

# PARISH OF RAPIDES

STATE EX REL.

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## Division "E"

## DEATH CASE

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**FILED IN OPEN COURT**

~~Deputy Clerk of Court~~

The Petitioner and the State of Louisiana jointly stipulate that the following facts should be deemed admitted as though competent and uncontradicted evidence of the same had been adduced at the hearing scheduled for July 19-21, 2016, to-wit:

- (a) On December 18, 2000, Lafayette Probation Officer Scotty J. Melancon wrote a letter to Judge W. Ross Foote of the Ninth Judicial District Court, and referred to Goodspeed's probationary status arising from several felony offenses to which Goodspeed pled guilty in 1997, noted that Goodspeed was arrested on December 14, 2000, for Principal to First Degree Robbery, and stated that the Lafayette District "respectfully recommends that no action be taken at this time." The Office of the Rapides District Attorney was copied on that letter. (Ex. 1.) This letter was not provided to Small.
- (b) On January 28, 1998, Goodspeed's wife, Becky Goodspeed, provided a statement to Detective Steve Wilmore of the Rapides Parish Sheriff's Office ("RPSO"). (Ex. 2.)
- (c) The transcription of Ms. Goodspeed's statement in the Rapides District Attorney's file contains handwritten marginal notes. The notes have been scribbled out and are only partially legible, but they appear to state, in part, "Try & reconcile... said this m[...] help you ... [...] sought out Det." (Ex. 2.) Before a copy of this statement was provided to trial counsel, additional scribbling was done with a black marker, which obscured the marginal notes entirely. (Ex. 3 at pg. 2.) If called as a witness, Shannon would testify that it is his practice to make handwritten notes on witness statements and to *cover handwritten notes before review by* *W.T. Arntage, if called to testify, would say that* *a witness* counsel for any defendant. *if not excused in native.*
- (d) On December 14, 2000, Goodspeed and a co-defendant were arrested and ultimately charged with First Degree Robbery. Goodspeed was later billed on a charge of Principal to First Degree Robbery. (Ex. 4.) *1998 charged for*
- (e) On February 1, 2001, which was before Petitioner's trial, Goodspeed called probation officer Scotty Melancon from the Lafayette Parish jail. (Ex. 5.) *Mr. Goodspeed*

- (f) On February 14, 2001, during jury selection in Petitioner's case, a Lafayette Parish Correctional Center (LPCC) Direct Supervision Officer Request Form states: "DA from Rapides Parish called. Wanted a telephone conference with the above inmate." and "Telephone contact complete to Ray Delcomyn." (Ex. 6.)
- (g) On February 15, 2001, Rapides District Attorney's investigator Ray Delcomyn visited Goodspeed at LPCC. (Ex. 7.) He is listed as "Time In: 09:05," but there is no "Time Out" for Mr. Delcomyn's visit. (Ex. 7.)
- (h) Also on February 15, 2001, Lafayette Assistant District Attorney Luke Edwards filed the First Degree Robbery Information against Goodspeed and co-defendant Ryan Melancon for the Cracker Barrel robbery. (Ex. 8.)
- (i) On February 26, 2001, Goodspeed was charged with Issuing Worthless Checks ("IWC") in Lafayette Parish by Assistant District Attorney James Simon related to Goodspeed's passing of forged checks in 2000. (Ex. 9.)
- (j) Goodspeed testified against Petitioner on March 7, 2001. He testified that on the night of November 11 or 12, 1997, Petitioner told him that he "did those people" and "threw it [the gun] off a bridge." (Ex. 10 at R. 5846-5847.) He also testified that he did not receive anything in return for his testimony, nor was there any promise of future benefit. (Ex. 10 at R. 5848, 5858.)
- (k) On April 12, 2001, Assistant District Attorney James Simon wrote a plea letter to Goodspeed's attorney, Lloyd Dangerfield, proposing a five-year plea deal on the Issuing Worthless Checks charges. (Ex. 11.) Consistent with this offer, an undated plea recommendation in the file recommends an offer of five years hard labor on the charges and notes that probation is not available. (Ex. 12.)
- (l) On April 19, 2001, Goodspeed's co-defendant in the First Degree Robbery case entered into a plea agreement. (Ex. 13.) He was sentenced to seven years hard labor, with five years suspended, and five years of active supervised probation upon his release. (Ex. 13.)
- (m) The records of Lafayette Parish District Attorney's Office reflect that on May 17, 2001, Shannon left a phone message for Luke Edwards and that on May 22, 2001, Shannon called again and left a message for Edwards. (Ex. 14.)

- (n) On May 31, 2001, Goodspeed's pretrial date passed for the Principal to First Degree Robbery case. (Ex. 15.) Again the records of the Lafayette Parish District Attorney's Office reflect that that day, Shannon left a phone message for Edwards at 10:45 a.m. concerning Goodspeed. (Ex. 14.)
- (o) On June 7, 2001, Edwards faxed five pages (including a coversheet) addressed to Shannon in connection with the First Degree Robbery case. (Ex. 16.) The fax coversheet contains the note: "Per your request Leroy Goodspeed." (Ex. 16.) The other four pages cannot be found.
- (p) On June 19, 2001, the State, with Assistant District Attorney Edwards present, requested a continuance in the Principal to First Degree Robbery case. The request was granted. (Ex. 17.)
- (q) Also on June 19, 2001, Goodspeed wrote a note to his Direct Supervision Officer at the LPCC, Wayne Hebert, stating, "Dear Sir Would you please check and see if I have any hold's [sic] or warrants [sic] on me. I went to court and the DA is going to give me time served on 8-13-01. I should go home that day. 'Just making sure nothing stop's [sic] me at that time.'" (Ex. 18.)
- (r) On August 13, 2001, the Principal to First Degree Robbery case was dismissed by the State, with Assistant District Attorney Edwards again present. (Ex. 19.)
- (s) Records from the Lafayette Parish District Attorney's Office reflect that on October 25, 2001, Assistant District Attorney Thomas Frederick received a note that stated, "Tommy, Luke Edwards is requesting you dismiss the Check charge. Luke states Mr. Goodspeed was an essential witness in a murder trial." (Ex. 20.)
- (t) On November 6, 2001, Assistant District Attorney Frederick signed a Motion to Dismiss in the IWC case. (Ex. 21.)
- (u) Neither the post-trial communications between Edwards and Shannon, nor the note requesting dismissal of Goodspeed's IWC charge were provided to Robinson's trial counsel. (Ex. 25.)
- (v) Fifty-four pages of serology bench notes as well as diagrams of physical evidence related to the November 7, 1996 Serology Report by the North Louisiana Criminalistics Laboratory ("NLCL") were not contained in Small's file, were not

contained in the file of the District Attorney, and if called as a witness, Small would testify that these notes were not provided to him. These notes were obtained by post-conviction counsel through a Public Records Act request. (Ex. 22.)

(w) These bench notes and diagrams indicate the presence and classification (high velocity, low velocity, drip, transfer) of blood evidence, contain information about serological and DNA testing, and provide an outline of the forensic investigation and testing. (Ex. 22.)

(x) A red jacket, later identified as belonging to Billy Lambert, was found hanging on the doorknob of a hallway closet right off the living room of 10 Guy Peart Rd. (Ex. 23.) The left sleeve was inside out. (*Id.*) A blood drip was visible on the wall to the left of the red jacket. (*Id.*)

(y) The serology bench notes reveal the presence of high and medium velocity impact spatter on the front, back and sleeves of the red jacket. (Ex. 22 at 14-15.)

(z) Passive blood drips on the back of the red jacket were tested for DNA by the NLCL. The results yielded a foreign DNA profile—one that did not match Darrell Robinson or any of the victims. (Ex. 22 & 24.)

(aa) Photographs of physical evidence taken at the crime scene and at the laboratory by NLCL staff, which trial counsel considers crucial, were also not provided to Small. (Ex. 23; Ex. 25, para. 11.)

(bb) The photographs include close-up images of the red jacket (found hanging on a doorknob in the crime scene hallway) and the blood drip on the neighboring wall. (Ex. 23.)

(cc) At Robinson's trial, the State elicited testimony from David Peart, who told the jury that Billy Lambert often wore the red jacket while working, and that he, his workers, and Billy Lambert cut themselves on barbed wire they used for their cattle business and then rode in David Peart's truck. (Ex. 10 at R. 5968-5969.)

(dd) If called as a witness, Small would testify that had he been provided the serology evidence from NLCL, he would have requested independent testing, particularly of the red jacket and the blood drip on the wall, and would have put on expert

- testimony regarding the significance of the high velocity impact spatter and foreign transfer blood on the red jacket. (Ex. 25 at ¶ 15.)
- (ec) If called as a witness, Small would testify that he would have used the blood drip on the wall and the high and medium velocity impact spatter on the red jacket to impeach David Peart's testimony about how the foreign transfer bloodstains got on the red jacket. (Ex. 25 at ¶ 16.)
- (ff) The NLCL bench notes also documented that a cordless telephone recovered from Billy Lambert's armchair had medium velocity blood spatter and possible tissue or bone fragment on the earphone. (Ex. 22 at 5.)
- (gg) If called as a witness, Small would testify that had he been aware of the presence of medium velocity spatter and possible tissue or bone fragment on the phone found in Billy Lambert's chair, he would have requested phone records for the crime scene and requested independent testing of the material seen on the phone. (Ex. 25 at ¶ 17.)
- (hh) Post-conviction counsel obtained a fax cover page dated July 20, 1998 from District Attorney Investigator Ray Delcomyn to David Exline of RJ Lee Group enclosing a letter and sketch of the crime scene, which was not provided to trial counsel but which was included in the district attorney's file. (Ex. 24.) Investigator Delcomyn's letter explains the "significance of this [red] jacket", namely that it had high velocity impact spatter on it along with the transfer bloodstains that did not match Petitioner or any of the victims. (Ex. 24.)
- (ii) The NLCL photographs also include photographs of T-swabs (possible blood swabbed for serological testing) taken from the scene; photographs of additional ricochet marks in the living room; and differing angles and views of the victims, the bedrooms, and other evidence. (Ex. 23.)
- (jj) Along with the serology bench notes and evidence photographs, various ballistics bench notes (Ex. 26), crime scene sketches (Ex. 26 at 3, 6-9, 11-12), and other materials that were related to testing and analysis performed at NLCL's Alexandria location were not provided to trial counsel. (Ex. 26.)

(kk) If called as a witness, Small would testify that while he retained an expert in firearms and toolmarks who did not testify, he did not request that this expert evaluate the evidence of ricochet marks and bullet trajectories at the crime scene. (Ex. 25 at ¶ 19.)

(ll) If called as a witness, Small would testify that had he received the NLCL photographs depicting additional ricochet marks at the scene, he would have worked with the previously retained firearms expert to evaluate the significance of the ricochet marks and bullet trajectories evidence. (Ex. 25 at ¶ 19.) Small would testify that the NLCL Alexandria ballistics bench notes likewise would have provided him with more information for expert analysis on this topic. (Ex. 26 at 13-19; Ex. 25 at ¶ 19.)

(mm) The Rapides Parish Coroner's Office had four pages of records that indicate that victim Carol Hooper had a life insurance policy at the time of her death. (Ex. 27.)

(nn) The life insurance policy, effective from November 1, 1994, was for \$50,000 and named Ms. Hooper's husband, Nolan Hooper, as the beneficiary. (Ex. 28 at 1, 4, 44.)

(oo) The life insurance policy file was obtained by post-conviction counsel through a *subpoena duces tecum*. It includes a phone memo dated August 6, 1996—approximately two months after the murders—that states that Nolan Hooper “was also almost there when shooting took place but he left to go somewhere. . . . Police [have] someone they arrested but MR [Nolan Hooper] thinks they have the wrong person. Police will not talk with him + are being a bit uncooperative.” (Ex. 28 at 6.)

(pp) If called as a witness, Small would testify that had the existence of the life insurance policy been provided to him, he would have obtained the policy, as post-conviction counsel did, and would have investigated the involvement and motive of other suspects. Additionally, he would have investigated Nolan Hooper's presence at the crime scene that morning, a critical fact omitted from the State's version of events. (Ex. 25 at ¶ 33.)

If called as a witness, Shannon would testify he did not know about the existence of U policy.

- (qq) A four-page transcription of the statement of Gary Normand, who testified for the State at trial, was not provided to Small.
- (rr) Gary Normand's statement was taken by Detective Wilmore on June 5, 1996. (Ex. 29 at 2.)
- (ss) The transcription of the statement contains a handwritten note at the top of the first page that states: "Says he may have seen another auto—leaving going south (it, before lunch)—could have been 10:00—check with Wayne Normand." (Ex. 29 at 2 (emphasis in original).)
- (tt) If called as a witness, Small would testify that he was not provided the transcribed statement of Gary Normand and the information in the handwritten note. (Ex. 25 at ¶ 32.)
- (uu) If called as a witness, Small would testify that had he known that another car was seen leaving the vicinity of Guy Peart Road around 10 a.m. on the morning of May 28, 1996, he would have investigated that information in an effort to pursue leads that showed that someone other than Darrell Robinson committed the four homicides at 10 Guy Peart Road. At a minimum, he would have used the information at Robinson's trial to attempt to cast doubt on the State's timeline of the murders. (Ex. 25 at ¶ 33.)
- (vv) Detective Wilmore's file contains four handwritten pages that provide contact information for Dorothy Allison, a psychic from New Jersey apparently consulted by Detective Wilmore during the course of the investigation, and lays out a three-page numbered list of possible scenarios surrounding the commission of the murders of Billy Lambert, Carol Hooper, Maureen Kelley, and Nicholas Kelley, apparently compiled pursuant to this consultation. (Exs. 30-31). These handwritten pages and the fact that Detective Wilmore consulted a psychic during the course of the investigation were not provided. (Ex. 25 at ¶ 34.)
- (ww) If called as a witness, Small would testify that if provided this information, he would have attempted to use law enforcement's consultation of a psychic to impeach Detective Wilmore and the credibility of his investigation into the murders at 10 Guy Peart Road. (Ex. 25 at ¶ 35.)



(xx) If called as a witness, Shannon would testify that on February 2, 2000, at a pretrial motion hearing in this matter, T. J. Shuffin, Director of the NLCL, agreed with both Shannon and Small to permit Small and any retained experts to tour the Alexandria and Shreveport offices of the NLCL to view any evidence, photo(s), or other documents in the possession of the NLCL. **Ex. 32; Ex. 33.**

(yy) If called as a witness, Shannon would testify that he believed that his obligation of any further discovery of any previously non-disclosed evidence, photo(s), or other documents in the possession of the NLCL, was satisfied by the February 2, 2000 agreement.

(zz) That Curtis Knox, a state expert in DNA, testified at the trial of this matter on both direct and cross examination, and made reference to notes and other documentation, all of which Shannon would testify that he believed were the subject of the February 2, 2000-agreement/stipulation.

(aaa) That Milke Stelly, a state ballistics expert employed by the NLCL, testified at the trial of this matter on both direct and cross examination, and made reference to notes and other documentation, all of which Shannon would testify that he believed were the subject of the February 2, 2000-agreement/stipulation.

6.

If called as a witness, Shannon would testify that he never intentionally withheld or failed to disclose evidence that he believed to be exculpatory.

7.

Robinson reserves rights to a full evidentiary hearing, including the right to the evidentiary hearing previously granted by this Court, and the right to present evidence in support of the claims he has made previously, and in addition to the above listed stipulated facts.

8.

The State of Louisiana reserves rights to a full evidentiary hearing, including the right to the evidentiary hearing previously granted by this Court, and the right to present evidence in opposition to the claims Robinson has made previously, and in addition to the above listed stipulated facts.

WHEREFORE, the Petitioner and the State of Louisiana pray:

I. That the foregoing Joint Stipulation of Facts be admitted into evidence and adopted by the Court to the same extent as though competent and uncontradicted evidence of the same had been adduced at the hearing of this matter now scheduled for July 19-21, 2016;


II. That the Petitioner's rights to a full evidentiary hearing, including the right to the evidentiary hearing previously granted by this Court, and the right to present evidence in support of the claims he has made previously, and in addition to the above listed stipulated facts, be fully reserved to him;

III. That the State of Louisiana's rights to a full evidentiary hearing, including the right to the evidentiary hearing previously granted by this Court, and the right to present evidence in opposition to the claims Robinson has made previously, and in addition to the above listed stipulated facts, be fully reserved to it; and

IV. For all general and appropriate relief.

Date: May 9<sup>th</sup>, 2016

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