

No. 25-6642

In the Supreme Court of the United States

—◆—
JIMMY SPENCER,
Petitioner,

v.

STATE OF ALABAMA,
Respondent.

—◆—
On Petition for Writ of Certiorari to the
Alabama Court of Criminal Appeals

BRIEF IN OPPOSITION

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CAPITAL CASE QUESTION PRESENTED

While on parole for two life sentences, Petitioner Jimmy Spencer committed three murders in Marshall County, Alabama. Because the murders made the news, Spencer asked the trial court for a change of venue, which the court denied. The Alabama Court of Criminal Appeals affirmed, reasoning that Spencer failed to show a Sixth Amendment violation because “there is nothing in the record to suggest that any of the jurors that actually served on the jury during Spencer’s trial had a belief before trial that Spencer was guilty, or that they could not set aside their opinions and decide the case based on the evidence presented at trial”; Spencer provided “no information” “regarding the characteristics of the community where the offenses occurred or how that related to the pretrial publicity of his case”; Spencer relied on a survey that included individuals who “were unable to serve on a jury”; “Spencer failed to make any argument concerning the timing of the media coverage of the case”; and “Spencer failed to provide documentary evidence of any of the media coverage surrounding his case or provide specific statements that were given in the media reports.” *See Spencer v. State*, No. CR-2022-1280, 2024 WL 5182403, at *19-20 (Ala. Crim. App. Dec. 20, 2024).

The question presented is whether the denial of a change of venue violated Spencer’s Sixth Amendment right to an impartial jury.

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STATEMENT OF THE CASE¹

1. Jimmy Spencer, a habitual offender, was granted parole on January 22, 2018, from two life sentences for convictions that included escape and burglary. (C. 268, 715-17; S. 1263-64). Six months later, he committed three murders in Gunterville, a small city in Marshall County, Alabama. *Spencer v. State*, No. CR-2022-1280, 2024 WL 5182403, at *1 (Ala. Crim. App. Dec. 20, 2024).

Spencer's first victim was Martha Dell Reliford, an elderly woman who had paid Spencer to run errands for her. *Id.* at *5. In early July, Spencer went to Reliford's house, and she invited him in. Spencer robbed her, hit her "in the head with the wide part of a hatchet three times," slit her throat, and left her body to decompose in her home. *Id.* at *3-5. Spencer made off with \$500-\$600. *Id.* at *5.

A couple of weeks later, Spencer had used up Reliford's money on drugs, rent, and food. So on July 12, he went to Reliford's neighbor across the street, Marie Kitchens Martin, whom Spencer had seen out in the yard. Spencer forced his way into Martin's home, where she was watching her seven-year-old great-grandson, Colton Ryan Lee. *Id.* After tying up Martin and Colton, Spencer strangled Martin with a cord, stabbed her in the neck, and slit her throat. *Id.* at *6. He then "made Colton go into the other bedroom," where "Spencer hit Colton twice with a hammer." *Id.* "Colton was still standing, so Spencer continued to hit him about five or six more times with

¹ Except where noted, facts presented in this brief are drawn from the decision on appeal by the Alabama Court of Criminal Appeals. *See Spencer v. State*, No. CR-2022-1280, 2024 WL 5182403 (Ala. Crim. App. Dec. 20, 2024). Citations are to the Westlaw pagination rather than the petitioner's appendix because the appendix is not separately numbered. For record citations, "C." refers to the clerk's record below, "R." to the reporter's transcript, and "S." to the supplemental record.

the claw end of the hammer until Colton eventually fell.” *Id.* Spencer then washed his hands, changed into a pair of jeans (“he had blood on his pants”), and took off with Martin’s purse in Martin’s car. *Id.* The purse contained \$13 and some credit cards. *Id.* at *5-6.

Family members discovered Martin’s and Colton’s bodies the next day. *Id.* at *1-2. When police arrived, they were told that the neighbor across the street—Reliford—normally kept watch over the neighborhood but that she had not been seen in ten days. *Id.* at *2. Police walked over to her house and “immediately smelled decomposition.” *Id.* They found Reliford’s body inside. *Id.*

That same day, an officer found Martin’s car parked at the Publix grocery store near Martin’s and Reliford’s neighborhood. Surveillance footage from a nearby Texaco gas station and from a liquor store showed Spencer in Martin’s car on July 12. *Id.* at *3. An officer who knew Spencer from a local homeless ministry identified him from the footage and found Spencer walking near the Texaco. *Id.* Spencer told the officer that he was headed to “get some clothes at Ms. Reliford’s house.” *Id.* at *4. Spencer then voluntarily rode with the officer to the police station.

Once at the station, Spencer signed a *Miranda* waiver and told an investigator that he had gotten the car from another man, who told Spencer he had robbed a house to get it. *Id.* Spencer was arrested for receiving stolen property. The next day, Spencer requested to speak to the investigator again, executed another *Miranda* waiver, and told the investigator he knew where Martin’s purse was. *Id.* When they visited the supposed location and did not find the purse, they returned to the police station,

where Spencer executed a third *Miranda* waiver and agreed to “just tell [them] what happened.” *Id.* at *4-5. Spencer gave an audio-recorded statement in which he admitted to killing Reliford, Martin, and Colton, and provided details of the crimes that matched evidence discovered at the crime scenes, video-surveillance footage, and the state of the houses when the crimes were discovered and investigated by law enforcement. *Id.* at *4-7. In the weeks that followed, Spencer volunteered three more Mirandized interviews in which he shared more details of the crime. *Id.* at *6-7. “During each of the interviews conducted by law enforcement, Spencer maintained his story and confession to the murders of Reliford, Martin, and Colton.” *Id.* at *7.

2. Spencer was charged with seven counts of capital murder.² On June 9, 2021, Spencer filed a pretrial motion for change of venue, contending that trying the case in Marshall County would violate his right to a fair trial by an impartial jury guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution. (C. 155-56.) He claimed that the media coverage in Marshall County and surrounding counties had described “the acts with which the defendant [was] charged,” and that the newspapers “included significant portions of documentary and hearsay evidence relative to the defendant,” which “severely prejudiced” him. (C. 155.) Spencer attached no documentary or other evidence to his motion.

² Each of the three murder charges were made capital because they were committed while Spencer was under a sentence of life imprisonment. *See* Ala. Code § 13A-5-40(a)(6). Martin’s and Reliford’s murders were made capital because they were committed during a robbery (or attempted robbery) in the first degree. *See* Ala. Code § 13A-5-40(a)(2). Colton’s murder was made capital because he was less than fourteen years old. *See* Ala. Code § 13A-5-40(a)(15). And Martin’s and Colton’s murders were further made capital because two or more persons were murdered pursuant to one act or one scheme or course of conduct. *See* Ala. Code § 13A-5-40(a)(10).

At a pretrial hearing on the motion, Spencer called Steve Raby as an expert witness in statistics. Raby testified that his company's statistical research showed that the extent of the media coverage involving Spencer's case was "in the upper 80 percentile." (S. 69.) He noted that his company considered statements made in this coverage, such as "this is a gruesome situation," and comments that had been made by the Attorney General, such as "[t]his is a career criminal" or "[s]ome of our investigators here say this is one of the worst cases they've seen in history." (*Id.*) Raby testified that in September 2021, his company performed a survey of 323 registered voters in Marshall County; of the people polled, "[o]ver 70 percent" had a "substantial recall of the events alleged in the indictment" against Spencer. (S. 71-72.) He also claimed that "73 percent" felt that Spencer was guilty of murder, "27 percent" were unsure, and 0 said that Spencer was "not guilty." (*Id.*) Spencer submitted no evidence other than Raby's survey and cover memo. On cross-examination, Raby admitted that his survey included eighteen-year-olds, who were ineligible to serve as jurors in Alabama. (S. 83.) The trial court ultimately denied Spencer's motion for change of venue on December 16, 2021. (C. 202.)

Jury selection began on October 17, 2022, and the jury pool was composed of 74 potential jurors. (C. 780; R. 164.) The veniremembers were given Spencer's nine-page proposed jury questionnaire, which included the question: "Have you formed an opinion about the Defendant?" (C. 191-200, 205). The court divided the jury pool into six panels of around twelve jurors each for voir dire. (S. 165.) Upon questioning by Spencer's counsel about whether the veniremembers had heard or seen something in

the news and formed an initial opinion about the case, the record reflects that approximately ten³ of the 74 potential jurors raised their hands. (S. 270-604.) During individual voir dire, most of them relinquished their initial impression and agreed that they could follow the instructions of the court to withhold judgment until after the evidence was heard. (S. 277-613.)

Nineteen potential jurors were then individually questioned, and eleven were challenged for cause—one by the State. (S. 297, 300, 345-47, 354, 419, 424, 486, 495, 499, 568.) The court granted the challenge as to eight and denied three. *Id.* Of the eight struck for cause, three potential jurors were struck because of their personal beliefs about the death penalty generally or their inability to render a verdict either way. (S. 345-47, 419, 498-99.) Therefore, only five of those veniremembers challenged and granted for cause arguably could not adequately presume innocence or otherwise prejudged the case. The upshot is that approximately 26% of the veniremembers were closely questioned in individual voir dire, and only 15% of the venire were challenged for cause (for any reason). And regardless, not one of the 19 potential jurors that were individually questioned made it onto the jury. (S. 623.)

³ Spencer claimed in his brief below and now again in his cert petition that “over twenty potential jurors indicated that ... the media exposure had led them to form an opinion about [] Mr. Spencer’s guilt.” Pet. 5, 13. The record does not support this “over twenty potential jurors” number, and the court below did not provide a specific number in its opinion. *See Spencer*, 2024 WL 5182403, at *19 (noting that “the record indicates that there were some potential jurors who indicated during voir dire that they had heard of the case before trial, and some of those potential jurors admitted that they had preconceived ideas of Spencer’s guilt”). Spencer gives only two specific examples from the record, Pet. 5-6, 13-14 (citing R. 269, 335), but no other. The State’s review of the record shows approximately *ten* veniremembers who raised their hands in response to voir dire questions about whether media coverage had instigated a preliminary opinion about Spencer’s guilt. (S. 270-604.) Nine were questioned for other reasons. And while the juror questionnaire included a question about forming an opinion about the defendant, the confidential answers to the questionnaire are not in the record. Spencer’s bald assertion of “over twenty potential jurors” appears to be a generous exaggeration.

At the end of trial, the jury found Spencer guilty of the seven capital murder charges and unanimously recommended a sentence of death, which the trial court imposed.

3. On direct appeal, the Alabama Court of Criminal Appeals affirmed the convictions and death sentence. *Spencer v. State*, No. CR-2022-1280, 2024 WL 5182403 (Ala. Crim. App. Dec. 20, 2024). In relevant part, the court held that the trial court did not abuse its discretion by denying Spencer’s motion for a change of venue. *Id.* at *20. Specifically, the court held that Spencer failed to show actual prejudice because, although some potential jurors indicated they had heard of Spencer’s case and had preconceived ideas of his guilt, nothing in the record suggested any juror that served had a belief that Spencer was guilty. *Id.* at *19. Nor did Spencer meet his burden to show presumed prejudice from media coverage because he provided no information about the community or how it related to the pretrial publicity, no documentary evidence of the media coverage, and only a single statistical poll that included respondents who were ineligible to serve on a jury. *Id.*

Spencer petitioned the Alabama Supreme Court for a writ of certiorari, which that court denied. *Ex parte Spencer*, No. SC-2024-0759 (Ala. Sept. 19, 2025).

REASONS FOR DENYING THE PETITION

The Court should deny the petition because Spencer’s petition simply asks this Court to engage in a fact-intensive, “totality of the circumstances” review of a decision that Spencer admits applied the correct standard. Even were that decision wrong, it would thus not meet this Court’s traditional criteria for granting certiorari. *See Sup.*

Ct. R. 10. But the decision below is correct, making this Court’s review all the more unnecessary. The Court should deny the petition.

I. There Is No Cert-Worthy Issue.

Spencer’s petition presents none of the traditional considerations governing certiorari. He alleges no conflict with other state or federal courts, no unsettled question of law, no important federal question at issue, and not even a wrong legal standard by the courts below. *See* Sup. Ct. R. 10. Instead, he asks this Court to conduct a fact-intensive review of the denial of his motion to change venue—to examine for itself “the totality of the circumstances, including the size and characteristics of the community, the content of any news stories, the time between the crime and the trial, the outcome of the trial, the exposure of the venire to pretrial publicity, and any other relevant factors.” Pet. 10. Such petitions alleging “the misapplication of a properly stated rule of law” are “rarely granted.” Sup. Ct. R. 10. Given that the decision below is correct (as explained next), this is not one of the rare cases. The Court should deny the petition.

II. The Decision Below Is Correct.

While Spencer’s petition boils down to a plea for error correction, there is no error to correct. The governing standard is clear, and the courts below applied it correctly. The Sixth Amendment provides: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed....” That right certainly “guarantees to the criminally accused a fair trial by a panel of impartial, indifferent jurors.” *Irvin v. Dowd*, 366 U.S. 717, 722 (1961) (punctuation omitted). But

“impartiality does not require *ignorance*.” *Skilling v. United States*, 561 U.S. 358, 381 (2010). “Jurors ... need not enter the box with empty heads in order to determine the facts impartially.” *Id.* at 398. Even in cases involving extensive pretrial publicity, a fair trial is possible if “jurors can lay aside their impressions or opinions and render a verdict based on the evidence presented in court.” *Id.* at 398-99 (brackets and citation omitted). The court below correctly held that under either theory of prejudice considered—actual or presumed—Spencer failed to carry his burden of demonstrating he was denied an impartial jury.

A. Spencer Cannot Show Actual Prejudice From Any Pretrial Publicity.

As he did in the court below, Spencer abandons any argument to this Court that his jurors were *actually* prejudiced and focuses only on the media coverage in Marshall County and surrounding areas. *See* Pet. *i* (noting “pretrial publicity” and Attorney General statements, court holding that “prejudice is not presumed,” and alleging conflict with only *Sheppard v. Maxwell*). The Court of Criminal Appeals noted that nothing in the record suggested that any juror who “actually served on the jury during Spencer’s trial had a belief before trial that Spencer was guilty, or that they could not set aside their opinions and decide the case based on the evidence at trial.”⁴ *Spencer*, 2024 WL 5182403, at *19. Spencer does not challenge that finding

⁴ The trial court heard Spencer’s motion to transfer venue (C. 155-56) at a pretrial hearing held on December 7, 2021. Spencer’s attorney asserted that he was arguing both presumed and actual prejudice. (S. 85.) But Spencer offered no evidence or even an allegation of actual prejudice at the hearing. (*See* S. 60-99.) The prosecution responded at the hearing that Spencer had not carried his burden to establish presumptive prejudice and that “actual prejudice applies only to jurors who are selected to serve on the case.” (S. 95.) Spencer’s counsel offered no response to the prosecution’s actual-prejudice argument or the suggestion that the issue be deferred until after voir dire. (S. 95-96.) The trial court denied the motion by order on December 16, 2021. (C. 202.) Spencer never made his actual-

and thus cannot show any actual prejudice from any of the pretrial publicity he complains of.

B. Spencer Cannot Show Presumptive Prejudice From Any Pretrial Publicity.

Spencer argues that the significant pretrial publicity about his case presumptively prejudiced him, and that the trial court's refusal to transfer venue from Marshall County conflicts with this Court's decisions in *Rideau v. Louisiana*, 373 U.S. 723 (1963), and *Sheppard v. Maxwell*, 384 U.S. 333 (1966). He is mistaken.

In *Rideau*, police filmed and then repeatedly broadcast on local television the defendant's interrogation and confession, without counsel, to charges of bank robbery, kidnapping, and murder. 373 U.S. at 724. The Court held that Rideau's motion to change venue should have been granted because, to the tens of thousands of people (of 150,000 in the parish) who saw the confession on television, that "in a very real sense was Rideau's trial," *id.* at 726, making the actual trial "in a community so pervasively exposed to such a spectacle ... but a hollow formality," *id.*, akin to "kangaroo court proceedings," *id.* at 726.

Three years later in *Sheppard*, this Court reversed a murder conviction on habeas review because news reporters covering the trial of Sam Sheppard, accused of bludgeoning his pregnant wife to death, had taken over "practically the entire courtroom," 384 U.S. at 355, turned jurors into "celebrities," *id.* at 353, and created a "carnival atmosphere at trial," *id.* at 358, instead of the "judicial serenity and calm to

prejudice claim again. The State in its brief on appeal to the Court of Criminal Appeals argued that Spencer waived his actual-prejudice argument (State's Br. 41), and Spencer did not object in his reply brief.

which (he) was entitled,” *id.* at 355 (quoting *Estes v. Texas*, 381 U.S. 532, 536 (1965)). The *Sheppard* Court concluded that the trial judge failed to “protect Sheppard from the inherently prejudicial publicity which saturated the community and to control disruptive influences in the courtroom.” *Id.* at 363.

Spencer’s case is no *Rideau* or *Sheppard*. Spencer makes no allegation that his trial was anything like the disruptive “carnival” atmosphere in those cases. Rather, his claim centers entirely upon unidentified, not-in-the-record news reports about his crimes and the effect they allegedly had on potential jurors in Marshall County before the trial. But juror exposure to news accounts is not enough. As this Court noted in *Skilling* in 2010, decisions like *Rideau* and *Sheppard* corrected a “conviction obtained in a trial atmosphere that [was] utterly corrupted by press coverage”; they “cannot be made to stand for the proposition that juror exposure to ... news accounts of the crime ... alone presumptively deprives the defendant of due process.” 561 U.S. at 380 (quoting *Murphy v. Florida*, 421 U.S. 794, 798-99 (1975)). Such a presumption of prejudice “attends only the extreme case.” *Id.* at 381. And while Spencer’s *crimes* were certainly extreme, Spencer did not show that the effect of the news at the time of his trial was anything but unremarkable.

A brief review of the *Skilling* factors, applied by the court below, confirms this. Under *Skilling*, a court considers, under the totality of the circumstances, whether a defendant seeking a venue change has demonstrated a presumption of prejudice by assessing (1) the size and characteristics of the community where the offenses occurred; (2) the content of the media coverage; (3) the timing of the media coverage in

relation to the trial; and (4) the media interference with the trial or its influence on the verdict. 561 U.S. at 380-85.

First, Spencer argues that Marshall County had approximately 99,423 residents in 2022, which he notes is “even smaller than the small rural community of 150,000 residents in *Rideau*.” Pet. 12. But as the Court of Criminal Appeals pointed out, Spencer offered no “characteristics of the community where the offenses occurred or how that related to the pretrial publicity of his case.” *Spencer*, 2024 WL 5182403, at *19. And while Spencer’s many confessions were recorded by police, they were not broadcast throughout the community on television like Rideau’s.

Second and *third*, despite Spencer’s repeated references to alleged “extensive pretrial publicity,” the appellate court noted that he “failed to provide documentary evidence of any of the media coverage surrounding his case or provide specific statements that were given in the media reports.” *Id.* As a result, Spencer can refer only to Steve Raby’s testimony at the pretrial hearing for evidence of alleged media coverage. *See* Pet. 3-5, 12; R. 68-75. Yet when the trial court asked Raby about the out-of-court comments he purported to quote or summarize, such as quotes attributed to the Attorney General, Raby admitted he didn’t “have it in front of [him],” but he “thought it was [a] television channel” that quoted the Attorney General. (R. 75.) Thus, Spencer offered only bare allegations—not one specific, documented newspaper article, internet article, podcast, or television or radio report—to demonstrate even a sampling of the content, nature, or timing of the media publicity or public commentary he now says was so pervasive that it violated his right to a fair trial.

Fourth, Spencer argues that Raby’s survey of 323 Marshall County residents in September 2021, conducted more than a year before jury selection and trial, showed 70% of those surveyed had substantial recall of the triple murder, 73% believed Spencer was guilty, and 0% believed he was not guilty. (C. 738-45.) And, Spencer asserts, the voir dire examination “corroborated Mr. Raby’s analysis” because some potential jurors indicated that the media coverage had caused them to form an opinion about Spencer’s guilt. Pet. 13.

But the context or totality of circumstances regarding the survey and the venire do not favor Spencer. As the court of appeals noted, and as the trial court heard in the pretrial hearing, Raby’s survey was flawed because it included 18-year-olds—even though Alabama law requires jurors to be 19 or older, Ala. Code § 12-16-60(a)(1) (C. 740; R. 83.) The trial court was within its discretion to discount the weight of this flawed survey.

As for the venire, rather than Spencer’s cherry-picked view of voir dire, the entire record of voir dire shows that most of the venire and his actual jury did not have preconceived views on the case. The record shows that a total of 74 potential jurors made up the venire, and they filled out the jury questionnaire proposed by Spencer. Initially, approximately ten of the potential jurors indicated a preliminary opinion of guilt in the panel voir dire. But during individual voir dire, most were rehabilitated and agreed to presume innocence and reserve judgment until all the

evidence was heard,⁵ leaving only *five* to be challenged and dismissed for cause for refusing to relinquish their apparent belief or feelings of Spencer’s guilt.

As in *Murphy v. Florida*, “[t]he voir dire in this case indicates no such hostility to petitioner by the jurors who served in his trial as to suggest a partiality that could not be laid aside.” 421 U.S. 794, 800 (1975). The *Murphy* Court contrasted the “deeply hostile” community in *Irvin*—where “90% of those examined on the point were inclined to believe in the accused’s guilt, and the court had excused for this cause 268 of the 430 veniremen”—with the venire in *Murphy*, in which “20 of the 78 persons questioned were excused because they indicated an opinion as to petitioner’s guilt.” *Id.* at 803. Ten (or even twenty) potential jurors out of 74 “by no means suggests a community with sentiment so poisoned against petitioner as to impeach the indifference of jurors who displayed no animus of their own.” *Id.* Similarly, the Court of Criminal Appeals held that, “[c]onsidering all of these factors, prejudice was not presumed in the instant case, and the trial court did not abuse its discretion by denying Spencer’s motion for a change of venue.” *Spencer*, 2024 WL 5182403, at *20.

Finally, the court of appeals comparatively illuminated a capital murder case from Mobile, Alabama, that deeply affected that community, but in which the defendant was not able to establish a change of venue was warranted on a claim of prejudicial pretrial publicity. In *Luong v. State*, 199 So. 3d 139 (Ala. 2014), *cert. denied*, 577

⁵ Spencer’s petition quotes only two potential jurors for expressing a preliminary opinion of Spencer’s guilt. Pet. 5-6, 13-14 (citing R. 269, 335). Both of these potential jurors were questioned further in individual voir dire, set aside their initial opinion, and agreed to follow the instructions of the court and keep the burden on the State to prove guilt. (R. 269-71, 293-96, 335, 337, 357-61.) Tellingly, Spencer did not challenge *either* potential juror for cause. (R. 300, 361-62.)

U.S. 1241 (2016), Lam Luong was convicted of killing his four young children by throwing them off a bridge, one by one, one hundred feet to the water below. The Alabama Supreme Court declined to find that the extensive media coverage of the case warranted a change of venue, stating:

“If, in this age of instant, mass communication, we were to automatically disqualify persons who have heard about an alleged crime from serving as a juror, the inevitable result would be that truly heinous or notorious acts will go unpunished. The law does not prohibit the informed citizen from participating in the affairs of justice. In prominent cases of national concern, we cannot allow widespread publicity concerning these matters to paralyze our system.”

Luong, 199 So. 3d at 150 (quoting *Calley v. Callaway*, 519 F.2d 184, 210 (5th Cir. 1975)); see also *Murphy*, 421 U.S. at 803 (“This may indeed be 20 [excused potential jurors] more than would occur in the trial of a totally obscure person, but it by no means suggests a community with sentiment so poisoned against petitioner as to impeach the indifference of jurors who displayed no animus of their own.”).

This Court has rejected the simplistic notion urged by Spencer that pretrial publicity equals prejudice. “[E]ven pervasive, adverse publicity [] does not inevitably lead to an unfair trial.” *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 554 (1975). The trial court below exercised its “wide discretion ... in conducting *voir dire* in the area of pretrial publicity and in other areas of inquiry that might tend to show juror bias.” *Mu’Min v. Virginia*, 500 U.S. 415, 427 (1991). What little bias may have been initially evident at the beginning of jury selection in Spencer’s case was properly questioned in *voir dire*, and, when necessary, sifted out so that a fair jury was struck.

In the end, the Alabama Court of Criminal Appeals correctly held that Spencer failed to meet his burden of demonstrating that his triple murder of Martha Reliford,

Marie Martin, and little Colton Lee spawned such a pervasive local media blitz that careful jury selection and individual voir dire could not parse out an impartial and constitutional jury of twelve Marshall County residents to consider the evidence against him and sentence him to death. There is no reason for this Court to review or disturb that judgment.

CONCLUSION

For these reasons, the Court should deny certiorari.

Respectfully submitted,

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