Oklahoma governor grants clemency to death row inmate Julius Jones, but leaves likely innocent man in prison

Kate Randall
19 November 2021

Oklahoma Governor Kevin Stitt, a Republican, granted clemency to death row inmate Julius Jones Thursday only hours before he was scheduled to be executed for a crime he insists he did not commit. He was set to be executed at 4 p.m. local time.

The announcement of clemency for Jones provoked jubilation at the state Capitol in Oklahoma City, where the death row prisoner's supporters had awaited the governor's decision. "Yesterday was an amazing feeling," Jimmy Lawson, Julius Jones' lifelong best friend told reporters. "When you think about how close we came to the finish line, it's unbelievable."

"We were overjoyed," Jones' sister Antoinette Jones told CNN. "We still have to get his freedom." The sentence for Jones, whose case has gained the support of anti-death penalty activists and numerous celebrities, will be commuted to life in prison without the possibility of parole, according to Stitt's executive order. This means that Jones, who has already spent nearly 20 years in prison, will spend the rest of his life in jail barring unforeseen developments in his case.

Support for Jones had ramped up with the impending execution date. Supporters gathered near the governor's mansion this week, including students who walked out of class at Oklahoma City high schools.

Those who spoke out against Jones' possible execution included celebrities Kim Kardashian, Kerry Washington and Mandy Patinkin. Cleveland Browns quarterback Baker Mayfield, who played football at the University of Oklahoma, teared up speaking about the case at a press conference Wednesday. Stavros Lambrinidis, the EU ambassador to the US, wrote to the governor, "We respectfully urge you to exercise all powers vested in your office to grant clemency to Mr. Julius Jones."

Actress Viola Davis produced a three-part documentary series, "The Last Defense," profiling the Jones case and exposing the mountain of evidence that points to his innocence. Six million people signed a petition calling on Stitt to stop the execution.

Jones was convicted and sentenced to death in 2002 for the 1999 murder of businessman Paul Howell during a carjacking. Jones' clemency petition said that he has been on death row because of "fundamental breakdowns in the system tasked with deciding" his guilt, including ineffective and inexperienced defense attorneys, racial bias among his jury and alleged prosecutorial misconduct.

Jones says his co-defendant, Christopher Jordan, shot and killed Howell and pinned the murder on him. His defense says a murder weapon and bandanna linked to the crime was likely planted by Jordan when he visited the Joneses' home. The defense at trial did not present evidence of Jones' alibi, that family members said he was at home at the time of the shooting.

Oklahoma City criminal defense attorney Ed Blau spoke to the local NBC affiliate about the legal options now open to Jones. "Now that the governor has commuted his death sentence to life without parole, there is absolutely nothing that could ever put him back on death row again," he said. "And because Jones has already received a commutation, he can't request another one."

Blau said, "I think it's an open question as to whether or not a governor can tie the hands of future governors in whether or not somebody can be given a pardon." Blau said Jones could apply for a pardon after Stitt is out of office. If granted a hearing, which would be a long process and something not guaranteed, and a majority of the Pardon and Parole Board voted to recommend a pardon for Jones, a future governor would then have to accept the recommendation that Jones to be released.

"At that point, I'm sure the Attorney General's Office

© World Socialist Web Site

will file an injunction or file a request for an injunction saying that that is barred because of Governor Stitt's executive order that he signed today," Blau said. "At that point, it will go to the state court system and probably end up at the Oklahoma Supreme Court for them to make the decision as to whether or not that executive order can prevent future governors from granting a pardon to Mr. Jones."

If some new evidence were to come to light in Jones' case that has not yet been presented in court, there is a possibility that it could lead to a new trial and possible exoneration, although as the case has been litigated for 20 years, that is highly unlikely but not out of the question.

Jones had two hearings this year before the Pardon and Parole Board. On September 13, the board voted 3 to 1 to recommend commutation of his sentence. However, Stitt said two weeks later, "a clemency hearing, not a commutation hearing, is the appropriate venue for our state to consider death row cases."

Then on November 1, the Pardon and Parole Board voted, again 3 to 1, to recommend clemency through commuting Jones' sentence to life in prison with the possibility of parole. In his executive order Thursday, however, Stitt said neither the state constitution nor state law give the board the authority to recommend commutation, nor do they give the governor the authority to grant it. Thus, he wrote, Jones "shall not be eligible to apply for or be considered for a commutation, pardon, or parole for the remainder of his life."

The Oklahoma Pardon and Parole Board Glossary of Terms provides the following explanation of a clemency hearing:

> A clemency hearing may be requested by an offender on death row who has been scheduled for execution by the Court of Criminal Appeals. The hearing is held before the Board which is tasked with either denying or recommending clemency to the Governor. If the Board recommends clemency, the recommendation may include commuting the death sentence to Life without Parole, Life, or a specific term of years.

Stitt has apparently chosen to ignore the board's recommendation of life with parole based on his interpretation of the above definition. However, if "life" is a punishment distinct from "life, without parole" there is a strong argument to be made that "life" in this instance means "life with parole," which would mean that the governor has the power to grant it.

Stitt is a staunch death penalty advocate. Reason would have it that if he believed Jones is guilty, he would have allowed the execution to go forward. His decision to grant life without parole, then, strikes a balance between stopping the execution in the face of great popular opposition and satisfying his right-wing supporters by doing all in his power to keep Jones behind bars until his death.

Jones' case will continue to be followed closely by his supporters and opponents of the death penalty and broken criminal justice system in the US, which disproportionately incarcerates minorities, workers and the poor.

Oklahoma has conducted 113 executions since the death penalty was reinstated by the US Supreme Court in 1976, tied with Virginia for the second most state sanctioned killings, trailing only Texas (579). In 2015, a moratorium was placed on all executions in Oklahoma following the gruesome executions of Clayton Lockett in April 2014 and Charles Warner in 2015. On February 13, 2020, Stitt announced the lifting of the moratorium following a revamping of the state's execution chamber and an overhaul of the lethal injection protocol.

Oklahoma put to death John Marion Grant on October 28. It plans to execute Bigler Jobe Stouffer II on December 9. In 2021 the state is scheduled to execute Wade Greely Lay on January 5, Donald Anthony Grant on January 27, Gilbert Ray Postelle on February 17 and James Allen Coddington on March 10.

On November 17 in Mississippi, the state carried out its first execution since 2012. David Neal Cox, 50, died by lethal injection at the Mississippi State Penitentiary in Parchman. Cox pleaded guilty to shooting and killing his wife Kim Kirk Cox and sexually assaulting his stepdaughter in May 2010. Mississippi Commissioner of Corrections Burl Cain proudly remarked, "I've never seen an execution go smoother."

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site