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## WHNT

### Judge In Moore's First Trial Discusses Case

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DECATUR, AL

On Friday, a Morgan County jury found Daniel Wade Moore not guilty of the murder of Karen Tipton. It was Moore's third capital murder trial in the case.

In an exclusive interview, WHNT NEWS 19's Amber Stuart spoke with the judge who overturned Moore's guilty conviction in 2002.

In 2002, a jury found Daniel Wade Moore guilty of killing Karen Tipton, and Judge Glenn Thompson sentenced Moore to death.

"This is one of the most heinous crimes that's ever been committed certainly in Morgan County, Alabama and the jury said he did it. I couldn't conceive of any other sentence for the person who did this other than death. It was very simple, it was not a hard call," said Judge Thompson. "If he did it, he deserved to die. Whoever did it in my opinion under Alabama law should get the death penalty."

It seemed like that would happen, until Judge Thompson says, the prosecution forgot turn over something.

"Orders were entered in any capital case, that whatever the state has, whatever the prosecutor has, whatever the investigation has they should provide that to the defendant," said Judge Thompson.

That missing evidence was a 256-page F.B.I. report.

"The prosecution, Mr. Valeska specifically, looked me in the eye and said, quote, 'there ain't no such thing as an F.B.I. report.' Well, there probably wasn't a report, but there were 256 pages of information collected by Decatur police officers that were sent to the F.B.I.," said Judge Thompson.

After Daniel Moore's conviction and sentencing, there was a surprise turn of events. Assistant Attorney General Don Valeska had a confession, according to Judge Thompson.

"Mr. Valeska came forward with the information after the conviction," said Judge Thompson.

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The judge said he only had one choice after that.

"Clearly, the only remedy was to grant him a new trial and I did," said Judge Thompson.

So what does Judge Thompson think of Valeska's actions?

"It frustrated and angered me that he would be willing to lie to the court," said Thompson.

In the meantime, the Alabama Court of Criminal Appeals ordered Judge Thompson to stand down from the trial and continued to let Valeska prosecute Moore.

Since that first trial, Judge Thompson has not heard new testimony. However, he says he is pleased with Friday's outcome.

"I felt like it was the only conclusion that a jury could reach," said Judge Thompson. "If they actually followed the law."

Judge Thompson says the case is built around circumstantial evidence and reasonable doubt.

"It's a circumstantial case and the evidence in a circumstantial case as in any case has to be so strong that there's no reasonable doubt and there were so many reasons why a jury following the law could not convict a person, based on the evidence that was presented," said Judge Thompson. "Certainly in the 2002 case and even this case."

As for justice for Karen Tipton, will we ever see it?

"I'm hopeful before I die there will be an advance in technology that will allow someone to take the evidence that's been collected as a cold case file somewhere down the road, there'll be something that leads us to the killer and the killer is brought to justice," said Judge Thompson. "Whether I'm here or not. It was a horrible, heinous crime, vicious."

Judge Glenn Thompson says the problems with the prosecution withholding evidence continued throughout the 10 years of the case. The Thursday before the last trial started the prosecution called the defense, saying they had just found a copy of the hard drive of the Tipton home computer. Judge Steve Haddock allowed that as evidence in Moore's third trial.

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