

November 2, 2021

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

Dear Governor Stitt:

The NAACP Legal Defense and Educational Fund, Inc. (LDF) respectfully submits this letter in support of the Oklahoma Pardon and Parole Board's recommendation of Executive Clemency for Julius Jones. As an organization that has a long history of representing wrongfully convicted clients, we have reviewed Mr. Jones's case and are deeply concerned that an innocent man faces execution in Oklahoma. The sole eyewitness description of the perpetrator does not match Mr. Jones but does match the prosecution's star witness against him, and that other man has admitted to at least four different people that he was the person who shot and killed the victim. Taken together, these facts provide powerful evidence that Mr. Jones is innocent. At a minimum, there is far too much doubt for Mr. Jones to be put to death. *See* Clemency Hr'g, Nov. 1, 2021, at 3:16:35, Statement of Commissioner Kelly Doyle ("There is doubt in this case and the ultimate punishment should not be utilized.").

On July 28, 1999, at 9:30 p.m., Paul Howell was shot and killed in the driveway of his parents' house in Edmond, Oklahoma. Although the jury did not know it at the time, Mr. Jones was at home with his own family—his mother, father, sister, and older brother—in Oklahoma City. After eating a late dinner as a family, Mr. Jones's mother drove her oldest son to his 10:00 p.m. work shift. Mr. Jones, who was a college student, was still at home when they left and remained there until approximately 11:00 p.m. Mr. Jones's family members each signed a sworn statement confirming his alibi. Although they were available to testify that Mr. Jones was home when Mr. Howell was murdered, defense counsel failed to conduct an adequate investigation and did not present their testimony. *See* Julius Jones Clemency Application at 3, 36-37 (hereinafter "Application").

Other evidence also raises serious doubts about Mr. Jones's guilt. On the evening of the murder, a single eyewitness caught a glimpse of the man who shot Paul Howell. That eyewitness was Mr. Howell's sister, Megan Tobey. Ms. Tobey described the shooter as a Black man wearing jeans, a white t-shirt, a red bandana, and a black stocking-cap. Significantly, she testified that he "had hair sticking out from the sides." A photograph of Mr. Jones that was taken nine days earlier depicts his closely cropped hair, which was far too short to protrude from a stocking cap one week later. Application at 4, 35-36. Defense counsel failed to show this photograph to the jury.

Ms. Tobey's description of the shooter did match a different person: Christopher Jordan. Mr. Jordan—a well-known gang member—later admitted to at least four different people that he, not Mr. Jones, shot and killed Mr. Howell. As detailed in a sworn statement from a man named Geary Birdine, "Christopher Jordan confessed to me, more than once when we were housed together in the Oklahoma County Jail that, that he committed the murder that he was telling on someone else for." The "someone else" was Mr. Jones. In another statement to a man named Emmanuel Littlejohn, Mr. Jordan confirmed that 'Julius didn't do it,' and 'Julius wasn't there.'" *See* Application at 37-39.

Mr. Jordan was the prosecution's star witness at trial. Contrary to what he later admitted, Mr. Jordan claimed to be only an accomplice in Mr. Howell's murder, testifying that Mr. Jones orchestrated a plan to rob Mr. Howell and then shot him to death. But the jury did not learn that Mr. Jordan told five inconsistent versions of the murder before the trial, and he was coached into constructing the narrative that eventually became his trial testimony. The prosecution also concealed the deal they gave him in exchange for his testimony against Mr. Jones, telling the jury that Mr. Jordan faced at least 35 years in prison. In truth, they offered him a sentence that would have him home in 15 years despite his admitted role in the crime, and Mr. Jordan finished serving his sentence years ago. *See* Application at 3, 15-23, 43. As one Board member explained, "There is a huge disparity in sentencing. To give one person 15 years and then execute the second, there is something inherently wrong in that decision." Clemency Hr'g, Nov. 1, 2021, at 3:18:14.

The reliability of Mr. Jones's conviction is undermined further by disturbing overt racism. While Mr. Jones was on trial for his life, one of the jurors announced to his fellow jurors, "They just need to take this [n-word] and shoot him and take him and bury him underneath the jail." The juror who referred to Mr. Jones with this egregious racial epithet and proposed that he be lynched, voted to convict and sentence Mr. Jones to death. Application at 3. This naked racial animosity by a sitting juror plainly denied Mr. Jones his constitutional right "to an impartial jury that [could] view him without racial animus, which so long has distorted our system of criminal justice." *Georgia v. McCollum*, 505 U.S. 42, 58 (1992). As we at LDF have seen time and again since our founding, such racial bias in the adjudication process leads to unreliable convictions and death sentences. When not remedied, such discrimination "'poisons public confidence' in the judicial process," injuring "not just the defendant, but the 'law as an institution,'" and "'the community at large.'" *Buck v. Davis*, 137 S. Ct. 759, 779 (2017) (citations omitted).

Like the Board recognized, this is a case where the finality of death cannot be reconciled with Mr. Jones's unreliable conviction. Capital punishment evokes strong views on both sides, but it is common ground that "the unique nature of the death penalty" demands "heightened reliability . . . in the determination whether the death penalty is appropriate in a particular case." *Sumner v. Shuman*, 483 U.S. 66, 72 (1987). Far from satisfying the heightened reliability standard, this is a case defined by doubt.

For all these reasons, and those further explained in Mr. Jones's petition, we respectfully urge you to uphold the Board's carefully considered clemency recommendation.

Sincerely,



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