

PETITION TO THE GEORGIA BOARD OF PARDONS AND PAROLE
FOR COMMUTATION OF DEATH SENTENCE TO LIFE WITHOUT
PAROLE ON BEHALF OF WILLIAM C. SALLIE

I. INTRODUCTION

Counsel for Petitioner William C. Sallie (hereinafter referred to as "Petitioner" or "Mr. Sallie") recognize that the Georgia Board of Pardons and Parole (hereinafter the "Parole Board"), absent extraordinary circumstances, does not consider issues of guilt or innocence or whether a sentence of death is appropriate, as long as the trial and sentencing of the petitioner was fair and legal. Mr. Sallie's case, however, is one of those extraordinary circumstances, because his death sentence was imposed at the urging of a juror who was patently biased against him and who had been dishonest during jury selection about her life experiences which would have controlled her judgment. But due to a technicality, a missed statute of limitations deadline at a time when Mr. Sallie was unrepresented by counsel and had no right to appointed counsel, no court has ever heard the evidence regarding this juror misconduct and dishonesty, much less ruled upon it. In short, this is not a case where the Parole Board can assume that the Petitioner received a fair and unbiased trial.

Here, one of the jurors who not only sat in judgment of Mr. Sallie, but also has bragged that she convinced an evenly divided jury to vote unanimously for Mr. Sallie's death, had encountered and lived through circumstances strikingly similar to those of Mr. Sallie's case, but when asked about her background during jury selection not only misrepresented but in fact lied about her past. Yet the fact that

~~Mr. Sallie's death verdict was rendered by a biased and dishonest juror has never~~
been considered by any Court, because due to no fault of Mr. Sallie a critical statute of limitations deadline was missed by a mere few days at a time when Mr. Sallie was unrepresented by counsel due to the fact that Georgia denies death row defendants the right to an appointed attorney during a critical stage of his post-conviction. As a consequence, the courts have turned a blind eye to the misconduct and dishonesty of a critical juror, relying wholly on this technicality.

But this Board is not so constrained. As United States Supreme Court observed in Herrera v. Collins, 506 U.S. 390, 411-412 (1993), "Clemency is deeply rooted in our Anglo-American tradition of law and is the historic remedy for preventing miscarriages of justice where the judicial process has been exhausted." Here the judicial process is not merely "exhausted," but constrained by technical rules that have prevented any consideration of the juror misconduct and bias which infected the jury's determination of the death sentence in Mr. Sallie's case. This Board is the "fail safe" against any miscarriage of justice which the courts have been unwilling to consider due to technicalities. Thus, the authority and mission of the Parole Board in this case is to give due consideration to these circumstances which have never been considered in any judicial proceeding.

II. THE BASIC FACTS OF MR. SALLIE'S CASE

Mr. Sallie grew up in Peoria, Illinois, joined the Army in 1985 and was stationed at Ft. Stewart where he met and later married his wife, Robin a resident of Alma, as he was finishing his service. Early in the marriage, amid allegations of domestic violence, his wife separated from him and took physical custody of their infant son, Ryan. Bitter court battles over the custody of Ryan ensued in Georgia and Illinois, to which Mr. Sallie had returned. Robin Sallie had taken their two year old son, moved into her parents' home, John and Linda Kay Moore, and filed for divorce in Bacon County. During a scheduled visit at the Moore's house, Sallie abducted Ryan and then traveled to his home town of Peoria, Illinois, where he commenced his own divorce proceedings. In February 1990, the Illinois court determined that the divorce and custody matters should be decided in Georgia and granted temporary custody of their son Ryan to Robin.

The next month, in March of 1990, Sallie returned to Georgia with the intent to return to Illinois with his son. He entered the Moore's home and during this botched invasion fatally shot John Moore and also wounded Linda Kay Moore in their bedroom. Mr. Sallie then exited the house and after firing two more shots through the master bedroom window without hitting anyone, an extended

~~discussion between the family in the house and Mr. Sallie followed. Mr. Sallie said~~
that he was distraught, confused and threatened suicide.

Eventually, Mr. Sallie fled with his estranged wife, Robin, and her sister, April, leaving behind John and also Linda Kay and her young son Justin who he had handcuffed together to a bedframe. Instead of abducting his two year old son, Ryan, who was sleeping on a bed, he decided to leave him at the Moore's house.

At the insistence of the sisters, Sallie stopped the vehicle twice to attempt to call 911 to get help for Mr. Moore and his wife and son. Sallie, Robin and April arrived at Mr. Sallie's rented trailer in Liberty County, an area where he knew from his times spent outside of Hindsville, while stationed at Ft. Stewart. They remained in the trailer until nightfall. Although the prosecution presented evidence that during the day spent in the trailer Mr. Sallie sexually assaulted both women, he was not convicted of any sexual assault crime, he was convicted of kidnapping. At nightfall the three drove back to Bacon County and Mr. Sallie let the sisters out in front of their uncle's home. Soon afterward Sallie was arrested without incident.

Counsel do not minimize the seriousness of Mr. Sallie's crimes, but there are many cases each year of violence, even serious violence, in the midst of highly emotional divorce and custody battles, where harsh punishment is imposed, but not the death penalty, in recognition of how these circumstances can cause a person without any prior history of violence, such as Mr. Sallie to lose control and act out

~~in a way totally out of character. After all, Mr. Sallie has been a model prisoner~~
and has repeatedly expressed his remorse for what he did more than sixteen years ago. He is not that person who was so seized by irrational emotion and total despair to commit terrible acts of violence.

But in proceedings to determine whether such a case of domestic violence, even extreme violence, is sufficient to justify a death sentence, we expect that that decision be made by jurors who are honest about their background and have not experienced similar traumatic circumstances which would color their judgment. Here, that simply did not happen. Instead, as explained in more detail below, the key juror who persuaded others to impose the death penalty in this case had experienced circumstances strikingly similar to those that led to the violence in this case and there is no way that she could have been unbiased in her deliberations. But even more important, the fact that she failed to reveal these circumstances, and indeed had lied about her past experiences, further undermines the fairness of the death sentence imposed against Mr. Sallie.

III. HOW JUROR DAWSON MISREPRESENTED HERSELF DURING JURY SELECTION

During jury selection in Mr. Sallie's trial, the examination of potential jurors included questioning about their responses in a Juror Information Questionnaire circulated before juror questioning, and, specifically, about marital experiences, which played such a critical role in Mr. Sallie's case. On the Questionnaire,

potential juror Gina D. Dawson marked "Divorced" under the "Marital Status" section and answered "For how many years?" by writing "2 yrs." The State's questioning turned to that section of the Questionnaire:

- Q We got a copy of your questionnaire.
- A. Uh-huh.
- Q. They sent those to us [sic] before to try to help speed things up. It says here that you're divorced and you've been – was it you were divorced two years ago or you were married two years ago?
- A. My divorce has just finalized.
- Q. Okay. So you just – you were married for two years?
- A. Uh-huh.
- Q. And would you consider that a nasty divorce, an amicable divorce, or how would you . . .
- A. Amicable.
- Q. Amicable? Uh-huh. All right. Any big court battle?
- A. No.
- Q. Is that the only time you've been married?
- A. No. I've been married before.
- Q. Okay. And was that – were you divorced then? I assume you were.
- A. Yeah. Yes.
- Q. Got married again?
- A. Yes.
- Q. We meet a lot of people in court. Was that divorce amicable or hostile?
- A. It was . . .

Q. Amicable?

A. It was amicable.

Q. No big court fights?

A. No.

Q. Did you get custody of all the children?

A. Yes.

Q. Was there any big custody fight or issue?

A. No.

Q. Okay. . . .

In addition, Ms. Dawson was asked: "Q. Have you ever taken a warrant on anybody?", to which she replied: "No."

The State's questioning then turned to sentencing options. When defense counsel had their turn to examine Ms. Dawson, she was provided a third opportunity to testify about her marital experience:

Q. Have you ever known anybody who has been through a very contentious divorce? I gather yours were not so?

A. No. I can't say that I know of anyone who has.

In addition to her response to the Marital Status section, Ms. Dawson answered the following questions in the negative:

Have you, any member of your family or anyone you know ever been accused of a crime?

Have you, any member of your family or anyone you know ever been the victim of a crime?

~~Have you, any member of your family or anyone you know ever been accused of committing spousal or family violence?~~

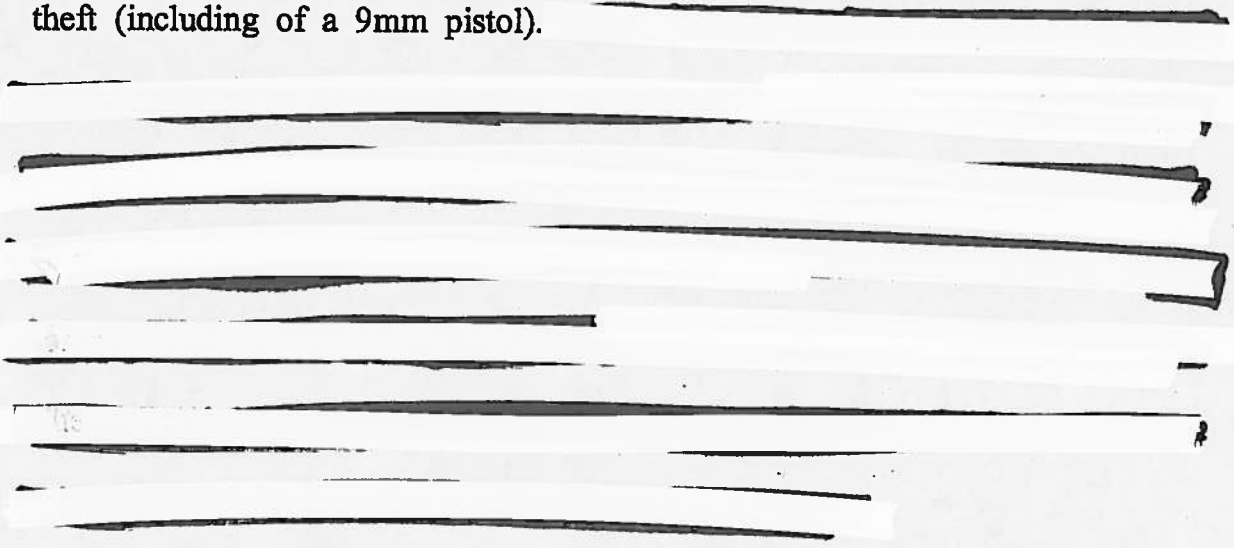
IV. THE TRUTH ABOUT MS. DAWSON'S MARITAL, DIVORCE AND CHILD CUSTODY HISTORY

Contrary to Ms. Dawson's false representations during the jury selection process that she had been divorced but it was "amicable" and "without any big court fights," or "any big custody fight or issue," the truth of the matter, based upon extensive investigation by counsel, is that Ms. Dawson had a checkered and tumultuous marriage, divorce and child custody history, including interstate competing divorce and custody proceedings as in Mr. Sallie's case. If she had only been honest during jury selection she would have been removed for cause, or at a very minimum based upon a peremptory strike, and would never have been on a jury to decide the fate of someone who she would see as merely the embodiment of her former husbands and the wrongs they had committed to her. But because she lied, no one knew.

Gina Dawson's mother and father divorced before she was two, after Doyle Dawson reported that his wife subjected him to "such cruel and inhuman treatment and misconduct . . . that it is not safe nor proper for the parties to continue to cohabit together in the marital relation."

In the mid-1970s, Gina's mother relocated to Macon and married one Robert B. Hampton shortly after Gina's tenth birthday. It ended in divorce less than two

~~years later because of his "acute alcoholism and disposition toward physical violence."~~ Court and law enforcement records reflect Mr. Hampton's deep problems, which apparently arose as his career as a deputy sheriff was ending due to a work-related back injury and resulting prescription drug abuse problem. Public records are riddled with instances of domestic violence against several of his wives and children over the years, and serial indictments and prosecutions for fraud and theft (including of a 9mm pistol).



In 1987, Gina Dawson moved from Georgia to the Florida Panhandle to live with her father, Doyle Dawson, who had divorced her mother in late 1974, when Gina was two years old. Her mother married twice more, each of which ended in divorce amid allegations of abuse and contentious proceedings.

On May 25, 1990, Ms. Dawson, at the age of seventeen, married twenty-year old Glenn Terrell Holland, in Jackson County, Florida, having obtained Doyle Dawson's signed consent to the marriage. On November 19, 1990, Mr. Holland

was charged with petit theft in Jackson County. Their son _____ was born _____. The couple relocated from Florida to Warner Robins shortly thereafter. When _____ was about eight months old, the marriage broke down and Glenn Holland returned to Florida on or around September 25, 1991.

a. Conflicting Divorce Proceedings Commenced in Florida and in Georgia

On October 17, 1991, Mr. Holland petitioned the Circuit Court of the Fourteenth Judicial Circuit, Calhoun County, Florida for the dissolution of his marriage to Gina Holland (juror Gina Dawson). Mr. Holland's petition identified _____ as the single issue of the marriage and further petitioned for custody of his son. The petition state, "Respondent (Ms. Dawson) has the present physical custody of the child, but Petitioner [Mr. Holland] is the more fit and proper person to have custody of said child."

On October 22, 1991, Sergeant L. Martin, a Houston County Deputy Sheriff, served a copy of Mr. Holland's Calhoun County Petition upon "Gina Danielle Holland" (now juror Gina Dawson), and so certified service before Teresa A. Mattingly, a notary public. On October 25, 1991, Ms. Holland, in response, sued for divorce in the Houston County Superior Court. Ms. Diane M. Zimmerman, Esq., a Warner Robins officed attorney, represented Mrs. Gina Holland. Mrs. Holland stated in her Houston County Complaint:

Plaintiff [Mrs. Holland] has not participated as a party, witness or in any other capacity in any litigation concerning the custody of the child of the parties in this or any other state, and has no information of any custody proceeding concerning the child pending in a court of this or any other state.

On November 7, 1991, Ms. Holland, filed her response to Mr. Holland's Calhoun County, Florida Petition, and also filed a Motion to Dismiss for Lack of Jurisdiction. Diane M. Zimmerman also represented Mrs. Holland in the Florida proceedings (and served the foregoing by mail on Mr. Holland's counsel in Florida).

On November 15, 1991, Mr. Holland noticed the argument of the foregoing Motion to Dismiss for Lack of Jurisdiction for December 13, 1991 to be held before Circuit Court Judge John E. Roberts, serving Ms. Zimmerman by mail in Warner Robins. Mrs. Holland's motion to dismiss alleged that Mr. Holland had worked in Georgia approximately six months immediately prior to leaving the state to return to Florida on or about October 1, 1991.

On December 10, 1991, Mr. Holland served his response to Mrs. Holland's dismissal motion in Calhoun County. Attached thereto was Mr. Holland's December 9, 1991 affidavit. Mr. Holland stated that Ms. Holland's "father lives in Jackson County, Florida, and had custody of her since she was approximately fifteen years of age continuously until the parties hereto were married to each other." Further, the parties resided in Calhoun County for the first year of their

marriage (from May 1990 to May 1991). "In May 1991, the parties moved to Warner Robins, Georgia, for the purpose of Affiant finding further employment in Georgia . . . with the Georgia Department of Corrections." On September 25, 1991, Mr. Holland returned to Florida after his employment pursuit was unsuccessful. He further said that before "filing the above-styled cause, two attorneys in Georgia advised him that he was still a permanent resident of Florida and, therefore, must file any dissolution of marriage action in Florida."

On December 26, 1991, Mrs. Holland appeared in the Houston County Superior Court before Judge L. A. McConnell, Jr.—coincidentally, the presiding judge over Mr. Sallie's 2001 trial—seeking a custody order. The hearing was conducted despite the lack of service on Mr. Holland of the October 25, 1991 Houston County complaint even though Mr. Holland's Calhoun County October 17, 1991 action was served on Mrs. Holland in Warner Robins, and Mrs. Holland, through her counsel, Ms. Zimmerman, had commenced litigation in the Calhoun County case. Judge McConnell issued the following order:

Defendant [Mr. Holland] having not been served, after hearing sworn testimony, the Court does hereby GRANT AND AWARD temporary custody of the minor child of the parties to the Plaintiff until further order of the Court and until such time as it is determined whether this Court or the Circuit Court of the Fourteenth Judicial Circuit of Calhoun County, Florida is the proper forum to decide all issues of custody and visitation.

On December 26, 1991, Mrs. Holland wrote, by hand, the following:

~~I, Gina Holland, dismiss Diane M. Zimmerman as my attorney representing me in the divorce action against my husband Glenn Holland. I request that no further action be taken in my behalf in this matter by Diane Zimmerman or any other attorney at the office of Bond & Zimmerman on 1303 Corder Road, Warner Robins, Georgia 31095. [Signed and dated]~~

To that effect, Ms. Zimmerman moved in the Calhoun County Circuit Court (also on December 26th) to withdraw as the attorney for Mrs. Holland, citing that "irreconcilable differences have arisen between attorney and client which prevents a continued relationship between the parties."

The next day, on December 27, 1991, Kathleen S. Grantham, Esq., of Grantham & Peterson in Warner Robins, filed her Entry of Appearance in the Houston County proceedings. That same date, Ms. Grantham, obtained an order of publication in order serve her Houston County complaint by publication. Presumably, Ms. Grantham was unaware that Mrs. Holland's other counsel, Ms. Zimmerman had not only appeared on behalf of Mrs. Holland in her initiation of the Houston County litigation, but also was still appearing on her behalf in the Calhoun County, Florida litigation pending determination of her withdrawal motion. On January 6, 1992, in the Calhoun County, Florida proceedings, the circuit court entered an "Order Allowing Withdrawal of Respondent's Counsel," granting Ms. Zimmerman's motion.

On January 7, 1992, Mr. Holland served and filed in Calhoun County, Florida a "Motion for Contempt and Notice of Hearing." Mr. Holland's motion

~~recited that the Court had "entered its Temporary Order on December 23, 1991,~~
which allowed Movant to have visitation rights with the parties' minor child from
Noon on Thursday, December 26, 1991, until Noon on Thursday, January 9,
1992." This motion relied on Mr. Holland's January 2, 1992 affidavit, attached
thereto. On January 2, 1992, Mr. Holland swore to, among other things, the
following:

Prior to the entry of the [December 23, 1991] Temporary Order, the
Respondent/Wife, GINA DANIELLE HOLLAND, had agreed to the short
term visitation specified in the order.

**Respondent/Wife . . . did not appear with the child and did not notify
Affiant prior to his traveling to Georgia in order to prevent the trip
and, as a result Affiant was unable to exercise his court-ordered
visitation.**

When Respondent/Wife . . . did not appear with the child as ordered,
Affiant telephoned her parents' home in Warner Robins to find out if there
was a problem and was advised by her mother, Elizabeth Johnson, that
"As far as we're concerned you will never see the child again."

Affiant has not seen his child for approximately 97 days as of this date,
even though he has provided support and maintenance for the child
without a court order.

Mr. Holland's affidavit further described Mrs. Holland's handling of the
December 26, 1991 custody hearing before Judge McConnell:

While in Warner Robins, Affiant was presented with a copy of a court
order dated December 26, 1991 of the Superior Court of Houston County,
Georgia . . . which granted to Respondent/Wife . . . temporary custody of
the subject child, but, according to Houston Superior Court Judge L. A.
McConnell, Jr., Respondent/Wife did not advise that court that the above-
styled proceeding was pending at the time she sought a temporary custody

order.

On January 9, 1992, Mrs. Holland amended her Houston County divorce complaint. The amendment stated "unbeknown to her, the Defendant, Glenn T. Holland, filed a Complaint for Divorce in Florida perhaps one day prior to her filing the Complaint for Divorce in Houston County, Georgia." The foregoing, however, reflects that the Houston County Sheriff's Department personally served Mrs. Holland approximately three months prior, on October 22, 1991, and that her Houston County Summons and Complaint—averring that she was neither party to, nor aware of, any other proceedings concerning the custody of her son, [redacted] were filed three days later on October 25, 1991. The January 9th amendment stated that "the Superior Court of Houston County, Georgia, is the more appropriate [forum] and that this Court should consult with the Court in Florida to determine which jurisdiction is the more appropriate [forum]."

Mrs. Holland prayed for the relief that the Houston County Superior Court "retain jurisdiction over the custody matter in this case," and that the court "find that the more appropriate and convenient [forum] for deciding custody is the [sic] Houston County, Georgia," and that the court "communicate with the Court in the State of Florida in establishing a more appropriate and convenient [forum]."

In a January 16, 1992 conference before Judge Russell A. Cole, Jr., Calhoun County Circuit Court, the respective attorneys of Mr. Holland and Mrs. Holland

~~stipulated to a resolution of the issues concerning the marriage. (Appx. 61).~~ In a March 26, 1992 letter to Judge Cole, an attorney for Mrs. Holland (a Stewart E. Parsons, officed in Chattahoochee, Florida), stated that since the January 16, 1992 conference, Mr. Holland "has been totally uncooperative, and Mr. Corbin [Mr. Holland's counsel] has been unable to get him into his office for the purpose of signing the Stipulation." Mr. Parsons further stated that his "client would very much like to get this matter concluded as it has been approximately two and one-half months since we thought we had everything resolved. Mr. Corbin may want to have [Mr. Holland] subpoenaed to appear before you at the time the enclosed Final Judgment is entered." In the Houston Superior Court on March 3, 1992, Mrs. Holland petitioned under the Uniform Reciprocal Enforcement of Support Act seeking support of _____ Judge L. A. McConnell, Jr., entered the order transmitting the petition and related materials to the Florida Central Registry/DHRS/Child Support Enforcement office.

On May 14, 1992, Circuit Court Judge Cole entered the Final Judgment Dissolving Marriage, *nunc pro tunc* January 16, 1992, thereby ratifying the January 16, 1992 Stipulation and Agreement between the parties, (Appx. 63, at 3).

The final agreement provided, *inter alia*, that the

parties shall share the parental responsibility for the child in accordance with Section 61.13, Florida Statutes, meaning that both parents retain full parental rights and responsibilities with respect to the child and that both parents must converse so that major decisions affecting the welfare of the

child will be determined jointly. The child's primary physical residence shall be with the Wife. The Husband shall be entitled to secondary physical residence (visitation) rights with the child [pursuant to a schedule].

b. Competing Contempt Motions Over Child Visitation and Support

The following spring, the Calhoun County proceedings continued. On April 21, 1993, Mr. Holland filed his Motion to Hold Wife in Contempt in the Calhoun County litigation. This contempt motion against Mr. Holland's former wife (Ms. Dawson) was based on the grounds, inter alia, that the "Final Judgment provides that the Husband is to get nine (9) consecutive days of visitation each month. The Wife [Ms. Dawson] has frustrated the Husband's attempt to obtain this visitation." On June 3, 1993, the contempt motion was noticed to be heard on June 21, 1993 before Judge Roberts.

On June 4, 1993, Sharon L. Ray, Esq., located in Marianna, Florida, filed a Notice of Appearance in the Calhoun County action for Mr. Holland's former wife—the former Gina D. Dawson had remarried and was by then known as Gina Weller. On June 30, 1993, Judge Roberts ruled on the contempt motion in favor of Mr. Holland, ordering that

the Husband [Mr. Holland] shall have six (6) weeks visitation commencing Monday, June 21, 1993. The Husband shall return the child to the Mother's father at 5:00 p.m., July 9, 1993. **The Wife shall then return the child to the Husband at the Sheriff's Department in Warner Robbins [sic], Georgia, on July 11, 1993.** The Husband shall then return the child to the Wife on August 8, 1993, at 5:00 p.m.

On July 13, 1993, "GINA WELLER, formerly known as Gina Danielle

Holland," filed her Supplemental Complaint for Modification on the basis that,

there have been substantial changes in circumstances affecting the best interest of _____ the minor child of the parties.

Specifically, the child is scheduled to start a five-day-per-week preschool program in the fall. The former husband has been taking the child with him during his work hours in a semi-tractor/trailer which the former wife does not approve [sic] because the former wife fears for the safety of the child and for which the former wife desires written confirmation from the former husband's employer approving such action on the part of the former husband.

The filing further alleged that the "earnings of the parties has [sic] substantially changed since the entry of the Final Judgment," and thus that a modification order was warranted that "increases former husband's child support contribution for the minor child of the parties." On December 2, 1993, Mrs. Gina Weller noticed for the production of "copies of checkstubs or other records that will document hours worked, rate of pay, gross pay, taxes, and net pay of the four weeks prior to the date the hearing" at a January 10, 1994 hearing before Judge Roberts. Also on December 2nd, Mrs. Weller filed her Motion to Hold Former Husband in Contempt, alleging, inter alia, Mr. Holland's refusal "to make the payments for August, September, October, November, and December 1993, for a total amount of \$712.50."

On January 11, 1994, Judge Roberts ordered and adjudged that Mr. Holland, having failed to attend the January 10th hearing after having called Mrs. Weller's

attorney beforehand to express that he planned to attend, had "failed to comply [with the Court's previous order] by failing to make child support payments on required dates" and therefore Mr. Holland was "hereby held in contempt of this Court and sentenced to the County Jail of Calhoun County, Florida, for and during a period of one hundred-eighty (180) days." The order further contemplated how, by paying Mrs. Weller, Mr. Holland could "purge himself from the contempt of this court."

On February 1, 1994, Judge Roberts, on the motion of Mrs. Weller, ordered a Warrant of Commitment for Mr. Holland, adjudging that he had failed to purge himself from the contempt of the court as provided in the foregoing order. On February 17, 1994, Judge Roberts, on the court's own motion, entered the Order Rescinding Warrant of Commitment and further adjudging that Mr. Holland would appear before the Court on Monday, March 21, 1994.

c. Holland's Child Support Recurring Arrearages From 1994 Through 2002

However, the Calhoun County Clerk issued a citation to Mr. Holland on March 8, 1994, citing that he had not made his required support payments through the Clerk's Office and ordering his appearance before Judge Roberts on April 18, 1994. On April 20, 1994, Judge Roberts issued an Order of Contempt against Mr. Holland due to his default on his support obligations. On May 10, 1995, the Calhoun County Clerk issued another citation to Mr. Holland, stating his support

arrears to amount to \$2,065.38 and ordering his appearance before Judge Clinton E. Foster on July 3, 1995. On September 13, 1995, the Calhoun County Clerk issued another citation to Mr. Holland, stating his support arrears to amount to \$2,665.28 and ordering his appearance before Judge Clinton E. Foster on November 6, 1995. On November 13, 1995, the Calhoun County Clerk issued an Income Deduction Order against Mr. Holland in the amount of \$3,227.88. That same date, the Circuit Court entered an Order of Contempt against Mr. Holland. Having reduced the arrearage since the November 1995 contempt order, the Calhoun County Clerk issued a citation on September 19, 1996 ordering Mr. Holland's appearance before Judge Michael C. Overstreet on October 23, 1996 in relation to reported arrears of \$1,948.59. On November 10, 1997, Judge Foster entered an Order of Contempt and Commitment against Mr. Holland, having failed to appear in the court as ordered by a citation, for failure to pay his support obligation, which, as of October 13, 1997, had an arrearage of \$3,673.61. On July 2, 1999, the Circuit Court entered an Amended Order of Commitment against Mr. Holland, modifying the court's November 10, 1997 Order of Commitment to provide that "Defendant [Mr. Holland] may purge himself of this Court's Order of Contempt by paying the sum of \$1,505.25. Upon payment, the Defendant's sentence of incarceration is hereby suspended and the Defendant shall immediately be released from incarceration." The July 2, 1999 Amended Order of Commitment

further required Mr. Holland's court appearance for an August 13, 1999 status conference and for him to "[r]emain gainfully employed in a full time job for a continuous period from June 28, 1999 through and including the date of the status conference."

On January 29, 2001, Mr. Holland signed a Stipulation and Final Order Approving Stipulation on Suspension of Driver License and/or Motor Vehicle Registration in the Calhoun County Circuit Court. (Appx. 87). This Stipulation contemplated arrearage to the Florida Department of Revenue, "on behalf of Gina Holland," as follows:

[Mr. Holland] acknowledges that there exists a delinquency in the child support obligation of \$5,687.88 as of January 29, 2001. Respondent also acknowledges that there exists a past due balance of \$6,715.76 as of January 29, 2001.

On July 29, 2002, the Calhoun County Clerk issued another citation to Mr. Holland, stating his support arrears to amount to \$5,381.74 and ordering his appearance before the court on August 14, 2002. On August 14, 2002, the Calhoun County Circuit Court entered apparently its last Order of Arrearage against Mr. Holland concerning support relating to his son, [REDACTED]. The Order further states that "the child is now residing with Mr. Holland."

d. Gina Dawson remarries in 1993: Husband No. 2, Grant Weller

On April 10, 1993, Ms. Dawson married Grant Hawley Weller. Three months later, "on or about July 9, 1993," the couple separated, and by October 1, 1993, they had filed a Settlement Agreement with the Houston County Superior Court. Their son, [REDACTED], was born [REDACTED]. Gina Danielle Weller's divorce from Mr. Weller (which restored her maiden name to Dawson), was decreed on December 22, 1993 by Judge L. A. McConnell.

On April 5, 1993, five days prior to his wedding day with Gina Dawson, Grant Weller obtained his Final Judgment and Decree of his divorce from his first wife, [REDACTED]. The complaint cited the statutory ground "that the marriage is irretrievably broken." The complaint did not refer to any domestic abuse.

However, [REDACTED] prosecuted a domestic battery case against Mr. Weller in Tampa, Florida in 1991. According to the Tampa Police Department Incident Report, in the early morning of January 8, 1991, Officers Wilks and Azpeitia "responded to a domestic dispute call telephoned in by a neighbor" who "saw the victim standing in the parking lot crying heavily. She had a small laceration to the inside of her lower lip and redness to her left cheek."

Upon entering [REDACTED] apartment, the officers encountered Grant Weller and interviewed him. Mr. Weller stated that he struck his wife . . . because

she needed to be disciplined for coming home late. He did not understand why he was being arrested, he just hit his wife a few times. He said that she was not really hurt.

The Incident Report recounted that,

after arguing for approx. 35 min[redacted] decided to go to bed by herself. She layed down on her bed and her husband entered the bedroom. He told her that she could not sleep here tonight and began hitting her with his right fist, striking her twice to the left side of the face.

The Tampa Police Department's Incident Report continued, stating that [redacted]

[redacted] "has been married to the suspect for one year. The suspect has hit her once before but no police report was written for she did not call law enforcement."

On the day of Ms. Gina Dawson's wedding to Mr. Weller, April 10, 1993, Mr. Weller was arrested by the Houston County Sheriff's Department and later indicted for the offenses of Terroristic Threats or Acts (prosecuted by Sgt. E.M. Quinones, Jr.), Obstruction of an Officer, and Pedestrian Under the Influence of Alcohol. Mr. Weller ultimately negotiated a guilty plea and received twelve months probation on the obstruction of an officer charge.

Ms. Dawson obtained a child support order against Mr. Weller for support of his son [redacted] on December 22, 1993. However, by the time Ms. Dawson registered in Alachua County, Florida in 2005, Mr. Weller had not paid any support and owed \$20,250. Ms. Dawson's Child Support Payment and Arrearage Record reflected Mr. Weller's arrears for the span of November 1993 through 2000

(before Mr. Sallie's Houston County trial in February and March, 2001), totaled \$12,900.

e. Gina Dawson remarries in 1994: Husband No. 3, James Buckbee

On May 7, 1994, Ms. Dawson married James E. Buckbee in Aiken, South Carolina. They resided in Houston County and by May 15, 1995, they separated. On July 3, 1995, they entered into a Settlement Agreement, and obtained a final divorce decree in the Houston County Superior Court on September 1, 1995 entered by Judge L. A. McConnell, Jr., (the judge's third such order for Ms. Dawson).

f. Gina Dawson remarries in 1998: Husband No. 4, Donald E. Payne, Jr.

On October 19, 1998, Ms. Dawson married Donald Eugene Payne, Jr. in Lizella, Georgia. Mr. Payne had been divorced twice before, in 1991 and in 1996, in Bibb County. _____, Ms. Dawson gave birth to their son, _____

On or around April 22, 2000, the parties separated, and on August 22, 2000, Ms. Dawson sued for divorce in Houston County Superior Court. The parties' Contract of Settlement, signed on August 16 and 22, 2000, reflects that their marital residence was at 686 Fulton Mill Road, Lizella, Georgia.

The Final Judgment and Decree dissolving their marriage was entered on February 12, 2001 and filed on February 13, 2001, the date on which Mr. Sallie's jury selection commenced in earnest.

V. HOW MS. DAWSON AFFECTED THE JURY'S DECISION TO SENTENCE MR. SALLIE TO DEATH

We know from Ms. Dawson's own words to an investigator hired by the defense that Ms. Dawson played a key role in insuring that Mr. Sallie was sentenced to death. (See, Affidavit of Susan C. Casey included herewith). This is hardly surprising given her history of marital conflicts, numerous contentious divorces and custody proceedings, accompanied by domestic violence.

The defense retained Susan C. Casey, a well-respected attorney specializing in capital post-conviction litigation to attempt to interview Ms. Dawson about her

jury experience. On Saturday, September 29, 2012, Ms. Casey and a colleague traveled to Warner Robbins, Georgia to Ms. Dawson's last known address, as reflected in an August 2011 Houston County Arrest/Booking Report, wherein she had been charged with aggravated assault for striking Mr. Paul Morgan with a 1997 Lincoln Town Car in Warner Robbins on April 13, 2011. Ms. Dawson was not at that address but the investigator spoke with her mother and Ms. Casey left her telephone number.

On October 1, 2012, Ms. Casey received a telephone call from Ms. Gina D. Dawson. Ms. Dawson told Ms. Casey her perspective on her jury service in a range of ways. Some of her striking comments concerned her role in the jury deliberations, which she discussed at two points in her conversation.

Ms. Dawson was asked about the circumstances around the penalty phase jury votes. The jury had divided evenly; six voting for life without parole and six voting for death. Ms. Dawson told Ms. Casey that she "pushed [the life-voting jurors] to change their votes" to vote for death. "I said that laws can change and he could be set free. I won't pay the taxes to let him sit in jail. They tried to push that he had found God in prison, but what person in prison hasn't? I made a wise decision on this." Later, she volunteered that, "[i]n my opinion, he should have taken his own life rather than place that burden on the jurors. He should own up to the guilt and take the punishment for the crime."

These and other remarks by Ms. Dawson jarred the investigator: "Ms. Dawson's impassioned views about driving the jury deliberation from evenly split to a unanimous death vote was highly unusual and unlike anything that I have heard from a juror." Her bilious tone of voice also struck the investigator. These things betrayed a palpable bias that had not surfaced in the years since the 2001 trial. This encounter is what precipitated an inquiry into Ms. Dawson's background, and the discovery of the dramatic discrepancies between her actual personal background and her various responses during the jury selection process outlined above.

VI. THE BIZARRE ASSIGNATION BETWEEN JUROR DAWSON AND

There is an additional concern about her jury service that is reflective of the grave matter of Ms. Dawson's basic fitness for *any* kind of jury service—let alone on a death penalty trial. The jury was sequestered, but after they completed their jury service with the return of a death sentence, they were obviously released to go back to their homes. However, several days after the trial was over the Court received an inquiry from the wife of one of the jurors _____ wondering where he was now that the jury was no longer sequestered. He had simply not come home. The Court then asked the local bailiffs to find _____ and soon discovered, based upon their own suspicions, that _____ had not returned home after completion of his jury service but was found with Ms.

Dawson. Juror [redacted] staying at Ms. Dawson's place after completion of her jury service was just one other circumstance raising serious questions about the reliability of the jury's death verdict in this case.

III. CONCLUSION

Counsel take no joy in revealing the misconduct, lies and bias of Ms. Dawson. But as much as she may protest that she was a fair and honorable juror, the facts simply belie that conclusion. If she was truly an unbiased juror she would have been honest about her background, marriages, divorces and child custody history. And her animus against Mr. Sallie, as reflected in her unvarnished statements to Ms. Casey, clearly showed the palpable bias that she carried into the case.

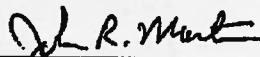
Death penalty cases are the most important cases that any court can try. And in these cases we insist that the jury that makes that ultimate and awesome decision be as unbiased and fair as possible. We certainly expect the jurors to be honest during jury selection so that any potential bias can be disclosed and handled properly. This simply did not happen in Mr. Sallie's case and these facts and circumstances had never been considered by any court due to a technical mishap which can be laid at the feet of the fact that Georgia simply does not provide an attorney during the most critical portions of a death sentenced defendant's post-conviction proceeding.

Of course, we do not excuse or justify the damage that Mr. Sallie's violent spree caused, fueled by the irrationality that we often see in the emotional turmoil of divorce and custody proceedings. But we insist that the determination of a death sentence must occur only with the most pristine and careful proceedings uncorrupted by bias and dishonesty. That simply did not happen here and the clemency and commutation proceedings before this Board is the first opportunity for anyone to consider the striking circumstances undermining the validity of Mr. Sallie's death verdict.

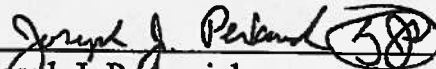
This Board cannot be blind to such an injustice. As mentioned above, it is the "fail safe" against unbiased and dishonest jurors handing out the most profound and unfathomable sentence that can be imposed in a criminal case. On behalf of Mr. Sallie, we urgently ask the Board to give consideration to commuting his death sentence to life without parole.

This 30th day of November, 2016.

Respectfully submitted,



John R. Martin
Martin Brothers, P.C.
202 The Grant Building
44 Broad Street N.W.
Atlanta, GA 30303
jack@martinbroslaw.com
(404) 522-0400 (tel.)



Joseph J. Perkovich
Phillips Black Project
PO Box 2171
New York, NY 10008
j.perkovich@phillipsblack.org
(212) 400-1660 (tel.)

**COUNSEL FOR PETITIONER
WILLIAM C. SALLIE**