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Alabama Supreme Court Upholds Capital Murder Conviction Prosecuted by Then-District Attorney Steve Marshall and Later Defended by Attorney General Marshall on Appeal

(MONTGOMERY) –Attorney General Steve Marshall announced that the Alabama Supreme Court has upheld the capital murder conviction of Jessie Livell Phillips, 38, of Albertville, a case first prosecuted by Marshall while he served as Marshall County District Attorney.

This case was the first prosecution in Alabama under the Brody Act, which provides that a defendant may be prosecuted for murder of an unborn baby who is killed. Then District Attorney Marshall was instrumental in the passage of the Brody Act.

In 2012, District Attorney Marshall prosecuted and convicted Jessie Livell Phillips for capital murder in the November 2009 shooting death of his pregnant wife, Erica Droze Phillips, age 23, and her unborn child. Phillips was sentenced to death for their murders.

On February 27, 2009, Phillips, his wife, Erica, their two children, and her brother, Billy, were eating at McDonald's in Hampton Cove. Afterward they went to Guntersville to a car wash where Erica and Billy's brother, Lance, worked. At the car wash, Billy separated from Phillips and Erica to visit his brother. He later passed by Erica's vehicle which was in one of the wash bays and noticed Erica was in the driver's seat and Phillips was seated behind her "fiddling with" a gun. Soon after, Billy heard Erica yell, "Help me, Bill." He testified that he "got there just in time to see [Phillips] kill her" after they were engaged in a struggle. Billy left with the Phillips' children while Lance approached the scene of the shooting to find Erica lying on the ground after Phillips fled in her vehicle. Police were called and Erica was transported to a local hospital and then to Huntsville Hospital where she died the following morning. Phillips was later apprehended by Albertville police and admitted, "I did it. I don't want no trouble."

Attorney General Marshall commented both on the significance of the case and his role in the original conviction and the final appeal. "This was a tragic case in which a young mother and her unborn child were brutally murdered with her minor age children nearby. There is no more appropriate case to warrant a death sentence and I am glad to have been given the opportunity as Attorney General to see this case to its rightful conclusion for the victims' family."

The Attorney General's Office successfully upheld the murder conviction on appeal to the Court of Criminal Appeals in 2015. In November 2017, the Attorney General's Office argued in defense of the murder conviction before the Alabama Supreme Court.

Attorney General Marshall thanked his prosecution team from the Marshall County District Attorney's Office for its work in the original successful conviction, as well as those in the Attorney General's Office who handled the case on appeal.

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