

Arkansas Supreme Court overturns murder verdict; retrial ordered after jury pool asked to sign prosecutor's campaign filing

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Prosecuting Attorney Stephanie Potter Barrett (Special to the Arkansas Democrat-Gazette)

The Arkansas Supreme Court on Thursday ordered a fourth trial for a Texarkana man accused of a fatal shooting, after ruling that the prosecutor in the case had "shattered" the perception of justice by collecting signatures for her judicial campaign from members of the jury pool.

The unanimous ruling by the high court overturned the conviction and life sentence of the defendant, Marvin Arrell Stanton, while excoriating the conduct of the prosecutor, Stephanie Potter Barrett.

Stanton was accused of pulling a gun and shooting 22-year-old Jesse Hamilton after a fight over a parking spot at a Texarkana gas station in 2015. However, his first conviction was overturned by the Arkansas Supreme Court for improper admission of evidence and his second trial ended in a mistrial.

During a third attempt to secure a conviction in August 2019, Barrett was in the process of collecting signatures for an eventual, and ultimately successful, run for the Arkansas Court of Appeals.

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After the first day of Stanton's third trial, his attorney alerted the judge that petitions to support Barrett's judicial campaign had been placed outside the courtroom and signed by five prospective jurors in the case, including one who was eventually selected to sit on the jury.

Circuit Judge Kirk Johnson denied the request for a mistrial based on the signature collection and allowed the one juror who signed the petition to remain on the jury. After the jury voted to convict Stanton of first-degree murder and sentence him to life in prison his attorney, Jeff Rosenzweig, appealed the case.

After the Arkansas Democrat-Gazette first reported on the incident last year, Barrett denied any wrongdoing and said the signatures had been solicited by an aunt helping out on her campaign without Barrett's knowledge.

Barrett also faced an ethics complaint over the incident that was filed by the campaign of Emily White, her opponent in the Court of Appeals race. However, she was cleared of wrongdoing by the Arkansas Ethics Commission.

Barrett won the race with more than 56% percent of the vote in March.

The court's majority, in an opinion written by Justice Shawn Womack, found significant faults with collection of signatures at Stanton's trial, going so far as to say it was "perplexing" that that trial judge had not even removed the one juror who signed Barrett's petitions.

"Once the prospective jurors entered the courtroom, they were faced with deciding Stanton's fate," Womack wrote. "As prosecutor, Barrett argued for Stanton's conviction and lifetime incarceration. Barrett's campaigning for a judicial position and solicitation of signatures from the prospective jurors during trial created the appearance of attempting to boost her credibility with the jury. Such conduct is incompatible with the prosecutor's role in our judicial system, which is not to convict or win a case, but to secure justice."

Womack's opinion was joined by Justices Robin Wynne, Courtney Hudson and Special Justice Robert Coleman, who was filling in for the recused Chief Justice Dan Kemp. Justices Rhonda Wood and Karen Baker concurred without an opinion.

The only partial dissent came from Justice Josephine Hart, who said she agreed with the outcome of the case, but wrote separately to point out other errors in Stanton's conviction that she said warranted a reversal.

Responding to the decision Thursday, Barrett released a statement disputing the facts presented in the majority opinion, and again pointed to her aunt as the source of the juror signatures.

"I was inside the courtroom trying a murder trial and was not aware of what was going on outside the

courtroom," Barrett said. "Justice for Jessie Hamilton has been delayed once again and it is a travesty for his family. I deeply regret that one of the jurors signed my petition to be placed on the ballot and any appearance of impropriety that resulted from it. I will continue to pray for justice for Jessie Hamilton."

Barrett also released a statement attributed to her aunt, which said that she decided to place the petitions on a bailiff's table outside the courtroom after seeing other candidates' petitions there. (The aunt could not be reached for comment.)

Barrett previously told the Democrat-Gazette that she was simply following the lead of several local judges who were also collecting signatures that day at the Miller County Courthouse. In his opinion, Womack wrote that such actions would also be inappropriate.

"Disturbingly, solicitation of signatures from prospective jurors for political purposes is apparently a common practice for some sitting judges," Womack wrote. "Our concerns with Barrett's conduct apply with equal force to the same conduct taken by sitting judges."

The administrative judge for Miller County's 8th-South Judicial Circuit, Circuit Judge Carlton Jones, said Thursday that he had not personally solicited signatures for his campaigns at the courthouse and was unaware of others doing so until Rosenzweig raised the issue with him during Stanton's trial. He said he had waited until the Supreme Court's decision to take any action.

"I will complete a review of the Supreme Court's opinion and see what needs to occur," Jones said. "But I would think it's pretty straightforward."

Rosenzweig, Stanton's attorney, said Thursday that he was shocked by the collection of signatures at the courthouse and struggled to find a precedent for the case on appeal.

"In 43 years of practice, doing trials, I've never seen anything like this," Rosenzweig said. "And no one else has apparently, outside of Miller County."

He added that he was grateful for the Supreme Court's decision, calling it a "victory for the dignity of criminal proceedings and to keep politics out of the criminal justice system."

Attorney General Leslie Rutledge, who defended Stanton's conviction on appeal, released a statement on Thursday's ruling through a spokeswoman.

"The Attorney General is disappointed in today's decision reversing Stanton's murder conviction," the statement read. "She is especially saddened for the victim's family who has had to endure three trials in this case."

Meanwhile, Stanton remained imprisoned Thursday at the Arkansas Department of Corrections' Varner Unit. **Subsequently released, and the original bail bond reinstated.**