

ROBERT A. RAVITZ

October 31, 2019

The Honorable Kevin Stitt
Governor, State of Oklahoma
Oklahoma State Capital
2300 N. Lincoln Blvd.
Oklahoma City, OK 73105

Pardon and Parole Board
2915 N. Classen, Suite 405
Oklahoma City, OK 73016:
RE: Julius Darius Jones Oklahoma County CF-1999-4373
Request for Clemency/ Commutation

Governor Stitt and the Members of the Pardon and Parole Board:

Thank you for taking the time to review this plea for Clemency for Julius Darius Jones. Mr. Jones has been awaiting execution for the killing of Paul Howell since spring of 2002. Mr. Jones has been incarcerated for that crime since late July of 1999. This request for clemency is not an attempt to devalue the life of Mr. Howell. It is a request for mercy for a man that has spent all but one year of his adult life incarcerated by the State of Oklahoma.

As the Chief Public Defender for Oklahoma County, I have had the opportunity to view the administration of justice under many different District Attorneys in Oklahoma County. During previous administrations, the death penalty was often sought without regard to the circumstances of the crime or the individual defendant. The current administration has shied away from that theory of prosecution. Previous administrations would file a Bill of Particulars in most cases where an aggravating circumstance existed. The current administration uses a more holistic approach and only files a Bill of Particulars in the cases that are truly in their opinion "the worst of the worst." As an opponent of the death penalty, I would recommend that prosecutors would take the latter approach. This is important in the administration of justice because men are fallible and sometimes make the wrong decisions. Unfortunately, no one can rectify an unjust death verdict once sentence is imposed.

The murder of Paul Howell was highly publicized in the news. The newspapers and news stations seemed to run this story at every opportunity or news cast. This was a hot button issue. A man was killed after school supply shopping in a quiet Edmond neighborhood by an African-American man. In

fact, the elected District Attorney gave a statement on the evening that Mr. Howell was killed stating that his office was going to seek the death penalty against the person responsible even though a suspect had not been identified. He also stated to the media that “gang activity” was involved although no suspect was named. Putting this type of inflammatory information in the media is dangerous in death penalty litigation because it infringes on the accused’s ability to receive a fair trial and the ability to get jurors that can consider all of the punishment options and make an individualized determination of the appropriate punishment.

In my forty years in the criminal justice system, I have seen a greater amount of people of color charged with capital offenses than their Caucasian counterparts. Unfortunately, it has been well documented that people of color have fewer opportunities to serve as jurors than whites. Therefore, people of color historically have not truly been receiving juries of their peers. Many studies have been conducted indicating that people of color are more likely to receive the death penalty due do the lack of racial diversity on their juries. In fact, Mr. Jones had only one person of color on his jury. I can only assume this influenced the jury’s verdict in Mr. Jones’s case.

There was also another issue related to the jury involving the prosecution of Julius Jones. This issue has been publicized in the news but has been reported slightly differently than my lawyers reported to me. During the guilt/innocence stage of the trial, one juror overheard another juror say, “That Mother F***** needs to be buried behind that jail for what he’s done.” The listening juror immediately reported this conduct to the Court because s/he knew this conduct was improper. After a hearing was held where the offending juror denied the statement, the Court ruled that the alleged offending juror could remain on the panel. This was highly improper because that juror had already made their mind up before the case was submitted to them. This is a documented instance of Mr. Jones’s inability to receive a fair trial with fair and impartial jurors.

It is clear that the citizenry of the State of Oklahoma has evolved in the last twenty years regarding issues of race. People seem to have come to the realization that people of color are disproportionately incarcerated. The citizens of this state have also evolved on issues regarding criminal justice reform. I choose to believe that we as people have morally evolved to become suspect of the death penalty. Part of that is due to the fact that people are proven wrong all of the time. Unfortunately, when a person is sentenced to death, an appellate court can’t remedy these issues if they become apparent in the future.

As a person entrusted with protecting the rights of the criminally accused, this case has always been important to me. There were many issues that were disregarded by the appellate courts because it could not be proven that those issues would affect the outcome of the trial. It is incomprehensible

to me how issues regarding premature jury deliberation, defense counsel's failure to properly impeach a testifying codefendant, and defense counsel's refusal to investigate and present Mr. Jones's alibi would not affect the outcome of his trial. In light of those issues, I would humbly request that you commute the sentence of Julius Darius Jones.

Respectfully Submitted,

Robert A. Ravitz
Public Defender of Oklahoma County