

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

STATE OF ALABAMA,)
)
VS.) CASE NO. CC-2011-1153-JHE
)
RANDALL HOWARD MCCANTS)

MOTION TO DISMISS

COMES NOW the Defendant in the above-styled cause, and moves this Honorable Court to dismiss the indictment upon which the Defendant is charged based upon the decision issued June 24, 2002, by the Supreme Court of the United States, Timothy Stewart Ring vs. Arizona, 2002 WL 1357257, which held that the Death Penalty statute upon which the Petitioner above was sentenced was violative of the Sixth Amendment to the Constitution of the United States.

The Defendant submits that the Death Penalty Statute in Alabama under which he has been indicted is similar to that of the State of Arizona which was held to be unconstitutional and that the indictment against the Defendant, therefore, be dismissed.

Respectfully submitted this the July 17, 2012.

/s James E. Gentry
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