

VOLUME NO. 1 of 7

COURT OF CRIMINAL APPEALS NO. 94-1552

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FILED

DEC 19 1995

FROM

CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

CIRCUIT COURT NO. CC92-2313 thru 2315

CIRCUIT JUDGE FERRILL D. McRAE

Type of Conviction / Order Appealed From: ATTEMPTED MURDER, ROBBERY, 1st, BURGLARY, 1st  
92-2313.-Pen 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 ☒ NO

RODNEY KARL STANBERRY

NAME OF APPELLANT

Kenneth A. Nixon (334) 433-1806  
(Appellant's Attorney) (Telephone No.)  
P.O. Box 2301  
(Address)  
Mobile, Alabama 36652  
(City) (State) (Zip Code)

V.

STATE OF ALABAMA

NAME OF APPELLEE

(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)

MAR 22 1996 SUBMITTED ON BRIEFS

May 24, 1996 - Affirmed by Memorandum - Cobb, J.  
All the Judges concur.

JUN 7 1996

APPLICATION FOR  
REHEARING & RULE  
39(k) MOTION

JUL 3 1996

RULE 39(k) MOTION DENIED, APPLICATION  
FOR REHEARING OVERRULED. NO OPINION.  
ALL THE JUDGES CONCUR.

Cobb, J.

MAR 7 1997

NOTED AS IMPROVIDENTLY GRANTED

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ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE: CC 92 002313 00

IN THE CIRCUIT COURT OF MOBILE COUNTY JUDGE: FDM  
STATE OF ALABAMA VS STANBERRY RODNEY KARL  
3327 W. Turner Rd.  
PRICHARD Whistler AL 36612  
CASE: CC 92 002313 00  
DOB: 04/27/69 RACE: B SEX: M HT: 506 WT: 150 HR: BLK EYE: BRN  
ALIAS NAMES:

CHARGE1: MURDER-ATTEMPTED CODE1: AMUR LIT: MURDER-ATTEMPTED TYPE: F  
CHARGE2: CODE2: 0000 TYPE: O  
CHARGE3: CODE3: 0000 TYPE: O  
MORE?: AGENCY/OFFICER:

DATE WAR/CAP ISS: / / DATE ARRESTED: 04/30/92  
DATE INDICTED: 05/22/92 DATE FILED: 06/22/92  
DATE RELEASED: 05/08/92 DATE HEARING: / /  
BOND AMOUNT: \$25,000.00 SURETIES: FREEDOM-Private

DATE 1: 2-27-92 DESC: ARRG TIME: 0000  
DATE 2: 11-16-92 DESC: TRAL-2743 TIME: 0000

DEF/ATY: DAVID BARNETT, RET Ken Nixon TYPE: 4-12-93  
PROSECUTOR: GALANOS, CHRIS N 6-14-93 10/4/93 11-29-93 3-7-94

DC CASE: 9202020700 CHK/TICKET NO: P92036515 GRAND JURY: 168  
COURT REPORTER SID NO: 000000000  
DEFENDANT STATUS: BOND 10-5-94 1-17-95 4-3-95

DATE ACTIONS, JUDGMENTS, CASE NOTES  
HS 92-2313 TH 2315

7-27-92 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. Gary Porter stood  
in for Mr. Barnett.

9-30-92 MOTION TO WITHDRAW FILED BY DEFENDANTS ATTORNEY DAVID BARNETT  
SEPTEMBER 30, 1992 GRANTED X/11/9

10-15-92 NOTICE OF APPEARANCE FILED BY DEFENDANTS ATTORNEY KEN NIXON  
OCTOBER 15, 1992

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

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

CASE ACTION SUMMARY  
CONTINUATIONCASE: CC 92 002313 00  
JUDGE ID: FDM

STATE OF ALABAMA	VS	STANBERRY RODNEY KARL
DATE	ACTION, JUDGMENTS, CASE NOTES	
	10-30-92 AN	
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER ONE (1) FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992	
	10-30-92 AN	
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER TWO (2) FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992	
	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.	
	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. Defendant's attorney, Ken Nixon in court. Defendant's Motion to Dismiss-DENIED. <i>[Signature]</i>	
	MOTION FOR DISCOVERY FILED BY STATE DECEMBER 9, 1992	
	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 WITNESSES. Defendant's attorney, Ken Nixon in court. <i>[Signature]</i>	
	4-9-93 AN	
	MOTION TO CONSOLIDATE OFFENSES FILED BY THE STATE	APRIL 1, 1993
	4-9-93 AN	
	MOTION TO CONTINUE FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993	
	4-9-93 AN	
	MOTION TO DISMISS FOR FAILURE TO COMPLY WITH DISCOVERY ORDER FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993	

Date	Page No. <u>3</u>	ACTIONS (Continued)	Case Number <i>FDm</i>
		ST. VS. STANDBERRY, RODNEY KARL	CC-92-2313 ID YR NUMBER
4-9-93		<p>Defendant's motion to Continue-GRANTED.</p> <p>State's Motion to Consolidate Offenses-GRANTED BY CONSENT.</p> <p>Defendant's Motion to Dismiss for Failure to Comply with</p> <p>Discovery Order-CONTINUED until 4-16-93.</p> <p>Defendant's attorney, Kenneth Nixon in court. <i>[Signature]</i></p>	
4-16-93		<p>Case reset at the request of the defendant's attorney Ken Nixon.</p> <p>Case reset 4-23-93.</p>	
4-23-93		<p>Motion to Dismiss for Failure to comply with discovery order-</p> <p>DENIED BECAUSE OPEN FILE DISCOVERY WAS GIVEN IN THIS CASE. HOWEVER</p> <p>OPEN FILE DISCOVERY DOES NOT MEAN ANY PERSONAL NOTES THAT THE</p> <p>D.A. MIGHT HAVE MADE IN TALKING TO SOME CLIENT'S AND BRADY MATERIAL</p> <p>IS ALWAYS DISCOVERABLE REGARDLESS OF THE SOURCE IN ANTICIPATION OF</p> <p>TRIAL UNLESS IT INCLUDES ANY BRADY MATERIAL.</p> <p>Defendant's attorney, Kenneth Nixon in court. <i>[Signature]</i></p>	
5/5/93		<p>Alabama Crime Victims Compensation Commission awarded compensation</p> <p>in the amount of \$2,643.00 to Valerie Finley (Victim)-- 1708 Hanes</p> <p>Street, Prichard, AL 36610. See letter in file.</p>	
6-9-93		<p>Case continued by agreement of both parties.</p> <p>Case taken out of call for 6-14-93</p> <p>RESET GENERALLY. (AS PER SHERI)</p>	
9-21-93		<p>Joint Request for Delay - Granted - Case taken out of call for October</p> <p>4, 1993 - reset generally.</p>	
		<p><i>10-5-93</i></p> <p>MOTION FOR PROTECTIVE ORDER FILED BY THE STATE ON OCTOBER 15, 1993</p>	
		<p><i>10-29-93</i></p> <p>MOTION TO HEAR PRE-TRIAL MOTIONS BEFORE THE DAY OF TRIAL FILED BY THE STATE ON</p> <p>OCTOBER 15, 1993</p>	
		<p><i>Deal</i></p> <p>MOTION IN LIMINE FILED BY THE STATE ON OCTOBER 15, 1993</p>	

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Date	Page No. <u>34</u>	ACTIONS (Continued)	Case Number <u>cc 82 2313</u> ID YR NUMBER
		ST. VS. STANBERRY RODNEY KARL	
10-29-93		Motion for Protective Order filed by the State, Motion to Hear Pre-trial motions before the date of trial filed by the State and Motion in Limine filed by the State continued at the request of the State. Reset 11-5-93.	
11-5-93		Motion for Protective Order filed by the State, Motion to Hear Pre-trial motions before the date of trial filed by the State and Motion in Limine filed by the State continued at the request of the Defendant's attorney until 11-12-93.	
		BARBARA W. AUSEBORN COURT REPORTER	
11-12-93		Motion for Protective Order filed by the State-DENIED. Motion to Hear Pre-trial Motions Before the Date of Trail filed by the State-MOOT. Motion in Limine filed by the State-GRANTED AS STATED IN THE RECORD. Defendant's attorney, Ken Nixon in court and with the consent of the defendant, waives his presence.	
11-19-93		Case taken out of call for November 29, 1993 by agreement. B. Jordan	
3-7-94		Case continued (Defendant's attorney in trial before Judge Johnstone). Reset generally. Defendant's attorney, Ken Nixon in court.	
05/31/94		Reset generally at the request of Defendant's attorney.	
10-3-94		At the request of Assistant D. A., Buzz Jordan, case taken out of call for October 5, 1994. Reset for January 17, 1995	

Date	Page No. <u>5</u>	ACTIONS (Continued)	Case Number		
			<u>CC92-2313-FDMCR</u>		
			ID	YR	NUMBER
		STATE OF ALABAMA vs STANBERRY RODNEY KARL			
01/10/95		On motion of the State, and over the objection of the Defendant, the Court reconsiders its prior order and directs the attorney for the Defendant to provide the District Attorney with copies of the audio and video taped statements of Defense witness, Terrell Moore. Defendant's attorney, KENNETH NIXON, in Court.			
01/11/95		Continue trial date at the request of the State -- due to a major witness having critical illness in family. Reset generally. Defendant's attorney, KENNETH NIXON, in Court.			
	BARBARA W. AUSBORN COURT REPORTER DATE: <u>7/5/95</u>				
4-3-95		Jury selected for trial of case. At 4:50 P. M., case ordered 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 April 5, 1995 at 9:15 A. M. Defendant's attorney, Kenneth Nixon, in court.			
4-5-95		At 4:30 P. M. case ordered recessed until April 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 April 7, 1995 at 9:00 A. M. Defendant's attorney, Kenneth Nixon, in court.			
4-7-95		Jury and verdict of guilty of ATTEMPTED MURDER. Pre-Sentence Investigation ordered made on the defendant. Case reset for sentencing April 27, 1995. Defendant's attorney, Kenneth Nixon, in court.			
<i>resent</i>					

Date	Page No. 6	ACTIONS (Continued)	Case Number
		STATE OF ALABAMA VS. STANBERRY, RODNEY <del>K</del> ARL	CC92-2313 - MCRAE ID YR NUMBER
4/7/95		Defendant made bond (\$25,000.00-Private) .	
04/26/95		Reset May 4, 1995, for sentencing, due to the pre-sentencing investigation report not being available. Defendant's attorney notified. <i>MM</i>	
05/04/95		Reset May 11, 1995, due to the the Court receiving the presentence investigation report late. Defendant's attorney, KENNETH NIXON, in Court. <i>MM</i>	
05/11/95		It is ordered by the Court that the Defendant be and is hereby adjudged guilty of <u>ATTEMPTED MURDER</u> , for which he was indicted, and is now sentenced by the Court to imprisonment in the State Penitentiary for the term of <u>20 YEARS</u> . Defendant to be given credit for <u>10 days</u> for time spent in jail. Defendant gave oral notice of appeal. Appeal Bond set at \$20,000.00 (Defendant is to make a new Bond). Execution of sentence not suspended pending appeal. Defendant's attorney, <u>KENNETH A. NIXON</u> , in Court. <i>MM</i>	
5/11/95		Appeal Bond made in the amount of \$20,000.00 and signed by Steve Roberts Bail Bonds	
5/11/95		Execution of sentence suspended pending appeal	
		<b>A P P E A L E D</b>	
M20 J30 J06 56.		NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS BY THE TRIAL COURT CLERK, MAILED MAY 22nd, 1995	
		<i>6/23/95 AN</i> Motion for new trial filed by defendant's attorney, Kenneth Nixon, June 9th, 1995	

YOLUNDAR D. MARSHALL  
COURT REPORTER 7/28/95

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL CASE: CC 92 002314 00  
IN THE CIRCUIT COURT OF MOBILE COUNTY JUDGE: FOM  
STATE OF ALABAMA VS STANBERRY RODNEY KARL  
227 S WILLIAMS AVENUE  
CASE: CC 92 002314 00 PRICHARD AL 36610-0000

DOB: 04/27/69 RACE: B SEX: M HT: 506 WT: 150 HR: BLK EYE: BRO  
SSN 131629874 ALIAS NAMES:  
CHARGE1: ROBBERY 1ST DEGREE CODE1: ROB1 LIT ROBBERY 1ST DEGR TYPE: F  
CHARGE2: CODE2: 0000 TYPE: G  
CHARGE3: CODE3: 0000 TYPE: G  
MORE?: AGENCY/OFFICER:  
DATE WAR/CAP ISS: DATE ARRESTED: 04/30/92  
DATE INDICTED: 05/22/92 DATE FILED: 06/22/92  
DATE RELEASED: 05/08/92 DATE HEARING: / /  
BOND AMOUNT: \$25,000.00 SURETIES: FREEDOM

DATE 1: 7-27-92 DESC: ARRG TIME: 0000  
DATE 2: 11-16-92 DESC: TRAL 1-27-93 TIME: 0000  
DEF/ATY: DAVID BARNETT, RET Ken Nixon TYPE:  
PROSECUTOR: GALANDS, CHRIS N 6-14-93 10/4/93 11-29-93 5-31-94  
DC CASE: 9202020800 CHK/TICKET NO: P920306515 GRAND JURY: 168 A  
COURT REPORTER SID NO: 000000000 4-3-95  
DEFENDANT STATUS: BOND 10-544 1-17-95

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. Comp. TRIAL DATE: 11-16-92. OPEN FILE DISCOVERY. Defendant's attorney, David Barnett. Gary Porter stood in for Mr. Barnett.
9-30-92	MOTION TO WITHDRAW FILED BY DEFENDANTS ATTORNEY DAVID BARNETT SEPTEMBER 30, 1992 GRANTED X
10-15-92	NOTICE OF APPEARANCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992
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
10-15-92	MOTION DISMISS INDICTMENT FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992

CASE ACTION SUMMARY  
CONTINUATIONCASE: CC 92 002314 10  
JUDGE ID: FDM

STATE OF ALABAMA	VS	STANBERRY RODNEY KARL
DATE	ACTION, JUDGMENTS, CASE NOTES	
10-15-92	10-30-92 AM DEFENDANTS SPECIFIC BRADY MOTION NUMBER ONE (1) FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992	
10-15-92	10-30-92 AM DEFENDANTS SPECIFIC BRADY MOTION NUMBER TWO (2) FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992	
10-15-92	10-30-92 AM 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.	
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. Defendant's attorney, Ken Nixon in court. Defendant's Motion to Dismiss-DENIED.	
	MOTION FOR DISCOVERY FILED BY STATE DECEMBER 9, 1992	
	1-8-93 AM 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.	
	4-9-93 AM MOTION TO CONSOLIDATE OFFENSES FILED BY THE STATE APRIL 1, 1993	
	4-9-93 AM MOTION TO CONTINUE FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993	
	4-9-93 AM MOTION TO DISMISS FOR FAILURE TO COMPLY WITH DISCOVERY ORDER FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993	

Date	Page No. <u>3</u>	ACTIONS (Continued)	Case Number <u>FDM</u>
		ST. VS. STANBERRY RODNEY KARL	CC-92-2314 ID YR NUMBER
4-9-93		<p>Defendant's motion to Continue-GRANTED.  <del>State's Motion to Consolidate Offenses-GRANTED BY CONSENT.</del>            Defendant's Motion to Dismiss for Failure to Comply with            Discovery Order-CONTINUED until 4-16-93.            Defendant's attorney, Kenneth Nixon in court.</p>	
4-16-93		<p>Case reset at the request of the defendant's attorney Ken Nixon.            Case reset 4-23-93.</p>	
4-23-93		<p>Motion to Dismiss for Failure to comply with discovery order-            DENIED BECAUSE OPEN FILE DISCOVERY WAS GIVEN IN THIS CASE. HOWEVER            OPEN FILE DISCOVERY DOES NOT MEAN ANY PERSONAL NOTES THAT THE            D.A. MIGHT HAVE MADE IN TALKING TO SOME CLIENT'S AND BRADY MATERIAL            IS ALWAYS DISCOVERABLE REGARDLESS OF THE SOURCE IN ANTICIPATION OF            TRIAL UNLESS IT INCLUDES ANY BRADY MATERIAL.            Defendant's attorney, Kenneth Nixon in court.</p>	
6-9-93		<p>Case continued by agreement of both parties.            Case taken out of call for 6-14-93            RESET GENERALLY. (AS PER SHERI)</p>	
9-21-93		<p>Joint Request for Delay - GRANTED - Case taken out of call for            October 4, 1993 - Reset generally.</p>	
		<p><i>10-29-93 AD</i>            MOTION FOR PROTECTIVE ORDER FILED BY THE STATE ON OCTOBER 15, 1993  <i>10-29-93 AD</i>            MOTION TO HEAR PRE-TRIAL MOTIONS BEFORE THE DATE OF TRIAL FILED BY THE STATE            ON OCTOBER 15, 1993  <i>Yrial</i>            MOTION IN LIMINE FILED BY THE STATE ON OCTOBER 15, 1993</p>	
10-29-93		<p>Motion for Protective Order filed by the State, Motion to Hear            Pre-trial motions before the date of trial filed by the State and            Motion in Limine filed by the State continued at the request of the            State.            Reset 11-5-93.</p>	



Date	Page No. <u>5</u>	ACTIONS (Continued)	Case Number
			CC92-2314-FDMGR ID YR NUMBER
		STATE OF ALABAMA vs STANBERRY RODNEY KARL	
01/10/95		On motion of the State, and over the objection of the Defendant, the Court reconsiders its prior order and directs the attorney for the Defendant to provide the District Attorney with copies of the audio and video taped statements of Defense witness, Terrell Moore. Defendant's attorney, KENNETH NIXON, in Court.	
01/11/95		Continue trial date at the request of the State --- due to a major witness having critical illness in family. Reset generally. Defendant's attorney, KENNETH NIXON, in Court.	
		Suborn Court Reporter Date: 4/3/95	
4-3-95		Jury selected for trial of case. At 4:50 P. M., case ordered 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 April 5, 1995 at 9:15 A. M. Defendant's attorney, Kenneth Nixon, in court.	
4-5-95		At 4:30 P. M. case ordered recessed until April 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 April 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 DEGREE. Pre-Sentence Investigation ordered made on the defendant. Case reset for April 27, 1995 for sentencing. Defendant's attorney, Kenneth Nixon, in court.	

Date	Page No. <u>6</u>	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).	
04/26/95		Reset May 4, 1995, for sentencing -- due to the pre-sentencing investigation report not being available. Defendant's attorney notified.	
05/04/95		Reset May 11, 1995, due to the Court receiving the presentence investigation report late. Defendant's attorney, KENNETH NIXON, in Court.	
		W. AUSBORN COURT REPORTER 5/11/95	
05/11/95		It is ordered by the Court that the Defendant be and is hereby adjudged guilty of ROBBERY IN THE FIRST DEGREE, for which he was indicted, and is now sentenced by the Court to imprisonment in the State Penitentiary for the term of 20 YEARS TO RUN CONCURRENT WITH CASE NO. CC92-2313 AND CC92-2315. Defendant to be given credit for 10 days for time spent in jail. Defendant gave oral notice of appeal. Appeal Bond set at \$20,000.00 (Defendant is to make a new Bond). Execution of sentence not suspended pending appeal. Defendant's attorney, KENNETH A. NIXON, in Court.	
5/11/95		Appeal bond made in the amount of \$20,000.00 and signed by Steve Roberts Bail Bonds	
5/11/95		Execution of sentence suspended pending appeal	
		A P P E A L E D	
M20 J30 J06 56		NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS BY THE TRIAL COURT CLERK MAILED MAY 22nd, 1995	
		6/23/95 Am	
		Motion for new trial filed by defendant's attorney, Kenneth Nixon, June 9th, 1995	

Date	Page No. <u>7</u>	ACTIONS (Continued)	Case Number
			CC92-2314 ID VR NUMBER
6/13/95		Court of Criminal Appeals notified motion for new trial filed	
6/23/95		Motion for new trial specially continued by agreement of both parties until July 28th, 1995. Defendant's attorney, Kenneth A. Nixon, in court <i>[Signature]</i>	
6/28/95		Court of Criminal Appeals notified motion for new trial specially continued until July 28th, 1995 <i>[Signature]</i>	
YULUNDAR D. MARSHALL COURT REPORTER <i>[Signature]</i>			
07/28/95		Motion for New Trial filed by Defendant's attorney on June 9, 1995 - <b>DENIED</b> . Defendant's attorney, KENNETH A. NIXON, in Court. <i>[Signature]</i>	

CASE ACTION SUMMARY  
CIRCUIT CRIMINAL

CASE: CC 92 002315 00

IN THE CIRCUIT COURT OF MOBILE COUNTY JUDGE: FDM

STATE OF ALABAMA VS STANBERRY RODNEY KARL  
3327 W. Turner Rd.  
PRICHARD, AL 36615-0000  
CASE: CC 92 002315 00

DOB: 04/27/69 RACE: B SEX: M HT: 506 WT: 150 HR: BLK EYE: BRD  
SSN: 121629974 ALIAS NAMES:

CHARGE1: BURGLARY 1ST CODE1: BUR1 LIT: BURGLARY 1ST TYPE: F  
CHARGE2: CODE2: 0000 TYPE: D  
CHARGE3: CODE3: 0000 TYPE: D  
MORE?: AGENCY/OFFICER:

DATE WAR/CAP ISS: / / DATE ARRESTED: 04/30/92  
DATE INDICTED: 06/22/92 DATE FILED: 06/22/92  
DATE RELEASED: 05/08/92 DATE HEARING: / /  
BOND AMOUNT: \$25,000.00 SURETIES: FREEDOM Private

DATE 1: 7-27-92 DESC: ARRG TIME: 0000  
DATE 2: 11-16-92 DESC: TRAL 1-2793 TIME: 0000 4-12-93

DEF/ATY: DAVID BARNETT, RET Ken Nixon TYPE: 6-14-93 10/4/93 11-29-93  
PROSECUTOR: GALANDER, CHRIS N

DC CASE: 9202020900 CHK/TICKET NO: P920306515 GRAND JURY: 168 B  
COURT REPORTER SID NO: 000000000  
DEPENDANT STATUS: BOND 10-594 1-17-95 4-3-95

DATE: ACTIONS, JUDGMENTS, CASE NOTES  
HS 92-2313 TH 2315 #

7-27-92	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. Gary Porter stood in for Mr. Barnett.
9-30-92	MOTION TO WITHDRAW FILED BY DEFENDANTS ATTORNEY DAVID BARNETT SEPTEMBER 30, 1992 GRANTED X
10-15-92	NOTICE OF APPEARANCE FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992
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
10-15-92	MOTION DISMISS INDICTMENT FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992

CASE ACTION SUMMARY  
CONTINUATIONCASE: CC 92 002315 00  
JUDGE ID: FDM

STATE OF ALABAMA	VS	STANBERRY RODNEY KARL
DATE	ACTION, JUDGMENTS, CASE NOTES	
	10-20-92 AN	
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER ONE (1) FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992	
	10-30-92 AN	
10-15-92	DEFENDANTS SPECIFIC BRADY MOTION NUMBER TWO (2) FILED BY DEFENDANTS ATTORNEY KEN NIXON OCTOBER 15, 1992	
	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.	
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. Defendant's attorney, Ken Nixon in court. Defendant's Motion to Dismiss-DENIED.	
	MOTION FOR DISCOVERY FILED BY STATE DECEMBER 9, 1992	
	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 WITNESSES. Defendant's attorney, Ken Nixon in court.	
	4-9-93 AN	
	MOTION TO CONSOLIDATE OFFENSES FILED BY THE STATE APRIL 1, 1993	
	4-9-93 AN	
	MOTION TO CONTINUE FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993	
	4-9-93 AN	
	MOTION TO DISMISS FOR FAILURE TO COMPLY WITH DISCOVERY ORDER FILED BY THE DEFENDANTS ATTORNEY KEN NIXON APRIL 7, 1993	

Date	Page No. <u>3</u>	ACTIONS (Continued)	Case Number <u>FDM</u>
		ST. VS. STANBERRY RODNEY KARL	CC-92-2315 ID YR NUMBER
4-9-93		Defendant's motion to Continue-GRANTED. State's Motion to Consolidate Offenses-GRANTED BY CONSENT. Defendant's Motion to Dismiss for Failure to Comply with Discovery Order-CONTINUED until 4-16-93. Defendant's attorney, Kenneth Nixon in court. <i>[Signature]</i>	
4-16-93		Case reset at the request of the defendant's attorney Ken Nixon. Case reset 4-23-93.	
4-23-93		Motion to Dismiss for Failure to comply with discovery order- DENIED BECAUSE OPEN FILE DISCOVERY WAS GIVEN IN THIS CASE. HOWEVER OPEN FILE DISCOVERY DOES NOT MEAN ANY PERSONAL NOTES THAT THE D.A. MIGHT HAVE MADE IN TALKING TO SOME CLIENT'S AND BRADY MATERIAL IS ALWAYS DISCOVERABLE REGARDLESS OF THE SOURCE IN ANTICIPATION OF TRIAL UNLESS IT INCLUDES ANY BRADY MATERIAL. Defendant's attorney, Kenneth Nixon in court. <i>[Signature]</i>	
6-9-93		Case continued by agreement of both parties. Case taken out of call 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, 1993 - Reset generally. <i>10-25-93 AN</i> MOTION FOR PORTECTIVE ORDER FILED BY THE STATE ON OCTOBER 15, 1993 <i>10-24-93</i> MOTION TO HEAR PRE-TRIAL MOTIONS BEFORE THE DAY OF TRIAL FILED BY THE STATE ON OCTOBER 15, 1993 <i>2/11/94</i> MOTION IN LIMINE FILED BY THE STATE ON OCTOBER 15, 1993	
10-29-93		Motion for Protective Order filed by the State, Motion to Hear Pre-trial motions before the date of trial filed by the State and Motion in Limine filed by the State continued at the request of the State. Reset 11-5-93. <i>[Signature]</i>	
		BARBARA M. AUSBORN COUNTY CLERK <i>4/13/94</i>	





Date	Page No. <u>7</u>	ACTIONS (Continued)	Case Number
		STATE OF ALABAMA VS. STANBERRY, RODNEY <del>KARL</del>	CC 92-2315 - MCRAE ID YR NUMBER
4/7/95		Defendant made bond (\$25000.00-Private).	
04/26/95		Reset May 4, 1995, for sentencing -- due to the pre-sentencing investigation report not being available. Defendant's attorney notified.	
05/04/95		Reset May 11, 1995, due to the the Court receiving the presentence investigation report late. Defendant's attorney, KENNETH NIXON, in Court.	
		ALABAMA COURT REPORTER 5/11/95	
05/11/95		It is ordered by the Court that the Defendant be and is hereby adjudged guilty of BURGLARY IN THE FIRST DEGREE, for which he was indicted, and is now sentenced by the Court to imprisonment in the State Penitentiary for the term of 20 YEARS TO RUN CONCURRENT WITH CASE NO. CC92-2313 AND CC92-2314. Defendant to be given credit for 10 days for time spent in jail. Defendant gave oral notice of appeal. Appeal Bond set at \$20,000.00 (Defendant is to make a new Bond). Execution of sentence not suspended pending appeal. Defendant's attorney, KENNETH A. NIXON, in Court.	
5/11/95		Appeal bond made in the amount of \$20,000.00 and signed by Steve Roberts Bail Bonds	
5/11/95		Execution of sentence suspended pending appeal	
		A P P E A L E D	
M20 J30 J06 56		NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS BY THE TRIAL COURT CLERK, MAILED MAY 22nd, 1995	
		6/23/95 AN	
		Motion for new trial filed by defendant's attorney, Kenneth Nixon, June 9th, 1995	



CIRCUIT COURT OF MOBILE COUNTY

THE STATE OF ALABAMA,  
Mobile County.June Session, 1992

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, with the intent to cause the death of Valerie Finley, a  
violation of §13A-6-2 of the Code of Alabama, attempt to cause the  
death of Valerie Finley, by shooting her in the head with a gun, in  
violation of §13A-4-2 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

Brend. H. Doorn  
Foreman of the Grand 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 presence of

other Grand Jurors

Filed in open court this the

22

day of

June

19

92Susan J. Wilson  
Clerk Circuit Court, Mobile, County, Alabama

CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

RODNEY KARL STANBERRY,

Defendant.

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\* CASE NO. CC92-2313  
\*  
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We, the Jury, find the Defendant, Rodney Karl Stanberry, guilty of Attempted Murder as charged in the indictment.

Mary Lynn Bass  
FOREMAN/FOREWOMAN

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

\_\_\_\_\_  
FOREMAN/FOREWOMAN

## CIRCUIT COURT OF MOBILE COUNTY

THE STATE OF ALABAMA,  
Mobile County.JuneSession, 1992

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

Burke H. Joomy  
Foreman of the Grand 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 presence of

other Grand Jurors

Filed in open court this the

22

day of

June

19

92Gusman J. Wilson  
Clerk Circuit Court, Mobile, County, Alabama

CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

RODNEY KARL STANBERRY,

Defendant.

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CASE NO. CC92-2314

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

Mary Lynn Bass  
FOREMAN/FOREWOMAN

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

\_\_\_\_\_  
FOREMAN/FOREWOMAN

Grand Jury No. 168 B

26

CIRCUIT COURT OF MOBILE COUNTY

THE STATE OF ALABAMA,  
Mobile County.June Session, 1992

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 enter or remain unlawfully in the dwelling of Valerie Finley, with intent to commit a crime therein, to-wit: theft, and while effecting entry or while in the dwelling or in immediate flight therefrom, the said RODNEY KARL STANBERRY was armed with a deadly weapon or a dangerous instrument, to-wit: a gun, in violation of §13A-7-5 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

Brenda H. Joony  
Foreman of the Grand Jury.Bail fixed in open court at \$ 25,000 this the 22 day of June 19 92Presented to the Court by the Foreman of the Grand Jury in the presence of 16 other Grand JurorsFiled in open court this the 22 day of June 19 92Dwain J. Gibson  
Clerk Circuit Court, Mobile, County, Alabama

CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

RODNEY KARL STANBERRY,

Defendant.

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CASE NO. CC92-2315

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

Mary Lynn Bass  
FOREMAN/FOREWOMAN

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

\_\_\_\_\_  
FOREMAN/FOREWOMAN

38  
BOET 5-8-92

	<b>CONSOLIDATED BOND</b> (District Court, Grand Jury, Circuit Court)	Case Number <u>02-92-2007</u>
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IN THE Circuit COURT OF Mobile COUNTY  
STATE OF ALABAMA v. Rodney Karl Stanberry

We Rodney Karl Stanberry (Defendant) as principal  
and we FREEDOM BONDING CO. (please print) as sureties  
agree to pay the State of Alabama Twenty Five Thousand (\$25,000) Dollars  
unless the above named defendant appears before the District Court of said County on (Date) 5/15/92  
at (Time) 10:00 AM ~~of the District Court of said County, there to await the action of the court~~  
Attempted Murder until discharged by law to answer to the charge of \_\_\_\_\_  
or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

~~We hereby certify and understand that this instrument is a legal document which shall remain in full force and effect until such time as the same is signed and approved by the court.~~

Signature of Defendant <u>Rodney Karl Stanberry</u>	Address (Print) <u>222 Williams Ave Richard AL</u>
Signature of Surety <u>Joel Watkins</u>	Address (Print) <u>Freedom Bonding Co.</u> City <u>36610</u>
	<u>351 So. Conception St.</u>
Signature of Surety	Address (Print) <u>Mobile, AL 36603</u> City <u></u>
	<u>(205) 432-1800</u>
Signature of Surety	Address (Print) _____ City _____
Signature of Surety	Address (Print) _____ City _____
DATE RELEASED <u>5/8/92</u>	Address (Print) _____ City _____
DATE ARRESTED <u>5/13/92</u>	Address (Print) _____ City _____
ARRESTED BY <u>P.P.D./SMITH</u>	Approved by: Sheriff/Judge <u>Joel Watkins</u>
Date _____	By: Deputy Sheriff <u>Joel Watkins</u>

Defendant's Information

DOB <u>4-27-69</u>	Sex <u>M</u>
S. S. No. <u>131-62-9874</u>	Race <u>B</u>
DL No. <u>5318005</u>	State <u>ALA</u> Phone No. <u>456-7091</u>

☐ Appearance Bond - Property    ☐ Appearance Bond - Recognizance    ☐ Bail Bond    ☐ Cash Bond

BART 5-8-92

<b>CONSOLIDATED BOND</b> (District Court, Grand Jury, <u>Circuit Court</u> )		Case Number <u>DC-92-202 08</u>																																
<p>IN THE <u>Circuit</u> COURT OF <u>Mobile</u> COUNTY STATE OF ALABAMA v. <u>Rodney Karl Stankerry</u></p> <p>We <u>Rodney Karl Stankerry</u> (Defendant) as principal and we <u>FREEDOM BONDING CO.</u> (please print) as sureties agree to pay the State of Alabama <u>Twenty Five Thousand - 25,000</u> Dollars unless the above named defendant appears before the District Court of said County on (Date) <u>next</u> at (Time) <u>9:00</u> <del>at the next session of Circuit Court of said County, there to await the action by the grand</del> <del>jury, and from session to session thereafter, until discharged by law to answer to the charge of</del> <u>Robbery 1</u> or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execu- tion or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we espe- cially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.</p> <p><del>Nothing is to be construed as a release of the defendant from the charge of the crime for which the bond is given, and the defendant is to remain in custody until discharged by law to answer to the charge of the crime.</del></p> <table border="0" style="width:100%;"><tr><td style="width:50%;">Signature of Defendant <u>Rodney Karl Stankerry</u></td><td style="width:50%;">Address (Print) <u>222 Williams Ave Prichard</u> City <u>AL</u></td></tr><tr><td>Signature of Surety <u>Neal Waters</u></td><td>Address (Print) <u>Freedom Bonding Co.</u> City <u>36603</u></td></tr><tr><td></td><td><u>351 So. Conception St.</u></td></tr><tr><td>Signature of Surety</td><td>Address (Print) <u>Mobile, AL 36603</u> City</td></tr><tr><td></td><td><u>(205) 432-1800</u></td></tr><tr><td>Signature of Surety</td><td>Address (Print)</td></tr><tr><td></td><td>City</td></tr><tr><td>Signature of Surety</td><td>Address (Print)</td></tr><tr><td></td><td>City</td></tr><tr><td>DATE RELEASED <u>5/8/92</u></td><td>Address (Print)</td></tr><tr><td>DATE ARRESTED <u>4/28/92</u></td><td>Address (Print)</td></tr><tr><td>ARRESTED BY <u>PPD CO SMITH</u></td><td>Address (Print)</td></tr><tr><td>Date</td><td>City</td></tr></table> <p>Approved by: Sheriff/Judge <u>[Signature]</u> By: Deputy Sheriff <u>[Signature]</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p style="text-align: center;">Defendant's Information</p><table border="0" style="width:100%;"><tr><td>DOB <u>4-27-69</u></td><td>Sex <u>M</u></td></tr><tr><td>S. S. No. <u>131-62-9874</u></td><td>Race <u>B</u></td></tr><tr><td>DL No. <u>551-8005</u></td><td>State ( ) Phone No. _____</td></tr></table></div> <div style="margin-top: 10px;"><input type="checkbox"/> Appearance Bond - Property    <input type="checkbox"/> Appearance Bond - Recognizance    <input type="checkbox"/> Bail Bond    <input type="checkbox"/> Cash Bond</div>			Signature of Defendant <u>Rodney Karl Stankerry</u>	Address (Print) <u>222 Williams Ave Prichard</u> City <u>AL</u>	Signature of Surety <u>Neal Waters</u>	Address (Print) <u>Freedom Bonding Co.</u> City <u>36603</u>		<u>351 So. Conception St.</u>	Signature of Surety	Address (Print) <u>Mobile, AL 36603</u> City		<u>(205) 432-1800</u>	Signature of Surety	Address (Print)		City	Signature of Surety	Address (Print)		City	DATE RELEASED <u>5/8/92</u>	Address (Print)	DATE ARRESTED <u>4/28/92</u>	Address (Print)	ARRESTED BY <u>PPD CO SMITH</u>	Address (Print)	Date	City	DOB <u>4-27-69</u>	Sex <u>M</u>	S. S. No. <u>131-62-9874</u>	Race <u>B</u>	DL No. <u>551-8005</u>	State ( ) Phone No. _____
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CONSOLIDATED BOND    COURT RECORD: Original    DEFENDANT: Copy    SURETY: Copy																																		

	<b>CONSOLIDATED BOND</b> (District Court, Grand Jury, <u>Circuit Court</u> )	Case Number <u>DC-92-20209</u>																																												
<p>IN THE <u>Circuit</u> COURT OF <u>Mobile</u> COUNTY STATE OF ALABAMA v. <u>Rodney Karl Stankerry</u></p> <p>We <u>Rodney Karl Stankerry</u> (Defendant) as principal and we <u>FREEDOM BONDING CO.</u> (please print) agree to pay the State of Alabama <u>Twenty Five Thousand 25,000</u> Dollars unless the above named defendant appears before the District Court of said County on (Date) <u>Next</u> at (Time) <u>at the next session of Circuit Court of said County, then to remain there until discharged by law to answer to the charge of</u> <u>Burglary 1</u> or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.</p> <p><del>It is agreed and understood that this is a continuing bond which shall remain in full force and effect until the defendant is released from custody or until discharged by law to answer to the charge of</del></p> <table border="0" style="width: 100%;"><tr><td style="width: 40%;">Signature of Defendant <u>Rodney Karl Stankerry</u></td><td style="width: 20%;">Address (Print) <u>227 Williams Ave</u></td><td style="width: 40%;">City <u>Prichard</u></td></tr><tr><td>Signature of Surety <u>Local Waters</u></td><td>Address (Print) <u>Freedom Bonding Co.</u></td><td>City <u>366</u></td></tr><tr><td></td><td><u>351 So. Conception St.</u></td><td></td></tr><tr><td></td><td><u>Mobile, AL 36603</u></td><td>City</td></tr><tr><td></td><td><u>(205) 432-1800</u></td><td></td></tr><tr><td>Signature of Surety</td><td>Address (Print)</td><td>City</td></tr><tr><td>Signature of Surety</td><td>Address (Print)</td><td>City</td></tr><tr><td>DATE RELEASED <u>5/8/92</u></td><td>Address (Print)</td><td>City</td></tr><tr><td>DATE ARRESTED <u>4/30/92</u></td><td>Address (Print)</td><td>City</td></tr><tr><td>ARRESTED BY <u>POD SMITH</u></td><td>Address (Print)</td><td>City</td></tr><tr><td>Date</td><td colspan="2">Approved by: Sheriff/Judge <u>Don Davis</u></td></tr><tr><td></td><td colspan="2">By: Deputy Sheriff <u>OB SKELLS</u></td></tr></table> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p style="text-align: center;">Defendant's Information</p><table border="0" style="width: 100%;"><tr><td>DOB <u>4-27-69</u></td><td>Sex <u>M</u></td></tr><tr><td>S. S. No. <u>131-62-9874</u></td><td>Race <u>B</u></td></tr><tr><td>DL No. <u>551-8005</u></td><td>State <u>ALA</u></td></tr><tr><td></td><td>Phone No. <u>456-7091</u></td></tr></table></div> <div style="margin-top: 10px;"><input type="checkbox"/> Appearance Bond - Property    <input type="checkbox"/> Appearance Bond - Recognizance    <input type="checkbox"/> Bail Bond    <input type="checkbox"/> Cash Bond</div>			Signature of Defendant <u>Rodney Karl Stankerry</u>	Address (Print) <u>227 Williams Ave</u>	City <u>Prichard</u>	Signature of Surety <u>Local Waters</u>	Address (Print) <u>Freedom Bonding Co.</u>	City <u>366</u>		<u>351 So. Conception St.</u>			<u>Mobile, AL 36603</u>	City		<u>(205) 432-1800</u>		Signature of Surety	Address (Print)	City	Signature of Surety	Address (Print)	City	DATE RELEASED <u>5/8/92</u>	Address (Print)	City	DATE ARRESTED <u>4/30/92</u>	Address (Print)	City	ARRESTED BY <u>POD SMITH</u>	Address (Print)	City	Date	Approved by: Sheriff/Judge <u>Don Davis</u>			By: Deputy Sheriff <u>OB SKELLS</u>		DOB <u>4-27-69</u>	Sex <u>M</u>	S. S. No. <u>131-62-9874</u>	Race <u>B</u>	DL No. <u>551-8005</u>	State <u>ALA</u>		Phone No. <u>456-7091</u>
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	By: Deputy Sheriff <u>OB SKELLS</u>																																													
DOB <u>4-27-69</u>	Sex <u>M</u>																																													
S. S. No. <u>131-62-9874</u>	Race <u>B</u>																																													
DL No. <u>551-8005</u>	State <u>ALA</u>																																													
	Phone No. <u>456-7091</u>																																													

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

*Robert Earl Steadman*  
Defendant.

\* CASE NUMBER(S): CC 92-2313

\* \_\_\_\_\_

\* \_\_\_\_\_

\* \_\_\_\_\_

\* \_\_\_\_\_

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 at Mobile, Alabama, this the 22nd day of June 19 92.

PRESIDING CIRCUIT JUDGE

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

\* CASE NUMBER(S): CC 92-2314

Plaintiff,

\* \_\_\_\_\_

vs.

\* \_\_\_\_\_

*Robert Earl Stanton*

\* \_\_\_\_\_

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 at Mobile, Alabama, this the 22nd day of June 19 92.

PRESIDING CIRCUIT JUDGE

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

Plaintiff,

vs.

*Robert Earl Stinson*  
Defendant.

\* CASE NUMBER(S): CC 92-2315

\* \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_

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 at Mobile, Alabama, this the 22nd day of June 19 92.

PRESIDING CIRCUIT JUDGE

COPY

## IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

vs

RODNEY KARL STANBERRY,

\* CC 92 002313  
 \* CC 92 002314  
 \* CC 92 002315  
 \*

*Handwritten:*  
 9-30-92

MOTION TO WITHDRAW

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

1. The Defendant's father has requested that I withdraw.
2. The Defendant's father has stated that he will be 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 36602  
 (205) 433-3177

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.

STATE OF ALA. MOBILE CO.  
 I CERTIFY THIS PLEADING  
 WAS FILED ON  
 DAVID L. BARNETT  
 SEP 30 10 38 AM '92

*Handwritten:* *Clifford J. Wilson*  
 CLERK CIRCUIT COURT

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

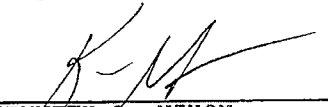
STATE OF ALABAMA,	*	
Plaintiff,	*	
vs.	*	CASE NOS. CC-92-2313
		CC-92-2314
RODNEY KARL STANBERRY,	*	CC-92-2315
Defendant.	*	

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  
(205) 433-1806

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 15th 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.

  
KENNETH A. NIXON c

MOBILE COUNTY, ALABAMA  
CLERK OF COURT  
J. C. JORDAN  
10/15/92

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

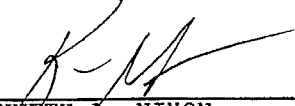
STATE OF ALABAMA,	*	
Plaintiff,	*	
vs.	*	CASE NOS. CC-92-2313
		CC-92-2314
RODNEY KARL STANBERRY,	*	CC-92-2315
Defendant.	*	

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.

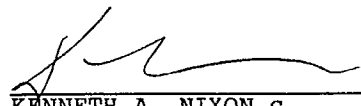
Dated this the 15th day of October, 1992.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 15th 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.

  
KENNETH A. NIXON c

STATE OF ALA MOBILE CO.  
CLERK OF THE DISTRICT COURT  
Oct 15 3 07 PM '92  
Susan G. Wilson  
CLERK CIRCUIT COURT

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

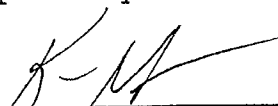
STATE OF ALABAMA,	*	
Plaintiff,	*	
vs.	*	CASE NOS. CC-92-2313
		CC-92-2314
RODNEY KARL STANBERRY,	*	CC-92-2315
Defendant.	*	

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.

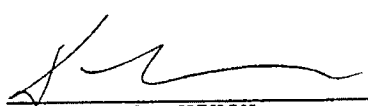
Dated this the 15th day of October, 1992.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 15th 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.

  
\_\_\_\_\_  
KENNETH A. NIXON c

STATE OF ALA. MOBILE CO.  
CLERK OF DISTRICT COURT  
OCT 15 3 07 PM '92  
*Joan J. Wilson*  
CLERK CIRCUIT COURT

STATE OF ALABAMA,

Plaintiff,

vs.

RODNEY KARL STANBERRY,

Defendant.

\* IN THE CIRCUIT COURT OF

\* MOBILE COUNTY, ALABAMA

\*

\* CASE NOS: CC-92-2313

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:

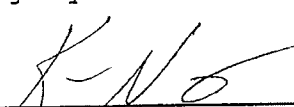
1. Said statements were not voluntary and were obtained in violation of the Constitution of the State of Alabama and of the United States of America.

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

CLERK CIRCUIT COURT

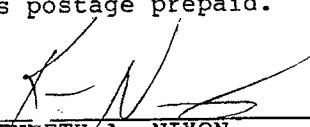
SEP 15 3 07 PM '92

STATE OF ALABAMA  
CLERK OF THE CIRCUIT COURT  
MOBILE COUNTY

  
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 15th 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

42

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 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:

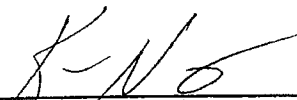
1. Said statements were not voluntary and were obtained in violation of the Constitution of the State of Alabama and of the United States of America.

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

CLERK CIRCUIT COURT

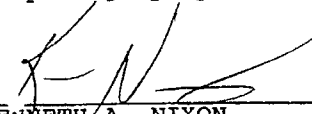
OCT 13 3 07 PM '92

STATE OF ALABAMA  
MOBILE COUNTY

  
 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 15th 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

\* IN THE CIRCUIT COURT OF

\* MOBILE COUNTY, ALABAMA

\*

\* CASE NOS: CC-92-2313

CC-92-2314


CC-92-2315

43

CLERK CIRCUIT COURT

an. or  
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SECRET

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

ass postage prepaid.



KENNETH A. NIXON

I hereby certify that on this the 15th 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.

44

STATE OF ALABAMA,	*	IN THE CIRCUIT COURT OF
Plaintiff,	*	MOBILE COUNTY, ALABAMA
vs.	*	
RODNEY KARL STANBERRY,	*	
Defendant.	*	CASE NOS.: CC-92-2313 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

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 or 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;

(f) any evidence that the alleged victim or any 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 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.

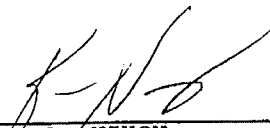
23. Produce all written or recorded statements of any person alleged to be a co-defendant or accomplice of this Defendant, and the substance of any oral statements made by such alleged co-defendant or accomplice, as the same are within the scope of Temporary Rule of Criminal Procedure 18.1(b).

24. 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 time, SIR program, work release, or any release from 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.

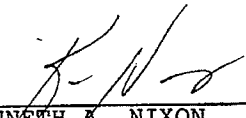
WHEREFORE, the defense asks that the relief requested in this motion to granted; that the records described be delivered to the defense; that the Defendant and his defense attorneys be permitted to examine these records for a reasonable period of time; that such examination take place under circumstances 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

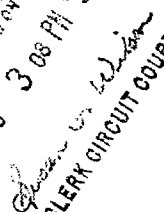
for all such other reasons as shall further appear at the hearing of this motion.

  
KENNETH 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 15th day 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 the United States Mail, properly addressed and first class postage prepaid.

  
KENNETH A. NIXON

STATE OF ALA. MOBILE CO.  
CLERK OF DISTRICT COURT  
OCT 15 3 08 PM '92  
  
CLERK CIRCUIT COURT