



ATTORNEY GENERAL STEVE MARSHALL ANNOUNCES ALABAMA SUPREME COURT DENIES APPEAL OF JACKSON COUNTY CAPITAL MURDER CONVICTIONS AND SENTENCE OF DEATH

(MONTGOMERY) - Attorney General Steve Marshall announced the Alabama Supreme Court has denied a petition for writ of certiorari seeking to appeal the capital murder convictions and sentence of death of James Ben Brownfield. Brownfield, 43, of Scottsboro, was convicted in Jackson County Circuit Court in 2004 for three counts of capital murder in connection with the murders of his sister, Brenda McCutchin, his brother-in-law, Latham McCutchin, and Brenda's three-year-old grandson, Joshua Hodges.

Evidence presented at trial established that after consuming Xanax pills on the night of December 23, 2001, Brownfield became enraged with his sister, Brenda Whitehead McCutchin, over drugs and money. While Brenda and her grandson, Joshua Dewayne Hodges, were sleeping in their bed, Brownfield decided to kill his sister and her estranged husband, Latham Durwood McCutchin. Brownfield took a claw hammer into the room where Brenda and Joshua were sleeping and hit Brenda with it. Joshua awoke crying, and Brownfield began hitting both Brenda and Joshua with the claw hammer. Brenda suffered approximately twenty forceful blows to the head and other injuries to her body. Joshua suffered approximately sixteen blows to the head and other injuries to his body. Both Brenda and Joshua died from multiple blunt-force injuries. Before he left Brenda's house, Brownfield attempted to burn the house with kerosene and a cigarette.

After killing Brenda and Joshua, Brownfield took the claw hammer and a set of clean clothes and drove across town to the residence of his brother-in-law, Latham Durwood McCutchin. Brownfield initially pretended that this was a friendly visit with Latham, but once inside the residence, Brownfield subdued Latham by hitting him with his fists and the hammer. Latham suffered numerous injuries including ten forceful blows to the head with the claw hammer. Later, Brownfield stabbed Latham in the heart and cut his throat with a knife. Latham died from multiple blunt-force injuries.

The Jackson County District Attorney's office prosecuted the case. Brownfield was found guilty and a Jackson County jury recommended that Brownfield be sentenced to death for his capital murder convictions. The trial judge followed the jury's

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recommendation and sentenced Brownfield to death. Brownfield's subsequent attempts to have his convictions and sentence reversed on appeal have been rejected by the courts. The Attorney General's Capital Litigation Section has handled Brownfield's cases during the appeals process, including Brownfield's present petition to overturn his convictions. The Alabama Supreme Court denied that request in a decision issued Friday, June 15.

Attorney General Marshall commended Assistant Attorney General William Dill of the Attorney General's Capital Litigation Section for his successful work in this case.