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Page 1 of 1

Attorney General Steve Marshall Successfully Defends Convictions in Two Early-2000s Triple-Homicide Cases

Decision Issued After Marshall Petitioned the Eleventh Circuit to Compel Long-Delayed Review by District Courts

(Montgomery, Ala) – Attorney General Steve Marshall announced recent victories for the State of Alabama in two long-running cases brought by death-row inmates James Brownfield and Kerry Spencer. Both men committed capital murder over twenty years ago and challenged their convictions in federal court. Last month, after both federal cases had been pending for years, Attorney General Marshall [petitioned the Eleventh Circuit](#) to compel the district courts to end their review – one way or another. Following the Attorney General’s action, the district courts dismissed both Brownfield’s and Spencer’s lawsuits.

“After years of delays, these rulings bring us one step closer to justice for six lives violently taken. My office exists for moments like this, to ensure the full force of the law is carried out, no matter the obstacles,” Attorney General Marshall said.

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. In 2019, Brownfield filed a petition in the U.S. District Court for the Northern District of Alabama challenging his conviction and sentence. On March 3, 2026, Attorney General Marshall asked the Eleventh Circuit to order a ruling on Brownfield’s petition. On March 16, 2026, the court dismissed and denied Brownfield’s claims.

Kerry M. Spencer was sentenced to death for the 2004 murders of three 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. In 2016, Spencer filed a petition in the U.S. District Court for the Northern District of Alabama challenging his conviction and sentence. On March 3, 2026, Attorney General Marshall asked the Eleventh Circuit to order a ruling on Spencer’s petition. On April 1, 2026, the court dismissed and denied Spencer’s claims.

Attorney General Marshall commended the Capital Litigation Division for the years of effort that went into defending the State’s convictions and sentences in these cases.

