

**Application to the  
Georgia Board of Pardons and Paroles  
on Behalf of Stacey Ian Humphreys**



**Kelyn J. Smith**

**FEDERAL DEFENDER PROGRAM, INC  
101 MARIETTA STREET, SUITE 1500  
ATLANTA, GA 30303  
(404) 688-7530**

BEFORE THE  
BOARD OF PARDONS AND PAROLES  
STATE OF GEORGIA

---

APPLICATION OF STACEY IAN HUMPHREYS  
FOR A STAY OF EXECUTION  
AND FOR A COMMUTATION OF HIS SENTENCE OF DEATH

---

Undersigned counsel applies to the Board of Pardons and Paroles, pursuant to Article IV, Section II, Par. II(a) and (d) of the Georgia Constitution of 1983, O.C.G.A. sections 42-9-20, 42-9-42(a), for consideration of this application on behalf of Stacey Ian Humphreys, for commutation of the sentence of death, imposed by the Superior Court of Cobb County on September 30, 2007. Undersigned counsel requests the opportunity to have a full and fair hearing before the full Board, allowing him to present witnesses in support of commutation and at the conclusion of which he will seek commutation of Mr. Humphreys's death sentence.

## TABLE OF CONTENTS

I.	Introduction .....	2
II.	This Board Can Do What The Courts Could Not: Hear The Jurors' Voices.....	4
III.	Jurors Voted for Life Without Parole. Those Votes Were Stolen From Them and Now the State of Georgia Intends to Carry Out An Execution That Is Against Their Conscience.....	6
A.	The Juror .....	7
B.	The Good Faith Deliberations.....	8
C.	The Fallout.....	11
D.	Help That Never Came.....	14
E.	A Vote Against Conscience.....	18
F.	Sentencing Deadlocks Regularly Result In a Life Without Parole Sentence. ....	19
IV.	The Jury's Life Without Parole Vote was the Result of Significant Mitigating Evidence. ....	21
V.	There Was Even More to Stacey Humphreys's Story Than the Jury Was Told.....	26
VI.	Stacey Humphreys's Profound and Constant Remorse .....	30
VII.	This Board's Grace Would Not Be Wasted On Stacey Humphreys. ....	33
VIII.	Conclusion .....	41

## I. Introduction

Serving as a capital juror is one of the most profound responsibilities one can bear. Being seated on a jury for a death penalty trial often demands that the individual leave their home and family for the duration of the trial, and strips them of communication and connection with the outside world. From this place of concentrated isolation, the individual is required to make the decision to put another human being to death or allow him to live out his natural life in prison. The experience of serving on a capital jury is life-altering. Many people contend with lingering trauma throughout their lives.<sup>1</sup> Given the enormity of what is asked of capital jurors, it is imperative that they are empowered to make this decision from their own moral conscience. Eleven jurors in Stacey Humphreys's trial were denied that right.

Less than five weeks after Mr. Humphreys was sentenced to death, investigators with the Georgia Capital Defender discovered that Stacey Humphreys's jury had been deadlocked *11-1 in favor of life without parole*,<sup>2</sup>

---

<sup>1</sup> Claunch, M. (2022). A Disturbing Verdict: The Need for a More Proactive Approach to Jury Trauma. *Law & Psychology Review*, 47, 161-180.

<sup>2</sup> Susan Barber Letter, Ex. 1; Tara Newsome Letter, Ex. 2; Darrell Parker Letter, Ex. 3; Susan Barber Affidavit, Ex. 5; Tara Newsome Affidavit, Ex. 6; Darrell Parker Statement, Ex. 7; *see also* Ex. 10; Linda Chancey Notes Excerpts.

but one juror “wasn’t going to let that happen[.]”<sup>3</sup> Juror Chancey deliberately deceived the other jurors, altered their notes to the judge, and refused to deliberate, until the others relinquished their votes.<sup>4</sup> All reviewing courts agreed that this happened. If it had not, Mr. Humphreys would have been sentenced to life without parole. As one judge on the Eleventh Circuit Court of Appeals observed, this error was “the difference between life and death” and “[the court] should be able to correct that error. But [it] can’t.”

Courts cannot correct the error and honor the jury’s vote to sentence Mr. Humphreys to life in prison without the possibility of parole because of a unique procedural rule that prohibits courts from inquiring into jury deliberations. But this Board can.

Mr. Humphreys stands before the Board because of his own actions. He took the lives of two young women, and the damage he inflicted upon them, their families, and the community can never be undone. For eight days, the jury heard all facts behind the murders and found Mr. Humphreys guilty. But the jury also learned that Mr. Humphreys took complete responsibility for the crime immediately after arrest, learned of the remorse behind his tearful admission, and finally, they learned about

---

<sup>3</sup> Sarah Forte Memo, Ex. 11

<sup>4</sup> *Supra*, Exs. 1-3, 5-7, 10, 11-12; Edited Jury Note, Ex. 8; *see also* Susan Barber Jury Removal Request, Ex. 9; U.S. Supreme Court Dissent, Ex. 16.

his terribly broken upbringing. In short, jurors heard and considered everything and then voted in favor of a life sentence without the possibility of parole.

Eventually, however, eleven jurors gave up their votes, and the jury sentenced Mr. Humphreys to death. But “[i]t did so only after one of the jurors, during *voir dire*, misleadingly omitted critical details of her own experience as a victim of a similar crime and then bullied the other jurors into voting for death based on that prior experience.”<sup>5</sup> To be clear, Ms. Chancey had as much right to give voice to her views as everyone else. What she did not have a right to do was berate her fellow jurors, to mislead them about the law to get her way, and to secretly alter communications to the judge to overwhelm the will of her fellow jurors. For years, this single juror’s vote has superseded the will of eleven other Georgians who faithfully attended to their roles on the jury. We pray for mercy in that their true decision will be honored.

## **II. This Board Can Do What The Courts Could Not: Hear The Jurors’ Voices.**

In both Georgia and the federal courts, a long-established evidence rule, the “no-impeachment rule,” prohibits courts from considering testimony from jurors about events or discussions that occur during deliberations.<sup>6</sup> The rule provides that juror testimony may be taken to

---

<sup>5</sup> U.S. Supreme Court Dissent, Ex. 16.

<sup>6</sup> Federal Rule of Evidence 606(b); O.C.G.A. § 24-6-606.

sustain but not to impeach a verdict—essentially barring evidence from jury deliberations used to challenge a verdict.<sup>7</sup>

Every court to consider Mr. Humphreys’s case held that the rule prevented *any* consideration of the jurors’ stories about what happened in this case. Therefore, no court has addressed or ruled on the shocking events inside the jury room. Three United States Supreme Court justices wrote that what occurred was “likely a violation of Humphreys’ Sixth Amendment right to an impartial jury,” but that it was “buried in a procedural thicket” that prevented review.<sup>8</sup> Likewise, a federal judge on the Eleventh Circuit Court of Appeals wrote that the events in the jury room were “deeply concern[ing]” and there was no doubt that misconduct and bias altered the outcome of Mr. Humphreys’s sentencing trial.<sup>9</sup> And yet, as that same judge observed, the no-impeachment rule “required” the courts to look away.

This Board is bound by no such rule requiring it to look away. Clemency is the traditional fail safe when the available judicial process has

---

<sup>7</sup> The rule was inherited from the English common law tradition. The earliest versions of the rule are thought to originate with Lord Mansfield in 1785. *Vaise v. Delaval* 1 T.R. 11, 99 Eng. Rep. 944 (K.B. 1785).

<sup>8</sup> *Supra*, Ex. 16.

<sup>9</sup> *Humphreys v. Warden, GDCP*, 2024 WL 2945070 (11th Cir. 2024) (Rosenbaum, J., concurring).

proven inadequate to serve the needs of justice.<sup>10</sup> Here, the jurors can have their voices heard, their service recognized, and their honest view of the proper sentence given effect.<sup>11</sup>

**III. Jurors Voted for Life Without Parole. Those Votes Were Stolen From Them and Now the State of Georgia Intends to Carry Out An Execution That Is Against Their Conscience.**

As the District Attorney himself later put it, jury service “is one of the duties of our citizenship” and “our system of justice could not function with [sic]” citizen jurors.<sup>12</sup> Mr. Humphreys’s jurors were sequestered away from their families, their homes, and their livelihoods “for virtually the entire month of September 2007.”<sup>13</sup> They were confined to a Holiday Inn and had their rooms and their personal belongings inspected by deputies.<sup>14</sup> Their phone calls to loved ones were monitored and limited to just five minutes each.<sup>15</sup> For six days a week, they took all of their meals together. They heard long days of testimony in a grueling trial, one that included

---

<sup>10</sup> *Herrera v. Collins*, 506 U.S. 360 (1993).

<sup>11</sup> While the vote for a life without parole sentence was 11-1, the requirement of a unanimous jury for a death sentence meant even a single juror’s vote for life would have resulted in a life sentence.

<sup>12</sup> District Attorney Head Letter to Jurors, Ex. 15.

<sup>13</sup> *Id.*

<sup>14</sup> *Supra*, Ex. 6.

<sup>15</sup> *Id.*



devastating accounts that weighed heavily on the jurors.<sup>16</sup> The day of testimony from the family members of the victims “was one of the most difficult days.” In short, their service was exhausting and emotionally demanding.

The jurors took their duty seriously. Eventually, eleven of the twelve were able to agree – after careful discussion of all the evidence – that life without the possibility of parole was an appropriate and sufficiently severe punishment, one that balanced the incredible gravity of Mr. Humphreys’s crime with the challenges that he had faced in his early life. And yet Mr. Humphreys comes before you under a sentence of death.

#### **A. The Juror**

The first sign of trouble came early, before the close of the guilt phase evidence. One juror, Linda Chancey, announced “something along the lines of, ‘he’s guilty and he deserves to die.’”<sup>17</sup> Mr. Humphreys’s jurors, like all jurors, were instructed not to discuss the case with anyone, including one another, before deliberations began. They were also instructed to “keep an open mind and not decide any issue before it has been submitted[.]”<sup>18</sup>

On another occasion, Ms. Chancey ridiculed a fellow juror for chewing her thumb, mocking her loudly in front of the group and sparking

---

<sup>16</sup> See, e.g., Darrell Parker Statement, Ex. 7; *supra*, Ex. 6, Susan Barber Letter, Ex. 1.

<sup>17</sup> Susan Barber Affidavit, Ex. 5.

<sup>18</sup> Trial Transcript, Vol. 13, p. 46.

a confrontation with the others who came to her defense.<sup>19</sup> Other jurors recalled Ms. Chancey as odd or aloof. While the other jurors connected based on shared interests and background, Ms. Chancey was standoffish and kept to herself.<sup>20</sup>

That Ms. Chancey was chosen to be on the jury at all was remarkable, particularly on a murder trial where the defendant's possible future dangerousness was at issue. Ms. Chancey reported on her jury questionnaire and during voir dire that she had once been the victim of an attempted rape at the hands of a convicted murderer who had escaped confinement at a mental hospital. When questioned by the parties, however, she clarified that her attacker "actually didn't do [her] any physical harm" because she was ""able to escape before he ever actually physically entered the dwelling, so it was preempted."<sup>21</sup>

She reassured the court and the parties that her prior attack would not impact her impartiality, that she harbored no bias, and that she could consider each of the three sentencing options equally.

She secured a seat on Mr. Humphreys jury.

#### **B. The Good Faith Deliberations**

The guilt phase deliberations were straightforward, and Mr. Humphreys was found guilty.

---

<sup>19</sup> *Supra*, Ex. 6; Christal Powell Letter, Ex. 4.

<sup>20</sup> *Supra*, Ex. 5.

<sup>21</sup> Trial Transcript, Vol. 11, p. 273.

The penalty phase deliberations began earnestly enough, too, but soon unspooled. The facts of what occurred during the three days of deliberation are not in dispute; the truth of the jurors' accounts has not been questioned by the State or any court.

The jury was given the case shortly after 4:00 on Friday afternoon, and they told the judge that they would like to deliberate into the night, until 11:00 p.m., in the hopes of making progress. After the first conversations, the vote count stood at four for life without parole, eight for death,<sup>22</sup> and at another point, three for life without parole, nine for death.<sup>23</sup>

By the end of the evening, hostility erupted. Though they had asked to deliberate late, the jurors suddenly asked to return to the hotel "right away." Already there were tears.<sup>24</sup>

The jurors returned to their deliberations at 8:24 Saturday morning. Ms. Barber and two fellow jurors voted for life without parole.<sup>25</sup> Ms. Chancey insisted on a death sentence. She segregated herself from the other jurors, practiced yoga poses in a corner, and refused to engage in

---

<sup>22</sup> Kimbert Frye Affidavit, Ex. 12.

<sup>23</sup> Linda Chancey Notes Excerpts, Ex. 10.

<sup>24</sup> Motion for Mistrial and Deadlock Declaration, Ex. 13.

<sup>25</sup> According to the journal that Ms. Chancey maintained on the case, at one point during this time, there were four life sentence votes.

conversation.<sup>26</sup> A unanimous decision seemed as though it might be out of reach.

But because at least two jurors were unshakable in their belief that death was not the proper verdict on the basis of the evidence they had heard, the other jurors began to consider their positions. This opened a new round of conversation about the proper sentence. Two jurors, Patrick Cawley and Kenneth Goodbread, led these negotiations, speaking with each juror individually about his or her concerns.<sup>27</sup> As foreperson Ms. Barber recalls in her letter to this Board: “There was a lot of negotiation among us ... **Some heart-wrenching conversations about the crime and about Mr. Humphreys went into this process.**”<sup>28</sup> Ms. Chancey observed the ongoing discussions but did not participate.<sup>29</sup>

Eventually, these conversations built consensus. that life without parole was a sufficiently harsh sentence. As Ms. Barber recalled, “we got there. In the end, I thought everyone felt comfortable with that verdict. Life in prison with no possibility of release is a severe sentence.”<sup>30</sup>

---

<sup>26</sup> *Supra*, Ex. 5.

<sup>27</sup> *Supra*, Ex. 12.

<sup>28</sup> *Supra*, Ex. 1. (emphasis supplied).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

But when they took a formal vote, the vote stood at 11 for life without parole and one—Chancey—for death.<sup>31</sup> “She had watched all of the negotiations toward a life without parole verdict unfold, knowing the entire time that she was going to vote for death, and did not say a word...”<sup>32</sup>

### C. The Fallout

Ms. Barber drafted a note announcing to the court that they had agreed on the statutory aggravating circumstances but could not “form a unanimous decision on death or life imprisonment without parole.” The note asked the court to advise them how to proceed.

That note, however, never made it to the judge. Ms. Chancey edited Ms. Barber’s original note to add the word “currently.” The note the judge received read, “we are *currently* unable to form a unanimous decision...” Chancey would later brag to investigators that, “the way the forewoman had written [the note] they might have gotten a mistrial,” and she “wasn’t going to let that happen.”<sup>33</sup>

---

<sup>31</sup> *Supra*, Exs. 1, 5, and 6. .

<sup>32</sup> *Supra*, Ex. 1.

<sup>33</sup> Sarah Forte Memo, Ex. 11.

Her gambit worked. In response to the note, the judge instructed the jurors simply to “continue with your deliberations and address the remaining issues.”<sup>34</sup>

Back inside the jury room, Ms. Chancey was incensed that the other jurors had agreed upon a sentence other than death. She yelled and swore and launched cruel personal attacks on the other jurors.<sup>35</sup> She screamed that she intended to “stay here till forever if it takes it for him to get death.”<sup>36</sup>

She used the circumstances of her own assault to implore the other jurors to sentence Mr. Humphreys to death. She told them, contrary to what she described during voir dire, that she was actually attacked while sleeping naked in her bed, and had to flee into the corridor of her apartment building to escape her assailant and further harm.<sup>37</sup> And she deliberately introduced the mistaken belief that if the jury could not be unanimous, Mr. Humphreys would be released. She yelled at the other jurors that if Mr. Humphreys were ever released, he “would come kill [her] first.” In her journal, Ms. Chancey described her fears in colorful terms:

---

<sup>34</sup> Sentencing Transcript, Vol. 3, p. 445-46.

<sup>35</sup> *Supra*, Exs. 1, 4-7.

<sup>36</sup> *Supra*, Ex. 7.

<sup>37</sup> *Supra*, Ex. 6.

"If you 11 jurors  
hang the jury Stacey  
will message the system  
till he again walks in the  
streets, wraps his blood  
thirst around new victims,  
intimidates innocence and  
destroys more of God's good  
people, and law-abiding citizens  
of the state of Georgia."

The angry debates and Ms. Chancey's personal attacks continued as Saturday morning turned to afternoon. Afternoon waned into evening. Things became so heated that one juror took a swing at Ms. Chancey and missed, leaving a hole in the jury room wall.<sup>38</sup> Deputies heard the thud. Screaming could be heard from inside the courtroom.<sup>39</sup> According to Ms. Chancey's own account, the situation eventually became so volatile that she had to be "transported separate from the other jurors and had to eat alone."<sup>40</sup>

Eventually Ms. Chancey stopped interacting with her fellow jurors altogether. She put her feet up on the jury room table and "made clear that

---

<sup>38</sup> *Supra*, Ex. 7; Deb Czuba Letter, Ex. 35.

<sup>39</sup> *Supra*, Ex. 12.

<sup>40</sup> *Supra*, Ex. 12.

she had nothing else to say on the matter.”<sup>41</sup> By her own admission, she sat in the back of the room “reading a book or doing yoga.”<sup>42</sup>

**D. Help That Never Came.**

From this point forward, “the question of what would happen if [the jurors] could never unanimously agree was the topic that dominated the entire discussion.”<sup>43</sup> Because Ms. Chancey had made plain that she would only vote for death and was unwilling to discuss the case, the other jurors could plainly see that any deliberation on their part was futile. What would be the point of deliberating? Ms. Chancey “sat in the windowsill and did wild things”<sup>44</sup> or “s[at] alone in the corner, completely mum.”<sup>45</sup>

The jurors repeatedly asked the court how to proceed in light of their predicament. Their first note on Saturday – the one altered by Ms. Chancey – had produced little more than an instruction to keep at it and jurors were “reeling.”<sup>46</sup> They “could not understand what would happen if they could never be unanimous.”<sup>47</sup> “After the judge’s instructions, [they]

---

<sup>41</sup> *Supra*, Exs. 1 and 11.

<sup>42</sup> *Supra*, Ex. 11.

<sup>43</sup> *Supra*, Ex. 1.

<sup>44</sup> *Supra*, Ex. 3.

<sup>45</sup> *Supra*, Ex. 1.



sincerely believed that if [they] were deadlocked Mr. Humphreys would get life imprisonment with the possibility of parole or that he could walk.”<sup>48</sup>

At 2:19 p.m., the jury sent a note asking to re-hear Mr. Humphreys’s post-arrest interview with Detective Herman.<sup>49</sup> When the jury was brought out to hear the evidence, counsel observed once again that “several jurors were [] in tears.”<sup>50</sup> As Ms. Barber recalls, “every time we entered the courtroom, it was obvious we were more upset.”

Because no one would tell us what this [non-unanimity] meant, we speculated. I know it might seem naïve now, but we *all* believed that if we were not unanimous, Stacey Humphreys would either be set free or given a life *with* parole sentence. We were not lawyers.

We were not comfortable with Mr. Humphreys being released, so we thought it was imperative to figure

---

<sup>48</sup> *Supra*, Ex. 5.

<sup>49</sup> Ms. Chancey told investigators that she prompted the request to hear the recording again to reenforce for her fellow jurors that there was no doubt concerning Mr. Humphreys’s guilt. But the audio also documents Mr. Humphreys deep shame, remorse and confusion over his actions. He can be heard audibly weeping and expressing remorse and bewilderment at the crime. While he denied being able to recall committing the crime, at no point did he minimize his accountability.

<sup>50</sup> *Supra*, Ex. 13.

something out. It was now the only thing we talked about.<sup>51</sup>

No one would provide the stalemated jurors with the help or accurate answers they needed.

By nightfall, Barber informed her fellow jurors that she intended to ask to be replaced by an alternate:

The only solution that I could think of was simply to remove myself from the case. Maybe a new foreperson with a new perspective would help.<sup>52</sup>

The other jurors “tried to talk her out of it,” to no avail.<sup>53</sup> At 8:33 Saturday night, Ms. Barber sent a second note to the court: “Due to the hostile nature of one of the jurors, I am asking to be removed from the jury.”<sup>54</sup> She believed the judge might privately ask her what was occurring and provide much-needed guidance or intervention.<sup>55</sup>

The court reviewed Barber’s note but did not inquire about the “hostile” behaviors that led to its submission. Instead, the court gave a “dynamite” charge—a charge designed to break a deadlock—instructing

---

<sup>51</sup> *Supra*, Ex. 1.

<sup>52</sup> *Id.*

<sup>53</sup> *Supra*, Ex. 6.

<sup>54</sup> Susan Barber Jury Removal Request, Ex. 9.

<sup>55</sup> *Supra*, Ex. 1.

the jury, *inter alia*, that “a unanimous verdict is required.”<sup>56</sup> The court followed up by expounding on the jurors’ “duty” to decide.

The jurors were stunned:

This was really difficult for me and the other jurors to wrap our heads around: what if we could *never* be unanimous? How long would we be there? Would Mr. Humphreys go free if we couldn’t decide? We were desperate for guidance. I was upset that the judge wouldn’t tell us, and even more upset with Mr. Humphreys’ lawyer that he had not told us, what would happen if we couldn’t agree.<sup>57</sup>

From the jurors’ perspective, both the court and the parties had repeatedly observed their obvious distress but refused to provide any assistance or guidance.<sup>58</sup> And now the court had been advised of the “hostile” nature of at least one jury member and failed to intervene.

---

<sup>56</sup> Sentencing Transcript, Vol. 3, p. 461. This is flatly untrue as a matter of fact and law. Capital juries can and do deadlock and are still permitted to return home. On appeal, the Georgia Supreme Court ruled that the trial court’s instruction, though prone to sowing confusion, was “technically correct” because in Georgia, under our death penalty law, “[w]here a jury is unable to agree on a verdict, that disagreement is not itself a *verdict*” but rather, it is simply an event that leads to the trial judge’s imposition of the sentence. *Humphreys v. State*, 694 S.E.2d 316, 334 (Ga. 2010).

<sup>57</sup> *Supra*, Ex. 5.

<sup>58</sup> In fact, outside the jury’s presence the defense had made a motion that the court declare a mistrial on the basis of the deadlock, and renewed that motion multiple times, observing that the deliberations had been fraught since they began and “several of them also were

Once again, they were sent back to the jury room. It was 8:40 p.m. The environment was “miserable.” “There was nowhere to take a meaningful break from being together.”<sup>59</sup> They had been sequestered together for weeks “under a microscope” and now were being ordered to do the impossible. Ms. Newsome confirmed, “we...knew that we had to come to a unanimous decision at some point. We would be deliberating until we were able to come to a unanimous decision.”<sup>60</sup> Their desperation mounting, the jurors were finally released for the day at 10:21 p.m.

**E. A Vote Against Conscience.**

The jurors reconvened first thing Sunday morning, with the start of another week away from family and work looming. The mood was no longer angry and hostile, merely hopeless. No minds had changed.

By the end of that final morning—with no other way out—Ms. Barber “relinquish[ed]” her vote and the other adamant life-sentence juror followed suit.

As Ms. Barber told the Board in her letter:

Allowing a verdict that was against my conscience was horrible but I felt we were given no other way out. It still haunts me that I would say my verdict was one thing when

---

obviously tearful and obviously were having a difficult time.”  
Sentencing Transcript, Vol. 3, p. 450

<sup>59</sup> *Supra*, Ex. 1.

<sup>60</sup> *Supra*, Ex. 6.

I believed another based on the evidence we heard. All these years and I'm still angry at the way we were treated.

**F. Sentencing Deadlocks Regularly Result In a Life Without Parole Sentence.**

Mr. Humphreys's case is anomalous. Georgia law explicitly recognizes that juries will sometimes deadlock as to the penalty in a capital case.<sup>61</sup> The legislature has explicitly directed that where there is a deadlock there can be no death sentence. Absent unanimity, the trial judge must release the jury from service and select a sentence of life without the possibility of parole or life with parole.

The typical course when juries declare themselves unable to agree is for the court to release them from their service with thanks and impose life imprisonment without parole.<sup>62</sup> As defense counsel Jimmy Berry testified,

---

<sup>61</sup> O.C.G.A. § 17-10-31(c).

<sup>62</sup> In 2001, a Camden County judge sentenced Jason Bryant to life without parole for killing a police officer after his jury deadlocked 11 to 1. *Deputies Angry Over Cop Killer's Sentence*, NEWS4JAX, Aug. 25, 2003, <https://www.news4jax.com/news/2003/08/25/deputies-angry-over-cop-killers-sentence/>. In 2004, Dag Rhodes was sentenced to life without parole when, after eight hours of deliberations, his jury was unable to unanimously agree. *Man Convicted of Murdering Evans Couple Sentenced to Life*, ACCESSWDUN, Feb. 28, 2004, <http://accesswdun.com/article/2004/2/175604>. In 2005, Wesley Harris's jury reported after one hour of deliberations that they were deadlocked 10 to 2. Lateef Mungin, *Gwinnett Murders Created Activists*, THE ATLANTA JOURNAL CONSTITUTION, Feb. 11, 2007, at A1, A12. He was sentenced to life without parole for killing 22-year-old Whitney Land and her 2-year-old child. *Man Sentenced to Life in Deaths of Clayton County Woman, Daughter*, ACCESSWDUN, Nov. 8,

in one of his prior cases “with a very similar note,” the judge “immediately declared a mistrial and the case was over at that point. The person got life with the possibility of parole and that was it.”<sup>63</sup>

This Board has an opportunity to carry out the intent of the citizens-- both the citizens who served on Mr. Humphreys’s jury and those who, through their democratically-elected representatives, determined that the power of the State to kill should only be available in the rare circumstance: when each of twelve jurors has been satisfied that death is the only just and appropriate punishment.

---

2005, <http://accesswdun.com/article/2005/11/135731>. In 2008, Fulton County courthouse shooter Bryan Nichols was sentenced to life without parole after his jury deadlocked 9 to 3. Robbie Brown, *In Georgia, Push to End Unanimity for Execution*, THE NEW YORK TIMES, Dec. 16, 2008, <https://www.nytimes.com/2008/12/17/us/17death.html>. In 2012, Tracen Franklin was sentenced to life without parole by a Douglas County judge after his jury remained deadlocked 10-2 at the end of two days of deliberations. Rhonda Cook, *Death Penalty Off the Table for Bobby Tillman’s Killer*, THE ATLANTA JOURNAL CONSTITUTION, Sept. 21, 2012, <https://www.ajc.com/news/local/death-penalty-off-the-table-for-bobby-tillman-killer/Iswkwr3fSeh52u4nrLCuUJ/>. In 2021, Donnie Rowe was sentenced to life without parole in the killings of two corrections officers during an attempted escape when, following eight hours of deliberations, the jury announced it could not reach a unanimous decision. Joe Kovac, Jr., *Judge Sentences Man Convicted of Killing Two Georgia Guards During Prison Bus Escape*, THE TELEGRAPH, Sept. 30, 2021, <https://www.macon.com/news/local/crime/article254593732.html>

<sup>63</sup> Habeas Corpus Hearing Transcript, Vol. 1, p. 104.

#### **IV. The Jury's Life Without Parole Vote was the Result of Significant Mitigating Evidence.**

The jurors' votes to show Mr. Humphreys mercy balanced the gravity of his crime with the substantial mitigating evidence that they were presented. Mr. Humphreys's early life was nothing short of a nightmare. Any opportunity for a normal life was extinguished for Stacey at birth.

As the jury learned during the trial, Stacey was the child of two drug addicted parents who inflicted unfathomable pain and suffering upon him. At just two years old, Stacey was found with bruises covering his entire body following a beating by his father, Walter Humphreys.<sup>64</sup> At age three, his mother Becky took Stacey to the hospital for a fractured skull but left against medical advice before treatment could be completed.<sup>65</sup> The following year, Walter dislocated Stacey's shoulder while violently shaking his four-year-old son..<sup>66</sup>

Stacey's birth mother, Rebecca, was no better. She kept the children in a drug-fueled environment. When the Department of Children and Family Services' ("DCFS") intervened, they discovered cigarette burns all over Stacey's body.<sup>67</sup> Eventually, Rebecca would abandon the children

---

<sup>64</sup> Marti Loring Trial Testimony (one of two defense mental health experts at Mr. Humphreys's trial), Ex. 41, at 221.

<sup>65</sup> *Id.* at 220.

<sup>66</sup> *Id.* at 222.

<sup>67</sup> *Id.* at 220.

entirely. The people who were tasked with nurturing Stacey as a child did the complete opposite, they brutalized him.

The jurors heard how as Stacey grew, his home life continued to spiral. Not long after Stacey began school, his father Walter married Janie Swick, Stacey's stepmother, and fathered Julia and Kristen, Stacey's younger sisters. The entire family lived in constant fear of Walter's unrelenting violence and shared their vivid accounts with the jury. Julia told of the fright as the children saw the signs of Walter's rages building. "...[H]is face will get really, really red and the veins will come out. And he has this look that is so intentful (phonetic) of bringing something to you. And it just was like his head would explode - was going to explode."<sup>68</sup> Dayna recounted moments where Walter would pick her up by her hair while she crouched in fear..<sup>69</sup> Per Dayna,<sup>70</sup> if the children exhibited fear, "it would make him worse. It would make him angry[.]"<sup>71</sup> Janie described

---

<sup>68</sup> Julia Humphreys Fugliele Trial Testimony, Ex. 44, at 167.

<sup>69</sup> Dayna Lee Trial Testimony, Ex. 42, at 310-11.

<sup>70</sup> In addition to the physical abuse, Dayna explained to the jury that her father Walter would sexually abuse her as well. *Id.* at 312-13.

<sup>71</sup> *Id.* at 310.



Walter as “terrifying,”<sup>72</sup> especially with Stacey, recounting how he would “run . . . like a little scared rabbit” while Walter pursued him.<sup>73</sup>

Stacey tried to defend and protect his mother and siblings, which only led to more injury at Walter’s hands. As Dayna testified, her father hit them with belts, sticks, or whatever was nearby, but with Stacey, Walter struck him with fists like he would a grown man.<sup>74</sup> Per Julia, “with Stacey it was a bit different. It was . . . very bad for him ... .. [T]here were punches being thrown from my dad and just full on punches.”<sup>75</sup>

Once when Stacey was thirteen, Walter struck Stacey in a typical fit of rage, this time as hard as he could with a broom handle.<sup>76</sup> Despite hitting Stacey so hard that his arm seemed broken, Walter refused to take Stacey to

---

<sup>72</sup> It would later become known that other wives of Walter would feel the same fear. See Wanda Smith Affidavit, Ex. 30 (“He would get up in the morning in one mood and then it was like someone flipped a switch. I attributed this to drugs. . . . He kept his anger in and let it simmer and then he would get really mad and blow up. It was scary.”).

<sup>73</sup> Janie Bruner Trial Testimony, Ex. 43, at 145–46.

<sup>74</sup> *Supra*, Ex. 42 at 311.

<sup>75</sup> *Supra*, Ex. 44 at 166–67.

<sup>76</sup> *Supra*, Ex. 43 at 146.

the hospital.<sup>77</sup> When Janie attempted to do so, Walter grabbed her by the hair and threatened to kill her.<sup>78</sup>

Jurors heard testimony that the trauma from this abuse severely impacted Stacey's psychological development and mental health. Despite having a relatively high IQ, Stacey was in special education, having an inability to focus or concentrate.<sup>79</sup> There were often times he would "stare blankly ahead as if he was checked out."<sup>80</sup> Following beatings from his father,<sup>81</sup> Stacey would wander off and hide. The mental health experts who examined Stacey in preparation for his trial diagnosed him with Post Traumatic Stress Disorder, Obsessive Compulsive Disorder, and a host of other mental health symptoms resulting from Stacey's early attempts to cope with Walter's constant attacks.<sup>82</sup> Stacey had grown increasingly quiet

---

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Supra*, Ex. 41 at 223; *see also* Kelly Hart Affidavit, Ex. 31.

<sup>80</sup> *Id.*

<sup>81</sup> *See id.* at 224.

<sup>82</sup> *See id.* at 225-29.

and reserved as his abuse continued over the years.<sup>83</sup> Although largely undiscussed, the impact of his father was no secret.<sup>84</sup>

This testimony was impactful to the jurors tasked with balancing Stacey's terrible crime and the rage-filled, abusive household where he grew up. Juror Darrell Parker "felt a lot of pain for everyone involved. [she] felt pain for those girls and their families. [She] also felt pain for Stacey ... The doctor's testimony and Stacey's sister, Da[y]na's, testimony really stuck with me." Parker found Stacey's "mental health issues" and abusive upbringing were "enough to support a life without parole sentence."<sup>85</sup>

Juror Tara Newsome also found this mitigation compelling:

I really remember Stacey Humphrey's older sister ... [She] talked about how [she] had been beaten by ... Stacey's dad ... [and] that Stacey took most of the beatings for her. It really stood out in my mind that Stacey took beatings for his older sister. All of the abuse also stuck out in my mind ... I cried when the victim's family read their letters. I also

---

<sup>83</sup> See Dayna Lee Letter, Ex. 17 ("When we were young kids, Stacey always knew how to make me laugh. After a while, Stacey didn't make me laugh anymore. He became quiet and didn't really talk to me or anyone much anymore. It got to where he always seemed angry, but never talked about what was wrong."); see also Julia Humphreys Furguiele Letter, Ex. 19 ("Stacey seemed happier when he was young, but as time passed, and the abuse continued, he grew quieter, more withdrawn, and more isolated.").

<sup>84</sup> See Darlene Smith Letter, Ex. 23; Kelly Korey Nagel Letter, Ex. 24; James Scott Letter, Ex. 27.

<sup>85</sup> *Supra*, Ex. 3.

cried when Da[y]na talked about being molested by her and Stacey Humphreys' dad ...<sup>86</sup>

And foreperson Susan Barber remembered the testimony from the victims' families as "one of the most difficult days of the entire trial" for all the jurors. Yet,

Still, the evidence that we heard, in particular the testimony of the woman who was a psychologist or some kind of abuse expert, made clear that a number of things had played some role in Mr. Humphreys's life and in his crime. After long and difficult consideration and a lot of soul-searching, and through deliberations with the other jurors, I was convinced that life without parole was the sentence that struck the appropriate balance.<sup>87</sup>

The jurors considered the immense damage Stacey Humphreys had caused, but determined that the death penalty was not necessary. They voted in favor of a sentence of life without the possibility of parole, and that is the sentence Stacey should have received.

**V. There Was Even More to Stacey Humphreys's Story Than the Jury Was Told.**

As powerful as the trial evidence was, it was not the full picture. While the jurors had Stacey's relentless abuse by Walter to place on the mitigating side of the scale, this Board has still more evidence of Mr. Humphreys's background before it than the jurors did.

---

<sup>86</sup> *Supra*, Ex. 6.

<sup>87</sup> *Supra*, Ex. 1.

Evidence developed after the trial – during his postconviction challenges – shows that Stacey endured far more than the jury heard. This evidence revealed the extent to which Rebecca was utterly unable to care for her young children.<sup>88</sup> Her cousin recalled a visit to Rebecca's home when the children were still in diapers:

When I arrived at Becky's apartment, it was filthy, there was no food in the refrigerator and the kids were dirty. Dayna was about one year old and she was banging the back of her little head against the wall really hard. Stacey was about two and he was all over the place. It was total chaos and Becky wasn't paying the children any mind. When I tried to talk to Becky about why the children hadn't been fed and were dirty, all she could talk about was the ambulance ride she took to the hospital when she tried to commit suicide.<sup>89</sup>

Worse, Rebecca was sadistically abusive to the young children in her care. After Walter regained custody of Stacey and his sister Dayna, Rebecca

---

<sup>88</sup> Medical records suggest that Rebecca was severely mentally ill. She was placed on Elavil, an antidepressant, at just the age of 10 and as an adult, had diagnoses of depression, chronic anxiety, panic disorder, dysthymia, agoraphobia, an adjustment disorder, and histrionic personality disorder. Her records from care providers also reported "unusual beliefs, including seeing ghosts, experiencing extra sensory perceptions, and claiming telekinetic powers" in addition to "a fascination with the occult."

<sup>89</sup> Affidavit of Grace Hicks, Ex. 28.

met and married Dennis Boudreau, who had three children of his own.<sup>90</sup> Rebecca began torturing the Boudreau children. One of the children, Michael, recalled that she “remind[ed] [him] of evil, the Devil.” She made the children disrobe and beat them with a belt with a metal buckle every day, “furiously thrash[ing] and strik[ing] [them] all with the belt until she was physically worn out.”<sup>91</sup> The youngest of Rebecca’s step-children, Dawn (Boudreau) Sibblies, described how “when [she] read about ... how [Stacey] made [Ms. Williams and Ms. Brown] strip down naked, [it] brought a tidal wave of emotions to the forefront. Because that is exactly what his mother would do to us before she would unleash her rage and abuse on us.”<sup>92</sup>

Rebecca was inventively sadistic. She “was a pro at identifying a weakness and using it against [the children].”<sup>93</sup> She made the children fistfight each other while she watched in amusement. The children had to continue until they were “so exhausted [they] could barely lift [their] arms.”<sup>94</sup> She would place the family cat “in a plastic bag and hang it from a

---

<sup>90</sup> Affidavit of Kelly A. Gosselin, Ex. 29; Michael Boudreau Testimony, Ex. 49 at 216; Kelly Gosselin Testimony, Ex. 48; Dawn Sibblies Letter, Ex. 22.

<sup>91</sup> *Supra*, Ex. 49.

<sup>92</sup> *Supra*, Ex. 22

<sup>93</sup> *Supra*, Ex. 48.

<sup>94</sup> *Id.*

doorknob and have [the children] sit down and watch the cat struggle for her life while she sat back and laughed.”<sup>95</sup>

The jury was also unaware that Mr. Humphreys had a long history of sexual abuse. Stacey’s great grandmother began sexually abusing him when he was five or six, and continued ritualistic sexual abuse through his teen years, until she was institutionalized.<sup>96</sup> During this approximately eight-year period of sickening sexual abuse, he had no one to turn to. “[He would] sit and space out, he didn’t know what to do, he felt helpless. He knew if he told his father, his father would beat him. He knew that he couldn’t tell anyone in the household, and he had no friends to tell.”<sup>97</sup> Indeed, as Janie described, Walter’s ire and targeting of Stacey made it impossible for others to get close to him:

Walt had such contempt for Stacey, and blamed him for everything. No matter what happened in the house, Walt assumed that Stacey was the instigator, even if he caught Dayna doing it too. Walt was an angry and unhappy person in general, but so much of it was directed toward Stacey that it made it difficult for the rest of us to get close to him and dangerous to stand up for Stacey.<sup>98</sup>

---

<sup>95</sup> *Supra*, Ex. 22.

<sup>96</sup> Dr. Julie Dorney Testimony, Ex. 52, at 680-82.

<sup>97</sup> *Supra*, Ex. 52, at 681.

<sup>98</sup> Janie (Godfrey) Bruner Affidavit, Ex. 32; *see also* Brenda Dragoone Testimony, Ex. 50, at 422–23 (according to neighbors, “Dayna was always better groomed than Stacey,” who was generally an “unkempt child.”)

Yet even without understanding the full extent of Stacey's trauma and isolation, eleven jurors selected a life without parole sentence.

## **VI. Stacey Humphreys's Profound and Constant Remorse**

*I am so sorry. I wish nothing more than that I could take back all the suffering I have caused. To you and yours. To mine. To Cynthia Williams loved ones. So many people.*

### **- Stacey Humphreys Email Response to Tiffany Brown**

Soon after his arrest, Stacey was interviewed by Cobb County police department officers. Convinced he was guilty even though he remembered nothing of the crime, he immediately told police he wanted to plead guilty and save both his and the victims' families the pain of trial. "I don't want my family going through and I don't want her family going through it. ... I just want it to be over for everyone and if that means pleading to whatever, I will."<sup>99</sup> He knew the consequences but never wavered. "I know what's going to happen if I do plead to the death penalty or to life without, whichever they want I'm not going to fight them in any way."<sup>100</sup> He admitted guilt despite not being able to remember the crime, but could not give an explanation to be conveyed to the families. "I can't - that's why I don't want to face this family or my own. I can't give a reason."<sup>101</sup> Asked if he recalled taking the victims' ATM cards, he wept. "I'd really like to think or

---

<sup>99</sup> Exhibit 56, time stamp 2:06, 2:56.

<sup>100</sup> *Id.* at time stamp 3:07.

<sup>101</sup> *Id.* at time stamp 9:41.



hope that I couldn't go out and do something like that for some money.... I don't want to be somebody who could do that for money."<sup>102</sup>

From the beginning, every person involved in his case has observed the immense sorrow, sadness and disgrace he carries with him every day.<sup>103</sup> As Lindsay Bennett, one of Stacey's former lawyers shared, "Stacey carried immense shame for having taken the lives of Lori Brown and Cynthia Williams. He was acutely aware of the pain his actions inflicted on

---

<sup>102</sup> *Id.* at time stamp 41:20, 41:33.

<sup>103</sup> Laura Switzer Bandrowsky Letter, Ex. 36 ("[H]e never denied committing these crimes. ... It was clear that he had tremendous remorse for what he had done[.]"); Teri Thompson Letter, Ex. 38 (describing the "profound remorse and deep regret that Mr. Humphreys has consistently shown for his conduct following his arrest by law enforcement in 2003. He repeatedly expressed sincere remorse to me during my representation. As a result, Attorney Berry and I contacted the Cobb County District Attorney's Office in an effort to share Mr. Humphreys' remorse and to accept responsibility for the tragic losses of the lives of Lori Brown and Cindy Williams. Throughout his time of incarceration, Mr. Humphreys has taken full responsibility for his actions and has actively sought to atone for his mistakes."); *see also* Letter Offer to Plead Guilty To Two Life Without Parole Sentences, Ex. 34 ("Mr. Humphreys wishes to pursue [a guilty plea] for multiple reasons. Paramount, while Mr. Humphreys cannot undo the enormous tragedy and loss these events have inflicted, he would seek to not cause any further pain to the families of Miss Brown and Mrs. Williams. To a lesser extent, Mr. Humphreys also wishes to ameliorate the grief and pain he has caused his own family and to spare them any further pain and shame.")

Ms. Williams's and Ms. Brown's families, as well as that of his own family."<sup>104</sup>

For decades, Stacey thought about reaching out to the victims' families,<sup>105</sup> but worried he would add to their suffering. When Lori Brown's sister, Tiffany, emailed Stacey via the prison email system,<sup>106</sup> it gave Stacey the opportunity to express his remorse directly. Stacey replied to her:

I think about what I did to you and your family every day. And not because I'm here. Because I have finally come to a point in my life where I feel more than hate. Because I've forced myself to think about how I would feel if it was me who had my loved one taken.

I am so sorry. I wish nothing more than that I could take back all the suffering I have caused. To you and yours. To mine. To Cynthia Williams loved ones. So many people. I hope that you are well and that I have not upset you too much with this email ... Take care.<sup>107</sup>

Tiffany responded and expressed the incredible difficulty she felt in not knowing what happened to her sister in her last moments. She also

---

<sup>104</sup> Lindsay Bennett Letter, Ex. 37.

<sup>105</sup> See Tim Mellen Letter, Ex. 39.

<sup>106</sup> See <https://www.jpay.com/AboutUs.aspx>.

<sup>107</sup> Email Exchanges Between Stacey Humphreys and Tiffany Brown, Ex. 33.

expressed forgiveness: "I have forgiven you by the way. I never hated you because I don't believe we should ever hate."<sup>108</sup>

Stacey again reiterated his profound remorse:

I want to start off by again saying how sorry I am for taking Lori from you. And how much sorrow your email made me feel. How terrible it made me feel. I'm sorry for all that I've put you through and wish that I had never brought such tremendous pain to you, your family, and Lori's loved ones ... I'm sorry for bringing the pain and loss into your life that has caused you to push people away. I wish so much that you can have a happy life with normal relationships. I will do what I can to help you. I hope and pray that you can find the peace you are looking for. That your pain will fade and you can live without torment. That you no longer have nightmares ... I will do my best to answer your questions. I pray that it helps you[.]

Stacey is acutely aware of the pain his actions inflicted on the Williams and Brown families. It is something that he thinks about every day and desperately wishes he could take back.<sup>109</sup>

#### **VII. This Board's Grace Would Not Be Wasted On Stacey Humphreys.**

*I'm glad the bugs are better. I wish I could take their sicknesses for them. I know they say that getting sick when you're a kid helps build a strong immune system when you're grown, but I still hate for them to suffer. Give them hugs and kisses for me and tell them I'm glad they feel better. Have you decided what Santa is bringing them this year? I hope lots of candy in their stockings and not one healthy thing. Not one.*

---

<sup>108</sup> *Id.*

<sup>109</sup> *See id.*

- December 15, 2021 email from Stacey to Dayna about his nieces<sup>110</sup>

*They already love you. They ask for you all the time and just randomly pretend they're talking to you.*

- October 8, 2016 email from Dayna to Stacey about his 2-year old nieces

For Mr. Humphreys, despite or perhaps because of his horrific childhood, there is no higher value than family. From his cell at the Georgia Diagnostic Prison, he strives to be the best son, brother, and uncle he can. He is an integral and beloved part of his mother's and sisters' lives:

I really enjoyed seeing you today. You make me feel good, so I'm glad you came. I always worry that you'll be sad after coming here. I hope you weren't. I'm okay, so don't worry. I wish things were different. That I had been a normal better person and that I was able to be a normal part of yours and the girls lives, but things are what they are. I hate what my being here does to you more than me being here. I hope you don't let it bother you too much. I hope you weren't sad when you left. I love you and I loved seeing you. Have fun spending time with everybody and loving on Frankie [his nephew].

- December 15, 2018 email from Stacey to Dayna

Mr. Humphreys lives with deep regret that he cannot be the family member they deserve.<sup>111</sup>

---

<sup>110</sup> Ex. 21.

<sup>111</sup> See, e.g., June 20, 2018 email from Stacey to his sister Dayna, Stacey Humphreys Family and Friends Email Excerpts, Ex. 21 ("wish I had been a million times the brother I have been ... I should have been

As his mother, Janie Bruner,<sup>112</sup> wrote, Stacey “is woven into the fabric of our family and his life still matters deeply to us. For me and our family, losing Stacey would create a deep sense of loss and a wound that would never heal.”<sup>113</sup> His sisters Julie and Kristen feel this too: “Losing Stacey would not just be losing a brother. It would be losing a piece of our family’s history, a part of who I am.”<sup>114</sup> “Losing Stacey would be a great loss for me and my family, and continue a cycle of grief, pain, and unanswered questions.”<sup>115</sup> “I have seen his heart, his kindness, his love for his family.”<sup>116</sup>

No one would experience this loss more profoundly than his sister Dayna. As Mr. Humphreys told this Board, it has been he and his sister Dayna together through it all from the very beginning. As Mr. Humphreys

---

the world’s greatest uncle too. I love you more than I could ever put into words.”)

<sup>112</sup> As Mr. Humphreys told this Board, while Ms. Bruner is technically his step-mother, having married his father Walter when Stacey was five, she is the only person Mr. Humphreys has ever thought of as his mother.

<sup>113</sup> Janie Bruner Letter, Ex. 18.

<sup>114</sup> Kristen Parsons Letter, Ex. 20.

<sup>115</sup> Julia Furgiuele letter, Ex. 19.

<sup>116</sup> *Id.*

shared, even though they cannot be together, “Dayna’s life is better because I am here.” As Dayna wrote to Stacey at Thanksgiving in 2016:

You are a part of me. You are the only real part of me from our family. It's just you and me, Stacey. The reason I won't let you give up is because I can't think of my life without you in it. As shitty as that is of me. You are the only root I have. You mean the world to me Stacey. I hate that you are suffering and I'd do anything to make things better for your life. ... And I know life there sucks, but between all the ugliness there's these little glimpses of beauty. ... I know it is far from perfect, far from ideal--but it's something.

- November 29, 2016 email from Dayna to Stacey, Ex. 21.

There is no question that Dayna “will never be the same if [her] brother is put to death[,]” he’s her “lifeline.”<sup>117</sup>

For this tortured family, this Board can provide a courageous act of mercy this holiday season—bestowed not in spite of Stacey Humphreys’s human frailty, but *because of* it. As his sister Julia told this Board, “[d]espise everything he endured, [Stacey] still has the capacity to care deeply, to form connections, and to bring meaning in the lives of the people who love him.”<sup>118</sup>

This remarkable capacity for tender concern and protection of those around him—in spite of just how little concern and protection he was shown as a child—is echoed by those who knew him throughout his life.

---

<sup>117</sup> Dayna Lee State Habeas Testimony, Ex. 47, at 660.

<sup>118</sup> Julia Furgiuele letter, Ex. 19.

His sister Kristen recalls, “[h]e was the person who was loving, funny, and gentle to me when I was small and scared.” She shared:

When I was little, he was not just a brother, he was a protector, a helper, and someone I looked up to. My earliest memory of him is when he taught me how to ride a bike. I can still remember how patient he was with me and how he encouraged me to ride without my training wheels. He made me feel safe. Stacey also joked around like a typical big brother, but beneath that was a kind and gentle heart.<sup>119</sup>

Kelly Korey Nagel recalled his friendship, which “left a lasting impression on [her]. Stacey was protective of [her] and stood up for [her], no matter the situation. He was a loyal and kind friend. When I think of him, I remember the boy who was kind, funny and my friend.”<sup>120</sup> And his aunt, Darlene Smith, wrote that “[d]espite what Stacey has gone through, [she] ha[s] observed Stacey as caring and gentle. He loved children and was nurturing toward his younger cousins.”<sup>121</sup>

Those close to Stacey in adulthood saw it too, even through all his internal turmoil and untreated trauma. His former girlfriend, Paige Durham, “describe[d] Stacey as a big teddy bear. He was gentle, caring and protective, and treated me very well....always attentive.”<sup>122</sup> In spite of the

---

<sup>119</sup> Kristen Parsons letter, Ex. 20.

<sup>120</sup> Kelly Korey Nagel letter, Ex. 24

<sup>121</sup> Aunt Darlene Smith letter, Ex. 23.

<sup>122</sup> Paige Durham letter, Ex. 25.

shock of learning of his crime, Ms. Durham still believes that “the side of Stacey that [she] saw was genuine and authentic.” Tim Mellen, who befriended Mr. Humphreys as part of his jail ministry, concurs: “To this day, I still see Stacey as a gentle giant with a great sense of humor, a kind heart.”<sup>123</sup>

Even when facing a trial for his life, Stacey’s primary concern was caring for and protecting those around him. As his trial investigator related, “Stacey grew to care about us as his [legal] team, and we all grew to love him.”<sup>124</sup> Later counsel agreed, “Stacey was a gentle spirit, who was always easy to work with.”<sup>125</sup> Deborah Czuba, his trial attorney, recalled the glimpses she got of the real Stacey between the walls that his trauma had built:

This Stacey deeply and fiercely loved his sister, and he was willing to sacrifice himself to keep from causing her anymore pain. The first thing he did after hearing the verdict was to turn to me and ask me to take care of her.

This Stacey was intelligent and witty. He saw how anxious and on edge I was during the trial and would write little jokes on sticky notes to diffuse my tension.<sup>126</sup>

---

<sup>123</sup> Tim Mellen letter, Ex. 39

<sup>124</sup> Laura Switzer Bandrowsky letter, Ex. 36.

<sup>125</sup> Lindsay Bennett letter, Ex. 37.

<sup>126</sup> Deborah Czuba Letter, Ex. 35.



Finally, Stacey has exhibited the capacity for healing and change. This is evident in how he has embraced his time of incarceration-- as a time for reflection, introspection, and maturity. As this Board will hear from Dr. LeRoy Reese, the psychologist who has evaluated Mr. Humphreys in connection with his clemency application, Mr. Humphreys has demonstrated the capacity for improvement and adjustment to prison life.

While the impact of Mr. Humphreys's early life led to a constellation of symptoms and behaviors that caused significant disruption in his ability to conform to societal standards, today he is no longer the angry, confused man he once was. Dr. Reese has every expectation that, if Mr. Humphreys is spared, he will continue on this trajectory of healing. Mr. Humphreys possesses all the tools necessary: He has a demonstrated capacity to form healthy bonds and human connection. He has exhibited profound remorse and insight into the degree of harm he has caused. He has a supportive family. He has displayed a willingness to engage with therapeutic interventions and medication. And as Mr. Humphreys himself told the Board, if he is given life without parole, he would be able to earn a work detail through good behavior and find purpose in the corrections community by giving back. In short, this Board can be assured that Mr. Humphreys would not squander its grace.

His sister put it best, "Stacey is more than the worst moment of his life." His family's prayer is that you "show Stacey the compassion he needed as a child."

And in fact, mercy is precisely what the jury intended, and still wishes for:

Juror Tara Newsome

"I voted twice for life without parole. We finally voted for death because we thought that was the only way we could leave and Linda Chancey had made clear she would only vote for death ... I supported a sentence of life without parole then and still do now."<sup>127</sup>

Juror Darrell Parker

"I feel that Stacey should be able to live out the rest of his life in prison. I believe in the death penalty, but for Stacey Humphreys, I hope that the board would carry out our true wishes and sentence him to life without parole."<sup>128</sup>

Jury Foreperson Susan Barber

"It was so difficult to relinquish my vote. Allowing a verdict that was against my conscience was horrible but I felt we were given no other way out ... I respectfully ask this Board to do what the courts would not: honor and respect our jury service and our decision and sentence Mr. Humphreys to life without parole."

We ask only that this Board effectuate the sentence that the jurors were deprived of an opportunity to announce, and "to grant Stacey mercy, simply as an act of grace for a soul that has been tormented and broken from childhood."<sup>129</sup>

---

<sup>127</sup> *Supra*, Ex. 2.

<sup>128</sup> *Supra*, Ex. 3.

<sup>129</sup> Dayna Lee letter, Ex. 17.

### **VIII. Conclusion**

For the foregoing reasons, as well as those to be presented in the hearing on this Application, Mr. Stacey Ian Humphreys respectfully requests that this Board exercise its power to commute his sentence to life without the possibility of parole.

Kelyn J. Smith

Federal Defender Program, Inc  
Centennial Tower, Suite 1500  
101 Marietta St NW  
Atlanta, GA 30303  
[Kelyn\\_Smith@fd.org](mailto:Kelyn_Smith@fd.org)

Clemency counsel for Mr. Humphreys