



October 15, 2019

The Honorable J. Kevin Stitt
Office of the Governor, State of Oklahoma
Oklahoma State Capitol
2300 N Lincoln Blvd.
Oklahoma City, Oklahoma 73105

The Honorable C. Allen McCall, J.D.
Mr. Larry Morris
Ms. Kelly Doyle
Mr. Adam Luck
Mr. Robert Gilliland, J.D.
Oklahoma Pardon and Parole Board
2519 North Classen, Suite 405
Oklahoma City, Oklahoma 73106

Dear Governor Stitt and honorable members of the Oklahoma Pardon and Parole Board,

My name is Bryan Stevenson, and I am the founder and executive director of the Equal Justice Initiative in Montgomery, Alabama. EJI is a nonprofit law organization that provides legal services to people who have been illegally convicted, unfairly sentenced, and abused in state jails and prisons. We also conduct research and advance policy on criminal justice issues, and recently opened the first national memorial dedicated to victims of racial terror lynching.

I write to express my support for Oklahoma death row prisoner Julius Jones. Like many others, I am deeply troubled by several aspects of Mr. Jones's case, particularly the way that racial discrimination affected his legal proceedings and the reliability of his conviction. In a case with a black defendant and a white victim, the prosecutors struck all qualified African Americans from the jury pool, except for one. One seated juror who was tasked with determining Mr. Jones's culpability and fate told another seated juror, "They should just take the nigger out and shoot him behind the jail." The juror who referred to Mr. Jones as a "nigger," and suggested that he be lynched, voted to convict and execute Mr. Jones.

The roots of this juror's orientation are sunk deep in the legacy of lynching. As my office has documented, white mobs lynched thousands of African Americans throughout the Nineteenth and Twentieth Centuries. As this juror suggested, lynching victims were frequently abducted from jail and shot out back. In Okemah, Oklahoma (to name one example) a black woman named Laura Nelson and her teenaged son, L.W., were kidnapped from confinement before they could stand trial on murder charges. Members of the mob forcibly removed them from the jail and hanged them from a bridge over the Canadian River. The mob presumed that Ms. Nelson and her son were guilty, stripped them of due process, and considered the trial not worth anyone's time. The seated juror in Mr. Jones's case advocated for a similar outcome and explicitly said that the trial was "a waste of time."

The juror to whom these comments were made alerted the judge and expressed her concern. The judge tolerated these remarks, never disclosed them to trial counsel, and they were concealed until 2017. Since then, Mr. Jones's attorneys have filed numerous pleadings seeking judicial review. Despite appellate counsel's efforts, no court has reviewed the merits of this claim because of procedural bars. If this claim was reviewed on the merits, there is a serious possibility that Mr. Jones would be granted relief. See e.g. Pena-Rodriguez v. Colorado, 580 U.S. __ (2017) (where a juror makes a clear statement indicating that he or she relied on racial animus to convict a criminal defendant, the Sixth Amendment requires the trial court to consider the evidence of the juror's statement and any resulting denial of the jury trial guarantee).

The comments demonstrate that the juror presumed Mr. Jones guilty, inverting our most basic constitutional requirement for a fair trial. Presumptions of guilt rooted in racial bias consistently lead to unreliable convictions, which is of grave concern here. Mr. Jones has been steadfast about his innocence and there are unexplained facts inconsistent with guilt. The only eyewitness description of the shooter did not match Mr. Jones's appearance at the time of the crime. Instead, it matched Mr. Jones's co-defendant, who was a key witness for the State. Relatedly, there is evidence of undisclosed plea deals benefitting the co-defendant and other State witnesses. The co-defendant who testified against Mr. Jones was released after 15 years and is now a free man, while Mr. Jones's isolated confinement continues under a sentence of death.¹

Given the risk of error, the certainty of racial animus, and the finality of death, I urge you to commute Mr. Jones's death sentence. For every nine people who have been executed since the death penalty was reinstated in 1976, one person has been identified as innocent. I have represented some of these men, and it took a firm commitment to the

¹ Mr. Jones' jury was likely presented with misinformation: the prosecution repeatedly told jurors that the co-defendant faced a sentence of 30 years to life for his role in the crime.

rule of law for justice to prevail. The authority to execute is an awesome power that must be wielded fairly and reliably. Mr. Jones's fate is a test of our fidelity to these principles.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Stevenson", with a long horizontal flourish extending to the right.

Bryan Stevenson
Equal Justice Initiative