
WilmerHale Team Wins Significant Victory for Pro Bono Client on Death Row

2006-08-24

Since November 1999, the firm has represented Virginia death-row inmate Darick Walker. Walker was convicted in 1998, in a single joint trial, of two unrelated murders in Richmond, Virginia, and sentenced to death. Today, the Fourth Circuit agreed with WilmerHale that Walker is entitled to a hearing on his claim that the prosecution's failure to disclose key evidence violated his constitutional rights. Two of the three court of appeals judges specifically stated that the court's opinion required that Walker's conviction and death sentence be vacated and that his case be remanded to the state for a new trial.

At Walker's state-court trial, the prosecution presented evidence that the murder victim's daughter had seen Walker break into her home and shoot her father. The prosecution, however, had neglected to turn over police reports suggesting that the victim's daughter had *not* in fact seen the intruder, despite Walker's counsel's request that the prosecution disclose all exculpatory or impeachment evidence. The WilmerHale team representing Walker raised a *Brady* claim, among other arguments, based on the suppression of those police reports. The Fourth Circuit first rejected that argument, and the WilmerHale team persuaded the Supreme Court to reverse and remand the case late last year. When the trial court again rejected the claim, WilmerHale appealed again to the Fourth Circuit. This time, the Fourth Circuit ruled in Walker's favor.

The Fourth Circuit's new opinion adopted many of the team's arguments and recognized that the daughter's testimony was the centerpiece of the case against Walker. The Court pointed to the prosecution's repeated invocation of the daughter's credibility and "eyewitness" testimony, thus concluding that the withheld evidence undermined confidence in the verdict. The Fourth Circuit remanded the case to the district court for an evidentiary hearing on the *Brady* claim. Judge Gregory concurring and Judge Williams in dissent specifically stated that the Court's reasoning required the conclusion that Walker's rights had been violated and that his conviction and death sentence therefore are invalid.

The WilmerHale team representing Walker included [David Ogden](#), [Danielle Spinelli](#), Hien Tran, Eric Hougen, Lara Englund, Anne Harkavy, Shirley Woodward, David Olsky and Sanket Bulsara. Additional WilmerHale lawyers continue to contribute to Walker's case in other ongoing

proceedings.