

YES. CRY HARM, CRY FOUL
WILLFULL SUPPRESSION OF EVIDENCE
Petitioners counter on violation of Rule 32
(Final - NK – Jan 19th)

Regarding recently published objections made by the Baldwin County Assistant District Attorney, Kristi Hagood, in the 2005 murder trial against defendant Murray “Bubba” Lawrence Jr. – one might first question the political motivations of Ms. Hagood to speak on the subject. Might it not be a bit too cozy that her boss, current District Attorney Robert Wilters, was the same Judge Robert Wilters who presided over the case, and convicted Mr. Lawrence in 2005? Furthermore, would it not be ethically questionable that the (then) Judge Wilters authorized the order for the exhumation of murder victim, Brandon Hastings, and then be a party to the illegal suppression of this evidence?

Item #1 - error

Brandon’s body was discovered **five days later**, not ten. He was murdered [REDACTED] Sunday, April 6th. Discovered on Friday, April 11th. REF. Pg. 670

Item #2 – new petitioner’s case will be fought on Rule 32.1, not Brady

“Brady vs Maryland” is a common theme in TV courtroom dramas. It simply states that “the law requires the disclosure of exculpatory and impeachment evidence when such evidence is material to guilt or punishment.” But “Brady” is **encompassed and superseded by Rule 32.1** – which includes five subheadings, all having to do with “newly discovered facts.”

Item #3

The argument of “death by gunshot” has always been false conjecture, lacking any reasonable basis for consideration. REF. Pg. 1788-1789 It was not only contrary to initial assessment of Dr. Paul McGarry in the provisional autopsy, but also by Jackson County Coroner, Vickie Broadus, as noted the Death Certificate. As the petitioners have stated in numerous previous arguments, there was no murder weapon, no bullet, no shell casing, no gunpowder residue, no blood trail, no DNA, no fingerprints, no witnesses, and no crime scene. Meanwhile, there were five alibi witnesses who could attest to the fact that Lawrence was elsewhere at the time of the murder.

Item #4

It might be a point for the attorneys to argue, but it would seem that “suppression of evidence” should have nothing to do with whether the suppressed 2nd autopsy yielded “newly discovered facts” or not. The violation is in the fact that it was suppressed in the first place. And despite Hagood’s casual comment, there is nothing in Rule 32.1 that states that an “error” must “rise to [a certain] level necessary to warrant a new trial.” (Who dictates that trial “errors,” can be deemed “harmless” when a man has been in prison for nearly twenty years for a crime he did not commit?) Furthermore, common sense would suggest that – for an exhumation to have taken place -- the judge, sheriff, and prosecutor were certainly seeking “something.” What was the motive? What were they looking for? The transcript suggests they needed “samples.” But, from the day of discovery, Friday, April 11th, **six different officials, ALL** had the ability to take “samples” before Brandon was buried on April 14th. These include McGarry (Mississippi coroner) REF. Pg. 830, Pgs. 849-851, Vickie Broadus (Jackson County coroner) REF. Pg. 847, Dean McGowan (Deputy Sheriff, Baldwin County), John Stewart (Sheriff’s Dept), Anthony Fuqua (Foley Police Dept) REF. Pg. 761-763 and Huey “Hoss” Mack, Sr. (funeral director.) “We expect to call Huey “Hoss” Mack [Jr.] from the Robertsdale area. His father is the coroner, and “Hoss” is the chief of investigators.” REF. Pg. 237 (Once more – is this a case of the nepotistic foxes guarding the hen house?)

Moreover, as Mack, Sr. – the man who prepared Hastings for burial – **WAS** the Baldwin County Coroner at the time, **WHY** did he **NOT GO AHEAD** and actually perform a 2nd autopsy **at that time**, and create a **legal** Alabama Coroner’s Report in April, 2003? **WHY** dig up the body a month later? REF. pg. 649 And whether “something” was found or not, does not the very fact of the exhumation being denied to defense attorney, Willie Huntley, create the appearance of sinister intent?

(Might it have been possible that these officials were looking for a graze or fracture in the skull to “prove” their gunshot theory? And not having found it, the body was discretely re-buried?)

Item #5

Why would Ms. Hagood opine that the “lack of defensive wounds” connotes that Hastings was not strangled? Is not the act of strangulation-by-ligature always accomplished from behind? Does it ever happen via direct assault from the front? Human physiology doesn’t even support the possibility – not with all the soft tissue of the neck in front, and the vertebrae in the back.

Item #6

Regarding the “co-conspirator’s testimony,” this is a complete reversal of fact. Brandon Hastings was killed by Jarius McNeil, who was the sole architect of the homicide, and pled accordingly at his bench trial on May 14th, 2003, one month after the murder. REF. Pg. 1473 – 1475 However, it is also rather sinister that the “Ireland” document, that is -- the single determinate hand-written statement of guilt and self-incrimination, composed at the trial by McNeil himself -- has now conveniently disappeared from court archives. (More “suppression of evidence?”)

Item #7

Jarius’ betrayal of Lawrence, and reinvention of the storyline, and about Bubba’s fake involvement as “co-conspirator,” began of July 31st, as he was being interview by Lowery, McGowan, and attorneys Liz Campbell and Wilson Myers. **This interview was TAPED.** REF. Pg. 1469 [NOTE: It was McGowan who first broached the subject of a gun. He asked McNeil about “a gun.” McNeil replied “What gun?” REF. Pg. 1745, 1746] McNeil admits that he lied in a previous statement denying culpability. McNeil admits that he “picked Bubba” as a “co-conspirator,” as the “perfect person” to use as an alibi, to fill this role REF. Pg. 1844, as this would be his only recourse in avoiding the death sentence. McNeil admits that he made the phone call from Elizabeth Mixson’s landline, not Bubba, and he states why he picked Hastings as his victim. REF. 1471-1477

Item #8

In his testimony in the trial, the original coroner/pathologist in Mississippi, Dr. Paul McGarry, maintained over-and-over again that Brandon’s death was due to ligature strangulation. The broken hyoid bone, the internal blood stains at the base of the skull, the swallowed blood in the stomach, the cyanotic lungs – all are indicative of strangulation. REF. pg. 835 Yet, in court, prosecutor Whetstone, continue to badger the witness, insisting on his gunshot theory, until McGarry finally stated, “I can’t honestly say that I have evidence that this is a gunshot.” REF. Pg. 862 Finally, after further wheedling about a potential “hypothetical”

situation, the prosecutor extracted an answer from the exhausted doctor. Verbally beaten, McGarry gave in, and stated (hypothetically) that gunshot “could [have been] produced by that mechanism.” But McGarry also explained that such a perfect shot, “right through the center, not a random shot going in some undirected pattern, but one straight shot through the center midline [of the hyoid bone], going straight through to the back [would be] a unique situation.” The prosecutor remained triumphant, despite seemingly forced capitulation of the witness. It was the tiny verbal niche that Whetstone would protect like a jewel, and continue to exploit. REF. pgs. 860, 861

Item #9

It is egregious that Kathleen “Blair” Gordon’s testimony is the only one cited in the “No Harm, No Foul” rendition of Hagood’s argument. In 2200 pages of transcript, she is the only one, and a biased witness, to be resurrected out of all the testimony and no one else? There is no reference to the testimonies of Tonya Mixson, Stacey Giambrone, Crystal Curtis Lindsay, Cynthia Weston, and Michael Dozier. REF. Pg. 975 Blair admits to cocaine being present on the referenced evening of Friday, April 4th – the night before the murder – and expects the reader to believe that, among this group of young people (Bubba, Kathleen, Cynthia, Jarius, and Renauld) that Bubba was the only one actually using the drugs? Everyone else just sat around looking innocent? REF. Pg. 978 - 988 Regarding the open display of the weapon, it should be noted that Bubba owned two permitted firearms, and it was unlikely that he would irresponsibly wave guns around, or make unrealistically stupid threats.

NOTE: Just prior to this point in the trial, defense attorney, Willie Huntley, states that focusing on the drug issue is prejudicial, designed to confuse and mislead the jury, and this was not a drug case. As in **ALL** other objections brought up by Huntley throughout the trial, Huntley is overruled. REF. Pg. 976, 977

Item #10

Reference to “witnesses” at an apartment complex attest to seeing Lawrence drive up “on the night of the murder and retrieve a pistol from his trunk.” This is a complete mischaracterization. McNeil took Brandon’s life ~~on the night of the murder~~ Sunday, April 6th, just after midnight, in the wee hours of the morning. Charles and Tiffany Henn testified that this happened on the evening of April 6th, Sunday – that is to say – 18 hours AFTER Hastings was murdered. REF. Pg. 1354, 1359

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Item #11

“What gun?” How did the fairy tale of “a gun” come to be woven into the narrative, when it was actually unrelated to the crime?

In November, 2002, a man named Clint Steadman reported that a gun (either a .45 or a 9mm) had been stolen from his truck. REF. Pg. 1302 By means unknown, it came into the possession of John Wayne Mixson, brother of Tonya Mixson. Consequently, John Wayne Mixson sold the firearm to Jarius McNeil.

After McNeil perpetrated the murder of Brandon Hastings (strangulation-by-ligature) in the wee hours of Sunday, April 6th, driving Brandon’s car, he stopped at Tonya and Bubba’s place, tapped on the window of the house. After speaking with Bubba briefly, McNeil then forced Tonya and Bubba to take the possession of the speaker system he had removed from the Acura. REF. Pgs. 1141, 1142 This 3:30 AM CDT visit made Bubba very nervous. What was McNeil doing in someone else’s car? Bubba didn’t know Hastings, nor Hastings’ car. But he knew the Acura did not belong to McNeil. (One can only reconstruct that, at that moment, Hastings’ still-warm body was likely lying right there in the trunk). After McNeil left, Tonya and Bubba went back to bed. REF. Pg. 1203

It was no wonder that – 18 hours later, when McNeil insisted Bubba meet at the apartment complex (with Charles and Tiffany Henn watching) that Bubba pulled his (permitted) weapon from the trunk. No, he wasn’t preparing to commit a crime with Jarius, and he didn’t know someone named “Hastings” was dead. By then, Bubba was afraid for his OWN life – afraid that McNeil had perpetrated some unthinkable crime. [Bubba] said he was “scared [Jarius] was “going to take him out of the game.” REF. Pg. 1194, 1196, 1172, 1179 Having forced the stolen speakers on the Mixson household, McNeil had continued on to Mississippi in Hastings’ Acura, and had dumped Brandon’s body in the woods near Gautier. He arrived back in Fairhope just around sunrise. REF. Pg. 1030 His live-in girlfriend, Cynthia Weston attested to the fact that McNeil had washed-up in the bathroom, then gone to sit in a dark room. She said he didn’t want the light on, admonished her when she turned it on, and seemed “like he had a lot on his mind.” A day or two later (when the news had come out that Brandon was missing) [Cynthia] asked him if he knew what had happened and he said “ ‘No. That’s what I’m trying to find out.’ And when he said it, he sounded real worried and nervous.” REF. Pgs. 1037, 1038

A day or two later (when the news had come out that Brandon was missing) [Cynthia] asked him if he knew what had happened and he said "No. That's what I'm trying to find out." And when he said it, he sounded real worried and nervous.

REF. Pg. 1037, 1038

Later that same day, Sunday, McNeil contacted his half-brother, Damiene, who had just returned from Panama City. REF. Pg. 1792 He must have confided in him, because they then discussed what to do with Brandon's vehicle. McNeil testified that he and Damiene conferred regarding any "chop shops, where we could take the Acura to be sold, broken down." Also that "Damiene decided that I was going to go park Brandon's vehicle in Montrose behind a trailer that my parents rent out, and we would leave it there." REF. Pg. 1446

It was during this time that McNeil started to try to get rid of certain items in Brandon's car – specifically, the toolbox and jumper cables. He foisted the jumper cables on his step-mother, Michelle Heard, and later called his Uncle Steve Heard regarding the toolbox – and "a gun." Although McNeil had Damiene do the talking, Uncle Steve testified to hearing McNeil, in the background, telling Damiene what to say. REF. Pg. 1398, 1399. The gun was a .45 or a 9mm, and number of clips that came with the gun were also discussed. REF. Pg. 1394 This was NOT a murder weapon. This was McNeil trying to fence, sell, or give away anything in his possession that could connect him with the crime he'd just perpetrated – or, in the case of the gun, anything that LOOKED like it might be illegal to "hold."

So, indeed, McNeil asked his cousin, Jeff Shaw, to "hold" the gun for him. In Officer Steve Griffis' testimony, the transcript states: "And Jeff Shaw told you that he had received the gun from Jarius McNeil?" "Yes, sir." "His exact words?" Yes, sir." "Jarius gave me this gun to hold for him." REF. Pg. 1301

Within about two days, the word on the street was that "something" had happened. McNeil was acting suspicious. People started to realize Hastings was missing, but – as the body had not yet been found – NOBODY knew his fate. Jeff Shaw was nervous, having had this unwanted weapon foisted on him.

The true irony of it all, and likely unbeknownst to McNeil, was the fact that Jeff Shaw was also the GODSON of Mr. Murray Lawrence, Sr. – Bubba's father. REF.

Pg. 1805 Mr. Lawrence had just come back into town, after having been away on extended business, and was appalled and unnerved at the uproar. When Jeff confided that this gun had been given to him by McNeil to “hold,” Lawrence, Sr. became intensely agitated as Jarius and Bubba had been friends since childhood, and he didn’t want either Jeff or Bubba to be implicated.

So, Mr. Lawrence, Sr. insisted that they “do the right thing,” **REF. Pg. 1253** and arranged to give this weapon to the police, and ended up meeting with Officer Steve Griffis. Although the exact date was not stated in the transcript, it likely occurred on Wed. April 9th, as the gun was turned in to police several days before Hastings’s body was discovered.

However, the above-referenced comment of “Jarius gave me this gun to hold for him” changed radically between the date of the crime in 2003, and Bubba’s court case in 2005.

It is astounding that, in the transcript – just a few pages after Officer Griffis stated “**Jarius gave me this gun to hold for him**” – he would grossly misrepresent the comment as something altogether different.

“Steve, when you were on the phone with [Mr.] Lawrence, Sr., and he told you what he could deliver, was he sure that he could deliver it?” “Yes, sir.” “Are you sure he said **it was the weapon that was helped [sic] to kill the kid that was found in Mississippi?**” “Yes, sir.” “No doubt about that in your mind?” “None whatsoever.” **REF. Pg. 1304**

And **THAT** is how the “fairy tale” of a random gun was manipulated into becoming the murder weapon that never existed. When McGowan said “a gun” during the July 31st, 2003 interview (interrogation?) and McNeil replied “What gun?” it was a matter of the greatest hypocrisy. From that point, investigators would diligently work backwards to re-imagine and re-create something that never was.