

IN THE
Supreme Court of the United States
KENNETH EUGENE SMITH,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPEME COURT OF ALABAMA

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner seeks leave to file the attached petition for a writ of certiorari without prepayment of fees and to proceed *in forma pauperis*.

Petition is currently incarcerated at Holman Correctional Facility in Atmore, Alabama. He previously has sought and been granted leave to proceed *in forma pauperis* in the following courts:

- the United States District Court for the Northern District of Alabama (copy of docket sheet attached as Exhibit 1); and
- the United States Court of Appeals for the Eleventh Circuit (copy of docket sheet attached as Exhibit 2).

Due to exigent circumstances, Petitioner is unable to submit a declaration of indigency with a prison account statement with this application.

Respectfully submitted,

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/s Robert M. Grass
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Counsel for Petitioner

November 14, 2022

EXHIBIT 1

CLOSED,HABEAS,DEATH

U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:15-cv-00384-ACK

Smith v. Dunn et al

Assigned to: Judge Abdul K Kallon

Case in other court: USCA, 19-14543

Cause: 28:2254 Ptn for Writ of H/C - Stay of Execution

Date Filed: 03/03/2015

Date Terminated: 09/12/2019

Jury Demand: None

Nature of Suit: 535 Death Penalty - Habeas Corpus

Jurisdiction: Federal Question

Petitioner**Kenneth Eugene Smith**represented by **Andrew B Johnson**

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V.

Respondent**William G. Sharp, Jr.**represented by **Tina Marie Coker Hammonds**

Commissioner, ADOC
TERMINATED: 12/07/2015

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Respondent

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Attorney General for the State of Alabama

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Tina Marie Coker Hammonds
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Respondent

Jefferson S Dunn
Commissioner, ADOC

represented by **Richard D Anderson**
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Tina Marie Coker Hammonds
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LEAD ATTORNEY
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Respondent

Steve Marshall

Date Filed	#	Docket Text
03/03/2015	1	PETITION for Writ of Habeas Corpus, filed by Kenneth Eugene Smith. (Attachments: # 1 Civil Cover Sheet)(JLC) (Entered: 03/04/2015)
03/03/2015	2	MOTION for Leave to Proceed In Forma Pauperis by Kenneth Eugene Smith. (JLC) (Entered: 03/04/2015)
03/03/2015	3	MOTION for Leave to Appear Pro Hac Vice (Robert M. Grass) by Kenneth Eugene Smith. (JLC) (Entered: 03/04/2015)

03/03/2015		PHV Fee paid for Robert M. Grass in the amount of \$50.00, receipt number B4601060382. (JLC) (Entered: 03/04/2015)
03/03/2015	4	MOTION to File Under Seal by Kenneth Eugene Smith. (JLC) (Entered: 03/04/2015)
03/03/2015	5	Request for service by certified mail filed by Kenneth Eugene Smith. (JLC) (Entered: 03/04/2015)
03/06/2015	6	NOTICE of Appearance by Tina Marie Coker Hammonds on behalf of William G. Sharp, Jr, Luther Strange (Coker Hammonds, Tina) (Entered: 03/06/2015)
04/13/2015	7	ORDER granting 3 Motion for Leave to Appear PHV. Signed by Judge Virginia Emerson Hopkins on 4/13/15. (KWC) (Entered: 04/13/2015)
05/15/2015	8	ORDER granting 2 Motion for Leave to Proceed in forma pauperis. Signed by Judge Virginia Emerson Hopkins on 5/15/2015. (Hopkins, Virginia) (Entered: 05/15/2015)
05/15/2015	9	ORDER granting 4 Motion For Leave to File under Seal. In accordance with III.A of the Civil Administrative Procedure Manual for the CM/ECF System, a copy of any such documents being filed under seal shall be submitted conventionally to the Clerks Office, by the filing party, on paper and on a.pdf formatted disk. Additionally, a courtesy copy of all sealed documents shall be delivered to the Clerks Office for delivery to chambers of the undersigned. The courtesy copies shall be 3-holed punched and in binders. The clerk is DIRECTED to file the designated documents under seal. Signed by Judge Virginia Emerson Hopkins on 5/15/2015. (Hopkins, Virginia) (Entered: 05/15/2015)
05/15/2015	10	ORDER that within sixty (60) days from the entry date of this Order, counsel for the Petitioner shall prepare and file with the Court a Memorandum as set out herein. The Respondents shall file an Answer to the Petition in accord with the Rules Governing Section 2254 Cases in the United States District Courts within one hundred twenty (120) days from the entry date of this Order. Signed by Judge Virginia Emerson Hopkins on 5/15/2015. (JLC) (Entered: 05/15/2015)
05/15/2015	11	***FILED UNDER SEAL*** EVIDENTIARY MATERIAL (JLC) (Entered: 05/19/2015)
07/13/2015	12	CERTIFICATION and MEMORANDUM Pursuant to Order 10 filed by Kenneth Eugene Smith. (Johnson, Andrew) (Entered: 07/13/2015)
08/26/2015	13	MOTION for Extension of Time to File Answer re 10 Order, (<i>Respondents' Motion for 30-Day Enlargement</i>) by William G. Sharp, Jr, Luther Strange. (Coker Hammonds, Tina) (Entered: 08/26/2015)
08/26/2015	14	ORDER granting 13 (unopposed) Motion for Extension of Time to Answer re 10 Order, answer and other documents due 10/14/2015. Signed by Judge Virginia Emerson Hopkins on 8/26/2015. (Hopkins, Virginia) (Entered: 08/26/2015)
10/05/2015	15	MOTION for Extension of Time (<i>Respondents' Motion for 20-Day Enlargement</i>) by William G. Sharp, Jr, Luther Strange. (Coker Hammonds, Tina) (Entered: 10/05/2015)
10/06/2015	16	TEXT ORDER granting 15 unopposed Motion for Extension of Time (20 days) as set out in motion. Signed by Judge Virginia Emerson Hopkins on 10/6/2015. (KWC) Modified text to correct spelling on 10/6/2015 (KWC) (Entered: 10/06/2015)
10/26/2015	17	MOTION for Extension of Time by William G. Sharp, Jr, Luther Strange. (Coker Hammonds, Tina) (Entered: 10/26/2015)
10/26/2015	18	ORDER granting 17 (unopposed) Motion for Extension of Time. Respondents' deadline to file an answer, brief, index, and the state court record is extended to December 3, 2015.

		Signed by Judge Virginia Emerson Hopkins on 10/26/2015. (Hopkins, Virginia) (Entered: 10/26/2015)
12/03/2015	19	RESPONSE to re 10 (<i>Respondents' Habeas Corpus Checklist</i>) filed by William G. Sharp, Jr, Luther Strange, Jefferson S Dunn. (Coker Hammonds, Tina) (Entered: 12/03/2015)
12/03/2015	20	NOTICE by Jefferson S Dunn, William G. Sharp, Jr, Luther Strange re 10 Order, (<i>Notice of Manual Filing of Indexed Record</i>) (Coker Hammonds, Tina) (Additional attachment(s) added on 10/29/2020: # 1 Exhibit Vol. 1, # 2 Exhibit Vol. 2, # 3 Exhibit Vol. 3, # 4 Exhibit Vol. 4, # 5 Exhibit Vol.5, # 6 Exhibit Vol. 6, # 7 Exhibit Vol. 7, # 8 Exhibit Vol.8, # 9 Exhibit Vol. 9, # 10 Exhibit Vol. 10, # 11 Exhibit Vol.11, # 12 Exhibit Vol.12, # 13 Exhibit Vol. 13, # 14 Exhibit Vol. 14, # 15 Exhibit Vol. 15, # 16 Exhibit Vol. 16, # 17 Exhibit Vol. 17, # 18 Exhibit Vol. 18, # 19 Exhibit Vol. 19, # 20 Exhibit Vol. 20, # 21 Exhibit Vol. 21, # 22 Exhibit Vol. 22, # 23 Exhibit Vol.23, # 24 Exhibit Vol. 24, # 25 Exhibit Vol. 25, # 26 Exhibit Vol. 26, # 27 Exhibit Vol.27, # 28 Exhibit Vol.28, # 29 Exhibit Vol. 29, # 30 Exhibit Vol.30, # 31 Exhibit Vol.31, # 32 Exhibit Vol.32, # 33 Exhibit Vol.33, # 34 Exhibit Vol.34, # 35 Exhibit Vol.35, # 36 Exhibit Vol.36, # 37 Exhibit Vol.37, # 38 Exhibit Vol.38, # 39 Exhibit Vol.39, # 40 Exhibit Vol.40, # 41 Exhibit Vol.41, # 42 Exhibit Vol.42, # 43 Exhibit Vol.43, # 44 Exhibit Vol.44, # 45 Exhibit Vol.45 Part 1 of 2, # 46 Exhibit Vol.45 Part 2 of 2, # 47 Exhibit Vol.46) (AKD,). (Entered: 12/03/2015)
12/03/2015	21	RESPONSE to Petition for Writ of Habeas Corpus by Jefferson S Dunn, William G. Sharp, Jr, Luther Strange.(Coker Hammonds, Tina) (Entered: 12/03/2015)
12/03/2015	22	NOTICE by Jefferson S Dunn, William G. Sharp, Jr, Luther Strange (<i>Notice of Substitution of Party</i>) (Coker Hammonds, Tina) (Entered: 12/03/2015)
12/03/2015	23	***FILED UNDER SEAL*** ANSWER to and BRIEF of Kenneth Eugene Smith's Claims from Within his Petition for Writ of Habeas Corpus. (JLC) (Entered: 12/03/2015)
12/03/2015	24	***FILED UNDER SEAL*** Petitioner's Rule 32 Petition, Specifically pages 43-45, Pursuant to the Court's 9 Order. (JLC) (Entered: 12/03/2015)
12/03/2015	25	<i>Brief of Respondent</i> filed by Jefferson S Dunn, William G. Sharp, Jr, Luther Strange. (Coker Hammonds, Tina) (Entered: 12/03/2015)
12/07/2015	26	TEXT ORDER re 22 Notice of Substitution of party filed by Jefferson S Dunn, Luther Strange, William G. Sharp, Jr.; the Clerk shall substitute the correct party as set out in Notice, doc 22 . Signed by Judge Virginia Emerson Hopkins on 12/07/2015. (KWC) (Entered: 12/07/2015)
02/12/2016	27	MOTION for Extension of Time to File Response/Reply <i>Brief and Any Request for Evidentiary Hearing</i> by Kenneth Eugene Smith. (Johnson, Andrew) (Entered: 02/12/2016)
02/12/2016	28	TEXT ORDER granting 27 UNOPPOSED Motion for Extension of Time of fourteen (14)days from March 2, 2016 until March 16, 2016 in which to file his reply to 19 ; Reply due by 3/16/2016. Signed by Judge Virginia Emerson Hopkins on 2/12/2016. (KWC) (Entered: 02/12/2016)
03/07/2016	29	Unopposed MOTION for Leave to Complete the State Court Record by Kenneth Eugene Smith. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Johnson, Andrew) (Entered: 03/07/2016)
03/08/2016	30	TEXT ORDER granting 29 Motion for Leave to File. Signed by Judge Virginia Emerson Hopkins on 3/8/2016. (Hopkins, Virginia) (Entered: 03/08/2016)
03/16/2016	31	Brief re 1 Petition for Writ of Habeas Corpus, 21 Response to Habeas Petition . (Attachments: # 1 Exhibit Exhibit 1)(Johnson, Andrew) (Entered: 03/16/2016)

03/16/2016	32	MOTION for Hearing by Kenneth Eugene Smith. (Johnson, Andrew) (Entered: 03/16/2016)
03/16/2016	33	***FILED UNDER SEAL*** Portion of Brief. (Attachments: # 1 Exhibit 1) (JLC) (Entered: 03/16/2016)
10/03/2016	34	***VACATED*** Per 40 Order***ORDER SETTING EVIDENTIARY HEARING; This case is hereby SET for an EVIDENTIARY HEARING on December 29 and 30, 2016, at 9:00 a.m. at the Hugo Black U.S. Courthouse in Birmingham, Alabama before Judge Virginia Emerson Hopkins. On or before November 4, 2016, the Petitioner shall file a statement entitled Evidentiary Hearing Narrative Statement as set out herein. Motions in Limine, including any Daubert Motions, must be filed no later than December 2, 2016, and shall be accompanied by supporting memoranda, with pinpoint cites. Oppositions are due no later than December 8, 2016. Signed by Judge Virginia Emerson Hopkins on 10/3/2016. (JLC) Modified on 10/13/2016 (JLC). (Entered: 10/03/2016)
10/06/2016	35	NOTICE of Appearance by Richard D Anderson on behalf of Jefferson S Dunn (Anderson, Richard) (Entered: 10/06/2016)
10/11/2016	36	MOTION for Leave to Appear Pro Hac Vice by Kenneth Eugene Smith. (Attachments: # 1 Exhibit A)(Johnson, Andrew) (Entered: 10/11/2016)
10/11/2016		PHV Fee paid for Jeffrey H. Horowitz in the amount of \$50.00, Credit Card receipt number 1126-2715954, NDAL receipt #B4601074986. (Johnson, Andrew) Modified on 10/11/2016 (JLC). (Entered: 10/11/2016)
10/11/2016	37	MOTION to Reconsider 34 Order setting evidentiary hearing and Respondents' Objection to this Court's Order Setting an Evidentiary Hearing by Jefferson S Dunn, Luther Strange. (Anderson, Richard) Modified text on 10/12/2016 (KWC) (Entered: 10/11/2016)
10/12/2016	38	TEXT ORDER GRANTING 36 Motion for Leave to Appear PHV CONTINGENT upon local counsel filing notice in this case, complying with Local Rule 83.1(b) (revised effective January 15, 2016). Specifically, pro hac counsel may not appear or file pleadings (other than those related to pro hac status) unless and until such counsel complies with Local Rule 83.1(b). Signed by Judge Virginia Emerson Hopkins on 10/12/2016. (KWC) (Entered: 10/12/2016)
10/12/2016	39	TEXT ORDER GRANTING 36 MOTION for Leave to Appear Pro Hac Vice. Attorney Jeffrey H Horowitz for Kenneth Eugene Smith added. Signed by Judge Virginia Emerson Hopkins on 10/12/2016. (JLC) (Entered: 10/12/2016)
10/13/2016	40	ORDER GRANTING 37 MOTION To Reconsider and upon due consideration, the Respondents' Objection to this Courts Order Setting an Evidentiary Hearing is SUSTAINED. The Court's 34 Order granting the Petitioner's 32 Motion for Evidentiary Hearing is VACATED. Respondents shall file a Response to the Motion for Evidentiary Hearing no later than 30 days from the date of this Order. Petitioner's Reply is due no later than 30 days after the date on which such Response is filed. Thereafter, the Motion will be under submission and the Court will decide whether an Evidentiary Hearing is appropriate. Signed by Judge Virginia Emerson Hopkins on 10/13/2016. (JLC) (Entered: 10/13/2016)
11/10/2016	41	MOTION for Extension of Time (<i>Respondents' Motion for 14-Day Enlargement of Time</i>) by Jefferson S Dunn, Luther Strange. (Anderson, Richard) (Entered: 11/10/2016)
11/10/2016	42	TEXT ORDER granting 41 Motion for 14 day Extension of Time. Signed by Judge Virginia Emerson Hopkins on 11/10/2016. (KWC) (Entered: 11/10/2016)
11/28/2016	43	RESPONSE to <i>Motion for Evidentiary Hearing</i> filed by Jefferson S Dunn, Luther Strange. (Anderson, Richard) (Entered: 11/28/2016)

12/28/2016	44	REPLY to Response to Motion re 32 MOTION for Hearing filed by Kenneth Eugene Smith. (Johnson, Andrew) (Entered: 12/28/2016)
01/12/2017	45	NOTICE by Kenneth Eugene Smith <i>Of Change of Firm Name</i> (Johnson, Andrew) (Entered: 01/12/2017)
04/27/2018	46	ORDER DENYING WITHOUT PREJUDICE 32 MOTION for Evidentiary Hearing. Signed by Judge Virginia Emerson Hopkins on 4/27/2018. (JLC) (Entered: 04/27/2018)
06/01/2018	47	NOTICE- MOTION to WITHDRAW as attorney by Jefferson S Dunn, Steve Marshall (<i>Notice of Withdrawal</i>) (Coker Hammonds, Tina) Modified title on 6/1/2018 (KWC) (Entered: 06/01/2018)
06/01/2018	48	TEXT ORDER granting 47 Motion to Withdraw as Attorney. Attorney Tina Marie Coker Hammonds terminated. Signed by Judge Virginia Emerson Hopkins on 6/1/2018. (KWC) (Entered: 06/01/2018)
06/22/2018	49	NOTICE OF REASSIGNMENT. This case is hereby reassigned to Judge Abdul K. Kallon for all further proceedings. Judge Virginia Emerson Hopkins no longer assigned to case. Please use case number 2:15-CV-0384-ACK on all subsequent pleadings.(JLC) (Entered: 06/22/2018)
09/12/2019	50	MEMORANDUM OPINION. Signed by Judge Abdul K Kallon on 9/12/2019. (AFS) (Entered: 09/12/2019)
09/12/2019	51	FINAL JUDGMENT - In accordance with the Memorandum Opinion entered contemporaneously herewith it is ORDERED, ADJUDGED, and DECREED that the petition for writ of habeas corpus 1 is DENIED; Petitioner's motion for an evidentiary hearing 32 is DENIED; and the petition is DISMISSED WITH PREJUDICE. The court finds that Smith's claims do not satisfy either standard for granting a certificate for appealability. Therefore, the court DENIES a certificate of appealability with regard to those claims. 28 U.S.C. § 2253(c). Costs of this action are TAXED against Petitioner and in favor of Respondent. Signed by Judge Abdul K Kallon on 9/12/2019. (AFS,) (Entered: 09/12/2019)
09/12/2019	52	TRANSMITTAL LETTER TO USCA (AFS) (Entered: 09/12/2019)
10/10/2019	53	MOTION to Alter Judgment by Kenneth Eugene Smith. (Attachments: # 1 Exhibit Grass Declaration)(Johnson, Andrew) (Entered: 10/10/2019)
10/16/2019	54	ORDER DENYING 53 MOTION to Alter Judgment. Additionally, for the reasons stated in the 51 Final Judgment, the Court declines to issue a Certificate of Appealability. Signed by Judge Abdul K Kallon on 10/16/2019. (JLC) (Entered: 10/16/2019)
11/13/2019	55	NOTICE OF APPEAL as to 50 Memorandum Opinion, 54 Order, 51 Order Dismissing Case by Kenneth Eugene Smith. (Johnson, Andrew) Modified on 11/14/2019 (JLC). (Entered: 11/13/2019)
11/14/2019	56	NOTICE of Transmittal re 55 Notice of Appeal. (JLC) (Entered: 11/14/2019)
11/14/2019	57	Transmission of 55 Notice of Appeal, 54 Order, 51 Order, 50 Memorandum Opinion and Docket Sheet to US Court of Appeals re 55 Notice of Appeal. (JLC) (Entered: 11/14/2019)
11/15/2019	58	USCA Case Number 19-14543 for 55 Notice of Appeal filed by Kenneth Eugene Smith. (KEK) (Entered: 11/15/2019)
01/09/2020	59	ORDER of USCA GRANTING IN PART and DENYING IN PART Appellant Kenneth Eugene Smith's Motion for Certificate of Appealability re 55 Notice of Appeal filed by Kenneth Eugene Smith. (JLC) (Entered: 01/09/2020)

03/18/2020		Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Northern District of Alabama certifies that the record is complete for purposes of this appeal re: <u>55</u> Notice of Appeal, Appeal No. 19-14543-P. The entire record on appeal is available electronically. (JLC) (Entered: 03/18/2020)
05/27/2021	60	MANDATE of USCA before WILSON, JILL PRYOR AND GRANT, USCJ, AFFIRMING the decision of the District Court with per curiam opinion attached; ISSUED AS MANDATE 05/27/2021. (Attachments: # 1 Opinion)(AKD) (Entered: 05/27/2021)

PACER Service Center			
Transaction Receipt			
11/14/2022 16:09:21			
PACER Login:	aporter11	Client Code:	0098231.00004/02666
Description:	Docket Report	Search Criteria:	2:15-cv-00384-ACK
Billable Pages:	6	Cost:	0.60

EXHIBIT 2

General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 19-14543

Docketed: 11/14/2019

Termed: 04/06/2021

Nature of Suit: 3535 Habeas Corpus: Death Penalty
Kenneth Smith v. Commissioner, Alabama Dept., et al
Appeal From: Northern District of Alabama
Fee Status: IFP Granted

Case Type Information:

- 1) Private Civil - Prisoner
- 2) Death Penalty - State Habeas
- 3) -

Originating Court Information:

District: 1126-2 : [2:15-cv-00384-AKK](#)
Civil Proceeding: Abdul K. Kallon, U.S. District Judge
Date Filed: 03/03/2015
Date NOA Filed:
11/13/2019

Prior Cases:

None

Current Cases:

None

KENNETH EUGENE SMITH

Petitioner - Appellant

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versus

COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS
Respondent - Appellee

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KENNETH EUGENE SMITH,

Petitioner - Appellant,

versus

COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL STATE OF ALABAMA,

Respondents - Appellees.

11/14/2019	<input type="checkbox"/>  148 pg, 896.31 KB	DEATH PENALTY APPEAL DOCKETED. Notice of appeal filed by Attorney Andrew Burns Johnson for Appellant Kenneth Eugene Smith on 11/14/2019. Fee Status: IFP Granted; COA Denied in USDC. [Entered: 11/15/2019 04:54 PM]
11/14/2019	<input type="checkbox"/>  2 pg, 69.74 KB	USDC judgment denying COA as to Appellant Kenneth Eugene Smith was filed on 09/12/2019. Docket Entry 51. [Entered: 11/15/2019 05:28 PM]
11/15/2019	<input type="checkbox"/>  1 pg, 412.7 KB	APPEARANCE of Counsel Form filed by Andrew Burns Johnson for Kenneth Eugene Smith. [19-14543] (ECF: Andrew Johnson) [Entered: 11/15/2019 05:35 PM]
11/15/2019	<input type="checkbox"/>  66 pg, 305.51 KB	<i>MOTION for certificate of appealability filed by Kenneth Eugene Smith. Opposition to Motion is Unknown.</i> [8934320-1] [19-14543] (ECF: Andrew Johnson) [Entered: 11/15/2019 05:42 PM]
11/15/2019	<input type="checkbox"/>  161 pg, 14.8 MB	Declaration of Andrew B. Johnson in Support of Motion for Certificate of Appealability filed by Attorney Andrew Burns Johnson for Appellant Kenneth Eugene Smith. [19-14543] (ECF: Andrew Johnson) [Entered: 11/15/2019 05:50 PM]
11/18/2019	<input type="checkbox"/>  1 pg, 68.99 KB	APPEARANCE of Counsel Form filed by Richard Dearman Anderson for Attorney General State of Alabama and Commissioner, Alabama Department of Corrections. [19-14543] (ECF: Richard Anderson) [Entered: 11/18/2019 12:39 PM]
11/18/2019	<input type="checkbox"/>  1 pg, 524.15 KB	APPEARANCE of Counsel Form filed by Robert Grass for Kenneth Eugene Smith. [19-14543] (ECF: Robert Grass) [Entered: 11/18/2019 03:35 PM]
12/06/2019	<input type="checkbox"/>  5 pg, 98.81 KB	Certificate of Interested Persons and Corporate Disclosure Statement filed by Attorney Andrew Burns Johnson for Appellant Kenneth Eugene Smith. On the same day the CIP is served, the party filing it must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-2(b). [19-14543] (ECF: Andrew Johnson) [Entered: 12/06/2019 03:42 PM]
12/13/2019	<input type="checkbox"/>  5 pg, 119.11 KB	Certificate of Interested Persons and Corporate Disclosure Statement filed by Attorney Richard Dearman Anderson for Appellees Attorney General State of Alabama and Commissioner, Alabama Department of Corrections. On the same day the CIP is served, the party filing it must also complete the court's web-based stock ticker symbol certificate at the link here http://www.ca11.uscourts.gov/web-based-cip or on the court's website. See 11th Cir. R. 26.1-2(b). [19-14543] (ECF: Richard Anderson) [Entered: 12/13/2019 02:30 PM]
01/09/2020	<input type="checkbox"/>  3 pg, 85.3 KB	ORDER: Motion for certificate of appealability filed by Appellant Kenneth Eugene Smith is GRANTED IN PART AND DENIED IN PART. [8934320-2] CRW [Entered: 01/09/2020 11:52 AM]
02/18/2020	<input type="checkbox"/>  56 pg, 5.2 MB	Appellant's brief filed by Kenneth Eugene Smith. [19-14543] (ECF: Andrew Johnson) [Entered: 02/18/2020 03:36 PM]
02/18/2020	<input type="checkbox"/>  565 pg, 52.11 MB	Appendix filed [Volume I and Volume II VOLUMES] by Appellant Kenneth Eugene Smith. [19-14543] (ECF: Andrew Johnson) [Entered: 02/18/2020 03:44 PM]
02/19/2020	<input type="checkbox"/>	Received paper copies of EBrief filed by Appellant Kenneth Eugene Smith. [Entered: 02/19/2020 11:29 AM]
02/19/2020	<input type="checkbox"/>	Received paper copies of EAppendix filed by Appellant Kenneth Eugene Smith. 2 VOLUMES - 2 COPIES. [Entered: 02/19/2020 11:31 AM]
03/02/2020	<input type="checkbox"/>	Received paper copies of EAppendix filed by Appellant Kenneth Eugene Smith. 2 VOLUMES - 3 COPIES [Entered: 03/09/2020 05:10 PM]
03/17/2020	<input type="checkbox"/>  32 pg, 191.19 KB	Appellee's Brief filed by Appellee Commissioner, Alabama Department of Corrections. [19-14543] (ECF: Richard Anderson) [Entered: 03/17/2020 03:27 PM]
03/20/2020	<input type="checkbox"/>	Received 7 paper copies of EBrief filed by Appellee Attorney General State of Alabama.**Paper copies of the briefs are located in DP Clerk's office** [Entered: 11/03/2020 02:20 PM]
04/06/2020	<input type="checkbox"/>  30 pg, 199.22 KB	Reply Brief filed by Appellant Kenneth Eugene Smith. [19-14543] (ECF: Andrew Johnson) [Entered: 04/06/2020 02:16 PM]
04/07/2020	<input type="checkbox"/>	Received reply paper copies of EBrief filed by Appellant Kenneth Eugene Smith. [Entered: 04/09/2020 09:54 AM]
04/09/2020	<input type="checkbox"/>  2 pg, 15.79 KB	Notice of deficient Reply brief filed by Attorney Andrew Burns Johnson for Appellant Kenneth Eugene Smith. Deficiencies: The document in brief should be printed on one side of each page. --[Edited 04/09/2020 by GAF] [Entered: 04/09/2020 09:58 AM]
04/14/2020	<input type="checkbox"/>	Received CORRECTED paper copies of EBrief filed by Appellant Kenneth Eugene Smith. All deficiencies have been corrected [Entered: 04/17/2020 10:30 AM]
08/11/2020	<input type="checkbox"/>	Telephonic Oral Argument Scheduled. Argument Date: Tuesday, 11/17/2020, at 2:00 p.m. Eastern Time. [Entered: 08/11/2020 03:52 PM]

08/11/2020	<input type="checkbox"/>  2 pg, 26.37 KB	Calendar issued as to this case to be orally argued telephonically on Tuesday, November 17, 2020, at 2:00 p.m. EDT. Counsel are directed to electronically acknowledge receipt of this calendar by docketing the Calendar Receipt Acknowledged event in ECF. [Entered: 08/11/2020 04:04 PM]
08/11/2020	<input type="checkbox"/>	Attorney Richard Dearman Anderson for Appellees Attorney General State of Alabama and Commissioner, Alabama Department of Corrections hereby acknowledges receipt of a copy of the printed calendar for 11/17/2020. Richard D. Anderson 334-353-2021 will present argument. [19-14543] (ECF: Richard Anderson) [Entered: 08/11/2020 04:29 PM]
08/12/2020	<input type="checkbox"/>	Attorney Robert Grass for Appellant Kenneth Eugene Smith hereby acknowledges receipt of a copy of the printed calendar for 11/17/2020. Robert Grass (212) 836-8064 will present argument. [19-14543] (ECF: Robert Grass) [Entered: 08/12/2020 12:02 PM]
10/09/2020	<input type="checkbox"/>	Attorney Andrew Burns Johnson for Appellant Kenneth Eugene Smith hereby acknowledges receipt of a copy of the printed calendar for 11/17/2020. Robert Grass 212-836-8064 will present argument. [19-14543] (ECF: Andrew Johnson) [Entered: 10/09/2020 10:05 AM]
11/06/2020	<input type="checkbox"/>  15 pg, 743.92 KB	Supplemental Authority filed by Appellant Kenneth Eugene Smith. [19-14543] (ECF: Robert Grass) [Entered: 11/06/2020 09:31 AM]
11/17/2020	<input type="checkbox"/>	Oral argument held by Teleconference. Oral Argument participants were Robert Grass for Appellant Kenneth Eugene Smith and Richard Dearman Anderson for Appellees Commissioner, Alabama Department of Corrections and Attorney General State of Alabama. [Entered: 11/17/2020 04:47 PM]
04/06/2021	<input type="checkbox"/>  13 pg, 242.8 KB	Opinion issued by court as to Appellant Kenneth Eugene Smith. Decision: Affirmed. Opinion type: Non-Published. Opinion method: Per Curiam. The opinion is also available through the Court's Opinions page at this link http://www.ca11.uscourts.gov/opinions . [Entered: 04/06/2021 03:24 PM]
04/06/2021	<input type="checkbox"/>  1 pg, 82.46 KB	Judgment entered as to Appellant Kenneth Eugene Smith. [Entered: 04/06/2021 03:28 PM]
04/27/2021	<input type="checkbox"/>  34 pg, 2.2 MB	Petition for panel rehearing only filed by Appellant Kenneth Eugene Smith. [19-14543] (ECF: Andrew Johnson) [Entered: 04/27/2021 04:16 PM]
05/19/2021	<input type="checkbox"/>  2 pg, 129.95 KB	ORDER: The Petition for Panel Rehearing filed by Appellant Kenneth Eugene Smith is DENIED. [9389665-1] [Entered: 05/19/2021 10:36 AM]
05/27/2021	<input type="checkbox"/>  2 pg, 721.95 KB	Mandate issued as to Appellant Kenneth Eugene Smith. [Entered: 05/27/2021 10:59 AM]
10/20/2021	<input type="checkbox"/>  1 pg, 52.83 KB	Notice of Writ of Certiorari filed as to Appellant Kenneth Eugene Smith. SC# 21-579. [Entered: 10/21/2021 03:27 PM]
12/09/2021	<input type="checkbox"/>	Checked status of certiorari 21-579 filed as to Appellant Kenneth Eugene Smith - Pending. [Entered: 12/09/2021 10:37 AM]
01/20/2022	<input type="checkbox"/>	Checked status of certiorari 21-579 filed as to Appellant Kenneth Eugene Smith - Pending. DISTRIBUTED for Conference of 2/18/2022. [Entered: 01/20/2022 05:45 PM]
02/22/2022	<input type="checkbox"/>  1 pg, 62.04 KB	Writ of Certiorari filed as to Appellant Kenneth Eugene Smith is DENIED. SC# 21-579. [Entered: 03/03/2022 03:03 PM]

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