

**PUBLIC**

**AI Index: AMR 51/041/2005**

**18 February 2005**

**Further information on UA 32/05 (AMR 51/038/2005, 10 February 2005) – Death penalty / Legal concern**

**USA (Oklahoma)**

**Jimmie Ray Slaughter (m), white, aged 52**

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At a clemency hearing on 15 February, the Oklahoma Pardon and Parole Board voted 4-0 not to recommend clemency for Jimmie Slaughter. In Oklahoma, the governor can only commute a death sentence with a recommendation to do so from the Board. However, the governor can issue a temporary reprieve and request that the board reconsider its decision.

Jimmie Slaughter remains scheduled for execution on 15 March 2005. He was sentenced to death in 1994 for the murder of Melody Wuertz, with whom he had had an affair, and their 11-month-old daughter, Jessica Wuertz. Key evidence against him has been called into question.

Melody and Jessica Wuertz were killed in Edmond, Oklahoma City, on 2 July 1991. As well as being shot, Melody Wuertz had been stabbed and mutilated with a knife. An FBI behavioural scientist later testified that her murder had been carried out in a manner that suggested it was a crime of domestic violence. The authorities' suspicion fell upon Jimmie Slaughter, who was involved in a paternity and child-support dispute with Melody Wuertz over Jessica. A homicide investigator who did not believe that Slaughter was the murderer was removed from the police investigation. Another suspect, with a history of domestic violence and involved in a sexual relationship with Melody Wuertz, was shown to have given a false alibi. He disappeared a few days after the crime and was investigated no further.

At his trial, Jimmie Slaughter presented an alibi defence. At the time of the crime, he was stationed as an army reservist in Fort Riley, Kansas, some four and a half hours' drive from Edmond, Oklahoma. Nicki Bonner, his ex-wife, testified that she and their two daughters were with him in Kansas on 2 July 1991 and gave a detailed account of the day. A waitress from the restaurant where Nicki Bonner said the family was in around noon, the time of the murders, testified that she recalled Bonner, and that a man was with her and the children. However, she could not identify Jimmie Slaughter as the man. A salesperson at the shopping mall where Bonner said they went next recalled that Jimmie Slaughter bought a watch for one of his daughters, but could not recall the date. Nicki Bonner said that Slaughter bought a T-shirt, the receipt for which showed it was purchased at 5.14pm, and that later, the family went to see a film before returning to Fort Riley at about 10.30pm.

Two teenage boys identified Jimmie Slaughter as the man they had seen in a car near the Wuertz home on the day of the murders, but admitted that they had seen the man for less than two seconds. A jailhouse informant claimed that Slaughter had told him that if he had kept his tinted car windows raised, no one would have identified him. Two other jail inmates testified that he had told them that he had killed the victims. The state argued that the bullets used in the crime were made by a British company from the same piece of lead that was used to make the ammunition later found in Slaughter's home. The prosecutor stressed the importance of this evidence to the jury: "I submit, ladies and gentlemen, the odds, the odds of the killer being anyone other than Jim Slaughter – he would have had to have had Eley bullets manufactured in England at the same time in the same pot."

According to the prosecution, a single hair found at the crime scene was consistent with that of an African American woman, Vicki Mosley, who was working with Jimmie Slaughter in Kansas shortly before the murders. She herself had never been to Oklahoma and did not know the victims. The prosecution stressed the importance of this evidence in their closing arguments to the jury, suggesting that Slaughter had left it at

the scene. Male underwear was also found at the scene, as well as a comb containing hairs from a black person. Cecilia Johnson, who was having a sexual relationship with Jimmie Slaughter, later said that she collected the hair and the underwear from a homeless African American man when he had been a patient at the hospital where she and Melody Wuertz, and previously Jimmie Slaughter, had worked as nurses. Cecilia Johnson, who assisted the authorities in return for immunity from prosecution, committed suicide in February 1992.

In 1997, the Oklahoma Court of Criminal Appeals held that although Jimmie Slaughter had a “strong alibi after 5pm, he had no such alibi before that time”. Given this and the “relatively strong circumstantial evidence” against him, the court upheld the conviction and death sentence, despite finding that the Oklahoma County prosecutor had “clearly” been in the wrong when he made an “unwarranted” comment suggesting that Nicki Bonner was committing perjury. Oklahoma County prosecutors have a notorious history of misconduct in capital cases (see *USA: Old habits die hard: The death penalty in Oklahoma*, AMR 51/055/2001, April 2001). According to Jimmie Slaughter’s clemency petition, Nicki Bonner was originally charged with the murders and threatened with the death penalty if she did not change her alibi story. Five months later, charges were dropped and she was reunited with her children, after a judge ruled that there was no evidence to hold her.

Post-conviction developments and investigations have undermined key evidence presented at the trial. DNA testing of the single hair found at the crime scene has concluded that it did not come from Vicki Mosley, as the prosecution had argued at the trial. The FBI’s evidence that the bullets from the crime scene came from the same batch as ammunition found in Jimmie Slaughter’s possession is now also in doubt. The reliability of the technique used by the state in this case, known as Comparative Bullet Lead Analysis (CBLA), has been called into question. Jimmie Slaughter’s clemency petition cites, for example, a recent expert report critical of the FBI’s prior assumptions about bullet lead composition, and which concludes that “variations among and within lead bullet manufacturers make any modelling of the general manufacturing process unreliable and potentially misleading in [CBLA] comparisons”.

The UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty prohibits the execution of anyone whose guilt is not based on “clear and convincing evidence leaving no room for an alternative explanation of the facts”.

**Please continue to send appeals in English or your own language, in your own words:**

- expressing sympathy for those affected by the murder of Melody and Jessica Wuertz, and explaining that you are not seeking to excuse the manner of their deaths or minimize the suffering caused;
- noting that DNA analysis has shown that a key piece of hair evidence does not link Jimmie Slaughter to the crime as the state argued at trial;
- noting that the reliability of key ballistics evidence raised by the state has been called into question;
- noting that Jimmie Slaughter was convicted on circumstantial evidence, including testimony of jailhouse informants, a notoriously unreliable form of evidence;
- noting that international safeguards prohibit the execution of anyone whose guilt is in any doubt;
- opposing the execution of Jimmie Slaughter and calling on the governor to issue a reprieve in order to send the case back to the Pardon and Parole Board for its reconsideration.

**APPEALS TO:**

Governor Brad Henry, 212 State Capitol, 2300 N. Lincoln Blvd, Oklahoma City. OK 73105, USA

**Fax:** + 1 405 521 3353

**Email via:** <http://www.governor.state.ok.us/message.php>

**Salutation:** Dear Governor

**COPIES TO:** diplomatic representatives of USA accredited to your country.

You may also send a brief (not more than 250 words) letter to the editor: *Your Views*, The Oklahoman, PO Box 25125, Oklahoma City, OK 73125, USA

**Fax:** +1 405 475 3971. **Email:** [Yourviews@oklahoman.com](mailto:Yourviews@oklahoman.com)

**PLEASE SEND APPEALS IMMEDIATELY. All appeals must arrive by 15 March 2005.**