

AR ACC
REPORT NO. PCAR500 - 56

RELEASE INTERVIEW SHEET

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PROCESSED: 05/23/2014 12:02 AM
REQUESTOR: Trina F Martin
ADC #: 093762A

INMATE NAME: Weaver, James R Jr

UNIT: C01 - Maximum Security Unit

BOARD DATE: 06/12/2014

TYPE: Executive Clemency (Board)

DATE OF INTERVIEW:

STAFF:

DOB: 08/10/1970 AGE: 43 SEX: M

DATE RECEIVED: 03/15/1990

RACE: Caucasian

DNA TEST: Required and has been Tested

COMMITMENT: AA

TERM: LWOP

COUNTY: Pulaski

STATUS: Imposed

JUDGE: Langston, John

INMATE VERSION OF CRIME:

COUNT: AA 001 IN

DATE OF OFFENSE: 12/14/1989

DOCKET: 1990-36

STATUS: Imposed

DATE SENTENCED: 03/06/1990

SENTENCE: 999y 99m 99d

ACT(S): 825

PLEA: Jury Trial

FELONY CLASS: Y

This sentence controls MR & PE

JAIL TIME CREDIT: 0

OFFENSE(S): Capital Murder

LIFE W/O Parole

TUCKER MAX
(501) 842-2519

Occurred 12/14/89

Wrote him {
Chantiz Maternz - sister
Debar Croxho - mother
Boston ~~Cooper~~ - minister (former inmate)
Antonio Cooper - friend of family
Ministers (2 others)

Hall; North
Supreme Court Records
(501) 682-6846

has applied for Clemency in the past
1990, when offense occurred - did not understand himself at that time
he understands that he is totally accountable for his actions
has matured greatly over past 24 years
best thing that he can do with his life is to help others who
remain incarcerated & those who might be at risk

GED 1st year in prison - worked at Riverside - drafting & computers (CLEARED)
HEAVILY INVESTED IN RELIGIOUS ACTIVITIES AS WELL AS AVAILABLE PROGRAMS
DID WELL IN CREATIVE ARTS

Individual he killed was 2 roommates & somewhat of 2 friends
Mom says that James was just there & was not the one who actually killed
Boston ~~Cooper~~ - former inmate & now minister says that this is not
- met over 15 yrs ago re religious matters but has become
much more than that over those years
- James has carried himself in dignified manner

Wrote on 5/15/14
PEGGY Flea Market and would live with sister in Lenoire
also opportunity with Electronic Surveillance in Lees ALABAMA
SISTER IS IN MASSAGE & IS ALSO NOW INVOLVED WITH CHURCH DUE TO ALL OF THIS
John...
BUSINESS

Cell 501 286-9617
Home 501 241-0732

OFFICIAL VERSION OF CRIME:

CNT NO. 001: The Admission Summary reveals that James Weaver received a Life sentence in the Pulaski County Circuit Court on 3-6-90 for Capital Murder.

(CR 90-0036) On December 14, 1989, James Weaver unlawfully, feloniously with the premeditated and deliberated purpose of causing the death of another person, caused the death of John Rogers, by beating him to death, against the peace and dignity of the State of Arkansas. He was later arrested and charged.

(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 James Weaver., 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.

*NOT TRUE - This was Alan Hubbard ADC # 095183
DOB 3/30/69*

Date of Arrest:

James Weaver., 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 Pledge 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:

James Weaver, 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.

DISCHARGE DATE: 01/25/9999

P.E.

01/25/9999

TOTAL SENTENCE LENGTH: Life W/O

PRIOR PAROLE BOARD ACTIONS:

01/22/2001 Governor Denied Exec.Clem.
09/03/2006 Board w/o Merit - Exec Clem
05/23/2007 Governor Denied Exec.Clem.
04/03/2014 Schedule Bd Review Ex Clem

ADC RELEASE HISTORY: None

INSTITUTIONAL RECORD:

CLASS: I-C
AM JOB: PALS Student
MEDICAL CLASS: M1
BCP RELEASE:
DISCIPLINARIES: 3 TIME(S)
DISCIPLINARIES: 3 GUILTY
LAST ONE: 02/28/2014
FOR: Keep Person/Quarters W Regulat
Failure To Obey Order Of Staff

PM: Inside Lawn
REASON:
GED: GED
SATP: SATP
VO. TECH: Vo. Tech
BCP:
TC:

PROGRAM ACHIEVEMENTS:

DATE AWARDED	CERTIFICATE TYPE	SCORE	OFFICE/FACIL	VERIFIED
05/01/1991	Communication I	00000	Tucker Unit	
10/01/1992	Drafting	00000	Tucker Unit	

PROGRAM REFERRALS: None

PRIOR FELONIES: None

BACKGROUND:

TERMER STATUS: 1
EDUCATION: 11
MARITAL STATUS: Single
WRAT: BETA: 000

Basis for clemency application:

- Correct an injustice from trial
- Terminal Illness
- Excessive Sentence
- Institutional Adjustment

GED: Y
VERY INTELLIGENT

RELEASE PLANS:

DRUG TESTING:

DRUG TESTED	FIRST TESTED	MOST RECENT	TOTAL TESTS	TOTAL POSITIVE	LAST POSITIVE
Alcohol	03/23/2004	09/30/2011	7	0	
Amphetamines	05/01/1998	09/30/2011	8	0	
Barbiturates	03/23/2004	09/30/2011	7	0	
Benzodiazepines	03/23/2004	09/30/2011	7	0	
Cocaine	03/23/2004	09/30/2011	7	0	
Crack	03/23/2004	09/30/2011	4	0	
Creatinine	05/04/2005	09/30/2011	5	0	
Heroin/Opiates	03/23/2004	09/30/2011	6	0	
Methamphetamines	09/30/2011	09/30/2011	1	0	
Morphine	09/30/2011	09/30/2011	1	0	
Oxycodone	09/30/2011	09/30/2011	1	0	
PCP	09/30/2011	09/30/2011	1	0	