

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

LEE HALL,)	
	)	No. E1997-00344-SC-DDT-DD
Petitioner,)	
	)	Hamilton Co. Nos. 308968 (PC),
v.	)	308969 (ECN), and 222931 (MTR)
)	
STATE OF TENNESSEE,	)	(CAPITAL CASE)
)	
Respondent.	)	Execution Set for Dec. 5, 2019

**NOTICE OF FILING OF ATTACHMENTS TO
LEE HALL'S REPLY TO STATE'S RESPONSE TO HIS MOTION
TO STAY HIS EXECUTION PENDING APPEALS OF RIGHT
REGARDING BIASED JUROR**

Mr. Hall inadvertently neglected to include attachments to his Reply filed December 3, 2019: (1) November 26, 2019 Motion to Reconsider, (2) the Declaration and CV of Dr. Manning which were attached to the motion, and (3) the trial court's order denying reconsideration but permitting Dr. Manning's declaration as an offer of proof. These attachments have now been filed via Truefiling and emailed to opposing counsel.

Respectfully submitted,

/s/ Kelly A. Gleason

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Certificate of Service

I hereby certify that a true and exact copy of this Motion was delivered via email to the following counsel in the Office of the Attorney General: Amy Tarkington, Amy.Tarkington@ag.tn.gov, Leslie Price, Leslie.Price@ag.tn.gov, and Zachary Hinkle, zachary.hinkle@ag.tn.gov on December 3, 2019.

/s/ Kelly A. Gleason

Kelly A. Gleason

Assistant Post-Conviction Defender

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE
DIVISION III

LEE HALL,)	
)	
Petitioner,	)	Case No. 308968
)	
v.)	
	)	Post-Conviction
STATE OF TENNESSEE,	)	(CAPITAL CASE)
)	
Respondent.	)	Execution Set for Dec. 5, 2019

Motion to Reconsider Judgment Entered November 19, 2019

On November 19, 2019, the court entered an order dismissing Mr. Hall's Second Petition for Post-Conviction Relief. Petitioner Lee Hall respectfully moves the court to reconsider the court's findings regarding Juror A, and enter an order granting Mr. Hall's second post-conviction petition and vacating his convictions. At the November 14, 2019 hearing, Mr. Hall tendered Dr. Manning's November 14 Declaration as evidence at the hearing. The State objected and stated the reasons in support of the objection. The court sustained the objection but permitted its introduction as an offer of proof.¹

Mr. Hall asks the court to 1) reconsider the evidentiary ruling excluding Dr. Manning's expert testimony via declaration, 2) consider as evidence Dr. Manning's previous declaration, and 3) also consider the attached *November 25, 2019 Declaration of Linda Manning, Ph.D.*, in determining whether due process bars a

¹ In the event the court declines to reconsider the November 19, 2019 judgment and order, Mr. Hall respectfully requests that the attached updated declaration and cv be filed as an offer of proof.

merits hearing on Petitioner's bias juror claim and also whether Mr. Hall's state and federal constitutional rights were violated by the presence of Juror A on his jury

Mr. Hall, based on the same arguments made at hearing, moves for the court to reconsider the November 19 order based on Dr. Manning's opinions explaining and contextualizing Juror A's failure to disclose her experiences earlier, and her testimony and actions, given the lasting effects of the type of abuse she survived.

Dr. Manning reviewed the transcript of Juror A's testimony, Juror A's October 7, 2019 declaration, the 2014 interview memo, and the opinion of the Tennessee Supreme Court on direct appeal of Mr. Hall's case. In her declaration, Dr. Manning summarizes her assessment of the impact of trauma upon Juror A and how that has manifested. She concludes:

1. Survivors of rape by someone they know commonly do not reveal this information to anyone. Research on this issue reveals that two-thirds of respondents who had experienced a rape told no one. Of the one-third who did reveal the rape, most told "a close friend." (BJS, 2001).
2. In close interpersonal relationships, it is common for survivors to be very confused by the rape, and often embarrassed and ashamed. They often do not want to identify the experience as rape at the time, and they frequently blame themselves in some way for the experience.
3. It is quite common for victims of domestic violence to remain in the relationship despite escalating violence. They often blame themselves for the on-going violence and believe they can and should change themselves to prevent the violence. Juror A at several points in her testimony blamed herself in various ways.
4. Juror A also, in her testimony, blamed her first husband's violence on alcohol. She also minimized her abusive husband's behavior at various points and used vocabulary emblematic of such minimization during her

testimony. She also, characteristically for domestic violence survivors, minimized her feelings of "hatred" toward Mr. Hall, by describing them as "fleeting."

5. Further, Juror A also "normalized" the culture of rape and assault that she experienced in the late 1960s and early 1970s.
6. It is also common for survivors of domestic violence to exhibit avoidant behavior and attempt to "get on with it" and put the past behind them once the relationship is over and that dynamic is seen in Juror A's 2014 interview and testimony.
7. Given Juror A's experiences in her first marriage, service on a homicide case involving allegations of domestic violence, would have been retraumatizing, as is demonstrated her account of memories flooding her. The parallels between Juror A's experience and the trial proof as reported in the Tennessee Supreme Court opinion would have exacerbated her inability to prevent emotions and images from her own experience from arising during her jury service.
8. The memories that "flooded" over Juror A during the trial are the traumatic re-experiencing symptom of Post-Traumatic Stress Disorder.
9. Traumatic memory does not go away. The emotional impact of the trauma can be triggered by exposure to reminders of the trauma, particularly sensory reminders (sights, sounds, etc.). These reminders can result in strong "re-experiencing" of the trauma in the form of nightmares, flashbacks, and/or "amygdala hijack."
10. When survivors are moved by re-experiencing traumas out of their "Window of Tolerance," they are unable to effectively process emotions and cognitions.
11. Dr. Manning's professional opinion, to a reasonable degree of scientific certainty, is that this "amygdala hijack" response could inform and/or explain: Why Juror A did not notify anyone immediately after Mr. Hall testified about her history; and Why Juror A may not have disclosed her history during the 2014 interview, which appears to focus mostly on her life after meeting her second husband.
12. Juror A was and continues to be traumatized by her domestic violence experience. Her ongoing trauma response informs any current opinion Juror A might hold as to whether her history as a victim of domestic and

sexual violence impacted her decision-making in her service as a juror.

13. As an individual still experiencing the effects of trauma, it is difficult for Juror A to accurately and objectively assess how her past experiences may have influenced her decision-making at Mr. Hall's trial or how her past experiences may impact her perspective of the trauma to this day.

In the November 19, 2019 order, the court found that Juror A was not biased due to the ameliorating effects of her subsequent happy marriage to her second husband. As demonstrated by Dr. Manning in the attached declaration, trauma science does not support this finding.

Wherefore, Petitioner Lee Hall respectfully requests this court to 1) reconsider the evidentiary ruling excluding Dr. Manning's expert testimony via declaration, 2) consider as evidence Dr. Manning's previous declaration, and 3) also consider the attached *November 25, 2019 Declaration of Linda Manning, Ph.D.*, in determining whether due process bars a merits hearing on Petitioner's bias juror claim and also whether Mr. Hall's state and federal constitutional rights were violated by the presence of Juror A on his jury; and 4) enter an order granting Mr. Hall's second post-conviction petition and vacating his convictions.

Respectfully submitted,

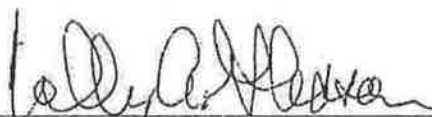


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Counsel for Petitioner

Certificate of Service

I hereby certify that a true and exact copy of this pleading was delivered via email to Neal Pinkston, District Attorney General, 11th Judicial District, 600 Market Street, Suite 310, Chattanooga, TN 37402 on this 25th day of November, 2019.



Kelly A. Gleason
Assistant Post-Conviction Defender

2019 NOV 25 09:41 AM

Vince Dean
Criminal Court Clerk
102 Courts Building
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Chattanooga, TN 37402

**RETURN SERVICE
REQUESTED**

FIRST CLASS



U.S. POSTAGE

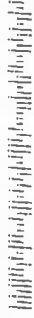


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IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE
DIVISION III

LEE HALL,)
Petitioner,)
) Case No. 308968
v.)
)
STATE OF TENNESSEE,)
Respondent.) (CAPITAL CASE)

November 25, 2019 Declaration of Linda Manning, Ph.D.

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

I, Linda Manning, affirm that the following is true to the best of my knowledge, information, and belief:

1. I hold a doctoral degree in psychology and am a licensed psychologist in Tennessee and Texas. I have worked as a clinician with survivors of trauma for over twenty-five years in both university and medical center settings. I have also taught a graduate level class on trauma, specifically "Trauma: Impact and Intervention," at Vanderbilt University for over fifteen years and am familiar with the research literature on trauma. Attached to this declaration is my current curriculum vitae.

2. I was contacted by counsel for Mr. Hall about my availability to testify at the November 14, 2019 evidentiary hearing regarding the trauma experienced

by one of the juror's in Mr. Hall's case. Due to the short notice and preexisting commitments, I was unable to testify on that day, but prepared a declaration that was submitted by Mr. Hall's counsel.

3. It is my understanding that Mr. Hall is currently scheduled to be executed by the State of Tennessee on December 5, 2019. Given the time constraints, I have not met Juror A, nor have I interviewed Juror A or reviewed treatment records related to her history of trauma and abuse. However, I can comment on common responses of trauma survivors and offer insight into Juror A's testimony at the evidentiary hearing.

4. This declaration builds upon the declaration I prepared in advance of the evidentiary hearing and incorporates notes on Juror A's testimony at the hearing. Since my previous declaration, I have reviewed Juror A's testimony from the November 2019 evidentiary hearing. Mr. Hall's counsel explained to me that the final version of the testimony was not yet complete, but that they obtained a draft of Juror A's testimony on Thursday, November 21 at approximately 9:30pm. In addition to this testimony, I have reviewed the October 7, 2019 declaration of Juror A, which I understand has been filed under seal, and a 2014 interview memo of Juror A, which I understand was filed under seal at the November 14 evidentiary hearing.

5. Juror A's testimony at the November 14, 2019 evidentiary hearing establishes the following:

- Juror A was a virgin before she was raped shortly after graduating from high school; she had dated the rapist for 2 years prior to the rape; the rape resulted in a pregnancy; she married the rapist. (11)
- Had Juror A not been impregnated, she "would have never married [the man who would become her first husband] otherwise." (12)
- At first, Juror A's first husband did not hit her. In her own words: "[H]e never hit me the first few years, but he would put holes in the wall and threaten." (12)
- At times, Juror A was able to seek refuge with her first husband's grandmother: "His grandmother knew what was going on, because I would escape sometimes to her house." (15)
- Juror A could only recall two instances of physical assault by her first husband. Of the first, she could recall almost no details. Only after the second assault—where her husband punched her in the face, giving her a black eye and bloody nose—did Juror A seek refuge with her family, from whom she had hidden the abuse until that time. When Juror A returned to her home the following day, she found it riddled with bullet holes, reflecting "I figured he probably had planned to shoot me and himself, but I don't know that because I was gone by then, so he might have just been planning on shooting himself." (17)
- Juror A's first husband continued to rape her during their marriage (32)
- The abuse of Juror A by her first husband only ended when he killed himself: after leaving her parents' Christmas dinner table, he went upstairs and found and loaded her brother's shotgun, which he then used to shoot himself in the head. (19)
- Juror A subsequently remarried, happily. (-)
- Juror A underwent two years of grief counseling after the death of her second husband in 2007. (25)

6. Juror A's first husband was a heavy drinker. In my experience substance abuse is not uncommon in domestic abuse cases and can make abusive

situations even more volatile. In her hearing testimony, Juror A notes that her first husband:

- “was a heavy drinker” (12)
- “got mean when he was drinking” (12)
- Would get drunk, come home at 2 or 3:00 in the morning and “started being mean” (12)

Alcoholism is a progressive disease. Untreated, the person continues to decompensate. They become malnourished and depleted of B vitamins that the nervous system runs on. In advanced stages, the person can develop alcohol hallucinosis, which comes on quickly and causes auditory hallucinations.

Alcoholism also causes severe depression and hopelessness, and an inability to regulate one’s emotions. If Juror A’s first husband was suffering from alcoholism, he would have had diminished abilities to care for their son or contribute to his wife’s well-being or contribute to the household. This would have added more stress to Juror A’s already abject situation. Indeed, these cumulative factors would have made her more susceptible to traumatic stress disorders.

7. There is a very high correlation between alcoholism and other mental illnesses, such as paranoid disorders, major depression, and uncontrollable anxiety. The younger the person is when he or she begins to drink to excess, the greater the likelihood that the problem will become chronic and that the illness will affect all spheres; i.e., relationships, work, parenting, and social function.

8. Additionally, Juror A's first husband may have been suffering from another mental illness, which can cause additional complications in the trauma response in an abusive relationship. At the November 14, 2019 evidentiary hearing, Juror A stated:

- “Oh yes, I knew he was crazy. That’s all I knew was he’s crazy, because he was irrational, he was paranoid, he was always looking for listening devices in our trailer. It was like why would anybody bother, you know.” (18)
- After her first husband beat her on her birthday, fled the state, and later returned, Juror A describes her husband as follows:
 - “He was a different person. He was solemn and had quit eating or drinking anything, he just sat, because I had told him I was done, I was leaving him.” (18)
 - “I talked him into going to the county health department. And all they wanted to do was do marital counseling and I was trying to convince them no, that’s not the problem, you know, he’s crazy.” (18)
 - “I don’t think he had eaten or drank a thing. He almost looked gray.” (18)
- A few weeks after her first husband’s return, on Christmas Day, Juror A describes how “he went upstairs to my brother’s room, loaded a shotgun and blew his brains out, without, you know, saying anything or giving me – I had no idea that he was suicidal.” (19)

9. In my experience working with survivors of rape by someone they know, it is common for survivors not to reveal this information to anyone. Research on this issue reveals that two-thirds of respondents who had experienced a rape told no one. Of the one-third who did reveal the rape, most told “a close friend.” (BJS, 2001). In close interpersonal relationships, it is common for survivors to be very confused by the rape. They are often embarrassed and ashamed. They often do

not want to identify the experience as rape at the time, and they frequently blame themselves in some way for the experience.

10. In my clinical experience, it is quite common for victims of domestic violence to return over and over to the relationship and to remain in the relationship for years, despite escalating violence. They often blame themselves for the on-going violence and believe they can and should change themselves to prevent the violence. Author Judith Lewis Herman describes this as a condition of “captivity” that is systematically cultivated by the perpetrator through efforts of power and control (Herman, 1997). In reviewing Juror A’s testimony at the hearing, Juror A appears to blame the violence on herself in various ways. Describing the most brutal assault that Juror A was able to remember, she remarked:

- “And I probably instigated it some because I was fighting with him.” (14).
- “And I was fighting with him and he ended up socking me in the eye, black eye and bloody nose.” (14)
- “[W]e’d both been drinking and he started getting very mean.” (14)
- “Like I said, we were celebrating my birthday and we’d both been drinking too much and he started this fight.” (16)

11. Likewise, Juror A appears to blame much of her first husband’s abuse on alcohol:

- When asked if her fist husband was ever physically abusive, Juror A responded: “A couple of times, when he was really drunk (14)
- Describing her husband’s destruction of their trailer after assaulting Juror A on her birthday, Juror A stated: “And which I figured he

probably had planned to shoot me and himself, but I don't know that because I was gone by then, so he might have been just planning on shooting himself. He was so drunk, he didn't know what he was doing.” (17) Notably, even though Juror A was not present, and had no independent knowledge of when during the evening her husband destroyed their trailer and loaded her rifle, she excuses his actions on his speculative level of intoxication.

- When asked whether her husband forced her to have non-consensual sex during their marriage, Juror A replied, “Yeah, a few times when he'd come home after drinking.” (32)
- Responding to the question whether her first husband was “a very abusive husband,” Juror A qualifies his abuse, stating, “He was abusive when he was drinking.” (33)

12. At the November 14, 2019 hearing, Juror A appears to minimize her abusive husband's behavior at various points:

- When asked if he was physically violent with her, Juror A responded, “but – mostly his violence was toward objects, throwing things and breaking up stuff and taking off drunk in our car.” (14)
- When asked whether her husband forced her to have non-consensual sex during their marriage, Juror A replied, “Yeah, a few times when he'd come home after drinking. This always happened when he was drinking. It was also something I totally didn't think about being a rape at the time. There wasn't – a marital rape wasn't considered, at least in my mind, I didn't think anybody would ever consider marital rape being a crime.” (32)
- On cross-examination, Juror A affirmed that she did not consider herself a victim at the time of trial. (39)

13. Similarly, when asked whether she recalled saying that she “hated” Mr. Hall, Juror A characteristically minimized her feelings—much like many of her memories surrounding her physical, sexual, and emotional abuse—she described her hatred of Mr. Hall during his testimony as a “fleeting thought.” (24)

14. In her 2019 hearing testimony, Juror A also normalized the culture of rape and assault that she experienced in the late 1960s and early 1970s:

- Regarding her responses on the juror questionnaire, Juror A noted: “Well, ‘Have you ever been a victim of a crime,’ I did not consider I was ever a victim of a crime. And in 1969, there was really no such thing, that I knew of, of date rape, especially since I’d been dating him for so long. And I didn’t consider – I didn’t even know the term “domestic abuse” at the time. So I really thought it was not – I mean, I never thought of it as a crime. I had no notion that I had ever been a victim of a crime.” (22)
- Responding to a question about occasions on which she called the police on her husband, Juror A stated: “I don’t think the police at that time even considered a domestic violence – domestic abuse.” (31)
- Describing the time when her husband raped her as a virgin as well as perhaps later occasions: “There was no consideration, that I can remember, of any mention of date rape. It was basically if you dated the guy, you were consensual.” (31)

15. Juror A’s choice of vocabulary at the November 14, 2019 hearing also functions to minimize her first husband’s abuse and behavior:

- She uses the word “incident” to describe physical and/or sexual assaults by her first husband.
 - Juror A describing two physical assaults as “incidences” that compelled her to begin to plan to leave her husband) (14)
 - “I know there was an incident before, but I don’t remember anything.” (16)
- Juror A uses the word “mean” to describe occasions where her husband physically and/or sexually assaulted her.
 - “he got mean when he was drinking” (12)
 - “He would go out drinking with a buddy. He would make up an excuse for why he had to leave and go get drunk and come home at 2 or 3:00 in the morning and wake me up and start being mean.” (12).

- “[W]e’d both been drinking and he started getting very mean. And I was fighting with him and he ended up socking me in the eye, black eye and bloody nose.” (14)
- “I thought that I was the only person in the world that had ever been married to somebody that mean.” (24)

16. The traumatic events that seem to have most been minimized and evoke the most horror in Juror A are the time her husband shot up the trailer and when he went upstairs and “blew his brains out.” The fact that Juror A was called to serve on a homicide case involving allegations of domestic violence in and of itself would have been retraumatizing. Juror A, over the years, had not talked freely about her husband shooting up the house or his suicide, and the evidence of this case was a traumatic reminder of what could have happened to her and her son. It is extremely unlikely that Juror A had any ability to prevent emotions and images from her own experiences from arising, or that these would not have affected how she saw Lee Hall and how she made decisions on both his culpability and sentence.

17. The parallels between Juror A’s experience and the trial proof as reported in the Tennessee Supreme Court opinion would have exacerbated her inability to prevent emotions and images from her own experience from arising during her jury service. Juror A was married to her first husband for five years and Mr. Hall and Traci Crozier lived together for five years. Juror A’s memories are set in the trailer where she and her first husband lived. Mr. Hall and Ms. Crozier lived in a trailer until she left him a few weeks before Mr. Hall cause her death. The

relationship between Hall and Crozier was reported to be “rocky.” Juror A’s first marriage was tumultuous and violent. Juror A describes her husband called her constantly at work, exhibiting controlling behavior, and jeopardizing her job. At Mr. Hall’s trial, witnesses testified that he called Traci repeatedly when she left. Juror A testified that she would sometimes “escape” to her husband’s grandmother’s house. Ms. Crozier moved in with her grandmother upon leaving Mr. Hall. Mr. Hall and Juror A’s husband both drank to excess and the most violent episode Juror A experienced was while her husband was drunk, as was the case in Mr. Hall causing Ms. Crozier’s death after having consumed a large amount of alcohol.

18. It is also common for survivors of domestic violence to exhibit avoidant behavior and attempt to “get on with it” and put the past behind them once the relationship is over. Some of Juror A’s comments in 2014 are consistent with an avoidant response. For example:

- Much of the interview focuses on her happy second marriage. Her second husband “swept her off her feet”; they traveled the world together; her second husband “convinced her to go through his bucket list with him.”
- Juror A recalled filling out a long questionnaire but did not mention any questions concerning being a crime victim or a victim of domestic abuse.

Indeed, at no point in the 2014 interview does Juror A report that she had been previously married. Juror A likewise fondly recalled her second marriage at the November 14, 2019 hearing:

- In his marriage proposal, her husband offered to send her son to the very best school; he encouraged her to quit her job, go back to school, travel around the world, and retire early together. (20)
- Juror A recounted how she and her second husband traveled around the world together twice. They lived in Africa; they spent six months traveling around India; they visited Australia twice; and they traveled around North America in an RV, going as far north as one can drive in Canada and Alaska. (27)

19. In her 2019 declaration, Juror A declares that “Lee Hall reminded me of (my first husband).” And later, “All these memories flooded during the trial. I could put myself in [the victim’s] shoes, given what happened to me. I hated Lee for what he did to that girl. It really triggered the trauma I had gone through with (my first husband) and I was biased against Lee.” The memories that “flooded” over Juror A during the trial are the traumatic re-experiencing symptom of Post-Traumatic Stress Disorder.

20. Traumatic memory does not go away. The emotional impact of the trauma can be triggered by exposure to reminders of the trauma, particularly sensory reminders (sights, sounds, etc.). These reminders can result in strong “re-experiencing” of the trauma in the form of nightmares, flashbacks, and/or “amygdala hijack.” (Ogden et al, 2006, Van der Kolk, 2004). Amygdala hijack results in very strong emotions (e.g., fear, anger) becoming activated.

21. When survivors are moved by re-experiencing traumas out of their “Window of Tolerance,” they are unable to effectively process emotions and cognitions. (Siegel, 2012, and Porges, 2011).

22. It is my professional opinion to a reasonable degree of scientific certainty that this “amygdala hijack” response could inform and/or explain:

- Why Juror A did not notify anyone immediately after Mr. Hall testified about her history; and
- Why Juror A may not have disclosed her history during the 2014 interview, which appears to focus mostly on her life after meeting her second husband.

23. In addition, the ongoing trauma response to the experience could also inform any current opinion Juror A might hold as to whether her history as a victim of domestic and sexual violence impacted her decision-making in her service as a juror.

24. From her testimony, sworn statement, and from the 2014 juror interview memo, it appears that Juror A was and continues to be traumatized by the experience. For example:

- The abusive relationship Juror A described was traumatizing. The fact that her husband was both an alcoholic and mentally ill could have made an abusive relationship even more traumatic.
- Juror A could not recall parts of her conversation with OPCD investigators that occurred a few weeks prior to the hearing.
- As described above, Juror A continues to exhibit signs and symptoms of an abuse victim.
- Like many trauma victims, Juror A has repressed memories of the experience.
- To this day, she still blames herself, at least in part, for the abuse she suffered.

- As an individual still experiencing the effects of trauma, it is difficult for Juror A to accurately and objectively assess how her past experiences may have influenced her decision-making at Mr. Hall's trial or how her past experiences may impact her perspective of the trauma to this day.

25. In sum, I have seen nothing to suggest that Juror A's experiences and memories of her trauma were ever fully integrated or processed. Juror A's history of sexual, physical, and emotional abuse would have colored her perception, judgement, and behavior at the time of Mr. Hall's trial. Juror A's November 2019 testimony also make clear that she is still traumatized and that her experiences continue to impact her perception, judgement, and behavior surrounding her own trauma as well as similar incidents of trauma.

26. In my professional opinion to a reasonable degree of scientific certainty, the 2019 testimony and declaration of Juror A as well as the topics documented in the 2014 interview are consistent with typical responses of trauma survivors.

27. **References:**

- Bureau of Justice Statistics. (2001). Sexual Victimization of College Students.
- Herman, J. L. (1997). Trauma and recovery: The aftermath of trauma in domestic abuse and political terrorism. New York: Basic Books.
- Ogden, P., Minton, K., and Pain, C. (2006). The body and trauma: A sensorimotor approach to psychotherapy. New York: W. W. Norton & Company.

- Porges, S.P. (2011). *The polyvagal theory: Neurobiological foundations of emotions, attachment, communication, and self-regulation*. New York: W. W. Norton & Company.
- Siegel, D. J. (2012). *Pocket guide to interpersonal neurobiology*. New York: W. W. Norton & Company.
- Van der Kolk, B. (2004). *The Body keeps the score: Brain, mind, and body in the healing of trauma*. New York: Penguin Books.

The foregoing is true and correct and executed under penalty of perjury under the laws of the United States of America and the State of Tennessee.

/s Linda Manning

Linda Manning

LINDA G. MANNING

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Nashville TN 37204
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Education:

University of Texas Health Science Center, School of Allied Health Sciences (Dallas, Texas), B.S., 1977, Rehabilitation Science

University of Texas, Department of Educational Psychology (Austin, Texas), Ph.D., 1988,
Counseling Psychology (APA approved)

University of Texas, Counseling and Psychological Services Center (Austin, Texas),
Internship, 1981 to 1983

Alaya Process, Nashville, Tennessee, 1994 - 1995. Eighteen month training program in
body-centered psychotherapy and the mind, body, spirit connection

Jean Baker Miller Training Institute, Wellesley College, 1999. Summer Advanced
Training Institute in Relational-Cultural Theory

Coming Full Circle, Nashville, Tennessee, 2000 – 2001. Eighteen month series on
contemplative practices in death and dying.

Robert Penn Warren Center for the Humanities, Vanderbilt University, 2008 – 2009.
Fellowship in Trauma Studies.

Wellcoaches Core Training & Certification Program for Health & Wellness Coaches,
2011

Wellcoaches Professional Coaching Training & Certification Program, 2011 - 2012

Potentials Realized, Training in Group Health Coaching, 2011

Take Courage Coaching, Training in Chronic Pain Health Coaching, 2012

Licensure and Certification:

Tennessee, March, 2007 to present, Licensed Psychologist, No. 2778

Texas, 1994 to present, Licensed Psychologist, No. 5042

Academic Appointments:

Adjunct Faculty, Department of Psychology and Philosophy, Texas Women's University,
1986

Adjunct Faculty, School of Behavioral and Social Sciences and New College Program for
adult learners, St. Edward's University, 1987 to 1997

Senior Lecturer, College of Arts and Science, Women and Gender Studies Program,
Vanderbilt University, 1999 to 2007

Senior Lecturer, Peabody College, Human Development Counseling Program, Vanderbilt
University, 2005 to 2008

Assistant Professor, Department of Psychiatry, Vanderbilt University School of
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Assistant Professor, Department of Physical Medicine and Rehabilitation, Vanderbilt
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Assistant Clinical Professor, Peabody College, Human Development Counseling
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Employment:

07/83 to 07/87 Staff Psychologist, Counseling Center, Texas Woman's
University, Denton, Texas

08/87 to 07/89 Staff Psychologist, Psychological Services, St. Edward's
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08/ 89 to 10/97 Director, Psychological Services, St. Edward's University, Austin,
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11/97 to 11/08 Director, Margaret Cuninggim Women's Center, Vanderbilt
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12/08 to present Health Psychologist, Osher Center for Integrative Medicine
(formerly Vanderbilt Center for Integrative Health), Vanderbilt
University Medical Center, Nashville, Tennessee

07/15 to 4/19 Director of Psychology, Osher Center for Integrative Medicine,
Vanderbilt University Medical Center, Nashville, Tennessee

08/15 to 03/16 Assistant Director, Osher Center for Integrative Medicine,
Vanderbilt University Medical Center, Nashville, Tennessee

03/16 to 4/19 Interim Director, Osher Center for Integrative Medicine,
Vanderbilt University Medical Center, Nashville, Tennessee

Professional Organizations:

American Psychological Association

Division 35 – Society for the Psychology of Women

Nashville Psychotherapy Institute (Board Member, January 2019 – 2022)

Association of University and College Counseling Center Directors
(1989 - 1997)

Texas University and College Counseling Directors

(President, 1991 - 1992)

(Liaison Officer to Texas Psychological Association, 1990-1994)

Professional Activities

Revised and coordinated Practicum training program in psychology, Texas Women's
University, 1983 to 1985

Co-Development of a pre-doctoral internship training program in psychology and
successful application for accreditation by the American Psychological Association,
Texas Women's University, 1985 to 1987

Received four years of funding under the Department of Justice, Office of Justice
Programs, Violence Against Women Office, Grants to Reduce Violent Crimes Against
Women on Campus Program, Vanderbilt University, 2000 to 2004

Supervised campus and community Violence Against Women Task Force, Vanderbilt
University, 1999 to 2008

Member of Advisory Board, Women's Health Report Card, Vanderbilt University Medical Center, 2009, 2013

Co-Director and Faculty, Vanderbilt Health Coaching Certificate Program, Osher Center for Integrative Medicine and Vanderbilt School of Nursing, September 2014 to 2018

Teaching Activities

Medical School Courses:

Small Group Facilitator for Diabetes Intersession, 2008 to 2011

Lecture on Violence Against Women for Patient, Profession and Society, 2009

Small Group Facilitator on Mindfulness for Brain, Behavior, and Movement, 2014, 2015, 2016, 2017

Lecture and Small Group Facilitation on Health Coaching for CCE, 2013 - 2016

Graduate Courses: (developed and lectured)

Trauma: Impact and Intervention, Human Development Counseling Program, Peabody College, Vanderbilt University, Summer 2005 to present, now a required course

Theories of Counseling, Human Development Counseling Program, Peabody College, Vanderbilt University, Fall 2006

Continuing Education (co-developed and presented)

Manning, L., & Robinson, K. (2008, August & September). *Up close and transpersonal*. An APA approved Continuing Education program for mental health professionals. Vanderbilt Department of Psychiatry and the Center for Integrative Health, Nashville, Tennessee.

Manning, L., & Robinson, K. (2009, February through July). *Transpersonal psychology: the deepening experience*. An APA approved Continuing Education program for mental health professionals. Vanderbilt Department of Psychiatry and the Center for Integrated Health, Nashville, Tennessee.

Manning, L., & Robinson, K. (2011, May through October). *Transpersonal approaches in practice and in life*. An APA approved Continuing Education program for mental health professionals. Vanderbilt Department of Psychiatry and the Center for Integrated Health, Nashville, Tennessee.

- Manning, L., & Robinson, K.** (2012, October through 2013, March). *Training the mind; awakening the body*. An APA approved Continuing Education program for mental health professionals. Vanderbilt Department of Psychiatry and the Center for Integrated Health, Nashville, Tennessee.
- Manning, L., & Robinson, K.** (2013, November through 2014, February and March). *Breathwork: The use of breathwork in psychotherapy*. An APA approved Continuing Education program for mental health professionals. Vanderbilt Department of Psychiatry and the Center for Integrated Health, Nashville, Tennessee.
- Morriss, B., **Manning, L., & Cooper, A.** (2011, April). *Philosophy and skills of health coaching*. Workshops for the Vanderbilt University Medical Center My Health at Vanderbilt Team, Nashville, Tennessee
- Morriss, B., **Manning, L., & Cooper, A.** (2011, May). *Philosophy and skills of health coaching*. Workshops for the Vanderbilt University Medical Center Department of Bariatric Surgery, Nashville, Tennessee
- Morriss, B., **Manning, L., & Cooper, A.** (2011, November). *Philosophy and skills of health coaching*. Workshops for the Vanderbilt University Medical Center Physical Therapy Program at the Dayani Center, Nashville, Tennessee
- Morriss, B., **Manning, L., & Cooper, A.** (2012, March). *Philosophy and skills of health coaching*. Workshops for Vanderbilt University Medical Center Dieticians, Nashville, Tennessee
- Morriss, B., **Manning, L., & Cooper, A.** (2012, October and November). *Philosophy and skills of health coaching*. Workshops for Vanderbilt Professional Program in Interdisciplinary Learning, Nashville, Tennessee
- Manning, L., Morriss, Blaire, & Armstrong, Colin** (2014, September through 2017). Vanderbilt Health Coaching Certificate Program. An APA, CME, and TNA approved six month Continuing Education program for licensed health care professionals. Osher Center for Integrative Medicine (formerly the Vanderbilt Center for Integrative Health) and the Vanderbilt School of Nursing, Nashville Tennessee.
- Robinson, K., **Manning, L., & Silverstein, K.** (2016, October 8 & 9, November 5 & 6, December 3 & 4). *The art of no compromise: Teachings in body psychology*. An APA approved Continuing Education program for mental health professionals. Onsite Workshops, Nashville, Tennessee

Clinical Teaching

Psychiatry Resident

Sunny Kim, M.D., Vanderbilt Adult Outpatient Clinic, Clinical Supervision of Psychotherapy, 2010 – 2011

Nataly Sumarriva, Osher Center for Integrative Medicine, Clinical Supervision of Psychotherapy, 2017 - 2018

Post-Doctoral Fellow in Psychology, Renee Hill, Psy.D., Osher Center for Integrative Medicine (60% time), Clinical Supervision of Psychotherapy, 2015 – 2016

Post-Doctoral Fellow in Psychology, Landrew Sevel, Ph.D., Osher Center for Integrative Medicine (70% time), Clinical Supervision of Psychotherapy, 2017 – 2018

Post-Doctoral Fellow in Psychology, John Verbos, PhD., Osher Center for Integrative Medicine (70% time), Clinical Supervision of Psychotherapy, 2018 - 2019

Internship in Psychology

Nickolas Armstrong, 20% time, 2017 - 2018

Cinthia Benitez, 20% time, 2017 – 2018

Alexandra Chadderdon, (secondary – 20% time), 2017 – 2018

Behavioral Medicine Trainees – Clinical Supervision of Psychotherapy Services provided at the Eskind Adult Diabetes Clinic, Sickle Cell Infusion Clinic, IBD Clinic, Mercury Courts Clinic, Internal Medicine, Pain Clinic at Cool Springs, ENT Clinic, Osher Center for Integrative Medicine

Abby Mintz , Vanderbilt Human Development Counseling Internship, 2009 – 2010

Toy Lisa Mitchell, Vanderbilt Human Development Counseling Internship, 2011 – 2012

Rachel Aaron, Vanderbilt Department of Psychology Doctoral Practicum, 2013 – 2014

Rain Voss, Vanderbilt Human Development Counseling Internship, 2014 – 2015

Mary Harlinger, Tennessee State University Doctoral Practicum, 2014 – 2015

Emily Henry, Vanderbilt Human Development Counseling Internship, 2015 – 2016

Deanna Calderona, Vanderbilt Human Development Counseling Internship, 2016 - 2017

Maria Boero-Legge, Tennessee State University Doctoral Practicum, 2016 – 2018

Publications and Professional Presentations

Articles:

Dial, J., and **Freemon, L.** (1979, October). *Predictive validation of the McCarron-Dial Evaluation System*. Vocational Evaluation and Work Adjustment Bulletin.

Colin, A., Wolever, R.Q., **Manning, L.**, Elam, R., Moore, M., Frates, P.F., Duskey, Heidi, Anderson, C., Curtis, R.L., Masemer, S., Lawson, K. (2013, May). *Group health coaching: Strengths, challenges, and next steps*. Global Advances in Health and Medicine.

Presentations:

- 1 Stachowiak, T.I., de St. Aubin, T.M., Foos, J. A., & **Manning, L.** (1985, November). *Guidelines for intake system design*. Paper presented at the meeting of the Texas Psychological Association, Dallas, Texas.
- 2 Stachowiak, T.I., de St. Aubin, T.M. Foos, J.A. & **Manning, L.** (1987, January). *Negative effects of the higher education experience on family relationships*. Paper presented at the meeting of the Texas Association of Marriage and Family Therapy, Dallas, Texas.
- 3 **Manning, L.**, Ponder, M. & Gilbert, L.A. (1979, April). *Returning students' conflicts with the student role: Gender and parenthood effects*. Paper presented at the meeting of the Southwestern Psychological Association, San Antonio, Texas.
- 4 **Manning, L.** & Gilbert, L.A. (1979, March). *Factors affecting the experience of role conflict*. Paper presented at the meeting of the Association for Women in Psychology. Dallas, Texas.
- 5 **Manning, L.** & Davis, B. (1981, August). *The men in dual career families*. Paper presented at the meeting of the American Psychological Association, Los Angeles, California.
- 6 **Manning, L.** (1984, November). *Skill development for crisis counseling situations*. Invited workshop presented to the Division of Student Affairs of Texas Christian University, Fort Worth, Texas.
- 7 **Manning, L.** (1984, November). The liberated woman. In G.A. Brooks (Chair). *Values in psychotherapy*. Symposium conducted at the meeting of the Texas Psychological Association, San Antonio, Texas.

- 8 **Manning, L.** (1986, August). *From theory to practice: Applying student development theory to programming for the "new student."* Invited workshop presented at the retreat of the Division of Student Life of Texas Women's University. Lake Taxhoma, Oklahoma.
- 9 **Manning, L.** (1987, October). *Designing a stress free life.* An invited presentation for the national meeting of the University and College Design Association, San Antonio, Texas.
- 10 **Manning, L.** (1991, January). *Substance Abuse: Recognizing and intervening.* An invited staff development workshop for the multi-campus Counseling staff of Austin Community College, Austin, Texas.
- 11 **Manning, L.** (1991, October). Experiences of a freshman director. In W. Birch (Chair), *Orientation for new directors.* Invited presentation at the meeting of the Association of University and College Counseling Center Directors. Jekyll Island, Georgia.
- 12 **Manning L. & Swindell, C.J.** (1993, August). One program's experiences: Origin and development of student involvement. In J.M. Galessich (Chair). *Student impact on counseling psychology training programs.* Symposium conducted at the meeting of the American Psychological Association, Los Angeles, California.
- 13 **Manning L. & Spano, D.** (1993, March). *Students leading students toward the common good: Peer education.* Paper presented at the meeting of the American College Personnel Association, Kansas City, Missouri.
- 14 **Manning L. & Spano, D.** (1995, March). *Counseling centers as campus-wide organizational development consultants.* Paper presented at the meeting of The American College Personnel Association, Boston, Massachusetts.
- 15 **Manning, L. & Pena, E.** (1995, March). *Mutuality and reciprocity in cross-cultural supervision.* Paper presented at the meeting of the American College Personnel Association, Boston, Massachusetts.
- 16 **Manning, L. & Pierce, P.** (1998, July). *Barriers to women's advancement: Is there a common thread?* Paper presented at the International Conference Winds of Change: Women & the Culture of Universities, Sydney, Australia.
- 17 **Manning, L. & Rosovsky, C.** (1999, February). *Women working with women: Can we really lift as we climb?* Pre-conference workshop presented at the annual meeting of the National Association of Women in Higher Education, Denver, Colorado.

- 18 **Manning, L. & Rosovsky, C.** (1999, June). *Women working with women: Can we really lift as we climb?* Paper presented at the annual meeting of the National Women's Studies Association, Albuquerque, New Mexico.
- 19 **Manning, L. & Coleman, S.** (2000, September). *Honoring all communities: Culturally sensitive education and response to violence against women.* Invited address at the 3rd Technical Assistance Institute for recipients of FY '99 Grants to Combat Violent Crimes Against Women on Campuses, Nashville, Tennessee.
- 20 **Manning, L.** (2001, February). *Integrating therapy and spirituality.* Invited address at the Texas University and College Counseling Conference, Austin, Texas.
- 21 **Manning, L.** (2001, October). *The art of therapy.* Opening Keynote at the American Association of Marriage and Family Therapy Annual Conference, Nashville, Tennessee.
- 22 **Manning, L.** (2002, March) *Healing violent men: A model for Christian communities.* Invited Panelist for the joint Carpenter Program/American Men's Studies Association Program preceding the Annual Men's Studies Conference at the Vanderbilt Divinity School, Nashville, Tennessee.
- 23 **Manning, L., & Province, A.** (January, 2005). *By the waters of Babylon: A trauma workshop for clergy.* St. Martin's Episcopal Church, Austin Texas.
- 24 **Manning, L.** (2005, February). *Re-membering trauma: Reawakening the body, revitalizing the spirit.* Invited workshop for the Human Development Counseling Program and Chi Sigma Iota Professional Development Workshop, Peabody College, Vanderbilt University.
- 25 **Manning, L., & Robinson, K.** (2005, June). *Taking care: Self-respect in action.* 2005 Invited address, Street Outreach Workers Conference, Texas Department of State Health Services, Austin, Texas.
- 26 **Manning, L., Robinson, K., & Province, A.** (2005 & 2006, July – March). *The study and practice of surrender.* A six weekend training series for therapists and spiritual directors. Yoga for the Emotional Body, Austin, Texas.
- 27 **Manning, L.** (2006, April). *The healing connection: Introduction to the Relational-Cultural model of therapy.* Invited address, Nashville Psychotherapy Institute, Nashville, Tennessee.
- 28 **Fishel, T., Manning, L., & Pearce, M.** (2009, November). *The embodied mind: The science and practice of integrated medicine.* Invited address at the Nashville Psychotherapy Institute, Nashville, Tennessee.

- 29 **Manning, L., & Morriss, B.** (2010, January). *Mindfulness*. Invited address, Wellcoaches Professional Coaches Training and Certification Program, Nashville, Tennessee.
- 30 **Manning, L.** (2010, February). *The other side of difference*: Invited address, Nashville Psychotherapy Institute Spring Smorgasbord, Nashville, Tennessee.
- 31 **Manning, L.** (2011, November). *Chronic trauma, chronic pain and the practice of integrative medicine*. Invited address, faculty development program for AOMA, Graduate School of Integrative Medicine, Austin, Texas.
- 32 **Manning, L.** (2011, August). *Preserving the passion that propels primary prevention*. Invited address, Tennessee Coalition to End Domestic and Sexual Violence Rape Prevention & Education Institute, Nashville, Tennessee.
- 33 **Manning, L.** (2012, May). *The practice of integrative medicine: Treating chronic trauma and chronic pain*. Invited address, AIM@Aoma Conference, Austin, Texas.
- 34 **Manning, L.** (2012, July). *Vicarious trauma*. Invited address, Coordinated Community Response to Sexual Assault Institute, Nashville, Tennessee.
- 35 **Manning, L.** (2012, August). *Preventing burnout for prevention advocates*. Invited address, Tennessee Coalition to End Domestic and Sexual Violence Rape Prevention & Education Institute, Nashville, Tennessee.
- 36 Morriss, B., and **Manning, L.** (2012, October). *Fundamentals of integrative health coaching for clinicians*. Peer Reviewed Presentation, International Congress for Educators in Complementary and Integrative Medicine, Washington, D.C.
- 37 **Manning, L.** (2013, August). *It takes a village: Preventing vicarious trauma in individuals and organizations working with sexual violence*. Invited address, Tennessee Coalition to End Domestic and Sexual Violence Rape Prevention & Education Institute, Nashville, Tennessee.
- 38 **Manning, L., and Morriss, B.** (2013, October). *Fundamentals of integrative health coaching for clinicians*. Peer Reviewed Pre-conference workshop, American Association of Cardiovascular and Pulmonary Rehabilitation, Nashville, Tennessee
- 39 **Manning, L., & Wroth, S.** (2013, November). *Health coaching: Empowering patients for behavior change*. Peer Reviewed Presentation, International Congress for Clinicians in Complementary and Integrative Medicine, Chicago, Illinois.

- 40 **Manning, L.** (2016, April). *Working with trauma and chronic pain*. Invited presentation, Nashville Psychotherapy Institute, Nashville, Tennessee
- 41 **Manning, L.** (2017, February). *Trauma and the body*. Invited workshop for Connections Retreat, Nashville Psychotherapy Institute, Montgomery Bell State Park, Tennessee
- 42 **Manning, L.** (2017, October). *Integrative medicine: treating the whole person*. Invited address for the Osher Lifelong Learning Institute, University of Richmond, Richmond, Virginia.

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE
DIVISION III

LEE HALL,)	
f/k/a Leroy Hall, Jr.,)	
Petitioner	)	No. 308968
vs.	)	(Post-Conviction)
	)	Execution Date 12/5/2019
STATE OF TENNESSEE,)	
Respondent)	

ORDER DISMISSING PETITIONER'S MOTION TO RECONSIDER

The Petitioner, who is set to be executed December 5, 2019, filed this motion following the Court's November 19, 2019 order dismissing Mr. Hall's second petition for post-conviction relief. The Court concludes the motion is not well-taken; therefore, the motion is DISMISSED. The Court reaches this conclusion for two reasons.

First, "neither a motion to rehear nor a motion to reconsider is authorized by the Tennessee Rules of Criminal Procedure, the Tennessee Rules of Post-Conviction Procedure,¹ or the Tennessee Rules of Appellate Procedure." *Tony Craig Woods v. State*, 1997 WL 602865, at *2 (Tenn. Crim. App. Sept. 30, 1997) (citing *State v. Burrow*, 769 S.W.2d 510, 511 (Tenn. Crim. App. 1989) and *State v. Ryan*, 756 S.W.2d 284, 285 n.2 (Tenn. Crim. App. 1988)). Nor are such motions recognized in the statutes governing post-conviction proceedings. See Tenn. Code Ann. §§ 40-30-111 (addressing final disposition of petitions) and -116 (addressing appeal of final judgment; neither section contemplates a motion such as the one filed by Mr. Hall). Thus, this Court "is under no obligation" to review Mr. Hall's motion. *Antonio Kendrick v. State*, 1999 WL 1531345,

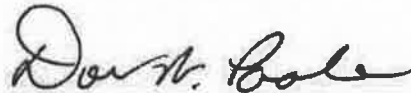
¹ These Rules are codified in Tennessee Supreme Court Rule 28.

at *3 (Tenn. Crim. App. Dec. 27, 1999). Any review of this Court's post-conviction rulings must occur in the appellate courts.

Furthermore, this Court's November 19 order concluded the Petitioner's second post-conviction petition was not properly before the Court. This procedural ruling prevents the Court from considering, as substantive evidence, the declaration attached to the motion to reconsider. The declaration shall be considered an offer of proof for the appellate courts to consider on appeal.

Accordingly, the motion is DISMISSED. Mr. Hall is indigent, so all costs associated with this matter are assessed to the State.

IT IS SO ORDERED this 26 day of November, 2019



Don W. Poole, Judge
Criminal Court, Division III

Immediate copy to:

Attorneys for the Petitioner

District Attorney for Hamilton County

CLERK OF COURT
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