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## **Marshall Files Petitions to End Delay in Decades-Old Capital Murder Cases**

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(Montgomery, Ala) - Last week, Alabama Attorney General Steve Marshall petitioned the Eleventh Circuit Court of Appeals to force a ruling from federal district courts in four capital-punishment cases, arguing that those courts have unreasonably held up the state criminal justice system for years. Under current precedent, the State typically cannot carry out a judicial execution until federal courts have had time to review. But after years awaiting a ruling, the Attorney General explained, federal courts have had long enough. The four cases, dating back to 2010, highlight a "recurring – perhaps systemic – problem" that betrays the promise of swift justice in Alabama.

"It pains us whenever a family member or friend of a victim calls to check on a case, and we have to say, again and again, that our hands are tied – we're just waiting on a ruling. We've done our jobs, secured a conviction, defended it on appeal, and it's past time for the federal courts to do theirs – or get out of the way," stated Attorney General Marshall. "At some point, judicial delay starts to look like judicial abolition of the death penalty. Not on my watch. I will not allow the State's criminal cases, especially those involving the worst of the worst criminals, to remain neglected by the federal courts."

### **Background**

Charles Randall Stewart was sentenced to death for the 1990 murder in Talladega County of his ex-wife Betty Lang in front of their six-year-old son. Stewart filed a federal habeas petition in the U.S. District Court for the Northern District of Alabama on July 8, 2014. Nearly twelve years later, despite two motions for a timely ruling, that petition remains pending.

Michael Craig Maxwell was sentenced to death for the 1998 brutal slaying in Colbert County of Harold Pugh and his eleven-year-old son, Joey Pugh. Maxwell was convicted of four counts of capital murder, the jury recommended a sentence of death, and the trial court agreed. Maxwell initially filed a federal habeas petition in the U.S. District Court for the Northern District of Alabama July 29, 2010. The case has been fully briefed since March 2011 with two more rounds of briefings in 2014 and 2024. The State has filed *four* motions for timely ruling without a ruling or action from the court.

James Ben Brownfield was sentenced to death for the horrific 2001 murders in Jackson County of his sister, Brenda McCutchin, Brenda's husband, Latham McCutchin, and Brenda's three-year-old grandson, Joshua Hodges. A jury convicted Brownfield on three counts of capital murder and recommended a death sentence. His legal team filed a habeas petition in the U.S.



District Court for the Northern District of Alabama and was fully briefed in December 2019. The State moved for a timely ruling, but the court has failed to decide the case.

Kerry M. Spencer was sentenced to death for the 2004 murders of Birmingham Police Officers Carlos Owen, Harley A. Chisolm, III, and Charles R. Bennett. Spencer also was convicted of the attempted murder of Officer Michael Collins. Spencer filed his federal habeas petition in November 2016, and his case was fully briefed as of November 20, 2017, more than eight years ago. Despite the State's efforts to move this case, the court has failed to rule.