

IN THE CIRCUIT COURT OF PULASKI COUNTY  
FIFTH DIVISION

PATRICIA YOUNG,

PLAINTIFF

v.

THE JACKSONVILLE POLICE  
DEPARTMENT,  
THE CITY OF JACKSONVILLE,  
ARKANSAS;

JOSEPH MCCULLOUGH, in his individual  
and official capacities as Acting Chief of  
Police of the Jacksonville Police Department;  
and BOB JOHNSON, in his individual and  
official capacities as Mayor of Jacksonville,  
Arkansas

CASE NO. 60CV-20-639

DEFENDANTS

**CONSENT ORDER**

WHEREAS on January 23, 2020, Plaintiff Patricia Young, a resident of Arkansas, filed an action for access to certain physical evidence from the 1994 homicide of Debra Reese, including fingerprint evidence and DNA testing, under the Arkansas Freedom of Information Act ("FOIA"). Ark. Code Ann. § 25-19-107(a) et seq.;

WHEREAS, Defendants deny that the information sought is subject to disclosure under FOIA, deny all violations, and deny liability;

WHEREAS, Plaintiff and her counsel do not seek attorney fees; and

WHEREAS, the Parties recognize that the unique facts of this case raise a matter of first impression and seek a mutually agreed resolution to this litigation;

NOW THEREFORE, the Parties agree, and the Court orders, as follows:

1. Plaintiff, Patricia Young, is a resident of Arkansas. Ledell Lee, Ms. Young's brother, was executed by the State of Arkansas on April 20, 2017.

2. The City of Jacksonville Police Department is the custodian of the original evidence from the investigation of Ms. Reese's murder and from Mr. Lee's trials. *See* Ark. Code Ann. § 12-12-104(a), (b)(1).

3. The only pending investigation into the murder of Debra Reese by the City of Jacksonville or Pulaski County was officially closed by the State of Arkansas after the April 20, 2017 execution of Ledell Lee.

4. Plaintiff seeks DNA testing of certain items of physical evidence in this case that was not available at the time of Mr. Lee's trial.

5. Plaintiff has proffered additional evidence in her lawsuit that was not available at the time of Mr. Lee's trial.

6. In light of the unique circumstances of this case, the Defendants agree to conduct DNA testing on selected physical evidence in this case (Appendix A, attached to this Order). None of the physical evidence shall be released directly to Plaintiff or her counsel. To maintain the chain of custody and in keeping with its statutory obligations, the evidence will be shipped or delivered directly by the Jacksonville Police Department to an accredited DNA laboratory approved by both parties. The Plaintiffs will pay for all testing and transport fees. Upon completion of the testing, the evidence will be returned to the Jacksonville Police Department at Plaintiff's counsel's expense. The DNA experts' report and data shall be simultaneously disclosed to the Plaintiff and Defendants and both parties shall be permitted to communicate with the DNA laboratory about the testing process. The parties further agree that Defendants shall upload any eligible DNA profiles

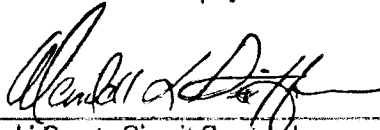
obtained through the testing which exclude Ledell Lee and Debra Reese as the source and that Plaintiff's counsel shall be provided with the results of said database search(es).

7. The Defendants further agree to upload the original fingerprints collected from the Reese homicide into the Automated Fingerprint Identification System ("AFIS") databases. The original fingerprints shall not be released to Plaintiff or her counsel. Instead, Defendants agree that Plaintiff's expert may consult with local law enforcement on the parameters of the AFIS upload and may review and analyze any potential candidate matches.

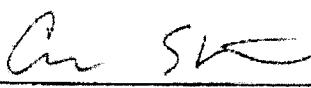
8. No attorney fees shall be awarded.

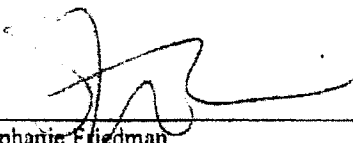
9. Upon completion of the testing and review of the DNA and fingerprint data by Plaintiff's experts as outlined above, the Complaint shall be dismissed with prejudice.

Entered this the 4<sup>th</sup> day of February, 2020.

  
Pulaski County Circuit Court Judge

Consented to by:

  
Cassandra Stubbs, Admitted Pro Hac Vice  
ACLU CAPITAL PUNISHMENT PROJECT  
201 W. Main St. Suite 402  
Durham, NC 27701  
919-688-4605 (Phone)  
919-682-5961 (Fax)  
cstubbs@aclu.org  
oesign@aclu.org

  
Stephanie Friedman  
City Attorney, Jacksonville  
Counsel for Defendants

John E. Tull III (Ark. Bar No. 84150)  
QUATTLEBAUM, BROOMS & TULL PLLC  
111 Center St., Suite 1900  
Little Rock, AR 72201  
501-379-1700 (Phone)

501-379-1701 (Fax)  
jtull@qgtlaw.com

Nina Morrison, Admitted Pro Hac Vice  
Jane Pucher, Admitted Pro Hac Vice  
INNOCENCE PROJECT  
40 Worth St., Suite 701  
New York, NY 10013  
212-364-5340 (Phone)  
212-364-5341 (Fax)  
nmorrison@innocenceproject.org  
jpucher@innocenceproject.org

Olivia Ensign, Admitted Pro Hac Vice  
ACLU CAPITAL PUNISHMENT PROJECT  
201 W. Main St. Suite 402  
Durham, NC 27701  
919-688-4605 (Phone)  
919-682-5961 (Fax)  
cstubbs@aclu.org  
oensign@aclu.org

Pieter Van Tol, Admitted Pro Hac Vice  
HOGAN LOVELLS US LLP  
390 Madison Ave.  
New York, NY 10017  
212-918-3000 (Phone)  
212-918-3100 (Fax)  
pieter.vantol@hoganlovells.com

Kaitlin Welborn, Admitted Pro Hac Vice  
HOGAN LOVELLS US LLP  
555 13th Street NW  
Washington, DC 20004  
202-637-5600 (Phone)  
202-637-5910 (Fax)  
kaitlin.welborn@hoganlovells.com

*Attorneys for Plaintiff*