

IN THE SUPREME COURT OF THE UNITED STATES

JULY 27, 2022

JOE NATHAN JAMES, Petitioner

v.

KAY IVEY, GOVERNOR, STEVE MARSHALL ATTORNEY GENERAL FOR THE STATE OF
ALABAMA, ET AL., Respondents

MOTION FOR STAY OF EXECUTION PENDING FILING, CONSIDERATION, AND
DISPOSITION OF APPEAL OF DENIAL OF RULE 32 PETITION

This is a capital case. Mr. JAMES is scheduled to be executed on July 28, 2022

Joe James, Pro Se

AIS# 0000Z610

Holman Correctional Facility

124 Ross Road

Atmore, AL 36502

QUESTIONS PRESENTED

CAPITAL CASE

Your petitioner filed a petition under Rule 32 of the Alabama Rules of Criminal Procedure on June 24th, 2022. That petition was only denied on July 27, 2022 one day prior to petitioner scheduled execution. During the pendency of that petition your petitioner filed to proceed *in forma pauperis*, which was initially denied on July 11, 2022. This petition was wrongly denied costing your petition precious time in securing counsel at that court's level, and the paying of a filing fee to invoke the court's jurisdiction. However, after retained counsel filed the proper filing fee, and an amended petition on July 14, 2022, the court then waited another twelve days to grant the *in forma pauperis* petition, and then another day to issue the order denying the petition. Petitioner has filed a notice of appeal on the denial of the substantive petition, and Petition for Stay of Execution with the Alabama Supreme Court.

The State of Alabama approved a second method of execution and allowed inmates to choose their method but only gave a small window in which to elect the method. The Alabama Department of Corrections failed to give timely notice to your petitioner in order for him to elect his preferred method.

1. Did the court commit error in granting the petitioner's request to proceed *in forma pauperis* when he is an incarcerated inmate on death row that costs him valuable time?
2. Did the delay in granting the *in forma pauperis* create a need to grant a stay of execution in order that your petitioner have time to exhaust his appeal of right on the denial of the substantive petition?
3. Can the State of Alabama execute your petitioner with a pending appeal?
4. Were your petitioner's due process rights violated when the state failed to give adequate notice of his right to elect method of execution?
5. Do the victim's surviving family members deserve to be heard?

STATEMENT OF JURISDICTION

This Court has jurisdiction to issue the relief requested pursuant to 28 U.S.C. § 1254(1).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Eighth Amendment of the United States Constitution states, in relevant part: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." The Fourteenth Amendment of the United States Constitution states, in relevant part: "nor shall any state deprive any person of life, liberty, or property, 12 without due process of law; not deny to any person within its jurisdiction the equal protection of the laws."

REQUEST FOR RELIEF

James requests that this Court issue an order staying his execution pending the filing and disposition of a Petition for Writ of Certiorari and/or appeal on the Rule 32 Petition which was not timely ruled upon through no fault of his own.

A stay of execution is warranted where there is: (1) a reasonable probability that four members of the Court would consider the underlying issues sufficiently meritorious for the grant of certiorari or the notation of probable jurisdiction; (2) a significant possibility of reversal of the lower court's decision; and (3) a likelihood that irreparable harm will result if no stay is granted. *Barefoot v. Estelle*, 463 U.S. 880, 895 (1983). James satisfies these criteria. First, a reasonable probability exists that four members of the Court would consider at least one of the underlying issues as presenting important questions that warrant guidance from this Court. Second, the issues raised in the denied petition are, in part, jurisdictional issues regarding the indictment, and require the appellate court to review them, and irreparable harm will be caused if a stay is not granted due to the execution of the petitioner that will occur in less than twenty-four hours.

Finally, this court should take note that the surviving members of the victim in this matter are opposed to the execution of the petitioner, and their ages at the time of the trial of this matter did not allow them to be heard at that time.

The victims and their families are paramount in our justice system, and deserve to be heard on the matter of the ultimate punishment of offenders.

CONCLUSION

Petitioner respectfully requests a stay of execution that is scheduled for July 28, 2022 pending his appeal of right under Alabama Law and pursuant to the wishes of the surviving members of the family of the victim.

Petition filed by James J. Ransom, Attorney at Law (not at bar before this Honorable Court) for Petitioner, Joe Nathan James, Pro Se, Holman Correctional Facility 124 Ross Road, Atmore Alabama 36502

James J. Ransom, III

Attorney at Law

3453 Sierra Drive

Hoover, AL 35216

205-563-0521

E-Filing Submission Confirmation

The following electronic filing(s) were successfully submitted. Please keep a copy of this confirmation for your records.

Submitted Date 07-27-2022 06:46 PM
E-File Confirmation # 26311658965572522

Filings Submitted:

Court	Case Number	Filing Type(s)	Documents	Fees
Supreme Court of Alabama		Filing - Petition for Writ of Habeas Corpus	1	\$ 0.00
<u>Total</u>				<u>\$ 0.00</u>

IN THE SUPREME COURT THE STATE OF ALABAMA

JOE NATHAN JAMES)
)
 PETITIONER,)
)
 vs.) CASE NOS: CC-1995-4747.64
)
 STATE OF ALABAMA,)
)
 RESPONDENT.)

*****EMERGENCY*****

PETITION FOR STAY OF EXECUTION PENDING APPEAL

COMES NOW Joe Nathan James, Petitioner, by and through his attorney of record, James J. Ransom, III and requests this Honorable Court stay his execution which is scheduled for July 28, 2022 pending his appeal on the denial of his Petition for relief under Rule 32 of the Alabama Rules of Criminal Procedure. Order on said petition is attached hereto as Exhibit A.

/s/ James J. Ransom, III
James J. Ransom, III (RAN016)
Attorney at Law
3453 Sierra Drive
Hoover, AL 35216
jransom@osoriolaw.com

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2022, I gave notice of this filing to the Office of the Attorney General for the State of Alabama by emailing same to Richard.Anderson@AlabamaAG.gov

/s/James J. Ransom, III



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JOE NATHAN JAMES)	
)	
PETITIONER,)	
)	
vs.)	CASE NOS: CC-1995-4747.64
)	
STATE OF ALABAMA,)	
)	
RESPONDENT.)	

NOTICE OF APPEAL

COMES NOW **Joe Nathan James**, Petitioner, by and through his attorney of record, **James J. Ransom, III** and gives notice to this Honorable Court of his appeal of the Order dated July 27, 2022 denying his Petition under Rule 32 of the Alabama Rules of Criminal Procedure.

/s/ James J. Ransom, III
James J. Ransom, III (RAN016)
Attorney at Law
3453 Sierra Drive
Hoover, AL 35216
jransom@osoriolaw.com

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2022, I filed the forgoing on the Alabama Alafile Efiling system giving all subscribed and interested parties notice of same.

/s/James J. Ransom, III

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

STATE OF ALABAMA

)

V.

)

Case No.: CC-1995-004747,64

)

JAMES JOE NATHAN JR

)

Defendant.

)

ORDER

STATE OF ALABAMA'S AMENDED ANSWER AND MOTION TO SUMMARILY DISMISS JOE NATHAN JAMES'S SUCCESSIVE RULE 32 PETITION is hereby considered by this Court. The Rule 32 Petition is **DENIED** on the basis of each and every ground set forth in the State's Response. There is no substantive allegation of fact of law set forth by the Petitioner which would give rise to a basis of Rule 32 relief.

DONE this 27th day of July, 2022.

/s/ SHANTA CRAIG OWENS
CIRCUIT JUDGE



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If **Alabama** executes **Joe Nathan James** on July 28, 2022 for the murder of **Faith Hall**, it cannot claim to be doing justice for her or her family. Hall's two daughters, **Terrlyn** and **Toni Hall** (pictured, far left and far right) and her brother **Helvetius Hall** (pictured, middle), oppose James' execution and say Faith would oppose it, too.

"I don't want it to go forward. We're not God. The Governor is not God," Terryln Hall told CBS 42 reporter Lee Hedgepeth. "Taking his life is not going to bring Faith back," Helvetius Hall said. "It ain't going to make no closure for us."

Toni Hall agreed. "We shouldn't be playing God. An eye for an eye has never been a good outlook for life," she said.

The Halls believe their views should hold weight in the state's decision-making process and say Governor **Kay Ivey** should commute James' sentence. They have asked prosecutors not to move forward with the execution. Faith would not have wanted James to be executed, they said. "She would've forgiven him," Helvetius said.

As the execution date approaches, the Halls feel retraumatized and powerless.

"It's really bothering me," Toni said. "To know that someone is going to lose their life."

James was sentenced to death in 1996 for the 1994 murder of Faith Hall, whom he had dated. At the time of her murder, Toni and Terryln were just 3 and 6 years old, respectively. "It was always good times with our mama," Terryln said.

"She was my backbone," Helvetius said. "She would fix whatever problem I had. I truly miss her. ... We really didn't have nothing growing up, but we had each other. Whatever the situation, she was able to talk with sense. I was a hothead, but she would tell me how to handle things. I miss that."

Faith Hall's murder has had lasting impact — Toni called them "trickle-down effects" — on each of their lives. She is more guarded in intimate relationships and with who she lets around her children. Each of the family members have made the emotional journey from hatred to forgiveness. "For years, I hated him," Terryln said. "But as I got older and started living my life and raising my own kids, I had to find it in my heart to forgive this man."

Hedgepeth reports that the Halls plan to travel to the prison on July 28, 2022 to hear James' last words and they intend to leave the witness room before the execution takes place. They want James to know that, while his actions hurt them badly, they do not hate him and wish he was not being executed.

"We're praying for his family," Helvetius said.

TAGS

◆ [Joe Nathan James](#)

SOURCES

Lee Hedgepeth, ["We shouldn't play God": Murder victim's family opposed to Alabama execution of Joe Nathan James](#), CBS 42, Birmingham, July 18, 2022. Photo courtesy of Lee Hedgepeth.

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