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Attorney General Steve Marshall Announces Court of Criminal Appeals Upholds Capital Murder Convictions in Mobile County

(MONTGOMERY) – Attorney General Steve Marshall announced that on Friday the Alabama Court of Criminal Appeals affirmed the capital murder convictions of Derrick Shawn Penn. Penn, 52, of Mobile, was convicted in Mobile County Circuit Court in October 2017 for the murder of his estranged wife, Janet Penn, and her boyfriend, Demetrius Powe.

The evidence at trial showed that in 2007, Derrick and Janet Penn separated, and she moved out of their home. After Janet Penn began dating Powe in 2009, Derrick Penn started harassing her. He telephoned her repeatedly, threatened to kill her and Powe, and followed her. On May 19, 2009, Janet Penn filed a petition for protection from abuse. In the early morning hours of May 27, 2009, Derrick Penn went to her apartment, where he shot and killed her and then beat Powe to death.

Because the murders were each committed during the course of a burglary, and both victims were murdered by one act or pursuant to one scheme or course of conduct, Penn was convicted of three capital offenses. He was sentenced to life imprisonment without the possibility of parole for each conviction.

The case was prosecuted at trial by Mobile County District Attorney Ashley Rich. His initial convictions were reversed and remanded for a new trial, and he again was convicted. Penn again sought to have his convictions reversed on appeal.

The Attorney General's Criminal Appeals Division handled the cases during the appeals process, arguing for the Alabama Court of Criminal Appeals to affirm the convictions. The Court did so in a decision issued Friday, March 29. Attorney General Marshall commended Assistant Attorney General Tracy Daniel for her successful work in this case.

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