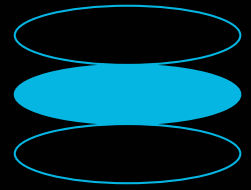


CASE BRIEF

Smith & Smith Law Offices



Case Background

Delaney v. Cube

Case Type: Appeal – Ineffective Counsel

Claim: Defense attorney failed to present **mitigating evidence** during sentencing and did not make a closing argument

You Should Know...

Mitigating evidence refers to information presented during a criminal trial—especially during sentencing—that may lessen the severity of the punishment, even if the defendant is found guilty.

Mitigating evidence **does not excuse the crime**, but it helps the judge or jury understand the context behind the defendant's actions. This type of evidence is used to argue for a **lighter sentence** and is especially important in **death penalty or long-term sentencing cases**.

A **closing argument** is the final statement each lawyer gives to the judge or jury at the end of a trial. It is the lawyer's last chance to **summarize the case**, **highlight key evidence**, and **persuade** the jury to decide in their favor.

Facts of the Case: In 2001, Mr. Delaney was convicted and sentenced to death after a crime spree that included robbery of jewelry store, a police pursuit, and murdering an elderly couple. At the trial, his legal defense argued he was not guilty by reason of insanity and highlighted his history of substance abuse and PTSD from his military service. The jury denied his insanity claim and found Delaney guilty. During sentencing, the defense attorney did not bring evidence of Delaney's drug abuse as mitigating evidence, and waived a final argument.

Conviction: Double Homicide

Sentence: Death Penalty

Defense Attorney: James L. Ashcroft (court-appointed)

Date of Conviction: September 8, 2003

Demographics

- **Age:** 60
- **Gender:** Male
- **Ethnicity:** White
- **Location:** Memphis, TN
- **Occupation:** US Army Retired Veteran (2 Tours)
- **Education:** High School Diploma, completed basic training and advanced infantry school
- **Marital Status:** Single

Client Narrative

My name is Marcus Delaney, but my friends call me Mac. I served in the U.S. Army and completed two combat tours in my twenties. I came home with severe PTSD, nightmares, and panic attacks. I started drinking while still deployed, and after discharge, I became dependent on pain pills and other substances. In 2001, I committed violent acts during a psychotic episode I can't ever take back. I was arrested, charged, and given a court-appointed lawyer who, to this day, never fought for my life.

During the penalty phase, Mr. Ashcroft called **no witnesses**, he only cross-examined witnesses provided by the prosecution. He didn't talk to my aunt, who raised me after my mom died, or to my VA psychiatrist who documented my trauma. He didn't mention my military service or mental health in closing—because he waived closing entirely. Mr. Ashcroft claimed it was better to be silent. The jury didn't hear anything about who I am or what I've lived through. I believe in and fought for justice, but justice means the whole story should be told. That never happened in my case.

Previous Attorney Information

My court appointed lawyer was Mr. James L. Ashcroft. Mr. Ashcroft had been practicing law in Tennessee since 1980 and is by all means experienced. However, as you will see in the provided evidence [exhibit C]- he is has been known to take similar questionable actions in prior cases.

Summary

I know that I committed a terrible crime. I am willing to accept a fair punishment, but I do not believe my lawyers did enough to preserve me from the death penalty. Please review the evidence provided and take my case.