In the Supreme Court of the United States

JAMES SKINNER,

Petitioner,

v.

LOUISIANA,

Respondent.

On Petition for Writ of Certiorari to the Louisiana Supreme Court

BRIEF IN OPPOSITION

SCOTT M. PERRILLOUX
District Attorney
BRETT SOMMER
Assistant District
Attorney
TWENTY-FIRST JUDICIAL
DISTRICT
P.O. Drawer 299
Livingston, LA 70754

ELIZABETH B. MURRILL
Attorney General
J. BENJAMIN AGUIÑAGA
Solicitor General
Counsel of Record
LOUISIANA DEPARTMENT OF
JUSTICE
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov

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QUESTION PRESENTED

Whether the Court should review petitioner's fact-bound and split-less claim under *Brady v. Maryland*, 373 U.S. 83 (1963), where petitioner adduced no testimony below, there is no comprehensive decision below analyzing thousands of pages of documents that petitioner deposited into the trial court record, and petitioner does not seriously challenge his confessions that sustain the jury verdict.

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BRIEF IN OPPOSITION

In Wearry v. Cain, 577 U.S. 385 (2016) (per curiam), this Court summarily vacated the murder conviction and death sentence of Michael Wearry regarding his role in the brutal murder of a 16-year-old boy named Eric Walber. Following the Court's decision, Wearry pleaded guilty to manslaughter and received a 25-year sentence for his role in Eric's murder. "Today, [] Wearry is a free man," Pet.2, 11—not because he was innocent, but because he recently finished serving his sentence.

As part of the factual basis of his plea, Wearry explained that Eric would be alive today if not for petitioner James "Pop" Skinner. Eric knew petitioner—and, after Eric saw petitioner's face while petitioner and others beat him, petitioner "decided that Eric would not be allowed to live" because he "would be able to identify [petitioner]." Supp.App.F.6.16–17.¹ Petitioner "instructed" Wearry and another co-conspirator to "hold up" Eric on a gravel road. Supp.App.F.6.17. They obeyed. *Id.* Then petitioner "ran over" Eric with Eric's own car, showering the car in blood. *Id.*

Wearry's plea confirmed the gruesome facts that petitioner's jury already knew when petitioner was

¹ For the Court's convenience, this brief follows petitioner's citation convention when citing materials within the "online supplemental appendix" compiled by petitioner, including by using PDF page numbers rather than internal numbering. *See* Pet.3 n.1. The only exception is "Tr.#" citations, which use the internal numbering in the trial transcript of petitioner's second-degree murder trial located at Supp.App.B.2.

tried separately from Wearry, convicted of second-degree murder, and sentenced to life in prison. They knew, for example, that, unlike Wearry, petitioner himself confessed to two individuals that he killed Eric, telling one "that n----r went out like a b---h," Tr.2597, and another "that white boy had it coming," Tr.2507. The jury learned that petitioner admitted, "I had to get in the car and run over the son of a b---h." Tr.2507–08. They also saw petitioner on the witness stand, telling provable lies while claiming everyone else was "lying on [him]." Tr.2881. In fact, that is what doomed petitioner: He could not stop talking. Witness after witness said as much, and his own counsel had to stop his testimony to warn him about his "tendency to talk fast." Tr.2829. Between his confessions and lies, petitioner quite literally talked his way into his conviction.

It is thus remarkable to see petitioner claim Wearry's mantle, announce (Pet.2) "his innocence," and tell (Pet.31) the Court that it "need only port [Wearry's] analysis over" to this case to overturn his conviction and sentence. It is even more remarkable to see outright misrepresentations in service of petitioner's demand. Compare, e.g., Pet.26 (claiming there was "an undisclosed meeting" mid-trial between the State's counsel and a witness), with, e.g., Tr.2494 (trial court announcing the witness's desire to speak with the State's counsel and transcript showing the witness "conversing with the D.A."), and Tr.2548 (petitioner's counsel asking the witness in front of the jury about how he "went out and talked to the D.A." and "then [he] came back in and said [he] would testify").

The Court should dismiss the petition out of hand. *First*, there is no decision below combing through the "thousands of pages" (Pet.2, 34) of documents that petitioner dumped into the trial court record (and then refused to submit any testimony about). For "a court of review not of first view," Cutter v. Wilkinson, 544 U.S. 709, 718 n.7 (2005), this is about the worst vehicle imaginable. The more appropriate route would be to await a cert petition following exhaustive decisions in federal habeas proceedings, which petitioner is actively litigating. Second, no review (now or ever) is warranted because petitioner has no viable Brady claim. He all but admits that he cannot overcome his materially confessions—and that distinguishes Wearry, which was "built on" another witness's testimony that (given petitioner's confessions and other corroborating evidence) a different jury simply did not need in petitioner's case. 577 U.S. at 392. Third, even if the Court were interested in the case, summary reversal would be inappropriate; only "full briefing and argument," id. at 401 (Alito, J., dissenting), could attempt to cure the fact that there is no comprehensive decision below reviewing the "thousands of pages" (Pet.2, 34) of record documents at issue.

The jury took petitioner at his word when he said he ran "over the son of a b---h," Tr.2507–08, and "that n----r went out like a b---h," Tr.2597. This Court should, too, and deny the petition.

STATEMENT OF THE CASE

A. Just a short drive from both Baton Rouge and New Orleans, a small town called Ponchatoula is famously known as the "Strawberry Capital of the World." Lauren Kershner, The World's 'Strawberry Capital' Is A Sweet, Underrated Louisiana City With A Quaint Collection of Shops, Islands (Mar. 6, 2025), tinyurl.com/kbr7b3uz. Ponchatoula owes that honor to the rich soil and long stretches of warm weather that make it uniquely suited for strawberry farming. Id. Relevant here, each April brings the annual Ponchatoula Strawberry Festival—a one-weekend event that draws in hundreds of thousands of attendees with promises of strawberry-based foods and drinks, carnival rides, a parade, live music, strawberry-eating contests, and the crowning of the Strawberry King and Queen. See generally Ponchatoula Strawberry Festival, tinyurl.com/jky8wkce.

On Saturday, April 4, 1998, a construction worker named Michael Sanders took his girlfriend to the Ponchatoula Strawberry Festival. Tr.1913. Sanders lived just a few minutes away in Livingston Parish. Tr.1912. His route to and from the Strawberry Festival included a gravel "cut through road" called Crisp Road. Tr.1913–14. That evening, Sanders and his girlfriend left the Festival and turned onto Crisp Road. Tr.1914. While on Crisp Road, they saw a body lying facedown, half "in the road" and half "in the weeds." *Id*.

Fearing for their own lives, Sanders and his girl-friend sped down to the nearest convenience store, where they told a clerk to call the police. Tr.1915–16. The police soon issued a call over the radio about "a man laying on Crisp Road bleeding." Tr.1923–24. Butch Crisp—a member of the Tangipahoa Parish Sheriff's Department who lived on the road bearing

his family name—was watching television and listening to his police scanner when that call came. *Id.* He immediately jumped in his truck and located the body on Crisp Road. Tr.1924.

Beside the body, Crisp later recounted, "blood had squirted on [the grass] and it was creeping down the grass, you know, the blood was still moving as I was there." Tr.1926; accord Tr.1969 (investigating detective's testimony that "there was weeds about three feet high and they were soaked with blood"). Just down the road, "there was a driveway with a gate," he said, "and I walked over there and there was a large puddle of blood in that driveway"—then a "blood trail," then "blood going up the side of that road," and then "a lot of blood in the road." Tr.1926. "[I]t looked like he had been run over or something happened there," Crisp said. *Id*.

B. That Saturday had been a busy day for 16-year-old Eric Walber. He was at his school, Albany High School in Livingston Parish, by 8:00am to take his ACT test. Tr.2137, 2142, 2588. Then, he had to pack for a church ski trip—he would leave the next morning after spending the night at a friend's house in Albany, Louisiana. Tr.2142–44, 2135. And then, although he was not on schedule to work, his boss at a local pizza joint in Albany asked him to come in to handle pizza deliveries. Tr.2121–22. Eric dutifully went into work, driving the little red Ford Escort he had purchased with his own money. Tr.2140.

Toward the end of Eric's shift, Eric's mother ordered a pizza; he delivered it to his family at about 7:15pm or 7:30pm. Tr.2144. As his mother later recalled, "we all walked him out to the car," and "we all

gave him a kiss bye and, you know, told him, you know, be careful on your trip and have fun and, you know, keep your eyes open, be careful, you know." Tr.2145.

Eric would make one more delivery that night—to Mary Ann Davis on Blahut Road. She had long known Eric because her son was the same age as Eric and they both attended Albany High School. Tr.2129. That night, Eric delivered a pizza to Ms. Davis at about 8:15pm. Tr.2130.

Later that evening, Eric's mother learned that Eric never made it to his friend's house. Tr.2151. With assistance from Livingston Parish law enforcement and the Albany chief of police, she began frantically searching for him and making calls. Tr.2151–56. During that time, law enforcement officials from both Tangipahoa Parish and Livingston Parish were processing the scene and the body on Crisp Road, Tr.1964—and they made the connection shortly thereafter. Officials took Eric's mother to Ponchatoula to identify his body. Tr.2157. But she did not recognize him. "His face was just destroyed," she testified, "[s]o, of course, I just said 'no, it's not Eric." Tr.2158. Nonetheless, she asked to see the whole body, and that is when she saw "his shoes lying on his stomach"—"I realized that it was Eric." *Id*.

C. The investigation into Eric's death quickly became a sweeping collaborative effort, including law enforcement officials from Livingston Parish and Jefferson Parish (which border Tangipahoa Parish near Ponchatoula) as well as the Louisiana State Police. Tr.1970–72. A few days later, a New Orleans Police

Department officer found Eric's red Ford Escort behind an abandoned Albany-Springfield Junior High building in Livingston Parish. Tr.2109, 2114. It had "red stains on the front bumper," along with damage to the bumper and a headlight. Tr.2078–79. A serologist confirmed that blood was all over the car, including on the bumper, in the driver's side rear wheel well, and on the undercarriage. Tr.2247, 2256. (The parties eventually stipulated at trial that blood samples from the car were Eric's. Tr.2726.) Law enforcement officials were unable to find a single usable fingerprint in the car. Tr.2083.

Dr. Frazier McKenzie, a physician and forensic pathologist with the Jefferson Parish Coroner's Office, explained the last moments of Eric's life to the jury. "[H]e was [] extensively beaten," Dr. McKenzie testified. Tr.2064. His cause of death was "a combination of events"—"blunt and sharp trauma to the head with skull fracture and subdural and subarachnoid hemorrhages." Tr.2050–51. Those injuries, Dr. McKenzie agreed, "could have been consistent with an individual being hit by an automobile." Tr.2052; accord Tr.2052–53 (noting that particular "scraping" wounds Eric suffered "are the usual kinds of wounds that you see in somebody that's been in an automobile accident and dragged along a[n] irregular surface").

D. A group of men, including "Mike-Mike" Wearry, Darrell "Minnie" Hampton, Shadrick "Sed" Reed, Randy "O.G." Hutchinson, and petitioner James "Pop" Skinner, murdered Eric Walber. Petitioner "was one of Eric's classmates" at Albany High School. Tr.2137—38. They played football together, and they ran track together. Tr.2138. They also spent Eric's last moments

together when petitioner ran over Eric with Eric's own red Ford Escort.

Petitioner was tried alone for second-degree murder, convicted, and sentenced to life in prison.² And his trial was materially different from the Wearry trial this Court previously considered. That is principally because, unlike Wearry, petitioner confessed to two different individuals that he killed Eric.

As discussed in more detail below, petitioner confessed first to a cellmate, Ryan Stinson. In both a contemporaneous note and testimony before the jury, Stinson identified the names of petitioner's co-conspirators. Tr.2517; BIO.App.91a, 93a. Stinson also testified (and jail records confirmed, Tr.2563, 2565) that he was with petitioner in cell E17 when Shadrick "Sed" Reed appeared outside during his own booking process. Tr.2499, 2504. Stinson told the jury how petitioner yelled at Sed to shut his mouth: "Sed. Sed. Sed. Say, look, bro, they ain't got nothin'.... If you don't say nothing', they ain't got nothin'." Tr.2505. Even more damning, Stinson testified about petitioner's confession: that "[t]hat white boy had it coming," and that petitioner and "his boys" "drag[ged] [Eric] out the car and they beat him up." Tr.2507. Then petitioner said, "I had to get in the car and run over the son of a b--h." Tr.2507-08. And afterward, said petitioner, we

² The Court should ignore petitioner's attempt (Pet.5, 24, 27) to collaterally raise a *Ramos* challenge because the jury's verdict was 11-1 (Tr.3003). As petitioner knows, following this Court's decision in *Edwards v. Vannoy*, 593 U.S. 255 (2021), the Louisiana Supreme Court determined that *Ramos* is not retroactive in Louisiana, *see State v. Reddick*, 351 So. 3d 273 (La. 2022). Petitioner cannot end-run *Edwards* and *Reddick* by using gestures at *Ramos* to make up for a non-viable *Brady* claim.

"wiped all the prints off [the car] and left it in Albany." Tr.2508.

Petitioner also confessed to a childhood friend, Raz Rogers, with whom he used to frequently smoke marijuana at the spot by the cattle gate on Crisp Road where petitioner killed Eric. Tr.2889, 2898. Petitioner told Rogers in confidence: He "did that" and, "[m]an, that n----r went out like a b---h." Tr.2597–98.

Because of the strength of this evidence, the jury was free to pick and choose (or reject entirely) what the key witness in Wearry, Sam Scott, had to say. And did he have things to say: He admitted to the jury that he had told "million[s]" of lies in his prior statements to the police, Tr.2344, including by initially not mentioning petitioner's name, Tr.2306. He told the jury about his self-interest: "I love myself more than I love anybody in this courtroom." Tr.2341. And he explained his deal with the State regarding his manslaughter conviction for Eric's murder: "[T]he State offered me ten years, run concurrent, credit for time served. And I accepted the plea." Tr.2311; cf. Pet.7-8 (noting Wearry's complaint about non-disclosure of such a deal, which this Court did not credit). So a juror could be forgiven for disregarding Scott—and maybe all did. which would have had precisely no effect on the verdict given the independent evidence above (and detailed below).

Regardless, a juror could have found Scott's testimony sufficiently trustworthy at least on the core facts, which underscore petitioner's guilt. Scott identified the very "fork" in Crisp Road in front of a cattle "gate" as the place where "[petitioner] ran over [Eric] with the car." Tr.2312; accord Tr.2293 ("you could tell

they got cows and stuff around there"). In terms of petitioner's precise murderous act, moreover, Scott's testimony aligned with Stinson's and Rogers'—and Wearry's own guilty plea, *supra* p.1:

That's when Michael Weary [sic] and Randy Hutchinson had the guy that was, you know, in the car -- the white male -- standing in the street with him, [petitioner] got into the guy's car, raised the RPM up on the car, come down the street, Randy Hutchinson and Michael Weary [sic] let the guy go, ran over him. He went down the street maybe ten feet, turn around, came back drove over the guy again. Then he stopped and backed over the guy.

Tr.2294.3

The same goes for the testimony of Eric Charles Brown, a man who has a baby with petitioner's sister. Tr.2432. As detailed further below, Eric Brown testified (and others corroborated) that he drove around with petitioner the evening of Eric Walber's murder. *E.g.*, Tr.2435. Brown also testified that he and petitioner came across a "little Ford Escort" that night at a convenience store called Pot Luck; in that car were Mike-Mike Wearry, Darrell "Minnie" Hampton, Randy "O.G." Hutchinson, Sam Scott, Shadrick "Sed" Reed, and a "little white guy." Tr.2441–44. By Brown's

³ Notably, as an eyewitness, Scott identified the very items in Eric's car to which Eric's mother testified. Tr.2147–49 (Ms. Walber: an Albany High School class ring, a tri-fold wallet, a deck of cards, a board game, a tackle box, and new speakers that were not yet "permanently set"); Tr.2297–98 (Scott: a ring, tri-fold wallet, deck of cards, tackle box, board game, and speakers that were still "in a box").

telling, petitioner talked with Wearry, and then he and Brown followed Wearry to Crisp Road. Tr.2447. Brown then left petitioner there while Brown left the scene. Tr.2448; *accord* Tr.2294 (Scott: "Brown had done already left" when petitioner killed Eric).⁴

Like Scott, Brown admitted to the jury that his earliest statements to the police "didn't bring Pop['s] name into it." Tr.2452; *accord* Tr.2466 ("I guess you could say I was trying to help up for him, I guess."). Also like Scott, Brown admitted to the jury that, in his early statements, "there's a lot of things I didn't tell the truth on." Tr.2479.

Consistent with the evidence, petitioner's jury was instructed on three theories of second-degree murder on which they could convict petitioner: (1) the killing of Eric Walber with specific intent to kill or inflict great bodily harm; (2) the killing of Eric Walber during the commission of a felony such as kidnapping or robbery; and (3) the killing of Eric Walber while engaged in the perpetration of cruelty to juveniles. Tr.2957, 2960. The jury convicted him of second-degree murder, Tr.3002, and the court sentenced him to life in prison, Tr.2712–13.

⁴ Petitioner's counsel pressed Brown on the fact that, while he testified that petitioner rode with Brown to Crisp Road, Sam Scott testified that petitioner drove the red Escort to Crisp Road. Tr.2470–71; Tr.2941 (State's counsel acknowledging incongruities at closing arguments). The jury was thus aware of that apparent incongruity, but likely disregarded it since the witnesses agreed on core facts: (a) Wearry flashed his lights at Brown, (b) the group in the red Escort then met up with Brown and petitioner at the Pot Luck, (c) petitioner was thereafter at the scene of the crime on Crisp Road, and (d) Brown left just before the murder. *E.g.*, Tr.2287–88, 2294, 2441.

E. Petitioner's post-conviction *Brady* claim is easy to summarize—because he refused to develop it below. In 2019, he sought a "summary disposition" in postconviction proceedings, claiming that "Wearry v. Cain applies with equal force to [him]"—in other words, Wearry's mere existence automatically requires vacatur of his conviction and sentence as well. Supp.App.A.1.2–3. The state court denied that motion on the ground that "[t]he Court feels that it is not bound by the *Wearry* decision. It feels that that is distinguishable." Supp.App.A.1.7. Petitioner now malight that statement as an example of a lower court "flout[ing] this Court's precedent" and inviting "anarchy." Pet.28. Petitioner is not forthcoming: Given the clear factual differences between the two cases, the state trial court was plainly correct in recognizing that it could not just copy-and-paste Wearry.

Petitioner's next steps were even more bizarre. Although the trial court gave him an evidentiary hearing in 2022, he took that opportunity only to dump thousands of pages of documents into the trial court record. See BIO.App.1a–90a. He waived his right to present testimony about those documents and the credibility of all allegedly involved individuals. *Id.* at 60a ("We are not asking the Court to consider testimony today. We are asking the Court to look to the records that we are presenting."). The court unsurprisingly denied petitioner's application for post-conviction relief:

Defendant[] ... relies upon statements made by multiple parties over two decades ago.... The statements presented, on their face, without further evidence of credibility, are not sufficient to undermine confidence in the outcome of the trial. Defendant failed to present any evidence as to the credibility of these statements. Further, the *Weary* case is distinguishable enough from the instant case that its decision does not compel this Court to follow suit.

Pet.App.2a–3a. The Louisiana court of appeal denied a writ, with one judge open to helping petitioner but dumbfounded by the consequences of petitioner's conduct: "his claims cannot be resolved based on the filing of documents and transcripts into the record." Pet.App.5a (Guidry, C.J.). And the Louisiana Supreme Court likewise denied a writ. Pet.App.7a.

REASONS FOR DENYING THE PETITION

I. THIS IS AN EXCEEDINGLY POOR VEHICLE.

The Court should deny the petition principally because it is difficult to imagine a worse vehicle for considering petitioner's *Brady* arguments. That is so for two related reasons.

First, petitioner elected to use his "evidentiary hearing" in the state court not to submit testimony from any witnesses surrounding his claims, but to dump "thousands of pages" (Pet.2, 34) of documents on the state court and demand relief. The State has attached here the transcript of that hearing because it is striking. BIO.App.1a–90a. There is zero testimony regarding any of petitioner's theories about allegedly withheld evidence. Petitioner simply added thousands of pages of materials to the 1,120-page transcript of his second-degree-murder trial, Supp.App.B.2. In that regard, this case is fundamentally unsuitable for this Court's review in a way that Wearry arguably was not.

See 577 U.S. at 389–91 & n.4 (pointing to testimony adduced at Wearry's post-conviction hearing).

Second—and worse—there is no comprehensive decision below analyzing the thousands of pages that petitioner now asks this Court to consider. As petitioner himself emphasizes (Pet.16, 29), the Louisiana trial court rejected his *Brady* claim in a single paragraph, Pet.App.2a—3a. The Louisiana court of appeal summarily denied a writ, over a partial dissent by a judge who observed that petitioner's *Brady* claim cannot be adjudicated on the existing record. Pet.App.5a (Guidry, C.J.) (petitioner's "claims cannot be resolved based on the filing of documents and transcripts into the record"). And the Louisiana Supreme Court summarily denied a writ. Pet.App.7a.

This case thus comes to the Court only on petitioner's preferred framing of the "thousands of pages" (Pet.2, 34) of record materials that he now wants the Court to consider—there is no testimony about those materials and there is no court opinion thoroughly discussing those materials. For that reason, it is difficult to imagine a worse vehicle for considering petitioner's Brady claim.

But the Court will see this case again if it denies the petition (as it should). That is because petitioner is actively litigating this *Brady* claim in federal habeas. *See Skinner v. Vannoy*, No. 25-CV-211 (M.D. La.). That habeas proceeding, no doubt, will generate factually and legally exhaustive opinions by the district court and the Fifth Circuit. And thus, if the Court were interested in the case, those opinions would give the Court the foundation necessary to assess

(a) whether the Court's intervention is even warranted, and (b) if so, what the record in fact shows. In that way, federal habeas promises the only (if any) practical vehicle for assessing petitioner's arguments. This is not that vehicle.

II. PETITIONER HAS NO VIABLE BRADY CLAIM.

In all events, review will be as unwarranted in the future as it is today. On that score, petitioner's perplexing decision to starve the evidentiary record of testimony on his *Brady* claim has led, in turn, to a theory in this Court that is, at times, cagey and, at other times, untruthful. These are telltale signs that the Court should decline review.

The relevant black-letter principles, of course, are undisputed. "[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." Wearry, 577 U.S. at 392 (citation omitted). "Evidence qualifies as material when there is 'any reasonable likelihood' it could have 'affected the judgment of the jury." Id. (quotation marks omitted). Thus, a defendant must show "that the new evidence is sufficient to 'undermine confidence' in the verdict." Id.

Petitioner comes nowhere close to meeting that standard. That is principally because no *Brady* issue infects—and he does not seriously challenge—the core basis for the jury's verdict: His repeated confessions to murdering Eric Walber, as corroborated by other testimony. Instead, petitioner tries to dress himself up as

Wearry, proclaiming that his trial and record were virtually identical to Wearry's and so the outcome of this case should be identical to *Wearry*'s. But, unlike petitioner, Wearry did not repeatedly confess to Eric's murder. And, unlike Wearry's trial, petitioner's trial was not "built on the jury crediting Scott's account." *Id.* at 392–93. For these and other reasons below, petitioner's *Brady* claim is meritless.

A. Petitioner Has No Answer for His Confessions and the Corroborating Evidence.

The best evidence that petitioner does not have a serious Brady claim is that he rewrites the trial transcript. He says that the jury verdict rested on "the same star witnesses' testimony" as in Wearry, Pet.i, the testimony of Sam Scott and Eric Brown. Not true. The truth is that the jury verdict rested on petitioner's inability to stop talking: His outright confessions to Eric Walber's murder, the corroborating evidence, and then his decision to lie on the witness stand and implausibly claim that everyone else was "lying on [him]." Tr.2881. Importantly, no Brady issue affects this evidence. Accordingly, even if petitioner's case were otherwise identical to Wearry's (it is not, see infra Section II.B), the issues addressed in Wearry would not suffice to undermine confidence in the (different) jury's verdict against petitioner.

1. Ryan Stinson testified that petitioner said "I had to get in the car and run over the son of a b—h."

a. Ryan Stinson was a damning witness against petitioner, in large part because—as petitioner himself

emphasizes—Stinson was "a total stranger" to petitioner. Pet.25. Yet Stinson identified petitioner's role in Eric Walber's murder and petitioner's co-conspirators by their street names. Tr.2517; BIO.App.91a-92a. That was because petitioner could not stop talking. As Stinson testified, "[i]t seemed like when [petitioner] got to talking, he just kept on, just kept on going and going, you know." Tr.2503. And while he and petitioner were together in cell E17, petitioner yelled at Shadrick "Sed" Reed: "Sed. Sed. Sed. Say, look, bro, they ain't got nothin'. Don't say nothin' but they ain't got nothin' on us.... If you don't say nothing', they ain't got nothin'." Tr.2505. Petitioner also told Stinson that "a guy named Eric" "was with him" during his crime. Tr.2506. And what was that crime? Stinson told the jury what petitioner said: "That white boy had it coming." Tr.2507. Petitioner told Stinson that he and "his boys" "drag[ged] [Eric Walber] out the car and they beat him up." *Id*. Then petitioner said, "I had to get in the car and run over the son of a b---h." Tr.2507-08. And afterward, said petitioner, "they wiped all the prints off [the car] and left it in Albany." Tr.2508.

Key to Stinson's credibility is that, five years earlier, he contemporaneously wrote down in a letter what he heard. Tr.2512. Both the warden of the jail and a detective testified that Stinson delivered that letter to them shortly after petitioner was housed with Stinson in cell E17. Tr.2568–69, 2621. That letter became State's Exhibit 258 at petitioner's trial, Tr.2558—and it is attached here, BIO.App.91a–96a.⁵

 $^{^5}$ The second page of the letter (BIO.App.94a) is "not part" of it; that was Stinson "making a deal with some cigarettes," Tr.2513.

In that letter, Stinson opened by naming petitioner's co-conspirators (including Wearry, known as "Mike-Mike") and petitioner himself ("Pop" or "Poc," Stinson could not understand petitioner, Tr.2542). BIO.App.91a, 93a. Stinson wrote down petitioner's claim that "that dam white boy had it coming." *Id.* at 92a, 95a. Stinson wrote down petitioner's admission that "we ran over him with the car" and that "we left the car in Albany and tried to wipe as many finger prints of [sic] as we could." *Id.* And Stinson wrote down petitioner's claim that he would not be "in this mess" if not for a guy named "Eric" who talked—so, petitioner said, "boy when I get to the back I am going to send a hit out on him to get him killed." *Id.* at 91a, 93a.

As that testimony and corroborating letter suggest, Stinson was damning for petitioner. In fact, we know the jury was specifically drawn to Stinson's testimony because the jury subsequently (albeit unsuccessfully) attempted "to see the letter written by Ryan Stinson" during their deliberations. Tr.2971. And indeed, Stinson's testimony alone sustains the jury verdict, even without the corroborating evidence. See infra Section II.A(2), (3).

b. Petitioner also has no *Brady* challenge to Stinson's testimony. His sole claim is that "the State neglected to share with defense counsel" that Stinson "agreed to take the stand only after the State promised him, in an undisclosed meeting, a transfer to a different prison." Pet.25–26; *accord* Pet.14. This is demonstrably false, and in fact demonstrates the credibility problem that the trial court below identified.

Petitioner's claim is false because there was no "undisclosed" meeting. The trial transcript plainly

shows the State alerted the trial court and defense counsel that, "a few moments" before Stinson was set to testify, Stinson "informed" the State that "he w[ould] not testify." Tr.2487. The court, the State, and defense counsel then engaged in a lengthy colloquy with Stinson about perjury and the like. Tr.2487–93. And then—right before the jury entered—the court notified the State that "Mr. Stinson just asked me in a quiet voice if he could have a moment with the D.A." Tr.2493–94. Stinson and the State "step[ped] outside" to have that conversation. Tr.2494 (transcript noting "Mr. Stinson conversing with the D.A."). Afterward, Stinson came back in and testified. Notably, moreover, petitioner's trial counsel expressly challenged Stinson in front of the jury about how Stinson was "not going to testify," then "went out and talked to the D.A.," and "then [he] came back in and said [he] would testify." Tr.2548. Not only was there no "undisclosed" meeting, but petitioner's counsel also addressed that meeting in front of the jury.

Worse, although petitioner now claims that Stinson "agreed to take the stand only after the State promised him ... a transfer to a different prison," Pet.26, that claim is baseless—as the state trial court itself held in a separate ruling that petitioner does not acknowledge, Pet.App.3a ("Defendant provided no evidence that Ryan Stinson entered into a deal with the State prior to his testimony.").

Note that his citations do not identify any such pretestimony agreement. They instead trace back to a trial court hearing *two years after* petitioner's trial in which the State agreed to a prison transfer. Pet.26 (citing Pet.App.71a–73a). That was the settlement of a

putative civil suit that Stinson filed two years after petitioner's trial—a handwritten complaint in which Stinson claimed that, before he testified against petitioner, the State "agreed to give him a transfer to Dixon Correctional Institute." Supp.App.F.2.49. That claim directly contradicts Stinson's sworn testimony. Tr.2520 ("Q. As a result of coming here and testifying, do you expect to receive anything? A. No, sir."). More importantly, that handwritten claim is the only basis for petitioner's breezy assertion today that there was some undisclosed transfer deal.

The dubious nature of that claim is likely what the trial court was referring to when it emphasized petitioner's "fail[ure] to present any evidence as to the credibility of these statements." Pet.App.3a. In fact, Stinson himself conceded in the same complaint that his allegation would require "a credibility contest bethe defendants and Thimselfl." tween Supp.App.F.2.51. Petitioner did not even try to run that contest, instead waiving his right to call Stinson and others to testify at his post-conviction hearing. BIO.App.60a ("We have not called Mr. Stinson. We are not asking the Court to consider testimony today.").

This is not some new "evidentiary burden" as petitioner now claims. Pet.22. It is a recognition that, because petitioner refused to put on sworn testimony from, say, the State's counsel and Stinson about Stinson's years-later claim of a deal, the trial court had no way of determining the credibility of that claim and, thus, no way of determining whether there is Brady material at all. If no such discussion or deal ever occurred, then there was nothing for the State to turn over. See, e.g., Wearry, 577 U.S. at 392 (the irreducible

minimum of a viable *Brady* claim is "evidence favorable to an accused" (citation omitted)). Said the one court of appeal judge inclined to help petitioner: petitioner's "claims cannot be resolved based on the filing of documents and transcripts into the record." Pet.App.5a. Petitioner's strategic decision to forego substantiating the claims in his petition forecloses any *Brady* challenge to Stinson's testimony.⁶

2. Raz Rogers testified that petitioner said he "did that" and "that n---r went out like a b---h."

a. Adding Raz Rogers' testimony onto Stinson's was doubly damning. See Tr.2933 (petitioner's trial counsel admitting to the jury that "Rogers gives us a problem"). Rogers and petitioner were "childhood friend[s]" who went to Albany High School together with Eric Walber. Tr.2589–92. Rogers testified that he and petitioner routinely loitered on Crisp Road—specifically at the bend in the road by the cattle gate, where Eric Walber was killed. Tr.2593. The jury initially was instructed to disregard Rogers' slip that these visits to Crisp Road were to smoke marijuana, Tr.2591–92, but the jury was later permitted to hear that Rogers and petitioner would frequently "park and smoke" by the

⁶ It bears noting that, even if petitioner had identified *Brady* evidence as to Stinson's *testimony*, that would not change the fact that the jury separately had Stinson's *contemporaneous letter* which (a) predated any claimed "transfer deal" and (b) materially mirrored Stinson's trial testimony. Any alleged *Brady* evidence regarding Stinson's testimony, therefore, would not be "material" because, in the grand scheme of the trial, it would not be "sufficient to 'undermine confidence' in the verdict." *Wearry*, 577 U.S. at 392.

cattle gate, Tr.2889, and petitioner's trial counsel accused Rogers of being a "weed head," Tr.2898. Rogers and petitioner "like[d]" that spot by the gate because, "when you parked the car, kill[ed] the engine, you can hear traffic coming" from both directions. Tr.2889; contra Tr.2839 (petitioner lying to the jury: "I never knew where Crisp Road was until this here case.").

About a year after the murder, Rogers and petitioner were in a car when Rogers asked, "What happened to our boy Eric Walber?" Tr.2597. Petitioner's response: "Man, that n----r went out like a b---h." *Id.* Here, Rogers interjected to tell the jury what they already knew: "Pop, you know, he talks a lot, you know, he talked a lot so." Tr.2598. And talk petitioner did. He added that "me and some n----rs from Oakland did that." *Id.* (The jury repeatedly heard that Wearry fled to Oakland after the murder, and petitioner told the jury that Wearry's father lives in Oakland. Tr.2080, 2627–28, 2742, 2837, 2863–64.)

b. As with Stinson, petitioner also has no *Brady* challenge to Rogers' testimony. Petitioner primarily claims that "the State never turned over evidence showing that Rogers spent months giving statements to the police about Mr. Walber's death—including across two separate lie detector tests—without ever indicating that Mr. Skinner was involved." Pet.25. Note that petitioner does not cite the trial transcript.

That is perhaps because the State drew the sting in front of the jury regarding Rogers' failure to accuse petitioner in his original statements to the police. Tr.2602 ("Q. And did you tell them exactly what James Skinner told you? A. Well, I can't remember if I told them exactly what he told me the first time because I

didn't want to say, you know. I didn't want to say -- I considered Pop to be a friend of mine, you know. I didn't want to say, so --"); Tr.2603 ("Q. At first you knew more than you were telling? A. Yeah. Q. And then you told them everything you knew? A. Right.").

That also is perhaps because petitioner's own trial counsel aired these issues—Rogers' polygraph tests and his failure to claim in his earliest statements that petitioner committed the murder—in front of the jury:

Q. Well, let me tell you, reasonable minds can disagree. Now, when somebody gives two different statements, what does that tell us for one thing sure? What does it tell us?

A. One thing's for sure is I was trying to protect [petitioner] at the beginning --

...

Q. Doesn't it mean that one time you lied?

A. To protect [petitioner], yeah.

...

A. -- This is what the detectives asked me. First question they asked me, "Did you kill Eric Walber?" "No" -- I answered that under a lie detector test. The second question they asked me, "Did I conspire to kill Eric Walber? No." The third question they asked me, "Did I know who killed Eric Walber?" And at that point, that's when I told what I knew to be the truth and what I'm saying leading up to this day.

Q. And you think by telling the jury, which is totally inadmissible, that you did this under a

polygraph is suppose [sic] to mean something to them?

A. I don't know. Why did they give me a polygraph if it doesn't mean anything?

Q. It's not admissible in Court.

A. Okay.

Tr.2893–95. At that point, both sides agreed to—and the trial court administered—an instruction telling the jury to "disregard any reference to a polygraph examination by anyone." Tr.2896.

All this neuters petitioner's vague *Brady* objection to Rogers' testimony. If that objection is about allegedly being unaware of polygraph tests, his counsel absolutely knew about them. Moreover, that knowledge is immaterial since the jury was instructed (twice, at petitioner's counsel's request, Tr.2729, 2895) to disregard testimony about polygraph tests anyway. And if petitioner's objection is about his counsel allegedly not knowing that Rogers did not name petitioner as a perpetrator in his original interviews, that, too, is immaterial because the jury (a) knew that fact and (b) heard (and apparently accepted) Rogers' explanation that he was "trying to protect [petitioner] at the beginning." Tr.2893. There is nothing to petitioner's hand-waving.

Petitioner also includes a throwaway sentence accusing the State of lying in asserting at closing arguments that "there was not 'even one shred of evidence' that Rogers was involved" in Eric Walber's murder. Pet.25 (quoting Tr.2915). As an initial matter, the full quotation was: "Has there been even one shred of evidence that Raz Rogers was involved in anyway? No."

Tr.2915. That is unquestionably true: There was no evidence admitted at petitioner's trial suggesting Rogers' alleged involvement—to the contrary, as detailed above, Rogers himself disclaimed any involvement, Tr.2895. Petitioner suggests otherwise in asserting that "[t]he State had in its possession ... a statement from another witness claiming that Rogers himself had confessed to the murder." Pet.25 (citing Pet.App.76a). Petitioner vastly overstates the record. The cited material is a brief police note about an anonymous caller who purportedly said Rogers and another man were "supposed" to have confessed to "someone" about murdering Eric Walber. Pet.App.76a. This is not a serious Brady argument.

Finally, petitioner complains (Pet.14–15) that he did not know Rogers was arrested for marijuana possession the night before he testified (on rebuttal) that he quit smoking marijuana at age 18. Petitioner says this gave Rogers "all the more reason to curry favor with the prosecution." *Id.* This, too, is not serious. For one thing, petitioner identifies no evidence (and of course offered no testimony) suggesting that the State's counsel even knew about Rogers' arrest mere hours before he was called back to the stand. See, e.g., Sanchez v. United States, 50 F.3d 1448, 1453 (9th Cir. 1995) ("The government has no obligation to produce information which it does not possess or of which it is unaware."); accord United States v. Heppner, 519 F.3d 744, 750 (8th Cir. 2008). For another thing, petitioner omits why this arrest would not be "material" for *Brady* purposes: In an unusual example of corroboration, Rogers was arrested on Crisp Road, where he had just testified that he and petitioner would smoke marijuana and where Eric Walber died. Supp. App. F. 5.29. Taken together, Stinson's testimony and Rogers' testimony concerning petitioner's confessions provided firm ground for the jury's verdict.

3. Corroborating evidence and petitioner's lies on the witness stand bolstered those confessions.

That is especially so given the additional corroborating evidence (both before and after the murder) and petitioner's repeated lies on the witness stand.

a. Start with what the jury heard about petitioner's activity right before Eric Walber's murder. Recall that, in petitioner's confession to Ryan Stinson, petitioner explained that a man named "Eric" was with him—and, in fact, petitioner planned to put "a hit" out on Eric for allegedly ratting petitioner out. Supra Section II.A(1). The jury learned that petitioner was indeed seen with "Eric"—Eric Charles Brown—just before Eric Walber's murder. Tacarra Selders testified that she saw petitioner and Eric Brown at the Hammond Square Mall in a van. Tr.2633–34, 2637–38. Her sister, Yliska "Lady" Selders, then testified that she later saw petitioner and Eric Brown by the van in front of Eric Brown's mother's house, where the van was surrounded by police. Tr.2648–49.

This was easily verified. As it happens—and as law enforcement officials explained to the jury, *e.g.*, Tr.2666—that van was the subject of a false complaint about an armed robbery. While petitioner and Eric Brown were driving that van, someone hit them—but, after giving Eric Brown \$100 for the damage, Tr.2437, those third parties then filed a police report at 8:20pm saying two black males in a van robbed them at

7:36pm, Tr.2667. That led to police finding and towing the van, and also accidentally arresting (but later releasing) the actual owner of the van, Michael Jones, whose driver's license was in the van. Tr.2670.

The jury heard from Eric Charles Brown, who confirmed that he and petitioner "saw some of [his] home girls" at the mall, including Lady. Tr.2435. The jury heard from Jones, who confirmed that petitioner and Eric Brown took his van to the mall and that he was falsely arrested for armed robbery. Tr.2652, 2655–56. The jury heard from Irma Riley, who confirmed that the accident occurred in front of her house, she saw black occupants in a van pull into her driveway, she heard one say "it's going to cost me about a hundred dollars to get that fixed," and she watched the "transaction" occur. Tr.2683-84. The jury also heard from Deputy Franke Steele, who found the van at Eric Brown's mother's house and confirmed that Jones was arrested that night and booked just after midnight. Tr.2669, 2672. And the jury heard from Detective Murphy Martin, who realized that there was no armed robbery at all, resulting in the dismissal of the charges against Michael Jones. Tr.2730.

From this extensive testimony, it was eminently clear to the jury that petitioner was with Eric Brown in Michael Jones' van just before Eric Walber's murder—and yet petitioner got on the witness stand and lied about it. He first told the jury that he did not "recall" seeing the Selders sisters at the mall that day, Tr.2842, but then he said of Tacarra Selders, "I'm quite sure she done saw me at the mall," Tr.2865. He also conceded that he was with Eric Brown at the mall, Tr.2842, but then disavowed ever being in Michael

Jones' van and ever being in an accident in it, Tr.2843. He told the jury that the Selders sisters were lying, Eric Brown was lying, Michael Jones was lying, and Irma Riley was lying. Tr.2843–44, 2865–66. But he could not explain why the world allegedly formed a conspiracy against him.

To top it all off, petitioner put his sister, Mildred Skinner, on the stand to lie for him. She testified that petitioner was at her house beginning at 5:00pm on the day of the murder and remained there until the next morning. Tr.2791–92. Given the above testimony, the jury knew that was not true because petitioner was—as petitioner told Ryan Stinson—on the streets with Eric Brown when Eric Walber was murdered.⁷

b. Consider also the corroborating evidence regarding what happened after Eric Walber's murder. *First*, petitioner confessed to Ryan Stinson that he ran over Eric Walber with a car and to Raz Rogers that he committed the murder. *Supra* Section II.A(1), (2). Corroborating those confessions, the parties stipulated that the blood found on Eric Walber's car belonged to Eric Walber. Tr.2726.

Second, petitioner confessed to Ryan Stinson that he and others left Eric Walber's red Ford Escort in Albany and wiped all fingerprints off it. Supra Section

⁷ These are far from the only lies the jury heard from petitioner's side of the case. Another was petitioner's testimony that he "[n]ever" carried a gun and "anybody that says" otherwise is "lying." Tr.2867. Rogers testified that, "every time Pop and I would go somewhere, Pop would have a pistol." Tr.2888. Tacarra Selders and Eric Brown also testified that petitioner had a gun the day Eric Walber was murdered. Tr.2634, 2446.

II.A(1). Corroborating that confession, law enforcement officials found the red Ford Escort abandoned behind an old Albany-Springfield Junior High building. Tr.2109. Also corroborating that confession, law enforcement officials were unable to find a single usable print in the car. Tr.2083.

Third, petitioner confessed to Ryan Stinson that certain other co-conspirators were involved in the murder, including "Mike-Mike" Wearry, Darrell "Minnie" Hampton, and "Sed" Reed. Supra Section II.A(1). Corroborating that confession, Melvin Tillman testified that he came across those individuals—and a "little" black guy, Tr.2390—driving Eric Walber's car shortly after the murder. (Petitioner was 5-foot-6, 125 pounds at the time, Tr.2851, though Tillman could not say "whether or not" petitioner was the little guy in the car, Tr.2399.)

"They was laughing," said Tillman. Tr.2389. At first, Tillman thought the car was covered in mud, but he quickly realized that it was instead covered in blood. Tr.2392. And so were "all" the occupants. Tr.2391–92. The occupants told Tillman that they had just "run over a dog," a "big old rotten ass dog." Tr.2389. "They said it was hard to kill and they had to run over him a few times." Tr.2390. Wearry then offered to sell Tillman an Albany class ring. Tr.2393; see Tr.2148 (Eric Walber's mother's testimony that Eric was wearing his class ring); see Tr.2357 (Sam Scott's testimony that Wearry first took possession of the ring and then petitioner took possession).

Fourth, Ryan Stinson testified that he witnessed petitioner (ironically) yelling at Sed to keep his own mouth shut. Tr.2504–05. "If you don't say nothin', they

ain't got nothin'," said petitioner. Tr.2505. Tillman's testimony corroborated Stinson's own testimony because Tillman illustrated that Sed—with blood on his clothing—indeed had something to tell.

B. Wearry Does Not Help Petitioner.

As the evidence above shows, the *Brady* analysis can stop here: Petitioner has no viable challenge to his confessions and the other corroborating evidence that squarely support the jury's verdict—so, there is no viable Brady claim. Petitioner appears to recognize this, which is why much of his petition is a game of smoke and mirrors. He tries (Pet.17–23) to make this case about whether the problems with Sam Scott and Eric Charles Brown that the Court identified in *Wearry* are equally present (or more pronounced) here. But he is fighting a strawman. For, even if he could make those witnesses out to be even "less [credible]" (Pet.23) than they made themselves out to be, that would not undermine confidence in the jury's verdict because petitioner's confessions and lies (and related evidence above) independently assure confidence in the verdict.

In all events, space constraints prevent an exhaustive response to petitioner's strained attempts to make this case like *Wearry*—so, the State here focuses only on a few of his misrepresentations.

First, in assessing Scott's credibility, the Wearry Court emphasized a prisoner's undisclosed statement that he "hear[d] Scott say that he wanted to 'make sure Wearry gets the needle cause he jacked over me." 577 U.S. at 389 (cleaned up); accord Pet.App.30a ("He wouldn't tell me who did it but he said I'm gonna make sure Mike gets the needle cause he f----d me over.").

Petitioner rewrites *Wearry* to say that "Scott told one inmate he was testifying *against Mr. Skinner and Mr.* Wearry to settle a personal score by getting Mr. Wearry executed." Pet.18–19 (emphasis added). That is not what this prisoner report says, and it is not what *Wearry* says. As petitioner appears to recognize, this prisoner report does not help him in the way that it helped Wearry.

Second, regarding Eric Brown's credibility, petitioner claims his counsel "found out what had become of police officers' promise to Brown to 'talk to the DA' about his case"—and petitioner points to the fact that (a) Brown's 15-year-sentence was replaced with probation, and (b) other "pending charges, too, disappeared." Pet.13; accord Pet.20–21. This is egregious misrepresentation.

Petitioner omits that the State opposed reconsideration of Brown's 15-year-sentence. Supp.F.3.473 (August 2004 hearing: State "oppose[d]"); Supp.App.F.3.479 (September 2005 hearing: The State's "position is that we would stand in opposition to that request, Your Honor."). Petitioner submitted no evidence or testimony remotely suggesting that the State somehow struck a deal on this sentence. He plays with innuendo in quoting the sentencing judge's "only" comment that "there are some mitigating circumstances." Pet.13 (citation omitted). But he omits that Brown's counsel had long aired those circumstances before the sentencing judge, including that "his Mother has diabetes, has lost one eye, and is severely in debt and on the verge of losing her home." Supp.App.F.3.117; accord Supp.App.F.3.473. Baseless innuendo gets petitioner nowhere. Cf. Wearry, 577 U.S. at 399 (Alito, J., dissenting) ("[T]here is no evidence that Brown (unlike Scott) actually received any deal[.]").

The same is true of Brown's other charges that were continued. Petitioner has no clue why that happened—nor did he try to offer any testimony from any party involved that might explain whether the continuances were related to Brown's testimony in his trial. Here, again, petitioner relies only on innuendo that is no substitute for the evidentiary record necessary to establish the existence of *Brady* material.

Third, petitioner claims to have "unearthed still more withheld evidence casting doubt on Scott's credibility," namely that Scott originally claimed Eric Walber was killed on Blahut Road, rather than Crisp Road. Pet.19; accord Pet.23. He alleges that the police fed Scott a correction after which "Scott revised his statement to include the correct location." Id. Regrettably, this, too, misrepresents the record.

The actual transcript of Scott's statement has conflicting language: Scott first says "it took place on ... Blahut," but he then says the "scene took place" "on a gravel road" near Blahut. Pet.App.19a–20a. Petitioner omits that his counsel pressed Scott on this point in front of the jury—to no avail. Tr.2350. Scott told him, "I had no understanding that it was Crisp Road." Tr.2351. All Scott knew was that Eric died on "a gravel road." *Id.*; accord id. ("I had no understanding of the name of the street. But he was killed on a gravel street but the name of it is Crisp Road."). Had the jury learned that the police previously had asked Scott "if he was on Crisp Road w[h]ere Walber's body was found" (Pet.App.26a), that would simply confirm

Scott's trial testimony that he learned the name of the gravel road after the fact.

Fourth, petitioner tries to get mileage out of the Fifth Circuit's granting him permission to file a second or successive federal habeas petition, claiming that the panel found his submission to satisfy a "more" demanding standard than Brady sets. Pet.31–32. The Fifth Circuit's order speaks for itself: "[S]ome of the claims [petitioner] presents," if proven, "may" survive federal-habeas scrutiny, but "we do not purport to make any conclusive findings," and "the district court must conduct its own 'thorough review' of [petitioner's] motion and must dismiss the motion, without reaching the merits, if it determines that [petitioner] has not satisfied the" habeas standard the Fifth Circuit itself considered (28 U.S.C. § 2244(b)(2)(B)). Pet.App.10a–11a (emphasis added).

Finally, although addressed briefly above, petitioner's repeated charge that the state courts below are acting in "flagrant disregard for this Court's authority" (e.g., Pet.33) warrants a repeated response. Nothing of the sort has happened. If this case were identical to Wearry, then the decisions below would be wrong. But petitioner's position that the two cases are identical is frivolous. And his disrespect for the state courts notwithstanding the impossible situation in which he placed them—by refusing to develop any testimony below—is especially concerning. The Court should reject the aspersions cast on lower court judges doing their level best to faithfully apply the law.

III. SUMMARY REVERSAL WOULD BE INAPPROPRIATE.

Finally, even if the Court were interested in this case, it would be incorrect—and indeed, dangerous—to summarily reverse, as petitioner requests. As detailed above, *supra* Section I, the Court has no comprehensive lower court decision to review, and only the parties' brief, cert-stage papers to frame up the voluminous record that petitioner dumped into the state trial court's docket. If this case actually merited the Court's review, therefore, the proper and cautious route would be to "grant the petition and hear the case on the merits." *Wearry*, 577 U.S. at 403 (Alito, J., dissenting). But, again, the State hastens to reiterate that this fact-bound case is uniquely unsuited for the Court's review, both on procedure and on substance.

CONCLUSION

The Court should deny the petition.

SCOTT M. PERRILLOUX
District Attorney
BRETT SOMMER
Assistant District
Attorney
TWENTY-FIRST JUDICIAL
DISTRICT
P.O. Drawer 299
Livingston, LA 70754

Respectfully submitted,

ELIZABETH B. MURRILL
Attorney General
J. BENJAMIN AGUIÑAGA
Solicitor General
Counsel of Record
LOUISIANA DEPARTMENT OF
JUSTICE
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov



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APPENDIX A — STATE V. SKINNER TRANSCRIPT, FILED AUGUST 22, 2022

TWENTY-FIRST JUDICIAL DISTRICT COURT PARISH OF LIVINGSTON STATE OF LOUISIANA

Case No. 01-FELN-015992 Division "E"

State of Louisiana

versus

James Skinner

Testimony and notes of evidence, taken in the aboveentitled and numbered cause, before the Honorable Brenda Bedsole Ricks, Judge, presiding on the 22nd day of August, 2022 in Livingston, Louisiana.

[INDEX OMITTED INTENTIONALLY]

[5]**THE COURT:** Good afternoon. Counsel, if you would each make your appearance for the record.

MR. DANIELS: Zach Daniels on behalf of the State of Louisiana. Mr. Brett Sommer is also going to be present for the State of Louisiana. He did have to make a copy.

MS. PARK: Good afternoon, Your Honor. Jee Park here with Mr. James -- Oh, Mr. Skinner is not present yet.

THE COURT: Yes. Please -- my apologies. I looked and I thought I saw everybody.

COURT REPORTER: Can I get your name again?

MS. PARK: Jee Park spelled J-E-E. Last name is Park, P-A-R-K.

COURT REPORTER: Thank you.

MS. ANGELSON: Meredith, M-E-R-E-D-I-T-H, Angelson, A-N-G-E-L-S-O-N.

COURT REPORTER: Thank you.

THE COURT: Counsel, do we have anybody that will be zooming in? Do I need to get the zoom back up?

MS. PARK: No, Your Honor.

[6]**THE COURT:** For the State?

MR. DANIELS: No, Your Honor.

(Defendant is present in court with counsel.)

THE COURT: Let the record reflect Mr. Skinner is in open court. Counsel, again, if you would make your appearances.

MR. DANIELS: Zach Daniels on behalf of the State. Also with me will be Brett Sommer. He is, again, making a

copy, Judge. I'll note for the record, Ms. Cherie Walber, the victim's mother, is also present in court.

MS. PARK: Your Honor, Jee Park and Meredith Angelson here on behalf of Mr. James Skinner who is present. Your Honor, would it be possible for us to undo Mr. Skinner's wrist handcuffs so he can take notes?

THE COURT: That's -- that would be totally up to the security in the courtroom.

MS. PARK: Okay.

THE COURT: You may proceed.

MS. PARK: Your Honor -- as a preliminary matter, Your Honor, we had indicated to the Court at our last status hearing that this would be a -- primarily a [7]document-heavy hearing. I told that then, your Honor, we had tried to get some court records to introduce into the record before this court at this hearing. Our understanding is that the Clerk of Court needs an order from this Court indicating that Mr. James Skinner is indigent so that we can get copies of the court records to introduce in to the Court at this proceeding. Your Honor, I have provided a copy of the motion to the State. I can pass one up to the Court.

THE COURT: Thank you.

MS. PARK: Your Honor, this Court has previously found --

THE COURT: I'm sorry. I couldn't hear you. What?

MS. PARK: Your Honor, this Court has previously found Mr. Skinner to be indigent for purposes of getting a plea transcript when we've had proceedings before this Court, and so we are moving about the same standards by -- for him to get copies of the court records.

THE COURT: Any opposition from the State?

MR. DANIELS: No, Your Honor.

THE COURT: Let the record reflect the Court has, in fact, signed the order.

MS. PARK: [8] Thank you, Your Honor.

THE COURT: Do you want that delivered back to you or to the Clerk's Office?

MS. PARK: I believe --

THE COURT: Do you need to take that down to the Clerk's office?

MS. PARK: I can certainly take it, Your Honor. But I believe Mr. Harris was going to come up because I think one of the issues was that we want to introduce Mr. -- Mr. Michael Weary's court file and also Mr. James Skinner's court file, pretrial, and post-conviction hearings. And certainly, for Mr. Weary, the trial -- the re-trial proceedings, as well. And it is our understanding -- and

we've had conversations with the DA about this, as well. Our understanding is that that file is rather voluminous. It's thousands of pages, and so I think we need -- we needed some clarification from your -- from this Court, from Your Honor, about how we should produce that file for the Court.

THE COURT: And see, the problem with that is if you just go forward and introduce both of those files into this proceeding, then the Clerk is stuck paying to put every bit of that, which is thousands of dollars, into this proceeding. I do not know what another mechanism is. I know we can take judicial notice of what it is, but the First Circuit is [9] going to need -- if you go higher, First Circuit, Supreme Court, whatever, they're going to need to know exactly which documents were considered. And if they're not particularly in this proceeding, then there's no way to say that they couldn't say, well, maybe they omitted to look at page number 4,876. I don't know how we do that. So we will have to get some information from the Clerk's Office because it's -- that is their duty to keep the records, but then I think if we step over and tell them they're going to be out \$10,000 or more, then I think that's a problem for them that we need to have them have some input into.

MS. PARK: Very well, Your Honor. I think they're able to produce it electronically, but I know your court would like -- Your Honor would like paper copies as opposed to an electronic version because I think we can produce an electronic version for the State. And I don't think the State is opposing an electronic version. Certainly, we can work off an electronic version. And I don't know if the Court

would like for us to only make copies -- having an electronic version, but only have copies of the relevant documents that we're referring to or --

THE COURT: Are you referring to the -

MS. PARK: or I understand the Clerk also said that the Court can check the entire file out and keep it, you know, in chambers, review it, and then, [10]obviously, return it once the Court is done with that.

THE COURT: Are you asking me to go back through everything that was in Weary and Skinner or are you asking me to just consider certain documents?

MS. PARK: Well, Your Honor, I guess *Brady* allegations pertain to specific documents, but in order to make a ruling on materiality, I do think the judge needs to take a look at the entirety of the file and have reviewed the entire file in order to make a materiality determination.

THE COURT: For the State?

MR. DANIELS: Judge, I would agree many of our counter arguments are going to rely on different portions of the record and it is -- it is the defense's burden to show materiality which is, I think, why they intended to offer the entire record. And I have no objection to any mechanism or procedure to get the record in front of you, Judge, whether you're checking it out, whether the Innocence Project is making a copy of it. I do know Mr. Harris. I text him when we began the hearing to let him know which courtroom we

were in. He indicated to me he was in a meeting in Denham Springs, so I don't know that he is -- had -- I think there may have been a miscommunication with his presence and whether it's needed. I have no issue to the use of electronic copies. Again, [11] with the mechanism of getting the documents, which I think are under our stipulation to be admissible, I have no issue with working with any party about that. I do agree with the Court's assessment that the -- if the entire record is being offered, even if this Court's attention is drawn to certain documents, the First Circuit, should it need review, would need the entire record to be replicated in some way.

THE COURT: And I know they do work off paper.

MR. DANIELS: Yes.

THE COURT: So is there anything we can do until we talk to the Clerk?

MS. PARK: Your Honor, we could actually move forward with the proceeding today, Your Honor, because I don't -- I think we have stipulated -- we've agreed to enter the entire court record of Mr. Michael Weary and Mr. James Skinner, their pretrial proceedings, their trial proceedings, their post-conviction proceedings, and, with regard to Mr. Weary, his re-trial proceedings, and so I believe --

THE COURT: Wait. I'm sorry. His -- what proceedings?

MS. PARK: Re-trial --

THE COURT: Okay.

[12]**MS. PARK:** -- before he --

THE COURT: Okay.

MS. PARK: Yes. And so I believe the State is not objecting to those records moving forward, so we can start with that, Your Honor.

THE COURT: Let's go ahead and go with that.

MR. DANIELS: That's correct. Zach Daniels on behalf of the State. We do not have objections to those offerings, and I think we can, on the back end of the hearing, figure out the logistics of that. Do they need numbers or is --

THE COURT: So for the Clerk's convenience, and I don't -- and I'll let her interject whatever here. Do you want to do those in sections? What would make it easier for your office? I just don't know how we do that. Okay. Let me just backtrack a little bit. So the two of you are going to exchange by internet communication what you need to discuss, but you're going to offer, file, and introduce the Weary file as, what, Defense 1? Are you going to break it down into sections and separate parts of it? How are you going to do it? My Deputy Clerk has to document all of this should it go up to the First Circuit or a higher court. She's going to have to document every bit of this, so they've got to be able to reference whatever it is you're [13]referring to and whatever I'm referring to. So do you have that already in your possession? Do you know, say,

it's page one through five-hundred? One through page five-thousand? If you're referring to something in specific -- I mean, specifically, it would be easier for the Court to refer and you say, okay, we're referring to the section on page 200. Because if I have to just sit and read through the whole file and try to find out what you're referencing, it's going to be more difficult.

MS. PARK: Absolutely, Your Honor. I think what we'll do is we can get an electronic copy from the Clerk's Office and then we can Bates stamp it.

THE COURT: Okay.

MS. PARK: And so -- and we'll print out a copy for the Court, and we'll give you an electronic version so everyone is on the same page.

THE COURT: Does that work?

MR. DANIELS: I'm fine with that, Judge. And for the Court's knowledge and Defense knowledge, I'll probably cite it as if I would for a Habeas and include in a citation record page number and the title of any motion or document I'm citing.

THE COURT: That would make it much easier for the Court --

[14] MS. PARK: Absolutely, Your Honor.

THE COURT: -- and probably any higher court that would review it.

MS. PARK: Absolutely. And when we do our post-hearing briefing, Your Honor, we can also attach the documents we're referring to, specifically, as an exhibit" to our post-hearing briefing.

THE COURT: That will help. I think the higher courts would appreciate that were it to go up.

MS. PARK: Okay.

THE COURT: Okay.

MS. PARK: So, Your Honor, Exhibit 1 is the Michael Weary entire record. And then Exhibit 2 is going to be James Skinner's entire record -- court case record.

THE COURT: Any opposition to Exhibit 1 and 2?

MR. DANIELS: Same discussion, Judge. No objection.

THE COURT: Without objection. And so Weary is going to be -- whatever is Weary is Exhibit 1 regardless of before or after?

MS. PARK: The entire case, Your Honor.

[15] **THE COURT:** Okay.

MS. PARK: And then we'll Bates stamp it and then we'll make specific reference to the page numbers.

THE COURT: That would be wonderful. Thank you.

MS. PARK: And same thing with -- same thing with Number 2 for James Skinner, the entire record, and then we'll Bates stamp.

THE COURT: Thank you.

MS. PARK: Your Honor, State already has a copy of it. We do have a joint revised stipulation. You had actually signed the order previously, but we revised it in light of the fact that Mr. Darrell Hampton is no longer part of this case. And so in order to make sure this stipulation is clear, we took the heading off -- we changed the heading and also, obviously, took out any reference to Mr. Hampton in this stipulation. Like I said, State already has a copy of it.

MR. DANIELS: That's correct, Judge.

THE COURT: So the documents in connection with Hampton, Reed, or anybody else, will they be introduced into this proceeding, or what are we doing with them?

MS. PARK: [16]Yes, Your Honor. We'll go through them as we are presenting our evidence, I guess. Yeah. But, at this time, the State is not objecting. They're joining in the admissibility of these documents.

MR. DANIELS: That's correct, Judge. I think -- it was just to clarify and remove Hampton from the stipulation?

MS. PARK: Yes. Yes.

THE COURT: Let the record reflect the Court has, in fact, signed the Joint Stipulation Order in open court.

MS. ANGELSON: Your Honor, the next issue that we wanted to raise is related to the Motion for Discovery, which Your Honor signed, I believe, at the beginning of August on behalf of Mr. Skinner. We had moved the Court to compel the State to produce the criminal history of any witnesses that the State intended to call at this hearing and also the history of cooperation of any witness who has testified or will testify against Mr. Skinner at any stage of the proceedings. Your Honor signed an order, the order that Mr. Skinner's counsel drafted, that inadvertently omitted the language about the history of cooperation. We've spoken with the State. I don't think the State would differ with us in the opinion that it is their obligation under Brady and its progeny to turn over that information. We were talking through [17] with them some thoughts on how they could determine that information. I think they had some concerns there, but we did bring a revised order that would clarify that Your Honor was granting our motion in full and that they are also to turn over that information.

THE COURT: Would you present that to Counsel to review before presenting to the Court, please.

MR. DANIELS: I have a copy of it, Judge. Thank you. Judge, our position is, obviously, in terms of witnesses, both of which I think we reserve the right to call some witnesses. The defense does not intend to call witnesses. I think we would provide criminal histories in terms of the cooperation of any witness and I think our discussion on the phone was far broader than what's being stated in court. My comment to counsel was I don't know where I would begin to seek out a lot of the information that they're

asking for with that. I -- in review of the documents in our possession, I don't believe there is a single catalog, an existing document, which details every witness's cooperation at every stage. And so for the in-court request, it is solely related to Mr. Skinner because when we discussed it, it was far broader than that.

MS. ANGELSON: Yes. And I'm sorry if there was confusion about that, but as to the cooperation -- well, witnesses against Mr. Skinner, their history of [18] cooperation with the State in prosecutions.

THE COURT: Are you referring to just this particular group of defendants with prosecution, or are you referring to any case?

MS. ANGELSON: So, Your Honor, for example, if a witness against Mr. Skinner, who testified at his trial or who will testify based on what the State understands at this point, has ever before cooperated with the State in an investigation, offered testimony against another defendant, that information is the information that we are requesting.

MR. DANIELS: And my response was, Judge, again, I don't know where I would begin searching for that in terms of the breadth of that case spans over years and involves a number of detectives who are no longer detectives, to the best of my knowledge. They're basically asking -- I'll use Eric Charles Brown as an example. If Eric Charles Brown, not related to Skinner, Hampton, Weary or Shadrick Reed, testified or offered information about

anybody at any point in either parish, that the breadth of that request is very vast, Judge, and I don't -- I don't know, A, whether they're entitled to it or, B, whether it is something that I could even find. I don't know whether that is a determinable thing. In terms of cooperation against Mr. Skinner, I believe where we have induced witnesses recently, that's been well [19] documented in the record and prior to Mr. Skinner's trial in terms of Brady violations that is the core of one of their claims here, so I believe the record would represent the best knowledge we have as it pertains to this case, and we would raise an objection to the breadth of the request. I simply have no idea how I would begin answering that, Judge. And I would be worried I would be unable to come into the court and, in candor, tell you, yes, this person cooperated years ago against a drug dealer or, no, they did not, simply because I have no idea, again, even where I would begin that search.

THE COURT: And, Counsel, you're looking at a number of different parishes. I think what you need to do is if you have some knowledge of something that they may not, I think you need to provide that information to them. If you have knowledge that one of their witnesses may have done something, give that to him so he can investigate. I don't think -- you've been with the State for how long?

MR. DANIELS: 2017, Judge, in this parish.

THE COURT: As he said, the case goes back to -- what '98 is when it began? And from '98, that's 25 years. If between different detectives at the different Sheriff's offices, different -- I don't know what other agencies may

be involved, local agencies. You know, state agencies, I don't know how he could provide that to you and honestly give [20]you an answer, but I believe if you give him something that you believe one particular witness may have been induced to do something, please provide that to him and we can address it at that -- in that manner.

MS. ANGELSON: Yes, ma'am. There is one witness with about whom we've spoken with specificity which is Eric Charles Brown. There is information in the record that he has cooperated before, that he -- I believe he says, people are going to believe me when I give this information against Mr. Skinner and others because I've helped before. I'm paraphrasing. That is certainly something that alerted us to the possibility that that was true and that would have motivated him and would have been an appropriate subject of cross-examination. However, I believe the State's obligation to disclose would certainly go beyond him. Obviously, we don't have other information, and I do not want to give any advice to the State on how to do their job. I do wonder if conversations with those available sheriffs might lead to something when we're talking about a few specific witnesses. There were not -- there were a handful witnesses against Mr. Skinner at trial, for example, and questions about these witnesses could certainly go to existing law enforcement in this parish or in parishes in the 21st.

THE COURT: Again, if you have something specific -- and the State, I believe, fully understands their duty [21] with this having gone all the way to the U.S. Supreme Court and come back. I think they don't want that again, so I

believe they fully understand their duty and I believe that to try and tell them to go back and track down every officer whether a reserve officer, employed full-time employed officer with the all the three parishes in this district, to try and track them down and see if they ever offered anything to anybody that may come forward, we're looking at putting this off for months, maybe years, and I really don't think that's what you want to do.

MS. ANGELSON: No, ma'am. I -- we can have continued conversations with the State about this issue. I guess the question for today is if your Honor is willing to sign the order.

THE COURT: I think if you adjust the language in the document, I will sign it. The two of you get together and agree on what language you can live with, and the Court will sign the order.

MS. ANGELSON: Thank you.

MR. DANIELS: And if I could ask for clarification. We did receive a communication on, I believe, August 16th from the Innocence Project, a public records request of a specific Eric Charles Brown file that was addressed by a different person. I responded to that person. Should that be more appropriately entitled to you, or -- I got it [22] last -- on the 16th, so that would be, what, last Tuesday?

MS. ANGELSON: Can we discuss it off the record? I'm not sure what you're referring to.

MR. DANIELS: Thank you, Judge. I think we can handle that off the record.

THE COURT: Okay. As to the order, do you want to just put off the signing of that until you can work on the language?

MS. PARK: Yes, ma'am. And we can re-file something indicating to the Court that it is language that is suitable to both parties.

THE COURT: And just have them put approved as to form on it and that way I know that it has been adjusted.

MS. PARK: Your Honor, moving forward to the stipulation. We're going to introduce now, Your Honor, the actual document that the State and we have stipulated to. And the first one is the public records received by Michael Weary's post-conviction counsel from Tangipahoa Parish Sheriff's Office. And so that would be Petitioner's Exhibit 3. And we have -- how many binders?

THE COURT: Is it 3, or will it be yours? Was the other one joint or this -- they're just --

[23]MS. PARK: Oh, it could be joint, actually.

MR. DANIELS: Judge, I don't recall if I joined or if I didn't oppose it. To keep the record clear, if that could be Defense exhibits.

MS. PARK: Okay.

18a

Appendix A

THE COURT: Defense Exhibit.

MS. PARK: So it -- that would be 3, Judge.

THE COURT: 3.

MS. PARK: And it's going to be seven volumes of this binder. I want to pass it up to y'all so you'll have it.

THE COURT: Are they labeled as 1 through 7?

MS. PARK: Yes, Your Honor. They're labeled 3 -

MS. ANGELSON: A, B, C, D.

MS. PARK: Yes.

THE COURT: Okay.

MS. PARK: And there's seven of them. And three more, passing up. And these are all Bates stamped, Your Honor.

[24]**THE COURT:** Thank you.

MS. PARK: The State has an electronic copy of it.

THE COURT: And Defense -- I mean, for the State, you do have a copy of all this?

MR. DANIELS: We have a copy of the judgment. No objection to the offering.

THE COURT: Without objection, Defense will be introduced.

MS. PARK: Your Honor, Defense 4 is public records requests, responses received by Michael Weary, PCR counsel, post-conviction counsel, from Livingston Parish Sheriff's Office. And so that would be Defense Exhibit 4.

MR. DANIELS: No objection, Judge.

THE COURT: Without objection, Defense 4 will be introduced.

MS. PARK: And that is -- how many binders -- two binders. So it would be 4-A and 4-B. And next, Your Honor, would be the public records received by Michael Weary's post-conviction counsel from the 21st JDC DA's Office.

MR. DANIELS: We do have a copy, Judge. No objection. [25]That would be D-5.

THE COURT: D-5 will be introduced.

MS. PARK: Defense Exhibit 5. And how many binders of that?

THE COURT: Four binders.

MS. PARK: And there are four binders, A, B, C, D. And I'm going to give the Clerk a chance to log these in.

THE COURT: Could somebody came up?

MS. PARK: Yes.

THE COURT: We may have something missing, and I don't want that to be --

MS. PARK: Absolutely, Judge.

THE COURT: For the State, if you'd come look, too, please.

MR. DANIELS: Yes, Judge.

THE COURT: Yes, ma'am. So we've got through 5-A, B, C, and D clocked in. Who do we have next?

MS. ANGELSON: Next, Your Honor, we would like to offer the entire record of *State versus Dashain Moore*, case [26]number 14563. State does have a relevance objection. Perhaps, it's best to discuss, in tandem, the public records received by Mr. Skinner's post-conviction counsel from the 21st JDC District Attorney's Office in relation to Mr. Moore's prosecution. So, Your Honor, it's the court record and it's the DA file. The court record we would offer as 6 and the DA file we would offer as 7. I believe the relevance objections are the same for the State.

MR. DANIELS: They are, Judge, if I could just briefly argue.

THE COURT: Yes, sir.

MR. DANIELS: Mr. Moore is raised in one of the defense claims as an alternative suspect. There's ample

information in the records already as exhibits before this Court as to how he was considering and the steps that the investigators in this case took to either include or exclude him as a suspect. I believe that this is duplicative and it does raise a relevance issue. There was a separate armed robbery with, I think, a factual dissimilarity between the instant case and that armed robbery, which Mr. Moore was convicted of. So based on that, we would object to relevance. I believe the record accurately depicts the arguments raised about those claims as it exists without this being included as an exhibit. The argument would be the same for both exhibits.

[27]**THE COURT:** And, if I remember correctly, Mr. Moore was a case tried before this court.

MS. ANGELSON: Yes, ma'am.

MR. DANIELS: Yes, Your Honor.

THE COURT: And how does that case have any relevance to this?

MS. ANGELSON: So, Your Honor, we have raised, as the State has said, in our pleadings, the fact that Mr. Moore was identified -- so Mr. Moore committed his crimes within about a month of Mr. Walber being murdered in the same area. He was accused and later convicted after the victim testified of -- I believe this was an armed robbery and an aggravated kidnapping together.

THE COURT: Yes.

MS. ANGELSON: Yes, ma'am. So he originally held the victim up at gunpoint, made him drive around in his car to various ATMs. He stole things from him. He also confessed to the victim that he was not afraid to kill the victim because he had killed before and said that he killed the Walber boy, in the words that were reported. He -- and these were documents that were in -- that were in the prosecution files for this case, as well as the law enforcement files. And so the information [28]that's already stipulated to that is coming in is only related to the fact that -- I believe two things. Eric Charles identifies Mr. Moore as a person he saw with Michael Weary. He picks him out of a lineup. He later changes his story, but that was information that he gave in 1999. Additionally, I believe that law enforcement did speak to Mr. Moore and asked him about his involvement in this crime. He denies it, but there doesn't appear to be any more investigation into whether or not he committed the crime based on the records available. So, Your Honor, we're offering these court records and these District Attorney records in order to show the factual similarities to show that there was knowledge of the same law enforcement personnel with both crimes and also to argue that Mr. Moore was not that his involvement in the crime was not adequately investigated so as to be ruled out, and those are the arguments we will make to this Court. We offer the court record in its entirety, and we offer the DA record in its entirety for completeness. We believe that anything short of that would not put the Court in a position to adequately weigh the materiality of this argument and what this information might have meant to the jury.

THE COURT: For the State?

MR. DANIELS: Waive rebuttal, Judge. I will maintain the relevance argument.

[29]**THE COURT:** Okay. And so exactly why are you putting all of this in again?

MS. ANGELSON: Well, Your Honor, we believe that Mr. Moore was a viable alternate suspect, that his case should have been investigated further in terms of his potential involvement in this case especially given that he confessed to the victim, who testified similarly at trial that he also gave a confession --

THE COURT: Let me interrupt you for a second. And I apologize. So at the trial, he confessed that he had murdered the deceased in this case?

MS. ANGELSON: Yes, ma'am. Well --

THE COURT: Okay. Do you have that in the -- pull out that part of the transcript so I can see that. I don't recall that.

MS. ANGELSON: I'm sorry, ma'am. I can clarify. He did not use the word -- at trial, he did not say Mr. Moore told me that he had killed Eric Walber. He did, however, say Mr. Moore told me that he was not afraid to kill me because he had killed a boy in Springfield before.

THE COURT: Is that the words he used?

MS. ANGELSON: Those are the words used at trial, Your [30]Honor, and I -

THE COURT: Can you pull that out and show that to me, please.

MS. ANGELSON: Yes, ma'am. If I could have a moment to just find it in the record.

THE COURT: Certainly.

MS. ANGELSON: These are among records that we were able only to photocopy today. However, I can also show Your Honor where in the law enforcement documents he did tell the detective -- he used the word Walber and he did say he told me he killed the Walber boy. I can more easily reach that for your Honor and offer it to you, and I'm happy to look through the trial transcript.

THE COURT: Pull it out and show me.

MR. DANIELS: Judge, may I approach the Deputy briefly?

THE COURT: You may. So the documents you have presented to me were not from a trial. They were from an interview with Detective Chuck Watts and Deputy Daniel Gomez, correct?

MS. ANGELSON: Yes, ma'am. There were in the DA file. They are a transcript of the interview with the victim, and it's one of several places in the records where he -- the

victim references what Dashain [31] Moore told him. These are not records that are in the Weary or Skinner files, and these are not records that are in the law enforcement files that the State has stipulated to as -- I think it's 3, 4, and 5. These are a separate file of a separate investigation. They were in the possession of the State. And separately, Your Honor, Eric Charles Brown identified Mr. Moore in his first conversation with law enforcement that we are aware of as having been the person he saw with Michael Weary in the red Ford Escort on the night of the crime. And that information is -- is a piece of what we are going to present to Your Honor. We believe that to have the full -to be able to weigh the materiality of this argument, Your Honor needs to be able to review all of the sort of relevant pieces of how Dashain Moore's case was potentially related to this case and in possession of the DA and not tendered to defense.

THE COURT: For the State?

MR. DANIELS: And, Judge, just to be clear, this is a portion of Defense's Ineffective Assistance *Brady* claim. Judge, in terms of materiality of *Brady*, the first Eric Charles Brown interview was disclosed. This is all information that the defense was aware of at the time of the first trial, I believe. Additionally, Judge, a number of references in the existing documents that have already been submitted do reference Dashain Moore, so it's already a part of the record. Again, I [32]would maintain that the entire Dashain Moore record would have a relevance issue as well as the Freedom of Information Act response by our office.

MS. ANGELSON: May I respond, Your Honor?

THE COURT: Yes.

MS. ANGELSON: Obviously, the State is free to make arguments about the weight of these documents about whether or not they are material, about of their dispositiveness as to our claims. At a base relevance level, Your Honor, we are -- we are intending to build on the evidence that is already in the record which, incidentally, while it did include the first -- the information that was disclosed to Mr. Skinner's prior counsel, it did include the first interview with Mr. Eric Charles Brown. It did not include the moment where he identified Mr. Moore as the person he saw.

THE COURT: And refresh my memory. Where is Mr. Eric Charles Brown?

MS. ANGELSON: Where is he in this case, Your Honor?

THE COURT: Yes.

MS. ANGELSON: He is the person who says he was -- he drove to the scene with Mr. Skinner.

THE COURT: But then he drove the car away and left?

[33]MS. ANGELSON: Yes. Yes.

THE COURT: And punched somebody, allegedly, in the process of leaving who wanted to ride with him; is that correct?

MS. ANGELSON: That's correct, yes.

THE COURT: Okay. I just wanted to make sure I wasn't confusing the parties. Okay. And was he prosecuted?

MS. ANGELSON: No.

THE COURT: Okay. But he's the one that he said saw

Dashain Moore there?

MS. ANGELSON: Yes.

THE COURT: Okay.

MS. ANGELSON: And that is a separate piece of the Dashain Moore relevance and materiality in addition to the victim of the crime reporting that Dashain Moore confessed to killing Eric Walber. Additionally, Your Honor, in these -- in this DA file is another statement by another inmate that Dashain Moore echoes in this language that he didn't care -- the language is something like he didn't care about white people; he'd killed a boy in Springfield already. And so all of this together, I believe, [34]Your Honor needs to consider in order to determine whether or not this is material evidence in the *Brady* analysis.

THE COURT: For the State?

MR. DANIELS: Judge, I'd just echo existing arguments. I'd hate to beat a dead horse in terms of adding to what's already been stated again. This would be a witness who -- or a suspect which was identified in the existing documents

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Appendix A

Defense Counsel was aware of at a certain level, and to introduce his entire court record again, Judge, I would just struggle with the relevance of all of that.

THE COURT: Anything else?

MR. DANIELS: No, Your Honor.

MS. ANGELSON: Your Honor, relevance versus weight, I believe, is what we're talking about here, and Your Honor will evaluate the weight in what we're offering. I hope that I've made a good record as to the relevance for Your Honor.

THE COURT: It will be allowed at this point. The Court will evaluate it as to the weight of the evidence.

MS. ANGELSON: Thank you, Your Honor. So I believe the court record will be 6 and the DA file will be 7.

THE COURT: Do you have those?

[35]MS. ANGELSON: Yes.

THE COURT: So what will be 6?

MS. ANGELSON: Your Honor, that would be the court record. We were able to get a full copy this morning, and so we have one copy. We would like to be able to provide -- this is all we have.

THE COURT: Okay.

29a

Appendix A

MS. ANGELSON: So if -- with the Courts indulgence, if we could get -- tomorrow, bring a full copy for the Court so that we can also make a copy for the State, if that would be okay.

THE COURT: Yes.

MS. ANGELSON: We'd also like to bate -- put Bates on this for the Court's ease of digesting.

THE COURT: Yes.

MS. ANGELSON: Thank you.

THE COURT: So the court record is 6 and you will advise how many volumes that will be tomorrow when you come in.

MS. ANGELSON: Yes.

THE COURT: [36] And then Defense 7 is, what?

MS. ANGELSON: Is the -- is the public records received by Mr. Skinner's post-conviction counsel from the 21st JDC District Attorney's Office in re *State versus Dashain Moore*, case number 14563.

THE COURT: And that is one volume?

MS. ANGELSON: Yes.

THE COURT: One volume. We' re going to take a five-minute recess. The Court will stand at recess.

(Recess).

THE COURT: Let the record reflect all parties are here. Is that correct?

MS. ANGELSON: Yes, Your Honor.

THE COURT: And your client is personally present.

MS. PARK: Mr. Skinner is present, Judge.

THE COURT: You may proceed. Your Honor, I believe we're up to number 8 -- 8 and 9. Okay. I'm getting a nod from the Clerk. Your Honor, Defense Exhibit 8 and 9 have to do with Ryan Stinson. So Mr. Stinson testified in Mr. Skinner's trial on May 12th, 2005, and when he was called to testify for the State, he initially refused to testify. [37] He refused to testify and the Judge -- the trial Judge gave him an opportunity to speak with the State outside of -- outside of the jury, outside of the courtroom. And so after he had a private conversation with the State outside of the courtroom, he came back and said, now I'm going to testify, and then he testified against Mr. Skinner. At his testimony, he was asked whether or not he received any benefits for his testimony at trial. Mr. Stinson said he did not receive any benefits for his testimony at trial and the State did not correct that record when Mr. Stinson testified. Now, a year later -- more than a year later, October 6th, 2006, Mr. Stinson -- Ryan Stinson files a civil

complaint against the DA's office. In that complaint, he says, I made it perfectly clear that I would only testify at James Skinner's trial if they agreed to have me transferred to Dixon Correctional Institute. At the time, Mr. Stinson, I believe, was at Angola or Hunt and he wanted to be at Dixon. And so when he and the prosecutor stepped out, before he testified in Mr. Skinner's trial, they made a deal. And Mr. Stinson says in the civil complaint that they had an oral contract and the State -- by not transferring him to Dixon after he gave his testimony, that the State was in violation of that oral contract. He filed a lawsuit. They reached a settlement. There's two years of litigation that happened in this case. The State reached a settlement and the State did, indeed -- the DA's office did, indeed, help [38]Mr. Stinson transfer from his location which was, at that time, a David Wade Correctional Center, to Dixon. And so I would like to introduce the court records that show these proceedings, Your Honor. The court record includes the civil complaint, the State's responses, the joint agreement that the State and Mr. Stinson entered into that has transcripts of two hearings wherein which the Judge recognized the agreement. And then once the agreement was entered into, that's when the judge dismissed the suit. I would like to introduce the DA's court file, which also indicates that the DA had the complaint, the DA settled the case, and that they had all the information pertaining to the cooperation that they received from Mr. Stinson in order to get him to testify against Mr. Skinner. None of this information was provided to Mr. Skinner at the time of his trial. As the Court knows, if a witness is receiving a benefit in exchange for his or her testimony, that is *Brady* information, and, not only that, in Mr.

Stinson's incident, it's a *Napue versus Illinois* violation because Mr. Stinson denied getting a benefit even though he, indeed, was getting a benefit and the State did nothing to correct that record. And so we believe the court file of *Ryan Stinson versus The District Attorney's Office*, which is case number 113598, and the DA's file in Ryan Stinson's case -- a civil file in Mr. Ryan's case, support our allegations, and we're moving to introduce them as records -- as Defense Exhibit 8 and 9.

[39]**MR. DANIELS:** We do object, Judge, with argument, if you'll allow.

THE COURT: Certainly.

MR. DANIELS: Judge, this is a civil lawsuit. It contains a great deal of hearsay. It is as a prose filing by an individual. As the Court, having also participated extensively at the civil bench in this jurisdiction, is aware, you can put almost anything you want in a pleading. Mr. Stinson did that. It actually, in my eyes, represents the opposite, not that there was an agreement with the State to secure Mr. Stinson's testimony but, rather, that there was not an agreement. Mr. Stinson later filed a spurious lawsuit in order to coerce the State into giving some benefit at a later date. I do not believe that there is evidence that the Freedom of Information Act request, which I think is 9 -- so our file related to Mr. Stinson --

MS. PARK: Yes.

MR. DANIELS: -- our file related to Mr. Stinson would be 9. That was not in possession of the State at the time of

trial. Obviously, the documents didn't exist. Additionally, Judge, I think we come very close to inserting civil negotiations into this court record, which I do not believe is appropriate. I think 'what we see is that someone [40] filed a spurious lawsuit, a lawsuit without valid grounds, and it was settled as many lawsuits are, Judge. I don't believe it represents what it is purported to represent. I don't believe it was in possession of the State at the time Mr. Stinson did testify, and I think it is being very grossly construed in terms of the existence of an agreement, and I think there is a better way where an agreement could be identified if it were possible. The Judge, now-Judge Foster, did testify at the Weary hearing. Nowhere in that transcript is there any indication that there was an agreement, and I don't believe Defense intends to call, now-Judge Foster to expand upon that testimony, Judge. Based on that, I don't think that there is proper foundation or relevance for either the civil lawsuit filed by Mr. Stinson, the court record in D-8, or the DA's file, which is, again, a civil lawsuit that we kept a record of as a litigant and represents our efforts to negotiate and, as is very common, Judge, reach a settlement. I do have a -- or rather a rebuttal exhibit should this Court overrule the objections.

THE COURT: Counsel?

MS. PARK: Your Honor, for the record, Mr. Ryan Stinson did not testify in Mr. Weary -- Mr. Michael Weary's trial. He only testified in Mr. James Skinner's trial. The meat of Ryan Stinson's testimony is that he was incarcerated with Mr. James Skinner for less than 24 hours at the local

[41] jail, and it's Mr. Stinson's contention that Mr. Skinner confessed to him while they were in the same cell together for less than 24 hours. Your Honor, I think, again, the State is making a weight argument and not a relevance argument. We are making a *Brady* allegation here that the State had favorable information that Mr. Stinson sought a benefit and he believed that he got a benefit from the State when he testified. Whether the State believes they actually gave him a benefit or not when they were having conversations, it goes to the state of mind of Mr. Stinson. He believed he had -- he believed he had negotiating power, he asked for a benefit from the State, and he believed that he got a benefit from the State, which is a transfer from his current correctional institution to Dixon, where he wanted to go. Because he believed he got that benefit from the State, he then proceeded to testify. And that information is favorable to Mr. Skinner, and Mr. Skinner should have had that information to cross-examine Mr. Stinson about what motivated him that day to testify against Mr. Skinner. And we believe the civil complaint he filed thereafter had documents for the court including the court transcripts, the hearings that happened, documents to this Court what actually transpired and why it is that Mr. Stinson testified and how it is that he got then transferred from his current correctional institution to Dixon. And so, Your Honor, we believe it is relevant. The Judge -- this Court should review the court records and [42]also the DA's file to determine materiality and to determine whether or not State violated Mr. Skinner's due process rights under Napue versus Illinois.

THE COURT: And I apologize if you said this. I'm looking back at my notes. What was Stinson tried for?

MS. PARK: Stinson -- Mr. Stinson?

THE COURT: Stinson.

MS. PARK: I believe he was in jail for burglary -- a series of burglaries.

THE COURT: So he was tried for a burglary. Yes, sir?

MR. DANIELS: If I could make a comment to clarify. I believe when Defense was referring to the, quote, DA file on Mr. Stinson, Your Honor --

MS. PARK: Oh, I'm sorry. The civil file. I apologize, Your Honor.

THE COURT: Okay.

MS. PARK: I've been talking about the civil file. Yes. We did a public records request of the DA's office and we got the civil file relating to a civil complaint with regard to the oral agreement that he had with the DA.

[43]**THE COURT:** Okay. So he was prosecuted for a burglary, but he testified against Mr. Skinner.

MS. PARK: Yes. He was in -- he was in jail -- on a burglary charge while he was in jail.

THE COURT: You said he was there for 24 hours with Mr. Skinner.

MS. PARK: Yes, in the same cell. I don't know -- and Mr. Stinson's testimony is that during that time that he was with Mr. Skinner that Mr. Skinner allegedly confessed to him.

THE COURT: What was the timeframe?

MS. PARK: In terms -- the year, Your Honor?

THE COURT: In terms of when he was incarcerated with Mr. Skinner.

MS. PARK: Your Honor, let me see. Your Honor, that information is in the -- it might have 2000 -- it may have been around 2000, Your Honor.

THE COURT: Okay. So that is before Mr. Skinner's trial?

MS. PARK: Yes. Yes. This was before Mr. Skinner's trial, yes. Yes.

THE COURT: Okay. And then he was prosecuted after that? [44]Yes? No?

MS. PARK: Mr. Stinson was -

THE COURT: Yes.

MS. PARK: -- prosecuted after?

THE COURT: That's a question. I'm sorry. That's a question.

MS. PARK: I think he was -- I don't know if he plead guilty or if he went to trial, Your Honor, but I believe he was pre-trial detained at the same time Mr. Skinner was pre-trial detained.

THE COURT: Okay.

MR. DANIELS: Judge, I don't believe his prosecution for the charges he was then incarcerated for are relevant for the Defense's argument here. They're only filing civil documents, nothing related to the prosecution.

MS. PARK: Yes, Your Honor, the civil documents. So the issue, Your Honor, is that Mr. Stinson testified against Mr. Skinner at his trial, but the only reason that he testified falsely against Mr. Skinner was because he had something to gain by testifying against Mr. Skinner. And what he had to gain was a transfer. He desperately wanted to be transferred into Dixon Correctional [45]Institute from wherever he was, and I believe he was either at Hunt or Angola. In exchange for him getting that transfer, he testified against Mr. Skinner. And we believe that information should have been provided to the defense because if Mr. -- because if Mr. Skinner's defense attorney had that information, he could have cross-examined Mr. Stinson at trial about it and the jury would then get to have evaluated Mr. Stinson's credibility and reliability. But Mr. Skinner did not get that chance because that information about the benefit that Mr. Stinson received was not provided to the defense.

THE COURT: The State?

MR. DANIELS: And just to give context to what is in the documents that, obviously, you have not seen yet, Judge. I believe it includes at one point the pleadings, obviously, written and authored by Mr. Stinson. It includes a news article that for some reason is attached as an exhibit. I believe part of the court record includes a third-party interpleader motion which was denied that is also prose by another inmate. It makes allegations, I believe, that Mr. Stinson alleges he was being intimidated at the facility he was in by people working on behalf of friends of Mr. Skinner, specifically, namely, I think Jeremy Strickland as one of the parties intimidating him. And he also -- Judge, again, the contents of a pleading are whatever the person filing the pleading wishes [46]them to be. The contents of the court record depict civil negotiations, Judge, rather than an agreement. There is no recording that's being offered. Mr. Stinson's not testifying, obviously, going to weight of the argument now, Judge. But the breadth of the offering in terms of the court pleading in Mr. Stinson's civil lawsuit includes things that there -- they would not be admissible, I think, even in the civil trial, Judge, and they're bordering on -- I don't even know if bordering on the definition of evidence in terms of reliability because it is whatever he was able to lay his hands on while in jail at that time. So I think the relevance argument and the foundation argument comes from the lack of reliability of what is now being presented as a certified true court record. While, yes, it is court record, I think that what is being offered here, it -- it is being construed and it runs a great danger of contaminating the record in this case with unreliable or unverifiable information. So based on that, Judge, we would maintain our objection.

MS. PARK: Your Honor, the fact of the matter is the District Attorney's Office entered into a negotiated agreement with Mr. Stinson. That agreement was put forth in court records. That agreement was presented to a Court of law in this courthouse on July 9th, 2007. There's a transcript of that proceeding that was also presented on December 12th, 2007, which also is [47]transcribed, and the presiding Judge accepted the agreement. He accepted the agreement saying, yes, there's an agreement between the two parties and the District Attorney will transfer Mr. Stinson to Dixon. And so State could argue the weight of that and whether or not it is what weight they should give it. At the end of the day, Your Honor, it is relevant evidence to show that Mr. Stinson received a benefit which is a transfer from one Department of Corrections institution to another, which is what he wanted in exchange for his testimony, and that he got what he wanted. And only when and once after he received what he wanted, then the civil suit was dismissed: And it is not spurious evidentiary material. These are pleadings attested to by the DA's attorney. These are court records and transcripts in -before -- sorry, Judge -- I was trying to look for a section here -- but before a "judge in this courthouse. And so there are transcripts. They are pleadings. They are sworn-to documents, Your Honor.

THE COURT: Court will allow it, subject to the weight of the evidence.

MS. PARK: Thank you, Judge.

THE COURT: And you said you had something you wanted to file in connection with that?

MR. DANIELS: At the appropriate time, Judge, based on that argument -- Defense's argument, I will offer it.

[48]**THE COURT:** And that will be 8 and 9, correct?

MS. PARK: Yes, Judge. Eight is the *Ryan Stinson versus District Attorney* court file, 113598. And then 9 is the public records request returns received by Mr. James' post-conviction counsel from the DA's office regarding that same case.

MR. DANIELS: And, Judge, there's a series of exhibits that will be offered without State objection. I am in duty court downstairs. I do have some victims who wish to give impact statements on pleas. May I be excused to assist --

THE COURT: Do we need to take a recess?

MR. DANIELS: No, Judge. Mr. Sommer is more than competent and he is present, obviously, in court with us, so if we could -- if you'd just allow me to leave, I do intend --

THE COURT: Certainly.

MR. DANIELS: -- to return.

MS. ANGELSON: Thank, Your Honor. We will proceed. As Mr. Daniels has noted, the State does not have objections to the following exhibits of which there are quite a few. Petitioner's Exhibit 10 would be the trial transcript in *State versus Darrell Hampton*, case number 0115994.

[49]THE COURT: And you said that was State versus -

MS. ANGELSON: Darrell Hampton.

THE COURT: Hampton.

MS. ANGELSON: It's just the trial transcript, Your Honor.

THE COURT: Thank you.

MS. ANGELSON: And, similarly, the trial -- the petitioner's --

MR. SOMMER: No objection, Your Honor.

MS. ANGELSON: Oh, I'm sorry.

THE COURT: Without objection from the State. That will be Number 10.

MS. ANGELSON: Number 11, we would offer the trial transcript in *State versus Shadrick Reed*, 0115994, just the transcript.

MR. SOMMER: No objection from the State.

THE COURT: Without objection from the State.

MS. ANGELSON: Your Honor, the next number of exhibits are going to be prosecutions of Eric Charles Brown, the first being case number 8889, and this is the [50]court record for that case.

THE COURT: Okay. And is that Number 12?

MS. ANGELSON: Number 12. And, Your Honor, for Number 12 and Number 13, which is also a prosecution of Mr. Brown, these are records which we just received this morning and so -- as with the Dashain Moore court file, we would ask the court's indulgence to return the full files tomorrow for filing.

THE COURT: Without objection?

MR. SOMMER: No objection to either, Judge.

MS. ANGELSON: So Number 12 would be *State versus Eric Charles Brown*, 8889. And Number 13 would be *State versus Eric Charles Brown*, 9109.

THE COURT: 9109?

MS. ANGELSON: Yes.

THE COURT: Thank you. And those will be submitted tomorrow?

MS. ANGELSON: Yes, ma'am. Moving on, Number 14 will be State versus Eric Charles Brown, 14060.

THE COURT: Number 14, any objection?

MR. SOMMER: [51] No objection, Your Honor.

THE COURT: Without objection. And do you have that in a binder, or that needs to be submitted tomorrow?

MS. ANGELSON: We do have copies, Your Honor. I believe that we may have combined a couple of records in one binder and so, perhaps, I can move through those at one time and then we present them to the Clerk. So Number 15 would be *State versus Eric Charles Brown*, case number 70574. Number 16 would be *State versus Eric Charles Brown*, case number 71834.

MR. SOMMER: No objection to either 15 or 16.

THE COURT: Without objection.

MS. ANGELSON: Number 17, State versus Eric Charles Brown, case number 73010.

THE COURT: Any objection to 17?

MR. SOMMER: No, Your Honor.

THE COURT: Without objection.

MS. ANGELSON: Number 18, State versus Eric Charles Brown, case number 74935.

MR. SOMMER: No objection.

THE COURT: [52] Without objection, Number 18 is admitted.

MS. ANGELSON: Your Honor, the final for -- that's in this binder is Number 19, *State versus Eric Charles Brown*, case number 12298.

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Appendix A

MR. SOMMER: No objection.

THE COURT: Without objection.

MS. ANGELSON: We'll pause for moment to bring these to the Clerk. Would it aid the Clerk if we waited a minute, or shall we move forward?

THE COURT: Give us just a moment, please. Counsel, we are ready.

MS. ANGELSON: Your Honor, Petitioner's Exhibit 20, State versus Eric Charles Brown, case number 15450.

MR. SOMMER: No objection.

THE COURT: Without objection, Number 20.

MS. ANGELSON: And, again, these are in the same binder, so I'll do them together. At Number 21, State versus Eric Charies Brown, 15462.

MR. SOMMER: No objection.

THE COURT: Without objection, Number 21.

MS. ANGELSON: [53]22, State versus Eric Charles Brown, case number 16336.

MR. SOMMER: No objection.

THE COURT: Without objection.

MS. ANGELSON: Petitioner's 23; it is two cases that were of a piece, Your Honor. So there's two case numbers, but the records are together, 601145, 601160. I believe they are the misdemeanors and felony split.

THE COURT: And those are going to be called A and B, or they'll just be 23 in totality?

MS. ANGELSON: I think they're just because they are they run together, Your Honor.

THE COURT: Okay.

MR. SOMMER: That's Eric Charles Brown?

MS. ANGELSON: Yes.

MR. SOMMER: No objection.

THE COURT: Without objection, Number 23 will be entered.

MS. ANGELSON: Your Honor, the next is two cases that pertain to Sam Scott, who was a witness against Mr. Skinner. *State versus Scott*, case [54]number 13429, would be 24.

MR. SOMMER: No objection.

THE COURT: Without objection.

MS. ANGELSON: And 25, State versus Scott, case number 17920.

MR. SOMMER: No objection.

THE COURT: Without objection, Number 25. And are those included in one binder, or are they separate?

MS. ANGELSON: They appear to be in one binder, yes. We'll just confirm that. If the Clerk is ready, I can proceed or I can wait. Petitioner's 26 will also be two cases that go together, Your Honor. It's *State versus Richard Rogers*. Mr. Rogers was also a witness against Mr. Skinner, case number 502030 and 502021. Again, those were the felonies and misdemeanors that emerged from one transaction and occurrence.

THE COURT: Any opposition to 26?

MR. SOMMER: No objection.

THE COURT: Without objection, 26 will be entered.

MS. ANGELSON: Your Honor, next, Petitioner's 27 is an article from the Baton Rouge Sunday Advocate with [55]the title, *Two Area Murders Profiled on National TV Show*, dated January 30th, 2000.

MR. SOMMER: No objection.

THE COURT: Without objection.

MS. ANGELSON: Exhibit 28 is the affidavit of Reginald McIntyre dated February 27th, 2017.

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Appendix A

MR. SOMMER: No objection.

THE COURT: Without objection.

MS. ANGELSON: 29 is the obituary of William Alford, Mr. Skinner's trial counsel, dated August 6th, 2016.

MR. SOMMER: No objection.

THE COURT: Without objection.

MS. ANGELSON: Number 29 -- I'm sorry -- Number 30 is an affidavit from Susan Alford, May 4th, 2017.

MR. SOMMER: No objection.

THE COURT: Without objection.

MS. ANGELSON: Number 31, the deposition of Kelly Gideon, February 19th, 2010.

MR. SOMMER: [56]Did we get the full one on this?

MS. ANGELSON: Yes.

MR. SOMMER: Okay. No objection.

THE COURT: Without objection.

MS. ANGELSON: 32 is the Affidavit of Lakendrick Scott, July 22nd, 2022.

THE COURT: And who is that?

MS. ANGELSON: Mr. Scott was -- oh, sorry. Lakendrick Scott.

THE COURT: Lakendrick, okay. Thank you. Any objection?

MR. SOMMER: Is that the one from 2022?

MS. ANGELSON: Yes, sir.

MR. SOMMER: Judge, I think we have an objection on that just as to hearsay. My understanding is the nature of the affidavit is -- I would just saying he would have testified in the same manner. It's an affidavit that says he would allegedly testify in the same manner as a -- to testimony that's been introduced in a transcript previously. It's already an exhibit, so we -- I would just object to hearsay saying that he would testify in the same way to something that's already been [57] admitted. If it's already been admitted, it's in. That's fine. I don't know that a new affidavit saying he'd say the same thing is, A, relevant, and, B, it's hearsay.

THE COURT: What is -- what's the relevance of this?

MS. ANGELSON: Your Honor, our Ineffective Assistance of Counsel claim, part of it is about Mr. Alford's failure to investigate on behalf of Mr. Skinner and locate witnesses that would have offered evidence that Sam Sctt, who claimed he was present when Eric Walber was killed, was,

in fact, elsewhere with these witnesses with Lakendrick Scott, with these -- the affiant of Petitioner's 33, Doris Scott-Dantzler. This is Sam Scott's brother and sister-inlaw. They testified in Michael Weary's proceedings that they were with Mr. Scott at the time of the murder. Mr. Weary's post-conviction counsel advanced their testimony as proof of Mr. Ourso's ineffectiveness. That was not a claim that eventually was ruled on because the Brady was found to be dispositive in that case. We are advancing the same claim as part of our ineffectiveness claim against Mr. Alford. We believe that these affidavits are necessary as additional proof that the testimony -- that they would have supported -- they would have testified as they did for Mr. Weary, you know, and that they would have been available to testify in a trial for Mr. Skinner as they would have been for Mr. Weary. That's the -- that's the purpose, just [58] to establish that additional surety that their testimony would have been available and it would have been the same.

MR. SOMMER: Judge, my -- just -- response would be that all that testimony is in Defense 1, the Weary record. That's already in. We did not object to that. This record, in my mind, is to bolster, that testimony, and I think it's a workaround of having him come in here and testify, which is fine. We agreed to let in Exhibit 1, the Weary record, but I'm objecting because I don't think it's fair to let him bolstify his testimony through an affidavit when he could have come in here and we could ask him different questions. Things have changed since then, and we don't know if his testimony would have been the same. Thats just what he's saying. All of the testimony substantively

comes in in Exhibit 1. I just don't think that it is relevant or appropriate to allow them to then kind of double-down on his prior testimony times two without us getting the chance to talk to him and ask him questions. And so I would object to the affidavit, again, as to relevance and hearsay.

THE COURT: Anything from Defense?

MS. PARK: Your Honor, one of the elements of Ineffective Assistance of Counsel is that Mr. Alford failed to make any effort to talk to these critical witnesses. Mr. Scott and [59]Ms. Dantzler-Scott states in their affidavits that at no point did Mr. Alford or any defense member, an investigator working on behalf of Mr. Skinner's case, came and talked to them about Sam Scott's whereabouts. And so that is a critical element that we have to meet, and we believe these affidavits meet that element. The State has already agreed to the substance of their testimony about where they were on the night of the crime and the fact that they were with Sam Scott, not here but at the Strawberry Festival. And so they're not actually objecting to the substance really the substance of what they testified to, and we just want to add an additional thing that they -- at no point did anyone from Mr. Skinner's defense team came and spoke to them about what they knew about Sam Scott.

THE COURT: And if you wanted to put in that part of it, I fully understand and I'll admit that. But as to exactly how he would have testified, I don't think -- I think that would be hearsay. So if you want to alter the affidavit to say that he would have -- he was not -- check to see if he

would testify, that, I feel, is totally appropriate if you want to do the Ineffective Assistance of Counsel. But, as to exactly how he would have testified, the questions may have been different. Everything may have been different. That -- you know, I believe the State is correct in that. So is he available for you to do a new affidavit?

MS. PARK: [60] Your Honor, our position is that, Your Honor --

THE COURT: And do me a favor. Could you take the sunglasses off? They're really --

MS. PARK: Oh, these are my eyeglasses.

THE COURT: Oh, okay.

MS. PARK: I apologize.

THE COURT: The light -- the light just keeps catching them, and it's just blinding. It's sort of like when that back door opens. Architects were not great when they designed this building. They'd never been in a courtroom before, obviously.

MS. PARK: Your honor, we believe, and, it is the law, actually, that hearsay is permitted in post-conviction proceedings. There's a case right on point. It is *Tassin versus Whitley*. It is a case from Louisiana Supreme Court wherein which it says, evidentiary rules governing the trial on the question of guilt or innocence need not be followed at the hearing in post-conviction. Louisiana

Code of Criminal Procedure Article (B), which is the postconviction statute, specifically recognizes admissibility of various properly authenticated documents such as records, transcripts, depositions, and admissions of fact. And so we believe that these two affidavits, [61]swornto affidavits, should be admissible because hearsay is certainly admissible in post-conviction hearings. And, again, your Honor, the State is going to weight as opposed to relevance and admissibility, and that's up to this Court.

THE COURT: Anything from the State?

MR. SOMMER: I'd just reurge previous arguments, Judge. I just think that it's hearsay. Most of it's already in, and hearsay can be admissible, but it doesn't necessarily have to be or shall be. I believe it's discretionary to the Court.

THE COURT: 32 will be admitted. Objection is noted for the record.

MS. ANGELSON: Thank you, Your Honor. And Number is the affidavit of Doris Scott-Dantzler with similar content and purpose.

MR. SOMMER: Judge, I'll just -- understand -- for the record, I'll just reurge the same objection, but it -- my understanding is it's pretty much the same affidavit.

THE COURT: Admitted. Objection noted.

MR. SOMMER: So was Lakendrick and was Doris?

MS. ANGELSON: Yes. Your Honor, those are all of the exhibits that we'll be offering in our case in [62]chief. And, just so that we're clear, tomorrow we will be bringing the Court a paper Bates stamped copy of the Dashain Moore record in case number 14563 as well as the court records for the prosecution of Eric Charles Brown in case numbers 8889 and 9109. I believe, other than that, we have -- oh, and with the issues of the Weary and Skinner files outstanding and to be resolved as soon as we can, I believe that will make our record complete with the Court.

THE COURT: Okay. And how will the -- so is -- that all-we can address today? And, if so, tell me how the rest of the week will proceed.

MR. SOMMER: The State's going to be introducing some exhibits.

THE COURT: Okay.

MR. SOMMER: I believe it's kind of similar. We've already talked about some of them. Some should go in without objection. And then I think as far as the week goes, I think you're going to be free, and then I think we're going to discuss timelines for post-briefing.

THE COURT: Okay.

MR. SOMMER: So I think now we'll just do the State's exhibits. All right, Judge. So we're going to start -- we'll just -- it's going to be State's [63]Exhibit 1, which is going to be the criminal record of Ryan Stinson. Judge, I believe there is going to be an objection.

MS. ANGELSON: Yes, Your Honor.

MR. SOMMER: I guess I'm going to wait to number it, Judge -- so pending how you rule on number -- after so that it's clear when we get it.

THE COURT: Okay.

MS. ANGELSON: Your Honor, yes. We have objections to the State's exhibits that are the same for a number of the exhibits. As to Mr. Stinson's rap sheet, I believe it is a rap sheet that goes all the way until today. I do not want to put any argument in the State's mouth about why it would introduce this. Perhaps the State could make that argument.

MR. SOMMER: Yeah. Judge, so we -- we're offering the criminal history --

THE COURT: Okay. Just so -

MR. SOMMER: Sorry.

THE COURT: -- I'm clear, Ryan Stinson plays what part in the case?

MS. ANGELSON: Mr. Stinson is the gentleman who testified as long as he's being transferred to Dixon --

[64]**THE COURT:** To Dixon.

MS. ANGELSON: Yes.

MR. SOMMER: Yes, Judge. And so, additionally, Mr. Stinson -- they have in some Defense exhibits which is going to be Stinson V DA and then our DA file 8 and 9 as to Ryan Stinson are things that they introduced at this hearing. We are offering his criminal history as an attack on his credibility. The State's position is that were he called or were he to come to testify, we would be entitled to attack his credibility based on his criminal history. You know, this -- we have agreed to kind of streamline a lot of this and make it a paper hearing, so we're still trying to perfect the record of our credibility attacks and so the way that we have chosen to do that is by introducing his criminal history as an exhibit. It is an attack on his credibility. And, Judge, just -- we don't need to get ahead of ourselves. So there's going to be -- one, two, three -four of these as to Ryan Stinson, Reggie Jackson, Kevin Broadway, and Lakendrick Scott. All of them were at least mentioned in defense exhibits. These are just kind of our credibility attacks on some of their witnesses, documents, and exhibits.

THE COURT: Counsel?

MS. ANGELSON: So, Your Honor, as to -- thank you, [65] Mr. Sommer, for summarizing those because I do have the same objection for those exhibits. We understand the State would have been able to impeach those people had they testified at trial and that since we are talking about *Brady* and the materiality of any evidence is going to be evaluated as it existed at trial, we would object to the admission of their rap sheets that include offenses committed after trial. We believe obviously, we will make

our arguments as to the weight of those documents, but, in terms of relevance and to anything that could be weighed or considered by the Court, the materiality analysis essentially freezes at the trial and so any offenses committed after that would not be relevant. And so to the extent that they are accepted by the court, we asked that they be redacted, or whatever procedure is appropriate, not to include offenses committed after the trial.

THE COURT: Counsel?

MR. SOMMER: Judge, our position is that, first, as she indicated, I think that's more of a weight argument similar to what they made to us. I don't know for certain that the materiality argument does freeze at the trial. At Weary's evidentiary hearing, there was a lot about Randy Hutchinson's medical records. They put on an orthopedic surgeon, and this happened in 2012. The State put on an orthopedic surgeon, too. The Court got to hear testimony from both sides, so those are the [66]things that did not exist at the time. The Court was able to kind of weigh that new evidence as to the materiality. Again, I just think that these criminal histories are going to be an attack on their credibility. There is certainly some weight arguments to be made as to some old things, and some of these things didn't even necessarily result in a conviction. So whether or not those would be -- have strong weight is arguable. But, again, Judge, in general, my understanding of an evidentiary hearing, the idea is to expand on the record. And so we have let in all this stuff. We are expanding the record as much as possible. I think with those general concerns, the State's criminal history

is to attack the credibility of some of Defense's exhibits should be admissible and we can argue about the weight going forward.

MS. ANGELSON: Your Honor, if I may just respond to the argument about Randy Hutchinson's medical records, because I do think the question of the materiality timeframe is critical. Your Honor may know or recall what happened was there were some medical records that the District Attorney had possession of that indicated that Mr. Hutchinson, who is a codefendant in this case, had a bad knee injury at the time of the crime and the Defense alleged that that hidden information was subject to their Brady obligation because it would have allowed crossexamination as to whether or not he was physically capable of doing some of the things he was alleged to have done by Sam Scott, in [67] particular. I've just said a lot. I hope I've been clear so far. The point is that they called two different experts to evaluate the records that existed at the time. They_did not do a new examination of Mr. Hutchinson's knee. They looked at the existing medical records from 1998. So, yes, it was new analysis, and both sides offered that analysis. The point was that these are questions that the jury could have evaluated. If the records had been disclosed, an expert could have testified from either side. And, in fact, on that issue, the Supreme Court in Mr. Weary's -- in reversing Mr. Weary's conviction, honed in on and said, you know, these questions of which expert is correct about the records shows that this was a question of fact for the jury. So I don't think that that punctures the idea that materiality is about what existed at the time that could have had an impact on the jury's decision. That

is the language from the Weary Court. And that's why, with respect to these exhibits, the rap sheet specifically, we're asking that the Court only admit the portions that go up to the trial.

THE COURT: Were there charges pending on any of these individuals that were not contained in the rap sheets?

MS. ANGELSON: I'm not aware that the rap sheets were ever tendered in the first place, but we aren't alleging that that information was suppressed. The State, I believe, wishes to offer it to attack [68]the credibility of people who we have identified in records as potentially being able to give favorable evidence and that their testimony was essentially suppressed because records showing what they would have said were not tendered to the defense.

THE COURT: And are you presenting this for -- what?

MS. ANGELSON: We have -- so maybe we should go through who those people are. I'm not sure --

MR. SOMMER: Judge, so I -- we're trying to attack their credibility because this -- this hearing is progressing a little differently than some others would, right. We're putting in a lot of paper. You know, if we would have went first, all these witnesses would have been here. All these people would have testified. We would have asked them about some criminal histories and convictions. Well, this post-conviction hearing didn't happen first. It happened second. And so we're trying to not do two-times works. We're putting in a lot of transcripts as opposed to calling

witnesses. And so, in some sense, although they got to question them at the time, that kind of deprived us of the chance to question the witnesses on the stand and attack their credibility. So, in the simplest way, we're offering their criminal histories, which we just ran them last week in an effort of completeness, and we're putting this in the record to attack their credibility and expand [69]the record is kind of the sense. And some of it is because we're doing a whole paper hearing is -- is why we're introducing these. And, generally, I think a lot of the argument, again, goes to weight as opposed to admissibility. And I --

MS. ANGELSON: And we would agree, Your Honor, as to convictions that existed up to the point of trial, that is where the weight will be debated, pure relevance to materiality at trial. So I think it would help if we were more specific about whose rap sheets we're talking about. That might clarify things for the Court. So, for example --

THE COURT: Okay. Let's just go through them one at a time --

MS. ANGELSON: Yes.

MR. SOMMER: Okay.

THE COURT: -- and exactly -- whether they testified, what information they provided, and then what their rap sheets were, you know, if you can separate the rap sheet up to that time.

MR. SOMMER: Okay. Judge, I think we're going to start with Ryan Stinson.

MS. ANGELSON: So Ryan Stinson did testify, and I believe he was cross-examined as to his convictions, or I believe the State elicited his convictions at the [70] time. And the State now offers full rap sheets, I believe, because they -- in that we are offering records that existed corroborating Mr. Stinson's frame of mind at the time, they are offering them as though this is a piece of their cross-examination today, but no cross-examination has happened today, Your Honor. And so I don't whereas, if Mr. Stinson were sitting there, it would be appropriate to cross-examine him as to whatever it is he would say today. We have not called Mr. Stinson. We are not asking the Court to consider testimony today. We are asking the Court to look to the records that we are presenting. And I don't believe that convictions that happened after those records were generated are relevant to the Court's consideration.

THE COURT: What I'm concerned with -- if he had any convictions before, is one thing. If he had charges pending, that's another thing. If long after all this was over with, he picked up other charges, to me, that's a third situation. So what I want to look at is all three of those. So if the rap sheet shows convictions at the time he testified, if there were charges pending, that's what I'm concerned about. But anything that happened last year or the year before, I really don't see the relevance to what we're dealing with today, if that makes any sense.

MR. SOMMER: Absolutely, Judge. In fact, just to respond -- also, remember with Mr. Stinson, 8 and [71]9 are his civil suit that was filed, when, in 2007?

MS. ANGELSON: -- Yes, Your Honor. And what they reflect is his state of mind at the time of the trial. And in --

MR. SOMMER: So he at least has -- I'm sorry. Go ahead.

MS. ANGELSON: And in any event, the point at which he could have been cross -- for Brady purposes, we are asking the question, did Mr. Skinner have a fair trial. Our argument is, obviously, no. We are asking -- we are putting forward these pieces of information and arguing with each piece of information how it could be used at the trial to have made the trial fair. So in Mr. Stinson's case, had Mr. Alford been aware that there was some agreement to -- in exchange for his testimony that he would be transferred, Mr. Alford could have cross-examined him as to that agreement and to his motive to testify and to change his mind in deciding to testify. That is the material information for Your Honor to consider as to Brady. Beyond that, the reliability of Mr. Stinson, I don't believe, is on the table, similarly with the other --

THE COURT: Okay. Let's just address Stinson. As to Stinson, anything through the civil thing, I will allow on the rap sheet, anything that happened in 2010, 2015. After, no, but anything in the rap [72]sheet up until the civil case was concluded, I will allow in the rap sheet.

MR. SOMMER: Okay. I don't know that I have that. When was the --

MS. PARK: It was 2017, Your Honor, when the civil case --

MR. SOMMER: When they agreed to resolve it, yes.

MS. PARK: Yes. It was --

THE COURT: And I think the -- that case will speak for itself, whatever that exhibit was. Okay. And then who is the next one after that?

MR. SOMMER: I need to get that date. All right. So that's going to come in as S-1, but the State is going to alter it.

MS. ANGELSON: And, Your Honor, just -- I believe we are almost exactly aligned with Your Honor, but, to the extent that your honor has allowed in additional information, we'll just note our objection for that piece.

THE COURT: Objection noted for the record.

MS. ANGELSON: Thank you.

MR. SOMMER: All right. Judge, the next one -- is going to [73]be Reggie Jackson. And, Judge, it -- some of these are going to be similar, so it will begin to get duplicative, but, again, I just want to reurge -- so at this post-conviction hearing, you're the finder of fact, so it's up to you to determine all this new evidence and whether these people are credible. You would be tasked with making credibility determinations. That is something that a trial court and a fact-finder is tasked to do. That is best done through live testimony where you can sit and talk to him and ask him questions. They have robbed you of that. Robbed may not be fair. They have not provided

you with that opportunity to assess all this credibility, and they are asking you to make credibility determinations based on a cold record based on things that happened years ago. Our contention is that if Reggie Jackson was here and were going to testify today and you were going to decide whether or not he was credible and the things he was saying was truthful and that helped them proved their burden, all right, because this has -- this has shifted. They have the burden. The State doesn't have one. We would be entitled to ask him about his entire criminal history as to whether or not his testimony was credible. So this postconviction hearing is taking place today. I believe their criminal history is relevant all the way up to it because it goes not to what happened at trial and not to an ineffective assistance of claim. It goes directly to their credibility and as to whether or not what [74]they're saying is true and whether or not you believe it and whether or not that can help them meet their burden. So, again, if Reggie Jackson was here right now and testified to these things, we'd be asking him about all of this. I think we'd be entitled to do that. So I'm not saying that -- you know, we just can't go back in time, Judge, and say, okay, we can only ask it up to here, but this is taking place today. They have decided to do a paper hearing. That's their decision. It's their burden. I think that the State, likewise, is entitled to introduce their full criminal history. And so now we're talking about Reggie Jackson. This would be S-2. Reggie Jackson is mentioned, I guess, a couple times throughout their exhibits. I don't know which ones, or do you have a statement, maybe?

MS. ANGELSON: Your Honor -- Your Honor, so we're just -- I believe the State and the Defense are trying to sum

in the details of what Mr. Jackson -- the role Mr. Jackson would have played. So there was information that also was litigated in Mr. Weary's case that Reggie Jackson reported -- Reggie Jackson, who was another inmate at the time, reported that Sam Scott said, I am going to make -- I'm going to make sure Michael Weary gets the needle, quote/ unquote, and that he was upset with him because, I think he says Mr. Weary jacked him over. So he had some -- it was revealing that Sam Scott has some agenda with Mr. Weary. So, obviously, if he had been called to testify at [75] trial, he might have been able to be cross-examined as to his offenses to that point. But the question, also, is whether or not this information should have been disclosed. And so it is not necessarily the case that Mr. Jackson would have ended up as a witness at trial. Brady information is information that might lead to other admissible evidence. There are other ways in which Mr. Alford might have used that evidence if it had been disclosed to him. It would have alerted Mr. Alford, for example, to the vendetta that Mr. Scott had against Mr. Weary. It would have informed his investigation and his conversation with witnesses to that effect. It's not necessarily the case that he would have decided that Reggie Jackson was the appropriate witness. But the question is should that information have been disclosed, was it suppressed, was it favorable, and was it material. And so that analysis exists -- Mr. Jackson, for our purposes, exists as a person in roughly the year 2000. And so his criminal history, again, we would -- we would submit that the Court should only consider it as to -- up until that point, in the year 2000, and we'll make our arguments as to the weight of that evidence. But in terms of relevance, we think it stops roughly at the trial -- I guess, roughly in 2000, we'd say, at the trial.

MR. SOMMER: I'll be very brief. Judge, again, I think their contention is that Reggie Jackson said Sam [76] Scott said something. We are going to argue that Reggie Jackson is not a credible person. The way that we intend to do that since we're doing a paper hearing is by introducing his entire criminal history, which, again, if we were doing this live, which this is the week that we had to do this, we would have been entitled to do it and you could make your credibility determinations.

THE COURT: The Court will admit it and determine the weight and credibility when reviewing the documents.

MS. ANGELSON: Please note our objection.

MR. SOMMER: Thank you, Judge. So that would be S-2.

THE COURT: And that is Reggie Jackson, correct?

MR. SOMMER: Yes, Your Honor. Judge, so the next one is going to be S-3, and that's going to be Lakendrick's -- the criminal history of Lakendrick Scott. And, Judge, I suspect that, for the most part, the arguments are going to be the same.

MS. ANGELSON: Yes, Your Honor. We don't believe any criminal history beyond the Michael Weary hearings, at which Mr. Scott testified, would be relevant.

MR. SOMMER: Judge, I think they introduced an affidavit of Lakendrick Scott that was signed a month ago. [77]So, again, that would just go more to his credibility for the same reasons.

THE COURT: Same reason as Reggie Jackson, it will be admitted.

MS. ANGELSON: Note our objection, please.

THE COURT: Objection noted for the record.

MR. SOMMER: Judge, S-4 is the criminal history of Kevin Broadway. And Judge, again, he's going to be the same. It's just a lot of -- we're attacking kind of the -- some credibility stuff. He came into play in some of the Weary stuff in Exhibit 1. Oh, and they introduced, I guess, a transcript of Kevin Broadway.

MS. ANGELSON: Your Honor, I can offer that Mr. Broadway reported that Eric Charles Brown told him that he never knew for sure who killed Eric Walber, but that he would continue to say he knew because it increased the likelihood that he would be released. And so that is the information we were saying should have been disclosed to the defense. And so that is a piece of our *Brady* allegation.

THE COURT: Same as with Reggie Jackson, it will be admitted.

MR. SOMMER: Okay. So that's 2, 3, and 4. And, Judge, I apologize, but, just briefly, if we could go back [78]to S-1. I know we kind of continued on to S-1. I'd ask that you reconsider your prior ruling on S-1, which is the criminal history of Ryan Stinson, kind of based on as things developed that S-1 be admitted in its entirety.

THE COURT: Court will admit it in its entirety and weigh the evidence when reviewing the documents.

MR. SOMMER: Thank you, Judge.

MS. ANGELSON: Thank you, Your Honor. Please note our objection.

THE COURT: Objection noted.

MR. SOMMER: So here's S-1, 2, 3, and 4. I think that's all the criminal history stuff, if I recall. Judge, S-5 is going to be a certified copy of the minutes from a court proceeding on October 27th, 2021 of Lakendrick Scott. Page 1 is the minutes of a plea. Page 2 is, again, the certified minutes from November 30th. This is on Lakendrick Scott. Judge, basically, he failed to appear at a court hearing on November 30th, 2021. Our contention is this, again, goes to his credibility and reliability. They introduced an affidavit saying that if Lakendrick Scott were called to testify, he would appear. We're offering this in contradiction to that. He had proper court notice at the last hearing and failed to show.

[79]**THE COURT:** Any objection to the Court's minutes?

MS. ANGELSON: Yes, Your Honor, on relevance grounds for the following reason. The -- Lakendrick Scott's affidavit says he would have testified at a trial for Mr. Skinner consistent with the way he testified at the post-conviction hearing for Mr. Weary. So he would have offered testimony in 2005. Had he been called to do so,

he was willing and available. His failure to appear at a misdemeanor monitoring date where he was expected to pay some \$300 in November, 16 years later, we believe, has absolutely no bearing on whether or not it is the case that he would have appeared in 2005. He also appeared in court for a prosecution in 2021 on a number of times before failing to appear to pay money in November. We believe this is completely unrelated and does not have any bearing on whether or not he is truthful in saying years ago had I been asked to be in court to testify to these facts, I would have done so.

THE COURT: Counsel?

MR. SOMMER: Yeah. Judge, just briefly, he had proper court notice and he failed to appear. I think that's relevant as to whether or not he would have appeared. I think a lot of that, again, is an argument as to the weight, so we're offering S-5 to attack the credibility of Lakendrick Scott.

THE COURT: [80]And if he were called to testify, they could question him about that. The Court will allow it subject to considering the weight of the evidence.

MS. ANGELSON: Please note our objection.

THE COURT: Objection noted.

MR. SOMMER: S-6, Judge, is going to be certified court minutes of Kevin Broadway. Judge, again -- so this is the Bill of Information and certified court minutes of Kevin Broadway where he was convicted of second-degree

murder. Again, this is going to go to the credibility of Kevin Broadway.

MS. ANGELSON: Your Honor, we would object on a number of grounds. First of all, Your Honor has already admitted his rap sheet so we believe that, presumably, the rap sheet reflects his conviction and is, therefore, duplicative. Also we would reiterate our objection to the Court's consideration of a conviction from 2015. And we believe that the State offers a conviction for murder simply to prejudice Your Honor in evaluating the weight of the evidence itself. So we'd ask that it be excluded.

THE COURT: If I'm not mistaken, he was a case here about the same time as the -- Mr. Skinner's case; is that correct? And I know the minutes are from Baton Rouge, but it's my understanding there was a case first here and he was out prior to [81] sentencing. Is that the correct case or a different one?

MR. SOMMER: Judge, I -- I don't know if you -- I'm not super familiar with all of them because they get confusing to me, too. I know that's the case for Dashain Moore. I don't specifically remember for Kevin Broadway. Dashain Moore is the one that they tried in front of you.

THE COURT: Yeah.

MR. SOMMER: Kevin Broadway

MS. ANGELSON: Mr. Broadway was incarcerated when he gave this information. That's all the petitioner knows about Mr. Broadway.

THE COURT: Okay. I'll admit it, subject to the weight. Objection noted for the record.

MS. ANGELSON: Thank you.

MR. SOMMER: Judge, the next one -- I'll wait until ruling. This is the First Circuit opinion from for Kevin Broadway for the minutes and conviction that we just entered. Judge, the main reason that we're offering this as an exhibit is the -- someone at the First Circuit indicates they found that Mr. Broadway had a history of lying to the police. And, again, it just goes to his credibility, so we are just offering it, again, as [82] further expansion of the record to attack his credibility.

MS. ANGELSON: Your Honor, we would have the same objection, particularly, given that the statement doesn't appear to be time-limited in any way. It is also -- certainly, if -- if we're discussing the reliability of potential hearsay statements, there's no grounds for the Court to evaluate what that statement was based on. And to the extent that it -- to the extent that it documents, again, the same conviction, we object on the grounds that it's duplicative.

THE COURT: It will be admitted, subject to your objection.

MR. SOMMER: Am I on 8, Madam Clerk? This is 8? Okay.

MS. PARK: 8 or 7?

DEPUTY CLERK: This is 7.

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Appendix A

MR. SOMMER: That's 7?

MS. PARK: Yes.

MR. SOMMER: Okay. Judge, additionally, the State is going to offer State Exhibit with Attachment A and B. Judge, Exhibit is the Memorandum of Understanding of Darrell Hampton, which is going to be the proceeding that we did before you last [83]week. Attachment A would be the Affidavit, and Attachment B would be the transcript of those hearings. Judge, we are offering this as to some of the materiality issues. Again, Mr. Hampton was a codefendant. He has now agreed to a factual basis that is in line with the State's position. It's in line with the testimony presented at Mr. Skinner's trial. It further bolsters any materiality argument for the State, Judge, in our mind, and so we are expanding the record in that way. If we were doing testimony with everybody, it's likely that we would have called Mr. Hampton in this proceeding, or not. So we are going to offer the MOU, the affidavit signed by Mr. Hampton in court last week, and then the transcript. And just to make it easier, it's Exhibit and then attachment A and B, which is similar to how we introduced it last week.

MS. ANGELSON: Your Honor, we would object on relevance grounds. As we have said, the Court's determination in this case is about a *Brady* violation. We are not here discussing innocence. That may be for another day. These records, certainly, would be relevant to any consideration of innocence if we were advancing that claim. However, today we are talking about *Brady versus Maryland*. Therefore, the relevant information

for Your Honor to consider is was the information that we are putting forward suppressed. Was the information that we are putting forward favorable to Mr. Skinner, and was the information we are [84] putting forward -would it have been material at the trial. The information that Mr. Sommer offers with respect to Mr. Hampton cannot be considered as part of that materiality analysis because nothing that Mr. Sommer offers with respect to Mr. Hampton existed or could have been part of the trial in 2005. Mr. Hampton pled guilty or, rather, received a reduced sentence a number of days ago. And so the question of how information that we are offering the Court might have impacted the decision of the jury is not offset in any way by the fact that in Mr. Hampton -- or, for that matter, any of the other codefendants, as I believe that's where we're going, pled guilty and attested to certain facts. If we were discussing an innocence claim, we would not contest that that is relevant evidence, but in light of the fact that we are discussing *Brady*, we don't think that this information that materialized years later is relevant.

THE COURT: Counsel?

MR. SOMMER: Judge, I would just respond that there is a large number of *Brady* jurisprudence in Louisiana and federally and across the country. I think the argument for the State is going to be that the Court is tasked with looking at the entire record, and it can go, I'll argue, to the materiality as to ultimately whether or not they received a fair trial. I think that the testimony from Mr. Hampton further supplements the State's theory [85]of the case at his trial. It further bolsters that testimony and can be used to now analyze whether or not he received a fair trial.

MS. ANGELSON: And, Your Honor, I believe Mr. Sommer is simply back-ending an innocence argument into this discussion. We are looking at whether or not the information available to the State and not disclosed would have made a difference at Mr. Skinner's trial. The record that Your Honor will consider in terms of that decision has to do with information that was available at trial. It cannot be that a trial in 2005 somehow could have absorbed information, the testimony of codefendants who are pleading guilty, 15 years later. And so whereas we do understand an argument as to looking at the whole record for innocence, which is a separate claim that is not before Your Honor, the fairness of the trial can only be about the information that was available at trial and whether the information we are offering as suppressed would have made a difference to the jury. The jury would never have heard that Darrell Hampton pled -- sorry -- received a reduced sentence in 2022. The jury would never have heard that Michael Weary received 25 years in 2018. The jury would not have heard that Shadrick Reed received years in 2018. Those facts did not exist, and the attestations that those men made in their plea colloquies did not exist, and their testimony would not have been available when they were still -- when they were [86] defendants in the case when Mr. Skinner went to trial.

THE COURT: I think we've admitted a lot of things today that were not set in stone as of the end of the trial. There are a lot of things that you've come forward with that you're saying, well, but for this, this wouldn't have happened. I think part -- Mr. Hampton was up -- included in all of this that we would be doing here today until last

week happened, so I think it is relevant. The Court will determine the weight of that relevance when reviewing everything.

MS. ANGELSON: Thank you. Note our objection.

THE COURT: Objection noted for the record.

MR. SOMMER: And, Judge, kind of continuing with that theme, Judge, State Exhibit 9, Judge, is going to be a transcript from September 26, 2016, and that's going to be a plea of a codefendant, Michael Weary, wherein which Michael Weary articulated a factual basis also consistent with Exhibit 8 that was just introduced, also consistent with the State's theory of the case as to Mr. Skinner in 2000. Judge, kind of for the same reasons previously offered, the State's offering S-9, Michael Weary's plea transcript.

MS. ANGELSON: Your Honor, for this and I believe the other exhibits, we maintain the same objection.

[87]**THE COURT:** And the Court will allow it, subject to the weight.

MR. SOMMER: And, Judge, continuing moving. S-10, Judge, is going to be the transcript from a Michael Weary Bond Hearing wherein codefendant Shadrick Reed testified as to a factual basis similar to that of Mr. Weary and Mr. Hampton and the State's theory of the case at trial.

THE COURT: Objection noted for the record. You said that was a continuing objection, correct?

MS. PARK: Yes, Your Honor.

MR. SOMMER: I think I numbered that wrong. Can I have that one back? What was that numbered?

THE COURT: 10.

MR. SOMMER: Okay. So that one, I think -- yeah, that's fine. All right. I'm sorry, Judge. Mr. Daniels organizes things a little differently than me, so I'm trying to keep up with what he has. Okay. To kind of go along with S-10, Judge, S-11 is going to be a Motion for Substantial Assistance and a Memorandum of Understanding as to the codefendant, Shadrick Reed. And, again, it's very similar to what we just offered with the Darrell Hampton. It, again, articulates a factual basis consistent with the State's theory of the case, the testimony [88]of Michael Weary, Darrell Hampton, and goes to the factual basis for Mr. Skinner. S-11.

MS. ANGELSON: Same objection, your Honor.

THE COURT: Objection noted for the record. It will be introduced as S-11. Okay, we need to go back to Number 8. Number 8 was parts A and B, correct? And that was the Memorandum of Understanding and the transcript of the hearing? Were those the two?

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Appendix A

MR. SOMMER: So for 8, this can just be 8-C. This is just the minutes that really just indicate the hearing or A, B, and C.

THE COURT: A, B, and C.

MR. SOMMER: So 8-C, the minutes.

THE COURT: Thank you.

MS. ANGELSON: For Darrell Hampton?

MR. SOMMER: For Hampton, yes.

MS. ANGELSON: Okay. And, Your Honor, our objections apply to that 8-C, as well, obviously.

THE COURT: It will be noted for the record.

MR. DANIELS: And, Judge, I appreciate it. Zach Daniels [89] again on behalf of the State. I appreciate being excused for that period of time.

THE COURT: Yes.

MR. DANIELS: Are we on 9?

MR. SOMMER: No. On, like, 12.

THE COURT: 12.

MR. DANIELS: 12, excuse me. I'll mark for identification what I've marked as Exhibit State 12. I think we did

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Appendix A

provide Defense a copy of it. It is the Judgment of Dismissal in the Ryan Stinson case, just to make sure that is being offered as an exhibit. This was the exhibit that I said I did reserve, based on your arguments, the ability to enter my own exhibit. While it may be present, I would like it to be a State exhibit.

MS. ANGELSON: Your Honor, we believe this is part of the record that we offered.

THE COURT: We'll still let it be State 12, unless there's an objection to it.

MS. ANGELSON: No, Your Honor.

THE COURT: And it corresponds to which one for you?

MS. PARK: Your Honor, it should correspond to --

[90]MR. SOMMER: 8 and 9.

MR. DANIELS: Defense 8 and 9.

MS. PARK: Yes, specifically 8.

THE COURT: Thank you.

MR. DANIELS: Judge, the State would offer -- and I -- I would -- I can show Defense Counsel. This will be the minutes for Kevin Broadway's '97 conviction. It is a certified true copy. Judge, caption: 21st Judicial -District Court; Case: State of Louisiana versus Kevin Broadway.

It is a 1997 -- what ended up being a manslaughter conviction in 1999. A number of -- I'd offer, file, and introduce it, Judge. The basis of that is a number of statements that are contained in the Defense argument are made by Kevin Broadway through various parties. The period of his incarceration when many of those statements were made is based on this conviction. It is a certified true copy.

THE COURT: And what is the docket number?

MR. DANIELS: Excuse me, Judge. They have changed. Docket Number 98-Felony-013327.

THE COURT: Thank you.

MR. DANIELS: So that would be S--- or State 13.

[91]**THE COURT:** State's 13.

MS. ANGELSON: Same objection, Your Honor.

THE COURT: Objection will be noted for the record.

MR. DANIELS: Thank you.

MR. SOMMER: Judge, I believe that is all the exhibits from the State. So, as far as the extension of the record, I guess more or less sums it up pending kind of that discovery request. So I guess we need to address the language on the discovery order and then discuss briefing.

MS. ANGELSON: Yes, Your Honor. However, in light of the rulings of admissibility of a couple of the State's Exhibits, we did want to move for some more information, and I'm prepared argue that. First, Your Honor, we understand that Darrell Hampton gave a confession to now-Judge Foster when she was the prosecution in the presence of his counsel. We have never seen the substance of that statement. I'm happy to share with the State records that have led us to this conclusion. Judge -- now-Judge Foster testified to that fact on Page 229 of the Michael Weary post-conviction hearing transcripts. And we also have a record that is among the District Attorney file records offered from Mr. -- from -- from this prosecution, Bates 2120, that Mr. Hampton asked Kearny Foster [92] to talk to the District Attorney and that Mr. -- that Kearny Foster said that he would bring him to the office to do that. We aren't actually able to say for certain that these two things refer to the same instance. There may have been multiple meetings or multiple statements given to the District Attorney. In light of the fact that Mr. Hampton now offers direct evidence against Mr. Skinner and Your Honor intends to consider that evidence in these proceedings, we would ask for the disclosure of any other statements that Darrell Hampton has made to the District Attorneys Office, you know, and that we'd be able to consider admitting those.

MR. SOMMER: Could you give us the page number on that?

MS. ANGELSON: I'll give you the copies.

THE COURT: And, for the record, you said it was Bates 2120?

MS. PARK: Yes. DA's Michael Weary returns on public records, 2120.

THE COURT: And it -- has that been introduced as -- what?

MS. PARK: It's part of the record, Your Honor. It has been introduced as part of 5.

THE COURT: Defense 5?

[93]**MS. PARK:** Yes.

MS. ANGELSON: We'd have the Kearny Foster record and the transcript, obviously, as part of Michael Weary's --

THE COURT: And it's Defense 5, but its Bates 2120.

MS. ANGELSON: Yes.

THE COURT: Okay. And so you are going to ask for that and you have other items you're going to be asking for?

MS. ANGELSON: Yes, ma'am.

THE COURT: Do you need to put those on the record, or you just need several months to go through and decide what discovery you need?

MS. ANGELSON: No, Your Honor. We believe that this should be it. one moment, please.

THE COURT: Let the record reflect Defense Counsel are consulting.

MS. ANGELSON: Your Honor, the only other thing is that we are moving for the prison records of the codefendants, whom Your honor will be -- whose testimony Your Honor will be considering as part of these proceedings, and we believe that those [94] would be relevant as to their bias in offering testimony as they accept plea bargains for this crime. We believe they go directly to showing the conditions of confinement that these men were experiencing at the time that could have motivated them to enter into these plea agreements and offer information against Mr. Skinner. And so we -- we are moving for a Subpoena Duces Tecum of those records, both their institutional records and their medical records, Your Honor. We have motions drafted and we can offer them to the Court for consideration if Your Honor would care to review them rather than having to make a decision right away. We also can give them to the State. We did not intend to offer them if Your Honor did not admit the other -- this testimony, but, as Your Honor will be considering it, we would like to present the full picture of the circumstances under which these men have offered testimony against Mr. Skinner.

THE COURT: For the State?

MR. DANIELS: Judge, so now we're asking for a Subpoena Duces Tecum for which parties? I didn't hear the names of the people.

MS. ANGELSON: So it would be Mr. Reed, Mr. Weary, and Mr. Hampton for the period of time between Mr. the reversal of Mr. Weary's conviction and each of them entering into those agreements.

MR. DANIELS: [95]I think I can get a good -- good picture of it. In terms of Mr. Reed and Mr. Weary, the -- I believe the hearings were held in 2016 or 2017, so the information that Mr. Reed had come forward and provided has long been a part of that record and counsel, I think, was aware for a long period of time that Mr. Weary had entered a plea. I would say that we're -- we're in a fishing expedition situation, Judge. I would object to the Subpoena Duces Tecum as to those. In terms of Mr. Hampton, this was, you know, newly-disclosed. The deal, I think, was reached -- we came into court last week. The issuance of the Subpoena Duces Tecum for all prison housing records and all medical records -- I would note, neither of those party are present to assert any privacy interests in that. Specifically as to the medical records, I think they would have a significant privacy interest therein and I don't know that Mr. Skinner's interest in thumbing through every record that they have outweighs their privacy interests there, Judge. In terms of the initial disclosure of any and all statements of Mr. Hampton, I'd certainly review the citations provided in Court today and disclose anything that we do have or note for the record where it has been disclosed already in the Freedom of Information Act Response.

MS. ANGELSON: And, Your Honor, our issue is not with the timing of the disclosure but with the -- with the idea that Your Honor will consider this testimony [96]that was offered against Mr. Skinner on three different occasions. We would like to be able to present other information that we believe is important context for the offering of those pleas and we're asking for information that is limited up until the point at which that -- these -- for Mr. Reed. Obviously, he gave an earlier statement. His -- the conditions of his confinement at that time or whatever he may have been suffering in prison at that time would certainly be relevant to a motive to offer this information. And that is the reason.

MR. DANIELS: Kind of a counterexample, Judge, is if you recall from Mr. Skinner and Mr. Hampton's previous zoom appearances, at certain points, Mr. Skinner would even appear on Mr. Hampton's zoom being present sometimes in the same room. If I recall, at least on one occasion that occurred. The State, I guess, hypothetically -- would we then be entitled to subpoena all other related prison records to argue that opposite that Mr. Skinner was actively intimidating witnesses like Mr. Hampton to prevent them from coming forward? That's what I meant by a fishing expedition, Judge. It appears to be an endless -- endless pile of documents that the defense is now attempting to subpoena and, again, as to Mr. Weary and Mr. Reed, subpoenaing on the date of a hearing after a disposition has occurred some five years ago.

THE COURT: [97] That is going to be denied.

84a

Appendix A

MR. DANIELS: Thank you.

MS. ANGELSON: Note our objection.

THE COURT: Objection noted for the record. What else do we have to address at this time?

MS. PARK: The Court's indulgence, Your Honor. Just one moment, please.

THE COURT: Yes, ma'am.

MS. ANGELSON: Your Honor, I apologize. Could I clarify -- did the Court deny our request for Mr. Hampton's statements to the prosecutors?

THE COURT: Was that when you were just asking for their -- their records?

MS. ANGELSON: No, ma'am. I made two requests, which is certainly wrapped together, and I'm sorry about that. My request -- the first request was for statements by Mr. Hampton to the prosecutors. I think we offered records that suggested he had spoken to now-Judge Foster and -- potentially more than once and, according to her testimony, offered a confession. And so that is not a statement that we have ever seen or -- or that has been disclosed. Now, Mr. Hampton is going to be a witness whose -- whose confession against Mr. [98]Skinner will be considered in these proceedings and so we just ask that to the extent that they have that statement that they turn it over to us.

THE COURT: For the State, any argument?

MR. DANIELS: I defer to Counsel's knowledge as to the record of Mr. Hampton's statement. We do have the citations. I can check for it. And to clarify, the Memorandum of Understanding secured Mr. Hamptons testimony at the trial. He has not testified here in terms of inconsistency of statement.

MS. ANGELSON: Well, his testimony is being accepted by the Court in these proceedings for consideration of materiality. And so we -- if there are inconsistent statements that he has made to prosecutors in the past, we would ask that those be disclosed in light of the ongoing Brady obligation.

MR. DANIELS: And, Judge, again a similar position as the other requests. We are aware of our ongoing *Brady* obligation. I'll take this specific request, go back and see if we can find anything, and disclose anything.

THE COURT: And we'll review it at that point.

MS. ANGELSON: Thank you.

THE COURT: [99] Anything else?

MR. DANIELS: Nothing from the State.

MS. PARK: No, Your Honor.

THE COURT: So where do we go from here?

MS. PARK: Just briefly, I believe at our last status conference, we set a date of September 26th. Is that right?

MR. DANIELS: I believe it was discussed, Judge, multiple dates, one of which was September 26th as a transcript deadline.

THE COURT: And that was not to come to court, correct?

MR. DANIELS: That was my understanding.

THE COURT: Okay. Because I'm not -- we're circuit riders, and I'm not in this parish on that date.

MS. PARK: I think that were just going to have a phone -- conference, Your Honor, to see if whether or not the transcript was ready and, then, like he said, a brief being scheduled.

MR. DANIELS: I believe it was, Judge. If we could adopt that deadline as a deadline for the State to turn over requested *Brady* information. As there were no witnesses, I don't know that briefing needs to [100]wait on the transcript, unless council disagrees. Can I -- while they're talking, Judge, may I ask Court staff a question?

THE COURT: Certainly.

MR. DANIELS: And, Judge -- I appreciate that. Ms. Ray is the court reporter. She did assure us that any transcript, if it is requested, can be provided by September 27th, as well.

THE COURT: So was it September 26th, 27th, 28th? What --

MS. PARK: I thought it was September 26th, Your Honor, but it could be either date that's convenient for the Court.

COURT REPORTER: Can I just say -- request it as soon as possible, if you are going to request it.

THE COURT: Because she -- she's new. My former court reporter was one of only 41 percent who passed the Bar in December -- I mean, in February, and is now practicing. So she -- they kept -- all of a sudden when they found out she was leaving, everybody filed multiple requests for transcripts, so Ms. Ray has all of those transcripts that all of -- a sudden at the last moment the last week when she was leaving, people filed, so she has all those plus the ones that she's encountered so far this month. So please turn in any request as soon [101]as possible so she can put it in the stack to take care of.

MS. ANGELSON: We can do it right away.

THE COURT: The 26th -- I am in Tangipahoa Parish the 26th and 27th. The 28th, I am here doing arraignments, bond reductions, 313 hearings, traffic, everything else. So if you would want to do a telephone conference that day, it may be -- let the record reflect Counsel are conferring.

MR. DANIELS: And, Judge, I think the -- you said the 28th you are present in Livingston for arraignments?

THE COURT: Arraignments, bond reductions, 313s, 701s, traffic, the usual.

MR. DANIELS: Would the court entertain a 2:00 p.m. setting --

THE COURT: Yes.

MR. DANIELS: -- which should allow traffic to mostly resolve?

THE COURT: Yes.

MS. ANGELSON: And, Your -- Your Honor, we -- if a zoom appearance on that date is more convenient, I think that would be fine if Your Honor would like to handle a Livingston case while Your Honor is in [102]Livingston, we're happy to do it on that date.

THE COURT: All right. Because I can't tell you on the 26th exactly when I'll finish court. That is Tangipahoa Parish. Usually, when the assistants are present, they can say what they think the docket may look like. I can't tell you what it's going to be like in Amite on that day. So do you want to do 2:00 p.m.? And if you need to zoom in, we can do a zoom conference, if you prefer not to come in.

MS. ANGELSON: Yes. We'll finalize that, but that -- if that works for the Court, we can do that.

THE COURT: Certainly.

MR. DANIELS: And I would remind Defense, in our jurisdiction, if you do want Mr. Skinner present on Zoom, does have the Defense provide the transport order.

MS. ANGELSON: That's fine.

MS. PARK: Yeah.

THE COURT: And please do that early. The jails are asking for at least two weeks ahead of time. So the problem is we're getting people file something and by the time it gets filed with the Clerk's office, gets through all their scanning department, gets to us with us being circuit [103]riders in three parishes, it -- it's going to take at least that. So file that as soon as possible, please.

MS. PARK: Yes, Judge. So, Judge, we're back here on the 28th at 2:00 p.m. And, at that point, the State will turn over any additional *Brady* materials they have.

THE COURT: And that -- that is September, correct?

MS. PARK: September, yes, Your Honor.

THE COURT: September 28th.

MS. PARK: September 28th, yes. And I guess at that time, we can set a briefing schedule and move forward.

MR. DANIELS: That's fine with the State, Judge.

THE COURT: Do we need to do anything else today?

MS. PARK: No, Your Honor. Judge, when we do get the records tomorrow, do you just want us to bring them to chambers? Do you want us to bring them up to chambers, or how would you like for us to handle it?

THE COURT: Chambers.

MS. PARK: Chambers, okay. We'll do that.

[104]**THE COURT:** So we don't actually need to be -- I need to tell my court reporter. Do we actually need to be in court tomorrow or it's just papers?

MS. PARK: Just -- we'll just bring it to chambers, Your Honor, the copies.

MR. DANIELS: I'm fine with that, Judge.

MR. SOMMER: Yeah. It's stuff previously introduced. They're just --

MS. PARK: Yes.

MR. SOMMER: -- supplementing the record.

THE COURT: Thank you. There being nothing else to come before the Court, Court is adjourned. Thank you, counsel.

(END OF TRANSCRIPT.)

APPENDIX B — STATE'S EXHIBIT 258, LETTER OF RYAN STINSON, DATED MAY 1, 2000

[Images of the handwritten original follow]

5/1/2000 Ryan Stinson DOB 5/18/79 Pin-1011969 age: 20 ssn: xxx-xxxxx

To Hom it may conser

Cedrick, June, Mike-Mike, Charles, OG, Darel, Poc, and Eric Club

I am writing this statement in behalf of a named Eric Walwer from Albany who was suposed to have been murded in April of ninty eight. So I was told by one defendant Poc,.

Well let me tell you the story I was told by Poc or Pop see when the detatives brought him in they put him in E17 room with me. And we kicked it off perty good from the start when I asked him what he was in for he said murder saying it in the way of bragin but I left it at that see in jail you learn not to ask to many questions. What I am about to tell you I did not ask to know he was so busy bragin that he did not real lize he was telling on himself. So he started off by saing they got seven of us for a murder and trying to pin it all on me. But if nether one of us talks nether one of use will get the charge he said see if it was not for Eric Club talking we would not have got in this mess were in now, but boy when I get to the back I am going to send a hit out on him to get him killed thats when I relly got

Appendix B

if you do not then all you owe me is 50¢

Because I relly did not know what he was capable of but I soon found out then he started saying that dam white boy had it coming then I sliped in and said what do you mean by that trying not to many questions but trying to carry on conversation, he then began with the story he said I was riding with the white boy and keep trying to get to drive but he would not let me and that is what pissed me off so when I got him to go were my boy's were I leand over and jerked the car in park and killed it and hit the white boy then my boy's come out to the car and helped me drag him out and we beet him see we do not need weapons I fist or dedely wepons then we ran over him with the car and left we did not know if he was ded or not so we did not take no chances with the law roling up on use we broke camp we left the car in Albany and tried to wipe as many finger prints of as we could. At that point I did not know if he was trying to scare me or joust brag but if he was trying to scar me he was doing a dam good job.

Then he said see the white boy's dady is a police officer that is why the isue is getting pushed so hard. All day long for them three day's he was trying to talk to sCedrick in Room Three and tell him not to say a thang that you'll did not have nothing on him. The the detetives finley moved him and then I was finley releved.

s/ Ryan Stinson

$Appendix\,B$

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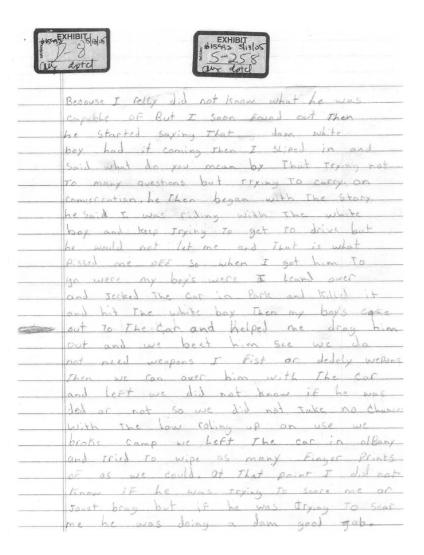
 $[\]ensuremath{^*}$ Personal identifying information has been redacted from the above image.

94a $Appendix\,B$

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$Appendix\,B$



96a $Appendix\,B$

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