



IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

STATE OF ALABAMA	)	
	)	
vs.	)	CASE NO. CC-22-85
	)	
IBRAHEEM YAZEED.	)	
Defendant	)	

**MOTION FOR NEW TRIAL**

Comes now the defendant pursuant to A.R.Cr.P. 20 and 24, moves this Court to grant a new trial or in the alternative to set aside the verdict entered in this case or in the alternative to set aside the judgment entered on May 7, 2026, on the following grounds, separately and severally.

1. The verdict of the jury is contrary to the great weight of the evidence and preponderance of the evidence of this case.
2. The verdict of the jury is not supported by the evidence in this case beyond a reasonable doubt.
3. The evidence produced upon the trial of this case is insufficient to support a verdict. The evidence presented at trial was insufficient to convict the Defendant of the offenses of murder and felony murder as the prosecution failed to prove a *prima facie* case for these offenses.
4. The evidence produced upon the trial of this case is insufficient to support a finding beyond a reasonable doubt of the defendant's guilt.

5. The verdict of the jury is contrary to the law as the verdicts are mutually exclusive.
6. The judgment of the Court is contrary to the law as the convictions are mutually exclusive.
7. The verdict of the jury is contrary to the law as intentional murder was a lesser-included offense of Count 1 and the jury verdict was felony murder.
8. The judgment of the Court is contrary to the great weight and preponderance of the evidence of this case.
9. The evidence produced upon the trial of this case is insufficient to support a verdict as to either charge.
10. The Court erred in overruling the separate and several objections of the defendant to the separate and several questions asked the witnesses during the course of the trial.
11. The Court erred in sustaining the separate and several objections of the State of Alabama to the separate and several questions asked the witnesses during the course of the trial.
12. The Court erred in its rulings on the admissibility of the testimony upon the trial of this case.

13. The Court erred in its rulings on the admissibility of the physical evidence in the trial of this case.
14. The Court erred in overruling the defendant's motion for judgment of acquittal made at the close of the State's case.
15. The Court erred in overruling the defendant's motion for judgment of acquittal made at the close of all the evidence.
16. The State failed to produce sufficient evidence to prove that the Defendant was guilty of felony murder as a lesser-included offense to capital murder during the commission of kidnaping in the first degree and murder as a lesser-included offense of robbery in the first degree.
17. The circumstantial evidence presented by the State in support of its case-in-chief was insufficient because it did not exclude every other reasonable hypothesis than that of the guilt of the accused to a moral certainty.
18. A judgment of acquittal must be entered in this case because insufficient evidence has been presented by the State to support a finding that the Defendant is guilty beyond a reasonable doubt and the Defendant was denied a fair and impartial trial.
19. The verdict and judgment of this Court violates the Defendant's double jeopardy rights guaranteed by the Fifth and Fourteenth Amendments to

the United States Constitution and Article I, Section 9 of the Alabama Constitution.

20. Since both of Defendant's convictions and the sentences imposed by this Court arose from a single transaction involving the same victim, the convictions violate his double jeopardy rights and this Court lacked jurisdiction to adjudicate him as guilty and sentence him as to both charges. Ball v. United States, 470 U.S. 856 (1985).
22. The State of Alabama's use of Ala. Code § 12-1-41(h) (1975) (the "Speedy Trial Act") in this case was unconstitutional as applied to the Defendant because the impermissible selective enforcement of this statute violated the Defendant's equal protection and due process rights as guaranteed by the Fourteenth Amendment of the United States Constitution and the Alabama Constitution.
21. Defendant asserts and maintains his innocence as to the charges.

**THEREFORE** the Defendant herein, moves this Honorable Court for the entry of a Judgment of Acquittal, or in the alternative, for a new trial, in this matter based on the clear failure of the State to present sufficient evidence to support a finding that the Defendant is guilty beyond a reasonable doubt of the offenses as charged. Given these numerous errors committed during the Defendant's trial, this

Motion for New Trial should be granted and this Court should order that the Defendant be given a new trial.

Submitted this the 1<sup>st</sup> day of June, 2026.

/s/ William W. Whatley, Jr.

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**CERTIFICATE OF SERVICE**

A copy of this Motion has been served on the Attorney General by e-filing in the Ala-File system on this the 1<sup>st</sup> day of June, 2026.

/s/ William W. Whatley, Jr.

OF COUNSEL