

ISSUES PRESENTED FOR REVIEW

1. EVIDENCE OF INNOCENCE.

A. SWORN STATEMENT OF PARTICIPANT IN THE UNDERLYING CRIME EXCULPATED PETITIONER.

1. The Mobile County District Attorney's office granted testimonial immunity to one Terrell Moore.

2. Terrell Moore confessed to planning and participating in the robbery of Valerie Finley, the victim in this case.

3. Terrell Moore disclosed detailed information that only a participant would know.

4. Terrell Moore admitted that he was paid \$130.00 to drive to and from a planned burglary of the Finley home.

5. Terrell Moore also admitted:

- (a) donning a mask;
- (b) entering the Finley home;
- (c) observing Angel, his accomplice, threaten Ms. Finley;
- (d) removing guns from the vault at the Finley home;
- (e) placing those guns, along with a few pieces of jewelry, into a pillowcase;
- (f) picking up a .38 pistol from the headboard of a bed;
- (g) discovering a lock on the back door;
- (h) hearing the gunshot that entered Ms. Finley's head;
- (i) seeing the resulting wound as she lay on the floor;
- (j) arguing with Angel, the shooter;
- (k) having to unlock the back door;
- (l) removing his mask before exiting the home;
- (m) running to his car;
- (n) loading the pillowcase, filled with guns and jewelry, into his Mercury Capri;
- (o) backing out of the Finley's Driveway;
- (p) backing very near to someone working on a car in the driveway (Finley's house was situated on a cul-de-sac).
- (q) seeing the "mechanic" run toward the Finley house;

of the guns and jewelry, and why he had lied about how he got the cache (The lie: that Rene had called to tell where the guns were, when Deonard Jones actually told Petitioner but threatened to frame him if his (Deonard Jones) name were mentioned to police.

15. Petitioner requested, was examined by an expert (Jack Rector) and passed a polygraph test concerning the within matter.

C. DISTRICT ATTORNEY JOE C. JORDAN'S INTERROGATION OF A CONSPIRATOR IN THE UNDERLYING CRIME EXCULPATED PETITIONER.

1. Joe C. Jordan, assistant district attorney, traveled to New York City with the express purpose of interviewing Rene Whitecloud (aka Rene Barbosa), a conspirator in the underlying crime in this case.

2. Information from that interview exculpated Mr. Stanberry, the petitioner.

D. JURY WAS UNFAIRLY PREJUDICED IN ITS ABILITY TO REACH A VERDICT.