

STATE OF ARKANSAS

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) IN RE: LEDELL LEE

PULASKI COUNTY

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**DECLARATION OF CRAIG LAMBERT, ESQ.**

My name is Craig Lambert; I am 57 years old and am a resident of Pulaski County, Arkansas. I state the following under penalty of perjury:

1. I am a licensed attorney in Arkansas where I maintain a private practice. I have worked as an attorney since 1987 and have been in private practice since 1995, except for a brief period of employment with the Federal Defender in Arkansas in 2003-2004.

2. I obtained my Bachelor's degree from University of Arkansas at Fayetteville in 1983 and my law degree from the University of Arkansas at Little Rock in 1987.

3. I was appointed to represent Mr. Ledell Lee in his Rule 37 (post-conviction) proceedings by the Honorable Chris Piazza on December 23, 1997. I was Ledell's attorney until I withdrew on March 15, 2004. My appointment as Ledell's attorney came within the first year of my becoming a solo practitioner.

4. Over the six years in which I served as Ledell's attorney, he always maintained he was innocent of the murder of Debra Reese. He was unequivocal in his assertion of his innocence and he asked me to pursue any and all evidence that could support his claim. To the extent that I spoke with his family members I remember that they all supported him and told me he was innocent, and stood by their alibi testimony from the first trial.

5. From the beginning of the case, I realized that it was far too complex for a single attorney with no staff to work on without additional resources, including adequate funding to hire the needed investigators and experts. I repeatedly filed motions asking the state court to

appoint co-counsel, which I considered absolutely necessary to provide minimally adequate representation to Ledell, but I was repeatedly denied. I tried to make a record of the grossly inadequate legal resources being provided to Ledell's defense, but it did not matter to the judge.

6. Adding to the difficulties in providing adequate representation to Ledell was the fact that, even after I was given limited funds for investigation, I had great difficulty finding a qualified investigator willing to work on Ledell's case. I asked six different reputable investigators but they each turned me down; I was told that the case was too controversial because of the claims made involving Judge Piazza's relationship with Ledell's trial prosecutor, Melody LaRue, whom he subsequently married. Ultimately, I hired Mike Vowell but was only provided \$2,500 to cover all of his hours. [REDACTED]

[REDACTED]

7. I attempted to withdraw in July 1998 because of this serious lack of resources, and also because I had four other active death penalty cases. Three of my other capital clients (Wilbur Henderson, Johnie Michael Cox, and Mark Gardner) were executed in less than two years (1998-99). Their executions followed the difficult executions in 1997 of two of my clients, Kirt Wainwright and Eugene Perry. My fourth capital client (Calvin Porter) had a Rule 37 hearing in early 1999. On top of those cases, I carried a full criminal caseload.

8. I was also struggling with substance abuse and addiction in those years. I attended inpatient rehab. Ledell's case was massive and I wasn't in the best place personally to do what was necessary. Even so, after the withdrawal motion was denied, I continued to press forward as best as I could.

9. My preparation in Mr. Lee's case was far from extensive. Without co-counsel or adequate investigative resources, I did what I could on my own. I even reached out to friends to

help serve subpoenas or accompany me on witness interviews. I was grateful to the friends who helped me out but they were no substitute for professional co-counsel or investigators. For example, my friend Jane McKinney, a property developer, went to try and interview Glenda Pruitt, one of the State's eyewitnesses from the trial who was also one of the first witnesses the police spoke to on the day of the murder.

10. I was able to get Clint Palmer, a former state crime lab investigator to review the physical evidence in person at the police department. I accompanied Clint. I still recall seeing the comforter and sheets caked in blood. It was a very bloody scene. There was blood on the walls in the crime scene photos. I called Clint as an expert witness in the Rule 37 hearing. His testimony was limited in that he only stated that in his opinion, Ledell would have had blood on him based on the nature of the crime scene. He was not an expert in pathology and was not able to discuss the details of the victim's injuries or anything about her struggle with the killer, other than describing what he saw in the scene photos and on the physical evidence.

11. I did not interview most of the witnesses called by the State during Ledell's trials. I believe I only interviewed Glenda Pruitt. I cannot recall much about the conversation I had with Glenda except that she acted strangely and seemed like she was high. She had a number of statues and rainbow colors out on her front yard. I took pictures of the area in front of her house because it seemed so bizarre. Our conversation lasted less than 30 minutes.

12. I did not attempt to speak with Andy Gomez, Patricia Gomez, William McCullough, or Kris Stough, nor do I recall sending an investigator to speak with them.

13. I did not drive the route that Andy Gomez testified to taking in an effort to follow the suspected perpetrator after he left the victim's home. I never considered hiring an eye witness identification expert to support our argument that Ledell was misidentified.

14. I never consulted a DNA expert about testing Ledell's shoes to see if there was additional blood on them and try and determine whose blood it was. I also never consulted a DNA expert to see if there was any other testing that could now be done to prove Ledell's innocence. I never asked an expert in hair examination to review the trial testimony about the alleged similarities between Ledell's hair and the hair from the scene.

15. I also did not consider or look into hiring an expert to reexamine the shoe print evidence from the scene. I knew that there were fingerprints from the scene that were not from Ledell, which was an important fact, but I never looked into whether those prints could be run in any type of database to identify who they came from.

16. I did not look into the backgrounds of the officers conducting the police investigation. I did not investigate anything related to the aggravator cases. I do not recall any investigation into the time stamp on the Rent-A-Center receipt or other possible sources of the \$100 bills in the Rent-A-Center drawer.

17. I did obtain Ledell's tax return from H&R Block. The tax return was important when I got it because the State claimed at trial that Ledell was broke and argued that Ledell paid his Rent-A-Center account down with \$100 stolen from Reese's wallet. However, Ledell's tax return showed that he got a refund of over \$1400 on January 17, 1993, shortly before the murder. Combined with his paychecks, he had far more money than the State told the jury, and he could have covered the Rent-A-Center payment from that refund with plenty of money to spare.

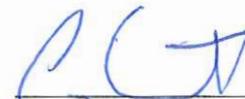
18. I was later appointed to represent Mr. Lee in his federal habeas proceedings with Jennifer Horan of the Federal Public Defender. My time there was brief due in large part to the fact that Ms. Horan and I were in a brief relationship. I did not think it was a good idea to continue on that way. When I expressed this to Ms. Horan I was fired.

19. Mr. Lee's case was extremely complicated and that there was no other entity in Arkansas equipped to handle his federal habeas than the federal defender. I pleaded with Ms. Horan to keep the case after my employment was terminated but she moved to withdraw from the case due to a conflict. This was a pivotal moment for Ledell. There was an extreme shortage of qualified attorneys and without the aid of the federal defender it was extremely unlikely that he would receive adequate representation.

20. It is hard for me to discuss this painful chapter in my past. I have been sober for nine years. Even in the peak of my addiction I wanted to do all I could to provide Ledell with the representation to which he was entitled. I know I did not do enough for Ledell, even though Ledell was always kind towards me. Even after I withdrew from the case, Ledell would call me each year to check in. Ledell often thanked me for the work I did. I remain grateful that Ledell didn't hate me or hold a grudge.

21. I recognize the investigation into Ledell's innocence was not adequate and he deserved far better than the representation I was able to provide him back then. I wholly support a posthumous scientific inquiry into Ledell's innocence and will cooperate in any way I can with that inquiry.

10/27/19  
Date

  
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Craig Lambert

Witnessed by:

  
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Elizabeth Vartkessian