

Someone murdered Rhoda Nathan, a 67-year-old woman, in an Embassy Suites Hotel in Blue Ash, Ohio (a Cincinnati suburb). Elwood H. Jones Jr. was an employee at the hotel and Ms. Nathan was a guest. Jones was convicted and sentenced to death for Ms. Nathan's murder. The State alleged that Jones entered Ms. Nathan's hotel room with a master key, then beat her to death and stole her necklace.

Jones has consistently maintained his innocence for more than 21 years. He voluntarily submitted to police questioning on the day of the murder, and several other employees reported seeing him working that day and remembered him being clean and acting normally. No forensic evidence ties him to the violent crime scene: no blood, no hair, no fingerprints, no DNA.

While a so-called "master key" in Jones's possession was able to open the door to Ms. Nathan's hotel room, evidence revealed that virtually anyone at the hotel, employee or guest, could obtain such a "master key," because if anyone lost his or her key, maintenance replaced it with a key that worked on any room. The State never offered any testimony that Jones was not authorized to have this "master key." In fact, the hotel management routinely issued Jones and other employees in the banquet department a master key, and many of these keys were not signed back in each day.

The only piece of physical evidence presented at trial, the victim's pendant, was discovered by a solitary police officer, weeks after the murder, in a toolbox in Jones's car. But a mechanic who had worked on that car, and thoroughly inventoried the contents of that toolbox *after* Ms. Nathan's murder, testified that he had not seen the pendant in the toolbox, and no fingerprints or blood were found on it. And although this necklace that the victim was said to have always worn was missing from around her neck, when she was discovered she was still wearing two rings, and an officer on the scene noted that other valuables such as jewelry and wallets were in plain view in the hotel room and had not been disturbed.

Moreover, the Hamilton County prosecutor's office, which is among the most active death-penalty jurisdictions in the country, waited more than a year after this discovery to indict Jones, a puzzling way for prosecutors to treat a brutal murderer if they trusted the reliability of the proverbial "smoking gun" in their possession. In fact, months after the pendant was allegedly found in Jones's car, the police chief told the paper that the case against Jones "doesn't look good," and stated: "We're at a point here where we're going to have to find something soon, or put it on the shelf until someone comes forward."

Jones's case was marred by a sloppy and incomplete investigation. For example, investigators did not follow up on leads related to other crimes at the hotel during this time, nor on other potential suspects, including two men—seen by two different witnesses—leaving the victim's hotel room after her body was discovered. The State claimed at trial that Elwood left bruises on the victim's body with a walkie talkie, yet never proved Elwood had a walkie talkie with him the day of the murder, or, if he did, that it was the same walkie talkie the State's expert tested. Moreover, witnesses reported that the two men seen leaving the victim's hotel room *were* carrying a walkie talkie. As another example, after the victim was discovered, her roommate said money was missing from her purse, yet detectives let her take it with her back to Florida.

(They later asked her to mail it back for fingerprinting but, unsurprisingly, found nothing left on it by then.)

Further, Jones did not learn until after his trial that guest questionnaires showed that there were a number of incidents reported by the guests of someone trying to get into their room with a key the weekend of the murder. In fact, the same weekend as the murder, a guest reported that a \$200 gold necklace and a \$350 gold watch were stolen from her mother's room at the hotel. The defense also did not have police reports that showed hotel guests were routinely victims of crimes and that drug activity and prostitution took place on the property. The hotel was known to local police as the leader in the area for criminal arrests and police runs in the years leading up to the murder, with theft as the largest volume problem for the hotel. Such incidents continued *after* Jones was no longer working at the hotel, including one shortly after the murder where an unauthorized employee attempted to gain access to a guest room with a key.

Incompetent defense counsel also severely prejudiced Jones at trial. Jurors were told that Elwood had a prior criminal record (not involving crimes of violence like alleged in this murder) but not told about similar (or worse) records of dozens and dozens of many other hotel employees.

The trial also had two kinds of junk science presented, concerning an infected cut on Jones's hand and some bruising on the victim's body. For example, the prosecutor's expert theorized that Elwood had contracted a certain kind of bacterial infection in his hand from punching the victim in the mouth and knocking out two of her teeth. He incorrectly stated the science, however, that he used to suggest that bacteria had to come from the victim's mouth, and further, the victim was never even tested to see whether that bacteria was in her system.

Jones's trial attorneys didn't do their job in challenging the bad science offered by the prosecution. Even worse, they missed that the victim *was* tested for Hepatitis B, something significantly more virulent than the bacteria in his hand infection. That means that if the bacteria was transmitted to Jones from the victim as the State claimed, Jones would have contracted the much more contagious Hepatitis B as well. But Jones does *not* have Hepatitis. His jury never knew this facts, however, and when Jones's current attorneys attempted to bring claims debunking this and other junk science at trial, the court held it was procedurally barred from considering the evidence.

Jones has pursued DNA testing and fingerprint analysis, which so far has not returned results pointing to Jones, but not pointing to an alternate suspect either. Many of the profiles obtained have been insufficient for analysis. (The victims' teeth were among the items recently tested that did not show any of Jones's DNA on them, by the way.)

Jones is currently litigating a discrepancy involving crime-scene evidence that was ordered to be DNA tested but went missing after that. The circumstances under which the evidence disappeared are suspicious because only after Jones sued based on a violation of the State's duty to preserve this evidence did it turn up. But in informing the court that the evidence was now available again, the State did not even acknowledge that it had been missing for months.

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Jones is also actively pursuing an investigation into alternate suspects in his case. Because of the passage of time, many records have unfortunately been destroyed and some potential witnesses have passed away. For this reason, publicity about his case could help draw out someone who knows something, particularly considering that the murder took place at a hotel and guests from outside the area who might have exculpatory information might not be aware that Jones was convicted and faces execution for this crime.

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