



Equal Justice Initiative

122 Commerce Street
Montgomery, Alabama 36104
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May 17, 2011

The Honorable Robert Bentley
Office of Governor Robert Bentley
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Bentley,

Jason Oric Williams is scheduled to be executed this Thursday, May 19, 2011 at 6:00 p.m. We are respectfully asking you to commute the death sentence of Mr. Williams.

Mr. Williams was only 23 years old and had no prior criminal history when he was charged with the deaths of Gerald Paravicini and Linda, Freddie, and Bryan Barber. Mr. Williams had known the victims for many years and the Paravicinis were like family to him. On the night of the crime, Mr. Williams ingested a large quantity of LSD and crack cocaine, and both the defense and State experts at trial testified that, but for this drug use, these tragic events would likely not have occurred. He has always expressed deep remorse for his crime and continues to struggle with grief over the consequences of his actions.

At each stage of court proceedings, Mr. Williams' lawyers failed to present evidence detailing severe childhood abuse, the psychological effects of his secret adoption, and his life-long battle with drug dependency. Accordingly, no court or jury has ever had the opportunity to consider the full extent of trauma in Mr. Williams' life. When he was six months old, Mr. Williams was abandoned by his birth mother, who never returned to pick him up from a babysitter. He was raised by his mother's sister but was never legally adopted. Instead, he was led to believe that his aunt was his mother and did not know that the woman who occasionally visited him, who he believed to be his aunt, was actually his mother.

Unlike his adoptive parents' biological children, Mr. Williams suffered serious abuse at the hands of his adoptive father. This abuse included almost daily beatings, and Mr. Williams retains the marks of his traumatic childhood. He has a scar on his lower lip from when his father hit him in the face as a young child because he was annoyed by the sound of Jason chewing ice. Mr. Williams also has a scar on his leg from when his father threw a board at him. The board had a nail on the end, which impaled Mr. Williams' calf muscle. Mr. Williams' adoptive mother would sometimes have to pull his father off of him, saying

that Mr. Williams had had enough. Teachers at school noticed the marks on his arms, but no one ever intervened. Even though Mr. Williams did not know of his adoption, he noticed that he was treated differently than his brothers, and as a young child, Mr. Williams believed that this difference meant there was something wrong with him.

Mr. Williams' drug use, which grew out of this long history of childhood trauma and abuse, began at a shockingly early age. He was introduced to marijuana around age ten and began using that drug regularly from that point on. When his adoptive mother caught him with marijuana at age twelve, she sent him to the notorious Bethel Children's Home run by Reverend Herman Fountain in Lucedale, Mississippi, where he remained for eleven months. This children's home has been the subject of several lawsuits and numerous allegations of severe abuse and neglect of its students.¹ Mr. Williams' experience there was consistent with these reports. He was required to labor for eight hours a day, to attend classes in the evenings, and was only permitted to sleep four or five hours a night. He was repeatedly beaten with a switch for so long that, at least on one occasion, his legs went numb.

Mr. Williams also struggled academically in school as a child. He failed the first grade and was placed in special education in the third grade. According to the State's trial expert, Mr. Williams fit into the borderline range of intellect. He also consistently scored in the range of Borderline Intellectual Functioning on the Weschler Intelligence Scale for

¹ See Dole v. Fountain, No. S89-0825(R), 1990 WL 351811 (S.D. Miss. 1990) (court found that Reverend Fountain and the home engaged in "oppressive child labor" and would punish children with licks from a switch if they refused to work); Fountain v. State ex rel. Mississippi State Dep't of Health, 608 So. 2d 705 (Miss. 1992) (on January 12, 1990, the Mississippi Department of Health closed the Home for failure to comply with the Child Residential Notification Act and fire inspection regulations); Reining v. State, 606 So. 2d 1098 (Miss. 1992) (When the State Welfare Department attempted to investigate allegations of abuse and obtained a court order to remove the children from Bethel Home, the staff instructed the children to resist and hide, and the adults began to pelt the police with rocks and bricks.).

See also Royce Armstrong, Parents Want Academy Closed, Hattiesburg American, Oct. 7, 2007 (stating that a former student told her mother of "poor food, abusive discipline, student fights, and escapes" and also noting the home had been closed by court order in 1990 and reopened under a different name); Nikki Davis Maute, Fountain Family Has Stake in Both Bethel Operations, June 20, 2004 (girls at the school were "forced to exercise until they fell down, had to swim in a pond polluted with sewage, and had furniture thrown at them" and founder of the Boys Academy "was banned from any control of the boys school by a court order that came as a result of allegations of abuse.").

Children. He dropped out of school before his sixteenth birthday and left home to work on shrimp boats. At this time, he was introduced to cocaine and his drug abuse and dependency increased.

At age 18, Mr. Williams discovered that he was adopted when he tried to acquire a social security card in order to obtain more stable employment. When the social security office had no record of him, Mr. Williams confronted his parents who finally told him about the adoption. Mr. Williams felt as though everyone he trusted had betrayed him. Overcome already by his traumatic life experiences, around the age of 19 he attempted suicide by shooting himself in the chest and nearly died. Mr. Williams made a second suicide attempt the following year by deliberately overdosing on cocaine.

While portions of this story have been told in the courts, no court has ever fully considered the extent of the childhood abuse and trauma that Mr. Williams endured. At his sentencing hearing, his trial lawyers presented virtually no mitigation evidence, calling only Mr. Williams, his ex-wife, and his biological mother to testify, none of whom provided any detailed information about his past. The trial court was presented with some evidence regarding the history of Bethel Children's Home, but no evidence was presented about Mr. Williams' experience there. Likewise, the trial court also had some evidence regarding Mr. Williams' limited intellectual functioning and vague information concerning physical abuse contained in the report of the State's expert when it made its sentencing determination, but the court failed to factor any of this information into its decision to sentence Mr. Williams to death. Similarly, in his state post-conviction proceedings, his attorneys presented no meaningful evidence of his past. Due to the failings of his trial and postconviction counsel, Mr. Williams faces execution pursuant to a fundamentally unfair death sentence. Consideration of this evidence reveals that this is an extraordinary and tragic case in which clemency is justified. We therefore strongly urge you to use the power uniquely granted in you, as Governor, by the Alabama Constitution, to commute Mr. Williams' death sentence. Wilson v. State, 105 So. 2d 66, 71 (Ala. 1958).

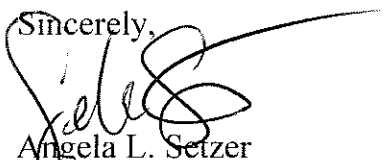
Furthermore, in his nineteen years at Holman Correctional Facility, Mr. Williams has turned his life around. He has had very few disciplinary citations and has earned a reputation among the staff at Holman as being extremely hardworking. He has established what he has maintained from the beginning; that this tragic crime was the devastating result of drug abuse and not a reflection of his character. Mr. Williams has consistently demonstrated that he is precisely the type of person who is worthy of mercy and commutation of his sentence. Executive action is therefore necessary and appropriate to halt the grave injustice that will occur if Mr. Williams' execution is not stopped.

Finally, a grant of a stay of execution is necessary in Mr. Williams' case due to the Alabama Department of Corrections' (ADOC) misleading conduct in altering its lethal

injection protocol. Despite the nationwide shortage of sodium thiopental, the first drug used in Alabama's three-drug lethal injection protocol, the State of Alabama moved to set an execution date in Mr. Williams' case on January 11, 2011, knowing that its supply of sodium thiopental would expire on April 1, 2011. On March 15, 2011, ADOC received eight grams of sodium thiopental from Tennessee, which was seized a short time later by the Drug Enforcement Administration due to concerns that it was illegally imported. ADOC informed no one - not the public, not Mr. Williams, and not his attorneys - that its supply had been confiscated and it would have to change its execution protocol. It was not until undersigned counsel contacted the Department of Justice, after receiving public documents from the State of Tennessee indicating Alabama had received a portion of Tennessee's sodium thiopental supply, that ADOC finally acknowledged on April 26, 2011, that it had no thiopental and would substitute pentobarbital in its place. ADOC offered no further information regarding the change in protocol, including no information regarding the use, testing, or training that supported its decision to alter its protocol. Accordingly, unresolved questions concerning Mr. Williams' execution abound. It would be unprecedented for the State to carry out an execution with such a lack of transparency and in such an arbitrary, uncertain, and unreliable manner.

If you have questions, please contact us and we will be happy to respond to any concerns you may have.

Sincerely,



Angela L. Setzer

Stephen Chu

Jennae R. Swiergula