

Dale County judge grants new trial for death row inmate



Emanuel Gissendanner

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OZARK — A Johntown community man on death row for a nearly decade-old murder in Dale County could get a new trial after a judge ruled in his favor this week.

Emanuel Gissendanner, 34, was granted a new trial on Tuesday after Dale County Circuit Judge Ken Quattlebaum ruled attorneys Joe Gallo and Bill Kominos could have made “unprofessional errors” while defending Gissendanner for the murder of 77-year-old Margaret Snellgrove.

Prosecutors with the state attorney general’s office have a little more than a month to appeal Quattlebaum’s ruling to the state Court of Criminal Appeals.

Gissendanner was convicted of capital murder, kidnapping and robbery after Snellgrove was abducted from her Choctaw Street residence in 2001 and found dead five days later in the Johntown area.

Authorities said Gissendanner was spotted at a bank with one of Snellgrove’s checks after her disappearance and had clothes at an abandoned trailer in Johntown in which some of Snellgrove’s property was found.

Snellgrove was acquitted of rape and sodomy, according to court records.

For three years, Los Angeles attorneys Becca Wahlquist and Michael Baumann have worked with the Equal Justice Initiative in Montgomery to determine whether Gissendanner was given a fair trial.

Baumann said evidence that could have cleared Gissendanner years ago was never presented in the case and that family members who supported Gissendanner's alibi were never interviewed.

"The theory the state presented was that this was a very violent crime committed in the carport of a house and that the victim was transported in the trunk of a car and dragged to a pond. The evidence didn't support that, and had it been presented, it would have exonerated Gissendanner and pointed the finger in another direction," Baumann said.

Wahlquist, who worked with Baumann for free on the case through the law office of Kirkland and Ellis, said there were no witnesses, motives, murder weapon or confessions in the case.

"Everything was just based on circumstantial evidence. We would like the jurors to hear the truth, and when this all takes place we don't believe he will be convicted. Maybe then law enforcement can see who did this and who was involved," she said.

Wahlquist said she intends to defend Gissendanner through the law office of Manatt, Phelps and Phillips should a new trial take place.

Clay Crenshaw, division chief of the Capital Litigation Division of the state attorney general's office, said he doubted there would be a new trial after he appeals Quattlebaum's ruling to the state Court of Criminal Appeals.

Crenshaw said it was unusual in the state for such a conviction to be overturned.

"Judges are supposed to rule upon the law and the facts, so whether it is unusual or not (Quattlebaum) has the obligation on whether to grant a new trial, (but) we think the judge got it wrong on the law as it regards to ineffective assistance of counsel. We think he misapplied the law and a lot of facts," Crenshaw said.

"We will handle it (in the attorney general's office) if there is a new trial - which we don't think there will be - but the local district attorney will handle it if it goes back to circuit court."

Kominos said he could not comment on Gissendanner's past trial because the case was still in litigation.

As of 3 p.m. on Wednesday, Wahlquist said she was not sure if Gissendanner knew a judge ruled for a new trial.

"He's certainly ready," she said.

Related Information

Order submitted to have Emanuel Gissendanner Jr.'s conviction overturned.

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Dothan Eagle reporter Matt Elofson contributed to this report.