

STATE OF ALABAMA

v.

JASON DEWANE GREEN

Case No. CC-11-295.61

PRESS EVIDENCE PACKET

A Documented Constructive Amendment in the Trial Record

Prepared for Media Review

By:

Pam Green

Mother of Jason Dewane Green

Contact:

Phone: 256-412-0956

Email: greenp53@yahoo.com

Website: thishappenedinalabama.com

Date:

November 26, 2025

Summary:

This packet contains verified court documents demonstrating that Jason Dewane Green was convicted on a theory the grand jury never charged, the State never tried, and the defense was never allowed to contest. The exhibits show a clear shift from the indictment to an uncharged "caused a suicide" theory introduced only after evidence closed.

Contents:

Indictment

Affidavit of Trial Counsel

Transcript Excerpt: p. 2307

Transcript Excerpts: pp. 2491–2495

Case Summary: State of Alabama v. Jason Dewane Green Case No. CC-11-295.61

The central issue is straightforward:

Jason Dewane Green is serving a sentence for a theory the grand jury never charged, the State never tried, and the defense was never allowed to contest.

1. What the Grand Jury Charged

Jason was indicted solely for intentional murder under §13A-6-2(a)(1).

The indictment contains no reference to suicide, causation, or any allegation that Jason caused another person to act.

This is the only charge the grand jury ever approved.

2. What the Evidence Showed at Trial

At trial, the State's intentional-murder theory collapsed.

The evidence did not support the act the indictment alleged.

Once that became clear, the court shifted toward a completely different theory.

3. The Uncharged Theory Introduced After Evidence Closed

After both sides had finished presenting evidence, the prosecution acknowledged that the only remaining path was a “suicide theory”—a theory never contained in the indictment.

The judge then instructed the jury using the causation statute (§13A-2-22), telling them a person causes the death of another if his conduct causes another person to engage in conduct that results in death.

This theory:

- was not authorized by the grand jury,
- was not charged by the State,
- was not litigated during the trial, and
- was added only after the evidence had closed.

Yet it became the basis for Jason's conviction.

4. Why This Is a Constitutional Violation

A conviction must match the indictment.

This rule is not optional. It protects the constitutional role of the grand jury.

By introducing a new actus-based theory after trial, the court:

- altered the offense,
- changed the basis of criminal liability, and
- removed the grand jury from its constitutional role.

This is a classic constructive amendment.

5. The Record Proves the Shift

The exhibits in this packet show:

Exhibit A — Indictment

Only intentional murder is charged.

Exhibit B — Affidavit of Trial Counsel

Defense counsel confirms he was never notified of any suicide theory and had no strategic reason for failing to object.

Exhibit C — Transcript p. 2307

The prosecutor states: "The only way it becomes reckless is under the suicide theory."

Exhibit D — Transcript pp. 2491–2495

The judge instructs the jury on causation under §13A-2-22, creating an uncharged basis for conviction.

What This Means

There are only two possibilities:

1. The grand jury never heard any suicide theory.
2. Or it heard one and rejected it.

Either way, the court cannot revive or invent a theory the grand jury did not authorize.

Jason Green's conviction rests on a theory outside the indictment.

The record makes that clear.

All exhibits, transcripts, and supplemental materials referenced in this packet are available upon request.

Prepared By:

Pam Green

Mother of Jason Dewane Green

Contact:

Phone: 256-412-0956

Email: greenp53@yahoo.com

Website: thishappenedinalabama.com

Thank you for reviewing this material.

The record speaks for itself.

If additional documents are needed, they will be provided promptly.

Title: *Constitutional Violations in State v. Jason Dewane Green*

Purpose: To illustrate, using only the Constitution and the trial record, that Jason's conviction rests on an act the State never charged and the defense never had the chance to contest.

Key Findings:

- The Fifth Amendment forbids prosecution without a grand-jury indictment.
- The Sixth Amendment guarantees the right to be informed of the accusation.
- Due process forbids conviction on an uncharged act.
- The jury trial guarantee limits the jury to the indictment.
- The Supremacy Clause binds state judges to these rules.

Conclusion:

Jason's conviction is not just unsupported by the evidence.

It contradicts the United States Constitution clause by clause.

The act he was convicted of, "causing a suicide", was never charged, never noticed, never tried, and never lawfully before the jury.

A conviction built on an uncharged act cannot stand.

Exhibit A

Indictment

C41-295

INDICTMENT

GRAND JURY NO. 26

**STATE OF ALABAMA
FRANKLIN COUNTY**

**CIRCUIT COURT
Thirty-Fourth Judicial Circuit
October Term, 2011**

State of Alabama vs. Jason Dewayne Green

Count 1: MURDER

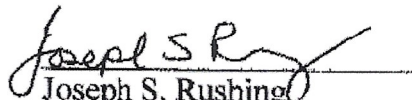
The Grand Jury of Franklin County charges, before the finding of this indictment, Jason Dewayne Green, whose name is otherwise unknown to the Grand Jury than as stated, did intentionally cause the death of another person, to-wit: [REDACTED] by shooting the said victim through the mouth, in violation of 13A-6-2 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Count 2: UNLAWFUL POSSESSION OF MARIJUANA, 2ND DEGREE

The Grand Jury of Franklin County charges, before the finding of this indictment, Jason Dewayne Green, whose name is otherwise unknown to the Grand Jury than as stated, did unlawfully possess marijuana for his personal use only, in violation of 13A-12-214 of the Code of Alabama, against the peace and dignity of the State of Alabama.

Count 3: POSSESSION OF DRUG PARAPHERNALIA

The Grand Jury of Franklin County charges, before the finding of this indictment, Jason Dewayne Green, whose name is otherwise unknown to the Grand Jury than as stated, did unlawfully use or possess with intent to use, or to use to inject, ingest, inhale or otherwise introduce into the human body, drug paraphernalia, to-wit: a glass pipe, which was used to, to-wit: inhale and/or ingest, a controlled substance, to-wit: marijuana in violation of 13A-12-260 of the Code of Alabama, against the peace and dignity of the State of Alabama.


Joseph S. Rushing
District Attorney

Witness: Rodney Knight

Exhibit B

Affidavit of Trial Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

ATTORNEY GENERAL OF ALABAMA

[illegible]

No. 5:24-cv-1501-MHH-GMB

DECLARATION OF CHARLIE A. BOTTOMS, JR.

Pursuant To 28 U.S.C. § 1746, I hereby declare as follows:

1. I am an attorney and I represented Jason Dewane Green ("Mr. Green") after he was charged with murder, possession of marijuana, and possession of drug paraphernalia in the state of Alabama.
2. At the end of the trial the State requested the trial court instruct the jury as to manslaughter. I did not want the jury instructed as to manslaughter and accordingly, I objected.

3. If it is determined that I did not object on the grounds that manslaughter was not a lesser-included-offense under the facts of this case, I did not exercise any strategy at trial when I did not object on the grounds that manslaughter was not a lesser included offense under the facts of this case. I also did not exercise any trial strategy in not objecting on the grounds that the manslaughter instruction improperly amended the indictment and/or that the evidence established a fatal variance between the manslaughter verdict and the murder indictment. Mt position was that I did not want the jury instructed as to the crime of manslaughter.
4. I represented Mr. Green on appeal and argued that manslaughter was not a lesser-included offense under the facts of this case. My strategy on appeal was the same as it had been at trial. I believed the jury should not have been instructed as to the crime of manslaughter and I sought relief because the jury had been instructed as to that crime. I did not exercise any strategy on appeal when I did not raise other arguments seeking relief because the court erred in instructing the jury as to the crime of manslaughter.
5. If I had notice prior to the trial that Mr. Green could be convicted of causing the victim's death by acting recklessly in giving her the gun such that she would shoot herself, I would have sought to rebut that theory. But I relied on the indictment and as such, I did not have notice of that theory.
6. I did not want the jury instructed as to voluntary intoxication. I did not utilize any trial strategy in not raising certain arguments to bar the

instructions on voluntary intoxication. I did not want voluntary intoxication referenced in the jury instructions.

7. I did not utilize any trial strategy in not asking the court to instruct the jury pursuant to 12 A-2-4 C (Ala. Code. 1975). I believe that instructing the jury pursuant to 12 A-2-4 C (Ala. Code. 1975) would have benefited Mr. Green.

8. As to causation, although I have not recently reviewed the record, I have been advised that the jury was instructed as follows:

If you the jury find the conduct of the defendant was a concurrent cause of the death rather than a superceding intervening cause, then the defendant is criminally for the result of his conduct.

9. I did not want the jury instructed with this causation instruction. I believe my objection to the manslaughter instruction preserved my objection to this instruction. But if I am deemed not to have objected to this causation instruction, I did not utilize any trial strategy in not objecting to this causation instruction.

10. If I had been called to testify at Mr. Green's evidentiary hearing, I would have testified consistently with this Declaration.

11. I declare under penalty of perjury, that the foregoing is true and correct.

Executed this __ day of March, 2025.

Charlie A. Bottoms, Jr.

Exhibit C

Transcript Page 2307

1 would still be an appropriate instruction.

2 MR. RUSHING: Although, we have no evidence
3 that it was a reckless act on his part based on
4 all of our witnesses. The only way it became
5 reckless was the, under that suicide theory.

6 THE COURT: That's something I guess we need
7 to take a look at. 000
\$7
\$....

8 MR. BOTTOMS: You will still give us time to
9 file a motion or a brief? 1:

10 THE COURT: Yeah. We'll take the witness
11 this afternoon. If you rest after that, then I
12 won't have the jury to come -- it will take us a
13 little while to go through all of this.

14 MR. BOTTOMS: Yes, sir.

15 THE COURT: Making some arguments and
16 whatnot. I probably won't have them come in
17 until about 9:30 Monday morning just if we start
18 with opening.

19 MR. BOTTOMS: Submit our briefs and prepare
20 those over the weekend and submit those to you?

21 THE COURT: That would be great.

22 MR. BOTTOMS: Yeah, because I would have
23 some, I may have some objections on the
24 manslaughter due to the theory that he was just
25 offered here and objection not given to criminal

Exhibit D

Transcript Pages 2491–2496

1 lesser included offense.

2 If you find from the evidence that the state
3 has proven beyond a reasonable doubt each of the
4 elements of the lesser included offense, then you
5 shall find the defendant guilty of manslaughter.
6 If you find that the state has failed to prove
7 beyond a reasonable doubt any one or more of the
8 elements of manslaughter, then you cannot find
9 the defendant guilty of manslaughter or the
10 offense of manslaughter.

11 I will now define manslaughter for you. A
12 person commits the crime of manslaughter if he
13 recklessly causes the death of another person.
14 To convict, the state must prove beyond a
15 reasonable doubt each of the following elements:
16 A person, Shay Ledlow, is dead. Number two, the
17 defendant caused the death of Shay Ledlow by
18 directing, instructing, and influencing Shay
19 Ledlow to kill herself by giving the said Shay
20 Ledlow a .44 magnum pistol and encouraging her to
21 kill herself and being actually present at the
22 time and place where she shot herself to death
23 and, number three, in causing the death of Shay
24 Ledlow the defendant acted recklessly.

25 A person, when referring to the victim, means

1 a human being. A person acts recklessly in
2 regard to his conduct if the actor is aware that
3 there is a substantial and unjustifiable risk
4 that death will occur and, number two, the risk
5 of death is so great that the actor's failure to
6 recognize this risk is a gross deviation from the
7 standard of behavior to which a reasonable person
8 would hold himself in the same situation and,
9 three, the actor consciously disregards the
10 substantial and unjustifiable risk.

11 Now, a person who creates a risk, but is
12 unaware that he has created that risk solely
13 because of voluntary intoxication acts recklessly
14 with regard to that risk. Intoxication includes
15 a disturbance of mental or physical capabilities
16 resulting from the introduction of any substance
17 into the body.

18 Voluntary intoxication means intoxication
19 caused by substances that the actor knowingly
20 introduced into his body, the tendency of which
21 to cause intoxication he knows or ought to know
22 unless he introduces them under circumstances
23 that would afford a defense to the charge.

24 Intoxication in of itself does not constitute
25 mental disease or defect. Intoxication is

1 generally not a defense. However, involuntary
2 intoxication is a defense if as a result the
3 actor lacked capacity either to appreciate the
4 criminality of his conduct or to conform his
5 conduct to the requirements of the law.

6 Intoxication whether voluntarily -- voluntary
7 or involuntary is admissible in evidence whenever
8 it is relevant to negate an element of the
9 alleged charge. When recklessness establishes an
10 element of an offense and the actor is unaware of
11 a risk because of voluntary intoxication, his
12 unawareness is immaterial in a prosecution for
13 that defense.

14 If you find from the evidence that the state
15 has proved beyond a reasonable doubt each of the
16 elements of manslaughter, then you shall find the
17 defendant guilty of manslaughter. If you find
18 that the state has failed to prove beyond a
19 reasonable doubt any one or more elements of
20 manslaughter, then you cannot find the defendant
21 guilty of manslaughter.

22 If the actual result is not within the
23 contemplation of the actor or within the area of
24 risk which he should have been made aware, he is
25 not deemed to have caused the result. But if the

1 difference is only one concerning which person or
2 what property would be affected by the
3 defendant's act or one of the degree of harm
4 which would result, he is still held to have
5 caused the result.

6 If you the jury find the conduct of the
7 defendant was a concurrent cause of the death
8 rather than a superseding intervening cause, then
9 the defendant is criminally liable for the result
10 of his conduct.

11 Foreseeability is the key issue in a
12 causation inquiry. The controlling question is
13 whether the ultimate result was foreseeable to
14 the original actor. If the accused should have
15 perceived that his own conduct would concur with
16 another cause to bring about the injury to the
17 victim, then the other cause is concurrent and
18 not supervening.

19 On the other hand, a supervening cause breaks
20 the chain of causation precisely because it is
21 not a reasonable foreseeable result of the
22 accused's conduct. If the defendant knowingly
23 advanced and participated in reckless behavior
24 even if you do not know the identity of the
25 person who fired the fatal shot and the reckless

1 behavior resulted in the death of another, then
2 the defendant is criminally liable for the result
3 of his conduct.

4 Now, at this point if you have found that the
5 state has failed to meet its burden of proof in
6 regard to murder or manslaughter, you would go on
7 to the lesser included offense of criminally
8 negligent homicide.

9 And after your consideration of the offense
10 of murder and manslaughter you're not convinced
11 beyond a reasonable doubt that the defendant is
12 guilty of either, then you cannot find the
13 defendant guilty of either murder or
14 manslaughter.

15 Instead, you must next consider the evidence
16 to the lesser included offense of criminally
17 negligent homicide and determine whether the
18 defendant has been proven guilty beyond a
19 reasonable doubt of that lesser included offense.

20 If you find from the evidence that the state
21 has proved beyond a reasonable doubt each of the
22 elements of the lesser included offense, then you
23 shall find the defendant guilty of criminally
24 negligent homicide.

25 If you find that the state has failed to

1 prove beyond a reasonable doubt of any one or
2 more of the elements of criminally negligent
3 homicide, then you cannot find the defendant
4 guilty of the offense of criminally negligent
5 homicide.

6 So I will now define for you criminally
7 negligent homicide. A person commits the crime
8 of criminally negligent homicide if he causes the
9 death of another person by criminal negligence.

10 To convict, the state must prove beyond a
11 reasonable doubt each of the following elements:
12 Number one, a person, Shay Ledlow, is dead; two,
13 the defendant caused the death of Shay Ledlow by
14 directing, instructing, and influencing Shay
15 Ledlow to kill herself by giving the said Shay
16 Ledlow a .44 magnum pistol and encouraging her to
17 kill herself and being actually present at the
18 time and place where she shot herself to death;
19 three, in committing the act which caused the
20 death of Shay Ledlow, the defendant acted with
21 criminal negligence.

22 A person acts with criminal negligence with
23 respect to a result or to a circumstance which is
24 defined by statute as an offense when he fails to
25 perceive a substantial and unjustifiable risk