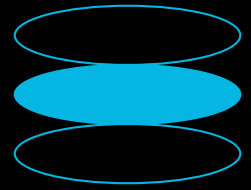


CASE BRIEF

Smith & Smith Law Offices



Case Background

Parker v. McCrane (2009)

Case Type: Appeal – Ineffective Counsel

Claim: The client argues his Sixth Amendment right to effective assistance of counsel was violated during the **penalty phase** of his capital murder trial. His attorney failed to ever investigate **mitigating evidence** about his background, including military trauma and mental health issues.

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**.

Penalty Phase happens after the defendant is found guilty. This portion of the court is used to decide whether or not to give a lesser or harsher sentence based on background information.

Facts of the Case: Colt Parker was convicted of first-degree murder for killing his ex-girlfriend and her boyfriend in their apartment. Evelyn (the ex) and Parker had a long, volatile relationship that included periods of separation and reconciliation. On the night of the murders, Parker went to Evelyn's home after drinking heavily. He shot and killed both Evelyn and her boyfriend Sylvester. The prosecution argued these were premeditated, driven by jealousy and anger. The trial defense made no mention of Porter's Military service, PTSD, or mental health.

Conviction: 2 counts of First-degree murder

Sentence: Death Penalty

Defense Attorney: Scout Ferguson

Date of Conviction: 2009

Demographics

- **Age:** 51
- **Gender:** Male
- **Ethnicity:** African-American
- **Location:** Collier County, Florida
- **Occupation:** Various manual labor positions
- **Education:** Did not complete high school, completed Army basic training
- **Marital Status:** Single

Client Narrative

My name is Colt Parker. I am writing to ask you to take another look at my case. I know I've been convicted of something terrible, and I don't deny that I've made mistakes in my life. But I also believe the full truth of who I am, and what led to that night, was never told in court.

I served two tours in the Korean War. I saw men I served with, good men, die right next to me. I did what I had to do to survive, but I didn't come back the same. Ever since, I've lived with images and memories I can't shake. I drank to sleep. I drank to forget. But I never talked about the war, not really. Not with my loved ones and for dang sure not with my lawyer who I only saw face to face a handful of times. I didn't think anyone would understand, and honestly, I didn't know it mattered.

But it *did* matter. My trial lawyer never asked about my service or the trauma I carried home. She never brought up my Purple Hearts, my honorable discharge, or what I'd been through. She focused only on my alcohol problems, as if that explained everything. She didn't take the time to ask who I was before the war, or who I was trying to be after it. And I never thought to bring it up, because I didn't know I was supposed to. It's hard to talk about the war. It hurts to go back there. But I thought that someone defending my life would want to know all of me... not just see an alcohol addiction and run with it.

I'm not trying to excuse what I did. I live with that every day. But I believe if the court had known the whole story, if my lawyer had shown the jury that I was a veteran suffering from combat trauma and not just an alcoholic, maybe they wouldn't have sentenced me to die. If I am to die, I want to be remembered as serviceman shouldering my struggles, not a drunken lovesick fool the defense made me out to be **or** the vengeful, violent ex the prosecution conjured up.

I'm asking you now: please help me tell my story the right way. Please help me make sure that the person I was, and everything I carried with me from the battlefield to that courtroom, is finally seen.

Previous Attorney Information

My court appointed lawyer was Mrs. Scout Ferguson. She is a young attorney who has been practicing for 5 years. Mrs. Ferguson was not even alive during the Korean War. She showed very little interest in knowing my background beyond my failed sobriety and what I remembered from the night of the murders, which is admittedly- not much.

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.