

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ALABAMA

John Russell Calhoun v. Darrel Fox

Case No. 1:18-cv-0874-ACA (N.D. Ala. Mar. 25, 2026) · No. 1:18-cv-0874-ACA · Decided March 25, 2026

SUMMARY

The United States District Court for the Northern District of Alabama grants John Russell Calhoun’s petition for habeas corpus under 28 U.S.C. § 2254 on his Atkins v. Virginia claim. The court finds by a preponderance of the evidence that Calhoun has intellectual disability, including significantly subaverage intellectual functioning and significant adaptive deficits manifested before age eighteen. The court vacates his death sentences and imposes sentences of life imprisonment without the possibility of parole.

CASE DETAILS

COURT	United States District Court for the Northern District of Alabama
WRITING FOR THE COURT	Annemarie Carney Axon
JURISDICTION	United States District Court for the Northern District of Alabama
DECIDED	March 25, 2026
DOCKET	1:18-cv-0874-ACA
DISPOSITION	vacated
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254. After previously denying all but the Atkins intellectual-disability claim, the court held an evidentiary hearing on that claim and adjudicated it on the supplemented record.
STANDARD OF REVIEW	The court evaluated the Atkins claim under 28 U.S.C. § 2254 and the parties' stipulation that Calhoun bore the burden of proving intellectual disability by a preponderance of the evidence. It assessed the evidentiary record and expert testimony de novo to determine whether Calhoun satisfied Alabama's criteria. The court also applied the Federal Rules of Civil Procedure governing expert disclosures and the Federal Rules of Evidence governing expert opinions and judicial notice.
PRECEDENTIAL VALUE	unpublished district-court memorandum opinion; precedential status unknown

PARTIES

John Russell Calhoun v. Darrel Fox, Warden of St. Clair Correctional Facility

TOPICS

federal habeas corpus competency to be executed cruel and unusual punishment post-conviction relief
sentence modification

PRACTICE AREAS

federal habeas corpus capital punishment intellectual disability constitutional law expert evidence

QUESTIONS PRESENTED

1. Whether Calhoun proved by a preponderance of the evidence that he had significantly subaverage intellectual functioning, an IQ of 70 or below, before age eighteen and when he committed the capital offenses.
2. Whether Calhoun proved significant or substantial deficits in adaptive behavior, including functional academics and social or interpersonal skills, that manifested before age eighteen.
3. Whether the State's undisclosed rebuttal testimony concerning the significance of Calhoun's adolescent CAT scores should be stricken under the expert-disclosure requirements of Federal Rule of Civil Procedure 26 and the sanction provision of Rule 37.
4. Whether Calhoun was entitled to a certificate of appealability on the claims previously denied by the court.

HOLDINGS

1. Calhoun proved by a preponderance of the evidence that he had significantly subaverage intellectual functioning, significant or substantial deficits in adaptive behavior, and manifestation of those conditions before age eighteen. He is intellectually disabled under Alabama law and therefore constitutionally ineligible for execution under Atkins.
2. A petitioner need not prove manifestation of a sub-70 IQ before age eighteen solely through IQ testing conducted before that age; adult IQ scores and adolescent achievement and functioning evidence may establish that the intellectual deficit existed before age eighteen.
3. The court struck the State expert's testimony concerning the significance of Calhoun's CAT scores because the expert report did not disclose an opinion about those scores, the State did not disclose a rebuttal expert opinion, and the late disclosure was neither substantially justified nor harmless.
4. A certificate of appealability was unnecessary as to the claim on which relief was granted and was denied as to Claims Two through Twenty.

KEY QUOTATIONS

“Because Mr. Calhoun also satisfied the court that he had an IQ below 70 before he turned eighteen and when he committed this crime, the court FINDS that Mr. Calhoun is intellectually disabled as that term is defined by Alabama law. He is therefore ineligible for execution.” (Section III)

“The court WILL GRANT the § 2254 petition with respect to the claim that Mr. Calhoun is intellectually disabled and therefore ineligible for the death penalty under Atkins. The court WILL VACATE the death sentences.” (Conclusion)

FACTUAL BACKGROUND

Calhoun was sentenced to death in Alabama for four capital murders arising from a robbery, burglary, sodomy, and rape. The evidentiary record showed that he had been placed in special-education classes as a child, performed at very low levels on adolescent achievement testing, and had difficulty with academics, instructions, social judgment, and employment-related tasks. Multiple adult IQ examinations conducted before a later stroke produced full-scale or prorated scores below 70, and the court credited expert testimony that his intellectual and adaptive deficits manifested before age eighteen.

PROCEDURAL HISTORY

Calhoun, an Alabama death-row prisoner, filed a § 2254 petition asserting twenty constitutional claims. The court previously denied nineteen claims and ordered an evidentiary hearing concerning whether Calhoun was intellectually disabled and therefore ineligible for execution under *Atkins v. Virginia*. Following a two-day evidentiary hearing and supplemental briefing, the court found by a preponderance of the evidence that Calhoun satisfied Alabama's intellectual-disability criteria, granted relief on the *Atkins* claim, vacated his death sentences, and imposed life imprisonment without the possibility of parole. The court denied a certificate of appealability on the remaining claims.

DISPOSITION

vacated

CASES CITED

- *Atkins v. Virginia*, 536 U.S. 304 (2002)
- *Smith v. Comm’r, Alabama Dep’t of Corr.*, 924 F.3d 1330, 1341 (11th Cir. 2019)
- *Ex parte Perkins*, 851 So. 2d 453, 456 (Ala. 2002)
- *Holladay v. Allen*, 555 F.3d 1346, 1353 (11th Cir. 2009)
- *Smith v. State*, 213 So. 3d 239, 252 (Ala. 2007)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)
- *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003)