. 17
COURT OF CRIMINAL APPEALS NO. 94-1552
APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS
FROM DEC   9 1995
CIRCUIT COURT OF MOBILE COUNTY, ALABAMA CIRCUIT COURT NO. CC92-2313 thru 231 ALA COURT CRIMINAL APPEALS CIRCUIT JUDGE FERRILL D. McRAE
Type of Conviction / Order Appealed From: ATTEMPTED MURDER, ROBBERY, 1st, BURGLARY, 1s 92-2313Pen for 20 yrs., 92-2314 Pen for 20 yrs concurrent with 92-2313 & 2315.  Sentence Imposed: 92-2315 Pen for 20 yrs concurrent with 92-2313 and 2314  Defendant Indigent: YES XX NO
RODNEY KARL STANBERRY  NAME OF APPELLANT
Kenneth A. Nixon (334) 433-1806  (Appellan: Latte ne Control (Telephone No.)  P.O. Box 2301  (Address)  Mobile, Alabama 36652  (City) (State) (Zip Code)
V.
STATE OF ALABAMA  (State represented by Attorney General)  NOTE: If municipal appeal, indicate above, and enter name and address of municipal attorney below)
(For Court of Criminal Appeals Use Only)
may 24, 1996 - Experimed by Memorandum - Coht. J. all the Judge concur.
APPLICATION FOR REHEARING & RULE 39(k) MOTION
RULE 39(h) MOTION DENIED, APPLICATION FOR REHEARING OVERRULED. NO OPINION.  JUL 3 1996 ALL THE JUDGES CONCUR.

MAR 7 1997

TOHASHED AS IMPROVIDENTLY GROUP

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CASE ACTION SUMMARY CIRCUIT CRIMINAL CASE: CC 92 002313 00 JUDGE: FDM MOBILE COUNTY IN THE CIRCUIT COURT OF STANBERRY RODMEY KARL
227 S WILLIAMS AVENUE
3327 W. Turner Rd.
PEICHARDWhistler AL 36610-0000 VS. TATE OF ALABAMA UMSE: 00 92 002313 00 M HT: 506 WT: 150 HR: BLK EYE: BRU DOB: 04/27/69 RACE: B SEX: ALIAS NAMES: CODE1: AMUR LIT: MURDER-ATTEMPTEDTYPE: F CODE2: 0000 TYPE: O CODE3: 0000 TYPE: O AGENCY/OFFICER: CHARGE1: MURDER-ATTEMPTED CHARGE2: . CHARGE3: . MORE?: DATE ARRESTED. 04/30/92
DATE FILED: 06/22/92
DATE HEARING: //
SURETIES: FREEDOM-Private DATE WAR/CAP ISS: //DATE INDICTED: 05/22/72 DATE RELEASED: 05/08/92 BOND AMOUNT: \$25,000.00 DATE 2: 2-27,92 DESC: ARRG 1-2143TIME: 0000 DEF/ATY:DAVID BARNETT, RET Ken A Kon A Kon CTYPE:
PROBECUTOR: GALANGS, CHRIS N 6-14-93 10

DC CASE: 9202020700 CHK/TICKET ND: P92036515
COURT REPORTER SID NO: 000000000

DEFENDANT STATUS: BOND 10-594 6-14-93 10 4 93 11-29 93 3-7-94 10-594 1-17-95 Defendant waived reading of the indictment and ; plead not guilty and reserved the right to file special pleas within 20 days. ---TRIAL-DATE:--11-16-92-I OPEN\_FILE\_DISCOVERY. Defendant's attordey, David Barnett. in for Mr. Barnett. MOTION TO WITHDRAW FILED BY DEFENDANTS ATTORNEY DAVID BARNETT
SEPTEMBER 30, 1992 GRANTED -36-92 NOTICE OF APPEARANCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 1.i.a.C 1 MOTION TO SUPPRESS FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 MOTION TO PRODUCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 1 / 2 MOTION TO DISMISS INDICTMENT FILED BY DEFENDANTS ATTORNEY KEN NIXON

OCTOBER 15, 1992

CASE ACTION SUMMARY CONTINUATION

CASE: CC 92 002313 00 JUDGE ID: FDM

	JODGE ID: FDM
STATE OF	ALABAMA VS STANBERRY RODNEY KARL
JATE	ACTION: JUDGMENTS, CASE NOTES
ge, vaga gagan pagan yang sarah salah Milin balan balah disah	1 11-31-52 AN
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER ONE (1) FILED BY DEFENDANTS
	ATTORNEY KEN NIXON OCTOBER 15, 1992
	1 10-35-92 PN
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER TWO (2) FILED BY DEFENDANTS
	ATTORNEY KEN NIXON OCTOBER 15, 1992
	1 10-30-92 AN
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER THREE (3) FILED BY DEFENDANTS
	ATTORNEY KEN NIXON OCTOBER 15, 1992
10-30-92	: All pending motions continued. Reset 11-13-92.
	1
11-12-92	MOTION FOR CONTINUANCE FILED BY STATE NOVEMBER 12, 1992
11-13-92	Motion for Continuance filed by the State-GRANTED OVER THE OBJECTION OF THE ATTORNEY FOR THE DEFENDANT.
	- Defendant's attorney given open file discovery.
n d mil i san bade make with title their delet title own	Defendant's attorney, Ken Nixon in coutt 1
	Defendant's Motion to Dismiss-DENIED.
	MOTION FOR DISCOVERY FILED BY STATE DECEMBER 9, 1992
	1-8-93 AN
	DEFENDANTS OBJECTION TO PLAINTIFFS MOTOIN FOR DISCOVERY FILED BY
	DEFENDANTS ATTORNEY KEN NIXON DECEMBER 14, 1992
L-8-93	Defendant's objection to Plaintiff's Motion for Discovery filed by defendant's attorney-GRANTED AS TO ANY TAKE RECORDINGS AND
	TRANSCRIPT OF ANY TAPE RECORDINGS OF ANY WITHEFAES.
************	Defendant's attorney, Ken Nixon in court.
~	
,	1 4-9-93 Ad
** * ** *** *** *** *** *** *** ***	MOTION TO CONSOLIDATE OFFENSES FILED BY THE STATE APRIL 1, 1993
The transfer of the state of th	1 4.9.03 PN
	MOTION TO CONTINUE FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993
	1 4-9-93 AN
	MOTION TO DISMISS FOR FAILURE TO COMPLY WITH DISCOVERY ORDER FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7,1993
	BI THE DEFENDANTS ATTORNED AND STATES

Date	Page No3	ACTIONS (Continued)	F⊅ M Case Number
			CC-92-2313
		BERRY, RODNEY KARL	ID YR NUMBER
4-9-93	Defendant's m	notion to Continue-GRANTED.	
	State's Motic	on to Consolidate Offenses-GI	RANTED BY CONSENT.
	Defendant's N	Notion to Dismiss for Failure	to Comply With
	Discovery Order-	CONTINUED until 4-16-93. ttorney, Kenneth Nixon in co	wrt UN
	Derendant's a	ittorney, kenneth kikon in oc	40'
4-16-93	Case reset at the	e request of the defendant's attor	ney Ken Nixon.
	Case reset 4-23	-93.	
4 02 02	Validan ta Dia	Con Tables to comple	
4-23-93		miss for Failure to comply E OPEN FILE DISCOVERY WAS GI	
		COVERY DOES NOT MEAN ANY PER	
		VE MADE IN TALKING TO SOME O	
	IS ALWAYS DIS	COVERABLE REGARDLESS OF THE	SOURCE IN ANTICIPATION OF
		IT INCLUDES ANY BRADY MATERI	
	Defendant's a	ttorney, Kenneth Nixon in co	ourt. All
			//00/
5/5/93	Alabama Crime	Victims Compensation Commiss	ion awarded compensation
)	Street, Pricha	of \$2,643.00 to Valerie Finlerd, AL 36610. See letter in	ey (Victim) 1708 Hanes file.
6-9-93	Case continued by	agreement of both parties.	
	Case taken out of		
	RESET GENERALLY. (	AS PER SHERI)	
9-21-93		or Delay - Granted - Case taken or	ut of call for October
	4, 1993 - reset		
	NOTION TOD PROFEST	THE OPPUR TITLED BY THE STATE ON O	TEORED 15 1002
	16-29.55	IVE ORDER FILED BY THE STATE ON OC	
·	OCTOBER 15, 1993	-TRIAL MOTIONS BEFORE THE DAY OF	TRIAL FILED BY THE STATE ON
	MOTION IN LIMINE F	ILED BY THE STATE ON OCTOBER 15,	1993
į			
<del></del>	<del></del> -		

ate	Page No.	ACTIONS (Continued)	Case Number
		MERDRY BODNEY VARI	cc 2 2313
	ST. VS. STA	NBERRY RODNEY KARL	ID YR NUMBER
-29-93	Motion for	Protective Order filed by	the State, Motion to Hear
	Pre-trial motio	ns before the date of tria.	l filed by the State and
		e filed by the State contin	nued at the request of the
Ì	State. Reset 11-5	33 WYV	
	Reset Li-3	<del>-93. []</del>	
., .,	wation for	Protective Order filed by	the State, Motion to Rear
11- <u>5-93</u>	Dro-trial moti	ons before the date of tria	al filed by the State and
	Motion in Limi	ne filed by the State Konti	inued at the request of the
	Defendant's at	torney until 11-12-93.	
	DCTCIIGAILU -	1	
BARDARA	M. AUSBORN		
COURT OF			
11-12-9		or Protective Order filed	by the State-DENIED.
	Motion t	to Hear Pre-trial Motions B	efore the Date of Trail filed
	by the State-N	100T.	CDANMED AS STATED IN THE
		in Limine filed by the Stat	e-GRANTED AS STATED IN THE
	RECORD.	thomas Ken Niyon in	Adurt and with the consent
·	Derendar	ant, waives his presence.	All
	or the derend	idit, waives iiis presentet	4 11 1
			TV
		5 77 S 20 1003	hy agraement
1-19-93		it of call for November 29, 1993	by agreement.
B.gorda	l .		
		1 /n-fandantle attorney i	in trial before Judge Johnston
3-7-94	Case contin	ued (Derendant's detection	11/4
	Reset gener	ally. attorney, Ken Nixon in co	urt. 1/1/
	Defendants	attorney/ Non-	XVI
05/31	194 RA	set generally at the reques	st of Defendant's attorney.
03/31	1		
	At the reques	st of Assistant D. A., Buzz Jorda	an. case taken out of
10-3-94	call for Octo	ober 5, 1994.	-
	Reset for Jan	nuary 17, 1995	
			<del></del>

Date	Page No. 5 ACTIONS (Continued)	Case Number
		CC92-2313-FDMCR
	STATE OF ALABAMA VS STANBERRY RODN	EY KARL
01/1 <u>0/95</u>	On motion of the State, and over Defendant, the Court reconsiders its p	rior order and directs
	the attorney for the Defendant to Attorney with copies of the audio and of Defense witness, Terrell Moore.	video taped statements
	Defendant's attorney, KENNETH NIX	
01/11/95	Continue trial date at the request to a major witness having critical illustrations	t of the State due ness in family.
	Reset generally.  Defendant's attorney, KENNETH NIX	
BARBAR	W, AUSBORN FORTER	
DWAR:	7/3/9/	
4-3-95	Jury selected for trial of case. At 4:50 P. until April 4, 1995 at 9:15 A. M.	
	Defendant's attorney, Kenneth Nixon, in cour	-
4-4-95	At 4:10 P. M. case ordered recessed until Appelendant's attorney, Kenneth Nixon, in cour	ril 5, 1995 at 9:15 A. M.
4-5-95	At 4:30 P. M. case ordered recessed until Ap	ril 6, 1995 at
	9:15 A. M. Defendant's attorney, Kenneth Nixon, in cour	t
· 4-6-95	At 4:30 P. M. case ordered recessed until Ap	ril 7, 1995 at
	9:00 A. M.  Defendant's attorney, Kenneth Nixon, in cour	
4-7-95	Jury and verdict of guilty of ATTEMPTED MURDE	R.
ord sent	Pre-Sentence Investigation ordered made on t	ne defendant.
<del> ,</del>	Defendant & attorney, Renneth Allows,	
···		

Date '	Page No	ACTIONS (Continued)	Case Number			
			CC92-2313 - MCRAE			
	STATE OF ALABAMA	VS. STANBERRY, RODNEY ARL	ID YR NUMBER			
4/7/95	Defendant made b	oond (\$25,000.00-Private).				
4/26/95	pre-sentencing	4, 1995, for sentencing - investigation report not be s attorney notified.	- due to the ing available.			
.						
5/04/95	presentence inve	11, 1995, due to the the Co estigation report late. s attorney, KENNETH NIXON				
	- IS U.S. W.M.	s accorney, Riminaria Namon	T court.			
SANDAN SOURT BILL	ATER	Λ				
5/11/95	It is order	red by the Court that the D guilty of ATTEMPTED MURDE	R.for which he was			
West	indicted, and is	s now sentenced by the Court entiary for the term of 20	to imprisonment in YEARS.			
	Defendant to	to be given credit for// in jail.	o days			
,	Defendant gave oral notice of appeal. Appeal Bond set at					
	Execution of sentence not suspended pending appeal.  Defendant's attorney, KENNETH A. NIXON, in Court.					
		- JU				
<del>.</del> 5/11/95	Appeal Bond made in the amount of \$20,000.00 and signed by Steve					
	Roberts Bail Bo	nds				
5/11/	95 Execution of s	entence suspended pending a	ppeal			
		APPEALED				
M20 J30	NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS BY THE TRIAL COURT CLERK, MAILED MAY 22nd, 1995					
<u>J06</u> 56.	(123/95 AN					
	Motion for new to	rial filed by defendant's a	ttorney, Kenneth Nixon,			
	June 9th, 1995					
ł						

State vs.Rodney Karl Stanberry

	Date	Page No7	ACTIONS (Continued)	Case Number
				CC92-2313
	6 /7 0 /05	G C G . i . i	1 Appendix matrices	
	6/13/95	Court of Crimina	1 Appeals notified motion	ior new triar irred
	6/23/99	Motion for new t	rial specially continued by	y agreement of both parties
		until Iuly 28th	1995. rney, Kenneth A. Nixon in a	/ // U
				1
		continued until	al Appeals notified motion July 28th, 1995	for new trial specially
<i>~</i> 3	YULUNDAR D. M URT REPORTER	ARSHALL 196	101	
	- Office	1128/41		The state of the s
)7/	28/95	Motion for	New Trial filed by Defenda	int's attorney on
		June 9, 1995 - I Defendant's	s attorney, KENNETH A. NIXO	N, in Court.
	<u> </u>		A STATE OF THE STA	Av.
	0.40.405	Company of Containing	nal Appeals notified - moti	on for now trial denied
	8/2/95	Court or crimin	iai Appeais Nocilled - moci	CH LOLLICW LLICIL GOLDEN
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	•	And the second s		
		11		
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		14.74		

TREDOMNATION CENTER . HUABAMA SUDICIAL CASE ACTION SUMMARY
CIRCUIT CRIMINAL CASE:CC 92 002314 00
MOBILE COUNTY JUDGE: FDM IN THE CIRCUIT COURT OF STANBERRY RODNEY KARL 227 S WILLIAMS AVENUE ٧s AMAGALA, 30 STA 1ASE, CC 92 002314 00 AL 36610-0000 PRICHARD M HT: 506 WT: 150 HR: BLK EYE: BRO 00B: 04/27/69 RACE: B SEX: 95N 131629874 ALIAS NAMES: CODE1: ROB1 LIT ROBBERY 1ST DEGRTYPE: F CHARGE1: ROBBERY 1ST DEGREE CHARGE2: CHARGE3: TYPE O CODE3: 0000 AGENCY/OFFICER: MORE?: DATE ARRESTED: 04/30/92 DATE FILED: 06/22/92 DATE HEARING: /// SURETIES: FREEDOM DATE WAR/CAP ISS: 06/22/92
DATE INDICTED: 06/22/92
DATE RELEASED: 05/08/92
BOND AMOUNT: \$25,000.00 ARRG TIME: 000 TRAL 1.27-93 TIME: 000 0000 0000 DATE 1: 1.37.93 DESC DATE 2: MELY TA TO RET KEN NIKON APROSECUTOR: GALANOS, CHRIS N 6-14-93 104 93 11-29-93 5-31-94 DC CASE: 9202020800 CHK/TICKET NB: 9720304515
CBURT REPORTER SID NB: 000000000
DEFENDANT STATUS: BUND 10-5

DATE ACTIONS, JUDGMENTS, CASE NOTES
HS: 92-2313 TH 2315 10-544 1-17-95 Defendant waived reading of the indictment and ; plead not guilty and reserved the right to file special pleas within 20 days. Comp. TRIAL DATE: 11-16-92 OPEN FILE DISCOVERY. Defendant's attorney, David Barnett.
in for Mr. Barnett. Gary Porter stood MOTION TO WITHDRAW FILED BY DEFENDANTS ATTORNEY DAVID BARNETT SEPTEMBER 30, 1992 GRANTED X 10-30-90 10 NOTICE OF APPEARANCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 1 m C 10-15-92 ; MOTION TO SUPPRESS FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 10-15-92 : MOTION TO PRODUCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992

10.30.00 HIV

10-15-92 : MOTION DISMISS INDICTMENT FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992

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CASE ACTION SUMMARY

CARE: CO 92 002314 (0 JUDGE ID: FDM

	WOUSE ID. 1 WI
STATE OF	ALADAMA VS STANBERRY RODNEY KARL
JATE	ACTION, JUDGMENTE, CASE NOTES
an in a color particle grade name offer their distriction of	100000000000000000000000000000000000000
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER ONE (1) FILED BY DEFENDANTS
:	ATTORNEY KEN NIXON OCTOBER 15, 1992
one to a specific that was seen some state and district the state of t	10-70-70-70-
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER TWO (2) FILED BY DEFENDANTS
A common and common com	ATTORNEY KEN NIXON OCTOBER 15, 1992
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER THREE (3) FILED BY DEFENDANTS
]	ATTORNEY KEN NIXON OCTOBER 15, 1992
The second secon	
10-30-92	All pending motions continued. Reset 11-13-92.
11-12-92	MOTION FOR CONTINUANCE FILED BY STATE NOVEMBER 12, 1992
11-13-92	Motion for Continuance filed by the State-GRANTED OVER
To the time the second special part and the second	THE OBJECTION OF THE ATTORNEY FOR THE DEFENDANT.
	Defendant's attorney given open file discovery.
unga di tang tangga tangga dangga dagga	Defendant's attorney, Ken Nixon in court Defendant's Motion to Dismiss-DENIED.
	1
the second secon	MOTION FOR DISCOVERY FILED BY STATE DECEMBER 9, 1992
The state of the s	
	1-8-53 AN
	DEFENDANTS OBJECTION TO PLAINTIFFS MOTION FOR DISCOVERY FILED BY DEFENDANTS ATTORNEY KEN NIXON DECEMBER 14, 1992
1-8-93	Defendant's objection to Plaintiff's Motion for Discovery filed
:	by defendant's attorney-GRANTED AS TO ANY TAPE RECORDINGS AND TRANSCRIPT OF ANY TAPE RECORDINGS OF ANY WITNESSES.
]	Defendant's attorney, Ken Nixon in court.
	The second secon
	1 20.03 AN
The state of the s	MOTION TO CONSOLIDATE OFFENSES FILED BY THE STATE APRIL 1, 1993
The state and supplying any arts after the state of the s	
	4-9-93 111
The state of the s	MOTION TO CONTINUE FILED BY THE DEFENDANTS ATTORNEY KEN NIXON
The state of the state and and an artist and are state and are are an are	APRIL 7, 1993
	1 4-9-93 AN
para mila para mana para mila tana mana taha taha taha taha taha taha taha t	MOTION TO DISMISS FOR FAILURE TO COMPLY WITH DISCOVERY ORDER FILED
The state and have seen and seen the same seen that	BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993
The transporting and the transporting the transporting date.	1 1
	· 大學

Date	Page No. 3	ACTIONS (Continued)	Case Number
	WW. 134 WEAT		CC-92-2314
		RRY RODNEY KARL	ID YR NUMBER
1-9-93	Defendant's n	notion to Continue-GRANTED.	TANKED DV CONCENT
	State's Motio	on to Consolidate Offenses-GR	+o Comply with
	Defendant's N	Notion to Dismiss for Failure CONTINUED until 4-16-93.	1/1/
	Dofondant's	attorney, Kenneth Nixon in co	ourt. ///
	De Endant J		1.
4-16-93	Case reset at t	he request of the defendant's atto	orney Ken Nixon.
	Case reset 4-23	3-93.	
	Case Ieser 4 25	736	
4-23-93	Motion to Di	smiss for Failure to comply	with discovery order-
	DENIED BECAU	SE OPEN FILE DISCOVERY WAS GISCOVERY DOES NOT MEAN ANY PER	VEN IN THIS CASE. HOWEVER
	OPEN FILE DI	AVE MADE IN TALKING TO SOME C	CLIENT'S AND BRADY MATERIAL
	TS ALWAYS DT.	SCOVERABLE REGARDLESS OF THE	SOURCE IN ANTICIPATION OF
	TRIAL UNLESS	IT INCLUDES ANY BRADY MATERI	[AL. //
	Defendant's	attorney, Kenneth Nixon in co	ourt.///
			11.6
6~9~93	Case continued by	y agreement of both parties.	•
	Case taken out of	pall for 6-14-93	
	RESET GENERALLY.	(AS PER SHERI)	
9-21-93	Joint Request	for Delay - GRANTED - Case taken	out of call for
	October 4, 19	93 - Reset generally.	
		93 PN	
	MOTION FOR P	ROTECTIVE ORDER FILED BY THE STATE	ON OCTOBER 15, 1993
	10 - 50-	AR PRE-TRIAL MOTIONS BEFORE THE DAY	
	MOTION TO HE ON OCTOBER 1		TE OF IRITIO 12222 22 2-12 2-12
	great	3, 1332	
	MOTION IN LI	MINE FILED BY THE STATE ON OCTOBER	15, 1993
10-29-9	3 Motion fo	r Protective Order filed by t	the State, Motion to Hear
		ons before the date of trial	
		ne filed by the State continu	<u>ied at the request of the</u>
	State. Reset 11-	5-03	
		7	

Date	Page No. 25 4 ACTIONS (Continued)	Case Number
	ST. VS. STANBERRY RODNEY KARL	CC 92 23/4 ID YR NUMBER
11-5-93		
	Pre-trial motions before the date of that Motion in Limine filed by the State continu	ed at the request of th
	Defendant's attorney until 11-12-93.	
	Defendant's accorney and	
COURT N	CAN A	,
DATE	14,525,3	the State-DENIED
11-12-9	Motion for Protective Order filed by Motion to Hear Pre-trial Motions Bef	ore the Date of Trail
	har the State-MOOT	
	Motion in Limine filed by the State-	GRANTED AS STATED IN T.
	DECORD A	
	Defendant's attorney, Ken Nixon in	ourt and with the cons
	of the defendant, waives his presence.	N
	10	
		<u> </u>
11-19-93	Case taken out of call for November 219, 1993 by	agreement
3-7-94		n trial, before Judge
	Johnstone).	1/1/
	Reset generally.	<u> </u>
	Defendant's attorney, Ken Nixon, in co	urt.
	HAMANA JOS	7
		1
_ <del>05/31/</del>	94 Reset generally at the request of	of Defendant's attorney
_ <del>05/31/</del>	94 Reset generally at the request o	of Defendant's attorney
-05/31/	94 Reset generally at the request of	of Defendant's attorney
_05/31/ 		
05/31/ k0-3-94	At the request of Assistant D. A., Buzz Jordan, o	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, o	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	
	At the request of Assistant D. A., Buzz Jordan, of for October 5, 1994.	

Date	Page No. 5 ACTIONS (Continued)	Case Number
		CC92-2314-FDMCR
	STATE OF ALABAMA VS STANBERRY RODNI	EY KARL
0/95	On motion of the State, and over Defendant, the Court reconsiders its pound the attorney for the Defendant to	rior order and directs provide the District
	Attorney with copies of the audio and of Defense witness, Terrell Moore.  Defendant's attorney, KENNETH NIXO	
1/95	Continue trial date at the request a major witness having critical illness Reset generally.	s in family.
	Defendant's attorney, KENNETH NIXO	ON, In Court.
	2/3/95	
E3/751		
4-3-95	Jury selected for trial of case. At 4:50 P. recessed until April 4, 1995 at 9:15 A. M. Defendant's attorney, Kenneth Nixon, in court.	
4-4-95	At 4:10 P. M. case ordered recessed until Apri  Defendant's attorney, Kenneth Nixon, in court.	1 5, 1995 at 9:15 A. M.
4-5-95	At 4:30 P. M. case ordered recessed until Apri	1 6, 1995 at
	9:15 A. M.  Defendant's attorney, Kenneth Nixon, in court.	
4-6-95	At 4:30 P. M. case ordered recessed until Apri	1 7, 1995 at
	9:00 A. M. Defendant's attorney, Kenneth Nixon, in court.	
4-7-95	Jury and verdict of guilty of ROBBERY, FIRST I	DEGREE.
erdand	Pre-Sentence Investigation ordered made on the Case reset for April 27, 1995 for sentencing. Defendant's attorney, Kenneth Nixon, in court.	

Date	Page No	ACTIONS (Continued)	Case Number
	STATE OF ALABAMA	VS. STANBERRY, RODNEY KARL	CC 92-2314 FDM ID YR NUMBER
4/7/95	Defendant made	bond (\$25000.00-Private).	
26/95	nre-sentencing i	4, 1995, for sentencing investigation report not be s attorney notified.	- due to the ing available.
04/95	Reset May 1	11, 1995, due to the the Co	urt receiving the
		estigation report late. s attorney, KENNETH NIXON,	
50000	W. AUSBORN	Х	
11/95	11/1/3°	red by the Court that the D	efendant be and is
Mit	hereby adjudged	guilty of ROBBERY IN THE	ed by the Court to
110000	imprisonment in	the State Penitentiary in	2313 AND CC92-2315.
-	Defendant t	to be given credit for	no days
	Defendant o	gave oral notice of appeal. endant is to make a new Bon	d)
•	Evecution	of sentence not suspended p s attorney, <b>KENNATH A. NIXO</b>	ending appeal.
•			
5/11/9	Appeal bond made Roberts Bail Bon	in the amount of \$20,000.0	00 and signed by Steve
5/11/	95 Execution of se	ntence suspended pending ap	ppeal
•		APPEALED	
M20 J30 J06	NOTICE OF APPEAL T COURT CLERK MAI	O THE ALABAMA COURT OF CRIN	MINAL APPEALS BY THE TRIA
56	6/23/95	An	
	Motion for new tr June 9th, 1995	ial filed by defendant's at	ttorney, Kenneth Nixon,
_	1		

14

State vs. Rodney Karl Stanberry

Date	Page No7	ACTIONS (Continued)	Case Number
			CC92-2314
6/13/9	5 Court of Crimina	1 Appeals notified motion	for new trial filed
6/23/9	Motion for new to	rial specially continued b	by agreement of both part
	until July 28th, Defendant's atto	rney, Kenneth A. Nixon, in	court III
-			7 1
6/28/9	5 Court of Crimina	1 Appeals notified motion	for new trial specially
	continued until .	July 28th, 1995	
YULUNDARD	MARSHALL FILMS		
URT REPORTE			
28/95	Motion for	New Trial filed by Defend	ant's attorney on
	Tune 9 1995 - F		
	Defendant's	accorney, Amandan A. Man.	<u> </u>
<u>.</u>			
	-		
	<u> </u>		

ALLEAMA LUDICIAL INFORMATION SENTER 25 CASE ACTION SUMMARY CIRCUIT CRIMINAL CASE: CC 92 002315 00 IN THE CIRCUIT COURT OF MOBILE JUDGE: FDM VS STAMBERRY RODNEY KARL ATE OF ALABAMA 3327 W. Turner Rd.

TRICHARDUK; + 1 < AL 36610-0000

506 WT: 150 HR: BLK EYE: BRB CASE OC 72 002315 00 DOB: 04/27/69 RACE: B SEX: 85N:131629874 ALIAS NAMES: M HT: CODE1: BUR1 LIT:BURGLARY 1ST CODE2: 0000 CODE3: 0000 TYPE: F TYPE: D TYPE: D CHARGE1: BURGLARY 18T CHARGES: . MORE?: AGENCY/OFFICER: DATE ARRESTED: 04/30/92
DATE FILED: 06/22/92
DATE HEARING: FREEDOR Private DATE WAR/CAP ISS: 06/22/92
DATE INDICTED: 06/22/92
DATE RELEASED: 05/08/92
BOND AMOUNT: \$85.0 \$25,000,00 ARRG TRAL |-2743 TIME: 0000 4-12 93 PROSECUTOR GALANUS, RET Ken Rixon TYPE: 6-14-93 10/4/93 11-29-93 DC CASE: 9202020900 CH COURT REPORTER DEFENDANT STATUS: BOND CHK/TICKET NO: P720306515 SID NO: 000000000 10-594 DATE ACTIONS, JUDGMENTS, CASE NOTES 7-27-92 Defendant waived reading of the indictment and plead not guilty and reserved the right to file special pleas within 20 days. -----TRIAL DATE:---11-16-92 OPEN FILE DISCOVERY. Defendant's attorney, David Barnett. Gary Porter stood or Mr. Barnett. in for Mr. Barnett. MOTION TO WITHDRAW FILED BY DEFENDANTS ATTORNEY DAVID BARNETT SEPTEMBER 30, 1992 GRANTED 10-30-50 11N NOTICE OF APPEARANCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 Sucal 10-15-92 ; MOTION TO SUPPRESS FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 10-15-92 MOTION TO PRODUCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992 1 0.50.93 MA MOTION DISMISS INDICTMENT FILED BY DEFENDANTS ATTORNEY KEN NIXON

OCTOBER 15, 1992

ALABAMA OUPICIAL INFORMATION CENTER //

CASE ACTION SUMMARY CONTINUATION

CASE CC 92 002315 00 JUDGE ID: FDM

	Odder 10. Phi
STATE OF	ALABAMA VS STANBERRY RODNEY KARL
DATE	ACTION, JUDGMENTS, CASE NOTES
which was to see you will be seen and the se	1 .1. 40. 93 191
10-15-92	DEFENDANTS SPECIFIC BRADY MATION NUMBER ONE (1) FILED BY DEFENDANTS
	ATTORNEY KEN NIXON OCTOBER 15, 1992
	1 11-30-92 1211
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER TWO (2) FILED BY DEFENDANTS
	ATTORNEY-KEN-NIXON-OGTOBER 15,-1992
	1030-62 121
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER THREE (3) FILED BY DEFENDANTS
	ATTORNEY KEN NIXON OCTOBER 15, 1992
10-30-92	All pending motions continued. Reset 11-13-92.
	1/10 Tel Call Call Call Call Call Call Call Ca
11-12-92	MOTION FOR CONTINUANCE FILED BY STATE NOVEMBER 12, 1992
	10. May 100 100 100 100 100 100 100 100 100 10
11-13-92	Motion for Continuance filed by the State-GRANTED OVER
	THE OBJECTION OF THE ATTORNEY FOR THE DEFENDANT.
	Defendant's attorney given open file dispovery.
	Defendant's attorney, Ken Nixon in courf
	Defendant's Motion to Dismiss-DENIED.
mayor began belgar gagan status digaga status dibini Grafi (Gall) gira	1
	MOTION FOR DISCOVERY FILED BY STATE DECEMBER 9, 1992
again angle army to an own some some from their train but	1 1-8-93 AN
	DEFENDANTS OBJECTION TO PLAINTIFFS MOTION FOR DISCOVERY FILED BY
	DEFENDANTS ATTORNEY KEN NIXON DECEMBER 14, 1992
1-8-93	Defendant's objection to Plaintiff's Motion for Discovery filed
	by defendant's attorney-GRANTED AS TO ANY TAPE RECORDINGS AND TRANSCRIPT-OF-ANY-TAPE-RECORDINGS-OF-ANY-WINESSES.
	Defendant's attorney. Ken Nixon in court.
,	/10 4
	1 4-9-93 AN
	MOTION TO CONSOLIDATE OFFENSES FILED BY THE STATE APRIL 1, 1993
	4-93 FN
	MOTION TO CONTINUE FILED BY THE DEFENDANTS ATTORNEY KEN NIXON
1	APRIL 7, 1993
	1 4-9-93 HN
Marie Jahre 1944, Marie 1994, Marie 1984, Marie 1984, Ambril 1984,	MOTION TO DISMISS FOR FAILURE TO COMPLY WITH DISCOVERY ORDER FILED
1	BY THE DEFENDANTS AFTORNEY KEN-NIXONAPRIL 7, -1993
; ;	

Date	Page No3	_ ACTIONS (Continued)	Case Number
			CC-92-2315
	ST. VS. STANB	ERRY RODNEY KARL	ID YR NUMBER
4 0 03	Dofondantie mo	otion to Continue-GRANTED.	•
4-9-93	Ctate & Motion	to Consolidate Offenses-GR	ANTED BY CONSENT.
	Defendant's Mo	ction to Dismiss for Failure	to Comply with
	Delendant B 110	CONTINUED until 4-16-93.	11 July -
	Defendant's at	torney, Kenneth Nixon in co	urt. ///
	552577444	,	1
		5.1.1.5.1	V Nd Nd
4-16-93	Case reset at the	request of the defendant's attor	ney ken Nixon.
	Case reset 4-23-9	<b>1</b>	
4-23-93	Motion to Dism	iss for Failure to comply v	with discovery order-
		OPEN FILE DISCOVERY WAS GIV	
	OPEN FILE DISC	OVERY DOES NOT MEAN ANY PERS	SONAL NOTES THAT THE
	D.A. MIGHT HAV	E MADE IN TALKING TO SOME CI	LIENT'S AND BRADY MATE
		OVERABLE REGARDLESS OF THE S	
	TRIAL UNLESS I	T INCLUDES ANY BRADY MATERIA	AL. 4// /
	Defendant's at	torney, Kenneth Nixon in cou	irt. // //
			11
6-9-93	Case continued by	agreement of both parties.	1
	Case taken out of		
	RESET GENERALLY. (		
9-21-93	Joint Request for	Delay - GRANTED - Case taken out	of coll for
	October 4, 1993 -		VI CALL LOC
	10-20-6	3 0 1	
T	MOTION FOR POR	TECTIVE ORDER FILED BY THE STATE	ON OCTOBER 15, 1993
	15299		
		PRE-TRIAL MOTIONS BEFORE THE DAY	OF TRIAL FILED BY THE STA
	ON OCTOBER 15,	1993	
·	Shal		
	MOTION IN LIMI	NE FILED BY THE STATE ON OCTOBER	15, 1993
10-29-9	3 Motion for	Protective Order filed by t	he State, Motion to He
		s before the date of trial	
	Motion in Limine	filed by the State continu	ed at the request of t
	State.	1/1/	
BARDARA	Reset 11-5-	93. //	
COUST	IZER IZIS	//	
4. 4	13191		
-~·, r			

	Page No4 ACTIONS (Continued) Case Number
	ST. VS. STANBERRY RODNEY KARL
1 5 03	Motion for Protective Order filed by the State, Motion to Hear
1-5-93	Motion for Protective Order filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the State and Pre-trial motions before the date of trial filed by the state and Pre-trial motio
	in Timine filed by the State will find a state will be state with the state will be state with the state will be stated to the s
	Defendant's attorney until 11-12-93.
EARBARA COURT RE	w. Auceorn  Forter
B/8 1 81	11/1/12
	93 Motion for Protective Order filed by the State-DENIED.
11-12	Motion to Hear Pre-trial Motions Before the Date of Trail fi
	T. I MOOM
	by the State-MOOT.  Motion in Limine filed by the State-GRANTED AS STATED IN THE
-	Defendant's attorney, Ken Nixon in court and with the
	consent of the defendant, waives his presence.
	10/
	Case taken out of call for November 29, 1993 by agreement.
11-69-93	
3-7-9	
	Johnstone).
	Reset generally.
	Reset generally.  Defendant's attorney, Ken Nixon, in court
05 /21	Defendant's attorney, Ken Nixon, in court
05/31	Defendant's attorney, Ken Nixon, in court
	Defendant's attorney, Ken Nixon, in court V  (94 Reset generally at the request of Defendant's attorney.
05/31 10-3-94	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994
	Defendant's attorney, Ken Nixon, in court, V  Reset generally at the request of Defendant's attorney.  At the request of Assistant D. A. Buzz Jordan case taken out of call for October 5, 1994

Date	Page No5	ACTIONS (Continued)	Case Number
	A Company of the State of the S		CC92-2315-FDMCR
	STATE OF ALABAMA	VS STANBERRY RODNEY	KARL
)/95	Defendant, the Co	f the State, and over thourt reconsiders its prior the Defendant to pro	r order and directs
	Attorney with cop	pies of the audio and vides. Terrell Moore.	eo taped statements
	Defendant's	attorney, KENNETH NIXON,	in Court.
1/95	a major witness h	al date at the request of aving critical illness in	n family.
	Defendant's	attorney, KENNETH NIXON,	in Court.
-3-95	recessed until Apri	rial of case. At 4:50 P. M. 11 4, 1995 at 9:15 A. M. by, Kenneth, in court.	, case ordered
4-4-95	At 4:10 P. M. case	ordered recessed until April	5, 1995 at 9:15 A. M.
	Defendant's attorne	y, Kenneth Nixon, in court.	
4-5-95	At 4:30 P. M. case 9:15 A. M.	ordered recessed until April	6, 1995 at
		y, Kenneth Nixon, in court.	
4-6-95		ordered recessed until April	7, 1995 at
	9:00 A. M. Defendant's attorne	y, Kenneth Nixon, in court.	
4-7-95	Jury and verdict of	guilty of BURGLARY, FIRST DE	GREE.
rd sout	Pre-Sentence Invest Case reset for Apri	igation ordered made on the do 1 27, 1995 for sentencing. y, Kenneth Nixon, in court.	

Date	Page No.	ACTIONS (Continued)	Case Number
	STATE OF ALABAMA VS.	STANBERRY, RODNEY KARL	CC 92-2316 - MCRAE  VR NUMBER
4/7/95	Defendant made bond	(\$25000.00-Private).	
04/26/95		95, for sentencing	due to the available.
05/04/95	nregentence investi	1995, due to the the Cou gation report late. torney, KENNETH NIXON,	rt receiving the
ACTUAL CO	M. AUSBORN	4	
05/11/95 ·	hereby adjudged gui which he was indict imprisonment in the YEARS TO RUN CONCURS Defendant to be for time spent in j Defendant gave	oral notice of appeal.  nt is to make a new Bond	d by the Court to r the term of 20 313 AND CC92-2314.  O days  Appeal Bond set at
	Erromation of G	entence not suspended per torney, KENNETH A. NIXON	enging appeal.
5/11/9:	Appeal bond made in Roberts Bail Bonds	the amount of \$20,000.0	0 and signed by Steve
<u> </u>		nce suspended pending ap	peal
	MOTICE OF APPEAL TO T	A P P E A L E D  THE ALABAMA COURT OF CRI MAILED MAY 22nd, 1995	MINAL APPEALS BY THE
<u>J30</u> <u>J06</u> 56	6/23/95 4		

State vs. Rodney Karl Stanberry

Date	Page No	<del>?</del>	ACTIONS (Continued)	Case Number
				CC92-2315
6/13/9	5 Court of	Criminal	Appeals notified motion	for new trial filed
6/23/95		~ Tillir 78+	Lal specially continued th, 1995.  Ey, Kenneth A. Nixon, in	1 1
	continued	Criminal A to July 2	Appeals notified - motio	on for new trial speciall
YULUHDAR COURT REPOR	D. MARCHALL TER_7/28/95			
28/95	Tuno 0 1	OOK - DEN	w Trial filed by Defend	
	Defe	endant's a	ttorney, KENNETH A. NIX	ON, in Court.
-		<del></del>		4
				-

C. C. CRIMINAL 15-IM-5-77

# Grand Jury No. 168 Main

# CIRCUIT COURT OF MOBILE COUNTY

THE STATE OF ALABAMA, Mobile County.	June		_Session, 192
The GRAND JURY of said County charge, that, before the fi	nding of this indictment		
RODNEY KARL STANBERRY			
whose name is to the Grand Jury otherwise unknown than as	stated,		,
did, with the intent to cause violation of \$13A-6-2 of the death of Valerie Finiley, by violation of \$13A-4-2 of the	shooting her in	n the head with	a nuse the a gun, in
		-	
	•		
	•		
against the peace and dignity of the State of Alabama.		Chris N. Galar District Attorney for the 13th Judicia (County of Mobile	Circuit of Alabama
A True Bill			
	Brown	1 X/ Or	on
Bail fixed in open court at \$.25,000 th	ais the 22		man of the Grand Jury.  ne 19 92  Judge.
Presented to the Court by the Foreman of the Grand Jury in	June	16	other Grand Juror
Filed in open court this the	day of	1 /	

# CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

\*

vs.

CASE NO. CC92-2313

RODNEY KARL STANBERRY,

Defendant.

We, the Jury, find the Defendant, Rodney Karl Stanberry, guilty of Attempted Murder as charged in the indictment.

Mary Kym Basz FOREMAN/FOREWOMAN

We, the Jury, find the Defendant, Rodney Karl Stanberry, not guilty.

FOREMAN/FOREWOMAN

# Grand Jury No. 168 A

# 24

#### CIRCUIT COURT OF MOBILE COUNTY

THE	STATE	OF	ALAB	AMA,
	Mobil	e C	untv.	

June Session, 192

The GRAND JURY of said County charge, that, before the finding of this indictment

RODNEY KARL STANBERRY

whose name is to the Grand Jury otherwise unknown than as stated,

did in the course of committing a theft of guns, use force against the person of Valerie Finley, with intent to overcome her physical resistance or physical power of resistance, and during the course of committing the theft of said property the said RODNEY KARL STANBERRY or another participant in this theft did cause serious physical injury to Valerie Finley, in violation of \$13A-8-41 of the Code of Alabama,

against the peace and dignity of the State of Alabama.

No Prosecutor

Chris N. Galanos
District Attorney for the 13th Judicial Circuit of Alabama
(County of Mobile)

A True Bill

Bail fixed in open court at \$ 25000 this the 22 day of June 19 92

Presented to the Court by the Foreman of the Grand Jury in the presence of June 19 92

Filed in open court this the 22 day of June 19 92

Clerk Circuit Court, Mobile, County, Alabama

25

#### CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

\*

\*

\*

\* CASE NO. CC92-2314

\*

RODNEY KARL STANBERRY,

Defendant.

We, the Jury, find the Defendant, Rodney Karl Stanberry, guilty of Robbery in the First Degree as charged in the indictment.

FOREMAN/BOREWOMAN

We, the Jury, find the Defendant, Rodney Karl Stanberry, not guilty.

FOREMAN/FOREWOMAN

Clerk Circuit Court, Mobile, County, Alabama

Filed in open court this the

Grand Jury No. 168 B

### CIRCUIT COURT OF MOBILE COUNTY

THE STATE OF ALABAMA, Mobile County.	June		Session,	192
The GRAND JURY of said County charge, that, before the finding	of this indictment			
RODNEY KARL STANBERRY				
whose name is to the Grand Jury otherwise unknown than as stated				
did knowingly and unlawfully ent dwelling of Valerie Finley, with to-wit: theft, and while effect or in immediate flight therefrom armed with a deadley weapon or a gun, in violation of \$13A-7-5 of	ing entry on, the said	or while in th RODNEY KARL S instrument, t	e dwelli	
·				
•				
against the peace and dignity of the State of Alabama.		Chris N. G		ama
No Prosecutor		(County of N	lobile)	
A True Bill	0			
	Bres	Oc X S	Portion of the Gr	and Jury.
Bail fixed in open court at \$ 25,000 this the_	22	day of	June	19_92_
· · · · · · · · · · · · · · · · · · ·				Judge.
Presented to the Court by the Foreman of the Grand Jury in the pre-	sence of	16	other Gr	and Jurors

## CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

CASE NO. CC92-2315

RODNEY KARL STANBERRY,

Defendant.

We, the Jury, find the Defendant, Rodney Karl Stanberry, guilty of Burglary in the First Degree as charged in the indictment.

FOREMAN/FOREWOMAN

We, the Jury, find the Defendant, Rodney Karl Stanberry, not guilty.

FOREMAN/FOREWOMAN

			R	OFT 5-8-92
	COVE	OUDATED BO	OND	Case Number
•	(District Court,	<del></del>		0-92-2007
THE CACCOL		COURT OF	Λ.	COUNTY
TATE OF ALABAMA	v. Rodne	us Karl	2 Stanli	eng
we Rodney Bo	il Stanle	eny_		_ (Defendant) as principal
and we FREEDOM BO		please print)	1	as suretie's
agree to pay the State of Al unless the above named de	fendant appears before t	he District Court of	said County on (Date	Dollars Dollars
at (Time)	until discl	narged by law to ar	nswer to the charge of	
or any other charge. We he	ereby severally certify that	we have property	over and above all de	bts and liabilities to the
amount of the above bond tion or other process for the	We waive the benefit of	of all laws exempting	ng property from levy	and sale under execu-
cially waive our rights to cl	aim exempt our wages or	salary, that we ha	ve under the laws of A	llabama.
the same of the sa	d that this is a continuity		1000 Carlot 1000 C	<del>delle de milescheide</del> Ble le 10
101.	1 Sther	221 w	A entill	ne Prienze AL
Signature of Defendant	I by their	Address (Print)	Freedom Bondii 351 So. Concept	ion St.
Signature of Surety	Muser-	Address (Print)	Mobile, AL 366 (205) 432-186	
Signature of Surety	, 1	Address (Print)		City
Signature of Surety  DATE RELEASED  1	192	Address (Print)		City .
ARRESTED BY	P.D SmLTH	Address (Print)	() Eur &	City
Date		Approved	by: Sheriffludge	(ELS
		Ву: Depu	ity Sheriff	
45	77-69 Def	endant's Informat	ion Sex M	
DOB	6Z-9874		Race B	
DL No. 537	8005 s	tate (A/A)	Phone No. <u>456</u>	-7091

CONSOLIDATED BOND

Appearance Bond - Property

COURT RECORD: Original DEFENDANT: Copy

SURETY: Copy

Appearance Bond - Recognizance

Cash Bond

**Bail Bond** 

		Ba	CT 5-8	-92
	GONSOLIDATED B	OND	Case Numb	oer /
	(District Court, Grand Jury,		DC-97-20	208
NTHE Circuit	COURT O	Mobil	<u></u>	YTAU
TATE OF ALABAMA	v. Lodney Ka	ul Sta	nherry	<del>-</del>
we Rodney	Karl Stanker	rig	. (Defendant) as p	rincipal
and we FREEDOM BOI	NDING CO. (please print)	/	as	sureties
agree to pay the State of Ala	abama) <u>(AVENUL) + MU</u> endant appears before the District Court o	f said County on (Date)	- 25,00 NJEXT	Dollars
at (Time) 2	and the manhousing of Girowit Count of said	Gounty, there to awai	t-thousesing by-thm	r <del>igrant</del> d
Roble	until discharged by law to a	nswer to the charge of		
or any other charge. We her	eby severally certify that we have property	over and above all de	bts and liabilities	to the
amount of the above bond.	We waive the benefit of all laws exempti	ng property from levy	and sale under ex	kecu-
tion or other process for the	collection of debt, by the Constitution and	I Laws of the State of A	labama, and we	espe-
cially waive our rights to cla	im exempt our wages or salary, that we ha	ive under the laws of A	labama.	
	All the second sections and the second	and the second second	delice ontinus	diame.
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CONSOLIDATED BOND

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#### IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,	*	CASE NUMBER(S):	cc 92-23/3
Plaintiff,	*		
vs.	*		
Rosney Karl Starleny	*		
Defendant.	*		

### ORDER

#### It is hereby ORDERED:

- 1. The District Attorney shall produce or make available to the Defendant's attorney at arraignment the following:
  - (a) A copy of the indictment against the Defendant;
- (b) All statements of the Defendant which are reduced to writing;
- (c) All statements of the Defendant which are electronically recorded or taped, and any transcripts hereof;
- (d) The substance of any oral statements made by the Defendant which are not included within (b) and (c) hereof or if the District Attorney knows of any statements or spontaneous remarks made while the Defendant is in the custody of the police or during the investigation;
  - (e) Any and all evidence tending to exculpate the guilt of the Defendant;
  - (f) The results of any scientific or expert tests, experiments, or examinations to be used by the Prosecution at trial;
- (g) All physical evidence or documentary evidence which the Prosecution will offer into evidence in its case in chief, including any search warrant and search affidavits upon which the Prosecution will rely on its case in chief;
  - (h) All physical evidence or documentary evidence seized from the Defendant by law enforcement officers, whether or not the same will be offered into evidence at trial;
- (i) In prosecutions under the Alabama Uniform Controlled Substances Act, the Defendant may procure the examination and testing of controlled substances or other prosecution evidence by his own expert, upon request to the District Attorney or his assistants. Such examination and testing shall only take place in the presence of the District Attorney or his authorized representative, and the same shall be done at the Defendant's expense.

- (j) The name and last known address of all confidential government informants who are eyewitnesses to the commission of the crime charged in the indictment, if the Defendant doesn't already have such information.
- 2. In all instances where physical or documentary evidence, tape recordings, and the like are to be inspected, examined or copied by the Defense Counsel, the parties shall ensure that such procedures are used as will safeguard and maintain the integrity of said evidence.
- 3. The District Attorney is under an obligation to disclose to Defense Counsel any evidence subject to this Order which he subsequently discovers to exist, and to do so within a reasonable time after its existence is discovered.
- 4. Any disagreements with the parties concerning the scope, identity or existence of discoverable matter are to be submitted to the Court for resolution upon written motion of either party a reasonable time before trial. Any party who does not so submit any unresolved discovery issued to the Court will be precluded from raising the same at trial. If the Court finds that either party has failed to use good faith in complying with this Order, the Court may, in the case of the State, bar the State from using at trial any non-disclosed matter, and the Court may, in the case of the Defendant, hold any objections to the State;s use of said matter at trial, based upon prior non-disclosure, to be waived.
- 5. A conference shall be held with the District Attorney, the Defendant's attorney and the Defendant before the Status Hearing to be scheduled by the Court at arraignment.

#### 6. At said conference:

- (a) The District Attorney shall generally outline the evidence which he expects to produce at the trial; provided, however, that this requirement shall not apply to evidence used for impeachment purposes;
- (b) The District Attorney shall notify the Defendant and his attorney of any prior convictions of the Defendant of which the District Attorney is aware;
- (c) The District Attorney will inform the Defendant and his attorney of the recommendation, if any, with respect to sentencing, should the Defendant elect to enter a plea of guilty. Unless otherwise ordered, the Defendant shall have until the Status Hearing within which to accept or reject any such recommendation of the State. No recommendation shall be entertained by the Court with respect to sentencing after said date. At said conference, all pending charges against the Defendant and known to the State shall be presented.

DONE June	at	Mobile, 19 92 .	Alabama,	this	the	22nd	day	of
oune		- **			5			-
				PRES	SIDING	CIRCUIT JUDGE		•

STATE OF ALABAMA,	*	CASE NUMBER(S):	cc 92-23/4
Plaintiff,	*		
vs.	*	***************************************	
Robner Karl Stantern	*	Marie Control of the	
Defendant.	*		

#### ORDER

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- (c) All statements of the Defendant which are electronically recorded or taped, and any transcripts hereof;
- (d) The substance of any oral statements made by the Defendant which are not included within (b) and (c) hereof or if the District Attorney knows of any statements or spontaneous remarks made while the Defendant is in the custody of the police or during the investigation;
  - (e) Any and all evidence tending to exculpate the guilt of the Defendant;
  - (f) The results of any scientific or expert tests, experiments, or examinations to be used by the Prosecution at trial;
- (g) All physical evidence or documentary evidence which the Prosecution will offer into evidence in its case in chief, including any search warrant and search affidavits upon which the Prosecution will rely on its case in chief;
  - (h) All physical evidence or documentary evidence seized from the Defendant by law enforcement officers, whether or not the same will be offered into evidence at trial;
- (i) In prosecutions under the Alabama Uniform Controlled Substances Act, the Defendant may procure the examination and testing of controlled substances or other prosecution evidence by his own expert, upon request to the District Attorney or his assistants. Such examination and testing shall only take place in the presence of the District Attorney or his authorized representative, and the same shall be done at the Defendant's expense.

- government informants who are eyewitnesses to the commission of the crime charged in the indictment, if the Defendant doesn't already have such information.
- 2. In all instances where physical or documentary evidence, tape recordings, and the like are to be inspected, examined or copied by the Defense Counsel, the parties shall ensure that such procedures are used as will safeguard and maintain the integrity of said evidence.
  - 3. The District Attorney is under an obligation to disclose to Defense Counsel any evidence subject to this Order which he subsequently discovers to exist, and to do so within a reasonable time after its existence is discovered.
  - 4. Any disagreements with the parties concerning the scope, identity or existence of discoverable matter are to be submitted to the Court for resolution upon written motion of either party a reasonable time before trial. Any party who does not so submit any unresolved discovery issued to the Court will be precluded from raising the same at trial. If the Court finds that either party has failed to use good faith in complying with this Order, the Court may, in the case of the State, bar the State from using at trial any non-disclosed matter, and the Court may, in the case of the Defendant, hold any objections to the State;s use of said matter at trial, based upon prior non-disclosure, to be waived.
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- (c) The District Attorney will inform the Defendant and his attorney of the recommendation, if any, with respect to sentencing, should the Defendant elect to enter a plea of guilty. Unless otherwise ordered, the Defendant shall have until the Status Hearing within which to accept or reject any such recommendation of the State. No recommendation shall be entertained by the Court with respect to sentencing after said date. At said conference, all pending charges against the Defendant and known to the State shall be presented.

		Alabama,	this	the	22nd	day	of
June	 19 <u>92</u> .			<u> </u>		-	
<b>-</b>	•		PRES	DING	CIRCUIT JUDGE		

STATE OF ALABAMA,	*	CASE NUMBER(S):	cc 92-2315
Plaintiff,	*		
vs.	*	***************************************	
Rosing Hard Stonken	*		
Defendant.	*		
•	ORDER		

# It is hereby ORDERED:

- 1. The District Attorney shall produce or make available to the Defendant's attorney at arraignment the following:
  - (a) A copy of the indictment against the Defendant;
- (b) All statements of the Defendant which are reduced to writing;
- (c) All statements of the Defendant which are electronically recorded or taped, and any transcripts hereof;
- (d) The substance of any oral statements made by the Defendant which are not included within (b) and (c) hereof or if the District Attorney knows of any statements or spontaneous remarks made while the Defendant is in the custody of the police or during the investigation;
  - (e) Any and all evidence tending to exculpate the guilt of the Defendant;
  - (f) The results of any scientific or expert tests, experiments, or examinations to be used by the Prosecution at trial;
- (g) All physical evidence or documentary evidence which the Prosecution will offer into evidence in its case in chief, including any search warrant and search affidavits upon which the Prosecution will rely on its case in chief;
  - (h) All physical evidence or documentary evidence seized from the Defendant by law enforcement officers, whether or not the same will be offered into evidence at trial;
- (i) In prosecutions under the Alabama Uniform Controlled Substances Act, the Defendant may procure the examination and testing of controlled substances or other prosecution evidence by his own expert, upon request to the District Attorney or his assistants. Such examination and testing shall only take place in the presence of the District Attorney or his authorized representative, and the same shall be done at the Defendant's expense.

- (j) The name and last known address of all confidential government informants who are eyewitnesses to the commission of the crime charged in the indictment, if the Defendant doesn't already have such information.
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DONE	at		Alabama,	this	the	22nd	day	of
June		19 <u>92</u> .						
		•			7			
•••				PRES	DING	CIRCUIT JUDGE		
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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

CC 92 002313

٧S

CC 92 002314 CC 92 002315

RODNEY KARL STANBERRY,

## MOTION TO WITHDRAW

Comes now the attorney for the Defendant and moves that he be allowed to withdraw and for grounds states as follows:

- The Defendant's father has requested that I withdraw.
- The Defendant's father has stated that he will be 2. retaining other counsel.

WHEREFORE, the premises considered, the attorney asks that he be allowed to withdraw from representing the Defendant in the above styled case.

> DAVID L. BARNETT Attorney at Law 205 Van Antwerp Building 103 Dauphin Street Mobile, Alabama (205) 433-3177 36602

I certify that I have mailed a copy of the above motion to the Defendant to the address the attorney was given and have sent it in the mail postage prepaid.

Olivan J. Wilson CLERK CIRCUIT COURT

STATE OF ALABAMA,

Plaintiff,

vs.

CASE NOS. CC-92-2313

CC-92-2314

RODNEY KARL STANBERRY,

CC-92-2315

Defendant.

### NOTICE OF APPEARANCE

COMES NOW Kenneth A. Nixon and appears as attorney of record for Rodney Karl Stanberry in connection with the above referenced cases.

Dated this the 15+6 day of October, 1992.

Respectfully submitted,

KENNETH A. NIXON

Attorney for Defendant P.O. Box 2301 Mobile, AL 36652 (205) 433-1806

## CERTIFICATE OF SERVICE

I hereby certify that I have on this the day of October, 1992, served a copy of the foregoing on Joe C. Jordan, Assistant District Attorney, P.O. box 2841, Mobile, Alabama 36604, by placing a copy of same in the United States Mail, properly addressed and first class postage prepaid.

NNETH A. NIXON C

STATE OF ALABAMA,

Plaintiff,

\*

vs.

CASE NOS. CC-92-2313

CC-92-2314

RODNEY KARL STANBERRY,

CC-92-2315

Defendant.

NOTICE OF APPEARANCE

COMES NOW Kenneth A. Nixon and appears as attorney of record for Rodney Karl Stanberry in connection with the above referenced cases.

Dated this the 15th day of October, 1992.

Respectfully submitted,

KENNETH A. NIXON

Attorney for Defendant P.O. Box 2301 Mobile, AL 36652

Modile, AL 36652 (205) 433-1806

## CERTIFICATE OF SERVICE

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KENNETH A. NIXON C

Set of the State o

STATE OF ALABAMA,

Plaintiff,

vs.

CC-92-2313 CASE NOS.

CC-92-2314

RODNEY KARL STANBERRY,

CC-92-2315

Defendant.

### NOTICE OF APPEARANCE

COMES NOW Kenneth A. Nixon and appears as attorney of record for Rodney Karl Stanberry in connection with the above referenced cases.

Dated this the 15th day of October, 1992.

Respectfully submitted,

KENNETH A. NIXON Attorney for Defendant P.O. Box 2301

Mobile, AL 36652 (205) 433-1806

# CERTIFICATE OF SERVICE

I hereby certify that I have on this the 50 day of October, 1992, served a copy of the foregoing on Joe C. Jordan, Assistant District Attorney, P.O. box 2841, Mobile, Alabama 36604, by placing a copy of same in the United States Mail, properly addressed and first class postage prepaid.

NNETH A. NIXON C

ORI STORE REAL CHOOLING COURT

STATE OF ALABAMA, \* IN THE

IN THE CIRCUIT COURT OF

Plaintiff,

MOBILE COUNTY, ALABAMA

vs.

RODNEY KARL STANBERRY,

CASE NOS: CC-92-2313

Defendant.

CC-92-2314 CC-92-2315

#### MOTION TO SUPPRESS

COMES NOW the Defendant, RODNEY KARL STANBERRY, by and through his attorney of record, and moves this Honorable Court for an Order suppressing any statements of the Defendant and as grounds therefore shows unto the Court as follows:

1. Said statements were not voluntary and were obtained in violation of the Constitution of the State of Alabama and of the United States of America.

WHEREFORE, the Defendant moves this Honorable Court for an order suppressing the above illegally obtained statements.

CLERK CIRCUIT COURT

KENNETH A. NIXON Attorney for Defendant P. O. Box 2301 Mobile, Alabama 36652 (205) 433-1806

# CERTIFICATE OF SERVICE

I hereby certify that on this the day of October, 1992, served a copy of the foregoing pleading on Joe C. Jordan, Assistant District Attorney, P.O. Box 2841, Mobile, Alabama 36604, by placing same in the United States Mail, properly addressed and first class postage prepaid.

KENNETH A. NIXON

, }

STATE OF ALABAMA,

IN THE CIRCUIT COURT OF

Plaintiff,

MOBILE COUNTY, ALABAMA

vs.

RODNEY KARL STANBERRY,

CASE NOS: CC-92-2313

CC-92-2314

Defendant.

CC-92-2315

### MOTION TO SUPPRESS

COMES NOW the Defendant, RODNEY KARL STANBERRY, by and through his attorney of record, and moves this Honorable Court for an Order suppressing any statements of the Defendant and as grounds therefore shows unto the Court as follows:

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WHEREFORE, the Defendant moves this Honorable Court for an order suppressing the above illegally obtained statements.

OLERK CIRCUIT COURT

KENNETH A. NIXON Attorney for Defendant P. O. Box 2301 Mobile, Alabama 36652 (205) 433-1806

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KENNETH A. NIXON

STATE OF ALABAMA,

IN THE CIRCUIT COURT OF

Plaintiff,

MOBILE COUNTY, ALABAMA

vs.

... ----- -- ---

RODNEY KARL STANBERRY,

CASE NOS: CC-92-2313 CC-92-2314

Defendant.

CC-92-2315

# MOTION TO SUPPRESS

COMES NOW the Defendant, RODNEY KARL STANBERRY, by and through his attorney of record, and moves this Honorable Court for an Order suppressing any statements of the Defendant and as grounds therefore shows unto the Court as follows:

1. Said statements were not voluntary and were obtained in violation of the Constitution of the State of Alabama and of the United States of America.

WHEREFORE, the Defendant moves this Honorable Court for an order suppressing the above illegally obtained statements.

ati 13 3 of Fit 192

KENNETH K. NIXON Attorney for Defendant P. O. Box 2301 Mobile, Alabama 36652 (205) 433-1806

## CERTIFICATE OF SERVICE

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KENNETH A. NIXON

STATE OF ALABAMA, \*

IN THE CIRCUIT COURT OF

Plaintiff,

MOBILE COUNTY, ALABAMA

vs.

\*

RODNEY KARL STANBERRY,

CASE NOS.: CC-92-2313

Defendant.

CC-92-2314 CC-92-2315

#### MOTION TO PRODUCE

COMES NOW, the Defendant, RODNEY KARL STANBERRY, in the above styled cause, by and through his counsel, and moves this Honorable Court, pursuant to the due process clause of the Fifth and Fourteenth Amendments of the Constitution of the United States of America, and the Constitution of the State of Alabama, to order the District Attorney to produce and make available to the Defendant, in order that he might examine, inspect, copy, photograph or make and take photostatic copies of:

- 1. Any statement or statements made or adopted by the Defendant to anyone, whether such statements are:
  - (a) Written.
  - (b) Oral.
- (c) Uttered extemporaneously, as an excited utterance, exclamation or otherwise.
- 2. If the said statements enumerated in paragraph one above are oral and not written, the Defendant requests that

45

any memoranda or summaries or oral rendition of said statements be produced for the Defendant's inspection.

- 3. The written or oral statement of any and each co-defendant, co-principal, co-conspirator or accessory to the crime for which this Defendant is charged. This request includes any records, memoranda or summaries of any oral statements made by any co-defendant, co-principal, co-conspirator or accessory to the crime for which this Defendant is indicted.
- 4. The names of any and each law enforcement official or other person to whom this Defendant, his co-defendant, co-principals, co-conspirators or accessories have given written or oral statements. This request includes any records, memoranda or summary of any excited utterances, or unsolicited comment made by the Defendant, or any of his co-conspirators, co-defendants, co-principals or accessories.
- 5. All mechanical or electronic records that contain any conversations of the Defendant or co-defendant which were made through the use of a wiretapping, eavesdropping, or recording device.
- 6. All information related to these indictments which was obtained through electronic, audio or visual surveillance conducted by any Governmental agency or by any agent of the State by any other person who may have conducted on or in any place or premises, whether private of business, which defendant or co-defendant or accessory owned, leased, occupied, or had some proprietary interest therein, including

but not limited to, any recorded conversations made by the co-defendant or accessory, which were subsequently turned over to the prosecution by the co-defendant.

- 7. All memoranda, logs, reports, records, notes, summaries, transcriptions, TWX communications, and written communications made by any employee or agent of the State concerning any statement or conversation referred to therein above.
- 8. Any and all books, papers, documents, photographs, or tangible objects obtained from or belonging to the Defendant.
- 9. Any compound chemical, substance, book, paper, documents, photograph, or article of physical or tangible evidence of whatsoever kind which the District Attorney intends to use as evidence at the trial.
- 10. Any and all photographs, diagrams, papers, documents, tangible objects or other material showing scenes, places of meetings, or any area where it is claimed that the Defendant, or co-defendants, met in connection with any aspect of this indictment.
- 11. State whether the State intends to call expert witnesses to testify in this matter.
- 12. If the answer to number 11, supra, is in the affirmative, state the name, current address, job title, curricula vitae, and brief statement as to the area that such witness will be called upon to testify.
- 13. If the answer to paragraph 11, supra, is in the affirmative, furnish the Defendant with a photocopy of any

report, together with a copy of the expert's notes, upon which that report is based.

- 14. All arrest and conviction records of (a) all persons the State plans to call as witnesses in this case; (b) the Defendant.
- 15. All material known to the District Attorney or to law enforcement agents, or which through due diligence could be learned by the District Attorney from law enforcement agents or other prospective witnesses in this case, which is arguable exculpatory in nature or favorable to the accused or which may lead to exculpatory material, included but not limited to:
- (a) evidence that Defendant may have lacked knowledge of any of the acts alleged in the indictment;
- (b) evidence reflecting adversely on the credibility of any State witness; including but not limited to convictions of any such witness for a crime involving moral turpitude; inconsistent statements, whether oral, written or recorded by any such witness on a material aspect of this case; any facts tending to show bias or prejudice by such witness for the State or against the Defendant;
- (c) any evidence that Defendant may have lacked the culpable mental state required to establish the offense charged, or required to establish any arguably lesser included offense thereof;
- (d) any evidence that Defendant may have been at a place other than that where the alleged crime was committed at

the date and at or about the time said crime was allegedly committed;

- (e) any evidence tending to show that some person other than the Defendant committed the crime charged;
- other witness at any time failed to identify the Defendant, or a photograph of the Defendant, as the perpetrator, of that such person exhibited reluctance, hesitation, or uncertainty in identifying the Defendant as the perpetrator, or otherwise made any such identification which was tentative in nature;
- (g) any evidence tending to show that any essential element of the crime charged does not exist, or tending to disprove the existence of any such essential element, or having probative value as to the nonexistence of any such essential element;

This request for  $\underline{\text{Brady}}$  material specifically includes any Grand Jury testimony encompassed thereby.

- 16. Any and all documents, memoranda, file contents, exhibits, reports, records, paraphernalia, photographs, recordings, correspondence or statements in the possession of the District Attorney which the District Attorney will attempt to introduce into evidence at the trial of the above styled cause.
- 17. Any and all statements of witnesses in the possession of the District Attorney and that the District Attorney intends to call in this prosecution. The names, addresses and telephone number of any persons the District

Attorney intends to call to testify in this prosecution.

- 18. The names, addresses and telephone numbers of any persons the District Attorney knows to possess relevant information to the charges of the indictment, including but not limited to, any informants or confidential sources.
- 19. The names, addresses and telephone numbers of all witnesses who will be called by the District Attorney to prove the charges alleged in the indictment.
- 20. Results or reports of any and all scientific comparisons, tests, or conclusions in the possession of or available to the District Attorney in this cause that were made in connection with the investigation or prosecution of this case, or which are anticipated to be used in the trial of this cause, including the names and addresses of all so-called experts who participated in said tests, comparisons, or examinations, along with said persons' addresses and professional and employment qualifications.
- 21. Please state the names and addresses of any witness to or participant in the event alleged in the indictment.
- 22. A statement of the substance of any extrinsic offenses, that is, offenses other than that charged in the indictment, or acts of the Defendant which the prosecution will attempt to offer in evidence in its case in chief to prove motive, knowledge, intent, scheme, plan, identity, or like exceptions to the proscription against evidence of extrinsic crimes.

- 23. Produce all written or recorded statements of any person alleged to be a co-defendant or accomplice of this Defendant, and the substance of any oral statements made by such alleged co-defendant or accomplice, as the same are within the scope of Temporary Rule of Criminal Procedure 18.1(b).
- State every fact which would tend to establish bias, prejudice, or motive to falsify, on behalf of any witness who will be called by the State at the trial, including but not limited to (a) any agreement as to disposition or recommended disposition of any criminal charges pending or which could be brought against such witness, any member of such witness's immediate family, or person in whom such witness is interested personally or professionally, in whatever jurisdiction; (b) any representation made to such witness having as its subject matter the items specified in 25(a) hereof; (c) any monetary consideration, or other thing of value of whatsoever kind, paid or given to such witness by representatives of law enforcement or the State at any time during the investigation or prosecution of this case; (d) any act or representation of assistance regarding such witness or the persons specified in 19 and/or 20 hereof, done or made by law enforcement agents during the investigation of this case, such as, by way of example, employment; transportation to or from different places; consideration for parole release, probation, good release from time, SIR program, work release, or any confinement of any kind.

25. The defense requests further that this Honorable Court include in any order issued pursuant to this motion a notation that if, subsequent to compliance with an order issued pursuant to this motion and prior to or during the trial, the District Attorney discovers additional material previously requested or ordered, which is subject to discovery and inspection, he shall promptly notify defense counsel of the existence of the additional material and shall do so prior to attempting to offer any of the same in evidence.

WHEREFORE, the defense asks that the relief requested in this motion to granted; that the records described be delivered to the defense; that the Defendant and his defense attorneys be permitted to examine these records for a reasonable period of time; that such examination take place under circumstances of privacy in which the District Attorney cannot and does not supervise the conversations of the Defendant and the attorney for the defense. As grounds for this motion, the Defendant states the requested matter is material and necessary to the preparation of his defense on the merits of the charges against him and that the items are or may be evidential, and the production of them is reasonable and will expedite the trial of the cause and materially aid the Defendant in preparation of his defense; that some of the material requested is, or may be, exculpatory in nature, and for all such other reasons as shall further appear at the hearing of this motion.

KENNETA A./ NIXON ATTORNEY FOR DEFENDANT P.O. BOX 2301 MOBILE, ALABAMA 36652 (205) 433-1806

# CERTIFICATE OF SERVICE

I do hereby certify that I have on this the Aday of October, 1992, served a copy of the foregoing motion on Joe C. Jordan, Assistant District Attorney, P.O. Box 2841, Mobile, Alabama 36602, by placing same in teh United States Mail, properly addressed and first class postage prepaid.

KENNETH K. NIXON