



October 14, 2019

Oklahoma Pardon and Parole Board  
2915 N. Classen #405  
Oklahoma City, OK 73106

Dear Pardon and Parole Board members,

I am writing in support of Julius Jones' petition for clemency. You have within your authority the opportunity to do for this case what no court has been permitted to do— provide a fair and thorough consideration of the facts and evidence, as well as the deeply concerning issues surrounding the 2002 trial, that cast powerful doubt on the integrity of the conviction.

It is not controversial to say that no innocent person should be executed. As of this year, 166 people have been exonerated after having been wrongfully convicted and sentenced to death. I am among those 166. I was a 24-year-old honorably discharged Marine when I was convicted and sentenced to death for a tragic crime that I did not commit. I was exonerated in 1993, and the real perpetrator, who had gone on to commit more brutal crimes while I sat innocent on death row, was eventually convicted. I have spent the last two decades researching the unfortunate truths about flaws in our system of law and order which lead some innocent people to be killed for crimes they have nothing at all to do with.

The troubling issues in Julius' case are frighteningly similar to those found in many of the cases of the 166 men and women who were fortunate to be exonerated before their death sentences were carried out.

- The vast majority of these cases, as with Julius' case, have zero physical evidence and rely solely on witness testimony, circumstantial evidence, and faulty or fraudulent forensic evidence. Julius' fingerprints were not in the stolen vehicle nor on the gun that the police said was the murder weapon. His clothing did not have gunshot residue nor blood on it. He made no statement to the police while in custody. The only forensic evidence consisted of now scientifically debunked lead bullet analysis by a state expert who plead guilty to false-swearing as an expert on this subject in another case.
- The witness testimony relied upon for these convictions is almost always faulty, coerced or given in exchange for a monetary reward or reduced sentence. The primary witness against Julius' was his co-defendant who gave six inconsistent statements to police. There is evidence that he bragged to two different people on two separate occasions about setting Julius up. He received a reduced sentence in exchange for his testimony, a deal not disclosed to the defense or jury during the trial. Two other trial witnesses were themselves facing charges in the case, and related to other criminal activity, and they each received significantly reduced sentences in exchange for their testimony against Julius.
- Due to the fallibility of eye-witness testimony, on which significant research has been done in recent years, many of the 166 people who have been exonerated from death row were erroneously identified by eye-witnesses. In my own case, the suspect was described as 6' 5" and skinny, with curly blond hair, a bushy mustache, and tan skin. My hair was red as a fire plug, I was just 6' tall and weighed 212 Lbs. When they finally convicted the true perpetrator, it turned out he was not 6' 5", but 5' 6" and weighed 160 lbs. In Julius' case, the eye-witness described ½" of hair visible beneath the head covering of the shooter, but there is concrete proof that Julius' hair at the time was far too short to match that

description. The error in the eye-witness identification of Julius may have been compounded by the fact that it was a cross racial identification – when the witness and the defendant being identified are of different racial backgrounds. Three decades of social science research has shown that cross-racial bias exists in identification.

- To no fault of their own, the defendants in the cases of those later found to be innocent are represented by grossly ineffective counsel at trial. Julius’ attorneys did no investigation at all and during the guilt-innocence phase of the 2002 trial, did not call a single witness for his defense nor present powerful alibi testimony placing him at his parents’ home at the exact time the murder occurred. They failed to bring forward evidence of the co-defendant bragging about setting Julius up and they instructed Julius not to testify in his own defense. Due to ineffective counsel at the time of trial, and because of technical rules barring consideration of certain kinds of evidence on appeal, no court has ever had the opportunity to hear this evidence.
- Among the 166 people exonerated after a death sentence, for the 86 who are African American, implicit and overt racial bias led many jury members to ignore the doubts raised by weak witness testimony and lack of physical evidence, and sometimes even led them to be certain of the defendant’s guilt before the trial began. Not only can racial bias lead juries to ignore reasonable doubt, an African American found guilty of killing a white person is three times more likely to be given a death sentence. There is new evidence in Julius’ case that during the trial a juror notified the judge that another juror had used a racist epithet and said Julius should be shot behind the court building rather than continue with the trial intended by law to weigh the evidence and determine guilt or innocence. Racial bias was present in both the guilt-innocence and sentencing phases of Julius’ trial.

I cannot say whether Julius Jones is innocent or guilty, but it is glaring that his case is fraught with the exact problems most typically associated with wrongful convictions, and present in the majority of the case of people who, like me, were nearly killed for crimes we did not commit. Clemency at this stage is the only way to ensure that an innocent man is not executed.

The killing of a human being via execution is legally a homicide that is done collectively by different facets of our society. It is the citizens and legislators of a state who vote to allow capital punishment, and in so doing put their trust in the court system to ensure that only the guilty are put to death. It is the prosecutors who use their discretion to decide whether or not to pursue a crime as a capital case, and who are charged with keeping our communities safe through conviction of the true perpetrator of the crime. It is the judge and jury who we trust to thoroughly and fairly examine the evidence to determine guilt beyond a reasonable doubt. It is the appeals process which should ensure any errors or miscarriages of justice come to light. But that did not happen in Julius’ case. When new evidence was discovered later in the legal process, the courts used procedural technicalities to avoid looking at the merits of those claims. The Oklahoma Pardon and Parole Board is the safety net that remains to consider the evidence in its entirety and determine if this has been a case of wrongful conviction.

We know that this system is fraught with human error. Setting aside any willful or unintentional misconduct, which we know do exist, the errors of ineffective counsel, biased juries, and procedural barriers can easily lead to an innocent man coming before you to plead for his life.

Julius Jones’ trial did not represent due process under the equal justice of law. The errors that have taken place thus far do not have to be fatal errors. I hope you will carefully consider all of the materials compiled in the clemency petition. A young man’s life lays in the balance, as does the integrity of our judicial system.

Sincerely,



Kirk Bloodworth  
Executive Director