

1 Q No. It's not Becky Jones.

2 It's a person named Jackie. Do you know a female  
3 named Jackie that talked to and visited you and Ricky Jones  
4 in jail?

5 A No. Not with a three-way line.

6 Q Well, with any kind of phone conversation?

7 A No. I don't think so.

8 Q Is that yes, or no?

9 A No.

10 Q Do you know a person by the name of Walt?

11 A Yes.

12 Q O.K. Do you know that person's full name?

13 A It's starts with an S. I don't know for sure  
14 what it is.

15 Q O.K. We talked approximately two days ago, is  
16 that correct?

17 A Yes.

18 Q And at that time you described this person, Walt,  
19 to me and what is his description?

20 A Older like. Close to six foot. Probably hundred  
21 seventy--eighty pounds.

22 Q What color hair?

23 A Gray.

24 Q When you say older, approximately what age?

25 A Late thirties.

ned?

1 Q O.K. Now when you and I talked before and some  
2 of our questions today are about some time in the past when  
3 Walt S had some checks to sell?

4 A Yes.

5 Q Did he frequently have checks to sell? :ap

6 A I think so.

7 Q O.K. Had he tried to sell checks to you before?

8 A Yes.

9 Q And on one occasion did you meet him and he was 's.  
10 going to sell checks to you at the hub cap shop on Belknap,  
11 or try to sell checks?

12 A He asked me if I knowed anybody that wanted any. he

13 Q O.K. When was that occasion?

14 A Between January the first and the fifth.

15 Q O.K. Why do you think it was between those dates? he

16 A Because I went to jail after that.

17 Q O.K. Do you recall what day you booked into jail?

18 A The fifth.

19 Q January fifth of 1986? re

20 A Yes.

21 Q Why do you think it wasn't before January the first?

22 A Because I wasn't at the hub cap before that. i

23 Q Was there something that happened to you that makes  
24 you remember these dates? ir?

25 A Yes. ; to

1 Q Without going into the facts of it, what happened?

2 A A shooting.

3 Q O.K. You were shot?

4 A Yes.

5 Q And after you were shot did you go to the hub cap  
6 shop on Belknap, or on Carson Street in Haltom City?

7 A Yes.

8 Q Had you on other occasions seen Walt S?

9 A I had seen him two or three times over at Jones's.

10 Q Where was that? Ricky Jones's?

11 A His mother's.

12 Q Was that before or after January the first to the  
13 fifth?

14 A I believe it was around Christmas.

15 Q When you saw Walt at the hub cap shop, what did he  
16 have with him?

17 A He said he had some checks.

18 Q Did you see the checks?

19 A I seen the checks but I didn't, you know, see the  
20 names and stuff. I just went by what he said.

21 Q What did he tell you?

22 A He said they was girls checks. He had some kind  
23 of car for sale, too, that he had got with them.

24 Q Did he tell you how he got the checks and the car?

25 A No. I didn't ask him. I told him I didn't want to

1 have nothing to do with it.

2 Q Did he tell you anything about the checks and the  
3 car, what the name was, or anything like that?

4 A I'm not sure if he said it or if Rick is the one  
5 that said it, but I think one of them said it was Livingston.  
6 I'm not positive which one.

7 Q O.K. Was Rick present at the time you and Walt  
8 were at the hub cap shop?

9 A No.

10 Q So if you can't remember whether it was Walt or  
11 Rick, when did Rick tell you that it was Livingston? Was  
12 it up here in jail?

13 A I think it was over at his mama's house.

Q When would that have been?

15 A A round the end of December or January, or might  
have been when we was up here in jail because I talked to  
him two or three or four times.

Q Did he in fact ask you to call Brantley Pringle  
to him?

Yes.

Do you have any independent recollection of whose

were that Walt was trying to sell you, or trying

Do

to sell them to in January of 1986?

somebody

sure.

somebody

know if you are saying Livingston because

I for

You don't

1 Ricky mentioned that name in jail? That is possible?

2 A Yeah.

3 Q Has Rick told you anything about the offense with  
4 which he is charged?

5 A He said it was capital murder.

6 Q When you saw Walt sometime during January the first  
7 to the fifth, was he covered with blood?

8 A He had it on his shirt when he come in one night.

9 Q When you say he came in one night, was that this  
10 time at the hub cap shop?

11 A Yeah.

12 Q You are sure it was that time and not some other  
13 time?

14 A I'm pretty sure it was then.

15 Q And when you say he was covered with blood, was it  
16 just--

17 A Spots on his shirt and sleeve.

18 Q O.K. How many spots? Was it on the front of his  
19 shirt?

20 A Yeah. Here and on the side.

21 Q O.K. On the sleeve?

22 A Yeah.

23 Q How much?

24 A Enough to tell it was on there. You can get that  
25 much in a barroom fight.

1 Q Did he have any explanation for why he had spots  
2 of blood on him?

3 A No.

4 Q Did you ask him about it?

5 A No.

6 Q Didn't you tell me two days ago that the reason  
7 he had spots of blood on him was that he had gotten in a bar  
8 fight?

9 A That's where it come from he said but--

10 Q O.K. So when I asked you what he told you about  
11 where the blood came from, what did he tell you?

12 A He said he had been in a fight.

13 Q Did he tell you where?

14 A Probably a bar.

15 Q Did he tell you it was at a bar?

16 A I'm not sure if he did, or not because he was with  
17 somebody else that he picked up at a bar.

18 Q Who was he with?

19 A I don't know his name.

20 Q It was a male?

21 A Yes.

22 Q Who else was at the hub cap shop besides you and  
23 Ricky and Walt?

24 A Jerry Jones and four or five girls.

25 Q Did you see Walt with any other property besides

1 checks and a car?

2 A He had some jewelry and boxes of stuff, junk, that  
3 he said he found.

4 Q Was that at the hub cap shop?

5 A Yes.

6 Q Have you seen this Walt S since you saw him at  
7 the hub cap shop between January first and January the fifth?

8 A Yeah. He was in jail up there one day and he got  
9 out.

10 Q Was that in March that you saw him?

11 A In the last month or so.

12 Q O.K. Now this is very important. Did you see him  
13 at any time between January fifth and May in jail, May or  
14 June in jail?

15 A I think it was last month, or month before last.  
16 I'm not sure.

17 Q In jail or out on the street?

18 A In jail.

19 Q Between last month when you saw him in jail and  
20 January the first when you saw him at the hub cap shop, did  
21 you see him at all?

22 A I don't think so.

23 Q Wouldn't you remember if you saw him? Was this the  
24 guy that was known as Skitzen Walt?

25 A Brown man.

1 Q O.K. Did you all pretty well remember when you  
2 saw him?

3 A What, who he was? I knew who he was when they  
4 brought him in the cell up there.

5 Q Did you frequently see Walt?

6 A I think it was last month when I was trusty.

7 Q What I am asking is, when you were out on the  
8 street and he was out on the street did you see him like  
9 once a day, or once a week, or once a month? How often did  
10 you see him?

11 A Maybe once, twice a month, week, but wasn't nothing  
12 regular.

13 Q O.K. When you got put in jail on January the fifth  
14 how long did you spend in jail? Did you get released at any  
15 time?

16 A Yeah. The end of February and got picked back up  
17 in March.

18 Q When you were out of jail between February and  
19 March did you see Walt S?

20 A I don't think so.

21 Q Wouldn't you remember if you did?

22 A I ain't positive. I don't think I seen him though.

23 Q O.K. Did you call this person named Jackie and  
24 tell her that you knew who killed the woman, Livingston?

25 A No.



1 Q You have never told anybody that you knew who  
2 killed her?

3 A You know, hearsay now, I have heard that Rick  
4 wasn't the one that done it.

5 Q Ricky is telling everybody he didn't do it, right?

6 A Yeah.

7 Q Anything else?

8 A I don't think so. That Jackie, I don't think I  
9 know her. That's a new one on me.

10 Q O.K. Did Walt ever tell you that he killed Living-  
11 ston?

12 A No.

13 Q Is that no?

14 A No.

15 Q At no time did this person known as Walt S, or  
16 any other person named Walt, ever tell you that they killed  
17 this Livingston woman?

18 A No.

19 Q Has Walt ever told you that he killed anybody?

20 A He says he has but I don't know.

21 Q Who did he tell you he killed?

22 A He didn't say.

23 Q He just said he killed some people?

24 A Yeah.

25 Q Have you talked to Yolena Comalander?

1 A No.

2 Q Do you know who I'm talking about when I talk about  
3 Yolana Comalander?

4 A I don't think so.

5 Q Did you ever go to the house that she and Ricky  
6 lived at?

7 A No.

8 Q Did she ever tell you that she bought any checks  
9 from Walt?

10 A No.

11 Q What has Ricky told you about the murder that he  
12 is charged with?

13 A He just said she was running the checks and she  
14 pawned some jewelry and stuff and that it was the ones they  
15 got from Walt.

16 Q Has he ever said anything about the murder?

17 A He just said he didn't do it.

18 Q And he bought the checks and jewelry from Walt?

19 A Yes.

20 Q Have you ever seen Walt trying to sell checks,  
21 jewelry, car or anything that belonged to a Livingston?

22 A I know he has had three or four cars for sale but  
23 I don't know who they belonged to.

24 Q And the checks that you saw in January, you don't  
25 recall who they belonged to?

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A No.

MS. WILSON: Does anyone have any questions?

(No response.)

MS. WILSON: All right. You can go.

(Witness excused.)

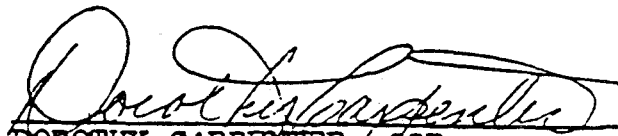
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THE STATE OF TEXAS )

COUNTY OF TARRANT )

I, DOROTHY CARPENTER, Official Court Reporter  
for the Grand Jury of Tarrant County, Texas hereby certify  
that the above and foregoing eighteen (18) pages contain a  
true, correct and complete transcription of all of the  
testimony of JAMES KING, a witness appearing before said  
Grand Jury in the above styled and numbered cause.

WITNESS my hand and seal of office this 28th  
day of July, 1986.



DOROTHY CARPENTER, CSR  
Official Court Reporter  
Tarrant County Grand Jury

Certification Number of Reporter: 436

Date of Expiration of Current Certification: 12/31/86

Business Address: 300 W. Belknap, Fort Worth, Texas 76196-0200

Telephone Number: 817/334-1608

EXHIBIT 6

January 1994 affidavit of  
Douglas Daffern

County of Tarrant )  
 )  
 )  
 )  
State of Texas )

Statement of Douglas Wayne Daffern

Appeared before the undersigned authority duly designated to administer oaths, Douglas Wayne Daffern states and deposes:

1) My name is Douglas Wayne Daffern. I live in Tarrant County, Texas. I am over 18 years old and am otherwise competent to make this statement. All facts in this statement are within my personal knowledge.

2) In February and March of 1986 I was staying in the motel part of the Warren Inn, located at 820 and Denton Highway.

3) I knew Walt Sellers at the time. His nickname was Skitzen Walt, because he was such a paranoid type person. While I was staying at the Warren Inn, Walt Sellers was also staying there, in the apartment part of the Inn.

4) One night, Walt Sellers came by my room at the Warren Inn. He had a couple of women's purses with him. He was acting really paranoid, and running from wall to wall trying to listen through the walls.

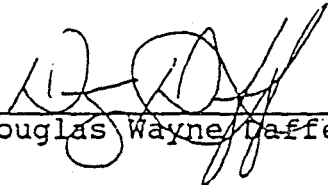
5) Walt showed me some checks, credit cards, keys to a car and other identification cards and stuff of two women. He said that he had gotten the stuff from two women he had shot at a bar. As he was talking about it, he started saying "they" instead of "I," like there were two people involved.

6) I know that one of the names on the credit cards and checks was Livingston, I don't remember her first name. I also remember that the picture on one of the identification cards was a woman in her mid thirties with long dirty blond hair.

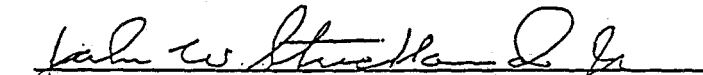
7) I had seen Walt Sellers with stolen checks in the past. I had heard around that that was how he made his money.

8) I was called to testify before the Grand Jury about some of this stuff. I know that when I testified then, I said that I had seen Walt Sellers with the credit cards and checks in the morning. That was not right. I now remember that Walt came by my room at night, because I remember that it was dark outside. When I testified before the Grand Jury, I was still pretty strung out on drugs, and I didn't remember things very well. I have been off of drugs for some time now, and feel sure that all of this stuff took place at night.

All of the statements set forth above are true. I came forward voluntarily and made these statements voluntarily.

  
\_\_\_\_\_  
Douglas Wayne Gaffern

Sworn to and subscribed before  
me this 5TH day of ~~December~~, 1993. *D.W.D.*  
*D.W.D.* JANUARY 1, 1994

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS  
My commission expires 6/15/1996

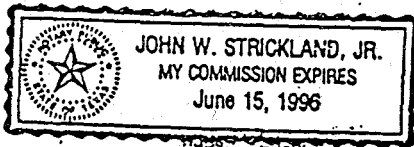


EXHIBIT 7

March 1995 affidavit of  
James King



COUNTY OF WAYNE )  
STATE OF TENNESSEE )

Statement of James Richard King

Appeared before the undersigned authority duly designated to administer oaths, James Richard King states and deposes:

1. My name is James Richard King. I live in Wayne County, Tennessee. I am over 18 years old and am otherwise competent to give this affidavit. All facts in this statement are within my personal knowledge. No agreements or promises have been made to me in exchange for this statement, and I do not expect any in the future.

2. In 1984 I moved from Tennessee to Texas and became friends with Brenda Jones. She and I were hanging out in the same circles and were pretty heavily involved in the meth scene in northeast Fort Worth. I came to know her brother, Ricky Jones vaguely from seeing him around Brenda. He was not into the drug scene that I know of.

3. I recall that Brenda got in touch with me and told me that Ricky had been arrested for murder. She was trying to raise some bond money. I don't recall the date but do remember that it was a couple of days after his arrest. I realized when Brenda told me he was arrested for having some checks and a station wagon, that I had seen just recently seen Walt Sellers with some checks and a station wagon for sale. Walt had come by the hub cap shop or the Warren Inn wanting to sell the checks and car and he had blood on his shirt. I think he said he'd been in a bar fight. A fellow by the street name of "Shotgun Willie" may have been with Walt that night.

4. Walt had told me that the checks belonged to a girl because anytime that he was trying to sell checks he'd tell you if they were a man or a woman's so you would know how they could be used.

5. I had come to know Walt <sup>From JK</sup> ~~form~~ that meth circle of people in Fort Worth. He was always around and selling stolen checks and credit cards and automobiles. Walt Sellers and Brenda Jones were friends also. I also knew Doug Daffern and would see him around the Warren Inn a lot.

6. I've read my Grand Jury testimony of June 27, 1986 and realize that I said that I'd seen Walt with the checks and car in January of 1986, just before I was put in jail. I believe that it could have just as well have been before I was put in jail in March of 1986.

7. "When I gave the grand jury testimony, I was pretty strung out on drugs and what I said was true but I was easily confused about dates and times. I expect that my memory is better now than it was back then.

All of the statements set forth above are true. I came forward voluntarily and made these statements voluntarily.

James R. King

Sworn to and subscribed before  
me this 27 day of March, 1995.

Mia Gourhan  
NOTARY PUBLIC, STATE OF TENNESSEE

Exp. 9/30/97

**EXHIBIT 8**

**June 1987 affidavit of  
Scott Christian**

THE STATE OF TEXAS

COUNTY OF TARRANT

Before me the undersigned Notary Public in and for the State and County aforesaid, on this day personally appeared SCOTT CHRISTIAN, who after being duly sworn deposes and says:

My name is Scott Christian. I am 23 years of age. My date of birth: 11/22/63. My home address is Rt 1 Box 575B, Saginaw, Texas. My home phone is 489-3984. I have completed 10 years of schooling. I can read, write and understand the English language.

Starting Time: 1550 hours

I am currently being incarcerated in the Tarrant County Jail for Unauthorized Use of a Motor Vehicle.

On the day that Walt Sellers came to my house, anywhere for a year and a half to two years, I was living on Panola Street on the east side of Fort Worth, Walt attempted to sell me and Nicky (Jessica Nicole Brandon) some checks and credit cards. We decided that we didn't want anything to do with the checks and credit cards, and shortly after that Richard Jones and his sister Brenda Jones came by the house. They came by the house to buy drugs, he had never bought drugs from me before. Richard had brought his sister over to buy drugs from Nicky, Brenda talked to Nicky all the time. I had seen Jones twice at my house before. He would bring Brenda over to see Nicky and he would sit in his car by the curb.

When Walt came over to my house he was wearing a white t-shirt with blood splatters on his t-shirt, and on his hands and forearms. He sold the checks and the credit cards to Richard then, I'm not sure what he got for them, it was ex amount of drugs, I'm sure how much.

The day after, or a day or two after Walt had sold the checks to Richard, Brenda was arrested for trying to pass one of the checks. When the police asked Brenda where she had gotten the checks and she told the police that she had gotten the checks from her brother and that is when the police arrested Richard.

I was working in the in-mate law library here at Tarrant County and Richard came through there a few days ago. I recognized Richard but I wasn't sure what his name was. Today when he passed out his request slip for the research books that he wanted, I looked at him and I remember then who he was and I started to talk to him then. We had, we couldn't talk but for a minute or two because they were fixing to file out the door. That is when he asked Mr. Montgomery if he could come back to the law library. He asked if he could be rescheduled to come back to the law library so that he could talk to me, because I was the one person that could help him with his case. The reason that I am coming forward with this information it to help Richard with a case that I don't think that he did.

I have read this deposition and it is true and correct to the best of my knowledge.

Typed by Denny Williams K219

Completion Time: 1600 hours

Det. L. T. Steffler

June 19, 1987

Subscribed and sworn to before me this 19th day of June 1987.

*Scott A Christian*  
Scott Christian

*Denny Williams*  
Notary Public in and for Tarrant County, Texas

DEFENDANT'S EXHIBIT  
12-d  
7-18-87

EXHIBIT 9

March 1995 affidavit of  
Scott Christian

COUNTY OF TARRANT )  
                          )       Statement of Scott Allen Christian  
STATE OF TEXAS        )

Appeared before the undersigned authority duly designated to administer oaths, Scott Allen Christian states on oath:

1. My name is Scott Allen Christian. I live in Tarrant County, Texas. I am over 18 years old and am otherwise competent to give this affidavit. All facts in this statement are within my personal knowledge. No promises have been made to me in exchange for this statement, and I do not expect any in the future.

2. In June of 1987 I was incarcerated in the Tarrant County Jail on a charge of Unauthorized Use of a Motor Vehicle. During that time, I worked as a trustee in the Inmates Law Library. I was supervised in the Library by Officer David Montgomery.

3. I was working at the Law Library one day that June when a man who I now know to be Richard Jones ("Ricky") came through. I had seen Ricky in the jail beforehand when I was handing out food and knew who he was and that he was in for capital murder, but we had never talked. In the meantime, Officer Montgomery had been talking about Ricky's case and other inmates' cases who were restricted to come into the Library alone. When I heard some of the details of Ricky's charge, I realized I knew something about his case. I remembered that he was the brother of Brenda Jones. I knew Brenda from when I lived on Panola Street in Fort Worth in the early part of 1986. Ricky would sometimes bring Brenda over there to see my roommate Nikki (Jessica Nicole Brandon). Ricky didn't usually come into the house; he would just sit in his car and wait for Brenda to come out.

4. After that second time Ricky was in the Library, I told Officer Montgomery that I had some important information about Ricky's case, and started telling him what I knew. After just a little while Officer Montgomery stopped me, and told me that what I was saying was important enough that he thought he should be taking a formal statement. I said O.K., and gave him a statement about what I knew.

5. Later that same afternoon I also gave a statement about what I knew about Ricky's case to Detective Steffler and District Attorney Brent Carr. What I told them is still true today and is as follows:

6. One evening about a year and a half before I was in the Tarrant County Jail on the charge of Unauthorized Use of a Motor Vehicle, Nikki and I were at our house on Panola Street. We had

just finished eating dinner when Walt Sellers showed up. He was wearing a white T-shirt with blood stains on it, and also had blood stains on his hands and forearms. Walt seemed like he was really high and really nervous. He was trying to sell Nikki and I some woman's hot checks and credit cards. I remember Walt showing us a bunch of the cards and stuff he had, including the woman's driver's license. The picture on the license was of a blond woman in her twenties. We told Walt that we didn't want anything to do with his checks or credit cards.

7. About an hour or so after Walt got there, Ricky and Brenda came by, and Walt sold Ricky the same checks and credit cards he had been trying to sell Nikki and I.

8. Shortly after I gave my statements to Officer Montgomery and Detective Steffler, I was told that I might have to testify at Ricky's capital murder trial. I talked to my lawyer, Jeff Kearney, about this, and he also looked at the statements that I had already given. Mr. Kearney told me that I should not testify, but should "plead the fifth," since there was some stuff in the statement I gave Det. Steffler about drug dealings back in 1986 that might get me in trouble. Taking my attorney's advice, I plead the fifth when I was called to testify.

All of the statements set forth above are true. I came forward voluntarily and made these statements voluntarily.

*Scott Christ*

Sworn to and subscribed before  
me this 29 day of March, 1995.

*J. Neil Hartley*  
NOTARY PUBLIC, STATE OF TEXAS

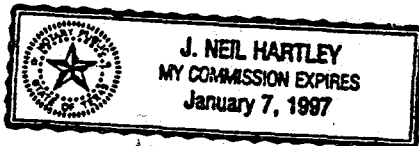


EXHIBIT 10

October 1998 affidavit of  
Terry Gravelle



**DECLARATION OF TERRY L. GRAVELLE**

County of Shawassee        )  
  )       SS     **Declaration of Terry L. Gravelle**  
State of Michigan         )

I declare, under penalty of perjury, that the following is true:

1. My name is Terry L. Gravelle. I am over eighteen years of age and can read and write the English language. Everything written in this Declaration is true and correct and is based on my own recollections. *TS*
2. Off and on during the years 1986, 1987, and 1988, I was incarcerated in the Tarrant County Jail in Fort Worth, Texas. *TS*
3. During one of my incarcerations at the Tarrant County jail, both me and a guy I knew named Walt Sellers were trustees on the twelfth floor. Walt and I were incarcerated together for about six weeks at that time. *TS*
4. While at the Tarrant County Jail, Walt Sellers talked to me about the murder of Tammy Livingston. Although I did not recall this victim by name, I was aware at the time that Richard Jones had already been convicted of the murder. *TS*
5. Walt told me that the state had convicted the wrong person for the Livingston murder. He chuckled about it, like he thought it was funny that the wrong man had been sent to prison. *TS*
6. Walt then began to tell me a few things about what happened to Mrs. Livingston the night she was killed. He said she had been taken to a motel, possibly a Budget Motel located at the intersections of 26th Street and Highway 121. Walt said that one of the people involved with taking Mrs. Livingston tried to use her checks or cards, but that there was a problem with using the stolen checks or cards. Because of this, the lady was killed. *TS*
7. Walt told me Ricky Jones was given the checks and cards when the person who had killed Mrs. Livingston decided they were too hot for him to use. It was real common for people who used stolen checks a

**EXHIBIT A**

lot to get rid of them by selling them to someone else. I knew Walt to be someone who often dealt in stolen checks and cards, in order to support his drug habit. He would come up with checks through many ways, and then he would use them, sell them for someone else to use, trade them for goods, or sometimes even give them away. JY

8. At that time we were in jail together, I had already known Walt Sellers for several years. We both moved in the same circle of drug sellers and users. We knew a lot of the same people. Walt had sometimes stayed with me in Haltom City when I lived by the hubcap shop. I assume it was for these reasons Walt felt close enough to me to tell me these things about the Livingston murder. JY
9. Even before this conversation at the jail with Walt Sellers, I had heard that Ricky Jones was innocent of the Livingston murder. Sometime after Ricky was arrested for the murder, his sister, Brenda, came to me and said she was upset that he had been wrongly accused. Brenda came to my house sometime after Ricky's arrest, wanting to know if I had seen Walt Sellers. Brenda said Walt had "gone into hiding" right after the murder. She said she knew he had killed the woman and that Ricky was "taking the rap" for something he had not done. She was angry and emotional. Brenda and Walt had dated each other around this time. During this time Brenda, like most of her friends, was heavily into drugs. JY
10. Because he made a career of committing crimes, I knew Walt as someone who was always on the move. I do not think I saw him at all between the time of Ricky's arrest and my conversation with him at the Tarrant County Jail. JY
11. I was aware that Walt had been arrested several times during the years I knew him. He never seemed to do any hard time, though. Because of this, it occurred to me Walt was working as a police informant. The thought of us living in this drug culture was that if someone who was always getting arrested never stayed in jail long and continued to get in trouble while still being released on bond, this person must be helping the police to get such breaks. JY
12. This statement has been typed for me by Tena Francis. She has identified herself as a private investigator who was hired to work on behalf of Ricky Jones. I have not been promised anything or threatened in any way in exchange for this statement. JY

I have read the above paragraphs, numbered one through twelve, and declare under penalty of perjury that the foregoing information is true and correct. *JS*

Executed on 10-27-, 1998

Terry Lee Gravelle  
Terry Lee Gravelle

WITNESSED BY:

Jena S Francis

EXHIBIT 11

July 2000 affidavit of  
Robert Dean Miller

STATE OF TEXAS }

COUNTY OF HOUSTON }

**Affidavit of Robert Dean Miller**

Comes the Affiant, Robert Dean Miller, after first being duly sworn, states the following.

1. My name is Robert Dean Miller. I am over eighteen years of age and can read and write the English language. Everything written in this Affidavit is true and correct and is based on my own recollections. *RLM*
2. I did ~~not~~ know Richard Wayne Jones prior to his arrest for Capital Murder in Tarrant County. I was in the Tarrant County Jail while Richard was there in 1986, before his trial. Richard did not discuss his case with me while we were at the Tarrant County jail together. I had known Richard's sister, Brenda, several years before I met Richard. *RLM*
3. I met Walter Sellers while we were both incarcerated in the "old" Dallas County Jail, sometime around 1987. We were both in the same tank at the jail. Since the cells in this tank were open most all hours every day, Walter and I saw each other often. After we got to talking, we found that we both had some ties to the same small town in Texas. Walter realized he knew of me because he had once dated my sister. I had not known of him, though. We did not become best friends after that, but Walter and I did share conversations and spent time together after this first meeting. *RLM*
4. One evening, Walter and I were sitting together in the dayroom, watching the local news. I do not remember what television station was on at the time. There was a report about men who were paroled from prison who went on to commit heinous crimes. Richard Wayne Jones was one of the parolees featured in this report. *RLM*
5. As a result of us watching this news report together, Walter began to talk to me about Richard, not knowing I had met him at the Tarrant County Jail a year or so before. Walter and I were sitting together at the time we were watching the news, and our conversation was private. When Richard's picture was shown in the report, Walter told me something like, "That dude didn't do the crime." He also commented something like, "That guy didn't get the checks from that girl." I asked what he meant. He then said that he had had the victim's checks. *RLM*

6. I started questioning Walter as to what he knew about the murder and about Richard. I told him I knew Richard and Brenda. Walter stopped talking about the murder case when I told him I knew Richard. He made an excuse to leave the dayroom, like he needed to go to the bathroom or something. I thought he would be returning to the dayroom, so I waited for him. He did not come back. I went by Walter's cell later, but he was not interested in talking to me. Not too long after this, Walter Sellers packed his belongings and was moved from the tank. I do not know if he was moved within the jail or if he was transferred to some other facility, and I do not know why he moved. *RLM*

I affirm that the foregoing paragraphs, numbered one through six are true and correct to the best of my knowledge.

*Robert D Miller*  
\_\_\_\_\_  
Dean Miller

*7-12-00*  
\_\_\_\_\_  
Date

Subscribed to and sworn before me by  
Dean Miller on this 12 day of July, 2000.

*Dorothy B Trammell*  
\_\_\_\_\_  
Notary Public  
My Commission expires: 7-00-2003



EXHIBIT 12

December 1993 affidavit of  
Donna Davis

STATE OF TEXAS )  
)  
)  
)  
COUNTY OF TARRANT )

STATEMENT OF DONNA DAVIS

BEFORE ME, the undersigned authority, on this day personally appeared DONNA DAVIS, and upon oath did depose and state:

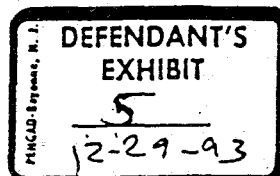
1. My name is Donna Davis. I am a resident of Tarrant County, Texas. I am over the age of 18 and am able to give this statement.

2. Around 1972 or 1973, I moved with my family to the "Poly" area of Fort Worth. I was about 16 or 17 years old. We lived in the same neighborhood as Ricky and Brenda Jones' family. I got to know Ricky better first, and then Sharon Jones, too. Ricky was always smiling, quiet and a little shy. He was never violent, that I know of, and was never involved in drugs or anything like that.

3. When we first moved to Poly, my mother would not let me hang around with Brenda because she was too wild and running in the streets all the time. Brenda's parents never put any control over her because they were drunk all of the time. I remember that Mr. Jones would come home from work and be passed out by the time it was dark. He spent every weekend at bars around there. Mrs. Jones was drinking alot, too.

4. It was not until a few years later that I started to spend a lot of time with Brenda, who was heavily into the drug scene. Brenda was really wild back then. You would see her around one day and then someone would come along with some drugs and she'd be gone until the drugs or the money ran out. And there were times when Brenda would steal from her parents for dope money.

5. Once Brenda took me to a meth house called the Hub Cap Shop. That's where I met Walt Sellers. He was a dope cook, and the Hub Cap Shop had a lab out back. I found out that Walt was into stolen checks and credit cards. He made it known that he would pay \$100 for a checkbook and \$150 for credit cards.



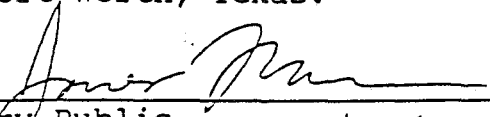


6. There were a lot of times after Ricky was arrested for the murder that I would be hanging out with Brenda, and Brenda would get really drunk and start crying. Brenda would say things like, "Ricky's not guilty. I know he's not guilty." When I would push her a little bit to tell me how she knew that, she would just repeat over and over again, "I can't tell you." I never was able to get her to tell me how she knew.

Under the pain and penalty of perjury, I swear that the above statement is true and correct to the best of my knowledge.

  
DONNA DAVIS

Sworn to and subscribed before me this 29<sup>th</sup> day of December, 1993, at Fort Worth, Texas.

  
Notary Public

Commission Expires: 11/23/97

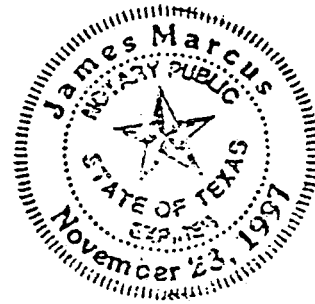


EXHIBIT 13

November 1998 affidavit of  
Carla Suzzann Smith

STATE OF TEXAS        }

COUNTY OF FALLS       }

*SUZANN C.S.*  
**Affidavit of Carla Susan Smith**

*SUZANN C.S.*  
Comes the Affiant, Carla Susan Smith, after first being duly sworn, states the following.

1. My name is Carla *Suzann* Susan Smith. I am over the age of eighteen and am able to read and write the English language. The information in this affidavit is true and correct and based on my personal recollections. *C.S.*
2. I am from Fort Worth, Texas. At one time, I was a friend of Brenda Jones. Brenda's brother is Richard Jones, who is on death row in Texas. In 1986, around the time of Richard's arrest and during the months after his arrest, Brenda lived with me on Meadowbrook Drive. She stayed with me for about six months. I did not know Richard Jones during this time. *C.S.*
3. I knew Brenda to be a drug addict. Back then we were both involved with the drug culture in Fort Worth. *C.S.*
4. After Richard's arrest, Brenda began acting really strange. She kept warning me about a man named Walter Sellers, saying he was "bad news" and that I should stay away from him. On at least one occasion, Brenda told me Walter Sellers had murdered a woman and that he had set her brother Richard up for the murder. I remember one conversation when Brenda told me Walter Sellers had killed a woman and then she said something about disposing of the body. Brenda was crying during this conversation and did not make a lot of sense, but it was clear she witnessed or somehow knew that Walter Sellers had killed someone. *C.S.*
5. Brenda said several times that she was scared of Walter Sellers. I believed her, because her fear was obvious. I did not even know Walter Sellers. *C.S.*

I affirm that the foregoing paragraphs, numbered one through five are true and correct to the best of my knowledge.

Carla Susan Smith  
Carla Susan Smith

11-23-98  
Date

Subscribed to and sworn before me by  
Carla Susan Smith on this 23 day  
of November, 1998.

[Signature]  
Notary Public  
My Commission expires: \_\_\_\_\_

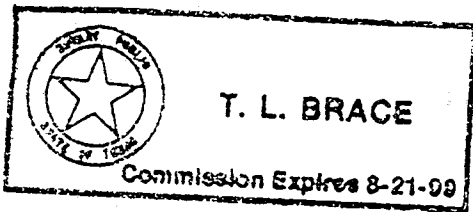


EXHIBIT 14

March 1995 affidavit of  
Sharon Jones Juarez

COPY

COUNTY OF TARRANT )  
STATE OF TEXAS ) Statement of Sharon Jones Juarez

Appeared before the undersigned authority duly designated to administer oaths, Sharon Jones Juarez states and deposes as follows:

1. My name is Sharon Jones Juarez. I live in Tarrant County, Texas. I am over 18 years old and am otherwise competent to give this affidavit. All facts in this statement are within my personal knowledge. No agreements or promises have been made to me in exchange for this statement, and I do not expect any in the future.

2. I am one of Richard ("Ricky") Wayne Jones' sisters.

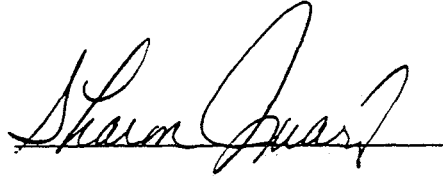
3. For the month or so before Ricky was arrested in 1986 for capital murder, he was living at Avenue H with his girlfriend Yelena Comalander, my sister Karen Martinez, and her husband Robert Martinez.

4. Soon after Ricky moved into the house on Avenue H, my sister-in-law, Margarita Juarez Ornelas, gave him a number of chickens, which he kept at the Avenue H house. Shortly after he got them, a dog got a hold of three or four of them, and mangled them pretty bad.

5. The ones that were badly hurt had to be killed, so Ricky either chopped or pulled their heads off. He also cleaned them and plucked their feathers. I don't like watching animals get killed, so I didn't watch when Ricky killed the chickens, but I know that it was a pretty messy job, and Ricky ended up getting a lot of blood on his pants. I'm pretty sure he was wearing blue jeans that day, because that is what he wore almost all the time.

5. Ricky had one pocket knife at that time, that he would use out in the yard, or when he went fishing. I know that he must have used that same pocket knife to clean those chickens, because that was the only knife that he ever used for that kind of job. This is the same knife that Ricky gave to my sister Becky Wilson right before he was arrested at my parents' house on Hanger Street.

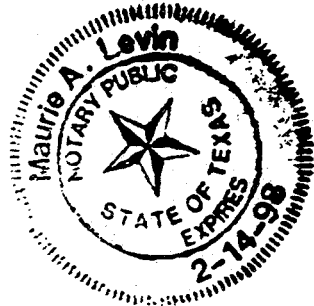
All of the statements set forth above are true. I came forward voluntarily and made these statements voluntarily.



Sworn to and subscribed before  
me this 22 day of March, 1995.



NOTARY PUBLIC, STATE OF TEXAS



BEFORE THE HON. GEORGE W. BUSH  
GOVERNOR OF THE STATE OF TEXAS  
AND  
THE TEXAS BOARD OF PARDONS AND PAROLES

*In Re*  
**RICHARD WAYNE JONES,**  
*Applicant*

---

**SUPPLEMENT**  
**And Supplementary Exhibits**

**TO APPLICATION FOR REPRIEVE FROM EXECUTION,  
COMMUTATION OF DEATH SENTENCE, AND CONDITIONAL PARDON**

**REQUEST FOR HEARING PURSUANT TO  
37 TEXAS ADMINISTRATIVE CODE § 143.43(b)(3) AND  
ADMINISTRATIVE PROCEDURES ACT § 2001.001 *et seq.***

**REQUEST FOR COMPLIANCE WITH TEXAS OPEN MEETINGS ACT  
(TEXAS GOVERNMENT CODE § 551.001 *et seq.*)**

**REQUEST FOR COMPLIANCE WITH  
ARTICLE 4, § 11, CONSTITUTION OF THE STATE OF TEXAS**

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ATTORNEYS FOR APPLICANT  
RICHARD WAYNE JONES



### **A. Introduction**

Richard Wayne Jones is scheduled to be executed on August 22, 2000. In our Application for executive clemency, filed August 1, we set out the facts surrounding Mr. Jones' conviction and supporting his claim of innocence, as well as describing some of the other reasons Mr. Jones' life ought to be spared. This Supplement includes additional support for the grounds raised in Mr. Jones' pending Application.

### **B. The Board And The Governor Should Postpone Mr. Jones' Execution So That Necessary And Previously Unavailable DNA Testing May Be Conducted On Evidence From The Victim's Automobile And The Scene Where Her Body Was Recovered.**

As set out in Mr. Jones' pending Application, there is extensive evidence, in the form of sworn statements from other associates of Sellers' who confirm that he tried to sell them the same items, corroborating Mr. Jones' longstanding claim that he obtained the victim's property from Walt Sellers. In addition, the physical evidence -- the complete absence of blood from Mr. Jones' shirt, and the miniscule quantity of the victim's blood on his pants, *below* the knees -- is consistent with his having attempted to destroy the evidence of her death, but not with having stabbed her seventeen times in the upper body. And, of course, we have submitted sworn statements from at two witnesses who heard Sellers' post-trial statements which appear to exonerate Mr. Jones. At the time of Mr. Jones' trial, and at the time he sought state postconviction review in 1993-94, no evidence relating to the crime could be subjected to additional testing to try and corroborate Mr. Jones' defense.

That is no longer the case. DNA technology now makes it possible to re-examine evidence relating to the abduction and death of Tammy Livingston, with a substantial likelihood of either corroborating or disproving Mr. Jones' claim of innocence. As reflected in documents created by the Fort Worth Police Department, which describe the physical evidence collected in this investigation and the analyses conducted on it, the following items of evidence were collected, but never analyzed:

- human hair found at the scene where Tammy Livingston's body was discovered (item 6 on "Fort Worth Police Department Crime Laboratory Evidence Transmittal Report," described as "one envelope containing collected hair;" re-numbered as item 18-E on the "Physical Evidence Examination" summary and described there as "envelope w/ hair sample");
- items from Ms. Livingston's car, including:
  - two blankets (item 21 on the "Physical Evidence Examination" summary);
  - eight cigarette butts (item 22-A on the "Physical Evidence Examination" summary);
  - assorted trash (item 22-B on the "Physical Evidence Examination" summary) (on information and belief, we have been informed that this trash includes a Pepsi soft drink can);
  - plastic envelope with unknown stain (item 22-C on the "Physical Evidence Examination" summary);
  - plastic bag with vacuumings from car (item 22-D on the "Physical Evidence Examination" summary);
  - paper funnels (item 22-E on the "Physical Evidence Examination" summary)

*See Exhibit 1 (Evidence recovery and analysis documents from the Fort Worth Police Department concerning the investigation of the murder of Tammy Livingston). NONE of these items was subjected to ANY analysis by the Fort Worth Police Department during*

its investigation of the case. *Id.* at 9-10 (noting "No analysis" for each item in the "Results of Examination" column). The reason is because the lab was *instructed* not to conduct any analysis on these items -- by Detective Steffler, the same officer who participated in the interrogation of Mr. Jones and who was involved in extracting Mr. Jones' unreliable confession through a combination of promises and threats regarding Mr. Jones' pregnant girlfriend Yelena Comalander. *See* Exhibit 1 at 7 (in the "Results of Examination" column, items 17 - 30A are noted "no analysis;" the analyst's handwritten addendum reads, "Steffler 2/25." This notation can only indicate that scientific analysis of these items was precluded at the direction of Detective Steffler on February 25, 1986.

There can be no doubt that DNA analysis of these items could prove Mr. Jones' innocence. DNA testing of the cigarette butts can prove that Walt Sellers and/or Brenda Jones was in the victim's automobile, which would confirm Mr. Jones' claim that he obtained the car from Sellers after the murder had already been committed. The same is true of the other items from the automobile, including particularly the "vacuumings" which were never analyzed, and which may well contain human hair which could be DNA-matched to Sellers or Brenda Jones. Similarly, the "stain" of undetermined origin on the envelope found in the car may contain biological material linking it to Sellers or Brenda Jones. Likewise, mitochondrial DNA testing of the hairs collected at the scene where Ms. Livingston's body was found could place either Sellers or Brenda Jones at that scene, which would prove their involvement in her death and corroborate Mr. Jones' claim that he only became involved after Ms. Livingston was killed.

As the Governor himself emphasized after granting a 30-day reprieve from execution to

death row inmate Ricky McGinn in an identical situation,

**Any time DNA evidence used in this context can be relevant as to the guilt or innocence of a person on death row we need to use it.**

Governor George W. Bush, as quoted in the *St Louis Post-Dispatch*, Friday, June 2, 2000.

Just as in Mr. McGinn's case, the DNA evidence which could be extracted and analyzed from these as-yet never-tested items could corroborate Mr. Jones' claim of innocence and warrant relief from his conviction and/or death sentence. We respectfully urge the Board and the Governor to afford Mr. Jones the same guarantee of certainty as was extended to Mr. McGinn in identical circumstances.

**C. The Board And The Governor Should Be Skeptical Of Both Mr. Jones' So-Called Confession And The Testimony Of Ruthie Amato, An Eyewitness To The Kidnapping Of Tammy Livingston Who Purported To Identify Mr. Jones As The Abductor.**

We recognize that two particular pieces of evidence against Mr. Jones may make it more difficult for the Board and the Governor to keep an open mind regarding Mr. Jones' claim of innocence. Those items are the inculpatory statement Mr. Jones made while in police custody (despite the fact that it was inconsistent with the physical evidence) and Ruthie Amato's claim to have identified Mr. Jones as the "clean-cut" man she saw abduct the victim on February 19, 1986.

With respect to the former, we urge the Board and the Governor to consider the growing body of evidence indicating that such "confessions" can often be false. Of course, it has been recognized since the Supreme Court's landmark decision in *Miranda v. Arizona* that some police interrogation techniques possess such compelling power that they can produce untrustworthy confessions. But "[a]lthough the number of false confessions is in dispute, their prevalence is

shaking the confidence of both prosecutors and juries in the reliability of confessions, which have long been the crown jewel of criminal prosecutions." Hoffman, "On False Confessions For Crimes," *The New York Times*, March 30, 1998. In particular, a number of highly publicized cases in Illinois in the last few years have demonstrated that confessions can be dangerously misleading and unreliable. In some of those cases, the falsity of the confession was subsequently shown by DNA testing confirming the guilt of another suspect; in others, additional investigation showed that the confessing suspect could not have committed the offense (because, for example, he was in jail at the time the crime was being committed). Collectively, these cases establish that the Board and the Governor should be very cautious about rejecting Mr. Jones' claim of innocence based on the fact that he, after coercive questioning from the police, made an inculpatory statement that was belied by the physical evidence and which failed to account for the substantial time between the abduction of the victim and her murder. We urge the Board and the Governor to review *The Problem of False Confessions in Illinois*, a recent report by Northwestern University Legal Clinic's Children and Family Justice Center describing the Illinois "false confession" cases in compelling detail, which we attach as Exhibit 2.

Ms. Amato's "eyewitness identification," too, is fraught with peril as a basis for endorsing Mr. Jones' execution. Of course, a second eyewitness who had just as good an opportunity to observe the abduction -- Ms. Amato's daughter -- attended the same lineup and *did not* identify Mr. Jones as the culprit (a fact which the police originally attempted to hide from Mr. Jones' lawyers by deliberately omitting it from their report). But more fundamentally at issue is the unreliability of eyewitness testimony generally and the number of cases in which rock-solid eyewitness identifications have been shown to be

completely mistaken. This is a subject which deserves the Board's, and the Governor's, most serious consideration.

Perhaps the most compelling recent example of this disturbing phenomenon was provided by Jennifer Thompson, a rape victim whose confident but erroneous "identification" of the wrong man led to his spending eleven long years in prison for a crime he did not commit. Ms. Thompson's powerful June 18, 2000 essay in *The New York Times* tells the painful but vitally important story. Ms. Thompson was "completely confident" in her original identification of the attacker from a photo spread, and her certainty was only increased when she later picked him out of a live lineup. After the defendant was convicted and sentenced to life imprisonment, his conviction was overturned on appeal and he was re-tried; before the re-trial, Ms. Thompson was asked to look at another man (who had made inculpatory admissions about the offense while in jail) and consider whether he might have been the real rapist. She insisted she had never seen this man before in her life, and instead later testified again that she was absolutely sure the original defendant was the one. DNA testing subsequently proved that she was wrong; the second man, whom she was sure she'd never seen before, was the man who had raped her. The other defendant, against whom she had twice testified and in whose guilt she was unshakably confident, was in fact innocent. See Jennifer Thompson, "I Was Certain, But I Was Wrong," *The New York Times*, June 18, 2000, at Section 4, page 15.

Attorney General Janet Reno has likewise acknowledged that "[r]ecent cases in which DNA evidence has been used to exonerate individuals convicted primarily on the basis of eyewitness testimony have shown us that eyewitness evidence is not infallible." Office of Justice

Programs, United States Department of Justice, *Eyewitness Evidence -- A Guide For Law Enforcement* at iii (available online at [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)). As Ms. Reno puts it, "[e]ven the most honest and objective people can make mistakes in recalling and interpreting a witnessed event; it is the nature of human memory." *Id.* The Center on Wrongful Convictions at Northwestern University's School of Law has documented the truth of this insight about such testimony. The Center found that 51 individuals who were actually innocent (as proven beyond any doubt by subsequent DNA testing) had been convicted of murder and/or sexual assault based in whole or in part on incorrect eyewitness testimony. *See Exhibit 3 (Eyewitness Mistakes In Cases Where DNA Has Established Actual Innocence*, summary of results of study by Center on Wrongful Convictions, Northwestern University School of Law, June 12, 2000). The cases include two innocent men wrongfully convicted here in Texas, as well as individuals from nineteen other states, the District of Columbia, and Canada.

Given the indisputable fact that eyewitnesses make mistakes, the Board and the Governor should not place too much weight on Ms. Amato's claimed identification of Mr. Jones as the person who abducted the victim, especially in light of the absence of physical evidence consistent with his having stabbed her to death.

**D. Additional Information Distinguishes Mr. Jones' Case From Those In Which A Claim Of Innocence Is Made At The "Eleventh Hour."**

As set out in his pending Application, Mr. Jones first told the complete truth about how he came to be convicted of murdering Tammy Livingston during state post-conviction proceedings in late 1993. Even before he attempted to testify in that proceeding, however, Mr. Jones was sharing the truth about his situation with his ex-wife

earlier in 1993. We attach as Exhibit 4 a letter from Mr. Jones to his ex-wife, dated November 7, 1993, in which Mr. Jones expresses his anguish at having decided to protect his sister, and the cost of that decision to him:

. . . I know that it was stupid for me to protect my sister, and put my own life on the line, I should have told them all the truth from the start. But when all that was going on, I felt I didn't have anything to lose. You had already told me I couldn't come back home. I couldn't see our boys. Which I didn't blame you at all for telling me that after the way I had done you, in fact it was your right to do so, and I respected that. But at that time I just felt like she had more to lose than I did, and I just kept my mouth shut, which was a stupid thing to do. I know that she doesn't care if I die or not. I came within 8 1/2 hours of being executed for what her and her dope buddy done, and she didn't even come up here to visit, she didn't call or nothing. I can not believe that she can just sit back and watch me be executed for what she and her dope buddy done. Talk about a cold hearted person, and to think that I was putting my life on the line to save her ass from getting in trouble, really makes me sick. . . . It hurts me inside to think that I was stupid enough to even think she cared, and to know that she knew she was sitting me up [sic] and making a fool out of me makes it hurt that much more. I didn't think there was any way in the world that a jury would find me guilty, because I was innocent. I didn't kill anybody. I never would kill anybody. She keep [sic] telling me to just be cool, that there was no way they could find me guilty, when I didn't do it, but all along her and Walt had fixed it so that I would take the fall. I can't understand why they never investigated Walt. I told them he sold me the stuff belonging to the lady, where he was and what he was wearing and everything, all they had to do was investigate, and they would have found out that he committed the murder. . . . I have had a hard time dealing with this, and I have talked to my minister about it, and he said [t]hat I should get up in that court and tell the truth, [whether] it helps me or not, that I should tell the truth. So when I talk to my Attorneys I am going to let them know that all I want to do is have the truth heard, [whether] it will keep me from being executed or not. I still want the truth to be heard.

This letter helps distinguish Mr. Jones' case from those in which the convicted defendant fails to protest his innocence until the very last moment. As explained in our Application, Mr. Jones has been attempting to get the courts to acknowledge the core of his innocence claim for almost seven years, and most of the best evidence corroborating Walt Sellers'



involvement in the murder (the accounts of other witnesses that Sellers had tried to sell them Livingston's property) has been available, but largely ignored, since the time of trial.

**E. Mr. Jones' Disciplinary History Shows That He Has Never Been Sanctioned For Any Act Of Misconduct Involving Violence During His Current Incarceration.**

In Mr. Jones' Application, he noted that in his thirteen years on death row, he has "avoided major disciplinary actions and has only been punished for minor infractions," all but one of which are of the sort which would not be punishable at all in free society. *See* Application at 44. Mr. Jones' disciplinary records, as provided the Programs & Services Division of TDCJ, are attached as Exhibit 5. They reflect fifteen infractions, which break down as follows: refusing to obey an order to stop serving himself beans during a meal (1); possession of a typewriter without a property slip (1); failure to shave or get a haircut when told to do so (4, all in 1989); failure to "rack up" in an orderly and timely manner (1); possession of extra Tylenol and aspirin tablets (1); possession of a ring without a property slip (2); swapping a radio with another inmate for ten dollars (1); possession of contraband (currency) (2); threatening an officer by stating that he would "get ahold of [him]" (1); and possession of "a small baggie of marijuana."

The death penalty should not be imposed where a less severe sanction can nevertheless effectively ensure public safety. Mr. Jones' disciplinary record in the thirteen years since he arrived on death row plainly demonstrates that he can safely be imprisoned without posing a risk of violence to TDCJ-ID staff or to other inmates. For this reason, too, Mr. Jones' death sentence should be commuted to life imprisonment.

**F. Many Supporters Of Mr. Jones Likewise Urge The Board And The Governor To Intervene In This Case Based On The Enduring Substantial Doubts About Mr. Jones' Guilt**

Mr. Jones' case has become increasingly well-known overseas, and many of his supporters have added their voices to the call for the Board and the Governor to take action to prevent Mr. Jones' execution on the ground that he may well be innocent. To avoid lengthening this Supplement and creating a logistical burden by attaching copies of all the written petitions submitted on his behalf by Mr. Jones' many supporters, we have elected to provide the originals of these documents to the Executive Clemency office of the Board, where they will be maintained and available for review by any Member of the Board or by anyone in the Governor's office. We urge all those responsible for deciding Mr. Jones' fate to examine and consider these heartfelt petitions. They include more than 7,800 signatures, including more than 5,600 from Italy; more than 1,400 from Germany, more than 300 from the U.S., more than 200 from Switzerland, and scores from elsewhere around Western Europe (Finland, the Netherlands, the United Kingdom, France, and so on).<sup>1</sup>

**G. CONCLUSION**

As we emphasized in Mr. Jones' pending Application, this case demands courage. Courage to reopen the investigation of the death of Tammy Livingston. Courage to admit that the state has obtained a conviction by depriving the fact finders of significant evidence of innocence. Courage to admit an error which, if uncorrected, will allow the true killer to escape justice.

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<sup>1</sup> The precise totals, as of today's date, follow: total, 7,824; Italy, 5,666; Germany, 1,463; U.S.A., 317; Switzerland, 243; Finland, 33; Netherlands, 30; Austria, 29; United Kingdom, 28;

For all the reasons set out in our original Application and in this Supplement, Mr. Jones respectfully requests that the Board recommend, and the Governor grant, clemency in this case in the form of a reprieve from execution, a pardon (whether conditional or unconditional), and/or a commutation of Mr. Jones' death sentence.

Mr. Jones also renews his request that the Board grant him a hearing, pursuant to 37 T.A.C. §143.43(b)(3) and Administrative Procedures Act §2001.001 *et seq*, and allow him to present evidence in support for his request for a conditional pardon, reprieve and commutation. He further requests the Board comply with the Open Meetings Act, §2001.001 *et seq* Texas Government Code, and with the Texas Constitution, Article 4, § 11 requirement that the Board give its reasons for its actions in granting or denying this application.

Respectfully Submitted,

WILLIAM S. HARRIS  
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307 West Seventh Street, Suite 1905  
Fort Worth, Texas 76102  
(817) 332- 5575; (817) 335-6060 FAX  
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State Bar of Texas Number 15371950

ATTORNEYS FOR APPLICANT

BY:  \_\_\_\_\_

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Canada, 5; France, 4; Iran, 2; Costa Rica, 1; Poland, 1; Kirgisistan, 1; Aruba, 1.

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Exhibit 1

Documents from Fort Worth Police Department  
Regarding Collection and Testing of Physical Evidence  
in the Investigation of Tammy Livingston's Murder

**FORT WORTH POLICE DEPARTMENT  
CRIME LABORATORY  
EVIDENCE TRANSMITTAL REPORT**

83080192

SERVICE NUMBER

LABORATORY NUMBER

Homicide

OFFENSE Murder DATE OF OFFENSE 2-19-86

OFFENSE LOCATION 4600 Randol Mill Rd. DATE OF INV. 2-19-86/2-20-

VICTIM/COMPLAINANT Jane Doe RACE \_\_\_\_\_ SEX \_\_\_\_\_ AGE \_\_\_\_\_

SUSPECT(S) \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_ AGE \_\_\_\_\_

\_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_ AGE \_\_\_\_\_

\_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_ AGE \_\_\_\_\_

SUBMITTED BY R.E. Corder 2031 DEPT/DIVISION CID CSSU L35

DATE SUBMITTED 2-20-86 TIME SUBMITTED \_\_\_\_\_ PLACE SUBMITTED Crime Lab/Photo ID Bureau

RECEIVED BY \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ PLACE \_\_\_\_\_

LIST ITEMS SUBMITTED (INDICATED BY ITEM NUMBER, QUANTITY, AND DESCRIPTION):

- 1) Six rolls ASA400 Kodacolor film 12 color photographs ASA400 (ground)
  - 84 color photographs ASA400 (ground)
  - 36 color photographs ASA1600 (ground)
  - 24 color photographs ASA 1600(air)
  - 21 color photographs ASA400 (air)
- 2) Five blood samples packaged in small envelopes
- 3) One plastic Petri dish containing fabric from complainants wrist
- 4) Two plastic Petri dishes containing fabric fragments
- 5) One envelope containing possible fragments of burned shoes
- 6) One envelope containing collected hair
- 7) Three sacks containing burned shoe fragments
- 8) one white bra with possible blood stains (submitted to serologist at scene)
- 9) one soil sample containing possible blood (submitted to serologist at scene)
- 10) one fingerprint card containing three latent fingerprints

Personnel on the scene:

Officer J.T. Morgan 1988	Dallas Police Dept.
Officer K.L. Hopson 2034	Lt. David Clary
Sgt. Goins	Sgt. Joe Murdock
Capt. V.L. Swift	Inv. Martha Pena
Lt. B.J. Erby	J.P. Schreck
Fire Dept. Personnel	Virgil L Sparks

PHOTOGRAPHS: BW \_\_\_\_\_ COLOR 179 FINGERPRINTS TO ID 3

EXAMINATION REQUESTED:

Analysis as indicated/at request of Detective: \_\_\_\_\_

TRANSFER/RELEASE/DISPOSAL RECORD (FOR USE BY LAB AND PROPERTY ROOM)  
ITEMS (BY ABOVE NUMBERS): NO. PKGS \_\_\_\_\_ BOXES \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ REL'D BY \_\_\_\_\_ REC'D BY \_\_\_\_\_  
ITEMS (BY ABOVE NUMBERS):

DATE \_\_\_\_\_ TIME \_\_\_\_\_ REL'D BY \_\_\_\_\_

86080192

Murder

4600 Randol Mill Rd.

Jane Doe

2-19-86

page 2

0020 hrs. Officer R.E. Corder received as assist call with A313 reference a deceased person at 4600 Randol Mill Rd.

0030 hrs. Corder arrived on the scene and met with Officer J.T. Morgan who was assigned to the call. Morgan advised that the fire department had received a grass fire call to 4600 Randol Mill Rd. at 2319 hrs. and while attempting to extinguish the fire had discovered a females nude body laying behind a large log. The female had been burned extensively according to Officer Morgan. Morgan directed Corder to the location where the female was to be found.

0045 hrs. Officer Corder began taking notes of observations in the area and developing a sketch of the area of the crime scene.

Corder observed that the area of the offense is a relatively secluded area surrounded by trees and dense undergrowth. The area included the 4600 block of Randol Mill Rd. is generally used for livestock grazing with very little traffic through the area during the night time hours. Approximately 365' north of the intersection of Lake Havasu Tr. and Randol Mill Rd. on the west side of Randol Mill Rd. is a large gate that gives access through the fence line and onto a dirt road that is used by TESCO to reach a large power station west of Randol Mill Rd. The dirt road goes through the fence west bound then turns north-northwest and runs roughly parallel to Randol Mill Rd. The complainant was laying behind a log 26'4" east of the TESCO access road and 56'4" from the north gate post. Measured to the complainants head. Laying behind the log the complainant was not visible from the TESCO roadway and was not visible from Randol Mill Rd. through the trees and undergrowth. The complainant was laying with her head to the south and her feet to the north. The complainant appeared to be a young female who was laying on her back and was nude except for what appeared to be tennis type shoes that were partially burned. The complainant was burned over almost all of her body. The complainants right arm was bent at the elbow and her forearm was underneath her body and the right hand and wrist was extended from behind her body at the waist. The right leg was bent at the knee and from mid-calf down the leg was extensively burned. The left arm was bent at the elbow, the elbow resting on the log, the left forearm was extended upward and the left wrist was bent so the hand appeared to be hanging down. Possible ligature marks were observed on the left wrist that appeared to have been made by some fabric used to tie the complainants wrist. A burned portion of fabric was observed on the complainants right wrist. The complainants eyes were closed and the tongue was slightly distended. Located to the east and south of the complainants head was observed what appeared to be a large deposit of blood and additional deposits of blood leading from the large deposit to where the complainants head was positioned.

0049 hrs. Officer M.F. Pendergraf began a series of photographs taken from the helicopter.

0120 hrs. 0205 hrs. Officer Pendergraf photographed the area of the crime scene from the ground.

0225 hrs. Officer Corder collected samples from the possible blood deposits from the area south and east of the complainants head. The samples were collected on cotton fabric squares and dried then placed in a small brown envelope. Corder additionally collected several leaves that were close to the complainants head that had what appeared to be blood on them. These also were placed in small envelopes. These samples were later submitted to Serologist Billie Shumway directly.

0315 hrs.-0530 hrs. Officers maintained the security of the crime scene awaiting investigators from Dallas Police Dept.

0715 hrs. Dallas P.D. took aerial photographs of the crime scene.

0810 hrs. Pendergraf took aerial photographs and Corder observed the area from the area.

845-0900 Billie Shumway, Crime Lab Serologist, examined the scene and collected several fluid samples from the area where the complainant had been laying.

0900 hrs. Corder and Pendergraf collected fragments of what appeared to be shoes from the area around the complainants feet

86080192

Murder

4600 Randol Mill Rd.

Jane Doe

2-19-86

page 3

0905 hrs. Officers Corder and Pendergraf collected hair fibers that were found in the grass 18" east of the log at the south end of the log.

0918 hrs. Officers located a white womans bra in a creek bed area 43' east of Randol Mill Rd. and approximately 100 yds. south of where the victim was found

0940 hrs. Corder released five blood samples, the white bra with possible blood stains, and the items she herself had collected to Serologist Billie Shumway at the scene. Pendergraf dusted, located, photographed, and lifted three possible fingerprints from the gate leading onto the TESCO right of way.

1000 hrs. Pendergraf and Corder collected ashes from the east side of the log where the comp. had been found laying.

Officers changed locations to 350 W. Belknap to package evidence. The film was submitted to the photo lab, the fingerprint card to ID Bureau, and the additional evidence was submitted to the crime lab.

\*0045 hrs. Officer Corder, with the assistance of Medical Investigator Young, collected the piece of fabric on the complainants right wrist. The fabric was later submitted to the crime lab.



R.E. Corder 2031



82126LIST OF EVIDENCE:

Received at Crime Scene 4600 Randol Mill Road from R. Corder by Shumway 2-20-86:

- 1-3. Sealed envelopes containing blood samples.
- 4-5. Sealed envelopes containing leaves with blood.
6. Sealed sack containing white bra.

Collected at 4600 Randol Mill Road by Shumway 2-20-86:

7. Envelope containing glass fragments with blood.
- 8-9. Metal containers with plant material with blood.
10. Sack with pieces of blood stained wood.
11. Sack with plant material with possible body fluids.
12. Metal container with bloodstained grass.

Received from D. McMillan, Medical Examiner's office 2-20-86, 2:05 p.m. by Shumway:

13. Sealed sexual assault death kit containing:
  - A. Blood sample.
  - B. Scalp hair sample.
  - C,D,E. Vaginal, anal and oral smears.
  - F,G,H. Vaginal, anal and oral swabs.

Received in lab 2-24-86, 11:18 a.m. from D. Hardin by Shumway:

14. Plastic envelope with a check number 467 on Gill Savings.

Received in Property Room 2-24-86, 10:40 a.m. from G. Penry by Shumway:

15. Sealed sack containing a pair of boots (submitted by L. Staffler).
16. Sealed sack (submitted by W. D. Bundy) containing:
  - A. Pair of jeans.
  - B. Sealed sack with a brown plaid shirt.
17. Color photos to photo lab (by W. D. Bundy).

(submitted by R. E. Corder):

18. Sealed sack containing:
  - A. Plastic petri dish with fabric from complainant's wrist.
  - B-C. Plastic petri dishes with fabric fragments.
  - D. Envelope with possible shoe fragments.
  - E. Envelope with a hair sample.
  - F-H. Sacks with shoe fragments.
19. Fingerprints to Identification Section.
20. Color photos to photo lab.

(submitted by W. D. Bundy):

21. Sealed package containing two blankets.
22. Sealed sack containing:
  - A. Eight cigarette butts.
  - B. Plastic bag with assorted trash.
  - C. Plastic envelope with unknown stain.
  - D. Plastic bag with vacuumings.
  - E. Paper funnels.

82126LIST OF EVIDENCE (Page 2):

(Submitted by W. D. Bundy) continued:

23. Sealed sack containing:
  - A-C. Three towels.
  - D. Plastic marker.
24. Sealed package with an umbrella.
25. Sealed sack containing four red floor mats.
26. Fingerprints to Identification Section (W. Bundy).
- 26.B. Color photos to photo lab (W. Bundy).

(Submitted by R. E. McDonald):

27. Sealed envelope containing miscellaneous papers.
28. Sealed envelope with a carpet sample from victim's vehicle.
29. Color photos to photo lab.

(Submitted by J. H. Varnon):

30. Sealed sack containing:
  - A. Sealed envelope with two hairs.
  - B-D. Sealed envelopes with possible bloodstains.
31. Color photos to photo lab.

(submitted by J. Bennett):

32. Sealed envelope containing a straw-type material.
33. Sealed envelope containing:
  - A. Fake egg duster.
  - B. Wicker ring.
  - C. Spaghetti set.
34. Sealed envelope containing miscellaneous jewelry.
35. Sealed envelope containing:
  - A. Calculator.
  - B. Watch.
  - C. Set of keys.
  - D. Credit card case with credit cards.
  - E. Two receipts from "Sears" Department Store.

Received in lab 2-20-86, 11:15 a.m. by Shiller and Thomas (submitted by Owens):

36. A one-gallon metal can containing soil.

Received in lab 2-26-86, 10:22 a.m. from L. Steffler by Shumway:

37. Gold covered lock-blade knife.

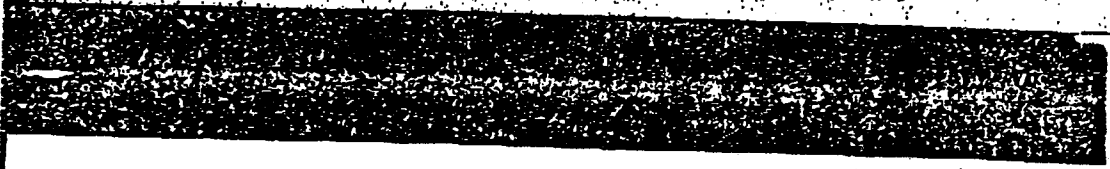
Collected in the laboratory 2-27-86, 1:30 p.m. by Taylor:

38. Blood sample from Richard Wayne Jones.
39. Saliva sample from Richard Wayne Jones.

82126RESULTS OF EXAMINATION:

- 1.-3. Human blood, type "O" EsD1, PGM 1+1-, was detected.
4. No analysis.
5. Human blood with the H antigen present was detected. Quantity not sufficient for further analysis.
6. Human blood, type "O", EsD1, PGM 1+1-, was detected.
7. Human blood with the H antigen present was detected.
8. Human blood, type "O", EsD1, PGM 1+1-, was detected.
9. No analysis.
- 10-11. Semen was not detected.
12. Human blood, type "O", EsD1, PGM 1+1-, was detected.
13. Semen was not detected. The victim's blood was typed as O+, EsD1, PGM 1+1-;
14. No identifiable fingerprints obtained.
15. Human blood, quantity not sufficient for further analysis, was detected.
16. Human blood, sufficient quantity for analysis, was detected at three locations on the jeans.
  - (1) Type O, PGM 1+2-.
  - (2) H antigen present, quantity not sufficient for further analysis.
  - (3) Type O, PGM 1+1-.
- 17.-30.A. No analysis.
- 30.B - D. Blood was not detected.
- 31.-35. No analysis.
36. See supplemental report.
37. Blood which could not be further characterized, was detected.
38. The blood sample from Richard Wayne Jones was typed as O+, PGM 1+2-.

6



82126

Hu/20/- 2/21

TAK 2/21

RESULTS OF EXAMINATION:

#6-1 letter 2/21  
 2/21  
 Pam ST 2/21  
 G-2 → EsD1  
 2/21  
 G-3  
 G-4 Pam ST 2/21/16  
 NO ABS  
 G-5

- 1.-3. Human blood, type "O" EsD1, PGM 1+1-, was detected.  
 No analysis. *QNS in type*
- 5. Human blood with the H antigen present was detected. Quantity not sufficient for further analysis. *ahead 2/21*
- 6. Human blood, type "O", EsD1, PGM 1+1-, was detected.
- 7. Human blood with the H antigen present, was detected. *QNS 2/21*
- 8. Human blood, type "O", EsD1, PGM 1+1-, was detected. *QNS 2/21*
- 10-11. Semen was not detected. *2/20*
- 12. Human blood, type "O", EsD1, PGM 1+1-, was detected. *2/21*
- 13. Semen was not detected. The victim's blood was typed as O+, EsD1, PGM 1+1-. *2/20 2/21*
- 14. No identifiable fingerprints obtained. *Hu/20*
- 15. Human blood, quantity not sufficient for further analysis, was detected. *2/24 Hu 2/24-25*
- 16. Human blood, sufficient quantity for analysis, was detected at three locations on the jeans. *2/25 Hu 2/24 Hu 2/24-25/27*  
 (1) Type O, PGM 1+2-. *2/26*  
 (2) H antigen present, quantity not sufficient for further analysis. *2/27A*  
 (3) Type O, PGM 1+1-. *2/26*
- 17.-30.A. No analysis. *Stu/21 2/25*
- 30.B - D. Blood was not detected.
- 31.-35. No analysis.
- 36. See supplemental report. *OT TAK (1+) 2/26 Hu 2/26-27*
- 37. Blood which could not be further characterized, was detected. *2/27*
- 38. The blood sample from Richard Wayne Jones was typed as O+, PGM 1+2-. *Pam 2/27 ST 2/27*

1	17	19
2	7	5
3	7	32

Comp.  
 C Pam 1+1- EsD1 = 16.0  
 C Pam 1+1- = 1.0  
 C Pam 1+2- = 3.3

L/ 6.8  
 JS RB 4-5 Hu  
 WS 5-10 Hu  
 R 20-40 Hu

FORT WORTH PUBLIC SAFETY AGENCY  
CRIMINALISTICS LABORATORY

PHYSICAL EVIDENCE EXAMINATION

DATE: 3-19-86 LABORATORY FILE NO: 82126

SERVICE NO. 86082163 and 86080192 OFFENSE: MURDER

SUSPECT: RICHARD WAYNE JONES and YELINDA COMALANDER

VICTIM: TAMMY BURKHART LIVINGSTON

TO: CRIMINAL INVESTIGATION DIVISION

EVIDENCE SUBMITTED:

SEE-ATTACHED SHEET (List of Evidence): - 4 -

RESULTS OF EXAMINATION

SEE ATTACHED SHEET (Results of Examination).

DISPOSITION OF EVIDENCE:

*Bessie Shumway*  
Bessie Shumway, Serologist

35506-010

8

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 THE STATE OF TEXAS

VS.

RICHARD WAYNE JONES  
 -----

Physical Evidence Examination  
 -----

ITEM

NO.

DESCRIPTION

RESULTS OF EXAMINATION  
 -----

Received at Crime Scene 4603 Randol Mill Rd form R. Corder by Shumway:

1 Seal/env. cont'g blood sample	Human bld, type"o",EsD1,PGM 1+1, detected
2 Seal/env. cont'g blood sample	Human bld, type"o",EsD1,PGM 1+1, detected
3 Seal/env. cont'g blood sample	Human bld, type"o",EsD1,PGM 1+1, detected
4 Sl/env. cont'g leaves w/blood	No analysis
5 Sl/env. cont'g leaves w/blood	Human bld w/H antigen present was detect
6 Sealed sack cont'g white bra	Human bld, type"o",EsD1,PGM 1+1, detected
7 Env cont'g glass frag't w/bld	Human bld w/H antigen present was detect
8 Metal cont w/plant matl w/bld	Human bld, type"o",EsD1,PGM 1+1, detected
9 Metal cont w/plant matl w/bld	No analysis
10 Sk w/pcs of blood stain wood	Semen was not detected
11 Sack w/plant matl w/possible body fluids	Semen was not detected
12 Metal cont'r w/bldstain grass	Human bld, type"o",EsD1,PGM 1+1, detected

Received from D McMillan, Med. Examiner's Office 2/20/86, 2:05 pm by Sumway:

13 Sl/sexaul assault death kit	
A. Blood sample	Semen was not detected
B. Scalp hair sample	Semen was not detected
C. Vaginal smears	Semen was not detected
D. Anal smears	Semen was not detected
E. Oral smears	Semen was not detected
F. Vaginal swabs	Semen was not detected
G. Anal swabs	Semen was not detected
H. Oral swabs	Semen was not detected
14 Env w/ok #467 on Gill Sav'g	No identifiable fingerprints obtained

Received in Property Rm 2/24/86, 10:40 am from G. Penny by Shumway:

15 Seal sack cont'g pr of boots	Human blood, qty not sufficient to alyz
16 Sealed sack containing:	
A. Pair of jeans	(1) "O", PGM 1+2-; (2) H antigen present; (3) "O", PGM 1+1-
B. Seal sack w/brn plaid shirt	"?"
17 Color photos to photo lab	No analysis
18 Sealed sack containing:	
A. Petri dish w/fabric-IP wrist	No analysis
B. Petri dish w/fabric frag't	No analysis
C. Petri dish w/fabric frag't	No analysis
D. Env w/possible shoe fragment	No analysis
E. Envelope w/hair sample	No analysis
F. Sacks w/shoe fragments	No analysis
G. Sacks w/shoe fragments	No analysis
H. Sacks w/shoe fragments	No analysis
19 Fingerprints to ID Section	No analysis

ITEM NO.	DESCRIPTION	RESULTS OF EXAMINATION
20	Color photos to photo lab	No analysis
21	Sealed pkg cont'g 2 blankets	No analysis
22	Sealed sack containing:	
	A. Eight cigarette butts	No analysis
	B. Plastic bag w/assorted trash	No analysis
	C. Plastic env w/unk stain	No analysis
	D. Plastic bag w/vacuumings	No analysis
	E. Paper funnels	No analysis
23	Sealed sack containing:	
	A. Towel	No analysis
	B. Towel	No analysis
	C. Towel	No analysis
	D. Plastic marker	No analysis
24	Sealed package w/umbrella	No analysis
25	Seal sk cont'g 4 red car mats	No analysis
26	Fingerprints to ID Section	No analysis
26	B. Color photos to photo lab	No analysis
27	Sealed env cont'g misc papers	No analysis
28	Seal env w/carpet smpl-IP veh	No analysis
29	Color photos to photo lab	No analysis
30	Sealed sack containing:	
	A. Sealed env w/ two hairs	No analysis
	B. Seal env w/poss bloodstains	Blood was not detected
	C. Seal env w/poss bloodstains	Blood was not detected
	E. Seal env w/poss bloodstains	Blood was not detected
31	Color photos to photo lab	No analysis
32	Seal env cont'g straw-ty matl	No analysis
33	Sealed envelope containg:	
	A. Fake egg duster	No analysis
	B. Wicker ring	No analysis
	C. Spaghetti set	No analysis
34	Seal env cont'g misc jewelry	No analysis
35	Sealed envelope containg:	
	A. Calculator	No analysis
	B. Watch	No analysis
	C. Set of keys	No analysis
	D. Cr card case w/credit cards	No analysis
	E. 2 recpt from Sears Dept Store	No analysis
36	One-gal metal can cont'g soil	Gasoline residue was detected in soil samp
37	Gold cover lock-blade knife	Bld detected, could not be characterized
38	Blood sample from Defendant	Defendant was typed as "O+", PGM 1+2-
39	Saliva sample from Defendant	"?"

Exhibit 2

*The Problem of False Confessions in Illinois* (report by  
Northwestern University Legal Clinic's Children and  
Family Justice Center)



## The Problem of False Confessions in Illinois

### *A Report of the Northwestern University Legal Clinic's Children and Family Justice Center*

Steven A. Drizin  
Beth A. Colgan  
Kate Shank

During the past several weeks, we have compiled a list of false confession cases from throughout Illinois. The source of much of the information in this document is newspaper articles and reports concerning false confessions. Because many communities throughout the state of Illinois have newspapers which cannot be obtained through electronic database searches, there likely are many other false confession cases throughout the state which are not identified here.

The list is broken down into two large groups: children and adults. Children are defined as persons under the age of eighteen. Those groups are further divided according to categories set out in a landmark investigation of false confession cases conducted by Professors Richard A. Leo and Richard J. Ofshe. Richard A. Leo and Richard J. Ofshe, The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation, 88 J. Crim. L. & Criminology 429 (1998). These categories are as follows:

**Proven False Confessions**: Confessions where "the confessor's innocence was established by at least one dispositive piece of independent evidence." For example, a defendant's confession was classified as proven false if the murder victim turned up alive, the true perpetrator was caught and proven guilty, or scientific evidence exonerated the defendant. Not only was the confessor definitively excluded by dispositive evidence, but the confession statement itself also lacked internal indicia of reliability. Any disputed confession cases that fell short of this standard, no matter how questionable the confession and no matter how much direct or circumstantial evidence indicated the suspect was innocent -- was excluded from this category." *Id.* at 228.

**Highly Probable False Confessions**: Confessions where "the evidence overwhelmingly indicated that the defendant's confession statement was false. In these cases, no credible independent evidence supported the conclusion that the confession was true. Rather, the physical or other significant independent evidence very strongly supported the conclusion that the confession is false. In each of these cases, the confession lacked internal reliability. Thus, the defendant's statement is classified as a highly probable false confession because the evidence led to the conclusion that his innocence was established beyond a reasonable doubt." *Id.*

**Probable False Confessions**: Confessions where "no physical or other significant credible evidence supported the conclusion that the defendant was guilty. There was evidence supporting the conclusion that the confession was false, and the confession lacked internal indicia of reliability. Although the evidence of innocence in these cases was neither conclusive nor overwhelming, there were strong reasons -- based on independent evidence -- to believe that the confession was false. Cases are included in this category if the preponderance of the evidence

indicated that the person who confessed was innocent." *Id.*

Additionally, we have included information about several recent cases in which the defendants are claiming that their convictions were based on false confessions and the police brutality claims emanating from the Chicago Police Department's Area Two headquarters. While we currently do not have enough information to categorize these claims, we feel they are important because they underscore how a videotape of the interrogation and confession could have saved the police from any question of culpability or even the appearance of impropriety.

This is a work in progress. Nothing demonstrates this more than the fact that *three* new false confession cases have surfaced *after* we had prepared this Report. On February 11, 2000, the *Chicago Tribune* carried a story on its front page about Hubert Gerald, a mildly mentally retarded man who was convicted of six murders in 1997. Gerald was sentenced to death. Convictions on two of those murders were based solely on Gerald's confessions, including the murder of Rhonda King. The Cook County State's Attorneys' Office now believes that King was killed by Andre Crawford who was recently charged with a string of murders in Chicago's Englewood neighborhood. Crawford confessed on videotape to King's murders and provided more detail than did Gerald. The State has moved to vacate all six of Gerald's convictions and plans on retrying him in at least five of these cases. See Steve Mills and Terry Wilson, State Says it Convicted Wrong Killer, Chi. Trib., Feb. 11, 2000.

The Tribune carried another story on April 4, 2000 about Anthony Moody, a thirty four year old man who had been jailed for three years on charges that he had murdered his girlfriend by choking her to death. After spending at least 24 hours in police custody, Moody confessed to choking his girlfriend to death and leaving her body in an abandoned building on the South Side. He later claimed that his confession was coerced. DNA tests revealed, however, that Stevenson's body bore light traces of Moody's DNA (Moody claimed he slept with his girlfriend two or three days before she was found dead) and much heavier traces of DNA from another man (who police had in custody on other rape and murder charges). Prosecutors dropped murder charges against Moody in exchange for a plea to aggravated battery and a recommended sentence of only five years. With credit for time served, Moody will be released from prison in a matter of weeks or months. To reconcile Moody's confession with the DNA evidence, Cook County prosecutors claimed that the second attacker raped and assaulted the victim after Moody's attack. Without citing any statistics to back up his claim, Bob Benjamin, spokesperson for the Cook County State's Attorney's Office, was quoted as saying that such scenarios "happen all the time...[p]articularly in sexual attacks, a woman is lying there helpless and another predator comes along and sees an opportunity and takes it." Vanessa Gezari, Murder charge reduced as DNA points to different man, Metro Chicago, Chi. Trib. at 1 (April 4, 2000).

A third false confession case surfaced on May 5, 2000. In 1996, Gregory Clepper, a man accused of fourteen South Side murders and rapes, allegedly gave a handwritten statement to police claiming he killed an unidentified woman and dumped her body in an alley on 47<sup>th</sup> Street. On May 3, 2000, police arrested and charged another man, Earl Mack, Jr. with the crime. DNA evidence linked Mack to the victim and Mack subsequently gave a videotaped confession to the murder. Janan Hanna, Suspect in 14 killings cleared in 1, DNA links woman's death to another

man, Metro Chicago, Chi. Trib. at 1 (May 5, 2000).

We hope that this list serves to show the necessity of opening a window into interrogation procedures utilized throughout the state of Illinois. The fact that these false confession cases occur throughout the State demonstrates that this is a statewide problem calling for a statewide solution. It is not just a Chicago or Cook County problem. HB 4697, a bill introduced on Monday, February 7, 2000 by Speaker of the Illinois House of Representatives Michael Madigan, would mandate the videotaping of interrogations of juveniles and adults for certain violent offenses. Enacting this Bill into law would have been a powerful step towards ensuring that the lessons learned from these false confession cases were not not lost. Although the Bill ultimately was not called for a vote, the continuing parade of false confession cases demonstrates that this issue will not simply disappear. We hope that the Speaker reintroduces the Bill in the next legislative session.

### **CHILDREN -- *Proven False Confession***

Ryan Harris<sup>1</sup>

In perhaps the most notorious false confession case in Illinois, seven and eight-year-old boys were charged with murdering eleven-year-old Ryan Harris in the South Side neighborhood of Englewood in July of 1998. One boy was only 50 inches tall and weighed 50 pounds. The other was just under four feet tall, weighed 60 pounds, and suffered a speech disorder which makes it difficult for him to communicate. Exactly what happened when the two boys were questioned at the police station remains unclear. Their parents claim that the boys were kept at the station for several hours, during which time the families didn't realize the boys were suspects. It is known that the police officers spoke to the boy separately, reminding them of the difference between "good boys" and "bad boys," holding the boys hands, and feeding them happy meals. Police also have explained that the boys stories kept changing, something which made them seem suspicious to the interrogators. Through the course of several interrogations, the boys were questioned by at least four different detectives, including Detective James Cassidy, who is involved in at least one other case involving a confession he obtained from a juvenile. The police claim they were able to obtain confessions from these two boys as well, and the two were arrested and charged with murder. The children were sent to Hartgrove Hospital's psychiatric unit where they spent four days being examined. Following the psychiatric examinations the boys had to sit through court hearings, and finally were sent home with electronic monitoring anklets that had to be refitted so that they wouldn't fall off of their small legs. Three weeks after they were allowed to return home, lab results showed that semen was on the panties of Ryan Harris. As the two boys were simply too young to have produced semen, the charges against them were dropped in September 1998. Although the Chicago police have never acknowledged the boys' innocence, the DNA was later shown to be a perfect match with Floyd M. Durr, an adult already charged with sexually assaulting three other young girls in the Englewood neighborhoods.

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<sup>1</sup> Alex Kotlowitz, The Unprotected, The New Yorker, Feb. 8, 1999, at 42; Making Them Talk, Chicago, Jan. 1999, at 52.

### Mario Hayes<sup>2</sup>

Seventeen-year-old Mario Hayes was arrested for murder along with five other juveniles in October 1996. Hayes and three of the other juveniles claim that during the interrogations, Chicago police officers physically mistreated them until they confessed. Several of the boys reported being slapped, kicked and punched. One boy states that he was locked in a locker at one point. Mario's twin brother, Marcus, even contends that at one point he was brought a glass of urine to drink after requesting water. There were six state's attorneys present during the confessions following the interrogations, and each statement was court-reported. Not only did Hayes confess to the murder, but several of the other boys stated in their confessions that Hayes was present (and therefore at least a portion of their confessions were false as well). A judge refused to grant Hayes bond because of these confessions. That decision was made in spite of Cook County Jail records which showed that Hayes was incarcerated on the night of the murder and therefore could not have participated in the crime. In December of 1998 the confession was suppressed based on the jail records. The State failed to dismiss charges against Hayes, however, claiming that the jail records were improperly kept. A mistrial was declared in the first trial, because the jury was deadlocked at 11-1 favoring acquittal. The jury in his second trial found Hayes not guilty on June 7, 1999.

### Charlie King<sup>3</sup>

Charlie King, a seventeen-year-old mentally retarded boy with an I.Q. of 57, confessed to strangling a nine-year-old in East St. Louis in July 1992 at a school where he worked as a janitor. The written confession was the result of three days of interrogations, during which time King asked for crayons and coloring books. King was held for thirteen months during which time attorneys involved attempted to determine if he was competent to stand trial. While King was in jail, two more children were killed leading to the arrest of Lorenzo Fayne, who also worked at the school with King. Fayne confessed to those two murders and those of three other children -- including the child that King was purported to have killed. Charges against King were dropped on August 18, 1993.

### Don Olmetti<sup>4</sup>

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<sup>2</sup> Steve Mills, Cops Launch Inquiry into Confession; Probe Focuses on Man Charged in Fatal Beating, Chi. Trib., May 1, 1998, at 4; Steve Mills & Maurice Possley, 'Killer' in Jail When Crime Committed; Teen Accuses Cops of Coercing Him into Admitting Guilt, Chi. Trib., Apr. 29, 1998, at 1.

<sup>3</sup> Confession of Multiple Child Killer Frees Retarded Man After Year of Confinement, St. Louis Post-Dispatch, Apr. 12, 1998 at A7.

<sup>4</sup> James Hill, Youth Jailed for 2 Years Goes Home, Chi. Trib., May 21, 1999, at 1; Diane Struzzi, Murder Case Dropped, Teen Still Held, Chi. Trib., May 18, 1999.

At sixteen years old, Don Olmetti was arrested for shooting and killing a teacher while trying to steal her purse. Olmetti, who is borderline mentally retarded, was at a police station for eighteen hours before confessing to the crime. Olmetti claims that police beat him and forced him to sign the written confession. Olmetti spent two years in the Cook County Jail, in spite of the fact that the State was aware of alibi witnesses as early as April 1997. Additionally, attendance records placed Olmetti in school at the time of the murder. Murder charges were finally dropped against Olmetti in 1999.

*The Alton Four: Eric Henley, Antwan Coleman, Rodney Brown, and Roderick Singleton*<sup>5</sup>

In April 1990, a homeless man was beaten to death in a cemetery in Alton. Five teenagers were arrested, and after being interrogated four of the five confessed. The teenagers ranged in age between fourteen and seventeen years old, and at least one of the boys was learning disabled. Charges were dropped against the five when a private investigator hired by their lawyers obtained a written confession from one of the actual killers the following July. In actuality, the five boys merely happened upon the victim after two other teenagers had beaten him to death (the five did steal the victim's truck). One of the killers pled guilty to the charges; charges against the other were dropped after the assistant State's Attorney was caught on videotape promising him immunity. Investigations by the State's Attorney into the interrogation procedures used were complicated by comments made by an assistant State's Attorney who stated that the youths were a "segment of black people who are liars." After his resignation, an investigation was completed, resulting in no recommended changes for interrogation procedure. This report was criticized because the State's Attorney stated that the police had done nothing wrong prior to the inception of the investigation.

**CHILDREN -- Highly Probable False Confession**

A.M.<sup>6</sup>

"A.M.," an eleven-year-old boy with no prior criminal background and with no history of violence, was convicted in Chicago in October 1994 of murdering his eighty-three-year-old neighbor. At the time of the murder, A.M. was only ten years old. The only evidence against the boy was an oral confession he gave to Detective James Cassidy, the same detective who obtained the alleged statements from the two little boys in the Ryan Harris case (above). The initial confession was obtained by Chicago police outside of the presence of the boy's attorney, parents, relatives, or a youth officer. A hearing into whether the boy's confession was voluntary is currently being conducted in the United States Federal District Court for the Northern District of

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<sup>5</sup> Roy Malone, 4 Detectives Sued Over Alton Arrest, St. Louis Post-Dispatch, Aug. 5, 1992, at 6A; Michael D. Sorkin, 5 Suspects in Killing Released After Tests, St. Louis Post-Dispatch, June 23, 1990, at 1A.

<sup>6</sup> Maurice Possley, Officer in Harris Case Coaxed Similar Confession in '94, Chi. Trib., Sept. 10, 1999, at 1; Terry Wilson, Boy Held in Slaying of Woman; Hate is Seen as Motive in Death of 84-Year-Old, Chi. Trib., Sept. 7, 1994, at 1.

Illinois in Chicago. At the time of the murder, the victim was 5'7" tall and weighed 173 pounds, and the boy was just over 5 feet tall and weighed under 100 pounds. The victim had been beaten about the head and face, her body was dragged throughout her apartment, she had been tied up with rope and a phone cord which had been ripped from the kitchen wall, and her throat had been slit. No fingerprints left in the apartment matched the boy's. An adult size partial footprint and a palm print left at the scene also could not be linked to the boy.

#### Eddie Huggins<sup>7</sup>

In Chicago on January 15, 1998, Eddie Huggins was arrested for murder. During the hours-long interrogation that followed, there was no attorney or parent present to help Huggins, who was only fifteen-years-old at the time. Huggins claimed that he was intoxicated when arrested and that throughout the interrogation police officers threatened him. Finally giving up at 4:00 a.m., Huggins signed a four-page written confession in which he admitted stabbing a woman to death. The only problem was that the medical examiner found no stab wounds on the victim's body. In spite of that glaring contradiction, as well as the fact that no physical evidenced linked Huggins to the crime, Huggins spent over a year in jail awaiting trial as an adult for the murder. The State even went so far as to accuse Huggins of stabbing the woman during its opening statement at Huggins' trial. Fortunately, Judge Thomas Sumner threw out the confession and acquitted Huggins of the murder. Judge Sumner refused to submit the case to a jury, directing a verdict of not guilty at the close of the State's case. Following the acquittal, the State has not brought charges against the youth who originally accused Huggins, even though blood from the victim was found on that youth's jacket and he has a history of assaulting women.

#### Dustan Pennington<sup>8</sup>

Sixteen-year-old Dustan Pennington was arrested for the murder of a motel clerk in East Alton in 1988. Pennington claims that he signed a written confession only after police threatened him with life imprisonment during thirteen hours of interrogation. Pennington testified at his trial in January 1989 that he was so upset during the interrogation that he did not even read the confession prior to signing it. Pennington's mother also claimed that police officers told her that Pennington did not need an attorney. Additionally, witnesses placed Pennington elsewhere during the murder, and another man charged with the same murder claimed that Pennington was not at the scene during the crime. Pennington was acquitted at trial and two other men were charged with the crime.

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<sup>7</sup> Eddie Huggins Finally Goes Free, Chi. Trib., May 1, 1999; James Hill, No Knife Wounds Found in 'Stabbed' Body, Chi. Trib., Apr. 29, 1999; Maurice Possley & Steve Mills, Little Adds Up in Murder Case; Youth Admits Stabbing; Autopsy Shows No Knife Wounds, Chi. Trib., Mar. 21, 1999.

<sup>8</sup> Charles Bosworth, Jr., Suspect at Motel is Indicted, St. Louis Post-Dispatch, Feb. 10, 1989. Robert Kelly, Murder Suspect Says He Confessed Due to Threats, St. Louis Post-Dispatch, Jan. 24, 1989.

## ADULTS -- Proven False Confession

### Rolando Cruz<sup>9</sup>

Rolando Cruz spent 11 years on death row for the abduction and murder of a child, Jeanine Nicarico, in DuPage County in 1983. He was tried and convicted twice of the crime and twice sentenced to death; both trials were overturned on procedural grounds. In his third trial in 1995 a key State's witness, Lieutenant James Montesano, recanted his earlier testimony that he was informed by Cruz's interrogators that Cruz gave a "dream statement" in which he related details of the crime only the killer could know. Montesano testified that he had actually been out of state at the time of Cruz's interrogation, so could not have been told of the alleged statement -- a confession which was neither videotaped nor even mentioned in police records. Additionally, there was no other physical evidence nor any witnesses linking Cruz to the crime. After hearing the Lieutenant's recantation, DuPage County Circuit Court Judge Ronald Mehling delivered a verdict in Cruz's favor, ending the ordeal. Only a year after Cruz was first incarcerated, another man, Brian Dugan, confessed to killing Nicarico after pleading guilty to raping and killing another girl and a woman. He has not been tried of the Nicarico murder, however, because prosecutors say that inconsistencies in his story make him unbelievable.

### Derrick Flewellen<sup>10</sup>

Derrick Flewellen confessed to murdering two women in 1995. DNA tests of semen taken one of those victims, however, was matched in late 1999 to a serial killer on death row for six other murders. No DNA linked Flewellen with the second victim either, even though Flewellen stated in his confession that he had performed a sex act with the woman (her death was initially classified as undetermined but possibly the result of a severe lung infection & shy; it was upgraded to murder only after Flewellen confessed). Flewellen claims he gave the statement because Chicago police detectives coerced and beat him during an interrogation. A friend of Flewellen's who was outside of the interrogation room during police questioning of Flewellen has stated that he heard screaming and noises consistent with Flewellen's allegations of being beaten. The State contends that Flewellen gave eight oral statements and a final written statement confessing to the crimes. Given the DNA evidence, however, Judge Marcus Salone acquitted Flewellen in November 1999.

### Gary Gauger<sup>11</sup>

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<sup>9</sup> Ken Armstrong & Christi Parsons, Half of State's Death-Penalty Cases Reversed; A Variety of Errors Found in 130 Trials, Chi. Trib., Jan. 22, 2000, at 1; Man Jailed 12 Years is Freed in Trial for Girl's Killing; Acquittal Comes After Twice Being Convicted, Balt. Sun, Nov. 5, 1995 at 18A.

<sup>10</sup> Maurice Possley, DNA Topples Case Built on Confessions, Chi. Trib., Dec. 1, 1999, at 1.

<sup>11</sup> Ken Armstrong & Christi Parsons, Half of State's Death-Penalty Cases Reversed; A Variety of Errors Found in 130 Trials, Chi. Trib., Jan. 22, 2000, at 1; Indictment Vindicates Victim's Son, The Capital Times (Wis. St. J.), June 11, 1997 at 2A.

In 1993, when Gary Gauger's parents were found brutally murdered on their farm in Richmond in McHenry County. The police focused their investigation on Gauger because he claimed to have been sleeping near where the bodies were found. He was intensely questioned for over 15 hours during which time police told him they had irrefutable proof that he had killed his parents. Trusting in the officers, Gauger stated that for that to be possible, he must have blacked out because he did not remember committing the crime. Police helped Gauger reconstruct what he might have done. Those statements were considered a confession and used to convict Gauger of the murders. He spent a year on death row and three and a half years in total behind bars until an appeals court overturned his conviction because the confession had been improperly obtained. Charges have since been brought against a motorcycle gang for the murders of Gauger's parents after two members of the gang spoke of committing the crime over wiretapped phone lines. One of the gang members has pled guilty.

Andre V. Jones<sup>12</sup>

In September, 1979, Andre V. Jones confessed to a murder in St. Clair County. Jones claims that the police officer who conducted the interrogation, Robert Miller (see Gregory Bowman), made veiled threats against Jones' family and a girlfriend, bribed him with money added to his jail account, and gave him Valium. He also alleges that Miller showed him autopsy and police reports that enabled Jones to give details which matched the crime in part. The confession, handwritten by Miller, was extremely detailed. Ironically, the level of detail helped Jones in the end, as a grand jury did not believe the confession because so many of those details did not match the facts of the crime. In 1985 a St. Louis man, Glennon E. Engleman, pled guilty to the murder.

Ronald Jones<sup>13</sup>

Ronald Jones confessed to raping and murdering a woman on Chicago's South Side in 1985. Jones claims the confession came only after police interrogators beat him. Jones was tried, convicted and sentenced to death in 1989. In 1997 DNA tests revealed that the semen found on the victim did not belong to Jones. Prosecutors dropped the charges two years later and Jones was released from jail in May 1999 after spending fourteen years in prison. He is currently seeking a pardon but the State's Attorneys office is not backing his request. The State contends that Jones is still a suspect under the theory that someone else had raped her and then Jones had killed her.

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<sup>12</sup> Bill Smith & Charles Bosworth, Jr., Deputy's Tactics Spurred Questions, St. Louis Post-Dispatch, Feb. 25, 1999, at B1.

<sup>13</sup> Ken Armstrong & Steve Mills, Flawed Murder Cases Prompt Calls for Probe, Chi. Trib., Jan. 24, 2000, at 1; Steve Mills, Ex-Inmate Seeks Pardon in '85 Murder, Rape Case, Chi. Trib., Jan. 5, 2000, at 3; Eric Zorn, DNA Evidence Continues to Cast Doubt on Retrial, Chi. Trib., Nov. 27, 1997, at 1.



Steven Linscott<sup>14</sup>

When police came to the halfway house that Steven Linscott worked at in Oak Park, he told them he had a dream the night before in which he saw a man attack and kill a black woman. Some of the details of the dream were similar to a murder that happened the night before to a white woman living next door. The police took the "dream" as a confession and eventually Linscott was convicted of the rape and murder of the woman. He spent three and a half years in prison before his conviction was overturned when tests showed that the DNA left at the scene belonged to someone other than Linscott. Charges against him were dropped, but the State has never admitted that Linscott is innocent. The prosecutor in Linscott's case is now Judge John Morrissey, who has recently been criticized for ridiculing requests for DNA testing of evidence, including a refusal to allow Ronald Jones (above) DNA testing performed on evidence. DNA testing at a later date would show he was uninvolved in the rape.

**ADULTS -- Highly Probable False Confession**

Gregory Bowman<sup>15</sup>

Gregory Bowman confessed to murdering two women in separate incidents in Belleville in 1978. Police officer, Robert Miller, enlisted a jailhouse snitch, Danny Stark -- a man selected because of his abilities as a con artist -- to approach Bowman to tell him he would help Bowman escape if he confessed to the two murders (Bowman had been arrested for another crime for which he

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<sup>14</sup> After 12-Year Ordeal, He Finally Has Found Peace, St. Petersburg Times, Sept. 30, 1994 at 12A.

<sup>15</sup> Carolyn Tuft, Judge Won't Step Down in Appeal in Murder Cases, As Prosecutors Had Sought He Orders State's Attorney to Turn Over All Evidence this Week, St. Louis Post-Dispatch, Nov. 23, 1999, at B4; Carolyn Tuft, Prosecutors Have Not Obeyed Evidence Order in St. Clair County Case, St. Louis Post-Dispatch, Nov. 13, 1999, at 7; Week in History, St. Louis Post-Dispatch, Sept. 6, 1999, at 2; Carolyn Tuft, Bowman Claims Innocence in Killing of Two in Belleville, Seeks New Trial, St. Louis Post-Dispatch, June 6, 1999, at C7; Carolyn Tuft, Into the Dark Side, St. Louis Post-Dispatch, June 3, 1999, at G1; Carolyn Tuft, Box of Articles Could Back Up Convict's Claim, St. Louis Post-Dispatch, Apr. 26, 1999, at D1; Carolyn Tuft, DNA Evidence from '78 Murders was Destroyed; Gregory Bowman Sought Testing to Prove Innocence; Test Wasn't Available 20 Years Ago, St. Louis Post-Dispatch, April 26, 1999, at D1; Carolyn Tuft, Girl's Friends Say Wrong Man is in Prison 20 Years Later; Questions Remain in the Slaying of Belleville 14-Year-Old Elizabeth West, St. Louis Post-Dispatch, Mar. 15, 1999, at D1; Bill Smith & Charles Bosworth, Jr., Deputy's Tactics Spurred Questions, St. Louis Post-Dispatch, Feb. 25, 1999, at B1; St. Clair County Deputy Admits Tricking Murder Confession Out of Suspect in '78, State J.-Reg. (Springfield, Ill.), Feb. 23, 1999, at 8; Editorial, Murderous Mistakes?, St. Louis Post-Dispatch, Feb. 23, 1999, at B6; Carolyn Tuft & Bill Smith, Deputy Admits Tricking Convict into Confessing, St. Louis Post-Dispatch, Feb. 22, 1999, at A1. Murders Shocked Belleville, St. Louis Post-Dispatch, Feb. 22, 1999, at A7; Carolyn Tuft & Bill Smith, Serial Killer? The Victims, St. Louis Post-Dispatch, Feb. 21, 1999, at A1.

was in jail at the time). This plan was developed after Miller learned of Bowman's fear of being sent back to prison. Bowman agreed to the plan because he was sure he had solid alibis for both killings. He and Stark read newspaper articles to develop a story. Additionally, Bowman claims that Miller fed him additional details of the crimes by providing police reports to Bowman during his confession, which was secretly tape-recorded by Miller (although Miller denies providing those reports, a box containing police reports and a number of newspaper articles was found in the home of Bowman's father, who states Bowman gave him the box at some point during his trial). Bowman recanted his confession, however, a few days later when Stark didn't show up to help him escape. His punishment for recanting was to be placed in solitary confinement by Miller. Later after a stipulated bench trial, which Bowman's attorney agreed to in order to avoid the death penalty, Bowman was sentenced to life without parole.

Clyde Kuehn, State's Attorney at the time Bowman was tried, agrees that this trick might have been enough to make an innocent man confess, and certainly would be enough to have a confession suppressed. With no confession and no physical evidence linking Bowman to the crimes, it is likely charges would have been dropped. Additionally, a former FBI investigator specializing in serial killings believes that the murders were not committed by Bowman because they do not fit his criminal profile, but do fit the profile of Dale R. Anderson, who may be involved in a number of murders in the Belleville area (see Rodney Woidtke). Anderson's car was similar to one used in one of the killings, whereas Bowman's vehicle did not match. Anderson also knew one of the victims from church. There are also witnesses who can provide Bowman alibis on the nights of the murders. Unfortunately, DNA evidence which might have helped clear Bowman was destroyed, likely to make room for newer evidence.

In spite of this, Bowman is currently serving life without parole for the murders. In June 1999 Bowman filed an appeal seeking a new trial based in large part on Miller's admission that he tricked Bowman into confessing. An order was issued granting Bowman the right to gather evidence to support his case, but the St. Clair County State's Attorneys office failed to comply with the order and sought to remove the judge from the case.

Rodney Woidtke<sup>16</sup>

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<sup>16</sup> Carolyn Tuft, Hearing is Delayed in Bid for New Trial in Belleville Murder; Rodney Woidtke Says He is Innocent of 1988 Killing, St. Louis Post-Dispatch, Feb. 4, 2000, at A10; Carolyn Tuft, Bowman Claims Innocence in Killing of Two in Belleville, Seeks New Trial, St. Louis Post-Dispatch, June 6, 1999, at C7; Carolyn Tuft, Into the Dark Side, St. Louis Post-Dispatch, June 3, 1999, at G1; Carolyn Tuft, Judge Denies Woidtke New Trial; Lawyers, Family Will Launch Appeal, St. Louis Post-Dispatch, Apr. 15, 1999, at B1; Editorial, Murderous Mistakes?, St. Louis Post-Dispatch, Feb. 23, 1999, at B6; Carolyn Tuft & Bill Smith, Serial Killer? The Victims, St. Louis Post-Dispatch, Feb. 21, 1999, at A1; Carolyn Tuft & Bill Smith, Baricevic Testifies He Didn't Consider Anderson a Suspect; Lawyers Seek New Trial in Killing of Reporter, St. Louis Post-Dispatch, Feb. 2, 1999, at B4; Carolyn Tuft, Rodney Woidtke Gets New Trial, St. Louis Post-Dispatch, April 27, 2000; Editorial, Woidtke's Long Wait, St. Louis Post-Dispatch, April 28, 2000; Carolyn Tuft, Court Orders New Trial for Woidtke, St. Louis Post-Dispatch, April 28, 2000, at A1; Carolyn Tuft and Paul Hampel, Next move in Woidtke Case is Prosecutor Haida's, St. Louis Post-Dispatch, April 29, 2000, at A1; Carolyn Tuft, Woidtke Says He Wants To Prove in Court That He Didn't Kill Audrey Cardenas, St. Louis Post-Dispatch,

In June 1988 Audrey Cardenas, a young intern at the *Belleville News-Democrat* was murdered in Belleville. Police arrested Rodney Woidtke, a mentally ill homeless man, for the murder. After police questioning, Woidtke confessed. His court-appointed public defender waived a jury trial and Woidtke was convicted and sentenced to 45 years in prison. At the time, Woidtke's attorney was also representing another man, Dale R. Anderson, on several minor matters. Anderson seemed particularly interested in Cardenas' murder, told people he was helping police investigate the crime, and kept files on the ongoing murder investigation. He claimed that Cardenas was killed by his supervisors at the Illinois Department of Public Aid. Just prior to Woidtke's sentencing, Anderson broke into a home and killed a pregnant mother and her three-year-old child. Before murdering the woman, Anderson forced her to write a note stating that his bosses were responsible for the Cardenas murder.

The St. Louis Post-Dispatch hired former FBI serial killer expert Robert Ressler to investigate the matter. Given the location and condition of her body, as well as the fact that Cardenas' own physical attributes match a pattern of murders in the Belleville area (two of which Gregory Bowman, above, was convicted of), Ressler is convinced that Anderson killed Cardenas. Even some of those involved in the initial investigation believe Woidtke was not involved, including the lead crime scene investigator. In spite of these facts, and the fact that no physical evidence linked Woidtke to Cardenas' death, Woidtke has remained in prison for the past ten years. Woidtke's attorneys moved for a new trial based on this evidence and it was rejected. Most recently a motion claiming that Woidtke's lawyer had a conflict of interest was denied in 1999. On April 26, 2000, the Illinois Appellate Court reversed the trial court's denial of Rodney's post-conviction petition, finding that Rodney was entitled to a hearing on his claim of freestanding innocence and that a *per se* conflict of interest existed in Rodney's attorney's representation of Rodney and Dale Anderson, the chief suspect in the Cardenas murder. In a scathing concurrence, Justice Maag condemned the actions of the trial court and counsel in allowing Rodney's post-conviction petition to languish for years without a hearing. People v. Woidtke, No. 5-99-0331 (5<sup>th</sup> Dist, 2000). St. Clair County prosecutors are contemplating whether to retry Woidtke.

### **ADULTS -- Probable False Confession**

#### Penny Brown<sup>17</sup>

In 1991, Penny Brown was arrested in Springfield for the murder of her eighteen-month-old baby daughter. The infant died of shaken baby syndrome shortly after Brown returned home to relieve her baby sitter. Brown, who is mildly mentally retarded with an IQ of 66, was interrogated by police, and signed a confession written out by a police officer in which she admitted to killing the child. Brown claims the detectives told her she could go home if she

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May 2, 2000, at A-1.

<sup>17</sup> Pat England, Brown Case Leaves Heartache and Questions, State J.-Reg. (Springfield, Ill.), Sept. 12, 1993 at 1; Jenni Davis, Springfield Woman Accused of Killing Baby Sues City, Police, State J.-Reg. (Springfield, Ill.), Dec., 12, 1993 at 9.

signed the paper, which she says she never read. The confession was later thrown out because the judge determined that Brown could not have knowingly and intelligently waived her Miranda rights. The ruling was upheld by the 4th District Appellate Court. The case against Brown was then dismissed because there was insufficient evidence to continue. Police have stated that they will not investigate the baby sitter even though Brown's other children told a social worker that he was swinging the baby around by her feet and bumped her head on the floor. Brown was held in jail for three months and lost custody of her other children, which she is still fighting to regain. She sued police over the false confession and that suit was settled out of court.

## **Area 2 Interrogations<sup>18</sup>**

Approximately 60 suspects were interrogated by area two police officers who were under the command of Lieutenant Jon Burge of the Chicago Police Department. Evidence has come to light which demonstrates that these suspects were tortured during their interrogations. Ten of these suspects were convicted and sentenced to death. Many of these convicted defendants are claiming that they were tortured into giving false confessions. Some of these cases fit the definitions of false confessions outlined by Professors Ofshe and Leo. However, because hearings into these defendants' claims have not been held in most cases, we currently do not have sufficient evidence at this time to classify those cases.

## Darrell Cannon<sup>19</sup>

Darrell Cannon was convicted of murder in 1983. He claims that he only confessed to committing the murder after Chicago police took him to a remote location and tortured him, including applying a cattle prod to his genitalia. Cannon does not deny being present during the killing, but claims that he did not commit the murder, nor did he have prior knowledge that a murder was planned. Now represented by G. Flint Taylor of the People's Law Office, Cannon is seeking a new trial. The Illinois Appellate Court recently ordered trial Judge John Morrissey to conduct an evidentiary hearing on the matter. Judge Morrissey has since been transferred out of the criminal court building and the trial is being presided over by Judge Lawrence P. Fox.

## Madison Hobley

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<sup>18</sup> Most recently, these five cases were highlighted in a Chicago Tribune investigative report. Steve Mills & Ken Armstrong, A Tortured Path to Death Row, Chi-Trib. Nov. 17, 1999, at 1. The story of torture in Chicago's Area Two was recently the subject of a book written by John Conroy, a writer from the Chicago Reader who has covered the allegations of torture since 1989. Conroy's book is called Unspeakable Acts, Ordinary People: the Dynamics of Torture (Knopf, 2000). His articles can be accessed off the web at [www.chicagoreader.com](http://www.chicagoreader.com).

<sup>19</sup> Sasha Abramsky, The Serious Torture Squad, Independent (London), Dec. 12, 1999, at 11; Janan Hanna, Witness tells of torture by police, pattern of brutality tied to murder appeal, Chicago Tribune, Metro Chicago, April 20, 2000, at 1.

In January 1987, a Chicago apartment building fire killed Madison Hobley's wife, son and five other people. Within 24 hours of the fire, Hobley was arrested and subject to what he describes as a brutal interrogation in which he was beaten and suffocated. The police officers involved testified that Hobley confessed to the crime, but there is no documentation of the alleged confession. One officer claims that he took notes of the confession, but threw them away after they were damaged by water. Further complicating the case is the fact that prosecutors may have suppressed reports showing that Hobley's fingerprints were not on one gas can used to set the blaze. The other gas can which could have been introduced into evidence was destroyed by the police. Hobley was convicted of the crime and is currently on death row. He is seeking a new trial.

#### Stanley Howard

Stanley Howard signed seven pages of a court reported confession for a 1984 murder in Chicago. Howard claims he did so after police officers punched and kicked him and placed a plastic typewriter cover over his head. There are medical reports which support these claims. The trial judge, however, refused to throw out the confession and in 1987 Howard was convicted and sentenced to death, even though no physical evidence linked him to the crime. Howard remains on death row and is seeking a new trial.

#### Leroy Orange

Leroy Orange has spent the past fourteen years on death row after being convicted of murdering four people in Chicago in 1984. Orange claims that the police interrogating him put an airtight bag over his head, squeezed his testicles, and used an electric shock device on his arms and in his rectum. Other than his confession, no physical evidence linked Orange to the crime. His half-brother, Leonard Kidd, testified at trial that he alone committed the murders (although he had implicated Orange in statements to the police which he say he only made under duress). Orange's case is on final appeal is currently in front of the Illinois Supreme Court, and a ruling is expected this spring.

#### Aaron Patterson

Aaron Patterson, a known gang leader, was convicted of committing a double murder in Chicago in 1986. Patterson states that during police questioning, officers suffocated him with a plastic typewriter cover and beat him repeatedly. While the interrogation proceeded, Patterson managed to use a paper clip to scratch the words "Aaron lied" into the bench he sat. Patterson is currently seeking a new trial.

#### **Other Recent Claims of False Confessions**

#### Miguel Castillo<sup>20</sup>

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<sup>20</sup> Judge Takes Himself Off Another Case, Chi. Trib., Jan. 22, 2000, at 5; New Judge Named to Hear Appeal of Murder Conviction, Jan. 21, 2000, at 14; Steve Mills & Ken Armstrong, Judge Under Fire Takes Himself Off Murder Appeal; Morrissey Once Called Convict's Lawyer's

Miguel Castillo was convicted in 1991 for a 1988 murder in Chicago. Recently, the judge on the case, Judge John Morrissey, has stated that he has long had doubts about Castillo's guilt, and has granted Castillo's lawyers a hearing at which they will be able to present new evidence. At the time of trial there was evidence that Castillo was in Cook County jail on another charge on the day of the murder. Castillo is alleged to have given an oral confession, which is the only evidence connecting him to the killing. The police officer who interrogated Castillo was not fluent in Spanish and at the time Castillo could not speak English. Castillo has also claimed that he was beaten during the interrogation, and two of the three officers involved were later disciplined for brutalizing suspects in other cases. Castillo is currently being represented by attorney Jeffrey Haas of the People's Law Office.

Juan Rivera<sup>21</sup>

Juan Rivera, a mentally handicapped twenty year old, was convicted recently for the second time of killing a baby sitter in Waukegan. Rivera's first conviction had been reversed on appeal. His unrecorded interrogation spanned four days, resulting in a confession to the crime. According to Rivera's attorneys, at one point during the lengthy interrogation, Rivera had a psychological breakdown. He began pulling out his hair. He was placed in a padded cell and given psychotropic medication. While he was in the padded cell, detectives questioned Rivera, who allegedly gave new details of the murder that only the killer would know. A strand of public hair found on the victim and a piece of flesh at the point of entry into the victim's home could not be tied to Rivera. Additionally, a leg monitor showed that Rivera was at home during the time of the murder.

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'Idiots', Chi. Trib., Jan. 15, 2000, at 1; Steve Mills, Lawyers Seeking New Murder Trial Ask Judge to Step Down, Chi. Trib. 3, Dec. 16, 1999 at 3.

<sup>21</sup> John Gorman, Waller Rehires an Ex-Top Aide for Felony Unit, Chi. Trib., Jan. 28, 2000, at 3. Editorial, Letters, Justice Often Unfair to Mentally Disabled, Chi. Sun-Times, Feb. 16, 1999, at 20.

Exhibit 3

*Eyewitness Mistakes In Cases Where DNA Has  
Established Actual Innocence* (summary of results of  
study by Center on Wrongful Convictions, Northwestern  
University School of Law, June 12, 2000).



NORTHWESTERN UNIVERSITY SCHOOL OF LAW

## Eyewitness mistakes in cases where DNA has established actual innocence

*FOR IMMEDIATE RELEASE: MONDAY, JUNE 12, 2000*

HOUSTON — Although the fallibility of eyewitness identifications has been documented in many experiments in psychology dating back nearly a century, assessing the impact of such mistakes on actual innocent persons has been problematic — for the simple reasons that actual innocence is impossible to prove in most cases. In recent years, however, DNA testing has proved beyond doubt that eyewitness errors have been ubiquitous in at least the tiny group of cases in which DNA technology has produced post-conviction exonerations.

Since the first DNA exoneration in a U.S. criminal case in 1988 until the present, DNA has established the innocence of 67 persons convicted of murder and/or sexual assault in the United States and Canada. A review of those cases by the Center on Wrongful Convictions shows that 51 of the convictions, or 76.1%, were based in whole or part on incorrect eyewitness identification testimony.

The exonerated defendants, from 20 states, the District of Columbia, and Canada, are:

Adams, Kenneth (IL)	Green, Edward (DC)	Moto, Vincent (PA)
Alejandro, Gilbert (TX)	Green, Kevin (CA)	Ortiz, Victor (NY)
Atkins, Herman (CA)	Hammond, Ricky (CA)	Piszczek, Brian (IL)
Bloodsworth, Kirk (MD)	Harris, William (WV)	Raine, Willie (IL)
Bravo, Mark Diaz (CA)	Hicks, Anthony (WI)	Reynolds, Donald (IL)
Brisbon, Dale (PA)	Holdren, Larry (WV)	Salazar, Ben (TX)
Bullock, Ronnie (IL)	Honaker, Edward (VA)	Scruggs, Dwayne (IN)
Byrd, Kevin (TX)	Jenkins, Vincent (NY)	Shephard, David (NJ)
Callace, Leonard (NY)	Johnson, Calvin Jr. (GA)	Smith, Walter (OH)
Chalmers, Terry Leon (NY)	Johnson, Richard (IL)	Snyder, Walter (VA)
Charles, Clyde Alton (LA)	Jones, Joe C. (KA)	Thomas, Wilbert (WV)
Cotton, Ronald (NC)	Kotler, Kerry (NY)	Toney, Steven (MO)
Cromedy, McKinley (NJ)	Mahan, Ronnie (AL)	Vasquez, David (VA)
Dabbs, Charles (NY)	Mahan, Dale (AL)	Wardell, Billy (IL)
Davis, Dewey (WV)	Miller, Neil (MA)	Webb, Troy (VA)
Daye, Frederick Rene (CA)	Mitchell, Marvin (MA)	Webb, Thomas (OK)
Durham, Timothy (OK)	Mitchell, Perry (SC)	Williams, Dennis (IL)



Exhibit 4

Letter from Mr. Jones to his ex-wife (dated November 7,  
1993)



From: [illegible]  
# 0000000000  
[illegible]  
[illegible]

[illegible handwritten text]

[illegible handwritten text]

FB

Dear Brenda,

7 November. 1993

Hello!! How are you doing today? I do hope that you are doing well and are in the very best of health!! As for me.?. well I assure you I am a lot better now, Than I was Monday morning. It got to the point that I was preparing to meet the executioner, I mean, Hey 8½ hours is cutting it very close. They had me worried. But then the wardens secretary brought me the note, where she had talked to my Attorney. and the note read as followed:...Message from Attorney Annette Lamaroux, Judge is withdrawing execution date.-An evidentiary hearing is scheduled for 12-28-93. Call Attorney as soon as you can!! You talk about a relief. I was so nerves I bit all my finger nails off, and started on the skin itself. I hadn't eaten in 4 days. and I had smoked three cans of tobacco. I was thinking that I was going to be executed, and I was preparing myself for it, I didn't know what was going to happen. But the judge gave me a stay. rather he withdrew the date and gave me the evidentiary hearing which is good. and I am busy preparing for the hearing. I am waiting for my Attorneys to visit with me and let me know what is going on. They should be up here one day soon. I thought that I would hear from you or somebody in the family, letting me know what all was said at the meeting Monday night. It is driving me crazy not knowing what was said, what was done ect... I find myself hoping nothing was said that made you change your mind about wanting to visit with me. I do want to see you very badly. I need to see you

Page # 1

OR

upclose and to be able to talk to you. Brenda, I know that  
it was stupid for me to protect my sister, and put my own  
life on the line, I should have told them all the truth from  
the start. But when all that was going on. I felt I didn't  
have anything to lose. you had already told me I couldn't  
come back home. I couldn't see our boys. Which I didn't  
blame you at all for telling me that after the way I had  
done you, in fact it was your right to do so, and I  
respected that. but at that time I just felt like she had  
more to lose than I did. and I just kept my mouth shut,  
which was a stupid thing to do. I know that she doesn't care  
if I die or not. I came within 8 $\frac{1}{2}$  hours of being executed  
for what her and her dope buddy done, and she didn't even  
come up here to visit, she didn't call on nothing. I can not  
believe that she can just sit back and watch me be executed  
for what she and her dope buddy done. Talk about a cold  
hearted person. and to think that I was putting my life on  
the line to save her ass from getting in trouble, really  
makes me sick. Now that I know that I was going to die for  
somebody that not only didn't care. But helped set it up  
where it would look like I done it. It hurts me in side to  
think that I was stupid enough to even think she cared, and  
to know that she knew she was sitting me up. and making a  
fool out of me. makes it hurt even that much more. I didn't  
think there was any way in the world that a jury would find  
me guilty, because I was innocent. I didn't kill anybody. I  
never would kill anybody. She keep telling me to just be

R  
B

cool, that there was no way they could find me guilty, when I didn't do it. but all along she knew that her and walt had fixed it so that I would take the fall. I can't understand why they never investigated walt. I told them he sold me the stuff belonging to the lady. where he was and what he was wearing and everything. all they had to do was investigate, and they would have found out that he committed the murder, and it would have been up to him to give my sister up. But they wouldn't do it. and the sad thing about all this is. Is that I still might have to die for the crime. I have had a hard time dealing with this, and I have talked to my minister about it. and he said. That I should get up in that court and tell the truth. Rather it helps me or not. that I should tell the truth. So when I talk to my Attorneys. I am going to let them know that all I want to do is have the truth heard. Rather it will keep me from being executed or not. I still want The truth to be heard. I think that she should have to pay for what her and that guy done. I wish a million times, that I would have just walked away and keep walking. I do not know why I let myself get involved with her and that guy. I have done a lot of stupid things in my life, but I think that is the most stupid and dumbest thing I could ever do. I do not see how her and that guy can live with themselves knowing what they done to that poor lady. and to know that a innocent man can be executed. not just any innocent man, but her own brother. I will never understand it. I just wish I had it all to do over. I sure



as hell would walk off and never look back. I really hope that I do not have to be executed for that. but there is a good chance that I might be. And in fact, I could only blame myself. I should have just thought about myself and told on them to began with. I just made a very stupid judgement. and I hate myself for not just telling them that her and her buddy killed that poor lady. I wish and I have for years that I would have told on them. I hate that I am such a caring person. It has gotten me in more trouble. I do not know what is going to happen at the hearing on the 28th. I can only hope and pray that the truth will set me free. I wish she would come forward and tell the court herself. But we know she isn't. all she cares about is herself. Well any way, I didn't write to cry on your shoulder. I am writing to let you know that I received your letter and the pictures. and I want to thank you for sending me the pictures and letter. Our boys are growing up so fast. they are big too. I can not wait to be able to talk to them. I am really looking forward to our visit, I sure hope that it will be soon. By Monday the 15th you should be on my visiting list. Some times they do it fast and at other times they take their sweet ole time about it. I sure hope they get it done soon. I really want to see you and our boys. it has been a very long time. too long since I have seen you and been able to talk to you. You said that I had told your mother that I thought I was over you til I talked to you over the phone. Well. I could never be over you. I think

RCB

about you all the time. It was just that for all this time, you wouldn't talk to me, write to me or have anything to do with me, and so I thought that you was never going to talk to me or have anything to do with me, and so I was trying to plant that in my mind. and just let you get on with your life and I wasn't going to do anything to interfere with you or your happiness. I love you Brenda, and I always have. and to be honest. I do not think I could ever get over you. I really think it would be impossible, no matter how hard I was to try. I had prepared myself for the ideal that I would never see you again, more so when you told me that you was going to get married in July. My first thought was. Damn, She is going to get married right after I am executed. and I will admit. It hurt me like hell. But my pride stood in the way, and I didn't write and tell you what I thought about it like I should have done. That was the biggest part of all our problems was my pride. But I have learned to put all that pride aside. That all the pride in the world isn't worth losing the one and only true love of your life. I made a lot of mistakes and done some stupid shit, because of that pride. But never again. Pride is what got me in here. I was so worried about what other people would think about me and that they would be calling me a snitch. and would be out to stab me in the back any chance they get. and I let my pride stand in the way, and I keep my mouth shut. and I might very well die because of some stupid assed pride. and I am sorry about that. I wish I could do it all over

B R

again. I would do it all a lot different. I have gotten rid of that stupid pride. I am not going to let it destroy me are the ones I love any more. I have grown out of all that bullshit pride and caring what people think. Brenda, It is killing me, because people think I killed that poor lady. It hunts me so badly inside and out, Because her husband, her family and the state attorneys and all them other people think I done that to that lady. and many of times, I have sat in my cell thinking about taking my own life, because it is hard on me. I do not want people thinking I would do that to anybody. You and everybody that knows me. Knows I would never do anything like that to anybody. Remember the old lady and man that hit the telephone pole out in front of our house when we was living on Hampshire. I worried myself sick wondering about them and how they were doing. til we found out that they were both ok. I do not like to see anybody hunt and I am not going to hunt anybody or kill them, I couldn't live with myself. and that is why I cant understand how Brenda and Walt can live with themselves after doing what they done to that lady. I wonder. If it even bothers them??. Brenda, I just want the truth to be known. Even if I end up being executed for it. I just want the truth to be known. I did not kill anybody. I wish the state attorneys would see that. But they really think I did!!!. That alone is killing me. and that is why I want them all to know the truth. I think about it all the time. I guess, this is one of those time where a person makes their bed and is going to



R B  
have to sleep in it. huh. I guess I will just leave it all in the hands of our Lord Jesus. and Hope for the best. I have to admit, I am tired of all of it.!!

Brenda, you said, here in your letter, that Our love is bonded.!! I have to agree with you. Because I do love you and I always will love you. You are my first true love. and that is going to always be. I could tell a million people that I love them. But it would mean nothing. It would be just words. Because I know as well as I am sitting here typing you this letter. That you are the only woman I am ever going to truly, honestly love. I know that. and I think you know that as well. Telling somebody else I love them, has no feeling in it whatsoever. Don't ask me why. It is just that way. because you are my first love, my only true love. and I will forever love you. It was just meant to be honey. and I assure you, I have no complaints at all.!! Do you??. You know, I have told you before that I have changed. Well darling, I assure you, that I have changed, a lot. Hell 8 years sitting on death row. would change the most hard headed person in the world. This is a whole different world all together. It makes you look back at your life and all the stupid thing you done and makes you wish you could change them and at least have a chance to make up for all the stupid things you have done. and do everything differently. It does change a person. But sometimes it is to late, because as we both know. not many guys make it out of death row, except in a body bag. I am hoping that in my case

BR

it will be different. and I will get the chance to show you how much I have change, and how much I have learned to appreciate the finer things in life, like a good loving wife to cuddle up with and hold in my arms. and to be able to watch our boys play and grow up. just to sit beside one another and watch a movie, hug and kiss on one another, just to be able to look into your eyes and tell you how much I do love you want you and want to spend the rest of my life with you and our boys. all that means more to me than anything else. I guess you would have to see it to believe it, and I do not blame you for that. But I assure you, that if I am given the chance to do so. I will surprise you in many ways. I wont make you any promises. because I do not know what is going to happen. I do not know what you will want to do if they ever let me out. I am just telling you. that your not dealing with the same hard headed Richard Wayne Jones. I guess you will just have to find out for yourself huh?. Time will tell.!! Brenda, please know, that no matter what you decide to do, no matter what happens. I do love you, and I always will love you.!!

Sugar, it is cold up here, is it where you are at?. I am getting sick. I have that ole flu bug that has been going around. my throat is hurting and I have a bad cold. But it is good to get is now instead of getting it around the time of the evidantary hearing. Did my Lawyerns explain the hearing to you all Monday night?. If not, I will explain it to you when I see you. Oh yes. The proper forms have been

R.B.

sent to the Inmate trust fund, to have a check mailed to you for \$160.00. I hope it will help. it is all I could get. I hope the phone bill isn't higher than that. I will explain everything to you when you get up here. Just take the check and pay the phone bill. Don't ask any questions, I will run everything down to you when you get here or when I call you from the county, which ever comes first, ok. I am not sure if I have told you this yet or not, But with the Evidentary hearing being on the 28th of December. I do not know if they will wait til after Christmas and take me back on bench warrant on the 27th or if they are going to get me down there before christmas like on the 23rd or 24h. I will call you as soon as I can when I get down there so you will know ok. That is if you want me to of course. Just let me know.!!. If I had to guess, I would guess that they will take me before christmas. I do not want to spend christmas in that jail. Its worse than this place. Oh well whatever happens I will deal with it.!!. I am going to give you the address to the jail in case you decide you want to write to me. The new rule is, that we can't get any kind of cards or perfumed letters in the county jail. Well I better close for now, I have once again wrote a long letter and just meant to say hello I love you and miss you. I guess I talk to much huh. I hope you are doing well and are in the best of health I hope Pat and our boys are doing well and are in the best of health. Do tell them I said hello and that I do love and miss them ok. I love you Brenda. and I hope you have had a

BR

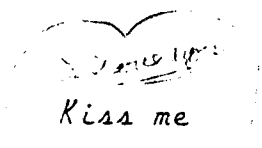
good day. You take care of yourself and know that I am always thinking about you loving you wanting you needing you and wishing you the best, Do write when you get a chance. I am always happy to get your letters and I do enjoy them. Thank you again for your letter and the pictures. I have enjoyed them very much. Thank you.!!

Good Night, Sweet Dreams. I Love you.!!

Loving you always and forever,

Your Husband,

Richard W. Jones



Address at the county jail

Richard Wayne Jones #0058773  
C/O Tarrant County Jail  
100 North Lamar Street  
Fort Worth, Texas. 76102

I  
L ♥ VE  
y ♥ U.!!!

Richard W. Jones  
loves

Brenda K Jones

Now FOREVER & ALWAYS

Exhibit 5

Mr. Jones' prison disciplinary records from his current  
incarceration

TDCJ DISCIPLINARY REPORT AND HEARING RECORD

CASE: 20000017598 TDCJ ID: 00000882 NAME: JONES, RICHARD WAYNE SA 12.0
UNIT: E HSMG: H-19-2 08 JOB: DEATHROW 10: 000
CLASS: CUST: DW PRIMARY LANGUAGE: ENGLISH OTHER RESTRICTIONS: NO
GRADE: MA / DAT OFF. DATE: 09/14/99 09:00 AM LOCATION: E H 19 TWO ROW
TYPE: ID

OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT H19 2 ROW 8 CELL, OFFENDER: JONES, RICHARD WAYNE, TDCJ-ID NO. 00000882, DID POSSESS CONTRABAND, NAMELY, ONE GOLD COLORED RING, AND ONE GOLD COLORED NECKLACE W/A EAGLE, THAT I/M JONES HAD NO PAPERS ON.

CHARGING OFFICER: CRIPPIN, C.

SHIFT/CARD: 1 L

DEFENDER NOTIFICATION IF APPLICABLE INTERPRETER,

TIME & DATE NOTIFIED: 15 MIN 9-17-99 BY: (PRINT) [Signature]

YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? (YES) NO IF NO, HOW DO YOU PLEAD? GUILTY NOT GUILTY

DEFENDER NOTIFICATION SIGNATURE: [Signature] BY SIGNING BELOW, YOU STATE UPON YOUR RIGHT TO BE HEARD NOTICE AND WAIVER THE HEARING OFFICER TO PROCEED WITH THE HEARING OFFENDER WAIVER SIGNATURE: [Signature] DATE: [Blank]

HEARING INFORMATION

HEARING DATE: 9-20-99 TIME: 8:55 AM DATE: 2006 SIDE: 2 STATE # 000 ID # 098

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT IN ANY PART OF HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN CELL HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WERE NOT PRESENT AT HEARING (6) IF OFFENDER WAS NOT IN COURT ROOM AND (7) IF OFFENDER WAS NOT A WITNESS AT THE HEARING (8) IF IN SPERATOR [Signature]

OFFENSE CODES: 16.0 OFFENDER PLEA: (G, NG, NONE) None FINDINGS: (G, NG, DS) 6 REDUCED TO MINOR PRIOR TO HEARING? (YES/NO) NO BY: (PRINT) IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASONS FOR DETERMINATION OF GUILTY: ADMISSION OF GUILT, BY OFFICER'S REPORT, WITNESSES TESTIMONY, EXPLAIN IN DETAIL: [Signature]

PUNISHMENT

LOSS OF PRIV(DAYS) REPRIMAND SOLITARY(DAYS) \*RECREATION(DAYS) EXTRA DUTY(HOURS) REMAIN LINE 3 \*COMMISSARY(DAYS) CONT.VISIT SUSP THRU / 10 REDUC.CLASS FROM TO \*PROPERTY(DAYS) CELL RESTR(DAYS) 10 GOOD TIME LOST(DAYS) \* (DAYS) SPECIAL CELL RESTR(DAYS) DAMAGES

SPECIAL FACTUAL REASONS FOR PARTICULAR PUNISHMENT IMPOSED: [Signature] [Signature]

CREDIT FOR PRE-HEARING DETENTION TIME? YES(DAYS) N/A NO / NA DATE PLACED IN PRE-HEARING DETENTION: N/A HEARING LENGTH 5 (MINUTES) OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: [Signature]

HEARING OFFICER (PRINT) WARDEN STATE CLASS COMMITTEE MEMBER (FORM I-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM

TDCJ-ID DISCIPLINARY REPORT AND HEARING RECORD

CASE: 970087237 TDCJ-ID#: 000882 NAME: JONES, RICHARD WAYNE UNIT: E HSNB: J-21-3 11 JOB: DEATHROW CLASS: CUST: DS PRIMARY LANGUAGE: ENGLISH MHRM RESTRICTIONS: YES (NO) GRADE: MA / TM OFF. DATE: 11/04/96 01:40 PM LOCATION: E J 23 THREE ROW

OFFENSE DESCRIPTION

ON THE DATE AND TIME ABOVE, AND AT J23-3-6 CELL, INMATE JONES, RICHARD WAYNE, TDCJ-ID NO. 000882, THREATENED TO INFLICT HARM ON OFFICER DRISKELL IN THAT SAID INMATE STATED "WHEN I GET OUT OF THIS CELL, I'M GONNA GET A HOLD OF YOU".

CHARGING OFFICER: DRISKELL, R. SHIFT/CARD: 2 E

INMATE NOTIFICATION

TIME & DATE NOTIFIED: 11-15-96 2:00 BY: (PRINT) WISE YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. INMATE NOTIFICATION SIGNATURE: Richard Wayne Jones DATE: BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING. INMATE WAIVER SIGNATURE: DATE:

HEARING INFORMATION

HEARING DATE: 11-15-96 TIME: 1:24 PM TAPE # 92014 SIDE # 4 START # 027 END # 135 EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF HEARING, (2) IF ACCUSED INMATE WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING, AND (6) IF INMATE WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES: 04.0 INMATE PLEA: (G, NG, NONE) NG FINDINGS: (B) NG, DS REDUCED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIAL) IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILT: A) ADMISSION OF GUILT, (B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER. EXPLAIN IN DETAIL: Officer's testimony

HEARING LENGTH: 5 (MINUTES)

PUNISHMENT LOSS OF PRIV(DAYS) REPRIMAND SOLITARY(DAYS) \*RECREATION(DAYS) EXTRA DUTY(HOURS) REMAIN LINE 3 \*COMMISSARY(DAYS) CONT.VISIT SUSP THRU REDUC.CLASS FROM TO \*PROPERTY(DAYS) CELL RESTR(DAYS) 15 GOOD TIME LOST(DAYS) \* (DAYS) SPECIAL CELL RESTR(DAYS) DAMAGES SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: value of offense

CREDIT FOR PRE-HEARING DETENTION TIME? YES(DAYS) NO / NA DATE PLACED IN PRE-HEARING DETENTION: INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT: C.T. SPIVEY R.J. [Signature] HEARING OFFICER (PRINT) WARDEN STATE CLASS COMMITTEE MEMBER (FORM I-47MA) CONTACT YOUR CORRECTIONAL COUNS IF YOU DO NOT UNDERSTAND THIS FC (REV. 03-90) COMUNIQUESE CON SU CONSEJERO CORRECCIONAL SI NO ENTIENDE ESTA FC

TDCJ-ID DISCIPLINARY REPORT AND HEARING RECORD

CHSL 960080975 TDCJ-ID#: 000882 NAME: JONES, RICHARD WAYNE EA: 12.3
UNIT: E HSNQ: J-21-2 05 JOB: DEATHROW IQ: 000
CLASS: CUST: DS PRIMARY LANGUAGE: ENGLISH MHMR RESTRICTIONS: YES/NO
GRADE: MA / SN OFF. DATE: 11/03/95 10:15 AM LOCATION: E MISCELLANEOUS

OFFENSE DESCRIPTION

ON THE DATE AND TIME ABOVE, AND AT I/M PROPERTY OFFICE, INMATE JONES, RICHARD WAYNE, TDCJ-ID NO. 000882, DID POSSESS CONTRABAND, NAMELY, ONE, ONE HUNDRED DOLLAR BILL.

CHARGING OFFICER: MOORE, L.

SHIFT/CARD: 1 H

INMATE NOTIFICATION

TIME & DATE NOTIFIED: 11-8-95 12:45 BY: (PRINT) WLS

YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. INMATE NOTIFICATION SIGNATURE: Richard W. Jones DATE:

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

INMATE WAIVER SIGNATURE: DATE:

HEARING INFORMATION

HEARING DATE: TIME: TAPE# SIDE# START# END#

PLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF HEARING, (2) IF ACCUSED INMATE WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE HEARING, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING, AND (6) IF INMATE WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT HEARING.

OFFENSE CODES: 16.0

OFFENSE PLEA: (G, NG, NONE)

OFFENSE CLASSIFICATION: (G, NG, DS)

OFFENSE REFERRED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIAL)

OFFENSE TYPE: (ALTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF

OFFENSE CLASSIFICATION: (A) ADMISSION OF GUILT, (B) OFFICER'S REPORT, (C) WITNESS TESTIMONY, (D) OTHER

OFFENSE IN DETAIL: multiple cases on same incident - search of property

HEARING LENGTH: (MINUTES)

PUNISHMENT

PRIV(DAYS) REPRIMAND SOLITARY(DAYS)

CONFINEMENT(DAYS) EXTRA DUTY(HOURS) REMAIN LINE 3

SOLITARY(DAYS) CONT.VISIT SUSP THRU / / REDUC.CLASS FROM TO

CONFINEMENT(DAYS) CELL RESTR(DAYS) GOOD TIME LOST(DAYS)

CONFINEMENT(DAYS) SPECIAL CELL RESTR(DAYS) DAMAGES \$

FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED:

PRE-HEARING DETENTION TIME? YES(DAYS) NO / NA

INMATE DETAINED IN PRE-HEARING DETENTION:

INMATE SIGNATURE FOR RECEIPT OF FINAL REPORT:

HEARING OFFICER (PRINT) WARDEN STATE CLASS COMMITTEE MEMBER

(A) CONTACT YOUR CORRECTIONAL COUNSEL IF YOU DO NOT UNDERSTAND THIS FORM



TDCJ-ID DISCIPLINARY REPORT AND HEARING RECORD

CASE: 960076059 TDCJ-ID#: 000882 NAME: JONES, RICHARD WAYNE EA: 12.3
UNIT: E HSNQ: J-21-2 05 JOB: DEATHROW IQ: 000
CLASS: CUST: DS PRIMARY LANGUAGE: ENGLISH MHRM RESTRICTIONS: YES/NO
GRADE: MA / DAT OFF. DATE: 11/01/95 09:00 AM LOCATION: E G 15 TWO ROW

OFFENSE DESCRIPTION

ON THE DATE AND TIME ABOVE, AND AT G15 2-2 CELL, INMATE JONES, RICHARD WAYNE, TDCJ-ID NO. 000882, DID POSSESS A NARCOTIC, NAMELY, ONE SMALL BAGGIE OF MARIJUANA. INMATE JONES 000882 DID POSSESS CONTRABAND, NAMELY, (1) 1/2 PACK OF FREEWORLD CIGARETTES, (1) CIGARETTE LIGHTER, APPROX. (420) 32¢ STAMPS AND (57) 3¢ STAMPS.

CHARGING OFFICER: LAMB, W.

SHIFT/CARD: 1 H

INMATE NOTIFICATION

TIME & DATE NOTIFIED: 11/3/95 2:35 PM BY: (PRINT) Dyer AD
YOU WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. INMATE NOTIFICATION SIGNATURE [Signature] DATE:
BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.
INMATE WAIVER SIGNATURE: DATE:

HEARING INFORMATION

HEARING DATE: 11/9/95 TIME: 10:26 AM TAPE#: 96-98 SIDE#: A START#: 338 END#: 359
EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF HEARING, (2) IF ACCUSED INMATE WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING, AND (6) IF INMATE WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING.

OFFENSE CODES: 12.0 16.0
INMATE PLEA: (G, NG, NONE) G G
FINDINGS: (G, NG, DS) G G
REDUCED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIAL)
IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILT: (A) ADMISSION OF GUILT, (B) OFFICER'S REPORT, (C) WITNESS TESTIMONY, (D) OTHER.
EXPLAIN IN DETAIL:

HEARING LENGTH: 5 (MINUTES)

PUNISHMENT

LOSS OF PRIV(DAYS) REPRIMAND SOLITARY(DAYS) 15
\*RECREATION(DAYS) EXTRA DUTY(HOURS) REMAIN LINE 3
\*COMMISSARY(DAYS) 30 CONT. VISIT SUSP THRU / / REDUC. CLASS FROM TO
\*PROPERTY(DAYS) 30 CELL RESTR(DAYS) GOOD TIME LOST(DAYS)
\* (DAYS) SPECIAL CELL RESTR(DAYS) DAMAGES \$
SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: serious nature of offense

CREDIT FOR PRE-HEARING DETENTION TIME? YES(DAYS) NO / NA

DATE PLACED IN PRE-HEARING DETENTION:
INMATE SIGNATURE FOR RECEIPT OF REPORT: [Signature]

HEARING OFFICER (PRINT) WARDEN STATE CLASS COMMITTEE MEMBER

(FORM I-47MA) CONTACT YOUR CORRECTIONAL COUNS IF YOU DO NOT UNDERSTAND THIS FORM. (REV. 03-90) COMUNIQUESE CON SU CONSEJERO CORRECCIONAL SI NO ENTIENDE ESTA FORMA

INMATE DISCIPLINARY REPORT AND HEARING RECORD

250314141 INMATE ID: 000382 NAME: JONES, RICHARD WAYNE  
INMATE NO: 13-23-1D 18 JOB: DEATHROW  
POST: DW PRIMARY LANGUAGE: ENGLISH NUMR RESTRICTIONS: YLS/NO  
OFF. DATE: 06/27/95 02:50 PM LOCATION: E H 17 ONE ROW

DEFENSE DESCRIPTION

THE DATE AND TIME ABOVE, AND AT H-17 1 ROW 6 CELL, INMATE JONES, RICHARD WAYNE, TDCJ-ID NO. 000382, DID IN FACT POSSESS CONTRABAND, NAMELY: ONE TWENTY DOLLAR BILL, ONE BOWL OF TOBACCO WITH FOUR PACKS OF ROLLING PAPERS.

HEARING OFFICER: CRIPPIN, C.

SHIFT/CARD: 1 T

INMATE NOTIFICATION

TIME & DATE NOTIFIED: 8-10-95 2:45 BY: (PRINT) *WJE*

INMATE WILL APPEAR BEFORE A HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. INMATE NOTIFICATION SIGNATURE: *X Richard W Jones* DATE: \_\_\_\_\_

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24-HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

INMATE WAIVER SIGNATURE: *X Richard W Jones* DATE: \_\_\_\_\_

HEARING INFORMATION

HEARING DATE: 8-11-95 TIME: 8:11 AM TAPES: 95-83 SIDE: A START: 276 END: 312

PLEASE CHECK BY NUMBER (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART OF HEARING. (2) IF ACCUSED INMATE WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 24 HOURS PRIOR TO HEARING. (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE.

(4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING. AND (6) IF INMATE HAS DENIED COUNSEL INTAKE AND/OR WANTS HEARING OF A WITNESS.

(7) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(8) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(9) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(10) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(11) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(12) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(13) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(14) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(15) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(16) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(17) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(18) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(19) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(20) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(21) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(22) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(23) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(24) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(25) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(26) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(27) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(28) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(29) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(30) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(31) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(32) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(33) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(34) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(35) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(36) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(37) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(38) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

(39) IF ACCUSED HAS BEEN CONVICTED OF A FELONY OR MARIJUANA VIOLATION WITHIN THE LAST 12 MONTHS.

Table with 4 columns: OFFENSE CODE(S), INMATE PLEA, INMATE SCORE, and HEARING OFFICER. Contains handwritten entries: 16.0, G, G, and Crippin, C.

REASON(S) FOR DETERMINATION OF PUNISHMENT: Accused offered no statement to refute charges.

HEARING LENGTH: 10 (MINUTES)

PUNISHMENT table with columns: LOSS OF PRIV(DAYS), REPRIMAND, SOLITARY(DAYS), RECREATION(DAYS), EXTRA DUTY(HOURS), REMAIN LINE 3, COMMISSARY(DAYS), CONT VISIT SUSP (HR), REDUC CLASS FROM TO, PROPERTY(DAYS), CELL RESTR(DAYS), GOOD TIME LOST(DAYS), and DAMAGES. Includes handwritten notes: 30, 15, modify, inmate behavior.

REASON(S) FOR PRE-HEARING DETENTION TIME: (DAYS) NO / NA

ALL INMATE IN PRE-HEARING DETENTION: YES / NO

HEARING OFFICER SIGNATURE: Crippin, C.

INMATE SIGNATURE: Richard W Jones



**TEXAS DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT**

**NE 515421**

BT

Type of Hearing: Major ( <input checked="" type="checkbox"/> ) Minor ( ) By: <u>B. West</u> Rank: <u>Captain</u> Informal Resolution Not Appropriate ( )
--

Ellis I  
Unit

Disciplinary Report No. 4-6-90  
Date of Offense DS  
Time-Earning Class & Custody  
Eligible for Language Assistance:  
Yes ( ) No (  ) **ZA R 12.3**  
MHMR Restrictions: **IQ**  
Yes ( ) No (  )

Inmate's Name: Jones, Richard TDC No. 000882  
(Last, First)

Housing Assignment: G-13-3-11 Job Assignment: \_\_\_\_\_  
(Wing-Cell/Dorm-Bed)

Level: 2 Code: 16: Possession of contraband Level: \_\_\_\_\_ Code: \_\_\_\_\_

Level: \_\_\_\_\_ Code: \_\_\_\_\_ Level: \_\_\_\_\_ Code: \_\_\_\_\_

OFFENSE DESCRIPTION: Place and Location: \_\_\_\_\_

Time: 1435 p.m. Date: 4-6-90 On the date and at the place above,

Inmate Jones, Richard TDC No. 000882 was being strip searched

in the dayroom when I, Officer Pegram ordered him to remove his contraband ring. Inmate Jones said "what about my ring, I've had it for three years". I, Officer Pegram again ordered him to give me the ring. Officer Blasingame and myself escorted him to three row shower. I again ordered him to give me the ring. Inmate Jones said here, you want the ring, you can have it and proceeded to remove the ring as if to throw it at me. I stepped back from the cell and ordered him to hand it to me. He then laid the ring on the bars and I retrieved it, filled out a property seizure form and turned it in.

Witnesses: \_\_\_\_\_  
Pegram, CO III, 2nd/E Card  
Reporting Employee's Name (Title & shift/card/location)

**INMATE NOTIFICATION**

Time & Date Notified \_\_\_\_\_ Notifying Official/Title \_\_\_\_\_

You will appear before a Hearing Officer 24 hours or more after receipt of this notice.  
For minor hearings you have the right to submit a written statement and make a verbal statement.

Richard W. Jones  
Inmate's Signature/Date

By signing here, you give up your right to 24-hour notice and authorize the hearing officer to proceed with hearing.

\_\_\_\_\_  
Inmate's Signature/Date

**USE THIS SECTION FOR MINOR DISCIPLINARY HEARINGS ONLY**

Offense code (s)				
Inmate plea	( )G ( )NG ( )None	( )G ( )NG ( )None	( )G ( )NG ( )None	( )G ( )NG ( )None
Hearing Officer's finding	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.
Inmate's Statement:	_____			
Penalty:	_____			

Hearing Date and Time

Hearing Officer's Signature

Warden's Signature

**TEXAS DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT**

No 406953

TC

Type of Hearing: Major (X) Minor ( ) By: EB Rank: Major Informal Resolution Not Appropriate (X)
---

ellis I  
Unit

Disciplinary Report No. \_\_\_\_\_  
10-4-89  
Date of Offense \_\_\_\_\_  
DS  
Time-Earning Class & Custody  
Eligible for Language Assistance:  
Yes ( ) No ( )  
MHMR Restrictions:  
Yes ( ) No ( )

Inmate's Name: Jones, Richard TDC No. 882  
(Last, First)

Housing Assignment: J23-3-12 Job Assignment: D/R  
(Wing-Cell/Dorm-Bed)

Level: 2 Code: (16) Possession of contraband Level: 3 Code: (33) Lying to an officer

Level: \_\_\_\_\_ Code: \_\_\_\_\_ Level: \_\_\_\_\_ Code: \_\_\_\_\_

OFFENSE DESCRIPTION: Place and Location: J23 3 row shower

Time: 1925 Date: 10-4-89 On the date and at the place above,

Inmate Jones, Richard TDC No. 882,

told officer Cameron to get him a Sgt. because Officer Pegram and I had not brought him any tylenol or aspirin as he had requested and that he did not have any. At that time I conducted a routine search of the inmates cell and found 35 tylenol and 7 aspirin. Also found was a stick with a piece of broken mirror attached. Sgt. Harrington was notified. It should be noted that inmate Jones had not asked me for any tylenol or aspirin and that officer Pegram told me that inmate Jones had not aske dhim for any

*FILE  
RESOLVED INFORMALLY BY SGT. HARRINGTON  
C.E.R.*

Witnesses: \_\_\_\_\_

Timmins, CO III, 2nd shift/E  
Reporting Employee's Name (Title & shift/card/location)

Time & Date Notified 10:55 AM 10/16/89 INMATE NOTIFICATION  
Notifying Official/Title Blagsdale CFI

You will appear before a Hearing Officer 24 hours or more after receipt of this notice.  
For minor hearings you have the right to submit a written statement and make a verbal statement.

X. Richard W. Jones  
Inmate's Signature/Date

By signing here, you give up your right to 24-hour notice and authorize the hearing officer to proceed with hearing.

BR  
Inmate's Signature/Date

**USE THIS SECTION FOR MINOR DISCIPLINARY HEARINGS ONLY**

Offense code (s)				
Inmate plea	( )G ( )NG ( )None	( )G ( )NG ( )None	( )G ( )NG ( )None	( )G ( )NG ( )None
Hearing Officer's finding	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.

Inmate's Statement: \_\_\_\_\_  
Penalty: \_\_\_\_\_

Hearing Date and Time \_\_\_\_\_ Hearing Officer's Signature \_\_\_\_\_ Warden's Signature \_\_\_\_\_

**TXAS DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT**

No 424511

Bt

Type of Hearing: Major (x) Minor ( )
By: <u>EB</u>
Rank: <u>Major</u>
Informal Resolution
Not Appropriate ( )

Ellis I  
Unit

Disciplinary Report No. 9-18-89  
Date of Offense DIR UIA  
Time-Earning Class & Custody \_\_\_\_\_  
Eligible for Language Assistance:  
Yes ( ) No (x)  
MHMR Restrictions:  
Yes ( ) No (x)

Inmate's Name: Jones, Richard TDC No. 882  
(Last, First)

Housing Assignment: J-23-3-12 Job Assignment: Deathrow  
(Wing-Cell/Dorm-Bed)

Level: 2 Code: 24: Refusing to obey an order Level: \_\_\_\_\_ Code: \_\_\_\_\_

Level: \_\_\_\_\_ Code: \_\_\_\_\_ Level: \_\_\_\_\_ Code: \_\_\_\_\_

OFFENSE DESCRIPTION: Place and Location: J-23 3-12

Time: 1325 Date: 9-18-89 On the date and at the place above,

Inmate Jones, Richard TDC No. 882, refused to come out of his cell for a haircut. Officer Bickford and I, Officer Bowles, went to Inmate Jones cell to escort him downstairs for a haircut. He refused stating he did not need a haircut. Officer Bickford and I both told Inmate Jones he needed a haircut. Inmate Jones again refused.

*FILE  
TIME LAPSED CER.*

Witnesses: \_\_\_\_\_

R. Bowles, CO III, 1st Shift F card  
Reporting Employee's Name (Title & shift/card/location)

**INMATE NOTIFICATION**

Time & Date Notified \_\_\_\_\_ Notifying Official/Title \_\_\_\_\_

You will appear before a Hearing Officer 24 hours or more after receipt of this notice.  
For minor hearings you have the right to submit a written statement and make a verbal statement.

By signing here, you give up your right to 24-hour notice and authorize the hearing officer to proceed with hearing.

\_\_\_\_\_  
Inmate's Signature/Date

Rh  
Inmate's Signature/Date

**USE THIS SECTION FOR MINOR DISCIPLINARY HEARINGS ONLY**

Offense code (s)				
Inmate plea	( )G ( )NG ( )None	( )G ( )NG ( )None	( )G ( )NG ( )None	( )G ( )NG ( )None
Hearing Officer's finding	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.	( )G ( )NG ( )Dism.

Inmate's Statement: \_\_\_\_\_  
Penalty: \_\_\_\_\_

Hearing Date and Time \_\_\_\_\_ Hearing Officer's Signature \_\_\_\_\_ Warden's Signature \_\_\_\_\_

TEXAS DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

Disciplinary Report No. \_\_\_\_\_  
5/11/89  
Date of Offense

Type of Report:	
Major	<input checked="" type="checkbox"/>
Minor	<input type="checkbox"/>

Ellis  
UNIT

NAME: Jones, Richard TDC No: 802 CLASS: N/A

CELL / WING: J23 3 row 12 cell ASSIGNMENT: U/A

REPORTING OFFICER: Bowles/1st/F TITLE: COIII

OFFENSE (TITLE & CODE No.): L2023 Creating a disturbance

OFFENSE DESCRIPTION:

at approx: 1027 hrs on 5/11/89 officer Cobler and I officer R. Bowles were working on J23 as wing officers. It was time for the recreation group to rack up. Officer Cobler and I both yelled "rack up" and got no response from the inmates recreating. I then went down 1 row run to an open window near the far end of the outside recreation yard. I yelled through the window "rack up." Inmate Jones, Richard #802 did not respond by moving to the dayroom. At this time several comments were made by inmates on the recreation yard. These comments alluded to the fact that I should go out on the yard and make them, the inmates, go in. At that time I rejoined officer Cobler at the dayroom door and asked officer Jones to call a Sgt. for me. Lt. Keith entered the wing and I explained the situation to him. At that point he instructed the inmates to enter the dayroom to be racked up. He exited the dayroom and approx. 5 minutes later the inmates entered the dayroom. This failure to rack up in an orderly and timely manner disrupted the normal routine of the wing. I was instructed to write this case by Lt. Keith.

FOR USE WITH MINOR DISCIPLINARY	
Penalty: _____	
_____	
Hearing Officer's Signature	Hearing Date
_____	_____
Warden's Approval	

\_\_\_\_\_  
Reporting Officer's Signature

\_\_\_\_\_  
Date

Time & Date \_\_\_\_\_ Notifying Officer \_\_\_\_\_  
Inmate Notified \_\_\_\_\_

Witness(es) Requested? Yes  No  List, if Yes: \_\_\_\_\_

Wishes to Present Documentary Evidence? Yes  No  List, if Yes: \_\_\_\_\_

Counsel Substitute Requested? Yes  No

You will appear before the Disciplinary Committee 24 hours or more after receipt of this notice.

Richard Wayne Jones  
Inmate's Signature

Inmate waiver of his / her right to 24 hour notice:

\_\_\_\_\_  
Inmate's Signature

arr

EXP

250713

Type of Report:

Major

Minor

TEXAS DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

Disciplinary Report No.

3/13/89

Date of Offense

Ellis I  
UNIT

NAME: Jones, Richard TDC No: 882 CLASS: N/A

CELL / WING: J23 3 row 12 cell ASSIGNMENT: U/A

REPORTING OFFICER: Roach/ escort TITLE: COIII

OFFENSE (TITLE & CODE No.): L2C24 Refusing or failing to obey an order

OFFENSE DESCRIPTION:

At approx. 0800 hrs on 3/13/89 I officer Roach COIII went to J23 3 row 12 cell where inmate Jones, Richard #882 is housed and gave him a direct order to shave. Inmate Jones has a very long beard growth. He stated that he would not comply with my order.

FOR USE WITH MINOR DISCIPLINARY

Penalty: \_\_\_\_\_

\_\_\_\_\_

Hearing Officer's Signature \_\_\_\_\_ Hearing Date \_\_\_\_\_

Warden's Approval \_\_\_\_\_

*[Handwritten Signature]*  
Reporting Officer's Signature

3-15-89  
Date

Time & Date Inmate Notified 3:15 PM 3/15/89 Notifying Officer [Handwritten Name]

Witness(es) Requested? Yes  No  List, if Yes: \_\_\_\_\_

Wishes to Present Documentary Evidence? Yes  No  List, if Yes: \_\_\_\_\_

Counsel Substitute Requested? Yes  No

You will appear before the Disciplinary Committee 24 hours or more after receipt of this notice.

*[Handwritten Signature]*  
Inmate's Signature

Inmate waiver of his / her right to 24 hour notice:

\_\_\_\_\_  
Inmate's Signature



Type of Report:

Major

Minor

TEXAS DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

Disciplinary Report No. \_\_\_\_\_  
2/27/89  
Date of Offense

Ellis I  
UNIT

NAME: Jones, Richard TDC No: 382 CLASS: N/A

CELL / WING: J23 3 row 12 cell ASSIGNMENT: J/A

REPORTING OFFICER: Bradford/ escort TITLE: COIII

OFFENSE (TITLE & CODE No.): 12C24 Refusing to or failing to obey an order

OFFENSE DESCRIPTION:

On 2/27/89 at approx. 1200 hrs I gave inmate Jones, Richard #382 a direct order to shave. Inmate Jones refused stating, "I already have three cases pending for not shaving." Said inmate is housed in J23 3 row 12 cell.

FOR USE WITH MINOR DISCIPLINARY

Penalty: \_\_\_\_\_

\_\_\_\_\_

Hearing Officer's Signature      Hearing Date

\_\_\_\_\_

Warden's Approval

[Signature]      2-28-89  
Reporting Officer's Signature      Date

Time & Date 9:40 am 2/28/89 Notifying Officer Bo Kingshook I

Witness(es) Requested? Yes  No  List, if Yes: \_\_\_\_\_

Wishes to Present Documentary Evidence? Yes  No  List, if Yes: WILL BE

Counsel Substitute Requested? Yes  No

You will appear before the Disciplinary Committee 24 hours or more after receipt of this notice.

Richard Wayne Jones  
Inmate's Signature

Inmate waiver of his / her right to 24 hour notice:

\_\_\_\_\_  
Inmate's Signature

Type of Report:  
 Major  *CS*  
 Minor

TEXAS DEPARTMENT OF CORRECTIONS  
 DISCIPLINARY REPORT

Disciplinary Report No.

1/29/89

Date of Offense

Ellis I  
UNIT

NAME: Jones, Richard TDC No: 882 CLASS: N/A

CELL / WING: J23 3 row 12 cell ASSIGNMENT: Dearbrow

REPORTING OFFICER: Crippin/2nd/C TITLE: COIII

OFFENSE (TITLE & CODE No.): L2C24 Refusing to or failing to obey an order

+L3C45 Violation of a written or posted rule

OFFENSE DESCRIPTION:

On 1/29/89 I officer Crippin COIII was assigned to J23 wing. At approx. 1645 hrs I passed razors to all the inmates who needed to shave, even inmate Jones, Richard #882, who is assigned to J23 3 row 12 cell. Inmate Jones was given a direct order by myself to have shaven by 1800 hrs. At 1800 hrs I went to 3 row 12 cell and noticed that inmate Jones had not complied with my order or with the Unit rules and regulations for grooming.

FOR USE WITH MINOR DISCIPLINARY

Penalty: \_\_\_\_\_

\_\_\_\_\_

Hearing Officer's Signature      Hearing Date

\_\_\_\_\_

Warden's Approval

*[Signature]*  
 Reporting Officer's Signature

1-30-89  
 Date

Time & Date \_\_\_\_\_ Notifying Officer [Signature]

Inmate Notified [Signature]

Witness(es) Requested? Yes  No  List, if Yes: \_\_\_\_\_

Wishes to Present Documentary Evidence? Yes  No  List, if Yes: \_\_\_\_\_

Counsel Substitute Requested? Yes  No

You will appear before the Disciplinary Committee 24 hours or more after receipt of this notice.

*[Signature]*  
 Inmate's Signature

Inmate waiver of his / her right to 24 hour notice:

\_\_\_\_\_  
 Inmate's Signature

Type of Report:

Major   
Minor

TEXAS DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

Disciplinary Report No.

12-27-88

Date of Offense

Ellis I  
UNIT

NAME: Jones, Richard TDC No: 882 CLASS: n/a

CELL / WING: J23 #12 ASSIGNMENT: U/A

REPORTING OFFICER: Bickford/1st/E TITLE: COIII

OFFENSE (TITLE & CODE No.): L2C15/L2C16-Trafficing and trading, Possession of contraband

OFFENSE DESCRIPTION:

At approximately 0900hrs on 12-27-88, I approached 3-12 on J23. Housed in this cell is inmate Jones, Richard #882. I asked inmate Jones if he had a property slip on his typewriter. This inmate answered no, that he had bought it from another inmate Lt. Keith ordered that the typewriter be confiscated and the inmate be written up. I did as ordered and officer Fuller witnessed all this.

FOR USE WITH MINOR DISCIPLINARY

Penalty: \_\_\_\_\_

Hearing Officer's Signature \_\_\_\_\_ Hearing Date \_\_\_\_\_

Warden's Approval

Reporting Officer's Signature

Date

Time & Date Inmate Notified 12-27-88

Notifying Officer [Signature]

Witness(es) Requested? Yes  No  List, if Yes: \_\_\_\_\_

Wishes to Present Documentary Evidence? Yes  No  List, if Yes: \_\_\_\_\_

Counsel Substitute Requested? Yes  No

You will appear before the Disciplinary Committee 24 hours or more after receipt of this notice.

Richard Wayne Jones  
Inmate's Signature

Inmate waiver of his / her right to 24 hour notice:

Inmate's Signature

117163

Type of Report:  
 Major   
 Minor

TEXAS DEPARTMENT OF CORRECTIONS  
 DISCIPLINARY REPORT

Disciplinary Report No.  
 10/25/83

Date of Offense

Ellis I

UNIT

NAME: Jones, Richard TDC No: 332 CLASS: N/A

CELL / WING: H172 row 4 cell ASSIGNMENT: Deathrow

REPORTING OFFICER: Anderson/2nd/G TITLE: C0111

OFFENSE (TITLE & CODE No.): L2C24 Refusing to or failing to obey an order  
 L3C42 Use of indecent language

OFFENSE DESCRIPTION:

On 10/25/83 at approx. 4:20pm I officer Anderson, E. C0111 was serving dinner on H17. Inmate Jones, Richard #382, who is housed in 2 row 4 cell, was serving himself beans. I officer Anderson observed inmate Jones serving himself two servings of beans. Inmate Jones started to serve himself a third serving when I officer Anderson gave him a direct order to stop serving himself beans. Inmate Jones went ahead and served himself two more servings of beans. I told inmate Jones that I was going to write a disciplinary report on him. Inmate Jones then started using vulgar language directed at me saying, "You better quit fucking with me, you and Campuzano better quit fucking with me." Inmate Jones repeated himself several times, then laid his tray on the steam table and said, "you know what you can do with this." Inmate Jones then walked off to the dayroom. Sgt. Campuzano was notified of this matter and this disciplinary report was filed.

FOR USE WITH MINOR DISCIPLINARY

Penalty: \_\_\_\_\_

\_\_\_\_\_

Hearing Officer's Signature \_\_\_\_\_ Hearing Date \_\_\_\_\_

\_\_\_\_\_

Warden's Approval

Reporting Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

Time & Date \_\_\_\_\_ Notifying Officer \_\_\_\_\_

Witness(es) Requested? Yes  No  List, if Yes: \_\_\_\_\_

Wishes to Present Documentary Evidence? Yes  No  List, if Yes: \_\_\_\_\_

Counsel Substitute Requested? Yes  No

You will appear before the Disciplinary Committee 24 hours or more after receipt of this notice.

\_\_\_\_\_  
 Inmate's Signature

Inmate waiver of his / her right to 24 hour notice:

\_\_\_\_\_  
 Inmate's Signature