

**In The
Supreme Court of the United States**

STATE OF ALABAMA,
Petitioner,

v.

MARCUS BERNARD WILLIAMS,
Respondent.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT*

MOTION TO PROCEED *IN FORMA PAUPERIS*

CHRISTINE A. FREEMAN
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Counsel for Respondent

January 23, 2024

Respondent, Marcus Bernard Williams, an indigent individual incarcerated on Alabama's death row, respectfully requests that this Court grant him leave to proceed *in forma pauperis*, without prepayment of costs or fees.

In support of this motion, Mr. Williams states:

1. Mr. Williams is in custody at Holman Correctional Facility.
2. Mr. Williams was previously granted leave to proceed *in forma pauperis* (see attached USDC, Northern Dist. docket entry) and Mr. Williams's financial circumstances have not materially changed since the lower courts have permitted him to proceed *in forma pauperis*.

For the reasons set forth above, Mr. Williams respectfully requests that this Court grant him *in forma pauperis* status.

Respectfully Submitted,

/s/ Leslie S. Smith

LESLIE S. SMITH

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Counsel for Respondent

January 23, 2024

**U.S. District Court
Northern District of Alabama (Eastern)
CIVIL DOCKET FOR CASE #: 1:07-cv-01276-KOB**

Williams v. State of Alabama
Assigned to: Chief Judge Karon O Bowdre
Case in other court: 11th Circuit Court of Appeals, 12-14937-P
Eleventh Circuit, 21-13734-P
Cause: 28:2254 Ptn for Writ of H/C - Stay of Execution

Date Filed: 07/06/2007
Date Terminated: 09/23/2021
Jury Demand: None
Nature of Suit: 535 Death Penalty - Habeas
Corpus
Jurisdiction: Federal Question

Petitioner

Marcus Bernard Williams

represented by **Leslie Smith**
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| Date Filed | # | Docket Text |
|-------------------|-------------------|--|
| 07/06/2007 | 1 | PETITION for Writ of Habeas Corpus (Filing fee \$ 5 rec# 200 237890.) , filed by Marcus Bernard Williams.(SMH2,) (Entered: 07/09/2007) |
| 07/20/2007 | 2 | ORDER: Certain deadlines apply as further set out in this order. Respondent shall file answer within 60 days of this order. Counsel for petitioner to file reply brief within 30 days after the filing of respondent's brief and answer. Signed by Judge Karon O Bowdre on 7/20/07. (SMH2,) (Entered: 07/20/2007) |
| 07/26/2007 | 3 | NOTICE of Appearance by Michael Anthony Nunnelley on behalf of State of Alabama (Nunnelley, Michael) (Entered: 07/26/2007) |
| 08/15/2007 | 4 | MOTION to Continue <i>Briefing Schedule (Unopposed)</i> by Marcus Bernard Williams. (Smith, Leslie) (Entered: 08/15/2007) |
| 08/17/2007 | | ORDER granting 4 Motion to Continue and setting deadline of September 10, 2007. Signed by Judge T Michael Putnam on 8/17/2007. (PMA,) (Entered: 08/17/2007) |
| 08/30/2007 | | ORDER Changing Order entered granting the motion for extension, and granting extension for an additional 9 days, until September 19, 2007, as requested in the unopposed motion. Signed by Judge T Michael Putnam on 8/30/2007. (PMA,) (Entered: 08/30/2007) |
| 09/19/2007 | 5 | Amended PETITION for Writ of Habeas Corpus (Filing fee \$ 5.), filed by Marcus Bernard Williams.(Smith, Leslie) (Entered: 09/19/2007) |
| 09/19/2007 | 6 | Certification of Counsel re 2 Order filed by Marcus Bernard Williams. (Smith, Leslie) Modified on 9/20/2007 (KSS,). (Entered: 09/19/2007) |
| 09/19/2007 | 7 | RESPONSE (Petitioner's Memorandum) to 2 Order filed by Marcus Bernard Williams. (Smith, Leslie) Modified on 9/20/2007 (KSS,). (Entered: 09/19/2007) |

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| 10/15/2007 | 8 | MOTION for Extension of Time (<i>Motion for Enlargement of Time</i>) by State of Alabama. (Nunnelley, Michael) (Entered: 10/15/2007) |
| 10/22/2007 | | ORDER granting 8 Motion for Extension of Time - 30 days. Signed by Judge T Michael Putnam on 10-22-07. (SMB) (Entered: 10/22/2007) |
| 11/06/2007 | 9 | NOTICE of Appearance by Morad Fakhimi on behalf of Marcus Bernard Williams (Fakhimi, Morad) (Entered: 11/06/2007) |
| 11/20/2007 | 10 | MOTION for Extension of Time (<i>Motion for Enlargement of Time</i>) by State of Alabama. (Nunnelley, Michael) (Entered: 11/20/2007) |
| 11/21/2007 | | ORDER granting 10 Motion for Extension of Time - 14 days. Signed by Judge T Michael Putnam on 11-21-07. (SMB) (Entered: 11/21/2007) |
| 12/04/2007 | 11 | NOTICE by State of Alabama of <i>Manual Filing of Indexed Record</i> (Nunnelley, Michael) (Entered: 12/04/2007) |
| 12/04/2007 | 12 | RESPONSE to <i>Order (Respondent's Habeas Corpus Checklist)</i> filed by State of Alabama. (Nunnelley, Michael) (Entered: 12/04/2007) |
| 12/05/2007 | 13 | MOTION for Extension of Time to File Answer (<i>Unopposed Motion for Leave to Exceed Page Limitations and Enlargement of Time</i>) by State of Alabama. (Nunnelley, Michael) (Entered: 12/05/2007) |
| 12/05/2007 | | ORDER granting 13 Motion for Extension of Time to Answer and extending time by seven days, and expanding page limit to 150 pages. Signed by Judge T Michael Putnam on 12/5/2007. (PMA) (Entered: 12/05/2007) |
| 12/12/2007 | 14 | RESPONSE to (<i>Respondent's Answer to Petitioner Marcus Bernard Williams's Amended Petition for Writ of Habeas Corpus</i>) filed by State of Alabama. (Nunnelley, Michael) (Entered: 12/12/2007) |
| 12/12/2007 | 15 | Brief (<i>Respondent's Brief on the Merits</i>) filed by State of Alabama. (Nunnelley, Michael) (Entered: 12/12/2007) |
| 01/03/2008 | 16 | First MOTION for Extension of Time to File Response/Reply by Marcus Bernard Williams. (Fakhimi, Morad) (Entered: 01/03/2008) |
| 01/08/2008 | | ORDER granting 16 Motion for Extension of Time to File Response/Reply. The respondents must file their brief by 2/25/2008. Signed by Judge T Michael Putnam on 1/8/2008. (PMA) (Entered: 01/08/2008) |
| 02/13/2008 | 17 | Second MOTION for Extension of Time to File Response/Reply <i>To State's Answer and Brief</i> by Marcus Bernard Williams. (Fakhimi, Morad) (Entered: 02/13/2008) |
| 02/13/2008 | | ORDER granting 17 Motion for Extension of Time to File Response/Reply. Signed by Judge T Michael Putnam on 2-13-08. (SMB) (Entered: 02/13/2008) |
| 02/22/2008 | 18 | MOTION to Withdraw as Attorney by Marcus Bernard Williams. (Smith, Leslie) (Entered: 02/22/2008) |
| 02/23/2008 | | ORDER granting 18 Motion to Withdraw as Attorney. Signed by Judge T Michael Putnam on 2/23/08. (SMB) (Entered: 02/23/2008) |
| 04/22/2008 | 19 | Third MOTION for Extension of Time <i>to file Reply Brief</i> by Marcus Bernard Williams. (Fakhimi, Morad) (Entered: 04/22/2008) |
| 04/23/2008 | | ORDER granting 19 Motion for Extension of Time. Signed by Judge T Michael Putnam on 4-23-08. (SMB) (Entered: 04/23/2008) |

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| 06/02/2008 | 20 | First MOTION for Leave to File Excess Pages by Marcus Bernard Williams. (Fakhimi, Morad) (Entered: 06/02/2008) |
| 06/03/2008 | | ORDER granting 20 Motion for Leave to File Excess Pages. Signed by US Magistrate Judge T Michael Putnam on 6-3-08. (SMB) (Entered: 06/03/2008) |
| 06/04/2008 | 21 | REPLY Brief filed by Petitioner Marcus Bernard Williams re: 15 Brief, 14 Response (other) <i>Petitioner's Reply Brief</i> filed by Marcus Bernard Williams. (Fakhimi, Morad) (Entered: 06/04/2008) |
| 07/01/2008 | 22 | MOTION to Substitute Attorney by State of Alabama. (Crenshaw, J) (Entered: 07/01/2008) |
| 07/01/2008 | | ORDER granting 22 Motion to Substitute Attorney. Signed by US Magistrate Judge T Michael Putnam on 7-1-08. (SMB) (Entered: 07/01/2008) |
| 07/10/2008 | 23 | MOTION to Withdraw as Attorney by Marcus Bernard Williams. (Fakhimi, Morad) (Entered: 07/10/2008) |
| 08/14/2008 | 24 | NOTICE of Appearance by Stephen Ganter on behalf of Marcus Bernard Williams (Ganter, Stephen) (Entered: 08/14/2008) |
| 08/15/2008 | | ORDER granting 23 Motion to Withdraw as Attorney. Attorney Morad Fakhimi terminated. Signed by US Magistrate Judge T Michael Putnam on 8/15/2008. (PMA) (Entered: 08/15/2008) |
| 08/18/2008 | 25 | NOTICE of Appearance by Matt D Schulz on behalf of Marcus Bernard Williams (Schulz, Matt) (Entered: 08/18/2008) |
| 12/05/2008 | 26 | NOTICE of Appearance by James Theodore Lawley on behalf of Marcus Bernard Williams (Lawley, James) (Entered: 12/05/2008) |
| 04/12/2012 | 27 | MEMORANDUM OPINION. Signed by Judge Karon O Bowdre on 4/12/2012. (FNC) (Entered: 04/12/2012) |
| 04/12/2012 | 28 | ORDER. The court DENIES petitioner's request for an evidentiary hearing. In accordance with the Memorandum Opinion 27 filed contemporaneously with this Order, the court DENIES the petition for writ of habeas corpus. Signed by Judge Karon O Bowdre on 4/12/2012. (FNC) (Entered: 04/12/2012) |
| 05/09/2012 | 29 | MOTION to Alter Judgment <i>pursuant to Federal Rule 59(e)</i> by Marcus Bernard Williams. (Schulz, Matt) (Entered: 05/09/2012) |
| 08/16/2012 | 30 | ORDER ON RULE 59(e) MOTION TO ALTER OR AMEND THE JUDGMENT The motion to alter or amend the judgment (doc. no. 29) is DENIED as set out herein. Signed by Judge Karon O Bowdre on 8/16/12. (SAC) (Entered: 08/16/2012) |
| 09/14/2012 | 31 | NOTICE OF APPEAL by Marcus Bernard Williams. (Schulz, Matt) (Entered: 09/14/2012) |
| 09/14/2012 | 32 | MOTION for Certificate of Appealability by Marcus Bernard Williams. (Schulz, Matt) (Entered: 09/14/2012) |
| 09/24/2012 | 33 | ORDER denying 32 Motion for Certificate of Appealability for reasons as noted within; Petitioner is advised that he may file an application to proceed in forma pauperis on appeal and file a request for certificate of appealability directly with the Court of Appeals for the Eleventh Circuit. Signed by Judge Karon O Bowdre on 9/24/12. (SAC) (Entered: 09/24/2012) |

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| 09/24/2012 | | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 31 Notice of Appeal. (SAC) (Entered: 09/24/2012) |
| 09/26/2012 | 34 | USCA Case Number 12-14937-P for 31 Notice of Appeal filed by Marcus Bernard Williams. (SAC) (Entered: 10/01/2012) |
| 10/05/2012 | 35 | MOTION for Leave to Proceed in forma pauperis by Marcus Bernard Williams. (Attachments: # 1 Affidavit)(Schulz, Matt) (Entered: 10/05/2012) |
| 10/10/2012 | | ORDER granting 35 Motion for Leave to Proceed in forma pauperis. Signed by Judge Karon O Bowdre on 10/10/12. (MMW) (Entered: 10/10/2012) |
| 11/20/2012 | | 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: 31 Notice of Appeal, Appeal No. 12-14937-P. The entire record on appeal is available electronically. (SAC) (Entered: 11/20/2012) |
| 01/10/2013 | 36 | ORDER of USCA as to 31 Notice of Appeal filed by Marcus Bernard Williams; Mr. Williams is granted a limited COA as to his penalty phase ineffective assistance of counsel claim, specifically, issues three and four; Mr. Williams request for a COA with respect to all other issues is denied; before Judge Beverly B. Martin, Unites States Circuit Judge. (Attachments: # 1 Letter)(SAC) (Entered: 01/11/2013) |
| 02/14/2013 | 37 | ORDER of USCA as to 31 Notice of Appeal filed by Marcus Bernard Williams; Appellants motion for an extension of time, to March 21, 2013, to file his initial brief and record excerpts is GRANTED. (Attachments: # 1 Letter)(SAC) (Entered: 02/22/2013) |
| 02/28/2013 | 38 | Certified and Transmitted Record on Appeal to US Court of Appeals re 31 Notice of Appeal (sent in one box-1/2 half box of state court exhibits ((12 volumes))and two volumes of District court records). (SAC) (Entered: 02/28/2013) |
| 03/01/2013 | 39 | MOTION to Withdraw <i>Attorney James T. Lawley</i> by Marcus Bernard Williams. (Schulz, Matt) (Entered: 03/01/2013) |
| 03/03/2013 | | ORDER granting 39 Motion to Withdraw James T. Lawley as attorney for the petitioner, as Mr. Lawley is no longer employed with the Federal Defender's office. Signed by Judge Karon O Bowdre on 3/3/13. (MMW) (Entered: 03/03/2013) |
| 04/15/2013 | 40 | ORDER of USCA Appellee's motion for an extension of time to June 3, 2013, to file the brief is GRANTED; before Beverly B. Martin, Circuit Judge. (Attachments: # 1 Letter) (SAC) (Entered: 04/15/2013) |
| 06/12/2013 | 41 | ORDER of USCA as to 31 Notice of Appeal filed by Marcus Bernard Williams ; Appellant's motion for extension of time, to June 28, 2013, to file reply brief is GRANTED, by B. Martin, Circuit Judge. (SAC) (Entered: 06/17/2013) |
| 09/01/2015 | 42 | MANDATE of USCA as to 31 Notice of Appeal filed by Marcus Bernard Williams- The United States Court of Appeals VACATES AND REMANDS the District Court's order denying Mr. Williams's failure-to-investigate claims and its order denying an evidentiary hearing on those claims. This case is remanded to the District Court to determine whether Mr. Williams is entitled to an evidentiary hearing and to reconsider his failure-to-investigate claims de novo; before Marcus, Wilson, and Martin, Circuit Judges. (Attachments: # 1 Opinion)(SAC,) (Entered: 09/01/2015) |
| 09/02/2015 | 43 | *** VACATED by 45 ORDER *** ORDER re 42 Eleventh Circuit's Mandate remanding this action to this court to determine whether Mr. Williams is entitled to an evidentiary hearing and to reconsider his failure-to-investigate claims de novo; The court REFERS this case to Magistrate Judge Putnam for a report and recommendation as to whether an evidentiary hearing is warranted for Mr. William's failure to investigate claims, and if so, |

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| | | to conduct a hearing on those claims. Signed by Chief Judge Karon O Bowdre on 9/2/15. (SAC) Modified on 2/16/2017 (SAC). (Entered: 09/02/2015) |
| 09/02/2015 | 44 | Appeal Record Returned: In one box- 1/2 half box of state court exhibits (12 volumes)and two volumes of District court records. (SAC) (Entered: 09/23/2015) |
| 02/16/2017 | 45 | ORDER The court VACATES its Order referring this case to the magistrate judge for a report and recommendation. Signed by Chief Judge Karon O Bowdre on 2/16/17. (SAC) (Entered: 02/16/2017) |
| 02/16/2017 | 46 | ORDER TO SHOW CAUSE The Eleventh Circuit vacated and remanded this court's Order denying Petitioner Marcus Bernard Williams' ineffective assistance of counsel claims for failure-to-investigate and denying an evidentiary hearing on those claims. The Eleventh Circuit in its mandate specifically stated that this court "on remand must determine whether Mr. Williams 'was diligent in his efforts' to develop the factual record in state court." The court ORDERS Mr. Williams to SHOW CAUSE in writing on or before March 7, 2017 whether he was diligent in his efforts to develop the record in state court on the failure to investigate claims. The Government may file its response on or before March 21, 2017. Signed by Chief Judge Karon O Bowdre on 2/16/17. (SAC) (Entered: 02/16/2017) |
| 02/23/2017 | 47 | MOTION to Substitute Attorney by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 02/23/2017) |
| 02/24/2017 | 48 | ORDER granting 47 Motion to Substitute Keisha Stokes-Hough and Leslie S. Smith for Matt D. Schulz, as counsel for the Petitioner Marcus Bernard Williams. Attorney Matt D. Schulz terminated. Signed by Chief Judge Karon O Bowdre on 2/24/17. (MMW) (Entered: 02/24/2017) |
| 03/03/2017 | 49 | MOTION to Seal by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 03/03/2017) |
| 03/06/2017 | 50 | TEXT ORDER granting the Petitioner's Motion for Leave to File Documents Under Seal. Signed by Chief Judge Karon O Bowdre on 3/6/17. (MMW) (Entered: 03/06/2017) |
| 03/07/2017 | 51 | SEALED MOTION- MOTION FOR AN EVIDENTIARY HEARING, by Marcus Bernard Williams. (Attachments: # 1 Table of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16). *Filed under seal per 50/TEXT ORDER*(SAC) (Entered: 03/08/2017) |
| 03/09/2017 | 52 | TEXT ORDER: The court construes the Petitioner's "Motion for an Evidentiary Hearing" (doc. 51) as a response to its Show Cause Order of February 16, 2017 (doc. 46). The Government's response to the motion is due on or before March 21, 2017. Signed by Chief Judge Karon O Bowdre on 3/9/17. (MMW) (Entered: 03/09/2017) |
| 03/17/2017 | 53 | NOTICE of Appearance by Richard D Anderson on behalf of State of Alabama (Anderson, Richard) (Entered: 03/17/2017) |
| 03/17/2017 | 54 | MOTION for Extension of Time by State of Alabama. (Anderson, Richard) (Entered: 03/17/2017) |
| 03/17/2017 | 55 | TEXT ORDER granting 54 Respondent's Motion for 7-Day Enlargement. The Respondent's response to Petitioner's Motion for an Evidentiary Hearing (doc. 51) is now due on or before March 28, 2017. Signed by Chief Judge Karon O Bowdre on 3/17/17. (MMW) (Entered: 03/17/2017) |

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| 03/28/2017 | 56 | RESPONSE to re 51 (<i>Respondent's Response to Motion for Evidentiary Hearing</i>) filed by State of Alabama. (Anderson, Richard) (Entered: 03/28/2017) |
| 03/29/2017 | 57 | MOTION for Leave to File <i>Reply to Response to Motion for Evidentiary Hearing</i> by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 03/29/2017) |
| 03/29/2017 | 58 | TEXT ORDER The court GRANTS 57 Motion for Leave to Reply. Petitioner should file his reply on or before April 11, 2017. Signed by Chief Judge Karon O. Bowdre on 3/29/17. (JAS) (Entered: 03/29/2017) |
| 04/11/2017 | 59 | REPLY to Response to Motion re 51 SEALED MOTION filed by Marcus Bernard Williams. (Attachments: # 1 Exhibit Pretrial Competency Report, # 2 Exhibit Defense Attorney Information Form)(Stokes-Hough, Keisha) (Entered: 04/11/2017) |
| 10/04/2017 | 60 | SEALED ORDER* Signed by Chief Judge Karon O Bowdre on 10/4/17. (SAC) *Unsealed per 64 Order* Modified on 11/9/2017 (SAC). (Entered: 10/04/2017) |
| 10/04/2017 | 61 | ORDER Petitioner is ORDERED to show cause by October 10, 2017, why the Order referred to within should not be unsealed. If Petitioner maintains that the Order should not be unsealed, he is ORDERED to inform the court whether or not a redacted version of the Order could be unsealed. If a redacted version of the Order could be unsealed, Petitioner is ORDERED to submit a proposed redacted version of the Order to the court by October 10, 2017. Signed by Chief Judge Karon O Bowdre on 10/4/17. (SAC) (Entered: 10/04/2017) |
| 10/10/2017 | 62 | RESPONSE to re 61 <i>ORDER TO SHOW CAUSE</i> filed by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 10/10/2017) |
| 10/25/2017 | 63 | NOTICE by Marcus Bernard Williams re 60 Sealed Order, Terminate Motions <i>Notice of Filing Proposed Order</i> (Attachments: # 1 Proposed Scheduling Order)(Stokes-Hough, Keisha) (Entered: 10/25/2017) |
| 11/09/2017 | 64 | ORDER The Clerk is DIRECTED to UNSEAL the Order granting Petitioner's motion for an evidentiary hearing 60 . Signed by Chief Judge Karon O Bowdre on 11/9/17. (SAC) (Entered: 11/09/2017) |
| 11/09/2017 | 65 | SCHEDULING ORDER Having reviewed and accepted the parties' joint proposal, the court ORDERS as follows: Discovery due by 1/15/2018; Evidentiary Hearing set for 5/14/2018 at 9:00 AM in Hugo L Black US Courthouse, Birmingham, AL before Chief Judge Karon O Bowdre; Status Conference set for 5/7/2018 at 1:30 PM in Hugo L Black US Courthouse, Birmingham, AL before Chief Judge Karon O Bowdre. Signed by Chief Judge Karon O Bowdre on 11/9/17. (SAC) (Entered: 11/09/2017) |
| 12/01/2017 | 66 | REQUEST for Production of Documents by State of Alabama.(Anderson, Richard) (Entered: 12/01/2017) |
| 01/12/2018 | 67 | RESPONSE to Discovery Request from State of Alabama by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 01/12/2018) |
| 02/01/2018 | 68 | Evidentiary Material <i>Witness List</i> . (Stokes-Hough, Keisha) (Entered: 02/01/2018) |
| 02/01/2018 | 69 | Evidentiary Material <i>PETITIONERS EXPERT DISCLOSURES</i> . (Stokes-Hough, Keisha) (Entered: 02/01/2018) |
| 02/15/2018 | 70 | Witness List (<i>Respondent's Expert Designation and Witness List</i>) by State of Alabama. (Attachments: # 1 Exhibit A - Dr. King's CV, # 2 Exhibit B - Dr. King's list of cases) (Anderson, Richard) (Entered: 02/15/2018) |
| 03/21/2018 | 71 | Exhibit List (<i>Respondent's Rule 26(a) Exhibit List Disclosures</i>) by State of Alabama.. |

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| | | (Anderson, Richard) (Entered: 03/21/2018) |
| 03/21/2018 | 72 | Exhibit List <i>Petitioner's Exhibit List Disclosures</i> by Marcus Bernard Williams.. (Stokes-Hough, Keisha) (Entered: 03/21/2018) |
| 04/02/2018 | 73 | MOTION Motion to Consider Affidavit of Deceased Witness by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 04/02/2018) |
| 04/02/2018 | 74 | MOTION Motion to Apply Relaxed Evidentiary Standard by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 04/02/2018) |
| 04/09/2018 | 75 | RESPONSE in Opposition re 74 MOTION Motion to Apply Relaxed Evidentiary Standard (<i>Respondent's Opposition to Petitioner's Motion to Apply "Relaxed Evidentiary Standard"</i>) filed by State of Alabama. (Anderson, Richard) (Entered: 04/09/2018) |
| 04/09/2018 | 76 | RESPONSE in Opposition re 73 MOTION Motion to Consider Affidavit of Deceased Witness (<i>Respondent's Opposition to Petitioner's Motion to Admit Affidavit</i> " filed by State of Alabama. (Anderson, Richard) (Entered: 04/09/2018) |
| 04/24/2018 | 77 | Exhibit List <i>Petitioner's Amended Exhibit List</i> by Marcus Bernard Williams.. (Stokes-Hough, Keisha) (Entered: 04/24/2018) |
| 04/30/2018 | 78 | TEXT ORDER - *** CHANGING TIME ONLY *** The Status Conference set for Monday, May 7, 2018 at 1:30 PM has been reset for 3:00 PM THAT SAME DATE, eighth floor chambers, Hugo L Black US Courthouse, Birmingham, AL before Chief Judge Karon O Bowdre. Signed by Chief Judge Karon O Bowdre on 4/30/2018. (FNC) (Entered: 04/30/2018) |
| 05/07/2018 | | Minute Entry for proceedings held before Chief Judge Karon O Bowdre: Status Conference held on 5/7/2018. (Court Reporter Teresa Roberson.) (FNC) (Entered: 05/08/2018) |
| 05/08/2018 | 79 | WRIT of of Habeas Corpus Ad Testificandum issued to Holman Correctional Facility. (FNC) (Entered: 05/08/2018) |
| 05/10/2018 | 80 | NOTICE of Appearance by Henry Mitchell Johnson on behalf of State of Alabama (Johnson, Henry) (Entered: 05/10/2018) |
| 05/10/2018 | 81 | NOTICE of Appearance by Audrey Jordan on behalf of State of Alabama (Jordan, Audrey) (Entered: 05/10/2018) |
| 05/10/2018 | 82 | ORDER re 76 Motion to Apply Relaxed Evidentiary Standard, Appropriate for Capital Sentencing Proceedings, at the Habeas Evidentiary Hearing- Because nothing at this point indicates that the evidence Petitioner intends to introduce will violate the Federal Rules of Evidence, the motion is DENIED. Signed by Chief Judge Karon O Bowdre on 5/10/18. (SAC) (Entered: 05/10/2018) |
| 05/14/2018 | | Minute Entry for proceedings held before Chief Judge Karon O Bowdre: Evidentiary Hearing held on 5/14/2018. Hearing begins; rule invoked; expert witnesses allowed to stay in courtroom; Pet calls witnesses T Watson; E. Funderburg; B Stephens; M Williams; S Williams and K Benedict; cross by respondent. Court adj until 9:00 AM on May 15, 2018. (Court Reporter Teresa Roberson.) (FNC) (Entered: 05/15/2018) |
| 05/15/2018 | | Minute Entry for proceedings held before Chief Judge Karon O Bowdre: Evidentiary Hearing held on 5/15/2018, Day #2. In chambers meeting with attorneys; hearing begins; Respondent calls witness Dr. King, presented and accepted as expert; direct and cross; witness excused; Petitioner calls witnesses E Williams, C Williams and L Williams, direct and cross, witnesses excused. Court adj to reconvene on May 16, 2018 at 9:00 AM. (Court Reporter Teresa Roberson.) (FNC) (Entered: 05/16/2018) |

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| 05/16/2018 | 83 | ORDER re 73 Motion to Consider Affidavit of Deceased Witness- For the reasons stated within, the court DENIES the motion. Signed by Chief Judge Karon O Bowdre on 5/16/18. (SAC) (Entered: 05/16/2018) |
| 05/16/2018 | | Minute Entry for proceedings held before Chief Judge Karon O Bowdre: Evidentiary Hearing held on 5/16/2018, Day #3. Hearing resumes. Petitioner calls witnesses M. Brothwell and Dr. M. Mendel, direct and cross. Petitioner and Respondent rests. Briefs due in 30 days. Hearing adj. (Court Reporter Teresa Roberson.) (FNC) (Entered: 05/16/2018) |
| 06/08/2018 | 84 | Petitioner's Exhibits from May 15, 2018 Evidentiary Hearing. Redacted version. (Attachments: # 1 Pet X 1 pp 1-100, # 2 Pet X 1 pp 101-200, # 3 Pet X 1 pp 201-300, # 4 Pet X 1 pp 301-400, # 5 Pet X 1 pp 401-500, # 6 Pet X 1 pp 501-600, # 7 Pet X 1 pp 601-700, # 8 Pet X 1 pp 701-800, # 9 Pet X 1 pp 801-900, # 10 Pet X 1 pp 901-1000, # 11 Pet X 1 pp 1001-1100, # 12 Pet X 1 pp 1101-1200, # 13 Pet X 1 pp 1201-1300, # 14 Pet X 1 pp 1301-1400, # 15 Pet X 1 pp 1401-1500, # 16 Pet X 1 pp 1501-1535, # 17 Pet X 2 pp 1-90, # 18 Pet X 2 pp 91-180, # 19 Pet X 2 pp 181-270, # 20 Pet X 2 pp 271-360, # 21 Pet X 2 pp 361-450, # 22 Pet X 2 pp 451-540, # 23 Pet X 2 pp 541-630, # 24 Pet x 2 pp 631-720, # 25 Pet X 2 pp 721-810, # 26 Pet X 2 pp 811-900, # 27 Pet X 2 pp 901-990, # 28 Pet X 2 pp 991-1046, # 29 Pet X 3, # 30 Pet X 4, # 31 Pet X 5, # 32 Pet X 6, # 33 Pet X 7, # 34 Pet X 8-1, # 35 Pet X 8-2, # 36 Pet X 8-3, # 37 Pet X 9, # 38 Pet X 10, # 39 Pet X 11, # 40 Pet X 12)(FNC) (Additional attachment(s) added on 6/8/2018: # 41 Pet X 1 pp 1-100, # 42 Pet Exh 1 pp 101-200, # 43 Pet X1 pp 201-300, # 44 Pet X1 pp 301-400, # 45 Pet X1 pp 401-500, # 46 Pet X1 pp 501-600, # 47 Pet X1 pp 601-700, # 48 Pet X1 pp 701-800, # 49 Pet X 1 pp 801-900, # 50 Pet X 1 pp 901-1000, # 51 Pet X1 pp 1001-1100, # 52 Pet X 1 pp 1101-1200, # 53 Pet X1 pp 1201-1300, # 54 Pet X1 pp 1301-1400, # 55 Pet X 1 pp 1401-1500, # 56 Pet X1 pp 1501-1535); (Additional attachment(s) added on 6/8/2018: # 60 Pet X 2 pp 1-90, # 61 Pet X 2 pp 91-180, # 62 Pet X 2 pp 181-270, # 63 Pet X 2 pp 271-360, # 64 Pet X 2 pp 361-450, # 65 Pet X 2 pp 451-540, # 66 Pet, # 67 Pet X 2 pp 631-720, # 68 Pet X 2 pp 721-810, # 69 Pet X 2 pp 811-900, # 70 Pet X 2 pp 901-990, # 71 Pet X 2 pp 991-1046, # 73 Pet X 3, # 74 Pet X 4, # 75 Pet X 5, # 76 Pet X 6, # 77 Pet X 7, # 78 Pet X 8-1, # 79 Pet X 8-2, # 80 Pet X 8-3, # 81 Pet X 9, # 82 Pet X 10, # 83 Pet X 11, # 84 Pet X 12) (FNC). (Entered: 06/08/2018) |
| 06/08/2018 | 85 | Respondent's Exhibit from May 14, 2018 Evidentiary Hearing. (Attachments: # 1 Def X 1, # 2 Def X 2)(FNC) (Entered: 06/08/2018) |
| 07/10/2018 | 86 | Petitioner's Exhibits from May 15, 2018 Evidentiary Hearing. (Attachments: # 1 Pet Exh 8-4)(FNC) (Entered: 07/10/2018) |
| 07/12/2018 | 87 | NOTICE by Marcus Bernard Williams <i>Notice of Filed Referenced Documents</i> (Attachments: # 1 Exhibit documents referenced during the evidentiary hearing)(Stokes-Hough, Keisha) (Entered: 07/12/2018) |
| 07/12/2018 | 88 | Brief <i>Petitioner's Post-Hearing Brief</i> . (Stokes-Hough, Keisha) (Entered: 07/12/2018) |
| 08/13/2018 | 89 | Brief <i>Appellee's Post-Hearing Brief</i> . (Anderson, Richard) (Entered: 08/13/2018) |
| 08/27/2018 | 90 | REPLY Brief re: 65 Order filed by Petitioner Marcus Bernard Williams. (Stokes-Hough, Keisha) Modified on 8/27/2018 (JLC). (Entered: 08/27/2018) |
| 10/17/2018 | 91 | Transcript of Proceedings held on 5/14/2018, before Judge Karen O. Bowdre. Court Reporter/Transcriber Teresa Roberson, Telephone number 205-278-2060. Tape Number: Volume I. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this |

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| | | transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. (A copy can be obtained at http://www.alnd.uscourts.gov/local/court%20forms/transcripts/Transcript%20Redaction%20Policy.pdf) See Transcript Redaction Policy Redaction Request due 11/7/2018. Redacted Transcript Deadline set for 11/17/2018. Release of Transcript Restriction set for 1/15/2019. (Attachments: # 1 Certificate Page) (JLC) (Entered: 10/17/2018) |
| 10/17/2018 | 92 | Transcript of Proceedings held on 5/15/2018, before Judge Karen O. Bowdre. Court Reporter/Transcriber Teresa Roberson, Telephone number 205-278-2060. Tape Number: Volume II. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. (A copy can be obtained at http://www.alnd.uscourts.gov/local/court%20forms/transcripts/Transcript%20Redaction%20Policy.pdf) See Transcript Redaction Policy Redaction Request due 11/7/2018. Redacted Transcript Deadline set for 11/17/2018. Release of Transcript Restriction set for 1/15/2019. (Attachments: # 1 Certificate Page) (JLC) (Entered: 10/17/2018) |
| 10/17/2018 | 93 | Transcript of Proceedings held on 5/16/2018, before Judge Karen O. Bowdre. Court Reporter/Transcriber Teresa Roberson, Telephone number 205-278-2060. Tape Number: Volume III. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. (A copy can be obtained at http://www.alnd.uscourts.gov/local/court%20forms/transcripts/Transcript%20Redaction%20Policy.pdf) See Transcript Redaction Policy Redaction Request due 11/7/2018. Redacted Transcript Deadline set for 11/17/2018. Release of Transcript Restriction set for 1/15/2019. (Attachments: # 1 Certificate Page) (JLC) (Entered: 10/17/2018) |
| 04/17/2019 | 94 | ***VACATED***MEMORANDUM OPINION. Signed by Chief Judge Karon O Bowdre on 4/17/2019. (JLC) Modified on 3/3/2020 (JLC). (Entered: 04/17/2019) |
| 04/17/2019 | 95 | ***VACATED***FINAL JUDGMENT ORDER DENYING Marcus Bernard Williams's Petition for Writ of Habeas Corpus in accordance with the 94 Memorandum of Opinion entered contemporaneously herewith. Signed by Chief Judge Karon O Bowdre on 4/17/2019. (JLC) Modified on 3/3/2020 (JLC). (Entered: 04/17/2019) |
| 04/29/2019 | 96 | MOTION to Withdraw by Marcus Bernard Williams. (Stokes-Hough, Keisha) (Entered: 04/29/2019) |
| 04/29/2019 | 97 | TEXT ORDER granting 96 Motion to Withdraw Keisha Stokes-Hough as counsel for the Petitioner. The court DIRECTS the Clerk to terminate Ms. Stokes-Hough as counsel for the Petitioner. Signed by Chief Judge Karon O Bowdre on 4/29/19. (MMW) (Entered: 04/29/2019) |
| 05/14/2019 | 98 | MOTION for Reconsideration <i>Rule 59(e)</i> by Marcus Bernard Williams. (Smith, Leslie) (Entered: 05/14/2019) |
| 05/14/2019 | 99 | ORDER SETTING BRIEFING SCHEDULE re 98 MOTION for Reconsideration Rule 59(e) filed by Marcus Bernard Williams. Respondent's Response to the Motion due on or |

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| | | before June 28, 2019. Any Reply Brief due on or before July 29, 2019. Signed by Chief Judge Karon O Bowdre on 5/14/2019. (JLC) (Entered: 05/14/2019) |
| 05/14/2019 | | Set Deadlines as to 98 MOTION for Reconsideration Rule 59(e). Responses due on or before June 28, 2019. Replies due on or before July 29, 2019. (JLC) (Entered: 05/14/2019) |
| 06/28/2019 | 100 | RESPONSE in Opposition re 98 MOTION for Reconsideration <i>Rule 59(e)</i> (<i>Respondent's Brief in Opposition to Petitioner's Rule 59(e) Motion to Alter or Amend this Court's Final Judgment</i>) filed by State of Alabama. (Anderson, Richard) (Entered: 06/28/2019) |
| 07/29/2019 | 101 | RESPONSE to re 100 <i>State's Brief in Opposition</i> filed by Marcus Bernard Williams. (Smith, Leslie) (Entered: 07/29/2019) |
| 03/03/2020 | 102 | ORDER GRANTING 98 MOTION for Reconsideration Rule and the Court hereby VACATES its 94 Memorandum Opinion and 95 Order DENYING Petitioners 1 Habeas Motion. After the Court carefully re-weighs all of the aggravating and mitigating evidence in this case in light of all relevant and binding case law, the Court will issue a new Memorandum Opinion and Order with its decision in this case. Signed by Judge Karon O Bowdre on 3/2/2020. (JLC) (Entered: 03/03/2020) |
| 09/23/2021 | 103 | MEMORANDUM OPINION re Petitioner Marcus Bernard Williams' 5 Amended Petition for Writ of Habeas Corpus. Signed by Judge Karon O Bowdre on 9/23/2021. (JLC) (Entered: 09/23/2021) |
| 09/23/2021 | 104 | FINAL ORDER GRANTING Petitioner Marcus Bernard Williams' 5 Amended Petition for Writ of Habeas Corpus as to all of his claims of ineffective assistance of counsel during the penalty phase of his trial for failing to investigate and present mitigating evidence EXCEPT those claims involving counsels' failure to interview Mr. Williams' closest friend Alister Cook, failure to investigate his family history of mental illness, and failure to present his redeeming characteristics because Mr. Williams has failed to show prejudice on these three claims. The court DENIES a Certificate of Appealability as to the three claims because Mr. Williams failed to show prejudice on those claims in accordance with the 103 Memorandum Opinion entered contemporaneously herewith. Signed by Judge Karon O Bowdre on 9/23/2021. (JLC) (Entered: 09/23/2021) |
| 10/22/2021 | 105 | NOTICE OF APPEAL by State of Alabama. (Anderson, Richard) (Entered: 10/22/2021) |
| 10/22/2021 | 106 | MOTION to Stay <i>Order Pending Appeal</i> by State of Alabama. (Anderson, Richard) (Entered: 10/22/2021) |
| 10/22/2021 | 107 | TEXT ORDER: The court ORDERS Mr. Williams to respond to the State of Alabama's "Motion to Stay Order Pending Appeal" (doc. 106) on or before November 12, 2021. Signed by Judge Karon O Bowdre on 10/22/2021. (MMW) (Entered: 10/22/2021) |
| 10/25/2021 | 108 | NOTICE of Transmittal re 105 Notice of Appeal. (JLC) (Entered: 10/25/2021) |
| 10/25/2021 | 109 | Transmission of 105 Notice of Appeal, 104 Order, 103 Memorandum Opinion and Docket Sheet to US Court of Appeals re 105 Notice of Appeal. (JLC) (Entered: 10/25/2021) |
| 10/26/2021 | | USCA Appeal Fees received in the amount of \$505.00, NDAL receipt number B4601116531 re 105 Notice of Appeal filed by State of Alabama. (JLC) (Entered: 10/26/2021) |
| 10/27/2021 | 110 | USCA Case Number 21-13734-P and Notification for 105 Notice of Appeal filed by State of Alabama. (JLC) (Entered: 10/27/2021) |
| 11/10/2021 | 111 | TRANSCRIPT REQUEST (<i>Transcript Information Form</i>) by State of Alabama for proceedings held on 5/14/2018 - 5/16/2018 before Judge Bowdre.. filed by State of |

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| | | Alabama (Anderson, Richard) (Entered: 11/10/2021) |
| 11/12/2021 | 112 | TRANSCRIPT REQUEST (<i>Corrected Transcript Information Form</i>) by State of Alabama. filed by State of Alabama (Anderson, Richard) (Entered: 11/12/2021) |
| 11/12/2021 | 113 | Opposition to re 106 <i>Respondent's Stay Motion Pending Appeal</i> filed by Marcus Bernard Williams. (Smith, Leslie) (Entered: 11/12/2021) |
| 11/19/2021 | 114 | ORDER - After carefully considering and weighing each of the factors above, the court finds that the Respondent has made the lesser showing of a substantial case on the merits on appeal and the balance of equities in factors 2, 3, and 4 weighs in favor of granting the stay. Based on these findings, the court GRANTS the Respondent's motion to stay (doc. 106). Signed by Judge Karon O Bowdre on 11/19/2021. (KEK) (Entered: 11/19/2021) |
| 02/22/2022 | | 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: 105 Notice of Appeal, Appeal No. 21-13734-P. The entire record on appeal is available electronically. (JLC) (Entered: 02/22/2022) |
| 07/22/2022 | | Appeal Record Transmitted to US Court of Appeals re 105 Notice of Appeal via UPS on July 21, 2022. (3 Boxes) (JLC) (Entered: 07/22/2022) |
| 07/25/2022 | | Appeal Record Received by USCA re 105 Notice of Appeal; Record on Appeal filed. Exhibit Box, No. of Boxes: 3. (JLC) (Entered: 07/25/2022) |

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