

ELWOOD JONES, INNOCENT OHIO DEATH ROW INMATE

— Summary as of February 2019 —

Elwood Jones was convicted and sentenced to death for murdering Rhoda Nathan. Elwood has consistently maintained his innocence for more than two decades. No direct evidence ties him to the violent crime scene: no blood or body fluids, no hair, no fingerprints, no DNA, and no eyewitnesses.

In 1994, Ms. Nathan, a 67-year-old woman, was murdered in an Embassy Suites Hotel in Blue Ash, Ohio (a Cincinnati suburb). Elwood, an African-American man, worked at the hotel. The State alleged that Elwood entered Ms. Nathan's hotel room when her two roommates left for breakfast, then beat her to death and stole her necklace.

Elwood voluntarily answered police's questions on the day of the murder, and several employees reported seeing him working that day and remembered him being clean and acting normally.

Elwood has discovered that a man named Earl Reed confessed to both the murder and to framing a black man for it. Earl Reed lived just a mile from the hotel and had a history of domestic violence complaints against his wife, Linda. Linda said she couldn't report her husband's confession to law enforcement because he was friends with several of the local Blue Ash police officers. But, before Elwood's trial, Linda was arrested and taken to jail. While there, Linda told another woman about what Earl did, and that woman reported Earl's confession to the Blue Ash police. Instead of investigating this lead, however, the police dismissed the tip. Worse, they never disclosed this important information to Elwood or his lawyers. Elwood's prosecution went forward and he was ultimately sentenced to death.

Elwood learned about Earl Reed only recently when the woman who reported his confession to the police reached out to him after seeing he was on Death Row with an execution date. His lawyers investigated the tip and found proof that the women were in jail together before Elwood's trial and corroborated details Linda had disclosed about her and Earl. Even though both Reeds are now deceased, Elwood learned important information from their relatives, including that Earl's violent behavior continued to the point that the nursing home where Linda later resided banned Earl from its premises; a shunt placed in Linda's brain had been damaged and Linda reported that Earl had been beating her when he visited. Linda's family never trusted Earl and her niece even said that she would not be surprised to learn Earl had murdered someone.

On February 25, 2019, Elwood filed a motion seeking a new trial based on this newly discovered evidence about Earl Reed. In nearly 500 pages of arguments and supporting evidence, Elwood shows why the new evidence would have made a difference in his trial. Every inference the State asked jurors to draw against Elwood based on indirect evidence had an alternative, equally likely explanation favoring Elwood. The "forensic evidence" the State offered was, in fact, junk science. And proof of Earl's confession would have been powerful evidence to undermine the weak circumstantial against him:

- **Pendant:** The only piece of physical evidence presented at trial, a pendant similar to one the victim wore, was discovered weeks after the murder in Elwood's car. Even this evidence, arguably the State's strongest, falls short of implicating Elwood, however. To begin, the

State did not arrest Elwood for more than a year after discovering it. And months after police had the pendant, the Blue Ash Police Chief told the local paper the case against Elwood “doesn’t look good.” In fact, he continued, “We’re at a point here where we’re going to find something soon or put it on shelf until someone comes forward.”

Such “smoking gun” proof of a connection between Elwood and the murder, if believed by law enforcement, would have meant that Elwood had committed a violent assault against a random stranger. If that was true, then the authorities should have been concerned about protecting the public from him. Instead, they released Elwood and did nothing to restrict his freedom of movement for more than a year.

There is good reason to suspect the police did not view the pendant as strong proof of Elwood’s guilt. A mechanic who had worked on Elwood’s 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. Then, after police impounded Elwood’s car, its keys were left accessible on a nearby desk for more than two days, giving someone with a motive to frame Elwood an opportunity to plant the pendant in his car. No fingerprints or blood were found on the pendant. And, the victim was still wearing two rings when she was discovered, while 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.

- **Bruises:** The State also tried to argue that marks on the victim’s body “corresponded” to or were “consistent” with items that Elwood had access to in the course of his work at the hotel. But FBI laboratory reports and the State’s own expert testimony were unable to link marks the State suggested were made by shoes and chains to these items. And the process used to “match” a bruise mark on the victim to a walkie-talkie was unscientific, making the conclusion essentially worthless. Plus, many hotel employees had access to the items in question, and the State never proved that Elwood actually possessed any of them on the date of the murder.

- **“Fight bite”:** Elwood cut his hand on the day of the murder on a set of metal stairs next to the hotel’s dumpster. The cut later became infected. The State’s expert theorized that Elwood had contracted a specific kind of bacterial infection in his hand from punching the victim in the mouth and knocking out two of her teeth. The prosecution misrepresented the science, however, in order to suggest that the bacteria had come from the victim’s mouth. And crucially, the victim was never tested to see whether that bacteria was in her system. Subsequent testing of the victim’s teeth also did not reveal any of Elwood’s DNA on them.

Elwood’s trial attorneys didn’t do their job in challenging this bad science, and 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 Elwood from the victim as the State claimed, Elwood would have contracted the much more contagious Hepatitis B as well. But Elwood does *not* have Hepatitis. His jury never knew these facts, however, and when Elwood’s current attorneys attempted to bring claims debunking this (and the State’s bruise-mark junk science), a federal court held it could not consider the evidence because Elwood’s previous attorneys failed to raise these claims.

- **Key:** While a so-called “master key” in Elwood’s car was able to open the door to Ms. Nathan’s hotel room, evidence revealed that virtually anyone at the hotel could obtain such a key and hotel staff did not even know how many master or room keys were in circulation.

The State never offered any testimony that Elwood was not authorized to have this key. In fact, the hotel management routinely issued Elwood and other employees in his department a master key, and many of these keys were not signed back in each day.

Elwood’s case was marred by a sloppy and incomplete investigation.

Police failed to investigate other potential suspects, including two men—seen by two different employees and described by one of them as “suspicious”—leaving the victim’s hotel room. Both of these employees knew Elwood and did not identify either of the suspicious men as him. They did, however, report that one of the men was carrying a walkie-talkie, yet police never attempted to identify these men despite their theory that a walkie-talkie had caused a bruise on the victim.

One of the victim’s friends who was staying with her asked police to retrieve her purse from the crime scene shortly after the victim was discovered. The friend told that police money was missing from her purse, yet detectives let her keep it instead of holding on to this important evidence. (They later asked her to mail the purse back for fingerprinting but, unsurprisingly, found nothing left on it by then.)

Elwood did not learn until after his trial that hotel guests also reported a number of incidents of unknown and uninvited people attempted to enter their rooms with a key the weekend of the murder. These reports indicate that there was a pattern of what may have been attempted robberies at the hotel on the same day as the murder. For nearly all of these incidents, Elwood could not have been involved because he was not working at the time, was accounted for elsewhere, or did not match the description.

Also unbeknownst to Elwood at the time of his trial, guests at the Embassy Suites had reported a variety of other suspicious activity the weekend of the murder. These activities include giving out guest room numbers, unlocking the exterior doors, lack of security or verification of guest status, doors propped open with makeshift items, and a strange visitor seen fleeing the hotel on foot in what turns out to be the direction of Earl Reed’s house.

Elwood has pursued DNA testing and fingerprint analysis, which so far has not returned results pointing to Elwood, but also not pointing to an alternate suspect. Many of the profiles obtained have been insufficient for analysis.

Troubling discrepancies keep turning up in Elwood’s case. In 2013, the State claimed that crime-scene evidence that was ordered to be DNA tested had gone missing. Only after Elwood sued, based on a violation of the State’s duty to preserve this evidence, did it turn up. In informing the court that the evidence was now available, the State did not acknowledge that it had been missing for months. Then, Elwood learned that records related to Linda Reed are missing from the Blue Ash Police files without explanation. And for two years, the State falsely denied the existence of jail records corroborating Linda Reed’s report of Earl’s confession, and continues to do so to this day; Elwood was only able to find that proof through the help of a third party.

If Elwood does not receive relief, the State of Ohio plans to execute him on April 21, 2021.

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