

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

v.

Cause No. 2003-0071-CR

CURTIS GIOVANNI FLOWERS

MOTION OF THE STATE OF MISSISSIPPI TO DISMISS
THE INDICTMENT AGAINST CURTIS GIOVANNI FLOWERS

In June of last year, the United States Supreme Court vacated the conviction from the sixth trial of this case, *Flowers v. Mississippi*, 139 S.Ct. 2228 (2019). After reversal on June 20, 2019, the case was sent back to the Court's docket for further proceedings. Following a contested bail hearing, the Court granted bond to Mr. Flowers on December 16, 2019. On January 7, 2020, the District Attorney filed a voluntary recusal relinquishing this case and asked the Court to appoint the newly-elected Attorney General, who took the oath of office on January 9, 2020. On January 14, 2020, the Court wrote a letter to the incoming Attorney General inquiring if she would agree to the appointment of her office by the Court. The Attorney General agreed to accept the appointment and to conduct an independent review of the evidence pursuant to the one

statute that allows intervention by her office, Mississippi Code Annotated section 7-5-53.

A thorough review of the case included the complete court records from the six previous trials, the evidence transferred to the Attorney General by the District Attorney, and new evidence presented at the bail review hearing in December 2019.

As the evidence stands today, there is no key prosecution witness that incriminates Mr. Flowers who is alive and available and has not had multiple, conflicting statements in the record. Additionally, this Court took judicial notice that another witness who testified against Mr. Flowers in the past, was later convicted of multiple counts of federal income tax fraud; she is now deceased. Several other material witnesses are also dead and unavailable to testify about the events that occurred twenty-four years ago. As the Court noted at the bail review hearing, the only witness who offered direct evidence of guilt recanted his prior testimony, admitting that he was lying when he said Mr. Flowers made a jailhouse confession to the murders. Moreover, the Court was made aware of alternative suspects with violent criminal histories, as well as possible exculpatory evidence not previously considered.

Given the facts and circumstances of this case, and based on the totality of circumstances, it is in the interest of justice that the State will not seek an unprecedented seventh trial of Mr. Flowers. The State of Mississippi moves to dismiss the Indictment with prejudice.

Respectfully submitted, this 4th day of September, 2020.

LYNN FITCH
Attorney General of Mississippi

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FILED

SEP 04 2020

LANELLE G. MARTIN, CIRCUIT CLERK

Lanelle G. Martin

CERTIFICATE OF SERVICE

The undersigned attorney for the State of Mississippi hereby certifies that she has caused to be delivered on September 4, 2020, a true and correct copy of the above motion to:

Rob McDuff
767 N Congress Street
Jackson, Mississippi 39202-3009
Email: rbm@mcdufflaw.com

This the 4th day of September, 2020.

s/Mary Helen Wall
Mary Helen Wall
Deputy Attorney General