

*Application to the
Georgia Board of Pardons and Paroles
on Behalf of Scotty G. Morrow*

S. JILL BENTON
State Bar No. 053659

NATHAN POTEK
State Bar No. 747921

FEDERAL DEFENDER PROGRAM INC.
Centennial Tower, Suite 1500
101 Marietta Street NW
Atlanta, Georgia 30303
404.688.7530

COUNSEL FOR MR. MORROW

TABLE OF CONTENTS

I.	Introduction.....	3
II.	Scotty Morrow Carries Constant “Torment Around His Inability To Restore The Loss That He Caused.”.....	6
III.	Scotty Morrow Is A Model Prisoner	16
	A. “Scotty Morrow never caused any trouble at all. And when I say never, I mean never.”	18
	B. Mr. Morrow “is a peacemaker. He tries to maintain a level of civility in G-House.”	21
	C. “I can confidently say that Scotty Morrow makes G-House safer for correctional officers and other inmates.”.....	23
	D. “Scotty Morrow is fully rehabilitated. There are very few inmates I can call fully rehabilitated. But, without question, Scotty is one of them.”	25
IV.	Scotty Morrow Understands the Transformative Power of Faith: “From the deep well of his spiritual life, he shares love and peace with everyone he meets.”	29
V.	Scotty Morrow Is An Integral Part of a Loving, Supportive Family	34
	A. Mr. Morrow remains a source of inspiration in his family.	36
	B. Mr. Morrow’s mother would be devastated by his execution	39
VI.	This Board Has The Power to Ensure Basic Fairness In Mr. Morrow’s Case.....	40
	A. This Board can take into account important evidence about Mr. Morrow’s childhood that his jury did not hear.	40
	B. This Board can impose a sentence on Mr. Morrow that is equal to that of other Georgia murder defendants whose crimes were emotionally-fueled and unplanned.	45
	C. A majority of the trial jurors are comfortable with a sentence of life without parole.	46

BEFORE THE
BOARD OF PARDONS AND PAROLES
STATE OF GEORGIA

Application of SCOTTY GARNELL MORROW
For a 90-Day Stay of Execution
And for Commutation of His Sentence of Death

Scotty Garnell Morrow, by his undersigned counsel, applies to the Georgia Board of Pardons and Paroles, pursuant to Article IV, Section II, para. (a) and (d) of the Georgia Constitution, O.C.G.A. §§ 42-9-20, 42-9-42(a) and Chapters 475.2.01(1) and 475.3.10(2)(b) of the Rules of this Board: (i) for consideration of his application for commutation of his sentence of death, rendered by a jury of the Superior Court of Hall County on June 29, 1999; (ii) for a ninety (90) day stay of his execution, presently scheduled for May 2, 2019, at 7:00 p.m., to permit consideration of his Application; (iii) for a full and fair hearing before the full Board, allowing him to present witnesses and to be heard through his counsel; and, after that review, (iv) for the commutation of his sentence of death.

Mr. Morrow bases his Application on the following compelling grounds: (1) Mr. Morrow took immediate and lasting responsibility for his crimes, offering to plead guilty to life without parole; (2) Mr. Morrow is tormented by deep remorse over his actions and the enormity of the pain and loss that he has caused; (3) Mr. Morrow has an exemplary prison record and has been an asset to corrections staff in maintaining the security and functioning of the institution; (4) Mr. Morrow has sought redemption through the rigorous practice and study of his faith; (5) Mr. Morrow maintains a loving and close relationship with his family, and is a positive influence on his children and grandchildren; (6) Mr. Morrow's acts of violence were aberrations in a life otherwise characterized by kindness and compassion and the man he became in December of 1994 bears no resemblance to the man he was before and the man he has worked to be since; (7) the murder offenses were unplanned and emotionally charged, a circumstance that virtually always results in a sentence less than death; (8) the jury did not have compelling evidence of Mr. Morrow's childhood physical and sexual abuse that would have provided an explanation for the circumstances surrounding the crime. Counsel submits that Mr. Morrow is an excellent candidate for this Board's mercy.

I. Introduction

“The essence of justice is mercy.”

- Edwin Hubbel Chapin

Clemency is “the power of doing good without a rule.”¹ It is a process enacted “to help ensure that justice is tempered by mercy.” *Cavazos v. Smith*, 132 S.Ct. 2, 8 (2011). “Clemency is deeply rooted in our Anglo-American tradition of law, and is the historic remedy for preventing miscarriages of justice where the legal process has been exhausted.” *Herrera v. Collins*, 506 U.S. 390, 411-12 (1993). This Board alone holds the power to grant clemency to a condemned Georgia inmate. Executing Scotty Morrow would be a miscarriage of justice, and his personal history and character warrant a grant of clemency.

In the days before and in the days since December 1994, Mr. Morrow has conducted himself with kindness, respect, humility and loving affection for those around him. As this Board will soon learn, the final weeks of his relationship with Barbara Ann Young, and the devastation he caused on December 29, 1994, are so vastly out of character for Mr. Morrow that both he and those who know him have struggled in disbelief to understand how he could have committed such a crime. Almost immediately, Mr. Morrow was racked with shame and confusion over his actions. He has spent his life at the Georgia Diagnostic and Classification Prison

¹ Mercy, Clemency and Capital Punishment: Two Accounts, 3 Ohio St. J. Crim. L. 273, 275 (2005).

(“GCDP”) in careful contemplation of how he could have lost control so drastically. He finds some solace in his faith and has improved himself through relentless and rigorous spiritual practice and unflinching self-examination.

Tragically, it was his love for Ms. Young and her family, and his inability to rescue their relationship, that led to his shooting Ms. Young and her friends. Mr. Morrow’s only aspiration was to be a family man: He worked hard to be a good son, brother, father, uncle and friend. But above all, a father. As he told this Board last week, he is drawn to the unconditional love of a child. By every account, he cared deeply not only for his own two sons, but for Ms. Young’s five small children. The couple bonded over their time together with the children, and were quickly sharing a home and planning a life together.

When Mr. Morrow found himself confronted with the loss of that family, he also found himself confronted with the pain of his own past: pain that he did not yet understand and that had never been acknowledged, but that fueled his despair. At three, he watched his father’s brutality toward his mother, helpless to intervene. At seven, he was helpless to protect himself from the rapist in his home. At eight, at nine, at ten, at eleven, he was again helpless, this time to protect himself from the viciousness of his mother’s boyfriend. In 1994, as he struggled to contain his doubt about his masculinity and self-worth, he clung to the one lesson he received loud and clear: Real men don’t show emotion. Real men keep it all tamped down.

So when Scotty Morrow heard the victims' words in the kitchen on the morning of December 29, 1994, they did not merely touch a nerve. Though they were only words, they detonated a lifetime of unresolved torment and rejection in Mr. Morrow.² In his own words, he "just snapped." Unhinged, he committed the murders that resulted in his sentence of death.

There is no doubt that Mr. Morrow's actions in the moments that followed were horrific and cruel. But there is likewise no doubt that they were fueled by immense pain. In Georgia, such crimes—spontaneous and hot-blooded—rarely result in a sentence of death, but rather nearly always receive a sentence of life or life without parole. This Board can remedy that disparity.

² As Mr. Morrow explained to this Board's staff last week, in the days leading up to the crime, he began to hear rumors of Ms. Young's involvement with someone else and her intention to leave him. The testimony at trial was that Ms. Young was planning to reconcile with the father of two of her children upon his impending release from prison. As Mr. Morrow told this Board, he could not discern Ms. Young's intentions. This led to a series of three episodes of increasing aggression against Ms. Young in December 1994 as Mr. Morrow became unglued at the loss of the relationship. Nevertheless, Mr. Morrow continued to visit the children and the couple spent the Christmas holiday together as a family.

On the morning of December 29, as he attempted to reconcile with Ms. Young at her home, her friends interjected that he was no longer needed, and had been used for financial support while Ms. Young's former boyfriend was incarcerated. As Mr. Morrow told the Board, he was not expecting this and "was just not ready to hear" these things. Overcome, he drew the gun he carried in his waistband and began firing at the women in the kitchen.

Furthermore, Mr. Morrow has proven to this Board that if granted clemency, he poses no risk to others. On the contrary, Mr. Morrow is a model prisoner: a peacemaker; a reliable and trusted orderly; a quiet and studious inmate; an asset to security; and a respected voice of reason and calm among his fellow inmates. His only disciplinary report in nearly twenty years was for intervening in a fight that broke out nearby. Mr. Morrow intervened to protect another inmate from injury.

Despite his circumstances, Mr. Morrow has conducted himself with respect and kindness. He has continued to be a doting father, brother, and son. He has devoted himself to his faith and to a rigorous spiritual practice and constant searching. Mr. Morrow's is a story of tragic flaw, atonement and redemption. This Board can make it a story of grace.

II. Scotty Morrow Carries Constant “Torment Around His Inability To Restore The Loss That He Caused.” (Letter from Dr. William L. Buchanan, Ph.D., ABPP)

I'm trying to shake this feeling of depression. Today is Dec. 29th. I can't help but think about what the Young and Woods families are going through and not only on the 29th of December, but everyday [sic]. There is not one day that I don't think about how I affected the kids, and that really hurts me. All this hurt and pain that I have caused so many people: the Young family, the Wood [sic] family and my own family. I search myself daily to try to find out how I could lose control to this magnitude.

- Letter from Scotty Morrow, December 29, 2009

“Dependable,” “cordial,” “faithful,” “docile,”³ “a very kind guy” who “made the conscious decision to be cooperative and friendly to all,”⁴ a “kind, loving person” who “always greeted me with a hug,”⁵ “genuine,”⁶ “somebody that I could trust,”⁷ someone “who always put me first,”⁸ “a consistent force for good in my life” who “emphasized the importance of a good, honest job,”⁹ “the perfect father,”¹⁰ an “excellent employee” who “always came to work with a smile” and “was a pleasure to be around,”¹¹ a “role model” who “always keeps a smile on his face” and has been “a major positive influence,”¹² and an inmate who “is respectful and courteous,”¹³ who “trie[s] to do right by everybody,” with “no mean-spiritedness in him at all.”¹⁴

Those are the words of the people who have known Scotty Morrow over the course of his life. His former supervisor noted that he received “more than three or four calls a week about Scotty going above and beyond the call of duty,” which is

³ Testimony of Bishop Dewey Long, former pastor of Mr. Morrow’s church

⁴ Letter from Lindsey Veal, Jr., former mental health counselor, GDCP

⁵ Testimony of Deborah Morrow, Mr. Morrow’s half-sister

⁶ Letter from Pastor Chester Milner, former Chaplain, GDCP

⁷ Testimony of Harold Anderson, former DeKalb County Jail Chaplain

⁸ Letter from Claudette McCray, Mr. Morrow’s ex-wife

⁹ Letter from Travis Fowler, Mr. Morrow’s half-brother

¹⁰ Testimony of Kim Jenkins, second husband to Mr. Morrow’s ex-wife

¹¹ Testimony of Richard Goldstein, Mr. Morrow’s former supervisor

¹² Letter from Raiquon Wilburn, Mr. Morrow’s nephew

¹³ Letter from Shadrigus Lindsey, former correctional officer, GDCP

¹⁴ Letter from William Wallace, former correctional officer, GDCP

“real unusual—especially for truck drivers that deliver building materials.”

(Testimony of Richard Goldstein). The Chaplain of the DeKalb County Detention Center where Mr. Morrow was housed prior to his 1999 trial recalled that when he left his visits with Mr. Morrow, he was “encouraged by him” and “strengthened.” (Testimony of Harold Anderson).

When his lead trial counsel, William Brownell, a career prosecutor prior to his representation of Mr. Morrow, first met with Mr. Morrow following his arrest, he was taken aback by Mr. Morrow’s warmth:

I knew that the State had a strong case against him. At my first meeting with Scotty at the jail, I saw a relatively short but very stocky man. My first thought was that he looked like the kind of man who would be capable of doing what he was accused of ... I sat down at the table and looked in his eyes. The eyes can tell a lot about a person. But unlike my first impression of his size, his eyes took me aback. Without mincing words, they were among the kindest eyes I had seen. And he smiled a very sincere smile at me.

(Letter from William M. Brownell, Jr.).

As counsel would later learn, this was the impression shared by everyone who knew Mr. Morrow. In fact, Mr. Morrow’s character was so widely regarded that when his lawyers hired an investigator to assist in their trial preparations, that investigator—Gary B. Mugridge of the John Villines firm—was “surpris[ed]” at the “consistently glowing descriptions of the defendant’s character.” (Letter from Gary B. Mugridge). Mr. Mugridge interviewed numerous people who knew Mr. Morrow in the years leading up to the crime: “friends, co-workers, employers,

teachers and educators, many of whom knew Mr. Morrow well or who had worked with him on a daily basis.” (*Id.*). Mr. Mugridge recalled:

They described Scotty Morrow as a kind loving person who was very involved in the lives of the children of the deceased. He took them to school and had lunch with them. He attended parent conferences. At work, he was liked and respected by his co-workers and supervisors, who told me that they counted on him because he consistently went above and beyond the call....So many witnesses from such different areas of his life described Mr. Morrow as kind, helpful and sincere in his concern for others, that it was clear that his terrible violence toward Ms. Young and her friends was vastly out of character.

(*Id.*). To a person, each witness Mr. Mugridge interviewed “said the Scotty Morrow they knew would not commit such a crime.” (*Id.*).

Following his arrest, Mr. Morrow’s warm and gentle nature remained intact in spite of his circumstances. The deputy sheriff who supervised Mr. Morrow in the DeKalb County jail prior to his trial described how they could consistently count on him for assistance: he was a “cell representative,” an inmate who was responsible for “keeping the peace, keep[ing] the cell area clean” and “in order,” and “a guy that other inmates would look up to.” (Testimony of Ray Hunt, III). The officers at GDCP echo similar observations concerning his years there. As Officer William Wallace described, Mr. Morrow was a G-House orderly “for good reason”—because he was “trusted” and “consistently went above and beyond the call of his duties as an orderly.” (Letter from William Wallace). As another G-House officer summed up, Mr. Morrow “is just a really nice man ... pleasant to

everyone, always smiling... He never had a harsh word for anyone.” (Letter from Sgt. Tajuana Burns). As one of the clergy who has ministered to Mr. Morrow observed, “God’s love ... gives him great strength to face the arbitrariness and difficulties of prison life without bitterness or anger.” (Letter from Rev. Joseph Shippen).

How, then, could this happen? This terrible, incomprehensible violence against three women?

This question has plagued Mr. Morrow from the beginning. As he returned home after the crime, the enormity of what he had done began to wash over him and he settled upon suicide. He took his gun and walked behind the dog pen in the backyard. (Letter from William M. Brownell, Jr.). And as his former wife recalled, he “only stopped when he heard Scotty Jr. calling him, because he didn’t want our son to find him dead. I have always been grateful to him for that.” (Letter from Claudette McCray).

Mr. Morrow cooperated with arresting officers and by that afternoon was providing a statement admitting his responsibility. As the detectives conducting his interrogation noted, he “look[ed] like [he was] off in another land somewhere” and they had to draw the words out of him. (Post-arrest statement of Scotty Morrow).

By the time that his attorneys met with him to begin discussing the case, his remorse was palpable. As Mr. Brownell recalled:

My co-counsel [] and I decided it was time to start asking Scotty what happened. It was long and agonizing with Scotty frequently staring off into space—obviously reliving every moment of his relationship with Barbara Ann Young and how everything blew up in the end. The other thing that made our conversations slow and difficult was Scotty’s very intense shame and remorse. It was hard to discuss the State’s evidence with him because he simply could not understand how he could have done this. He wanted so badly to take it all back.

(Letter from William M. Brownell, Jr.). Nevertheless, Mr. Morrow “admitted his involvement in the crime right from the start and showed enormous remorse.

Where many guys might have had trouble resigning themselves to a sentence of life with no parole, by the time [they] were ready for trial, Scotty had long since come to terms with the idea that he would never have a life outside of prison again.” (Affidavit of William M. Brownell, Jr.). The defense approached the District Attorney with an offer to plead guilty in exchange for a life without parole sentence multiple times throughout the case. (*Id.*).

As Mr. Morrow explained to this Board’s staff last week, the initial sadness and shame that he felt over his crime did not abate after he was sentenced to death, but rather deepened over the years as he came to fully appreciate the enormity of the damage that he has done. His mental health counselors at GDCP noted that his remorse was “one of the major factors contributing to his depression:”

I vividly remember that Scotty was incredibly remorseful about the hurt and loss that he caused ... True remorse can, in some cases, be difficult to detect but not in Mr. Morrow's case. He had obviously put so much thought into trying to understand how he could have allowed himself to commit this act. He thought deeply about how the victims' families must have suffered. This was something that Mr. Morrow clearly carried around inside himself at all times.

(Letter from Kimberly Byrd, LPC, CRC).

Lindsey Veal, another mental health counselor, made those same observations:

Scotty was constantly thinking about his crime and the nature of forgiveness. He told me that if he could turn back the hands of time, he would. He was very remorseful in our sessions together. He is a man who accepts responsibility for what he did. He never blamed anyone for how his life turned out.

(Letter from Lindsey Veal, Jr., MHC).

Mr. Morrow used the resources at his disposal—the mental health counselors, his clergy, and religious texts—to reflect upon and manage his deep remorse. As one former chaplain noted:

I made a point of not finding out what the men in the service had done to get where they were; I didn't need to know. My role was to share with them my beliefs and tell them how to achieve forgiveness from God for whatever they had done. But in our discussions during the service, Scotty would often bring up stories from Scripture and connect them with his deep sense of remorse. It was clear that he struggled over what he done and the pain that he had caused.

(Letter from Pastor Chester Milner, former volunteer chaplain, GDCP). The

Muslim chaplain recalled likewise:

It is generally my policy not to ask inmates about the details of the crimes that led to their incarceration. But over the decades that I have known Scotty he has independently mentioned the crime to me. On those occasions, I recall discussing at some length his feelings of shame and remorse about the crime. He struggles to understand how he could have possibly done what he did. I remember one conversation in particular where Scotty was so distraught. He shook his head and told me that something just “snapped” inside him that day. His crime, and the loss and pain it caused, is constantly on Scotty’s mind.

(Letter from Chaplain John Muhammad, former chaplain, GDCP). In fact, Mr. Morrow’s remorse was apparent even to the officers who supervised him. Mr. Morrow indicated to Sgt. Tajuana Burns that “to this day, his biggest regret in life was taking away that mother from those children. It was obvious to [Sgt. Burns] how sorrowful Scotty was about all that he had done. He expressed that he would do anything to rewind that day and do things differently.” (Letter from Sgt. Tajuana Burns).

When members of his appellate legal team set out to explore his background and mental health, Mr. Morrow welcomed the opportunity to understand how he could have committed his crime. As a former investigator who documented Mr. Morrow’s childhood recalled, he was “remorseful, accepting full responsibility for his crimes at the start, sincere about wanting to understand why he had committed them, and hopeful that he might find some way to make at least some measure of amends.” (Letter from Rebecca Cohen).

Mr. Morrow's introspection and efforts over the years led him to a place of quiet repentance. In 1999, trial counsel retained a forensic psychologist to evaluate Mr. Morrow prior to trial. That psychologist, Dr. William Buchanan, found Mr. Morrow to be consumed by profound remorse, but he also found Mr. Morrow to lack insight into his own emotions and behavior. Current counsel recently asked Dr. Buchanan to conduct a second evaluation of Mr. Morrow. Dr. Buchanan spent six hours with Mr. Morrow at GDCP on April 9.¹⁵ He noted that Mr. Morrow's overwhelming remorse remained a prominent feature of his psychological profile:

Mr. Morrow is tormented by the pain that he has caused. It is something that he thinks about daily. He talked at length about the children of Ms. Young. Mr. Morrow felt a connection to them and he is deeply troubled by the impact of his actions on them. He ruminates on the question of their current well-being. He has similar torment around his inability to restore the loss that he caused to Ms. Young's parents and siblings and to the Woods family.

(Letter from Dr. William L. Buchanan). Dr. Buchanan "was not surprised to find Mr. Morrow just as personable and pleasant as he was 20 years ago. He had a warm, affable affect despite knowing that his execution would most likely be scheduled soon." (*Id.*). What had changed about Mr. Morrow was not his remorse or his pleasant personality, but his ability to function in spite of his past. Dr.

¹⁵ Dr. Buchanan also re-examined his prior testimony and the background materials that he had concerning Mr. Morrow.

Buchanan was “surprised to find how emotionally mature and insightful Mr. Morrow had become:”

Mr. Morrow has achieved tremendous personal growth, emotionally and psychologically. The Scotty Morrow that I evaluated in 1999 was sincere in his remorse and was a genuinely likeable man, but he had little insight into his own emotions, motivations or psychological processes ... Since 1999, Scotty has developed a number of coping strategies and a degree of self-awareness that would be impressive even for someone who had not been incarcerated for over two decades. This has provided him the ability to better manage his emotional states, and in turn, allowed him to both stay out of the fray of the prison environment and live peacefully at GDCP.

(Id.).

Mr. Morrow prays daily for the families of the victims:

Scotty and I have had many candid conversations about the crime he committed and the intense remorse that he feels. He knows that by taking the lives of Barbara Young and Tonya Woods he took something highly precious that cannot be replaced, and that knowledge is something that he grapples with every day, causing him great pain, guilt and shame. ... He speaks often of how his daily prayers are focused on asking God to bring peace and healing to the families of Barbara Young and Tonya Woods. He tells me that he would like to be forgiven by them, but his top priority is that they come to know as much comfort and healing as possible in this lifetime. He wants so badly for them to find some measure of peace.

(Letter from Mary Catherine Johnson). He also channels that remorse and prayer into a force for good:

But beyond simply feeling remorse over the pain he has caused, Mr. Morrow actively works to share his struggle and feelings with those he cares about. Mr. Morrow uses his experience to help others—his two sons in particular—avoid the mistakes he made. He wants them to succeed and break the cycle of pain.

(Letter from Stacey Coody).

Mr. Morrow's deep regret over the degree of harm that he has caused, his desire for redemption and atonement, and degree of personal growth and rehabilitation are striking. As the judge who presided over his state habeas corpus appeal noted, "[r]arely in my career as a prosecutor and a judge did I witness this level of remorse and acceptance of responsibility" (Letter from Hon. Wendy Shoob, Senior Judge, Fulton County Superior Court).

"Mr. Morrow is not a hardened criminal, but a flawed man who temporarily lost control with a tragic outcome." (Letter from Gary B. Mugridge). Mr. Morrow has done critical work in service of his own redemption and rehabilitation. He is deeply sorry. This Board's grace would not be lost on him.

III. Scotty Morrow Is A Model Prisoner

"I can truly say out of everyone out there that Scotty Morrow is literally the only inmate who I would do this for. And I've been in law enforcement for almost 16 years."

– Special Agent Nathan Adkerson

"It is very rare that I would speak out for a death-sentenced inmate but if anyone deserves clemency, it is Scotty Morrow. I do not say that lightly. But Scotty is a unique and exceptional inmate."

– Officer William Wallace

Clemency is an extraordinary power. But Mr. Morrow has been an extraordinary inmate. Mr. Morrow has been incarcerated at GDCP for nearly two decades. In that time, he has received only a single disciplinary report. That is not the only measure of his extraordinary record. Even more telling is the powerful impression he has made upon the correctional officers, counselors, volunteers and chaplains that interact with him on a daily basis. Each reports that Mr. Morrow is uniquely kind and respectful, someone who never causes trouble for the staff or his fellow inmates.

His own behavior is only part of the story; there is also the effect that he has on the behavior of others. Mr. Morrow has become a mentor and role model to the other inmates in G-House. He has repeatedly risked his own security and well-being to defuse fraught encounters and keep the peace. He has taken it upon himself to care for elderly, infirm and vulnerable prisoners. He has, through his gentleness and selflessness, earned unprecedented trust from the correctional officers and staff. Simply put, Mr. Morrow makes the prison better and safer for all within it. Rehabilitated, he works to help rehabilitate others. He is “an example of what Corrections is supposed to achieve.” (Letter from Dr. William L. Buchanan).

A. “Scotty Morrow never caused any trouble at all. And when I say never, I mean never.” (Letter from Shadricus Lindsey)

Without fail, GDCP employees laud Mr. Morrow for his good character and nature. “I have thought about Mr. Morrow over the years,” Kimberly Byrd, a former mental health counselor at GDCP, wrote. “His ... kindness, generosity and overall demeanor [] struck me.” (Letter from Kimberly Byrd, LPC, CRC). Sgt. Tajuana Burns noted that Mr. Morrow “was a model inmate ... he is just a really nice man. He was pleasant to everyone, always smiling. It didn’t matter whether he was dealing with other inmates or officers. He never had a harsh word for anyone.” (Letter from Sgt. Tajuana Burns). Another correctional officer, Shadricus Lindsey, described Mr. Morrow as “unique in that he was extremely respectful. Everything was always ‘yes, ma’am’ or ‘no, ma’am.’ ... He is respectful and courteous above and beyond.” (Letter from Shadricus Lindsey).

Officer Lindsey added:

[A] lot of the inmates in G-House think that because they’re on death row they have nothing to live for and so they just act as disrespectful as they like. And an unfortunately large number of them act particularly inappropriately and disrespectfully to the female officers. Morrow though was never inappropriate. That is rare and I know that the female correctional officers appreciated his genuine decency.

(*Id.*).

Lindsey Veal, a diagnostic and mental health counselor who worked at GDCP for eleven years, agreed:

Scotty never gave anyone trouble. That is a strong word to use. Never. He did everything that the officers asked of him. And he never complained. He never argued. He never yelled at staff, male or female. He was always just a quiet, respectful guy. I remember thinking: why can't we have more inmates like him?

(Letter from Lindsey Veal, Jr.).

Chaplain John Muhammad recalled that the correctional officers:

would inform me when 'one of my guys' got in trouble. But I never heard a single negative report about Scotty. In fact, I heard from a number of officers over the years that Scotty was a model inmate and that he was a positive influence on those around him as well. The officers were all familiar with Scotty, they worked with him every day, and they let me know that Scotty never talked back, never gave them issues, and never caused them any trouble at all. It was obvious to me that the officers saw Scotty as an inmate who was easy to work with and never confrontational.

(Letter from Chaplain John Muhammad, former chaplain, GDCCP).

In recognition of his being a model prisoner, Mr. Morrow has served for years as a detail worker, or orderly, in G-House. As Yanarda McCord, a former correctional officer, explained, "[i]nmates are only able to get on Detail if they demonstrate consistent good behavior ... Morrow was an obvious choice for Detail because he never had any DRs, never got into fights, and he got along with all the officers." (Letter from Yanarda McCord). Sgt. Burns added, "[i]n order to get on Detail you could not have any behavioral issues. That was really rare. But Morrow never had any altercations with other inmates or other behavior issues while I was there." (Letter from Sgt. Tajuana Burns).

William Wallace, a correctional officer at GDCP for ten years, recalled that Mr. Morrow frequently went “above and beyond his duties as an orderly.” (Letter from William Wallace). Mr. Morrow was trusted “with tasks and responsibilities that were not normally given to inmates. For instance, Scotty was often the one we asked to help bring inmates up to medical. We had full trust in Scotty that he would be able to take care of that quickly and properly. And he was also trusted to notify the correctional officers if something was wrong or someone was sick.” (*Id.*).

Wallace also remembered “a few occasions where an inmate got really sick and needed to be moved to Augusta [State Medical Prison], but couldn’t even get down the stairs on their own. Scotty would be the one to help them down the stairs and bring them to the correctional officers in a wheelchair.” (*Id.*). Additionally, Wallace recalled that as Brandon Jones, a G-House inmate, “got older and more frail, Scotty would dote on him and make sure to bring him extra ice and take care of him.” (*Id.*).

Mary Catherine Johnson, a paralegal who interacts with many prisoners on death row, confirmed Mr. Morrow’s compassion for the vulnerable, writing that Mr. Morrow “looks out” for one of her other clients, who is debilitated by mental illness, both “assisting him with hygiene and daily tasks, and protect[ing] him from others who might prey on him.” (Letter from Mary Catherine Johnson).

B. Mr. Morrow “is a peacemaker. He tries to maintain a level of civility in G-House.” (Letter from Lindsey Veal, Jr.)

Mr. Morrow’s contribution to the well-being of the prison goes far beyond treating officers and inmates with respect. He is a positive influence on the other inmates in G-House, “particularly those younger prisoners in desperate need of a role model.” (Letter from Chaplain John Muhamamad). Chaplain Muhammad noted:

Scotty will occasionally admonish an inmate who is causing trouble, especially those close to him, but he leads by example more than anything else. His actions serve as a constant reminder to the other inmates of how they are supposed to behave and conduct themselves. He is a very calming presence in G-House and his fellow inmates respond well to that.

(Id.).

Pastor Chester Milner, a law enforcement veteran of thirty-four years, ministered on Death Row as a volunteer chaplain for fifteen years. He explained that Mr. Morrow “acted as a role model” to “a lot of the other guys on the row” and “got a good sense from the way the other inmates reacted to Scotty during our service that they had great respect for him. Whenever Scotty got involved in a discussion his fellow inmates would snap to attention and listen. It was apparent that they valued his opinion and valued whatever he had to say.” (Letter from Pastor Chester Milner).

Counselor Veal similarly recognized that “Scotty managed to gain everyone’s respect. There was always a flash of admiration on the faces of other inmates whenever Scotty’s name came up during a session. That did not happen if I mentioned just about any other inmate’s name. Everyone treated Scotty like the respected mentor and veteran of G-House.” (Letter from Lindsey Veal, Jr.).

Another counselor, Alan Thornquest, added that he “always attempted to identify those prisoners that could be a resource to their fellow inmates. Mr. Morrow was a supportive and positive influence and ... [if granted clemency] will continue to help keep his fellow inmates calm and sane.” (Letter from Alan Thornquest, MHC).

Officer Wallace found Mr. Morrow to be “a leader in G-House. Whenever he spoke up, folks would listen. And he used that leadership role to act as a peacemaker in his unit.” (Letter from William Wallace). Indeed, according to Officer McCord, Mr. Morrow is someone who the officers “all knew” they “could rely on if [they] needed help defusing a tough situation.” (Letter from Yanarda McCord). Mr. Morrow was a “calming presence” and “was able to help calm even the most difficult inmates ... There were not many peacemakers like that but Morrow was certainly one of them.” (*Id.*). Chaplain Muhammad recalled one incident where “Scotty, without using any force, was able to successfully talk a fellow inmate out of a physical altercation during our service.” (Letter from

Chaplain John Muhammad). And Officer McCord could “remember off the top of [her] head a few separate incidents where Morrow helped calm down another inmate who got upset about something.” (Letter from Yanarda McCord). Mr. Veal added:

On one occasion, I was in the middle of a session with another inmate who was just berating me, screaming and yelling at the top of his lungs. Scotty walked by and calmly told the inmate “Hey man, c’mon, give Mr. Veal a chance.” The other inmate nodded his head and immediately stopped yelling at me. That just made my day. The fact that I had received Scotty’s blessing made my job so much easier that day. And that is a core part of Scotty’s identity.

(Letter from Lindsey Veal, Jr.).

C. “I can confidently say that Scotty Morrow makes G-House safer for correctional officers and other inmates.” (Letter from William Wallace)

Scotty Morrow’s disciplinary history is remarkable. “In 24 years of incarceration, Mr. Morrow has only had one disciplinary write-up.” (Letter from Dr. William L. Buchanan). As Special Agent Adkerson, a sixteen year law enforcement veteran, emphasized, “How many inmates have only one disciplinary report? You have individuals who get those weekly ... I would say twenty years and to have one. That kind of says something.” (Letter from S.A. Nathan Adkerson).

Mr. Morrow’s only write-up “occurred after he intervened between two inmates when he realized that one of the inmates had been stabbed with an

improvised weapon.” (Letter from Dr. William L. Buchanan). As Mr. Morrow explained to this Board’s Director of Clemency, Mr. Jacobs, last week, he was nearby when an argument broke out between two fellow inmates. The argument erupted into a fight. When Mr. Morrow realized that one of the inmates had a shank and was perilously close to causing serious injury, he stepped in. Indeed, Officer Wallace viewed it as another example of Mr. Morrow’s leadership and willingness to sacrifice himself for the good of the institution:

It was about a year or so after I started in G-House and there was a fight between a couple inmates that turned into a near-riot in the dorms, there must have been at least six or seven inmates going at it. Inmate Brookins, who used to get into it with lots of folks, had started this particular fight and he was threatening another inmate with a shank. Scotty jumped into the mix, putting his own self at risk, to break things up and help keep the peace. This was not just a one-time thing. That is just who he is.

(Letter from William Wallace).

Special Agent Adkerson marveled, “even that [one DR] it seems like he jumped in to help break up the fight. He is a peacemaker and mediator.” (Letter from S.A. Nathan Adkerson). Officer Wallace agreed, writing that “Scotty was someone we could count on to help keep peace out on the yard during Rec time. He would take charge and make sure people came back in without any problems. He is one of a select few top-tier inmates that you could say that about.” (Letter from William Wallace).

Mr. Morrow “actually makes the prison safer. I know that as a counselor I appreciated the fact that he was around.” (Letter from Lindsey Veal, Jr.). Officer McCord added that “Morrow is one of the few inmates who makes the job of the officers safer.” (Letter from Yanarda McCord). He has assisted in investigations into security matters while asking nothing in return. (Letter from S.A. Nathan Adkerson). Dr. Buchanan concluded that “[g]iven his current level of functioning, his insight, and his consistent behavior over the last 24 years, I believe Mr. Morrow is a valuable asset to the guards in maintaining order and security.” (Letter from Dr. William L. Buchanan). Ms. Byrd cited precisely that in asking this Board to grant clemency so that Mr. Morrow can “continue to lead a life worth living: a productive life that will make the prison system safer and better for all.” (Letter from Kimberly Byrd).

D. “Scotty Morrow is fully rehabilitated. There are very few inmates I can call fully rehabilitated. But, without question, Scotty is one of them.” (Letter from Lindsey Veal, Jr.)

Taken together, these records and accounts of Mr. Morrow’s exceptional history manifest that Mr. Morrow is “fully rehabilitated.” Mr. Morrow has spent the last two decades working to better himself and those around him. And his efforts are evident to those who have worked with him on a daily basis. As Ms. Byrd explained:

On death row, of all places, many inmates feel like they have nothing to lose and end up acting out in all sorts of ill-mannered ways. I have

seen inmates continue their pattern of manipulative and disrespectful behavior even after they've been incarcerated. But never Scotty. Scotty aimed to be the person that he knew he should have always been. He wants to be that person despite his difficult situation, even on death row.

(Letter from Kimberly Byrd). Another mental health counselor, Faye Greer-Cook, added, "Mr. Morrow showed an exceptionally high level of insight and awareness and had clearly done a lot of soul-searching and introspection during his time in prison." (Letter from Faye Greer-Cook, LPC). She observed how truly remarkable that was: "Thinking about my entire caseload, Scotty Morrow was one of a special few who I truly felt comfortable with. There was no edge whatsoever ... That speaks volumes about the work he has done and the type of person he has become." (*Id.*).

As Dr. Buchanan was concluding his recent evaluation of Mr. Morrow, he received an unexpected testimonial to how far Mr. Morrow has come from a current corrections officer. The officer approached him, and, "[w]ith a huge smile on his face, the Officer looked [Dr. Buchanan] straight in the eyes and stated to [him], 'This is the best man in the world!'" (Letter from Dr. William L. Buchanan). That a corrections officer would feel compelled to volunteer this about a death-sentenced prisoner is simply remarkable.

It also reflects another truth. If this Board grants Mr. Morrow clemency, he will be a danger to no one, and an asset to everyone. "While none of us has a

crystal ball,” Dr. Buchanan wrote, “I can say with the utmost conviction that it is my professional opinion as a clinical psychologist who has been involved in about a dozen murder cases over my career ... that Mr. Morrow would not be a danger to prison staff or other inmates in the future if he were to be granted clemency and sentenced to life in prison.” (Letter from Dr. William L. Buchanan). Quite the opposite. Mr. Morrow “will keep doing what he has done for many years; i.e., share his perspective and all that he has learned through self-reflection and reading during his 19 years on death row ... [Mr. Morrow] would make it his ‘mission in life’ to teach the younger men in general population the skills for being at peace that he has learned.” (*Id.*). Dr. Buchanan concluded his assessment with his professional opinion that “Mr. Morrow could be an effective peer-to-peer counselor.” (*Id.*).

The counselors, correctional officers and volunteers who have witnessed his growth and maturity over the last two decades echo that conclusion. Mary Catherine Johnson notes that Mr. Morrow will be a “stellar example and mentor to the many confused and unruly men who come to prison lost and full of anger. Scotty was once one of those broken young men, but after years of hard work and self-reflection he has come out the other side a reliable, mature, honest and humble man of faith.” (Letter from Mary Catherine Johnson). Special Agent Adkerson agreed, stating that he “believe[d] that [Mr. Morrow] could be helpful for new

younger offenders coming into the system every day. It would be important to have someone who could mentor those inmates.” (Letter from S.A. Nathan Adkerson). And Pastor Milner similarly expressed his belief that, “Scotty is someone who is able to support other inmates and help them cope with their situation in prison.” (Letter from Pastor Chester Milner.) Moreover, he concluded, if Mr. Morrow’s sentence was commuted to life without parole, he would be “a benefit to the system. He has lived, and would continue to live, the type of life that is an example to others.” (*Id.*).

Officer Wallace went further, explaining that, if spared, Mr. Morrow would be uniquely positioned to help young inmates in particular need of support:

I believe with my whole heart that [Scotty] will continue to do good if he is given life in prison. Scotty is a person who could talk to younger inmates and give them hope. Scotty has a calming influence that could help keep them out of trouble and prevent them from re-entering prison. In fact, I think it would be enormously helpful if Scotty were allowed to tape a message sharing his story that could be shown to younger prisoners, or those at Burruss for example, in need of guidance and mentorship. Scotty’s good heart and insight could be a tremendous lift to ensure that young folks entering prison find the right path. Scotty still has great ability to help many more prisoners and, in turn, make sure that our prisons and communities are safer.

(Letter from William Wallace).

**IV. Scotty Morrow Understands the Transformative Power of Faith:
“From the deep well of his spiritual life, he shares love and peace with
everyone he meets.” (Letter from Rev. Joseph Shippen)**

The power of Mr. Morrow’s faith has brought him face-to-face with God’s most profound truths. It has allowed him to turn inward, and ask of himself the ultimate questions: How will I live? Will I live a life that makes a difference, bringing the world-that-is a little closer to being the world-that-ought-to-be?

His faith is not a salve, or a means to bypass the hard work of repentance and reconciliation for easy salvation. His belief in God has forced him to directly confront his past and his failings. He does not simply seek grace. He seeks atonement, forgiveness. That process—an ongoing one—is demanding.

And rightly so. As Mr. Morrow readily acknowledges, he has caused great pain. He has never hid nor shied away from that truth. Rather, he has sought out a rigorous, unflinching self-examination. His faith requires him to acknowledge his failures, repair what he has harmed and learn from his errors while attempting to become an ever-better version of himself.

Mr. Morrow is a man of faith. His deep love for God and desire for a relationship with God is “immediately apparent.” (Letter from Lindsey Veal, Jr.). It has been for years. At his trial in 1999, prison chaplain Harold Anderson testified that Scotty “is the type of person that strengthen[s] you as a minister.”

(Testimony of Harold Anderson). He added that Mr. Morrow was clearly dedicated to Scripture. (*Id.*).

More than a decade later, Counselor Veal “often found Scotty attending religious services and Bible study” during his rounds. (Letter from Lindsey Veal, Jr.). He also “frequently saw him deep in a conversation about God with chaplains or other inmates.” (*Id.*). Sgt. Tajuana Burns noted that “[a]lmost every time [she] walked by his cell, he was praying.” (Letter from Sgt. Tajuana Burns). Sgt. Burns described Mr. Morrow as a “devout believer.” (*Id.*). And Ms. Byrd noted that Mr. Morrow was “heavily involved in religion” and that it was “very genuine for him.” (Letter from Kimberly Byrd).

Pastor Chester Milner noticed Mr. Morrow at his service soon after he began ministering at GDCP in 2003:

He impressed me right away as a man who was really trying to get his life right and become a better person. The word that comes to mind when I think of Scotty is *genuine*. As a Pastor, I can tell when folks come to my service with the wrong motivation or intention and I can tell when people are trying to play games. That was never the case with Scotty. He was there because he cared deeply about God and his faith.

(Letter from Pastor Chester Milner).

Pastor Milner explained that Mr. Morrow “is the type of person that wants to be actively engaged in the learning process. Not simply preached at. He wants to learn and grow.” (*Id.*). Mr. Morrow has studied many texts and passages with the

clergy he meets at the prison and works hard to understand what he is studying. Pastor Milner noted that Mr. Morrow “always brought something thoughtful to our service.” (*Id.*). And Chaplain Muhammad added that “Scotty is a person who is genuinely searching for answers to life’s big questions.” (Letter from Chaplain John Muhammad).

Mr. Morrow has a robust spiritual life, and receives “more pastoral visits than almost anybody else.” (Letter from Lindsey Veal, Jr.). Counselor Veal attributed that to “the richness of Scotty’s spiritual life.” (*Id.*). Mr. Morrow loves to “engage with, and learn from, people of all faith backgrounds.” (*Id.*). Indeed, Mr. Morrow has “consistently engaged in dialogue about God and his religious beliefs with clergy of different faith backgrounds for many years. He has demonstrated honesty and openness in his ability to discuss his beliefs with others.” (Letter from Chaplain John Muhammad).

Over time, Mr. Morrow began “drawing on the spiritual resources of Islam” and, eventually, he converted. (Letter from Rev. Joseph Shippen). Islam, with its stringent practices, has provided Mr. Morrow with “the rigorous demands for atonement that he craves ... Mr. Morrow is acutely aware of his own weaknesses and how those weaknesses led to his brutal crime and devastated three families. He is constantly seeking to make amends for those weaknesses, and his faith in God has provided him with a disciplined and loving path.” (Letter from Dr.

William L. Buchanan). “The frequency and length of his daily prayer sessions,” for instance, “has provided a level of introspection that has brought forth painful truths concerning the impact of his crimes, deepening the remorse and accountability that he has felt for many years.” (Letter from Mary Catherine Johnson).

By adding the demands and discipline of Islam to his deep and unflinching love of God and Jesus, Mr. Morrow has enhanced and strengthened his spiritual life. Pastor Milner noted that after committing to Islam, Mr. Morrow:

continued to attend, and actively participate in, my service, in addition to the Islamic service. My sense is that Scotty recognized our service as authentic and felt that we were genuinely searching for the word of God. ... I believe that is why Scotty remained an active member of our service. Scotty was looking to gain wisdom about God from our service and he saw it as more than empty rhetoric. Scotty [has] committed himself to seeking out pure and just principles to help guide his life and help him through his struggles. He embraces those principles wherever he encounters them, whether they come from Christianity or Islam. I believe that Scotty has a great respect for all beliefs and he seeks insight from whomever he meets.

(Letter from Pastor Chester Milner).

Indeed, Mr. Morrow was drawn to Islam precisely because it offers strict discipline, “such as the call to prayer five times a day and fasting during Ramadan, while allowing him to maintain his belief in, and love of, Jesus.” (Letter from Mary Catherine Johnson). Mary Catherine Johnson and Mr. Morrow have discussed his faith and beliefs at length. She is “often impressed by Scotty’s

extensive knowledge of Jesus and his teachings, and their role in, and similarities to, the teachings of Islam; both have love and forgiveness at their core.” (*Id.*). Her “discussions with Scotty about Jesus as relates to Islam have done more to deepen [her] own Christian faith than just about anything else in recent years, giving [her] a broader perspective on the universality of Jesus’s teachings.” (*Id.*).

Mr. Morrow is not interested solely in outward ritual and prayer but with the transformation of his inner life. He seeks true redemption through his relationship with God and Jesus. Scotty’s faith, therefore, embodies his inner remorse and his quest to become a better, kinder, more caring person. In other words, Scotty Morrow puts his faith into practice. According to Mr. Veal, “[h]is strong faith in God is an important reason he is able to stay so positive and make the best of his situation. I think his faith has also helped him reach a point where he fully accepts responsibility for his actions. I recall that Scotty was constantly thinking about his crime and the nature of forgiveness.” (Letter from Lindsey Veal, Jr.). He uses his daily prayers as an opportunity to “focus[] on asking God to bring peace and healing to the families of Barbara Young and Tonya Woods.” (Letter from Mary Catherine Johnson). As Ms. Byrd concluded, “Mr. Morrow’s faith is an important part of his growth as a person ... Scotty recognized that faith is something to walk in and follow at all times, and he was honest with me about his failings and faults in the past.” (Letter from Kimberly Byrd).

V. **Scotty Morrow Is An Integral Part of a Loving, Supportive Family**

Mr. Morrow met Claudette McCray at a summer program in 1983, when they were both 15 years old. Three years later, they married and had two boys: Scotty Jr. and Adrian. The marriage, though it ultimately ended in divorce, had “happy times, good times.” (Letter from Claudette McCray). “Scotty was silly, and [they] laughed a lot.” Claudette remembered, “when he was driving truck, me and the boys went on a run with him overnight. We messed around on the CB radio. We watched a movie at the truck stop, and then we slept in the truck, the four of us. The kids loved that.” (*Id.*).

“Scotty loves his two boys—Scotty Jr. and Adrian—with all his heart.” (Letter from Deborah Morrow). As Scotty Jr. recalled of his childhood, “[w]e were his world ... My dad would always take us out for fun – to ride Go-Karts or go to Chuck E. Cheese. He used to have me and Adrian get in the car and he wouldn’t tell us where we were going. One time, we ended up at Toys R Us and my dad told us that we could pick out anything we wanted in the store.” (Letter from Scotty Morrow, Jr.).

Adrian, too, has “many special memories” with his dad:

[Scotty Jr. and I] always used to get so excited when we went to visit Dad [in prison] ... All we wanted was to see him and touch him and talk to him. One of my favorite memories was right after I graduated high school ... My Dad got pretty emotional because he couldn’t be there to watch me walk across the stage and get my diploma. And of course Dad wasn’t going to start bawling in front of his kids, but he

started tearing up when he told me how proud he was of me. He said that he had never graduated high school and was so happy that I had done it. That was a really special visit.

(Letter from Adrian Morrow).

Mr. Morrow has always had special affection for children. His half-brother, Travis Fowler, recalled that “Scotty absolutely loved kids. Whenever he interacted with my sister’s kids, he acted as if that was his child. And that was true of any kid he met, even dating way back to when we worked together at Ms. Betty’s nursing home.” (Letter from Travis Fowler). Mr. Morrow “immediately developed a special bond” with the daughters of Fonda Jones, the woman he dated from 1990 to 1993. They each referred to him as “Daddy.” (Letter from Fonda Jones). Ms. Jones recalls that Scotty “was always around. He took care of both girls when I was working. He helped me provide for them. He was their dad, plain and simple. And for Scotty’s part, he always acted as if they were his own too.” (*Id.*).

Unsurprisingly, Scotty is now a loving and caring grandfather to his four grandchildren. Scotty Jr. described his children’s “great relationship” with Mr. Morrow:

They love him to death. They just think he’s the funniest person in the whole world. My dad is the only grandfather they have. They always want to know if he can come home with us after visitation. And even though I know it is sad that they can only visit him in prison, they are so happy to have any time at all with him ... My oldest son, a real good athlete, asked me the other day whether, when he makes it to the Pros, he would be able to pay to get his grandfather out of prison.

(Letter from Scotty Morrow, Jr.).

A. Mr. Morrow remains a source of inspiration in his family.

Mr. Morrow's desire to guide, instruct and protect his family was apparent even from a young age. Travis Fowler describes him as

a consistent force for good in my life ... at times almost like a father figure. Scotty would tell me about his tough childhood and try to use that hardship to guide me and provide some lessons for life. In particular, Scotty constantly emphasized the importance of a good, honest job. That was something Scotty took a lot of pride in ... I remember he would tell me: "Travis, you get a job, you don't need to be selling dope with those boys out on the street."

(Letter from Travis Fowler). Troy Holloway, a cousin who considers Mr. Morrow "more like a brother," remembers him as a "protector," "the anti-bully," who "looked after me and made sure no one did anything to me." (Letter from Troy Holloway).

Despite being unable to be physically present in the lives of his family members, Mr. Morrow has remained an active parent, grandparent and uncle. He relishes the opportunity to share life lessons, to steer his loved ones away from the path he went down, and to break the cycle of pain. In a recent letter, Mr. Morrow wrote, "I try to lead [my kids] away from the wrong paths in life. I want them to learn from my mistakes and be better than me." (Letter from Stacey Coody).

Pastor Milner recalls that Mr. Morrow frequently asked him about the type of advice to give his sons. "We would discuss the best approach for how a father

should lead his children to the right path. I could clearly detect the deep interest and care that he had in the future of his boys.” (Letter from Pastor Chester Milner).

If Mr. Morrow is executed, each member of his family will lose a trusted resource, a guiding hand, and a source of strength. His former wife, Claudette, worries about their two sons and grandchildren:

[They] look forward to visits with Scotty, being able to see him, spend some hours with him, and hear what he has to teach them. My main concern is that if he is executed, they won't have that anymore ... Scotty is the one they talk to about manly things, life things. He makes visits with our grandchildren fun and silly, the same way he did when our boys were young. As much as I love my children and grandchildren, I can't be a father or grandfather. If Scotty is executed, I will never be able to replace what he is for them.”

(Letter from Claudette McCray).

Adrian explains that “los[ing] my dad ... would be the loss of all those life lessons to come. Even though I recently turned thirty, I still go through things where I need my dad's advice. And my dad has always shared his life lessons with me and my brother, from as early as I can remember: what to do and what not to do in school, at home, and out in the street.” (Letter from Adrian Morrow).

Mr. Morrow's influence extends beyond just his children and grandchildren. He has embraced a parental role with his niece Cornisha, his nephew Raiquon and his great-nephew Darrius, or “D.J.”

This past school year got off to a rough start due to a number of behavior issues for Darrius. But I noticed that when our contact visits with Uncle Scotty become more frequent, every other month, Darrius's behavior improved dramatically. He even won an award for best behavior – two months in a row – for the entire second grade class. Darrius recently attributed his behavior awards to the fact that now, before making any decision that could potentially get him in trouble, he thinks and asks himself whether it's worth it or whether he should just let it be and move on. He told me that his Uncle Scotty taught him that!

(Letter from Cornisha Curry). Deborah, Mr. Morrow's half-sister, added that "Scotty is also a wonderful uncle to my daughter, Cornisha. It means so much to her to have someone she can look up to, and someone she can talk to about relationships." (Letter from Deborah Morrow).

Mr. Morrow has also been "a major, positive influence" in Raiquon's life. (Letter from Raiquon Wilburn). With his own father in and out of prison, Raiquon has turned to his Uncle Scotty. He describes how he has taken Mr. Morrow's positive outlook to heart. "No matter how bad things are for me, knowing that he's in there with a better attitude than me, and I'm in the free world, helps me maintain a positive outlook." (*Id.*). Scotty often pulls Raiquon to the side after visitation for "a heart-to-heart talk." (*Id.*). "Scotty makes sure to brush this message on me nearly every time I visit: Don't be quick to act. I know that Scotty feels like if he would have thought for even a moment on the morning of the crime before acting he would have just ended up walking away." (*Id.*).

There are so many people who love and depend on Scotty Morrow. His death would result in a profound loss for everyone who considers him an important part of their lives. Adrian recognizes the lingering impact that Mr. Morrow's execution would have:

I see him with his grandkids and I notice the look on his face sometimes, like he's not going to be there to see them grow up. That makes me so sad. Because I know there is going to be a time when they are going to ask about him and I don't know what we're going to do. And then I think about whenever I might have a child, and it devastates me to think that child is never going to know who their grandfather is or have any memories of him. And I hate to think that my nieces and nephews won't be able to continue their relationship with him, to tell him about the sports they are playing or their classes in school.

(Letter from Adrian Morrow).

B. Mr. Morrow's mother would be devastated by his execution

Tragically, this Board is asked to make a decision about Mr. Morrow's life without hearing from his mother, Betty Bowles. Due to a massive stroke suffered in 2015, Mrs. Bowles is unable to articulate her love for Mr. Morrow or his for her. She is unable to ask this Board to spare her son's life.

But as her cousin Willene Thomas recounted, "[Betty] talked about [Scotty] all the time. And she used to go down to the prison with Scotty's kids to see him every month up until she had her stroke. She was so thrilled to see him every single time. And she told me that he would just light up like a Christmas tree when he saw her and the boys. ... Betty and Scotty remained extremely close. Her love

for him was so deep no matter what he had done.” (Letter from Willene Thomas).

Fonda Jones described the effect Scotty’s execution would have on Betty: “I really think that if he is executed that would be the end of her.” (Letter from Fonda Jones).

Gary Mugridge also urged this Board to consider Mrs. Bowles in its decision:

Following the trial she was devastated and very upset emotionally. So much so that the attorneys I was working with asked me if I would go to her residence with her. I accompanied her to her home and remained with her that night. As she settled down she just needed to talk with someone. We sat and talked for several hours as she described her son, Scotty Morrow. Betty described her relationship with her son. She described his kindness and love toward her and others in his life. She just could not grasp that Scotty could ever commit such a violent crime. Betty’s life has never been the same.

(Letter from Gary B. Mugridge).

VI. This Board Has The Power to Ensure Basic Fairness in Mr. Morrow’s Case

A. This Board can take into account important evidence about Mr. Morrow’s childhood that his jury did not hear.

Mr. Morrow’s crime—though tragic and difficult to fathom—is not without explanation. Trial counsel knew that the “moment of panic and torment that [Mr. Morrow] felt when he heard that Ann [Young] and her children were leaving him [] was actually the culmination of something that had been festering since long before Ann came along.” (Affidavit of Harold L. Walker, Jr.). The jury heard

evidence that as a toddler, Mr. Morrow witnessed his mother being severely beaten by his father, including a particularly violent incident when his father stomped on his mother's abdomen, causing her to miscarry. Counsel tied Mr. Morrow's feelings of helplessness on the morning of the crime to his early exposure to violence against his mother.

Trial counsel was correct: Mr. Morrow's history played a role in his reaction to the news of Ms. Young's rejection. But the jury only heard a part of that history. As the state habeas corpus court ruled, "trial counsel failed to deliver on their promise to the jury to explain [Mr. Morrow]'s crime." Final order, *Morrow v. Hall*, 2000-V-769 (Superior Court of Butts County, 2011). The jury did not know that beginning at age seven, Mr. Morrow was repeatedly raped by a family member, Earl Green, with whom he shared a home after his mother fled his father's violence. The following year, when his family moved out of his assailant's home and the sexual abuse finally ceased, vicious beatings at the hands of his mother's boyfriend began.

As Dr. Buchanan recounted:

Several years after Mr. Morrow's trial concluded, after his appellate attorneys conducted an investigation into his early life in the New York City area, I learned additional information about Mr. Morrow, specifically that he was a victim of severe physical, sexual, and emotional abuse during the portion of his childhood he spent there. When he was eight years old, he was repeatedly anally raped by a 16 year old male relative with whom the family shared a home for a period of time. Regarding the physical abuse, Scotty was repeatedly

beaten by his mother's boyfriend for four years, and if Scotty cried, protested, or showed any negative emotion as he was being beaten, he was then beaten harder. Scotty was often stripped naked when he was beaten by his mother's boyfriend. Once, Scotty was beaten so violently that his bowels released and feces covered him and the furniture. For years, Scotty was often reminded of how he "shit on the sofa."

(Letter from Dr. William L. Buchanan).

Mr. Morrow was unable to volunteer these facts to Dr. Buchanan in the midst of his capital trial in 1999. As Dr. Buchanan noted, Mr. Morrow "readily cooperated in the evaluation and tried hard to answer all that [Buchanan] asked," but "[w]hen the evaluation veered toward discussing emotionally intense topics, Mr. Morrow began to psychologically shut down. He had very little emotional tolerance and resiliency for discussing painful memories or subjects." (*Id.*).

Mr. Morrow's inability to tolerate memories of his past sexual abuse was not atypical. "Conservative estimations suggest that between twenty-five and thirty-three percent of victims [of childhood sexual abuse] never report or disclose their abuse." (Brief of Amici Curiae CHILDUSA, et al., *Morrow v. Ford*, No. 18-6409). "Frequently, children are so disabled by the trauma that they remain unable to disclose the abuse until much later in life." (*Id.*). As Dr. Buchanan noted, "[f]or men in particular, there are substantial social and psychological barriers to disclosure of past physical and sexual abuse. This was especially true for Mr. Morrow. A conscious awareness of his childhood sexual abuse would likely have

threatened his sense of self and created overwhelming and intolerable anxiety.”

(Letter from Dr. William L. Buchanan).

The jury never knew the most salient events in Mr. Morrow’s past. The impact of his childhood rippled through his adult life. As his relationship with Ann Young crumbled in December 1994, its consequence was twofold: (1) he longed for acceptance by a loving family; and yet (2) he had little ability to communicate difficult emotions appropriately. As Dr. Buchanan explained:

[T]he information about his early physical and sexual victimization helped explain Mr. Morrow’s inability to tap into his own emotions at the time of my first evaluation. As a result of his repeated exposure to complex trauma as a child, Mr. Morrow adopted maladaptive coping mechanisms, such as cutting off his emotions, which limited his ability to develop healthy emotional responses and form healthy attachments as he grew older. It also contributed to the impulsivity, hyper-masculinity, and high levels of depression and anxiety that my evaluation identified in 1999.

... What is very important from a psychological perspective is that Scotty was actively taught to not express any negative emotions, to hold his emotions inside, and to not show any reaction to pain and abuse. This was adaptive for him growing up in that it minimized his abuse. But his blank facial expression at his trial made him seem heartless and emotionless, even though this couldn’t be further from the truth.

(Letter from Dr. William L. Buchanan).

Unlike the jurors, this Board can consider Mr. Morrow’s childhood history. And, unlike the jurors, this Board can be confident that Mr. Morrow now has the ability to work through his difficult emotions. Once Mr. Morrow was able to

disclose his past abuse to the members of his legal team and his GDCP mental health counselors, he began the difficult process of rehabilitation:

He endured bouts of depression over the ensuing years, sometimes extreme enough that I was concerned he might consider suicide. But there was a profound change in him, one that established itself more and more deeply as he came to accept how the trauma had affected him, how it had played a role in his relationships, and ultimately how it had contributed to him severely injuring LaToya Horne and taking the lives of Ann Young and Tonya Woods.

He never relied on the trauma as an excuse. ... But by accepting what had happened to him, he began to let go of the shame and pain he had kept bottled up.

(Letter from Rebecca L. Cohen).

In his recent evaluation, Dr. Buchanan noted the remarkable progress Mr. Morrow made in reconciling his traumatic past:

For many survivors of abuse, particularly males who experienced repeated anal rape, the memory of the abuse can cause intrusive thoughts and anxiety. Unlike in 1999, however, Mr. Morrow no longer compartmentalizes or cuts off these experiences and emotions. He has developed the capacity to confront his past experiences and emotions directly, and to work through them when necessary ... [R]ather remarkably, he has called forth the psychological capacities necessary to do so. He stated to me that now "I'm able to find words to fit how I'm feeling. ... When I was a child...I didn't know how to express myself. Now, I'm able to translate my feelings into words." Consequently, those past victimizations no longer define him, and his cognitive and emotional energy is not tied up in the task of keeping substantial feelings of guilt and shame bottled up, only to explode later. In layman's terms, he has made peace with his past. However, he does not use his past as an excuse; but he is able to acknowledge it and mentally process it in a manner that doesn't cause more dysfunctional behavior.

(Letter from Dr. William L. Buchanan). Consequently, Mr. Morrow is no longer capable of violent overreactions to everyday stressors. (*Id.*). As the information now before this Board shows, Mr. Morrow navigates interpersonal conflict and difficult situations with calm reflection.

B. This Board can impose a sentence on Mr. Morrow that is equal to that of other Georgia murder defendants whose crimes were emotionally-fueled and unplanned.

In the United States, the death penalty is “reserved for a small number of extreme cases.” *Gregg v. Georgia*, 428 U.S. 153, 182 (1976). Without minimizing the gravity of the crimes here, murder offenses like Mr. Morrow’s—unplanned and emotionally-fueled—are not generally among that inner circle of the most aggravated crimes. As the state habeas corpus court that took the evidence in Mr. Morrow’s appeal concluded, Mr. Morrow’s crime is not a capital crime in Georgia:

Cases involving hot-blooded crimes are not traditionally viewed as death penalty offenses by juries and prosecutorial decision-makers. This Court notes the relative rarity with which the death penalty is imposed in Georgia cases in which an offender kills a spouse or girlfriend under circumstances that suggest the crime was hot-blooded or committed in reaction to provocation.

(Order of the Superior Court of Butts County, *Morrow v. Hall*, 2000-V-769, Feb. 4, 2011). The court noted that the crime “was spontaneous, occurred in response to at least some provocation from victim Tonya Woods, and was complete within the span of a couple moments. There is reliable evidence to suggest that [Mr.

Morrow], while not legally insane, was laboring under emotional distress at the time of the crime.”¹⁶ (*Id.*).

Mr. Morrow submits that a sentence of life or life without parole is nearly always imposed for such crimes. And while Mr. Morrow does not contest that aggravating factors are present here, nor does he seek to minimize the degree of loss that he has caused, his personal moral culpability nonetheless differs from that of the typical capital murder defendant. A grant of clemency would bring Mr. Morrow’s sentence in line with that imposed upon similarly culpable murder defendants.

C. A majority of the trial jurors are comfortable with a sentence of life without parole.

Perhaps as a result of these factors, Mr. Morrow’s jury does not remain settled in favor of death. Undersigned counsel contacted the trial jurors in connection with the preparation of Mr. Morrow’s application for clemency. Three jurors declined an interview. One juror, Mary Janice Davidson, strongly supports a grant of clemency. Another, Barbara Brown, has passed away since the time of

¹⁶ As Judge Wilson of the United States Court of Appeals for the Eleventh Circuit noted in reviewing the case, “the Superior Court of Butts County’s resolution of the issues presented here was far more thorough and considerate than the resolution reached by the Supreme Court of Georgia in its reversal of the Superior Court’s opinion. The Superior Court undertook a searching inquiry into Morrow’s childhood...” *Morrow v. Warden, Georgia Diagnostic Prison*, 886 F.3d 1138 (11th Cir. 2018).

Mr. Morrow's trial, but provided an affidavit in connection with prior court proceedings indicating that she would not have voted for the death penalty had she been informed of Mr. Morrow's childhood history. Three jurors indicated that they saw valid reasons supporting a grant of clemency and would be comfortable with any decision that the Board reached. Another juror indicated that she felt great sympathy for Mr. Morrow's family. Only three jurors indicated that they remained comfortable with a sentence of death.

VII. Conclusion

For all the reasons contained in this Application and appendices, and for the reasons found in the evidence and argument presented at the hearing on this Application, Mr. Morrow and his family ask this Board to: (1) grant a stay of execution for ninety (90) days to permit the Board to review the evidence on Mr. Morrow's behalf; and (2) exercise its awesome power to bestow mercy and to commute Mr. Morrow's death sentence to a sentence of life without parole.

S. Jill Benton
Georgia Bar No. 053659

Nathan Potek
Georgia Bar No. 747921

FEDERAL DEFENDER PROGRAM, INC.
101 Marietta St NW, Suite 1500
Atlanta, GA 30303
T. (404) 688-7530