

EXTRA 65/00

Death penalty / Legal concern

4 August 2000

USA (Texas)

Richard Wayne Jones, white, aged 40

Richard Wayne Jones is scheduled to be executed in Texas on 22 August 2000. He was sentenced to death in July 1987 for the murder of Tammy Livingston.

Tammy Livingston was abducted in Hurst, Texas, on 19 February 1986. An eyewitness gave police a description of the abductor. Livingston's body was found later that day by fire-fighters putting out a grass fire in a field. The body was burned, but the cause of death was established to be one of more than a dozen stab wounds which had severed her carotid artery.

The following day, 19-year-old Yelena Comalander was arrested trying to cash one of Tammy Livingston's cheques. Comalander, who was several months pregnant, told the police that she had got the cheques from her boyfriend Richard Jones. Earlier, the couple had used Livingston's credit cards. She made a statement implicating Jones in the murder. Police arrested Jones. According to him, he was interrogated over a period of 12 hours overnight, without food or sleep, during which time he was threatened that both he and Comalander faced execution, and that their child would be born on death row and taken from them. Jones was placed in a police line-up and identified as the abductor by the eyewitness. Her daughter, who also saw the abduction, was unable to identify him, a fact which allegedly was withheld from the police report. Jones was then taken on a tour of locations associated with the crime. After 21 hours in custody, Jones gave a statement admitting to the murder. Two small spots of blood on his jeans were consistent with the victim's blood type. His fingerprint was found on Livingston's car.

Richard Jones has consistently maintained that he did not kill Tammy Livingston. At his trial he claimed that another man, Walter Sellers, was responsible for the murder. He said that he had obtained Tammy Livingston's car and personal belongings from Sellers. He was sentenced to death.

It was not until the state first set an execution date, in 1993, that Richard Jones changed his story. Faced with execution, he wrote to his family and alleged for the first time the involvement in the crime of his sister, Brenda Ashmore, and his efforts to protect her from prosecution.

Jones maintains that on 19 February 1986, his sister told him that she and her boyfriend, Walter Sellers, had been involved in a murder. Jones says she pleaded with him to help get rid of the body, and that Sellers sold him the victim's credit cards and cheques in order to buy drugs for Ashmore's addiction. According to Jones, he and Comalander drove to the field, he walked to where the body was, poured petrol over it and set it alight.

Amnesty International opposes the execution of Richard Jones, regardless of his guilt or innocence, but is disturbed by reported aspects of the case which are consistent with his claims that he did not kill Tammy Livingston:

- the eyewitness described a clean-shaven man, with brown hair wearing a red shirt. Jones had blond hair, a large moustache and was wearing a brown and grey shirt. Sellers reportedly had brown hair and was clean shaven.
- no blood was found on Jones's shirt, yet the multiple stab wounds would have bled profusely. The blood on his trousers could have been from the grass around the body. There was much blood in the field.
- at a pre-trial hearing, the chief interrogating officer admitted that Jones had been threatened that he and Comalander faced execution and the loss of their child. The next day he recanted the admission, saying he had been inattentive when questioned, but admitting that prosecutors had told him that his previous day's testimony damaged the state's case.
- Jones's confession only contained information that the police already knew. It did not reveal what the police investigation had failed to uncover, namely

what happened in the two to three hours between the abduction and the murder. If Jones is innocent, the reason for this is that he had no knowledge of events during those hours.

- before the trial Yelena Comalander testified that she signed the statement implicating Jones in fear of facing execution herself and of losing her child. She did not testify at the trial.
- three men, who knew Sellers from the local drugs world, have said they saw him with stolen checks, credit cards and bloody clothing around the time of the murder. None of them testified at the trial.
- since the trial, two men who shared jail cells with Sellers have said that he indicated to them his own involvement and Jones's innocence.

BACKGROUND INFORMATION

Texas accounts for a third of the 654 US executions carried out since 1977, and 26 of the 56 inmates executed in the USA so far this year. The pace of Texas executions has come under intense scrutiny, especially since the Illinois governor suspended executions in his state because of its "shameful" record of wrongful convictions. The *Chicago Tribune*, the newspaper which had investigated the Illinois death penalty prior to the January moratorium and found it to be riddled with injustice, recently concluded that the same problems were plaguing Texas capital justice.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words, using the following guide:

- expressing sympathy for the family and friends of Tammy Livingston;
- noting Richard Jones's consistent claims that he did not kill her;
- expressing concern at numerous aspects of the case which support his claim and undermine confidence in the conviction;
- calling attention to the widespread concern about the risk of wrongful convictions in the US capital justice system;
- noting Governor Bush's repeated assertions that all 138 prisoners executed since he took office have been guilty as charged;
- calling for clemency for Richard Jones and urging the addressees to support a moratorium on executions in Texas.

APPEALS TO:

The Honorable George W. Bush
 Governor of Texas
 PO Box 12428, Austin, TX 78711-2428, USA
Faxes: + 1 512 463 1849 or +1 512 637 8800
E-mail: <http://www.governor.state.tx.us/email.html>
Telegrams: Governor Bush, Austin, TX, USA
Salutation: Dear Governor

Texas Board of Pardons and Paroles
 PO Box 13401, Austin, TX 78711-3401, USA
Faxes: + 1 512 463 8120
Salutation: Dear Board Members

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

You may also send letters of concern (not more than 250 words) to:
 Letters to the Editor, *Dallas Morning News*, PO Box 655237, Dallas, TX 75265, USA.

Fax: + 1 972 263 0456
E-mail: letterstoeditor@dallasnews.com

PLEASE SEND APPEALS IMMEDIATELY.

PUBLIC

AI Index: AMR 51/119/00/c

7 August 2000

Correction to EXTRA 65/00 (AMR 51/119/00, 4 August 2000) - Death penalty / Legal concern

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Please note that there is an inaccuracy in EXTRA 65/00 concerning the case of Richard Jones, who is scheduled to be executed in Texas on 22 August 2000.

In the eighth paragraph, the text reads: "the eyewitness described a clean-shaven man, with brown hair wearing a red shirt. Jones had blond hair, a large moustache and was wearing a brown and grey shirt. Sellers reportedly had brown hair and was clean shaven."

In fact, the eyewitness did not describe the abductor as "clean shaven", but rather used the term "clean cut". She did not say anything about the abductor having or not having facial hair. Richard Jones had a prominent, bushy moustache.

In her cross examination at trial, the defence asked the eyewitness if the man she saw had a moustache that was neatly trimmed. She replied by saying again that he was "clean cut", and gave no further details. Since the trial, the eyewitness has consistently refused to speak to those representing Jones.

Apologies for this error. Please continue to send appeals as recommended in the original EXTRA.

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