

No. 17A725

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IN THE SUPREME COURT OF THE UNITED STATES

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Corey Dewayne Williams,  
*Applicant,*

v.

State of Louisiana,  
*Respondent.*

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**UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME  
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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February 12, 2018

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**UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME  
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---

To the Honorable Samuel Alito, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Pursuant to this Court's Rules 13.5, 22, and 30.3, Applicant Corey D. Williams respectfully requests a 30-day extension of time to file his petition for a writ of certiorari to review the judgment of the Supreme Court of Louisiana in this case, resulting in a due date of March 25, 2018. As discussed herein, Petitioner only recently retained undersigned counsel to serve as Counsel of Record before this Court and Respondent consents to the requested extension. The record below presents at least two important questions upon which the lower courts are divided, and undersigned counsel believes that the requested time is necessary to provide this court with the sort of comprehensive analysis that aid the Court in determining whether to grant certiorari.

The Supreme Court of Louisiana issued its order denying Mr. Williams' writ application on October 27, 2017. *See* Attachment A. Mr. Williams has previously

sought one extension of time from this Court. On January 9, 2018, Justice Alito granted Petitioner a 29-day extension. The time for filing a petition would thus expire on February 23, 2018 absent an extension. Consistent with Rule 13.5, this application has been filed at least 10 days before that date. This Court has jurisdiction over the case under 28 U.S.C. § 1257(a).

1. In 2000, Mr. Williams was convicted and sentenced to death for a murder that took place when he was just three weeks past his 16th birthday. There was no physical evidence linking Mr. Williams to the homicide. Mr. Williams was convicted based upon the testimony of an adult eyewitness, who claimed that he had had no part in the shooting, and a confession obtained from Mr. Williams after all-night questioning.

2. In addition to being a minor, Mr. Williams was subsequently adjudicated to be intellectually disabled within the meaning of this Court's decision in *Atkins v. Virginia*, 536 U.S. 304 (2002). The court found that Mr. Williams has an IQ of 68 and lacks the "ability to engage in the world around him." LASC Writ App. Vol. 2 at 237. It found that family members characterized Corey as a "duck" or a "chump"—"someone who could be 'set out' and had indeed 'taken the rap' for others, and that might be relevant to the current charge." *Id.*

3. On April 5, 2005, Mr. Williams filed an application for postconviction relief. On postconviction, Mr. Williams' postconviction counsel was, for the first time, provided the Caddo Parish District Attorney's physical file in Mr. Williams' case.

Representatives from the District Attorney's office had long maintained that the file was either lost or destroyed.

4. The file contained, among other things, several recorded interviews of key witnesses that had never been disclosed to the defense. At trial, the State had refused to provide the recorded interviews, instead providing only reports in which police purported to summarize the contents of the interviews. The actual recordings reveal that the police summaries omitted several critical, exculpatory details from the recorded statements, including, among other things, statements that the Mr. Williams could not have been the one who committed the murder and that another person had committed it, based on observations immediately following the shooting; that the State's sole eyewitness had been seen with the murder weapon prior to the murder (directly contradicting the eyewitness's testimony at trial that he had never even held a gun); and an admission from one witness that he had lied about seeing Mr. Williams commit the murder out of fear for his own life; and statements by police officers indicating that, up until obtaining Mr. Williams' confession, they were concerned that the adult witnesses had conspired to blame Mr. Williams for the crime.

5. Before the district court, Mr. Williams argued that the State's suppression of the recorded statements violated *Brady v. Maryland*, 373 U.S. 83 (1963). Mr. Williams argued that in assessing the materiality of the evidence, the court must take into account the subsequent finding that Mr. Williams is intellectually disabled. *See Hall v. Florida*, 134 S. Ct. 1986, 1993 (2014) (observing

that persons who are intellectually disabled are particularly prone to confess to crimes that they did not commit); *Atkins*, 536 U.S. at 320 & n.25 (same); *see also J.D.B. v. North Carolina*, 564 U.S. 261, 269 (2011) (observing that with juveniles the risk of false confession is “troubling” and “all the more acute”).

6. The court rejected Mr. Williams’ claim. It held that the State’s suppression of the recorded interviews was not material in light of the police summaries provided to defense counsel prior to trial (which omitted the various statements above). *See Attachment C* at 5, 6. Viewing each undisclosed aspect of the recorded interviews in isolation, the court reasoned that the information omitted from the summaries would not have been admissible and thus could not have been material. *Id.* at 6, 7. Moreover, the court reasoned: “Corey Williams confessed to the murder. He admitted his guilt.” *Id.* at 7.

7. Mr. Williams timely sought review by the Louisiana Court of Appeal, which denied him a writ, but instructed the district court to hold an evidentiary hearing as to two pieces of evidence that it failed to address in its initial opinion. *See Attachment B*. The district court again held that the undisclosed information was not material. *See Attachment D*.

8. Mr. Williams timely sought review in the Supreme Court of Louisiana, which denied him a writ. *See Attachment A*.

9. Mr. Williams was only recently able to retain undersigned counsel to serve as Counsel of Record before this Court on a *pro bono* basis, over two months after the Louisiana Supreme Court issued its decision in this case.

10. Counsel's review to date confirms that the record presents at least two issues upon which the lower courts are divided:

- a. Whether evidence withheld by the prosecution can be material under *Brady* when it would be inadmissible at trial.
- b. Whether in assessing materiality under *Brady*, a court must take into account post-trial judicial determinations, such as the fact that the defendant has been adjudicated to be intellectually disabled.

11. Undersigned counsel believes an additional 30 days is required to complete the research and analysis that would assist this Court in determining whether to grant certiorari.

12. During the period of the sought extension, Counsel of Record has several court deadlines, including:

- A reply brief in support of certiorari in *Wilcoxson v. United States*, No. 17-669, to be filed before distribution on February 20, 2018.
- A reply brief in support of certiorari in *Gonzalez-Badillo v. United States*, No. 17-696, to be filed before distribution on February 28, 2018.
- An opening brief in the U.S. Court of Appeals for the Tenth Circuit in *May v. Segovia*, No. 17-1458, due on March 22, 2018.
- Two amicus briefs (one before this Court and another before the Ninth Circuit) in cases raising complex constitutional questions.

13. Respondent consents to the extension sought by Petitioner.

14. For these reasons, Mr. Williams respectfully requests that the time to file a petition for a writ of certiorari be extended to and including March 25, 2018.



Respectfully submitted,



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*Attorney for Applicant Corey Dewayne  
Williams*

February 12, 2018

# ATTACHMENT A

# The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

NO. 2016-KP-1114

VS.

COREY DEWAYNE WILLIAMS

-----  
IN RE: Corey Dewayne Williams; - Defendant; Applying For Supervisory and/or Remedial Writs, Parish of Caddo, 1st Judicial District Court Div. 1, No. 193,258; to the Court of Appeal, Second Circuit, No. 50702-KW;  
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October 27, 2017

Denied.

JDH

GGG

MRC

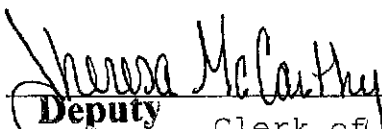
JTG

JOHNSON, C.J., would grant and remand for an evidentiary hearing.

WEIMER, J., would grant and remand for an evidentiary hearing.

CRICHTON, J., recused.

Supreme Court of Louisiana  
October 27, 2017

  
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Deputy

Clerk of Court  
For the Court

# ATTACHMENT B

STATE OF LOUISIANA  
COURT OF APPEAL, SECOND CIRCUIT  
430 Fannin Street  
Shreveport, LA 71101  
(318) 227-3700

NO: 50702-KW

STATE OF LOUISIANA

VERSUS

COREY DEWAYNE WILLIAMS

FILED: 12/04/15

RECEIVED: FED EX 12/03/15

On application of Corey Dewayne Williams for POST CONVICTION RELIEF in No. 193,258 on the docket of the First Judicial District, Parish of CADDO, Judge Katherine Clark Dorroh.

THE PROMISE OF JUSTICE INITIATIVE  
Blythe Taplin

Counsel for:  
Corey Dewayne Williams

James Edward Stewart, Sr.  
Jessica D. Cassidy

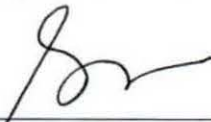
Counsel for:  
State of Louisiana

Before DREW, MOORE and STONE, JJ.

WRIT GRANTED IN PART; REMANDED; DENIED IN PART.

Applicant, Corey Dewayne Williams, seeks supervisory review of the trial court's ruling denying his application for post-conviction relief. This writ is hereby granted in part solely as to the claim that the applicant's sentence of life imprisonment without parole is unconstitutional. The trial court's ruling on this claim is vacated, and the matter remanded to the trial court for further proceedings consistent with *Montgomery v. Louisiana*, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016), La. C. Cr. P. art. 878.1, and La. R.S. 15:574.4(E). This writ is hereby denied as to the remainder of the rulings on the applicant's claims. However, this matter is remanded to the trial court for a ruling on the claim that the state failed to disclose the statements of Calandria Iverson and Walter Shaw that Gabriel Logan and his family threatened witnesses into changing their stories, in violation of *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963).

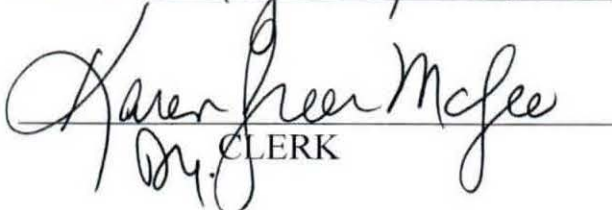
Shreveport, Louisiana, this 16<sup>th</sup> day of May, 2016.








FILED: May 16, 2016

  
CLERK

SECOND CIRCUIT COURT OF APPEAL  
STATE OF LOUISIANA

Endorsed Filed May 16, 2016

  
LILLIAN EVANS RICHIE, CLERK OF COURT  
A TRUE COPY - Attest

# ATTACHMENT C

**FILED**

STATE OF LOUISIANA NOV 04 2015 DOCKET NO: 193,258 - SECTION 1  
 VERSUS *B. Washington* FIRST JUDICIAL DISTRICT COURT  
 COREY WILLIAMS DEPUTY CLERK OF COURT CADDOPARISH, LOUISIANA

**RULING**

Following recusal orders signed by Judge Brady O'Callaghan and Judge Ramona Emanuel, this criminal matter was randomly allotted to Section 1 of the First Judicial District Court.

On October 28, 2000, Petitioner, Corey Williams, was convicted of first degree murder and sentenced to death. On appeal, the Louisiana Supreme Court affirmed, but remanded the case for a determination of whether Petitioner was exempted from the death penalty due to mental retardation. *State v. Williams*, 2001-1650 (La. 11/1/02), 831 So.2d 835. After an evidentiary hearing, the trial court found Petitioner to be mentally retarded, and he was resentenced to life imprisonment. Petitioner then filed a Motion for New Trial, a Notice of Appeal, and a Motion to Reconsider Sentence, among others. All requests for relief have been denied, as have Petitioner's writs to the Second Circuit and the Louisiana Supreme Court. *State v. Williams*, 40,180 (La. App. 2d Cir. 5/12/05), writ granted, relief denied 2005-1556 (La. 2/17/06), 921 So.2d 105.

On April 5, 2005, Petitioner filed an application for post-conviction relief wherein he raised approximately 35 assignments of error. The State filed procedural objections, which the trial court granted and found that only six of Petitioner's claims had not been procedurally defaulted. On November 30, 2007, the State filed a supplemental memorandum wherein it addressed those six remaining claims on the merits.

On November 24, 2014, Petitioner filed an "Unopposed Motion to File *Additional Factual and Legal Support for Application for Post-Conviction Relief*"

Under Seal.” Petitioner claimed to have located witnesses who will testify “at an evidentiary hearing on the relevant claims contained in Mr. Williams’ Uniform Application for Post-Conviction Relief.”

On January 13, 2015, Petitioner filed an “Additional Factual and Legal Support for Application for Post-Conviction Relief,” wherein he purports to submit additional information to support those six outstanding claims contained in his Uniform Application for Post-Conviction Relief.

The State filed procedural objections with regard to Petitioner’s “Additional Factual and Legal Support for Application for Post-Conviction Relief.” The State claims three of his five claims do not support those six remaining claims contained in his Uniform Application for Post-Conviction Relief. Rather, the State claims the three assignment of error constitute new claims, which are subject to the two-year time limitation for seeking post-conviction relief.

In addition, the State claims the alleged new claims are not only untimely, but these new claims also fail to establish an exception to the time limitation for seeking post-conviction relief. La. C.Cr.P. art. 930.8(A)(1)-(4). The Court has addressed those three claims in a separate ruling filed this same date.

On June 1, 2015, Petitioner filed a “Notice of Filing” and attached transcribed versions of the statements Petitioner claims were suppressed. The Court has reviewed the transcripts and the police reports which contained “summaries” of the witnesses’ statements to police. A hearing was held in connection with the alleged Brady violations on June 10, 2015. This matter was submitted to the Court on that date for its ruling.

As stated above, Petitioner raised 35 grounds for relief in his original Petition for Post-Conviction Relief. While the majority of claims have been denied by the Court, the claims addressed at the hearing held on June 10, 2015 revolve



around several alleged *Brady* violations. Petitioner argues that several pieces of evidence were excluded by the State and that the evidence was exculpatory. Petitioner relies on *Brady v. Maryland*, 373 U.S. 83 (1963) and the jurisprudence interpreting that case to support his position.

According to the United States Supreme Court in *Brady v. Maryland*, the suppression of evidence favorable to the accused by the prosecution, either intentional or inadvertent, violates the defendant's due process rights if said evidence is "material either to guilt or to punishment." 373 U.S. 83, 87 (1963). Simply put, a defendant is entitled to exculpatory evidence when it is material to his defense. In *Giglio v. United States*, 405 U.S. 150 (1972), the parameters of *Brady* were extended to also include evidence that impeached the credibility of a prosecution witness. Failure to disclose *Brady* material may result in a reversal of conviction and a new trial. *United States v. Bagley*, 473 U.S. 667 (1985) (finding that a new trial is not automatically granted because evidence may possibly be useful to defense; a new trial is only granted upon a finding of materiality.).<sup>1</sup> The purpose of retrying the case is not to punish the prosecutor for failing to disclose material evidence; rather, it is to ensure a defendant's right to a fair trial. *Id.* at 675.

Exculpatory evidence is material if there is "a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different." *State v. Marshall*, 660 So.2d 819, quoting *United States v. Bagley*, 473 U.S. 667, 682 (1985). A "reasonable probability" is a probability "sufficient to undermine confidence in the outcome [of the trial]." *Id.* at 825. Specifically, the court must examine all of the evidence collectively and determine whether the excluded evidence—had it been disclosed—would have made a different result reasonably probable. *Id.* at 826. A showing of materiality of by preponderance that the disclosure of the suppressed evidence would have resulted in acquittal is not required. *Kyles v. Whitley*, 514 U.S. 419 (1995).

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<sup>1</sup> "We do not, however, automatically require a new trial whenever 'a combing of the prosecutors' files after the trial has disclosed evidence possibly useful to the defense but not likely to change the verdict...' A finding of materiality is required under *Brady*... A new trial is required if 'the false testimony could... in any reasonable likelihood have affected the judgment of the jury.'" *Giglio v. United States*, 405 U.S. 150, 154 (1972).

Under Louisiana law, the prosecution is not required to provide unlimited discovery. La. Code Crim. Proc. art. 723 (2014). However, Articles 718(1), 719 and 722 have adopted the holdings of the *Brady* line of cases and provide that a defendant is entitled to exculpatory and impeachment material contained in police reports and in the statements of any possible witnesses. La. Code Crim. Proc. art. 718(1), 719 and 722 (2014). Prosecution, not the police, is responsible for determining what is favorable to defense, and prosecution, not the police, bears the responsibility for failing to disclose material exculpatory evidence to defense. *Kyles v. Whitley*, 514 U.S. 419 (1995). Furthermore, under Article 729(3) of the Louisiana Code of Criminal Procedure, the “state has a continuing duty to disclose, even during trial, and the jurisprudence holds that if the state does not comply with this obligation, a defendant's conviction may be reversed if such noncompliance prejudiced the defendant.” *State v. Lindsey*, 621 So.2d 618, 622-23 (La. App. 2d Cir. 1993).

In *Kyles v. Whitley*, the defendant was convicted of capital murder and received a death sentence. 514 U.S. 419 (1995). The Court, upon re-examining the conviction, faced several claims of *Brady* violations. The alleged exculpatory evidence included, but was not limited to the following: (1) eyewitness statements that provided drastically different descriptions of the culprit; (2) initial statements witnesses made to the police that contradicted to what they testified to in court; (3) a witness statement telling the police that they saw another witness plant the murder weapon at the defendant's house; and (4) new information from a key witness, during the defendant's second trial, which contradicted what he previously said and pointed to a different—and previously unmentioned—suspect. *Id.* at 430. Upon addressing these issues, the Court reiterated the importance of continuing disclosure on the part of the prosecution. *Id.* at 437-38. It ultimately held that, after looking at the evidence cumulatively, it was reasonably probable that the undisclosed evidence would have undermined the outcome of the trial. *Id.* at 454.

In the instant case, Petitioner, like the defendant in *Kyles*, argues that certain witness statements are material exculpatory evidence, which are sufficient to undermine the original trial's verdict.

In his Application for Post-Conviction Relief, Petitioner alleges several pieces of excluded evidence; but in the hearing held on June 10, 2015, defense

addressed only claims I, II, III, IV, V, VII, and VIII. Specifically, the Petitioner argues that the summarized witness statements that were provided by the police are not sufficient to constitute disclosure of *Brady* evidence. According to the Petitioner, the summaries compiled by the police misrepresent the witnesses' actual statements, which—if presented to the jury—would cast a new light on the case.

Furthermore, Petitioner argues that these statements contain several contradictory stories, which would be ripe for impeachment purposes. As noted in *Giglio*, *Kyles*, and *Bagley*, evidence that impeaches the credibility of prosecution witnesses falls within the parameters of *Brady* and should be disclosed. *United States v. Bagley*, 473 U.S. 667 (1985). The statements at issue pertain to witness accounts of what happened during the events surrounding the shooting of the victim.

In the first alleged *Brady* violation, Petitioner contends that the State suppressed a statement made by Patrick Anthony. Patrick Anthony was friends with Nathan and Gabriel Logan and was present on the night of the shooting. Mr. Anthony told police that after the shooting, he went with Chris Moore (“Rapist”), Gabriel Logan and Nathan Logan to dispose of the .25 caliber gun and split the money. Petitioner claims that Patrick Anthony told police that he saw Nathan Logan give the gun to “Rapist” and that was suppressed.

The Court has reviewed the statement of Patrick Anthony in detail, along with all of the other statements made by various witnesses that were attached to Petitioner's June 1, 2015 pleading. The portion where Mr. Anthony says he sees someone give the gun to “Rapist” is not clear, nor is it definitive as to time. Mr. Anthony also appears to be speculating that “Rapist” later gave the gun to Corey Williams. This Court concludes the evidence that was excluded is not material because there is no showing of a “reasonable probability that had the evidence been disclosed, the result of the proceeding would have been different.” *State v. Marshall supra*. An examination of all the evidence collectively leads the Court to conclude that the Petitioner had copies of the police summaries of Mr. Anthony's statement, the summarized statements were not different from the actual statements and Petitioner's claims concerning the statements of Patrick Anthony are without merit. The fact that Patrick Anthony allegedly saw “Rapist” with the

gun at some time is not material evidence. There is no indication from Patrick Anthony that "Rapist" had the gun on the day of the murder other than speculation.

In addition, the allegations of Petitioner that Mr. Moore's testimony could have been impeached by the statements of Patrick Anthony are also without merit. If confronted with the contents of Patrick Anthony's statement concerning possession of the gun, it is likely that Mr. Moore would have denied Patrick Anthony's allegations as untrue. In any event, the Court does not find that the statement that was suppressed was material or exculpatory. For these reasons Petitioner's claim is **DENIED**.

In its second alleged *Brady* violation, Petitioner claims the State suppressed a statement by Nathan Logan that entirely contradicted his trial testimony. The Court finds Petitioner's claims with regard to the statement of Nathan Logan to be without merit. The Court has compared the statement and the summary contained in the police report. The summarized statement is almost identical to the actual statement. Moreover, Petitioner fails to demonstrate how the alleged excluded evidence was material and fails to demonstrate or show a "reasonable probability that had the evidence been disclosed, the result of the proceeding would have been different." For these reasons, Petitioner's claim is **DENIED**.

In its third alleged *Brady* violation, Petitioner claims the State suppressed Nathan Logan's opinion as to who committed the homicide. The Court concludes that Nathan Logan's speculation (not even an opinion) as to who he "thought" committed the murder were irrelevant and not admissible. The Petitioner claims that Nathan Logan's opinion as to who committed the murder prevented the defense from attacking the credibility of the investigation because the police allegedly failed to pursue other suspects. Nathan Logan repeatedly told police he did not see who pulled the trigger. The Court concludes that the claim that the State's suppression of Nathan Logan's opinion/speculation does not constitute *Brady* material. For these reasons, Petitioner's claim is **DENIED**.

In the fourth alleged *Brady* violation, Petitioner claims the State suppressed evidence that detectives abandoned their original investigation into alternate suspects once Corey Williams confessed to the murder. In addition, Petitioner claims the State suppressed statements that police made during the course of the

investigation that they didn't believe Corey Williams committed the murder. The Court finds that police statements, theories, opinions or beliefs are not admissible evidence. What police said during an investigation concerning Corey Williams does not constitute material evidence that if disclosed would have changed the outcome of Corey Williams' jury trial. Corey Williams confessed to the murder. He admitted his guilt. The Court finds Petitioner's claims concerning police opinions to be without merit. For these reasons, Petitioner's claim is **DENIED**.

In its fifth alleged *Brady* violation, Petitioner claims the State suppressed Calandria Iverson's statement to a Caddo district attorney investigation wherein Ms. Iverson said she saw Gabriel Logan with a gun immediately after the shooting. The Court concludes that this statement of Ms. Iverson was produced (Volume 14, pages 2554-2558). Since the statement was disclosed, this Court finds no *Brady* violation. Moreover, a previous Judge assigned to this case, Judge Crichton examined her pretrial statement and compared it to her grand jury testimony and he found no *Brady* material. For these reasons, Petitioner's claim is **DENIED**.

In the next alleged *Brady* violation, Petitioner claims that the State suppressed a statement by Gabriel Logan made to Alfrayon Jones where Logan claims to have choked the pizza delivery man because he was not dead. The Court concludes the failure to disclose this statement does not constitute a *Brady* violation. The Court concludes this statement is not material and if disclosed would not have changed the verdict of the jury in this case. Mr. Logan's statements are contrary to the forensic evidence that was presented at trial which revealed the victim died of a gun shot wound, not strangulation. For these reasons, Petitioner's claim is **DENIED**.

In its last alleged *Brady* violation, Petitioner claims the State withheld Calandria Iverson's criminal record. Ms. Iverson apparently had charges pending in Shreveport City Court. After she testified at the Corey Williams trial, the charges were not prosecuted. The State argues that it had no control over what happened to the charges in City Court, and the fact that her criminal charges in City Court were not disclosed is not relevant to the Court's *Brady* inquiry. Again, this Court finds that the pending charges in City Court is not material because there is no showing of a reasonable probability that had this evidence been

disclosed, the result of the proceeding would have been different. Moreover, it should be noted Ms. Iverson was not presented by the State as a wholly credible witness. For these reasons, Petitioner's claim is **DENIED**.

The Clerk of Court is directed to mail a copy this Ruling to Petitioner, Petitioner's counsel and the District Attorney.

Signed this 21st day of October 2015, in Shreveport, Caddo Parish, Louisiana.



Honorable Katherine Clark Dorroh  
District Judge  
First Judicial District Court

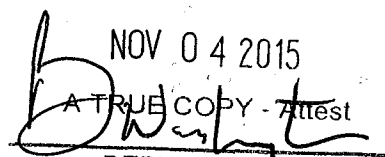
**DISTRIBUTION:**

Mr. Dale Cox  
Caddo Parish District Attorney's Office  
501 Texas Street  
Shreveport, LA 71101

Ms. Blythe Taplin  
The Capital Appeals Project  
636 Baronne Street  
New Orleans, LA 70113

Corey Williams

**ENDORSED FILED**  
B. WASHINGTON, Deputy Clerk

NOV 04 2015  
A TRUE COPY - Attest  
  
DEPUTY CLERK

# ATTACHMENT D

CC sent to all parties  
6-9-16 BW

FILED

JUN 09 2016

STATE OF LOUISIANA

DOCKET NO. 193258 (SECTION 1)

VERSUS

B. WASHINGTON  
CADDOPARISH DEPUTY CLERK

FIRST JUDICIAL DISTRICT COURT

COREY WILLIAMS

CADDOPARISH, LOUISIANA

RULING

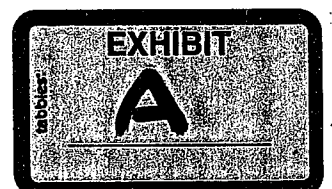
On October 28, 2000, Corey Williams ("Petitioner") was convicted of First Degree Murder and sentenced to death. On appeal, the Louisiana Supreme Court affirmed Mr. Williams' conviction, but remanded the case for a determination of whether Petitioner was exempt from the death penalty due to mental retardation. *State v. Williams*, 2001-1650 (La. 11/1/02), 831 So.2d 835. An evidentiary hearing was held, and the trial court found Petitioner to be mentally retarded. Consequently, Petitioner was resentenced to life imprisonment. After his resentencing, Petitioner filed a several motions, including a Motion for New Trial, a Notice of Appeal, and a Motion to Reconsider Sentence. All requests for relief have been denied, as have Petitioner's writs to the Second Circuit and the Louisiana Supreme Court. *State v. Williams*, 40,180 (La. App. 2d Cir. 5/12/05), writ granted, relief denied 2005-1556 (La. 2.17.06), 921 So.2d 105.

On April 5, 2005, Petitioner filed an Application for Post-Conviction Relief wherein he raised approximately 35 assignments of error. The State filed procedural objections, which the trial court granted, finding that only six of Petitioner's claims had not been procedurally defaulted. On November 30, 2007, the State filed a supplemental memorandum wherein it addressed those six remaining claims on the merits.

On November 24, 2014, Petitioner filed an "Unopposed Motion to File *Additional Factual and Legal Support for Application for Post-Conviction Relief* Under Seal." In the Motion, Petitioner claimed to have located witnesses who will testify "at an evidentiary hearing on the relevant claims contained in Mr. Williams' Uniform Application for Post-Conviction Relief."

Petitioner filed the "Additional Factual and Legal Support for Application for Post-Conviction Relief" on January 13, 2015. In it, he submitted additional information to support those six outstanding claims contained in his Uniform Application for Post-Conviction Relief.

The State filed procedural objections with regard to Petitioner's "Additional Factual and Legal Support for Application for Post-Conviction Relief." The State claimed that three of his five claims do not support those six remaining claims contained in his Uniform Application for





Post-Conviction Relief. Rather, the State argued the three assignment of error constitute new claims, which are subject to the two-year time limitation for seeking post-conviction relief. Additionally, the State argued that the alleged new claims are not only untimely, but these new claims also fail to establish an exception to the time limitation for seeking post-conviction relief. La. C. Cr. P. art. 930.8(A)(1)-(4). This Court addressed those three claims in a ruling filed on November 4, 2015.

On April 23, 2015, Petitioner filed another “Additional Factual Support to Petition for Post-Conviction Relief,” which further elaborated on the purported *Brady* violations. The State addressed these claims in an answer filed on June 8, 2015.

On June 1, 2015, Petitioner filed a “Notice of Filing” and attached transcribed versions of the statements Petitioner claimed were suppressed. A hearing was held in connection with the alleged *Brady* violations on June 10, 2015, and the Court took the matter under advisement. After reviewing all the trial transcripts and the police reports that contained the witness statements “summaries,” this Court denied six of the seven *Brady* claims in another opinion filed on November 4, 2015. The Second Circuit affirmed this Court’s findings; however, the matter was remanded to this Court for a ruling on the claim that the State “failed to disclose the statements of Calandria Iverson and Walter Shaw that Gabriel Logan and his family threatened witnesses into changing their stories, in violation of *Brady v. Maryland*.” No: 50702-KW May 16, 2016. For the following reasons, this final *Brady* claim is **DENIED**.

The United States Supreme Court, in *Brady v. Maryland*, held that the suppression of evidence favorable to the accused by the prosecution, either intentional or inadvertent, violates the defendant’s due process rights if said evidence is “material either to guilt or to punishment.” 373 U.S. 83, 87 (1963). In *Giglio v. United States*, 405 U.S. 150 (1972), the parameters of *Brady* were extended to also include evidence that impeached the credibility of a prosecution witness. Failure to disclose *Brady* material may result in a reversal of conviction and a new trial. *United States v. Bagley*, 473 U.S. 667 (1985) (finding that a new trial is not automatically granted because evidence may possibly be useful to defense; a new trial is only granted upon a finding of materiality). The purpose of retrying the case is not to punish the prosecutor for failing to disclose material evidence; rather, it is to ensure a defendant’s right to a fair trial. *Id.* at 675.

Exculpatory evidence is material if there is “a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different.” *State v. Marshall*, 660 So.2d 819, quoting *United States v. Bagley*, 473 U.S. 667, 682 (1985). A “reasonable probability” is a probability “sufficient to undermine confidence in the outcome [of the trial].” *Id.* at 825. Specifically, the court must examine all of the evidence collectively and determine whether the excluded evidence—had it been disclosed—would have made a different result reasonably probable. *Id.* at 826. A showing of materiality of by preponderance that the disclosure of the suppressed evidence would have resulted in acquittal is not required. *Kyles v. Whitley*, 514 U.S. 419 (1995).

Under Louisiana law, the prosecution is not required to provide unlimited discovery. La. Code Crim. Proc. art. 723 (2014). However, Articles 718(1), 719 and 722 have adopted the holdings of the *Brady* line of cases and provide that a defendant is entitled to exculpatory and impeachment material contained in police reports and in the statements of any possibly witnesses. La. Code Crim. Proc. art. 718(1), 719 and 722 (2014). Prosecution, not the police, is responsible for determining what is favorable to defense, and prosecution, not the police, bears the responsibility for failing to disclose material exculpatory evidence to defense. *Kyles v. Whitley*, 514 U.S. 419 (1995). Furthermore, under Article 729(3) of the Louisiana Code of Criminal Procedure, the “state has a continuing duty to disclose, even during trial, and the jurisprudence holds that if the state does not comply with this obligation, a defendant’s conviction may be reversed if such noncompliance prejudiced the defendant.” *State v. Lindsey*, 621 So.2d 618, 622-23 (La. App. 2d Cir. 1993).

In the instant matter, Petitioner’s *Brady* claim fails for two reasons. First, Petitioner’s evidence supporting the threatening allegations is insufficient. The only evidence offered by Petitioner in support of the purported threats made against Calandria Iverson is a handwritten affidavit from Latrece Savannah. This affidavit was filed with Petitioner’s “Additional Factual and Legal Support for Application for Post-Conviction Relief” on January 13, 2015. In her affidavit, Savannah states, “I heard that Calandria was threatened shortly after, but she wouldn’t talk to me about it or admitted to it.” This statement regarding threats made against Calandria Iverson is vague at best. It does not identify who made the threats, and it provides no credence to

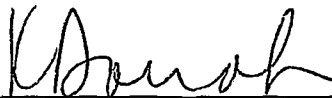
Petitioner's claim that the State was aware of these alleged threats and deliberately failed to disclose them to Petitioner's defense counsel.

Second, Petitioner fails to demonstrate that these alleged threats constitute *Brady* material. As previously stated, a *Brady* violation occurs when the evidentiary suppression "undermines the confidence in the outcome of the trial." *Kyles v. Whitley*, 514 U.S. 419 (1995). In the present case, both Calandria Iverson and Walter Shaw gave statements to the police within hours of the murder. In his statement, Shaw told the police that after the shooting, he observed Gabriel Logan pulling the victim from the car. This initial statement is materially consistent with Shaw's trial testimony. Likewise, the two statements given by Calandria Iverson immediately after the murder are also materially consistent with her trial testimony. In her initial interviews, Iverson repeatedly stated that moments before gunfire erupted, she observed Gabriel Logan hand a weapon to Petitioner. She also told police that after the shooting, Logan appeared to be tucking a weapon into his pants. Iverson's trial testimony mirrors her initial statement.

If Gabriel Logan made any threats against Shaw and Iverson, they would have occurred after the night of the murder. Meaning, the witnesses would have been threatened by Logan after giving their initial statements to the police. Despite these alleged threats, both Iverson's and Shaw's trial testimony were consistent with their initial police statements. Petitioner, therefore, fails to demonstrate not only that the witnesses altered their testimony in light of receiving the alleged threats from Gabriel Logan but that the suppression of the alleged threats undermined the confidence of Petitioner's trial. For the foregoing reasons, the Court concludes that there was no Brady violation and the Court denies Petitioner's request for relief. All of Petitioner's Brady claims have now been addressed and are DENIED. A hearing will be scheduled at a later date to address the Petitioner's claim that his sentence of life imprisonment without benefit of parole is unconstitutional consistent with *Mongmery v. Louisiana*, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016).

The Clerk of Court is directed to mail a copy of this Ruling to Petitioner, Petitioner's counsel, and the District Attorney.

Signed this 2d day of June 2016, in Shreveport, Caddo Parish, Louisiana.



Honorable Katherine Clark Dorroh  
District Judge  
First Judicial District Court


**ENDORSED FILED**  
B. WASHINGTON, Deputy Clerk

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JUN 09 2016  
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