

Exhibit 1

1 Jon M. Sands
2 Federal Public Defender
3 Cary Sandman (AZ No. 004779)
4 Nathan Maxwell (AZ No. 033838)
5 Assistant Federal Public Defenders
6 850 W. Adams St., Suite 201
7 Phoenix, Arizona 85007
8 cary_sandman@fd.org
9 nathan_maxwell@fd.org
10 Telephone: (602)382-2816
11 Facsimile: (602) 889-3960

12 *Counsel for Defendant*

13 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
14 **IN AND FOR THE COUNTY OF MARICOPA**

15 STATE OF ARIZONA,

16 Plaintiff,

17 v.

18 MURRAY HOOPER,

19 Defendant.

CR-0000-121686

**MOTION FOR POSTCONVICTION
DNA AND ADVANCED FORENSIC
TESTING**

(Capital Case)

(Oral Argument Requested)

(Hon. Jennifer Green)

20
21 Murray Hooper, through undersigned counsel, respectfully asks this Court to order
22 postconviction advanced forensic testing—specifically, fingerprint testing—pursuant to A.R.S.
23 § 13-4241 and postconviction DNA testing pursuant to A.R.S. § 13-4240. Hooper was
24 convicted of murder in 1982, before computerized fingerprinting systems, including the FBI
25 labs system, were available. Similarly, Hooper’s trial occurred before the availability of DNA
26 testing in criminal cases. Hooper has steadfastly asserted his innocence of this crime, insisting
27 he was misidentified and framed. Previously collected fingerprints may be linked to the actual
28 perpetrators through advanced technology now available. Moreover, items collected from the

1 scene of the crime that have never been tested potentially contain DNA, which together with
2 the fingerprint evidence, may lead to the potential identification of the guilty parties. Testing
3 such items will settle once and for all that Hooper was neither a participant nor present when
4 this crime occurred. This motion is supported by the accompanying memorandum of points and
5 authorities.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I. Introduction**

8 Murray Hooper is on death row¹ for a crime he maintains he did not commit. His
9 conviction resulted from a series of contemptible and corrupt practices engaged in by police,
10 lawyers, and witnesses in both Chicago and Phoenix. Hooper was convicted with no physical
11 or forensic evidence tying him to the scene of the crime, and despite his alibi that he was home
12 in Chicago when this crime occurred. Hooper was named as a participant in this crime as a
13 result of an unreliable eyewitness identification and by informants and co-conspirators who
14 received extraordinary consideration and benefits from the State in exchange for their
15 testimonies, including immunity, money, drugs, and unsupervised trips away from jail for
16 conjugal visits.

17 Hooper was eventually mistakenly identified by Marilyn Redmond, who survived being
18 shot in the head during the commission of the murders. After initially proclaiming that she
19 could not identify any of her assailants (Tr. 11/30/1982 p.m. at 73; Tr. 8/26/1982 at 141–42),
20 just two months later, Mrs. Redmond was flown to Chicago to view a lineup conducted by
21 Chicago detectives in a department known to physically and mentally torture people into
22 making false confessions and false accusations against other suspects.² Investigations have also

23 ¹The State has asked the Arizona Supreme Court to issue a warrant of execution for Mr. Hooper.
24 Motion for Warrant of Execution, *State v. Hooper*, No. CR-83-0044-AP (Ariz. Aug. 26, 2022).
25 The Arizona Supreme Court anticipates conferencing the matter on October 12, 2022. Order,
State v. Hooper, No. CR-83-0044-AP (Ariz. Aug. 24, 2022).

26 ²This corruption, torture, and coercion campaign is extensively documented and no longer
27 disputable, having resulted in dozens of exonerations and hundreds of millions of dollars in
28 civil lawsuit payouts to the victims. The Invisible Institute, a nonprofit journalism production
company in Chicago, has made information detailing the corrupt and abusive practices publicly

1 revealed that detectives obtained wrongful identifications of accused persons through coercion
2 and inappropriate, suggestive interrogation techniques. Beyond these examples of intentional
3 corruption and interference, the lineup procedures used by Chicago police at the time have been
4 repeatedly updated and reformed to address practices which may subtly cue the witness to
5 identify a certain person or otherwise render an unreliable identification. *See The Science*
6 *Behind Eyewitness Identification Reform, Innocence Project*, available at:
7 <https://innocenceproject.org/science-behind-eyewitness-identification-reform/> (“Numerous
8 studies show that lineup administrators, when they know who the suspect is, can strongly bias
9 the eyewitnesses. Usually unintentional, an administrator may make a suggestive statement or
10 supply an unconscious gesture or facial expression that provides misleading feedback to the
11 witness.”).

12 Mrs. Redmond’s identification of Hooper was inherently unreliable, and her account of
13 the evening changed substantially over time. She changed her description of the race of the
14 assailants; whether she even looked at them, or whether they were wearing masks. (*See, e.g.,*
15 *Tr. 11/3/1982 at 222; Tr. 11/8/1982 at 190; Tr. 11/10/1982 at 71.*) When the corrupt methods
16 through which Chicago detectives routinely secured tainted suspect identifications are added to
17 the mix, Mrs. Redmond’s identification immediately becomes indisputably dubious.

18 The unreliability of the testimony implicating Hooper calls his conviction into question
19 because there is no physical or forensic proof he was at the scene of the crime, or even in the
20 State of Arizona at the time. Yet items from the crime scene still exist and forensic testing for
21 fingerprints and DNA now, presents a unique and compelling opportunity to finally discover
22 the actual perpetrators of the crime, while showing that Hooper was not present, as his alibi
23 witnesses testified at trial.

24

25 available via DropBox. *See, e.g., Summary of Judicial, Executive, and Administrative Findings*
26 *and Admissions Concerning Systemic Chicago Police Torture at Area 2 and 3*, The Invisible
27 Institute, available at: [https://www.dropbox.com/sh/ch5e6i674shwpr8/AAANdI2LMWFVsKJ-xB0pdtZDa/02.%20Torture.Findings.Admissions.Decisions.Docs.Opinions.Pleadings?dl=0&pre
28 view=8.10.06.Summary+of+Judical%2C+Administrative+and+prosecutorial+Findings+and+Admissions.wpd&subfolder_nav_tracking=1](https://www.dropbox.com/sh/ch5e6i674shwpr8/AAANdI2LMWFVsKJ-xB0pdtZDa/02.%20Torture.Findings.Admissions.Decisions.Docs.Opinions.Pleadings?dl=0&preview=8.10.06.Summary+of+Judical%2C+Administrative+and+prosecutorial+Findings+and+Admissions.wpd&subfolder_nav_tracking=1) (last visited Sept. 9, 2022).

1 As many as twelve fingerprints were found at the crime scene. Only one fingerprint
2 was identified; a print that belonged to a victim. A bloodied kitchen knife (Trial Exhibit 7) used
3 during the crime was also found at the crime scene, in the Redmond’s bedroom. New, highly
4 sensitive, DNA testing methods now exist that were not available at the time of the original
5 trial—indeed, DNA testing did not exist in any form during Hooper’s trial. As explained below,
6 if exculpatory evidence resulting from fingerprint and DNA testing had been available prior to
7 Hooper’s trial, there is a reasonable probability that he would not have been prosecuted, or if
8 tried, not convicted of capital murder.

9 Therefore, Hooper requests, pursuant to A.R.S. §§ 13-4241 and 13-4240, that the Court
10 order advanced forensic testing of fingerprint evidence, by uploading such evidence to all
11 available local, state, and national searchable databases, and further order DNA testing of the
12 evidence using current and best methods, in accordance with all forensic testing requirements
13 necessary to obtain valid results. *See* A.R.S. § 13-4241; A.R.S. § 13-4240(B), (C). The outcome
14 of this testing will demonstrate Hooper’s convictions must be overturned.

15 **II. Factual Background**

16 On December 31, 1980, William “Pat” Redmond and his mother-in-law, Helen Phelps,
17 were shot and killed by three home invaders. *State v. Bracy*, 145 Ariz. 520, 525 (1985).
18 Redmond’s wife, Marilyn, was shot in the head but survived. *Id.*

19 Mrs. Redmond initially indicated she could not identify the intruders, since she was too
20 afraid to look at them. (Tr. 11/30/1982 p.m. at 73; Tr. 8/26/1982 at 141–42.) She described the
21 perpetrators as three black men, some wearing masks. (Tr. 11/8/1982 p.m. at 73; Tr. 11/3/1982
22 at 171, 180, 184, 221–22, 230–31, 237–38; Tr. 8/27/1982 at 69–70.) Later, she stated that two
23 black men and one white man committed the crime. (Tr. 11/3/1982 at 221, 231, 248.) After
24 Mrs. Redmond identified two of the suspects as wearing masks—proving she could not identify
25 them—she turned the tables and described the suspects as clean-shaven. (Tr. 11/8/1982 p.m. at
26 74–75.) Still, Mrs. Redmond was unable to describe the assailants’ facial features. (Tr.
27 11/4/1982 at 50; Tr. 11/3/1982 at 221–22, 230.) And although Hooper had a distinct white patch
28 in the front of his hair (Tr. 11/18/1982 at 51; Tr. 12/8/1982 a.m. at 94–95; Tr. 12/8/1982 p.m.

1 at 36–37), Mrs. Redmond never mentioned seeing this. Mrs. Redmond noted that one of the
2 black men wore a gold chain and another wore a leather-like jacket. (Tr. 11/10/1982 at 86; Tr.
3 11/9/1982 at 239–40.) Conflicting with her own initial account that two of the three offenders
4 were wearing face covering masks, Mrs. Redmond somehow identified Hooper and Bracy as
5 two of the assailants.³ (Tr. 11/30/1982 p.m. at 58–63.)

6 The State rapidly focused on Murray Hooper, William Bracy, and Edward McCall
7 relying on inherently suspicious and unreliable sources: four well-paid informants who
8 received everything from sentencing immunity to money, drugs, and sex. Then nearly two
9 months later, after she initially said she could not identify the perpetrators, Mrs. Redmond was
10 flown to Chicago to identify Hooper and Bracy in a police station lineup. (Tr. 12/20/1982 at
11 65–70; Tr. 11/30/1982 p.m. at 58–61.)

12 Hooper and Bracy were indicted together on one count of conspiracy to commit first-
13 degree murder; two counts of first-degree murder; one count of attempted first-degree murder;
14 three counts of kidnaping; three counts of armed robbery; and one count of first-degree
15 burglary. (ROA 1.)

16 At trial, the State theorized that Robert Cruz wanted Pat Redmond killed because
17 Redmond was blocking a lucrative deal involving Las Vegas casinos. (Tr. 11/2/1982 at 7–8.)
18 The State claimed Cruz recruited Hooper, Bracy, and McCall to kill Pat Redmond.

19 The State’s case relied heavily on informant Arnie Merrill, a Valium-dependent drug
20 dealer, fence for stolen goods, and mastermind of burglaries. (Tr. 11/29/1982 a.m. at 11; Tr.
21 11/24/1982 at 110–11; Tr. 11/16/1982 at 154; Tr. 11/18/1982 at 21–22, 171.) Merrill agreed to
22 testify only after being incentivized with a State-sponsored offer he could not refuse. In
23 exchange for testimony, Merrill only had to plead to one of his many burglaries and thefts, and
24 was guaranteed immunity for all other crimes, including arson, armed robbery, burglaries, and
25

26 ³The prosecution also committed repeated misconduct, including delaying disclosure of
27 evidence and wholesale failing to disclose evidence to the defense. For example, the Arizona
28 Supreme Court found that the State failed to disclose benefits provided to Merrill and his wife.
See, e.g., Bracy, 145 Ariz. at 528.

1 ultimately the Redmond home invasion and murder. (Tr. 11/16/1982 at 152–55.) These
2 forgiven crimes had the potential to leave Merrill in prison for life. Merrill testified that he
3 knew about the plan to kill Pat Redmond, drove the killers to Redmond’s house and business,
4 and helped them procure weapons. (Tr. 11/17/1982 at 9–11, 15–16, 28–32, 44–51, 64–65, 72,
5 106.) Despite admitted extensive involvement in the events resulting in the homicides, the State
6 absolved Merrill of any responsibility for the deaths. (Tr. 11/16/1982 at 152–54.) At the very
7 least he was guilty of felony murder. Merrill’s mostly uncorroborated account was the only
8 source for much of the evidence the State relied on to convict Hooper.

9 Similarly, informant George Campagnoni testified he was with Hooper and Bracy at
10 Merrill’s house on New Year’s Eve, but he offered this testimony in exchange for another
11 incredible deal. (Tr. 11/29/1982 a.m. at 19; Tr. 11/24/1982 at 53–55, 83–84, 117–18.)
12 Campagnoni formed a burglary ring with Merrill, McCall, and others and committed a spree of
13 burglaries in October 1980. (Tr. 11/24/1982 at 54–55, 110–11.) Together, Campagnoni’s
14 crimes had the potential to leave him with consecutive sentences, and possibly life in prison.
15 Instead, the State had Campagnoni plead to one burglary and one theft. (Tr. 12/20/1982 at 172,
16 176, Tr. 11/29/1982 a.m. at 19; Trial Exhibit 209.) Although Campagnoni possessed property
17 stolen from the Redmonds—evidence of a more active participation than he let on (Tr.
18 11/24/1982 at 92–93; Tr. 11/16/1982 at 126–27)—he was given immunity (Tr. 11/29/1982 a.m.
19 at 14–15).

20 Informant Nina Marie Louie was a prostitute and sold drugs. (Tr. 11/23/1982 at 88–90,
21 105–07, 138–39.) Louie said she saw Hooper and Bracy at her apartment in Phoenix on New
22 Year’s Eve. (Tr. 11/23/1982 at 30.) The State compensated Louie for her testimony. (Tr.
23 12/20/1982 at 7–8; Tr. 11/23/1982 at 64–68.)

24 Hooper has always maintained his innocence and continues to do so today. His defense
25 was that he was not in Arizona when the crime was committed. Multiple people saw Hooper in
26 Chicago. Alibi witnesses supported Hooper’s defense through testimony at trial. On December
27 24, 1982, the jury convicted Bracy and Hooper on all counts. Subsequently, the court found
28

1 five aggravating factors, three of which have since been voided,⁴ and imposed the death
2 penalty. (Tr. 2/11/1983 at 25–26, 33–34.)

3 **III. Argument**

4 **A. The Court should order testing of Fingerprint evidence under A.R.S. § 13-4241**

5 Arizona Revised Statute § 13-4241 provides that a person who was sentenced for a
6 felony offense, and who meets the requirements of the statute, may request “[a]t any time” that
7 evidence that is in the possession or control of the state; related to the investigation or
8 prosecution of the case, be either forensically tested with a technique that was not available at
9 the time of sentencing and that is widely accepted in the scientific community via technological
10 advances, A.R.S. § 13-4241(A)(1), or “uploaded to searchable local, state or national databases
11 that are subject to the standards imposed by the agency that is responsible for managing the
12 database[.]” A.R.S. § 13-4241(A)(2).

13 The Court “shall” order the new testing after providing notice to the prosecutor and
14 opportunity for a response, if the Court finds that all of the following apply:

- 15 1. A reasonable probability exists that the petitioner would not have
16 been prosecuted or convicted if exculpatory results had been
17 obtained through the new forensic testing.
- 18 2. The evidence is still in existence and is in a condition that allows the
19 new forensic testing to be conducted.
- 20 3. The evidence was not previously subjected to . . . the analysis or
21 comparison that is now requested.
- 22 4. The new forensic testing may resolve an issue that was not previously
23 resolved by any other testing.

24 *See* A.R.S. § 13-4241(B)(1)–(4). Here, Hooper’s undersigned counsel have determined that the
25 fingerprint evidence still exists and is within the State’s custody for further forensic analysis.
26 Therefore, for the reasons explained below, Hooper asks that fingerprints collected from

26 ⁴On direct appeal, the Arizona Supreme Court vacated the (F)(3) aggravating factor. *State v.*
27 *Hooper*, 145 Ariz. 538, 550 (1985). Then, in 2013, the (F)(1) and (F)(2) aggravating factors
28 were vacated as a result of the issuance of a writ of habeas corpus following the Seventh
Circuit’s decision in *Hooper v. Ryan*, 729 F.3d 782 (7th Cir. 2013) and the State of Illinois’
decision not to retry Hooper.

1 various items and surfaces at the crime scene be “uploaded to [the] searchable local, state or
2 national databases that are subject to the standards imposed by the agency that is responsible
3 for managing the database.” *See* A.R.S. § 13-4241(A)(2).

4 Joe Depersis testified at Hooper’s trial that between six and twelve fingerprints were
5 lifted from the crime scene. (Tr. 11/15/1982 at 10–13, 32.) Depersis testified that he tried to
6 ascertain which surfaces in the home could have been touched by the persons who committed
7 the crime. (Tr. 11/15/1982 at 9.) Of the prints, only one print was “matched” to any person, and
8 it was matched to Pat Redmond. (Tr. 11/15/1982 at 12.) None were linked to Hooper, Bracy,
9 McCall, Merrill, or the alternative suspects who had been arrested by police that day after the
10 crime. (Tr. 11/15/1982 at 11–16.)

11 At the time of Hooper’s trial, fingerprints were visually compared. It was not an exact
12 science. (Tr. 11/15/1982 at 6.) Latent prints were lifted at the scene and comparison prints were
13 obtained under controlled conditions on a fingerprint card. (Tr. 11/15/1982 at 6–7.) The
14 fingerprints were then enlarged and compared by eye. (Tr. 11/15/1982 at 6.)

15 Fingerprint technology has changed dramatically since Hooper’s 1982 trial. One need
16 only look at the changes in FBI fingerprint analysis. In July 1999, nearly two decades after
17 Hooper’s trial, the FBI’s computerized Integrated Automated Fingerprint Identification System
18 (IAFIS) came online. Privacy Impact Assessment Integrated Automated Fingerprint
19 Identification System National Security Enhancements, at
20 [https://www.fbi.gov/services/information-management/foipa/privacy-impact-](https://www.fbi.gov/services/information-management/foipa/privacy-impact-assessments/iafis)
21 [assessments/iafis](https://www.fbi.gov/services/information-management/foipa/privacy-impact-assessments/iafis) (last visited Sept. 13, 2022). This national system allowed for “storing,
22 comparing, and exchanging fingerprint data in a digital format [which] permits comparisons of
23 fingerprints in a faster and more accurate manner.” *Id.* More than a decade later (and nearly 30
24 years after Hooper’s trial) the FBI developed the Next Generation Identification (NGI) system.
25 [https://le.fbi.gov/science-and-lab-resources/biometrics-and-fingerprints/biometrics/next-](https://le.fbi.gov/science-and-lab-resources/biometrics-and-fingerprints/biometrics/next-generation-identification-ngi)
26 [generation-identification-ngi](https://le.fbi.gov/science-and-lab-resources/biometrics-and-fingerprints/biometrics/next-generation-identification-ngi) (last visited on Sept. 13, 2022). The NGI brought the FBI’s
27 identification services “to the next level[,]” improving on “the efficiency and accuracy of
28 biometric services[.]” *Id.* The NGI includes the Advanced Fingerprint Identification

1 Technology (AFIT), which replaced IAFIS in February 2011. The AFIT increases both
2 accuracy and capacity of the IAFIS’s fingerprinting capabilities as well as improving system
3 availability. *Id.* A new algorithm for fingerprint-matching was introduced, improving accuracy
4 from 92% to 99.6%. *Id.*

5 Hooper has detailed elsewhere, *see* Section II, the absence of any physical evidence, the
6 unreliability and suspect nature of the testimony of the State’s witnesses, and the evidence of
7 corruption that tainted the police investigation and resulting proceedings. Against this, defense
8 witnesses supported Hooper’s alibi. In a case where Hooper’s life is at stake, the need to further
9 test forensic evidence that could exculpate him is compelling. Had forensic evidence excluded
10 Hooper as the source of any fingerprint at the scene, or more importantly, linked an alternative
11 suspect to the crime, a reasonable probability exists that Hooper would not have been
12 prosecuted or convicted. Such exculpatory results may now be obtained from this new and
13 highly advanced forensic testing.

14 Hooper asks that that the fingerprints, be “uploaded to [the] searchable local, state or
15 national databases that are subject to the standards imposed by the agency that is responsible
16 for managing the database,” in accordance with forensic and scientific reliability metrics. *See*
17 A.R.S. § 13-4241(A)(2). Hooper also requests the investigative testing results be entered into
18 new national databases pursuant to the above provisions because he meets the requirements of
19 A.R.S. § 13-4241(B)(1)–(4). Those provisions are akin to the provisions of A.R.S. § 13-
20 4240(B)(1)–(3); accordingly, Hooper relies on and incorporates herein by reference the analysis
21 provided in Section II, *supra*.

22 **B. The Court should order DNA testing under A.R.S. § 13-4240**

23 Under A.R.S. § 13-4240(A), a person who was sentenced for a felony offense, and who
24 meets the requirements of the statute, may request “[a]t any time” DNA testing of “any evidence
25 that is in the possession or control of the court or state, that is related to the investigation or
26 prosecution [of the case]; and that may contain biological evidence.” This evidence was
27 identified by the police as a bloodied kitchen knife, which was collected at the Redmond home.
28 (Ex. A, Item 10.) The testing requested would determine first whether any biological material

1 remains on the item. If so, the testing could further show who used the kitchen knife to murder
2 Mr. Redmond. Hooper has been steadfast, maintaining his innocence. DNA evidence on the
3 knife, identifying individuals other than Hooper, would completely undermine the State’s
4 theory of the case, sustain Hooper’s alibi, and satisfy the required statutory showing of a
5 reasonable probability that Hooper would not have been prosecuted or convicted. *See* A.R.S.
6 §§ 13-4240 & 13-4241.

7 **1. Hooper is entitled to testing under the “mandatory testing” provisions**
8 **of A.R.S. § 13-4240(B)**

9 The Court “shall order [DNA] testing” after providing the prosecutor with notice and
10 opportunity to respond to the defendant’s request if the Court determines these provisions
11 apply: a reasonable probability exists that the petitioner would not have been prosecuted or
12 convicted if DNA testing had produced exculpatory results; the evidence is still in existence, in
13 a condition that allows DNA testing to be conducted; and the evidence was not subjected to the
14 testing now requested, and that may resolve an issue not resolved by the previous testing.
15 A.R.S. § 13-4240(B)(1)–(3).

16 No physical evidence linked Hooper to the offenses. He was convicted based on highly
17 suspect state-funded witness testimony and witness testimony tainted by corrupt and/or
18 incompetent law enforcement practices, by agents located within and outside of Arizona. DNA
19 testing did not exist at the time of Hooper’s trial. However, new DNA testing that comports
20 with the most current forensic and scientific requirements has the potential (along with renewed
21 fingerprint analysis) to identify the actual perpetrators and undermine the integrity of Hooper’s
22 convictions. This is especially true, since DNA testing results should be eligible for entry into
23 CODIS, enabling identification of the actual perpetrator. Had the testing been available and
24 exculpatory results obtained, that evidence along with Hooper’s alibi witnesses would have
25 engendered a reasonable probability that (1) the State would have declined to prosecute Hooper,
26 or, (2) if the State prosecuted him, he would not have been convicted. Hooper therefore satisfies
27 the requirements for mandatory DNA testing under A.R.S. § 13-4240(B). Because the evidence
28 still exists, testing can proceed immediately, in compliance with the requisite scientific and

1 administrative protocols as required by A.R.S. § 13-4240(B)(3).

2 **2. Hooper is entitled to testing under the discretionary provisions of A.R.S.**
3 **§ 13-4240(C)**

4 The Court “may” order DNA testing after providing the prosecutor with notice and
5 opportunity to respond to the defendant’s request if the Court determines these provisions
6 apply: there is a reasonable probability that the verdict or sentence would have been more
7 favorable if the results of DNA testing had been available at trial, or, DNA testing will produce
8 exculpatory evidence; the evidence is still in existence, in a condition that allows DNA testing
9 to be conducted; and, the evidence was not subjected to the testing now requested, and that may
10 resolve an issue not resolved by the previous testing. A.R.S. § 13-4240(C)(1)–(3).

11 Hooper also meets the requirements under A.R.S. § 13-4240(C)(1): had the State been
12 able to conduct DNA testing during trial, there is a reasonable probability that the verdict or
13 sentence would have been more favorable had exculpatory evidence been obtained. A.R.S.
14 § 13-4240(C)(1)(a). Here, there is a reasonable probability that new DNA testing will yield
15 exculpatory results. A.R.S. § 13-4240(C)(1)(b). If proper testing of the kitchen knife provides
16 exculpatory evidence, that evidence, combined with the lack of any other reliable evidence
17 linking Hooper to the crime, plus his alibi witnesses, will show a reasonable probability that
18 the verdict or sentence would have been more favorable. What’s more, scientifically reliable
19 testing, leading to robust exculpatory results, “may resolve” issues not solvable by any other
20 means, including the possibility of excluding Hooper as a participant in this crime. A.R.S. § 13-
21 4240(C)(2)–(3).

22 Finally, as explained *supra* in the section detailing Hooper’s entitlement to a mandatory
23 order for DNA testing, because the evidence still exists and is in law enforcement custody, it
24 can and should be tested in accordance with the most current, sensitive, and discriminating tests
25 (e.g., Powerplex Fusion). *See* Kathryn Oostdik et al., *Developmental validation of the*
26 *PowerPlex Fusion System for analysis of casework and reference samples: A 24-locus*
27 *multiplex for new database standards*, 12 *Forensic Sci. Int’l: Genetics* 69 (2014),
28 <https://reader.elsevier.com/reader/sd/pii/S1872497314000891?token=011E25BD0B9A9858B>

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3 **IV. Conclusion**

4 Murray Hooper is on death row as a result of a severely corrupt system which sought
5 expedience over accuracy or truth. The only evidence linking Hooper to this crime is deeply
6 unreliable. First, the State relied on statements from richly rewarded witnesses who received
7 immunity for serious crimes and had every reason to lie. Second, an eyewitness, who gave
8 conflicting descriptions of the assailants and who initially said that she could not identify
9 anyone, was taken to Chicago to view an unrecorded lineup administered by a corrupt police
10 agency. But these flaws need not go unredressed, nor should Hooper be put to death without
11 exhausting this final opportunity to prove his innocence.

12 In light of the foregoing and the heightened reliability that the Eighth Amendment and
13 corresponding provisions of the Arizona Constitution demand in cases where life and death
14 hang in the balance, *see Woodson v. North Carolina*, 428 U.S. 280, 305 (1976) (explaining that
15 “[b]ecause of th[e] qualitative difference” between death and other punishments, “there is a
16 corresponding difference in the need for reliability in the determination that death is the
17 appropriate punishment in a specific case[.]”), Hooper respectfully asks this Court to enter an
18 order directing that the fingerprints collected at the crime scene be uploaded to local, state, and
19 national searchable databases pursuant to A.R.S. § 13-4241. Hooper also requests that the
20 kitchen knife found at the Redmond home be subjected to DNA testing using now-available
21 forensic methods and in accordance with all necessary scientific and forensic reliability
22 requirements pursuant to A.R.S. § 13-4240. Hooper also requests this Court enter an order
23 directing that the unidentified fingerprints collected from the scene be uploaded to the FBI’s
24 national searchable database.

25 RESPECTFULLY SUBMITTED this 22nd day of September, 2022.

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JON M. SANDS
Federal Public Defender

Cary Sandman
Nathan Maxwell
Assistant Federal Public Defenders

s/Cary Sandman
Counsel for Defendant

Certificate of Service

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I hereby certify that on September 22nd, 2022, an original and copies of the foregoing Motion for Postconviction DNA and Advanced Forensic Testing was electronically filed with:

Clerk of the Maricopa County Superior Court
Phoenix, Arizona 85003

And emailed to:

Jeffrey L. Sparks
Assistant Attorney General
Arizona Attorney General’s Office
Jeffrey.Sparks@azag.gov

Capital Litigation Docket
Arizona Attorney General’s Office
CLDocket@azag.gov

s/Daniel Juarez
Assistant Paralegal

Exhibit A

IMPOUND PROPERTY INVOICE

INVOICE NO: 3780229 TYPE: EVIDENCE DR NUMBER: 0000 80152346 22
CLAIM: INVOICE DATE: 03/05/09 TIME: 1535 BOOKG NO: FELONY: Y

CODE NAME (LAST, FIRST, MIDDLE) DOB

V REDMOND, WILLIAM P 08/17/34
PHONE: BUSINESS NAME:
ADDRESS:

TYPE OF OFFENSE: HOMICIDE PRECINCT:
LOCATION OF OCCURRENCE: 000320 W EL CAMINO DR
NARRATIVE (SYNOPSIS):

IMPOUND LOCATION: OFFICER: 2962

ITEM

NO. PKG CODE OWNER TYPE BRAND MODEL COLORS CAL/SZ QUANT.

2 1 E V 1 YDOCUME
SERIAL NO: OAN: VALUE:
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00
DESCR: MISC. PAPERS TO BE PROCESSED FOR PRINTS

3 1 E V 2 VEYEGLA
SERIAL NO: OAN: VALUE:
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00
DESCR: PRESC. GLASSES-MRS PHELPS

4 0 E UK 1 YTAPE
SERIAL NO: OAN: VALUE:
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00
DESCR: TAPE SPOOL & COVER

6 1 E V 1 FPILLOW
SERIAL NO: OAN: VALUE:
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00
DESCR: PILLOW & CASE FROM E. SIDE OF BED, COPPER JACKETED
BULLET

7 0 E UK 0 PCLOTHE SOCK
SERIAL NO: OAN: VALUE:
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00
DESCR: BLOODY SOCK FROM PILLOW ON W. SIDE OF BED-(BLOODY
AREA WEST EDGE) AND LEAD SLUG EMBEDDED IN IT.

8 0 E UK 0 PCLOTHE SOCK
SERIAL NO: OAN: VALUE:
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00
DESCR: BLOODY SOCK FROM BLOOD SPOT IN MIDDLE OF BED

IMPOUND PROPERTY INVOICE

INVOICE NO: 3780229 TYPE: EVIDENCE DR NUMBER: 0000 80152346 22
 CLAIM: INVOICE DATE: 03/05/09 TIME: 1535 BOOKG NO: FELONY: Y

ITEM

ITEM NO.	PKG CODE	OWNER	TYPE	BRAND	MODEL	COLORS	CAL/SZ	QUANT.
9	0 E	UK 0	PMISC		COMB	BLK		
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: BLACK AFRO TYPE COMB								
10	0 E	UK 0	HKNIFE					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: BUTCHER KNIFE, 13" OVERALL, SILVER COLORED BLADE, BLACK HANDLE, GERMAN BRAND.								
11	0 E	UK 0	YAMMUNI					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: PARTIAL BOX FEDERAL 9MM AMMO								
12	0 E	V 3	YTAPE					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: ADHESIVE TAPE REMOVED FROM MARILYN REDMOND								
13	0 E	UK 0	HKNIFE					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: KNIFE WITH WHITE HANDLE & SILVER BLADE								
14	1 E	UK 0	CCAMERA					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: INSTAMATIC CAMERA & 2 FLASH CUBES								
15	1 E	V 3	PCLOTHE					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: BLOUSE & BRA FROM CRIME SCENE								
16	0 E	V 1	PCLOTHE					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: EVID. & CLOTHING FROM OME - WM REDMOND 1) LONG SLEEVED BLUE SHIRT (POSS DOG HAIRS)								
16A	0 E	V 1	PCLOTHE					
SERIAL NO: OAN: VALUE:								
CORRECTED GUN SERIAL NO: CORRECTED BY: ON: 00/00/00								
DESCR: 2) BLUE & BEIGE PLAID TROUSERS, DK BELT								

IMPOUND PROPERTY INVOICE

INVOICE NO: 3780229 TYPE: EVIDENCE DR NUMBER: 0000 80152346 22
 CLAIM: INVOICE DATE: 03/05/09 TIME: 1535 BOOKG NO: FELONY: Y

ITEM

NO.	PKG	CODE	OWNER	TYPE	BRAND	MODEL	COLORS	CAL/SZ	QUANT.
16B	0	E	V	1	PCLOTHE				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 3) WHT BOXER SHORTS									
16C	0	E	V	1	PCLOTHE				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 4) BLACK SHOES & BLUE SOCKS									
16D	0	E	V	1	PCLOTHE				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 5) GAG SOCK FROM MOUTH									
16E	0	E	V	1	YTAPE				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 6) WHT ADHESIVE TAPE - BINDING									
16F	0	E	V	1	*MISC				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 7) CIGARS, GLASSES, PEN, LIGHTER, GRAPHIC DIMENSIONS BUSINESS CARD									
16G	1	E	V	1	PBIOLOG				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 8) BLOOD SAMPLE									
16H	0	E	V	1	YAMMUNI				2
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 9) 2 BULLET JACKETS									
17	1	E	V	2	PCLOTHE				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: CLOTHING & EVIDENCE FROM OME - HELEN PHELPS 1) PINK SLACKS									
17A	1	E	V	2	PCLOTHE				
SERIAL NO:						OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:		ON: 00/00/00
DESCR: 2) PINK & BLUE FLOWER BLOUSE									

IMPOUND PROPERTY INVOICE

INVOICE NO: 3780229 TYPE: EVIDENCE DR NUMBER: 0000 80152346 22
 CLAIM: INVOICE DATE: 03/05/09 TIME: 1535 BOOKG NO: FELONY: Y

ITEM

ITEM NO.	PKG	CODE	OWNER	TYPE	BRAND	MODEL	COLORS	CAL/SZ	QUANT.	
17B	1	E	V	2	PCLOTHE					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: 3) PANTYHOSE & BRA										
17C	1	E	V	2	YTAPE					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: 4) WHT ADHESIVE TAPE BINDINGS										
17D	0	E	V	2	YAMMUNI					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: 5) COPPER JACKETED PROJECTILE										
17E	1	E	V	2	PCLOTHE					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: 6) BROWN SHOES										
17F	1	E	V	2	PBIOLOG					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: 7) BLOOD SAMPLE										
18	1	E	V	3	PCLOTHE					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: FROM MARILYN REDMOND AT GOOD SAM. HOSP. 1) BLUE SLACKS										
18A	0	E	V	3	YAMMUNI					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: 2) COPPER JACKET - (BULLET)										
20	1	E	LE	1	*MISC					
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: BLOOD SAMPLE FROM HOOD OF KELLEY VEHICLE										
21	0	E	LE	1	JDOCUME	BPL 82-188-2				
SERIAL NO:							OAN:	VALUE:		
CORRECTED GUN SERIAL NO:							CORRECTED BY:	ON: 00/00/00		
DESCR: ORIGINAL HANDWRITTEN IMPOUND INVOICE BPL 82-188-2										

IMPOUND PROPERTY INVOICE

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CLAIM: INVOICE DATE: 03/05/09 TIME: 1535 BOOKG NO: FELONY: Y

ITEM

NO. PKG CODE OWNER TYPE BRAND MODEL COLORS CAL/SZ QUANT.

* PREVIOUSLY NON EVIDENCE/INVOICED ITEM* IMPOUNDED FOR PRESERVATION.
INCLUDES SIGNED RELEASE FORM FOR BPL ITEM 1 (PURSE & CONTENTS) RELEASED
010581 TO ROBERT KING JR., AND SIGNED RELEASE FORM FOR BPL ITEM 5 (WALLET
AND CONTENTS) RELEASED 013081 TO MARILYN REDMOND.