

**USA (Texas) T.J. Jones (m), black, aged 25**

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T.J. Jones is scheduled to be executed in Texas on 8 August for a murder committed when he was 17 years old. International law, respected in almost every country of the world except the USA, prohibits the death penalty against people who were under 18 at the time of the crime.

T.J. Jones was convicted in October 1994 of the car jacking murder of Willard Lewis Davis, a 75-year-old white man, in Longview, Gregg County, east Texas on 2 February 1994. T.J. Jones was also facing charges of attempted murder in relation to a robbery in neighbouring Smith County committed four days before the Gregg County crime. During the robbery, T.J. Jones allegedly shot and seriously wounded a man. Prior to these shootings, T.J. Jones had no record of violence against people, although as a younger teenager he had been involved with acts of vandalism and burglary.

A death sentence can only be passed in Texas if the jury unanimously agrees that "there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society" - so-called "future dangerousness". The state presented evidence of T.J. Jones's short juvenile burglary and vandalism record. It also presented detailed evidence of the Smith County shooting, including testimony from the victim.

The state presented a psychologist who testified that T.J. Jones was a future danger. He had, however, never spoken to or examined the defendant. In contrast to a 1982 US Supreme Court opinion that "chronological age of a minor is itself a relevant mitigating factor of great weight", the expert testified that T.J. Jones's young age was an aggravating factor. He also stated that his "lack of education" and consequent lack of "job skills" made him likely to commit future acts of criminal violence.

The defence presented a psychologist who had interviewed and tested T.J. Jones over several visits. He found that T.J. Jones had an IQ of 78, in the borderline retardation range, and had begun using drugs and alcohol at age 13, his continuing use of which exacerbated his "grossly poor judgment". The psychologist found that T.J. Jones was "typically a very passive person" and had the emotional and psychological maturity of a 10 to 12 year old. The expert stated: "A person at 17, particularly a person who is this immature cannot, should not be judged, I think, on the same basis that you would judge a 25 or 30-year-old. And the reason is simple. Development is still taking place in this boy. And we really don't know what's in his future in terms of final and completed development." He also stated that T.J. Jones could now be offered rehabilitative treatment, as he could have been if the authorities had offered appropriate intervention when he had come into contact with the juvenile justice system as a younger teenager.

Not long before the shootings, T.J. Jones had been living in a house used by alleged gang members, who had access to guns and were allegedly involved in criminal violence. T.J. Jones was the youngest male in the house. The gun used in both offences was given to him by one of the others in the house, a 22-year-old, who allegedly participated in the Smith County robbery and the planning of both crimes. Two other older male teenagers and a 17-year-old female were also involved in the Gregg County crime.

Various relatives testified on T.J. Jones' behalf at the trial. His 16-year-old girlfriend, who two months earlier had given birth to their daughter, suggested that "peer pressure" lay behind the crimes. His grandfather stated that T.J. Jones had always been a "follower". His mother testified about the beatings she had been subjected to by his father, including when she was pregnant with TJ. They separated when TJ was a baby. She lived with another man for about two years when TJ was about 11 to 12. His violence against her, witnessed by TJ, caused him evident distress. She testified that she had sought official help with her son when he quit school at 15 and began to stay away from home, but to no avail.

The unequivocal international prohibition on the death penalty for people under 18 years old at the time of the crime is enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child, the latter ratified by all countries except the USA and Somalia. The prohibition stems from the recognition of a young person's immaturity, impulsiveness, vulnerability to peer pressure, and capacity for rehabilitation. Since 1998, there have been 15 executions of child offenders documented worldwide, 10 in the USA (six in Texas).

T.J. Jones has asked his lawyer not to seek clemency or any further appeals.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

**To all addressees:**

- expressing sympathy for the family and friends of Willard Lewis Davis, and explaining that you are not seeking to condone the manner of his death;
- expressing deep concern that Texas is intending to kill T.J. Jones, in violation of the fundamental principle of international law prohibiting the death penalty for people who were under 18 at the time of the crime;
- pointing out that this prohibition, respected across the globe, stems from a recognition of a young person's immaturity and capacity for change;
- noting expert evidence that T.J. Jones was a particularly immature teenager, that he had an IQ of 78, was involved with older people who provided the gun used in the crimes, and that his mother had sought state help.

**To the Gregg County officials:**

- calling on them to take a stand against this violation of international law originating in their county and to ask the Board of Pardons and Paroles to consider the case and recommend that the governor commute the sentence;

**To the Governor:**

- calling on the governor to do all in his power and influence to stop this execution, in the interest of decency and the reputation of his state.

**APPEALS TO:**

Bill Jennings, District Attorney  
 Gregg County Courthouse  
 101 E. Methvin, Suite 333  
 Longview, TX 75605, USA  
**Fax: + 1 903 236 8490**  
**Email: [stevie.mclaughlin@co.gregg.tx.us](mailto:stevie.mclaughlin@co.gregg.tx.us)**  
**Salutation: Dear District Attorney**

Maxey Cerliano, Sheriff  
 Gregg County Courthouse  
 101 E. Methvin, Suite 559

Longview, TX 75601, USA  
**Fax: + 1 903 753 3560**  
**Email: Ken.Hartley@co.gregg.tx.us**  
**Salutation: Dear Sheriff**

Governor Rick Perry  
c/o Bill Jones, General Counsel  
PO Box 12428, Austin, Texas 78711, USA  
**Fax + 1 512 463 1932/1849/0039**  
**Salutation: Dear Governor**

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

Please also send a copy of your appeals to, or write a letter to the editor of, the newspaper below. Letters should be under 300 words, and if emailed should not be sent as attachments but as straight email messages.

Editor, *Longview News-Journal*, P.O. Box 1792, Longview, TX 75606, USA.  
**Fax: + 1 903 757 3742. E-mail: lnjletters@coxnews.com**

**PLEASE SEND APPEALS IMMEDIATELY.**