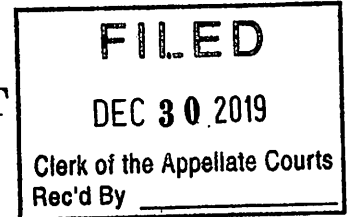


IN THE TENNESSEE SUPREME COURT
AT NASHVILLE



STATE OF TENNESSEE)
)
) No. W1998-00679-SC-DDT-DD
v.)
)
) Madison County No. 94-1481
FARRIS GENNER MORRIS) Capital Case

SYLLABUS
TO
RESPONSE IN OPPOSITION TO MOTION TO SET EXECUTION
DATE AND REQUEST FOR CERTIFICATE OF COMMUTATION

Farris Morris requests that this Court deny the Attorney General’s motion to set an execution date and issue a certificate of commutation. Mr. Morris is an African-American whose death penalty trial was held in a community that is one-third African American. Yet, he was made to stand trial – in chains – before an all-white jury.

Subsequent review of the prosecutor’s trial notes raised serious constitutional concerns about the State’s use of a peremptory strike to remove an African-American juror and ensure an all-white jury. However, due to Morris’ trial counsels’ complicity in the racial composition of the jury, and procedural technicalities, no court has ever considered the issue.

Mr. Morris is also mentally ill. Yet the jury never heard about his mental illness or any of the substantial mitigation evidence that was available to his trial lawyers because those lawyers failed to investigate

and present it. The federal district court determined Morris' attorneys' representation was so deficient in this respect that it vacated his death sentence. As outlined by the district court, there was copious mitigating evidence available that Mr. Morris had a family history of mental illness; that he is, himself, mentally ill; that he suffered brain injury; that he had a substance abuse problem; and that he was extremely intoxicated on the night of the murders in this case. The district court reasoned this evidence would clearly have made a difference to at least one juror and vacated Morris' death sentence. Mr. Morris is only subject to execution because procedural technicalities required the 6th Circuit to reverse this decision.

The most significant reason for this Court to deny the State's request for an execution date is that the parents of Erica Hurd, the victim for whom Mr. Morris received his death sentence, do not want Mr. Morris to be executed. As demonstrated in this response, the Hurds never wanted Mr. Morris to be sentenced to death. Yet, neither the prosecution nor Mr. Morris' counsel informed the jury of the Hurds' desire for a life sentence. And, as outlined below, this was a jury that was particularly likely to give strong consideration to the victim's parents' desires, given that they sentenced Morris to life without parole for the murder of Charles Ragland. Had the jury known of the Hurds' desire that Mr. Morris receive life without parole, there is strong reason to believe the jury would not have sentenced him to death.

All of these concerns in Mr. Morris' case are emblematic of the concerns, nationwide, with how and for whom capital punishment is imposed. And these are precisely the kind of issues that have led most of

the United States to now reject the death penalty in favor of life in prison. Yet, the State of Tennessee seeks to execute Mr. Morris who should, by any reasonable account, be serving a sentence of life without parole.

At this point, Mr. Morris' death sentence hangs on a procedural technicality. The federal district court determined Mr. Morris should not be subject to execution, because trial counsel were so constitutionally deficient. There are, likewise, serious constitutional concerns surrounding the all-white jury in his case and the fact that he was required to wear chains in front of them as they determined his fate. And the parents of Erica Hurd do not want Mr. Morris executed. The State's request for an execution date should be denied.

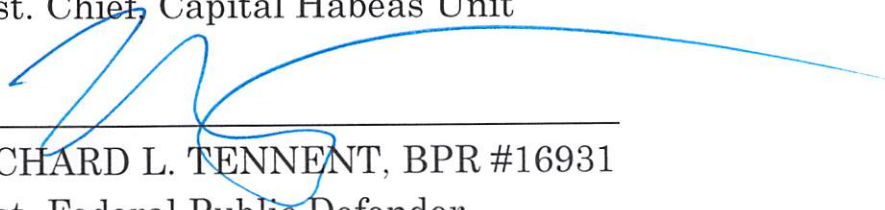
Respectfully submitted this 30th day of December, 2019.



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CERTIFICATE OF SERVICE

I, Kelley J. Henry, certify that a true and correct copy of the foregoing Response in Opposition to Request to Set Execution Date was served via email and United States Mail to opposing counsel, Amy Tarkington, Associate Solicitor General, P.O. Box 20207, Nashville, Tennessee, 37202.

BY: _____


Kelley J. Henry