

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
	)	
GREG LOVELACE, Commissioner,	)	*** DEATH PENALTY CASE ***
	)	
Respondent.	)	

**PETITIONER'S REPLY TO RESPONDENT'S RESPONSE
TO PETITIONER'S SIXTH MOTION FOR *BRADY* DISCOVERY**

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

COLUMBIA LAW SCHOOL
Jerome Greene Hall, Suite 603
435 West 116th Street
New York, New York 10027
Telephone (212) 854-1997
E-mail: beh2139@columbia.edu

Counsel for David Phillip Wilson

Dated: September 11, 2026

**PETITIONER’S REPLY TO RESPONDENT’S RESPONSE
TO PETITIONER’S SIXTH MOTION FOR *BRADY* DISCOVERY**

Petitioner David P. Wilson respectfully submits this Reply to Respondent’s Response to Petitioner’s Sixth Motion for *Brady* Discovery (Doc. 162). In light of Respondent’s Response, Petitioner requests that this Court allow the following additional discovery:

1. Petitioner be allowed to review the Houston County District Attorney’s file on Kittie Corley, the Dothan Police Department’s file on Dewey Walker, and the Henry County District Attorney’s file on James Bailey; or alternatively, the law enforcement files on the Dewey Walker and C.J. Hatfield murders, or a subset of those files; or, alternatively, that this Court review the files *in camera*; and
2. Petitioner be allowed to depose John Parmer, Mark Hammond, Joan Vroblick, and Erica Gray.

Petitioner moves for this discovery pursuant to the legal holding of this Court’s order dated April 6, 2026 (Doc. 151) and the Court’s two prior orders (Doc. 67 at 11–14; Doc. 79 at 10–14); to the Supreme Court decisions in *Brady v. Maryland*, 373 U.S. 83 (1963) and *Bracy v. Gramley*, 520 U.S. 899 (1997); to the “good cause” standard of Rule 6 of the Rules Governing Section 2254 Cases (the “Habeas Rules”); and to the additional legal authority provided in this Reply.

A habeas petitioner has good cause for discovery when “the petitioner may, if the facts are fully developed, be able to demonstrate that he is ... entitled to relief.” *Bracy v. Gramley*, 520 U.S. 899, 909 (1997) (citation modified). In such instances, “it is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry.” *Id.* As explained below, Petitioner has good cause to support each of his discovery requests.

BACKGROUND

1. On July 20, 2026, Petitioner filed his Sixth Motion for *Brady* Disclosure. Doc. 160.

2. The following day, this Court ordered Respondent to file a response to Petitioner’s Sixth *Brady* Motion. Doc. 161.

3. On August 19, 2026, Respondent filed his Response. Doc. 162. The same day, Respondent produced to Petitioner, via e-mail, a 93-page PDF document titled “Bates 2.” That document is Bates-paginated in continuity with the previously produced document titled “Bates.pdf” from May 20, 2026, that was filed with this Court as Doc. 160-1. The “Bates 2” document begins on Bates page “Wilson Habeas 0475” and concludes on Bates page “Wilson Habeas 0567.” A redacted copy of the 93-page “Bates 2” document is attached as Appendix A; it is redacted only to eliminate personal identifiers such as social security numbers, dates of birth, cell phone numbers, and street addresses, pursuant to Rule 5.2 of the Local Rules for the

United States District Court of the Middle District of Alabama, as amended on October 1, 2011.

4. The 93-page “Bates 2” document (Appendix A) includes the following documents:

- a. A police interrogation of Sarah Drescher conducted on March 15, 2004, at the ABI Office, by an unidentified ABI agent, from the files of the Henry County Sheriff’s Department (Wilson Habeas 475-508);
- b. An ABI Agent Investigative Summary of Interrogations of two police interrogations of Sarah Drescher (Wilson Habeas 509);
- c. A police interrogation of Morris Scott Mathis conducted on March 15, 2004, at the Headland Police Department, by an unidentified agent of the Headland Police Department, from the files of the Henry County Sheriff’s Department (Wilson Habeas 510-526);
- d. A police interrogation of Morris Scott Mathis conducted on March 16, 2004, at 22:41, by investigator Troy Silva of the Henry County Sheriff’s Department and ABI Agent Tom Merritt, from the files of the Henry County Sheriff’s Department (Wilson Habeas 527-560); and
- e. A police interrogation of Morris Scott Mathis conducted on March 17, 2004, by investigator Troy Silva of the Henry County Sheriff’s Department, from the files of the Henry County Sheriff’s Department (Wilson Habeas 561-567).

5. These five pieces of new material evidence are themselves “downstream” or “derivative” evidence insofar as they are evidence corroborating Kittie Corley’s involvement in the Hatfield murder that defense counsel would have investigated, discovered, and used had the handwritten confession letter by the codefendant Kittie Corley dated August 10, 2004 (hereinafter the “Corley Letter”) been provided to Petitioner. *See* Doc. 151 at p. 6–8.

6. The new evidence corroborates the fact, for example, that the day C.J. Hatfield was killed, he had traveled to Atlanta and there were allegations that he had been robbed, consistent with Corley’s letter and interrogations. *See* Appendix A Wilson Habeas 483, 484–85, 512, 515. In addition, it corroborates that Corley was familiar with the types of guns that Hatfield’s associates carried. *Compare* Appendix A Wilson Habeas 513, *with* Doc. 160-1, Wilson Habeas 0052-0053 (Corley interrogation of January 29, 2005). Furthermore, it shows Mathis repeatedly trying to pin the Hatfield murder on David Stuckey, just as Corley predicted he would in her letter. Appendix A Wilson Habeas 530, 535, 558, 564. The new evidence corroborates what Corley wrote in the Corley Letter and told the police, thereby bolstering the credibility of the Corley Letter.

7. In his Response, Respondent also offered to produce at Petitioner’s request, and, upon Petitioner’s request, did produce to Petitioner on August 20, 2026, via e-mail, an 8-page PDF document titled “Bates 3.” That document is Bates-paginated in continuity with the previously produced documents (both the “Bates.pdf” document from May 20, 2026, and the “Bates 2” document from August 19, 2026). The “Bates 3” document begins on Bates-paginated page “Wilson Habeas 0568” and concludes on Bates-paginated page “Wilson Habeas 0575.” A redacted copy of the 8-page “Bates 3” document is attached as Appendix B; it is redacted only to eliminate personal identifiers such as social security numbers, dates of birth, and

street addresses, pursuant to Rule 5.2 of the Local Rules for the United States District Court of the Middle District of Alabama, as amended on October 1, 2011.

8. The 8-page “Bates 3” document (Appendix B) includes the following documents:

- a. An Alabama Uniform Incident Report by Investigator Terry Nelson of the Houston County Sheriff’s Department, dated December 22–23, 2004, concerning a search in Dothan, AL 36301. Suspects were accused of trafficking and unlawful manufacturing of methamphetamine, and during the incident, \$65,000 of property was seized, James William Bailey was arrested and questioned, and Heather Brown was also present and questioned.
- b. An Alabama Uniform Arrest Report by Investigator Terry Nelson, dated January 11, 2004, concerning the arrest of Heather Brown in Dothan, AL 36301. Brown was accused of trafficking methamphetamine, manufacturing a controlled substance, possession of precursor chemicals, and unlawful possession of a controlled substance.
- c. An Alabama Uniform Arrest Report by Investigator Terry Nelson, and Officer Scott Langley, dated December 22, 2004, concerning the arrest of James Bailey in Dothan, AL 36301. Bailey was accused of trafficking methamphetamine, manufacturing a controlled substance, possession of precursor chemicals, and unlawful possession of a controlled substance.
- d. A Certificate of Analysis from the Alabama Department of Forensic Sciences to Investigator Terry Nelson concerning drug analysis done on items seized from suspects James Bailey, Heather Brown, and Nicole Morgan, dated January 18, 2005. Based on the incident report from the search conducted on December 22–23, 2004 in Dothan, the evidence analyzed in this certificate was the evidence seized during that search.

9. Petitioner hereby submits this Reply to Respondent’s Response (Doc. 162).

I. PETITIONER MAINTAINS HIS REQUEST FOR ACCESS TO PROSECUTION FILES (*SEE* DOC. 160, PART IV).

10. In this Reply, Petitioner will proceed in reverse order, starting with the most important and most targeted discovery request: namely, the request to review the Houston County District Attorney's file on Kittie Corley.

#1. Access to the Houston County District Attorney's File on Kittie Corley

11. Respondent has in his possession a scanned, digitized copy of the District Attorney's file on Kittie Corley. *See* Appendix C (e-mail correspondence from Respondent's counsel stating that "we have scanned copies of the Houston Co. DA's file on Catherine Corley"). Petitioner has good cause to request production of a copy of the file.

12. Petitioner requests that the Court order Respondent to provide him with that scanned digitized copy of the Kittie Corley file because of the long history of Respondent's withholding of, first, the entire Corley Letter, then, second, the back side of the Corley Letter, then, third, all the downstream derivative *Brady* evidence (*see* Doc. 114 at ¶¶ 20-140); as well as the track record of Respondent changing its arguments to shield the back side of the Corley Letter, namely from a purported lack of materiality to its purported inauthenticity and forgery (*see* Doc. 151 at p. 5); as well the most recent allegations that Petitioner is on a mere "fishing expedition" (Doc. 147 at p. 38), when that "fishing expedition" has unearthed relevant material

Brady evidence, such as evidence that Kittie Corley was involved in cult practices which corroborated David Wilson’s police statement (*see* Doc. 160 at ¶ 29 et seq.).

13. Putting all that long history and track record aside, Petitioner would ask this Court to consider *just one recent incident*: namely, the Vroblick Letter, a letter from Joan Vroblick to Kittie Corley, in Corley’s possession, in which Vroblick explicitly offers to help Corley find a pro bono attorney if Corley writes down “the whole story.” *See* Doc. 160 at ¶ 21 et seq. for background on the Vroblick Letter; Doc. 160-7 for a transcription of the Vroblick Letter.

14. In December 2023, Respondent had in his possession the Vroblick Letter, told this Court that he had reviewed the Vroblick Letter, and determined that he would *not* produce it to Petitioner (Doc. 86 at p. 7–8, ¶ 16; *see* Doc. 160 at ¶¶ 172–174). Two years later, in December 2025, Respondent *again* reviewed the Vroblick Letter and determined he would *not* produce it to Petitioner (Doc. 147 at p. 42; *see* Doc. 160 at ¶¶ 175–177). In fact, Respondent specifically stated that he had reviewed the Vroblick Letter (and all the other Corley writing samples) and that, based on his review, Petitioner was on a “fishing expedition.” Doc. 147 at p. 38. While withholding the Vroblick Letter, Respondent presented this Court with sixteen (16) new documents about Joan Vroblick’s purportedly sordid life, calling her “a known forger, thief, and escapee,” and providing unnecessary damaging details about a member of the general public and a police informant (not an accused or defendant

in this case; *see* Doc. 147 at p. 10 and 41; and Docs. 147-1 through Doc. 147-16)—none of which was relevant to the resolution of the *Brady* discovery dispute. And then, *without disclosing the Vroblick Letter*, Respondent wrote to the Court that “it is just as likely that Vroblick eavesdropped and peppered her fabrication with legitimate details.” Doc. 147 at p. 42. In addition, Respondent interrogated Kittie Corley in 2023, took an affidavit from her, filed that affidavit with this Court, and entered it into the record of these proceedings (Doc. 86-1), which incidentally is unprecedented for the Attorney General, who consistently argues that no new facts should be admitted or considered during federal habeas corpus proceedings under AEDPA; yet during the course of Respondent’s interrogation of Corley, Respondent never confronted her about, or even mentioned, the existence of the Vroblick Letter—and never mentioned its existence to this Court when submitting the Corley affidavit. The only reason Petitioner is aware of the existence of the Vroblick Letter is because this Court granted Petitioner full access to all of the Corley writing samples. If this Court had simply asked Respondent to review the Corley writing samples a third time, no one would know of the existence of the Vroblick Letter, because Respondent had reviewed it already twice and decided it was not going to produce it.

15. This one incident involving the Vroblick Letter should be a sufficient factual basis to find that Petitioner has good cause for access to the Houston District

Attorney's file on Kittie Corley, which is already scanned and can easily be transmitted to Petitioner with no burden on Respondent. But there is more. There were *six other pieces of material evidence* that were in the envelope of Corley's writing samples: (1) the Reaper Poem (Doc. 160 at ¶ 29); (2) the Corley Bible Verses (Doc. 160 at ¶ 39); (3) the Corley Inmate Request Form (Doc. 160 at ¶ 58); (4) the Dear Buddha Letter (Doc. 160 at ¶ 62); (5) the Dear Phillip Letter (Doc. 160 at ¶ 67); and the Dear Travis Letter (Doc. 160 at ¶ 90). None of those pieces of evidence would have seen the light of day but for this Court's order directing the full production of the Corley writing samples.

16. To close the circle on this *Brady* discovery matter, this Court should find good cause and grant Petitioner access to the Houston County District Attorney's files on Kittie Corley under Rule 6 and *Bracy*.

17. There is ample legal authority for this Court to enter an order directing Respondent to produce prosecution files to Petitioner when there is good cause to do so.

18. The United States Supreme Court has recognized the authority of District Courts to order the production of a state prosecutor's full files during federal habeas corpus litigation. In *Banks v. Dretke*, 540 U.S. 668 (2004), a leading *Brady* case that Petitioner and this Court have relied on (Doc. 67 at p. 18 n.6; Doc. 79 at p. 7 n.3), the Supreme Court found a *Brady* violation under analogous circumstances after the

federal court ordered the production of the District Attorney's files. *Banks v. Dretke*, 540 U.S. at 685 ("the magistrate judge ordered disclosure of the Bowie County District Attorney's files"). There, a magistrate judge oversaw the discovery matters and ordered the disclosure of:

- a. Entire investigative file of investigator Willie Huff and persons working at his direction, regarding the underlying criminal trial.
- b. That portion of the Bowie County District Attorney's file regarding the underlying criminal trial which relates to Charles Cook, Robert Farr, Carol Cook, and Vetrano Jefferson including but not limited to records of contact with the foregoing, preparation notes, interview notes, and all other written or recorded documentation.
- c. That portion of the Bowie County District Attorney's file possessing information regarding discussions between the Bowie County District Attorney's office and any Dallas County, Texas official regarding Charles Cook and his participation as a witness in the trial of Petitioner.

Banks v. Quarterman, No. 5:96-cv-00353, Scheduling Order at p. 2 (E.D. Tex. Mar. 4, 1999), ECF No. 74. As a result, the petitioner discovered a seventy-four-page pretrial interrogation that had never been produced before. On the basis of that material evidence, the Supreme Court ruled for the petitioner.

19. Federal District Courts routinely order the production of a prosecutor's files under Rule 6 when there is good cause to do so. In *Milke v. Ryan*, 711 F.3d 998 (9th Cir. 2013), a federal habeas case, the Ninth Circuit itself ordered the production of a prosecutor's files. *Id.* at 1019 ("Prior to issuing the writ, the district court shall order the state to provide Milke's counsel with Saldate's police personnel records covering all of his years of service, including records pertaining to any disciplinary

or Internal Affairs investigations and records pertaining to performance evaluations.”) In *Hanna v. Ishee*, 694 F.3d 596 (6th Cir. 2012), another federal habeas case, the federal magistrate judge entered a discovery order granting the habeas petitioner “full access to the prosecutor’s files.” *Id.* at 608 (“In the interest of ‘clos[ing] the loop,’ the magistrate judge granted Petitioner full access to the prosecutor’s files.”). As a result of granting full access, the petitioner discovered exculpatory evidence. At no point in that decision did the Sixth Circuit question the order of full access to prosecutorial files. Similarly, in *Hittson v. GDCP Warden*, 759 F.3d 1210 (11th Cir. 2014), the Eleventh Circuit reported, without questioning, that the District Court had ordered full access. *See id.* at 1228 (“To allow Hittson to flesh out his *Brady* claim, the District Court ordered the State to turn over the District Attorney’s file on the Utterbeck murder prosecution.”); *see also Hittson v. Humphrey*, No. 5:01-cv-00384, Order at p. 12 (M.D. Ga. Apr. 10, 2003), ECF No. 22 (“the Court finds that the District Attorney’s file should be produced to petitioner at this time so that he can determine if any documents relevant to his *Brady* claim or claims are contained therein” after petitioner presented evidence that previously requested *Brady* evidence had been withheld).

20. District Courts around the country have entered such orders of production. *See, e.g., Sample v. Colson*, 958 F. Supp. 2d 865, 889, 892 (W.D. Tenn. 2013) (in habeas case involving discovery of other suspects, District Court finds good cause

for and orders production of “all records from the Shelby County District Attorney General’s Office [(“DA”)] and the Memphis Police Department [(“MPD”)] concerning the investigation, prosecution, and post-conviction proceedings arising from the [L & G Grocery robbery and murders] on August 29, 1981” because information in the files “may provide information that resolves factual disputes about eyewitness identification and other suspects, and may support Petitioner’s Brady claims.”); *Williams v. Schriro*, 423 F. Supp. 2d 994, 1004 (D. Ariz. 2006) (finding good cause to order production of *all* law enforcement documents from *seven* state agencies, including the Arizona Attorney General’s Office, related to *any* suspect in the murder because petitioner’s request was “reasonably designed to ensure that he receives all potentially exculpatory material regarding the murder ... including any evidence that might have been developed from the information contained in the [letters of a prisoner containing information on an alternate suspect that was turned over during post conviction], which is directly related to the elements of his *Brady* claim.”¹); *Long v. Hooks*, 972 F.3d 442, 483 (4th

¹ The documents that the court ordered produced to petitioner included: “1. All documents in the possession of the Eloy Police, Casa Grande Police, Pinal County Sheriff and the Arizona Department of Public Safety relating to contact with, or investigation of, Patrick Fields, Aryon Williams, and any other suspect or party of interest regarding the murder of Rita DeLaO or attempted murder of Norma Soto. Included in this request are all jail, medical and mental health records” and “3. All documents in the possession of the Pinal County Attorney, Pinal County Drug Task Force and the Arizona Attorney General relating to the investigation of Patrick Fields, Aryon Williams, and any other suspect or party of interest regarding the murder of Rita DeLaO or attempted murder of Norma Soto.” *Williams v. Schriro*, 423 F. Supp. 2d 994, 1004 (D. Ariz. 2006).

Cir. 2020), as amended (Aug. 26, 2020) (“[T]he court permitted Mr. Long’s counsel to review the master case file....”).

21. In addition, it is important to recognize that this Court has already granted Petitioner access to the prosecutor’s files when it ordered the production of the envelope containing the Corley writing samples. This Court ordered Respondent to produce the entire prosecutor’s file of Corley writing samples. Doc. 151, Part B, pages 11–12 (ordering Respondent to turn over to Petitioner the letters and writings seized by Sergeant Tony Luker from Kittie Corley’s cell). The Court granted Petitioner access to the entire handwriting file to resolve questions about the authenticity of the Corley letter; and that production of the full file is the only reason that Petitioner learned of the existence of the Vroblick Letter and the other material pieces of evidence discussed *supra* at ¶ 15.

22. As evidenced by the Court’s order authorizing production of the Corley handwriting samples, production of the DA’s files on Kittie Corey may further the resolution of Petitioner’s claims. This Court found that insofar as the Corley handwriting samples seized by Sgt. Luker from Corley’s cell was “utilized by Luker in developing his opinion about the authenticity of the Corley letter ... they are relevant to the resolution of petitioner’s *Brady* claim and must be turned over to petitioner.” Doc. 151 at p. 11–12. Likewise, here, the District Attorney’s file on Kittie Corley is relevant to the resolution of Petitioner’s *Brady* claim. It would

indicate the universe of exculpatory and impeachment evidence that may have been requested and received by Petitioner's trial counsel had the Corley Letter been turned over before trial, and such information is necessary for determining the full materiality of the suppressed Corley letter.

23. As an alternative, this Court should order that the DA's file on Kittie Corley be turned over under seal to the Court and Petitioner, and that the Court be allowed to review the files *in camera*. That too is a discovery remedy that a federal court may order. *See Milke v. Ryan*, 711 F.3d 998, 1019 (9th Cir. 2013) ("If the state believes that any of the materials it is ordered to provide are not relevant to *Brady* or *Giglio*, it may present them to the district court *in camera*, and the district court shall review them to determine whether they are relevant to *Brady* or *Giglio*, as explicated in our opinion. Defense counsel shall be allowed to see the documents and to argue why each might be *Brady* or *Giglio* material. The district court may, in its discretion, enter a protective order requiring all contested documents to be filed under seal and to be designated 'For Attorneys' Eyes Only,' and setting such other conditions as the district court finds necessary and proper, while the district court decides whether the contested materials are relevant to *Brady* or *Giglio*. After the state has turned over these records, it shall provide a statement under oath from a relevant police official certifying that all of the records have been disclosed and none has been omitted, lost or destroyed. If a relevant police official is unable or unwilling to

provide such a certification, the district court shall hold an evidentiary hearing to determine whether any records have not been produced, and, if so, why. Petitioner's counsel shall be given a reasonable period of discovery prior to the hearing.”); *Lee v. Humphrey*, No. CV 510-017, 2013 WL 4482461, at *5 (S.D. Ga. Aug. 20, 2013) (ordering production of documents and noting that, “[i]f requested, the Court will conduct an *in camera* review of any disclosed materials to determine whether further disclosure is warranted.”).

#2. Access to the Dewey Walker and James Bailey Prosecution Files

24. For the same reasons, and based on the same authority, Petitioner requests access to the scanned, digitized copies of the Dothan Police Department’s file on Dewey Walker and the Henry County District Attorney’s file on James Bailey (in the Hatfield murder). Respondent has both of those files in scanned digitized form. *See* Appendix C (email from Respondent’s counsel stating that “we have scanned copies of the ... Dothan PD’s file on Dewey Walker, and the Henry Co. DA’s file on James Bailey.”). For reasons of judicial economy and efficiency, Petitioner requests that the Court order Respondent to produce those two digital files via email to Petitioner, or review them *in camera*. *See supra* at ¶ 22.

25. Mr. Wilson has good cause to obtain the full file on the Walker investigation. The Corley Letter was never turned over to Mr. Wilson’s trial counsel despite its exculpatory nature. Mr. Wilson and this Court, through Mr. Wilson’s previous

discovery requests, have now ascertained that the Corley Letter is material evidence and is made more material by the downstream evidence to which it would have led. But in order for Mr. Wilson and the Court to most comprehensively ascertain the prejudice that the suppression of the Corley Letter had on Mr. Wilson's trial defense, the full Walker investigation file is indispensable. It would reveal the full scope of evidence available to law enforcement during the Walker investigation, and the weight of evidence against Mr. Wilson and against each of his co-defendants. This information would thus illuminate the extent to which the Corley Letter may have helped Mr. Wilson demonstrate reasonable doubt at trial or on sentencing.

26. Mr. Wilson also has good cause to obtain access to the James Bailey file in the Hatfield investigation. James Bailey, out of all of the Hatfield defendants, received the longest sentence: life without parole. Therefore, it is likely that his file is the most comprehensive file amongst the Hatfield defendants. It was the only one relied on by prosecutors at a trial. Therefore, his file is the most likely file in which the full scope of the Hatfield investigation—and the weight of evidence against each co-defendant—would be revealed. Corley's involvement in the Hatfield murder, and the reasons why she was never prosecuted for it, would likely be shown in the file. This evidence would elucidate the extent to which Corley's involvement in the Hatfield murder may have served as exculpatory or impeachment evidence at Mr. Wilson's trial and sentencing.

27. The Walker investigation file and Bailey's file from the Hatfield murder investigation would both provide Mr. Wilson and this Court with a comprehensive understanding of the exculpatory evidence that would have been available but for the suppression of the Corley Letter. It would, in other words, provide a more accurate picture of the Corley Letter's materiality. Therefore, Mr. Wilson has good cause to request both files to support his *Brady* claim.

#3. Alternatively, Access to the Paper Files

28. Alternatively, Petitioner requests that the Court order Respondent to allow Petitioner to review the paper files that Respondent has received from the different law enforcement agencies as a result of Mr. Wilson's discovery requests during this litigation, under the supervision of Respondent's counsel. *See* Doc. 162 at p. 8. Petitioner appreciates the lengths to which Respondent has gone to respond to previous discovery requests; but in the past, Respondent has missed responsive and material discovery, as discussed *supra*. It is unknown whether additional responsive discovery has been missed. Mr. Wilson does not intend to leave this question open to chance. The question of materiality in a *Brady* claim may hinge on the relationship between the suppressed evidence and the scope of evidence available to both the prosecution and the defense before and during trial. Therefore, Mr. Wilson has good cause to request that undersigned counsel have access to the full paper files to ascertain that no additional responsive discovery has been missed.

II. PETITIONER REQUESTS THE RIGHT TO DEPOSE THE FOUR WITNESSES WHO HAVE RELEVANT EVIDENCE BUT WHOSE POLICE INTERROGATIONS AND TRANSCRIPTS OR DOCUMENTS HAVE GONE MISSING

29. In response to Petitioner's Sixth *Brady* Motion, Respondent produced the requested police interrogations of Sarah Drescher and Morris Scott ("Bam Bam") Mathis. *See supra* at ¶ 4. However, Respondent acknowledges that he has not been able to locate the police interrogations of John Edward Parmer, Joan Vroblick, Erica Gray, or Mark Hammond, as well as the "script" taken from Sarah Drescher's bedroom. *See* Doc. 162 at p. 7. In light of the missing interrogations and document, Petitioner requests the right to depose the following people:

#1. *John Edward Parmer*

30. In his Sixth *Brady* Motion, Petitioner requested that Respondent produce a copy of the police interrogation of John Edward Parmer in which Parmer stated to the police, in reference to the scene of the crime where C.J. Hatfield was murdered, that: "a friend named Corley took him there and dropped him off." *See* Doc. 160-1 at Wilson Habeas 0117. This information was not included in the Parmer interrogation included in Doc. 160-1, and thus must have been disclosed in another police interrogation.

31. This is highly material evidence that has gone missing. It confirms Kittie Corley's involvement in the Hatfield crime, directly implicating Corley in that other

murder (concerning which Petitioner had no involvement whatsoever); it corroborates Corley's confession on the back side of the Corley Letter; and it provides a crucial link between the Hatfield and Walker murders: in both cases, Corley is driving people to the murder scene and going there herself. Had defense counsel been in possession of this highly material evidence at trial, they could have used it to directly show that Kittie Corley was involved in the Hatfield murder, at the scene of the crime, and like in the Dewey Walker murder, transporting people to the murder scene. Petitioner requests the opportunity to depose Parmer, in furtherance of this Court's order dated April 6, 2026. Doc. 151.

32. Federal district courts routinely authorize parties to take depositions in habeas cases when good cause has been shown pursuant to Rule 6, and when the habeas petitioner had been diligent in pursuing discovery in state court as required by §2254(e)(2). *Isaacs v. Head*, 300 F.3d 1232, 1249 (11th Cir. 2002).

33. The discovery request at issue in the leading Supreme Court authority on discovery in habeas litigation, *Bracy v. Gramley*, included a request to depose individuals associated with the allegedly dishonest presiding judge at the petitioner's trial. 520 U.S. 899, 902 (1997). On remand, pursuant to the Supreme Court's order, the district court permitted the parties to "engage[] in extensive discovery of the federal government's file from the Maloney criminal prosecution, including nonpublic documents, and other discovery, *including depositions of associates of*

Maloney and attorneys involved in petitioners' trial." *United States ex rel. Collins v. Welborn*, 49 F. Supp. 2d 597, 600 (N.D. Ill. 1999) (emphasis added).

34. District courts in the Eleventh Circuit likewise routinely authorize depositions in habeas litigation when "the petitioner may, if the facts are fully developed, be able to demonstrate that he is entitled to relief." *Gary v. Terry*, No. 4:97-CV-181 (CDL), 2005 WL 3534761, at *2 (M.D. Ga. Dec. 23, 2005) (granting deposition of coroner to aid petitioner in fully developing a *Brady* claim concerning bite mark evidence); *see also Barbour v. Hamm*, No. 2:01-cv-00612-ECM, ECF No. 278 (M.D. Ala. May 16, 2022) (order granting petitioner Barbour's motion to take 13 depositions); *Miller v. Singletary*, 958 F. Supp. 572, 575 (M.D. Fla. 1997) (during habeas proceedings, magistrate judge permitted deposition of individual who may have had sexual intercourse with the victim).

35. Parmer had provided information to law enforcement directly implicating Corley in the Hatfield murder—she dropped him off at the murder scene. Parmer's statement to law enforcement, however, is unavailable in any of the discovery produced by Respondent thus far. Thus, in the event that Respondent is not able to locate this statement by Parmer, Petitioner has good cause for requesting the deposition of John Parmer.

36. Furthermore, as Petitioner's past pleadings and the record show, Petitioner was diligent in seeking discovery in state court. From pre-trial proceedings through

Rule 32 proceedings, Petitioner requested the Corley Letter at least six times. Doc. 65 at p. 8–10. Despite these numerous requests, Petitioner did not receive the full Corley Letter until June 28, 2023, *see* Doc. 81-2, and only after this Court ordered the production of both sides of the Corley letter, *see* Doc. 79. Without the Corley Letter, Petitioner would have had no reason to request any discovery on the Hatfield murders. Since receiving the Corley letter and learning of the link between Corley and the Hatfield murder, Petitioner has been diligent in moving for appropriate discovery from Respondent.

#2. Joan Vroblick

37. In addition, Petitioner has good cause to depose Joan Vroblick.

38. Petitioner requested a transcript of the police interrogation of Joan Vroblick conducted on August 3, 2004. Doc. 160 at p. 52. In his response, Respondent states that he “cannot locate ... the requested interview of Joan Vroblick.” Doc. 162 at p. 7.

39. This interrogation of Joan Vroblick contains highly material evidence that has now gone missing. It was reviewed and summarized by ABI agent William T. Merritt more than 7 months after the interrogation itself and the only names that he retained were those of two people: Kittie Corley and her then boyfriend, Bam Bam. *See* Appendix A at Wilson Habeas 0114. The first and most important information highlighted in that summary report is the following: “VROBLICK mentioned

KATHLEEN CORLEY (KITTY).” *Id.* The importance that the report placed on “KATHLEEN CORLEY (KITTY)” likely indicates that Corley was a key suspect in the Hatfield murder investigation. Agent Merrit’s summary reinforces what the interview worksheet produced from the same interview already indicated: Corley and Bam Bam were at the center of the investigation. In that interview worksheet, produced by Respondent, Corley’s name was the only one circled on the worksheet despite the fact that at least eight other people were mentioned in the interview worksheet from that interrogation. Doc. 118-3. Merrit’s summary may also indicate that Corley was a critical character for law enforcement to keep track of at the time because she appeared in both the Hatfield and Walker investigations. Under any interpretation of this law enforcement summary, it is evident that Corley was a suspect law enforcement wanted to keep track of. In fact, a mere *mention* of Corley by Vroblick seemed to have equal importance to law enforcement as an unequivocal murder accusation against Mathis.

40. Mr. Wilson has previously requested to depose Vroblick to acquire additional information about the authenticity of the Corley Letter; this Court denied the request, for the moment, without prejudice, because Respondent did not put the authenticity of the Corley Letter into question yet. Doc. 151 at p. 16. But Mr. Wilson has stronger cause to depose Vroblick now. Previously, the police interview worksheet produced from the interview suggested that officers Troy Silva and Nick Check, who

conducted the interview, believed Corley to be an important part of the investigation. Now, the summary demonstrates that at least two *additional* officers, William Merritt and reviewing officer Edward Lee Odom, from a different law enforcement agency, perhaps the most important law enforcement agency in the state of Alabama, the ABI, believed Corley to be so important that her name was the only one circled out of the numerous names mentioned by Vroblick during that interview. And seven months after the interrogation was conducted, when this summary was made, she remained a key suspect. Mr. Wilson therefore has good cause to depose Joan Vroblick to find out the exact information about Corley she shared with law enforcement.

#3. *Erica Nicole Gray*

41. In his response, Respondent states that he “cannot locate ... the requested interviews of Erica Gray.” Doc. 162 at p. 7. What Erica Gray told the police, however, is highly material, as it corroborates Corley’s own previous statements about her involvement in the Hatfield murder. Most importantly, it corroborates Corley’s own previous statements that she was responsible for the weapon that killed Hatfield and is consistent with the front of the Corley Letter, in which she claimed to have been responsible for the murder weapon (the bat) in the Walker murder. Such evidence would have permitted Mr. Wilson’s trial counsel to impeach the investigation into the Walker murder by interrogating whether law enforcement had

adequately investigated Corley's involvement in the Walker murder. *See* Doc. 114 at ¶ 212 (Amended Complaint).

42. According to a one-page "Agent Investigative Summary" regarding a January 18, 2005 interrogation of Erica Nicole Gray, Gray told the police that she had information that "Katherine Corley hid the gun." Doc. 160-1 at Wilson Habeas 0116.

43. This confirms the back side of the Corley Letter as well as Corley's two police interrogations on January 29, 2005 and March 24, 2005. *See* Doc. 160 at ¶ 19, item #1. On the back side of the Corley Letter, Corley states that she bought the gun that was used to kill Hatfield. Doc. 114-4 at 3. In her January 29, 2005 interrogation, Corley states that the gun used to kill Hatfield was put in her safe. Doc 160-1 at Wilson Habeas 50. In Corley's March 24, 2005 interrogation, she again reiterated that she was asked to hold onto the gun. Doc. 118-2 at 15.

44. Petitioner has good cause to obtain a deposition of Erica Gray. Gray was Hatfield's "best friend" and was likely intimately familiar with the workings of Hatfield's drug trade activities. Doc. 101-3 at 3. She was therefore also likely to have knowledge of how Hatfield's associates—including those that killed him—would have operated. Therefore, if Gray informed law enforcement that Corley hid the gun that killed Hatfield, her deposition would likely contain information on the full scope of Corley's involvement in the Hatfield murder. Such information would by

extension further indicate the scope of exculpatory evidence that was suppressed prior to Mr. Wilson's trial.

#4. Mark Hammond

45. Respondent produced a police interrogation of Mark Hammond conducted by investigator Allen Hendrickson of the Henry County Sheriff's Department on February 26, 2005. *See* Doc. 160-1 at Wilson Habeas 0419-0430 (official police transcription of the interrogation). During that police interrogation, Hendrickson repeatedly refers to an earlier interrogation during which Hammond spoke about Kittie Corley: "So, if in your first interview you said you were with Kitty and Diane that would be incorrect." Doc. 160-1 at Wilson Habeas 0423.

46. Mark Hammond is a central figure in the Hatfield murder investigation and directly implicated Kittie Corley. The strongbox in which Kittie Corley stored the murder weapon was also in Hammond's possession. Appendix A at Wilson Habeas 0118. Additionally, Hammond's relationship with Corley was close enough that he asked her to say "that he was with her at her place at the time the murder took place." *Id.* Hammond was so close to Corley that he entrusted her with his alibi. Because of Hammond's close relationship with Corley, his other interrogations are likely highly material.

47. The missing interrogation contains highly material evidence about Kittie Corley, and because it is now missing, Petitioner is entitled to depose Mark Hammond.

#5. Sarah Drescher

48. Respondent's previous production indicates that "Sarah Drescher's bedroom was searched pursuant to a warrant" and "A collection of papers was seized that appeared to be a rehearsed statement or script written by Drescher." Doc. 160-1 at Wilson Habeas 0112. That document also indicates that "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." Doc. 160-1 at Wilson Habeas 0112.

49. The "script" seized from Drescher's bedroom is presumably a representation of the story that those involved in the Hatfield murder were going to tell the police.

50. The nature of the inclusion or exclusion of Kittie Corley on this "script" would be highly material information and would contextualize Corley's involvement in the murder of C.J. Hatfield as well as her relationship with the others involved.

51. Petitioner is entitled to depose Sarah Drescher to ask what the "script" said about Kittie Corley.

III. PETITIONER WITHDRAWS HIS REQUEST IN PART II OF HIS SIXTH *BRADY* MOTION

52. In Part II of his Sixth *Brady* Motion, Petitioner requested that Respondent review and produce any relevant evidence from the files of (a) the Abbeville Police Department; (b) the Houston County Sheriff's Office regarding the Hatfield investigation; (c) the Headland Police Department; and (d) the Florida Jackson County Sheriff's Department. Doc. 160 at pp. 40-45.

53. In his Response, Respondent indicated that he requested those files from those law enforcement authorities and that only the Houston County Sheriff's Office had retained any evidence. Doc. 162 at p. 3-5. Respondent has produced that evidence to Petitioner.

54. In light of that, Petitioner thanks Respondent and withdraws his request that the Court order Respondent to review and produce those files.

WHEREFORE, petitioner requests that the Court grant the following discovery:

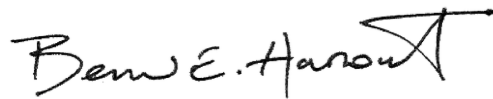
- (1) access to the scanned, digital copies of the Houston County District Attorney's file on Kittie Corley, the Dothan Police Department's file on Dewey Walker, and the Henry County District Attorney's file on James Bailey; or alternatively, access to the paper files of all the investigations into the Walker and Hatfield murder; or as a last alternative, *in camera* review of the law enforcement files by this Court; and

(2) The depositions of John Parmer, Mark Hammond, Joan Vroblick, and Erica Gray.

This discovery is necessary before Petitioner can properly amend his petition for habeas corpus in light of the new evidence produced on May 20 and August 19-20, 2026.

Dated this 11th day of September, 2026.

Respectfully submitted,

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

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

COLUMBIA LAW SCHOOL
Jerome Greene Hall, Suite 603
435 West 116th Street
New York, New York 10027
Telephone (212) 854-1997
E-mail: beh2139@columbia.edu

Counsel for David Phillip Wilson

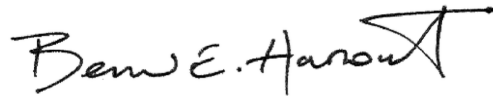
TABLE OF APPENDICES

- Appendix A:** PDF file titled “Bates 2” from Respondent’s August 19, 2026 production (redacted)
- Appendix B:** PDF file titled “Bates 3” from Respondent’s August 20, 2026 production (redacted)
- Appendix C:** Respondent’s e-mail regarding the scanned, digitized copies of the law enforcement files

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2026, the foregoing has been electronically filed with the Clerk of the Court and therefore a copy has been electronically served upon counsel for Respondent:

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

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

Bernard E. Harcourt
Counsel for David Phillip Wilson