

**IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA****STATE OF ALABAMA,****PLAINTIFF,**

vs.

CASE NO. CC-19-476**MICHAEL ANTHONY BLAKELY,****DEFENDANT.****MOTION TO DISMISS COUNT TWO OF THE INDICTMENT,
STRIKE THE TESTIMONY OF STATE'S WITNESS, AND STRIKE ALL DOCUMENTS
ADMITTED PURSUANT TO THE TESTIMONY OF THE WITNESS**

COMES NOW, Michael Anthony Blakely, the accused, by and through his undersigned counsel and moves this Honorable Court to dismiss count 2 of the indictment returned in this action, strike the testimony of State's witness Trent Willis, and strike all documents admitted pursuant to the testimony of the State's witness Trent Willis. In support of this motion, the undersigned would show unto this Honorable Court as follows:

1. That it has become apparent that the Alabama Attorney General's Office has been less than candid and forthcoming with this Honorable Court about State's witness Trent Willis. Specifically, Alabama Assistant Attorney General Peggy Rossmannith, Alabama Assistant Attorney General Kyle Beckman, Alabama Assistant Attorney General Jasper Roberts and Alabama Assistant Attorney General Clark Morris. The four above mentioned are members of the Alabama State Bar and officers of the court.
2. That on August 29, 2019, the Defendant, by and through his undersigned counsel filed a request for production by the state of all Rule 16 discovery. The Defendant avers to this Honorable Court the second paragraph of the Defendant's motion which states "to produce and permit the defendant to inspect and copy any written, recorded or oral statements made by a co-defendant or accomplice", the fourth paragraph which states "to disclose to the defendant the substance of any written, recorded or oral statement made by a co-defendant or accomplice before or after arrest to a law enforcement officer, official, or employee", and the 12th paragraph which states "to provide the defendant with a written list of names, contact information and criminal history of all witnesses and/or informants and any inducements or agreements with whom the State or Law Enforcement reasonably expects to call at trial or use or have used in exchange for informing or testifying.
3. Subsequently, on February 24, 2020, the Defendant filed a motion to this Honorable Court to reveal the identity of any informants and/or witnesses and reveal any deals, promises or inducements made for their testimony in the present matter. The Defendant avers to this Honorable Court paragraph 1(G) which states "Uncharged Misconduct: Any information showing that any witness, or

confidential information has engaged in criminal activity but has not been charged with such misconduct; (i.e. drug activities, entrapped other defendants, etc.)”.

4. The State alleged in their opening statement, continued in Monday’s testimony and has proffered a witness, namely Trent Willis, that Willis and the Defendant conspired to defraud the Defendant’s campaign fund of a large amount of money.
5. At no time has any evidence or testimony as referenced above been revealed to the Defendant’s counsel in pretrial discovery requests or additional motions filed on behalf of the Defendant.
6. Further, in pretrial hearings on this specific matter, the State refused to respond to the motions in writing in spite of a direct order by a previous judge to do so.
7. Further, the State informed the Court and defense counsel that not only were there no deals, there was no investigation.
8. Further, after defense counsel revealed a letter, that is hereto attached as Exhibit 1, the State continued to maintain that there was no investigation of Trent Willis.
9. Moreover, Alabama Assistant Attorney General Jasper Roberts told defense counsel that he had checked with “every office and division, from the top to the bottom” of the Alabama Attorney General’s Office and there was no investigation into Trent Willis or his business dealings.
10. As this Honorable Court is aware, the State is under an obligation under the Alabama Rules of Criminal Procedure 16.1 and 16.3 to disclose and continue to disclose matters such as this.
11. Additionally, as officers of the court, the State has a non-delegable duty to be straightforward and truthful to this Honorable Court and opposing counsel. Specifically, under the Alabama Rules of Professional Conduct Rule 3.8(1)(d) the prosecutor in a criminal case shall “not willfully fail to make timely disclosure to the defendant of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense...”.
12. Since the commencement of the trial this Honorable Court has given the State repeated opportunities to bring matters to this Honorable Court’s attention outside the presence of the jury. The State has exercised those opportunities numerous times but never addressed this issue.
13. After Monday’s lunch recess, the State called their 7th witness to the stand, Trent Willis.
14. The State proceeded with its direct examination of Trent Willis during which he admitted to participating in a criminal conspiracy with the Defendant to defraud a bank account tied to Sheriff Mike Blakely’s political campaign. Through the testimony of Trent Willis the State admitted and authenticated numerous documents feet away from the jury. The State took this opportunity to publish and display the documents to the jury via a large television sitting close by.
15. At the conclusion of the State’s direct examination of Trent Willis, Alabama Assistant Attorney General Clark Morris finally revealed to this Honorable Court and defense counsel that Trent Willis was in fact under investigation by the Alabama Attorney General’s Office and requested this Honorable Court advise the witness of his 5th Amendment rights.
16. So as to purposefully preclude and thwart the Defendant’s 6th Amendment right to due process and confrontation of Trent Willis. This was a clear intentional act.

17. Alabama Assistant Attorney General Clark Morris began her examination of Trent Willis by stating she and Trent Willis had met multiple times to discuss his testimony prior to the start of the Defendant's trial. By her own admission to this Honorable Court, she was fully aware and had known for some time prior to the start of the Defendant's trial that her own office, the Alabama Attorney General's Office, had multiple ongoing and open investigations into Trent Willis, his criminal behavior and his business dealings.
18. During the course of voir dire, Alabama Assistant Attorney General Peggy Rossmanith made it abundantly clear four different times to potential jurors that her division only prosecutes crimes regarding public corruption, that the unit travels throughout the state prosecuting such crimes, that it's a small unit and it's their sole focus. The Defendant cannot possibly fathom how the State, who by their own admission only prosecutes crimes of public corruption, was unaware that Trent Willis was under investigation for public corruption.
19. Due to the State's intentional act to withhold the Trent Willis investigation in flagrant disregard of this Honorable Court's order and defense counsel's motions, the Defendant has been unfairly prejudiced in multiple ways. First, the Defendant has been unable to investigate and subpoena witnesses as well as prepare an adequate defense in violation of his Constitutional rights including the right to a fair and impartial trial. Second, the State's actions allowing Trent Willis to testify implicating the Defendant and Trent Willis in a criminal conspiracy knowing said testimony would only benefit the State, and in complete disregard of the Defendant's rights, amounts to prosecutorial misconduct.

WHEREFORE, in remedy of the State's intentional and unconscionable conduct, the Defendant respectfully requests as follows:

- A. That this Honorable Court shall dismiss Count 2 of the indictment;
- B. That this Honorable Court shall strike the testimony of Trent Willis;
- C. That this Honorable Court shall strike and exclude all exhibits admitted pursuant to Trent Willis's testimony;
- D. That this Honorable Court shall strike all exhibits referenced in Trent Willis's testimony;
- E. That this Honorable Court shall strike the State's opening statements referring to Trent Willis or Red Brick Strategies involvement in a criminal conspiracy with the Defendant;
- F. That this Honorable Court shall strike and exclude any reference to Trent Willis or Red Brick Strategies from any other witness testimony;
- G. That this Honorable Court give a cautionary limiting instruction to the jury fully explaining why they are to redact all notes taken by the jury pertaining to Trent Willis or Red Brick Strategies and to disregard all stricken argument, testimony, and exhibits;
- H. Any other or further relief to which this Honorable Court believes the Defendant is entitled to.

Respectfully submitted this the 19th day of **July, 2021**.



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CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of same in the United States mail, first class postage prepaid and properly addressed, on this the 19th day of July, 2021.

/s/ Nick Lough
 Nick Lough

EXHIBIT 1



**STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL**

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September 26, 2019

Alabama Department of Revenue
50 North Ripley Street
Montgomery, Alabama 36130

Re: Timothy Trent Willis
Huntsville creative agency Red Brick Strategies

Dear Sir/Madam:

The Office of the Alabama Attorney General has received information pertaining to possible criminal violations involving Timothy Trent Willis, Huntsville creative agency Red Brick Strategies. I am forwarding this information to you for whatever action you deem appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Lambert".

James E. Lambert
Chief Investigator

JEL:ldl

Enclosure

cc: Mr. Dustin R. Timbrook (w/o enclosure)
121 Grove Avenue Southwest
Huntsville, Alabama 35801