

Georgia Sets Execution For Prisoner, William Sallie, Denied Review Of Biased Jury Trial

Legal Technicality Keeps Courts from Reviewing Tainted Jury

Last night, Georgia executed Steven Spears, a volunteer who had waived his appeals. Today, the Georgia Attorney General's Office will obtain an execution warrant for December 6 at 7:00 p.m. for William C. Sallie, the only person in the forty years of Georgia's modern death penalty to be entirely denied federal court review because of a procedural technicality.

In 2004, Sallie had finished his direct appeal and had no lawyer and no understanding that he needed to file a state court petition to stop the one-year clock on his *federal* filing deadline, a filing that would not be properly made until years later, after his state court case was exhausted and the one-year clock resumed. Due to Georgia law's refusal to provide an attorney to its condemned during state habeas, the most critical stage of the death penalty appeals process, Sallie's state court filing (which had no deadline under state law), was made eight days too late to stop his federal clock. As a result, Mr. Sallie awaits his execution under a sentence handed down in 2001 from a tainted jury. Despite extensive evidence of juror bias lodged in recent years in the federal courts, courts have avoided reviewing the issue due to the case's technical default when he had no attorney.

At that time in 2004, he had been struggling to find a lawyer to take his case, corresponding with attorneys who wanted to help but, due to the complexity of death penalty appeals, were not qualified to volunteer, and writing to his prior lawyers, who assured him that death row monitoring attorneys in Atlanta had his case file and were watching his deadlines while they looked for attorneys for him. Ultimately, the federal courts would rigidly enforce the blown deadline, despite Sallie's documented effort to protect his rights. He was blamed for failing to navigate from death row, in a prison that had physically dismantled its law library in the 1980s, the procedural maze of the Antiterrorism and Effective Death Penalty Act of 1996 (known as AEDPA).

The Honorable Norman Fletcher, retired Chief Justice of the Georgia Supreme Court, has this view of the case: "I have long understood fundamental fairness, due process, and the prohibition against cruel and unusual punishment to require the provision of an attorney throughout the legal process to review a death sentence. The gap created by Georgia's law has led to this execution date. If Mr. Sallie had gotten adequate representation throughout his proceedings, his death sentence likely would have been overturned for the State to be able to try him before an impartial jury. This is an unacceptable outcome under the rule of law."

Juror Misled the Court to Get on the Jury and Steer it to a Death Sentence

In 2012, Sallie's current lawyers uncovered the extraordinary bias of a juror, Ms. Gina Dawson, who had untruthfully answered questions in order to be seated for his 2001 trial in Warner Robins, which followed the 1998 reversal of his 1991 death sentence from Bacon County. Ms. Dawson later bragged to a case investigator about convincing an evenly divided jury to vote unanimously for Sallie's death. The

jurors had been sequestered in a hotel during the trial and were released after sentencing him. Days later, the wife of another juror called the judge to ask when the trial would finish. It came to light that Dawson had enticed the wife's husband to stay with her after their service. Court bailiffs went to Dawson's home to inform her paramour that his wife was inquiring. Investigation more recently unearthed that Dawson, 28 years-old at the time of the trial, failed to disclose her history of contentious, messy divorces after having just concluded her *fourth*—in the same Houston County courthouse as Sallie's trial. Despite questioning, she withheld her extensive experience with domestic abuse since childhood and in her own relationships. She also withheld her history of an ugly interstate child custody fight between Florida and Georgia courts and involving direct confrontations over custody. Her life had uncanny parallels to the tragic events at the center of Sallie's case. This certainly disqualified her from sitting on the jury for a case so bizarrely similar to her own traumatic experiences.

In 1985, Sallie left his home near Peoria, Illinois to join the Army. Stationed at Fort Stewart, he courted his wife, a resident of Alma, as he was finishing his service. Early in the marriage, she separated from him and took physical custody of their infant son after alleging that he struck her. Bitter court battles in Georgia and Illinois, coupled with violence and threats against Sallie by his father-in-law, ended with the Georgia court ordering Sallie to return custody of his son to his former wife, Robin Moore, who was living in her family home. Later, Sallie returned from Illinois and, in the early hours of March 29, 1990, initiated a home invasion to take his son. It was botched. He broke into the master bedroom from a back porch and repeatedly fired a pistol, mortally wounding John Moore, Robin's father, and seriously wounding his mother in-law. He left his son at the scene and, having cut phone lines and handcuffed to a bed rail the victims he left behind, delayed them from getting help. He fled with his estranged wife and her seventeen year-old sister, traversing several counties to a rented trailer as their father, Mr. Moore, bled to death before help arrived. Sallie's two trials (in 1991 and 2001) present conflicting accounts of the events at that trailer. In his 2001 murder trial, he was also charged and convicted of two counts of kidnapping with bodily injury from "carnal knowledge . . . forcibly and against [the] will" of the sisters. Many hours after fleeing to his trailer, he drove the sisters back to Alma and released them at their uncle's home. He was uneventfully arrested afterward.

Jack Martin, one of Sallie's current attorneys and former president of the Georgia Criminal Defense Lawyers Association says: "In my 30 years representing defendants in death penalty cases, I have never seen a more outrageous case of juror bias and misconduct. Yet no court has ever heard or considered this manifest injustice because of a deadline that was blown when Sallie had no lawyer because Georgia would not provide him one." Joseph Perkovich, another attorney for Sallie notes: "Any legitimacy the death penalty may have depends on the work of an impartial jury. Due to a procedural technicality, a technicality enforced against a prisoner who was denied a lawyer when the deadline was missed, the courts have refused to consider the evidence of an untruthful and biased juror and foreclosed further investigation into his case."

Mr. Sallie is represented by John R. Martin of Martin Bros. P.C. in Atlanta, **(404) 522-0400**, and Joseph J. Perkovich of the Phillips Black Project in New York, **(212) 400-1660**.