

THIS IS A CAPITAL CASE
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

KARL ROBERTS,

Petitioner,

vs.

LARRY NORRIS, Director,
Arkansas Department of Correction,

Respondent.

NO. 5:04CV0004-RGK

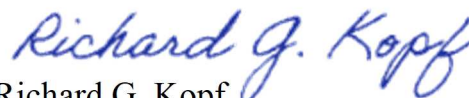
ORDER

Upon careful consideration of Mr. Robert's clearly expressed desire to withdraw his habeas corpus petition in a handwritten note dated August 28, 2020, and which is now filed with this court,

IT IS ORDERED that the request (filing no. 255) is denied based upon the finding and conclusion of the Arkansas Supreme Court that Petitioner has been found not competent to waive postconviction review in state court. *See Roberts v. State*, 2016 Ark. 118, 488 S.W.3d 524, 529 (2016) (Trial court's conclusion that defendant who was convicted of murder and sentenced to death was competent to waive his postconviction rights was clearly erroneous; both State's expert witness and defendant's expert witness testified that defendant's psychosis, including a diagnosis of schizophrenia, affected his ability to make a rational decision about waiving his postconviction rights, and the remaining evidence, including defendant's letters to the trial court and a federal court asserting his desire to waive his rights, did not compel an alternative conclusion, as State's expert testified that defendant's auditory hallucinations could affect the content of his letters). The Clerk shall send copies of Petitioner's letter to counsel showing the federal filing number.

Dated this 3rd day of September, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge