Arkansas Casetracker - as of May 2015

ANDERSON, JUSTIN C.

GENERAL INFORMATION

DOB: March 21, 1981
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Lafayette (first trial), Miller (second trial)
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: October 12, 2000
Date of sentencing: January 31, 2002 (initial trial)
September 13, 2005 (second trial)

TRIAL COUNSEL

Llewellen Marczuk and Latrice Gray (both trials)
Lotte Rolfe (first trial only), Robby Golden (second trial only)

LEGAL STATUS

On federal habeas review in E.D. Ark., Case No. 5:12-cv-00279-DPM

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of post-conviction relief affirmed by Arkansas Supreme Court (2011)

CURRENT PROCEEDINGS

Federal habeas review

CURRENT COUNSEL

Joshua R. Lee
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REPORTED OPINIONS

—Denial of post-conviction relief affirmed by *Anderson v. State*, 385 S.W.3d 783 (Ark. 2011)

—Death sentence affirmed on direct appeal (following re-sentencing) by *Anderson v. State*, 242 S.W.3d 229 (Ark. 2006), *cert. denied*, 551 U.S. 1133 (2007)

—Conviction affirmed, death sentence reversed by *Anderson v. State*, 163 S.W.3d 333 (Ark. 2004)

SIGNIFICANT LEGAL ISSUES

—Claim of intellectual disability under *Atkins v. Virginia*

—Trial counsel's failure to investigate, develop, and present evidence of Mr. Anderson's organic brain damage, fetal alcohol syndrome, childhood trauma, and history of mental illness (including post-traumatic stress disorder)

—Trial counsel's ineffectiveness in bringing and factually supporting various suppression claims

—Initial death sentence vacated on direct appeal because jury forms indicated that jury did not consider any mitigating evidence

CLARK, ANTONIO

GENERAL INFORMATION

DOB: September 3, 1954
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Lonoke
Number of counts: 2
Race of victim: African-American (both)
Gender of victim: Male (both)
Date of crime: October 20, 1975
Date of sentencing: May 1977

TRIAL COUNSEL

LEGAL STATUS

Serving a life sentence in Michigan

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Convictions and sentences affirmed on direct appeal by *Clark v. State*, 573 S.W.2d 622 (Ark. 1978)

CURRENT PROCEEDINGS

None - Mr. Clark is serving a life sentence in Michigan

CURRENT COUNSEL

None known

REPORTED OPINIONS

—Conviction and sentence affirmed on direct appeal by *Clark v. State*, 573 S.W.2d 622 (Ark. 1978)

SIGNIFICANT LEGAL ISSUES

—Trial court's exclusion of *Witherspoon* jurors who voiced only general or tentative objections to the death penalty

—Voluntariness of statements to police

COULTER, ROGER LEWIS

GENERAL INFORMATION

DOB: December 1, 1959
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Ashley
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: April 12, 1989
Date of sentencing: October 27, 1989

TRIAL COUNSEL

Arthur Allen

LEGAL STATUS

On federal habeas review in W.D. Ark.

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Habeas corpus petition dismissed by *Coulter v. Kelley*, No. 1:01–cv–01125, 2015 WL 1470076 (W.D. Ark. Mar. 31, 2015)

CURRENT PROCEEDINGS

Motion under Rule 59(a) and 59(e) pending in W.D. Ark., following dismissal of habeas petition on 3-31-2015, Case No: 1:01-cv-01125

CURRENT COUNSEL

Julie Pitt Vandiver
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REPORTED OPINIONS

—Habeas corpus petition dismissed by *Coulter v. Kelley*, No. 1:01–cv–01125, 2015 WL 1470076 (W.D. Ark. Mar. 31, 2015)

—Motion to recall mandate and petition for writ of error coram nobis denied by *Coulter v. State*, 227 S.W.3d 904 (Ark. 2006)

—Application of federal public defender to appear on Mr. Coulter's behalf in the Arkansas Supreme Court denied by *Coulter v. State*, 219 S.W.3d 122 (Ark. 2005)

—Denial of post-conviction relief affirmed by *Coulter v. State*, 31 S.W.3d 826 (Ark. 2000)

—Conviction and sentence affirmed on direct appeal by *Coulter v. State*, 804 S.W.2d 348 (Ark.), *cert. denied*, 502 U.S. 829 (1991)

SIGNIFICANT LEGAL ISSUES

—Federal court's acceptance of state's statute of limitation defense, despite the tardy assertion of that defense eight years after the habeas petition was filed, and also despite Mr. Coulter's claim for equitable tolling

—Trial counsel's failure to interview and call as mitigation witnesses two brothers of Mr. Coulter, who would have testified that he was repeatedly sexually abused as a child and had a history of mental illness (including schizophrenia and fetal alcohol disorder), and to retain an appropriate expert to assess the lasting effects of Mr. Coulter's history

—Counsel's failure to investigate and develop a defense of not guilty by reason of mental disease or defect

—*Caldwell* claim stemming from prosecutor's closing argument that it was "the law," rather than the jury, that imposes and carries out a death sentence

—Statutory cap of $1,000 for appointed trial counsel in capital cases

DANSBY, RAY

GENERAL INFORMATION

DOB: March 3, 1960
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Union
Number of counts: 2
Race of victim: Black
Gender of victim: 1 Male, 1 Female
Date of crime: August 24, 1992
Date of sentencing: June 11, 1993

TRIAL COUNSEL

Jan Thornton

LEGAL STATUS

Habeas pending in W.D. Ark. (Case No. 1:03-cv-01146-RTD), following remand from Eighth Circuit; petition for writ of certiorari pending United States Supreme Court (asserting claims that were ruled adversely by the Eighth Circuit), Case No. 14-8782

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Remand from Eighth Circuit to U.S. District Court, to consider Mr. Dansby's case in light of *Trevino v. Thaler*, and *Martinez v. Ryan*. *See Dansby v. Hobbs*, 766 F.3d 809 (8th Cir. 2014)

CURRENT PROCEEDINGS

On habeas review in W.D. Ark., following remand from Eighth Circuit; petition for writ of certiorari pending to address claims that were ruled adversely by the Eighth Circuit

CURRENT COUNSEL

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REPORTED OPINIONS

—Certain habeas claims remanded to district court following remand from Supreme Court; other claims rejected. *See Dansby v. Norris*, 766 F.3d 809 (8th Cir. 2014)

—Denial of habeas corpus affirmed in part and reversed in part (on issue of procedural default of Confrontation Clause Claim) by *Dansby v. Norris*, 682 F.3d 711 (8th Cir. 2012), *adhered to on denial of rehearing*, 691 F.3d 934 (8th Cir. 2012), *cert. granted, judgment vacated, and case remanded by Dansby v. Hobbs*, 133 S. Ct. 2767 (2013)

—Denial of post-conviction relief affirmed by *Dansby v. State*, 84 S.W.3d 857 (Ark. 2002)

—Convictions and sentences affirmed on direct appeal by *Dansby v. State*, 893 S.W.2d 331 (Ark. 1995)

SIGNIFICANT LEGAL ISSUES

—*Brady*/*Napue* claim surrounding inducements given by the prosecution to one of the witnesses against Mr. Dansby, and issue of whether the claim is procedurally defaulted

—*Skipper*/*Eddings* claim resulting from the fact that the jury indicated on the verdict form that no mitigating evidence was presented, despite favorable character evidence, the fact that Mr. Dansby conducted himself favorably in prison, and the fact that he turned himself in to the police after the crime

—Substantiality of penalty-phase IAC claims so as to allow post-conviction counsel's ineffectiveness to serve as "cause" for defaulting the claims

DAVIS, DON W.

GENERAL INFORMATION

DOB: November 23, 1962
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Benton
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: October 12, 1990
Date of sentencing: March 6, 1992

TRIAL COUNSEL

Joel Huggins and Charles Duell

LEGAL STATUS

Lethal injection claims pending in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of habeas corpus affirmed by *Davis v. Norris*, 423 F.3d 868 (8th Cir. 2005)

CURRENT PROCEEDINGS

Lethal injection claims pending in Circuit Court of Pulaski County

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of habeas corpus affirmed by *Davis v. Norris*, 423 F.3d 868 (8th Cir. 2005)

—Denial of post-conviction relief affirmed by *Davis v. State*, 44 S.W.3d 726 (Ark. 2001)

—Conviction and sentence affirmed on direct appeal by *Davis v. State*, 863 S.W.2d 259 (Ark. 1993), *cert. denied*, 511 U.S. 1026 (1994)

SIGNIFICANT LEGAL ISSUES

—*Ake* and IAC claim stemming from trial court's refusal to appoint an independent psychiatric examiner to assist with the penalty phase defense

—Psychiatrist's testimony during penalty phase that he did not have the opportunity to interview Mr. Davis because he invoked his right to remain silent

DECAY, GREGORY

GENERAL INFORMATION

DOB: July 11, 1985
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Washington
Number of counts: 2
Race of victim: White
Gender of victim: 1 Male, 1 Female
Date of crime: April 3, 2007
Date of sentencing: April 4, 2008

TRIAL COUNSEL

Julie Tollerson and Denny Hyslip

LEGAL STATUS

Federal habeas petition in process

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of post-conviction relief affirmed by Arkansas Supreme Court

CURRENT PROCEEDINGS

Federal habeas petition in process

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of post-conviction relief affirmed by *Decay v. State*, 441 S.W.3d 899 (Ark. 2014)

—Convictions and sentences affirmed on direct appeal by *Decay v. State*, 352 S.W.3d 319 (Ark. 2014)

SIGNIFICANT LEGAL ISSUES

—Trial court's erroneous exclusion of evidence that the victims had drugs in their blood stream at the time of their deaths

—Jury's failure to consider Mr. Decay's youth as a mitigating circumstance

—Trial counsel's essential concession of Mr. Decay's guilt despite Decay's stated desire to claim innocence and to blame a third party for the murders

GAY, RANDY WILLIAM

GENERAL INFORMATION

DOB: Sept. 1, 1958
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Garland
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: May 10, 2011
Date of sentencing: March 19, 2015

TRIAL COUNSEL

Mark Fraiser

LEGAL STATUS

Appeal in process to Arkansas Supreme Court

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Death sentence imposed by trial court March 19, 2015

CURRENT PROCEEDINGS

Direct appeal in process to Arkansas Supreme Court

CURRENT COUNSEL

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Garland County
501-624-6122

REPORTED OPINIONS

None at this time

SIGNIFICANT LEGAL ISSUES

Unknown at this time

GREENE, JACK GORDON

GENERAL INFORMATION

DOB: March 13, 1955
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Johnson
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: July 23, 1991
Date of sentencing: October 15, 1993 (first sentencing)
February 29, 1996 (second sentencing)
July 1, 1999 (third sentencing)

TRIAL COUNSEL

Gary Vannoy and J.M. Holman (first trial)
William M. Pearson (second and third trials)

LEGAL STATUS

Rule 59(a) and (e) motion pending in E.D. Ark., following denial of habeas corpus petition

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Habeas corpus denied by U.S. District Court, March 27, 2015 (unpublished order), *Greene v. Kelley*, No. 5:04CV00373-SWW (ECF Doc. 222)

CURRENT PROCEEDINGS

Motion to vacate under Rule 59(a) and 59(e) pending, following district court's order and judgment denying petition for writ of habeas corpus

CURRENT COUNSEL

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REPORTED OPINIONS

—Conviction and sentence affirmed following re-sentencing after previous remand. *Greene v. State*, 37 S.W.3d 579 (Ark.), *cert. denied*, 534 U.S. 858 (2001)

—Affirmance of circuit court's findings that Mr. Greene was competent to waive appellate and post-conviction remedies. *State v. Greene*, 1 S.W.3d 442 (Ark. 1999)

—Conviction affirmed, death sentence vacated for competency hearing. *Greene v. State*, 977 S.W.2d 192 (Ark. 1998)

—Motion to withdraw appeal denied by *Greene v. State*, 929 S.W.2d 157 (Ark. 1996)

—Conviction affirmed, sentence vacated and remanded by *Greene v. State*, 878 S.W.2d 384 (Ark. 1994)

SIGNIFICANT LEGAL ISSUES

—District court's denial of an evidentiary hearing on the basis that Mr. Greene "failed to develop" various facts under 28 U.S.C. § 2254(e), and despite Mr. Greene's showing that state post-conviction counsel's ineffectiveness creates "cause," as well as the fact that Mr. Greene was denied an evidentiary hearing in state court

— Validity of purported waiver of claim that Mr. Greene is intellectually disabled under *Atkins v. Virginia*

—Competence to stand trial

—Trial counsel's failure to investigate and present (at either phase of trial) evidence of mental illness, including frontal lobe damage, post-traumatic stress disorder, and severe depression; *Brady* claim regarding state's suppression of eyewitness testimony describing Mr. Greene's disturbed mental state at the time of the crime

—*Ake* claim stemming from the denial of an adequate pretrial mental health evaluation

—Trial counsel's concession of guilt to capital murder, despite available mental health defenses, physical evidence suggesting that a weapon other than the one alleged by the state was the murder weapon, and evidence of another individual's possible culpability

HOLLAND, ROBERT

GENERAL INFORMATION

DOB: October 28, 1968
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Lincoln
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: December 2, 2012
Date of sentencing: July 10, 2014

TRIAL COUNSEL

John Cone and Rebekah Kennedy

LEGAL STATUS

Direct appeal pending in Arkansas Supreme Court

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Death sentence imposed by trial court

CURRENT PROCEEDINGS

Direct appeal pending in Arkansas Supreme Court

CURRENT COUNSEL

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REPORTED OPINIONS

None

SIGNIFICANT LEGAL ISSUES

Unknown at this time

ISOM, KENNETH

GENERAL INFORMATION

DOB: June 3, 1967
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Drew
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: April 2, 2001
Date of sentencing: March 28, 2002

TRIAL COUNSEL

Bing Colvin

LEGAL STATUS

Motion to recall mandate and petition to reinvest trial court with jurisdiction to consider petition for writ of error coram nobis pending in Arkansas Supreme Court; federal habeas petition stayed pending exhaustion of these remedies

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Federal habeas petition stayed pending exhaustion of further remedies in Arkansas Supreme Court (unpublished order dated April 1, 2013)

CURRENT PROCEEDINGS

Post-conviction remedies pending in Arkansas Supreme Court; federal habeas petition stayed pending state court remedies

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of DNA testing affirmed by *Isom v. State*, 372 S.W.3d 809 (Ark. 2010)

—Denial of post-conviction relief affirmed by *Isom v. State*, 370 S.W.3d 491 (Ark. 2010), *cert. denied*, 131 S. Ct. 3029 (2011)

—Conviction and sentence affirmed on direct appeal by *Isom v. State*, 148 S.W.3d 257 (Ark.), *cert. denied*, 543 U.S. 865 (2004)

SIGNIFICANT LEGAL ISSUES

— Intellectual disability from a brain hemorrhage suffered in prison in 2012

—Conflict of interest claim stemming from trial counsel's inadequate investigation of mitigating evidence (including neglect, abandonment, and physical abuse during childhood), as well as post-conviction counsel's substance abuse

—*Brady* claim involving prosecution's manipulation of DNA evidence

—*Batson* claim

JACKSON, ALVIN BERNAL

GENERAL INFORMATION

DOB: June 30, 1970
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Jefferson
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: July 30, 1989
Date of sentencing: June 20, 1996

TRIAL COUNSEL

Maxie Kizer

LEGAL STATUS

Federal habeas pending in E.D. Ark.

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of *Atkins* claim on habeas review reversed and remanded for evidentiary hearing by Eighth Circuit. *See Jackson v. Norris*, 615 F.3d 959 (8th Cir. 2010)

CURRENT PROCEEDINGS

Federal habeas pending in E.D. Ark.

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of habeas corpus reversed and remanded for evidentiary hearing on *Atkins* claim. *See Jackson v. Norris*, 615 F.3d 959 (8th Cir. 2010)

—Denial of habeas corpus reversed in part and remanded by *Jackson v. Norris*, 256 Fed. Appx. 12 (8th Cir. 2007) (holding that district court erred by ruling that *Atkins* claim was procedurally defaulted), *cert. denied*, 553 U.S. 1096 (2008)

—Habeas corpus denied by *Jackson v. Norris*, 468 F. Supp. 2d 1030 (E.D. Ark. 2007), *rev'd*, 256 Fed. Appx. 12 (8th Cir. 2007), *cert. denied*, 553 U.S. 1096 (2008)

—Denial of post-conviction petition affirmed following earlier remand. *Jackson v. State*, 105 S.W.3d 352 (Ark. 2003)

—Circuit court's denial of post-conviction relief as untimely vacated and remanded by *Jackson v. State*, 37 S.W.3d 595 (Ark. 2001)

—Conviction and sentence affirmed on direct appeal by *Jackson v. State*, 954 S.W.2d 894 (Ark. 1997)

SIGNIFICANT LEGAL ISSUES

—Claim of intellectual disability under *Atkins v. Virginia*

—-Trial judge's instruction that jury "correct" its error in the penalty phase verdict forms, by essentially instructing jury to find that no mitigating circumstances existed (jury had erroneously checked box indicating that no mitigating evidence was even presented)

—Trial counsel's failure to call a penalty phase expert witness to describe Mr. Jackson's alleged organic brain dysfunction, as well as additional penalty phase witnesses to describe Mr. Jackson's personal and family history

JOHNSON, LATAVIOUS

GENERAL INFORMATION

DOB: October 31, 1981
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Lee
Number of counts: 1
Race of victim: Black
Gender of victim: Female
Date of crime: January 21, 2012
Date of sentencing: November 6, 2014

TRIAL COUNSEL

Joe Perry and Jeff Rosenzweig

LEGAL STATUS

Direct appeal in process in Arkansas Supreme Court

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Trial court's imposition of death sentence

CURRENT PROCEEDINGS

Direct appeal in Arkansas Supreme Court

CURRENT COUNSEL

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Joe Perry
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REPORTED OPINIONS

None

SIGNIFICANT LEGAL ISSUES

Unknown at this time

JOHNSON, STACEY E.

GENERAL INFORMATION

DOB: November 26, 1969
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Sevier (Pike on retrial)
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: April 1 or 2, 1993
Date of sentencing: September 23, 1994

TRIAL COUNSEL

Mickey Buchanan and David L. Clark

LEGAL STATUS

Lethal injection claims pending in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari following federal habeas review

CURRENT PROCEEDINGS

Lethal injection proceedings in Circuit Court of Pulaski County

CURRENT COUNSEL

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REPORTED OPINIONS

—Habeas corpus denied by *Johnson v. Norris*, 5:06CV00185 JLH, 2007 WL 2343883 (E.D. Ark. Aug. 14, 2007), *aff'd*, 537 F.3d 840 (8th Cir. 2008), *cert. denied*, 555 U.S. 1182 (2009)

—Denial of post-conviction relief (concerning DNA testing) affirmed by *Johnson v. State*, 235 S.W.3d 872 (Ark. 2006)

—Denial of post-conviction relief affirmed in part and reversed in part (on issue of DNA testing) by *Johnson v. State*, 157 S.W.3d 151 (Ark.), *cert. denied*, 543 U.S. 932 (2004)

—Conviction and sentence affirmed after retrial. *See Johnson v. State*, 27 S.W.3d 405 (Ark. 2000), *cert. denied*, 532 U.S. 944 (2001)

—Conviction and sentence reversed on direct appeal by *Johnson v. State*, 934 S.W.2d 179 (Ark. 1996), *cert. denied*, 520 U.S. 1242 (1997)

SIGNIFICANT LEGAL ISSUES

—Trial court's exclusion of child-witness's therapist's testimony as privileged, where state itself presented evidence of child's competency and ability to testify through a different therapist; excluded therapist would have testified that child could not accurately remember the events in question, and that child's testimony was likely the product of what she had heard from others

—Trial court's exclusion of evidence of third-party culpability, and trial counsel's ineffectiveness in litigating the issue

—Change of venue to a county with very few black residents

—Entitlement to additional DNA testing

JONES, JACK HAROLD JR.

GENERAL INFORMATION

DOB: August 10, 1964
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: White
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: June 6, 1995
Date of sentencing: April 17, 1996

TRIAL COUNSEL

Richard Hutto

LEGAL STATUS

Lethal injection claims pending in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari following federal habeas review

CURRENT PROCEEDINGS

Lethal injection proceedings in Circuit Court of Pulaski County

CURRENT COUNSEL

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REPORTED OPINIONS

—Habeas relief denied on supplemental claims by *Jones v. Norris*, No. 5:00-cv -00401-ODS (E.D. Ark. Apr. 13, 2006)

—Habeas corpus denied by *Jones v. Norris*, No. 5:00-cv-00401-ODS (E.D. Ark. Nov. 8, 2004), certificate of appealability denied and appeal dismissed, *Jones v. Norris*, No. 06-2101 (8th Cir. June 14, 2006), *cert. denied*, 549 U.S. 1035 (2006)

—Denial of post-conviction relief affirmed by *Jones v. State*, 8 S.W.3d 482 (Ark. 2000)

—Conviction and sentence affirmed on direct appeal by *Jones v. State*, 947 S.W.2d 339 (Ark.), *cert. denied*, 522 U.S. 1002 (1997)

SIGNIFICANT LEGAL ISSUES

—Inconsistent penalty phase findings by sentencing jury as to mitigating circumstances

—Due process claim under *Hicks v. Oklahoma* stemming from state supreme court's harmless error review of the inconsistent verdict form, in light of statute prescribing harmless error review when jury erroneously finds *aggravating* circumstances (and arguably limiting forbidding such review beyond those circumstances)

—Trial counsel's failure to investigate and present evidence of Mr. Jones' history of bipolar disorder and other impairments

JONES, LARRY

GENERAL INFORMATION

DOB: January 13, 1959
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Crittendon
Number of counts: 3
Race of victim: Black
Gender of victim: 1 Female, 2 Males
Date of crime: April 10, 1998
Date of sentencing: February 16, 1999

TRIAL COUNSEL

Bart Ziegenhorn

LEGAL STATUS

Post-conviction proceedings

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Affirmance on direct appeal

CURRENT PROCEEDINGS

Rule 37 proceedings

CURRENT COUNSEL

Joe Perry
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870-295-3434

REPORTED OPINIONS

—Convictions and sentences affirmed on direct appeal by *Jones v. State*, 10 S.W.3d 449 (Ark. 2000)

SIGNIFICANT LEGAL ISSUES

—Trial court's exclusion of evidence that victim had cocaine in her system at the time of death, offered to explain victim's irrational behavior in provoking defendant about her marital infidelity

—Prosecutor's comment during penalty phase argument that the jury did not "see any remorse" from the defendant

KEMP, TIMOTHY WAYNE

GENERAL INFORMATION

DOB: August 4, 1960
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Pulaski
Number of counts: 4
Race of victim: White (all four)
Gender of victim: 3 Males, 1 Female
Date of crime: October 4, 1993
Date of sentencing: December 2, 1994 (first sentencing)
October 17, 1997 (resentencing on three of the four counts)

TRIAL COUNSEL

Jeff Rosenzweig (both trials)
Judy Rudd (at first trial only)
Willard Proctor (at re-sentencing only)

LEGAL STATUS

Habeas corpus pending in E.D. Ark., Case No. 5:03-cv-00055-DPM

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certain habeas claims. *See Kemp v. Hobbs*, 5:03–CV–55 DPM, 2012 WL 2505229 (E.D. Ark. June 28, 2012)

CURRENT PROCEEDINGS

Habeas corpus pending in E.D. Ark., Case No. 5:03-cv-00055-DPM

CURRENT COUNSEL

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REPORTED OPINIONS

—Certain federal habeas claims denied by *Kemp v. Hobbs*, 5:03–CV–55 DPM, 2012 WL 2505229 (E.D. Ark. June 28, 2012)

—Appeal of denial of second Rule 37 motion dismissed without prejudice by *Kemp v. State*, 2009 Ark. 631, 2009 WL 4876473.

—Denial of post-conviction relief affirmed, after remand, by *Kemp v. State*, 74 S.W.3d 224 (Ark. 2002).

—Denial of post-conviction relief vacated and remanded by *Kemp v. State*, 60 S.W.3d 404 (Ark. 2001)

—Death sentence affirmed on three remaining counts affirmed on direct appeal following earlier vacating of sentences. *See Kemp v. State*, 983 S.W.2d 383 (Ark. 1998), *cert. denied*, 526 U.S. 1073 (1999).

—On initial direct appeal, conviction and sentence affirmed as to one count, convictions affirmed but sentenced reversed and remanded as to remaining three counts by *Kemp v. State*, 919 S.W.2d 943 (Ark.), *cert. denied*, 519 U.S. 982 (1996).

SIGNIFICANT LEGAL ISSUES

—Ineffective assistance of guilt-phase trial counsel, including concession of guilt, failure to investigate defense of mental disease or defect and/or self-defense, to retain a qualified mental health expert, to impeach the prosecution's witnesses, and other failures

—Mental disease rendering state's primary witness incompetent to testify

—Numerous claims of prosecutorial misconduct

—Penalty phase counsels' failure to investigate Mr. Kemp's social history (including mental illness, trauma, organic brain damage, poverty, and severe physical abuse), and to provide such evidence to a qualified mental health expert

LACY, BRANDON EUGENE

GENERAL INFORMATION

DOB: January 1, 1979
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Benton
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: August 30, 2007
Date of sentencing: May 13, 2009

TRIAL COUNSEL

Steve Harper, Janice Vaughn

LEGAL STATUS

Rule 37 proceeding pending in Benton County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of post-conviction relief reversed and remanded for hearing by *Lacy v. State*, 425 S.W.3d 746 (Ark. 2013)

CURRENT PROCEEDINGS

Rule 37 proceeding in Benton County

CURRENT COUNSEL

Patrick Benca
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501-476-6464
pjbenca@gmail.com

REPORTED OPINIONS

—Denial of post-conviction relief reversed and remanded by *Lacy v. State*, 425 S.W.3d 746 (Ark. 2013)

—Conviction and sentence affirmed on direct appeal by *Lacy v. State*, 377 S.W.3d 227 (Ark. 2010), *cert. denied*, 131 S. Ct. 2158 (2011)

SIGNIFICANT LEGAL ISSUES

—Trial court's refusal to admit wide-ranging defense evidence on various grounds

—Trial counsel's failure to investigate and present evidence of Mr. Lacy's brain damage, neurological impairments, history of suicide attempts, depression, and substance abuse

LARD, JERRY

GENERAL INFORMATION

DOB: March 13, 1974
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Greene
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: April 12, 2011
Date of sentencing: July 28, 2012

TRIAL COUNSEL

Jacqueline Wright, Katherine Streett, Teri Chambers

LEGAL STATUS

Rule 37 proceedings pending in Poinsett County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Conviction and sentence affirmed on direct appeal by *Lard v. State*, 431 S.W.3d 249 (Ark.), *cert. denied*, 135 S. Ct. 76 (2014)

CURRENT PROCEEDINGS

Rule 37 proceedings in Poinsett County

CURRENT COUNSEL

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REPORTED OPINIONS

—Conviction and sentence affirmed on direct appeal by *Lard v. State*, 431 S.W.3d 249 (Ark.), *cert. denied*, 135 S. Ct. 76 (2014)

SIGNIFICANT LEGAL ISSUES

—Excessive admission of "bad acts" evidence, allegedly to show that Mr. Lard has antisocial personality disorder (including evidence from jail guards to show lack of remorse, and photos of a tattoo on Mr. Lard's back that says "Hell Bound")

—Post-conviction claims in process

LEE, LEDELL

GENERAL INFORMATION

DOB: July 31, 1965
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Pulaski
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: February 9, 1993
Date of sentencing: October 16, 1995

TRIAL COUNSEL

Brett Quals, Bill Simpson, Dale Adams

LEGAL STATUS

Petition for writ of certiorari pending following dismissal of appeal of denial of federal habeas relief; lethal injection challenge pending in the Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certificate of appealability and dismissal of appeal of denial of federal habeas relief by *Lee v. Hobbs*, No. 14-1363 (8th Cir. Sept. 22, 2014), reh'g denied Oct. 30, 2014

CURRENT PROCEEDINGS

Petition for writ of certiorari pending on federal habeas review (Case No. 14-9470); lethal injection challenge pending in the Circuit Court of Pulaski County

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of certificate of appealability and dismissal of appeal of denial of federal habeas relief by *Lee v. Hobbs*, No. 14-1363 (8th Cir. Sept. 22, 2014), reh'g denied Oct. 30, 2014

—Rule 59(e) motion denied following denial of habeas corpus relief. *See Lee v. Hobbs*, No. 5:01CV00377JH, 2013 WL 6669843 (E.D. Ark. Dec. 18, 2013)

—Habeas corpus denied by *Lee v. Hobbs*, No. 5:01CV00377JH, 2013 WL 3149755 (E.D. Ark. June 18, 2013)

—Denial of post-conviction relief affirmed by *Lee v. State*, 308 S.W.3d 596 (Ark.), *cert. denied*, 558 U.S. 1013 (2009)

—Recall of mandate on post-conviction appeal. *See Lee v. State*, 238 S.W.3d 52 (Ark. 2006)

—Stay and abeyance of federal habeas proceedings affirmed by *Lee v. Norris*, 354 F.3d 846 (8th Cir. 2004)

—Denial of post-conviction relief affirmed by *Lee v. State*, 38 S.W.3d 334 (Ark. 2001)

—Conviction and sentence affirmed on direct appeal by Lee v. State, 942 S.W.2d 231 (Ark.), *cert. denied*, 522 U.S. 1002 (1997)

SIGNIFICANT LEGAL ISSUES

—Due process claim based on trial judge's refusal to recuse based upon his extramarital affair with a prosecuting attorney and the state's failure or refusal to disclose the relationship to defense counsel

—Eighth Circuit's refusal to stay the habeas proceedings and allow Mr. Lee to return to state court to exhaust additional claims

—Application of *Martinez v. Ryan*, 132 S. Ct. 1309 (2012) and *Sasser v. Hobbs*, 735 F.3d 833 (8th Cir. 2013), to permit Mr. Lee to demonstrate ineffective assistance of post-conviction counsel, so as to overcome the procedural default of numerous claims of trial counsels' ineffectiveness

MARCYNIUK, ZACHARIAH SCOTT

GENERAL INFORMATION

DOB: May 21, 1979
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Washington
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: March 9, 2008
Date of sentencing: December 12, 2008

TRIAL COUNSEL

W.H. Taylor

LEGAL STATUS

Federal habeas petition in process in E.D. Ark.

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of post-conviction relief affirmed by Arkansas Supreme Court

CURRENT PROCEEDINGS

Federal habeas petition in process in E.D. Ark.

CURRENT COUNSEL

Scott W. Braden
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The Victory Building
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Scott_Braden@fd.org

REPORTED OPINIONS

—Denial of post-conviction relief affirmed by *Marcyniuk v. State*, 436 S.W.3d 122 (Ark. 2014)

—Conviction and sentence affirmed on direct appeal by *Marcyniuk v. State*, 373 S.W.3d 243 (Ark. 2010)

SIGNIFICANT LEGAL ISSUES

—Claim of innocence due to mental disease or defect (severe depression with schizotypal traits)

—Effectiveness of trial counsel during jury selection and death-qualification

—Effectiveness of trial counsel in not calling numerous witnesses to describe Mr. Marcyniuk's positive character traits

McGEHEE, JASON

GENERAL INFORMATION

DOB: July 4, 1976
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Boone
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: August 19, 1996
Date of sentencing: January 8, 1998

TRIAL COUNSEL

Llewellen Marczuk and Jeff Weber

LEGAL STATUS

Lethal injection issues pending in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari following federal habeas proceedings

CURRENT PROCEEDINGS

Lethal injection proceedings in Circuit Court of Pulaski County

CURRENT COUNSEL

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Scott_Braden@fd.org

REPORTED OPINIONS

—Partial grant of habeas reversed, partial denial of habeas affirmed, by *McGehee v. Norris*, 588 F.3d 1185 (8th Cir. 2010), *cert. denied*, 131 S. Ct. 1474 (2011)

—Habeas corpus granted in part, denied in part, by *McGehee v. Norris*, No. 5:03-CV-143 JMM, 2008 WL 90021 (E.D. Ark. Jan. 2, 2008)

—Denial of post-conviction relief affirmed after remand by *McGehee v. State*, 72 S.W.3d 867 (Ark. 2002)

—Denial of post-conviction relief vacated and remanded (for entry of factual findings and legal conclusions on all issues raised), by *McGehee v. State*, 43 S.W.3d 125 (Ark. 2001)

—Conviction and sentence affirmed on direct appeal by *McGehee v. State*, 992 S.W.2d 110 (Ark. 1999)

SIGNIFICANT LEGAL ISSUES

—Procedural default imposed by Eighth Circuit as to evidence that was newly presented at federal habeas evidentiary hearing without objection from the state and without assertion of procedural default on habeas appeal

—Trial court's exclusion of evidence of abuse and domestic violence witnessed by Mr. McGee during childhood, including horrific violence against his siblings and pets

—*Ake* claim regarding trial court's refusal to appoint a mental health expert

NEWMAN, RICKEY

GENERAL INFORMATION

DOB: August 4, 1957
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Crawford
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: February 7, 2001
Date of sentencing: June 10, 2002

TRIAL COUNSEL

Robert C. Marquette

LEGAL STATUS

Retrial pending in Crawford County; Mr. Newman was ruled incompetent to stand trial on April 8, 2015, and has been sent to the state hospital until his competence can be restored

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Conviction and sentence vacated by Arkansas Supreme Court. *See Newman v. State*, 2014 Ark. 7 (Jan. 16, 2014)

CURRENT PROCEEDINGS

Retrial pending

CURRENT COUNSEL

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juliebrain1@yahoo.com

REPORTED OPINIONS

—Petition for writ of certiorari dismissed as moot by *Newman v. Crawford County Circuit Court*, 2014 Ark. 308 (Ark. June 26, 2014)

—Conviction and sentence vacated by Arkansas Supreme Court on petition for writ of error coram nobis. *See Newman v. State*, 2014 Ark. 7 (Jan. 16, 2014)

—Petition to reinvest jurisdiction in circuit court to consider writ of error coram nobis granted by *Newman v. State*, 354 S.W.3d 61 (Ark. 2009)

—Federal habeas petition dismissed in part and stayed in part by *Newman v. Norris*, 597 F. Supp. 2d 890 (W.D. Ark. 2009)

—Execution stayed, and briefing ordered, by *Newman v. State*, 193 S.W.3d 737 (Ark. 2004)

—Circuit court's finding that Mr. Newman competently and knowingly waived post-conviction remedies affirmed by *Newman v. State*, 159 S.W.3d 309 (Ark. 2004)

—Dismissal of Rule 37 proceedings by circuit court reversed, and competency evaluation order on remand, by *Newman v. State*, 132 S.W.3d 438 (Ark. 2003)

—Conviction and sentence affirmed on direct appeal by *Newman v. State*, 106 S.W.3d 438 (Ark. 2003)

—Defendant's pro se motion to waive appeals found to be moot by *Newman v. State*, 84 S.W.3d 443 (Ark. 2002)

SIGNIFICANT LEGAL ISSUES

—Conviction and sentence vacated due to Mr. Newman's incompetence to stand trial

—Claim of intellectual disability

—Various claims of prosecutorial misconduct, including *Brady* and discovery violations

NOONER, TERRICK

GENERAL INFORMATION

DOB: March 17, 1971
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Pulaski
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: March 16, 1993
Date of sentencing: September 28, 1993

TRIAL COUNSEL

Lea Fowler and Herbert Wright, Jr.

LEGAL STATUS

Lethal injection proceedings in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari from U.S. Supreme Court following denial of motion to recall mandate by Arkansas Supreme Court

CURRENT PROCEEDINGS

Lethal injection proceedings in Circuit Court of Pulaski County

CURRENT COUNSEL

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Josh_R_Lee@fd.org

REPORTED OPINIONS

—Motion to recall mandate denied by *Nooner v. State*, 438 S.W.3d 233 (Ark. 2014), *cert. denied*, 135 S. Ct. 1701 (2015)

—Habeas corpus denied by *Nooner v. Norris*, 5:08CV00003 JLH, 2010 WL 129650 (E.D. Ark. Jan. 11, 2010), *aff'd*, 689 F.3d 921 (8th Cir. 2012) , *cert. denied*, 134 S. Ct. 58 (2013)

—Dismissal of habeas corpus (*Ford* claim) reversed by *Nooner v. Norris*, 499 F.3d 831 (8th Cir. 2007)

—Denial of habeas corpus affirmed by *Nooner v. Norris*, 402 F.3d 802 (2005), *cert. denied*, 547 U.S. 1137 (2006)

—Denial of post-conviction relief affirmed by *Nooner v. State*, 4 S.W.3d 497 (Ark. 1999)

—Conviction and sentence affirmed on direct appeal by *Nooner v. State*, 907 S.W.2d 677 (Ark. 1995), *cert. denied*, 517 U.S. 1143 (1996)

SIGNIFICANT LEGAL ISSUES

—Jury's failure to consider mitigating evidence, as shown by verdict form indicating that no such evidence was presented, despite trial counsel's offering of evidence of Mr. Nooner's troubled childhood, his youth at the time of the offense, and alcohol abuse

—Accomplice's recantation of testimony that it was Mr. Nooner, rather than the accomplice, who shot the victim

—Trial counsel's failure to request a mental evaluation, given Mr. Nooner's history of treatment at a residential facility

RANKIN, RODERICK

GENERAL INFORMATION

DOB: November 18, 1975
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Jefferson
Number of counts: 3
Race of victim: Black (all 3)
Gender of victim: 2 Females, 1 Male
Date of crime: December 27, 1994
Date of sentencing: February 13, 1996

TRIAL COUNSEL

Gene McKissic

LEGAL STATUS

Federal habeas petition pending in E.D. Ark., Case No. 5:06-cv-00228-JM

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Arkansas Supreme Court's denial of motion to recall the mandate and petition to reinvest jurisdiction in the circuit court to consider petition for writ of error coram nobis (May 12, 2011)

CURRENT PROCEEDINGS

Federal habeas petition pending in E.D. Ark., Case No. 5:06-cv-00228-JM

CURRENT COUNSEL

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215-910-1473
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REPORTED OPINIONS

—Federal habeas petition stayed and held in abeyance pending further exhaustion of state court remedies. *See Rankin v. Norris*, No. 5:06 CV 00228 JMM, 2009 WL 1973475 (E.D. Ark. July 8, 2009), *appeal dismissed*, 396 Fed. Appx. 325 (8th Cir. 2010)

—Denial of post-conviction relief affirmed by *Ranking v. State*, 227 S.W.3d 924 (Ark. 2006)

—Sentences and convictions affirmed after remand of direct appeal by *Rankin v. State*, 1 S.W.3d 14 (Ark. 1999)

—Case remanded to trial court on direct appeal for determination of whether Mr. Rankin's confession was given after a knowing and intelligent waiver of rights. Convictions and sentences otherwise affirmed. *See Rankin v. State*, 948 S.W.2d 397 (Ark. 1997)

SIGNIFICANT LEGAL ISSUES

—Voluntariness of Mr. Rankin's confession in light of allegation that police threatened to detain his mother and brother until he confessed

—Claim of actual innocence

—Competence to stand trial

—Possible intellectual disability

REAMS, KENNETH

GENERAL INFORMATION

DOB: December 21, 1974
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Jefferson
Number of counts: 1
Race of victim: White
Gender of victim: Male
Date of crime: May 5, 1993
Date of sentencing: December 16, 1993

TRIAL COUNSEL

Maxie Kizer

LEGAL STATUS

Rule 37 (post-conviction proceedings) pending

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari on direct appeal

CURRENT PROCEEDINGS

Rule 37 (post-conviction proceedings) pending

CURRENT COUNSEL

Christina Swarns
NAACP Legal Defense Fund
99 Hudson Street
New York, NY 10013
212-965-2200

REPORTED OPINIONS

—Conviction and sentence affirmed on direct appeal by *Reams v. State*, 909 S.W.2d 324 (Ark. 1995.), *cert. denied*, 519 U.S. 832 (1996)

SIGNIFICANT ISSUES

—*Batson* claim

—Various guilt-phase *Brady* claims

—Co-defendant sentenced to life imprisonment despite being the shooter

—Trial judge was later convicted of a felony and removed from the bench

ROBERTS, KARL

GENERAL INFORMATION

DOB: March 3, 1968
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Polk
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: May 15, 1999
Date of sentencing: May 23, 2000

TRIAL COUNSEL

Darrel Blount

LEGAL STATUS

Post-conviction proceedings in Arkansas Supreme Court

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Circuit court's dismissal of post-conviction proceedings (Dec. 29, 2014)

CURRENT PROCEEDINGS

Appeal to Arkansas Supreme Court following Circuit Court's dismissal of reopened post-conviction proceedings

CURRENT COUNSEL

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juliebrain1@yahoo.com

REPORTED OPINIONS

—Motion to reopen post-conviction proceedings granted by *Roberts v. State*, 426 S.W.3d 371 (Ark. 2013)

—Petition to recall mandate and to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis denied by *Roberts v. State*, 425 S.W.3d 771 (Ark. 2013)

—Federal habeas petition stayed and held in abeyance pending exhaustion of further state court remedies. *See Roberts v. Norris*, 526 F. Supp. 2d 926 (E.D. Ark. 2007)

—Appeal of denial of post-conviction relief dismissed by *Roberts v. State*, 385 S.W.3d 792 (Ark. 2011)

—Affirmance of circuit court's finding that Mr. Roberts was competent to waive rights to counsel, to post-conviction relief, to habeas review, and also to request sentence of death. *See State v. Roberts*, 123 S.W.3d 881 (Ark. 2003)

—Conviction and sentence affirmed on direct appeal by *Roberts v. State*, 102 S.W.3d 482 (Ark. 2003)

SIGNIFICANT ISSUES

—Competence to stand trial, to waive post-conviction proceedings, and to seek an execution date

—Improper admission of victim-impact testimony at trial

—Mr. Roberts' frontal lobe damage and low intellectual functioning, as well as ongoing mental illness

—Voluntariness of Mr. Roberts' statement to police

SALES, DEREK

GENERAL INFORMATION

DOB: January 8, 1961
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Ashley
Number of counts: 1
Race of victim: Black
Gender of victim: Male
Date of crime: April 16, 2005
Date of sentencing: May 17, 2007

TRIAL COUNSEL

Gary Potts, Bing Colvin

LEGAL STATUS

Federal habeas petition in process

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Arkansas Supreme Court's affirmance of denial of post-conviction relief

CURRENT PROCEEDINGS

Federal habeas petition in process

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of post-conviction relief affirmed by *Sales v. State*, 441 S.W.3d 883 (Ark. 2014)

—Denial of post-conviction relief reversed and remanded for entry of further findings by *Sales v. State*, 2013 Ark. 218 (Ark. May 23, 2013)

—Conviction and sentence affirmed on direct appeal by *Sales v. State*, 289 S.W.3d 423 (Ark. 2008), *cert. denied*, 556 U.S. 1190 (2009)

SIGNIFICANT ISSUES

—Counsel's ineffectiveness in alerting jury to Mr. Sales' escape from jail while awaiting trial

—Counsel's ineffectiveness in clarifying issue of life imprisonment without parole

SASSER, ANDREW

GENERAL INFORMATION

DOB: Oct. 21, 1964
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Miller
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: July 12, 1993
Date of sentencing: March 3, 1994

TRIAL COUNSEL

Charles A. Potter

LEGAL STATUS

Federal habeas pending in W.D. Ark., following remand from Eighth Circuit

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of habeas vacated and remanded by Eighth Circuit

CURRENT PROCEEDINGS

Federal habeas pending in W.D. Ark., Case No. 4:00-cv-04036-PKH

CURRENT COUNSEL

Scott W. Braden
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The Victory Building
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REPORTED OPINIONS

—Denial of habeas corpus vacated and remanded by *Sasser v. Hobbs*, 735 F.3d 833 (8th Cir. 2013), *reh'g en banc denied*, 745 F.3d 896 (8th Cir. 2014)

—Habeas corpus denied on remand. *See Sasser v. Hobbs*, 751 F. Supp. 2d 1063 (W.D. Ark. 2010), *rev'd*, 735 F.3d 833 (8th Cir. 2013)

—Denial of habeas corpus reversed and remanded by *Sasser v. Norris*, 553 F.3d 1121 (8th Cir.), *cert. denied*, 558 U.S. 965 (2009)

—Denial of post-conviction relief affirmed by *Sasser v. State*, 993 S.W.2d 901 (Ark. 1999)

—Conviction and sentence affirmed on direct appeal by *Sasser v. State*, 902 S.W.2d 773 (Ark. 1995)

SIGNIFICANT ISSUES

—Evidentiary hearing on various IAC claims, with related questions of procedural default and ineffective post-conviction counsel as "cause" to excuse the default

—Intellectual disability and alleged procedural default of the claim

—Ineffective assistance of trial counsel for not developing and asserting claim of intellectual disability

SPRINGS, THOMAS LEO

GENERAL INFORMATION

DOB: June 25, 1962
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Sebastian
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: January 21, 2005
Date of sentencing: November 24, 2005

TRIAL COUNSEL

John Joplin and Cash Haaser

LEGAL STATUS

Federal habeas petition pending in E.D. Ark., Case No. 5:13-cv-00005-JLH

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Cert denied on post-conviction review

CURRENT PROCEEDINGS

Federal habeas pending in E.D. Ark., Case No. 5:13-cv-00005-JLH

CURRENT COUNSEL

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Josh_R_Lee@fd.org

REPORTED OPINIONS

—Denial of post-conviction relief affirmed by *Springs v. State*, 387 S.W.3d 143 (Ark.), *cert denied*, 133 S. Ct. 528 (2012)

—Conviction and sentence affirmed on direct appeal by *Springs v. State*, 244 S.W.3d 683 (Ark. 2006), *cert. denied*, 550 U.S. 939 (2007)

SIGNIFICANT ISSUES

—Competency to stand trial

—Trial counsels' failure to develop and present evidence of Mr. Springs' severe mental illness, including brain damage, post-traumatic stress disorder, and psychosis

—Waiver of *Batson* claim

—State post-conviction counsel's failure to litigate meritorious claims, especially those relating to Mr. Springs' mental illness

—Various claims of juror misconduct

THESSING, BILLY

GENERAL INFORMATION

DOB: September 11, 1968
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Pulaski
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: February 11, 2003
Date of sentencing: September 10, 2004

TRIAL COUNSEL

Bill McLean

LEGAL STATUS

On post-conviction review

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari on direct appeal

CURRENT PROCEEDINGS

Rule 37 proceedings

CURRENT COUNSEL

Jeffrey M. Rosenzweig
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Little Rock, AR 72201-2421
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Email: jrosenzweig@att.net

REPORTED OPINIONS

—Conviction and sentence affirmed on direct appeal by *Thessing v. State*, 230 S.W.2d 526 (Ark.), *cert. denied*, 549 U.S. 891 (2006)

SIGNIFICANT ISSUES

—Competency to stand trial, mental illness

—Improper closing arguments by prosecutor

—Verdict form and jury instructions limiting mitigating circumstances to those that existed at the time of the crime

THOMAS, MICKEY

GENERAL INFORMATION

DOB: September 25, 1974
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Pike, on transfer from Sevier County
Number of counts: 2
Race of victim: White
Gender of victim: Female
Date of crime: June 14, 2004
Date of sentencing: September 29, 2005

TRIAL COUNSEL

Lou Marczuk, Tammy Harris, Norman Cox

LEGAL STATUS

Federal habeas petition pending in W.D. Ark.

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Affirmance of denial of post-conviction relief by Arkansas Supreme Court

CURRENT PROCEEDINGS

Federal habeas review in W.D. Ark.

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of post-conviction relief affirmed by *Thomas v. State*, 431 S.W.3d 923 (Ark. 2014)

—Convictions and sentences affirmed on direct appeal by *Thomas v. State*, 257 S.W.3d 92 (Ark.), *cert. denied*, 552 U.S. 1025 (2007)

SIGNIFICANT ISSUES

—Trial counsels' failure to develop and present evidence of Mr. Thomas's history of mental illness, including post-traumatic stress disorder, a major depressive disorder, seizures, and a psychotic disorder featuring hallucinations and paranoia

—Transfer of venue to Pike County, with an overwhelmingly white jury pool, leaving Mr. Thomas with an all-white jury (in a case in which a black defendant was accused of killing two white victims); *Batson* claim as to state's peremptory strikes of black veniremembers

—Numerous claims of prosecutorial misconduct

—Trial counsels' failure to develop and present evidence of Mr. Thomas's personal and social history, including poverty, systematic neglect, domestic violence, severe physical abuse, and sexual abuse

WARD, BRUCE

GENERAL INFORMATION

DOB: December 24, 1956
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Pulaski
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: August 11, 1989
Date of sentencing: October 18, 1990 (first sentencing)
February 11, 1993 (second sentencing)
November 21, 1997 (third sentencing)

TRIAL COUNSEL

Tom Devine and Didi Sallings (first trial)
Jerry Sallings and Tammy Harris (second trial)
Tammy Harris and Julie Jackson (third trial)

LEGAL STATUS

Petitions for writ of certiorari in process following adverse rulings from Arkansas Supreme Court on motions to recall mandate; lethal injection proceedings in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Motions to recall mandate denied by Arkansas Supreme Court

CURRENT PROCEEDINGS

Lethal injection proceedings in Circuit Court of Pulaski County

CURRENT COUNSEL

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REPORTED OPINIONS

—Denial of motion to recall mandate on earlier affirmance of denial of post-conviction relief. *See Ward v. State*, 2015 Ark. 62 (Feb. 26, 2015)

—Denial of motion to recall mandate on earlier affirmance of sentence following retrial. *See Ward v. State*, 2015 Ark. 61 (Feb. 26, 2015)

—Denial of motion to recall mandate on affirmance of conviction. *See Ward v. State*, 2015 Ark. 60 (Feb. 26, 2015)

—Denial of habeas corpus affirmed by *Ward v. Norris*, 577 F.3d 925 (8th Cir. 2009), *cert. denied*, 559 U.S. 1051 (2010)

—Denial of post-conviction relief affirmed by *Ward v. State*, 84 S.W.3d 863 (Ark. 2002)

—Death sentence affirmed after second retrial by *Ward v. State*, 1 S.W.3d 1 (Ark. 1999)

—Death sentence reversed after retrial by *Ward v. State*, 906 S.W.2d 685 (Ark. 1995)

—Conviction affirmed, sentence vacated, on direct appeal by *Ward v. State*, 827 S.W.2d 110, 114-15 (Ark.), *cert. denied*, 506 U.S. 841 (1992)

SIGNIFICANT ISSUES

—Competence to stand trial and denial of non-state expert assistance to assess such competence and to assist the defense

—Jurisdictional defect from non-verification of petition for post-conviction relief

—Penalty phase instructions and verdict form limiting mitigating circumstances to those which exist "at the time of the murder"

WERTZ, STEVEN VICTOR

GENERAL INFORMATION

DOB: February 17, 1950
Race: White
Gender: Male

CRIME AND TRIAL

County of conviction: Sharp
Number of counts: 2
Race of victim: White
Gender of victim: 1 Female, 1 Male
Date of crime: December 31, 1986
Date of sentencing: July 19, 2007

TRIAL COUNSEL

Greg Bryant

LEGAL STATUS

Federal habeas petition in process in E.D. Ark.

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Arkansas Supreme Court's affirmance of denial of Rule 37 relief

CURRENT PROCEEDINGS

Federal habeas petition in process in E.D. Ark.

CURRENT COUNSEL

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Scott_Braden@fd.org

REPORTED OPINIONS

—Denial of post-conviction relief affirmed by *Wertz v. State*, 434 S.W.3d 895 (Ark. 2014)

—Convictions and sentences affirmed on direct appeal by *Wertz v. State*, 287 S.W.3d 528 (Ark. 2008)

SIGNIFICANT ISSUES

—Trial counsel's failure to challenge and rebut ballistic and physical evidence

—Trial counsel's failure to investigate, develop, and present Mr. Wertz's personal, family, and employment history in the face of Mr. Wertz's opposition to the investigation of mitigating evidence

—Corroboration of accomplice's testimony implicating Mr. Wertz

WILLIAMS, KENNETH

GENERAL INFORMATION

DOB: February 23, 1979
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Lincoln
Number of counts: 1
Race of victim: Black
Gender of victim: Female
Date of crime: December 13, 1998
Date of sentencing: August 30, 2000

TRIAL COUNSEL

Dale Adams

LEGAL STATUS

Lethal injection proceedings pending in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari on federal habeas review

CURRENT PROCEEDINGS

Lethal injection proceedings in Circuit Court of Pulaski County

CURRENT COUNSEL

Jeffrey M. Rosenzweig
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Little Rock, AR 72201-2421
501-372-5247
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REPORTED OPINIONS

—Habeas corpus denied by *Williams v. Norris*, 5:07cv00234 SWW, 2008 WL 4820559 (E.D. Ark. Nov. 4, 2008), *aff'd*, 612 F.3d 941 (8th Cir. 2010), *cert. denied*, 131 S. Ct. 1677 (2011)

—Denial of post-conviction relief affirmed by *Williams v. State*, 251 S.W.3d 290 (Ark. 2007)

—Conviction and sentence affirmed on direct appeal by *Williams v. State*, 67 S.W.3d 548 (Ark. 2002)

SIGNIFICANT ISSUES

—Trial court's exclusion of evidence that the Department of Corrections was negligent in allowing Mr. Williams to escape prior to the murder, offered by the defense as mitigating evidence at the penalty phase

—Trial counsel's failure to present documentation concerning Mr. Williams' background, alongside expert witness's testimony

—Shackling of Mr. Williams during trial in light of disruptive behavior at previous trial

—Conviction on general verdict of capital felony-murder, where trial court submitted underlying felonies of first-degree escape and aggravated robbery, and where evidence was held insufficient to submit on first-degree escape

WILLIAMS, MARCEL

GENERAL INFORMATION

DOB: August 20, 1970
Race: Black
Gender: Male

CRIME AND TRIAL

County of conviction: Pulaski
Number of counts: 1
Race of victim: White
Gender of victim: Female
Date of crime: November 20, 1994
Date of sentencing: January 14, 1997

TRIAL COUNSEL

Herbert Wright and Phillip Hendry

LEGAL STATUS

Lethal injection proceedings pending in Circuit Court of Pulaski County

LAST JUDICIAL DECISION RELATING TO CONVICTION OR SENTENCE

Denial of certiorari on federal habeas review

CURRENT PROCEEDINGS

Lethal injection proceedings pending in Circuit Court of Pulaski County

CURRENT COUNSEL

Joshua R. Lee
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REPORTED OPINIONS

—Grant of habeas corpus reversed by *Williams v. Norris*, 576 F.3d 850 (8th Cir. 2009), *cert. denied*, 131 S. Ct. 558 (2010)

—Habeas corpus granted in part by *Williams v. Norris*, No. 5:02CV00450 JLH, 2007 WL 1100417 (E.D. Ark. Apr. 11, 2007), *rev'd*, 576 F.3d 850 (8th Cir. 2009)

—Denial of post-conviction relief affirmed by *Williams v. State*, 64 S.W.3d 709 (Ark. 2002)

—Conviction and sentence affirmed on direct appeal by *Williams v. State*, 991 S.W.2d 565 (Ark. 1999)

SIGNIFICANT ISSUES

—Trial counsels' failure to present mitigating evidence concerning Mr. Williams' mental health, family history, severe physical and psychological abuse by mother and step-father, exposure to domestic and neighborhood violence, previous incarcerations, and prison gang-rape at the age of sixteen

—Procedural default imposed by Eighth Circuit as to evidence that was newly presented at federal habeas evidentiary hearing without objection from the state until after the hearing was completed and habeas relief was granted

—*Batson* claim asserting pretextuality of prosecutor's claimed race-neutral reason for striking an African-American venireperson (the fact that she had only a high school education and worked as a shipping clerk), when the state declined to strike three white venirepersons with equal or less education