

## **I. REQUEST FOR CLEMENCY**

Ronald Jones was exonerated and released from the custody of the Illinois Department of Corrections in May 1999 after serving nearly 14 years in prison for the offenses of murder and aggravated criminal sexual assault – crimes that DNA evidence has now shown he did not commit.

Mr. Jones was convicted on July 17, 1989 following a jury trial in the Circuit Court of Cook County of the murder and aggravated criminal sexual assault of Debra Smith. People v. Ronald Jones, No. 85 C 12246. Mr. Jones was sentenced to 60 years imprisonment on the aggravated criminal sexual assault conviction, for the murder conviction he was given the death sentence. These sentences were imposed on August 14, 1989.

Mr. Jones's conviction and death sentence were affirmed on direct review by the Illinois Supreme Court. People v. Jones, 156 Ill. 2d 225, 620 N.E.2d 325 (1993). Following the affirmance, Mr. Jones filed a petition for post conviction relief in the Circuit Court of Cook County, which was dismissed without a hearing. While Mr. Jones's post conviction petition was on appeal, the Illinois Supreme Court entered an order allowing DNA testing of semen that had been recovered from Debra Smith. That DNA testing excluded Mr. Jones as Debra Smith's rapist and killer. As a result, the Supreme Court vacated Mr. Jones's conviction and remanded his case to the Circuit Court. The State dismissed the charges against Mr. Jones on May 17, 1999, stating that "after an extensive investigation and in light of the evidence that exists today, including the DNA evidence" it would not be able to proceed against Mr. Jones.

Mr. Jones was in custody on these charges from the date of his arrest on October 5, 1985 until May 17, 1999 – a total of 13 years, seven months and 12 days. The State of Illinois can never give back to Mr. Jones the years it has taken from his life. The Governor of the State of Illinois can, however, grant Mr. Jones an executive pardon, absolving him of the crimes for which he was erroneously convicted. On behalf of Mr. Jones, we urgently and respectfully request Governor Ryan to pardon Mr. Jones and, in the pardon, to state specifically that the pardon is issued on the ground that Mr. Jones is innocent of the crimes for which he was imprisoned.

## **II. REQUIRED INFORMATION**

The following information regarding Mr. Jones is provided in compliance with the Illinois Prisoner Review Board's Guidelines for Executive Clemency:

Mr. Jones's current mailing address is:

Joseph Cotton  
Reg 86128,47  
W.T.S.P.  
Box 1150  
Henning, TN 38041

Mr. Jones was convicted of the offenses for which clemency is being sought under the name of Ronald Jones, which is his true name. He has used the aliases of Joseph Cotton, Joseph Jones and James Hicks.

Mr. Jones's social security number is 358-44-3737. While incarcerated, Mr. Jones's state prisoner number was N10194. Mr. Jones has never previously asked for executive clemency for any conviction.

Mr. Jones has been convicted of five offenses other than the offense giving rise to this petition:

- (i) On May 26, 1975, Mr. Jones was convicted of the misdemeanor offense of unlawful possession of a weapon, for which he was given a one year suspended sentence.
- (ii) On November 10, 1975, Mr. Jones was convicted of the misdemeanor offense of possession of marijuana. He spent five days in jail on this charge.
- (iii) On July, 20, 1978, Mr. Jones was convicted of robbery in the State of Tennessee. He was sentenced to five years.<sup>1</sup>
- (iv) On October 30, 1980, Mr. Jones was convicted of burglary. He was sentenced to a term of three years.
- (v) On December 22, 1980, Mr. Jones was convicted of robbery and received a second sentence of three years, to be served concurrently with the October 30 sentence.

Mr. Jones, who had a long history of alcoholism prior to his incarceration, has trouble recalling the details of some of the above convictions. He pled guilty to all of these offenses at the time, and he continues to take full responsibility for them.

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<sup>1</sup> As is more fully explained below, Mr. Jones is currently in the custody of the Tennessee Department of Corrections, completing his sentence for this crime. Mr. Jones waived extradition and was taken to Tennessee to complete his sentence on this offense following his discharge for the offenses for which he now seeks clemency.

In addition to these convictions, Mr. Jones was arrested on the following occasions:

- \_ September 12, 1967 – resisting arrest and disorderly conduct;
- \_ June 27, 1968 – disorderly conduct;
- \_ November 12, 1969 – theft;
- \_ January 4, 1977 – disorderly conduct;
- \_ May 13, 1977 – possession of a stolen motor vehicle;
- \_ June 13, 1983 – solicitation of a prostitute;
- \_ May 14, 1985 – possession of cannabis;
- \_ June 4, 1985 – possession of cannabis;
- \_ August 13, 1985 – possession of marijuana.

No convictions arose out of any of these arrests.

The required information regarding the conviction for which clemency is being sought is provided above in Section I of this Petition. The required statement of the facts of the offense is set forth below in Section IV. Mr. Jones’s personal life history is contained in Section III. The reasons for seeking clemency and the type desired are set forth in Sections I, V and VI of this Petition.

### **III. BIOGRAPHICAL INFORMATION**

Ronald Jones was born on July 6, 1950 in Danville, Illinois. He is the third of six siblings. Two of his siblings still live in the Chicago area. His brother, Albert Jones lives in Evanston, and his sister, Yvonne lives in Chicago. Mr. Jones’s brother Timothy lives in

Memphis, Tennessee. His remaining siblings are in other jurisdictions. Mr. Jones married Dorothy McGee in 1970. Although they separated a few years later, Mr. Jones has recently gotten back in touch with Ms. McGee and for the past two years they have been corresponding regularly by mail.

Mr. Jones grew up in a chaotic household on the south side of Chicago. His father was an alcoholic who had difficulty getting along with his six children. Even as he was being emotionally abused by his father, Mr. Jones was a good-natured child and tried to protect his siblings from their father. He was always very willing to help others, but he was also very easily influenced by them. At the age of 14, Mr. Jones was seriously injured and had to be hospitalized when he fell off a fourth floor porch.

This injury, and other head injuries, seemed to affect Mr. Jones's ability to do his school work. By the time he reached high school, Mr. Jones had become frustrated with school. He dropped out of Hyde Park High School during the tenth grade. Mr. Jones married in 1970, at the age of 20, shortly after dropping out of school.

After leaving high school, Mr. Jones worked for a time as a messenger and as a car washer. Ultimately, Mr. Jones was able to secure a position as an overhead crane operator at Republic Steel. Mr. Jones held this position at Republic Steel for a period of two to three years and then lost the job.

After losing his job at Republic Steel, Mr. Jones's life went downhill. Mr. Jones became depressed about not being able to find a job. He and his wife began to drink to excess. He spent many days in the company of friends of his wife, who would spend their time drinking and

playing cards. There were points when Mr. Jones was drinking a fifth of hard liquor (or more) per day, plus beer and wine. He also used marijuana several times a week. In this period, Mr. Jones tried to support himself and his wife by selling baseball caps and jewelry on the street.

Mr. Jones also began to have problems with the law in this period. In the late 1970's he drifted to Tennessee. There, at the age of 28, Mr. Jones was convicted of robbery, his first felony conviction. Mr. Jones served most of his sentence for this offense and was released to a community service center. While on a weekend pass from the center in Memphis in 1980, Mr. Jones got drunk and, rather than returning to the program, headed back to Illinois. The Tennessee authorities never pursued Mr. Jones.

Back in Illinois, Mr. Jones continued his pattern of substance abuse. He was arrested periodically and twice convicted of felony offenses. In June 1985, Mr. Jones was charged with the aggravated criminal sexual assault of Barbara Benson. But the State dropped the case in July and Mr. Jones was released. In August, 1985, Mr. Jones was arrested for possession of marijuana, briefly detained and released again. On the street again, Mr. Jones sought help for his alcoholism from the Salvation Army. Mr. Jones entered a substance abuse program, but was discharged because of drunkenness and resumed a life of homelessness on the streets of Chicago.

On October 5, 1985, Mr. Jones was arrested and falsely charged with the aggravated criminal sexual assault and murder of Debra Smith. Mr. Jones was convicted of those offenses in July 1989 and sentenced to death in August of that year. He has been in custody from October 5, 1985 until the present time. Mr. Jones has made good use of his years in prison. He has been free of drugs and sober since 1985. He earned his G.E.D. at the Cook County jail. And he has

been a model prisoner for over 14 years – never receiving any disciplinary reports in all of that time. A significant portion of Mr. Jones’s life elapsed during this imprisonment. Mr. Jones went into custody a relatively young man and is now 49 years of age. His mother died during his imprisonment and Mr. Jones deeply regrets having been deprived of the chance to pay his last respects to her.

On May 17, 1999, the Cook County State’s Attorneys Office formally dismissed the aggravated criminal sexual assault and murder charges against Mr. Jones. That same day, however, the Tennessee authorities demanded that Mr. Jones be returned to their custody to serve the balance of the robbery sentence he had failed to complete in 1980. Mr. Jones waived extradition and returned to Tennessee, where he has been in custody ever since. Mr. Jones has been recommended for parole from his Tennessee sentence on December 20, 1999. He will be discharged from parole in March 2000.

Mr. Jones has never served in the military.

#### **IV. HISTORY OF THE CASE**

##### **1. The Original Trial.**

Debra Smith was sexually assaulted and murdered in the early morning of March 10, 1985. Her body was discovered in an alley shortly after her death. She had been beaten and there were multiple stab wounds on her neck and face. Ms. Smith’s body was naked below the waist, except for a single sock. R. C737.<sup>2</sup> . Investigators were able to follow a trail of blood from Ms. Smith’s body to an abandoned building in the vicinity of 67<sup>th</sup> Place and Stony Island,

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<sup>2</sup>Citations in this section are to the transcript of Mr. Jones’s 1989 trial. That transcript is on file with Mr. Jones’s counsel. Because it is voluminous, it is not appended to this Petition.

which had formerly been the Crest Hotel. R. C738-39. There, the police found the remainder of Ms. Smith's clothing, including her underwear. R. C740. Semen was recovered from Ms. Smith's vagina and rectum. The presence of the semen, together with Ms. Smith's semi-nudity at the time of her death, established that she had been raped before she was killed. See People v. Jones, 89 Ill. 2d at 261.

The police investigation of this crime produced no suspect until October 5, 1985, when Chicago Police Detectives arrested Ronald Jones and, after an eight hour interrogation, charged him with the rape and murder of Ms. Smith.

There was never any physical evidence connecting Mr. Jones to the crime. A number of latent fingerprints were located at and around the crime scene. R. C796. None of them matched Mr. Jones. R. C798. Mr. Jones's defense counsel had RFLP based DNA testing performed on the semen recovered from Ms. Smith's vagina and rectum. Dr. Charles Strom issued a report stating that there was insufficient biological material to determine a genotype for the semen. R. C349.

The State used two central pieces of evidence to convict Mr. Jones despite the absence of physical evidence. First, following the interrogation on October 5, 1985, Mr. Jones gave a statement implicating himself in Ms. Smith's death; asserting that she was a prostitute with whom he had engaged in consensual sex; and stating that he had killed Ms. Smith in self defense after she had pulled a knife in the course of a dispute between them over payment for the sex. R. C909-910. Second, the State introduced so-called "other crimes" testimony from Barbara

Benson, who claimed that Mr. Jones had sexually assaulted her at knife point in an abandoned building several weeks after Debra Smith's rape and murder. R. C969-1003.<sup>3</sup>

Mr. Jones moved to suppress his statement. In sworn testimony in support of that motion, Mr. Jones said that the statement had been coerced. Mr. Jones testified that two Chicago Police detectives had arrested him at about 4:30 p.m. on October 5, 1985 and had taken him to the Area One police headquarters for questioning. R. C30. Mr. Jones said that after a period of questioning he was given a polygraph examination; was told that he had failed the examination; and was then subjected to further questioning, during which he continued to deny any involvement in Ms. Smith's death. R. C32. Mr. Jones said that the detectives then took him on a tour of the Debra Smith crime scene and told him how they believed the crime had occurred. R. C33. After returning to Area One, when Mr. Jones persisted in his denials, one of the detectives struck Mr. Jones repeatedly in the head with a hard black object and the other later punched him in the stomach, according to Mr. Jones's testimony, telling him to confess to the crimes. R. C36-38. Mr. Jones testified that he ultimately made his statement in order to stop the beating. R. C39.

The Circuit Court denied Mr. Jones's motion to suppress the statement. R. C263.

Following a trial in which the statement and Ms. Benson's testimony were introduced, Mr. Jones was convicted on July 17, 1989 of the murder and rape of Debra Smith. R. C1291. On August

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<sup>3</sup>The State also introduced circumstantial evidence that Mr. Jones had been in the area the night Ms. Smith was killed. One Sara Upton claimed that she had seen Mr. Jones approach Debra Smith on the street and ask for money shortly before the murder. R. C711-729.

14, 1989, the Circuit Court, following a hearing to the bench, sentenced Mr. Jones to death for the murder of Ms. Smith and to a term of 60 years for her rape. R. C1484, C1486.

2. New DNA Evidence Proves Mr. Jones Innocent.

Mr. Jones's conviction and sentence were affirmed on direct review by the Illinois Supreme Court. People v. Jones, 156 Ill. 2d 225, 620 N.E.2d 325 (1993). The Circuit Court of Cook County thereafter dismissed without hearing Mr. Jones's petition for post conviction relief. On January 14, 1997, while an appeal from that dismissal was pending in the Illinois Supreme Court, that Court entered an order granting a motion Mr. Jones had originally made in the Circuit Court seeking new DNA testing of the semen that had been recovered from Ms. Smith's vagina and rectum. In the years since Mr. Jones's 1989 conviction, the science of DNA analysis had advanced. And Mr. Jones's motion explained that new PCR based DNA analysis, which had not been available at the time of Mr. Jones's trial, had the potential to yield a genotype from a small or degraded sample of biological material, even though the RFLP analysis that had been done prior to Mr. Jones's trial had been unsuccessful.

The PCR based DNA analysis that the Supreme Court authorized was performed by Dr. Edward Blake, an internationally respected forensic scientist and criminologist. Dr. Blake's report, a copy of which is attached as Ex. A to this Petition, concluded (at p.7) that Mr. Jones was positively eliminated as the donor of the sperm recovered from Ms. Smith's vagina and rectum. Dr. Blake also concluded that the "large quantity of spermatozoa recovered on the

vaginal swab”<sup>4</sup> supported the inference that the semen found in Ms. Smith was the result of an attack very shortly prior to her death and not the result of prior consensual sex. Id. at 8.

As a result of Dr. Blake’s findings, the Illinois Supreme Court, on July 30, 1997, entered an order, a copy of which is attached as Ex. B, vacating Mr. Jones’s conviction and remanding his case to the Circuit Court of Cook County.

In light of the new evidence, following the remand the Cook County State’s Attorneys Office commenced an exhaustive reexamination of the case. Among other things, investigators obtained a blood sample from James Roberson, Ms. Smith’s fiancé with whom she had been living at the time of her death, and compared Mr. Roberson’s DNA with that recovered from Ms. Smith. The comparison showed that Mr. Roberson also was not the donor of the semen (see Ex. C), thereby further strengthening the inference that the semen in Ms. Smith’s vagina and rectum at the time of her death was not the result of consensual sex.

This finding was consistent with the physical evidence from the crime scene, which made it all but certain that the rapist and murderer was the source of the semen. Ms. Smith’s underwear had been removed at the scene of the attack, where they were later recovered. In the course of the original investigation, the Chicago police had determined that the underwear had no semen on them. R. C959. That fact made it highly unlikely that the semen had been deposited prior to the removal of the underwear at the scene of the crime. In the judgment of both Dr. Blake and Dr. Edward Gaensslen, a distinguished criminologist from the University of Illinois at Chicago, semen deposited in the course of sexual relations prior to the attack would

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<sup>4</sup> Ironically, Dr. Blake’s report also noted that there had been more than sufficient material collected from Ms. Smith to have produced a genotype using RFLP analysis in 1989. Ex. A at 8.

have almost certainly drained into Ms. Smith's underwear and been detected there. See Ex. A and D.

In short, the new DNA evidence proved that Mr. Jones, despite his 1985 statement, could not have committed the rape and murder of Debra Smith. The physical evidence showed that Ms. Smith's attacker had removed her underwear, sexually assaulted her, ejaculating in the process, and then killed her. The new DNA evidence proved that Mr. Jones absolutely was not the person who engaged in that course of conduct.

In fact, the new DNA evidence demonstrated conclusively that Mr. Jones's 1985 confession of involvement in Ms. Smith's death was false. The statement contained the explicit assertion that Mr. Jones had ejaculated in the course of sexual relations with Ms. Smith just prior to her death. R. C1213-19. The new DNA evidence proved that that was untrue. The person who ejaculated into Ms. Smith shortly before she was killed absolutely was not Mr. Jones. That fact in combination with other falsehoods contained in the statement corroborated Mr. Jones's original claim that the confession was false.<sup>5</sup>

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<sup>5</sup> The statement falsely asserted, for example, that Ms. Smith was a prostitute. In fact, she was a chaste woman in a monogamous relationship with James Roberson. R. C1213-19.

Finally, the new DNA evidence also completely undercut the testimony of Barbara Benson that Mr. Jones had raped her in a manner similar to the rape of Ms. Smith. As the DNA evidence established, Mr. Jones absolutely was not responsible for the sexual attack on Debra Smith. Thus, Ms. Benson's allegation that Mr. Jones had raped her<sup>6</sup> could not be admissible, as it had been in Mr. Jones's original trial, to bolster the State's case that Mr. Jones was the person who attacked Debra Smith.

In light of these facts, after an exhaustive reinvestigation of the crime, the Cook County State's Attorney determined that the charges against Mr. Jones should be dismissed. Accordingly, at a hearing on May 17, 1999, Assistant State's Attorney Ellen Mandeltort advised the Circuit Court:

[A]s to the case of Ronald Jones, after an extensive investigation, both by the Defense and the State of this incident, and in light of the evidence as it exists today, including the DNA evidence, at this time we will not be able to proceed against Mr. Jones. It will be Motion/State, nolle prosequere.

Ex. F.

## V. REASONS FOR GRANTING CLEMENCY

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<sup>6</sup> Mr. Jones emphatically denies attacking Barbara Benson. After this case was remanded to the Circuit Court of Cook County, Mr. Jones requested and obtained an order authorizing DNA analysis of the vaginal and rectal swabs taken from Ms. Benson following the attack on her. That analysis revealed no testable semen or sperm on the swabs. See Ex. E. Thus, Mr. Jones was unable to prove conclusively that, just as he did not rape and murder Ms. Smith, he also did not sexually attack Barbara Benson.

Mr. Jones is entitled to have his name cleared for a simple reason: he is innocent of the crime for which he was incarcerated. This is a case in which science -- in the form of indisputable DNA evidence -- ultimately proved that Mr. Jones is innocent of the rape and murder of Debra Smith. Mr. Jones's original conviction was based upon purely circumstantial evidence and a confession that the DNA analysis ultimately proved without question to have been false. If sophisticated PCR based DNA analysis had been available in 1989 -- when Mr. Jones's defense counsel first requested DNA testing --, Mr. Jones would never have had to go through the ordeal of being wrongfully prosecuted and convicted. He would never have been sentenced to death and served time on Death Row awaiting execution for a crime he did not commit.

Mr. Jones is entitled to have the record set straight and his name cleared. In addition, Mr. Jones should be compensated for this wrongful conviction, which has taken away 14 years of his life. The Illinois Court of Claims Act provides the means by which the wrongly imprisoned can receive some redress for the injustice inflicted upon them. The Act provides for compensation "for time unjustly served in prison." See 705 ILCS 505/8(c). Before wrongly imprisoned persons may recover under this Act, however, they must first receive a pardon from the Governor "on the ground of innocence of the crime for which they were imprisoned." *Id.* This Petition seeks such a pardon as a first step to obtaining a modest amount of compensation for Mr. Jones.

Despite the procedural safeguards in our criminal justice system, the record in Illinois makes clear that our system is not infallible. It has been demonstrated that innocent men have been, are and will continue to be incarcerated and even sentenced to death in Illinois.

Notwithstanding the many procedural and other safeguards in our criminal justice system, designed to insure the protection of innocent persons like Mr. Jones from false accusations of criminal wrongdoing, the system failed in Mr. Jones's case. To the credit of our system and the men and women who work within it, such failures are comparatively rare. When an innocent person is convicted, however, the integrity of the system requires that the failure be acknowledged and, to the extent possible, rectified. Thus, a pardon for Mr. Jones will not only be the just thing to do for Mr. Jones, it will also reaffirm one of the purposes underlying our criminal justice system.

5. RECOMMENDATION

For the foregoing reasons, we respectfully and urgently request Governor Ryan to issue a full and complete pardon to Mr. Ronald Jones for each and every one of the offenses of which Mr. Jones was convicted on July 17, 1989 in the case of People v. Ronald Jones, No. 85 C 12246 (Circuit Court of Cook County). We further request Governor Ryan to state in the pardon that the pardon is being issued on the ground that Mr. Jones is innocent of the crimes for which he was imprisoned

RONALD JONES

By: \_\_\_\_\_  
Locke E. Bowman

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Sally A. Moyer

Locke E. Bowman  
Sally A. Moyer, Sr. Law Student  
The MacArthur Justice Center

University of Chicago Law School  
1111 E. 60<sup>th</sup> Street  
Chicago, Illinois 60637  
(773) 753-4405

Richard E. Cunningham  
3445 N. Janssen  
Chicago, Illinois 60657  
(773) 472-0096