

OKLAHOMA PARDON AND PAROLE BOARD COMMUTATION APPLICATION AND INSTRUCTIONS

General Information on Commutation

A commutation consideration is not intended to serve as an early release mechanism but to correct an excessive or unjust sentence. An excessive or unjust sentence is considered in relation to the range of punishment for that crime, evidence that was not available to the court or jury at the time of trial, or a statutory change in the penalty for the crime that now makes the original penalty appear excessive. A commutation is a substitution of a lesser incarceration term for a greater one or a modification or reduction of a punishment. A commutation consideration is a rare and separate process from a parole or a pardon.

In Oklahoma, only the Governor can approve the commutation of a sentence after a favorable recommendation of the Pardon and Parole Board. The submission of an application does not imply or guarantee that the Pardon and Parole Board will favorably recommend a commutation and/or that the Governor will approve a commutation.

The Pardon and Parole Board utilizes a two-stage process for commutation consideration. The first stage is a Jacket Review. During the Jacket Review, the Pardon and Parole Board will review the application along with any other materials that are submitted with application to determine if the application has merit and should be passed to Stage Two.

If the application is passed to Stage Two, the inmate will have a personal appearance with the Pardon and Parole Board via video conferencing. If an inmate receives a misconduct prior to the hearing, the personal appearance will be cancelled, and the inmate will become ineligible for that commutation.

Any number of family and friends, often referred to as delegates, are allowed to attend the Stage Two Hearing; however, only two (2) persons can sit before the Pardon and Parole Board and only one (1) is allowed to speak. Delegates speaking on behalf of the inmate are limited to two (2) minutes. Delegates may also submit letters in support of the inmate's application to the Pardon and Parole Board for review. The support letters must be submitted with the application. Letters may be typed or handwritten on one-side only. Handwritten letters must be legible. Please do not use staples. Letters must include the inmate's name, DOC number, and docket month and year on top of the each page. The deadline to submit such documentation is the Tuesday before the hearing date.

Victims and/or victim's representatives, the judicial representative from the court of conviction, a Representative from the arresting law enforcement agency and the District Attorney are also allowed to speak in protest of the application.

After the personal appearance, the Pardon and Parole Board will vote to either recommend a commutation or deny the request. If a recommendation occurs, the commutation will be forwarded to the Governor. The Governor will make the final decision to approve or deny a commutation.

Eligibility

Applications can be submitted at any time. However, after an unfavorable recommendation by the Board or the Governor, an applicant may reapply: 1) upon recommendation from the Governor; 2) if there has been a statutory change in the penalty for the crime; or 3) three years from date of denial. Applications, which are deemed as ineligible, will not be processed and the applicant will be notified.

Completing the Application

The applicant should take the following steps in completing the application.

1. Type or print the answers in ink.
2. If the application is illegible, it will be returned and will not be processed.
3. It is the applicant's responsibility to submit a completed application. Every number and blank must have a response. If the answers to a question are incomplete, unclear, or non-responsive, you will be notified. The application will not be processed until it is complete. Each question must be answered fully, truthfully, and accurately.
4. **If the space provided for any answer is insufficient, the answer must be completed on the Optional Continuation Page that is provided. List the question number and include with the application. The applicant must list only one question on each continuation page.**
5. Altered or retyped forms will be returned.
6. Application forms must be filled out completely, signed, dated, and notarized where required.
7. The submission of any false information is grounds for immediate denial of the application.
8. In completing the application, using "See Attached" on a question is considered non-responsive, unless using the Continuation Page Form. Applicants are expected to complete the question as indicated and include additional information using the Optional Continuation page.
9. Do not include the instructions with the application (pages 1-3).
10. Do not staple or bind the application in any way.

APPLICANTS SHOULD KEEP A COPY OF THE COMPLETE APPLICATION!

Submitting the Application

Send the completed application to: Oklahoma Pardon and Parole Board, Attn: Commutation, 2915 N. Classen Blvd., Suite 405, Oklahoma City, Oklahoma, 73106

Timeline

Once a completed application is submitted and processed, the commutation will be placed on the next available docket of the Pardon and Parole Board.

For More Information

For more information, contact the Pardon and Parole Board at 405/521-6600.

OKLAHOMA PARDON AND PAROLE BOARD COMMUTATION APPLICATION

Instructions:

Type or print the answers in ink. **Do not leave items or sections blank.** It is the applicant's responsibility to submit a complete application. If the space provided for any answer is insufficient, answers must be completed on the Optional Continuation Page, list the question number, and include with Optional Continuation Page with the application. Only one question for each Optional Continuation Page is allowed.

GENERAL INFORMATION

Name: Julius Darius Jones
First Middle Last Suffix (i.e. Junior)

Facility: Oklahoma State Penitentiary, McAlester

Facility Address: 1301 N. West St.

City: McAlester State: OK Zip: 74501

Date of Birth: 07/25/1980 Place of Birth: Oklahoma City, OK

Gender: ☒ Male ☐ Female DOC #: 270147

Did someone else help you prepare the application? ☒ Yes ☐ No

Name: Dale A. Baich and Amanda C. Bass

Address: 850 W. Adams St., Ste 201

City: Phoenix State: AZ Zip: 85007

Area Code/Telephone Number: 602-382-2816

Is the person assisting in the preparation of the application an attorney? ☒ Yes ☐ No

If yes, OK Bar #: Amanda Bass AL Bar No. 1008H16R, Dale Baich OH Bar No. 0225070

If no, what is the relationship between the applicant and the person assisting in the preparation?

1. Are you a United States citizen? ☒ **Yes** ☐ **No**
2. Have you ever applied for a Commutation before? ☐ **Yes** ☒ **No**

If yes, list the month(s) and year(s) of every application for which you have previously applied?
Start with the first application and end with the most recent application.

| Month | Year |
|-------|------|
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OVERVIEW OF OFFENSES FOR COMMUTATION CONSIDERATION

3. List the case number(s), offense(s) or the crime(s) committed) the county, and the sentence length for every Oklahoma conviction, for which a commutation is being requested. If a case is a consecutive sentence (CS) or concurrent sentence (CC), list in the sentence length. The subsequent section entitled, *Detail of Offenses for Commutation Consideration*, will request more detailed information. *If additional space is needed, list the question number on the Optional Continuation Page.*

| CASE NUMBER, INCLUDING COUNTS | OFFENSE (Crime Committed as named on the Judgement and Sentence) | COUNTY | SENTENCE LENGTH (Including CS and CCs) |
|--|---|---------------|---|
| CF-99-4373 Count 1 | Murder in the First Degree | Oklahoma | Death |
| CF-99-4373 Count 1 | Possession of a Firearm | Oklahoma | 15 yrs CS to Ct 1 |
| CF-99-4373 Count 1 | Conspiracy to Commit a Felony | Oklahoma | 25 Yrs CS to Ct 2 |
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4. Were there victims in your crimes? ☒ Yes ☐ No

A. If yes, how many? one

B. Did you know the victim(s)? ☐ Yes ☒ No

C. If yes, what was the relationship? _____

D. Were the victim(s) injured? ☒ Yes ☐ No

E. Age(s) of the victim(s)? 45 years old

F. Were other persons involved in the crimes listed above? ☒ Yes ☐ No

G. If yes, list the name(s) of your accomplice(s) and what, if any sentences they received.

| NAME OF ACCOMPLICES | SENTENCE OF ACCOMPLICES |
|---------------------|---|
| Christopher Jordan | Life with all but first 30 years suspended; served 15 years |
| | |
| | |
| | |

5. Do you have a detainer(s)? ☐ Yes ☒ No

6. If yes, list the authority (ICE, County, City, State, etc.): _____

ACCOUNT OF THE OFFENSE

7. For each criminal case and the count(s) for which you are seeking a commutation as listed in Question 4, describe in detail your involvement in the crime, who else was involved, and what were your actions before, during, and after the crime. Be specific and describe your exact responsibility. If you are seeking a commutation for more than one criminal case, list the case number and describe each separately. *If more space is needed, use the Optional Continuation Page and list the question number.*

Admittedly, I have done some stupid things in my life and I am ashamed, embarrassed
and repentant of my youthful actions. But, as God is my witness, I was not involved in any way
in the crimes that led to Paul Howell being shot and killed on July 28, 1999. I have spent the past
twenty years on death row for a crime I did not commit, did not witness, and was not at. I feel
terrible for Mr. Howell and his family, but I was not responsible. I did not have a chance to tell

Question 7. Account of the Offense (continued)

my story to the jury at my trial because my lawyers rested the case without calling any witnesses, including my mother, father, sister and brother who would have told the jury I was home with them when this crime was committed.

Today, I deeply regret my youthful involvement with the people responsible for Mr. Howell's death and I wish I had just gone and spoken to the police when I heard they were looking for me. If I did that, I don't think I would be where I am now. While I wish that I'd gone to the police with what I knew, I was scared to get involved. I was, like other young black men in my neighborhood, afraid of the police, and I didn't trust them. [1] [My lawyers will be providing you with the documents corresponding to the numbers listed in my answer.] I regret not coming forward with what I learned after Mr. Howell's murder and that my silence meant that those actually responsible for his death are now walking free. I want to take this chance to tell what I know about what happened.

In the summer between my freshman and sophomore years of college at Oklahoma University, I spent time away from my apartment near campus in Norman and back home with my parents and siblings in Oklahoma City. Chris Jordan was a person I had played on the basketball team with at John Marshall High School, and we reconnected earlier in the year of 1999 after bumping into one another at a basketball game.

On July 28, 1999, Chris and his girlfriend came to my parents' house in the morning in his girlfriend's red Geo Prism. Chris had a 1972 Cutlass that had broken down, and I was going to go with him that morning to AutoZone to help get the battery recharged. Around lunchtime, Chris drove me to see my girlfriend at the accounting firm she worked at. I saw her for about 20 minutes and then Chris drove me to Chevy's Garage to pick up my car which was in the shop for a transmission repair. The mechanic needed parts to repair the transmission so I took the car back. On the way home, the transmission was leaking fluid and smoking. We ran into Ladell King, who was a friend of Chris's and who I had met through Chris a few weeks earlier, and he flagged me down. Ladell lived close by and said I could park my car outside his apartment until I could figure out how to get the car back to the shop. That was around 4:00 p.m.

Chris dropped me off at my parents' house around 4:30 p.m. We were planning to go to

OPTIONAL CONTINUATION PAGE

*The applicant must list the question number for each response that uses an Optional Continuation Page. Use a separate **continuation page** for each question. Do not use one page for multiple questions. Use as many Optional Continuation Pages as needed.*

For Question # 7-1

my apartment in Norman so I could get some clean clothes and he was going to pick me up later in the day. Chris didn't come back to pick me up until much later that night. I remember being mad at him because he was supposed to come get me much earlier.

While I was waiting for Chris, I played games with my sister and brother and around 8:00 p.m. my mother, father, sister, brother and I had a spaghetti dinner. The dinner sticks out in my mind because it was close to my birthday and one of my friends had given me a large birthday cookie. Sometime after dinner I went to get the cookie but there was only one piece left because my brother and sister had been eating it behind my back. Between 9:30 and 10 p.m., my mother drove my brother to work. I was at home when she left and home when she returned. I told her about my birthday cookie being gone when she returned.

Between 11 and 11:30 p.m. that evening, Chris finally picked me up and we drove to my apartment in Norman. Chris and I had words because he was so late. Chris seemed a bit off and told me he got into it with some guys and shot at them. I was shocked, but didn't ask any questions. My thought at the time was the less I knew the better.

After picking up some clean clothes back at my apartment, Chris and I left Norman at around 2:00 a.m. and headed back to Oklahoma City. We hung out at the apartment of Chris' brother, Laymon Jordan, between 2:30 and 3:00 a.m. We talked, drank, played dominos and, at some point, I fell asleep.

Early the next day Chris drove me to pick up my car. Chris followed me to Championship Auto where I dropped off the car to get the transmission repaired. Chris then dropped me off at my parents' house around 8:30 a.m. and I went to sleep.

Sometime during the day, Ladell started paging me looking for Chris. I told Ladell I didn't know where Chris was, and he asked me to help move a car with him since he could not reach Chris. Ladell said he would give me something (which I understood to be money) if I helped him. I needed money so I agreed and Ladell picked me up around the corner from my parents' house in a red Firebird. Ladell kept asking me if I knew where Chris was.

When we got to Ladell's apartment, he asked me to follow him in a Suburban that was parked there. That made me suspicious and I refused because I was pretty sure the Suburban was stolen based on stories I'd heard from Ladell about how he would steal cars and change serial numbers.

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For Question # 7-2

Ladell instead drove the Suburban and I followed him in his car. Ladell parked the Suburban at a grocery store and went inside. After a minute, I went into the store. I don't remember if Ladell bought anything. We left the store and drove together in his Firebird to an auto shop. I later learned (after I was arrested) that the auto shop was a chop-shop run by a man named Kermit Lottie. Ladell went into the garage while I waited in the car.

Ladell returned 10 or 15 minutes later and looked spooked. We drove in silence back to the grocery store where the Suburban was parked and Ladell just sat parked behind it for several moments as if thinking. Ladell said the garage didn't want the Suburban because there was "a body on the truck," or something like that. I didn't know what he was talking about, but I had a bad feeling and should have bolted and gone to the police, but I didn't.

Ladell seemed obsessed with finding Chris so I suggested he (Ladell) look for him at the Macklanburg Recreational Center where we played ball. We saw Chris's Cutlass parked outside and Ladell walked in. I walked into the gym after Ladell and could see him and Chris having what looked like a serious discussion.

Ladell left the gym in his car and Chris drove me back to my parents' house. Chris insisted on turning on the news. It was then that I learned that someone had been killed the night before in a robbery of a Suburban. Chris left, but left his car at my parents' house. I think at that point things were starting to add up to me that Ladell and Chris were involved. I should have gone to the police but I didn't. That was stupid and I regret it, but I was becoming concerned for my and my family's safety.

After midnight on Friday Chris called and asked me to pick him up at a laundromat because he was locked out of his grandmother's house. He was insistent. Because he had left his car at my parents' house, I took his car to pick him up and we drove back to my parents' house. I went to the living room couch to watch TV and called some girls on the family phone, and fell asleep. Chris said he needed to make calls and went upstairs to use the other phone line in my bedroom upstairs. (Looking back, I'm sure that's when Chris hid the gun and bandana that the police later found in that room.) By the time I woke up later Friday morning Chris was gone. After cutting the grass, I was on the phone with a friend and received a call on the other line from Ladell. (I later learned he was in police custody and calling me from outside my house.) The call was short. Ladell asked what I was doing and I told him I was talking to a girl.

A second call came in and the person on the other end asked if I was home. I knew something

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For Question # 7-3

wasn't right and figured it had to do with Chris. I knew he was up to no good, but didn't want to be in the middle of it. So I said Julius wasn't there and hung up.

I left to find out what was going on. I didn't sneak out or jump out a window. I left from the door in the back of the house that we always used to come in and go out. I noticed several police vehicles on my block. On the next block, I ran into Chris who was walking towards my house and he said we should drive to Ladell's apartment to find out what was going on. Ladell's girlfriend told us that the police had Ladell. Chris told her not to worry about it and that he was going to talk to the police.

When we got back in the car, Chris asked me to go tell his brother Laymon the police were looking for "us." I understood that to mean Chris and his brother, not Chris and me. Chris got out of the car near Macklenburg. I thought he was going to talk to the police like he said. I agreed to go tell Chris' brother what was going on.

I was arrested early Saturday morning at Laymon's apartment because I was afraid to go back to my house. I was in shock when I was arrested, handcuffed, and dragged to a police car. The officers were high fiving one another and told me: "You know you're gonna fry." While being transferred from an Oklahoma City police car to an Edmond police car, an officer removed my handcuffs and said, "Run nigger. I dare you, run." I stood frozen, knowing that if I moved I could be shot and killed.

I feel horribly for Mr. Howell and his family. I should never have helped Ladell move the Suburban and would not have done so if I knew what truly had happened. I wish I had talked to the police. I have been haunted by those terrible decisions every day for the past twenty years. I know Ladell and Chris framed me to save themselves, but I absolutely did not commit this crime and I was wrongfully convicted.

REASON(S) FOR SEEKING A COMMUTATION

8. A Court sentenced you for a crime or crimes that you committed. Please select why you are now seeking to reduce your sentence through a commutation:

Select One or More:

- ☐ 1) Given the range of punishment for the crime, this penalty is now excessive.
☒ 2) There are facts which were not available to the court or jury at the time of the trial.
☐ 3) There is a statutory change in penalty for the crime which makes the original penalty appear excessive.

*For each item checked above, provide, in detail **why** you believe that Item 1, 2, or 3 applies to you. If more space is needed, use the Optional Continuation Page and list the question number.*

I'm asking that my life be spared and my sentence be commuted to time served for several reasons.

I am innocent.

I did not commit the crime that I was convicted of. As I explained in answering question 7, at the time Mr. Howell was shot, I was at my parents' house, with my family, miles away. I did not commit, did not witness, was not at, and had nothing to do with Mr. Howell's murder. Despite that, my overworked, underpaid, and inexperienced trial lawyers failed to adequately investigate my alibi, failed to present helpful evidence, and didn't call a single member of my family to testify that I was at home with them on the night of the crime. In fact, my lawyers simply rested after the state finished its case without presenting any evidence or calling a single witness, including me. At the very last minute, they advised me to not testify. Until that time, I had every intention of testifying and understood the importance of my testimony to my innocence defense.

In addition, my lawyers didn't offer evidence demonstrating that I could not have been the shooter. At trial, the only eyewitness identified the shooter as having half an inch of hair sticking out from underneath a stocking cap. [2] [3] That could not have been me. A photo of me taken just days before the crime on July 19, 1999 (which was never shown to the jury) shows that I had short, closely cropped hair not long enough to match the eyewitness's description of the shooter. [4] [5] Chris Jordan, on the other hand who blamed me for the shooting and worked out a deal with prosecutors to testify against me, fit the description. A photo of Chris at the time of the crime

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For Question # 8-1

shows that he had long hair which would have stuck out from beneath a stocking cap. [4] The jury was never shown that I couldn't have been the person identified by the eyewitness to the crime.

Kermit Lottie and Ladell King lied to protect themselves.

Kermit Lottie and Ladell King testified against me. Both of them had reasons to lie. Kermit operated a chop-shop a few blocks from where police found Mr. Howell's Suburban. He testified that Ladell approached him on July 29, 1999 about selling him a vehicle that matched the description of the one stolen during the shooting that resulted in Mr. Howell's death. [4] Kermit was a convicted felon [4] and a longtime informant for the Oklahoma City Police. [6] At the time Mr. Howell was killed, Kermit was facing federal drug distribution charges. On August 17, 2000, prior to my trial, Kermit signed a plea agreement and was facing up to 40 years in prison. But because Kermit testified for the State, he only received a 7 year sentence on his federal charges. [7] The lead detective on Mr. Howell's case wrote to the U.S. Attorney prosecuting Kermit stating, "If Kermit had not cooperated with my investigation I believe the homicide would be unsolved to this day." [8]

Ladell also benefitted from his testimony against me. Ladell was also a convicted felon and self-described "car thug" who admitted to stealing cars and selling them to Kermit. [3] [4] Ladell was never prosecuted in connection with Mr. Howell's death even though he admitted to being involved. Ladell was also facing bogus check charges at the time. As a habitual offender, he was facing twenty years' imprisonment on those charges, but was sentenced to ten years of probation, and no jail time. [9] [10]

The State hid its deal with Chris Jordan.

Chris pled guilty to first-degree murder and conspiracy to commit a felony in connection with Mr. Howell's murder in exchange for testifying against me on behalf of the prosecution. [11] [12] [13] At my trial, Chris lied and testified that I murdered Mr. Howell. [11] On paper, Chris's plea required him to serve a minimum of 30 years in prison before becoming eligible for parole. The prosecutor even told the jury that Chris would serve 30 years on a life sentence with the remainder suspended. [2] [13] But that was false. What I didn't know at the time he testified against me was that Chris already had a secret deal with the prosecution to serve far less than 30 years in prison in exchange for pointing the finger at me.

Before my trial, Chris and the prosecutors in my case agreed that he would only serve 12 to 15 years in prison in exchange for his testimony against me. That deal was never disclosed to me or the jury. [14] [15] Chris was released from prison in December 2014 after serving only 15 years of

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For Question # 8-2

his life sentence. [16]

Chris Jordan admitted that he set me up.

Prior to my trial, Chris admitted to two people that I wasn't involved in the murder. In late August or early September 1999, Chris told a man named Manuel Littlejohn that "Julius didn't do it" and "Julius wasn't there." Chris admitted to Manuel that he tried to frame me by wrapping the gun used to commit the crime in a bandana and hiding it in my house. Chris also told Manuel about his secret side deal with prosecutors, telling him "I'm going to do fifteen years and go home." That's exactly what happened. Even though I told my lawyer about Chris's confession, he never asked Chris about it and he never called Manuel to testify at my trial. [15]

Christopher Berry is another man who also heard Chris bragging about framing me. Berry said that while he was in the Oklahoma County Jail in the early 2000s he overheard Chris bragging to another prisoner that he was the actual person who shot the victim, and that because he was the first person to talk to the police he was getting a deal and would not get the death penalty. [17] Berry had the same lawyer as me (David McKenzie), but Mr. McKenzie never called Berry to testify at my trial about what he heard Chris say. It was not until postconviction that I learned what Berry would say.

Racism in my case.

Even before charges were filed against me, the District Attorney, Bob Macy, told the media that I deserved to die because the crime that I had allegedly committed happened "in what should be a safe neighborhood" and "happened for the worst of reasons, to get money to go buy drugs." [18] There was no evidence then or now that Mr. Howell's murder involved drugs. Mr. Macy's appeal to racial stereotypes worked. An editorial in The Daily Oklahoman shortly after Mr. Macy made his remarks said that "[t]o his credit, District Attorney Bob Macy has already decided to seek the death penalty, which this crime certainly deserves." [19]

During my trial, prosecutors took every opportunity to racialize me by appealing to the deeply entrenched and stereotypical association between blackness and dangerousness. [20] ("[P]resented with a criminal defendant, even well-meaning people fall prey to the stereotype that, whether for reason of biology or culture, Black people are inherently violent and dangerous."). In urging jurors to sentence me to death, prosecutors argued that I was a "continuing threat" because I was "out prowling the streets" engaging in criminality. But that wasn't true. At the time of my trial I had no prior violent felony convictions. I had gotten into some trouble previously, but none of it was violent. The prosecutor's language reflected and reinforced "the monstrous specter that is never far from the

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For Question # 8-3

surface: the violent Black brute, the single most fearful, dehumanizing, and cruel stereotype that Black people have had to endure.” [20] The strategy worked.

On November 2, 2017, one of the jurors on my case, Victoria Armstrong, [21] [22], told my legal team that another juror by the name of Jerry Brown said during my trial that, “[t]hey should put [me] in a box in the ground after this is all over for what he’s done.” [23] Ms. Armstrong explained that during the trial she “went to the judge with the comment from another juror about how it was a waste of time and ‘they should just take the nigger out and shoot him behind the jail.’” [22] According to Ms. Armstrong, “that juror was never removed and nothing further came from it.” [22] No one selected to serve on my jury ever told the judge that they couldn’t be fair and impartial, but Ms. Armstrong’s account demonstrates that I was not tried and sentenced by an impartial jury of my peers. I was tried by a jury that included at least one racist and I never had a chance. Despite my lawyers’ efforts to have a court review this evidence, no court has ever considered how this issue made my trial and my death sentence unfair. There are procedural technicalities that stopped the courts from looking at the merits of this claim.

In April 2017, after studying all homicides that occurred in Oklahoma between January 1, 1990 through December 31, 2012, the Oklahoma Death Penalty Review Commission issued a report concluding that someone like me who is accused of killing a white male victim in Oklahoma is nearly three times more likely to receive a death sentence than if the victim were a nonwhite male. [24] I’m facing execution without any court having ever addressed this issue either. Again, because of procedural technicalities, courts have avoided review of this issue.

The District Attorney has refused to share its file with my lawyers

Why did Chris only serve 15 years in prison even though he was supposed to serve at least 30 years under his plea agreement? Why did prosecutors tell my jury that Chris was going to serve 30 years in prison for what he’d done, when they knew that he’d been promised that he’d get out in half that time? Why did Kermit and Ladell also get great plea deals that the prosecutors in my case never fully or timely disclosed to my lawyers or my jury? The answers to these questions may be in the District Attorney’s files.

My lawyers have, for several years now, asked Oklahoma City District Attorney David Prater to allow them to review the prosecution’s file on my case. Although Mr. Prater finally agreed, in the fall of 2018, to allow my lawyers to review the State’s file, he ultimately reneged on that promise. [25] Can you ask the District Attorney to make his file available to my lawyers and to the public?

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For Question # 8-4

DNA testing raises serious questions about the prosecution's theory of the crime

Chris admitted spending the night at my parents' house after the crime where, as I said before, I believe he wrapped the gun used to murder Mr. Howell in a bandana and planting it in my bedroom. At trial, the eyewitness to Mr. Howell's murder reported that the shooter was wearing a red bandana over his face and mouth during the crime. DNA testing conducted last year determined that no saliva was detected on the red bandana that police found in my parents' house. That testing undermines the prosecution's claim that that bandana was worn over someone's mouth and, therefore, is the bandana used during the crime.

That testing also revealed the presence of DNA belonging to three or more people on the bandana. But because the police failed to test this evidence years ago, and because so many years have gone by, the DNA was severely degraded and the testing can't tell us who these 3 or more other people are. And even though part of one of those profiles is similar to mine, an expert has said that this could have resulted from transfer, including from police officers' handling of things in my bedroom for hours before they located the red bandana. [26]

Conclusion

Why didn't the police conduct DNA testing years ago? Why didn't they search Chris's and Ladell's homes in the aftermath of the crime? And what might they have found had they done so? Why didn't the police thoroughly investigate obvious suspects in this case (Chris, Ladell, Kermit, and maybe others), instead of secretly giving them sweet deals to point the finger at me? Tunnel vision set in. Why was a racist juror who prejudged my guilt allowed to convict and sentence me to die? I'm facing execution even though I didn't kill Mr. Howell and the answers to these questions are still unanswered. For all these reasons, I'm asking that the Board and Governor Stitt spare my life and commute my sentence to time served.

CERTIFICATION AND PERSONAL OATH

I certify that all answers to the above questions and all statements contained herein are true and correct to the best of my knowledge and information. I understand that any intentional misstatement of material facts contained in this application may cause adverse action on my application for a commutation.

I understand that there is no appeal process upon denial of an application for commutation.

I have read and understand the Commutation applications instructions. By signing and submitting this application, I understand and voluntarily accept the terms of the commutation if it is approved. In making application for a commutation from the Governor of the State of Oklahoma, I do solemnly swear that I will be a law-abiding citizen and that I take this obligation freely and without any mental reservation whatsoever.

Name of Applicant: MR JULIUS D. JONES

Signature of Applicant: [Signature]

Date: 10-10-2019
(Month, Day, Year)

NOTARY



Subscribed and sworn before me this 10th day of Oct, 2019.
(Day) (Month) (Year)

Sherry Day
Notary Public

My commission expires: 3-12-22
My commission number is: 18002542

RELEASE OF INFORMATION TO THE PARDON AND PAROLE BOARD

Carefully read this authorization to release information, then complete and sign in ink (blue or black).

I authorize any representative of the Oklahoma Pardon and Parole Board and/or the Oklahoma Department of Corrections, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retail business establishments, courts, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, criminal history, arrest, conviction, including the pre-sentence investigation report, if any, medical, psychiatric/psychological, health care, financial, and credit information.

I understand that, for financial or lending institutions and certain other sources of information, a separate specific release may be needed (pursuant to their request or as may be required by law), and I may be contacted for such a release at a later date.

I further authorize the Oklahoma Pardon and Parole Board and/or the Oklahoma Department of Corrections, or any other authorized state agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my suitability for a commutation.

I authorize custodians of records and sources of information pertaining to me to release such information upon request of any representative of the Oklahoma Pardon and Parole Board and/or the Oklahoma Department of Corrections or any state agency authorized above regardless of any previous agreement to the contrary. I understand that the information released by records custodians and sources of information is for official use by the State of Oklahoma only for the purposes of processing my application for a commutation, and may be re-disclosed by the State of Oklahoma only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for one (1) year from the date signed.

MR JAMES S. JONES
Full name (Typed or Printed)

M. S. J. R.
Signature of Applicant

10-10-2019
Date Signed

**RELEASE OF INFORMATION TO ATTORNEY
OR OTHER AUTHORIZED PERSON**

I authorize the Pardon and Parole Board to release information, including but not limited to the investigative report and all contents therein without redaction. I understand this may include information relating to behavioral or mental health services, treatment for alcohol and drug abuse, and/or other protected health information.

This information may be released to:

Name or Title of Person or Organization: Dale A. Baich

Address: 850 West Adams Street, Suite 201

City, State and Zip: Phoenix, Arizona 85007

Area Code/Phone: 602-382-2816 Area Code/Fax: 602-382-2801

Email: dale_baich@fd.org

The relationship to the individual listed above Attorney

This information is being released for the following purpose:
no limitation

I understand that I can revoke this Authorization at any time, except to the extent that action has been taken in reliance on it, by providing written notice to the Oklahoma Pardon and Parole Board. In any event, this Authorization expires in one (1) year from the date of signing or upon the condition(s) described above.

I understand that my records are currently protected by Oklahoma State statutes including Title 63, O.S. Section 1-502.2, and federal privacy regulations including the Health Insurance Portability and Accountability Act (HIPPA), 45 C.F.R. Parts 160 and 164. I understand that my health information specified above will be disclosed pursuant to this authorization, and that the recipient of the information may redisclose the information and it may no longer be protected by the HIPPA privacy law. When applicable, the federal regulations governing the confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, prohibits redisclosure of such information without my specific written consent or when permitted by regulations.

This Authorization is made freely and I voluntarily give this consent. You are hereby authorized to treat copies of this Authorization the same as originals thereof.

Ma Sukkur S. Jones

Full name (Typed or Printed)

Ma Sukkur S. Jones

Signature of Applicant

10.10.2019

Date Signed

Office of the
FEDERAL PUBLIC DEFENDER
for the District of Arizona
Capital Habeas Unit

Jon M. Sands
Federal Public Defender

direct line: (602) 382-2816
email: dale_baich@fd.org

April 14, 2020

via Federal Express

Steven Bickley, Executive Director
Oklahoma Pardon and Parole Board
2915 N. Classen Blvd., Suite 405
Oklahoma City, OK 73106

Re: Julius Darius Jones, #270147

Dear Mr. Bickley,

On behalf of Julius Darius Jones, DOC# 270147, enclosed are Supplemental Exhibits 27-32 in support of his pending Commutation Application.

Mr. Jones filed his Commutation Application on October 15, 2019. The application was filed pursuant to Okla. Admin. Code § 515:15-5-1. The Board uses a two-stage process for commutation review. *Id.* § 515:15-11-1(b). During stage one, the Board will review the application along with any other materials (e.g., support letters) submitted with the application to determine if the application has merit and should be passed on to stage two – the commutation hearing. *Id.* § 515:15-11-1(c). Stage two involves an investigation and further consideration of the application. *Id.*

Please advise us when Mr. Jones's Commutation Application will be on the Board's calendar for stage one review.

Sincerely,



Jon M. Sands
Dale A. Baich
Amanda C. Bass
Counsel for Julius Jones

Index of Supplemental Exhibits

27. Affidavit of Colin White: Mr. White was a juror at Julius' trial. He offers his impression of Julius' trial lawyers, fellow jurors, and the impact of a witness testifying that Christopher Jordan bragged about being the actual shooter. This further supports Julius's Original Commutation Application under "Reasons for Seeking a Commutation": "I am Innocent" and "Chris Jordan admitted that he set me up."

28. Affidavit of Max Newton: Mr. Newton was also a juror at Julius' trial. He describes the lack of effort by Julius' trial lawyers. Mr. Newton also explains that evidence regarding Christopher Jordan bragging about being the trigger man would have been considered had it been presented. This further supports Julius's Original Commutation Application under "Reasons for Seeking a Commutation": "I am Innocent" and "Chris Jordan admitted that he set me up."

29. Affidavit of Victoria Coates: Ms. Coates was a juror at Julius' trial. She provides sworn testimony that another juror used a racial slur during Julius' trial and that no action was taken after she reported those comments. Ms. Coates also believes Julius did not receive a fair trial. This further supports Julius's Original Commutation Application under "Reasons for Seeking a Commutation": "I am Innocent," "Kermit Lottie and Ladell King lied to protect themselves," "The State hid its deal with Chris Jordan," "Chris Jordan admitted that he set me up," and "Racism in my case."

30. Affidavit of David McKenzie: Mr. McKenzie was Julius' lead trial lawyer and he describes errors made while preparing Julius' defense, including his failure to present compelling evidence and how it would have disproved the State's theory. This further supports Julius's Original Commutation Application under "Reasons for Seeking a Commutation": "I am Innocent," "Kermit Lottie and Ladell King lied to protect themselves," "The State hid its deal with Chris Jordan" and "Chris Jordan admitted that he set me up."

31. Affidavit of Robert Ravitz: Mr. Ravitz is the Public Defender of Oklahoma County, and he served in that same role at the time of Julius' trial. He explains that the policy of the Public Defender's Office at the time of Julius' trial was to assign only experienced capital trial lawyers as first chair on capital cases, but this was not done in Julius' case. This further supports Julius' Original Commutation Application under "Reasons for Seeking a Commutation": "I am Innocent," "Kermit Lottie and Ladell King lied to protect themselves," "The State hid its deal with Chris Jordan" and "Chris Jordan admitted that he set me up."

32. Pre-crime photograph of Julius Jones: This photograph of Julius, taken one week before the crime, depicts Julius with short hair. At Julius' trial, the victim's sister, Megan Tobey, testified that her brother's shooter had ½-inch of hair sticking out from underneath a stocking cap. This photograph of Julius supports the fact that his hair was closely cropped around the time of the crime and he could not have been the person who Ms. Tobey saw. Yet, this picture was never

shown to Julius' jury and supports Julius' Original Commutation Application under "Reasons for Seeking a Commutation": "I am Innocent."

Exhibit 27

AFFIDAVIT of Colin Eugene White

State of Oklahoma

)

ss

County of Oklahoma

)

I, Colin Eugene White, being of lawful age, do hereby state under a penalty of perjury the following is true and correct to the best of my knowledge.

1. My name is Colin Eugene White. In February 2002, I served as a juror in the State of Oklahoma versus Julius Darius Jones in Oklahoma County District Court.
2. On January 16, 2005, I was interviewed by Dorothy Walos, an investigator from the Oklahoma Indigent Defense System, Capital Post-Conviction Division. It was the first time anyone has contacted me from a defense team regarding Mr. Jones trial.
3. My impression about the defense team representing Mr. Jones was that they seemed inexperienced. They did not put on any counter evidence or attempt to impeach the district attorney's witnesses. If a credible alibi witness would have been presented, it might have made a difference in the case.
4. If a witness said that the co-defendant, Mr. Christopher Jordan, who testified against Mr. Jones, was bragging about being the actual shooter, it might have made a difference in the penalty phase of the case.
5. In regards to sentencing, it seemed like two or three people had their minds made up before hearing the whole case.
6. I do not recall being contacted by the public defender's office by mail or telephone regarding this case.
7. Although this affidavit was prepared by Laura Arledge, Mr. Jones's attorney, I willingly gave this information to Dorothy Walos, an investigator on Julius Jones's case. This information is true to the best of my knowledge and memory. I have received nothing in return for this information.

FURTHER AFFLIANT SAYETH NOT

Colin White
Colin Eugene White

Subscribed and sworn to me this 23rd day of Feb., 2005, by the person known to me to be Colin Eugene White.

Dorothy Walos
Notary Public
My Commission number: 05000991
My Commission expires: Jan 27, 2009

Exhibit 28

Affidavit Max Newton

State of Oklahoma)
)
County of Oklahoma) SS

I, Max Newton, being of lawful age, do hereby state under a penalty of perjury the following is true and correct to the best of my knowledge.

1. My name is Max Newton. I was a juror in the State of Oklahoma versus Julius Jones case in Oklahoma County District Court during February 2002. MLN
2. It was my civic duty to serve as a juror and I felt good about doing it. MLN
3. Julius Jones had three attorneys, but they did little. They did not offer a defense for Mr. Jones. The three of them did not seem interested or involved. The defense team had opportunity to give the jurors information, but did not do it. The defense team did not make much effort to cross-examine the district attorneys' witnesses. MLN
4. If the defense team had an alibi witness or other witnesses saying Christopher Jordan was bragging about being the trigger man, they should have put those witnesses on the stand. Their testimony would be considered along with the other testimony. MLN
5. After my service as a juror, I received and filled out a "Juror Interview Report" from the Public Defender's Office of Oklahoma County. In that questionnaire, I agreed to talk to an investigator from the Oklahoma Public Defender's Office if they wanted to speak to me. MLN
6. Sometime after I filled out the questionnaire, I received a phone call from someone in the Oklahoma County Public Defender's Office. My conversation with the Oklahoma Public Defender's Office focused on incidents in which the jurors were called back into the courtroom individually. I was not contacted again until

investigator Walos from the Oklahoma Indigent Defense System contacted me in January 2005. MLN

7. Although this affidavit was prepared by Laura Arledge, an attorney for Julius Jones, I willingly gave this information to Dorothy Walos, an investigator on Julius Jones's case. This information is true to the best of my knowledge and memory. I have received nothing in return for this information. MLN

FURTHER AFFIANT SAYETH NOT

Max Newton
Max Newton

Subscribed and sworn to me this 22 day of FEBRUARY, 2005, by the person known to me to be Max Newton.

Dorothy Walos
Notary Public
My Commission number: 05000991
My Commission expires: Jan 27, 2009

Exhibit 29

Affidavit of Victoria Coates

I, Victoria Coates, state the following:

1. My name is Victoria Coates. In February 2002, I served as a juror in *State of Oklahoma v. Julius Darius Jones* in Oklahoma County District Court. At that time, my name was Victoria Armstrong.
2. On November 1, 2017, I was first contacted by Rebecca Postyeni, an investigator, from the Office of the Federal Public Defender for the District of Arizona via Facebook message. Ms. Postyeni informed me of her employment and representation of Julius Darius Jones. Ms. Postyeni and I exchanged messages on Facebook. Printouts of those messages are attached to this affidavit. Those printouts are true and accurate accounts of our correspondence on Facebook
3. After messaging on Facebook, I agreed to speak with Ms. Postyeni by telephone on January 4, 2018. We spoke by telephone on that date.
4. During the trial I went to an individual who I believed to be the bailiff about a comment I had heard another juror make while we were in the jury room during a break. I remember telling the bailiff that the comment made was something to the effect of, "They just need to take this nigger and shoot him, and take him and bury him underneath the jail." Today, I don't remember the name of the juror who made the comment, but at the time I did know his name and reported it to the judge. The comment made by this juror was said aloud in a group setting.
5. After telling the bailiff about that comment, I was called into the courtroom in front of the judge and both sides' attorneys to tell the judge what I had heard. I paraphrased to the judge the comment that was made by the juror.
6. I felt that this comment by another juror was obviously about Mr. Jones and the juror was not impartial. I also felt that this juror had a bias that needed to be brought to the court's attention.
7. I was surprised that the juror was allowed to stay on the jury and that the trial continued normally.
8. After Mr. Jones's mother testified about various things that she didn't know were going on in Mr. Jones's life, I recall that the only other female juror said that she wasn't surprised that Mr. Jones lied to his mother because, "It is his kind."
9. I felt that there was racism on the jury that convicted Mr. Jones and sentenced him to death.
10. I would have listened to an alibi defense from Mr. Jones's family members had his defense lawyers put on their testimony. I would have weighed their testimony against the other evidence that the prosecution presented.

11. If the defense lawyers at Mr. Jones's trial had put on testimony from witnesses that Christopher Jordan was bragging about committing, and getting away with, the crime while in jail, I would have listened to them even though they were facing criminal charges. I would have weighed their credibility against other evidence that the prosecution presented.
12. I remember that one of the prosecution's expert witnesses testified that he had "no doubt" about the bullet that killed the victim being a match to the weapon found in the home belonging to Mr. Jones's parents. This was a major factor for me in determining that Mr. Jones was guilty. At the time that I served on Mr. Jones's trial, I believed everything that this expert testified to and the defense didn't present any expert of their own to challenge his conclusions.
13. We were not allowed to take notes during the trial. As jurors, we discussed the case daily, even though we were told not to do so, because of our inability to take notes during the trial.
14. I still believe, to this day, that Mr. Jones is guilty of shooting and killing the victim. However I don't think that he received a fair trial.

I state under the penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

Signed this 6 day of June, 2019 at Oklahoma City, Oklahoma.
(City, County, State)

Victoria Coates
(Signature of Affiant)

Victoria Coates
(Print Name of Affiant)

Subscribed and sworn to before me this 6TH day of June, 2018. 9 Jan

Kim A. Marks
NOTARY PUBLIC

My commission expires: July 20, 2020

Commission No. 04006555



Exhibit 30

**AFFIDAVIT OF DAVID McKENZIE
2008**

I, David McKenzie, having been duly sworn, state:

1. I am the same David McKenzie who was lead counsel for Julius Darius Jones at his trial for the alleged murder of William Howell.

2. I believed at the time, and still do, that Christopher Jordan, and not Julius was the person who shot Howell.

3. I also believe that the evidence showed that Ladell King most likely was the person who assisted Jordan in the planning of stealing a Suburban. I also believe it to be Ladell King who assisted Jordan at the time the homicide occurred.

4. I believe that I was ineffective in establishing that Jordan was the person who actually fired the fatal shot and that King was involved in planning to take the Suburban. I believe that if I had been effective in establishing the true state of the evidence regarding Jordan and King, Mr. Jones would have been acquitted.

5. Among the defects in my representation:

A. I failed to show the jury a booking photo, taken a few days before the homicide which showed that Jordan had very short hair -- too short to have been sticking out a half inch from a stocking cap as Mr. Howell's sister reported. That booking photograph, Booking Number 130029999, would have absolutely established that Julius Jones could not have been the shooter. By showing that Julius Jones did not have enough hair to stick out a half inch, the photograph not only would have shown that

Mr. Jones could not have fired the fatal shot, but also would have discredited the entire testimony Christopher Jordan. If the jury had known for certain (and they would have if the booking photograph had been presented at appropriate times) that Mr. Jordan was lying on such a central point as the person who performed the shooting, I believe the jury would have been compelled to disregard the remainder of Mr. Jordan's testimony. Since Mr. Jordan's testimony was essential to the State's attempt to prove Mr. Jones was involved in the robbery of the Howell Suburban, an acquittal should have ensued from proving that Mr. Jones could not have been the shooter.

Although there was testimony at trial that Jones had short hair, the prosecutor argued in the final closing argument that he may have received a haircut between the time of the shooting and the time of arrest. Using the booking photo would have disproved this theory of the prosecutor and would have established that Mr. Jones could not have been the shooter.

B. I failed to show persuasively that Mr. Jordan was lying about an occasion on the morning of the homicide, when Mr. Jordan was seen – by a person who knew who Mr. Jordan was – apparently determining if there was a Suburban parked at the Nichols residence. That witness, Eckie Prater, unequivocally stated that a second person was with Mr. Jordan on the morning of July 28, 1999 and that this second person was “half a head higher” than Mr. Jordan and more muscular. (Trial Transcript, Volume IV, page 85)

Although it seems inconceivable that Mr. Prater fabricated this second person, Mr.

Jordan, at trial initially denied that there was a second person in the car with him when he was in Prater's neighborhood on the morning of the 28th. (Trial Transcript Volume VII, p. 133) Although Jordan eventually said it was possible Julius Jones was with him when he made the U-turn in Mr. Prater's neighborhood (Tr. VII, p. 133), my client, Mr. Jones, did not fit the description provided by Eckert. Jones being present at that time also did not coincide with Mr. Jordan's other trial testimony that on the 28th, he met up with Mr. Jones at a much later time. Mr. Jordan agreed that he is approximately the same size as Julius Jones. (Trial Transcript, Volume VII, p. 212) I believed at trial and still believe that the person with Jordan on the morning of the 28th was Ladell King. I believe that if I had done a better job impeaching Mr. Jordan and a better job focusing the jury's attention on Mr. King, the jury would have come to the conclusion, as I did, that the person with Mr. Jordan was King, who fits the description provided by Mr. Prater.

Mr. Jordan also, significantly, denied looking for a Suburban at the Nichols residence (Tr. VII, p. 133), although it was apparent to witness Prater that Jordan was focusing on an area where Suburbans ordinarily were parked in the driveway. (Tr. IV, 79-81)

By establishing that King was with Jordan on the morning of the homicide, I could have established that (1) both King and Jordan (the two witnesses at the heart of the State's case) were lying, (2) that King most likely was the person involved with Jordan in planning the Suburban robbery, and (3) that Jordan's lies about what happened had not

ceased as he claimed, but were continuing in his trial testimony. Significantly, the only persons who claimed they saw Mr. Jones with Mr. Howell's Suburban on the day of the homicide were Jordan, King, and close friends or associates of King.

Although the theory of King being involved with Jordan was mentioned at trial, I do not believe I presented this theory effectively. I should have compared Prater's testimony with Jordan's testimony in detail to establish that they irreconcilably conflicted. I also should have presented photos to illustrate the point about how King fit the description provided by Eckert. The jury did see that King was a large man when he testified. However, more needed to be done to drive home to point that Jordan was lying about who was with him on the morning of the 28th of July and that there had to be reason for that lie to have occurred.

C. I failed to present evidence that Mr. Jordan confessed to being the person who shot Mr. Howell and confessed to hiding the gun at the home of Julius Jones's parent to set up Julius Jones. I was aware prior to trial that Emmanuel Littlejohn had reported hearing Jordan confess to committing the murder and hiding the gun in the attic of the house where Julius Jones's parents resided.

I made the decision not to present this evidence at trial, thinking that Mr. Littlejohn, who was facing murder charges and had overheard the comments in Oklahoma County Jail, would not be believed by the jury. If someone told me prior to trial that Christopher Berry also had heard the same Jordan confessions, I do not recall having

heard that information prior to trial, and if I did, it did not sink in.

In retrospect, I believe I was ineffective for not following up on the Littlejohn information to see if it could be corroborated. If I had, I would have been able to corroborate Littlejohn with Berry's information and perhaps with other information.

Also, it did not compute to me at the time I made the decision not to call Littlejohn, that the Jordan confession was consistent with a slipup Jordan made. In the process of telling law enforcement that Jones admitted hiding the gun, Jordan at one point slipped up and seemed to admit that it was he (Jordan) that hid the gun.

The information from Littlejohn and Berry also would have been consistent with the idea that Ladell King and Jordan were the true perpetrators of the robbery murder.

D. I failed to make exhibits out of Jordan's prior statements, including his 60-page statement to Detectives Fike and Pfeiffer and the eight-page statement he submitted as a Pre-Sentence Investigation Report. By a combination of making exhibits of the prior testimony and conducting more thorough cross-examination of Mr. Jordan it would have been apparent that (1) Mr. Jordan was still lying at trial, (2) in prior statements he had lied until the point he realized his exculpatory statements could be exposed as false, (3) from the point of his arrest onward he had pursued a plan to implicate Julius Jones and exculpate himself. This Jordan plan was fraught with fabrications which still had not been corrected fully at the time of trial.

A particularly telling portion of his police interrogation is Jordan's denial that he

ever saw the gun used in the homicide followed by Jordan's admission that he not only saw, but also handled the gun, after the subject of fingerprints was introduced by police. (Pages 14 and 15 of Jordan's July 31, 1999 statement to Detectives Pfeiffer and Fike). Introducing those pages as exhibits would have been important, not just in terms of Mr. Jordan's veracity, but also for its value in showing the likelihood that he was the shooter. I did bring up in cross-examination, that Jordan previously had lied about touching the guns, but I did not present the entire wording of the conversation with police. That entire wording would have been important for the jury to understand that from the beginning Jordan was lying about facts which could point to Jordan as being the shooter.

Another example of the need for the jury to see transcripts and/or for me to present the prior statements in detail during questioning involved Mr. Jordan's failure to include the stalking of Howell's vehicle at Braum's until he learned of evidence that he had been seen at Braum's waiting for the Howell Suburban to leave. The original version of Jordan's statement involved he and Julius Jones allegedly just happening to see the Suburban going down the street, and Mr. Jones telling Mr. Jordan to stop. (Pages 41-43 of Christopher Jordan's July 31, 1999 statement to Detectives Pfeiffer and Fike).

E. I failed to make my cross-examination of Jordan sufficiently extensive. Although I got Mr. Jordan to admit he made numerous changes in his story, I believe that pointing out those changes in detail was necessary to showing the jury how unreliable a witness Jordan was and what the evidence was that would point toward Jordan instead of

toward Jones.

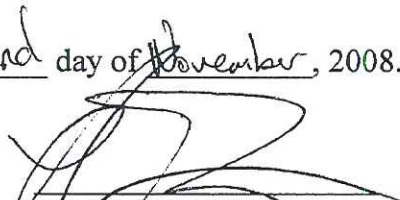
6. I left out Littlejohn's statement as a matter of strategy. However, I had no strategic reason for failing to follow up Littlejohn's information to determine if there were more persons who had heard Jordan confess or if there was information to corroborate what Littlejohn said. I had no strategic reason for failing to introduce the telling booking photograph of Mr. Jones from July 19, 1999 or the other photographs that would illustrate that Jordan, but not Mr. Jones, fit the description provided by Mr. Howell's sister. I had no strategic reason for failing to cross-examine Mr. Jordan thoroughly or in failing to introduce copies of his previous, and conflicting, statements.

7. If I had presented the booking photographs, the Jordan confessions, and the details of Mr. Jordan's prior conflicting, and at times incriminating, statements, I believe it would have made a difference in the outcome of Mr. Jones's trial. If I had presented, the photographs, the confessions, and the prior statements, I believe Mr. Jones would have been acquitted.

Further affiant saith not.


DAVID McKENZIE

Subscribed and sworn to before me on this 2nd day of November, 2008.


NOTARY PUBLIC

My commission expires: March 13/2012



Exhibit 31

AFFIDAVIT of Robert A. Ravitz

State of Oklahoma)
)
County of Oklahoma) ss

I, Robert A Ravitz, being of lawful age and being first duly sworn upon my oath, do hereby state the following is true and correct to the best of my knowledge.

1. My name is Robert A. Ravitz. I am and have been the Public Defender for Oklahoma County since 1987.
2. Within the Public Defender's Office, there are attorneys who specialize in capital trials and appeals.
3. The Public Defender's Office was appointed to represent Mr. Julius Jones in the fall of 1999. Mr. Jones's capital case went on from the fall of 1999 until the spring 2002. His direct appeal is currently pending before the Court of Criminal Appeals.
4. Mr. Barry Albert was first chair on Mr. Jones's case until the summer of 2000. Mr. David McKenzie was second chair on Mr. Jones's case and then became first chair in the summer of 2000, because of Mr. Albert's failing health.
5. It was my understanding at the time of Mr. Jones's case that Mr. McKenzie had some capital experience, although I now know that to be untrue. The other two attorneys, Malcolm Savage, and Robin McPhail were not experienced capital litigators.
6. It is the policy of my office for experienced capital trial lawyers to be first chairs on capital cases.
7. My office does not contract with other attorneys outside of the Public Defender's Office unless there is a conflict. My office also is not able to get additional funding for more attorneys or staff simply because we are experiencing a temporary capital case overload.

FURTHER AFFIANT SAYETH NOT



Robert A. Ravitz

SUBSCRIBED AND SWORN to me this 17th day of February, 2005, by
the person known to me to be Robert A. Ravitz.



Notary Public #1012594

My Commission number:

My Commission expires:

4 AUG 2005



Exhibit 32

Oklahoma County Detention Center

Date: 10/28/2008 11:12

OFFENDER BOOKING SHEET

Page 1 of 2

Person ID: 199800006

Name: JONES, JULIUS DARIUS

Booking #

Booking #: 130029999

POB: OKC, OK, US

Age: 28



SSN:

DOB:

130029999

OFFENDER ADDRESS

Address: 12104 GREYSTONE TER

City: OKLAHOMA CITY

State: Oklahoma

Zip: 73120

IDENTIFICATION

| Type | Number | From |
|------------------------|--------|---------------|
| Drivers License Number | | United States |
| Oklahoma City JA # | | Oklahoma |
| Oklahoma City BR # | | Oklahoma |
| AFIS Number | | Oklahoma |



OFFENDER DESCRIPTION

| | | | |
|-----------------|------------------------------|-----------------|---------------|
| Gender: Male | Race: Black | Height: 509 | Build: Medium |
| Hair: Black | Facial Hair: Mustache&Goatee | Weight: 160 | Epileptic: No |
| Complex: Medium | Hair Length: Short | Eyes: Brown | Diabetic: No |
| Glasses: No | Primary Language: | Speaks English: | |

IDENTIFYING MARKS

| Type | Location | Description |
|---------|------------|-------------|
| Pierced | Ears, both | |
| Tattoo | Abdomen | "J-DOG" |

ALSO KNOWN AS

| Last Name | First Name | Middle Name | Title | SSN | DOB |
|-----------|------------|-------------|-------|-----|-----|
| JONES | JULIUS | A | | | |
| JONES | DARIES | | | | |

CASE CONTACTS

| Type | Relationship | Name/Address | Telephone #1 | Telephone #2 |
|-----------|--------------|----------------|--------------|--------------|
| Emergency | MOTHER | MADELYNE JONES | 405-705-0507 | |

SECURITY ALERTS

| Start Date | Type | Name | Placement |
|------------|------|------|-----------|
|------------|------|------|-----------|

ADMISSION DETAILS

| | | |
|---------------------------------|-------------------|----------------------------|
| Admit Date: 07/19/1999 | Admit Time: 01:20 | Cash on Admission: \$16.00 |
| Booking Officer: CHARO CRAFTORD | | |
| Searched By: GEORGE GUERRERO | | |

ARREST DETAILS

| Date | Time | Agency | Officer | Reason | ORI# |
|----------------------------|-------|--------|-----------------|-------------------------------|-----------|
| 07/19/1999 | 00:15 | OC PD | GEORGE GUERRERO | Hold/Other Agency/Non-Warrant | OK0550600 |
| Location: ROBINSON/BRITTON | | | | | |

| |
|---|
| Oklahoma County Detention Center |
|---|

Date: 10/28/2008 11:12

OFFENDER BOOKING SHEET

Page 2 of 2

Person ID: 199800006 Name: JONES, JULIUS DARIUS

Booking #

Booking #: 130029999

POB: OKC, OK, US

Age: 28



SSN:

DOB:

130029999

ORDER DETAILS

| Case Number | Type | Statute | Description | STN |
|-------------|------|---------|-------------|-----|
|-------------|------|---------|-------------|-----|

WARRANT DETAILS

| Case Number | Warrant Type | Charges | STN |
|-------------|--------------|---------|-----|
|-------------|--------------|---------|-----|

BAIL DETAILS

| Case Number | Type | Amount | Release Type | Release/Pay Date | Payment Amt | Judge |
|-------------|------|--------|--------------|------------------|-------------|-------|
|-------------|------|--------|--------------|------------------|-------------|-------|

| | | | | | | | | |
|-------------|----|-----|------------|----|-----|------------|----|-----|
| Total Bail: | \$ | .00 | Bail Paid: | \$ | .00 | Bail Owed: | \$ | .00 |
|-------------|----|-----|------------|----|-----|------------|----|-----|