

No. 16-7835

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

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TOFOREST ONESHA JOHNSON, PETITIONER

v.

ALABAMA  
—◆—

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE COURT OF CRIMINAL APPEALS  
OF ALABAMA  
—◆—

**BRIEF FOR DEATH ROW EXONEREE  
138 ANTHONY GRAVES AS AMICUS  
CURIAE SUPPORTING PETITIONER**  
—◆—

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**BRIEF FOR DEATH ROW EXONEREE 138  
ANTHONY GRAVES SUPPORTING PETITIONER**

Anthony Graves respectfully submits this brief as amicus curiae in support of the petition for a writ of certiorari.<sup>1</sup>

**INTEREST OF AMICUS CURIAE**

Anthony Graves is Death Row Exoneree 138. He spent 18½ years in prison, 16 of those years in solitary confinement, and 12 of those years on Texas’s Death Row. Twice, he was given an execution date. Yet Mr. Graves did not commit the crimes for which he was convicted. And he was convicted based on the testimony of a purported accomplice, whose prior inconsistent statements were concealed from the defense.

After the Fifth Circuit vacated the conviction, the new district attorney unequivocally concluded that Mr. Graves is “an innocent man” and that “[t]here is nothing that connects Anthony Graves to this crime.”<sup>2</sup> And a special prosecutor charged with conducting any retrial found that the original prosecutor’s handling of

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<sup>1</sup> All parties have received ten days’ notice of amicus curiae’s intention to file this brief, and have consented to the filing of this brief. No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of the brief. No person other than amicus curiae or his counsel made a monetary contribution to the preparation or submission of this brief.

<sup>2</sup> Brian Rogers & Cindy George, *Texas sets man free from death row*, HOUSTON CHRONICLE (Oct. 27, 2010), <http://www.chron.com/news/houston-texas/article/Texas-sets-man-free-from-death-row-1619337.php>.

the case had been a “criminal justice system’s nightmare” and that Mr. Graves’s trial had been a “travesty.”<sup>3</sup>

Because Mr. Graves could have been wrongfully executed but for a *Brady v. Maryland* claim based on suppressed impeachment evidence, he has a strong interest in ensuring that courts do not preclude *Brady* claims based on such evidence—as the Alabama court did in the ruling below.

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<sup>3</sup> Martha Neil, *Prosecutors Blast Ex-DA in ‘Nightmare’ Case of Innocent Man Jailed 18 Years*, ABA JOURNAL (Oct. 28, 2010), [http://www.abajournal.com/news/article/prosecutors\\_blast\\_ex-da\\_in\\_nightmare\\_case\\_of\\_innocent\\_man\\_who\\_served\\_18\\_yea/](http://www.abajournal.com/news/article/prosecutors_blast_ex-da_in_nightmare_case_of_innocent_man_who_served_18_yea/).

## INTRODUCTION AND SUMMARY OF ARGUMENT

This brief tells the stories of Anthony Graves and other death row exonerees. Their stories demonstrate the need for *Brady* claims based on impeachment evidence. These individuals were wrongfully convicted and sentenced to death based on testimony that would have been discredited had prosecutors not concealed impeachment evidence. And these exonerees' experiences highlight the danger of rulings, like the decision below, that categorically deny such *Brady* claims.

The prosecution's obligation to disclose material evidence favorable to the defense under *Brady v. Maryland* is a critical safeguard against the erroneous conviction of innocent defendants. 373 U.S. 83, 87 (1963). *Brady* serves that purpose by requiring prosecutors to disclose material evidence favorable to the defense in advance of trial and by requiring that convictions or punishments secured in violation of that duty be set aside. *United States v. Agurs*, 427 U.S. 97, 107-08 (1976).

A prosecutor's *Brady* obligation is no less when impeachment evidence is at issue. *United States v. Bagley*, 473 U.S. 667, 682 (1985) (plurality); *Giglio v. United States*, 405 U.S. 150, 153-54 (1972); *Napue v. Illinois*, 360 U.S. 264, 269 (1959). As this Court has recognized, there is no "difference between exculpatory and impeachment evidence for *Brady* purposes." *Kyles v. Whitley*, 514 U.S. 419, 433 (1995). The suppression of either type of evidence, if material to the defendant's

guilt and favorable to the defense, creates a substantial risk that an innocent defendant will be convicted.

Mr. Graves's own experience proves that to be true. Having been convicted and sentenced to death for crimes he did not commit, Mr. Graves spent almost two decades in prison. Had *Brady* not applied to impeachment evidence, Mr. Graves might still be there today. Or even worse, he might have been executed.

Nor is Mr. Graves's story an isolated occurrence. As shown below, he is simply one of the many death row exonerees who were convicted after prosecutors concealed material impeachment evidence. Collectively, these death row exonerees have wrongly spent many decades in prison and on death row. Like Mr. Graves's case, *Brady's* application to concealed impeachment evidence was critical to these exonerees' freedom—indeed, to their lives.

## ARGUMENT

### I. THE STORY OF ANTHONY GRAVES (DEATH ROW EXONEREE 138) SHOWS THE IMPORTANCE OF *BRADY* CLAIMS BASED ON IMPEACHMENT EVIDENCE

The Alabama Court of Criminal Appeals categorically held that *Brady* does not apply to impeachment evidence on state habeas review. Pet. App. 10a. This Court should review and reverse that ruling. Not only is it contrary to this Court's law, but it places at risk defendants who have been wrongly convicted after prosecutors have concealed evidence that might impugn the credibility of key witnesses.

1. When he was 26 years old, Mr. Graves was arrested for the murder of six people. He was convicted and sentenced to death. He spent 18½ years in prison, 12 of those years on death row. *Graves v. Dretke*, 442 F.3d 334, 336 (5th Cir. 2006) (“*Graves III*”). He came close to being executed on two occasions. And but for *Brady v. Maryland*, he might have been.

The chain of events leading to Mr. Graves’s wrongful conviction began when six members of the Davis family were murdered in the small town of Somerville, Texas.<sup>4</sup> The family members had been killed in the middle of the night, and their house had been set on fire. *Graves v. Cockrell*, 351 F.3d 143, 147-48 (5th Cir. 2003) (“*Graves I*”). Robert Earl Carter, the father of one of the murdered children, became the prime suspect when he arrived at the funeral heavily bandaged and badly burned. Carter was promptly taken in for questioning. In questioning Carter, the police did not believe that he had acted alone. After hours of intense police interrogation demanding that Carter name an accomplice, he finally named one: Mr. Graves, his wife’s cousin.<sup>5</sup>

Other than that interrogation-induced statement, nothing else pointed to Mr. Graves. He had no connection to the Davis family. He barely knew Carter. He

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<sup>4</sup> Pamela Colloff, *Innocence Lost*, TEXAS MONTHLY (Oct. 2010), <http://www.texasmonthly.com/articles/innocence-lost/> (“Innocence Lost”).

<sup>5</sup> *Innocence Lost*; *Graves III*, 442 F.3d at 337 & n.1.

had no plausible motive to commit the murders.<sup>6</sup> No physical evidence tied him to the crime. *Graves III*, 442 F.3d at 340, 344-45. Unlike Carter, Mr. Graves had no burns. Several people insisted that Mr. Graves had been at his mother's home when the murders occurred.<sup>7</sup> And Mr. Graves consistently maintained his innocence. *Graves III*, 442 F.3d at 340.

Yet the state charged him anyway. As the Fifth Circuit later observed, "Carter was the state's star witness" and the "state recognized that its case depended on the credibility of Carter." *Id.* at 340-41. Of course the state could not take Carter's credibility for granted. Carter had already been convicted of the six murders, and his story was anything but a model of consistency. "Given the number of inconsistent statements Carter had given, the state faced a difficult job of persuading the jury that Carter was a credible witness." *Id.* at 341.

Of particular concern was Carter's grand jury testimony. He testified there that neither he nor Mr. Graves had committed the murders. But the prosecutor explained that away. Carter testified that he had lied to the grand jury because he was "afraid" after Mr. Graves purportedly "had threatened him physically and verbally." *Id.* at 341 & n.6. And to demonstrate that the inconsistent grand jury testimony was a

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<sup>6</sup> Innocence Lost.

<sup>7</sup> Pamela Colloff, *Innocence Found*, TEXAS MONTHLY (Jan. 2011), <http://www.texasmonthly.com/articles/innocence-found/> ("Innocence Found"); Innocence Lost.

one-time anomaly, the prosecutor (District Attorney Charles Sebesta) elicited the following testimony from Carter:

Q. With the exception of where you have totally denied everything, have you always implicated Graves as being with you?

A. Yes. \* \* \*

Q. With the exception of the time you went to the grand jury and denied any involvement, all the different stories that you told have all involved Anthony Graves, have they not?

A. They have.

*Ex parte Graves*, 271 S.W.3d 801, 822 n.6 (Tex. Ct. App. 2008) (Vance, J., dissenting) (omission in *Ex parte Graves*).

Based on Carter's testimony, the jury convicted Mr. Graves, and he was sentenced to death. Without *Brady*, Mr. Graves's story probably would have ended there.

2. As was later revealed, Carter had even less credibility than the prosecutor led the jury to believe. Just hours before testifying, Carter told the prosecutor that Mr. Graves had nothing to do with the murders. And Carter revealed a good reason for falsely implicating Mr. Graves: to protect his own wife. *Graves III*, 442 F.3d at 336-39, 342.

The evening before he testified, Carter met with District Attorney Sebesta. *Id.* at 337. Yet things did not go smoothly. Rather than implicate Mr. Graves, Carter said: “I did it all myself, Mr. Sebesta. I did it all myself.” *Ibid.* Yet Sebesta insisted that Carter must have had accomplices. *Ibid.* So Carter changed his story again, implicating Mr. Graves and a person known as “Red.” *Ibid.* The prosecutor then suggested that “Red” must be Carter’s wife, Theresa Carter. But Carter denied his wife was involved and agreed to take a polygraph. *Ibid.*

The polygraph showed that Carter was being untruthful. So Carter altered his story yet again. This time he admitted that his wife was involved. *Id.* at 337-38. That admission was significant: it was the first time Carter had implicated her in the murders. *Graves v. Cockrell*, 351 F.3d 156, 158 (5th Cir. 2003) (“*Graves II*”). Yet to protect her, Carter conditioned his testimony against Mr. Graves on the prosecution’s not asking him about his wife’s involvement in the murders. And none of Carter’s late-night revelations about Mr. Graves having nothing to do with the murders or Carter’s wife’s involvement was revealed to the defense. *Ibid.*

Twelve years after being placed on death row, the Fifth Circuit held that the prosecution’s concealment of Carter’s statements required vacatur of Mr. Graves’s conviction. *Graves III*, 442 F.3d at 345. Carter’s credibility, after all, was the central issue in Mr. Graves’s trial. *Id.* at 341. The Fifth Circuit explained that it was “obvious from the record that the state relied on

Carter’s testimony to achieve Graves’ conviction.” *Id.* at 340. And it concluded that the concealed statements would have been “powerful ammunition” to impeach Carter. *Id.* at 340-41. In particular, the Fifth Circuit noted that the concealed statements provided Carter a motive to lie about Mr. Graves: to protect his wife. Had the defense known about the concealed statements, Mr. Graves’s lawyers could have argued “that Carter’s desire to exonerate his wife motivated him to falsely implicate Graves in return for the state’s promise to refrain from asking about his wife’s participation in the crime.” *Graves II*, 351 F.3d at 159. The court thus concluded that, “[h]ad the defense been able to cross-examine Carter on the suppressed statement, this may well have swayed one or more jurors to reject Carter’s trial version of the events.” *Graves III*, 442 F.3d at 341.

After the Fifth Circuit ruled, Mr. Graves spent four more years in prison.

3. Following the Fifth Circuit’s decision, a special prosecutor was appointed to re-investigate Mr. Graves’s case. Ample evidence supported his innocence. On numerous occasions, Carter recanted his trial testimony, even admitting that he had falsely testified to protect his wife.<sup>8</sup> Indeed, moments before his own execution, Carter stated: “It was me and me alone. Anthony Graves had nothing to do with it. I lied on him in court.”<sup>9</sup> Based on this and other evidence, the special

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<sup>8</sup> Innocence Lost; *Graves III*, 442 F.3d at 338.

<sup>9</sup> Innocence Lost.

prosecutor concluded that Mr. Graves was innocent, and Mr. Graves was finally released from prison.<sup>10</sup>

Since being released from prison, Mr. Graves has dedicated himself to helping ensure that what happened to him does not happen to others. Mr. Graves founded the Anthony Graves Foundation, an organization committed to promoting fairness and effecting reform in the criminal justice system. And he established the Nicole Casarez Scholarship at the University of Texas Law School, a scholarship named in honor of his habeas corpus counsel.

## **II. MANY OTHER DEATH ROW EXONEREES HAVE HAD THEIR CONVICTIONS OVERTURNED BECAUSE PROSECUTORS CONCEALED IMPEACHMENT EVIDENCE**

Mr. Graves is not the only innocent person wrongfully convicted and sentenced to death after a prosecutor concealed evidence that would have impeached a key prosecution witness.

Time and time again, *Brady v. Maryland* has served as a necessary safeguard against prosecutorial misconduct—both to protect the integrity of the criminal justice system and the rights of innocent defendants. *Brady* helps ensure that prosecutors abide by their constitutional, professional, and ethical obligations to turn over material exculpatory and impeachment evidence to the defense. And *Brady* gives defendants a vital remedy when prosecutors fail to

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<sup>10</sup> Innocence Found.

meet those obligations. In particular, *Brady* claims have played a significant role in overturning the convictions of death row exonerees. Since 1973, 157 death row inmates have been exonerated.<sup>11</sup> In roughly a quarter of those cases, a prosecutor's *Brady* violation contributed to the exoneree's wrongful conviction. *See* Appendix: Death Row Exonerees With *Brady* Claims.

A prosecutor's failure to disclose impeachment evidence was central to many of those cases. These tragic cases underscore the need for this Court's review: legal rules prohibiting *Brady* claims based on impeachment evidence are not simply contrary to this Court's law; they remove one of the critical safeguards against the execution of innocent people. The following are examples of cases in which the prosecution's suppression of material impeachment evidence resulted in the conviction of an innocent person.

- ***James Edward Creamer (Death Row Exoneree 5)***. In 1973, Creamer was convicted of two murders and sentenced to death. *See Emmett v. Ricketts*, 397 F. Supp. 1025, 1047 (N.D. Ga. 1975). In

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<sup>11</sup> A defendant is considered exonerated when (1) the defendant's conviction has been overturned and all charges are dropped or the defendant is acquitted on retrial, or (2) the defendant is absolutely pardoned on the basis of innocence. *See* The Innocence List, Death Penalty Information Center ("The Innocence List"), <http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row> (last visited Mar. 3, 2017). Hundreds more defendants with lesser sentences have also been exonerated. *See* National Registry of Exonerations (listing 2000 exonerations since 1989), <http://www.law.umich.edu/special/exoneration/Pages/detailist.aspx> (last visited Mar. 3, 2017).

1975, after his conviction was overturned on the basis of a *Brady* violation, all charges were dropped.<sup>12</sup> Creamer's conviction had been "obtained almost entirely on the strength of testimony provided by Deborah Ann Kidd." *Emmett*, 397 F. Supp. at 1030. Kidd "was the prosecution's entire case" and "[h]er credibility was the pivotal issue" in Creamer's case. *Id.* at 1041. The prosecution nonetheless withheld a file of Kidd's prior statements that were "riddled \* \* \* with inconsistencies, implausibilities and gaps." *Id.* at 1036. The prosecution also failed to disclose, and subsequently destroyed, tape recordings of Kidd's sessions with a county-paid hypnotist to help "reconstruct" her memory of the crime. *Id.* at 1037.

- ***Dan L. Bright (Death Row Exoneree 116)***. In 1996, Bright was found guilty of first degree murder and sentenced to death. As the Louisiana Supreme Court later explained, the testimony of Freddie Thompson was the "only evidence relied on to convict defendant." *State v. Bright*, 875 So. 2d 37, 43 (La. 2004). Thompson identified Bright as the murderer. Thompson was the State's "star witness"; "there were no other witnesses, and there was absolutely no physical evidence." *Id.* at 42-43. The Louisiana Supreme Court overturned Bright's conviction because

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<sup>12</sup> The Innocence List: Exoneree 5.

the prosecution failed to disclose Thompson's past criminal history in violation of *Brady*. "Thompson had a prior conviction for simple burglary and was on parole at the time of the offense and at the time of his subsequent identification of defendant." *Id.* at 43 (footnote omitted). The court explained that Thompson's prior conviction gave him "the motivation to cooperate with law-enforcement authorities." *Ibid.* Following the Louisiana Supreme Court's decision, the district attorney dropped all charges and Bright was released from prison.<sup>13</sup>

- ***Derrick Jamison (Death Row Exoneree 119)***. In 1985, Jamison was convicted of aggravated murder in connection with a robbery and sentenced to death. Charles Howell was "the central witness of the trial." *Jamison v. Collins*, 291 F.3d 380, 389 (6th Cir. 2002). After Jamison spent 17 years in prison, the Sixth Circuit vacated his conviction because the prosecution withheld critical evidence from the defense. This evidence included statements from Howell and another eyewitness that were inconsistent with Howell's trial testimony. The Sixth Circuit explained that "Jamison could not impeach [Howell's] testimony without access to the prior statements." *Ibid.* Following the Sixth Circuit's ruling, the charges

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<sup>13</sup> The Innocence List: Exoneree 116.

against Jamison were dismissed and he was released from prison.<sup>14</sup>

- ***Yancy Douglas and Paris Powell (Death Row Exonerees 135 and 136)***. In 1995 and 1997 respectively, Douglas and Powell were convicted of the murder of Shauna Farrow. Derrick Smith testified as an eyewitness to the murder at both trials. “Smith’s testimony, and, in particular, his identification of Mr. Powell and Mr. Douglas as the shooters, was the ‘linchpin’ of the prosecution’s case.” *Douglas v. Workman*, 560 F.3d 1156, 1163 (10th Cir. 2009). “Had the jury discounted Smith’s testimony as not credible, it almost certainly would not have had sufficient evidence on which to convict.” *Id.* at 1174.

In both trials, the prosecutor elicited testimony from Smith indicating that there was no deal between the prosecution and Smith for his testimony. *Id.* at 1163, 1165. But that was not true. The prosecutor failed to disclose a deal to intervene favorably in Smith’s parole process in exchange for his eyewitness testimony. *Id.* at 1183-84. In granting habeas, the Tenth Circuit held that the concealed agreement “was strong impeachment evidence going to the credibility of the key witness.” *Id.* at 1187. The state then

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<sup>14</sup> The Innocence List: Exoneree 119.

dropped the charges against Powell and Douglas.<sup>15</sup>

- ***Debra Milke (Death Row Exoneree 151)***. In 1990, Milke was convicted of murdering her four-year-old son and was sentenced to death. Milke spent 22 years on Arizona’s death row. “The trial was, essentially, a swearing contest between Milke and Phoenix Police Detective Armando Saldate, Jr.” *Milke v. Ryan*, 711 F.3d 998, 1000 (9th Cir. 2013). Saldate testified that Milke “had confessed when he interviewed her shortly after the murder.” *Ibid.* But Milke denied confessing, and there were “no other witnesses or direct evidence linking Milke to the crime. The judge and jury believed Saldate, but they didn’t know about Saldate’s long history of lying under oath and other misconduct. The state knew about this misconduct but didn’t disclose it.” *Id.* at 1000-01.

The Ninth Circuit vacated Milke’s conviction. The court explained that the alleged confession was the only direct evidence that Milke committed the crime. “But the confession was only as good as Saldate’s word, as he’s the only one who claims to have heard Milke confess and there’s no

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<sup>15</sup> National Registry of Exonerations: Yancy Douglas and Paris Powell, <http://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3187> and <http://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3548> (last visited Mar. 3, 2017).

recording, written statement or any other evidence that Milke confessed.” *Id.* at 1018-19. The court thus concluded that “Saldate’s credibility was crucial to the state’s case against Milke. It’s hard to imagine anything more relevant to the jury’s—or the judge’s—determination whether to believe Saldate than evidence that Saldate lied under oath and trampled the constitutional rights of suspects in discharging his official duties.” *Ibid.* In March 2015, Milke was released from prison; the Arizona Court of Appeals noted that her conviction had been the result of egregious government misconduct.

As these exonerees’ stories demonstrate, cases with the gravest consequences often turn on the jury’s assessment of a key witness’s credibility. In these cases, the difference between guilt and innocence—and life and death—can depend on the disclosure of impeachment evidence by the prosecutor. Without the disclosure of such evidence, the integrity of our criminal justice system is undermined.

The Alabama court’s no-impeachment rule for *Brady* claims should be reviewed and reversed. Like the exonerees discussed above, petitioner is entitled to have a court consider whether concealed impeachment evidence undermines confidence in his conviction and death sentence.

**CONCLUSION**

For the foregoing reasons and those stated in the petition for a writ of certiorari, the petition should be granted.

Respectfully submitted,

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**APPENDIX: DEATH ROW  
EXONEREES WITH *BRADY* CLAIMS**

1. Wilbert Lee; Exoneree 3, *State v. Pitts*, 249 So. 2d 47, 49 (Fla. Dist. Ct. App. 1971).
2. Freddie Pitts; Exoneree 4, *State v. Pitts*, 249 So. 2d 47, 49 (Fla. Dist. Ct. App. 1971).
3. James Creamer; Exoneree 5, *Emmett v. Ricketts*, 397 F. Supp. 1025, 1047 (N.D. Ga. 1975).
4. Jerry Banks; Exoneree 15, *Banks v. State*, 218 S.E.2d 851, 854 (Ga. 1975).
5. Clifford Henry Bowen; Exoneree 26, *Bowen v. Maynard*, 799 F.2d 593, 602-03 (10th Cir. 1986).
6. Randall Adams; Exoneree 37, *Ex Parte Adams*, 768 S.W.2d 281, 293 (Tex. Crim. App. 1989).
7. Clarence Brandley; Exoneree 40, *Ex Parte Brandley*, 781 S.W.2d 886, 894 (Tex. Crim. App. 1989).
8. Dale Johnston; Exoneree 42, *State v. Johnston*, 529 N.E.2d 898, 912 (Ohio 1988).
9. Gary Nelson; Exoneree 44, *Nelson v. Zant*, 405 S.E.2d 250, 252 (Ga. 1991).
10. Jay C. Smith; Exoneree 47, *Commonwealth v. Smith*, 615 A.2d 321, 323 (Pa. 1992).
11. Kirk Bloodsworth; Exoneree 48, *Bloodsworth v. State*, 307 Md. 164, 175-76 (1986).
12. Walter McMillian; Exoneree 50, *McMillian v. State*, 616 So. 2d 933, 949 (Ala. Crim. App. 1993).
13. Adolph Munson; Exoneree 55, *Oklahoma v. Munson*, 886 P.2d 999, 1004 (Okla. Crim. App. 1994).

14. Ricardo Aldape Guerra; Exoneree 68, *Guerra v. Collins*, 916 F. Supp. 620, 635 (S.D. Tex. 1995), *aff'd sub nom. Guerra v. Johnson*, 90 F.3d 1075 (5th Cir. 1996).
15. Randall Padgett; Exoneree 72, *Padgett v. Alabama*, 668 So. 2d 78, 83 (Ala. Crim. App. 1995).
16. Curtis Kyles; Exoneree 74, *Kyles v. Whitley*, 514 U.S. 419, 421-22 (1995).
17. Eric Clemmons; Exoneree 84, *Clemmons v. Delo*, 124 F.3d 944, 952 (8th Cir. 1997).
18. Michael Graham; Exoneree 89, *Burrell v. Adkins*, No. CV01-2679-M, 2007 WL 4699166, at \*1 (W.D. La. Oct. 22, 2007), report and recommendation adopted as modified, No. 3:01CV2679, 2008 WL 130789 (W.D. La. Jan. 10, 2008).
19. Albert Burrell; Exoneree 90, *Burrell v. Adkins*, No. CV01-2679-M, 2007 WL 4699166, at \*1 (W.D. La. Oct. 22, 2007), report and recommendation adopted as modified, No. 3:01CV2679, 2008 WL 130789 (W.D. La. Jan. 10, 2008).
20. Rudolph Holton; Exoneree 105, *Florida v. Holton*, No. 86-08931 (Fla. Cir. Ct. Sept. 2001).
21. Timothy Howard; Exoneree 109, *26-year inmate may go free today*, CINCINNATI ENQUIRER (July 17, 2003), [http://enquirer.com/editions/2003/07/17/loc\\_oh-freedprisoner17.html](http://enquirer.com/editions/2003/07/17/loc_oh-freedprisoner17.html).
22. Alan Gell; Exoneree 113, *North Carolina v. Gell*, No. 95 CRS 1884, Order (Super. Ct. of Bertie Cty., Dec. 16, 2002).

23. Laurence Adams; Exoneree 115, *Commonwealth v. Adams*, No. 74652, 2004 WL 1588108, at \*7 (Mass. Super. Ct. May 20, 2004).
24. Dan L. Bright; Exoneree 116, *State v. Bright*, 875 So. 2d 37, 44 (La. 2004).
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