

Steve Marshall
Alabama Attorney General



For **press** inquiries only, contact:
Mike Lewis (334) 353-2199
Page 1 of 1

**Attorney General Steve Marshall Announces Alabama Supreme Court Overrules
Antiquated Time-of-Death Rule, Allowing Murder Case to Proceed**

(MONTGOMERY) – Attorney General Steve Marshall announced that the Alabama Supreme Court has reinstated the case of John Grant, 47, of Montgomery, for the murder of Earl Mock who died 15 months after he was shot in the face with a shotgun. Grant’s murder prosecution had been blocked due to a common law “year-and-a-day rule,” which allowed homicide prosecutions only if the victim died within a year and a day of the criminal act.

Evidence was presented in Montgomery County Circuit Court that on September 24, 2017, John Grant allegedly shot Earl Mock from inside a vehicle. Mock was put on life support because of his injuries. Fifteen months later, Mock was taken off life support and died within 12 hours.

Grant was indicted by a Montgomery County grand jury for capital murder, and Grant’s attorneys moved to dismiss his indictment citing the year-and-a-day rule. Grant’s motion was denied by the Montgomery County Circuit Court, but the Alabama Court of Criminal Appeals set aside the trial court’s order and issued an order directing the circuit court to dismiss Grant’s indictment.

On Friday, the Alabama Supreme Court overruled a 2003 decision that had upheld the year-and-a-day rule. The court agreed with the State’s position that the Legislature had abrogated the antiquated rule in 1980 when it updated the criminal code.

“By the Supreme Court’s denial of application of the year-and-a day rule in this murder case, Alabama is one of the last states to effectively abolish the centuries-old common-law rule that has outlived its purpose due to advances in medical technology,” said Attorney General Marshall. “The Supreme Court has appropriately allowed the murder case to proceed so that the State can seek justice for Mock and his family.”

The Attorney General’s Solicitor General and Criminal Appeals Divisions handled the case during the appeals process, arguing for the Alabama Supreme Court to overturn the decision of the Alabama Court of Criminal Appeals and to reinstate Grant’s murder prosecution.

Attorney General Marshall commended Assistant Attorney General Cameron Ball for his successful work on this case, and also thanked Montgomery County District Attorney Daryl Bailey and his staff for their valuable assistance in achieving this significant legal victory to allow this murder case to proceed in court.

--30--

