

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
BESSEMER DIVISION**

WALTER LEE RHONE, JR., )

Petitioner, )

v. )

STATE OF ALABAMA, )

Respondent. )

Case No. CC-98-1347-60/1347.61

SAMUEL CARTER, JR.  
CLERK

2006 JUL 18 AM 10:24

**ORDER**

The Court, having considered Petitioner's consolidated amended petition for post-conviction relief filed pursuant to Rule 32 of the Alabama Rules of Criminal Procedure, the State's response, and the evidence submitted, finds as follows:

Petitioner Walter Lee Rhone, Jr. was convicted of the capital murder of Jerry Lewis Hall on August 7, 1999 and sentenced to life in prison without the possibility of parole by the Honorable Mac Parsons.

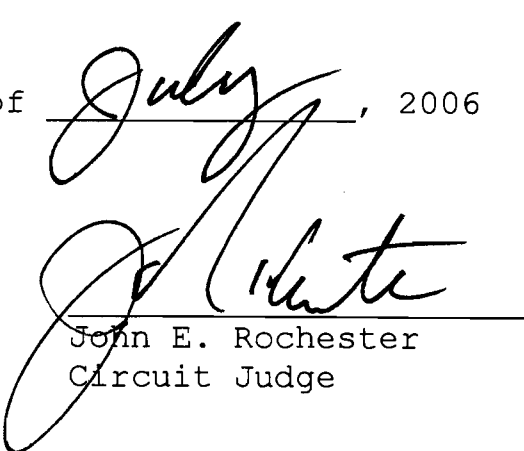
Claim V of the petition alleges that Rhone's constitutional rights, under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, were violated due to juror misconduct. One of the facts at issue in Rhone's trial was whether the eye witness to the

murder had sufficient light to positively identify Rhone as participating in the crime. The Court finds that on their own, and contrary to the original trial court's instructions, at least two jurors visited the crime scene to evaluate the lighting conditions for themselves and reported their conclusions to the other jurors. This Court further finds that at least one of the jurors who visited the crime scene partly based his verdict of guilty on information obtained by the visit to the crime scene.

The Court further finds that this behavior constitutes juror misconduct sufficient to warrant a new trial. It is therefore unnecessary for the Court to address any other allegations contained within the petition.

IT IS HEREBY ORDERED AND DECREED that Claim V of Petitioner's Rule 32 petition is GRANTED, Rhone's capital murder conviction is REVERSED and a new trial is ORDERED.

DONE this 18<sup>th</sup> day of July, 2006

  
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John E. Rochester  
Circuit Judge