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Page 1 of 2

**Attorney General Marshall Announces Resentencing of Roy Burgess Jr.  
for 1993 Morgan County Capital Murder**  
*Convicted Capital Murderer Again Received Sentence of Life Without Parole*

(Montgomery, Ala.) – Attorney General Steve Marshall announced a Morgan County Circuit Court has again sentenced Roy Burgess Jr. to life without parole for the brutal 1993 capital murder of 16-year-old Kevin Ray Gardner.

“I am pleased that justice for Kevin Gardner has been served once again,” said Attorney General Marshall. “Roy Burgess took the life of an innocent young man who died trying to help a classmate. On the scales of justice, Burgess’s age at the time of his offense could not excuse or diminish the savage and evil nature of his crime. Today, the court correctly ruled that he should again receive the maximum allowable punishment for which he is eligible – life without parole.”

Burgess was first convicted of capital murder in 1994 and received a sentence of death by the judge for the crime he committed while age 16. He appealed his sentence to the Alabama Supreme Court, and in 2001, Burgess was resentenced to life imprisonment without the possibility of parole. In 2012, the U.S. Supreme Court ruled that mandatory life-without-parole sentences could not be given to juveniles convicted of capital murder. The Supreme Court’s decision involved another Alabama case in which Evan Miller also received a mandatory life-without-parole sentence for a capital murder he committed in 2003 while he was age 14. Like Burgess, [Miller was resentenced](#) to life without parole for his heinous crimes.

In October of 1994, Burgess was convicted of one count of capital murder-robbery for the August 12, 1993, killing of Kevin Gardner. Burgess had a plan to lure Gardner to a remote area where Burgess could rob and kill him. Once in a secluded area, Burgess unprovoked and unexpectedly shot Gardner in the head at close range. Burgess dragged Gardner’s body out of the car and concealed the body behind some bushes before getting in the driver’s seat and driving the car to Birmingham to take it to a “chop shop” for extra cash.

At the resentencing hearing, the Court reviewed evidence and listened to testimony regarding Burgess’s age, his involvement in the murder, family history, and other factors. After hearing and seeing all of the evidence, the Court ruled it was “satisfied that the capital murder committed by Burgess did not result from youthful indiscretion and transient immaturity.” The violent nature of the act, senselessness of the crime, and



Burgess's greed and selfishness--both then and now--substantially outweighed his age at the time he committed the murder.

Attorney General Marshall commended those involved in handling this case, noting in particular Assistant Attorneys General Riggs Walker, Chenelle Smith, and Sara Rogan. The original case was prosecuted by the Morgan County District Attorney's Office, with investigative assistance from the Decatur Police Department.