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March 1, 2021

Re: **Offender Name: Julius Darius Jones, DOC # 270147**  
**March 21 Parole Docket – Commutation Hearing Docket**  
*Oklahoma County District Court Case No. CF-1999-4373*

Honorable Members of the Pardon and Parole Board:

On July 28, 1999, Julius Darius Jones murdered Paul Scott Howell in front of Mr. Howell's two young children and sister for the sole purpose of stealing his vehicle. Please accept this letter as the State of Oklahoma's request that you deny Jones's request for a commutation hearing.

Over the last few years, Julius Jones and his attorneys have engaged in a coordinated and alarmingly successful campaign of misinformation, spurred by media frenzy, which is specifically targeted to manipulate and mislead the public through dissemination of half-truths and, frequently, outright lies. I respectfully submit this letter for the one simple fact that Jones would have this Board disregard: Truth matters.

### **Julius Jones's Extensive Criminal History**

In his commutation application, Jones states that prior to trial, he "had gotten into some trouble previously, but none of it was violent." That is patently untrue. More than a year before he killed Paul Howell, Julius Jones began engaging in an escalating pattern of criminal conduct. On March 11, 1998, he was caught by employees at the Foot Locker in Quail Springs Mall attempting to shoplift merchandise under his shirt. When the clerk attempted to stop Jones and give him an opportunity to simply put the merchandise back, Jones instead shoved the clerk to the ground and attempted to flee. However, he lost his footing and was apprehended by the store's manager.

Jones acquired his first adult felony conviction in the fall of 1998, while he was still enrolled as a freshman at the University of Oklahoma, when he applied for a state photo ID card using another individual's name and birth certificate. He pleaded guilty to the crime of Unlawful Use of a False or Fictitious Name on an Application for Oklahoma Identification Card in Oklahoma County Case No. CF-1998-8657 on December 1, 1998, and was placed on a three-year deferred sentence. The next day, he was arrested by Oklahoma City police after leading officers on a pursuit that reached speeds of 70 mph on city streets and 50 mph in a residential area.

One week later, on December 9, 1998, Jones was caught by a loss prevention officer at a Midwest City Target store attempting to steal some pagers from the electronics department. That same day, he also pawned a CD player that had been stolen from Walmart the day before, averring that he had owned the item for two months. On May 26, 1999, Jones pleaded guilty to the crimes of Larceny of Merchandise from a Retailer in Oklahoma County Case No. CF-1998-7151 and Making a False Declaration of Ownership to a Pawnbroker and Concealing Stolen Property in Oklahoma County Case No. CF-1999-401. He was sentenced in both cases to concurrent one-year suspended sentences, with the first thirty days to be served in the county jail, and his deferred sentence in CF-1998-8657 was accelerated to a suspended sentence as well.

Notably, exactly two months before Jones was sentenced in those cases, his OU transcript reflects he had completely withdrawn from OU after being placed on academic probation his first semester with a 0.8 cumulative GPA. A letter from OU later found in his room during the execution of a search warrant also revealed that Jones had lost his financial aid because he failed to complete a minimum number of academic hours, and he failed to maintain a minimum GPA.

On March 3, 1999, Jones was arrested by Norman police officers driving a stolen Honda Accord. When officers allowed him to reach into the vehicle to purportedly retrieve his identification, Jones instead reached for a loaded handgun under the driver's seat, ignoring officers' commands to show his hands. Officers were able to pull him away from the vehicle and arrest him; Jones admitted to them that he was not allowed to have the gun because he was a convicted felon.

On March 18, 1999, Norman police officers caught Jones hiding in some bushes outside of a bank at 3:38 a.m. He had a ski mask, gloves, and a water pistol painted black to look like a real handgun on his person.<sup>1</sup>

Nineteen days before murdering Paul Howell, Jones committed an armed robbery at the Royal Jewelers jewelry store inside Quail Springs Mall. On July 9, 1999, just after the store had opened, Jones approached the store owner and placed a gun to his head. At that time, Jones wore a pair of women's stockings pulled down over his head, a bandana tied around the bottom half of his face, and a pair of gloves. When the store's phone rang, Jones said, "Don't pick up the phone or I will shoot you." Scared for his life, the victim allowed Jones to take whatever he wanted, which turned out to be every gold chain contained in one of the store's cases. He later gave some of the chains to Christopher Jordan and his then-girlfriend, Annaliese Presley; Jordan helped him pawn most of the rest.

A couple of weeks later, Jones committed back-to-back car-jackings at the Hideaway Pizza on Western Avenue in Oklahoma City. On July 21, 1999—exactly one week before the murder of Paul Howell—he ambushed Dr. Vernon Hoffman as he and his two friends, who were visiting from England, were leaving the restaurant. The other two men were already seated in Dr. Hoffman's Lexus in the parking lot when Mr. Jones, wearing a bandana over his face and gloves, pressed a gun to the side of Dr. Hoffman's head. He ordered Dr. Hoffman, "Get in and drive."

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<sup>1</sup> An officer from the first incident testified at Jones's murder trial. However, the State did not learn of the second incident until trial was already underway and, because the discovery deadline had already passed, was unable to present that evidence to the jury.

When Dr. Hoffman didn't move, Jones took the keys from him and forced him into the backseat of the car. Jones then started to drive the car away. Fortunately, Dr. Hoffman had the presence of mind to yell for the others to "run for their life," and the three men were able to bail out of the moving vehicle and run for help. Jones fled with the Lexus. At the murder trial, Annaliese Presley testified that Jones called her on the phone and told her he had a Lexus and she would "look cute in it." Presley assumed he had stolen the Lexus because he did not have money for the kind of car. According to Christopher Jordan, Jones quickly sold the Lexus to an individual near Rose State College in Midwest City for \$4,000. Law enforcement later recovered the vehicle in Midwest City. All of the owner's contents were missing.

The next night, on July 22, 1999, Jones accosted Dr. Anon Lapsi as he was leaving the restaurant from having dinner with friends. When Dr. Lapsi reached his new Mercedes-Benz in the parking lot, Jones, again wearing a bandana over the bottom half of his face, held a gun directly at Dr. Lapsi's head and demanded, "Give me the keys. Give me the keys." He then drove the car away. Police eventually recovered the Mercedes in the parking lot of Jones's Norman apartment. All of the owner's contents were missing. After the killing of Paul Howell, Edmond crime scene investigators located the keys to Dr. Lapsi's Mercedes in a Cutlass shared by Jones and Jordan as they processed the vehicle for evidence of the murder. Dr. Lapsi positively identified Jones as the armed robber both at the preliminary hearing for the robbery case and the murder trial. On June 13, 2006, Jones pleaded guilty to the crimes of Robbery with Firearms and Possession of a Firearm After Felony Conviction in Oklahoma County Case No. CF-1999-5144.

### **A Senseless Murder**

On the evening of Wednesday July 28, 1999, forty-five-year-old Paul Howell, a father and well-respected Edmond businessman, and his sister, Megan Tobey, took Mr. Howell's seven- and nine-year-old daughters to the Target at Penn and Memorial in north Oklahoma City to do some back-to-school shopping. After loading their new backpacks and other school supplies into Paul Howell's Suburban, the family made a spur-of-the-moment decision to get some ice cream on their way home. Shortly after 9:00 p.m., they made their way through the drive-thru of the Braum's ice cream store located off of Broadway Extension near Memorial Road, then proceeded home.

What Mr. Howell could not know was that his murderers were following close behind. Earlier that afternoon, Julius Darius Jones and his close friend, Christopher O'Neal Jordan, set out to steal a Suburban. They had learned from Jones's robberies of the Lexus and Mercedes the week before that it was difficult to off-load stolen foreign-made vehicles. They had been advised they would have better luck disposing of GMC products. They also knew that the vehicle would be worth more money if the column were not punched and the keys were with it. With that aim in mind, Jones and Jordan set out in the bronze 1972 Cutlass Supreme they were known to share, roaming the streets of Edmond looking for a Suburban to steal.

Around 2:00 or 3:00 p.m., one of Jordan's neighbors, Eckie Prater, observed Jordan driving his Cutlass slowly down the street then pull into the driveway of the home of the Nichols family, who owned two new Suburbans. Both vehicles were gone that day, however, as the Nichols were on vacation, and the Cutlass pulled out and drove away. Prater observed that sitting next to Jordan

in the passenger's seat was another black male, who he described as being in his "late teens, early 20's" with hair "close to the head."

Jordan testified that he drove Jones around for a while that afternoon looking for a Suburban. They passed by several parked in business parking lots and driving along the roads. But Jordan testified that they ultimately decided it would be better to wait until it got dark outside. By around 9:00 p.m., they saw a brown Suburban pull into a Braum's drive-thru, and decided they had their target.

At that same time, Michael Peterson and his wife were sitting on the curb in front of the Braum's store near Broadway Extension eating ice cream when they observed the bronze Cutlass circle the parking a lot a couple of times and back into a parking space. A few minutes later, the Cutlass drove away with no one ever exiting or entering the vehicle. Peterson testified that there were two young black males in the car, who both appeared to be in their early twenties. He described the driver as having "corn roles" in his hair and one of them as wearing a white shirt. At trial, Christopher Jordan confirmed that he and Jones had backed into a parking space at the Braum's waiting for Paul Howell's Suburban to leave the drive-thru.

After getting their ice cream, Mr. Howell drove his family back to his parents' Edmond home where he and his girls were staying at that time. Jones and Jordan stalked close behind. Paul Howell pulled into his parents' driveway, and Jordan stopped his Cutlass a little ways down the street. As the Howell family gathered their ice cream and new school supplies out of the Suburban, Jones exited the Cutlass, gun in hand, and put on gloves, a stocking cap, and pulled a red bandana over his face.

Paul Howell had just opened his car door and stepped out of the vehicle when Jones approached him and pressed a .25 caliber Raven pistol to the left side of Mr. Howell's head. Jones then fired. The weapon was shot at such close contact to Mr. Howell's head that the skin around the entrance wound was seared with the shape of the gun's barrel and sight. The gunfire came with no warning. Megan Tobey testified that she had not even seen the gunman approach. She had just turned to the backseat to tell the girls to make sure they had everything when she heard a gunshot. She then heard the shooter say, "Where are the keys? Where are the keys?" By the time she turned back around, the shooter was already reaching into the car with the keys in his hand. Ms. Tobey immediately grabbed her nieces out of the backseat and ran for the house. She estimated they had taken about five steps when the shooter yelled at them, "Stop!" and fired his gun again. Mercifully, the three were able to escape into the house uninjured.

Because Jones disguised his face, Ms. Tobey was not able to positively identify him as the shooter. She described the gunman as being a black man wearing a white t-shirt and a black stocking cap. He had a red bandana folded like a triangle tied around his face, covering everything below his eyes. The stocking cap covered the top of his head down to "probably the top of his eyebrows. And it came above where his ear goes on about a half an inch to an inch." She testified, "I could see no braids."

The Howell family called 9-1-1, and first responders were on the scene within minutes. Paul Howell's father immediately ran outside to check on his son, but by that time the Suburban

was gone and Mr. Howell was lying unresponsive in the front yard. He was pronounced dead shortly after arrival at the hospital.

### **Testimony and Physical Evidence**

As the Oklahoma Court of Criminal Appeals found in affirming Julius Jones's convictions and sentence, "the evidence presented against Jones was overwhelming." *Jones v. State*, 2006 OK CR 6, ¶ 55, 128 P.3d 521, 541.

Edmond crime scene investigators quickly began processing the scene after Paul Howell was transported away by ambulance. They located two spent .25 caliber shell casings in the driveway. The medical examiner later removed the fatal .25 caliber projectile from Mr. Howell's head.

Meanwhile after the murder, Christopher Jordan testified he drove the Cutlass from Edmond to the northwest Oklahoma City apartment of Ladell King, who was supposed to help him and Jones find a seller for a stolen vehicle. Jones arrived at King's apartment complex about fifteen minutes later driving Mr. Howell's Suburban. Ladell King and his girlfriend, Vickson McDonald, both testified that Jones arrived in the parking lot after dark on July 28, 1999, in the Suburban. Jones backed the Suburban into a parking spot under a carport and then got out to speak to King. King's neighbor, Gordon Owens, was also standing outside that night and confirmed he saw Julius Jones, whom he had met before, standing next to the Suburban talking to King and gesturing towards the vehicle.

Ladell King described Jones that night as wearing a black stocking cap on his head, a white t-shirt, dark jogging pants, a red bandana hanging from his neck, and brown cotton gloves on his hands. King testified that when he first approached the Suburban, Jones told him not to touch it. King looked in the vehicle and could see a child's book bag sitting on the seat. Jones asked King, "Get ahold of your boy?" referring to Kermit Lottie, who was known to run a chop shop and was expected to buy the stolen vehicle. King indicated he had not contacted Lottie. Jones asked King if he could use the phone, and King let him into a vacant apartment across from his with a phone that they usually used. King overheard him talking to a girl on the phone. Jones and Jordan then left in the Cutlass around 10:30 p.m. They left the Suburban overnight in the apartment parking lot. Jones paged King around midnight that night. King called him back, and Jones asked if he had talked to Lottie about the Suburban yet. He responded he had not.

Christopher Jordan testified that he and Jones drove from King's apartment to his brother, Laymon Jordan's, house on the south side of town. Annaliese Presley also testified that Mr. Jones told her he was at Laymon Jordan's house the night of the murder. That night, Jones told Christopher Jordan about the robbery. He said "that he was hiding behind a tree and as he came out of the tree a little girl waved to him and said hi." And that is when he claimed the gun went off "on accident." The following morning, Thursday July 29, Christopher Jordan dropped Jones off at his parents' house, and Jordan drove to his grandmother's house, where he was staying at that time.

Later that afternoon, King paged Jones. Jones called him back, and King told him he needed to move the Suburban. Jones asked if he had gotten in touch with anyone about buying the vehicle, and King confirmed that he had. Jones called him back a short time later and said he could not find Christopher Jordan, so King picked Jones up at his parents' house in northwest Oklahoma City.

King testified he and Jones drove together in King's Firebird and discussed moving the Suburban. They arrived back at King's apartment complex, and Jones got into the Suburban. King drove the Firebird with Jones following behind in the Suburban to Central Grocery, a convenience store located in southeast Oklahoma City, four blocks from Kermit Lottie's auto shop. Jones and King then went into the convenience store and purchased some snacks. The store's surveillance video, which captured both men in the store that afternoon, as well as still images taken from the video, were admitted at trial.

Because King knew Lottie did not allow people to bring stolen vehicles directly to his shop, they left the Suburban parked outside the store and both rode in the Firebird to the shop. Kermit Lottie testified that King pulled up to his auto body shop that afternoon in a red Firebird. Lottie could tell there was someone he did not recognize sitting next to King in the passenger seat. He testified he had not met Julius Jones before. King and Lottie both testified that King talked to Lottie about buying a Suburban. However, Lottie quickly became suspicious when he realized the description King gave of the Suburban matched the description given on the news of a Suburban stolen during the murder of an Edmond man the night before. He told King he did not want to get involved with that vehicle because a man had been killed.

After briefly stopping by the Suburban in the Central Grocery parking lot, King drove Jones back to King's apartment and let him use the phone in the vacant apartment. Christopher Jordan and Ladell King both testified that around 5:30 p.m., King drove Jones to the gym where Jordan was playing basketball. Jones and King told Jordan they had been trying to page him all day. King and Jordan played basketball for a while. Later, while talking in front of the gym, Jones told Jordan that Kermit Lottie did not want the Suburban because it "had a body on it." Jones told him they left the Suburban at a grocery store about two miles away from Lottie's shop and left the keys with Lottie. Jordan then drove Jones to Jones's parents' house, where they watched a news story about the murder of Paul Howell on a 24-hour local news channel.

Jordan testified that after that, he left the Jones residence and went to his grandmother's house, where he spent the night. According to Ladell King, Jordan and Jones actually arrived together in the Cutlass at his apartment complex around 11:00 p.m. They all three went to the vacant apartment with the telephone so Jones could call a girl. The men then discussed the murder of Paul Howell and what to do with the Suburban. At that time, Jones told King that "the Suburban pulled up, the door came open, he saw a little girl waving at him and the gun went off." He also claimed later that he thought he saw Paul Howell with a gun.

King testified that early the following morning, Friday July 30, Jones paged him. When King called him back, they discussed how "messed up" the situation was. Jones also told King that "he was worth \$22,000," referring to the award being offered by police for Paul Howell's killer, and "it was only a matter of time." He asked King if he was going to turn him and said he was "a fool for telling [him] I shot the man."

Meanwhile, at around 1:30 a.m. on Friday, police officers located Paul Howell's Suburban abandoned in the Central Grocery parking lot. Upon processing the vehicle, they located a bullet hole in the front dashboard above the gearshift handle and the spent projectile in the driver's side floorboard. Officers began canvassing the area near where the Suburban was recovered to look for possible auto shops where someone might have tried to sell it. They caught a break in the case just a few blocks away when they found Kermit Lottie at his shop. Lottie told officers that a man he knew as "Day Day" had tried to sell him a Suburban the day before and he refused to get involved because the description he gave for the vehicle matched the description the news had given of the Suburban stolen during the murder of a man in Edmond.

Lottie provided officer's with "Day Day's" business card, which had Ladell King's name and contact information on it. Lottie paged King and tried to get him to come to the shop while the officers were there, but King never showed. Officers were able to trace the number King had called from to the vacant apartment across from his own apartment. When they arrived at the apartment, King was not there, but his girlfriend, Vickson McDonald was. At the officers' request, she made contact with King and told him the police were there and wanted to speak to him. He agreed to come home. When he arrived at the apartment, he was taken into custody. After waiving his *Miranda* rights, King provided officers with information regarding the Paul Howell murder.

Coincidentally, as King was speaking with officers, he received a page from Julius Jones. He gave officers the phone number, which traced back to Jones's parents' house. King went with officers and directed them to the Jones residence. Once outside the house, Inspector Jerry Flowers called the number Jones had used in the page. Jones answered the phone and identified himself as Julius Jones. He agreed to come outside and speak to detectives. After hanging up, Inspector Flowers saw someone peak outside the front door and slam it quickly. Inspector Flowers immediately called the number back. After about 20 to 25 rings, a female answered and told him Julius Jones was not there. Unsure of whether Jones was still inside or not, officers secured the house and called the tactical team unit in. At around 4:00 p.m., Jones's mother, father, sister, and brother came out of the house, but not Jones. It was later learned he had fled out of the back of the house when it had been left uncovered by police.

Jordan testified that around 3:00 p.m. that day, Jones came up to him while he was again at the gym and asked to borrow the Cutlass for about an hour. When Jones did not return, Jordan walked to Jones's parents' house and saw the place surrounded by police officers. He walked to a nearby record store, and then went to look for Ladell King at his apartment. When he arrived at the apartment, he met Vickson McDonald and learned King was already in police custody. He left to go find a payphone to page Jones.

Vickson McDonald testified that shortly after Christopher Jordan left, Julius Jones came to the apartment also looking for King. McDonald lied and said she did not know where he was. Jones told her he had left his house through a second story window because the police were everywhere. Meanwhile, police apprehended Jordan at a nearby payphone. As soon as the officers approached him with weapons drawn, Jordan threw his hands up and exclaimed, "I didn't do anything! Julius did it!" At about 6:00 a.m. on Saturday July 31, officers were able to track Julius Jones to an apartment in southwest Oklahoma City and arrest him.

Back at the Jones residence, investigators executed a search warrant for evidence relating to Paul Howell's murder. During a search of Julius Jones's upstairs bedroom, hidden in an attic access space, they located a .25 caliber Raven semi-automatic handgun wrapped in a red bandana. Investigators also found the magazine for the gun hidden downstairs inside the housing unit for the house's doorbell. Ballistic testing later conclusively confirmed that the casings recovered from the crime scene, the projectile recovered from inside the Suburban, and the projectile removed from Paul Howell's head during autopsy were fired from that handgun. The medical examiner also determined that the hard contact wound around the gunshot entrance wound exactly matched the barrel and sight of that gun.

Additionally, after hearing news reports that Julius Jones was suspected of murdering Paul Howell, a mechanic at Advanced Transmissions in southeast Oklahoma City reported to police that Julius Jones had dropped off his black Buick Regal, which several witnesses testified had been broken down in the days leading up to the murder, at his shop for some transmission work on July 29, 1999. Inside the Buick, the mechanic had discovered a box of .25 caliber ammunition and a stocking that was knotted at the top. He turned the vehicle and its contents over to police.

At trial, Jones's girlfriend, Annaliese Presley, identified letters that Jones had written to her while he was detained in the Oklahoma County Jail awaiting trial. In the letters, Jones told her that if she was called to testify, she was to say that she didn't remember anything. He told her, "They can't arrest you or charge you with nothing for saying that." In another letter, Jones specifically made reference to the date his murder case was set for trial and instructed Presley, "if you do end up having to testify, do not tell them people that I was doing anything illegal, okay, just tell them you really don't know what I was doing and if they bring up your past statement" she should still say she doesn't remember.

Julius Jones was given the opportunity to testify in his own defense at trial. However, he instead elected to exercise his right to remain silent. He assured the trial judge, under oath, that his decision not to testify was a choice of his own free will and that he had not been pressured, coerced, or promised any benefit to testify or not testify.

### **Description of the Murderer**

In his application, Jones suggests that the jury was never given the opportunity to see that he did not fit the description of the shooter given by Megan Tobey. That is untrue for several reasons. First, the jury was fully aware of what Julius Jones and Christopher Jordan looked like on the night of the murder because the State introduced headshot photographs of both men at trial, which reflected that Jones wore his hair cut close to his head and Jordan wore his hair in cornrows. Numerous witnesses throughout trial confirmed that the photographs accurately depicted Jones and Jordan's appearances, including their hairstyles, on July 28, 1999.

Second, Jones persists in twisting the witness's description of the shooter by suggesting that she described a man with longer hair sticking out from under the stocking cap, which she did not. As the Tenth Circuit correctly described: "Tobey could see 'about a half an inch to an inch' of the man's hair between his stocking cap and "where his ear connect[ed] to his head." Trial Tr.



Vol. 4, at 117:4–5, 16. But she didn't see braids or corn rows.” *Jones v. Warrior*, 805 F.3d 1213, 1214 (10th Cir. 2015). Ms. Tobey also did not describe seeing sideburns coming from under the shooter’s stocking cap, which photographs show Jordan wore quite prominently down his face at that time.

Lastly, Jones suggests that Ladell King was Christopher Jordan’s accomplice in the robbery and murder and that Jordan and King conspired to frame him. For that to be true, the jury would have to have disbelieved every eyewitness that saw Jordan and Jones together that night. As the trial testimony bore out, on July 28, 1999, Ladell King was 30 years old, 6 feet tall, and roughly 260 lbs. Whereas Julius Jones was 19 years old, 5’8” and approximately 160 lbs. As King testified at trial, no one would have confused him for Julius Jones. To be sure, Eckie Prater testified that the black male he saw riding in the Cutlass with Jordan that afternoon appeared to be in his late teens to early twenties. Likewise, Michael Peterson testified that the two black males he saw driving suspiciously around the Braum’s parking lot shortly before the murder both appeared to be in their early twenties. Jones’s conspiracy theory also does not account for the fact that two additional witnesses besides King and Jordan—Vickson McDonald and Gordon Owens—both independently testified that they saw Jones with the Suburban in the apartment parking lot the night of the murder.

### **Conviction and Sentence**

The capital murder trial in this case lasted four weeks. The jury found Jones guilty of Murder in the First Degree, Possession of a Firearm After Felony Conviction, and Conspiracy to Commit a Felony: Robbery with a Firearm. In a separate stage of trial, the jury heard evidence of Jones’s criminal history, largely consisting of his past crimes of violence and dishonesty, as described above. The jury also heard testimony from an Oklahoma County Jail detention officer, who described how Jones and his cellmate at the time attacked a guard during a routine cell check while Jones was awaiting trial for the murder. Additionally, Jones was given an opportunity to put on evidence in mitigation, including testimony from his family and acquaintances.

Having all of the evidence in front of them, the jury found the existence of two aggravating factors beyond a reasonable doubt: (1) that Jones created a risk of death to more than one person, and (2) that there exists a probability that Jones would commit criminal acts of violence that would constitute a continuing threat to society. The jury recommended a sentence of death for the murder of Paul Howell, fifteen years imprisonment for the firearm possession, and twenty-five years imprisonment for the conspiracy. The trial court approved the punishment assessed by the jury and sentenced Jones accordingly.

### **False Alibi**

In his application, Jones alleges that he was at home having dinner with his family on the night Paul Howell was murdered. What he fails to mention is that this same alibi was rejected by the courts fifteen years ago, following a full-blown evidentiary hearing on the issue. On direct appeal, Jones claimed his attorneys were ineffective for failing to call his family members to testify to the infamous “spaghetti dinner alibi” at trial. Jones’s family claimed that on the night of the murder, Jones was home eating dinner and playing Monopoly with them while a family friend and

her son were visiting. The Court of Criminal Appeals remanded the case to the trial court for a hearing to explore the issue.

At the hearing, Jones's lead trial attorneys, David McKenzie and Malcolm Savage, both testified that they could not effectively or ethically put Jones's parents on the stand to testify Jones was at home the night of the murder because **Jones himself told them his family was mistaken and he was not home that night**. His girlfriend, Annaliese Presley, also testified at trial that Jones told her he was on the south side of town on the night of the murder—not at his parents'. Additionally, when the defense attorneys sent their investigator to interview the family friend who the family said also attended that dinner, the witness told the investigator that she and her son were at the Joneses' house playing Monopoly on July 27, 1999, not the night Paul Howell was murdered. The State called that witness to testify at the evidentiary hearing, and she confirmed the dinner in question did not happen on July 28, 1999. She was even able to confirm her memory of the date with a receipt from a trip she made to Kinko's before she and her son spent the evening with the Jones family on July 27. She testified she and her son did not go inside the Joneses' house at all on July 28.

After hearing testimony from the lawyers, the Jones family, and other witnesses, the trial court concluded:

Trial counsels' decision to not assert the Jones alibi was sound trial strategy. Having been told by the defendant that his parents were mistaken regarding their alibi and that [the witness] corroborated the defendant rather than the Jones, trial counsel found themselves in an awkward position and an understandable ethical dilemma. Defense counsel exercised professional and ethical conduct when they chose not to present alibi evidence, which their own client had told them was not true.

Defense counsel was aware that the State of Oklahoma had multiple witnesses who would contradict the alibi offered by the family. Defense counsel was also aware and had received multiple audio-taped interviews of witnesses interviewed by the Edmond Police Department shortly after the crime who directly contradicted the family alibi. Those witnesses included individuals who saw the defendant after the homicide with the Suburban and the defendant's girlfriend and her best friend who indicated that the defendant was someplace other than at his parents' home. Defense counsel was also aware that the State of Oklahoma would be locating [the witness] to testify as a rebuttal witness against the Jones if they asserted the alibi defense.

Defense counsel additionally recognized the importance of the jury feeling compassion for the family in the penalty phase and reasonably believed that a failed alibi would serve to minimize the family's second stage impact and both their credibility and the Jones' credibility. Defense counsel's actions were reasonable in light of the fact situation present in this case. The case against the defendant was strong.

Findings of Fact and Conclusions of Law, Oklahoma County Case No. CF-1999-4373 (April 22, 2005).

## **Christopher Jordan Plea Agreement**

The State of Oklahoma has always been fully transparent regarding Mr. Jordan's plea agreement in this murder case. On October 11, 2001, Jordan pleaded guilty to one count of Murder in the First Degree and one count of Conspiracy to Commit a Felony: Robbery with a Firearm, in which he was charged co-jointly with Jones. In accordance with his plea agreement, Jordan was sentenced to life imprisonment, with all except the first thirty years suspended for the murder, and ten years imprisonment for the conspiracy, running concurrently. Also, as part of the plea agreement, the State agreed to dismiss a charge of Larceny of Merchandise from a Retailer he had pending in another case. In exchange for this plea agreement, Jordan agreed to testify truthfully at Jones's murder trial. He testified to all of these terms of his plea agreement at trial.

Jones now claims that Jordan had a "secret deal" with prosecutors, as evidenced by the fact that he was released from DOC custody after fifteen years. Frankly, this argument is absurd. As this Board is well aware, crimes committed prior to March 1, 2000, are not subject to the 85% Rule. *See* 21 O.S. § 12.1. In 2014, following an audit of his prison credits, DOC determined based on its own calculations that Jordan had discharged the thirty-year time-to-do portion of his sentence. As this Board is also well aware, the District Attorney's Office has absolutely no control or influence over how DOC administers any offender's sentence. Significantly, when Jordan was reviewed for parole consideration, one of the prosecutors who tried Jones's murder case personally wrote a two-page protest letter on behalf of the State, writing: "The Oklahoma County District Attorney's Office objects to early release and requests that Christopher O'Neal Jordan serve his entire sentence."

Jordan was not granted early release but instead served the entirety of the thirty-year portion of his sentence according to the manner in which DOC calculated his credits. He is now on probation for the rest of his life, subject to full revocation should he violate any condition of his probation. Any suggestion by Jones or his attorneys that prosecutors had a "secret deal" for him to serve less than the sentence imposed by the court is patently false.

## **Kermit Lottie's Federal Plea Agreement**

Jones complains in his application, as he did on direct appeal to the Court of Criminal Appeals, that Kermit Lottie received consideration for his testimony in this case during his sentencing for federal drug crimes. It should be noted that the jury was well aware that Lottie had pleaded guilty to drug distribution in federal court and was still awaiting sentencing. During trial, the court held a hearing outside the jury's presence to clarify whether Lottie expected to receive any favorable treatment as a result of his testimony. During that hearing, the prosecutors in Jones case, the federal prosecutor in Lottie's drug case, Lottie's own defense attorney, and Lottie himself all made clear that Lottie neither expected, nor had it been suggested to him, that he would receive any benefit in his own case for testifying truthfully in the murder case. Furthermore, it was established that Lottie had already given a materially similar witness statement to police and had testified at Jones's preliminary hearing consistent with his trial testimony well before the superseding indictment against him had been filed. The State even recalled Lottie to the stand for the specific purpose of testifying about his pending federal sentencing.

Jones also raised an issue on direct appeal with an Edmond Police detective (who was not the lead detective in his case, as Jones claims), sending a letter on Lottie's behalf to the federal court, unbeknownst to state prosecutors. In rejecting Jones's claim, the Court of Criminal Appeals noted:

Lottie's testimony was the same before and after the federal charges were filed; its consistency demonstrated his testimony was unaffected by what he thought would or would not happen to him at his federal sentencing. The record demonstrates the jury knew Lottie had federal charges against him for which he would be sentenced and knew his testimony at Jones's trial was the basis for the continuance request in the federal trial.

*Jones v. State*, 2006 OK CR 5, ¶ 54, 128 P.3d 521, 541. The Court therefore concluded: "We find the letter was not material. Had Lottie's testimony not been admitted at all, the evidence presented against Jones was overwhelming." *Id.*

### **Ladell King's Bogus Checks Case**

Jones also tries to make much of the fact that Ladell King had a pending bogus checks case in Oklahoma County at the time of his testimony. He claims, with no factual basis whatsoever, that King "benefitted from his testimony against me." What Jones neglects to mention is that the jury was also fully aware of King's pending charge and the potential punishment he faced. Jones also neglects to acknowledge that the court held a hearing outside the jury's presence during trial at which both the assigned prosecutor to King's case—who had no involvement in Jones's case whatsoever—and King's defense attorney both testified they had no idea King was even a witness in a murder case until *after* he testified at trial. Even then, with no knowledge, and therefore no ability to leverage for a better deal, the prosecutor's plea recommendation for King was dismissal of the charge upon payment of restitution or ten years imprisonment. The State also recalled King specifically so he could tell the jury about his pending bogus checks case.

### **Emmanuel Littlejohn and Christopher Berry**

Jones also relies on affidavits executed by two other convicted murderers, Emmanuel Littlejohn and Christopher Berry, years ago claiming that they heard Christopher Jordan bragging about shooting Paul Howell while in the county jail.

Jones's trial lawyers thoroughly investigated whether to call Littlejohn, a death row inmate, as a witness at trial but determined that he was not credible. In fact, Mr. McKenzie considered Littlejohn to be a "pathological liar." Littlejohn was also not able to pass a polygraph test. As the Court of Criminal Appeals found in rejecting Jones's claim that his attorneys were ineffective for not calling Littlejohn at trial, Littlejohn "presented obvious credibility problems." *Jones v. State*, 2006 OK CR 5, ¶ 82, 128 P.3d 521, 546. The Court reasonably concluded:

While [Littlejohn] had nothing to gain from testifying on Jones's behalf,<sup>[2]</sup> he had little to lose by perjuring himself with claims that were impossible to corroborate. Moreover, the image of Jordan planting evidence in the attic of the Jones family home, without their knowledge, might have been somewhat difficult for the jury to believe. We find nothing unreasonable about counsel's decision to forgo Littlejohn's assistance.

*Id.*

Similarly, Christopher Berry, who was ultimately convicted of child abuse murder, posed his own credibility problems. Further, unlike Littlejohn, Berry actually *implicated* Julius Jones as being involved in the murder of Paul Howell, as he claimed that Jordan had told him his “partner in the case was charged with capital murder.” Both the Oklahoma Court of Criminal Appeals and Tenth Circuit rejected Jones’s claim that his attorneys were ineffective for calling Berry as a witness at trial.

### **Juror Conduct**

Jones claims that a juror in his case made the comment during the course of the trial that “they should just take the n\*\*\*\*r out and shoot him behind the jail.” The comment was allegedly overheard by another juror, V.A., who never made any such allegation until 2017. Juror V.A.’s new allegation is directly contradicted by the record.

After Jones had been convicted, during the sentencing stage of trial, Juror V.A. privately advised the judge and attorneys that she overheard another juror, Juror J.B., state, “They should put him in a box in the ground after this is all over for what he’s done.” She affirmed that, as best that she could remember, “that was a direct quote.” Juror V.A. explained that she felt she should report the comment because she felt it indicated Juror J.B. had already decided what punishment should be imposed before all of the evidence had been presented. She claimed several other jurors would have overheard the comment as well. As a result, the court individually questioned each juror. Every single one of the ten other jurors testified that they had not heard another juror make any premature comment regarding punishment. Juror J.B. testified that he did not recall making any such statement and had not reached a decision on the appropriate punishment at that time. Although she was extensively questioned by the judge and the attorneys, Juror V.A. never indicated that Juror J.B., or any other juror, had used a racial epithet. Nor did any other juror report such blatant misconduct.

For the first time ever, Juror V.A. completely changed her story in 2017. Jones raised the issue in a subsequent post-conviction application before the Court of Criminal Appeals. The Court understandably found it difficult to believe Juror V.A. would not have previously disclosed the offensive comment had it truly been made:

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<sup>2</sup> What the Court of Criminal Appeals apparently did not know was that one of the assistant district attorneys prosecuting Julius Jones had previously prosecuted and recently testified against Emmanuel Littlejohn at a competency hearing. Littlejohn was actually known to harbor personal animus towards her.

Juror V.A.'s recollection of what was said by J.B. on February 27, 2002, was no doubt better on that day when she reported it to the trial court than it is now. Moreover, Juror V.A.'s concern with Juror J.B.'s alleged comment was obviously significant enough that she felt compelled to report it to the trial court. Thus, it is highly improbable that Juror V.A. neglected to add, during the trial court's investigation into the matter, that J.B. used a clearly offensive racial epithet or for that matter, failed to mention that another juror 11 [assuming J.B. was not the juror referred to on Facebook] engaged in similar conduct.

Order Denying Third Application for Post-Conviction Relief, *Jones v. State*, No. PCD-2017-1313 (Okla. Cr. September 28, 2018) (unpub.).

### **New Incriminating Evidence**

In 2017, Jones and his attorneys filed a motion requesting post-conviction DNA testing of the red bandana believed to have been worn by the murderer, which was located in his bedroom's attic access and tied around the murder weapon. Although the evidence of Jones's guilt was already overwhelming, the State consented to the DNA testing in the interest of justice. By stipulation of the State and Jones, the red bandana, as well as known buccal swabs for Jones and Christopher Jordan, were sent to an independent DNA laboratory of Jones's choosing in 2018.

In October 2018, the lab released its report stating: "The partial DNA profile obtained from [the red bandana sample] is consistent with a mixture of three or more individuals including a major contributor." Julius Jones could not be excluded as the major contributor. Even accounting for allelic dropout and other degradation of the DNA profile, the probability of randomly selecting an unrelated individual with the same DNA profile at 7 of the 21 loci tested is approximately 1 in 110 million in the U.S. African American population. Christopher Jordan was excluded as being the major contributor.

In his commutation application, Jones asserts that DNA testing "determined that no saliva was detected on the red bandana that police found in my parents' house." He goes on to claim that the absence of saliva on the bandana "undermines the prosecution's claim that the bandana was worn over someone's mouth and, therefore, is the bandana used during the crime." Notably, Jones's attorney made a similar fallacy in an email to the lab's forensic casework supervisor. She promptly responded to correct the apparent misinterpretation of the lab's findings, explaining: "after discussing this with the reporting serologist on this case - **there are several reasons the presumptive test could have been negative that do not necessarily mean saliva was not present.** Of course, one explanation for the presumptive negative result is that there is no saliva on the item. Additionally, **any saliva present may have broken down over time or the saliva could have been diluted below the sensitivity of our test.** I just wanted to clarify that one point to be sure that the results we reported are not misleading."

### **Prison Misconducts**

Most recently, Jones received a Class-A misconduct on March 23, 2020, after he was caught having an unauthorized conference call during his work hours. A few weeks before that,

on March 6, 2020, he received a Class-X write-up after he was found in possession of a cell phone charger. Jones also received prior separate Class-X write-ups after he was found guilty of being in possession of cell phones on August 8, 2013, April 4, 2014, March 23, 2015.

### **Availability of Records**

Every factual statement contained in this letter is supported by the record of this case, which is too voluminous to submit in its entirety given the two-decades worth of litigation the matter has entailed. Unlike Jones, the State of Oklahoma will not cherry-pick or manipulate what information it wants this Board to review. The Oklahoma County District Attorney's Office will gladly make available any record or document within its possession for this Board's inspection upon request.

### **A Commutation Hearing is Unwarranted in this Case**

Julius Jones senselessly murdered Paul Howell in cold blood in front of his family. He never gave Mr. Howell a chance. To this day, Jones has not expressed an ounce of remorse for his callous actions. Instead, he continues to victimize the Howell family by fueling a media circus with outright lies and by making a farce of this clemency process.

Jones's commutation application is rife with demonstrable falsehoods, including, but certainly not limited to: his claim that he had no prior violent conduct prior to the murder; his claim that he was at home with his family on the night of Paul Howell's murder; and his assertion that Christopher Jordan was released early from prison as a result of a secret deal with prosecutors.

As the courts have observed, the evidence of Jones's guilt is overwhelming. After more than twenty years, Jones has attempted to craft a false narrative of innocence by selectively attacking certain witnesses' testimony and fabricating self-serving fictions to account for other evidence which cannot be dismissed. But even after all this time, Jones cannot answer for every piece of the evidence against him. Notwithstanding his efforts to obfuscate the truth, the record speaks for itself.

The evidence makes clear that in 1998 through mid-1999, Jones engaged in an escalating pattern of criminal and violent conduct, which culminated in the murder of a completely innocent man. As his jury found, Jones poses a continuing threat to society. After hearing all of the facts of this case and then being presented with the evidence of his criminal history, a jury of Jones's peers assessed the only sentence they unanimously felt fit his crimes. The jury's verdict should not be disturbed. Julius Jones showed Paul Howell no mercy, and he presents no valid reason why he should be accorded any now. The State of Oklahoma objects to commutation.

Thank you for your consideration.

Sincerely,



David W. Prater  
Oklahoma County District Attorney