

2015 Regular Session

HOUSE RESOLUTION NO. 208

BY REPRESENTATIVE SMITH

ATTORNEY GENERAL: Requests the attorney general to withdraw the appeal of Judge James Brady's ruling to release and bar further prosecution of Albert Woodfox

1 A RESOLUTION

2 To urge and request the attorney general to withdraw the appeal to the United States Fifth
3 Circuit Court of Appeals of Judge James Brady's ruling to release Albert Woodfox
4 and bar further prosecution of Mr. Woodfox for the killing of an Angola prison
5 guard.

6 WHEREAS, Mr. Woodfox first arrived at the Louisiana State Penitentiary at Angola
7 in the early 1970s and during his incarceration, he has served 43 years in solitary
8 confinement, which is believed to be the longest period of time in United States history and
9 a practice that in recent years has come upon much criticism as "cruel and unusual
10 punishment"; and

11 WHEREAS, Mr. Woodfox, along with two other former inmates at the state
12 penitentiary who were released in 2001 and 2013, was accused of killing a prison guard in
13 1972; and

14 WHEREAS, Mr. Woodfox was convicted of the murder in 1973; however, in 1992,
15 the Louisiana 18th Judicial District Court found that Mr. Woodfox was "denied his
16 constitutional right of effective assistance of counsel" and his 1973 conviction was reversed
17 on the grounds that the "conviction was obtained on the basis of an unconstitutional
18 indictment" (*Albert Woodfox v. Burl Cain, Warden of the La. State Penitentiary, et al.*, Civil
19 Action No. 06-789-JJB-RLB (M.D. La. June 8, 2015)); and

1 WHEREAS, in 1993, Mr. Woodfox was indicted a second time and tried and
2 convicted in 1998; however, on Monday, June 8, 2015, a U.S. District Judge for the Middle
3 District of Louisiana, Judge James Brady, signed an order releasing Mr. Woodfox,
4 overturning the second conviction against him, and barring a third trial for the 1972 killing
5 from taking place (*Id.*); and

6 WHEREAS, on Tuesday, June 9, 2015, a federal appeals court temporarily blocked
7 the decision to release Albert Woodfox, the last of the "Angola 3" prisoners who is still
8 incarcerated after decades in solitary confinement; and

9 WHEREAS, in support of its ruling, the court cites the following five factors
10 justifying the release and barring retrial of Mr. Woodfox: (1) Mr. Woodfox's "age and poor
11 health", (2) Mr. Woodfox's "limited ability to present a defense at a third trial in light of the
12 unavailability of witnesses", (3) the court's "lack of confidence in the state to provide a fair
13 third trial", (4) the "prejudice done onto Mr. Woodfox by spending over forty-years in
14 solitary confinement", and (5) the fact that Mr. Woodfox has already been tried twice and
15 would otherwise face his third trial for a crime that occurred over forty years ago.

16 THEREFORE, BE IT RESOLVED that the House of Representatives of the
17 Legislature of Louisiana does hereby urge and request the attorney general to withdraw the
18 appeal to the United States Fifth Circuit Court of Appeals of Judge James Brady's ruling to
19 release Albert Woodfox and bar further prosecution of Mr. Woodfox for this offense.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HR 208 Original

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Smith

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