

IPTS002

# Inmate Record Summary

Friday June 06, 2014 11:29:22 AM

Date range thru 06/06/2014

**HUBBARD**

### Offender Demographics

ADC#: 095183A	Name: <u>Hubbard, Alan G. Jr</u>
Status: Inactive      ADC Inmate	
Sex: Male	Race: Caucasian
Ethnic: Other	Citizenship: Native Born
DOB: 03/30/1969	Age: 38
Birthplace - City:	State: Unknown
Height: 5Ft 11In	Weight: 159Lbs
Hair: Brown	Eyes: Brown
SSN: 432-31-8718	SID: 00575526
FBI: 186132JA2	DL:
DNA Test: Required and has been Tested	As of Date: 10/02/1997
Last Drug Test: 09/29/2006	

### Sentencing Overview

Convicted Date: 11/02/1990	County: Pulaski
Primary Offense: <u>Murder-1st Degree</u>	Total Term: Life
Parole Eligibility Date: Life Sentence	Projected Release Date: <del>Life Sentence</del> <i>Plead</i>
Last Parole Hearing: <u>09/29/2006</u>	
Type: Executive Clemency (Governor)	Action: Governor Denied Exec.Clem.

### Current Incarceration Details

Admitted: 11/21/1990	<i>zofia Weaver was given Life w/10</i>	Admission Type: New Commitment
Current Facility: Not Applicable		Bed Assignment: UNK    UNK
Control Status:		
Begin Date:		End Date:
Last Movement Date: 05/22/2007		Type: Death
Movement Reason: Natural Causes		Prior Location: Cummins Unit [A01]
Assignment AM: Unassigned		PM: Unassigned
Current Custody Date: 10/21/2003		Level: C3-Medium

Score: 26	Parole Class: I-B
Last Disciplinary Date: 01/27/2002	
Type: Possession/Introduction Of Clothing	Verdict: Guilty
Medical Grade: M3-Fair-Avg. Physical Condition	Food Handling <input type="checkbox"/>
WRAT:	BETA: 000

**Current Precautions**

Type	Comments
No Rows Found	

**Current Incarceration Period**

Admission Date: 11/21/1990	Inmate Type: New Commitment
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**Sentencing Summary**

None
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**Commitments**

Cmt	County	Begin Date	Work Date	Status	Status Date
AA	Pulaski	12/21/1989	11/21/1990	Imposed	

Comments: SMITHERSON

Count	Docket#	Arrest Tracking#	Offense	Act(s)	How Served	Sentence Length	T/C	Status
001	1990-36		Murder-1st Degree Habitual Offender	825	Initial	999y 0m 99d	Life With Parole	Imposed

**Official Version of Crime: (CR 90-0036)**

Murder First Degree-Class Y  
 Date of Offense: December 14, 1989  
 Date Sentenced: November 2, 1990  
 Sentence: Life  
 Jail Time Credit: 316 Days

On October 11, 1990, Chris Piazza, Prosecuting Attorney of the Sixth Judicial District of Arkansas, charges Alan Glenn Hubbard, Jr., a/k/a Alan Hubbard and James Ross Weaver a/k/a James Weaver with the crime of Capital Murder. The said defendants, in Pulaski County, on or about December 4, 1989, unlawfully, feloniously, with the premeditated and deliberated purpose of causing the death of another person, he caused the death of John Rogers, by beating him to death, against the peace and dignity of the State of Arkansas.

Defendant Alan Glenn Hubbard, Jr., has been previously convicted of four (4) or more felonies, and consequently his sentence should be increased as provided for in Ark. Code Ann. 5-4-501.

*this is correct*

Date of Arrest:

Alan Glenn Hubbard, Jr., was arrested by Offices of the Little Rock Police Department. The date of the

Arrest was on December 21, 1989. Both defendants in this case were charged with Capital Felony Murder on that day.

Date of Bond:

According to the Docket Sheet on this defendant, No Bond was set in this case. The defendant asked and received a Act III Hearing, on February 5, 1990. No report was received by the Court until June 1, 1990.

Date of Plea:

This defendant entered a Plea of Guilty to a reduced charge that was offered by the Prosecuting Attorney's Office, of First Degree Murder, (Enhanced by the Habitual Act). The Plea was accepted by Judge Plegge of the Seventh Division Circuit Court, on August 6, 1990.

Details of the Offense:

On December 14, 1989, Angela Milliam went to 6212 Young Road, in Little Rock, Arkansas, where her boyfriend lived with the defendant and James Weaver. Her boyfriend, John Rogers had been missing.

James Weaver, told the girlfriend that John Rogers had gotten into a fight the night before, and that he had left with these people. Angela thought that it was strange because of the amount of blood that was on the porch, which the defendants failed to mention to her on to say anything about it.

On that date she called Detective Winn of the Little Rock Police Department, and filed a Missing Person Report on her boyfriend, John Rogers.

On December 20, 1989, two (2) Detectives of the Little Rock Police Department went to the residence on Young Road, and found a piece of wood with blood on it. The total number of pieces found and stored were four (4) pieces.

The Detectives went to the Butler address and talked to James Weaver and Alan Hubbard. They were asked to come to the Police Department and talk about John Rogers. After being advised of his rights, James Weaver admitted that he assisted Alan Hubbard in the disposing of John Rogers' body, after Alan Hubbard had killed him.

At a few minutes after midnight on December 21, 1989, Alan Hubbard was advised of his rights, gave a taped statement of what happened with John Rogers.

On December 21, 1989, at 2:00 a.m., the defendants agreed to show the Detectives where the body had been disposed of. Officers along with the Little Rock Detectives, drove to an area near Willow Lake, near Cabot, Arkansas, where the body of the victim was found.

Alan Hubbard, along with his co-defendant, James Weaver were charged with One (1) Count each of Murder in the Beating Death of John Rogers.

Circumstances of the Victims:

The victim in this case is John Rogers. His family that attended the Court Hearings were asked by officers to write about the death for the Victim Impact Statement. No response had been received.

Disposition of Co-Defendants:

The co-defendant in this case is James Weaver. Bill Luppen represented this defendant in a Jury Trial on March 6, 1990, where a Jury found the Defendant Guilty on Capital Murder and sentenced to Life Without Parole.

Summary of Prior Criminal Actions:

Alan G. Hubbard, Jr., was convicted of Two (2) Felony Counts of Theft of Property, and Two (2) Counts of Breaking and Entering in Pine Bluff, Arkansas, on April 13, 1988, and was sentenced to three (3) years probation and thirty-two (32) hours.

On April 5, 1990, James Ross Weaver filed a Motion for a new trial in the Circuit Court of Pulaski County, Arkansas Fourth Division.

Defendant James Ross Weaver requests a new trial. A new trial will be granted where there is no evidence to support the verdict or where it fails in some material link or where the verdict is contrary to

the law. Oliver v. State, 34 Ark. 632 (1879). The verdict finding Defendant guilty of capital murder in both contrary to the weight of the evidence and against the laws of the United States and Arkansas.

The following evidence was presented at Defendant's (James Ross Weaver) trial on March 6, 1990. The victim John Rogers was killed when he was struck six (6) times with a blunt heavy instrument. He was killed December 14, 1989. The Defendant testified that Alan Hubbard killed John Rogers. Alan Hubbard's statement was introduced at the Defendant's trial. Alan Hubbard stated that he killed John Rogers. That the Defendant (James Ross Weaver) helped him move John Roger's body.

Alan Hubbard said he did not know why he killed John Rogers. The victim's girlfriend testified that James Weaver and the victim, (John Rogers) had an argument on December 13, 1989. She further testified that the Defendant was easy going and that the argument the victim and the Defendant had that day was not very bad. She also testified that on December 14, 1989, the Defendant told her that the victim had left their apartment the night before and he did not know where he had gone.

Mike Roberts, a co-worker of the victim, also testified that the Defendant told him that they did not know where the victim was and that the blood on the porch was from a fight between two (2) dogs.

Al Caton, Jr., testified that on the night of December 13, 1989, Alan Hubbard and the Defendant came over to his house. Alan Hubbard asked him for a pipe to take care of John Rogers. He told him that he would have to wait and ask his father, Al Caton, Sr. Alan Hubbard waited for forty-five (45) minutes until Al Caton, Sr., came home. The pipe was in his father's car. He did not see who got the pipe out of the car.

Al Caton, Sr., testified that he never left the house that day. That it was still light outside when Alan Hubbard and James Weaver came to his house. He testified that the Defendant asked for the pipe to do some collecting. He said the Defendant asked for the pipe in his son's presence. He never saw who got the pipe from his car.

Alan Hubbard stated he got the pipe from the car and that the Defendant (James Weaver) asked for the pipe to do some collecting. He said the Defendant asked for the pipe in his son's presence. He never saw who got the pipe from his car.

Alan Hubbard stated he got the pipe from the car and that the Defendant brought it back to Al Caton, Jr.

The Defendant (James Weaver) testified that Alan Hubbard and the victim had been friends since the third grade. Prior to his killing the victim, Alan Hubbard had said he wanted to kill the victim. The Defendant stated that he went he went to the Caton home to buy marijuana. He did not ask Al Caton, Sr. for a pipe. When they were both leaving the Caton home, he saw Alan Hubbard get the pipe out of the Caton car. He further testified that after throwing his paper route with Alan Hubbard early in the morning, Alan Hubbard told him he was going to kill the victim. The Defendant did not believe him and went to bed. He then testified that Alan Hubbard came to his room and sat on the end of his bed for a few minutes, he then got up and as he was leaving he saw that Alan Hubbard had the pipe. He then heard Alan Hubbard beating the victim.

In summary, James Weaver said that he aided Alan Hubbard in disposing of the victim's body, cleaning up the blood, and lying to the victim's girlfriend and Mike Roberts because Alan Hubbard had threatened him and he was afraid for his own life.

A clerk at the Kroger Store testified that Alan Hubbard rented a rug cleaner on December 14, 1989, and that the Defendant (James Weaver) was with him.

The Defendant (James Weaver) was convicted of being an accomplice to Capital Murder. In order to be convicted of Capital Murder the State must prove beyond a reasonable doubt that either the Defendant (James Weaver) or Alan Hubbard had the conscious object to cause the death of the victim and formed this intention before acting. At trial there was no evidence presented that the Defendant (James Weaver) struck blows against the victim. In fact Alan Hubbard admitted to striking the blows that killed the victim. There was no evidence presented that the Defendant and Alan Hubbard planned the murder of the victim. The Defendant said Alan Hubbard talked about killing the victim but he did not take him seriously when he made those statements. Alan Hubbard stated that he did not know what he was doing when he began striking the victim with the pipe.

The only evidence linking the Defendant (James Weaver) to the murder of the victim came from Al Caton, Sr. He testified that the Defendant asked him for the pipe because he needed to do some collecting.

The only evidence presented to show that the Defendant (James Weaver) was an accomplice was circumstantial evidence. In order to find the Defendant guilty of Capital Murder the Jury must have inferred from the evidence that the Defendant's actions were for the purpose of aiding Alan Hubbard in his effort to murder the victim and that this murder was premeditated and deliberate. In order to sustain a conviction based on circumstantial evidence, that evidence must be consistent with the guilty of the Defendant and inconsistent with the guilt of the Defendant and inconsistent with any other reasonable conclusion.

All of Defendant's conduct after the murder of the victim was consistent with his statement under oath that he only helped Alan Hubbard dispose of the body because he was afraid for his own life due to the threats of Alan Hubbard. It is clear that the Defendant's actions after the fact were consistent with his testimony that he did them out of fear and not with the purpose to aid Alan Hubbard in a premeditated and deliberate murder.

The only other evidence linking the Defendant to this murder as stated before came from Al Caton, Sr. His testimony is inherently improbable, physically impossible and so clearly unbelievable that reasonable minds could not differ as to it being untrue. For this reason his testimony should be disregarded. In order for the Court to determine that his testimony is incredible, the Defendant has ordered a transcript of his testimony for review by the Court. Even if Al Caton, Sr.'s testimony is credible it does not tend to prove that the Defendant had the proper mental state when he asked for the pipe to convict him for Capital Murder.

From the circumstantial evidence presented at Defendant's case it is clear that the Jury's verdict was not based on sufficient evidence but instead was a product of speculation and conjecture. For this reason, the Defendant (James Weaver) should be granted a new trial.

The Admission Summary reveals that James Weaver received a Life sentence in the Pulaski County Circuit Court on 3-6-90 for Capital Murder.

**Outstanding Detainers/Notifications**

Date Placed	Type	Authority	Agency Name
No Rows Found			

**External Movements**

Date	Time	Reporting Location	Movement Type	Reason	Other Location
11/21/1990	03:30 PM	Diagnostic New Comm.	New Commitment	County/City Jail Backup	Pulaski County Sheriffs Office
12/07/1990	10:23 AM	Diagnostic New Comm.	Transferred to Another Facility	Not Specified	Tucker Unit
12/07/1990	01:46 PM	Tucker Unit	Received from Another Facility	Not Specified	Diagnostic New Comm.
04/01/1991	10:53 AM	Tucker Unit	Transferred to Another Facility	Not Specified	Diagnostic Perm Asgn
04/01/1991	01:18 PM	Diagnostic Perm Asgn	Received from Another Facility	Not Specified	Tucker Unit
10/01/1991	09:48 PM	Diagnostic Perm Asgn	Transferred to Another Facility	Not Specified	Randall L. Williams Cor. Facility