



STATE OF ALABAMA
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April 2, 1999

Ms. Artemesia Stanberry
425 G Street, SW
Washington, DC 20024

RE: State of Alabama v. Rodney Stanberry

Dear Ms. Stanberry:

I apologize for the delay in getting back to you, and know that you will understand that it has taken me some time to go through the boxes of records we had here in the office relating to Mr. Stanberry's case.

Over the past three months, I have reviewed, among other things, the Terrell Moore immunity agreement, his statement, appellate briefs from both the defense and the state, trial transcripts and the summaries which you provided, witness statements, BFI records, bank records, viewed Mr. Jordan's notes, the medical records, photographs and pre-sentence report, to include the character reference letters. In addition, I have talked with both trial lawyers separately, Mr. Nixon and Mr. Jordan.

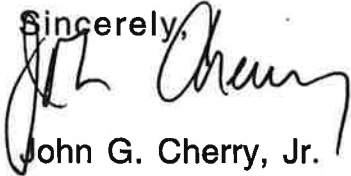
Mr. Stanberry's case has been reviewed by the Alabama Court of Criminal Appeals and by the Alabama State Supreme Court, and the conviction was affirmed. The questions which are left then, are questions of credibility of the witnesses both for and against Mr. Stanberry. That credibility ultimately becomes a question for the jury to decide, as they have the opportunity to listen to, and observe the demeanor of those witnesses. Mr. Tyson and I cannot attempt to replace the judgement of those twelve people with our own. To do so would be to undermine the very essence of our jury system.

I realize that you will still desire to find other avenues of relief. By law, I cannot give legal advice to a defendant. There is, however, one form of appeal that Mr. Stanberry does not yet appear to have approached. There is an extraordinary petition under Rule 32 of the Alabama Rules of Criminal Procedure which is very similar to the old habeas corpus petition. It allows a Defendant to present issues to the trial judge which may not have been addressed elsewhere.

The Rule 32 petition is a method which must be used with caution as it is often the final disposition of a case, and should Mr. Stanberry file such a petition, he should strongly consider asking the court to appoint an attorney to assist him.

Again, I thank you for your patience in this review, and I wish you well.

Sincerely,

A handwritten signature in black ink, appearing to read "J.G. Cherry, Jr.", written in a cursive style.

John G. Cherry, Jr.
Chief Assistant District Attorney