DAT1	SET FOR: EVIDENTIARY HRG ON 07/25/2006 AT 0130P	RHM
7/14/2006	12:00 AM	DAT2	CASE SET ON 08/28/2006	JUB
7/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/25/2006	12:00 AM	DAT2	CASE SET ON 09/11/2006	JUB
7/25/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/27/2006	5:49 PM	DAT1	SET FOR: EVIDENTIARY HRG ON 09/20/2006 AT 0130P	ROJ
7/31/2006	6:28 PM	DAT2	SET FOR: JURY TRIAL ON 10/16/2006 AT 0830A (AR10)	ROJ
9/19/2006	12:00 AM	DAT2	CASE SET ON 11/06/2006	JUB
9/19/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/30/2006	10:47 AM	DAT1	SET FOR: EVIDENTIARY HRG ON 12/12/2006 AT 0830A	RHM
9/30/2006	10:47 AM	DAT2	SET FOR: JURY TRIAL ON 01/22/2007 AT 0830A (AR10)	RHM
1/3/2007	11:58 AM	DAT2	SET FOR: JURY TRIAL ON 02/12/2007 AT 0830A (AR10)	JUB
1/18/2007	12:00 AM	DAT2	CASE SET ON 03/05/2007	CAW
1/18/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
1/19/2007	3:24 PM	DAT2	SET FOR: JURY TRIAL ON 02/12/2007 AT 0830A (AR10)	CAW
1/23/2007	3:27 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	JUJ
2/27/2007	4:37 PM	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: LKA	RHM
2/27/2007	4:37 PM	DISP	CHARGE 01 DISPOSED BY: GUILTY PLEA ON: 02/08/2007	RHM
2/27/2007	4:37 PM	DISP	CHARGE 01: MURDER/#CNTS: 001 (AR10)	RHM
2/27/2007	4:48 PM	CH01	DEFENDANT SENTENCED ON: 02/08/2007 (AR05)	RHM
2/27/2007	4:48 PM	CH01	FINE IMPOSED: $5000.00 (AR05)	RHM
2/27/2007	4:48 PM	CH01	JAIL CREDIT: 347 DAYS (AR05)	RHM
2/27/2007	4:48 PM	CH01	FINE PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:48 PM	CH01	COST PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:48 PM	CH01	3CVC AMOUNT ORDERED: $2450.00 (AR05)	RHM
2/27/2007	4:48 PM	CH01	SENTENCE TO BEGIN ON: 02/08/2007 (AR05)	RHM
2/27/2007	4:48 PM	CH01	IMPOSED CONFINEMENT: 23 YEARS (AR05)	RHM
2/27/2007	4:48 PM	CH01	TOTAL CONFINEMENT: 23 YEARS (AR05)	RHM
2/27/2007	4:48 PM	CH01	3CVC PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:48 PM	CH01	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:48 PM	CH01	CVCC PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:48 PM	CH01	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:48 PM	CH01	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:48 PM	CH01	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	RHM
2/27/2007	4:51 PM	D001	ENFORCEMENT STATUS SET TO: "J" (FE52)	RHM
2/27/2007	4:51 PM	D001	PAYMENT FREQUENCY SET TO: "L" (FE52)	RHM
2/27/2007	5:12 PM	CH01	JAIL CREDIT: 02 YR, 09 MO, 001 DAYS (AR05)	RHM
2/27/2007	5:44 PM	TRSC	TRANSCRIPT OF RECORD ISSUED: 02/27/2007 (AR08)	RHM
4/6/2007	1:02 AM	FELN	CONVICTION REPORT TO BOARD OF REGISTRARS	CAW
11/27/2007	3:34 PM	ATTH	CAS ATTACHMENT PRINTED (AR08)	MAF
1/8/2008	4:20 PM	COMM	1-8-08 FILE TO JUDGE W/ MOTION FOR RESTITUTION	MAF
1/24/2008	1:24 PM	DAT1	SET FOR: RESTITUTION ON 02/22/2008 AT 0900A (AR10)	MAF
1/24/2008	1:24 PM	CH01	STATUS CHANGED TO: "P" - PRISON (AR05)	MAF
3/28/2008	3:02 PM	CH01	RESTITUTION FOR R001 ORDERED BY THE COURT (AR05)	MAF
3/28/2008	3:02 PM	CH01	R001 REST AMOUNT ORDERED: $7232.00 (AR05)	MAF
3/28/2008	3:07 PM	PRTY	PARTY ADDED R002 ALBERT CHRISTOPHER WALKER(AW21)	MAF
8/25/2009	9:00 AM	ATTH	CAS ATTACHMENT PRINTED (AR08)	MAK

8/25/2009	9:07 AM	COMM	8.25.09 FILE TO JUDGE W/ RESPONSE TO MOTION (AR10)	MAK
8/28/2009	1:37 PM	TRSC	TRANSCRIPT OF RECORD ISSUED: 08/28/2009 (AR08)	MAK
8/28/2009	1:54 PM	TRSC	TRANSCRIPT # 60275 WAS POSTED TO DOC (ETRN)	MAK
9/1/2009	8:46 AM	TRSC	ELECTRONIC TRANSCRIPT # 60275 WAS ACCEPTED BY DOC	CAC
6/20/2013	2:28 PM	ESCAN	SCAN - FILED 4/10/2006 - MENTAL HEALTH EXAMINATION REPORT (RULE 25.5)	AMI
6/20/2013	2:47 PM	ESCAN	SCAN - FILED 11/1/2005 - MISC	AMI
6/20/2013	2:48 PM	ESCAN	SCAN - FILED 2/8/2007 - SENTENCING WORKSHEET	AMI
6/20/2013	2:50 PM	ESCAN	SCAN - FILED 2/25/2006 - CAS	AMI
6/20/2013	2:50 PM	ESCAN	SCAN - FILED 2/25/2006 - MISC	AMI
6/20/2013	2:51 PM	ESCAN	SCAN - FILED 2/25/2006 - WR	AMI
6/20/2013	2:56 PM	ESCAN	SCAN - FILED 2/8/2007 - SENTENCING ORDER	AMI
6/20/2013	2:56 PM	ESCAN	SCAN - FILED 2/25/2006 - AFFIDAVIT OF HARDSHIP	AMI
6/20/2013	2:57 PM	ESCAN	SCAN - FILED 2/24/2006 - INDICTMENT	AMI
6/20/2013	3:32 PM	ESCAN	SCAN - FILED 2/28/2006 - MOTION	AMI
6/20/2013	3:33 PM	ESCAN	SCAN - FILED 2/28/2006 - MOTION	AMI
6/20/2013	3:34 PM	ESCAN	SCAN - FILED 2/28/2006 - NOTICE	AMI
6/20/2013	3:35 PM	ESCAN	SCAN - FILED 2/28/2006 - MOTION	AMI
6/20/2013	3:35 PM	ESCAN	SCAN - FILED 2/28/2006 - MOTION	AMI
6/20/2013	3:42 PM	ESCAN	SCAN - FILED 3/16/2006 - ORDER	AMI
6/20/2013	3:42 PM	ESCAN	SCAN - FILED 3/6/2006 - MOTION	AMI
6/20/2013	3:42 PM	ESCAN	SCAN - FILED 3/16/2006 - ORDER	AMI
6/20/2013	3:44 PM	ESCAN	SCAN - FILED 3/20/2006 - MOTION	AMI
6/20/2013	3:45 PM	ESCAN	SCAN - FILED 3/20/2006 - ORDER	AMI
6/20/2013	3:46 PM	ESCAN	SCAN - FILED 3/24/2006 - ORDER	AMI
6/20/2013	3:47 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	3:48 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	3:49 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	3:54 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	3:55 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	3:56 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	3:58 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	3:59 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:00 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:02 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:03 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:04 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:05 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:06 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:06 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:07 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:08 PM	ESCAN	SCAN - FILED 4/26/2006 - SUBPOENA REQUEST	AMI
6/20/2013	4:08 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/20/2013	4:10 PM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:10 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:11 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:12 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:12 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:13 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:14 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:15 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:16 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:19 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:20 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI

6/21/2013	10:23 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:24 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:32 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:36 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:48 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:57 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:58 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	10:59 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:00 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:01 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:02 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:02 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:03 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:04 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:04 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:05 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:06 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:07 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:07 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:08 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:09 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:09 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:10 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:11 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:12 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:13 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:13 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:14 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:15 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:16 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:17 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:19 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:20 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:21 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:21 AM	ESCAN	SCAN - FILED 3/31/2006 - MOTION	AMI
6/21/2013	11:22 AM	ESCAN	SCAN - FILED 2/8/2007 - EXPLANATION OF RIGHTS	AMI
6/21/2013	11:23 AM	ESCAN	SCAN - FILED 2/8/2007 - MISC	AMI
6/21/2013	11:23 AM	ESCAN	SCAN - FILED 2/27/2007 - TRANSCRIPT	AMI
6/21/2013	11:24 AM	ESCAN	SCAN - FILED 11/27/2007 - MOTION	AMI
6/21/2013	11:24 AM	ESCAN	SCAN - FILED 11/27/2007 - ORDER	AMI
6/21/2013	11:25 AM	ESCAN	SCAN - FILED 1/8/2008 - MOTION	AMI
6/21/2013	11:27 AM	ESCAN	SCAN - FILED 9/1/2009 - TRANSCRIPT	AMI
6/21/2013	11:27 AM	ESCAN	SCAN - FILED 8/28/2009 - TRANSCRIPT	AMI
6/21/2013	11:28 AM	ESCAN	SCAN - FILED 2/22/2008 - ORDER	AMI
6/21/2013	11:30 AM	ESCAN	SCAN - FILED 4/4/2007 - ATTORNEY FEE DECLARATION	AMI

END OF THE REPORT

ALABAMA SJIS CASE DETAIL

PREPARED FOR: ANNE BORELLI

alacourt.com

County: **38** Case Number: **CC-2005-001748.00** Court Action: **GUILTY PLEA**

Style: **STATE OF ALABAMA V. JACKSON MICHAEL RAY**

Real Time

Case

Case Information

County:	38-HOUSTON	Case Number:	CC-2005-001748.00	Judge:	LKA-LARRY K ANDERSON
Defendant Status:	JAIL	Trial Type:		Charge:	REC STOLEN PROP 1ST
Related Cases:				Court Action:	GUILTY PLEA
Probation Office #:	2007-008563-00	Probation Office Name:	N15736		
Jury Demand:	False	Traffic Citation #:		DL Destroy Date:	
Grand Jury Court Action:		Inpatient Treatment Ordered:		Previous DUI Convictions:	000

Case Initiation

Case Initiation Date:	10/29/2005	Case Initiation Type:	ARREST	Offense Date:	04/11/2004
Filing Date:	11/08/2005	Agency ORI:		Arresting Agency Type:	COUNTY
Arrest Date:	10/29/2005	Arresting Officer:	T LUKER	City Code/Name:	
Indictment Date:	10/28/2005	Grand Jury:	455-10	Domestic Violence:	NO

Defendant Information

Name:	JACKSON MICHAEL RAY	Alias 1:				Alias 2:	
Address 1:	C/O HOUSTON COUNTY JAIL	Address 2:	[redacted]				
City:	DOTHAN	State:	AL	Zip:	36301-0000	Country:	
DOB:	[redacted]	SSN:	XXX-XX-X124			Phone:	0
Driver License N°:	AL7200879	State ID:	AL000000000			Eyes/Hair:	GRN/BRO
Height :	5'10"	Weight:				Race/Sex:	W/M
Youthful Date:							
AL Institutional Service Num:	000000						

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	ATW001		ATWELL DAVID MICHAEL	DATWELL000@GMAIL.COM	(334) 220-6496
Attorney 1	BUL007	R-RETAINED	BULLARD WILLIAM TERRY	TBULLAARD@AOL.COM	(334) 793-5665

Warrant Information

Warrant Issuance Date:		Warrant Issuance Status:		Description:	
Warrant Action Date:		Warrant Action Status:		Description:	
Warrant Location Date:		Warrant Location Status:		Description:	
Number Of Warrants:	000				

Bond Information

Bond Amount:	20000.00	Bond Type:	N	Bond Type Desc:	NO BOND
Bond Company:		Surety Code:	000	Release Date:	
Failed to Appear Date:		Bondsman Process Issuance:		Bondsman Process Return:	

Appeal Information

Appeal Date:		Appeal Case Number:		Appeal Court:	
Appeal Status:		Orgin Of Appeal:			
Appeal To:		Appeal To Desc:		LowerCourt Appeal Date:	
Disposition Date Of Appeal:		Disposition Type Of Appeal:			

Administrative Information

Transfer to Admin Doc Date:		Transfer Reason:		Transfer Desc:	
Number of Subpoenas:	010	Last Update:	08/28/2009	Updated By:	MAK

Settings

Settings

	Date:	Que:	Time:	Description:
1	12/01/2005	001	09:00 AM	ARRG - ARRAIGNMENT
2	02/12/2007	001	08:30 AM	JTRL - JURY TRIAL

Charges / Disposition

Court Action

Court Action: G-GUILTY PLEA

Court Action Date: 02/08/2007

Date Trial Began but No Verdict (TBNV1):

Date Trial Began but No Verdict (TBNV2):

Filing Charges

#	Code	ID	Description	Cite	Type Description	Category	Class
001	RSP1		REC STOLEN PROP 1ST	13A-008-017	FELONY	PERSONAL INJURY - PROPERTY	

Disposition Charges

#	Code	ID	Description	Cite	Type Description	Category	Class	Court Action	Court Action Date
001	RSP1		REC STOLEN PROP 1ST	13A-008-017	FELONY	PERSONAL INJURY - PROPERTY		GUILTY PLEA	02/08/2007

Sentences

Sentence 1

Sentence

Requirements Completed:	NO	Sentence Provisions:	Y	Jail Credit Period:	2 Years, 10 Months, 0 Days.
Sentence Date:	02/08/2007	Sentence Start Date:	02/08/2007	Sentence End Date:	
Probation Period:	0 Years, 0 Months, 0 Days.	Probation Begin Date:		Probation Revoke:	
License Susp Period:	0 Years, 0 Months, 0 Days.	Last Update:	08/28/2009	Updated By:	MAK

Monetary

Costs:	X	Fine:	X	Fine Imposed:	2500.00	Fine Suspended:	0.00	Immigration Fine:	
Crime Victims Fee:	X			Crime History Fee:	X	License Suspension Fee:		Drug User Fee:	
WC Fee 85%:				Municipal Court:		Jail Fee:		Drug Docket Fees:	
WC Fee DA:				Removal Bill:		Amt Over Minimum CVF:		Alias Warrant:	
SX10:		Prelim Hearing:		Attorney Fees:		Demand Reduction Hearing:		Subpoena:	X

Restitution

Recipient	Restitution	Description	Amount

Confinement

Imposed Confinement Period:	10 Years, 0 Months, 0 Days.	Suspended Confinement Period	0 Years, 0 Months, 0 Days.
Total Confinement Period:	10 Years, 0 Months, 0 Days.	Penitentiary:	X
Life Without Parole:		Boot Camp:	
Jail:	Life:	Death:	

Split:		Reverse Split:		Electronic Monitoring:	0
Concurrent Sentence:	X	Consecutive Sentence:		Coterminous Sentence:	
Chain Gang:	0				

Programs

Jail Diversion:		Informal Probation:		Alcoholics Anonymous:	
Dui School:		Defensive Driving Shcool:		Doc Drug Program:	
PreTrail Diversion:		Bad Check School:		Mental Health:	
Court Referral Program:		Alternative Sentencing:		Drug Court:	
Anger Management Program:		Doc Community Corrections:		Jail Community Corrections:	
Community Service:		Community Service Hrs:	0		

Enhanced

Drug Near Project:		Sex Offender Community Notification:		Drugs Near School:	
Habitual Offender:		Habitual Offender Number:	0	Victim DOB:	
Drug:		Drug Code:		Drug Volume:	0.00
Drug Measure Unit:					

*Key: x = ordered by judge and should be collected. m = ordered by judge but remitted immediately. n = normally assessed but ordered to 'not collect

Linked Cases

Sentencing Number	Case Type	Case Type Description	CaseNumber
0	C	CONCURRENT	38-CC-2006-000135.00

Enforcement

Enforcement

Payor:	D001	Enforcement Status:	JAIL/PRISON: PERMITS RECEIPTING, NO MAILERS OR DA TURNOVER			Placement Status:	
Amount Due:	$4,829.00			Amount Paid:	$0.00	Balance:	$4,829.00
Due Date:	03/28/2007	Last Paid Date:		Frequency:		Frequency Amt:	$0.00
Over/Under Paid:	$0.00	TurnOver Date:		TurnOver Amt:	$0.00	D999 Amt:	$0.00
PreTrial:	YES	PreTrail Date:		PreTrial Terms:	YES	Pre Terms Date:	
Delinquent:	YES	Delinquent Date:		DA Mailer:	YES	DA Mailer Date:	
Warrant Mailer:	YES	Warrant Mailer Date:		Last Update:	05/29/2009	Updated By:	MAK
Comments:							

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	N	CF00	D001		$219.00	$0.00	$219.00	$0.00	
ACTIVE	N	CF10	D001		$2,500.00	$0.00	$2,500.00	$0.00	
ACTIVE	N	SF30	D001		$80.00	$0.00	$80.00	$0.00	
ACTIVE	N	CF71	D001		$25.00	$0.00	$25.00	$0.00	
ACTIVE	N	CF72	D001		$25.00	$0.00	$25.00	$0.00	
ACTIVE	N	CF73	D001		$1,950.00	$0.00	$1,950.00	$0.00	
ACTIVE	N	SO75	D001		$30.00	$0.00	$30.00	$0.00	
				Total:	$4,829.00	$0.00	$4,829.00	$0.00	

Financial History

Transaction Date	Description	Disbursement Accoun	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator

02/27/2007	FEE CHANGED	CF73	2007041	00	$1,950.00	D001	N	RHM

SJIS Witness List

				Subpoena			
Witness #	**Name**	**Requesting Party**	**Attorney**	**Date Issued**	**Issued Type**	**Date Served**	**Service Type**
W001	JASON DEVANE	000		02/10/2006			
W002	MIKE ETRESS	000		01/23/2007			
W003	TONY LUKER	000		01/23/2007			
W004	FRANK MEREDITH	000		01/23/2007			

Case Action Summary

Date:	Time	Code	Comments	Operator
11/8/2005	8:19 AM	JUDG	ASSIGNED TO: (LKA) (AR01)	PAM
11/8/2005	8:19 AM	FILE	CHARGE 01: REC STOLEN PROP 1ST /#CNTS: 001 (AR01)	PAM
11/8/2005	8:19 AM	INDT	DEFENDANT INDICTED ON: 10/28/2005 (AR01)	PAM
11/8/2005	8:19 AM	BOND	BOND SET AT: $20000.00 (AR01)	PAM
11/8/2005	8:20 AM	FILE	FILED ON: 11/08/2005 (AR01)	PAM
11/8/2005	8:20 AM	ARRS	DEFENDANT ARRESTED ON: 10/29/2005 (AR01)	PAM
11/8/2005	8:20 AM	STAT	INITIAL STATUS SET TO: "J" - JAIL (AR01)	PAM
11/8/2005	8:20 AM	DAT1	SET FOR: ARRAIGNMENT ON 12/01/2005 AT 0900A(AR10)	PAM
11/8/2005	8:20 AM	DAT2	SET FOR: JURY TRIAL ON 03/06/2006 AT 0830A (AR10)	PAM
11/8/2005	8:24 AM	PRTY	PARTY ADDED W001 JASON DEVANE (AW21)	PAM
11/8/2005	8:24 AM	PRTY	PARTY ADDED W002 MIKE ETRESS (AW21)	PAM
11/8/2005	8:24 AM	PRTY	PARTY ADDED W003 TONY LUKER (AW21)	PAM
11/8/2005	8:24 AM	PRTY	PARTY ADDED W004 FRANK MEREDITH (AW21)	PAM
11/8/2005	8:24 AM	CASP	CASE ACTION SUMMARY PRINTED (AR01)	PAM
11/8/2005	8:24 AM	FESH	FEE SHEET PRINTED (AR08)	PAM
11/17/2005	12:00 AM	DOCK	NOTICE SENT: 11/17/2005 JACKSON MICHAEL RAY	AMT
1/17/2006	9:42 AM	ATY1	ATTORNEY FOR DEFENDANT: BULLARD WILLIAM T (AR10)	ROJ
2/7/2006	1:21 AM	DAT2	CASE SET ON 04/10/2006	JUB
2/7/2006	1:21 AM	NOTF	NOTICE FLAG SET TO: N	JUB
2/7/2006	4:25 PM	DAT2	CASE SET ON 03/08/2006 FOR JURY TRIAL (SS07)	JUB
2/7/2006	4:25 PM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
2/8/2006	4:11 PM	DAT2	CASE SET ON 03/08/2006 FOR JURY TRIAL (SS07)	JUB
2/8/2006	4:11 PM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
2/10/2006	11:54 AM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM
3/9/2006	10:58 AM	DAT2	SET FOR: JURY TRIAL ON 05/08/2006 AT 0830A (AR10)	PAM
4/5/2006	11:56 PM	DAT2	CASE SET ON 05/15/2006	JUB
4/5/2006	11:56 PM	NOTF	NOTICE FLAG SET TO: N	JUB
4/21/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
4/21/2006	12:00 AM	DAT2	CASE SET ON 08/14/2006	JUB
4/21/2006	8:08 AM	DAT2	CASE SET ON 05/15/2006 FOR JURY TRIAL (SS07)	JUB
4/21/2006	8:08 AM	NOTF	NOTICE FLAG SET TO: N (SS07)	JUB
4/21/2006	2:22 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	RHM
4/27/2006	7:40 AM	COMM	SENT TO JUDGE W/MOTION 4/27/06 (AR01)	TAB
5/22/2006	8:00 AM	DAT2	CASE SET ON 08/14/2006 FOR JURY TRIAL (SS07)	PAM
5/22/2006	8:00 AM	NOTF	NOTICE FLAG SET TO: N (SS07)	PAM
7/14/2006	12:00 AM	DAT2	CASE SET ON 08/28/2006	JUB
7/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
7/25/2006	12:00 AM	DAT2	CASE SET ON 09/11/2006	JUB
7/25/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/19/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
9/19/2006	12:00 AM	DAT2	CASE SET ON 11/06/2006	JUB

10/12/2006	12:00 AM	DAT2	CASE SET ON 11/27/2006	JUB
10/12/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
10/24/2006	12:00 AM	DAT2	CASE SET ON 12/04/2006	JUB
10/24/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
11/9/2006	12:00 AM	DAT2	CASE SET ON 01/08/2007	JUB
11/9/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
12/14/2006	12:00 AM	DAT2	CASE SET ON 01/22/2007	JUB
12/14/2006	12:00 AM	NOTF	NOTICE FLAG SET TO: N	JUB
1/3/2007	11:58 AM	DAT2	SET FOR: JURY TRIAL ON 02/12/2007 AT 0830A (AR10)	JUB
1/18/2007	12:00 AM	DAT2	CASE SET ON 03/05/2007	CAW
1/18/2007	12:00 AM	NOTF	NOTICE FLAG SET TO: N	CAW
1/18/2007	4:58 PM	DAT2	SET FOR: JURY TRIAL ON 02/12/2007 AT 0830A (AR10)	CAW
1/23/2007	3:27 PM	SUBP	WITNESS SUBPOENA ISSUED AWP24	JUJ
2/27/2007	4:38 PM	DJID	DISPOSITION JUDGE ID CHANGED FROM: TO: LKA	RHM
2/27/2007	4:38 PM	DISP	CHARGE 01 DISPOSED BY: GUILTY PLEA ON: 02/08/2007	RHM
2/27/2007	4:38 PM	DISP	CHARGE 01: REC STOLEN PROP 1ST/#CNTS: 001 (AR10)	RHM
2/27/2007	4:57 PM	CH01	DEFENDANT SENTENCED ON: 02/08/2007 (AR05)	RHM
2/27/2007	4:57 PM	CH01	SENTENCE TO BEGIN ON: 02/08/2007 (AR05)	RHM
2/27/2007	5:16 PM	CH01	IMPOSED CONFINEMENT: 10 YEARS (AR05)	RHM
2/27/2007	5:16 PM	CH01	PENITENTIARY PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	5:16 PM	CH01	FINE IMPOSED: $2500.00 (AR05)	RHM
2/27/2007	5:16 PM	CH01	CVCC PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	5:16 PM	CH01	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	5:16 PM	CH01	FINE PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	5:16 PM	CH01	JAIL CREDIT: 02 YEARS, 10 MONTHS (AR05)	RHM
2/27/2007	5:16 PM	CH01	HISTORY FEE PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	5:16 PM	CH01	COST PROVISION ORDERED BY THE COURT (AR05)	RHM
2/27/2007	5:16 PM	CH01	TOTAL CONFINEMENT: 10 YEARS (AR05)	RHM
2/27/2007	5:16 PM	D001	PAYMENT FREQUENCY SET TO: "L" (FE52)	RHM
2/27/2007	5:43 PM	CH01	CONCURRENT SENTENCE ORDERED BY THE COURT (AR05)	RHM
2/27/2007	5:44 PM	TRSC	TRANSCRIPT OF RECORD ISSUED: 02/27/2007 (AR08)	RHM
4/6/2007	1:02 AM	FELN	CONVICTION REPORT TO BOARD OF REGISTRARS	CAW
5/29/2009	2:45 PM	D001	ENFORCEMENT STATUS SET TO: "J" (FE52)	MAK
8/4/2009	1:53 PM	ATTH	CAS ATTACHMENT PRINTED (AR08)	MAK
8/25/2009	9:06 AM	COMM	8.25.09 FILE TO JUDGE W/ RESPONSE TO MOTION (AR10)	MAK
8/28/2009	1:38 PM	TRSC	TRANSCRIPT OF RECORD ISSUED: 08/28/2009 (AR08)	MAK
9/1/2009	8:48 AM	TRSC	ELECTRONIC TRANSCRIPT # 60277 WAS ACCEPTED BY DOC	CAC
6/20/2013	2:48 PM	ESCAN	SCAN - FILED 2/8/2007 - SENTENCING WORKSHEET	AMI

END OF THE REPORT

Appendix Z

Slate article on C.J. Hatfield Murder

James Bailey Is a Liar. Is He a Murderer?

slate.com/articles/news_and_politics/crime/2017/02/will_new_evidence_in_a_dothan_alabama_murder_case_prove_james_bailey_is.html

Crime
Murder, theft, and other wickedness.

Feb. 7 2017 5:55 AM

A mysterious cache of documents could prove that a man serving a life sentence for homicide was framed by corrupt Alabama authorities—if the documents, and the man, can be believed.

By Leon Neyfakh

James Bailey.
K.L. Ricks

1.

Ruth Robinson met James Bailey by accident. Robinson, a 39-year-old lawyer from Birmingham, Alabama, was trying to schedule a legal visit at Holman Correctional Facility with an inmate named Bailey. But it turned out there was more than one inmate by that name at the southern Alabama prison. When Robinson spoke to James Bailey by phone ahead of her trip, she quickly established that he was not the one she needed to see. Before she could hang up, however, the convicted murderer on the other end of the line got her attention.

Leon Neyfakh
Leon Neyfakh is a ***Slate*** staff writer.

Bailey swore he was serving time for a crime he didn't commit and begged Robinson to come to Holman to hear him out. Robinson, who was in the process of making a return to the legal profession after nearly a decade away from the workforce, reluctantly agreed to keep her visit on the books. "I go from Birmingham to Biloxi to see my mother anyway," she told me later. "Holman's right there, so I'm like, 'Pfft, I'm gonna go spread some joy, go buy a candy bar for some guy who has no hope.' "

On Jan. 25, 2016, in a plexiglass visitation room, Robinson met a weathered but affable man roughly her age, dressed in a white prison uniform stamped with the words *Alabama Department of Corrections*. Bailey recounted his story in the scattered manner of a person who has accrued so many grievances over the years that he doesn't know where to begin when someone finally agrees to listen. "He was eager to let me know how his case was the craziest case I'd ever hear about," Robinson said. "He kept saying, 'This is gonna be your favorite part—you're gonna love this.' "

Bailey had spent most of his adult life behind bars, going to prison for the first time on burglary charges at 18 and serving roughly a quarter of his 38-year sentence before he was paroled at 26. About a year later, he went to jail after being accused of operating a methamphetamine lab in his house. While awaiting trial on the drug charges, Bailey was implicated in the 2004 murder of a man named C.J. Hatfield. He eventually received three life sentences—two for the meth, and one for his role in the murder.

Drugs, Murder, Crooked Cops: A Year Reporting a True-Crime Case

Slate's Leon Neyfakh on the year he spent learning about the strange conviction of James Bailey.

Sitting across from Robinson—an attentive woman with blond hair and a pillowy Southern accent—the 38-year-old Bailey explained that he'd been the victim of corrupt police officers and prosecutors in his former home of Dothan, Alabama. He wasn't a murderer, Bailey said, but he'd never had a lawyer who could help him prove it. Robinson's legal career up to this point had been limited to three years spent doing entry-level work at civil litigation firms. If Bailey was telling the truth, his case represented exactly the sort of miscarriage of justice that would vindicate her recent decision to get back into practicing law after working as a stay-at-home mother for most of her 30s.

Bailey handed Robinson a copy of his murder trial transcript, which he'd been keeping in his prison cell for years. Robinson took the document. She made no promises but told Bailey she would look into his case.

2.

About a month after her first meeting with Bailey, on a day when the local news was predicting tornadoes, Robinson drove from Birmingham to Dothan, a flat, humid city of about 70,000 that is built around a circular four-lane highway crowded with restaurant chains, big box stores, and auto-body shops. Robinson timed her trip to Dothan to coincide with a press conference hosted by the Alabama chapter of the NAACP. The event had been organized in the wake of an incendiary article published by a local writer named Jon Carroll on a blog called the Henry Report, which accused Dothan law enforcement officials of planting drugs on hundreds of innocent black residents and participating in a neo-Confederate hate group.

The article, which was accompanied by a cache of documents that Carroll said had been leaked to him by whistleblowers, received wide attention after getting a signal boost from the Southern Poverty Law Center. It portrayed Dothan as a city infested with sadistic, racist, and dishonest cops, a characterization that prompted a nationwide furor. Ultimately, the article's most stunning claims proved impossible to verify based on the documents Carroll had posted. While the documents did suggest the possibility of wrongdoing, they did not constitute proof of even one case of drug planting, let alone hundreds.

Nevertheless, the blog post emboldened a chorus of local residents to voice their complaints about police misconduct to the NAACP and prompted the city's police chief to request an FBI investigation into his department—an investigation that is still ongoing. In December, a yearlong reporting project by the *New York Times* culminated with a front-page story about

the Dothan area's long-serving district attorney, Doug Valeska. The *Times* article, published as part of a series on the corrupting role of money in the criminal justice system, described Valeska's practice of granting leniency to some defendants if they can pay a fee—a dubious policy that offers second chances to people who can afford them while leaving the area's poorest residents, who are disproportionately black, to face harsh punishments.

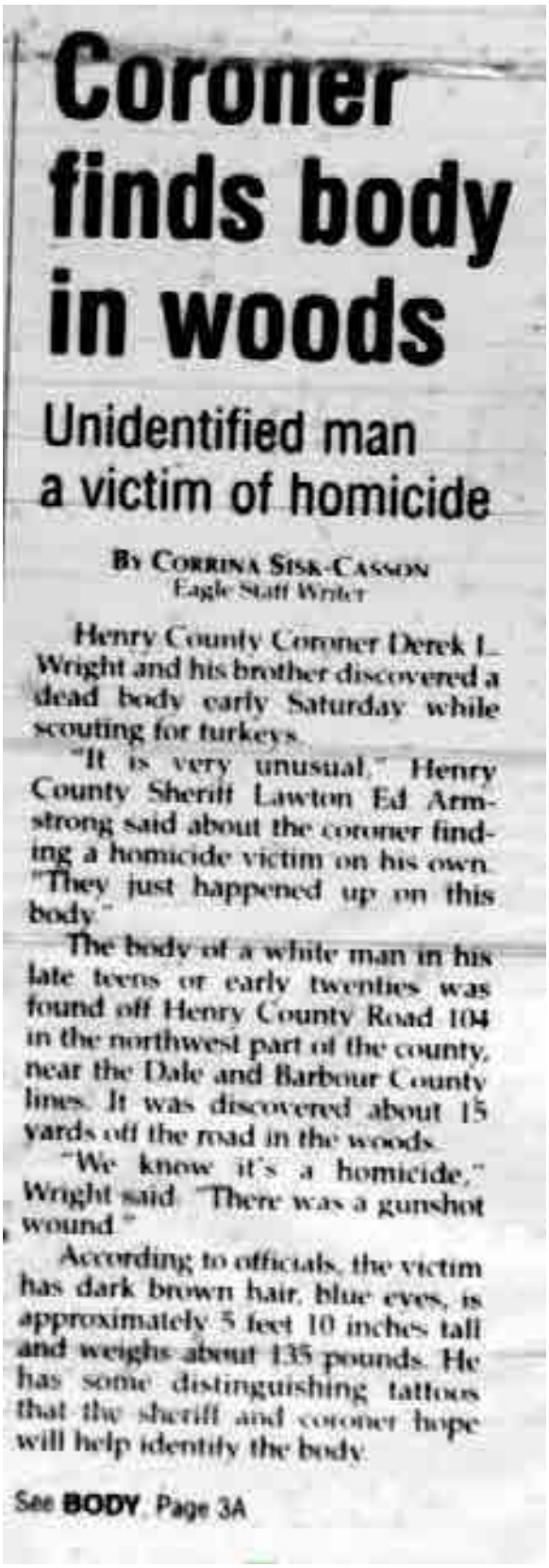
James Bailey, Robinson's new client, was white. Even so, she wanted to go to the NAACP event to judge for herself whether law enforcement in Dothan was as crooked as Bailey insisted. With Bailey's 60-year-old mother at her side, Robinson watched as a series of speakers stood in front of the Dothan Civic Center and described their brushes with injustice. "I listened to these people and felt like, *Oh my God*," she recalled later.

After the press conference, Robinson was getting ready to make the three-hour drive home to Birmingham when it became clear the tornado warnings from earlier in the day had not been empty threats. With multiple twisters touching down around the area, Bailey's mother convinced Robinson to wait out the storm at her house.

As they watched the evening news together, looking for coverage of the NAACP event and hoping to spot themselves in the crowd, Bailey's mother told Robinson about a cardboard box that had been sitting under her bed for years. The box was full of paperwork related to her son's case, and it had grown increasingly heavy with each of his failed attempts to secure post-conviction relief.

Robinson dumped the contents of the box onto the living room floor and began picking through the mess. It was then, Robinson says, that she discovered a pair of extraordinary documents. Photocopied and smelling faintly of stale cigarette smoke, the pieces of paper seemed to reveal something shocking—a plot by authorities to charge James Bailey with a crime they knew he didn't commit.

3.



Coroner finds body in woods

Unidentified man a victim of homicide

By Corrina Sisk-Casson
Eagle Staff Writer

Henry County Coroner Derek L. Wright and his brother discovered a dead body early Saturday while scouting for turkeys.

"It is very unusual," Henry County Sheriff Lawton Ed Armstrong said about the coroner finding a homicide victim on his own. "They just happened up on this body."

The body of a white man in his late teens or early twenties was found off Henry County Road 104 in the northwest part of the county, near the Dale and Barbour County lines. It was discovered about 15 yards off the road in the woods.

"We know it's a homicide," Wright said. "There was a gunshot wound."

According to officials, the victim has dark brown hair, blue eyes, is approximately 5 feet 10 inches tall and weighs about 135 pounds. He has some distinguishing tattoos that the sheriff and coroner hope will help identify the body.

See **BODY**, Page 3A

Clipping from March 14, 2004.*
Dothan Eagle

On the morning of Saturday, March 13, 2004, a pair of turkey hunters—one of whom happened to be the local coroner—found a dead body near the side of a dirt road on the rural outskirts of Dothan. The man had been shot three times: once above his right eye, once in the left cheek, and once in the throat. When investigators arrived on the scene that morning, they found several promising pieces of evidence, including two wet spots in the dirt that appeared to be urine as well as a set of tire tracks suggesting the recent presence of a large truck. The identity of the deceased, however, remained a mystery. Dressed in a gray T-shirt, a Nike windbreaker, and Phat Farm jeans, he had nothing in his possession other than the hat that sat sideways on his bloodied head—no driver's license, no credit cards, no keys.

He did have a number of distinctive tattoos, including a samurai warrior battling a dragon on his back and the word *outcast* in old-English lettering on his calf. That night, when the tattoos were described on the 10 o'clock news, Doni Mobley knew right away that the newscasters were talking about her 23-year-old son, C.J. Hatfield. Mobley called the police. "I want to go where he is," she told the dispatcher. "I want to see the body. I want to know if it is him."

Mobley hadn't seen her son in more than a month. They'd been arguing, she would later testify in court, about "his habits and his choice of friends," and she had unhappy suspicions about how he was earning money. In the aftermath of Hatfield's death, those suspicions were grimly validated, as law enforcement quickly settled on a suspect named Jason Stuckey who was known to be a drug dealer in Dothan and was believed to be an associate of Hatfield's.

Stuckey was 28 years old and drove a black Toyota pickup truck. He had piercings in both ears and one on his left eyebrow. In high school he had played baseball, but in the years after graduation he had become an addict—first to painkillers, then to meth—and eventually entered the drug trade himself.

Stuckey's business was modest, but at the time of Hatfield's death, he was in the process of seeking out better connections so he could move more of his product—mostly "ice," an extra-pure form of meth. Stuckey conducted most of his transactions at Dothan's biggest nightclub, Grand Central Station, where he had briefly worked at as a bar-back.

By the time of Hatfield's murder, Stuckey had left his job at Grand Central but continued making money there by selling drugs to its customers. He also continued hanging out with members of the club's staff: Three of the bouncers at the club had become Stuckey's friends and associates, and for several months starting in late 2003, they had all been roommates in his two-story Dothan townhouse. James Bailey was also part of Stuckey's crew and worked at Grand Central—sometimes as a DJ in one of the smaller rooms upstairs and other nights as a food vendor selling microwave hamburgers and pizzas to clubgoers.

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. After conducting

interviews with people in Stuckey's circle, Merritt and Silva began to build a timeline. Hatfield and Stuckey had driven to Atlanta to buy about $3,000 worth of meth. But instead of fulfilling their end of the deal, the people Hatfield and Stuckey met with in Atlanta robbed them at gunpoint and took their money, their cellphones, their wallets, and the keys to Stuckey's pickup. The ordeal had left the two men stranded, forcing them to hot-wire Stuckey's truck to get home to Dothan.

How Hatfield ended up dead would prove harder for investigators to nail down, as they relied almost entirely on hearsay statements made by Stuckey's bouncer friends from Grand Central Station. According to the bouncers, Stuckey had become convinced at some point after leaving Atlanta that Hatfield had set up the robbery. Enraged and resolved to exact revenge, Stuckey turned off onto a quiet, out-of-the-way road about 30 miles from Dothan, parked his truck, and invited Hatfield out for a bathroom break. When they finished, Stuckey aimed his gun at Hatfield and shot him three times.

On Tuesday, March 16, 2004, less than 72 hours after Hatfield's mother identified her son's body, Stuckey was arrested while leaving the home of his friend James Bailey. He surrendered without a struggle, though when questioned by investigators later in the day, he declined to provide a statement.

The circumstantial case against Stuckey was strong. By the time he entered his plea of not guilty, police had evidence that he had bought new tires after the murder and used them to replace a pair of all-terrain ones that seemed to match the tracks found at the crime scene. The police had also recovered a possible murder weapon—a Taurus .38 Special snub-nose revolver—from a man who said he'd purchased it from one of Stuckey's bouncer friends the day after the body was found. The man said that when he took possession of the gun, it had three empty rounds and two live ones.

But the investigation did not end with Stuckey's arrest. Though the Stuckey-as-lone-gunman theory was attractive for its simplicity, the police had heard too many conflicting stories to feel confident that it was true. They believed, instead, that one or more of the people they had interviewed in the opening days of the investigation were lying to them about their involvement in the murder. That group included Hatfield's girlfriend, two of the bouncers who used to live in Stuckey's townhouse, and the friend he'd been visiting when he was apprehended: James Bailey.

Jason Stuckey.
K.L. Ricks

4.

The C.J. Hatfield murder investigation dragged on for almost a full year, as Stuckey sat in jail awaiting trial. Then, in the fall of 2004, a new homicide investigator named Allen Hendrickson joined the Henry County Sheriff's Office and began working on the Hatfield case.

Within a few months of Hendrickson's arrival, the investigation was rocked by a series of breakthroughs, starting with the arrest of James Bailey on drug charges on Dec. 22, 2004. That night, the house that Bailey shared with his girlfriend, Heather Brown, was raided by a vice squad from the sheriff's office of Houston County—the larger of the two neighboring counties that make up the jurisdiction presided over by District Attorney Doug Valeska. Later, the officers who conducted the raid would testify that they found assorted chemicals used for making methamphetamine—including muriatic acid and Red Devil Lye—under the kitchen sink and recovered three trash bags full of empty Sudafed packets and acetone cans from Bailey's attic.

Though technically separate from the murder investigation, the raid was set in motion by Hendrickson, who had reported smelling suspicious chemicals at Bailey's house while trying to talk to him about the Hatfield case. Bailey was arrested, charged, and booked on the drug counts as a direct result of the tip. Heather Brown, who was also in the house at the time of

the bust, was not arrested until about three weeks later—a strange delay that an officer later explained in court by stating, “I’m kind of stuck on what I can say. She was left out for a particular reason, and that was to assist us in some way.”

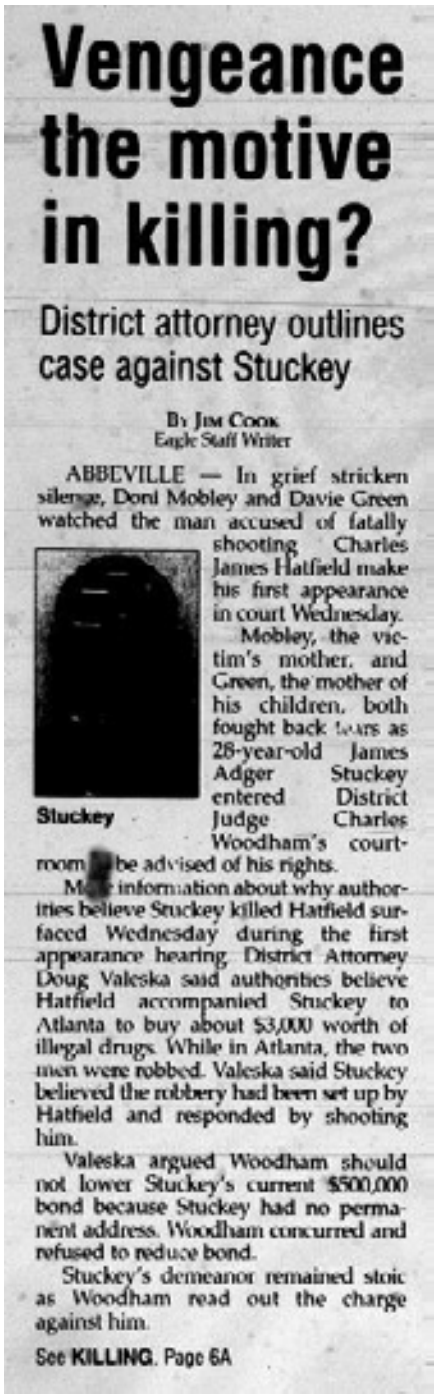
It was also about three weeks after Bailey’s arrest, during an interview with Hendrickson, that Bailey gave an incriminating statement that would eventually lead to his murder conviction. The transcript of the statement that sits in Bailey’s case file begins with him repeating the story he’d told police shortly after the murder—that at the time of Hatfield’s death, he and Heather Brown had been visiting her children in Pensacola, Florida, and staying with an old friend in the nearby beach town of Navarre.

About an hour into the conversation, the transcript indicates, Hendrickson suggested to Bailey that they take a short break, and the transcript cuts off. Later, at his murder trial, Bailey would testify that a group of law enforcement agents, including Hendrickson, took him out for a smoke break and took the opportunity to intimidate him, explaining out of earshot of the tape recorder that they could help him with his drug charges if he agreed to “put the gun in somebody’s hand” in the Hatfield case. If he refused, Bailey alleged the police told him, they would charge him with the murder.

The transcript, of course, does not include any of this alleged exchange. Instead, it shows Hendrickson prompting Bailey to confirm that he has not been threatened or coerced while the recorder was off. He asks Bailey to repeat “some things that you told me out there.”

“Just take a deep breath, OK?” Hendrickson says. “Take your time.”

Bailey then abandons the Florida story. In its place, he provides an entirely new account of what happened on the night of the murder—one more in line with the officers’ suspicion that Jason Stuckey had help in committing the crime. The truth, Bailey says, is that Stuckey called him from the road on his way home from Atlanta, told him he and Hatfield were about to run out of fuel, and asked him to come meet them with a gallon of gasoline. Bailey says he then picked up their mutual friend—and eventual co-defendant—Mark Hammond and took directions from him about where to go.



Vengeance the motive in killing?

District attorney outlines case against Stuckey

By Jim Cook
Eagle Staff Writer

ABBEVILLE — In grief stricken silence, Doni Mobley and Davie Green watched the man accused of fatally shooting Charles James Hatfield make his first appearance in court Wednesday.

Mobley, the victim's mother, and Green, the mother of his children, both fought back tears as 28-year-old James Adger Stuckey entered District Judge Charles Woodham's courtroom to be advised of his rights.

Stuckey

More information about why authorities believe Stuckey killed Hatfield surfaced Wednesday during the first appearance hearing. District Attorney Doug Valeska said authorities believe Hatfield accompanied Stuckey to Atlanta to buy about $3,000 worth of illegal drugs. While in Atlanta, the two men were robbed. Valeska said Stuckey believed the robbery had been set up by Hatfield and responded by shooting him.

Valeska argued Woodham should not lower Stuckey's current $500,000 bond because Stuckey had no permanent address. Woodham concurred and refused to reduce bond.

Stuckey's demeanor remained stoic as Woodham read out the charge against him.

See KILLING, Page 6A

Clipping from March 18, 2014.
Dothan Eagle

When they pulled up behind Stuckey's truck, Bailey says, he stayed in his car while Hammond got out and walked over to Stuckey and Hatfield. Moments later, while he was fiddling with the car stereo, Bailey heard shots—"pow, pow, pow"—and when he looked up, Hatfield was no longer visible.

All of a sudden, Bailey tells the investigators, "Mark was running to the car and he jumped in …. and he said, 'Motherfucker, if you say anything, I'm gon' kill you.' " Then Stuckey approached and made a more elaborate threat, telling Bailey that unless he kept his mouth

shut, he would kill him and his girlfriend, Heather Brown.

During his murder trial three years later, prosecutors would argue that Bailey's statement constituted evidence that he had provided crucial assistance in the commission of Hatfield's shooting, and was therefore guilty of murder. Nevertheless, he wasn't charged immediately after giving his statement, nor is there any indication in the case file that authorities tried to make any arrangements for him to become a state's witness against Stuckey or Mark Hammond. It wasn't until two months later, when a second eyewitness came forward with a story that put all six eventual co-defendants on the scene, that Bailey was finally charged. In that second witness statement, the murder of C.J. Hatfield sounded like a full-fledged conspiracy.

Provided in March 2005 by a bouncer from Grand Central Station named John Edward Parmer, the statement laid out a story that was fundamentally inconsistent with the one Bailey had told two months earlier. As Parmer described it, Hatfield had been shot after being lured to a gathering in front of the home of his girlfriend, Sarah Drescher. His body, Parmer said, had then been transported in the back of a truck to the location where it was later found. This wasn't merely a different narrative than Bailey's—Parmer's statement implicated a different though overlapping set of people than Bailey's had, putting Drescher on the scene of the murder, along with Bailey, Stuckey, Parmer himself, and two other bouncers from Stuckey's crew.

Tommy Merritt, the investigator who assisted Hendrickson in the murder case, told me he never found Parmer to be particularly credible. "It was kind of like, 'This is too easy,' you know?" he said. "When things are real easy, I wonder about their validity." But when District Attorney Valeska heard about Parmer's statement, he ordered charges brought against everyone who had been implicated in it, including Bailey.

After he found out he was being charged with murder, Bailey tried to recant his incriminating statement, telling Hendrickson and Merritt he'd invented the story to win leniency on his pending drug charges. "I was looking for a deal and ended up getting caught in the middle of it," he said, according to a transcript of his police interview. "I knew y'all needed an eyewitness." It was the first of many times that Bailey would make some variation of this claim over the subsequent decade as he fought for exoneration. He had told a lie, he insisted, and he wanted to take it back.

This is the knot at the center of James Bailey's story: Either he was lying when he said he was present at the scene of the crime, or he is lying now when he says he was not. By his own admission he is a man who will lie to advance his goals, as I've witnessed for myself over the past year of reporting this story. In just the time I've known him, Bailey has created a Facebook account under an assumed name to contact his ex-girlfriend's family, posed as a government investigator to extract information from a stranger over the phone, and

maintained a website about his case called “Free Alabama’s Innocent” that purported to be the work of a “watch dog” group. When I confronted Bailey about his deceptions, he replied, “Sometimes you have to use bullshit to grow vegetables.”

There is no question that James Bailey is a liar. But he might be a liar who had nothing to do with the murder of C.J. Hatfield.

5.

Seated in the living room at Bailey’s mother’s house, Ruth Robinson dug through the cardboard box, trying to find and arrange all the pages of the documents that had caught her eye. Once she did, it took all the restraint she could muster not to tell Bailey’s mother she had just found the key to her son’s exoneration.

The first of the two documents appeared to be a copy of a five-page transcript, dated Nov. 22, 2004, of an interview between Heather Brown—the girlfriend Bailey was living with at the time of his drug arrest, as well as his alibi for the murder—and the sheriff’s deputy Allen Hendrickson. Over the course of the conversation, Hendrickson appears to ask Brown to help him get Bailey to talk about Hatfield’s death. When Brown assures him that Bailey wasn’t involved, Hendrickson replies, “We know he was not there. The evidence shows that.” All he wants from Bailey, he explains, is information.

Hendrickson then makes a stunning proposal. Given that Brown has worked with local police to plant drugs on people before, he says, might she be willing to place a batch of chemicals in her home so Bailey could be caught with them, then threatened into cooperating in the Hatfield case? “He don’t have to be there,” Hendrickson is quoted as saying. “We just need chemicals so it looks good.” At the end of the five-page transcript, Brown appears to agree to the plan in exchange for unspecified “favors” and promises Hendrickson she will call him when the setup is ready.

The second document Robinson discovered was even more explosive. Short, type-written, and issued on what looked to be the official letterhead of District Attorney Doug Valeska, it was addressed to Hendrickson and appeared to be signed by Nereida Bundy, a prosecutor in Valeska’s office working the Hatfield murder. In the letter, Bundy indicates she is aware of the Heather Brown interview and instructs Hendrickson to remove the transcript from Bailey’s case file. “Please be advised that there are some discrepancies in the interview … which this office is not willing to support,” the cryptic note reads.

The interview between Hendrickson and Brown suggested that the methamphetamine bust was a straightforward frame-up. The letter from Nereida Bundy, meanwhile, looked like evidence of prosecutorial complicity in concealing a remarkable piece of exculpatory evidence. Robinson asked Bailey’s mother, Frankie McDaniel, where the documents had come from and whether they had ever been presented in court. McDaniel replied that she didn’t know but assumed they had been given to her by one of the many court-appointed

lawyers who had represented her son in the years since his arrest. McDaniel, a long-haul trucker who would later testify that she quit school in ninth grade, told Robinson that she had looked at the documents before but had not understood their significance.

With the new evidence in hand, Robinson felt a giddy sense of confidence, even as part of her wondered whether the documents were too good to be true. But given the accusations of police misconduct swirling around Dothan, as well as the growing faith Robinson had in her client, she was inclined to accept the documents' authenticity. When she told James Bailey about them over the phone, he said he'd never seen them before, but that they were consistent with a statement that Heather Brown had made at his 2005 parole hearing, where she'd attested that the drugs in the house had all been hers. The documents could also explain why only Bailey, and not Brown, had been arrested during the raid on their shared home.

Though Robinson had no courtroom experience, she had a hard time imagining that a judge could look at what she had discovered and decline to either invalidate Bailey's convictions outright or at the very least grant him a new trial. On Feb. 29, 2016, she filed the Brown-Hendrickson transcript and the Bundy letter in court. Soon afterward, she submitted them as part of a formal petition for a new trial. "[A] fundamental miscarriage of justice has occurred," Robinson wrote in her filing. "James Bailey hereby asserts that the State's withholding of evidence constitutes a violation of his constitutional rights." In March, Jon Carroll of the Henry Report—the writer responsible for the sensational drug-planting story from the previous December—published the documents on his website as part of a high-pitched post calling on the Justice Department to investigate the latest evidence of Dothan's corrupt law enforcement culture. "The gravity of this case cannot be underestimated," he wrote.

The reply to Robinson's filing from the prosecutors in Doug Valeska's office was swift and unequivocal. "Every material allegation" in Bailey's petition was unsubstantiated, they wrote, and "a thorough and exhaustive investigation" of his case file had failed to produce any mention of the Hendrickson transcript or the Bundy letter. The documents Robinson had found, the prosecutors alleged, were nothing more than forgeries.

Robinson dismissed the state's response as further proof that the authorities in Dothan were willing to do and say anything to hide the truth, and she began the work of demonstrating that they were wrong. To show the letter from Nereida Bundy was authentic, she would need to find a certified document examiner who could attest to its validity. To authenticate the transcript, she would need to track down Heather Brown to confirm that Allen Hendrickson had indeed urged her to plant drugs on her boyfriend.

There was a problem, though: No one knew where Heather Brown was. The last time anyone heard from her, she was due in court for a hearing in connection with the drug charges she had eventually picked up after the meth raid on her house. But Brown didn't

show up to the hearing and afterward went abruptly silent: no phone calls to her siblings or her four children, no emails, no logins on her MySpace account. Everyone close to her had come to the conclusion that she was dead.

Brown's older siblings, Tim Franzen and Erin Hallman, got in touch with Robinson not long after reading about the documents on the Henry Report. (Bailey had sent the story to Brown's eldest daughter through Facebook, using the pseudonym "Frank W Price"). They had always assumed their sister had died as the result of a conflict with one of her friends or enemies in the Dothan underworld. Now, as they read the alleged transcript of her conversation with Hendrickson, they began to wonder if she'd vanished because someone in law enforcement—someone with an investment in protecting Bailey's conviction—was worried that she knew too much.

Heather Brown.
K.L. Ricks

6.

The documents from the cardboard box weren't the only reason to doubt that James Bailey was involved in C.J. Hatfield's murder. Investigators had recovered no physical evidence to link him to the crime—no DNA, no fingerprints, no footprints where the body was found. The only thing placing him at the scene was his recanted statement, which no one else had corroborated. Even the prosecutor conceded during Bailey's trial that without the statement, he couldn't definitively connect Bailey to C.J. Hatfield's murder. Every other piece of

evidence presented at trial seemed to support, at worst, a scenario in which Bailey helped Jason Stuckey cover up his role in the murder after the fact. That was a crime, but not one that would have carried a punishment nearly so severe as a life sentence.

Neither the investigators who worked the case nor the prosecutors who pursued charges against the six co-defendants could seem to agree on the basic facts of the murder—when it occurred, who was involved, and whether the clearing where Hatfield's body was found was the scene of the crime or merely the place where his body had been dumped. The consequence of this uncertainty was that, in convicting Bailey and the other two individuals who are still in prison for Hatfield's death, the state advanced three completely different—and incompatible—stories of how the murder happened and which of the six co-defendants were responsible. In prosecuting Bailey, they told the jury that he had driven gas to the crime scene moments before the murder was committed by the side of a dirt road. In prosecuting Parmer, they accepted the bouncer's assertion that the murder occurred outside of someone's house and involved six different people. In prosecuting Stuckey, the key witness they put on the stand said Stuckey had killed Hatfield all by himself.

The confusion left even the victim's family unsure of whether justice had been served. "We never really got answers," C.J. Hatfield's mother told me. "I still don't know who actually did what."

Allen Hendrickson, the Henry County investigator who was credited in the Dothan Eagle with cracking the Hatfield murder in March 2005, declined to be interviewed about his work on the case, citing Ruth Robinson's ongoing efforts to overturn Bailey's conviction. But Tommy Merritt, the captain in the State Bureau of Investigation, told me that despite spending more than a year interviewing and reinterviewing the suspects and their associates, he could not tell me with certainty who had killed C.J. Hatfield. "I don't know exactly what happened," Merritt said.

The investigator blamed the co-defendants for this uncertainty, saying they had offered such a thicket of conflicting, deceitful stories that it was impossible to determine who was telling the truth. "Either these people were incredibly stupid, or incredibly smart," Merritt said. "If their intent was to really muddy the water to keep us from knowing exactly what happened, they did a really good job."

Still, Merritt seemed conflicted about the investigation. At one point during our conversation, he said he believed that no innocent people had gone to prison in connection with Hatfield's death. Moments later, he said that most likely only one of the six defendants—Stuckey—had been responsible for the killing, and that he didn't know how, exactly, James Bailey fit in. "Them all being there and this all being a conspiracy—it just doesn't make sense," he said. "I don't know if Bailey was there or not. He said he was, and then he said he wasn't."

As for the possibility that Allen Hendrickson had asked Heather Brown to plant drugs on Bailey in order to compel Bailey's cooperation, Merritt told me he could not rule it out. "He did a lot in this case alone that I did not know about and did not approve of. … I couldn't stop him from whatever he was doing and it caused problems." Later, in an email, Merritt called Hendrickson a "police officer without discipline," and added, "I would not conduct an investigation with him again, nor would I allow an Agent under my supervision to do so."

Even so, Merritt said he was at peace with the outcome of the Hatfield case. All six co-defendants had "had their day in court," he said. "It was what it was."

Merritt's confidence in the outcome of the investigation, despite his clear misgivings about how it was conducted, reflects a paradox inherent in our criminal justice system. Despite the elaborate protocols designed to correct mistakes and reverse unjust verdicts, there exists a powerful inertial force that ratifies past judgments even when they are manifestly flawed. This is especially true for a defendant like James Bailey, a "career criminal," as the state has described him in court filings, whose claim of innocence is premised on convincing the authorities he is telling the truth when he says he lied to them in the past.

7.

The decision to charge six people on the basis of one questionable statement and several theories of the crime was a typically aggressive move by Doug Valeska, who left his job last month as district attorney for Henry and Houston counties after a 30-year career. A proud upholder of "law and order" values, Valeska is known across Alabama for his reluctance to accept plea bargains, and for his fondness of the death penalty. As AL.com reported last year, Houston County "imposes the death penalty more often than any other county in a state that imposes the death penalty more often than any other state in the nation."

Valeska's severity was also reflected in his voracious approach to charging decisions. One local bail bondsman put it to me this way: "Down here … they find a joint in the car, they'll charge everybody in the car and figure it out later." A circuit judge confirmed that characterization when a defense lawyer noted that six people had been accused of C.J. Hatfield's murder. "Yeah," the judge said in court. "This is the 20th Judicial Circuit. … The pattern is to charge anybody in all directions in the beginning, and then let somebody sort it out."

James Bailey and his five co-defendants appeared in front of a judge for a preliminary hearing in April 2005. Over the course of the all-day session, defense lawyers pointed out a string of flaws in the state's case, asking questions that prompted investigators to respond with variations of "I don't know" or "I don't recall" dozens of times. The state's witnesses couldn't account for the fact that statements given by James Bailey and John Edward

Parmer contradicted one another on the most basic of facts: where the murder took place and who was there. Nevertheless, each defendant's case was bonded over to a grand jury, and formal indictments on charges of felony murder followed shortly thereafter.

It took more than five years for all the cases to be adjudicated. During that time, Sarah Drescher—who declined to comment for this article—was cleared of all charges while two of the bouncers from Jason Stuckey's crew—both of whom deny having anything to do with Hatfield's murder—avoided prison by pleading guilty to the lesser charge of hindering prosecution. In 2009, Parmer pleaded guilty to manslaughter after stipulating that he had failed to prevent Hatfield's murder and had helped to move his body.

In an interview, Parmer told me that, like Bailey, he had given his incriminating statement in an attempt to secure leniency on an unrelated charge—in his case, a robbery he had committed at a Dothan gas station while wielding an ax. "I was telling them what I thought they wanted to know," Parmer said by phone from prison. "I'm the reason all this stuff is screwed up like it is and everybody got messed around like they did," he said.

Bailey and Stuckey were both ultimately convicted by juries and sentenced to life in prison. Bailey's trial came first. It reached its climax when his court-appointed lawyer put him on the stand and exposed him to the kind of brutal cross-examination that illustrates why defense attorneys typically advise their clients not to testify.

It began smoothly enough. Bailey testified that he didn't see Stuckey until several days after the murder, at which point he confessed, tearfully, to what he'd done and asked Bailey for advice. Bailey said he told his friend to turn himself in and hire a lawyer, and that Stuckey was on his way to do just that when he was arrested outside Bailey's house.

On cross-examination, Bailey was questioned about how he'd been able to draw a picture of the crime scene for investigators during his interrogation if, as he now claimed, he had never been there. He explained that the police had shown him photos of the scene and that he'd remembered them. "I have an excellent [memory]," he said. "I have an associate's degree in drafting."

Bailey was also asked about Heather Brown, whose absence from the courtroom was glaring:

Prosecutor Gary Maxwell: Where is [Brown]?

Bailey: Your guess is as good as mine, sir.

Maxwell: Did you subpoena her?

Bailey: Did I subpoena her? I don't have an address for her.

Maxwell: She would be an important witness, wouldn't she? She could verify a lot of things you said, wouldn't she?

Bailey: She sure would.

Maxwell: What efforts did you make to get her here?

Bailey: The Houston County Sheriff's Department has been looking for her for four years. … I tried to contact her through the last address I had. She is wanted. I don't think they will find her.

The prosecutor also confronted Bailey with a series of inconsistencies in the portion of his police interview that occurred before the suspicious smoke break:

Maxwell: So why all of a sudden are you telling lies before the break then?

Bailey: There were many lies told in that.

Maxwell: And you have told lies and lies and lies, according to what you … have said about this, right?

Bailey: Yes.

Maxwell: But you're telling the truth today?

Bailey: Yes.

Maxwell: And you want the jury to believe that you lie to the police, you lie to everybody else, but you're telling the truth today?

Bailey: The evidence will show the truth.

The jurors were not impressed by Bailey's performance. After the judge explained that they didn't need to think the defendant had himself shot C.J. Hatfield to find him responsible for the murder—only that he had been party to the planning or commission of the crime—the jury quickly came back with a guilty verdict. A month later, in December 2008, Bailey received a sentence of life without the possibility of parole.

Stuckey's trial, which took place in 2010, turned on the testimony of Scott "Bam Bam" Mathis, one of Stuckey's old friends from Grand Central Station. He told the jury what he'd told the police back in 2004: that Stuckey called him the day after he'd killed C.J. Hatfield, confessed, and asked him to sell the murder weapon. "He told me that he pulled over, C.J. woke up, and Stuckey said he had to use the bathroom," Mathis said. "He told me that he shot him in the chest area. And he said as soon as C.J. hit the ground, he walked up and shot him two more times … in the face area."

Parmer, whose testimony would have contradicted that of Mathis, was not called as an eyewitness, meaning the Stuckey-as-lone-gunman theory carried the day. The jury found him guilty, prompting Stuckey to convince the judge to let him retroactively admit to his role in the murder in exchange for a lesser sentence. The judge agreed, giving Stuckey a life sentence, but with the possibility of parole.

After the trial, Stuckey met with C.J. Hatfield's mother, Doni Mobley. "They let him go into a room and talk to me, and I told him, 'Take me through every step. I want to know every single detail,' " Mobley recalled recently. "He said that on the way home from Atlanta he was mad [about the robbery], and that he was on drugs and he was high, and he kept getting madder and madder and madder, and when they stopped somewhere to pee, he killed him. … I can't remember exactly what he said, but he told me he shot him, and then he shot him again, and then he shot him again to make sure he was dead."

Mobley told Stuckey she didn't believe him—that she was certain that other people had played a role in her son's death. But Stuckey held firm: No one else was involved, only him.

Stuckey's willingness to take sole responsibility for the murder—something he had not done at the time of Bailey's trial—became one of the main pieces of evidence in Bailey's efforts to overturn his conviction. In 2011, with help from a Dothan lawyer named Allen Mitchell, he filed a petition for an evidentiary hearing during which Stuckey would testify on his behalf. When Stuckey took the stand, he told the court the same thing he had told Mobley: that neither Bailey nor anyone else had been present when he shot C.J. Hatfield by the side of a dirt road, and that anyone who said otherwise wasn't telling the truth.

"Mr. Bailey is a lot of things, a liar is the first and foremost; [but] a murderer, he is not," Stuckey said, according to a court transcript. "I acted alone. It was me."

The presiding judge wasn't convinced. In a written opinion, he declined Bailey's petition on the grounds that he was "not inclined to pick and choose which part of the co-defendants' testimonies is true at any given time." On appeal, a different judge ruled that Stuckey's testimony couldn't be trusted because, as a convicted killer who would be spending the rest of his life in prison regardless of what happened to Bailey, he had nothing to lose by trying to clear his friend's name.

Bailey appealed the decision all the way up to the Alabama Supreme Court. His conviction was upheld every step of the way. By the beginning of 2016, he told me, he'd given up any hope of winning his freedom. Then Ruth Robinson called him in prison, hoping to speak to another man named Bailey.

8.

A judge in the 20th Judicial Circuit scheduled an evidentiary hearing to debate the legitimacy of Robinson's documents for July 18. Technically, the hearing would be extremely limited in scope and would be concerned only with the validity of Bailey's Houston County drug conviction. But Robinson saw it as an opportunity to exonerate Bailey completely. If she could cast doubt on his drug arrest, she reasoned, the confession he had given while in custody would be called into question as well.

On June 21, the Alabama Office of the Attorney General filed a notice of appearance in the Bailey matter, informing Ruth Robinson and the court that the state's top prosecutor would be sending a few of his people down from Montgomery to Dothan to help District Attorney Valeska with the case. A week later, the AG's office took the extraordinary step of asking the court to remove Robinson as Bailey's lawyer, on the grounds that prosecutors intended to call her as a witness. The filing read:

> In his petition, the Defendant alleges that he has newly discovered evidence that entitles him to post conviction relief. This alleged new evidence was discovered by Attorney Ruth Lang Robinson on February 23, 2016, underneath the Defendant's mother's bed. … The State avers that these documents are not legitimate and are, for lack of a better term, false.

Robinson was livid, if flattered, that the attorney general of Alabama wanted her off the case. "They're trying to make a Bruce Cutler out of me," she told me by phone, referring to the lawyer who was blocked from defending mob boss John Gotti in a 1991 murder case amid allegations that he had been complicit in Gotti's criminal activity. "I have done nothing wrong," Robinson said.

With less than three weeks left before the evidentiary hearing, the judge presiding over the case declined to grant the state's motion to disqualify Robinson, asking instead that she consult with the Alabama State Bar so that the issue could be discussed at the hearing. In a letter that Robinson later filed with the court, a representative for the bar advised that Bailey's mother would be no less effective than his lawyer at providing testimony about the circumstances under which the disputed documents were discovered.

In preparing for the hearing, Robinson's central task was to prove that the documents she had found in Bailey's mother's house were authentic. But Robinson's deepening obsession with Bailey's innocence—at one point she told me that even her young children had started asking her about when "James" would be getting out of prison—made it hard for her to stay focused on that goal. Instead, she immersed herself in every aspect of her client's legal history, traveling to prisons around Alabama to conduct interviews with his co-defendants in the murder case, trying to figure out where Heather Brown's body might have been buried, and doing extensive opposition research on the law enforcement agents connected to Bailey's case.

No one interested Robinson more than Allen Hendrickson, who had long since stopped working at the Henry County Sheriff's Office and was now a police officer in two tiny cities outside of Dothan. Hendrickson, Robinson learned, had joined the Hatfield investigation in late 2004 after being fired from his previous job in neighboring Houston County. The reason for his termination, according to a letter Robinson had obtained, was a pattern of refusing "to accept and conform to department policy and guidelines" and "providing false information to supervisors." The letter, written by Hendrickson's then-boss Lamar Glover, also noted that Hendrickson had tested positive for methamphetamine. (When I showed Glover a copy of the nearly 13-year-old letter, he said that while he could not recall the details, the letter was authentic.)*

As Robinson bore deeper into Bailey's case, she and her client communicated with increasing regularity, making plans for all the "secret weapons"—Bailey's phrase—they would spring on their opponents.

Allen Hendrickson.
K.L. Ricks

9.

Robinson arrived in Dothan a few days before the hearing and met me and Frankie McDaniel, Bailey's mother, for dinner at a TGI Fridays. As we waited for a table, Robinson clutched her handbag as if someone might tear it from her shoulder, and her eyes rarely settled on any one part of the dining room. McDaniel seemed similarly unnerved, knowing

she had to testify about the documents Robinson had found in her house. As we sat down at our table, Robinson tried to buoy McDaniel's spirits. "We're gonna win," the lawyer said. "We're gonna win."

"That's my angel," McDaniel said, softly. "I don't know where she came from, but she's my angel."

The rapport between Robinson and McDaniel was tender but tense, with the lawyer exhibiting a palpable protectiveness over her client's mother and trying to channel confidence. But Robinson was also on edge, having now dedicated months of her life to helping Bailey without any guarantee that she'd ever be paid for her work. McDaniel had managed to send her two payments of $250 over the course of six months. Robinson was proceeding with the understanding that her services would never be fully compensated unless she succeeded in exonerating Bailey and could move on to pursue civil damages.

When our food arrived, McDaniel took our hands and said a prayer. "Oh lord, thank you for this food we're about to receive," she said. "And lord, put your hands on us come Monday, and help us show that our son is innocent of the crime, and should be at home, and that we love him."

Over the course of dinner, we talked about the day McDaniel and Robinson first met and the night they discovered the documents that would be scrutinized at the upcoming hearing. We also discussed Doug Valeska; I mentioned that I'd gone to his office and asked for an interview, but that I'd been turned down. At one point, Robinson paused and indicated that we should be more discreet. "I think there's some people here who don't need to hear this conversation," she said.

"Over there?" I asked, gesturing toward two men seated near us at the bar.

"Everywhere," Robinson said.

10.

On the morning of the hearing, an assortment of Bailey's relatives—including his mother and his 21-year-old son, Billy—stood in line in front of the Houston County Courthouse waiting for the metal detector attendant to wave them through. Heather Brown's siblings were there, too, as was C.J.'s Hatfield's mother.

Shortly after 9 a.m., Ruth Robinson walked into the courtroom and sat down next to her client, who was dressed in an orange jumpsuit and had his hands folded in front of him in a pair of chunky handcuffs. On the other side of the room sat an imposing group of prosecutors, including Doug Valeska, an assistant DA, and three lawyers from the Alabama attorney general's office. Robinson approached Frankie McDaniel, her first witness, and began her questioning:

Robinson: Hi, Ms. McDaniel. How are you this morning?

McDaniel: I'm fine. How are you?

Robinson: I'm OK. Can you kind of fill us in on what's been going on this last week or so—

Judge Bradley Mendheim: I'm sorry. Can I get her name first? I'm sorry. What's your name?

McDaniel: Frankie McDaniel.

Judge Mendheim: I'm sorry. Go ahead.

District Attorney Doug Valeska: We're going to object to "just kind of fill us in."

Judge Mendheim: Sustained as to the form.

It was an infelicitous beginning. At one point during the direct examination of McDaniel, the state objected to a line of questioning involving the Bundy letter, and the back-and-forth that followed seemed to expose Robinson's lack of familiarity with basic courtroom procedures. Seeing that Robinson was flustered by the exchange, Judge Mendheim—who, with his thin-framed eyeglasses and methodically slow diction, brought to mind a good-natured math teacher—exhibited a tentative but generous patience. "I understand, obviously, why you're anxious," he said.

Despite being unable to hide her nervousness, Robinson scored some points in the presentation of her case. The strongest came by way of a forensic handwriting analyst and document examiner named Steven Drexler, who testified that the Nereida Bundy signature at the bottom of the disputed prosecutor's letter was "probably" authentic and that the letter itself did not betray signs of Photoshop-style manipulation.

Though Drexler could only phrase his conclusions in terms of probability—"Working from a copy as a questioned document, I can't totally, 100 percent, eliminate the possibility of a very skillful cut and paste," he said—his testimony carried credibility: Drexler was the only document examiner in Alabama certified by the American Board of Forensic Document Examiners. He was also someone Allen Hendrickson had previously relied on as an expert while investigating the Hatfield murder.

In questioning her other witnesses, Robinson betrayed the scattershot approach she'd taken in her preparation, eliciting intriguing testimony that lacked clear relevance to the matter at hand. While her opponents kept their arguments relatively simple—Hendrickson denied that he had ever had a conversation like the one depicted in the transcript; Nereida Bundy said she had not written the letter—Robinson worked in fitful, impressionistic circles.

At one point, she called to the stand a woman named Crystal Boyett, a childhood friend of Bailey's who also happened to be Allen Hendrickson's former sister-in-law. Boyett's name had appeared in the disputed transcript, and when she read about it on the Henry Report, she contacted Hendrickson over Facebook. On the stand, Boyett testified that when she asked Hendrickson what to do if she got subpoenaed as a witness, he replied in a threatening manner. Robinson asked Boyett to read from a printout of the Facebook exchange:

Hendrickson: If you do get called just say it's been a long time. … They can't make you remember.

Boyett: I will not do that if James is innocent you need to let him out

Hendrickson: James Bailey is not innocent he lied to me and now he has to live with the consequences. It back fired.

Boyett: He is innocent and that is wrong and you know that

Hendrickson: But he was found guilty and that's that. … you just keep your mouth shut or I will make sure you do I'm done with this. Don't text me again

Boyett: He don't deserve that

Hendrickson: Well I didn't put him there his roommate did

The exchange, which the state did not dispute, reflected poorly on the investigator whose work on the Hatfield case had put Bailey in prison. But it didn't tell Judge Mendheim anything about whether the transcript or the Bundy letter were authentic.

The same problem plagued Robinson when she questioned Robert Brown, Heather Brown's ex-husband and the father of her children. Brown made two central assertions under oath: that his ex-wife had gone missing a decade ago and that he knew she and James Bailey were in Florida at the time of the Hatfield murder. These claims would have been consequential if Brown had been testifying at Bailey's murder trial. In the context of a hearing to determine whether the documents Robinson had found were authentic, they amounted to a useless digression.

Early on the second day of testimony, Robinson requested to have Bailey's handcuffs removed so he could write her notes while witnesses gave testimony. "I don't know if anyone really cares, but my client's handcuffs—they're bearing into him," she said. Mendheim denied the request.

Robinson's inexperience hindered her throughout the hearing. While questioning Hendrickson, she became so frustrated by his defiant manner on the stand—at one point he refused to accept the validity of an official trial transcript because his first name was spelled

incorrectly—that she blurted out, to no one in particular, “Another typical Houston County …” Though she trailed off before finishing the thought, Judge Mendheim was taken aback. “Ma’am? Ms. Robinson? Ms. Robinson? I need you to stop,” he said, as Robinson tried to clarify her comment. He continued in an injured tone:

Judge Mendheim: Please stop and focus on me for just a moment. Just stop. … That is a completely inappropriate comment. I take it personally. And I’m personally offended because it’s from a lawyer. ... I don’t care what criminal defendants say about me. But when a lawyer comes in here and insults the county that I was born and raised in, I just—I completely don’t understand it. I’m not insulting where you’re from. I don’t even know what you’re referring to. I’m trying to give you a fair trial and a fair hearing. I’m bending over backwards.

Robinson: Well, Your Honor—

Judge Mendheim: I mean, if you don’t think I can be fair, you should have filed a motion to recuse.

Robinson: Yes, Your Honor. Can I do so now?

There were audible gasps in the courtroom. But before the situation could escalate further, Robinson withdrew her comments, apologized, and was allowed to move on.

After the hearing ended, Bailey was escorted out of the courtroom by a pair of deputies. On his way out, he almost collided with several members of the attorney general’s team in the hallway. As he was being led away, he seemed to apologize to them on his lawyer’s behalf. “This is not her thing,” he said.

Ruth Robinson.
K.L. Ricks

11.

On Aug. 3, two weeks after the hearing, Robinson submitted a written pleading in which she articulated a number of legal arguments that had come through faintly, or not at all, in court. The pleading was a last stand of sorts. In it, Robinson argued that Mendheim had a responsibility to consider "the entire record" when evaluating Bailey's claim. She cited a U.S. Supreme Court case from 1976:

> The [prosecutor's] omission must be evaluated in the context of the entire record. If there is no reasonable doubt about guilt whether or not the additional evidence is considered, there is no justification for a new trial. On the other hand, if the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt.

Robinson ended her pleading with a quotation from Robert F. Kennedy: "Few will have the greatness to bend history itself, but each of us can work to change a small portion of events."

Mendheim was unmoved. On Aug. 12, he ruled against Bailey in a 25-page opinion. The Hendrickson-Brown transcript, he wrote, could not be authenticated given that there was no "original" version of it—only a copy—and that there was no audio recording. The Bundy letter didn't strike him as any more credible, despite the testimony of the document examiner.

Nereida Bundy, Mendheim wrote, had sounded "genuinely shocked, aghast, and upset that her integrity as a lawyer, prosecutor and a person was attacked in such a way." He continued:

> [T]he petitioner has offered no explanation or motive for Nereida Bundy to write not only a professionally unethical letter, but also one that could lead to criminal liability. … Why would Ms. Bundy seek to "frame" an innocent man for a crime he did not commit? Why would that person be the petitioner, James Bailey? It is illogical that Ms. Bundy, an experienced lawyer and prosecutor, a well-educated person, would memorialize a conspiracy to frame an innocent man by writing a letter. If what the petitioner claims is true, she could accomplish the same purpose verbally, and not have a lifetime of fear that her conduct may be uncovered.

In his analysis of the Bundy letter, Mendheim hit on the most basic argument for treating both documents with skepticism: Who would be so brazen, or so stupid, to conduct their conspiracy in writing? If an investigator wanted to ask Heather Brown to plant drugs on her boyfriend, he would presumably do so without a tape recorder running. If a prosecutor wanted to bury an inconvenient piece of evidence, she would almost certainly give the order in person or over the phone.

There were others reasons to be suspicious of the documents, reasons that Mendheim did not discuss in his ruling. Above all, they seemed a little too convenient—a pair of puzzle pieces perfectly configured to complete a picture of the case in which James Bailey has been railroaded by the authorities. In just a few short pages, they discredited the investigator who arrested Bailey and the assistant district attorney who prosecuted him, and did the work of absolving him of both his drug charge and his murder charge. The transcript even contained a passage that suggested Hendrickson knew that Bailey was not guilty of the murder but that he'd participated in prosecuting him anyway.

Another red flag was the similarity—pointed out to me by a team of forensic linguists led by Robert Leonard at Hofstra University—between the transcript's opening and some boilerplate from a conversation between Hendrickson and Heather Brown that had been captured on tape. Both interviews began with Hendrickson saying to Brown, "Heather, do you understand your rights? You've been advised of your rights. Do you understand your rights? Are you giving me this statement without the presence of your attorney?" In both transcripts, Brown says, "Yes," and Hendrickson responds, "Ok that's freely correct?" The repetition could suggest either that the documents Robinson had found were authentic—that that was just how Hendrickson opened his interviews—or that they'd been forged by someone who was familiar with the details of Bailey's case and had access to his case file.

James Bailey assured me on multiple occasions that he did not forge the documents. "No. Never," he said last summer. "I gave up [on my case], man. I gave up three years ago. If I had had this, you think I would have given up?" Later, he said that if he had forged the

documents, he would have done a better job. “I’ve thought about it, you know? If I was to do it, how would I do it?” he said. “Well, there’s a lot of things … that I would have done a lot differently if I’d done it.”

Had Bailey asked anyone outside of Holman prison to forge the documents on his behalf? “I promise I didn’t,” Bailey said. “And I promise that nobody in my family did. … I mean, my son, he could do it if I could get him to talk to me. But I mean, I talk to him like once a month.”

Bailey was referring to his eldest child, Billy Norton. Norton, who was 21 when I met him at a bar outside of Dothan last summer, talked nonchalantly about being the owner of six or seven email addresses and described for me the freelance work he did as a white-hat hacker for companies trying to test their security. Norton also told me that he’d offered to help his father get out of prison by forging some documents for him, but that Bailey had said it was unnecessary given the vast amount of real evidence he already had working in his favor.

“Between … what I can do with Photoshop and everything, I mean, it could be easily done,” Norton said, in between puffs on a vape pen. “But never once has he asked me to do anything of that nature. In a way it surprises me, but at the same time it doesn’t. … My dad, to be blunt, is honest. He’s like me.”

Ruth Robinson, for her part, forcefully denied playing any role in forging the documents when I asked her about it after the hearing. And despite Mendheim’s unfavorable ruling, she was determined to press ahead with Bailey’s case, appealing the decision to Alabama’s Court of Criminal Appeals and filing a petition for a second evidentiary hearing, this time in Henry County (where Hatfield was killed) instead of Houston County (where Bailey was arrested on the drug charges).

It was around this time that I received a phone call from Heather Brown. She was calling from a jail in Canada, she told me, where she’d been arrested after living under an assumed name for more than 10 years. She also told me that everything in the Hendrickson transcript was true.

12.

Brown had been arrested in British Columbia during the first week of September and deported about two months later to Whatcom County Jail in Washington state. She was now being held as a fugitive from justice awaiting extradition to Alabama.

Though the circumstances under which she was discovered and apprehended are murky—privacy laws in Canada make it impossible to independently verify the details of her arrest—her brother Tim Franzen told me that an FBI agent named Tracy Lollis had been looking into

Brown's disappearance for several months. While there is no evidence Lollis was responsible for Brown being captured, the timing is suggestive: According to Franzen, Lollis traveled to Vancouver, British Columbia, to interview Brown in jail almost immediately after her arrest.

Reached by phone at his office, the FBI agent declined to comment, emphasizing that he could not confirm that any investigation was underway. "I'm not permitted to discuss anything," Lollis said.

When Brown called me on Oct. 18, she explained that she had fled Dothan in 2006 for a new life in Canada because she believed that she, James Bailey, and her four children in Florida would all be in mortal danger unless she disappeared.

"I was [being] threatened to keep my mouth shut and not to testify on James' behalf … or I was gonna die," Brown said, speaking in a low growl that I recognized from listening to tapes of her being interviewed by police. "I am James' alibi. James did not kill, or have anything to do with, in any shape and/or form, the death of C.J. Hatfield. He was with me, in Florida."

Brown was adamant, in our conversations, that the police interview represented in the contested transcript really happened—that she vividly remembered Hendrickson asking her one night in late November 2004 to plant drugs on Bailey in order to get him to help with the Hatfield murder. But the more I talked with Brown, the less I felt I could take her recollections at face value. On the one hand, she was consistent—the stories she recounted about fearing for her life in Dothan were the same ones she'd told her family before she disappeared. On the other, the stories strained belief: She talked of coming home to find menacing messages spray-painted on her walls, hearing people whisper ominous warnings into her ear while she was filling up her car with gas, and finding strange photographs of her children in her purse, with death threats scrawled across the back.

"They tried to run me off the road a few times," Brown told me at one point. "There is a ravine outside of Houston County on a main highway. There's a bridge, and the ravine is very, very deep. They tried to run me off the road at that ravine, at that bridge. I had been followed quite a bit. Little notes were placed around where I would find them—at my work, and on my car."

Brown described Dothan, Alabama, as "the most corrupt area that you can even think of in the majority of the U.S."—a city where police officers covered up murders, sold drugs, and blackmailed women into working for them as undercover informants. Her account of Dothan as a warren of lawlessness recalled the viral blog post that had made the city infamous one year earlier. But as Brown herself conceded, she possessed no more evidence of her claims than Jon Carroll of the Henry Report had presented in that post. Even her corroboration of the disputed documents in Bailey's case fell somewhat short: Though she insisted the Hendrickson transcript was authentic, she also swore that she never actually followed through on her promise to plant drugs on Bailey. In other words, Brown was willing to ratify

the transcript insofar as it illustrated Hendrickson's misconduct, but she would not take responsibility for the chemicals that had landed Bailey in jail. Someone else must have put them there, she told me.

C.J. Hatfield.
K.L. Ricks

13.

Not long after Heather Brown's reappearance in September, Bailey's exoneration effort was thrown further off course when a minor procedural hearing ended with the Dothan Police Department confiscating Ruth Robinson's cellphone. As Robinson has since described the incident in a federal civil rights lawsuit, several sheriff's deputies approached her in the Henry County Courthouse after the hearing, served her with a search warrant, and informed her that she was being investigated for intimidating a witness.

Later, Robinson explained to me that the intimidation complaint stemmed from an interaction she'd had the night before the hearing, involving a woman she had been eager to talk to about Bailey's case. According to a tip Robinson had received, the woman was privy to some information that was possibly relevant to Bailey's case. But in pursuing the tip, Robinson seems to have let her tireless dedication edge into recklessness: When the woman indicated she wouldn't talk to Robinson on the phone, the lawyer looked up her home address and

showed up at her doorstep after 10 p.m. The aggressive move frightened the woman so much that she called Allen Hendrickson, a friend, and told him about it. Hendrickson, in turn, referred the matter to the Dothan police.

Robinson filed her civil rights lawsuit against the officer who took custody of her phone on Nov. 8, Election Day, accusing him of seizing her belongings “for the purpose of retaliating against her and preventing her from exercising her rights under the First Amendment to free speech.” Shortly before Christmas, Robinson called me to say that the police had combed through her digital communications with Bailey and had included some of them in a court filing submitted in response to her lawsuit.

In a hushed tone, Robinson said she wanted to tell me something before I heard it from somebody else. She and James Bailey were in love.

“I don’t know if we’ll ever end up together,” she said, emphasizing that the feelings that had developed between them did not constitute an actual relationship. “I don’t even know him. … He’s in prison, and I’m not. So if they were to say we’re having an affair—well, not really.”

I asked Robinson if she thought her feelings for her client had influenced her thinking about the evidence she’d discovered or the broader question of his innocence or guilt.

“I mean it with all purity, I want him to get out of prison because I love him, but I know he didn’t do this,” she replied. “If I had to pick one, if the bar came to me and said you can only do one thing, either be romantic or represent him, then I would choose to represent him, and I think he would too, because that’s what he needs.”

In early January, I reached out to James Bailey over Facebook Messenger. He responded to me with uncharacteristic despair: “Hey don’t think it’s a good idea to talk to me,” Bailey wrote. “[E]veryone that does gets there life ruined and it all has to do with me.”

When I convinced him to get on the phone, Bailey explained why he was feeling so defeated. Not only had the Dothan authorities confiscated his lawyer’s phone, he said, but they were coming after his family, too. His mother, it turned out, had just been jailed on charges of promoting prison contraband. She stood accused of sending a package of cellphones through the mail to Holman that prison guards had intercepted.

“They’re pissed,” Bailey said. “Anything they can do to screw me up, they’re doing it.”

I asked him about his relationship with Robinson.

“I love Ruth,” he said. “She’s the greatest thing that’s happened to me in 13 years. She’s a great person. She’s a kind person. She’s an understanding person.”

About his chances of exoneration, Bailey was less sanguine. He sighed. He didn't care about his case anymore, he said, and he didn't think Robinson should either. "I told her to quit. Leave it alone. Just, screw it. Because the deeper this shit gets, the more they're gonna hurt people. [But] she ain't going to. She won't listen. She's more hard-headed than I am."

About a month after that conversation, Heather Brown was released from the Whatcom County Jail in Washington, after authorities in Alabama failed to submit a timely extradition warrant requesting her return to Dothan.

Top Comment

Good true-crime story, interesting and well-written. The graphic-novel illustrations aren't terribly illuminating but that's NBD. "In a hushed tone, Robinson said she wanted to tell me something before I heard it from somebody else. More...

Join In

I've been unable to reach Brown since her release from jail, and her siblings haven't told me definitively whether she plans to stay on the run or return to Alabama to face her charges and possibly testify on her ex-boyfriend's behalf.

The district attorney in Dothan declined to respond to questions about Brown's release or provide an explanation as to why a fugitive wanted for trafficking in methamphetamine had been allowed to go free.

In a recent court filing, the state reaffirmed its opposition to granting James Bailey a new trial, arguing that his petition for post-conviction relief was "meritless" and "predicated on possible criminal activity."

As of this writing, Ruth Robinson remains James Bailey's lawyer. She still believes that he will be released from prison.

Correction, Feb. 7, 2017: *This article originally mischaracterized a line of testimony that Hendrickson gave about his employment history. He denied having been terminated from the sheriff's office in Henry County, not Houston County. "The new sheriff came into office and elected not to reinstate me. It does not fall under a termination," Hendrickson said, in reference to his departure from the Henry County Sheriff's Office. (Return.) Due to a production error, a caption in this article also originally misstated when the* Dothan Eagle *newspaper clipping announcing that a body was found was published. It was from March 14, 2004, not March 14, 2014.*

Appendix AA

Table of Contents to Brief of Appellant, No. CR-07-0684 (filed July 10, 2008), pp. ii-vii.

TABLE OF CONTENTS

Appendix BB

Table of Contents to Brief of the Appellant on Return to Remand, No. CR-07-0684 (filed May 11, 2011), pp. i-ii.

TABLE OF CONTENTS

Appendix CC

List of Issues Raised to the Alabama Supreme Court on Direct Appeal.

DAVID WILSON ASC CERT PETITION ON DIRECT APPEAL
ISSUES RAISED

I. THIS COURT SHOULD GRANT CERTIORARI PURSUANT TO RULE 39(A)(1)(D) BECAUSE THE LOWER COURT'S HOLDING THAT THE PROSECUTOR EXERCISED HIS PEREMPTORY STRIKES IN A RACE-NEUTRAL MANNER CONFLICTS WITH *BATSON V. KENTUCKY* AND ITS PROGENY.

A. The Lower Court's Finding that the Prosecutor's Reason for Striking Jehl Dawsey and Darran Williams Was Race-Neutral Was Based on a Definition of Disparate Treatment That Conflicts with State and Federal Law.

B. The Lower Court's Attempt to Explain Racially Targeted Questioning By Speculating about Possible Body Movements Conflicts with State and Federal Law.

C. The Lower Court Failed to Consider All Relevant Circumstances, Including the Fact That the Prosecutor Removed Every African American from the Venire, in Conflict with State and Federal Law.

D. Conclusion.

II. CERTIORARI IS APPROPRIATE PURSUANT TO RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' FAILURE TO FIND ERROR IN THE PROSECUTOR'S COMMENT ON MR. WILSON'S SILENCE CONFLICTS WITH *EX PARTE WILSON* AND *GRIFFIN V. CALIFORNIA*.

III. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S RULING UPHOLDING THE INTRODUCTION OF AN INCOMPLETE AND UNRELIABLE VERSION OF MR. WILSON'S STATEMENT CONFLICTS WITH FEDERAL LAW.

IV. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S DECISION AFFIRMING THE INJECTION OF SENTENCING PHASE CONSIDERATIONS INTO THE GUILT/INNOCENCE PHASE CONFLICTS WITH STATE AND FEDERAL LAW.

V. CERTIORARI IS APPROPRIATE PURSUANT TO RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' FAILURE TO FIND ERROR WITH THE STATE'S PREJUDICIAL REFERENCES TO THE

CODEFENDANTS AND THEIR CONFESSIONS CONFLICTS WITH *BRUTON V. UNITED STATES* AND *WHITT V. STATE*.

VI. THIS COURT SHOULD GRANT CERTIORARI UNDER RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' FAILURE TO FIND ERROR IN PROSECUTOR'S INFLAMMATORY REMARKS DURING THE GUILT/INNOCENCE PHASE WAS AT ODDS WITH FEDERAL AND THIS COURT'S PRECEDENT.

A. The Criminal Court of Appeals' Approval of the Prosecutor's Attempt to Arouse the Jurors' Personal Hostility Toward and Fear of Mr. Wilson Conflicts with Prior Decisions by Federal and State Courts.

B. The Court of Criminal Appeals' Failure to Find Error in the Prosecutor's Appeals to the Jurors' Sympathies for the Victim Conflicts with Prior Decisions by Federal and State Courts.

VII. CERTIORARI IS APPROPRIATE PURSUANT TO RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' APPROVAL OF THE PROSECUTOR'S IMPROPER ARGUMENTS DURING HIS SENTENCING PHASE CLOSING ARGUMENT CONFLICT WITH *UNITED STATES V. YOUNG* AND *MCNAIR V. STATE*.

VIII. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S FAILURE TO FIND THAT THE PROSECUTOR'S COMMENTS DURING HIS SENTENCING PHASE CLOSING ARGUMENT CONSTITUTED REVERSIBLE ERROR CONFLICTS WITH STATE LAW.

IX. CERTIORARI IS APPROPRIATE PURSUANT TO RULES 39(a)(1)(D) AND 39(a)(1)(C) BECAUSE THE COURT OF CRIMINAL APPEALS FAILED TO FIND THAT IT WAS ERROR TO HAVE PREVENTED MR. WILSON'S MOTHER FROM ASKING THE JURY TO SPARE HIS LIFE DURING THE SENTENCING PHASE IN VIOLATION OF STATE AND FEDERAL LAW.

X. CERTIORARI IS APPROPRIATE PURSUANT TO RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' FAILURE TO FIND ERROR IN THE ADMISSION OF PORTIONS OF MR. WILSON'S STATEMENT CONTAINING IRRELEVANT HEARSAY AND PREJUDICIAL PRIOR BAD ACTS CONFLICTED WITH *EX PARTE BAKER*.

XI. CERTIORARI IS APPROPRIATE BECAUSE THE LOWER COURT'S DECISION UPHOLDING THE INTRODUCTION OF AUTOPSY PHOTOGRAPHS AND CONCLUSIONS WITHOUT REQUIRING THE

STATE TO ESTABLISH PROPER CHAIN OF CUSTODY CONFLICTS WITH THIS COURT'S PRECEDENT.

XII. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S DECISION UPHOLDING THE TRIAL COURT'S FAILURE TO REMOVE PREJUDICED PROSPECTIVE JURORS CONFLICTS WITH *EX PARTE COLBY*.

XIII. CERTIORARI IS APPROPRIATE PURSUANT TO RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' FAILURE TO FIND ERROR IN THE ADMISSION OF TESTIMONY TO IRRELEVANT AND PREJUDICIAL COMPARISONS OF MR. WALKER'S INJURIES TO OTHER CASES CONFLICTS WITH *REEVES V. STATE*.

XIV. THIS COURT SHOULD GRANT CERTIORARI PURSUANT TO RULES 39(a)(1)(D) AND 39(a)(1)(C) BECAUSE THE COURT OF CRIMINAL APPEALS' FAILURE TO FIND THAT THE TRIAL COURT'S PENALTY PHASE INSTRUCTIONS WERE ERRONEOUS CONFLICTS WITH FEDERAL AND STATE PRECEDENT.

A. The Court of Criminal Appeals' Failure to Find Error Where the Trial Court Allowed the Jury to Believe that It Could Not Consider Mercy Conflicts with Federal and State Precedent.

B. The Court of Criminal Appeals' Failure to Find Error in the Trial Court's Absence of an Instruction Informing the Jury that It Could Consider a Mitigating Factor Even If Not All Jurors Agreed on Its Existence Conflicts with Federal and State Precedent.

C. The Court of Criminal Appeals Failure to Find Error in the Trial Court's Improper Diminishment of the Jury's Role in the Sentencing Phase Conflicts with Federal and State Precedent.

XV. THIS COURT SHOULD GRANT CERTIORARI PURSUANT TO RULES 39(a)(1)(D) AND 39(A)(2)(A) BECAUSE THE TRIAL COURT FAILED TO ADEQUATELY CONSIDER AND MAKE FINDINGS REGARDING MANY OF THE NON-STATUTORY MITIGATING FACTORS PRESENTED IN VIOLATION OF STATE AND FEDERAL LAW.

XVI. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S DECISION AFFIRMING THE TRIAL COURT'S USE OF A CURSORY AND INCOMPLETE PRESENTENCE REPORT CONFLICTS WITH *EX PARTE WASHINGTON*.

XVII. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S DECISION UPHOLDING THE CONSTITUTIONALITY OF ALABAMA'S DEATH PENALTY STATUTE CONFLICTS WITH *RING V. ARIZONA*.

XVIII. CERTIORARI IS APPROPRIATE PURSUANT TO RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' DECISION AFFIRMING THE TRIAL COURT'S FAILURE TO INSTRUCT THE JURY ON THE LESSER-INCLUDED OFFENSE OF NONCAPITAL MURDER CONFLICTS WITH *BECK V. ALABAMA* AND *EX PARTE OLIVER*.

XIX. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S DECISION UPHOLDING THE TRIAL COURT'S FAILURE TO INSTRUCT THE JURY ON EVERY ELEMENT OF THE OFFENSES CONFLICTS WITH STATE AND FEDERAL LAW.

XX. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S DECISION UPHOLDING THE TRIAL COURT'S SUBMISSION OF ROBBERY TO THE JURY DESPITE INSUFFICIENT EVIDENCE ON THIS CHARGE CONFLICTS WITH STATE AND FEDERAL LAW.

XXI. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE LOWER COURT'S DECISION UPHOLDING THE TRIAL COURT'S ADMISSION OF HIGHLY PREJUDICIAL EVIDENCE THAT HAD LITTLE PROBATIVE VALUE CONFLICTS WITH STATE LAW.

XXII. THIS COURT SHOULD GRANT CERTIORARI TO RESOLVE THE QUESTION OF WHETHER DOUBLE-COUNTING ROBBERY AND BURGLARY AS AGGRAVATING CIRCUMSTANCES IN THE PENALTY PHASE CONFLICTS WITH FEDERAL LAW.

XXIII. THIS COURT SHOULD GRANT CERTIORARI PURSUANT TO RULE 39(a)(1)(D) BECAUSE THE COURT OF CRIMINAL APPEALS' DECISION UPHOLDING THE TRIAL COURT'S DEATH QUALIFYING OF THE JURY IS IN CONFLICT WITH FEDERAL LAW.

XXIV. CERTIORARI IS APPROPRIATE BECAUSE THE LOWER COURT'S DECISION UPHOLDING THE CONSTITUTIONALITY OF ALABAMA'S LETHAL INJECTION PROCEDURES CONFLICTS WITH THE EIGHTH AND FOURTEENTH AMENDMENTS.

Appendix DD

Table of Contents to Brief of the Appellant, No. CR-16-0675
(filed August 15, 2017), pp. ii-iv.

TABLE OF CONTENTS

Appendix EE

Table of Contents to Petition for Writ of Certiorari, No. 1170747 (filed May 17, 2018), pp. i-ii.

TABLE OF CONTENTS

Appendix FF

Chart of jurors removed for cause or hardship

Juror Chart - jurors struck for cause or hardship (Tr. R. 175-79 & 180)

Strike	Name	No.	Age	Race	Record cite	Cause
1	Rufus Baker	1	45	B	Tr. R. 43 & 175	could not impose a death sentence
2	Kim Hong Gary	17	35	A	Tr. R. 177	difficulty with English
3	Jason Hammett	26	33	W	Tr. R. 176	could not render a verdict
4	Daphne Kirkland	37	33	B	Tr. R. 176	could not impose a death sentence
5	Sharon Smith	62	61	W	Tr. R. 44 & 175	could not impose a death sentence
6	Joyce Whiting	71	55	B	Tr. R. 176	could not impose a death sentence
7	Blanche Whitten	72	49	W	Tr. R. 175	bias - husband beaten to death
						Hardship
1	Sheila Green	23	43	W	Tr. R. 58-60	small business short-handed
2	Valerie Vinson	69		W	Tr. R. 56-57	caring for small children & grandmother

Appendix GG

Chart of jurors peremptorily struck by the State

Juror Chart - in order of strike (citations are to the transcript of the *Batson* hearing)

Strike	Name	No.	Age	Race	Record cite	Reasons
1	Arnold Pass	54	74	W	13	DUI x7
2	Christina Brannon	7	(28)	W	13-14	DUI (no mention of age)
3	Donald Scott	58	44	W	14	UPCS (had voting rights restored (Tr. R. 37))
4	Barbara Hamilton	25	45	B	14-15	expressed fear about serving on jury
5	Gary Cannon	9	44	W	15	DUI
6	Darran Williams	73	34	B	15-16	LETS & speeding x14
7	Christina Glover	18	33	W	16-17	"had a record" (unspecified)
8	Jehl Dawsey	14	26	B	17	LETS record & age
9	Ryan Bond	4	29	W	17-19	appearance/"gut feeling" & age
10	Bonzell Lewis	41	44	B	19	DUI
11	Linda Trawick	68	45	W	19-21	appearance/"gut feeling" x2
12	James Collins	13	54	B	21-28	hesitation re: the death penalty
13	Betty Sue Cherry	10	72	W	29-30	LEO said she would be "weak"
14	Tracie Graves	22	30	W	30	engineer & age (needed prompting for age)
15	Jeffrey Henexson	30	42	W	30-32	defense counsel GAL for foster child
16	Tammy Wright	75	41 (49)	W	32	age

Appendix HH

Chart of jurors empaneled

Juror Chart - jurors empaneled (Tr. R. 182)

	Name	No.	Age	Race	Alternate	
1	Clifford Burtram	6	69	W		
2	Andrea Golden	19	44	W		
3	Janice Grace	20	61	W		
4	Ruth Graves	21	45	W		
5	Jeffrey Henexson	30	42	W	x	
6	Cauley Kirkland	36	54	W		
7	Lamerle Kite	38	73	W		
8	Robert Lewis	42	63	W		
9	Richard Morris	51	34	W		
10	Clyde Nesbitt	52	70	W		
11	Daniel Sinas	61	49	W		
12	James Stephens	65	55	W		
13	Gayle Tedder	66	54	W		
14	Sidney Timbie	67	65	W		
15	Tammie Wright	75	49	W	x	

Appendix II

Chart of jurors questioned by DA Valeska about their views on the death penalty

Juror Chart - jurors questioned about the death penalty by the State (Tr. R. 94-104)

Order	Name	No.	Age	Race	Record cite	Response
1	Rufus Baker	1	45	B	Tr. R. 94	no
2	Ryan Bond	4	29	W	Tr. R. 94-95	nodded head indicating he could
3	James Collins	13	54	B	Tr. R. 95-96	“It would be tough.”
4	Jehl Dawsey	14	26	B	Tr. R. 96-97	yes
5	James Ferguson	16	62	W	Tr. R. 97	yes
6	Barbara Hamilton	25	45	B	Tr. R. 97-98	yes
7	Shannon Harrison	28	37	W	Tr. R. 98	yes
8	Bonzell Lewis	41	44	B	Tr. R. 99-101	“probably could”
9	Shirley Simmons	60	56	A	Tr. R. 101-2	yes
10	Joyce Whiting	71	55	B	Tr. R. 102	no
11	Blanche Whitten	72	49	W	Tr. R. 102	yes
12	Darran Williams	73	34	B	Tr. R. 102-3	yes
13	Tammie Wright	75	49	W	Tr. R. 103-4	yes

Appendix JJ

Alacourt results for Darren Williams (redacted)

ALABAMA SJIS INDEX SEARCH

ALABAMA FEDERAL DEFEN **PREPARED FOR: ANNE BORELLI**

Search Criteria: Name: williams darren, SSN: None, County:ALL, Division: Criminal, DOB: None, Case Year: ALL, Filing Date: None

100 records.

County	CaseNumber	Name	JID	Charge	Status	DOB	SEX	Race	CA date	CA code	SSN
30	DC200500094270	WILLIAMS DARIN	JAW	PROBATION REV-MISD	Bond	[redacted]	M	B			[redacted]
30	DC200500094300	WILLIAMS DARIN	JDJ	MENACING	Bond	[redacted]	M	B	2/6/2006	Nol pross	[redacted]
30	DC200500094200	WILLIAMS DARIN	JDJ	CRIM MISCHIEF 2ND	Bond	[redacted]	M	B	2/6/2006	Guilty plea	[redacted]
30	DC200500094400	WILLIAMS DARIN	JDJ	ASSAULT 3RD - DOMEST	Bond	[redacted]	M	B	2/6/2006	Nol pross	[redacted]
01	DC201400246500	WILLIAMS DARREN	SCO	USE/POSSESS DRUG PAR	Bond	[redacted]	M	B	8/1/2014	Nol pross	[redacted]
01	DC201400246400	WILLIAMS DARREN	SCO	POSS MARIJUANA 2ND	Bond	[redacted]	M	B	1/8/2015	Nol pross	[redacted]
18	TR201300677900	WILLIAMS DARREN	WGS	OVERWEIGHT TRUCK	Bond	[redacted]	M	B	9/30/2013	Guilty Plea	[redacted]
27	CC201200026600	WILLIAMS DARREN	MWW	ASSAULT 3RD - DOMEST	Bond	[redacted]	M	B	6/18/2015	Dismissed w/conditions	[redacted]
75	TR201200317300	WILLIAMS DARREN	ACF	SPEEDING-CONST-WORKE	Bond	[redacted]	M	B	4/27/2012	Guilty Plea	[redacted]
30	CC201100067900	WILLIAMS DARREN	BWR	REC STOLEN PROP 2ND	Bond	[redacted]	M	B	10/4/2012	Nol pross	[redacted]
30	DC201100073300	WILLIAMS DARREN	JDJ	REC STOLEN PROP 2ND	Bond	[redacted]	M	B	9/19/2011	Waived to gj	[redacted]
63	TR200800953700	WILLIAMS DARREN	DDD	SPEED	Bond	[redacted]	M	B	5/8/2008	Guilty Plea	[redacted]
30	TR200700383800	WILLIAMS DARREN	JDJ	NO DRIVERS LICENSE	Bond	[redacted]	M	B	7/12/2007	Guilty Plea	[redacted]
30	CC200700002600	WILLIAMS DARREN	BWR	REC STOLEN PROP 1ST	Bond	[redacted]	M	B	11/9/2007	Guilty plea	[redacted]
30	DC200600019900	WILLIAMS DARREN	JDJ	CRIMINAL TRESPASS 3R	Jail	[redacted]	M	B	8/8/2006	Guilty plea	[redacted]
30	DC200600019800	WILLIAMS DARREN	JDJ	DISORDERLY CONDUCT	Jail	[redacted]	M	B	8/8/2006	Convicted	[redacted]
18	TR200100400600	WILLIAMS DARREN	WGS	OVERWEIGHT TRUCK	Bond	[redacted]	M	B	7/20/2001	Guilty Plea	[redacted]
03	CC199800156700	WILLIAMS DARREN	WAS	ESCAPE 3RD DEGREE	Prison	[redacted]	M	B	8/31/1998	Guilty plea	[redacted]
03	CC199500059500	WILLIAMS DARREN	WAS	THEFT PROPERTY 1ST	Prison	[redacted]	M	B	7/17/1995	Guilty plea	[redacted]
03	CC199500059400	WILLIAMS DARREN	WAS	BURGLARY 3RD	Prison	[redacted]	M	B	7/17/1995	Guilty plea	[redacted]
03	DC199400454700	WILLIAMS DARREN	LCB	BURGLARY 3RD	Jail	[redacted]	M	B	12/8/1994	Transferred	[redacted]
03	DC199400454600	WILLIAMS DARREN	LCB	THEFT OF PROP 1ST	Jail	[redacted]	M	B	12/8/1994	Transferred	[redacted]
03	CC199300112600	WILLIAMS DARREN	WAS	POSS CONTROLLED SUBS	Jail	[redacted]	M	B	8/31/1993	Guilty plea	[redacted]
03	DC199300243600	WILLIAMS DARREN	LCB	POSS COCAINE	Bond	[redacted]	M	B	6/14/1993	Transferred	[redacted]
03	CC199100274500	WILLIAMS DARREN	WAS	BURGLARY 3RD	Jail	[redacted]	M	B	2/4/1992	Guilty plea	[redacted]
03	DC199100526000	WILLIAMS DARREN	CNM	BURGLARY 3RD	Jail	[redacted]	M	B	11/1/1991	Waived to gj	[redacted]
03	CC199100099900	WILLIAMS DARREN	HRT	ATT BURG 2ND	Jail	[redacted]	M	B	5/28/1991	Guilty plea	[redacted]
03	CC199100049900	WILLIAMS DARREN	WAS	TOP II;BURGIII	Jail	[redacted]	M	B	5/28/1991	Guilty plea	[redacted]
03	DC199100040000	WILLIAMS DARREN	CNM	ATT BURG 2ND	Jail	[redacted]	M	B	3/1/1991	Transferred	[redacted]
03	DC199000545000	WILLIAMS DARREN	CNM	THEFT PROP 2ND	Other		M		11/29/1990	Nol pross	[redacted]
68	CC198400066200	WILLIAMS DARREN		APPEAL							
02	CC201200265670	WILLIAMS DARREN ALAN	SHS	ASSAULT 3RD DEGREE	Jail	[redacted]	M	W	11/7/2013	Probation revoked	[redacted]

County	CaseNumber	Name	JID	Charge	Status	DOB	SEX	Race	CA date	CA code	SSN
02	CC201200265650	WILLIAMS DARREN ALAN	SHS	BOND FORF-FELONY	Forfeiture	[redacted]	M	W	8/14/2012	Cond. forf. set aside	[redacted]
02	CC201200265600	WILLIAMS DARREN ALAN	SHS	ASSAULT 2ND DEGREE	Bond	[redacted]	M	W	2/26/2013	Guilty plea	[redacted]
02	DC201200154200	WILLIAMS DARREN ALAN	GNH	ASSAULT 2ND DEGREE	Bond	[redacted]	M	W	4/9/2012	Waived to gj	[redacted]
65	TR201700078400	WILLIAMS DARREN ALLEN	JLT	OPER VEH W/O INSURAN	Bond	[redacted]	M	W	9/11/2017	Dismissed w/conditions	[redacted]
02	TR201601397400	WILLIAMS DARREN ALLEN	JEB	SPEEDING 25 MPH OR M	Bond	[redacted]	M	W	12/2/2016	Guilty Plea	[redacted]
65	TR201600064300	WILLIAMS DARREN ALLEN	JLT	DRIVE W/SUSPENDED	Bond	[redacted]	M	W	8/1/2016	Dismissed w/conditions	[redacted]
02	CC201400207970	WILLIAMS DARREN ALLEN	SHS	POSS/SELL PRECURSOR	Jail	[redacted]	M	W	2/5/2015	Probation revoked	[redacted]
02	CC201400208000	WILLIAMS DARREN ALLEN	SHS	USE/POSSESS DRUG PAR	Bond	[redacted]	M	W	9/22/2014	Nol pross	[redacted]
02	CC201400207900	WILLIAMS DARREN ALLEN	SHS	POSS/SELL PRECURSOR	Bond	[redacted]	M	W	9/22/2014	Guilty plea	[redacted]
02	CC201400207800	WILLIAMS DARREN ALLEN	SHS	POSS/REC CONTR. SUBS	Bond	[redacted]	M	W	9/22/2014	Nol pross	[redacted]
02	DC201300662200	WILLIAMS DARREN ALLEN	JAY	POSS/SELL PRECURSOR	Jail	[redacted]	M	W	8/6/2013	Waived to gj	[redacted]
02	DC201300662100	WILLIAMS DARREN ALLEN	JAY	POSS/REC CONTR. SUBS	Bond	[redacted]	M	W	8/6/2013	Waived to gj	[redacted]
02	DC201300662300	WILLIAMS DARREN ALLEN	JAY	USE/POSSESS DRUG PAR	Bond	[redacted]	M	W	8/6/2013	Waived to gj	[redacted]
02	TR201301017100	WILLIAMS DARREN ALLEN	CNM	DRIVING WHILE REVOKE	Bond	[redacted]	M	W	6/21/2013	Guilty Plea	[redacted]
02	DC200900902700	WILLIAMS DARREN ALLEN	GNH	ASSAULT 3RD DEGREE	Bond	[redacted]	M	W	5/11/2010	Nol pross	[redacted]
02	TR200901394800	WILLIAMS DARREN ALLEN	GNH	OPER VEH W/O INSURAN	Failure to appear	[redacted]	M	W	12/4/2009	Guilty Plea	[redacted]
02	TR200901394900	WILLIAMS DARREN ALLEN	GNH	DRIVE W/SUSPENDED	Failure to appear	[redacted]	M	W	12/4/2009	Guilty Plea	[redacted]
02	TR200801410000	WILLIAMS DARREN ALLEN	JAY	DRIVE W/SUSPENDED	Failure to appear	[redacted]	M	W	7/28/2009	Guilty Plea	[redacted]
02	TR200801409900	WILLIAMS DARREN ALLEN	SNC	IMPROPER TAG	Failure to appear	[redacted]	M	W			[redacted]
02	TR200801410100	WILLIAMS DARREN ALLEN	JAY	OPER VEH W/O INSURAN	Failure to appear	[redacted]	M	W	7/28/2009	Guilty Plea	[redacted]
02	TR200701493000	WILLIAMS DARREN ALLEN	GNH	OPER VEH W/O INSURAN	Failure to appear	[redacted]	M	W	4/14/2016	Guilty Plea	[redacted]
02	TR200701492800	WILLIAMS DARREN ALLEN	GNH	IMPROPER TAG	Failure to appear	[redacted]	M	W	4/14/2016	Guilty Plea	[redacted]
02	TR200601330000	WILLIAMS DARREN ALLEN	JAY	FOLLOW TOO CLOSE	Bond	[redacted]	M	W	9/5/2006	Guilty Plea	[redacted]
02	TR200600051200	WILLIAMS DARREN ALLEN	JAY	SPEED	Bond	[redacted]	M	W	2/22/2006	Guilty Plea	[redacted]
01	TR201801040200	WILLIAMS DARREN CHARLES	WAB	OPER VEH W/O INSURAN	Bond	[redacted]	M	B	9/5/2018	Guilty Plea	[redacted]
01	TR201801040100	WILLIAMS DARREN CHARLES	WAB	FAILURE TO WEAR SAFE	Bond	[redacted]	M	B	9/5/2018	Guilty Plea	[redacted]
01	TR201200765500	WILLIAMS DARREN CHARLES	SLW	NO SEAT BELT	Bond	[redacted]	M	B	7/5/2012	Guilty Plea	[redacted]
01	TR201200766000	WILLIAMS DARREN CHARLES	SLW	SPEED	Bond	[redacted]	M	B	7/5/2012	Guilty Plea	[redacted]

County	CaseNumber	Name	JID	Charge	Status	DOB	SEX	Race	CA date	CA code	SSN
02	TR200801570700	WILLIAMS DARREN CHRISTOPHER	JAY	OPER VEH W/O INSURAN	Bond	[redacted]	M	W	7/23/2008	Guilty Plea	[redacted]
03	CC200700142800	WILLIAMS DARREN CONIKN	TMH	SEXUAL ABUSE 1ST	Jail	[redacted]	M	B	2/26/2008	Guilty plea	[redacted]
63	TR200502300100	WILLIAMS DARREN DAMARR	DDD	SPEED	Failure to appear	[redacted]	M	B	2/17/2006	Guilty Plea	[redacted]
63	TR200502300000	WILLIAMS DARREN DAMARR	DDD	NO SEAT BELT	Failure to appear	[redacted]	M	B	2/17/2006	Guilty Plea	[redacted]
68	CC199100100000	WILLIAMS DARREN DEWAYNE	DJR	RSP 2	Bond	[redacted]	M	B	9/20/1991	Guilty plea	[redacted]
68	DC199000210700	WILLIAMS DARREN DEWAYNE	JWP	RSP 2	Bond	[redacted]	M	B	2/13/1991	Other	[redacted]
68	CC198900137700	WILLIAMS DARREN DEWAYNE	DJR	BURGLARY 3	Jail	[redacted]	M	B	6/11/1990	Guilty plea	[redacted]
68	CC198900137600	WILLIAMS DARREN DEWAYNE	DJR	TOP 2	Jail	[redacted]	M	B	6/11/1990	Nol pross	[redacted]
68	CC198900137500	WILLIAMS DARREN DEWAYNE	DJR	BURGLARY 3	Bond	[redacted]	M	B	6/11/1990	Guilty plea	[redacted]
68	DC198900145100	WILLIAMS DARREN DEWAYNE	JWP	BURGLARY 3	Jail	[redacted]	M	B	9/19/1989	Other	[redacted]
68	DC198900145000	WILLIAMS DARREN DEWAYNE	JWP	TOP 2	Jail	[redacted]	M	B	9/19/1989	Other	[redacted]
68	DC198900141800	WILLIAMS DARREN DEWAYNE	JWP	BURGLARY 3	Jail	[redacted]	M	B	9/19/1989	Other	[redacted]
68	CC198800003500	WILLIAMS DARREN DEWAYNE	DJR	TOP 1	Jail	[redacted]	M	B	1/23/1989	Guilty plea	[redacted]
68	CC198700153300	WILLIAMS DARREN DEWAYNE	DJR	BURG 3	Jail	[redacted]	M	B	5/9/1988	Nol pross	[redacted]
68	CC198700153200	WILLIAMS DARREN DEWAYNE	DJR	TOP 2	Jail	[redacted]	M	B	1/23/1989	Guilty plea	[redacted]
68	CC198700117100	WILLIAMS DARREN DEWAYNE	DJR	TOP 1	Jail	[redacted]	M	B	5/9/1988	Nol pross	[redacted]
03	TR198900906300	WILLIAMS DARREN EDWARD	MMG	SPEEDING /077 IN 55	Bond	[redacted]	M	W			[redacted]
35	TR200900009000	WILLIAMS DARREN F	LJO	SPEED	Failure to appear	[redacted]	M	B	1/12/2009	Guilty Plea	[redacted]
63	TR201202208900	WILLIAMS DARREN FREDRICK	DDD	DRIVE W/SUSPENDED	Bond	[redacted]	M	B	12/20/2012	Dismissed w/conditio ns	[redacted]
63	TR201202208800	WILLIAMS DARREN FREDRICK	DDD	OPER VEH W/O INSURAN	Bond	[redacted]	M	B	12/6/2012	Dismissed	[redacted]
21	TR201600062900	WILLIAMS DARREN H	JTB	SPEED LESS 25MPH	Failure to appear	[redacted]	M	B	3/16/2018	Guilty Plea	[redacted]
47	TR199900884900	WILLIAMS DARREN H	KKH	SPEED	Bond	[redacted]	M	B	11/23/1999	Guilty Plea	[redacted]
81	TR200400078400	WILLIAMS DARREN HARRIS	RFR	IMPROPER LANE USAGE	Bond	[redacted]	M	B	5/14/2004	Guilty Plea	[redacted]
47	DC199200686400	WILLIAMS DARREN HOUSTON	EDF	THEFT OF PROPERTY 2N	Bond	[redacted]	M	B	11/10/1992	Nol pross	[redacted]
01	TR199800052200	WILLIAMS DARREN JEROME	ROH	VIO OF TINT LAW	Bond	[redacted]	M	B	2/26/1998	Dismissed	[redacted]
68	TR199100059800	WILLIAMS DARREN JEROME	JWP	RUN RED LIGHT	Other	[redacted]	M	B	2/25/1991	Guilty Plea	[redacted]
58	DC200600065050	WILLIAMS DARREN K	DCR	BOND FORF-MISD							[redacted]
58	DC200600065000	WILLIAMS DARREN K	REJ	GIVING FALSE NAME TO	Jail	[redacted]	M	B	6/19/2007	Guilty plea	[redacted]
58	TR200600097200	WILLIAMS DARREN K	REJ	SPEEDING 25MPH OVER	Jail	[redacted]	M	B	6/19/2007	Guilty Plea	[redacted]
58	TR200600097400	WILLIAMS DARREN K	REJ	OPER VEH W/O INSURAN	Jail	[redacted]	M	B	6/19/2007	Dismissed	[redacted]
58	TR200600097300	WILLIAMS DARREN K	REJ	DRIVE W/SUSPENDED	Jail	[redacted]	M	B	6/19/2007	Guilty Plea	[redacted]
58	TR201100030500	WILLIAMS DARREN KEITH	REJ	FAIL DISPLAY INSURAN	Bond	[redacted]	M	W	1/25/2011	Dismissed	[redacted]
58	TR201100030400	WILLIAMS DARREN KEITH	REJ	SPEEDING-NO WORKERS-	Bond	[redacted]	M	W	1/25/2011	Guilty Plea	[redacted]
03	TR199901177400	WILLIAMS DARREN KEITH	MLG	SPEED	Bond	[redacted]	M	B	1/12/2000	Guilty Plea	[redacted]

County	CaseNumber	Name	JID	Charge	Status	DOB	SEX	Race	CA date	CA code	SSN
75	TR200800295900	WILLIAMS DARREN KOFFEE	ACF	SPEEDING-NO WORKERS-	Failure to appear	[redacted]	M	B			[redacted]
03	CC201300097560	WILLIAMS DARREN KONEGE	TMH	RULE 32-FELONY	Jail	[redacted]	M	B	12/11/2017	Dismissed	[redacted]
03	CC201300097500	WILLIAMS DARREN KONEGE	TMH	MANSLAUGHTER	Jail	[redacted]	M	B	9/30/2013	Guilty plea	[redacted]
03	DC201200304900	WILLIAMS DARREN KONEGE	SGY	MURDER	Jail	[redacted]	M	B	11/16/2012	Waived to gj	[redacted]
03	CC200700029900	WILLIAMS DARREN KONEGE	TMH	POSS CONTR. SUBS.	Bond	[redacted]	M	B	4/12/2007	Guilty plea	[redacted]
03	DC200600319200	WILLIAMS DARREN KONEGE	LCB	POSS MARIJUANA 1ST	Bond	[redacted]	M	B	12/11/2006	Time lapsed prelim. Forwarded to gj	[redacted]

END OF THE REPORT

Appendix KK

Alacourt results for Darran Williams (redacted)

ALABAMA SJIS INDEX SEARCH

ALABAMA.FEDERAL.DEFEN

PREPARED.FOR:.ANNE.BORELLI

Search Criteria: Name: williams darran, SSN: None, County:ALL, Division: Criminal, DOB: 1/7/1973, Case Year: ALL, Filing Date: None

8 records.

County	CaseNumber	Name	JID	Charge	Status	DOB	SEX	Race	CA date	CA code	SSN
38	TR199700433200	WILLIAMS DARRAN D	MJS	SPEED	Bond	[redacted]	M	B	9/2/1997	Guilty Plea	[redacted]
26	TR201400121300	WILLIAMS DARRAN DELAWRENCE	WSG	SPEED LESS 25MPH	Bond	[redacted]	M	B	6/1312014	Guilty Plea	[redacted]
38	TR200500028900	WILLIAMS DARRAN DELAWRENCE	BEM	SPEEDING 25MPH OVER	Bond	[redacted]	M	B	3/1/2.005	Guilty Plea	[redacted]
38	TR200100423600	WILLIAMS DARRAN DELAWRENCE	BEM	SPEED	Bond	[redacted]	M	B	712.712.001	Guilty Plea	[redacted]
38	TR199900312200	WILLIAMS DARRAN DELAWRENCE	WDM	SPEED	Bond	[redacted]	M	B	7/12/1999	Guilty Plea	[redacted]
38	TR199700241400	WILLIAMS DARRAN DELAWRENCE	MJS	SPEED	Bond	[redacted]	M	B	5/2.0/1997	Guilty Plea	[redacted]
38	TR199500087800	WILLIAMS DARRAN DELAWRENCE	ASH	SPEEDING	Bond	[redacted]	M	B	212.2/1995	Guilty Plea	[redacted]
38	TR199500263400	WILLIAMS DARRAN DELLAWRENCE	MJS	SPEED	Bond	[redacted]	M	B	6/6/1995	Guilty Plea	[redacted]

END OF THE REPORT

Appendix LL

Alacourt results for Jehl Dawsey (redacted)

ALABAMA SJIS INDEX SEARCH

ALABAMA FEDERAL DEFEN **PREPARED FOR: ANNE BORELLI**

Search Criteria: Name: dawsey jehl, SSN: None, County:ALL, Division: Criminal, DOB: None, Case Year: ALL, Filing Date: None

6 records.

County	CaseNumber	Name	JID	Charge	Status	DOB	SEX	Race	CA date	CA code	SSN
38	TR200600432100	DAWSEY JEHL J	BEM	SPEED	Bond	[redacted]	M	B	11/14/2006	Guilty Plea	[redacted]
38	TR201600237700	DAWSEY JEHL JERMAINE	BHL	FAIL DISPLAY INSURAN	Bond	[redacted]	M	B	9/20/2016	Dismissed	[redacted]
38	TR201600231800	DAWSEY JEHL JERMAINE	BHL	RUN RED LIGHT	Bond	[redacted]	M	B	9/20/2016	Dismissed	[redacted]
26	TR201600135100	DAWSEY JEHL JERMAINE	WSG	OPER VEH W/O INSURAN	Bond	[redacted]	M	B	7/28/2016	Dismissed	[redacted]
26	TR201400041300	DAWSEY JEHL JERMAINE	WSG	TINTED WINDOWS	Bond	[redacted]	M	B	3/7/2014	Dismissed	[redacted]
34	TR201300042800	DAWSEY JEHL JERMAINE	SGS	NO SEAT BELT	Bond	[redacted]	M	B	3/11/2013	Guilty Plea	[redacted]

END OF THE REPORT

Appendix MM

Alabama Department of Corrections, "Incarceration Details,"
Catherine Nicole Corley, AIS# 00256533.

Incarceration Details

Any and all information contained on this page in relation to tentative parole consideration dates are for informative purposes only and are subject to change at any time. The Alabama Department of Corrections and The Alabama Board of Pardons & Paroles are two separate State of Alabama agencies and the Alabama Department of Corrections does not set nor schedule parole hearings. If you need more information about the services offered by The Alabama Board of Pardons and Paroles please visit their website at http://www.pardons.state.al.us.

*Definitions are available for common Department of Corrections terms by clicking on the associated links below.

Search Again

Inmate: **CORLEY, CATHERINE NICOLE**
AIS: **00256533**

Institution: **TUTWILER PRISON**

Race: W
Sex: F
Hair Color: BLACK
Eye Color: HAZEL
Height: 5' 7"
Weight: 229
Birth Year: 1983
Custody MIN-COMM

Aliases:
No known Aliases

Scars, Marks and Tattoos:
CTBK (LOWER) ROSE SYMBOL LIWR
FAITH, HALO RIWR TRUST RTBI 2
HEART SYMBOLS WITH SCOTT

Incarceration Details:

Information below shows a snaphot of the inmate's sentence as of that moment. It is not an official timesheet. Information displayed under the blue header is for the inmate's controlling sentence.

SUF	Admit Date	Total Term	Time Served	Jail Credit	Good Time Received	Good Time Revoked	Min Release Date	Parole Consideration Date	Parole Status
	12/21/2007	25Y 0M 0D	20Y 4M 16D	1319	0 Days	0 Days	05/06/2029	01/01/2025	NO HEARING

Sentences:

Case No.	Sentenced	Offense	Term	Jail Credit	Pre Time Served	Type	Commit County
*CC2005-001725	12/21/2007	BURGLARY II	20Y 0M 0D	1346			HOUSTON
CC2005-001726	12/21/2007	MURDER	25Y 0M 0D	1319		Concurrent	HOUSTON

Appendix NN

Psychological Report from Dr. Robert Shaffer
and Curriculum Vitae of Dr. Robert Shaffer

Robert D. Shaffer, Ph.D.
Clinical Psychologist

PSYCHOLOGICAL EVALUATION

NAME: David Wilson
DATE OF BIRTH: 3-7-1984
DATES OF EVALUATION: 7-16-15; 10-16-15
UPDATED: 11-8-2024

Mr. Wilson was referred for evaluation by his attorneys in relation to arrest for murder in April 2004. Evaluation occurred at the William C. Holman Correctional Facility located in Atmore, Alabama. He was evaluated for approximately 10 hours on two occasions three months apart. Mr. Wilson was informed about the nature and purpose of the evaluation, along with the limitations of confidentiality. He consented for disclosure of evaluation information to anyone directed by his attorneys or by court order.

Social history was obtained through interviews with both biological parents, Roland Wilson and Linda Wilson, with an uncle, Walter Angelo Gabbrielli, and with David Wilson himself.

PARENTAL HISTORY

Mr. Wilson recalled that his mother was seldom present and that he was left alone at a young age frequently. He stated that she "was somewhere every night." Mr. Wilson's early childhood memories of her include his mother being obtunded and being unable to arouse her. She was reported to drink excessively and frequently expressed suicidal ideation.

Linda Wilson's childhood was marked by her own mother's mental problems. This maternal grandmother of David was reported to make frequent suicidal remarks to the family and was said to suffer a "nervous breakdown." Linda said her mother was "somewhere every night," leaving Linda and her siblings at home alone, saying she had a party to attend at work or other explanation. When her mother and father divorced in her early school years, Linda said that she and her siblings were often left unattended for extended periods, especially after her grandmother died.

Linda Wilson said that her father drank excessively, as did his father's sister.

Further instability in Linda's upbringing was evident with an older brother of Linda persistently molesting her. Linda Wilson had a miscarriage during her young teen years, but recalls being relieved to become pregnant soon afterward as a possible opportunity to leave her chaotic home life. Prior to going into labor with this child (Edward), Ms. Wilson learned of the violent murder of her brother, Robert. The baby (Edward) was in a breech position and given birth by Caesarean section. Two years later David was born. David's birth was followed shortly after by his brother Steven's, who was medically compromised during most of his childhood.

In retrospect, Ms. Wilson considers that she learned suicidal intentions as "the easy way out" of a difficult life. As an adult mother, Linda Wilson herself attempted suicide on two occasions while David and his siblings were under her care. David's father, Roland Wilson said that David's brother, Steven, was only a baby the first time, which means that David was a young toddler at that time. His father recalls unpacking the car from a trip and seeing Linda clumsily losing her hold on the baby from her arms while on the front steps of the house. Roland Wilson said that he found an empty bottle of pills, then took Ms. Wilson to Baptist Hospital (Pensacola, Florida) where her stomach was pumped of the pills. He said that she stayed in inpatient treatment for 1-2 months. David was 3-4 years old when this occurred.

Some of David's early memories of his mother include occasional hugs in his bedroom. He said that if he cried, his mother would leave the room.

Roland Wilson reported a second suicidal admission of David's mother, when people he knew alerted Mr. Wilson to a suicide note written by Linda Wilson. Police found her in Carpenter Park (Milton, Florida) by the river. She was transported to Baptist Hospital for psychiatric care under Florida's Baker Act which calls for involuntary transport and hospital admission of individuals who are imminently suicidal.

David's father said that because of his wife's persistent condition, he became afraid he "would come home and find all of 'em dead." He took the children to Alabama to live at his brother's house. Mr. Wilson said that a court ordered for him to have custody of the children. Linda Wilson was prohibited by court order from taking the children away without Mr. Wilson's permission. He subsequently allowed Ms. Wilson to visit with her children under his supervision, but said that Linda Wilson seldom had the means to come from Florida for a visit with David or his siblings. David said most of his memories of his mother were formed during these visitations.

Roland Wilson also claims that his wife had a sexual affair while married to him. He later understood that Ms. Wilson had become a victim of domestic violence in her later relationships. He said that one man was jailed after trying to throw Ms. Wilson out of a car.

The problems in David's household drew the attention of David's uncle Angelo Gabbrielli. Mr. Gabbrielli said that he wanted to adopt David. He spoke to David's father about doing so. David's parents were willing to allow the Gabbriellis to adopt David. However, Mr. Gabbrielli's wife was too concerned that David's problems would negatively affect their own children, so they did not adopt David.

CHILDHOOD

Mr. Wilson lived with his family in the Florida panhandle area during his early years, chiefly in Pensacola and Milton. His father and uncle Angelo each described David as having substantial problems with attention, social responsiveness and restless behavior beginning as a small child. It was difficult for them to include David with activities for

his brothers because he had trouble engaging in outings for fishing or other activities. (See description below.)

Mr. Wilson's childhood was marked by neglect. His mother was frequently absent; and when at home she was depressed and suicidal. His earliest memories include being unable to arouse his mother. David was said to be 3-4 years old when his mother attempted suicide the first time. Davids parents divorced soon afterward, before David began attending Kindergarten. David lived under his father's custody with two similar-aged brothers, Edward, 1-2 years older, and Steven, 1 year younger. Steven had medical problems. When David was around six years old, their father remarried. David lived in his father's home until high school.

David stayed with his uncle for approximately two years as a teenager, until his father allowed him to drop out of high school. His father wanted to remove David from high school to attend a trade school. After withdrawing from the 11th grade, David instead reenrolled in a 10th grade class in the county where his mother lived. He stayed with her for about one year. During this time, if his mother didn't cook for them, David or his brother would do so. David once lived with his grandmother for 6-7 months.

MEDICAL AND EDUCATIONAL HISTORY

David was identified in early elementary school by the Florida school system as having Attention Deficit/Hyperactivity Disorder (ADHD) and other disabilities. He was prescribed the stimulant medication Ritalin and a tricyclic antidepressant used to calm moods in hyperactive children (Pamelor). He later was prescribed the antidepressant Prozac.[1]

David was also staffed on 10-30-1995, when he was eleven years old, for Special Education with a Primary Area of Disability given as "Emotional Conflict" and a Secondary designation of "Specific Learning Disability." This committee was attended and signed by five educators who participated in evaluating David. The eligibility committee report clarified their Documentation of Emotional Impairment by quoting a Santa Rosa County (FL) school psychologist report from 2-7-1994. David was observed by the psychologist in the classroom to be "anxious and nonsensical." The psychologist stated that, "Social and emotional control and good academic adjustment appear to be significant problems." A Learning Disability Evaluation Scale (LDES) resulted in a learning quotient of 57, indicating "learning problems for age in all areas."

Mr. Wilson spent most of his elementary school years in self-contained classrooms for special needs students. He recalls receiving regular counseling for about seven years. David's father, Roland Wilson said that the school wouldn't allow David to participate in many school activities because he could not be still without interfering. A type of peer support was attempted. Roland Wilson recalled that, "the County assigned a student to (David) for counseling. I watched him. He (the other student) mocked David."

[1] Roland Wilson, Interview 2-16-2016; Angelo Gabbrielli, Interview 2-15-2015.

David Wilson reports a head injury with brief loss of consciousness that he sustained in a bicycle stunt around age 11 to 12. No medical attention was provided. Roland Wilson said that he was away from the house when this happened.

According to Roland Wilson, his son was placed on the antidepressant Prozac while in school. Mr. Wilson confirmed that David was provided with emotional counseling as a child for a period of seven years. Since his incarceration Mr. Wilson has received antidepressant medication (Prozac) from jail medical services.[2]

Roland Wilson recalled that one professional provider told him that David had "borderline schizophrenia" and placed him on heavy medication. "I took him off medicine when he was doing better."[3]

Mr. Wilson's medical records indicate that he has contracted tuberculosis. Chronic inflammation in his lungs results in persistent fluid discharge.

Mr. Wilson has been medically treated for migraine headaches when exposed to bright lights. This has continued to be a source of treatment while incarcerated.[4] Hypersensitivity to sensory stimulation is a common symptom of Autism Spectrum Disorder.

WORK HISTORY

Mr. Wilson recalled working briefly at a car wash when he was 18 years old. He worked briefly at a car wash but failed to appreciate why the manager might tell him to "shut up." He tried working for his uncle but got tired of the friction from being told he was not performing well. He then said he provided some labor for roofing and remodeling carpenters.

SUBSTANCE USE

Mr. Wilson said that he has never used psychoactive drugs. He said that he did not drink alcohol until he was 18 years old. His responses to structured interview questions (SASSI-3) acknowledged symptoms associated with regular drinking behavior. Mr. Wilson acknowledged that his drinking created problems in his life. He described that a codefendant in his case was frequently drunk. He said that he joined in a large consumption of alcohol over a two-day period prior to the actions leading to his arrest for murder.

BEHAVIORAL OBSERVATIONS

Beginning as an infant in arms, David Wilson has displayed abnormal behavior. His mother observed that he resisted being held by her and didn't like sitting in her lap. At an

[2] Houston County, Al County Jail Sick Call prescription, 2-1-2005.
[3] Roland Wilson, Interview 10-16-2015.
[4] Holman Correctional Institution Inmate Request Form, 2-17-2022.

age when her other children played with toys, instead of cuddling or holding soft baby toys that he was given, David's attachment to those toys only seemed to be as an object to chew. This was also the case with building blocks and a toy tool set, which he only "tried to eat."[5] She also recalled that he would line up his toys in an orderly, regimented fashion, unlike her other sons. If anyone moved a toy he had lined up, he would be upset that something was out of position. Linda Wilson said that David was fascinated by taking apart things around the house and studying the parts of mechanical objects. Sometimes, he was unable to put the objects back together.

David's mother said that David wanted to be with people but seemed unable to interact normally. When people gathered in the living room, he would come out of his room and hide behind a chair. In response to his needs, Ms. Wilson said that she singled David out for some focused time together. But when she did, he would divert away from her and preoccupy himself on the floor. She concluded that "He wants attention but when you give it to him, he doesn't want it." [6]

Linda Wilson described other odd behavior. She said that he would mutter softly under his breath as if he wanted to communicate but without eye contact and had to be challenged to speak up if he really wanted to be heard.

David displayed abnormal tactile sensitivity. His mother said he could not wear any garments with typical wash instruction tags. They had to be removed. David would even refuse to try on something that had a garment tag. David would agree to wear clothes solely by a lack of skin sensation, regardless of the colors or patterns. On the other hand, David's father recalled at one time finding a number of burned matches in David's shoe, possibly indicating self-generated tactile stimulation, or a ritualistic behavior.

Both parents recalled that David sought attention and wanted to belong, but felt that he did not. His mother said, "If you paid attention to the other kids, he'd act silly to get your attention" by giggling, banging, or hollering. He would complain about needing attention, saying, "I wish I was an only child," and would create distractions to get their attention but not seem to appreciate that his behavior was inappropriate.

Interactive play was absent in his childhood. While his siblings showed imaginative play with each other, David was not able to participate. His mother said he would try to take toys that his siblings were using in order to feel included, but he didn't know what to do with them. "He would play for hours unless someone tried to join him---then, he'd be through."[7] He would withdraw nearby and play alone with sticks or other inanimate objects or would choose to stay alone in his room.

Ms. Wilson said that David wouldn't keep up with games that his siblings played, even though they were close in age. His older brother Edward and younger brother Steven would play tag, but "David would be over there playing (by himself)."

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[5] Linda Wilson, Interview10-15-2015.
[6] Linda Wilson interview, 4-12-24.
[7] Ibid.

David expressed sadness and frustration that "nobody cares about me." But frequent reassurances and loving attention did not seem to be accepted by him.

As a child David was observed to be either hyperactive or hypoactive when situations called for specific behaviors. David's father said that his son "had ants in his pants. David picked up a pipe. One child got hit."

David was observed to be uncoordinated and slow at performing routine motor functions. David's uncle Angelo Gabbrielli, remarked about David being "uncoordinated and slow" when walking, appearing aimless and "nonchalant" instead of purposeful. He described David's actions as "not very direct like a normal individual…drag-ass…spacey…out-to-lunch."[8]

In addition to abnormal motor behavior, David's social behavior was seen as substantially undeveloped and inappropriate for the context. David's uncle Angelo Gabbrielli has known David since he was a young child and later tried to involve all of David's siblings in activities as they grew older. He said that David has always been a loner and described his behavior as "stand-off-ish."[9] He said that David would be excited about going with his siblings on outings but seemed to have trouble performing the activities. "If I took them snorkeling, everyone else would have a mask and fins on, but he'd be playing in the sand." If on an outing to fish off the pier, everyone else would "be in a group, talking, but he'd be off doing his own thing."

Like David's parents, his uncle Angelo said he wanted to fit in but couldn't. He would act silly or "tell stupid jokes" to get the others to laugh. He would do intrusive and inappropriate plays for attention, such as "pick up a blue crab and chase you with it." Mr. Gabbrielli said that David appeared to feel hurt because he didn't feel himself to be a part of the group. He said that David would overexaggerate expressions of feelings for others, and the peers would just clam up. He said that even when David was praised for doing something well, it never seemed to make any difference. He did not appear engaged in exchanges of this type, as if he couldn't receive such comments.[10]

Mr. Gabbrielli said that David would pout if he wasn't in the limelight and couldn't feel excited when others caught a fish when they were out on the boat. "He seemed like he felt he had to do something remarkable to fit in." "He would go off and pout"[11] if his extreme behavior was corrected, following which point uncle Angelo would have to insist that he rejoin the others.

Mr. Gabbrielli considered that his nephew was "desperate for a friend." "If you liked frogs, he liked frogs. If you liked surfing in a mudhole, he liked surfing in a mudhole."[12]

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[8] Angelo Gabbrielli, Interview10-15-2015
[9] Ibid.
[10] Ibid.
[11] Ibid.
[12] Ibid.

He was a "follower" who would mimic others but over-do it. He would "do stupid things to maintain friendship. If you said stick your tongue on an electric fence, he'd do it." As an example, Mr. Gabbrielli recalled that David skipped work once to race model cars with peers.

TESTS ADMINISTERED

Neurocognitive Tests

Halstead-Reitan Neuropsychological Test Battery
- Booklet Category Test
- Tactual Performance Test (possible)
- Finger Tapping Test
- Trailmaking Test
- Rhythm Test
- Speech Perception Test

Rey Complex Figure Test
Wisconsin Card Sorting Test (WCST)
Tower of London Test (TOL)
Stroop Neuropsychological Screening Test
Cancellation Test
Boston Naming Test (BNT)
Rey Auditory Verbal Learning Test (RAVLT)
Dichotic Word Listening Test (DWLT)
Controlled Oral Word Association Test (COWA)
Kaufman Adult Intelligence Test (KAIT, selected subtests)
Block Design Subtest (WAIS-IV)
Weschler Individual Achievement Test (WIAT-II)
Test of Memory Malingering (TOMM) (effort malingering test)

Symptom Pathology Tests

Iowa Interview for Partial Seizure-like Symptoms (IIPSS)
Limbic System Checklist-33 (LSCL-33)
Dissociative Experiences Survey (DES)
Gudjonsson Suggestibility Scale (GSS)
Miller Forensic Assessment of Symptoms Test (M-FAST)

Observational Questionnaires

Gilliam Asperger's Disorder Scale (GADS)
Social Responsiveness Survey (SRS-2)

RESULTS OF NEUROCOGNITIVE ASSESSMENT

Response Style

The validity of test and interview results was confirmed using standard tests for malingering (falsely claiming or exaggerating symptoms or deliberately underperforming testing tasks).

Mr. Wilson approached testing tasks with extreme deliberation and care, indicating that he was performing to the best of his ability. This was confirmed by the Test of Memory Malingering, in which he correctly identified 49 out of 50 pictures in the first trial, and after a delay correctly identified all 50 of the pictures. A second test for malingering was also administered. The Miller Forensic Assessment of Symptoms Test (MFAST) presents plausible sounding symptoms and symptom combinations that actually almost never occur in real life. On the MFAST, Mr. Wilson only scored one point, well below a threshold where more than six points raises concerns for exaggeration of symptoms. On this basis, there was never an indication that Mr. Wilson deliberately attempted to appear to have cognitive deficits or psychological symptoms that he actually does not have.

While performing the Tower of London Test Mr. Wilson studied each item carefully prior to beginning to arrange the beads (for an average of over 17 seconds per test item). This represents a rare initiation time prior to beginning the task. Taken together, these observations indicate that Mr. Wilson was performing to the best of his abilities and responding accurately regarding his symptoms.

Performance Results

Mr. Wilson's performance indicated native intellectual abilities in the average range. He demonstrated strengths in visual perceptual and spatial processing skills, and normal visual-motor speed. A block assembly task was performed at the 91st percentile. Mr. Wilson's fine motor speed was fast for finger tapping. His visual-fine motor quality on figure copy drawing was below average. His drawing was expansive and lacked global perspective or planning.

Categorical thinking was within normal limits. Tests of executive function and mental flexibility were within normal limits.

Deficits were noted in Mr. Wilson's verbal functions. These deficit areas are consistent with Mr. Wilson's educational documents and previous test results. Mr. Wilson's performance on the WIAT-II resulted in a score at the 13th percentile for Listening Comprehension, and at the 5th percentile in Oral Expression. Further problems with listening comprehension were observed as diminished recall of a short story read to him in the GSS (recall below the 10th percentile). He made two content distortions when reciting a delayed recall.

Mr. Wilson's ability to spontaneously generate words that start with a specific letter (FAS test) was at a level one standard deviation below average (16th percentile), and spontaneous generation of animal names was below the 15% percentile. Mr. Wilson's

performance of the Boston Naming Test was at the 8th percentile. His score was at the 3rd percentile for Numerical Operations.

Mr. Wilson's visual memory was excellent for recall of block shapes and location. Word recall was within normal limits and was less disturbed by proactive content interference than average. However, memory interference from previously learned words did interfere with recall more than average (proactive interference).

Symptom Assessment

Mr. Wilson endorsed a number of symptoms associated with brain abnormality. These included visual, auditory, olfactory and haptic sensory illusions; episodes of visual fixation and staring, nocturnal sweats and other sleep disturbance. Mr. Wilson experiences frequent headaches, numbness and tingling in extremities.

Structured Assessment of Observed Social Behaviors

The Gilliam Aspergers' Disorder Scale (GADS) was administered to David's father, Roland Wilson, and to David's mother, Linda Wilson. Roland Wilson had the greatest amount of contact with his son and observed David directly over his entire developmental period. His ratings of David on scales descriptive of his Social Interaction, Restricted Patterns of Behavior, Cognitive Patterns, and Pragmatic Skills each displayed scores in the range of concern for Asperger's symptoms. The resulting global Asperger's Quotient was 73, a score indicating more severe symptoms than 97 out of 100 respondents from a standardization sample. Linda Wilson was most familiar with David when he was a small child and again when he was in high school. She also identified areas of concern related on the scales measuring Cognitive Patterns, and Pragmatic Skills. Her Asperger's Disorder Quotient of 80 indicates more severe symptoms than 91 out of 100 individuals from the sample.

The Social Responsiveness Survey (2) was administered in 2024 to Mr. Wilson's immediate caregivers. The SRS-2 is a 65-item objective questionnaire assessing symptoms associated with autism. Subscales contributing to a total score follow diagnostic considerations for Autism Spectrum Disorder. This includes Social Awareness, Social Cognition, Social Communication, Social Motivation, and Restricted Interests and Repetitive Behavior.

Linda Wilson's responses to the SRS-2 resulted in a Total Score of 143 (86T). This results in an SRS-2 designation in the middle of the Severe rating. This is associated with "severe and enduring interference with everyday social interactions. Such scores are strongly associated with clinical diagnosis of an autism spectrum disorder." This rare frequency of symptoms of Autism is unlikely to be found in 1000 ratings from the general population.

Linda Wilson's ratings included typical Autism traits and symptoms such as awkward, inappropriate, odd, weird or social behaviors, especially with communication and

recognition of meaning and emotional tones of other people. Disengaged, staring behaviors were identified. He would take things too literally and misunderstand emotional tones and non-verbal signals. She identified social isolation when David was a child and later a lack of engagement in meaningful adult communication. He doesn't recognize when he is talking too loudly. Rigid and inflexible behavior patterns were acknowledged, some of which seem odd to others. David thinks and talks about the same things over and over. He focusses too much on parts of things and misses the big picture. David has difficulty with changes in his routine and he becomes upset with lots of things going on. Ms. Wilson recalled David as unable to recognize when something is unfair or when he was being taken advantage of by someone.

David's father, Roland Wilson's responses to the SRS-2 resulted in a Total Score of 140 (85T). This results in an SRS-2 designation in the middle of the Severe rating, and is associated with "severe and enduring interference with everyday social interactions. Such scores are strongly associated with clinical diagnosis of an autism spectrum disorder." This rare frequency of symptoms of Autism is unlikely to be found in 1000 ratings from the general population.

Like those of Linda Wilson, Roland Wilson's ratings included typical Autism traits and symptoms including appearance to others of awkward, weird, strange or bizarre behaviors; disengaged, staring behavior; misinterpreting conversations and non-verbal signals; taking words too literally and missing meaning, being unable to express himself, talking in a robot-like manner. He would avoid communication and expressed frustration with attempting to do so. David thinks and talks about the same things over and over. David's father sees him as not recognizing when he is talking too loudly, and not perceiving the emotional states of other people. David becomes upset with lots of things going on and he has difficulty when routines change. He focusses too much on parts of things and misses the big picture. David can't recognize when things are not fair and does not know when he is being taken advantage of by others.

Walter "Angelo" Gabbrielli deliberately sought to spend time with his nieces and nephews. He intended to teach outdoor skills to David and to encourage his work behaviors. Angelo observed David in many interactions with other children that he knew well and recalls sharp discrepancies between specific behaviors. Mr. Gabbrielli intended for David to live with him during his final years of high school but instead David lived nearby with his mother.

Mr. Gabbrielli's SRS-2 ratings of David resulted in a Total Score of 138, (84T), which is in the middle of the Severe rating. Such scores are strongly associated with clinical diagnosis of an autism spectrum disorder." This rare frequency of symptoms of Autism is unlikely to be found in 1000 ratings from the general population. Much like David's father and his mother, Mr. Gabbrielli identified many classical symptoms and traits of Autism Spectrum Disorder. He views David as uncomfortable, awkward, out-of-step, odd and inappropriate. He appears emotionally distant and reacts to other people as if they are objects. David avoids people who try to be make a connection with him and fails to understand what others are thinking or feeling. He talks like a robot and is unable

to communicate his own feelings. David is uncoordinated, lacks self-confidence and is too dependent on others. David has difficulty with changes in his routine and he becomes upset with lots of things going on. David can't get his mind of off something when he starts thinking about it and says the same things over and over. He focusses too much on parts of things and misses the big picture. David does not understand cause and effect the way other people do. He does not recognize when others are taking advantage of him.

Summary of structured interview information

There was a high degree of congruence in the SRS-2 Total Score between Linda Wilson, Roland Wilson, and Angelo Gabbrielli (86T, 85T and 84T). His mother perceived slightly fewer problems with social awareness. His father perceived a maximum level of Restricted Interests and Behaviors, while David's uncle Gabbrielli viewed that as less significant. All three observers rated severe deficits in understanding communication and in self-expression, and severe difficulties understanding interactions between people. Each respondent noted that David would be upset and confused when out of his routine expectations and that he did not recognize when others were taking advantage of him.

Assessment of Suggestibility

On the GSS, Mr. Wilson made a high number of shifts (90%ile) after being challenged to perform better. He did not yield to leading questions more than average.

Conclusions of Neurocognitive Assessment

Mr. Wilson demonstrates a pattern of neuropsychological deficit that is consistent with childhood special education services. Speed of processing is slowed, and he struggles with auditory verbal receptive functions as well as verbal expressive functions. These cognitive deficits appeared to originate prior to his school years (based upon his educational record). His verbal processing difficulties may have increased following the head injury sustained in the bicycle stunt while he was still in elementary school. The head injury he sustained in a bicycle accident likely added further neurological impairment to Mr. Wilson's life-long developmental disorder.

RESULTS OF BEHAVIORAL ASSESSMENT

Evaluation of David Wilson's condition is based upon two clinical interviews with him and multiple interviews of individuals who were directly responsible care-givers (mother, father and uncle). Behavioral observations support a diagnosis of Autism Spectrum Disorder (ASD) under current terminology. As this evaluation was administered near the time of transition to the new nomenclature, the diagnosis of Asperger's Disorder was previously applied in discussions and legal briefs.

The following symptoms of Autism Spectrum Disorder are specified in the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) as minimal criteria for making the

diagnosis of ASD. These symptoms have been evident beginning during Mr. Wilson's infancy and through to the present day:

A. Persistent deficits in social communication and social interaction across multiple contexts
   1. Deficits in social-emotional reciprocity, including abnormal social approach, failure of normal back and forth conversation, reduced sharing of interests, emotions, or affect; and failure to initiate or respond to social interactions. *Reported by Linda Wilson, Roland Wilson and Angelo Gabbrielli in interviews and independent SRS-2 ratings.*
   2. Deficits in nonverbal communicative behaviors used for social interaction. *Reported by Linda Wilson, Roland Wilson and Angelo Gabbrielli in interviews and independent SRS-2 ratings.*
   3. Deficits in developing, maintaining, and understanding relationships. *Reported by Linda Wilson, Roland Wilson and Angelo Gabbrielli in interviews and independent SRS-2 ratings. Difficulty understanding when peers were taking advantage or manipulating him, and exhibited excessive behaviors when trying to conform to peer expectations and manipulations.*

B. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following:
   1. Stereotyped use of objects, lining up toys. *Reported by Linda Wilson in interviews.*
   2. Hyper-reactivity to stimulus input. *Reported by Linda Wilson, Roland Wilson and Angelo Gabbrielli in interviews and independent SRS-2 ratings. Also, sensitivity to light reported by David Wilson in clinical interview and documented by visitors at the jail who represent his legal case.*

SUMMARY AND CONCLUSIONS

The level of confidence allowed by evaluation results is strongly favorable based on administration of measures to rule out feigned effort and symptom exaggeration. Maximal effort was observed on the Test of Memory malingering; and less symptom endorsement than is normal was observed on the MFAST. Furthermore, evidence of unusual effort was demonstrated in Mr. Wilson's approach to test tasks (TOL).

Mr. Wilson's cognitive pattern reveals strengths in perceptual and visual-spatial processing functions, memory within normal limits, and significantly deficient verbal processing functions. A pattern of isolated cognitive strengths but severe social deficits is consistent with both Asperger's Disorder and the current diagnostic classification of Autism Spectrum Disorder.

An extreme frequency of symptoms are displayed across all measures. In spite of Mr. Wilson's low rate of symptom endorsement on a test of malingering (below average on the MFAST), he scored above the 99th percentile on the Iowa Interview for Partial

Seizure-Like Symptoms (IIPSS), a structured interview of symptoms which individuals with prior head injury are more likely to experience above normal rates. Similarly, Mr. Wilson endorsed an unusual number and frequency of symptoms on the Limbic System Checklist-33.

Symptoms from both structured interviews included headaches with nausea, and bad migraine headaches in sunlight. He hears a ringing or buzzing sound (tinnitus), and has a flushing or hot sensation. A variety of sensory illusions are reported. This includes frequent peripheral illusions of movement, shadows or spots. Mr. Wilson believes he sees something go past the door but when he looks closer, there is nothing there. Haptic illusions are reported. Mr. Wilson reported frequently feeling like something is crawling on his leg or his back. At times Mr. Wilson experiences an odd odor when there is no source for it. Sleep-related symptoms include irresistible sleepiness in the daytime and night sweats. Mr. Wilson reports occasional episodes of dissociation when he can't remember if he has done something or just thought about the act. He has found evidence that he has done things for which he has no memory. Current diagnostic practices specify that individuals meeting the former description of Aspergers Disorder are subsumed under the diagnosis of Autism Spectrum Disorder (ASD). Routine assessment using quantitative, structured observation questionnaires with both parents, as well as detailed descriptions by David's uncle, Angelo Gabbrielli indicated an initial diagnosis of Asperger's Disorder, currently subsumed under the diagnosis of Autism Spectrum Disorder. Current additional assessment confirms the DSM-V criteria for Autism Spectrum Disorder.

It is significant to note that open-ended interviews about David Wilson's behavior throughout life resulted in an unmistakable indication of Aspergers and Autism Spectrum Disorder and a strong convergence of this data between three family members who were each naïve to these conditions and to their clinical descriptions. Additional assessment in 2024 using the Social Responsiveness Scale-2 reveals a high convergence among family raters. Total Scores converge in the middle range of the Severe category for deficiencies of reciprocal social behavior. This forms the cornerstone of a diagnosis of ASD.

MENTAL STATE AT THE TIME OF THE INCIDENT

Mr. Wilson said that he met the codefendant named Matt in high school. Matt was in the same self-contained Special Education classes and received Social Security Disability. Matt was a close friend of another codefendant named Mike. Mr. Wilson said that Matt had a car and that they spent time together leading up to the crime.

Shortly before the occasion of the crime, Matt's car was wrecked by a driver who borrowed the car from Matt. Mr. Wilson said that Matt had the idea to burn up the car and claim insurance. Matt was arrested for this act and Mr. Wilson was brought in for questioning along with others. Mr. Wilson recalled that Detective Luker warned him at that time to stay away from Matt. Instead, Mr. Wilson said that he continued to hang out with Matt as Matt began talking about retribution for getting into trouble for the car fire.

Mr. Wilson's judgment was substantially impaired due to Autism Spectrum Disorder and neuropsychological compromise from head injury. The head injury he sustained in a bicycle accident likely added to Mr. Wilson's life-long developmental disorder. This type of closed head injury resulting in unconsciousness is known to add inflammation to the brain. Results often include impairment of impulse control and the appreciation of consequences of actions, particularly in novel or fast-changing circumstances.

The developmental and post-injury neurological state of Mr. Wilson also affects theory of mind. That is the ability for a person to recognize how a different person might view the same situation and appreciation of how the emotional experience another person would have would differ from his own. These essential human brain functions depend on intact circuits between fully functional frontal lobe, anterior cingulate and limbic system structures. When these systems are compromised, as in Aspergers (ASD) or closed head injury, the following functional disruption occurs. Even though such a person has fully functional cognitive intelligence, the frontal lobe computations of a situation do not connect with the proper response in emotional, limbic system centers of the brain. Without proper input from the amygdala and hippocampus signaling a gut feeling of dread, apprehension or horror, the brain compromised individual is less able to halt an ongoing sequence of actions, and weigh the likely consequences. The result appears to be heedless behavior with willful disregard for how the outcome would be experienced by others or by oneself in similar circumstance.

David Wilson displayed a desperate need to believe that he fit in with other people. Due to his Autism, he was easy to manipulate by his peers because he was so desperate to maintain friendships. He would do anything asked of him by people he considered friends or potential friends, and he would often over-do it, exhibiting excessive behavior to prove himself in front of his peers. He was unable to believe he belonged. Mr. Wilson described multiple times prior to the incident in which Matt persuaded David to steal things that Matt wanted. Angelo Gabbrielli has observed that David believed he had to do something extraordinary in order to be noticed and to belong with his cousins. Often the thing he chose to do was actually repulsive to his cousins, yet David failed to recognize it to be so. This severe deficit in *theory of mind* caused David to lack appreciation for the moral and legal wrongfulness of his actions leading to arrest.

An additional symptom of Mr. Wilson's ASD is a fascination with the obsession of electronics or other gadgetry. Mr. Wilson has always been observed to tinker with sound devices and other electronics, breaking them down into pieces and sometimes failing to be able to restore them to operation. This typical ASD trait motivated Mr. Wilson in joining the motive for robbery leading to the crime, and also motivated him in the technical actions involved with the robbery. Focus on techniques of actions and interactions with mechanical procedures while failing to consider human consequences is a core feature of ASD. Finally, Mr. Wilson's failure to grasp the big picture in a human sense—potential for harm and loss of life, was directly caused by impairment of that brain function in Mr. Wilson due to his brain compromise and severe Autism Spectrum Disorder.

In addition to the direct effects of his mental disorder, Mr. Wilson's Autism contributed to drinking behavior at the time of the incident. He reported performing acts requested by the codefendant named Matt during times when Matt was "drunk." He also reported that during the 36 hours leading to the crime he, along with Matt and one other codefendant, drank a 24-pack of beer and a substantial amount of liquor from one of the parents' liquor cabinets. Alcohol consumption was a form of relief from the acute anxiety and low self-esteem associated with ASD. Mr. Wilson's alcohol consumption allowed him to perceive himself as belonging. Unlike normal young adult peer influence, this drinking was the direct effect of the specific symptoms of ASD social deficits and the resulting psychological pain.

Mr. Wilson's impaired psychological condition at the time of the crime was the direct result of Autism Spectrum Disorder, which narrowed his perceptions, impaired Mr. Wilson's appreciation for the consequences of his actions. This influence was further exacerbated by drinking behavior that was specifically a related symptom of ASD.

The opinions and conclusions offered in this report are formed with a reasonable degree of certainty based on the application of scientific psychology and neuropsychology. If further information is needed, please contact my office.

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Clinical Psychologist

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SPECIALIZED TRAINING IN FORENSIC AND NEUROPSYCHOLOGY

W.J. McIntosh, Ph.D. (Former Director of Clinical Neuropsychology, Atlanta Veterans Administration Hospital): Group training; Individual case supervision in Clinical Neuropsychology.

Ralph M. Reitan, Ph.D., Reitan Neuropsychology Laboratories: Training Conference. Adult, adolescent and child neuropsychological evaluation.

Annual Continuing Education training in Forensic Psychological Evaluation: American Academy of Forensic Psychology, Association of Family and Conciliation Courts, and Georgia Psychological Association.

Federal Law Enforcement Training Academy. U.S. Justice Department correctional offender training program.

PROFESSIONAL EXPERIENCE

Private Practice in Clinical and Neuropsychology. Psychotherapy and assessment for adults and families. Specialty in forensic evaluations and expert testimony. Therapeutic services and court advisement for families in transition and crisis. March 1985 to Present.

Independent Consulting Practice in Forensic and Neuropsychology. Criminal evaluation and testimony. Conducted approximately 1000 evaluations in 17 states. Qualified as expert for testimony in Forensic Psychology or Neuropsychology over 100 times in Georgia, Alabama, Louisiana, Tennessee, Florida, South Carolina, Superior Courts, and in United States District Courts in Georgia, Alabama and Nevada, Evaluation of over 75 death penalty defendants. March 1985 to present.

Clinical Psychologist. United States Department of Justice Bureau of Prisons, Atlanta, Georgia. GS-14 director of psychological services for mental disorder cell block of maximum-security prison. Psychological evaluation, forensic evaluations for determination of competency and criminal responsibility, neuropsychological testing, crisis intervention, critical incident debriefing, group therapy, staff training and employee assistance counseling. Provided posttraumatic stress counseling for staff and families following hostage situation. Employee of the year award, 1988. September 1984 to June 1990.

919 *Lakemere Crest, Suwanee, Georgia* 30024 . 770-985-0419 . *Fax* 770-888-4440

Clinical Director. Associated Counseling Services, Snellville, Georgia. Clinical supervision of staff counselors. Psychological evaluation and psychotherapy to clients, April 1987 to December 1989.

Director of Day Treatment Program. Macintosh Trail Mental Health Program (State of Georgia Division of Mental Health), McDonough, Georgia. Coordinated psychological rehabilitation program for chronic mentally disordered, developmentally disabled and neurologically impaired adult patients. Psychological and neuropsychological evaluation. Authored original adaptive behavior skills inventory for assessment of patients. Administered transitional employment placements for mentally disabled patients. 1979 to 1981.

Private Consultant. Killian Hill Christian School, Lilburn Georgia. Staff training in developmental and remedial classroom techniques. Psychological testing of students and consultation with staff. September 1980 to December 1981.

Psychoeducational testing and therapy. Child Development Center (Georgia State Board of Education), Canton, Georgia. Psychological evaluation of emotionally disabled and learning disabled adolescents and children; daily group therapy with adolescents and children, marital and family counseling of individual patients. August 1976 to July 1979.

Mental Health Assistant. Charter Peachford Hospital, Atlanta, Georgia. Provision of group and milieu therapy for 12 patient psychiatric treatment team; counseling of individual patients. December 1975 to August 1976.

TEACHING AND ADVISORY BOARD ACTIVITY

Panel Presentation: Trauma-Informed Approach to Evidence-Based Care. Brain function indicators in trauma and treatment. Alive and Well Foundation, Atlanta, April 4, 2023.

Training Conference Presentation: Louisiana Center for Children's Rights and the Louisiana Public Defender Board. Provision of expert evaluation services to the courts. Oct 24, 2019.

Advisory Board Member, National Alliance for Mental Illness FDL Chapter, July, 2015 to present.

Military and Veteran's Law CLE Training Lecture: Posttraumatic Stress Disorder, State Bar of Georgia Conference Center, 5-9-2013.

National Institute of Mental Health/Crisis Intervention Team. Schizophrenia Training Module, Cumming, Georgia, 7-18-2011.

International Academy of Law and Mental Health, 31st International Congress, New York, Panel presentation: Neuropsychological Evaluation of Violent Behavior, 7-1-2009.

Member, Forensic Advisory Committee: Georgia Public Defender Standards Council, 2005-2007.

Forensic Psychological Evaluation: Continuing Education for attorneys. Gwinnett County Bar Association, Criminal Defense Section, Lawrenceville, Georgia, January 19, 2006.

Forensic Psychological Evaluation: Continuing Education for attorneys. Fulton County Public Defenders, Atlanta Georgia, February 20, 2002.

Offender Psychopathology, Stress Management: Regular training for employees of the Federal Bureau of Prisons. Atlanta Federal Penitentiary, 1985 through 1990.

AWARDS

U.S. Justice Dept. Bureau of Prisons Employee of the Year Award (1988)
Academic Honor Scholarship (1969-1970), Dana Honor Scholarship (1971-1972)
Richardson Fellow (1969-1973), Academic Dean's List.

PUBLICATIONS

Cerebral Lateralization: The Dichotomy of Consciousness. International Journal of Symbology, 1974, 5(2), 7-13.
A View of the Transformation of Symbols. International Journal of Symbology, 1975, 6(2), 19-25
Mandorla Imagery in Psychotherapy. C.G. Jung Society of Atlanta Quarterly News, 2004, Summer, 7-9.
Lines, Edges and the Paradox of Containment. International Gestalt Journal, 2007, 30(2), 131-138

FAMILY

Married with four children and four grandchildren.

Appendix OO

Notarized letter by David Wilson to counsel dated Nov. 11, 2015 (redacted)

11-11-15

actual innocence

petition

David Wilson

David Wilson

Z 74F 0-18

Dana R. Wyatt

Notary

My Commission Expires Dec. 14, 2016

RUSSELL WRIGHT NOTARY PUBLIC STATE AT LARGE

My Commission Expires

11/16/15

Date

Appendix PP

Notarized letter by David Wilson to counsel dated July 5, 2017 (redacted)

Attorney-client privilege

I have [redacted]

a request [redacted]

[redacted] actual innocense [redacted]

petition [redacted]

[redacted] actual innocense [redacted]

Herrera v. Collins, 506 U.S. 390, 400, 122 L.Ed.2d 203 (1993) McQuiggin v. Perkins, 133 S.Ct. 1924, 1932, 185 L.Ed.2d 1019 (2013) Holsclaw v. Smith, 822 F.2d 1041 (11th Cir. 1987)

Dave Wilson

Dave Wilson

0-15 Z-748

Notary

2-2-22

My commission expires

7-11 2017

Date

Phone's are out

Appendix QQ

Letter by David Wilson to counsel dated August 4, 2017 (redacted)

5-4-2017

[redacted]

I'm asking for you to reconsider [redacted]

factual innocence - There is no intent to commit murder and I can't be charged with capital murder unless there is intent. There is evidence to suggest some one else commited the murder and if I was allowed to take the stand I could of proved I did not attempt to or commit murder. I didn't even conspire to commit or attempt to commit murder.

David Wilson

David Wilson

10-18-2018

Notary

Date my commission expires

Was related Notary

Even when told this time

Date

Signature

Appendix RR

Letter by David Wilson to counsel dated June 1, 2019 (redacted)

[redacted]

June-1-2019

I Just wanted to let you know [redacted]

the Fundamental Miscarrage of Justice - Actual Innocence issue I asked to have put in [redacted] of actual innocence [redacted]

[redacted] Ive have asked for a Actual Innocence issue since 2015 when we were on Rule 32. The Fundamental Miscarrage of Justice - Actual Innocence issue [redacted]

David Wilson

David wilson

0-18 Z-748

Notary

My commission expires

Dole

I got a notary done on the first letter I wrote on May-30-2019 but it got wet and the ink ran I had to rewrite the letter this is the second letter and I'm not able to get it notarized that are unavailable

Appendix SS

Anthony Amsterdam and James Steven Liebman, *Loper Bright* and the Great Writ (October 17, 2024). Columbia Human Rights Law Review, February 2025, forthcoming.

Loper Bright and the Great Writ

(Forthcoming in *Columbia Human Rights Law Review*, February 2025)

By Anthony G. Amsterdam[1] and James S. Liebman[2]

Abstract

Chevron deference is dead. The Court's forty-year, seventy-decision experiment with Article-III-court deference to "reasonable" agency interpretations of ambiguous federal statutes failed, killed in part by concern that it unduly curbed "the judicial Power" to enforce the rule of law in the face of politics, partisanship, and mission-driven agency decision-making.

"AEDPA deference" lives. The Court's twenty-five-year, seventy-two decision experiment with Article-III-court deference to "reasonable" state-court interpretations of the Constitution under the 1996 Antiterrorism and Effective Death Penalty Act continues to relegate criminal defendants to prison or death, notwithstanding federal habeas judges' independent judgment that the state courts have misread or misapplied the federal Constitution in adjudicating these defendants' claims.

How can this be? Only if state judges have more authority to make *constitutional* law by which federal judges may be bound than federal agencies have to make *sub-constitutional* law by which federal judges may be bound.

This is obviously wrong. Federal agencies are creatures of Congress to which it may appropriately delegate some of its power to make the law that federal courts then are duty-bound to apply. Neither Congress nor any other authority save the American people by amendment may delegate the making of constitutional law.

Constitutional text and history make the wrongness even clearer. The Framers wrote the Constitution precisely to quell the "violence of faction" that the States exhibited under the Articles of Confederation. They understood faction to produce "improper Verdicts in State tribunals obtained under the biassed directions of a dependent Judge, or the local prejudices of an undirected jury." So the Framers resolved to bind "the judges in every State" to treat the Constitution as the supreme Law of the Land; and the Framers gave federal judges—protected by life tenure and irreducible salaries—"the judicial Power" to neutralize factious state-court decisions by exercising independent judgment whenever Congress gave them jurisdiction to review those decisions. Congress, for its part, has always mandated federal-court as-of-right review of state custody on either writ of error (1789-1914) and/or habeas corpus (1867-today). And throughout more than two-and-a-third centuries, the Supreme Court has issued one federal-courts classic opinion after another, characterizing deference to Congress' or state courts' reasonable-but-wrong constitutional judgments as "treason to the Constitution."

New Constitutionalists successfully challenged *Chevron* under the banner of reasserting the rule of law to protect "small" businesses and "the citizenry" against politics and special interests. The test of their *bona fides* is whether they will take the same course in cases of individuals like William Packer and Joshua Frost, both convicted and sentenced to prolonged imprisonment through "improper Verdicts in State tribunals obtained under the biassed directions of a dependent Judge, or the local prejudices of an undirected jury."

[1] University Professor Emeritus, New York University School of Law
[2] Simon H. Rifkind Professor, Columbia Law School

Introduction: With *Chevron's* Demise, How Can AEDPA "Deference" Survive?

In a case arising under the Constitution over which a federal court has jurisdiction, Article III requires it to exercise "the judicial Power" *independently*—to say what the Constitution means and how it bears on the facts of the case and to carry its judgment into effect subject only to appeal to a higher federal court.[3] When the case originates with state judges and reaches a federal court on review, Article VI additionally obliges the federal court to assure that "the Judges in [the] State" were "bound" in their decision by the "Constitution" as the "supreme Law of the Land," "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."[4] The Framers thought these requirements necessary to contain "the spirit

[3] U.S. CONST. art. III, §§ 1, 2.
[4] *Id.* art. VI, cl. 2. Federal statutes and treaties also are supreme law, but the focus here is on the Constitution.

of power and faction" and its influence on state judging, which gravely endangered the law's sovereignty, the nation's unity, and the people's liberty.[5] In James Madison's words at the Constitutional Convention, the cardinal causes of that risk were "improper Verdicts in State tribunals obtained under the biassed directions of a dependent Judge, or the local prejudices of an undirected jury."[6]

In 1789, the first Congress gave the Supreme Court as-of-right appellate jurisdiction over state judges' decisions posing that risk.[7] Since 1867, Congress has obliged lower federal courts to "entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court . . . on the ground that he is in state custody in violation of the Constitution."[8] Especially given exhaustion-of-state-remedies requirements,[9] this jurisdiction has long obliged federal habeas courts to review state judges' prior decisions rejecting applicants' claims of unconstitutional custody. In 1996, the Antiterrorism and Effective Death Penalty Act (AEDPA)[10] amended the habeas statute's section 2254(d) to mandate what the Supreme Court has since interpreted as a "highly deferential standard for evaluating state court rulings."[11] Under that standard, "a federal habeas court may not issue the writ simply because that court concludes in its independent judgment that the relevant state court decision applied [the Constitution] erroneously or incorrectly. Rather, that application must also be unreasonable."[12] Even if the federal courts' "independent review of the legal question[s]" leaves them with a "firm conviction" that state judges' application of supreme law was "erroneous" and in "clear error,"[13] the federal courts must leave the state decision and the unconstitutional custody it affirms in place unless that decision was "so obviously wrong" and "so lacking in justification that there was an error . . . beyond any possibility for fairminded disagreement."[14] If state judges in fact "applied a theory that was flat-out wrong," it "does not matter."[15]

Article I, section 9, clause 2 of the Constitution bars suspension of the writ of habeas corpus. That clause "refers to the writ as it exists today," not "in 1789." Felker v. Turpin, 518 U.S. 651, 664 (1996). Consequently, the protections accorded to the federal courts' exercise of habeas jurisdiction by Articles III and VI—the focus of this article—have Suspension Clause implications.

[5] THE FEDERALIST No. 10, at 79 (Madison) (Clinton Rossiter ed. 1961).

[6] 1 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, at 124 (Max Farrand ed., 1911) [hereinafter Farrand] (Madison).

[7] *See infra* note 135 and accompanying text (discussing Madison's cardinal case).

[8] 28 U.S.C. § 2254(a); *see* § 2241(c)(3) (establishing habeas corpus jurisdiction to determine whether a prisoner is "in custody in violation of the Constitution . . . of the United States"), recodifying without substantive change Act of Feb. 5, 1867, ch. 28, § 1, 14 Stat. 385 (quoted *infra* text accompanying note 137).

[9] 28 U.S.C. § 2254(b)(1).

[10] Pub. L. No. 104-132, 110 Stat. 1214 (codified as amended in scattered sections of the U.S. Code).

[11] Woodford v. Visciotti, 537 U.S. 19, 24 (2002) (per curiam). As amended by AEDPA, section 2254(d) provides that the writ "shall not be granted with respect to any claim" of unconstitutional custody "that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." The section regulates the standards by which federal habeas courts review state-court decisions; it does not address or affect habeas courts' jurisdiction. *See* Sebelius v. Auburn Reg. Med. Ctr., 568 U.S. 145, 153 (2013) ("bright line" rule that statutory limits do not govern jurisdiction unless Congress "clearly states" so). Congress adopted AEDPA to curb habeas corpus and federal postconviction remedies in order to enable the prompt execution of death sentences in the wake of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995 that killed 168 people and injured an additional 680 or more. *See* James S. Liebman, *An "Effective Death Penalty?" AEDPA and Error Detection in Capital Cases*, 67 BROOK. L. REV. 411, 411–18 (2001) (reviewing AEDPA's history). AEDPA's legislative history is discussed *infra* notes 21, 452.

[12] Williams v. Taylor, 529 U.S. 362, 409 (2000).

[13] Lockyer v. Andrade, 538 U.S. 63, 75 (2003).

[14] Shinn v. Kayer, 592 U.S. 111, 123–24 (2020) (*per curiam*); Harrington v. Richter, 562 U.S. 86, 103 (2011); *see, e.g.*, Davis v. Jenkins, xxx F.4th xxx, xxx (6th Cir. 2024) (en banc) ("'Clear error does not suffice.'").

[15] Johnson v. Williams, 568 U.S. 289, 310 (2013) (Scalia, J. concurring). For discussions of the historical and statutory-interpretation arguments in favor of AEDPA deference, see *infra* Parts II.A.2 and IV. The constitutional validity of the policy argument in its favor—that state judges deserve federal courts' deference out of respect for their coordinate positions in our federal system—is the subject of the rest of the article.

In *Williams v. Taylor*, the Supreme Court's first application of revised section 2254(d), the Justices split 5-4 on its interpretation. Justice O'Connor for the majority initiated the view described above.[16] Justice Stevens disagreed. Analogizing to different modes of review the Court has used in reviewing administrative decisions,[17] Justice Stevens read AEDPA to require what administrative lawyers call "*Skidmore* deference":[18] "Section 2254(d) requires us to give state courts' opinions a respectful reading, and to listen carefully to their conclusions, but when the state court addresses a legal question, it is the law 'as determined by the Supreme Court of the United States' that prevails."[19] "Whatever 'deference' Congress had in mind" in section 2254(d), he wrote, "it surely is not a requirement that federal courts actually defer to a state court application of the federal law that is, in the independent judgment of the federal court, in error,"[20] "'as if the Constitution means one thing in Wisconsin and another in Indiana.'"[21]

"Nor," Justice Stevens added, does section 2254(d) "tell us to treat state courts the way we treat federal administrative agencies":

> Deference after the fashion of *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.* depends on delegation. Congress did not delegate either interpretive or executive power to the state courts. They exercise powers under their domestic law, constrained by the Constitution of the United States. "Deference" to the jurisdictions bound by those constraints is not sensible.[22]

Justice Stevens' resort to administrative law analogies is no surprise. He authored the *Chevron* decision in which the Court famously replaced "*Skidmore* deference"—requiring respect for but never displacement by administrators' demonstrated experience, learning, and thoroughness of reasoning—with "*Chevron* deference," requiring federal judges' acquiescence to "reasonable" administrative decisions under certain circumstances.[23]

From *Williams* forward, the full Court has never addressed the constitutionality of "AEDPA deference."[24] It has, though, applied it in seventy-two decisions, 81 percent of which reversed grants of habeas relief by federal appeals courts convinced that the state decision under review deviated from the supreme law of the land and did so unreasonably.[25]

In 2024, the Court did consider the constitutionality of mandated federal-court deference to non-Article-III actors' legal determinations. In *Loper Bright Enterprises v. Raimondo*,[26] it heard two challenges to the constitutionality under Article III of the "*Chevron* deference" that it had previously

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[16] *See Williams*, 529 U.S. at 409.
[17] *See id.* at 386.
[18] Skidmore v. Swift & Co., 323 U.S. 134, 140 (1944) (discussed *infra* Part V).
[19] *Williams*, 529 U.S. at 386 (2000) (Stevens, J., concurring) (quoting *Lindh v. Murphy*, 96 F.3d 856, 869 (7th Cir. 1996).
[20] *Id.* at 387.
[21] *Id.* at 387 n.13 (citation omitted); *see* Renico v. Lett, 559 U.S. 766, 797 (2010) (Stevens, J., dissenting) ("[Section 2254(d)] never uses the term 'deference,' and the legislative history makes clear that Congress meant to preserve robust federal-court review").
[22] *Id.* (citing Chevron U.S.A. Inc. v. Natural Res. Def. Council, Inc., 467 U. S. 837 (1984); Adams Fruit Council v. Barrett, 484 U.S. 638 (1984)) (quoting *Lindh*, 96 F.3d at 868).
[23] "Deference," means a non-Article-III authority's "displacement of what might have been the judicial view *res nova*," *i.e.*, "displacement of judicial judgment." Henry P. Monaghan, *Marbury and Administrative Law*, 83 COLUM. L. REV. 1, 5 (1983) [hereinafter, Monaghan, *Marbury*].
[24] Berghuis v. Thompkins, 560 U.S. 370, 389–90 (2010). "AEDPA deference" is lower federal courts' go-to shorthand for their "standard of review" of state decisions under section 2254(d)(1). Examples include Kelsey v. Garrett, 68 F.4th 1177, 1190 (9th Cir. 2023); Haight v. Jordan, 59 F.4th 817, 845 (6th Cir. 2023); Dunn v. Neal, 44 F.4th 696, 706 (7th Cir. 2022). In Felker v. Turpin, 518 U.S. 651 (1996), the Court addressed the constitutionality of AEDPA provisions other than section 22454(d).
[25] Appendix D collects the Court's AEDPA deference decisions.
[26] 144 S. Ct. 2244 (2024).

applied "at least seventy times" without addressing its constitutionality.[27] Owners of Atlantic fisheries challenged federal courts' invocation of *Chevron* to deny relief from Commerce Department fees covering the cost of onboard government monitors without making an independent judgment whether the fees violated the statutes under which the Department claimed to act.[28] Defending *Chevron*'s constitutionality, the Government could find in the nation's 235-year history only a single precedent to support congressionally mandated Article-III-court deference to a non-Article-III actor's interpretation of the Constitution or any other law: AEDPA deference.[29] In swatting away that precedent, the only theory that Justices Gorsuch and Thomas, former Solicitor General Paul Clement for plaintiffs, or dozens of his amici could offer was that AEDPA deference is "merely" a "limit on a remedy."[30] AEDPA deference, of course, doesn't *limit* a remedy; it absolutely denies any remedy for custody under state-court decisions that the federal court independently concludes violate supreme law but which are not "so lacking in justification" as to be "beyond any possibility for fairminded disagreement."[31]

AEDPA deference presents a particularly virulent version of the constitutional question that the Court mooted in *Loper*:[32] may a deferential standard of review force Article III courts to deny relief to litigants harmed by a non-Article-III actor's application of federal law that the judges, upon independent analysis, would determine to be incorrect as a matter of federal law, but not "unreasonably" so. During oral argument on that question, Justices Thomas, Kavanaugh, and Gorsuch, former Solicitor General Clement, and dozens of amici expressed their firm conviction that Article III allows no such thing.[33]

Not surprisingly, therefore, Chief Justice Robert's six-person majority opinion in *Loper* begins with "the responsibility and power" Article III "assigns to the Federal Judiciary" to decide cases and controversies.[34] Citing Federalist No. 37—Madison's explanation of the federal courts' role in "remedy[ing] . . . the vicissitudes and uncertainties which characterize the State administrations"[35]—*Loper* acknowledges the Framers' "appreciat[ion] that the laws judges would necessarily apply in resolving those disputes would not always be clear."[36] But, quoting No. 37 and Alexander Hamilton's paeon in No. 78 to the good "JUDGMENT" of the life-tenured "federal judicature,"[37] *Loper* joins the Framers in insisting that the "final 'interpretation'" even of "'obscure and equivocal'" laws is "'the proper and peculiar province of th[os]e courts.'"[38] Only those courts could be expected to "exercise that judgment independent of influence from the political branches" and to "construe the law with '[c]lear

[27] *Id*. at 2307 (Kagan, J., dissenting); *see id*. ("*Chevron* was cited in more than 18,000 federal-court decisions").
[28] *Id*. at 2254–55.
[29] Brief of Respondent at 39, Relentless, Inc. v. Department of Com., 144 S. Ct. 325 (2024) (mem.) (No. 22-1219) [hereinafter *Relentless* Government's Brief]; Transcript of Oral Argument at 126, *Relentless, Inc. v. Department of Com*., 144 S. Ct. 325 (2024) (mem.) (No. 22-1219) [hereinafter *Relentless* OA Tr.] (S.G Prelogar). The Government also cited mandamus as a precedent while acknowledging that deference in that context is different because it is accorded to an agency to which Congress has delegated law-making authority or to an agent vested with authority by Article II—authority that, when exercised in either case, establishes the supreme national law to which Article-III courts must be subservient. Brief of Respondent at 12–13, 36–37, Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024) (No. 22-451). In the AEDPA context, it is the Constitution itself to which federal courts must be subservient.
[30] *Relentless* OA Tr., *supra* note 29, at 125–26 (Gorsuch, J.).
[31] *See supra* text accompanying notes 12–15 (describing breadth of AEDPA deference).
[32] *See infra* notes 338–386 and accompanying text (cataloguing ways AEDPA deference tolerates more serious violations of federal law than *Chevron* deference did).
[33] *See infra* Part III.B.
[34] *Loper*, 144 S. Ct. at 2257.
[35] THE FEDERALIST No. 37, at 226–27 (Clinton Rossiter ed. 1961).
[36] *Loper*, 144 S. Ct. at 2257 (citing THE FEDERALIST No. 37, at 236 (J. Cooke ed. 1961)).
[37] THE FEDERALIST No. 78, at 464, 469 (Hamilton) (Clinton Rossiter ed. 1961).
[38] *Loper*, 144 S. Ct. at 2257 (quoting The Federalist No. 37, supra note 36, at 236); THE FEDERALIST No. 78, at 525 (J. Cooke ed. 1961)).

heads . . . and honest hearts,' not with an eye to policy preferences that had not made it into the [law]."[39] Next, citing Article III decisions from *Marbury v. Madison* in 1803 to *St. Joseph Stock Yards Co. v. United States* in 1936, the Court notes that "[s]ince the start of our Republic," federal courts "have 'decide[d] questions of law' and 'interpret[ed] constitutional and statutory provisions' by applying their own legal judgment."[40]

The clarity and consistency of this "traditional conception of the judicial function" grounds *Loper*'s actual, statutory holding: when the 1946 Administrative Procedure Act (APA) directed federal courts reviewing agency action to "decide all relevant questions of law," it could and did "'go without saying'" that those courts had to "exercise their *independent judgment* in deciding whether an agency has acted within its statutory authority."[41] Accordingly, "*Chevron* [deference] is overruled."[42] Concurring, Justice Thomas wrote separately "to underscore a more fundamental problem": "Because the judicial power requires judges to exercise their independent judgment, the deference that *Chevron* requires contravenes Article III's mandate."[43] Justice Gorsuch agreed, explaining that "*Chevron* deference" was too fundamentally flawed to deserve *stare decisis* protection because it unconstitutionally "precludes courts from exercising the judicial power vested in them by Article III to say what the law is."[44]

As Justice Stevens noted in his *Williams* opinion declining to treat *Chevron* deference as a precedent for AEDPA deference—and as the *Loper* Justices all acknowledged—*Chevron* actually did not substitute federal-court deference to agency decisions for courts' adherence to the will of the lawgiver (Congress). Instead, *Chevron* deference aimed to *implement* Congress' assumed delegation to agencies of authority to fill gaps in laws they administered, binding courts to treat agencies' reasonable judgments as Congress' own.[45] That is what Justice Stevens meant when he said "[d]eference after the fashion of *Chevron* depends" on a congressional "delegation" to the agency of a lawmaking role. But, as Justice Stevens said, Congress through section 2254(d) "'did not delegate either interpretive or executive power to the state courts'" to make federal law because Congress cannot do so consistently with the Constitution.[46]

Yet *Loper* did not hesitate to overturn a forty-year-old ruling and sideline seventy of its own precedents. It did so as part of an ongoing upheaval in U.S. constitutional law unlike any seen since the Warren Court or, perhaps, the 1930s' "switch in time."[47] Being heaved aside are scores of established—even epochal—rulings like *Chevron* itself. With an assist from the many *Loper* amici propelling this "New Constitutionalism,"[48] new Supreme Court majorities have toppled numerous precedents as

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[39] *Id*. (quoting 1 Works of James Wilson 33 (J. Andrews ed. 1896)).
[40] *Id*. at 2257–59 (quoting Marbury v. Madison, 5 U.S. 137, 177 (1803) ("'[i]t is emphatically the province and duty of the judicial department to say what the law is'"); citing St. Joseph Stock Yards Co. v. United States, 298 U.S. 38 (1936)).
[41] *Id*. at 2261–62 & n.4, 2273 (emphasis added).
[42] *Id*. at 2273 (overruling *Chevron* deference while preserving *Chevron's* "Clean Air Act holding").
[43] *Id*. at 2274 (Thomas, J., concurring).
[44] *Id*. at 2285 (Gorsuch, J., concurring).
[45] *See id*. at 2265 (majority opinion) ("*Chevron* rested on 'a presumption [now rejected] that Congress . . . understood that [statutory] ambiguity would be resolved . . . by the agency, and desired the agency (rather than the courts) to possess whatever degree of discretion the ambiguity allows'" (citation omitted)); *id*. at 2294 (Kagan, J., dissenting) (*Chevron* deference was "rooted in a presumption of legislative intent").
[46] *Williams*, 539 U.S. at 387 n.13 (Stevens, J., concurring) (citations omitted); *see* Northern Pipeline Constr. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 83–84 (1982) (plurality opinion) (Congress may "create presumptions" and "prescribe remedies . . . incidental to [its] power to define the right that *it* has created," but "when the right being adjudicated is not of congressional creation" and arises under the Constitution, such rules are "unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts").
[47] *See* Noah Feldman, *The Court's Conservative Constitutional Revolution*, N.Y. Rev. Books, Oct. 5, 2023 (addressing Supreme Court's recent overruling of longstanding constitutional and allied doctrines).
[48] By New Constitutionalism, we mean an activist movement aiming, *inter alia*, to reduce the power of the federal government and shift economic power and cultural controls into the private sector.

violations of purportedly clear constitutional commands.[49] When the jurisprudential earth moves like this, questions about judges' and the law's integrity and neutrality naturally follow.[50]

With those questions in mind, this article subjects the Court's rapidly developing legal doctrine, represented here by *Loper*, to two tests for its integrity. Looking backwards, the article tests the new law's fit with founding constitutional principles that the new law purports to resurrect. Looking forward, it imagines the new law's neutral application in contexts beyond the one generating its resurgence—contexts in which the *legal* valences are the same but the *political* valences are different. *Loper* applied the resurrected principles to the evils of a purportedly runaway administrative state that the Framers could barely have imagined;[51] this article applies them to the selfsame divisive evils of factious state law and adjudication that the Framers directly experienced under the Articles of Confederation and deliberately designed the Constitution to preclude.

Part I tracks the Framers' insistence on curbing the dangerously disintegrative and oppressive "violence of faction" in the States.[52] It traces the compromises through which James Madison, John Rutledge and their allies erected three essential barriers to faction: state judges bound to preserve the supremacy of the Constitution, anything in state law to the contrary notwithstanding; federal courts with the judicial power to decide cases within their jurisdiction independently and effectually according to the Constitution; and federal-court review of state judges' decisions to assure both the Constitution's supremacy and state judges' obedience to it. Part II documents the nation's two-hundred-plus years of undeviating allegiance to those constitutional compromises. Until 1996. Part III refracts that history through the twin lenses of *Loper*'s dismantling of *Chevron* and AEDPA's reinvention of the disintegrative and oppressive state-borne factionalism the Framers thought they'd cured. Part IV lights a new path forward in directions the New Constitutionalism and the *Loper* result would seem to dictate—factional valences aside. Part V then spotlights the New Constitutionalists' integrity and neutrality as they face up to AEDPA's recrudescent factionalism.

The New Constitutionalist Court interred *Chevron* on behalf of "the immigrant, the veteran" and all others lacking controlling factions' "power to influence" and "capture" agencies—whose "interests are not the sorts of things on which people vote."[53] It did so to end "deference requir[ing] courts to 'place a finger on the scales of justice in favor of the most powerful of litigants"—the "government party."[54] This article challenges the New Constitutionalists likewise to come to the defense of the William Packers and Joshua Frosts[55] against whose liberty and lives AEDPA deference places a finger on the scales of justice. It asks how they can tolerate a regimen that tips the scales, often irreversibly, in favor of the very

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[49] *See Loper*, 144 S. Ct. at 2308, 2311 (Kagan, J., dissenting) (citing recent Court decisions using an "overruling-through-enfeeblement technique [that 'mock[s]] stare decisis,'"; "just my own . . . dissents to this Court's reversals of settled law . . . by now fill a small volume").

[50] *See, e.g.*, Feldman, *supra* note 47 (describing distortions in constitutional doctrine created by "know[ing] what decisions to reverse but often lack[ing] a clear sense of what legal regime should replace them"); Herbert Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 HARV. L. REV. 1 (1959) (criticizing constitutional doctrine driven by political considerations that cannot be applied neutrally without regard to who the litigants are).

[51] *See Loper*, 144 S. Ct. at 2289, 2293 (Gorsuch, J., concurring) (*Chevron* was "a counter-*Marbury* revolution" since "masquerading as the status quo").

[52] THE FEDERALIST No. 10, *supra* note 5, at 77.

[53] *Relentless* OA Tr., *supra* note 29, at 132–33 (Gorsuch, J.).

[54] *Id*.; Brief Amicus of New Civil Liberties Alliance as Amicus Curiae in Support of Petitioners at 12, Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024) (No. 22-451) [hereinafter NCLA Brief, *Loper*].

[55] *See infra* Part V (impact on Packer and Frost of claimed state-court constitutional violations left unaddressed by AEDPA deference).

government parties whose oppressive influence the Framers designed federal courts' judicial power and the Constitution's supremacy to restrain.

I. The Framers' Gamble: Fighting Faction Through State Judges' Fealty to Supreme Law and Federal Judicial Power to Enforce it

A. Convention and Compromise

When the Framers convened in May 1787 to make a nation out of thirteen loosely confederated states and draft a constitution to replace the confederation's articles, they had one driving objective: to build—*e pluribus unum*—a "well-constructed Union" strong enough to overcome the dangerously "factious" and "oppressive" forces operating in the States that threatened to destroy the hard-earned unity and liberty that independence from Great Britain had momentarily allowed.[56] "Among the numerous advantages of a well-constructed Union," James Madison wrote in Federalist No. 10, "none deserves to be more accurately developed than its tendency to break and control the violence of faction"—the "dangerous vice" and "mortal diseases under which popular governments have everywhere perished."[57] The confederated states had not

> effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.[58]

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[56] THE FEDERALIST No. 10, *supra* note 55, at 77–78; 1 Farrand, *supra* note 6, at 134 (Madison) (identifying state "faction and oppression" and resulting "[i]nterferences" with "the security of private rights, and the steady dispensation of Justice" as "evils which more perhaps than anything else produced this convention"); *see id*. at 167 (Wilson) ("To correct [Articles of Confederation's] vices is the business of this convention [including] the want of an effectual controul in the whole over its parts. . . . [L]eave the whole at the mercy of each part, and will not the general interest be continually sacrificed to local interests?); *id.* (John Dickinson) (as between States' "danger of being injured by the power of the Natl. Govt. or the latter to the danger of being injured by" the States, "the danger [is] greater from the States" which generate a "spring of discord"); 2 Farrand, *supra* note 6, at 288 (John Mercer) ("What led to the appointment of this Convention? The corruption & mutability of the Legislative Councils of the States."); James Madison, Vices of the Political System of the United States (Apr. 1787), in 9 THE PAPERS OF JAMES MADISON 9 APR. 1786–24 MAY 1787, at 348, 353–58 (Robert A. Rutland et al. eds., 1975) [hereinafter MADISON PAPERS]; *see also Patchak v. Zinke*, 583 U.S. 244, 266–67 (2018) (Roberts, C.J. dissenting) ("The Framers' decision to establish a judiciary 'truly distinct from both the legislature and the executive' was born of their experience with [state] legislatures 'extending the sphere of [their] activity and drawing all power into [their] impetuous vortex,'" including by pressuring local courts to "'grant exemptions from standing law'" (quoting THE FEDERALIST No. 78, *supra* note 37, at 466 ; THE FEDERALIST No. 48, at 309 (Madison) (Clinton Rossiter ed. 1961)); LANCE BANNING, THE SACRED FIRE OF LIBERTY: JAMES MADISON AND THE FOUNDING OF THE FEDERAL REPUBLIC 76–107 (1995) (Convenors' "alarm about abuses in the states"); JACK N. RAKOVE, JAMES MADISON AND THE CREATION OF THE AMERICAN REPUBLIC 44–52 (1990) (Madison's "deep concern with the process by which [state] laws were enacted, enforced, and obeyed and with the "vicious character of state government" and his "overriding conviction that factious majorities with the state posed the greatest danger to liberty"); GORDON WOOD, THE CREATION OF THE AMERICAN REPUBLIC, 1776–1787, at 467, 502 (1998) ("'[E]vils operating in the States' . . . led to the overhauling of the federal government in 1787," to "'secure the public good and private rights against the danger of faction'" and control of state government by "'an interested and overbearing majority").

[57] THE FEDERALIST No. 10, *supra* note 5, at 77.

[58] *Id.*; *see* THE FEDERALIST No. 46, at 296 (Madison) (Clinton Rossiter ed. 1961) ("Every one knows that a great proportion of the errors committed by the State legislatures proceeds from the disposition of the members to sacrifice the comprehensive and permanent interest . . . to the particular and separate views" of local factions and from "not sufficiently enlarg[ing] their policy to embrace the collective welfare").

Chiefly responsible for nurturing this "mortal disease" was *state law* and its administration[59]—"irregular and mutable legislation";[60] "state officers' practice of treating their own governments as distinct from not parts of the[ ] General System" by "giv[ing] a preference to the State Govts";[61] "Courts of the States [that] cannot be trusted with the administration of the National laws [and] often place the General & local policy at variance";[62] and "improper Verdicts in State tribunals obtained under the biassed directions of a dependent Judge, or the local prejudices of an undirected jury."[63] As such, the new constitution's "great pervading principle" must be "to controul the centrifugal tendency of the States" to apply their laws to "infringe the rights & interests of each other[,] oppress the weaker party within their respective jurisdictions," and "continually fly out of their proper orbits and destroy the order & harmony of the political system."[64]

The new Constitution's remedy for these dreadful maladies, Madison famously wrote in No. 10, was *national* law drafted by representatives of and encompassing a "sphere" more "extend[ed]" than any of the thirteen states through which

> you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.[65]

Only through national law would "the Union . . . consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest" and benefit from "the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority."[66]

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[59] *See* 1 Farrand, *supra* note 6, at 134 (Madison) (decrying "abuses of [liberty] practiced in (some of) the States" and their "interferences" with "the steady dispensation of justice"); *id*. at 319 (Madison) (listing "dreadful class of evils" precipitating the Convention: the "multiplicity," "mutability," and "injustice" of "laws passed by the several States").

[60] THE FEDERALIST No. 37, *supra* note 35, at 226–27 ("An irregular and mutable legislation is not more an evil in itself than it is odious to the people" who "will never be satisfied till some remedy be applied to the vicissitudes and uncertainties which characterize the State administrations."). As Madison wrote Thomas Jefferson after the Convention:

> The mutability of the laws of the States [and] injustice of them has been so frequent and so flagrant as to alarm the most stedfast friends of Republicanism. . . . [T]he evils issuing from these sources contributed more to that uneasiness which produced the Convention, and prepared the public mind for a general reform, than those which accrued to our national character and interest from the inadequacy of the Confederation to its immediate objects.

Letter from James Madison to Thomas Jefferson (Oct. 24, 1787), in 10 MADISON PAPERS, *supra* note 56, at 206, 212.

[61] 2 Farrand, *supra* note 6, at 88 (Elbridge Gerry, one of Convention's fiercest states' righters).

[62] 2 *id.* at 46 (Edmund Randolph); *see* 1 *id.* at 203 (Randolph) ("[U]nless [state judiciaries] be brought under some tie <to> the Natl. system, they will always lean too much to the State systems, whenever a contest arises between the two."); 2 *id.* at 27–28 (Madison) ("Confidence can <not> be put in the State Tribunals as guardians of the National authority and interests [because they] are more or less dependt. on the Legislatures."); *id*. at 28 (Madison) ("In R. Island the Judges who refused to execute an unconstitutional law were displaced, and others substituted, by the Legislature who would be willing instruments of the wicked & arbitrary plans of their masters").

[63] 1 *id.* at 124 (Madison); *see* 2 *id.* at 391 (Wilson) (need for effective way to control factious state law, because "the firmness of [state] Judges is not of itself sufficient").

[64] 1 *id.* at 164–65, 168 (Madison); *id.* at 315–19 (Madison) ("object of a proper plan" was "1. to preserve the Union. 2. to provide a Governmt that will remedy the evils felt by the States[;]" "prevent those violations of the law of nations & of Treaties[,] . . . encroachments on the federal authority[, and] . . . trespasses of the States on each other[;]" and "secure a good internal legislation & administration to the particular States"); *see id.* at 207 (Randolph) (success of "supreme national government" requires constitutional "sinews" constraining state judges applying federal law); Letter from James Madison to Thomas Jefferson (Mar. 19, 1787), in 9 MADISON PAPERS, *supra* note 56, at 317–18 (describing Virginia Plan for new constitution preventing state legislatures from "thwarting and molesting . . . other [states], and even from oppressing the minority within themselves by . . . unrighteous measures which favor the interest of the majority").

[65] THE FEDERALIST No. 10, *supra* note 5, at 83.

[66] *Id.* at 84; *see* THE FEDERALIST No. 46, *supra* note 58, at 294–95 (advancing extended-republic principle). Quelled by the extended sphere's effectually implemented law, the

But as comprehending and public-minded as the extended republic's law might be, it had to be enforced. "No man of sense," Alexander Hamilton wrote in Federalist No. 80 "will believe that such [national legal] prohibitions" of the evils of faction "would be scrupulously regarded without some effectual power in the government to restrain or correct the infractions of them."[67] "This power," he added, "must either be a direct negative on the State laws or an authority in the federal courts to overrule such as might be in manifest contravention of the articles of Union."[68]

Madison, Hamilton, and allies[69] entered the Convention believing that enforcing national legal constraints on the factious tendencies of state government required multiple new structures.[70] Among these were a national legislative veto of state law inimical to "the articles of the Union" and the national interest;[71] a council of revision to backstop that power lest Congress itself become captive of the States;[72] authorization "to call forth the force of the Union agst. any member of the Union failing to fulfill its duty under the articles thereof";[73] state judges' oath of allegiance to federal law;[74] and a national judiciary composed of "inferior tribunals" and "one or more supreme tribunals."[75] Members of the national judiciary would have assurances of life tenure during good behavior and an undiminishable salary.[76]

> influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for . . . an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it, in the same proportion as such a malady is more likely to taint a particular county or district than an entire State.

THE FEDERALIST No. 10, *supra* note 5, at 84.

[67] THE FEDERALIST No. 80, at 475–76 (Clinton Rossiter ed. 1961).

[68] *Id.* at 476.

[69] Madison's allies included, Nathaniel Gorham, Alexander Hamilton, John Langdon, Gouverner Morris, Charles Pinckney, Edmund Randolph, and James Wilson. *See* James S. Liebman & William F. Ryan, *Some Effectual Power: The Quantity and Quality of Decisionmaking Required of Article-III Courts*, 98 COLUM. L. REV. 696, 711 n.68 (1998). For illustrative debates between Madison and Rutledge and their allies, see 1 Farrand, *supra* note 6, at 125, 138–40, 167–68, 203; 2 Farrand, *supra* note 6, at 45–46, 390–91.

[70] Madison and Virginia allies included all these structures in their Virginia Plan. 1 Farrand, *supra* note 6, at 20–22. Discussions and amendments of that Plan dominated the Convention's first months. *See* Liebman & Ryan, *supra* note 69, at 712–33 (Virginia Plan debates, May–July 1787).

[71] *Id.* at 21; *see id.* at 47, 54 (expanding veto to include state laws inimical to U.S. treaties). Madison and others believed the veto was the Plan's most important feature. *See id.* at 20–22, 27–28, 164–65 (Madison) ("the negative on the laws of the States is essential to the efficacy & security of the Genl. Govt."); *id.* at 164 (Pinckney) (veto is "indispensably necessary," "the corner stone of an efficient national Govt.").

[72] 1 *id.* at 21 (proposing council of "great ministerial officers" of the federal executive and federal judges with power to veto national legislative enactments and decisions whether to negative state legislation, this veto being subject to supermajority override). The Convenors quickly removed federal judges, it being "quite foreign from the nature of [the judicial] office for judges to decide or advise on the policy of public measures." *Id.* at 94, 97–98, 139 (Gerry, Rufus King).

[73] 1 *id.* at 21 (authorizing national legislature "to call forth the force of the Union agst. any member of the Union failing to fulfill its duty under the articles thereof"). Madison quickly moved to table this provision, *id.* at 54, and his allies, Hamilton and Randolph, later criticized the reappearance of "coertion of arms" in the competing New Jersey Plan (*id.* at 245), saying it invited "war between" the national government and the states and contrasting the "coertion of laws," which would knit the union together. *Id.* at 284–85.

[74] *Id.* at 22.

[75] *Id.* (granting inferior and supreme federal tribunals power to "*hear & determine*" all (whole) federal-question "cases"); *see* 2 *id.* at 46 (Nathaniel Gorman) ("Inferior tribunals are essential to render the authority of the Nat. Legislature effectual."); *id.* (George Mason, states righter) ("many circumstances might arise not now to be foreseen, which might render [inferior courts] absolutely necessary"); *id.* (Gouverneur Morris, Randolph); *id.* at 124 (Madison) (advocating "inferior tribunals" with original jurisdiction in "many cases").

[76] 1 *id.* at 21–22; 2 *id.* at 46; *see* Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2284 (2024) (Gorsuch, J., concurring) ("[T]he framers made a considered judgment to build judicial independence [citing "life tenure" and "salary" protections] into the Constitution's design . . . to ensure . . . [that] impartial judges, not those currently wielding power in the political branches, would 'say what the law is'"); Stern v. Marshall, 564 U.S. 462, 484 (2011) ("By appointing judges to serve without term limits, and

Inferior tribunals would have mandatory jurisdiction "to hear & determine in the first instance," and the supreme tribunal(s) would have mandatory jurisdiction "to hear and determine in the dernier [appellate] resort, all . . . questions which may involve the national peace and harmony."[77]

In response, other Convenors led by John Rutledge[78] opposed each of those devices, proposing instead to rest the entire burden of protecting national unity and individual liberty against the ravages of faction on *state* judges beholden only to oaths to obey *state* law and exercising original jurisdiction over all cases affecting the "national peace and harmony," including federal criminal cases, with review by a single supreme tribunal limited to the "construction" of federal law—as opposed to hearing and determining the whole "Cause."[79]

Through a series of carefully crafted compromises,[80] the Convenors rested the new nation's capacity to protect itself against factious state forces on *both* "the judges in every state" *and* "one supreme Court, and . . . such inferior Courts as the Congress may from time to time ordain and establish." First, Madison and his allies relinquished their insistence on placing the full quantity of federal-question jurisdiction in "a National Judiciary" consisting of "inferior tribunals" with original jurisdiction and "one or more supreme tribunals" with appellate jurisdiction.[81] Instead, in a unanimously adopted substitute for those provisions, Madison and Edmund Randolph redefined its list of cases and controversies from a floor-*and*-

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restricting the ability of the other branches to remove judges or diminish their salaries, the Framers sought to ensure that each judicial decision would be rendered [independently]"). Protections of federal judges' independence went "unchallenged throughout the Convention." Liebman & Ryan, *supra* note 69, at 713 & n.74.

[77] 1 Farrand, *supra* note 6, at 21–22.

[78] Rutledge's allies included Pierce Butler, Luther Martin, Elbridge Gerry, Rufus King, George Mason, Roger Sherman, and Hugh Williamson. *See* sources cited *supra* note 69 (Constitutional Convention alliances).

[79] *Overall*: 1 *id.* at 125 (Butler) (predicting popular revolt at various encroachments on States); *id.* at 228–32, 235–37, 243–44 (Paterson) (proposing New Jersey Plan omitting Virginia Plan's national veto, counsel of revision, and state judges' oath; assigning all original federal-question jurisdiction, including all federal cases involving "punishments, fines, forfeitures & penalties" to "Common law Judiciarys of the State" with appeal to single "supreme Tribunal" with power to "*hear and determine*" maritime and ambassadorial cases but with power in federal-question cases limited to "*construction*" of federal law). *National veto*: 1 *id.* at 165, 167–68 (Bedford, Gerry, King, Williamson) (criticizing veto for "enslav[ing]" and "cutting off all hope of equal justice to the distant States" and destabilizing state law); 2 *id.* at 27 (Sherman) (opposing veto because state courts would reliably void state laws "contravening the Authority of the Union."); *id.* at 390–91 (Sherman, Mason, Morris, Rutledge, Williamson) (opposing veto). *State judges' oath*: 1 *id.* at 203 (Martin) ("improper" to require state judges to swear loyalty to national law in conflict with their oaths to uphold state law); *id.* at 203, 207 (Gerry, Sherman, Williamson) (opposing oath requirement for state judges, which would generate "divided loyalties and "intrud[e] into the State jurisdictions"); Luther Martin, *Reply to the Landholder*, MARYLAND J., March 19, 1788, reprinted in 3 Farrand, *supra* note 6, at 287 (arguing that state constitutions should trump contrary federal law). *Inferior federal courts*: 1 Farrand, *supra* note 6, at 87, 119, 124–25 (Rutledge) (speaking "against establishing any national tribunal except a single supreme one" because "State tribunals <are most proper> to decide all cases in the first instance;" moving to omit "inferior tribunals" from Virigina Plan with " State Tribunals . . . left in all cases to decide in the first instance," with "right of appeal to the supreme national tribunal being sufficient to secure the national rights & uniformity of Judgmts" and avoiding "unnecessary encroachment on the jurisdiction <of the States>."); 2 *id.* at 45–46 (Martin; also Butler) (opposing inferior federal courts, which "will create jealousies & oppositions in the State tribunals, with the jurisdiction of which they will interfere"). Scholarly treatments often base faulty conclusions only on statements revealing how Madison and allies, *left alone*, would have designed the Constitution,(for example, Robert N. Clinton, *A Mandatory View of Federal Court Jurisdiction: A Guided Quest for the Original Understanding of Article III*, 132 U. PA. L. REV. 741, 844–55 (1984)), or on how Rutledge *left alone* would have designed it (for example, Kent S. Scheidegger, *Habeas Corpus, Relitigation, and the Legislative Power*, 98 COLUM. L. REV. 888 (1998)).

[80] *See* Appendix A (cataloguing these compromises). The Framers were committed textualists. They carefully considered, tested, rejected, and replaced words "to develop a coherent and shared understanding of the functions of the [judiciary and Supremacy Clauses and] draft language that plainly and precisely expressed that understanding." Liebman & Ryan, *supra* note 76, at 708.

[81] 1 Farrand, *supra* note 6, at 21–22.

ceiling designation of what the national judiciary's jurisdiction "shall be"[82] to a ceiling-only designation of what the judiciary's jurisdiction "shall extend to," letting Congress define the floor.[83]

Next, a compromise "Committee of Detail" proposal jointly drafted by Rutledge and Madison-ally James Wilson more explicitly empowered Congress to decide how much "arising under" jurisdiction to leave to state courts as an original matter and how much original or appellate jurisdiction over such cases to confer on federal courts.[84] Crucially, however, the provisions that became the compromise document's Supremacy Clause (Article VI) and Judiciary Clause (Article III) carefully prescribed the responsibilities and powers of state and federal judges in the exercise of that jurisdiction. Wilson and Rutledge's supremacy clause "bound" "the judges in every state" to swear oaths of allegiance to the Constitution and to treat the nation's "Acts" and "Treaties" (but not yet its "Constitution") as the "supreme Law of the several States, and of their Citizens and Inhabitants."[85] In what became Article III, the compromise replaced the mandated *quantity* of federal-court jurisdiction with mandated *qualities* of the status and authority—what Wilson and Rutledge called "the judicial Power"—that federal judges deciding all "cases" "arising under Laws passed by the Legislature of the United States" were to have. Among other things to be clarified later, "the judicial Power" entailed that federal judges "*shall* hold their offices during good behaviour" and "at stated times, receive . . . compensation which shall not be . . . diminished."[86]

From August 23 to 29, 1787, Madison and Rutledge orchestrated another set of compromises that clarified the reach and content of "the Judicial power":

- modifying what it was that the specified heads of jurisdiction "shall extend to" from "The *Jurisdiction* of the *Supreme Court*" to the "*judicial Power*" of "*one Supreme Court*" and "such *inferior Courts*" as Congress may create;[87]

- expanding the definition of what "shall be supreme law of the several States" (which the Committee of Style changed to the "supreme Law of the Land"[88]) by which state judges shall be "bound" from national "Laws" and "treaties" to "[t]his Constitution, the laws of the United States and treaties made or which shall be made";[89]

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[82] *Id.*
[83] *Id.* at 223–24, 232, 238; *see* 2 *id.* at 186 (revised as "The jurisdiction of the *Supreme Court* shall extend to"); *see* THE FEDERALIST No. 81, at 490 (Hamilton) (Clinton Rossiter ed. 1961) (Article-III power to declare exceptions "enable[s] the government to modify [federal jurisdiction] in such a manner as will best answer the ends of public justice and security."); Martin v. Hunter's Lessee, 14 U.S. 304, 374 (1816) (Johnson, J., concurring) ("The words are, 'shall extend to;' now that which extends to, does not necessarily include in, so that the circle may enlarge, until it reaches the objects that limit it, and yet not take them in."); *see also* 1 SAMUEL JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE 696 (Librairie du Liban ed. 1978) (4th ed. 1773)) ("extend" "derives from the Latin 'extendere,' meaning 'to stretch [tendere] out [ex].").
[84] 2 Farrand, *supra* note 6, at 172–73. Court opinions treating Congress' power over state-court jurisdiction as either plenary or subject only to an "essential functions" requirement barring exceptions from swallowing the rule of Supreme Court appellate jurisdiction over state-court federal-question decisions include Felker v. Turpin, 518 U.S. 651, 667 n.2 (1996) (Souter, J., concurring); Ankenbrandt v. Richards, 504 U.S. 689, 697–98 (1992); Lockerty v. Phillips, 319 U.S. 182, 187 (1943); Sheldon v. Sill, 49 U.S. (8 How.) 441, 449 (1850).
[85] 2 Farrand, *supra* note 6, at 169, 174; *see* U.S. CONST., art. VI, cl. 2 (Supremacy Clause as ultimately adopted, making "[t]his Constitution, and the laws of the United States . . . and all treaties . . . the supreme law of the land"); Printz v. United States, 521 U.S. 898, 907 (1997) Supremacy Clause "obligat[es] state *judges* to enforce federal prescriptions, insofar as those prescriptions relate[] to matters appropriate for the judicial power").
[86] *See* 1 Farrand, *supra* note 6, at 116, 121, 243–44; 2 *id.* at 27–28, 37–38, 41–45, 172–73, 186, 575–76; 3 *id*. at 600; *see id.* 423, 428–29 (opposing executive removal of federal judges on application by Congress).
[87] 2 *id.* at 425, 431–32 (emphasis added).
[88] *Id.* at 603 (making this change and combining state-oath requirement and Supremacy Clause in Article VI).
[89] *Id.* at 381–82, 389, 409, 417.

- revising the "arising under" jurisdiction Congress could confer on the federal judiciary—"*conformably*" to the changes made a few days earlier to the Supremacy Clause—from "Cases arising under Laws passed by the Legislature of the United States" to cases "cases *both in law and equity* arising under this *constitution*, the laws of the United States and treaties made or which shall be made";[90]

- clarifying that the federal judiciary's "appellate" power operates "both as to law *and fact*";[91] and

- removing language appearing to give Congress power to specify "the *manner [in] which and the limitations under which*" inferior courts exercised jurisdiction Congress gave them,[92] then rejecting this sentence proposing to restore that power and extend it to the Supreme Court: "In all the other cases before mentioned [*i.e.*, all cases not involving ambassadors] the judicial power *shall* be exercised in *such manner as the Legislature shall direct*."[93]

Confirming the last-mentioned change, the Convenors assured inferior as well as the supreme tribunals the "judicial power" effectually and independently to decide the "case" and nothing but the case free from outside control of the *manner* of doing so—

- rejecting a proposal to replace the Virginia Plan's empowerment of the national judiciary to "hear & determine" "cases" arising under federal law[94] with a power only as to the "construction" of federal law;[95]

- considering but ultimately removing language empowering Congress (as it had done under the Articles of Confederation) to "appoint" state courts to serve as original tribunals in "arising under" cases, because of the Convenors' firm commitment to life tenure and undiminishable salary protections not afforded state judges,[96] thus establishing the entire federal judiciary's "structural equality"—same judicial power, tenure, and salary protections—and "structural superiority"[97] to

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[90] *Id.* at 422–25, 428–31 (emphasis added). Until these changes, the Convenors variously defined federal "arising under" jurisdiction and "supreme law" as only federal "Treaties," only federal "laws," or both but not the federal Constitution. *See* 1 Farrand, *supra* note 6, at 21, 243–45; 2 *id.* at 39, 136, 146–47, 169, 172–73.
[91] *Id.* at 424, 431.
[92] *Id.* at 172–73 (emphasis added).
[93] *Id.* at 425, 431–32 (emphasis added). At the time, as today, "manner" meant the substantive "method" or "way of performing or executing" the specified task, or a "[c]ertain" "[s]ort," "kind," or "degree or measure of" specified behavior. 1 Johnson, *supra* note 83 (under "manner"); 2 NOAH WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (under "manner") (Johnson Reprint Corp. ed. 1970) (1828). The defeated proposal would have given "Congress plenary authority not only over jurisdiction, but over the judicial power," including "to dictate . . . how [federal courts] should decide . . . cases." Julian Velasco, *Congressional Control over Federal Court Jurisdiction: A Defense of the Traditional View*, 46 CATH. U. L. REV. 671, 733 (1997). The late August changes left intact Congress' power to make "exceptions" and "regulations" to Supreme Court appellate jurisdiction—the former confirming Congress' power over the Court's jurisdiction, the latter enabling Congress to "organize" (2 Farrand, *supra* note 6, at 146–47 (Rutledge and Randolph)) state-court original and federal appellate jurisdiction into a "single integrated court system" through rules governing "movement of records, judgments, and orders of enforcement between sovereigns." Liebman & Ryan, *supra* note 76, at 738 & n.208, 742–43 & n.223, 756 & nn.274–77; *see* Wiscart v. D'Auchy, 3 U.S. (3 Dall.) 321, 326–27 (1796) (Ellsworth, C.J. for Court and Wilson, J., dissenting) (both acknowledging Congress' power to "regulate" what trial-court evidentiary records federal courts would receive).
[94] 1 Farrand, *supra* note 6, at 21–22. Except in the rejected New Jersey Plan, the Virginia Plan's definition of the judiciary's power to decide whole "cases" and "controversies" persisted throughout the Convention, including *id.* at 124, 223–24, 230–32, 237–38; 2 *id.* at 39, 146–47, 172–73, 423, 425, 427, 430, 432.
[95] 1 *id.* at 243–44, 313, 322; *see supra* note 79 (rejected New Jersey Plan).
[96] 1 Farrand, *supra* note 6, at 118, 124–25, 230–31, 237; 2 *id.* at 45–46, 146–47, 163; *see* Annals of Cong. 844 (Joseph Gales ed. 1789) (Madison) (opposing congressional proposal to "appoint" state courts as federal ones as violating Article III's tenure and salary protections); Liebman & Ryan, *supra* note 76, at 717 & n.99–100, 735–36 & nn.198–99.
[97] Akhil Reed Amar, *A Neo-Federalist View of Article I: Separating the Two Tiers of Federal Jurisdiction*, 65 B.U. L. REV. 205, 235–39 & n.115 (1985); *see* Brian Fitzpatrick, *The Constitutionality of Federal Jurisdiction-Stripping Legislation and the History*

"dependent" state judges[98] who "hold their offices by a temporary commission . . . fatal to their necessary independence,"[99] and "cannot be trusted with the administration of the National laws" when it is "at variance" with "local policy";[100]

- confirming Congress' power to make "exceptions" to the Supreme Court's presumptive responsibility for appellate federal-question jurisdiction over state courts by assigning any part of it to lower federal courts;[101]

- rejecting multiple proposals requiring or allowing federal judges to issue or offer advisory opinions, either in the process of adjudication or in other roles in which their counsel might be sought,[102] fearing that an "improper mixture" of judicial and advisory functions would bias and corrupt the judges and undermine the responsible exercise of the duties of any executive officers they advised;[103] and insisting that judges' "right of expounding the Constitution" be limited to deciding "Judiciary cases."[104]

B. The Framers' Gamble

The Framers' compromises bound state judges to the Constitution, laws, and treaties of the United States; enabled the establishment of federal-court jurisdiction over cases arising under that same supreme law; and mandatorily extended the judicial power to such cases. Those decisions allocated the principal burden of "effectually obviat[ing]" the "vices" of "interested and overbearing" factions in the States[105] to a single, crucial category of cases—federal-question cases originating in state courts subject to "federal judicial oversight and control."[106] As Madison wrote to George Washington before the Convention, giving exclusive jurisdiction "to expound & apply the laws" to state judges "connected by their interests . . . with the particular States" would have prevented "the law of the Union" from restricting local factionalism.[107] Convenors across the spectrum acknowledged that, in such cases, full "[c]onfidence could not be put in

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of State Judicial Selection and Tenure, 98 VA. L. REV. 839, 850–82 & n.98 (2012) (citing sources; demonstrating how "gap between the independence of state and federal judges has grown since the Founding").

[98] 1 Farrand, *supra* note 6, at 124 (Madison).

[99] THE FEDERALIST No. 78, *supra* note 37, at 471.

[100] 2 Farrand, *supra* note 6, at 46 (Randolph); *see* THE FEDERALIST No. 44, at 286 (Madison) (Clinton Rossiter ed. 1961) (lamenting state governments' lack of an independent "body between the State legislatures and the people interested in watching the conduct of the former," which allow "violations of the State constitutions. . . to remain unnoticed and unredressed"); THE FEDERALIST No. 51, at 324 (Madison) (Clinton Rossiter ed. 1961) (describing "independence of some member of the government" as the "only [available] security" against "oppressive combinations of a majority" in the "States"); Plaut v. Spendthrift Farm, Inc., 514 U.S. 211, 221 (1995) (recognizing federal judges' structural independence as a central attribute of the judicial power).

[101] 1 Farrand, *supra* note 6, at 21–22, 238 (Madison-Randolph substitute for Virginia Plan; removing inferior tribunals' limitation to first-instance jurisdiction); 2 *id.* at 172–72 (Wilson-Rutledge draft, confirming Congress' power to make "exceptions" to Supreme Court's "appellate" jurisdiction and "assign any part of" it to lower federal courts); Mayor v. Cooper, 73 U.S. 247, 251–52 (1868) ("How jurisdiction shall be acquired by the inferior courts, whether it shall be original or appellate, or original in part and appellate in part, . . . are remitted without check or limitation to the wisdom of [Congress]. . .. Every variety and form of appellate jurisdiction within the sphere of the power . . . is permitted.").

[102] 1 Farrand, *supra* note 6, at 21, 94, 97–98, 131, 139, 2 *id.* at 335–36, 342–43, 367, 423, 430; *see, e.g.*, *id.* at 334, 341 (rejecting proposal that "[e]ach Branch of the Legislature, as well as the supreme Executive shall have authority to require the opinions of the supreme Judicial Court upon important questions of law").

[103] 1 *id.* at 138–40 (Dickinson, Gerry, King).

[104] 2 *id.* at 423, 430 (Madison; others).

[105] THE FEDERALIST No. 10, *supra* note 5 at 77.

[106] *James E. Pfander, Federal Supremacy, State Court Inferiority, and the Constitutionality of Jurisdiction-Stripping Legislation*, 101 NW. U.L. REV. 191 (2007).

[107] Letter from James Madison to George Washington (Apr. 16, 1787), in 9 MADISON PAPERS, *supra* note 56, at 382–84.

the State Tribunals as guardians of the National authority and interests" (Madison).[108] There was, accordingly, unanimous agreement regarding a "right of appeal" of at least some federal-question cases from state courts "to [a] national tribunal . . . to secure the national rights & uniformity of Judgmts" (Rutledge).[109] On that point there was no compromise. What Madison and allies acceded to was Rutledge's and allies' "wish and hope" that Congress could permit "all questions arising on treaties and on the laws of the general government" to be "determined in the first instance in the courts of the respective states."[110] What Rutledge and allies acceded to in return was Madison's and allies' firm belief that "*[i]nferior* tribunals are essential to render the authority of the Nat. Legislature effectual,"[111] both to keep appeals from "improper Verdicts in State tribunals" from inundating the Supreme Court "to a most oppressive degree" and to provide remedies for those "distant from the seat of the Court" and "unable to support an appeal agst. a State to the supreme Judiciary."[112]

The Framers designed their "well-constructed Union" to "break and control the violence of faction" propelled through state law and its administration by requiring Article-III courts, when reviewing state judges' federal-question decisions, "effectually" to maintain the Constitution's supremacy.[113] In doing so, Madison and allies surrendered more direct protections like the national veto in favor of judicial mechanisms that they left in Congress' hands from the standpoint of jurisdictional quantity but not quality or "*judicial power*." Madison and allies knew this compromise risked leaving the union and its people without a cure for the mortal disease of "interested and overbearing" state factionalism.[114] They took the risk, based on a quantitative prediction and a qualitative constitutional certainty. They predicted that Congress' ambition to hold the new nation together and protect its people's liberty would lead it to establish a sufficient number of inferior federal courts with sufficiently broad jurisdiction over cases originating with state judges and arising under federal law to hold state judges to their Article-VI oaths and supreme-law-of-the-land commitment.[115] The certainty was that, once Congress established those courts and gave them "arising under" jurisdiction, Article III guaranteed the *power* of their decisions independently and "effectually" to enforce national law and hold state judges to it.

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[108] 2 Farrand, *supra* note 6, at 27–28 (Madison).

[109] 1 *id.* at 124 (Rutledge); *accord id.* at 98 (King); *id.* at 125 (Sherman); *see id.* at 136 (Pinckney Plan allowing "Appeals" to "federal judicial Court" from "Courts of the several States in all Causes wherein questions shall arise on the Construction of" federal treaties and acts); *id.* at 243–44 (New Jersey Plan allowing "correction of all errors, both in law & fact" in federal criminal cases on "appeal" from "Judiciary in [each] State" to "Judiciary of the U. States"); 2 *id.* at 67 (Gorham); Paul M. Bator, *Congressional Power over the Jurisdiction of the Federal Courts*, 27 VILL. L. REV. 1030, 1038–39 (1982) ("It was plainly not contemplated" by either group of Convenors "that the system could work effectively with the state courts as courts of last resort on issues of federal law"; Convenors agreed that federal "appellate jurisdiction" was necessary to "provide sufficient assurance of the supremacy and uniformity of federal law in cases decided by the state courts").

[110] 3 Farrand, at 286–87 (Martin); *accord* 2 *id.* at 22 (Martin); *id.* at 28–29 (Martin).

[111] 2 *id.* at 46 (Nathaniel Gorham); *accord id.* (Morris).

[112] 1 *id.* at124 (Madison); Letter from James Madison to Thomas Jefferson, in 10 MADISON PAPERS, *supra* note 56, at 211.

[113] THE FEDERALIST No. 10, *supra* note 5, at 77.

[114] *See* THE FEDERALIST No. 46, *supra* note 58, at 296–98 (noting "great proportion of the errors committed by the State legislatures" and States' power through Congress to defeat unwanted federal "encroachment" and doubting that States and their judges "will make the aggregate prosperity of the Union, and the dignity and respectability of its government, the objects of their affections and consultations"); THE FEDERALIST No. 78, *supra* note 37, at 470 (Constitution "operates as a check" of "vast importance" on unjust state laws only if oppressive state majorities "perceiv[e] that obstacles to the success of an iniquitous intention are to be expected" as a result of ongoing federal judicial oversight).

[115] "[G]overnment cannot be run without the use of courts for the enforcement of coercive sanctions and within large areas it will be thought that federal tribunals are essential to administer federal law. . . . [W]ithdrawal of such jurisdiction would impinge adversely on so many varied interests that its durability can be assumed." Herbert Wechsler, *The Courts and the Constitution*, 65 COLUM. L. REV. 1001, 1006 (1965); *see* THE FEDERALIST No. 82, at 494 (Hamilton) (Clinton Rossiter ed. 1961) ("weighty public reasons" why Congress would establish "courts of the Union" where federal question and other nationally important cases "could receive their original or final determination").

C. The *Federalist Papers*

The *Federalist Papers*—"usually regarded as indicative of the original understanding of the ratifiers of the Constitution"[116]—mirror the Convenors' concern with the "pestilential influence of party animosities" on state law,[117] the inability of state judges by themselves to restrain it, and the essential role of federal courts and their judicial power to remedy it by keeping the Constitution supreme and holding state judges to it. In Federalist No. 22, Hamilton linked and justified Article III and the Supremacy Clause as bulwarks against the "much" there was "to fear from the bias of local views and prejudices and from the interference of local regulations."[118] Leaving matters to state judges alone would fail because the "inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can . . . not be expected from judges who hold their offices by a temporary commission."[119] "[P]rovisions of the particular laws" then "might be preferred to those of the general laws" and decisions might be driven by "the deference with which men in office naturally look up to that authority to which they owe their official existence."[120] These realities created "a correspondent necessity for leaving the door of [federal] appeal as wide as possible."[121]

In "controversies relating to the boundary between the two [state and federal] jurisdictions," Madison added, the Constitution assigned the obligation "ultimately to decide" to courts "established under the general government." That was where "decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality."[122] Neither Congress nor or any other body lacking the "complete independence" afforded by Article-III judges' tenure and salary protections, Hamilton wrote, could interfere with federal judges' interpretive power.[123] Rejecting the idea "that the legislative body" might serve as "constitutional judges" whose "construction . . . is conclusive upon the other departments," Hamilton insisted that "interpretation of the law is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning," including "to keep [the legislature] within the limits assigned to their authority."[124]

Hamilton and Madison knew federal courts would face hard cases and would particularly need the fullest independence to decide them. Acknowledging ambiguity in the Constitution's meaning, both insisted on federal judicial, not congressional, supremacy in resolving it, maintaining federal courts as an

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[116] Printz v. United States, 521 U.S. 898, 910 (1997); *see* Cohens v. Virginia, 19 U.S. 264, 418 (1921) (Marshall, C.J., describing the *Federalist Papers* as "a complete commentary on our constitution," "appealed to by all parties" on "questions to which that instrument has given birth" and as "entitle[d] to this high rank" by their "power to explain the views with which [the Constitution] was framed").

[117] THE FEDERALIST No. 37, *supra* note 35, at 231.

[118] THE FEDERALIST No. 22, at 150–51 (Hamilton) (Clinton Rossiter ed. 1961).

[119] THE FEDERALIST No. 78, *supra* note 3756, at 470–71; *see* FEDERALIST No. 81, *supra* note 83, at 486 ("State Judges, holding their offices during pleasure, or from year to year, will be too little independent to be relied upon for an inflexible execution of the national laws.").

[120] THE FEDERALIST No. 22, *supra* note 118, at 151; *see also* 1 Annals of Cong. 813 (1789) (Madison) (Joseph Gales ed. 1834) ("In some of the States [judges] are so dependent on State Legislatures, that to make the Federal law dependent on them would throw us back into all the embarrassments which characterized the former situation.").

[121] THE FEDERALIST No. 81, *supra* note 83 at 486; *see* Rakove, Jack N. Rakove, *The Origins of Judicial Review: A Plea for New Contexts*, 49 STAN. L. REV. 1031, 1034 (1997) ("[At] its inception, the American doctrine of judicial review was far more concerned with federalism than with separation of powers. . . [*i.e.*, with] the principle of national judicial supremacy over state legislative acts and judicial decisions.").

[122] THE FEDERALIST No. 39, at 245–46 (Madison) (Clinton Rossiter ed. 1961).

[123] THE FEDERALIST No. 78, *supra* note 37, at 466.

[124] *Id.* at 467; *see* Respublica v. Oswald, 1 U.S. (1 Dall.) 319, 329 (1788) ("[T]he legislative power is confined to making the law, and cannot interfere in the interpretation; which is the natural and exclusive province of the judicial branch of government.").

"intermediate body between the people and the legislature."[125] Likewise, in deciding "between two contradictory" laws or interpretations, "it is the province of the courts to liquidate and fix their meaning and operation."[126] As Chief Justice Roberts reminds in *Loper*, Madison recognized that the "imperfection of human faculties" and of "words [used] to express ideas," render "all" laws "more or less obscure and equivocal,"[127] necessitating that "the meaning of constitutional provisions be 'liquidated and ascertained by a series of particular discussions and adjudications'" and by "'[c]ontemporary and current expositions' of the Constitution [to provide] reasonable evidence of [its] meaning."[128] Necessarily, therefore, the "judicial Power" extended to resolving ambiguities in constitutional terms by instantiation of their meaning through myriad applications of the guiding principle to different facts and circumstances. Oliver Ellsworth (later, the nation's Chief Justice) assured Connecticut ratifiers that, "[if] states . . . make a law which is a usurpation upon the general government," "the national judges, who, to secure their impartiality, are to be made independent," would "void" it.[129] James Wilson and John Marshall (later, respectively, Supreme Court Justice and Chief Justice) said the same at the Pennsylvania and Virginia Ratification conventions.[130]

II. Risk Rewarded: Two Centuries of Federal Judicial Power Effectuating Supreme Constitutional Law and Holding State Judges to it

At and after the Convention, Madison described the cardinal case of the violence of state factionalism: "improper Verdicts in State tribunals obtained under the biassed directions of a dependent Judge, or the local prejudices of an undirected jury"[131] and "decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority."[132] This Part asks how well the cure for state factionalism on which the Framers gambled—Article-III courts' judicial power independently and effectually to hold state judges to Article VI's promise of constitutional supremacy—has worked in Madison's cardinal case and beyond.

The answer is that, despite the jurisdiction-stripping risk the Framers took, Congress has consistently extended federal-court jurisdiction to apply the Constitution and hold state judges to it in the cardinal case—through transposable federal-court review on writ of error to the Supreme Court and on writ of habeas corpus to all federal courts. As for the other risks involved—that Congress or the state courts would interfere with, or that the federal courts themselves would skimp on, federal judicial power to apply the Constitution *independently* and *effectually* to cure the malady of factionalism in federal-question cases—the Court again proved up to the task, jealousy preserving its and the lower federal courts' judicial power. Until 1996.

A. Federal Judicial Review in Madison's Cardinal Case

1. Jurisdiction on writ of error or habeas corpus, 1789-today

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[125] THE FEDERALIST No. 78, *supra* note 37, at 467.
[126] *Id.* at 468
[127] FEDERALIST No. 37, *supra* note 35, at 229 (quoted in part in Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2266 (2024)).
[128] Aditya Bamzai, *The Origins of Judicial Deference to Executive Interpretation*, 126 YALE L.J. 908, 938–41 (2017) (quoting THE FEDERALIST No. 37, *supra* note 35, at 229; 2 Annals of Cong. 1946 (1791)).
[129] 2 JONATHAN ELLIOT, THE DEBATES IN THE SEVERAL STATE CONVENTIONS ON THE ADOPTION OF THE FEDERAL CONSTITUTION 196 (Jan. 7, 1788).
[130] *Id.* at 489 (Dec. 7, 1787) (Wilson); 3 *id.* at 554 (Jan. 7, 1788) (Marshall) ("To what quarter will you look for protection from an infringement on the Constitution, if you will not give the power to the judiciary?").
[131] 1 Farrand, *supra* note 6 at 124, 164–65, 168.
[132] THE FEDERALIST No. 10, *supra* note 5, at 77.

In *Whitten v. Tomlison*,[133] Justice Gray described "three different methods . . . provided by statute for bringing before the courts of the United States proceedings begun in the courts of the states" when "necessary to secure the supremacy of the [C]onstitution," each with antecedents back to 1789 or 1815:[134] (1) as-of-right writ-of-error review in the Supreme Court of state-court judgments affirming exercises of state "authority" alleged to be "repugnant to the constitution" under section 25 of the Judiciary Act of 1789, as broadened by section 2 of the Act of February 5, 1867;[135] (2) removal to lower federal courts of state-court actions against federal employees asserting claims "'arising under'" the Constitution pursuant to statutes adopted during times of inter-sectional domestic crisis starting in 1815, as expanded by section 3 of the Act of February 5, 1867;[136] and (3) habeas corpus review by the entire federal judiciary, which section 14 of the Judiciary Act of 1789 initially reserved for federal prisoners and which chapter 28, section 1 of the February 5,1867 Act extended to any state prisoner "restrained of his or her liberty in violation of the constitution."[137] The last-mentioned was the mode of review at issue in *Whitten* on application by a Connecticut prisoner.[138] What motivated Congress' threefold expansion of federal-court review of state judges' decisions in 1867, in the immediate aftermath of the Civil War and on the eve of the Fourteenth Amendment's ratification, was the compelling need to assert the supremacy of federal law in the previously rebellious states and—presenting Madison's cardinal case—to protect emancipated Black individuals' rights to "fair and impartial justice at the hands of local tribunals" and "extend to them *as far as possible under the Constitution*, the protection of the Federal courts."[139] Within months of its passage, the Supreme Court interpreted the habeas provision to extend the federal courts' jurisdiction to review the constitutionality of state carceral judgments to the Article-III limit: "It is impossible to widen this jurisdiction."[140]

The 1789 Act as written and the 1867 Act as it came to be administered in habeas cases starting in 1886 included exhaustion-of-state-court-remedies requirements. Those requirements routed writ-of-error cases through a full set of available state-court proceedings before reaching the Supreme Court and routed habeas cases through those state-court proceedings *plus* as-of-right writ-of-error proceedings in the Supreme Court when available before the case could be adjudicated in lower federal courts.[141] Together,

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[133] 160 U.S. 231 (1895).
[134] *Id.* at 238–39.
[135] Act of Feb. 5, 1867, ch. 28, § 2, 14 Stat. 385, 386–87, amending Act of Sept. 24, 1789, ch. 20, § 25, 1 Stat. 73, 85.
[136] *Whitten*, 160 U.S. at 239 (quoting Act of Feb. 5, 1867, ch. 27, § 3, 14 Stat. 385, amending Act of Apr. 9, 1866, ch. 31, § 3, 14 Stat. 27). Prior removal statutes adopted during intersectional national crises include Act of Mar. 3, 1863, ch. 81, § 5, 12 Stat. 755, 756–57 (adopted during the Civil War); Act of Mar. 2, 1833, ch. 57, § 3, 4 Stat. 632, 633–34 (responding to southern states' claim of authority to nullify federal law); Act of Feb. 4, 1815, ch. 31, § 8, 3 Stat. 195, 198–99) (responding to New England states' resistance to and consideration of secession during War of 1812).
[137] Act of Feb. 5, 1867, ch. 28, § 1, 14 Stat. 385, 385–86, amending Act of Sept. 24, 1789, ch. 20, § 14, 1 Stat. 73, 82.
[138] *Whitten*, 160 U.S. at 240–41.
[139] H.R. Rep. No. 730, 48th Cong., 1st Sess., at 3–6 (1884) (emphasis added) (rejecting proposals "to curtail" 1867 Act's conferral of habeas review of state courts, given persistence of "[t]he special causes which were deemed to suffice to make the act of 1867 necessary"); *see* William M. Wiecek, *The Reconstruction of Federal Judicial Power 1863-1875*, 13 AM. J. LEGAL HIST. 333, 342–48 (1969) (describing history of 1867 Acts extending federal-court power to review decisions of and remove cases from state courts).
[140] Ex parte McCardle, 73 U.S. 318, 325–26 (1867); *accord* Ex parte Royall, 117 U.S. 241, 247–48 (1886) ("The [1867 Act's] grant . . . of jurisdiction to issue writs of habeas corpus is in language as broad as could well be employed," demonstrating "purpose of congress to invest the courts of the Union . . . with power . . . to restore to liberty an[y] person . . . held in custody, by whatever authority, in violation of the Constitution"); *see* Cong. Globe, 39th Cong., 1st Sess. 4151 (1866) (Rep. Lawrence) (1867 Act's habeas provision will "enforce the liberty of all persons . . . . It is a bill of the largest liberty, . . . [not] restrain[ing] the writ of habeas corpus at all"); *id.* at 4229 (Sen. Trumbull); Seymour D. Thompson, Abuses of the Writ of Habeas Corpus, 6 A.B.A. Rep. 243, 260–63 (1883) (1867 Act gave federal courts "power to annul the criminal processes of the states, to reverse and set aside by habeas corpus the criminal judgments of the state courts, to pass finally and conclusively upon the validity of the criminal codes, the police regulations, and even the constitutions of the states").
[141] *See* Act of Sept. 24, 1789, ch. 20 §§ 22, 25, 1 Stat. 73, 84–86 (limiting writ-of-error review to judgments of "highest court of law . . . of a State in which a decision in the suit could be had"); *Whitten*, 160 U.S. at 240–42 (judiciary acts give Court

the habeas statute, Article III, and the exhaustion requirement had several important effects. They extended to federal habeas courts in *state prisoner* cases the same "clearly appellate jurisdiction" that Chief Justice Marshall had recognized the 1789 Act's habeas provision gave federal courts in *federal prisoner* cases.[142] They extended "the judicial Power" to habeas review of state decisions, equivalent in all ways to the power the Supreme Court exercised on writ-of-error review. And they avoided duplicate federal review by requiring federal habeas courts to treat any prior *Supreme Court* ruling on the merits of the same question in the same case on as-of-right writ-of-error review (or, more recently, on discretionary certiorari review) as *res judicata*.[143]

Justice Gray's description of the extent of federal-court review of state-court proceedings held true until Congress, in and after 1914, gradually replaced Supreme Court as-of-right writs of error with discretionary certiorari review of state-court decisions arising under federal law in criminal proceedings.[144] Starting in the 19-teens, the exhaustion-of-remedies requirement has routed federal-court challenges to the vast majority of state criminal convictions (those the Supreme Court doesn't review on certiorari) from the highest state court with jurisdiction to federal district courts on habeas, with court of appeals review of "substantial" questions, and discretionary Supreme Court review on certiorari.[145]

Thus, since 1789, Congress has continuously given federal courts jurisdiction to review the legality of custody under state-court judgments, deliberately exercising Article III's judicial power to assure that the state courts are held to their obligation to obey the federal Constitution as the supreme law of the land.[146]

"'discretion as to the time and mode in which it will exert the powers conferred upon it,'" which it has exercised by requiring prisoners seeking habeas review to raise their federal claims "in the first instance" in state courts (citation omitted)); *Royall*, 117 U.S. at 249, 253 (preferred mode of *de novo* review of state-court legal determinations resulting in detention is on "writ of error from the highest court of the State" to the Supreme court after "State court[s] shall have finally acted upon the case").

The Supreme Court continued entertaining state-prisoner habeas petitions when exhaustion of state remedies or Supreme Court writ-of-error review was not meaningfully available. *See, e.g.*, Felts v. Murphy, 201 U.S. 123, 128–30 (1906) (petitioner could not afford to pay for transcript necessary to permit exhaustion of state, then writ-of-error, remedies); Storti v. Massachusetts, 183 U.S. 138, 142–43 (1901) (immediate review of impending execution); In re Chapman, 156 U.S. 211, 216–18 (1895) (ruling that, if, after exhaustion of District of Columbia remedies, writ of error did not lie to D.C. courts, the Court would provide habeas review); decisions cited *infra* note 147.

[142] Ex parte Bollman, 8 U.S. 75, 96, 100–01 (1807) (habeas corpus is "clearly appellate," given its "revision of a decision of an inferior court, by which a citizen has been committed to jail"); *accord* Ex parte Siebold, 100 U.S. 371, 374 (1879); Ex parte Yerger, 75 U.S. 85, 97 (1868); Ex parte Watkins, 28 U.S. 193, 203 (1830) (habeas is "in the nature of a writ of error"); *see* Act of Sept. 24, 1789, §§ 13, 14, 1 Stat. 73, 80–82 (section 13: "The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several states, in the cases herein after specially provided for"; followed immediately by section 14 (authorizing habeas writs to the Supreme Court)); Alexandra Nickerson & Kellen Funk, *When Judges Were Enjoined: Text and Tradition in the Federal Review of State Judicial Action*, 111 CALIF. L. REV. 1763, 1771–72, 1777–78 (2023) ("Congress has chosen to channel challenges to state detention into . . . habeas proceedings, in which federal trial courts [serve as] courts of appeals for state adjudications").

[143] Decisions applying res judicata bars under these circumstances include Reid v. Jones, 187 U.S. 153, 154 (1902); Tinsley v. Anderson, 171 U.S. 101, 104–05 (1898). *See also* 28 U.S.C. § 2244(c) (codifying *res judicata* effect of prior Supreme Court merits rulings; adopted in 1966).

[144] Statutes "certiorarifying" Supreme Court appellate review include Act of Dec. 23, 1914, ch. 2, 38 Stat. 790; Act of Sept. 6, 1916, ch. 448, § 2, 39 Stat. 726. 473; Act of Feb. 13, 1925, ch. 229, § 237, 43 Stat. 936, 937.

[145] *See* 28 U.S.C. § 2253(c)(2) (conditioning circuit-court review of adverse habeas decisions on "substantial showing" of "denial of a constitutional right"). Linking the early twentieth century migration of the review of state carceral decisions from Supreme Court writ-of-error to lower-court federal-habeas review to Congress' certiorarifying of Supreme Court review are, *e.g.*, Darr v. Burford, 339 U.S. 200, 229 (1950) (Frankfurter, J., dissenting) (absent federal habeas review, "[t]he burden of the Court's volume of business will be greatly increased, not merely because a greater number of certiorari petitions would be filed, but by reason of the effective pressure toward granting petitions more freely"); Patrick E. Higginbotham, *Reflections on Reform of § 2254 Habeas Petitions*, 18 HOFSTRA L. REV. 1005, 1009–10 (1990); James S. Liebman, *Apocalypse Next Time: The Anachronistic Attack on Habeas Corpus/Direct Review Parity*, 92 COLUM. L. REV. 1997, 2077–78 (1992); Paul J. Mishkin, *The Federal "Question" in the District Courts*, 53 COLUM. L. REV. 157, 158 & n.11 (1953).

[146] From 1789 to 1867, that review occurred as-of-right on writ-of-error review in the Supreme Court. From 1867 until 1886, it could occur as-of-right on both Supreme Court writ-of-error review and lower federal-court habeas review. From 1886 to 1914, as-of-right review in most cases reverted to the Supreme Court pursuant to the requirement that the prisoner exhaust state

In 1942, quoting a brief written by the young Herbert Weschler, the Supreme Court described the overarching jurisdictional principle in place in Madison's cardinal case since 1867: state-prisoner habeas corpus review extended to "cases where the conviction has been in disregard of the constitutional rights of the accused, and where the writ is the only effective means of preserving his rights" because the state courts failed to respect those rights on exhaustion of their remedies and because Supreme Court as-of-right review was unavailable either for case-specific reasons or (since 1914) more broadly.[147] As constitutional rights expanded—slowly during most of the nineteenth century; more quickly starting in the 1890s—so did federal courts' habeas responsibilities.[148]

2. Judicial power in habeas, 1807-1995

It is worth considering now *how fully and faithfully* federal judges exercised their judicial power independently and effectually to remedy "improper Verdicts" left uncorrected by the state judiciaries.[149]

In *Ex parte Bollman* in 1807, Chief Justice Marshall described and modeled the judicial power of federal judges on habeas review of (in that case) a detaining court's application of the Fourth Amendment probable-cause requirement. His job, he said, was to "do that which the court below ought to have done," which was to "fully examine and attentively consider" whether the constitutional requirements were met and to grant the writ, if not.[150] Putting habeas in lock step with the *de novo* standard the Court then and since has applied in reviewing constitutional claims on writ of error and, later, certiorari,[151] the *Bollman* standard held firm until 1996.

Appendix B cites forty-seven habeas cases decided between 1807 and 1921 in which the Court addressed habeas claims on their legal merits. In all of them, the Court applied the *Bollman de novo* review standard to questions of law without comment or contemplation of any other possibility. Starting

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remedies and Supreme Court review before resorting to federal habeas; but federal habeas review of state-court decisions under the 1867 Act was maintained as a backstop when writ-of-error review was unavailable (as is discussed *infra* note 147). From 1914 until today, with the withdrawal of Supreme Court as-of-right appellate jurisdiction in favor of discretionary certiorari review, as-of-right review has been assigned primarily to the federal district courts in habeas under the 1867 Act as recodified without substantive change in 1948. Act of June 25, 1948, ch. 646, pt. VI, ch. 153, §§ 2241–2255 62 Stat. 869, 964–68 (current version at 28 U.S.C. §§ 2241–2256 (1988)); *see* H.R. Rep. No. 308, 80th Cong., 1st Sess. A177–78 (1947) (1948 habeas codification does not substantively change prior practice).

[147] Waley v. Johnston, 316 U.S. 101, 105 (1942) (discussed in Herbert Wechsler, *Habeas Corpus and the Supreme Court*, 59 U. COLO. L. REV. 167, 174–75 (1988)); *see, e.g.*, In re Belt, 159 U.S. 95, 100 (1895) ("Ordinarily the [habeas] writ will not lie where there is a remedy by writ of error or appeal."); In re Tyler, 149 U.S. 164, 180 (1893) ("The writ of habeas corpus is not to perform the office of a writ of error or appeal; but [is available] when no writ of error or appeal will lie."); Jonathan R. Siegel, *Habeas, History, and Hermeneutics*, 64 ARIZ. L. REV. 505, 513 (2022) ("[H]abeas corpus . . . serves petitioners as a constrained substitute for review by the Supreme Court."). Post-1914 decisions excusing failure to exhaust state or Supreme Court writ-of-error remedies that were not practicably available include, Walker v. Johnston, 312 U.S. 275, 286–87 (1941); Johnson v. Zerbst, 304 U.S. 458, 465, 467 (1938); Escoe v. Zerbst, 295 U.S. 490, 494 (1935). True, the *number* of habeas cases increased during the twentieth century, but as Wechsler himself wrote in 1948, that was due not to the broadening of the writ's availability or reach—those dated back to 1867—but to "decisions by the Supreme Court expanding the procedural requirements of due process in state criminal proceedings." Herbet Wechsler, *Federal Jurisdiction and the Revision of the Judicial Code*, 12 L. & CONTEMP. PROB. 216, 230 (1948).

[148] *See* Carlos M. Vázquez, *Habeas as Forum Allocation: A New Synthesis*, 71 U. MIAMI L. REV. 645 (2017) (tracing gradual early-twentieth-century transition of Supreme Court review of state-prisoner constitutional claims from writ-of-error to habeas review).

[149] 1 Farrand, *supra* note 6, at 124.

[150] 8 U.S. 75, 114, 125, 135–36 (1807).

[151] Supreme Court habeas decisions citing direct-review precedents for the Court's *de novo* review include Miller v. Fenton, 474 U.S. 104, 113–18 (1985) (citing, *e.g.*, Haynes v. Washington, 373 U.S 503, 515–16 (1962)); Rogers v. Richmond, 365 U.S. 534, 546 (1961) (citing Thompson v. City of Louisville, 362 U.S. 199 (1960)); Brown v. Allen, 344 U.S. 443, 458–59 & n.8 (citing Malinski v. New York, 324 U.S. 401 (1945)). Supreme Court direct-review decisions citing habeas cases as precedent for "'independent federal determination'" include Arizona v. Fulminante, 499 U.S. 271, 303 (1991) (quoting *Miller*, 474 U.S. at 110); Thomas v. Arizona, 356 U.S. 390, 383 (1958) (citing *Brown*, 344 U.S. at 507).

in 1915 in *Frank v. Mangum*,[152] however, the Court became habituated to discussing differing standards of review of facts and of legal (including "mixed") questions. As the seventy Supreme Court decisions in Appendix C show, the Court between then and 1996 consistently applied *de novo* review to habeas consideration of any determinations by the detaining court that the Supreme Court perceived to present questions of law or mixed questions of fact and law arising under the Constitution.

Between 1915 and Congress' 1996 adoption of AEDPA, the Court several times paused to address the habeas standard-of-review question at length. The first such occasion arose at the border between pure legal questions and mixed questions of law and historical fact. Between 1789 and 1915, both on writ-of-error and habeas review, the Court always had distinguished independent review of the detaining court's legal determinations from more constrained review of that court's factual determinations.[153] Initially, Congress exercised its power to "regulate" the flow of records between the state and federal judiciary by limiting writ-of-error review to the "face" of the state-court record.[154] Doing so denied the Court access to the record, leaving no capacity to review the evidence and only limited capacity to review the facts underlying state courts' determinations. The Court likewise religiously declined to address pure questions of fact on habeas review of federal-prisoner cases and (after 1867) state-prisoner cases, extending that principle, for example, to claims of insufficient evidence of guilt.[155] Early in the twentieth century, however, federal courts' access to the evidence and facts expanded under writ-of-error and, later, certiorari review. In 1912, in *Kansas City S. Ry. Co. v. C.H. Albers Comm'n Co*.,[156] that trend gave rise to the doctrine extending *de novo* review to situations in which "what purports to be a finding upon questions of fact is so involved with and dependent upon such questions of law as to be in substance and effect a decision of the latter."[157]

Three years later, the application of that understanding of legal questions in habeas cases arose in the Court's notorious *Frank* decision. There, the Court considered whether the jury that convicted Leo Frank, a Jewish man accused of raping a Christian woman, was sufficiently swayed by a mob to deprive him of due process. On determinative legal questions, Justice Pitney for the majority and Justice Holmes in his famous dissent agreed on the "impropriety" of a review standard "limiting in the least degree the authority of the United States [courts] in investigating an alleged violation by a state of the due process of law guaranteed by the Fourteenth Amendment."[158] Both also agreed—consistently with longstanding Supreme Court practice in both writ-of-error and habeas cases—that deference is due to state-court "determination of the facts."[159]

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[152] 237 U.S. 309 (1915).
[153] *See* Liebman, *supra* note 145 at 2008 n.48, 2056, 2094 (Supreme Court's parallel treatment of factual questions on writ-of-error and habeas review).
[154] *See, e.g.*, Wiscart v. D'Auchy, 3 U.S. (3 Dall.) 321, 327 (1796) (discussed *supra* note 93).
[155] *See, e.g.*, Harlan v. McGourin, 218 U.S. 442, 448, 451–52 (1910) (sufficiency of evidence); In re Wood, 140 U.S. 278, 285–87 (1891) (finding of no jury discrimination); Whitten v. Tomlinson, 160 U.S. 231, 245 (1895) (finding that petitioner was a "fugitive from justice"); In re Converse, 137 U.S. at 631 (finding that prisoner understood he was pleading guilty to felony, not misdemeanor).
[156] 223 U.S. 573 (1912).
[157] *Id.* at 591; *see* Henry P. Monaghan, *Constitutional Fact Review*, 85 COLUM. L. REV. 229, 261–62, 271–76 (1985) (*de novo* review is necessary to assure the supremacy of federal constitutional law when factual concepts—*e.g.*, a confession's voluntariness—are difficult to define for all cases and depend for their evolution on a progression of fact situations; giving state courts unreviewable authority to find facts and say whether they satisfy a legal definition would give them unchecked power to say what the Constitution means).
[158] *Frank v. Mangum*, 237 U.S. 309, 334 (1915); *id.* at 347–48 (Holmes, J., dissenting); *see id.* at 340–43 (majority opinion) (reviewing *de novo*, and rejecting, Frank's alternative legal claim that right to presence at trial is not waivable); *id.* at 346 (Holmes, J., dissenting) (same); *see also id.* at 334 (majority opinion) (declining to apply "doctrine of *res judicata*" to state-court legal determinations); *Ex parte Spencer,* 228 U. S. 652, 658 (1913) (same).
[159] *Frank*, 237 U.S. at 335; id. at 348 (Holmes, J., dissenting).

For the majority, the latter proposition sufficed to resolve the case against Frank, in deference to the Georgia Supreme Court's "determination of the facts" that Frank's mob-domination allegations were "unfounded."[160] Citing *Albers*, Justice Holmes disagreed, arguing that "[w]hen the decision of the question of fact is so interwoven with the decision of the question of constitutional right that the one necessarily involves the other, the Federal court must examine the facts. Otherwise, the right will be a barren one."[161] And that, he said, "we could not but regard as a removal of what is perhaps the *most important guarantee of the Federal Constitution*"—that it be the supreme law of the land.[162] Eight years later in *Moore v. Dempsey*, with Holmes writing, the Court followed his advice in *Frank* and applied the mixed-question doctrine on habeas review of another mob-rule claim, in this case involving five Black men charged with murdering several white men during a race riot.[163] Four years after that, the Court issued the first of a long string of *direct-review* cases applying the mixed-question doctrine in reviewing claims of jury discrimination and coerced confessions.[164]

Documenting this trend, both majority opinions in the Court's 1953 habeas decision in *Brown v. Allen* carefully catalogued the Court's preexisting standards of review on habeas of state courts' legal and "mixed" legal determinations. They observed that (1) deferential review was to be paid to state judges' determinations of fact; and (2) when state judges decide matters of federal law or when their determinations of federal law "call[ ] for interpretation of the legal significance" of the historical facts, the federal judge "must exercise his own judgment" and have the "final say," "independent" of state judges' ruling—power that "the prior State determination of a claim under the United State Constitution cannot foreclose."[165] Canvassing prior caselaw, the Court left no doubt about review of legal questions of every type. State-court determinations of strictly legal questions "cannot, under the habeas corpus statute, be accepted as binding. It is precisely these questions that the federal judge is commanded to decide."[166] Likewise, "so-called mixed questions or the application of constitutional principles to the facts as found leave the duty of adjudication with the federal judge."[167]

In the Court's last pre-AEDPA exploration of habeas standards of review—in *Wright v. West* in 1992—Justice Thomas' three-justice plurality opinion questioned the propriety of any *de novo* review on

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[160] *Id.* at 335—36 (majority opinion).
[161] *Id.* at 347–48 (Holmes, J., dissenting).
[162] *Id.* (emphasis added); *see* Richard H. Fallon, Jr. & Daniel J. Meltzer, *New Law, Non-Retroactivity, and Constitutional Remedies*, 104 HARV. L. REV. 1731, 1813 (1991) ("federal habeas relitigation serves vital purposes in the elaboration and enforcement of constitutional norms").
[163] 261 U.S. 86, 92 (1923) ("[I]t does not seem to us sufficient to allow a Judge of the United States to escape the duty of examining the facts for himself when if true as alleged they make the trial absolutely void.").
[164] Fiske v. Kansas, 274 U.S. 380, 385–86 (1927) (*de novo* review of facts establishing criminal syndicalism statute's unconstitutional application "where a conclusion of law as to a Federal right and a finding of fact are so intermingled as to make it necessary, in order to pass upon the federal question"); *see, e.g.*, Brown v. Mississippi, 297 U.S. 278, 286–87 (1936) (voluntariness of confession); Norris v. Alabama, 294 U.S. 587, 589–90 (1935) (absent *de novo* review whether jury discrimination occurred, "this Court would fail of its purpose in safeguarding constitutional rights").
[165] Brown v. Allen, 344 U.S. 443, 500–01, 506–07 (1953) (majority opinion of Frankfurter, J.); *accord id.* at 456–59 (majority opinion of Reed, J.).
[166] *Id.* at 506 (majority opinion of Frankfurter, J.).
[167] *Id.* at 507; *see* Thompson v. Keohane, 516 U.S. 99, 115–16 (1995) ("[M]ixed question[s] of law and fact" are "ranked as issues of law" because "case-by-case elaboration when a constitutional right is implicated may more accurately be described as law declaration than as law application."). Another standard-of-review issue that momentarily flared in the first half of the twentieth century is the one dividing Justices Frankfurter and Reed in *Brown*. Although both agreed that only prior *federal*-court decisions on the "merits" of the same claim by the same prisoner deserved any *res judicata* effect in habeas proceedings, Justice Reed (for a minority) thought the Supreme Court's denial of certiorari review might qualify as on-the-merits. *Brown*, 344 U.S. at 456–57 (Reed, J., dissenting). Then and since, Justice Frankfurter's majority view has prevailed that denials of certiorari have no *res judicata*, precedential, or gravitational force in subsequent habeas proceedings. *Id.* at 489–97 (majority opinion of Frankfurter, J.).

habeas, relying on two aspects of a 1963 article by Paul Bator.[168] First, Bator put aside the clear terms of the habeas statute from 1867 forward authorizing habeas review of custody "in violation of the constitution"[169] and theorized that habeas courts' arising-under jurisdiction included only questions addressing the detaining court's subject-matter or personal jurisdiction—a point Bator at times shaded into a standard-of-review question by advocating *res judicata* effect for detaining courts' legal determinations on all but jurisdictional questions.[170] The forty-seven pre-1923 decisions in Appendix B deny and seventy more recent decisions in Appendix C disprove that theory in historical practice.[171] Second, Bator questioned the appropriateness of the Court's treatment of mixed questions as legal questions on habeas review, claiming it dated only from *Brown v. Allen* in 1953[172]—a theory disproved by Chief Justice Marshall's independent legal review on habeas in *Bollman* in 1807 and by the Court's consistently independent review of unconstitutional state custody as it gravitated from writ-of-error review (1789-1867), to habeas (1867-1886), back to writ of error (1886-1914, presumptively with many exceptions), then to habeas (1914-on).[173] Concurring in *Wright*'s judgment after *independently reviewing and rejecting* petitioner's mixed-legal-and-factual claim, Justice O'Connor carefully analyzed the Court's caselaw, concluding that "[w]e have always held that federal courts, even on habeas, have an independent obligation to say what the law is" and that "a move away from *de novo* review of mixed questions of law and fact would be a substantial change in our construction of the authority conferred by the habeas corpus statute."[174]

From the Founding until 1996, therefore, federal habeas courts persistently exercised the power independently to obviate the influence of local faction and effectuate supreme law in the cardinal case of state custody imposed and upheld in violation of the Constitution.[175] The question is whether Articles III and VI as elucidated since the ratification can tolerate AEDPA's departure from that tradition.

B. Judicial Power Beyond the Cardinal Case, 1787–2024

In its late-August-1787 flurry of actions conforming the Article-III judicial power to Article VI's Supremacy Clause, the Framers twice rejected proposals for Congress to regulate the "manner" in which

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[168] 505 U.S. 277, 285–86 (1992) (plurality opinion) (citing Paul Bator, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners*, 76 HARV. L. REV. 441 (1963)).

[169] *See supra* note **Error! Bookmark not defined.** accompanying text (1867 Act).

[170] Bator, *supra* note 168, at 462, 485.

[171] Micah Quigley attempts to rehabilitate Bator's habeas "common law" conclusions by resting them instead on the words of the 1867 Habeas Act, which extended habeas to all state prisoners "'restrained of [their] liberty in violation of the constitution.'" Micah Quigley, *What Is Habeas?*, xxx U. PA. L. REV. xxx, xxx (forthcoming 2025) (quoting Act of February 5, 1867, ch. 28, 14 Stat. 385). Quigley mangles those straightforward words, however, with a caveat that contradicts them—that "unlawful" restraint *excludes* custody under unconstitutional criminal *convictions*, which (Quigley claims) are *ipso facto* lawful. *Id*. at xxx. Quigley bases that claim on his own faulty "common law" reading of the Court's habeas cases to apply only to jurisdictional defects. *Id*. at xxx. *But see* decisions cited in Appendix B. In any event, Quigley acknowledges that the 1867 Act's 1948 recodification "ratified the Court's express interpretations of the text as they stood in 1948," *id*. at xxx, which clearly extended habeas to custody under unconstitutional convictions, as the decisions collected in Appendix C illustrate.

[172] Bator, *supra* note 168, at 500–07.

[173] *See supra* notes 150–167 and accompanying text.

[174] *Wright*, 505 U.S. at 305–06 (O'Connor, J., concurring in the judgment); *See id.* at 297–305 (plurality opinion "errs in describing the pre-1953 law of habeas corpus," which was available for any "claim under the Due Process Clause" and "other federal claims"; "understates" how clearly "*Brown v. Allen* rejected a deferential standard of review"; and "incorrectly states that we have never considered the standard of review to apply to mixed questions of law and fact raised on federal habeas" (citing twenty-eight habeas decisions applying mixed-question independent review). Justices White, Kennedy, and Souter concurred in the judgment following *de novo* review of the constitutional claim. *Id.* at 297, 310.

[175] *See* Carlos M. Vázquez, *AEDPA as Forum Allocation: The Textual and Structural Case for Overruling* Williams v. Taylor, 56 AM. CRIM. L. REV. 1, 6 (2019) ("[U]ntil the enactment of AEDPA, *de novo* review of issues of federal constitutional law and of application of such law to fact was always available to persons convicted of crimes in state court.").

federal courts reached and effectuated constitutional judgments.[176] Ever since—with the exception of its embrace of AEDPA deference—the Supreme Court has insisted that Article-III judges with jurisdiction exercise "the whole judicial power,"[177] applying the *whole constitutional law* across the *whole constitutional case* to *effectuate* supreme law.[178] With that same, sole exception, as this Section documents, the Court has held firm, notwithstanding contrary requests and directives from Congress and other non-Article-III authorities, no matter how reasonable or respectable the authority or how urgent the national crisis. In cases originating with state judges, the Supreme Court has been particularly protective of federal courts' judicial power to effectuate constitutional supremacy, citing state judges' susceptibility to factional prejudices and dependencies.

The Section foregrounds the requirement of *independent determination of* the law (subsection 1). It then addresses the principles that the judicial power reaches the *whole constitutional law* including law-determination and application (subsection 2) and the *whole constitutional case* including decision and effectuation (subsections 3 and 4). Each subsection demonstrates inconsistencies between AEDPA deference and these basic constitutional commands.

1. *Independent* determination

At the least, federal courts' power to effectuate constitutional supremacy in cases before them entails the power to say what the Constitution means.[179] As Chief Justice Roberts affirmed in *Loper*, those "[j]udges have always been expected to apply their 'judgment' *independent* of the political branches when interpreting the laws those branches enact."[180] "Since the start of our Republic, courts have 'decide[d] . . . questions of law' and 'interpret[ed] constitutional and statutory provisions' by applying their own legal judgment."[181]

In 1792, four years after the Constitution's ratification, Congress passed a statute requiring federal judges to advise it on the handling of pension requests from Revolutionary War orphans and veterans. In opinions on circuit and a letter to President Washington—collected in *Hayburn's Case*[182]—six Supreme Court Justices and three inferior federal judges explained why they would not comply. Notwithstanding their "duty to receive with all possible respect every act of the Legislature," and Congress' reasonable "difference in opinion" with their own as to the Constitution's application, *and* their having "formed an opinion" only "with . . . difficulty," they had "the indispensable necessity of acting according to the best dictates of our own judgment, after duly weighing every consideration."[183] The statute, they concluded, required advisory opinions, which Article III barred.[184] Thus began a succession of decisions refusing on Article III and Supremacy Clause grounds to defer to Congress' determination of constitutional questions,

[176] *See supra* notes 92–93 and accompanying text.
[177] Marbury v. Madison, 5 U.S. 137, 173 (1803).
[178] The *whole constitutional case* encompasses Article-III courts' power of independent decision from filing to a judgment with *res judicata* effect unless it is overturned by a higher Article III court. The *whole constitutional law* entails Article-III courts' independent interpretation and application of all the Constitution's provisions, including "construction" of its words and "liquidation" of the words' meaning through serial application to the facts of cases before the courts.
[179] *See* Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2257 (2024) ("This Court embraced the Framers' understanding of the judicial function early on [in] *Marbury v. Madison*, [5. U.S. at 177, when] Chief Justice Marshall famously declared that '[i]t is emphatically the province and duty of the judicial department to say what the law is.'").
[180] *Id*. at 2273.
[181] *Id*. at 2261 n.4.
[182] 2 U.S. 409, 411 n.† (1792).
[183] *Id.* at 411–12 n.† (reprinting letter of C.C.D. Pa. to President Washington).
[184] *Id.*

however reasonable, and insisting instead on Article-III judges' duty independently to define and apply the whole constitutional law.

Consider Chief Justice Marshall's explication in *Marbury v. Madison* of "the *whole* judicial power of the United States."[185] As Marshall described the task the case presented, "[i]f two laws conflict with each other, the courts must decide on the operation of each."[186] A first conflict was between the *Court*'s reading of Article III's delineation of its original jurisdiction as exclusive and *Congress'* reading of Article III's "such exceptions" language as allowing Congress to transpose the Court's acknowledged "appellate" jurisdiction into original jurisdiction to issue writs of mandamus. As Marshall famously explained the Court's choice of its own over Congress' reading, "[i]t is emphatically the province and duty of the *judicial* department to say what the law is."[187] In resolving the question without deferring to Congress' plausible—but, the Court believed, incorrect—reading,[188] the Court modeled the principle for which *Marbury* is best known—that "the judicial power" mandates "independent judgment, not deference, when the decisive issue turns on the meaning of the constitutional text."[189]

Marshall spent much more time on the conflict between Article III's implied directive not to exercise original mandamus jurisdiction and the Judiciary Act's directive to do so. Although the point would be beyond dispute today—lest the Constitution be "reduce[d] to nothing"—Marshall saw the need to refute "[t]hose who controvert the principle that the constitution is to be considered, in court, as a paramount law," and who argue "that courts must close their eyes on the constitution, and see only the law."[190] Marshall settled the matter with three Article-III propositions and one Article-VI proposition that together establish the "whole law" principle: (1) "the judicial Power is extended to all cases arising under the Constitution"; (2) the idea that "the constitution should not be looked into" in exercising the judicial power in cases arising under it "is too extravagant to be maintained"; (3) if "the constitution must be looked into by the judges," there can't be any "parts of it [that they] are forbidden to read, or *to obey"*; and (4) "in declaring what shall be the *Supreme* law of the land, the *constitution* itself is first mentioned; and not the laws of the United State generally, but those only which shall be made in pursuance of the constitution, have that rank."[191] As Professor Monaghan distilled *Marbury's whole-law* meaning in an article cited in both *Loper* opinions, "[t]here is no half-way position in constitutional cases; so long as it is directed to decide the case, an article III court cannot be 'jurisdictionally' shut off from full consideration of the substantive constitutional issues."[192]

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[185] 5 U.S. 137, 173 (1803) (emphasis added).
[186] *Id.* at 177–78.
[187] *Id.* at 177 (emphasis added).
[188] *See* William W. Van Alstyne, *The Failure of the Religious Freedom Restoration Act Under Section 5 of the Fourteenth Amendment*, 46 DUKE L.J. 291, 319–20 (1996) (Congress' reading of exceptions clause was not "in any obvious way, 'unreasonable'").
[189] Monaghan, *Marbury*, *supra* note 23, at 6, 9; *see* Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2283 (2024) (Gorsuch, J., concurring) ("From the Nation's founding, [the Court] considered '[t]he interpretation of the laws' . . . 'the proper and peculiar province of the courts.' [*Marbury*] reflected exactly that view . . . declar[ing] it 'emphatically the province and duty of the judicial department to say what the law is.'" (quoting THE FEDERALIST No. 78, *supra* note 37, at 467; *Marbury*, 5 U.S. at 177)).
[190] *Marbury*, 5 U.S. at 178.
[191] *Id.* at 178–80.
[192] Monaghan, *Marbury*, *supra* note 23, at 11 (cited in *Loper*, 144 S. Ct. at 2263; *id*. at 2304 n.6, 2306 (Kagan, J., dissenting)).

Before addressing these momentous questions, Chief Justice Marshall had to decide whether the case presented them by asking (1) whether Marbury had a right to a "commission as a justice of the peace" that outgoing President Adams had signed but incoming Secretary of State James Madison had declined to deliver, and if so, (2) whether mandamus would lie to restore it—questions Marshall answered in the affirmative (while still denying relief because the Court lacked original jurisdiction to issue the writ). Longstanding English legal limits on the scope of mandamus might well have required "deference" to the Secretary of State's decision. *See* Bamzai, *supra* note 128, at 947–50 (describing English practice). But Marshall's "opinion tended to disregard the [English] standard in order to elevate the right-remedy" principle. *Id*.; compare United States v. Dickson, 40 U.S.

AEDPA deference instructs federal courts with jurisdiction over the constitutionality of a prisoner's custody and state judges' decision approving it to *forbear* doing what *Marbury* says they must do: "say what they law is"; "declar[e] what shall be the *Supreme* law of the land"; "obey" all "parts of" the Constitution; and apply their independent judgment of it *without* bowing to a non-Article-III authority's reasonable approximation. The rare habeas court that does say what the law is must then forbear doing anything about it, thereby violating *Hayburn's Case* by advising on legal meanings it can't "obey," much less enforce.

2. Independent determination of the *whole law*

Thirteen years after *Marbury* in *Martin v. Hunter's Lessee*,[193] when confronted with the prospect of factional influence on state judges, the Court resolutely extended the judicial power to say what the Constitution means *all* the way, reaching *all* sources of that meaning. In its prior decision in *Fairfax's Devisee v. Hunter's Lessee*,[194] the Court had interpreted and applied a federal treaty in favor of a Revolutionary War "alien enemy," overturning a Virginia court's award of property in question to Hunter's Lessee, a Virginia citizen.[195] On remand, the Virginia Court of Appeals refused to recognize the English heir's rights, claiming that Article III limited the question properly before the Supreme Court to "the mere abstract construction of the treaty itself," rendering *ultra vires* its "decision [applying that interpretation] against the title set up by reference to the treaty."[196] Here, then, was a decision by state "judges who hold their offices by a temporary commission" possibly swayed by "the bias of local views and prejudices."[197]

Justice Story first addressed Virginia's reading of Article III as "limit[ing] the appellate power of the United States to cases in their *own* Courts," given that "State judges are bound by an oath to support the constitution" and "must be presumed to be men of learning and integrity." Story "cheerfully admit[ted]" the premise"—state judges are "of as much learning, integrity, and wisdom, as" federal judges—while rejecting Virginia's conclusion.[198] The Constitution "has proceeded upon a theory of its own . . . that State attachments, State prejudices, State jealousies, and State interests, might sometimes obstruct, or control, or be supposed to obstruct or control, the regular administration of justice."[199] In "cases arising under the constitution, laws, and treaties of the United States, reasons of a higher and more extensive nature, touching the safety, peace, and sovereignty of the nation" warrant Article III's authorization and Congress' grant of jurisdiction.[200] Then, by Article-III edict, Congress' extension of jurisdiction brought with it the federal courts' judicial power "to expound *and enforce*" federal law, and "to *carry into effect* . . . the express provisions of the constitution."[201]

141, 161–63 (1841) (Story, J.) (declining on mandamus to defer to agency's "uniform construction of [an] act ever since its passage" because it was "not in conformity to the [act's] true intendment" as Court independently interpreted it); Bamzai, *supra* note 128, at 950 & n.174 (documenting Marshall Court's "robust[ly]" nondeferential examination of legal issues on mandamus). The *Marbury* Court thus answered the first question *de novo*, not deferentially: it determined for itself the meaning that "seems to have prevailed with the Legislature" in adopting the governing acts. It rejected the Secretary of State's interpretation of the acts (that the commission vested only upon delivery), declaring that the Court was "decidedly [of] the opinion . . . that when a commission has been signed by the president, the appointment is made; and that the commission is complete, when the seal of the United States has been affixed to it by the secretary of state." *Marbury*, 5 U.S. at 155–62.

[193] 14 U.S. 304, 374 (1816).

[194] 11 U.S. 603 (1813).

[195] *Id.* at 619, 626–28 (1813).

[196] Martin, 14 U.S. at 358–59 (reviewing Hunter v. Martin, 18 Va. (4 Munf.) 1, 49–50, 59 (1814)).

[197] THE FEDERALIST No. 22, *supra* note 118, at 151; THE FEDERALIST No. 78, *supra* note 37, at 471.

[198] Martin v. Hunter's Lessee, 14 U.S. at 329.

[199] *Id.*

[200] *Id.*; *see* Mayor v. Cooper, 73 U.S. (247, 253 (1867) (same justification for federal-question removal jurisdiction).

[201] *Martin*, 14 U.S. at 329 (emphasis added).

The "suit" brought before the Court the legality of a Virginia court's "decision against the title set up with reference to the treaty, and not the mere abstract construction of the treaty itself."[202] Insisting—as Hamilton and Madison had on federal courts' power to "liquidate" the Constitution's whole meaning by its application to "a series of particular . . . adjudications"[203]—Story asked rhetorically, "how, indeed can it be possible to decide whether a title be within the protection of a treaty until it is ascertained what the title is, and whether it have a legal validity?"[204] The Court's prior decision had ascertained those crucial predicates by applying the law to "[t]he real fact that the legislature supposed that the commonwealth were in actual seizin and possession of the vacant lands of Lord Fairfax"—a factual "mistake which surely ought not to be pressed to the injury of third persons."[205] In order to effectuate supreme law, "every error that immediately respects that question [of the treaty's application] must, of course, be within the cognizance[ ] of the court."[206] Otherwise, Story wrote (anticipating the mixed-question doctrine), the Court's appellate jurisdiction "will be wholly inadequate for the purposes which it professes to have in view, and may be evaded at pleasure."[207]

Concurring, Justice Johnson saw the Article-III problem in advisory-opinion terms: if Virginia's "doctrine be assumed" that the Court could construe but not apply the treaty, the Court would "then be called upon to decide on a mere hypothetical case—to give a construction to a treaty without first deciding whether there is any interest on which the treaty, whatever be its proper construction, would operate." And he too identified the doctrine's intolerable "consequence": leaving in force a "decision to [the petitioner's] prejudice [which] may have been the result of those very errors, partialities, or defects, in state jurisprudence against which the constitution intended to protect the individual."[208]

Through Chief Justice Marshall, O*sborn v. Bank of the United States*[209] reinforced *Martin*: "If . . . [the] right set up by the party, may be defeated by one construction of the constitution" but "sustained by the opposite construction, provided the facts necessary to support the action be made out, then all the other questions must be decided as *incidental* to this, which gives that jurisdiction."[210] Otherwise, "the judicial power never can be extended to a *whole case*, as expressed by [Article III], but to those parts of the case only which present the particular question involving the construction of the constitution."[211] Article III's words, "obviously intended to secure to those who claim rights under the Constitution," would then "be restricted to the *insecure remedy* of an appeal, upon an insulated point, *after it has received that shape which may be given to it by another tribunal* into which [the claimant] is forced against his will."[212]

In 1932, the Court applied the whole-constitutional-law principle in the administrative-review context in *Crowell v. Benson*,[213] connecting *Martin*'s and *Osborn*'s "whole law" principle to *Albers*' mixed-question doctrine.[214] Congress, it held, could not confer jurisdiction to review an agency decision in admiralty while "withdraw[ing] from judicial cognizance any matter which, from its nature, is the subject

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[202] *Id.* at 358–59.
[203] THE FEDERALIST No. 37, *supra* note 35, at 229 (discussed *supra* text accompanying notes 126–128).
[204] *Martin*, 14 U.S. at 358–59.
[205] Fairfax's Devisee v. Hunter's Lessee, 11 U.S. 603, 627–28 (1813).
[206] *Martin*, 14 U.S. at 358–59.
[207] *Id.* at 357.
[208] *Id.* at 369–70.
[209] 22 U.S. 738 (1824).
[210] *Id.* at 822 (emphasis added).
[211] *Id.* at 822 (emphasis added).
[212] *Id.* at 822–23 (emphasis added).
[213] 285 U.S. 22 (1932).
[214] *See supra* note 157 and accompanying text (*Albers'* mixed-question doctrine).

of a suit at common law, or in equity, or in admiralty."[215] Instead, Article III courts must have "complete authority to insure the proper application of law."[216] "In cases brought to enforce constitutional rights," Chief Justice Hughes wrote, law application includes law-instantiating determinations of fact: "the judicial power of the United States necessarily extends to the independent determination of all questions, both of fact and law, necessary to the performance of that supreme function."[217]

Three years later in *Norris v. Alabama*,[218] Hughes applied the same rule to Madison's cardinal case. Overturning the Alabama Supreme Court's determination of "fact" that no discrimination had occurred in selecting the all-white grand jurors who indicted seven young Black men for rape of a white woman, Hughes wrote: "That the question [of discrimination] is one of fact does not relieve us of the duty to determine whether in truth a federal right has been denied."[219] "[W]henever a conclusion of law of a state court as to a federal right and findings of fact are so intermingled that the latter control the former," it is the Court's "province to inquire not merely whether [the right] was denied in express terms but also whether it was *denied in substance and effect*." Otherwise, "review by this Court would fail of its purpose in safeguarding constitutional rights."[220]

In drafting Article III, the Framers rejected the New Jersey Plan's limit on federal-court review of state judges' rulings to *construing* the Constitution but not applying it to "*determine*" the whole constitutional "case."[221] *Martin* and *Osborn* in turn refused Virginia judges' and Ohio officials' demand that the Court limit judgment to "the mere abstract construction" of federal law: those decisions insisted on the power to "expound *and enforce*" and "*carry into effect* . . . express provisions of the constitution" and to reach and correct "every error that immediately respects that question" or is necessarily "incidental" to its answer. Nor would the Court even let state judges' determinations "shape" or steer their consideration of constitutional error.[222] *Crowell* and *Norris* extended the principle to agency and state-court determinations of *fact* that "liquidate" the normative constitutional meaning at issue. *Norris*, on writ of error—like Justice Holmes' preceding *Moore* decision on habeas—applied the whole-law principle to mixed questions determinative of a cardinal example of "improper Verdicts in State tribunals obtained under the biassed directions of a" racially charged mob (*Moore*) and of "local prejudices" in selecting an all-white grand "jury" (*Norris*).[223]

AEDPA deference, limiting independent federal habeas review to whether state judges articulated a legal standard that is "contrary to" law,[224] demands exactly the kind of ineffectual review that the Framers, *Martin*, *Osborn*, *Crowell*, and *Norris* rejected as incompatible with the federal judicial power in Madison's cardinal faction-imperiled cases. Worse, because AEDPA demands "deference . . . near its apex" whenever constitutional meaning "turns on general, fact-driven standards"—on facts documenting

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[215] *Crowell*, 285 U.S. at 45–46, 49 (quoting Murray's Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1816)).
[216] *Id.* at 54.
[217] *Id.* at 60; *see id*. at 56 (requiring *de novo* federal-court review of legal and mixed questions so "the federal judicial power [assures] the observance of constitutional restrictions"). *Accord* St. Joseph Stock Yards Co. v. United States, 298 U.S. 38, 51–52, 56 (1936) (Hughes, C.J.) (requiring *de novo* review of mixed questions so "the *Constitution* as the supreme law of the land be maintained"); *id.* at 74, 84 (Brandeis, J., concurring) ("The supremacy of law demands [an] opportunity to have some [Article III] court decide whether an erroneous rule of law was applied" and resolve "what purports to be a finding upon a question of fact [but] is so involved with and dependent upon questions of law as to be in substance and effect a decision of the latter").
[218] 294 U.S. 587 (1935).
[219] *Id.* at 589–90.
[220] *Id.* at 590 (emphasis added).
[221] *See supra* notes 94–95 and accompanying text.
[222] Osborn v. Bank of the United States, 22 U.S. 738, 822–23 (1824); Martin v. Hunter's Lessee, 14 U.S. 305, 329, 358–59 (1816).
[223] 1 Farrand, *supra* note 6, at 124.
[224] 28 U.S.C. § 2254(d)(1).

mob influence, jury discrimination, coerced confessions, ineffective representation, materiality of evidence withheld or falsified by the state[225]—it gives state courts the broadest license to evade the Constitution in cases where the most fundamental human rights are at stake.

3. Independent resolution of the *whole case*

United States v. Klein[226] stands as Congress' sentinel attack on the whole judicial power.[227] There, Congress did everything it could, belts, suspenders, and garter, to restrain the Court from applying the whole constitutional law to decide the whole constitutional case. That statute alone matches AEDPA deference in its brazen affront to Article III and the Supremacy Clause.

After the Civil War, facing a recalcitrant Court thwarting Reconstruction at every step, the Radical-Republican Congress was in a bind. Deluged by a flood of private bills it couldn't handle, it needed to have the Court of Claims process trials of tens of thousands of compensation claims from southerners whose property federal troops seized during the War, and to have the Supreme Court process appeals from those trials.[228] Each claim required a fact-intensive analysis of the claimant's ownership rights and past loyalty to the Union.[229] The Radical Republicans wanted "affirmative" evidence of loyalty and were enraged by the Court's recent decision in *United States v. Padelford* suggesting that under the Constitution's Article II, inclusion in one of President Lincoln's blanket pardons (to anyone swearing a prospective loyalty oath) was conclusive proof of loyalty even for admitted Confederates.[230] Pending in the Court was Klein's appeal from the claims court, relying on *Padelford*'s dictum to allow compensation despite admitted disloyalty.

Rejecting as too crassly unconstitutional a proposal to direct the Supreme Court to "reverse" Court of Claims judgments favoring claimants, Congress settled on five redundant fail-safes. The first three made evidence of a presidential pardon and accompanying loyalty oath (1) inadmissible; (2) preclusive of sovereign immunity waivers; and (3) preclusive of Supreme Court appellate jurisdiction if (as in *Klein*) a pardon was the basis for a prior claims-court ruling favoring compensation. Additionally, if such evidence was offered and showed the claimant "was guilty of" and pardoned for "disloyalty," that (4) provided "conclusive evidence" of disloyalty and (5) required any court with jurisdiction to "cease" and 'forthwith dismiss" the suit.[231] Although Chief Justice Chase's turgid opinion is not easy reading, it unanimously

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[225] Sexton v. Beaudreaux, 585 U.S. 961, 969 (2018) (*per curiam*); *see* Yarborough v. Alvarado, 541 U.S. 652, 664 (2004) ("The more general the [constitutional] rule, the more leeway [AEDPA deference requires federal courts to give to state-court] outcomes in case by case determinations.").

[226] 80 U.S. 128 (1871).

[227] *See, e.g.*, Henry M. Hart, Jr., *The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic*, 66 Harv. L. Rev. 1362, 1372–73 (1953) (quoted *infra* text accompanying note 295); Lawrence Sager, *The Supreme Court, 1980 Term—Foreword: Constitutional Limitations on Congress' Authority to Regulate the Jurisdiction of the Federal Courts*, 95 HARV. L. REV. 17, 87–88 (1981) (quoted *infra* note 252); authority cited *infra* notes 229, 248, 250 (*Klein*'s central role in explicating the Article-III judicial power).

[228] *See* Liebman & Ryan, *supra* note 69, at 815–16 (explaining Congress' bind).

[229] *See* Gordon G. Young, *Congressional Regulation of Federal Courts' Jurisdiction and Processes:* United States v. Klein *Revisited*, 1981 WIS. L. REV. 1189, 1192–99 (*Klein's* factual background); *see also* Nat'l Archives, Southern Claims Commission Files, available at https://www.archives.gov/research/military/civil-war/southern-claims-commission (documenting 22,298 compensation claims).

[230] 76 U.S. 531, 538, 542 (1869) (applying Act of June 25, 1868, ch. 71, § 3, 15 Stat. 75, 75).

[231] Act of July 12, 1870, ch. 251, 16 Stat. 230, 235. On the Act's legislative history, see H.R. 974, 41st Cong. (1870), reprinted in Cong. Globe, 41st Cong., 2d Sess. 3809 (1870); Cong. Globe, 41st Cong., 2d Sess. 3816, 3824 (1870) (statements of Sens. Trumbull, Edmonds, Morton); Young, *supra* note 229, at 1206–08.

rejected all five fail-safes as unconstitutional withdrawals of the judicial power independently to apply the whole constitutional law and decide the whole constitutional case.[232]

In short, the Court read Congress to have given it each of the following unconstitutional instructions, and the Court rejected all of them:

Act's directive to the Court	Statutory terms[233]	Court's Article III response
Determine compensation rights, including loyalty.	Court has jurisdiction to decide loyalty.[234]	Congress gave federal court jurisdiction.[235]
If you consider or already considered the Constitution, don't consider how the facts elucidate its meaning.	If evidence of a pardon has been admitted, it shall not be "considered."[236]	Congress unconstitutionally removed federal court's power to rule based on the Constitution's full meaning.[237]
If you look or already looked at the Constitution, resolve the constitutional issue as we direct.	A pardon is "conclusive evidence" of "giving aid and comfort to the late rebellion."[238]	Congress unconstitutionally removed federal court's power *independently* to say what the constitutional law is, including the power to instantiate the law through its application to the "evidence."[239]
If you do or already did independently resolve the issue, identifying the pardon's constitutionally mandated effect, don't decide the case.	At that point, Court has "no further jurisdiction"; its jurisdiction "shall cease"; it "shall forthwith dismiss the suit."[240]	Congress unconstitutionally gave federal court jurisdiction only "to a given point" but removed the power to *decide the case* consistently with Constitution.[241]

[232] *Klein*, 80 U.S. at 144–47; *id.* at 148 (Miller, J., concurring in part and dissenting in part). Agreeing on the most recent act's unconstitutionality and on previously disloyal but pardoned applicants' eligibility for compensation, the Justices split on whether earlier compensation statutes or Article II dictated the latter result. *Id.* at 142 (majority opinion); *id.* at 148–50 (Miller, J., concurring in part and dissenting in part).

The "whole case" principle is manifest as early as *Marbury*. In addition to declaring that the Court's determination of the law brooked no dictation by Congress, Chief Justice Marshall firmly asserted the judicial power to implement its legal ruling. "The Government of the United States has been emphatically termed a government of laws, and not of men," and "[i]t will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right," and nothing in the "the nature of the [mandamus] writ applied for" required a different conclusion. *Id.* at 163, 168. Having already ruled that mandamus did not require deference to Secretary of State's interpretation of the law, the Court denied that mandamus limited it to ordering performance of an act expressly mandated by law. *Id.* at 172. Though the relevant "acts of Congress [we]re *silent*" on any such duty, that "difference [was] not considered as affecting the case" because the Court's independent reading of the statutes convinced it that they created "a vested legal right [to the commission] of which the Executive cannot deprive him." *Id.* (emphasis added).

[233] *Klein*, 80 U.S. at 145 (reading act to give instructions noted in this column).

[234] Act of June 25, 1868, ch. 71, § 3, 15 Stat. 75, 75.

[235] *Klein*, 80 U.S. at 145 (Congress could have but did not "withhold the right of appeal from its decisions"; if it "did nothing more [than that], it would be our duty to give it effect").

[236] Act of July 12, 1870, ch. 251, 16 Stat. 230, 235.

[237] *Klein*, 80 U.S. at 146–47 (act unconstitutionally "prescribe[s] the rule for decision of a cause in a particular way").

[238] Act of July 12, 1870, ch. 251, 16 Stat. 230, 235.

[239] *Klein*, 80 U.S. at 145–47 (act unconstitutionally "forbid[s Court] to give the effect to evidence which, in its own judgment, such evidence should have, and is directed [by conclusive presumption] to give it an effect precisely contrary").

[240] Act of July 12, 1870, ch. 251, 16 Stat. 230, 235.

[241] *Klein*, 80 U.S. at 146–47; *see* Patchak v. Zinke, 583 U.S. 244, 257 (2018) (plurality opinion) ("Congress [in *Klein*] had no authority to declare that pardons are not evidence of loyalty [or] achieve the same result by stripping jurisdiction whenever claimants cited pardons as evidence of loyalty [or] confer jurisdiction to a federal court but then strip jurisdiction . . . once the court concluded that a pardoned claimant should prevail." (citing *Klein*, 80 U.S. at 146–148)); Bank Markazi v. Petterson, 578

If you do or already did decide the case, don't award relief or bind the parties to your legal judgment		Congress unconstitutionally removed federal court's power to *carry its constitutional judgment into effect*.[242]

AEDPA deference traverses the same crooked path as the *Klein* act.

AEDPA's directive to federal courts[243]	Article III response
Determine if state prisoner is in custody in violation of the Constitution, reviewing the state decision approving custody.[244]	Congress gives federal court jurisdiction to determine the constitutionality of custody and review the state-court decision approving it.
In lieu of interpreting and applying the Constitution, you may decide the case based only on what the state decision says if there's any possibility that what it said is reasonable.[245]	Congress unconstitutionally authorizes federal court to stop before determining the Constitution's full bearing on the case.[246]
If you apply a constitutional rule, you must decide whether the state decision can, within the realm of reasonable possibility, be reconciled with that rule in the abstract, ignoring the facts of both the precedential Supreme Court cases and the case at bar.[247]	Congress unconstitutionally authorizes federal court to stop before considering the full meaning of the Constitution as elucidated by its application to the facts.[248]
If you apply the Constitution and consider how the facts elucidate its meaning, you may not decide the case on that basis; instead, you must decide it according to Congress' preferred rule of decision: accept whatever the state decision does or says that could possibly be reasonable.[249]	Congress unconstitutionally directs federal court to *decide the case* based on something other than its independent judgment of what the Constitution says.[250]

U.S. 212, 228 (2016) (*Klein* statute "infringed the judicial power" by "attempt[ing] to direct the result without altering the legal standards governing the effect of a pardon [which] Congress was powerless to prescribe").

[242] *Klein*, 80 U.S. at 145 ("[The Act's] great and controlling purpose is to deny pardons granted by the President the [Article II] effect which this court ha[s] adjudged them to have"); *see id.* at 146–47 (Congress unconstitutionally "prescribe[d] a rule in conformity with which the court must deny to itself the jurisdiction [to decide and award relief], because and only because its decision, in accordance with settled law, [is] adverse to the government and favorable to the suitor").

[243] *See supra* notes 11–15 and accompanying text (operation of AEDPA deference); Appendix D (Supreme Court decisions applying AEDPA deference).

[244] 28 U.S.C. § 2241(c)(3).

[245] *Id*. § 2241(d)(1).

[246] *See* United States v. Sioux Nation of Indians, 448 U.S. 371, 392 (1980)) ("'[W]henever the judicial power is called into play, it is responsible directly to the fundamental law and no other authority can intervene to force or authorize the judicial body to disregard it.'" (quoting Yakus v. United States, 321 U.S. 414, 468 (1944) (Rutledge, J., dissenting)); Hart, *supra* note 227, at 1401–02 ("In reviewing state-court decisions, Congress can't shut the Supreme Court off from the [constitutional] merits and give it jurisdiction simply to reverse [or, presumedly, affirm]."); Wechsler, *supra* note 115, at 1006, 1011 (1965) ("Congress may not employ federal courts as organs of enforcement and preclude them from attending to the Constitution in arriving at decision of the cause"; nor do federal "courts have a discretion to abstain . . . when constitutional infringement are established in cases properly before them").

[247] 28 U.S.C. §§ 2241(d)(1).

[248] *See* Gordon G. Young, United States v. Klein*, Then and Now*, 44 LOYOLA U. CHI. L.J. 265, 271, 299 (2012) ("*Klein* restricts tampering with federal courts' methods of statutory and Constitutional interpretation [and] interference with federal courts' decision processes" with "implications for [AEDPA deference], which hamstring[s] the decisional processes of federal courts when exercising habeas corpus jurisdiction"); *supra* notes 202–217 and accompanying text.

[249] 28 U.S.C. §§ 2241(d)(1).

[250] *See* Patchak v. Zinke, 583 U.S. 244, 268 (2018) (Roberts, C.J. dissenting) (*Klein* bars Congress from "'prescrib[ing] rules of decision to the Judicial Department . . . in cases pending before it'" (quoting Klein, 80 U.S. at 146–47)); *Bank Markazi*, 578 U.S. at 228 n.19 ("Congress 'may not exercise [authority] in a way that requires a federal court to act unconstitutionally'" (quoting Daniel J. Meltzer, *Congress, Courts, and Constitutional Remedies*, 86 GEO. L.J. 2537, 2549 (1998)); *Yakus*, 321 U.S. at 468 (Rutledge, J., dissenting) (Congress may not "confer [jurisdiction] and direct that it be exercised in a manner inconsistent with

If you do decide the case based on your independent judgment that the custody and state-court decision violate the Constitution, you "shall not" grant relief if there is a fairminded possibility that the state decision is reasonable.[251]	Congress unconstitutionally denies the federal court power to carry its independent judgment into effect.[252]

AEDPA deference brazenly withdraws federal courts' obligation independently to say what the Constitution means and to assay its *whole* meaning as elaborated by its application to the facts; to decide the *whole* case before them based on their best constitutional judgment; and to oppose that judgment to decisions by even the most "biassed," "partial," and "interested" state judges whose rulings "possibly" are reasonable. "This Congress cannot do."[253]

4. *Effectuating* the whole law as the essential endpoint of the whole case

The decisions discussed thus far shield the judicial power from attempts to keep Article-III courts from *independently saying* and effectually *applying* what the Constitution means. The decisions discussed in this section focus on state-court and congressional efforts to keep federal judges in the later, decisional and remedial stages of cases from exercising what Hamilton called an "*effectual power* . . . in the federal courts to *overrule* such [state actions] as might be in manifest contravention of the articles of the Union."[254]

Two guiding principles recur in these decisions. We already encountered the first principle in *Martin* and *Klein*: the judicial power is not only independently "to expound and enforce" but also "to carry into effect . . . the express provisions of the constitution."[255] Second, "'the judicial Power'" to effectuate the federal court's independent judgment "can no more be shared" with any non-Article III authority than "'Congress [can] share with the Judiciary the power to override a Presidential veto.'"[256] "Article III could neither serve its purpose in the system of checks and balances nor preserve the integrity of judicial decisionmaking if the other branches of the Federal Government could confer the Government's 'judicial Power' on entities outside Article III."[257]

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constitutional requirements"); Christopher Eisgruber & Lawrence Sager, *Why the Religious Freedom Restoration Act is Unconstitutional*, 69 N.Y.U. L. REV. 437, 471 (1994) ("*Klein* prohibits . . . the conscription of the Court by Congress to play a role in a charade . . . in which the Court is obliged to act as though its own judgment about a matter of consequence is different than it actually is."); Amanda Tyler, *The Story of* Klein*: The Scope of Congress's Authority to Shape the Jurisdiction of the Federal Courts*, in FEDERAL COURTS STORIES 112 (V. Jackson & J. Resnik eds. 2010) ("Congress may not employ the courts in a way that forces them to become active participants in violating the Constitution"); Van Alstyne, *supra* note 188, at 268 ("[T]he power to decide at all must include the power to decide according to the Constitution, consistent with the judicial duty and oath of office to support that Constitution.").

[251] 28 U.S.C. §§ 2241(d)(1); *see supra* notes 11–15 and accompanying text (Supreme Court's definition of AEDPA deference).

[252] *See* City of Boerne v. Flores, 521 U.S. 507, 536 (1997) (Article III forbids Congress to require federal courts to extend relief beyond what Court "precedent" says the Constitution allows and, conversely, forbids Congress to grant federal courts jurisdiction to resolve a constitutional case while withholding their power to give their ruling the effect on the parties that the Constitution demands); Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 429–30 & n.6 (1995) (Congress may not constitutionally "instruct[an Article-III] court automatically to enter a judgment pursuant to a decision the court has no authority to evaluate"); Amar, *A Neo-Federalist View*, *supra* note 97, at 233 (judicial power "encompasses the power . . . to speak definitively and finally"); Sager, *supra* note 227, at 87–88 ("objection to legislation that . . . deprives [Article-III courts] of jurisdiction to provide effective relief [is] at the very heart of . . . *Klein*").

[253] *Yakus*, 321 U.S. at 468 (Rutledge, J., dissenting) ("Once it is held that Congress can require the courts . . . to enforce unconstitutional laws . . . or [enforce laws] without regard for their validity, the way will have been found to circumvent the supreme law and, what is more, to make the courts parties to doing so.").

[254] THE FEDERALIST No. 80, *supra* note 67, at 476 (emphasis added).

[255] Martin v. Hunter's Lessee, 14 U.S. 304, 329 (1816).

[256] Stern v. Marshall, 546 U.S. 462, 483 (2011) (quoting United States v. Nixon, 418 U.S. 683 (1974)).

[257] *Id.* at 484.

Plaut v. Spendthrift Farm, Inc.[258] reviewed a statute "retroactively commanding the federal courts to reopen final judgments."[259] Writing for the Court, Justice Scalia held that the statute violated the Framers' "fundamental principle" giving "the Federal Judiciary the power not merely to *rule* on cases, but to *decide* them, subject to review *only* by *superior courts in the Article III hierarch*y—with an understanding, in short, that 'a judgment *conclusively resolves* the case' because 'a judicial Power' is one to render *dispositive* judgments."[260] *Plaut's* holding clearly encompasses a federal court's power to enter a judgment arranging the parties' rights in accordance with its interpretation of supreme law, with *res judicata* effect on the parties.[261]

Plaut recalls and cites *Hayburn's Case*, where the collective federal judiciary rejected Congress' mandate to rule on orphans' and veterans' pensions because the War Department's and Congress' ability to "revise" and thus "control" the effect of the judges' decisions made those decisions mere advisory opinions.[262] In ruling the arrangement "radically inconsistent with the independence of the judicial power," *Hayburn's Case*, like *Plaut* centuries later, sounded in *power*, in *effectualness*. "[U]nder any circumstances . . . agreeable to the constitution," a "decision of any court of the United States" cannot "be liable to a revision, or even suspension," by "the legislature,"[263] by "the executive department"[264]—and surely, we can add, by "the Judges in every State."[265]

Plaut also cites *Gordon v. United States*,[266] where the Court refused to hear an appeal from Court of Claims' awards that did not bind the Government until the Treasury Secretary "include[d them] in his estimate of private claims" to Congress, and Congress "determine[d] whether they will or will not make an appropriation for [their] payment."[267] Chief Justice Taney's decision in *Gordon* emphatically defined an *effectual* "award of execution" as "an essential part of every judgment passed by a court exercising judicial power," else "the judgment would be inoperative and nugatory"—"an opinion, which would remain a dead letter, and without any operation upon the rights of the parties."[268] By its nature, "a judicial tribunal is authorized to render a judgment which will bind the rights of the parties litigating before it, unless appealed from, and upon which the appropriate process of execution may be issued by the court to *carry it into effect*."[269] If the court's "judgment would not be final and conclusive upon the rights of the parties, and process of execution awarded to *carry it into effect*," then Congress may not "authorize or require this Court to express an opinion on [the] case" because "its judicial power could not be exercised."[270] This power is all-or-nothing: either the court must "execute[ ] firmly *all* the judicial powers entrusted to it" or it must "abstain from exercising *any* power that is not strictly judicial in its character."[271]

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[258] 514 U.S. 211 (1995).
[259] *Id.* at 219.
[260] *Id.* at 218–19 (emphasis added) (citation omitted).
[261] *See also* Michaelson v. United States, 266 U.S. 42, 65–66 (1924) ("The Courts of the United States, when called into existence and vested with jurisdiction over any subject, at once become possessed of the [judicial] power," and "the attributes which inhere in that power and are inseparable from it can neither be abrogated nor rendered practically inoperative"); Glidden Co. v. Zdanok, 370 U.S. 530, 568–71 (1962) (plurality opinion) (identifying *res judicata* effect as essential feature of judgments by courts exercising the judicial power); Gordon v. United States, 117 U.S. 697, 704–05 (1864) (same).
[262] *Plaut*, 514 U.S. at 218 (citing Hayburn's Case, 2 U.S. 409, 411–12 n.† (1792)).
[263] *Hayburn's Case*, 2 U.S. at 413 n.† (op. of Iredell, J., and Sitgreaves, D.J.).
[264] *Id.* (op. of Wilson, J., Blair, J., and Peters, D.J.).
[265] U.S. CONST. art. VI.
[266] 117 U.S. 697 (1864).
[267] *Id.* at 698–99 (cited in *Plaut*, 514 U.S. at 226).
[268] *Id.* at 702.
[269] *Id.* (emphasis added).
[270] *Id.* (emphasis added).
[271] *Id*. at 700–01, 706 (emphasis added).

Illustrating Article-III courts' enforcement capacity, Taney cited their "unusual power" under the Supremacy Clause to "null[ify]" state action in conflict with the Constitution and the Court's power under the 1789 Judiciary Act to order its own judgment into execution rather than rely on recalcitrant state courts to do so.[272] The Supreme Court did just that years before in *Martin v. Hunter's Lessee*. In voiding the Virginia Court's ruling, Justice Story wrote: "A final judgment of this Court is supposed to be conclusive upon the rights which it decides . . . ."[273] Justice Johnson concurred: "We pretend not to more infallibility than other courts composed of the same frail materials," but "we are constituted by the voice of the union, and when decisions take place . . . ours is the superior claim upon the comity of the state tribunals."[274] Taking no chances, the Court issued its own judgment directly against the parties—lest Virginia try to nullify the Court's judicial power to make its judgment stick by disobeying its mandate.[275]

In *Hayburn's Case*, *Martin*, *Gordon*, and *Plaut*, the offending interference with federal courts' power to effectuate supreme law as they independently adjudged it was conditional and *ex post*: the executive, Congress, or a state court *might thereafter* reject the court's judgment. AEDPA's interference with federal habeas courts' power to effectuate their constitutional judgments is certain and *ex ante*: the federal court *always* must defer to the prior state-court decision. The manifest unconstitutionality of that kind of categorical and *ex ante* disabling of a federal court's power to enforce its judgments is established by Chief Justice Marshall's authoritative opinion in *Cohens v. Virginia*.[276]

In *Cohens*, Virginia argued that the Supreme Court lacked "power to compel State tribunals to obey your decisions" and so could not take jurisdiction over the case for lack of a fundamental component of the judicial power—the ability to effectuate its ruling.[277] Under review for error was a Virginia criminal conviction growing out of the State's dispute with the District of Columbia over the legality of selling D.C. lottery tickets in Virginia. Chief Justice Marshall responded that Virginia's argument was backwards. The Framers, he said, had designed the judicial power precisely to resist powerful factions in the states that had "questioned partially" and "habitually disregarded" the "requisitions of Congress[ ] under the confederation," even when the requisitions were "as constitutionally obligatory as the laws enacted by the present Congress" and when "the great majority of the American people" supported them.[278] Because States are prone to "legislate in conformity to their opinions" and to "enforce those opinions by penalties," the Framers could not rely entirely on "judicatures of the States," which are not "exempt from the prejudices by which the legislatures and people are influenced."[279] Against these vices, the Framers insisted on a "power of the government to apply a corrective" and "restrain[ ] peaceably, and by authority of law, any attempts which may be made, by a part, against the legitimate powers of the whole."[280] That power was the Article-III court's *judicial* power to make the Constitution "supreme in all cases where it is empowered to act."[281]

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[272] Id. at 700, 705 (citing Act of Sept. 24, 1789, ch. 20, § 25, 1 Stat. 73, 86).
[273] Martin v. Hunter's Lessee, 14 U.S. 304, 354–55 (1816).
[274] *Id.* at 364–65 (Johnson, J., concurring).
[275] *Id*. at 340–42, 344, 354 (majority opinion); *see also* Ableman v. Booth, 62 U.S. 506, 515, 517–18, 521–22, 525–26 (1858) (to maintain federal law's "supremacy," state courts must treat federal-court judgments of law with which they disagree as "finally and conclusively decided," and a federal district court "must have appellate power effectual and altogether independent of the action of State tribunals" to "carry [its judgment] into effect").
[276] 19 U.S. 264 (1821).
[277] *Id*. at 317.
[278] *Id.* at 386, 388.
[279] *Id.* at 386; *see id.* at 386–87 ("When we observe the importance which that constitution attaches to the independence of judges, we are the less inclined to suppose that it can have intended to leave these constitutional questions to tribunals where this independence may not exist.").
[280] *Id.* at 377, 381.
[281] *Id.* at 381.

Accepting Virginia's argument that the "Courts of the Union cannot correct the judgments by which [state] penalties may be enforced" would "prostrate . . . the government and its laws at the feet of every State in the Union," flouting "the necessity of uniformity, as well as correctness in expounding the constitution."[282] To expose the "magnitude" of the effect on "the Union" of the claim that federal courts may not "inquir[e] whether the constitution and laws of the United States have been violated by the [criminal] judgment which the plaintiffs in error seek to review," the Chief Justice opened his opinion by imagining the "baneful" constitutional conditions facing the government and nation if Virginia's claim were true:

- admitting [a constitutional] violation, it is not in the power of the government to apply a corrective[;] . . .
- the nation does not possess a department capable of restraining peaceably, and by authority of law, any attempts which may be made, by a part, against the legitimate powers of the whole; and the government is reduced to the alternative of submitting to such attempts, or of resisting them by force[;] . . .
- the constitution of the United States has provided no tribunal for the final construction of itself, or of the laws or treaties of the nation; but that this power may be exercised in the last resort by the Courts of every State in the Union[; and]
- the constitution, laws, and treaties[ ] may receive as many constructions as there are States; and . . . [this] mischief[ ] is irremediable.[283]

"If such be the constitution," Marshall said, "it is the duty of the Court to bow with respectful submission to its provisions." But "[i]f such be not the constitution, it is equally the duty of this Court to say so; and to perform that task which the American people have assigned to the judicial department."[284] And so the Court did. "[T]aught by experience, that this Union cannot exist without a government for the whole," Marshall said, the nation's people "believed a close and firm Union to be essential to their liberty" and "adopted the present constitution."[285] "If it could be doubted, whether from its nature, [the Constitution] were not supreme in all cases where it is empowered to act, that doubt would be removed by the" Supremacy Clause.[286] "To this supreme government ample powers are confided" to enforce the law's supremacy, including those of a "judicial department . . . authorized to decide all cases of every description, arising under the constitution" with "no exception [being] made of those [criminal] cases in which a State may be a party."[287] Since 1789, Congress had chosen to "submit the judgment of [state tribunals] to re-examination" by federal courts with "power to revise the judgment rendered . . . by the State tribunals" conformably to supreme law.[288] Even in the face of a constitutional crisis posed by the Virginia courts' threat to disobey its mandate, the Court would not cede its judicial power. Any such resistance would be at the state courts' and the nation's peril. "This principle" of supreme law enforced by a judicial department with power of appeal from state courts in cases arising under the Constitution, Marshall concluded, "is a part of the constitution; and if there be any who deny its necessity, *none can deny its authority*."[289]

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[282] *Id.* at 386, 388, 415–16 (discussing ill effects of national legal disuniformity); *accord* Mayor v. Cooper, 73 U.S. 247, 253 (1867) (basing constitutionality of post-judgment removal of cases from state to federal courts on need for "uniformity" and "correct decisions" of federal law); *Martin*, 14 U.S. at 347–48 (federal "appellate jurisdiction" in federal-question cases "is the only adequate remedy" for "truly deplorable" "public mischiefs" occurring when judges "in different states . . . differently interpret" national law).
[283] *Cohens*, 19 U.S. at 377.
[284] *Id.*
[285] *Id.* at 380–81.
[286] *Id.* at 381 (going on to quote the Supremacy Clause in full).
[287] *Id.* at 381–82.
[288] *Id.* at 410, 415.
[289] *Id.* at 381 (emphasis added).

Still, Virginia had a fallback. The Court had discretion to give some ground—to extend to Virginia and its courts some degree of "respectful submission," some deference—in recognition of the difficulty of the Court's constitutional judgments in the case (about which the most Marshall often could say was that they were "reasonable," or at least not "unreasonable" to "suppose").[290] Given the uncertainties, given the risk of state resistance to the judicial power, given the impracticality of "extend[ing] the judicial power to every violation of the constitution which may possibly take place," should not the Court limit review of state decisions only to the "extreme and improbable" situation in which a state court blatantly disregarded federal law, while leaving state decisions intact when they presented "gradations of opposition to [federal] laws far short" of the "extreme?"[291] Chief Justice Marshall answered, "no":

> It is most true that this Court will not take jurisdiction if it should not[,] but it is equally true that it must take jurisdiction if it should. The judiciary *cannot*, as the legislature may, *avoid a measure because it approaches the confines of the constitution*. We *cannot pass it by because it is doubtful*. With *whatever doubts,* with *whatever difficulties*, a case may be attended, *we must decide it* if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given. The one or the other would be *treason to the constitution*. Questions may occur which *we would gladly avoid;* but we *cannot avoid them*. All we can do is, to exercise our *best judgment, and conscientiously to perform our duty*.[292]

AEDPA deference recapitulates each of the "baneful" implications of Virginia's argument that Marshall firmly rejected as contrary to Article III and the Supremacy Clause. It likewise recapitulates all of the obstructions to the effectuation of federal judges' best constitutional judgments that the Court rejected in *Hayburn's Case*, *Gordon*, and *Plaut*. In particular, Chief Justice Marshall's concluding paragraph anticipates and rejects—its negative answer applies directly and without emendation to—AEDPA deference. By requiring federal courts to "pass" on state-court constitutional violations that are "doubtful," "difficult," not "extreme," or that "approach the confines" of the rights the Constitution assures, AEDPA deference commands "treason to constitution."

C. A History Lesson Read Right and Wrong

Henry Hart's Dialogue—a staple of all seven editions of his and Herbert Wechsler's canonical textbook *The Federal Courts and the Federal System* and a rite of passage for generations of lawyers as they first encounter Article III[293]—famously encapsulated the problem the Framers faced and their risky solution: "In the scheme of the Constitution . . . [the state courts] are the primary guarantors of constitutional rights. If they fail, and if Congress had taken away the [federal judiciary's] appellate

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[290] *Id.* at 377, 414, 441, 446; *see id.* at 387, 394, 442 ("reasonable to expect"; "reasonable construction").
[291] *Id.* at 386–87, 404–05; *see id.* at 304-07 (argument of counsel).
[292] *Id.* at 404 (emphasis added); *see* Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2283 (2024) (Gorsuch, J., concurring) ("This duty of independent judgment is perhaps 'the defining characteristi[c] of Article III judges'"; "[n]o matter how 'disagreeable that duty may be' . . . a judge 'is not at liberty to surrender, or to waive it.'" (quoting Stern v. Marshall, 564 U.S. 462, 483 (2011); United States v. Dickson, 40 U.S. 141, 162 (1841)).

James Madison lived to see his home state, in *Martin* and *Cohens*, threaten his Constitution. Madison stood by his Constitution. Writing to Thomas Jefferson, Madison deemed "essential to an adequate System of Govt." the "provision within the Constitution for deciding in a peaceable & regular mode all cases arising in the course of its operation." The Convenors "intended the Authority vested in the Judicial Department as a final resort in relation to the States, for cases resulting to [the federal judiciary] in the exercise of its functions" with its judges' "oaths & official tenures . . . guarantying their impartiality." Proof of "this intention is expressed in the articles declaring that the federal Constitution & laws shall be the supreme law of the land, and that the Judicial Power of the U.S. shall extend to all cases arising under them." Letter from James Madison to Thomas Jefferson (June 27, 1823), in 4 Farrand, *supra* note 6, at 83–84.

[293] Akhil Amar, *Law Story*, 102 HARV. L. REV. 688, 690 (1989) (reviewing PAUL BATOR ET AL., HART & WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM (3d. ed. 1988) ("By the sheer breadth and depth of their presentation, Professors Hart & Wechsler succeeded in defining the pedagogic canon of what has come to be one of the most important fields of public law").

jurisdiction . . . then we really would be sunk."[294] Luckily, though, Congress always has provided federal appeals. But what, Hart asked, "if Congress gives jurisdiction but puts strings on it" placing "the *way* of exercising jurisdiction . . . in question, rather than its denial"? In that situation, he said, "the constitutional tests are different. . . . [I]f Congress directs an Article III court to decide a case, I can easily read into Article III a limitation on the power of Congress to tell the court how to decide it" as the Supreme Court made "clear long ago in *United States v. Klein*."[295] "In reviewing state court decisions, Congress can't shut the Supreme Court off from the merits and give it jurisdiction simply to reverse [or, presumedly, to affirm]. Not, anyway, if I'm right . . . that jurisdiction always is jurisdiction only to decide constitutionally."[296]

Hart wrote his celebrated dialogue in 1953, the same year the Court addressed the Constitution's bearing on local factionalism tainting state defendants' right to trial by racially integrated juries in *Brown v. Allen*.[297] *Brown*'s holding bore out his confidence that the gamble the Framers took paid off. Review by independent federal judges exercising the "whole judicial Power"[298] would "restrain or correct"[299] the "very errors, partialities, or defects, in state jurisprudence" and state practice "against which the constitution intended to protect the individual."[300]

A decade later, Professor Paul Bator assailed as ahistorical and wrong the *Brown* Court's (1) exercise of habeas jurisdiction to reach *all* state "custody in violation the Constitution" and (2) extension to federal habeas judges of the judicial power independently to apply "all" constitutional law—including that elucidated through non-deferential application of the Constitution to the facts of jury-discrimination and involuntary-confession claims—and to carry that law into effect by issuing the writ and overturning the offending state-court decision whenever custody violates the Constitution.[301] The analysis above demonstrates, however, across several score habeas cases and the pantheon of the Court's judicial-power and Supremacy-Clause decisions, that it is Bator's analysis that is ahistorical and wrong—especially its fundamental premise that habeas cases deserve *less* than the judicial power because they involve people finally adjudged criminal by state judges. For there he turns on its head Madison's cardinal case for the Constitution's solution to local factionalism: Article-III court review of "improper Verdicts in State tribunals obtained under the biassed directions of a dependent Judge, or the local prejudices of an undirected jury,"[302] so as to assure the Constitution's supremacy.[303] Bator's proposal and the Court's interpretation of AEDPA to make the reasonable but constitutionally wrong decisions of the judges of every State supreme in the cardinal cases—anything in the Constitution of the United States notwithstanding—are utterly untenable.[304]

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[294] Hart, *supra* note 227, at 1372.
[295] *Id.* at 1372–73 (citing United States v. Klein, 80 U.S. 128 (1872)).
[296] *Id.* at 1401–02.
[297] 344 U.S. 443 (1953) (discussed *supra* notes 165–167).
[298] Marbury v. Madison, 5 U.S. 137, 173 (1803).
[299] THE FEDERALIST No. 80, *supra* note 67, at 476.
[300] Martin v. Hunter's Lessee, 14 U.S. 304, 369–70 (1816).
[301] Bator, *supra* note 168 (cited in, Brown v. Davenport, 596 U.S. 118, 129 (2022); Wright v. West, 505 U.S. 277, 285–86 (1992) (plurality opinion); Edwards v. Vannoy, 593 U.S. 255, 277–78 (2021) (Thomas, J., concurring); *id.* at 290–91 (Gorsuch, J., concurring)). For opinions dismantling Bator's argument, see *Brown v. Davenport*, at 154–61 (Kagan, J., dissenting); Wright v. West, 505 U.S. 277, 298–306 (1992) (O'Connor, J., concurring in the judgment).
[302] 1 Farrand, *supra* note 6, at 124.
[303] Cohens v. Virginia, 19 U.S. 264, 404 (1821).
[304] Judges and scholars questioning AEDPA's constitutionality include Evans v. Thompson, 524 F.3d 1, 1–4 (1st Cir. 2008) (Lipez, J. dissenting from denial of rehearing *en banc*); Crater v. Galaza, 508 F.3d 1261, 1261–62 (9th Cir. 2007) (Reinhardt, J., dissenting from denial of rehearing *en banc*); Irons v. Carey, 505 F.3d 846, 856–57 (9th Cir. 2007) (Noonan, and Reinhardt, JJ., concurring); Davis v. Straub, 445 F.3d 908, 908–11 (6th Cir. 2006) (Martin, J., dissenting from denial of rehearing *en banc*); O'Brien v. DuBois, 145 F.3d 16, 21 (1st Cir. 1998); Lindh v. Murphy, 96 F.3d 856, 885–90 (7th Cir. 1996) (en banc), rev'd on

Back in 1953, Hart distilled the same truth from a simple reading of the habeas statute in light of Articles III and the Supremacy Clause, identifying the full judiciary's spot-checking review of state-court decisions on habeas as the Madisonian compromises' central triumph over local factionalism and as proof that, in that perpetual struggle, we are not sunk:

> The great and generating principle of this whole body of law [is] that *the Constitution always applies when a court is sitting with jurisdiction in habeas corpus*. For then the court has always to inquire, not only whether the statutes have been observed, but whether the petitioner before it has been "deprived of life, liberty, or property, without due process of law," or injured in any other way in violation of the fundamental law.
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> That principle forbids a constitutional court . . . from *ever accepting* as an adequate return to the writ the *mere statement that what has been done is authorized by act of Congress*. The inquiry remains, if *Marbury v. Madison* still stands, whether the act of Congress is consistent with the fundamental law. Only upon such a principle could the Court reject, as it surely would, a return to the writ which informed it that the applicant . . . lay stretched upon a rack with pins driven in behind his finger nails pursuant to authority duly conferred by statute.[305]

Written when (as is true today) incursions on the judicial power often arose in separation-of-powers, not federalism, contexts,[306] Hart's Dialogue also shows that the judicial power is the same in both contexts. As Professor Henry Monaghan (citing Hart) wrote in his article cited in *Loper*,[307] the "deference" Article III forbids occurs whenever a federal court's legal "judgment" is "displace[d]" by *any* non-Article III authority—whenever any authority "not the [federal] court, supplies at least part of the meaning of the law."[308] Displacement *vel non* also explains why constitutional rules based on an action's "reasonableness" do not raise Article-III problems[309]—unless they require a federal court to cede part of the Constitution's meaning to a non-Article-III actor.[310] A federal-court determination that a criminal defense lawyer's representation was "reasonable" in keeping with the Sixth Amendment[311] turns on a variety of factors, but the reasonableness judgment is the federal court's alone.

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other grounds, 521 U.S. 320 (1997) (Ripple, J., dissenting); Drinkard v. Johnson, 97 F.3d 751, 767–69 (5th Cir. 1996), cert. denied, 520 U.S. 1107 (1997) (Garza, J. dissenting), *overruled*, United States v. Carter, 117 F.3d 262 (5th Cir. 1997); Figueroa v. Walsh, 2008 U.S. Dist. LEXIS 35845, at *23, *25 (E.D.N.Y. May 1, 2008); Evan H. Caminker, *Allocating the Judicial Power in a "Unified Judiciary" (Restructuring Federal Courts)*, 78 TEX. L. REV. 1513, 1540–41 & n.98 (2000); Vicki C. Jackson, *Introduction: Congressional Control of Jurisdiction and the Future of the Federal Courts—Opposition, Agreement, and Hierarchy*, 86 GEO. L.J. 2445, 2467, 2470, 2474 (1998); Mark Tushnet & Larry Yackle, *Symbolic Statutes and Real Laws: The Pathologies of the Antiterrorism and Effective Death Penalty Act and the Prison Litigation Reform Act*, 47 DUKE L.J. 1, 10, 33 (1997); Vázquez, *supra* note 175, at 32–36; Young, *supra* note 248, at 319–21; *see* Marcia Coyle, *Sotomayor Says Congress Should Not Tell Judges How to Review Cases*, NAT'L L.J., Nov. 19, 2015 (quoting Justice Sotomayor criticizing AEDPA deference); *see also Lindh* at 871 (majority opinion of Easterbrook, J.,) (rejecting "argument" that AEDPA deference offends "the 'judicial Power of the United States' . . . to interpret the law independently" because that "would mean that deference in administrative law under *Chevron* is [also] unconstitutional").

[305] Hart, *supra* note 227, at 1393–94 (emphasis added).

[306] *See supra* notes 213, 217, 226, 241, 246, 250, 252, 258, 414 (Article-III decisions since the 1870s arising in separation-of-powers contexts).

[307] *See supra* note 192 and accompanying text.

[308] Monaghan, *Marbury*, *supra* note 23, at 5; *see id*. at 3 (premising the article on the "'no-deference' thesis" in Hart's "widely and rightly praised" Dialogue); *id.* at 31 n.186, 32, 34 n.194 (applying the same Article-III principles in "separation of powers" and "federalism context[s]").

[309] *See id*. at 28–29 (making a similar point in the separation-of-powers context).

[310] *See infra* notes 416–419 and accompanying text (extending this point to other cause-of-action elements).

[311] Strickland v. Washington, 466 U.S. 668, 681 (1984) (defining Sixth-Amendment effective assistance of counsel).

III. *Loper Bright*: The New Constitutionalist's New Light on AEDPA Deference

A. The New Constitutionalism and the Emperor's New Clothes

In *Williams v. Taylor*, Justice Stevens read section 2254(d)(1) to require the same "*Skidmore* respect" for state court decisions that *Loper* now requires federal courts, in lieu of *Chevron* deference, to pay to agency interpretations of law.[312] Federal courts, Stevens wrote, must "attend to every state-court judgment with utmost care, but . . . not . . . defer to the opinion of every reasonable state-court judge on the content of federal law."[313] After "carefully weighing all the reasons for accepting a state court's judgment," if "a federal court is convinced that a prisoner's custody—or, as in this case, his sentence of death—violates the Constitution, that independent judgment should prevail." Otherwise, the Constitution "might be applied by the federal courts one way in Virginia and another way in California."[314]

Skidmore respect is not, however, what the full Court now requires Article-III judges to apply in habeas cases.[315] Instead, when applying "AEDPA deference," federal judges (in Justice Gorsuch's phrase in *Loper*) must "almost reflexively defer."[316] A federal habeas court "may grant relief only if *every 'fairminded juris[t]'* would agree" with the Article-III judge's best judgment that a prisoner is in custody in violation of the Constitution and that the state judges who upheld the custody did so in "clear" constitutional "error."[317] Although "federal judges . . . might have reached a different conclusion had they been presiding," "simple disagreement does not overcome the . . . deference owed by a federal habeas court."[318] To justify this review "standard [which] is intentionally 'difficult to meet'"—a standard that requires federal courts to correct only "'error well understood and comprehended in existing law beyond any possibility of fairminded disagreement'"—the Court cites "respect" for "the authority and ability of state courts and their dedication to the protection of constitutional rights."[319] "Under AEDPA, state courts play the leading role."[320]

As laid out above, elevating state courts over federal courts in the constitutional hierarchy is an arrangement the Convenors deliberately rejected.[321] Holding that the Constitution "has provided no tribunal for the final construction of itself" and "that this power may be exercised in the last resort by the Courts of every State in the Union," leaving the Constitution with "as many constructions as there are States," is precisely the state of affairs Chief Justice Marshall in *Cohens* (on review of criminal convictions) and Justice Story in *Martin* rejected on Article-III and Supremacy-Clause grounds. Mandating deference that keeps federal judges from carrying into effect their best judgment of Constitution's dictates "had they been presiding" is the opposite of Chief Justice Marshall's insistence in *Bollman* that habeas judges "do that which the court below ought to have done."[322] "[R]equiring the

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[312] Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2258–59 (2024) (federal courts should give "'respectful consideration'" to "'body of experience and informed judgment'" federal agency exhibited in interpreting federal law (quoting United States v. Moore, 95 U.S. 760, 763 (1878); Skidmore v. Swift & Co., 323 U.S. 134, 139–40 (1944)).
[313] Williams v. Taylor, 529 U.S. 362, 389 (2000) (Stevens, J., concurring).
[314] *Id.* at 389–90; *see supra* notes 18–19 and accompanying text (describing *Skidmore* respect).
[315] *Loper*, 144 S. Ct. at 2258 ("'Respect' [under *Skidmore*] was just that. The views of the Executive Branch could inform the judgment of the Judiciary, but did not supersede it"; "a judge 'certainly would not be bound to adopt'" or give those views "binding deference" (quoting Decatur v. Paulding, 39 U.S. 497, 515 (1840)).
[316] *Id*. at 2287 (Gorsuch, J., concurring).
[317] Dunn v. Reeves, 594 U.S. 731, 740 (2021) (emphasis added); Woods v. Donald, 575 U.S. 312, 316 (2015).
[318] White v. Wheeler, 577 U.S. 73, 80 (2015) (*per curiam*).
[319] *Woods*, 575 U.S. at 317; Shoop v. Hill, 586 U.S. 45, 48 (2019).
[320] Shinn v. Kayer, 592 U.S. 111, 124 (2020).
[321] *See supra* notes 80–112 and accompanying text.
[322] Ex parte Bollman, 8 U.S. 75, 114, 125 (1807).

unanimous consent"[323] of all reasonable state and federal judges before any one federal judge or panel may exercise their independent judgment to decide the case and carry its decision into effect, violates the noninterference and full-constitutional-case-consideration requirements of *Hayburn's Case*, *Marbury*, *Gordon*, *Klein*, and *Plaut*.[324] Freeing federal judges from any responsibility to inquire into the Constitution at all in cases arising under it and forbidding them to exercise their best judgment in deriving the Constitution's full normative content from its "application" to the facts and circumstances through which its meaning is "liquidated" violates the full-constitutional-law-consideration requirements of *Marbury*, *Martin*, *Osborn*, *Klein*, *Crowell*, and *Norris*.[325] Worst of all, requiring federal judges faced with "difficulties" posed by a constitutional question "approach[ing] the confines of the constitution" to "pass it by because it is doubtful" is what Chief Justice Marshall in *Cohens* called treason to the Constitution.[326]

Is it not obvious, then, as in Hans Christian Andersen's tale, that the emperor has no constitutional clothes?[327]

The run-up to the Court's *Loper* decision overturning "*Chevron* deference" was cut from New Constitutionalist cloth. Under the "*Chevron* two-step," a federal court reviewing agency action would "first assess 'whether Congress has directly spoken to the precise question at issue,'" and, if so, would enforce Congress' "'clear'" intent. If, though, "'the statute is silent or ambiguous with respect to the specific issue,' the court [would], at *Chevron*'s second step, defer to the agency's interpretation" if it was reasonable—even if it was not the Article III court's best independent interpretation of the statue.[328] In the two cases before the Court, federal circuit courts denied ocean fishermen *de novo* review of Commerce Department regulations allegedly violating the governing federal statute by making them pay heavy fees covering the cost of government monitors—fees the mom-and-pop east-coast fishermen petitioners claimed unfairly ignored differences between them and the larger, wealthier Alaskan fisheries to which they claimed the statute limited such fees.[329] Both circuit courts found the statutory questions close and difficult and—following the forty-year-old *Chevron* decision with its seventy-odd Supreme Court and 18,000 lower-court precedents[330]—deferred to the Department's "reasonable" reading of the statute. Through (among others) former Solicitor General Paul Clement and an array of New Constitutionalist legal defense funds and scholars,[331] petitioners argued that *Chevron* had been constitutionally unclothed

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[323] Drinkard v. Johnson, 97 F.3d 751, 779 (5th Cir. 1996), cert. denied, 520 U.S. 1107 (1997) (Garza, J. dissenting), *overruled*, United States v. Carter, 117 F.3d 262 (5th Cir. 1997) (criticizing AEDPA deference).
[324] *See supra* Part II.B (noninterference and full-constitutional-case-consideration requirements).
[325] *See id.* (full-constitutional-law-consideration requirements).
[326] Cohens v. Virginia, 19 U.S. 264, 404 (1821).
[327] HANS CHRISTIAN ANDERSEN, THE EMPEROR'S NEW CLOTHES (H.C. Andersen Centret), https://andersen.sdu.dk/vaerk/hersholt/TheEmperorsNewClothes_e.html.
[328] Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2254 (2024) (quoting Chevron, U.S.A., Inc. v. Natural Res. Def. Council, 467 U.S. 837, 842–43 (1984)).
[329] Brief of Petitioners at 47–48, Loper Bright Enters. v. Raimondo, 114 S. Ct. 2244 (2024) (No. 22-451) [hereinafter Petitioners Brief, *Loper*]; Brief of Petitioners at 8, Relentless, Inc. v. Dep't of Com., 144 S. Ct. 325 (2024) (mem.) (No. 22-1219) [hereinafter Petitioners Brief, *Relentless*].
[330] *Loper*, 144 S. Ct. at 2307 (Kagan, J., dissenting).
[331] Amici for the fishermen included the America First, Atlantic, New England, Landmark, Mountain States, National Right to Work, Pacific, Southeastern, and Washington Legal Foundations; the America First Policy, American Cornerstone, Buckeye, Cato, Competitive Enterprise, Goldwater, and Manhattan Institutes; Centers for Law and Justice and for Constitutional Jurisprudence; the New Civil Liberties Alliance; and U.S. Senator Ted Cruz, Congressman Mike Johnson and 34 Other Members of Congress. *See* SCOTUSblog, Loper Bright Enterprises v. Raimondo, available at https://www.scotusblog.com/case-files/cases/loper-bright-enterprises-v-raimondo/; SCOTUSblog, Relentless, Inc. v. Dep't of Com., available at https://www.scotusblog.com/case-files/cases/relentless-inc-v-department-of-commerce/ (both last visited Oct. 23, 2024) (listing briefs amici curiae in *Loper* and its companion case).

from the start and that federal courts' agency review should return to the prior, non-acquiescent rule of *Skidmore*.

Representing the New Civil Liberties Alliance (NCLA), Columbia law Professor Philip Hamburger—a *Chevron* critic[332] and credentialed New Constitutionalist—was counsel on petitioner's brief in one of two consolidated cases and on an *amicus* brief in the other. "No clothes!" cries abound in both briefs: "[*C*]*hevron* is egregiously wrong several times over."[333] "Courts would not tolerate *Chevron*'s abandonment of independent judgment in any other context—even if it were commanded by statute and even if Congress commanded deference to a truly expert body."[334] The Court, NCLA argued, should declare the reigning doctrine jurisprudentially naked and dead: "Rather than just discard *Chevron*, this Court should candidly confess its *Chevron* error. The Court has for so long refused to repudiate *Chevron* that its glaring injustices have come to seem an almost ineradicable stain on the reputation and legitimacy of the judiciary."[335] "Only such candor can show that this Court is committed to restoring the judges' duty of independent judgment under Article III."[336] The Court obliged, "plac[ing] a tombstone on *Chevron* no one can miss" and—with "'humility'"—"admitting . . . our own mistakes."[337]

B. AEDPA Unclothed

Section 2254(d) is likewise constitutionally unclothed—far more so than *Chevron* even as *Chevron* is portrayed in its harshest denunciations by the *Loper* litigators. (1) The first table below lays out a compendium of core constitutional principles to whose violation, the New Constitutionalists argued in *Loper*, *Chevron* deference had blinded the Court and the public. Substitute "AEDPA" for "*Chevron,*" "state judges" for federal "agencies," "Constitution" for "statute," and "Supremacy Clause" for "Article II", and the unconstitutionality of AEDPA deference under Article III and the Supremacy Clause is exposed at least as powerfully—in many respects more powerfully—than the unconstitutionality of *Chevron* deference argued in *Loper*. In the second and third tables, the *Loper* arguments likewise illustrate (2) how AEDPA deference distorts state- and federal-court decisionmaking analogously to how *Chevron* was said to have distorted agency and federal-court decisionmaking and (3) how the constitutional shortcomings of *Chevron* deference pale to relative insignificance compared to those of AEDPA deference.

Essential features of the judicial power that AEDPA denies	Constitutional critiques of *Chevron* deference that as, or more, powerfully condemn AEDPA deference
Saying what the *law is*	"[AEDPA] has thus become an impediment . . . to accomplishing the basic judicial task of 'say[ing] what the law is.'"[338] (*Loper*)

[332] *See* Philip Hamburger, *Chevron Bias*, 84 GEO. WASH. L. REV. 1197 (2016).
[333] Petitioners Brief, *Loper*, *supra* note 329, at 15.
[334] NCLA Brief, *Loper* at 8. Raising the "sp[ectre] of party and faction" (THE FEDERALIST No. 10, *supra* note 5 at 79) twenty-first-century style, NCLA challenged the *Loper* Court to

> [i]magine that a statute established a committee of expert law professors and instructed the federal judiciary to "defer" to that committee's announced interpretations of a category of federal statutes so long as they were "reasonable." Or imagine the statute directed the courts to interpret legislation by bowing to the legal interpretations of The New York Times's editorial board. Such statutes would be laughed out of court, summarily declared as gross violations of Article III and a perversion of the independent judgment the Constitution requires of the judiciary.6 [¶] Yet *Chevron* operates precisely the same way.

NCLA Brief, *Loper*, *supra* note xx, at 8–9.
[335] *Id.* at 5.
[336] *Id.*
[337] Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2275 (2024) (Gorsuch, J., concurring); *id*. at 2272 (majority opinion).
[338] *Id*. at 2271 (majority opinion) (citation omitted).

Exercising *independent judgment*	"[AEDPA violates] the unremarkable, yet elemental proposition reflected by judicial practice dating back to *Marbury*: that courts decide legal questions by applying their own judgment."[339] (*Loper*)
	"[W]hat most clearly necessitates overturning [AEDPA] is that it requires the judges themselves to violate the Constitution." It "compels the Court to persistently violate its own constitutional obligations under Article III and [the Supremacy Clause]." It "directs Article III judges to abandon even the pretense of independent judgment by giving automatic and often dispositive weight to [state judges'] interpretation of [the Constitution]. It forces federal judges to acquiesce in [state judges'] view of the law—even when the courts themselves disagree with [that] view." It "imposes deference on lower court judges [who] are thus invidiously compelled to depart from their independent judgment. And when judges acquiesce in [AEDPA] deference, they unconstitutionally abandon their very office as judges." "This is a gross dereliction of duty and a violation of Article III."[340]
	"[AEDPA] says that even if all nine of you agree with us that [a state judge's] construction is worse than ours, you should nonetheless defer to the construction and uphold their [decision]."[341]
Independently *interpreting* the *whole* law (including "liquidating" its normative content by applying it to the facts)	"[AEDPA] defies these [Article-III] principles by telling judges to defer to inferior-but-tenable [state-court] interpretations of ambiguous federal [constitutional provisions]. Acquiescence is mandatory so long as the [state court's] interpretation falls within an ill-defined zone of reasonableness—even if the judge believes the [state court's] interpretation is wrong. [AEDPA] thereby forces judges to abdicate their most important duty: to faithfully apply the law."[342]
	"When applying [AEDPA] deference, reviewing [federal] courts do not interpret all relevant [constitutional] provisions and decide all relevant questions of law. Instead, [federal] judges abdicate a large measure of that responsibility in favor of [state judges, whose] interpretations of 'ambiguous' laws control even when those interpretations are at odds with the fairest reading of the law an independent 'reviewing court' can muster."[343] (Gorsuch, J.)
	"[AEDPA] directly interferes with judges' Article III duty to apply their own independent judgment when saying what the law [decreed by the Constitution] is . . . . Applying independent judgment requires judges to consider the text, history, purpose, and precedent of the federal law at hand, and to faithfully give effect to what they determine is the best interpretation of that law."[344]
	In "application of law to fact," AEDPA withdraws from Article-III judges the "legal component of that question"; "there's an important legal component to that question, that in any other context, like, for example, if

[339] *Id*. at 2261.
[340] NCLA Brief, *Loper*, *supra* note 54, at 5–6, 7–8, 22.
[341] *Relentless* OA Tr., *supra* note 29, at 5.
[342] Petitioners' Brief, *Relentless*, *supra* note xx, at 12–13; *see id.* at 17–19 (citing, *e.g.*, *Marbury*, *Stern*, *Crowell*, *St. Joseph*).
[343] *Loper*, 144 S. Ct. at 2281–82 (Gorsuch, J., concurring).
[344] Petitioners' Brief, *Relentless*, *supra* note 329, at 2–3; *see* Michigan v. EPA, 576 U.S. 743, 761 (2015) (Thomas, J., concurring) ("*Chevron* deference precludes judges from exercising that judgment, forcing them to abandon what they believe is 'the best reading of an ambiguous statute' in favor of an agency's construction. It thus wrests from Courts the ultimate interpretative authority to 'say what the law is.'" (citations omitted)).

	you were interpreting the Constitution, I think the court would quite reasonably think it's its own job to interpret the constitutional requirement of interstate commerce and give its best meaning."[345]
Independently deciding the *whole case*	"[AEDPA deference is] the only [standard of review] I know that says that at a certain point you just stop the *de novo* stuff and you sort of surrender, even under circumstances where, if the [state] weren't a litigant, you would keep going. Only [AEDPA deference] does that"; "the problem [is] with deferring at a certain point to the [state decision]"; "essentially telling the courts in [28 U.S.C. § 2241] specifically you have interpretive authority over . . . constitutional issues but then . . . at a certain point, you stop doing [constitutional] interpretation, even though you think there's a better answer, and you defer to a different branch of government."[346]
	"[If] you use all the traditional tools of [constitutional] interpretation, you'll get an answer, and we know that because, in cases where we don't have [AEDPA] involved and we use those same traditional tools, we get an answer. So how do we deal with" a doctrine requiring less than that?[347] (Kavanaugh, J.)
	AEDPA "eviscerate[s] independent judicial review, as it did here, by causing a court to throw in the interpretive towel as soon as it sees a purported 'silence' on the face of [the Constitution]."[348]
Independently deciding *who wins* based on supreme law	"Nonetheless, seizing on the [Constitution's] 'silence' and purported 'ambiguity,'" and "[a]though the D.C. Circuit unanimously agreed that [the Constitution] never explicitly authorized this crushing regulation . . ., a panel majority upheld it under [AEDPA] anyway. That *result* is intolerable, and the Court should jettison [AEDPA deference]." "The right result here is clear: [AEDPA deference] should be overruled, and the decision should be reversed so that the liberty of the small [litigants] that pursued the matter all the way to this Court is secured."[349]

[345] 29, at 30–32, 10. During oral argument, Chief Justice Roberts (*Relentless* OA Tr., *supra* note 29, at 8–11) and Justices Kavanaugh (*id.* at 57–58) and Barrett (*id.* at 30–32) and former Solicitor General Clement distinguished terms through which Congress makes "express delegations" to agencies (*e.g.*, authority to set "reasonable rates" or "appropriate limits" on length of trucks) from terms with both factual and normative content posing legal questions (*e.g.*, is a communications medium an "information service" or "telecommunication service"; is an ingestible a "dietary supplement" or "drug"?). Transcript of Oral Argument at Tr. 8–9, 86–87 (Clement), Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024) (No. 22-451) [hereinafter *Loper* OA Tr.]. Under law predating *Chevron* and accepted by all parties in *Loper*, Congress uses the former terms to delegate its law-making function to an expert agency. *See Loper*, 144 S. Ct. at 2263, 2268 (approving prior caselaw requiring federal judges "to independently identify and respect such delegations" while "polic[ing] the[ir] outer statutory boundaries"). In the latter, mixed-question situation, the *Loper* Court and petitioners noted, federal courts' "good old-fashioned [*de novo*] construction" is required. *Loper* OA at Tr. 8–9, 86–87 (Clement); *see Loper*, 144 S. Ct. at 2284 (Gorsuch, J., concurring) ("as the Court details," "so-called mixed questions of law and fact" are subject to the "normal and usual" rule of independent judicial review (citing *id*. at 2258-60 (majority opinion)). Of course, the Constitution's content is nondelegable except via the amendment process, ruling out the former ("reasonable rates") situation when a mixed question of fact and constitutional law arises. Elucidating the Constitution's meaning through its application to norm-exposing facts is a core component of the judicial power to exercise "independent judgment in interpreting and expounding upon the laws." Perez v. Mortgage Bankers Ass'n, 575 U.S. 92, 119 (2015) (Thomas, J., concurring); *see supra* notes 157 & 217 and accompanying text (norm-elucidation function of independent review of mixed legal and factual questions).

[346] *Loper* OA Tr., *supra* note 345, at 7, 28, 44–45.

[347] *Relentless* OA Tr., *supra* note 29, at 82–83.

[348] Brief of the New England Legal Found. as Amicus Curiae in Support of Petitioners, at 13, Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024) (No. 22-451).

[349] Petitioners Brief, *Loper*, *supra* note 329, at 2, 50 (emphasis added).

Carrying supreme law into *effect* by making it binding on the parties through an *adequate judicial remedy*	"Any decision that avoids frankly acknowledging [AEDPA's] patent constitutional defects would leave Americans without an adequate judicial remedy."[350]
	"[T]he [state] unilaterally imposed massive costs on . . . petitioners . . . without . . . [constitutional] authority. . . . Nonetheless, the [federal] courts below applied [AEDPA deference] to uphold [an] implausible and self-serving interpretation;" "a court cannot perform [a] checking function unless it *enforces* its own best understanding of what the law requires"; "Citizens should be able to rely on the best interpretation of [the] federal [Constitution]—and on the judiciary's willingness to enforce that interpretation."[351]
Deciding the case *neutrally* based on supreme law, undiminished by *partisanship, party, or faction*	"[AEDPA] systematically requires judges in their cases to favor the legal position of one of the parties—always the government party." "Judicial precommitment to accept one party's interpretation of a statute so long as it is reasonable and an express unwillingness to impartially consider the opposing party's position—even where its proposed [constitutional] interpretation is *more* reasonable – would be utterly disqualifying in any other circumstance." "The judiciary, however, routinely flouts these basic principles of justice and constitutional law by 'deferring' to [state judges'] interpretations of [the Constitution] under [AEDPA]. The judges defer under [AEDPA] even in cases where the court concludes another interpretation is more reasonable."[352]
	Article III "Judges are supposed to be impartial arbiters of law—not home-team umpires for the [state courts]." But AEDPA petitioners "face [federal] appellate courts primed and inclined to affirm any [state] action imposed on them."[353]
	"[AEDPA] deference requires courts to 'place a finger on the scales of justice in favor of the most powerful of litigants, the . . . government.'"[354] (Gorsuch, J.) "[W]hat niggles at so many of the lower court judges—are the immigrant, the veteran seeking his [relief] who have no power to influence [state courts], who will never capture them, and whose interests are not the sorts of things on which people vote. And . . . I didn't see a case . . . where [AEDPA deference] wound up benefitting those kinds of people."[355] (Gorsuch, J.)
	"In a liberty-loving Republic, one would expect that, whenever there is doubt about whether the [state] has authority over the governed, the tie would go to the citizenry—as is true in other contexts. Cf. United States v. Wiltberger, 18 U.S. 76, 95 (1820) (rule of lenity [in criminal cases]). But [AEDPA] quite literally erects the opposite rule for breaking not only ties, but anything deemed 'ambiguous.'"[356]

[350] NCLA Brief, *Loper*, *supra* note 54, at 29.
[351] Petitioners Brief, *Relentless*, *supra* note 329, at 4, 25, 43 (emphasis added).
[352] NCLA Brief, *Loper*, *supra* note 54, at 3–4, 12–13 (citation omitted).
[353] Petition for Writ of Certiorari at 25, 30, Relentless, Inc. v. Dep't of Com., 144 S. Ct. 325 (2024) [hereinafter *Relentless* Cert. Petition].
[354] *Loper*, 144 S. Ct. at 2285 (Gorsuch, J., concurring) (citation omitted).
[355] *Relentless* OA Tr., *supra* note 29, at 132–33.
[356] Petitioners Brief, *Loper*, *supra* note 329, at 38; *see id.* at 16 ("*Chevron's* primary victim is the citizenry, as *Chevron* literally gives the tie to regulators in every close case.").

Binding non-Article-III actors to *supreme law*	"Until [AEDPA], this Court had recognized no major carveout to Article III's investment of judicial power in the Judiciary when it came to reviewing [non-Article-III actors'] interpretations of law. In the wake of [AEDPA], however, this Court's . . . jurisprudence has lost its way, outsourcing the judiciary's core responsibility to a [non-Article-III] branch of government."[357]
	"A court may, of course, adopt [a non-Article-III authority's decision], but only by exercising the judicial power which requires independently judging that the interpretation is correct." "[AEDPA's] abdication of power is clearly at odds with the Constitution."[358]

How AEDPA distorts the legal process	How *Chevron* deference is said to distort the legal process
Inviting state courts aggressively to limit constitutional rights[359]	"Because [AEDPA deference] remains on the books, [state judges] continue to churn out [decisions] premised on aggressive, newfound readings of [the Constitution], and lower [federal] courts continue to feel obligated to afford '[AEDPA] deference' unless and until this Court explicitly says otherwise."[360]
	AEDPA deference "has taken this Court to the precipice of [state-judge] absolutism. Under its rule of deference, [state judges] are free to invent new (purported) interpretations of [the Constitution] and then require [Article III] courts to reject their own prior interpretations."[361]
"Distort[ing] the judicial process,"[362] impeding the development and uniformity of supreme law by (1) inviting federal judges to forgo saying what the Constitution means,[363]	"[AEDPA] deference undermines the 'evenhanded, predictable, and consistent development of legal principle' . . . by directing courts, upon a finding of ambiguity, to avoid definitively declaring what a law means," which "ensures the law remains ill-defined and subject to politically expedient [state-court] reversals and reinterpretations"; "renders the law unpredictable by requiring courts 'to overrule their

[357] Brief of Amici Curiae Former Supreme Court Justices Andrew W. Gould et al. in Support of Petitioners at 16, Relentless, Inc. v. Department of Com., 144 S. Ct. 325 (2024) (mem.) (No. 22-1219).
[358] Brief of the Found. for Gov't Accountability as Amicus Curiae in Support of Petitioners at 4, 6, Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024) (No. 22-451).
[359] *See* Fallon & Meltzer, *supra* note 162, at 1816–17 ("[D]isabling federal habeas courts from granting relief whenever reasonable disagreement is possible . . . reduces the incentives for state courts, and state law enforcement officials, to take account of the . . . law"). For examples of state courts "embolden[ed]" by Supreme Court AEDPA-deference decisions upholding questionable state-court interpretations, see Giovanna Shay & Christopher Lasch, *Initiating a New Constitutional Dialogue: The Increased Importance Under AEDPA of Seeking Certiorari from Judgments of State Courts*, 50 WILLIAM & MARY L. REV. 211, 228 & nn.93–95 (2008).
[360] Petitioners Brief, *Loper*, *supra* note 329, at 1–2. In applying AEDPA, the Court rarely "says otherwise." As Appendix D documents, the Court reversed lower-court exercises of deference favoring the state in only 2 (9%) of its 23 AEDPA-deference decisions over the last decade.
[361] Brief of the Competitive Enterp. Inst. as Amicus Curiae in Support of Petitioners at 8, Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024) (No. 22-451).
[362] *Relentless* OA Tr., *supra* note 29, at 3 (Martinez for Relentless).
[363] Since 2000, the Supreme Court has failed to resolve the constitutional merits in half of its AEDPA-deference decisions, rising to 83% of decisions in the last ten years. Federal Circuits except for the Second follow the same practice. *Cf.* Kruelski v. Connecticut Super. Ct., 316 F.3d 103 (2d Cir. 2003) (federal court must decide constitutional question, then determine whether state judges did so unreasonably). *See* Irons v. Carey, 479 F.3d 658, 667 (9th Cir. 2007) (Noonan, J., concurring) (AEDPA deference discourages federal-court development of constitutional precedent, magnifying AEDPA's "interference in the independence of the federal judiciary"); Lynn Adelman & Jon Deitrich, *Saying What the Law Is: How Certain Legal Doctrines Impede the Development of Constitutional Law and What Courts Can Do About It*, 2 FED. CTS. L. REV. 87, 90–93 (2007) (documenting ways AEDPA deference "thwarts the development of constitutional law"); Alan K. Chen, *Shadow Law: Reasonable Unreasonableness, Habeas Theory, and the Nature of Legal Rules*, 2 BUFF. CRIM. L. REV. 537, 627–32 (1999)

even when (2) state judges (a) forgo "citation" or "even . . . *awareness* of [controlling Supreme Court] cases";[364] (b) "appl[y] a [legal] theory that was flat-out wrong";[365] and (c) decline to explain their decisions at all—given that federal courts must "'defer'" even "to a state-court determination that was in fact *never made*"[366]	own declarations about the meaning of existing law in favor of interpretations dictated by [state judges]'"; and "encourages lower-court judges to invent new theories of deference[ ] to avoid deciding questions of law."[367]
	AEDPA deference "openly subverts the 'evenhanded, predictable, and consistent development of legal principles.' It tells judges to resolve the closest and most difficult questions of [constitutional] interpretation not through careful attention to legal precedent or through the judges' finely honed legal judgment, but through obeisance to [local-interest-]driven judgments of [decisionmakers lacking Article-III courts' tenure and salary protection]." It "tell[s Article-III courts] to avoid definitively declaring what ambiguous law means."[368]
Hydraulically driving ever-broader deference	"[State judges] are all reasonable. I mean, my goodness, the American people elect them. Of course, they're reasonable people. (Laughter)."[369] (Gorsuch, J.)
	Some federal circuit courts apply "[AEDPA deference] to allow [state judges] to do almost anything, unchecked by searching judicial review."[370]
	"The whole business of [constitutional] construction concerns[ ] text that at least one of the litigants perceives to be ambiguous. Thus, a doctrine that defers to [state judges] at the first sign of ambiguity is nothing short of an 'abdication of the judicial duty.'"[371]

Ways that the constitutional harms posed by *Chevron* deference pale to relative insignificance compared to the harms licensed by AEDPA deference	
AEDPA deference	*Chevron* deference
Empowers decisionmakers (state judges) whom the lawgiver (the Framers) distrusted because they "hold their offices by a temporary commission . . . fatal to their necessary independence"—and whose susceptibility to suasion by faction and by "the bias of local views and prejudices," and whose motivation to privilege "the particular law" over "the general law"[372] was the animating principle that generated both the Supremacy Clause and the delineation of judicial power in Article III—*vis-à-vis* the Article-III judges whom	Empowered decisionmakers (federal agencies with subject-matter expertise) whom the lawgiver (Congress) presumptively had determined were best situated to effectuate its directives in the

(examples of AEDPA deference "diminish[ing] the law-pronouncing function of the federal courts"); Shay & Lasch, *supra* note 359, at 228–36 (examples of "ADEPA's freezing effect" on constitutional law's development).

[364] Early v. Packer, 537 U.S. 3, 8 (2002) (per curiam).

[365] Johnson v. Williams, 568 U.S. 289, 310 (2013) (Scalia, J. concurring)

[366] *Id*. (emphasis added); *see* Harrington v. Richter, 562 U.S. 86, 101 (2011) (AEDPA deference applies to unexplained state-court decisions, requiring federal judge to imagine, then defer to, any *possible* explanation for the silent decision a "fairminded" judge might have had that outcome); *cf*. Frye v. Broomfield, xxx F.4th xxx, xxx (9th Cir. 2024) (Mendoza, J., dissenting) ("[I]t boggles my mind . . . that Frye will remain on death row because a hypothetical fair-minded jurist could think that an imaginary harmlessness analysis is reasonable."); Chen, *supra* note 363, at 625 (AEDPA incentivizes state judges to "cloud" and not "fully articulate their reasoning" because doing so "insulate[s] their decisions from [federal] review").

[367] NCLA Brief, *Loper*, *supra* note 54, at 22–23, 27–28 (citations omitted).

[368] Petitioners' Brief, *Relentless*, *supra* note 329, at 42 (citations omitted).

[369] *Relentless* OA Tr., *supra* note 29, at 93.

[370] *Relentless* Cert. Petition, *supra* note 353, at 28.

[371] Petition for Writ of Certiorari at 30, Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244 (2024) (quoting Gutierrez-Brizuela v. Lynch, 834 F.3d 1142, 1152 (10th Cir. 2015) (Gorsuch, J., concurring)).

[372] THE FEDERALIST No. 22, *supra* note 118, at 151; THE FEDERALIST No. 78, *supra* note 37, at 471.

the lawgiver vested with "the judicial power" of decision "impartially made, according to the rules of the Constitution" after taking "all the usual and most effectual precautions" (tenure and salary protections) "to secure this impartiality"[373]	relevant domain *vis-à-vis* federal judges[374]
Always withdraws Article-III courts' independent interpretation, application, and effectuation of the Constitution's bearing upon the legality of the applicant's custody and the state-court decision upholding it[375]	Never limited Article-III courts' independent interpretation, application, or effectuation of the Constitution[376]
Applies to *all* state-court determinations on the constitutional "merits"[377]	Applied only to agencies' interpretations of their own enabling statute *if* Congress had given the agency authority to make rules with the force of law, *if* the agency acted through the delegated mechanisms,[378] and except for "extraordinary cases" of "economic and political significance"[379] —and, even then, applied only at *Chevron* Step 2 if federal judges concluded at Step 1 that Congress left a "gap" for the agency to fill[380]
Is by far the preponderant basis on which affected cases are decided: AEDPA deference dictated the result in 85 percent of the 72 Supreme Court habeas decisions involving a state-court decision on the merits reviewed by Court since 2000—and in 91 percent of those cases over the last ten years—with the Court at times indicating that the outcome might or would have been different had the Court reached its own independent constitutional judgment.[381]	"This Court, for its part, has not deferred to an agency interpretation under *Chevron* since 2016."[382]
Leaves the Constitution's meaning in the hands of 30,000 state judges—perhaps the greatest betrayal of the Framers' unanimous support for a "right of appeal" of federal-question cases from state	Fostered national legal uniformity through one agency interpretation, rather than leaving lawmaking in

[373] THE FEDERALIST No. 39, *supra* note at 245–46.
[374] Compare *Loper*, 144 S. Ct. at 2297–98 (Kagan, J., dissenting) (*Chevron* presumed "Congress would choose an agency [to resolve statutory ambiguities], with courts serving only as a backstop . . . because agencies often know things about a statute's subject matter that courts could not hope to") with Williams v. Taylor, 529 U.S. 362, 387 (2000) (Stevens, J., concurring) (distinguishing *Chevron* and AEDPA deference because agencies have expertise on statutory regulatory law that federal courts lack, but state courts have no advantage over federal courts in construing federal constitutional law).
[375] 28 U.S.C. § § 2241(c)(1), 2254(a).
[376] *Loper* OA Tr., *supra* note 345, at 64–65.
[377] 28 U.S.C. § 2254(d).
[378] United States v. Mead Corp., 533 U.S. 218, 231–34 (2001).
[379] West Virginia v. EPA, 142 S. Ct. 2587, 2608 (2022) (quoting FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120, 159–160 (2000)).
[380] *Relentless* OA Tr., *supra* note 29, at 12–13, 18–20 (Kagan, J.) ("at step 1," before getting to Step 2 deference, "you work hard to figure out a statutory problem. You don't say, oh, it's difficult [and defer; instead] you look at the text, look at legislative history [and] context, look at every tool you can").
[381] *See* Appendix D (collecting and analyzing Supreme Court's AEDPA-deference decisions). Decisions and opinions indicating that, absent deference, a constitutional violation might or would have been found and remedied include Brown v. Davenport, 596 U.S. 118, 145 (2022); Dunn v. Madison, 583 U.S. 10, 12 (2017) (*per curiam*); Woods v. Donald, 575 U.S. 312, 319 (2015); Marshall v. Rodgers, 569 U.S. 58, 64 (2013); Renico v. Lett, 559 U.S. 766, 778 (2010); Brown v. Payton, 544 U.S. 133, 148–49 (2009) (Breyer, J., concurring); Woodford v. Visciotti, 537 U.S. 19, 24 (2002) (*per curiam*).
[382] *Loper*, 144 S. Ct. at 2269.

courts "to [a] national tribunal" in order (in John Rutledge's words) "to secure the national rights & uniformity of Judgmts"[383] and (in Chief Justice Marshall's and Justice Story's words) to achieve "uniformity, as well as correctness in expounding the Constitution" and avoid "truly deplorable" "public mischiefs" when judges "in different states . . . differently interpret" the Constitution[384]	the hands of twelve circuit courts and "800 district court judges"[385] (albeit with some "flip flopping" "shocks . . . every four or eight years when a new administration comes in"[386])

C. Fig Leaves

So much for the child's "no clothes!" statement of the obvious. What of those cheering on the monarch and his unreal attire? What is their explanation? Two came up in the *Loper* argument and a few scholars have offered a third. None provides even a fig leaf's constitutional cover.

1. Merely remedial

In the *Loper* oral argument, Solicitor General Prelogar sought to use AEDPA deference to bolster *Chevron* deference, calling both "deferential standards of review."[387] In response, Justice Gorsuch "wonder[ed] whether," in contrast to *Chevron*, AEDPA has "more to do with remedies [*i.e.*,] that we require a heightened standard before relief is granted."[388] Others have wondered the same,[389] principally relying on a theory of constitutional remedial discretion that Professors Richard Fallon and Daniel Meltzer articulated some years before AEDPA was adopted.[390] This defense is a mirage.

For starters, it is not what Fallon and Meltzer advocate. Their "remedial discretion" analysis addresses only cases involving the failure of non-Article-III actors to anticipate later "novel" and "surprising" Article-III-court interpretations of federal law.[391] As is elucidated further below, AEDPA deference presents a different issue: whether Congress can require federal court's subservience to "reasonable" but incorrect state court applications of constitutional law that was "*clearly established*" when they ruled.[392] But even in the "nonretroactivity" situations that Fallon and Meltzer do address, the Supreme Court has interposed Article III and Supremacy Clause barriers to invoking "remedial discretion" as a basis for permitting state courts and itself to forgo awarding relief that the Constitution otherwise requires.

Reynoldsville Casket Co. v. Hyde[393] involved Ohio resident Hyde's civil suit against a Pennsylvania company. An Ohio statute tolled the State's two-year statute-of-limitation period (which governed residents' suits against residents) when a resident sued a nonresident. Hyde's suit was timely only if the tolling provision applied to it. And while Hyde's suit was pending, the United States Supreme Court

[383] 1 Farrand, *supra* note 6, at 124 (Rutledge); *see supra* notes 105–112 and accompanying text (Convenors' unanimous support for federal-court review of state-court decisions of federal law).
[384] Cohens v. Virginia, 19 U.S. 264, 386, 388 (1821); Martin v. Hunter's Lessee, 14 U.S. 304, 347–48 (1816).
[385] *Relentless* OA Tr., *supra* note 29, at 123; *Loper* OA Tr. 60 (*Chevron* deference "ensur[es] that there are uniform rules throughout the country").
[386] *Loper* OA Tr., *supra* note 345, at 5, 22, 24 (Clement); *Relentless* OA Tr., *supra* note 29, at 96 (Kavanaugh, J.).
[387] *Relentless* OA Tr., *supra* note 29, at 113; *accord* Government's Brief, *Relentless*, *supra* note 29, at 39.
[388] *Relentless* OA Tr., *supra* note 29, at 126.
[389] *See, e.g.*, Cobb v. Thaler, 682 F.3d 364, 373–77 (5th Cir. 2012), *cert. denied*, 568 U.S. 1126 (2013) (section 2254(d) constitutionally "limit[s] the availability of a remedy even for aggrieved individuals who may have legitimate federal constitutional claims" (citing other circuits' precedent)); Scheidegger, *supra* note 79, at 917.
[390] Fallon & Meltzer, *supra* note 162.
[391] *Id*. at 1746–58, 1764, 1779 (limiting analysis to "*retroactivity* questions"—"cases involving new law").
[392] 28 U.S.C. § 2254(d)(1).
[393] 514 U.S. 749 (1995).

invalidated the tolling provision as an unconstitutional burden on interstate commerce.[394] The Ohio Supreme Court cited state nonretroactivity principles in giving Hyde the benefit of the longer limitation period and denying Hyde's out-of-state defendant the benefit of the Supreme Court's ruling. But this nonretroactivity analysis was squarely at odds with the federal retroactivity doctrine established by *Harper v. Virginia Dep't of Taxation*.[395] So, in the United States Supreme Court, Hyde's lawyer asked the Court to view "what the Ohio Supreme Court has done, not through the lens of 'retroactivity,' but through that of 'remedy.'"[396] State courts, the lawyer argued, "have a degree of legal leeway in fashioning remedies for constitutional ills"; and the Ohio high court had responsibly exercised that discretion in favor of maintaining the lawsuit based on "equitable" considerations and "fairness" in the light of Hyde's reasonable "reliance" on the law in effect when she filed her suit. The U.S. Supreme Court, he contended, could and should exercise that same remedial discretion to arrive at the same result.[397] Speaking for the majority, Justice Breyer declined this gambit, saying that the Ohio court's purported choice of remedy "would actually consist of providing *no* remedy for the constitutional violation"; instead, it would uphold and enforce unconstitutional discrimination of in-staters against out-of-staters.[398] Additionally, he wrote, "[w]e do not see how" the Court or the Ohio courts "could change a legal outcome that federal law, applicable under the Supremacy Clause, would otherwise dictate simply by calling its refusal to apply that federal law an effort to create"—or, presumedly, deny—"a remedy."[399]

In *Montgomery v. Louisiana*,[400] the Court reviewed a Louisiana state post-conviction decision refusing to apply a recent Supreme Court ruling that mandatory life-without-parole (LWOP) sentences for juvenile homicide offenders violate the Eighth Amendment[401] to Montgomery's LWOP sentence imposed forty-nine year earlier, when he was seventeen.[402] Over Justice Thomas' dissent characterizing the Louisiana court's decision as an appropriate exercise of remedial discretion under Louisiana nonretroactivity principles,[403] the Court reversed, relying on an 1880 habeas case, *Ex parte Siebold*:[404] "Under the Supremacy Clause of the Constitution, state collateral review courts have no greater power than federal habeas courts to mandate that a prisoner continue to suffer punishment barred by the Constitution."[405] *Siebold* had ruled that the Constitution renders all sentences imposed under an unconstitutional statute invalid *ab initio*, requiring the federal habeas court to hold the sentence unconstitutional and to carry its determination into effect by freeing Siebold from his unconstitutional conviction.[406] The Supremacy Clause, the *Montgomery* Court ruled, binds state courts to that same application of supreme law and requires the Supreme Court on appellate review to exercise its own judicial power and fulfill its duty to secure the Constitution's supremacy by reversing state-court decisions declining to obey the Constitution.[407]

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[394] Bendix Autolite Corp. v. Midwesco Enters., Inc., 486 U.S. 888, 894 (1988).
[395] 509 U.S. 86, 100 (1993).
[396] *Reynoldsville*, 514 U.S. at 752 (discussing Brief for Respondent, Reynoldsville Casket Co. v. Hyde, 514 U.S. 749 (1995) (available in 1994 WL 699710, which cites Fallon & Meltzer, *supra* note 162, at 1765, 1789, 1798).
[397] *Reynoldsville*, 514 U.S. at 753.
[398] *Id.* at 753.
[399] *Id.*
[400] 577 U.S. 190 (2016).
[401] Miller v. Alabama, 567 U. S. 460, 465 (2012).
[402] *Montgomery*, 577 U.S. at 203–04.
[403] *Id.* at 228 (Thomas, J., dissenting). Justices Scalia and Alito also dissented. *Id.* at 213 (Scalia, J., dissenting).
[404] 100 U.S. 371 (1880).
[405] *Montgomery*, 577 U.S. at 204 (citing *Siebold*).
[406] *Siebold*, 100 U.S. at 376. The Court's reliance on *Siebold*—a habeas case—shows that the Supremacy Clause has equal force in habeas and direct-review cases.
[407] *Montgomery*, 577 U.S. at 204–05.

The absence of remedial discretion to forgo remedies for violations of rights clearly established by prior Supreme Court precedent stretches back to *Martin v. Hunter's Lessee* in 1816. The *ultimate* Article III and Supremacy Clause problem there was not that the Court couldn't declare what the determinative federal law is. It already had done that in *Fairfax's Devisee v. Hunter's Lessee*.[408] The problem was the threat to the Court's power to enforce its declaration of law and its remedial mandate enforcing it, when the Virginia high court rejected both.[409] If ever there was a time for the Court to defer in the face of a state court's assertion of dignity, sovereignty, and coequal capacity to interpret and enforce federal law, this was it. But Justice Story's answer in effect was the same one Chief Justice Marshall gave in *Cohens v. Viriginia*. The Court could not withhold a remedy binding on the parties without treachery to the Constitution.[410]

2. Cause-of-action limitations

In its *Loper* briefs, the Government cited AEDPA deference for another proposition: that "[a]n Article III court does not surrender its authority to say what the law is when it answers legal questions that are themselves framed in terms of reasonableness."[411] The rest of the Government's argument, however, corrodes that asserted connection between *Chevron* and AEDPA deference. The Government's dominant defense of *Chevron* was that *Chevron* deference was accorded to an agency "directly empowered by Congress to speak with the force of law and then exercising appropriately a formal level of authority in implementing the statute."[412] AEDPA deference has no similar defense because the Constitution is its own whole law; it delegates its content to no other actors except through the laborious amendment process.[413] And it treats its independent and full *interpretation* and *effectuation* as core components of the judicial power, which neither Congress nor federal judges themselves nor anyone else can delegate to another authority. "Article III could neither serve its purpose in the system of checks and balances nor preserve the integrity of judicial decisionmaking if [Congress] could confer the Government's 'judicial Power' on entities outside Article III."[414] *Hayburn's Case*, *Marbury*, *Gordon*, *Klein*, and *Plaut* reach the same conclusion, as did the Justices in the *Loper* argument. They repeatedly asked the Government to assure them, as it did, that *Chevron* deference could never apply to an agency determination addressing the Constitution's meaning given "a unique Article III interest at stake there."[415]

A more subtle version of the Government's argument is that "reasonableness" is an elemental feature of the habeas cause of action which courts must accept in the same way they accept any other statutorily defined element of a cause of action. That logic would, for example, justify rejecting habeas challenges by applicants who are sentenced only to pay a fine (or who allege only a violation of state law) because

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[408] 11 U.S. 603, 626–28 (1813).
[409] *See supra* notes 193–197, 273–275 and accompanying text (discussing this aspect of *Martin*).
[410] *See supra* notes 273–275 accompanying text (*Martin's* holding). Likewise, in *Klein*, Congress' ultimate fallback in its effort to steer the Court away from making presidential pardons decisive proof of compensation-claimants' loyalty was "merely remedial." If the Court already had before it the evidence of a pardon, and if it were to treat the pardon as constitutionally conclusive proof of loyalty, then the Court at that point could not render a compensation judgment binding on the parties but must "forthwith dismiss the suit." Act of July 12, 1870, ch. 251, 16 Stat. 230, 235. That ploy, as well, the Court rejected. See *supra* notes 240–242 and accompanying text. Similarly, in *Plaut*, *Hayburn's Case,* and *Gordon*, the constitutional infirmity was the Court's inability to "carry" its independent judgment and resolution of the case "into effect" —in *Plaut* because Congress passed a law aiming retroactively to deactivate the Court's mandate, and in the other two cases because Congress or a federal agency might *possibly* revise the Court's judgment. *See supra* Part II.B.4.
[411] Government's Brief, *Relentless*, *supra* note 29, at 39.
[412] *Loper* OA Tr., *supra* note 345, at 76–77, 82 (Prelogar).
[413] Williams v. Taylor, 529 U.S. 362, 387 n.13 (Stevens, J., concurring) (quoted *supra* text accompanying note 22).
[414] Stern v. Marshall, 564 U.S. 462, 484 (2011) (Roberts, C.J.).
[415] *Loper* OA Tr., *supra* note 345, at 65; *Relentless* OA Tr., *supra* note 29, at 111, 124.

habeas jurisdiction and its cause of action extend only to litigants in *custody* in violation of *federal* law.[416] But, as *Marbury*, *Martin*, *Osborn*, *Klein*, *Crowell*, *Norris*, and *Reynoldsville* hold, once Congress directs an Article-III court—as sections 2241(c)(3) and 2254 do—to "train its attention" on custody in violation of the Constitution and "on the particular reasons . . . why state courts rejected a state prisoner's federal claims,"[417] that court may not constitutionally avert its eyes from how the whole constitutional law bears on the whole constitutional case. That is precisely why the Court unanimously rejected Congress' efforts through the *Klein* statute to use congressional control over the cause of action to blind the Court to part of the Constitution by instructing it to decide the case on the basis of loyalty conditions *other than* those affected by Presidential pardons issued under the Constitution's Article II. Nor would Article III allow Congress to structure causes of actions "arising under the Constitution and laws of the United States" so as to require –

- the *Marbury* Court to exercise original mandamus jurisdiction if the claimant offered a "reasonable justification" for the Court's and only the Court's use of mandamus to keep the Secretary of State within the bounds of law;
- the *Crowell* and *Norris* Courts, presented with claims of constitutional rights on review of agency and state-court decisions, to forgo *de novo* review and provide only deferential "reasonableness" consideration of agency or state-court factfindings, where "a conclusion of law of [the agency or the] state court as to a federal right [and its] findings of fact are so intermingled that the latter control the former";[418]
- the *Reynoldsville* and *Montgomery* Courts to limit their determination of the effect of their prior constitutional rulings to reasonableness review of state nonretroactivity rules, or to qualify federal retroactivity rules through the exercise (or toleration) of equitable remedial discretion that "actually" provides "no remedy for the constitutional violation."[419]

The same analysis applies to the Court's nineteenth-century deferential exercise of its (appellate) mandamus jurisdiction to review executive action, another precedent that the Government offered when defending *Chevron* in *Loper*. One form of mandamus deference—federal courts' refusal to interfere in the discretionary exercise of those "executive duties" that Article II confers on executive officers[420]—is immediately distinguishable. Although the Constitution gives States similarly broad discretion over many fields of endeavor, the Supremacy Clause withholds any such discretion from state *judges* as to federal *law*. Instead, it binds them by federal law and commands them to apply it.[421] And "Article III" uniquely empowers "federal courts to order state officials"—state judges included—"to comply with federal law."[422]

As is noted above, *Marbury* refused to defer to executive officials' interpretation of federal law in the process of adjudicating and remedying violations of vested rights.[423] Contrastingly, between 1840 in *Decatur v. Paulding*[424] and Congress' 1875 grant of general arising-under jurisdiction to lower federal courts (which "ultimately put an end to the necessity of relying on mandamus jurisdiction"[425]), the Court

[416] 28 U.S.C. §§ 2241(c)(3), 2254 (a); *accord* Act of Feb. 5, 1867, ch. 28, § 1, 14 Stat. 385, 385–86.
[417] Wilson v. Sellers, 584 U.S. 122, 125 (2018).
[418] Norris v. Alabama, 294 U.S. 587, 590 (1935).
[419] Reynoldsville Casket Co. v. Hyde, 514 U.S. 749, 753 (1995).
[420] *See, e.g.*, Marbury v. Madison, 5 U.S. 137, 166 (1803) ("discretionary duty" limit on mandamus).
[421] New York v. United States, 505 U.S. 144, 178 (1992).
[422] *Id.* at 179.
[423] *See supra* note 192.
[424] 39 U.S. 497 (1840).
[425] Bamzai, *supra* note 128, at 956.

on mandamus deferred to executive officials' interpretation of "the laws and resolutions of Congress" while noting that, on writ-of-error review, the Court "would not be bound to adopt the construction given by the head of a department."[426] Whether Marshall's nondeferential view of mandamus or the Taney Court's deferential view of mandamus is preferred, the main point is the one just made: if Congress wants, it can share some of its law-making function with administrative agencies. And, if it does, it can oblige federal courts—on mandamus or otherwise—to follow the law thus made within the broad zone of reasonableness that substantive due process requires. But neither Marshall's Court nor Taney's understood the *Constitution's* content to be delegable. Neither Court imagined Article-III judges' deferring to Congress or any other non-Article-III authority in expounding the Constitution's meaning.

"It is emphatically the duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret the rule."[427] There is no way to understand AEDPA deference other than as a withdrawal of that duty from the federal judiciary on the theory that it has been delegated to the judges of every State and has been appropriately exercised by them whenever it is dressed in the wispy gauze of a possibility of reasonableness. That is precisely the opposite of what Article III and the Supremacy Clause command.

3. Greater/lesser

Some observers offer another justification for AEDPA deference: that Congress' "greater" power to withhold jurisdiction entails the "lesser" power to confer jurisdiction but to tell the courts how to exercise it.[428] This suggestion reverses constitutional history. In their central compromise, the Conveners ceded Congress power over jurisdiction *in return for* Article III's investing all federal judges with "the judicial power."[429] The former power did not encompass the latter. Rather, it was deliberately aligned with the latter.[430]

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[426] *Decatur*, 39 U.S. at 515.

[427] Marbury v. Madison, 5 U.S. 137, 177 (1803).

[428] In Kent Scheidegger's view, once Congress authorizes a non-Article-III body to make a first-instance determination whether to afford a constitutional remedy, Congress thereafter can "limit the *additional remedy* of its own creation"—by which he means Congress' grant of jurisdiction to review that original determination—"to the circumstances in which it believes the benefit to be worth the cost." Scheidegger, *supra* note 79, at 892, 917 (emphasis added). This all over again is Virginia's argument in *Cohens*—that once its courts decided a federal claim, the Supreme Court could and should defer to its determination. Chief Justice Marshall called this "treason" *not* to the statute affording writ-of-error review but to the *Constitution*. Once the Court had jurisdiction, the Constitution required it to say what its law is, apply it, and carry it into effect. Scheidegger's argument also flouts constitutional history. *All* of the Framers agreed that some kind of federal-court "appellate" review of state-court decisions on matters of supreme law was essential. *See supra* notes 106–112 and accompanying text (Convenors' unanimity on this point). Federal habeas provides precisely that sort of review (or did until 1996). Chopping that arrangement up analytically into separate "remedies" makes a hash of the Framers' compromise on having neither exclusive state-court nor exclusive federal-court control of arising-under cases and instead having the latter be *the* appellate remedy for the factional foibles of the former. *See* THE FEDERALIST No. 82, *supra* note 115, at 494:

> [T]he national and State [judicial] systems are to be regarded as ONE WHOLE. The courts of the latter [are] natural auxiliaries to the execution of the laws of the Union, and an appeal from them will as naturally lie to [a federal] tribunal [that] unite[s] and assimilate[s] the principles of national justice and the rules of national decisions.

[429] *See supra* Part I (Convenors' compromise on this point).

[430] Recently, the Court invoked Congress' power to create lower federal courts as the basis for inferring Congress' power over those courts' jurisdiction. But the Court refused to infer from Congress' authority over jurisdiction any power of "'legislative interference with courts in the exercising of continuing jurisdiction'" or any other limit on "'the exercise of judicial power.'" Patchak v. Zinke, 583 U.S. 244, 251–53 & n.4 (2018) (plurality opinion) (quoting and following Ex parte McCardle, 74 U.S. 506, 514–15 (1868)). The former inference *enforces* the Madisonian Compromise, which resolved the Framers' disagreement about creating lower federal courts by leaving that decision to Congress; the latter inference would wreck the Compromise. Notably, the Court's main reliance in *Patchak* in assessing the breadth of the judicial power—*Ex parte McCardle*—is a habeas case, showing again that Article III applies with equal force in habeas and in direct-review cases.

In *Klein*, Congress tried to have it both ways—granting federal-court jurisdiction over compensation claims it desperately needed some other authority to resolve, while directing federal judges to exert less than "the whole judicial power" by applying only part of the law (minus the *Constitution*) or deciding only part of the case (not carrying the *Constitution* into effect).[431] The Court rejected the idea out of hand. So did *Hayburn's Case*, *Marbury*, *Martin*, *Cohens*, *Osborn*, *Gordon*, *Crowell*, *Norris*, *St. Joseph*, and *Plaut*. And so did *Bollman*, *Moore v. Dempsey*, *Brown* and the 116 other habeas decisions collected in Appendices B and C. Given the impracticality of withholding arising-under jurisdiction, it is Congress' power to do so that has turned out to be the lesser of the powers over which the Framers compromised. The constitutionally mandated qualities of federal judging have overmatched congressionally managed control of its quantity.

D. False Analogies

Fallon and Meltzer did not distill their remedial-discretion doctrine from AEDPA deference (which didn't yet exist) but from legal contexts involving "extreme unpredictability"—contexts in which state action is challenged as violating Supreme Court interpretations of law adopted *after* the state action occurred.[432] For that reason, neither of their key examples—*Teague v. Lane*[433] and qualified immunity in constitutional tort actions—is a convincing analogy to AEDPA deference, which applies only to possibly reasonable state-court applications of "clearly established" Supreme Court interpretations.[434]

As described by its author, *Teague's* judge-made rule "did not establish a 'deferential' standard of review" at all.[435] "Instead, *Teague* simply requires that a state conviction [challenged] on federal habeas be judged according to the law in existence when the conviction became final."[436] "New law"—which *Teague* forbids a federal habeas court to apply—is any law not "'dictated by precedent existing at the time the petitioner's conviction became final'" upon the completion of direct review.[437] Section 2254(d)(1) itself incorporates a version of the *Teague* rule by requiring that state decisions be judged against "clearly established Federal law, as determined by the Supreme Court of the United States," referring in this case to the law in effect when the highest state court ruled. *Teague* and section 2254(d)(1) both impose a choice of law defined by *timing*—law in effect when the case was decided or became final. Similarly, public officers receive "qualified immunity" in section 1983 suits "where clearly established law" in effect "'*at the time*'" the challenged action occurred "does not show that [it] violated the [Constitution]."[438] These rules comport with the Supremacy Clause, even if they are not the only possible ways to conform to it. That clause binds State judges to the "supreme law of the land," which quite sensibly can be understood to mean the supreme law in place or clearly established by the authoritative source at the time when the state judges had charge of the case.

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[431] *See supra* Part II.B.3 (discussing *Klein*).
[432] Fallon & Meltzer, *supra* note 162, at 1794, 1807–08, 1816 ("[A] rather extreme standard of unpredictability . . . should be required to justify denial of full, retroactive remediation"; "*Teague's* definition of the claims that will be deemed to rest on new law is far too expansive.").
[433] 489 U.S. 288 (1989).
[434] 28 U.S.C. § 2254(d)(1). AEDPA deference also violates both conditions Fallon & Meltzer place on their remedial-discretion proposal—that it leave in place an "overall structure of remedies adequate to preserve a regime of government under law" and not keep "constitutional adjudication [from] function[ing] as a vehicle for the pronouncement of norms." Fallon & Meltzer, *supra* note 162, at 1790, 1800.
[435] Wright v. West, 505 U.S. 277, 304 (1992) (O'Connor, J., concurring in the result).
[436] *Id*. (citing *Teague*, 489 U.S. at 301).
[437] Butler v. McKellar, 494 U.S. 407, 409 (1990); *Teague*, 489 U.S. at 301.
[438] Pearson v. Callahan, 555 U.S. 223, 243–44 (2009) (quoting Wilson v. Layne, 526 U.S. 603, 614 (1999) (emphasis added)).

Section 2254(d)(1) additionally ties the choice of law to its *source*—"as determined by the Supreme Court."[439] This provision comports with (even if it's not mandated by) Article III. Article III vests "the judicial power" in "one *Supreme* Court, and in such *inferior* courts as the Congress may from time to time ordain and establish." The lower "Federal Judiciary['s] power" both to "rule on cases" and to "decide them," is "subject to review *only* by *superior courts in the Article III hierarchy*."[440] The Supreme Court also has the final say as to the meaning and application of supreme law *vis-à-vis* the "state judges" to whom the Supremacy Clause refers. Congress thus commits no constitutional sin by holding state judges to supreme law as established by the Supreme Court. Although the Framers clearly contemplated lower-federal-court "appellate" jurisdiction over state courts—and the Supreme Court so designated habeas review by lower federal courts—there is a clear constitutional justification for subjecting that review to law "determined" by the court the Constitution makes supreme.[441]

Since 1886, habeas has been subject to an exhaustion-of-remedies rule steering constitutional claims to Article-III courts in which alternative forms of as-of-right review are available and giving their judgments *res judicata* effect should they file a successive action in an Article-III court.[442] As Professor Hart noted, these rules create no Article III problem: "The denial of *any* remedy is one thing. . . . But the denial of one remedy while another is left open . . . can rarely be of constitutional dimension."[443] To similar effect are sovereign and qualified immunity rules that sometimes limit available remedies for constitutional violations to prospective relief that still "permit[s] the federal courts to . . . hold state officials responsible to 'the supreme authority of the United States.'"[444] This comports with the aim of the Supremacy Clause to maintain federal law's dominance notwithstanding anything to the contrary in the "*laws* of any State" or in those laws' application by "the judges in every state" and other officials acting under color of law. It certainly provides no precedent for withholding *any* remedy from prisoners unconstitutionally incarcerated by force of state law in violation of clearly established Supreme Court law.

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There are, then, limits on the judicial power but none that justify AEDPA deference. As Professor Wechsler defined the Article-III judge's duty, it is "not that of policing . . . legislatures or executive" nor

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[439] 28 U.S.C. § 2254(d)(1).

[440] Plaut v. Spendthrift Farm, Inc, 514 U.S. 211, 218 (1995) (some emphasis removed and added).

[441] *See* Jackson, *supra* note 304, at 2452–54 (1998) (*Teague's* and section 2254(d)'s choice-of-law rules "assert the unique competence and supreme hierarchical position of the Supreme Court"); William M. M. Kamin, *The Great Writ of Popular Sovereignty*, 77 STAN. L. REV. xxx, xxx (forthcoming 2025) (section 2254(d)(1)'s choice of law preserves national "sovereignty" as "expressed through the laws of the land").

[442] *See supra* notes 141–143 and accompanying text (exhaustion-of-remedies requirement).

[443] Hart, *supra* note 227, at 1366; *accord* Yakus v. United States, 321 U.S. 414, 444 (1944). The congressional "limits" on habeas that Felker v. Turpin, 518 U.S. 651, 665 (1996) and Lonchar v. Thomas, 517 U.S. 324, 322–23 (1996) reference mainly apply to these successive-petition contexts. *Lonchar* also mentions judicially crafted harmless-error and adequate-and-independent-state-ground rules. The former rules apply to violations of law with no effect on the case's outcome; the latter rules preserve the judicial power by averting advisory opinions (*see* Herb v. Pitcairn, 324 U.S. 117, 126 (1945))—neither of which justifies requiring federal courts to ignore state judges' preserved constitutional error. Nor is *Stone v. Powell,* 428 U.S. 465 (1976) a precedent for AEDPA deference, given its basis in limits on the underlying constitutional right. *See* Withrow v. Williams, 507 U.S. 680, 691–92 (1993).

[444] Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 105 (1985) (quoting Ex parte Young, 208 U.S. 123, 160 (1908)); *see* Los Angeles Cnty. v. Humphries, 562 U.S. 29, 32–33 (2010) (at least prospective relief is available in section 1983 suits if state or local law, "policy or custom' caused a plaintiff to be deprived of a federal right"); Lindh v. Murphy, 96 F.3d 856, 870 (7th Cir. 1996) (en banc), *rev'd on other grounds*, 521 U.S. 320 (1997) (qualified and sovereign immunity "draw the line between prospective relief and damages from a government body" or out of "the pocket of a public employee," neither being the "right analogy" to AEDPA deference).

"of standing as an ever-open forum for the ventilation of all grievances that draw upon the Constitution"; instead, it is "the duty to decide the litigated case and to decide it in accordance with the law."[445] Once jurisdiction to decide a case arising under the Constitution is afforded in an appellate context *vis-à-vis* the judges of a state, the Supremacy Clause dictates the essential, fundamental objects of the judicial power—(1) to maintain the Constitution's supremacy, while ensuring that the judges in every state "toe the constitutional mark";[446] (2) to serve "as a necessary additional incentive for [state] trial and appellate courts throughout the land to conduct their proceedings in a manner consistent with established constitutional standards";[447] and (3) to engage in "independent judicial review . . . to the end that the Constitution as the supreme law of the land may be maintained."[448] AEDPA deference frustrates the accomplishment of each of these goals. It adulterates the judicial power and by doing so, undermines constitutional supremacy.

IV. The Way Forward: Respect Without Capitulation

Even the Supreme Court, constrained by the courtesy that has always characterized its relations with Congress, has charitably said of AEDPA that "in a world of silk purses and pigs' ears, the Act is not a silk purse of the art of statutory drafting."[449] Section 2254(d) as amended by AEDPA ranks with the statute's worst pigs' ears. As relevant here, it provides

> An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—
>
> (1) resulted in a decision that was *contrary to*, or involved an *unreasonable application* of, clearly established Federal law, as determined by the Supreme Court of the United States.

In *Williams v. Taylor*, the Justices unanimously recognized that in order to give effect to one of the italicized phrases, they had to render the other a nullity. They split 5-4 on which nullity to tolerate. Justice Stevens for four Justices read the *de-novo*-review principle conveyed by the words *contrary to law* as controlling the *unreasonable application* phrase, lest the latter render the former a nullity.[450] In contrast, Justice O'Connor read *unreasonable application* to require deference, to keep *it* from being a nullity. Thus was "contrary to" effectively stricken from the statutory text.[451]

Justice Stevens' choice between the pig's two ears has overwhelming advantages. For starters, it is more consistent with the provision's legislative history,[452] and it avoids the constitutional infirmities and

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[445] Wechsler, *Neutral Principles*, *supra* note 50, at 6; *see* Patchak v. Zinke, 583 U.S. 244, 266 (2018) (Roberts, C.J., dissenting) ("[T]he 'judicial Power of the United States' . . . sets aside for the judiciary the authority to decide cases and controversies according to law.").
[446] Solem v. Stumes, 465 U.S. 638, 653 (1984).
[447] Desist v. United States, 394 U.S. 244, 262–63 (1969) (Harlan, J., dissenting).
[448] St. Joseph Stock Yards Co. v. United States, 298 U.S. 38, 51–52 (1936).
[449] Lindh v. Murphy, 521 U.S. 320, 336 (1997).
[450] 529 U.S. 362, 385–86, 388 (2000) (Stevens, J. concurring) ("[AEDPA] is clear that habeas may issue under § 2254(d)(1) if a state-court 'decision' is 'contrary to . . . clearly established Federal law.'"; "[t]he simplest and first definition of 'contrary to' as phrase is "in conflict with'"; "the word 'deference' does not appear in [AEPDA]").
[451] *Id.* at 407 (O'Connor, J., concurring) (giving "contrary to" clause its "ordinary" meaning "saps the 'unreasonable application' clause of any meaning."); *Vázquez*, *supra* note 175, at 14 (majority's "attempt to give meaning to the 'unreasonable application' clause . . . effectively read[s] the 'contrary to' language out of the statute").
[452] *See* Statement by the President (Apr. 24, 1996) (AEDPA signing statement expressing President Clinton's "confiden[ce] that the Federal courts [under AEDPA would] bring their own independent judgment to bear on questions of law and mixed questions of law and fact"); 2 RANDY HERTZ & JAMES S. LIEBMAN, FEDERAL HABEAS CORPUS PRACTICE AND PROCEDURE § 32.3, at 1890–91 n.8, 1897–99 n.19 (7th ed. 2023) (collecting section 2254(d)'s legislative history, which confirms the drafters' understanding that section 2254(d) did not require federal-court deference); Vásquez, *supra* note 175, at 20–29 ("[AEDPA's sponsors] strenuously

national disuniformity of supreme law that AEDPA deference nakedly invites. It also has *textual* advantages because it provides an important role for both "unreasonable" and "application." Justice Stevens read section 2254(d) to direct federal courts "to attend to every state court judgment with utmost care,"[453] using the "state courts' determinations" as "the starting point" for analysis. "If, after carefully weighing all the *reasons* for accepting a state court's judgment, a federal court is convinced that a prisoner's custody—or, as in this case, his sentence of death—violates the Constitution [if "thorough analysis by a federal court produces a firm conviction that that judgment is infected by constitutional error,"[454] the federal court's] independent judgment should prevail."[455] Importantly, the statute ties the word "unreasonable" not to the state court's judgment or even its "decision," but instead to its "*application*," its "act of putting something to use."[456] Under Stevens' reading, if the reasoning through which the state judges put the law and the facts to use in reaching a decision is convincing, it controls. Unlike the "highly deferential" definition of "reasonableness," which incentivizes both state judges and federal courts to say as little as possible about the constitutional merits,[457] Stevens' reading incentivizes the powerful mobilization of reasons both by state judges (to command the federal district court's respect and influence its reasoning) and by the federal district court itself (knowing that a circuit court—and potentially the Supreme Court—will compare its reasons to the state judges' reasons and decide which are more compelling).

Bolstered by the word "firm," Justice Stevens' standard is a strong version of the *Skidmore*[458] mode of review that *Loper* now applies to federal-court consideration of agency interpretations of statutory law. In *Loper*'s framing—quoting Justice Jackson in *Skidmore* and "[e]choing themes" in the Court's caselaw "from the start" —the judge's job is to "extend respectful consideration to another branch's interpretation of the law, but the weight due those interpretation must always 'depend upon the[ir] thoroughness . . . , the validity of [their] reasoning, [their] consistency with earlier and later pronouncements, and all those factors which give [them] power to persuade.'"[459] In the Framers' and the Constitution's words, in order to dispel "much to fear" from "local prejudices," "bias," "dependence," and "undirected" adjudication,[460] it seeks reasons. In place of "the centrifugal tendency of the States" to apply their laws to "infringe the rights & interests of each other[,] oppress the weaker party within their respective jurisdictions," and "continually fly out of their proper orbits and destroy the order & harmony of the political system,"[461] it looks for evidence of a centripetal commitment to "[t]his Constitution" and a willingness to "be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."[462] In place of faction, it looks for law—the "supreme Law of the Land."[463]

This interpretation is itself reasoned and moderate. It preserves several substantial ways in which section 2254(d)(1) cabins federal-court discretion compared to pre-1996 habeas practice. Before granting

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denied that it would require the Court to uphold wrong but reasonable applications of federal law, and, indeed, made clear that the bill would retain the *de novo* standard of review").

[453] *Williams*, 529 U.S at 386, 389 (Stevens, J. concurring) (emphasis added).

[454] *Id.* at 389 (Stevens, J., dissenting).

[455] *Id.* (emphasis added); *see* Miller v. Fenton, 474 U. S. 104, 112 (1985) (federal courts should "give great weight to the considered conclusions of a coequal state judiciary").

[456] Merriam-Webster Dictionary, available at https://www.merriam-webster.com/dictionary/application.

[457] *See supra* notes 363–364 and accompanying text (describing incentive AEDPA deference gives state judges to forbear explaining their decisions).

[458] Skidmore v. Swift & Co., 323 U.S. 134 (1944).

[459] Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2284–85 (2024) (quoting *Skidmore*, 323 U.S. at 140).

[460] 1 Farrand, *supra* note 6, at 124 (Madison); THE FEDERALIST No. 22, *supra* note 118, at 151.

[461] 1 Farrand, *supra* note 6, at 164–65 (Madison).

[462] U.S. CONST. art. VI, cl. 2

[463] *Id*.

the writ, the federal court may not (as it could before[464]) strike out on its own in assessing the constitutionality of custody but must (1) ask whether the claim at hand was adjudicated on the merits in state court proceedings" (and, when in doubt, assume that it was)[465]; (2) if so, focus on the state-court "decision," "'train[ing] its attention on the particular reasons—both legal and factual—why [the] state courts rejected a state prisoner's federal claims'";[466] and it must limit its review to assuring the consistency of the state courts' decision with law (3) that was "clearly established" by the Supreme Court (no matter what the circuit law may have been)[467]; and (4) that was in effect at the time when the state court ruled.[468]

The modification proposed is small in the scheme of the statute as a whole: reinterpreting a single word, "reasonableness," as an incentive for the state courts to articulate actual *reasons* and as a directive to federal habeas courts to give a state court's reasons respectful consideration. But in constitutional effect, the change is enormous. AEDPA deference nullifies constitutional supremacy and uniformity and (in Justice Kavanaugh's words in the *Loper* argument) "abdicates" to factious influences, letting them "run[ ] roughshod over limits established in the Constitution."[469] AEDPA respect for reasons preserves the judicial power, constitutional supremacy, and the historic role of both in resisting "the violence of faction."[470] Where AEDPA deference invites silence, dissembling, distortion, and disunity, AEDPA respect for *reasons* promotes judicial deliberation and restores the writ's function as a fundamental exercise in state-federal dialogue and law elaboration.[471]

V. Conclusion: Is Law Dead and Faction Triumphant?

As they declared throughout the *Loper* arguments, the New Constitutionalists want the Constitution back.[472] As this article shows, the Constitution that the Framers built was designed to be a bulwark against faction, special interests, bias, and disunity. That is the Constitution Chief Justice Marshall and Justice Story staunchly defended against the Virginia courts' resistance to the federal judiciary's independence and to federal law's supremacy. It is the Constitution Justice Holmes, on habeas, invoked in vain to save *Leo Frank* from an antisemitic mob but which he resuscitated in time to save the five *Moore v. Dempsey* defendants from "improper Verdicts in State tribunals" swayed by racist mobs. It is the Constitution Chief Justices Marshall in *Marbury*, Taney in *Gordon*, Chase in *Klein*, Hughes in *Crowell*, and Roberts in *Stern* mustered against Congresses' efforts to cripple the capacity of Article-III courts' *independently* to decide the *whole constitutional case* and to *carry into effect* the *whole constitutional law*. It is the Constitution that calls the tie for the individual, not the state: the Constitution ever at risk from "politically expedient reversals and reinterpretations" and "aggressive newfound readings"[473] from the same evils, in short, that stirred the *Loper* litigators and Court to wipe *Chevron* and its seventy Supreme Court precents and 18,000 lower court precedents off the books.

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[464] *See* 2 HERTZ & LIEBMAN, *supra*, note 452, at 1881 (describing this change's impact).
[465] 28 US.C. § 2254(d).
[466] *Id.* § 2254(d)(1); Wilson v. Sellers, 584 U.S. 122, 125 (2018) (citation omitted).
[467] 28 US.C. § 2254(d)(1); *see* Marshall v. Rodgers, 569 U.S. 58, 64 (2013) (per curiam) (reversing habeas relief granted based partly on clearly established circuit precedent).
[468] *See* Cullen v. Pinholster, 563 U.S. 170, 180–82 (2011) (habeas "requires an examination of the state-court decision at the time it was made").
[469] *Loper* OA at Tr. 40–41 (Kavanaugh, J.) (describing *Chevron* deference).
[470] THE FEDERALIST No. 10, *supra* note 5, at 77.
[471] *See* Robert M. Cover & T. Alexander Aleinikoff, *Dialectical Federalism: Habeas Corpus and the Court*, 86 YALE L.J. 1035, 1048–67 (1977) (describing writ's role in "dialectical federalism").
[472] *See supra* notes 328–337 and accompanying text (*Loper* litigants' and amici's Article-III attacks on *Chevron* deference).
[473] NCLA Brief, *Loper*, *supra* note 54, at 23; Petitioners Brief, *Loper*, *supra* note 329, at 1–2.

From that Constitutions' perspective, AEDPA deference is far worse than *Chevron* deference was. Unlike AEDPA deference, *Chevron* never delegated the content, interpretation, and enforcement of the *Constitution* to non-Article-III actors. It never let those actors defend doubtful decisions by saying nothing or as little as possible about how those decisions accorded with the law. It never forced federal courts to invent reasons that non-Article III actors did not offer or to defer without first going through a process where you "don't [just] say, 'oh, it's difficult'" and give up, but instead you "work hard to figure out" the law's meaning "using every tool you can."[474] *Chevron* deference unified federal law around a single agency's interpretation—with some disruptions every four or eight years, perhaps—but never fragmented federal law into 30,000 pieces in the inconstant hands of the judges in every State. Yes, it put property and livelihood at risk, but never the most basic liberties of movement and daily self-rule. And life.

There is another difference between AEDPA deference and *Chevron* deference. Backing the *Loper* fishermen and women were powerful factions and friends—local and national Chambers of Commerce, the Christian Employers Alliance, the Competitive Enterprise Institute, Eight National Business Organizations, U.S. Senator Ted Cruz, West Virginia and twenty-six other states, to name a few.[475]

But what factions rallied to William Packer's defense? After twenty-eight hours of deliberations at Packer's second-degree-murder trial, the jury was at impasse; a juror was not convinced beyond a reasonable doubt.[476] Over the next seven days (four in court), the juror stood by her belief under fire from the others. Three times, the jurors told the judge they couldn't continue because they were "hung."[477] Twice the holdout juror asked to be removed because her deliberations were "not to the satisfaction of the others."[478] But still the judge declined to declare a mistrial, telling the juror she was forcing everyone to "start deliberations all over again."[479] Though the foreman assured the judge throughout that the juror "was continuing to deliberate," the judge twice admonished that they "do not have a right to not deliberate"—that "[t]he law is right there . . . . If [the defendant] did [that] and you find unanimously [that he] did that, you must follow the law and find [him] either guilty or not guilty."[480] Over the Ninth Circuit's conclusion that jury coercion "manifestly" occurred,[481] and despite a state-court decision so devoid of reasons that the Supreme Court could only defend it with a reminder that AEDPA deference "does not require citation of our cases—indeed, it does not even require awareness of our cases," the Court did not independently interpret, apply, and effectuate the Constitution.[482] It did not even insist on having some indication in the record that the state court had conducted a reasoned evaluation of William Packer's federal constitutional claim.[483] AEDPA's "'highly deferential standard for evaluating state-court rulings' . . . demands that [state-court decisions] be given the benefit of the doubt."[484] So, Mr. Packer: "Even if we agreed . . . that there was jury coercion here, it is at least reasonable to conclude that there was not, which means that the state court's determination to that effect must stand."[485]

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[474] *Relentless* OA Tr., *supra* note 29, at 12–13, 18–20 (Kagan, J.).
[475] *See* sources cited *supra* note 331 (listing briefs amici curiae in *Loper* and its companion case).
[476] Early v. Packer, 537 U.S. 3, 4–6 (2002) (*per curiam*).
[477] *Id.* at 5.
[478] *Id*.
[479] *Id*.
[480] *Id.*
[481] Packer v. Hill, 291 F.3d 569, 583 (9th Cir.), *rev'd sub nom*. Early v. Packer, 537 U.S. 3 (2002).
[482] *Early*, 573 U.S. at 8.
[483] *Id*.
[484] Renico v. Lett, 599 U.S. 766, 773 (2010) (citation omitted).
[485] *Early*, 537 U.S. at 11.

Who will rally for Joshua Frost? Frost was charged with aiding two associates to commit a series of robberies by driving them to and from the scenes of the crimes.[486] His lawyer sought to argue to the jury both (1) that the prosecution had failed to satisfy its burden of proof on the issue of Frost's guilty participation in the robberies, and (2) that whatever Frost did do in connection with the robberies was done under duress.[487] The trial court required Frost in closing argument to choose between those defenses, saying that they were incompatible as a matter of state law.[488] The Supreme Court's 1975 decision in *Herring* v. *New York*[489] had clearly established that "closing argument for the defense is a basic element of the adversary factfinding process" and that its complete denial violates the Sixth Amendment right to counsel and is "structural error" automatically requiring a new trial—even when the trial judge finds the evidence "open and shut."[490] As the Washington Supreme Court in Frost's case acknowledged, a defendant having two defenses, each supported by some evidence, is entitled to argue both: Frost's trial judge indisputably violated the federal Constitution's due-process and right-to-the-assistance-of-counsel clauses. [491] But a closely divided Washington Supreme Court ruled that denial of counsel on only one—not both—of an accused's defenses is *not* structural error; that it is susceptible to harmless-error analysis; and that, on the record of Frost's trial, the error was harmless.[492]

In federal habeas, once again a careful analysis of the facts in the light of clearly established federal constitutional law convinced the Ninth Circuit that the state court had erred and that Frost's custody violated the Constitution.[493] The United States Supreme Court reversed in a testy *per curiam* order. "Assuming for argument's sake that the trial court violated the Constitution," the Supreme Court wrote, "[a] court could reasonably conclude" that Mr. Herring's case presented a more basic denial of due process and of the right to counsel than Mr. Frost's. Mr. Herring was forbidden to argue in closing that he was not guilty because a prosecution witness was lying; Mr. Frost was *only* forbidden to argue that the facts the prosecution proved didn't amount to a crime; and he *was* permitted to take on the burden of proving duress—if he conceded that the prosecutor's facts made his conduct *prima facie* criminal.[494]

For all the Court said and did, Mr. Packer and Mr. Frost are as likely as not "in custody pursuant to a state judgment in violation of the Constitution."[495] As likely as not, they present Madison's cardinal case of a "[mis]directed jury" rendering "improper Verdicts in State tribunals" swayed by local prejudices against federal constitutional rights they see as overly protective of criminal defendants.[496] Yet endowed with jurisdiction and judicial power, the Court refused independently to interpret, apply, and effectuate their constitutional right to liberty.

Articles III and VI command that Packer and Frost have a supporter—the extended republic's *law* as independently interpreted, applied, and effectuated by nonpartisan, tenured judges given jurisdiction and thereby endowed with the judicial power to maintain the Constitution as the supreme law of the land *notwithstanding anything* in state law to the contrary. Congress' "pig's ear" drafting and the Court's "highly deferential" interpretation of AEDPA obstruct and distort that power at every turn. By the New

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[486] Glebe v. Frost, 574 U.S. 21, 21–22 (2014) (*per curiam*).
[487] *Id*. at 22.
[488] *Id*.
[489] 422 U.S. 853 (1975)
[490] *Id.* at 858; 863. *see, e.g.*, Arizona v. Fulminante, 499 U.S. 279, 309–10 (1991) (describing impact of structural error).
[491] *See Glebe,* 574 U.S. at 22 (discussing State v. Frost, 161 P.3d 361, 368–69 (Wash. 2007)).
[492] State v. Frost, 160 Wash.2d 765, 780–82 (2007).
[493] Frost v. Van Boening, 757 F.3d 910, 915–18 (9th Cir. 2014) (en banc), *rev'd sub nom*. Glebe v. Frost, 574 U.S. 21, 24 (2014) (*per curiam*).
[494] *Glebe*, 574 U.S. at 24. For other examples, see Shay & Lasch, *supra* note 359, at 224–28 & nn.93–95.
[495] 28 U.S.C. § 2254(a).
[496] 1 Farrand, *supra* note 6, at 124.

Constitutionalists' and *Loper*'s lights, as brightly shone in their relentless exposure of *Chevron* deference's lack constitutional clothing, AEDPA deference is no less jurisprudentially naked. Here, too, the New Constitutionalist on and off the Court must cry, No clothes! Treason to the Constitution.

APPENDICES

NOTE: The Appendices will not be included in the published (paper) edition.
They will continue to be available on SSRN.

Appendix A: Compromises at the Convention

What Convenors sought, relinquished, accepted:

- Mechanisms for constraining factious state and effectuating national law that Madison and allies *sought* and *relinquished:* (1) national legislative veto, (2) council of revision, (3) military force, (4) fullest possible *quantity* of mandated federal-question jurisdiction in mandated supreme and inferior tribunals

- Mechanisms for maintaining state sovereignty that Rutledge and allies *sought* and *relinquished*: (1) original-state court jurisdiction in all federal-question cases; (2) single ("supreme") federal tribunal responsible only for the "*construction*" of federal law but not empowered actually to "hear and determine" federal-question cases; (3) Congress' power to specify "manner" of supreme tribunal's decisionmaking; (4) bans on (a) state-court oaths of fealty to federal law, (b) inferior federal courts, (c) original federal-question jurisdiction in any federal tribunal

- Mechanisms both eventually *accepted*: (1) presumptive original state-court jurisdiction over federal-question cases; (2) Congress' discretion to "extend" original or appellate federal question jurisdiction to a mandated supreme court and to inferior courts Congress ordains and establishes; (3) state judges' oath to support the Constitution and, in federal-question cases, to treat it and federal statutes and treaties as supreme law of the land, anything in state law to the contrary notwithstanding; and (4) in original and appellate federal-question cases federal courts have jurisdiction to decide, full "judicial Power" independently to decide—with no constraints on *quality* or "*manner*" of how they decide—cases and effectually maintain supremacy of federal law in appeals from state courts

How Convenors reached these compromises:

- 1 Farrand 245 (June 15, 1787) (Paterson): first proposing to replace Virginia Plan's national veto with provision that all federal laws and treaties "shall be the supreme law of the respective States" by which "the Judiciary of the several States shall be bound in their decision, any thing in the respective laws of the Individual States to the contrary notwithstanding

- 2 Farrand 22, 21-22, 28 (July 17, 1787): convenors' rejection of the national veto; followed immediately by unanimous adoption of Paterson's supremacy clause quoted above

- 2 Farrand 382, 390-91 (Aug. 23, 1787): final failed effort to restore national veto; followed immediately (id. at 381-82, 389-91, 409, 417 (Aug. 23 and 25, 1787)) by Rutledge and allies' proposal and convenors unanimous adoption of supremacy clause expanded to include the Constitution and newly made as well as preexisting federal laws and treaties as supreme law of the land; followed immediately (id. at 422-25, 428-31) by (1) revision of "arising under" jurisdiction Congress could confer on federal judiciary "*conformably*" to August 23 and 25 Supremacy Clause changes to definition of supreme law of the land (2) clarification that federal-court powers comprehend "both law and equity" and "both law and fact"

Key concessions Convenors made on judges' role in protecting against factional influences on state law and its administration:

Concessions by Madison and allies:

1. State and federal judges would play the central role in preventing factious, oppressive state law and its administration

2. The quantity of especially original, arising-under, jurisdiction and caseloads would favor state judges not federal judges

Concessions by Rutledge and allies:

3. Judges in every state would swear to support the Constitution and treat Constitution, laws, and treaties as supreme law of the land

4. When given jurisdiction over appeals from state courts, federal judges would have full, independent, effectual "judicial Power" to assure that States and their judges adhere to supreme national law

Appendix B: Supreme Court Decisions Recognizing Availability
of Habeas Corpus Relief from Unconstitutional Custody, 1807-1922

Justice Holmes' 1923 decision for the Court in *Moore v. Dempsey* recognized that the "question" in habeas cases is "whether [applicants'] constitutional rights have been preserved,"[497] as did many later [d]ecisions,[498] including the seventy in Appendix D. Listed here are Supreme Court decisions before 1923 that exercised or recognized the availability of habeas review of prisoners' constitutional claims, whether or not premised on the detaining court's subject-matter or personal jurisdiction. In italicized decisions, the Court made clear that, regardless of subject-matter or personal jurisdiction, a constitutional violation sufficed to place the detaining court's action "beyond" its "jurisdiction," "the powers conferred upon it," or its "authority to hold" the prisoner:[499]

State- and federal-prisoner cases decided under the Act of February 5, 1867

1. Baender v. Barnett, 255 U.S. 224, 226 (1921) (Fifth Amendment and Article I, § 8 claims)
2. Ex parte Hudgings, 249 U.S. 378, 379 (1919) (Fifth Amendment claim)

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[497] 261 U.S. 86, 87-88 (1923).

[498] See, e.g., United States v. Hayman, 342 U.S. 205, 212 (1952) (all constitutional claims); Sunal v. Large, 332 U.S. 174, 178-79 (1947) (due process protection against government-tolerated perjury); Adams v. United States ex rel. McCann, 317 U.S. 269, 274-75 (1942) (Sixth Amendment right to counsel); Waley v. Johnston, 316 U.S. 101, 105 (1942) (due process protection against coerced guilty plea); Salinger v. Loisel, 265 U.S. 224, 232-33 (1924) (same).

[499] See Bator, *supra* note xx, at 470-72 (Court's nineteenth and early twentieth century habeas grants cannot be "easily justified" based on, and provide "a less than luminous beacon" defining what is meant by, a lack of jurisdiction and clearly extended relief to "categories of constitutional errors" by courts with undoubted jurisdiction); William M. M. Kamin, The Great Writ of Popular Sovereignty, 77 Stan. L. Rev. xxx, xxx (2025) (noting ""bevy" of "cases in which habeas courts recited the 'jurisdictional-defects-only' maxim, then proceeded to review the merits of convictions that unquestionably *had* been entered by courts of general criminal jurisdiction, vacating those convictions on the basis of (what would strike modern eyes as) substantive or procedural constitutional errors"); Lee Kovarsky, Habeas Myths, Past and Present, 101 Tex. L. Rev. Online 57, 67–79, xxx (2022) (jurisdiction-only interpretation of habeas' availability is "myth but not history" ignoring "a mountain of precedent"); Nickerson & Funk, *supra* note xx, at xx ("[T]he English common law had long understood that the line between jurisdiction and substantive decision-making was murky at best, and grave errors of substance had often been treated as defects of jurisdiction appropriately remedied by the prerogative writs"); Jonathan R. Siegel, Habeas, History, and Hermeneutics, 64 Ariz. L. Rev. 505, 510, 530 (2022) ("statement that a federal habeas court would not traditionally provide relief … unless the sentencing court lack jurisdiction" meant "a habeas court would provide relief … if the sentencing court committed an important error," many of which were "in reality nonjurisdictional"); Woolhandler, *supra note xx, at* 602-30 (exhaustively reviewing cases, concluding: "While the Court stated repeatedly it would not consider 'mere error' on habeas, it did not limit its review to strict 'jurisdictional,' error," instead "grant[ing] relief for mistakes falling somewhere between mere error and strict jurisdictional error—what it called 'not a case of mere error in law, but a case of denying to a person a constitutional right'"); Note, The Freedom Writ—The Expanding Use of Federal Habeas Corpus, 61 Harv. L. Rev. 657, 660 (1948) ("By increasingly strained fictions, [nineteenth-century habeas cases] expanded the word jurisdiction far beyond its formal requirements."); see also Ex parte Bigelow, 113 U.S. 328, xxx (1885) ("It may be confessed that it is not always very easy to determine what matters go to the jurisdiction of court so as to make its action when erroneous a nullity"); RICHARD H. FALLON JR., ET AL., HART AND WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM 356 (7th ed. 2015) ("Whenever an agency's action violates its governing statute, it seems possible to characterize the agency either as having exceeded its jurisdiction or as having erred substantively [s]o any effort to distinguish those categories will be elusive." (citing examples)).

Just as the presence of personal and subject-matter jurisdiction did not prevent habeas review of constitutional claims, so too its *lack* did not assure habeas review, *absent* a constitutional claim. See, e.g., Whitten v. Tomlinson, 160 U.S. 231, 240, 245-47 (1895) (declining to review alleged lack of personal and subject-matter jurisdiction); In re Tyler, 149 U.S. 164, 180-81 (1893) (alleged lack of subject-matter jurisdiction); Reynes v. Dumont, 130 U.S. 354, 394 (1889) (alleged lack of "jurisdiction in equity"); Ex parte Parks, 93 U.S. 18, 23 (1876) (alleged lack of subject-matter jurisdiction); Ex parte Watkins, 28 U.S. (3 Pet.) 193, 207 (1830) (alleged lack of subject-matter and personal jurisdiction).

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3. *Frank v. Mangum, 237 U.S. 309, 326, 328, 330-31, 345 (1915) (habeas available to any petitioner "shown to have been deprived of any right guaranteed to him by the Fourteenth Amendment or any other provision of the Constitution or laws of the United States"); id. at 334-35 (tying habeas corpus to detaining court's lack of "jurisdiction," which—notwithstanding detaining courts' unquestioned subject-matter and personal jurisdiction— is "lost in the course of proceedings" marred by violation of "any right guaranteed to him by the Fourteenth Amendment"); id. at 347 (Holmes, J., dissenting) (similar)*
4. Valentina v. Mercer, 201 U.S. 131, 132, 138-39 (1906) (due process right to instruction on self-defense and voluntary manslaughter)
5. Felts v. Murphy, 201 U.S. 123, 124-26, 129-30 (1906) (constitutionality of convicting deaf prisoner in proceedings he could not understand)
6. Rogers v. Peck, 199 U.S. 425, 433-34, 435 (1905) ("When a prisoner is in jail he may be released upon habeas corpus when held in violation of his constitutional rights")
7. Davis v. Burke, 179 U.S. 399, 403-04 (1900) (reviewing on merits and denying request to give state prisoners same Bill-of-Rights protections as federal prisoners)
8. Whitten v. Tomlinson, 160 U.S. xxx, 243-45 (18xx) (non-jurisdictional Fifth/Fourteenth Amendment double-jeopardy and Fourteenth Amendment Due Process improper-indictment claims)
9. Bergemann v. Backer, 157 U.S. 655, 656-58 (1895) (due process right to notice in indictment of degree of murder being charged)
10. Andrews v. Swartz, 156 U.S. 272, 275 (1895) (due process right to appeal in capital cases)
11. In re Tyler, 149 U.S. 164, 181 (1893) (resolving merits of Eighth Amendment excessive-fine and Eleventh Amendment improper-contempt claims by petitioner in "cause" that was "confessedly within [detaining court's] jurisdiction")
12. Bergemann v. Backer, 157 U.S. 655, 656-68 (1895)
13. *In re Bonner, 151 U.S. 242, 256-59 (1893) (rejecting argument that habeas corpus is limited to "judgment and sentence" that is "void" for want of subject matter or personal jurisdiction; "in all cases where life or liberty is affected by [detaining court's] proceedings," habeas corpus lies to keep that court "strictly within the limits of the law"; granting relief on Sixth Amendment right-to-jury claim); id. at 257 (any action by detaining court that Constitution "specifically proscribe[s]" withdraws that court's "jurisdiction to render a particular judgment," including any actions "in taking custody of the accused, and in its modes of procedure to the determination of the question of his guilt or innocence, and in rendering judgment" that transgress "limitations prescribed by law")*
14. In re Tyler, 149 U.S. 164, 181, 189, 190 (1893) (in "cause confessedly within [detaining court's] jurisdiction," reviewing merits of constitutional claim that court's contempt conviction violated state officials' Eleventh Amendment immunity)
15. Counselman v. Hitchcock, 142 U.S. 547, 585 (1892) (relief granted on Fifth Amendment self-incrimination claim)
16. McElvaine v. Brush, 142 U.S. 155, 158-59 (1891) (same as *Davis*, *supra*)
17. Brimmer v. Rebman, 138 U.S. 78, 80, 84 (1891) (granting relief from conviction for activity protected by Commerce Clause).
18. In re Converse, 137 U.S. 624-25, 628, 631 (1891) (constitutionality of guilty-plea procedures; habeas available for any "unconstitutional conviction and punishment under a valid law" and "conviction and punishment under an unconstitutional law")
19. Crowley v. Christensen, 137 U.S. 86, 92-94 (1890) (equal-protection claim)
20. Minnesota v. Barber, 136 U.S. 313, 330 (1890) (similar to *Brimmer*, *supra*)
21. In re Mills, 135 U.S. 263, 265-69 (1890) (habeas review justified if, "*apart from any questions as to jurisdiction*," custody "is in violation of the laws of the United States" (emphasis added))
22. Medley, Petitioner, 134 U.S. 160, 171-73 (1890) (ex-post-facto claim)

23. Davis v. Beason, 133 U.S. 333, 342-45 (1890) (First Amendment free-exercise claim)
24. *Neilsen, Petitioner, 131 U.S. 176, 183-84 (1889) (even "where the detaining court had authority to hear and determine the case," if habeas petitioner "was protected by a constitutional provision" (here, Fifth Amendment double-jeopardy protection) and his was "case of denying to a person a constitutional right," he is "entitled to be discharged"; habeas lies to correct any "conviction and punishment under an unconstitutional law" and any "unconstitutional conviction and punishment under a valid law"); id. at 185 ("sentence given was beyond the jurisdiction of the court, because it was against an express provision of the Constitution, which bounds and limits all jurisdiction")*
25. Ex parte Terry, 128 U.S. 289, 301, 311-14 (1888) (Fifth Amendment due-process claim of inadequate notice and denial of right to be present when convicted of contempt; habeas "extends to the cases ... of persons who are in custody in violation of the constitution", including any conviction under an unconstitutional law or unconstitutional conviction under a valid law)
26. In re Coy, 127 U.S. 731, 753-55 (1888) (Fifth Amendment due-process claim that penal statutes must require proof of intent)
27. Callan v. Wilson, 127 U.S. 540, 541 (1888) (habeas available for any conviction under an unconstitutional law or unconstitutional conviction under a valid law)
28. In re Ayers, 123 U.S. 443, 485-87, 507-08 (1887) (state officials' unlawful contempt conviction for violating federal-court injunction offensive to Eleventh Amendment)
29. Ex parte Bain, 121 U.S. 1, 5-6, 12-13 (1888) (granting relief granted Fifth Amendment right-to-indictment claim; habeas available for any violation of "the positive and restrictive language of the great fundamental instrument by which the government is organized")
30. Ex parte Harding, 120 U.S. 782, 783-84 (1887) (same as *Davis*, *supra*)
31. In re Snow, 120 U.S. 274 (1887) (same as *Nielson*, *supra*)
32. Yick Wo v. Hopkins, 118 U.S. 356, 356, 365-66, 368 (1886) (addressing non-jurisdictional selective-prosecution claims under Equal Protection Clause by two individual convicted of illegally operating San Francisco laundries—one reaching Court on writ of error, the other on habeas, both of whom received de novo review "whether the plaintiff . . . has been denied a right in violation of the Constitution, laws, or treaties of the United States" and were granted same relief from unconstitutional convictions)
33. Ex parte Royall, 117 U.S. 241, 253 (1886) (habeas available "to determine whether the petitioner is restrained of his liberty in violation of the constitution of the United States")
34. Ex parte Wilson, 114 U.S. at 422-26 (same as *Bain*, supa).
35. Ex parte Curtis, 106 U.S. 371, 372-73 (1882) (First Amendment challenge to law forbidding political activity by federal employees)
36. Ex parte Rowland, 104 U.S. 604, 616-18 (1881) (similar to *Ayers*, *supra*)
37. Ex parte Siebold, 100 U.S. 371, 374-77 (1879) (granting relief from federal conviction under unconstitutional law of state officials acting pursuant to state law)
38. Ex parte Jackson, 96 U.S. 727, 733, 736-37 (1877) (First and Fourth Amendment free-press and illegal-search claims)
39. Ex parte Lange, 85 U.S. (18. Wall. 163, 175 (1874) (same as *Nielson*, *supra*)
40. Ex parte Yerger, 75 U.S. (8 Wall.) 85, 99 (1868) (habeas available for any claim addressing "lawfulness of detention")

Federal-prisoner cases decided under the 1789 Judiciary Act

41. Ex parte Milligan, 71 U.S. (4 Wall.) 2, 116, 118 (habeas lies to consider "lawfulness of detention")
42. In re Metzger, 46 U.S. (5 How.) 176, 191 (1847) (habeas lies to consider "legality of the commitment")

43. Ex parte Milburn, 34 U.S. (9 Pet.) 704, 705, 710 (1835) (Fifth Amendment double-jeopardy violation by court with unchallenged jurisdiction)
44. Ex parte Randolph, 20 F. Cas. 242, 254-55 (C.C.D. Va. 1833) (No. 11,558) (Marshall, Cir. Justice) (assuming cognizability of claims that statute violated Article III and Fourth, Fifth, Sixth, and Seventh Amendments)
45. Ex parte Watkins, 28 U.S. (3 Pet.) 193, 202 (1830) (same, equating "legality" with constitutionality, while withholding review of non-constitutional criminal procedure issues)
46. Ex parte Bollman, 8 U.S. (4 Cranch.) 75, 135 (1807) (overturning arrest warrant issued by court with jurisdiction but lacking Fourth Amendment probable cause)
47. United States v. Hamilton, 3 U.S. (3 Dall.) 17, 18 (1795) (similar to *Bollman*, *supra*)

Appendix C: Supreme Court Decisions Addressing Standard of Review
and Affording *De Novo* Review of Legal and Mixed Constitutional Questions, 1915-1994

1. Frank v. Mangum, 237 U.S. 309, 334 (1915); *id*. at 347-48 (Holmes, J., dissenting on other grounds)
2. Moore v. Dempsey, 261 U.S. 86, 92 (1923)
3. Ashe v. United States ex rel. Valotta, 270 U.S. 424, 425-26 (1926)
4. Mooney v. Holohan, 294 U.S. 103 (1935) (per curiam)
5. Escoe v. Zerbst, 295 U.S. 490, 492-93 (1935)
6. Johnson v. Zerbst, 304 U.S. 458, 469 (1938) (remanding case for *de novo* review of previously unaddressed legal claims)
7. Bowen v. Johnston, 306 U.S. 19, 28 (1939)
8. Walker v. Johnston, 312 U.S. 275, 287 (1941) (same as *Johnson*, *supra*)
9. Waley v. Johnston, 316 U.S. 101, 105 (1942) same as *Johnson*, *supra*)
10. United States ex rel. McCann v. Adams, 320 U.S. 220, 222 (1943) (same as *Johnson*, *supra*)
11. Wade v. Mayo, 334 U.S. 672, 677 (1948)
12. Hawk v. Olsen, 326 U.S. 271, 276, 278-79 (1945) ("When . . . error in relation to the federal questions of constitutional violation, creeps into the record, we have the responsibility to review the proceedings.")
13. Darr v. Burford, 339 U.S. 200, 216-18 (1950)
14. Brown v. Allen, 344 U.S. 443, 458-59 (1953) (majority opinion of Reed, J.) (state-court determinations reviewed on habeas are "not res judicata," deserve same *de novo* review as "federal practice gives to the conclusion of a court of last resort of another jurisdiction on federal constitutional issues, and include "power of the District Court to reexamine federal constitutional issues even after trial and review by a state" to determine whether they are "consonant with . . . the Due Process and Equal Protection Clauses")
15. Brown v. Allen, 344 U.S. 443, 500-01, 506-07 (1953) (majority opinion of Frankfurter, J.) (on habeas review, federal judge has "final say"—i.e., "must exercise his own judgment," "independent" of state-court ruling; "prior State determination of a claim under the United State Constitution cannot foreclose" independent review; if case "calls for interpretation of the legal significance" of historical facts, "District Judge must exercise his own judgment . . . . [S]o-called mixed questions or the application of constitutional principles to the facts as found leave the duty of adjudication with the federal judge"; state-court determinations on legal questions "cannot, under the habeas corpus statute, be accepted as binding. It is precisely these questions that the federal judge is commanded to decide")
16. United States ex rel. Smith v. Baldi, 344 U.S. 561, 565-70 (1953)
17. Leyra v. Denno, 347 U. S. 556, 558-561 (1954)
18. Thomas v. Arizona, 356 U.S. 390, 393 (1958)
19. United States ex rel. Jennings v. Ragen, 358 U. S. 276, 277 (1959)
20. Douglas v. Green, 363 U.S. 192, 193 (1960) (per curiam)
21. Rogers v. Richmond, 365 U. S. 534, 546 (1961)
22. Irwin v. Dowd, 366 U.S. 717, 723 (1961)
23. Gideon v. Wainwright, 372 U. S. 335, 339-345 (1963)
24. Townsend v. Sain, 372 U.S. 293, 318 (1963); id. at 326-27 (Stewart, J., dissenting); Fay v. Noia, 372 U.S. 391, 460-61 (1963) (Harlan, J., dissenting in companion case) ("if a petitioner could show that the validity of a state decision to detain rested on a determination of a constitutional claim, and if he alleged that determination to be erroneous, the federal court had the right and the duty to satisfy itself of the correctness of the state decision")
25. Boles v. Stevenson, 379 U.S. 43, 44-45 (1964) (per curiam)
26. Pate v. Robinson, 383 U. S. 375, 384-86 (1966)
27. Sheppard v. Maxwell, 384 U. S. 333, 349-363 (1966)
28. McMann v. Richardson, 397 U. S. 759, 766-774 (1970)

29. Lego v. Twomey, 404 U. S. 477, 482-490 (1972)
30. Barker v. Wingo, 407 U. S. 514, 522-536 (1972)
31. Morrissey v. Brewer, 408 U. S. 471, 480-490 (1972)
32. Neil v. Biggers, 409 U.S. 188, 191 (1972) (following "principle that each [habeas petitioner] is entitled . . . to a redetermination of his federal claims by a federal court" (citing Congress' 1948 recodification of 1867 Habeas Corpus Act, 14 Stat. 385 (1948))
33. Gagnon v. Scarpelli, 411 U. S. 778, 781-791 (1973)
34. Schneckloth v. Bustamonte, 412 U. S. 218, 222-49 (1973)
35. Cupp v. Naughton, 414 U.S. 141, 147-49 (1973)
36. Donnelly v. DeChristoforo, 416 U.S. 637, 642-45 (1974)
37. Mullaney v. Wilbur, 421 U.S. 684 (1985)
38. Stone v. Powell, 428 U.S. 465, 477 (1976) ("full reconsideration of . . . constitutional claim")
39. Brewer v. Williams, 430 U.S. 387,404 (1977); see id. at 417-20 (Burger C.J. dissenting); id at 429 (White, J., dissenting); id. at 438 (Blackmun, J., dissenting)
40. Casteneda v. Partida, 430 U.S. 482, 492-501 (1977)
41. Manson v. Brathwaite, 432 U. S. 98, 109-117 (1977)
42. Wainwright v. Sykes, 443 U.S. 72, 87 (1977)
43. Jackson v. Virginia, 443 U.S. 307, 318-23 (1979) (rejecting deferential standard of review of insufficiency-of-evidence claim)
44. Rose v. Mitchell, 443 U.S. 545, 561 (1979) ("independent . . . review by a federal court"); see id. at 580-82 (Powell, J., concurring in the judgment)
45. Cuyler v. Sullivan, 446 U.S. 335, 342 (1980)
46. Watkins v. Sowders, 449 U. S. 341, 345-49 (1981)
47. Sumner v. Mata, 449 U.S. 539, 543-44 (1981)
48. Sumner v. Mata II, 455 U.S. 591, 597 (1982)
49. Marshall v. Lonberger, 459 U.S. 422, 430 (1983)
50. Jones v. Barnes, 463 U. S. 745, 750-54 (1983)
51. Rushen v. Spain, 464 U.S. 114, 120 (1983) (per curiam)
52. Strickland v. Washington, 466 U.S. 668, 697-98 (1984) (O'Connor, J.) ("The principles governing ineffectiveness claims should apply in federal collateral proceedings as they do on direct appeal or in motions for a new trial."); see Wright v. West, 505 U.S. 277, 302 (O'Connor, J., concurring) (*Strickland* "distinguished state-court determinations of mixed questions of fact and law, to which federal courts should not defer, from state-court findings of historical fact, to which federal courts should defer.")
53. Berkemer v. McCarty, 468 U. S. 420, 435-42 (1984)
54. Wainwright v. Witt, 469 U.S. 412, 429 (1985)
55. Francis v. Franklin, 471 U.S. 307, 314 (1985)
56. Miller v. Fenton, 474 U.S. 104, 112-13, 115 (1985) ("independent federal determination")
57. Moran v. Burbine, 475 U. S. 412, 420-34 (1986)
58. Kimmelman v. Morrison, 477 U. S. 365, 373-87 (1986)
59. Darden v. Wainwright, 477 U.S. 168, 178-83 (1985)
60. Hitchcock v. Dugger, 481 U.S. 393, 397-99 (1987)
61. Maynard v. Cartwright, 486 U. S. 356, 360-65 (1988)
62. Penry v. Lynaugh, 492 U.S. 302, 322-26 (1989)
63. Duckworth v. Eagan, 492 U. S. 195, 201-05 (1989)
64. Estelle v. McGuire, 502 U.S. 62, 70-75 (1991)
65. Parke v. Raley, 506 U.S. 20, 35 (1992)
66. Wright v. West, 505 U.S. 284, 294-95, 297, 306 (1992) (plurality opinion and opinions of White, O'Connor, and Kennedy, JJ., concurring in the judgment)
67. Withrow v. Williams, 507 U.S. 680, 694 (1993)

68. Shiro v. Farley, 510 U.S. 222, 232 (1994) ("The preclusive effect of the jury's verdict [under constitutional collateral estoppel rules] is a question of federal law which we must review *de novo*")
69. Kyles v. Whitley, 514 U.S. 419, 454 (1995)
70. Thompson v. Keohane, 516 U.S. 99, 102 (1995) ("[T]he issue whether a suspect is 'in custody,' and therefore entitled to *Miranda* warnings, presents a mixed question of law and fact qualifying for independent review.")

Appendix D: Supreme Court Decisions Applying AEDPA Deference Standard, 2000-2022

Case	Citation	Petition granted?	Court of Appeals outcome	Applied 2254(d)(1) deference?	Decision:			Found violation?	Deference defined and applied
					Decided merits * *ruled against petitioner on non-2254d grounds*	Addressed merits up to a point but left undecided	Did not address merits		
Ramdass v. Angelone	530 U.S. 156 (2000)	No	Aff'd CA4	Yes	X			No	
Weeks v. Angelone	528 U.S. 225 (2000)	No	Aff'd CA4	Yes	X			No	
(Terry) Williams v. Taylor	529 U.S. 362 (2000)	Yes	Rev'd CA4	Yes (deferred to state trial court; state supreme court decision is unreasonable)	X			Yes	"Under § 2254(d)(1) . . . federal habeas court may not issue the writ simply because that court concludes in its independent judgment that the relevant state-court decision applied clearly established federal law erroneously or incorrectly. Rather, that application must also be unreasonable." *Id*. at 411 (O'Connor, J., for majority).
Penry v. Johnson	532 U.S. 782 (2001)	Yes and no (remanded on 8thA claim; rejected 5thA claim)	Aff'd CA5 (5thA claim) Rev'd (8thA claim)	Yes (5thA claim) No (8thA claim)	X* (8thA claim)	X (5thA claim)		No Yes (8thA claim)	"[E]ven if the federal habeas court concludes that the state-court decision applied clearly established federal law incorrectly, relief is appropriate only if that application is also objectively unreasonable." *Id*. at 793.
Bell v. Cone	535 U.S. 685 (2002)	No	Rev'd CA6	Yes	X			No	
Early v. Packer	537 U.S. 3 (2002) (*per curiam*)	No	Rev'd CA9	Yes		X		Undecided	"Avoiding the[] pitfalls [of 2254(d)] does not require citation of our cases—indeed, it does not even require *awareness* of our cases, so long as neither the reasoning nor the result of the state-court decision contradicts them." *Id*. at 8.

Woodford v. Visciotti	537 U.S. 19 (2002) (*per curiam*)	No	Rev'd CA9	Yes		X		Undecided	"[R]eadiness to attribute error is inconsistent with the presumption that state courts know and follow the law. It is also incompatible with § 2254(d)'s 'highly deferential standard for evaluating state-court rulings,' which demands that state-court decisions be given the benefit of the doubt." *Id.* at 24.
Lockyer v. Andrade	538 U.S. 63 (2003)	No	Rev'd CA9	Yes			X	Undecided	"[T]he Ninth Circuit defined 'objectively unreasonable' to mean 'clear error.' These two standards, however, are not the same. The gloss of clear error fails to give proper deference to state courts by conflating error (even clear error) with unreasonableness." *Id.* at 75. "It is not enough that a federal habeas court, in its 'independent review of the legal question,' is left with a 'firm conviction' that the state court was 'erroneous.'" *Id.*
Mitchell v. Esparza	540 U.S. 12 (2003) (*per curiam*)	No	Rev'd CA6	Yes	X			No	"A state court's decision is not 'contrary to . . . clearly established Federal law simply because the court did not cite our opinions." *Id.* at 16. "A federal court may not overrule a state court for simply holding a view different from its own, when the precedent from this Court is, at best, ambiguous." *Id.* at 17.
Price v. Vincent	538 U.S. 634 (2003)	No	Rev'd CA6	Yes		X		No	

Wiggins v. Smith	539 U.S. 510 (2003)	Yes	Rev'd CA4	No	X			Yes	
Yarborough v. Gentry	540 U.S. 1 (2003) (*per curiam*)	No	Rev'd CA9	Yes	X			No	
Holland v. Jackson	542 U.S. 649 (2004) (*per curiam*)	No	Rev'd CA6	Yes			X	Undecided	
Middleton v. McNeil	541 U.S. 433 (2004) (*per curiam*)	No	Rev'd CA9	Yes			X	Undecided	
Yarborough v. Alvarado	541 U.S. 652 (2004)	No	Rev'd CA9	Yes		X		No	"[E]valuating whether a rule application was unreasonable requires considering the rule's specificity. The more general the rule, the more leeway courts have in reaching outcomes in case-by-case determinations." *Id*. at 664. "the deferential standard of § 2254(d)(1)." *Id.*
Bell v. Cone	543 U.S. 447 (2005) (*per curiam*)	No	Rev'd CA6	Yes	X			No	"Federal courts are not free to presume that a state court did not comply with constitutional dictates on the basis of nothing more than a lack of citation." *Id*. at 455.
Bradshaw v. Richey	546 U.S. 74 (2005) (*per curiam*)	No	Vac'd CA6	Yes			X	No	
Brown v. Payton	544 U.S. 133 (2005)	No	Rev'd CA9	Yes	X			No	"Even on the assumption that [state-court] conclusion was incorrect, it was not unreasonable, and is therefore just the type of decision that AEDPA shields on habeas review." *Id*. at 143.
Kane v. Espitia	546 U.S. 9 (2005)	No	Rev'd CA9	Yes	X			No	
Rompilla v. Beard	545 U.S. 374 (2005)	Yes	Rev'd CA3	No	X			Yes	
Carey v. Musladin	549 U.S. 70 (2006)	No	Vac'd CA9	Yes			X	Undecided	

Abdul-Kabir v. Quarterman	550 U.S. 233 (2007)	Yes	Rev'd CA5	No	X			Yes	
Brewer v. Quarterman	550 U.S. 286 (2007)	Yes	Rev'd CA5	No	X			Yes	
Panetti v. Quarterman	551 U.S. 930 (2007)	Yes	Rev'd CA5	No	X			Yes	
Uttecht v. Brown	551 U.S. 1 (2007)	No	Rev'd CA9	Yes	X			No	"The requirements of the Antiterrorism and Effective Death Penalty Act of 1996 . . . create an independent, high standard to be met before a federal court may issue a writ of habeas corpus to set aside state-court rulings." *Id.* at 10.
Wright v. Van Patten	552 U.S. 120 (2008)	No	Rev'd CA7	Yes			X	Undecided	"[O]ur cases give no clear answer to the question presented . . . . Under the explicit terms of § 2254(d)(1), therefore, relief is unauthorized." *Id.* at 126.
Knowles v. Mirzayance	556 U.S. 111 (2009)	No	Rev'd CA9	Yes	X			No	*Unexplained state-court opinion* "the deferential lens of § 2254(d)." *Id.* at 121 n.2 "[I]t is not 'an unreasonable application of' 'clearly established Federal law' for a state-court to decline to apply a specific legal rule that has not been squarely established by this Court." *Id.* at 122.
Porter v. McCollum	558 U.S. 30 (2009) (*per curiam*)	Yes	Rev'd CA11	No	X			Yes	
Waddington v. Sarausad	555 U.S. 179 (2009)	No	Rev'd CA9	Yes	X			No	"the deferential lens of AEDPA." *Id.*.at 194
Berghuis v. Thompkins	560 U.S. 370 (2010)	No	Rev'd CA6	Yes (state-court decision was correct under *de novo* review, thus, reasonable under 2254d)	X*			No	"AEDPA's deferential standard of review." *Id.* at 390
Berghuis v. Smith	559 U.S. 314 (2010)	No	Rev'd CA6	Yes	X			No	

McDaniel v. Brown	558 U.S. 120 (2010) (*per curiam*)	No	Rev'd CA9	Yes	X			No	
Thaler v. Haynes	559 U.S. 43 (2010) (*per curiam*)	No	Rev'd CA5	Yes		X		Undecided (remanded to CA5 to decide merits)	
Renico v. Lett	559 U.S. 766 (2010)	No	Rev'd CA6	Yes		X		No	"This distinction [between an unreasonable and an incorrect application of federal law] creates 'a substantially higher threshold' for obtaining relief than *de novo* review." *Id*. at 773 (quoting *Schriro v. Landrigan*, 550 U.S. 465, 473 (2007)). "AEDPA prevents defendants—and federal courts—from using federal habeas corpus review as a vehicle to second-guess the reasonable decisions of state courts." *Id.* at 779.
Smith v. Spisak	558 U.S. 139 (2010)	No	Rev'd CA6	Yes	X (claims 1 and 3)	X (claim 2)		No (all claims)	*Unexplained state-court opinion (claim 3)* "the deferential standard of review under § 2254(d)(1)." *Id*. at 155
Bobby v. Dixon	565 U.S. 23 (2011) (*per curiam*)	No	Rev'd CA6	Yes	X			No	Holding that a federal court may not grant habeas relief where "it is not clear that the [state court] . . . erred so transparently that no fairminded jurist could agree with that court's decision . . . ." *Id*. at 24.
Bobby v. Mitts	563 U.S. 395 (2011) (*per curiam*)	No	Rev'd CA6	Yes	X			No	
Cavazos v. Smith	565 U.S. 1 (2011) (*per curiam*)	No	Rev'd CA9	Yes	X			No	On federal habeas review, "judges will sometimes encounter convictions that they believe to be

									mistaken, but that they must nonetheless uphold." *Id*. at 2.
Cullen v. Pinholster	563 U.S. 170 (2011)	No	Rev'd CA9	Yes	X			No	*Unexplained state-court opinion* "[R]eview under § 2254(d)(1) is limited to the record that was before the state court that adjudicated the claim on the merits," *id*. at 181, and "evidence introduced in federal court [during evidentiary hearing held under § 2254(e)(2)] has no bearing" on whether state-cours decision deserves deferential treatment under § 2254(d)(1), *id*. at 185.
Felkner v. Jackson	562 U.S. 594 (2011) (*per curiam*)	No	Rev'd CA9	Yes			X	Undecided	
Greene v. Fisher	565 U.S. 34 (2011)	No	Aff'd CA3	Yes			X	Undecided	
Harrington v. Richter	562 U.S. 86 (2011)	No	Rev'd CA9	Yes	X			No	*Unexplained state-court opinion* "Under § 2254(d), a habeas court must determine what arguments or theories supported or, as here, could have supported, the state court's decision; and then it must ask whether it is possible fairminded jurists could disagree that those arguments or theories are inconsistent with the holding in a prior decision of this Court." *Id*. at 102. "[E]ven a strong case for relief does not mean the state court's contrary conclusion was unreasonable. If this standard is difficult to meet, that is because it was meant to be." *Id.* at 102. "As a condition for obtaining habeas corpus from a federal

									court, a state prisoner must show that the state court's ruling on the claim . . . was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." *Id.* at 103.
Premo v. Moore	562 U.S. 115 (2011)	No	Rev'd CA9	Yes	X			No	
Coleman v. Johnson	566 U.S. 650 (2012) (*per curiam*)	No	Rev'd CA3	Yes	X			No	
Howes v. Fields	565 U.S. 499 (2012)	No	Rev'd CA6	Yes	X			No (open question)	
Lafler v. Cooper	566 U.S. 156 (2012)	Yes	Vac'd CA6	No	X			Yes	
Hardy v. Cross	565 U.S. 65 (2012) (*per curiam*)	No	Rev'd CA7	Yes	X			No	"deferential standard of review set out in 28 U.S.C. § 2254(d)." *Id*. at 72 "Under AEDPA, if the state-court decision was reasonable, it cannot be disturbed." *Id*. at 72.
Parker v. Matthews	567 U.S. 37 (2012) (*per curiam*)	No	Rev'd CA6	Yes	X			No	
Wetzel v. Lambert	565 U.S. 520 (2012) (*per curiam*)	No	Vac'd CA3	Undecided (remanded for consideration whether 2254(d) deference applied to other ground supporting state-court decision)		X		Undecided	Holding that federal habeas relief is not available "unless *each* ground supporting the state court decision is examined and found to be unreasonable under AEDPA." *Id*. at 525.
Burt v. Titlow	571 U.S. 12 (2013)	No	Rev'd CA6	Yes	X			No	"Recognizing the duty and ability of our state-court colleagues to adjudicate claims of constitutional wrong, AEDPA erects a formidable barrier to federal habeas relief for prisoners whose claims have been

									adjudicated in state court." *Id*. at 19.
Johnson v. Williams	568 U.S. 289 (2013)	No	Rev'd CA9	Yes			X	No	*Unexplained state-court opinion* "deferential standard of review contained in § 2254(d)." *Id*. at 297. "When a state court rejects a federal claim without expressly addressing that claim, a federal habeas court must presume that the federal claim was adjudicated on the merits . . . ." *Id.* at 301. In cases where that presumption is not adequately rebutted, "the restrictive standard of review set out in § 2254(d) consequently applies." *Id.* at 293. "[A]ccording respect only to determinations that have for-sure been made is demonstrably not the scheme that AEDPA envisions. . . . [T]he state court may well have applied a theory that was flat-out wrong . . . That does not matter." *Id.* at 310 (Scalia, J., concurring).
Marshall v. Rodgers	569 U.S. 58 (2013)	No	Rev'd CA9	Yes			X	Undecided	
Metrish v. Lancaster	569 U.S. 351 (2013)	No	Rev'd CA6	Yes	X			No	"To obtain federal habeas relief under AEDPA's strictures, Lancaster must establish that . . . [he] has satisfied [§ 2254(d)(1)'s] demanding standard." *Id*. at 357–58.
Nevada v. Jackson	569 U.S. 505 (2013) (*per curiam*)	No	Rev'd CA9	Yes	X			Undecided	"In thus collapsing the distinction between 'an *unreasonable* application of federal law' and what a lower court believes to be 'an *incorrect* or

									erroneous application of federal law,' the Ninth Circuit's approach would defeat the substantial deference that AEDPA requires." *Id*. at 512 (citations omitted) (quoting *(Terry) Williams*, 529 U.S. at 412).
Glebe v. Frost	574 U.S. 21 (2014) (*per curiam*)	No	Rev'd CA9	Yes		X		Undecided	
White v. Woodall	572 U.S. 415 (2014)	No	Rev'd CA6	Yes			X	Undecided	"[A]n 'unreasonable application of' [Supreme Court] holdings must be 'objectively unreasonable,' not merely wrong; even 'clear error' will not suffice." *Id*. at 419 (quoting *Lockyer*, 538 U.S. at 75–76). "Section 2254(d)(1) provides a remedy for instances in which a state court unreasonably *applies* this Court's precedent; it does not require state courts to *extend* that precedent or license federal courts to treat the failure to do so as error." *Id*. at 426. "[R]elief is available under § 2254(d)(1)'s unreasonable-application clause if, and only if, it is so obvious that a clearly established rule applies to a given set of facts that there could be no 'fairminded disagreement' on the question." *Id.* at 427 (quoting *Richter*, 562 U.S. at 103).
Brumfield v. Cain	576 U.S. 305 (2015)	Yes	Vac'd CA5	No	X			Undecided; remanded to district court to decide merits	*Unexplained state-court opinion* "§ 2254(d)(2) requires that we accord the state trial

									court substantial deference. *Id*. at 314).
Lopez v. Smith	574 U.S. 1 (2015) (*per curiam*)	No	Rev'd CA9	Yes			X	Undecided	
White v. Wheeler	577 U.S. 73 (2015) (*per curiam*)	No	Rev'd CA6	Yes	X			No	Habeas relief should not be granted if state-court ruling "is not beyond any possibility for fairminded disagreement." *Id*. at 80.
Woods v. Donald	575 U.S. 312 (2015)	No	Rev'd CA6	Yes			X	No	"When reviewing state criminal convictions on collateral review, federal judges are required to afford state courts due respect by overturning their decisions *only* when there could be no reasonable dispute that they were wrong." *Id*. at 317.
Woods v. Etherton	578 U.S. 113 (2016) (*per curiam*)	No	Rev'd CA6	Yes			**X**	Undecided	
Dunn v. Madison	583 U.S. 10 (2017) (*per curiam*)	No	Rev'd CA11	Yes			X	Undecided	
Kernon v. Cuero	583 U.S. 1 (2017) (*per curiam*)	No	Rev'd CA9	Yes			X	Undecided	
McWilliams v. Dunn	582 U.S. 183 (2017)	Yes	Rev'd CA11	No	X			Yes	
Virginia v. LeBlanc	582 U.S. 91 (2017) (*per curiam*)	No	Rev'd CA4	Yes			X	Undecided	
Sexton v. Beaudreaux	585 U.S. 961 (2018) (*per curiam*)	No	Rev'd CA9	Yes			X	Undecided	*Unexplained state-court opinion* "[D]eference to the state court" is at "its apex" in federal habeas cases involving ineffective assistance of counsel claims. *Id*. at 968.
Wilson v. Sellers	584 U.S. 122 (2018)	No	Rev'd CA11	Yes			X (cert. granted to resolve circuit split on proper level of	Undecided	*Unexplained state-court opinion*

							deference under 2254(d))		
Shoop v. Hill	586 U.S. 45 (2019) (*per curiam*)	No	Vac'd CA6	Undecided (remanded for consideration whether 2254(d) deference applied based on rules "clearly established" when state court ruled)			X	Undecided	AEDPA "imposes important limitations on the power of federal courts to overturn the judgments of state courts in criminal cases." *Id*. at 48.
Shinn v. Kayer	592 U.S. 111 (2020)	No	Vac'd CA9	Yes			X	Undecided	"Perhaps some jurists would share [the Ninth Circuit's] views, but that is not the relevant standard. The question is whether a fairminded jurist could take a different view." *Id*. at 121. "The court below exceeded its authority in rejecting [state-court] determination, which was not so obviously wrong as to be 'beyond any possibility for fairminded disagreement.' Under § 2254(d), that is 'the only question that matters.'" *Id.* at 124 (quoting *Richter*, 562 U.S. at 103, 102).
Dunn v. Reeves	594 U.S. 731 (2021)	No	Rev'd CA11	Yes		X		Undecided	"[A] federal court may grant relief only if *every* 'fairminded juris[t]' would agree that *every* reasonable lawyer would have made a different decision." *Id*. at 740 (quoting *Richter*, 562 U.S. at 101).
Mays v. Hines	592 U.S. 385 (2021) (*per curiam*)	No	Rev'd CA6	Yes		X		Undecided	"All that mattered was whether the *Tennessee court*, notwithstanding its substantial 'latitude to reasonably determine that a defendant has not [shown prejudice],' still managed to blunder so badly that

									every fairminded jurist would disagree." *Id*. at 392 (citations omitted). "If this rule [that state-court decision must be so lacking in justification beyond any possibility for fairminded disagreement to be considered unreasonable under § 2254(d)(1)] means anything, it is that a federal court must carefully consider all the reasons and evidence supporting the state court's decision." *Id.* at 391–92.
Brown v. Davenport	596 U.S. 118 (2022)	No	Rev'd CA6	Yes			X	Undecided	"[I]t is not enough that the state-court decision offends lower federal court precedents" for it to be "contrary to" or an "unreasonable application" of established law under § 2254(d)(1). *Id*. at 136. "AEDPA asks whether *every* fairminded jurist would agree that an error was prejudicial . . . ." *Id.* at 136 (emphasis in original).

Writ granted	10.5	15%
Writ denied, Vac'd	61.5	85%
Total	**72**	

Lower federal court **did apply** 2254(d) deference; S. Ct. **affirmed** that 2254(d) deference applied	3.5	5%
Lower federal court **did apply** 2254(d) deference; S. Ct. **reversed** and said 2254(d) deference did not apply	9.5	13%
Lower federal court **did not apply** 2254(d) deference; S. Ct. **reversed** and said 2254(d) deference did apply	57	79%
lower federal court **did not apply** 2254(d) deference; S. Ct. **reversed and remanded for further consideration** of whether 2254(d) deference should apply	2	3%

Decided under "contrary to" clause	12	17%
Decided under "unreasonable application" clause	47	65%
Decided under both clauses	13	18%
IAC claims	25	35%
State-court decision unaccompanied by reasoning	7	10%