

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

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v.

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Case No. CC-00-0000

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JOE CLIENT.

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**MOTION TO REVEAL THE IDENTITY OF INFORMANTS  
AND DISCLOSE ANY DEALS, PROMISES, OR INDUCEMENTS**

Joe Client respectfully moves this Court for an order directing the State to disclose to the defense the identity of all confidential informants, any promises or understandings (explicit or implicit) with any witness or informant, and whether any threats or inducements of any nature whatsoever have been made regarding any witness or informant. In support of this motion, Mr. Client submits the following:

1. Mr. Client has been charged with capital murder and the State is seeking the death penalty.

2. Due process requires that evidence of bias and impeachment evidence be revealed to the defense. See Smith v. Cain, 565 U.S. 73, 75-76 (2012) (murder conviction reversed where State withheld police statements from sole eyewitness that directly contradicted his trial testimony); see also Banks v. Dretke, 540 U.S. 668, 691 (2004); Giglio v. United States, 405 U.S. 150, 154-55 (1972); Brady v. Maryland, 373 U.S. 83, 88 (1963); Napue v. Illinois, 360 U.S. 264, 269 (1959); United States v. Pitt, 717 F.2d 1334, 1339 (11th Cir. 1983); Ex parte Monk, 557 So. 2d 832, 836-37 (Ala. 1989); Ex parte Geeslin, 505 So. 2d 1246, 1248 (Ala. 1986).

3. Alabama law specifically requires the State to provide to the defense any evidence of a promise of leniency toward or benefit to a witness or someone known to the witness (such as a spouse). This is legitimate impeachment information that can undermine a state witness' s credibility. See Williams v. State, 710 So. 2d 1276, 1297 (Ala. Crim. App. 1996) (due process requires State to disclose material evidence that would tend to impeach critical state witness); see also Ex parte Womack, 541 So. 2d 47, 61-62 (Ala. 1988) (due process violated when prosecution did not disclose that state witness negotiated plea bargain); Hamilton v. State, 677 So. 2d 1254, 1260-61 (Ala. Crim. App. 1995) (evidence that key witness received favorable treatment in exchange for testimony against defendant was Brady material, and State's suppression of it was reversible error); McMillian v. State, 616 So. 2d 933, 942-49 (Ala. Crim. App. 1993) (reversal ordered when prosecution did not reveal

that witnesses who implicated defendant at trial had been furnished consideration and favors in exchange for cooperation with police).

4. Specifically, Joe Client moves the Court to order the State to reveal the following facts and information:

- a. The name and address of each informant whose statements relate to the investigation in this case and all the information that was provided to law enforcement officials, including but not limited to the “confidential informants [who] advised investigating officers that Joe Client and Henry Cousins had committed this offense,” Police Incident Report at 1 (appended to this motion as A-1<sup>1</sup>), and the other confidential source and several unnamed juveniles referred to in the Police Incident Report at 3;
- b. The nature and extent of all immunity, express or implied, granted to each informant and to any witness, including the nature and detail of all crimes for which immunity was granted;
- c. The nature of any consideration that has been given or promised to any individual by the State that relates to the investigation and prosecution of this crime, including the nature and details of any consideration given or promised;
- d. Whether any threats, force, promises, inducements, or any other such devices were used in communications with any individual who provided information to the State that relates to the investigation and prosecution of this crime, including the nature and details of any such devices used; and
- e. All records, notes, memoranda, and documents in the possession of the State relating to the grant of immunity, promises, consideration, threats, or any other inducements to any individual to obtain information or testimony about this crime by the State or any of its law enforcement or other agencies.

5. Disclosure of this information is necessary to ensure Mr. Client’s rights to due process, equal protection, a fair trial, and a reliable sentencing under the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Alabama law.

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<sup>1</sup> **Note to Counsel: The police report or other supporting document should be attached to this motion.**

For these reasons, Mr. Client respectfully requests that this Court enter an order requiring the State to reveal the information set out in his motion, including the identity of all informants and the immunity, consideration, and promises given or promised by the State.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 09/29/17]