

Defendants still on death row from 1995 in the state of Louisiana

1. Willard Allen:

Willard Allen was sentenced to death on October 17th, 1994 for murder with two aggravating factors: 1) the murders were committed during the commission of an armed robbery and 2) the murders were committed in an especially heinous, atrocious or cruel manner. His direct appeal was decided on September 5, 1996 (682 So.2d 713) and the court affirmed both the conviction and sentence. A rehearing was denied on October 4th of the same year. Mr. Allen filed a habeas petition on February 9th, 2009 with the United States District Court, W.D. Louisiana and it was denied with prejudice after the court found his claims without merit. 2009 WL 6926747. He again filed a habeas petition with the same court and on October 7th of 2010, it was denied as well. The last time Mr. Allen was in front of a court was March 25th, 2011, where he argued constitutional issues regarding the trial jury and the adequacy of his counsel during jury selection.

Update from Nick Trenticosta:

Allen is awaiting ruling on his motion for summary judgment in federal court.

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2. Scott Bourque:

Scott Bourque was sentenced to death on August 23rd, 1991 for murder of his ex-girlfriend. His direct appeal was decided on July 1st, 1997. 699 So.2d 1. Bourque applied for a writ for mental evaluation and it was granted on June, 30th, 2004. 876 So.2d 744. but held in abeyance until the Louisiana Legislature addressed the issue of how to evaluate a death row inmate's mental competency. After the legislature passed LSA-R.S. 15:567.1. the Supreme Court on January 7th, 2005, reviewed Bourque's case and vacated in part the judgment from his original appeal for post conviction relief in order to determine his competence. All other aspects of the denial of request for post conviction relief were denied. 892 So.2d 1237. No further information seems to be available.

Trenticosta update:

Bourque was ruled incompetent to be executed under Ford in state district court.

Pro se representation currently

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3. Nathaniel Code:

Nathaniel Code was sentenced to death for 5 counts of first degree murder on January 21st, 1991. His sentence was affirmed on November 29th, 1993 and a rehearing denied on January 6th, 1994. 627 So.2d 1373. His application for post-conviction relief was denied and in 2010 the Capital Post Conviction Project of Louisiana filed a suit on behalf of Code alleging that the lethal injection procedure violated the Louisiana Administrative Procedure Act but the suit was thrown out after the court agreed with the prosecutor that the injection procedure was not subject to the Act.

<http://www.cncpunishment.com/forums/showthread.php?2125->

Louisiana-Capital-Punishment-News). On October 8th 2010, the Supreme Court of Louisiana denied an application for writs and certiorari was denied by the U.S. Supreme Court on March 7th, 2011. On February 1st of 2012, Mr. Code's application for writs was denied by the Louisiana Supreme Court.

There is an interesting timeline of Code's journey through the judicial system at <http://www.timetoast.com/timelines/26746/>.

Trenticosta update:

Code has filed or will be filing federal habeas.

Pro se representation

4. Michael Owen Perry:

Michael Owen Perry was sentenced to death on December 20th, 1985 for two counts of first-degree murder. After sentencing, the trial court found that he was competent to be sentenced only when on medication and ordered his forced medication. His sentence was affirmed on November 24th, 1986. 502 So.2d 543. On November 13, 1990, the US Supreme Court held that under *Washington v. Harper*, Perry should be evaluated to determine if he was competent to be executed. 111 S.Ct. 449. On remand, on October 19th 1992, the Louisiana Supreme Court held that Perry could not be medicated against his will in order to carry out the death sentence. 610 So. 2d 746. Apparently since then he has not been deemed sane enough without medication to be executed.

Trenticosta update:

No change.

Pro se representation

5. William Tart

William Tart was sentenced to death on April 20th, 1992 for 2 counts of first degree murder. His sentence was affirmed on February 9th, 1996. 672 So.2d 116. On March 4th, 2009 the Louisiana Supreme Court ordered the district court to conduct evidentiary hearings to further determine whether Tart qualified as mentally retarded under *Atkins*. 3 So.3d 456. It's not clear whether those hearings have been held yet.

Trenticosta update:

Case is pending post conviction ruling by state district court.

Pro se representation

6. John Frances Wille

John Frances Wille was sentenced to death on December 20th, 1986 for the abduction, rape and murder of an 8-year-old child. His sentence was affirmed on March 2nd, 1992. His petition for writ of certiorari to the Supreme Court of the US was denied on October 5th, 1992. On March 12th, the Supreme Court of Louisiana vacated his warrant for execution because the judge who signed it had participated in his prosecution at trial. Issuance of a new warrant was stayed so Wille could prepare for post-conviction relief. 615 So.2d 328.

Trenticosta update:

Case pending post conviction ruling by state district court;
DNA testing recently done on evidence -- Wille not contributor

Pro se representation

7. James Copeland

James Copeland was sentenced to death on April 20th, 1981 for the kidnapping, rape and murder of an 11 year old boy. On July 17, 1981 he learned of activities of the trial judge and sequestered jury, which included the judge purchasing alcohol for the jury, visiting with them for meals and alcohol at a public restaurant and playing practical jokes on the jury. He filed a motion for a new trial. 401 So.2d 1207. The motion was granted on September 7, 1982. 419 So.2d 899. Upon remand for a new trial, Copeland was convicted and sentenced again to death. He again appealed and the court affirmed the conviction and sentence on April 11, 1988. 530 So.2d 526. On February 21st, 1990, he was granted a stay of execution after filing for a writ of habeas corpus. The last paperwork I can find is a motion applying for writ of certiorari and/or review, writs of mandamus, supervisory and/or remedial writ that was denied on December 12th, 1994. 647 So. 2d 1121

Trenticosta update:

Case pending post conviction ruling by state district court.

Pro se representation

8. Percy Davis: Davis was sentenced to death on March 13, 1992 for multiple murders during a robbery. His sentence was affirmed on appeal in 1995. In 1997 postconviction proceedings the Louisiana Supreme Court directed to trial court to hold a hearing on Davis's claims of racial discrimination in the imposition of his sentence. A later brief opinion, in 1999, gave the trial court some directions about the sorts of evidence that should be considered pertaining to this claim. No record or citation since that time has been found. Lyman codes the case as one still in state postconviction proceedings.

9. Winthrop Eaton: Eaton was sentenced in May 1987 after conviction for murder of a minister. He was scheduled to be executed in 1989, but his attorney won a stay of execution by arguing that his mental retardation rendered him incompetent to be executed. Newspaper reports suggest that he was scheduled to be executed again in 1991, but that a federal court granted a stay. Eventually his case was sent back to the state court for a Ford v. Wainwright hearing. He is said to suffer from chronic schizophrenia, and to have mistaken one of his attorneys for his dead brother and/or Jesus Christ. There are no records in this century, but Lyman codes his case as one still in state postconviction proceedings. He has been on death row for nearly 26 years.
10. Abdullah El-Mumit (Thomas Sparks): El-Mumit was sentenced to death in November 1986 for murder of a police officer during a bank robbery. Remarkably, his direct appeal was not decided until 2011. (It raised complex issues about how “proportionality review” should work in death sentencing cases.) It concluded that his conviction should be affirmed, but that his sentence should be affirmed only conditionally, pending remand to the trial court to decide whether he had received ineffective assistance of counsel at his sentencing. He sought certiorari from this decision, unsuccessfully; it was denied in March of 2012. El-Mumit has also prosecuted a series of pro se civil rights suits against the warden of the penitentiary, mostly without success. His cases is listed as still on direct appeal, apparently because the La. Supreme Court has retained jurisdiction pending the action of the trial court on remand.
11. Glenn Ford: Ford was sentenced to death in 1984. His conviction was affirmed on direct appeal, but he succeeded in petition for certiorari, and in 1987 the U.S. Supreme Court remanded the case to the La. Supreme Court for reconsideration; the case was then remanded to the trial court in 1987 for a Batson hearing. There is no report of the outcome of that hearing, but in 2011 there is another decision by the Louisiana Supreme Court denying Ford’s application for a supervisory or remedial writ. The basis for this application was the alleged ineffective assistance of his trial counsel. One Justice dissented, in the process writing a deeply disturbing account of the fecklessness of trial counsel. No further records or citations have been found. No further records or citations have been found, but Lyman codes this case as one that is in federal habeas corpus review..
12. Marcus Hamilton: Hamilton was sentenced to death in 1991; his appeal was unsuccessful in 1996 and cert was denied. His execution was scheduled for March 1998, but a stay was granted on the eve of execution pending his filing a state postconviction papers. Later in 1998 his petition for supervisory relief was denied and the stay lifted. No further records or citations have been found, although Lyman codes Hamilton’s case as being still in the state postconviction process.
13. Tracy Lee: Lee was convicted of murder and sentenced to death initially in 1986. The sentence was then overturned by the La. Supreme Court for the use of an illegally obtained confession at the sentencing stage. At a new sentencing hearing in 1988, the new jury again imposed the death penalty; the new sentence was upheld on direct appeal in March of 1990. His execution, set for

1991, was stayed to enable newly appointed counsel to prepare a postconviction petition. The stay was continued in January 1992 to allow more time for petition preparation, and in October of 1993, a writ was granted, directing the trial court to conduct a hearing on issues related to jury selection. No further records or citations have been found. Lyman codes the case as one still in state postconviction process.

14. Christopher Sepulvado: Sepulvado was convicted of murder and sentenced to death in 1993. His conviction and sentence were affirmed in April 1996, and cert. was denied that same year. In 2000, his application for a supervisory or remedial writ was denied by the Louisiana Supreme Court. His first petition for federal habeas corpus relief was denied in 1997, and a certificate of appealability denied in 2003, cert. denied in 2003. He then undertook a federal suit against the Louisiana Board of Pardons and Paroles, arguing that the clemency process denied him due process. It was at first dismissed because he had not yet applied for clemency, but after he did so he refilled his petition, and it was then denied on substantive grounds. The 5th Circuit affirmed the dismissal in 2006 and cert. was denied that same year. No further records or citations have been found, but Lyman codes the case as one still in state postconviction proceedings.