APPENDIX

APPENDIX A

THE SUPREME COURT OF THE STATE OF LOUISIANA

STATE OF LOUISIANA

VS. No. 2016-KP-1114

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;

– – – – – –

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

/s/ Theresa McCarthy
Deputy Clerk of Court
For the Court

APPENDIX 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.

	Counsel for:
THE PROMISE OF JUSTICE INITIATIVE Blythe Taplin	Corey Dewayne Williams
	Counsel for:
James Edward Stewart, Sr. Jessica D. Cassidy	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 251 (1963).

Shreveport, Louisiana, this 16th day of May, 2016.

/s/ Illegible /s/ Illegible /s/ Illegible

FILED: May 16, 2016
/s/ Karen Freer McFee
Dep. Clerk

APPENDIX C

STATE OF LOUISIANA	DOCKET NO. 193,258 – SECTION 1
VERSUS	FIRST JUDICIAL DISTRICT COURT
COREY WILLIAMS	CADDO PARISH, LOUISIANA

[filed Nov. 4, 2015]

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 td defense; a new trial is only granted upon a finding of materiality.).[1] 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.

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

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[1] "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).

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 account 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 pf 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 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 opinion 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 claim 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.

/s/ K. Dorroh
Honorable Katherine Clark Dorroh
District Judge
First Judicial District Court

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Corey Williams

APPENDIX D

STATE OF LOUISIANA	DOCKET NO. 193258 (SECTION1)
VERSUS	FIRST JUDICIAL DISTRICT COURT
COREY WILLIAMS	CADDO PARISH, LOUISIANA

[filed June 9, 2016]

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)(l)-(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. 67 (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 tight 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.

/s/ K. Dorroh
Honorable Katherine Clark Dorroh
District Judge
First Judicial District

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Corey Williams

APPENDIX E

STATE OF LOUISIANA	: NUMBER 193,258
VERSUS	: FIRST JUDICIAL DISTRICT COURT
COREY D. WILLIAMS	: CADDO PARISH, LOUISIANA
	[filed February 20, 2004]

RULING ON ISSUE OF MENTAL RETARDATION

The Supreme Court of Louisiana affirmed the first degree murder conviction[1] of Corey Williams but remanded the case to the trial court for an evidentiary hearing to determine the issue of mental retardation, State v. Williams 2001-1650 (La. 11/1/02) 831 So.2d 835 (La. 2002). Pursuant to the Supreme Court's Order, this Court appointed Dr. Samuel Webb Sentell, a clinical psychologist included in the prosecution's

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[1] Corey Williams was 16 years old when he committed the first degree murder of Jarvis Griffin. He was 18 years old at the time of trial. The evidence was that on January 4, 1998 Jarvis Griffen, a 23 year old pizza delivery man, made a delivery to a home in the Queensborough area of Shreveport. Gabriel Logan had previously conspired with Corey Williams to rob Mr. Griffen and had provided a gun to Mr. Williams to effectuate the crime. As Griffen was pulling away in his car, Williams approached Griffon's car and demanded money. Williams fired several shots, killing Griffen, and then fled the scene. Gabriel Logan ran to Griffon's car, pulled his lifeless body from the car and rifled through his pockets. Logan took a bank bag and another pizza from the car and fled the scene. Within hours of the shooting, Shreveport Police arrested Gabriel Logan and Corey Williams for the homicide of Jarvis Griffen. Logan subsequently pled guilty to second degree murder and was sentenced to life imprisonment at hard labor without benefit of probation, parole or suspension of sentence.

list of experts, and Dr. Pamela McPherson, a forensic psychiatrist included in the defense's list of experts. An evidentiary hearing was held October 27-30, 2003. Testimony was adduced from Dr. Sentell, Dr. McPherson, Dr. Victoria Swanson, Dr. Mark Vigen and Edmund Nagot, Jr., and the Court received into evidence a volume of school, hospital and corrections records. After having considered the applicable law, evidence, and for reasons which follow, the Court concludes that Corey Williams is mentally retarded as defined by law such that he is not subject to the death penalty.

In Atkins v. Virginia 536 U.S. 304, 122 S.Ct. 2242, 153 L.Ed. 2d 335 (2002), the United States Supreme Court held that executing mentally retarded offenders violates the Eighth Amendment to the United States Constitution and its prohibition against cruel and unusual punishment. The capital jury trial in this case was held October 23-27, 2000; and even though Atkins was pending and not rendered until 2002, it is applicable to this case. Because the issue of low intellectual function of Mr. Williams had been substantively addressed with regard to diminished culpability during the penalty phase and since the issue of mental retardation under Atkins was asserted on appeal, the Supreme Court of Louisiana remanded the case for evidentiary hearing[2] • Specifically, the Court stated:

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[2] During the 2003 session, the Louisiana Legislature passed Act 698 which, among other things, defines mental retardation as a disability characterized by significant limitations in both intellectual functioning and adaptive behavior as expressed in conceptual, social, and practical adaptive skills, the onset of which must occur before the age of 18 years.

> Thus, this Court concludes the defendant is entitled to an evidentiary hearing which will give him an opportunity to prove he is mentally retarded pursuant to the definitions of LSA-R.S. 28:38(1), and, under Atkins, not subject to the death penalty.

LSA-R.S. 28:381(28) provides:

"Mental Retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period.

"General intellectual functioning" is shown by "the results obtained by assessment without one or more of the individually administered general intelligence tests developed for that purpose." LSA-R.S. 28:381(18). To be "significantly subaverage" in general intellectual functioning one must be "more than two standard deviations below the mean for the test of intellectual functioning." LSA-R.S. 28:381(42).

"Louisiana Revised Statutes 28:381(12) provides:

"Developmental disability" means a severe chronic disability of a person:

(a) That is attributable to:

(i) Mental retardation

…

(b) That is manifested before the person reaches age 22.

(c) That is likely to continue indefinitely.

(d) That results in substantial functional limitations in three or more of the following areas of major life activity:

(i) Self-care.

(ii) Understanding and use of language.

(iii) Learning.
(iv) Mobility.
(v) Self-direction.
(vi) Capacity for independent living.

In Williams, the Louisiana Supreme Court observed:

> An apparent universal agreement is reflected in Louisiana's definitions in LSA-R.S. 28:381, that a diagnosis of mental retardation has three distinct components: (1) subaverage intelligence, as measured by objective standardized IQ tests; (2) significant impairment in several areas of adaptive skills; and (3) manifestations of this neuro-psychological disorder in the developmental stage, i.e., by the age of 22 years.

In its post-hearing brief, the district attorney has written:

> The State does not dispute that Corey Williams meets two of the three criteria for mental retardation which the Court has been ordered to rely on in making the determination: Williams' full scale IQ scores have consistently been below 70, that is, two standard deviations below the mean. Also, onset was before the age of 18 (or 22) years of age.
>
> ***
>
> The only issue in dispute then is whether Corey Williams suffers from a deficit in adaptive functioning skills to such a degree as to classify him as mentally retarded. The burden of proof is on Corey Williams, and the standard is by a preponderance of the evidence.
>
> * * *

Notwithstanding the fact, then, that the State has conceded that Williams' IQ tests have "consistently been below 70, that is, two standard deviations below the mean and that the onset was before the age of 18, the Court will nevertheless list the evidence which fully supports that finding:

Date of Test	Psychologist	Test Administered	Results
1992	SSA-appointed	Unknown	"mentally retarded"
6/10/1996	Dr. Howard Hughes Emily Wagner	WISC-III	IQ 65 (VIQ 70, PIQ 65)
11/9/1999	Dr. M. Dulle	K-BIT	IQ 66 (Voe. 70, Matrices 68)
6/20/2000	Dr. Mark Vigen	WAIS-III	IQ 68 (VIQ 73, PIQ 68)
10/15/2003	Dr. Victoria Swanson	WAIS-III	IQ 67 (VIQ 73, PIQ 65)
10/18/2003	Dr. Webb Sentell	WAIS-III	IQ 69[3], (VIQ 79, PIQ 77)

[3] Dr. Sentell administered the Wechsler Adult Intelligence Scales, Third Edition (WAIS-III), which yielded a Full Scale IQ score of 7 6. However, Dr. Sentell noted that Dr. Swanson had administered the same test three days earlier, and the subsequent score was artificially inflated by "practice effects". Dr. Sentell testified that practice effects are well documented and could range from 3-11 points with an average increase of

Thus, the evidence is consistent and compelling that Corey Williams' IQ is below 70, specifically, more than two standard deviations below the mean.

Accordingly, it is conclusive (and conceded by the district attorney and defense counsel) that at least two of the three required elements for a determination of mental retardation are present. Therefore, the core issue in the evidentiary hearing has become whether there are significant limitations in Corey Williams' adaptive behavior as expressed in conceptual, social, and practical adaptive skills. In considering the issue of significant limitations in adaptive behavior, the Court has conducted a careful examination of the expert opinions of Drs. Sentell, McPherson, Swanson and Vigen[4] and has conducted a thorough review of the records of Caddo Parish School Board, the Social Security Administration, Department of Health and Hospitals and Department of Corrections.

Mental retardation as defined in La. RS. 28:381 involves substantial functional limitations in three or more of the following areas of major life activity: self-

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about seven points. Dr. Sentell noted that if he subtracted seven points from his score, the resulting I.Q. score would be under 70 and therefore within the mental retardation range. The Court believes that that assessment makes sense and is consistent with the IQ scores concluded by all other experts who tested Corey Williams – both before and after the homicide.

[4] Even though Dr. Mark Vigen, the defendant's expert, testified that Williams had an I.Q. of 68, Vigen also testified at the penalty phase that Williams was "street smart" to the extent that he did not have significant behavior deficits and was therefore not mentally retarded. During the October 2003 evidentiary hearing, Dr. Vigen testified that his opinion had changed in light of the additional data (SSI determination, additional DOC records and the evaluation of Drs. Sentell, McPherson and Swanson) and that Corey Williams is mentally retarded.

care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living. Adaptive behavior is defined by the American Association of Mental Retardation (AAMR) tenth edition as "the collection of conceptual, social, and practical skills that have been learned by people in order to function in their everyday lives." The definition details "representative skills" for each of the three broad areas. Conceptual skills include language, reading and writing, money concepts and self-direction. Social skills include characteristics involving interpersonal responsibility, self-esteem, gullibility, naivete and following rules. Practical skills include activities of daily living, occupational skills, and maintaining safe environments. Finally, the DSM-IV-TR requires significant limitations in adaptive functioning in at least two of the following skills areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety.

The evidence of adaptive deficits in this case[5] emanates from the following: (1) numerous

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[5] Although there has been considerable evidence adduced on remand, the Supreme Court had some evidence of adaptive deficit in the record, as reflected by the following:

> According to school records, as early as age nine, defendant was in special classes at Oak Park Elementary School. He was placed in "special ed" in 1988 (seventh grade), classified as learning disabled/speech impaired. The defendant advanced through the public school system without making much measurable progress toward learning. He attended J. S. Clark Middle School and was enrolled at Booker T. Washington High school at the time of the instant offense. His grades in school were mostly D's and F's.
>
> On May 24, 1995, at age 13, defendant was admitted to Fairfield Hospital following a suicide attempt in which he

institutional records; (2) past adaptive functioning evaluations; (3) Vineland Adaptive Behavior Scales testing; (4) clinical observations of the defendant; and (5) collateral interview data.

There are voluminous institutional records, including records of the Caddo Parish schools, various hospitals including Highland Hills, Brentwood Hospital and Fairfield Hospital, Department of Corrections records, including Tallulah as well as SSI determinations. Those records consistently evidence low adaptive functioning of Mr. Williams as well as peculiar and inappropriate misbehavior.

The Vineland Adaptive Behavior Scales–Interview Edition, was administered by Drs. Sentell and Swanson as a tool to help determine overall adaptive functioning of Corey Williams. The test provides a measure of habitual or typical behavior by interviewing persons familiar with the individual's ability to adapt in his or her environment. According to Dr. Sentell, Corey Williams' score is less than the 1st percentile and considered significantly low; and according to Dr. Swanson, the scores reflect adaptive behavior deficits in the moderate to severe range.

Besides making significant clinical observations of Mr. Williams, all experts testified as to the fact that there are multiple, recurring references throughout the records to maladaptive behaviors such as PICA,

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tried to jump off a bridge. In approximately September 1995, defendant was placed in Highland Hills Hospital (a facility that specializes in treating adolescents with behavioral such as thumb sucking and "nocturnal enuresis" (bedwetting). The defendant had a prescription history of antidepressant medications, including Prozac and Zoloft.

enuresis, hand mouthing, and acting out[6]. The relevance of a, pattern of maladaptive behaviors to the diagnosis of mental retardation was summarized by Dr. Swanson as follows:

> Maladaptive behaviors are behaviors that you adapt when you don't have the proper adaptive skills to cope with your society because the whole idea of adaptive behavior is personal self-sufficiency and social self-sufficiency. And those specific behaviors that we're talking about are examples of why Corey doesn't interact well in his society and cannot take care of himself completely alone. So, yes, you have to look at the maladaptive behaviors for his age and his culture.

In this regard, it should be noted that Corey Williams' demeanor[7] in Court was consistent with the

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[6] According to PDR Medical Dictionary, Second Edition, pica is a perverted appetite for substances not fit as food or of no nutritional value; e.g., clay, dried paint, starch, etc. Enuresis is defined as the involuntary discharge or leakage of urine. There was ample evidence presented at the penalty phase as well as the post verdict evidentiary hearing that, as a child, Corey Williams regularly ate dirt, paper, lead paint chips, for which he was hospitalized, and other substances which are either toxins are otherwise unfit for consumption. In addition, the testimony was clear that Williams frequently urinated on himself and that the problem was not lessened until his teenage years when he became an inmate at the Department of Corrections. Besides hand-mouthing, Williams apparently had a consistent drool, which either would "crust up" or he would wipe on his shirt. It is not unusual – and in fact it is consistent – to find these maladaptive behaviors exhibited by persons who are mentally retarded. His cousin, Mr. Griffins, stated, "He was like a goat".

[7] For instance, throughout the hearing, Williams consistently appeared puzzled, confused and confounded. During Dr. Swanson's testimony, Williams fell asleep, which the Court construed not as a lack of interest or disrespect but, rather, Williams' lack of ability to engage in the world around him [even

experts' opinions of maladaptive behavior, lack of cognitive ability, and adaptive deficit.

Drs. Swanson, Sentell and McPherson also obtained information in collateral interviews which, while not determinative of any issue, proved helpful and was consistent with other records in the case. For instance, Dr. Sentell obtained what he believed to be a credible and consistent history from a close family member of Mr. Williams, Erick Griffins, who reported as' follows:

> He said that Mr. Corey Williams was actually not in the Crips gang but was a "wanna be". He said that he was a "yes man" and characterized him as a "duck" or what one might refer to as "chump". He stated, "We used to take him with us to laugh at him." He also described him as "a puppet" that would uncritically do what others said. He stated that Mr. Williams was well known in the neighborhood for being "dumb" and "crazy". He was known as someone who could be "set out" to go and do some undesirable or ill-advised task that someone wiser would decline. Mr. Griffins stated that Corey Williams had indeed "taken the rap" for him on a prior charge and that he was known for this. He implied that this feature may have been relevant for Mr. Williams' current charge. He went on to describe Corey Williams as a teen who had never fully mastered toileting and was enuresis and chronically smelled of urine from soiling himself at night and having poor hygiene. He stated that he sucked his thumb until incarcerated. Additionally, he was known to "eat

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in a proceeding where the death penalty (for him) is being addressed.]

> dirt" and other nonnutritive substances including toilet paper and school paper and said, "He was like a goat". Mr. Griffins indicated that although he tried to play football, he couldn't grasp the rules and would always pass inappropriately. When asked about driving cars, he stated that Mr. William "couldn't drive a lick." He could, however rides a bike. He supposed that Corey Williams would not have known it if he was short changed in a store. He said that he had no girlfriend or best friend and added, "I was his best man." He stated, "He couldn't hold his spit ... his nose was always running ... he wiped it on his shirt collar or it'd just crust up." Mr. Griffins stated that Mr. Williams "could barely talk" and generally did not take appropriate self care, citing that "if he had $100 he'd take it all to the candy lady's house and then he couldn't' buy new shoes for himself.

Further, all experts testified that there were multiple possible etiologies in Mr. Williams' history consistent with mental retardation, the most significant of which was that when Mr. Williams was a young child, he was hospitalized for extremely high lead poisoning. According to Dr. McPherson, lead is a neurotoxin that impacts the brain and has been shown to cause intellectual impairment.

Dr. McPherson referenced a report issued by Dr. Felicia A. Rabito, clinical assistant professor in the department of biostatistics and epidemiology at Tulane University Health Sciences Center. Dr. Rabito wrote the following:

> Lead is a well studied, potent neurotoxin. The epidemiology of lead has been well described and is based on human data. Lead affects every system

in the body and there is no known threshold of safety, although the Centers for Disease Control and Prevention has set a level of less than 10 mg/di as a target level of safety for children. Children less than six years of age are at highest risk due to their proximity to the exposure source (contaminated dust, paint and soil) and the ready pathway for exposure (normal hand-to-mouth activity). Although lead can potentially affect every system, the nervous system and the developing brain of children are the most susceptible targets.

Corey Williams' case is the most extreme case of lead poisoning that I have seen. Not only did he have documented lead levels well over the established safe limit, but he had chronic exposure stretching over many years. These values appear to be valid measurements as they were conducted at a well respected health center and were confirmatory (venous) rather than screening in nature. This situation is particularly dramatic given that the timing of Corey's exposure was during a critical phase of brain development. An abundance of literature exists to support lead's adverse effects at the levels of Corey Williams experienced. These effects include (but are not limited to) neurocognitive, neurobehavioral, and renal effects.

Starting when he as two years old and documented for approximately six years, Corey had lead levels ranging from 35-102 mg/dl. It appears that he suffered from lead poisoning continually for a least six years. Lead's effects on IQ begin at 10mg/dl. Given the abundance of scientific literature on the harmful effects of lead poisoning, in my opinion

there is every reason to expect that Corey has suffered extreme health consequences, to multiple organ systems, including intellectual deficits, as a result of his sustained lead poisoning.

Furthermore, there is medical evidence which provides some correlation between heredity and mental retardation. The evidence was uncontroverted that Corey Williams' mother, Dorothy Williams, was diagnosed as mentally retarded when she was a child.

Finally, it is significant that Drs. Swanson, McPherson and Vigen testified that, in their opinions, Corey Williams is mentally retarded; Dr. Sentell testified to the effect that there is no evidence to suggest that he is not mentally retarded. All experts testified that there was no evidence of malingering.[8] Thus, purely from the expert testimony in this case, it is clear that the defense has proven by a preponderance of the evidence that Corey Williams is mentally retarded.

CONCLUSION

It is clear that Corey Williams is mentally retarded as defined by applicable Louisiana law (and any other universal standard) as he has significant sub-average general intellectual functioning (more than two standard deviations below the mean) existing concurrently with significant deficit adaptive

[8] Particularly at the post-verdict stage of a death penalty case, the Court should be especially cognizant of the possibility – maybe even the probability – of malingering. In this case, there was absolutely no evidence of malingering. In fact, Dr. Sentell testified that he felt that Corey Williams had actually "tried his very hardest" on tests. Dr. Sentell observed that the fact that he tried so hard under the particular circumstances supports the conclusion that Corey Williams has a significant lack of cognitive ability.

behavior, all of which was manifested during his developmental period.

Unquestionably, the first degree homicide, of which Corey Williams was convicted, was a violent and outrageous crime and Mr. Williams should never be released from Department of Corrections custody. However, it is clear that inasmuch as Mr. Williams is mentally retarded, he is not subject to the death penalty under the Eighth Amendment to the United States Constitution and the United States Supreme Court's holding in Atkins v. Virginia.

Signed this 20th day of February, 2004 in Shreveport, Caddo Parish, Louisiana.

/s/ Scott J. Chrichton
SCOTT J. CRICHTON
DISTRICT JUDGE

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