

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

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v.

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Case No. CC-13-0000

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JOE CLIENT.

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**MOTION FOR DISCOVERY OF TRANSCRIPT, EXHIBITS,
AND OTHER DOCUMENTATION OF THE GRAND JURY PROCEEDINGS**

Joe Client respectfully moves this Court to direct the Clerk of the Maycomb County Circuit Court and/or the Jury Commission of Maycomb County to produce the below-enumerated records pertaining to the grand jury proceedings culminating in the indictment of Joe Client. In support of this motion, Mr. Client submits the following:

1. Joe Client was indicted in October 2014 by the Grand Jury of Maycomb County for the shooting death and alleged robbery of Mr. Victim and the State is seeking the death penalty.

2. In Butterworth v. Smith, 494 U.S. 624 (1990), the United States Supreme Court deemed unconstitutional rules that prohibit the disclosure of matters occurring before the grand jury, particularly after the grand jury term has ended. Reviewing the history of the grand jury, the Court noted that the most important reason for the traditional secrecy surrounding the institution in its nascent years was “to safeguard citizens against an overreaching Crown and unfounded accusations.” Id. at 629.

3. A defendant in Alabama may overcome the policy favoring grand jury secrecy by making a preliminary showing of a “particularized need” for the information. Stallworth v. State, 868 So. 2d 1128, 1139 (Ala. Crim. App. 2001); Arthur v. State, 711 So. 2d 1031, 1078 (Ala. Crim. App. 1996); see also McKissack v. State, 926 So. 2d 367, 370 (2005) (recognizing exception to general rule governing secrecy of grand jury proceedings when defendant has demonstrated “particularized need” (quoting Arthur, 711 So. 2d at 1078)).

4. Mr. Client has a particularized need to review Sam Bridge’s grand jury testimony, which will reveal statements inconsistent with his expected trial testimony. In May 2014, Sam Bridge was interviewed by Maycomb County sheriff deputies. At that interview, Mr. Bridge told deputies that he did not know anything about the offense.

5. Upon information and belief, in the fall term of the Maycomb County grand jury, which ended in the indictment against Mr. Client, Sam Bridge testified that he came forward to tell what he knew about this crime because he wanted to be “a good citizen.”

6. However, in the hearing on Mr. Client's motion to suppress held before this Court on Tuesday, January 25, 2016, Sam Bridge admitted that he was an informant testifying under an agreement with the State. Mr. Bridge acknowledged that his agreement will require him to plead guilty to several narcotics offenses after the disposition of this case and to cooperate with the State, which included testifying before the grand jury. Mr. Bridge denied telling the grand jury otherwise.

7. Mr. Client requires Mr. Bridge's grand jury testimony not only to show Mr. Bridge's true motivation in providing evidence against Mr. Client and to challenge the false evidence that may have been presented to the grand jury, but also to demonstrate the fact that Mr. Bridge is willing to lie under oath before a jury. Mr. Bridge's grand jury testimony constitutes material exculpatory and/or impeachment evidence in the possession of the State that undermines Mr. Bridges's credibility as a witness. See Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972).

8. Additionally, Mr. Client expects to challenge his indictment on a number of grounds relating to the propriety of the grand jury proceedings, including the racial and gender composition of the grand jury and race and gender discrimination in the selection of the grand jury foreperson.

9. In order to prepare and present evidence on these motions and to adequately litigate these claims, Mr. Client must have access to and copies of the transcript and exhibits from the grand jury proceedings for the fall term 2014, as well as the names of the members of the grand jury that returned his indictment.

10. A capital trial must be "a reliable adversarial testing process." Strickland v. Washington, 466 U.S. 668, 688 (1984). "The fundamental respect for humanity" underlying the Eighth Amendment's prohibition against cruel and unusual punishment gives rise to a special need for reliability in determining whether the death penalty is appropriate. Johnson v. Mississippi, 486 U.S. 578, 584 (1988); see also Ex parte Monk, 557 So. 2d 832, 836-37 (Ala. 1989) (death penalty is "special circumstance" that justifies expansion of constitutional rights).

11. Denying Mr. Client access to these grand jury proceedings will result in the denial of his rights to due process, equal protection, a fair trial and reliable sentencing as guaranteed by the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Alabama law.

For these reasons, Mr. Client respectfully moves this Court to:

- a. order the Clerk of the Circuit Court for Maycomb County and/or the Jury Commissioner for Maycomb County to make available and permit counsel to copy the testimony, transcript, recordings, exhibits, and other memorializations pertaining to the grand jury proceedings in this case, and to provide the name of the members of the grand jury that returned Mr. Client's indictment; and
- b. in the event that such transcripts do not exist, order that the Commissioner or Clerk furnish data reflecting the geographical, racial, and gender composition of the grand jury members and a description of the process by which the grand jury foreperson was selected in this case.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 10/03/17]